

OMBUDSPERSON INSTITUTION



BULLETIN

ANNUAL REPORT OVERVIEW 2013

PRISHTINË

THE MISSION OF THE OMBUDSPERSON

The Ombudsperson Institution (OI) is an independent institution whose competencies and role are determined by the Constitution of the Republic of Kosovo as well as the Law on Ombudsperson.

Legal and constitutional mission of Ombudsperson's Institution (OI) include *protection*, *monitoring* and *promotion* of human rights and fundamental freedoms from unlawful actions or inactions of public authorities in Republic of Kosovo.

OI WORKING PRINCIPLES

One of the most decisive conditions for social and constitutional functioning of a democratic system is trust and it can be achieved only if everyone is treated equally in front of the law.

Impartiality, *confidentiality* and *professionalism* are core principles of the Ombudsperson's work and respect of these three principles ensures the trust of people in Ombudsperson Institution.

OI ANNUAL REPORT

OI has constitutional and legal responsibility to submit an Annual Report on human rights situation in Kosovo and activities undertaken by institution to the Assembly of the Republic of Kosovo. This Bulletin is a short summary of 2013 Annual Report.

WHAT THE OMBUDSPERSON CAN DO?

- ✚ Investigate complaints lodged by any legal or natural person who claims that his/her rights or freedoms have been violated from unlawful actions or inactions or maladministration by the state bodies;
- ✚ Investigate cases on own initiative (ex-officio investigation) ;
- ✚ Initiate cases in Constitutional Court, in compliance with Constitution and Law;
- ✚ Exercises its competences through mediation and reconciliation as well;
- ✚ Provide advices and give recommendations regarding compatibility of laws and sublegal acts with acceptable international human rights standards.

WHAT THE OMBUDSPERSON CANNOT DO?

- ✚ Replace courts; investigate crimes; change courts' decisions or intrude into their work, apart from unreasonable delays or obvious misuse of power.
- ✚ Review complaints against private persons (apart from those allegations based on discrimination)
- ✚ Represent parties in Courts or provide legal advices in compiling complaints or other case files.
- ✚ Investigate complaints against foreign authorities but can offer good services to the parties.
- ✚ Investigate complaints, in cases when parties did not exhaust or are in use of effective legal remedies.

STATISTICAL REVIEW

RECEIVED COMPLAINTS	INVESTIGATED COMPLAINTS
2047	595


Complainants' ethnicity of the lodged claims	
Albanian	1795 (88%)
Serbian	146 (7%)
Bosnian	31 (1%)
Turkish	25 (1%)
Roma	21 (1%)
Ashkali	11 (1%)
Others	13 (1%)
Complainants' gender	
Male	1611 (79%)
Female	436 (21%)

Complainants' ethnicity of the investigated complaints	
Albanian	474 (79 %)
Serbian	82 (14 %)
Bosnian	12 (2 %)
Turkish	10 (2%)
Roma	7 (1%)
Ashkali	-----
Others	10 (2%)
Complainants' gender	
Male	453 (79%)
Female	142 (21%)

Cases closed with Report with Recommendations	17
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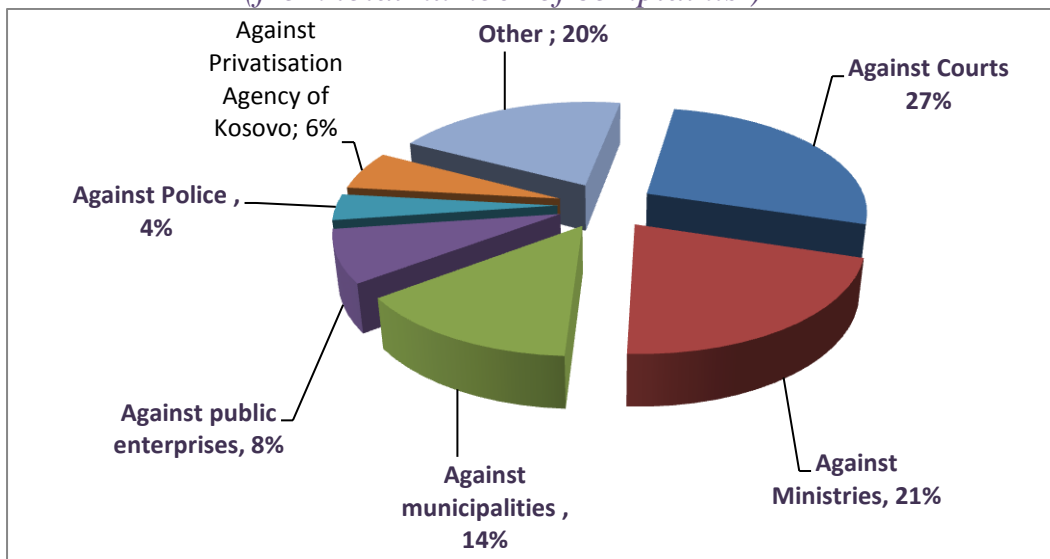
Cases opened on own initiative (ex-officio)	21
Closed ex-officio cases with Report with Recommendations	6

Recommendations in Reports addressed to responsible authorities

Responsible authority	Recommendations		
	Implemented	Not implemented	Waiting to be implemented
Basic Court in Prishtinë	3	5	1
Prishtina Municipality		5	
Ministry of Environment and Spatial Planning		5	
Basic Court in Gjilan		3	
Kosovo Government		3	
Ministry of Finance			3
Office of the Disciplinary Council	3		
KEK	1	2	
Kosovo Judicial Council	2		1
Appellate Prosecution in Prishtina		2	
Vitva Municipality		2	
Energy Regulatory Office	1	1	
Privatisation Agency of Kosovo		1	1
Ministry of Internal Affairs	2		
The Office of Prime Minister	1		
Ministry of Education, Science and Technology		1	
Mitrovica Municipality		1	
Basic Prosecution in Prizren		1	
Basic Court in Prizren		1	
Appellate Court in Prishtina	1		
Prizren Municipality	1		
Special Chamber of the Supreme Court			1
	15	33	7
Total recommendations			

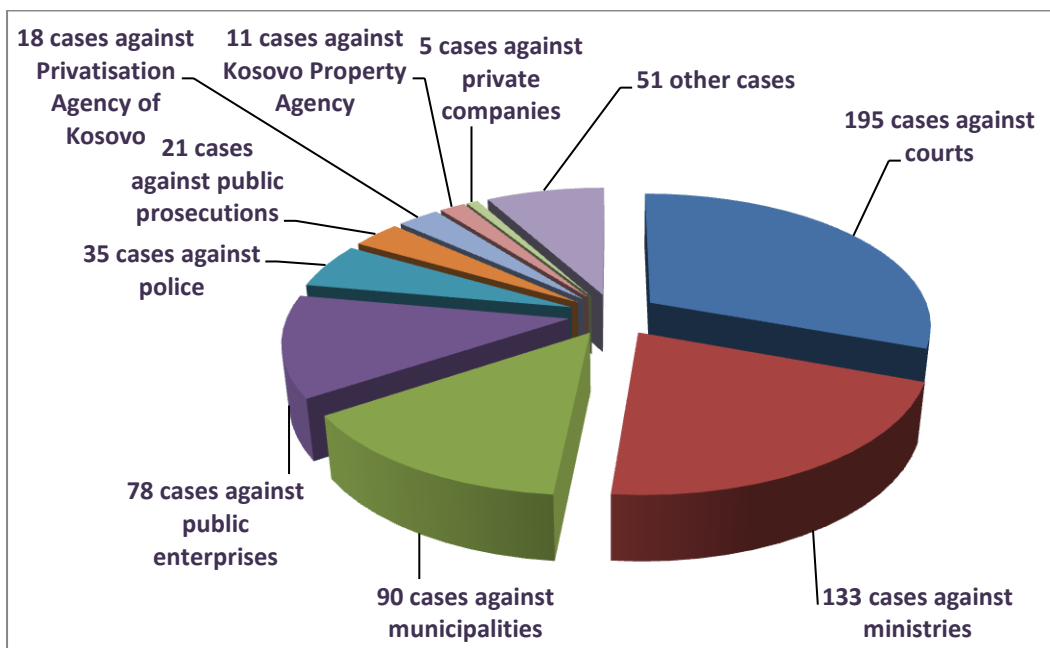
Complaints lodged with the OIK against responsible authorities during 2013

(from total number of complaints)



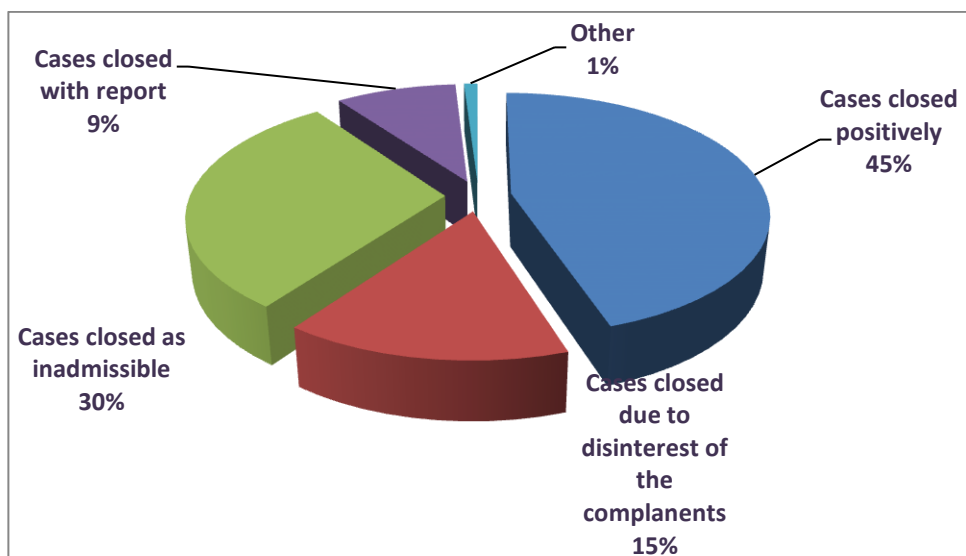
Investigated cases from OI against responsible authorities

(from case number investigated)



Cases closed by OI during 2013, based on the Law on Ombudsperson

Total number of closed cases	1309
Solved positively, in compliance with complainants' request - Article 19, point 1.5	587
Closed due to complainants' disinterest, failure of the party – Article 20, point 1.2	195
Inadmissible, in use of legal remedies – Article 20, point 1.3	178
Inadmissible, no infringement, maladministration – Article 20, point 1.1	131
Closed with reports	118
Inadmissible, not exhaustion of legal remedies – Article 20, point 1.4	80
Inadmissible, out of jurisdiction - Article 19, point 1.3.1	10
Other	10



THE SUBJECT OF CASE INVESTIGATED
Based on the guaranteed rights with Constitution

(one case might involve more than one breach of guaranteed rights)

The right to property protection	157
The right to fair and impartial trial	143
The right on legal remedies	68
The right to work and exercise profession	63
The right to social and health protection	59
The rights of accused	30
Equality before the law	23
Prohibition of torture, inhuman or degrading treatment	23
Judicial protection of rights	18
Responsibility for the living environment	17
The right to access on public documents	14
Freedom of movement	11
Cases for mediation	10
Children's rights	10
The right to education	8
The right of liberty and security	8
The right on marriage and family	7
Human dignity	6
The right to elections and participation	5
The right of privacy	5
The right to life	4
Freedom of expression	3
The right to personal integrity	2
Prohibition of slavery and forced labor	1
Freedom of association	1
Freedom of gathering	1
The right not to be tried twice for the same criminal act	1

PUBLIC RELATION THROUGH MEDIA AND PUBLIC PRESENTATIONS

128 public presentations (not calculating further dissemination) mainly of Ombudsperson himself as a response to media and journalists' request for statements and interviews, on air programs open to citizens' questions, debates etc. through traditional media forms, electronic portals and written press .

50 statements, notifications, photo news, responses, reports etc. posted on OI web page, through OI profile and page, Facebook, as well as disseminated to media through e/mail addresses.

13 round tables were organized by OI (where public institution representatives in local and central level participated as well as NGOs, media, businesses etc., depending on the themes discussed):

- **8** round tables where OI regional offices are located ;
- **4** thematic round tables in Pishtina, as well as
- **1** round table on occasion of marking the 13 anniversary of OI establishment.

2 public presentations through press conference (Report presentation "Child sexual abuse in Kosovo" and preliminary data presentation of OI work in the year end)

OI has published in hard copy as well as electronically:

- **Annual Report** (*in Albanian, Serbian and English*)
- **Executive summary of data, media coverage and finance for 2012 Annual Report**, (*in Albanian, Serbian, Turkish and English*)
- **Summary of 2012 Recommendations** (*in Albanian, Serbian, Turkish and English*)
- **Bulletin on Children's rights** (*in Albanian, Serbian, Turkish and Roma*)
- **Booklet on access to public documents** (*in Albanian and Serbian*)
- **Leaflet on OI mandate** (*in Albanian and Serbian*)

INTERNATIONAL COOPERATION

OI is the only national institution on human rights in Kosovo. As such, it is committed for exchange of international professional experiences and engagement of Kosovo in international bodies of human rights.

OI is member of the following international bodies:

International Ombudsman Institute (IOI), which offers support for member institutions in three aspects: trainings, researches and assistance on global and regional projects.
European Ombudsman Institute (EOI) that is a regional organisation of European Ombudsman, engaged on promotion of Ombudsman concept as institution, exchange of experience in local, regional and international level as well as scientific researches regarding Ombudsman institutions.
European Network of National Institutions for Human Rights (ENNHRI), whose mission is support and empowerment of National Institutions for Human Rights (IKDNJ), to be in compliance with Paris Principles as well as coordination of cooperation between members of ENNHRI- and other regional mechanisms.
Children's Rights Ombudsman Network of South and Eastern Europe (CRONSEE)

REPORTING TO DIFFERENT INTERNATIONAL MECHANISMS

Each year OI receives questionnaires regarding different themes from international organisations in order to report regarding human rights situation in Kosovo. This year completed questionnaires are given in the table below.

Date	Theme of the report	Organisation /institution to which the report has been submitted
19 April 1 2013	Business and human rights	European Network of National Institutions for Human Rights (ENNHRI)
2 May 2013	Implementation of Aman's Declaration and its action plan	European Network of National Institutions for Human Rights (ENNHRI)
22 October 2013	Human Rights in post-conflict situations	United Nations Human Rights Council Advisory Committee
5 November 2013	Rights of persons deprived from liberty	Working group on Arbitrary Detention-UN Human Rights Council
2 December 2013	Influence of tax and fiscal policies on human rights	UN special reporter on extreme poverty and human rights

Budget in relation with budget expenditures for 2013

Economic categories	Final Budget 2013	Budget spent	Allocated	Free	Accomplishment in %
Salaries and per diems	513,050.00 €	450,248.48 €	-----	62,801.52 €	87.76%
Goods and services	302,239.00 €	256,899.05 €	38,412.75 €	6,927.20 €	85.00%
Utilities	23,000.00 €	17,410.43 €	3,852.36 €	1,737.20 €	75.70%
Capital expenditures	52,000.00 €	14,430.00 €	37,570.00 €	-----	27.75%
<i>Totally</i>	890,289.00 €	738,987.96 €	79,835.11€	71,465.93 €	83.01%

**Contact details of Ombudsperson Institution are as follows:
e-mail address:**

info@ombudspersonkosovo.org

**Calls free of charge for parties:
0800 15555**

Headquarter address:

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https://www.facebook.com/pages/Institucioni-i-Avokatit-t%C3%AB-Popullit/216051828531479?ref=tn_tmm

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