



INSTITUCIONI I AVOKATIT TË POPULLIT  
INSTITUCIJA OMBUDSMANA  
OMBUDSPERSON INSTITUTION

# ANNUAL REPORT

# 2025

# NR. 25





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



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# The Ombudsperson's Address

Honourable Deputies of the Assembly of the Republic of Kosovo,

The presentation of the Annual Report of the Ombudsperson Institution to the Assembly of the Republic of Kosovo constitutes a solemn moment that goes beyond the formal fulfilment of a constitutional obligation. This act represents one of the most important mechanisms for democratic oversight and the balance of powers, reflecting the state's responsibility to guarantee the protection and respect of fundamental human rights and freedoms. It is a moment of public accountability, but also a call for institutional action, reflection, and the advancement of democratic standards in the country.

This year, the Ombudsperson Institution marks an important milestone, the 25<sup>th</sup> anniversary of its establishment, symbolizing a quarter century of dedication to the protection and promotion of human rights, equality, and good governance in the Republic of Kosovo. Established in the post-war period, at a time when the country's democratic institutions were still in the process of being built and consolidated, the Institution has remained steadfast in safeguarding the rule of law, strengthening institutional accountability, and ensuring the dignity, rights, and fundamental freedoms of every citizen.

Over the past 25 years, the Ombudsperson Institution has consolidated its role as one of the key pillars of the country's democratic and legal order. Through its continuous work, it has earned the trust of citizens and has built a solid reputation within international networks of counterpart institutions. The Institution has been, and remains, an independent voice in the protection of citizens' rights, particularly in cases where these rights are infringed by the actions or inaction of public authorities.

The report presented before you is the result of the dedicated work of the Institution's staff, who throughout the year have listened to, investigated, and analysed the concerns of citizens. At its core, this report represents the voice of citizens - the voice of those who face injustice, delays in justice, lack of public services, or unequal treatment by institutions. It provides a realistic picture of the level of democracy, the rule of law, and the respect for human rights in the Republic of Kosovo.

Therefore, the consideration of this report by the Assembly is of particular importance. It should not be treated as a formal act, but rather as an important instrument of democratic oversight and institutional accountability of public authorities in the Republic of Kosovo. For this reason, the report should be reviewed in a constructive and critical manner, contributing to elevating the level of parliamentary debate on human rights issues and avoiding its use for political purposes that may undermine the independence of the Ombudsperson Institution. In this regard, it remains concerning that this report is being submitted to the Assembly while the two previous reports for the years 2023 and 2024 have not yet been reviewed. Such a situation weakens the function of this important accountability mechanism and sends an unfavourable message regarding the importance given to the protection of human rights in our country.

The reporting year was characterized by significant developments, including electoral processes and delays in the constitution of institutions, which affected the functioning of democratic oversight mechanisms and the efficiency of public decision-making. Nevertheless, despite these challenging circumstances, the Ombudsperson Institution continued to exercise its mandate with professionalism and impartiality, ensuring continuity in the protection of human rights and responding consistently to identified violations.

During the reporting period, a total of 1,736 complaints were received, addressing a wide range of issues related to fundamental rights, including the right to effective legal remedies, the right to a fair and impartial trial, health and social protection, labour rights, property protection, and equality before the law. The analysis of these complaints provides a clear overview of the challenges faced by citizens and highlights the need for further improvements in the functioning of public administration and in the implementation of legislation.

The content of this report reflects a balanced approach, identifying both the progress achieved and the remaining challenges. It represents the authentic voice of citizens, particularly those who encounter difficulties in realizing their rights due to institutional shortcomings, procedural delays, or the lack of adequate services.

The report also addresses issues of particular importance to the quality of life of citizens, including environmental protection, where air pollution and poor management of natural resources continue to pose serious challenges. It also highlights problems in the areas of urban planning, construction, and infrastructure, which directly affect the safety and well-being of citizens.

Special attention is also devoted to vulnerable groups, including persons deprived of liberty, persons with mental disorders, pensioners, and non-majority communities. The report outlines the Institution's efforts to address the needs of these groups and to promote equal and dignified treatment, in accordance with international human rights standards. The increase in the number of complaints submitted by non-majority communities demonstrates growing trust in the Institution and its role as a guarantor of equality and non-discrimination.

In the field of freedom of expression and media, the report underlines the importance of ensuring a safe and free environment for journalists, as well as the need to strengthen inter-institutional cooperation for their protection.

The Ombudsperson Institution has also continued to play an active role in promoting economic and social rights, addressing issues related to pensions, social assistance, increases in public service tariffs, and similar matters. In this regard, concrete recommendations have been provided to improve public policies and to enhance transparency and fairness in decision-making.

In the area of children's rights, significant concerns remain regarding violence in schools, the lack of institutional support for the mental health of children and adolescents, the heavy weight of school bags, and the lack of assistants for children with disabilities. These issues continue to require urgent institutional intervention.

The report also addresses the situation of pensioners and elderly persons, highlighting the lack of a functional health and pension insurance system, the absence of adequate mental health services, and the economic hardships that make the lives of this category of citizens particularly difficult.

The report identifies serious concerns regarding the functioning of the Kosovo Specialist Chambers, particularly the lack of transparency, accountability, and democratic oversight, despite the fact that they were established by the Assembly of the Republic of Kosovo. In this context, it underscores the necessity of respecting procedural guarantees and the standards that Kosovo applies within its own judicial system, in accordance with the principles of due process and a fair trial, such as equality of arms, the right to effective defence, transparency of proceedings, and equal access for all parties. The concerns raised in the report, including limitations in accountability and transparency, the length of pre-trial detention, and the use of evidence obtained from countries that maintain a hostile approach, raise serious questions regarding the fulfilment of these standards and affect public confidence in justice. Consequently, it is essential that the functioning of these Chambers be fully aligned with constitutional and international standards for a fair trial, guaranteeing procedural integrity, impartiality, and full institutional accountability.

A continuing concern remains the fact that in many critical areas there is no full implementation of laws in force. The Law on Health Insurance has still not begun to be implemented in practice; the Law on Pensions is only partially implemented; and salaries in the public sector are often not applied in accordance with the current legislation. Although the Republic of Kosovo has established advanced legal and institutional mechanisms for the protection of human rights, their effectiveness remains limited without stronger commitment to capacity-building and to strengthening enforcement mechanisms. It is essential that responsible institutions focus not only on adopting laws, but also on ensuring their full implementation, so that citizens can effectively benefit in practice from their right to health, pensions, and other fundamental rights.

Honourable Deputies,

Human rights are not merely a legal standard or an institutional obligation; they are the foundation upon which citizens' trust in their state is built.

Therefore, the Ombudsperson calls upon all institutions of the Republic of Kosovo to take concrete measures to address these concerns and to strengthen mechanisms for the protection of human rights.

The Ombudsperson Institution will continue to remain an independent and strong voice for the protection of human rights and fundamental freedoms.

Thank you.

# The Ombudsperson's Mandate

The Ombudsperson is an independent institution established by Article 132 of the Constitution of the Republic of Kosovo and, based on the judgments of the Constitutional Court, is an independent institution in terms of functionality, organization, and budget. The most significant aspect of the Ombudsperson's independence is the constitutional provision that prohibits any instructions or interference from other bodies or institutions in the Republic of Kosovo. The Ombudsperson's main constitutional competence is to oversee and protect the rights and freedoms of individuals from illegal and irregular actions or omissions of public authorities. This oversight and protection is initially carried out by the Ombudsperson by requesting information from any authority exercising legitimate power in the Republic of Kosovo, and these authorities are obligated to respond to such requests as defined by the Constitution.

According to the Constitution and the Law on the Ombudsperson, the Ombudsperson exercises several competences/mandates, specifically: (I) the mandate of the Ombudsperson for the protection of human rights; (II) the mandate of the Ombudsperson as an Equality Body; (III) the mandate of the Ombudsperson as a National Mechanism for the Prevention of Torture. Furthermore, the Ombudsperson is an authorized party for referring cases to the Constitutional Court.<sup>1</sup>

An important competence of the Ombudsperson is that, based on its investigations into cases where violations of human rights are identified, it prepares reports with relevant findings, addresses recommendations to the authorities, and proposes concrete measures.

Another important aspect of the Ombudsperson's work is the fact that it submits an Annual Report to the Assembly of the Republic of Kosovo regarding its findings in the field of human rights violations, and it may also submit other special reports.

It is the duty and responsibility of public authorities to respect and implement the recommendations of the Ombudsperson, as a measure of adherence to the rule of law and the functioning of democracy in our country.

## The Mandate for the Protection of Human Rights

The Ombudsperson exercises the mandate of monitoring the respect of human rights through a mechanism of monitoring judicial cases where the parties are considered victims of alleged human rights violations, or *ex-officio* where there may be systematic violations of human rights. This also includes the obligation of public authorities to respond to requests made by the Ombudsperson, monitoring the implementation of recommendations provided by the Ombudsperson, overseeing the standard of drafting legislation concerning human rights provisions and their alignment with the Constitution, and monitoring the implementation of laws focused on human rights and other mechanisms defined by specific laws.

## The Mandate for Monitoring the Respect of Human Rights

The Ombudsperson exercises the mandate of monitoring the respect of human rights through a mechanism of monitoring judicial cases where the parties are considered victims of alleged human rights violations, or *ex-officio* where there may be systematic violations of human rights. This also includes the obligation of public authorities to respond to requests made by the Ombudsperson, monitoring the implementation of recommendations provided by the Ombudsperson, overseeing the standard of drafting legislation concerning human rights provisions and their alignment with the Constitution, and monitoring the implementation of laws focused on human rights and other mechanisms defined by specific laws.

## The Role of the Ombudsperson in Promoting Human Rights

The Ombudsperson plays a crucial role in promoting human rights, a role exercised through mechanisms aimed at raising public

<sup>1</sup> Constitution of the Republic of Kosovo, Article 113, paragraph 2

and institutional awareness of fundamental rights and freedoms. This is achieved through education, training, and lectures, the publication of opinions and brochures presenting the Ombudsperson's stance on specific issues, statements on the implementation of particular measures, the organization of open human rights days, conferences, thematic roundtables, cooperation, and coordination of work with social partners, exchange visits with counterpart institutions, media appearances presenting the Ombudsperson's opinions, and other mechanisms defined by special laws.

## The Role of the Ombudsperson as a National Mechanism for the Prevention of Torture

The Ombudsperson exercises the mandate of the National Mechanism for the Prevention of Torture and other cruel, inhuman, or degrading treatment or punishment through regular and unannounced visits to all places where persons deprived of liberty are held. This includes police detention, pre-trial detention, stays in healthcare institutions, customs detention, migrant detention, and any other location where human rights and freedoms violations are suspected. In accordance with the Law on the Ombudsperson, recommendations are issued regarding the compliance of laws and other acts with the Constitution and international standards for the prevention of torture. The NMP collaborates with international, local, and other mechanisms defined by special laws in the field of torture prevention.

## The Role of the Ombudsperson as an Equality Body

The Ombudsperson exercises its mandate as an equality body for the promotion, monitoring, and support of equal treatment without discrimination based on the grounds protected by the Law on Gender Equality and the Law on Protection from Discrimination, in line with the Law on the Ombudsperson. This mandate is carried out through monitoring the implementation of the Law on Protection from Discrimination, investigating cases of discrimination, promoting good equality practices, informing the public about discrimination cases, addressing gender discrimination cases, and cooperating with social partners, local and international non-governmental organizations.

# Statistical Overview of Complaints and Cases

From January 1, 2025, to December 31, 2025, the Ombudsperson Institution, including its central office in Prishtina and regional offices in Prizren, Gjilan, Ferizaj, Peja, Mitrovica South, Mitrovica North, Gjakova, and Graçanica, received 1736 complaints from the citizens of the Republic of Kosovo. These complaints involved allegations of violations of human rights and freedoms by public authorities in the Republic of Kosovo, as well as requests for legal advice or assistance.

An analysis of these complaints, categorized according to constitutional human rights and freedoms categories, shows that the majority of them relate to: the right to legal remedies, the right to a fair and impartial trial, health and social protection, the right to work and exercise one’s profession, protection of property, equality before the law, rights of the accused, prohibition of torture and inhumane treatment, children’s rights, and others.

The following tables present a more detailed breakdown of the total number of complaints received, examined, and decided on regarding their admissibility for investigation, cases opened for investigation on the Ombudsperson’s own initiative, the ethnic and gender affiliation of the complainants, the public authorities responsible for the complaints, the number of cases concluded/closed, the number of reports and recommendations published to public authorities, and the compliance with these recommendations by the relevant authorities.

**Table 1.** Complaints submitted to the Ombudsperson in 2025

<b>Total number of complaints submitted</b>	<b>1736</b>
<b>Ethnic affiliation of complainants</b>	
Albanians	1411
Serbs	207
Bosniaks	29
Ashkali	23
Turks	19
Roma	11
Gorani	9
Egyptians	8
Other	19
<b>Complaints submitted, categorized by Ombudsperson’s offices</b>	
Central Office-Prishtina	953
Regional Office-Peja	152
Regional Office-Gjilan	144
Regional Office-Prizren	142
Regional Office-Ferizaj	94
Regional Office-Gjakova	90
Regional Office-Mitrovica North	70
Regional Office-Mitrovica South	59
Regional Office-Graçanica	32

<b>Gender affiliation of complainants based on submitted complaints</b>	
Male	1158
Female	578
Public authorities against which complaints were filed (one complaint may have multiple responsible parties)	
Ministries/Administration	703
Courts	363
Municipalities	261
Police	124
Public prosecution offices	73
Public enterprises	70
Private persons	60
Private companies	40
Kosovo Energy Distribution Company	36
Energy Regulatory Office (ERO)	19
Foreign authorities	19
Kosovo Privatization Agency	18
Assembly of the Republic of Kosovo	15
Central Election Commission	12
Private enforcement officers	12
Other	143

**Table 2.** Number of Complaints Submitted, according to Chapter II of the Constitution, Fundamental Rights and Freedoms (a complaint may include multiple rights and freedoms)

CRK 32 - Right to legal remedies	553
CRK 31 - Right to fair and impartial trial	305
CRK 51 - Health and social protection	202
CRK 49 - Right to work and exercise profession	189
CRK 46 - Protection of property	139
CRK 24 - Equality before the law	122
CRK 30 - Rights of the accused	98
CRK 27 - Prohibition of torture	95
CRK 50 - Rights of children	88
CRK 47 - Right to education	39
CRK 35 - Freedom of movement	35
CRK 29 - Right to liberty and security	25
CRK 23 - Human dignity	24
CRK 37 - Right to marriage and family	21
CRK 52 - Responsibility for the environment	13
CRK 41 - Right of access to public documents	13
CRK 25 - Right to life	10

CRK 54 - Judicial protection of rights	9
CRK 36 - Right to privacy	7
CRK 45 - Freedom of election and participation	6
CRK 26 - Personal integrity	5
CRK 40 - Freedom of expression	2
CRK 48 - Freedom of art and science	2
CRK 55 - Limitations on fundamental rights and freedoms	2
CRK 38 - Freedom of belief, conscience and religion	2
CRK 43 - Freedom of assembly	1
CRK 39 - Religious denominations	1
CRK 33 - Principle of legality and proportionality in criminal cases	1

**Table 3.** Number of Complaints Submitted, according to Sustainable Development Goals (SDGs) - A complaint may include multiple SDGs

16. Peace, justice, and strong institutions	1471
03. Good health and well-being	148
10. Reduced inequalities	53
08. Decent work and economic growth	35
17. Partnerships for the goals	24
04. Quality education	19
06. Clean water and sanitation	9
09. Industry, innovation, and infrastructure	9
07. Affordable and clean energy	8
05. Gender equality	4
11. Sustainable cities and communities	4
12. Responsible consumption and production	3
13. Climate action	1

**Table 4.** Complaints Classified as Inadmissible

Number of Inadmissible Complaints	1108
<b>Inadmissibility Based on Articles of the Law on the Ombudsperson</b>	
In the use of legal remedies – Article 22, Paragraph 1.3	374
No violation, misadministration - Article 22, Paragraph 1.1	308
Outside jurisdiction - Article 21, Paragraph 1.3.1	194
Failure to use legal remedies - Article 22, Paragraph 1.4	178
Lack of interest, failure of party - Article 22, Paragraph 1.2	38
Submitted after legal deadline - Article 21, Paragraph 1.3.2	9
Anonymous complaint – Article 21, Paragraph 1.3.3	5
Misuse of the right to complaint – Article 21, Paragraph 1.3.4	1
Official note	1

**Table 5.** Complaints awaiting review

Number of complaints awaiting review	4
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**Table 6.** Complaints Declared Admissible for Investigation

Number of Complaints Declared Admissible for Investigation	624
Number of Cases Investigated by the Ombudsperson (ex-officio)	41
<b>Complaints Opened for Investigation, Based on the Ethnicity of Complainants</b>	
Albanians	411
Serbs	165
Bosniaks	17
Ashkali	6
Gorani	6
Roma	6
Turks	5
Egyptians	3
Other	5
<b>Gender of Complainants, Based on the Complaints Investigated</b>	
Male	362
Female	262
<b>Public Authorities Investigated Based on Complaints (a complaint may have more than one responsible party)</b>	
Ministries/Administration	318
Courts	141
Municipalities	121
Police	36
Prosecution offices	23
Public enterprises	19
Energy Regulatory Office	13
Assembly of the Republic of Kosovo	10
Central Election Commission	10
University of Prishtina "Hasan Prishtina"	8
Kosovo Electricity Distribution Company	7
Other	53

**Table 7.** Number of Investigated Complaints, according to Chapter II of the Constitution, Fundamental Rights and Freedoms (a complaint may include multiple rights and freedoms)

CRK 32 - Right to legal remedies	199
CRK 31 - Right to fair and impartial trial	128
CRK 24 - Equality before the law	94
CRK 49 - Right to work and exercise profession	73
CRK 50 - Rights of children	68
CRK 46 - Protection of property	51
CRK 51 - Health and social protection	39
CRK 27 - Prohibition of torture	29
CRK 47 - Right to education	29
CRK 23 - Human dignity	12
CRK 30 - Rights of the accused	11
CRK 52 - Responsibility for the environment	11
CRK 35 - Freedom of movement	10
CRK 37 - Right to marriage and family	10
CRK 45 - Freedom of election and participation	9
CRK 25 - Right to life	4
CRK 54 - Judicial protection of rights	4
CRK 26 - Personal integrity	2
CRK 29 - Right to liberty and security	2
CRK 38 - Freedom of belief, conscience and religion	2
CRK 41 - Right of access to public documents	2
CRK 48 - Freedom of art and science	2
CRK 55 - Limitations on fundamental rights and freedoms	2
CRK 33 - Principle of legality and proportionality in criminal cases	1
CRK 36 - Right to privacy	1
CRK 42 - Freedom of media	1

**Table 8.** Number of Investigated Complaints by SDGs (A Complaint May Include Multiple SDGs)

16. Peace, justice, and strong institutions	551
03. Good health and well-being	44
10. Reduced inequalities	25
08. Decent work and economic growth	15
04. Quality education	11
17. Partnerships for the goals	10
09. Industry, innovation, and infrastructure	5
07. Affordable and clean energy	4
11. Sustainable cities and communities	2
05. Gender equality	1

**Table 9.** Number of Ex-Officio Cases by Chapter II of the Constitution, Fundamental Rights and Freedoms (a case may include multiple rights and freedoms)

Right to legal remedies	11
Prohibition of torture	9
Health and social protection	5
Right to life	4
Protection of property	4
Equality before the law	3
Rights of the accused	3
Rights of election and participation	3
Right to work and exercise profession	3
Rights of children	3
Human dignity	2
Responsibility for the environment	2
Freedom of movement	1
Freedom of belief, conscience and religion	1
Freedom of media	1
Right to education	1
Right to fair and impartial trial	1

**Table 10.** Number of Ex-Officio Cases by SDGs (a case may include multiple SDGs)

16. Peace, justice, and strong institutions	32
03. Good health and well-being	8
04. Quality education	1
08. Decent work and economic growth	1

**Table 11.** Complaints Resolved Upon Completion of Investigations (includes complaints from 2025 and previous years)

Total Number of Resolved/Closed Complaints	694
<b>Complaints Resolved/Closed, Based on Articles of the Law on the Ombudsperson</b>	
Resolved in Agreement with Complainant's Request – Article 21, item 1.5	264
Inadmissible, No Violation or Misadministration Found - Article 22, item 1.1	187
Closed with a Report Confirming HR Violations – Article 24, item 3	111
Inadmissible, Legal Remedies in Use – Article 22, item 1.3	46
Closed Due to Lack of Interest from Complainant or Party's Failure to Act – Article 22, item 1.2	35
Inadmissible, Legal Remedies Not Exhausted – Article 22, item 1.4	31
Inadmissible, Outside Jurisdiction – Article 21, item 1.3.1	12
Official note	8

**Table 12.** Reports with recommendations and Letters with recommendations

Reports on complaints investigated (from citizen complaints)	44
Reports on investigative cases at the initiative of OIK, Ex-officio	7
Reports of NMP	6
Letters with recommendations for complaints investigated (from citizen complaints)	8
Recommendations in Reports and letters with recommendations	683

**Table 13.** Status of recommendations

Implemented recommendations	131
Partially implemented recommendations	30
Unimplemented recommendations	19
Recommendations pending implementation	503
Total	683

**Table 14.** Comparison of the percentage of implementation of the Ombudsperson’s recommendations addressed in 2024, status according to the report on December 31, 2024, and update on December 31, 2025

Recommendations 2024	Implementation percentage as of December 31, 2024	Implementation percentage as of December 31, 2025
Implemented recommendations	37 - 21%	53 - 30%
Partially implemented recommendations	7 - 4%	9 - 5%
Recommendations pending implementation	119 - 68%	98 - 56%
Unimplemented recommendations	13 - 7%	16 - 9%
Total recommendations	176	176

**Table 15.** Status of Recommendations by institutional level – 2025

Institutional level	Total recommendations	Implemented	Partially implemented	Unimplemented	Pending implementation
Central level	107	25	19	5	58
Local level	546	100	11	9	426
Judiciary/ Prosecution	30	6	0	5	19
Total	683	131	30	19	503

**Table 16.** Requests, comments and opinions submitted to institutions

Requests directed to the Constitutional Court	1
Comments directed to the Constitutional Court	1
Opinions directed to other authorities	6
Request for temporary measure directed to other authorities	1
Amicus Curiae	2

**Table 17.** Complaints Received and Investigated by the Department for the Protection of Children's Rights

Number of complaints submitted	149
Number of complaints accepted for investigation	118
Number of inadmissible complaints	31
Number of ex-officio initiative cases	6

**Table 18.** Implementation of the Ombudsperson's recommendations by responsible public authorities

Responsible authority	Recommended implementations	Partially implemented recommendation	Unimplemented recommendations	Pending implementation
Government of the Republic of Kosovo and Ministry of Finance, Labour, and Transfers	0	0	0	3
Ministry of Health	4	1	0	15
Ministry of Justice	0	0	0	9
Ministry of Internal Affairs	13	10	3	16
Ministry of Education, Science, Technology, and Innovation	4	7	0	0
Ministry of Finance, Labour, and Transfers	0	0	1	8
Kosovo Police	0	1	0	0
Kosovo Customs	0	0	0	2
Kosovo Agency of Statistics	2	0	0	0

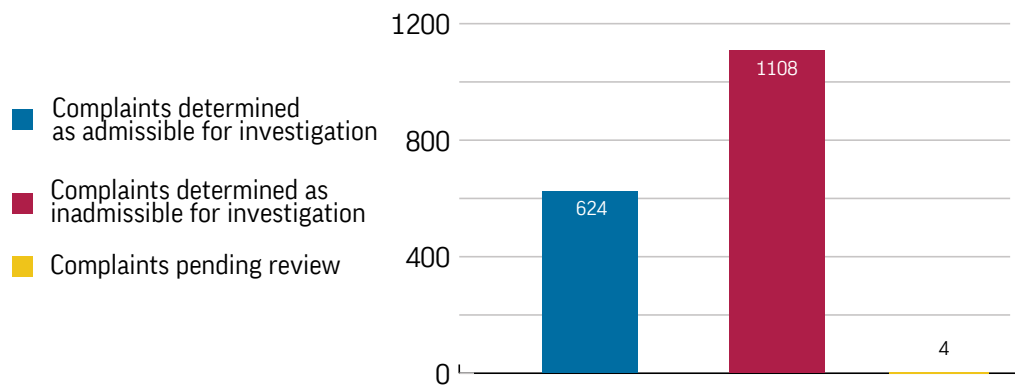
Health Inspectorate	0	0	0	1
Kosovo Health Service, Clinicaland University Center	0	0	0	1
Central Election Commission	1	0	1	1
Central Bank of Kosovo	1	0	0	2
Special Chamber of the Supreme Court	0	0	0	5
Court of Appeals	1	0	1	3
Basic Court in Prishtina	4	0	4	8
Basic Court in Mitrovica	1	0	0	3
Municipality of Prishtina	4	3	1	12
Municipality of Prizren	5	0	0	9
Municipality of Peja	0	0	0	14
Municipality of Skenderaj	0	0	0	14
Municipality of Drenas	3	0	0	10
Municipality of Mitrovica South	6	0	0	8
Municipality of Gjilan	7	1	0	5
Municipality of Fushe Kosova	0	0	0	14
Municipality of Deçan	10	0	0	4
Municipality of Ferizaj	2	0	0	13
Municipality of Gjakova	0	0	2	13
Municipality of Podujeva	3	1	0	10
Municipality of Vushtrri	0	0	0	14
Municipality of Malisheva	0	0	0	15
Municipality of Viti	3	1	0	10
Municipality of Graçanica	2	0	3	12
Municipality of Han i Elezit	6	0	0	8
Municipality of Istog	0	0	0	14
Municipality of Kaçanik	3	1	0	10
Municipality of Klina	3	0	0	12

Municipality of Rahovec	0	0	0	14
Municipality of Kamenica	0	0	0	14
Municipality of Lipjan	0	0	0	14
Municipality of Obiliq	5	1	0	8
Municipality of Klllokot	4	0	1	9
Municipality of Shtime	6	0	0	8
Municipality of Suhareka	5	1	0	8
Municipality of Junik	3	0	0	10
Municipality of Mitrovica North	0	0	0	15
Municipality of Dragash	0	0	0	14
Municipality of Novobërdë	0	0	1	13
Municipality of Ranillug	1	1	0	12
Municipality of Zveçan	3	1	0	10
Municipality of Leposaviq	0	0	1	14
Municipality of Zubin Potok	0	0	0	14
Municipality of Partesh	6	0	0	8
Municipality of Mamusha	0	0	0	14
Municipality of Shtërpce	8	0	0	6
RWC "Pastrimi"	1	0	0	0
PLSS "Elena Gjika"	1	0	0	0
Total	131	30	19	503

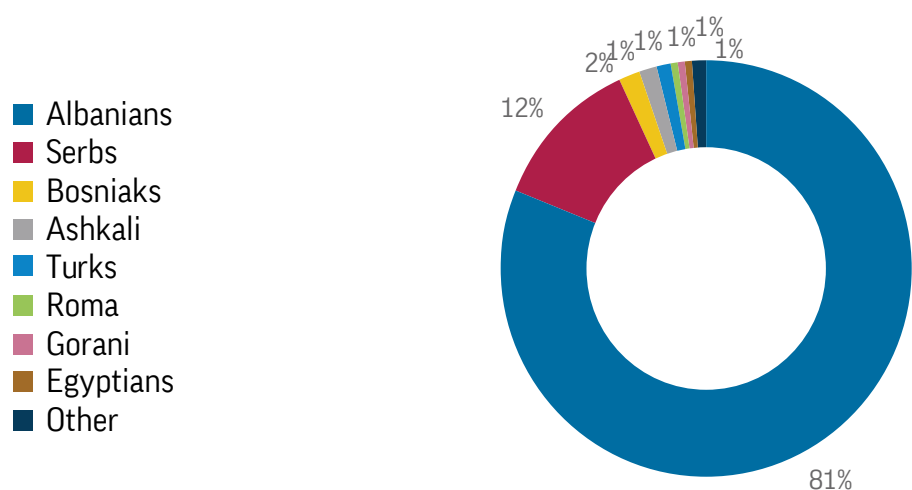
# Graphical representation of the complaints filed with the Ombudsperson

January 1, 2025 – December 31, 2025

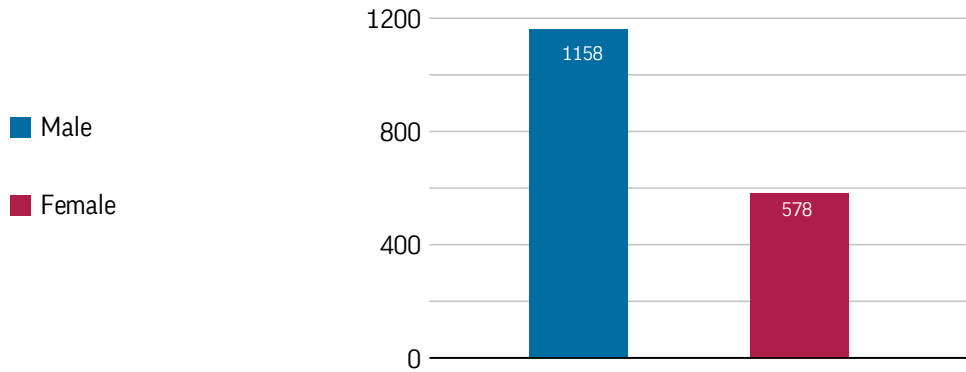
**Figure 1.** Graphic representation of complaints of citizens reviewed/resolved by the ombudsperson



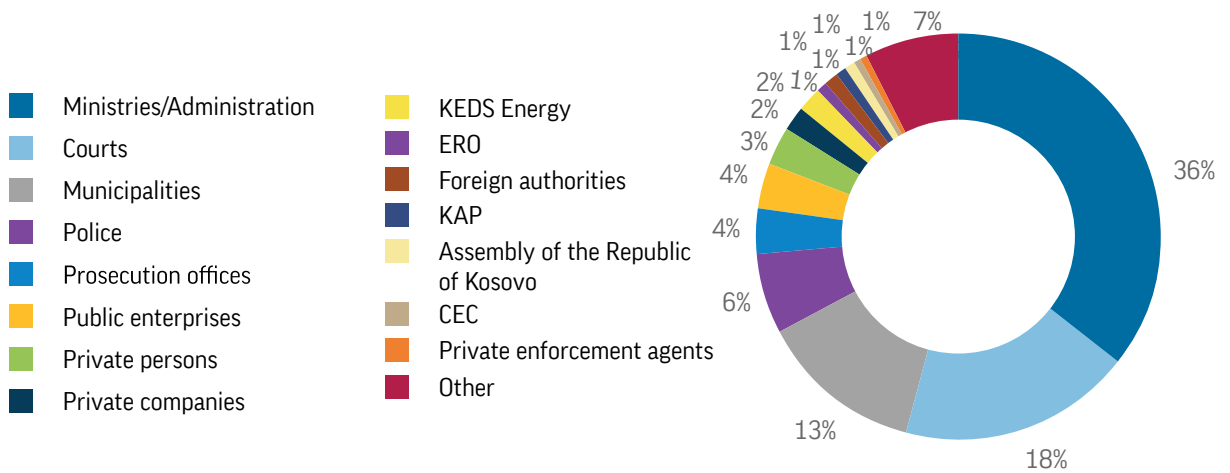
**Figure 2.** Percentage of complaints by ethnic affiliation of citizens



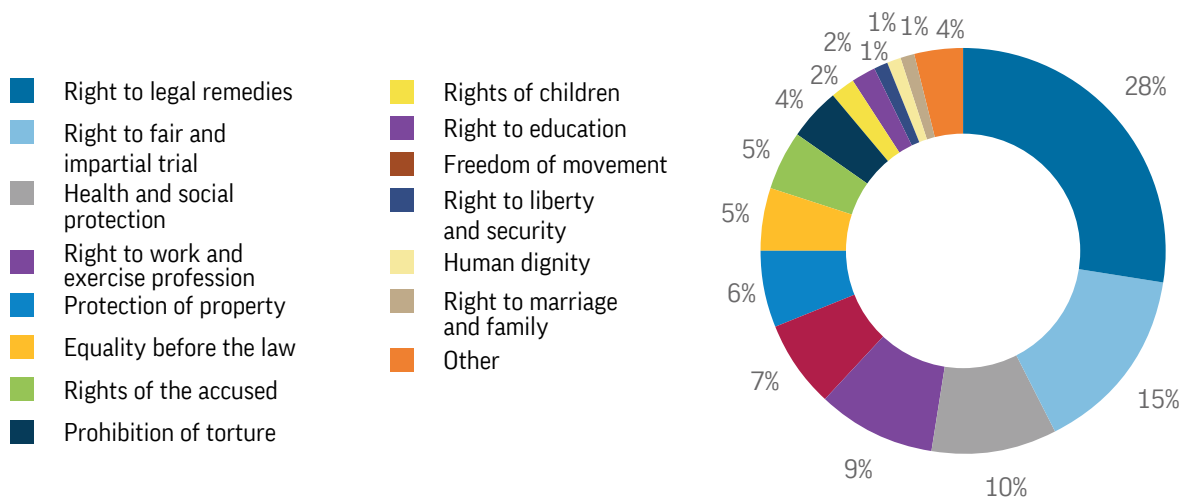
**Figure 3.** Gender affiliation of complainants based on submitted complaints



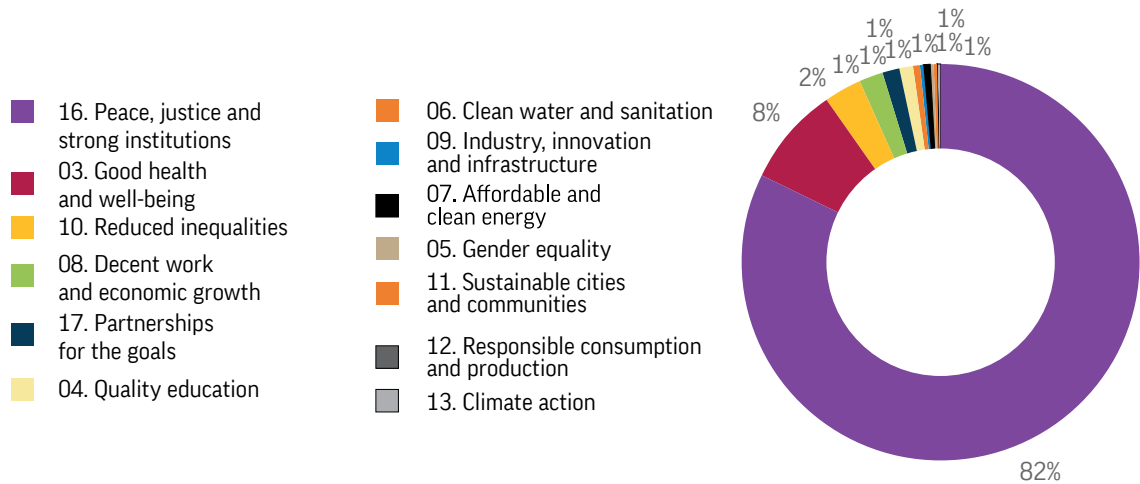
**Figure 4.** Authorities against which complaints were filed



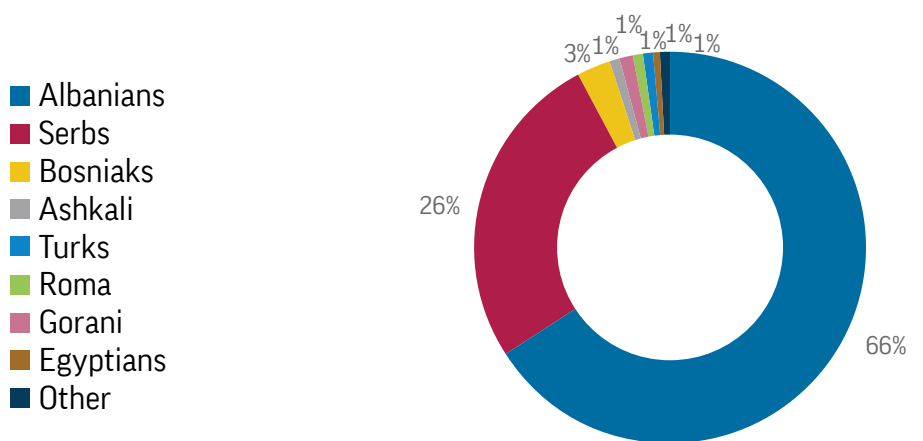
**Figure 5.** Complaints Filed Based on Chapter II of the Constitution – Fundamental Rights and Freedoms



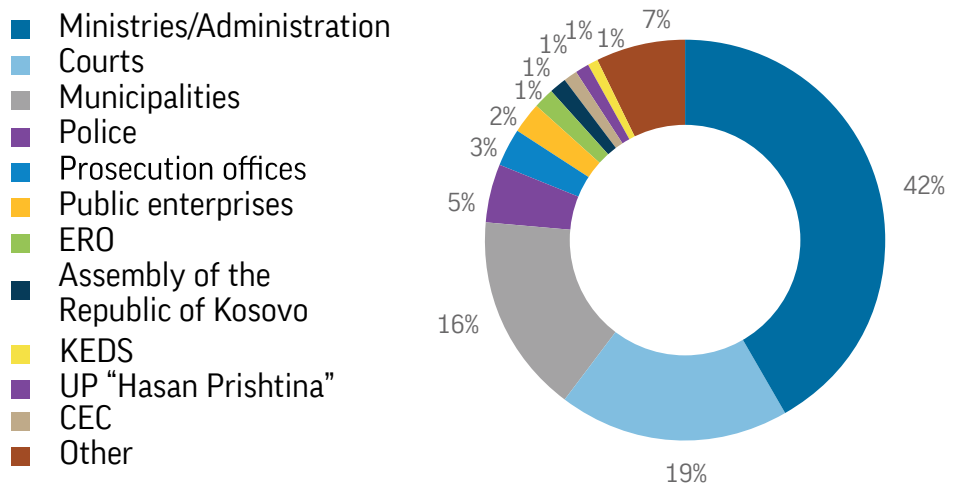
**Figure 6.** Number of submitted complaints by SDGs (a single complaint may include multiple SDGs)



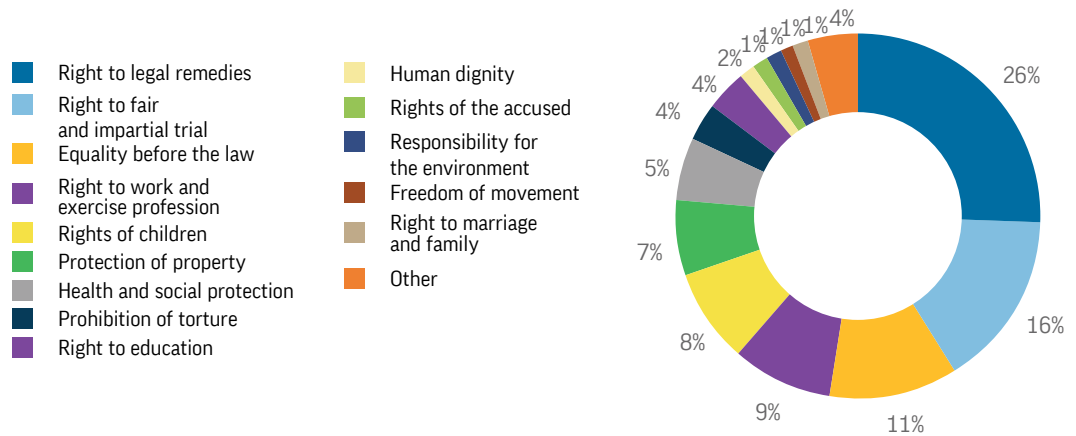
**Figure 7.** Complaints opened for investigation, by ethnic affiliation of complainants



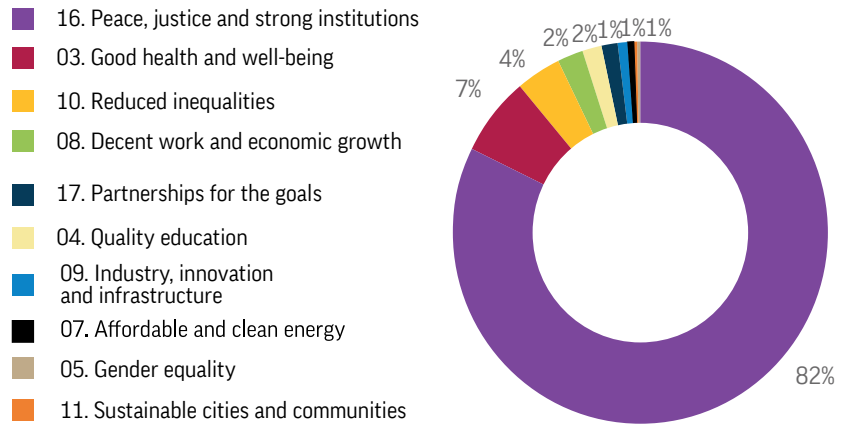
**Figure 8.** Public authorities against which investigations were opened based on complain



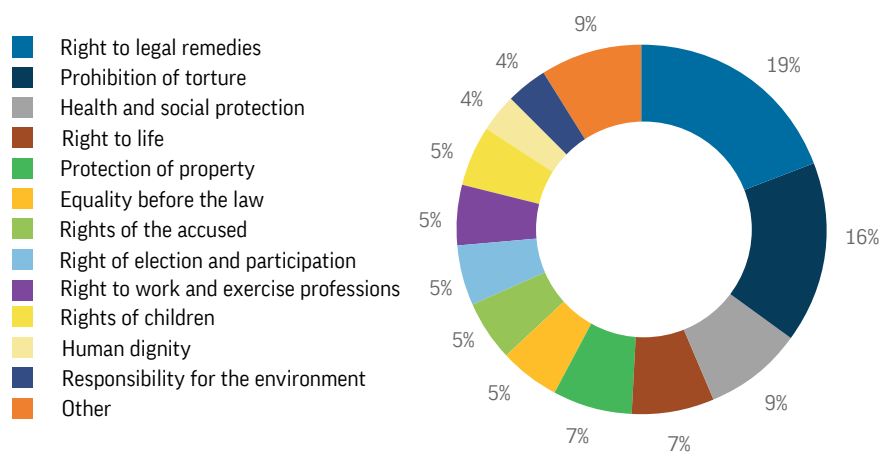
**Figure 9.** Investigated Complaints by Chapter II of the Constitution – Fundamental Rights and Freedoms



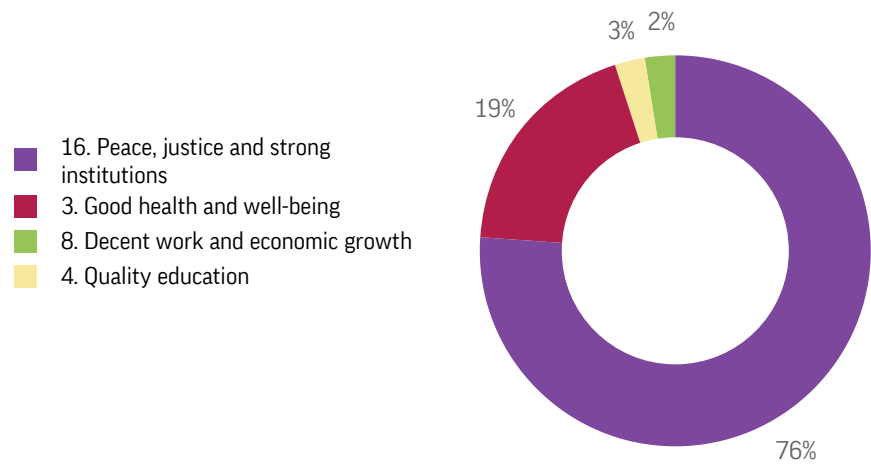
**Figure 10.** Number of Investigated Complaints by SDGs (a single complaint may include multiple SDGs)



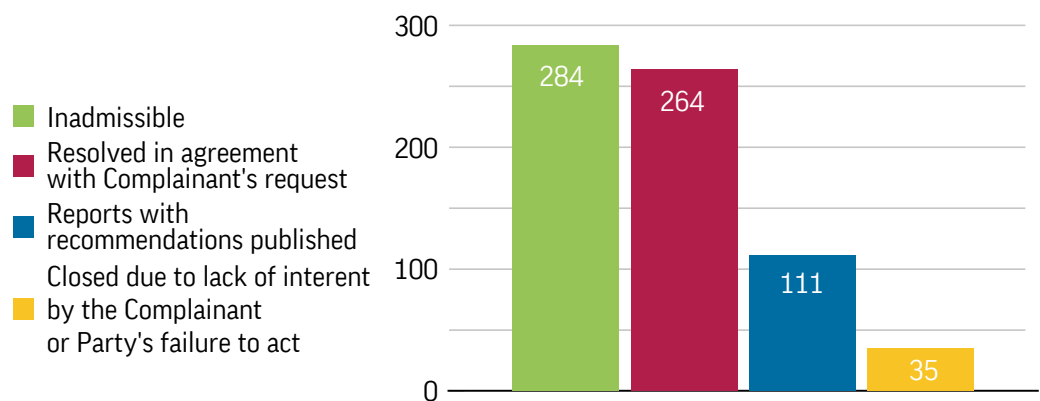
**Figure 11.** Ex-Officio Investigated Complaints, according to Chapter II of the Constitution - Fundamental Rights and Freedoms



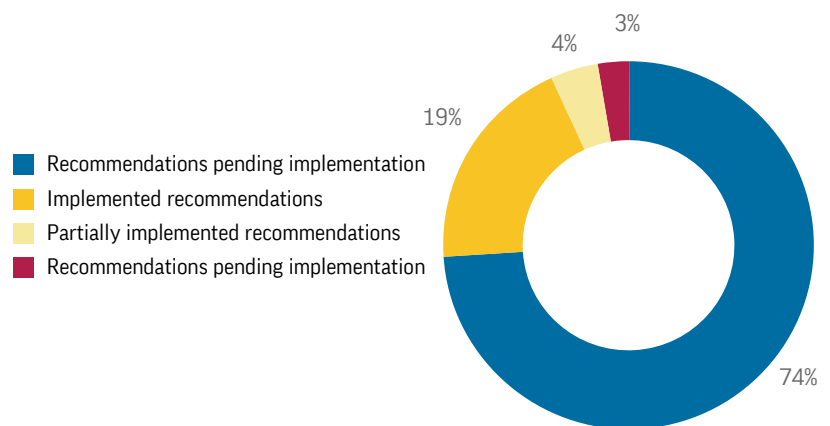
**Figure 12.** Number of Ex-Officio Cases, by SDGs (a case may involve multiple SDGs)



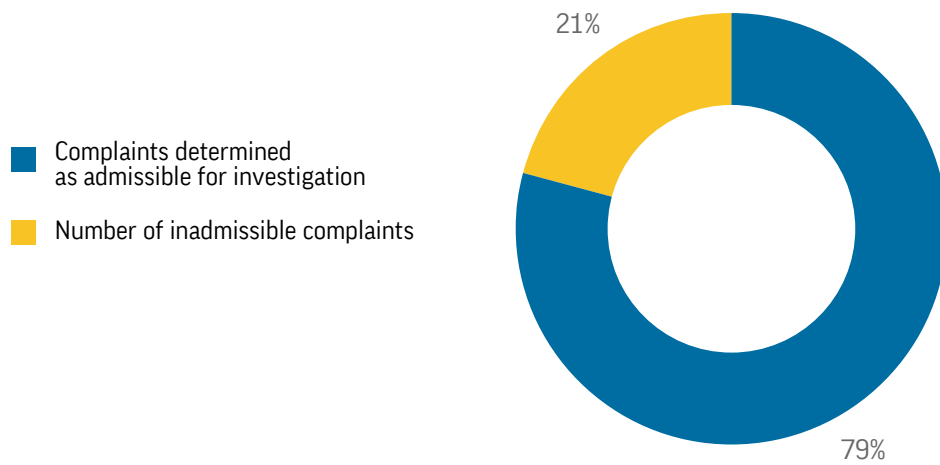
**Figure 13.** Cases Resolved with Conclusion/Closure of Investigations (including cases from 2025 and previous years)



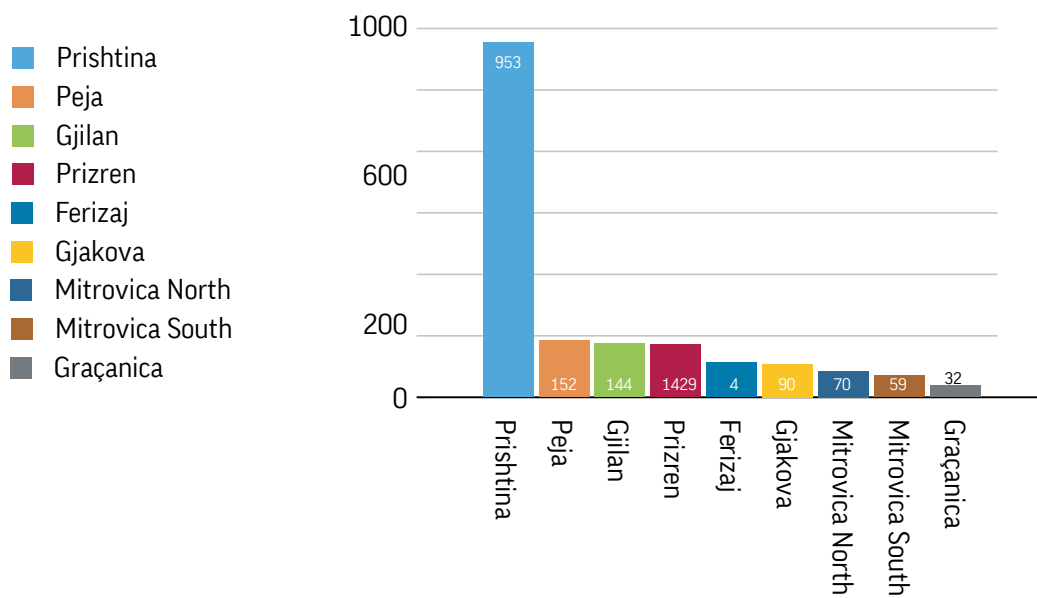
**Figure 14.** Percentage of implementation by the responsible public authorities of the recommendations of the Ombudsperson published in 2025

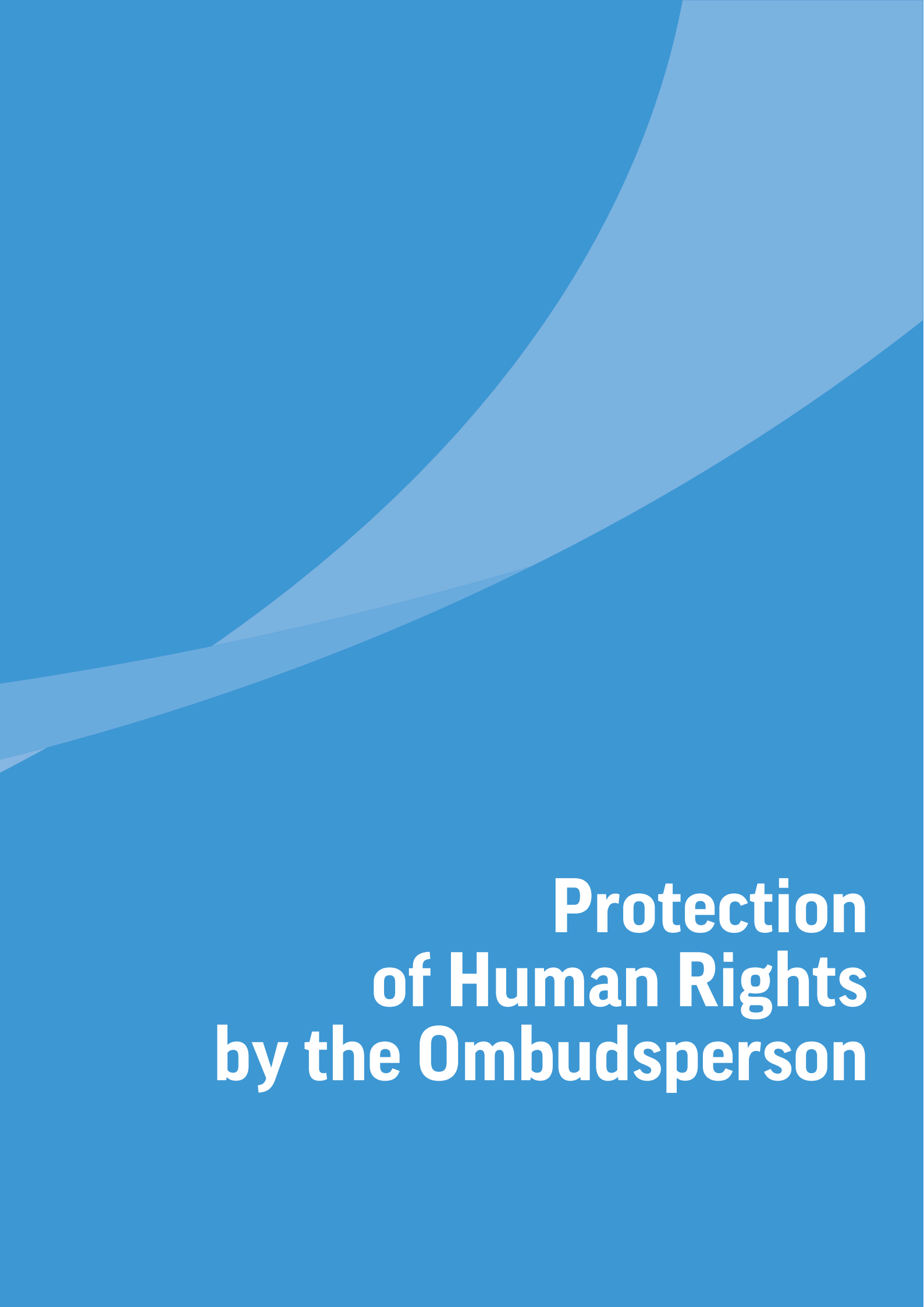


**Figure 15.** Percentage of investigated and inadmissible complaints by the Department for the Protection of Children’s Rights



**Figure 16.** Complaints filed during 2025 with the central office and the regional offices of the Ombudsperson



The background is a solid blue color with several overlapping, curved, semi-transparent shapes in lighter shades of blue, creating a layered, abstract effect. The shapes are primarily located in the upper and middle portions of the frame.

# **Protection of Human Rights by the Ombudsperson**

# Protection of Human Rights by the Ombudsperson Fundamental Rights

## Fundamental Rights

### Human Dignity

Human dignity constitutes a fundamental value on which the constitutional order and the system of protection of human rights in the Republic of Kosovo are built. It is explicitly provided for in Article 23 of the Constitution, which states that human dignity is inviolable and is the basis of all fundamental human rights and freedoms.

The constitutional interpretation of human dignity in the Republic of Kosovo is inseparable from the practice of the ECtHR, which has consistently emphasized that respect for human dignity constitutes the essence of the ECHR. The Ombudsperson emphasizes that the ECtHR has developed standards, according to which states have not only the obligation to refrain from violating human dignity, but also positive obligations to take effective protective measures, especially towards persons in vulnerable situations.

During 2025, the Ombudsperson received 24 complaints alleging violations of human dignity, of which 10 were processed for further investigation, while 14 were declared inadmissible. In addition, the Ombudsperson has initiated an *ex-officio* investigation in two cases.

The cases submitted to the OIK with alleged violations of human dignity include: a complaint about offensive and degrading language used against the complainants in a public institution<sup>2</sup>; a report about sexual harassment and failure to take measures by the employer<sup>3</sup>; a complaint about the cessation of pension payments for blind persons, which was resolved by the authority and then closed by the OIK<sup>4</sup>; a claim about denigrating treatment by the police<sup>5</sup>; claims about violation of human dignity, gender discrimination, violation of rights arising from the employment relationship<sup>6</sup>; allegation of threats from neighbours and failure to take measures by the police<sup>7</sup>; and allegations of non-intervention by the Police, despite complaints of psychological and physical attacks against the applicant.<sup>8</sup>

Other cases filed involving allegations of violation of human dignity included cases where of alleged bullying, complaints for filing lawsuits against private persons, complaints for failure to provide drinking water, allegations of illegal psychiatric hospitalization and degrading treatment, complaints for low compensation as a victim of criminal offenses, etc.

In the *ex-officio* case R/370/2025, the Ombudsperson initiated investigations regarding allegations that a woman with disabilities was raped and became pregnant. This case was reported by the media. The Ombudsperson initiated investigations and contacted the competent authorities, which are conducting investigations regarding the case. The Ombudsperson is extremely concerned that this act was committed against a woman with disabilities, who belongs to a vulnerable category, resulting in a serious violation of human dignity, and affecting the right not to be treated in an inhumane and degrading manner, the right to bodily integrity and non-discrimination. The investigations in this case have not yet been completed and the Ombudsperson is following the developments of the procedures of the competent bodies.

The investigation of the case No. 1501/2025, according to the complaint of a citizen against the Institute of Forensic Psychiatry, showed

2 Case R/1733/2025  
3 Case R/1688/2025  
4 Case R/1525/2025  
5 Case R/1240/2025  
6 Case R/1159/2025  
7 Case R/1147/2025  
8 Case R/562/2025

that due to the lack of space for compulsory psychiatric treatment with detention of persons with mental disorders who have committed a criminal offense and have been imposed this measure by the court, they are not treated by the Institute of Forensic Psychiatry due to the lack of places. It was also noted that due to the lack of space, these cases are sent to detention centers. Such a situation implies undignified treatment for these persons and represents a failure of the responsible authorities to fulfill their legal obligations for the treatment of such cases. From the response that the Ombudsperson received from the Institute of Forensic Psychiatry, it is emphasized that they possess only 12 beds for this category of persons, while on the other hand there is no space for the treatment of women. This situation is indicative of the lack of appropriate measures for persons to whom this measure has been imposed by court decision, there is no control of its implementation by the court, and on the other hand, for the Ombudsperson, this represents a continuous violation of the dignity of these persons and of their rights and freedoms in relation to the state's obligation for these persons to receive the necessary treatment and health services.

## The Right to Life

The right to life constitutes the foundation of all human rights and freedoms. Without the guarantee of this right, the exercise of other rights becomes impossible. In the Republic of Kosovo, the right to life is clearly guaranteed in the Constitution, in domestic legislation and is based on international human rights standards.

The right to life means the protection of the individual from any form of arbitrary deprivation of life. It includes not only the prohibition of murder, but also the obligation of the state to take active measures to protect the life of citizens. This includes protection from violence, inhumane treatment, torture, institutional negligence and risks that may endanger human life. The right to life is considered an absolute right, which cannot be suspended even in a state of emergency.

The Constitution of the Republic of Kosovo guarantees the right to life and expressly

stipulates that every individual enjoys this right, while the death penalty is prohibited<sup>9</sup>. This right is also guaranteed by international instruments, such as the United Nations Universal Declaration of Human Rights<sup>10</sup>, the European Convention on Human Rights<sup>11</sup>, and the International Covenant on Civil and Political Rights<sup>12</sup>, which are part of the legal and constitutional system in the Republic of Kosovo and have priority, in case of conflict, over the provisions of laws and other acts of public institutions in the Republic of Kosovo<sup>13</sup>. The aforementioned acts determine the obligation of the state's parties to guarantee this right by law and that no one under their jurisdiction shall be arbitrarily deprived of life.

During this year, the Ombudsperson has received 10 complaints alleging violations of this right, of which 4 have been opened for further investigation, while 6 have been declared inadmissible. During the reporting year, 4 cases have also been opened for investigation *ex-officio*.

The first case concerns the kidnapping of a Kosovo citizen of Serbian nationality, who was injured and kidnapped by the Serbian gendarmerie and taken to Serbia. According to information from the media, the kidnapping took place within the territory of the Republic of Kosovo. The circumstances in which this case occurred were unclear, while there was information that the kidnapped person had been mistreated. Based on this information, the Ombudsperson requested the Kosovo Liaison Office in Serbia to inquire about his fate, health condition and treatment. The Ombudsperson was informed by the Liaison Office of the Republic of Kosovo in Serbia that the same person was hospitalized in the intensive care unit, while the request for detailed information on his condition and for the possibility of a visit by diplomats from the Liaison Office was answered negatively. From the information provided, the Ombudsperson concluded that, despite the efforts of the authorities of the Republic of Kosovo, monitoring of this case has not been ensured.<sup>14</sup>

The second case was opened for investigation based on information provided by the media, which had reported on an event that occurred in

9 Constitution of the Republic of Kosovo, Article 25

10 United Nations, Universal Declaration of Human Rights, Article 3

11 Council of Europe, European Convention on Human Rights, Article 2

12 United Nations, International Covenant on Civil and Political Rights, Article 6

13 Constitution of the Republic of Kosovo, Article 22

14 1661/2025

Lipjan, when during the arrest of a citizen who was disturbing public order and peace, he died. The event occurred at around 00:15, on July 7, 2025, when the police received information that a person, who was suspected of being under the influence of alcohol, was attacking vehicles and passers-by on “Haradin Bajrami” street in Lipjan. During the arrest and detention, the person against whom the actions were being taken died. The entire situation was recorded on video by passers-by. The case sparked public debate, given that the death occurred during the arrest and the footage was published in the media and social networks. The Ombudsperson had stated that urgent investigative actions should be taken to professionally clarify all the details of the case, to determine the causes of death, the proportionality of the use of force, and whether medical assistance was provided in time, and other relevant circumstances. The Ombudsperson is continuing the investigations and is awaiting reports from the competent authorities.<sup>15</sup>

The third case was opened for investigation based on information provided by the media about the death of a person arrested in the Detention Center at the Police Station in Suhareka, who, according to Police reports, had hanged himself in his cell. According to the information provided, the responsible authorities have completed the investigations and have taken measures against the police officers who were in charge on the critical night.<sup>16</sup> The Ombudsperson is continuing the investigations to assess the fulfillment of the obligations of the responsible authorities to take measures that guarantee the safety of life of arrested and detained persons, in accordance with domestic legislation and with the procedural guarantees arising from Article 2 of the ECHR.

The fourth case was opened for investigation based on the notification from the Prison Health Directorate that a person committed suicide in the Detention Center in Prishtina. In continuous communication with the relevant authorities and after receiving the report of the Investigation Committee, it was noted that the Standard Operating Procedures and ethical

and professional norms were implemented since the person was admitted to the center, and it was concluded that there was no delay in the provision of health services. However, all necessary documents were forwarded to the competent authorities for the investigation of the case.<sup>17</sup>

The Ombudsperson, on April 17, 2025, published a Report with Recommendations on a case that occurred in 2024, when a 21-year-old woman was killed by her ex-husband, while she was at the Center for Social Work in Ferizaj.<sup>18</sup> The case occurred on April 12, 2024, when the late E. C., on the critical day, had sent her minor child to meet with her father at the CSW building in Ferizaj. The ex-husband shot and killed E.C. and wounded her minor brother D. C. The report found that, despite the measures taken, the state authorities failed to take all necessary measures to ensure the life of the citizen, who, as a result of the lack of adequate security measures, was killed by her ex-husband. Recommendations for preventive measures in such cases were addressed to the authorities.

Despite the fact that the Republic of Kosovo has taken serious steps in creating response mechanisms to cases of domestic violence, there are still aspects that require the attention of the responsible authorities regarding the positive obligations of the state to protect the right to life, an issue that will be addressed in more detail below.

## The Right to Personal Integrity

The right to respect for and inviolability of the physical and mental integrity of every person constitutes the essence of the protection of human rights and freedoms.

The right to personal integrity is a right guaranteed by Article 26 of the Constitution of the Republic of Kosovo. Furthermore, the European Convention on Human Rights interprets the physical and mental integrity of a person through Article 8 (Right to respect for private and family life). In the spirit of the Constitution, the right to personal integrity in

<sup>15</sup> 850/2025

<sup>16</sup> 840/2025

<sup>17</sup> 1224/2025

<sup>18</sup> <https://oik-rks.org/2025/04/17/raport-i-avokatit-te-popullit-ex-officio-nr-563-2024-lidhur-me-detyrimet-pozitive-per-ndermarrjen-e-masave-preventive-ne-qendrat-per-pune-sociale-per-mbrojtjen-e-integritetit-fizik-gjegjesht-per-t/>

our country is also regulated by a number of laws.

During the reporting year, the Ombudsperson received a total of five individual complaints alleging a violation of the right to personal integrity. After the initial review of these complaints, two complaints met the legal admissibility criteria. One of the complaints concerns the case of a complainant, who claims to have been subjected to involuntary psychiatric treatment in the Psychiatric Clinic. Both of these cases are under consideration and a final decision has not yet been issued.

While three complaints did not meet the admissibility criteria and were declared inadmissible due to the lack of conditions set out by law, as follows:

- Two were declared inadmissible because, from the submitted notes and after a detailed examination of the circumstances described in the complaints, it resulted that the issues raised are not within the competence of the Ombudsperson.
- One complaint was declared inadmissible because, from the evidence submitted and the circumstances described, it resulted that the complainant did not use the legal remedies available to him.

Generally, this right is implemented and respected by the authorities of the Republic of Kosovo. However, the admission of persons for involuntary treatment to the Emergency and Intensive Psychiatric Care (EIPC) Unit without a court decision continues to be a concern.<sup>19</sup> Although the NMP has repeatedly recommended resolving this problem, this issue still remains unresolved. Furthermore, the Ombudsperson, from the visits conducted at the EIPC, has noted that there is no evidence proving that persons for involuntary treatment are provided with a written explanation of the reasons for involuntary treatment, as provided for in Article 21, paragraph 1.4, of Law No. 05/L-025 on Mental Health, which expressly

stipulates that a patient treated against his/her will, among other things, must be explained in writing the reasons for involuntary treatment within 48 hours.

From this perspective, the NMP team has observed that in the EIPC, as well as in psychiatric departments within regional general hospitals at the national level, in most cases, hospitalized persons with mental health problems are not given the opportunity to give written consent or the right to refuse treatment. The same situation was also found in the Report of the European Committee for the Prevention of Torture on the visit to Kosovo in 2015<sup>20</sup> and 2020<sup>21</sup>, which states: *“The admission of a person to a psychiatric institution on an involuntary basis, whether in the context of civil or criminal proceedings, should not exclude obtaining informed consent for treatment. Any deviation from this principle should be based on law and related only to exceptional circumstances clearly defined and should be accompanied by appropriate safeguards.”*

## Freedom of Movement

The Constitution of the Republic of Kosovo guarantees the right of every person to freedom of movement, both within the territory of the state and outside its borders (Article 35). This right is guaranteed equally to all residents, without obstacles or unlawful interference. Meanwhile, the entry and stay of foreign citizens in the territory of the Republic of Kosovo is regulated by a special law (Article 35, paragraph 5).

During 2025, the Ombudsperson received 36 complaints related to the right to freedom of movement. Of these, 26 complaints were declared inadmissible, while investigations were conducted for 10 others<sup>22</sup> based on the complainants' claims.

19 <https://oik-rks.org/2023/10/04/raport-i-mkpt-se-lidhur-me-viziten-ne-kliniken-psikiatrike-te-qendres-klinike-universitare-te-kosoves-urgjenca-and-kujdesi-intensiv-psikiatrik/>

20 European Committee for the Prevention of Torture, Report on the visit to Kosovo in 2015, published in 2016, paragraph 101. For more: <https://rm.coe.int/16806a1efc> (4.7.2018)

21 See the CPT report, paragraph 145, on the last visit to Kosovo, published on September 23, 2021: <https://www.coe.int/en/web/cpt/-/the-cpt-publishes-report-on-kosovo>

22 C/202/2025; C/435/2025; C/770/2025; C/790/2025; C/1171/2025; C/1179/2025; C/1235/2025; C/1262/2025; C/1289/2025; C/1634/2025

The complaints declared inadmissible are as follows:

- Fifteen (15) complaints were declared inadmissible based on Article 22, paragraph 1, subparagraph 1.1, where from the submitted information and the circumstances of the case it resulted that human rights and freedoms were not violated or no maladministration was committed.
- Seven (7) complaints were declared inadmissible based on Article 21, paragraph 1, subparagraph 1.3, where from the submitted information and the circumstances of the case it resulted that the subject matter is not within the competence of the Ombudsperson, according to the Law on the Ombudsperson.
- Three (3) complaints were declared inadmissible based on Article 21, paragraph 1, subparagraph 1.3, where from the submitted information and the circumstances of the case it resulted that subject matter is not within the competence of the Ombudsperson, according to the Law on the Ombudsperson.
- One (1) complaint was declared inadmissible based on Article 21, paragraph 1, subparagraph 1.3.4, where from the submitted information and the circumstances of the case it resulted that the complaint represents an abuse of the right to file a complaint.

Out of ten (10) cases opened for investigation, in two the investigations were completed in accordance with 22, paragraph 1, subparagraph 1.1, where from the investigation of the case it resulted that human rights and freedoms were not violated or no maladministration was committed.

The cases open for investigation mainly concern the procedures for the recognition or acquisition of citizenship of the Republic of Kosovo, as well as the provision of relevant documentation. The complainants claim that the rejection of the applications for residence permits was based on inconsistencies in personal data, while the appeals filed were not reviewed within the legal deadlines by the second-instance bodies. In some cases, the complainants emphasize that they were notified of the rejection without full legal

justification, without clarification of the legal basis of the decision and without instructions on legal remedies, which has produced serious practical consequences, especially in the exercise of freedom of movement. Some of the complaints are also related to difficulties that have arisen as a result of inconsistencies in the documentation and the lack of clear information from the competent institutions. The investigations into these cases are ongoing.

The Ombudsperson assesses that, although freedom of movement is not an absolute right and may be limited for reasons defined by law, the implementation of these restrictions in practice should be accompanied by clear, reasoned decision-making based on criteria of necessity and proportionality, ensuring that the restrictions imposed in practice do not violate the essence of this right.

## Protection of property

The right to property is a right protected by the provisions of the Constitution of the Republic of Kosovo.

During the reporting year, the Ombudsperson received 139 complaints related to property issues. Of these complaints, 51 cases were opened for investigation.

During the reporting year, the Ombudsperson focused on issues related to the protection of property, namely issues related to:

- expropriation of immovable property and non-execution of compensation for expropriation;
- demolition of buildings without permits and standard legal procedures related to such issues;
- protection of property in judicial proceedings.

Regarding the issues of expropriation of immovable property and non-execution of compensation for expropriation, the Ombudsperson opened *ex-officio* investigations regarding the case of the residents of the “Bregu i Diellit” neighbourhood in Prishtina and the property problems they faced. In this case, the Ombudsperson noted that the properties of the residents of this neighbourhood were expropriated in 1985, but compensation for

the expropriation was never executed and the residents were never relocated from the properties that were expropriated in the nineties. The case is in the investigation phase.

Regarding the issue of the demolition of unauthorized buildings and the standard legal procedures for such issues, the Ombudsperson reviewed the complaints of the residents of the village of Leshak, who were warned by the Mayor, at the request of the Ministry of Internal Affairs, that 12 unauthorized houses in the area near the police station in Leshak would be demolished. Regarding this issue, the Ombudsperson, in order to obtain more detailed information about the case, on July 10, 2025, went to the field and met with the owners of these houses, from whom he was informed about their difficult situation and condition, as well as the need to guarantee compliance with the established legal procedures. The Ombudsperson then met with the Mayor of the Municipality of Leposaviq, Mr. Lulzim Hetemi, from whom he requested that the established legal procedures be respected, taking into account the interests of both parties and with the aim of protecting legality, but also protecting the interests of the residents, to the extent possible.

Regarding the issue of property protection in judicial proceedings, the Ombudsperson continued to receive complaints during this reporting year about the delay in judicial proceedings related to property issues and obstruction of possession, and published a considerable number of reports with recommendations, recommending to the courts of the Republic of Kosovo to act within reasonable deadlines in order to decide on the cases under consideration.

### **Legalization of properties**

The Ombudsperson, from the investigations of the complaints received and the concerns raised by citizens and civil society, concluded that the challenges to the legalization of illegally constructed buildings, as provided for in the Law on Treatment of Illegal Constructions, already violate the rights guaranteed by the Constitution and the legislation in force. The Ombudsperson expresses concern that a large number of citizens, owners of illegally constructed buildings of Category I and residential units in buildings of Category II, by

failing to register their ownership due to the lack of legalization in the cadastral registers, are denied the fundamental rights related to property, such as the right to benefit from its sale, inheritance or use as a bank guarantee, while in special situations the property remains exposed to legal uncertainty and the risk of demolition.

The Ombudsperson, in order to analyse the situation and challenges in the process of legalizing illegal constructions in the country, in relation to the case initiated *ex-officio*, addressed through questionnaires consisting of relevant questions from Law No. 06/L-024 on Treatment of Constructions Without Permit, the Ministry of Environment and Spatial Planning and 38 municipalities of the Republic of Kosovo, 20 of which responded. Based on the information received, it resulted that most municipalities did not take concrete measures to effectively resolve the issue of handling requests for legalization. The process continues to be accompanied by challenges in many municipalities; no investment was made in capacity building, the process is mainly managed by the Directorate of Urbanism, and there are no special sectors for its management. Only a small number of municipalities have designated competent officials or have allocated additional tasks for handling these cases. As a result of the non-completion of the legalization process, including cases on the pending list for legalization, a large number of properties remained unregistered in the construction register in the cadastre, as the final step of legalization and formalization of property rights.

Another issue with a serious impact on the property rights and legal security of citizens continues to be the failure of the MESPI to fulfill its obligation to resolve the issue of the Pending list, which stems from Article 4 of Law No. 08/L-184 on Amending and Supplementing Law No. 06/L-024 on Treatment of Constructions Without Permit, according to which the MESPI was set a new deadline, within which it had to propose, no later than December 31, 2024, detailed programs to the Government on the manner of treating constructions on the pending list.

In this regard, a separate challenge is presented by Article 7 of Law No. 06/L-024, which determines the responsibilities for the application and coverage of the costs of

legalization of illegal constructions with multiple residential units. According to this article, the investor of the illegal construction bears the primary responsibility for initiating the process of legalization of the multi-residential building. In the absence of mandatory provisions, in some cases the investors of these buildings did not submit a request for legalization due to the high costs of the process, while in other cases the investors (natural or legal persons) went bankrupt or ceased business activity.

In the event that the investor does not act, one or more owners of the units in the building may submit a request for legalization on their behalf. In these cases, the costs of legalization are divided proportionally among all owners, based on the size of their units in the building. Owners who pay these costs have the right to take legal action against those who refuse to contribute, in order to recover their expenses. They may also seek compensation from the investor, including damages and legal costs related to the process. The Ombudsperson expresses scepticism regarding the effectiveness of this right provided for in the legal provisions on the sharing of costs, considering that in these facilities there are many uninhabited units and persons living abroad, whose whereabouts are unknown. Meanwhile, the excessive length of judicial proceedings and the recognition of the right through them represent a separate issue and an inefficient legal remedy.

In this regard, the Ombudsperson also noted significant obstacles in the implementation of Article 7 of Law No. 06/L-024 on the Treatment of Constructions Without Permit. One of the main issues is related to the provisions of Article 14, paragraph 2, of the law, which stipulates: *“The Applicant shall submit, to the municipality where the construction is located, the Application Form and other required documents, as provided for in a sub-legal act adopted by the Ministry [...]”*, as well as Administrative Instruction No. 03/2021 on Basic Health and Safety Requirements, Procedures and Documentation for Treatment of Illegal Constructions for Categories I and II, issued by the MESPI. According to Article 6, paragraph 1, of this Instruction, the application for the legalization of constructions of Category II must include, among others: *“Evidence on property rights or right of use over the parcel required for registration in the cadastre and*

*in the Immovable Property Rights Register (IPRR).”*

It should be noted that the aforementioned requirements of the Law and the Administrative Instruction create an insurmountable obstacle to the implementation of Article 7 of the Law, which grants the owners of residential units in buildings without permit the right to apply for legalization, as they are unable to present evidence of the ownership right or the right of use over the parcel where the building is built. These documents can only be provided by the investor or by the legal owner of the parcel on which the multi-apartment building is built. Consequently, the lack of these documents makes the practical implementation of Article 7 of Law No. 06/L-024 impossible, leaving the owners of residential units without an effective legal solution for the legalization of their properties. Therefore, it can be concluded that this legal obstacle also has a direct impact on limiting the property rights of citizens in this situation.

## Right to Liberty and Security

The right to liberty and security is one of the fundamental human rights and is widely recognized in constitutional<sup>23</sup> and international law, such as in the ECHR<sup>24</sup> and the ICCPR.<sup>25</sup> No one may be arbitrarily deprived of their liberty (detention, arrest, imprisonment). Restrictions on liberty may be permitted only when provided for by law: for the commission of a criminal offence, detention for the execution of a court decision, detention to prevent the commission of a criminal offence, detention of mentally ill persons (in accordance with the law), as well as detention for migration issues (in accordance with the law).

When someone is detained, they must be immediately informed of the reasons for the detention and brought before a court. If the time limit for detention (48 hours) is exceeded, the person has the right to challenge the lawfulness of the detention, as well as to claim compensation in the event of unlawful detention. This right protects the citizen from the arbitrariness of the state and guarantees that the authorities must act only within the law and with respect for human dignity.

The role of the National Mechanism for the Prevention of Torture is essential in overseeing the respect for the right to liberty and security,

<sup>23</sup> Constitution of the Republic of Kosovo, Article 29

<sup>24</sup> European Covenant on Human Rights, Article 5

<sup>25</sup> International Convention on Civil and Political Rights, Article 9

in accordance with the law and with respect for human dignity, especially for persons deprived of their liberty. This right is most at risk when a person is detained or arrested, held in custody or is in closed institutions (prisons, police stations, psychiatric institutions, migration centers).

During the reporting year, the Ombudsperson, in the role of the NMP, visited 15 police stations, conducted 27 visits to correctional and detention centers, 16 visits to psychiatric institutions, as well as 5 visits to places where asylum seekers and irregular migrants are held.

During the visits, the conditions of detention, hygiene, food and health care were assessed. The respect for three legal guarantees was also assessed: notification of the family, access to a lawyer and access to a doctor. In general, it was observed that these guarantees were respected. Detained persons were informed of the reasons for detention (up to 6 hours at the police station) or 48 hours at the detention center.

During the visits, it was observed that most police stations do not have a separate space for detaining persons for up to 6 hours, but they are mainly held in the offices of the investigating police officers. It was also found that there are police stations that do not keep records of persons detained for up to 6 hours. The findings were forwarded to the General Directorate of Police, and the commander of the station visited was notified. 32 recommendations were addressed to the police.

During this year, the Ombudsperson received 25 complaints alleging that the right to liberty and security was violated, of which 23 complaints were declared inadmissible, while 2 were opened for investigation. After the investigation, both cases were closed<sup>26</sup>, as no violations were found. The complaints were mainly against decisions for 48-hour detention, the continuation of pre-trial detention, against court decisions (since the party feels innocent), frequent raids on correctional centers, police inefficiency, etc. In all situations, the parties have been instructed on the actions they should take.

The Ombudsperson has, with published reports, reminded the authorities of the state's obligation to guarantee the safety of persons who are deprived of their liberty, even for short-term detentions (up to 6 hours), by ensuring adequate space, lighting and ventilation,

access to toilets and drinking water, as well as physical and health security. The practice of the European Court of Human Rights has emphasized that even short detentions require minimal humane conditions. If these conditions are not met, the state bears constitutional and international responsibility, as this constitutes a violation of human rights.

During the reporting period, the Ombudsperson held a workshop with participants from the Kosovo Judicial Council, the Kosovo Prosecutorial Council, the Kosovo Bar Association and the Academy of Justice, where, based on the problems encountered in practice, he discussed, among other things: (i) the criteria for determining the measure of pre-trial detention; and (ii) the treatment of persons with mental disorders, with a focus on involuntary treatment and mandatory psychiatric treatment in freedom.

With regard to the criteria for pre-trial detention, referring to relevant statistics, the Ombudsperson has noted that pre-trial detention is a measure that is often used as a measure to secure the defendant in proceedings. Consequently, in order to ensure that the human right to liberty is not violated, public authorities should take into account international standards when imposing pre-trial detention. As such, pre-trial detention should be imposed as a measure of last resort and criteria must be met, such as: (i) first, there must be a "reasonable suspicion" that a person deprived of liberty has committed a criminal offence; (ii) the purpose of the deprivation of liberty must in principle be in the function of the implementation of the criminal procedure and, moreover, it must be proportionate, in the sense that it must be necessary to ensure the appearance of the affected person before the relevant competent authorities; (iii) the deprivation of liberty or the imposition of pre-trial detention must have been made following the procedure established by law.

In ongoing discussions with relevant institutions, the following conclusions emerged:

- Increase the supervision by the Court of Appeals and the control by the Supreme Court of decisions on the imposition of pre-trial detention, by providing principled positions that guarantee respect for the principle that pre-trial detention should be a measure of last resort, necessary and proportionate.

<sup>26</sup> A. No. 51/2025 v. Police in Prizren; A. No. 510/2025 v. Basic Court in Prizren

- The courts should decide in accordance with the law on requests for the assessment of the legality of pre-trial detention, giving priority to the defendant's right to the procedure and the supervision of the pre-trial detention measure as the responsibility of the court, especially in cases of continued pre-trial detention, when all circumstances should be carefully assessed and the risk of pre-trial detention being used as pressure for the defendant to plead guilty should be taken into account (intensify training for judges, prosecutors and lawyers regarding the supervision of pre-trial detention, as well as discuss the amendment of the CPCK on procedures regarding the assessment of the legality of this measure).
- Electronic monitoring should also be applied in the procedure for monitoring house arrest; this should be clearly defined in the legislation and in the procedures for determining the measures.
- Decisions on the determination of the measure of detention should be in accordance with the CPCK, especially in terms of providing a full and individualized justification; justifications with paraphrase of the norm and irrelevant facts that are often described in the justifications should be avoided.
- Measures should be taken by the responsible authorities to ensure that the decisions of the courts and prosecutors are not influenced by public opinion, political pressures and pressures of other natures.
- Courts should take measures to ensure that detention is not used under any circumstances as a means of pressure to admit guilt.

Regarding the treatment of persons with mental disorders, with a focus on involuntary treatment and compulsory psychiatric treatment in freedom, the Ombudsperson, starting from the fact that mental health is the basis for human health in general, emphasizes that additional commitment is needed to the challenges that institutions are facing in the treatment of persons with mental problems. In the specific case, regarding protective measures, the Ombudsperson emphasizes that there is a lack of clarity regarding the legal provisions

that regulate the involuntary placement and involuntary treatment of patients in psychiatric institutions. It is particularly concerning that, in practice, the courts should be more expeditious in matters of reassessment in cases of patients admitted against their will. This is also reflected in the Council of Europe's Committee for the Prevention of Torture (CPT).

A problem identified in practice is the implementation of the guarantees established by the Law on Non-Contestable Procedure, in relation to involuntary detention, the proposal for the appointment of a legal representative and the protection of rights guaranteed by law. This is particularly noticeable with the proposal for the appointment of a legal representative from among the lawyers to protect the interests of the patient, as defined by the Law on Mental Health (LMH), Article 21, paragraph 1, subparagraphs 1.2 and 1.3, as well as Article 85 of the Law on Out Contentious Procedure.

The following conclusions were reached in discussions with the relevant institutions:

- Strengthen the supervisory competence of the courts in relation to compulsory psychiatric treatment measures and treat mental health cases with priority.
- The court undertakes to cooperate with experts at the Institute of Forensic Psychiatry and the Psychiatric Clinic when amending compulsory psychiatric treatment measures.
- The Ministry of Health and the Ministry of Justice should ensure the increase in the capacities of institutions for the treatment of persons with mental disorders, in order to solve the problem of placement in these institutions due to the lack of space, as insufficient capacities continue to pose a problem in cases where these measures are imposed.
- The Ministry of Health should build capacities for psychosocial treatment, treatment and rehabilitation of persons dependent on narcotic and other substances.
- Harmonize the legal provisions of the Law on Mental Health and the Law on Contested Procedure.

## The Right to Fair and Impartial Trial

The right to a fair and impartial trial is guaranteed by Article 31 of the Constitution and Article 6 of the ECHR [Right to a Fair Trial]. This right contains many important elements, starting from a fair trial, the right to access to court, the requirement for an independent and impartial court, equality of arms, the right to be heard, trial within a reasonable time, for the trial to be public, for the decision to be reasoned, the presumption of innocence (in criminal cases), etc.

The Ombudsperson, in accordance with the constitutional principles of judicial independence, does not interfere in judicial procedures and decision-making. However, he has a mandate to provide general recommendations for the judicial system, to appear as a friend of the court (*amicus curiae*) in judicial proceedings related to human rights, and also has special competence in cases of prolonged judicial proceedings.

Within the framework of his competences, the Ombudsperson, during the reporting period, has received 305 complaints from citizens related to the right to a fair and impartial trial. Of these, 128 complaints have been opened for investigation, which include allegations of violation of the right to a trial within a reasonable time by the courts, while 177 complaints have been deemed inadmissible for investigation because: they are outside the jurisdiction (36 complaints); there was no violation or maladministration (56 complaints); the request

was incomplete and was not completed even after the Ombudsperson's requests (8 complaints); they are in the process of using legal remedies (64 complaints); or due to non-use of legal remedies (13 complaints).<sup>27</sup>

During the reporting period, the Ombudsperson held a workshop with participants from the Kosovo Judicial Council, the Kosovo Prosecutorial Council, the Kosovo Bar Association and the Academy of Justice. In this workshop on the right to a fair and impartial trial, the following issues were addressed: (i) the right to trial within a reasonable time frame; (ii) the right of the accused to defence; and (iii) admission of guilt in criminal proceedings.

### Concerning trial within a reasonable time frame

As in previous years, complaints for adjudication within a reasonable time frame dominate. Out of 128 open complaints, the Ombudsperson has initiated investigations and requested information from the courts of various instances regarding the actions taken by them. From the responses we received from the various courts of Kosovo, the Ombudsperson has noted that the Kosovo judiciary is faced with a very large number of unresolved cases and that they are being treated according to the Strategic Plan for Improving Access to Justice.

Regarding this point, the Ombudsperson emphasizes the fact that even the Statistical Report for the first half of 2025, published by the KJC<sup>28</sup>, shows that during the first half of 2025, there were 338,634 court cases in progress, which proves that there is a considerable workload in the courts.

Gjendja e lëndëve:

	Gjykata	Numri i lëndëve që gjykatat kanë pasur në punë gjatë periudhës raportuese	Nga numri i përgjithshëm i lëndëve:		Numri i lëndëve që gjykatat kanë zgjidhur gjatë periudhës raportuese	Numri i lëndëve të ngelura si të pazgjidhura në fund të periudhës raportuese
			Numri i lëndëve të trashëguara si të pazgjidhura nga periudha raportuese	Numri i lëndëve të pranuara në punë gjatë periudhës raportuese		
1	Gjykata Supreme	1510	383	1127	1063	447
2	Dhoma Posaçme	11824	11254	570	1383	10441
3	Gjykatat e Apelit	44571	25519	19052	11846	32725
4	Gjykata Komerciale	12526	9423	3103	2954	9572
5	Gjykata Themelore	268203	217439	50764	63780	204423
	Gjithsej	338634	264018	74616	81026	257608

27 Law No. 05/L-19 on the Ombudsperson, Article 21, paragraph 1, sub-paragraphs 1.3.1 and 1.3.2, and Article 22, paragraph 1, sub-paragraphs 1.1; 1.2; 1.3 and 1.4.

28 See the Statistical Report of the Courts, statistics table on page 5, accessible at: [https://www.gjyqesori-rks.org/wp-content/uploads/reports/78700\\_KGJK\\_RAPORTI\\_PERGJITHSHEM\\_GJASHEMUJORI\\_II\\_2025.pdf](https://www.gjyqesori-rks.org/wp-content/uploads/reports/78700_KGJK_RAPORTI_PERGJITHSHEM_GJASHEMUJORI_II_2025.pdf)

As a result of the investigations, the Ombudsperson has published 30 reports with recommendations regarding the delay in judicial proceedings. The Ombudsperson has found that:

- the judiciary violated the complainants' right to a fair trial, due process, within a reasonable time, as defined and ensured by Article 31 of the Constitution of the Republic of Kosovo and Article 6 of the ECHR;
- there were violations of the complainants' right to an effective remedy, as ensured by Article 32 of the Constitution of the Republic of Kosovo and Article 13 of the ECHR;
- there were violations of the complainants' right to judicial defence as defined in Article 54 of the Constitution of the Republic of Kosovo.

The Ombudsperson also addressed the issue of excessive length of judicial proceedings with the Kosovo Judicial Council, the Kosovo Prosecutorial Council, the Kosovo Bar Association and the Academy of Justice, in a workshop held on 10–11 May 2025, from which the following conclusions emerged:

- The need for communication, coordination and institutional interaction in order to achieve the standard for a fair trial, in terms of a reasonable time frame;
- The involvement and effective role of the justice system in working groups for drafting legislation, in order for the approved laws to be fully implemented in practice; this would help the drafters of legislation to avoid potential errors that could pose a problem for implementation;
- Increase the efficiency of the government and other bodies in implementing the law, court decisions and the judgments of the Constitutional Court, as well as increase the efficiency in the observation of legal rights in extrajudicial - administrative procedures - in order to avoid situations of overload (such as the case of the collective agreement, pensions on multiple grounds, the Law on Salaries regarding payment based on seniority, etc.);

- The procedure for drafting the Draft Law on Implementation of the Right to a Trial Within a Reasonable time frame should include two important components: 1. The body that will decide on these cases should be extrajudicial; 2. The procedure should not create a situation of repetition of the trial of delays;
- Continue the reform in the justice system with a focus on increasing the efficiency of the judiciary and the prosecution, improving infrastructure, advancing digitization and the electronic system, reorganizing the court system, supervising the work of judges through evaluation and disciplinary procedures;
- The need to increase the professional capacities of lawyers and legal representatives, supervising their work by the relevant committees of the Bar Association, as an important factor affecting the smooth running of judicial procedures;
- Facilitate communication and provision of documents, evidence and other materials in the investigation and judicial procedure between the parties, with the aim of increasing efficiency, enabling effective defence and decent representation in judicial proceedings, including communication via e-mail, electronic form of sending documents and the possibility of access for all parties in the procedure to be provided with the recorded materials of the sessions. It has been found that it is very important that the defence be allowed access to the CMIS system;
- The “ping-pong” effect should be avoided in cases where it is caused by negligence and unprofessionalism, always taking care that the avoidance of this phenomenon cannot under any circumstances violate the standard of a fair trial;
- Courts are obliged to activate the incidental constitutional review of legal provisions whenever, during the examination of a case, they find that an applicable provision may be in conflict with the Constitution. The use of incidental review is essential to prevent the accumulation of lawsuits related to possible violations of fundamental rights and freedoms arising from the application of such provisions.

## Activities of the Ombudsperson of the Republic of Kosovo Related to the Kosovo Specialist Chambers during 2025

The Kosovo Specialist Chambers and the Specialist Prosecutor's Office were established by Law No. 05/L-053 on the Kosovo Specialist Chambers and the Specialist Prosecutor's Office. This law regulates the functioning, organization, and jurisdiction of the Kosovo Specialist Chambers and the Specialist Prosecutor's Office (KSC). Judicial proceedings before the KSC began in April 2023 and are currently in the final stage of the first trial in the case of *Thaçi and Others*.

In November 2021, the Ombudsperson visited the KSC, where he met with the President of this institution and her associates, and also visited detainees at the Detention Centre in The Hague. In relation to this visit, the Ombudsperson informed the Assembly of the Republic of Kosovo through the Annual Report for 2021.<sup>29</sup>

### Meeting with the President of KSC

On May 13, 2025, the Ombudsperson, Mr. Naim Qelaj, received at a meeting, at her request, the President of the Kosovo Specialist Chambers, Ms. Ekaterina Trendafilova. During this meeting, a number of issues concerning the work of the Kosovo Specialist Chambers were raised, based also on concerns submitted by the parties.

In this context, the Ombudsperson emphasized his concern regarding the lack of transparency and accountability of the KSC, and raised the issue of whether a fair and impartial trial is guaranteed in this court, in accordance with the standards of the European Court of Human Rights concerning the rights of the accused, which are also guaranteed under the Constitution of the Republic of Kosovo.

The Ombudsperson stressed the importance of respecting the principle of equality of arms with regard to evidence and the manner in which it was obtained, specifically referring to evidence obtained from the Republic of Serbia, considering that Serbia maintains a hostile

stance toward the Kosovo Liberation Army, of which the accused were members. In this context, he raised concerns about the methods, procedures, and channels through which such evidence was obtained, its reliability, and the possibility that it may have been compromised before being presented in court. He also highlighted the importance of allowing the defence an effective opportunity to challenge this evidence, including access to information from the parties that collected it.

The Ombudsperson emphasized the importance of the right to an effective legal remedy. The court's operation, where all levels are consolidated into a single structure, raises doubts regarding the independence of the judicial levels operating within it. Such an organization is not in line with international standards guaranteeing a fair trial, particularly regarding the procedural hierarchy, which is directly linked to the right to an effective legal remedy.

The Ombudsperson further noted that it is concerning that the Constitutional Chamber is included within this structure, creating dilemmas regarding the separation of powers, considering that the Constitutional Chamber does not perform the functions of regular courts but rather exercises review of constitutionality, decisions, and other acts, as well as oversight of human rights compliance in line with international standards incorporated into the legislation of the Republic of Kosovo.

In addition, it is particularly concerning that the Ombudsperson of the KSC is part of this structure, which contradicts the Paris Principles, which stipulate that the Ombudsperson should be an independent institution, established by law or constitution, transparently appointed, and exercising its mandate independently and free from influence by any authority. In the case of the KSC, these standards do not appear to be fully met.

The Ombudsperson highlighted the importance of detainees' right to privacy, raising concerns regarding the monitoring of conversations and visits in detention, and considered that, even if legally permitted, such practices undermine privacy, family life, and the right to effective defence if monitoring occurs in relation to the accused's defence team.

The Ombudsperson raised concerns about the continuation of detention for individuals even after the circumstances justifying it have ceased.

29 Annual Report of the Ombudsperson 2021, page 169. See <https://oik-rks.org/en/2022/03/31/annual-report-2021/>

In this regard, he noted that the Specialist Prosecutor's Office repeatedly relied on the same arguments to extend detention even after these circumstances no longer existed, such as alleged influence over witnesses, even after their interviews were concluded. This prolonged detention and failure to substitute alternative measures gives the impression that the Court does not trust Kosovo institutions to ensure a fair and unobstructed process.

## Visit to the Kosovo Specialist Chambers in The Hague

From 12 to 15 November 2025, the Ombudsperson, Mr. Naim Qelaj, together with associates, visited the Kosovo Specialist Chambers in The Hague to closely observe the developments of the judicial proceedings before these Chambers.

This visit resulted from a prior request submitted on September 15, 2025 by the Ombudsperson to the KSC, aimed at enabling observation of public hearings, a meeting with the President of the KSC, visits to detainees, and inspection of the premises where detainees are held. In response, the KSC confirmed the possibility of attending hearings scheduled for 12 and 13 November 2025, a meeting with the Victims' Participation Office, and a meeting with the detainees. However, the KSC did not provide a response regarding the request to visit the detainee facilities, preventing the Ombudsperson from inspecting those areas. Moreover, the planned meeting with the President of the KSC did not take place because she was not in The Hague at that time.

The delay in arranging this visit, from the date of the initial request, was related to the refusal of detainees to treat the visit as private, requesting it to be considered an official visit of the Ombudsperson.

The Ombudsperson also requested a meeting with the KSC Ombudsperson, but was informed that only a virtual meeting via Zoom could be held, implying that a physical meeting in The Hague was not possible. Consequently, the planned meeting with the KSC Ombudsperson did not take place.

During the visit, the Ombudsperson and his team followed the agenda below:

- On 12 and 13 November, the Ombudsperson observed hearings where Mr. Christopher Hill and Mr. Michael Durkee, witnesses proposed by the defence, testified.
- On November 13, the Ombudsperson met with the defence representatives of Mr. Hashim Thaçi, Mr. Kadri Veseli, Mr. Jakup Krasniqi, and Mr. Rexhep Selimi.
- On November 14, the Ombudsperson met with the KSC Registry Office.
- On November 15, the Ombudsperson held individual meetings with the detainees: Mr. Hashim Thaçi, Mr. Kadri Veseli, Mr. Jakup Krasniqi, and Mr. Rexhep Selimi.

### Findings during the visit

During the visit, the Ombudsperson raised concerns regarding compliance within the KSC with guarantees set forth in the Constitution of the Republic of Kosovo and international standards, particularly those established in the ECHR and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

In this regard, the Ombudsperson emphasizes:

- The **KSC** are not monitored by any international institution or organization and do not report on their work to any institution in the Republic of Kosovo. As a result, a complete lack of transparency toward the people of the Republic of Kosovo is evident.
- The jurisdiction of the **KSC** is unclear, and it is not precisely understood which normative basis or international practice it applies in adjudicating cases, as well as whether the principle *Nullum crimen, nulla poena sine lege* is being respected.
- It is unclear whether the organizational structure of the **KSC** is in compliance with international standards for a tribunal. This finding derives from the fact that all levels of the court, as well as the Constitutional Court and the Ombudsperson, are located within the same institution, which raises doubts regarding their independent and impartial function in relation to cases under adjudication, as well as the effectiveness of legal remedies and the right to a fair and impartial trial.

- It remains unclear whether the **KSC**, in drafting their rules and regulations, have fully respected the obligations delegated by law, or whether they have exceeded their legal authorizations by defining powers that may affect the separation of powers, as well as by modifying the procedures and practices under which courts handle criminal cases in the Republic of Kosovo.
- The actions of the **KSC**, by accepting into evidence materials from the Republic of Serbia or literature (individual publications by the accused), raise doubts about the credibility and the attainment of a minimum threshold of reliability of evidence in the proceedings.
- There are concerns as to whether, in trial proceedings, the standard relating to equality of arms between the parties is being applied, considering that the preparation of the indictment lasted five years, while the defence was granted only two months.
- There are concerns regarding respect for the private and family life of detainees, as the conduct of visits under camera surveillance and in the presence of correctional officers raises doubts as to whether such actions of the **KSC** are in compliance with international standards concerning private and family life.
- Interference and lack of respect for the position of the accused in criminal proceedings have been observed. This finding stems from the fact that Mr. Thaçi's laptop, which he used to prepare defense arguments in the proceedings being conducted against him, was confiscated.
- The manner in which the **KSC** are financed from external sources remains highly unclear, as does the lack of transparency in this regard. This lack of transparency raises concerns as to whether the standard requiring the court to be impartial and to act within the jurisdictional framework of the Republic of Kosovo, as defined by the constitutional amendment and by the Law on the Specialist Chambers, is being fulfilled.
- It is noted that the Ombudsperson of the **KSC** has not published any reports on prison visits; it is not known to whom the Ombudsperson reports, and the manner in which the appointment was made was contrary to the standards governing the selection of ombudspersons, as well as to the function of the Ombudsperson itself. In light of these circumstances, it remains highly unclear whether the Ombudsperson of the **KSC** is functional and whether the mandate is being effectively carried out.

## Conclusion

From all of the above, the **Ombudsperson** raises serious concerns as to whether the **KSC** are applying international standards that are directly applicable by courts in the Republic of Kosovo, as defined in Article 22 of the Constitution of the Republic of Kosovo and which take precedence, in case of conflict, over the provisions of laws and other acts of public institutions. The **Ombudsperson** also raises concerns regarding the implementation of Article 53 of the Constitution of the Republic of Kosovo, according to which human rights and fundamental freedoms guaranteed by this Constitution shall be interpreted in harmony with the judicial decisions of the European Court of Human Rights.

The **Ombudsperson** considers it very important that a human rights institute or a group of independent international experts, specialized in the field of international criminal law, be engaged to conduct detailed monitoring of all actions of the **KSC**, from the beginning of the proceedings up to the present time, with a focus on compliance with international standards related to the right to a fair and impartial trial, the right to due process, as well as the right to respect for private and family life. Furthermore, a detailed report should be prepared and submitted to the **KSC**, international institutions, and the institutions of the Republic of Kosovo.

**Other issues  
addressed by the  
Ombudsperson  
concerning the right  
to a fair trial**

# Other issues addressed by the Ombudsperson concerning the right to a fair trial

As highlighted above, the Ombudsperson, through raising concerns in the joint meeting with relevant stakeholders, in addition to the topic of trial within a reasonable time frame, has also addressed the rights of the accused to defence and the admission of guilt in criminal proceedings.

With regard to (ii) The right of the accused to defence, the Ombudsperson, in his Opinion A. No. 230/2023 regarding the right of the defendant to defence with the assistance of a defence attorney, has emphasized that according to the Constitution, the accused is allowed to communicate freely with his/her defence counsel. In this Opinion, the Ombudsperson has also provided the most extensive case law of the ECHR, which sets standards regarding this aspect. The Ombudsperson also emphasized that the police, prosecutors and judges must be careful in implementing procedures during the questioning of the defendant, in order to strictly respect the constitutional and legal rights, international standards and the practice of the ECHR, related to the right of the defendant to be defended by a defence counsel, as well as to communicate freely with him/her. Regarding this issue, the following conclusions were reached in the meeting with the relevant stakeholders:

- Issuance of a legal opinion by the Supreme Court regarding the defendant's right to consult with his/her defence counsel at all stages of the investigative procedure, before and throughout the entire judicial procedure, in compliance with the constitutional norm and the positions of the Ombudsperson expressed in

Opinion No. 230/2023, taking into account that this right cannot be limited;

- Drafting of a guideline by the KPC or the chief prosecutors on the procedures for questioning the accused, which will also include the right of the accused to defence; the same applies to the police, which must implement the SOPs;
- The Kosovo Correctional Service should train staff to improve their behaviour in relation to respecting the defendant's right to communicate with his/her defence counsel freely, in appropriate spaces and without the presence of other persons (the participants referred to many cases where correctional officers remain present and refuse to leave in situations where the defendant consults with his/her defence counsel);
- Measures should be taken by the responsible authorities to prevent the interception and secret recording of conversations and communications between the defendant and the defence counsel;
- Timely provision of defence access to documents during the investigation, at the police, prosecutor's office and court, by delivering all documents and evidence as stipulated by the CPCK (there are cases when the police deliver to the defendant or his/her defence attorney only the first page of the statement given to the police);
- Measures should be taken by the Police and the Prosecution Office to ensure that the defendant's statement is not taken without the presence of the defence counsel, avoiding the practice where lawyers are invited only to sign the statement. Such an action should always be ensured in cases where there is mandatory defence, while when mandatory defence is not foreseen, the right to have a defence counsel may be waived, if the waiver is made clearly and voluntarily after full information is provided about his/her right to defence;
- The Bar Association should ensure that lawyers do not sign the minutes of questioning if they have not been present from the beginning of the procedure.

Regarding the admission of guilt in criminal proceedings and the conclusion of an agreement for such a thing, the Ombudsperson considers that this mechanism is a legal possibility that allows the defendant to admit guilt and, in this way, receive a lower sentence. This increases the efficiency of the courts, but procedural rules are essential to avoid violations of the right to a fair and impartial trial, guaranteed by the Constitution and the ECHR and elaborated by the decisions of the ECtHR. Any decision to accept a plea agreement must be accompanied by the following conditions:

- The agreement must be accepted with full knowledge of the facts and legal consequences, in a truly voluntary manner;
- The content of the agreement and the manner in which it was reached between the parties must be subject to sufficient judicial review.

The following conclusions emerged from the discussions with relevant stakeholders:

- Review the Criminal Procedure Code to determine the procedures and criteria for negotiating a plea agreement, including the court's decision-making on accepting or rejecting the agreement, without exceeding the agreed sentence. In addition, by determining the allowed limits of the criminal sanction that affects the establishment of standards that guarantee consistency in criminal proceedings on the principle of predictability;
- Draft a uniform guideline for prosecutors to encourage the parties to reach a plea agreement, by determining the steps and procedures to be followed by the prosecution;
- Concrete measures should be taken by the KPC and KJC to prevent pressure on defendants to plead guilty through the presumption of guilt when informing the defendant of his/her rights in the procedure and in cases of detention on remand;
- The Kosovo Bar Association should present all cases where it finds that judges or prosecutors use the institution of guilty plea as pressure on

the defendant/accused;

- The Academy of Justice should hold continuous training for prosecutors and judges regarding the procedures for negotiating guilty pleas, establishing best practices and increasing the professional capacities of trainers;
- The Kosovo Bar Association, the KPC and the KJC should take measures in order to prevent unequal treatment of defendants and parties to proceedings on protected grounds (gender, ethnicity, race, sexual orientation and other grounds), as defined in Article 1 of the Law on Protection from Discrimination.

### **Challenges related to respecting the right to a fair and impartial trial**

Based on these findings, it remains concerning for the Ombudsperson that in our internal system there is still no legal mechanism through which complainants could complain about the delay of the procedure, in order to achieve any relief in the form of prevention or compensation.

Regarding the respect of this right, the Ombudsperson published a report years ago recommending to the Government of the Republic of Kosovo<sup>30</sup> to undertake a legislative initiative to propose a law on the protection of the right to a trial within a reasonable time frame, which would determine effective legal remedies for cases related to the delay of judicial proceedings, in accordance with international instruments on human rights and freedoms. Although the Ministry of Justice has prepared the Draft Law on the Realization of the Right to Trial within a reasonable time frame, which was published on the Public Consultation Platform<sup>31</sup> on June 10, 2024, it has not yet been approved, and consequently citizens continue to lack a legal mechanism to achieve any relief in the form of prevention or compensation in cases of judicial delays.

The Ombudsperson is concerned about the statements and language being used in relation to the judiciary by government representatives, members of Parliament, various interest groups, NGOs and the media. This approach undermines the independence of the judiciary

30 Ex-officio Report with Recommendations No.129/2018, <https://oik-rks.org/en/2018/03/06/report-with-recommendations-ex-officio-1292018-effective-solution-of-delays-of-judicial-proceedings-violation-of-the-right-on-trial-within-reasonable-time/>

31 <https://konsultimet.rks-gov.net/viewConsult.php?ConsultationID=42476>

and has as a consequence a decline in citizens' trust in justice.

The Ombudsperson emphasizes that the reasonableness of the duration of judicial proceedings must be assessed in the context of the circumstances of each case submitted to the court. The problem of the length of time spent reviewing court cases and the efficiency of their resolution should not be addressed only at the legal and policy level, but requires the undertaking of practical and effective actions to accelerate the review process and the making of relevant decisions, so that the right to a fair and impartial trial is not only of a formal nature, but is also applicable in practice.

The Ombudsperson has continuously drawn attention to the fact that the situation created, in relation to the large number of cases and the overload that the courts have with court cases, has also been influenced by the performance of the state administration, the failure to implement the law when making administrative decisions and the failure to respect the principles of good administration. In addition, this situation has also been influenced by the lack of political and institutional will to undertake concrete administrative measures in the implementation of the law and other general administrative acts. In this case, cases such as the general collective labour contract and the obligations arising from this contract and sectoral contracts, the failure to amend laws that enable the realization of rights, such as multiple pensions on different legal bases, the 13th salary in sectors where the law recognizes this right (the case of the Police) and other similar situations were mentioned. All of these, in addition to causing a large number of cases of the same nature in court, overloading the judiciary with cases, have also caused considerable damage to the state budget.

Consequently, the Ombudsperson has noted that, despite the measures taken by the KJC, acting in accordance with the Strategic Plan for the Improvement of Access to Justice,<sup>32</sup> the situation has not improved in terms of the duration of judicial proceedings.

The Ombudsperson draws the attention of all authorities of the Republic of Kosovo to the need for inter-institutional communication and cooperation with the aim of continuing the justice

reform, which ensures increased efficiency of the judiciary, maintaining independence from influence and interference, increases transparency and guarantees the right to a fair and impartial judicial process in terms of duration as well, as one of the foundations on which our democratic system is built and on the constitutional values that guarantee human rights.

## Disciplinary liability of judges and prosecutors

Law No. 06/L-057 on the Disciplinary Liability of Judges and Prosecutors grants several powers to the Ombudsperson, including: the power to forward to the competent authority the complaint received against a judge or prosecutor; the power to request the Kosovo Prosecutorial Council and the Kosovo Judicial Council to initiate disciplinary proceedings; and the power to file an appeal with the Supreme Court, in cases specified by law.

Based on the powers of the Law on the Disciplinary Liability of Judges and Prosecutors, the Ombudsperson, during the reporting year, received 13 complaints from citizens, of which 7 complaints were processed as cases for investigation, while 6 complaints were rejected as inadmissible, since they did not meet the admissibility criteria in accordance with the Law on the Ombudsperson and the Law on the Disciplinary Liability of Judges and Prosecutors. It is worth noting that the Ombudsperson, in all cases where he has forwarded complaints to the competent authorities for the initiation of disciplinary proceedings, has accepted the decisions of the authorities within the deadline provided for by law and has notified the complainants of the decisions he received.

## The Right to Legal Remedies

The right to legal remedies constitutes one of the fundamental guarantees of the protection of human rights and freedoms in a state governed by the rule of law. These right enables individuals to challenge decisions of public authorities that infringe on their interests and rights, ensuring judicial and administrative supervision and control over the activities of public administration.

In the Constitution of the Republic of Kosovo, this right is guaranteed by Article 32, which stipulates: *“Every person has the right to pursue legal remedies against judicial and*

<sup>32</sup> [https://www.gjyqesori-rks.org/wp-content/uploads/2022/11/KGJK\\_Plani\\_strategjik\\_per\\_permiresimin\\_qasjes\\_ne\\_drejtisi\\_2022\\_2025\\_lidhur\\_me\\_efikasitetin\\_and\\_prioritizimin\\_lendeve\\_brenda\\_sistemit\\_gjyqesor.pdf](https://www.gjyqesori-rks.org/wp-content/uploads/2022/11/KGJK_Plani_strategjik_per_permiresimin_qasjes_ne_drejtisi_2022_2025_lidhur_me_efikasitetin_and_prioritizimin_lendeve_brenda_sistemit_gjyqesor.pdf)

*administrative decisions which infringe on his/her rights or interests, in the manner provided by law.*<sup>33</sup> This constitutional provision is supplemented by Article 54,<sup>34</sup> which guarantees judicial protection in cases of violation or denial of rights guaranteed by the Constitution, as well as the right to effective legal remedies. The right to a remedy is also guaranteed by Article 13 of the European Convention on Human Rights, which obliges states to provide citizens with effective remedies and courts and administrative bodies to respect legal deadlines. Resolving cases within a reasonable time frame is an essential element for creating legal certainty, strengthening the rule of law and for the functioning of the state of law.

In addition to constitutional guarantees, the right to a remedy is also regulated by domestic legislation.<sup>35</sup> Criminal, civil and administrative legislation provides citizens with the opportunity to use legal remedies against judicial and administrative decisions that violate their rights and interests, in accordance with the procedures and deadlines set by law.

During the reporting year, the Ombudsperson received a total of 553 complaints for violations of the right to a remedy, mainly due to the failure of administrative bodies to respond within the legal deadlines. Of these complaints, 199 complaints were opened for investigation, while the other complaints were declared inadmissible for various reasons, including complaints outside the jurisdiction, complaints after the legal deadline, anonymous complaints, complaints for lack of legal violation or maladministration, complaints for lack of interest by the complainants, complaints where the complainants have used legal remedies, and complaints for non-use of legal remedies. In addition, 11 *ex-officio* cases were opened on the initiative of the Ombudsperson himself.

The Ombudsperson assesses that although this right in our country is guaranteed and well-regulated in terms of law, the very fact of receiving a large number of complaints from citizens is an indication that this right is not being fully respected. Furthermore, negligence on the part of the authorities to respond to citizens' requests is observed.

The largest number of complaints that

have been declared inadmissible by the Ombudsperson relate to requests for drafting legal remedies, such as complaints, requests, lawsuits or other legal remedies, as well as requests for representation of complainants in disputes before competent institutions. All of these are outside the mandate and legal powers of the Ombudsperson.

## The Right to Privacy

In the current social circumstances, where the development of technology, digital administration and the increasing use of artificial intelligence are directly affecting the way public functions are exercised, respect for and protection of the right to privacy represent an essential element for maintaining public trust, as well as for guaranteeing human dignity and fundamental human rights and freedoms.

In this context, the development and application of artificial intelligence systems in the public sector offers opportunities for increasing institutional efficiency and improving the provision of services to citizens, but at the same time requires a responsible approach, based on ethical principles, transparency and risk assessment, in order to prevent violations of privacy and other fundamental rights.

Law No. 06/L-082 on Protection of Personal Data regulates the principles, purposes and conditions of the processing of personal data, and defines the rights and obligations of data controllers and processors, providing for liability measures and sanctions for violations of the relevant legal provisions.

The right to privacy includes respect for private and family life, the inviolability of the home, and the confidentiality of correspondence and other communications. This right is guaranteed by the Constitution of the Republic of Kosovo (Article 36), which stipulates that the collection, storage, access, correction and use of personal data shall be regulated by law.

The right to privacy is also protected by international human rights instruments, including the European Convention on Human Rights. In accordance with Article 8, paragraph 1, of the Convention, everyone has the right to respect for his private and family life, home

<sup>33</sup> Constitution of the Republic of Kosovo, Article 32

<sup>34</sup> Ibid., Article 54

<sup>35</sup> Law No. 06/L-054 on Courts, Article 7, paragraph 3; Law No. 03/L-006 on Contested Procedure, Article 176

and correspondence. However, this right is not absolute and, in accordance with Article 8, paragraph 2, of the Convention, may be subject to certain restrictions, insofar as they are provided for by law, pursue a legitimate aim and are necessary in a democratic society, including cases related to the protection of national security, public order and the rights and freedoms of others.

Regarding the right to privacy and allegations of violations of this right, the Ombudsperson received six complaints during 2025. Of these, one case was investigated, while five were declared inadmissible, presented below:

- One case was declared inadmissible under Article 22, paragraph 1, subparagraph 1.1, where from the submitted information and the circumstances of the case it resulted that human rights and freedoms were not violated and there was no maladministration.
- Four complaints were declared inadmissible under Article 21, paragraph 1, subparagraph 1.3, where from the submitted information and the circumstances of the case it resulted that the matter raised is not within the competence of the Ombudsperson according to the Law on the Ombudsperson.

Whereas, as regards the complaint opened for investigation, the investigation has been completed in accordance with the complainant's request and has been closed under Article 21, paragraph 1, subparagraph 1.5.

Despite the small number of complaints received by the OIK, it appears that there is a need for increased information of citizens regarding their rights and the correct use of legal remedies for the protection of privacy and personal data.

The protection of the right to privacy and the security of personal data remain fundamental elements for guaranteeing individual dignity and freedoms. Although the legal and institutional framework is significantly more developed, the challenges in the protection of privacy and the protection of personal data have taken on a more complex dimension

in the current social circumstances. The constitutional and legal framework provides guarantees and protective mechanisms, but their effective implementation is necessary to prevent unauthorized interference and respect for the rights of individuals, while any restriction must be lawful, justified and proportionate.

The Ombudsperson, from the analysis of the information collected regarding the *ex-officio* case No. 438/2024 on the impact of Artificial Intelligence technologies (hereinafter: AI) on human rights, considers that the lack of regulation with normative provisions of the use of AI leaves open the possibility of a threat to the right to a private life of citizens, given that artificial intelligence systems can be used to collect and analyse personal data, such as biometric data, location and online activities. AI algorithms that process personal data can be sensitive in terms of security, due to the risk of exposing the personal information of individuals and using personal data outside the main purpose for which they were collected.

The risk of limiting the right in question exists in cases where individuals are not informed about how their data is used by AI systems and cannot give the relevant consent, making it impossible to have control over them.

The Ombudsperson draws attention to the potential risk and possibility of interference in the family and private lives of individuals in cases of the use of surveillance and monitoring technologies in private residential spaces.

## The Right to Marriage and Family

The Constitution protects and guarantees the right to marriage and family and, on the basis of free consent, everyone has the right to marry and the right to found a family in accordance with the law.<sup>36</sup> Furthermore, the Constitution stipulates that marriage and its dissolution are regulated by law and are based on the equality of spouses.<sup>37</sup> The Constitution also guarantees that the family enjoys special protection of the state, in the manner regulated by law.<sup>38</sup>

During 2025, the Ombudsperson received 21 complaints related to marriage and family rights. Of these, 11 were declared inadmissible on the grounds that the issues they dealt with

<sup>36</sup> Constitution, Article 37, paragraph 1

<sup>37</sup> Constitution, Article 37, paragraph 2

<sup>38</sup> Constitution, Article 37, paragraph 3

were outside the jurisdiction of this institution, there were no violations of human rights, or the complainants had the opportunity to use other legal remedies. Out of 10 complaints that were received for investigation, 1 case was closed, for which it was established that there was no violation or maladministration by public authorities. Other cases are still under investigation.

Based on the analysis of cases handled by the Ombudsperson Institution, the main complaints relate to family and administrative issues, including: establishing personal contact between parent and child<sup>39</sup>; providing personal documents and regulating legal status in Kosovo<sup>40</sup>; refusal to grant consent by the Center for Social Work to provide children with passports and their travel abroad<sup>41</sup>; delaying court procedures related to granting consent for a passport<sup>42</sup>; monitoring in cases of termination of parental rights<sup>43</sup>; issues of divorce, child custody, determination of alimony and security measures<sup>44</sup>; delaying court procedures for recognition of property rights based on joint marital contribution<sup>45</sup>; as well as allegations of inadequate treatment during contact with the child.<sup>46</sup> In the context of marriage and family law, after investigating cases during the reporting year, persistent problems have been identified regarding the delay in judicial and administrative procedures, difficulties in establishing parent-child contact, and the lack of institutional coordination and efficiency, especially in granting consents for providing children with personal documents and in guaranteeing the best interest of the child. In last year's report, the Ombudsperson positively assessed the adoption of Law No. 08/L-255 on Social and Family Services, as an important step towards reforming the social services system in Kosovo. This law aims to regulate social and family services for persons and families in need, as well as to clearly define the

responsibilities of public and private institutions that provide these services.<sup>47</sup> The law places special emphasis on the development of family and community-based services, the expansion of forms of social protection, and the advancement of family housing for young people after the age of 18. It also creates the possibility for the implementation of the "supervised independent living" model, which, after a reassessment of individual needs, can continue until the age of 26.<sup>48</sup>

In this report, the Ombudsperson continues to assess the practical implementation of Law No. 08/L-255 on Social and Family Services, as well as its impact on improving access to and quality of social and family services. However, one of the key indicators of the implementation of this law, namely the adoption of the relevant sublegal acts, has not yet been fully met. In particular, the adoption of the sublegal acts regulating the organization and scope of Day Care Centers and Reception Centers<sup>49</sup> is lacking, which is directly affecting the functioning of these services. The failure to fully adopt these sublegal acts continues to hinder the effective implementation of the law, while only six sublegal acts have been adopted in order to implement it.<sup>50</sup>

Furthermore, on May 5, 2025, the Ombudsperson Institution published the *ex-officio* Report No. 662/2024 on the responsibility of the state in guaranteeing the mental health of children<sup>51</sup>, which reiterates that, although the Law on Social and Family Services entered into force in 2024, the necessary sublegal acts for its implementation are still lacking. In particular, it emphasizes the need to adopt sublegal acts implementing Article 61 (Day Care Centers) and Article 62 (Reception Centers), which are also important for providing support in the field of mental health.

39 C.No. 242/2025; C.No. 1406/2025

40 C.No. 730/2025; C.No. 740/2025; C.No. 741/2025; C.No. 742/2025; C.No. 743/2025; C.No. 744/2025; C.No. 781/2025; C.No. 781/2025; C.No. 799/2025

41 C.No. 24/2025

42 C.No. 783/2025

43 C.No. 45/2025

44 C.No. 223/2025

45 C.No.550/2025

46 C.No.682/2025

47 See: <https://qzk.rks-gov.net/ActDetail.aspx?ActID=85111>

48 Law on Social and Family Services, Article 28

49 See Articles 61 and 62 of the Law on Social and Family Services

50 Regulation No. 13/2024 on the organization and functioning of the residential housing panel; Regulation No. 09/2024 on the organization and functioning of the family housing panel; Regulation No. 10/2024 on the organization and functioning of the adoption panel; Regulation No. 08/2024 on the organization and functioning of the professional council for social and family services; Administrative Instruction No. 14/2024 on the criteria and manner for licensing professional employees for the provision of social and family services; Administrative Instruction No. 03/2025 on residential housing.

51 <https://oik-rks.org/en/2025/05/06/report-of-the-ombudsperson-ex-officio-no-662-2024-state-responsibility-in-relation-to-childrens-mental-health/>

The report also highlights limited access of children to specialized mental health services in primary and secondary health care. According to the Law on Mental Health, these services at the secondary level are provided only in regional hospitals, through psychiatric departments, which, except for the one in Gjakova, do not have separate units for children and do not provide services of specialized child psychiatrists. Furthermore, the limited professional capacities in Child and Adolescent Psychiatry do not match the growing demand for assessment and treatment, which also makes it impossible to provide psychotherapy services by clinical psychologists, especially due to the insufficient number of professionals in relation to existing needs.

The Ombudsperson brings to your attention that the Draft Civil Code, approved by the Government of the Republic of Kosovo at the meeting of December 30, 2021, failed to secure the necessary votes for approval in the Assembly of the Republic of Kosovo during 2022.

Although the Government of the Republic of Kosovo had foreseen in the Legislative Program for 2023 the resubmission of the Draft Civil Code for review and approval, such an action was not executed. Moreover, the limited functioning and periods of effective non-functioning of the Assembly for more than a year have directly affected the delay in the processing and approval of the Draft Civil Code.

The Ombudsperson expresses his concern regarding this prolonged delay and emphasizes the need to accelerate the processing of the Draft Civil Code by the Government, as well as for its priority treatment by the Assembly. The adoption of this Code remains a necessary step towards strengthening legal security, protecting human rights and consolidating the legal order in the country.

## The Right of Belief, Conscience and Religion

The freedom of belief, conscience and religion in the Republic of Kosovo is guaranteed by Article 38 of the Constitution of the Republic of Kosovo and Article 9 of the European Convention on Human Rights.

During 2025, the Ombudsperson handled two cases related to the respect of religious rights and freedoms, which included complaints submitted by citizens, as well as one case initiated *ex-officio*. These cases reflected various issues, including the issue of the unregulated legal status of religious communities, access to and use of religious facilities, the exercise of religious freedoms in educational institutions, as well as allegations of discriminatory treatment on religious grounds by public authorities.

The right to belief, conscience and religion is regulated by Law No. 02/L-31 on Religious Freedoms, which does not provide a comprehensive regulation of the legal status of religious communities, as it does not contain provisions regulating their registration, acquisition of legal personality, as well as property and financial issues. As a result, there is a legal gap that creates practical difficulties in the exercise of religious freedoms.

Initiatives to amend and supplement the law have continued for more than a decade. During this period, several draft laws have been drafted, including Draft Law No. 07/L-037, which was approved by the Government of Kosovo in January 2023, but which has not been approved by the Assembly of Kosovo by the end of the reporting period. The failure to adopt this law continues to present a systematic problem that negatively affects the full realization of freedom of religious belief for all religious communities operating in Kosovo.

The Ombudsperson has consistently and repeatedly stressed the need to adopt a new comprehensive legal framework that would ensure equal treatment of religious communities before the law and guarantee the effective exercise of religious freedoms, in accordance with constitutional and international human rights standards.

Based on information received during the year, the Ombudsperson has been informed of the cases of two students who were excluded from the educational process due to wearing a headscarf. The Ombudsperson has taken action and drawn the attention of the authorities, reiterating their obligation to ensure that any action and decision relating to the rights of the child is implemented taking into account the principle of the best interests of the child.

The Constitution stipulates: “All actions undertaken by public or private authorities concerning children shall be in the best interest of the children.”<sup>52</sup>

While the Convention on the Rights of the Child<sup>53</sup> stipulates: “In all actions concerning children, whether taken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.”

## Freedom of expression

Freedom of expression in the Republic of Kosovo is guaranteed by Article 40 of the Constitution of the Republic of Kosovo, which ensures the right to free expression, to receive and impart information and ideas without interference, while restrictions on this right are permitted only when they are provided for by law and necessary in a democratic society. This constitutional standard is in full compliance with Article 10 of the European Convention on Human Rights, which, pursuant to Article 22 of the Constitution, is directly applicable in the legal order of the Republic of Kosovo.

In this context, the exercise of this right is further specified and regulated through Law No. 08/L-289 on Access to Public Documents, Law No. 08/L-164 on the Independent Media Commission, Criminal Code No. 06/L-074 of the Republic of Kosovo, as well as Law No. 06/L-082 on Protection of Personal Data, which provides for restrictions only when they are provided for by law, necessary and proportionate for the protection of the rights of others and the public interest. In this way, the necessary balance is established between freedom of expression and the protection of the rights and freedoms of others, the public interest, public order and privacy.

However, this right may be subject to restrictions only when they are provided for by law, necessary and proportionate in a democratic society. Restrictions on freedom of expression are considered justified only in cases where the expressions incite or justify hatred, violence or discrimination, or when they violate public security, constitutional order, the dignity of the

individual and the rights of vulnerable groups. Such an assessment must always be made in accordance with the principle of proportionality, taking into account the context, purpose, impact and real risk arising from the content expressed.

International human rights standards and instruments, including the European Convention on Human Rights (Article 10), the International Covenant on Civil and Political Rights (Articles 19 and 20), as well as the case law of the European Court of Human Rights (Feret v. Belgium, Application No. 15615/07<sup>54</sup>, Jersild v. Denmark, Application No. 15890/89<sup>55</sup>) impose clear obligations on the state to guarantee effective protection of freedom of expression, while ensuring the prevention and addressing of hate speech and the protection of the rights and dignity of others, in accordance with the principle of proportionality.

During the reporting year, the Ombudsperson received two complaints related to freedom of expression. One complaint was declared inadmissible due to non-exhaustion of legal remedies, while the other complaint was declared inadmissible because the submitted information and the circumstances of the case resulted in the matter not falling within the competence of the Ombudsperson under this law.

Although the number of complaints is small, this has not prevented the Ombudsperson from monitoring the respect for freedom of expression in the country and the language used in public discourse. Traditional media and information portals are main sources of information and important instruments for the exercise of freedom of expression, while social networking platforms, which allow interactive communication, offer wide opportunities for communication.

The lack of a clear legal regulation on the use of social platforms continues to pose challenges in relation to exceeding the limits of freedom of expression, the security and reliability of information, the identification of responsibility for the content distributed, as well as the use of degrading and hate speech.

52 Article 50, paragraph 4

53 Article 3, paragraph 1

54 See at: <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22002-1407%22%5D%7D>

55 See at: <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-57891%22%5D%7D>

EU directives and international instruments regulating the issue of freedom of expression emphasize the need for continuous monitoring and institutional intervention, as well as for increased public awareness on the responsible use of freedom of expression, in order to preserve the integrity of information and respect the rights and dignity of individuals.

Regarding the language used in public discourse, on December 5, 2025 the Ombudsperson, through a public response, expressed deep concern about the use of offensive, denigrating and discriminatory language during the election campaign. According to the Ombudsperson, such language violates personal, moral and professional integrity, feeds hate speech and undermines the progress achieved in Kosovo, by abusing freedom of expression and political power. The Ombudsperson has called for political maturity and institutional responsibility, by promoting a moderate, correct and tolerant language, especially in sensitive periods.<sup>56</sup>

The Ombudsperson, also through this annual report, emphasizes the importance of institutional responsibility, political maturity and the promotion of a measured, ethical and tolerant communication, as well as the need for public awareness and institutional intervention to preserve the integrity of the of information and respect for the rights and dignity of individuals.

## The Right of Access to Public Documents

Access to public documents, in addition to being a fundamental right, constitutes an essential mechanism for guaranteeing the transparency and accountability of public institutions, enabling citizens to be informed and to participate actively in matters of public interest. This right directly contributes to strengthening the rule of law and increasing public trust in public administration.

This right is guaranteed by the Constitution (Article 41) and by international instruments for the protection of human rights, including the Universal Declaration of Human Rights (Article 19), the European Convention on Human Rights (Article 10) and the International

Covenant on Civil and Political Rights (Article 19), which set standards for transparency and freedom of information.

Law No. 06/L-081 on Access to Public Documents (LAPD - Article 1) establishes the right of every person, without discrimination, to have access to public documents that have been created, received, administered or controlled by public institutions, as well as the right to reuse public sector documents. This law sets out the principle of free access to public documents, allowing restrictions only in special and justified cases, such as the protection of national security, the conduct of criminal investigations or the protection of personal data, and regulates the procedures for administrative review and appeal.

The Ombudsperson Institution, in accordance with Article 21 of the LAPD, provides support to citizens in the exercise of the right to access public documents, acting on the basis of the Constitution, Law No. 05/L-019 on Ombudsperson and relevant legislation. Every person has the right to address the Ombudsperson with a request or complaint, in cases where he considers that any right guaranteed by the legislation on access to public documents has been violated.

During the reporting period, the Ombudsperson received 13 (thirteen) complaints related to access to public documents. Two of these complaints were opened for investigation, while 11 (eleven) were declared inadmissible.

Of the 11 complaints declared inadmissible, six (6) were declared inadmissible in accordance with Article 22, paragraph 1, subparagraph 1.1, as no violation of human rights or maladministration was found; four (4) in accordance with Article 22, paragraph 1, subparagraph 1.3, as the procedures are still ongoing in the competent bodies; and one (1) in accordance with Article 22, paragraph 1, subparagraph 1.4, due to non-use of legal remedies.

While, as for the cases open for investigation, in one case the investigations have been completed based on Article 21, paragraph 1, subparagraph 1.5, of Law No. 05/L-019 on

<sup>56</sup> <https://oik-rks.org/en/2025/12/05/reaction-of-ombudsperson-about-the-language-used-in-public-discourse/>

Ombudsperson<sup>57</sup>, while in the other case the investigations are ongoing.<sup>58</sup>

From the data of the cases registered with the OIK, it is noted that a considerable part of the cases addressed are related to procedural aspects and the lack of exhaustion of legal remedies, reflecting the need to increase the awareness of citizens, but also to improve the administrative practice of public institutions in the implementation of the legislation on access to public documents.

## Freedom of Media

The Constitution of the Republic of Kosovo, in its Article 42, guarantees freedom and pluralism of media.<sup>59</sup> In the same article, censorship and obstruction of the dissemination of information or ideas through the media are prohibited. However, also, in accordance with paragraph 2 of Article 10 of the ECHR, state intervention is legitimate in cases where this is done to prevent incitement to violence on grounds of racial, national, ethnic or religious hatred.

Journalists' sources are protected by Law No. 04/L-147 on the Protection of Journalistic Sources. There are also other laws that contain detailed provisions for the implementation of constitutional guarantees, such as the Civil Law against Defamation and Insult, the Law on the Protection of Personal Data, the Law on Access to Public Documents, the Law on Copyright, as well as self-regulation of the media through the Code of Ethics, which aims at greater responsibility in journalism.

In Kosovo, there is a broad pluralism of the media, including media that publish in different languages of non-majority communities. According to the Independent Media Commission,<sup>60</sup> the body responsible for regulating, managing and supervising the broadcasting spectrum, there are 19 television stations in Kosovo: one public television station (which broadcasts in all community languages), 13 Albanian-language TV

stations, 4 Serbian-language TV stations and 83 licensed radio stations. The exact number of portals operating in the country remains unclear, due to challenges in the transparency of media ownership and other issues such as financial sustainability.

During the reporting year, the Ombudsperson handled one case *ex-officio*, following concerns raised publicly by the journalist community regarding the non-accreditation of several media outlets by the Central Election Commission (CEC) to monitor the electoral process for the local elections on October 12, 2025. The Ombudsperson reacted publicly by emphasizing the importance and key role of the media and media pluralism in informing public opinion and the transparency of the electoral process.<sup>61</sup> A few days later, the CEC announced the accreditation of local and international media that had not been accredited initially to observe the elections.

The Association of Journalists of Kosovo (AJK) has reported 69 cases of threats against journalists and media organizations.<sup>62</sup> Two cases have been registered as complaints by journalists and cameramen due to dismissal from work and they have sued the employers for non-compliance with the Labour Law. Also, during 2025, two attacks on the media were reported, where the premises of media houses were attacked, causing material damage. A number of cases involve the reactions of the AJK to the language used by public officials, namely by senior figures of the ruling party, towards the media and journalists.

In one such case, the Ombudsperson reacted to the insulting and rude descriptions by a member of the Central Election Commission towards journalists, while they were carrying out their work, as well as to the accusatory and derogatory qualifications towards the AJK. The Ombudsperson stressed that such statements exceed the reasonable limits of the behaviour and ethics of public figures that bear institutional responsibilities.<sup>63</sup>

57 R. no. 738/2025, Case registry OI

58 R. no. 880/2025, Case registry OI

59 The Constitution of the Republic of Kosovo, Article 42, paragraph 1

60 <https://kpm-ks.org/Page/138>

61 <https://oik-rks.org/en/2025/10/10/reaction-of-the-Ombudsperson-regarding-the-cecs-decision-not-to-accredit-a-number-of-media-outlets-to-cover-the-local-elections/>

62 <https://www.agk-ks.org/en/case-search/?keywords=&city=&ngakush=&gjinia=&year=2025&llojiimedias=&llojiincidentit=&ppublik=&gjyqesor=&pligjor=&search=1>

63 <https://oik-rks.org/en/2025/12/05/reaction-of-ombudsperson-about-the-language-used-in-public-discourse/>

Reporters Without Borders (RSF) reported on the deterioration of media freedom in Kosovo for 2025, ranking Kosovo in 99<sup>th</sup> place in the world.<sup>64</sup> This was the second consecutive year that Kosovo has recorded a decline, after in 2024 it fell from 56<sup>th</sup> to 75<sup>th</sup> place. According to Reporters Without Borders, the World Press Freedom Index aims to compare the level of freedom enjoyed by journalists and the media in 180 countries. The report notes that the media are holding politicians accountable, but journalists continue to be targets of political attacks.

The report also finds that the Independent Media Commission (IMC) is an ineffective media regulator, which *“has undergone a controversial legislative reform that risks further undermining its independence.”* Since January 2025, the IMC has been without the necessary quorum and its number of members has been reduced to just two, making decision-making impossible, including during election campaigns. On the other hand, the IMC Complaints Board has remained without a quorum since November 2023.

During the reporting year, the Ombudsperson organized a meeting with journalists and editors, with whom he discussed media freedom and the safety of journalists. The purpose of this roundtable was to discuss the state of media freedom in the country, the challenges and problems faced by journalists, Kosovo’s negative ranking in the Reporters Without Borders index, and the legal protection of journalists, the protection of personal data, and the challenges in media self-regulatory bodies.<sup>65</sup>

The Ombudsperson stated that freedom of media and freedom of expression are included in the catalogue of human rights and are the foundation of democracy and respect for human rights. He emphasized that the RSF report for 2025 on the state of the media in Kosovo has raised alarm and that measures must be taken to guarantee the inviolability of the media.

The Ombudsperson said that the report in question highlighted that political interference in the media and the safety of journalists were at the most critical level and that the then

government’s approach to such reporting was an attempt to relativize reality. The government did not treat the report rationally, but presented it as a tendency to misrepresent Kosovo and placed the blame on those who reported to this organization.

Participants emphasized that the government’s continuous attacks and denigrating campaigns against journalists and the media were the main reasons for Kosovo’s decline in this report. One of the issues discussed was the Law on the Independent Media Commission, which did not pass the Constitutional Court, and it was emphasized that changes should be made with broad participation of the public and professionals in the field.

At this meeting, it was concluded that it is important to have a genuine dialogue with the future government and other relevant institutions regarding media freedom and the safety of journalists, especially on the issue of amending and supplementing laws related to the work of the media. More efficiency was requested from the justice and security system regarding cases of attacks and threats against journalists, as well as for improving working conditions for journalists.

As for the public broadcaster - RTK, it continues to function under the old law, considering that Law No. 04/L-046 on Radio and Television of Kosovo entered into force on 12 April 2012 and the three-year transitional period ended in 2015. The lack of a new law is causing major problems within the public broadcaster, especially the lack of full and sustainable funding, ownership issues and others. During 2025, the financial situation in the public broadcaster became even more difficult as a result of the non-constitution of the Assembly of Kosovo, as the founder of RTK, and, consequently, due to the lack of budget approval, RTK was unable to function properly. The Ombudsperson has reacted to this issue<sup>66</sup> and has asked the incumbent Government to find temporary ways to execute salaries for the employees of the public broadcaster.

## Freedom of Assembly

Freedom of assembly is a fundamental right in a democratic society and its cornerstone.

64 <https://rsf.org/en/index>

65 <https://oik-rks.org/en/2025/07/01/the-ombudsperson-discussed-media-freedom-with-journalists/>

66 <https://oik-rks.org/en/2025/07/25/press-release-ombudspersons-statement-related-to-rtk/>

The Constitution of the Republic of Kosovo guarantees the freedom of peaceful assembly. Furthermore, the Constitution stipulates that everyone has the right to organize assemblies, protests and demonstrations, as well as the right to participate in them. These rights may be limited by law, if this is necessary to ensure public order, public health, national security or the protection of the rights of others.<sup>67</sup> This right is also guaranteed by international instruments for the protection of fundamental rights and freedoms, which oblige states to facilitate and not hinder assemblies, such as protests, marches, etc., and allow only necessary restrictions, based on law, proportionate and that do not violate the essence of the guaranteed right.<sup>68</sup>

During the reporting period, the Ombudsperson Institution received three complaints regarding allegations of violations of the freedom of peaceful assembly. After a preliminary assessment of the complaints in question, no violations of this right have been found.

## Freedom of Association

Freedom of association is a fundamental right, which is essential for the functioning of democracy and a condition for the enjoyment of other fundamental rights. This right is protected by the Constitution of the Republic of Kosovo and by international instruments for the protection of fundamental rights and freedoms, which are part of the legal system of Kosovo, such as the International Covenant on Civil and Political Rights, the Universal Declaration of Human Rights and the European Convention for the Protection of Human Rights.

The Constitution of the Republic of Kosovo guarantees this fundamental right and determines that freedom of association includes the right of everyone to establish an organization without having to obtain permission, to be or not to be a member of an organization, as well as to participate in the activities of an organization.<sup>69</sup> In addition, according to the Constitution, this right, in certain cases, may be limited by decision of the competent court. The Constitution expressly stipulates: “*Organizations or activities that aim to violate the constitutional order, violate human*

*rights and freedoms, or incite racial, national, ethnic, or religious hatred may be prohibited by a judicial decision of a competent court.*”<sup>70</sup>

In addition to being guaranteed by the Constitution, freedom of association is regulated by Law No. 04/L-011 on Trade Union Organization in Kosovo and Law No. 06/L-043 on Freedom of Association in Non-Governmental Organizations.

During the reporting year, the Ombudsperson did not receive any complaints alleging violation of this right, which indicates that this right is generally respected and there have been no serious cases of its violation in our country.

## The Rights of Election and Participation

The right to elect and to be elected, as one of the fundamental human rights, is guaranteed by the Constitution of the Republic of Kosovo<sup>71</sup>, as well as by other international instruments.

The rights of election representation are closely linked to democracy and the sustainable development of society. Law No. 08/L-228 on General Elections and Law No. 03/L-040 on Local Self-Government provide an important framework for ensuring these rights, while their implementation and supervision are equally important for achieving a functional and inclusive democracy. The rights of election are an essential element of democracy, guaranteeing the opportunity for everyone to express their opinion and contribute to decision-making processes.

The year 2025 can be characterized as a year of elections in the country, considering that within the year two general election processes were organized, the elections of February 9 and December 28, 2025, as well as two local election processes, those of October 12 and their second round on November 9, 2025. All four processes were conducted in a calm and democratic tone, enabling citizens to participate in a comprehensively and credible manner in the elections.

A positive development in 2025, which influenced the advancement of electoral processes in terms of promoting democratic inclusion, ensuring political equality and

67 Constitution of the Republic of Kosovo, Article 43

68 Universal Declaration on Human Rights, International Covenant on Civil and Political Rights, Article 21

69 Constitution of the Republic of Kosovo, Article 44, paragraph 1

70 Ibid., Article 44, paragraph 3

71 Constitution of the Republic of Kosovo, Article 45

increasing the legitimacy of the electoral process, was the amendment and supplementation of Law No. 08/L-228 on General Elections in the Republic of Kosovo, which offered citizens living abroad expanded forms of voting. The reform simplified registration by easing documentation requirements and establishing an accessible and efficient online process.<sup>72</sup> Although, according to the CEC, in the elections of February 9, 2025, the participation of voters outside Kosovo reached 75%, there were still cases of technical problems, such as the non-acceptance of electoral material<sup>73</sup> or its non-acceptance in time.

The assessment of the composition of the lists of candidates of political parties confirms the concern raised by the Ombudsperson regarding the gender representation of candidates, since this time the representation of women on the electoral lists has remained at the minimum quotas as well. According to reports from the CEC, only 33% of the participants in the electoral lists were women.

Highly appreciating the progress of the electoral processes as an indicator of respect for the principles of democracy, the Ombudsperson Institution, through a coordinated structure of monitoring teams composed of the institution's staff, monitored the four electoral processes in the country. The monitoring was done by the OIK staff, who covered the observation in the voting centers in the municipalities, as well as in the voting centers in specific institutions (such as detention centers, prisons, health centers, etc.). The voting process was monitored from the opening of the voting centers until their closure, in order to assess the unhindered participation of citizens in the voting process, whether the secrecy of the vote was being respected, whether an appropriate space for voting had been created for persons with disabilities, etc.

The Ombudsperson, through its representatives, monitored the progress of the elections from the following aspects:

- whether the voting process started on time;
- whether there were cases that violated the normal course of voting;

- whether the polling stations had infrastructural accessibility, especially for persons with disabilities;
- the identification of voters in the voter register at polling stations;
- whether the rules for placing cameras at polling stations were respected;
- the progress of the observation process by observers;
- whether there were irregularities in the voting process;
- whether the secrecy of the vote and the preservation of the electoral will of voters were respected;
- whether the voting rights of persons with special needs were respected;
- the progress of the electoral process in detention centers, pre-trial detention centers, prisons, hospitals and nursing homes, etc.

Although it is generally assessed that the right to vote and its secrecy, as well as the political will of voters, have been respected, however, the OIK teams have encountered some irregularities in a small number of voting centers.<sup>74</sup>

From the monitoring of the general elections of February 9, 2025, the Ombudsperson assessed that, in general, the electoral process was conducted in a calm and democratic manner, although the OIK observation teams identified some irregularities and shortcomings that affected the smooth running of the electoral process and created difficulties in the exercise of the right to vote. The issues identified were: non-unification of assisted voting practices; lack of ballots in Braille; lack of auxiliary tables; lack of information materials from the CEC; lack of orientation signs and marking of voting center numbers at their entrance; failure to ensure unhindered access to centers for the elderly and people with disabilities; lack of sufficient training for CEC staff engaged in elections, as well as non-unified standards for the placement of surveillance cameras.

72 [https://www.idea.int/sites/default/files/2025-09/global-state-of-democracy-2025-democracy-on-the-move\\_0.pdf](https://www.idea.int/sites/default/files/2025-09/global-state-of-democracy-2025-democracy-on-the-move_0.pdf),

73 C. No. 1653/2025

74 The OI, on February 9, 2025, monitored the voting centers in the following municipalities: Pristina, Gracanica, Lipjan, Peja, Istog, Gjakova, Deçan, Junik, Mitrovica South, Mitrovica North, Vushtrri, Prizren, Malisheva, Klina, Drenas and Skenderaj, Suharekë, Mamushë, Rahovec, Ferizaj, Shtërpçë, Kaçanik, Hani i Elezit, Gjilan, Viti, Klllokot, Partesh Ranillug, Shtime, Lipjan, Fushë Kosovë, Obiliq, Novobërdë, Kamenicë, Podujeva, Zvecan, Leposaviq, Zubin Potok.

The Ombudsperson, on April 11, 2025, published the *Ex-officio* Opinion No.295/2025<sup>75</sup>, where he assessed that the general elections in the Republic of Kosovo, held on February 9, 2025, were held in a peaceful and democratic environment, where the electoral rights and political will of the country's citizens were generally respected. The Opinion emphasizes that the CEC and other relevant institutions, including security ones, have taken appropriate measures to ensure that the electoral process is conducted in a peaceful, democratic and safe manner. However, the Opinion also presents the need to strengthen the capacities of CEC staff engaged in the field. The Opinion also draws attention to the need for increased commitment and care in guaranteeing the exercise of the right to vote for citizens with disabilities, as well as for the unification of practices in the implementation of electoral rules and procedures established by law and electoral regulations regarding the implementation of elections, the implementation of the right to vote with assistance, the right to vote for citizens with special needs, as well as assistance from mobile teams.

The Ombudsperson monitored the local elections held on October 12, 2025, through 19 teams<sup>76</sup>, the second round of the mayoral elections, held on November 9, 2025<sup>77</sup> through 23 teams, and the process of the Central Elections for the Assembly of the Republic of Kosovo, held on December 28, 2025 through 19 teams.<sup>78</sup>

In general, based on the findings from the field

observation of all three electoral processes, the accredited OIK teams noted that, although the electoral processes were generally conducted in a peaceful and democratic manner, repeated structural, organizational and procedural deficiencies were identified during them that affected the effective exercise of the right to vote, which are summarized below:

- Limited physical access for persons with disabilities and the elderly, as a result of polling stations being located on high floors without elevators and in old school buildings.
- Lack or improper placement of auxiliary/ orientation tables, which caused confusion among voters, queues and delays at some polling stations.
- Lack of electoral materials in isolated cases, including the lack of voting forms and the lack or uneven distribution of ballots in Braille.
- Delays in opening some polling stations due to lack of commissioners, technical problems and failure of electoral authorities to replace them in a timely manner.
- Serious problems with assisted voting, due to uneven implementation of rules, the requirement for medical evidence and the exclusion of illiterate and elderly persons.
- Relocation of polling stations for certain voters, including transfers to other municipalities without real residential ties, causing confusion and inability to exercise the right to vote.

75 <https://oik-rks.org/2025/04/14/opinion-i-avokatit-te-popullit-ex-officio-nr-295-2025-lidhur-me-monitorimin-e-mbarevajtjes-se-zgjedhjeve-te-pergjithshme-ne-republiken-e-kosoves-te-mbajtura-me-9-shkurt-2025/>

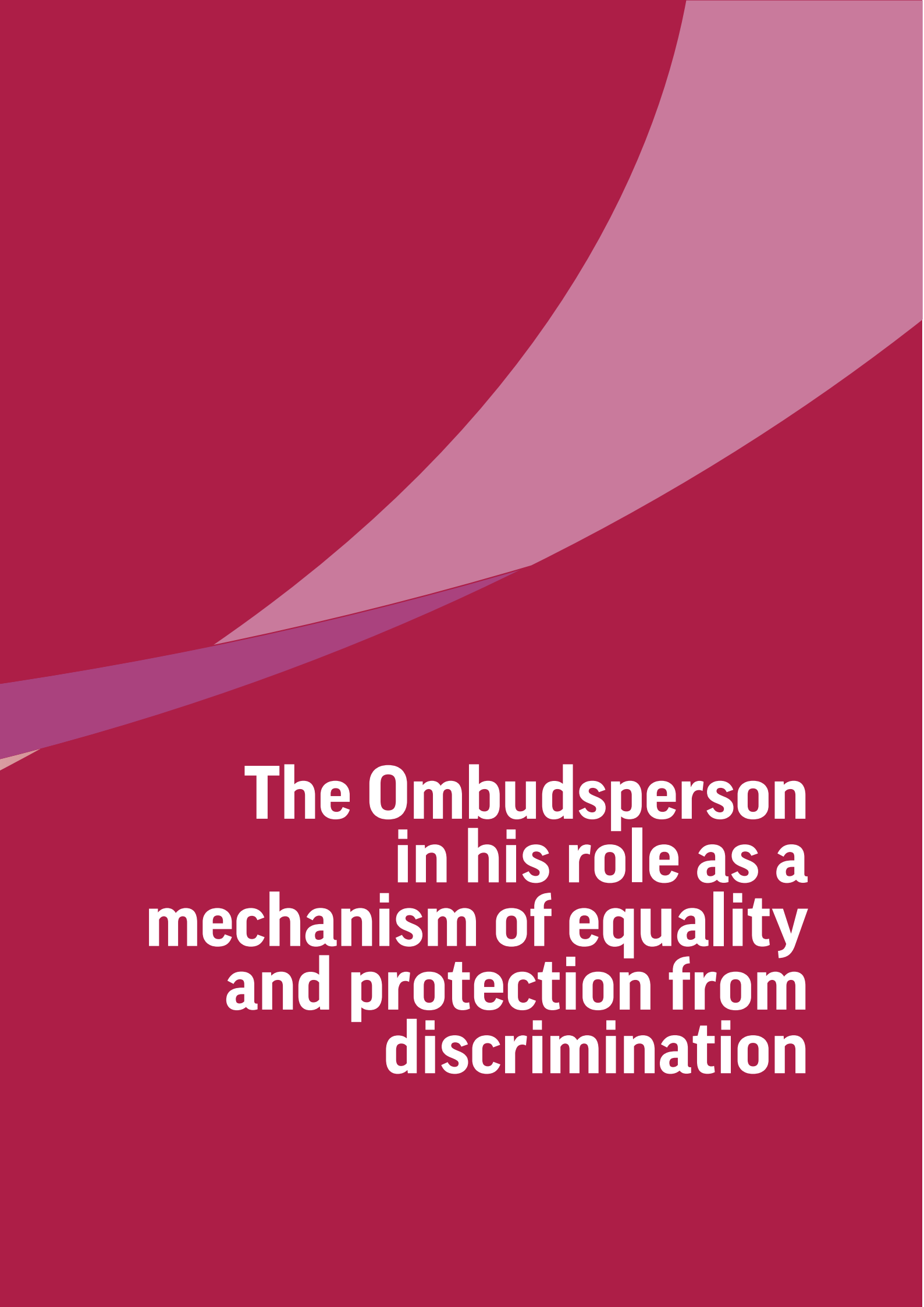
76 The OI on October 12, 2025 monitored polling stations in the following municipalities: Prishtina, Gjiilan, Viti, Klllokot, Partesh, Podujevo, Fushë Kosovë, Obiliq, Drenas, Gjakova, Deçan, Junik, Peja, Rahovec, Suhareka, Mamushë, Malisheva, Prizren, Dragash, Istog, Skenderaj, Klina, Mitrovica South, Mitrovica North, Vushtrri, Zubin Potok, Leposaviq, Zveçan, Kamenicë, Novobërdë, Shtime, Lipjan, Graçanica, Shtërpçë, Kaçanik, Hani i Elezit and Ferizaj. The monitoring also focused on the villages of these municipalities. Also, specific voting centers were covered, such as: High Security Prison, Dubrava Prison, Smerkonica Prison, detention centers in Peja, Prizren, Gjiilan, Mitrovica and Lipjan, University Clinical Center of Kosovo (UCC), Home for the Elderly in Prishtina, Rehabilitation Center in Shtime, Correctional Center in Dubrava, Correctional Center in Lipjan, Mental Health Center, Regional Hospital in Peja, General Hospital in Gjakova, etc.

77 The OIK, on November 9, 2025 monitored polling stations in the following municipalities: Prishtina, Prizren, Dragash, Fushe Kosova, Obiliq, Gjakova, Junik, Viti, Klllokot, Gjiilan, Kaçanik, Klina, South Mitrovica, Vushtrri, Peja, Rahovec, Suhareka and Mamushë. The monitoring also focused on villages in these municipalities and included specific polling stations, such as: Dubrava Prison, High Security Prison, Smrekonica Prison, Mitrovica Prison, detention centers in Prishtina and Lipjan, Rehabilitation Center in Shtime and University Clinical Center of Kosovo (UCC).

78 The OI, on December 28, 2025, monitored the polling stations in the following municipalities: Prishtina, Gjakova, Deçan, Peja, Klina, Vushtrri, Mitrovica South, Mitrovica North, Skenderaj, Zubin Potok, Leposaviq, Zveçan, Gjiilan, Viti, Klllokot, Partesh, Novobërdë, Kamenica, Ranillug, Rahovec, Suhareka, Mamushë, Malishevë, Prizren, Dragash, Ferizaj, Shtërpçë, Kaçanik, Hani i Elezit, Graçanicë, Janjevë, Podujevë, Obiliq, Fushe Kosova, Lipjan and Istog. In addition to regular voting centers, the OIK paid special attention to the voting of vulnerable groups, including correctional and detention institutions: Prishtina Detention Center, Peja Detention Center, Mitrovica Detention Center, Dubrava Prison, Smrekonica Prison and other detention institutions and prisons in various areas, as well as health and social institutions, including the University Clinical Center of Kosovo, the Center for Psychiatric Rehabilitation and Elderly Care Homes.

- Endangerment of the secrecy of the vote in some correctional institutions, due to the use of envelopes containing identification data or serial numbers linked to the voter.
- Impossibility of exercising the right to vote in some health and social institutions by mobile teams, due to the lack of prior request or staff for assistance.
- Lack of technical workers and support staff in some polling stations, as well as cases where some of them were engaged without financial compensation.
- Infrastructural and technical deficiencies in some polling stations, including lack of heating, short power outages and lack of identification marking.

The Ombudsperson will publish a report with recommendations regarding the findings from the monitoring of these electoral processes.



**The Ombudsperson  
in his role as a  
mechanism of equality  
and protection from  
discrimination**

# The Ombudsperson in his role as a mechanism of equality and protection from discrimination

The Constitution of the Republic of Kosovo stipulates that the Ombudsperson supervises and protects the rights and freedoms of individuals from unlawful and irregular actions or omissions of public authorities.

The competences and responsibilities of the Ombudsperson are further specified by Law No. 05/L-019 on Ombudsperson, according to which the Ombudsperson is an equality mechanism for the promotion, monitoring and support of equal treatment without discrimination on the grounds protected by the Law on Gender Equality and the Law on Protection from Discrimination.

Law No. 05/L-021 on Protection from Discrimination stipulates the competences of the Ombudsperson regarding cases related to discrimination. Whereas, Law No. 05/L-020 on Gender Equality establishes the Ombudsperson as an equality institution that deals with cases related to gender discrimination.

The Law on Ombudsperson is an organic law and the procedures related to the handling of cases, including cases of discrimination defined by the Law on Protection from Discrimination and the Law on Gender Equality, are implemented in accordance with the procedures specified in the Law on Ombudsperson.

## Implementation of the Law on Protection from Discrimination

The Law on Protection from Discrimination (LPD) defines the competencies of the

Ombudsperson regarding the implementation of this law. Article 9, paragraph 2.12, of the LPD requires the Ombudsperson to submit a report at least annually to the Assembly of the Republic of Kosovo on the implementation of this law. On December 10, 2025, the Ombudsperson submitted to the Assembly of the Republic of Kosovo the Annual Report on the Implementation of the Law on Protection from Discrimination for 2024.

As in the Annual Report on the Implementation of the Law on Protection from Discrimination for 2023, the 2024 Report also revealed shortcomings and defects in the institutional structure that prevent systematic oversight of the implementation of this law. One of the main shortcomings identified is the lack of an organized system for collecting data on cases of discrimination. With the 2024 Report, the Ombudsperson recommended that institutions establish a sustainable system for collecting and classifying data, including data disaggregated by the main grounds and forms of discrimination, which would enable more effective monitoring by the Ombudsperson. The report emphasized the need to complete the appointments of officials and make the units for protection from discrimination in ministries and municipalities operational within the next 12 months. It was also recommended that the personnel of the institutions be trained in data collection, in order to enable the supervision of the implementation of the LPD.

From the data and information of the Ombudsperson, it results that none of these recommendations have been implemented, although these recommendations have been repeated in the two reports of the Ombudsperson on the implementation of the LPD, published so far.

Meanwhile, the new draft of the Law on Protection from Discrimination is part of the Legislative Agenda of the Assembly of the Republic of Kosovo.

## Findings of the Ombudsperson regarding discrimination in Kosovo

The Ombudsperson, in the two reports on the implementation of the LPD for two consecutive years, has found a lack of data regarding cases of discrimination at the national level. Given such circumstances, the Ombudsperson relies

on complaints received and investigated, as well as on reports and opinions published by the institution itself regarding issues related to discrimination. The data and findings of the Ombudsperson may not reflect the real situation in the country, given the lack of data from the relevant authorities and the fact that, in practice, there may be even more cases of discrimination than the findings of the Ombudsperson, summarized in this report.

The total number of complaints recorded in the Department for Protection from Discrimination with allegations of discrimination is 27 cases open for investigation.

During the reporting period, 4 cases were opened *ex-officio*.

The nature of the complaints that the Ombudsperson has received with allegations of discrimination relates to issues such as: equality before the law, the right to work and exercise profession, salaries and benefits of employees, termination of employment, including termination of the employment contract during maternity leave, as well as issues related to pensions for all categories.

The alleged grounds of discrimination are: disability, age, ethnicity, social status, gender, sexual orientation, health status, political affiliation and other grounds protected by Article 1 of the Law on Protection from Discrimination.

During the reporting year, 7 reports with recommendations were published, based on complaints received or opened *ex-officio*, with findings of violations of human rights, unequal treatment and discrimination.

In addition, the Ombudsperson has published four opinions for public authorities and two *amicus curiae* opinions in the capacity of friend of the court.

### **Normative acts that conflict with the principle of non-discrimination**

Equality and non-discrimination are two of the fundamental principles that constitute constitutional values in the Republic of Kosovo. These principles permeate every segment of social life and constitute the foundation of contemporary legal systems. The support of domestic legislation on these principles is an essential requirement for every state, in order to protect and advance standards in respect of human rights and protection from discrimination. In this regard, the legislation of

the Republic of Kosovo, especially the primary one, contains imperative provisions that embody the principle of non-discrimination.

Although the principle of non-discrimination is an essential part of the legislation in the Republic of Kosovo, the Ombudsperson has encountered normative acts that conflict with this principle.

During the investigation of individual cases and *ex-officio* investigations, the Ombudsperson has found violations of this principle in general normative acts in two cases: in Law No. 04/L-131 on State-Funded Pension Schemes and in Internal Regulation No. 11/2024 of the Central Election Commission on the Admission of the Director of the CEC Secretariat.

#### *Law No. 04/L-131 on State-Funded Pension Schemes*

On November 24, 2025, the Ombudsperson published a Report with Recommendations regarding the recognition of the right to two pensions on two different legal bases (double pensions),<sup>79</sup> as defined by Law No. 04/L-131 on State-Funded Pension Schemes and Law No. 04/L-054 on the Status and Rights of Martyrs, Invalids, Veterans, Members of the Kosovo Liberation Army, Victims of Sexual Violence in War, Civilian Victims and Their Families.

The report has highlighted that the right to a pension under the Law on State-Funded Pension Schemes constitutes a property right, even in cases where the beneficiary receives a pension or other compensation on another legal basis.

Judgment A.No. 280/17, dated February 4, 2020, whereby a citizen was recognized as entitled to pensions on two different grounds – the contributory old-age pension and the civil war invalid pension – although it is an individual judicial decision, it has *erga omnes* effect, as it affects the rights and interests of a large number of citizens and creates a precedent for the same or similar cases. However, the MFLT has continued to reject citizens' requests, relying on narrow legal interpretations and not reflecting the position of the judiciary.

According to Article 53 of the Constitution of the Republic of Kosovo, fundamental rights and freedoms must be interpreted in accordance with the jurisprudence of the European Court of Human Rights (ECHR). The jurisprudence

<sup>79</sup> <https://oik-rks.org/en/2025/11/25/report-of-ombudsperson-ex-officio-no-614-2024-on-the-recognition-of-the-right-to-two-pensions-based-on-two-different-legal-grounds-dual-pensions/>

of the ECHR has *erga omnes* effect, requiring states not only to provide individual compensation, but also to take institutional and systematic measures to remedy violations.

This approach has been confirmed in cases such as *Ošruš and Others v. Croatia*, where the decision on discrimination in education led to comprehensive national reforms, as well as in the case of *Grudić v. Serbia*, where the ECHR found a violation of the right to property due to the non-payment of pensions and required a general change in state practices due to the large number of persons affected.

In analogy with these cases, Judgment A.No.280/17 in Kosovo should serve as a basis for institutional review and reform of the MFLT's approach to pension benefit claims. The MFLT has an obligation to harmonize policies and decision-making with judicial decisions, especially when they correct erroneous interpretations of the law and affect a large number of citizens.

The continuous treatment of similar cases differently from the case decided by judgment has violated the principle of equality and non-discrimination, has violated legal certainty and has contributed to the overloading of the judicial system, as citizens have been instructed to follow the judicial path to realize their rights.

According to the Ombudsperson, the MFLT and the Government have not undertaken an initiative for an analysis or a concrete plan to resolve this issue, despite the existence of many pension schemes and laws in Kosovo, which have often not been harmonized among themselves.

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

The Ombudsperson has published a Report with Recommendations and has requested that the Central Election Commission, during the drafting and approval of internal legal acts, ensure their compliance with the principle of non-discrimination and avoid establishing criteria that may lead to unequal treatment of individuals or groups in the future.<sup>80</sup>

The Ombudsperson has reviewed two individual complaints against the CEC, which were related to the competition of June 24, 2024 for the position of Director of the CEC Secretariat, where it was alleged that the

competition criteria were discriminatory. The contested criterion was related to the mandatory knowledge of the English language at level B2, proven exclusively by TOEFL or IELTS certificates, excluding other valid forms of proof of knowledge of the English language. This condition was set out in Article 5, paragraph 2, of the Internal Regulation No. 11/2024 of the CEC on Appointment of the Director of the CEC Secretariat.

In order to assess the reasonableness and proportionality of this mandatory criterion and the limitation provided for in the contested article, the Ombudsperson has requested explanations from the CEC, which has justified the condition with the need for international communication and the maintenance of high professional standards.

During the investigation, the contested article of the regulation was completely repealed by the CEC with Decision No. 01/981-2025, dated May 13, 2025. Despite this, the Ombudsperson has concluded the investigation with a report, since the criterion, during the time it was in force, has violated the principle of equal treatment.

The Ombudsperson has concluded that sub-legal acts, such as internal regulations, must be in accordance with the Constitution and the laws in force.

He assessed that, although the requirement for knowledge of the English language at level B2 was legitimate, limiting the evidence to only two specific certificates was disproportionate, without sufficient legal basis and contrary to the principle of equal treatment. The special condition, established by Regulation No. 11/2024 had no basis in the Constitution, Law No. 08/L-197 on Public Officials or Law No. 05/L-021 on Protection from Discrimination, while such a discriminatory criterion cannot be established by any normative act.

### **General practices that conflict with the principle of non-discrimination**

Although there is a consensus that the legal framework in the Republic of Kosovo is advanced in terms of protecting human rights and the field of non-discrimination, the Ombudsperson, during the investigation of cases, encounters situations where laws are applied incorrectly or not applied at all, practices that conflict with the principle of non-discrimination and equal treatment.

80 <https://oik-rks.org/2025/11/25/raport-i-avokatit-te-popullit-r-nr-637-2024-and-r-nr-725-2024-lidhur-me-ndryshimin-e-rregullores-se-brendshme-nr-11-2024-per-pranimin-e-drejtorit-te-sekretariatit-te-kqz-se/>

## **Discrimination on the basis of disability**

Persons with disabilities have continued to face difficulties in accessing health services, education, employment and participation in public life.

The Ombudsperson, through recommendations addressed to state authorities, has continuously addressed issues related to the rights of persons with disabilities. Some of these recommendations, such as the one on the medical reassessment of disability for paraplegic and tetraplegic persons, have led to changes in regulations that were in conflict with Law No. 05/L-067 on the Status and Rights of Paraplegic and Tetraplegic Persons.

The Constitutional Court of the Republic of Kosovo, in 2023, by unanimous decision, decided that the United Nations Convention on the Rights of Persons with Disabilities should be added to the list of international agreements and instruments directly applicable in the Republic of Kosovo.

This Convention has established respect for inherent dignity and individual autonomy, including the freedom to make personal choices and independence of persons with disabilities; respect for the principle of non-discrimination; full and effective participation and inclusion in society; respect for their change and acceptance as part of human diversity; respect for the evolving capacities of children with disabilities; and respect for the right of children with disabilities to preserve their identity.

By ratifying this Convention, the Republic of Kosovo would undertake specific positive obligations, inter alia, to take the necessary legislative and other institutional measures, establishing mechanisms for its full implementation.

Despite the decision of the Constitutional Court, this Convention has not yet been approved by the Assembly.

## **Failure to provide appropriate dental health treatment and discrimination on the basis of disability**

The Ombudsperson published on January 13, 2025 the Report with Recommendations No. 649/2024<sup>81</sup>, which addresses the complaint of a citizen with a disability, represented by her father, filed against the University Dental Clinical Center of Kosovo (UDCCK) due to the latter's failure to provide appropriate

dental health treatment and discrimination on the basis of disability. The report identifies violations of fundamental human rights and freedoms, and emphasizes the obligations of state bodies to act in accordance with the Law on Protection from Discrimination and the applicable legislation in the field of health.

During the investigation, the Ombudsperson found that the complainant was not offered adequate dental treatment at the UDCCK, violating her right to equal health care and protection guaranteed by Article 51 of the Constitution of Kosovo. The failure to provide treatment according to her needs and special characteristics was assessed as discrimination on the basis of her health condition and disability, in violation of the Law on Protection from Discrimination, as well as Article 14 and Article 1 of Protocol No. 12 to the European Convention on Human Rights.

The report highlights that the complainant's case also reveals a broader systemic problem, as other persons with disabilities or specific health conditions may find themselves in similar situations, where due to difficulties in examination and lack of adequate prior assessment, they are referred only for limited dental interventions, such as tooth extraction under general anaesthesia, without considering other treatment alternatives.

The Ombudsperson has also found that the health personnel at the UDCCK do not have sufficient knowledge and clarity regarding the treatment of persons with disabilities and specific health conditions, which has led to the non-implementation of Clinical Guideline No. 28 on the Use of Inhaled Sedation with Nitrous Oxide (N<sub>2</sub>O/O<sub>2</sub>) in Dental Practice. All of this has prompted the complainant to seek dental treatment abroad, at her own expense.

In conclusion, the Ombudsperson recommended that the Ministry of Health issue special instructions for public health institutions to adapt diagnostic and treatment procedures to the needs of persons with disabilities and create mechanisms for compensating for expenses for dental treatments that are not offered in the country; the Health Inspectorate monitor the implementation of legal and professional standards; while the UDCCK fully implement Clinical Guideline No. 28 in cases of diagnosis and treatment of these categories of patients.

<sup>81</sup> <https://oik-rks.org/2025/01/13/raport-i-avokatit-te-popullit-r-nr-649-2024-ne-lidhje-me-detyrimet-e-organeve-shteterore-per-te-vepruar-ne-perputhje-me-parimet-e-ligjit-per-mbrojtje-nga-diskriminimi-and-me-legjislacionin-ne-fuqi-p/>

## **Reduction of electricity tariffs for paraplegic and tetraplegic persons and blind persons**

On April 11, 2025, the Ombudsperson published a Report with Recommendations regarding the right to reduction of electricity tariffs for paraplegic and tetraplegic persons and blind persons.<sup>82</sup>

The Ombudsperson has found that the *Program for the Protection of Vulnerable Electricity Consumers*, approved by the Government in September 2023, establishes a subsidy for electricity bills for vulnerable consumers whose average monthly income is below 150 Euros per family member. Meanwhile, Law No. 05/L-067 on the Status and Rights of Paraplegic and Tetraplegic Persons (Article 14) establishes that beneficiaries of this law enjoy a reduction in electricity consumption tariffs, and Law No. 04/L-092 on Blind Persons (Article 14, paragraph 1) establishes that all blind persons enjoy facilities in electricity consumption. The Ombudsperson assesses that the adoption of this program bypasses the implementation of these legal provisions, due to the fact that paraplegic, tetraplegic and blind persons do not benefit from these laws that specifically regulate the rights and benefits of these persons due to the conditions established on the basis of family income. The Ombudsperson has assessed that these rights should be realized based on the legal status of the beneficiaries and not on family income.

The Ombudsperson's recommendations regarding this case have been sent to the Ministry of Finance, Labour and Transfers, recommending the issuance of an administrative instruction on the criteria for reduction in electricity consumption tariffs for paraplegic and tetraplegic persons, in order to implement Law No. 05/L-067 on the Status and Rights of Paraplegic and Tetraplegic Persons, as well as the issuance of an administrative instruction on the criteria for reduction in electricity consumption tariffs for blind persons, in function of the implementation of Law No. 04/L-092 on Blind Persons.

## **The right to vote for persons who have been partially deprived of their capacity to act**

On December 12, 2025, the Ombudsperson published a Report with Recommendations regarding a case of denial of the right to vote for a citizen with Down Syndrome, who, by court decision, has been partially deprived of

her capacity to act and has been placed under guardianship. Consequently, this Report has addressed the right of citizens to participate in political processes, namely the right to vote of citizens who, by court decision, have been partially deprived of their capacity to act and who have been placed under guardianship.<sup>83</sup> The Ombudsperson has assessed that the deprivation of her capacity to act and the placement of persons under guardianship did not automatically imply the removal of the right to vote, if the court decision by which the capacity to act was removed did not expressly determine this.

This report found that the automatic deprivation of the right to vote of persons who have been deprived of the capacity to act and are under guardianship, without taking into account the individual circumstances of each person, did not justify the restriction of the right of election and participation.

For these reasons, the Ombudsperson has recommended to the Central Election Commission (CEC) to amend the Electoral Regulation No. 03/2024, so that the right to vote is not restricted, except in cases where it has been expressly removed by a final court decision.

In relation to this issue, the Ombudsperson has been informed that the Kosovo Judicial Council (KJC) has issued for public discussion the Draft Regulation on the register of persons deprived of their legal capacity, the register of persons deprived of their parental rights, and the adoption register. The Ombudsperson considers this document important, since Article 5 of this Regulation determines the content of the register of persons deprived of their legal capacity, classifying them into two categories: persons who have been deprived of their legal capacity completely and those who have been deprived of their legal capacity partially. This division would enable the CEC to use this data correctly when compiling the voter lists.

From the investigation of this case, the Ombudsperson has concluded that such a division has not existed so far. This is also confirmed by the response we received from the KJC, which emphasized that, according to Article 8, paragraph 8, of Law No. 08/L-228 on General Elections in the Republic of Kosovo, the competent court was obliged to submit to the CEC the data on persons who have been

82 <https://oik-rks.org/2025/04/14/raport-i-avokatit-te-popullit-r-nr-94-2024-lidhur-me-mohimin-e-te-drejtës-ne-reduktimin-e-tarifave-te-energjisë-elektrike-per-personat-paralegjik-tetraplegjik-and-personat-e-verber/>

83 <https://oik-rks.org/2025/12/15/raport-i-avokatit-te-popullit-r-nr-226-2025-lidhur-me-mohimin-e-te-drejtës-se-votes/>

deprived of their capacity to act by a final court decision. This data was submitted in the form and content required by the CEC.

In this context, the KJC clarified that the data forwarded to the CEC included only the information that the person has been deprived of their capacity to act, as well as the number of the relevant decision and some general procedural data. Each court has processed this data based on its evidence, while the KJC has forwarded it to the CEC without adding or changing its content. According to the KJC, based on the provisions of Article 8 of the law in question and the requests of the CEC, the requested information was limited only to the determination of whether the person has been deprived of the capacity to act by a final court decision. Consequently, the data provided did not include details regarding the specific rights that have been deprived of the person, nor the full or detailed content of the court decision.

However, the Ombudsperson was informed that the complainant, despite the fact that a decision was taken against her to deprive her of the capacity to act, exercised her right to vote in the last elections held on December 28, 2025.

### **Lack of provision of quality education for deaf persons**

The Ombudsperson, based on the information received from the Civil Society Forum, has opened for investigation the issue of education for deaf persons. According to the information received, it is stated that deaf people who complete upper secondary education do not possess basic literacy skills, although their diplomas have high grades.

The Ombudsperson has launched investigations to assess whether the lack of quality education for deaf people constitutes discrimination, whether MESTI has established appropriate curricula and measures for the educational preparation of these people and for their training for the labour market in Kosovo, and whether the educational staff is qualified to respond to their specific needs in the teaching process.

So far, it has been found that there is a lack of professional capacities (defectologists, speech therapists, social workers, etc.), as well as a lack of attendance of sign language courses by teachers. According to information, most of them have only A1 level, while very few

teachers have followed C level.

The Ombudsperson will publish the findings of this investigation and address them to the relevant authorities during 2026.

### **Discrimination on the basis of age**

The Ombudsperson has continued to address issues related to discrimination on the basis of age. The Ombudsperson's findings show that discrimination on the basis of age is often linked to other protected grounds, which results in multiple discrimination, because, in addition to discrimination on the basis of age, discrimination also occurs on any of the other grounds protected by Article 1 of the LPD.

#### *Discrimination on the basis of age in the competition announced by Kosovo Customs*

On May 6, 2025, the Ombudsperson published a Report with Recommendations regarding the legal basis for determining the age criteria for applying to the competition at Kosovo Customs. The report aims to draw the attention of Kosovo Customs to issues related to determining the age criteria for specific positions at Kosovo Customs and whether these criteria are based on the Code No. 08/L-247 on Customs and Excise.<sup>84</sup>

The competition for the position of customs officer was announced at a time when neither the old nor the new customs law provided for age restrictions for employment at Kosovo Customs. The contested criterion for the competition for customs officer was that candidates be under 30 years old. The establishment of such a criterion is not based on primary legislation or on a valid, published and publicly accessible sub-legal act. The administrative act in which Customs supports this criterion is unclear in terms of legal status and does not guarantee legal certainty.

Restricting access to employment on the basis of age constitutes an interference with the right to equal treatment and can only be justified if there is a legitimate and proportionate aim, directly linked to the nature of the work. In this case, the justifications provided by Customs, such as reducing the average age of staff or general assumptions about the abilities of candidates over 30, do not meet these criteria and are based on prejudice, not on objective analysis.

Constitutional standards, the Law on Protection

<sup>84</sup> <https://oik-rks.org/2025/05/06/raport-i-avokatit-te-popullit-r-nr-231-2024-r-nr-234-2024-and-r-nr-244-2024-lidhur-me-bazen-ligjore-per-percaktimin-e-kriterit-te-moshes-per-aplikim-ne-konkurs-ne-doganen-e-kosoves/>

from Discrimination and European case law show that differences in treatment on the basis of age are permitted only in exceptional and well-justified circumstances. In the absence of a clear legal basis, a legitimate aim and proportionality, the age criterion in this competition constitutes direct discrimination.

Consequently, the Ombudsperson assesses that Kosovo Customs has acted contrary to the principles of the rule of law and equality before the law, and has recommended the removal of the age criterion from the relevant acts, as well as their regular publication.

On June 12, 2025, the Ombudsperson received a response from Kosovo Customs, informing them that they are in the process of drafting a new administrative instruction, based on the new Customs Code, including harmonization with the highest international human rights standards and, at the same time, taking into account the recommendations of the Ombudsperson.

### **Discrimination at work**

During the reporting period, the Ombudsperson has handled a significant number of complaints related to allegations of discrimination in employment relationships. These complaints have included unequal treatment in employment, working conditions, professional advancement and termination of employment, highlighting the need for more effective institutional measures to prevent and address discrimination at work.

#### *Amicus curiae opinion regarding the transfer of the job position at KOSTT*

On November 25, 2025, the Ombudsperson addressed the Basic Court in Prishtina with a legal opinion regarding the case of a complainant, an employee of KOSTT, regarding the decision to demote her. The Ombudsperson, after investigating the complaint, assessed that KOSTT's decision to transfer the complainant to a lower job position constitutes an unlawful demotion. This decision was not based on any disciplinary procedure, was not accompanied by any legal justification provided for punitive measures and does not stem from any direct obligation of the court judgment on which KOSTT relied, even requesting an external legal opinion, despite the fact that the KOSTT Legal Office advised that the judgment could not be applied in the complainant's case.

The Ombudsperson notes that the judgment of the Basic Court, on which KOSTT based its actions, did not address the merits of the

complainant's employment relationship nor did it order her demotion. The reinstatement of previous administrative decisions, which had been annulled and terminated, violates the principle of legal certainty and creates uncertainty in employment relationships.

Likewise, the failure to examine the complainant's complaints and her unequal treatment, compared to another employee, for whom special actions were taken and external legal opinions were sought, constitutes a violation of the right to legal remedies and creates a well-founded suspicion of discriminatory treatment. For these reasons, the Ombudsperson considers that KOSTT's actions are contrary to the principles of the rule of law and equal treatment in employment relationships.

#### *Amicus curiae opinion regarding the cancellation of the competition by the Ministry of Justice*

On November 26, 2025, the Ombudsperson submitted a legal opinion in the capacity of friend of the court regarding a case of non-awarding of the employment contract and cancellation of a public competition for the position of general director at the Institute of Forensic Medicine.

Based on of legal competences, the Ombudsperson accepted a complaint regarding the non-conclusion of an employment contract for the position of Director General at the Institute of Forensic Medicine, despite the fact that the complainant had been declared a successful candidate after the completion of regular recruitment procedures. The commencement of the employment relationship was suspended by the Ministry of Justice due to a disciplinary procedure and then due to the initiation of a criminal investigation process against the complainant.

From the examination of the case it results that the disciplinary procedure against the complainant had ended with a final decision without finding any violation, while the criminal report had also been dismissed by the prosecution. However, the Ministry of Justice had not implemented the decision to select the complainant and had later cancelled the competition for the relevant position, without providing legal justification. The complainant filed a lawsuit for the annulment of the notice of cancellation of the competition and for the realization of her right to appointment.

During the investigation of the complaint by the Ombudsperson, concerns were also raised regarding the lack of institutional communication, namely the fact that the Prosecutor's Office did not notify the Ministry of Justice of the outcome of the criminal complaint filed by this ministry, thus contributing to the delay of this case.

The Ombudsperson assessed that the court, when deciding on this case, should take into account the principle of legality, the presumption of innocence and the right to fair and impartial treatment. The decisions not to award the contract and to cancel the competition should be reviewed in light of the fact that there was no disciplinary violation against the complainant and that the criminal proceedings were concluded without legal consequences for her.

*Opinion for the Assembly of the Republic of Kosovo regarding the rights of employees of economic operators providing services to public institutions*

On December 5, 2025, the Ombudsperson published an Opinion regarding the rights of employees of economic operators providing services to public institution<sup>85</sup>. The Ombudsperson, based on legal competences, opened a case *ex-officio* regarding suspicions of violations of rights guaranteed by the Constitution and the Labour Law against workers engaged in maintenance and cleaning services in public institutions. The case was opened following reports from workers who had gone on strike, which raised concerns about low wages, non-payment of overtime and weekend work, inability to use sick leave, as well as non-payment of pension contributions.

During the investigation, the Ombudsperson held meetings with the workers to hear their concerns directly and requested information from the relevant authorities regarding the actions taken against the contracted economic operators. The data obtained showed that the Labour Inspectorate had conducted inspections and had found violations of the provisions of the Labour Law, for which punitive measures had been imposed and minor offense procedures had been initiated against the economic operator.

The Ombudsperson found that the workers had been in employment for more than ten (10) years, performing the same duties even

after changing employers through public procurement contracts. In this context, their contracts are considered contracts of indefinite duration, while their non-extension constitutes an unlawful termination of the employment relationship, especially since the termination occurred after the exercise of the right to strike.

In his assessment, the Ombudsperson stressed that the termination of employment due to participation in a strike is contrary to the Law on Strikes and constitutes a direct violation of labour law and international standards for the protection of workers. It was also assessed that public authorities have direct and indirect responsibility for the respect of workers' rights by economic operators they contract, including the obligation to cease cooperation with entities that have been verified as violators of labour legislation.

The Ombudsperson also raised concerns regarding the gender aspect, noting that the affected workers were women, which indicates the risk of structural discrimination and the need to include gender equality criteria in public procurement procedures. In conclusion, the necessity was emphasized for public authorities to strengthen oversight mechanisms, to include mandatory criteria for respecting workers' rights and to prevent practices that harm the public interest and the principles of the rule of law.

*Opinion of the Ombudsperson regarding the obligations of the University of Prishtina "Hasan Prishtina" to act in accordance with the principles of the Law on Protection from Discrimination*

On September 30, 2024, the Ombudsperson received a complaint against the University of Prishtina "Hasan Prishtina", regarding the procedure of the recruitment for the position of external associate for exercises in the subject Anatomy, at the Faculty of Medicine, for the academic year 2024/25.<sup>86</sup> The complainant alleged that his rights to practice the profession had been violated, that the procedure was non-transparent and that he had been treated unequally. He was initially declared successful, but then the Complaints Committee returned the case for reconsideration, arguing that there was a violation of the regulation and the Statute of the University, claiming that there was a conflict of interest due to the family relationship of the complainant, whose mother works at the faculty. The complainant emphasized that the

85 [https://oik-rks.org/wp-content/uploads/2025/12/KPD-1866-2025-OPINION-I-AVOKATIT-TE-POPULLIT-ne-lidhje-me-te-drejtat-e-te-punesuarve-tek-Operatoret-Ekonomike-qe-ofrojne-sherbime-per-institucionet-publike-1\\_compressed.pdf](https://oik-rks.org/wp-content/uploads/2025/12/KPD-1866-2025-OPINION-I-AVOKATIT-TE-POPULLIT-ne-lidhje-me-te-drejtat-e-te-punesuarve-tek-Operatoret-Ekonomike-qe-ofrojne-sherbime-per-institucionet-publike-1_compressed.pdf)

86 Link of the document

mother works in another department and had no role in the selection process, arguing that there was no real conflict.

The Ombudsperson analyzed the case on the basis of the Constitution and the laws on protection against discrimination, noting that the guarantee of equality before the law and equal access to employment does not allow preferential or penalizing treatment for family ties without a proven conflict. He emphasized that the University must ensure full transparency and equal opportunities for all candidates in public competitions, avoiding misinterpretations of regulations that lead to discrimination.

In conclusion, the Ombudsperson found that the elimination of the complainant due to family ties in another department was unfounded and constituted unequal and discriminatory treatment. The University is obliged to respect the laws on protection against discrimination and ensure that all candidates are treated equally, in accordance with constitutional and legal principles.

The Ombudsperson has been informed that the Supreme Court issued on December 10, 2025 Judgment P.A.No.29/2025, regarding a similar case, in which it declared illegal and repealed Article 153, paragraphs 3 and 4, of the Statute of the University of Prishtina, as well as Article 7, paragraph 6, of Regulation No. 2/54 on Evaluation Procedures for the Engagement of External Collaborators at the University of Prishtina.

The Court found that these provisions imposed absolute prohibitions without a concrete assessment of the conflict of interest, violating the constitutional principles of equality, meritocracy and the prohibition of discrimination. It assessed that the measures were disproportionate and contrary to the laws on higher education and the prevention of conflict of interest, as they excluded candidates solely due to family ties.

The court emphasized that family ties do not automatically constitute nepotism and that the contested provisions violated the right to equal competition and the exercise of academic functions on merit.

*Opinion of the Ombudsperson regarding the obligations of state bodies to act in accordance with the relevant legal principles, according*

87 <https://oik-rks.org/en/2025/11/04/opinion-of-ombudsperson-r-no-176-2024-on-the-obligations-of-state-authorities-to-act-in-accordance-with-the-relevant-legal-principles/>

*to the complaint of B. Z. against the Basic Prosecution Office in Gjilan and the Police Inspectorate*

The Ombudsperson published Opinion R.176/2024<sup>87</sup> after reviewing the complaint of a police officer, who alleged a violation of the right to exercise his profession independently, fairly and without obstacles by the Basic Prosecution Office in Gjilan and the Kosovo Police Inspectorate (KPI). The complainant claimed that, since 2016, unfair actions have been taken against him through the initiation of investigations and the filing of indictments, which have ended with his release from criminal prosecution.

According to the complainant, these actions are related to the event of December 12, 2023, when he, as a supervisor of police patrols, ordered the establishment of a checkpoint in Gjilan, where a vehicle driven by a prosecutor was stopped for a traffic violation. After the fine was issued, the prosecutor reacted arrogantly and threatened to file a complaint against the police officers. The complainant requested the initiation of disciplinary proceedings against the prosecutor, which was rejected without being officially notified. On the other hand, criminal charges were filed against the police officers and the complainant himself, and the KPI recommended the temporary transfer of the complainant to the Police Station (PS) in Prishtina.

The Ombudsperson has concluded that the actions of the Prosecution and the KPI constitute a violation of the principle of legality, failure to comply with the prescribed procedures, failure of the mechanisms for ethical assessment and violation of the principle of presumption of innocence, emphasizing that these actions have directly affected the exercise of the complainant's profession and the citizens' trust in the proper functioning of public institutions.

## Discrimination based on ethnicity

The Ombudsperson assesses that, despite the achievements made over the years, non-majority communities in Kosovo continue to face various forms of discrimination in public services, employment, education and institutional representation. This situation proves that continuous efforts and more

effective measures are needed to guarantee full equality and protection of their rights.

*Report with Recommendations regarding the failure of public institutions to fulfill the quota for the employment of members of non-majority communities.*

On March 4, 2025, the Ombudsperson published the Report with Recommendations addressed to the Central Election Commission (CEC), regarding violations of the principles of good administration in recruitment procedures and the failure of public institutions to fulfill the legal quota for the employment of members of non-majority communities.<sup>88</sup>

As regards the violations of the principles of good administration regarding the conduct of a recruitment procedure by the CEC for non-permanent positions, announced in the framework of the organization of extraordinary elections, the complaint concerned the failure to notify the candidate of the result of the application, despite the fact that he had participated in the assessment process and had been invited to an interview. The complainant alleged that he had been discriminated against due to his ethnic affiliation from among the non-majority communities.

The investigation actions show that the CEC had not officially notified any of the unsuccessful candidates of the result of the competition, justifying itself with the urgent nature of the electoral process and the large number of applicants. This practice was followed in general and not only towards the complainant.

However, the Ombudsperson assesses that the failure to notify the candidates of the result of the application constitutes maladministration and violates the principles of transparency, open administration and information of the parties in administrative procedures. This practice has made it impossible to exercise internal appeals and has created legal uncertainty for the candidates participating in the procedure.

In this context, it has been established that the CEC has acted contrary to the principles of good administration and its own internal rules, which require that candidates be notified individually during the evaluation phases and at the conclusion of the competition. Although no unequal treatment or individual discrimination was found, the practice followed as a whole was assessed as unacceptable from the

perspective of good administration.

Regarding the failure to achieve the ethnic representation quota in public institutions, the Ombudsperson has also expanded the review to include the representation of non-majority communities in public institutions at the central level. In this context, official information was requested from the Ministry of Internal Affairs regarding the implementation of the ethnic representation quota and statistical data on the composition of the civil service.

From the response we received, it results that the 10% representation quota for non-majority communities is treated as a general objective at the central administration level and not necessarily as an individual obligation for each institution separately. It was also emphasized that public institutions have the opportunity to undertake affirmative measures, including the announcement of special competitions for underrepresented communities.

The statistical data provided, which refer to the year 2022, show a low representation of non-majority communities in the civil service and a complete lack of data for some communities, such as Roma, Ashkali, Egyptians, Croats and Montenegrins. These shortcomings indicate that there is no updated and comprehensive system for monitoring ethnic representation in public institutions.

The Ombudsperson assesses that the lack of accurate, updated and comprehensive data makes it difficult to realistically assess the state of representation of non-majority communities and indicates a risk of non-effective implementation of constitutional and legal obligations in this area. For this reason, the need for concrete institutional measures, continuous monitoring and active use of affirmative mechanisms to achieve fair and comprehensive representation in the public sector has been emphasized.

<sup>88</sup> <https://oik-rks.org/2025/03/05/raport-i-avokatit-te-popullit-a-nr-702-2022-lidhur-me-shkeljet-e-parimeve-te-miradministrimit-me-Casen-e-shpalljes-se-konkurseve-and-deshtimit-te-institucioneve-publike-ne-permbushjen-e-kuotes-per/>

## Discrimination on the basis of language

During the reporting year, the Ombudsperson monitored the implementation of the right to use official languages in Kosovo, guaranteed by the Constitution and the Law on the Use of Languages, according to which the Albanian and Serbian languages are equal official languages. This right includes the use of the language in public life, before state institutions, in education, administration and in sectors of public interest.

On November 26, 2025, the Ombudsperson published an *ex-officio* Report on the non-respect of language rights by commercial banks in Kosovo.<sup>89</sup> The report highlights the lack of documentation and services in the Serbian language, as well as the lack of staff who speak this language, creating obstacles for Serbian-speaking clients and exposing them to unequal treatment.

The Ombudsperson assessed that these practices constitute discrimination, since banks, as providers of services of public interest, are obliged to respect linguistic equality. In conclusion, it is recommended that the Central Bank of Kosovo establish and monitor clear guidelines for the provision of banking services in both official languages, equally for all citizens.

On December 31, 2025, the CBK responded to the recommendations of the Ombudsperson, confirming that, in accordance with its legal mandate, through its role as regulator and supervisor of the banking sector, it will contribute constructively to improving the situation in this sector. In this regard, an advisory letter will be issued to commercial banks, presenting the findings of the Ombudsperson's report and requesting respect for the use of official languages in Kosovo, with the aim of promoting good practices and fulfilling legal obligations.

### Suspension of child allowance payment

The Ombudsperson, in accordance with the constitutional and legal competences and taking into account a large number of complaints received from citizens mainly belonging to the Serbian community, against the Ministry of Finance, Labour and Transfers (MFLT), due to the suspension of the payment of child allowance, initiated an *ex-officio* investigation.<sup>90</sup>

On September 9, 2021, the Government of the Republic of Kosovo adopted Decision No. 55 on the implementation of Measure 3.5, which provides for the subsidy of families with children from 0 to 16 years of age, clearly defining the application procedure and the necessary documentation, without providing for an additional verification process. The complainants benefited from child allowances from September 2021 to December 2024. During the period August–December 2024, the Department of Social Schemes (DSS) of the MFLT requested additional documentation for verification and simultaneously suspended payments, without issuing individual decisions or providing clear explanations.

Despite the fact that the complainants acted according to the instructions and submitted the requested documentation, payments remained suspended. Some complainants were informed that the submitted documentation was not valid, without specifying the reasons, and were obliged to physically appear at the Kosovo Agency of Statistics in Prishtina for verification of residence with the presence of all family members. This requirement has created considerable difficulties for families, especially due to distance and financial conditions.

As part of the investigation, the Ombudsperson met with representatives of the DSS, who confirmed that the verification process had begun in September 2024 and that the suspension of payments was temporary, but was accompanied by delays due to a lack of staff. It is acknowledged that documents issued by educational and health institutions that do not function within the official systems of the Republic of Kosovo are not recognized, which has mainly affected beneficiaries from non-majority communities, especially the Serb community.

The Ombudsperson has found that the amendments to Decision No. 55 of October 31, 2024, which provided for the verification process, have not been officially published and do not clearly define the relevant documentation and procedures. Furthermore, no legal basis has been provided for the involvement of the Kosovo Agency of Statistics in this process, nor the criteria for selecting beneficiaries sent for verification.

As a result, the Ombudsperson has assessed that the actions of the MFLT and DSS violate the principles of legality, legal certainty and the prohibition of arbitrariness, and have produced

89 <https://oik-rks.org/en/2026/01/15/report-of-ombudsperson-ex-officio-no-152-2023-on-the-use-of-official-languages-in-commercial-banks-in-kosovo/>

90 <https://oik-rks.org/2025/05/29/leter-rekomandim-ex-officio-nr-68-2025/>

discriminatory effects against children of non-majority communities, in violation of the Constitution and the Convention on the Rights of the Child. The requirement to physically appear in Prishtina constitutes a disproportionate burden and does not take into account the best interests of the child.

The Ombudsperson has recommended the immediate and transparent publication of all acts and instructions for verification, the provision of clear and accessible procedures for citizens, the issuance of reasoned individual decisions and the realization of retroactive payments to all beneficiaries, including the suspension period and additional benefits foreseen.

## Gender Equality

The Constitution stipulates: “*The Republic of Kosovo ensures gender equality as a fundamental value for the democratic development of the society, providing equal opportunities for both female and male participation in the political, economic, social, cultural and other areas of societal life.*” While the Law on Gender Equality defines the Ombudsperson as an equality institution, with competence to deal with cases related to gender-based discrimination.

### Gender equality in employment law

The Ombudsperson recalls that last year it published *Ex-officio* Report No. 535/2019, regarding 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 the Republic of Kosovo.

This report has identified unequal gender representation at three main levels of the institutional hierarchy: senior management, middle management and support staff. For a new assessment of gender representation and to measure the implementation of the Ombudsperson’s recommendations from this report, a new investigation would be necessary, based on the same methodology.

Until such an investigation is conducted, and considering that no substantial changes can be expected in a period shorter than two years, the Ombudsperson maintains the position that

women continue to be underrepresented in public institutions.

Gender discrimination in the workplace manifests itself in various forms, including sexual harassment. The Ombudsperson is currently handling a case with allegations of sexual harassment in the workplace. Although sexual harassment constitutes a criminal offense, the Ombudsperson’s role consists of assessing whether the employer has adopted and implemented accessible codes and procedures for preventing and addressing sexual harassment in the workplace.

### Gender equality in the right to property and inheritance

Based on the data of the Kosovo Cadastral Agency, reflected in the Annual Report for 2024, it results that out of a total of 628,764 registered properties, 20.23% are registered in the name of women. This represents an increase compared to the previous year, when this percentage was 19.79%.

Although a continuous trend of increasing registration of properties in the name of women is observed, this trend remains slow. The Ombudsperson emphasizes that the right to property and inheritance is guaranteed by the Constitution and relevant legislation. However, its full realization requires a change in social mindset, especially when it comes to equality in inheritance and property, which begins within the family.

The main challenges that hinder the full enjoyment of property rights by women include: the influence of customary law, discriminatory cultural norms, informality, lack of information on inheritance rights, failure to inform all heirs about inheritance procedures, relinquishment of property to preserve family relationships, and delays in court proceedings related to property issues.

During the reporting year, the Ombudsperson received a request for legal advice from a complainant regarding the division of her deceased husband’s inheritance, which serves as an illustrative case and is not the only one of its kind.

According to the complainant, her husband passed away during the previous year, after which she and her children left the family where they had been living together with the deceased husband’s brothers. As a result, the complainant sought shelter from the

Municipality of Gjakova, which subsidized the costs of shelter. She explained that the property in the village where she had lived until a year ago was registered in the name of her father-in-law, who had passed away years ago. She expressed concern that her request to benefit from a public call of the Municipality for financial subsidies for the construction or renovation of housing could be rejected, on the grounds that the property still appears in the cadastral books in the name of her father-in-law.

Representatives of the Ombudsperson informed the complainant about the lines of inheritance, the division of the family community according to the legislation in force, as well as the possibility of using free legal aid.

### **Responsibility of public authorities for protection from domestic violence**

The Ombudsperson assesses that with the entry into force of Law No. 08/L-185 on Prevention and Protection from Domestic Violence, Violence Against Women and Gender-Based Violence, as well as the launch of the electronic surveillance system, Kosovo has undertaken numerous actions to prevent and protect from domestic violence, violence against women and gender-based violence. The Ombudsperson bases these assessments on the fact that, although he does not have an active role under the Law on Prevention and Protection from Domestic Violence, Violence Against Women and Gender-Based Violence, he has not received any complaints regarding domestic violence and has not encountered any cases for which he could initiate investigations *ex-officio*. The role of the Ombudsperson with regard to gender-based violence consists of supervising the authorities in implementing the positive obligations they have to take appropriate measures to protect the right to life and protection from domestic violence, as well as coordinating these measures in accordance with the legislation and standard operating procedures.

However, domestic violence, violence against women and gender-based violence continue to be widespread, often in the form of psychological, sexual and economic violence, which often remain unreported.

According to data that the Ombudsperson has obtained from the Kosovo Police, cases of domestic violence remain high. During 2024, 2547 cases were reported, while during 2025, 2509 cases were reported.

Regarding cases of sexual harassment, according to Article 183 of the Criminal Code, during 2024, 102 cases were reported, while during 2025, 64 cases were reported.

### **Surviving victims of sexual violence during the war**

During the reporting year, the Ombudsperson did not receive any complaints from surviving victims of sexual violence during the war. However, the Ombudsperson recalls that during 2024, a report was published on the respect for human rights during the recognition and verification of the status of victims of sexual violence during the Kosovo Liberation War, as well as on the obstacles to the realization of benefits guaranteed by the legislation in force. This report was submitted to the competent authorities for review and further action.

In this report, the Ombudsperson assessed that Regulation No. 22/2015 on the determination of procedures for the recognition and verification of the status of victims of sexual violence during the Kosovo Liberation War contains legal loopholes that cause legal uncertainty and procedural ambiguity. There is a lack of clear definition of the time limits for the development of the administrative procedure and the issuance of decisions, which has created confusion between the deadlines provided for in the regulation and those of the Law on General Administrative Procedure. The terminology used for legal remedies, including the terms “complaint” and “request for reconsideration”, is also unclear and contrary to the applicable legislation.

The Ombudsperson has raised serious concerns regarding the treatment of victims during the interview, emphasizing the need for full respect for confidentiality, avoidance of re-traumatization and provision of adequate infrastructural conditions. It is considered necessary that the interview premises are accessible to all persons, including those with disabilities, and that the schedules be organized in a way that avoids confrontation of victims with each other.

The report highlights delays in providing victims with identification cards, according to Article 37 of the relevant regulation, as well as the lack of specific provisions for the provision of psychosocial support, which is essential for their rehabilitation and sustainable reintegration into society.

In conclusion, the Ombudsperson has addressed concrete recommendations to the

Government of the Republic of Kosovo, the Ministry of Internal Affairs, the Ministry of Finance, Labor and Transfers, as well as to the Kosovo Judicial Council, with the aim of ensuring the effective respect and protection of the rights of victims of sexual violence during the war in Kosovo.

Regarding the Ombudsperson's recommendations, the chairperson of the relevant committee has provided an oral response stating that they have been taken into account. However, no official written response has been received from the competent authorities regarding the concrete actions taken.

Although no official complaints were filed during the reporting year, the Ombudsperson assesses that the surviving victims of sexual violence during the war continue to seek justice and expect that their requests will be treated seriously and not ignored by the relevant Government Commission.

### Rights of LGBTIQ+ persons

During the reporting year, the Ombudsperson received a complaint regarding the violation of the rights of LGBTIQ+ persons, which was opened for investigation due to the language used during the election campaign by the "Coalition for the Family" towards members of this community. The Ombudsperson decided to close the case taking into account the fact that the Electoral Complaints and Appeals Panel (ECAP) had made a decision on this issue. The case was also addressed by the Supreme Court. In relation to the issues raised in this complaint, the Ombudsperson has provided his positions and opinions in the *ex-officio* Report no. 146/2021, regarding language in public discourse and the obligations of the state to guarantee freedom of expression and prevent hate speech.<sup>91</sup> In addition, the issues raised were also addressed in the Legal Opinion R. No. 175/2024 in the capacity of Friend of the Court (*Amicus Curiae*), for the Basic Court in Prishtina, regarding discrimination and violation of the dignity of members of the LGBTIQ+ community, regarding the Lawsuit C. No. 2993/2024, filed on March 1, 2024 at the Basic Court in Prishtina.

During the reporting year, the Ombudsperson continued the investigation of a case opened in 2024, filed by the "Center for Social Groups Development" (CSGD), on behalf of the person N.N. (with victim protection code assigned by

court decision "Fabian"). The case concerned the request for monitoring of court hearings regarding the case PKR.No.112/2024. Out of a total of six (6) hearings held, the representatives of the Ombudsperson monitored five (5) of them.

At the hearing on 13 January 2025, the verdict was announced, by which the defendants were found guilty of the criminal offenses they were charged with. Although it was not proven that the criminal offenses were committed for hate motives, it was considered important to monitor the process, given that the persons involved belonged to the LGBTIQ+ community.

According to data provided by the Kosovo Police, during 2025, three cases of criminal offenses against the LGBTIQ+ community were reported.

## Rights of Communities and Their Members

The Constitution of the Republic of Kosovo, in addition to Chapter II, which guarantees the fundamental rights and freedoms of its citizens, in Chapter III specifically regulates the rights of communities and their members in the country. According to the Constitution, the Framework Convention of the Council of Europe for the Protection of National Minorities is directly applicable and has priority over the provisions of other laws and acts of public institutions.

Law No. 03/L-047 on Protection and Promotion of the Rights of Communities and Their Members in the Republic of Kosovo, whose purpose is to promote the rights of communities and their members, guarantees full and effective equality for all the people of Kosovo, and at the same time obliges the state to take special measures to ensure full and effective equality for communities and their members, taking into account their special needs.

Despite the existing legal framework, non-majority communities still face numerous obstacles in exercising their rights. These obstacles are reflected in the inadequate implementation of the Law on the Use of Languages, in cases of discrimination, as

<sup>91</sup> <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/>

well as insufficient employment opportunities, while problems related to obtaining personal documents and realizing the right to economic and social support are still present.

In this sense, it is necessary to further improve the mechanisms for the protection of the rights of non-majority communities in order to encourage their full integration into society. Special emphasis should be placed on strengthening dialogue and ensuring a stimulating environment for all communities.

During the reporting year, the Ombudsperson received 331 complaints submitted by members of non-majority communities.

During 2025, the Ombudsperson organized a series of meetings in the municipalities of Graçanica, Rahovec, Klina, Dragash, Mamusha, Letnica, Shtërpçë, Prizren, Reçan, Ferizaj, Mitrovica North, Gjilan, Stanishor, Leposaviq and Leshak.

These meetings were attended by representatives of municipal bodies, civil society organizations and citizens from non-majority communities. The meetings were organized with the aim of engaging with citizens of these communities and as an opportunity to present their concerns, challenges and demands. Participants were also informed about the recommendations of the Ombudsperson, their implementation by public authorities, as well as the procedure for receiving and reviewing complaints submitted by citizens to the Ombudsperson.

During these meetings, a number of problems faced by citizens in their daily lives were identified, such as issues of non-respect for language rights in administrative and judicial procedures, delays in providing translations of court decisions, difficult communication with local self-governments in regions where members of non-majority communities live, challenges in realizing the right to healthcare, problems faced in the field of education, etc.

The Ombudsperson published Report with recommendations A.No.702/2022<sup>92</sup> regarding the violation of the principles of good administration during the announcement of the competition and the failure of public institutions to meet the employment quota of members of non-majority communities, and submitted this report to the responsible parties. From the response received from the Ministry of Internal Affairs, the Ombudsperson was informed

that, at the request of the Office of the Prime Minister, on January 26, 2024, a request was sent to all ministries to open at least 10 new job positions for members of underrepresented communities, and that the MIA has already announced a competition, while other ministries are expected to do so after the restructuring process is completed.

According to Kosovo Police data, in the period from January to the end of November 2025, five (5) cases were registered initiated under Article 141 of the Criminal Code of the Republic of Kosovo, which refers to incitement of discord and intolerance.

During 2025, the Ombudsperson received 48 complaints from citizens, mainly from northern Kosovo, but also from other regions, mainly from members of the Serbian community, related to issues of regulating civil status, registering residence and submitting a request for the issuance of a temporary identity card. The Ombudsperson notes that, despite the existence of the legal basis and procedures for regulating the issues raised in these complaints, there has been a reluctance of citizens to act according to the foreseen regulations.

There is still an open issue regarding the criteria and type of documentation that is considered acceptable as proof of long-term and continuous residence in the territory of the Republic of Kosovo, especially in the northern municipalities. In this context, it results from the complaints that the persons involved in this case have not had the opportunity to obtain alternative documentation. Based on what has been said above, the residence status of these persons remains unresolved, which brings a certain degree of legal uncertainty regarding their further status.

The above-mentioned situation does not refer exclusively to issues of civil status and citizenship, but has broader implications for the exercise of other rights, including freedom of movement, the right to work, health and social protection. At the same time, it affects the fulfillment of the obligations that these citizens have towards the state. The Ombudsperson has highlighted this issue in his previous reports, while the cases in question are still in process and the Ombudsperson, within his mandate, continues to monitor the further development of the situation.

Property rights continue to be a complex issue, especially given the length of court proceedings

92 <https://oik-rks.org/2025/03/05/raport-i-avokatit-te-popullit-a-nr-702-2022-lidhur-me-shkeljet-e-parimeve-te-miradministrimit-me-Casen-e-shpalljes-se-konkurseve-and-deshimit-te-institucioneve-publike-ne-permbushjen-e-kuotes-per/>

to be decided within a reasonable time.

During 2025, a significant number of parents of children who have already exercised the right to child allowance, as well as parents who have applied for the realization of this social right for the first time, addressed the Ombudsperson, filing complaints regarding the suspension of the payment of child allowance. In relation to this issue, the Ombudsperson has found that the amendments to Decision No. 55, dated October 31, 2024, which provided for the verification process, have not been officially published and do not clearly define the relevant documentation and procedures. Furthermore, no legal basis has been provided for the involvement of the Kosovo Agency of Statistics in this process, nor the criteria for the selection of beneficiaries sent for verification.

The Ombudsperson found that the Ministry of Finance, Labour and Transfers acted contrary to the principles of legality, legal certainty and the prohibition of arbitrariness, because it introduced additional conditions and verifications that were not clearly defined or not publicly announced. Therefore, the Ombudsperson issued recommendations for the transparency of the procedure, the taking of individual decisions and the retroactive payment of suspended funds.

The Ombudsperson assesses that, as in all previous years, there are still differences in the education system in Kosovo. The education system is administered by the Government of the Republic of Kosovo in the Albanian, Turkish and Bosnian languages, and outside the education system, education is still conducted in the Serbian language for the Serbian community, partly also for members of the Bosnian community (in the north of Kosovo), for a certain part of members of the Gorani community and mainly members of the Roma community. The Ombudsperson reiterates this year that, as a result, students who complete their education in the parallel system cannot continue their education in the education system of the Republic of Kosovo, because these diplomas are not recognized.

During 2025, the Kosovo Agency for Accreditation of Higher Education Institutions again did not accredit the Department of Balkan Studies, for Albanian and Serbian language studies, at the Faculty of Philology of the University of Prishtina, as the only state institution of higher education in Kosovo, and for this reason could not accept new students in the academic year 2024/25.

Problems have also been identified this year in the timely supply of textbooks for students who continue their studies in Turkish and Bosnian, due to the prices of textbooks in these two languages, as it turned out that textbooks in Turkish and Bosnian are more expensive than textbooks in Albanian.

In relation to the above issue, the Ombudsperson has received complaints and in the response received from MESTI, it was ensured that this issue has been resolved, so that in the response dated October 22, 2025, MESTI clarified that they have agreed on a price reduction and the publishing houses have stated that the textbooks are available.

On the other hand, the Ombudsperson has received complaints regarding the inability of citizens of the Serbian community to apply for a subsidy for textbooks for children who attend education in the Serbian language. In this regard, the Ombudsperson launched an *ex-officio* investigation and addressed MESTI for necessary clarifications and information. In the response of this ministry, dated April 15, 2025, the Ombudsperson was informed that the subsidy is available for all students who attend education according to the curriculum of the Republic of Kosovo.

During 2025, the Ombudsperson received complaints regarding language rights, although this area is the main responsibility of the Office of the Commissioner for Languages. The failure to appoint a Commissioner and the lack of a public competition, together with the prolonged election process, seriously threatened the institutional oversight over the implementation of legislation in the field of language rights.

The Ombudsperson, in 2025, also determined that there are still serious shortcomings in the quality and consistency of the translation of legal acts, especially from Albanian into Serbian. Despite the announcement in 2024 of the establishment of the Office for Language Control and Harmonization in the Office of the Prime Minister, this obligation was not fulfilled by the end of the reporting period, which left the necessary institutional responsibility to guarantee legal certainty and equal implementation of legislation for all citizens.

Regarding the respect of the language rights of all citizens of the Republic of Kosovo, the Ombudsperson continued cooperation with the Office of the Commissioner for Languages with the aim of better coordination and promotion of language rights, as well as cooperation with the aim of faster resolution of complaints submitted. A joint project was implemented in

coordination with the International Organization for Migration (IOM). The project refers to monitoring compliance with the Law on the Use of Languages in certain municipalities and courts in the Republic of Kosovo.

After that, the Ministry of Local Self-Government Administration, in cooperation with the Office of the Commissioner for Languages in the Cabinet of the Prime Minister, as well as with the Institution of the Ombudsperson, with the support of the Council of Europe/Office in Prishtina, through the project “Promoting social cohesion through strengthening the rights of communities and the use of languages”, organized seven more regional meetings with representatives of all municipalities of Kosovo. The purpose of these meetings was to discuss the challenges we face during the process of implementing the Law on the Use of Official Languages, in terms of the role of members of the language policy network, publication of documents in official languages on the official website of the municipality, translator coefficients in municipalities, Signs inside and outside public institutions, on streets and squares, as well as internal coordination.

## Roma, Ashkali and Egyptian Communities

### Education

During 2025, the Ombudsperson did not receive any complaints regarding the widespread dropout of compulsory education by the Roma, Ashkali and Egyptian communities. In general, based on information from the communities themselves and their activists, even some dropouts from education have been followed by the intervention of the relevant school management to return students to school. In many cases, the reasons for dropout are the same as in previous reporting periods. Still, some parents express a lack of perspective for their children, a worrying indicator in society. Others emphasize that they are forced to have their children work in the informal market, but there are those who claim that they do not have the financial means to educate their children, which in reality cannot be an excuse, considering that, especially, compulsory education does not have a high financial cost.

This year, the Ministry of Education, Science, Technology and Innovation has awarded around 500 scholarships to high school students from the Roma, Ashkali and Egyptian communities.

The ministry has also published the decision to award scholarships to students from the Roma, Ashkali and Egyptian communities for the academic year 2024/2025. This year, a total of 49 students are beneficiaries of this scheme.

### Property Rights

Despite the existing legal framework, limited access to information, high costs of legal services and complicated registration procedures often leave these communities without regulating property registration issues. This situation has left them in a state of legal uncertainty and vulnerability in the exercise of property rights. Many of these families have purchased property through informal agreements, which have never been registered in the cadastral register. This has led to disputes and the inability to exercise property-related rights, such as inheritance and legal protection.

Most of the complaints filed with the Ombudsperson for property rights relate to the delay of judicial proceedings. The Ombudsperson has dealt with cases of this nature that he has considered sensitive. In one of the investigated complaints, according to the complaint filed by the complainant E. P., with case number A. No. 551/2023, the Ombudsperson has found a violation of the right to a fair and impartial trial within a reasonable time, since the judicial procedure has not been completed for more than 20 years. Issues of the duration of judicial proceedings are concerns for all citizens of the Republic of Kosovo. However, this concern for the Roma, Ashkali and Egyptian communities may have a greater impact, because the informality of property rights, the lack of formal registrations and unresolved property issues are more pronounced.

The Ombudsperson assesses as very important the role of the Agency for Free Legal Aid, as well as mediation in the realization of property rights of the Roma, Ashkali and Egyptian communities. The Ombudsperson, during discussions with members of these communities, concluded that these communities do not have sufficient information regarding mediation, as an effective mechanism for resolving disputes between parties, in accordance with the principles of mediation.

However, during 2025, civil society dealing

with the protection of the rights of the Roma, Ashkali and Egyptian communities has been active in holding information campaigns in this area.

## Employment

The Ombudsperson has published the Report with Recommendations A.No.702/2022<sup>93</sup> regarding violations of the principles of good administration in the announcement of vacancies and the failure of public institutions to meet the quota for the employment of members of non-majority communities.<sup>94</sup> The report finds that the statistical data provided by the Ministry of Interior for other communities are available, but there is no data for the Roma, Ashkali and Egyptian communities. With this report, the Ombudsperson has requested the Central Election Commission and the Ministry of Internal Affairs to act in accordance with Regulation 15/2023 on the Procedure for Admission to the Civil Service, which stipulates in Article 13, paragraph 4, stipulates: *“Public institutions, in order to fulfill the quota as in paragraph 1 of this Article, may open a recruitment procedure only for members of underrepresented communities, as well as keep updated statistical data on the number of employees of non-majority communities in Kosovo, in public institutions at the central level”*. It has also requested that other non-majority communities, such as Roma, Ashkali, Egyptians, Croats and Montenegrins, be included in the statistical data.

Following the reaction of the Ombudsperson, the MIA and the CEC began to take corrective actions, including improving the procedures for notifying candidates and opening competitions dedicated to underrepresented communities.

## Statistical data on complaints submitted to the OI

During 2025, the Ombudsperson received 11 complaints from the Roma community, of which 6 were opened for investigation; 23 complaints from the Ashkali community, of which 6 were opened for investigation; and 8 complaints from the Egyptian community, of which 3 were opened for investigation. More detailed statistical data on complaints, by ethnicity, are elaborated in the relevant section of the presentation of statistical data in this report.

93 <https://oik-rks.org/2025/03/05/raport-i-avokatit-te-popullit-a-nr-702-2022-lidhur-me-shkeljet-e-parimeve-te-miradministrimit-me-rastin-e-shpalljes-se-konkurseve-dhe-deshimit-te-institucioneve-publike-ne-permbushjen-e-kuotes-per/>

94 <https://oik-rks.org/wp-content/uploads/2025/03/organized-1-1.pdf>

The most frequent problems presented in complaints submitted by the Roma, Ashkali and Egyptian communities relate to: property issues, including construction permits and certification of ownership; recognition of the Romani language in official use in municipalities; claims for violation of rights in employment relationships; undignified medical treatment; and delays in judicial procedures in civil disputes.

## Participation in activities

During 2025, representatives of the Ombudsperson participated in numerous activities, mainly organized by civil society organizations dealing with issues of the rights of the Roma, Ashkali and Egyptian communities. These activities include: a three-day workshop on the drafting of the work plan of the Technical Group on the implementation of the recommendations of the Framework Convention for the Protection of National Minorities; online participation in the roundtable on the topic “Equality Bodies in Enabling Equal Access of Roma to Education”, organized by EQUINET; participation in the National Roundtable on the topic “Property Rights Challenges for the Roma, Ashkali and Egyptian Communities in Kosovo”; roundtable “The State of Community Rights in Kosovo – Joint Discussion”, organized by the Ombudsperson Institution; as well as the two-day Workshop on Employment Inclusion, organized by the NGO “Voice of Roma, Ashkali and Egyptians” in Gjilan.

# The Rights of Children

Children’s rights are an integral part of human rights. In addition to the general rights that belong to them just like adults, children also enjoy special rights, which stem from their specific needs, as a special social group. Article 50 of the Constitution of the Republic of Kosovo guarantees the right of children to protection and care necessary for their well-being. The Constitution also charges the state with the legal obligation to respect, protect

and implement these rights, through the direct implementation of the Convention on the Rights of the Child (CRC).<sup>95</sup>

As a result of the failure to form institutions after the elections of February 9, 2025, no progress was made in the new legislation in the field of child protection. Even during this year, the Ombudsperson has expressed concern about the failure to issue the by-laws foreseen in the Law on Social and Family Services, which regulate the organization and scope of activities of Day Care Centers and Reception Centers<sup>96</sup>, given that delays in the adoption of these acts hinder the full implementation of the law. In terms of policy development at the national level, the process of drafting the Draft Strategy for Children’s Rights 2026–2031 constitutes an important advancement, and the OIK welcomes the finalization of this strategic document.

The Ombudsperson assesses that even this year, children continue to face obstacles in the full exercise of their rights. These obstacles appear in almost all aspects of children’s lives, with particular emphasis on the realization of the right to education, in judicial and administrative processes, in protection from violence, as well as in access to health and social services.

During 2025, the Ombudsperson received 149 complaints regarding children’s rights, mainly filed by the parents of the children, while 6 cases were investigated *ex-officio*. Regarding the gender of the complainants, 32 complaints were initiated by men and 79 by women. The institutions against which the complaints were filed include: 32 against municipalities; 11 against courts, mainly for delays in judicial procedures and requests for monitoring of judicial processes; 72 against ministries and administration; 5 against the police; 4 against prosecutors’ offices; as well as 7 complaints of other nature. Of this number, 31 complaints were declared inadmissible, as the issues were outside the Ombudsperson’s jurisdiction,

did not constitute a violation of human rights, or the complainants had the opportunity to use or were using legal remedies. Of the complaints received, 118 have been opened for investigation and are discussed in more detail throughout the report. During this year, the OIK has addressed 529 recommendations to relevant public authorities regarding children’s rights and has sent 69 reminder letters for failure to respond and implement recommendations.

Complaints filed by individuals	149
Cases opened for investigation based on complaints filed by individuals	118
Unaccepted complaints	31
Cases opened for investigation <i>ex-officio</i>	6
<b>Total</b>	<b>155</b>

Furthermore, the Ombudsperson is in the process of updating and re-functionalizing the promotional platform “Know Your Rights”, which aims to inform young Kosovars about their rights and the institutions responsible for implementing these rights, by providing descriptions of rights and legislation in a child-friendly language appropriate for their age.

### The child’s right to education

Alleged violations related to the realization of the right to education constitute a considerable number of cases reported to the Ombudsperson. Cases related to the right to education that have been investigated, including cases initiated *ex-officio*, have dealt with: lack of heating in schools<sup>97</sup>, lack of transportation to school<sup>98</sup>, violence in schools<sup>99</sup>, the lack of textbooks in the Bosnian language for students in primary and secondary education<sup>100</sup>, subsidizing textbooks in Turkish and Bosnian<sup>101</sup>, the process of selecting textbooks<sup>102</sup>, dropping out of school<sup>103</sup>, expulsion from school<sup>104</sup>, damage to

95 Constitution of the Republic of Kosovo, Article 22

96 Law on Social and Family Services, Articles 61 and 62

97 Case 1399/2025

98 Case 416/2025

99 Cases 1702/2025, 1469/2025, 780/2025, 520/2025 and 182/2025

100 Cases 1399/2025, 1323/2025, 1261/2025 and 1255/2025

101 Case 1178/2025

102 Case 1124/2025

103 Case 1370/2025

104 Case 494/2025

school facilities<sup>105</sup>, lack of support assistant for children with disabilities<sup>106</sup>, discrimination<sup>107</sup> and the process of selecting a child for public kindergarten.<sup>108</sup> Furthermore, in this regard, the Ombudsperson has published 4 *ex-officio* reports and 5 letters with recommendations, which address key dimensions of the right to education, including the safety and well-being of students in schools, equal access to education for children with disabilities, physical learning conditions, as well as institutional obligations regarding transportation and support with teaching assistants. These actions aimed to highlight systemic shortcomings and institutional responsibilities, to improve educational conditions, prevent discrimination and guarantee an inclusive and safe education system for all children in Kosovo. Regarding the promotion of children's rights, the OIK also conducted information campaigns this year for students and teachers of primary and lower secondary schools in 29 schools in 16 municipalities (Ferizaj, Shtërpçë, Shtime, Gjilan, Viti, Kamenica, Malisheva, Rahovec, Gjakova, Prizren, Suhareka, Mitrovica, Vushtrri, Skenderaj, Prishtina and Podujeva).

Based on investigations of complaints received and *ex-officio* investigations, during 2025, important topics related to children's rights were addressed, which will be discussed below.

### **The connection between the right to education and the child's right to health**

In the *Ex-officio Report with Recommendations No. 479/2023 regarding the impact of the weight of school bags on primary school children (cycle 1–5) and the functionality of lockers in schools*<sup>109</sup>, the Ombudsperson has found violations of the rights of the child, based on the connection between the right to education and the child's right to health. The report assessed that the organization of the educational process, in cases where it violates the health and well-being of students, directly affects the observation of the right to quality education. In this context, the report relies on Article 3 of the CRC, which imposes the principle of the best interests of the child, as a predominant consideration in all decision-

making, as well as on Article 24, which guarantees the right of the child to the best possible state of health. The findings of the report show that the weight of school bags, which reaches 5 to 6 kg for primary school students, causes fatigue, exhaustion and can potentially cause spinal injuries, negatively affecting their health and well-being. Based also on research by educational and health institutions on curricular overload, the report concludes that this situation constitutes an obstacle to the fulfillment of the right to quality education. As a solution, the Ombudsperson has foreseen two actions: (i) that the Ministry of Education, Science, Technology and Innovation (MESTI) undertake all necessary measures to train teachers in the efficient implementation of the curriculum during school hours, to reduce homework and to review the progress of activities during physical education classes; and (ii) has recommended to all municipalities to continue with the functionalization of lockers in schools and with institutional coordination between responsible authorities, as necessary measures to guarantee an educational environment that promotes the health and full development of children.

### **Inclusive education and disability**

In August, the Ombudsperson received a complaint against the Municipality of Malisheva for failing to provide transportation for a child with disabilities to the Resource Center, where he attends the learning process. This complaint was actively supported by the Children's Group "Respect Our Rights" (ROR), as a powerful advocacy voice – by children for children. After conducting the investigation, the OIK published the *Letter of Recommendations R. no. 1126/2025*, in which it found that the Municipality of Malisheva violated the rights of the child with disabilities by failing to provide him with the necessary transportation from his place of residence to the Resource Center and vice versa. The Ombudsperson reiterated that, in addition to the constitutional obligations and those arising from the CRC, Article 40 of Law no. 04/L-032 on Pre-University Education guarantees the principle of inclusive education and obliges the competent institutions to

<sup>105</sup> Case 1267/2025

<sup>106</sup> Case 1238/2025, 292/2025 and 1396/2025

<sup>107</sup> Case 422/2025

<sup>108</sup> Case 942/2025

<sup>109</sup> <https://oik-rks.org/2025/05/13/raport-i-avokatit-te-popullit-ex-officio-nr-479-2023-lidhur-me-ndikimin-e-peshes-se-cantave-tek-femijet-e-shkollave-filllore-cikli-1-5-funksionalizimin-e-dollapeve-ne-shkolla/>

provide adequate support, in accordance with the individual needs of the child. Inclusive education means ensuring access to quality education for all children, regardless of their background or abilities, effectively meeting their diverse needs and ensuring their participation in a common learning environment. In order to implement these provisions, Article 17 (2) of the Administrative Instruction (MEST) No. 05/2024 on Resource Centers clearly establishes the obligation of municipalities to provide transportation for students in special schools of Resource Centers, including boarding students. Consequently, the OIK recommended to the Municipality of Malisheva to provide the complainant's child with the necessary transportation, in accordance with his individual needs and with the applicable legal obligations.

### **Violence and the security situation in schools**

Regarding violence against children, including school safety, the Ombudsperson has conducted investigations into 13 cases, of which 10 were initiated based on complaints from parents and 3 *ex-officio*. The cases concern psychological and/or physical violence against students by teachers,<sup>110</sup> physical and psychological violence from peers<sup>111</sup>, sexual harassment of a student<sup>112</sup>, violence by a police officer against a student; and effective access to justice in cases of sexual and physical violence.<sup>113</sup>

The cases presented by parents mainly concern violence inflicted by peers and teachers on children. In the first case, *ex-officio*, the Ombudsperson has launched an investigation based on information published on the portal "Nacionale.com", in the article titled "*Problematic 12-year-old in Shtime, institutions have no solution*". According to this portal, a disturbing video has circulated on social networks, showing a minor severely hitting another minor.<sup>114</sup> In the second case, in February, the OIK opened an *ex-officio* investigation based on information from

the "Veriu.info" portal, in the article titled "*Scandal at the 'Abdullah Shabani' school in Mitrovica – mother denounces violence against her son*". According to the report, the child was the victim of continuous violence by several peers, who repeatedly threatened, insulted and physically attacked him.<sup>115</sup> These cases have been addressed and included in the *ex-officio Report No. 661/2024, which contains recommendations regarding the responsibilities of institutions in relation to violence in schools*.<sup>116</sup>

In the *ex-officio Report no. 661/2024 on the responsibility of institutions in relation to violence in schools*, the Ombudsperson, in order to analyse the situation, has included: (i) studies conducted by various authors, the Pedagogical Institute, UNDP, etc.; (ii) statistics issued by MESTI and the Kosovo Police; and (iii) focus groups with parents, teachers and students, including consultation of the findings with the group of ROR children.

The Ombudsperson has found that violence against students in Kosovo schools is present and is practiced by both peers and teachers, negatively affecting the physical and mental well-being of children, as well as the quality of the educational process. According to data from MESTI, extracted from the Education Information Management System (EIMS), from 2014 to 2024 (for 10 years), schools have reported 272 cases of violence in schools, while data from the Kosovo Police for the same period are 5652 cases. On the other hand, according to study findings, 77% of students have reported having experienced at least one form of violence during the last month. Such a large discrepancy between official statistics and student statements shows the seriousness of the situation and requires urgent institutional commitment, initially for accurate reporting of cases and then for taking concrete measures. High rates of violence in schools have also resulted from the "Young Voices" survey, where one of the main findings shows that 78% of children report that bullying is very or moderately present in their school.<sup>117</sup>

110 Cases 182/2025, 780/2025, 1702/2025

111 Cases 445/2025, 494/2025, 1469/2025, ex-officio 56/2025 and ex-officio 137/2025

112 Ex-officio case 1663/2025

113 Cases 752/2025, 1387/2025 and 852/2025

114 <https://nacionale.com/video/12-vjecari-problematik-ne-shtime-institucionet-skane-zgjijdhje-pamje-te-renda>

115 <https://veriu.info/skandal-ne-shkollen-abdullah-shabani-ne-mitrovica-vena-dennoncon-dhunen-ndaj-djalit-te-saj/>

116 <https://oik-rks.org/en/2025/05/29/report-of-the-ombudsperson-ex-officio-no-661-2024-responsibility-of-institutions-in-relation-to-violence-in-schools/>

117 Save the Children, Young Voices, 2024, accessible at: <https://resourcecentre.savethechildren.net/pdf/Zerat-e-Rinj-2024.pdf>

Despite the existence of a legal framework prohibiting violence and physical punishment, the responsible authorities have not taken sufficient measures to effectively protect children, while the implementation and monitoring of existing policies and protocols remain inadequate. Teachers face difficulties in managing discipline and need training in alternative methods, while students and parents report a lack of safety in school environments, even changing schools due to repeated violence. The current violence reporting system is assessed as inefficient, hindering the addressing of cases and institutional accountability, which highlights the urgent need for coordinated interventions, strengthening reporting mechanisms,

Consequently, the Ombudsperson has recommended that MESTI strengthen the accountability and oversight mechanisms for pre-university education institutions, ensuring the implementation of Regulation No. 21/2013 on the prevention and referral of violence in schools. The Ministry should systematically assess the extent of violence, draft a comprehensive multi-sectoral strategy accompanied by a concrete action plan, and ensure regular and reliable reporting by educational institutions. It has also been recommended to review and supplement Administrative Instruction No. 26/2013, in order to ensure the presence of psychologists in all pre-university education institutions. Meanwhile, municipalities have been recommended to improve the infrastructure and physical security in pre-university education institutions, strengthen monitoring at the local level through regular inspections, and ensure the implementation of legislation on the prevention of violence in schools. It is also recommended to increase the cooperation of Municipal Directorate of Educations (MEDs) with the Kosovo Police, social and health services, and the community; organize training for teachers and professional staff on managing cases of violence; and conduct research on the status of children's rights, with a focus on preventing and eliminating violence in school environments.

The Ombudsperson assesses that the use of violence in schools remains one of the most serious concerns in the field of children's rights in Kosovo. The report published on May 28,

2025 highlights that, despite the existence of a legal framework prohibiting all forms of violence, measures for its effective implementation have been insufficient. Violence, both among peers and by teachers, violates the safety, physical and psychological well-being of children and harms the educational process.

For this reason, the Ombudsperson calls on the responsible authorities to implement the recommendations given in the report without delay, in order to guarantee a safe and protective environment for all students.

The Ombudsperson has actively continued with promotional and awareness-raising activities, starting with information campaigns in primary and lower secondary schools, in 29 schools in 16 municipalities. The purpose of this activity is to inform students and teachers about the role, mandate and competencies of the OIK. The Ombudsperson has also held meetings with representatives of various children's groups advocating for children's rights, to hear their perspectives on issues that directly affect them in schools and in the community, including violence in schools.

As part of international activities, the Ombudsperson participated in the 29th annual Conference organized in Romania by ENOC, which focused on the right of children to physical health. The conference discussed, among others: (i) the inclusion of health at the policy level; (ii) health promotion and disease prevention; (iii) specialized medical services for children; and (iv) legal protection of the child in health care. The Ombudsperson emphasizes that this right is of particular interest for ensuring the well-being of children, raising, among other things, issues related to nutrition, physical activity, mental health and substance abuse (including alcohol, electronic cigarettes, etc.).

The Ombudsperson Institution also participated in a children's participation fair in Brussels, where the children's right to be heard was discussed. This right means that children have the right to be heard and to express their views in all decisions that affect them, whether at home, at school or in other matters in which they are involved. Unfortunately, as highlighted by the meetings with children and the relevant surveys<sup>118</sup>, this right is not being respected by public institutions. It was found that 83% of children would like to have more influence,

118 Young Voices, 2024 See: <https://resourcecentre.savethechildren.net/pdf/Permbledhje-Ekzekutive-e-Zerave-te-Rinj-2024.pdf>

power and opportunities to express their views on issues that concern them and their peers, while only 9% of children have participated in any public consultation organized by their Municipality or the government in the last two years.

### **The rights of the child in judicial proceedings**

During this year, the Ombudsperson received 11 complaints against courts, which mainly concerned the failure to revoke parental rights<sup>119</sup> child custody trust and alimony determination,<sup>120</sup> the delay of judicial proceedings<sup>121</sup> and disciplinary responsibility of judges<sup>122</sup>, as well as 4 complaints against prosecutors.<sup>123</sup>

In addition, at the request of the parties, the Ombudsperson monitored the court hearings<sup>124</sup> and has addressed letters to the relevant courts to be informed about the actions taken towards respecting the right to a fair and impartial trial, as well as the right to legal remedies.

Similar to previous years, the Ombudsperson has handled complaints from parents regarding the exercise of parental rights, including the right to contact with their children. In one case, the complainant had filed a complaint against the CSW and the court regarding the initiation of the procedure for the removal of parental rights, while her child had been in a shelter and under the care of the CSW for several years.<sup>125</sup> The Ombudsperson's representative monitored the court session and conducted investigations to assess whether the actions of the relevant institutions were in accordance with the standards of the right to a fair and impartial trial, as well as with the guarantee of effective legal remedies.

In another case, a father filed a complaint against the Basic Court in Prishtina due to the delay in the court proceedings regarding child custody and the determination of alimony.<sup>126</sup> During the handling of this case, the OIK took active action by continuously contacting the CSW, the court and the complainant, until confirmation that the hearing had been held and that an agreement had been reached on child custody and alimony.

### **Children with disabilities**

During this reporting period, regarding the rights of children with disabilities, the Ombudsperson has conducted investigations into 5 cases initiated following complaints from parents, and has drafted the *Ex-officio Report with recommendations 695/2022 regarding the comprehensive education and training of persons with disabilities for access to the labour market*.<sup>127</sup> These complaints are mainly related to the right to education and were related to the lack of school-home transportation,<sup>128</sup> the right to an assistant for children with disabilities,<sup>129</sup> the schedule for staying in the kindergarten,<sup>130</sup> and school enrolment.<sup>131</sup>

### **Lack of assistants for children with disabilities**

Similar to previous years, one of the main obstacles hindering access to education for children with disabilities continues to be the lack of child assistants. In March, a parent complained against the Municipality of Gjilan because his child was denied school enrolment due to the lack of a support assistant. After investigations, the child was successfully enrolled in school and has started regular classes.<sup>132</sup> Similarly, in October, another parent

119 Case 45/2025, 242/2025

120 Case 223/2025

121 Cases 852/2025, 752/2025, 783/2025 and 223/2025

122 Cases 1337/2025, 1287/2025 and 863/2025 and 1492/2025

123 Cases 834/2025, 1133/2025, 1206/2025 and 14/2025

124 Cases 834/2025 and 45/2025

125 Case 45/2025

126 Case 223/2025

127 <https://oik-rks.org/2025/05/29/raportin-e-avokatit-te-popullit-ex-officio-695-2022-lidhur-me-arsimimin-and-aftesimin-gjithereperfishires-t%D1%91-personave-me-aftesi-te-kufizuara-p%D1%91r-qasjen-ne-tregun-e-punes/>

128 Case 1126/2025

129 Cases 1396/2025, 1238/2025 and 292/2025

130 Case 885/2025

131 Case 292/2025

132 Case 292/2025

filed a complaint against the Municipality of Gjilan for failing to provide a support assistant.<sup>133</sup> The parent has addressed the municipality with a request for the provision of assistance for the child with special educational needs and the provision of transportation, in accordance with Law No. 04/L-032 on Pre-University Education. The Municipal Directorate of Education (MDE) in Gjilan has reviewed the request and decided to partially approve it, approving the support with transportation, while rejecting the request for the provision of support assistance for the child with disabilities. The parent has also raised concerns that the situation of children with disabilities is aggravated due to the lack of adequate institutional support. According to the complainant, the costs for psychological, speech therapy, occupational therapy, special diets, medical therapy, as well as for support from teachers or assistants during the learning process are considerable and ongoing. In these circumstances, parents are forced to provide these services themselves, covering the costs from personal funds, which represents an unaffordable financial burden for most families.

In the other case, the parent filed a complaint against the Municipality of Prizren regarding the child's schedule at the kindergarten. During the investigation, the OIK was informed that the MED was in the process of hiring a support assistant for the child in question. The municipality also raised concerns about the severe shortage of assistants, as they are currently unable to meet all the requirements. The Ombudsperson, taking into account the fact that early childhood care is the first step in the lifelong learning process and is of great importance in the formation of the child's personality, considers it necessary for institutions to create spaces and capacities so that children, without discrimination, have easy and effective access to the realization of this right. Based on the Constitution of Kosovo, the CRC, the Law on Child Protection and the Law on Early Childhood Education, the Ombudsperson reiterated that access to preschool institutions for all children with disabilities, without discrimination, is in their best interest. Following the actions of the OIK, the complainant and the kindergarten reached an agreement regarding the attendance schedule and the provision of support by the assistant for her child.

<sup>133</sup> Case 1396/2025

<sup>134</sup> Law on Child Protection, Article 1 (5)

## **Social and health protection of children**

All children have the right to live, grow and develop in conditions that ensure physical, emotional and social well-being, in order for each child to develop his/her full potential. Institutions are obliged to take measures to protect the well-being of children and improve their quality of life, ensuring the development, assistance and effective care of children at risk.<sup>134</sup> In the field of social and health protection, this year 59 complaints were filed by parents against the Ministry of Finance, Labour and Transfers (MFLT), regarding the non-benefit of the Child Allowance Program.

### **Application of the principle of the best interests of the child in administrative procedures that affect their social well-being**

In May, following 56 complaints from citizens, mainly from the Serb community, the Ombudsperson published a Letter with Recommendations in the *ex-officio* case no. 68/2025 against the MFLT on the suspension of child allowances. Following the investigation, the Ombudsperson found that the process of verifying documentation to benefit from the allowance had been conducted in violation of the principles of legality, legal certainty and administrative procedure. The imposition of additional documentation requirements, not specified in published decisions, as well as the massive suspension of benefits without individual reasoned decisions, had left children and their families without effective legal and social protection. Consequently, these actions were in violation of the standards of the ECHR (*DH and Others v. the Czech Republic, 2007*), the Constitution and the CRC, failing to respect the best interests of the child.

In this case, the authorities failed to apply this principle, focusing on unclear verification procedures rather than on protecting the well-being and fundamental rights of children. The Ombudsperson recommended that the MFLT publish in both official languages all decisions, instructions and conditions regarding the verification process, as well as find appropriate modalities for verifying the fulfillment of the criteria, giving all citizens the opportunity to prove the fulfillment of the required criteria. Also, all citizens whose allowance has been

suspended should be provided with reasoned individual decisions and all outstanding payments should be paid retroactively.

### **Mental health as a key component of the right to health**

In May, the OIK published the *Ex-officio Report with recommendations No. 662/2024 on the responsibility of the state in relation to the mental health of children*,<sup>135</sup> one of the first research studies in the field of children's mental health in Kosovo. The report provides a comprehensive analysis of relevant legislation and policies, complemented by interviews with key stakeholders to gain a deeper and structured understanding of the mental health situation, problems, consequences, impact and services provided for the treatment of children.

The Ombudsperson has found that the mental health system for children in Kosovo faces significant legal, institutional and professional shortcomings, which hinder the provision of early, preventive and specialized care. There is a lack of legal provisions and systematic mechanisms for the early identification of mental health challenges in children, while schools and primary care institutions do not have sufficient training to recognize the early signs of mental distress. These early and preventive interventions are important for children, because childhood is the period when the brain and personality develop most rapidly. Therefore, early support helps the child build healthy skills and reduces the risk of more serious problems in the future.

Another problem is access to specialized psychological services, which is limited at all levels of health care, especially at the primary and secondary levels, where there is a lack of special units for children, specialized professionals and continuous services. Furthermore, in Child and Adolescent Psychiatry, the number of professionals engaged cannot accommodate the demands of patients, making it difficult to divide responsibilities according to professional backgrounds. The high demand for psychological assessments from patients and CSWs, as well as the low number of professionals in relation to demand, make it impossible to provide psychotherapy services by clinical psychologists.

These shortcomings are further exacerbated by the lack of bylaws implementing the Mental Health Law and the Social and Family Services Law, directly affecting the quality and access of children to mental health services. The report recommends that the Ministry of Health draft and implement a comprehensive national strategy for children's mental health, including early intervention, preventive care, and the provision of specialized services at all levels of health care. The Ministry should complete the legal framework, develop standardized protocols, and effective monitoring and accountability mechanisms. It also proposes increasing professional capacities through the recruitment and training of psychiatrists and clinical psychologists, the creation of 24/7 crisis intervention teams, increasing institutional capacities, and developing public health campaigns to raise awareness and reduce stigma. While MESTI is recommended to integrate mental health into school curricula, with the aim of developing students' basic skills for mental well-being and seeking help. It is also recommended to supplement and amend Administrative Instruction No. 26/2013 to ensure the presence of psychologists in all pre-university educational institutions. Finally, municipalities are recommended to build local capacities for children's mental health through training teachers and school psychologists for early identification and adequate treatment of mental health problems. It is also suggested to recruit mental health professionals in primary care, create crisis intervention teams, accessible 24/7, develop ongoing professional training and organize local awareness and stigma reduction campaigns. In total, the report contains 169 recommendations, of which 32 have been implemented, while the others are still pending implementation.

## **The Right to Education**

The Constitution of the Republic of Kosovo guarantees and regulates the right to education through Article 47, as a right that includes three main obligations: (i) the provision of compulsory and free basic education, (ii) the creation of a comprehensive education system that offers equal opportunities, and (iii) the creation of an education system that meets the basic and specific needs and abilities of every child.<sup>136</sup> This right is also defined by the European

<sup>135</sup> <https://oik-rks.org/wp-content/uploads/2025/05/organized.pdf>

<sup>136</sup> Constitution of the Republic of Kosovo, Article 47

Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols (ECHR) and the Convention on the Rights of the Child (CRC).<sup>137</sup>

In order to protect these rights, within the framework of promotional activities and the protection of human rights, the Ombudsperson Institution, also during 2025, conducted information campaigns for students and teachers of primary and lower secondary schools. For this purpose, he visited pre-university educational institutions and participated in various round tables.

On November 20, 2025, on the occasion of Universal Children’s Day, the Ombudsperson reaffirmed his unwavering commitment to protecting, promoting and respecting the rights of every child, without discrimination. This day reminds us that every child, everywhere in the world, deserves love, security, quality education and equal opportunities to realize their full potential.

During 2025, the Ombudsperson received 39 complaints regarding the right to education. Of this number, 11 were declared inadmissible, because the issues they dealt with were outside the jurisdiction of the Ombudsperson Institution, there were no violations of human rights or the complainants had the opportunity to use or were using legal remedies. Of the complaints we received from citizens, 28 were opened for further investigation, while 1 case was opened *ex-officio*.

Cases submitted according to the table:

Complaints filed by individuals	39
Cases opened for investigation based on complaints filed by complainants	28
Inadmissible complaints	11
Cases opened for investigation ex-officio	1
Total	40

Based on the analysis of cases submitted to the Ombudsperson Institution, the complaints relate to: violence against children in schools; failure to register children in school;

discriminatory and unequal treatment by school management bodies; lack of subsidies for textbooks and school materials; expulsion from school; failure to provide answers by relevant institutions; failure to license graduates of private colleges; allegations of irregularities in the drafting of questions in written tests; failure to validate diplomas; failure to provide transportation for children with disabilities; lack of textbooks in the Bosnian language; denial of the right to re-examination in high school; issues related to the distribution of textbooks for grades VI–IX; structural and substantive differences between the versions in the two official languages, as well as the legal status of Administrative Instruction No. 05/2024 on Resource Centers; failure to benefit from free textbooks; partial refund of payments made to private colleges and guaranteeing that years or credits earned are not lost as a result of the non-accreditation of the program; failure to provide answers regarding the recognition and verification of diplomas in private colleges; failure to admit children to school; and lack of information about student allowances.

Out of a total of 29 cases opened for investigation, 14 have been closed. Of these, 10 cases have been resolved in accordance with the parties’ requests, 3 cases have been found to be in the process of using legal remedies, while 1 case has been closed due to the lack of cooperation by the complaining party with the Ombudsperson.

During the reporting year, regarding the right to education, the Ombudsperson published 4 reports with recommendations,<sup>138</sup> as elaborated in the section of this report on children’s rights in education.

- On May 28, 2025, the Ombudsperson published a report on the responsibility of institutions in relation to violence in schools.<sup>139</sup>
- On April 7, 2025, the Ombudsperson published a report with recommendations, which addresses the violation of the child’s right to education, as a result of the lack of engagement of a support assistant for a child with disabilities.<sup>140</sup>
- On March 27, 2025, the Ombudsperson

<sup>137</sup> Protocol No. 1 of the ECHR, Article 2, and Convention on the Rights of the Child, Article 28

<sup>138</sup> C. No.565/2023; *Ex-Officio* No. 695/2022; *Ex-Officio* No. 479/2023; *Ex - Officio* No.661/2024

<sup>139</sup> <https://oik-rks.org/en/2025/05/29/report-of-the-ombudsperson-ex-officio-no-661-2024-responsibility-of-institutions-in-relation-to-violence-in-schools/>

<sup>140</sup> <https://oik-rks.org/2025/04/14/raport-i-avokatit-te-popullit-ankesa-nr-565-2023-lidhur-me-cenimin-e-se-drejtjes-se-femijes-per-shkollim-mosangazhim-te-asistentit-per-femijen-me-aftesi-te-kufizuara/>

published the ex-officio Report No. 479/2023,<sup>141</sup> which addresses the impact of the weight of school bags on primary school students (grades 1-5) and the functionality of lockers in schools.

- On May 27, 2025, the Ombudsperson published the ex officio Report no. 676/2022,<sup>142</sup> which addresses the state of comprehensive education and training of persons with disabilities for access and competition in the labour market.

Ombudsperson has also addressed 5 letters with recommendations to the responsible authorities.<sup>143</sup> These letters of recommendation are presented below:

- On June 30, 2025, the Ombudsperson published a Letter of Recommendation regarding the failure of the Municipality of Prishtina to respond to a complaint filed by ES.<sup>144</sup>
- On September 16, 2025, the Ombudsperson addressed a Letter of Recommendation to the Municipality of Malisheva regarding the failure to provide transportation for a child with disabilities from Malisheva to Peja and vice versa, to attend classes at the “Xheladin Deda” Resource Center.
- On April 22, 2025, the Ombudsperson published a Letter of Recommendation, which addresses the violation of the right to education due to the lack of transportation for a child with disabilities.<sup>145</sup>
- On March 26, 2024, the Ombudsperson published a Letter of Recommendation regarding the violation of the child’s right to education, failure to provide transportation for distances longer than 4 kilometres.<sup>146</sup>
- On May 21, 2025, the Ombudsperson addressed a Letter of Recommendation to the Governing Council of the “Elena Gjika” School in Prishtina, regarding the legality of the agreement between

the school and the parents of first and sixth grade students.

### Pre-university education

The Ombudsperson has noted that this year too, problems have arisen in the right to education in relation to the distribution of textbooks. For the supply of textbooks, parents were required to apply through the “e-Kosova” platform and then receive the financial means to purchase textbooks. This has been accompanied by numerous problems and unnecessary delays; many parents had difficulties in applying and there were delays in supplying students with textbooks.

At the level of early childhood education during 2025, despite the commitment of MESTI to build new kindergartens, there is still a low involvement of children in early childhood education. During this reporting year, MESTI introduced the new Curriculum for Early Childhood Education (ECE) for children 0–6 years old, which presents a modern and comprehensive vision, places the child at the center of the learning process and is based on the philosophy of learning through play and child well-being.<sup>147</sup>

Regarding the education of children with disabilities, the Ombudsperson, as in the annual reports of previous years, expresses his concern regarding the lack of assistants for these children. It is also concerning that transportation is provided only for some children. Therefore, the Ombudsperson has recommended to the responsible authorities to take measures to ensure equal access for persons with disabilities, as well as the full inclusion of children in education.

Teaching in the Republic of Kosovo is conducted in Albanian, Serbian, Turkish and Bosnian. Regarding the right to education of the Serbian community, schools that conduct teaching in Serbian still continue

141 <https://oik-rks.org/2025/05/13/raport-i-avokatit-te-popullit-ex-officio-nr-479-2023-lidhur-me-ndikimin-e-peshes-se-cantave-tek-femijet-e-shkollave-fillore-cikli-1-5-funksionalizimin-e-dollapeve-ne-shkolla/>

142 <https://oik-rks.org/2025/05/29/raportin-e-avokatit-te-popullit-ex-officio-695-2022-lidhur-me-arsimimin-and-aftesimin-gjithperfishires-t%D1%91-personave-me-aftesi-te-kufizuara-p%D1%91r-qasjen-ne-tregun-e-punes/>

143 C.No.1103/2024; C. No. 1052/2024; C. No. 924/2024; C. No. 1272/2024; C. No. 1126/2025

144 <https://oik-rks.org/2025/06/30/leter-rekomandim-i-avokatit-te-popullit-r-nr-1272-2024/>

145 <https://oik-rks.org/2025/04/22/leter-rekomandim-r-nr-1103-2024/>

146 <https://oik-rks.org/2025/03/27/leter-rekomandim-r-nr-1052-2024-lidhur-me-cenimin-e-se-drejtës-per-shkollim-te-femijes-mosofrim-i-transportit-per-distancën-me-te-gjate-se-4-kilometra/>

147 For more information, see: [Prezantohet Kurrikula e re për Edukimin në Fëmijërinë e Hershme për moshën 0-6 vjeç – MASHT](#)

to work with curricula of the Republic of Serbia, without being approved by MESTI. Meanwhile, regarding the inclusion of other communities, the Ombudsperson positively evaluates the continuation of financial support provided to Roma, Ashkali and Egyptian students.<sup>148</sup>

### University education

Regarding university education, on July 14, 2025, following a positive assessment by the independent expert team of the European Association for Quality Assurance (ENQA), the Kosovo Accreditation Agency (KAA) was registered in the European Quality Assurance Register in Higher Education (EQAR). As a result, the diplomas of Kosovar students will have guaranteed and internationally recognized validity, both in academic and professional terms, throughout Europe and beyond. Registration in EQAR is an indication that the diploma comes from a program or institution that meets rigorous quality standards, guaranteeing students and employers the value of the diploma. On the other hand, higher education institutions in the country will have full access to European Union programs in the field of education, opportunities for international recognition, partnerships, funding, student attraction and continuous development.<sup>149</sup> Therefore, the Ombudsperson considers that this is a success achieved with the commitment of the KAA, which ensures the quality of study programs in university education.

Furthermore, as in previous years, during this reporting period, the delay in the adoption of the Law on Higher Education still remains a challenge. Therefore, in order to strengthen the autonomy and academic integrity of higher education institutions and improve quality, the Ombudsperson recommends that the Law on Higher Education be adopted by the parliament as soon as possible.

During the reporting year, the Ombudsperson has paid special attention to the quality of education for persons with disabilities in relation to resource centers and vocational centers. Regarding the quality of education for persons with hearing impairments, based on information obtained in meetings with civil society organizations that protect the rights of

deaf persons, it has been understood that deaf persons, even after completing their education, do not reach the appropriate level of vocational education to be ready for the labor market. In this regard, the Ombudsperson is continuing investigations and preliminary findings show numerous shortcomings, starting from the very preparation of teaching staff in these centers.

The Ombudsperson, also in the *ex-officio Report No. 695/2022*, with which he addressed the state of inclusive education and training of persons with disabilities for access to and competition in the labour market, has identified numerous structural and institutional obstacles in vocational education and training, including the lack of inclusive programs, etc.

## Freedom of Art and Science

Freedom of art and science, as one of the most specific forms of manifestation of artistic and scientific thought, is guaranteed not only by international instruments, but also by the Constitution and other legal acts of the Republic of Kosovo. The Constitution of the Republic of Kosovo, in Article 48, clearly states: “1. *Freedom of artistic and scientific creativity is guaranteed.*” “2. *Academic freedom is guaranteed.*”<sup>150</sup>

Freedom of art and science means the freedom and right of everyone to participate in the creation of scientific and artistic works and, as an author, to enjoy inalienable protection of the interests arising from the works that are the result of his/her creativity.

In addition, within the meaning of the content of paragraph 2 of Article 48 of the Constitution, it should be emphasized that the freedom of artistic and scientific creativity is closely linked to the special constitutional guarantee of academic freedom, meaning the autonomy of universities - institutions of higher scientific education, which is of particular importance for the creative scientific and artistic work of university teachers.

During 2025, the Ombudsperson received a complaint from the Non-Governmental Organization of the Festival “Mal Fest”, filed against the Ministry of Culture, Youth and Sports (MCYS) for lack of financial support. This festival is important for the promotion

148 Notice – MESTI

149 Kosovo Accreditation Agency registered in EQAR – Kosovo Accreditation Agency

150 Constitution of the Republic of Kosovo

of cultural heritage, the encouragement of artistic creativity and the strengthening of the connection of the Diaspora with its homeland. The case is still under investigation. The Ombudsperson also received another complaint regarding copyright from a citizen of the Turkish community, who claims that the 1966 photograph, titled “Girl of Kosovo (Kosovarja)”, belongs to her mother, QL. The photograph, made on copper or in the form of a painting, has been sold for years in Kosovo, while the complainant has not been able to exercise the copyright and has not benefited from the financial benefits that others have had. The Ombudsperson notes that citizens are often not informed about the rights guaranteed by the law on intellectual property. This fact underlines the need for authorities to undertake awareness-raising campaigns and provide adequate information on copyright and intellectual property rights.

## The Right to Work and Exercise Profession

The right to work and practice a profession is guaranteed by the Constitution of the Republic of Kosovo<sup>151</sup> and is in accordance with international human rights instruments, which are directly applicable in the Republic of Kosovo.<sup>152</sup> In addition, this right is regulated and protected by basic laws that define the rights and obligations arising from the employment relationship.<sup>153</sup>

The Ombudsperson notes that the realization of citizens’ rights in the field of employment relations is of particular importance for the status of every citizen and constitutes a clear indicator of the way in which the state fulfills its obligations towards citizens. Constitutional guarantees for the right to work and the right to practice a profession create obligations for institutions to protect these rights equally for all and to ensure full respect and implementation of the relevant legislation.

The Ombudsperson continues to treat labor relations as one of the main and most important issues in reviewing complaints from persons working in public and private institutions in the Republic of Kosovo.

During 2025, the Ombudsperson received 189 complaints regarding the right to work and the exercise of the profession. These complaints addressed issues such as: termination of employment, non-realization of the right to salary and its reduction, unfair placement in the workplace, removal of allowances, problems with the salary coefficient, as well as inadequate and unequal treatment between positions defined by law. The complaints were from employees in the public and private sectors, some from groups of employees<sup>154</sup> and through unions.<sup>155</sup>

The year 2025, like previous years, was also characterized by strikes in several sectors for the improvement of working conditions. These included employees of the regional waste company “Pastrimi” in Prishtina, employees of “Trainkos” and “Infrakos”, employees of Radio Television of Kosovo, employees of the Kosovo Energy Corporation and KOSTT, employees of Urban Traffic in the capital, as well as the private sector, such as: the Trade Union Federation of Technical Workers of the Private Sector, physical security workers at the University Clinical Center of Kosovo, physical security workers of the Municipality of Prishtina and employees of Feronikeli, for collective dismissal, etc.<sup>156</sup> These groups demanded improved working conditions and equal treatment.<sup>157</sup>

The Ombudsperson notes that during this reporting period, violations of employment law continue to occur, both in the public and especially in the private sector. These include discrimination, violations of employment procedures, unlawful termination of

151 Constitution of the Republic of Kosovo, Article 49

152 Ibid., Article 22

153 Law No. 03/L-212 on Labour; Law No.03/L-145 on Civil Service; Law No.03/L-147 on Salaries of Civil Servants; Law No.04/L-008 on the Economic-Social Council

154 Case: Ex-officio 275/2025 regarding the reduction of coefficients after the initial determination of a higher coefficient, which includes several public institutions, which have complained that their coefficient was changed and after the coefficient was reduced, they were forced to return the salary difference.

155 Press release – Statement of the Ombudsperson regarding Radio Television of Kosovo, <https://oik-rks.org/en/2025/07/25/press-release-ombudspersons-statement-related-to-rtk/>

156 <https://gazetametro.net/largimi-i-mbi-500-punetoreve-sindikata-e-punetoreve-te-ferronikelit-situata-alarmante/>

157 <https://gazetabolic.com/punetoret-ne-kosove-eand-ne-vitin-2025-protestuon-per-paga-me-te-larta/>

employment, violations regarding working hours, compensation for overtime, denial of the right to annual leave and maternity leave, and failure to exercise the right to a salary<sup>158</sup>

The Ombudsperson emphasizes that the Labour Inspectorate, as a preventive mechanism and responsible for implementing the law, must continuously control all workplaces, both in the public and private sectors, by supervising working conditions, occupational safety and the preservation of workers' health. In particular, it must actively work to prohibit all forms of discrimination.

The Ombudsperson finds that judicial protection regarding the employment relationship is not at the appropriate level, as a judicial procedure in labour disputes lasts on average 6 to 8 years until a final decision. This situation places workers in a difficult position in realizing their rights.

The Ombudsperson also draws attention to the non-functioning of the Economic and Social Council, which has ongoing consequences and calls into question the purpose of its establishment. Social dialogue in Kosovo is of particular importance for the realization of the economic, social and professional rights of workers, through the resolution of disputes through bilateral or tripartite agreements.

The Ombudsperson notes that collective labour agreements are an important instrument for regulating working and employment conditions, as well as for the realization of labour rights. The provisions of the collective contract have general legal effect and can supplement or replace legal norms. The failure to reach a general collective agreement, which expired in 2018, has contributed to the deterioration of the realization of rights from the labour relationship in the public and private sectors.

The Ombudsperson emphasizes the importance of approving the collective labour contract, as a key instrument that guarantees the realization of legal rights, the improvement of working conditions and the implementation of other rights from the employment relationship.

## Occupational Safety and Health

<sup>158</sup> Cases: 592, 1235, 1253 and 1268/2025, concerning discrimination at work against Trepça J.S.C. combine

<sup>159</sup> Response on December 26, 2025, from Mr. Rizah Plakolli, Acting Executive Director of the Central Labour Inspectorate, to the letter sent on December 23, 2025. Data for 2025 refer to the period January - November 2025

<sup>160</sup> Conversation with the President of the Independent Private Sector Union, Mr. Jusuf Azemi, on January 6, 2026. Data for 2025 refer to the period January - December 2025

Law No. 03/L-212 on Labour Relations, in Article 42, paragraph 1, stipulates: “*An employee is entitled to occupational safety, protection of health and appropriate labour environment in compliance with this Law and the Law on Occupational Safety, Protection of Health of Employees and Protection of Labour Environment.*” A safe and healthy working environment is a fundamental prerequisite for preventing risks in the work process, in order to preserve the life, health and dignity of employees.

During 2025, the Ombudsperson has followed with concern the cases of accidents at work, including those with fatalities. According to official data from the Labour Inspectorate, 515 accidents at workplaces were recorded, of which 19 resulted in loss of life.<sup>159</sup> The largest number of accidents and injuries is recorded in high-risk sectors, such as construction, manufacturing, electricity, services, etc.

The Ombudsperson notes discrepancies in statistical data, as there is no integrated system for collecting data from the relevant authorities. For example, the Private Sector Workers Union reported that during 2025, 32 people lost their lives in the workplace and a total of 1,745 accidents were recorded, making 2025 the year with the highest number of accidents and deaths in the workplace. The main sectors reported are construction, manufacturing, services and electricity, where the most fatalities and injuries are recorded.<sup>160</sup> This indicates that the reliability of the data remains challenging and questionable.

The Ombudsperson emphasizes that these figures become even more worrying considering the socio-economic and cultural development of the country, as well as the level of enforcement of legislation on labour relations and occupational health and safety.

The Ombudsperson draws attention to the fact that, even during the reporting period, Kosovo continues to face the lack of health insurance for citizens and the non-functioning of the National Council for Occupational Safety and Health, which calls into question the continuous improvement and monitoring of the occupational safety situation.

Despite the fact that protection and safety at work are legally guaranteed, the Ombudsperson is concerned about the lack of proper investigation by the Labor Inspectorate and investigative bodies, as well as the impunity of employers who do not provide workers and work environments.

## Health and Social Protection

Article 51 of the Constitution of the Republic of Kosovo in paragraph 1 states: “*Healthcare and social insurance are regulated by law,*” while paragraph 2 of this Article states: “*Basic social insurance related to unemployment, disease, disability and old age shall be regulated by law.*”

During 2025, the Ombudsperson received 202 complaints from citizens regarding the violation of health and social rights, of which 39 cases were opened for investigation. In addition, the Ombudsperson initiated 5 cases *ex-officio*.

In the social field, the Ombudsperson has received numerous complaints regarding issues such as the termination of pensions, the termination of child allowances, difficulties in applying online through the “e-Kosova” platform for child allowances, delays in assessing health status by the relevant commissions, non-recognition of rights to double pensions, blocking of pensioners’ accounts by private enforcement officers, administrative silence by second-instance commissions, non-recognition of the status of former convicts and former political persecuted persons, as well as non-execution of payments from the electricity subsidy program for vulnerable consumers. Complaints have also been handled regarding the non-implementation of judgments related to pension rights for persons with disabilities, as well as delays in court proceedings on contributory pension issues.

During 2025, the Ombudsperson has opened *ex-officio* cases regarding the issue of social housing in collective centers in the Municipality of Leposaviq, on issues related to the decisions of the Energy Regulatory Office (ERO) on the increase in the price of electricity<sup>161</sup> and for

paying water bills.<sup>162</sup>

The Ombudsperson has published two reports with recommendations and a legal opinion from the scope of social law. Report R. No. 94/2024 regarding the denial of the right to reduced electricity tariffs for paraplegic, tetraplegic and blind persons<sup>163</sup>, found that the criteria set out in the program for the protection of vulnerable consumers place these persons in a disadvantageous position and make their social position more difficult. These criteria are not in accordance with Law No. 05/L-067 on the Status and Rights of Paraplegic and Tetraplegic Persons. This is due to the fact that the beneficiaries under the program are only low-income families, while the law guarantees the right to all those who have status under this law.

During 2025, ERO announced the increase in electricity tariffs and the liberalization of the market, a decision that was met with reaction, debate, criticism and protests, raising concerns among citizens about the increase in the cost of living. Regarding these concerns, the Ombudsperson held information meetings with the ERO Board and with civil society organizations, which opposed these decisions, to provide full information regarding the concerns raised. After evaluating the information, the Ombudsperson published Opinion R. No. 538/2025, expressing his position on the negative effects of the increase in electricity prices by ERO, as well as the negative effects created by this increase, in light of the constitutional and legal guarantees for the fundamental rights and freedoms of citizens.

In the field of pensions, the Ombudsperson has handled complaints regarding the termination of pensions when the administration requires beneficiaries to waive one pension, even when they are entitled to two or more pensions based on different laws. In contested cases, the courts have found violations and annulled the decisions of the Pension Administration, guaranteeing the legal rights of the complainants. To clarify this issue, on November 24, 2025, the Ombudsperson published the *ex-officio* Report No. 614/2024 on the recognition of the right

161 See *Ex-officio* Case No. 538/2025

162 See *Ex-officio* Case No.266/2025

163 Accessible at: <https://oik-rks.org/en/2025/04/14/report-of-ombudsperson-r-no-94-2024-on-the-denial-of-the-right-to-reduced-electricity-tariffs-for-paraplegic-tetraplegic-persons-and-persons-who-are-blind/>

to two pensions on two different legal bases (double pensions).<sup>164</sup> This report highlights the assessment of the situation in cases where a beneficiary of a pension scheme has acquired that right under the Law on State-Funded Pension Schemes, as a property right, and at the same time benefits from a pension or other compensation under another legal basis.

Another issue relates to the rights of pension beneficiaries and the obligation to appear at the Pension Administration to prove that they are alive. In relation to this issue, the Supreme Court has approved as well-founded the claim of the plaintiff E. Sh., filed against the defendant - the Ministry of Finance, Labour and Transfers (MFLT) - Pensions Department.<sup>165</sup> Article 4, paragraph 2, of Administrative Instruction No. 05/2015 (MLSW) on the Procedures for Notification, Suspension from Payment and Return of Funds in Cases of Pension Abuse is declared illegal and repealed. Article 5, paragraphs 1, 2, 3 and 4, of this Instruction are declared illegal and repealed. The Supreme Court, in the justification of this decision, emphasized that any sub-legal regulation that imposes mandatory reporting, new material deadlines, automated suspension or consequence of loss of pensions for categories that the law has not expressly included, is illegal.

It should be noted that the court decision has created uncertainty as to whether all pension scheme beneficiaries are exempted from this obligation. After the publication of the Judgment, the Pension Administration issued a public clarification, making it clear that only certain categories are exempted from this obligation. The Ombudsperson believes that this solution is partial and does not solve the underlying problem. The main issue that has been discussed over the years for pension scheme beneficiaries is the deprivation of the right to retroactively return pensions that have been withheld after the period of non-appearance according to the by-laws. In relation to this issue, on November 25, 2016 the Ombudsperson published the *ex-officio* Report No. 382/2016 regarding the violation of the dignity and right of pensioners to pensions,<sup>166</sup> finding that the procedures for filing and suspension

from payment are discriminatory and violate the dignity of pensioners. Therefore, the Ombudsperson had recommended amending and supplementing the law in order to fully and permanently regulate this issue. However, the recommendations from this report have not been implemented.

The Ombudsperson notes that during 2025, the Government has taken several measures to improve the social situation for vulnerable groups of society, by increasing the value of basic pensions by 25%, and the decision on one-time supplements in December 2025 in the amount of 100 Euros for all pensioners and children. However, the Ombudsperson finds that, due to inflation, the measures taken have had a short-term impact on improving the socio-economic situation for beneficiary families and individuals.

The Ombudsperson reiterates the fact that the International Covenant on Economic, Social and Cultural Rights continues to be not part of the Constitution of the Republic of Kosovo. Consequently, from what was said above, it is noted that the Republic of Kosovo does not have sufficiently regulated legislation in the social field for some of the sensitive social groups that is based on international standards and that would properly regulate the field of social security for its citizens.

Health rights in Kosovo are guaranteed through laws and other legal acts, which define the rights and responsibilities of citizens in healthcare and the mechanisms for protecting and ensuring these rights and responsibilities. However, despite this, the number of complaints received during 2025 has shown that the mechanisms for protecting and ensuring these rights have so far proven to be insufficient and, as a result, even during this reporting year we cannot speak of a provision of comprehensive and quality healthcare services in the Republic of Kosovo.

Among the complaints received by the health sector during the reporting year, complaints were identified regarding the lack of medicines in cases of patients diagnosed with cancer, delays in the execution of payments of decisions for drug subsidies, failure to provide health care by health professionals, unlawful deprivation of

164 Accessible at: <https://oik-rks.org/en/2025/11/25/report-of-ombudsperson-ex-officio-no-614-2024-on-the-recognition-of-the-right-to-two-pensions-based-on-two-different-legal-grounds-dual-pensions/>

165 Accessible at: <https://supreme.gjyqesori-rks.org/2025/12/17/aprovohet-padia-e-e-sh-shpallen-te-paligjshme-nenet-qe-obligojne-pensionistet-te-lajmerohen-ne-departamentin-e-pensioneve/>

166 Accessible at: <https://oik-rks.org/en/2016/11/25/raporti-lidhur-me-cenimin-e-dinjitetit-and-se-drejtete-pensionisteve-per-pensione/>

liberty with involuntary psychiatric treatment, lack of hygienic and nutritional conditions in some tertiary health institutions, disregard for court decisions by psychiatric health institutions regarding the implementation of mandatory psychiatric treatment with detention, lack of proper doctor-patient communication, etc.

During the reporting year, the Ombudsperson opened two *ex-officio* cases in the field of health rights, which addressed the issue of haemodialysis for Kosovars in Albania<sup>167</sup> and investigations are underway regarding the lack of a palliative system and adequate legislation regulating this field.<sup>168</sup>

In the case of haemodialysis, the Ombudsperson opened a case *ex-officio* to conduct investigations, based on reports in the print and electronic media, which published the news that Albania does not treat Kosovars in haemodialysis for free and that the Ombudsperson in Tirana has launched an investigation.<sup>169</sup> Furthermore, the media stated that patients from the Republic of Albania receive free haemodialysis services in health institutions of the Republic of Kosovo, while citizens of the Republic of Kosovo must pay one hundred and fifty (150) Euros for a haemodialysis session in the Republic of Albania.

Following this, the Ombudsperson of the Republic of Kosovo sent a letter to the Ombudsperson of the Republic of Albania, from whom he requested information on the results of the investigations and the epilogue that this matter received at the Ombudsperson Institution of the Republic of Albania. The Ombudsperson of the Republic of Albania announced that, after having investigated this matter, he had issued two recommendations to the Ministry of Health and Social Protection of the Republic of Albania, recommending the undertaking of concrete and immediate measures regarding the provision of free haemodialysis services to citizens of the Republic of Kosovo, with temporary or permanent residence in the Republic of Albania.

167 See *Ex-officio* case No.1052/2025.

168 See *Ex-officio* case No.953/2025.

169 Accessible at: <https://www.koha.net/arberi/shqiperia-si-trajton-falas-kosovaret-ne-hemodialize-avokati-i-popullit-ne-tirane-nis-hetim>

170 <https://oik-rks.org/2025/01/13/raport-i-avokatit-te-popullit-r-nr-649-2024-ne-lidhje-me-detyrimet-e-organeve-shteterore-per-te-vepruar-ne-perputhje-me-parimet-e-ligjit-per-mbrojtje-nga-diskriminimi-and-me-legjislacionin-ne-fuqi-p/>

171 <https://oik-rks.org/en/2025/05/06/report-of-the-ombudsperson-ex-officio-no-662-2024-state-responsibility-in-relation-to-childrens-mental-health/>

On January 13, 2025, the Ombudsperson published Report No. 649/2024 regarding the obligations of state bodies to act in accordance with the principles of the Law on Protection from Discrimination and with the legislation in force on the provision of dental health care,<sup>170</sup> where he found that the complainant's daughter is a victim of discrimination on the basis of her health condition, as well as on the basis of disability.

Meanwhile, on May 5, 2025, the Ombudsperson published *ex-officio* Report No. 662/2024 regarding the state's responsibility in relation to the mental health of children.<sup>171</sup>

On the occasion of the International Human Rights Day, on December 10, 2025, the Ombudsperson organized a roundtable discussion on the topic: "*Mental health of older persons: The state's obligation for care, protect and dignity and the role of the Ombudsperson*". During this roundtable, the Ombudsperson emphasized that Kosovar society continues to face challenges and problems in terms of mental health, and in particular the health of elderly citizens. It was stated that the *Ex-officio* Report No. 601/2023 regarding the state's obligations to support and provide mental health services to persons over 65 years of age in the Republic of Kosovo, found that the age restriction of over 65 years of age for persons with mental health problems, as a criterion for admission to the relevant institutions, constitutes a violation of the provisions of the Law on Social and Family Services and the Law on Protection from Discrimination. The Ombudsperson also found that the lack of bylaws arising from the Mental Health Law challenges the implementation of this law and creates space for discriminatory practices in the provision of mental health services, related to the age limit for persons over 65.

The main issues that emerged as a conclusion from this meeting were: The need to finalize the Law on Mental Health, implement the Law on Health Insurance and the Social Security System, complete the Mental Health Strategy, build the capacities of geriatric services, draft

clear protocols for the treatment of people with mental disorders, review procedures and strengthen legal guarantees for the protection of patients' rights, draft social policies that ensure affordable costs for families, etc.

## Responsibility for the Environment

The environment and its protection are defined as a value in the Constitution of the Republic of Kosovo. Furthermore, environmental protection is listed as a responsibility, where everyone, and in particular institutions, have an obligation and responsibility for environmental protection. The Constitution guarantees access to environmental decision-making.

The Ombudsperson, from monitoring the situation related to this right and based on the complaints received at the Ombudsperson Institution, notes that this year too, no institutional actions have been taken that would mark significant improvements and cessation of arbitrary actions in the environment, through which citizens would be provided with a quality environment. This situation was also influenced by the lack of constitution of institutions after the national elections, as there was no development in terms of advancing legislation.<sup>172</sup>

From the analysis of received cases related to water, soil and air pollution, noise nuisance, waste pollution problems, issues related to spatial planning and water infrastructure<sup>173</sup>, as well as the inaction of the authorities towards environmental problems<sup>174</sup>, it is noted that, in addition to the restriction of the right to a safe and healthy environment, other rights are also restricted.

In this report, the Ombudsperson raises concerns about the environmental situation and urban chaos in urban areas, in particular in the Municipality of Prishtina and other large centers,

as well as the worsening trend. Air pollution, high-rise buildings without criteria, exceeding the number of floors, the failure to balance construction with road and water infrastructure, substandard sidewalks and, in many cases, their absence, failure to respect accessibility criteria for people with disabilities, failure to take action to improve public transport, the use of alternative fuels and the development of sustainable urban mobility plans that adhere to EU environmental and social standards, as well as poor waste management, are fundamentally limiting the right of citizens to a safe and healthy environment.

The Ombudsperson's commitment to the protection, promotion and monitoring of the right to a safe and healthy environment, in addition to having contributed to increased public trust and an increase in the number of complaints, has also been appreciated by international institutions. The report of the Council of Europe Regional Project on "Human Rights and a Sustainable Environment in South-Eastern Europe" found that the Ombudsperson Institution is the only authority that "refers most frequently to the articles of the ECHR or the practice of the ECtHR in the judicial practice of the courts in Kosovo". According to the report, "*The Ombudsperson should be commended for its greater tendency towards a wider use of these standards in its reports on river protection, waste management and hydropower plants in Kosovo.*"<sup>175</sup>

Based on monthly reports on the state of the air in the country,<sup>176</sup> the Ombudsperson notes that air quality is almost similar from year to year, with significant excesses of PM10 and PM2.5 in the periods January - March and October - December.

Although poor air quality has become a reality that continuously affects the health of citizens,<sup>177</sup> the competent authorities have

172 Six draft laws in the field of environment approved by Decision No. 03/247, dated 31.1.2025, in the Program of draft laws for 2025–2027.

173 [R/995/2024](#), [R/683/2024](#)

174 Responsibility for the environment - 25 complaints received; 13 complaints admissible for investigation; 12 complaints inadmissible.

175 <https://rm.coe.int/baseline-study-human-rights-environment-southeast-europe-march-2025-fi/488028e149>  
<https://rm.coe.int/baseline-study-human-rights-environment-southeast-europe-march-2025-al/48802938b0>  
[https://rm.coe.int/osnovna-s-zakonodavstv-u-politici-i-sudskoj-praksi-u-oblasti-lj/488028e14a\\_tudija-o](https://rm.coe.int/osnovna-s-zakonodavstv-u-politici-i-sudskoj-praksi-u-oblasti-lj/488028e14a_tudija-o)

176 <https://www.ammk-rks.net/al/mjedisi/20/raportet-mujore>

177 Information we received from the National Institute of Cancer Research, on January 13, 2025. The data only presents the number of new cases of malignant diseases per year, which the National Institute of Cancer Research possesses. Year 2020 - 2787 cases; year 2021 - 3270 cases; year 2022 - 3110 cases; year 2023 - 4165 cases; year 2024 - 3644 cases.

- Kosovo progress Report 2025, "There was no progress relating to air quality. It continues to present a major health risk."
- KEPA, Annual Air Quality Report 2024, Effects of air pollution on health: "Respiratory diseases (chronic bronchitis, respiratory infections), lung damage, as well as an increased risk of heart disease, stroke and some types of cancer, including lung cancer."

not yet shown any interest in taking concrete steps to improve the situation, even though the excesses are already posing a serious threat to the health of citizens. Although it is documented that the largest sources of air pollution are the use of lignite for energy production,<sup>178</sup> wood and coal for households,<sup>179</sup> as well as means of transport, the state has not yet oriented investments towards air protection. The replacement of household heating with cogeneration systems continues at a slow pace. Although the situation with transport use is worsening from year to year, the state has not yet taken action to stimulate renewable energy, sustainable transport, the replacement of old cars with new ones<sup>180</sup>, effective measures to reduce traffic loads, etc. In this regard, the Ombudsperson considers the failure to take legal measures to protect against pollution during the construction of buildings and roads to be worrying and intolerable.

The Ombudsperson, regarding the odour of waste and its negative impact on the private lives of citizens, has published the Report with recommendations R. No. 1326/2024,<sup>181</sup> in which it found that air pollution from the release of odours and the burning of municipal waste constitutes a risk to the health of individuals. The report emphasized that the negative impact of air pollution on human health, including pollution from waste, has been confirmed by the World Health Organization. It also brought to attention that, referring to international standards and the case law of the ECHR, the living of citizens in an environment with high levels of air and environmental pollution violates the human rights to a safe and healthy environment, as well as constitutes a violation of their private, family life and personal well-being. Taking into account the impact of pollution on human health, the Ombudsperson draws attention to the need to improve public information by public institutions and the media, in real time, on air quality, especially in cases where the permitted values are exceeded.

Despite the need to join global efforts to take preventive measures to protect water,

the country continues to face the profound consequences of river degradation, lack of drinking water, damage to flora and fauna, destruction of water resources and national parks, lack of water treatment and lack of relevant facilities. The Ombudsperson considers that uncontrolled and indiscriminate interventions, as well as constructions near rivers, carried out over long periods of time, have already caused considerable and often irreparable damage. The damage caused by hydropower plants is obvious and potentially irreparable, although the issue regarding their legality is ongoing. The uncontrolled exploitation of inert materials (sand and gravel) has already created an unsafe and unhealthy environment in the country, causing great damage to the composition of rivers and the water regime, as well as to aquatic flora and fauna. A separate problem, affecting the right to drinking water in the country, continues to be the low quality of water, caused by the discharge of untreated water.

The floods that are now recurring from year to year are creating an extremely dangerous and permanent environment for the life and safety of citizens. The floods of the period November 17–20, 2025 caused damage to agricultural lands, private properties, etc.

The indiscriminate change of the use of agricultural lands, in violation of the Law on Agricultural Land, has not marked any improvement. Meanwhile, the waste management system has not marked any improvement. The year has marked the same situation in landfills, as well as the crisis in the management of waste collection points in urban areas. The Ombudsperson has published the Report with recommendations Rr. No. 1326/2024, in which it found that air pollution, including pollution from the release of odorous municipal waste, constitutes a risk to the health of individuals and that the living of citizens in an environment with high levels of air and environmental pollution violates the human right to a safe and healthy environment, as well as constitutes a violation of private and family life and personal well-being.

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Recent studies have shown that air pollution also affects the neurological development of children, being associated with problems in concentration, memory and behaviour.”

178 Energy Strategy of the Republic of Kosovo 2022-2031.

179 Energy Strategy of the Republic of Kosovo 2022-2031, about 57% of households use wood as a heating source.

180 Information we received from the Vehicle Registration Center.

181 <https://oik-rks.org/en/2025/07/23/report-of-ombudsperson-r-no-1326-2024-on-the-negative-impact-of-municipal-waste-on-the-private-life-of-citizens/>

No positive change has been observed in the respect of the Law on Spatial Planning and the Law on Construction. Non-compliance with construction conditions continues,<sup>182</sup> in particular those that, according to the Ombudsperson, pose a potential risk to the lives of citizens, such as fire safety criteria and other risks attributable to the built environment. In this regard, it should be emphasized the urgent need to pay serious attention to the creation of appropriate conditions for firefighters and other emergency responders.

Regarding the built environment, the Ombudsperson expresses concern that, even during the reporting year, a large number of citizens have continued to face restrictions on property rights, unclear and uncertain legal status, the inability to acquire rights to immovable property, the inability to use it as a financial guarantee, as well as the risk that the building is exposed to demolition, due to the failure of the competent authorities to take action to provide certificates of use for most of the constructed buildings.

Regarding the respect of the three environmental principles – access to information, public participation in decision-making and access to justice – no improvement has been observed. Despite the direct guarantee given by the country's Constitution regarding the right of access to public documents, as well as that guaranteed by environmental legislation, in particular by the Law on Access to Public Documents, which has clearly defined the impossibility of restricting access to documents related to the environment, access to information related to the environment remains difficult. The Ombudsperson assesses that the data of the MESPI and KEPA related to the environment, in particular those of public interest regarding air and water pollution excesses, as well as important documents with high environmental impact, such as licenses and environmental impact assessments, etc., are rarely published, remain limited, are difficult to access and are not updated.<sup>183</sup> During the year, a decline in public information on environmental issues was

observed and there continues to be a lack of updated reports from competent bodies.

In addition, regarding the respect of public participation procedures in decision-making, no improvement has been observed.

Regarding cases related to the environment, their handling by prosecutors and courts continues without any improvement.<sup>184</sup> With the exception of data related to articles of the Criminal Code, the courts do not have data regarding administrative and civil cases related to the environment, which would clearly clarify the handling of cases of this nature within a reasonable time frame.

Respect for citizens' rights regarding environmental issues is also being violated by inspection procedures. The number of inspectors remains low, while their professional level pales in comparison to the needs and the situation on the ground. The appeal procedures against the first-instance decisions of the local-level inspection body, in the collegial body, as well as the subsequent procedures, do not guarantee the right to an effective legal remedy, also due to the fact that there is negligence on the part of the Central Inspectorate of Construction and Environment regarding the complaints of the parties related to Category I constructions. This inspectorate does not review a considerable number of complaints on the grounds that its competences are limited only to Category II and III facilities. Therefore, the Ombudsperson expresses concern regarding the procedures in question, which leave open the possibility of the relevant central-level environmental inspectorate not taking professional positions, as well as the risk of causing irreparable damage to the party in the procedure.<sup>185</sup>

The lack of functionality of the HIS makes it impossible to produce clear statistics regarding the impact of pollution on the health of citizens. Also, there is still no research by the NPHIK regarding the impact of polluted air on public health.

Due to non-constitution of the Assembly, the

182 Law No. 04/L-174 on Spatial Planning, Construction Conditions, such as: the percentage of the area allowed for construction within the plot in relation to the area of the cadastral plot and the preservation of greenery to absorb atmospheric precipitation; measures for balance and stability; lack of emergency spaces; parking lots; sanitary spaces; construction waste management; natural and adequate lighting; environmental pollution; ventilation and noise, sanitary spaces; conditions of adequate access to public roads and technical infrastructure; restrictions for the protection of natural, historical and cultural values; measures for energy efficiency and saving.

183 Publication, Council of Europe Regional Project on "Human Rights and Environmental Sustainability in South-Eastern Europe", funded by the Human Rights Trust Fund (HRTF) "Baseline Study of Legislation, Policies and Case Law on Human Rights and the Environment in South-Eastern Europe, March 2025.

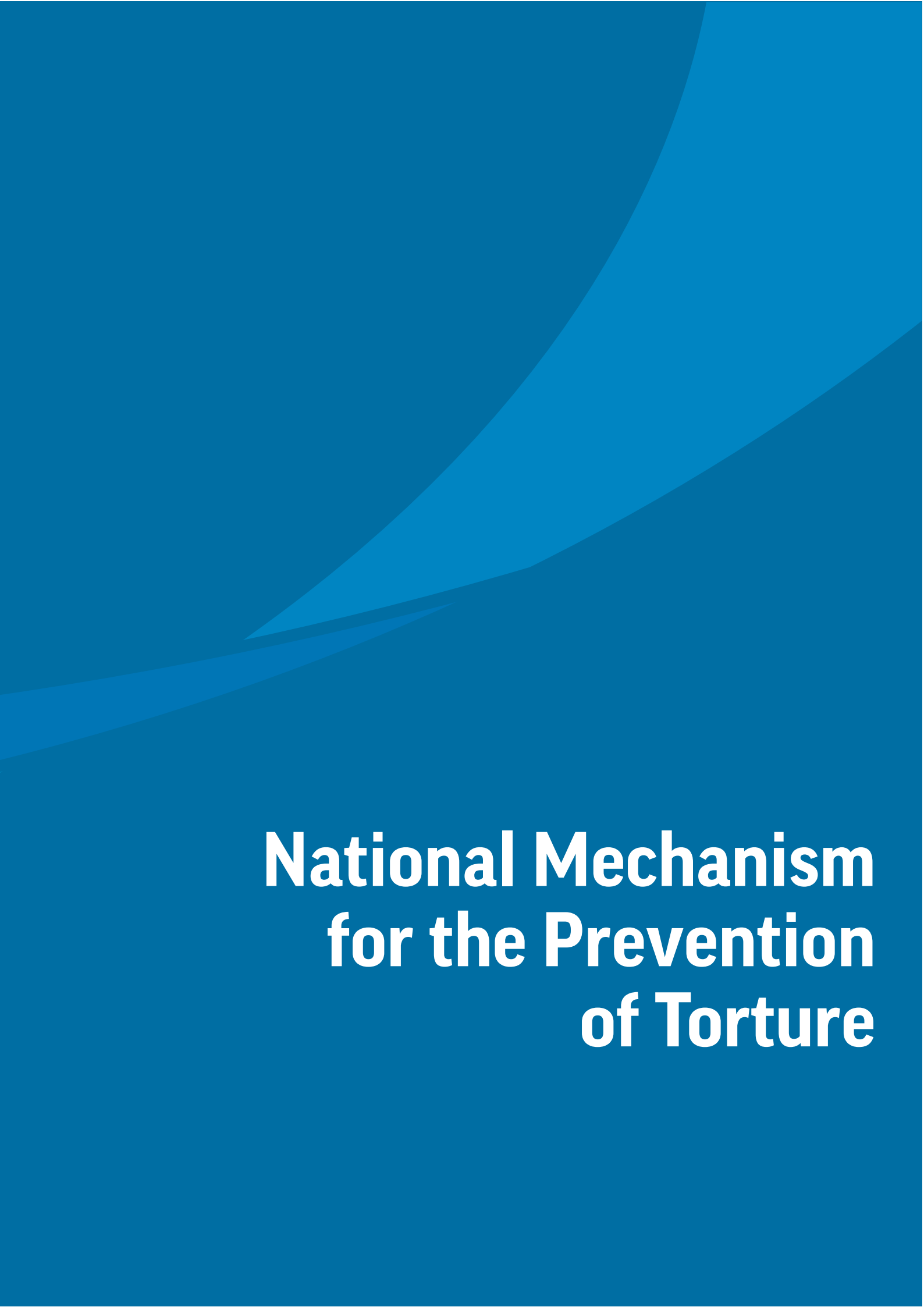
184 Ibid., "in the case law of the courts in Kosovo, no use of the standards and practice of the ECHR has been found, with the exception of minor references by the Constitutional Court of Kosovo in its 2009 case"

185 R.908-2025.

new Law on Noise Protection, which would have ensured the protection of citizens' privacy from noise and nuisance under control, has not been approved this year. Likewise, the Law on the Inspectorate of the Environment, Waters, Nature, Construction, Housing, Defense and Nuclear Safety has not been approved.

The Ombudsperson, throughout the year, has organized meetings with citizens and round tables with civil society organizations, in which local and central level institutions have also participated. In these meetings, the need for increased measures for education and awareness of citizens regarding environmental law, by educational institutions and the media, was discussed.

The Ombudsperson has also collaborated with civil society organizations on projects related to the environment.

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# **National Mechanism for the Prevention of Torture**

# National Mechanism for the Prevention of Torture

Law No. 05/L-019 on Ombudsperson stipulates in Article 17 that the Ombudsperson acts as the National Mechanism for the Prevention of Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (hereinafter: NMP). According to the law, the NMP regularly and without prior notice visits all places where persons deprived of their liberty are held, including police detention, pre-trial detention, detention in health institutions, customs detention, detention in immigration institutions and any other place where violations of human rights and freedoms are suspected.

The NMP report for 2025 is based on data collected from unannounced visits to police stations, correctional and detention centers, border police stations, psychiatric institutions, asylum and detention centers for foreigners, social care homes, as well as the “Adem Jashari” International Airport, etc.

The report provides an overview of actions aimed at preventing torture and other cruel, inhuman or degrading treatment or punishment. During this year, 73 monitoring visits were conducted, 6 reports were published and 51 recommendations were made.

## Monitoring of police stations

During 2025, the NMP visited 15 police stations and found that some facilities for persons deprived of their liberty did not meet national and international standards, as surveillance cameras were not installed or had poor visibility in some areas, while the emergency call system (bell) was not installed in the detention centers of police stations, which constitutes a serious deficiency in terms of security and rapid response in case of need. During the visits, interviews were conducted with detained persons, where the interviewees had complaints regarding the treatment or non-respect of their rights. In general, three fundamental rights are respected, including notification of the family of the arrest, the right to a lawyer and the right to medical service.

During the reporting year, 108 complaints were received against the Police, of which 26 were deemed admissible for investigation. None of these complaints related to allegations of ill-treatment; most concerned non-acceptance of employment after competition, non-promotion or failure to respond by relevant authorities, or other matters outside the mandate of the NMP. Five *ex-officio* cases were opened to investigate cases reported in the media and to obtain information from other sources about ill-treatment of citizens by police officers.

The cases treated are as follows:

*Ex-officio* Case 26/2025 relates to allegations of unprofessional conduct and abuse of official authority by Kosovo Police officers against Mr. V. Đ., based on information published in the media. According to media reports, during a routine vehicle check in the village of Soçanica, Municipality of Leposaviq, the Police removed V. Đ. from the vehicle and beat him without justifiable reason, in the presence of the passenger. The Ombudsperson regarding the case in question has contacted the Kosovo Police Inspectorate (KPI) to request information on whether this case is being handled and whether it is being acted upon in accordance with the law. The KPI has announced that investigations are underway and that they will inform us of the final outcome of the investigation.

*Ex-officio* Case 841/2025, based on information published in the media, which states: “A police officer in Prizren is arrested for exceeding his authority and violence against a citizen.” The Ombudsperson has communicated with the KPI, the Kosovo Police, where they have concluded that there was an excess of authority by police officers and the case has been processed for further investigation at the Basic Prosecution Office in Prizren. From the information provided, it results that legal actions have been taken by the responsible authorities.

*Ex-officio* Case 842/2025, based on information published in the media, related to police actions during the arrest of a citizen in Klina. The Ombudsperson has communicated with the KPI, the Kosovo Police, regarding this case, where they have concluded that there was an excess of authorization by the police officers and the case has been processed for further investigation at the Basic Prosecution Office in Peja, which has filed an indictment against the police officers involved in this case.

*Ex-officio* Case 850/2025 concerns a case published in the media regarding the death of a citizen in Lipjan during police arrest. The Ombudsperson has communicated with the KPI, where it was announced that the police officers have been suspended from their jobs. The case is still being investigated and the competent authorities are awaiting the report of the Institute of Forensic Medicine.

*Ex-officio* Case 840/2025, opened based on news published in the media, about the death of a detainee at the Police Station in Suhareka. From the information obtained during the visit to this station, the person NK had committed suicide in his cell. It was also noted that the camera monitoring system was not appropriate and functional, there was a lack of staff in this detention center. For these and other findings, the Ombudsperson will issue a report. The KPI has announced that the police officers in charge had committed serious disciplinary violations, against whom measures have been taken by the Kosovo Police.

From the visits carried out during 2025 to police stations and detention centers, the Ombudsperson found that infrastructural deficiencies remain evident in a significant number of institutions, due to old buildings, lack of renovations or unfinished works. In some police stations, detention centers are partially or completely out of function, which has forced the frequent transfer of detained persons to other detention centers, increasing the workload of police staff in some stations and causing operational and logistical difficulties.

In the centers and stations where renovations have been completed or are in the final stages, significant improvements have been observed in the conditions of detention of detained persons, including natural and artificial lighting, sufficient ventilation, provision of new mattresses and blankets, and the functioning of camera systems, while respecting the privacy of detained persons. However, in none of the detention centers visited was an emergency call system (bell) installed, which constitutes a serious deficiency in terms of security and rapid response in cases of need.

From the review of files and interviews conducted with detained persons, it was found that they are informed about their legal rights and have access to medical services, including emergency assistance and transport to health institutions in urgent cases. No complaints of

physical abuse were recorded by the persons interviewed, while sending minors and adults for medical check-ups before being placed in detention was assessed as a positive practice.

The Ombudsperson found that the lack of hygiene materials is a persistent problem in some police stations and detention centers, while the supply of uniforms and personal equipment for police officers remains insufficient. Significant problems were also identified with photocopying and printing equipment, which are often non-functional or missing, directly affecting the efficiency of administrative and operational work. In most of the stations visited, the lack of transportation vehicles and the poor technical condition of existing vehicles were noted, which makes it difficult to carry out police duties, especially in stations with large territorial extensions. Working conditions for police staff were difficult due to the lack of adequate space, the overload of offices with a large number of officers and the lack of basic work equipment, while officers also raised concerns regarding their rights in relation to compensation for work during weekends, night hours and the lack of a 13th month salary.

During the visits, it was found that internal training is conducted regularly and constitutes a positive practice, however, police staff remain insufficiently trained in the treatment of persons with mental health problems and drug users, who often pose a risk of self-harm and the safety of the staff themselves.

Food for detained persons is provided in accordance with legal obligations, however, ongoing concerns have been reported regarding its quality and quantity, provided through contracting companies.

Regarding the filing of complaints, the Ombudsperson found that complaint boxes have been placed by the Ombudsperson in police stations where detention centers exist, which guarantee the possibility of confidential filing of complaints by detained persons; however, during the reporting period, no complaints were recorded deposited in these boxes.

### **Monitoring of Correctional and Detention Centers**

The situation in the prison system has marked significant progress, both in infrastructure and in raising the level of quality of work.

The Kosovo Correctional Service (KCS) has 1386 uniformed staff and 283 civilians, professional and support staff, trained and dedicated to fulfilling the mission of the KCS, in 11 correctional and detention centers. The responsible authorities were immediately notified of the findings from the monitoring and reacted by taking the necessary actions.

Within the framework of the KCS, programs for the rehabilitation and reintegration of persons deprived of liberty are offered, which have influenced the reduction of recidivism, conditions have been created for compulsory primary and vocational education for prisoners, as well as for the provision of adequate programs for various professional skills. An important role is played by the Economic Unit, which develops its economic activity in four correctional centers: Dubrava, Smrekonica, Lipjan and in the High Security Prison. Allowing prisoners to work outside the correctional institution is a necessary activity towards successful resocialization and their preparation to return to society as responsible and useful individuals.

Acting in accordance with the powers defined by the Law on the Ombudsperson, as the National Mechanism for the Prevention of Torture (NMP), a total of 27 visits to correctional centers and detention centers were carried out, mainly follow-up or ad-hoc visits. During this process, 420 calls were received to the Ombudsperson's toll-free number and mobile numbers, and 472 individual and group interviews were conducted. The requests and complaints received were addressed to the director of the visited center, the general directorate and the director of the Prison Health Department, who reacted by handling them within a very short period of time. A general visit was carried out at the Mitrovica Detention Center and a Report with Recommendations was published.<sup>186</sup>

The Ombudsperson has received 119 complaints from prisoners and detainees this year, of which 17 have been processed for investigation, while 102 have been declared inadmissible. Complaints and requests have been received in various forms, such as: by

telephone, interviews, e-mail, postal address, complaint boxes, from family members, lawyers, and in some cases from the center officials themselves, who have forwarded the requests of prisoners or detainees to meet with the officials of the NMP.

Complaints received in correctional and detention centers mainly related to: illegal detention, refusal of requests for weekend use, transfers from one center to another for family reasons, use of force, improper medical treatment, inadequate accommodation conditions, monitoring of sessions, quality and quantity of food, engagement in work inside and outside the institutions, requests for assistance in obtaining an ID card, bank card, social assistance, conditional release, more frequent access to fresh air, etc.

In all these cases, the parties have been advised of the actions they should take and the competent authorities have been informed, taking action according to their responsibilities and in accordance with the viability of the complaints.

During visits to correctional institutions, the NMP generally observed good communication between prisoners and correctional officers. However, we received allegations regarding the use of force by correctional officers, which cases have been opened for investigation: two allegations of ill-treatment in the HSP<sup>187</sup>, one in CC Dubrava<sup>188</sup>, one in DC Prishtina<sup>189</sup>, one in DC Peja<sup>190</sup>, one in QKM Lipjan<sup>191</sup> and one in QEK Lipjan.<sup>192</sup> Regarding these cases, we are in constant communication with the relevant authorities and they are still in the investigation phase.

The NMP has found over the years that the Detention Centers in Peja, Prizren and Mitrovica, as well as the Correctional Center for Women in Lipjan do not meet the accommodation conditions according to local laws and international standards. Although the procedures for the reconstruction of these centers have begun, the funds have been allocated and the projects have been finalized, construction has not yet begun. Meanwhile, in

<sup>186</sup> [https://oik-rks.org/wp-content/uploads/2025/08/Avokati-i-Popullit\\_Raport\\_MKPT-vizita-ne-QP\\_Mitrovice\\_compressed.pdf](https://oik-rks.org/wp-content/uploads/2025/08/Avokati-i-Popullit_Raport_MKPT-vizita-ne-QP_Mitrovice_compressed.pdf)

<sup>187</sup> 535/2025 and 827/2025

<sup>188</sup> 421/2025

<sup>189</sup> 1437/2025

<sup>190</sup> 663/2025

<sup>191</sup> 673/2025

<sup>192</sup> 1726/2025

other centers, renovations are ongoing and the conditions can be assessed as satisfactory.

During this year, the number of complaints about health treatment has been lower and in all cases, requests or complaints have been addressed to the competent authorities, who have reacted immediately. Also, this year, training of all health and correctional staff regarding the Istanbul Protocol has begun, which has increased the quality of service in general.

According to information provided by the Department of Prison Health (DPH), out of 214 cases identified as being at risk of suicide upon admission, 15 persons attempted and one committed suicide. During this period, Ward D at the Dubrava Correctional Center has functioned well, receiving persons with special needs and treating difficult-to-manage cases. Around 133 prisoners have been hospitalized in this ward and 104 have been released after receiving treatment, while at the time of reporting, 53 persons are still undergoing treatment.

However, mental health continues to be a major challenge in places of deprivation of liberty. Although there is adequate staffing, including clinical psychologists, psychiatrists and other medical staff, the number of cases with mental health problems is increasing. In addition, the DPH has encountered difficulties in doing its work due to staff movement, which is a consequence of the lack of additional incentives for working in prisons, the lack of payment for risk and the lack of other allowances for the specifics of the work.

Based on the Agreement with Denmark for the lease of the Detention Center in Gjilan, preparations have begun and 15 officials have been trained, who have stayed in Denmark for 6 months, while currently the selection phase is underway for another 25 officials. In addition, the contract for the construction of workshops has been signed, while the signing of the contract for the start of work in this center is expected.

The responsible institutions have not provided sufficient information regarding this process, despite the fact that the Ombudsperson has made known concerns regarding the

responsibility that the state of Kosovo will bear in case of inability to meet the standards or in case of violation of these standards, related to the rights of prisoners. The Ombudsperson assesses that this process should be conducted with more transparency.

The Ombudsperson has also monitored the election processes that were held this year,<sup>193</sup> monitoring all correctional and detention centers, and informing them of the findings after the process.

The NMP has held presentations for the new generation of correctional officers, which explain the mandate and importance of treating and respecting the rights of persons deprived of their liberty, as well as respecting their dignity. These presentations emphasized that the role of officers is not just opening and closing the door, but that their approach is essential for the fair and humane functioning of the entire system.

According to data from the Parole Panel (PP), 843 requests for conditional release were submitted this year. Of these, 689 requests were reviewed, while 154 remained unreviewed. Of the reviewed requests, 369 were approved, 270 were rejected, the procedure was discontinued in 54 cases, and 12 requests were dismissed.

The NMP has received a complaint from a group of long-term prisoners who claim to have met the conditions for applying for parole, but have been denied parole. The NMP has addressed these concerns to the PP.

Good cooperation has also continued with the Probation Service, from which we were informed that during the year under review, they received a total of 1,307 requests for alternative measures and sentences, as well as for released minors in the post-release care program. Of these, 458 are adults, while 849 are minors.

### **Monitoring of Mental Health and Social Care Institutions**

The Ombudsperson assesses that there have been positive developments in the field of mental health, mainly in the drafting of documents, the increase in space in the Department of Addiction Diseases within the Psychiatric Clinic, the reorganization of the use of existing capacities based on current

<sup>193</sup> The Ombudsperson monitored the General Elections, held on February 9; the Local Elections, held on October 12; the Second Round of Local Elections, held on November 9, as well as the Early Elections for the Assembly of the Republic of Kosovo, held on December 28.

needs, as well as the planning for the complete renovation of the Emergency and Intensive Psychiatric Care (EIPC) ward. In addition, bed service has been provided in the Department of Child and Adolescent Psychiatry, and work has begun to increase the capacities of the Institute of Forensic Psychiatry. Positive developments have also been noted in the prison health system, including the adaptation of Pavilion D in Dubrava Prison for the treatment of persons with special needs.

During the reporting period, a total of 19 mental health and social care institutions were visited, including the Mental Health Centers (MHCs) in Gjilan, Prizren, Podujeva, Gjakova and Ferizaj, the Community Integration Houses (CIHs) in Gjilan, Prizren, Gjakova and Ferizaj, the Emergency and Intensive Psychiatric Care of the Psychiatric Clinic, the Child and Adolescent Psychiatry ward, the Institute of Forensic Psychiatry (IFP), psychiatric departments in regional hospitals in Gjakova, Peja, Prizren and Gjilan, as well as the Community Based Homes (CBHs) social care institutions under the management of the municipalities in Kamenica, Ferizaj and Prizren.

During this year, the NMP has conducted three ad-hoc visits: one visit to the Emergency and Intensive Psychiatric Care (EIPC) ward and two visits to the Child and Adolescent Clinic, which are part of the Psychiatry Clinic.<sup>194</sup>

At the EIPC, a concerning issue that continues to be a problem is the admission of persons for involuntary treatment without a court order. During the visits, it was noted that the EIPC has no evidence showing that persons treated involuntarily are provided with a written explanation of the reasons for the treatment, as required by Article 21, paragraph 1.4, of Law No. 05/L-025 on Mental Health, which clearly stipulates that the patient must be explained in writing within 48 hours the reasons for the involuntary treatment.

Furthermore, at the EIPC and in psychiatric departments (within regional general hospitals

at the national level), in most cases, hospitalized persons with mental health problems are not given the opportunity to give written consent or the right to refuse treatment. The same situation was also found in the report of the European Committee for the Prevention of Torture on its visit to Kosovo in 2015<sup>195</sup> and 2020.<sup>196</sup>

The Psychiatric Clinic continues to function without Standard Operating Procedures and without the full development of Occupational Therapy.

Regarding involuntary treatment, the Ombudsperson has received a complaint<sup>197</sup> by LG, claiming that he was held in the EIPC for psychiatric treatment against his will, a case which is still under investigation.

**Child and Adolescent Psychiatry** is the only tertiary level department within the Psychiatric Clinic, with beds for hospitalization of 7 children and offers daily outpatient services for ages under 18. Within this department, 8 child psychiatrists, 3 clinical psychologists, 3 speech therapists, 7 nurses, 1 teacher and 1 social worker are engaged. During the visits, the Ombudsperson assessed that the lack of mental health centers for children in different regions of Kosovo, the low number of health personnel in Child and Adolescent Psychiatry, staff overload, lack of support for work tools and specialized training, as well as the physical conditions for the provision of hospital services hinder the provision of quality services for this category of patients. Due to these challenges, on October 10, World Mental Health Day, the Ombudsperson spoke through the media, requesting that the relevant authorities take measures to improve conditions at the Child and Adolescent Psychiatry Clinic.

At the Institute of Forensic Psychiatry (IFP), the NMP has conducted a general visit, and the findings from this visit will be published in the report with recommendations for 2026. The issue of the legal statute of the IPFK continues to remain unresolved, although the Ombudsperson has recalled the same

194 The Psychiatric Clinic is an organizational unit of the KHUCS. According to the Law No. 05/L-025 on Mental Health, the Psychiatric Clinic provides tertiary level services for the entire country (the only clinic in Kosovo), which, in the absence of a regional general hospital, is obliged to provide secondary level services for the Prishtina region. All wards (except EIPC) are open and provide treatment with the will of the patients and, in certain cases, without their will, based on the decision of the competent court.

195 European Committee for the Prevention of Torture, Report on the visit to Kosovo in 2015, published in 2016, paragraph 101. For more: <https://rm.coe.int/16806a1efc> (4.7.2018).

196 See CPT Report, paragraph 145, on the last visit to Kosovo, published on September 23, 2021: <https://www.coe.int/en/web/cpt/-/the-cpt-publishes-report-on-kosovo>.

197 R 1464/2025.

recommendation over the years. The capacity of the institution remains problematic due to the high number of persons requiring hospitalization. In Department B of the IPFK, there is no specific protocol for the evidence of means of restraint, as required by Article 27 of the Law on Mental Health, CPT standards and the IPFK Standard Operating Procedures.

The health staff has only received basic initial training in managing difficult cases and no further training has been provided for this staff. Security cameras do not work, while there is a lack of didactic materials, such as: paper, paints for drawings and other tools for the development of psychosocial activities. The application of therapeutic weekends, which has been missing for years, is not included in the Standard Operating Procedures of the IFP. In most cases, patients are not given the opportunity to give written consent or the right to refuse treatment, a situation that continues to remain the same. Better cooperation with the courts has begun, and forensic patients participate in hearings when the court deems it necessary.

An additional problem is the frequent change of security staff from private companies, who do not have adequate training to manage this category of patients.

### **Monitoring of Psychiatric Departments within the General Hospitals in Prizren, Peja, Gjakova and Gjilan**

The purpose of the monitoring visits to these departments was to collect information, assess conditions, treat patients, provide medicines and identify other challenges faced by staff. The visits noted that, in general, treatment consists mainly of pharmacotherapy and lack a multidisciplinary approach; most institutions do not always provide all the necessary services for treatment, which are in line with international standards and are required for the provision of modern hospital psychiatric services. There is no clinical psychologist employed in the psychiatric departments in Prizren, Peja and Gjakova, except in the Department of Psychiatry in Gjilan. Due to the lack of activity rooms and other limitations, occupational therapies and other therapeutic services cannot be provided. Psychiatric departments do not have sufficient space to provide useful therapeutic services, which would enable patients to return to normal life in society. Most patients return after discharge from hospital, and the rate of

resocialization remains very low. Regarding consent for treatment, the Ombudsperson finds that, in general, psychiatric departments in four regions do not have a specific form of consent for treatment and hospitalization for psychiatric patients. In the psychiatric departments in Prizren, Gjakova and Peja, the Patient Rights Charter and the Patient Responsibilities Charter have not been established, except in Gjilan. According to statements by middle staff, there is no adequate training for the management of difficult-to-manage cases. The complaints box in Prizren is out of function. In the Surgery Department of the Peja and Prizren Hospitals, the rooms that operate within the Prison Health Unit are not suitable for long-term stay of psychiatric cases, as there is no possibility of going out for walks and the rooms resemble prison cells. In the psychiatric departments in Prizren and Gjakova, the psychiatric intensive care rooms are non-functional, due to the lack of adequate infrastructure, as they are outdated and do not meet standards. The facilities do not always offer rooms with one or two beds, but often with three and sometimes even four beds. In the psychiatric departments, there are currently no conditions for cleaning hospitalized patients. Psychiatric services are not provided in the regional hospitals in Mitrovica and Ferizaj; acute cases of mental illness from these areas are referred to the tertiary level in Prishtina.

The Ombudsperson has received a complaint regarding the Statute (GRK) No. 01/2023 from psychiatrists of regional hospitals of the municipalities of Gjilan, Prizren, Gjakova and Peja, as well as from the Kosovo Health Trade Union Federation, against the Government of the Republic of Kosovo, regarding the approval of the Statute (GRK) No. 01/2023 on KHUCS, which had abolished psychiatric services within regional hospitals. The Ombudsperson had analyzed the aforementioned Statute and on July 3, 2024 sent to the Constitutional Court a request for the assessment of the compatibility with the Constitution of Article 11 of the Statute (GRK) No. 01/2023 on KHUCS and requested the court to assess whether paragraph 1 of Article 11 is in accordance with Article 7, Article 24, Article 51, paragraph 1, and Article 55 of the Constitution of the Republic of Kosovo.

Regarding this request, the Constitutional Court has issued the judgment,<sup>198</sup> where it found that paragraph 1 of Article 11 of the contested act is in conflict with paragraph 1 of Article 51 (Health and Social Protection), in conjunction with paragraph 1 of Article 7 (Values) and paragraph 4 of Article 92 (General Principles) of the Constitution of the Republic of Kosovo. According to the judgment, the Statute of the KHUCS has been supplemented/amended by adding psychiatric departments to general hospitals, as provided for in the Law on Mental Health.

### **Monitoring of Mental Health Centers and Community Integration Homes**

2025, the NMP team visited 5 Mental Health Centers (MHCs): in Podujeva, Gjakova, Prizren, Ferizaj and Gjilan; as well as 4 CIHs: in Gjakova, Prizren, Ferizaj and Gjilan.

The visited MHCs (except for the MHC in Podujeva) provide daily services, medication treatment and psychosocial activities. The work is organized in two forms: in the internal form, where psychosocial activities are carried out within the center and patients are offered free medication therapy; and in the form of field work by the center's mobile team, which covers the respective region where the MHC is located. These mobile team visits are carried out with the aim of providing psychosocial support, ensuring regular therapy and at the same time providing support for the family. The MHCs have a psychiatrist, psychologist and several nurses on staff.

During the visits to the MHCs, in addition to treatment and conditions, the NMP team also paid attention to the execution of the Measure of Compulsory Psychiatric Treatment in Freedom, which is a measure that the courts mainly impose in MHCs. It was assessed that in the MHCs in Gjakova, Podujeva and Ferizaj, all cases with the Measure of Compulsory Psychiatric Treatment in Freedom, who receive regular services, are recorded in a special protocol, while in MHCs in Prishtina, Prizren and Gjilan, this is not practiced.

Regarding the supply of medicines and food for patients' daily stay, the staff and patients of the visited MHCs had no complaints.

The Ombudsperson has conducted a general visit to the MHC in Podujeva and, through a report with recommendations, has concluded that this center does not have the minimum conditions for providing services to persons with mental health problems. Due to inadequate conditions, daily stay and psychosocial treatment are not provided, and the confidentiality of services is at risk. No action has been taken by the KHUCS nor by the Municipality of Podujeva, based on their agreement to relocate the MHC in Podujeva to a suitable facility, as well as by the MHC in Prishtina, which also manages the Center in Podujeva. Meanwhile, this center is sufficiently supplied with medicines and hygiene products.

**Community Integration Homes (CIHs)** - provide 24-hour healthcare for the rehabilitation and social reintegration of clients with chronic psychotic disorders in remission.<sup>199</sup> The CIH does not accept cases with mental retardation, dementia of any types, addictive diseases or social cases. The placement of residents in these homes is carried out based on the criteria set out in the Administrative Instruction (Health) No. 07/2009 on the Professional Mental Health Service in the Republic of Kosovo, which was repealed by the Decision of the Government of the Republic of Kosovo No. 02/50, dated December 23, 2021.

During this year, the CIHs in Gjakova, Prizren, Ferizaj and Gjilan were visited. Based on the residents' files, all had chronic psychiatric diagnoses and none of these homes were overcrowded.

During the visit, a close approach of the staff towards the residents and, in general, a positive climate within the houses visited was observed. The residents appeared well dressed and hygienic. No signs of physical injuries were found on the residents. The monitoring team interviewed the residents and did not receive any complaints about any form of ill-treatment. In general, activities are carried out, such as: playing table tennis, listening to music and engaging in household chores, such as cleaning, cooking and maintaining the yard, to the extent of their ability.

<sup>198</sup> KO 141/24.

<sup>199</sup> Remission is a medical term used to describe a period during which the symptoms of an illness are reduced or completely gone. A state of remission for people with mental illness means a significant improvement or apparent absence of symptoms.

The CPT standards emphasize that psychiatric treatment should be based on an individualized approach, which means drawing up a treatment plan for each patient. This plan should include a wide range of rehabilitative and therapeutic activities, including access to occupational therapy, group therapy, individual psychotherapy, art, theater, music and sports.<sup>200</sup> During the visit, it was noted that the visited CIHs did not have an Individual Treatment Plan, except for some activities mentioned above. The houses visited were generally in good condition, except for the CIH in Gjilan, where the bathrooms were very damaged and dirty, while the rooms were good and with sufficient lighting. Regarding the supply of medicines, food and clothing, there were no problems and there were no complaints regarding treatment or food. During the visits, the team noted that all the SHIBs visited had only a daily notebook where activities with residents were recorded, such as: staff changes, patient conditions, incidents and residents' concerns, so they did not have special protocols for recording incidents or bodily injuries. Based on the daily notebook of the CIHs visited, no incident was recorded. Clients placed in CIHs, in general, have laboratory tests performed once a year, while clients who have other illnesses in addition to mental disorders, have tests performed whenever necessary.

### **Social care institutions visited**

Community-based houses (CBHs) operate based on Law No. 08/L-255 on Social and Family Services, where Article 20 highlights services and forms of protection, including community homes or residential housing.

The municipalities that have CBHs are: Kamenica, Deçan, Ferizaj, Vushtrri, Lipjan, Graçanica, Shtime and Prizren. These houses currently have a capacity for 10 residents, except for the CBH in Shtime, with a capacity of 12 beds.

During 2025, the CBHs in Kamenica, Ferizaj and Prizren were visited and it was found that there is no overcrowding in these houses. In the CBHs in Ferizaj, Kamenica and Prizren, it was found that none of them has an Individual Care Plan for the residents, as provided for in Article 25 of the AI (MoJ) No. 03/2025 on Residential Housing.

At the CBH in Ferizaj, the accommodation conditions are generally not good; in the kitchen the windows were damaged and did not close, while the warehouse where the food is kept was damp and moldy, which does not meet the minimum living standards for this category. In Prizren there have been no renovations and some parts of the facility (doors and toilets) need intervention, while the conditions in Kamenica are satisfactory.

At the CBH in Prizren, it was observed and confirmed by the staff that there had been no renovations for several years; the toilets were damaged, while the doors did not close properly and were broken.

There are no isolation rooms in the CBHs and no forms of physical restraint are used.

Health services for visited CBHs are provided at the Family Medicine Centers of the respective municipalities, while psychiatric services are provided at the Mental Health Centers.

Regarding the supply of clothing, food, medicine and heating, the team did not observe any deficiencies in the homes visited.

The CBH in Kamenica has separate registers, such as registers of incidents, concerns, therapy, activities and medical visits, while the CBHs in Ferizaj and Prizren do not have such registers. For this reason, the Ombudsperson encourages the leaders of other CBHs to follow the example of the CBH in Kamenica and unify the procedures in all houses.

### **The Rights of Foreigners**

Foreigners enjoy the same fundamental human rights and freedoms as nationals, except where the law provides for specific restrictions (especially for political rights). The Constitution of the Republic of Kosovo directly incorporates international human rights instruments (such as the ECHR), which also apply to foreigners, and provides for respect for human rights in general.

Foreigners are guaranteed the right to life, personal security, the prohibition of torture and protection from arbitrary detention, as well as the right to a fair and impartial trial. They also have the right to work, education, healthcare and property (subject to legal restrictions), but they do not have the right to vote or the right to hold public office.

<sup>200</sup> Standards of the European Committee for the Prevention of Torture, Excerpt from the 8th General Report [CPT/Inf (98) 12].

Their entry, stay and expulsion is regulated by Law No. 04/L-219 on Foreigners<sup>201</sup> and states must respect the principle of proportionality and non-refoulement. No foreigner may be returned/deported to a country where he or she would be at risk of being subjected to torture, inhumane treatment or persecution. They have the right to seek asylum, refugee status or subsidiary protection (international protection).

The protection of the rights of foreigners aims to guarantee equality in dignity and legal protection while simultaneously respecting the sovereignty of the state.

The Ombudsperson has received 19 complaints, of which 4 are under investigation, 1 has been closed and 14 have been declared inadmissible.

The cases that are still being processed relate to:

- Complaint against the Detention Center in Prishtina (DCP). The party complains that during the search against him, excessive force was used by the intervention unit of the Correctional Service, for which he was forced to seek medical assistance. After receiving the complaint, the NMP visited the DCP, reviewed the medical files, and interviewed the party. Regarding the case, we have been in constant contact with the authorities, from which we have received the report of the internal investigative commission, where we have been informed that disciplinary measures have been imposed against the officials involved in this case.<sup>202</sup>
- Complaint where the party, who has been living in Kosovo for a long time and is of Croatian nationality, complains about the denial of the right to acquire citizenship. The case is still being processed.<sup>203</sup>
- Complaint where the party, who lives in Kosovo and was born here, lived there until the age of 7, then moved to live in Germany with her family, returned to Kosovo in the 1990s, where she got married and after a period of divorce, went to live again in Germany, where she married a Greek citizen. She

currently appears in the system with three surnames: the surname at birth, that of her first husband and that of her second husband. Her application for a passport was rejected on the grounds that she did not provide sufficient evidence to acquire citizenship, but the decision does not contain clear instructions as to what evidence she lacked. The case is still being processed<sup>204</sup>.

- Complaint where the party complained about the refusal of citizenship, even though he has lived in Kosovo for 20 years, has worked, has a flat and is studying, but his request for recognition of citizenship was rejected. The party was sent to the Detention Centre for Foreigners in Vranidoll, where he stayed for 1 year. The NMP has visited the party several times, contacted his lawyer, who has informed him that he has filed a lawsuit with the court; we have also contacted the court to obtain information on where the case is and whether there is a decision regarding it; we have met with the Border Police and the Department of Citizenship, who have informed us that without a court decision they cannot act differently, as they are in communication with the security authorities and the same must wait for the court's decision. In the time foreseen according to the legal deadlines (1 year), the party was sent to the Asylum Centre and his request for private housing was approved.

While the complaints declared inadmissible mainly related to: the decision to voluntarily leave Kosovo, the failure to respond to the request for citizenship, against the decision to detain, the delay in the procedure, due to frequent raids in the prison, due to the removal from the private college IGL, etc.

During this year, the NMP, in places where asylum seekers and irregular migrants are held, has visited: the Temporary Reception Center for Migrants (TRCM); the Asylum Center (AC); the Detention Center for Foreigners (DCF); and has monitored forced returns from Switzerland to Prishtina International Airport "Adem Jashari", based on the Memorandum

201 <https://gzk.rks-gov.net/ActDetail.aspx?ActID=8876>

202 1438/2025

203 1216/2025

204 1171/2025

of Understanding between the Swiss National Commission for the Prevention of Torture and the Ombudsperson Institution, signed on April 24, 2019.

From the findings during the visit to the TRCM, it resulted that there is not enough staff to meet the needs of accommodated migrants. The Center does not have operating guidelines, determined according to Decision No. 0490/2022 of the Minister of the Ministry of Internal Affairs, dated June 24, 2022. The TRCM currently consists only of the head of the Center, who performs all the necessary services for the smooth running of the work, while the center needs to engage at least one nurse to provide medical services to accommodate migrants.

During the visit to the Asylum Center, we observed that the accommodation conditions are generally of a very good standard in terms of living space, lighting, cleanliness and heating. However, three rooms were out of order, due to humidity and water leaking from the roof, which we were informed about at the beginning of the meeting by the director.

Although the Asylum Center offers acceptable conditions for families and children, there were concerns that the environment is not very suitable for families, as they are located on the second floor of the Center, while single men are located on the first floor. This placement is restricting the freedom of movement for children and mothers, where they spend most of their time in the room, although they have not experienced any disturbances from other residents. Therefore, taking into account the best interests of children and their needs for freedom, safety and healthy development, the Center needs a special and suitable environment for families and children, in accordance with international standards of protection and care for children in asylum situations.

Following visits to these centers, reports with recommendations for the TRCM<sup>205</sup> and the AC<sup>206</sup> have been published, while in the DTF<sup>207</sup> a joint activity was carried out with UNHCR and CRPK, where previously given recommendations, as well as other aspects of the functioning of this center, were discussed.

## Human Rights in terms of “Transitional Justice”

Transitional justice is a field of justice that deals with all the measures that any society in transition is obliged to take in the period of stabilization after conflict, to seek accountability and to address the consequences caused by war and violations of human rights and freedoms. Transitional justice, through its four main mechanisms, such as: the right to justice, the right to know, the right to reparation and the guarantee of non-repetition, aims to help a post-conflict society to ensure justice for victims and their recognition, to increase citizens' trust in state institutions, to ensure respect for human rights, to promote the rule of law and, through these measures, to prevent massive violations of human rights in the future and to foster reconciliation.

The right to justice includes the right of victims to obtain justice through a fair and effective legal remedy, and obliges states to investigate violations and prosecute those responsible for human rights violations. The right to know includes the right of victims and their families to learn the truth about what happened to them personally or to their family members and loved ones, and represents an obligation for the state to take measures, such as securing archives and other evidence, preserving and maintaining collective memory. The right to reparation includes measures that the state is obliged to apply to victims, their families and communities, in order to contribute to a form of symbolic recognition of their sense of loss. While the right to guarantees of non-repetition implies the obligation of the state to ensure good governance, the rule of law and institutional reform, in order to ensure that crimes that occurred in the past are not repeated.

In the Republic of Kosovo, as a result of the war, there were many victims and material damage. Therefore, transitional justice mechanisms are necessary in order to address the needs of victims for justice, recognition and acceptance, compensation for their non-material and material losses, as well as taking legal and other actions, in order to guarantee non-repetition.

205 <https://oik-rks.org/2025/04/17/avokati-i-popullit-raport-i-mekanizmit-kombetar-per-parandalimin-e-tortures-per-viziten-ne-qendren-e-perkohshme-te-prijtes-per-migrante/>

206 <https://oik-rks.org/2025/10/28/avokati-i-popullit-raport-i-mekanizmit-kombetar-per-parandalimin-e-tortures-per-viziten-ne-qendren-e-azilit-ne-magure-lipjan/>

207 <https://oik-rks.org/2025/03/25/vizite-ne-qendren-per-mbajtje-te-te-huajve/>

The Ombudsperson, in his *ex-officio* Report no. 422/2021 regarding transitional justice and the implementation of its mechanisms<sup>208</sup>, published in 2023, has found that institutions have not fulfilled their obligations towards victims in providing justice for war crimes against humanity, on the scale of genocide, that were committed during the war in Kosovo. The Ombudsperson has also found that the state has not fulfilled its obligations towards victims in terms of collecting and documenting facts on war crimes. On the other hand, it has been assessed that some obligations have been fulfilled in providing material reparations to victims and in undertaking institutional reforms, in order to guarantee non-repetition. The Ombudsperson has addressed concrete recommendations to the responsible authorities for new policies and initiatives, as well as recommendations for improving the functioning of existing initiatives in the field of transitional justice, in improving the situation regarding the realization of victims' rights to justice and reparation, as well as the right to know and guaranteeing non-repetition.

The Ombudsperson, during 2024, organized a roundtable discussion with the aim of marking the National Day for Missing Persons and discussing with relevant stakeholders the fate of missing persons and the recommendations of the Ombudsperson in the Report on transitional justice. During the roundtable, discussions were held with relevant stakeholders regarding the fate of missing persons, as well as the measures that the state has taken and should take regarding the crimes committed during the war in Kosovo and addressing the fate of missing persons, while also presenting for discussion and addressing the current challenges of this process.

The Government of the Republic of Kosovo, during 2024, had approved the Transitional Justice Strategy<sup>209</sup> 2024–2034, which contains the goals for addressing crimes and violations of human rights and international humanitarian law and aims to enable social dialogue about the past, to ensure the necessary conditions for achieving justice for all victims, as well as to ensure the implementation of a comprehensive and transparent process of material, symbolic and psychosocial support for all victims, etc.

In order to operationalize the Presidential Commission on Transitional Justice, during 2025, the President of the Republic of Kosovo held a meeting with representatives of diplomatic missions and international organizations to discuss preparations for the establishment of this commission. The President also held a meeting with civil society organizations to discuss their role and cooperation in the establishment of the Presidential Commission on Transitional Justice between state institutions, victims and civil society.

Following amendments to the Criminal Procedure Code, which now explicitly allows for trials in absentia, the Special Prosecution Office has begun to use this mechanism more frequently and there has been a significant increase in the number of indictments filed in absentia and in the conduct of court hearings in war crimes cases. However, the treatment of trials in absentia, in addition to raising debates about the justice achieved due to the fact that the accused are not present in the trial process and remain at large, also challenges the judicial and prosecutorial systems in terms of their capacities to manage a growing number of these complex cases.

Regarding transitional justice issues, during 2025 it was decided that these issues would be included in the training program at the Academy of Justice for 2026, for justice professionals, judges, prosecutors, etc.

The Ombudsperson assesses that, despite some developments in the field of transitional justice, the road remains long for the effective resolution of past issues and the fulfillment of transitional justice mechanisms, especially in terms of ensuring accountability, the right to justice and the right of victims and their families to learn the truth.

208 <https://oik-rks.org/2023/06/05/rraporti-i-avokatit-te-popullit-ex-officio-nr-4222021-drejtesia-tranzicionale-and-zbatimi-i-mekanizmave-te-saj/>

209 <https://kryeministri.rks-gov.net/wp-content/uploads/2024/06/STRATEGJIA-PER-DREJTESI-TRANZICIONALE-E-REPUBLIKES-SE-KOSOVES-2024-2034.pdf>

## Survivors of sexual violence during the war in Kosovo

Given the ongoing concerns raised on issues related to the process of verification and recognition of the status of victims of sexual violence during the war in Kosovo, the challenges and difficulties faced by victims of sexual violence during the war, as well as the obstacles in realizing the benefits to which victims are entitled under the law, the Ombudsperson, on October 24, 2024, published the Report on 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, as well as the obstacles in realizing the benefits guaranteed by law.<sup>210</sup>

Regarding the actions of the authorities in 2025, regarding the recommendations of the Ombudsperson's Report, the Ombudsperson has not been able to obtain clear information.

The handling of the issue by the Ombudsperson, from the perspective of fundamental human rights and freedoms, focuses on: respect for legal deadlines by the commission in the process of handling applications for verification and recognition of victim status; individualization of the reasoning of decisions for each case separately, avoiding template or identical reasoning for different cases; limitation of the time limit for submitting applications; organization and implementation of the victim interviewing process, as well as victims' access to the spaces where the interview is conducted; as well as raising awareness and sensitization of public opinion about the application for recognition and verification of victim status.

# Digital Services, Artificial Intelligence and Human Rights

## Digital services

Developments in the field of digital services and advanced technologies have continued to significantly impact social, economic and institutional processes in the country even during 2025. Digitalization processes, oriented towards increasing the efficiency of administration and improving the provision of public services, have created new opportunities for social and economic development, as well as for increasing institutional transparency. However, these developments have also been accompanied by concerns in terms of the protection of human rights, due to the potential risks that digital services may pose in relation to fundamental human rights and freedoms, especially in relation to the right to privacy, freedom of expression and equal access of citizens.

The adoption of the Kosovo Digital Agenda 2030 and the Kosovo Strategy for Information Technology, as strategic documents aiming to orient the country towards a developed digital society, are considered extremely positive developments in this field, which the Ombudsperson has also reported on in his Annual Report for 2024. In this regard, the Ombudsperson reiterates that a human rights-based approach is essential and this requires a careful balance between opportunities and risks, in accordance with international standards. This approach is not included in the Kosovo Digital Agenda 2030. Therefore, highlighting its importance, it is necessary to emphasize that a human rights-based approach should be integrated into strategic documents for the development of digitalization in the country.

One of the developments with a positive impact on facilitating administrative services

<sup>210</sup> <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/>

and citizens' access to public services is the functioning of the state platform "e-Kosova", which has continued to expand the public services and information provided online. In this regard, the Ombudsperson considers it important that the platform be further advanced in terms of integrating human rights standards into its functioning. In particular, it is necessary that information regarding legal remedies available to citizens be more structured and transparent, providing clear instructions on complaint procedures, legal deadlines and competent institutions. It is also important to further advance the possibility of direct communication between citizens and responsible authorities through the platform, enabling the addressing of questions and requests for additional clarifications that citizens or users consider necessary.

At the European level, the adoption of the Digital Services Act (DSA) by the European Union has set new standards for security, accountability and the protection of fundamental rights in the digital space. In this context, the Ombudsperson considers that the responsible authorities of the Republic of Kosovo should take concrete measures to gradually harmonize the legal and institutional framework with these standards, in order to prevent risks that may violate human rights in the process of digital transformation.

Regarding the advancement of digital public services, on 14 March 2025, the Ombudsperson participated in the consultative roundtable on the recommendations presented in the Resolution on Digitalization and Personal Data Protection in the Western Balkans, organized by the Civil Rights Program in Kosovo (CRP/K) in cooperation with key stakeholders. The roundtable discussed priorities for the advancement of digital public services, improving the legal framework for the protection of personal data and strengthening regional cooperation in line with European standards. The Ombudsperson contributed to the discussions regarding the existing challenges and the need to ensure respect for human rights and the protection of personal data in the processes of digital transformation.

### **Artificial Intelligence**

In terms of the development of Artificial Intelligence, the rapid growth and development continued at a significant pace in 2025. For the safe and ethical use of digital services and AI,

the EU has focused on creating a legal and regulatory framework, such as the adoption of the *EU Act on Artificial Intelligence*, the aim of which is to ensure that AI is used in a safe, transparent and responsible manner, while protecting human rights. The Council of Europe has also adopted the *Framework Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law*, which requires respect for: human dignity and individual autonomy; equality and non-discrimination; respect for privacy and protection of personal data; transparency and oversight, etc.

The Ombudsperson, in the previous year's annual report, emphasized that international standards created to protect citizens from the risks of AI, from the aspect of fundamental rights, should be integrated into the legal order of the Republic of Kosovo.

In this regard, the Ombudsperson has noted that, despite the rapid developments in the field of AI and its importance in digitalization processes, the responsible authorities, including the Government of the Republic of Kosovo and relevant institutions, have not published clear and structured information regarding the undertaking of concrete actions, specific measures or results achieved in this field. The lack of institutional transparency makes it difficult to assess the level of preparation of the country to address the challenges and risks associated with the use of AI technologies, especially from the perspective of the protection and respect of human rights, and underlines the need for public information and clearer inter-institutional coordination.

Within the framework of the role of National Human Rights Institutions (NHRIs), such as the OIK, regarding the protection of human rights from the negative impacts of AI, as defined in Article 77, paragraph 1, of the EU Act on Artificial Intelligence, the OIK during the reporting year has taken concrete actions to draft a report with recommendations regarding the impact of Artificial Intelligence on Fundamental Human Rights guaranteed by the Constitution of the Republic of Kosovo. This report has been assessed as necessary, as a result of the assessment of the need for timely addressing the challenges posed by the development and increasing use of Artificial Intelligence technologies and is expected to be addressed to the relevant authorities during 2026.

Even during 2025, the Ombudsperson has followed with increased attention the periodic developments in the field of Artificial Intelligence, as well as the debates and initiatives at the international level regarding the role of NHRIs and equality bodies in the protection and promotion of human rights from the potentially negative impacts of AI. The staff of the OIK, engaged in this field, in the capacity of members of the ENNHRI and EQUINET working groups, has continuously followed the relevant developments, new standards and good European practices, with the aim of strengthening the institutional approach and advancing the capacities for effectively addressing the challenges related to the use of AI systems.

In order to strengthen the exercise of the OIK's mandate and role in protecting human rights from the negative impacts of AI technologies, the OIK has continued to build the professional capacities of its staff, with a particular focus on AI and its impact on human rights. In this context, on 2 and 3 July 2025, the OIK staff attended a two-day training on the topic "*Impact of Artificial Intelligence on Human Rights*", which addressed essential aspects of AI, including the analysis of the new European regulatory framework, the Council of Europe Framework Convention on Artificial Intelligence and the EU AI Act, with an emphasis on assessing the impact on fundamental rights. The training was provided by the Council of Europe expert in Strasbourg and supported by the Council of Europe Office in Prishtina.

# Referrals to the Constitutional Court

The Ombudsperson, pursuant to Article 113 [Jurisdiction and Authorized Parties] of the Constitution of the Republic of Kosovo, is authorized to raise the issue of the compatibility of laws, decrees of the President and Prime Minister, and Government regulations with the Constitution, as well as the compatibility of the Statute of the Municipality with the Constitution.

In this regard, during the reporting year, the Ombudsperson analysed Law No. 08/L-262 on Amending and Supplementing Laws Containing Special Administrative Procedures and Their Harmonization with Law No. 05/L-031 on General Administrative Procedure – Second Phase, and noted that in Chapter XXIV [Amending and Supplementing Law No. 04/L-139 on Enforcement Procedure], in Articles 77 to 84, the provisions of Law No. 04/L-139 on Enforcement Procedure have been amended and supplemented.

Regarding this issue, the Ombudsperson, based on the constitutional authorizations set out in Article 113, on February 24, 2025, sent to the Constitutional Court a Request for the assessment of the compatibility with the Constitution of Articles 77 to 84 of Law No. 08/L-262 on Amending and Supplementing Laws Containing Special Administrative Procedures and Their Harmonization with Law No. 05/L-031 on General Administrative Procedure – Second Phase.

Concerning this matter, the Ombudsperson considered that the provisions of the contested act have created uncertainty about the procedures for the execution of administrative acts, consequently denying persons the right to have administrative acts executed through the provisions of the Law on Enforcement Procedure, namely that the realization of rights be carried out in the enforcement procedure.

In this case, the Ombudsperson has requested the Constitutional Court to assess whether Articles 77 to 84 of the contested Law are in accordance with Article 7 and Article 32 of the

Constitution of the Republic of Kosovo.

The Ombudsperson, on January 8, 2025, received from the Constitutional Court a Notice for the registration of the Request KO 261/24. Through this notice, interested parties were enabled to provide their comments regarding Law No. 08/L-322 on the State Bureau for Verification and Confiscation of Unjustified Assets.

Regarding this issue, the Ombudsperson, after analysing the law mentioned above, on January 15, 2025, sent to the Constitutional Court comments regarding Law No. 08/L-322 on the State Bureau for Verification and Confiscation of Unjustified Assets, according to the Constitutional Court's Notification on the registration of Request KO 261/24, dated January 8, 2025.

Through these comments, the Ombudsperson considered it important that the Constitutional Court:

- Assesses whether the provisions of Law No. 08/L-322 on the State Bureau for Verification and Confiscation of Unjustified Assets violate the right to property, legal certainty, the right to legal remedies, as well as the right to a fair and impartial trial.
- Assesses whether the content of Article 19, paragraph 2, violates legal certainty and the right to property as defined in the Constitution.
- Assesses whether the competence of the Assembly Committee, following the failure of the Assembly to elect the Director General after two rounds, to conduct the procedures under Article 16 and, at the end of the process, to elect as Director General the candidate with the most points, conflicts with the constitutional provisions that define the competences of the Assembly.

The background is a solid dark purple color. It features several overlapping, curved, semi-transparent shapes in lighter shades of purple, creating a layered, geometric effect. The shapes are primarily located in the upper half of the page, with one large shape curving from the top left towards the center, and another smaller one below it, also curving from the top left towards the center. The bottom half of the page is a solid dark purple.

# **Promotion of fundamental human rights and freedoms**

# Promotion of fundamental human rights and freedoms

## The role of the Ombudsperson Institution in promoting human rights and equality

In accordance with the constitutional and legal mandate, as well as with the international standards governing the functioning of National Human Rights Institutions, the Ombudsperson exercises an essential role in promoting and building a culture of respect for human rights in the Republic of Kosovo. The promotion mandate constitutes an inseparable and complementary component with the protective function and that of preventing the infringement or violation of human rights.

The Ombudsperson executes this mandate through the development of systematic activities to raise awareness of the public and public institutions on human rights and fundamental freedoms, with the aim of preventing violations, strengthening the rule of law and improving good governance. These activities are based on a structured approach, oriented towards international standards and the concrete needs of citizens.

The promotion of human rights is also achieved through cooperation with public institutions, civil society, educational institutions, the media and international partners, as well as through active participation in various networks, ensuring closer and more direct access to the public.

During the reporting year, the Ombudsperson continued with increased intensity the implementation of his mandate to promote human rights, through a wide range of educational, informative, sensitizing and awareness-raising activities, oriented towards strengthening the culture of respect for fundamental rights and freedoms in the country.

During 2025, the Ombudsperson has organized a considerable number of promotional and thematic roundtables, awareness-raising campaigns, cooperation and coordination activities with social partners, various

publications, conferences and other activities, within which issues of particular importance for human rights have been addressed, including combating discrimination, protecting non-majority communities, the rights of persons with disabilities, children's rights, gender equality, environmental protection, mental health, etc.

The Ombudsperson has developed a structured and continuous cooperation with civil society organizations, including through the Forum for Dialogue between the OIK and CSOs, aiming at joint advocacy for the promotion and protection of the rights of vulnerable groups, as well as for the strengthening of fundamental human rights and freedoms in the country. In this context, joint priorities for action for the year 2025/2026 have also been defined.

The promotion of human rights has also been carried out through public communication and thematic statements of the Ombudsperson on sensitive issues and of high public interest, with regard to raising awareness of the respect and protection of human rights, including labour rights, environmental protection, social and economic rights, combating violence and discrimination, children's rights, electoral processes, as well as the rights of victims of sexual violence during the war. These responses have aimed to address concerns raised in society and to encourage responsible institutions to act in accordance with their legal and international obligations.

In the context of raising public awareness and education on human rights, the Ombudsperson has held meetings and lectures with local and international students, including students of international human rights programs, as well as students from foreign universities, informing them about the mandate, competencies and role of the institution in the protection and promotion of human rights, as well as about the general situation of human rights in the country.

Within the framework of the mandate of the NMP, the Ombudsperson has implemented promotional and awareness-raising activities regarding the protection of persons deprived of liberty, as well as participated in monitoring and dialogue activities with relevant institutions, with particular emphasis on mental health and treatment with dignity.

Overall, the activities developed during 2025 aimed at a comprehensive and proactive approach of the Ombudsperson in promoting human rights, contributing to raising public awareness, strengthening institutional and social dialogue, as well as advancing standards

of respect for fundamental rights and freedoms in the Republic of Kosovo.

The following is a tabular presentation of the activities organized by the Ombudsperson during 2025:

Type of activity	Purpose	Number
Thematic roundtables organized by the OIK and in cooperation with partners	Discussion on human rights, promotion of human rights, presentation of findings in published reports with recommendations	7
Thematic roundtable within the framework of the information campaign on the rights of non-majority communities	Information campaign to promote and protect the rights of non-majority communities, with the aim of addressing the issues raised and increasing the communities' trust in protection mechanisms	7
Regional and international roundtables		4
Lectures and meetings with youth	Education and information on human rights	5
Training for judges and prosecutors	Educating and informing legal professionals on human rights, the practice of the ECHR and the mandate of the OIK	2
Meetings with primary and secondary school students as part of the campaign "Get to know the Ombudsperson Institution"	Education on children's rights and awareness raising	29
Meetings within the framework of the OIK Dialogue Forum with CSOs	Strengthening cooperation and advancing the promotion, protection and respect for human rights	4

# Thematic roundtables organized during 2025

During 2025, the OIK has organized a significant number of thematic roundtables, which have served as important platforms for discussion, inter-institutional dialogue and addressing priority issues in the field of human rights. These roundtables have contributed to promoting equality, combating discrimination, respecting human dignity and strengthening institutional mechanisms for the protection of human rights.

## Thematic roundtable “Implementation of the Law on Protection from Discrimination - Annual Report 2023”

On January 28, 2025, the Ombudsperson organized a thematic roundtable in Prishtina, where the findings of the 2023 Annual Report on the implementation of the Law on Protection from Discrimination were presented. The roundtable was attended by representatives of public institutions, the judiciary, civil society and international partners.

The purpose of the roundtable was to discuss the level of implementation in practice of the Law on Protection from Discrimination and to identify the main institutional challenges. During the discussions, it was assessed that institutional cooperation is crucial, not only as a constitutional obligation, but also as a fundamental prerequisite for effectively combating discrimination and promoting human rights in Kosovo. It was also emphasized that the report has identified gaps and critical aspects that need to be addressed to enable more effective oversight. Representatives of international partners reiterated the importance of operationalizing mechanisms for protection against discrimination within the framework of the European integration process. The roundtable highlighted the need to implement the report's six concrete recommendations, with the aim of improving the implementation of the law and ensuring more effective

protection against discrimination. It was also highlighted that the report is supported by the Council of Europe Office in Prishtina.

## Roundtable discussion on the implementation of the recommendations of the European Committee for the Prevention of Torture (CPT)

On April 8, 2025, the Ombudsperson organized a roundtable discussion with representatives of the institutions of the Republic of Kosovo, international organizations and civil society, with the aim of discussing commitments and progress in implementing the recommendations of the European Committee for the Prevention of Torture (CPT) of the Council of Europe, following the visit of this mechanism to Kosovo.



The focus of the discussions was on the conditions in institutions of deprivation of liberty, the treatment of detained persons and the role of the National Mechanism for the Prevention of Torture within the OIK in monitoring the respect of human rights. It was emphasized that the implementation of the CPT recommendations has a direct impact on improving the treatment of persons deprived of liberty and in meeting international standards, while contributing at the same time to Kosovo's European integration processes.



The meeting aimed to strengthen cooperation

between the NMP, relevant institutions and civil society, to ensure effective monitoring and respect for human rights in correctional institutions, detention centers and psychiatric institutions.

## Thematic roundtable “Environment, a human right” in Stanishor

On June 19, 2025, the Ombudsperson, Mr. Naim Qelaj, organized a thematic roundtable in the village of Stanishor, with the participation of representatives of the Municipality of Novobërdo, public institutions, civil society organizations, as well as residents of this municipality, the village of Stanishor and the Municipality of Gjilan.



The purpose of the roundtable was to discuss environmental issues on the ground and to treat the environment as an important component of human rights.

During the roundtable, the Ombudsperson informed the attendees about the mandate and competencies of the institution, including its role in environmental protection, and emphasized that such meetings help the institution better understand the challenges and problems of citizens. Participants noted that the area continues to face pollution from quarry workers, and expressed concern about the deterioration of the road, suggesting the construction of an alternative road for residents.

The roundtable aimed to address citizens' concerns through awareness-raising and institutional coordination, while it was emphasized that this roundtable was supported by the OSCE Mission in Kosovo.

## Thematic roundtable “Media freedom and safety of journalists” in Prishtina

On July 1, 2025, the Ombudsperson organized a roundtable on the topic “Media Freedom and the Safety of Journalists”, with the participation of journalists, civil society activists, and representatives of local and international organizations.



The purpose of the roundtable was to discuss the state of media freedom in Kosovo, the challenges journalists face and the need for stronger legal protection. During the discussions, Kosovo's negative ranking in the Reporters Without Borders index, the lack of institutional transparency and the need for structured dialogue with state institutions were highlighted. The roundtable reaffirmed the importance of freedom of expression as a fundamental pillar of democracy and the need to guarantee the safety of journalists.

## Thematic roundtable on challenges in implementing the Law on Protection from Discrimination at central and local levels

On July 17, 2025, the Ombudsperson organized a roundtable with officials of public institutions, where the challenges in the implementation of the Law on Protection from Discrimination by central and local institutions were discussed. The purpose of the roundtable was to assess the functioning of the institutional mechanisms established by ministries and municipalities to monitor the implementation of the law, as well as to review the findings of the 2023 Report in this area.

During the discussions, it was emphasized that some of the mechanisms provided for by law, including units for protection from discrimination, have been abolished or are

not functioning, while some institutions have not yet appointed the relevant officials. The roundtable concluded the need for public institutions to fulfill their legal obligations and strengthen monitoring mechanisms for a more effective implementation of the law.

The process of amending and supplementing the Law on Protection from Discrimination was also discussed, which is expected to address key areas, including the establishment of units for protection from discrimination, standardization of work tasks, and the construction of a clearer monitoring and enforcement framework. The roundtable aimed to increase institutional accountability and improve the practical implementation of the law.

## Thematic roundtable “Communicating through art” on the occasion of the International Day of Persons with Disabilities



On December 6, 2025, the Ombudsperson, in cooperation with the NGO “Eyes Seek Light”, organized a roundtable in Suhareka on the topic “Communicating through Art”, in the framework of the celebration of the International Day of Persons with Disabilities. The purpose of this roundtable was to raise awareness of the rights of persons with disabilities and to promote their inclusion and equality in society, using art as a means of communication and awareness-raising.

At this meeting, the Ombudsperson emphasized that this day recalls the duties and obligations of institutions and society to fulfill their responsibilities towards citizens in need, while reiterating the institution’s commitment to continue working and reminding public authorities to act in accordance with the law and standards to fulfill their obligations towards persons with disabilities. The roundtable was also accompanied by the opening of an exhibition of paintings created by persons with disabilities, emphasizing their empowerment, visibility and active participation in social life.

## Thematic roundtable in Prishtina: “Mental health of older people: The state’s obligation for care, protection and dignity and the role of the Ombudsperson”

On December 10, 2025, on the occasion of the International Human Rights Day, the Ombudsperson, in cooperation with the Forum for Dialogue between the OIK and Civil Society Organizations, organized a thematic roundtable in Prishtina on the topic “Mental health of older persons: The state’s obligation to care, protect and dignity and the role of the Ombudsperson”.



The purpose of this roundtable was to emphasize the importance of this day in institutional and public memory and to address an issue of high social sensitivity, such as the mental health of older people.



The roundtable presented the thematic report on the mental health of older people, where it was discussed that our society continues to face serious challenges in this area, while mental health problems affecting the elderly require greater institutional focus. It was emphasized that the main obstacles are not necessarily related to neglect, but to the lack of appropriate policies and programs to address these problems.

It was also emphasized that the lack of secondary legislation to the Law on Mental Health makes the implementation of the law difficult and creates space for discriminatory practices in the provision of mental health services to persons over 65. The roundtable aimed to increase institutional attention, strengthen the regulatory framework and guarantee dignified treatment for this category, with the participation of local and international institutions, health service leaders and civil society.

## Roundtables organized within the framework of the campaign for the rights of non-majority communities

During 2025, the Ombudsperson implemented a campaign dedicated to the promotion and protection of the rights of non-majority communities, through the organization of a series of discussion tables in various municipalities, both at the central and local levels.

This campaign was conceived as a direct approach on the ground, with the aim of listening to the real concerns of communities, identifying barriers to the realization of their rights, and strengthening communication between citizens, civil society organizations, and public institutions.

Through these meetings, the OIK aimed to collect structured information on issues of concern to non-majority communities, as well as to promote sustainable inter-institutional cooperation to address the problems raised, increasing the communities' trust in the protection mechanisms.

The following tables were organized:

### Roundtable within the campaign for the rights of non-majority communities in Peja

On February 19, 2025, the Ombudsperson organized a roundtable discussion with civil society organizations in the region in Peja, where the challenges and problems of communities related to human rights were addressed.



The aim of the roundtable was to raise awareness and deepen understanding of human rights issues from the perspective of affected communities, as well as to facilitate close cooperation between the OIK and civil society organizations in the region.

The roundtable was attended by organizations from the Serbian, Bosnian, and Albanian communities, which raised concrete concerns, including: slow judicial processes for the return of usurped properties, environmental issues, the need for greater social and health care, the lack of personal documents (especially among citizens of the Serbian community), as well as other social issues.

The roundtable was organized in collaboration with the non-governmental organization "ACDC" and aimed to ensure that the concerns raised serve as a basis for institutional addressing and for strengthening ongoing cooperation in the field.

### Discussion table with citizens on social and legal problems in the Municipality of Mitrovica North

On February 26, 2025, in Mitrovica North, the Ombudsperson Institution, in cooperation with the organization "ACDC", organized a roundtable discussion with citizens on social and legal problems in this municipality. The purpose of the meeting was to directly listen to the concerns of citizens and identify the barriers that affect the realization of their rights, both in social and legal terms.

The roundtable aimed to serve as a communication platform between citizens and the Ombudsperson Institution, contributing to increasing citizens' trust in protection mechanisms and guiding them in the use of available legal remedies. The discussions were also intended to serve as a basis for addressing specific issues through the handling of complaints and further institutional actions.

## Roundtable discussion on human rights with civil society organizations in Prizren

On April 11, 2025, the Ombudsperson organized a roundtable discussion in the Prizren region with representatives of civil society organizations and public institutions, with the aim of discussing the human rights situation and the challenges faced by citizens of non-majority communities in this region. The roundtable aimed to hear directly about the problems of the communities, receive information from organizations working on human rights, and establish sustainable cooperation to address issues on the ground.

During the roundtable, issues related to the rights of persons with disabilities, social issues, underrepresentation of communities in public life, pensions and other topics of importance to communities were addressed. Participants highlighted problems in realizing pension rights, lack of employment, security issues, validation of high school diplomas, difficulties for NGOs to benefit from subsidies from local authorities, as well as the right to use languages. Concerns were also raised about children dropping out of school, their position in street situations, the dire state of the welfare of community families and complaints about the refusal to receive double pensions. The roundtable was organized in cooperation with the NGO “ACDC”, within the framework of the project “Advancing human rights through awareness-raising and community engagement activities”.

## Roundtable discussion with the Serbian community on human rights in Leposaviq

On July 10, 2025, the Ombudsperson visited the village of Leshak in Leposaviq, met with local residents and listened to their concerns regarding property issues. The Ombudsperson also organized a roundtable with representatives of civil society organizations and citizens of Leposaviq, where the purpose of the visit was discussed and other complaints from the Serb community were heard. Participants raised problems related to providing personal documents, the issue of displaced persons and challenges in the supply of electricity. The Ombudsperson also met with the Mayor of Leposaviq, with whom he discussed the meetings with citizens and the complaints submitted, with the aim of orienting institutional actions in addressing the issues raised.

## Roundtable discussion in Prishtina: “The state of community rights in the country”

On October 31, 2025, the Ombudsperson, with the support of the OSCE, organized a roundtable discussion in Prishtina on the topic “The State of Community Rights in the Country”, with the aim of jointly discussing the state of rights of communities and their members, rights guaranteed in Chapter III of the Constitution of the Republic of Kosovo.



The Ombudsperson emphasized the role of the OIK in the protection and promotion of community rights and presented the findings from meetings held in settlements inhabited by communities over the last two years. The roundtable assessed that complaints from non-majority communities submitted to the Ombudsperson Institution have increased over the years, reflecting the increased trust of citizens in the institution. Representatives of local institutions for community rights, as well as representatives of international human rights organizations, participated in this meeting. Discussions addressed challenges in education, employment, language rights, institutional representation, access to funds and subsidies, as well as the need for inter-community dialogue and trust.

### **Roundtable with members of the Bosniak community in Reçan**

On November 24, 2025, in Reçan, the Ombudsperson, with the support of the OSCE, organized a roundtable with members of the Bosniak community.



During the meeting, the Ombudsperson informed the attendees about the special role of the OIK in protecting the rights of communities and emphasized that this meeting provides a good opportunity to discuss the challenges and problems affecting this community. The participants raised concerns regarding the use of the Bosniak language in municipalities where it is an official language, highlighting the lack of sufficient and updated publications in the Bosniak language on official websites. The lack of textbooks in this language, the issue of non-recognition of diplomas after higher education and the delays in judicial proceedings were also assessed.

## **Regional and international roundtables**

### **Regional conference on strengthening the partnership between Ombudsperson institutions and civil society**

On April 3, 2025, in Prishtina, the OIK, in cooperation with the Youth Initiative for Human Rights (YIHR/KS), organized the Regional Conference on the topic “Enhancing Partnership between Ombudsperson Institutions and Civil Society for the Protection and Promotion of Human Rights”. The conference brought together representatives of counterpart Ombudsperson institutions from the Western Balkans region, civil society organizations, activists and experts, with the aim of exchanging experiences and discussing forms of structured and strategic cooperation in accordance with the Paris Principles.



Discussions focused on the need for joint action in monitoring human rights violations, protecting human rights defenders, strengthening monitoring mechanisms and creating a more conducive environment for civil society action. The conference served as a platform for deepening regional dialogue and reaffirmed the shared commitment to strengthening inter-institutional partnerships in order to improve respect for and protection of human rights.

### **International Conference of the NMP on Mental Health in Institutions of Deprivation of Liberty**

On June 26, 2025, the Ombudsperson, within the framework of the National Mechanism for the Prevention of Torture (NMPT), organized the International Conference on “*Mental Health in Institutions of Deprivation of Liberty: The Role of NMPs in Protecting Rights and Ensuring Effective Supervision*”. The conference was held on the occasion of the International Day in Support of Victims of Torture and aimed to raise awareness on European standards for the treatment of persons with mental health problems in institutions of deprivation of liberty, as well as to strengthen the role of NMPs in monitoring these institutions.

This activity brought together representatives of NMPs from countries in the region, relevant state institutions, international organizations and civil society, serving as a platform for exchanging experiences, discussing practical challenges and identifying needs for improving the protection of rights, dignified treatment and effective supervision of persons with mental disorders in the penitentiary system and mental health institutions.

## Roundtable with representatives of international organizations in the country

On October 1, 2025, the Ombudsperson organized a roundtable with ambassadors and representatives of international agencies and organizations, with the aim of informing about the marking of the 25th anniversary of the establishment of the OIK and reflecting on the cooperation built over the years.



The roundtable served as a platform for exchanging views on the role of the Ombudsperson in the protection and promotion of human rights, the current challenges of independent institutions and the importance of maintaining institutional independence. The discussions highlighted the need to continue and strengthen partnerships with international actors, to increase compliance with the Ombudsperson's recommendations by public authorities and to create a favourable environment that enables the effective functioning of human rights protection mechanisms.

The roundtable reconfirmed the mutual commitment to further cooperation in advancing democratic standards and human rights in Kosovo.

## Human rights education

During the reporting year, the Ombudsperson has developed a series of educational activities with various groups, with the aim of strengthening knowledge, awareness and a culture of respect for human rights. Through meetings with local and international students, children and minors, as well as representatives

of groups advocating for children's rights, the OIK has aimed to promote constitutional and international human rights standards, strengthen understanding of the role of public institutions and contribute to building a comprehensive approach to the protection of fundamental rights.

These activities have served as platforms for education, dialogue and exchange of experiences, increasing awareness and institutional responsibility in various areas of society.

The Ombudsperson has also conducted training for newly appointed judges and prosecutors, with the aim of informing them more closely about the role and competencies of the OIK in the protection and promotion of fundamental human rights.

Activities related to human rights education are presented below:

### Educational meeting with students of the international EMA program

On January 23, 2025, the Ombudsperson hosted a meeting with students of the international program "The European Master's Degree in Human Rights and Democratization (EMA)", based in Vienna and Venice, who visit Kosovo every year as part of their study visit. During the meeting, the Ombudsperson informed the students about the establishment of the institution, its mandate and competencies, the procedures for receiving complaints, as well as the role of the OIK in the promotion and protection of human rights in the Republic of Kosovo.



The students were also informed about the general human rights situation in the country. It was emphasized that this cooperation marks 21 years and that over 2,500 students from all over the world have visited Kosovo and met with the Ombudsperson, making this activity

an important contribution to international education and awareness of human rights in Kosovo.

### **Educational meeting with representatives of children's groups advocating for children's rights**

On April 15, 2025, the Ombudsperson organized an educational meeting with representatives of various children's groups advocating for children's rights, including the Children's Assembly of Prishtina and Mitrovica, the Respect Our Rights (ROR) group, SOS Children's Villages in Kosovo, and HANDIKOS (the Moon group).

The purpose of the meeting was to hear children's perspectives on issues that directly affect them in schools and in the community, as well as to include them in discussions on institutional responsibilities for preventing and addressing violence in schools. This activity contributed to collecting information from children themselves and enriching the process of drafting institutional recommendations in this area.

### **Educational meeting with minors from the Correctional-Educational Center in Lipjan**

On May 6, 2025, the Ombudsperson held an educational meeting with minors from the Correctional-Educational Center in Lipjan. The purpose of this meeting was to inform minors about the role and competencies of the OIK, as well as to increase their knowledge about human rights and the functioning of public institutions. The meeting aimed to support the process of rehabilitation and resocialization of minors, contributing to the development of their skills for successful integration into society.

### **Educational meeting with students from Florida State University (USA)**

On May 21, 2025, the Ombudsperson organized an educational meeting with students of Florida State University (USA), with the aim of informing them about the system of protection and promotion of human rights in the Republic of Kosovo and the role of the Ombudsperson. During the meeting, the fundamental principles of human rights, international standards and institutional mechanisms for the protection of citizens from actions or inactions of public authorities were addressed. The meeting contributed to raising awareness and exchanging experiences in the field of human rights in an international context.

### **Workshop on strengthening children's participation and protecting their rights in the digital age**

On November 27, 2025, Save the Children Kosovo, in collaboration with the OIK, organized a workshop focused on strengthening children's participation and protecting their rights in physical and digital space.



The workshop addressed children's experiences in the digital age, the opportunities offered by technology, and online challenges related to children's safety and rights protection. The activity aimed to improve institutional capacities to address these issues and contribute to building inclusive mechanisms that promote children's participation and effective protection.

### **Activities to mark World Children's Day**

On the occasion of World Children's Day, on November 20, 2025, the Ombudsperson held a series of meetings and activities with children, reaffirming the OIK's commitment to protecting, promoting and respecting the rights of every child, without discrimination.



At the Central Office, the Ombudsperson hosted children from "SOS Children's Villages Kosovo" and from the "European School of Kosova" Primary School, while a debate was also organized with students from the "American School of Kosova", where children's rights, safety, quality education and the importance of listening to their voice in decision-making were discussed.



Activities were also held in regional offices, with meetings with children and students in Prizren, Gjakova, Mitrovica, Vushtrri and Skenderaj, emphasizing the shared responsibility of institutions, families and society for creating a safe, inclusive and protective environment for children. These meetings served to raise awareness and reinforce the principle of the best interests of the child in every policy and institutional action, reiterating that children's rights are a concrete obligation and an essential investment for the future of the country.

### **Information campaign for the promotion and protection of children's rights in educational institutions**

Regarding the promotion of children's rights, the Department for the Protection of Children's Rights at the OIK, during 2025, organized information campaigns for students and teachers of primary and lower secondary schools in 29 schools in 16 municipalities: Ferizaj, Shtërpçë, Shtime, Gjilan, Viti, Kamenicë, Malishevë, Rahovec, Gjakova, Prizren, Suhareka, Mitrovica, Vushtrri, Skenderaj, Prishtina and Podujeva. The purpose of these activities was to familiarize students and teachers with the role, mandate and competencies of the OIK in the protection and promotion of human rights in the country.

The main goal of the campaign was to emphasize the necessity of preventing corporal punishment in educational institutions, as well as to inform students and teachers about the possibilities to address the OIK in case of human rights violations. During the campaign, students and teachers were informed about the opportunity to be heard directly by OIK representatives, expressing their opinions, attitudes and concerns regarding various issues they face in their daily lives, not only in school environments, but also outside of them.

### **Publication of information videos**

Two promotional videos were published during 2025. On March 14, 2025, an informative video about the work and mandate of the OIK was produced and published, specifically tailored for the deaf community, with the aim of increasing access to information and equal inclusion in the exercise of rights.<sup>211</sup> Also, on September 25, 2025, the Ombudsperson's message was published within the framework of the international month of suicide prevention, with the aim of raising public awareness, encouraging timely help-seeking and promoting mental health care.<sup>212</sup>

### **Meetings with newly appointed judges and prosecutors**

On May 16, 2025, the Ombudsperson, together with his associates, hosted the newly appointed judges and discussed with them human rights, the justice system and the role of the OIK in the protection and promotion of fundamental rights. The Ombudsperson informed those present about the mandate and competences of the institution, as well as its activities in the field of protection and promotion of human rights.

In addition, on November 27, 2025, the Ombudsperson and his associates hosted a meeting with newly appointed judges and prosecutors, with whom they discussed human rights, the justice system, and the role of the OIK in the protection and promotion of human rights.

### **Cooperation with civil society**

During the reporting year, the OIK has continued and strengthened its structured and ongoing cooperation with civil society organizations dealing with human rights, considering this cooperation as an important element for the realization of the constitutional and legal mandate in the promotion and advancement of fundamental human rights and freedoms. Civil society has served as an important partner in identifying problems on the ground, addressing the concerns of vulnerable groups and advancing inter-institutional dialogue on issues of public interest.

Cooperation has been developed through the organization of thematic roundtables, conferences, workshops, information campaigns and joint activities, as well as through the active participation of the OIK

211 <https://oik-rks.org/2025/03/14/video-promoveese-per-punen-e-institucionit-te-avokatit-te-popullit-drejtuar-komunititet-te-shurdherve/>

212 <https://oik-rks.org/2025/09/25/mesazhi-i-avokatit-te-popullit-z.naim-qelaj-per-nder-te-muajit-inderkombetar-te-parandalimit-te-vetevrasjes/>

in initiatives organized by partners. These activities have created important spaces for information exchange, discussion of findings, joint advocacy and addressing concrete recommendations to public authorities.

A key mechanism of this cooperation has been the Forum for Dialogue between the Ombudsperson Institution and Civil Society Organizations, which served as a sustainable platform for coordination, consultation and joint action during 2025. Through the activities developed within the Forum, joint strategic priorities have been defined, focused on the protection of the rights of vulnerable groups and beyond.

The cooperation was also reflected in the organization of a significant number of thematic roundtables at local, regional and central levels, especially in the framework of the campaign for the promotion and protection of the rights of non-majority communities. These roundtables enabled citizens' concerns to be heard directly, information to be collected from organizations operating in the field and the strengthening of communities' trust in protection mechanisms. Civil society organizations played an important role in mediating communication between citizens and public institutions, as well as in directing the issues raised towards institutional treatment.

Furthermore, during 2025, the Ombudsperson closely cooperated with civil society organizations in organizing regional conferences, contributing to the exchange of good practices, strengthening inter-institutional partnerships and harmonizing actions with international human rights standards. Overall, this cooperation has contributed to strengthening the OIK's comprehensive approach, increasing public awareness, more effectively addressing identified issues and advancing standards of respect and protection of fundamental human rights and freedoms in the Republic of Kosovo.

### **Forum for Dialogue between OIK and CSOs**

During 2025, the OIK continued its structured and sustainable cooperation with civil society organizations through the Dialogue Forum, which served as an important platform for coordination, consultation and joint action in the field of human rights. Within the framework of the Forum, a three-day workshop, a roundtable and two meetings were held during the reporting year, as follows:

### **Workshop on drafting the Action Plan 2025/2026 of the Dialogue Forum**

On April 25, 26 and 27, 2025, within the framework of the Forum for Dialogue between the Ombudsperson Institution and Civil Society Organizations, a three-day workshop was held with the support of the NGO "ACDC". During the workshop, the Forum's Action Plan for 2025–2026 was drafted and strategic priorities for joint action were defined. The focus of the plan included advocacy for strengthening the role and institutional support of civil society, as well as the promotion and protection of the rights of children, persons with disabilities, non-majority communities, the LGBTIQ+ community, environmental protection, mental health and combating domestic and gender-based violence.

### **First annual meeting of the Dialogue Forum for 2025**

On May 6, 2025, the first working meeting for 2025 of the Forum for Dialogue between the OIK and CSOs was held. During the meeting, the activities and objectives of the Action Plan 2025–2026 were presented, as well as various activities for their implementation were proposed. Civil society representatives raised concerns regarding the lack of sustainable funding and institutional support, emphasizing the need to create a more favourable environment for the functioning of NGOs in the field of human rights.

### **Roundtable discussion on civil society support and funding policies**

On June 9, 2025, the OIK organized a roundtable discussion within the framework of the Forum for Dialogue with Civil Society Organizations. The purpose of the roundtable was to discuss the impact of changes in European Union policies and the orientation of funds, as well as to examine opportunities for increasing state support for civil society, especially for the professional services that CSOs provide to citizens and public institutions. The meeting contributed to strengthening institutional dialogue and increasing the capacities of civil society in the protection of human rights.

### **Third annual meeting of the Forum for Dialogue with Civil Society**

On October 7, 2025, the third annual meeting of the Dialogue Forum with representatives of member organizations was held. During the meeting, the activities carried out by the OIK during the period April–October 2025 in the field of protection and promotion of human rights were discussed, as well as issues of

special interest, including environmental issues, mental health, children's rights, media freedom, social and economic rights, domestic and gender-based violence, and community property issues.



The meeting served as a platform for information exchange, coordination of actions and agreement on future joint activities.

## Participation of the Ombudsperson in activities organized by cooperating institutions and field visits

During 2025, the Ombudsperson has carried out a significant number of field visits and participations, with the aim of directly monitoring respect for human rights, strengthening inter-institutional and international cooperation, as well as addressing concrete issues raised by citizens and vulnerable groups.

Visits have included health, correctional and detention institutions, border crossings, civil society centers, strike and rally monitoring activities, as well as participation in national and international forums on justice, mental health, the rights of workers, persons with disabilities, refugees, women, children and non-majority communities.

These visits have enabled the identification of structural and legal shortcomings, the collection of first-hand information, the provision of recommendations to public authorities, and the advancement of dialogue with state institutions, civil society organizations, and international partners. These engagements have contributed to increasing effective oversight, strengthening human rights protection mechanisms, and increasing citizens' trust in the Ombudsperson Institution.

## Promotion of human rights through published statements

In order to inform citizens and raise public awareness on human rights standards and the obligations of public institutions, the

Ombudsperson, in the framework of promoting human rights, through media releases, has published several statements on the occasion of international human rights days, such as: Constitution Day (April 9, 2025), Memorial Day of Survivors of Sexual Violence in War (April 14, 2025), International Workers' Day (May 1, 2025), World Environment Day (June 5, 2025) and International Day of Persons with Disabilities (December 3, 2025).

These communiqués have served to increase public awareness, strengthen the culture of institutional responsibility, and guide public debates towards human rights standards, with the aim of ensuring that respect for rights does not remain declarative, but is translated into concrete policies and actions for the benefit of citizens.

## Achievements in promoting human rights and equality

During the reporting year, the OIK has made significant achievements in promoting human rights and equality, through a comprehensive, proactive and needs-oriented approach to citizens and vulnerable groups. However, challenges remain to be addressed. The activities carried out have contributed to strengthening respect for fundamental rights and freedoms, raising public awareness and advancing the implementation of domestic standards in line with international human rights instruments.

The organization and implementation of a significant number of thematic and promotional roundtables have served as important platforms for inter-institutional and social dialogue on key issues, such as combating discrimination, equality and non-discrimination, the rights of non-majority communities, the rights of persons with disabilities, mental health, environmental protection, media freedom and the safety of journalists.

A particular achievement during the reporting year was the implementation of campaigns to promote the rights of non-majority communities, through the organization of roundtables at local and central levels with the participation of citizens, civil society organizations and public authorities. These activities contributed to the identification of barriers to the realization of rights, increasing the trust of communities towards the OIK and strengthening inter-institutional cooperation to address the issues raised, particularly in the areas of education, employment, language rights, social services and property rights.

In the framework of promoting equality and non-discrimination, the OIK has achieved significant progress through the organization of roundtables and activities addressing the implementation of the Law on Protection from Discrimination, emphasizing the need to functionalize institutional mechanisms and improve the practical implementation of the legislation. These activities have helped to raise the awareness of public institutions and relevant stakeholders about legal obligations and European standards in the field of equality.

Another important achievement has been the strengthening of education and awareness on human rights through meetings with children, minors, pupils, students and young people. These activities have contributed to raising knowledge on human rights, the role of protective institutions and the importance of equality and non-discrimination, influencing the building of a democratic culture and respect for the rights of every individual.

Overall, the activities carried out during 2025 constitute a significant achievement of the OIK in promoting human rights and equality, strengthening public knowledge and awareness on human rights, equality and non-discrimination.

## International cooperation

Cooperation among National Human Rights Institutions (NHRIs) continued to be of essential importance in consolidating the global human rights system and in ensuring the effective protection of these rights at the national, regional and international levels. Through the exchange of knowledge, experiences and good practices, NHRIs were able to address common challenges, strengthen institutional capacities and contribute to the advancement of universal standards that promote respect for human dignity. This cooperation, which extended beyond national contexts and included mechanisms of the United Nations, the Council of Europe, the European Union and other regional organizations and networks, represented an essential tool for increasing the capacities and effectiveness of these institutions.

At the heart of the functioning of the NHRIs remained their independence, which constituted a guarantee of impartiality, professionalism and public credibility. Institutional and operational

independence was an essential condition for the exercise of the mandate in an impartial manner and independent of any external influence, in particular from politics. The United Nations General Assembly adopted the Paris Principles, while the Council of Europe adopted the Venice Principles, which constitute the international normative basis guaranteeing the independence, mandate and effective functioning of the NHRIs. These standards clearly established that the NHRIs should be established by constitution or law, enjoy full financial and administrative autonomy and exercise their mandate without political interference, ensuring institutional integrity and the competence to hold public authorities to account.

In this context, the credibility and institutional authority of the Ombudsperson Institution were also confirmed by independent regional assessments. According to the Balkan Barometer, a public perception survey conducted this year by the Regional Cooperation Council (RCC), the Ombudsperson Institution of the Republic of Kosovo was ranked highest in the Western Balkans region in terms of citizens' trust in its independence and ability to act without political influence. This result further reinforced the positive assessments given by international networks and partners and demonstrated that the work of the Institution was widely perceived by the public as professional, impartial and committed to the effective protection of human rights and the rule of law.

During 2025, international developments in the field of human rights further highlighted the importance of implementing these standards. In particular, European countries faced new challenges arising from rapid technological and digital transformation, increasing risks of disinformation, pressures on the independence of democratic institutions, and persistent barriers to access to justice for vulnerable groups. The response of international mechanisms was oriented towards strengthening existing standards and creating new instruments that helped countries harmonize their policies and practices with human rights principles.

In this context, the Council of Europe and the European Union advanced important standards, including provisions on the protection of personal data, non-discrimination and transparency in the use of new technologies, with particular emphasis on artificial intelligence. The adoption and operationalization of EU Directives 2024/1499 and 2024/1500 on the independence and

functioning of equality mechanisms during 2025 constituted a key development, requiring Member States and accession countries to ensure the independent, professional and impartial functioning of these mechanisms, free from external influences in the exercise of their mandates.

In this regard, the Kosovo Ombudsperson Institution (OIK) continued to actively contribute to international platforms, closely following global and regional developments in the field of human rights and reflecting them in its daily work. Through cooperation with international and regional networks of which it was a member, the OIK ensured access to international best practices and strengthened its capacity to address challenges arising from social, institutional and technological dynamics.

During the reporting year, the OIK continued to deepen its engagement in international processes through active participation in meetings, consultations, training programs and contribution to key documents in the field of human rights and the rule of law. This engagement was essential to ensure that the voice of Kosovo citizens was represented on relevant platforms and that international standards were translated into concrete measures at the national level.

**International conferences and activities organized by the OIK during 2025**

On April 3, 2025, the Ombudsperson Institution, in cooperation with the Youth Initiative for Human Rights (YIHR/KS) organized the Regional Conference “*Strengthening Partnerships between Ombudsperson Institutions and Civil Society for the Protection and Promotion of Human Rights*”.



The main goal of the conference was to create a regional platform for Ombudsperson institutions and civil society organizations in the

Western Balkans, with the aim of strengthening institutional cooperation, exchanging knowledge and good practices, and developing joint strategic approaches to advancing the protection and promotion of human rights. In this context, the conference paid special attention to the support and protection of human rights, as well as the importance of ensuring a safe, inclusive and conducive environment for the activity of civil society. Participants in this conference were the Ombudsperson of Albania, the Ombudsperson of Montenegro, the Ombudsperson of Croatia, representatives from the Ombudsperson of North Macedonia, as well as civil society representatives from the countries of the Western Balkans region. Through this regional conference, the common commitment to strengthening human rights protection mechanisms and building stronger bridges of cooperation between human rights institutions and civil society was reaffirmed.



On June 26, 2025, the Ombudsperson Institution, in the role of the National Mechanism for the Prevention of Torture (NMPT), organized the International Conference “*Mental Health in Institutions of Deprivation of Liberty: The Role of NMPs in Protecting Rights and Ensuring Effective Supervision*”. The conference was organized to mark June 26 – the International Day in Support of Victims of Torture – and to raise general awareness of the public, in particular of the responsible authorities, regarding the European standards of treatment of persons with mental health problems, the sensitivity of this issue and the need for treatment with dignity.

The conference was attended by representatives of the National Mechanisms for the Prevention of Torture of countries such as Albania, Bosnia and Herzegovina, Croatia, North Macedonia, Montenegro and Slovenia, as well as representatives from state institutions, including the Office for Good Governance, the Kosovo Correctional

Service, the Kosovo Police, the Prison Health Department and the Institute of Forensic Psychiatry. Representatives from international organizations such as the Council of Europe, EULEX, OSCE and UNMIK, experts from the Council of Europe, as well as representatives of civil society were also among the attendees.

### **Celebrating the 25<sup>th</sup> anniversary of the Ombudsperson Institution**



On December 1-2, 2025, the Ombudsperson Institution marked the 25th anniversary of its establishment, an important moment that symbolizes a quarter of a century of dedicated service in the promotion and protection of human rights, equality, and good governance.

Established in the post-conflict period, at a time when Kosovo's democratic institutions were under construction, the Institution has remained steadfast in upholding the rule of law, strengthening institutional accountability, and guaranteeing the dignity and fundamental freedoms of every individual. Over the past 25 years, it has become a central pillar of the country's democratic and legal order.

The celebration of this jubilee began with a Festive Ceremony, held on December 1, in which we were honoured with her participation by the President of the Republic of Kosovo, H.E. Dr. Vjosa Osmani Sadriu, and enriched with a video message from the Commissioner

for Human Rights of the Council of Europe, Mr. Michael O'Flaherty and a special word from the Ambassador of the OSCE Mission in Kosovo, Mr. Gerard McGurk.



On December 2, the activities continued with the holding of the High-Level International Conference on the topic "*The Future of Human Rights Amidst Global Transformations: National Challenges and International Obligations*", with the participation of the President of the Assembly of the Republic of Kosovo, Mr. Dimal Basha, and the President of the Constitutional Court of the Republic of Kosovo, Mr. Nexhmi Rexhepi, followed by a video message from Ms. Sirpa Rautio, Director of the European Union Fundamental Rights Agency (FRA), emphasizing once again the vital role of strong and independent human rights institutions. In a world influenced by technological innovation, environmental changes, geopolitical developments and social polarization, the role of national human rights institutions is more important than ever. The conference discussions focused on how independent institutions can remain sustainable, responsive and effective in protecting the universality and indivisibility of human rights.

The conference was divided into two sessions, with the first session on "*Changing Priorities: Human Rights in a Changing World – Perspectives from Human Rights*

*Networks*” and this panel was attended by: Dr. Joseph Zammit McKeon, Vice President, International Ombudsman Institute (IOI); Ms. Erinda Ballanca, President, Association of Mediterranean Ombudsmen (AOM); Ms. Simona Drenik Bavdek, Board Member, European Network of National Human Rights Institutions (ENNHRI); and Mr. Patrick Charlier, Chair, European Network of Equality Bodies (EQUINET).

While in the second session, the topic “*National Responses to Global Challenges: Best Practices for the Protection of Human Rights*” was discussed. This panel was attended by: Mr. Mehmet Akarca, Ombudsperson of Turkey, Dr. Robert Gajda, Commissioner for Protection from Discrimination of Albania; Dr. Andrew Forde, Commissioner from the Human Rights and Equality Commission of Ireland; Dr. Jolita Miliuvienė, Parliamentary Ombudsperson of Lithuania and Ms. Feride Rushiti, Executive Director from the Kosovo Centre for the Rehabilitation of Torture Survivors.

In marking this anniversary, we were honored to welcome representatives from important international networks, such as: IOI, ENNHRI, AOM, EQUINET, as well as counterpart institutions from Malta, Albania, Turkey, Slovenia, Switzerland, Denmark, Montenegro, North Macedonia, Croatia, Lithuania and Ireland. Their participation reflects the deep respect and trust that our institution enjoys internationally, as well as the shared commitment to the advancement of human rights.

In this context, the assessments and support expressed by senior figures of European and international ombudsmen further prove the key role and credibility of the Institution of the Ombudsperson of the Republic of Kosovo in the international arena. In his article published on December 13, 2025, entitled “*The Ombudsperson of Kosovo: an institution that deserves continued international recognition and support*”<sup>213</sup>, Parliamentary Ombudsman of Malta and Vice-President of the Board of the European Region of the IOI, Mr. Joseph Zammit McKeon, describes the OIK as an independent constitutional institution, with a strong legal mandate, a clear vision and a tangible impact in the protection of human rights, especially of vulnerable groups and minority communities. He underlined that the continued international support to the OIK

is of essential importance for strengthening the rule of law, democratic consolidation and advancing Kosovo on the path of European integration, considering this institution as a credible, respected and indispensable voice in the European architecture of human rights.

## International engagements abroad

On October 16, 2025, the Ombudsperson of the Republic of Kosovo, Mr. Naim Qelaj, was elected a member of the Board of Directors of the Association of Mediterranean Ombudsmen (AOM)<sup>214</sup> during the General Assembly held in Malta.



©Photo by the Parliamentary Ombudsman of Malta

In this role, he will contribute to the development of AOM strategies and policies, representing the voice and experience of the Kosovo Ombudsperson Institution at the regional and international level.



© Photo by EQUINET

This election is a testament to the trust and respect that our institution enjoys in the

213 The article “The Kosovo Ombudsperson: an institution deserving continued international recognition and support”, written by Mr. Joseph Zammit McKeon, Parliamentary Advocate of Malta and Vice-President of the European Region Board of the International Ombudsman Institute (IOI), available at: <https://Ombudsperson.org.mt/news-and-events/the-ombudsperson-of-kosovo-an-institution-worthy-of-consistent-international-recognition-and-support/>

214 The Ombudsperson has been an institutional member of the Association of Mediterranean Ombudsmen (AOM) since 2016

international arena, as well as an incentive to continue our tireless work in the protection and promotion of human rights in Kosovo.

On October 8, 2025, upon nomination by the Ombudsperson Institution and by secret ballot, the Deputy Ombudsperson, Mr. Niman Hajdari, was elected member of the Executive Board of the European Network of Equality Bodies (EQUINET).<sup>215</sup>

This selection was made during the EQUINET Annual General Meeting, held in Brussels, where representatives of member institutions voted on the new composition of the Executive Board, which will guide the strategic work of the network over the next two years, 2025-2027.

This appointment constituted an important recognition of the active role, professionalism and advanced international cooperation of the Kosovo Ombudsperson Institution, which continuously contributed to the work of European networks and to the promotion of equality and human rights standards at the regional and international levels.

### **Participation in international meetings**

The active participation of the Ombudsperson Institution of Kosovo (OIK) in international meetings and forums constituted an essential component of its annual activity, reflecting its continued commitment to the promotion and protection of human rights in accordance with European and international standards. These engagements served as a platform for the exchange of experiences, strengthening institutional cooperation and addressing common challenges in the field of human rights.

During the reporting period, the OIK participated in meetings, conferences and forums organized by counterpart institutions, regional and international networks of Ombudsmen, as well as by relevant international organizations. Through these activities, the OIK contributed to thematic discussions on current issues, shared good practices and strengthened its role as a credible and constructive actor in the international human rights arena.

International engagement directly impacted the growth of the OIK's professional capacities,

the advancement of contemporary approaches in handling complaints, and the strengthening of advocacy for the harmonization of local legislation and practices with European and international standards. At the same time, these engagements contributed to the affirmation of the Republic of Kosovo and the OIK as active partners in the regional and global dialogue on human rights.

On April 30, 2025, within the framework of bilateral meetings, the Ombudsperson of the Republic of Kosovo, Mr. Naim Qelaj, held an official meeting with Ms. Sirpa Rautio, Director of the European Union Agency for Fundamental Rights (FRA), with the aim of strengthening international cooperation and advancing European human rights standards. During the meeting, the importance of Kosovo's inclusion in the FRA's thematic networks and platforms was discussed, with a focus on protecting children's rights, combating discrimination, digitalization, artificial intelligence, ensuring an effective judicial system and minority rights, as well as the possibility of Kosovo's inclusion as an observer member in the work of the FRA.

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<sup>215</sup> EQUINET is the leading European network that brings together 47 equality bodies from 39 European countries, which work to promote equality, combat discrimination in all its forms and strengthen the effective implementation of fundamental human rights in Europe. The Kosovo Ombudsperson Institution has been a member of this network since 2019



© Photo by FRA

Ms. Rautio expressed the readiness of the FRA to support the Ombudsperson Institution of Kosovo through study visits, exchange of working methodologies and participation in various events, emphasizing the vital role of independent institutions in promoting fundamental rights and EU standards. The meeting marked an important step towards deepening the relationship between the OIK and the FRA and contributes to the advancement of human rights and the rule of law in Kosovo.

Through cooperation with counterpart institutions and international networks, as well as these meetings, the OIK has managed to secure access to resources and expertise during 2025 that strengthen its mandate and help it address increasingly complex challenges, reflecting the rapid changes in the field of human rights. These efforts not only improve the response to national challenges, but also contribute to strengthening the implementation of international obligations at the domestic level and to the inclusion of Kosovo's role in the global human rights dialogue.

In total, during 2025, the OIK participated in 49 international events, of which 32 with physical participation and 17 with online participation, presented in the table below.

Nr.	Activity / Topic	Country	Date	Organizer
1.	Webinar on the topic: "Protecting groups in situations of vulnerability: challenges and strategies for National Human Rights Institutions (NHRIs) "	Online	January 30, 2025	GANHRI
2.	European NMP Forum, with the topic: " Tackling overcrowding in European prisons: Strengthening the role of NMPs in protecting rights and ensuring effective supervision "	Strasbourg, France	February 5-6, 2025	Council of Europe
3.	Online training on engagement with the European Committee of Social Rights under the reporting procedures of the European Social Charter	Online	February 14, 2025	Council of Europe & Equinet
4.	Meeting on the topic: " Labor rights as human rights "	Online	February 25, 2025	GANHRI & ILO

5.	Training "Access to rights and legal protection of foreigners in the Republic of Kosovo "	Tirana, Albania	February 24-27, 2025	CRPK
6.	Online training on Child Participation and Child Protection	Online	March 4, 2025	ENOC
7.	Annual meeting of the Global Alliance of National Human Rights Institutions (GANHRI)	Geneva, Switzerland	March 10-12, 2025	GANHRI
8.	Regional Conference "Enhancing Partnership between Ombudsperson Institutions and Civil Society for the Protection and Promotion of Human Rights "	Prishtina, Kosovo	April 2-3, 2025	IAP& YIHR
9.	Official visit "Exchange of experience in the field of protection and promotion of human rights by human rights institutions"	Tirana, Albania	April 7-8, 2025	Ombudsperson - Albania
10.	Training of Trainers (ToT) on Combating Racism and Racial Discrimination	Online	April 9-October 27, 2025	Council of Europe
11.	European NMP Forum, with the topic: "Monitoring NMPs in the context of migration"	Strasbourg, France	April 9-10, 2025	Council of Europe
12.	Webinar on Fundamental Rights Impact Assessment for Artificial Intelligence	Online	April 10, 2025	ENNHRI
13.	Meeting between the Ombudsperson Institution and the European Union Fundamental Rights Agency (FRA)	Vienna, Austria	April 29, 2025	Ombudsperson Institution of Kosovo
14.	Webinar "Implementing equality through technical standards: opportunities for civil society organizations and equality bodies "	Online	April 29, 2025	EQUINET
15.	Meeting for institutional leaders: Leadership for equality	Palermo, Italy	May 8-9, 2025	EQUINET
16.	First meeting of the South East Europe NMP Network	Ljubljana, Slovenia	May 13-14, 2025	NMP Slovenia
17.	Meeting of the EQUINET Working Group "Standards for Equality Bodies"	Online	May 28, 2025	EQUINET
18.	Webinar on Labor Migration and Business and Human Rights	Online	May 28, 2025	GANHRI
19.	Annual Conference of the European Forum of NMPs	Strasbourg, France	June 5-6, 2025	Council of Europe
20.	European Network for the Planning of National Human Rights Plans Workshop	Liverpool, United Kingdom	June 4-6, 2025	University of Liverpool

21.	Discussion table regarding the situation of women from national minorities and their opportunity for participation in public life and conflict prevention	The Hague, Netherlands	June 13, 2025	OSCE High Commissioner on National Minorities
22.	EQUINET Extraordinary General Meeting and Assembly	Online	June 17, 2025	EQUINET
23.	Discussion table: "Equality Bodies in Enabling Equal Access to Education for Roma"	Online	June 19, 2025	EQUINET
24.	Event to mark the 25th anniversary of the establishment of the Ombudsperson in Albania and International Conference on the topic: "Domestic and International Structures for the Protection of Human Rights: Good Practices and Lessons Learned"	Tirana, Albania	June 24-25, 2025	Ombudsperson of Albania
25.	International Conference "Mental Health in Places of Deprivation of Liberty: The Role of MNPs in Protecting Rights and Ensuring Effective Supervision"	Prishtina, Kosovo	June 26-27, 2025	Ombudsperson Institution of Kosovo
26.	Webinar on the topic: "Implementation Strength-Ensuring Effective Execution of the Ombudsperson's Recommendations"	Online	July 15, 2025	AOMA&IOI
27.	29th Annual Conference on the Right of Children to Physical Health and 29th Meeting of the ENOC General Assembly	Bucharest, Romania	September 17-19, 2025	ENOC
28.	9th Regional Conference of Equality Bodies of South-Eastern Europe	Split, Croatia	September 22-23, 2025	Ombudsperson of Croatia
29.	EQUINET Working Group Training and Meeting, on the topic: "From Polarization to Protection: Communication, Policies and Legal Strategies for Addressing Hate Speech and Misinformation"	Alcala de Henares, Spain	September 22-24, 2025	ENNHRI
30.	Study visit of the Technical Group for the coordination and implementation of the recommendations of the Framework Convention for the Protection of National Minorities	Strasbourg, France	September 22-25, 2025	Council of Europe
31.	Training program "Application of the Anti-Discrimination Law"	Tallinn, Estonia	September 25-26, 2025	wind

32.	EU Enlargement Engagement Event	Brussels, Belgium	September 24, 2025	ENNHRI
33.	ENNHRI Leadership Forum	Brussels, Belgium	September 25-26, 2025	ENNHRI
34.	Annual meeting of the European Network of Equality Bodies (EQUINET)	Brussels, Belgium	7 tetor 2025	EQUINET
35.	Meeting of the Working Group on Standards for Equality Bodies	Brussels, Belgium	Equine	EQUINET
36.	Meeting regarding the ENNHRI Rule of Law Report	Online	October 8, 2025	ENNHRI
37.	Regional Meeting on Alternatives to Immigrant Detention (ATD) in the Western Balkans	Podgorica, Montenegro	October 21-22, 2025	IOM
38.	Regional Seminar “Strengthening the Action of Equality Bodies against Discrimination and Hate ”	Strasbourg, France	October 27 -28, 2025	Council of Europe
39.	Regional Training on Racial Discrimination and Anti-Racism	Strasbourg, France	October 28-29, 2025	Council of Europe
40.	Meeting of the Working Group “Equality Law in Practice”	Online	October 28, 2025	EQUINET
41.	Meeting of the Network of NMPs of South-East Europe, on the topic: “Involuntary Hospitalization in Pre-Trial and Civil Procedures ”	Podgorica, Montenegro	November 4-6, 2025	Ombudsperson of Montenegro
42.	Workshop on the topic: “From Evidence to Action: Building Legal Cases Regarding Algorithmic Discrimination ”	Online	November 6-7, 2025	EQUINET
43.	Online meeting “Artificial Intelligence, Business and Human Rights ”	Online	November 6, 2025	ENNHRI
44.	Meeting of the Working Group on Asylum and Migration	Online	November 13, 2025	ENNHRI
45.	Children's Participation Fair	Brussels, Belgium	November 17-18, 2025	International Child Participation Network (ICPN), supported by Save the Children Kosovo
46.	Meeting of the General Assembly of the European Network of National Human Rights Institutions (ENNHRI)	Brussels, Belgium	November 19-20, 2025	ENNHRI
47.	Study Visit on Access to Justice	Stockholm, Sweden	November 20-21, 2025	The Swedish Equality Ombudsperson and Equinet

48.	ENNHRI-FRONTEX-FRA meeting on the topic "Independent Monitoring under the New Pact on Migration – Assessment and further planning – Meeting with National Human Rights Institutions and EU Justice and Home Affairs actors"	Warsaw, Poland	November 24-25, 2025	FRONTEX
49.	Festive Ceremony to Mark the 25th Anniversary of the Establishment of the Ombudsperson Institution of the Republic of Kosovo & High-Level Conference "The Future of Human Rights Amidst Global Transformations: National Challenges and International Obligations "	Prishtina, Kosovo	December 1-2, 2025	Ombudsperson Institution of Kosovo

## Membership in international organizations

The membership of national human rights institutions (NHRIs) in international mechanisms and networks serves to advance the dynamic relations that should exist between them and the international human rights system. Since the OIK is already a member of the most important international networks and organizations, this year too it has taken care to interact with them, by holding joint meetings, exchanging information and good practices, which help in advancing international cooperation.

Below we present the international mechanisms where the OIK is a member:

No.	Network/Mechanism	Year of membership
1.	European Ombudsman Institute (EOI)	2002
2.	Network of Ombudsmen for Children of South East Europe (CRONSEE)	2009
3.	International Ombudsman Institute (IOI)	2012
4.	European Network of National Human Rights Institutions (ENNHRI)	2013
5.	Association of Ombudsmen and Mediators of the Francophonie (AOMF)	2015
6.	International Conference of Ombuds Institutions for the Armed Forces (ICOAF)	2015
7.	Association of Mediterranean Ombudsmen (AOM)	2016
8.	Network of Ombudsmen for the Environment and Human Rights <sup>216</sup>	2017
9.	European Network of Equality Bodies (EQUINET)	2019
10.	European Network of Ombudspersons for Children (ENOC)	2022

*Table: List of OIK memberships in international networks*

<sup>216</sup> This network was established in 2017 and was signed by the following countries: Bosnia, Croatia, Kosovo, Montenegro, Macedonia, Serbia and Slovenia.

The OIK is also invited and participates in the activities of several other mechanisms and networks, in which, due to political barriers, it is only an observer member, such as in:

- Global Alliance of National Human Rights Institutions - GANHRI (where the compliance of HRNIs with the Paris Principles is reviewed) <sup>217</sup>;
- Network of National Mechanisms for the Prevention of Torture in South-East Europe - SEE NMP (within which the OIK participates in various meetings aimed at cooperation, promotion and exchange of experience in the field of protection of the rights of persons deprived of liberty).<sup>218</sup>

## Communication with the public and the media

In fulfillment of its constitutional and legal mission, as well as in the function of protecting and promoting human rights, the Ombudsperson has communicated with the public by increasing cooperation with the media. This has been done through the publication of materials that present the work and activities of the institution, either through responses to media questions to obtain opinions, positions or even to obtain data regarding certain cases or areas of human rights and freedoms. During the reporting year, the media have covered and given space to events and have reported on reports with recommendations and opinions of the Ombudsperson.

Depending on the situations, the media have also requested the position or opinion of the Ombudsperson on the topics they have addressed. A number of them have also been submitted by community media, and in particular by the Serbian community. Based on media reports, the Ombudsperson has initiated 15 cases of ex officio investigations. This fact underlines the importance of accurate and professional media reporting to the public, through investigative journalism that identifies and reports cases of violations of fundamental human rights and freedoms.

For the Ombudsperson, it represents an important information and a source for initiating investigations in cases where it can be established that there are systematic violations of human rights. Therefore, the engagement of the media in presenting and reporting cases where there is information about possible violations of human rights should be encouraged, as their work draws the attention of authorities and institutions to issues vital to the lives of citizens.

The website, as a means of disseminating news and information (over 110 news items during 2025), as well as social networks (Facebook, Instagram and X), have served as spaces where citizens have been informed about the work and activities of the OI, as well as the engagement of the Ombudsman in particular. The media also covered the roundtables where the Ombudsman met with citizens, representatives of civil society organizations and representatives of local institutions.

The Office for Media and Public Communication started drafting the strategy for public and media relations (2026-2030) in December. The Office for Public Communication also handles requests for access to public documents. The OIK has handled 41 requests submitted by complainants, citizens, media and non-governmental organizations regarding access to public documents, statistics, decisions and other materials. Of the total number of requests, 33 were approved for full access, 1 request was partially approved, and 33 requests were rejected. All requests were submitted via email and responses were also sent electronically.

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<sup>217</sup> A condition for membership in this organization is Kosovo's membership in the United Nations.

<sup>218</sup> A condition for membership in this regional network is Kosovo's accession to the Optional Protocol to the Convention against Torture.

# Agenda 2030 and the Sustainable Development Goals - The Role of the Ombudsperson as a National Human Rights Institution

During 2025, the Ombudsperson has consistently continued its commitment to the protection and promotion of human rights and fundamental freedoms, in line with international standards and obligations of the Republic of Kosovo. In this context, the Institution has contributed to strengthening its role in linking human rights with the implementation processes of the 2030 Agenda for Sustainable Development and the Sustainable Development Goals (SDGs), reflecting the function of the Ombudsperson as a National Human Rights Institution (NHRI).

The 2030 Agenda for Sustainable Development, adopted by the United Nations General Assembly, represents a comprehensive global framework with 17 goals and 169 targets, accompanied by measurable indicators for monitoring progress. In this regard, the Assembly of the Republic of Kosovo has expressed its institutional commitment to the implementation of this agenda through the adoption of the relevant resolution and the establishment of inter-institutional coordination mechanisms, including the Sustainable Development Council, as a platform for the orientation and harmonization of public policies with the Sustainable Development Goals (SDGs).

The 2030 Agenda for Sustainable Development is based on a universal vision of sustainable development, which places people at the centre, prosperity, environmental protection, peace and partnership. It is deeply linked to the principles of human rights, equality and non-discrimination, aiming to eradicate poverty and inequalities, guarantee human dignity and implement the fundamental principle of “leaving no one behind”, with a particular focus on the most marginalized groups.

The role of national human rights institutions in the implementation of the 2030 Agenda is also emphasized in *the Merida Declaration*<sup>219</sup>, which underlines that the Agenda is built on *the Charter of the United Nations*<sup>220</sup>, *the Universal Declaration of Human Rights*<sup>221</sup> and the main international human rights instruments. In this context, the Ombudsperson continues to contribute to the promotion, monitoring and addressing issues related to the SDGs, through its constitutional and legal mandate.

Institutions of this profile, in the exercise of their mandate, apply *a human rights-based approach*<sup>222</sup> as a guiding principle of institutional activity. In this context, also during 2025, the OIK has continued to integrate the Sustainable Development Goals (SDGs) into the daily activities of the Institution, through the linking of relevant objectives and targets with data originating from individual complaints and systematic cases handled by the OIK.

Based on the operationalization of the new database, which has been in use since January 1, 2024, during the reporting year 2025, the process of linking each registered complaint with the relevant objectives of the 2030 Agenda for Sustainable Development has continued in a sustainable manner. This mechanism has served as a consolidated tool for analysis, monitoring and evaluation of policies and measures undertaken by public institutions, in order to fulfill international commitments and advance sustainable development.

The continuation of this process has enabled the generation of statistics on complaints and open cases in the OIK, related to all 17 Sustainable Development Goals, even during 2025. These

219 <https://ennhri.org/our-work/topics/sustainable-development-goals/#:~:text=The%20M%C3%A9rida%20Declaration%2C%20adopted%20by.human%20rights%20and%20sustainable%20development>.

220 <https://www.un.org/en/about-us/un-charter>

221 <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

222 <https://ennhri.org/about-nhris/human-rights-based-approach/>

statistics reflect in a structured manner the areas where human rights violations occur, with the aim of contributing to the identification of systemic shortcomings, as well as to the identification of areas where further institutional interventions and improvements in public policies are needed.

<b>Number of complaints filed, by Sustainable Development Goals (SDGs) - one complaint may include several SDGs</b>	
16. Peace, Justice and Strong Institutions	1471
03. Good Health and Well-being	148
10. Reduced Inequalities	53
08. Decent Work and Economic Growth	35
17. Partnerships for Goals	24
04. Quality Education	19
06. Clean Water and Sanitation	9
09. Industry, Innovation and Infrastructure	9
07. Affordable and Clean Energy	8
05. Gender Equality	4
11. Sustainable Cities and Communities	4
12. Responsible Consumption and Production	3
13. Climate Action	1

<b>Number of complaints investigated, by SDG (one complaint may involve several SDGs)</b>	
16. Peace, Justice and Strong Institutions	551
03. Good Health and Well-being	44
10. Reduced Inequalities	25
08. Decent Work and Economic Growth	15
04. Quality Education	11
17. Partnerships for Goals	10
09. Industry, Innovation and Infrastructure	5
07. Affordable and Clean Energy	4
11. Sustainable Cities and Communities	2
05. Gender Equality	1

The analysis of complaints investigated during 2025, related to the Sustainable Development Goals, shows that the vast majority of them are related to SDG 16 [Peace, Justice and Strong Institutions], reflecting ongoing concerns regarding the functioning of public institutions, the rule of law and access to justice. A more limited number of complaints were identified in the areas of health, reducing inequalities, employment and education, reflecting social and economic challenges that directly affect citizens' rights. Few complaints in other areas of the SDGs do not necessarily mean an absence of problems, but may indicate a lower level of reporting or awareness. Overall, these data serve as a basis for identifying priorities and orienting the actions of the Ombudsperson in the function of advancing human rights and sustainable development.

The Ombudsperson assesses that the continuity of the generation and analysis of these statistics constitutes an important instrument for monitoring the progress of the Republic of Kosovo in implementing the Sustainable Development Goals (SDGs) at the national level, from the perspective of the OIK. At the same time, this process strengthens the coordinated approach between human rights and sustainable development, ensuring that the principle of long-term benefits for citizens and the principle of *"leaving no one behind"* are reflected in a measurable manner in the work of public institutions.



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# **OIK's budget**

# OIK's budget

The OIK is an independent constitutional institution, which is financed from the budget of the Republic of Kosovo. It presents its budget request for the one- and three-year calendar years to the Assembly of the Republic of Kosovo, based on priorities and work needs according to constitutional and legal competencies and responsibilities for the exercise of its main mandate: supervision, protection and promotion of human rights and freedoms.

According to the Law on Ombudsperson: “*The OIK prepares its annual budget proposal and submits it for approval to the Assembly of the Republic of Kosovo*”<sup>223</sup> According to this legal provision, the OIK may be allocated an additional budget in cases of increased obligations and competencies under this law and other laws, respectively, additional relevant and adequate financial and human resources.<sup>224</sup>

## Financing of the OIK from the Budget of the Republic of Kosovo

Based on the legal procedures for the preparation and submission of a regular budget request, the OIK has submitted its budget request for 2025 to the Assembly of the Republic of Kosovo and the Ministry of Finance, Labour and Transfers within the legally prescribed deadline.

The budget request for 2025 by the Ombudsperson has been prepared on the basis of planning the needs and work activities of the OIK for the calendar year 2025 based on the legal mandate and development strategy of the OIK.

The OIK budget for 2025, according to the Budget Law, is allocated in the amount of €1,451,622.00, intended for the following economic budget categories:

- Salary and wages, in the amount of €1,038,622.00;
- Goods and services, in the amount of €356,000.00;
- Utilities, in the amount of €7,000.00.
- Capital expenditures, in the amount of €50,000.00

We will present the overview of the state and flow of the Ombudsperson's budget expenditures for 2025 according to the budget request of the OIK and in relation to the budget allocated according to the Law on the Budget for 2025, including budget expenditures at the end of the fiscal year, as well as reporting on budget savings by the OIK and other budget cuts established by decision of the Government of the Republic of Kosovo. The data will be presented in tabular form and according to economic budget categories.

At the same time, the Ombudsperson must also submit a separate and detailed financial report for the 2025 budget year to the Assembly of the Republic of Kosovo, based on regular annual reporting according to the unified form for financial reporting by independent institutions, as required by the Committee on Budget and Finance of the Assembly of the Republic of Kosovo.<sup>225</sup>

More specifically, the following table will reflect the budget of the Ombudsperson for 2025, starting with the initial budget request, the budget allocated according to the Annual Budget Law 2025, the declaration of budget savings by the OIK, as well as budget cuts at the end of the fiscal year according to the decisions of the Government of the Republic of Kosovo for savings of financial resources.

<sup>223</sup> Law No. 05/L-019 on Ombudsperson, Article 35, paragraph 3

<sup>224</sup> Ibid

<sup>225</sup> The detailed financial report for the OIK budget will be sent to the Assembly of the Republic of Kosovo, according to the unique financial reporting form

**Table 1:** OIK budget for 2025, according to the following data:

Economic category	OIK budget request for 2025	Budget allocated by the Budget Law for 2025	Declaration of savings from the OIK 2025	Cuts by Government Decision	Total budget changes 2025	Final Budget 2025
Salary and wages	1.182.039.81	1.038.622.00	(70.000.00)	(104.170.60)	(104.170.60)	959.780.55
Goods and services	310.000.00	356.000.00		(36.342.36)	(36.342.36)	319.657.64
Utilities	7.000.00	7.000.00	(3.000.00)	0.00	(3.000.00)	4.000.00
Capital expenditures	56.000.00	50.000.00	(17.006.00)	0.00	(17.006.00)	32.994.00
<b>Total budget</b>	<b>1.555.039.81</b>	<b>1.451.622.00</b>	<b>90.006.00</b>	<b>(140.512.96)</b>	<b>(160.518.96)</b>	<b>1.316.432.19</b>

The planning and spending of the budget for 2025 was based on the planned needs and the designated use for the completion of the activities and work of the Ombudsperson, which were of interest in ensuring the exercise of the mandate, the smooth running of the work and the functioning according to the work plan of the OIK.

As for the non-spending of the budget for 2025, in relation to the planning and allocation of the budget, as well as the final budget at the end of the fiscal year, international donations and projects have also had an impact, through which the Ombudsperson has ensured the needs and various work activities of high interest for the exercise of the mandate, as well as for the implementation of the work plan for 2025. At the same time, the OIK has not lacked internal monitoring and control for the most economical and effective use of the budget.

For the 2025 budget year, according to legal procedures and the request made by the Ministry of Finance, Labour and Transfers, the OIK has also declared budget savings for 2025 in the total amount of €90,006.00.

Whereas, by the Ministry of Finance, Labour and Transfers, with the decisions of the Government of the Republic of Kosovo, with Decision No. 01/281, dated 24.12.2025, €104,170.60 were withdrawn from the category of salaries and allowances, with Decision No. 04/282, dated 24.12.2025, an amount of €36,342.36 was withdrawn from the category of Goods and Services, while with Decision No. 03/261, dated 5.6.2025, for the implementation of Article 33, paragraph 2, of the Law on Budgetary Allocations for the year 2025, the coefficient was increased by 0.5 units, which is applied from July 2025.

# Final budget and expenditure realization for 2025

The budget of the Ombudsperson for 2025 was implemented in the amount of €1,288,052.24, which translates into 97.84% of the final budget at the end of the budget year. The following table will reflect the status of the final budget in relation to budget expenditures for 2025, according to budget data of economic categories, expressed in percentages, both for the total budget implementation and by budget economic categories.

**Table 2:** Final budget and budget spending for 2025

No.	Economic categories	Final budget for 2025	Spent budget 2025	Free funds	Implementation in %
1.	Salary and wages	959.780.55	959.780.55	0.00	100.00%
2.	Goods and services	319.657.00	291.830.06	27.827.58	91.29%
3.	Utilities	4.000.00	3.447.63	552.37	86.19%
4.	Capital expenditures	32.994.00	32.994.00	0.00	100.00
<b>Total</b>		<b>1.316.432.19</b>	<b>1.288.052.24</b>	<b>28.379.95</b>	<b>97.84%</b>



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