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Akademia e Drejtësisë - Akademia Pravde - Academy of Justice

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# Work and Performance Plan for 2023

November 2022

# **Work and Performance Plan for 2023**

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## 1. Abbreviations

AELK - Association of Electronic Libraries in Kosovo

AJ – Academy of Justice

CPA – Central Procurement Agency

DAF – Department of Administration and Finance

EIFL - Electronic Information for Libraries

GIZ - Deutsche Gesellschaft fuer Internationale Zusammenarbeit

ECtHR – European Court of Human Rights

ECHR – European Convention on Human Rights

KJC – Kosovo Judicial Council

PCK – Prosecution Council of Kosovo

OSCE – Organization for Security and Co-operation in Europe

PRP – Program for Research and Publications

STP - Specialized Training Program

ITP – Initial Training Program

CTP – Continuous Training Program

KFMIS – Kosovo Financial Management Information System

IT – Information Technology

USAID - The United States Agency for International Development

## 2. Introduction

Based on the mandate defined by law, the Academy of Justice is engaged in strengthening the capacities of judges and prosecutors, including the capacities of other professionals of the judicial and prosecutorial system. In fulfilment of its mandate by law, the Work and Performance Plan for 2023 has been prepared, which defines the objectives and the concrete actions that should be undertaken to achieve these objectives for this year.

The Work and Performance Plan aims to accurately define the activities in the implementation of AJ programs, taking into consideration the capacities and resources available to the institution, the experience and best practices, as well as new developments.

The Work and Performance Plan has been drawn up in accordance with the national priorities in the field of justice, especially with the Strategy for the Rule of Law, and will provide in detail the activities that will be carried out to increase the professional and interdisciplinary capacities of judges, prosecutors, and other legal professionals. This document defines the responsible units, the actions that will be taken for their establishment, including the time period, and the indicators that will enable the measurement and monitoring of the fulfilment of the results.

In order to implement the Work and Performance Plan, AJ has prepared the Action Plan for the implementation of all planned activities, which is part of this document.

## 3. Fulfilment of the Plan for 2022 and challenges during its execution

The Work and Performance Plan for 2022 has been fulfilled in accordance with the objectives set for this year. In the framework of continuous training for 2022, 113 training activities have been planned for judges, prosecutors, administrative staff and free professions, including training of trainers as well as distance learning. As a result of legislative changes, especially in the Code of Criminal Procedure, as well as other requests from projects with donors, a total of 150 training activities have been carried out by November 1 of this year, while by the end of the year, around 28 other activities are to be carried out. In addition to the activities planned in the form of roundtables for the unification of practice in all areas, specialized programs for fighting organized crime and corruption, trainings for human rights, children's justice, domestic violence, as well as interdisciplinary trainings there were also other trainings delivered in the field

of mediation, domestic violence, and cybercrime which were dedicated to judges and prosecutors from the relevant departments. Also, the Strategy on the Rule of Law has influenced the intensification of a significant number of AJ activities.

In the framework of the initial trainings, the 48 judges and 6 prosecutors newly appointed who constitute the 9th generation of the Academy of Justice, began the initial training in July, and since then the training sessions have been held in accordance with the training program for this year. The implementation of the initial training for the newly appointed judges was carried out in two groups, one group of 18 judges and the other of 30 judges, while the training for 6 prosecutors was carried out in accordance with the program for prosecutors, separately from the groups of judges.

In addition to the implementation of trainings for judges and prosecutors, a significant part of the training activities have been implemented according to the training curriculum for professional associates as well as legal officers of courts and prosecution offices. During this year, the training activities were carried out from the module - material and procedural criminal area to continue in the following year with the material and procedural civil area. As planned, training activities were also carried out for other administrative staff of courts and prosecutors' offices as well as for other legal professionals, namely for enforcement agents, victims' defenders, mediators, as well as for free legal aid officials.

Until March the trainings were carried out through the online platform, ZOOM, but after this period participants had to be present physically since was considered that the causes of the COVID 19 pandemic have been avoided.

In the framework of the evaluation of the training needs for judges and prosecutors, the process was developed in accordance with the planning. All actors of the judicial and prosecutorial system are involved, consuming all sources of information, including the recommendations that emerge from the country's strategic documents. At the end of this process, a report was drawn up which provides an analysis of the assessment of training needs for 2023, the progress of the process, the methodology as well as the results and findings from this process.

In the field of publications, newsletters and training modules have been implemented as planned, while the publication of magazines has been suspended due to legal ambiguities and other obstacles, which AJ has addressed in the draft law on the Academy of Justice.

In the finance sector, all payments for the obligations that have flowed during this year have been made on time. Although there have been difficulties and delays, the procurement plan has been generally executed.



During the year 2022, the Academy of Justice has also faced difficulties especially in the coordination of programs and trainers since, in addition to the great demand for continuous trainings, at almost the same time it has started with the initial training program for the 48 judges and 6 prosecutors newly appointed of the IX generation. In addition to this, the Academy of Justice was obliged to relocate to a new location, since the rented building in which the Academy had been operating had to be vacated as requested. On the other hand, its facility, which is under construction, has not been completed according to the contract due to the obstacles that arose during the construction process. Despite all these difficulties, the people in charge managed to find a building and make it operational without affecting the course of its programs and activities.

### Vision and mission

The Academy of Justice is a state institution of education and training, adapted to the general dynamics of development, a key factor for an impartial, independent and professional judiciary that must enjoy the trust of the public.

The Academy of Justice provides quality training for judges, prosecutors and judicial and prosecutorial administrative staff, as well as for other professionals in the judiciary, prepares analyses, develops research and publishing activities, in accordance with the legal framework in force and good international standards.

### Importance of the Work Plan for 2023

The Work and Performance Plan is an essential instrument for the Academy of Law and a request from the provisions of Article 3 and 4 of Law no. 05/L-113 on Organization and Functioning of State Administration and Independent Agencies as well as Regulation no. 3/2020 on the Performance of Agencies.

So, it is the basic document through which the training program is implemented and at the same time guides the work of each unit within the institution. This document also shows the resources within the institution that must be engaged, the processes that must be developed and the next steps until the results are achieved.

In order to fully implement this plan AJ will engage in the management of work and the coordination of activities between the programs and other services it offers according to the law as well as in the coordination with the institutions and its beneficiaries according to the law. It will also be committed to systematically follow up on the achievements defined in this plan.

## Legal basis and functions of the Academy

Based on Law No. 05/L -095 on the AJ, as well as supplementation of Law no. 08/L-063, chapter IV amending and supplementing Law no. 05/L-095 on the Academy of Justice, the Academy is established as an independent public institution whose main function is to increase the professional capacities of judges, prosecutors, judicial and prosecutorial administrative staff as well as other free professions through the implementation of training and the development of publishing activity and other legal material.

Accountability line of AJ according to *Law no. 08/L-063 on amending and supplementing the laws related to the rationalization and establishment of accountability lines of the independent agencies* falls on its Managing Board. Therefore, with the entry into force of this law, AJ will revise the following sub-legal acts:

- Regulation No. 01/2017 on the Procedure for Appointing and Dismissal of the Executive Director of the Academy of Justice;
- Regulation No. 02/2017 on the Work of the Managing Board of the Academy of Justice;
- Regulation No. 01/2018 on Internal Organization and Systematization of Working Places in the Academy of Justice.

In the meantime the following sub-legal acts are planned to be reviewed:

- Regulation No. 03/2017 on the Initial Training;
- Regulation No. 04/2017 on the Work of the Program Council of the Academy of Justice;
- Regulation No. 05/2017 on Training Fee for State Lawyers, Lawyers and Other Free Professions;
- Regulation No. 06/2017 for Trainers and Mentors of the Academy of Justice;
- Regulation No. 07/2017 on Amendment and Supplementing of the Regulation No. 03/2017 on Initial Training;
- Regulation No. 08/2017 Amendment and Supplementing of the Regulation No. 06/2017 on Trainers and Mentors of the Academy of Justice;

## Bodies of the Academy of Justice

### Managing Board

The Managing Board as the highest body of the Academy of Justice for the year 2023 will focus on reviewing and approving the following issues:

Annual report for 2022  
List of temporary trainers  
List of mentors  
Procedures and Standards for publication  
Draft budget of the Academy of Justice  
Establishment of committees for AJ journals and other committees as needed for the best functioning of AJ;  
Requests of KJC and KPC for the commencement of initial training for judges and prosecutors who are in the recruitment process;  
Training Program and Performance Plan for 2024 as well as other issues that arise during 2023.

#### Program Council

The Program Council as a professional body for the year 2023 will be committed to ensure quality for the training programs and training delivered. In this regard, it will focus on the following issues:

Designing the training program for 2024  
Reviewing the list of trainers and mentors and opinion on the list of potential trainers for the Managing Board  
Ensuring the quality of training programs through the orientation of training methods and techniques, and  
Following up the implementation of the programs and their success.

#### Executive Director of the Academy

The Executive Director of the Academy will engage in the following priorities:

Representation of the Academy in local and international institutions;  
Management, general administration and legality of the work of the Academy;  
Ensure the implementation of the decisions of the Managing Board;  
Propose the annual draft budget of the Academy;  
Propose the Work and Performance Plan as well as the Training Program of the Academy for the year 2024;  
Propose the list of trainers for approval by the Managing Board and appoint the trainers thereof to implement the program;  
Manage the financial means and property of the Academy;  
Propose Draft Regulations.

## Objectives of the Work Plan for 2023

Professional preparation of newly appointed judges and prosecutors - ITP.  
Continuous advancement of the professional and interdisciplinary knowledge of judges, prosecutors, judicial and prosecutorial administrative staff as well as other legal professionals - CTP;  
According to the request of the institutions, the provision of training for free professions;  
Development of training programs, through analysis, research and publishing activity;  
Further advancement of the training methodology  
Advancing and expanding cooperation and coordination with local and international partners, donors and relevant international training institutions.  
Transparency and public relations  
Increasing the quality of services of the administration and finance department

### **Objective I: Professional preparation of newly appointed judges and prosecutors - ITP**

Based on the Initial Training Program for the 9th generation (2022-2023) of newly appointed judges and prosecutors, the training sessions will continue for the 48 judges and 6 prosecutors of this generation. Judges will continue theoretical training sessions 5 days a week until completing the modules planned for this generation and then will continue with practical training sessions in the courts where they are appointed. Prosecutors will continue the theoretical training sessions in parallel with the practical training sessions, i.e. two days of the week they will attend theoretical training sessions, and during the other three days they will attend the practical training sessions in the prosecutor's offices where they are appointed.

While the process of recruiting new judges and prosecutors has been started by KJC and KPC, the Academy of Justice as defined by law will be engaged in drafting/updating the program and implementing initial training for this generation as well. As regards AJ, the new judges and prosecutors who pass all stages of recruitment successfully and as a result are decreed in their respective positions, mark the X (tenth) generation.

The Initial Training Program for 2023 will focus on the following specific objectives:

1. Implementation of initial training for 48 newly appointed judges of the IX generation (theoretical training in the AJ and practical training in courts

- under the supervision of mentor judges).
2. The implementation of the initial training for the 6 newly appointed prosecutors of the IX generation (theoretical training at the Academy of Justice and practical training at the relevant prosecutor's offices under the supervision of the mentor prosecutors)
  3. The implementation of practical training for all 48 judges and 6 prosecutors newly appointed in other institutions of the justice system and outside the judiciary;
  4. Development and implementation of training programs for the X generation of new judges (37) and (22) prosecutors.

#### 1.1 Implementation of the initial training for the 48 newly appointed judges of the IX generation

The initial training for judges started on July 15, 2022 for 48 judges who have gone through the process of being decreed by the president. Until the month of August, 48 newly appointed judges underwent this program, and after this period, one of the judges stopped the initial training due to maternity leave. In the framework of the initial training for judges, the theoretical training sessions will be carried out according to the training modules planned for this generation. The trainings will continue to be carried out in two groups, as in 2022, since the number of 48 people in one room is considered as not providing comfort and at the same time quality and effect of the training. Due to the coordination of the trainers, both groups in 2022 started with different modules, and some of them even had the same modules. The program according to the 2023 calendar will continue to be carried out on 5 days of the week in the modules: Civil, economic and administrative law, Criminal Code and Code of Criminal Procedure as well as Legislation and Complementary Skills until the end of January 2023.

With the completion of the training modules, practical training sessions will continue in the respective courts, which will start at the end of January and will last until the second week of August 2023. During this period, experienced judges will be engaged as mentors in the practical part of this program. On a weekly basis, the mentors will keep the Academy of Justice informed about the developments and results of the practical training, and thus it will be worked towards the achievement of objectives and the successful implementation of this training.

In the framework of practical training, the newly appointed judges will also attend training in non-judicial institutions.

Based on the structure of the program, after the theoretical and practical training sessions, the final test will be scheduled, the results of which conclude the initial program for this generation.

## 1.2 Implementation of the initial training for the 6 newly appointed prosecutors of the IX generation

As part of the initial training for the 6 newly appointed prosecutors of the IX generation, for 5 days a week until July 2023, theoretical training sessions (two days) will continue parallelly in the training modules: Criminal Procedure Code, National and International Legal Order, Criminal Code, Personal and Interpersonal Skills, and Legislation and Complementary Skills at the Academy of Justice, and practical training sessions (3 days) at the prosecutor's offices where they are appointed. The mentors of the prosecutors' office will implement the mentoring of the prosecutors during the practical training and will keep the Academy of Justice informed on a weekly basis about the results, and in the achievement of the objectives and the successful implementation of this training.

In the framework of the practical training, the newly appointed prosecutors will also attend training in non-judicial institutions.

Based on the structure of the program, after the theoretical and practical training sessions, the final test will be scheduled, the results of which conclude the initial program for this generation as well.

## 1.3 Development and implementation of training programs for the X generation of new judges and prosecutors.

The Academy of Justice has monitored the process of recruiting new judges and prosecutors from the KJC and the KPC and in step with these developments it will engage in the drafting/updating of the initial program in accordance with the new legislative changes and in the implementation of this the program conforms to the rules and legislation in force. According to the competitions of the two councils, there will potentially be 37 judges and 22 prosecutors who are expected to be appointed and become part of the judicial and prosecutorial system. The program for this generation will contain training from all branches of law and local positive laws, including *Acuis Communautaire*, ECHR, and other international acts as well as interdisciplinary competence.

Within this program, for newly appointed judges, training will be carried out from 6 training modules, while for prosecutors, 5 training modules, excluding the module that deals with legal issues from the civil, administrative, and economic fields.

The modules to be covered are as follows:

- National and international legal order
- Criminal Code of the Republic of Kosovo
- Criminal Procedure Code

Civil administrative and economic law  
Personal and interdisciplinary skills  
Legislation and complementary skills

Similar to the previous generation, the training will include theoretical and practical training sessions, while the training will begin to be implemented as soon as the process of decreeing is completed.

The Academy of Justice will continue to monitor developments in the judiciary in terms of new recruitment processes and respond to requests for initial training of newly appointed judges and prosecutors.

**Objective II: Continuous advancement of the professional and interdisciplinary knowledge of judges, prosecutors, judicial and prosecutorial administrative staff as well as other legal professionals - CTP**

Professional and interdisciplinary capacity-building of judges, prosecutors, professional associates, and judicial and prosecutorial administrative staff through continuous training is a legal obligation resulting from the Law on the Academy of Justice. The Work and Performance Plan will take into consideration the implementation of the Training Program for 2023.

So the delivery of training activities that are the result of requests from all strategic documents, requests from areas that are a priority for KJC and KPC and with emphasis on the fight against organized crime and corruption, sequestration and confiscation, other forms of misuse of official duties, domestic violence, the aspect of human rights, as well as other issues that challenge judicial practice, based on the needs for the delivery of such trainings, which have emerged from the mechanisms for assessing training needs and the same have been designed to be addressed through the roundtable discussions and the advancement of judicial practice.

The high priority of AJ remains the continuation of training delivery for judges and support staff of the Commercial Court, while training on human rights, criminal offenses of abuse of office, innovations in the Code of Criminal Procedure, and similar topics will be carried out with donors and supporting projects.

Increasing and advancing professional knowledge for professional associates will be a priority in 2023, especially the implementation of trainings according to basic modules in the criminal and civil fields, as well as their participation in joint trainings with judges and prosecutors. Other support staff of the courts and prosecutors' offices will also have training that suits their work tasks, experience, and specific competencies that each of them has in the judicial and prosecutorial system.

Special attention will also be given to other legal professionals, especially enforcement agents, victim advocates, free legal aid officials, and so forth.

In this regard, for 2023, ongoing training will focus on specific objectives and areas, both in their development and implementation:

1. Trainings on the Criminal area
2. Training on Specialized Programs in the Criminal field
3. Trainings on the civil area
4. Trainings in the area of justice for children
5. Trainings on the commercial area
6. Trainings on the administrative area
7. Training in the area of misdemeanours
8. Trainings on constitutional law
9. Trainings on ECHR
10. Trainings on EU law and international law
11. Trainings on interdisciplinary competence
12. Basic training on professional associates and legal officers
13. Trainings on judicial and prosecutorial administrative staff
14. Trainings on the management of courts and prosecutor's offices
15. Trainings on other free professions
16. Trainings of trainers

#### 2.1 Development and provision of trainings that are the result of requirements from strategic documents that have an impact on the judiciary

In the framework of the AJ's Work and Performance Plan for 2023, measures and activities included are a priority according to three basic strategic documents that require improvement, namely increase of professionalism of the prosecutorial and judicial system in Kosovo, which are summarized as Strategy on Rule of Law, Strategy on Protection against Domestic Violence, and National Program for the Protection of Human Rights. These documents are the result of requests from other mechanisms as well, such as NPISAA and the Kosovo EU Country report.

**The strategy on rule of law 2021-2026** - calls for increasing the professionalism and competence of judges, prosecutors, and support staff to improve the quality of justice. Based on the findings that this strategy has detected, the AJ Work and Performance Plan for 2023 will include the implementation of the following activities:

- Providing training for members of performance evaluation committees
- Training of judges and support staff in specialized commercial areas.
- Regular Training of Trainers (To T) sessions.
- Provision of initial and ongoing training for all new and old members of the KZR.
- Specialized support trainings for the Committee on Evaluation of candidates for the position of Chief Prosecutors (CP).



Trainings on the existing verification units of the KPC in order to increase the verification capacities.

Organization of joint trainings for asset confiscation

Revising legal education curricula and incorporating critical thinking skills

Sponsored collaborative trainings between KP, prosecutors, and judges for reasons of better coordination in terms of mutual understanding of relevant codes and laws

Organization of joint trainings for FLA staff, judges, and prosecutors

Implementation of specialized training programs for judges and prosecutors regarding the gendered nature of acts of violence against women, including domestic violence, and the implementation of the Sentencing Guidelines in Kosovo

Organization of joint thematic trainings on free professions with judges, prosecutors, and support staff from courts and prosecutor's offices, with the aim of improved inter-institutional coordination and cooperation between the MJ, AJ, and relevant chambers.

Specialized anti-corruption training for all appointed judges.

Training of judges and prosecutors in order to interpret and apply the same article 430 of the Criminal Code and the Law on Declaration of Assets, as well as to differentiate between false reporting and falsification of documents.

The realization of some of the activities according to this strategy will be challenging for AJ as they are very specific because they are trainings dedicated to commissions, bodies whose activity is performance evaluation, verification, and other issues that are part of the work of KJC and KPC for which the AJ did not have experience in this regard. However, AJ will engage in overcoming this difficulty through coordination and cooperation with international partners and external expertise.

**The Program for the Protection and Promotion of Human Rights - Action Plan 2021-2023**, also seeks to increase the professionalism and competence of judges and prosecutors on international standards for human rights with a focus on freedom of expression, hate speech, freedom of the media and reporting of journalists in accordance with the standards of the Council of Europe. Therefore, the AJ will include the following activities:

Training on the criminal procedure involving offenders with mental disorders

Training on cases of gender-based violence, domestic violence, and sexual harassment with a victim-centered approach

- Istanbul Protocol training for lawyers, prosecutors, and judges who may be involved in court cases
- Anti-discrimination training
- Training on journalists attacks
- Training on Hate Crimes
- Training for cases that violate the rights of persons of the community (LGBTI)
- Training on the practice and jurisprudence of the European Court of Human Rights
- Training on Freedom of expression, hate speech, freedom of the media, and whistleblowing of journalists in accordance with the standards of the Council of Europe;
- Training for the division of joint property after divorce, alimony, financial maintenance of the spouse.

This strategic document in the Action Plan 2021-2023 does not determine the number of training sessions that must be held for human rights standards in the topics above but requires that judges and prosecutors be trained with the possibility of including officials who deal with human rights and gender equality officials.

**The strategy for protection against domestic violence and violence against women 2022-2026** - also calls for increased professionalism in handling cases of domestic violence and, in addition, cases where perpetrators with mental disorders are involved. Therefore, Work and Performance Plan of the AJ will prioritize their execution. Based on the requirements arising from this strategic document, 7 training sessions must be carried out for domestic violence (criminal and civil aspect) as well as 2 training sessions for cases where perpetrators with mental disorders are included in the procedure.

## 2.2 Implementation of specialized training

In the framework of specialized trainings, 9 trainings will be carried out in the following issues:

- STP on Cybercrime
- STP on Money Laundering and Financial Investigation
- STP on Public Procurement
- STP on Organized Crime
- STP on Corruption
- STP on Extremism, radicalism and terrorism
- STP on Domestic Violence

## STP on War Crimes

### STP on Drafting of accusatory acts by the Special Prosecution

These trainings will be carried out in two or three sessions. Beneficiaries of these trainings will be judges and prosecutors from the department for serious crimes, the special department, professional associates from the court and prosecution - special department, as well as an expert from the PSRK. Also, other legal officials who are part of the judicial procedure at certain stages will be included such as investigative police officers, NJIF officials, victims' defenders, as well as officials from other institutions that deal with combating relevant crimes.

### 2.3 Implementation of trainings according to the competence and requirements of judges and prosecutors

The continuous training program will provide other trainings according to the competencies and requirements of judges and prosecutors. To ensure quality, trainers from the ranks of judges and prosecutors as well as other legal professionals with excellent experience and performance in the field of law enforcement will be engaged. The trainings will be designed to target competent judges and prosecutors and will be carried out through case study methodology and other judicial training methods. According to the content, trainings will be carried out in the area of criminal justice, civil justice, juvenile justice, administrative, commercial-commercial, and financial justice, environmental protection, international cooperation, International and European Union (EU) Law, Constitutional Law as well as Offense. There will also be trainings in interdisciplinary competence with an emphasis on judicial writing and reasoning, professional ethics, communication, stress management, representation skills in court, criminal evidence, information technology, case management, and other specific areas.

### 2.4 Delivery of trainings through roundtables for addressing practical problems and issues from judicial practice

From the meetings with judges, presidents, trainers, etc. regarding the training methodology, it has been estimated that the trainings held according to the ex catdre method should be changed and carried out through roundtables. During 2022, AJ has carried out a number of trainings through roundtables and the results have shown that this methodology is very suitable to raise and advance the knowledge of judges and prosecutors in certain fields and topics. Therefore, even during 2023, AJ will hold roundtables with judges and prosecutors in which various legal issues in the criminal, civil and administrative fields will be addressed. These tables will be facilitated and led by judges and prosecutors of the Appellate and Supreme level departments with the sole purpose that legal cases during which the judicial practice faces difficulties and delays to legally solve get adequate solutions in accordance with the laws in force. Roundtables are considered more efficient also due to the fact that at the end the conclusions

of the roundtable are planned which then have an impact on the unification of practice, the drafting of manuals, guides, etc.

## 2.5 Mandatory trainings requested by KJC and KPC

The Academy of Justice will be engaged in the implementation of mandatory trainings that are the result of legal obligations and sub-legal acts of the KJC and the KPC. For the year 2023, based on the needs of the Prosecution Council for training in the field of professional ethics, in coordination with this institution as well as with the chief prosecutors of the prosecutor's office, it will deliver trainings in this area and will include all the prosecutors obliged according to the regulation of the KPC. Also, the Academy of Justice will commit to do the same with the KJC if they decide to continue with mandatory training in ethical issues or other issues for judges.

## 2.6 Training for the management of courts and prosecutor's offices

The advancement of managerial skills for leading positions in the courts and the prosecutor's office has been an integral part of the training program and also a requirement of the Strategy for the Rule of Law. Thus, AJ has engaged in the implementation of this training through expertise from abroad since there was a lack of local expertise. Despite the efforts, it has not been possible to secure expertise in this field. The implementation of this training will remain a priority even further in order to create a sustainable program, including the development of training capacities in this field for the year 2023.

## 2.7 Training for professional associates, legal officers, and judicial and prosecutorial administrative staff

The Academy of Justice will continue with the implementation of trainings according to basic training modules for professional associates and legal officers. During 2022, the trainings for the material and procedural criminal aspects were delivered, while the trainings on the material and procedural civil aspects will continue in 2023.

The essential focus will be on the involvement of all professional associates and legal officers in the courts and the prosecutor's office as well as other trainings according to the requirements and needs set forth in the AJ.

Training for judicial and prosecutorial administrative staff is a legal obligation for the Academy of Justice and in this regard, the Academy is engaged in developing training programs according to job profiles and duties. Based on the Training Program for 2023, the Academy of Justice will focus on the implementation of trainings according to modules that include the professional and interdisciplinary aspects.

## 2.8 Provision of training by the request of institutions of free legal professions

As a result of the cooperation agreements with some of the institutions of the free professions, in addition to the requirements arising from the Strategy on Rule of Law and other strategic documents for the judiciary, the Academy of Justice will continue to provide trainings for private enforcement agents, AFLA \officials, victims' defenders, mediators, and as required and needed for state lawyers. The Academy of Justice will continue to enable their participation in ongoing trainings together with judges and prosecutors. For the number of trainings and other details, refer to the Training Program for 2023.

## 2.9 Implementation of trainings through the remote platform

During 2022, the Academy of Justice has invested in changing the distance learning platform, and the ILIAS platform has been switched to the MOODLE platform, which has been evaluated as more functional for use. This request, in addition to the recommendations of AJ associates, also came from the beneficiaries of the platform.

Since the AJ staff is still not familiar with the MOODLE platform, and it takes time to train the staff from international experts, then the AJ during 2023 intends to continue to provide trainings to its beneficiaries simultaneously with the two (2) platforms (ILIAS and MOODLE).

According to the request from KJC and KPC, AJ will publish its previously developed courses online on the old ILIAS platform, and at the same time, the functionalization and updating of the courses on the MOODLE platform will be done.

In order to provide the most professional trainings, the Academy of Justice in addition to its electronic platforms, is also in continuous cooperation with the Council of Europe, in delivering trainings on the HELP platform of CE. During 2022, two training courses were held on this platform, and during 2023, it is intended that, in addition to these courses, another course will be held on the topic: "Women's access to justice". It should be noted that all these courses will be delivered in both Albanian and Serbian languages.

### **Objective III: Development of training programs through analysis, research, and publishing activity**

The increase of analytical and research capacities is essential for quality training programs and the creation of new publications in the legal field with an emphasis on training modules, manuals, guides, and other forms that facilitate the practical work of judges and prosecutors as the main beneficiaries according to the Law on the Academy of Justice. In this regard, the PRP program for 2023

will be oriented toward the following specific objectives:

- 3.1 Development and implementation of the process for assessment of training needs for 2024
- 3.2 Research of judicial practice in criminal cases
- 3.3 Development and advancement of publishing activity
- 3.4 Implementation of integration measures and policies

3.1 Development and implementation of the process for assessment of training needs for judges and prosecutors

The assessment of training needs is a very special process that aims at the analysis of different sources of information with the sole purpose that the training program addresses practical problems, and at strengthening the capacities of judges and prosecutors in the fair and meritorious resolution of cases in the courts. In this regard, the PRP Program will engage in the implementation of mechanisms for evaluation and make analyses and evaluations according to the standards following developments in the judiciary throughout the year.

Within this process, all actors of the judicial and prosecutorial system will be involved in the identification of difficulties and practical problems. The representatives of all courts and prosecutor's offices and the leaders of the branches will be consulted. All resources within the program will be engaged in analysis and research, in the collection of resources and information, and in accordance with the strategies and priorities of the judiciary, the annual training curriculum will be developed.

3.2 Research of judicial practice in criminal cases

The PRP program will also engage in the research of the judicial practice of the basic courts, namely the criminal division. The main purpose of this research is to identify the most frequent violations of material and procedural nature which then result in unfair or legal decisions and are also returned for review. In order to carry out this research, it will be necessary to analyse the judgments issued by the Basic Courts as well as the decisions of the Court of Appeal. Findings from the research will be a good impact for the creation of the summary or a guiding material on how to apply the material and procedural provisions in the relevant cases.

3.3 Development and advancement of publishing activity

The PRP program will engage in the development and advancement of publishing activity through the adoption of publishing procedures and standards.

Also, the program will be oriented towards the supply of plagiarism detection software or platform, a tool that improves the quality of publications, namely modules and other forms of AJ publications. The execution of the relevant activities will be done if the shortcomings of the legal framework are overcome, namely the development of standard procedures and criteria for publication, the establishment of the body, namely the committee for the evaluation of works, training modules, and if the AJ budget is approved as planned.

AJ exercises its activity temporarily and does not justify the financial cost. However, the Academy of Justice will follow the developments in this field and if the demand for the available resources increases, it will enable the functionalization and also the provision of legal resources. Also, for any development or even new resources, it will enable their use through providing access and providing links for the electronic format.

### 3.4 Implementation of integration measures and policies

The Academy of Justice will cooperate with local institutions and organizations in the implementation of measures and activities in fulfilment of the European agenda. The Academy of Justice will focus on the implementation of the measures set for 2023 which reflect the requirements of the Stabilization Association Agreement and other European integration mechanisms. In this regard, it will continue to cooperate with the local and international mechanisms by providing special periodic reports and other data required by the evaluation missions from the relevant mechanisms.

### **Objective IV: Further advancement of the training methodology**

Advancing training methodology was and remains a priority for the AJ. This component will be realized through:

#### 4.1 Development of a permanent Program for trainers and mentors

The Academy of Justice, in order to prepare a stable cadre of trainers from the criminal field, in cooperation with the US Embassy, during July 2022 carried out the workshop for the certification of trainers from the criminal field. In this workshop, 16 trainers from the criminal field were certified, including Judges, prosecutors, officials from the US Embassy, and trainers from AJ. The purpose and intention of AJ is that these 16 trainers serve as models and trainers for all other trainers from the criminal field, laying the first foundations for the creation of a permanent Trainer Program.

This process is expected to continue during 2023 with the trainers of the civil field, a process which will be done in cooperation and coordination with the US Embassy, OPDAT office.

#### 4.2 Implementation of Training of Trainers (ToT)

Training of Trainers will continue to be the result of cooperation with AJ projects and donors. In this component, the Academy of Justice has numerous collaborations with various Institutions and organizations such as the Office of the Council of Europe in Prishtina, and all its projects, the Embassy of the United States of America, the British Embassy, and various NGOs operating in our country.

During 2023, AJ intends to continue cooperation with the project of International Narcotics & Law Enforcement Affairs (INL), at the US Embassy, where 15 mediators are being trained, who will be included in the list of AJ trainers for the field of Mediation. This training is the continuation of the process started in March 2022, which is expected to be finalized in May 2023, with the certification of the participants who successfully complete the training program.

Also, AJ intends to carry out other Training of Trainers, in particular in the field of Cybercrime with the iPROCEEDS project, then ToT in the field of Domestic Violence, Freedom of Expression, and in the field of confiscation and sequestration of property. The number of sessions and the duration of other ToTs will be determined depending on the content of the relevant trainings. These activities are preceded by the identification of adequate trainers, which will be done according to profile and competence, in cooperation between AJ and international experts.

#### **Objective V: Advancing and expanding cooperation and coordination with local partners, international partners, donors, and relevant international training institutions.**

In order to increase the professional capacities of judges and prosecutors as well as other beneficiaries according to the law, the Academy of Justice will be oriented towards the following specific objectives:

- 6.1 Cooperation and coordination with KJC and KPC as well as with the Courts and Prosecutor's Offices of Kosovo
- 6.2 Cooperation and coordination with other institutions of the justice system
- 6.3 Advancing and expanding cooperation and coordination with international partners, donors, and relevant international training institutions
- 6.4 Institutional planning in the implementation of European integration measures and policies



## **Courts and Prosecutor's Offices of Kosovo**

### **6.1 Cooperation and coordination with KJC and KPC as well as with the**

In order to better implement the training programs, the Academy of Justice will cooperate very closely with KJC and KPC, especially for the trainings that are necessary as a result of the performance evaluation. Special attention will be paid to the coordination with the presidents of the courts for the trainings according to the application, with the prosecution offices, and with the administrators for the implementation of the basic trainings for professional associates, legal officers, and joint trainings with judges and prosecutors. This cooperation will also focus on the development of training curricula according to the needs and requirements of these institutions and on the exchange of information and other issues of common interest. Based on the requirements arising from the Strategy on Rule of Law, the Academy of Justice will pay special attention to the cooperation with the KJC and the KPC for the implementation of the joint measures planned for 2023 and also other measures that have been planned before this year, but which for justifiable reasons, were not realized.

### **6.2 Cooperation and coordination with other institutions of the justice system**

The Academy of Justice will continue cooperation with the institutions of the justice system and with other organizations that focus on the rule of law. In addition to the cooperation with the KJC KPC, Courts and Prosecutor's offices, as was emphasized above, AJ will cooperate closely with the Ministry of Justice, especially in the implementation of strategies that have an impact on the work of the judiciary, in coordination with the Constitutional Court, the Ombudsperson's Institution, Kosovo Police, the Correctional Service, the Probation Service, Kosovo Customs, the Agency for the Protection of Personal Data, the Institute of Forensic Medicine for the implementation of practical programs within the initial training of newly appointed judges and prosecutors. Special attention will also be paid to the implementation of cooperation agreements with institutions such as the Academy for Public Safety, the Insurance Association, Advocacy Training and Resource Centre, the Chamber of Private Bailiffs, the Faculty of Law of the "Isa Boletini" University in Mitrovica, Chechi & Company Consulting, Initiative for Justice and Equality (INJECT), GIZ UNHCR, Non-Governmental Organizations, Agency for Information and Privacy, KJC, KPC, Humanitarian Law, as well as with the school of the Magistrate of Albania.

These cooperation agreements will be further concretized with coordinated and balanced training programs for the beneficiaries of the Academy for which the 2023 Training Program will provide the content and specifics of the trainings .

### **6.3 Advancing and expanding cooperation and coordination with international partners, donors, and relevant international training institutions**

During 2023, the Academy aims to be part of joint international projects for the development of the judiciary as well as various regional and wider initiatives whose main mission is developing the best practices for building a professional judiciary. The Academy will enable trainers and especially its beneficiaries to participate in various trainings, forums, conferences, and workshops in judicial training institutions at the regional level as well as in other organizations that focus on the advancement of judicial training and the rule of law.

During 2023, the AJ plans to carry out more than 40 trainings in support and cooperation with OPDAT, USAID/Commercial Justice, WBROLI/CHEMONICS, KE/IPROSEEDS, INL, AIRE Centre, EJTN, IRZ-EUKOJUST, JUFREX, PECK III, UNDP, GIZ, IRZ, UNHCR, EULEX, OSCE, HUMANITARIAN LAW CENTER KOSOVO as well as initiatives supported by EC, EU and others.

Within the framework of cooperation with these mechanisms, there will be support in the implementation of trainings for money laundering, intellectual property in the field of human rights, justice for children, increasing training capacities for confiscation, financing of terrorism, in the innovations regarding Code of Criminal Procedure in matters of asylum, as well as in other areas relevant to the judiciary.

### **Objective VI: Transparency and public relations**

The Academy of Justice is an important institution for the justice system because it contributes to strengthening the capacities of the judicial and prosecutorial system to have an independent, efficient judicial system that enjoys public trust. Based on this principle, it has also taken care of itself to build mechanisms that contribute to the relationship with the public. In this regard, the Academy continues to further strengthen the public's trust by making its activity and activities transparent through the website and social networks. Even during 2023, it will be further committed to making public all important activities and other processes either through public announcements, publications or other forms.

### **Objective VII: Revision of sub-legal acts and increasing the quality of administrative and financial services**

As emphasized in this plan in the legal basis of the Academy, upon the entry into force of *Law No. 08/L-063 on amending and supplementing the laws*

*related to the rationalization and establishment of accountability lines of the independent agencies, the sub-legal acts that need harmonization with this law will be revised.*

Based on the work plan for 2023 in fulfilment of the legal mandate of the AJ, the Department for Administration and Finance within the legal competencies will support the successful realization of all activities as foreseen in this work plan, which include planned training activities within the framework of the Initial Training Program and the Continuous Training Program, planned activities within the research and publishing activity, and other supporting activities. The priority of DAF, in the field of human resources, will be the strengthening of human resources capacities, filling of vacant positions, improvement of the information technology infrastructure, supplies and maintenance of the facility, development of the prosecution plan based on the needs of the AJ, and budget planning for the following years. Within the framework of the units through which this department operates, it will focus on the following specific objectives:

- 8.1 Development, management and capacity building of human resources;
- 8.2 Budget planning and execution;
- 8.3 Procurement planning;
- 8.4 Advancement, improvement and maintenance of the infrastructure of information technology in the realization of the functions of the Academy of Justice;
- 8.5 Provision of general services for the best functioning of the AJ and the planned activities for 2023 and

### **8.1 Development, planning, and capacity-building of human resources**

The Academy of Justice during 2023 will be focused on providing the best working conditions and increasing their potential. Currently, the Academy of Justice has 32 approved positions of which 25 are filled and 7 other positions are vacant which will be announced in accordance with the Law on public officials. Upon amending and supplementing the Law on AJ, the status of employees will be regulated in accordance with the law on public officials, and in this context the internal organizational regulation, the systematization of jobs, and the filling of vacant positions will be a priority. The Academy of Justice will also be dedicated to increasing the professional capacities of current human resources and in this regard will enable the staff to attend various trainings through KIPA and others, by ensuring adequate training programs, with the aim of benefiting of best practices and new opportunities for professional development.

## **8.2 Budget planning and execution**

The main financial source of the Academy of Justice is the budget of the Republic of Kosovo and various donations. The Department for Administration and Finance will engage in the preparation of budget requests based on the number of training activities planned, estimating the cost for all activities included in the budget. For the year 2023, the budget circular foresees the budget in total of EUR **892,367**, despite the fact that the budget request of AJ was EUR **1,436,988**. So the execution of the training activities as planned within the framework of ITP and CTP with the approved budget will not be possible, which is why most of the activities in CTP will be impossible to be executed. The implementation of training activities within the framework of ITP, which are mandatory trainings, will consume a larger amount of the budget, respectively 319,000 euros only from goods and services. Moving to the new facility has increased the costs of rent, heating, and maintenance. As a result of numerous training activities, translation costs have increased, both of simultaneous interpretation and translation of training modules and other documents. During 2023, the budget is planned to be executed in the maximum percentage and also the potential increase.

Budget planning will be preceded by meetings and evaluations within the organizational units which play an important role in this process. The planning and execution of the budget will be done by complying with the legal rules in force, which ensure the execution of the plan and program of the Academy.

### ***8.3 Procurement planning and successful realization with CPA***

Based on the Law on public procurement CPA is in charge of procurement activities, and conclusion of contracts for the Academy. Through this law the process of carrying out procurement activities has also changed. However, in the field of procurement, the Academy will engage in plans for contract management and their implementation in accordance with the legislation in force. During 2023, according to the plans, the Academy is expected to have about 9 contracts for supplies and services which are necessary in the field of information technology, the purchase of cars, equipment with software for plagiarism, the supply of oil for heating, supply of food, drinks for training needs, and other supplies that are necessary for the work process at the Academy of Justice. Meanwhile, about 6 other contracts for translation services, air conditioning servicing, accommodation in the regions for training needs, and so forth are necessary.

### ***8.4 Advancement, improvement and maintenance of information technology in the realization of the functions of the Academy of Justice***

The use of information technology in the implementation of training programs and other activities through information technology will be one of the main objectives in the field of information technology. The maintenance and management of the hardware and software devices that AJ possesses is a continuous process that requires and provides security and stability for these

devices.

The IT Division will continue to provide IT support services to IT users in achieving AJ objectives.

Areas of priority include the advancement of the database for the management of training activities as a basic system in the Academy of Justice, the advancement of the module for analysis and statistics, the development of training courses on the distance learning platform Moodle, as well as the purchase of laptops that will be used exclusively by newly appointed judges and prosecutors

### Action plan on the implementation of the AJ Work Plan and Performance Plan

For the implementation of the Work Plan and the Performance Plan for the year 2023, the following will be clearly defined in the Action Plan: the objectives, the responsible unit, the deadlines, the budget, and the indicators or the results achieved. The Academy of Justice will monitor the developments in the judicial and prosecutorial system, updating this plan depending on the requirements that may arise as a result of legislative changes or other requirements from the relevant authorities. The supervision of the implementation of the Work Plan is done through the monitoring process, which is carried out on a three-month basis. This process oversees the fulfilment of indicators as well as challenges and risk management.

The plan below lists the eight major objectives which are in line with the needs as reflected above in the work plan. The objectives are real and feasible, but the budget for achieving the objectives in question remains a challenge. In the budget request AJ has requested 1,436,988 Euros, but only 892,367 Euros were approved, and this does not correspond to the planned activities, and thus this budget will make it impossible to execute them.

Therefore, the table below presents the activities and their cost based on the fact that the budget will increase to the extent of the real needs for the execution of the 2023 work plan.

Performance plan for 2023

General objective	Sub-objective	Responsible unit	Deadline	Budget	Source of funding	Indicator/Result
1. Professional training of newly appointed judges and prosecutors of the IX generation as well as the design and implementation of programs for judges and prosecutors of the X generation	Implementation of the initial training for the 48 newly appointed judges of the IX generation (theoretical training in the AJ and practical training in the courts under the supervision of mentor judges).	Initial Training Program(ITP)	January – August		KCB	The final report drawn up for the 48 newly appointed judges of the IX generation trained in the modules according to the 2022-2023 training Program.
	Implementation of the initial training for the 6 newly appointed prosecutors of the IX generation (theoretical training at the Academy of Justice and practical training at the relevant prosecutor's offices under the supervision of the mentor prosecutors) Development and implementation of training programs for the X generation of new judges and prosecutors, namely 37 judges and 22 young prosecutors	(ITP)	January – August			The final report drawn up for the 6 newly appointed prosecutors of the IX generation trained in the modules according to the 2022-2023 training Program.
		(ITP)	January-December			Newly appointed judges and prosecutors trained in the relevant modules according to the training program for generation X

2. Continuous advancement of professional and interdisciplinary knowledge of judges, prosecutors, judicial and prosecutorial administrative staff as well as other legal professionals	Trainings on the Criminal field	(CTP)			319,778		9 trainings, with the participation of up to 90 judges, 40 prosecutors, 20 professional associates
	Training on Specialized Programs in the Criminal field	(CTP)	January-December			KCB budget	9 trainings, with participation of up to 50 judges, 20 prosecutors, 10 professional associates and trained SPRK experts
	Trainings on the Civil field	(CTP)	January-December				15 trainings, with participation of up to 150 judges, 30 professional associates
	Trainings on the field of justice for children	(CTP)	January-December				10 trainings, with participation of up to 50 judges, 20 prosecutors, 20 professional associates, 10 probation service officials, 5 police officers

Trainings on the Commercial field	CTP)	January-December				9 trainings with the participation of up to 54 judges, 15 professional associates, 2 prosecutors and 2 police officers, 3 private enforcement agents	
Trainings on constitutional, administrative, and criminal law and the Special Chamber of the Supreme Court	CTP)	January-December				14 trainings with the participation of up to 70 judges, 10 professional associates, 10 officials of the Ministry of Internal Affairs	
Trainings on ECHR	CTP)	January-December				11 trainings with the participation of up to 45 judges, 35 prosecutors, 22 professional associates and legal officials, 11 state lawyers, 5 free legal aid officers	
Trainings on EU law and international law	CTP)	January-December				2 trainings with the participation of up to 8 judges, 4 prosecutors, 4 professional co-authors and 4 officials of the Ministry of Justice	
Trainings on interdisciplinary competence	CTP)	January-December				4 trainings with the participation of up to 20 judges, 10 prosecutors, 5 professional associates and 4 legal officials,	



	Implementation of mandatory trainings according to the requirements of KJC and KPC	(CTP)	January-December			6 trainings with the participation of up to 30 prosecutors
	Implementation of trainings for professional associates and legal officers of courts and prosecutor's offices	(CTP)	January-December			Up to 130 professional associates and 30 legal officials trained
	Training for judicial and prosecutorial administrative staff	(CTP)	January-December			Up to 75 administrative staff members including Administrators, assistant administrators, head of the CMO, referents, statistics officers, legal secretaries, archivists, public communication and media officers of the courts and prosecutions as well as legal officers and officers from the performance evaluation unit of judges and secretarial prosecutors of the KJC and KPC trained

<sup>1</sup> The number of trained judges and prosecutors depends on the performance assessment and the requirements of the KJC and KPC.

3: Building of analytical and research capacities and of publishing activity	Provision and implementation of trainings according to the requirements of institutions of free professions	(CTP)		NA		Private enforcement agents, victims' advocates, AFLA officials as well as NGO officials who provide free legal aid, trained
	Implementation of trainings through the remote platform	CTP and the IT unit	January - December	285,712		I new course and I that will be edited and completed for judges, prosecutors, other professionals, and 40 court translators/interpreters
	Implementation of the training needs assessment process for 2024	Program for Research and Publications (PRP)			KCB	Report with the analysis and assessment of training needs drawn up
	Case law research	PHP	January-December			Report with the analysis of judicial practice in criminal cases
	Development of publishing activity	PHP	January-December			Procedures for publication standards approved
	Institutional planning in implementation of European integration measures and policies	AD	January-December	62,422		Reports for relevant mechanisms drawn up

5. Further advancement of the training methodology	Development of permanent Program for trainers and mentors	AD	January-December			Training of trainers program designed
	Implementation of training of trainers	CTP	January - December	24,410		5 trainings of trainers in the field of mediation, confiscation, cybercrime, domestic violence and freedom of expression and media with up to 25 judges, 10 prosecutors and 10 other beneficiaries according to the law, trained
5. Increasing transparency and public relations	Providing access to stakeholders	AD	January-December			About 40 posts on LinkedIn, 120 on facebook, and announcements and reports on the web according to planned activities both in the Training Program and in other activities in function of the work process in the AJ
6. Revision of sub-legal acts and increasing the quality of	Review, development and amendment of internal acts	AD	January – December			7 internal acts revised and amended

administrative and financial services	Development, management, and capacity-building of human resources	Department for Administration and Finance (DAF)	January-December		KCB	Internal organization and systematization Filling vacant positions Number of AJ staff trained
	Planning and execution of the budget in accordance with the legal rules in force	(DAF)	March-October			MTEF-Budget 2024-2026 drawn up and approved by MB
	Procurement planning and fair management of contracts	(DAF)	January-December			Completed and implemented plan
	The use of information technology in the realization of the functions of the Academy of Justice	(DAF)	January-December	106,800		List of functional equipment
	Development of the technical specification for updating the database	DAF in cooperation with experts from EUKOJUST				Final report of the technical specification for the development and advancement of the database
	Development of the technical specification for the supply of laptops	DAF and CPA	January			Supply of 60 laptops
Providing general services for the better functioning of the AJ and activities planned for 2023	(DAF)	January-December			Supplies and services received and the report	

The budget according to the request of the Academy of Justice for the year 2023 and according to the budget circular 2023/2 of the Ministry of Finance, Labour and Transfers;

Category	Budget Circular 2023/02 - MFLT	Budget request 2023	Difference between Budget Request 2022 - Budget Circular 2023/02 - MFLT
Salaries and Wages	244,867	365,751	(120,884)
Goods and services	435,000	853,737	(418,737)
Utilities	16,500	20,700	(4,200)
Capital expenses	196,000	196,800	(800)
<b>Total budget</b>	<b>892,367</b>	<b>1,436,988</b>	<b>(544,621)</b>

## 9. Challenges and risks

The realization of this plan contains challenges and risks, among which we emphasize the following:

- The process of amending and supplementing the Law on the Academy of Justice according to the needs;
- Ensuring a sufficient budget according to the plans defined for the realization of all activities in the training programs;
- Insufficient budget for the inventory and full functionality of the new AJ facility;
- Insufficient staff for the implementation of research activities, communication and public relations;
- Numerous requests of projects with donors for ad-hoc trainings that are not planned in the Training Program;
- Ensuring there are participants in ad-hoc trainings;

- Construction of the monitoring system of trainings and their effect at work;
- Developing the permanent program for trainers and building the capacities of trainers;

The Academy of Law will draw up a special register which will present all possible risks, the degree of risk, the persons responsible for addressing these risks, as well as other specifics as defined by all relevant standards for risk monitoring and management.

## 10. Conclusion

The work and performance plan for the year 2023 has been designed in accordance with the new circumstances which define in detail the implementation of activities from the programs through which the Academy of Law operates, as well as the units responsible for their implementation. The staff of the Academy will engage in the fulfilment of this plan, taking into consideration the actions and deadlines set for each of the activities foreseen.