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Institucioni i Avokatit të Popullit • Institucija Ombudsmena • Ombudsperson Institution

OMBUDSPERSON'S

Ex-officio Report No.147/2021

Hate speech in primary education school textbooks in Kosovo

Addressed to: Mrs. Arbërie Nagavci, Minister
Ministry of Education, Science, Technology and Innovation

Copy: Mr. Habit Hajredini, Director
Office of the Prime Minister, Office for Good Governance

Prishtinë, 11 August 2023

I. PURPOSE OF THE REPORT

The aim of this Report is to conduct an inquiry and review the hate speech used in primary education textbooks¹ as well as in lower secondary education ² (henceforward: primary education) in the education system in the Republic of Kosovo. This Report was drawn up by the review of a total of 47³ textbooks that are used as educational learning resources in schools in the Republic of Kosovo, from the first to the ninth grade.

¹ Law On Pre-University Education in The Republic of Kosovo, Article 9, paragraph 1, subparagraph 1.2.: “Level 1: Level 1: Primary education for five (5) years (normally from age six (6), remaining part of KCF Key Stage 1 and 2).”

² Law On Pre-University Education in The Republic of Kosovo, Article 9, paragraph 1, subparagraph 1.3.: “Level 2: Lower secondary education for four (4) years (normally from age twelve (12), KCF Key Stages 3 and 4).”

³ Demaj, Frashër. *History 6- Exercise Work book*. Pejë: Dukagjini. 2021; Demaj, Frashër. *History 6*. Pejë: Dukagjini. 2021; Demaj, Frashër. *History 7- Exercise Work book*. Prishtinë: Dukagjini. 2021; Demaj, Frashër. *History 7*. Pejë: Dukagjini, 2021; Demaj, Frashër. *History 8*. Prishtinë: Dukagjini. 2021; Demaj, Frashër. *Historia 8- Exercise Work book*. Prishtinë: Dukagjini. 2021; Gashi, Agron. Saranda Kumnova (Pozhegu). *Dhurata Tara – Nixha*. Fatmir Fejziu. *Albanian Language 3b – Exercise Work book*. Pejë: Dukagjini. 2021; Gashi, Agron. Saranda Kumnova (Pozhegu). *Dhurata Tara – Nixha*. Fatmir Fejziu. *Albanian Language 3a- Exercise Work book*. Pejë: Dukagjini. 2021; Gashi, Agron. Saranda Kumnova (Pozhegu). Fatmir Fejziu. *Dhurata Tara – Nixha*. *Albanian Language 4a – Exercise Work book*. Prishtinë: Dukagjini. 2021; Gashi, Agron. Saranda Kumnova (Pozhegu). Fatmir Fejziu. *Dhurata Tara- Nixha*. *Albanian Language 4*. Prishtinë: Dukagjini. 2022; Gjokutaj, Mimoza. Laura Shuteriqi. Tereza Babasuli. Zana Sh. Saraqini, *Albanian Language 3*. Prishtinë: Pegi. 2021; Gjokutaj, Mimoza (Çano). Saranda Kumnova (Pozhegu). Naser Zabeli. Tereza Babasuli (Basho). *Abetare (ABC book)*. Tranë: Pegi & Prishtinë: Dukagjini. 2022; Gjokutaj, Mimoza (Çano). Saranda Kumnova (Pozhegu). Naser Zabeli. Tereza Babasuli (Basho). *Abetare (ABC book)- Exercise Work book*. Tranë: Pegi & Prishtinë: Dukagjini. 2022; Gjokutaj, Mimoza. Anila Mullahi. Flora Koleci. Tereza Babasuli *Albanian Language 9*. Prishtinë: Pegi. 2021; Gjokutaj, Mimoza. Anila Mullahi. Tereza Babasuli. Ragip Gashi. *Albanian Language 6*. Prishtinë: Pegi. 2021; Hoti, Demi. Naser Zabeli. Erlehta Mato. *Civic Education 6 - Exercise Work book*. Libri Shkollor. 2022; Hoti, Demi. Naser Zabeli. Erlehta Mato. *Civic Education 6 – Teacher’s book*. Libri Shkollor. 2022; Hoti, Demi. Naser Zabeli. Erlehta Mato. *Civic Education 6*. Libri Shkollor. 2022; Islamaj, Shefkije. *Albanian Language 6 - Teacher’s book*. Prishtinë: Libri Shkollor. 2022; Islamaj, Shefkije. *Albanian Language 6*. Prishtinë: Libri Shkollor. 2022; Jashari, Ali. Osman Gashi. Saranda Kumnova (Pozhegu). Adriola Kanakçiu. Fatmir Fejziu. *Albanian Language 5A- Exercise Work book*. Prishtinë: Dukagjini. 2021; Jashari, Ali. Osman Gashi, Saranda Kumnova (Pozhegu). Adriola Kanakçiu. Fatmir Fejziu. *Albanian Language 5B- Exercise Work book*. Prishtinë: Dukagjini. 2021; Krasniqi, Shemsi. Sheribane Ibrahimaj Bahtiri. *Civic Education 7*. Prishtinë: Dukagjini. 2020; Krasniqi, Shemsi. Sheribane Ibrahimaj Bahtiri. *Civic Education 7- Exercise Work book*. Prishtinë: Dukagjini. 2020; Lutaj, Lindita. Dhurata Tara - Nixha. Miranda Stavileci. *Society and Environment 1*. Prishtinë: Dukagjini. 2021; Lutaj, Lindita. Dhurata Tara - Nixha. Miranda Stavileci. *Society and Environment 1- Exercise Work book*. Prishtinë: Dukagjini. 2021; Lutaj, Lindita. Dhurata Tara - Nixha. Miranda Stavileci. *Society and Environment 2*. Prishtinë: Dukagjini. 2021; Lutaj, Lindita. Dhurata Tara - Nixha. Miranda Stavileci. *Society and Environment 2 - Exercise Work book*. Dukagjini. 2021; Lutaj, Lindita. Dhurata Tara - Nixha. Miranda Stavileci. *Society and Environment 3*. Prishtinë: Dukagjini. 2021; Lutaj, Lindita. Dhurata Tara - Nixha. Miranda Stavileci. *Society and Environment 3 - Exercise Work book*. Prishtinë: Dukagjini. 2021; Mato, Erleta. Bajram Shatri. *Society and Environment 3 Exercise Work book*. Prishtinë: Libri Shkollor. 2022; Mato, Erleta. Bajram Shatri. *Society and Environment 3 – Teacher’s book*. Prishtinë: Libri Shkollor. 2022; Mato, Erleta. Bajram Shatri. *Society and Environment 3*. Prishtinë: Libri Shkollor. 2022; Paçarizi, Rahman. Adelinë Selmani. Albulena Blakaj. *Albanian Language 9a*. Prishtinë: Dukagjini. 2022; Paçarizi, Rahman. Adelinë Selmani. *Albanian Language 7*. Prishtinë: Dukagjini. 2020; Paçarizi, Rahman. *Albanian Language 7- Exercise Work book*. Pejë: Dukagjini. 2020; Paçarizi, Rahman. Saranda Kumnova (Pozhegu). Aurela Zisi. *Albanian Language 2b– Exercise Work book*. Pejë: Dukagjini. 2021; Paçarizi, Rahman. Albulena Blakaj. Adelinë Selmani. *Albanian Language 9b*. Prishtinë: Dukagjini. 2022; Paçarizi, Rahman. Saranda Kumnova Pozhegu. Aurela Zis. *Albanian Language 2a – Jointly with Exercise Work book*. Prishtinë: Dukagjini. 2021; Rugova, Bardh. *Atdhe*

The need for such inquiry as well as Report, in the first place, comes naturally as a result of global policies for awareness on hate speech and combating the same till it is totally eliminated. It also comes as a result of the internal needs of Kosovo society, to debate on various topics and problems that violate basic human rights and freedoms. As the youngest state and a society that is building a genuine democracy, the Republic of Kosovo needs to constantly review its circumstances and situations regarding such topics as: freedom of expression or speech, gender equality, non-discrimination on different grounds, inter-religious tolerance, ethnic and cultural diversity, etc.

Until today, generally school textbooks in Kosovo have been the subject of discussion and subjects of analysis by many public stakeholders as well as from different perspectives. But, this Report comprises a specific review of textbooks focused only on hate speech and not on other didactic, pedagogical, professional aspects, etc.

II. POWERS OF THE OMBUDSPERSON

1. Pursuant to Article 132 of the Constitution of the Republic of Kosovo: *“The Ombudsperson monitors, defends and protects the rights and freedoms of individuals from unlawful or improper acts or failures to act of public authorities.”* The Constitution further in Article 135, paragraph 3, predicts: *“The Ombudsperson is eligible to make recommendations and propose actions when violations of human rights and freedoms by the public administration and other state authorities are observed.”*
2. According to Law no. 05/L-019 on Ombudsperson, Article 16, the Ombudsperson, among others, has the following powers and responsibilities:
 - *“To investigate complaints received from any natural or legal person related to assertions for violation of human rights envisaged by the Constitution, Laws and other acts, as well as international instruments of human rights, particularly the European Convention on Human Rights, including actions or failure to act which present abuse of authority (Article 16, paragraph 1);*
 - *“To investigate, either to respond to complaint filed or on its own initiative (ex officio), if from findings, testimonies and evidence presented by submission or by knowledge gained in any other way, there is a base resulting that the authorities have violated human rights and freedoms stipulated by the Constitution, laws and other acts, as well as international instruments on human rights (Article 16, paragraph 4);*
 - *The Ombudsperson may provide general recommendations on the functioning of the judicial system. The Ombudsperson will not intervene in the cases and other legal procedures that are taking place before the courts, except in case of delays of procedures. (Article 16, paragraph 8);*

Hykolli. *Reading book 1*. Prishtinë: Dukagjini. 2021; Rugova, Bardh. Shpëtim Elezi. Qëndresa Jakupi. Adelajda Baftiu. *Albanian Language 6*. Pejë: Dukagjini. 2021; Rugova, Bardh. Shpëtim Elezi. Qëndresa Jakupi. Adelajda Baftiu. *Albanian Language 6*. Prishtinë: Dukagjini. 2021; Sylva, Xhevat. *Albanian Language 1 - Teacher's book*. Prishtinë: Libri Shkollor. 2022; Sylva, Xhevat. *Albanian Language 1*. Prishtinë: Libri Shkollor. 2022; Tasho. Esmeralda. Vojsava Delijaj. Petrina Mataj. *Technology with TIK 9*. Tiranë: Irisoft Education. 2022; Tasho. Esmeralda. Vojsava Delijaj. Petrina Mataj. *Technology with TIK 9 – Exercise Work book*. Tiranë: Irisoft Education. 2022; Tasho. Esmeralda. Vojsava Delijaj. Petrina Mataj. *Technology with TIK 9 – Teacher's book*. Tiranë: Irisoft Education. 2022.

- *To draw attention to cases when the institutions violate human rights and to make recommendation to stop such cases and when necessary to express his/her opinion on attitudes and reactions of the relevant institutions relating to such cases;* (Article 18, par. 1, subparagraph 1.2);
- *to publish notifications, opinions, recommendations, proposals and his/her own reports.”* (Article 18, par. 1, subparagraph. 6).

III. RESOURCES AND METHODOLOGY

3. Textbooks are the primary resource and means of education and learning in all educational systems. Since the texts provided to students in schools are required to be read by them, they are the most collectively used sources of information and education of a community. As such, textbooks have a great, comprehensive and long-term influence on the cultural education and on the formation of the mentality of the members of a society. For a large part of society, regardless of subsequent university education and formal and informal professional education, the bases of knowledge and information acquired during primary and secondary education remain the foundation of lifelong education. This shows the vital importance and total long-term importance of textbooks in the conditions and prospects of a society as well as in the very levels and characteristics of that society's civilization. Therefore, historically, societies and states have attached great importance to textbooks, namely their content and the narrative conveyed by them.⁴
4. In essence, textbooks are specific books which are planned, designed, approved and encompassed for use in schools by the institutions of a country, in the service of formal education and conveying certain knowledge to students in the public education system of that country. In the Republic of Kosovo, this function is exercised by the Ministry of Education, Science, Technology and Innovation (hereinafter: MESTI). In the Law No. 02/L-67 on Publishing School Textbooks, Educational Teaching Resources, Reading Materials and Pedagogical Documentation (henceforth: Law on school textbooks)⁵, Article 1 has defined: “*“School Textbook” for Primary Schools, Low Secondary Schools and Upper Secondary Schools is a basic and compulsory book that serves as an essential and knowledge source for a certain field and the educational objectives which are achieved by using the textbook including the educational curriculum. The school textbook has been compiled based on educational curriculum and it is made in a didactic viewpoint, taking into consideration students’ psychophysics skills and specifications of the subject. [...].”*
5. Given that a public education system in the Albanian language was established in Kosovo only in the second half of the 20th century, the tradition of textbooks is late and cultivated with great difficulty, due to a complex historical context that has determined the history of education in Albanian language in Kosovo.⁶ After the war of 1998-1999 in Kosovo, textbooks have been changed, reviewed and advanced, in the framework of establishment

⁴ Eckhardt Fuchs & Kathrin Henne, “*History of Textbooks Research*”, in Fuchs. E., Bock. A., (eds), The Palgrave Handbook of Textbooks Studies, New York: Palgrave Macmillan, 2018, pp. 25-56.

⁵ Official Gazette of the Provisional Institutions of Self-Government in Kosovë / Prishtinë :year II / No. 9 / 01 February 2007, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2437>.

⁶ Bajram Shatri, *Education and secondary schools in Kosovo in XX century*, Prishtinë: Libri Shkolllore, 2019.

of a brand new public education system, initially by the temporary self-governing institutions and after 2008 by those of the Republic of Kosovo. Recently, the new school curriculum came into effect in 2017, but students did not receive the new revised textbooks until the beginning of the 2019/2020 school year.⁷

6. In this direction, the Ombudsperson has analyzed the language of school textbooks in Kosovo and especially their compiling with regard to hate speech, as a special concept in the public discourse. To carry out the inquiry, three types of sources were used: Primary sources of literature: 47 textbooks that are in use in the lower level in the education system in the Republic of Kosovo; Theoretical sources: theoretical studies on hate speech as well as studies and reports on school textbooks in Kosovo; Legislative resources: domestic and international legal documents on hate speech and all that this concept entails.
7. Since this Report is the product of a research that analyzes school textbooks, naturally the entire work methodology for its realization is theoretical. The methodology followed to reach this report is what is known as textual analysis. This means that during the analysis of the textbooks, they have been subjected to a critique of their rhetoric, analysis of the content, analysis of the interaction of the text as well as the study of the performance of the text as a dialogue with the reading public.⁸ Furthermore, since this research is focused on hate speech, as its forms can be non-verbal, this Report also analyzed the illustrations of school textbooks. This includes all the iconography of textbooks, such as: photographs, maps, illustrative drawings and everything that represents an image within these textbooks, has been subjected to a semiotic reading for the forms of meaning production according to the method of visual analysis.⁹ In order to analyze the content and images of the textbooks, they were subjected to a double critical reading, going through the page-by-page readings twice and their entire textual and iconographic content being read, viewed and reviewed.

IV. HATE SPEECH: THEORIES AND LAWS

8. Despite the frequent use of the term "hate speech" in international reports, various social science studies, legislation, court proceedings, media, parliaments and various public discourse discussions, there is no comprehensive or widely accepted definition of what hate speech is. This term represents a concept from which derive many meanings and forms of hate speech that go beyond the first direct meaning of the word. The term hate speech contains many layers of meaning that are mainly related to the expression and incitement of hatred, xenophobia, discrimination based on gender, race, religion, ethnicity, sexual orientation or other, as well as impatience and intolerance towards others or to certain communities. According to the Cambridge dictionary, hate speech is defined

⁷ Kallxo, New textbooks in the new school year,2019, at: <https://kallxo.com/shkurt/tekstet-e-reja-shkollore-ne-vitin-e-ri-shkollor/> .

⁸ Lawrence R. Frey, C. Botan, G. Kreps, *Investigating Communication: An Introduction to Research Method*, London: Pearson, 1999, pp. 281-285.

⁹ Philip Bell, *Content analysis of visual images*, in Leeuwen Th., Jewitt C., eds., *Handbook of Visual Analysis*, London: Sage Publications, 2004, pp. 10-22.

as: “public speech that expresses hate or encourages violence towards a person or group based on something such as race, religion, sex, or sexual orientation.”¹⁰

9. Council of Europe, as an organization for human rights, democracy and the rule of law in Europe, is the institution which has probably drafted the majority of documents and launched policies to combat hate speech. Recommendation No. R 97(20) of the Committee of Ministers of the Council of Europe on "hate speech", of October 30, 1997, has been given this definition: “The term "hate speech" is understood to cover all forms of expression that spread, incite, support or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance, including: intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility towards minorities, immigrants and people of immigrant origin. In this sense, "hate speech" covers comments which are necessarily directed against a particular person or group of persons.”¹¹
10. In one of the most referenced documents from all studies and research on hate speech, with the title "Manual on Hate Speech"¹², the author Weber has addressed hate speech, listing a set of documents and institutions that in various forms have as their subject the hate speech or certain dimensions of it, such as: the Council of Europe; European Court of Human Rights; European Convention for the Protection of Fundamental Human Rights and Freedoms and its Protocols; European Social Charter; Framework Convention for the Protection of National Minorities; The Universal Declaration of Human Rights, the International Convention on Civil and Political Rights and its Protocols; Convention on the Elimination of All Forms of Racial Discrimination; Convention on the Prevention and Punishment of the Crime of Genocide; Convention on the Elimination of All Forms of Discrimination against Women; Charter of Fundamental Rights of the European Union, etc. According to the handbook, the term "hate speech" is also used in European jurisprudence, although the court has never defined this term in any fixed definition. Anne Weber notes: "The Court simply refers in some of its judgments to "all forms of expression that spread, incite, support or justify hatred based on intolerance (including religious intolerance). It is important to note that this is a "autonomous" concept, insofar as the Court does not consider itself bound by domestic courts." Consequently, it sometimes rejects the classifications adopted by national courts or, on the contrary, classifies certain statements as "hate speech", even when domestic courts have excluded this classification. The concept of "hate speech" includes a number of situations: first, the incitement of racial hatred, or in other words, hatred directed against persons or groups of persons because they belong to a certain race; secondly, the incitement of hatred on religious grounds, with which may be equated the incitement of hatred on the basis of the difference between believers and non-believers; more recently, to use the phrasing for "hate speech" of the Recommendation of the Committee of Ministers of the Council of

¹⁰ Hate Speech, Cambridge Dictionary, in <https://dictionary.cambridge.org/us/dictionary/english/hate-speech> (see on: 04.06.2023); orig.: “public speech that expresses hate or encourages violence towards a person or group based on something such as race, religion, sex, or sexual orientation”.

¹¹ Recommendation CM/Rec(2022)16[1] of the Committee of Ministers to member States on combating hate speech (Adopted by the Committee of Ministers on 20 May 2022 at the 132nd Session of the Committee of Ministers); in <https://bit.ly/4dpD477> (accessed: 05.06.2023).

¹² Anne Weber, *Manual on Hate Speech*, Strasbourg: Council of Europe, Publishing Editions, 2009

Europe, the incitement of other forms of hatred based on intolerance "expressed by aggressive nationalism and ethnocentrism".¹³

11. In this year, that is in 2023, the United Nations Educational Scientific and Cultural Organization - UNESCO, published the guide "Addressing hate speech through education: A guide for policy-makers" - UNESCO 2030. Basically, this document for dealing with against hate speech through education means strengthening the capacities of educational systems and institutions as well as teachers, to provide inclusive learning environments where human rights are respected, without hatred, without discrimination and without prejudice, in support of identities, of cultures, beliefs and different nations. The guide provides concrete recommendations for policymakers to address hate speech and mitigate its effects on those who are targeted, through strategies that focus on, inter alia, curricula and textbooks, pedagogy, teacher education, in the management of educational institutions and partnerships. A combined approach of systematic and simultaneous interventions, in all those areas, is the key to effectively tackle hate speech and make societies more resilient to inhumane expressions of hate. Through this document, UNESCO offers 12 recommendations to address hate speech through education, as follows:

- *“Prioritize the issue of hate speech and take action to counter it with concrete implementation plans, including policy frameworks and budgetary allocations.*
- *Integrate efforts to counter hate speech into existing education sector initiatives to provide for a holistic approach to the issue.*
- *Ensure that strategies to address hate speech uphold the right to freedom of expression.*
- *Establish and implement clear guidelines and mechanisms to support individuals and groups targeted by hate speech in educational settings, including clear reporting mechanisms and norms for compliance.*
- *Incorporate into formal curriculum educational activities to address the root causes of hate speech, paying particular attention to historical and contemporary inequities.*
- *Create and continuously update curricula on media and information literacy and digital citizenship.*
- *Include in curricula educational activities to strengthen skills in critical thinking, social and emotional learning, intercultural dialogue and global citizenship to foster the necessary prosocial behavioral change to counter hate speech and promote inclusiveness and diversity.*
- *Encourage extracurricular activities that conduce to critical thinking and intercultural dialogue and can contribute to an inclusive environment.*
- *Develop and implement mechanisms to encourage and enable schools to ensure that the learning climate in the classroom is safe, respectful and inclusive, to become models of*

¹³ Anne Weber, *Manual on Hate Speech*, Strasbourg: Council of Europe, Publishing Editions, 2009, p. 10, in https://www.google.com/books/edition/Manual_on_hate_speech/9pPjBAAAOBAJ?hl=en&gbpv=1&dq=anne+weber+manual+on+hate+speech&printsec=frontcover

diversity and inclusiveness and to cultivate a whole-of-school approach for efforts to address hate speech.

- *Provide educators and school leaders with in-service training to equip them with new educational approaches to respond to and counter hate speech in their daily activities and interactions with students.*
- *Build the resilience of education systems through an integrated effort including family and community outreach and multi-stakeholder partnership.*
- *Establish criteria to evaluate and assess the effectiveness of interventions to address hate speech..”¹⁴*

12. These UNESCO recommendations go to all policy makers in the world who, through education, want to address and eliminate hate speech in all its forms of manifestation in society. Generally speaking, all international legal documents on freedoms and human rights and those against various forms of discrimination and inequality contain articles and norms that establish contours that deal directly or indirectly with hate speech.

13. The first international document that directly addressed hate speech was the Convention on the Elimination of All Forms of Racial Discrimination, which was approved by the United Nations General Assembly, which in Article 4 defined:

“States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, inter alia:

(a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

(b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;

(c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.”

14. Although Kosovo is not a member of most international organizations, including the United Nations, it is not a signatory party to many of the international conventions

¹⁴ UNESCO, *Addressing hate speech through education: A guide for policy-makers*, Paris: UNESCO, 2023, pp. 9-10, in: https://www.un.org/en/genocideprevention/documents/publications-and-resources/Addressing_hate_speech_through_education_A_guide_for_policy_makers.pdf?fbclid=IwAR3Hzo95PL9B8GIKYtHmAzJD_FBWdoNCbYyeVT-eA0aLWcElkxbGwMHBuk0 , (accessed: 05.06.2023).

dealing with hate speech, the state of Kosovo has adapted most of laws of European Union (EU) countries with regard to this and has continuously harmonized its laws with the spirit of EU laws. As of the fundamental act of Kosovo's citizenship, i.e. the Constitution of the Republic of Kosovo (hereinafter: the Constitution), the Republic of Kosovo is defined as a democratic state that *“The constitutional order of the Republic of Kosovo is based on the principles of freedom, peace, democracy, equality, respect for human rights and freedoms and the rule of law, non-discrimination, the right to property, the protection of environment, social justice, pluralism, separation of state powers, and a market economy”*¹⁵, as a state which guarantees freedom of expression, which according to the Constitution *“the freedom of expression can be limited by law in cases when it is necessary to prevent encouragement or provocation of violence and hostility on grounds of race, nationality, ethnicity or religion.”*¹⁶

15. Further, Article 22 of the Constitution (Direct Applicability of International Agreements and Instruments), lists eight international agreements and instruments that Kosovo implements directly and that have priority over local laws, which are: Universal Declaration of Human Rights; European Convention for the Protection of Fundamental Human Rights and Freedoms and its Protocols; International Convention on Civil and Political Rights and its Protocols; Council of Europe Framework Convention for the Protection of National Minorities; Convention on the Elimination of All Forms of Racial Discrimination; Convention on the Elimination of All Forms of Discrimination against Women; Convention on the Rights of the Child; Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment; Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence.¹⁷
16. Law no. 05/I-021 on Protection from Discrimination,¹⁸ in Article 3, paragraph 1, defines: *“The principle of equal treatment shall mean that there shall be no discrimination, direct or indirect in the sense of any of the grounds set out in Article 1 of this Law.”* While Article 1, paragraph 1, of this Law stipulates: *“The purpose of this law is to establish a general framework for prevention and combating discrimination based on nationality, or in relation to any community, social origin, race, ethnicity, colour, birth, origin, sex, gender, gender identity, sexual orientation, language, citizenship, religion and religious belief, political affiliation, political or other opinion, social or personal status, age, family or marital status, pregnancy, maternity, wealth, health status, disability, genetic inheritance or any other grounds, in order to implement the principle of equal treatment.”*
17. Moreover, Law No. 06/L-084 on Child Protection¹⁹, in Article 37 (Education), paragraph 3, has determined: *“[...] During the educational process, it shall be forbidden to promote hate speech, violence, intolerance, or discrimination and other forms which incite human conflict..”*

¹⁵ Constitution of the Republic of Kosovo, article 7, paragraph 1, Prishtina: Official Gazette of the Republic of Kosovo, 2008, p. 2, in <https://gzk.rks-gov.net/ActDetail.aspx?ActID=3702>

¹⁶ Ibid, Article 40, paragraph 2.

¹⁷ Ibid, Article 22.

¹⁸ Official Gazette of the Republic of Kosovo/No. 16/June 26, 2015, Prishtinë.

¹⁹Official Gazette of the Republic of Kosovo/no. 14/17, July 2019, Prishtinë gzk.rks-gov.net/ActDetail.aspx?ActID=20844.

18. Beyond the aforementioned provisions, as far as hate speech in school textbooks in Kosovo is concerned, on the legal level it is important to highlight the Law No. 04/L-032 on Pre-University Education in the Republic of Kosovo²⁰, actually Article 1, paragraph 2, where it is determined that: “[...] 2.3. to develop among pupil, the respect for human rights and fundamental freedoms and principles set out in the UN Charter and relevant Conventions, and the Constitution of the Republic of Kosovo; 2.4. to develop in the pupil respect for his or her parents and teachers, his or her own culture’s identity, language and values of his or her community, and for the values of the Republic of Kosovo, the country from which he or she may originate, and for respectability of diversity; 2.5. to prepare the pupil for a responsible life in the spirit of good understanding, peace, tolerance, gender equality and friendship with members of all communities in the Republic of Kosovo.”
19. Further, the Law on Textbooks, in Article 3 (The requirements that must be fulfilled by textbooks, the educational teaching resources, reading materials and pedagogical documentation), paragraph 3.2, defines: “*The school textbooks, the educational teaching resources, reading materials and pedagogical documentation are not allowed if they make propaganda against Kosovo, which violate human rights and gender equality and that incite political, national, and religious hatred.*”
20. The aforementioned legal provisions convey the spirit and content of the laws in the Republic of Kosovo, through which it can be concluded that the institutions of Kosovo have regulated the public education system, taking into account the international norms and values of freedoms and human rights, freedom of expression and the dangers from all forms of manifestation of hate speech in public discourse.

V. ANALYSIS OF SCHOOL TEXTS AND FINDINGS

21. Of all the textbooks, perhaps the most symbolic text in the lower level school system is "Abetarja (ABC book) ", the text from which students learn alphabet letters and learn to read in their mother tongue. Since 2022, an ABC book, written jointly by four coauthors, has been put into use in the education system of both Republic of Kosovo and the Republic of Albania, given that in both these two countries majority of population living in these area are Albanians and Albanian language is their native language. Therefore, findings from the inquiry that has produced this report are listed, starting from Abetarja. As a basic book, Abetarja does not contain any content that could be classified plainly as hate speech or incitement towards it. However, not revealing of hate speech in proactive forms does not exclude the possibility of creating empty spaces for creation of impressions about certain absences, which can be qualified as discriminatory. Except for one case in the basic text and another in the Exercise work book, where children of other races are also seen in the illustrations among the children (see figures No. 1²¹ and No. 2²²), in all illustrations in Abetare (ABC book), only white color children are seen. In this view, Abetare's illustrations can be characterized as racially discriminatory, since they

²⁰ Official Gazette of the Republic of Kosovo (OGRK) on September 16 2011

²¹ Mimoza (Çano) Gjokutaj, Saranda Kumnova (Pozhegu). Naser Zabeli. Tereza Babasuli (Basho), *Abetare (ABC book)* Tranë: Pegi & Prishtinë: Dukagjini, 2022, p. 84.

²² Mimoza (Çano) Gjokutaj, Saranda Kumnova (Pozhegu). Naser Zabeli. Tereza Babasuli (Basho), *Abetare.-Workbook*, Tranë: Pegi & Prishtinë: Dukagjini, 2022, p. 6.

include very few children who are identifiable as being of different races from their appearance. But beyond that, other illustrations of Abetare as well as Exercise work book are good examples of promoting gender equality, with such illustrations where in professions that are generally perceived as masculine, female characters are encountered, as in the case of a policewoman (see figure 3²³) or a female football player (see figure 4²⁴), both in the Exercise work book.



Figure 1.

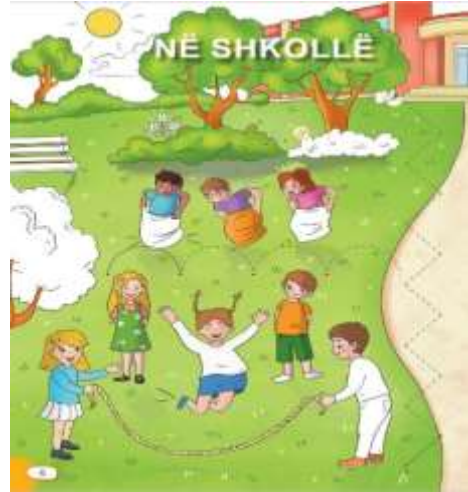


Figure 2.



Figure 3.

²³ Ibid page 138.

²⁴ Ibid page 147.

ÇFARË KA JONA?

Jona i _____ flokët të kuq.

Jona _____ top futbollli.

Jona _____ pantallona të shkurtra.

Jona _____ bluzë me kapuç.

Jona _____ atlete të zeza.



Figure 4.

Since in the first grade pupils do not know yet how to read, textbooks have more illustrations than textual content. But elementary school textbooks should be praised for their careful and gender-balanced illustrations of characters and the presence of persons with disabilities. This is also demonstrated in the first grade of the text *Society and Environment*, where girls playing football are seen again (see figure 7²⁵), a disabled child in a wheelchair (see figure 6²⁶) as well as characters who perform different and often opposite household tasks in relation to social stereotypes (see Figure 5²⁷).



Figure 5.

²⁵ Lindita Lutaj, Dhurata Tara – Nixha, Miranda Stavileci, *Society and Environment 1*, Prishtinë: Dukagjini, 2021, f. 9.

²⁶ Ibid p. 12.

²⁷ Ibid p. 44.

Me këto duar,
sa e sa herë mësueses
hule i kam dhuruar!



Familja ime kujdeset për mua.

Me këto duar,
sa e sa herë rritë
ngrohtë e kam përqaftuar!



Ne kujdesemi për veten.



Ne jemi shokë dhe shoqe klase.



Unë i besoj shokut tim të
ngrohtë dhe bashkë flitim
për shkollën tonë.



Të gjithë kemi nevojë për dashuri
dhe kujdesin e të tjerëve.



Tani po rritem dhe shumë gjëra
mand' t'i bëj vetë.



Ne mësojmë së bashku.




Ne jemi shokë skuadre.

Figure 6


Figure 7

Children of different racial affiliations, the presence of persons with disabilities, as well as the inclusion of persons of both sexes, are also illustrated in 2nd grade text “Society and Environment”. All these are presented in certain contexts that promote equality between people, like the following illustration in which the characters Era and Drini say together: “*We are second grade pupils. We are different but equal.*” (see figure 8²⁸). This sentence placed as a joint statement in the mouths of both, is a form of educating students to accept diversity and equality between people.




Jemi të ngjashëm,
jemi të ndryshëm

Unë, nevojat dhe dëshirat



Unë jam Era.



Unë jam Drini.

Ne jemi nxënës të klasës së dytë.
Jetojmë në Kosovë.
Ne jemi të ndryshëm, por të
barabartë.

- Prezanto veten

Nevojat

Dëshirat




Figura 8

²⁸ Lindita Lutaj, Dhurata Tara – Nixha, Miranda Stavileci, *Society and Environment 1*, Prishtinë: Dukagjini, 2021, p. 4.

22. As elementary students advance to third grade, the Society and Environment textbook continues to promote gender equality, as in the unit "You and Me - Equal," by producing a situation where social stereotypes about gender roles are rejected, as in this case attacking a form of it: "Football is not for girls" (see Figure 9²⁹). Another unit within this text speaks about the diversity of society, conveying lessons about cultural diversity through an imaginary situation, where Mati interviews Flaka and in his question: "How do people differ?", Flaka responds: "People differ by nationality or ethnicity, the language they speak, the place where they live, by religious beliefs, etc." Their interviewing dialogue continues with Mati's question: "What nationalities live in Kosovo?" while Flaka response to the above given question is: "Different nationalities live in our country, such as Albanians, Roma, Bosnians, Ashkali, Serbs, Turks, etc.." (see figure 10³⁰).



Figure 9



Figure 10

23. Such teaching units are definitely positive examples of cultivating gender equality and ethnic and cultural diversity within Kosovo society, which is also formally defined as a multi-ethnic state. This approach and these teaching units at this early level of education as is the third grade, is very well thought out manner of early education of young generations, to see people as equals with all their commonalities and differences as and for the awareness of the multiethnic structure of the society where they live.

24. However, representatives of Roma, Ashkali and Egyptian organizations have raised as a concern the exclusion and ignorance of the history and culture of Roma, Ashkali and Egyptians in school textbooks. The aforementioned text has elements of exclusionary language due to the fact that other communities (Ashkalis, Egyptians and Gorans), which live in Kosovo and are also recognized as constitutional categories, are not specified or

²⁹ Lindita Lutaj, Dhurata Tara - Nixha. Miranda Stavileci. *Society and Environment 3*. Prishtinë: Dukagjini. 2021 f. 54.

³⁰ Ibid p.58

mentioned.³¹ According to them, the absence of these narratives contributes to the strengthening of existing stereotypes and prejudices against them.

25. The third grade Society and Environment textbook may be the text with the most educational content for students in relation to equality between people, racial, ethnic and cultural diversity, freedom of expression, bullying as well as tolerance in society. This is because this textbook has many teaching units on social groups, mutual respect, family values, rights and responsibilities in society, prohibition of violence, preservation of tradition, respect and preservation of nature, care for plants and animals, racial and cultural diversity and ethnic, equality and tolerance, as well as joint decision-making in the community and society, etc.³² These teaching units are followed by tasks in the Exercise workbook of the subject Society and Environment, of the third grade, where pupils, through the tasks, are encouraged to think and discuss about group affiliations, human rights and responsibilities, equality and diversity in the community.³³
26. In the course of textbooks analysis, the most noticeable cases of hate speech, were identified in the textbook Albanian Language 6, written by the authors Mimoza Gjokutaj, Anila Mullahi, Tereza Babasuli and Ragip Gjoshi. In this book there are two texts with very problematic content, which, apart from being historically inaccurate, contain typical language of inter-ethnic hatred and an anti-Albanian cultural self-racism. In a reading text where the title "Wearing folktales", a text portraying a dialogue between two historical figures of the 19th century: the Albanian tribal leader Ali Pashë Gucia and the Montenegrin tribal leader Mark Milani is placed.

³¹ Diversity and social inclusion - analysis of school textbooks in Kosovo, 2021, at: <https://indeksonline.net/wp-content/uploads/2021/09/Analize-e-teksteve-shkolllore-1-3-converted-1.pdf>

³² Ibid p. 8, 12, 22, 28, 38, 47, 52.

³³ Lindita Lutaj, Dhurata Tara - Nixha. Miranda Stavileci. *Society and Environment 3 - workbook*, Prishtinë: Dukagjini. 2021, f. 5, 16, 20, 34, 36.

Grimca humoristike

Para leximit

Anekdotat janë tregime të shkurtra, të cilat me një humor të këndshëm e goditës vëhen në dukje të metat e përgjithshme njerëzore, qëndrimet, sjelljet dhe dëshirën e tyre, dukuritë e ndryshme shoqërore. Ato japin një përshtypim metafizik, por edhe alegorik të realitetit tonë me të cilin përballlemi çdo ditë. Ato janë dëshmi e zgjuarsisë dhe e mendjemprehtësisë natyrore të popullit që i tregon, në to jepen ngjarje reale dhe historike, ndodhi të njëzëve të thyeshit, por dhe të personaliteteve të njohura etj.

Shqiptarët janë si shqipet

Në një ndejë në Mal të Zi, Mark Milani i thotë Ali Pashë Gucia:

– Ju shqiptarët jini sikur dhitë e egra. A i ke parë dhitë e egra, njëra në atë rrepirë, tjetra në rrepirën përballë, thërrasin e bërtasin se nuk u rrihet vetëm, por kur bëhen bashkë, të parën punë që bëjnë, godasin njëra-tjetrën në lule të ballit, veç në këmbë të prapme për të bërë belanë...

Ali Pashë Gucia buzëqeshi e tha:

– E more Mark Milani, me sa di unë, edhe ti prejardhjen e ke shqiptare, por pasi u bërë malazez “**të koftë me sherr kombi i ri...**” E për dhitë e egra, po them, e ke gabim!

– Pse e kam gabim?

– Sepse shqiptarët nuk janë sikur dhitë e egra, por janë shqiponja. I ke parë buburrecat? Ata janë të vegjël, qyqarë, rrinë bashkë e punojnë bashkë se vetëm nuk ua mban dhe s’ia dalin dot. E shqiptarët sillen sikur shqiponjat. I ke parë shqiponjat në fluturim, i bien qiellit kryq e tërthor e askënd s’e mbajnë afër vetes, sepse ato janë sundimtare të plota të qiellit e nuk ia kanë nevojën kujt për ndihmë.

– **Hollë ke qitur Ali Pashë Gucia!**...

– Jo, s’thashë gjë të re, o Mark Milani! Shqiptarët prej shqipeve e kanë marrë emrin, e mjerë ata që s’kanë ndenjtur me shqipe, po janë bërë bashkë me buburrecat!



Fjalor

ndejë – këtu, në një qëndim të bashku
rrepirë – llogje malë o llogje shpate e
gashë; vend i gëzueshëm i rrethuar nga një
përnat
në lule të ballit – në shenjë
për të bërë llogje – këtu: për të llogjuar
ngathtësisht, probleme
afëllimtare sherr – të afërta me sherr
sundimtar – ai që ka pushtetin në një
vend
hollë kitarat – je llogjuar i llogjuar

Shënime

Mark Milani dhe Ali Pashë Gucia janë dy figura të njohura në histori.
Ali Pashë Gucia ishte kundërshtar shumë i fortë i synimeve shoviniste serbe dhe malazeze ndaj tokave shqiptare. Një ndër nismëtarët e themelimit të Lidhjes Shqiptare të Prizrenit.
Mark Milani ka qenë gjeneral dhe shkrimtar malazez. Ai u bë armik i shqiptarëve kur u printe ushtrive serbo-malazeze për të grabitur trojet shqiptare pasi Perandoria Osmane po shkatërohej.

Figure 11.

27. This text, which purports to be a folks' tale, although short, is filled with words used in pejorative slang and with inter-ethnic intolerance between Montenegrins and Albanians. In this dialogue, there are sentences where the characters, that is Mark Milan and Ali Pashë Gucia, try to show ethnic superiority over each other. Initially, Mark Milan does this, insulting the Albanians and showing the superiority of the Montenegrins over them, as he says: “*You Albanians are like wild goats. Have you seen the wild goats, [...] when they get together, the first thing they do, they hit each other on the forehead, by rising on back legs, just to cause trouble*”. Meanwhile, Ali Pashë Gucia responds by attacking him on his ethnic affiliation and showing the superiority of Albanians over Montenegrins: “*Listen to me Mark Milan, as far as I know, your origin is Albanian as well, but since you have been converted into a Montenegrin, I pray you endure hard time due to that. And as per wild goats, I'm saying, you're wrong. [...] because Albanians are not like wild goats, but they are eagles. Albanians behave like eagles. Have you seen the eagles in flight, they fly crosswise in the sky and do not let anyone stand close to them, because they totally have power over the sky and do not need anyone's help.*”³⁴ This dialogue, which is also a modern adaptation of a folktale from 150 years ago, is the most unashamed example of

³⁴ Mimoza Gjokutaj, A. Mullahi, T. Babasuli, R. Gjoshi, *Albanian Language 6*, Prishtinë: Pegi, 2021, p. 33.

hate speech that came to light during the research for this Report. This due to the fact that in order to show the ethnic superiority of the Montenegrins over the Albanians, Mark calls them “wild goats”, and on the other hand, to show the superiority of the Albanians over the Montenegrins, Ali retorts by saying that “Albanians behave like eagles [...] they don't need anyone's help”. The essence of inter-ethnic intolerance, which characterizes this text, lies in the part: “I pray you endure hard time due to that.” Texts like these with such dialogues full of hate of speech, xenophobia, aggressive nationalism and ethnocentrism, can encourage such thoughts and attitudes in students as well (see Figure 11).

28. In this same book and in a reading text, there is another equally problematic case. It is about a text with the title “The Albanian family aforesaid and today”, that tries to treat the structures and values of the Albanian family according to its tradition and history. But its author is not a historian or an anthropologist, as a relevant profile to treat the Albanian family through traditional forms and in a historical context. On the contrary, the author of this text is a religious priest, which makes this text unsuitable from the beginning to be included in a textbook of a public education system that is secular, such is the state of Republic of Kosovo. The author of this text, as noted below, is Don Lush Gjergji, a publicly respected Catholic priest in Kosovo. However, the inclusion of a text written by him in a textbook could only be justified if it were a literary text, as is the case with poems or other literary texts of Albanian Catholic priests and prominent writers, such as Gjergj Fishta, Ndre Mjeda, etc., which are very present in school textbooks. Beyond the clerical profile of the author itself, it becomes problematic because of the very conservative and completely inaccurate content of the text (see Figure 12).

Lexojmë

Familja shqiptare dikur dhe sot

Pars. leximit

Familja është vendi më i shtrëngtë për gjithsecilin prej nesh. Ajo duhet të jetë vendi ku gjithsecili prej anëtarëve të saj të gjejë dashurinë e vërtetë dhe përkujdesjen pa interes. Mënyra se si është ndërtuar dhe se si funksionon një familje, përcakton mënyrën se si zhvillohet një shoqëri. Nëse familja është në krizë, edhe shoqëria është në krizë. Familja ka ndikim parësor në krijimin e karakterit të secilit prej nesh dhe, nëse familja është e shëndoshtë, individit do të bëhet një qytetar i zotë dhe me vlerë.

Familja patriarkale dhe nukleare

Familja shqiptare historikisht ka qenë patriarkale dhe mbështetur në këto tri parime themelore traditore dhe kanonore:

- anëtarët e saj jetonin nën një kulm dhe kishin zotin dhe zonjen e shtëpisë;
- si qëllim jete kishin shtimin e anëtarëve të shtëpisë dhe të familjes nëpërmjet martesës, lindjes së fëmijëve;
- zhvillimi i tyre trupor dhe mendor ishte pika e tretë e këtij synimi.

Familja patriarkale është bashkësi e gjerë njerëzish, në ndryshim nga ajo nukleare apo bërthamorja, me marrëdhënie ndërpersonale burrë-grua-fëmijë, një lloj “kolektivizmi” burimor, ku personi “shkrihet” në logjikën e familjes, pa pasur mundësi për krijimin e personalitetit vetjak dhe të identitetit personal.

Kështu doemos krijohet mentaliteti turmor, grumbullor, masiv, që si parim bazë ka traditën: si të tjerët, si të parët e mi, si të gjithë! Ana tjetër e këtij organizimi familjar është individualizmi i tepruar ose “bajraktarizmi”, që shprehet nëpërmjet nevojës dhe dëshirës për të sunduar të tjerët me parime: vetëm si të them unë, sepse tjetri nënçmohet, nënshtrohet, objektivizohet, nëpërkëmbet dhe keqtrajtohet, të ne sidomos bota femërore dhe fëmijet.

Fjalor

patriarkal — që bëhet me sundimin e njërit në bërthmë ose familje dhe në marrëdhëniet shoqërore

nukleare — si bërthamë

Ambulator — mjedisi

turmor — turmë

bajraktarizmi — mënyra e qendrimit qëndrues të qendrimit e qëlljeve të një grupi

bajraktari — kujdesimi për të mirën dhe zhvillimin një-vetë të individit



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Figure 12

Cfarë i mungon sot familjes shqiptare?

Edukimi për liri dhe për përgjegjësi, për vlera dhe virtyte, me orientime dhe përcaktime të qarta, sepse pa këtë njeriu është "lojë rasti" apo methanash, një lloj "malë" në duart e fatit dhe të të tjerëve.

Edukimi për komunikim, për takime, afime, bashkime, bisedime, dialog, gjithnjë në kërkim dhe në zbatim të së mirës së përbashkët.

Me mentalitetin turmor njeriu shkrihet në masë anonime, ndërsa me individualizmin e tepruar njeriu shndërrohet në sundimtar; ka rrezik të bëhet gati edhe diktator.

Faza kalimtare mes familjes patriarkale dhe asaj nukleare është mjaft e vështirë dhe me plot sfida dhe rreziqe, sidomos kur rrëzimi i sistemit politik, ekonomik, kulturor dhe shoqëror ndodh edhe me luftë, si ishte fatkeqësisht rasti ynë.

Këtë e ka pësuar dhe ende e pëson familja shqiptare, sepse ajo e vjetra, tradicionale, tashmë është dëmtuar dukshëm, gati edhe është shkatërruar në tërësi, kurse e reja, bërthamorja, ende nuk është formuar.

Kohët e fundit, familja gjithnjë e më tepër ngushtohet, sepse pjesa dërmuese e jetës kalohet jashtë familjes, shtëpisë, në punë, në udhëtime, në lidhje dhe marrëdhënie me të tjerët, aq sa shtëpia gati është bërë "bujtores".



Në këtë situatë, femrat shqiptare janë vetëdijesuar nëpërmjet shkollimit dhe punësimit se janë pikësëpari qenie njerëzore, pastaj femra, genie familjare dhe shoqërore, dhe si të tilla janë pjesë aktive e familjes dhe e shoqërisë. Ato përfaqësojnë vlerat e mirëfillta të traditës që duhet të ruhen dhe të kultivohen, duke i begatuar edhe me vlera bashkëkohore, si edukimi personal dhe ndërpersonal, bashkëpunimi, bashkëjetesa, toleranca ndërfetare dhe ndërretnike, kultura e punës, e përgjegjësisë dhe e komunikimit.

(Don Lush Gjergji)

Figure 13.

29. The text “*Albanian family aforesaid and now*” contains conflicting views and opinions and historically incorrect claims (see figures 12 & 13). Basic concepts are misinterpreted there “*patriarchal family*” and “*nuclear family*”, by considering them as mutually exclusive and despising one and exalting the other. With the term “*patriarchal family*” the text clearly misrepresents the “*extended family*” and fails to explain that a nuclear family can be patriarchal at the same time. Even, in the second paragraph of the following page, it is written: “*The transitional phase between the patriarchal and the nuclear family is quite difficult.*” In the introduction of the text it is written that “*As life’s goal of Albanian family [...] was increasing the number of family members as well as the members of the house through marriage and child births.*”³⁵ This claim reduces the Albanian family to a pre-cultural level, where the whole purpose of life is reproduction and biological continuity as well as the demographic increase of the group. As such, this statement is typically racist, and becomes even more so, as it further claims “*gathering, collective and mass mentality*”, while meaningless attempts are made to explain the mentality of the Albanian family and its traditions³⁶ In the following paragraph, very primitive clan characteristics are attributed to Albanian family, claiming that: “*The other side of this family organization is excessive individualism, or “leadership”, which is expressed through the need and desire to rule others with principles: just as I say, because the other is belittled, subjected, objectified, trampled and mistreated, especially females and children.*”³⁷ In particular, this paragraph presents the Albanian family as a very

³⁵ Mimoza Gjokutaj, A. Mullahi, T. Babasuli, R. Gjoshi, *Albanian Language 6*, Prishtinë: Pegi, 2021, p. 171.

³⁶ Nebi Bardhoshi, *Kanoon Anthropology*, Tiranë: Pika pa Sipërfaqe, 2016, f. 235-260

³⁷ Ibid p..171.

uncivilized, primitive social structure with barbaric customs, where people are oppressed and where women and children are objectified and mistreated. It is redundant to say how untrue these judgments are in the historical plane, but also in the current world of the Albanian family..³⁸ To the left of the text there is also a box, under which there is a question “*What is Albanian family missing today?*”, as an answer it is written: “*Education for freedom and responsibility, for values and virtues [...]*.”³⁹, presenting the Albanian family as haunted and with the need to be educated for responsibility, values and virtues, which implies that the Albanian family does not have them. It provides unclear views on gender relations, conveys social prejudices, reproduces an outdated discourse with many stereotypes and conveys a narrative full of contempt for the past of the Albanian family and for its current state.

VI. FINDINGS

30. The Ombudsperson, based on the assessment and analysis of the primary education textbooks in Kosovo, finds that the standards for the language used in the textbooks are generally respected, this is due to the fact that the analysis of the textbooks shows that there is a very small and quite limited presence of hate speech in all its appearances, as explained in the section on hate speech theories and laws. These findings reflect the institutional and social efforts to revise the previous texts and address them towards supporting a culture of tolerance, equality and anti-racism.
31. The Ombudsperson states that out of a total of 47 school textbooks analyzed, two more noticeable cases of hate speech were found. This indicates a deliberate positive tendency for balance,⁴⁰ as per inclusion and distribution of illustrated texts and characters that promote gender equality as well as some texts and illustrations of characters that include persons with disabilities.⁴¹ However, the Ombudsperson considers that all the diverse groups of society are not sufficiently presented and balanced in figures and texts.
32. Based on the findings from the analysis of the textbooks, it results that the textbooks analyzed during this research generally do not contain discriminatory language on the basis of gender, race, religion, as they do not contain typical language of hatred towards certain communities, or incitement towards any language.
33. The Ombudsperson states that the analysis of the textbooks has resulted that the textbooks that contain inappropriate language and hate speech is the textbook of Albanian Language 6, in the part “*Textbook*”, with the title: “*Reading folktales*”; as well as the text with the title “*Albanian family aforesaid and now*”.

Therefore, based on what has been stated above, the Ombudsperson, pursuant to Article 135, paragraph 3, of the Constitution of Republic of Kosovo “[...] *is eligible to make recommendations and propose actions when violations of human rights and freedoms by the public administration and other state authorities are observed.*” According to the meaning of Article 18, paragraph 1.2, of the Law on Ombudsperson: “(...) *The Ombudsperson has the*

³⁸ For evolution of Albanian family, see: *Albania: Family, Society and Culture in the 20th Century*, A. Hemming, G. Kera, E. Pandelejmoni, (eds.), Berlin: LIT Verlag, 2012.

³⁹ *Ibid* p. 172.

⁴⁰ Agron Gashi, S. Kumnova, F. Fejziu, Dh. Tara, *Albanian Language 4a*, Pejë: Dukagjini, 2021, p. 76, 155.

⁴¹ Agron Gashi, S. Kumnova, Dh. Tara, F. Fejziu, Pejë: Dukagjini, 2021, *Albanian Language 3b*, p. 30.

responsibility to draw attention to cases when the institutions violate human rights and to make recommendation to stop such cases (...)”, therefore

RECOMMENDS

The Ministry of Education, Science, Technology and Innovation:

- 1. To draft a guideline for prevention and elimination of hate speech, which need to be applied in all cases when new curricula and textbooks are written or revised ones in force.*
- 2. To conduct a comprehensive analysis of all textbooks with the aim of inclusiveness of diverse groups and balanced presentation in textbooks.*
- 3. To organize trainings for school textbooks authors as well as for teachers on freedom of expression, with the aim of increasing the ability and capacities for elimination of hate speech during school textbooks drafting and in the course of teaching.*
- 4. To include special teaching units in textbooks on hate speech, in order for students to become familiar with the basic concepts and meanings as well as forms of manifestations or incitement of hate speech.*
- 5. To remove two texts identified as containing hate speech in the Albanian Language 6 book and replace them with texts suitable for the nature of the textbooks and the grade level.*

Pursuant to Article 132, paragraph 3, of the Constitution of Republic of Kosovo (“Every organ, institution or other authority exercising legitimate power of the Republic of Kosovo is bound to respond to the requests of the Ombudsperson and shall submit all requested documentation and information in conformity with the law”) and Article 28 of the Law No.05/L-019 on Ombudsperson, (“Authorities to which the Ombudsperson has addressed recommendation, request or proposal for undertaking concrete actions ... must respond within thirty (30) days. The answer should contain written reasoning regarding actions undertaken about the issue in question”), You are kindly asked to inform us on steps to be undertaken regarding this issue.

Warmly submitted,

Naim Qelaj
Ombudsperson