



Republika e Kosovës • Republika Kosovo • Republic of Kosovo
Institucioni i Avokatit të Popullit • Institucija Ombudsmena • Ombudsperson Institution

Ombudsperson,

In conformity with Article 132 and Article 133 of Constitution of the Republic of Kosovo, Articles 33 and 37 of Law no. 05 / L-019 on Ombudsperson, Constitutional Court's Judgment No. KO 73/16, and Articles 10, 15, 16, 20 and 91 of the Rules and Procedure No. 02/2016 of the Ombudsperson Institution,

promulgates,

**REGULATION
NO. 01/2021
ON THE PROCEDURE FOR ENGAGEMENT OF EXTERNAL CONSULTANT AND
EXPERTS**

GENERAL PROVISIONS

**Article 1
PURPOSE**

This Regulation shall define the procedures and conditions of engagement of external consultants and experts in a specific field for temporary engagement in the Ombudsperson Institution (OI).

**Article 2
DEFINITIONS**

For the purposes of this Regulation, expression “external consultant or expert” shall mean a natural or legal person who owns professional skills and appropriate qualifications in a specific relevant field suitable for engagement in the OI.

**Article 3
IDENTIFICATION OF NEEDS FOR ENGAGEMENT OF CONSULTANTS AND EXPERTS**

1. Organizational units in the OI shall identify and present the working needs for the engagement of external consultants or experts in areas in which it is estimated that internal professional capacities are short of.

2. The request for engagement of external consultants and experts is initiated by OI organizational Units, such as: Heads of Departments, Offices and Units of Ombudsperson Institution.
3. More than one external consultant and expert can be engaged in a certain field, depending on the needs of the OI.
4. Submitted requests of the OI Units for the engagement of external consultants and experts shall contain detailed job description and responsibilities as well as the duration of the engagement.
5. The initiating request of the organizational Units shall be submitted to the Ombudsperson for approval.

Article 4

PROCESS AND PRINCIPLES OF ENGAGEMENT

1. The process of hiring external consultants and experts shall be conducted by the Human Resources Division (HRD) of the OI.
2. The hiring process of external consultants and experts shall be carried out through an open public competition.
3. The engagement of external consultants and experts shall be based on the principle and equal opportunities, non-discrimination, merit, transparency, professionalism and impartiality.

Article 5

PUBLIC ANNOUNCEMENT

1. The Ombudsperson Institution shall announce the vacancy in the OI website or in other media as well.
2. The announcement shall define the areas in which engagement of external experts is needed as well as the technical and professional criteria that must be fulfilled by the engaged expert. The general criteria are defined as: relevant school qualification, professional experience and the same or related expertise with the relevant field in the OI.
3. The announcement shall also provide other information which is considered relevant for interested candidates.
4. The public announcement shall be open for at least eight (8) calendar days

Article 6

REVIEW OF APPLICATIONS, COMPOSITION OF THE COMMISSION AND SELECTION OF CANDIDATES

1. After public announcement for the position has been closed, the Ombudsperson shall take a decision on establishment of the Commission for the review of applications and evaluation of candidates.

2. The Commission shall consist of three (3) members who shall review the applications and evaluate the candidates based on the criteria set by the public announcement.
3. Upon evaluating the candidates, the Commission shall prepare a report with the list of candidates that meet the specified criteria. The report with listed candidates shall be submitted to the Ombudsperson.
4. It is at Ombudsperson's discretion to select the candidates from the list proposed by the Commission.

Article 7

CONTRACTUAL RELATIONSHIP

1. On the grounds defined by this Regulation, the rights and obligations between the OI and external consultants and experts will be determined by special agreement, based on the provisions of the Law on Obligational Relationships.
2. Selected external consultants and experts can enter into contractual relationship with the OI for a certain period of up to one (1) year, with the possibility of its extension.
3. The contractual agreement shall define the rights, responsibilities and obligations of the contracting parties.
4. The contractual agreement is concluded in writing by both parties.
5. The Ombudsperson shall appoint an official to coordinate and supervise the work of external consultants or experts.

Article 8

NOTIFICATION OF SELECTED CONSULTANTS OR EXPERTS FOR ENGAGEMENT

1. Head of the Human Resources Division or other authorized official, within three working days, upon accomplishment of the procedures by the selection Commission and the Ombudsperson's decision, shall invite the external consultant or expert to sign the agreement.

Article 9

RESPONSIBILITIES OF THE EXTERNAL CONSULTANTS AND EXPERTS

1. The external consultants or experts, during their engagement in the performance of duties, shall:
 - a) Respect the Law on Ombudsperson, applicable local and international legal standards in the field of protection of human rights;
 - b) Apply the principles of confidentiality by signing the relevant statement;
 - c) Provide advice and cooperate with OI employees, by discussing and harmonizing their stands;
 - d) Adhere to certain deadlines for exercising and performing the work duties for which he/she is engaged;
 - e) Compile regular report on expertise or work performed;
 - f) Report to the person authorized by the Ombudsperson.

2. The external consultant and expert during the field visits shall be accompanied by OI officials.
3. Necessary technical and administrative support services (translator, driver, etc.) as well as a suitable working space shall be made available to external consultants and experts, if the work / activity is done within the OI headquarters, if the needs of the work so require.

Article 10

MAINTAINING OF OFFICIAL SECRECY

1. External consultant or experts engaged under this Regulation, in order to perform their duties under the contractual agreement, are obliged to maintain with responsibility, diligence, professionalism and due care the confidentiality of data and information they receive during their work and engagement in the OI.
2. Submission of documents, data and information by external consultants or experts to other unauthorized persons constitutes violation of the essential provisions of the agreement and other applicable laws.
3. Any breach / violation of the agreement from paragraph 1 and 2, shall be treated according to the legislation in force and may be a reason of termination of the agreement.
4. The obligation of the external consultant and expert to maintain the confidentiality (secrecy) of data / information does not cease even after the termination of cooperation with the OI.

Article 11

REMUNERATION OF EXTERNAL CONSULTANTS AND EXPERTS

1. Remuneration of external consultants or experts is negotiated by the parties, depending on the manner and duration of their engagement.
2. Remuneration is made through the bank account based on the deadlines set in the agreement between the parties.

Article 12

ADMISSION OF THE WORK OF EXTERNAL CONSULTANTS AND EXPERTS AND TERMINATION OF THE AGREEMENT

1. Admission of the work of the external consultant and expert is done by the authorized official who shall supervise implementation of the Agreement. The responsibility for further treatment of the results of external consultants and experts work, according to supervisor's report, shall rest with the Ombudsperson.
2. In case the engaged external consultant or expert fails to perform the task according to the instructions and the agreement, the authorized official shall recommend termination of the agreement to the Ombudsperson.

3. Termination of the agreement can be done also by the OI in the case when external consultant or expert is considered to have violated the Code of Ethics and Professional Conduct, when exposes negligence at work in exercising his/her duties or when being punished for a criminal offense related to his professional work.

Article 13

FUNDS FOR PAYMENT OF EXTERNAL CONSULTANTS AND EXPERTS WORK

Compensation for the engagement of external consultants or experts is made within the economic category "Goods and Services", or by donor funds (based on the agreement with the donor).

Article 14

ENTRANCE INTO FORCE

This Regulation shall enter into force the day it is signed.

Naim Qelaj
Ombudsperson

Prishtinë, 30 July 2021