



Republika e Kosovës
Republika Kosova/ Republic of Kosovo
Këshilli Prokurorial i Kosovës/ Tužilački Savet Kosova/Kosovo
Prosecutorial Council

Kosovo Prosecutorial Council, based on Article 7 paragraph 1 sub-paragraph 1.31 of Law no. 06/L-056 on Kosovo Prosecutorial Council and Article 14, paragraph 4 of Law no. 08/L-167 to the State Prosecutor, in the meeting held on 13 May 2024:

**REGULATION NO. 02/2024 ON THE MANDATE, STRUCTURE, FUNCTIONING
AND ORGANIZATION OF THE OFFICE FOR PROTECTION AND ASSISTANCE
TO VICTIMS**

**CHAPTER I
GENERAL PROVISIONS**

**Article 1
Purpose**

This regulation defines the mandate, functioning structure and organization of the Office for Protection and Assistance to Victims.

**Article 2
Scope**

This Regulation is implemented by the Office for Protection and Assistance to Victims and other mechanisms within the Kosovo prosecutorial system.

**Article 3
Abbreviations and definitions.**

1. **OCSP** - Office of the Chief State Prosecutor;
2. **OPAV** - Office for Protection and Assistance to Victims;
3. **Official** - member of the administrative staff of OPAV.
4. **ESOPAV** - Electronic Case Management System in the Office for Protection and Assistance to Victims.

5. **Victim advocate or victim's representative** - the authorized representative of the injured or victim, who represents the interests of the injured or victim before, during and after the criminal proceedings and, as necessary, also in other related proceedings.
6. **A helpline** is a free public telephone number to provide victims and the public with a confidential mechanism for reporting various criminal offenses of abuse, for informing victims and other persons about their rights, providing information necessary for existing services and contact numbers.
7. **Victim or injured** - the person who has suffered harm, including physical, mental or emotional harm or economic loss caused by the offence, and the family members of the person whose death was directly caused by the offence and who have suffered harm as a result of that person's death.
8. **Priority cases** - categories of criminal offenses, as defined by the Chief State Prosecutor, to be treated with priority by victim advocates.
9. **Open case - the** case in which the OPAV or the victims' advocates represent the victim.
10. **Daily Incident Report (DIR)** - a document prepared by the police to inform the police management and other agencies about criminal activity in a given region on a daily basis.

CHAPTER II
ROLE AND STRUCTURE OF OPAV

Article 4
Mandate of the office

1. OPAV functions as an independent office within the Office of the Chief State Prosecutor for the provision of services to victims of crime during legal proceedings and the representation of their interests in criminal, civil, administrative and other cases provided by law.

2. OPAV treats with priority the provision of support and representation in the prosecution and courts of victims of domestic violence, then cases of trafficking in human beings, criminal offenses against sexual integrity, abuses and maltreatment of children.

Article 5
OPAV Structure

1. OPAV operates on the basis of the organizational structure, as follows:
 - 1.1. Central office in the framework of the OCSP.
 - 1.2. Regional office.

Article 6
Central office in the framework of the OCSP.

1. The head office within the OCSP is composed of:
 - 1.1. The Coordinator of the OPAV;
 - 1.2. Head of Regional Offices in OPAV;
 - 1.3. Head of the Office for General Services
 - 1.4. Officer for the Helpline.

2. Professional and Administrative Staff as follows:

- 2.1. Logistics officer;
- 2.2. Executive Assistant
- 2.3. Financial officer;
- 2.4. Transport Officer;

Article 7
Coordinator of the OPAV;

1. The Coordinator of the Office for Victim Protection and Assistance leads and represents OPAV and maintains contacts with local and foreign institutions in Kosovo within its scope of activity.
2. Ensures the effective management and operation of OPAV
3. Representing OPAV in inter-institutional coordination groups and participating in working groups for drafting laws in the field of protection of crime victims.
4. It is committed to enhancing the professional capacities of the OPAV staff.
5. Proposes, plans, drafts new policies and practices in the field of protection of the rights of victims of crime, advances cooperation with prosecutors and other institutions and is responsible for their implementation.
6. Notify and update the staff regarding sub-legal acts, ordinances, instructions and any other act, which has an impact on the work of OPAV.
7. Addresses complaints about violations of victims' rights in the justice system to the Office of the Chief State Prosecutor.
8. Administers the approved budget and manages the administrative and support staff of OPAV.
9. It compiles information and official data regarding the services provided by OPAV for various local and international reports.
10. Organizes regular meetings with the OPAV staff to coordinate with regional offices and address various issues related to the smooth running of the work.
11. Be able to delegate certain powers to his subordinates;
12. The OPAV Coordinator reports to the Chief State Prosecutor.
13. The performance evaluation of the OPAV Coordinator is carried out by the Chief State Prosecutor and the Director of KPCS.

14. The OPAV Coordinator makes a performance assessment for the Head of Regional Offices and Head Office staff.
15. Provides data at the request of the Commission for Performance Evaluation of Prosecutors.

Article 8
Head of Regional Offices in OPAV;

1. The Head of Regional Offices in OPAV has the following responsibilities:
 - 1.1.Coordinating and overseeing the work of regional leaders and victim advocates/authorized victim protection representatives;
 - 1.2.Research useful legislation and practices on various issues in the field of protection of victims of crime in criminal, administrative and civil matters;
 - 1.3.Providing practical advice and necessary legal guidance to regional leaders and, as necessary, victims' advocates/authorized victims' representatives in the course of their daily work;
 - 1.4.In the event of the absence of the OPAV Coordinator or the termination of the Coordinator's mandate, the Head of Regional Offices exercises all the duties and responsibilities of the OPAV Coordinator.
 - 1.5.Ensures cooperation between the regional offices and the OPAV head office;
 - 1.6.Periodic inspection of regional offices, including the inspection of cases, sessions and the smooth running of the work of regional leaders;
 - 1.7.Coordinates awareness-raising activities related to the rights of victims of crime at the central level;
 - 1.8.Drafts regular, weekly, monthly, quarterly and annual reports;
 - 1.9.The Head of Regional Offices evaluates leaders at the regional level;
 - 1.10. The Head of Regional Offices in OPAV reports to the OPAV Coordinator.

Article 9
Head of the Office of General Services.

1. The head of the General Services Office has the following responsibilities:
 - 1.1 Leads and defines the objectives of the Office for General Services, implements policies and decisions adopted by the Council and OPAV, which coincide with the scope of the Office;
 - 1.2 Provides, manages, coordinates and oversees the logistics needed for the OPAV;
 - 1.3 Manages the non-financial assets of OPAV, the consumable material and the warehouse in OPAV;
 - 1.4 Provides support in the design and assurance of the implementation of the strategies and action plans of the OPAV that coincide with the general services;
 - 1.5 In cooperation and coordination with all OPAV units identifies and assesses the needs within OPAV;
 - 1.6 Manages official documents, ensures the preservation and archiving of documents through relevant systems, including the electronic system;
 - 1.7 Provides and manages translation and literacy services for OPAV;
 - 1.8 The Head of the General Services Office reports to the OPAV Coordinator.

Article 10
Helpline official

1. The Helpline Official has responsibilities, as follows:
 - 1.1. Answering calls on a 24/7 helpline;
 - 1.2. Record all calls and information received by the caller;
 - 1.3. Provides information to help identify different types of abuse. This information can be provided to various persons, including but not limited to victims of crime, presumed or potential victims, the media, international organizations, NGOs and citizens in general.
 - 1.4. Provide necessary guidance for the safety of the victim and potential victims;

- 1.5. Provides advice on the existence of services in OPAV and other relevant institutions. The persons calling the helpline provide the necessary information and contact numbers for other service providers;
- 1.6. Refer calls to the Kosovo Police for further assistance when the person asks for help;
- 1.7. Refer to cases involving all received information and, if necessary, instruct the engagement of other services, for example, ambulance and/or fire service, etc.;
- 1.8. Record all referrals made to other institutions or agencies;
- 1.9. Engaging in the promotion of the helpline and informing and raising awareness of the public and other institutions regarding the rights of victims.
- 1.10. Report directly to the OPAV Coordinator.

Article 11
Logistics officer

1. The Logistics Officer has the following responsibilities:
 - 1.1 In cooperation with the Head of the General Services Office, drafts work plans for the implementation of the tasks defined on the basis of the objectives and makes recommendations regarding the achievement of these objectives;
 - 1.2 Assists in the evaluation of internal processes and procedures and recommends changes and improvements in order to increase efficiency and quality of work.
 - 1.3 Plans logistics issues by assessing the state of inventory and equipment in the office and proposes their replacement and disposal.
 - 1.4 Maintains the inventory and office material recording system, recording and encrypting all inventory, ensuring that delivery notes are signed and filled in on the incoming and outgoing check.
 - 1.5 Takes care of the movement, distribution and storage of material, inventory and other equipment according to requirements and procedures.
 - 1.6 Coordinates all activities related to accommodation within the building and coordinates activities for supplies related to logistics.

- 1.7 Undertakes all necessary actions related to the receipt/surrender of all non-financial assets, which are the property of OPAV owned by the OPAV staff on the occasion of dismissal.
- 1.8 Prepares weekly work reports;
- 1.9 Performs duties assigned by the Head of the General Services Office in a reasonable manner;
- 1.10 Reports to the Head of the Office of General Services.

Article 12
Executive Assistant

1. The Executive Assistant is responsible for the following:
 - 1.1 Manages the agenda of the meetings of the OPAV Coordinator;
 - 1.2 At the request of the OPAV Coordinator, maintains limited contacts with local institutions, governmental, non-governmental and other external counterparts, in order to collect and disseminate information about issues that are important to the OPAV Coordinator.
 - 1.3 Performs all administrative and secretarial duties, multiplies various materials, sends and receives faxes, letters and other necessary documents;
 - 1.4 Coordinates with the Human Resources Department of the SKPC on issues related to OPAV personnel;
 - 1.5 Maintains the files of all staff, is responsible for the protocol book, along with the storage and archiving of documents.
 - 1.6 Participates in OPAV meetings and various conferences, for which prepares the minutes and reports for the OPAV Coordinator.
 - 1.7 Drafts necessary documents and documents for the OPAV Coordinator and maintains the confidentiality of OPAV documents.
 - 1.8 At the request of the Coordinator receives and distributes internal and external correspondence.
 - 1.9 Controls and ensures sufficient supply of consumables for the Coordinator's Office and is responsible for correct behavior with parties and staff, as well as

performs other necessary administrative tasks and is assigned by the Coordinator of OPAV.

1.10 Reports to the OPAV Coordinator.

Article 13
Financial officer;

1. The Finance Officer has the following responsibilities:

- 1.1 It records the budget and financial data in the internal database;
- 1.2 Preserves and archives the original copies of all payments proceeded to the OPAV, according to the legal and sub-legal acts in force;
- 1.3 Proposes rules and procedures for the storage and archiving of documents;
- 1.4 Provides all the data and documentation for the audit processes;
- 1.5 Is responsible for the withdrawal and distribution of advances and salaries according to the requirements based on the current procedures and rules in force;
- 1.6 Is responsible for the petty money for the institution according to the current rules in force;
- 1.7 Supports the leaders and cooperates closely with the staff for the needs of finance and expenditures for OPAV;
- 1.8 Reports to the Head of General Services.

CHAPTER III

ORGANIZATIONAL STRUCTURE OF REGIONAL OFFICES

Article 14
Regional offices

1. The regional victim advocates offices are managed by regional leaders and are located in seven (7) regions, as follows:

- 1.1.Prishtina
- 1.2.Ferizaj
- 1.3.Mitrovica

- 1.4.Prizren;
- 1.5.Gjakova
- 1.6.Pejë and
- 1.7.Gjilan

- 2. Regional offices within the Republic of Kosovo have the following organizational structure:
 - 2.1.The regional leader;
 - 2.2.Victims' Advocate/ Authorized Victim Protection Representative;
 - 2.3.Administrative officer and
 - 2.4.Transport Officer;

Article 15
Regional leader;

- 1. The regional leader has responsibilities, as follows:
 - 1.1.Representation, functioning, and responsibility of all staff of the respective regional office;
 - 1.2.Coordinating and overseeing the work of victims' advocates/authorized representative for the protection of victims and all staff in their region;
 - 1.3.Exercises the function of protectors of victims;
 - 1.4.Responds to phone calls for cases 24/7 for all cases according to the mandate.
 - 1.5.Coordinates and communicates with the Chief Prosecutor of the respective Prosecution Office;
 - 1.6.Coordinates and communicates with relevant units of the Kosovo Police within the region and other actors depending on the case referred;
 - 1.7.Drafts various letters for judicial representation;
 - 1.8.Reviewing, analyzing and taking actions within the legal deadlines in the drafting of letters in various court disputes;

- 1.9. Takes care of the archiving, storage of cases and case files in a physical way by classifying according to the years and types of cases;
- 1.10. Coordinates awareness-raising activities with the public and other institutional stakeholders related to victims' rights;
- 1.11. Evaluates the performance for each victim advocate and for the staff of the regional offices is done by the Head of the Region;
- 1.12. The Regional Leader reports to the Head of Regional Offices in OPAV.

Article 16

Victims' Advocate/Authorized Victim Protection Representative;

1. The Victim Advocate/ Authorized Victim Protection Representative has the following responsibilities:
 - 1.1. Informs and advises the victim on his/her rights, provided by the current legislation in force;
 - 1.2. Represents the interests of the victim before the justice bodies in criminal proceedings in the prosecution and courts at all levels in the general department, serious crimes and the juvenile department, including preliminary procedure and judicial review in accordance with the conditions and rules provided by the CPC;
 - 1.3. Drafts and submits the request for a protection order with the consent of the victim, including the proceedings of the legal remedy, and represents the victim in all hearings for the request for a protection order;
 - 1.4. Provides assistance to victims in completing the declaration of damage to seek compensation from the defendant in criminal proceedings;
 - 1.5. Provides assistance to victims of violent crimes in completing and submitting a request for compensation from the state;
 - 1.6. Act on behalf of the victim when necessary and appropriate to stop the violation of the victim's rights and to seek actions that guarantee his or her protection;
 - 1.7. Collaborates closely with the case prosecutor throughout the criminal procedure;
 - 1.8. Notifies the prosecutor of the existence of a valid protective order during the criminal proceedings;
 - 1.9. Proposes to the prosecutor to request from the court the imposition of a detention measure to approach the place or person designated in accordance with the provisions of the Criminal Procedure Code, depending on the level of danger;

- 1.10. Informs and sensitizes state institutions and the public about the rights of victims;
- 1.11. Responds to phone calls for cases 24/7 for all cases according to the mandate.
- 1.12. Takes care to maintain official secrecy regarding cases and information that are disclosed to him during work.
- 1.13. Performs other tasks under applicable legislation and other sub-legal acts related to the protection of victims, which may be reasonably requested directly by the Regional Leader;
- 1.14. Prepares weekly work reports and includes all actions taken in the ESOPAV;
- 1.15. The Victim Advocate/ Authorized Victim Protection Representative reports to the Regional Leader.

Article 17
Administrative officer

1. The Administrative Officer at OPAV has the following responsibilities:
 - 1.1 Provides general administrative and technical support including official mail, telephone calls, scanning, faxing and copying of documents, completion of expense reports and drafting of documents for various meetings;
 - 1.2 Prepares and modifies documents including correspondence, reports, memos, and e-mails to the supervisor;
 - 1.3 Receives and disseminates correspondence to the supervisor and takes care of its progress;
 - 1.4 Maintains and maintains the electronic system and physical copies of office documents and files;
 - 1.5 Manages the calendar of meetings and other events for the supervisor and helps solve any administrative and technical problems.

Article 18
Transport Officer

1. The Transport Officer has the following responsibilities:
 - 1.1.Ensures the day-to-day operation of OPAV vehicles;

- 1.2. Controls, maintains and services official transport vehicles and coordinates the use of vehicles for the needs of officials;
- 1.3. Implement and prepare the use of vehicles for the needs of personnel;
- 1.4. Make the registration of data for transport and official vehicles in the electronic car management system and store the relevant documentation;
- 1.5. Ensure that transport services are well coordinated and vehicles are used in accordance with applicable laws and regulations;
- 1.6. The Transportation Officer reports to the Head of the Regional Office.
- 1.7. Provides driving and transportation services to the staff of the institution 24/7, related to the performance of official duties according to the requirements and needs;
- 1.8. Maintains work order records and vehicle servicing records, addresses vehicle servicing and maintenance requests through the regional leader and the Head of Administration, Budget and Finance at the Head of the Transportation Office at SKPC.
- 1.9. Maintains records and prepares reports for kilometers spent on a monthly basis, for the official vehicle;
- 1.10. Registers the invoices for the performed transport services and submits them for a further payment procedure;
- 1.11. Assist officials and take care of their transportation needs.
- 1.12. Responsible for respecting the working hours, for the use of the vehicle and compliance with the Code of Ethics for the Support Staff of OPAV, the SHC Code and other regulations related to the duties and responsibilities of the employees;
- 1.13. Performs other duties assigned by the regional leader.

- 1.14. Reports to the regional leader.

CHAPTER IV

Article 19

Assignment, Separation and Delegation

1. The assignment, division and delegation of cases are regulated by Regulation no. 03/2020 on the Administration of Cases through the Electronic System in the Office for Protection and Assistance to Victims.

Article 20

Conflict of interest

1. OPAV officers have a responsibility to avoid any potential conflict of interest which affects, may affect, or appears to affect the impartial and objective performance of their official duties.
2. OPAV officials have a responsibility to avoid prohibited actions for officials foreseen by the Law on the Prevention of Conflict of Interest in the exercise of public function.

Article 21

Complaints to the Office for Protection and Assistance to Victims

1. In cases where the victim is dissatisfied with the services and representation in the Regional Offices, the complaint can be submitted to the Regional Head.
2. In case of dissatisfaction with the Regional Leader, the complaint can be submitted to the Central Office of the OPAV.

Article 22

Training of Victims' Advocates

1. Victims' advocates are responsible for having a good knowledge of the laws and should participate in various trainings and workshops related to local and international legislation in the field of protection of victims' rights.

2. Victim advocates and OPAV staff should receive training on the treatment of crime victims in the justice system.
3. Victim advocates should receive specialized training related to victim-centered access and investigation and follow-up based on trauma information.
4. Victims' advocates should participate in specialized trainings on domestic violence, violence against women, trafficking in human beings, crimes against sexual integrity and child abuse.
5. Victims' advocates should continue continuous training, in the framework of the trainings provided by the Kosovo Justice Academy.
6. The OPAV Coordinator, together with the Head of Regional Offices, assesses the needs, coordinates and plans the attendance of the staff in the relevant trainings.

Article 23

Performance evaluation

1. The Head of Regional Offices on the occasion of the performance assessment may request data from the Chief Prosecutor of the respective region on the work of regional leaders and victims' advocates.

Article 24

The legal criteria for the selection, appointment, discipline, mandate and termination of the mandate for the coordinator, the head of regional offices, regional leaders and staff of ZNM are regulated by the relevant Council Regulation on public officials.

Article 25

OPAV Budget

The Office for Victim Protection and Assistance has a special code, budget and is independent in its administration.

Article 26

Disciplinary responsibility

1. Disciplinary actions of victim advocates and OPAV staff are reported to the Disciplinary Committee of the Prosecutorial Council by the OPAV Coordinator.

CHAPTER V

Transitional and final provisions

Article 27
STANDARD OPERATING PROCEDURES

The Chief State Prosecutor shall issue mandatory guidance on standard operating procedures regarding the implementation of this Regulation and applicable legal provisions on the effective protection of the rights of victims of crime.

Article 28
Organogram

The OPAV organogram reflects the structure and organization of the Office for Victim Protection and Assistance and is an integral part of this Regulation set out in Appendix 1.

Article 29
Repeal

With the entry into force of this Regulation, the Regulation on the Mandate, Structure and Functioning of the Office for Victim Protection and Assistance of 2013 is repealed.

Article 30
Entry in force

This Regulation shall enter into force on the day of its adoption by the Kosovo Prosecutorial Council.

Prishtina, on 13 May 2024

Ardian Hajdaraj

Chairman of Kosovo Prosecutorial Council