

OMBUDSPERSON INSTITUTION



BULLETIN

*Executive summary jointly with
recommendations from Annual Report of 2014*

Prishtinë

THE MISSION OF THE OMBUDSPERSON

The Ombudsperson Institution (OI) is an independent institution whose competencies and role are determined by the Constitution of the Republic of Kosovo as well as the Law on Ombudsperson.

Legal and constitutional mission of Ombudsperson's Institution (OI) include *protection*, *monitoring* and *promotion* of human rights and fundamental freedoms from unlawful actions or inactions of public authorities in Republic of Kosovo.

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 only if everyone is treated equally in front of the law.

Impartiality, *confidentiality* and *professionalism* are core principles of the Ombudsperson's work and respect of these three principles ensures the trust of people in Ombudsperson Institution.

OI ANNUAL REPORT

Constitutional and legal responsibility of OI is to submit an Annual Report on human rights situation in Kosovo to the Assembly of the Republic of Kosovo as well as activities undertaken by this institution. This Bulletin is a short executive summary of the 2014 Annual Report together with recommendations.

WHAT THE OMBUDSPERSON CAN DO?

- ✚ Investigate complaints lodged by any legal or natural person who claims that his/her rights or freedoms have been violated from unlawful actions or inactions or maladministration by the state bodies;
- ✚ Investigate cases on own initiative (ex-officio investigation) ;
- ✚ Initiate cases in the Constitutional Court, in compliance with Constitution and Law;
- ✚ Exercise its competences through mediation and reconciliation as well;
- ✚ Provide advices and give recommendations regarding compatibility of laws and sublegal acts with acceptable international human rights standards.

WHAT THE OMBUDSPERSON CANNOT DO?

- ✚ Replace courts; investigate crimes; change courts' decisions or intrude into their work, apart from unreasonable delays or obvious misuse of power.
- ✚ Review complaints against private persons (apart from those allegations based on discrimination)
- ✚ Represent parties in Courts or provide legal advices in compiling complaints or other case files.
- ✚ Investigate complaints against foreign authorities but can offer good services to the parties.
- ✚ Investigate complaints, in cases when parties did not exhaust or are in use of effective legal remedies.

STATISTICAL REVIEW

Complaints lodged by citizens	Initiated cases for investigation from the lodged complaints	Initiated <i>EX-OFFICIO</i> cases
2224	587 (26%)	15
	Complains determined as inadmissible 1637	
<p>The number of people encompassed in the complaints lodged (one complaint might have more than one complainant)</p> <p style="font-size: 1.2em; font-weight: bold;">2956</p>		

Complainants' ethnicity in the lodged claims	
Albanian	1938 (87%)
Serbian	145 (7%)
Bosnian	34 (1,5%)
Roma	33 (1,5%)
Ashkali	22
Turkish	21
Egyptian	18
Others	13
Complainants' gender	
Male	1717 (77%)
Female	507 (23%)

Complainants' ethnicity in the investigated cases	
Albanian	470 (80%)
Serbian	73 (13%)
Roma	12 (2%)
Bosnian	10 (2%)
Turkish	8 (1%)
Others	14 (2%)
Complainants' gender	
Male	450
Female	137

Responsible authorities to whom the complaints have been addressed <i>(one complaint might have more than one responsible party)</i>	
Courts	665
Ministries	474
Municipalities	400
Police	125
Private persons	91
Foreign authorities	87
Privatization Agency of Kosovo	76
Private companies	70
Public enterprises	53
State Prosecution Offices	42
Others	183

Responsible authorities of investigated cases by OI <i>(one case might have more than one responsible party)</i>	
Courts	195
Municipalities	147
Ministries	139
Police	40
State Prosecution Offices	12
Privatization Agency of Kosovo	11
Public enterprises	10
Private companies	6
Others	59

The number of complaints determined as inadmissible during 2014	1637
<i>Legal base of inadmissibility of complaints based on the Law on Ombudsperson</i>	
No violation, maladministration – Article 20, point 1.1	487
Not exhaustion of legal remedies – Article 20, point 1.4	468
In use of legal remedies – Article 20, point 1.3	338
Out of jurisdiction -Article 19, point 1.3.1	270
Closed due to complainants' disinterest, failure of the party – Article 20, point 1.2	43
Submitted after legal time frame – Article 19, point 1.3.2	31

The total number of closed cases during 2014 (not only cases of 2014 but also cases registered earlier)	534
<i>Legal base of inadmissibility of complaints based on the Law on Ombudsperson</i>	
Solved positively, in compliance with complainants' request - Article 19, point 1.5	296
Inadmissible, in use of legal remedies – Article 20, point 1.3	81
Inadmissible, no infringement, maladministration – Article 20, point 1.1	81
Inadmissible, not exhaustion of legal remedies – Article 20, point 1.4	40
Closed due to complainants' disinterest, failure of the party – Article 20, point 1.2	22
Closed with Reports	12
Inadmissible, out of jurisdiction -Article 19, point 1.3.1	1
Inadmissible, anonymous complaint – Article 19, point 1.3.3	1

Reports for the case investigated (from citizens' complaints)	10
Reports for <i>Ex-officio cases</i>	3
Recommendations on Reports on investigated cases.	28
Requests for provisional measures	2

Implementation of Recommendations on Reports on investigated cases by IO addressed to the responsible authorities

Responsible authority	Recommendations		
	Implemented	Unimplemented	On implementation process
<i>The Assembly of Republic of Kosovo</i>		1	7
<i>Ministry of Agriculture, Forestry and Rural Development</i>			3
<i>Ministry of Labor and Social Welfare</i>	1	3	
<i>Ministry of Infrastructure</i>	2	1	
<i>Ministry of Internal Affairs</i>		2	
<i>Kosovo Government</i>		2	
<i>Ministry of Foreign Affairs</i>		1	
<i>Privatization Agency of Kosovo</i>		1	
<i>Municipality of Gjilan</i>	1		
<i>Kosovo Property Agency</i>		1	
<i>Ministry of Communities and Returnees</i>		1	
<i>Kosovo Judicial Council</i>	1		
	5	13	10

Totally 28 Recommendations on Reports on investigated cases

*Individual responsible authorities of investigated cases by OI
(one case might have more than one responsible party)*

JUDICIAL AND PROSECUTORIAL SYSTEM

Basic Court in Prishtinë	52
Appellate Court in Prishtinë	32
Basic Court in në Gjilan	18
Special Chamber of the Supreme Court	17
Basic Court in Prizren	17
Basic Court in Pejë	14
Basic Court in Gjakovë	13
Kosovo Judicial Council	9
Basic Court in Mitrovicë	9
Basic Court in Ferizaj	8
Kosovo Supreme Court	4
Basic Prosecution Office in Prishtinë	3
Basic Prosecution Office in Gjakovë	3
Other institutions (with only one case)	8

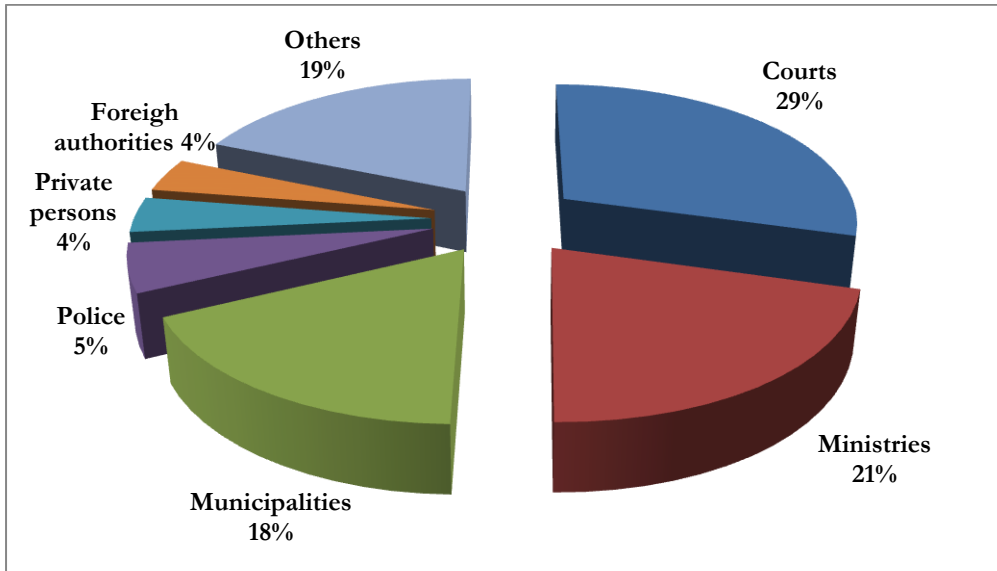
GOVERNMENTAL AUTHORITIES

Kosovo Correctional Service	51
Ministry of Labor and Social Welfare	35
Ministry of Internal Affairs	15
Ministry of Education, Science and Technology	7
Ministry of Agriculture, Forestry and Rural Development	4
Ministry of Health	3
Ministry of Environment and Spatial Planning	3
Kosovo Government	3
Ministry for Communities and Returnees	3
Ministry of Foreign Affairs	3
Ministry of Infrastructure	2
Other institutions (with only one case)	10

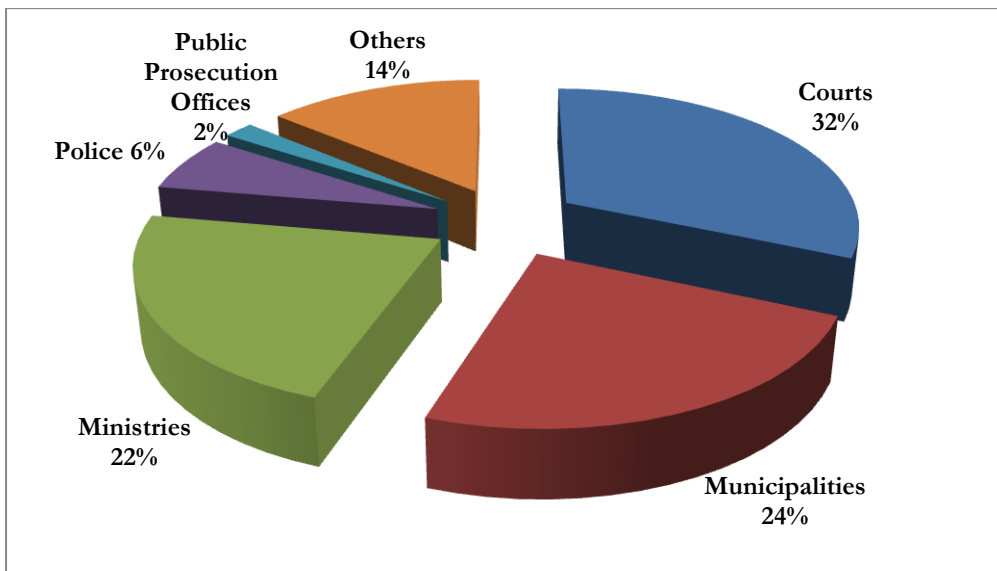
<i>Individual responsible authorities of cases investigated by OI</i> (one case might have more than one responsible party)	
LOCAL POWER	
Municipality of Ferizaj	22
Municipality of Prizren	18
Municipality of Gjakova	16
Municipality of Prishtina	14
Municipality of Lipjan	9
Municipality of Gjilan	8
Municipality of Mitrovica	7
Municipality of Partesh	6
Municipality of Peja	4
Municipality of Malisheva	4
Municipality of Vushtrri	4
Municipality of Leposaviq	4
Municipality of Obiliq	4
Municipality of Kamenica	2
Municipality of Klina	2
Municipality of Graçanica	2
Municipality of Drenas	2
Municipality of Shterpce	2
Municipality of Fushe Kosove	2
Municipality of Deçan	2
Municipality of Viti	2
Municipality of Istog	2
Other institutions (with only one case)	9
OTHER RESPONSIBLE PARTIES	
Kosovo Police	40
University of Prishtina	14
KEDS	12
Privatization Agency of Kosovo	11
Kosovo Property Agency	3
Foreign authorities	3
Kosovo Presidency	3
Central Election Commission	3
Kosovo Assembly	3
Kosovo Energy Cooperation	3
University Clinical Centre of Kosovo	2
Water Company of Prishtina	2
Kosovo Customs	2
Kosovo Radio Television	2
Library of National University	2
Other institutions (with only one case)	14
PRIVATE PARTIES	
	7

Failure of responsible authorities to respond to IO letters		
Responsible authority	Letters sent	Unanswered letters
JUDICIAL AND PROSECUTORIAL SYSTEM		
Basic Court in Prishtina	52	11
Special Court of the Supreme Court	24	4
Kosovo Judicial Council	9	2
Basic Court in Pejë	4	1
Basic Prosecution Office in Mitrovica	1	1
Constitutional Court of Kosovo	1	1
EULEX Mission	1	1
GOVERNMENTAL AUTHORITIES		
Ministry of Labor and Social Welfare	7	5
Ministry of Foreign Affairs	3	3
Ministry of Agriculture, Forestry and Rural Development	3	2
Ministry for Communities and Returnees	3	2
Ministry of Education, Science and Technology	2	2
Forensic Department	2	2
Ministry of Public Administration	1	1
LOCAL POWER		
Municipality of Prizren	7	4
Municipality of Prishtina	9	3
Municipality of Graçanica	3	2
Municipality of Peja	3	2
Municipality of Mitrovica	3	2
Municipality of Klllokot	2	2
Municipality of Drenas	2	2
Municipality of Leposaviq	2	2
OTHER PUBLIC INSTITUTIONS		
University of Prishtina	8	3
Presidency of Kosovo	6	2
Kosovo Police	6	2

Responsible authorities of complaints submitted with the OI during 2014



Responsible authorities of the investigated case by OI



THE SUBJECT OF INVESTIGATED CASES
Based on the rights guaranteed with Constitution

(one case may involve more than one violation of rights guaranteed)

The right on fair and impartial adjudication	180 (24%)
The right to property	95 (13%)
The right to work and exercise profession	82 (11%)
The right to social and health protection	63 (9%)
The right to legal remedies	52 (7%)
Prohibition of torture, inhuman or degrading treatment	39 (5%)
The rights of accused	34 (5%)
The right to access public documents	28 (4%)
Children's rights	26
The right to education	26
Equality before the law	26
Legal protection of rights	18
Responsibility for living environment	10
The right to privacy	8
The right to life	8
Freedom of movement	7
The right on marriage and family	7
Human dignity	7
Cases for mediation	6
The right of liberty and security	4
The right to elections and participation	4
The right to personal integrity	2
Religious confessions	1
Freedom of media	1

PUBLIC RELATION THROUGH MEDIA AND OI PUBLIC PRESENTATION DURING 2014

90 public presentations mainly of Ombudsperson himself as a response to media and journalists' request for statements and interviews, on air programs open to citizens' questions, debates etc. through traditional media forms, electronic portals and written press (this do not include further broadcasting or themes initiated by media themselves).

30 statements, notifications, photo news, responses, reports etc. have been posted on OI web page, or through OI profile and webpage on Facebook, as well as disseminated to media through e-mail addresses.

With various participants from public/local institutions, political parties, civil society, media, etc. (depending from the theme deliberated) there were organized and accomplish the following:

- **A round table regarding Customer' Rights,**
- **A round table regarding the necessity of a regular election process**
- **A round table regarding environmental protection**

OI has published in hardcopy as well as electronically:

- **Annual Report** (*in Albanian, Serbian and English*)
- **Executive summary of data, media coverage and finances from the 2013 Annual Report,** (*in Albanian, Serbian, Turkish and English*)
- **Summary of 2013 Recommendations** (*in Albanian, Serbian, Turkish and English*)
- **Bulletin on Brail alphabet,** *as overall information summary on the work and mission of OI.*

- In cooperation with OSCE a **campaign against discrimination** has been conducted, within which a set of activities have been developed.
- Within the scope of cooperation with UNDP a **documentary has been accomplished,** as a part of awareness campaign regarding human rights and the work as well as the mission of OI.

INTERNATIONAL COOPERATION

OI is the only national institution on human rights in Kosovo. As such, it is committed for exchange of international professional experiences as well as engagement of Kosovo in international bodies of human rights. Special attention has been given from the OI during this year as well, towards this cooperation in regional, European and global level.

OI gained membership in the following international mechanisms:

- *International Ombudsman Institute (IOI)*,
- *European Ombudsman Institute (EOI)*
- *European Network of National Human Rights Institutions (ENNHRI)*
- *Children’s Rights Ombudsman Network of South and Eastern Europe (CRONSEE)*
- *Sarajevo Declaration for Regional Cooperation*

This year OI has applied to gain membership in the following associations:

- *Association of Mediterranean Ombudsman (AOM)*,
- *Association of Francophone Ombudsman.*

REPORTING TO DIFFERENT INTERNATIONAL MECHANISMS

YEAR 2014	Theme of the Report	Organization /institution to which the report has been submitted
30 June	Survey regarding good practices which are connected with human rights and the environment	United Nations Independent Expert on human rights and environment - Department for Sustainable Human Development – Special Procedure Division in United Nations
28 August	The work and findings of the working group on Torture Prevention Mechanism in Kosovo	USA State Department / American Embassy on Report on Human Rights in the World
8 September	International questionnaire for the Information commissioners	Center for Freedom of Information
9 December	Investigation of Ex-officio complaints	International Ombudsman Institute
9 December	Allocation of sufficient funds for functioning of National Human Rights Institutions	European Network of National Human Rights Institutions.

Budget requested and approved for 2014

Economic categories	Budget requested for 2014	Allocated budget for 2014	Final budget for 2014	Final budget 2013
Salaries and per diems	596.371.00	596.371.00	596.371.00	513.050.00
Goods and services	459.239.00	459.239.00	390.353.15	302.239.00
Utilities	30.000.00	30.000.00	25.500.00	23.000.00
Capital expenditures	10.000.00	10.000.00	10.000.00	52.000.00
Totally	1.095.610.00	1.095.610.00	1.022.224.15	890.289.00

Budget expended in 2014

Economic categories	Final budget 2014	Expended budget	Outstanding	Free means	Realization %
Salaries and per diems	596.371.00	542.558.37	0.00	53.812.63	90.98 %
Goods and services	390.353.15	252.779.03	61.983.60	75.590.52	64.76 %
Utilities	25.500.00	14.724.05	1.891.03	8.884.92	57.74 %
Capital expenditures	10.000.00	9.145.00	855.00	0.00	91.45 %
Totally	1.022.224.15	819.206.45	64.729.63	138.288.07	80.14 %

RECOMMENDATIONS FROM ANNUAL REPORT OF 2014

Implementation of International Instruments and Agreements

Recommendations:

- In the Constitution of the Republic of Kosovo, to be included the UN Convention on Economic, Social and Cultural Rights, and the European Social Charter.
- In the Constitution of the Republic of Kosovo, to be included the Convention on the Rights of Persons with Disabilities.
- All institutions of the Republic of Kosovo to get engaged on full respect and implementation of international instruments, as expressly required by the Constitution of the Republic of Kosovo.

The Right to life

Recommendations:

Kosovo Correctional Service

- People with mental disorders should not be kept in prison, but in agreement with relevant institutions, place them to appropriate institutions for such persons.

Kosovo Prosecutorial Council

- Prosecution authorities, in close cooperation with the police, conduct prompt, thorough and objective investigations, within the legal time limits, by sending the cases to the court, with complete and proven evidence and facts.

Right to Freedom and Security

Recommendations:

- Kosovo Judicial Council should undertake necessary measures to ensure efficient administration of judiciary, in order to avoid any unnecessary delay of detention and that such cases are to be treated within a reasonable timeframe.
- Ministry of Justice, actually Kosovo Correctional Service to undertake all measures for the safety of persons who are under their custody on places of detention and prisons, based on their legal obligation.

Prohibition of Torture

Recommendations:

Ministry of Health

- To build Safe Rooms within UCCK, in which convicted persons in need of medical treatment will be placed.

Ministry of Justice

- Minor females to be placed separately from those adult in Lipjan Correctional Centre.
- Make categorization and placement of convicted and detained persons, according to the nature of the offence, threat and age.
- Provide training for the staff of institutions, where detained persons are located (social workers and other staff) with intention to broaden their knowledge on human rights.

Assembly of the Republic of Kosovo

- Approve the Law on Mental Health as soon as possible.

CRP, KCS and KPS

- Strengthen cooperation between CRP, KCS and KPS staff in order to provide better services, through the organization of joint workshops.
- Inform detainees about their rights and obligations, as well as the procedure of complaint lodging.
- Increase the number of professional staff for Mental Health Institute and provide different training for the staff.

Right to Privacy

Recommendations:

- Government of Kosovo to proceed the Law on Interception of Telecommunications for approval in the Assembly of the Republic of Kosovo as soon as possible.
- Responsible institutions to undertake actions to protect the right to privacy, especially from pollution of environment and illegal constructions.

Right to marriage and family

Recommendations:

- The courts, when adjudicating the divorce cases, should be more expeditious and give priority to the cases concerning the divorce disputes, entrustment of children and alimony.
- The court and CSW should take actions regarding execution of decisions concerning the payment of alimony and accomplishment of parent-child contacts.

The freedom of movement

Recommendations:

- The Government of Kosovo, in cooperation with the responsible authorities to take all legal measures to prevent ethnically motivated incidents in Kosovo, and act efficiently on shedding the light on such incidents and the perpetrators of these offences to be brought to justice.
- The Government of Kosovo to take appropriate measures for exemption from insurance of the vehicles at the border crossings as well as from double payment of motor vehicles insurance.
- The Government of Kosovo, in cooperation with the responsible authorities, to undertake all measures provided by the law for the removal of all barricades and obstacles on the road, including the so-called "Peace Park" on the main bridge of the Ibër River, the so called square "Car Lazar", as well as the so called squares "Adem Jashari" and "KLA", to enable free movement of people and goods in northern part of Kosovo.
- The Government of the Republic of Kosovo, the Kosovo Police and other responsible institutions, to undertake all actions under legal obligation to guarantee the life, property, health and public safety, for all citizens of the Republic of Kosovo, in the entire territory of the Republic Kosovo.

Freedom of association

Recommendations:

- Ministry of Public Administration should implement the decisions of the Commission for Review of Appeals of NGOs, in accordance with Regulation no. 02/2012 on the establishment and operation of the Commission for Review of Appeals of NGOs and the Law no. 04/L-57 on freedom of association in NGOs.
- Ministry of Public Administration should enforce the Law no. 03/L-195 on the Ombudsperson and the Constitution of the Republic of Kosovo, which requires that public institutions must respond timely to the letters and requests of the Ombudsperson and to cooperate with him regarding the issues raised.
- Public institutions should respect the right of every citizen on freedom of association, including the freedom of trade union organization.

Freedom of gathering

Recommendations:

- The Kosovo Police, as a constitutional institution for protection of public order and safety, must necessarily establish communication contacts with the organizers of public gatherings to preliminarily planning and briefing them and due to public safety.
- All organizers of gatherings should inform law enforcement authorities in advance with regard to holding gatherings in accordance with the law.
- To amend the Law on Public Gatherings, respectively Article 12, paragraph 3, in order to be in full compliance with Article 11 of the ECHR on Freedom of assembly and association, and the practice of the ECtHR.

The right to property

Recommendations:

For the Assembly of the Republic of Kosovo:

- Abrogation of UNMIK Regulation 2003/13 on the Transformation of the right to use immovable property in social ownership, as amended by UNMIK Regulation 2004/45, issuing a law which shall regulate the transformation of socially owned property and establishing fair and balanced criteria for inclusion of workers in the list of employees who benefit from the privatization of SOEs.
- Review the issuance and adoption of the law on restitution of properties nationalized during the 1950s and beyond, taking care of the balance of interests, and according to the best practices of regional and European countries.

For the Government of Kosovo:

- Establishment of conditions for the restitution of possession of property lost as a consequence of the 1998-1999 war and provision of the necessary support for the Kosovo Property Agency in the execution of decisions for restitution of property.
- Financial support for the Kosovo Property Agency or its successor agency, for execution of decisions on compensation, under the conditions specified under section 4.5 of UNMIK Regulation 2000/60.

Right to work and exercise profession

Recommendations:

- Inspectorate of Labor should monitor implementation of the provisions of the Law on Labor and the Law on Safety and Health at Work and undertake appropriate legal measures to protect the health of workers.
- Ministry of Labor and Social Welfare jointly with the Inspectorate of Labor should undertake measures to prevent the phenomenon of child labor, by developing concrete programs for their return to regular learning process.

Equality before the law

Recommendations:

- The Government of Kosovo should amend Law no. 2003/23 on Pensions of the disabled people in Kosovo regarding the categorization accordingly with the objective degree of the disability, so that material compensation of the users of pensions is made in accordance with the needs and requirements of the disability.
- Ministry of Labor and Social Welfare should respond to Ombudsperson's recommendations in accordance with the Constitution of the Republic of Kosovo and the Law on the Ombudsperson.
- Ministry of Education, Science and Technology should provide conditions for inclusion of students with disabilities in education.
- The Government of Kosovo and the Inspectorate of Labor should monitor the implementation of the Law on Labor with regard to employment of people with disabilities under 50 + 1 quota according to this law.
- The Government of Kosovo and municipal authorities should monitor and also implement the Law on Construction No.04/L-110 and Administrative Direction on the technical requirements of buildings for access of persons with disabilities - No.2007 / 33.

Gender equality

Recommendation:

- Institutional and legal support ought to be ensured to women and girls, victims of sexual violence during the war in Kosovo, in order to restore human dignity, and take measures for their social, spiritual and material rehabilitation.

The Rights of LGBT community

Recommendation:

- Government of Kosovo to include in education programs knowledge about LGBT community rights.

The Right to vote:

Recommendations:

- CEC should reconsider the possibility of appointing, at the polling stations or PC, PSC members where they vote or closer to the PC where their polling station is.
- PSC members carrying out the role of ballot handlers and also spray the voters' fingers with invisible ink should be provided with gloves, in order to avoid spraying of their fingers with ink so that they vote without problem.
- Law enforcement authorities should initiate criminal proceedings and bring to justice all those who caused incidents and have hindered the voting process.
- CEC should correct Final Voter Lists by removing all the names of deceased persons and update the list with the names of new voters who turned 18.
- Create proper conditions for all persons with disabilities (especially those in wheelchairs) to have unhindered access to all PCs and polling stations where they vote. In cases when this is not possible or requires more time to be realized, these persons should be made possible to vote in their homes and apartments from relevant CEC and MEC mobile teams, in accordance with relevant Election Rule of CEC.
- To regulate with relevant legal provisions, the exercise of voting rights for persons, who on the Election Day, respectively, during the voting process, are on duty.
- Improve communication with voters outside Kosovo, so that they are supplied on time with ballots, to be given sufficient time to return the voting ballot, in order that they are able to exercise their right to vote, in accordance with the relevant Election Rule of CEC.

Right to Education

Recommendations:

- Municipal responsible institutions should undertake all necessary measures for the improvement, maintenance and upgrading of the physical infrastructure of schools before the start of the school year.
- Municipalities should allocate a separate budget to provide transportation for children with special needs.
- All relevant institutions should implement thoroughly the Protocol for the Prevention and Referral of Violence in Pre-University Education Institutions.
- MED during compilation of vacancies and employment criteria, should draft criteria which do not fall in conflict with the law, so that all candidates are treated equally before the law.
- MEST in cooperation with other responsible institutions should engage for establishing a register for all children with special needs in Kosovo.
- Holders of higher education in Kosovo, elect as soon as possible rectors and vice-rectors in public universities instead of acting rectors and vice-rectors.
- The Government of the Republic of Kosovo and MEST respect the autonomy of the holders of higher public education.

Responsibility for living environment

Recommends:

- To conduct campaigns continually to inform the public in order to raise awareness regarding the preservation of the environment
- To coordinate actions of the police, courts and environmental inspectors for the prevention of exploitation of rivers by irresponsible persons and in contradiction to the law.
- To undertake measures by the institutions responsible for preserving agricultural land from uncontrolled change of destination into construction land.
- To undertake measures to remedy the consequences of illegal and constructions without criteria.
- The competent authorities should implement thoroughly Article 12, paragraph 2 of Law no. 04/L-188, for treatment of illegal constructions, since the inspection phase of construction without permission, to reject the applications for permit for legalization in cases prescribed by law;

Right to social and health care

Recommendations:

- Government of Kosovo, through responsible mechanisms for public health institutions, to supply permanently with medicaments and other sanitary material from the essential list.
- To strengthen control in health facilities at all levels, in order that health workers provide qualitative health care services and unable them to misuse their job position on the detriment of the patient.
- The Government of Kosovo, through amendment of the Law on Social Assistance Scheme should request removal of the restriction of social assistance for the families with children who reach the age of 5, because this is not a qualitative restriction, it has no legitimate purpose, is not proportional and is unconstitutional.
- Municipalities, when planning their budget, should provide budget lines for the construction of housing facilities for families in need.
- Government of Kosovo should request from the responsible institutions, including its bodies within the Government, to respect and implement OI recommendations.

Right of access to public documents

Recommendations:

- To aim enhancing of activities on awareness rising on the right of access to public documents, through information campaigns, aiming initially responsible officials of the institutions but also the citizens as well about this right.
- Increasing and intensification of constant trainings for officials in professionally creating and handling of records of public documents and responding to citizens' requests correctly and in compliance with the legal norms.
- To undertake all necessary actions to commence with the amendment of the Law on Access to Public Documents, to make the law clear, simple and applicable.
- To aim establishment of a mechanism with executive power for handling complaints concerning to access to public documents.

Children's Rights

Recommends:

- To undertake all necessary actions in order that the cases dealing with children or which affect their rights, are decided without delay, within the time limits provided by law, in order not to damage or endanger children's health, well-being or even their life.
- To undertake all necessary actions in order that the best interests of children becomes primary in their work, including the work on the issues related to child guardianship or non-realization of children's contact with the parent.
- To undertake all necessary measures to improve and establish physical infrastructure as well as to allocate a separate budget to provide transportation for children, in accordance with the legislation that regulates the field of education.
- To undertake appropriate actions in increasing the number of supporting teachers and in providing personal assistants for children with disabilities.
- Psychologists and pedagogues should be part of school personnel in all schools.
- To include the tutor's class as mandatory in school curricula.
- To increase communication between teachers and parents, in order to better address the concerns and problems of the students.
- To undertake appropriate actions in order to increase safety in the school environments, of the way to school and vice versa.
- To inform students about the consequences and dangers that brings the use of alcohol and narcotics.
- To strengthen the capacities of relevant institutions employees, for effective identification of juvenile victims, treatment and provision of adequate assistance, starting from the needs and circumstances of each case.
- To undertake appropriate actions to increase responsibility and accountability of employees working with cases of trafficking of human beings.
- To continue with awareness campaigns, especially for children, regarding the trafficking of human beings, about the potential risks and ways of identifying them, as well as for children's rights for protection and assistance.
- To establish special funds for funding urgent needs of victims of human beings trafficking and their full reintegration into society.

Rights of communities and their members

Recommendations:

- Kosovo Property Agency should enhance and improve cooperation with the executive power within the legislative competences in order to give a more efficient response to repeated occupation of property in an unlawful manner, for which is required a better coordination with the Police of Kosovo and the judiciary.
- Police of Kosovo should guarantee security and should act effectively to protect and find the perpetrators of attacks directed against minorities and to protect their property.
- MCR within the strategy of return should include projects related to the sustainable return, in terms of promotion of the small economy and stimulation of agriculture in rural areas of returnees, in order that returnees are able to work and due to this have more sustainable return of population.
- Local government, in coordination and cooperation with the MRC, should include on its plans the housing needs of the returnees and repatriated persons, who before 1999 war have lived in informal neighborhoods, so that the members of the Roma, Ashkali and Egyptian communities, not been displaced again.

Employment representation in central and local bodies

Recommendation:

- To ensure equal representation of all communities in the central and local level in employment, according to law requirements. It must be necessarily required that publicly owned enterprises respect the legal requirement for employment of members of minority communities, in particular the communities of Ashkali, Egyptian and Roma.

Education of members of minority communities

Recommendations:

- Government of Kosovo should make maximum efforts for the mutual recognition of diplomas, and thus help the advancement of the rights of communities.
- MEST should pay special attention on improvement of the quality of textbooks in Turkish and Bosnian language for the next school year 2015/16 and also to provide the textbooks missing in these languages, in order that members of Turkish and Bosnian communities not being forced to seek solutions from Turkey and Bosnia and Herzegovina.
- The Government of the Republic of Kosovo as well as local governments should pay special attention to education of Roma, Ashkali and Egyptian communities to motivate young people against dropping out of school.
- The Government of Kosovo in cooperation with local governments, should draft a concrete plan of action for raising awareness of parents and children of the mentioned communities, so that their children do not drop out schools.

Situation of Roma, Ashkali and Egyptian minorities

Recommendation:

- Central and local institutions should make more efforts to implement the Strategy for the reintegration of Roma, Ashkali and Egyptian communities, to improve the socio-economic situation and in particular promote (urge) the education of children of these communities

Legal protection of rights

Recommendations:

To the Assembly of the Republic of Kosovo, the Government and the Kosovo Judicial Council

- Extension of judicial power in the whole territory of the country, including the northern part of Mitrovica and the municipalities of Leposavic, Zubin Potok and Zvecan, as provided by the Constitution of the Republic of Kosovo.

To Kosovo Judicial Council and the Ministry of Justice

- To initiate drafting of a legal instrument that would constitute an effective remedy pursuant to Article 13 of the European Convention of Human Rights, which provides relief in form of prevention through compensation regarding claims for statutory limitation of the court cases and unreasonable delay of the court proceedings.
- To initiate rendering of a temporary decision on prohibition of the statutory limitation of the court cases in the Republic of Kosovo as a consequence of the denial of the citizens' right to address the judiciary to resolve the various conflicts.

To Kosovo Judicial Council

- To increase the number of judges and professional associates in the Basic Court in Prishtina, the Court of Appeal and the Special Chamber of the Supreme Court, so that all court cases are dealt within reasonable time limits and without unreasonable delays.
- Office of Disciplinary Counsel to investigate all cases of citizens' complaints concerning the statutory limitation of their court cases and, in cases of abuse of duty, to propose imposition of legal measures against judges and prosecutors who have violated the law.

To the Courts and KJC

- To enable provision of professional interpreters for all criminal, civil and administrative court disputes, to all parties from non-majority communities, in their own language.
- Court decisions to be issued within legal time limits and in time to be submitted to the parties in their own language, without administrative delays for translation.
- Execution and consistent implementation of final court decisions within the time limit provided by law.
- Increase transparency and notification of all parties, at their request to be informed about their cases after the reformation of the courts under the Law and transfer of cases on legal competence.

Right to fair and impartial trial

Recommendations:

Kosovo Judicial Council:

- In order to increase the efficiency of the court, appropriate and effective legal actions / initiatives ought to be taken in order that the right to a fair and impartial trial is not only of a formal character, but to be applicable in practice.
- Necessary measures for implementation of applicable rules at force to be undertaken in order that courts to avoid procedural delay of cases, which then leads to their statutory of limitation.
- Submission of court decisions to the parties in due time, within the legal time- limit and in their own language, according to the Law on the Use of Official Languages, and in accordance with the Constitution of the Republic of Kosovo.

Rights of the accused

Recommendations:

- Courts shall impose alternative measures, while only in necessary and legally based cases they impose detention on remand as a means of securing the accused.
- Courts shall make appropriate reasoning of decision for extension of detention.
- KJC shall reconsider the amount of compensation for illegal detention cases.
- Kosova Bar Association shall provide a higher quality of legal aid and impose disciplinary measure against lawyers who violate the Law on the Bar and the Code of Professional Ethics of Advocate.

Right to legal remedy

Recommendations:

- Institutions of Republic of Kosovo at all levels, administrative bodies and courts, should respect the right to legal remedies so that citizens can exercise this right according to law.

Relations between Ombudsperson and Constitutional Court

Recommendations:

- Law on the Constitutional Court, no. 03 / L-121, Article 30 respectively, should be amended and supplemented by deleting entirely the time limit for disputing the legal acts/submission of referrals to the Constitutional Court by the Ombudsperson.
- The Government of the Republic of Kosovo and Privatization Agency of Kosovo should undertake immediate measures to execute the judgment of the Constitutional Court, Ref. no. 75/10 AG, as per case no. KI 08/09, without any further delay.

Illegal investigation of the OI by Prosecution Office

Recommends:

Basic Prosecution in Prishtina

- To inform OI on the identity of the initiator/s, natural or legal person, and his/her criminal prosecution due to submission of false criminal charge. Conclusion of the investigations and delivery of the ruling on closing of the case in relation to raised suspicions for the criminal offense under the reference PPN.no.2302 / 2012, after the expiry of the time limit under Article 159 paragraph 1. of the Criminal Procedure Code.

State Prosecutor Office

- To investigate officials/prosecutors of the case involved in this issue and to undertake legal measures against all parties involved, depending on their degree of personal and functional responsibility, up to discharge, for conducting investigations in violation of the Code of Criminal Procedure of Kosovo, Articles 103, 104, paragraph 1,2,3 and to the detriment of the Ombudsperson Institution.

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