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Institucioni i Avokatit të Popullit • Institucija Ombudsmana • Ombudsperson Institution

## REPORT

### OF

### OMBUDSPERSON

### R. no. 637/2024 and R. no. 725/2024

on

*the amendment of Internal Regulation No. 11-2024 on the Appointment of the Director of the  
Secretariat of the Central Election Commission*

To:

Mr. Kreshnik Radoniqi, Chairman  
Central Election Commission

Prishtina, November 25, 2025

## Purpose of the Report

1. The purpose of this report is to recommend to the Central Election Commission (hereinafter: CEC) the amendment of Internal Regulation No. 11/2024 on the Appointment of the Director of the CEC Secretariat, with the aim of harmonizing the additional specific criteria set out in Article 5, paragraph 2.1, with the fundamental principles and competencies deriving from the Constitution of the Republic of Kosovo and Law No. 05/L-021 on Protection from Discrimination.

## Legal Basis and Competences of the Ombudsperson

2. In accordance with the Constitution of the Republic of Kosovo (hereinafter: the Constitution):
  - *“The Ombudsperson monitors, defends and protects the rights and freedoms of individuals from unlawful or improper acts or failures to act of public authorities.”* (Article 132, paragraph 1 of the Constitution).
  - *“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.”* (Article 135, paragraph 3 of the Constitution).
3. Likewise, Law No. 05/L-019 on the Ombudsperson stipulates that the Ombudsperson has, *inter alia*, the following competences and responsibilities:
  - *“The Ombudsperson has the power to investigate, either to respond to complaint filed or on its own initiative (ex officio), if from findings, testimonies and evidence presented by submission or by knowledge gained in any other way, there is a base resulting that the authorities have violated human rights and freedoms stipulated by the Constitution, laws and other acts, as well as international instruments on human rights.”* (Article 16, paragraph 4).
  - *“Publishes reports and makes recommendations on policies and practices on combating discrimination and promoting equality.”* (Article 16, paragraph 15).
  - *“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, item 1.2).
  - *“to make recommendations to the Government, the Assembly and other competent institutions of the Republic of Kosovo on matters relating to promotion and protection of human rights and freedoms, equality and non-discrimination;”* (Article 18, paragraph 1, item 1.5).
4. *“to publish notifications, opinions, recommendations, proposals and his/her own reports;”* (Article 18, paragraph 1, item 1.6.).
- *“to recommend promulgation of new Laws in the Assembly, amendments of the Laws in force and promulgation or amendment of administrative and sub-legal acts by the institutions of the Republic of Kosovo;”* (Article 18, paragraph 1, item 1.7).
4. Similarly, Law No. 05/L-021 on Protection from Discrimination stipulates that the Ombudsperson, *inter alia*, also has the following competences:

- “[...] *The Ombudsperson shall handle cases related to discrimination under the relevant Law on Ombudsperson.*” (Article 9, paragraph 1 of Law on Protection from Discrimination).
- “*the Ombudsperson shall have an authority to investigate or act on any claim filed or with self-initiative (ex-officio) when there is reason to suspect that there has been discrimination by public entities;*” (Article 9, paragraph 2, item 2.3).
- “*informs the public about cases of discrimination and undertakes measures to promote equality, human rights and non-discrimination;*” (Article 9, paragraph 2, item 5).
- “*provides advices, guidance and support to subjects of public and ... sector, on best practices ... combating discrimination ... and shall provide recommendations to take measures to promote equality, adapting to diversity and /or combating discrimination;*” (Article 9, paragraph 2, item 7).

## Facts and Circumstances of the Case

5. Pursuant to Article 16.1 of Law No. 05/L-019 on the Ombudsperson, the Institution of the Ombudsperson received two separate complaints, submitted by [REDACTED] [REDACTED] lodged against the CEC, alleging discriminatory criteria established by the competition announced on June 24, 2024 for the position of Director of the Secretariat of the CEC.
6. According to the complainants' allegations, it appears that this competition was announced in violation of Law No. 08/L-197 on Civil Servants, since, in addition to other criteria, it also sets a specific requirement for potential candidates - “*Special formal qualifications*”, which requires a “*Copy of proof certifying knowledge of the English language at level B2, evidenced by a TOEFL or IELTS certificate*”.
7. From the complaints, it follows that the mandatory criterion contested by the complainants in the aforementioned competition was established on the basis of Article 5, paragraph 2, of Regulation No. 11/2024 on the Appointment of the Director of the Secretariat of the CEC. According to their claims, this criterion constitutes unequal and discriminatory treatment of potential candidates who hold other certificates proving knowledge of the English language at the required level, or who demonstrate that the candidate exceeds this level of proficiency. For these reasons, the complainants addressed the Ombudsperson.
8. Taking into account that anti-discrimination legislation provides for the principle of equality without any form of discrimination and that all persons are equal and enjoy equal legal status and protection, regardless of personal characteristics, the criterion that limits proof of knowledge of the English language at the level required for the position of “Director of the Secretariat of the CEC” exclusively to two specific certificates, TOEFL and IELTS, remains questionable.
9. In order to assess the impact of the provision in question from the perspective of anti-discrimination legislation in the recruitment process for the highest managerial positions of the CEC, on September 3, 2024 the Ombudsperson addressed the CEC by letter, requesting the submission of arguments justifying and substantiating the proportionality of the legitimate aim that the CEC had in mind when determining the mandatory criteria

and the limitation provided for in Article 5, paragraph 2, of Regulation No. 11/2024 on the Appointment of the Director of the Secretariat of the CEC.

10. As no explanation was received in response to this request, on December 2, 2024 the Ombudsperson once again submitted a request to the CEC.
11. On December 16, 2024, the Ombudsperson received a clarification from the CEC regarding the matter under review, in which, *inter alia*, it is stated in the relevant part that, pursuant to Article 139 of the Constitution of the Republic of Kosovo, Article 66, paragraph 2, and Article 127, paragraph 2, of Law No. 08/L-228 on General Elections in the Republic of Kosovo, on January 18, 2024 the CEC adopted Internal Regulation No. 07/2024 on Internal Organization and Systematization of Jobs in the CEC, which provides for job positions, including, in this case, the position of Director of the Secretariat. Therefore, the CEC, based on Article 139 of the Constitution of the Republic of Kosovo, Articles 47, paragraph 13, 48, paragraph 9, and 49, paragraph 15, of Law No. 08/L-197 on Public Officials, as well as Article 66, paragraph 2, of Law No. 08/L-228 on General Elections in the Republic of Kosovo, at Meeting No. 06/2024 held on January 29, 2024, by Decision No. 01/90-2024, adopted Internal Regulation No. 11/2024 on the Appointment of the Director of the Secretariat of the CEC.
12. Furthermore, in its response, explaining the matter under review, the CEC states in the relevant part: *[...] Paragraph 2.1 of Article 5 of Internal Regulation No. 11/2024 on the Appointment of the Director of the Secretariat of the CEC, in addition to the conditions and criteria and the framework of competencies under paragraph 1 of this Article for the position of Director of the Secretariat of the CEC, also requires the following additional specific criteria: English language, level B2, proven by a TOEFL or IELTS certificate. The position of Director of the Secretariat of the CEC is a high-level managerial position for which communication is an essential criterion, both verbal and written, within and outside the institution, using different methods for different audiences. In this case, the Director of the Secretariat of the CEC has the obligation of continuous communication and implementation of agreements with international organizations dealing with elections, where the CEC of the Republic of Kosovo is a full member, such as: member of the General Assembly with full rights and member of the Executive Board of the Association of World Election Bodies (A-WEB) and the Francophone Network of Electoral Management Bodies (RECEF), where participation in meetings and trainings is also required, etc. This also includes continuous cooperation with international partners such as: the Organization for Security and Co-operation in Europe (OSCE); the International Foundation for Electoral Systems (IFES); the European Union (Election Observation Missions); USAID; the National Democratic Institute (NDI); and the International Institute for Democracy and Electoral Assistance (IDEA). This criterion is necessary for the performance of the duties of the Director of the Secretariat of the CEC, as well as for the realization of the CEC's objectives to become a member of other international bodies dealing with the field of election organization, and for the use of new technological innovations in the field of elections in order to improve and facilitate services that are directly related to voters, election management bodies, political entities, and election observers."*

13. Following the investigation of the case, the Ombudsperson was informed that, in the meantime, paragraph 2 of Article 5 of Internal Regulation No. 11/2024 on the Appointment of the Director of the Secretariat of the CEC, contested by the complainants, was entirely repealed, in accordance with Decision No. 01/981-2025 of the CEC, dated May 13, 2025. Nevertheless, the Ombudsperson considers that the investigation should be concluded with a report, since the contested criterion, for as long as it was in force, affected the violation of the principle of equality.

## **Relevant Legal Instruments in the Republic of Kosovo**

### **Constitution of the Republic of Kosovo**

14. The fundamental provisions (Chapter I) of the Constitution, among other things, emphasize: *“The exercise of public authority in the Republic of Kosovo shall be based upon the principles of equality of all individuals before the law and with full respect for internationally recognized fundamental human rights and freedoms, [...].”* (Article 3). Furthermore, regarding the values represented by the State of Kosovo, Article 7, paragraph 1, among other things, states: *“The constitutional order of the Republic of Kosovo is based on the principles of [...] equality, respect for human rights and freedoms and the rule of law, non-discrimination, [...].”* In this way, the basic provisions of the Constitution, in general terms, express the equality of all individuals before the law and their non-discrimination, without specifying any particular group.

15. In Chapter II [Fundamental Rights and Freedoms], the grounds on which discrimination may occur are defined, including an open clause (“*other personal status*”). Thus, Article 24 of the Constitution establishes the principle of equality before the law as follows: *“All are equal before the law. Everyone enjoys the right to equal legal protection without discrimination.”* (paragraph 1). Regarding the scope of protection from discrimination, i.e., the protected characteristics, it is stated as follows: *“No one shall be discriminated against on grounds of race, color, gender, language, religion, political or other opinion, national or social origin, relation to any community, property, economic and social condition, sexual orientation, birth, disability or other personal status.”*

16. The Constitution, in Article 49 [Right to Work and Exercise Profession] defines: *“1. The right to work is guaranteed. 2. Every person is free to choose his/her profession and occupation.”*

17. Furthermore, the interpretation of discrimination cases must be based on the standards established by the European Court of Human Rights (hereinafter: ECtHR), in accordance with Article 53 of the Constitution, which provides: *“Human rights and fundamental freedoms guaranteed by this Constitution shall be interpreted consistent with the court decisions of the European Court of Human Rights.”*

18. Article 55 [Limitations on Fundamental Rights and Freedoms]:

*“1. Fundamental rights and freedoms guaranteed by this Constitution may only be limited by law.*

*2. Fundamental rights and freedoms guaranteed by this Constitution may be limited to the extent necessary for the fulfillment of the purpose of the limitation in an open and democratic society.*

[...].”

19. The European Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter: the Convention) is a legal instrument that applies directly in accordance with the Constitution of the Republic of Kosovo (Article 22) and, in case of conflict, takes precedence over the provisions, laws, and other acts of public institutions.
20. The provisions of the Convention, particularly Article 14 and its Protocol 12, as well as the judgments of the ECtHR, as the authority for interpreting the Convention, are of particular importance regarding the grounds and scope of protection against discrimination.
21. For this purpose, Article 14 of the Convention [Prohibition of Discrimination] provides: *“The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.”* From this, it follows that the Convention broadly covers the grounds on which discrimination may occur, which are recognized as such in the provisions of the Constitution of Kosovo.
22. Protocol 12 of the Convention, in Article 1 [General Prohibition of Discrimination], provides: *“1. The enjoyment of any right set forth by law shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. 2. No one shall be discriminated against by any public authority on any ground such as those mentioned in paragraph 1.”* With this provision, Protocol 12 further advanced the standard of protection against discrimination, stating that the violation of rights guaranteed by national legislation constitutes discrimination, providing broader protection than Article 14 of the Convention, which is limited only to the rights guaranteed by the Convention.

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

23. The constitutional prohibition of discrimination is further elaborated in Law No. 05/L-021 on Protection from Discrimination. From the perspective of legal protection against discrimination in Kosovo, this law is of particular importance because it provides a general framework for preventing and combating discrimination: *“[...] based on nationality, or in relation to any community, social origin, race, ethnicity, colour, birth, origin, sex, gender, gender identity, sexual orientation, language, citizenship, religion and religious belief, political affiliation, political or other opinion, social or personal status, age, family or marital status, pregnancy, maternity, wealth, health status, disability, genetic inheritance or any other grounds, in order to implement the principle of equal treatment.”* (Article 1, paragraph 1.).
24. Law No. 05/L-021 on Protection from Discrimination applies to all actions or omissions of all state and local institutions, natural and legal persons, in the public and private sectors, who violate, have violated, or may violate the rights of any natural or legal person, in all areas of life (Article 2), particularly when relating to: *“1.1. conditions for access to employment, self-employment and occupation, including employment conditions and selection criteria, regardless of activity and at all levels of the professional hierarchy, including promotions; 1.2. access to all types and levels of vocational*

*guidance, vocational training, advanced vocational training and re-qualifications, including internship experience; [...].”*

25. Furthermore, Article 3 defines: “[...] *there shall be no discrimination, direct or indirect in the sense of any of the grounds set out in Article 1 of this Law.*” Discrimination is defined as follows: “*Discrimination is any distinction, exclusion, restriction or preference on any ground specified in Article 1 of this law, which has the purpose or impact of depreciation or violation of the recognition, enjoyment or exercise of human rights and fundamental freedoms guaranteed by the Constitution and other applicable legislations of the Republic of Kosovo.*”
26. Article 4 of Law No. 05/L-021 on Protection from Discrimination defines the types of unequal treatment: “*1. Types of unequal treatment are as follows: 1.1. Direct discrimination - shall be taken to have occurred where one person is treated less favourably than another is, has been or would be treated in a comparable situation based on one or more grounds such as those stated in Article 1 of the Law; [...] 1.10. Multiple discrimination occurs when discrimination is based on any combination of the grounds covered by this law. Multiple discrimination and multiple grounds shall be construed accordingly.*”
27. Article 8 obliges: “*All institutions should act in accordance with the principles of this Law during the exercise of their duties and drafting of policies and legislation.*”

### **Law No. 08/L-197 on Public Officials**

28. Article 8 [General Principles for the Management of Public Officials], paragraph 1, defines: “*Management of legal relationships with civil servants, public service employees, creators and performers of art and administrative technical and support staff shall be governed by the Law and shall be based on the principle of merits, transparency, professionalism and political impartiality and non-discrimination.*”
29. Article 9 [General Requirements for Admission of Public Officials], paragraph 2, defines: “*Exceptionally, for specific public official positions, specific additional criteria may be required. The procedure and requirements for meeting the eligibility and/or additional specific criteria shall be defined by a bylaw adopted by the Government, at the proposal of the ministry responsible for public administration.*”
30. Article 47, paragraph 1, defines: “*Admission to a senior management category position shall be done by an open public competition organized for each vacancy.*” Paragraph 13 of the same article specifies: “*The rules for implementation of this Article for the employees in the Presidency of the Republic of Kosovo, the Constitutional Court of the Republic of Kosovo, the Justice System, the Assembly of the Republic of Kosovo, shall be regulated by this Law and by a special act adopted by the competent bodies of these institutions.*”

### **Legal Analysis and Assessment by the Ombudsperson**

31. The Ombudsperson emphasizes that the Constitution explicitly states that it is the duty of all authorities to respect the rights and freedoms of others and that everyone has the right to equal legal protection without discrimination. This principle is imperative and must be respected by all and incorporated into legislative regulations related to professional practice. Exceptions are only those limitations legitimately established in accordance with

existing legislation, where the proportionality between the restriction imposed and the intended purpose must be respected.

32. The Ombudsperson notes that the principle of legality is closely linked to the principle of legal certainty, under which the rule of law ensures the confidentiality of citizens vis-à-vis the state and the immutability of the law through administrative actions. The principle of legality implies that public bodies act in accordance with the Constitution, current legislation, and general administrative rules applicable within their competencies and consistent with the purpose for which these competencies are granted. This principle, among other things, involves accuracy, clarity, and consistency throughout the legal system of the state and not just in specific norms. The principle of legality requires that the entire legal order be comprehensible, predictable, and non-contradictory.
33. The Ombudsperson highlights that anti-discrimination legislation provides for the principle of equality without any form of discrimination, as it regulates that all persons are equal and enjoy the same legal position and protection, regardless of personal characteristics or other grounds, and that everyone is obliged to respect the principle of equality, i.e., the prohibition of discrimination.
34. The concept of “discrimination” used in the Constitution is the same as in the Law on Protection from Discrimination. For the interpretation of the constitutional concept of discrimination, Article 53 of the Constitution must be considered, which states: “*Human rights and fundamental freedoms guaranteed by this Constitution shall be interpreted consistent with the court decisions of the European Court of Human Rights.*” According to the European Court of Human Rights: “*The right... not to be discriminated against... is violated when states treat persons differently in similar situations without providing an objective and reasonable justification.*” (Thlimmenos v. Greece, Application No. 34369/97, ECHR, April 6, 2000, para. 44).
35. For such justification to be “objective and reasonable,” it must meet two conditions: 1) it must have a “legitimate aim” for the inequality in question, and 2) there must be a “*reasonable proportionality between the means used and the aim pursued.*” (*Relating to Certain Aspects of the Laws on the Use of Languages in Education in Belgium v. Belgium*”, Applications Nos. 1474/62, 1677/62, 1691/62, 1769/63, 1994/63, 2126/64, ECHR, July 23, 1968, para. 10; see also Case of X and Others v. Austria, Applications No. 19010/07, ECHR, February 19, 2013, par. 98).
36. Considering the subject matter of the case at hand, this opinion will focus on analysing the existence of a legitimate aim and justification for establishing an additional specific criterion, which verifies knowledge of the English language at level B2 (to assess whether the limitations provided and conditioned by Article 5, paragraph 2, of Internal Regulation No. 11/2024 for the Appointment of the Director of the KEC Secretariat are discriminatory or not, and whether they comply with the fundamental principles and competencies derived from the Constitution of the Republic of Kosovo and Law No. 05/L-021 on Protection from Discrimination).
37. The Ombudsperson notes that neither the Constitution nor the law explicitly recognizes, as a possible basis for discrimination, the specific needs of a position that require a certain level of foreign language proficiency, as imposed by an additional specific criterion: “*English language, level B2, proven by TOEFL or IELTS certificate.*” However, this does

not mean that it cannot be considered discrimination. As mentioned above, the Constitution and the law provide that discrimination may be based on “other personal status” (Constitution, Article 24, paragraph 2) or “*any other basis*” (Law on Protection from Discrimination, Article 1, paragraph 1), which is not explicitly stated in the Constitution or the law.

38. The Ombudsperson emphasizes that, in determining discrimination, it is essential that the unfavourable treatment of one person or group be compared with the treatment of another person in a similar situation, who would be treated more favourably. The only difference between them must be the “legally protected basis.” Therefore, it is clear that in the present case there is a causal link between the unfavourable treatment and the legally protected basis. To establish this link, the question is asked: Would a particular person have been treated less favourably if they were in another position on any other basis? The applicable provision does not necessarily have to refer specifically to a “protected basis.” It is sufficient that it refers to a type of cause inseparable from a protected basis.
39. From the above, it follows that candidates applying for the position of Director of the KEC Secretariat, who possess knowledge of the “English language, level B2, proven by TOEFL or IELTS certificate,” are in a comparable situation with other candidates who possess the same level of English and can prove it with other relevant certificates (either international or obtained locally).
40. The Ombudsperson emphasizes that Article 55, paragraph 4, of the Constitution defines: *“In cases of limitations of human rights or the interpretation of those limitations; all public authorities, [...], shall pay special attention to the essence of [...], the relation between the limitation and the purpose to be achieved and the review of the possibility of achieving the purpose with a lesser limitation.”*
41. The Ombudsperson notes that labour legislation regulates working conditions, the rights and obligations of employees and employers for service needs (Articles 9 and 47 of Law No. 08/L-197 on Public Officials). Therefore, in accordance with the relevant legislation, the employer, in addition to general criteria, has the right to set special criteria for specific public official positions that candidates must meet when relevant to the job. These conditions must be proportionate and related to the nature of the work.
42. As a result, the Ombudsperson finds that the KEC, through Internal Regulation No. 11/2024, established as a specific criterion for the position “Director of the KEC Secretariat,” in the first part of Article 5, paragraph 2.1, specific language competencies, including knowledge of English at level B2. The Ombudsperson considers this criterion lawful, justified, and acceptable. Knowledge of English at this level, in addition to the official languages, is important for performing the duties of this managerial position, as it implies ongoing international contacts, communication, and implementation of agreements with international organizations in which the KEC is an equal member, as well as continuous cooperation with other international partners.
43. However, in the second part of the same article, proof of “*English language level B2*” is limited and conditioned by “*proven with a TOEFL or IELTS certificate*,” which excludes the possibility of using other valid and recognized international certificates or relevant certificates obtained locally. The Ombudsperson finds this condition disproportionate, as there is no justification for the nature of the work, i.e., there is no legal basis for the

exclusion. This limitation regarding the verification of required qualifications treats unfavourably candidates with the same qualifications who hold other relevant certificates. Therefore, this condition constitutes an unnecessary and unfounded barrier, which may affect candidates' rights to equal access to public functions and services.

44. Therefore, the Ombudsperson does not dispute the establishment of a special requirement for the needs of the mentioned managerial position – knowledge of English at level B2 (as justified in point 39) – which may be considered a legitimate aim. However, the Ombudsperson finds that the KEC did not provide any objective and reasonable justification for treating candidates with the same qualifications differently, which is *a priori* based on the condition “*proven with TOEFL or IELTS certificate.*” The Ombudsperson considers that this criterion has no basis and is not directly related to suitability or expertise for performing the specific job and cannot be considered justified, necessary, or proportionate to the aim. This type of favouritism directly undermines the credibility of other internationally recognized certificates used for assessing English proficiency for academic, professional, and immigration purposes, as well as relevant certificates obtained locally, which calls into question the quality of knowledge obtained in Kosovo’s educational programs and may have a harmful impact on the development of local educational institutions.
45. The Ombudsperson emphasizes that the Law on Protection from Discrimination clearly prohibits any form of discrimination in the employment process. Consequently, the limitation that only TOEFL and IELTS certificates are accepted as proof of English proficiency is not in compliance with relevant legislation and undermines the principle of equality for candidates holding other certificates that prove the required qualifications. All interested candidates deserve fair and objective evaluation of their qualifications. The competent authority must ensure conditions that allow this, without unjustified restrictions, so that all potential public administration officials in comparable situations are treated equally.
46. Furthermore, according to ECHR case law: “*Differential treatment of persons in similar situations... is discriminatory if there is no objective and reasonable justification for it; in other words, if it does not achieve a legitimate aim or if there is no reasonable proportional relationship between the means used and the aim sought to be achieved.*” (ECHR, Burden v. UK [GC] (No. 13378/05), April 29, 2008, p. 60). This means that, in order to justify differential treatment, it must be demonstrated that a rule or practice has a legitimate aim and that the means to achieve that aim (i.e., the measure that caused the differential treatment) are proportionate and necessary. To confirm whether the differential treatment is proportional, it must be established that there is no other way to achieve the aim that would interfere less with the right to equal treatment. In other words, placing an individual in a less favourable position constitutes the minimal necessary harm to achieve the desired goal. The intended aim must be sufficiently important to justify such a breach.
47. The Ombudsperson notes that sub-legal acts, including internal regulations of institutions, are legal acts of lower legal force and must comply with the act of higher legal force, i.e., the Constitution and the law. In this sense, the Regulation in question must be consistent with the purpose and aim of the law from which it originates.

48. Following the above, the Ombudsperson finds that the second specific condition, defined in Article 5, paragraph 2.1, of Internal Regulation No. 11/2024 of the KEC, “proven with TOEFL or IELTS certificate,” is not supported by the Constitution, the European Convention on Human Rights, Law No. 08/L-197 on Public Officials, or Law No. 05/L-021 on Protection from Discrimination. The Ombudsperson considers that such discriminatory criteria cannot be established by any normative act.

Based on the above, in accordance with Article 135, paragraph 3, of the Constitution of the Republic of Kosovo: *“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.”* And in accordance with Article 18, paragraph 1.2, of the Law on the Ombudsperson, the Ombudsperson has the responsibility: *“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;”* [...]; as well as: *“to recommend promulgation of new Laws in the Assembly, amendments of the Laws in force and promulgation or amendment of administrative and sub-legal acts by the institutions of the Republic of Kosovo;”* (Article 18, paragraph 1.7). In this regard, the Ombudsperson hereby

## RECOMMENDS

### To the Central Election Commission:

- In drafting and adopting internal legal acts, ensure that their provisions comply with the principle of non-discrimination and avoid setting criteria that may lead to unequal treatment of individuals or groups in the future.

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 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.”*), please kindly inform us about the actions taken regarding the matter in question.

Respectfully,  
Naim Qelaj  
Ombudsperson