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Institucioni i Avokatit të Popullit • Institucija Ombudsmana • Ombudsperson Institution

**ANNUAL REPORT 2024 ON THE IMPLEMENTATION OF LAW NO. 05/L-021
ON PROTECTION FROM DISCRIMINATION IN THE REPUBLIC OF
KOSOVO**

Prishtina, December 10, 2025

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LIST OF ABBREVIATIONS

AGE - Agency for Gender Equality
IPA - Information and Privacy Agency
CA - Competition Authority
KPCVA - Kosovo Property Comparison and Verification Agency
PAK - Privatization Agency of Kosovo
KEPA - Kosovo Environmental Protection Agency
FLAA - Free Legal Aid Agency
OMB - Ombudsperson
APC - Agency for Prevention of Corruption
KAS - Kosovo Agency of Statistics
EU - European Union
CBK - Central Bank of Kosovo
KSF - Kosovo Security Force
ECtHR - European Court of Human Rights
CC - Constitutional Court
ECHR - European Convention for the Protection of Human Rights and Fundamental Freedoms
CoE - Council of Europe
KCCH - Kosovo Council for Cultural Heritage
KPC - Kosovo Prosecutorial Council
IMC - Independent Media Commission
ICMM - Independent Commission for Mines and Minerals
IOBCS - Independent Oversight Board for the Civil Service
CEC - Central Election Commission
LGE - Law on Gender Equality
LPD - Law on Protection from Discrimination
MLGA - Ministry of Local Government Administration
MESTI - Ministry of Education, Science, Technology and Innovation
MAFRD - Ministry of Agriculture, Forestry and Rural Development
MoJ - Ministry of Justice
MFLT - Ministry of Finance, Labour and Transfers
MIET - Ministry of Industry, Entrepreneurship and Trade
MCR - Ministry for Communities and Return
MCYS - Ministry of Culture, Youth and Sports
MD - Ministry of Defence
MESPI - Ministry of Environment, Spatial Planning and Infrastructure
MIA - Ministry of Internal Affairs
MFAD - Ministry of Foreign Affairs and Diaspora
ME - Ministry of Economy
MH - Ministry of Health
MRD - Ministry of Rural Development
PPRB - Public Procurement Review Body
KP - Kosovo Police
RTK - Radio Television of Kosovo
CMIS - Case Management Information System

KPST - Kosovo Pension Savings Trust

NAO - National Audit Office

OLC - Office of the Language Commissioner within the Office of the Prime Minister

OGG - Office for Good Governance within the Office of the Prime Minister

FOREWORD BY THE OMBUDSPERSON

This is the second year that the Ombudsperson submits to the Assembly of the Republic of Kosovo the Report on the Implementation of the Law on Protection from Discrimination. By presenting this report, the Ombudsperson not only fulfils an obligation stipulated in Article 9 of the Law on Protection from Discrimination, but also demonstrates a commitment to promoting and guaranteeing the right to equality before the law and protection from discrimination.

It is important to emphasize that the publication of this report coincides with the process of amending and supplementing the Law on Protection from Discrimination, which is expected to be part of the legislative agenda of the Assembly of the Republic of Kosovo during 2026. The Ombudsperson has played and continues to play an active role in all phases of this process.

Equality before the law and protection from discrimination constitute constitutional values in the Republic of Kosovo. The country's legal system provides strong guarantees against any form of discrimination, protecting all citizens and social groups, without distinction. Articles 3 and 24 of the Constitution of the Republic of Kosovo, together with the Law on Protection from Discrimination, constitute the main pillars of this protection. Meanwhile, Article 53 of the Constitution obliges courts and public institutions to interpret human rights and fundamental freedoms in harmony with the jurisprudence of the European Court of Human Rights. This also includes the right to equality before the law and protection from discrimination, which, according to this court, is at the core of the European Convention on Human Rights.

However, the implementation of constitutional and legal guarantees remains an institutional and social challenge. The absence of consolidated institutional mechanisms and standardized procedures for identifying and documenting cases of discrimination makes it difficult to create a clear and comprehensive picture of discrimination.

The Ombudsperson remains committed to fulfilling the constitutional and legal mandate to protect against discrimination. Building on the findings and recommendations of last year's report, we reaffirm our commitment to raising public awareness and strengthening institutional capacities to identify, address, and prevent cases of discrimination by public institutions.¹ Our dedication to ensuring equality before the law and protection from all forms of discrimination will continue to deepen, as these values represent the foundations of our state and democratic society.

In conclusion, I would like to emphasize that this report provides a clear overview of the legal framework, institutional structure, challenges, and dynamics related to the realization of the right to equality and protection from discrimination. At the same time, it aims to foster a higher level of institutional and social awareness regarding the importance of guaranteeing this fundamental right.

¹ The Report on the Implementation of the Law on Protection from Discrimination 2023 can be found at: <https://oik-rks.org/en/2024/12/10/2023-annual-report-on-the-implementation-of-the-law-on-protection-from-discrimination-in-the-republic-of-kosovo/>

I. LEGAL FRAMEWORK FOR PROTECTION FROM DISCRIMINATION IN THE REPUBLIC OF KOSOVO

Based on the constitutional mandate to oversee and protect the rights and freedoms of individuals from unlawful and irregular actions or omissions of public authorities, the Ombudsperson plays a central role in the protection against discrimination and the promotion of the right to equality before the law. The Law on the Ombudsperson stipulates that the Ombudsperson is an equality mechanism for promoting, monitoring, and supporting the equal treatment of individuals, without discrimination. The Ombudsperson's activities in fulfilling this function extend in several directions. These include conducting investigations in response to complaints from natural and legal persons who claim to have been discriminated against; carrying out investigations on the Ombudsperson's own initiative (*ex-officio*) regarding cases of discrimination and submitting reports on those cases; participating as a friend of the court (*amicus curiae*) in judicial proceedings related to discrimination; providing recommendations; and carrying out promotional activities to raise awareness about equality before the law and protection from discrimination.

In addition to these duties and responsibilities, under Article 9 of the Law on Protection from Discrimination (LPD), the Ombudsperson oversees the implementation of this law. Paragraph 2.12 of Article 9 requires the Ombudsperson to submit a report at least once a year to the Assembly of the Republic of Kosovo on the implementation of the LPD. In fulfilling this obligation, beginning last year the Ombudsperson has started submitting to the Assembly of the Republic of Kosovo separate annual reports on the implementation of the LPD. It should be noted that the Ombudsperson has submitted regular annual reports to the Assembly of the Republic of Kosovo on its activities, which have included general information and data on discrimination cases handled by this institution.

The Annual Report on the Implementation of the LPD for 2024 marks the second annual report that the Ombudsperson submits to the Assembly of the Republic of Kosovo, in accordance with Article 9, paragraph 2.12 of the LPD. As was the case last year, the preparation of this Report has also been supported by the Council of Europe (CoE).

This Report is based on the experience of drafting last year's report, as well as its main findings and recommendations. Particular consideration has been given to the lack of information and data on discrimination cases from the relevant institutions to which the Ombudsperson had addressed requests. Consequently, compared to last year's report, this year the number of institutions and organizations from which information on discrimination cases was requested has increased significantly. Data collection was carried out using a template designed to obtain the quantitative and qualitative information necessary to assess the implementation of the LPD.

The Republic of Kosovo has a consolidated legal framework for protection from discrimination, which embodies the highest standards guaranteed by international legal instruments, in particular the European Convention on Human Rights (ECHR), as well as other acts of the CoE and the European Union (EU).

The two main legislative acts that guarantee equality before the law and protection from discrimination are the Constitution and the Law on Protection from Discrimination (LPD). In addition to these, a broad range of laws and sublegal acts guarantee equality before the law and protection from discrimination, extending protection into specific spheres. This includes

the Law on Gender Equality, the Law on Labour, the Law on Public Officials, the Law on Pre-University Education, the Law on Higher Education, the Law on General Administrative Procedure, as well as a number of other substantive and procedural laws. These normative acts define the procedures that natural and legal persons must follow in order to seek protection from discrimination and compensation if they are victims of it.

Constitution of the Republic of Kosovo

The Constitution of the Republic of Kosovo grants the right to equality before the law and protection from discrimination a dual status. First, the right to equality before the law and the prohibition of discrimination are sanctioned as fundamental constitutional principles in Chapter I of the Constitution [Basic Provisions], specifically in Articles 3 and 7. Second, equality before the law and protection from discrimination are guaranteed as an individual constitutional right in Chapter II [Fundamental Rights and Freedoms], specifically Article 24.

In addition, protection from discrimination is supported by Article 22 of the Constitution [Direct Applicability of International Agreements and Instruments], which provides that several international instruments - forming an integral part of Kosovo's legal order - contain provisions prohibiting discrimination.

Furthermore, Article 53 of the Constitution of the Republic of Kosovo obliges courts and all institutions to interpret the human rights and fundamental freedoms guaranteed by the Constitution, including the right to equality before the law, in harmony with the case law of the European Court of Human Rights (ECtHR).

Law No. 05/L-021 on Protection from Discrimination

The Law on Protection from Discrimination represents a *lex specialis* in matters of discrimination and, as such, plays a central role in addressing discrimination-related issues. Thus, alongside the Constitution, this law constitutes the primary normative act for addressing discrimination cases, both in administrative and judicial proceedings. The legal protection provided by this law is further complemented by specific provisions found in sectoral legislation regulating areas such as education, health, employment, and public administration.

This law establishes a general normative framework for preventing and combating all forms of discrimination, while also guaranteeing the right to equality before the law for all natural and legal persons under the authority of state institutions of the Republic of Kosovo.

The LPD provides comprehensive guarantees against discrimination, including a wide and non-exhaustive list of protected grounds. Thus, Article 1, paragraph 1, highlights the purpose of the law to prevent and combat discrimination on grounds such as: nationality or association with a community, social or national origin, race, ethnicity, colour, birth, descent, sex, gender, gender identity, sexual orientation, language, citizenship, religious belief or faith, political affiliation, political or other opinions, social or personal status, age, family or marital status, pregnancy, maternity, property status, health condition, disability, genetic heritage, or any other ground.

This law applies in both the public and private sectors and contains highly inclusive definitions of the various forms of discrimination, including direct discrimination, indirect discrimination, harassment, incitement to discrimination, victimization, segregation,

discrimination by association, failure to provide reasonable accommodation for persons with disabilities, discrimination based on perception, and multiple discrimination.

The law clearly defines institutional responsibility for its implementation, at both central and local levels, with specific roles and prerogatives assigned to the Ombudsperson. The law also contains specific procedures for its implementation, outlined in Chapter II, which set out the practical means of protection from discrimination.

It should be emphasized that the LPD is currently in the process of amending and supplementing, preceded by the *Ex-Post* Evaluation Report on the Implementation of the LPD, prepared by the Legal Office of the Office of the Prime Minister with the participation of key institutional actors in the field of protection from discrimination, including the Ombudsperson. In 2024, the inter-institutional working group completed the new draft of the Law on Protection from Discrimination. This Draft Law is expected to be included in the legislative agenda of the Assembly of the Republic of Kosovo in the coming years. The new draft of the Law places particular emphasis on administrative and judicial procedures for its implementation, as well as on inter-institutional cooperation in enforcing the legal provisions on protection from discrimination.

With regard to the EU directives, it is important to note that in 2024 the EU adopted Directive 2024/1499² and Directive 2024/1500³, which establish a set of minimum and mandatory standards for the functioning of equality bodies. These directives focus on strengthening institutional independence, ensuring adequate resources, expanding mandates, and creating effective mechanisms for addressing discrimination cases. They stipulate that equality bodies must have clear powers to support victims, investigate cases, participate in judicial proceedings, and issue policy recommendations while ensuring transparency and easy public access to their services.

These directives aim to eliminate disparities that existed among EU Member States and to create an equal level of protection against discrimination, ensuring that every citizen has access to an effective, independent, and properly empowered mechanism.

Even though the Republic of Kosovo already has a consolidated legislative framework for protection from discrimination, this is an appropriate moment to update the legal framework in line with these two EU directives, especially considering that the LPD is already in the process of amendment. Harmonizing the law with the new standards would ensure a more advanced and functional approach. The purpose of supplementing and amending the LPD is to adapt the law to respond to societal challenges, needs, and transformations, as well as to ensure further alignment with the evolving standards of the Council of Europe and the EU acquis. The transposition of these two directives, which have already entered into force, fulfils the purpose of the initiative to amend and supplement the LPD.

Legal procedures for protection from discrimination

The legislation of the Republic of Kosovo provides multiple forms of protection for individuals who claim to have been discriminated against. This protection may be sought through administrative, misdemeanour, or judicial procedures. Through these mechanisms, the affected persons may request protection, sanctions against the violators, and compensation for damages.

² https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=OJ:L_202401499

³ https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=OJ:L_202401500

In addition to these typical legal procedures, it should be noted that Article 21 of the Law on Protection from Discrimination provides that cases of discrimination may also be addressed through mediation or reconciliation, as foreseen by the applicable legislation.

Administrative procedure – All institutions, whether at the local or central level, are obliged to implement the legislation on protection from discrimination. Each time discriminatory treatment is alleged, the first step may be submitting an administrative complaint within the institution that is claimed to have caused the violation, or that has the responsibility to remedy it, both at the local level (municipality) and at the central level (all central institutions, including independent agencies).

Misdemeanour procedure – The Law on Protection from Discrimination contains misdemeanour provisions that set out sanctions for natural and legal persons who act in contradiction to this law. It also sets the grounds for initiating misdemeanour procedures, including the imposition of fines on individuals, legal entities, and public institutions that commit, incite, or support discriminatory activities. The law authorizes the Ombudsperson to request the competent authorities to initiate misdemeanour procedures for discrimination. A misdemeanour procedure for discrimination may be initiated in court or before administrative bodies (such as various inspectorates).

Judicial procedure – In cases of discrimination, different judicial procedures may be initiated, such as civil lawsuits for compensation of damages; lawsuits for administrative conflict against actions or inactions of administrative bodies that contain discriminatory elements; as well as criminal proceedings through the submission of a criminal report, if the discriminatory act constitutes the criminal offense of “*violation of the equal status of citizens and residents of the Republic of Kosovo*” or is related to the criminal offense of inciting discord, hatred, and intolerance.

Sexual harassment, in addition to being considered a form of discrimination under the Law on Protection from Discrimination, is also sanctioned as a criminal offense against life and body under the Criminal Code of the Republic of Kosovo.

Procedure before the Ombudsperson – The Ombudsperson represents the constitutional mechanism for the protection, oversight, and promotion of fundamental rights and freedoms of natural and legal persons against unlawful or improper actions or omissions of public authorities, institutions, and other persons or authorities who exercise public authorizations in the Republic of Kosovo. The Ombudsperson is also the equality body responsible for promoting, monitoring, and supporting equal treatment without discrimination on the grounds protected under the Law on Gender Equality and the Law on Protection from Discrimination.

II. INSTITUTIONAL MECHANISMS FOR OVERSEEING THE IMPLEMENTATION OF THE LAW ON PROTECTION FROM DISCRIMINATION

To begin with, it is necessary to distinguish between the legal obligation to implement LPD and the legal obligation to oversee its implementation. In the first aspect, equality before the law and protection from discrimination constitute constitutional principles and fundamental individual rights. For this reason, every public institution has the constitutional and legal obligation to respect these principles, which also implies the implementation of the LPD.

Article 2, paragraph 1, of the LPD emphasizes that its provisions apply to any action or omission of all state institutions, as well as of natural and legal persons in the public and

private sectors. Meanwhile, Article 8 states that all institutions are obliged to act in accordance with the principles of this law.

Accordingly, the implementation of the LPD is a shared obligation among a series of institutional mechanisms, while the responsibility for monitoring its implementation has been assigned only to a limited number of bodies.

Whereas the implementation of the LPD aims to ensure the practical realization of the constitutional right of individuals to protection from discrimination in all areas of life, monitoring is an institutional activity intended to ensure the proper enforcement of the relevant legal framework. Monitoring seeks to identify, with the help of specific indicators, the level of understanding of the legal obligations arising from the LPD and the extent to which these obligations are respected by different actors, with the aim of identifying areas in need of improvement.

The LPD provides institutional mechanisms and specific procedures for the systematic monitoring of its implementation. Although the law assigns direct responsibility to a limited number of institutions and officials regarding the monitoring of its implementation, this process is impossible without systematic inter-institutional cooperation.

Ombudsperson

According to Article 132, paragraph 1, of the Constitution of the Republic of Kosovo, the Ombudsperson oversees and protects the rights of individuals from unlawful actions or omissions of public authorities. Its mandate is further defined in the Law on the Ombudsperson, the Law on Protection from Discrimination (LPD), and the Law on Gender Equality (LGE).

The competencies of the Ombudsperson in implementing the LPD are set out in Articles 9, 12, and 18 of the law. According to Article 9, paragraph 2, subparagraph 2.1, the Ombudsperson receives, investigates, and mediates in complaints of discrimination, and provides opinions and recommendations. Article 9, paragraph 2, subparagraph 2.6 obliges it to monitor the implementation of the LPD and to encourage necessary legal amendments. Subparagraph 2.12 requires it to report annually to the Assembly on the implementation of the law.

The complementary roles of the Ombudsperson in the field of protection from discrimination are defined in Articles 16 and 18 of the LPD. In this regard, the Department for Protection from Discrimination plays a central role in monitoring the implementation of the law.

Through this report, the Ombudsperson presents findings on cases of discrimination, its assessments as a monitoring mechanism of the implementation of the LPD, and some of its promotional activities related to equality.

Office for Good Governance

The Office for Good Governance (OGG), operating within the Office of the Prime Minister, has a central and coordinating role in the implementation of the LPD by the Government. It advises the Government on equality matters, ensures that policies and draft laws comply with human rights standards, and monitors the implementation of the Ombudsperson's recommendations. The OGG drafts policies and action plans, collects data, and conducts studies on vulnerable groups, and reports annually to the Government on the implementation of the LPD.

As a coordinating mechanism, the OGG leads the process of cooperation with ministries and municipalities, which are required to appoint officials responsible for implementing the LPD. It also proposes sublegal acts that regulate institutional reporting and coordination. Moreover, the OGG cooperates with international organizations and supports the Government in establishing partnerships with non-governmental organizations for advancing equality and combating discrimination.

Institutional mechanisms for protection from discrimination in ministries and municipalities

An important role in monitoring the implementation of the LPD is also played by the units and officials for protection from discrimination within ministries and municipalities.

Article 11 of the LPD stipulates that all ministries and municipalities are required to appoint the respective unit or official. This institutional mechanism extends protection from discrimination at the central and local levels throughout the entire structure of state institutions. Based on Regulation No. 03/2017 on Institutional Mechanisms for Protection against Discrimination in the Government and Municipalities, Article 5, paragraph 2, provides that: *“The relevant Unit or Officer for Protection against Discrimination at the ministries and municipalities shall be responsible for cooperation, coordination, monitoring, reporting, protection, promotion of equality, equal opportunities as well as coordination of Strategy on Prevention and Fight against Discrimination in compliance with the legislation in force or international acts applicable in the Republic of Kosovo.”*

III. ROLE OF OTHER INSTITUTIONS

Agency for Gender Equality

Law No. 05/L-020 on Gender Equality (LGE) is part of the human rights legislative package in Kosovo, which also includes the Law on the Ombudsperson and the Law on Protection from Discrimination. This law defines the function and role of the Agency for Gender Equality (AGE), which is an executive agency operating within the Office of the Prime Minister.

This law is closely linked with the LPD, which sets out the general framework for the protection of every individual from any form of discrimination, regardless of the basis on which it occurs, including gender, gender identity, or sexual orientation. While the LPD has a general character and covers all forms of discrimination, the LGE focuses on gender equality as a fundamental component of human rights, strengthening institutional mechanisms for its practical implementation.

In accordance with Article 8 of the LGE, the AGE has a series of functions and responsibilities aimed at promoting and strengthening the principles of gender equality. It supports the implementation of the LGE by proposing legal amendments, affirmative measures, and necessary policies for preventing gender-based discrimination. The AGE monitors the state of gender equality in public institutions, prepares analytical reports, and provides recommendations. The agency also works closely with governmental institutions and civil society to ensure the integration of the gender perspective and to advance the rights of women and girls.

Office of the Language Commissioner

The Office of the Language Commissioner, established under Law No. 02/L-37 on the Use of Languages, is mandated to oversee and ensure the implementation of this law throughout the territory of the Republic of Kosovo. Its role is to guarantee the preservation, promotion, and protection of official languages as well as the languages of communities whose mother tongue is not an official language. All public institutions are obliged to cooperate with the Office and submit the required information and reports, and each institution appoints a contact person for language matters.

The Office has the authority to conduct investigations on its own initiative or based on complaints from natural or legal persons, in cases where non-implementation of the law or other acts regulating the use of languages is suspected. It may take measures within its mandate, including mediation, in order to ensure that institutions act in accordance with the law. In addition to its supervisory function, the Office supports the Government in implementing public information programs, helping ensure that citizens are well informed about their language rights.

Independent Oversight Board for the Civil Service

The Independent Oversight Board for the Civil Service of Kosovo is an independent body that ensures compliance with the rules and principles governing the civil service, in accordance with the Constitution and the relevant law on the Independent Oversight Board for the Civil Service. The Board plays an important role in ensuring administrative justice for the protection of the rights of public officials from unfair treatment, including discrimination in employment relations. It is also important to emphasize that the Board oversees the implementation of legal provisions, including compliance with employment quota requirements for underrepresented groups in public institutions, which may employ affirmative measures under the relevant legislation on protection from discrimination.

Labour Inspectorate

The Labour Inspectorate is responsible for supervising the implementation of the provisions of the Labour Law, which regulate employment relationships, safety, and protection at work.

According to Article 5 of the Labour Law, discrimination is strictly prohibited in all aspects of the employment relationship, including recruitment, training, promotion, working conditions, disciplinary measures, and termination of employment. This provision includes the prohibition of any form of direct or indirect discrimination, particularly against persons with disabilities, as long as they are able to perform the job adequately.

Within this framework, the Labour Inspectorate has clear competencies to monitor, investigate, and take action regarding any violation related to discrimination in the workplace. Labour inspectors are authorized to conduct regular or extraordinary inspections in public institutions and in the private sector, in order to verify the implementation of the principles of equality and fair treatment in employment relationships.

When inspections reveal that an employer has acted in a discriminatory manner, whether during recruitment, employment, treatment of workers, or termination of employment, the Inspectorate has the authority to order the immediate cessation of discriminatory practices, require correction of the situation and reinstatement of equal treatment, and propose punitive or administrative measures in accordance with applicable law.

The Labour Inspectorate also has a preventive and educational role, providing advice, training, and guidance to employers and employees on the prohibition of discrimination and the implementation of gender and professional equality standards.

Market Inspectorate

The Market Inspectorate ensures that consumers are not discriminated against in access to and receipt of services or goods. It protects consumers from discriminatory practices and monitors service providers to guarantee equal treatment. Through monitoring standards in the market, the Inspectorate contributes to preventing economic and social discrimination in public and private services. It is also important that in public services provided to consumers, the provider offering a public service through a distribution network must allow consumer access to the distribution network and provide services in accordance with special regulations, concession contracts, or other acts of local governance in the territory where the service is provided, under non-discriminatory conditions.

Education Inspectorate

The Education Inspectorate oversees compliance with the principle of non-discrimination in educational institutions, addressing complaints from students, parents, university students and teaching staff. It ensures equal access to education, monitors employment processes in the education sector and intervenes when discriminatory practices are observed. Through this role, the Inspectorate promotes an inclusive and accessible education system for all.

Health Inspectorate

The Health Inspectorate ensures that healthcare institutions provide services without discrimination, both for patients and for healthcare staff. It investigates violations, issues professional recommendations and undertakes measures to guarantee equal treatment in access to and delivery of healthcare services. Its contribution is essential for the functioning of an inclusive and non-discriminatory health system.

Independent Media Commission (IMC)

The Independent Media Commission is a constitutional independent institution responsible for regulating, managing and supervising the broadcast frequency spectrum. The IMC regulates the rights, duties and responsibilities of natural and legal persons who provide audio and audio-visual media services.

The IMC monitors audio and audio-visual content to prevent the dissemination of materials involving the use of inflammatory, offensive or derogatory language, undertakes measures in cases of violations and ensures that media operators respect the legal and ethical standards of non-discrimination.

IV. CONSTITUTIONAL AND LEGAL COMPETENCIES OF THE OMBUDSPERSON FOR PROTECTION FROM DISCRIMINATION

The Ombudsperson is the only institution in the Republic of Kosovo that systematically records and maintains data on cases of discrimination. It is important to highlight that in the Ombudsperson's Report on the implementation of the Law on Protection from Discrimination, submitted to the Assembly on December 11, 2024, it was found that, in general, institutions in the Republic of Kosovo do not keep records regarding complaints and

cases of discrimination. Therefore, in order to provide an overview of the implementation of the Law on Protection from Discrimination, the Ombudsperson relies largely on the data maintained by the institution itself concerning received complaints, as well as investigations and analyses conducted *ex-officio*.

Cases handled by the Ombudsperson for protection from discrimination during 2024

During 2024, the Ombudsperson investigated a total of 61 cases involving allegations of discrimination, of which 41 were opened for investigation, while 20 were declared ungrounded. We also received requests for legal advice or assistance. Most of these requests relate to allegations of discrimination based on the right to a fair and impartial trial; the right to legal remedies; labour rights and the exercise of professional activity; health and social protection; property protection; equality before the law; the rights of the accused; and the rights of the child.

During the reporting period, 9 cases were opened *ex-officio*.

Complaints related to discrimination allegations mainly concern issues involving health and social rights, pensions, employment relations, the rights of non-majority communities, and obstacles in exercising rights due to the non-recognition of religious communities. The grounds on which these allegations of discrimination were raised vary: disability, age, ethnic and religious affiliation, social status, gender, sexual orientation, health condition, political affiliation, and other grounds protected under Article 1 of the LPD.

Out of the 14 reports with recommendations that were published based on received complaints or cases opened *ex-officio*, 6 found violations of the right to equality before the law, specifically discrimination. In addition, the Ombudsperson published two legal opinions in the capacity of *amicus curiae*, as well as one referral to the Constitutional Court – all related to non-discrimination.

One of the key aspects of the Ombudsperson's work in ensuring equality before the law and protection from discrimination remains the assessment of the compatibility of normative acts with Articles 3 and 24 of the Constitution and with the Law on Protection from Discrimination.

Reports related to cases investigated ex-officio

Ex-officio Report No. 146/2021 Language in public discourse, in relation to the obligations that the state has in ensuring freedom of expression and preventing hate speech⁴

This report aimed to draw the attention of the public and institutions to international and domestic standards on the right to freedom of expression and the concept of hate speech. The report also sought to contribute to understanding the patterns of discourse used on social media and in public communication in the country, by analysing different forms of language such as: hate speech, discriminatory language, offensive language, rhetoric that challenges ideas and beliefs, as well as expressions involving negative non-violent actions and dehumanizing or insulting characterizations of individuals or certain groups. At the same

⁴ <https://oik-rks.org/en/2024/02/06/ombudspersons-report-ex-officio-no-1462021-language-in-public-discourse-in-relation-to-the-obligations-that-the-state-has-in-ensuring-freedom-of-expression-and-preventing-hate-speech/>

time, the report aimed to strengthen society's ability to respond to these phenomena and to develop narratives that promote human rights, diversity and tolerance.

The Ombudsperson observed that the language used in public debates by politicians had a significant impact on the wider public, shaping both the topics and the tone of public discourse. In this context, the Ombudsperson emphasized the importance of the active role and responsibility of the Central Election Commission in supervising the implementation of the Code of Conduct by political entities, their supporters and candidates, with the prevention of hate speech as a priority.

During the period under review, a lack of media moderation was observed, as media outlets exposed the public to instances of hate speech without restrictions or intervention. Furthermore, the Ombudsperson noted that the Independent Media Commission had not undertaken real-time actions in the continuous monitoring of hate speech. In this regard, it was assessed as essential for the IMC to engage in ongoing campaigns against hate speech, ensuring access for the public to submit complaints and fostering close cooperation with media outlets and journalists for a prompt and effective response.

In conclusion, the Ombudsperson underlined the importance of increasing public awareness regarding the consequences of hate speech and its negative impact on society. For this reason, an appeal was made for all branches of government, together with professional and non-governmental organizations, to cooperate in raising public awareness, identifying best practices and clearly condemning hate speech and hate crimes, reaffirming the principles of democracy, the rule of law, equality and non-discrimination.

Ex officio No. 601/2023 on the obligations of the state to support and provide mental health services for persons over the age of 65 in the Republic of Kosovo⁵

This report aimed to analyse and assess the obligations and responsibilities of the state institutions of the Republic of Kosovo in providing mental health services for persons over the age of 65. The analysis sought to shed light on key aspects related to the availability, accessibility, and quality of these services, in accordance with the Constitution of the Republic of Kosovo, the applicable legislation, and relevant international standards in the country. The report also aimed to identify existing challenges and present concrete recommendations for improving mental health services for this age group, ensuring equal and non-discriminatory access for all.

The Ombudsperson found that the age limit of 65 as a criterion for admission to residential institutions constituted a violation of the provisions of the Law on Social and Family Services, as well as the Law on Protection from Discrimination. Furthermore, the absence of the necessary secondary legislation for the implementation of the Law on Mental Health hindered its proper functioning and created room for discriminatory practices against persons over 65 in accessing services.

The Ombudsperson also observed that, in addition to the lack of new secondary legislation, the absence of clear criteria in existing acts, the repeal of secondary acts through government decisions without issuing new regulations, as well as the restriction of legally guaranteed

⁵ <https://oik-rks.org/en/2024/09/10/report-of-ombudsperson-ex-officio-no-601-2023-on-the-obligations-of-the-state-to-support-and-provide-mental-health-services-for-persons-over-the-age-of-65-in-the-republic-of-kosovo/>

rights through secondary legislation, were in direct conflict with the principles of the rule of law.

*Ex-officio No. 535/2019 on the implementation of special measures provided for in Article 6 [Special Measures] of Law No. 05/L-020 on Gender Equality, by legislative, executive, and judicial bodies at all levels, as well as by other public institutions in Kosovo.*⁶

The Ombudsperson, in the capacity of the equality body, through this report aimed to reflect the situation regarding gender representation in the institutions of the Republic of Kosovo, with a particular emphasis on high-level management and decision-making positions. It also sought to assess the implementation of Article 6 (Special Measures) of the Law on Gender Equality by the institutions of the Republic of Kosovo, in the context of obligations to undertake special measures to address inequality between men and women.

The collected data showed that high-level management positions continued to be significantly dominated by men, with 77.1%, while women were represented with only 22.9%. At the other two levels, women accounted for about 31% and men about 69%, which demonstrated a state administration dominated by the male gender, particularly at high decision-making levels. The data analysis also indicated that women from ethnic minority communities were even less represented compared to men. In this context, institutions at all levels had the obligation to ensure that the principles of the Law on Gender Equality were transposed and reflected in public policies, legislative initiatives, and sub-legal acts, with the aim of addressing gender inequalities.

*Ex-officio No. 224/2023 regarding the Amendment of Regulation (MFLT) No. 02/2023 on the Allowance for Labour Market Conditions*⁷

The Ombudsperson has found that certain provisions of MFLT Regulation No. 02/2023, specifically Article 4, paragraph 4.3, and Article 7, paragraph 2, points 2.1 and 2.2, create unequal treatment for civil service employees who have completed self-financed studies, domestically or abroad, without government support. The introduction of criteria related to studies funded by the Government is not based on any legal provision and exceeds the competence of a sub-legal act, placing this category of employees in a less favourable position. This treatment is considered direct and multiple discrimination, contrary to the Constitution, the Law on Protection from Discrimination, and relevant legislation on salaries, public officials, and higher education, as well as the standards of the European Convention on Human Rights.

Based on these findings, the Ombudsperson recommends that the MFLT undertake the necessary amendments to Regulation No. 02/2023 to ensure that its provisions are fully harmonized with the Constitution, with the applicable legislation, and with the principles of equal treatment and non-discrimination. Amending these provisions is essential to ensure that all civil service employees are treated fairly and equally, regardless of the source of funding for their studies or the institution where they completed them.

⁶ <https://oik-rks.org/en/2024/12/16/ombudsperson-report-ex-officio-535-2019-on-the-implementation-of-special-measures-provided-for-in-article-6-special-measures-of-law-no-05-l-020-on-gender-equality-by-legislative-executive-and-ju/>

⁷ <https://oik-rks.org/en/2024/09/12/report-of-ombudsperson-ex-officio-no-224-2023-regarding-the-amendment-of-regulation-mflt-no-02-2023-on-the-allowance-for-labour-market-conditions-2/>

Ombudsperson Report, Ex Officio No. 436/2023 regarding the respect for human rights during the process of recognition and verification of the status of victims of sexual violence during the Kosovo Liberation War and the obstacles to the realization of benefits provided by law⁸

In the report published on August 24, 2024, the Ombudsperson raises significant concerns regarding the process of verification and recognition of the status of victims of sexual violence during the war in Kosovo. The findings reveal that Regulation No. 22/2015 contains legal gaps that cause uncertainty and inconsistency in administrative procedures due to the lack of clear deadlines for decision-making and the use of unclear legal terms, such as “appeal” and “request for review.” Furthermore, the treatment of victims during interviews does not always guarantee dignified conditions, confidentiality, and protection from re-traumatization, reflecting infrastructural and organizational deficiencies that hinder equal access to justice and support.

To address these shortcomings, the Ombudsperson has issued a series of recommendations for the responsible institutions, including the Government, the Ministry of Internal Affairs, the Ministry of Finance, Labour, and Transfers, as well as the Kosovo Judicial Council. The recommendations include improving regulations and legal procedures, clearly defining timeframes, ensuring appropriate conditions for interviews that respect the dignity of victims, providing timely identification cards, and guaranteeing the necessary psycho-social support for reintegration. The report also welcomes positive developments in the criminal prosecution of sexual violence crimes, including the first indictments and the Supreme Court’s decision in a specific case for the conviction of a perpetrator of sexual violence during the war.

Reports with recommendations regarding individual cases

A. No. 540/2023 on gender-based discrimination in the selection process for the Deputy Director of Radio Television of Kosovo⁹

The report was based on an individual complaint and aimed to draw the attention of Radio Television of Kosovo (RTK) to the procedure for selecting the Deputy Director General, as well as the implementation of Law No. 05/L-020 on Gender Equality, in the context of equal gender representation in the competition held on November 22, 2022. The Ombudsperson assessed that the proper and fair process carried out by RTK in this case was called into question, as the matter had been returned to the same Selection Committee for review. This committee, according to the findings of the Complaints Commission, had made lapses that undermined the integrity of the recruitment process. It was also noted that the lack of clarity and transparency in internal employment regulations created negative consequences for the rights of candidates and employees. For this reason, the Ombudsperson emphasized that adherence to clear recruitment procedures is an essential prerequisite to ensuring a fair, impartial, and structured process.

Following the analysis, the Ombudsperson assessed that in this case the principle of gender equality had been violated, as among the four candidates subjected to the recruitment

⁸ <https://oik-rks.org/en/2024/10/31/report-of-ombudsperson-ex-officio-no-436-2023-on-the-respect-for-human-rights-in-the-recognition-and-verification-process-of-victims-of-sexual-violence-during-the-kosovo-liberation-war-and-the-obst/>

⁹ <https://oik-rks.org/en/2024/10/21/report-of-the-ombudsperson-a-no-540-2023-on-gender-based-discrimination-in-the-selection-process-for-the-deputy-director-of-radio-television-of-kosovo/>

procedures, the complainant was the only female candidate. This fact highlighted the necessity of more responsible implementation of legal provisions guaranteeing equal gender representation, with the aim of preventing discriminatory treatment and promoting effective equality in decision-making positions.

*R. No. 522/2024 on the Decision No. 43/III/2024 of the Ministry of Health, dated March 22, 2024, concerning the coverage of medical treatment for persons with the status of war disability of KLA*¹⁰

This report was prepared based on an individual complaint and aimed to draw the attention of the Ministry of Health regarding the implementation of Decision No. 01/194, dated March 20, 2024, on the coverage of medical treatment for persons with war disability status, issued by the Government of the Republic of Kosovo, in accordance with Article 6 of Law No. 04/L-054 on the Status and the Rights of Martyrs, invalids, Veterans, Members of Kosova Liberation Army, Civilian Victims of War and Their Families. The Ombudsperson reviewed the content and purpose of the decision and assessed the impact that this decision had on the rights of the different categories of persons with disability status.

The Ombudsperson found that Decision No. 43/III/2024, dated March 22, 2024, issued by the Ministry of Health, constituted a discriminatory approach, as it defined benefits only for persons with war disability status of the KLA, excluding the category of persons with civilian war disability status. This was in contradiction with the provisions of Article 6, paragraph 1.7, of Law No. 04/L-054, which guarantees the same benefits for both categories. In this context, the Ombudsperson concluded that the action had created unequal treatment and violated the principles of equality and non-discrimination.

*Ombudsperson Report A. No. 526/2023, R. No. 812/2024, and R. No. 867/2024 on the undertaking of appropriate actions toward the expansion of the Essential Medicines List, including new medicines that could significantly improve the health and quality of life of citizens suffering from serious illnesses*¹¹

The Ombudsperson also investigated three individual complaints alleging violations of rights due to the exclusion of certain medicines, which the complainants considered essential for their health and survival. Following the investigation of these cases, the Ombudsperson published a Report with recommendations regarding the undertaking of appropriate measures to expand the Essential Medicines List, including new medicines that could significantly improve the health and quality of life of citizens suffering from serious illnesses.

Opinions

*Opinion R.no. 50/2024 on the obligations of state bodies to act in accordance with the principles of the Law on Protection from Discrimination*¹²

¹⁰ <https://oik-rks.org/en/2025/12/09/ombudsperson-report-report-no-522-2024-related-to-decision-no-43-iii-2024-of-the-ministry-of-health-dated-march-22-2024-regarding-the-coverage-of-medical-treatment-of-persons-with-the-statu/>

¹¹ <https://oik-rks.org/2024/12/20/raport-i-avokatit-te-popullit-a-nr-526-2023-r-nr-812-2024-dhe-r-nr-867-2024-ne-lidhje-me-ndermarrjen-e-veprimeve-perkatese-ne-drejtim-te-zgjerimit-te-listes-se-barnave-esenciale-duke-perfshire-ba/>

¹² <https://oik-rks.org/en/2024/12/05/ombudsperson-opinion-r-50-2024-on-the-obligations-of-state-bodies-to-act-in-accordance-with-the-principles-of-the-law-on-protection-from-discrimination/>

The Ombudsperson assessed that the decision to terminate the employment of the complainant, chairperson of the Board of the Independent Commission for Mines and Minerals (ICMM), was made by an incompetent body and unlawfully, in violation of the Law on General Administrative Procedure (Articles 4 and 52). Furthermore, from reviewing previous practices of the ICMM, it appears that a similar case involving a male board member who reached retirement age during his mandate did not result in termination, indicating unequal treatment and multiple discrimination against the complainant, according to the Law on Protection from Discrimination (Article 4, paragraph 1, subparagraph 1.10). This approach undermines the principles of legality and equality, placing the complainant in a less favourable position and violating her right to equal treatment.

The Ombudsperson recommended that the ICMM review its practices so that administrative decisions are made only by competent bodies and fully in accordance with the principles of the Law on Protection from Discrimination, ensuring equal treatment for all board members, regardless of gender or age. The institution also emphasized the need for regular enforcement of the legislation in force to prevent any form of direct or indirect discrimination and reaffirmed its commitment to protect human rights and the principle of equal treatment in public institutions.

Legal opinion of the Ombudsperson in the capacity of Friend of the Court (Amicus Curiae) for the Prishtina Basic Court, R. no. 175/2024, regarding discrimination and violation of the dignity of members of the LGBTIQ+ community, as well as the lawsuit C. no. 2993/2024 filed on March 1, 2024, before the Basic Court in Prishtina¹³

The Ombudsperson received a complaint from several civil society organizations against the Assembly of the Republic of Kosovo regarding discrimination and violation of the dignity of LGBTIQ+ persons during the plenary session held on March 16, 2022. On the same day, the organizations also filed a lawsuit (C. no. 2993/2024) with the Basic Court in Prishtina, and the Ombudsperson, after analysing the circumstances, decided to submit its opinion to this court in the capacity of Friend of the Court (*amicus curiae*).

The Ombudsperson found that the statements made by the deputies during the debate on Article 1138, paragraph 2 of the Civil Draft Code (No. 08/L-124) were discriminatory and violated the dignity of LGBTIQ+ persons, creating a humiliating and offensive environment. It was emphasized that freedom of speech and expression cannot be used as a justification for hate speech, for promoting prejudice, or for creating a hostile environment for a particular group of people. The Ombudsperson also highlighted the special responsibility of representatives of the people and public authorities to avoid supporting stereotypes and prejudices, and to promote tolerance and respect for everyone's rights without discrimination. Based on this assessment and the practice of the European Court of Human Rights (ECtHR), the deputies' statements were evaluated as hate speech against the LGBTIQ+ community and as an act that created a discriminatory environment in the Assembly.

¹³ <https://oik-rks.org/en/2024/12/05/legal-opinion-of-the-ombudsperson-in-the-capacity-of-friend-of-the-court-amicus-curiae-for-the-basic-court-in-prishtina-r-no-175-2024/>

Opinion R. no. 151/2024 on the obligations of the University of Prishtina “Hasan Prishtina” to act in compliance with the principles of the Law on Protection from Discrimination¹⁴

This opinion was prepared by the Ombudsperson with the aim of providing a position regarding the obligations of the University of Prishtina “Hasan Prishtina” (UP) to act, in the exercise of its duties and responsibilities, in accordance with the principles of the Law on Protection from Discrimination and the applicable legislation in force. The opinion was based on a complaint submitted against UP, concerning an allegation of violation of the right to work and the exercise of the profession, as well as unequal treatment and discrimination in the process of establishing an employment relationship. The Ombudsperson assessed that, considering the fact that the complainant had not been and was not employed at UP and was not a student, the Rector’s request addressed to the Ethics Council constituted a breach of the procedures established under Regulation No. 886. This assessment was supported by the provisions of UP’s Code of Ethics, which under Article 3 defined its scope of application and applied only to employed academic staff, thereby excluding candidates participating in academic staff recruitment procedures.

The Ombudsperson further assessed that Regulation No. 886 did not contain provisions regulating issues of credibility or integrity for candidates who were not employed at UP, and that such an assessment was carried out through the submission of a certificate issued by the competent court confirming that the candidate was not under investigation and had no criminal conviction, as required under the conditions of Vacancy Notice No. 1/331 of May 31, 2023. The actions of the Rector, the decision of the Ethics Council, and the final decision of the Senate placed the complainant in an unequal position and constituted discrimination under Article 1 of Law No. 05/L-021 on Protection from Discrimination, violating the right to equal treatment and breaching the principle of non-discrimination on the basis of status, origin, or other legally protected grounds.

Opinion A. no. 295/2022 on the allegation of violation of the freedom of association and the exercise of trade union activity, as well as discrimination on the grounds of trade union engagement¹⁵

This opinion reflected the positions of the Ombudsperson regarding the violation of the freedom of association and the organization of trade union activity of the employees of Limak Kosovo International Airport J.S.C. “Adem Jashari” (PIA). The Ombudsperson had assessed that the responsible institutions should have paid proper attention to overseeing the full respect of the provisions of the Law on Labour and the Law on Organizing Trade Union in Kosovo, with the aim of protecting the rights arising from the employment relationship and the organization of trade union activity of the workers of the Pristina International Airport “Adem Jashari”.

He emphasized that the authorities needed to undertake the necessary measures to guarantee the exercise of trade union activity by the Chairperson of the PIA Trade Union Association and by the airport workers, without any influence on unequal treatment in comparison to

¹⁴ <https://oik-rks.org/en/2024/12/16/ombudsperson-opinion-r-no-151-2024-on-the-obligations-of-the-university-of-prishtina-hasan-prishtina-to-act-in-compliance-with-the-principles-of-the-law-on-protection-from-discrimi/>

¹⁵ <https://oik-rks.org/2024/05/14/opinion-i-avokatit-te-popullit-a-nr-2952022-perkitazi-me-pretendimin-per-cenim-te-lirise-se-asociimit-dhe-ushtirimit-te-aktivitetit-sindikal-si-dhe-diskriminimin-per-shkak-te-angazhimit-sindikal/>

workers who were not members of the union. Likewise, the Ombudsperson considered it necessary to find modalities for communication and permission for the exercise of trade union activity in the spaces reserved for the Union by the Pristina International Airport “Adem Jashari”.

Constitutional Referrals

Referral to the Constitutional Court for the assessment of Law No. 08/L-228 on General Elections

The Ombudsperson assessed that Article 28 of the Law on General Elections, which sets a gender quota of at least 30%, does not ensure genuine equality for women on electoral lists. The approval of this law through an expedited procedure limited the opportunity for the full participation of the Ombudsperson and other interested parties in the process of discussing and providing comments on issues of gender equality. Although the 30% quota appears equal at first glance, in practice political entities have met this minimum by submitting lists with 30% women and 70% men, often with women placed lower on the list, thereby maintaining a continuous situation of underrepresentation of women. The Ombudsperson emphasized that this situation constitutes inequality and indirect discrimination, and requested the Constitutional Court to assess the compliance of Article 28 with Articles 7, 24, and 45 of the Constitution, relating to constitutional values, equality before the law, and gender equality.

On December 27, 2024, the Constitutional Court, through Judgment KO 15/24, decided that Article 28 is in compliance with Article 45 of the Constitution. However, the Court did not address the compliance of Article 28 with Article 7 and Article 24, leaving the issue of gender equality incomplete. The Ombudsperson highlights that the 30% quota does not promote equal participation of women and men in practice and reaffirms his request for a legal mechanism that guarantees equal representation on electoral lists. The Institution will continue to actively engage in promoting gender equality, seeking legal and procedural standards that prevent the underrepresentation of women and ensure fair treatment for all candidates.

Request for the assessment of the constitutionality of Article 8A, paragraph 2, subparagraph 2.4, of Law No. 08/L-248 on Amending and Supplementing Law No. 04/L-131 on State-Funded Pension Schemes

The Ombudsperson submitted this constitutional request concerning Law No. 08/L-248 on Amending and Supplementing Law No. 04/L-131 Pension Schemes Financed by the State. The purpose of the request is for the Constitutional Court to assess the constitutionality of Article 4 of the contested law, taking into account the principles of equality before the law and the prohibition of discrimination, and to determine whether this article complies with the constitutional provisions and international standards for the protection of human rights.

The Ombudsperson requested a finding that the provisions of Law No. 08/L-248 amending and supplementing Law No. 04/L-131 are in contradiction with Articles 23 (Human Dignity) and 24 (Equality before the Law) of the Constitution of the Republic of Kosovo, as well as Articles 14 and 1 of Protocol No. 12 of the European Court of Human Rights (ECHR), because a requirement of 15 years of work experience as a condition for a contributory pension - specifically for the period 1989–1999 - unfairly excludes workers who, due to dismissals during the conflict years, were unable to fulfil those contribution years.

The Constitutional Court of the Republic of Kosovo, after reviewing the case, unanimously decided that Article 4 of the contested law, which adds Article 8A to the basic law on pension schemes, is not in contradiction with Article 24 of the Constitution (equality before the law) and the provisions on non-discrimination under the ECHR. The Court assessed that the legislative amendment adequately addressed the situation of groups dismissed from work for discriminatory reasons during the years 1989-1999, by creating a new scheme “partial age-based contributory pension” which enables the inclusion of those individuals even in cases where they do not meet the requirement of 15 years of work experience, as long as the dismissal during that period is demonstrated.

Promotional activities related to equality

The Ombudsperson has carried out and engaged in a range of activities aimed at guaranteeing equality before the law and protection from discrimination. A significant portion of these activities has been conducted in cooperation with domestic institutions, international organizations, and civil society organizations. This includes the project on “Improving Language Rights,” joint activities with the Office of the Language Commissioner regarding the level of implementation of the Law on the Use of Languages, meetings of the Gender Equality Working Group, the webinar “Equality Bodies Promoting the Rights of Rainbow Families,” participation in workshops and other events concerning the rights of persons with disabilities, the administrative burden of non-majority communities, etc. Furthermore, during the reporting period, study visits abroad were carried out, media appearances were made on topics related to equality before the law, as well as other activities promoting equality before the law and non-discrimination.

V. FINDINGS OF THE OMBUDSPERSON IN THE OVERSIGHT ROLE ON THE IMPLEMENTATION OF THE LAW ON PROTECTION FROM DISCRIMINATION

Collection of data related to the Law on Protection from Discrimination

In the Ombudsperson’s Report on the implementation of the Law on Protection from Discrimination (LPD), submitted to the Assembly on December 11, 2024, it was found that, in general, institutions in the Republic of Kosovo do not maintain data concerning complaints and cases of discrimination.

To prepare this Report, during the period June - August 2025, the Ombudsperson requested both qualitative and quantitative information regarding the implementation of the LPD from 93 institutions, bodies, and authorities. The requests were sent through separate official letters that included the necessary explanations and specific questions, tailored to the nature of the institution or organization addressed.

Requests for information were sent to the following institutions:

The Assembly of Kosovo, the Office of the President, the Office of the Prime Minister, all Ministries, the Judicial Council, the Prosecutorial Council, the Constitutional Court, the Kosovo Police, the Labour Inspectorate, the Health Inspectorate, the Central Inspectorate of Education, the Parliamentary Commissioner for the Kosovo Security Force, and all Municipalities.

Requests were also sent to independent institutions and agencies: the Central Bank of Kosovo, the National Audit Office, the Independent Media Commission, the Central Election Commission, Kosovo Customs, the Independent Oversight Board for the Civil Service, the

Kosovo Council for Cultural Heritage, Radio Television of Kosovo, the Competition Authority, the Free Legal Aid Agency, the Anti-Corruption Agency, the Kosovo Property Comparison and Verification Agency, the Kosovo Privatization Agency, the Information and Privacy Agency, the Kosovo Agency of Statistics, the Environmental Protection Agency, the Procurement Review Body, the Kosovo Pension Savings Trust. Requests were also addressed to public higher education institutions.

Responses received by the Ombudsperson

Out of the 93 institutions and bodies contacted, 50 responded, while 43 did not. Below is a summarized presentation of the responses received, according to the specific questions raised by the Ombudsperson Institution.

Assembly of the Republic of Kosovo

The Assembly replied and stated that, although there is no specific mechanism for reporting discrimination cases, complaints may be addressed through the Directorate for Human Resource Management. According to the information provided, during the reporting year no discrimination cases were filed, either internally or through judicial or administrative procedures. The Assembly maintains records of complaints when they are submitted; however, the official website currently does not include information on how to submit a complaint to the Ombudsperson.

Office of the President

The Office of the President did not respond to the questions submitted. Consequently, there is no information regarding the existence of mechanisms, reported cases, or the functionality of official websites in relation to procedures for submitting discrimination complaints.

Office of the Prime Minister and its internal units

The Office of the Prime Minister confirmed the existence of mechanisms for handling discrimination-related issues but did not provide detailed information on cases. Meanwhile, the Office for Good Governance has a consolidated mechanism and reported handling 18 cases during 2024. Similarly, the Office of the Language Commissioner has functional mechanisms and handled 16 complaints in 2024, also issuing *ex-officio* recommendations. However, none of these offices provide sufficient information on their websites, particularly regarding the submission of complaints to the Ombudsperson.

Ministries

Of the 15 ministries, 11¹⁶ provided responses while 4¹⁷ did not. Most responding ministries confirmed that they had no reported cases of discrimination, though some highlighted the existence of general complaint mechanisms or internal commissions for their review, such as in the cases of the Ministry of Education, Science, Technology and Innovation (MESTI) and the MIA. Some ministries, such as MIET and MRD, although lacking specific mechanisms or

¹⁶ The Ministry of Education, Science, Technology and Innovation (MESTI), the Ministry of Industry, Entrepreneurship and Trade (MIET), the Ministry of Rural Development (MRD), the Ministry of Internal Affairs (MIA), the Ministry of Defence (MD), the Ministry of Agriculture, Forestry and Rural Development (MAFRD), the Ministry for Communities and Returns (MCR), the Ministry of Justice (MoJ), the Ministry of Finance, Labour and Transfers (MFLT), the Ministry of Environment, Spatial Planning and Infrastructure (MESPI), the Ministry of Health (MoH)

¹⁷ The Ministry of Culture, Youth and Sports (MCYS), the Ministry of Local Government Administration (MLGA), the Ministry of Economy (ME), the Ministry of Foreign Affairs and Diaspora (MFAD)

documented cases, expressed willingness to address raised issues as per the Ombudsperson's recommendations.

Meanwhile, some ministries, for example, the Ministry of Health, reported 40 requests for access to public documents and 172 complaints related to discrimination in the specialization training competition. On the other hand, four ministries (MCYS, MLGA, ME, MFAD) did not respond at all, leaving a gap in assessing their practices concerning handling discrimination complaints and institutional transparency.

Municipalities

Out of 38 municipalities, only 15¹⁸ responded to the request of the Ombudsperson, while 23¹⁹ did not respond. From the municipalities that did respond, it results that:

Municipalities such as Obiliq, Drenas, Gračanica, Gjilan, Ferizaj, Mamusha, Podujeva, Lipjan, Shtime, Hani i Elezit, Rahovec, Vushtrri, and Istog report that they have certain mechanisms for handling cases of discrimination, mainly through human rights or gender equality units.

In almost all municipalities that responded, no cases of discrimination were reported for the year 2024.

Only the Municipality of Shtime reported one case initiated in court, while Istog reported one case identified through community platforms.

The recording of complaints is present in some municipalities but is missing or incomplete in others.

The official websites of the municipalities often lack dedicated content regarding the right to file complaints with the Ombudsperson, although some municipalities have taken this as a recommendation and are in the process of improvement.

Kosovo Judicial Council

The KJC responded to the request but did not provide information regarding the existence of mechanisms or internal procedures for reporting discrimination cases, either from within or from third parties. However, it did provide data on three court cases related to discrimination, which were handled by the Basic Court of Prizren and its branch in Suhareka, all of which concluded with first-instance judgments.²⁰

Kosovo Prosecutorial Council

The KPC responded but did not provide information on whether it has mechanisms or internal procedures for reporting discrimination cases, either within the institution or from third parties. Likewise, regarding questions about the number of criminal reports and proceedings based on Article 190 of the Criminal Code, the KPC did not provide any data. On the other hand, the KPC provided detailed data on cases based on Article 141 of the Criminal Code (Incitement of discord and intolerance) for the years 2022, 2023, and 2024. These data include the number of cases received, resolved, unresolved, methods of resolution,

¹⁸ Municipalities of Obiliq, Drenas, Gračanica, Gjilan, Mitrovica, Ferizaj, Mamusha, Junik, Podujevë, Lipjan, Shtime, Hani i Elezit, Vushtrri, Rahovec, Istog.

¹⁹ Municipalities of Kaçanik, Deçan, Fushë Kosovë, Gjakovë, Kamenicë, Klinë, Leposaviq, Malishevë, North Mitrovica, Pejë, Prishtinë, Prizren, Skenderaj, Suharekë, Viti, Zubin Potok, Zveçan, Novobërdë, Ranillug, Shtërpçë, Klllokot, Partesh, Dragash.

²⁰ June 13, 2024 (C. no. 912/2023), December 5, 2023 (C. no. 1722/20236), and June 25, 2024 (C. no. 487/22).

and court decisions. Each year included cases with guilty verdicts, dismissed reports, indictments after investigations, and terminated investigations, showing that the institution regularly compiles and processes statistical bulletins for this article.

Kosovo Police

The Kosovo Police has an organized structure for handling human rights and anti-discrimination issues, through the Office for Human Rights and Diversity and a working group for the establishment of the Commissioner for Human Rights Office. Although there is no formal publicly published mechanism for reporting discrimination, these structures handle requests, ex officio reports, and recommendations from the Ombudsperson. The Police also cooperate with the Office for Good Governance and engage officers in working groups to provide professional input in addressing discrimination issues.

Regarding specific cases in 2024, two suspected cases of discriminatory actions were received, one of which was confirmed and resulted in a disciplinary measure of a 30% salary suspension for 2 months. For sexual harassment cases, nine files were received, one confirmed, resulting in a 30% salary suspension for 6 months. The Police also handled other cases related to hate and discrimination, including 44 cases of incitement of division, 2,547 cases of domestic violence, and 101 cases of sexual harassment. In addition to handling specific cases, the Police conducted continuous staff training and developed guidelines and standard procedures for addressing hate crimes and ensuring equal access for persons with disabilities.

Inspectorates

Only the Kosovo Police Inspectorate responded. It processes all complaints in a unified manner without a special mechanism for discrimination. Documentation is maintained according to case management regulations. Its website is being redesigned to include legal requirements. Other inspectorates did not respond.²¹

Independent institutions

The Constitutional Court reported several decisions²² where violations of Article 24 of the Constitution on equality before the law were found. All decisions are public.

The National Audit Office has ethics mechanisms and record-keeping but has not registered any discrimination cases. It maintains a separate complaints registry.

The Central Election Commission has no special mechanisms, no cases, and no information on its website.

The Central Bank of Kosovo has complaint structures but reported no cases, and its website does not contain information on discrimination complaint procedures.

The Parliamentary Commissioner for the Kosovo Security Forces reported no cases of discrimination.

The Independent Media Commission did not respond.

Agencies and regulatory authorities

²¹ The Labor Inspectorate, the Health Inspectorate, and the Central Education Inspectorate did not provide responses

²² KO232/23, KO233/23, KO79/23, KO100/22 and KO101/22, KO190/10

Most agencies have provided responses²³ while three did not respond.²⁴ However, despite the responses, the majority do not have mechanisms for reporting cases of discrimination, have not received such complaints, and do not provide clear information on their official websites, especially regarding how to submit complaints to the Ombudsperson.

Kosovo Customs

Customs has mechanisms for receiving complaints through digital platforms such as the e-portal, mobile applications, and confidential hotlines. No cases of discrimination have been reported. All complaints are registered in the official protocol. Their website contains information on complaint procedures to the Ombudsperson.

Radio Television of Kosovo

RTK has reported that it does not have specific mechanisms for handling discrimination complaints, its official website does not contain information on submitting complaints to the Ombudsperson, and there is one pending discrimination lawsuit.

Public universities and academies

Universities that responded²⁵ reported that they do not have specific mechanisms, have no reported cases of discrimination, do not maintain separate registries, but do keep official protocols. Their websites do not contain information, although the institutions have committed to improving this. Other universities did not provide responses.²⁶

VI. FINDINGS OF THE OMBUDSPERSON REGARDING DISCRIMINATION

The Ombudsperson presents findings from investigations of complaints received and *ex-officio* cases, as well as findings related to the implementation of LPD by public institutions.

Findings regarding investigated cases of discrimination by the Ombudsperson

The findings of the Ombudsperson show that discrimination in Kosovo remains present and widespread in various areas of social life.

Age-based discrimination often appears in multiple forms, especially affecting older persons who face limitations in healthcare services, social care, and adequate support for their well-being. In employment, lack of transparency in recruitment processes and unequal treatment of applicants are ongoing problems that hinder equal opportunities. Gender inequality is also visible in leadership positions, where men dominate prominently, while women face obstacles in reaching decision-making roles. Gender discrimination is also observed in property and inheritance rights, where social norms and lack of information limit women in exercising these rights. Another concerning form of discrimination is ethnic, particularly in

²³ The Competition Authority, the Kosovo Agency of Statistics, the Agency for Information and Privacy, the Kosovo Privatization Agency, the Kosovo Property Comparison and Verification Agency, the Agency for the Prevention of Corruption, and the Independent Oversight Council for the Civil Service

²⁴ The Cultural Heritage Agency and the Public Procurement Review Body, the Pension Savings Trust

²⁵ The University of Gjakova “Fehmi Agani,” the University of Applied Sciences, the Kosovo Academy for Public Safety

²⁶ The University of Prishtina “Hasan Prishtina,” the University of Peja “Haxhi Zeka,” the University of Mitrovica “Isa Boletini,” the University of Gjilan “Kadri Zeka,” and the University of Prizren “Ukshin Hoti.”

public sector employment, where minority communities continue to be underrepresented in public institutions.

Apart from evaluating normative acts and issuing legal opinions, the Ombudsperson has addressed various cases and published reports with recommendations regarding discrimination, based on individual complaints and by monitoring the implementation of their recommendations and opinions. It has been noted that in Kosovo there are practices and provisions that create unequal and discriminatory treatment in various areas of public administration, legislation, and state services.

In the field of employment and public services, the Ombudsperson has found that some legal and sub-legal provisions favour certain groups of employees, placing others in less favourable positions and violating the principles of equality and non-discrimination. Cases of unlawful termination of employment relationships, unequal treatment of women, and exclusion of persons with special status, including employees with disabilities and persons with disabilities, have been identified. The Ombudsperson has emphasized the need to harmonize legal provisions and administrative procedures with the Constitution and international standards.

Persons with disabilities face multiple barriers in accessing public spaces, employment opportunities, and healthcare benefits, including the need for reassessment of the status of paraplegic and tetraplegic persons, improvements in curricula for the deaf, and adequate medical care, including for persons with the status of war invalids of the KLA.

Regarding health, deficiencies have been noted in ensuring essential medicines and the lack of a Health Information System, limiting citizens' access to necessary services. The Ombudsperson has also evaluated that freedom of belief and religious practice are not equally respected, highlighting the lack of legal recognition for some religious communities and instances of discrimination, including school exclusions due to religious expression.

Gender equality continues to be challenged by disparities in employment, representation in decision-making positions, and property and inheritance rights for women. Ethnic affiliation remains subject to discrimination due to lack of equal representation in the public sector and the presence of interethnic incidents. LGBTIQ+ persons face violations of dignity and hate speech in public discourse, requiring authorities to take measures to protect and guarantee their rights.

The Ombudsperson has also emphasized the need to protect women who are victims of violence, including sexual violence during the war, and to prevent any other form of discrimination. Overall, the findings indicate the existence of systematic barriers and discriminatory practices in many areas, highlighting the necessity for legal and administrative interventions to ensure equality, fair treatment, and equal access for all citizens.

Findings of the Ombudsperson regarding the implementation of the LPD by public institutions

Before presenting the specific findings and concrete recommendations of the Report, it should be emphasized that, compared to last year's report, this Report is based on a larger amount of data collected from all institutional levels of the Republic of Kosovo. Nevertheless, the lack of complete inter-institutional data on discrimination cases at the national level remains the main challenge in monitoring the implementation of the LPD.

Functioning of anti-discrimination mechanisms - As for the establishment of mechanisms for protection against discrimination by institutions that responded to the Ombudsperson's requests, it is observed that a considerable number have established mechanisms for reporting discrimination cases. Some institutions have not set up specific mechanisms for protection against discrimination, but complaints are addressed through commissions, civil service procedures, or designated officers. Other institutions are in the process of creating mechanisms for protection against discrimination.

Reported discrimination cases - Concrete cases reported during 2024 are rare. The Kosovo Police handled two cases of discriminatory actions and nine cases of sexual harassment, some of which resulted in disciplinary measures. Some ministries, such as the Ministry of Health, reported complaints of discrimination in certain procedures, while some municipalities (e.g., Istog and Shtime) reported one or two specific cases. Courts documented three cases handled by the Basic Court of Prizren and its branch in Suharekë, concluded with first-instance judgments. Most other institutions did not report discrimination cases.

Recording of discrimination cases - Many institutions reported that they do not maintain separate registers for discrimination cases/complaints. Municipalities such as Drenas, Gjilan, Ferizaj, Lipjan, Istog, and some ministries declared that they maintain registers. Some institutions considered the Ombudsperson's request for information as a recommendation and emphasized plans to create registers for discrimination cases in the future.

Information on official websites regarding reporting discrimination cases to the Ombudsperson - Many institutions reported that they have not yet published information on their official websites about the possibility of submitting complaints to the Ombudsperson regarding discrimination cases, as required by the LPD. Some municipalities (Drenas, Gjilan, Mamushë, Istog, Ferizaj) have included or are in the process of including this information. The Kosovo Police and some agencies are redesigning their websites to incorporate these elements.

Institutional perception and approach to obligations under the Law on Protection from Discrimination - Some ministries and municipalities see the LPD as part of institutional integrity (as reflected in responses from MESTI and the municipalities of Ferizaj and Istog). Some institutions address discrimination only formally, stating that there were no complaints of discrimination and lacking clear mechanisms for protection. They recognize, however, the legal obligation to create such mechanisms in the future. A significant portion of institutions did not respond at all or stated that they have no mechanisms for protection against discrimination, indicating a lack of commitment to fulfilling obligations under the LPD.

Overall, the situation shows that while some institutions have functional structures and procedures for protection against discrimination, the lack of standardized registers, public information, and a fragmented approach to the LPD reflects the need for coordinated and unified improvements at the national level to ensure effective implementation and transparency in protection against discrimination.

Implementation of the recommendations from the Ombudsperson's 2023 Report

The Annual Report on the implementation of the LPD for 2023 highlighted deficiencies and gaps in the institutional structure, which hinder systematic monitoring of the law's implementation. The report recommended that all institutions obligated to implement the LPD provide training to their personnel to familiarize them with the law's content and their

responsibilities. Public institution employees should be aware of the Ombudsperson's role in overseeing the law's implementation, and institutions should demonstrate willingness to cooperate during this process. One of the main deficiencies identified was the lack of an organized system for collecting data on discrimination cases. Last year's report recommended that institutions establish a sustainable system for collecting and classifying such data, including information separated by the main bases and forms of discrimination, which would allow more effective monitoring by the Ombudsperson. The report also emphasized the need to complete the appointments of officers and the operationalization of anti-discrimination units in ministries and municipalities within 12 months. Personnel must also be trained in data collection to enable monitoring of the implementation of the Law on Protection from Discrimination.

From the data and information of the Ombudsperson, it appears that most recommendations from last year's report have not been addressed, including establishing a system for recording and maintaining data on discrimination in the relevant institutions, completing the institutional structure, and training personnel responsible for protection against discrimination in institutions.

It should be noted that last year's recommendation to increase cooperation of other institutions with the Ombudsperson regarding monitoring the implementation of the LPD has been addressed in the new draft of this law, which is part of the legislative agenda of the Assembly of the Republic of Kosovo in 2026.

VII. RECOMMENDATIONS

- All institutions with specific obligations under the Law on Protection from Discrimination (LPD) should develop an action plan for implementing the Ombudsperson's recommendations, as presented in the annual reports submitted to the Assembly of the Republic of Kosovo.
- During the process of amending and supplementing the Law on Protection from Discrimination, mechanisms for the law's implementation, competencies, and responsibilities should be clearly defined, separating mechanisms for promotion and awareness-raising from protective mechanisms that can receive or process complaints, including administrative and judicial complaints.
- All public authorities, including central and local institutions and independent agencies, should operationalize units for protection against discrimination or promptly appoint officials responsible for discrimination protection, standardize the description of their job duties in accordance with the applicable legislation, and maintain records of cases related to claims of discrimination.
- The role of the Office for Good Governance (OGG) in promoting and coordinating the implementation of the Law on Protection from Discrimination should be clarified within its legal competencies.
- Training should be organized for the staff of units or officials responsible for discrimination protection regarding the understanding and implementation of the Law on Protection from Discrimination, as well as the Ombudsperson's supervisory role.

- Courts and basic prosecution offices should maintain separate data, registers, and records for discrimination cases, integrate them into CMIS, and modify the classification system so that discrimination cases are distinguished from other cases.
- Public institutions should ensure clear publication on their official websites of procedures for submitting complaints to the Ombudsperson and undertake initiatives for public promotion and awareness-raising in the field of discrimination.