

REPUBLIC OF KOSOVO
THE OMBUDSPERSON INSTITUTION



BULLETIN
(ANNUAL REPORT OVERVIEW 2012)
2013

THE MISSION OF THE OMBUDSPERSON

Legal and constitutional mission of Ombudsperson's Institution (OI) involves protection, monitoring and promotion of human rights and fundamental freedoms from unlawful actions or inactions of the public authorities in Republic of Kosovo. Through these main acting segments the overview of human rights and fundamental freedoms is being established in Kosovo, including the level of their violation.

OI WORKING PRINCIPLES

One of the most decisive conditions for social and constitutional functioning of a democratic system is trust and it can be achieved solely if everyone is treated equally in front of the law. Impartiality, confidentiality and professionalism are basic principles of the Ombudsperson's work and respect of these three principles ensures the trust of people in Ombudsperson Institution.

OI ANNUAL REPORT

The Ombudsperson Institution, as independent institution, determined with the Constitution of the Republic of Kosovo as well as Ombudsperson Law, submits annual report on human rights in Kosovo to the Assembly of Republic of Kosovo. This overview is executive summary of the Annual Report for 2012.

MOST FREQUENT QUESTIONS ADDRESSED BY CITIZENS

Who is entitled to submit complaint to the Ombudsperson?

Every natural and legal person claiming that his/her rights or freedoms have been violated by a certain law, illicit action or omission, maladministration by the state bodies, other bodies and organizations exercising public authority on their behalf, may file a request for initiation of the procedure with the Ombudsperson Institution.

Which complaints are not reviewed by the Ombudsperson?

The Ombudsperson may not review complaints lodged against private persons (apart from those related to allegations for discrimination); complaints against decisions issued by courts, complaints lodged against authorities out of Kosovo, as well as complaints lodged by the applicants who did not exhaust available legal remedies.

Contacting the Ombudsperson and lodging a complaint ?

Every citizen is entitled to lodge a complaint at the central and regional offices of the Ombudsperson Institution as follows:

- *In person at one of the OIK offices;*
- *By filling respective form;*
- *Via OI urgent phone line (free of charge);*
- *Via facsimile (by fax);*
- *Through electronic mail (by e-mail);*
- *In any other way.*

STATISTICAL REVIEW

RECEIVED COMPLAINTS 1670		INVESTIGATED COMPLAINTS 557 (33 %)
Complainants' ethnicity		
Albanian	1464 (88%)	446 (80%)
Serbian	125 (7%)	78 (14%)
Bosnian	26 (2%)	12 (2%)
Roma	24 (1%)	10 (2%)
Turkish	18 (1%)	7 (1%)
Others	13 (1%)	4 (1%)
Gender		
Male	1328 (79%)	425
Female	342 (21%)	132

Opened cases as per Ex officio	33
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Reports and Recommendations published by OI	
Case reports	12
<i>Ex officio Reports</i>	4
Recommendations on published reports	44

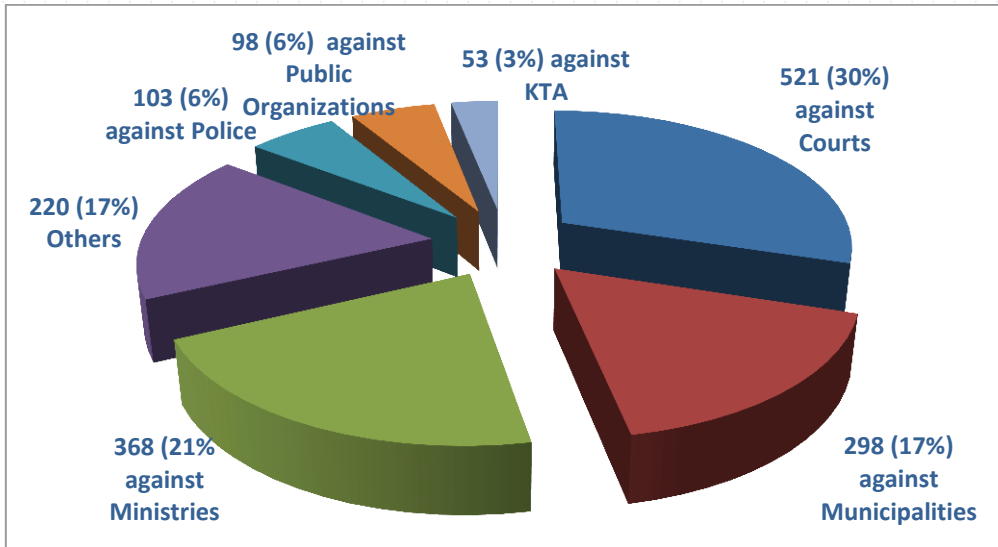
Recommendations on published reports addressed to responsible authorities

Prishtina Municipality	10
Kosovo Judicial Council	6
Ministry of Internal Affairs	5
Kosovo Tax Administration	3
Kosovo Police Inspectorate	3
22 Kosovo Municipalities (Recommendations on use of official languages)	3
Ministry of Infrastructure	2
Ministry of Economical Development	1
Ministry of Labor and Social Welfare	1
Ministry of Local Government Administration	1
Municipal Court in Gjilan	1
Municipality of Skenderaj	1
Municipality of Kamenica	1
Municipality of Klina	1
Supreme Court of Kosovo	1
Special Chamber of Supreme Court	1
Cadastral Agency of Kosovo	1
Kosovo Assembly	1
Committee on Legislation of the Assembly of Kosovo	1
Total number of sent recommendations	44

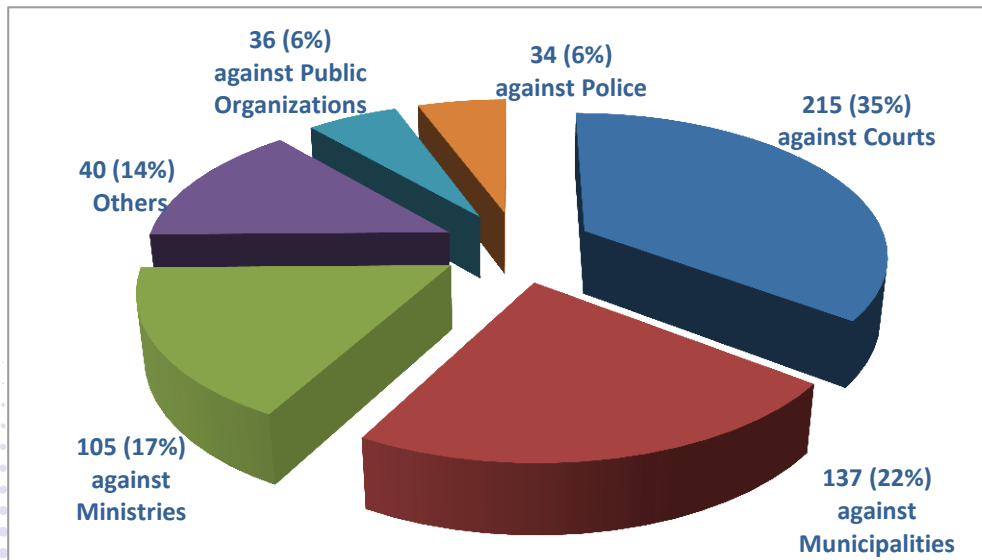
Responsible authorities that did not implement OI recommendations

Prishtina Municipality	7
Ministry of Internal Affairs	5
Kosovo Judicial Council	4
Kosovo Tax Administration	3
Ministry of Infrastructure	2
Ministry of Economical Development	1
Ministry of Labor and Social Welfare	1
Municipal Court in Gjilan	1
Municipality of Skenderaj	1
Municipality of Kamenica	1
Total number of unimplemented recommendations	26

Complaints lodged with OI against responsible authorities during 2012



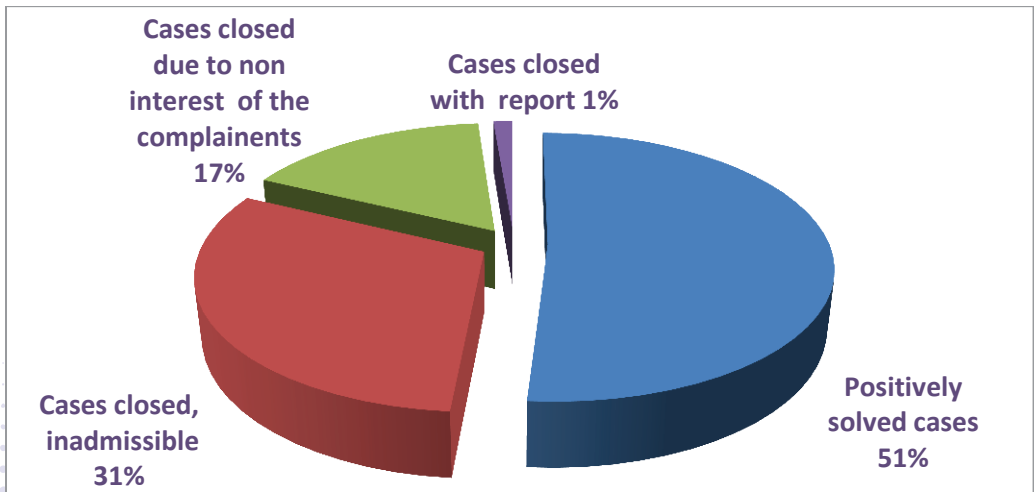
Investigated cases by OI against responsible authorities



The reason of inadmissibility of lodged complaints during 2012 based on the Ombudsperson Law

The number of complaints declared inadmissible	1113
Inadmissible, not exhaustion of legal remedies – Article 20, point 1.4	619
Inadmissible, in use of legal remedies – Article 20, point 1.3	187
Inadmissible, no violation, maladministration – Article 20, point 1.1	121
Inadmissible, out of jurisdiction – Article 19, point 1.3.1	115
Inadmissible, no interest, failure of the party – Article 20, point 1.2	56
Others	15

Cases closed by OI during 2012 (not only cases registered in 2012 but also those registered earlier and closed during this year)



**THE SUBJECT OF CASES INVESTIGATED
based on the rights guaranteed by Constitution**

(one case can involve more than one breach of the guaranteed rights)

The right to fair and impartial trial	163 (24 %)
The right to social and health protection	89 (13 %)
The right on legal remedies	77 (11 %)
The right to property protection	74 (11 %)
The right to work and exercising of profession	63 (9 %)
The right to equality in front of law	44 (6 %)
The right to freedom of expression	25 (4 %)
Prohibition of torture, inhuman or degrading treatment	21 (3 %)
Environment responsibility	16
The right to education	15
Legal protection of rights	13
Child protection	12
Freedom of movement	12
The right on marriage and family	11
Cases for mediation	9
Human dignity	8
The right to access public documents	8
The right of liberty and security	5
The rights of accused persons	4
The right of privacy	4
The right to life	3
The freedom of press	3
Limitation of basic rights and freedoms	3
The right of personal integrity	1
The freedom of Thought, Conscience and Religion	1
The right to gathering	1
The right to elections and participation	1
Liberty of arts and science	1



Communication of OI with public

Through website- news archive in numbers

	janar	shkurt	mars	prill	maj	qershor	korrik	gusht	shtator	tetor	nentor	dhjetor	Total
2002	1	2	2	1	2	1			3	1	2	2	17
2003	1	3	5	5	2	2		1	1				20
2004	1	1						2					4
2005									3	1			4
2006		1	2	3	1	1				1	1	1	11
2007		1			2	3	4	2	4	4	1	4	25
2008	3	6	4	4	5		1	1					24
2009									1		1	2	4
2010				1		1	2			2	1		7
2011			5		2	5	8	1	4	7	10	8	50
2012	8	5	3	6	3	6	3	1	5	2	10	8	60

Through media, publications, round table discussions



100 public presentations through electronic media and press (interviews, presentations, open programs for questions addressed from citizens, debates, etc.



On its own initiative OI has accomplished a project "The role of OI in human rights protection" on RTK , that included 11 broadcasting programs twice a month, during September-December 2012 period .



There were 11 round table discussions open for media; discussions were held with guests from state institutions, public authorities, NGOs, businesses etc. depending on the theme discussed.



News, information, recommendations, reports, publications have been posted on official OI web page.

BUDGET AND GENERAL EXPENSES

1st January – 31st December 2012

Economic categories	Final budget in 2012	Unallocated means	Means spent	Allocated means	Free means	Accomplishment in percentage %
Salaries and per diems	383.778.00	0.00	369.771.61	0.00	14.006.39	96.35 %
Goods and services	260.532.00	0.00	236.904.67	22.713.93	913.40	90.93 %
Utilities	30.000.00	0.00	18.713.69	5.132.70	6.153.61	62.38 %
Capital expenditures	7.000.00	0.00	0.00	7.000.00	0.00	0.00 %
<i>Totally</i>	681.310.00	0.00	625.389.97	34.846.63	21.073.40	91.79 %

Donated financial means for 2012

Donor	Economic category	General budget	Means spent	Allocated means	Free means	Realization %
Norwegian Embassy	Goods and services	7.204.83	6.176.16	441.00	587.67	85.72 %
Turkish Embassy	Goods and services	2.374.08	0.00	0.00	2.374.08	0.00 %
Save the children	Goods and services	3.340.00	3.168.75	0.00	171.25	94.87 %
Save the children	Goods and services	10.420.00	3.535.08	4.757.00	2.127.92	33.93 %
	Totally	23.338.91	12.879.99	5.198.00	5.260.92	55.19 %

Contact details of Ombudsperson Institution are as follows:

e-mail address:

info@ombudspersonkosovo.org
ombudspersonkosovo@ombudspersonkosovo.org

Calls free of charge for parties:
0800 15555

Headquarter address:
Ombudsperson Institution
Sunny Hill area, Str. “Enver Maloku”, no. 28
10000 Prishtinë, KOSOVË

Open days for parties: Monday – Friday, from 08:30- 15:30

Tel: +381 (0) 38 223 782, +381 (0) 38 223 783,
+381 (0) 38 223 784, +381 (0) 38 223 789
Fax: +381 (0) 38 223 790

Office in Prizren

Address: Str. “Remzi Ademi”, nn
Tel: +381 (0) 29 222 138
Open days for parties: 08:00 -16:00

Office in Pejë

Address: Str. “Mbretëresha Teutë” or.59,
Floor III, No. 3, Municipality building
Tel: +381 (0) 39 432 931
Open days for parties: 08:00 -16:00

Office in Gjilan

Address: Str. “Adem Jashari”
Municipality building II
Tel: +381 (0) 280 320 843
Open days for parties: 08:00 -16:00

Office in Mitrovicë

Address: Square “Agim Hajrizi”, nn,
Building of Regional Tax Admin.
Tel: +381 (0)28 530 138
Open days for parties: 08:00 -16:00

Sub-office in Mitrovicë

Address: Str. “Sami Frashëri” nn,
Bosniak area
AOK building in the North of Mitrovica,
Tel: + 377 (0)45 455 319
+381 64- 956-00-50
Open days for parties: 08:00 -16:00

Office in Graçanica

Telefoni : +381 (0) 38 65 118
Tel. mobil: + 377 (0) 44 367 719
+ 381 (0) 64 37 11 137
Open days for parties: 08:00 -16:00

Office in Ferizaj

Address: Municipality building
Tel.: +381 (0) 290 326 032
Open days for parties: 08:00 -16:00

Office in Gjakovë

Address: Str. “UÇK”
Tel.: + 381 (0) 390 327 698
Open days for parties: 08:00 -16:00