



Center for  
Peace and Tolerance

# Enhancing Accountability of the Ombudsperson Institution in Kosovo

Supported by

**SOROS**

Fondacioni i Kosovës për Shoqëri të Hapur  
Kosovo Foundation for Open Society  
Kosovska Fondacija za Otvoreno Društvo

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# CONTENTS

AIMS AND OBJECTIVES	7
REVIEW OF OUTREACH MECHANISM	8
Website Review	8
<i>Website Section: Open Days</i>	10
<i>Website Section: Case Reports</i>	11
<i>Website Section: Access to Public Documents</i>	12
<i>Website Section: Publications</i>	13
<i>Other Website Shortcomings</i>	14
Public Opinion Survey	15
LANGUAGE REVIEW: ANNUAL REPORT 2011	20
RESPONSIVENESS OF THE OI EMPLOYEES	22
FOCUS GROUPS WITH NGOs	25
Evaluation of the last OI's Annual Report	25
Establishing Cooperation with Serbian NGOs	28
SPEECH ABSTRACT: MR. BOGOLJUB STALETOVIĆ	31
RECOMMENDATIONS	35

*Enhancing Accountability of the Ombudsperson Institution in Kosovo* is a research conducted with support from the Kosovo Foundation for Open Society. Thoughts, opinions, and conclusions expressed in this analysis do not necessarily reflect the views of the Kosovo Foundation for Open Society.

## AIMS AND OBJECTIVES

Deriving from the point that the individual right to freedom of expression includes the right to point out acts of wrongdoing – both in the government (local and central level) and in all governmental agencies and institutions, the Centre for Peace and Tolerance conducted comprehensive review of the transparency of the Ombudsperson's institution. We firmly believe that individuals and organizations who step forward to disclose wrongdoing – particularly when public safety, health or resources are at stake – should be acknowledged and protected. Over the past decade, the focus on transparency, as an aspect of improving the governance and combating corruption, had been centered at the national level, including few modest attempts to raise this issue at the level of local self-governance, which is mainly connected with the global trends of pluralism, democratization and governance improvement, not much attention has been given to performance of agencies that function under the Government and the work of independent institutions, such as Ombudsperson's. Importance of building transparency, as a tool for addressing some of the greatest challenges not only for the sustainable development and democracy, but for the sake of building the trust, is one of the key elements driving the CPT to conduct such research.

The aim of the project is to contribute to the improved performance of Ombudsperson institution on issues faced by Kosovo minorities, including improved reporting and outreach efforts based on the Code of Good Practice for Civil Participation.

Objectives of the project are as follows:

- Identifying shortcomings of the current Ombudsperson's outreach activities with the goal to provide strategic recommendations for improvements
- Improving relations between minority CSOs and Ombudsperson Institution
- Improved reporting of the Ombudsperson Institution on Human Dignity chapter, Discrimination in Employment, Freedom of Movement, Religious rights, Property Rights (as for now only occupied property in Mitrovica north was mentioned in report 2011), Use of Languages and the Rights of Communities chapter.

## REVIEW OF OUTREACH MECHANISM

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Despite the fact that Kosovo now has legal and institutional mechanisms for protection of human rights and fundamental freedoms, these rights are not respected at a satisfactory level. Some of the reasons for such situation are lack of effectiveness of the existing mechanisms and lack of sufficient commitment of public institutions for implementation of the laws in force. The various forms of human rights violations are obvious.

During the reporting year 2011, the Ombudsperson Institution registered 1453 proceeded cases. Thus, during that year the OI handled 220 more cases, compared to the previous year. The largest number of complaints was lodged against judiciary at all levels. The complaints, usually are related to excessive duration of judicial proceedings, delaying of justice, non- enforcement of final court decisions – State`s inability to establish justice. However, rather limited number of complaints has been raised by Kosovo minorities with regard to their treatment by local and central institutions and unavailability to pursue just resolution for issues being faced on the basis of ethnic or religious affiliation. This issue has been raised several times by members of the minority CSO`s assembled around Kosovo Policy Action Network and public critics have been addressed to the Ombudsperson with regard to its community outreach and last of due diligence to react on cases of human rights violation by the Kosovo Institutions.

The overall perception of minority CSOs, expressed on few meetings on this topic, is that the transparency of the Ombudsperson institution should be enhanced, its outreach efforts should be improved, clarity of information provided about mandate and the work of the institution should be substantially revised; and the annual report published by the Ombudsperson office must contain much more information about issues being faced by Kosovo minorities.

### Website Review

A website, nowadays, represents one of the first media that information seekers use in order to find answers to their questions about the desired organization. The clarity and quality of information presented on the website, therefore, is of crucial importance for delivering the right message and accurately communicating the idea.

Official website of the Ombudsperson Institution is available in several languages. Serbian lan-

guage version ([www.ombudspersonkosovo.org/sr/](http://www.ombudspersonkosovo.org/sr/)) has no information about case reports, outdated information about ex-officio reports, publications are presented mainly in Albanian language only, schedule for open days when Ombudsperson is meeting with citizens is not available in Serbian, most of the text on website contains serious language errors, and so on.

The following section represents a detailed analysis of the Kosovo Ombudsperson Institution's official website, focusing on the comparative inquiry of the website content in Serbian, Albanian and English versions, as well as the substance and language correctness. All major sections of the website are scrutinized, disclosing the visual and descriptive results.

The purpose of the report is to identify the potential inconsistency and irregularities among these three language versions of the website and suggest the improvements with the aim of enhancing its functionality and availability of information to all citizens equally, regardless of the language they speak.

## WEBSITE SECTION: OPEN DAYS

Open Days is an opportunity for the citizens to meet directly with the Ombudsperson or his deputies and talk about different issues that concern them. According to the official website, the Ombudsperson Institution in Kosovo holds regular meetings with the citizens, twice per month in the central office in Pristina and once per month in the regional offices, during which the citizens may meet the Ombudsperson directly.

A complete schedule regarding the upcoming Open Days is only available in Albanian version of the website. Serbian and English versions do not contain any information about Open Days events at all, which deprives non-Albanian citizens from relevant information.

The image shows three screenshots of the Ombudsperson Institution website. The top-left screenshot is in Albanian, titled 'Orari i takimeve me qytetarë' (Meeting schedule with citizens). It features a table for December 2013 and a sidebar with navigation links like 'RAPORTET' and 'PUBLIKIMET'. The top-right screenshot is in Serbian, titled 'OTVORENI DANI' (Open Days), with a sidebar containing 'IZVEŠTAJI' and 'PUBLIKACIJE'. The bottom screenshot is in English, titled 'OPEN DAYS', with a sidebar containing 'REPORTS', 'PUBLICATIONS', and 'ANNOUNCEMENTS'. It also includes a map of Kosovo and contact information for the Main Office in Pristina.

**Albanian Version: Orari i takimeve me qytetarë**

Mënyra për tu takuar drejtpërdrejtë me Avokatit e Popullit ose zëvendësit e tij

Instruksioni i Avokatit të Popullit në Kosovë mban meqë është takime me qytetarë, ku qytetarët mund të takohen personalisht me Avokatit e Popullit

Takimet me qytetarë organizohen dy herë në muaj në zyrën qendrore në Prishtinë dhe një herë në muaj në zyrat rajonale në Gjirokastër, Mitrovicë, Pejë, Prizren si dhe në zyrën Graçanicë. Takime me qytetarët mbahen për çdo muaj edhe në formën e tjera.

Varestit nga ajo se ku do të jetë Avokati i Popullit, qytetarët mund të caktojnë takim me Avokatit e Popullit (ose zëvendësin) duke kontaktuar zyrën me të cilën të lidhen ose duke na dërguar e-mail.

**Kalendari i Ditëve të Hapura:**

Data	Koha	Korresa	Avokati i Popullit / Zëvendësit e AP
11 dhjetor	10.00	Shkëmb	Ernest Arslan
11 dhjetor	10.00	Fushë Kosovë	Bojxhije Stakotoc
11 dhjetor	13.00	Graçanicë	Bojxhije Stakotoc
12 dhjetor	9.00	Prishtinë	Sami Kurteshi

**Serbian Version: OTVORENI DANI**

**English Version: OPEN DAYS**

**Main Office in Pristina**

Free calls for applicants: 0800 15555

Yell: +381 (0) 38 223 782, +381 (0) 38 223 789, +381 (0) 38 223 784, +381 (0) 38 223 788

Fax: +381 (0) 38 223 700

E-mail addresses: info@ombudspersonkcosovo.org

**Main Office Address:**  
Ombudsperson Institution  
"Sami Viti" neighborhood, Str. "Bever-Malaku", no. 33  
10000 Pristina, KOSOVO

**How do you assess the work of our institution?**

excellent  
 very good  
 good  
 not good  
 bad

## WEBSITE SECTION: CASE REPORTS

Cases that have been processed by the Ombudsperson Institution are available to public on the official website. However, while the Albanian version of the website contains these cases documented in a timely manner, versions in Serbian and English do not exist.

The screenshot shows the Albanian version of the website. The header includes the logo of the Republic of Kosovo, the text 'REPUBLIKA E KOSOVËS AVOKATI I POPULLIT' (Republic of Kosovo Ombudsman), and the phone number '080015555'. The main navigation menu includes 'AVOKATI', 'MISIONI', 'BAZA LEGJORE', 'ORGANOGRAMI', 'STRUKTURA', 'MARRËDHEHJET ME PUBLIKUN', and 'KONTAKTI'. The 'RAPORTE' (Reports) section is active, displaying 'Raportet mbi rastet' (Reports on cases) with a list of reports, including 'RAPORTI' dated 26 Feb 2013 and 'RAPORTI ME REKOMANDIMIN' dated 14 Jan 2011. A sidebar on the right contains navigation links for 'RAPORTET', 'IZVEŠTAJI' (Reports), 'IZVEŠTAJI SHUÇAJEVA' (Case Reports), 'PUBLIKIMET' (Publications), 'SHPALLJE' (Announcements), 'DITËT E HAPURA' (Open Days), 'PYETJET MË TË SHPËRITA' (Frequently Asked Questions), and 'QASJA NE DOKUMENTE PUBLIKE' (Access to Public Documents). Below the main content, there is a 'KANCELARIJE OMBUDSMAN' (Ombudsman Offices) section with a map of Kosovo and contact information for the main office in Pristina. A 'PREGLED' (Survey) section is also visible, asking 'Kas Sta cenim rad nuse ustrove?' (How do you assess the work of our institution?).

The screenshot shows the English version of the website. The header includes the logo of the Republic of Kosovo, the text 'REPUBLIC OF KOSOVO OMBUDSPERSON', and the phone number '080015555'. The main navigation menu includes 'OMBUDSPERSON', 'MISSION', 'LEGAL BASIS', 'ORGANOGRAM', 'STRUCTURE', 'PUBLIC RELATIONS', and 'CONTACT'. The 'REPORTS' section is active, displaying 'Case reports' with a list of reports, including 'Annual reports', 'Case reports', 'Special reports', and 'Ex-officio reports'. A sidebar on the right contains navigation links for 'REPORTS', 'PUBLICATIONS', 'ANNOUNCEMENTS', 'OPEN DAYS', 'FREQUENTLY ASKED QUESTIONS', and 'ACCESS TO PUBLIC DOCUMENTS'. Below the main content, there is an 'OMBUDSPERSON OFFICES' section with a map of Kosovo and contact information for the main office in Pristina. A 'SURVEYS' section is also visible, asking 'How do you assess the work of our institution?' with options: 'excellent', 'very good', 'good', 'not good', and 'bad'.

# WEBSITE SECTION: ACCESS TO PUBLIC DOCUMENTS

According to information from the OI website, Law on Access to Public Documents (LAPD) obliges the Ombudsperson Institution (OI) to respond to requests for access to public documents, and to handle complaints for rejections or non-responses from public institutions.

This information, however, is only visible in Albanian website version, along with contact information and more detailed info on how to access public documents. Same pages in Serbian and English are blank.



## WEBSITE SECTION: PUBLICATIONS

Several publications regarding the Ombudsperson Institution are available on the official website. They include overviews of the work of OI, projects that OI has worked on, as well as bulletins containing various info about OI, its structure, operations, etc.

While links to these publications exist in all three language versions, only the one in Albanian is correctly presented, while links in Serbian and English in several cases lead to Albanian texts.

The image displays three screenshots of the Ombudsperson Institution website, illustrating the 'Publications' section in different languages.

**Top Left Screenshot (Albanian):** The website header reads 'REPUBLIKA E KOSOVËS AVOKATI I POPULLIT' (Republic of Kosovo, Ombudsman). The 'Publikimet' (Publications) section lists several items with download links:

- 19 Dhjetor 2012: PASQYRE MBI PUNËN E INSTITUCIONIT TË AVOKATIT TË POPULLIT (2013)
- 19 Dhjetor 2012: RAPORTI NGA VEZHIMI I ZQJEDHJEVER LOKALE NË REPUBLIKËN E KOSOVËS MË 3 NENTOR 2013
- 10 Dhjetor 2012: BULETINI 1 - 2013
- 27 Dhjetor 2012: BULETINI - 2
- 14 Shtator 2012: BULETINI - 1

**Top Right Screenshot (Serbian):** The website header reads 'REPUBLIKA KOSOVO OMBUDSMAN'. The 'Publikacije' (Publications) section lists several items with download links:

- 19 Decembar 2012: PASQYRE MBI PUNËN E INSTITUCIONIT TË AVOKATIT TË POPULLIT (2013)
- 19 Decembar 2012: RAPORTI NGA VEZHIMI I ZQJEDHJEVER LOKALE NË REPUBLIKËN E KOSOVËS MË 3 NENTOR 2013
- 10 Decembar 2012: PUBLICATION ITEM
- 10 Novembar 2012: BULETEN 1 2013
- 27 Decembar 2012: BULETENI - 2
- 14 Shtator 2012: BULETEN - 1

**Bottom Screenshot (English):** The website header reads 'REPUBLIC OF KOSOVO OMBUDSPERSON'. The 'Publications' section lists several items with download links:

- 19 December 2012: PASQYRE MBI PUNËN E INSTITUCIONIT TË AVOKATIT TË POPULLIT (2013)
- 19 December 2012: RAPORTI NGA VEZHIMI I ZQJEDHJEVER LOKALE NË REPUBLIKËN E KOSOVËS MË 3 NENTOR 2013
- 10 December 2012: BULLETTIN 1/2013
- 27 December 2012: BULLETTIN-2
- 14 September 2012: BULLETTIN - 1

Below the 'Publications' section, there is a 'PUBLICATIONS' sidebar with links to 'IZVEŠTAJI', 'PUBLIKACIJE', 'OTVORENI DANI', 'ČESTO POSTAVLJANA PITANJA', and 'FREŠTËTË NA SAVREMË DOKUMENTIŠA'. At the bottom, there is a 'WEBMAIL' section with contact information and a 'NEWSLETTER' sign-up form.

## OTHER WEBSITE SHORTCOMINGS

While previously described sections of the website are the most visible ones, there are numerous other instances of poor availability of data primarily in Serbian language. Some of them are the following:

- *Special Cases* reports are outdated in Serbian
- Biography of the Ombudsperson is not available in Serbian and English, instead of it there is duplicated text from *Legal Basis* section
- Information regarding the internal staff structure is missing or incomplete in all languages
- *Frequently Asked Questions* are not available in any language
- *Public Relations* section is not available in Serbian and English
- There are major mistakes when it comes to (Serbian) language correctness, throughout the entire website

# Public Opinion Survey

Center for Peace and Tolerance has conducted a survey in order to measure the understanding of information available on the website. The mission of the Ombudsperson Institution, taken from the website and shown below, was given to people of different educational background, age and sex, who have, after reading through it, completed the survey.

## *The mission of the Ombudsperson Institution*

*The Constitution of the Republic of Kosovo and the previous UNMIK Regulations no. 2000/38, no. 2006/06 and no. 2007/15, set out that the mission of the Ombudsperson is to receive and investigate complaints from every person in Kosovo that claims his/her human rights have been violated by the Kosovo public authorities.*

*The constitution of the Republic of Kosovo sets forth the role and competencies of the Ombudsperson as to monitor and protect human rights and freedoms of legal and natural persons from unlawful and irregular actions or inactions of the public authorities. The Ombudsperson conducts the investigations, issues recommendations, publishes reports, and provides services free of charge and public advocacy to all citizens of Kosovo. In the cases when the investigations conducted by the OIK legal advisers result with the conclusion that the violation of the human rights have occurred, the institution may seek additional information by the public authorities, it may also issue recommendations for the public authorities concerned and to publish reports for different issues. In particular cases, the Ombudsperson may do so through Media. The OIK may offer legal services regarding complaints of Kosovo citizens addressing public authorities outside Kosovo by forwarding these complaints to relevant institutions (in most cases to homologues institutions-the Ombudsperson Institution) in the other country or to another homologues institution.*

*The OIK is independent in exercising its duty and it does not accept instructions or interferences by the state bodies, institutions or other authorities, which exercise authority in the Republic of Kosovo. The institution has a mandate to commence investigation based on the suspicion of human rights violations even without an individual complaint (ex officio investigation). Another task of the Ombudsperson is to monitor policies and laws adopted by the local authorities to ensure compliance of these policies and laws with the international human rights standards and to meet requirements of good governance.*

*If the Ombudsperson considers that a practice or a general situation is not in accordance with the international or local human rights standards or it impacts an individual or wider, it issues special reports, which include also recommendations addressing the Assembly of Kosovo aiming to improve and harmonize the situation with the local and international human rights standards.*

*Aiming to identify the problems and to provide data on the alleged violations, the Ombudsperson requests every state body, institution or other authority, which exercises legitimate power in the Republic of Kosovo, to respond to requests of the Ombudsperson and to display to him all documents and data requested, in accordance with the constitution and the law.*

*The OIK has established three special groups with the purpose to deal with particular issues of few categories of people whose rights in Kosovo are considered as more vulnerable. These categories of people are the following: children, women, ethnic minorities and others. The OIK has established the following groups to deal with the rights of the aforementioned categories: Children's Rights Team (CRT), Gender Equality Unit (GEU) and the Anti-Discrimination Team (ADT).*

*Although, the OIK conducts investigations and monitors compliance/incompliance of judiciary with the human rights standards, the OIK does not replace the court and it cannot investigate the crime directly, to change court decisions or to issue mandatory decisions. The OIK also does not conduct the investigations on the issues related to contests, which occur between the private persons. During the nine years of its existence, the OIK has always proclaimed the most important values and principles based on which it functions. In this aspect, the OIK would not have achieved appropriate effect in the scope of its activities if its mission would not be based on the following values and principles: independence, impartiality, professionalism and confidentiality.*

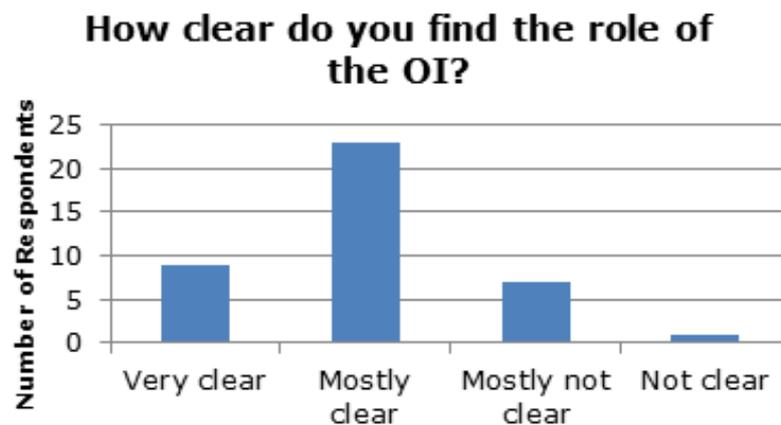
*The main challenge for the OIK remains establishment of so called culture of good governing, which implies good administration, transparency and accountability of the public administration towards Kosovo citizens, as well as strengthening of the rule of law in generally. The OIK engagement for balancing of a relationship between the citizens and public administration, which intends to help the citizens has exactly the same purpose. Solutions achieved by the Ombudsperson intent to achieve results in the standards and the quality of public administration's services to the citizens. The intention of the Ombudsperson's efficient activity is to increase the confidence of the people on the institution and administration by providing coherent relation between the citizen and the public administration. This is necessary for the functioning of the normal democracy. For this reason, the Ombudsperson is a part of the institutions, which are regarded as "guarantor of democracy, legal state and human rights".*

*The OIK engagement for improvement of the image of the public administration and judicial system makes the citizens understand that they may count on this institution and may lodge their complaints against the administration based on a simple and free of charge procedure. The complaints lodged with the OIK may be referred to actions, inactions or decisions issued by the public administration, which the complainants may regard as unjust and unfavourable. In handling such complaints, the actions of the legal advisers in charge are related to providing, requesting data and information by the public administration, court and other relevant institutions regarding lodged complaints, as well as monitoring court proceedings. If a certain case requires immediate action,*

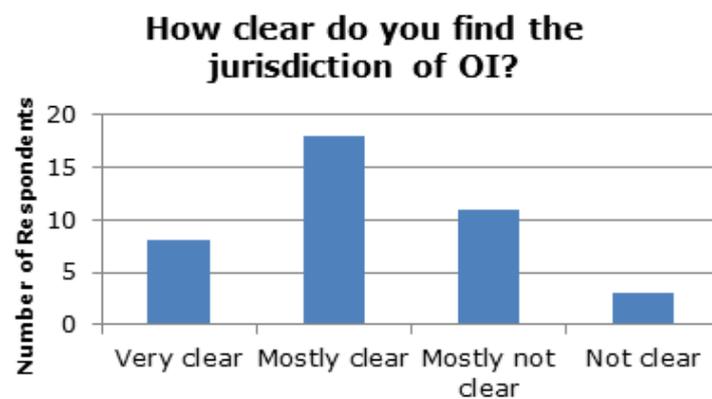
*the OIK submits request for interim measures. Regarding this, the way of acting varies based on the nature of individual cases.*

40 respondents were involved in the survey, and the results are as follows.

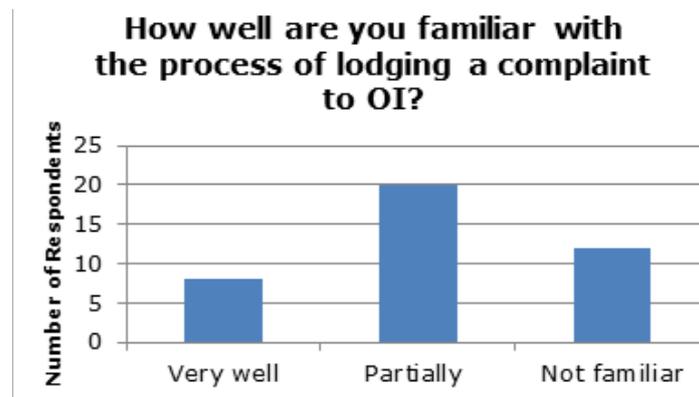
Role of the Ombudsperson Institution is very clear to 22.5%, mostly clear to 57.5%, mostly not clear to 17.5%, and not clear to 2.5% of the respondents involved.



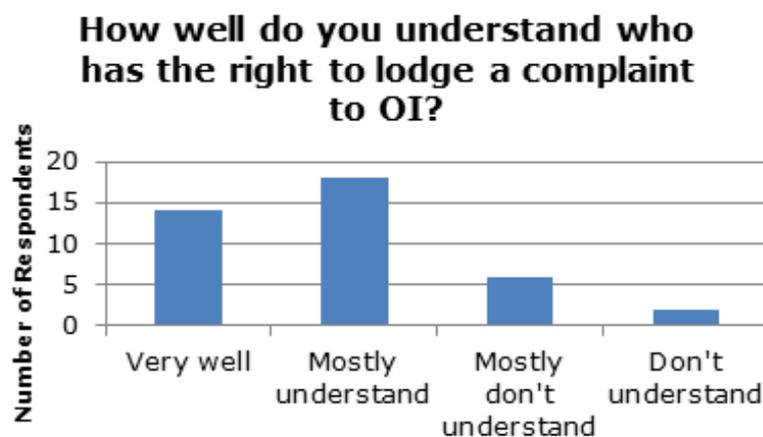
Jurisdiction of the Ombudsperson Institution is very clear to 20%, mostly clear to 45%, mostly not clear 27.5, and it is not clear to 7.5% of the respondents involved.



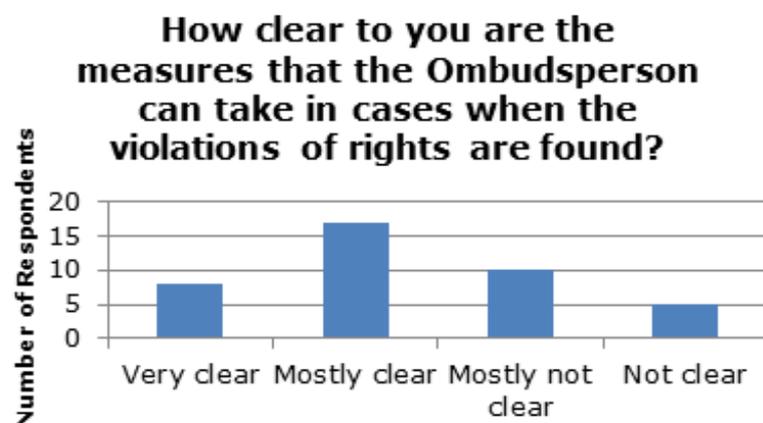
Process of lodging the complaint to OI is very familiar to 20%, partially familiar to 50%, and not familiar to 30% of respondents.



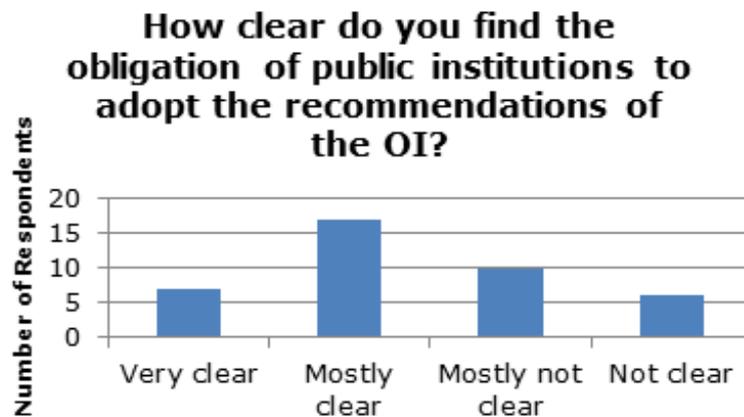
The total of 35% of respondents understand very well who has the right to lodge a complaint to OI, 45% mostly understand, 15% mostly don't understand, while 5% don't understand.



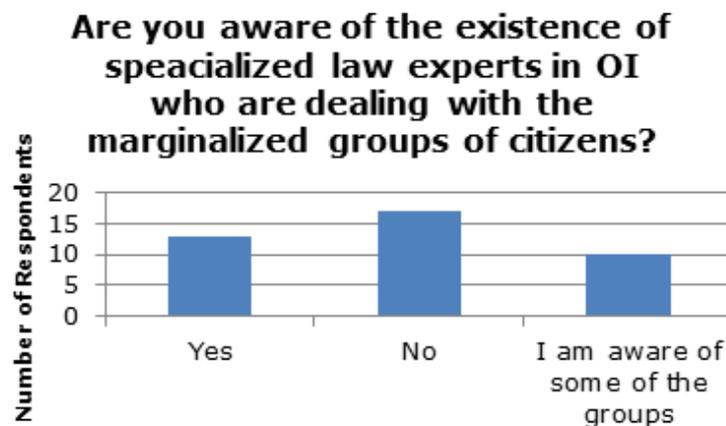
Measures that OI can take after proving the violations of rights happened are very clear to 20%, mostly clear to 42.5%, mostly not clear to 25%, and not clear to 12.5% of the respondents.



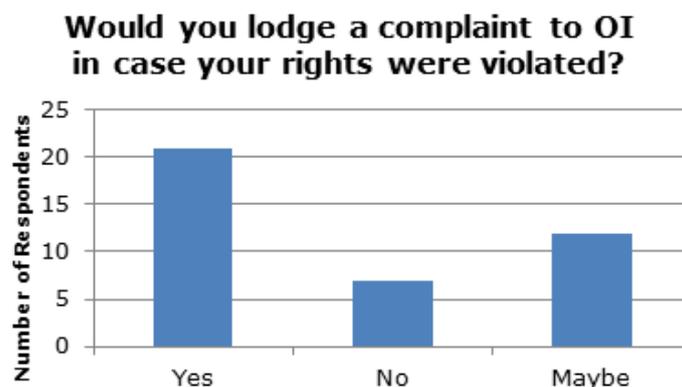
Obligation of public institutions to adopt the recommendations of the OI is very clear to 17.5%, mostly clear to 42.5%, mostly not clear 25%, and not clear to 15% of the respondents.



When it comes to specialized groups of law experts, 32.5% of respondents are aware of the existence of this group, 42.5% are not aware of it, while 25% are aware of some of the groups.



Finally, 52.5% of the respondents said they would be willing to lodge a complaint to OI in case their rights were violated, 17.5% said they would not lodge a complaint, while 30% of respondents said they would maybe do it.



# LANGUAGE REVIEW

## ANNUAL REPORT 2011

Due to numerous language mistakes noticed in the Annual Report 2011 (Serbian version), one random page was reviewed for language correctness by a journalist, native Serbian speaker.

Mistakes that have been noticed contained typos, made-up Anglicisms and Albanisms, interpretations of the constitution presented as quotes, errors in grammatical cases, and similar language mistakes.

One random page of the report, as a sample, was analyzed and corrected. Mistakes are colored in red, while corrected version is presented in green. Detailed review is shown on the next page.

## 2.6. Zabrana ~~torture~~ (mučenja), neljudskog ili ponižavajućeg ~~tretmana~~ (postupanja)

Da se “~~Niko ne podvrgava torturi, surovog, neljudskog ili ponižavajućeg kažnjavanja ili tretmanana~~ (Niko ne sme biti izložen mučenju, surovom neljudskom ili ponižavajućem postupanju)”, garantuje se Ustavom Republike Kosovo<sup>60</sup> i međunarodnim instrumentima<sup>61</sup>.

Zakon o Ombudsmanu predviđa da zvaničnici IO-a, u svako vreme i bez najave mogu da ~~monitorišu~~ (nadgledaju) institucije u kojima je ograničena sloboda licima.<sup>62</sup> IO posete za ~~monitorisanje~~ (nadgledanje) realizuje u mestima zadržavanja, da bi procenila tretman lica koja su lišena slobode. Ova mesta ~~obuhvaćaju~~ (obuhvataju) zatvore, ~~pritvorne centre~~ pritvore, policijske regione, psihijatrijske bolnice i dr.

Zatvori su zatvorene institucije, u kojima je sloboda, u svim njenim shvatanjima, ograničena i prava zatvorenika mogu se lakše kršiti. Žalbama ovih lica posvećuje se posebna pažnja od strane IO.

Tokom ovog izveštajnog perioda, IO je, na redovnoj mesečnoj osnovi, posetila sve zatvore (Dubrava, Lipljan i Smrekonica) i ~~pritvorne centre~~ pritvore (Priština, Peć, Prizren, Gnjilane i Mitrovica), kao i mesta zadržavanja u policijskim stanicama, Institut za mentalno zdravlje u ~~Štimlje~~ (Štimlju) i dr. Realizovane posete imale su za cilj ~~obezbeđivanje jedne procene~~ (procenu) tretmana lica lišenih slobode, ~~uslove~~ (uslova) u kojima se drže, ~~zdravstvena briga~~ (zdravstvene nege) i dr. ~~Dok~~ (, dok) su preporuke upućene ~~Korektivnoj službi Kosova~~ kazneno-popravnoj ustanovi, Ministarstvu pravde, Ministarstvu ~~zdravstva~~ (zdravlja) i dr.

Na ~~torturu~~ (mučenje), u klasičnom smislu, IO nije naišla, osim ~~nekog izoliranog slučaja, ali~~ (u nekim izolovanim slučajevima. Međutim,) bilo je slučajeva bahatog ponašanja sa uvredama i psovkama, ~~žalbe~~ (žalbi) u vezi snabdevanja lekovima, ~~za subjektivni izbor~~ (i subjektivnih izbora) privilegija i beneficija, odugovlačenja sudskih ~~postuaka~~ (postupaka) u donošenju ~~finalne odluke~~ (konačne presude) i dr.

U većini slučajeva, žalbe zatvorenika su podnete pismeno i ubačene u ~~boksovima~~ (kutije) za žalbe, ali i putem telefona, rođaka, advokata ili radnika administracije u zatvorima. Ombudsman je primio ~~kalbe~~ (žalbe) o načinu ponašanja osoblja u zatvorima, koji su ~~uvredili~~ (vredali) i psovali zatvorenike; ~~kalbe~~ (žalbe) upućene ~~protiv sudskih odluka~~ (na sudske odluke), ~~sa težnjom~~ (u kojima se navodi) da nisu krivi za dela za koja su kažnjeni i da sudovi nisu pravilno procenili dokaze; žalbe za nesnabdevanje (odgovarajućim) lekovima, ~~po potrebi~~, a u nekim slučajevima za nesnabdevanje metadonom – za zavisnike od droge. U svim ovim slučajevima, predstavnici IO-a upućuju ~~žalioc~~ (podnosioc žalbi) ~~za način koji treba da skede~~ (na proceduru koju bi trebalo da slede) u realizovanju njihovih prava. Takođe, veliki broj žalbi bio je upućen ~~protiv odluka~~ (na odluke) ~~Panela~~ Odbora za uslovno oslobađanje (PUO) (OUO) ~~gde~~ (kada su) predstavnici Ombudsmana, ~~i u ovim uslovima upoznaju~~ (upoznali) zatvorenike ~~o~~ (sa) procedurama donošenja odluka ~~Panela~~ Odbora.<sup>63</sup>

### Mistakes found in:

14 / 15 sentences

75 / 355 words

## RESPONSIVENESS OF THE OI EMPLOYEES

### Mystery Shopping

In order to test how attentive and receptive the OI employees are when it comes to citizens who ask for OI's professional assistance in Serbian, CPT has carried out a small-scale research using a mystery shopping methodology.

PR material produced by the OI office explains different ways of contacting the Ombudsperson and lodging a complaint. They include visiting the OI office in person, sending filled out forms via mail, making a free-of-charge call via phone, sending emails, by fax, etc. CPT tested one of these media to check for responsiveness of OI employees.

#### Contacting the Ombudsperson and lodging a complaint ?

*Every citizen is entitled to lodge a complaint at the central and regional offices of the Ombudsperson Institution as follows:*

- *In person at one of the OIK offices;*
- *By filling respective form;*
- *Via OI urgent phone line (free of charge);*
- *Via facsimile (by fax);*
- *Through electronic mail (by e-mail);*
- *In any other way.*

The CPT staff had sent five e-mails to the OI central office, the only one having email address. These e-mails were sent in Serbian, from different e-mail addresses, with the decent time interval between each of them. All e-mails were neatly composed, describing a very specific situation when human rights of an alleged Kosovo citizens were violated by the representatives of public institutions, asking at the end of each e-mail, for the legal help from OI, or at least for advice if the case described is in their jurisdiction. All emails were signed with name in the end.

Print-screens of all e-mails sent to the OI are enclosed on the next page.

**Me** Nov 7 at 12:52 AM

To: info@ombudspersonkosovo.org

Poštovani,

Nedavno sam konkurisala za posao predavača u srednjoj školi u Prištini, s obzirom da i srpski i albanski govorim tečno i stručna sam za predmet za koji sam konkurisala. Posao nisam dobila uz obrazloženje da im je potreban profesor koji je Albanac.

Da li ovo predstavlja diskriminaciju i šta vaša institucija može da uradi povodom toga?

Sve najbolje,  
Magdalena Stojanović

[Reply](#), [Reply All](#) or [Forward](#) | [More](#)

**molba**

 **Mateja Beljan** <mbeljan@gmail.com> 7. okt

kome ombudspersonko., info

Pozdrav,

Molim Vas za jedan pravni savet.

Zbog prirode mog posla moram cesto da putujem autom za Vranje. Na tom putu, tacnije na prelazu kod Konculja, vec mesec dana se suocavam sa nepravедnim tretmanom od strane kosovske pograncine policije i carine. Nikada nisam imao problema sa zakonom kada je u pitanju carina ili bilo sta slicno, ali iz nekog meni nerazumljivog razloga, policija mi pri gotovo svakom prelasku detaljno pretresa auto i ispituje gde idem, sta radim, cime se bavim i slicno, a cesto upucuju i vrlo nepristojne primedbe i komentare. U pocetku sam mislio da je to rutinski pregled, ali je kasnije postalo vrlo ucestalo i neprijatno, a sada vec prelazi granice normalnog ponasanja, dok ja svaki put izgubim dragocene vreme s policijom koja me vredja i na kraju pretresa ne pronadje nista sto bi me diskreditovalo.

Molim Vas uputite me koji je najbolji nacin da resim ovaj problem. Pokušao sam da razgovaram sa pograncnom policijom, ali oni to uvek ismejavaju i ne zele da me saslušaju. Zanima me koji je najbolji nacin da resim ovaj slucaj.

Sve najbolje,  
Mateja

To: info@ombudspersonkosovo.org Oct 29

Postovani,

Interesuje me da li se instituciji Ombudsmana mogu obratiti za pomoc povodom duzine trajanja postupka koji je u okruznom sudu?

Sve najbolje,  
Vladan

**Pravni savet - srpska dokumenta?**

 **Milos N.** 8/26/2013 Actions

To: ombudspersonkosovo@ombudspersonkosovo.org, info@ombudspersonkosovo.org

Postovani,

Potreban mi je pravni savet o slucaju za koji verujem da ste vi nadležni i da mi mozete pomoci.

Naime, nedavno me je zaustavila policija dok sam vozio na putu za Pristinu. Trazili su mi dokumenta na uvid, a ja sam tom prilikom sa sobom imao licnu kartu Republike Srbije, dok kosovsku licnu kartu tog dana nisam poneo sa sobom. Inace zivim na Kosovu i moje stalno prebivaliste je Gnjilane. Tada je krenula rasprava sa policajcem koji je insistirao da u svakom trenutku moram sa sobom da nosim i licnu kartu RKS, a da srpska dokumenta nisu dovoljna za ove potrebe. Dozvoljeno mi je da odem tek nakon tridesetak minuta rasprave uz "usmenu opomenu" da se to vise ne ponovi.

Da li biste mogli da mi objasnite sa zakonske strane da li je ovo sto je policajac izneo tacno i da li srpska dokumenta nisu dovoljna za legitimisanje?

Unapred zahvalan,  
Milos N.

**Употреба језика**

 **Dragan Stojanovic** 9/19/2013 Actions

To: ombudspersonkosovo@ombudspersonkosovo.org

Поштовани,

Прошле недеље сам посетио општину у Приштини како бих подигао документа која су ми потребна. Када сам пронашао шалтер који ми је потребан, обратио сам се запосленом на српском и почео да објашњавам због чега сам дошао. Убрзо сам прекинут од стране службеника који је почео да ми прича на албанском. С обзиром да не разумем албански, упитао сам да ли могу да разговарам с неким ко зна српски, на шта сам добио негативан одговор. Напустио сам општину без обављеног посла.

Да ли ја имам право на жалбу повodom овог случаја или се то толерише?

Поздрав,  
Драган Стојановић

As a result, first four e-mails were completely ignored by the OI, and answers to them were never sent. To the fifth email, the OI has replied in a timely manner.

It is interesting to note that first four e-mails, to which OI did not reply, were very specific cases describing violations of human rights, involving discrimination, violating the right to language, and similar; while the last e-mail, to which we did get the reply, was a very general question asking if the OI can help with the length of process in the court. This suggests that OI needs improvement in dealing with the specific violations of human rights, instead only giving general explanations.

Apparent lack of responsiveness of the institution's employees in charge of the providing info service should be addressed and more efficient module for communication with external stakeholders.

## FOCUS GROUPS WITH NGOS

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Focus groups have taken place in municipalities of Ranilug, Kosovska Mitrovica and Gračanića, from November 4 to November 11, 2013. The participants were representatives of the civil society from Serbian communities, nine representatives on average, with a fair gender balance. Keeping the discussion constructive, the last published Annual Report of the Ombudsperson Institution (OI) was analyzed, more specifically those chapters primarily concerning the Serbian community in Kosovo. Second point of discussion was a potential for cooperation between OI and Serbian NGOs in Kosovo.

Aims of the research were (1) the evaluation of OI's Annual Report 2011, in particular chapters for importance for its objectivity while reporting on the rights of people from Serbian community, and (2) gathering the ideas for building a liaison for cooperation between Serbian NGOs and OI, where NGOs will have a role to provide the additional information resources and feedback to OI regarding the rights of people from Serbian communities. This cooperation is thought of as a method to enhance the impartiality of reporting on rights of the before mentioned group.

### Evaluation of the last OI's Annual Report

Last report that was published by OI and made available to public through its website, by the time focus groups were held, is Annual Report 2011. Therefore, participants of the focus group evaluated and gave feedback on the following chapters from this report: Human Dignity, Discrimination in Employment, Freedom of Movement, Religious Rights, Property Rights, Use of Languages and Rights of Communities.

The general remarks from all focus groups us that when it comes to Serbian community, Ombudsperson works only with incidents, while everything else in the report is a pattern that has been reused year after year. It has been noted that, by 2005-2006 the head of the Ombudsperson institution was international, with international deputies. After that, a so-called Kosovarization of the institution has happened, which meant substituting the international officials with the local (Albanian) ones. From that period and onwards, the institution had not exhibited genuine effort to portray the realistic overview on the human and minority rights fulfillment in Kosovo. Only striking incidents were covered in the report, while problems that linger through the years, as well as less visible but still essential violations of human rights, were not being taken

into consideration. The most striking example of this behavior was a chapter on right to property, which was characterized as a case of discrimination because it is ignoring the violations of rights that Serbs in Kosovo are facing.

The Annual report 2011, Human Dignity section states “Challenge faced by citizens and institutions of the Republic of Kosovo is still protecting human dignity, of the people in northern Kosovo, Albanian community and all other non-Serb communities. Since the end of the war until today, they cannot return to live in their properties, however due to restriction of free movement they are forced to live in different houses, rentals, or in different collective shelters, in difficult conditions, in the southern part of Mitrovica and other Kosovo towns and cities.” Reactions from the focus groups have showed clear dissatisfaction as stated “Out of more than 40,000 cases of illegally occupied and destroyed houses of the Serbs in Kosovo, none is mentioned in the Annual Report 2011, while the only cases mentioned are those of 10 Albanian families in North Mitrovica, which participants condemned as very selective and discriminatory representation.

*“OI never bothered to ask for 40,000 cases from the courts, and thus never included them in the annual report, as if they never existed.”*

In addition, several discussants stated that the Report did not cover at all the situation from June 2011, where Kosovo Police had violated dignity of pilgrimages during Vidovdan celebration as all attendees with T shirt with any Serbian sign have been stripped off and were forced to precede semi naked. Apart from that, KP had not only confiscated Serbian flags (although use of the national symbols is regulated by the Law on communities and their members and Kosovo constitutions) but the KP members have been stepping over these flags to further humiliate pilgrims.

Another issue of similar kind is freedom of movement, which is presented in an overly optimistic fashion, when it comes to Serbian community. One of the examples discussed is the case of minorities in the municipalities of Pristina and Gnjilane, which were described in the report as enjoying a full freedom of movement. This argument was heavily opposed during the focus groups, quoting that very small number of people actually use public transport, mainly depending on the humanitarian transport which is rare to nonexistent, depending on the region discussed. One of participants in the focus groups stated “Freedom of movement for whom? Almost all Kosovo Serbs have been wiped out of these cities and the Ombudsperson is idealistically presenting this situation.”

The section Inequality in the field of employment does not mention at all unequal representation of Minorities in the Public sector in Kosovo. Therefore, according to participant of the Focus Group in Gracanica, the report does not mention that in spite of the article 61 of Kosovo

Constitution, which clearly put forth equitable representation in the Publicly Owned Enterprises, latest figures shows that there are only 2,2% of Kosovo Serbs employed there. In a public sector, in spite of the Law on Civil Service which sets forth 9% quota of minorities, figures shows that Kosovo Serbs are occupying only 4,5% positions, mainly at clerk level. Facts show substantially lower level of minority representation in employment, which constitute sufficient ground for investigation on potential discrimination.

According to several participants of the focus groups, “The right to education” section does not mention at all the fact that University of Pristina does not provide classes or has curriculum in Serbian language nor it have ever had a Serb student. With regard to the use of Language, comments from participants were that the Ombudsperson institution should start from itself before sending recommendations to other governmental bodies.

General feeling in all focus groups is that there will be no improvements in reporting on rights of the Serbs in Kosovo until the OI undergoes personnel reorganization. Following the practice in the neighboring countries with multiethnic population where minorities’ rights are endangered, such as Montenegro and Macedonia where Ombudsperson is from non-majority community, it would be highly beneficial if the next Ombudsperson will come from Serbian community.

*“Ombudsperson of Macedonia is an Albanian, and Ombudsperson of Montenegro is a Muslim, so based on similar principles it would be useful for Kosovan society if the next Ombudsperson here will be a Serb, as Kosovization of the institution did not mean Albanization of it; instead, it was meant to be an inclusive approach to a reform of the institution.”*

Parliamentary election will be held next year, and during the same year mandate of the current Ombudsperson is expiring. It has been estimated that this is a good opportunity to demand from officials, primarily Serbian members of the parliament, to mainstream raise this issue. CSO have estimated that the society in Kosovo in general is not developed enough to properly utilize services that OI offers, nor are the public institutions willing enough to seriously take recommendations of the Ombudsperson as something with weight and of high relevance. These attitudes are making the Ombudsperson powerless, as the executive power is not in his mandate and he cannot sanction the violations of human rights directly.

*“Writing a report like this, though, does not help the situation. Perhaps if he were showing up in media more often, whenever visible violations of human rights happen, the international community would have reacted and his words would have gained more weight.”*

As a major explanation for such poor representation of human rights of Serbs in their Annual Report 2011, OI representatives from Kosovska Mitrovica have suggested that the report is mainly based upon the complaints that OI has received from the citizens, and if the rights of certain groups are misrepresented, then the responsibility for that lies mainly on the citizens themselves.

## Establishing Cooperation with NGOs from Serbian Community

The review of how the Ombudsperson Institution in Kosovo approaches the cooperation with civil society, and particularly minority led civil society, highlights substantial gaps. A range of additional key drivers that contribute to counter deepening of the gap can be identified: The identification and development of integration, social inclusion, intercultural and interfaith initiatives seen as necessary or complementary tools for prevention of further deterioration of relationships. There needs to be greater understanding of effective principles and approaches to developing genuine partnerships, and joint ownership of the issues that affects minorities in Kosovo, in particular Serbian community. Partnership approaches should be underpinned by: Taking a holistic developmental approach to cooperation and development of partnerships that recognises that CSOs in the field of human and minority rights protection; Joint training and development programmes that bring together a range of key individuals and stakeholders from minority civil society and the Ombudsperson Institution. Kosovo Institutions and international donors should further develop an understanding of the civil society sector as organic and working to develop the 'balanced approach to CSO's funding'. For example, in many cases, there may be an imbalance in support and funding available, with CSOs providing direct services or undertaking initiatives focused on cooperation with local authorities finding it relatively easier to secure funding. Other important 'intermediate tier' organisations (that may be focusing on influencing policy / networking/ working on anti -discrimination issues) may find securing funding more difficult for such initiatives. In particular, several representatives of the CSO's claim that some organizations with the most critical stance on the human rights issues often face the greatest difficulties in securing public authority support.

During his visit to Gračanica, Ombudsperson has stated that civil society is sector with which they have the best cooperation. After CSO, there comes media and, in the end, public institutions - with which the OI has the poorest cooperation. However, even though the cooperation with CSO has been estimated as successful by OI, not a single NGO from Serbian community has any sort of cooperation with the OI. This has been concluded based on the feedback collected during the focus groups held with the representatives of most active NGOs in the regions of Ranilug, Gračanica and Mitrovica. The annual report 2011, Chapter Cooperation with Civil Society section mentions that „*As an evidence of this cooperation is Decision of Constitutional*

*Court on the Law on the Rights and Responsibilities of the MP's, which was initiated by the Ombudsperson upon the request of civil society, respectively upon the request of the following organizations: Kosovo Democratic Institute (KDI), Forum for Civic Initiative (FIQ), Youth Initiative for Human Rights (YIHR), Kosovo Initiative for stability (IKS), Initiative of Progress (INOP), Balkans Policy Institute (IPOL), the Council for Protection of Human Rights and Freedoms (CDHRF), Movement "Fol", Community Building Centre in Mitrovica (CBM), Centre for Politics and Advocacy (QPA) and "Syri" Vision, which highly appreciated the work of the OIK in protecting the interests of Kosovo citizens, which strengthens the integrity of this institution and trust of Kosovo citizens for building a State based on rule of law. Another example of good cooperation is the Memorandum of Understanding signed between the OIK, Kosovo Rehabilitation Centre for Torture Victims (KRCTV) and Council for Defence of the Human Rights and Freedoms (CDHRF)..."* Indicative in the report is that the OIK did not have any cooperation with any minority led CSO, which has been issue that was harshly criticized by minority NGOs.

NGO representatives have mainly stated that they did not have any communication with OI, that they have rarely or never been contacted by OI for any kind of cooperation, that very few of them are aware of the existence of OI regional offices or their activities, as well as that they do not have much trust in this institution. One of the frequently cited reasons for this, according to CSOs, is the position of the Deputy Ombudsperson from Serbian community, Bogoljub Staletović, who still complains that he is being discriminated against in the institution, since the Ombudsperson does not allow him to operate at any level, even for the field of work he is in charge of. Detailed speech by Mr. Staletović is presented later in the text.

On the other hand, during the meetings that CPT has organized, gathering OI regional representatives and representatives of Serbian NGOs, there was also a visible lack of willingness of the OI to establish the collaboration with Serbian NGOs, justifying their position with already established way of OI's functioning, lack of resources, cadre, and capacity in general. Although OI representatives have expressed appreciation for CPT to raise this issue, the willingness to undertake specific actions remained inhibited by the previously mentioned factors.

Poor communication between OI and Serbian NGOs has noticeably caused distrust between the two parties that are supposed to have tight cooperation, and as a result - Serbian citizens in Kosovo remain misrepresented in this segment. Trust-building initiated by OI is very much needed as a means of showing the readiness to enhance the representation of the rights of non-majority groups. However, NGOs are also bearing the responsibility for inadequate representation of the position of rights of Serbs in Kosovo, due to NGOs' nature of functioning. CSO representatives stated that NGOs in Serbian communities often lack the narrow scope of work, as they work in many different fields simultaneously. This way of operating leads to a situation where there are no organizations dealing exclusively with human rights, and therefore, nobody feels a strong need to react, as everyone is kept busy with issues in other spheres. This setup,

in combination with OI's institutional unwillingness to mobilize and include Serbian NGOs, leaves Serbian community in Kosovo in a very disadvantaged position. Chapters of OI's annual reports which analyze rights of the Serbs often rely solely on information from one source, which is neither representative nor substantial depiction of the position of human rights of one group of people. Feedback from Serbian NGOs would certainly be very beneficial for more objective reporting in this field, but the mechanisms to incorporate it in reports do not exist, and nor does the will for that from OI's side.

During the focus group that was organized by CPT in Ranilug municipality, representatives of civil society have agreed on a point that, not only that low number of Serbian NGOs actively function in this part of Kosovo, but that even those who do function, are not being linked with each other good enough to make a visible joint contribution to their community. After discussing the methods that NGOs may use in order to bridge the gap between citizens and OI, and realizing that there is plenty of space for action, a decision was made to create a network of NGOs in this part of Kosovo which would, among else, also help inform the citizens about the services that OI offers and how to utilize them.

## ABSTRACT FROM THE SPEECH OF MR. BOGOLJUB STALETović, THE DEPUTY OMBUDSPERSON, AT THE KOSOVO PARLIAMENT SESSION

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As stated before, one of the frequently cited arguments for distrust in OI by Serbian CSOs is that Deputy Ombudsperson, Bogoljub Staletović, is being constantly denied, by the Ombudsperson, to operate and perform his duties. The following is Mr. Staletović's presentation of his experience with OI.

*As a Deputy Ombudsperson, I am in charge for non-discrimination issues in the Ombudsperson Institution. On the basis of a mandate that I have been given by the Assembly, I consider it my responsibility to report to the Board, or to the Parliament, regarding the unequal treatment that Deputy Ombudsperson is facing, double standards and the existence of discrimination in OIK (Ombudsperson Institution in Kosovo).*

*Cases of discrimination and double standards were identified in this institution even to me, when it comes to my status. That is why I, as one of the Deputies, have been prevented to normally operate and complete my term. Jobs that are within the scope of the department against discrimination, which I run in the Ombudsperson Institution in Kosovo (OIK), Ombudsperson assigns to other Deputies, legal and other advisors. This is contrary to the Law on Ombudsperson.*

*From the beginning of my term, Ombudsperson has been showing hostility toward me as the representative of the Serbian community in the institution. He tried to set me on the sidelines of institution and keep me away from my work. No respect was shown to me and my Deputy Ombudsperson function, as he wanted me to only be a number and a name which constitution of Kosovo requires. I did not allow such behavior, and I sent him an open letter reminding him that the mandate was given to me by the assembly, and that I want to complete it performing my duties. I noted that he will not succeed in its efforts to make me a puppet in his hands as he did with the others. In 2013, I have not received almost a single invitation, not only for study trips, but also for activities in Kosovo, even when my field of work, discrimination, was the topic. I had to insist myself to have the invitations sent to my personal address, in order to participate in work.*

1. *Lack of transparency, especially in administration, was shown when I requested enclosing the material or documents which would confirm possible discrimination or violation of law in institution. Persistent refusal to display the requested documents and materials, by the Executive Director who is supported by the Ombudsperson, leads to suspicion of irregularity in the work of administration, or possible misuse. There is a complete blockage of information between administration and Deputy Ombudspersons.*

*Several cases when I requested documents include:*

- *Decisions of Independent Committee of Civil Service of Kosovo*
  - *Statistics of budget spending, in order to prove where and how resources were spent*
  - *List of people who attended study trips, in order to check the fairness in selecting the participants based on the relevance of their fields of work and the topic of the study trip*
  - *Appointment of the Executive Director, because his mandate was terminated in 2012. His status is being hidden in OIK, although he is reporting to Ombudsperson and Deputies. I asked the head of Human Resources to submit the requested files, and it was not done. I have called upon the Constitution, Article 132.3. Article 132.3. of Kosovo Constitution is clear and unambiguous, "Every organ, institution or other authority exercising legitimate power of the Republic of Kosovo is bound to respond to the requests of the Ombudsperson and shall submit all requested documentation and information in conformity with the law." this is only not true and cannot be implemented in OIK.*
  - *Job descriptions of the employees and their positions, promotions, and compensations, which I did not receive, as well as many other documents relevant to OIK.*
2. *Violation of Law on Civil Services, presenting the fictitious job positions, passiveness and un-professionalism. These have also been pointed out by the Office of the Auditor General in their reports, few years in a row, from 2009 to 2012, asking to correct those malfunctions. That is also visible in the AUDIT REPORT ON THE FINANCIAL STATEMENTS OF THE OMBUDSPERSON, which permanently points out the same problems that OIK has to solve.*

*Here are few examples:*

- *We recommend the Ombudsperson to submit:*
- *The allocation of the budget on the basis of detailed analysis for each economic category, with special emphasis on the cost of utility services.*
- *Compensations (wages and salaries)*
- *The title of the work on the payroll should be in accordance with the law of appointment. We identified three cases in which employees have different position titles on*

*payroll compared to titles they have been appointed.*

- *Failure to fully address the recommendations of the Kosovo Auditor General (KAG) has caused the same problems as in previous years. Also, other deficiencies that have been noted during the audit show that the financial management within the OIK did not show much of improvement, so it expresses the concern for KGR as well.*

**3. *Disrespect and disregard of decisions of the Independent Oversight Board for Civil Service of Kosovo (IOBCSK).*** Normally, OIK by law insists on mandatory implementation of these decisions, and the decisions of the courts in the interest of the appellant, but OIK itself does not apply them. I will cite one example:

*Independent Oversight Board of Kosovo Civil Service (IOBCSK) brought a decision by which it rejected all the charges against the director of administration of OIK, who was dismissed by the CEO and the Disciplinary Commission. According to the decision A 02/260/2013 on August 20, 2013, it has been requested that the Director of Administration should get back to work and get things back to the status quo ante, to retroactively regulate the salary and all benefits that belong to him from 19 April 2013 until his return to work. Therefore, IOBCSK, as a constitutional category with the authority to oversee the correct implementation of the Law on Civil Service of the Republic of Kosovo no.03/L-149, has recognized the case of mobbing by OIK. OIK rejects this decision, while, on the other hand, in Vitina, Ombudsperson urgently seeks to respect IOBCSK's decision. In this instance, the Ombudsperson puts itself above the law and personally (monocratically) decides which decisions can be applied, making a case of discrimination in implementing decisions.*

*In their decision, IOBCSK states that the OIK is entitled to a legal remedy, and also indicated that a complaint cannot postpone the execution. Executive Director ignores and rejects the decision, and thus confronts to the Civil Service Law, and Article 61 (enforcement of orders and administrative compulsory measures) point 2. On the other hand, he uses the remedy himself, and OIK complains on the decision of IOBCSK, which means the use of double standards. Ombudsperson goes on and, not only that he ignores the decision made by the Independent Committee, but also denies the Director of Administration to use his rights given by IOBCSK, and instead of protecting the human rights, Ombudsperson is violating them.*

*In accordance with the Constitution, Law, and my duties and authority, I insisted during the meetings for decisions to be implemented. After getting the record of Ombudsperson's view, stating that he will not allow Mr. Agani, Director of Administration, to return until he is Ombudsperson, I sent him my opinion where I disagree with his position.*

*It turns out that we are an institution with double standards, since OIK does not apply deci-*

*sions that we seek from other institutions to respect, based on laws and decisions. This position is unconstitutional, illegal and contrary to ethics of the institution, and it harms the reputation, dignity and authority of it.*

4. *I asked from Executive Assistant of the Ombudsperson to check with interpreters and send me translations of the material that was previously sent only in Albanian, so I can examine the content. Instead of doing so, the Executive Assistant has insulted me, disparaged, evaluated my work, made recommendations, and changed the topic, just as it does the Ombudsperson and CEO. The motif of mobbing by Ombudsperson is recognized here. At the meeting, I sought to be protected from unfounded and unprovoked behavior of one group of people. He did not react.*
5. *I have been deceitfully prevented to attend the regional conference “Special challenges related to the complaints on the grounds of ethnic discrimination” in Ohrid. In order to attend the conference, I had to do administrative work, send information about vehicle, chassis number, registration plates, etc. Assistant sent a letter that we will go to Ohrid by the official vehicle, but administration did not want to determine the driver full 17 days. In carrying out my duties covered by my mandate, which is pointing out and preventing violations of the Law and thus eliminating discrimination, I was punished many times and discriminated against. Vindictiveness by the Ombudsperson is shown whenever I point out the irregularities in the institutions. In this sense, my right to representation and also using the vehicle (provided by the law AU br.03/2008 use of vehicles in the Kosovo Government) is violated, so I could not regularly come to work, which is then used for depicting me as irresponsible.*

An additional discord between the Ombudsperson and the Serbian representatives in the Kosovo Parliament has been caused by the public accusation of Mr. Kurtesi towards Ms. Biserka Kostic who was publically called “a racist” during the session in the parliament of the Human Rights Committee. Openly addressed accusations between Mr. Kurteshi and Kosovo Serb representatives certainly do not contribute to the creation of confidence and trust of the community towards the Institution.

## RECOMMENDATIONS

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Although OI states that they are satisfied with the cooperation with NGOs, the cooperation with Serbian NGOs is virtually nonexistent. CSO representatives are aware that they bear part of the responsibility for that, and are mainly willing to improve the collaboration, especially when it comes to giving feedback for writing the annual report, in order to avoid omissions found in the last annual report. However, distrust in OI's intentions does exist among NGOs, due to OI's insufficient transparency.

- There's a lack of institutional support and will for promoting the rights of Serbian community in Kosovo. Parts of the report that talk about i.e. right to property or human dignity, do not mention the position of Serbs in that context, whereas the freedom of movement is described in a way that does not reflect the real image. Therefore, the Ombudsperson Institution has to undergo the internal reform, and following the practice of the multiethnic countries in the region where that function is performed by a non-majority citizen, next Ombudsperson of Kosovo would have to be a Serb in order to ensure equal representation of rights of all citizens.
- Recommendations offered in the report are general to a point that they are very broad, impractical and inapplicable. CSO has suggested changing the pattern of writing the recommendations in annual reports through stating the precise suggestions, instead of broad generalizations of what should be done.
- In the Annual Report, as well as on the official website and other sources in Serbian language, terms "ombudsman", "ombudsperson" and "narodni advokat" are being used interchangeably, while in the same language in Serbia "zaštitnik građana" is being used as a term for this function. Name of the function in Serbian should be clearly defined and used consistently in the spirit of Serbian language.
- OI employees from central and regional offices should rely on more than one source of information while writing the annual reports. One person cannot be a sufficient basis for a decent coverage of the issue, and that's where NGOs can play a significant role contributing with their experience in the field. Cooperation is especially effective with civil organizations representing those fields where civil activity is intensive and civil advocacy organizations have major importance (property rights, human and minority

rights, education for vulnerable groups .. etc).

- Ombudsperson has to be more active when it comes to his presence in the media and speaking out about the violations of rights as they happen, to react timely and frequently in order to be taken seriously by both central government and international community. Otherwise, he will appear powerless, citizens won't feel encouraged to contact him, and institutions won't take his stances seriously.
- The website has to be updated in Serbian, missing pages written, and language corrected. Detailed list of website sections that need major improvements in Serbian are described in this publication.
- Annual reports have to be proofread by a qualified person who would correct all mistakes in Serbian, so that the case with Annual Report 2011 does not repeat.
- The mechanism for sound involvement of minority Civil Society in their field of expertise should be established. Civil Society inputs into the Kosovo progress report, prepared by the European Commission could be one of the potential module for CSO inputs in the sections of their interest and expertise. This process could be at the beginning externally facilitated but over the period of time, the OIK could take it over independently.





