ERAC

EQUAL RIGHTS FOR ALL COALITION

HUMAN RIGHTS STRATEGY FOR KOSOVO 2016-2022:

A Way Forward

September 2016

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ECMI Kosovo is the principal non-governmental organisation engaged with minority issues in Kosovo, with the overarching aim to develop inclusive, representative, community-sensitive institutions that support a stable multi-ethnic Kosovo. ECMI Kosovo contributes to the developing, strengthening and implementation of relevant legislation, supports the institutionalisation of communities-related governmental bodies, and enhances the capacity of civil society actors and the government to engage with one another in a constructive and sustainable way.

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LIST OF ACRYONYMS AND ABBREVIATIONS

CoE	Council of Europe
CSOs	Civil Society Organisations
ECMI Kosovo	European Centre for Minority Issues Kosovo
ERAC	Equal Rights for All Coalition
EU	European Union
ICGHR	Inter-Ministerial Coordination Group on Human Rights
IDPs	Internally Displaced Persons
IPA	Instrument for Pre-Accession Assistance
LGBTI	Lesbian, Gay, Bisexual, Transgender and Intersex Persons
MEI	Ministry of European Integration
NGOs	Non-Governmental Organizations
OGG	Office of Good Governance
OIK	Ombudsperson Institution in Kosovo
OPM	Office of the Prime Minister
SAPHR	Strategy and Action Plan on Human Rights
SPD	Sector Planning Document
TACSO	Technical Assistance for Civil Society Organisations
ToR	Terms of Reference
UN	United Nations

1. INTRODUCTION

Kosovo's legal framework on human rights and fundamental freedoms is largely in place. Through its Constitution and laws, Kosovo is committed to respecting and promoting fundamental rights and freedoms. Provisions of international human rights instruments related to civil and political rights are directly applicable in Kosovo and supersede the national legislation.

Kosovo established a framework for strengthening the implementation of the legal provision on human rights through the Strategy and Action Plan on Human Rights of Kosovo 2009–2011 (SAPHR). Based on a matrix-standardized reporting format, the Office of Good Governance (OGG) issued three consecutive annual reports on the implementation of the strategy and action plan during the period 2009–2011.[1]

The 2010 SAPHR annual report sheds light on a variety of problems in the implementation of the strategy.[2] Due to a lack of commitment, clear division of duties, experience, and human and financial resources, the government and municipalities face difficulties in implementing existing human rights legislation.[3] The report details certain challenges and complications in implementing the SAPHR 2009-2011. Among these are the lack of information in the institution, as well as inefficient or absent reporting and monitoring. The budgets for the activities are largely conducted on an ad hoc basis in many institutions and municipalities and not a part of a planned budget. This may explain the missing initiatives in reporting and planning on the local level.[4]

The report outlines multiple recommendations for the full implementations of SAPHR 2009-2011. For example, it is recommended that the OGG should be strengthened through the hiring of additional staff to conduct monitoring, the Government of Kosovo should make the objectives clearer and more measurable, and there should be an increase in funding to achieve the goals.[5]

Though the report focuses on the extensive lack of implementation, it does highlight some successful cases, including the establishing of Human Rights Units (HRU) in almost all ministries and municipalities. The task of the HRUs is to ensure implementation of human rights law in both levels of government.[6] Additionally, cooperation between the Ombudsperson and the HRUs is established to exchange information on the implementation of the Strategy.[7]

In August 2013, the OGG prepared the first draft of the Strategy and Action Plan on Human Rights (2013–2017).[8] In an early assessment of this draft, the Council of Europe (CoE) underlined a number of issues, including the lack of proper participatory and consultative process in the drafting phase.[9] Furthermore, the CoE recommended that, "In the case of policy development regarding human rights, these goals would best be achieved by recognizing that Kosovo has become overloaded with policies, action plans and strategies – notwithstanding the considerable individual merits of the various objectives that they embody – and by henceforward seeking to reduce somewhat both their number and scope.

1 Council of Europe. *Reform Proposals to Energize Non-Judicial Human Rights Institutions in Kosovo* (2013), p.35.
2 Due to lack of access to the 2009 and 2011 annual report, only the 2010 annual report is analyzed
3 Report on the implementation of the Strategy and Action Plan on Human Rights in the Republic of Kosovo (2009-2011) p.11.
4 Ibid, p.16.
5 Ibid, p. 16.
6 Report on Activities in The Areas of Human Rights, Equal Opportunities, Minority Rights, The Rights of The Child, The Rights of Persons with Disabilities, Anti-Discrimination and Anti-Corruption, July - December 2009 (Six-Month Report) p. 8.
7 Report on the implementation of the Strategy and Action Plan on Human Rights in the Republic of Kosovo (2009-2011) p. 12.
8 Office of Good Governance/Office of the Prime Minister. 'Draft Strategy and Action Plan on Human Rights in the Republic of Kosovo (2013–2017)' (August 2013).
9 Council of Europe: *Reform Proposals,*. p.16.

Certainly an approach that involved the identification of fewer and more achievable priorities for implementation is likely to lead to more successful outcomes in the long-term."[10]

In line with these recommendations, the Strategy and Action Plan on Human Rights in Kosovo (2016–2020/22)[11] (hereinafter referred to also as "the Strategy"), which is currently in the final drafting stages, should set a comprehensive policy framework to protect and guarantee human rights. It should serve as an "umbrella" for other related strategies, in order to avoid the fragmentation of human rights, which are inalienable and indivisible. The adoption of an "umbrella" strategy will bring together all current human rights strategies in progress to create a single strategy by the Kosovo government on human rights. Presently, there are a high number of sub-sector strategies creating ministerial confusion on responsibilities, thus making progress hard to track.

The OGG within the Office of the Prime Minister (OPM) has a leading and coordinating role in the process of drafting and finalising the Strategy. The OGG has nominated a Team responsible for the drafting of the Strategy and Action Plan (cf. annex 1). It has also established an Inter-Ministerial Coordination Group on Human Rights (ICGHR), with the task to coordinate, share information and data, report on and monitor the implementation of strategies and policies on human rights (cf. annex 2).

Two drafts of the Strategy have been produced to date. Several consultative meetings and two workshops have been held to discuss drafts of the Strategy. The long drafting process reveal the lacking agreement on the structure and objectives of the Strategy and Action Plan. Moreover, the drafts retained some of the drawbacks and shortcomings of the SAPHR (2009–2011).

This report is an attempt to formulate a clear recommendation on the objective and structure of the Strategy, as a guideline for the finalisation of the drafting process. In what follows, this report provides background information on the importance of *human rights in Kosovo*, an in-depth account of the *drafting process*, a proposal for the *overarching principles* governing the Strategy as well as some *recommendations* in regards to further steps to finalize the drafting process of the Strategy.

10 Ibid, pp.45–47.

11 The extent of the Strategy and Action Plan on Human Rights in the Republic of Kosovo has not been decided yet.

2. METHODOLOGY

This report is based on desk research of key available sources, including the Strategy and Action plan on Human Rights (2009–2011) and subsequent draft strategies, as well as guidelines and comments on Kosovo's strategic framework on human rights by international organisations. The report builds on earlier studies by civil society organisations (CSOs) working with vulnerable and marginal groups on challenges remains in their particular area of focus and ways of how to address these challenges. The desk research was complemented with informal interviews with representatives of the OGG, the Ministry of European Integration (MEI) and other national and international stakeholders. ECMI Kosovo has also conducted independent research,along with other NGOs within Kosovo, to establish efficient cooperation between the Equal Rights for all Coalition(ERAC) partners to further expand capacities and promote continual learning.

3. HUMAN RIGHTS IN KOSOVO: TOWARDS SIMPLICITY, FOCUS AND COORDINATION

Given the recent history of Kosovo, it is important for Kosovo to attain EU association for national stability and progress. Through this focus on further association towards the EU, human rights should be a focal point of the Kosovo government's agenda. Following the remarks of President Thaçi, "The European integration process remains a top objective and priority of the Government of Kosovo."[12] This section will present the current state of human rights legislation followed by an analysis of how the EU sectorial approach can be used as an instrument to further human rights development in Kosovo.

Fundamental human rights are solidly enshrined in the Constitution of Kosovo. The promotion and enforcement of fundamental rights and freedoms and equal treatment of all citizens of Kosovo is regulated through different civil and criminal legislations including the package of human rights legislation (i.e. the laws on anti-discrimination, the Ombudsperson and gender equality), which entered into force in July 2015. The new laws repair former deficiencies in the legal framework regulating the non-judicial human rights protection framework and ensure compliance with European human rights standards as well as international conventions. They are particularly valuable, as they define the competences and interrelations between various bodies with competencies in promoting and protecting fundamental rights and confirm the role of the Institution of the Ombudsperson as the main competent body in the domain of fundamental rights. Although Kosovo is not a signatory to major international agreements on human rights, the constitution of Kosovo states that all international human rights instruments are directly applicable. According to the Constitution of Kosovo;

Article 22 [Direct Applicability of International Agreements and Instruments] Human rights and fundamental freedoms guaranteed by the following international agreements and instruments are guaranteed by this Constitution, are directly applicable in Kosovo and, in the case of conflict, have priority over provisions of laws and other acts of public institutions:

1. Universal Declaration of Human Rights;
2. European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols;
3. International Covenant on Civil and Political Rights and its Protocols;
4. Council of Europe Framework Convention for the Protection of National Minorities;
5. Convention on the Elimination of All Forms of Racial Discrimination;
6. Convention on the Elimination of All Forms of Discrimination Against Women;

12 http://www.kryeministri-ks.net/?page=2,104,1339, 08/09/16

7. Convention on the Rights of the Child;
8. Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment;

Fundamental rights and freedoms are a cross-cutting topic intertwined within the field of operation of numerous institutions. Consequently, a wide range of judicial and non–judicial mechanisms hold responsibilities for the promotion and protection of human rights. Judicial human rights structures adjudicate violations of human rights. Non-judicial human rights structures are situated at multiple levels of governance and are responsible for investigations of human rights violations by public institutions, policy development, drafting legislative measures, monitoring implementation, and non-judicial redress mechanisms. Judicial and non-judicial human rights mechanism are intrinsically linked, as non-judicial human rights structures raise awareness on human rights and the judicial avenues to safeguard these rights, identify and receive human rights violations, and forward a case to judicial human rights structures, if relevant. For an overview of human rights mechanisms and strategic documents of Kosovo, see Annex 3.

3.1 Evaluation of the Strategies

International stakeholders monitoring and reporting on the protection of human rights in Kosovo have criticized the lack of focus, coordination, measurability and, ultimately, effectiveness of the existing plethora of strategies related to human rights that are in place in Kosovo. As noted by the CoE, the impact of these strategies is limited, due to limited capacities of the relevant institutions, confusion as result of the over-layered structure of human rights mechanisms, and the absence of sufficiently measurable objective and methodology for implementation.[13]

Based on the evaluation conducted by the CoE, the effectiveness of OGG and other relevant stakeholders in the SAPHR 2009–2011 suffered major drawbacks due to the vague wording of the action plan. These strategies failed to provide attainable goals within a realistic time frame, while the overall plan did not effectively divide tasks and responsibilities among institutions. This, coupled with a lack of coordination between institutions, a lack of skilled personnel, and an increasingly widening mandate, in which the Director of the OGG assumed positions as the national coordinator for human rights, anti-corruption, and rights of the child and of the disabled, caused great confusion over institutional responsibilities. This prompted OGG to seek external assistance for the creation and implementing of new human rights strategies. Over time, the CoE report states, the role of the OGG had been reduced to a coordinator among stakeholders, serving primarily as a Secretariat for various councils (ex. councils on the Strategy for Integration of Roma, Ashkali, and Egyptians and the New EU Project Supporting Government Cooperation with Civil Society). As a result of the constant need for external support, OGG failed to effectively monitor the implementation of policies once adopted by the government. These unsuccessful attempts to increase the capacities of policy development for OGG instead created a heavier reliance on external assistance. This is due to a shortage of human rights policy making expertise within the OGG. As a result, the OGG was unable to effectively provide an evaluation of reports from other institutions active in the SAPHR 2009-2011, resulting in shortcomings of information in the annual reports, making it more difficult to keep stakeholders updated and monitor/hold institutions accountable for their responsibilities.[14]

It recommended, however, that the Strategy should be closely linked to the obligations to implement international and regional human rights instruments and to fulfil the European Union (EU) acquis and accession criteria for human rights and equal opportunities. In addition, as mentioned above, it found that the Strategy lacks proper situation analysis, clear objectives, measurable indicators, statistical benchmarks, expected targets and the financial means for its implementation.[15]

13 Council of Europe: *Reform Proposals*, pp.14–20, 45–47.
14 Council of Europe. *Reform Proposals to Energize Non-Judicial Human Rights Institutions in Kosovo* (2013), p.19-20
15 Ibid, p.19.

In an interview, Director of the OGG, Mr. Habit Hajredini, responds to some criticisms by the CoE. He claims the OGG suffered from many challenges to its capacities during the first strategy due to the legal status of the OGG, ambiguity on the human rights strategy, a lack of funding and human capital, and general confusion on how to effectively implement the 'umbrella strategy' in practice. Through lessons learnt from the challenges during the SAPHR 2009-2011, Mr. Hajredini claims the OGG has garnered new empowerment to direct and coordinate human rights strategies within government ministries. This, added with the new law on anti-discrimination sees the creation of a mechanism to effectively implement and monitor laws concerning human rights and anti-discrimination. Efficient coordination between central and local levels of government is key to organizing this mechanism to carry out and report on the human rights strategy. The OGG will hire anti-discrimination officers in each municipality, who in turn will report on the skills of employees when concerning human rights and anti-discrimination. On the central level, six senior officers for good governance and relations with NGOs and CSOs will be hired, one officer for equal opportunity and disability issues, one for equal opportunity and minority issues, one on children's issues, and one general coordinator for office relations and general human rights strategy. The last-mentioned will have the responsibilities of monitoring all ministries, promoting human rights and anti-discrimination, preparing reports, as well as sitting on various national councils.

3.2 The Instrument for Pre-Accession Assistance as a Human Rights Promoting Tool

The CoE noted that "human rights-specific policies are developed with little or no consideration of their contribution to the more general policy frameworks, such as the European Partnership Action Plan, Government Annual Work Plan and sector strategies. The linkage between human rights-specific policies and the fulfilment of obligations towards international bodies also appears to be very weak."[16]

In recent years, the EU has reaffirmed its commitment to human rights through its external actions. The EU's enlargement policy "remains focused on the 'fundamentals first' principle. Fundamental rights are at the heart of EU values and an essential element in the accession process. Fundamental rights are largely enshrined in the legislation of the enlargement countries but more needs to be done to ensure they are fully implemented in practice." And therefore "a more robust institutional framework for the protection of fundamental rights is needed, especially to promote the work of Ombudsmen and to support the work of non-governmental organizations (NGOs) and human rights defenders."[17]

In line with the Ombudsperson's recommendations, the EU has argued that an overarching human rights strategy is a crucial and much-needed instrument to focus and streamline the various and diverging policy measures that have been taken in the domain of human rights in Kosovo. As noted in the European Commission's Progress Report for Kosovo of 2015, "the Strategy on Human Rights needs to be updated."[18] The Report underlines that when it comes to human rights, there is a need for increased political and financial commitment at all levels in order to discontinue donor dependency of the government in this sector, which undermines ownership and effective delivery. Also, the European Commission's *Indicative Strategy Paper for Kosovo* (2014–2020) underlines that, "structures dealing with the protection, promotion and reporting on human rights need to be streamlined, both at central and local level."[19]

16 Ibid, p.18.
17 European Commission. *EU Enlargement Strategy* (10 November 2015), p.5.
18 European Commission. *Kosovo* Report 2015* (10 November 2015), p. 20. See also European Commission. *Kosovo* Progress Report 2014* (October 2014), pp.16–17.
19 European Commission. *Indicative Strategy Paper for Kosovo (2014-2020)* (20 August 2014), p.24.

The need to formulate an overarching strategic planning framework to improve the implementation of the existing legislative framework on human rights concurs with the sector approach applied in the EU's pre-accession assistance programmes. From 2014, the EU shifted its approach for cooperation with Instrument for Pre-Accession Assistance (IPA) partners to supporting reforms based on a country's sector policy rather than implementing single standing projects. Instead of defining projects for intervention through EU support from above, the sectorial approach "aims to broaden government and national ownership over public sector policy and decisions on resource allocation within the Sector", i.e. "a clearly delimited area of public policy addressing a set of fairly homogeneous challenges".[20] The sector approach promotes national ownership, sector policy and structural reforms, more targeted assistance, prioritising based on needs assessment, and capacity-building at the national level for the pillars underpinning the Sector Approach, namely: a) policy development and strategic planning i.e. ability to set medium to long term priorities consistent with EU integration objectives to achieve smart, sustainable and inclusive growth; b) ensuring that line ministries have the administrative capacity to lead and efficiently implement policies and programmes; c) improving public financial management and national budgeting systems (including a closer link between activity and budget planning by developing medium-term budget frameworks); d) improving monitoring and evaluation capacity plus encouraging a focus on results based programming; e) strengthening capacity to manage donors.[21]

The EU has identified a number of sectors and subsequently invited the governments of the beneficiary countries to further define each of these sectors through country strategy papers and action programmes. Through this process, beneficiary countries are expected to take ownership of sector reforms by situating concrete actions within long-term strategic visions at reforms targeting an entire sector. The government in Kosovo was invited in 2015 to prepare Sector Planning Documents (SPDs) for key priority areas for further cooperation with the EU. The exercise of formulating these SDPs consists of a sector assessment phase and the final planning phase. The assessment takes into consideration the following key criteria:

- National sector policies/strategies;
- Institutional setting and capacity;
- Sector and donor coordination;
- Mid-term budgetary perspectives;
- Monitoring of policy implementation;
- Public finance management;
- Macro-economic framework.[22]

In line with the EU's reaffirmed focus on human rights in its enlargement policy, one of the areas high on the European agenda for IPA is Fundamental Rights and Rule of Law. In view of the complexity of the sector Fundamental Rights and Rule of Law, the Kosovo Government has developed separate SPDs for this sector. As per assessment of the EU, further work is required in the SPDs on Fundamental Rights and Rule of Law.

The exercise of formulating the SDP for Fundamental Rights and Rule of Law should be streamlined with the process of drafting a Strategy and Action Plan on Human Rights. The EU's sectoral approach can thus converge with and provide incentives to domestic initiatives towards comprehensive mapping of the current status of reforms in the sector and further strategic planning of concrete actions to address shortcomings identified in the sector assessment.

20 European Commission. *Instrument for Pre-Accession Assistance (IPA II) 2014–2020: A Quick Guide to IPA Programming*, p.36.
21 Ibid, p.36.
22 Ibid, p.37.

4. THE DRAFTING PROCESS

With these recommendations and assessments in mind, the Government of Kosovo launched the first preparations for developing an overarching Strategy and Action Plan on Human Rights in August 2015, with the Decision of 14 August 2015 to nominate a team responsible to draft the Strategy and Action Plan on Human Rights 2016–2020/22 (see Annex 1). As per the decision, the group is composed of 28 members representing relevant Kosovo institutions, civil society, as well as international stakeholders. The OGG within the OPM leads and coordinates the process.

The first draft of the Strategy was presented on 25 September 2015 and a revised version on 26 November 2015. During the evaluation of these drafts, it became evident that certain conceptual issues needed to be agreed first within the government and with stakeholders, and that a higher level implementation mechanism would be required to bring all sector stakeholders to the table. The Ombudsperson suggested to put the Prime Minister in charge of Strategy endorsement, monitoring and reporting on the implementation of the Fundamental Rights Strategy to the Parliament. In addition, it was remarked that the drafts retained some of the shortcomings of the first Human Rights Strategy, in particular a lack of proper situation analysis, clear objectives, measurable indicators, statistical benchmarks, realistic targets and financial means for implementation. Finally, the drafts fail to link the Human Rights Strategy to the obligations to implement international and regional human rights instruments and to fulfil the EU acquis and accession criteria for human rights and equal opportunities. During this phase, it became clear that the Human Rights Strategy should act as an umbrella, overarching and bring together all subsector strategies.[23] In July 2016 another draft Strategy was produced with these goals in mind. It suggests four overarching concerns that should be addressed through strategic principles that direct more detailed measures for a selected number of fundamental rights. These are as follows:

(1) Division of roles and competences and coordination between human rights structures;
(2) Limited prioritization of redress for concrete cases of human rights abuse;
(3) Awareness of human rights among the general public;
(4) Monitoring and identification of actual concerns.

In view of the recommendations from the ombudsperson and the international Human Rights Working Group in Kosovo, and after further consultations, the Prime Minister of Kosovo, through Decision Nr. 06/87 of 13 May 2016 established the ICGHR (see Annex 2). The ICGHR will be chaired by the Prime Minister himself and is composed of 18 key stakeholders in the sector of human rights in Kosovo, namely key line ministries, relevant state agencies, the Ombudsperson and civil society (see Annex 4). Membership can put the autonomy of independent agencies, like the Ombudsperson Institution of Kosovo (OIK), in question. This could be alleviated by renaming the group as Interagency Group. It has been suggested to also include other key actors for human rights protection, i.e. Judiciary and Prosecution Services, KAS and the Data Protection Agency.

The ICGHR has the following tasks and responsibilities:

(1) Enhancing the coordination of all ministries and competent Government authorities in the field of human rights;
(2) Monitoring implementation of policies and strategies in the field of human rights;

23 See especially the Recommendations of the Ombudsperson, dated 16 December 2015, and the Comments of the International Human Rights Working Group in Kosovo on the draft of 25 November 2015, dated 23 January 2016.

(3) Reporting to the Kosovo Assembly on the protection and respect of human rights in Kosovo;
(4) Exchanging information and data as well as implementation of recommendations contained in the reports of the UN, the CoE, the EU and other international organizations;
(5) Budgeting and setting policy priorities on human rights; and
(6) Making proposals to advance legal framework in the field of human rights and other relevant proposals to developing the human rights in Kosovo.

The ICGHR will be the competent high-level political body to endorse the Strategy, and will be able to ensure allocation of the necessary resources for implementation of respective reforms. This coordination mechanism will oversee and monitor the implementation of relevant human rights legislation and strategy, and the Prime Minister will report annually to the relevant institutions, including the Kosovo Assembly.

As Secretariat to the ICGHR, the OPM/OGG is mandated – in cooperation with other institutions and civil society – to prepare draft Terms of Reference to outline the scope of work of the ICGHR, which should be discussed and approved in the first meeting of the ICGHR. Meetings of ICGHR occur at least three times per year; however, the Chair can initiate meetings more often in case s/he deems necessary.

The OGG acts as a coordination for ICGHR, with responsibilities including policy drafting, ensuring the efficient operation of government mechanisms, providing advice to the government, considering ombudsperson recommendations, and overseeing the implementation of human rights strategies across the central and local levels of government. The OGG has past experience with government strategy support in which it worked closely with civil society organizations and ombudspersons to organize awareness campaigns and create mechanisms to effectively implement these policies. The need of external assistance by the OGG in implementing and promoting government strategies have shown potential challenges to the capacities of the office.

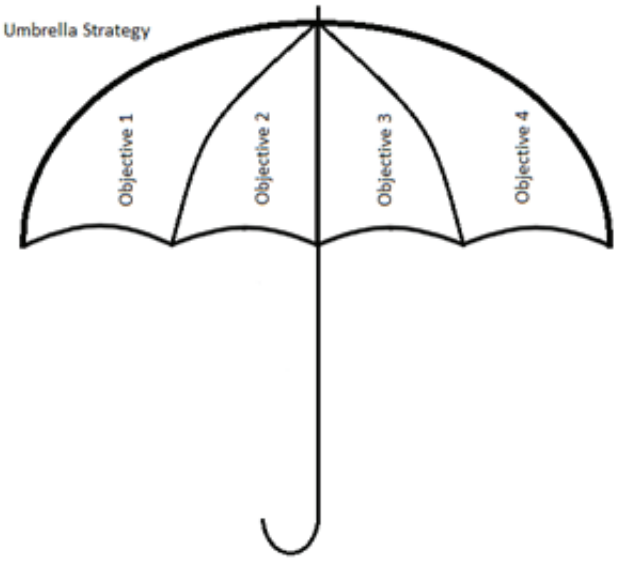
Based on a mission report by Technical Assistance for Civil Society Organisations (TACSO) Kosovo Office, the OGG suffers from multiple shortcomings hampering its ability to become an effective policy developer, instead making it heavily reliant on external support. Firstly, the shortage of staff within the OGG and the lack the proper training and skills to promote human rights policy have thwarted the capacity of the OGG within the Strategy. As Secretariat of the ICGHR, it has failed to clearly divide responsibilities among institutions, while overlapping other responsibilities creating confusion among partners. The report also states there is a lack of government involvement in the funding for the OGG strategies, recommending a separate budget line be created by the government, promoting a greater focus on the OGG policy creation/implementation process. External assistance has helped guide the office in coordinating the implementation of these strategies but has not succeeded to train the OGG staff in the development of human rights strategy, creating more dependence on external assistance. As a result of this, the OGG is unable to advance its own capacities in human rights promotion and drafting policies.[24]

24 TACSO Kosovo Office. "Assistance to Implementing Kosovo Government Strategy Cooperation with Civil Society 2013-2017: Mission Report." pp. 5-8.

5. SHAPING THE STRATEGY: PRINCIPLES, STRUCTURE, PRIORITIES AND INTERVENTIONS

With the institutional framework in place for inclusive and high-level involvement in the drafting of the Strategy, the stakeholders involved should set clear conceptual principles for the structure and objectives of the Strategy. Along the lines of these principles, the Strategy can be drafted in a coordinated and swift manner. In what follows, this paper makes recommendations at a conceptual level to guide the drafting processes of the Strategy. It will define the main principles behind the Strategy and guidelines for defining priorities and interventions. But first it will take a closer look at the concept of umbrella strategies and the July 2016 human rights strategy draft.

5.1 Umbrella strategy and the latest human rights strategy draft



An umbrella strategy should set out some overarching objectives that bring together all the subsector strategies - both those in the making and those that have already been made. The list of the strategies that have either been adopted or are in the process of being adopted may be found at Annex 3. In the letter from the ombudsperson to the Office of Prime Minister (OPM) regarding the Strategy on Protection of Human Rights and Freedoms, drafted by the Office of Good Governance (OGG), the ombudsperson recommends," The government of Kosovo, to possibly draft a single strategic document in the field of human rights and freedoms, where all specific strategies on human rights will be included."[25] If this is to be maintained, a major reshuffling of the administrative procedures that govern the reporting of the implementation of each strategy is necessary. In effect, a reporting linkage is needed to provide cohesion between a dozen strategies that address human rights issues in one way or the other in the form of an over-arching human rights strategy.

The National Strategy for the Protection of Human Rights in Georgia 2014-2020 may serve as an inspiration in the drafting of the Kosovo human rights strategy, because it bears many of the qualities of an umbrella strategy. It was created with active involvement from both governmental and non-governmental institutions.[26] The aim of the strategy is to develop a systematic approach to the realization of human rights by all Georgian citizens, and the timely rendering of the duties related to these rights by state authorities.[27] They have made four overarching and binding principles to ensure human rights, which are the following:

(1) Inviolability of human rights by the state;
(2) Defense against human rights violations by others;

25 Recommendations of the Ombudsperson, dated 16 December 2015.
26 The National Strategy for the Protection of Human Rights in Georgia 2014-2020 p. 4.
27 Ibid, p. 6.

(3) Creation of a system that will allow persons to realize their rights in practice;
(4) Adequate informing of the population on their human rights. [28]

On the basis of the recommendations of various stakeholders in the area of human rights, they have made 23 prioritizations with objectives and tasks specified for the period 2014-2020. For each priority there have also been made an action plan covering the *aim, objective, action/measure, responsible body, timeframe and indicator*. The responsible bodies are obligated to report annually to the government. As such, the Georgian strategy carries many of the qualities that are missing in the Kosovar strategies. It contains a situation analysis, clear objectives, measurable indicators, realistic targets and fixed financial means for the implementation.[29]

The July 2016 draft of the HR Strategy shows progress towards the umbrella strategy. It takes its outset in the Constitution of Kosovo, Chapter II Human Rights and Fundamental Freedoms where all the rights and freedoms of the citizens are stated.[30] The draft strategy from 2016 suggests four overarching concerns, as outlined in the previous section. These four concerns should be addressed through the following strategic principles that will provide more detailed measures and actions in subcategories not outlined here. The principles are:

(1) Principle 1 – to harmonize and streamline the roles, competences, and cooperation of human rights structures;
(2) Principle 2 – to strengthen key human rights institutions providing redress against human rights violations;
(3) Principle 3 – to educate the public on human rights standards, mechanisms, and policies;
(4) Principle 4 – to identify and monitor human rights concerns and legislation implementations as a basis for decision- and policy-making.[31]

Thus, the July 2016 draft marks the initial development of an umbrella strategy, which attempts to address criticisms and shortcomings of previous strategies. It also takes vulnerable and marginalized groups into consideration, an element that was missing in previous versions of the strategy. It identifies vulnerable and marginalized groups as priority target groups of the strategy. Namely, vulnerable and marginalized groups refers to children, women, people with disabilities, non-majority communities,[32] LGBTI community members, and returnees and internally displaced persons. This initiative has been positively accepted by civil society.

One significant criticism of the previous strategy highlighted in the OGG's own evaluation and the 2010 SAPHR annual report, as well as by the COE, is challenges in management. The OGG faces serious problems with collecting information on progress of the implementation, as well as monitoring the overall area of human rights. Within the umbrella strategy, it should be stated clearly which bodies would carry out which tasks and responsibilities, along with a definitive timeframe for reporting. For the new strategy to succeed, clear guidelines in information collecting and reporting should be developed.

The last version of the human rights strategy failed to state objectives in terms of priority human rights issues. While it did address issues that concern the management and effective administration

28 Ibid, p. 9.
29 For further information, see The National Strategy for the Protection of Human Rights in Georgia 2014-2020 and the Action Plan on the Protection of Human Rights in Georgia 2014-2020.
30 The constitution of the Republic of Kosovo can be found on http://www.kushtetutakosoves.info/repository/docs/Constitution.of.the.Republic.of.Kosovo.pdf
31 Human Rights Strategy – draft July 2016.
32 The non-majority communities are in the draft strategy defined as Serbs, Bosniaks, Turks, Gorani, Roma, Ashkali and Egyptians.

of human rights institutions in Kosovo, it did not provide objectives that concern substantive issues of human rights. It should be up to the Government of Kosovo, jointly with relevant institutions and civil society, to formulate objectives that deal with substantive issues of human rights. These should originate from major concerns in terms of human rights violations in Kosovo over the past years and should be within the scope of Chapter II of the Constitution of Kosovo.

5.2 Principles

Conceptually, the draft Strategy is meant to set a *comprehensive policy framework* and serve as an umbrella for other subsector strategies, in order to reduce the current fragmentation of human rights related reform processes. The Strategy should prioritise domains for intervention in the domain of human rights, while explicating the links between these interventions. The priorities should be selected carefully, along priority selection criteria and taking into consideration the realistic implementation of all interventions within the timeframe of the strategy. For each of these priorities, the Strategy should set of a limited number of specific, measurable, achievable, relevant and time-bound (SMART) targets and corresponding indicators. These priorities should then be taken over and further specified into particular subsector strategies and action plans. As such, the Human Rights Strategy will not be a goal in itself, but a guiding document for implementable strategic reforms in particular subsectors as well as a monitoring tool that will enable government, society and international community to follow progress in protection of fundamental rights in Kosovo along the key policy priorities of the Government.

The Strategy should entail *international human rights standards and rule of law principles*, which are an integral part of the constitutional and legislative framework of Kosovo. The international commitments taken by Kosovo on its path to EU-membership require for strategic reforms to guarantee the access of all residents of Kosovo to human rights. The Human Rights Strategy should explicitly refer to the obligations to implement international and regional human rights instruments and to fulfil the EU acquis and accession criteria for human rights and equal opportunities. As such, it can appropriate available EU support mechanism for domestically determined reform strategies.

5.3 Structure

The structure of the Strategy should meet the requirements set out in the *Administrative Instruction on the Procedures, Criteria and Methodology for the Preparation and Approval of Strategy Documents and Plans for their Implementation*.[33]

The *executive summary sums* up the nature of the problem(s) being addressed, key objective(s) and a brief summary of the agreed/recommended course of action to address problem(s) in question and rationale for the pursued approach.

The *introduction* gives an outline of the current state of play of the human rights in Kosovo highlighting all human rights issues at stake that need to be addressed, as well as a brief description of human rights situation over time.

The *methodology* section presents an overview of the ministries and institutions involved in developing the Strategy and their roles in the drafting process, consultation procedures and details of any international organisations, consultants or NGOs who assisted in the process, as well as all stakeholders consulted during the strategy development process.

33 'Administrative Instruction No. 02/2012', 23 March 2012.

The main document then covers the following points:
- Analyses the current state and identifies where intervention is most needed;
- Sets overarching objectives the Government aims to reach during the foreseen period, concurring with the analysis of the current state of affairs;
- Selects priority domains for intervention;
- Defines the approach for intervention;
- Defines SMART procedures for implementation, monitoring and reporting;
- Allocates budgetary resources for implementation, monitoring and reporting.

The *background* provides a sector assessment of the current situation of human rights protection in Kosovo. It identifies particular issues to be addressed by the Strategy, with quantified data if available. In addition, this section provides a brief description of the human rights situation over time, a regional comparative overview, factors with a significant influence on the problem, as well as the underlying causes that cannot be strongly influenced by government action, and which are beyond the scope of this strategy document because they are addressed elsewhere. This section also gives an outline of major existing and planned (funded) government activities and legislation aimed at addressing the problem in question, including the key actions of the international community and civil society. It should be interlinked with Sector Assessment Documents provided in Kosovo's EU-integration path.

The *objective(s)* define the aims and purpose of the strategy in order to address both the problems identified and their underlying causes. This section also explain why precisely these objectives have been included, and why other important objectives will not be addressed by this strategy document.

Closely related to the objectives, *strategic priorities* are selected with the purpose to address long-term goals requiring specific legislative, institutional and practical changes, based also on national and international recommendations put forward by key human rights stakeholder's in Kosovo (see below for a non-exhaustive list of them). The priorities should be carefully selected, taking into consideration that the Strategy is not a goal in itself, but an implementation document. The Strategy should not strive to mention all domains where intervention is required, but select a realistic and hence limited number of priority domains for intervention.

The *approach* describes the manner in which the Strategy aims to address issues identified and obtain the objectives stated. It presents the proposed/agreed course of action which is considered to be the most effective way of achieving the objectives, in light of budgetary constraints and implementation considerations. In this case, the approach is human rights-based and correlates with the EU's sector approach. After providing details on the recommended course of action, the Strategy identifies main alternatives that were considered for meeting the objectives and a clear explanation of why this course of action is preferred over the alternatives.

In the section *implementation, monitoring and reporting*, the Strategy ascribes the responsible institution(s) for each of the proposed actions, gives a clear description of risks and mitigations, and sets milestones and indicators in order to enable swift implementation and monitoring. The Strategy defines institutions responsible for the overall implementation, monitoring and reporting of the actions and presents how the Government will support and provide incentives for the successful implementation of the action.

Under *Resources* budgetary/human resources are allocated, including an assessment of the cost-effectiveness of the activities aimed at addressing the problem. For each of the proposed actions, this section also gives an estimate of likely costs, on a year-by-year basis for an appropriate

timeframe. Allocation of available financial means for implementation is a substantive part of the Strategy in order for it to be implementable.

The *Action Plan*, finally, specifies when the action plan will be developed, indicating also responsible agencies, timeframe for implementation, financial sources and performance indicators.

5.4 Priorities

With a view to achieving its *long-term goals*, the Strategy should envisage certain legislative, institutional and practical changes when it comes to guaranteeing access to fundamental rights for all Kosovar residents, including vulnerable and marginalised groups. In general terms, the key measures should be:

(1) Educating and raising awareness of the public on human rights protection;
(2) Administrative measures aimed at ensuring human rights protection (including redress mechanisms);
(3) Judicial measures aimed at ensuring human rights enforcement.

The Strategy should pay particular attention to increased promotion and protection of the *rights of vulnerable groups* in line with the international commitments undertaken by the government. The following vulnerable groups shall be primarily considered as target groups for the Strategy:

(1) Children;
(2) Women;
(3) Elderly people;
(4) People with disabilities;
(5) LGBTI;
(6) Ethnic minorities;
(7) Asylum seekers, persons who received asylum and who have the status of refugees;
(8) Internally displaced persons; and
(9) Prisoners.

In accordance with these overarching points of attention when it comes to measures and target groups, the Strategy should make a priority selection of fundamental rights that are guaranteed in the Constitution of Kosovo, which can be categorised in civil and political rights and economic, social and cultural rights (cf. Annex 5). The selection should lead to a limited and realistic list of priority domains for interventions and interlink with other subsector strategies which target the given domain. It should relate to a comprehensive background analysis.
The end result should be that the Strategy for each priority of interventions addresses the three measures for intervention employing the following structure:

- *What are the challenges?*
- *What are the underlying causes?*
- *What are the solutions?*
- *Concrete activities of the measure*
- *Impact on human rights*

The answers to each of these questions should be as measurable as possible, in order to guarantee effective implementation and monitoring. The focus should be on vulnerable and marginalised groups. (See Annex 5 for overview of Bill of Rights).

6. RECOMMENDATIONS FOR FURTHER ACTIONS

The Strategy should entail international human rights standards and rule of law principles, which Kosovo has assumed in accordance with its legislation. It should employ a unified and comprehensive approach on promotion and protection of human rights encompassing all strategies in Kosovo that focus on human rights. The Strategy should be implementable in line with existing legislation and international commitments taken by Kosovo. Furthermore, it should contain the principle of equality and non-discrimination. In order to catch up and streamline the process of drafting of the Strategy on Human Rights, and based on the latest developments, the following next actions are recommended:

(1) Following a first meeting of the Interagency Group and following a discussion on the matter, the secretariat should draft ToRs outlining the rules of procedure and the scope of work, to be discussed and possibly adopted by the ICGHR during its second meeting. The secretariat is advised to consult the draft ToR with key stakeholders. A timeline annexed to the ToR will inform the public of planned steps for drafting of the Strategy.

(2) Conceptually, the ICGHR needs to clarify what is meant with the concept of an "umbrella strategy" and what should happen later with all existing sub-sector strategies, how these two levels are being monitored and who is in charge of what in relation to the two levels.

(3) ICGHR and the drafting team should analyse and update the SPDs for Human Rights and Rule of Law in order to establish a common updated mapping on the current reforms. The drafting of the Strategy should also consider the best practice of other countries (e.g. the National Strategy on Human Rights of Georgia or Armenia or other relevant countries, CoE best practice examples, the EU's strategic framework and its Guidelines for Human Rights and other relevant sources).

(4) Throughout the drafting of the Strategy structured consultations with all key stakeholders should continue in order to ensure that the process is inclusive, participatory and transparent. Public consultations at national and municipal level should be held.

(5) Upon endorsement of the Draft Strategy by the ICGHR, further consultations should be held to disseminate the Strategy and improve it further and finalise also the Implementation Plan and the overarching results-framework with a limited number of SMART key indicators. The final Strategy should be endorsed by parliament. Costing of the implementation of the Strategy should eventually be tracked in the Budget and the Medium-Term Budgetary Framework (MTBF).

(6) It is suggested to assess the capacity of the OGG as secretariat of the complex policy process and to invest in reforming and strengthening the office.

RELEVANT LITERATURE

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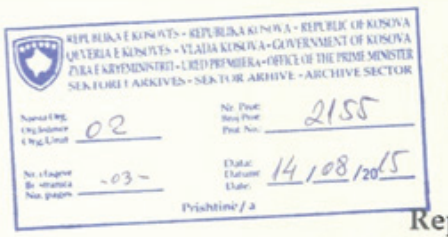
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ANNEXES

Annex 1: General Secretary's/Prime Minister's Office Decision to Nominate the Responsible Team to Draft the Strategy and Action Plan on Human Rights in Kosovo 2016-2022



Republika e Kosovës
Republika Kosova-RepublicofKosovo
Qeveria - Vlada – Government
Zyra e Kryeministrit-UredPremijera-Office of the Prime Minister
Sekretari i Përgjithshëm-Generalni Sekretar-Secretary General

Datë: 14.08.2015
Ref: 160/2015

Sekretari i Përgjithshëm i Zyrës së Kryeministrit,
Duke marrë parasysh nenin 38 të Ligjit nr. 03/L-189 për administratën shtetërore të Republikës së Kosovës, (Gazeta Zyrtare, Nr. 82, 21 tetor 2010), duke u bazuar në Nenin 16 (6 dhe 7) të Rregullores nr. 02/2011 për fushat e përgjegjësisë administrative të Zyrës së Kryeministrit dhe Ministrive (22.03.2011), si dhe në mbështetje të nenit 29 paragrafi 6 të Rregullores nr. 09/2011 e Punës së Qeverisë së Republikës së Kosovës (Gazeta Zyrtare, Nr. 15 / 12 shtator 2011) dhe në pajtim me Udhëzuesin (Nr.02/2012) për hartimin e dokumenteve strategjike, nxjerr:

V E N D I M

Për Emërimin e Ekipit përgjegjës për hartimin e Strategjisë dhe Planit të Veprimit për të Drejtat e Njeriut në Republikën e Kosovës (2016-2020)

1. Ekipi për hartimin e Strategjisë dhe Planit të Veprimit për të Drejtat e Njeriut (2016-2020) ka këtë përbërje:

1.1. Habit Hajredini ,	ZQM/ZKM;	Kryesues
1.2. Sadete Demaj,	ZQM /ZKM ;	anëtare
1.3. Qemajl Marmullakaj,	ZPS/ZKM;	anëtar
1.4. Arben Krasniqi,	SKQ/ZKM;	anëtar
1.5. Besim Kajtazi,	ZL/ZKM;	anëtar
1.6. Shkëlzen Ibrahimi,	ZAQ/ZKM	anëtar
1.7. Valon Gashi,	DKP/MIE;	anëtar
1.8. Avni Sahiti,	DPTK/MAPL;	anëtar
1.9. Naser Shamolli,	DL/MAP;	anëtar
1.10. Baki Gimolli,	DL/MD;	anëtar
1.11. Sanie Kiçmari,	DDQKSH/MSH;	anëtare
1.12. Nezaqete Rukovci,	ZBGJ/MKRS;	anëtare
1.13. Merita Jonuzi,	KDNJ/MASHT;	anëtare
1.14. Lirije Berisha,	DÇP/MPJ;	anëtare
1.15. Shkodran Manaj,	DL/MPB ;	anëtar
1.16. Nuhi Osmani,	DL/MK ;	anëtar
1.17. Ajshe Ejupi,	DL/MI;	anëtare
1.18. Alban Çollaku,	DL/MPMS;	anëtar
1.19. Leonora Selmani,	ABGJ/ZKM	anëtare
1.20. Sanela Sadiković,	ZÇK/ZKM;	anëtare
1.21. Mevlide Shamolli,	KASH/MF	anëtare

1.22. Kefsere Baliu,	ZBF/ZKM	anëtare
1.23. Bashkim Bellaqa,	ASK/ZKM	anëtar
1.24. Refike Sylcevci,	IKAP;	anëtar
1.25. Lavdim Krasniqi,	IGJK	anëtar
1.26. Biljana Rexhiq,	Gjygjtare	anëtare
1.27. Hysni Shala,	NJDNJ/ Policia e Kosovës;	anëtar
1.28. Slaviša Mladenović,	ZKGJ/ZKM	anëtar

2. Të ftohen si pjesë e punës së Ekipit Punues edhe anëtarë apo përfaqësues/ese nga:

2.1. Përfaqësuesi/ja e Institucionit të Avokatit të Popullit
2.2. Përfaqësuesi/ja e Këshillit Konsultativ për Komunitete
2.3. Përfaqësuesi/ja e Drejtoria për Hulumtime, Bibliotekë dhe Arkiv/ Kuvendi Kosovës;
2.4. Përfaqësuesi/ ja e Asociacionit të Komunave të Kosovës (AKK)
2.5. Përfaqësuesi/ja e Rrjeti i Grupit të Grave të Kosovës (RRGGK)
2.6. Përfaqësuesi/ja e CIVIKOS
2.7. Përfaqësuesi/ja e YIHR
2.8. Përfaqësuesi/ja e Forumit të Aftësisë së Kufizuar në Kosovë
2.9. Përfaqësuesi/ja e Qendrës Kosovare për Rehabilitimin e të mbijetuarve të Torturës QKRMT

3. Në cilësinë e ekspertëve dhe vëzhguesve:

3.1. Përfaqësuesi/ja e Zyrës së BE-së në Kosovë;
3.2. Përfaqësuesi/ja e Zyrës CoE në Kosovë;
3.3. Përfaqësuesi/ja e Ambasadave në Kosovë;
3.4. Përfaqësuesi/ja e Misionit të OSBE-së në Kosovë;
3.5. Përfaqësuesi/ja e USAID/Kosovë;
3.6. Përfaqësuesi/ja e ECMI/Kosovë;
3.7. Përfaqësuesi/ja e UN-WOMEN /Kosovë;
3.8. Përfaqësuesi/ja e UNICEFIT/Kosovë.

4. Gjatë hartimit të Strategjisë dhe Planit të Veprimit për të Drejtat e Njeriut (2016-2020), Ekipi duhet t'i përmbahet rregullave dhe procedurave të parashikuara në Rregulloren e Punës së Qeverisë si dhe standardeve në fuqi për hartimin e Dokumenteve Strategjike.

5. Sipas nevojave të punës së ekipit dhe për realizimin e obligimeve të parapara me këtë Vendim, Kryesuesi i ekipit mund të ftojë edhe përfaqësues të institucioneve tjera vendore dhe ndërkombëtare, të cilat nuk janë të përcaktuara në Vendim.

6. Ekipi është përgjegjës për mbledhjen, analizimin dhe ofrimin e informatave të nevojshme gjatë dhe deri në përfundimin e procesit të finalizimit të hartimit të Strategjisë dhe Planit të Veprimit për të Drejtat e Njeriut (2016-2020).

7. Për pozitën e ekspertëve dhe vëzhguesve, kryesuesi i ekipit mund të ftojë përfaqësuesit e ambasadave dhe misioneve diplomatike në Kosovë, përfaqësues të agjencive përkatëse si dhe përfaqësues të organizatave të ndryshme vendore dhe ndërkombëtare që veprojnë në Kosovë.

Vëzhguesit mund të ftohen të marrin pjesë në mbledhjet përkatëse të ekipit. Gjithashtu puna e ekipit mund të përkrahet edhe nga ekspert të angazhuar nga institucionet apo organizatat vendore dhe ndërkombëtare.

8. Obligohen të gjitha institucionet e përfshira në këtë proces dhe zyrtarët për bashkëpunim dhe ofrimin e të dhënave të kërkuara nga Kryesuesi i ekipit.

9. Ekipi ka autoritet të veçantë dhe përgjegjësi për hartimin dhe finalizimin e Strategjisë dhe Planit të Veprimit për të Drejtat e Njeriut në Republikën e Kosovës (2016-2020) deri në masën e nevojshme për përafrimin dhe harmonizimin e përputhshmërisë së dokumentit me kërkesat që dalin nga Rregullorja e Punë të Qeverisë së Kosovës si dhe U.A. (nr. 02/2012) për procedurat, kriteret dhe metodologjinë e përgatitjes dhe miratimit të dokumenteve strategjike dhe planeve për zbatimin e tyre.

10. Obligohet Zyra për Qeverisje të Mirë pranë Zyrës së Kryeministrit dhe Institucionet e tjera kompetente për zbatimin e këtij vendimi.

11. Vendimi hyn në fuqi në ditën e nënshkrimit.

Fitim Krasniqi

Sekretar i Përgjithshëm i Zyrës së Kryeministrit

Vendimi u dërgohet:

- *Anëtarëve të Ekipit;*
- *Zyrës së Sekretarit të Përgjithshëm ZKM;*
- *Arkivit të Zyrës së Kryeministrit*

Annex 2: Kosovo Prime Minister's Decision to Establishing the ICGHR

Republika e Kosovës
Republika Kosova - Republic of Kosovo
Qeveria - Vlada - Government

Nr. 06/87
Datë: 13.05.2016

Qeveria e Republikës së Kosovës, në mbështetje të nenit 92 paragrafi 4. dhe të nenit 93 paragrafi (4) të Kushtetutës së Republikës së Kosovës, duke u bazuar në nenin 4 të Rregullores nr. 02/2011 për Fushat e Përgjegjësisë Administrative të Zyrës së Kryeministrit dhe Ministrive, e ndryshuar dhe plotësuar me Rregulloren nr. 07/2011, dhe të nenit 19 të Rregullores së Punës së Qeverisë së Republikës së Kosovës nr. 09/2011, në mbledhjen e mbajtur më 13 maj 2016, nxjerr këtë:

V E N D I M

1. Themelohet Grupi Koordinues Ndërministror për të Drejtat e Njeriut (në tekstin e mëtejmë Grupi Ndërministror).

2. Grupit Ndërministror udhëhiqet nga Kryeministri i Republikës së Kosovës.

3. Grupi Ndërministror në përbërje të tij ka anëtarë Ministrat nga Ministritë e Linjës, Avokatin e Popullit dhe përfaqësues nga Shoqëria Civile.

4. Grupi ka këtë përbërje:

4.1.	Kryeministri i Republikës së Kosovës,	Kryesues;
4.2.	Avokati i Popullit,	anëtar;
4.3.	Përfaqësuesi nga Shoqëria Civile,	anëtar;
4.4.	Ministri i Punëve të Jashtme,	anëtar;
4.5.	Ministri i Integrimit Evropian,	anëtar;
4.6.	Ministri i Drejtësisë,	anëtar;
4.7.	Ministri i Punës dhe Mirëqenies Sociale,	anëtar;
4.8.	Ministri i Punëve të Brendshme,	anëtar;
4.9.	Ministri i Financave,	anëtar;
4.10.	Ministri për Komunitete dhe Kthim,	anëtar;
4.11.	Ministri i Arsimit, Shkencës dhe Teknologjisë,	anëtar;
4.12.	Ministri i Shëndetësisë,	anëtar;
4.13.	Ministri i Administrimit të Pushtetit Lokal,	anëtar;
4.14.	Ministri i Kulturës, Rinisë dhe Sportit,	anëtar;
4.15.	Drejtori i Zyrës për Qeverisje të Mirë, ZKM,	anëtar;
4.16.	Agjencia për Barazi Gjinore, ZKM,	anëtar;
4.17.	Komisioni Qeveritar për Persona të Zhdukur, ZKM,	anëtar;
4.18.	Kryeshefi Ekzekutiv i Agjencisë së Statistikave të Kosovës,	anëtar;
4.19.	Mbikëqyrësi Kryesor Shtetëror i Agjencisë për Mbrojtjen e te dhënave personale,	anëtar.

5. Grupi Ndërministror ka detyrat dhe përgjegjësitë si në vijim:

   5.1 Forcimi i koordinimit në fushën e të drejtave të njeriut të të gjitha ministrive dhe autoriteteve kompetente në Qeveri;
   5.2 Monitorimin e zbatimit të politikave dhe strategjive për të drejtat e njeriut në Kosovë;
   5.3 Raportimi para Kuvendit për mbrojtjen dhe respektimin e të drejtave të njeriut në Republikën e Kosovës;
   5.4 Shkëmbimi i informatave e të dhënave dhe realizimi i rekomandimeve të përfshira në raportet e Këshillave kompetent dhe organeve tjera të Kombeve të Bashkuara, Këshillit të Evropës, Bashkimit Evropian dhe organizatave të tjera ndërkombëtare;
   5.5 Buxhetimi i të drejtave të njeriut dhe vendosja e politikave prioritare për të drejtat e njeriut;
   5.6 Dhënia e propozimeve për avancimin e kornizës ligjore në fushën e të drejtave të njeriut dhe propozimeve të tjera të rëndësishme për zhvillimin e të drejtave të njeriut në Republikën e Kosovës.

6. Grupi Ndërministror miraton Rregulloren e vet të punës.

7. Zyra e Kryeministrit/Zyra për Qeverisje të Mirë mandatohet që në bashkëpunim me institucionet tjera dhe shoqërinë civile të hartojnë termat e referencës për punën e Grupit Ndërministrorë të cilat miratohen në takimin e parë të Grupit.

8. Zyra për Qeverisje të Mirë në kuadër të Zyrës së Kryeministrit do të shërbej si Sekretariat këtij mekanizmi.

9. Grupi Ndërministror mblidhet të paktën tre herë në vit.

10. Sipas nevojës Kryesuesi fton institucionet relevante në takimin e Grupit Koordinues Ndërministror për të Drejtat e Njeriut.

11. Zyra e Kryeministrit dhe Institucionet tjera kompetente obligohen për zbatimin e këtij vendimi.

12. Vendimi hyn në fuqi ditën e nënshkrimit

Isa MUSTAFA

Kryeministër i Republikës së Kosovës

Iu dërgohet:

- Zëvendëskryeministrave
- të gjitha ministrive (ministrave)
- Sekretarit të Përgjithshëm të ZKM-ës
- Arkivit të Qeverisë

Annex 3: As for the policies/strategies, the Kosovo Government has drafted/adopted or is in the process of drafting a series of strategic documents in the field of human rights with focus on vulnerable and marginalised groups:

STRATEGIC DOCUMENT	RESPONSIBLE INSTITUTION
National Programme on the Provision of Services in Sign Language and Deaf persons in Kosovo 2013–2016	Office of Prime Minister
Action Plan on the implementation of Resolution 1325 "Women, Peace and Security" inKosovo 2013–2016	Agency for Gender Equality
Strategy on Improving the Quality and Safety of Health Services 2012–2016	Ministry of Health
Strategy and Action Plan for the Prevention and Elimination of Child labour in Kosovo 2011–2016	Ministry of Labour and Social Welfare
Strategy and Action Plan for Communities and Returns 2014–2018	Ministry of Communities and Return
National Strategy for the Rights of People with Disabilities 2013–2023	Office of Prime Minister
Draft Strategy and Action Plan for Inclusion of Roma, Ashkali and Egyptian Communities in Kosovo 2016–2020	Office of Prime Minister
National Strategy for the Reintegration of Returnees	Ministry of Communities and Return

A number of strategies and action plans are in drafting phase:

STRATEGIC DOCUMENT	RESPONSIBLE INSTITUTION
Draft Strategy and Action Plan for Inclusion of Roma, Ashkali and Egyptian Communities in Kosovo 2016–2020	Office of Prime Minister
Strategic Plan for Children Rights 2016–2020	Office of Prime Minister
Kosovo Programme for Gender Equality 2016–2020	Office of Prime Minister
Strategy for the Protection and Promotion of Language Rights	Office of Prime Minister
Kosovo Programme and Action Plan against Domestic Violence	Ministry of Justice
National Strategy for Property Rights	Ministry of Justice

Human Rights Mechanisms in Kosovo:

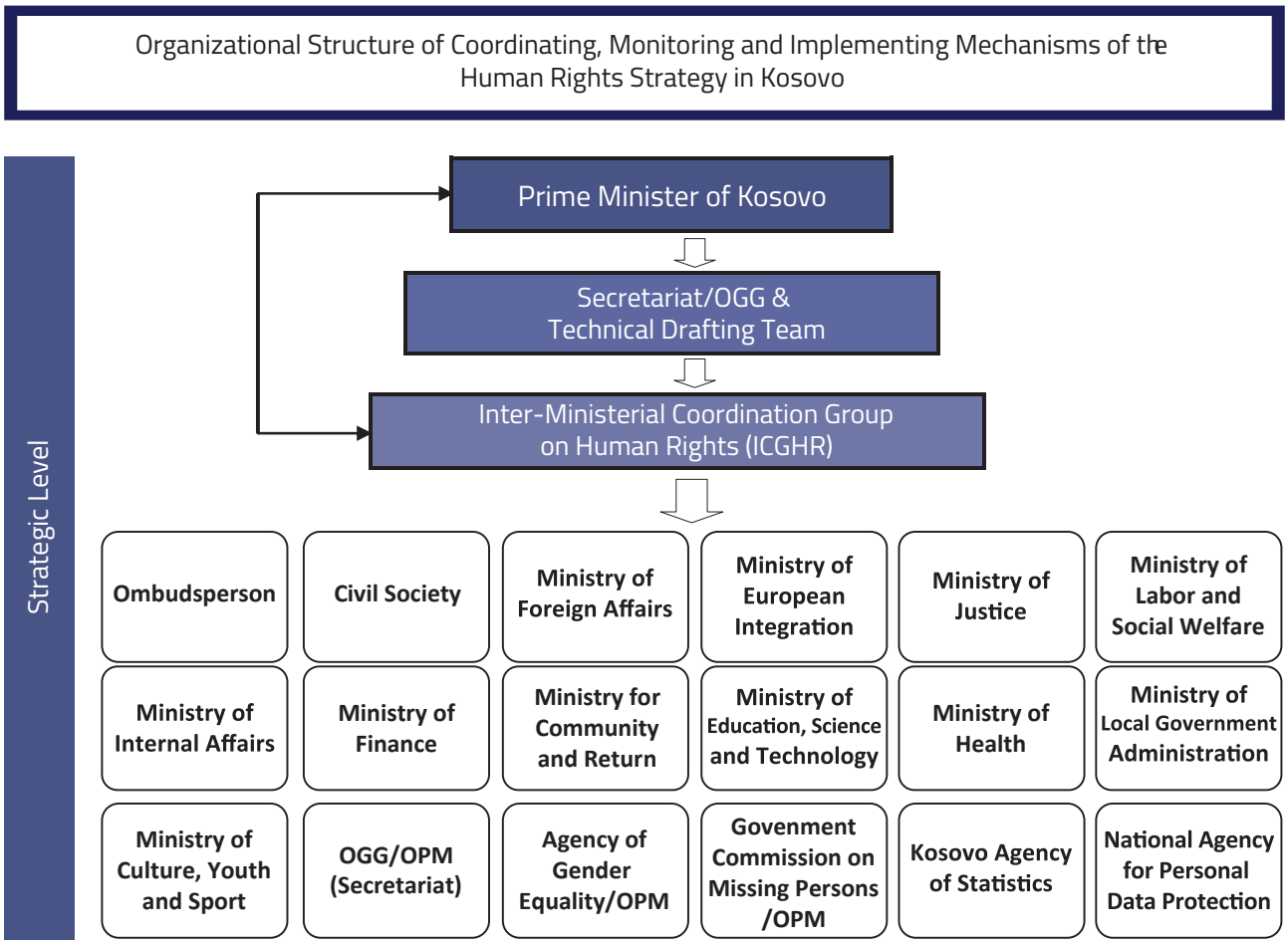
JUDICIAL HUMAN RIGHTS MECHANISMS	
Regular Courts	Adjudicate civil, criminal, administrative and minor cases.
Constitutional Court	Guards over the constitutionality of all regulations and legislative acts of Kosovo.
NON-JUDICIAL HUMAN RIGHTS MECHANISMS	
Ombudsperson	Independent body with main responsibility to investigate alleged human rights violations by public administration and private sector.
Office of Good Governance (OGG) under Office of Prime Minister (OPM)	Within the OPM, the OGG is responsible to coordinate human rights issues across all ministries and municipalities. The office provides advice to the government, drafts policies and monitors the Ombudsperson's recommendations and the implementation of the human rights strategy.
Agency for Gender Equality (AGE)	Within the OPM, the AGE is responsible for monitoring the implementation of the Law on Gender Equality and drafting of related policies.
Committee on Human Rights, Gender Equality, Missing Persons and Petition	Within the Assembly of Kosovo, the Committee is responsible for issuing draft laws on the three designated topics and monitoring their implementation. It can also forward individual complaints to a relevant body.
Committee on the Rights and Interests of Communities and Returns	Within the Assembly of Kosovo, the Committee is responsible for reviewing draft laws and formulating recommendations on communities, returns, and repatriation.
Office of Community Affairs (OCA) within the Office of the Prime Minister	Within the OPM, the OCA is responsible for providing advice on community matters.
Consultative Council for Communities	Within the Office of the President, the CCC is a mechanism for preserving regular exchange between the communities and Government of Kosovo.
Office of the Language Commissioner	Within the OPM, the OLG is responsible for preserving, promoting and protecting languages as foreseen in the Law on the Use of Languages.

Human Rights Units within Ministries and Municipalities	Within Ministries and Municipalities Human Rights Units are responsible for drafting and implementing policies and activities and monitoring the proper implementation of laws to ensure promotion and protection of human rights. However, some also operated outside of their mandate acting as focal points for the public to receive and process complaints on human rights. With the entry into force of the human rights package and the streamlining and harmonization of competences of various non-judicial human rights structures, all regulations concerning human rights units within ministries and municipalities were revoked, awaiting a debate on their particular role and mandate.
Municipal Community Safety Councils	Within Municipalities, Municipal Community Safety Councils (MCSC) serve as a communication platform for representatives of the municipal authorities, Kosovo Police, the international community, and all local communities, to address issues of community safety.
Civil Society Organisations	Civil Society Organizations shall co-operate with all relevant institutions to properly implement the Human Rights Strategy and undertake activities on the promotion and protection of human rights.

In addition, the Kosovo Government has instituted a number of policy-making and coordination bodies, i.e.specific committees, working groups and other ad-hoc mechanisms, where the OGG serves as the secretariat to many of them:

- the National Council for Persons with Disabilities;
- the Inter-Ministerial Committee on the Rights of the Child;
- the Advisory and Coordination Group at National Level in Kosovo for the Rights of LGBT;
- the Interagency Steering Committee and Technical Working Group for the Implementation of the Kosovo Action Plan for the Integration of Roma, Ashkali, and Egyptian (2009–2015);
- the Council for the Implementation of the Government Strategy for Cooperation with Civil Society 2013–2017;
- the Council for Protection and Justice for Children;
- the Committee for the Prevention and Elimination of Child Labour;
- the Commission for Monitoring, Reporting and Evaluation of the Implementation of the Action Plan for People with Disabilities;
- the President-led National Council for the Survivors of Sexual Violence during the War;
- Inter-institutional Secretariat and Technical Groups for Monitoring Implementation of Action Plan to implement United Nations (UN) Resolution 1325;
- The Community Issues Group; etc.

Annex 4: ICGHR Organizational Structure



Annex 5: All articles have been taken from Chapter 2 of the Constitution (Bill of Rights). We have categorized articles 21-56 into two domains

Domain I: Civil and political rights

(1) Improving protection of the right of fair and impartial trial through support of continued reform of the judiciary.
(2) Reforming the State Prosecutor's Office, aimed at ensuring fair, effective, transparent and independent criminal prosecution procedures.
(3) Improving standards of crime prevention, investigations and human rights protection by law enforcement agencies, in accordance with international standards.
(4) Improving the penitentiary and probationary system.
(5) Implementing effective measures against torture and ill treatment or punishment, including the conduction of transparent and independent investigations.
(6) Establishing high standards of protection of the right to privacy.
(7) Developing an effective juvenile justice system, in line with international standards that takes into account the best interests of all children, especially those in conflict with the law, victims and witnesses, as well as those involved in civil and administrative proceedings.
(8) Focusing on the rights of children through improving existing protection and assistance mechanisms, developing social services, reducing child poverty and mortality rates, and guaranteeing the provision of high standards of education.
(9) Ensuring the right of participation in social and political life through improvements to the electoral environment and enhancement of public services.
(10) Ensuring a high level of protection for the freedoms of expression, association and peaceful assembly.
(11) Guaranteeing the right of access to public documents and freedom of media.
(12) Guaranteeing the right to freedom of thought, conscience, religion and belief.
(13) Guaranteeing equal rights and the protection of the rights of communities/minorities and their members.
(14) Promoting gender equality, protection of women's rights and prevention of domestic violence.
(15) Ensuring equal rights for persons with disabilities and application of the principle of 'reasonable adjustment'.
(16) Ensuring the rights of refugees and asylum seekers.

Domain II: Economic, social and cultural rights

(1) Ensuring access, especially by vulnerable groups, to the right to healthcare.
(2) Ensuring access, especially by vulnerable groups, to the right to education.
(3) Ensuring compliance of national labour legislation with international guarantees of the right to work, including prohibition of slavery and forced labour.
(4) Ensuring the right to free choice of employment.
(5) Ensuring and protecting the right to property.
(6) Ensuring the right to an adequate standard of living/housing.
(7) Ensuring the right to social security.
(8) Ensuring the rights of migrants and those in need of shelter.
(9) Protection of the rights of IDPs.
(10) Strengthening domestic legal guarantees on environmental human rights.

ERAC

EQUAL RIGHTS FOR ALL COALITION



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