



Republika e Kosovës • Republika Kosovo • Republic of Kosovo
Institucioni i Avokatit të Popullit • Institucija Ombudsmena • Ombudsperson Institution

REPORT
OF
OMBUDSPERSON

R. no. 760/2024

To:

Mr. Avni Kastrati, Chief Executive Officer
Kosovo Agency of Statistics

Copy:

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

Prishtina, June 30, 2025

Purpose of the Report

1. This report by the Ombudsperson aims to draw the attention of the Kosovo Agency of Statistics to its obligation to implement the principles of good administration, as defined by Law No. 05/L-031 on the General Administrative Procedure (LGAP), in order to ensure that citizens' requests and complaints are handled with responsibility, efficiency, and effectiveness, while respecting their rights.
2. This report also aims to highlight to the Kosovo Agency of Statistics the obligations set forth by the Constitution and Law No. 05/L-019 on the Ombudsperson, to respond to the Ombudsperson's requests and to provide all requested documents and information in accordance with the law.

Legal basis

3. The Constitution of the Republic of Kosovo, Article 132, paragraph 1, stipulates: *"The Ombudsperson monitors, defends and protects the rights and freedoms of individuals from unlawful or improper acts or failures to act of public authorities."* Whereas, Article 135, paragraph 3 stipulates: *"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."*
4. According to Law No. 05/L-019 on the Ombudsperson, the Ombudsperson has, *inter alia*, the following competencies and responsibilities:
 - *"The Ombudsperson has the power 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 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, paragraph 1, sub-paragraph 1.2);*
 - *to publish notifications, opinions, recommendations, proposals and his/her own reports."* (Article 18, paragraph 1, sub-paragraph 1.6).

Summary of Facts and Actions of the Ombudsperson

5. The Ombudsperson, pursuant to Article 16, paragraph 1, of Law No. 05/L-019 on the Ombudsperson, on July 22, 2024 received a complaint from [REDACTED], filed against the Kosovo Agency of Statistics (KAS), claiming non-payment of the salary specified in the employment contract (active enumerator for the population, households, and housing census).
6. Based on the documents received from the complainant, it appears that on June 28, 2024, the complainant addressed a letter to KAS via email at: infoask@rks-gov.net. The complainant stated that, aside from receiving confirmation of receipt and notification that the matter would be reviewed by KAS, he has not received any response regarding his request.

7. On December 26, 2024, the Ombudsperson addressed a letter to the Chief Executive Officer of KAS requesting information regarding the complainant's claims about non-payment by KAS according to the employment contract, as well as the reasons for the lack of response to the complainant's request dated June 28, 2024.
8. On March 4, 2025, the Ombudsperson sent a follow-up letter to the Chief Executive Officer of KAS.
9. However, the Ombudsperson did not receive a response to either of the letters sent to the Chief Executive Officer of KAS.
10. On April 23, 2025, a representative of the Ombudsperson contacted the complainant to gather updates regarding the case. The complainant reported that he had still not received any response from KAS regarding his request.

Assessment of the Ombudsperson

11. The handling of requests by public administration bodies in the Republic of Kosovo is regulated by Law No. 05/L-031 on the General Administrative Procedure (LGAP).
12. The principles of good administration are embedded in the LGAP, which, among other things, oblige administrative bodies to be efficient and effective in performing their duties promptly and in an organized manner, to be accountable in handling requests and provide explanations for their actions, to respect citizens' rights to be informed and to receive services, to act transparently, and to build trust between citizens and public administration bodies through timely responses and services.
13. The public administration body, in this case the Kosovo Agency of Statistics, is required to ensure that a decision/response to a submitted request is delivered within a reasonable timeframe and without delay.
14. The processing, review, and resolution of a request is a legal obligation for the public authority, and conversely, it is the right of every individual to have their request addressed in accordance with the law, through a regular legal procedure and to receive a response or decision based on the individual's legal rights – both procedural and substantive.
15. Based on the circumstances of the case, the Ombudsperson finds that by failing to process the complainant's request submitted on June 28, 2024, KAS did not act in accordance with the LGAP.
16. In addition, KAS did not respond to the written requests of the Ombudsperson dated December 26, 2024 and March 4, 2025 concerning the information related to the complainant's request.
17. The Ombudsperson concludes that KAS failed to act in accordance with the Constitution of the Republic of Kosovo, Article 132, paragraph 3, which states: *"Every organ, institution or other authority exercising legitimate power in 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."*
18. Furthermore, the Ombudsperson finds that KAS failed to act in accordance with Article 25 [Obligation of cooperation and consequences of refusal], paragraph 1, of the Law on the Ombudsperson, which states: *"All authorities are obliged to respond to the Ombudsperson"*

on his requests on conducting investigations, as well as provide adequate support according to his/her request.”

19. Moreover, Article 24, paragraph 4, of the Law on the Ombudsperson provides: *“Refusal or failure to respond to the requirements of Ombudsperson is considered obstruction of Ombudsperson’s work. This does not prevent the Ombudsperson to issue his conclusions and recommendations.”*

20. In addition, Article 24, paragraph 5, of the Law on the Ombudsperson provides: *“The Ombudsperson may report the actions foreseen in paragraph 4 of this Article in his reports.”*

Based on the circumstances outlined above, the Ombudsperson, in accordance with Article 135, paragraph 3, of the Constitution of the 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.”*), in the capacity of a recommender, hereby

RECOMMENDS

To the Kosovo Agency of Statistics:

- *To handle citizens’ requests and complaints in accordance with Law No. 05/L-031 on the General Administrative Procedure (LGAP).*
- *To respond to the Ombudsperson’s requests for documents and information in compliance with Article 132, paragraph 3, of the Constitution of the Republic of Kosovo, and Article 25, paragraph 1, of Law No. 05/L-019 on the Ombudsperson.*

In accordance with Article 132, paragraph 3, of the Constitution of the 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 Law no. 05/L-019 on the Ombudsperson (*“Authorities to which the Ombudsperson has addressed recommendation, request or proposal for undertaking concrete actions, including disciplinary measures, must respond within thirty (30) days. The answer should contain written reasoning regarding actions undertaken about the issue in question.”*), kindly inform us of the actions you will undertake regarding this matter.

Respectfully,

Naim Qelaj
Ombudsperson