



INSTITUCIONI I AVOKATIT TË POPULLIT
INSTITUCIJA OMBUDSMANA
OMBUDSPERSON INSTITUTION

OI SUMMARY ANNUAL REPORT 2022

“Rights and equality for all”



Republika e Kosovës · Republika Kosovo · Republic of Kosovo
Institucioni i Avokatit të Popullit · Institucija Ombudsmana · Ombudsperson Institution



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May, 2023

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1. FOREWORD OF THE OMBUDSPERSON

Dear citizens of the Republic of Kosovo,

Engaged as powerful citizens' voice in protection of their rights and freedoms from unlawful and irregular actions or inactions of public authorities, throughout this summarized report I would like to briefly inform the public, citizens and institutions on the state of human rights and freedoms in the Republic of Kosovo, based on the findings from citizens' complaints assessment as well as based on our work and commitment during 2022. By strongly believing that our addressing, through this report as well, will influence that the state of human rights will improve to their full respect, as a precondition of every democratic and legal state, such is our country.

Furthermore, this summary annual report will disclose the work of the Ombudsperson Institution in fulfilling its mandate in protection, supervision and promotion of human rights, guaranteed by the Constitution, international instruments and applicable laws.

From general assessment of human rights for 2022, I can say that, despite improvements in respect of human rights and freedoms, the progress does not suffice and is not consistent with rights and fundamental freedoms guaranteed by Chapter II of the Constitution of our country. This conclusion is based on citizens' complaints, that throughout 2022 there were 1595 complaints, submitted by citizens to the Ombudsperson Institution, with claims of violation of human rights by public authorities.

2022 has been related to "Equality for all" campaign, where special attention has been given to the difficult position of people with disabilities. Gender-based and domestic violence also remains a concern, due to insufficient measures for prevention and protection; difficulties in achieving judicial protection of rights as a result of the delays of judicial procedures and the lack of a legal mechanism for protection of the right to a trial within a reasonable period of time; discrimination; failure to fulfill positive obligations that the state has to respect children's rights; right to life; continuous failures to address responsibility for the environment, etc.

With great dedication we have been engrossed this year as well in raising citizens and institutions' awareness on the importance of fundamental rights and freedoms as well as on Ombudsperson's role and mandate, ascertaining to be an independent constitutional institution, whose main role is protection of fundamental rights and freedoms. I am delighted that the Ombudsperson Institution has continued to be the most reliable institution in the country and in the region, that is, according to the Balkan Barometer, the level of citizens' trust in this Institution has reached 68%. This fact urges me, as well as the Institution's staff to be committed for even more dynamic endeavor, by staying firm in our mandate and role.

The issues that the Ombudsperson will address particular attention to in 2023 are related to safety and health at work; the fulfillment of state's obligations in relation to war crimes; the access to justice for victims; the right to know and document the past; rights in education; hate speech; the position of women in relation to property rights and many other issues, in order to advance human rights in the Republic of Kosovo.

In fulfillment of the mandate and tasks, I pledge that I will do my utmost to protect and promote respect for fundamental rights and freedoms, so that rights and equality is ensured for everyone.

Naim Qelaj

Ombudsperson

Abbreviations:

AJK	Association of Journalists of Kosovo
OI	Ombudsperson Institution
ECHR	European Convention on Human Rights
KPC	Kosovo Prosecutorial Council
MESTI	Ministry of Education, Science Technology and Innovation
NPM	National Preventive Mechanism of Torture
MFAD	Ministry of Foreign Affairs and Diaspora
HIS	Health Information System

Note:

This report is an abbreviated summary of the 2022 Annual Report, which was submitted to the Assembly of the Republic of Kosovo.

2. HOW DO WE PROTECT HUMAN RIGHTS?

The Ombudsperson is an independent constitutional institution. Ombudsperson's work is guided by the principles of impartiality, independence, supremacy of human rights, confidentiality and professionalism. Ombudsperson's powers cover the entire territory of the Republic of Kosovo and are determined by the Constitution and by the Law.

The Ombudsperson protects human rights and fundamental freedoms by investigating complaints received from natural and legal persons who claim that their rights have been violated by public institutions. In order to be as close as possible to the citizens, in addition to the Central Office in Prishtina, Ombudsperson Institution has 8 Regional Offices. The services provided by the Ombudsperson Institution are free of charge.

a. What do we protect?

The Ombudsperson protects human rights and fundamental freedoms, defined by the Constitution, by International Conventions encompassed in Article 22 of the Constitution and applicable laws. The powers of the Ombudsperson extend to every human right, which is guaranteed to the citizens of the Republic of Kosovo.

b. How do we protect?

After investigating alleged violations of human rights and fundamental freedoms, among other actions, the Ombudsperson can draw attention to cases where the authorities violate human rights, make recommendations to end cases of such and, and when is necessary, to express his opinion on stands and reactions of relevant authorities in regard to the cases of violation of human rights.

c. Whom do we protect?

Every citizen who claims that his/her rights have been violated by public institutions. In addition to natural persons, legal persons can also submit complaints with claims for violation of their rights. Similarly, the Ombudsperson can initiate investigations also by official duty (*Ex-Officio*), on the information about which he/she is informed in any way.

d. Against which acts do we protect?

The Ombudsperson protects human rights against all acts, actions and inactions of public institutions. The Ombudsperson also protects citizens from general practices, which may represent violation of their human rights and fundamental freedoms.

As far as the judicial system is concerned, the Ombudsperson can provide general recommendations for the operation of this system. The Ombudsperson will not interfere in the cases nor in other legal procedures that are being developed in the courts, except when there is a delay in the court procedures in handling the cases.

3. OMBUDSPERSON'S WORK IN NUMBERS

In **2022**, the Ombudsperson totally handled **1595** complaints, in which **2799** people were involved as complainants.

According to the ethnicity,

1441 complainants were Albanians,



77 Serbs

29 Bosnians

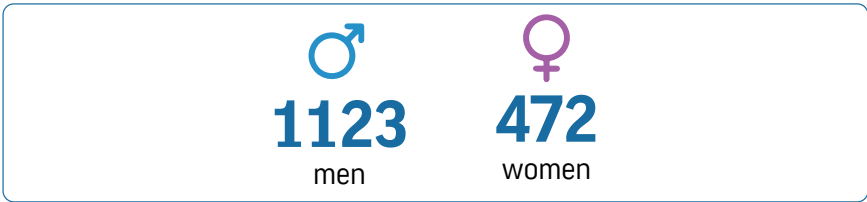
10 Roma

13 Ashkali

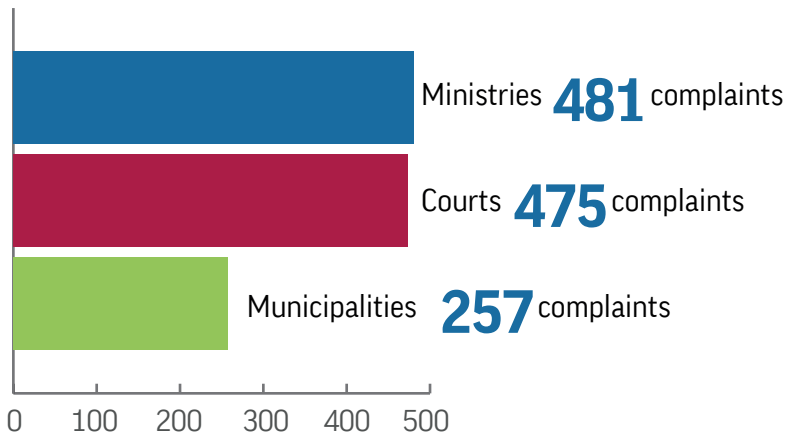
11 Turks

2 Goran

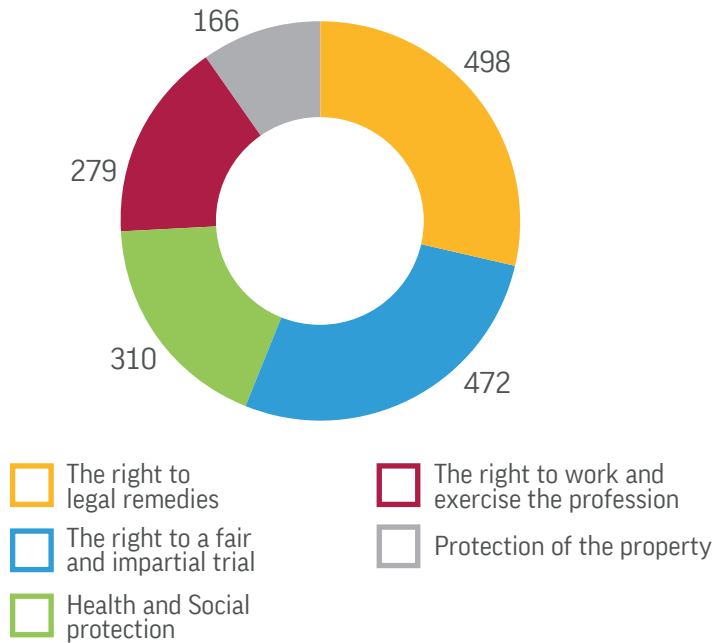
2 Egyptians **10** others



The public authorities to which most complaints were addressed were



Number of complaints alleged violations

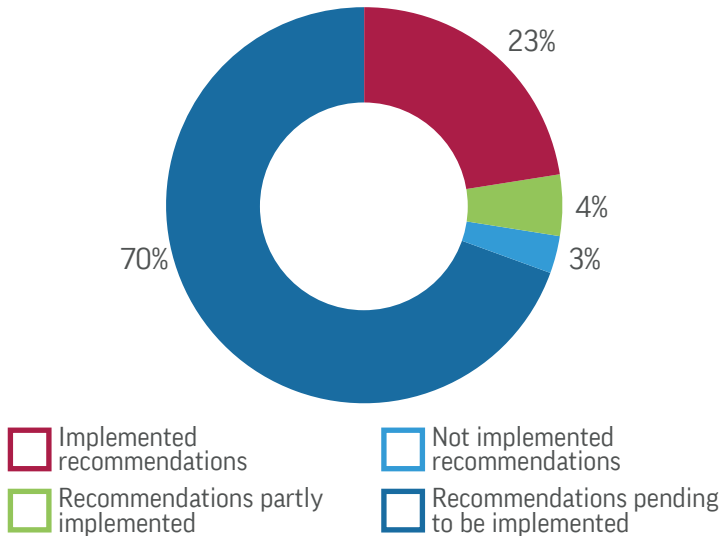


Due to various reasons, **910** complaints were declared inadmissible. Disuse of legal remedies stands as a reason for complaints' inadmissibility.

In addition to the complaints, the Ombudsperson also initiated *42 Ex-Officio* investigations, according to his official duties.

During 2022, the Ombudsperson provided a total of 646 recommendations.

The following table graphically presents data on the applicability of recommendations provided by the Ombudsperson.



4. THE CREDIBILITY OF THE PUBLIC IN OMBUDSPERSON INSTITUTION

As a result of the commitment and dedication in promoting and protecting human rights, the Ombudsperson Institution continues to be valued as the most trusted institution in the country and even further



According to the Balkan Barometer Report, published on 24 June 2022 by the Regional Cooperation Council, which, among others, is a research on the perception of public opinion on the reliability and independence of public institutions, 68% of respondents trust the Ombudsperson Institution.



Credibility in public institutions

In Kosovo, 68% of respondents trust the Ombudsperson Institution (39% in 2020, an increase of 29%)

Independence and political influence in public institutions

In Kosovo, 60% of respondents believe that the Ombudsperson Institution is independent from political influence (this estimate in 2020 was 32%)

Effectiveness of Government supervision by relevant institutions and its accountability to citizens

Kosovo leads in this fact, where 63% of the respondents confirm that the Ombudsperson Institution is capable of supervising the Government and making it accountable to the citizens.

5. PROMOTION OF HUMAN RIGHTS DURING THE YEAR 2022

The Ombudsperson exercises the mandate of human rights promotion through mechanism of awareness raising and education on human rights, of the public opinion and public institutions in the country.

During 2022, the Ombudsperson has developed the “Equality for all” campaign in 11 municipalities. The purpose of this campaign was: to increase public awareness of human rights and fundamental freedoms, to inform the public about the role and the mandate of OI as well as to identify problems that reflect human rights.

In order to educate on human rights and promote the role of the OI, a campaign “Meet the Ombudsperson Institution» was organized in 35 primary and secondary schools. Also, during 2022, the Ombudsperson held 4 lectures with students of public and private universities in the country.

During the year, international days were marked: Zero Discrimination Day; Data collection and data reporting in the health sector; The right to a trial within a reasonable time and the effective resolution of delays in the judicial procedure; Water, human right – supervision and accountability; Challenges in implementing the Law on Protection from Discrimination; Challenges of people with disabilities.

The institution has also contributed to the development of media campaigns organized by civil society, with the aim of raising public awareness on respect for equality, non-discrimination and the fight against gender-based violence. Simultaneously, the institution has participated at different round tables, conferences, workshops, trainings, public debates and consultative meetings with various topics on aspects of human rights and fundamental freedoms, organized by civil society, by public institutions and by international organizations. More than 20 statements have been published, through which various issues has been addressed of handling human rights in the country.

6. COOPERATION WITH CIVIL SOCIETY

Cooperation with civil society in the direction of implementation of joint activities for advocacy and protection of human rights has continued in 2022. Within the Forum for Dialogue between the Ombudsperson and Civil Society Organizations, two regular working meetings were held and one an ad-hoc meeting. The Forum was a good opportunity to discuss and address systemic issues of interest from the field of human rights during 2022. As a result of the issues raised at the Forum, the Ombudsperson has initiated an ex-officio investigation on alleged human rights violations.

Additionally, the Ombudsperson in cooperation with UNWomen, within the framework of the Informal Advocacy Task Force on Gender- Sensitive Standards for Occupational Safety, Health and Decent Work, have organized three regional meetings.

7. PROTECTION AND SUPERVISION OF HUMAN RIGHTS

1. Human dignity and personal integrity

As the basis of all other rights, the Ombudsperson has treated human dignity with special care. Beyond the received complaints, the Ombudsperson has carefully supervised the respect of human dignity in each case.

As per human dignity, the Ombudsperson received 23 complaints in 2022, 14 of which were processed for further investigations. In these cases, the Ombudsperson, in addition to the protection of human dignity, has built adequate standards on how this right should be viewed, handled and implemented by public authorities.



Regarding human dignity, the Ombudsperson in NPM report on the visit to the Residential Home for Mentally Disabled Persons in Prizren, among others, concluded: 1. Violation of human dignity has occurred towards the citizen with disabilities, who has not been able to go outside in the garden of the Residential Home for Mentally Disabled Persons and without Family Care. 2. Lack of basic conditions in the Residential Home for Mentally Disabled Persons in Prizren represents a violation of human dignity.



The Ombudsperson also assessed that the inhumane treatment and violation of the confidentiality of women, especially those with disabilities, in health institutions represents violation of human rights.

“ In Ex-officio Report no. 577/2021, rights to Sexual and Reproductive Health in the Republic of Kosovo, with a focus on access to information and services in contraception, access to abortion and post-abortion care, as well as maternal health care, among others, the Ombudsperson has found that women and girls with disabilities have not been provided with adequate information about their health status, by preventing them to receive dignified service as well as by not ensuring to them decent conditions for receiving services and needs, in which case their integrity has been violated, both psychologically and physically, in the sense of Article 8 of the ECHR. ”

The Ombudsperson reminds responsible authorities of the obligation to undertake all measures to ensure treatment with dignity, protection of privacy and confidentiality, protection of personal and health data, as guaranteed rights, which must be respected in health institutions, both in public and private ones.

2. Freedom of movement

The Ombudsperson has received 32 complaints with allegations of violation of freedom of movement, for 14 of which he has initiated investigations.

According to the Ombudsperson, placement of barricades in the north of Republic of Kosovo has violated the freedom of movement for citizens living in the northern part of Kosovo. Regarding the case of placement of barricades, the Ombudsperson has drawn attention of each authority within its scope, with constitutional and legal responsibility, to carefully harmonize all actions in respect of rights human and freedoms.

The Ombudsperson has followed with concern the delays in providing citizens with passports, as a result of the lack of materials for their production.

“ The Ombudsperson deems that the lack of material for printing passports has violated the freedom of movement of citizens of the Republic of Kosovo. ”

The Ombudsperson emphasizes that it is of key importance that in every case institution make the appropriate plans, so that it does not come to a situation where citizens are shorten the possibility to be provided with travel documents and thus their freedom of movement to be restricted.

3. Protection of property

The Ombudsperson has received 130 complaints, which, in some form, violate the property rights of the complainants. The largest number of admitted complaints with regard to the right to property refer to the delay of court procedures concerning property disputes, the

failure to execute court decisions, etc. In general, problems related to administration of justice make difficult for citizens to realize their property rights.



Regarding the right to property, the Ombudsperson, in the Report A. no. 353/2021 related to the Regulation on Amendments and Supplements to Regulation 01. No. 110-2782 on Municipal Fees, Charges and Fines, has determined that the obligation to pay the tax fee for the transaction of real estate constitutes a violation of the property right, because such an obligation is not defined by law, in which case has recommended to the Municipality of Prishtina the repeal of the regulation that defines such a thing.



In 2022, the Ombudsperson received numerous complaints about the delay of procedures related to social property cases, where the Special Chamber of the Supreme Court is competent for decision. Delays in deciding these cases are viewed with concern by the Ombudsperson, because they violate citizens' property rights.

4. The right to a fair and impartial trial and the right to liberty and security

The Ombudsperson can provide general recommendations concerning judicial system functioning and does not interfere in legal procedures, except for complaints related to the delay of procedures in adjudication of court cases.

As in previous years, in 2022 as well, most of the complaints received by the Ombudsperson were related to allegations of violation of a fair and impartial trial. In the largest number of cases, these violations occurred due to the violation of the right to trial in a reasonable time. In each case when the Ombudsperson found a violation of this right, based on the legal powers, he requested that judicial authorities take actions in order to eliminate violations of the right to a fair and impartial trial.



Despite the fact that the delays in court proceedings represent one of concerns that the Ombudsperson has repeatedly raised and has recommended to the Government and the Assembly creation of a legal mechanism for compensating violations of this nature, there is still no step towards implementation of this recommendation. Citizens, despite the fact that they are violated of this right, remain without legal protection in terms of compensation for the violation of the right to a fair and impartial trial.



Throughout 2022, the Ombudsperson has not received any complaints regarding violation of the right to freedom and security. The Ombudsperson has fulfilled his mandate related to the protection of this right through the supervision of human rights, carrying out a significant number of visits by the National Preventive Mechanism of Torture. During these visits, interviews were conducted with persons deprived of their liberty, in some cases there were allegations of the violation of the right to liberty, referring to remand detention decisions and the unlawful delay of court proceedings, until omnipotent decision is taken.

5. Right to legal remedies

Regarding allegations of violation of the right to legal remedies, the Ombudsperson has received 498 complaints. The complaints were related to the failure of the institutions to respond to the submitted requests. For 218 cases, which met the criteria, investigations were initiated. The largest number of complaints were addressed to central institutions (155), followed by local institutions (78) and courts (76).



Regarding the right to legal remedies, the Ombudsperson, in Ex-officio Report no. 412/2022 regarding Amendment and Supplement to the Regulation no. 01/2022 on the Determination of Procedures for the Functioning of the Organizational Units for Fines and Punishments [...], found that Article 12 of the Regulation of the Tax Administration of Kosovo on the determination of procedures for the functioning of organizational units for fines and penalties, which defines: If the defendant pays the fine before the decision on the misdemeanor becomes final, it will be considered that in this way he has waived the right to file a complaint, violates the right to a legal remedy.



The Tax Administration of Kosovo, in accordance with the recommendation of the Ombudsperson, has amended the given Regulation.

6. The right to privacy

The Ombudsperson has received 13 complaints for violation of the right to privacy, 7 of which have been initiated for investigation and specific recommendations have been provided, according to the cases.

Regarding this right, the Ombudsperson has addressed the issue of installing security cameras in some cells of prisoners in the Correctional Center for Women in Lipjan. The cameras installed covered only beds and the windows of the cell. The purpose of installing the cameras was the safety of some prisoners with mental health problems.



Despite the good intention, the Ombudsperson estimated that installing of security cameras in this case represents an arbitrary interference in privacy and there is no specific sub-legal act that would regulate such an action. The Ombudsperson addressed the Ministry of Justice with a recommendation that the placement of cameras need to have well-reasoned legal basis, which recommendation the Ministry of Justice has implemented.



7. The right to marriage and family

The Ombudsperson, during 2022, received 30 complaints regarding this right, nine of them were processed for further investigations. Mainly, these complaints were related to procedural delays in the courts, non-payment of alimony, non-issue of protection orders, children entrustment and contact with children when parents live separately, etc.



The issue of contact obstruction of the children under the care of one parent, with the parent who has been separated from the family household, continues to be a very serious problem. In most cases, due to the breakdown and extreme irritation of interpersonal relations between ex-spouses, one parent is denied contact with the children from the parent to whom they have been entrusted. The Ombudsperson recommends to the competent institutions that, in coordination among themselves, they undertake all the necessary measures to address this issue.



8. Freedom of belief, conscience and religion

The Ombudsperson considers important to emphasize that for almost a decade, efforts have been made to amend the existing Law on Freedom on Religions. The impossibility to amend this law represents a lack of an adequate legal basis, which regulates religious rights, and above all the legal position of religious communities. Adoption of the new Law on Freedom of Religions, for the Ombudsperson, constitutes a great achievement for the protection and realization of freedom of belief, conscience and religion.

Regarding this right, a wide public debate was held this year, which led to Administrative Instruction no. 06/2014 for the Code of Conduct and Disciplinary Measures for Students of High Secondary Schools. Although the Administrative Instruction does not limit headscarf wearing, the debate mainly referred to the fact that whether carrying the headscarf in schools is allowed or not.



In the reports published in previous years, the Ombudsperson had considered that Administrative Instruction no. 06/2014 for the Code of Conduct and Disciplinary Measures for Students of Secondary High Schools does not represent a sufficient legal basis for the limitation of this right, starting from the principle that the limitation of rights and freedoms can only be done through a law adopted in the Assembly, when there is a legitimate purpose and the criteria defined by Article 55 of the Constitution are fulfilled.



9. Freedom of association

Before the start of the 2022 school year, the Union of Independent Trade Unions of Kosovo had decided to start the strike. Considering the situation created by the strike, the Ombudsperson, in order to fulfill the constitutional and legal obligations, on 15 September 2022, held separate meetings with representatives of the trade unions and the Government, in an effort, through mediation, to assist in resolving in the situation created with the strike. The Ombudsperson emphasized the importance of respecting the right to union organization as well as the right to union actions and also raised the concern and reminded the parties that the situation created by the strike in education was to the detriment of children and for every hour of missed lessons, consequences would be irreparable for them.

In 2022, the Ombudsperson received 5 complaints alleging violations of the Freedom of Association.



The Ombudsperson, in Report A. no. 474/2021 related to claims of discrimination based on freedom of association as members of the Trade Union Association of Employees of the Civil Aviation Authority of Kosovo, found that due to the lack of will expressed for cooperation between the Authority and the Trade Union Association, discrepancies and problems within the whole chain have been created and found that the Civil Aviation Authority has violated the Freedom of Association of the Trade Union Association of Employees of the Civil Aviation Authority of Kosovo.

While in Report A. no. 444/2021 regarding Amendment and Supplementing of the Law no. 06/L-032 on Accounting, Financial Reporting and Auditing, it has been found that some provisions of Law no. 06/L-032 for Accounting, Financial Reporting and Auditing are not in accordance with the principle of legality and legal certainty and are contrary to the constitutional principles of the rule of law and non-discrimination and Freedom of Association, with the right to exercise of the profession and with the principles of Law no. 05/L-021 on Protection from Discrimination. The Ministry of Finance, Labor and Transfers responded that amendment of this law will be addressed.



10. The right to work and exercise of the profession

Accomplishment of citizens' constitutional and legal rights from the field of labor relations, apart the fact that it has a special importance for the status of every citizen, it is also an important indicator of how the state fulfills its obligations towards its citizens. With regard to the right to work and exercise of the profession, during 2022 the Ombudsperson admitted a total of 54 complaints. In the cases investigated according to citizens' complaints or initiated according to official duty, the Ombudsperson has dealt with termination of the employment relationship, manifestation of religion in the workplace, non-realization of the right to salary, etc.

During 2022, the Ombudsperson has found that both in the public as well as in private sector, violation of the right to work and exercise of the profession continued.



“During the cases review related to the right to work and of the exercise of the profession, the Ombudsperson found: violation of employment procedures, termination of the employment relationship in violation of the law, non-compensation for overtime work, not using of the right to annual leave, non-realization of the right to salary, workers without employment contracts, age discrimination during employment, etc.”



Of a great concern continues to be protection and safety at work. The statistics of the Labor Inspectorate show that the number of accidents at workplaces that end in fatality remains high and quite worrying. From 2004 to 2021, according to the Labor Inspectorate, 232 people lost their lives in the workplace or related to work. Only during the year 2022, according to official data in Kosovo, 14 people lost their lives in the workplace, while 169 accidents ended with minor injuries, whereas 61 accidents ended with serious injuries. Always, according to the data of the Labor Inspectorate, the highest number of deaths in the workplace are identified in the construction sector.

Regarding workplace injuries, the Ombudsperson, among others, has found problems in reporting these cases.



Despite determination by law, one of the problems that remains obvious is non-reporting of accidents at workplaces, especially accidents that result in injuries. For the Ombudsperson, a great concern remains lack of reporting on diseases which are related to workplaces, due to the lack of specific legal regulations and the entire system linked to Occupational Health.



11. Health and social protection

During 2022, the Ombudsperson received 310 complaints regarding health and social protection, 112 of which were initiated for investigation.



Based on complaints and cases investigated, the Ombudsperson found that even in 2022 in the Public Health Sector: there was a lack of regular supplies of essential drugs, consumables as well as medical products and equipment; patients waiting list for performing certain types of surgeries remains to be long; leaving of health professionals from the country still continues - from public and private institutions; Law no. 04/L-249 on Health Insurance has not been fully implemented; The International Convention on Economic, Social and Cultural Rights is not part of the Constitution; palliative care has not yet been operationalized; The Health Information System (HIS) has not yet been established and as a result we have an incomplete and non-functional HIS.



In relation to the problem of gathering and reporting health data, the Ombudsperson, on 18 March 2022, organized a round table where the key problems as per data collection and reporting chain were discussed, the necessity for clarifying institutional roles in relation to the responsibilities in this aspect and the need for a cooperative and coordinating work, in order to have complete, accurate, reliable and timely data as well as the importance of HIS functionalization.

As far as pensions are concerned, based on the complaints received, the Ombudsperson has found that the interruption of the old-age pension due to failure to come in person every six months at the pension office, which proves that the person is alive, remains a concern. Such a practice is unacceptable and represents a violation of the rights of persons who benefit from pension schemes. Also, the Ombudsperson assesses that this practice violates the dignity of pensioners and creates significant difficulties for pensioners, therefore he has recommended to stop such a practice.

12. Freedom of expression, right of access to public documents and freedom of media

With regard to freedom of expression, the Ombudsperson admitted 5 complaints during 2022, for 2 of which he initiated investigations. Interconnected with this right, the Ombudsperson has followed with concern the debate held in the session of the Assembly of the Republic of Kosovo, of 16 March 2022, in which session, some members of the Assembly had used inappropriate language towards the LGBTI+ community.



Concerning the language used by the parliament members in the Assembly session of 16 March 2023, the Ombudsperson qualifies that the language used is in contradiction with the basic values of a democratic society, which serve to protect human dignity, freedom and equality and that these values are the fundamental basis for rule of law functioning.



In Kosovo, the right to access public documents is guaranteed by the Constitution and by the law. The Ombudsperson received 14 complaints during 2022 with regard to violation of this right, 3 of which (2 submitted by citizens and 1 by the media) were initiated for investigation.



Ombudsperson, through Recommendation Report, had ascertained that the Ministry of Foreign Affairs and Diaspora (MFAD) had failed to fulfill its obligations regarding the possibility, namely the permission for access to public documents in accordance with complainant's submitted request, the right that is guaranteed. In addition, the Ombudsperson concluded that the failure to act of the Ministry of Foreign Affairs and Diaspora, despite the decisions issued by the Information and Privacy Agency regarding the issue, indicates a dismissive approach, by neglecting and not giving due importance to public's interest in the way how public money is used and actually on the right to access public documents.



Although during 2022 no complaints were received regarding the violation of the right of media, the Ombudsperson followed with concern the issues related to the safety of journalists, cameramen, photojournalists and media houses in the exercise of their activity. The Association of Journalists of Kosovo (AJK) has reported on more than 30 cases of attacks and threats against journalists, photojournalists and cameramen and media houses. The Ombudsperson recommends that attacks, threats and pressures against journalists should receive a prompt response from the competent bodies in order to guarantee safety and protection for them, so that they are free to exercise their profession.

13. Electoral and participation rights

Even though the year 2022 was not an election year, the Ombudsperson continued to raise the issue of gender non-representation in the lists of candidates competing in the elections. This practice is contrary to Law no. 05/L-020 on Gender Equality and with Law no. 05/L-021 on Protection from Discrimination.

“

On 27 September 2019, the Ombudsperson filed a lawsuit with the Basic Court in Prishtina with a request for a temporary measure regarding the violation by the Central Election Commission of the right to equal treatment of women in electoral and participation rights.

”

Also, the Ombudsperson, in friend of the court capacity, has issued an opinion regarding the appointment of deputy mayors in municipalities.

“

It is not lawfully tenable to be valid the stand that the position of vice president for communities must be a member of the largest non-majority community in a given municipality. Any limitation in the Administrative Instruction, according to which priority would be given to any of the non-majority communities for the proposal of the deputy mayor for communities of the municipality, on the grounds that they are the largest non-majority community, infringes the right of other non-majority communities to propose the deputy mayor for communities of the municipality, it is found, among other things, in the opinion of the Ombudsperson.

”

14. The right to education

Throughout 2022, the Ombudsperson has received a significant number of complaints regarding the right to education, while 7 cases were initiated *Ex- Officio*. In these cases, among others, the Ombudsperson has addressed: violence in schools, school attendance and learning conditions for Roma, Ashkali and Egyptian students, strikes in education, discrimination against children with disabilities, lack of transportation for children with disability, interruption of learning and criteria for obtaining degrees and titles in universities.

“Among other things, the Ombudsperson, through Report No. 331/2022, has recommended the Ministry of Education, Science, Technology and Innovation (MESTI) to draft and implement policies to improve the quality of education, especially in the field of mathematics, science and reading; to design and implement a strategy to improve participation, quality and early recognition of disability in at least two years of pre-school education (ages 3 and 4), including using school premises to open pre-school education services/groups ; as well as directly engage and coordinate policies and practices with municipalities and schools to improve participation in preschool education.”

15. The rights of persons with disabilities

As in the previous years, the Ombudsperson during 2022 has devotedly dealt with the rights of the disabled. In March 2022, the Ombudsperson started the “Equality for all” campaign. This campaign was held in 11 municipalities of Kosovo. The purpose of these roundtables was to promote the mandate of the Ombudsperson as well as to strengthen cooperation with public institutions, civil society, media and human rights activists. Regarding the rights of persons with disabilities, the Ombudsperson has found that during 2022 almost no progress was evident in terms of respecting these rights.

Despite the existence of the Law on Protection from Discrimination and other special laws, lack of a harmonized and comprehensive law for the treatment of the rights of persons with disabilities remains problematic.

The Ombudsperson has found that in the field of respecting the rights of persons with disabilities, the following remain challenging issues: 1. Non-implementation of the Law on Vocational Ability, Rehabilitation and Employment of Persons with Disabilities; 2. Cases of violence against children and adults with disabilities; 3. Non-employment of persons with disabilities; 4. Lack of access to the infrastructure, especially in the facilities of the Courts and Prosecutor’s Offices as well as the Centers for Social Work in the municipalities; 5. Template decisions of medical commissions for refusal to recognize the right to pension or interruption of pensions; 6. Insufficient support for people with autism and people with delayed mental development; 7. Dwarf people (people of short stature) are not beneficiaries of pensions; 8. Lack of centers for students with disabilities; 9. Lack of informational materials in the Braille alphabet, etc.

Further, the Ombudsperson, in the capacity of friend of the court (*Amicus Curiae*), on 2 December 2021, delivered to the Basic Court in Prishtina a legal Opinion, which concerned individual complaint of the complainant Mr. Faruk Kukaj, regarding allegations of discrimination due to disability. On 18 October 2022, the Basic Court in Prishtina had approved Mr. Kukaj’s lawsuit, marking the first court case in Kosovo adjudicated on the basis of allegations of discrimination against persons with disabilities.

Regarding the education of persons with disabilities, the Ombudsperson has found that the quality of education is not at the right level to prepare students for life. Among other things, the Ombudsperson assesses that the education system in Kosovo does not enable students to develop their potential according to their needs and abilities, in accordance with the constitutional provisions.

8. PROTECTION FROM DISCRIMINATION

In the framework of his work, the Ombudsperson has paid special attention to the protection of citizens from discrimination. The Law on Protection from Discrimination defines the Ombudsperson as an institution that promotes and protects human rights and handles cases related to discrimination.



“The Ombudsperson considers distressing the fact that reporting of cases of discrimination still remains low. Most of the discrimination complaints presented to the Ombudsperson do not result in discrimination, while true cases of discrimination continue not to be reported or unveil, either due to ignorance of the concept of discrimination, or fear of victimization, but also due to citizens’ lack of trust in responsible mechanisms.



In 2022, the Ombudsperson received 75 complaints alleging discrimination, while 6 other cases were initiated *Ex-Officio*. During case handling related to discrimination, the Ombudsperson has addressed many dimensions of this issue, such as: general problems in the field of implementation of the Law on Protection from Discrimination, normative acts that constitute discrimination and general practices that are contrary to the principles of prohibition of discrimination.

During 2022, the Ombudsperson published 4 Reports with Recommendations, where he identified provisions of normative acts that conflict with the principle of non-discrimination.

Among other things, the Ombudsperson, in Report **A. no. 444/2021 regarding the amendment and supplementing of the Law no. 06/L-032 for Accounting, Financial Reporting and Auditing**, has found that Law no. 06/L-032 on Accounting, Financial Reporting and Auditing contains provisions that are contrary to the principle of non-discrimination.



“The Ombudsperson emphasized that the conditions for licensing and practicing the profession of accountants and auditors should be objective and equal for everyone and should not be related to the nature of mandatory membership in an international organization.”



The Ombudsperson, in *Ex-Officio* Report no. 176/2020 on the Amendment of the Administrative Instruction (MLSW) no. 10/2014 for Activities and Requirements of Placement of Residents in House of Elderly without Family Care Homes and Community-Based, found that Administrative Instruction no. 10/2014 on Activities and Requirements for Placement of Residents in House of Elderly without Family Care Homes and Community-Based contains discriminatory provisions.



“Administrative Instruction no. 10/2014 sets conditions based on the family status of the applicants for placement in the Home for the Elderly, on the basis of gender and marital status of their descendants or related to the fact whether the applicants have daughters, married or unmarried daughters. Consequently, the Ombudsperson requested amendment of these provisions of the given Administrative Instruction.”



Further, the Ombudsperson, in **Report A. no. 125/2021 with regard to discriminatory criteria in the Regulation on selection procedures concerning appointment, reappointment and promotion of academic staff at the University of Prishtina “Hasan Prishtina”**, has found provisions that contradict the principle of prohibition of discrimination, where the Regulation on selection procedures concerning appointment, reappointment and promotion of academic staff at the University of Prishtina “Hasan Prishtina” recognizes the priority of candidates who have accomplished their studies at UP compared to candidates who accomplished their studies in other institutions of higher education in Kosovo and in neighboring countries.



“The criteria defined in this Regulation constitute restrictions unauthorized by law and constitute discrimination on the basis of the country or of public and private higher education institution where they have accomplished their studies.”



As it has been emphasized above, in the case of the lawsuit of the citizen Mr. Faruk Kukaj, against the Municipality of Prishtina, the Basic Court in Prishtina had proven the discrimination. For the Ombudsperson this fact is considered of great importance. But, despite this, the Ombudsperson has found that the judicial procedure in this case was not conducted in accordance with the Law on Protection from Discrimination. This due to the fact that it has been requested from the plaintiff to prove his discrimination, despite the fact that in the present case, according to the law, the burden of proof falls on the defendant, in the present case, on the Municipality of Prishtina, and not on the plaintiff.

With regard to enforcement of the Law on Protection from Discrimination, during 2022 the Ombudsperson had various challenges, such as: 1. Providing legal assistance to victims of discrimination in drafting complaints, since this contradicts the principles and provisions of the Law on Ombudsperson; 2. Lack of full powers of the Ombudsperson in the private sector; 3. Lack of sub-legal acts for enforcement of the Law on Protection from Discrimination; 4. Uncertainty concerning the authority that issues administrative sanctions; 5. Non-harmonization of the Law on Protection from Discrimination with the Law on Contested Procedure and the lack of recognition of the fact that the Law on Protection from Discrimination is a special law (*lex specialis*) for issues related to discrimination.

9. THE OMBUDSPERSON AS A NATIONAL PREVENTIVE MECHANISM OF TORTURE

The Ombudsperson acts as National Preventive Mechanism of Torture and Other Cruel, Inhuman and Degrading Treatments and Punishments (NPM).

During 2022, NPM carried out 62 visits, of which 20 general visits, 19 ad-hoc visits, 21 follow-up visits, 1 thematic visit and 1 visit to Prishtina International Airport. These visits were carried out in police stations, detention and correctional centers, mental health and social care institutions, community integration homes, etc.

The NPM has monitored aspects of treatment of persons deprived of their liberty, including conditions of detention, regime, services provided, health treatment, categorization, possible conflicts between remand detainees and prisoners, psychological and physical abuse, as well as all other aspects related to the treatment of this category of persons.

The Ombudsperson received over 240 phone calls from persons deprived of their liberty and conducted more than 244 individual interviews and other group interviews. Even during 2022, complaints were mainly directed against court decisions, various benefits, parole, pardon, health treatment, etc. The Ombudsperson has addressed 38 specific recommendations to the competent authorities. Eight of these recommendations have been fully implemented, 5 partially, while another 25 are pending for implementation. The responsible authorities have responded timely to all recommendations delivered, concerning actions undertaken and to those expected to be undertaken.

The challenge continues to be treatment and placement of persons with mental illnesses in detention and correctional centers, due to the lack of capacity in the Institute of Kosovo Forensic Psychiatry (IKFP)", however " mixing of other categories has also presented a sensitive challenge, such as: elderly persons, persons with serious illnesses, drug addicted users, with other persons deprived of their liberty.

“ Correctional institutions lack necessary capacities for placement and treatment of persons with mental disorders, as well as such institutions are short of professional human capacities for their treatment. ”

However, the NPM, from the monitoring carried out, finds that treatment of persons deprived of their liberty is generally at a good level and that no complaint has been addressed to NPM for physical ill-treatment or failure to respect basic rights.

The NPM estimates that some correctional centers do not meet the standards required for housing persons deprived of their liberty, such as: Detention Center in Pejë, Detention Center in Prizren, Correctional Center for Women in Lipjan, as well as the Mother and Baby Home in Lipjan. While the Correctional Center in Dubrava is in permanent need of renovations.

During the monitoring carried out, the NPM observed that the Correctional Service of Kosovo continues to face a shortage of correctional staff and social officers. Regarding this situation, the Ombudsperson has recommended to increase the number of staff and at the end of 2022 there were positive changes, as 50 new correctional officers were recruited and the employment of a significant number will continue.

10. PROTECTION OF CHILDREN'S RIGHTS

In addition to general rights, children enjoy also other rights, due to their specific needs as children. In 2022, the Ombudsperson received 77 complaints with allegations of violation of children's rights, in 54 of which he initiated investigations. In addition to this, the Ombudsperson has also dealt with 9 cases according to official duties.

“ Regarding children's right to education, the Ombudsperson has found: In the last decade, Kosovo has made progress in education, but this progress has not been equal in different sectors in terms of children's participation, inclusion and development, according to their needs and abilities. ”

For the Ombudsperson, it is important that in 2019 Kosovo marked a key step towards realization of children's rights, through supplementing of the legal framework with the Law on Child Protection. But, adoption of this law remains only a symbolic act if it is not followed by concrete steps for successful implementation. The given law obliges the Government, the Independent Media Commission and the Judicial Council of Kosovo to approve 18 sublegal acts. So far only 6 of them have been adopted by these institutions. Therefore, the Ombudsperson considers that the adoption of these sublegal acts is of particular importance in the practical implementation of the law.

In 2022, children's rights in court proceedings have been the focus of the Ombudsperson. With regard to this issue the Ombudsperson has handled a total of 14 complaints against the courts, which were related to the entrustment of custody of children and the determination of alimony, the delay of court procedures for material compensation for families with children with disabilities, etc. In two of these cases, the Ombudsperson sent to the courts recommendations for treatment with priority. After Ombudsperson's recommendation, the competent courts have addressed Judicial Ethics Advisory Committee of Kosovo Judicial Council with a request to provide an Advisory Opinion, requesting instructions on how to act in case of recommendations provided by the Ombudsperson for a case to be processed promptly and without delay.

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The Judicial Ethics Advisory Committee of Kosovo Judicial Council has established an important standard by issuing Opinion No. 04/2022, where it refers to the recommendations and legal arguments presented by the Ombudsperson. This Opinion advises the judges of the three levels of courts of the Republic of Kosovo that in such cases where parties with the legal status of children (including children with disabilities) are involved in the pending cases, should be given priority in their treatment without hesitation even if there are older cases pending.

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Violence continues to remain present in children's lives, where the use of corporal punishment as a means of discipline by teachers and harassment among peers (bullying) have been raised as concerns.

The Ombudsperson has found that children with disabilities are still experiencing serious difficulties and face obstacles to the full enjoyment of the rights defined by law.

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The Ombudsperson has initiated an Ex Officio investigation based on the information posted by “Klan Kosova” television, entitled “ Hivzi Sylejmani High School in Fushë Kosovë, refused admission of the wheelchair student in this school.

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Regarding the social and health protection of children, the Ombudsperson points out that the Assembly has not yet fully approved the amendment to the Law on Social Services nor the Law on Local Government Finances, despite recommendations provided in the last three years.

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Adoption of the amendment to the Law on Social and Family Services, through which the mandate, role, competences, responsibilities and structure of social work centers would be completely regulated, is very important for the well-being of children. This was also emphasized in the joint statement with the civil society addressed to the government authorities.

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11. GENDER EQUALITY

Gender equality, according to the Constitution, is categorized as a value. Unfortunately, the facts show that women are in a less favorable position than men, especially in the field of employment and career development for disabled women, women of a certain age, women from non-majority communities, women from rural areas, pregnant women and mothers of young children. Despite the fact that the law guarantees inheritance to both men and women, the Ombudsperson has found that women and girls in most cases wave up from their inheritance in favor of male heirs.



The Ombudsperson estimates that the current legal framework for the protection of gender equality in inheritance is insufficient to deal with traditional practices, such as renouncing inheritance. For this reason, among others, the Ombudsperson recommends taking actions to raise social awareness in this area. This finding is mainly based on the low number of complaints that the Ombudsperson has received on this issue.



Even during 2022, domestic violence continues to be a problem. Unfortunately, in many cases it is found that this happens as a result of the state's failure to undertake positive obligations. Despite the fact that the Republic of Kosovo, through the constitutional amendment, has included the Istanbul Convention in the Constitution, the harmonization of legislation with this convention remains slow.

The Ombudsperson has published *Ex-Officio* Report no. 13/2022 regarding positive obligations of the state to protect the right to life and to ensure protection from domestic violence, which was initiated according to official duty, based on media reports that on 5 January 2022, in the village of Llaushë, municipality of Skenderaj, a woman was found shot to death, emphasizing that the victim and the perpetrator were husband and wife.



Ombudsperson's report of 22.7.2022, ascertains the failure of responsible authorities to fulfill positive obligations for protection of the right to life. According to the report, the authorities failed to take a number of actions and that: did not respect the Standard Operation Procedures for Protection from Domestic Violence in Kosovo; they did not treat the case with due attention and did not provide adequate protection to the victim; there was a lack of coordination of actions between authorities, case prosecutor of the Basic Prosecutor's Office in Mitrovica, despite the fact that he has been aware of the case, he did not undertake legal actions to assess the risk and security measures for the victim.



Additionally, the Ombudsperson has repeatedly reiterated the concern about the non-implementation of Law no. 05/L-003 on the Electronic Supervision of Persons Whose Movement is Limited by the Decision of the Court. The government has pledged to allocate a budget for implementation of this law.

In 2022, the Ombudsperson also dealt with issues related to women who survived sexual violence during the war, in which case he assessed:



Women victims/survivors of sexual violence during the war in Kosovo must be provided with the necessary institutional and financial support, simultaneously by increasing society's awareness of removing prejudices against this group.



12. RESPONSIBILITY FOR THE LIVING ENVIRONMENT

Regarding the right to a safe and healthy environment, the Ombudsperson admitted a total of 15 complaints in 2022. The Ombudsperson finds that despite the importance of environmental protection, as a human right, the responsible authorities have failed to fulfill their positive obligations according to this right.

As per the responsibility for the living environment, the fact that during 2022 the new Law on Air Protection from Pollution has been approved is very positive. Despite this, the quality of the air and the impact on the citizens' right to a safe and healthy environment remain worrying.



The Ombudsperson finds that responsible institutions for air protection continue to fail in fulfillment of legal requirements and in taking appropriate measures to reduce air pollution.



Water protection according to the principles of sustainable management continues to be a serious challenge. Uncontrolled interventions, without criteria, of the operators for the exploitation of sand and gravel in the different segments of the river beds and their banks have continued, causing an unsafe environment for citizens' lives as well as a lack of water. In addition, ambiguities with the hydropower have continued.



"The Ombudsperson finds that even though Kosovo is one of the poorest countries with water resources, no concrete actions have been undertaken that would prevent ongoing deterioration of rivers in the three-dimensional aspect: water, river beds and banks."



The practice of not respecting the criteria set by the Law on Spatial Planning and the Law on Construction is an issue that requires prompt treatment and plain institutional policies for change.



The Ombudsperson finds that the degradation, pollution, concreting and change of lands without criteria has continued at the same rhythm.



As for the violation of privacy by noise, it is found:



Even this year, institutions have not managed to bring under control protection of the citizens' privacy from the noise and the nuisance created by the noise.



In order to rise public sensitivity regarding the importance of water, the Ombudsperson and the National Audit Office, on 27 June 2022, organized the round table: "Water, a human right - supervision and accountability".

13. RIGHTS OF NON-MAJORITY COMMUNITIES

The Ombudsperson has found that the realization of the rights of non-majority communities in practice has encountered significant challenges. Only during 2022, the Ombudsperson received 144 complaints from members of non-majority communities, with allegations of violation of their rights.

Data provided by High Commissioner for Refugees indicate that during 2022, 204 people from the non-majority community returned to Kosovo.

Even during 2022, the Ombudsperson has found that displaced persons, refugees as well as citizens of four northern municipalities face problems related to the provision of personal documents.



The Ombudsperson notes that there is significant progress in terms of addressing issues related to property rights belonging to non-majority communities. Despite this, the Ombudsperson emphasizes that it is still necessary for the state to deal with the property issues of non-majority communities, so that all persons whose properties are seized can enjoy them unhindered.



The field of education is another problem, from which the rights of non-majority communities are challenged. The differences in the scope of the education system consist in the fact that the Government of the Republic of Kosovo manages education in the Albanian, Turkish and Bosnian languages, while education for the Serbian community and, partially, for the Bosnian and Goran community operates outside of this arrangement.

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The Ombudsperson reiterates this year as well that as a result of the manner how education system is managed by the Government, students who complete their education in the parallel system cannot continue it according to the education system of the Republic of Kosovo, due to the non-recognition of diplomas.

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It should be noted that the Ombudsperson has previously reported on the problems of the Turkish and Bosnian community regarding school textbooks.

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The problem with the textbooks of the Turkish and Bosnian community was finally solved during 2022. The textbooks in Bosnian and Turkish languages have been selected and the books have been approved by MESTI for printing.

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Despite guarantees by the Constitution and by law, due to the lack of capacities, non-majority communities have difficulties in accomplishing their lingual rights. These problems are evident both at the central and at the local level.

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In relation to lingual rights, the Ombudsperson has found that the Municipality of Gjakova acted in violation of the Law on the Use of Languages, as the complainant was addressed in official communication only in the Albanian language.

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Worth mentioning here that old practice still continues where some Government official websites provide partially basic information in Serbian language which are only partially accessible and updated.

During 2022, the Ombudsperson, based on his mandate, communicated in various ways with the members of the Roma, Ashkali and Egyptian communities, in order to address the issues of concern of these communities. In this case, the Ombudsperson has found it very worrying that the members of the Roma, Ashkali and Egyptian communities are not informed about the mechanisms and procedures for protection from discrimination.

Also, as far as the Roma, Ashkali and Egyptian communities are concerned, the Ombudsperson sees the fact of their lack of inclusion in education as problematic. Despite the progress noted

in primary education, inclusion of these communities in other levels of education lags behind other communities.

14. TRANSITIONAL JUSTICE

Like any society that has emerged from the war, mechanisms that guarantee transitional justice are necessary in Kosovo, which refers to four main objectives: 1) The right to justice, 2) The right to know, 3) The right to reparations and 4) Guarantee of non-repetition.



Regarding transitional justice, the Ombudsperson has found that for two decades, various efforts have been made, but these efforts have been developed without a comprehensive strategy. The various initiatives have not always been harmonized with each other and this has influenced the failure to achieve the intended results.



The lack of performance of both the international justice institutions in Kosovo and the competent Kosovar institutions has contributed to the impossibility of achieving justice for war crimes. From 1999 to 2022, a total of 117 people have been accused of war crimes, and only 45 of them (35 Albanians, 9 Serbs and 1 Roma) have been convicted with omnipotent decision.



Among other things, as per treatment of war crimes, the Ombudsperson states: 1. The strategy of the KPC for war crimes has not produced the intended results. 2. Possible cooperation with the war crimes prosecutors from the region, with special emphasis on that of Serbia, would create the possibility for criminal prosecution of those who have committed war crimes in Kosovo and who live in Serbia. 3. Due to the difficulties it carries, the trial in absentia does not seem to be a sufficient solution for solving war crimes.



The citizens, especially the victims, deserve to learn the truth about what happened. In this regard, the fact that the fate of more than 1,600 persons who disappeared during the last war in Kosovo remains unknown continues to be very disturbing for the Ombudsperson. About 300 mortal remains, which are found in the Institute of Forensic Medicine, have not been identified, representing about 20% of the number of missing persons.



State institutions have undertaken initiatives in the direction of realizing the right of victims and citizens to know the truth about the past, but none of these initiatives have yielded the expected results. It is still a long way from drafting an accurate and comprehensive official narrative on the crimes and serious violations of human rights that occurred during the war in Kosovo.



Regarding the right to reparations, institutions have made efforts for most categories of victims of war crimes.



The Ombudsperson states that the construction of memorials dedicated to the victims of the 1998-1999 war should be regulated by a special law and the Agency for the Management of Monuments and Memorial Complexes should be empowered. It is requested to mark the public and non-public spaces where there have been massive violations of human rights and war crimes. It is also unacceptable that the state of Kosovo has not yet created a museum dedicated to the war and its civilian victims.



15. OVERSIGHT OF LEGISLATIVE POLICIES

Even during the reporting year, the Ombudsperson, with concern for protection of human rights and fundamental freedoms, has reviewed legislative policies. The Government of the Republic of Kosovo in 2022 has planned adoption of 150 laws, while the Assembly has adopted 110 of them.

The Assembly of the Republic of Kosovo has adopted the Law no. 08/L-197 on Public Officials and Law no. 08/L-196 on Salaries in Public Sector. Law no. 08/L-197 on Public Officials has been challenged in the Constitutional Court by political parties. Regarding this law, the Ombudsperson has sent comments to the Constitutional Court of the Republic of Kosovo.



With regard to the Law no. 08/L-196 on Salaries in Public Sector, the Ombudsperson estimates that the developed procedure till adoption of this law is indication of a poor practice of laws drafting and adoption. This is due to the fact that the not making public the value of the coefficient in the course of law drafting, review and adoption of the given law has caused uncertainty among the subjects that are affected by the scope of this law.



The Ombudsperson raised the concern that at the moment when such a law is published in the Official Gazette, the same is not published in the section of each law that amends and supplements it, but is published only on one page, thus making it very difficult to identify of legal amendments.



The Ombudsperson estimates that the not publication of the laws that amend some laws, in each section of the laws that are amended, makes it difficult for law enforcement bodies to identify the adopted amendments. Such a practice results in ambiguity and at the same time insecurity among the citizens affected by the law.



16. THE STATE OF HUMAN RIGHTS IN KOSOVO SUMMARIZED IN SOME CONCLUSIONS

According to admitted cases, after the investigations carried out by the Ombudsperson, on the basis of received complaints or investigations according to official duty, as well as based on the entirety of his mandate, the Ombudsperson presents the following human rights situation in the Republic of Kosovo, through some conclusions.

- 1. The inability of the justice system to complete cases within a reasonable time frame represents one of the main problems in the field of human rights protection. Besides procedural delays infringing the right to a fair trial, an element of which is the trial within a reasonable time frame, procedural delays also prevent implementation of many other rights of citizens which are guaranteed by the Constitution. In relation to this, for the citizens of Kosovo there is still no mechanism for the realization of their compensation, due to the violation of being served with the judgement within a reasonable time frame.*
- 2. During 2022, violations of human dignity were recorded. This violation has been manifested, especially, in relation to vulnerable groups, elderly people without family care and people with disabilities.*
- 3. Lack of a harmonized and comprehensive law for treatment of disability rights, the failure to enforce the Law on Vocational Ability, Rehabilitation and Employment of Persons with Disabilities, cases of violence, their inability to find employment as well as lack of access to infrastructure, insufficient support for people with autism and people with delayed mental development, etc. remains of great concern.*
- 4. Reporting of discrimination cases still remains low, majority of complaints about discrimination that are submitted to the Ombudsperson do not result in discrimination, while the real cases of discrimination continue not to be reported or unveiled, both due to ignorance of the concept of discrimination and the fear of victimization, but also from the citizens' lack of trust in the competent mechanisms.*
- 5. Gender equality continues to remain a challenge. Women continue to face significant problems in the field of employment, inheritance, etc. Domestic violence continues to be a concern. The dimensions of this phenomenon best show that a general mobilization is needed for prevention and protection from domestic violence. Unfortunately, in many cases it is found that this happens as a result of the failure to fulfill state's positive obligations.*

6. Concerning the rights of persons deprived of their liberty, in Kosovo Police detention centers and in the correctional and detention centers there are no complaints from the arrested persons, who were in detention at the time of the visits by the Ombudsperson. All juvenile remand detainees who were interviewed confirmed that they were treated in a correct and professional manner by members of Kosovo Police.
 - 6.1. Treatment of people with mental health problems remains worrying, due to the lack of capacity in mental health institutions, as well as their detention in correctional institutions.
 - 6.2. Also, treatment of elderly people, people with chronic health problems, those with special needs, addiction problems, etc., who are serving sentences, remains a challenge for institutions.
 - 6.3. Some correctional centers do not meet the necessary conditions for work or for dignified treatment of persons deprived of their liberty.
7. Lack of material for printing and equipping citizens with passports has violated the freedom of movement. Also, placement of barricades on the roads in the north of the Republic of Kosovo has presented an obstacle to the freedom of movement in these areas.
8. Protection of property is challenged by the inefficiency of the judiciary, due to the failure to efficiently decide on these cases.
9. It continues to remain a challenge accomplishment of the rights to work and to exercise the profession both in the public and private sectors, as a result of violations of employment procedures, termination of the employment relationship in violation of the law, non-compensation of overtime work, not using the right to annual leave, non-realization of the right to salary, work without a contract, age discrimination, etc. Lack of security in work continues to be a major concern.
10. Health and Social Protection is challenged by the lack of regular supplies of essential drugs, medical products and equipment as well as consumables, the long waits of patients to perform certain types of interventions, non-implementation of Law no. 04/L-249 on Health Insurance, dysfunctionality of palliative care, etc.
11. The Ombudsperson, in December 2022, addressed Ex-officio Report no. 577/2021 regarding rights in Sexual and Reproductive Health (SRH), with a focus on access to information and services for contraception, abortion and care after abortion, as well as for maternal health care, which resulted in 536 recommendations. According to the Report, women and girls continue to lack information and education about sexual and reproductive health and their

rights, violation of privacy and confidentiality, anonymous treatment, lack of dedication of time to the patient, delay in providing necessary services, delay in timely diagnosis and treatment, occasional lack of therapy for the treatment of malignant diseases of the reproductive system, etc. While according to the findings, the health system has a lack of supervision and control of services and their quality, irregularities in functioning and lack of coordination and planning.

The Ombudsperson reminded responsible authorities of their legal liabilities to respect rights of women and girls with regard to sexual and reproductive health and at the same time recommended that they take all measures to eliminate these violations, improve the quality of health services for the SRH, supervision and control of these health institutions.

12. Cases of attacks on journalists continue to remain a concern.
13. Kosovo has marked important steps towards realization of children's rights, through supplementing of the legal framework with the Law on Child Protection. However, adoption of this law has not been followed by concrete steps for successful implementation as a result of the failure to adopt sub-legal acts. In the last decade, Kosovo has made progress in education, but this progress has not been equal in different sectors in terms of participation, inclusion and development of children, according to their needs and abilities.
14. Concerning the right to a safe and healthy environment, it is positive the fact that the new Law on Air Protection from Pollution was adopted in 2022. Despite this, air quality remains a concern. The Ombudsperson finds that, even though Kosovo is among the poorest countries with water resources, no concrete actions have been taken by the competent institutions, which would prevent continuous degradation of rivers in the three-dimensional aspect: water, river beds and banks.
15. Although Kosovar legal system has guaranteed extended rights to non-majority communities in Kosovo, accomplishment of these rights in practice faces significant challenges, based on the large number of complaints received by members of non-majority communities. Lack of information of the non-majority communities: Roma, Ashkali, Egyptian, regarding protection from discrimination and their inclusion in education remains a concern for the Ombudsperson.
16. Despite various efforts related to transitional justice, a comprehensive strategy has been lacking. Various initiatives have not always been harmonized with each other and this has influenced the failure to achieve the intended results.

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