

LAW No. 05/L -019

ON OMBUDSPERSON

The Assembly of Republic of Kosovo;

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Approves:

LAW ON OMBUDSPERSON

**CHAPTER I
GENERAL PROVISIONS**

**Article 1
Purpose**

1. This Law aims to establish legal mechanism for protection, supervision and promotion of fundamental rights and freedoms of natural and legal persons from illegal actions or failures to act and improper actions of public authorities, institutions and persons or other bodies and organizations exercising public authorizations in the Republic of Kosovo (further in the text: public authorities), and the establishment of the National Preventive Mechanism against torture and other cruel, inhuman and degrading treatments and punishments.

2. The Ombudsperson is a mechanism of equality for promoting, monitoring and supporting equal treatment without discrimination on grounds protected by the Law on Gender Equality and the Anti-Discrimination Law.

**Article 2
Scope**

This Law regulates the organization and functioning of the Ombudsperson Institution, determining procedures for appointment and dismissal, powers and manner of work of the Institution of Ombudsperson, as well as it regulates the procedures for submission of complaints and their investigation.

**Article 3
Basic Principles of Ombudsperson's activity**

1. Ombudsperson is an independent institution that is governed by the principles of impartiality, independence, pre-eminence of human rights, confidentiality and professionalism.

2. The provisions of this Law apply to protect the rights, freedoms and interests of all persons in the Republic of Kosovo and abroad from illegal actions or inactions of public authorities

3. The institution of the Ombudsperson enjoys organizational, administrative and financial independence in the implementation of tasks set forth by the Constitution of the Republic of Kosovo and the Law.

Article 4
Working language

Working Languages of the Institution of the Ombudsperson are official languages envisaged by the Constitution and Law.

Article 5
Composition of the Ombudsperson Institution

1. Ombudsperson Institution is composed of:
 - 1.1. Ombudsperson;
 - 1.2. five (5) Deputy Ombudspersons;
 - 1.3. Staff of the Ombudsperson Institution.

Article 6
Conditions for election of the Ombudsperson and his/her deputies

1. The Ombudsperson and his/her deputies are elected persons who meet the following criteria:
 - 1.1. should be a citizen of the Republic of Kosovo;
 - 1.2. should have higher university education;
 - 1.3. should have character, honesty and high moral;
 - 1.4. should be experienced and have distinguished knowledge in the field of human rights;
 - 1.5. should not exercise any function in any political party, not be a assembly member in the legislature of the Republic of Kosovo Assembly that elects him/her, or as a government cabinet member.

Article 7
Incompatibility

1. Ombudsperson and his/her deputies can not be members of any political party nor exercise political, state or private professional activity.
2. Ombudsperson and his/her deputies do not participate in the management bodies of civil, economic and trade organizations.

3. In addition to restrictions set forth in sub-paragraph 1.5 of Article 6 of this Law and paragraph 1 and 2 of this Article, the Ombudsperson and his/her Deputies have no right to exercise any other public or professional duty for which they are paid, except teaching at the institutions of higher education.

4. The Ombudsperson and his/her deputies may be involved in science, cultural, academic activities and other activities which are not in contrary to their functions and the legislation in force.

5. The Ombudsperson can exercise other functions with the authorization from the Assembly of the Republic of Kosovo.

CHAPTER II

PROPOSAL, ELECTION AND DISMISSAL OF THE OMBUDSPERSON AND HIS/HER DEPUTIES

Article 8

Proposal Procedures for Ombudsperson election

1. The procedure for electing the Ombudsperson starts six (6) months before the expiration of his/her mandate.

2. Notwithstanding from paragraph 1 of this Article, when the mandate ends prematurely in case of resignation, dismissal or death of the Ombudsperson, procedure for Ombudsperson election starts within thirty (30) days from the date of post vacated.

3. The Assembly of the Republic Kosovo publishes the competition for election of Ombudsperson, in written and electronic media.

4. Terms and conditions for election of Ombudsperson foreseen by the Constitution and this Law are determined at the competition. The time period of the competition can not be shorter than fifteen (15) nor longer than twenty (20) days.

5. After expiration of time period foreseen in paragraph 4 of this Article, the selection Panel (hereinafter: the Panel) appointed by the competent Committee on Human Rights of the Assembly of the Republic of Kosovo (hereinafter: the Committee), within the period of fifteen (15) days, assesses whether the candidates meet the requirements envisaged by the Constitution and this Law to be elected Ombudsperson, and rejects nominees who do not meet the requirements determined in the competition.

6. During the election procedure of candidates for Ombudsperson, ethnic and gender representation must be encouraged.

7. The Panel conducts interview with each candidate who meets the conditions to be elected for Ombudsperson and based on the data presented and the interview results, prepares the short list of candidates qualified for Ombudsperson.

8. The short list comprises of three (3) candidates, except in cases when within the group of

three (3) candidates, there are more candidates with equal assessment points. The selection Panel submits the list of the candidates to the Committee.

9. Proposal for Ombudsperson is made by the Committee.

10. The Committee, attached to the short list, submits to the Assembly of the Republic of Kosovo the list of all candidates who meet the requirements to be elected for Ombudsperson.

11. The proposal of the Committee contains the justification why the Panel has given priority to some of the candidates in comparison with other candidates.

12. The procedure for election and dismissal of the Ombudsperson shall be regulated with a special Regulation of the Assembly of the Republic of Kosovo.

Article 9 **Election of the Ombudsperson**

1. The Ombudsperson is elected by the Assembly of the Republic of Kosovo, with the majority of votes of all its deputies for a term of five (5) years, without the right of re-election.

2. The Ombudsperson should be elected within thirty (30) days from the day of proposal of candidates.

3. In the first round the proposed candidates from the respective Committee of Assembly are voted. If in the first round no candidate receives the majority of votes of all deputies, two (2) of them who have been voted highly, continue to the second round of voting. In case the Ombudsperson is not elected in the second round as well, the candidate who has collected the most number of votes in the second round, as the only candidate, becomes the subject of the third round of voting.

4. If candidates receive the same number of votes, the voting is repeated until one candidate receives the largest number of votes.

5. In case the Ombudsperson is not elected in the first session, the Assembly of the Republic of Kosovo votes for the election of the Ombudsperson in the plenary session within the following thirty (30) days.

6. In the next session for election of the Ombudsperson, the Assembly, according to the procedures in the paragraph 3 of this Article votes for other candidates who meet the requirements of competition, following the order in the list compiled after the interview conducted by the selection Committee of the Assembly, excluding proposed candidates by the respective Committee who have been voted in the first session.

7. If the Ombudsperson is not elected in the second session within sixty (60) days as well, the Assembly shall announce a competition for the Ombudsperson.

Article 10

Procedure for election of Deputy Ombudspersons

1. The deputy Ombudspersons are elected by the Assembly of the Republic of Kosovo, with the majority of votes of deputies who are present and vote.
2. The Ombudsperson makes proposal for deputy Ombudspersons based on an open and transparent competition, according to the competition announced by the Ombudsperson Institution.
3. The Ombudsperson proposes to the Assembly at least two (2) candidates for election of one (1) deputy.
4. The Ombudsperson's proposal contains justification for the proposed candidates.
5. During election procedure of candidates for deputy Ombudspersons, ethnic and gender representation must be ensured. At least one of the deputy Ombudspersons should be a member of non-majority communities in Kosovo, and from the gender that differs from that of the Ombudsperson.
6. Deputy Ombudspersons are elected by the Assembly, with a three (3) year mandate with possibility for re-election.
7. Paragraph 1, 2, 4 of Article 8 of this Law appropriately are applied for the deputy Ombudspersons as well.
8. The Ombudsperson through internal Regulations determines the way of application, election procedure as well as proposal of the list with candidates' names for deputy Ombudspersons.
9. One of the elected deputies is appointed as Principal deputy with rotation for one (1) year mandate by the Ombudsperson.

Article 11

Taking the office and oath

1. The Ombudsperson shall take the office after having given the oath before deputies of the Assembly of the Republic of Kosovo.
2. The text of the oath is as follows: ***"I solemnly swear and promise that i will perform faithfully, independently and impartially the duties and functions which are entrusted to me by the Constitution and by the Law and will protect and promote human rights and freedoms in the Republic of Kosovo"***.

Article 12

Immunity

1. Ombudsperson, his/her deputies as well as staff of the Ombudsperson Institution enjoy immunity from prosecution, civil lawsuit and dismissal due to spoken or written statements, for activities or decisions that are within the scope of responsibilities of the Ombudsperson Institution. Functional immunity continues even after the end of the office.

2. The Offices of the Ombudsperson Institution are inviolable. Archives, files, communications, property, funds and assets of the Ombudsperson Institution, wherever they are or by whosoever held, shall be inviolable and enjoy immunity from control, acquisition, official search, confiscation, from expropriation or from any other intervention or through bailiff, administrative, judicial or legislative action.

Article 13

Dismissal of the Ombudsperson and his/her deputies from their function

1. Ombudsperson and his/her deputies may be dismissed for the following reasons:

1.1. due to physical or mental disability that causes inability to perform his/her functions;

1.2. in case he/she has committed a criminal offense punishable by the legislation of the Republic of Kosovo to six (6) months imprisonment or more based on final court decision;

1.3. in case he/she performs actions in contradiction to sub-paragraph 1.5 of Article 6 and paragraph 2 of Article 7 of this Law.

2. The procedure for the dismissal of the Ombudsperson should be open and public, where there shall be guaranteed the right to Ombudsperson to be publically heard.

3. The deputy Ombudsperson shall be dismissed by the Assembly, with the majority of votes of all deputies of the Assembly.

4. Ombudsperson requires from the Assembly of the Republic of Kosovo to dismiss from function one or more of his/her deputies, due to one or more reasons set out in this Law.

Article 14

End of the function of the Ombudsperson and his/her deputies

1. The function of the Ombudsperson and his/her deputies ends:

1.1. in case of death;

1.2. in case of resignation;

1.3. when the mandate of the Ombudsperson expires, respectively the mandate of his/her deputies;

1.4. when dismissed.

2. In case of absence, death, permanent or temporary disability, resignation or dismissal, the Ombudsperson is replaced by the principal deputy or other deputies. In case of their absence the Ombudsperson is replaced by the most senior staff member of the Ombudsperson Institution.

3. In case of expiration of the mandate, the Ombudsperson or his/her deputy shall exercise its function until the election of the new Ombudsperson, respectively of the new deputy.

4. Ombudsperson has the right to propose to the Assembly a term extension, without competitive procedures, for his/her deputies who have completed the first term.

Article 15

Provision of job after the end of mandate

1. After the end of mandate, the Ombudsperson may return to his/her post or public work that he/she had prior to election as Ombudsperson. When this is not possible, then the previous employer must provide a job for him/her at least of the same level and that would receive the salary equivalent to the salary he/she had received prior to being elected as Ombudsperson.

2. When the Ombudsperson, whose mandate expires, or cannot continue previous job due to reasonable causes nor find another appropriate job, neither has fulfilled general conditions for retirement, enjoys the right to a remuneration in the amount of the last received salary, but not longer than one (1) year from the end of the mandate.

CHAPTER III

POWERS AND RESPONSIBILITIES OF THE OMBUDSPERSON

Article 16

Powers

1. The Ombudsperson has the power to investigate complaints received from any natural or legal person related to assertions for violation of human rights envisaged by the Constitution, Laws and other acts, as well as international instruments of human rights, particularly the European Convention on Human Rights, including actions or failure to act which present abuse of authority.

2. The competences of the Ombudsperson extend to the entire territory of the Republic of Kosovo.

3. In exercising his/her functions, the Ombudsperson can provide good services to the residents of the Republic of Kosovo and other persons who are outside the territory of the Republic of Kosovo.

4. The Ombudsperson has the power to investigate, either to respond to complaint filed or on its own initiative (*ex officio*), if from findings, testimonies and evidence presented by submission or by knowledge gained in any other way, there is a base resulting that the authorities have violated human rights and freedoms stipulated by the Constitution, laws and other acts, as well as international instruments on human rights.

5. If the Ombudsperson during the investigation conducted observes the presence of criminal offence, than he/she informs competent body for initiation of investigation.

6. If the Ombudsperson starts procedure on his/her own initiative or if any other person on behalf of the damaged person with the submission addresses to the Ombudsperson for initiating of the procedure, the consent from the person whose rights and freedoms have been violated is necessary. Exceptionally, in case the damaged party has died or cannot provide his/ her consent due to any other reason, it should be required from the most close relatives to him/her and in case none of them exists or contact is impossible, consent is not needed.

7. When the Ombudsperson initiates procedure on his own initiative regarding the violation of rights and freedoms to a greater number of citizens, children or persons with lost abilities for action, consent required by paragraph 6 of this Article is not necessary.

8. The Ombudsperson may provide general recommendations on the functioning of the judicial system. The Ombudsperson will not intervene in the cases and other legal procedures that are taking place before the courts, except in case of delays of procedures.

9. The Ombudsperson may appear in the capacity of the friend of the court (*amicus curiae*) in judicial processes dealing with human rights, equality and protection from discrimination.

10. The Ombudsperson may initiate matters to the Constitutional Court in accordance with the Constitution and Law on the Constitutional Court.

11. The Ombudsperson shall also exercise his/her competences through mediation and conciliation.

12. Services offered by the Institution of the Ombudsperson are free of charge.

13. The Ombudsperson performs other work defined by the Law on protection from discrimination, Law on Gender Equality, and other legislation in force.

14. Collects statistical data regarding the issues of discrimination and equality presented to the Ombudsperson, and publishes them.

15. Publishes reports and makes recommendations on policies and practices on combating discrimination and promoting equality.

16. Cooperates with social partners and non-governmental organizations dealing with issues of equality and non-discrimination, as well as similar international bodies like the Ombudsperson.

Article 17

National Preventive Mechanism against torture and other cruel, inhuman and degrading treatments and punishments

1. The Ombudsperson acts as National Preventive Mechanism against torture and other cruel, inhuman and degrading treatments and punishments (further in the text NPM).

2. Within responsibilities as NPM, the Ombudsperson is obliged to:

2.1. undertake regular and unannounced visits to places of deprivation of liberty, including police detention, detention on remand, stay at health institutions, customs detention, prohibition of emigration and every other place when it is suspected that there are violations of human rights and freedom;

2.2. a specialized branch shall be set up at the Ombudsperson's Institution that will be tasked with functions of the NPM. The staff of this branch in addition to jurists, shall include a variety of professionals of different fields, including medical doctors, psychologists and social workers with relevant experience in this field.

3. Specialists and experts contracted by the Ombudsperson for the needs of NPM shall have the same rights and duties as other staff of the Ombudsperson, including the right to visit places of deprivation of liberty and with the right to take pictures and make sound and video recording, enjoy protection against interference in their activities, as well as the right not to give evidence and explanations on facts that were disclosed to them in the process of exercising their functions.

4. When exercising functions of the National Preventive Mechanisms, the Ombudsman and his/her representatives shall have the right to access information about the health status of any person held in places of deprivation of liberty, including access to relevant medical records, as well as, with consent of the person, they shall be entitled to access to his/her personal data.

5. The Ombudsperson can make recommendations on compatibility of laws, and other sub-legal or administrative acts, guidelines and applicable practices in Kosovo in line with the Constitution of Kosovo and international standards as concerns the prevention of torture and other cruel, inhuman or degrading treatment or punishment.

6. The Ombudsperson shall further co-operate with international, regional and other national bodies in charge of prevention of torture and other cruel, inhuman and degrading treatment or punishment.

7. The Ombudsperson can make observations and recommendations to responsible persons and institutions where there are kept the persons deprived of their liberty in all types of facilities and circumstances on how to improve the treatment and conditions of the latter.

Article 18

Responsibilities

1. The Ombudsperson has the following responsibilities:

1.1. to investigate alleged violations of human rights and acts of discrimination, and be committed to eliminate them

1.2. to draw attention to cases when the institutions violate human rights and to make recommendation to stop such cases and when necessary to express his/her opinion on attitudes and reactions of the relevant institutions relating to such cases;

1.3. to draft and adopt specific procedures for receiving and handling complaints from children, and the creation of a specialized team for children's rights and a permanent program for children to become aware of their rights and the role of Ombudsperson institution in their protection;

1.4. to inform about human rights and to make efforts to combat all forms of discrimination through increasing of awareness, especially through information and education and through the media;

1.5. to make recommendations to the Government, the Assembly and other competent institutions of the Republic of Kosovo on matters relating to promotion and protection of human rights and freedoms, equality and non-discrimination;

1.6. to publish notifications, opinions, recommendations, proposals and his/her own reports;

1.7. to recommend promulgation of new Laws in the Assembly, amendments of the Laws in force and promulgation or amendment of administrative and sub-legal acts by the institutions of the Republic of Kosovo;

1.8. to prepare annual, periodical and other reports on the situation of human rights and freedoms, equality and discrimination and conduct research on the issue of human rights and fundamental freedoms, equality and discrimination in the Republic of Kosovo;

1.9. to recommend to the Assembly the harmonization of legislation with International Standards for Human Rights and Freedoms and their effective implementation;

1.10. to cooperate, in accordance with the Constitution and legislation in force, with all organizations, local and international institutions dealing with protection of human rights and freedoms;

1.11. the Ombudsperson, his deputies and staff must keep-safe the confidentiality of all information and data they receive, paying special attention to safety of complainants, damaged parties and witnesses, in accordance with the Law on personal data protection;

1.12. obligation for official confidentiality is also valid after ending of mandate or termination of their employment.

2. The Ombudsperson can provide advice and give recommendations to any natural or legal person concerning compliance of Laws and sub-legal acts with internationally accepted standards for human rights and freedoms.

3. The Ombudsperson can advise and recommend to the institutions of the Republic of Kosovo for their programs and policies to ensure the protection and advancement of human rights and freedoms in the Republic of Kosovo.

4. The Ombudsperson undertakes all necessary measures and actions to review complaints submitted under paragraph 1 of Article 16 of this Law, including direct intervention to the competent authorities, which will be required to respond within the time period reasonable as determined by the Ombudsperson. If severe damage continues as a consequence of the complaint under paragraph 1 of Article 16 of this Law, the competent authorities are required to respond promptly.

5. If during the investigation, the Ombudsperson finds that the execution of an administrative decision may have irreversible consequences for the natural or legal person, he/she can recommend to competent authority to suspend execution of the decision until completion of investigations relating to this issue by the Ombudsperson.

6. The Ombudsperson has access to files and documents of each authority of the Republic of Kosovo, including medical files of the people deprived from liberty, in accordance with the law and can review them regarding the cases under its review and according this Law, may require any authority of the Republic of Kosovo and their staff to cooperate with the Ombudsperson, providing relevant information, including full or partial file copy and documents upon request of the Ombudsperson.

7. Officials of the Ombudsperson Institution may, at any time and without notice, enter and inspect any place where persons deprived of their liberty are placed and other institutions with limited

freedom of movement as well as can be present at meetings or hearing sessions where such persons are involved. Officials of the Ombudsperson Institution may hold meetings with such persons without the presence of officials of respective institution. Any kind of correspondence of these persons with the Ombudsperson Institution is not prevented nor controlled.

8. Ombudsperson or his/her representatives, upon official duty, can enter all official premises of all authorities.

CHAPTER IV

COMPLAINTS REVIEW PROCEDURES

Article 19

Initiation of procedure

Any person who believes that his/her rights and freedoms are violated by any Law, action or inaction, maladministration of authorities, may request from the Ombudsperson Institution initiation of procedure.

Article 20

The way of submitting the complaint

1. Any complaint submitted to the Ombudsperson should be signed and must contain personal records of the submitter of the complaint as well as all circumstances, facts and evidences on which the appeal is grounded. Submitter of the complaint must declare whether legal remedies are exercised or not, and if so which of these remedies are applied.

2. Any appeal for initiation of the procedure, as a rule, is submitted in writing. The request for initiation of the procedure may be submitted electronically, even verbally, in case it can not be made in writing.

Article 21

Procedure after receiving the complaint

1. After receiving the complaint, the Ombudsperson within ten (10) working days decides for the admissibility of the case as follows:

1.1. to review the case under accelerated procedure;

1.2. to start full investigation;

1.3. to reject the complaint because:

1.3.1. it is not in the jurisdiction of the Ombudsperson according to this Law;

1.3.2. the complaint is submitted after the term foreseen with this Law;

1.3.3. the complaint is anonymous and undocumented;

1.3.4. the complaint represents misuse of the right for filing the complaint;

1.3.5. the complainant has failed to ensure information requested by the Ombudsperson.

1.4. to reject the complaint as groundless.

1.5. to terminate investigation when he/she ascertains that the case was resolved in another way in accordance with the request of the complainant.

2. In all cases above, the Ombudsperson shall notify the party in writing within thirty (30) days from receiving the complaint.

3. The Ombudsman's decision to reject or to refuse the appeal is of a final form.

Article 22

Cases of rejection of complaint review

1. Ombudsperson rejects the request for reasons as follows:

1.1. when from the entries submitted and the circumstances of the case reveals that the rights and freedoms are not violated or any maladministration is not performed;

1.2. when the request is incomplete and has not been completed even after the requests of the Ombudsperson;

1.3. when procedures for a case are being held in judicial or other competent bodies, except in cases specified by this Law.

1.4. when all regular and extraordinary remedies are not exhausted, unless he/she considers it would be useless for complainant to initiate or continue proceedings, or if he/she estimates that the persons have endured severe damage or in a meantime the persons may suffer huge damage which might not be repairable;

2. The Ombudsperson shall reason his decision for rejection of complain, apart in cases when the party explicitly opposes that.

Article 23

Cases of prescription and exclusion

1. The Ombudsperson does not initiate proceedings to investigate violations of human rights if from the date that the party has received the final decision or has been informed about it and until submitting the complaint to the Ombudsperson Institution have passed more than three (3) years.

2. Regardless of paragraph 1 of this Article, the Ombudsperson may initiate procedure after the

expiration of a period of three (3) years, if he/she considers that the submitter of the complaint has been obstructed, in case the violation is still present or if estimates that the issue is of particular importance.

Article 24

Procedure after start of investigation

1. When the Ombudsperson decides to initiate investigations in accordance with Article 19 of this Law, he/she shall communicate his decision to the submitter of the complaint. The Ombudsperson shall also communicate this decision to the body against whom the complaint is filed in a reasonable time based on his/her assessment. The Ombudsperson may require additional information regarding the case.

2. Ombudsperson sets the time period within which the body must submit all information required in accordance with paragraph 1 of this Article. The time period can not be shorter than eight (8) days nor longer than thirty (30) days. When the body fails to submit information required by the Ombudsperson within the foreseen time period, without delay, it must submit in writing the reasons for the delay in providing the requested information.

3. If the Ombudsperson evaluates responses or measures taken by the body inadequate, he/she has the right to deliver the case to the highest competent authority, or to submit special report to the Assembly, by proposing concrete measures for resolving the violated right.

4. Refusal or failure to respond to the requirements of Ombudsperson is considered obstruction of Ombudsperson's work. This does not prevent the Ombudsperson to issue his conclusions and recommendations.

5. The Ombudsperson may report the actions foreseen in paragraph 4 of this Article in his reports.

Article 25

Obligation of cooperation and the consequences of refusal

1. All authorities are obliged to respond to the Ombudsperson on his requests on conducting investigations, as well as provide adequate support according to his/her request.

2. Refusal to cooperate with the Ombudsperson by a civil officer, a functionary or public authority is a reason that the Ombudsperson requires from the competent body initiation of administrative proceedings, including disciplinary measures, up to dismiss from work or from civil service.

3. In case when the institution refuses to cooperate or interferes in the investigation process, the Ombudsperson shall have the right to require from the competent prosecution office to initiate the legal procedure, on obstruction of performance of official duty.

Article 26

Witnesses and experts invitation

The Ombudsperson may send an invitation to any witness or expert to interview him/her about the case under review. The person invited and who works in public institutions is obliged to respond this invitation.

Article 27
Decision Making

After accomplishment of investigation, the Ombudsperson in accordance with its powers and responsibilities, issues a decision in which his/her findings and recommendations are unveiled. His/her decision is delivered to the complainant and responsible public authorities.

Article 28
Response to Ombudsperson's requests

Authorities to which the Ombudsperson has addressed recommendation, request or proposal for undertaking concrete actions, including disciplinary measures, must respond within thirty (30) days. The answer should contain written reasoning regarding actions undertaken about the issue in question.

Article 29
Report of the Ombudsperson

1. The Ombudsperson presents the Annual Report to the Assembly of the Republic of Kosovo.
2. The Ombudsperson presents to the Assembly of Kosovo the Report for the previous year till 31 March of following year.
3. The Assembly of the Republic of Kosovo reviews the Ombudsperson's Annual Report in the plenary session, during spring session.

Article 30
Publication of Special Reports

1. The Ombudsperson also presents special reports on specific fields of the human rights to the Assembly of Kosovo.
2. The Ombudsperson may publish special reports also through media.

CHAPTER V

OFFICE, PREMISES, STAFF AND THE BUDGET OF OMBUDSPERSON INSTITUTION

Article 31
The residence of the Institution, inviolability of the residence and of the offices of the Ombudsperson

1. The residence of the Ombudsperson Institution is located in Pristina.
2. The Government provides the Ombudsperson Institution with appropriate facilities for work in public ownership as well as other equipment in order to ensure proper and effective conduct of functions and responsibilities of this Institution.

3. The Ombudsperson, based on its needs can establish other offices within the territory of the Republic of Kosovo.

4. Ombudsperson's Regional Offices are provided with suitable premises or offices for work within public facilities by the municipality

5. Special units for protection of particular categories of human rights will be operating within Ombudsperson Institution.

Article 32

Personnel

1. The other employees of the Institution of Ombudsperson shall be subject to the legal provisions in force for civil servants.

2. Personnel of Ombudsperson Institution shall be selected among the citizens of the Republic of Kosovo, in an open and transparent process, based on the professional criteria. The provisions of the Law on Civil Service shall apply to employees of Ombudsperson Institution, to that extend that there is no infringement of constitutional independence of the Institution.

Article 33

Engagement of external advisors and experts

The Ombudsperson, when necessary may recruit advisors and external experts to serve for a certain period.

Article 34

Salaries

Salaries of Ombudsperson Institution shall be regulated under the applicable Law on the salaries from the Budget of the Republic of Kosovo.

Article 35

Financing

1. The Ombudsperson Institution is financed from the Budget of the Republic of Kosovo.

2. Regardless of the provisions of other Laws, the Ombudsperson Institution prepares its annual budget proposal and submits it for approval to the Assembly of the Republic of Kosovo, which cannot be shorter than previous year approved budget. Budget may be shortened only by the approval of the Ombudsperson.

3. In case powers and liabilities of the Ombudsperson Institution increase with this Law and other Laws, it is accompanied with additional, appropriate and specific financial and human resources.

4. The Ombudsperson Institution independently manages with its own budget and is subject to internal and external audit by the Auditor General of the Republic Kosovo.

Article 36
Acceptance of donations

The Ombudsperson Institution may accept additional donations from local and international donors, for which the Assembly of the Republic of Kosovo is notified and which do not impact on financial independence of the Ombudsperson Institution and which are not in contrary to the Law, and that do not affect the independence of the Ombudsperson Institution or its rights on the Budget of the Republic of Kosovo.

Article 37
Regulations of the Institution

1. The Ombudsperson issues the Rules of Procedure, Regulation for internal organization and systematization of job positions, decision making processes and other organizational issues in accordance with the Law.
2. The regulations promulgated by the Ombudsperson enter into force after the publication in the Official Gazette of the Republic of Kosovo.

CHAPTER VI

TRANSITIONAL AND FINAL PROVISIONS

Article 38
Transitional provisions

1. The Ombudsperson shall have competences even for the cases that occur prior to entry into force of this Law, when from the facts derives that violation of one or more international standards on human rights continues, or constitutes the continued abuse of power.
2. Within six (6) months after entry into force of this Law, the Ombudsperson Institution issues Regulations foreseen with this Law.
3. Within one (1) year after entry into the force of this Law, the Ombudsperson Institution starts with exercising of its legal powers and liabilities as National Preventive Mechanism against torture and other cruel, inhuman and degrading treatments and punishments.

Article 39
Abrogative provisions

With entry into force of this law, the Law no. 03/L-195 on Ombudsperson and all other provisions which are in contrary with this Law are repealed.

Article 40
Entry into force

This Law shall enter into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

Law No.05/L-019
28 May 2015

Promulgated by Decree No.DL-015-2015, dated 15.06.2015, President of the Republic of Kosovo Atifete Jahjaga.