



Probation in Europe

Kosovo

Rexhep Gashi
Metije Ademi



Probation in Europe

Kosovo

Rexhep Gashi

Professor of the Law Faculty
at University “Hasan Prishtina”
of Prishtina
Str. Agim Ramadani, 10000
Prishtina, Kosovo
Email:
rexhep.gashi@uni-pr.edu

Metije Ademi

General Director of the Kosovo
Probation Service
Ministry of Justice
Former Rilindja Building
VIth floor, Room 604
Prishtina, Kosovo
Email:
metije.ademi@ks-gov.net

December 2014

Edited by:

Anton van Kalmthout
Ioan Durnescu

ISBN/EAN: 978-90-820804-0-7

This publication was funded by the Ministry of Justice and Safety of the Netherlands
and the Dutch foundation *Stichting Nationale Reclasseringsactie*

Published by:

CEP, Confederation of European Probation
P.O. Box 8215
3503 RE Utrecht
The Netherlands
www.cep-probation.org

Table of contents

1. Introduction	4
2. Historical Development of the Probation System	5
3. Legislative Basis of the Probation System	9
4. The Organization of Probation Services	14
5. Different Stages of the Criminal Justice Process	19
6. Probation Methodology	30
7. Finances, Accounting, Registration Systems and Evaluation Procedures	32
8. Societal Support and Clients' Views	34
9. Probation Clients Rights	34
10. Developments to be expected	35
11. Important Publications	36
12. Main Addresses, Phone & Fax Numbers, E-mail Addresses, Home Pages	37
Annex 1	38

1. Introduction

1.1. Probation organization(s)

Kosovo Probation Service is the central body of the state administration which operates within the Ministry of Justice of the Republic of Kosovo. This service carries out its activity based on applicable laws of the Republic of Kosovo and other legal acts and international standards related to the organisation, implementation and supervision of alternative punishments and social reintegration of convicted persons. Kosovo Probation Service extends its activities throughout the territory of Kosovo and has the organizational structure which consists of the Central Probation Service Office, resident in Prishtina and regional probation offices. Central Probation Service Office monitors and oversees the legality of the organizational units of Probation Service and regional probation offices` operation and activity. The Director General of the Probation Service leads the Probation Service, whom is same time the head of the Central Office of the Probation Service, whereas the regional probation office (directorates) are located in seven (7) Kosovo regional centres and are led by the office directors. The regional probation centres are governed by the office directors appointed by the Director General, by means of an open vacancy in compliance with the Law on Civil Service of the Republic of Kosovo.

Probation activities in Kosovo`s Probation Service are carried out by probation officials (officers), who have the civil servants status. In accordance with the Law on Execution of Penal Sanctions, and other applicable laws and bylaws, probation officials are involved in the preparation of social inquiries and pre-sentence reports for the perpetrators of criminal offenses; enforcing diversion measures and educational measures for juveniles; implementation of the care program for juveniles released by this correctional institution; supervising and assisting perpetrators addicted to drugs or alcohol subject to mandatory rehabilitation treatment which is enforced in liberty; supervision and assistance to persons on conditional release, drafting reports on execution of alternative punishment and persons conditionally released for prosecution offices, courts or conditional release panel; maintaining the register on the execution of alternative punishments etc.

In performing its duties and responsibilities, Kosovo Probation Service has close cooperation with both governmental and non-governmental bodies of the Republic of Kosovo, public and private organizations, social work centres, as well as several nongovernmental organizations operating at national and international level, some of which extend their activities also in Kosovo.

1.2. Probation activities in a nutshell

Kosovo Probation Services carries out its activities in accordance with the legislation applicable in the Republic of Kosovo, and international rules and standards related to the execution of alternative measures and punishments and social integration of convicted persons. According to Article 235, paragraph 2 of the Law No. 04/L-149 on Execution of Penal Sanctions (*Official Gazette of the Republic of Kosovo, No. 31/2013*), this service is responsible for carrying out works related to:

1. organizing, applying and supervising the execution of the alternative punishments and the social re-integration of the convicted persons (probation duties);
2. preparing social inquiries and pre-sentence reports for the committals of criminal acts;

3. evaluating criminal risk factors assessing the treatment needs of the committers of criminal acts;
4. enforcing diversion measures and educational measures for juvenile;
5. supervising and assisting convicted persons serving alternative punishments;
6. supervising and assisting perpetrators addicted to drugs or alcohol subject to mandatory rehabilitation treatment which is executed in liberty;
7. supervising and supporting the convicted persons on parole;
8. developing of individual supervising programs;
9. drafting of reports for the prosecutors, courts and Parole Panel on execution the measures and alternative punishments and on the conditional release of offenders;
10. guiding and supporting convicted persons on the completion of their sentence;
11. keeping evidence and registry of the execution of alternative measures and punishments in electronic system for data management;
12. any other task as defined by the Minister.

1.3. General remarks about the implementation of Probation Rules

As of 2006 until now, adoption of new bylaws and replacement of UNMIK regulations with the legislation adopted by the Assembly of Kosovo has been ongoing in the area of Probation Services. Adoption of new legal acts in the Probation Service area aimed the establishment of legal grounds for functionalizing this service and the adoption of many rules and standards provided by European Probation Rules. In this regard, some important legal acts have been adopted and enacted, such as: Criminal Code of the Republic of Kosovo (2013), Criminal Procedure Code (2013), Juvenile Justice Code (2010); Law on Execution of Penal Sanctions (2013) and the Regulation GRK-No.31/2013 on the Internal Organisation of the Ministry of Justice (2013). These legal acts provide important provisions related to the principals of Kosovo`s Probation Service, the purpose of executing alternative punishments, organising the probation service and its staff, and the activities of this service`s staff in different phases of imposing punishments and supervision of alternative punishment executions as well as assistance to drug or alcohol addicted perpetrators, supervision of execution of diversity measures on juveniles, and supervision and assistance to conditionally released persons, development of individual supervision program, etc. However, despite these positive abovementioned steps, there is much more to be done in the area of establishing the legal grounds and organising Kosovo`s Probation Office. In addition, there is a great need of developing bylaws with the aim of implementing applicable legal provisions, and there is great need to draft some new laws. It should be emphasized that currently the Law on Electronic monitoring of persons whose movement is limited by the decision of the court or of the conditional release panel, is under drafting. The purpose of this law is to increase the level of public safety and ensure effective enforcement of court`s and conditional release panel decisions.

2. Historical Development of the Probation System

2.1. History from the origins to 2008

In its historical development, Kosovo`s territory for centuries has been occupied by foreign invaders and has been subject to the invader`s laws. During the rule

of Ottoman Empire, Kosovo was a special administrative unit named the Vilayet of Kosovo. After the fall of the Balkan part of the Ottoman Empire and the establishment of the independent state of Albania (1912), the territory of Kosovo remained under the Former Republic of Yugoslavia, respectively enjoyed the status of the autonomous province within Serbia. After the World War II, Kosovo`s political and legal position did not substantially change until 1974, when under the Constitution of the SFRY of 1974, Kosovo gained a wider political-territorial autonomy being a constitutive element of the former Yugoslavian Federation, with broad authorisation in the legislative, executive and judiciary area. Upon abrogation of Kosovo`s autonomy in 1989, until June 1999, with regard to the area of execution of penal sanction and treatment of the position of convicted persons, in Kosovo were being used the provisions of several legal acts, particularly the provisions of the Criminal Law of the Socialist Autonomous Province of Kosovo (1977), and the provisions of the Law on Execution of Penal Sanctions (1977), a law which was uniquely implemented in the territory of Serbia, Kosovo and Vojvodina (See: *Law on Execution of Penal Sanction of 1977, Official Gazette of SFRY, No. 26/77, Belgrade*). After the war (12 June 1999), in Kosovo was established the administration of the United Nations Interim Administration Mission in Kosovo (UNMIK), which lasted until February 17th 2008, when Kosovo declared itself a sovereign and independent state. In February 2008, European Union Rule of Law Mission in Kosovo (EULEX) was established. In the after war period, Kosovo encountered a legal and institutional gap, due to the lack of its own laws. Thus, as a result of the new legal-political reality, and with the purpose of filling the legal gap, United Nations Interim Administration Mission started to enact other respective legal acts in the form of regulations. These regulations, inter alia, governed the issue of continuity, respectively discontinuity of Kosovo legislation. Among these regulations, it is worth mentioning the Regulation No. 1999/24, dated 12 December 1999 “On the Law Applicable in Kosovo” which determined that the applicable legislation in Kosovo includes: The regulations promulgated by the Special Representative of the Secretary-General (SRSG) and subsidiary instruments issued thereunder; and The law in force in Kosovo on 22 March 1989 (*See Article 1.1 of this Regulation*). In addition to implementing UNMIK regulations, many other legal acts, which are in compliance with international standards of developed countries, have been developed. With these legal acts were adopted many innovations and changes compared to the previous legislation. Among these innovations adopted by this legislation, undoubtedly, the provisions related to the establishment of Kosovo`s Probation Service are of the utmost importance. The service for execution of alternative punishments and social re-integration of convicted persons (Kosovo Probation Service) is a new service, created after the war in Kosovo and the establishment of the United Nations Interim Administration Mission in Kosovo (UNMIK). Many international and local experts, working within UNMIK`s Justice Department, gave their contribution in the establishment and functioning of this service. This service started to operate on 02 December 2002. Initially, it started as a pilot-project in Prishtina, under the competences of the Penal Management Division/ Department of Justice, as part of the First Pillar of UNMIK (Police and Justice). Kosovo Probation Service started with 5 local staff members in Prishtina. Since its establishment until now, this service has marked a great progress toward its consolidation and has given valuable contribution to preventing criminality and reducing the number of criminal offences recidivist. Thus, on October 6, 2003, this service recruited 16 additional probation officials, and at the same

time, opens the probation service offices in Prizren and Mitrovica and increases the number of staff in Prishtina region. On November 01, 2004, this service recruited 16 additional probation officers and for the first times opened its centres in Peja and Gjilan. Since its establishment until now, the number of new centres and the number of the service personnel has been continuously increasing.

This service, until the establishment of the Ministry of Justice on 20th of December 2005¹, was an integral part of the Department of Justice, established on 2001, as part of the First Pillar (Police and Justice) of the United Nations Interim Administration Mission in Kosovo. Whereas, UNMIK`s Regulation No. 2006/26, dated 27 of April 2006², determines the additional competences of the Ministry of Justice, including coordination and administration of Kosovo`s Probation Service. This Regulation created the legal basis for further transfer of competences to the Ministry of Justice. Based on this aforementioned UNMIK Regulation and the Law on the Execution of Penal Sanctions of 2004, Kosovo Probation Services conducts its activities within the Ministry of Justice of the Republic of Kosovo. Inter alia, the Ministry of Justice exercises its functions in the area of Kosovo`s Probation Service, such as: Development of policies and initiation of drafting laws in the field of probation services; exercising executive supervision toward the probation service; assisting in recruiting (employment), training and assessing the probation service staff.; providing analysis, statistics and information on the probation service; undertaking necessary measures to ensure personal data protection related to the probation services; cooperation with other organisations regarding re-integration and re-socialisation of those treated by the probation service³.

During post-war period, several important legal acts which contain important provisions related to the organisation and functioning of Kosovo`s Probation Service and treatment of convicted persons positions were adopted. The important codes and criminal laws of this matter, promulgated through UNMIK regulation are: The Provisional Criminal Code of Kosovo (UNMIK Regulation no.2003/25), The Provisional Criminal Procedure Code of Kosovo (UNMIK Regulation No.2003/26); Law on Execution of Penal Sanctions (UNMIK Regulation No.2004/46); and the Juvenile Justice Code (UNMIK Regulation No.2004/8). Moreover, the provisions of Kosovo`s Probation Service have been envisaged in other regulations issued by the UN Special Representatives of the Secretary General which refers to the treatment of persons convicted positions in correctional institutions, and several instructions and other acts issued by the Department of Justice and Kosovo Probation Service. A set of standards and requirements of several conventions and internationally known acts are adopted, which referred to the organisation of Kosovo`s Probation Services, position of convicted persons and their rights and freedoms have been foreseen by these legal acts.

By Provisional Criminal Code of Kosovo of 2003 the following types of punishments are provided: principal punishments (punishment of long-term imprisonment, punishment of imprisonment, punishment of fine), alternative punishments and accessory punishments. Whereas, the types of alternative punishments foreseen by

1 Ministry of Justice is established with UNMIK`s Regulation No. 2005/53 dated 20 December 2005 "On amending UNMIK`s Regulation No. 2001/19 on the executive branch of provisional institutions of Self Government in Kosovo

2 See: UNMIK Regulation No. 2006/27, dated 27 April 2006 "On amending UNMIK Regulation No. 2001/19 on the executive branch of provisional institutions of Self Government in Kosovo"

3 See: Ministry of Justice, Strategic Plan 2006-2011, Prishtina, p.9.

this Code were the following: suspended sentence, suspended sentence with order for mandatory rehabilitation treatment; suspended sentence with order for supervision by the probation service; suspended sentence with order for community service work and semi-liberty. This code does not recognise death penalty, since such punishment was abrogated by UNMIK`s Regulation No. 1999/24 dated December 12th 1999. Instead of the death penalty, the punishment of 21 to 40 years of imprisonment was provided.

The Juvenile Justice Code of 2004 provides material penal provisions, criminal procedure and execution of measures and punishment against juveniles. This Code accepts many concepts, principles, institutions and solution from the provision of developed countries legislation on juveniles, and many standards and requirements of several convections and international acts have been adopted. This Code provides a large and advanced number of alternative measures and sanctions that could be imposed against juveniles perpetrators. The following are considered as measures imposed against juveniles: diversion and educational measures. Whereas the punishments are as follows: fines, order for community service work and juvenile imprisonment. This Code envisaged provisions related to the role and activity of the Probation Service in the execution of several measures and punishments toward juveniles, particularly in the execution of diversion measures and the order for community service work.

No doubt that among these legal acts which have been adopted after the war in Kosovo, the Law on Execution of Penal Sanctions of 2004 is of particular importance, a law which includes substantial and important changes and several innovations compared to the previous penitentiary legislation. This law contains provisions related to the execution of alternative punishments and the role of the probation service in supervising the execution of these punishments. According to Article 150, paragraph 1 of this law: “An alternative punishment shall be executed in a manner that is consistent with the dignity and basic rights and freedoms of the convicted person and his or her family”. As an innovation, this law includes provisions related to Kosovo`s Probation Service. It also determines in details the responsibilities of Kosovo`s Probation Service, which is otherwise named as the Service for the Execution of Alternative Punishments and the Social Reintegration of Convicted Persons (the Probation Service). According to Article 194 of this Law, Kosovo`s Probation Service is responsible for the following: 1) Preparing social inquiries on juvenile offenders; 2) Supervising and assisting convicted persons serving alternative punishments; 3) Supervising and assisting perpetrators addicted to drugs or alcohol subject to mandatory rehabilitation treatment which is executed in liberty; 4) Supervising and assisting convicted persons granted conditional release; 5) Guiding and supporting convicted persons on the completion of their sentence; and 6) Any other task as defined by the competent public entity in the field of judicial.

2.2 Recent history from 2008 to 2014

Following the declaration of independence by Kosovo on 17 February 2008, alongside the hard work to establish the new bodies and institutions of Kosovo, there was a greater commitment in the area of further development and consolidation of Kosovo`s Probation Service. As of 2008 until now, this service has been significantly expended, covering Kosovo`s entire territory through opening new regional offices and thus increasing its probation staff. Also, during this time period, significant progress had been made in the further organisation and structuring of Kosovo`s Probation Service

in compliance with the new legal provisions.

One of the most important products adopted after the declaration of independence of Kosovo is most certainly the Constitution of the Republic of Kosovo which entered into force on 15th of June 2008. This high legal act foresees important provisions in the area of fundamental rights and freedoms, in compliance with international conventions and advanced western standards. Article 22 of this Constitution guarantees direct implementation of international agreements and instruments in the field of fundamental human rights and freedoms, prioritising their implementation, in case of contradiction with provisions of other Kosovo institutions law and acts. This legal provision of the Constitution is of the utmost importance for the treatment of convicted persons as well, including persons convicted with alternative punishments, since it guarantees implementation of such international legal acts in the field of Kosovo Probation Service. During this period, several important codes and laws, which contain provisions referring to the organisation and activities of Kosovo`s Probation Service, have been adopted. In this regard the adoption of certain criminal codes should be mentioned, such as: Juvenile Justice Code (2010); The Criminal Code of the Republic of Kosovo and the Criminal Procedure Code that have entered into force on January 1st 2013. Also of great importance to Kosovo`s Probation Service was the adoption of the Law on the Execution of Penal Sanctions and the Regulation GRK-No.31/2013 on the Internal Organisation of the Ministry of Justice, which have entered into force on 2013. These legal acts further expanded the competences of Kosovo Probation Service and govern its organisational structures.

3. Legislative Basis of the Probation System

Relevant Probation Rules

With applicable legislation of the Republic of Kosovo is adopted a number of requirements and principles that provide the European Probation Rules. Pursuant to Article 4 of the Law on Execution of Penal Sanctions in 2013, the purpose of execution of criminal sanctions, including alternative punishments is also the re-socialization and reintegration of convicted persons into society and their preparation for life in a socially responsible way. It also serves the purpose of protecting society by preventing the commission of other criminal offenses and restraining others from committing criminal offenses. Pursuant to the legislation in force and rules of procedures and standards of Kosovo Probation Service`s adopted in 2014, this service attempts to develop a sense of convicted persons` responsibility towards the community and victims as well as to support and encourage their social reintegration. During its work, it makes an effort to create positive relationships with offenders; this shall be observed during the supervision of the execution of alternative punishments, the execution of diversion and supervision of conditionally released persons. These positive forms of mutual cooperation especially come into consideration upon preparation of social inquiries, various reports, site visits, contacts with convicted persons and other forms of giving advices, assistance and guidance specific to convicted persons.

By observing European Probation Rules, Article 235, paragraph 3 of the Law on Execution of Penal Sanctions explicitly stated: "Ministry of Justice and Probation Service shall cooperate with state bodies, scientific and other institutions, local government bodies and other institutions and legal persons as well as share

relevant information for the purpose of implementing probation duties” (Rule 8). Although that, Rule 34 of the European Probation Rules provides the possibility of volunteers involvement in certain aspects of probation work, so far, this practice was not applied in Kosovo Probation system, due to the lack of legal provisions that would foresee the inclusion of volunteers in this field. In compliance with European Probation Rules, the Kosovo Probation system, probation officers, who are in contact with victims, informs them that penalties or measures taken by the competent authorities are not solely based on damage caused, but also in a number of factors and circumstances of social and personal nature (Rule 95). This obligation arises not only from the provisions of laws but also by the bylaws adopted by Kosovo Probation Service. Kosovo criminal legislation expressly provided that when a court imposes an alternative punishment and orders the fulfilment of any obligation under the provisions of the Criminal Code of Kosovo, the probation officers supervise the fulfilment of this obligation. According to Rule 97 of the European Probation Rules, in fulfilment of this obligation or reinstatement of restorative justice, the criminal legislation of Kosovo clearly defines rights, responsibilities of offenders, victims and the community in general. However, more will need to be done in this regard, especially in the field of a more advanced training for probation staff in order to successfully complete these duties. Although Rule 98 of the European Probation Rules provides the possibility of implementing the expertise and the use of probation experience in developing strategies to reduce crime, however not much has been done in the Kosovo probation system in this regard.

3.1. Legislative Basis

Legal basis for the organization and scope of Probation Service consists of provision of numerous laws and bylaws, such as; Criminal Code of the Republic of Kosovo (2013); Juvenile Justice Code (2010); Law on Execution of Penal Sanctions (2013) and Regulation of the Government of the Republic of Kosovo on the internal organization of the Ministry of Justice (2013). In addition, certain provisions of the Criminal Procedure Code (2013) are also considered as another legal base, which relates to the procedural aspects of probation service functioning. In addition, rules of procedures and organization of probation service is governed by several laws adopted by the Ministry of Justice and the Kosovo Probation Service.

Criminal Code of the Republic of Kosovo provides legal provisions that envisage the types of alternative punishments such as: suspended sentence, semi-liberty, and an order for community service work; when imposing a suspended sentence, the court may also impose an order for mandatory rehabilitation treatment, and order for supervision by the probation service (Articles 49 and 61). Such provisions provide also responsibilities and duties of probation service such as: preparation of pre-sentence report to be reviewed by court upon imposing some alternative punishments, the role and duties of probation service in the execution of an order for community service work, etc. For instance: Article 60, paragraph 2 of this Code provides that, when imposing an order for community service work, the court shall order the convicted person to perform unpaid community service work for a specified term of thirty (30) to two hundred forty (240) working hours. The probation service will determine the type of community service to be performed by the convicted person, designate the specific organization for which the convicted person will perform the community service, decide on the days of the week when the community service work will be performed and supervise the performance of the community

service work.

Juvenile Justice Code also provides important provisions related to the role and scope of the Probation Service in supervision of some measures and punishments against juveniles. This Code provides the purpose and types of some diversion measures and educational measures that can be applied to juveniles, which measures are executed by the probation service. Also, Article 31 of this Code provides an order for community service work, like as type of alternative punishment that can be applied to juveniles, as well as the role and duties of probation service in the implementation of this punishment. This Code envisages important provisions referring to probation service, especially in the section governing the execution of measures and punishments against juveniles. In this regard, the probation service is involved directly in the execution of diversion (Article 83), and educational measures (Articles 84-88, 91-98, etc.). In addition, this service is also involved in the execution of an order for community service work (Articles 132-133), as well as in other fields related to the scope of this service.

Law on Execution of Penal Sanctions undoubtedly contains numerous provisions that refer to the activity and organization of the Kosovo Probation Service. These provisions are provided in part III (three) of this law, dealing with execution of alternative punishments as well as probation service role and activities prior to imposing of alternative punishment when considering the pre-sentence report prepared by this service. This activity is also considered upon preparation of alternative punishment revocation report, which shall include information on the violation of alternative punishment terms or failure to perform an obligation, whereby the convicted person shall be notified with the content of such report to provide him/her with the right to respond on that report. The Courts are based on such Report upon reviewing of revocation of an alternative punishment. In addition, this service activity is directly put on implementation during the execution of alternative punishments. This law also contains provisions dealing with the activities and organizational structure of the Kosovo Probation Service (Articles 235-239). The provisions of this law govern the operation of Probation Service during the execution of measures of mandatory treatment for offenders addicted to drugs and alcohol. Therefore, article 173 provides the information that when a court imposes a measure of mandatory rehabilitation treatment, the health institution, the correctional facility or appropriate institution, in cooperation with the Probation Service, shall determine the rehabilitation treatment program for a person subject to a measure of mandatory rehabilitation treatment. The Probation Service shall supervise such person's compliance with the rehabilitation treatment program, in cooperation with the health institution, the correctional facility or appropriate institution, and every two (2) months, the Probation Service shall send a report to the court on the progress of the rehabilitation treatment program based on information provided by the competent health care institution, the correctional facility or other appropriate institution. Under the provisions of the Law on Execution of Penal Sanctions, Kosovo Probation Service activity lies in the supervision and assistance to conditionally released persons. Hence, under Article 121 of this law, after submission of appeal for conditional release, the Director of correctional facility shall request from Probation Service to conduct the visit of convinced person and to sign agreement on its supervision after conditional release. Whereas, Article 124 provides the obligation of the conditionally released person in relation to the probation service, as well as this service prepare progress monitoring reports on persons conditionally released, which

reports are submitted to the Conditionally Release Panel. In addition, if the convicted person does not fulfil certain obligations, the Probation Service may propose the revocation of conditional release. The provisions of this law provide other activities of probation services related to provision of guidance and assistance to persons convicted at the end of their sentence and other tasks.

Regulation of the Government of the Republic of Kosovo on the internal organization of the Ministry of Justice also is an important legal act that contains important provisions relating to the organizational structure of this service. This regulation clearly defines the organizational structure of Kosovo Probation Service and the duties and responsibilities of the basic organizational units of this service. It determines the number of employees at central and regional departments of Probation Service in the entire territory of Kosovo.

3.2 Mission and Mission statement

The mission of the Kosovo Probation Service is not expressly provided by legal acts that relate to the role and activities of this service. However, upon analysis of provisions of such laws and regulations, it is clear that this mission shall provide assistance, protection, guidance and support to convicted (sentenced) persons with the aim of their successful reintegration and re-socialization into society, prevent the commission of criminal offences, always with the aim of protecting the society from crime and reduce recidivism level. This service has a mission to prepare convicted (sentenced) persons for life in society, assisting them to fulfil the obligations arising from the execution of alternative punishments and their training for responsible behaviour. In addition, this service, through its activities, aims to develop a sense of convicted person's responsibility towards the community and victims and to assist and encourage its successful integration into society. This mission is clearly noted in the provisions of the Law on Execution of Penal Sanctions, when it comes to the purpose of execution of penal sanctions (Article 4), but also the guiding principles of this law (Article 5).

Another mission of Kosovo Probation Service is the promotion and organization of participation of institutions as well as public and private bodies and individuals in reintegration process. This service also affects the judicial authorities, through the implementation of tools and modern methods of treatment and rehabilitation of convicted (sentenced) persons with an alternative punishments and success in the reintegration of these persons into society, to extend their scope of imposing alternative measures and sanctions, since these measures and sanctions have very positive effects on convicted persons and their families, thereby it helps on saving the state budget and to reduce overcrowding in correctional institutions. Another mission of this service is the creation of positive relationships with offenders, especially this should be considered during the period of supervision of the execution of alternative punishments, the execution of mandatory measures for rehabilitation treatment, and alcohol addicted offenders, the execution of diversion and supervision of conditionally released persons.

3.3. Crime Prevention

By legal provisions set forth in the Criminal Code of the Republic of Kosovo, Law on Execution of Penal Sanctions and by other legal acts it is obvious that the purpose of execution of alternative punishment and other measures, and the role of probation service on execution supervision in this regard, is special and general prevention

of crime and the re-socialization of offenders with the aim of their successfully reintegrating into society. Thus, under Article 41 of the Criminal Code of Kosovo, the purpose of punishment, including alternative punishments are: to prevent the perpetrator from committing criminal offenses in the future and to rehabilitate the perpetrator; to prevent other persons from committing criminal offenses; to provide compensation to victims or the community for losses or damages caused by the criminal conduct; and: to express the judgment of society for criminal offenses, increase morality and strengthen the obligation to respect the law. Meanwhile, Article 4 of the Law on Execution of Penal Sanctions sets out that the execution of penal sanctions shall aim at the re-socialization and reintegration of the convicted person into society and prepare him or her to conduct his or her life in a socially responsible way. The execution of penal sanctions shall also serve the purpose of protecting society by preventing the commission of further criminal offences and restraining others from committing criminal offences. By conducting general and special prevention of crime and reintegration of the convicted into society, Kosovo Probation Service cooperates with state bodies (police, courts, etc.), scientific and other institutions, local government bodies and other institutions such as schools, educational-correctional centres, centres for social welfare, families of offenders, etc.

3.4. Victim assistance

The applicable legislation of Republic of Kosovo that governs Probation Service activity has not paid attention to providing assistance and support that probation service needs to carry out to victims of criminal offences. However, this assistance does exist in some form but on a small scale and is expressed rather through cooperation that this service has with some bodies and institutions that deal directly with providing assistance to victims of crime. Particularly this assistance is manifested in event of execution of diversity measure: Mediation between juvenile offenders and the injured party, including an apology by the juvenile to the injured party; where the role of probation service has to do with drafting of an agreement between these two parties, including the assistance given to the injured party. We believe that in the future shall be drafted legal provisions concerning delivery of assistance by this service, to categories of victims of crime and to specify concrete duties and procedures with regards to providing this assistance.

3.5. Volunteers involvement

Given the fact that Kosovo Probation Service is a new service in the region and therefore does not have a long tradition, even the legal provisions which refer to the involvement of volunteers in some activities of this service are lacking. However, we believe that in future, along with the experience gained by this service, also legal provisions that would foresee the involvement of volunteers in some activities of the service, in particular in providing assistance to victims of crime and persons released from serving the sentence, always in accordance with the European Probation Rules shall be developed.

4. The Organization of Probation Services

Relevant Probation Rules

The legal provisions in the Republic of Kosovo dealing with Kosovo Probation Service staff are at some extent but not fully in line with European Probation Rules, and therefore more work remains to be done in this direction. The recruitment of probation service staff, namely the selection criteria of its staff are defined by law and other legal acts. Also, this service pays particular attention to professional capacity building of staff by organizing various training, seminars, roundtables, workshops with the support of various organizations. Recruitment of probation staff is based on the adequate education, professional skills and moral integrity of the candidates. However, despite some successes marked regarding staff treatment, more will need to be done in this field, especially in increasing the number of staff and its permanent training.

Kosovo Probation Service cooperates with a considerable number of organizations and institutions at national level, in particular with police, prosecution offices, courts, a panel on the cases of conditionally releases, vocational training centres, social welfare centres and with several other institutions and organizations. Also, this service has a fruitful cooperation with international organizations operating in Kosovo, such as UNICEF, UNDP, Terre Des Hommes etc. Even in cases when offenders are foreign citizens, execution and enforcement of measures and alternative punishments is applied without any hindrance in the same manner as for citizens of Kosovo. Kosovo Probation Service during their activity equally treats both foreign citizens and Kosovo citizens.

4.1 Main characteristics

Kosovo Probation Service is a central body within Ministry of Justice of Republic of Kosovo. The internal organization of the Ministry of Justice and its central bodies is done with the Regulation of the Government of Republic of Kosovo No.31/2013 on internal organization of Ministry of Justice. Pursuant to this Regulation, the organizational structure of Ministry of Justice is as follows: 1. Minister's Cabinet; 2. Office of General Secretary; 3. Departments, and 4. Divisions. Meanwhile, central bodies of the Ministry of Justice are: 1. State Advocacy Office; 2. Kosovo Correctional Service; 3. Kosovo Probation Service, and 4. Agency for the Management of Seized or Confiscated Assets. The internal organization of these central bodies of Ministry of Justice is regulated in details by this Regulation. Provisions dealing with Kosovo Probation Service are found in Chapter V of this Regulation. These provisions governs organizational structure of Kosovo Probation Service, the number of employees as well as the duties and responsibilities of directorates, sectors and regional directorates of Kosovo Probation Service.

4.2. Internal organization

Pursuant to Regulation of Government of Republic of Kosovo No.31/2013 on internal organization of the Ministry of Justice, the organizational structure of the Kosovo Probation Service is as follows: 1. Office of the General Director; 2. Directorates and 3 Sectors. Office of the General Director of Kosovo Probation Service consists of: 1. General Director 2. Deputy Director, and 3. One technical-administrative civil servant. Meanwhile, directorates and sectors of Kosovo Probation Service are: 1. Directorate for the execution of measures and alternative punishments, which

Figure 4.1 : Organisational structure of the ministry of justice

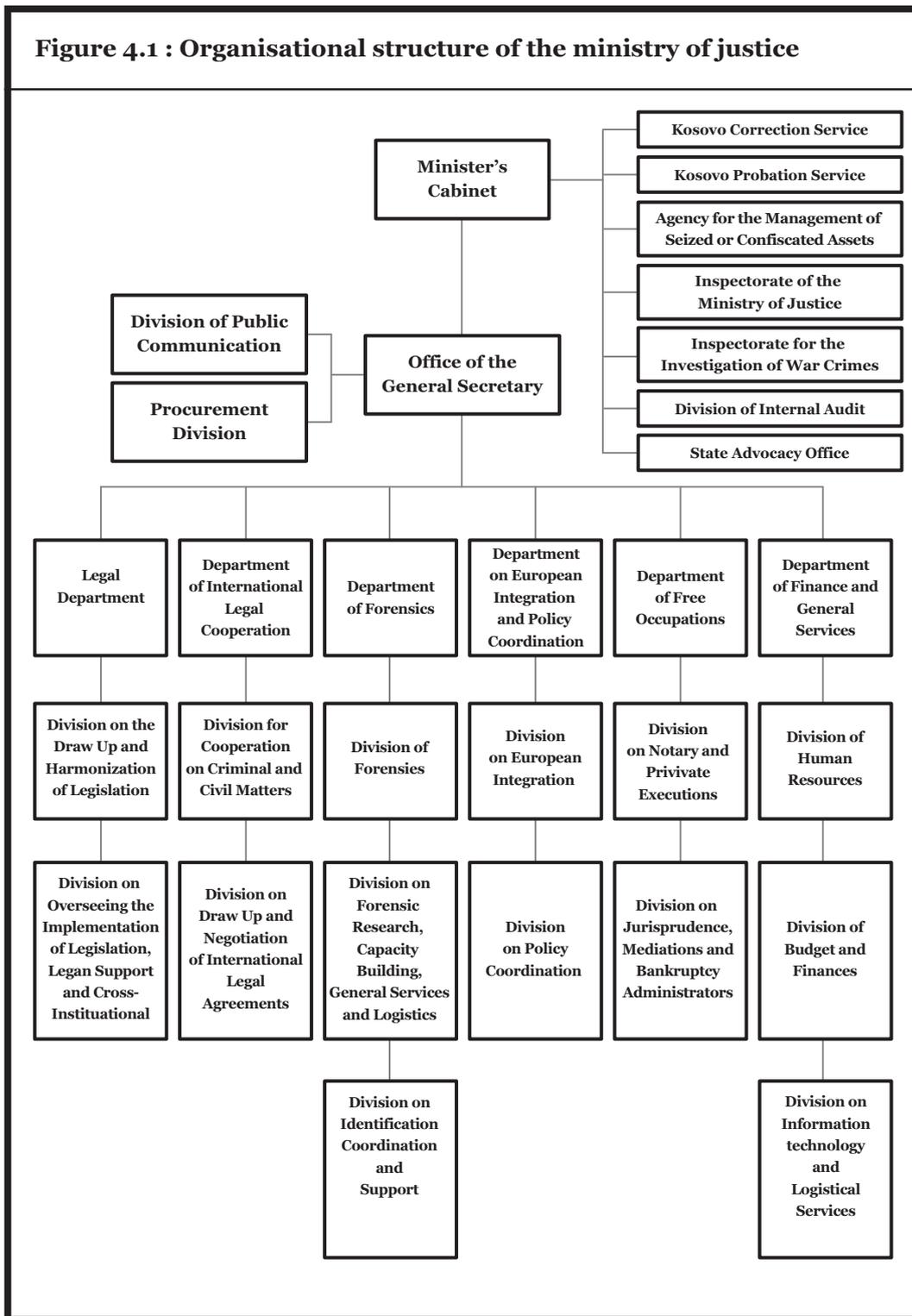
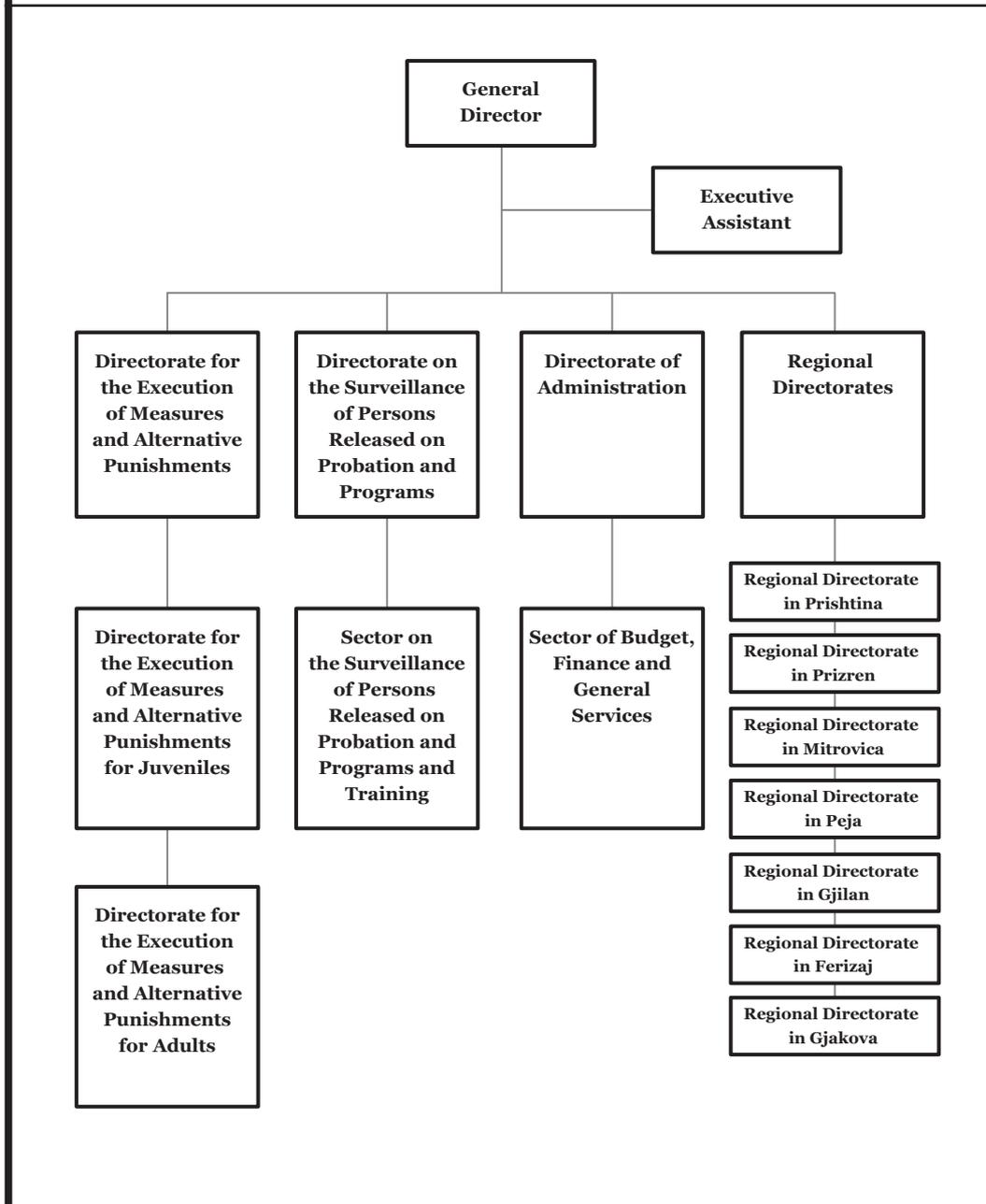


Figure 4.2 : Internal Organisational Structure of the Kosovo Probation Service



consists of two sectors: a) Sector for the execution of measures and alternative punishments for juveniles, and b) Sector for the execution of measures and alternative punishments for adults; 2. Directorate on surveillance of persons released on probation and programs, within what is found the Sector on surveillance of persons released on probation, programs and training; and 3. Directorate of administration, which consists of Sector of budget, finance, general services and legal affairs.

Kosovo Probation Service extends throughout the territory of Kosovo through regional directorates located in seven (7) regional centres of Kosovo. Regional Directorates of Kosovo Probation Service are: 1. Regional Directorate in Prishtina;

2. Regional Directorate in Prizren; 3. Regional Directorate in Mitrovica; 4. Regional Directorate in Peja; 5. Regional Directorate in Gjilan; 6. Regional Directorate in Ferizaj; and 7. Regional Directorate in Gjakova. The Regulation also sets forth duties and responsibilities of directorate, sectors and regional directorates. The regional directorates are led by regional directors, who report to the General Director, while the sectors are led by sector leaders, who report to the head of the respective Directorate.

Figure 4.2 shows the structure of the internal organization of Kosovo Probation Service according to the current situation.

4.2.1. Probation workers

Recruitment, criteria of employment and the rights and duties of probation officials (officers) in Kosovo Probation Service are not regulated by any special legal act, however they are subject to the provisions of the Labour Law (*Official Gazette of the Republic of Kosovo, No. 90 /2010*); Law on Civil Service of the Republic of Kosovo (*Official Gazette of the Republic of Kosovo No. 72/2010*); and Regulation No.02/2010 on the procedures for recruitment in the civil service are applied. Although there are no specific legal provisions that regulate employment criteria for probation officers, however in recruitment practise of these staff categories, a university degree in the fields of pedagogy, sociology, law, psychology, etc., is required. Also, in the process of evaluation and selection of probation officials, candidates are required to have high moral and personal integrity as well as the experience gained from their first job or training in relevant fields. Also, in the selection, no one is discriminated on grounds of race, colour, gender, language, religion, political or other opinion, national or social origin, relation to any community, property, economic and social condition, sexual orientation, birth, disability or other personal status (*Constitution of the Republic of Kosovo, Article 24, paragraph 2*).

Table 1. The staff number in Kosovo Probation Service

Number of staff	73
Management staff	12
Executive staff	47
Supporting staff (e.g. secretary, bookkeeping staff, ICT staff etc.)	14

According to the current situation and in accordance with the Regulation of the Government of the Republic of Kosovo on the internal organization of the Ministry of Justice of 2013, the number of employees in Kosovo Probation Service is 73. Of this number of probation staff, the largest number of them is recruited in the Regional Directorates of Kosovo Probation Service, which are located in seven (7) regional centres of Kosovo.

4.2.2. Education, training requirements and opportunities

Probation officials of the Kosovo Probation Service have university degrees in the fields of pedagogy, sociology, law, psychology and other humanitarian sciences. Thus,

of the total number of employees in the service, 63 officers have university degree, of which 7 are with master degree. So far, the service failed to establish cooperation agreements with universities and other institutions of higher education and scientific research for the adoption of educational curricula and research projects of these institutions that would make possible the fulfilment of requirements and needs of this service in terms of preparing and training the staff to work as probation officials. There is also the lack of specific academic courses which would enable the students to acquire knowledge and skills required for exercising the work of probation official (officer). However, it should be noted that the Kosovo Probation Service, having the main objective the capacity building for its staff, so far organized many trainings, seminars, various workshops etc., mainly with the help and support of the organizations such as UNICEF, UNDP, the Twinning project, Terre des Hommes, etc., which offered great help in the training of staff of this service in carrying out successfully its activities. This service has also a fruitful cooperation with the Kosovo Academy for Public Safety in Vushtrri, particularly in the training of its staff. Kosovo Probation Service has good cooperation with international organizations and experts in the field of professional development of its probation staff. In this regard, in cooperation with international experts and with the help of UNICEF, this service has developed a curriculum that includes ten (10) modules, which provide basic knowledge about the role, importance, work and place of probation in the criminal justice system of Kosovo. So far, trainings conducted with probation staff were related to subjects such as: case management from receiving of the request or decision until the completion of all proceedings, the development of social inquiries and pre-sentence reports, designing of individual programs for persons under supervision of probation service, supervision of the execution of an order for community service work, supervising and assisting offenders addicted to drugs or alcohol who are subject of mandatory rehabilitation treatment, work with community in the process of reintegration of convicted persons with alternative punishments, etc. However, despite these positive steps, there is a great need for continuous training of probation officials.

4.2.3. Other organizations involved in probation work

Pursuant to European Probation Rules (Rule 37 and 42), as well as legal provisions set forth in the Law on execution of penal sanctions (Article 235, paragraph 3), Kosovo Probation Service and probation officers, upon exercising probation works, are required to cooperate with the authorities and other institutions, justice system agencies, scientific institutions and others, non-governmental organizations, civil society, etc., in order to perform their tasks effectively. So far, we can conclude that this service marked positive results in the field of inter-institutional cooperation with several bodies and organizations, in particular a fruitful cooperation with the Kosovo prosecution office, judicial bodies, the panel on cases of conditionally releases, and the public security agencies of Kosovo (police, emergency management agency for etc.). Also, this service is collaborating with the Kosovo Academy for Public Safety. This Service is consistently supported and cooperates with the European Commission and other international organisations operating in Kosovo such as UNICEF, UNDP, Terre Des Hommes etc. Also, this Service and its probation officers, cooperate with various NGO`s operating in Kosovo, vocational training centres, social work centres and organizations, and other bodies. So, for example, Kosovo Probation Service, respectively its regional directories, so far have concluded cooperation agreements

with 159 institutions and various labour and service organizations for the purpose of execution of punishment with an order for community service work and the alternative measures. Also, this service, since 2011, is a member of the Confederation of European Probation (CEP), with which the organization has a fruitful cooperation.

4.3. Probation and offenders abroad

The rights, obligation, treatment and overall status of foreign citizens in the Republic of Kosovo are governed by international conventions, and the Law on international legal cooperation in criminal matters (*Official Gazette of the Republic of Kosovo, No.33/2013*). Although the law does not explicitly mention the execution of measures and alternative punishments, however, the general provisions related to enforcement of foreign judgments, we can conclude that the provisions of this law apply to such measures and alternative punishments. This law regulates the conditions and procedures for international legal cooperation in criminal matters between the Republic of Kosovo and other states, if not otherwise specified by international treaty. Also, the provisions of this law mandating that in the absence of an international agreement between the Republic of Kosovo and the foreign country, international legal cooperation may be provided on the basis of reciprocity. Meanwhile, judicial procedures on provide international legal cooperation regulated by the provisions of the criminal proceedings, unless if otherwise is specified by this law.

Up to date, the Kosovo Probation Service executed certain foreign judgments concerning measures and alternative punishments in full cooperation with the Department of International Legal Cooperation within the Ministry of Justice. In most cases this service had to do with the execution of the punishments for person's citizens of Republic of Albania, based on cooperation between the two countries and the principle of reciprocity.

5. Different Stages of the Criminal Justice Process

The Criminal Procedure Code of Kosovo applicable since 1 January 2013 and the Juvenile Justice Code of 2010 contain important provisions dealing with different stages of criminal proceedings even after the imposition of measures and alternative punishments against criminal perpetrators. These legal provisions, for the most part are general provisions, however they may also apply upon procedure of alternative punishments. Meanwhile, the Law on Execution of Penal Sanctions and Juvenile Justice Code contain provisions related to execution of measures and alternative punishments as well as other issues where Kosovo Probation Service is involved. Legal provisions of the acts mentioned above contain some criminal-procedural principles that apply to offenders against whom measures and alternative punishments are imposed, and principles related to the execution of these measures and punishments, the execution of diversion, and in general the activity of the Probation Service in various procedural stages. Upon analysing such procedural provisions, it is clear that the Kosovo probation activity is considered to focus particularly on the execution of measures and alternative punishments, and on the release of convicted persons.

5.1 Pre-trial/remand/trial stage

Table 2. Sanctioning system and probation involvement in the pre-trial/trial stage

Sanctions/Measures/Penalties/ Conditions attached to a conditional decision or sentence	Probation in legislation	Probation service involvement	Main characteristics of the probation activity
Unconditional waiver by the public prosecutor			
Conditional waiver by the public prosecutor	x		
Conditional suspension of the pre-trial/remand detention			
Pre-trial/remand detention	x		
Police custody	x		
Bail	x		
Caution	x		
Surety	x		
House arrest	x		
Electronic monitoring			
Community service	x	x	reporting, supervision, coordination
Treatment order	x	x	reporting, supervision, coordination, help and support
Training/learning order	x		
Drug/alcohol treatment program	x		
Compensation to the victim	x		
Mediation	x		
Semi-detention			
Attending a day centre			
Liberty under judicial control			
Interdiction to leave the country			
Interdiction to enter different cities/places	x		

Sanctions/Measures/Penalties/ Conditions attached to a conditional decision or sentence	Probation in legislation	Probation service involvement	Main characteristics of the probation activity
Interdiction to carry out different activities	x		
Interdiction to contact certain persons			
Psychiatric treatment	x		
Deferment of sentence			
Fine			
Other financial sanctions			
Performing work activity	x	x	reporting, supervision, coordination
Refrain from changing residence without informing the probation service	x	x	reporting, supervision, coordination
Refrain from carrying any kind of weapon	x	x	reporting, supervision, coordination
Not to possess or use a computer or to access the internet as directed by the court	x	x	reporting, supervision, coordination
To provide financial reports as directed by the court	x	x	reporting, supervision, coordination
Suspended sentence	x	x	reporting, supervision, coordination
Semi-liberty	x	x	reporting, supervision, coordination
Measures and punishments applicable to minors	x	x	reporting, supervision, coordination
Diversity measures	x	x	reporting, supervision, coordination, help and support
Educational measures	x	x	reporting, supervision, coordination, help and support

The criminal legislation of the Republic of Kosovo provides only several legal provisions related to the involvement of the Kosovo Probation Service officials in pre-trial stage and the stage of the imposition of measures and punishments against offenders. In this field are mainly applied general provisions set forth in the Criminal Code, Criminal Procedure Code, the Juvenile Justice Code, and the Law on Execution of Penal Sanctions.

According to the legal provisions in force, in imposing the measures and punishments against offenders, the consent of such offenders is always needed. Also, during these stages of Criminal Procedure the principle of presuming innocence must strictly be applied, which means that any intervention before guilt has been finally established shall require the offenders' informed consent and shall be without prejudice to the presumption of innocence (Rule 7). During these stages of criminal proceedings, probation service activity primarily deals with the preparation of social inquiry and pre-sentence reports according the request of the court, the state prosecutor or the judge for minors and in providing data upon the case review and choosing certain measure or punishment.

In criminal proceedings against adult persons, against whom measures and alternative punishments are imposed, the Probation Service has an important role. The activity of this service comes into the question when preparing the pre-sentence reports, which reports contain important information contributing to the appropriate decision by the court, including recommendations and suggestions for the selection of the measure or punishment to be imposed. During the preparation of pre-sentence report, the probation official undertakes a range of activities related to data collection and develops numerous interviews with convicted persons and his family. These pre-sentence reports should also include ascertaining the causes and motives that influenced the committing of the offense. So, for example, under Article 57 of the Criminal Code of Kosovo, the court may impose a suspended sentence with an order for mandatory rehabilitation treatment, where the convicted person is a first time offender and a drug addict or alcoholic if the court, after reviewing the report of the probation service, determines that the primary factor motivating the criminal offense was related to his or her drug or alcohol addiction and that successful treatment would minimize the risk of the commission of another criminal offense. Also, on the basis of Probation service pre-sentence report and recommendations submitted to the court, are set types of obligations that the convicted persons must meet during the execution of a suspended sentence.

Pursuant to Article 59 of the Criminal Code of Kosovo, a suspended sentence may also include an order to perform one or more of the following obligations:

1. to receive medical or rehabilitation care in a health care institution;
2. to undergo a medical or rehabilitation treatment program;
3. to visit a psychologist and/or another consultant and act in accordance with their recommendations;
4. to receive vocational training for a certain profession;
5. to perform a work activity;
6. to use wage and other income or property to fulfil a family obligation;
7. to refrain from changing residence without informing the probation service;
8. to abstain from the use of alcohol or drugs;
9. to refrain from frequenting certain places or locales;
10. to refrain from meeting or contacting certain people;

11. to refrain from carrying any kind of weapon;
12. to compensate or reimburse the victim of the offense;
13. to return the material benefit acquired from the commission of the criminal offense;
14. not to possess or use a computer or to access the internet as directed by the court; or,
15. to provide financial reports as directed by the court.

In particular, probation service contribution manifests itself in criminal proceedings against juvenile offenders upon imposing the measures and punishments. Hence, pursuant to Juvenile Justice Code (Article 8 paragraph 2), Probation Service shall prepare a complete social inquiry on these juveniles upon the request of the public prosecutor, the juvenile judge or the court. The social inquiry shall include information about the minor's age and psychological development, family background, the background and circumstances in which the minor is living, school career, educational experiences, and any other relevant information. Also, prior to the selection of any measure or punishment, the court may request from the Probation Service the social inquiry and a recommendation regarding the selection of a measure or punishment (Article 8, paragraph 3 of the Code of Juvenile Justice).

5.1.1 Pre-trial/pre-sentence report

Kosovo Probation Service, during this stage drafts two types of pre-sentence reports: a) pre-sentence report for adults as required by the court and b) pre-sentence report for minors as required by the state prosecutor, juvenile judge or court. Both of these reports have great similarities in their content. These pre-sentence reports contain general data of the offender, the contacts carried between the probation official (officer) and the offender, information on person's education, employment, housing conditions, health condition, marital status, previous behaviours, economic situation, the risk of recidivism, relationship with the victims, proposal about the measures or the alternative punishment etc. Pursuant to Article 141 of the Law on Execution of Penal Sanctions, pre-sentence of alternative punishment, the court may request a report from the Probation Service. Probation Service submits to the court its pre-sentence report, within three (3) week of such request. The pre-sentence report shall identify which alternative punishment or punishments would be appropriate for the convicted person in view of the objectives of rehabilitation and prevention of the commission of criminal offences in the future. Drafting of the pre-sentence report is preceded by conduction of some activities from probation officials such as: field visits carried out by the case manager and a probation official, whose purpose is to collect as much relevant information as possible for drafting the report; interviews and contacts with offenders or their legal representatives; numerous interviews with responsible persons in the institutions (schools, police, centres for social work, workplace and other institutions); interviews and contacts with family members of the offender, persons from workplace, members of the community, etc. Pre-sentence report must also contain the proposal for measure or adequate alternative punishment. During the drafting of the pre-sentence report, offenders shall be given the opportunity, where appropriate, to be involved in the preparation of the report, and their opinion, if available, must be reflected in the report and its contents must be communicated to them and/or to their legal representative (Rule

46). In case of lack of contact with an adult or his/her refusal to cooperate with the probation service, is compiled a notice to the court or the state prosecutor instead of pre-sentence report. Once the report is compiled by the probation official, the same is sent to the head of the sector or regional office to assess the validity of information involved in it, and then this report is signed and submitted to the competent court.

5.2. Enforcement stage

Table 3. Sanctioning system and probation involvement in the enforcement stage

Sanctions/Measures/ Penalties/Conditions attached to a conditional sentence	Provision in legislation	Probation service involvement	Main characteristics of the probation activity
Imprisonment			
Suspended sentence	x	x	supervision, coordination, reporting
Conditional sentence	x	x	
Affidimento in prova			
House arrest			
Electronic monitoring			
Community service as sanction	x	x	supervision, coordination, reporting
Semi-liberty	x	x	supervision, coordination, reporting
Semi-detention			
Treatment order	x	x	supervision, coordination, reporting
Training/learning order			
Drug/alcohol treatment program	x	x	supervision, coordination, reporting, help and support
Educational measures	x	x	supervision, coordination, reporting
Compensation to the victim	x	x	supervision, coordination, reporting
Mediation	x		
Attending a day centre			
Interdiction to leave the country	x		

Sanctions/Measures/ Penalties/Conditions attached to a conditional sentence	Provision in legislation	Probation service involvement	Main characteristics of the probation activity
Interdiction to enter different cities/places	x	x	supervision, coordination, reporting
Interdiction to carry out different activities	x	x	supervision, coordination, reporting
Interdiction to contact certain persons	x	x	supervision, coordination, reporting
Fine	x		
Day fine			
Other financial penalties			
In/out patient order (psychiatric treatment)	x	x	supervision, coordination, reporting
Security measures			
Combined order			
Community punishment			
Conditional release / Parole	x	x	supervision, coordination, reporting, help and support
Automatic release			
Open prison			
Penitentiary program outside the prison			
Suspended sentence with order for mandatory rehabilitation treatment	x	x	supervision, coordination, reporting, help and support
Suspended sentence with order for supervision by the probation service	x	x	supervision, coordination, reporting, help and support
to visit a psychologist and/or another consultant and act in accordance with their recommendations;	x	x	supervision, coordination, reporting, help and support
to receive vocational training for a certain profession	x	x	supervision, coordination, reporting, help and support

Sanctions/Measures/ Penalties/Conditions attached to a conditional sentence	Provision in legislation	Probation service involvement	Main characteristics of the probation activity
to perform a work activity	x	x	supervision, coordination, reporting, help and support
to use wage and other income or property to fulfill a family obligation	x	x	supervision, coordination, reporting, help and support
to refrain from changing residence without informing the probation service	x	x	supervision, coordination, reporting, help and support
to abstain from the use of alcohol or drugs	x	x	supervision, coordination, reporting, help and support
to refrain from carrying any kind of weapon	x	x	supervision, coordination, reporting, help and support
to compensate or restitute the victim of the offense	x	x	supervision, coordination, reporting, help and support
to return the material benefit acquired from the commission of the criminal offense	x	x	supervision, coordination, reporting, help and support
not to possess or use a computer or to access the internet as directed by the court	x	x	supervision, coordination, reporting, help and support
to provide financial reports as directed by the court.	x	x	supervision, coordination, reporting, help and support
Diversity measures	x	x	supervision, coordination, reporting, help and support

The main activities of the Kosovo Probation Service in the enforcement phase are related to the organization, enforcement and supervision of the execution of alternative punishments and social reintegration of convicted persons; execution of diversion and educational measures for juvenile offenders; supervision and assistance to the convicted persons while serving the alternative punishments; supervision and assistance to the offenders addicted to drugs or alcohol subject to mandatory rehabilitation treatment which is held in freedom; supervision and assistance to the convicted conditionally released persons; development of individual programs

for supervision; guidance and assistance to convicted persons at the end of their sentence, etc.

During the execution of alternative punishment, the role of the probation service is enormous, since it is responsible for organizing, enforcing and supervising the execution of these punishments. Thus, when the court imposes a suspended sentence, it submits the judgment with all information available to competent Probation Service supervising this alternative punishment. Also, even when the court which imposed a suspended sentence and ordered a fulfilment of any obligation, probation officials are the ones that supervise the fulfilment of the obligation under the provisions of Criminal Code. Probation Service shall inform the court regarding the progress of fulfilment or failure to fulfil such obligations.

Upon execution of the suspended sentence with an order for mandatory rehabilitation treatment (Article 146 of the Law on Execution of Penal Sanctions), the competent health care institution or appropriate institution, in cooperation with the Probation Service, shall determine the rehabilitation treatment program for a person subject to a suspended sentence. Probation Service shall supervise such person's compliance with the rehabilitation treatment program, in cooperation with the competent health care institution, and this service is obliged in every four (4) months to report to the court on the progress achieved in the rehabilitation treatment program.

A suspended sentence with an order for supervision by the probation service is also enforced by the probation service. This service supervises the execution of this punishment and supervises also the fulfilment of any obligation if ordered with an alternative punishment pursuant to the provisions of Criminal Code of Kosovo (Article 148 of the Law on Execution of Penal Sanctions). The Probation Service is responsible to report to the court if the convicted person does not fulfil any of the obligations. Also, this service reports to the court also upon successful completion of the verification period of execution of this punishment, whereby the court after receiving such report takes a decision by which is verified the ending of this alternative punishment.

Kosovo Probation Service is directly involved in the execution of the sentence with an order for community service work (Article 60 of the Criminal Code of Kosovo). Community service work is a community sanction or measure which involves organising and supervising by the probation agencies of unpaid labour for the benefit of the community as real or symbolic reparation for the harm caused by an offender. Community service work shall not be of a stigmatising nature and probation agencies shall seek to identify and use working tasks which support the development of skills and the social inclusion of offenders (Rule 47). Community service work shall not be undertaken for the profit of probation agencies, their staff or for commercial profit (Rule 48). Under Article 60 of the Criminal Code of Kosovo and Article 152 of the Law on Execution of Penal Sanctions, after imposing this alternative punishment, probation officials in consultation with the convicted person and in coordination with the organization where the community service work should be done, develops the program for community service work for convicted person in accordance with the abilities, skills and his/her past (Rule 51 and 52). During the drafting and development of this program, probation service pays special attention to certain categories of convicted persons for finding appropriate work, such as: women, disabled persons, older persons and minors. This service, in cooperation with the convicted person decides on the type of community service work that need to be performed by the convicted person, assigns the specific organization for which the

convicted person will perform community service work, decides about the days of the week when the community service work should be performed, the number of hours that will be held during the day, etc. Probation Service supervises the performance of community service work, including the advising, assisting and motivation of convicted persons (Rule 55). Under Article 155 of the Law on Execution of Penal Sanctions, depending on the encountered circumstances, probation service can rearrange the community service work program, and may propose the postponement or suspension of the execution of this punishment. Successful completion of community service work is reported to the court by the probation service, and after receiving the report the court shall take a decision that verifies the execution of this alternative punishment.

Kosovo Probation Service is also involved in the supervision of the execution of semi-liberty, as a type of alternative punishment. Under Article 61 of the Criminal Code of Kosovo, the court may order the execution of the punishment with semi-liberty due to obligation of a convicted person regarding work, vocational education or training, essential family responsibilities, or the need for medical or rehabilitation treatment. During the execution of the punishment with semi-liberty, director of correctional institution supervises the convicted person while he/she is imprisoned and the competent Probation Service supervises him/her while he/she is in semi-liberty. Competent Probation Service immediately after receiving the decision, contacts with the convicted person with semi-liberty, visits the correctional facility and prepares the supervisory plan for the convicted person. This service supervises and helps the convicted in fulfilling the obligations that are set forth by judicial decisions.

Kosovo Probation Service during the enforcement phase also has an important role in execution of measures and punishment against juvenile offenders. This role is considered especially during the execution of diversion, educational measures and the order for community service work. In Article 18 of the Juvenile Justice Code are provided the following measures of diversion:

1. Mediation between the juvenile offender and the injured party (the victim), including an apology by the juvenile to the injured party;
2. Mediation between the juvenile offender and his or her family;
3. Compensation for damage to the injured party, through mutual agreement between the victim, the minor and his or her legal representative, in accordance with the minor's financial situation;
4. Regular school attendance;
5. Acceptance of employment or training for a profession appropriate to his or her abilities and skills;
6. Performance of unpaid community service work, in accordance with the ability of the minor offender to perform such work; this measure may be imposed with the approval of the minor offender for a term ten (10) up sixty (60) hours.
7. Education in traffic regulations; and
8. Psychological counselling.

Pursuant to Article 83 of the Juvenile Justice Code, when the prosecutor, juvenile judge or the court imposes the measure of diversion, the ruling and all other information are afterwards sent to the probation service competent for execution of this measure. After receiving the ruling, the probation official prepares the individual plan for supervising the execution of these measures and undertakes specific activities with the purpose of executing them. So, for example, in regard to the diversity measure: Mediation between the juvenile and the injured party, including an apology by the juvenile to the injured

party; the individual supervision plan, inter alia, includes: contacting the party, preparing the parties for accepting the apology, determining the place, preparing the minutes which have to be signed by the parties, and the preparation of the report for the prosecution or the court.

Kosovo Probation Service is responsible for the execution of educational measures toward the juveniles. After receiving the ruling on imposing educational measures, the probation official visits the minors family, contacts the minor and his/her family, school, centre for community service, police, community etc., with the purpose of successfully fulfilling the minors obligation. This service provides assistance, advices and other forms of support for minors to whom the educational measures have been imposed.

With the execution of the order for community service work against minors, according to the principals, are implemented the provisions related to adults, with certain specifics. This type of alternative punishments last from 30 to 120 hours. During the drafting of the program for community service work, the probation service considers the selection of the most suitable work for the minor, taking into account the fact that the minor's school attendance or other important activities are not disrupted (Rule 51). In addition, with the purpose of successfully execution of this punishment and when in the best interest of the minor, this service may seek assistance or cooperation with the Guardianship Authority or the legal representative of the minor (Article 132, paragraph 2 of the Juvenile Justice Code).

Kosovo Probation Office is involved in the supervision and provision of assistance to the offenders addicted to alcohol or drugs, which are subject to mandatory rehabilitation treatment held in liberty. Pursuant to Article 173 of the Law on Execution of Penal Sanctions, the healthcare institution or other appropriate institution, in cooperation with the probation service determines the rehabilitation treatment program for persons under the mandatory rehabilitation treatment measure. This service sends a report to the courts every two (2) months in regard to the progress achieved in the rehabilitation program based on information provided by the healthcare institution or other appropriate institution.

In accordance with the provisions of the Criminal Code, the conditional release of convicted persons may be allowed if certain conditions are met, whereas, the Conditional Release Panel decides whether to grant conditional release. According to the provisions of the Law on Execution of Penal Sanctions (Article 121), after submitting the request for conditional release, the director of the correctional facility requests the Probation Service to conduct the visit of convicted person and to sign an agreement on its supervision after conditional release. Regarding the progress of supervising conditionally released persons, this service drafts written reports for the Conditional Release Panel. After reviewing the file received by the Conditional Release Panel and meeting with conditionally released person, the probation official prepares his/her individual supervision plan and informs him/her on the schedule and the rules of the supervision. Upon implementation of this supervision plan, the probation service cooperates closely with the Conditional Release Panel, the convicted person, his family and the community with the purpose of successfully re-integration after its release (Rule 59). Kosovo Probation Service is also involved in providing support and assistance to convicted persons, upon completion of their sentence, especially to the juveniles. In such cases, the probation officials keep contacts with the juvenile, his/her family and the institution where he/she is located through participating in the "Plan for case management and after release care". This

care and assistance is provided with the sole purpose that the juvenile, after leaving the correctional institution, is successfully reintegrated in the social environment. In its work, the Probation Service pays great importance to the drafting of individual supervision programs and their implementation in practice. Such program should be approved by the Director of the respective Regional Office. Persons under supervision should be informed with regard to the content of the program and cooperate in its implementation (Rule 44). This program may be reviewed and amended depending on the circumstances which appear during the supervision period. Kosovo Probation Service is not included in the procedures of granting pardon or amnesty.

Table 4. Other probation activities in the enforcement stage

Providing support to the families of the offenders/detainees	
Coordinating volunteer prison visitors	
Preparing offenders for (conditional) release	x
Preparing prisoners for home leave and/or providing support during home leave	x
Providing support to persons that have been pardoned or amnestied	
Providing advisory report with respect to amnesty or pardon	
Other tasks that are not included here	

5.3 Care and after-care outside the criminal justice system

According to European Probation Rules, the Probation Service may be included in the process of supervising released persons; following early release shall aim to meet the offenders' settlement needs such as employment, housing, education and to ensure compliance with the release conditions in order to reduce the risks of reoffending and of causing serious harm (Rule 61). Despite the requirements of this rule, so far, Kosovo Probation Service was not included in such activities since such issue was not requested.

6. Probation methodology

Relevant Probation Rules

In Kosovo Probation Service, a person can be involved in probation only with his/her consent, expressing the willingness to cooperate (Rule 6).

During the pre-trial procedure, the procedure for supervision the execution of measures and alternative punishments, the supervision of persons addicted to drugs or alcohol, supervision and assistance of persons on conditional release, as well as performing other activities - probation officers assess, in details, cases under supervision. Also, offenders, whenever possible, are provided with the opportunity to contribute to the formal assessment, considering their views and aspirations for successful realization of their rehabilitation process. The offenders shall be made aware of the process and outcomes of the assessment (Rule 68). In Kosovo Probation Service, probation officials

should fully guarantee the confidentiality of personal data. Any person involved in the probation must cooperate with the probation officer. He/she must be notified regarding the content of individual treatment program and to accept it, while he/she can express acceptance by signing this document. Usually, upon the acceptance of the case in relevant Regional Directorate of the Probation Service, firstly it is assigned the probation official (case manager) responsible for supervision of the case, since the receipt of the request or the court decision until the end of the all procedures related to the concerned case (Rule 80). This includes file keeping with all documents related to the case, gathering information about the case, its supervision, maintaining contacts and cooperation with the offender, his/her family, community, and other relevant institutions with the purpose of sharing information, reporting the case in court or prosecution office etc.

Regarding the cases of supervision of execution of measures or alternative punishments, the supervision of persons addicted to drugs or alcohol or supervision of persons on conditional release, case manager, based on the needs of the person under supervision, after receiving information from contacts with him/her and others, prepares the individual supervision plan for the convicted person or person on conditional release. Usually, the individual supervision program or plan contains some elements, such as: general data for the convicted person; measures and any special obligation imposed by the court, prosecution or conditional release panel, as well as steps to be undertaken by the probation service for the fulfilment of these measures and obligations; needs of the person under supervision and goals to be met; risk for recurrence of the offense or the possible risk of any damage to his/her health; tools and methods to be implemented for fulfilling these tasks; number and time of meetings to be held between the probation official and the person convicted; content, duration and mode of implementation of the rehabilitation treatment program for persons addicted to drugs or alcohol; accurate description of the actions to be undertaken regarding the execution of the community service work etc.

The rights and responsibilities of case managers are set forth by the provisions of the bylaws. So, for example, for the case of supervision of execution of an order for community service work, case manager tasks are related to the supervision of the convicted person to perform community service work within the prescribed deadline and other tasks, as determined by an individual program of labour activities. In such case, case manager, upon receiving the decision of the court, calls the convicted person within seven (7) days of the receipt of the final decision. If the convicted person does not appear and does not justify it, then the court must be informed about this. At the first contact with the convicted person, the case manager informs the convicted person regarding the manner of execution of this punishment. No later than thirty (30) days from the appearance of the convicted person for the first time, the case manager approves the individual supervision plan and submits it to the competent court or prosecutor. This plan includes data regarding the contacts that must be realized with the convicted person and, in agreement with the convicted person, establishes the type of work, the number of hours per day, the number of working days, the responsible institution and person of the place where work will be performed etc. Regarding the commencement of community service work, the case manager issues a decision defining the place, date of commencement and duration of community service work. The case manager, in cooperation with the institution where is performed community service work, keeps records on the number of hours and the progress. After holding the half of the hours, it shall inform the competent

court or prosecutor on the progress of the program. Depending on the progress, or if eventually there are difficulties in execution of this punishment, the court must be notified. Upon the completion of community service work, case manager is obliged to prepare a final report to the court or prosecutor's office within 15 days of completion of community service work.

The case manager must keep accurate records or register on all cases assigned by the head of regional office and all the actions performed in relation to that case, from the moment of acceptance until the completion and submission of the case (Rule 88). This record should include also the assessment, planning and interventions. Case records and actions performed by case manager should be kept in electronic and physical form, and must be in full compliance with each other, from the beginning to the end.

The case is considered completed for probation service, when the case manager submits the social inquiry, pre-sentence report, the final report of supervision or execution of the measure or alternative punishment, or the report on the failure to execute the measure or alternative punishment, i.e. notification for failure to conduct social inquiry or pre-sentence report and other forms, in accordance with the deadlines set by the prosecution, courts and conditional release panel.

Probation service officials, upon supervision, conduct necessary assessments through a systematic and thorough consideration of the individual case, including risks, positive factors and needs, required interventions and the offenders' responsiveness (Rule 66). It is recommended to conduct the assessment in several phases, especially at the time of the imposition of the measure or alternative punishment; at the beginning of supervision; whenever are noticed significant changes of offenders; when it is necessary to make corrections in the supervision plan; and at the end execution of supervision measure. However, as a rule, Kosovo Probation Service assesses the individual progress of offenders at regular intervals and such progress also affects the eventual changes and corrections of the work plan for the remainder of supervision.

According to the provisions of Kosovo legislation, Kosovo Probation Service must submit periodic written reports, and more often when necessary, to judicial authorities (prosecutors, courts) and to the Conditional Release Panel regarding its work, achieved progress in supervising the execution of measures and alternative punishments, the supervision and assistance to offenders addicted to drugs or alcohol, the supervision of the persons on conditional release, etc.

Kosovo Probation Service reports to the Ministry of Justice. In order to successfully implementation of the work of this service and supervision of the implementation of its works, the Ministry of Justice, through its bodies (such as the Inspectorate), inspects the work of the service and make publicly the eventual findings (Rule 103). Also, other independent bodies can monitor the work of this service, by conducting visits to this service or through other forms of monitoring.

7. Finances, Accounting, Registration Systems and Evaluation Procedures

7.1. Finances

Kosovo Probation Service is funded entirely by the state budget. Up till now the financial position of this service is stable because the Ministry of Justice finances

its activities on a regular basis (Rule 10). According to applicable law provisions in the field of Probation Service, staff remuneration, benefits and conditions of employment reflect the standing of their profession and are adequate to the nature of their work (Rule 33). There are no private funds for the operation of this service, and there is no any other funds established from this service for its activity. Expenses for the operations of this service, which includes salaries and allowances, for goods and services and utilities, are allocated for each year based on the Law on budget approved by the Assembly of Kosovo.

For 2014 the total amount of funds allocated for Kosovo Probation Service is 569,241.30 Euros. Of this amount the costs for salaries and allowances are 441,471.00 Euros, goods and services 102,270.30 Euros and municipal services 25,500.00 Euros, whilst the expenditures for 2014 are amounted 543.430.00 Euros. However, one should also bear in mind that this service has only 73 staff people employed.

Table 5. Prison / Probation expenditure

	Probation Services	Prison System
Total current yearly expenditure	543.430.00	x
Average number of employed staff	73	x
Daily average number of offenders/clients dealt with	518	x

7.2. Accounting

Kosovo Probation Service is not independent in the field of financial management. All costs of these service activities must be approved by the Budget and Finance Division, which operates under the Department of Finance and General Services of the Ministry of Justice. The cost of this service is subject to internal audit by the Internal Auditor (Internal Audit Division, which exists within the Ministry of Justice), as well as they are subject to the external auditing. Up till now there has been conducted no regular government inspection and/or independent monitoring for the activities of Kosovo Probation Service (Rule 15), and also there are no systematic scientific researches that would enhance the effectiveness of probation work and would guide probation policies and practices (Rule 16).

7.3. Registration Systems and Evaluation Procedures

The Kosovo Probation Service does not have a registration system related to activities of probation officials and probation service in general. This is planned for the future. Important information for persons subject to the probation and other data related to the activity of this service are stored in special physical and electronic files, which should complement each other. These files contain important data and documents dealing with cases managed, social inquiries, reports drafted etc. This is not sufficient however and it is necessary to do more in order to improve the registration system and the evaluation procedures of Probation Services' activities in the future through revision of existing laws, policy and practice of sound scientific knowledge and research that meets the internationally recognized standards (Rule 105).

8. Societal Support and Clients' Views

8.1 Societal Support and public opinion

The work of Kosovo Probation Service is public. In accordance with European Probation Rules, this service informs the media and the public on its work and activities (Rule 17). Under Article 232 of the Law on execution of penal sanctions, Minister of Justice and General Director of the Probation Service, directly or through authorized persons, inform the public about the activities of probation service given that official secrecy is not breached, to not seriously endanger the safety or performance of probation work.

The wide media and public are regularly informed on work carried out by the probation service and the results of its work (Rule 106). Information is done in several ways such as: statements in the public media, television shows and through web pages. On the website of the Ministry of Justice, among other published information are: mission and duties of Kosovo Probation Service, its organizational structure, contacts, international cooperation, its activities, the relevant legal documents, service business reports and other important data. Kosovo Probation Service, starting from 2006, publishes the *Annual Bulletin*, which presents in detail the activities of this service in a calendar year and different cases from the practice of its work are presented as well.

8.2 Clients' Views

Given the fact that Kosovo Probation Service is a new service, and in the absence of a genuine collaboration between academic institutions on the one hand and probation service on the other hand, we can conclude that so far no special scientific research has been realized that would represent the views of clients (the suspects and convicts) regarding this service and its activity.

9. Probation Clients' Rights

The Constitution of the Republic of Kosovo which guarantees direct application of international agreements and instruments and other legal acts in force in the field of probation ensures the observance of some fundamental principles dealing with the rights of persons under probation. Thus, under Article 5 of the Law on Execution of Penal Sanctions, the execution of penal sanctions, including alternative punishments are executed in a manner that ensures the humane treatment and respect for the dignity of each individual. The execution of these penal sanctions is completely impartial. During its work, the probation service ensures that there is no discrimination on grounds of race, colour, sex, language, religion, political opinion, national or social origin, relation to any community, property, economic and social condition, sexual orientation, birth, disability or other personal status. Any person involved in the probation is guaranteed by legal provisions regarding professional confidentiality, data protection and information sharing (Rule 41). A person can engage in probation only by his consent, and he/she has access to all the data from his personnel file to the extent required by law and does not violate the privacy of others (Rule 92).

The rights of persons in probation are guaranteed throughout the entire exercise service activities dealing with such persons. So, for example, the execution of the

order with work in community service applies to the extent that ensures full respect of the rights of convicted persons with this punishment. This punishment can be performed to institutions and organizations with which the Probation Service has signed a contract for the performance of such works. The convicted person is allowed to work in community service in accordance with his/her medical condition, skills and his/her past (Article 152 of the Law on Execution of Penal Sanctions). This work must in no way be offensive or degrading character. During the execution of the punishment, general labour rules apply, which are provided in more details by bylaw acts, and which relate to working hours, breaks, holidays and protection in the workplace. Community service work may be postponed or suspended for the causes provided by law (Article 155 of the Law on execution of penal sanctions).

Each person in probation is entitled to a complaint procedure accessible, equitable and effective (Rule 14). He or she is entitled to file a complaint against the conduct or any procedure undertaken by probation official if he/she considers that his/her rights are violated. Complaints may be submitted verbally or in writing to the competent probation office, which will decide on the complaint within the legal deadline. If such person is not satisfied with the response to the complaint, he or she has the right to appeal even to the General Directorate of the Probation Service. Also, the person in probation can address an appeal even to other bodies outside probation system, including the Ombudsperson.

10. Developments to be expected

10.1 Developments in coming years

Kosovo Probation Service is a new service, but with a very successful development since its establishment up to date. In the field of Kosovo Probation Service it should be worked further towards the harmonization of legislation with European standards and full implementation of Recommendation CM/Rec (2010)1 of the Committee of Ministers to member states on the Council of Europe Probation Rules, adopted on 20 January 2010. Developments in coming years designed to implement several strategic objectives of the Kosovo Probation Service. Based on the Strategic Development Plan 2012-2016, prepared by this Service, as the strategic objectives of the Kosovo Correctional Service will be:

1. Professional promotion of probation officials to supervise the convicted persons and persons conditionally released with measures and alternative punishments. Profiling of probation staff to work with convicted juveniles, adults and released on condition enables greater efficiency and professionalism in the performance of duties. To achieve this objective, this service staff should proceed with specialized training in order to acquire specific knowledge and skills, in particular in the field of designing individual programs of supervision, risk assessment, provision of support etc.
2. Professionals awareness and wider on imposing measures and alternative punishment and the role of the Probation Service. Achieving this objective will make possible to increase the number of measures and alternative punishment against perpetrators, in which case it would become possible to reduce the number of convicted persons in correctional centres, whereby the state budget shall be saved. Also, it would allow the elimination of the negative effects of

- imprisonment and increasing the level of re-socialization and reintegration of convicted persons. This objective will be accomplished through several forms such as: community and partners in justice awareness on the role and importance of the Probation Service, the organization of roundtables, seminars, workshops, and conferences with prosecutors, judges, police officers, members of other bodies etc., various publications and other forms.
- 3 Adoption and promotion of bylaw acts in accordance with the laws in force for the execution of measures and alternative punishments. This objective shall be achieved through the issuance of new bylaw acts in the field of probation service.
 4. Development and capacity building in re-socialization, assistance and reintegration of convicted into society. This objective will involve the provision of various services and assistance of persons in probation e.g. providing of various courses for vocational training, psychological counselling, treatment and support for persons addicted to drugs or alcohol, support to education and employment etc.
 5. The application of electronic supervision system. The Draft Law on the electronic monitoring of persons whose movement is limited by the decision of the Court or of the Conditional Release Panel is in the process of the adoption by the Assembly of the Republic of Kosovo. The purpose of this law is to increase the level of public safety and to ensure effective execution of court and Conditional Release Panel decisions. The adoption of this law would have great advantages for successful completion of tasks by probation service and successful reintegration of convicted and conditionally released persons into the community.

Alongside these developments expected to occur, other new strategic and development plans which will include other developments, including data registry computerization system and activities of Kosovo Probation Service will be expected in coming years.

These objectives of this service, as well as other development objectives should always be in accordance with the rules deriving from the European Probation Rules and other standards contained in international acts recognized in the field of probation.

11. Important Publications

- Bell, M., ed. (1941): *Probation and Parole Progress*, Yearbook of National Probation Association, Broadway-New York.
- van Kalmthout, A.M., Derks J.T.M., eds. (2000): *Probation and Probation Services: A European Perspective*, WLP, Nijmegen.
- Petersilia, J., ed. (1998): *Community Corrections: Probation, Parole and Intermediate Sanctions*, Oxford University Press, New York-Oxford.
- Bottoms, A., Rex, S., Robinson, G. Eds. (2004): *Alternatives to Prison: Options for an insecure society*, Willan Publishing, Cullompton, Devon.
- Morris, N., Tonry, M., (1990): *Between Prison and Probation: Intermediate Punishments in a Rational Sentencing System*, Oxford University Press, New York-Oxford.

Kosovo:

- Gashi, R. (2013): *Execution of alternative punishments*, textbook, Prishtina, p.207. Provision of Measures and alternative punishment envisaged in Kosovo criminal legislation and the role of the Probation Service in their execution marks a major innovation and progress in the re-socialization process of convicted persons and successful combating of the crime. This has increased the interest of the public and professionals especially that of researchers with regard to these punishments, which had an impact in the need for introduction of a new course at the master studies program of the Faculty of Law at the University of Prishtina "Hasan Prishtina" titled "*Execution of alternative punishments*". Knowledge and basic concepts related to the execution of alternative punishments are outlined in this work. Within this work are presented and analysed scientifically several issues such as: Meaning and basic characteristics of alternative punishments and measures; their types; organization of alternative punishments execution; background and scope of the Kosovo Probation Service, principles of its work; role and activity of this service; execution of punishments and alternative measures separately, with special focus on the Republic of Kosovo etc.

- Gashi, R. (2008): *Kosovo Probation Service: History, scope, organization and its activity*, Law, Journal for juridical and social issues, no.3-4, Pristina, pp.7-33. In this scientific work, some data relating to the history and scope of the Kosovo Probation Service and its organization are introduced and analysed followed by an overview and a detailed analysis of its activities since establishment, focusing also on the difficulties this service encountered and successes of its work.

- Gashi, R. (2003): *Alternative Punishments in the Draft of the Provisional Criminal Code of Kosovo*, Kosovo Legal Studies, vol.4, Prishtina, pp.19-22. In this scientific work, types and characteristics of alternative punishments prescribed by the Provisional Criminal Code of Kosovo, as well as new punishments set forth by criminal legislation of Kosovo are introduced and analyzed.

- *Annual Bulletins of Kosovo Probation Service for 2006-2013*, publisher: Kosovo Probation Service, Prishtina.

The activity of this service and numerous cases from its work during the year are presented in annual bulletins published by the Kosovo Probation Service.

12. Main Addresses, Phone & Fax Numbers, E-mail Addresses, Home Pages

Ministry of Justice
Kosovo Probation Service
Address: Former "Rilindja" Building
VIth floor, Room 604, Prishtina, Kosovo
Tel/ Phone: + 381 38 200 18321
Fax: + 381 38 200 18320
Home Page: <http://www.md-ks.org/>

University of Prishtina "Hasan Prishtina"
Faculty of Law
Str. Agim Ramadani, n.n.
10 000 Prishtina, Republic of Kosovo
Tel. +381(0)38 229 063/ 220 484
Fax. +381(0)38 229 744
Home page: <http://www.uni-pr.edu/>



General Information

- Number of inhabitants: 1,820,631 in 2013.
- Probation population rate per 100,000 inhabitants: 28,9
- Link to Probation Service: <http://www.md-ks.org/>
- Links to websites: <http://www.md-ks.org/>
- Member of the CEP in: 2011.

Characteristics of the Probation Service

- Kosovo Probation Service is the central body of the state administration which operates within the Ministry of Justice of the Republic of Kosovo.
- The Probation Service is extended to the entire territory of Kosovo through regional directorates located in seven (7) Regional Centres of Kosovo and its Central Probation Service Office, resident in Prishtina.
- Probation work is conducted by probation officials who enjoy the civil servants status and are employed by the Ministry of Justice,
- The Probation Service is financed from the state budget.

Tasks

- Organizing, applying and supervising the execution of the alternative punishments and the social re-integration of the convicted persons (probation duties);
- Preparing social inquiries and pre-sentence reports for the committals of criminal acts;
- Evaluating criminal risk factors and assessing the treatment needs of the committers of criminal acts;
- Executing measures of diversion and educational measures for juvenile offenders;
- Supervising and assisting convicted persons serving alternative punishments;
- Supervising and assisting perpetrators addicted to drugs or alcohol subject to mandatory rehabilitation treatment which is executed in liberty;
- Supervising and supporting the convicted persons on parole;
- Developing of individual supervising programs;
- Drafting of reports on the execution of alternative measures and punishments and on conditionally released offenders for the prosecutors, courts and Parole Panel;
- Guiding and supporting convicted persons on the completion of their sentence;
- Keeping evidence and registry of the execution of alternative measures and punishments in electronic system for data management;
- Any other task as defined by the Minister.

Number of staff (average numbers in 2014)

- Probation Officers (officials): 47
- Probation Managers, all grades: 12
- Administrative support staff, all grades: 14
- Community Service Supervisors: x

Total: 73

- Daily average number of offenders dealt with: 518

New developments

- In 2002 - Establishment of the Kosovo Probation Service
- In 2005 - Establishment of Ministry of Justice
- In 2006 – Additional responsibilities of the Ministry of Justice, including the coordination and administration of Kosovo Probation Service are provided in UNMIK Regulation No.2006/26.
- In 2008 – Adoption of the Constitution of the Republic of Kosovo
- In 2010 – Adoption of the Juvenile Justice Code, which sets provisions regarding the role and scope of Kosovo Probation Service in supervision and the execution of certain measures and alternative punishments for juveniles.
- In 2013 – Adoption of the Criminal Code of the Republic of Kosovo, which also provides provisions on the types of alternative punishments and the role and duties of probation service.
- In 2013 – The adoption of the Law on Execution of Penal Sanctions of Kosovo, which prescribes legal provisions dealing with the responsibilities of Kosovo Probation Service, its organization and the role in the execution of alternative punishments and other activities in the field of probation.
- In 2013 - Adoption of the Regulation of the Government of the Republic of Kosovo on the internal organization of the Ministry of Justice, which sets the provisions about the organizational structure of the Kosovo Probation Service.

Probation during the different stages of the criminal procedure

	Pre-Trial Phase	Trial and Enforcement Phase	Post Release Phase
Preparing pre-sanction report	x	x	x
Supervising etc. sanction of probation	x	x	
Supervising etc. conditional sentence			
Supervising etc. special measures drug addicts		x	
Supervising etc. community service	x	x	
Supervising training or learning projects			
Interventions with young offenders			
Supervising etc. suspended sentence	x	x	
Assistance/support of offenders in prison/detention			
Preparing pre-release reports, prisoners	x	x	
Supervising conditional release/parole			x
Supervising post custody, sex offenders			
Preparing victim impact reports			