



REPUBLIKA E KOSOVËS/REPUBLIKA KOSOVA/ REPUBLIC OF KOSOVA

QEVERIA E KOSOVËS / VLADA KOSOVA /GOVERNMENT OF KOSOVA

**MINISTRIA E ADMINISTRIMIT TE PUSHTETIT LOKAL
MINISTARSTVO ADMINISTRACIJE LOKALNE SAMOUPRAVE
MINISTRY OF LOCAL GOVERNMENT ADMINISTRATION**

Pursuant to section 1.3, item (d) of the UNMIK Regulation 2001/19 on the Executive Branch of Provisional Institutions of Self-Government in Kosovo, annex XIV, point (i) and point iii (g) of Regulation No. 2005/15 and the Administrative Instruction No. 04/2007 on the Human Rights Units in the Government of Kosovo, the Minister of the Ministry of Local Government Administration hereby promulgates the following:

**ADMINISTRATIVE INSTRUCTION -MLGA- No.2008/02
ON THE AMANDEMENT OF ADMINISTRATIVE INSTRUCTION 2007/08
“FOR ESTABLISHMENT OF HUMAN RIGHTS UNITS IN
MUNICIPALITIES”**

**Section 1
Purpose**

The actual Administrative Instruction shall establish the functional Human Rights Units in Municipalities (HRUM), as sustainable mechanisms, responsible for the promotion and protection of human rights at the municipal level, in conformity with international standards and policies of institutions of Kosovo.

**Section 2
Definitions**

2.1 The following definitions shall define the official terms for the substantial implementation of this Administrative Instruction.

- i. **"Constitution"** shall mean the process of establishment and functioning of HRU in municipalities of Kosovo with adequate human resources, positions, authorities and autonomy in the municipal organizational structure, intra and inter municipal co-operation, exchange of information and reporting;
- ii. **"Equal gender participation of both females and males"** as defined in section 3.1 and 3.2 of the Law on Gender Equality in Kosovo (LGE);
- iii. **"Equal gender treatment"** as defined in section 2, Paragraph 2.2 of Law on Gender Equality in Kosovo (LGE);
- iv. **"Communities"** as defined in section 4.1 (d) of Constitutional Framework;
- v. **"Inclusiveness"** as defined in section 2.1 (ë) of the UNMIK Regulation 2001/36 on Kosovo Civil Service;
- vi. **"Principle of fair representation of communities"** as defined in Chapter 4 of Constitutional Framework;
- vii. **"Equal opportunity"** shall mean application of measures, which prevents any form of direct or indirect discrimination, and promotion of the inclusion of vulnerable groups' members, which can be target of discrimination. These measures shall include, but not limited to: UNMIK Regulation No. 2004/32 on the promulgation of Anti-Discrimination Law and Administrative Instruction No. MPS/DASC 2003/12 on Procedures for Equal Opportunities;
- viii. **"Direct discrimination"** as defined in section 3(A) of Anti Discrimination Law (ADL).
- ix. **"Indirect discrimination"** as defined in section 3 (b) of ADL.
- x. **"Positive action"** as defined in section 6.1 of ADL.
- xi. **"Fair representation in the civil service"** as defined in section 10 of the Administrative Instruction Nr. 2003/2, on Implementation of UNMIK Regulation No. 2001/36 on the Civil Service of Kosovo.
- xii. The term "disability" as defined in the United Nations Standard Rules on Equalization of Opportunities for Disabled Persons. People may be disabled by physical, intellectual or sensory impairment, medical conditions or mental illness. Such impairments, conditions or illnesses may be permanent or transitory in nature.

Section 3

Duties and responsibilities of Human Rights Units in Municipalities

The Human Rights Units in Municipalities shall have the following responsibilities:

- i. Undertake all necessary measures related to the protection and promotion of human rights at the local level;
- ii. Monitor the compliance of respect of standards for human rights in these fields: equal opportunities, anti-discrimination, gender equality, children rights, disabled persons, the rights of communities, use of languages, and anti-human trafficking;
- iii. Advice in drafting and monitoring of the implementation of policies, regulations and instructions, issued by the Municipal Assembly, in conformity with international standards for human rights and local legislation;
- iv. Monitor the activities of municipalities and simultaneously advice the Director for Administration and Personnel and the Board of Directors in relation to the issues on human rights;
- v. Draft and develop action plans, identify needs for the capacity building and plan budget for the implementation of HIRUM activities;
- vi. Implement laws, plans and strategies, approved by the Government and Assembly of Kosovo;
- vii. Co-operate and coordinate activities with the municipal level structures and NGOs, in the field of protection and promotion of the human rights;
- viii. Co-operate with foreign institutions and agencies, including the Ombudsperson institution for the purpose of realization of HIRUM responsibilities; and
- ix. Treat the requests addressed by the inhabitants of municipality in relation to the human rights and inform them about their requests.

Section 4

Co-operation, reporting and advising

4.1 The Director for Administration and Personnel shall ensure regular participation of HRUM Coordinator in the meetings of the Board of Director and senior staff, recruitment panels, inter-municipal different working groups, as well as in drafting of legislation and municipal policies;

4.2 HRUM shall co-operate and exchange information with each directorate or office within municipality and other relevant mechanism for human rights at the municipal and central level;

4.3 The Coordinator of HRUM shall give recommendations to the Director for Administration and Personnel and other municipal officers in the field of human rights;

4.4 The Coordinator of HRUM is obliged to report on monthly, three-monthly and six-monthly basis, and upon request, to the Director for Administration and Personnel on the activities of HRUM;

4.5 The Coordinator of HRUM shall report on monthly, three-monthly and six-monthly basis, and upon request, to the Coordinator of the Division for Human Right (DHR) of the Ministry of Local Government Administration (MLGA). The Coordinator of DHR of MLGA shall report to the Permanent Secretary of MLGA;

4.6 The DHR within MLGA shall constantly advice HRUM on the implementation of their responsibilities;

4.7 HRUM shall present the annual work plan to DHR of MLGA, and shall report upon request on the activities and progresses.

Section 5 Capacity building of HRUM

5.1 DHR within MLGA in co-operation with Office for Good Governance (OGG) and HRUM shall identify needs for capacity building of HRUM officers.

5.2 DHR of MLGA, in close co-operation with KIPA shall organize according to need, trainings for capacity building, as appropriate in the field of human rights for the officers of HRUM.

Section 6 Composition of Human Rights Units in Municipalities

6.1 HRUM shall be composed of a minimum of three (3) officers including the Coordinator. The officers of HRUM, including coordinator shall be recruited within ministry in order to use the human already existing resources in municipalities. Moreover, municipalities shall have the right to increase the number of HRUM officers if considered necessary;

6.2 The HRUM officers shall have adequate professional qualification. Recruitment, transfer or re-appointment of existing staff shall be done in conformity with principles of Law on Civil Service 2001/36 and Administrative Instruction of MPS no. 2003/2.

6.3 The criteria and description of job positions will be unique for all municipalities of Kosova.

Section 7 Coordination of HRUM

7.1 HRUM shall be managed by the coordinator. The coordinator of HRUM shall be a qualified person with superior education, considerable knowledge and experience in the field of human rights.

7.2 The Coordinator shall be responsible for representation of HRUM and planning and coordination of HRUM activities.

Section 8 Inclusion of institutional and organizational structures of municipalities

8.1 HRUM is part of institutional and organizational structure of municipality.

8.2 Each municipality shall allocate budgetary considerable resources for HRUM from the municipal budget, in order to ensure: payments for the officers of HRUM and financing of activities and projects of HRUM.

8.3 Each municipality shall ensure to the coordinator and officers of HRUM adequate work conditions: office and necessary means (computer) to implement their duties.

Section 9 Responsible for implementation of Administrative Instruction

The Director for Administration and Personnel and HRUM are responsible for the implementation of this Administrative Instruction.

Section 10
Monitoring of implementation

The Ministry of Local Government Administration shall monitor the implementation of this Administrative Instruction.

Section 11
Abrogation

By entering of this Administrative Instruction into force, the Administrative Instruction 2007/02 on Human Rights Units in municipalities will be abrogated.

Section 12

Entry into force

This Administrative Instruction shall enter into force on the date of its endorsement by the Minister of MLGA.

Prishtinë/Priština
07 February 2008

Sadri Ferati
Minister of Local Government Administration


