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**Ombudsperson,**

Pursuant to Article 37 of the Law No. 05/L-019 on Ombudsperson (Official Gazette of Republic of Kosovo No. 16/26, June 2015, Prishtine),

Promulgates:

**CODE OF ETHICS No. 01/2023 OF THE OMBUDSPERSON INSTITUTION**

**CHAPTER I**

**GENERAL PROVISIONS**

**Article 1**

**Purpose**

Ombudsperson Institution's (henceforward: OI) Code of Ethics (henceforth: Code) defines principles and terms which regulate the conduct of Ombudsperson Institution employees in the course of performing their tasks and out of them, with the aim in respecting its mission and maintaining OI authority.

**Article 2**

**Scope of action**

1. Provisions of this Code shall be applied to OI employees.
2. Provisions of this Code shall accordingly be applied to Deputies of the Ombudsperson, to the staff of Ombudsperson’s cabinet, to external experts as well as interns.

**Article 3**

**Definitions**

For the purposes of this Code, the term "employee" shall mean the staff according to the Law on Ombudsperson as well as OI sub-legal acts.

**Article 4**

**Basic principles**

1. The employee shall abide to the principles, but not limited to:

1.1. integrity;

* 1. legality;

1.3. impartiality and independence;

1.4. confidentiality;

1.5. transparency.

**Article 5**

**Integrity**

The employee shall have high standards of personal and professional integrity, including honesty, sincerity and fairness. The employee shall express faithfully the truth, without fear and without being influenced by the political, social, religious or economic stands and beliefs of persons he/she encounters in the course of exercising of his/her duties. Furthermore, the employee shall maintain immaculate his/her moral figure and avoid behavior or actions that violate the authority and image of OI, towards public opinion.

**Article 6**

**Legality**

The employee shall perform his/her duties diligently, honestly and impartially, in accordance with the Constitution and the law. It is employee’s duty that through enforcement of the Constitution, the Law and sub-legal acts, to achieve the highest possible extent of legitimate/ legal certainty, objectivity, trust, as well as to avoid any kind of situation that shall impair OI image.

**Article 7**

**Impartiality and independence**

The employee shall perform his/her duties impartially, independently, objectively and professionally, and shall not be influenced by internal and external intrusion. Furthermore, the employee shall take into account and assess impartially any type of information on the issues he/she is dealing with, in order that appropriate conclusion is achieved.

**Article 8**

**Confidentiality**

1. The employee shall maintain and guarantee the confidentiality of classified information and personal data, to which he/she has become familiar in the course of exercising his/her function, pursuant with the legislation in force.
2. The employee shall respect the confidentiality of deliberations held during OI activities.

**Article 9**

**Transparency**

The employee shall perform his/her duties in a transparent manner. He/she shall maintain the confidentiality of the information in his/ her possession, according to the legislation in force.

**CHAPTER II**

**Rules of courteousness during the work**

**Article 10**

**Employee courtesy**

1. The employee in his work shall be guided by the principles, but not limited to integrity, lawfulness, impartiality and independence, confidentiality and transparency.
2. The employee shall perform the work and tasks in a fair and efficient manner.
3. The employee shall use financial and non-financial public assets fairly and shall not misuse them.
4. The employee, shall not in any way misuse his/her official position for his/her personal interest or for the interest of someone else.
5. The employee, in the course of exercising his/her tasks, shall maintain the authority of the OI.
6. The employee shall perform his/her duties professionally, responsibly and independently, without being influenced by others.
7. The employee, while performing the duty, commonly shall behave with courtesy, regardless of nationality, religious, political belief, gender, health and family status.
8. The employee shall respect the work of others and cooperate in order to raise efficiency and quality at work.
9. The employee shall be watchful not to obstruct colleagues in the course of performing their official tasks.
10. The employee shall not express curiosity about issues and matters not assigned to him/her and shall not comment on colleagues’ conduct.
11. The employee approach to colleagues at work shall be responsible and professional.
12. Relations between employees shall be based on mutual respect, as well as on preserving dignity and personality.
13. The employee shall not express his/her official point of view regarding the issues that are under consideration in the OI.

**Article 11**

**Protective measures**

1. If the employee considers that he/she is required to act contrary with the law, such violations shall be reported to the competent body, in accordance with the legislation in force.
2. The employee must refrain from situations that in any way shall hamper obtaining fair and efficient decisions related to the work and OI mandate.

**Article 12**

**Dressing and appearance in a place of work**

Dressing and appearance in a place of work shall be suitable, in order to represent the Institution as decently as possible, in accordance with the legislation in force.

**Article 13**

**Conduct with citizens**

1. Employee’s shall welcome every citizen with courtesy, he/she must communicate and respond with professional ethics to citizens' complaints, in order to preserve and respect his/her dignity and personality.
2. The employee shall not withdraw due to fear, pressure or difficulty that may be faced in the course of exercising the function.
3. Rules of this article shall be applied accordingly to other employees, who do not deal with citizens' complaints, but communicate with them in other forms.

**Article 14**

 **Preservation of official confidentiality**

1. The employee shall be obliged to maintain official confidentiality, in accordance with the law and OI internal acts.
2. The employee shall ensure preserving the confidentiality by organizing the work in his/her office, particularly with regard to the correspondence he/she maintains with others.

**Article 15**

**Prevention and avoidance of conflict of interest**

1. The employee, while discharging his/her public function, shall act in defense of the public interest and has no right to place his/her private interest before the public interest.
2. In order to avoid conflict of interest, the employee shall act pursuant to the provisions of the relevant Law on Prevention of Conflict of Interest.
3. The direct superior, based on the data at his/her disposal, must take the necessary measures to avoid appointment or election of a person in positions in which a conflict of interest may occur or has already occurred, according to the provisions of the relevant Law on the Prevention of Conflict of Interest.

**Article 16**

**Gifts, favors and other benefits**

1. The employee shall not accept gifts or other favors for himself or for his/her family members, which are related to the exercise of official duties, except for protocol or occasional gifts, in accordance with the law.
2. Protocol gifts are considered gifts brought by representatives of foreign countries and international organizations during visits and other occasions, or gifts given under similar conditions.
3. If the occasional gift is not of a personal nature, it shall immediately become the property of the employing institution.
4. The employee shall not accept monetary gifts.
5. Any gift received by the employee must be presented and registered to the responsible official of the employing institution, who is in charge of gift registering.
6. In all circumstances of receiving gifts, one shall act according to the law.

**Article 17**

**Abuse of duty**

1. The employee shall not use the authority entrusted to him/her, especially to do favors or privileges for colleagues, for citizens or for different groups, for financial, political, sexual or any other benefits. Also, he/she shall not make private promises on behalf of the Institution he/she represents.
2. The employee shall not in any way use his/her official position, or permit persons related to him/her, to encourage or force another person, including subordinates, for any financial benefit or any other type of benefit for personal interests.

**Article 18**

**Participation in organizations and work outside OI**

1. The Ombudsperson and his/her Deputies shall not have any other employment relationship, with or without remuneration, in public, private or non-profit entities, with the exception of teaching, copyright, cultural activities and giving lectures.
2. The employee at the OI shall perform other activities, outside working hours, which do not affect professional independence and impartiality. In particular, the employee is prohibited from participating or working in any organization that supports any discrimination and restriction of human rights and freedoms.
3. If there are doubts that an activity may be contrary to the above-mentioned principles, the employee must consult his/her supervisor.

**Article 19**

**Use of institution’s property**

The employee must protect and preserve the property of the OI, including official documents and use it for the purposes of performing duties and responsibilities assigned to him/her in accordance with the legal and sub-legal acts in force. Every employee must use tools provided by job position, solely for performance of his/her tasks and not for personal purposes.

**CHAPTER III**

**Conduct within and outside the Institution**

**Article 20**

**Conduct with the supervisor**

1. The employee, politely, shall present the supervisor with information on the issue within his/her competence and express his/her opinions on handling of various issues.
2. The employee shall implement action policies of his/her superior or the managing body and his/her conduct must be in full compliance with the legislation in force.
3. The employee shall disclose the problems that occur during task exercising and discuss finding the most efficient solutions with the direct manager.

**Article 21**

**Conduct with the subordinate**

1. Superior or the managing body shall be an example of conduct for his subordinates, respect and listen to the opinions and views of his/her subordinates, promote cooperation as well as always be responsible for the final decision.
2. The superior or the managing body shall supervise the work of his subordinates, take responsibility for their actions and mistakes, as well as recognize and protect the rights of his/her subordinates.
3. The superior shall be obliged to carefully, in accordance with the law and sub-legal acts, assign tasks to his/her subordinates, supervise their work, take care of their status, and in particular in performing the tasks assigned and conduct with the parties.
4. The superior shall guide and inform his/her subordinates of the principles of this Code.
5. The superior shall provide his/her subordinates with adequate working conditions, professional training as well as legitimate employee status, in accordance with the law.
6. The superior or the managing body shall be obliged to inform his/her subordinates about the obligation to dress appropriately during working hours and, in particular, for refined and desirable conduct with the parties.
7. The superior shall respect the dignity, personality, ideas and initiatives, as well as promote cooperation of the staff he/she manages, while maintaining the right to make decisions.
8. The superior shall motivate his/her subordinates in performing their tasks with professionalism, mutual respect, good cooperative relations and shall be a good example for others.
9. The superior or the managing body shall protect the rights of his/her subordinates and in no way shall be allowed to violate or limit their rights.
10. The superior shall evaluate in equal manner, objectively and efficiently the conduct of his/her subordinates and not to favor any of them.
11. The superior or the managing body shall provide his/her subordinates equal opportunities for career development, professional promotion and motivation at work.

**Article 22**

**Conduct with colleagues**

1. The employee shall behave in a collegial manner, with respect as well as not to comment on professionalism, integrity, efficiency, personal (private) life or dignity of others.

2. The employee shall disclose good behavior, based on understanding, mutual respect and solidarity, and have a spirit of cooperation in daily practices and actions, in order to accomplish Institution's mission. He/she, along with his colleagues, must behave with courtesy and honesty, regardless of ethnicity, religious conviction, sex, family status, health status or any other circumstances.

3. The employee shall respect the work done by others and not veil or minimize their efficiency, but support them, help them and offer cooperation with their own knowledge and experience.

**Article 23**

 **False declaration or denunciation**

 False declaration or denunciation is punishable by the internal OI rules.

**Article 24**

**Sexual harassment**

1. Sexual harassment shall mean any form of unwanted verbal, non-verbal or physical behavior of a sexual nature, with the aim of violating the dignity or that violates the dignity of the person and creates an environment which is objectively intimidating, hostile, degrading or humiliating.
2. Sexual harassment is a criminal offense punishable under the Criminal Code of the Republic of Kosovo.
3. Criminal responsibility according to paragraph 2 does not exclude disciplinary responsibility in the OI.

**Article 25**

**Conduct with Institutions and Civil Society**

1. The employee shall promote cooperation in the fields related to OI mission, with all public authorities, with international organizations, with civil society within and outside the country.
2. The employee shall promote cooperation with educational and scientific institutions, in the fields related to the OI mission, by providing them with information and by all means facilitating cooperation with them.
3. The employee shall not make any type of promise or represent the Institution, without obtaining prior permission from the supervisor.
4. The employee shall represent the OI with dignity, in meetings, events, in international organizations, in educational institutions, in conferences, etc., by respecting Kosovo Republic legal order.
5. The employee, when representing the Institution in meetings, in working groups or in commissions, shall express the opinion or attitude of the Institution and not his personal one.

**Article 26**

**Conduct with media**

1. The employee shall not make public statements and provide information and other documents if he/she has not previously received approval from the supervisor.
2. The employee must not disclose confidential information related to work, in accordance with the legislation in force.
3. The employee, while providing public statements, shall not be allowed to give incorrect information and personal opinions about the issues in any way.

**Article 27**

**Implementation of the Code**

1. The employee must strictly implement this Code.
2. The direct superior shall have the responsibility to assess whether the employee is applying the rules set forth in this Code and shall propose or take the appropriate disciplinary measures for its violation.
3. For violation of the rules provided in this Code, when they do not comprise a criminal offense, disciplinary measures shall be applied in accordance with the legislation in effect.
4. The Department of Personnel shall inform employees about the OI Code of Ethics.

**Article 28**

 **Abrogating provision**

By entrance into force of this Code, the Code of Ethics of Ombudsperson Institution, by Decision No. 03/2011, of 26th of April 2011, is repealed.

**Article 29**

**Entering into force**

This Code shall enter into force on the day of its publication in Official Gazette of Republic of Kosovo.

Prishtinë, on 11/09/2023 Naim Qelaj

 Ombudsperson