



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

STRATEGY OF THE OMBUDSPERSON INSTITUTION

2021-2025

(Revised in 2024)

June, 2024

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1. Introduction

The Ombudsperson in the Republic of Kosovo is an independent constitutional institution.

In accordance with its mandate, the Ombudsperson Institution (OI) has defined its vision, mission, strategic goals, and actions through its institutional Strategy, serving as guiding principles for its operations from 2021 to 2025 (revised as of early 2024). This Strategy prioritizes the objectives of the Ombudsperson and underscores its role and responsibilities as an institution, grounded in the pertinent provisions of the Constitution of the Republic of Kosovo, the Law on Ombudsperson, international standards, and other relevant national legislation.

The purpose of the OI Strategy is to enhance the impact of the Ombudsperson's efforts in overseeing, safeguarding, and promoting human rights and fundamental freedoms, thereby contributing to the prevention of violations by public institutions. Moreover, the Strategy aims to raise awareness and educate citizens about human rights and freedoms, as well as the mandate, role, and responsibilities of the OI as a National Human Rights Institution (NHRI). It seeks to improve operational efficiency and effectiveness, ensure transparency, and enhance professional and administrative capabilities. In addition, the OI, as an NHRI, emphasizes the correlation between the Sustainable Development Goals (SDGs) and the principles of the 2030 Agenda with human rights and freedoms, viewing them as mutually reinforcing elements that advance progress in this direction.

The determination of objectives, indicators, and goals outlined in this Strategy has been taken into consideration various factors and circumstances that influence the functioning of the OI. The constitutional and legal obligations of the OI are the primary and foremost considerations guiding the strategic directions aimed at ensuring their optimal implementation. The manner of interaction with other institutions and the challenges posed, particularly in response to or inaction on recommendations by the OI, form the basis for heightened focus by the OI on activities aimed at overcoming or mitigating these challenges. Furthermore, considerations regarding the OI's position within the broader institutional framework and its current capacities – both financial and professional – are factors that facilitate or constrain the planning of future medium-term measures. The ongoing support provided to the OI by international mechanisms through their offices in the country represents a significant impetus and endorsement for the successful execution of the Strategy.

The drafting of the 2021-2025 Strategy was preceded by an assessment of the initial institutional Strategy, the findings and challenges outlined in the Report on the implementation of the OI Strategy 2017-2019, conducted in August and September 2019. Meanwhile, the revision of this Strategy in early 2024 was conducted subsequent to an analysis and evaluation

of the 2021-2023 Implementation Plan, taking into account the challenges and deficiencies identified during this period.¹

The OI Strategy 2021-2025 (revised in 2024) sets forth the fundamental pillars for implementing institutional policies. Together with the Action Plan, it serves to assess the performance of specific segments of the organization and the overall work of the OI, ensuring the fulfilment of its mandate and responsibilities. **Reporting and monitoring the Strategy and Plan implementation are required biannually, covering six-month periods at the end of the second and fourth quarters.**

2. Executive summary

The Ombudsperson's Strategy for 2021-2025 (revised in 2024) outlines strategic goals and specific objectives to be achieved during this period. In alignment with evolving dynamics and the Ombudsperson's commitment to effectively fulfilling its mandate and role, the Strategy underwent revision in 2024 concurrent with the development of its Action Plan for the closing two-year period of 2024-2025.

Central to the Strategy is a chapter detailing general goals, specific objectives, indicators, and targets.

The OI Strategy encompasses four strategic goals, each accompanied by specific objectives. These strategic goals and specific objectives are as follows:

Strategic goals	Specific objectives
1. Protection and supervision of fundamental human rights and freedoms	1.1 Increasing effectiveness and efficiency in the protection and supervision of human rights
	1.2 Increasing the rate of implementation of OI recommendations
	1.3. Supervision of legislation in relation to human rights and freedoms in Kosovo
2. Promotion of basic human rights and freedoms and the role of the OI	2.1 Communication with the public, with the aim of raising awareness about basic human rights and freedoms and the role of the OI
	2.2 Promotion and education about human rights and the role of OI towards the public and the responsible institutions

¹ The workshop conducted in Peja from January 25-28, 2024, focused on evaluating the implementation of the 2021-2023 Implementation Plan and drafting the Implementation Plan for 2024-2025 under the OI Strategy (2021-2025). Further refinement and finalization took place during a meeting involving the OI, OOI, Secretary, and department directors on March 14th, 2024.

	2.3 Increasing the cooperation between the OI and institutions, non-governmental organizations, as well as the international cooperation
3. The correlation of the 2030 Agenda and the Sustainable Development Goals (SDGs) with human rights	3.1 The correlation of CSOs with human rights in the local context
	3.2. Contribution, monitoring and follow-up of the human rights-based approach to the implementation of the 2030 Agenda for Sustainable Development
4. Poor development of the institutional capacities and human resources of the OI	4.1 Capacity building and professional, administrative and managerial development of the OI staff
	4.2. Capacity building through international cooperation
	4.3. Review of internal normative acts, procedures and functioning

The Strategy has also determined the methods of monitoring and reporting, the time limits for these activities, and the persons responsible for reporting. As outlined in the initial document², the Strategy was revised, supplemented, and corrected after a three-year period according to the dynamics of developments and identified needs.

The evaluation of the financial impact of the Strategy is conducted by assessing the cost of each activity defined in the implementation plan of the Strategy. The summary of the financial impact assessment, considering the sources of financing, is reflected in the annual budget expenditure.

3. Methodology

The Strategy for the Ombudsperson Institution 2021-2025 was primarily based on the findings and recommendations issued in the Report on the Implementation of the Strategy and Development Plan of the Ombudsperson Institution 2017-2019, which was drawn up during August-September 2019. The text of the 2021-2025 Strategy was reviewed in November-December 2020 to reflect the developments, vision, and intentions of the new Ombudsperson, who was appointed by the Assembly of the Republic of Kosovo in October 2020. The coordination of the work in drafting the Strategy was managed by the Working Group established by the decision of the Ombudsperson on September 18th, 2019, and revised in November 2020. The drafting of the Strategy and the Implementation Plan was assisted by an external expert, supported by the European Union project “Support to the Ombudsperson

² See the Strategy of the Institution of the Ombudsperson 2021 – 2025 and the implementation plan of the Strategy of the Institution of the Ombudsperson 2021 – 2023 <https://oik-rks.org/2021/07/06/strategjia-e-institucionit-te-avokatit-te-popullit-2021-2025-dhe-plani-i-zbatimit-te-strategjise-se-institucionit-te-avokatit-te-popullit-2021-2023/>

Institution.” This project also supported the OI in organizing workshops and other activities to draft and discuss the Strategy and implementation plan.

Meanwhile, at the beginning of 2024, the Ombudsperson, along with his deputies, the Secretary General, and the directors of the departments, evaluated the 2021-2023 implementation plan of this Strategy³. During this evaluation, the necessity of revising certain parts of the Strategy was identified to enhance its effectiveness. During this workshop, the draft Action Plan for the subsequent period 2024-2025 was prepared, finalized in March 2024, and then approved by the Ombudsperson together with the revised Strategy.

The strategic goals are based on the Ombudsperson’s vision for improving the operation of the OI and are informed by discussions held with the deputies, management, and overall staff of the institution.

The Strategy drafting process has gone through several main stages:

- **The phase of analysis and evaluation** of the implementation of the 2017-2019 Strategy, during which the current situation was assessed, and the challenges and needs of the OI were identified. This phase took place during August and the first part of September 2019. It resulted in the finalization of the Report on the Implementation of the Strategy and Development Plan of the Ombudsperson Institution 2017-2019, which was presented and discussed in a workshop organized on September 17th with all the management staff of the OI.
- **Strategy drafting phase:** Based on the findings and recommendations issued in the Report on the Implementation of the Strategy and Development Plan of the Ombudsperson Institution 2017-2019, new strategic goals, specific objectives, indicators, and targets were developed. The orientations and strategic goals of the Strategy are also based on the vision of the Ombudsperson for improving the Institution’s functioning, as well as the results of discussions from individual meetings with the deputies of the Ombudsperson and the OI management during the second part of September and the first part of October 2019. Updated information on the current situation and recent developments was incorporated into the Strategy during November-December 2020. In order to reflect the vision of the new Ombudsperson, suggestions from the Ombudsperson and the OI staff were included during the revision process, resulting in modifications to the strategic goals, specific objectives, indicators, and implementation plan. The final draft of the Strategy was discussed and finalized in a three-day workshop held on January 21-23, 2021.
- **Action Plan drafting phase:** Following the drafting of the OI Strategy, the plan for its implementation was developed. The Working Group and the directors of the OI departments who were not part of the group were invited to participate in a one-day workshop held on November 27th, 2019. During this workshop, the draft Strategy and its implementation plan

³ Workshop held on January 25-28, 2024 in Peja

were discussed. The Working Group, with the support of an external expert engaged by the European Commission project, finalized the draft implementation plan of the Strategy. The draft implementation plan was also revised following the Strategy's revision at the end of 2020 and in January 2021. The finalization of the draft plan for the years 2021-2023 was completed in the workshop held on January 21-23, 2021, organized by the OI, with professional support provided by the external expert engaged by the EU Project – Support to OI.

- **The evaluation phase of the implementation of the Strategy 2021-2025 and the Implementation Plan 2021-2023:** In 2023, the Ombudsperson requested an evaluation report on the implementation of the Strategy and the Follow-up Action Plan for the three-year period. This report was intended to facilitate the revision of the Strategy itself and the drafting of the Action Plan for the subsequent period. The process of reporting on the applicability of the Strategy and the Plan revealed delays, difficulties, and challenges in the implementation process, as well as in the reporting of implementation. Furthermore, the analysis and discussions during the workshop held for this purpose on January 25-28, 2024, and the meetings on March 4 and 14, 2024, helped identify gaps and correct omissions in the initial documents. This phase was concluded with the review of the Strategy and the drafting of the 2024 and 2025 Action Plan.

4. Principles, Vision and Mission of the Ombudsperson Institution

Principles

As an independent constitutional institution, OI is guided by the principles of impartiality, independence, supremacy of human rights, confidentiality and professionalism.

Vision

The Ombudsperson Institution is committed to fulfilling its role and mission with integrity, independence, transparency, and accountability. Upholding the supremacy of human rights and freedoms as foundational to the operation of public authorities, ensuring effectiveness and efficiency in performance and services, promoting ethical conduct and adherence to the law are primary goals for the Ombudsperson. These efforts contribute to the public interest, good administration, legal certainty, and institutional stability.

Mission

The protection, supervision, and promotion of the basic rights and freedoms of natural and legal persons, safeguarding them from illegal and irregular actions and omissions of public authorities, institutions, and other entities exercising public powers in the Republic of Kosovo, lies at the core of our mission. This responsibility is fully aligned with the role entrusted to us and the powers conferred by the Constitution and legislation. As part of our existing structure,

we also serve as the National Mechanism for the Prevention of Torture and other cruel, inhuman, or degrading treatment and as an equality mechanism for promoting, monitoring, and supporting equal treatment without discrimination based on protected grounds under the Law on Gender Equality and the Law on Protection from Discrimination.

5. Analysis of the key issues

5.1. Legal framework

The Ombudsperson Institution was established on June 30th, 2000, by UNMIK Regulation 2000/38⁴ on the Establishment of the Ombudsperson Institution in Kosovo. Until December 2005, the Institution was led by an international Ombudsperson. After the departure of the international Ombudsperson and until the election of the Ombudsperson by the Assembly of the Republic of Kosovo, the institution was led by an acting Ombudsperson.⁵ In 2008, following the declaration of independence of the Republic of Kosovo, the Assembly of the Republic of Kosovo approved the Constitution of the Republic of Kosovo⁶. In 2009, the Assembly appointed the first national Ombudsperson.

In 2008, when the independence of the Republic of Kosovo was proclaimed, the Constitution of the country was approved and entered into force⁷, defining the Ombudsperson as an independent constitutional institution⁸. In the summer of 2010, Law No. 03/L-195 on Ombudsperson was enacted.

In 2015, after a process of review, completion, and harmonization, the legislature adopted the following package of human rights laws:

- Law no. 05/L-019 on Ombudsperson⁹
- Law no. 05/L-020 on Gender Equality¹⁰
- Law no. 05/L-021 on Protection against Discrimination¹¹.

These laws, known as the Human Rights Law Package, gave additional powers to the OI. The Law on Ombudsperson includes most of the recommendations outlined in the joint report by the EU and the Council of Europe.¹² Currently, our country has a legal and institutional framework capable of meeting the EU's standard requirements for human rights and ensuring

⁴ UNMIK/REG/2000/38, June 30th, 2000. See: <http://www.unmikonline.org/regulations/2000/reg38-00.htm>

⁵ OI 2010 annual Report. See: <https://www.oik-rks.org/2011/12/13/raporti-i-dhjete-vjetor-2010/>

⁶ Constitution, Act no. 09042008, approved by the Republic of Kosovo. See: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=3702>

⁷ The Constitution of the Republic of Kosovo was approved on April 9, 2008 and entered into force on June 15, 2008.

⁸ Chapter XII of the Constitution of the Republic of Kosovo <https://gzk.rks-gov.net/ActDetail.aspx?ActID=3702>

⁹ <https://oik-rks.org/2018/08/20/ligji-per-avokatin-e-popullit-nr-051-019/>

¹⁰ <https://oik-rks.org/2018/08/22/ligji-nr-05-l-020-per-barazi-gjinore/>

¹¹ <https://oik-rks.org/2018/08/22/ligji-nr-05-l-021-per-mbrojtjen-nga-diskriminimi/>

¹² "Reform proposals to energize non-judicial human rights institutions and enhance legislative expertise on the Human Rights Legal Package". See: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806a853a>

the protection of fundamental rights.¹³ However, the applicability of this legislation requires more effort, commitment, and institutional will from all public authorities, each according to their respective responsibilities.

Law No. 05/L-019 on Ombudsperson defines the function of this Institution as a mechanism for the protection, supervision, and promotion of fundamental human rights and freedoms¹⁴. This Law includes the National Mechanism for the Prevention of Torture and other Cruel, Inhuman, and Degrading Treatments and Punishments, as well as the function of the equality body for the promotion, monitoring, and support of equal and non-discriminatory treatment, based on Law No. 05/L-020 on Gender Equality and Law No. 05/L-021 on Protection from Discrimination.¹⁵

Based on the Organic Law, the OI consists of the Ombudsperson, five (5) deputies of the Ombudsperson, and the staff of the OI.¹⁶

In addition to the primary legislation, the Ombudsperson has issued secondary legislation that guides the implementation of its mandate, which includes:

- Regulation no. 01/2015 on Competition, Election Procedure and Proposal of the List with Names of Candidates for Deputy Ombudspersons;¹⁷
- Regulation no. 02/2016 on Rules of Procedure of the Ombudsperson Institution;¹⁸
- Regulation no. 01/2017 on Job Description and Classification of Job Positions in the Ombudsperson Institution;¹⁹
- Regulation no. 02/2017 on the Procedure of Recruitment, Appointment and Probationary Work of Employees in the Ombudsperson Institution;²⁰
- Regulation no. 03/2017 on Career Advancement and Transfer of Employees of the Ombudsperson Institution;²¹
- Regulation No. 01/2019 on Special Procedures for Admission, Handling and Addressing Complaints Filed by Children or Complaints relating to Children's Rights;²²
- Regulation No. 01/2021 on the Procedure for Engagement of External Consultants and Experts;²³
- Regulation No. 01/2022 on the Manner of Competition, Selection Procedure and Proposal of the List of Candidates for Deputy of the People's Advocate;²⁴

¹³ Report of the European Commission on Kosovo 2018.

¹⁴ Law no. 05/L-019 on Ombudsperson, Article 1, paragraph 1. See the 2018 Annual Report of the Ombudsperson.

¹⁵ Ibid., Article 1, paragraph 2. See the 2018 Annual Report of the Ombudsperson.

¹⁶ Law no. 05/L-019 on Ombudsperson, Article 5.

¹⁷ Published in the Official Gazette of the Republic of Kosovo on December 16th, 2015.

¹⁸ Published in the Official Gazette of the Republic of Kosovo on May 27th, 2016.

¹⁹ Published in the Official Gazette of the Republic of Kosovo on January 23rd, 2017.

²⁰ Published in the Official Gazette of the Republic of Kosovo on January 23rd, 2017.

²¹ Published in the Official Gazette of the Republic of Kosovo on January 23rd, 2017.

²² See: <https://oik-rks.org/2019/11/06/tegullore-iap-nr-012019-per-procedurat-e-vecanta-per-pranimin-trajtimin-dhe-adresimin-e-ankesave-te-paraqitura-nga-femijet-apo-ankesave-qe-kane-te-bejne-me-te-drejtat-e-femijeve>

²³ See: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=45534>

²⁴ See: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=53376>

- Regulation No. 02/2022 on the Discipline and Complaints of Employees at the Ombudsperson Institution;²⁵
- Regulation No. 03/2022 on Internal Organization and Systematization of Job Positions in the Ombudsperson Institution;²⁶
- Regulation no. 04/2022 on Working Hours and Leaves of the Ombudsperson Institution Employees;²⁷
- Code of Ethics no. 01/2023 of the Ombudsperson Institution;²⁸
- Regulation no. 2/2023 on the Use of Representation Allowances for the Ombudsperson Institution Staff.²⁹

In addition to the primary legislation (the three aforementioned laws known as the Human Rights Law Package) and the secondary legislation approved by the OI, there are also several other laws approved by the Assembly which have an impact on the work of the OI and the state of human rights in Kosovo: Law No. 06/L-081 on Access to Public Documents, Code No. 06/L-006 on Juvenile Justice, Law No. 06/L-084 on Child Protection, Law on General Administrative Procedure, Law on the Disciplinary Liability of Judges and Prosecutors, Law on the Kosovo Intelligence Agency, Law on Tax Administration and Procedures, the Law on Administrative Conflicts, Law on the Protection and Promotion of the Rights of Communities and Their Members in Kosovo, Civil Law Against Defamation and Insult, Law on the Execution of Criminal Sanctions, Code of Criminal Procedure of Kosovo, Law on the Use of Languages, Law on Contested Procedure, as well as the new legislation for the Public Administration Reform Package, which includes Law on Public Official and Law on Organization and Functioning of State Administration and Independent Agencies that have influence on the aforementioned secondary legislation.

5.2. Mandate of the Ombudsperson Institution

Chapter XII of the Constitution defines the role of independent institutions, including the role and powers of the Ombudsperson (Articles 132-135). According to the Constitution, the role and powers of the Ombudsperson are as follows:

*1. The Ombudsperson monitors, defends and protects the rights and freedoms of individuals from unlawful or improper acts or failures to act of public authorities.*³⁰

²⁵ See: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=53484>

²⁶ See: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=60238>

²⁷ See: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=60545>

²⁸ See: <https://oik-rks.org/2023/11/06/kodi-i-etikes-ne-institucionin-e-avokatit-te-popullit/>

²⁹ See: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=83846>

³⁰ Constitution of the Republic of Kosovo, Article 132.1.

*2. The Ombudsperson independently exercises her/his duty and does not accept any instructions or intrusions from the organs, institutions or other authorities exercising state authority in the Republic of Kosovo.*³¹

*3. Every organ, institution or other authority exercising legitimate power of the Republic of Kosovo is bound to respond to the requests of the Ombudsperson and shall submit all requested documentation and information in conformity with the law.*³²

According to the law, the Ombudsperson has the power to conduct investigations either in response to a submitted complaint or on their own initiative (*ex-officio*). If, based on the findings, evidence, and facts presented in the submission or from knowledge acquired in another way, there is a basis to conclude that the authorities have violated human rights and freedoms defined by the Constitution, laws, and other laws and acts, as well as by international human rights instruments, the Ombudsperson can take action.³³ The finalization of the investigation, initiated according to the complaint or at the initiative of the Ombudsperson, results in the issuance of a decision in which the findings and recommendations are presented.³⁴

The Ombudsperson can give general recommendations for the functioning of the judicial system, although they will not interfere in cases and other legal procedures that are being carried out before the courts, unless there is a delay in the procedures.³⁵ The Ombudsperson may give general recommendations for the functioning of the judicial system, although they will not interfere in cases and other legal procedures that are being carried out before the courts, unless there is a delay in the procedures.³⁶

The National Mechanism for the Prevention of Torture and Other Cruel, Inhuman, and Degrading Treatments and Punishments (NMPT) operates within the mandate of the OI. In this context, the Ombudsperson is obliged to visit regularly and without warning all places where persons deprived of liberty are kept, including police custody, detention on remand, stay in health institutions, customs detention, immigration detention, and any other place where it is suspected that there is a violation of human rights and freedoms. Depending on the findings and conclusions, the Ombudsperson addresses recommendations to the authorities responsible for the institutions where persons deprived of liberty are held, regardless of the type or circumstances of their detention, for the improvement of their treatment and conditions.³⁷

The Ombudsperson, in the function of implementing the Law on Protection from Discrimination, the Law on Gender Equality, and other legislation in force, focuses especially on issues of discrimination and inequality, presented to the Ombudsperson or encountered as

³¹ Ibid., Article 132.2.

³² Ibid., paragraph 132.3.

³³ Law no. 05/L-019 on Ombudsperson, Article 16, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=10922>

³⁴ Ibid., Article 27.

³⁵ Ibid., Article 16, paragraph 8.

³⁶ Ibid., Article 16, paragraphs 9, 10 and 11.

³⁷ Ibid., Article 17.

problems in the system; collects statistical data related to these issues, issues reports, and gives recommendations for policies and practices for combating discrimination and promoting equality; cooperates with social partners and NGOs to address issues of equality and anti-discrimination, as well as with international bodies similar to the Ombudsperson.³⁸

In addition, the Ombudsperson has the responsibility to commit to the elimination of violations and discrimination; to draft and approve special procedures for accepting and handling complaints from children, as well as creating a specialized team for children's rights and a permanent program for raising children's awareness of their rights and the role of the OI for their protection; to make human rights known and recommend to the Government, the Assembly, and other competent authorities of the Republic of Kosovo on issues related to the protection and advancement of human rights and freedoms, equality, and non-discrimination; to publish its announcements, opinions, recommendations, proposals, and reports; to recommend the issuance of new laws to the Assembly, the amending and supplementing of laws as well as the issuance or amending and supplementing of sub-legal and administrative acts by the institutions of the Republic of Kosovo; to prepare annual, periodic, and other reports on the state of human rights and freedoms; to recommend the harmonization of local legislation with international standards for human rights and freedoms, equality, and anti-discrimination; to conduct research on the issue of fundamental human rights and freedoms, equality, and anti-discrimination; in accordance with the Constitution and the legislation in force, to cooperate with all local and international authorities dealing with the protection of human rights and freedoms; and to maintain the confidentiality of all information and data received, paying special attention to the safety of complainants, injured parties, and witnesses, in accordance with the Law on Protection of Personal Data.³⁹

5.3. Summary of the current situation and the main challenges

The analysis of the situation and the identification of the main challenges was conducted during the preliminary phase of drafting the 2021-2025 Strategy, through the evaluation of the implementation of the OI Strategy 2017-2019. The evaluation report is based on documents available for the work of the Ministry of Internal Affairs over the last three years, especially the annual reports of the Ministry of Internal Affairs for 2017 and 2018, as well as the information provided by the Ministry of Internal Affairs in writing and through meetings during the drafting of the report or during the drafting and revision of the text of the Strategy in December 2020.

Furthermore, the analysis was also informed by the three-year evaluation of the implementation of the Strategy and the Follow-up Action Plan, which identified the parts where the Strategy and Action Plan 2024-2025 needed to be changed and completed appropriately.

³⁸ Ibid., Article 16, paragraphs 13 to 16.

³⁹ Ibid., Article 18. Summary from the 2019 OI Annual Report.

In order to link the existing needs and strategic orientations, as well as the measures that will be taken to address these needs, this chapter of the Strategy includes a summary of information on the current situation and the main challenges.

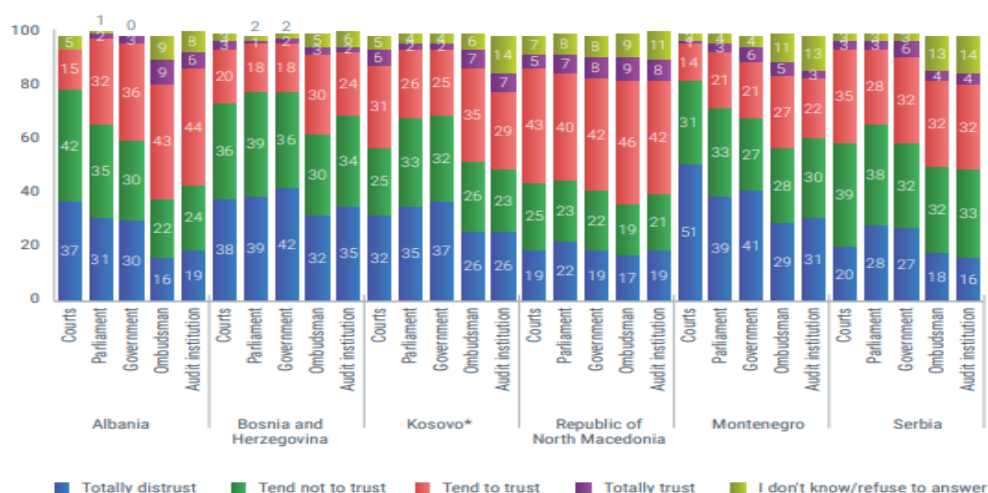
5.3.1. Credibility of the Ombudsperson Institution and the Promotion of Fundamental Rights and Freedoms

Based on external reports, such as the EC Progress Report and the Balkan Barometer Public Opinion Surveys, the OI is ranked as the most trusted institution in the Republic of Kosovo, with 42% trustworthiness in 2020.⁴⁰

BALKAN BAROMETER 2020

PUBLIC OPINION | Analytical report

Figure 105 : How much trust do you have in certain institutions? (SEE region) A – Courts and judiciary; B – Parliament; C – Government; D – Ombudsman; E - Supreme audit institution⁴²
(All respondents – N=6020, scale from 1 to 4, share of total, %)

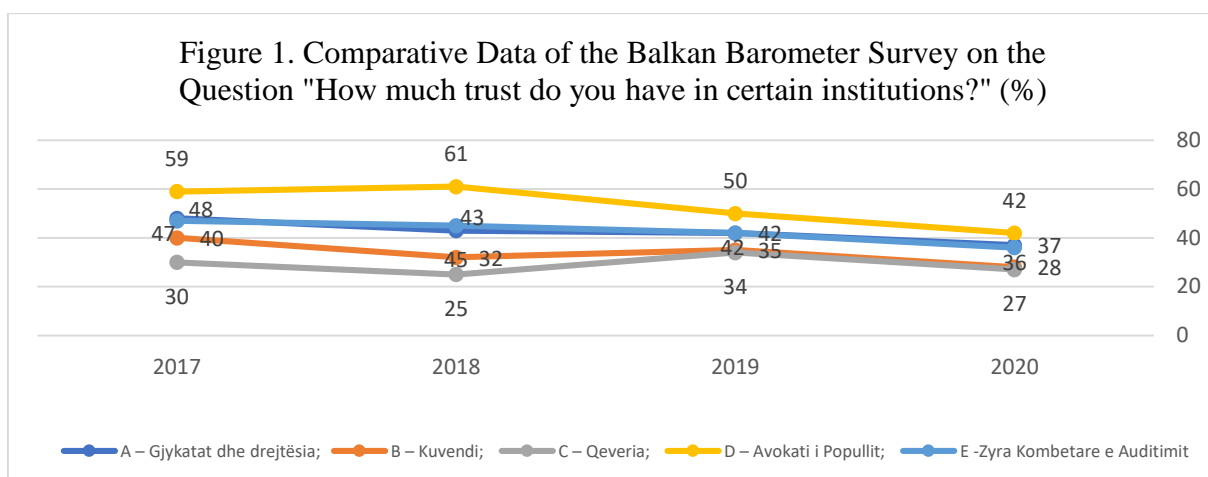


Moreover, based on the Analytical Report of the Balkan Barometer, citizens' perception is that the OI is considered the most independent institution from political influence, after the media.⁴¹ At the regional level, the Ombudsperson is perceived as autonomous from political interference by the largest number of individuals surveyed. The average rate in the Western Balkans is 34%, while in Kosovo, the number of citizens who perceived the OI as autonomous from political influence in 2020 was 37%. However, the tendency of citizens' perception of trust and the form of independence in 2020 has decreased compared to the previous three years (Figure 1). This represents a challenge and requires increased commitment to enhancing trust in the Ombudsperson as an independent and professional institution.

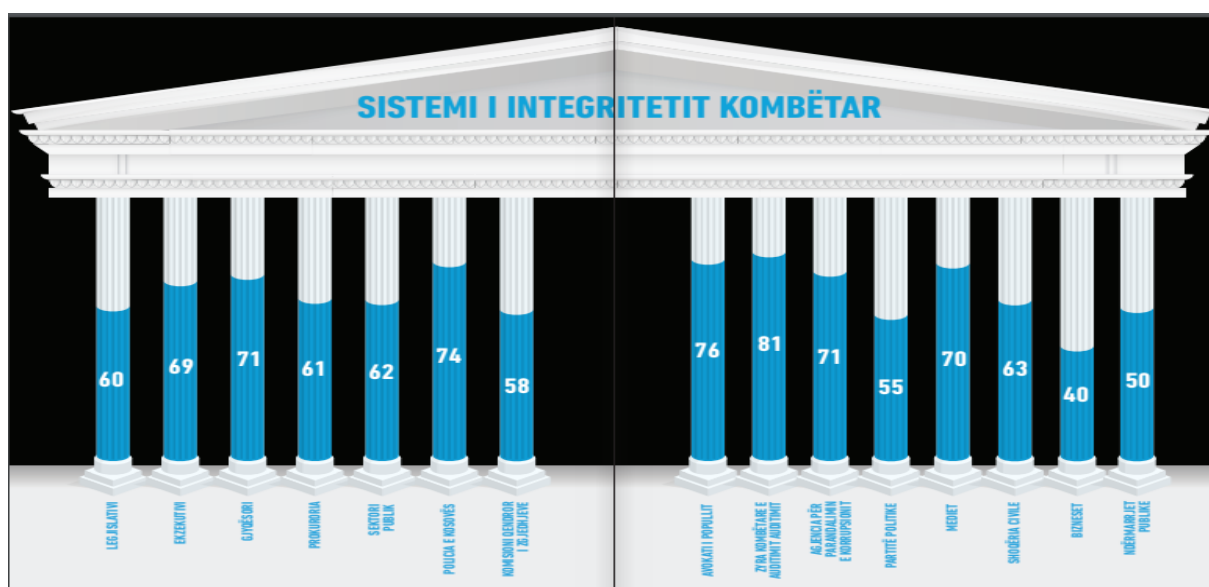
⁴⁰ See file:///C:/Users/mlulaj/Downloads/2020-06-Balkan-Barometer-Public-Opinion_final.pdf, p. 100

⁴¹ See file:///C:/Users/mlulaj/Downloads/2020-06-Balkan-Barometer-Public-Opinion_final.pdf, p. 102

Figure 1. Comparative Data of the Balkan Barometer Survey on the Question "How much trust do you have in certain institutions?" (%)



Meanwhile, the Assessment of the National Integrity System in Kosovo (March 2024)⁴², which evaluates the main institutions responsible for the fight against corruption and provides an empirical basis for understanding strong or weak performers at the national level, ranks the Institution of the Ombudsperson immediately after the Auditor General, another independent constitutional institution in the country, this year as well.⁴³



⁴² The evaluation of the National Integrity System is conducted by the Kosovo Democratic Institute (KDI), a local NGO accredited in 2015 as a full member of Transparency International, a global anti-corruption movement. Continuous re-accreditation is subject to a strict process, ensuring that the organization (KDI) is guided by the principles of impartiality, transparency, integrity, good governance, and high ethical standards. https://kdi-kosova.org/wp-content/uploads/2024/03/01-NIS-Report-Alb-02.pdf?fbclid=IwAR1uxQKJ2Eeli0-fmDYohO9S5T_P-IP8NbBfTy4r0gMH_AQr8b3K-RJ-aQ4

⁴³ Ibid., pages 12 and 13, and in more detail pages 169 - 185

5.3.2. Focusing on systemic issues of human rights and fundamental freedoms that are of utmost importance to the interests and concerns of citizens

The OI, serving as an oversight mechanism, plays a crucial role in enhancing the accountability of state administration. It also contributes to improving administrative quality by exposing cases of maladministration and promoting awareness of good governance. The OI Strategy 2017-2019 aimed to prioritize systematic violations of human rights and fundamental freedoms, typically initiated *ex-officio* by the OI. The trend of *ex-officio* cases rose from 56 in 2016 to 72 in 2018, with 54 cases in 2019 and 43 in 2020. This data of *ex-officio* cases serves as a comparative basis for subsequent years in the 2021-2023 Implementation Plan. In subsequent years, the number of cases initiated *ex-officio* was 45 in 2021, with a decrease observed in 2022 with 42 cases and further in 2023 with 39 cases. In this context, the Action Plan for 2024 and 2025 emphasizes identifying systemic issues, initiating investigations accordingly, and addressing official tasks to rectify gaps and eliminate barriers to respecting and guaranteeing human rights and freedoms.

The number of reports on cases investigated *ex-officio* has varied from year to year. It increased from 12 in 2016 to 14 in 2018. During 2019, the number of reports on cases investigated *ex-officio* was 11 (see Figure 2). In the Action Plan 2021-2023, the baseline was set at 5 for 2020, followed by 10 reports in 2021, 7 in 2022, and 12 in 2023. A revised approach to identifying cases necessitating *ex-officio* investigation aims to increase the number of cases investigated in these contexts, direct reports to responsible authorities, and enhance systemic improvements to ensure greater respect and protection of guaranteed rights, aligning with the ongoing goals of the OI.

Moreover, the OI has played an active role in terms of sending cases to the Constitutional Court, raising the issue of constitutionality assessment for laws and issues that have had an impact on the system, and which have affected a large number of persons.

5.3.3. The degree of implementation of the recommendations of the Ombudsperson Institution

The recommendations addressed by the Ombudsperson are essential instruments through which it contributes to the protection of human rights, good governance, transparency, and accountability of the authorities. It is estimated that during the past years, there have been fluctuations in the degree of implementation of the recommendations of the OI by the institutions to which they were addressed. According to the Annual Report of the OI for 2023, 238 recommendations (or 28%) of the total number of recommendations were implemented, 49 (or 6%) recommendations were partially implemented, 135 (or 16%) recommendations were not implemented, and 414 recommendations (or 50%) are awaiting implementation. According to the Annual Report of the OI for 2022, 25 recommendations (or 23%) of the total number of recommendations were implemented, 5 (or 4%) recommendations were partially implemented,

3 (3%) recommendations were not implemented, and 77 recommendations (or 70%) are awaiting implementation. According to the Annual Report of the OI for 2021, 43 recommendations (or 27%) of the total number of recommendations have been implemented, 4 (or 3%) recommendations have not been implemented, and 110 recommendations (or 70%) are awaiting implementation. According to the Annual Report of the OI for 2020, 36 recommendations (or 19%) of the total number of recommendations have been implemented, 13 (or 7%) recommendations have not been implemented, and 136 recommendations (or 74%) are awaiting implementation. According to the Annual Report of the OI for 2019, 55 recommendations (or 25%) of the total number of recommendations have been implemented, 12 (or 5%) recommendations have not been implemented, and 158 recommendations (or 70%) are awaiting implementation. According to the Annual Report of the OI for 2018, 99 recommendations (or 38%) of the total number of recommendations have been implemented, 29 (or 11%) recommendations have not been implemented, and 135 recommendations (or 51%) are awaiting implementation (see Figure 3). In 2017, the rate of implementation of recommendations was 31%, while the rate of unimplemented recommendations was 30%. The share of pending recommendations in 2017 was 39%.

The implementation of OI recommendations remains an ongoing challenge. Likewise, the large number of pending recommendations remains worrying, given the developments and processes that move with time, risk losing the reason and relevance of the address if they are not implemented in time.

The concern that *“the implementation of the Ombudsperson’s recommendations by Kosovo institutions remains a challenge”* was also raised by the European Commission in the Progress report for 2020.⁴⁴ At that time, measures were implemented in relation to the central level authorities, in cases where the indicators that marked the responses of the authorities to the addresses of the OI and the implementation of the addressed recommendations did not reach the intended goals.⁴⁵ In this sense, further focus is needed to increase the degree of implementation, commitment, will and maturity in terms of respect for guaranteed rights and their protection, as well.

In order to increase accountability on the part of the institutions for not implementing the recommendations of the OI, but also for respecting human rights and freedoms, the functioning of the committees of the Assembly and their cooperation with the OI play an important role. It is also important to cooperate and coordinate with other authorities at the central and local level, especially with the Government concerning its key and special role in the processes in the country.

⁴⁴ European Commission (2020). Kosovo 2020 Report, p. 29, accessed at: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/kosovo_report_2020.pdf

⁴⁵ See <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=15707> and reports on indicator 7 of the Sectoral Reform Contract for Public Administration Reform in the PA Annual Reports for the respective years <https://oik-rks.org/raportet/raportet-vjetore/>

5.3.4. Raising the capacities of the Ombudsperson Institution

As a national human rights institution, established in accordance with the Paris Principles and the Constitution of the Republic of Kosovo, the role of the OI in the protection of human rights and fundamental freedoms is essential. Therefore, the development of the necessary staff capacities is of fundamental importance in this regard. The capacities of the OI have been continuously strengthened as a result of cooperation with numerous international organizations, country institutions, and other actors. The 2020 EC report assessed that “*the Ombudsperson Institution in Kosovo ... has further increased the capacities to examine cases and has continued efforts to raise awareness on the protection and restoration of human rights.*”⁴⁶ Based on the information, the number of international OI capacity-building events increased in 2018 compared to the previous two years. Over the past two years (2017-2019), over 54 training sessions have been provided for the administration and professional staff of the OI. The OI staff also participated in 36 activities aimed at international cooperation and capacity building. An assessment of training needs and the training plan was drawn up by the OI support project from the European Commission during 2019.

The report on the evaluation of the implementation of the OI Strategy 2017-2019 evidenced that despite the increase in the capacities of the institution, there are still challenges and shortcomings regarding the limited resources and capacities of the OI staff. Full information on capacity building, the number of trained staff, and other relevant information should be regularly available for the purpose of implementing this Strategy and evaluating its implementation and the fulfilment of the Action Plan. The training needs assessment drawn up by the European Union Project Support for the OI and the drafting of the training plan for the period 2021-2023 aimed to fill the gaps in the OI capacities and provided an opportunity to establish a system of regular assessment of capacity building, planning of trainings, reporting, and providing information on trainings. The implementation of this training plan began more slowly than anticipated during 2020, due to the new situation created and the challenges resulting from the COVID-19 pandemic. The subsequent implementation plan for 2024-2025 brings internal planning of training needs based on the requirements of the relevant departments and offices.\

⁴⁶ European Commission (2020), p. 29.

6. Strategic goals

6.1. Strategic goal 1

Protection and supervision of basic human rights and freedoms

This strategic objective is achieved through the achievement of the following specific objectives:

Specific objective 1.1	Specific objective 1.2	Specific objective 1.3
Increasing effectiveness and efficiency in the protection and supervision of human rights	Increasing the rate of implementation of OI recommendations	Supervision of legislation in relation to human rights and freedoms in Kosovo

Specific objective 1.1. Increasing effectiveness and efficiency in the protection and supervision of human rights

Ombuds institutions have an important role to play in strengthening democracy, the rule of law, good administration and the protection and promotion of human rights and fundamental freedoms.⁴⁷

Effectiveness and efficiency in the work process, such as deciding to accept complaints, leading investigations, and issuing recommendations, are factors that in most cases depend on the way work is organized within the institution, the professional capacity of the staff, the clarity of roles and tasks, the necessary tools for sharing and processing information, etc. The right approach to finding and utilizing the appropriate solutions directly affects the efficiency and effectiveness of the work of the OI, both in the review of complaints and *ex-officio* cases.

An essential and multidimensional aspect of the supervision of authorities by the OI is handling individual complaints about violations of rights and freedoms. Working with these cases enables the Ombudsperson to create an overview of institutional actions or inactions that may lead to situations of vulnerability regarding constitutional and legal rights guaranteed in the country. In order to increase effectiveness and efficiency, the Ombudsperson has set time limits within which it aims to handle individual complaints.

Handling and resolving earlier cases promptly is intended to be done through a cross-functional review and discussion within the OI on a periodic basis, conducted annually. This process aims

⁴⁷ Council of Europe. 2019. Protection, Promotion and Development of the Ombudsperson Institution. See: <https://rm.coe.int/ombudsman-institution-en-web/16809f667f>

to identify the reasons for delays and take measures to avoid them. Additionally, it is intended to draft standard operating procedures or guidelines for the management of complaints and *ex-officio* cases.

Special attention is required for delays and anomalies in the system, which can easily create opportunities for systemic violations. When such situations are identified, the Ombudsperson has the authority to open cases *ex-officio* and investigate the matter across all links of the institutional chain. The findings, conclusions, and recommendations are designed to correct gaps or conflicts within the system and institutional structure. Handling *ex-officio* cases takes more time due to the comprehensive nature of the issues that can be investigated and the multitude of authorities that need to be contacted during the investigation.

It is also intended to proactively engage the staff in research and analysis on certain pre-planned topics, which will provide insight into the state of human rights and freedoms and potentially highlight issues that require increased attention. In order to support this goal and ensure the more rational use of existing internal and external resources, OI will extend its cooperation with various specialized organizations for research, whether they are part of civil society or other local or international entities. Developing research and studies on such topics requires financial and human resources, necessitating preliminary planning. This planning will determine the issues in focus, the methodology, the target groups, the deadlines, the costs (both direct and indirect), and all other necessary elements to carry out reliable and accurate research.

In order to increase the quality of work and efficiency in examining cases, especially those initiated by complaints, it is intended to divide cases primarily according to the role, responsibility, and specialization of the departments. A balanced division of work can be achieved after periodic assessments regarding the workload between departments.

Clarifying the role and responsibility of the units within the institution for handling cases (complaints, cases, and issues initiated on their own initiative) is crucial for achieving both effectiveness and efficiency. In this context, changes and improvements can be made, following revisions of the internal sub-legal acts, to ensure the functionality of the organizational structure of the OI.

Monitoring cases and managing information within the OI through the new database requires additional commitment, as it represents the initial phase of a new electronic system. This system aims to register cases, complete information, automatically generate reports, and provide a comprehensive overview of internal work processes, staff engagement, and continuous monitoring of progress and setbacks.

Specific objective 1.2: Increasing the rate of implementation of OI recommendations

As a natural consequence of an effective and efficient work process, the OI endeavours to restore rights and freedoms violated by authorities through various means, such as Reports, Letters of Recommendations, Opinions, *Amicus Curiae* briefs, and other available methods.

Recommendations are derived from findings and conclusions, providing both complainants and authorities with opportunities to rectify situations in accordance with legal and constitutional guarantees and the best international standards, including compliance with practices and decisions of the European Court of Human Rights (ECtHR).

However, implementing the Ombudsperson's recommendations remains challenging. While factors affecting implementation often lie outside the OI's control, the Ombudsperson perceives it as the institution's role to urge authorities to respond positively and implement the recommendations addressed to them. This effort demands time and energy, often requiring carefully considered approaches to engagement, alongside the substantial work conducted by the OI.

In pursuit of this objective, several key segments require attention:

- Monitoring the implementation of recommendations often involves identifying processes in this direction, even in the absence of communication from the authorities;
- Cooperation with the Assembly of the Republic of Kosovo, as a mechanism possessing the authority to exert necessary parliamentary pressure on executive authorities to fulfil OI recommendations, thereby respecting and protecting human rights and freedoms. A proactive approach and collaboration with the Assembly are deemed essential to hold authorities accountable for accepting and implementing recommendations;
- Cooperation with the Office of the Prime Minister (primarily through the Office for Good Governance), including participation in inter-institutional Council and working groups, aimed at addressing issues raised by complaints handled by the Ombudsperson's office and ensuring the implementation of recommendations;
- Engagement with authorities at both central and local levels to clarify the role of the OI and facilitate the implementation of recommendations.

Specific objective 1.3: Supervision of legislation in relation to human rights and freedoms in Kosovo

In order to oversee the legislation in relation to the protection of human rights, the OI will focus on:

- Identifying legal loopholes, potential conflicts, or necessary legal changes concerning human rights issues;
- Analysing legal and sub-legal acts, policies, and other documents to identify possible inconsistencies with international instruments;⁴⁸
- Identifying draft laws and draft sub-legal acts during the drafting procedure where it is crucial to provide opinions;⁴⁹
- Monitoring the implementation of OI recommendations for legal and sub-legal acts by the drafting institutions and the Assembly.

The achievement of **Strategic Objective 1** and specific objectives is measured through indicators and goals outlined in the *Action Plan for 2024 and 2025*.

6.2. Strategic goal 2

Promotion of basic human rights and freedoms and the role of OI

The achievement of this strategic objective is achieved through the achievement of the following specific objectives:

Specific objective 2.1	Specific objective 2.2	Specific objective 2.3
Communication with the public with the aim of raising awareness regarding basic human rights and freedoms and the role of OI	Promotion and education about human rights and the role of OI for the public and responsible institutions	Increasing cooperation of OI with institutions, non-governmental organizations and international cooperation

Specific objective 2.1: Communication with the public with the aim of raising the awareness regarding basic human rights and freedoms and the role of OI

The focus of the OI in terms of communication with the public to raise awareness about rights and freedoms will center on engaging in activities and initiating substantive discussions with rights holders regarding the challenges and difficulties they face in enjoying these rights.

Throughout 2024 and 2025, particular attention will be given to social and health issues and the related rights; children's rights, with a focus on initiating discussions and protection from sexual exploitation and abuse; gender equality and protection from discrimination, especially targeting specific vulnerable groups, such as persons with disabilities, children, women, and the elderly.

⁴⁸ Law on Ombudsperson, Article 18, paragraph 1.9.

⁴⁹ Consultation platform through which proposals can be made for policies, legal and sub-legal drafts: <https://konsultimet.rks-gov.net/documents.php>.

The OI views these groups as significantly more prone to vulnerability. In addition, concerning protection against discrimination, the OI aims to raise awareness among judges and prosecutors regarding handling cases related to discrimination (administrative, civil, criminal, and minor offences).

Transparency and information dissemination are inherent attributes of institutions like the OI. Through focused communication and awareness-raising activities, the OI aims to clearly and accurately convey the role and responsibilities of the Ombudsperson.

Enhanced cooperation with all stakeholders improves communication between the OI and public institutions responsible for protecting human rights, thereby advancing the protection of fundamental human rights and freedoms.

The accountability for the role and the significant importance of OI's work are tied to the daily engagement of the Ombudsperson and the work done by OI, utilizing various methods and channels of communication. This includes traditional communication and information tools, as well as all social networks (pages managed and monitored by OI). Besides that, special emphasis will be placed on engaging with the media through a structured and active communication approach.

This specific objective is aimed at maintaining communication between the Ombudsperson and the public, authorities, and other parties in order to enhance visibility and specify the objectives of the work conducted and the competencies held.

Specific objective 2.2: Promotion and education about human rights and the role of OI for the public and responsible institutions

The OI aims to be active in organizing various campaigns, conferences, and events aimed at promoting and informing the public about the role and importance of the Ombudsperson's work in protecting human rights and freedoms. In this regard, it is necessary to:

- Proactively communicate with institutions;
- Organize events and create opportunities for discussion on specific topics with institutions responsible for implementing constitutional and legal standards in the country;
- Organize a promotional campaign for the role and mandate of the OI;
- Ensure the active participation of the Ombudsperson in human rights events;
- Distribute promotional materials to institutions responsible for implementing constitutional and legal standards in the country;
- Publish promotional activities by the OI's cabinet, departments, and offices on the official website and social networks.

Likewise, the Ombudsperson has planned to finalize the Guidelines Against Hate Crimes and the Guide for Handling Complaints Submitted by the LGBTI+ Community, as well as to organize training for authorities according to established practices.

The cooperation with other organizations and stakeholders is of special importance in order to undertake educational activities that can share knowledge and inform potential parties about the opportunities offered by the services of the OI, according to its competences and responsibilities.

However, drafting the program and plan for the promotion, education, and awareness of human rights and the role of the OI, as well as organizing awareness campaigns about human rights and the importance of respecting and protecting them, will help to channel the activities and goals in this direction.

In addition, the Ombudsperson considers it important to implement a media project through the public broadcaster in the country. This would serve as a mass communication channel where issues related to human rights and freedoms, as well as the role of the OI in this regard, can be discussed.

The OI will also ensure its presence and promote its role and importance through the representation of the Ombudsperson at key events and conferences organized by other institutions and parties. The presence of the OI at conferences, roundtables, and important events is both a goal and a means of increasing information dissemination and public awareness. The OI will focus on ensuring its representation at significant events that support its role in human rights and freedoms and raising awareness related to these issues.

Specific objective 2.3: Increasing the cooperation of OI with other institutions, non-governmental organizations and international organizations

The Ombudsperson Institution aims to enhance its cooperation in the field of human rights with local institutions, civil society, and international organizations in Kosovo. This cooperation aims to fulfil the obligation to promote fundamental human rights and freedoms and the mandate of the OI.

Improving communication and cooperation is seen as crucial for the role and responsibilities of the OI. Collaborative efforts often provide more opportunities to reach the most vulnerable and marginalized individuals.

The cooperation aims to foster inclusion and partnership with civil society organizations, thereby enhancing the engagement of NGOs in the policy process, with a special focus on local organizations. This will be achieved through structured dialogue between the OI and civil society, as well as through the organization of various communication events.

Just as cooperation with institutions, non-governmental organizations, society, and the media is significant, maintaining cooperation with international offices operating in our country, such as the EU, Council of Europe, OSCE, and others, is essential and particularly important for the nature of the OI's work. Cooperation with organizations and networks where the OI is a member also remains crucial.

The achievement of **Strategic Objective 2** and specific objectives is measured through indicators and goals outlined in the *Action Plan for 2024 and 2025*.

6.3. Strategic goal 3

The correlation of the 2030 Agenda and the Sustainable Development Goals (SDGs) with human rights

Agenda 2030 outlines a global action plan to which states commit, aiming to partner in achieving 17 objectives with 169 specific targets, corresponding to 231 indicators.⁵⁰ In local context, the Assembly of the Republic of Kosovo expressed political will and readiness to engage in implementing this framework through Resolution No. 06-R-001, approved on January 25th, 2018, for the adoption of Sustainable Development Goals (SDGs).

The objectives and goals of the 2030 Agenda reflect internationally accepted human rights standards and integrate cross-cutting principles related to them, aiming to fulfil the commitment to leave no one behind and to enhance the enjoyment of these rights for everyone, everywhere.

The achievement of this strategic objective is pursued through the fulfilment of the following specific objectives:

Specific objective 3.1	Specific objective 3.2
The correlation of SDGs with human rights in the local context	Contribution, monitoring and follow-up of the human rights-based approach to the implementation of the 2030 Agenda for Sustainable Development

Specific objective 3.1: Correlating SDGs with human rights in the local context

From a human rights perspective, approximately half of the 2030 Agenda's SDG indicators have the potential to produce data directly relevant to monitoring specific human rights instruments, while the rest have indirect relevance or provide contextual and analytical

⁵⁰ Please see: <https://unstats.un.org/sdgs/indicators/indicators-list/#:~:text=The%20global%20indicator%20framework%20includes%20231%20unique%20indicators.>

information.⁵¹ This correlation between the Agenda and human rights is emphasized in the Merida Declaration⁵² on the role of National Human Rights Institutions (NHRIs) in the implementation of the 2030 Agenda.

In order to contribute in this context, the OI published the ‘Platform for Human Rights’ in 2019. This platform aims to promote the implementation of fundamental human rights and freedoms as guaranteed by the Constitution of the Republic of Kosovo and international instruments. The Platform contains two guides: the “Human Rights Guidelines” and the “Guidelines on Sustainable Development Goals (SDGs).” These guidelines ensure easier and more practical access to local and international jurisdiction through structured links between legal instruments, which are directly applied in Kosovo’s legal system, and demonstrate the correlation between the SDGs and fundamental human rights and freedoms.⁵³

Meanwhile, at the end of 2023, the Ombudsperson approved the *Methodology Framework for the Measurement of Human Rights: Development of Indicators, along with a Model of Reporting Style, as the basis form of the structure of the Reports issued by OI*. The drafting of such document was supported by the UN Office for Human Rights (OHCHR) representatives in Kosovo⁵⁴, continuing the support initiated with the drafting of the Memorandum of Understanding between OI and the Kosovo Agency of Statistics (KAS), signed in January 2020.⁵⁵ The *Methodology Framework* will serve as an internal document to measure and evaluate human rights with a consistent and objective approach to implementation and progress⁵⁶ of human rights and open and dynamic on an ongoing basis, throughout daily work.

The correlation of the aims of SDGs with human rights is intended to be achieved primarily through the use of the HRG Human Rights Platform (oik-rks.org) and the Methodology Framework for measuring respect for human rights in the country and their supervision. This framework will serve as an internal document for analysing and measuring respect and

⁵¹ See [https://www.humanrights.dk/what-we-do/sustainable-development-goals/sdgs-indicators-data#:~:text=Approximately%20half%20\(49%25\)%20of,enable%20or%20limit%20the%20realisation](https://www.humanrights.dk/what-we-do/sustainable-development-goals/sdgs-indicators-data#:~:text=Approximately%20half%20(49%25)%20of,enable%20or%20limit%20the%20realisation)

⁵² See [https://www.humanrights.dk/what-we-do/sustainable-development-goals/sdgs-indicators-data#:~:text=Approximately%20half%20\(49%25\)%20of,enable%20or%20limit%20the%20realisation](https://www.humanrights.dk/what-we-do/sustainable-development-goals/sdgs-indicators-data#:~:text=Approximately%20half%20(49%25)%20of,enable%20or%20limit%20the%20realisation)

⁵³ Annual report of the Ombudsperson Institution for 2019. Accessed at: <https://www.oik-rks.org/2020/04/02/raporti-vjetor-2019/>

⁵⁴ The support of the UN Office for Human Rights (OHCHR) representatives in Kosovo includes the engagement of a consultant through two non-governmental organizations active in the field of human rights: YICHR and ACDC. Based on ongoing communications, this support is expected to continue into the first part of next year, with the translation of the Methodology Framework into Serbian and English, as well as its printing in physical format.

⁵⁵ OI and KAS were supported by the Human Rights Office of the United Nations Mission in Kosovo and the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Geneva through a workshop on “Operationalization of Human Rights-Based Approaches to Data and Indicators in Kosovo.” As a result, the initial format of the Memorandum of Understanding was drafted, finalized, and signed on January 17th, 2020 (for more, see <https://oik-rks.org/2020/01/17/>). In accordance with the Memorandum’s requirements, a Working Group was established, whose proactive efforts resulted in the Framework of Methodology for the Measurement of Human Rights: Development of Indicators.

⁵⁶ The theoretical basis of this methodology is built on the Guidelines to the Measurement and Implementation of Human Rights Indicators by the Office of the High Commissioner for Human Rights of the United Nations (OHCHR) https://www.ohchr.org/sites/default/files/Documents/Publications/Human_rights_indicators_en.pdf. The methodology includes a structured system for developing quantitative and qualitative indicators, which help to understand the state of human rights in the country in a contextual, measurable, and objective way.

protection of human rights and freedoms in the country and for comparison through relevant indicators.

Specific objective 3.2: Contribution, monitoring and follow-up of the human rights-based approach to the implementation of the 2030 Agenda for Sustainable Development

The indicators will be the pillar of monitoring progress towards the SDGs. However, access to data, its accuracy, and its collection for reporting progress towards achieving these objectives remain key challenges.

The identification of relevant indicators, based on the guidelines on human rights indicators and *access to human rights-based data*⁵⁷, compiled by the Office of the OHCHR, is essential for the implementation of the 2030 Agenda. Inclusiveness and the expansion of institutional interoperability, in terms of data collection, identification and measurement of indicators, and the use of this data to monitor and measure progress or delays towards the realization of the SDGs, are crucial. In this sense, the Ombudsperson aims to fulfil the advisory and monitoring role and serve as a bridge between rights holders and the state regarding the design and monitoring of policies, strategies, and actions. The continuous addresses of the OI to the responsible authorities' highlight sensitive issues and vulnerable and neglected groups that require immediate commitment, special measures, or long-term solutions. These issues will remain at the forefront of events initiated or other actions undertaken by the Ombudsperson. Over the next two years, there will be a strong emphasis on Objective 16 – *The promotion of peaceful and inclusive societies for sustainable development, providing access to justice for all, and the establishment of effective, accountable, and inclusive institutions at all levels*, which aligns with the spirit of the work done by the Ombudsperson as NHRI.

The achievement of **Strategic Objective 4** and specific objectives is measured through indicators and goals outlined in the *Action Plan for 2024 and 2025*.

6.4. Strategic goal 4

Further development of the institutional capacities and human resources of the OI		
Specific objective 4.1	Specific objective 4.2	Specific objective 4.3
Capacity building and professional, administrative and managerial development of OI staff	Capacity building through international cooperation	Review of internal normative acts, procedures and functioning

⁵⁷ Full Guideline: <https://www.ohchr.org/documents/issues/hrindicators/guidancenoteonapproachtodata.pdf>

Specific objective 4.1: Capacity building and professional, administrative and managerial development of OI staff

In order to further develop the capacities of the OI, a detailed assessment of the training needs for all categories of staff in the institution was conducted as part of the needs assessment for capacity building during 2019. Based on this assessment, a comprehensive training plan for the OI staff for the next three years has been created. Implementation of this plan began in 2020 with the support of the EU project on the OI.

Significantly less training is planned for the period 2024-2025. The list of trainings includes the needs identified by the relevant departments and offices, based on responsibilities and task descriptions. The Ombudsperson intends for the trainings to be conducted by trainers who can provide focused expertise compatible with the nature of the OI's work, proactively contextualizing it during the trainings. This ensures that the experience and knowledge gained will be effectively utilized within the institution and meet its needs.

Specific objective 4.2: Capacity building through international cooperation

Trainings and seminars will be combined with experience exchange programs with other countries, involving OI staff, to enhance the quality of OI work. One segment that will receive special emphasis is the cooperation with international institutions, which are involved in the support, implementation, promotion, and reporting of SDGs.

Specific objective 4.3: Review of internal normative acts, procedures and functioning

Important administrative and managerial capacities related to human resources management, budget planning, and execution will be critically examined, evaluated, and further developed. Based on the evaluation of the efficiency and effectiveness of administrative services, the regulatory framework is intended to be improved through:

- Revising the OI internal regulations and harmonizing them with the Law on Public Officials and the Law on Salary;
- Improving work processes and procedures and their administration by units: Finance and Budget, Procurement, Non-Financial Assets, Logistic Support, and Information Technology for the OI;
- Adequate annual planning of the OI budget according to the plan of organizational units and effective execution;
- Evaluating human resources management through the electronic system;
- Analysing and reviewing the findings and recommendations of the internal and external auditor;
- Addressing the requests and needs for working conditions within the OI.

The achievement of **Strategic Objective 4** and specific objectives is measured through indicators and goals outlined in the *Action Plan for 2024 and 2025*.

7. Monitoring and reporting on the Strategy

The Strategy for the Ombudsperson Institution 2021-2025 included the Implementation Plan for the period 2021-2023. The 2021-2025 Strategy (revised in 2024) is followed by the Action Plan for the remaining period 2024-2025.

The monitoring of the implementation of the Strategy will be carried out by a working group, which serves as a coordinating structure for *monitoring and reporting on the implementation of the Strategy*. This working group is established by the decision of the Ombudsperson.

Reporting on the implementation of the Strategy was conducted during the third year of the Strategy through the reporting on the realization of goals and activities in the Implementation Plan for the period 2021-2023. Noting the lack of continuous monitoring and full reporting in the previous period, the Strategy revised in 2024 emphasizes that monitoring the implementation of the 2024-2025 Action Plan and reporting is mandatory and must be done every six (6) months, with a summary report at the end of each reporting year. An evaluation of the implementation of the Strategy will be conducted in the final year or after the conclusion of the Strategy.

The 6-monthly report is designed to monitor the progress of the Plan's implementation, providing an overview of the level of fulfilment of the planned activities and progress towards the intended goals. The focus of the 6-month report is on the achievement of the activity deadlines as outlined in the action plan, the reasons for any delays, the risks related to the implementation of the actions, and the upcoming steps.

On the other hand, the annual summary reporting aims to assess the progress or delays in implementing the Action Plan for achieving the Strategy's objectives. It uses performance indicators and evaluates the realization of planned activities. In addition to documenting progress made during the reporting year, the report will detail whether activities were completed on schedule, assess the regularity and effectiveness of financial resource utilization, identify implementation obstacles and challenges, and propose measures to overcome them. Summary reports must be submitted by January of the following year for the preceding year.

A comparative analysis is required to assess the alignment between planned activities and targeted goals in both the Implementation Plan 2021-2023 and the Action Plan 2024-2025. This analysis will aid in the Ex-Post Evaluation of the Strategy 2021-2023 and its revised version in 2024.

The Strategy must be updated and adapted, according to changing external influences and defined priorities.

The OI has planned for two evaluations of the implementation of the Strategy:

- An evaluation as part of the mid-term (intermediate) review of the action plan after the two-three-year period, aimed at continuing the implementation plan, assessing efficiency, and identifying areas for improvement in the implementation process;
- and
- Ex-post (final) evaluation, including the 2024-2025 Action Plan. The ex-post evaluation will be conducted at the beginning of 2025 to assess whether the Strategy has achieved its set goals and objectives.

Annex 1:

ACTION PLAN 2024 – 2025 on the implementation of the INSTITUTION OF OMBUDSPERSON’S 2021 – 2025 STRATEGY (revised in 2024)

Annex attached as a separate document.