

HUMAN

RIGHTS

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**CIVIL SOCIETY REPORT
ON HUMAN RIGHTS**
IN KOSOVO IN 2023

HUMAN

RIGHTS

MAY 2024

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LIST OF TERMS AND ABBREVIATIONS

Ahtisaari Plan (2007)	The Comprehensive Proposal for the Kosovo Status Settlement
AJK	Association of Journalists of Kosovo
AoK	Assembly of Kosovo
BPO	Basic Prosecutor's Office
BSPK	The confederation of independent trade unions in Kosovo
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CoE	Council of Europe
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CRSV	Conflict-related sexual violence
CSO(s)	Civil society organization(s)
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
ECPMF	European Center for Press and Media Freedom
EU	European Union
FCNM	Framework Convention for the Protection of National Minorities of the Council of Europe
FLAA	Free Legal Aid Agency
GoK	Government of Kosovo
HRN	Human Rights Network Kosovo
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IDP(s)	Internally Displaced Person(s)
IMC	Independent Media Commission
IPA	Information and Privacy Agency of Kosovo
Istanbul Convention	Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence
KAA	Kosovo Accreditation Agency
KAS	Kosovo Agency of Statistics
KCS	Kosovo Correctional Service
KJC	Kosovo Judicial Council
KP	Kosovo Police

KPC	Kosovo Prosecutorial Council
KPCVA	Kosovo Property Comparison and Verification Agency
KPGE	Kosovo Program for Gender Equality
K-Albanian	Kosovo Albanian
K-Ashkali	Kosovo Ashkali
K-Egyptian	Kosovo Egyptian
K-Roma	Kosovo Roma
K-Serb	Kosovo Serb
LGBTQI+	Lesbian, Gay, Bisexual, Transsexual, Queer and Intersex+
LIK	Labor Inspectorate of Kosovo
MCYS	Ministry of Culture, Youth, and Sports
MCoR	Municipal Commission on Returns
MESTI	Ministry of Education, Science, Technology and Innovation
MFLT	Ministry of Finance, Labor and Transfers
MLSW	Ministry of Labour and Social Welfare
MoH	Ministry of Health
MoJ	Ministry of Justice
NCPD	National Council for People with Disabilities
NGO(s)	Non-governmental organization(s)
NPM	National Preventive Mechanism
OECD	The Organization for Economic Co-operation and Development
OGG	The Office of Good Governance, Human Rights, Equal Opportunities, and Non-Discrimination
OHCHR	Office of the United Nations High Commissioner for Human Rights
OIK	Ombudsperson Institution of Kosovo
OPCAT	Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
OSCE	Organization for Security and Co-operation in Europe
PIK	Police Inspectorate of Kosovo
PISA	Program for International Student Assessment
SOC	Serbian Orthodox Church
SPO	Special Prosecution Office of Kosovo
TAK	Tax Administration of Kosovo
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNESCO	United Nations Educational, Scientific, and Cultural Organization
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children’s Fund
UUESC	The United Union of Education, Science and Culture in Kosovo
Venice Commission	European Commission for Democracy Through Law
WGMP	Working Group for Missing Persons
WHO	World Health Organization

1. INTRODUCTION

1. The Civil Society Report¹ on Human Rights in Kosovo provides an overview of the human rights situation in Kosovo in 2023 including the main issues, human rights violations and challenges to realizing human rights. The report is produced jointly by civil society organizations (CSOs) working in a diverse number of areas relevant to human rights. This report aims to serve as an independent tool to assess the overall human rights situation in Kosovo, thus filling in an existing gap in joint reporting on human rights in Kosovo at the local and international levels, in addition to enhancing cooperation and coordination between CSOs.

2. The report is structured into four main sections. Section A examines civil and political rights, including the right to prohibition of torture, cruel, inhuman or degrading treatment; the right to liberty and security of person, the right to a fair trial and access to justice; the freedom of expression, opinion, information and the right to privacy; the freedom of peaceful assembly; the freedom of association, and freedom of belief, religion and conscience. Section B covers economic, social and cultural rights, such as the right to education; the right to health; labor rights, and the right to property and concludes with an overview of cultural rights. Section C examines the rights of persons in vulnerable positions, such as rights of children, youth, persons with disabilities, non-majority communities, LGBTIQ+, and people on the move. The report concludes with Section D, which elaborates on a number of cross-cutting and specific human rights issues such as, transitional justice and human rights, corruption and human rights, the impact of environmental issues in relation to human rights, and the right to equality and non-discrimination.

2. A REVISED METHODOLOGICAL FRAMEWORK

3. The joint CSO Report on Human Rights 2023 serves as a comprehensive overview of the human rights situation in Kosovo in 2023. The document reflects areas critical to an in-depth understanding of the development of human rights in Kosovo in the context of its ongoing development as a democratic state with universal values of human rights and freedoms at its core. The methodology is underpinned by the necessity for a broad-spectrum perspective that intersects aspects of policy, practice and experience. As such, the joint CSO report differs from many other overviews on human rights in Kosovo. Even though the report is comprehensive, it is acknowledged that there are limitations to what has been covered.

¹ See the respective Civil Society Reports for the Human Rights situation in Kosovo in the years [2019](#), [2020](#), [2021](#) and [2022](#). This report is delivered with the financial support of the Human Rights Component of the United Nations Mission Interim Administration in Kosovo and the Office of the United Nations High Commissioner for Human Rights (OHCHR).

4. The drafting process of the report was led by the principle of full participation and ownership by key CSOs that work in the human rights field at the local and national level. The data collection for compiling the joint CSO report consisted of several approaches. First, the report is the result of the respective contributions of 37 CSOs working on particular human rights issues. Each CSO was asked to provide essential data in their respective areas of concern. This allowed for grouping the report into four sections: Section A concerns the civil and political rights situation in Kosovo. This is followed by Section B, which addresses socio-economic and cultural issues. In Section C, the rights of persons in vulnerable positions are examined followed by intersectional topics including transitional justice, corruption, the environment and non-discrimination in Section D.

5. Since the report of 2022, the HRN has developed an alternative data collection methodology. Over the years, the annual CSO report has underscored the critical need for assessment mechanisms that can measure and monitor the implementation of international human rights law and standards in Kosovo in more quantitative terms. Namely the aim underlying any annual report is the possibility for measuring and comparing the development of human rights over time. By drawing on the methodology developed by the United Nations High Commissioner's Office for Human Rights (OHCHR), which concerns the development of human rights indicators, we have worked with a revised methodology that allows for making time-scaled comparisons. On the basis of lists of indicators developed for each human rights section, the data gathered reflect not just a qualitative effort to understand the context. They are also the result of a quantitative endeavor to measure the human rights situation. Finally, this report relied on extensive desk research. For each of the underlying sections, data was amassed from a variety of reliable resources. In addition, the report was reviewed at three successive phases of the drafting process. By means of three consultative meetings organized by Human Rights Network²(HRN, November 2023, February 2024 and March 2024), as well as a consultative meeting with public institutions in January 2024, the contributing CSOs were able to discuss the findings and provide suggestions subsequently incorporated into the joint CSO report. Furthermore, the consultative procedures were enabled by means of email correspondence between the NGO YIHR KS and contracted researchers.

6. The following 37 NGOs contributed to this report: Action for Mothers and Children (AMC), Activism Roots, Advancing Together (AT), Advocacy Center for Democracy Culture (ACDC), Aktiv, Association of Journalists of Kosovo, Association of Paraplegics and Paralyzed Children of Kosovo (HANDIKOS), Balkan Investigative Reporting Network Kosova (BIRN), Center for Affirmative Social Actions (CASA), Center for Equality and Liberty (CEL), Center for Information and Social Enhancement (QIPS), Civil Rights Program Kosovo (CRP/K), Coalition of NGOs for Child Protection (KOMF), Forum Civil Peace Service (ZFD), GAP Institute, Group for Legal and Political Studies (GLPS), Humanitarian Law Center Kosovo (HLCK), Kosovo Advocacy Group (KAG), Kosovar Civil Society Foundation (KCSF), Kosovo Gender Studies Center (KGSC), Kosovo Law Institute (KLI), Kosovo Young Lawyers (KYL), Kosovo Women for Women (KW4W), Kosovo Women's Network (KWN), Lëvizja FOL, Medica Gjakova, Missing Persons Resource Center (MPRC), New Social Initiative (NSI), NGO Pishtaret, Qendra për Informim, Kritikë dhe Aksion (QIKA), Save the Children Kosova/o, Terre des

² Human Rights Network (HRN) (2023). The HRN is a network of seven organizations that work together on further advancing human rights for all in Kosovo. Members of the HRN are: Youth Initiative for Human Rights – Kosovo (YIHR KS), Association of Paraplegics and Paralyzed Children of Kosovo HANDIKOS, Center for Equality and Liberty (CEL), Kosovo Law Institute (KLI), Kosovar Gender Studies Center (KGSC), New Social Initiative (NSI), Voice of Roma, Ashkali and Egyptians (VoRAE). YIHR KS is the founder and the Secretariat of the HRN.

Hommes (TDH), The Kosova Rehabilitation Center for Torture Victims (KRCT), TOKA, Voice of Roma, Ashkali and Egyptians in Kosovo (VoRAE), Vullnetaret e Qytetit (VEQ), Youth Initiative for Human Rights Kosovo (YIHR KS).

3. KOSOVO'S GENERAL HUMAN RIGHTS FRAMEWORK

7. Kosovo's commitment to human rights and fundamental freedoms is robustly enshrined in its Constitution and legislation, adopting a comprehensive threefold approach. Primarily, the Constitution incorporates numerous provisions dedicated to upholding fundamental freedoms and human rights. Article 3 of the Constitution explicitly obliges public authorities in Kosovo to ensure equal treatment under the law and unwavering respect for internationally recognized fundamental human rights and freedoms. Furthermore, Article 7 of the Constitution establishes the foundational principles of Kosovo's constitutional order, emphasizing values such as equality, respect for human rights and freedoms, and non-discrimination, with a specific acknowledgment of gender equality as a fundamental tenet. Chapter II of the Constitution delineates meticulous provisions safeguarding civil and political rights, encompassing fair trial rights, privacy, and freedoms of opinion, expression, peaceful assembly, association, and movement. It also extends protections to economic, social, and cultural rights, including the right to education and freedom of profession. Noteworthy is Article 53, which mandates that any interpretation of human rights and fundamental freedoms, as guaranteed by Kosovo's Constitution, aligns with the established jurisprudence of the European Court of Human Rights.

8. Secondly, Kosovo incorporates several international human rights instruments into its domestic legal framework. Such entrenchment is based on Article 22 of the Constitution, which stipulates that nine United Nations (UN) and regional human rights instruments are directly applicable in Kosovo, providing an additional legal basis for protecting and promoting human rights and freedoms in Kosovo. In September 2020, the Assembly of Kosovo amended Article 22 to include the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) among the directly applicable human rights instruments, marking a significant advancement for women's rights. In October 2023, the AoK sought to amend Article 22 of the Constitution to incorporate the United Nations Convention of the Rights of Persons with Disabilities (CRPD). However, the amendment was thwarted for political reasons, as the deputies representing the K-Serb community were absent during the voting on these proposed changes. All of these directly applicable human rights instruments take precedence over Kosovo's legislation or other acts of public institutions in cases of conflict. Although the International Covenant on Economic, Social, and Cultural Rights (ICESCR) is not among the international human rights instruments directly applicable in Kosovo, the Assembly of Kosovo adopted the 2030 Agenda and its 17 Sustainable Development Goals in a unanimous resolution on January 24, 2018, providing a meaningful entry point for promoting and protecting economic, social, and cultural

rights in Kosovo. Similarly, the Action Plan 2021-2023 for the implementation of the Program for the Protection and Promotion of Human Rights and Fundamental Freedoms 2021-2025 provides direct reference to the harmonization of the legal framework in Kosovo with the Economic, Social and Cultural Rights (ESCR) formulated at an international level. Notably, the year 2023 marked the 75th anniversary of the Universal Declaration of Human Rights (UDHR). The UDHR serves as a landmark document that sets out fundamental human rights and freedoms universally recognized and protected. Its importance lies in its role as a cornerstone of international human rights law.

9. However, since Kosovo is not a member of any of the treaty bodies implementing and overseeing those instruments, the application and oversight of such instruments is partially applicable, namely the three international mechanisms are supervising compliance with relevant conventions through reports from supervisory bodies. These include the Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment; The Council of Europe Framework Convention for the Protection of National Minorities and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).³ The three conventions through their monitoring mechanisms have published reports with recommendations during 2023. However, Kosovo is a member of the Venice Commission of the Council of Europe (CoE), which has provided valuable contributions in ensuring that the proposed legislation is compatible with human rights standards.

10. Thirdly, the Constitution dedicates a chapter to the protection and promotion of the non-majority communities in Kosovo, including several additional provisions which ensure affirmative measures in political-economic and social protection of non-majority communities in Kosovo.

11. In 2015, Kosovo made further progress in aligning its legal framework with international standards by adopting a package of basic laws on human rights, including Law No. 05/L-019 on Ombudsperson, Law No. 05/L-020 on Gender Equality, and Law No. 05/L-021 on Protection from Discrimination. Their full application is crucial for effectively implementing human rights.

12. Kosovo has established dedicated bodies and mechanisms to promote and protect human rights. The Ombudsperson Institution (OIK) in Kosovo is a key independent body competent for monitoring and protecting the rights and freedoms of individuals from unlawful acts of public authorities. The Office of Good Governance, Human Rights, Equal Opportunities, and Non-Discrimination (OGG) is a body within the office of the Prime Minister. The OGG designs policies in the areas of good governance, human rights, equal opportunities, and combating discrimination, and oversees and provides advice to Ministries in these areas. The Presidential Council for Democracy is another important body focused on enhancing the full realization of Human Rights in Kosovo. Other important institutional bodies are the Inter-Ministerial Coordinating Group on Human Rights, the Office of the Language Commissioner, the Agency for Gender Equality, the Free Legal Aid Agency and the Agency for Information and Privacy, and the AoK Committee on Human Rights to name but a few key institutions.

3 All three Councils fall under the CoE

4. EXECUTIVE SUMMARY

13. In 2023, Kosovo continued to face challenges in upholding civil and political rights, including the right to life, humane treatment, prohibition of torture, and liberty and security of person. Despite a robust legal framework, concerns persist when it comes to healthcare quality and the mental health services of vulnerable groups and communities in particular. Instances of ill-treatment, political tensions, and security issues highlighted the need for improved measures by public institutions to adhere to human rights standards. Some positive efforts to address socio-political issues and civil concerns were made by the GoK, as is shown in the subsequent report, but ongoing work is needed to safeguard political and civil rights for all residents of Kosovo.

14. In the realm of economic, social, and cultural rights, Kosovo witnessed both progress and ongoing challenges in 2023. Some developments were noted in labor rights, education, healthcare, property rights, and cultural heritage, but weaknesses in labor law enforcement, discrimination in education and healthcare, inadequate healthcare infrastructure, and property rights issues remain persistent with specific instances the disputes over cultural heritage of the Orthodox Church properties and incidents targeting religious sites underscoring ongoing tensions.

15. Efforts to address the rights and challenges faced by specific groups, including women, LGBTIQ+ individuals, non-majority communities, children, persons with disabilities, and people on the move, were also evident in 2023. Despite progress in legislative frameworks and institutional mechanisms, significant obstacles remain, as the report will highlight with discrimination, femicide, violence, and limited institutional support continuing to impact vulnerable groups. The collaborative action between state institutions, civil society organizations, and international partners is necessary to enhance the rights of these communities.

16. In addressing cross-cutting issues such as transitional justice, human rights, and corruption, the report will underline both progress and challenges in Kosovo throughout 2023. Public institutions face obstacles when it comes to consultation with various stakeholders, as well as in terms of transparency and political will. Corruption remained a significant challenge, posing risks to human rights protection and the rule of law. Despite legislative reforms and anti-corruption measures, implementation gaps and public distrust in government officials persisted, highlighting the need for enhanced transparency, accountability, and public trust in institutions.

5. SECTION A: CIVIL AND POLITICAL RIGHTS

5.1 Right to life

17. The right to life, which is defined as an absolute right, enjoys wide protection by the international human rights law. The right to life is recognized by Article 3 of the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and Article 2 of the European Convention on Human Rights (ECHR), including other international conventions. In compliance with the definition of article 6 of the ICCPR, the right to life is “the inherent right of every person to life,”⁴ and the right to not be “arbitrarily deprived of life.” It is important to underscore that no derogation of this right is allowed including the time of humanitarian crises or war. At the level of the Kosovo Constitution, the right to life finds its legal basis in Article 25 and Article 22. Article 25 in particular forbids capital punishment in Kosovo, which is in line with the ECHR requirements for the prohibition of death in all circumstances. The obligation of the State with respect to the right to life has also the positive dimension, which requires from the State to take appropriate steps to safeguard the lives of those within their jurisdiction.⁵ The Constitutional Court of Kosovo has established the case law on positive obligations of the right to life in the Diana Kastrati case in which the Court ruled that it “is the duty of state authorities not only to refrain from the intentional and unlawful taking of life, but also to take appropriate steps to safeguard the lives of those within its jurisdiction.” In February 2023, the Court of Appeals and Constitutional Court of Kosovo ruled that both the Judicial Council of Kosovo and the Kosovo Government are required to provide 30 thousand Euros in compensation to the parents of Diana Kastrati, thereby underscoring the role of public authorities in providing restitution to the affected parties in such cases. The court judgment states that the compensation is attributed for the emotional damage experienced by Kastrati’s family.⁶

18. When it comes to health, concerns about the quality of healthcare remain persistent with draft laws on health and health insurance awaiting amendments. The new 2023-2030 Health Sector Strategy is pending approval. Health expenditure, constituting approximately 3 percent of GDP, is the second lowest in the region, significantly below the EU average of 11 percent. Despite a record-high health sector budget in 2023, institutional accountability remains low, and there are no performance-based indicators.⁷

19. Life expectancy in Kosovo is the lowest in the region, with non-communicable diseases, particularly cardiovascular diseases and cancer, being the primary causes of death. Health promotion and prevention programs for these diseases are weak. Although a cancer screening program exists, screening is not systematic. In addition, child mortality rates are three times higher than the EU average.⁸

4 See [OHCHR](#)

5 Gëzim and Makfire Kastrati against Municipal Court in Prishtina and Kosovo Judicial Council, [Case No. KI 41/12](#).

6 Koha (2023), [The appeal decides that Diana Kastrati’s parents should be compensated with 30 thousand euros](#).

7 EU Commission (2023), Kosovo report 2023, pp. 94-95.

8 EU Commission (2023), Kosovo report 2023, pp. 94-95

20. Kosovo authorities persist in their dedication to preventing torture and ill-treatment, according to the latest EU Commission report.⁹ The National Preventive Mechanism against Torture (NPMT), operating under the OIK, has found no instances of prisoner torture or mistreatment during their latest reporting period.¹⁰ It should be underscored that some places are inaccessible to the NPMT such as the psychiatric institutions. The Police Inspectorate registered 14 suspected cases of ill-treatment by police officers, leading to one officer's arrest and suspension. The OIK received 6 complaints against Kosovo Police officers for excessive use of force, resulting in the initiation of 3 investigations. According to NGO KRCT, it is important to emphasize that cases of ill-treatment often occur during the transportation process to the detention center.¹¹

21. The GoK's compliance with the UN Standard Minimum Rules and European Prison Rules has been noted.¹² However, challenges persist, requiring additional efforts to protect prisoners' rights, particularly among women, girls, and non-majority groups. The adoption of the Law on the Correctional Service and the Law on the Execution of Criminal Sanctions in July 2022 signifies progress, with the Ministry of Justice's Unit for Human Rights overseeing prisoners' rights. Nonetheless, the report emphasizes the need for yet-to-be-adopted regulations to ensure the laws' effective implementation. The establishment of the Institute for the Treatment of Persons (prisoners) with Special Needs at the Dubravë/Dubrava correctional center addresses specific concerns, but managerial vacancies in the Correction Service pose challenges.

22. As in the previous CSO reports, the duty bearers and authorities have failed to adequately respond to the increased cases of femicide in Kosovo despite persistent calls for increased action in recognition of the problem of gender-based violence and death.¹³ During the period of the "16 Days of Activism Against Gender-Based Violence" campaign, the murder of Liridona Ademaj reignited public outrage and protest.¹⁴ In a recent report (2023), Amnesty International underscores the failed commitments of the GoK to protect domestic violence survivors, criticizing numerous barriers faced by survivors to seek protection and justice.¹⁵ Despite increased incidents of femicide and a subsequent public outcry, the authorities are criticized for their narrow focus on criminal prosecution. This has partially led to insufficient support for survivors, as well as barriers to compensation and legal entitlements.¹⁶ The report also criticizes public information campaigns that primarily encourage survivors to report cases to the police while insufficiently challenging disrespectful treatment by law enforcement officers upon reporting. According to experts, the media play a pivotal role in avoiding sensationalized reporting while discouraging justifications for the perpetrators' actions.¹⁷

9 EU Commission (2023), Kosovo Report 2023, pp. 30-31

10 EU Commission (2023), Kosovo Report 2023 and Annual Report NPMT 2022.

11 KRCT (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

12 Ibid.

13 The definition of femicide borrows from [UN women](#), and can be formulated as follows: "intentional gender-related killing that may be motivated by stereotyped gender roles, discrimination against women and girls, unequal power relations between women and men, or harmful social norms."

14 Kosovo Online 2023, [Analysis: Violence against women in the region: Femicide - a word that hurts and warns](#)

15 Amnesty International (2023), [Kosovo: Authorities are failing domestic violence victims](#)

16 Amnesty International (2023), [Kosovo: Authorities are failing domestic violence victims](#)

17 Kosovo Online 2023, [Analysis: Violence against women in the region: Femicide - a word that hurts and warns](#)

23. Recommendations

- The Ministry of Health should approve the pending 2023-2030 Health Sector Strategy;
- The GoK, and Ministry of Health should aim to meeting the EU average norms of 11 per cent for health expenditure;
- The GoK, and Ministry of Health should strengthen health promotion and disease prevention programs with specific focus on cardiovascular diseases and cancer;
- The Ministry of Health should establish systematic cancer screening programs;
- The public health care information system should become more functionalized through the Ministry of Health aligning with European core indicators and EU regulations;
- Routine immunization programs should be strengthened by the Ministry of Health to ensure coverage rates return to pre-Covid-19 levels;
- Allegations of ill-treatment by police officers must be taken seriously by Police Inspectorate of Kosovo and accountability has to be ensured for any misconduct by police officers;
- Ministries such as the Ministry of Health, Ministry of Justice and Social Services should develop long-term comprehensive and survivor-centric strategies to address and prevent instances of domestic abuse.

5.2 The prohibition of torture, cruel, inhuman or degrading treatment

24. The prohibition of torture, cruel, inhuman or degrading treatment finds its international recognition in the Universal Declaration of Human Rights (UDHR, Art. 5), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment (Art. 1), and the International Covenant on Civil and Political Rights (Art. 7). On a local scale, the Kosovo Constitution (Art. 27) prohibits any kind of inhumane treatment, torture or cruelty as fully in accordance with internationally recognized legal standards (Art. 22).

25. In accordance with Article 5 of the UDHR and Article 27 of the Constitution of Kosovo, the right to humane treatment and the prohibition of torture pertains, among others, to the physical and mental integrity of detained and imprisoned persons, the conditions of detention, the use of force by law enforcement officials towards civilians and individuals outside of detention and community and domestic violence.

26. While the legislative system fundamentally safeguards against ill-treatment and torture, further steps are required to ensure that they are effectively implemented in practice. According to NGO KRCT, and despite the public reports of the NPMT mentioned earlier, cases of excessive use of force and ill-treatment contradict the perspectives of the prisoners as reported by them. Greater attention should be paid to reporting instances of possible ill-treatment and solitary confine-

ment of juvenile prisoners.¹⁸

27. Furthermore, the Police Inspectorate of Kosovo (PIK) registered 14 cases of ill-treatment by police (compared to 11 in the previous year). The EU commission report notes that all cases have been referred to the prosecution. One police officer was arrested and suspended. Allegations of ill-treatment also arose during the arrest of 4 K-Serbs related to the events of May 29 in Zvečan/Zvečan. The OIK received 6 complaints against Kosovo police officers for the use of excessive force which led to 3 investigations being initiated.¹⁹

28. The functioning of the Conditional Release Panel (CRP) remains an issue of concern for convicted persons, even though NGO KRCT received some positive changes from some correctional institutions,¹³ still the main complaints of the convicts relate to the content of the reasoning of the Panels' decisions and the delays in the review and response. The reasoning is mainly as models/templates and is often not in line with the positive reports provided by correctional institutions or the benefits that convicts enjoy as a result of their behavior while serving their sentence.²⁰

29. The implementation of equal treatment of detainees in the correctional system cannot be fully understood as standardized individual assessments are yet to be adopted.²¹ According to NGO KRCT, the KCS has not yet managed to implement proper rehabilitation and reintegration programs for convicts based on individual requests and needs, thus this issue remains a challenge regarding the reintegration of the prisoners after finishing the sentence. Working groups have been organized for the revision of rehabilitation plans and programs for prisoners, but still there is no concrete work done in practice.²²

30. Challenges persist in fighting terrorism, violent extremism and radicalization in 2023. Currently, 19 inmates in Kosovo prisons are sentenced for terrorism-related crimes.²³ Between January and June 2023, 5 sentenced prisoners were released. According to the latest EU Commission report, sentences for foreign terrorist fighters have been relatively lenient, averaging 3.6 years.²⁴

31. As per the NGO KRCT, the situation in Kosovo regarding the right to humane treatment and prohibition of torture during 2023 has not changed much from the previous year. The most notable development is the inauguration of Pavilion D dedicated to the placement of people with special needs, at the Correctional Centre in Dubravë/Dubrava, which took place at the beginning of 2023, though its operationalization faced delays for several months. The categorization of prisoners allocated to Pavilion D is determined by the Prison Health Department. However, it is vital to acknowledge that the pavilion's capacity is limited, accommodating prisoners from various cat-

18 KRCT (2024), input for the joint CSO report on Human Rights Kosovo 2023.

19 EU Commission (2023), Kosovo Report 2023, pp. 30-31.

20 KRCT (2024), input for the joint CSO report on Human Rights Kosovo 2023.

21 EU Commission (2022), [Kosovo Report 2022](#).

22 KRCT (2024), input for the joint CSO report on Human Rights Kosovo 2023.

23 EU Commission (2023), Kosovo Report 2023, pp. 50.

24 EU Commission (2023), Kosovo Report 2023, pp. 50.

egories. Some improvements have been observed in terms of the legal framework, by updating a sublegal act in accordance with the new legal framework entered into force in 2022.²⁵

32. In 2023, significant shifts in budget policies within the Ministry of Justice may possibly herald a transformative trajectory for the Correctional Service of Kosovo.²⁶ The upcoming year, 2024, promises a substantial increase in the allocated budget, indicating a deliberate effort to fortify the infrastructure and elevate the quality of services. A noteworthy endeavor in this positive direction is the commencement of the construction of the House of Mothers, aimed at catering to incarcerated mothers and their needs.²⁷

33. Moreover, the forward-looking budgetary provisions include funds earmarked for the establishment of an entirely new prison facility dedicated to female inmates, with implementation scheduled for 2024. The envisioned enhancements reflect a progressive approach toward the rehabilitation and well-being of incarcerated individuals, marking a commendable step forward in the realm of corrections.²⁸

34. Throughout 2023, ongoing efforts in new staff recruitment persisted, notably marked by a substantial increase in the recruitment of female correctional officers, constituting a noteworthy achievement for the prison system in Kosovo.²⁹

35. NGO KRCT conducted a total of 18 monitoring visits to correctional institutions in 2023. While instances of ill-treatment and the use of force against inmates were generally infrequent, there were isolated allegations of force and verbal harassment from prison staff. Of particular concern, an elevated number of allegations surfaced from juvenile prisoners, reporting physical and verbal mistreatment by certain correctional officers. Additionally, the unauthorized use of solitary confinement for juvenile prisoners, despite its explicit prohibition by law, raised significant apprehension. Inter-prisoner violence sporadically occurred, notably in the Correctional Center in Dubravë/Dubrave.³⁰

36. NGO KRCT identified a case of sexual assault perpetrated by one prisoner against another. This incident has been duly reported to the competent authorities, with NGO KRCT advocating for a professional handling of the case and the provision of necessary services.

37. Although the agreement for transferring of prisoners from Denmark to Kosovo has been agreed upon, the year 2023 has not brought greater clarity regarding the timeline aspects of when the agreement will be implemented. In particular, foreign detainees are to be sent to the prisons in Kosovo.³² The Ministry of Justice's decision is viewed with apprehension by NGO KRCT, as the relocation of 200 prisoners from the Gjilan/Gnjilane Detention Center could exacerbate over-

25 KRCT (2024), input for the joint CSO report on Human Rights Kosovo 2023.

26 KRCT (2024), input for the joint CSO report on Human Rights Kosovo 2023.

27 KRCT (2024), input for the joint CSO report on Human Rights Kosovo 2023.

28 KRCT (2024), input for the joint CSO report on Human Rights Kosovo 2023.

29 KRCT (2024), input for the joint CSO report on Human Rights Kosovo 2023.

29 KRCT (2024), input for the joint CSO report on Human Rights Kosovo 2023.

30 KRCT (2024), input for the joint CSO report on Human Rights Kosovo 2023.

31 KRCT (2024), input for the joint CSO report on Human Rights Kosovo 2023.

32 Euronews (2022), [Denmark agrees 15 million euro deal to send 300 foreign prisoners to Kosovo.](#)

crowding and degrade conditions in other correctional facilities. Overcrowding has already been an overarching issue for Kosovo's correctional institutions and has been assessed as meeting the required international standards. NGO KRCT assesses that this good standard already established in correctional institutions of Kosovo can be violated very easily through the accommodation of prisoners from Denmark.³³

38. Following the adoption of the protocol on sexual assault and violence in Kosovo in December 2022, comprehensive training sessions were carried out in 2023 to educate public officials on the effective implementation of the protocol's provisions. The initiative organized by the NGO KWN reflects the commitment to ensuring that institutions and personnel are well-prepared to respond to incidents of sexual violence, aligning with the protocol's goal of providing immediate and accountable interventions for the identification, protection, and empowerment of victims of sexual violence.³⁴

39. In a significant development, the Basic Court in Prishtina/Priština, during 2023, approved the request for compensation for a prisoner who had been sexually assaulted in 2014. The NGO KRCT has steadfastly supported and represented this case since 2014. The Basic Court in Prishtina/Priština, partially approved the claim for damages, mandating the Ministry of Justice, specifically the Kosovo Correctional Service, responsible at the time of the incident, to compensate the victim of rape within the prison. This landmark decision marks the first instance of its kind.

40. The placement and treatment of perpetrators with mental disorders remained one of the most challenging issues in the Kosovo Correction Service, also during 2023. Even though the relevant provisions for this category of prisoners are foreseen by law, the situation remains almost the same in practice. While legally, the detention of perpetrators with mental disorders should occur in health care institutions, our correctional and health system does not have special institutions for the application of detention for such cases. The operationalization of Pavilion D (dedicated for the placement of people with special needs) has improved the situation a little, but since this pavilion accommodates other categories of prisoners, the situation continues to remain difficult, because in some centers the number of prisoners with mental disorders continues to be high.³⁵

41. The sudden disappearance of Astrit Dehari's specimens was not resolved in 2023, and continues to raise concerns about the investigative process into Dehari's death. Notably, the MoJ interfered in the work of the prosecution by commenting that the disappearance of the specimens was a deliberate intent to thwart the inquiry into Dehari's death, and resultantly suspended four Forensic Medicine officials, although the perpetrator has yet to be identified.³⁶

33 KRCT (2022), input for the joint CSO report on Human Rights in Kosovo 2022.

34 KWN (2023), [KWN Completes Training Cycle on State Protocol for Handling Cases of Sexual Violence](#).

35 KRCT (2024), input for the joint CSO report on Human Rights Kosovo 2023.

36 Koha (2023), [Tomorrow protest for Astrit Dehari](#)

42. Recommendations

- The Kosovo Correction Service (KCS) should strengthen its monitoring mechanisms and accountability measures for instances of ill-treatment towards imprisoned individuals and detained persons;
- The Police Inspectorate of Kosovo should implement corrective measures to address ill-treatment cases by police officers and increase transparency in its investigations;
- The Kosovo Judiciary System, including but not limited to the Ministry of Justice, Kosovo Judicial Council should reevaluate the sentencing practices for terrorism-related crimes should be reevaluated to ensure a more deterrent approach including follow-up and rehabilitation mechanisms;
- The Kosovo Judicial Council should address the issue of prolonged judicial processes especially for detainees within a reasonable time;
- The Conditional Release Panel (CRP) functioning should be improved with enhanced transparency, and fairness in the CRPs decision-making processes.

5.3 The right to liberty and security of person

43. The right to liberty and the security of a person finds its most overt international recognition in Articles 3, 4, and 9 of the UDHR, and in Article 5 of the European Convention of Human Rights. In its clearest definition, the right to liberty and security is a compound notion, meaning that security and liberty cannot be treated separately from one another. Article 29 of the Kosovo Constitution provides that “No one shall be deprived of liberty except in the cases foreseen by law and after a decision of a competent court” in the following situations: pursuant to a sentence of imprisonment for committing a criminal act; for reasonable suspicion of having committed a criminal act, only when deprivation of liberty is reasonably considered necessary to prevent commission of another criminal act; for the purpose of educational supervision of a minor or for the purpose of bringing the minor before a competent institution in accordance with a lawful order; for the purpose of medical supervision of a person who because of disease represents a danger to society; for illegal entry into Kosovo or pursuant to a lawful order of expulsion or extradition. Lawful restrictions to a person’s liberty are further stipulated in the Criminal Procedure Code of Kosovo and the Code of Juvenile Justice.

44. The Law No. 05/L-003 on Electronic Supervision of Persons whose movement is limited by court decision has yet to be implemented eight years after its entry into force in 2015. Prompted by the murder of Hamide Magashi and other incidents where the perpetrators were under court restraining order, the AoK brought the issue of electronic surveillance back to centerstage in December 2022.³⁷ In 2023, the GoK has allocated funding (600,000 Euros) for the implementation of the electronic monitoring system, which aims to enhance the protection and safety of violence

survivors while mitigating the possibility of repeat offenses.³⁸

45. In 2023, the Kosovo-Serbia dialogue reinitiated the agreement on the Path to Normalization, which concluded in Ohrid (North Macedonia).³⁹ The agreement reached between Kosovo and Serbia includes launching negotiations for self-management for the Serb community in Kosovo and endorsing the Missing Persons Declaration. However, because of persisting differences concerning the overall implementation of the agreement and a series of escalating developments in the north, affecting the security situation in Kosovo, the agreement has reached a deadlock.⁴⁰ Resultantly, the EU levied sanctions in Kosovo that consisted of the exclusion of regional funding, and investments as well as bilateral and multilateral (economic) agreements.⁴¹

46. In accordance with the previous paragraph, the K-Serb boycott of early local elections in April 2023 hindered the Dialogue's progress. The historically low outcome was in itself a consequence of the K-Serbs leaving all institutions in November 2022 with the subsequent boycott protesting unmet demands for implementing the Association of Serb Majority Municipalities.⁴² The EU Commission report states that the withdrawal of K-Serbs from institutions in November 2022 and the April 2023 boycott of local elections in northern Kosovo violate Serbia's Dialogue obligations, constituting significant setbacks in Serbia's compliance with the Agreement. The EU Commission urges the immediate return of K-Serbs to institutions and Kosovo is encouraged to enable this return. Attempts by the Kosovo Police to recruit new K-Serb police cadets did not follow procedures outlined in the Dialogue agreements.⁴³

47. Underscoring the persistence of ethno-political tensions, the violence that erupted in the north of Kosovo in May 29 between K-Serb protesters and NATO peacekeeping soldiers left more than 50 K-Serb protesters and at least 25 Italian and Hungarian KFOR soldiers injured. The clashes began as local Serbs protested against the newly elected K-Albanian mayor of Zveçan/ Zvečan; in particular, K-Albanian mayors assumed office in Serb-majority areas following elections boycotted by the Serbs in April 2023.⁴⁴ Prior to the deployment of KFOR, the NGO NSI notes that an initial conflict arose between residents and members of the police.⁴⁵

48. The terrorist attack by a Serb paramilitary group on K-police in the village of Banjska in the north of Kosovo on September 24, 2023, has raised significant security concerns and international alarm over the stability of the region.⁴⁶ The incident resulted in the death of K-police sergeant Afrim Bunjaku, who was posthumously honored with the hero of Kosovo order.⁴⁷ The attackers sought

38 Telegrafi (2023), [Ndahen 600 mijë euro për vendosjen e sistemit për mbikëqyrjen e hallkave elektronike që do t'i vendosen dhunuesve.](#)

39 Balkan Insight (2023), [Serbia, Kosovo, Take First Steps To Implement EU Ohrid Deal](#)

40 The Guardian (2023), [Kosovo PM Albin Kurti says talks with Serbia have reached a new deadlock.](#)

41 Financial Times (2023), [EU hits Kosovo with sanctions after Serb tensions flare up again.](#)

42 The Guardian (2023), [Kosovo PM Albin Kurti says talks with Serbia have reached a new deadlock.](#)

43 EU Commission (2023), Kosovo Report 2023, pp. 80.

44 Reuters (2023), [NATO soldiers injured in Kosovo clashes with Serb protesters](#)

45 Radio Free Europe (2023), [Kosovar Police Clash With Protesters In Serb-Majority Northern Towns, Drawing U.S., EU Rebukes.](#)

46 The Guardian (2023), [Kosovo accuses Serbia of being behind 'terrorist attack' against it and calls for 'clear action' from EU and west – Europe as it happened](#)

47 Koha (2023), [the hero of Kosovo, Afrim Bunjaku, is buried with high honors.](#)

refuge in Banjska Monastery, eventually retaken by Kosovo Police, leading to the death of three Serbian militants and the confiscation of a substantial weapons cache. Political paŕty in Kosovo Serb List Vice-president Milan Radoiĉiĉ admitted responsibility for the attack, resulting in a warrant for his arrest.⁴⁸ Kosovo, Albania, the European Union, and other nations condemned the attack as terrorism.⁴⁹

49. Related to the previous paragraph, the question of security among the K-Serb community remains particularly pertinent.⁵⁰ The NGO NSI states in connection with the incident that took place on May 29 in front of the municipal building in Zveĉan/ Zveĉan, a series of arrests of citizens who were suspected of having participated in violent actions on that occasion followed.⁵¹ However, some arrests were made without a previously issued warrant by the prosecution. This problem was also addressed by the EU High Representative for Foreign Affairs and Security Policy, Josep Borell, stating that ‘arbitrary or unjust arrests and poor treatment of prisoners are absolutely unacceptable.’⁵²

50. Furthermore, the NGO NSI notes that after the arrest of N.V. from Leposaviq/ Leposaviĉ, in the context of the publication of evidence for participation in the crime charged against him, the Minister of Internal Affairs Xhelal Sveĉla, published a photo/screenshot from the video that actually shows another person, not N.V.⁵³ According to NGO NSI two K-Serbs were arrested while peacefully protesting on May 29 prior to the start of the incident between demonstrators and KFOR members. While one of them (R.P.) was released after paying bail, the other (D.O.) remained in custody until recently, although there is evidence that he did not participate in the violence that day.⁵⁴

51. The NGO NSI has further raised a number of security issues when it comes to the K-Serb community. On January 6, on Orthodox Christmas Eve, a member of the Kosovo Security Force fired, wounding two minor Serbs from Gotovushĕ/ Gotovuša, municipality of Shtĕrpĉĕ/ Őtrpce.⁵⁵ Furthermore, at the checkpoint near the Bistrica Bridge established by the special units of the Kosovo Police, Serbs were wounded on two occasions - on January 23 and April 11.⁵⁶

52. Recommendations

- The Kosovo Correctional Service (KCS) should prioritize the prevention of violent extremism and radicalization in the correctional system, by providing support to mechanisms for the de-radicalization of prisoners, as well as offering mental health and psychological support to prisoners;

48 Balkan Insight (2023), [Interpol issues warrant for Radoiĉiĉ over Banjska attack in Kosovo](#).

49 European Parliament (2023), [Serbia and Kosovo must work to de-escalate the situation in northern Kosovo](#)

50 NSI (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

51 NSI (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

52 EEAS (2023), [Kosovo-Serbia: Press Remarks by High Representative/Vice-President Josep Borrell after the crisis management meetings with Prime Minister Kurti and President Vuĉiĉ](#)

53 KoSSev (2023), <https://kossev.info/advokat-potvrdio-da-uhapseni-mladic-u-leposavicu-nije-napadac-na-novinara-sveclja-objavio-pogresnu-fotografiju/>

54 N1 (2023), [Objavljeni snimci: Petroviĉ i Obrenoviĉ privedeni pre poĉetka nereda u Zveĉanu](#)

55 Koha.net (2023), [One month of detention for Azem Kurtaj for injuring two people in Shtĕrpĉĕ - KOHA.net](#)

56 Goraŕdevac (2023), [Petkoviĉ: Specijalci pucali na vozilo kod Bistriĉkog mosta, ranjen Srbin](#).

- The Ministry of Justice (MoJ) should take active steps to implement Law No. 05/L-003 on Electronic Supervision of Persons whose movement is limited by court decision;
- The State Prosecution should address and prioritize the security concerns among non-majority communities by taking concrete steps to investigate incidents of excessive force and ensuring that all citizens feel secure and protected;
- The Kosovo Police Inspectorate should enhance accountability and investigation mechanisms concerning police misconduct;

The Kosovo Judicial Council and the Supreme Court should call on all criminal courts to

- properly implement the provisions related to the use of pretrial detention and consider alternatives instead of detention on remand.

5.4 The right to a fair trial and effective remedy

53. The right to a fair trial and effective remedy finds its international recognition as a fundamental human right in Article 10 of the UDHR which states that “everyone is entitled in full equality to a fair and public hearing [...]”.⁵⁷ Article 6 of the ECHR also includes the right to a fair trial and further stipulates that “everyone is entitled to a fair and public hearing within a reasonable time [...]”.⁵⁸ In Kosovo’s legislative framework, these international legal standards are mandatory; they are enshrined in the Constitution by means of Article 22. Furthermore, Article 30 stipulates the rights of the accused with Article 31 highlighting the provisions for a fair and impartial trial. Article 32 of the Constitution stipulates the right of everyone to pursue legal remedies “against judicial and administrative decisions which infringe on his/her rights or interests.”⁵⁹ In addition to the Constitution, other laws and regulations adopted by the GoK regulate the right to fair trial in the judicial proceedings in criminal, civil and administrative matters. These include the Code No. 08/L-032 on the Criminal Procedure Code, Code No. 06/L-074 Criminal Code, Law No. 03/006 on the Contested Procedure, and Law No. 05/L-031 on the General Administrative Procedure.

57 UDHR, [Article 10](#).

58 ECHR, [Article 6](#).

59 Kosovo Constitution (2008), Articles 30-31.

54. In 2022, the AoK adopted the Criminal Procedure Code No. 08/L-032, which took effect in February 2023.⁶⁰ According to the EU Commission report 2022, the new Code corresponds with the EU standards in that from a procedural standpoint, the rights of the suspects and accused are safeguarded including the right to a lawyer, presumption of innocence, and the right to interpretation and translation to name but a few legal standards.⁶¹ Furthermore, the updated Criminal Procedure Code rectifies deficiencies in criminal proceedings, facilitating online court hearings in exceptional circumstances, such as epidemics and natural disasters, and formalizing the practice of parties mutually accepting previous testimonies as part of the records.⁶²

55. The Law No. 04/L-017 on Free Legal Aid was amended in part so as to include free legal assistance for different beneficiaries, i.e., journalists, photo-reporters, and other actors when sued for a variety of alleged violations including defamation and strategic lawsuits against participation.⁶³ Another important dimension of the law concerns the incorporation of The Free Legal Aid Agency (FLAA) in the MoJ. The incorporation of the FLAA into the MoJ reflects the transition of an independent agency into a unit under the umbrella of the MoJ. According to the NGO KLI, this development is unconstitutional. Namely it provides the MoJ with authority to establish the criteria for free legal aid.⁶⁴

56. A fund has been established in Kosovo to provide legal aid to individuals accused at the Kosovo Specialist Chambers, along with financial assistance to their families, irrespective of demonstrated financial need.⁶⁵ Notably, victims recognized by the Kosovo Specialist Chambers for enduring war crimes and crimes against humanity have not received corresponding financial support. Although the Chambers has issued initial reparation orders for victims, the source of compensation remains uncertain due to the absence of funds from the accused or a dedicated Kosovo fund. Rectifying this disparity in treatment is crucial, according to the EU Commission and a number of CSOs.⁶⁶

57. Discrepancies between policy and practice persist in the judiciary system. While according to the EU Commission report 2023, a tangible increase can be witnessed in the number of effective court proceedings, expedited scheduling of hearings, and enhancements in the recruitment of judges and prosecutors, inefficiencies persist.

58. The excessive use of detention on remand raises concerns in a recent OSCE Kosovo report. In the report, a total of 70 “detention on remand” hearings were examined and nine appellate decisions throughout 2022 and 2023 highlighting the lack of alternative detention options and inadequate reasoning in decisions.⁶⁷

60 Criminal Procedure Code [Code No. 08/L-032 Criminal Procedure Code](#)

61 EU Commission (2022), [Kosovo Report 2022](#).

62 EU Commission (2023), Kosovo Report 2023.

63 Law no. 08/L-035 on amending and supplementing the Law no.04/L-017 on free legal aid.

64 KLI (2022), [Politicization against the constitution of the FLA](#).

65 EU Commission (2023), Kosovo Report 2023, pp. 23.

66 YIHR (2024), input for the joint CSO report on Human Rights 2023.

67 OCHA (2023), [Trial monitoring report on detention on remand](#).

59. As of December 2023, the Constitutional Court of Kosovo approved with a majority of votes a proposed constitutional amendment that allows for temporary integrity checks on key justice system figures, such as members of the Judicial Council, Prosecutorial Council, court presidents, chief prosecutors, and candidates for these roles, by the Integrity Control Authority. Simultaneously, two other proposed amendments addressing the criteria for the dismissal of judges and prosecutors due to serious non-compliance with duties, were deemed not to infringe upon fundamental rights. The vetting process began with the approval of the “Concept Document for the Development of the Vetting Process in the Justice System” in October 2021. Subsequently, the Venice Commission approved the concept document and proposed constitutional amendments in June 2022. The Constitutional Court emphasized the importance of maintaining the independence of the judiciary and prosecutorial systems as fundamental principles in the constitutional order. The proper functioning of justice, including public trust, remains a core value in any democratic society.⁶⁸

60. On November 23 2023, the GoK issued a decision deemed unconstitutional to lower the salaries of judges and prosecutors. This course of action overtly undermines the independence of the judiciary, a crucial element of fair adjudication. The decision of the Court was annulled through administrative conflict procedures, as the tendencies to reduce the salaries of judges and prosecutors were not approved even by the Constitutional Court (CC), which invalidated the provisions of Law No. 08/L-196 on Salaries in the Public Sector aimed at lowering the salaries of judges and prosecutors.⁶⁹

61. In March 2023, the Minister of Justice and heads of key justice system institutions collectively endorsed a commitment statement on justice reforms, highlighting crucial reform issues requiring attention. Immediate and effective action is imperative for realizing tangible outcomes.⁷⁰

62. In April 2023, the KJC endorsed a set of regulations outlining the performance standards expected of judges, aimed at enhancing operational efficiency. As noted in the previous reports (2021 and 2022), the judiciary and prosecution encounter challenges in expeditiously handling cases. Compared to previous years, a persistent uptrend can be noticed in the proportion of productive court proceedings.⁷¹

63. Legal safeguards, such as the right to a fair trial and legal representation, are also essential components of prisoners’ rights. NGO KRCT has received continuous complaints from prisoners regarding the legal process in courts, with prolongation of judicial process as one of the main issues, especially for detainees, where there are cases of pre-trial detention for several years. This constitutes a violation of one of the fundamental principles of human rights, the principle of trial within a reasonable time, foreseen by international documents as well as by national legislation, but there is still much work to be done in order to improve this issue in practice.⁷²

68 Betimi për Drejtësi (2023), [Gjykata Kushtetuese i hap rrugë Vetingut në sistemin e drejtësisë](#)

69 KLI (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

70 EU Commission (2023), Kosovo Report 2023, p. 80.

71 EU Commission (2023), Kosovo Report 2023, p. 80.

72 KRCT (2024), input for the joint CSO report on Human Rights Kosovo 2023.

64. Victims of crime are insufficiently informed about legal proceedings and rarely assisted by professional representatives. As per the data provided by NGO KLI, the budget allocated for legal aid remains inadequate despite the projected increase compared to the previous years (see table 1 below).⁷³

Table 1. Government budget allocated for legal aid

	2024	2023	2022	2021	2020
Total budget allocated by the GoK for legal aid in EUR	537,831	444,170	443,995	439,298	422,699

65. The issue of long legal procedures, namely trial within a reasonable time in Kosovo, represents one of the main challenges related to the realization of the right to a fair and impartial trial within a reasonable time and at the same time infringing on the adequate access of citizens to justice. Despite the legal determination of procedural deadlines, which guarantee judgment within a reasonable time, the overall average duration of civil court cases, of 3.8 years in the first instance and 1.7 years in the second instance, speak of the lack of respect and handling of the judicial cases within an unreasonable period of time. Several factors have influenced this problem, such as the misadministration of administrative institutions, the performance of judges and the inadequate administration of justice.⁷⁴

66. Procedural procrastination and inadequate administration of justice also occur in the case of multiple retrials. Non-respect of the components related to the right to a fair and impartial trial also reflects the lack of adequate protection of other rights, such as the right to property. During the monitoring of the justice system, it was observed that adequate standards on the reasoning of court decisions were not met. While analyzing the sentencing policy applied by the courts, NGO KLI has emphasized the lack of justification of the type and height of the punishment, the lack of justification of the mitigating and aggravating circumstances applied, as well as the template justification on the fulfillment of the purpose of the sentence imposed.⁷⁵

67. On the other hand, the justifications of court decisions must adhere to and refer to international instruments, directly applicable in Kosovo and the decisions of the European Court of Human Rights. However, such an obligation is rarely respected in practice. According to the analysis of the NGO KLI on the implementation of the Istanbul Convention in the judgments of the courts in Kosovo, the courts do not adhere to the provisions of this Istanbul Convention and consequently do not even refer to it in the judicial reasoning on cases of domestic violence.⁷⁶

73 EU Commission (2022), [Kosovo Report 2022](#).

74 KLI (2024), input for the joint CSO report on human rights Kosovo 2023.

75 KLI (2024), input for the joint CSO report on human rights Kosovo 2023.

76 KLI (2024), input for the joint CSO report on human rights Kosovo 2023.

68. The lack of quality legal representation continues to be problematic as a crucial element of the right to a fair and impartial trial. The lack of legal representation is most apparent among victims of domestic violence, even though according to the legal provisions of Law No. 08/L-185 on prevention and protection from domestic violence, violence against women and gender-based violence, the latter are subject to professional representation by victims' defenders. Despite this determination, according to the findings of the NGO KLI, about 62 percent of victims of domestic violence did not have professional representation. Unfortunately, even in cases where there is professional representation, there are significant dilemmas about the quality of this representation. This is because in 12 cases out of 15 in total, where the representation was present, the defender of the victims had not presented a legal property claim in the criminal procedure. The lack of proper representation causes losses for the injured party, from the procedures for assigning protection measures to the submission of the proposal for the realization of the legal property claim, regarding the damages caused by the criminal offense. Consequently, referring in the civil dispute for the realization of the property claim causes a burden on the justice system, so that the case that could be concluded in criminal proceedings will be developed in civil proceedings, which inevitably affects the judgment in a reasonable time. Thus, such administration of justice indirectly affects the non-support of the criminal justice system by potential victims.⁷⁷

69. According to the EU Commission report in 2023, the rising femicide cases have raised concerns regarding the efficacy of judges and prosecutors in addressing domestic violence and gender-based violence. Accusations of inadequate victim protection and the lack of accountability among justice actors have led to proposed changes in the Criminal Code and Criminal Procedure Code by the Ministry of Justice. However, these changes must incorporate safeguards for those accused or convicted of such offenses. The handling, prosecution, and adjudication of cases still face issues, despite the appointment of specialized prosecutors and judges, hampered by human resource shortages and prolonged case durations.

70. The NGO KLI has not identified cases where judges or prosecutors have violated the principle of presumption of innocence, but there have been situations where political actors have violated this principle through their public statements. According to the European Court of Human Rights, the principle of presumption of innocence does not allow statements by public authorities that may encourage the public to believe that the accused is guilty, or prejudice the assessment of the facts by the judicial authority. Thus, it prevents incorrect treatment of persons who have been acquitted of criminal charges or when the criminal proceedings against them have been terminated, thus reflecting positively on the way of public perception in terms of not damaging the reputation. Therefore, taking into account the standards established by the ECtHR, the year 2023 has been quite worrying in terms of the high number of statements by political actors on issues related to individual cases.⁷⁸

77 KLI (2024), input for the joint CSO report on human rights Kosovo 2023.

78 KLI (2024), input for the joint CSO report on human rights Kosovo 2023.

71. Judicial independence is another important element of a fair trial. In this way, the judiciary must be free from external pressure, and not subject to political influence and manipulation, especially by the executive. Given that the justice system in Kosovo continues to be influenced by politics, continuous efforts are needed to ensure that these principles are respected in practice and to effectively protect the judicial system from undue pressure and interference. In this direction, the proper functioning and administration of justice, including the public's trust in this system can be achieved through the reform of justice, and the vetting process, which process has been approved by the Constitutional Court.⁷⁹

72. In 2023, numerous CSOs and international bodies have underscored the persistent absence of political will to refrain from interference in the judiciary. In their report "Interference in the Justice System Through Public Statements," NGO KLI illustrates with concrete examples how statements of the executive and legislature represent interference in the justice system.⁸⁰ Interference was also particularly emphasized by the dismissal of the head of the Kosovo Special Unit. Furthermore, according to the Transparency Index (2023) report the majority deputies' intrusion in the parliamentary investigation of a significant corruption case underscores the overarching theme of a conspicuous lack of political will to relinquish control and bolster independent oversight, thereby threatening the integrity of the judicial system.⁸¹

73. Criminal cases of juveniles, due to their specifics, have a special regulation through Code No. 06/L-006 of Juvenile Justice. There is not enough information on how these cases are handled by the justice system, as a result of the lack of permission of the media and civil society to monitor these cases, but also the inadequate supervision of the Kosovo Judicial Council and the Kosovo Prosecutorial Council on these issues.⁸²

74. The Kosovo Judicial Council (KJC) has made great progress regarding the publication of judgments in all courts of Kosovo, in accordance with law. So far, about 122,000 judgments have been published on the official website, but it is intended to be published until the real-time publication is achieved. The publication of judgments is of particular importance for fulfilling legal obligations and increasing transparency and public confidence in the judiciary. The impossibility of implementing this obligation, in the publication of judgments in real time by the courts, is related to the lack of human resources.⁸³

75. The litigants' right to translation is also a crucial component of the right to a fair and impartial trial. This right is sufficiently materialized by procedural laws. During the monitoring, the NGO KLI has not found cases where this right was denied to the parties during the judicial proceedings. However, in the dispute that the Albanian and Serbian languages are official languages in Kosovo, in practice, there is no general approach to equality as the publication of judgements is not proportionally published in the Serbian language. Further, the commentaries of the relevant laws are very important documents for the users of the Courts and the enforcers of the laws. Unfortunately, most of the commentaries already published are not translated into Serbian. Thus, simply meeting

79 KLI (2024), input for the joint CSO report on human rights Kosovo 2023

80 KLI (2024), [Report: Interference in the justice system through public statements.](#)

81 Koha (2024), [TI: There is no political readiness in Kosovo to give up interference in the judiciary](#)

82 KLI (2024), input for the joint CSO report on human rights Kosovo 2023.

83 KLI (2024), input for the joint CSO report on human rights Kosovo 2023.

the standard of providing translation to the parties in the proceedings cannot be considered sufficient for the requirements of the constitutional aspect of bilingualism.⁸⁴

76. In general, positive law in Kosovo provides legal remedies in accordance with the Constitution of Kosovo. An exception is the access to the decisions of the State Prosecutor for the dismissal of criminal charges or the termination of investigations. This issue is not considered to have been addressed even with the possibility of the right to appeal to the Appellate Prosecutor's Office since it does not offer the possibility of a legal remedy in court. Thus, even further, in the criminal procedure, until the moment when the case goes to the Court, there is a serious violation of the right to judicial remedies. In fact, in the entirety of the Kosovar legal system, these prosecutorial acts are the only acts to which access to the court is denied.⁸⁵

77. In November 2023, the first trial in absentia was held for war crimes at the Basic Court of Prishtina. Particularly, the initial hearing in the trial of Cedomir Aksic, a wartime Serbian fighter accused of various crimes during the Kosovo war, took place without the defendant present in Kosovo. Aksic faces charges including murder, causing suffering, property damage, and expulsion of civilians in the municipality of Shtime/Stimlje in 1999. Although Aksic is believed to be in Serbia, his exact whereabouts remain unknown. The court, through the EU's Office in Prishtina/Priština, requested to question him in Serbia but received no response. According to Kosovo law, the defendant's lawyer has 30 days to challenge the evidence and seek the dismissal of the indictment. The prosecution alleges Aksic's involvement in expulsions, executions, and property destruction, with specific instances mentioned in the indictment.⁸⁶

78. Related to the previous paragraph, the Special Prosecution in Kosovo has filed six indictments in absentia in 2023, including cases related to sexual abuse during the war. In 2019, the AoK amended the Criminal Procedure Code to allow trials in absentia for offenses against international humanitarian and criminal law committed between January 1990 and June 1999, aiming to enhance the prosecution of war crimes from the 1998-99 conflict. The court can proceed with trials in absentia if all efforts to locate the defendant have been exhausted.⁸⁷

79. According to observations made by the NGO NSI, notable concerns arise regarding the rights of individuals and their entitlement to humane treatment by law enforcement officials. A notable incident occurred on May 29 in Zvečan/ Zvečan, where individuals arrested and detained in connection with the event experienced various forms of physical or psychological violence. The detainees, deprived of international representation during their ordeal, faced abuse not only during

84 KLI (2024), input for the joint CSO report on human rights Kosovo 2023

85 KLI (2024), input for the joint CSO report on human rights Kosovo 2023

86 Balkan Insight (2023), [First Kosovo War Crimes Trial in Defendant's Absence Begins](#).

87 Balkan Insight (2023), [First Kosovo War Crimes Trial in Defendant's Absence Begins](#).

arrest but also within police and detention units. The incident prompted complaints and the suspension of a responsible policeman after a viral video surfaced.⁸⁸ Furthermore, according to the NGO NSI, the arrest of Ilija Elezović in September, who is charged with war crimes, highlighted inadequate custody conditions, disregarding a doctor's recommendation. In mid-September, excessive force was used during the arrest of two individuals in Graçanicë/ Gračanica, leading to hospitalization. Incidents in June, May, and March involving police violence against minors, journalists, and young men underscore a disturbing pattern of unprofessional police conduct and physical harm.⁸⁹

80. Recommendations

- The GoK and the MoJ should reevaluate the incorporation of the Free Legal Aid Agency into the MoJ, addressing the concerns by civil society organizations;
- The Ministry of Finance should have a dedicated fund for victims recognized by the Kosovo Specialist Chambers to ensure financial support;
- The GoK should develop measures to mitigate any adverse consequences on the potential impact of reducing the salaries of judges and prosecutors, as per Law No. 08/L-196, on the impartiality of the judiciary;
- The Ministry of Finance should increase the budget for free legal aid in order not to jeopardize access to justice for citizens;
- The Kosovo Judicial Council should address the issue of long legal procedures to understand and mitigate the factors contributing to delays, including misadministration, judicial performance, and inadequate case management;
- The MoJ should strengthen its efforts to address rising femicide cases, Kosovo Prosecutorial Council and judiciary institutions should ensure effective prosecution and adjudication, and incorporate safeguards for accused individuals in proposed changes to the Criminal Code and Criminal Procedure Code;
- Public authorities and politicians should adhere to ECtHR standards in political statements on the presumption of innocence to maintain public trust in the justice system;
- The GoK should accelerate its efforts to achieve judicial independence through the vetting process;
- The GoK should address and refrain from persistent interference in the judiciary in order to uphold international oversight and protect the integrity of the judicial system;
- The Kosovo Judicial Council should allocate sufficient human resources to enable real-time publication of judgments, fulfilling legal obligations and enhancing transparency;

88 NSI (2024), input for the joint CSO report on Human Rights Kosovo 2023.

89 NSI (2024), input for the joint CSO report on Human Rights Kosovo 2023.

- The Kosovo Judicial Council should facilitate equal and timely publication of judgments in both Albanian and Serbian languages, acknowledging the importance of bilingualism in Kosovo's legal system.

5.5 The freedom of expression and opinion, the right to information, and the right to privacy

81. The freedom of expression and opinion finds its universal recognition as a fundamental human right in Article 19 of the UDHR, which states that “everyone has the right to freedom of opinion and expression [...] and through any media.”⁹⁰ This universal right includes the right to impart, receive and convey information. These basic provisions are restated in Article 10 of the ECHR, which furthermore underscores that the freedom of expression and opinion may be subjected to certain formalities as stipulated by law for the protection of security, confidence, impartiality or the protection of the reputation or rights of others.⁹¹ The legislative framework of Kosovo safeguards the freedom of expression, and the right to information in Articles 40 of the Constitution and a number of other laws. These include Law No. 04/L-046 on the Radio and Television of Kosovo, Law No. 04/L-44 on the Independent Media Commission, Law No. 06/L-085 on the Protection of Whistleblowers, Law No. 04/L-137 on the Protection of Journalism Sources, Law No. 03/L-118 on Public Gatherings, Law No. 02/L-37 on the use of Languages, Law No. 02/L-65 Civil Law Against Defamation and Insult, Law No. 02/L-31 on Freedom of Religion in Kosovo, etc. In general, the freedom of expression legislation and media laws are in line with standards of the CoE and the case law of the ECtHR. It should be mentioned that the Kosovo Constitutional Court has not yet given any judgment stating violation of the freedom of expression provided by Art. 40 of the Constitution of Kosovo. However, the European Commission in its 2023 country report for Kosovo states that in regards to freedom of expression, “Kosovo has some level of preparation and benefits from a pluralistic and lively media environment. However, concerns remain regarding public smear campaigns, threats and physical attacks on journalists.”⁹² Moreover, there continue to be particular concerns regarding freedom of expression in the north of Kosovo, including self-censorship, which is not in line with requirements of Art. 40 of the Constitution and Art. 10 of the ECHR.⁹³

82. The inviolability of one's right to privacy is similarly addressed in the UDHR by means of Article 1, which expresses the following: “No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence.”⁹⁴ The ECHR on the other hand explicitly includes the right to privacy in its framework in Article 8 in the Right to respect for private and family life.⁹⁵ The Constitution of Kosovo is particularly exhaustive when it comes to the protection of this right. In the right to privacy, as listed in Article 36, the protection of personal data (36.4) is included alongside the maintenance of secrecy of correspondence (6.3) and the inviolability of one's private, and family life. The protection of personal data is legally secured through the Law on Protection of Personal Data No. 06/L- 082.

90 UDHR, [Article 19](#).

91 ECHR, [Article 10](#).

92 EU Commission (2022), [Kosovo Report 2022](#).

93 EU Commission (2022), [Kosovo Report 2022](#).

94 UDHR, [Article 12](#).

95 ECHR, [Article 8](#).

83. The Information and Privacy Agency of Kosovo (IPA) is responsible for promoting and protecting the right to access information and privacy in Kosovo. Its main role is to oversee the implementation of the Law on Access to Public Documents and the Law on Personal Data Protection, and to ensure that public institutions comply with these laws. The IPA also provides guidance and advice to individuals and organizations on matters related to access to information and personal data protection, and has the power to investigate and impose sanctions in cases of violations of these laws.⁹⁶ In this respect, it is worth adding that IPA has yet to publish its report for 2023.⁹⁷

84. The legal framework that ensures the safety of the media environment accords with international and legal standards.⁹⁸ However, despite the sound legal basis, and legal improvements towards advancing free legal aid for journalists, threats, hate campaigns and other hate speech aimed at journalists have been disproportionate compared to the past.⁹⁹ Comparable to the previous joint CSOs Human Rights Report (2022), these hate campaigns and bullying target both figures from the public domain and other individuals who express their opinions by taking a public position on various topics of interest.

85. A meeting was convened between civil society organizations, comprising media outlets and NGOs, and the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression during her official visit to Kosovo in April 2023. It is imperative to highlight that the findings of this meeting are scheduled to be presented to the UN Human Rights Council in July 2024. This interaction underscores the significance of stakeholder engagement in addressing concerns related to freedom of expression and its implications for human rights advocacy and policy formulation at the international level.

86. Compared to 2022, Kosovo has risen by five places to the 56th position in the World Press Freedom Index, as reported by Journalists Without Borders. This marks the second consecutive improvement for the past two years. In spite of this, Kosovo remains categorized as a problematic country in the index. Partially, this is because media independence remains fragile combined with weak regulations and reliance on party distribution of public funds.¹⁰⁰

87. The Kosovo Press Council (KPC) and the Independent Media Commission (IMC) are the main independent and self-regulatory bodies involved in ensuring the regulation of media in Kosovo.

88. Disinformation remains a significant challenge in Kosovo, characterized by a lack of clear vision to combat the phenomenon. According to a recent BIRN report, which provides an in-depth study on the phenomenon, mapping out disinformation in Kosovo, media and online platforms are major distributors of disinformation with often news outlets playing a significant role.¹⁰¹ According to the report, the politicians and media contribute to propagating misinformation concerning the EU facilitated dialogue between Kosovo and Serbia, thereby fueling interethnic tensions that impede EU integration.

96 IPA (2022), [Summary of the activities of the Information and Privacy Agency of Kosovo for 2022](#).

97 IPA (2023), [Plans and reports – Information and Privacy Agency \(rks-gov.net\)](#).

98 EU Commission (2022), [Kosovo Report 2022](#).

99 Lëvizja Fol (2022), input for the joint CSO report on Human Rights in Kosovo 2022.

100 Prishtina Insight (2023), [Kosovo Rises in World Press Freedom Index, but Media Independence Still at Risk](#)

101 BIRN (2023), [Vorbulla e rrenave](#).

89. In December 2023, the GoK approved the Draft Law on the Independent Media Commission (IMC). This marks a shift from self-regulation to state control for online media. Key points include state licensing, mandatory company registration for NGOs operating as online media, an Online Media Register managed by the IMC, and ownership change permissions. Potential fines of up to 40,000 Euros and an increase in IMC membership from seven to eleven members, the legislative initiative to regulate online media through a licensing system is deemed the latest assault on media freedom and pluralism in Kosovo, highlighting concerns that the directive to harmonize national legislation with the EU's Audiovisual Media Services Directive is misinterpreted. Rather, it overlooks the local context and dismisses the existing self-regulatory body in Kosovo, with the EU directive not endorsing state control through mandatory licensing for online media.¹⁰²

90. From an economic standpoint to the media and their operations in Kosovo, financial sustainability is mostly dependent on commercial advertisements and financial donors, often from different political parties.¹⁰³ Particularly among private broadcasters, this situation has rendered a paradox whereby the viability of media outlets is contingent on outside financing but the maintenance of media integrity with objectivity and impartiality as crucial dimensions requires complete independence. In December 2023 BIRN Kosovo published the Media Ownership Monitor (MOM) which will serve as a publicly accessible database mapping tool, consistently under update, to include all media outlets. Out of the 44 monitored media outlets, only 15 of them were willing to share their media ownership data, and only 8 of them were owned or managed by women.¹⁰⁴

91. In 2023, the GoK suspended the business certificate of the media outlet Klan Kosova.¹⁰⁵ Journalists, photo reporters, cameramen, and activists gathered in front of the government, organized by the Association of Journalists of Kosovo (AJK), denouncing the suspension as media censorship and a threat to freedom of speech. The Ministry of Industry, Entrepreneurship, and Trade (MIET) had initially filed a criminal complaint against Klan Kosova, claiming that the business certificate included references to cities in Kosovo as part of Serbia. The European Centre for Press and Media Freedom condemned MIET's decision, and several media outlets expressed solidarity by placing their equipment on the ground. Likewise, the Human Rights Network (HRN) condemned the closure of Klan Kosova, stating publicly that the decision goes against the values and principles of democratic societies. HRN further called on the judiciary to endorse the legality of Klan Kosova through a fair and independent judiciary process.¹⁰⁶ The President of Kosovo, Mrs. Vjosa Osmani Sadriu, requested clarification of legal doubts in the case. The Prime Minister emphasized media freedom but stated that adherence to registration rules is a legal duty. The embassies of France, Germany, Italy, the UK, the US, and the EU expressed deep concern, calling for a fair and transparent legal process. The implications include concerns over media freedom, democracy, and adher-

102 ECPMF (2024), [Kosovo: Government should withdraw highly problematic media law changes](#).

103 NDI (2022), [Information integrity in Kosovo. Assessment of the political economy of disinformation](#).

104 BIRN (2023), [Media Ownership Monitor, 2023](#).

105 Prishtina Insight (2023), [Suspension of Media Certificate Sparks Protests in Kosovo](#)

106 HRN (2023), [Statement: Klan Kosova Case](#).

ence to legal procedures.¹⁰⁷ In August 2023, the Commercial Court in Prishtina/Priština, ruled against the decision of the MIET to suspend the channel's business certificate, potentially leading to the withdrawal of its broadcast license.¹⁰⁸ Yet, acts of pressure on journalists and activists supporting Klan Kosova continue to raise concerns about the commitment of the GoK to media freedom.

92. The Association of Journalists of Kosovo (AJK) has also raised concerns on the freedom of the media and the right to expression of opinion following incidents of physical threats and attacks against journalists and verbal attacks on the media by politicians and other public figures.¹⁰⁹ In reference to the attacks, threats, and harassment experienced by media personnel, the total number of attacks, including physical and (online) verbal attacks is 74.¹¹⁰ The AJK has provided in depth reports of at least four cases of misconduct towards journalists including the obstruction of the work of Blerta Dalloshi Berisha (Klan Albania) by the close protection team of the Prime Minister. When attempting to ask a question, a video released shows how a member of his security team grabs and pushes the journalist in question.¹¹¹ Likewise, in August 2023 Nacionale journalist Vullnet Krasniqi and camera operator Arbër Latifi were violently attacked when reporting on the protests that erupted in Prizren against the Dokufest festival.¹¹² Journalist Rinë Haziri (Lajmi.net) was violently assaulted by a citizen when reporting from Brezovica in Shtërpçë/Štrpce. The attacker exited his vehicle and violently took away the journalist's phone.¹¹³ The case has been reported to the police. In December 2023, journalist Fatlum Berisha received death threats by anonymous accounts on the social media platform Tik Tok.¹¹⁴ On the other hand, in May and June 2023, journalist and camera operator of Kallxo.com Adelina Ahmeti and Jetmir Hoxha were attacked in Leposaviq/ Leposavić, with their car being damaged as well as Shkodrane Dakaj, Naser Fejza, and Afrim Ejupi were also attacked in Zvečan/ Zvečan, where they were stranded for a while, and their car was broken.¹¹⁵ Finally, among the most severe incidents of violence in 2023 targeted journalist Valon Syla in April. He was assaulted by three unidentified assailants, resulting in severe injuries and bloodied facial features. The attack followed Syla's social media post satirizing the opulent lifestyle of an Imam in Prizren. The AJK swiftly condemned the assault, emphasizing its contradiction with the constitutionally enshrined freedom of expression in Kosovo. Legal proceedings are underway regarding this matter.¹¹⁶ These cases underline the precarious conditions surrounding the work of journalists in Kosovo with police intervention often limited to a handful of assaults on journalists.

93. In January 2023, Rilind Gërvalla, an activist of Vetëvendosje was appointed as Director of Television at Radio Television of Kosovo (RTK). This has sparked condemnation with accusations that the ruling Vetëvendosje party is capturing the public broadcaster. Gërvalla, a party supporter who

107 Prishtina Insight (2023), [Suspension of Media Certificate Sparks Protests in Kosovo](#)

108 Article 19 (2023), [Kosovo: Court decision, a welcomed move for media freedom.](#)

109 AGK (2022), [Hrw sjell në pah klimën e rënduar të të bërit gazetari në Kosovë.](#)

110 AJK (2024), input for the joint CSO report on Human Rights.

111 AJK (2023), [Obstructing the work of journalist Blerta Dalloshi Berisha](#)

112 Association of Journalists of Kosovo, [Physical attack against journalist Vullnet Krasniqi and camera operator Arbër Latifi, Prizren, 11.08.2023](#)

113 Telegrafi (2023), [Gazetarja Rinë Haziri sulmohet dhe pengohet teksa po raportonte nga Brezovica.](#)

114 AJK (2023), [Kërcënim me jetë ndaj gazetarit Fatlum Berisha.](#)

115 BIRN (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

116 AJK (2023), input for the joint CSO report on Human Rights in Kosovo 2023.

supported Vetëvendosje financially in 2020, has faced criticism for his ties to the party. The appointment of Gërvalla contradicts previous promises to depoliticize RTK. Media unions, opposition parties, and the European Federation of Journalists have voiced concerns, alleging political interference in the broadcaster. The opposition parties have also demanded the annulment of Gërvalla's appointment, emphasizing the need for an independent public television.¹¹⁷ In addition to this, RTK is facing gender discrimination allegations as three women, Ilire Zajmi, Flora Durmishi and Mihrije Bejqi failed to secure top management positions despite scoring the highest in the recruitment processes, granting the positions to men with lower scores.¹¹⁸

94. The NGO NSI notes that the import ban on Serbian products by the GoK on June 14, 2023 has resulted in the unavailability of printed media from Serbia, infringing upon the right to information and freedom of information.¹¹⁹ It should be highlighted that the import ban was not provided in a decision that was published or available to the public raising ongoing concerns about the transparency and legality of this decision as well as the right to information. Furthermore, on August 9, 2023, the Kosovo Agency for Company Registration revoked the license of MTS d.o.o. company due to an address listed as Kosovska Mitrovica, Republic of Serbia, in the owner's documentation.¹²⁰

95. The violent attacks on journalists reporting from outside the municipal building in Zvečan/ Zveçan during the conflicts on May 26 and 29 have raised significant safety concerns. The journalists attacked were predominantly reporters with K-Albanian background, but journalists from the K-Serb community also suffered violence from protesters. Journalists from outlets such as RTV Dukagjini, Koha, Teve1, A2 CNN, Panorama, Kanal 10, RTV 21, Periskopi, RTK, and KoSSev, a Serbian-language media, were targeted in North Mitrovica, Zvečan/Zveçan, and Leposaviq/ Leposavić.¹²¹ From May 26 to June 30, AJK recorded 30 attacks against journalists and media in 4 northern municipalities. The most severe attack was recorded on June 16 in Leposaviq/ Leposavić, when at least 9 members of K-Albanian media crews were chased down by a mob, with RTK camera operator, Bardh Bekteshi being kicked in the head, and his colleague Venera Xhoxhaj Adili recording the incident.¹²²

96. The Law No. 02/L-37 on the Use of Languages is another legal tool by which the freedom of expression and opinion and the right to information can be imposed. Recent reports have emphasized insufficient implementation of Serbian and its Cyrillic script.¹²³ Ongoing violations of the Law on the Use of Language, particularly in the context of Serbian as the official language throughout Kosovo, have been documented. Notably, the visa liberalization campaign initially featured informative billboards solely in Albanian, even in majority K-Serb municipalities. The 2023 European Commission report for Kosovo highlighted instances of disrespect for the right to use language

117 Balkan Insight (2023), [Kosovo Ruling Party Accused of 'Capturing' Public Broadcaster](#).

118 Kosovo 2.0 (2023), [Gender inequality in the media: the media must challenge sexism and gender discrimination in its own ranks](#).

119 N1 (2023), [Priština potvrdila: Oduzet poslovni sertifikat MTS d.o.o. na Kosovu](#).

120 NSI (2024), input for the joint CSO report on Human Rights Kosovo 2023.

121 NSI (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

122 AJK (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

123 NSI (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

in communication between public institutions and local media, especially those reporting in Serbian. Examples include the public media service's failure to broadcast government press conferences in Serbian and the Assembly's lack of translation into Serbian during plenary sessions. Inadequate translation quality on public institutions' websites hinders citizen access to information. The issue extends to the publication of documents, particularly in the judiciary, where the lack of translators or poor-quality translations directly impedes the exercise of rights for the Serbian and other non-majority communities using the Serbian language.¹²⁴

97. The Law No. 06/L-081 on Access to Public Documents and the Law No. 06/L-085 on Protection of Whistleblowers have been adopted, but not yet implemented at a satisfactory level.

98. The NGO FOL underlines the importance of the "right to be forgotten." They state that this right is intricately linked to individuals' entitlement not to have their personal data utilized in ways inconsistent with the original purposes of data collection.¹²⁶ This concept plays a pivotal role in the broader context of privacy and the safeguarding of personal information. Normatively, the formal regulation of the "right to be forgotten" occurred on April 27, 2016, with enforcement commencing on May 25, 2018, coinciding with the implementation of the General Data Protection Regulation (GDPR) (EU) 2016/679 across European Union member states. Recognizing its significance, the right to erasure, or the right to be forgotten, has been codified into Law No. 06/L-082 on Personal Data Protection. This legislation, adopted by the AoK in February 2019, aligns with Regulation 2016/679 of the European Parliament.

99. The Law on Protection of Personal Data No. 06/L-082 provides a solid legislative framework and navigates the delicate balance between the right to be forgotten and the rights to freedom of expression and information. Experts have argued that this right is indispensable for upholding the privacy and integrity of individuals. In the context of its application within the context of Kosovo, the IPA has thus far received a single complaint dating back to 2022 regarding the non-deletion of personal data. Notably, in June of that year, a citizen who had sought a legal officer position in the Office of the Disciplinary Prosecutor lodged a complaint against the Kosovo Judicial Council. The grievance arose from the individual's online search revealing his name still listed among rejected candidates published by the Kosovo Judicial Council (KJC). In response, the IPA mandated that the KJC expunge these lists. Emphasizing the absence of a legal foundation the IPA underscored that the publication of lists, particularly those including candidates not meeting criteria for ongoing recruitment procedures lack legal justification. The IPA justified its decision by asserting the imperative need to safeguard the fundamental rights and freedoms of individuals, hereby stressing the protection of personal data and privacy.¹²⁷

124 NSI (2024), input for the joint CSO report on Human Rights Kosovo 2023.

125 YIHR KS (2022), input for the joint CSO report on Human Rights Kosovo 2022.

126 FOL (2024), input for the joint CSO report on Human rights Kosovo 2023.

127 FOL (2024), input for the joint CSO report on Human rights Kosovo 2023.

100. Recommendations

- The GoK should develop a comprehensive strategy to address disproportionate threats, hate campaigns and physical attacks on journalists;
- The GoK should develop a coordinated approach to combat disinformation particularly in relation to the EU facilitated dialogue between Kosovo and Serbia;
- The IPA should be equipped with increased supervisory capacities, particularly concerning the ability to act as an independent appeals mechanism when public bodies deny or ignore information requests;
- The GoK should allocate resources to ensure effective implementation of the Law on Access to Public Documents;
- The IPA should urgently publish its report for 2023 to enhance transparency and accountability in overseeing the implementation of the Law on Access to Public Documents and the Law on Personal Data Protection;
- The GoK should develop targeted measures to strengthen media independence and reduce reliance on party distribution of public funds;
- The GoK should strengthen adherence to legal procedures concerning media freedom by ensuring fair and transparent processes in cases such as the suspension of Klan Kosova's business certificate;
- The GoK should address concerns regarding possible political interference in the public broadcaster to ensure that public television remains independent, and address the gender imbalance within RTK;
- The GoK should reevaluate the import ban of Serbian products to prevent infringement on citizens' rights to information and freedom of information;
- The GoK should strengthen the implementation of the Law on the Use of Languages ensuring compliance with Serbian as an official language throughout Kosovo, and address instances of non-compliance with official policy in communication from public institutions.
- The GoK should address and refrain from persistent interference in the judiciary in order to uphold international oversight and protect the integrity of the judicial system;
- The Kosovo Judicial Council should allocate sufficient human resources to enable real-time publication of judgments, fulfilling legal obligations and enhancing transparency;

- The Kosovo Judicial Council should allocate sufficient human resources to enable real-time publication of judgments, fulfilling legal obligations and enhancing transparency;
- The Kosovo Judicial Council should facilitate equal and timely publication of judgments in both Albanian and Serbian languages, acknowledging the importance of bilingualism in Kosovo’s legal system.

5.6 The freedom of peaceful assembly

101. The freedom of peaceful assembly as a fundamental human right corresponds on the international scale with Article 20 of the UDHR, and posits clearly that “everyone has the right to freedom of peaceful assembly and association” (see also section 5.7 of this report, for freedom of association). Article 11 of the ECHR similarly formulates the freedom of association as a core value. In the Kosovo Constitution, a synonymous formulation is adopted in Article 43 as the freedom of gathering rather than assembly. The Constitution states that “every person has the right to organize gatherings, protests and demonstrations and the right to participate in them.”¹²⁸ Other laws form the legislative backdrop of this right in Kosovo are Law No. 08/L-166 on Public Gatherings, Law No. 04/L-076 on Police, and Criminal Code No. 06/L-074. The Law No. 03/L-118 on Public Gatherings requires that certain conditions be met including the timely notification of the protest or public gathering to the relevant authorities at least 72 hours beforehand. This law came into force in 2023 and NGO YIHR KS submitted comments in the Draft Law on Public Gatherings.

102. The question of public sector salaries, which reverberated through protests in 2023, especially in public administration and the educational arena with demands by public school workers to lawfully increase their wages were settled in February 2023 following the approval of the Law No. 08/L-196 on Salaries for the Public Sector.¹²⁹ The government finally determined the salary coefficients for the public sector after months of strikes by public-sector workers and trade unions in 2022 and early 2023.

103. As in the previous reporting periods (2021 and 2022), a central thematic topic around which protests and demonstrations converged was gender-based violence with violence against women as the most pressing issue. Public outcry followed the case of the femicide of Liridona Ademaj in December 2023, which coincided with the 16 Days of Activism campaign countering violence against women. The central theme of the protest was encapsulated in the slogan “there is no peace without the safety of women.”¹³⁰ In 2023, the Ministry of Justice took over in leading the 16 Days of Activism Campaign countering violence against women hence sidelining the role of activists and civil society organizations.

128 The Kosovo Constitution (2008), Article 43.

129 Prishtina Insight (2023), [Government Reveals Coefficient for Wages in Public Sector.](#)

130 Top Channel Albania (2023), [Top news: Nuk ka paqe pa sigurinë e grave, protestë në Prishtinë për vrasjen e Liridona Ademajit.](#)

104. Another theme around which public gatherings were organized in the form of protests concerned many K-Albanians' stance against the creation of the Association of Serb-majority municipalities in Kosovo. The contention with the Association follows the Brussels Agreement of 2013, which came back to center stage in the context of the Prishtina/Priština-Belgrade Dialogue. At different moments in time throughout January, February and May 2023, various segments of society, including the political party PSD, students and otherwise non-associated citizens, protested against the Association.¹³¹

105. According to NGO NSI, the right to protest was infringed upon during the protests on May 26 and 29 in front of the municipal building in Zvečan/ Zvečan. During the May 26 event, the Kosovo Police's special units attempted to forcefully disperse peaceful protesters, while on May 29, KFOR similarly attempted to do so. It is crucial to underscore that both protest gatherings maintained a peaceful and non-violent character until members of the aforementioned formations sought to suppress them through the use of force, thereby triggering further escalation.¹³²

106. In May 2023, demonstrations unfolded in northern Kosovo in response to the assumption of office by Kosovo Albanian mayors. This followed the April elections, notably boycotted by K-Serbs, resulting in a historically low voter turnout. Regrettably, the protests escalated into violent clashes with KFOR soldiers, resulting in injuries among the peacekeeping forces, law enforcement and representatives of the media. According to the EU Commission report, the attacks "are yet to be condemned and acted upon by Serbia."¹³³

107. Recommendations

- The GoK should develop a comprehensive strategy that fosters open dialogue and public engagement on contentious issues that result in public outcry;
- The Kosovo Police should eliminate unnecessary restrictions on the right to assembly, while ensuring that public safety and security are maintained;
- The judiciary should conduct a thorough and transparent investigation into the events of May 26 and 29 in Zvečan/ Zvečan, specifically focusing on the actions of Kosovo Police special units and KFOR, to determine if the use of force was justified;
- Kosovo police training should be strengthened to support peaceful supervision techniques that emphasize the importance of respecting citizens' rights of peaceful assembly.

131 RTK (2023),

132 NSI (2024) input for the joint CSO report on Human Rights Kosovo.

133 EU Commission (2023), Kosovo Report 2023.

5.7 The freedom of association

108. The freedom of association is an essential dimension of the human rights' framework and recognized alongside the freedom of assembly in Article 20 of the UDHR. An additional stipulation is formulated in Article 20.1, as the right of everyone to not be compelled to belong to an association. The freedom of association is also guaranteed by Article 11 of the ECHR and the ECtHR has consolidated its jurisprudence on the scope and limitation of the freedom of association. The freedom of association is also guaranteed through the Kosovo Constitution, and includes the right to "establish an organization without permission" (Art. 44.1) and the right to establish trade unions (Art. 44.2). In addition to these international and constitutional instruments, a set of other laws and regulations complete the legislation.

109. The Law No. 06/L-043 on Freedom of Association in Non-Governmental Organizations further regulates the constitutional right to associate without obtaining permission. Known as the NGO Law, the legislation for NGOs provides an improved legal environment by removing limitations for foreign residents, and introducing new legal forms with shortened periods for registration.¹³⁵ In practice, however, the EU Commission's report underscores that no tangible progress has been made in this respect.¹³⁶ Furthermore, the Law No. 04/L-011 for the Organization of Trade Unions in Kosovo, and the Law No. 03/L-212 on Labor regulates one's right to form trade unions in the context of public and private employment sectors. The Law on Freedom of Association in Non-Governmental Organizations applies to all types of NGOs, including grassroots organizations. In 2022, the GoK adopted the new Administrative Instruction No. 12/2022 on the Registration, Operation, and Deregistration of Non-Governmental Organizations, the drafting process of which started in 2019.¹³⁷ This Administrative Instruction also defines the procedures for registration, operation, and deregistration of institutes as a new form of organization of NGOs recognized by the NGO Law approved in 2019. The NGO public registry has to be updated and should ensure that Kosovo's electronic system of non-governmental organizations is fully reliable.

110. Against this legislative context, the GoK set up a Council for Cooperation of the Government with Civil Society in 2019. This Council has as its main aim to function as an advisory mechanism and facilitate cooperation between civil society organizations and the government. No new updates concerning the Government Strategy and Action Plan for Cooperation with Civil Society (2019-2023) have been provided since 2022.¹³⁸

111. Since July 2023, significant concerns have arisen among CSOs about the EU decision to potentially delimit funds under the Instrument for Pre-Accession Assistance (IPA) until Kosovo's compliance with EU directives for stability. Because civil society relies in part on international funding, the potential harms of the suspension of IPA vis-à-vis the GoK may reverberate in the area of civil society in 2025 according to NGO KCSF and result in potential salary cuts, and job reductions as its outcome. Whether this concern will materialize in 2025 remains to be examined.¹³⁹

134 UDHR, [Article 20](#).

135 European Center for Not-for-Profit Law (2019), [Kosovo Adopts new, Progressive Law on NGOs](#).

136 EU Commission (2022), [Kosovo Report 2022](#).

137 Zyra per Qeverisje te mire (2022), [Projektudhezim administrativ nr. xx/2021](#).

138 Office of the Prime Minister (2023), [Këshilli për bashkëpunim të qeverisë me shoqërinë civile](#).

139 Balkan Insight (2023), [NGOs Fear EU Measures Against Kosovo Could Hit Civil Society Funds](#).

112. The Confederation of Independent Trade Unions in Kosovo (BSPK) has strongly supported the decision of the New Trade Union of KEK for the protest of March 16, 2023. The protest aimed to demand salary increases for all workers of the Kosovo Energy Corporation. The communication from the Office of the President of the Independent Trade Unions Federation of Kosovo was in solidarity with the decision of the New Trade Union of the Kosovo Energy Corporation, emphasizing the collective pursuit of wage improvements for all Kosovo Energy Corporation's employees.¹⁴⁰

113. Recommendations

- The GoK, through collaboration between the Ministry of Education, Science, Technology and Innovation, and the Ministry of Justice, should develop and implement educational programs that help raise awareness among Kosovo citizens regarding the importance and scope of freedom of association as outlined through international instruments and the Kosovo Constitution;
- The Draft Law on Freedom of Association should be comprehensively reviewed to address shortcomings in the establishment and operation of CSOs without undue restrictions;
- An updated government Strategy and Action plan for cooperation between the government and civil society covering the year 2024-2028 should be initiated;
- The GoK should establish proper review mechanisms to monitor the potential impact that the IPA restrictions may have in the area of civil society and mitigate risks.

5.8 The freedom of belief, conscience and religion

114. The freedom of thought, conscience and religion concerns the intrinsic right of individuals to manifest, worship and practice their beliefs alone or in a community with others. Its recognition as a universal human right is stipulated in Article 18 of the UDHR, and is equivalently stated in Article 9 of the ECHR. In the latter Convention, restrictions on the manifestations of belief or religion can be stipulated by law only in circumstances where they impinge on the interests and values of a democratic society and are necessary in the interests of public safety, for the protection of public order, public health, or for the protection of the rights and freedoms of others. In the domain of the Kosovo Constitution, this right is formulated in terms of freedom of belief, conscience and religion in Article 38. Moreover, the Kosovo Constitution (Rights of Communities) provides in its Article 59 (par. 1) that "members of communities shall have the right, individually or in community, to express, maintain and develop their culture and preserve the essential elements of their identity, namely their religion, language, traditions and culture". The right to believe and manifest one's religion goes hand in hand in the Constitution with the right to change one's religion (Article 3) or not be compelled to join a religious community or make one's religious affiliations known. It

ould be noted, however, that Kosovo is a secular state and is neutral in matters of religious beliefs as provided by Article 8 of the Constitution. This was well confirmed in the Arjeta Halimi case, in which the Constitutional Court declared, inter alia, that public authorities are bound to observe Article 8 of the Constitution to uphold state neutrality on religious matters.¹⁴¹

115. Although the AoK had in its legislative agenda for 2023 the enactment of the Draft Law on Religious Freedom, which will enable religious communities to register and benefit from equal rights, the Draft Law is still pending.¹⁴² The changes in the legal status of the religious community include the right to legal ownership of property, to rent property, to maintain an official bank account, to hire workers, and to establish institutions of a humanitarian and educational character. The changes also include the formation of a commission to deal with practical matters and determine the criteria for registering new religious communities in Kosovo. The draft Law on Religious Freedom was first approved in 2006 and aims to update the legal framework for religious freedoms to increase compatibility with human rights and fundamental freedoms guaranteed by the Constitution of Kosovo.¹⁴³

116. The relationship of the GoK with the Serbian Orthodox Church remains strained with delayed implementation of the Constitutional Court decision on the Visoki Dečani monastery confirming the church's land ownership rights.¹⁴⁴ This concern was highlighted in the two previous CSO reports as well with no action undertaken by the GoK thus far.

117. The AoK has adopted a working definition on antisemitism, which conforms with the International Holocaust Remembrance Alliance. The EU Commission report underlines that although the Jewish community does not have a synagogue in Kosovo, a positive development concerns the ongoing construction of a Jewish Cultural Centre in Prizren with government support.¹⁴⁵

118. Kosovo has 43 Special Protection Zones, which have been established by Law No. 03/I-039 on Special Protective Zones, with the purpose of safeguarding locations of religious and cultural significance. These zones are granted legal protection from any activities that could potentially cause harm or disturbance to the historical, cultural, or natural environment. A specialized police unit, composed of individuals from diverse ethnic backgrounds, provides round-the-clock surveillance to ensure the security of these zones. While no reported incidents have occurred at these sites within the past two years, instances of theft and vandalism have been reported at Serbian Orthodox Church sites located outside of these designated protection zones.

119. In late October, as part of the reconstruction project in North Mitrovica, the workers tasked with excavating the road leading to the Albanian house inadvertently unearthed the old cemetery of the Serbian Orthodox Church. Notably, the plot housing the cemetery is officially registered as Serbian Orthodox Church property in the Kosovo cadastre. During this operation, a severe crime transpired, involving the desecration of graves and monuments, as affirmed by Veton Elshani, Deputy Commander of the Kosovo Police for the North Region. Mayor Erden Atiq of North Mitro-

141 Case No. KI 36/1. Constitutional Review of alleged non execution of Judgment of the District Court in Gjilan/Gnjilane CN.nr.24/09 of 17 November 2009 and alleged violation of the Applicant's human rights.

142 EU Commission (2023), Report on Kosovo, pp. 32.

143 AA (2023), [Qeveria e Kosoves miraton projektligjin per lirine fetare.](#)

144 EU Commission (2023), Report on Kosovo 2023, pp.31-32.

145 EU Commission (2023), Report on Kosovo 2023, pp.31-32.

vica acknowledged the incident as an unfortunate mistake.¹⁴⁶

120. In November, on the occasion of the First World War Armistice Day commemoration in Prishtina/Priština, the monument dedicated to Serbian soldiers who fell in the wars of 1912-1918 underwent relocation, initiated by the French and German Embassies in Kosovo. This monument, along with the entire cemetery, falls under the jurisdiction of the Serbian Orthodox Church, yet neither the Church nor the municipal authorities of Prishtina/Priština were consulted regarding this move. The absence of consultation raised concerns about due process and respect for the religious and historical significance of the site.¹⁴⁷

121. At the close of October, the abbot of the Devina Voda monastery faced deportation from Kosovo, despite holding a valid residence permit, a process he had effortlessly renewed in prior years. Although not a Kosovo citizen, the abbot was informed in Prishtina/Priština that he must leave the country, barring his return for the next five years, ostensibly citing national security concerns. Representatives from OSCE and EULEX were reportedly present during this deportation, raising questions about procedural fairness. This move contradicts Article 7 par. 3 of the Law on Religious Freedoms in Kosovo, explicitly prohibiting arbitrary entry bans for religious figures.¹⁴⁸

122. In a contentious dispute, the Serbian Orthodox Church finds itself entangled with Nikolla Xhufka, an Albanian Orthodox priest. The discord ignited when Xhufka, along with a group, asserted the church in Rakinicë/Rakinica, Podujevë/Podujevo municipality, as an “Albanian Orthodox Church” dedicated to Theofan Noli. Accusing the Serbian Orthodox Church of concealing weapons, Xhufka branded it an “Albanian national Orthodox church.” Subsequently, the Serbian Orthodox Church Raška-Prizren Diocese filed a criminal complaint against Xhufka for intrusion, religious facility misuse, and inciting discord. This clash underscores regional tensions concerning religious and ethnic identities, compounded by conflicting claims about the church’s ownership and significance. Xhufka’s provocative actions, involving property destruction and hate speech against the SPC, have magnified concerns regarding his assertions about an Albanian Orthodox identity, alleging SPC support for terrorists and nefarious activities. Despite initial indifference from Kosovo institutions, the church was eventually returned to Serbian Orthodox Church control, accompanied by the replacement of the door lock. Importantly, NGO NSI notes that this incident is not the first instance of Xhufka engaging in hostilities and utilizing hate speech against the Serbian Orthodox Church in Kosovo.¹⁴⁹

146 NSI (2024), input for the joint CSO report on Human Rights Kosovo 2023.

147 NSI (2024), input for the joint CSO report on Human Rights Kosovo 2023.

148 NSI (2024), input for the joint CSO report on Human Rights Kosovo 2023.

149 Aktiv (2024), input for the joint CSO report on Human Rights Kosovo 2023.

123. Recommendations

- The Gok should take immediate action to implement the Constitutional Court decision on the Visoki Dečani monastery, confirming the Serbian Orthodox Church's land ownership rights;
- The AoK should fully comply with the recommendations of the Venice Commission with the draft Law on Freedom of Religion in order to facilitate legal status and eliminate constraints on the right to manifest one's religion;
- The GoK, Ministry of Internal Affairs and the Ministry of Culture, Youth, and Sports, should strengthen security measures to safeguard religious spaces and historical heritage sites and prevent the desecration of religious sites;
- The Kosovo Police, Ministry of Internal Affairs, Ministry of Culture, Youth, and Sports, should develop effective monitoring and reporting mechanisms to promptly address issues of theft, vandalism and harm to religious sites;
- The GoK, Ministry of Justice, and the Ministry of Internal Affairs should enhance respect for the Law on Religious Freedoms in Kosovo thereby facilitating access of religious figures to their religious sites of worship;
- The political leaders of Kosovo should initiate measures to encourage interfaith dialogue and understanding between different religious communities.

6. SECTION B: ECONOMIC, SOCIAL AND CULTURAL RIGHTS

6.1 Labor rights

124. Labour rights find their universal and international legal basis in Article 23 of the UDHR while the ECHR prohibits any form of forced labor in its Article 4 when stating that “no one shall be required to perform forced or compulsory labor.”¹⁵⁰ On a local level, labor rights are protected by the Kosovo Constitution. The Constitution guarantees the right to work and freely choose an occupation as stipulated in Article 49.1, “every person is free to choose his/her profession and occupation.” The freedom of association, the freedom to form trade unions, and the prohibition of forced labor is also protected through the Constitution. Other stipulations include basic social insurance related to unemployment in Article 51, as well as the equitable representation of communities and members in public employment in Article 61.¹⁵¹ The legislative foundation is also formed by Law No. 03/L-212 on Labor, Law No. 04/L-161 on Safety and Health at Work, and Law No. 04/L-011 on Trade Union Organization, which regulates and determines the rights and freedoms of employees to establish trade unions in the public and private sector.

125. Despite having several labor laws in place, the enforcement of these laws remains weak in Kosovo. The lack of enforcement leads to violations of labor rights, including low wages, long working hours, and unsafe working conditions. A significant percentage of the workforce in Kosovo is employed in the informal sector, which is not regulated by labor laws. This type of employment is often associated with low wages, no job security, and limited access to social protection. A significant number of workers in Kosovo are not covered by social protection schemes, such as pensions, health insurance, and unemployment benefits. This lack of social protection makes workers more vulnerable to economic shocks and poverty.

126. In February, the new Law No. 08/L-196 on Salaries in the Public Sector was enforced. The purpose of the law is to create a uniform system of salaries with at its center transparent principles and rules. In turn, it enables understanding in a manner consistent with international standards the budgetary expenditures of the GoK, enabling a more transparent management of the government incomes and expenses. Upon a request by the OIK concerning the constitutionality of the Law, the Constitutional Court has rendered a decision that partially annuls a number of Articles, deeming them unconstitutional.¹⁵² In particular, the Court has found that salary reductions for certain job categories are unconstitutional, and as such, are illegal.¹⁵³ As a consequence, the Court has called on the AoK to amend the existing law within six months.¹⁵⁴

150 ECHR, [Article 4](#).

151 The Kosovo Constitution (2008).

152 Telegrafi (2023), [Gjykata Kushtetuese rrëzon disa nene të Ligjit të Pagave, i kërkon Kuvendit që brenda 6 muajsh ta ndryshojë](#)

153 For an in-depth analysis of the Constitutional Court Decision, please refer to the [website](#).

154 Telegrafi (2023), [Gjykata Kushtetuese rrëzon disa nene të Ligjit të Pagave, i kërkon Kuvendit që brenda 6 muajsh ta ndryshojë](#)

127. Although in its legislative program for 2023, the GoK planned to present a bill to amend the existing Law No. 03/L-212 on Labor, the GoK has been unable to advance with improvements in the reporting period.¹⁵⁵ According to an analysis published by Kosovo 2.0, the current law fails to adapt to the current socio-economic conditions of Kosovo. Yet, despite CSOs proposals for a more comprehensive Labor Law overhaul, the government appears inclined towards superficial amendments, which according to the Kosovo 2.0 report, compromises the law's quality. Furthermore, the delay hampers workers' rights, with ongoing strikes and actions reflecting the urgency for a new, inclusive labor law aligning with EU norms.¹⁵⁶

128. In July 2023, the AoK approved the new draft law on Minimum Wages, raising the minimum wage from 170 to 264 Euros. Although welcomed by experts for addressing the long-overdue update since 2011, concerns arise regarding its adequacy in light of increased living costs in the post-pandemic context and inflation.¹⁵⁷ Notably, the law does not impact the minimum pension for war veterans, maintaining it at 170 Euros. This has sparked discontent among veterans, and resulted in a series of protests.¹⁵⁸

129. In July 2023, the draft law amending and supplementing the Law No. 04/L-131 on State-funded Pension Schemes was approved. The Law resolves the issue for those who left their jobs during the 1990s under the Serbian administration. Compared to the previous law, which stipulated that only those who could prove 15 years of contribution to the former Pension Fund of Kosovo were eligible for contributory pensions, the new law includes citizens who left their jobs in the 1990s and therefore could not accumulate 15 years of work experience. The amendment follows a Constitutional Court decision from 2022 labeling a provision of the former Pension Law as unconstitutional, as it denied many citizens contributory pension rights. According to the MFLT, the amendment eliminates discrimination and injustice faced by those forced to leave during the early 1990s. Pension height will be determined based on the years that contributors spent in the Pension Fund, costing the state around 60 million Euros annually.¹⁵⁹

130. The Labor Inspectorate of Kosovo is the central monitoring body that oversees the implementation of the labor laws in practice. This includes the management of overall labor relations as well as health provisions at work. The latter accords with Law No. 04/L-161 on Safety and Health at Work. The activities of the inspectorate are also contextualized against a subset of other laws and regulations. These include the Law No. 04/L-156 on Tobacco Control, which has been amended in 2022,¹⁶⁰ the Law No. 04/L-219 on Foreigners, Law No. 03/L-019 on the Professional Advancement and Employability of Individuals with Disabilities and Law No. 02/L-81 on the Promotion and Protection of Breastfeeding.

155 Kosovo 2.0 (2023), [Outdated Labor Law](#).

156 Kosovo 2.0 (2023), [Outdated Labor Law](#).

157 Prishtina insight (2023), [New draft law on minimum wage welcomed by experts](#).

158 Top Channel (2023), [Veteranët protestë në Kosovë](#).

159 Zëri i Amerikës (2023), [Kosovë, miratohet projektligji që rregullon pensionet](#).

160 Official Gazette (2022), [Law on amending and supplementing Law No. 04/L-156 on tobacco](#).

131. The unemployment rate according to the Kosovo Agency of Statistics (KAS) for the age categories 15-64 stands at 11.5 percent in 2023. The depiction presented shows a stark decrease in unemployment compared to all three previous years. It is possible that the decline does not represent a factual decrease of unemployment, rather, it may be the result of migration.¹⁶¹

132. Significant concerns persist about inadequate workplace safety measures in the private sector with the construction sector as the field with most injuries and a mortality rate four times higher than the regional average.¹⁶² Trade unions have called for more urgent action and increased inspections to address the persistence of the issue. As a result of economic challenges, construction workers are forced to compromise their safety.¹⁶³ In 2023 alone (data represents seven first months), 18 workplace fatalities have been reported.¹⁶⁴ In the report "Management of Workers without Procedures",¹⁶⁵ BIRN Kosovo reveals that between 2016 and June 2023, there were 1,072 workplace accidents, resulting in 102 deaths. The report also found that 20% of the 23,524 employees inspected by Kosovo's Trade Inspectorate in the first half of 2023 did not have health certificates, and 5% were not working under employment contracts. Furthermore, a significant proportion of businesses fail to meet minimum standards for the implementation of safety and insurance rights in the workplace.¹⁶⁶

133. The exodus of Kosovo's youth to western European countries, driven by the pursuit of employment opportunities and a more dignified standard of living underscores an ongoing trend in 2023 and poses a significant challenge to the Kosovo labor market. Concerns about labor shortages in different sectors have resulted in the necessity for more nuanced policy interventions.¹⁶⁷ In particular, the head of the Chamber of Commerce of Kosovo has urged the Government to develop a clear strategy that helps prevent the emigration of young people from the country as the phenomenon has continued to rise for the past two years.¹⁶⁸

134. Combined with the poor employment conditions certain experts have articulated concerns about the possibility of mass emigration following the visa liberation of Kosovo in January 2024. The head of the Alliance of Kosovar Businesses similarly urges the Government to subsidize the private sector to prevent workers from leaving, and notes that contracts with foreign workers mainly from Asia and Turkey have been signed to meet the shortage in Kosovo.¹⁶⁹

161 Gazeta Express (2023), [Emigrimi e zbrit papunësinë në Kosovë ne 10.8 percent, në pikën më të ulët të pasluftës.](#)

162 Nacionale (2023), [Mes punës dhe vdekjës: Sindikata ankohen për kushtet e punës në sektorin privat.](#)

163 Radio Evropa e Lirë (2023), [Kompensimi i munguar për vdekjen në vendin e punës.](#)

164 Telegrafi (2023), [18 vdekje për shtatë muaj në vendin e punës, KMDLNJ: Ndërtimtaria – sektori që po rrezikon më së shumti jetën e punëtorëve.](#)

165 Birn (2023), [Management of workers without procedures.](#)

166 Birn (2024), input for the joint CSO report on human rights in Kosovo 2023.

167 Enigma (2023), [Paga të ulëta e kushte minimale në pune – vazhdon trendi i madh i ikjës së rinisë Kosovare drejt vendeve evropiane.](#)

168 Zëri (2023), [Rafuni i bën thirrje Qeverisë që urgjentisht të hajrtojë strategji për parandalimin e ikjës së të rinjve.](#)

169 Alb Info (2024), [Frika e mbetjës pa punëtorë në Kosovë pas liberalizimit të vizave.](#)

135. The health sector in particular is especially affected by the exodus, resulting in a significant brain drain from Kosovo. The Chamber of Doctors in Kosovo underscores that in 2023 alone, 170 doctors have left Kosovo adding to the 80 who have already left in 2022. Coupled with an 80 per cent unemployment rate among doctors due to unsatisfactory working conditions, the emigration of medical workers to wealthier countries portends a serious crisis of medical staff. According to the Chamber of Doctors and the Chamber of Nurses in Kosovo, the conditions for medical staff have yet to be addressed by the GoK in a manner that reflects serious consideration of the health-care crisis.¹⁷⁰

136. In 2023, Kosovo was confronted with a significant challenge in providing gainful employment for its disabled population which constitutes over 150,000 individuals (as per WHO data). Despite the legislative framework which mandates employers to hire one person with a disability for every 50 employees, this stipulation is not implemented in practice despite the Ministry of Finance (MoF) allocating 5 million Euros in 2022. In part, the problem lies with the 2013-2023 strategy which lacks specificity in addressing professional training and employment of people with disabilities.¹⁷¹

137. The employment landscape for K-Roma, K-Ashkali, and K-Egyptian communities remains harsh in 2023, as they continue to suffer from an especially high unemployment (over 90 percent), which is compounded by discrimination.¹⁷² Resultantly, members of these communities are usually employed in the informal sector with insecure menial labor jobs.¹⁷³ Despite the adoption of the Strategy for the Advancement of the Rights of the Roma and Ashkali Communities (2022-2026), discrimination compounds their struggles and pushes the community members into informal, insecure and low-skilled jobs. Efforts to combat discrimination and alter societal perceptions and injustice is pivotal for altering the conditions of these communities.¹⁷⁴

138. According to the World Bank (WB) (2023), a mere 20 percent of women participate in the labor force, reflecting one of the world's lowest rates and a significant disparity between Kosovo's legislative framework and the economic realities on the ground. The WB emphasizes that traditional norms assigning caregiving responsibilities to women persist both in the area of child care and the care for elders.¹⁷⁵ The NGO KGSC underscores in this regard the lack of enforceable provisions for maternity and parental leave, including adequate duration and compensation and workplace safety and health for women. This is viewed as a contributing factor to women being deprived from equal access to the labor market.¹⁷⁶ The expected increase of childcare in the following year (2024) may likely contribute to the further marginalization of women, forcing them to leave their jobs to care for the children.

170 Kosova news (2024), [mbi 300 mjekë të larguar, a do të ndikoj liberalizimi i vizave në krizë të stafit mjekësor](#).

171 Kallxo (2023), [Mundësitë e punësimit të personave me aftësi të kufizuara](#)

172 EU Commission (2023), Kosovo Report 2023.

173 Balkan Sunflowers Kosovo (2022), input for the joint CSO report on human rights in Kosovo 2022.

174 EU Commission (2023), Kosovo Report 2023.

175 The World Bank (2023), [More reforms are needed to contribute towards country's economy and prosperity](#).

176 KGSC (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

139. According to the NGO GAP Institute, gender inequalities in the labor landscape remain pervasive with only micro and small businesses owned by women. In their recent observations, NGO GAP Institute notes that large enterprises containing more than 250 employees remain absent among women owners. Furthermore, the municipal landscape reflects disparities among different regions: Dragash/Dragaš, Malishevë/Mališevo and Rahovec/Orahovac exhibiting the highest inequality rates in business ownership in Kosovo. In contrast, Partesh/Parteš stands as the most gender-equitable municipality.¹⁷⁷

140. Related to the previous paragraph, NGO GAP Institute underscores the perpetuation of gender stereotypes through the language used in labor market vacancies. In particular, they reveal that 59 percent of job vacancies posted on the popular portals Kosovajob and 79 percent in Superpuna exhibit significant instances of gender stereotypes with male-caded language in economy, trade, engineering and construction and female-focused language use in education and administration. It is noteworthy to underscore that jobs with masculine language use offer higher salaries than the jobs which feed into the stereotypical women roles. They emphasize the importance of facilitating gender-neutral language in job descriptions with equitable remuneration practices.¹⁷⁸

141. Recommendations

- The AoK should ensure that the draft Law on the Labor Inspectorate is approved in line with relevant EU Acquis (Work-life balance), especially regarding the non-discrimination in employment and parental leave, as well as allocate resources to finance these leaves and invest in expanding the availability of care services;
- The Labour should increase its capacities and inspections in both public and private sectors;
- The AoK needs to urgently adopt the new Law on Labour;
- The GoK and the Agency for Gender Equality should apply affirmative measures as per the Law on Gender Equality in recruitment processes, particularly in higher decision-making positions within the Public Administration;
- The Labour Inspectorate should hold trainings for employers of public and private sectors concerning the legislative framework;
- The GoK should implement the policies foreseen in the Strategy for the Advancement of the Rights of the Roma and Ashkali Communities 2022-2026 in order to increase the employment of these communities;

177 GAP (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

178 GAP (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

- The GoK should undertake adequate promotion of labor rights for employers in order to respect fundamental human rights, including the right to freedom of expression, association, and peaceful assembly;
- The Ministry of Finance, Labor and Transfers must launch a professional assistance/support program for businesses in the drafting of bylaws.

6.2 The right to education

142. The international backdrop against which the right to education is best understood in the context of Kosovo’s development as a democratic society is Article 26 of the UDHR and Article 2 of the ECHR. Specifically, paragraph 26.1 of the UDHR states that “everyone has the right to education” and underscores that education should be free and made accessible for all at least at the primary and secondary stages.

143. In the legislative framework of Kosovo, the right to education is constitutionally safeguarded. Article 47 ensures the right to free basic education and equal opportunities to education for all individuals in accordance with their specific needs and abilities. In Article 59 of the Rights of the Communities and their Members, the Constitution guarantees the right of non-majority groups to receive education in their own mother tongue provided that the language is officially in use in Kosovo. This is reiterated in the Law No. 03/L-047 on the Protection and Promotion of the Rights of Communities and their Members in Kosovo. The law legally safeguards the language spoken by the non-majority groups as the language of instruction in primary and secondary education. The legislative framework of Kosovo’s educational setting is completed with the Law No. 03/L-068 on Education in the Municipalities of Kosovo. This law regulates the organization of the public institutions in primary, and secondary schools. The primary legislative context for education at the tertiary level is the Law No. 04/L-037 on Higher Education. In December 2022, the Draft Law for Higher Education was also approved by the GoK.

144. In 2023, the Faculty of Law of the University of Prishtina/Priština marked a significant milestone by launching its inaugural Master’s Program in Human Rights, International Criminal Law and Transitional Justice. Notably, this progressive initiative has garnered support from UNMIK/OHCHR through the NGO Youth Initiative for Human Rights - Kosovo (YIHR KS). UNMIK through the YIHR KS is actively backing the program as it stands out as the first of its kind in Kosovo, welcoming full-time international students, and the establishment of the legal clinic. An essential Memorandum of Understanding (MoU) has been signed with the Faculty of Law to enhance the coordination and practical implementation of this notable educational endeavor.¹⁷⁹

145. In July 2023, the Law No. 08/L-153 on Early Childhood Education was approved by the AoK. Notably, the law regulates the provision of quality education standards and renders preschool education mandatory from 2024. According to the Ministry of Education, Science, Technology and Innovation (MESTI) the law “lays the foundation for the growth and development of the youngest.” Thus far, UNICEF Kosovo reports that access to preschool education in Kosovo is far below the European standard of 96 percent, and lower than regional averages. Indeed, only 38 percent of Kosovo’s 3- to 5-year-old children have access to any kind of learning structure. Accordingly, MESTI underscores that the Law will contribute both conceptually and substantially to early childhood

179 YIHR (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

education.¹⁸⁰ It remains to be assessed how the increase of childcare expenses, noted in the previous section, will impede on the factual implementation of the law.

146. The revision of school textbooks commenced in April 2023 with the aim of aligning the quality of textbooks with international standards and testing criteria. The textbook review process is carried out in several phases and focuses on language and mathematics as the two areas most crucial for the improvement of school textbooks and quality education.¹⁸¹ In a subsequent phase, the number of textbooks will be reduced; this process will be carried out by a team of local and international experts, as per MESTI.¹⁸²

147. Related to the revision of textbooks, the Ombudsperson Institution (OIK) released an ex-officio report on hate speech within school textbooks in August 2023 covering materials from the first to the ninth grade. The report highlights the generally respectable adherence to language texts within minimal instances of hate speech across various subjects. According to the OIK, among the 47 textbooks examined, a few cases were found to contain content reflecting hate speech. The OIK recommended the facilitation of training programs for textbook authors and educators on freedom of expression and combating hate speech during the development of learning material and the subsequent teaching phases in order to enhance Kosovo's institutional and societal commitment at fostering a culture of tolerance and equality in education.¹⁸³

148. Compared to the report carried out by the OIK, NGO VoRAE expresses concerns regarding embedded discrimination towards the K-Roma, K-Ashkali and K-Egyptian communities in school textbooks. They state that existing school textbooks exhibit a lack of inclusion and acceptance that ignores the historical presence and cultural values of the Roma, Ashkali and Egyptian communities in Kosovo. The biased school textbooks shape perceptions towards the perceived 'other' and underwrite the persistence of ethnic intolerance.¹⁸⁴

149. In April 2023, the National Science Program (2023-2028) was launched. This strategic document provides a vision for the development of scientific research and innovation in Kosovo outlining budget allocations for the period 2023-2028. The strategy aligns with the Draft National Development Strategy 2030, the European Integration Agenda of Kosovo, and conforms with the Law No. 04/L-135 on Scientific Research Activities, Article 38 on the National Science Program.¹⁸⁵

150. In January 2024, the Ministry of Education, Science, Technology and Innovation (MESTI) made public the annual budget plans for the education sector, which will mark a consecutive increase since 2023.¹⁸⁶ While according to the EU Commission report, the percentage on education is comparable to EU countries, the per capita spending remains significantly lower. Accordingly, the GoK is urged to revisit its funding formula with more accuracy on a per capita basis.¹⁸⁷

180 AA (2023), [Kosovë, prezantohet Ligji për edukimin në fëmijërinë e hershme](#).

181 Tëvë (2023), [Fillon rishikimi i teksteve shkollore](#).

182 Kallxo (2023), [Ministrja Nagavci prezantoi punën në arsim gjatë vitit 2023](#).

183 OIK (2023), [Avokati i Popullit publikoi raportin në lidhje me gjuhën e urrejtjes në tekstet shkollore](#).

184 Voraë (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

185 Republika e Kosovës, [Zyra për Qeverisje të Mirë \(2024\), Programi Kombëtar i Shkencës 2023-2028](#).

186 Kallxo (2023), [Ministrja Nagavci prezantoi punën në arsim gjatë vitit 2023](#).

187 EU Commission (2023), Kosovo Report 2023.

151. Kosovo's participation in the 2021-2027 Erasmus+ program is notable, because it facilitates mobility for students and staff within EU member states and facilitates the exchange of good practices in science and technology. In 2023, 37 Kosovo institutions benefitted from Erasmus+ schemes both in higher education and in professional education.¹⁸⁸

152. As per the EU Commission report, Kosovo's engagement in the International Computer and Information Literacy Study (ICILS) 2023 is noteworthy, providing a mechanism to assess students' digital competences and track progress toward achieving the UN Sustainable Development Goals. Additionally, the report acknowledges Kosovo's active participation in the European Education Area working groups for the period 2021-2025. These groups serve to enhance collaboration among European Union Member States and candidate countries, fostering the development of a more robust, inclusive national education and training systems. The shared objective is to prepare youth for the challenges posed by the green and digital transition, as highlighted in the EU Commission's comprehensive analysis of Kosovo's education sector.¹⁸⁹

153. Although over half of Kosovo's upper secondary school students are enrolled in vocational education and training (VET), challenges persist in the sector as VET schools are often misaligned with labor market needs, and the quality of the delivery is often lacking.¹⁹⁰ Despite student enrolment, the overall education funding in 2023 consisted of just 9.6 percent for vocational education. According to MESTI, the 2024 budgetary allocations will increase significantly for VET schools with a focus on the implementation of dual education for VET schools. This entails internship hours for students through placement in different businesses.¹⁹¹

154. Children of K-Roma, K-Ashkali and K-Egyptian communities continue to face severe challenges in terms of equal access to education. The stigmatization of their culture followed by continued forms of discrimination against them impedes on active efforts of the government to arrive at a context in which all children can thrive in a genuinely equal educational setting. Numerically speaking, while some progress has been made in the inclusion of non-majority communities, their level of participation remains below average compared to the total population. Only 7.6 percent of pre-school aged children receive forms of pre-school education. In secondary education, numbers are especially glaring compared to the overall population: Only 31 percent of the school-aged non-majority communities receive formal education vis-à-vis 86.8 percent of the total population.¹⁹²

155. There is a critical need to improve the educational accessibility of students with disabilities.¹⁹³ Thus far, a total of 38,000 students with disabilities are deprived of any access whatsoever to formal education. In 2023, a new Administrative Instruction No. 19/2023 on the Role, Duties and Responsibilities of Assistants for Students with Learning Disabilities was published by MESTI.¹⁹⁴ This Administrative Instruction has as its main goal to regulate the provision of adequate support and professional competence for children with disabilities.

188 Klan Kosova (2023), [Gjendja në arsim - Dobët në PISA, suksesshëm në Erasmus](#)

189 EU Commission (2023), Kosovo Report 2023.

190 EU Commission (2023), Kosovo Report 2023.

191 Kallxo (2023), [Mësimi dual: si do të funksionojë në Kosovë?](#)

192 Ministry of Education, Science, Technology, and Innovation (MESTI 2022), [Draft Education Strategy 2022-2027](#).

193 EU Commission (2023), Report on Kosovo 2023

194 MASHTI (2023), [Udhëzim administrative, Nr. 19/2023 mbi detyrat dhe përgjegjësitë e asistentit për nxënës me nevoja të veçanta arsimore](#).

156. In February 2023, the physical assault of a five-year-old child with special needs by his daycare assistant at a private nursery in Mitrovicë/ Mitrovica caused public outcry through social media platforms, and highlighted the institutional need to prioritize child safety in the hiring procedures of assistants for special needs. The adoption of robust mechanisms that help prevent, identify and respond to cases of abuse in educational institutions can facilitate a safe learning environment for children with special needs.¹⁹⁵

157. Children of the K-Serb community continue to operate in accordance with the curricula of Serbia whereas the K-Albanian majority follow the curriculum of the MESTI. While the focus of much research has been with the institutional separation between the K-Albanian and K-Serb communities, the safety alarms in the north of Kosovo in May 2023 have had negative consequences for the regular school year for the K-Serbs in the north. NGO NSI notes that considering the increased presence of special units of the Kosovo Police after the incident that happened on May 26, Serbian educational institutions in the north of Kosovo made a decision to end the school year early. What decisively influenced the adoption of such a decision was the presence of special units in and around the municipal building in Zvečan/ Zvečan, in the immediate vicinity of which the primary and secondary schools in this place are located.

158. The situation of ethnic segregation in schools perpetuates ethnic divides and impedes on the development of a genuine multi-ethnic and multicultural society. The segregation of the K-Roma and K-Ashkali communities remains pertinent in 2023 including in the government of Serbia-sponsored curriculum in the North Mitrovica. Schools remain divided along ethnic lines, dropout rates are higher for these communities than for students with other ethnic backgrounds, and an overall sense of discrimination remains a pervasive feature of the educational landscape of Kosovo.¹⁹⁶

159. In 2023, alarming cases of discrimination against Roma and Ashkali children in Kosovo shed light on the persistent barriers hindering their access to education, and the systemic challenges and discriminatory practices impeding their educational opportunities. According to a recent report of Office of Good Governance (OGG), in Fushë Kosovë/Kosovo Polje, 25 children faced collective discrimination when denied the opportunity for alternative education at the “Selman Riza” school, a violation reported by NGO Terres des Hommes Kosovo (TDHK) and addressed in 2023. The school’s refusal to continue alternative education led to reporting to the Inspectorate of Education and the OIK. Another notable incident in Prizren revealed ethnic-based class divisions in 2023, prompting immediate intervention by the Municipal Directorate to prevent further segregation and discriminatory practices. Likewise, the OGG report illustrates another case in Fushë Kosovë/Kosovo Polje, where a 6th-grade student was unjustly denied education for allegedly repeating a school year.¹⁹⁷

195 Bota Press (2023), [“S’po muj ia fali vetes...”/ Edukatorja që rrahu 5-vjeçarin me nevoja të veçanta i kërkon falje prindërve](#)

196 Radio Kosova e Lirë (2023), [Edukimi, armë kundër diskriminimit](#).

197 OGG (2023), [Report on the implementation of the Law on the Protection from Discrimination based on cases reported to the national platform for protection against discrimination for the Roma, Ashkali, and Egyptian Communities.](#)

160. Recommendations

- The GoK should expedite the implementation of the draft Law for Higher Education and the Law for the Kosovo Agency for Accreditation, providing a legal framework for quality assurance, funding based on performance, and the establishment of an Ethics Committee;
- The Ministry of Education, Science, Technology and Innovation (MESTI) should develop measures related to increased childcare expenses to ensure universal access to quality pre-school education by 2024;
- The GoK should strengthen the enforcement of Administrative Instruction on the Role, Duties and Responsibilities of Assistants for Students with Learning Disabilities;
- The GoK should develop strategies to tackle ethnic segregation, particularly among K-Roma and K-Ashkali communities in order to promote genuine multi-ethnic and multicultural education;
- The GoK should initiate more serious measures for preventing discrimination against K-Roma and K-Ashkali thereby helping reduce dropout rates among these communities and foster a safe environment for their educational growth;
- The MESTI should focus on updating school textbooks through an inclusive approach that incorporates cultural and historical dimensions of non-majority communities;
- The MESTI should establish specialized training programs for educators on delivering lectures about social inclusion and cultural diversity, thereby emphasizing critical thinking;
- The GoK should reevaluate the funding formula to allocate more accurate per capita funding for vocational education, with a focus on implementing dual education models through increased budgetary allocations.

6.3 The Right to health

161. The international human rights basis upon which we can gauge the right to health in the context of Kosovo is the UDHR. In Article 5 of the UDHR focus is directed to the right of all individuals to “a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing [...]”.¹⁹⁸ Although the ECHR does not explicitly pronounce the right to health, the European Court for Human Rights has dealt with issues relating to health and health is specified as a fundamental notion in conjunction with “morals” in various other stipulations.

162. The legislative framework of Kosovo on the right to health comprises numerous laws and stipulations. An exhaustive overview is listed here with first Article 51 of the Kosovo Constitution on Health and Social Protection. Specifically, Paragraph 1 formulates that healthcare and social insurance are regulated by law followed in Paragraph 2 by basic social insurance relating to unemployment, disease, disability and old age as also regulated by law. In May 2022, the Law on Amending and Supplementing Law No. 04/L-249 for Health Insurance was approved.¹⁹⁹ This law forms an important step forward to regulating public health insurance for K-citizens at the level of the GoK. The legislative framework is further completed by the following laws: the Law No. 04/L-125 on Health, the Law No. 02/L-78 on Public Health, the Law No. 02/L-76 on Reproductive Health and the Law No. 06/L-042 on Blood and Blood Products and the Law No. 02/L-200 on Prevention and Control of Contagious Diseases.

163. The reality of Kosovo’s healthcare system starkly contrasts with the legislative foundations of the country. Progress towards the improvement of healthcare requires a significant restructuring of the system, which the GoK has yet to attempt by means of a functional healthcare scheme. Partially as a consequence of the poor infrastructural conditions for doctors and healthcare workers and the overall low salaries in the public sector, emigration to wealthier countries has become common. This is problematic as it results in a significant brain drain throughout the country. In 2022, the Kosovo Chamber of Doctors reported that 674 doctors have left Kosovo since 2018. In 2022 alone, 210 doctors working at public institutions in Kosovo have emigrated to the western European countries.²⁰⁰ The same trend continues in 2023 with 170 doctors and healthcare workers migrating to other regions in the west.²⁰¹ Thus far, the GoK has not taken substantial measures to counteract the migration of healthcare professionals to western European countries. This exodus has significant repercussions for the health sector in Kosovo, leading to a shortage of skilled medical personnel and affecting the overall quality of healthcare services.²⁰²

198 UDHR, [Article 5](#).

199 Official Gazette (2022), [Law No. 08/L-042 on amending and supplementing Law No. 04/L-084 on health insurance](#).

200 Kosova news (2024), [mbi 300 mjekë të larguar, a do të ndikoj liberalizimi i vizave në krizë të stafit mjekësor](#).

201 Kosova news (2024), [mbi 300 mjekë të larguar, a do të ndikoj liberalizimi i vizave në krizë të stafit mjekësor](#).

202 Kosova news (2024), [mbi 300 mjekë të larguar, a do të ndikoj liberalizimi i vizave në krizë të stafit mjekësor](#).

164. Underscoring the overall substandard quality of the health sector, health expenditure in Kosovo marks the second lowest rate in the region and with just 3 percent of the total GDP it is three times lower than the EU average of approximately 11 percent. Despite this, 2023 set a record for the health sector budget which reached 300 million and therefore reflected an increase of approximately 15.6 percent compared to the previous year, as per the EU Commission report 2023.²⁰³

165. Despite the overall budget allocation, the EU Commission report underscores that the GoK shows no clear incentives to enhance the productivity, efficiency and overall quality in the health care sector.²⁰⁴

166. There is also widespread skepticism toward the public healthcare system, which arises from favoritism, thereby leaving a significant portion of the population without access to quality health-care due to a lack of connections. Consequently, many individuals resort to using personal funds for private healthcare services.²⁰⁵

167. The provision of public healthcare insurance of Kosovo residents remains elusive and the period of anticipation can extend up to five years as per the Patients' Rights Association of Kosovo (PRAK).²⁰⁶ PRAK emphasizes that the situation violates patient rights with research revealing that 84 percent of patients in Kosovo face financial difficulties when accessing healthcare. Particularly vulnerable groups in poverty, from rural areas and K-Roma, K-Ashkali and K-Egyptian communities are disproportionately affected by the lack of a healthcare system.²⁰⁷ The recent EU Commission report highlights that a third of the population faces severe limitations.²⁰⁸

168. Although numerous private companies in Kosovo provide health insurance, the lack of a government-backed health care system has resulted in a lack of factual data concerning the coverage of private healthcare among Kosovo residents. The absence of clear oversight mechanisms hinders the government's ability to monitor and assess individual insurance statuses. The possibility of imminent progress in this regard is clouded by the continuous delay of the GoK in developing a Health Insurance Law (with two failed attempts in 2007 and 2014).²⁰⁹

169. In addition to the lack of an institutional healthcare insurance system, the absence of a Health Information System (HIS) further impedes on progress. The operationalization of the HIS can facilitate data generation of healthcare and the compilation, analysis, and communication between both private and public health care sectors. In the overview of the 2024 budget on November 16, 2023, the MoH announced the initiation of the HIS in 2024 with an allocated budget of 7 million Euros.

203 EU Commission (2023), Report on Kosovo.

204 EU Commission (2023), Report on Kosovo.

205 QIPS (2024), input for the joint CSO report on Human Rights Kosovo 2023.

206 Evropa e Lirë (2023), [Saga e pafund e sigurimeve shëndetësore në Kosovë.](#)

207 Evropa e Lirë (2023), [Saga e pafund e sigurimeve shëndetësore në Kosovë.](#)

208 EU Commission (2023), Report on Kosovo.

209 Evropa e Lirë (2023), [Saga e pafund e sigurimeve shëndetësore në Kosovë.](#)

170. The public health information system, although partly aligned with European Core Indicators, is only partially functional.²¹⁰ Kosovo has made progress in handling communicable diseases, adopting laws in line with EU recommendations, but alignment with EU regulations in the areas of blood, tissues, cells, and organs is a challenge, according to the most recent EU Commission report.

171. Regarding mental health, there is currently no national policy or strategy on the institutional domain that articulates a clear vision for mental healthcare. The only pertinent document available is the Law No 05/L-025 on Mental Health, which stipulates in general terms the definitions related to mental health in Kosovo. The allocated budget for mental health has remained stagnant over multiple years, with approximately 300,000 Euros earmarked by the University Clinical Center of Kosovo for mental health services. Because the expenditure for mental health hovers around 1 percent to 2 percent of the annual expenditure, mental health ranks low on government priorities and is currently the lowest in the region.²¹¹

172. Furthermore, in terms of the organizational structure of mental health facilities, the MoH has yet to formulate any plans for their disaggregation. Mental healthcare services are currently distributed across 7 regions, each managed by a respective facility. Contrary to World Health Organization recommendations advocating for the establishment of a mental health center in each municipality to enhance citizen accessibility and support community-based mental healthcare, no such initiatives are currently in progress.²¹²

173. Compounding the issue is the lack of strategic planning for deinstitutionalization and the transition to a community-based model. Specific communities face a complete dearth of services, exemplified by the absence of a clinical center for citizens aged 65+, leaving them without crucial support. Additionally, there are no dedicated services for LGBTIQ+ individuals, and post-natal mental health services are noticeably absent, emphasizing the urgent need for comprehensive and inclusive mental health reforms in Kosovo.

174. The critical state of mental health in Kosovo is underscored by the inadequacy of facilities and safety measures in psychiatric clinics as illustrated by a patient-initiated fire in the Prishtina/Priština psychiatric unit in 2023, revealing a severe lack of preparedness with the absence of fire extinguishers. Furthermore, the persistent use of coercive methods to address mental health disorders contradicts WHO and the Human Rights Council (HRC) recommendations, causing substantial mental and physical harm to individuals. The absence of public services coupled with an absence of plans for new mental health centers exacerbates the crisis.²¹³

210 EU Commission (2023), Kosovo report 2023, pp. 94-95.

211 QIPS (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

212 QIPS (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

213 QIPS (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

175. Concerning is also that former and current residents seldom voice complaints against psychiatric institutions, a circumstance often attributable to the inherent nature of the treated disorders and the prevailing stigma surrounding mental health.²¹⁴ A critical factor contributing to this silence is the significant removal of agency experienced by many patients, particularly those from economically disadvantaged backgrounds or lacking proper documentation, rendering them practically unable to mount any legal challenges. As a result of the absence of concrete data quantifying mental health awareness in Kosovo, observations currently rely on anecdotal experiences. Notably, according to the NGO QIPS, a noteworthy trend is the increasing willingness of individuals to seek services in private clinics, while in public institutions, the number of individuals undergoing treatment steadily rises. This emerging pattern may serve as a promising indicator of heightened mental health awareness within the region.²¹⁵

176. Kosovo is currently in the ongoing process of formulating various policies related to medicine. Although there exists a national list of essential medicines intended for users, frequent shortages persist. This shortfall is particularly concerning in the realm of psychiatric medication, as it poses a risk of harm to patients by potentially leading to disorders stemming from disrupted treatment plans. Additionally, the national list does not encompass all medications deemed essential by the WHO, nor any potential substitutes. Consequently, individuals, including those with conditions like ADHD, find themselves compelled to privately purchase medications from outside Kosovo.²¹⁶

177. Routine immunization is improving, but coverage rates remain below pre-COVID-19 levels.²¹⁷ In response, the GoK has undertaken steps to fortify defenses against vaccine-preventable diseases. In particular, the MoH approved the inclusion of three additional vaccines – PCV, rotavirus, and HPV – in the routine immunization calendar. This strategic decision not only broadens the scope of protection but also underscores a proactive approach to safeguarding the health of children.²¹⁸

178. The child mortality rate in Kosovo remains alarming in comparison to the EU and the region: it is three times the average of the EU mortality rate and the highest in the Western Balkan region.²¹⁹ Particularly in the non-majority groups of the K-Roma, K-Ashkali and K-Egyptian communities the child mortality rates are higher, indicating as such that basic health needs are not met. Part of the problem should be sought in the medical domain and the lack of specialized medical doctors. To illustrate, Kosovo has the lowest number of anesthesiologists in Europe with specialists increasingly migrating to other regions.²²⁰

179. Despite Kosovo having a cancer screening program, the screening process lacks systematic implementation as per the EU Commission report. Moreover, the University Clinical Service of Kosovo has reported a significant rise in cancer cases, exceeding 2,000 in 2023, compared to 1,750 cases in 2022. While according to the oncology department, this number is directly related to a rise in malignant diseases, it may also be a reflection of the overall low accessibility of public health care,²²¹ and the lack of public health care prevention campaigns.

214 QIPS (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

215 QIPS (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

216 QIPS (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

217 EU Commission 2023, Kosovo Report 2023, pp. 94-95.

218 UNICEF (2023), [Country office annual report 2023](#).

219 World Bank (2022), [mortality rate infants, Kosovo](#)

220 Koha (2022), [Kosova ndër kampionet evropiane për mungesë të anesteziologëve - KOHA.net](#).

221 Telegrafi (2023), [Rritët numri i rasteve me kancer në Kosovë, mbi 2 mijë gjatë vitit 2023](#).

180. Mental health in Kosovo is a concern resulting from the post-war environment, poverty, social exclusion, and limited access to mental health services. A significant proportion of the population suffers from depression, anxiety, and post-traumatic stress disorder (PTSD).²²² The World Health Organization reported a 25 percent increase in mental health issues, including anxiety and depression, during the COVID-19 pandemic, impacting Kosovo as well.²²³ In a recent report of the European Bank for Reconstruction and Development, 30 percent of Kosovo citizens are reported to have experienced mental issues including feelings of depression, sadness, anxiety and apathy.²²⁴ In May, the mental health week was organized with the motto “March for the Mind: Together for Mental Health.” This marked the first march aimed at raising awareness about the importance of mental health and overcoming the societal stigmatization about the subject.²²⁵ The organizers called for increased funding for mental health services, the proper inclusion of mental health care classes in the education system and the development of a comprehensive strategy for suicide prevention. They also raised concerns about the high costs of mental health services in Kosovo.

181. In connection with the decision on banning the import of Serbian products from June 14 2023, as well as other procedural issues, the import of medicines and other medical supplies for health institutions that function within the system of Serbia in Kosovo has been hindered. At one point, the situation became alarming because in the Clinic Hospital Center (CHC) in North Mitrovica, as well as in the primary health care institutions throughout Kosovo, there was no supply of reliable and stable resources, but for vaccines that are mandatory for children. However, this problem was solved at the beginning of November when the Kosovo Minister of Health approved the import of medicines and medical supplies. The first contingent arrived at the CHC in North Mitrovica in November 2023. The problem of the absence of a functioning state pharmacy in the Serbian system still remains open. This particularly affects sensitive groups of residents and users who cannot take prescription drugs, but have to buy them or procure them from Serbia, which in some cases is characterized as illegal importation of drugs.²²⁶

182. Recommendations

- The GoK should urgently focus on improving its healthcare infrastructure through a healthcare strategy that includes measures to curb the significant brain drain of healthcare professionals;
- The MoH should develop strategic measures to restructure and improve the healthcare system, addressing infrastructural conditions and salary concerns to retain skilled medical personnel;

222 KTV (2022), [Sonte me Rronin: Shendeti mendor në Kosovë](#)

223 Evropa e Lirë (2023), [Prishtina pyet “Qysh je?”](#)

224 Revista Psika (2023), [Statistikat e sfidave të shëndetit mendor në Kosovë: Një realitet shqetësues në raportin e BERZH-it për vitin 2023.](#)

225 Evropa e Lirë (2023), [Prishtina pyet “Qysh je?”](#)

226 NSI (2024), input for the joint CSO report on Human Rights 2023.

- The GoK should increase its health sector budget allocation to improve the overall quality of healthcare services;
- The GoK should expedite the establishment of a public health care insurance system, thereby ensuring timely coverage for Kosovo residents with particular focus on vulnerable groups;
- The Health Information System (HIS) should be operationalized so as to facilitate data generation and provide adequate communication between private and public healthcare sectors;
- The GoK should address the issue of child mortality rates, particularly in non-majority communities, in part by focusing on meeting basic health needs and improving healthcare accessibility;
- The GoK should commence with increasing funding for mental healthcare and include mental health care classes in the education system to address mental health issues in Kosovo;
- The GoK should implement measures to address the acute shortage of anesthesiologists in Kosovo.

6.4 Property rights

183. The international standards upon which we should best understand the situation of housing and property rights in Kosovo are Articles 17 and 1 of the UDHR and ECHR respectively. The UDHR is concise when it states that “everyone has the right to own property” and that “no one shall be arbitrarily deprived of his property.”²²⁷ On the other hand, the ECHR describes in more depth the fundamental freedom to property, denoting it in terms of “possessions.” The duty-bearers’ rights to implore regulatory mechanisms for controlling property ownership are also specified.

184. Numerous laws and regulations are put in place to define and regulate property rights in Kosovo. In the domain of the Constitution, protection of one’s property is guaranteed both through Articles 46 and 156. More generally in Article 46, the right to own property is safeguarded. The arbitrary deprivation of one’s legal rights to their property goes against the Constitution. More specifically addressing Internally Displaced People (IDPs) and returnees, originally following the Kosovo war and more broadly covered, the Constitution obligates the GoK in providing expedited assistance for the lawful reclaiming of property. Other laws and regulations that paint the legislative picture of property rights in Kosovo are as follows: The Law No. 03/L-154 on Property and other Real Rights, the Law No. 08/L-052 on Amending and Supplementing the Law No. 05/L-010 on the Kosovo Property Comparison and Verification Agency, Law No. 05/L-010 on the Kosovo Property Comparison and Verification Agency (KPCVA), which came into effect in 2002. In addition, the Law No. 2002/5 on the Establishment of the Immovable Property Rights Register, the Law No. 03/L-007 on Out Contentious Procedure, the Law No. 2004/26 on Inheritance, the Law No.

227 UDHR, [Article 17](#).

05/L-020 on Gender Equality, the Law No. 2004/32 on Family, and the Regulation No. 01/2018 on the Return of Displaced Persons and Durable Solutions complete the legislative framework.

185. The new Draft Law No. 08/L-268 on the expropriation of immovable property has been approved in November 2023. According to the Ministry of Environment and Spatial Planning and Infrastructure the law aims to enhance property and security rights in Kosovo.²²⁸ In doing so, it sets out rules and conditions governing the expropriation of property rights on immovable property by the GoK for the purpose of serving public interest. Additionally, the law outlines rules and conditions for the temporary restriction and utilization of immovable property, and establishes procedures for determining the assessment and compensation related to these actions as per the Ministry.²²⁹

186. The supervisory mechanism concerning the implementation of property rights, laws and regulations is the Kosovo Property and Verification Agency (KPCVA). This Agency is tasked with settling property claims and for the right to use non-mobile property of both a residential and commercial nature. This includes property claims and disputes linked with the Kosovo war in the late 90s, with IDPs and returnees.²³⁰

187. Due to structural gender inequality in Kosovo, women's access to property and inheritance rights is hindered, although the constitutional, legal, and policy frameworks promote and guarantee women's access to property rights. Further, public authorities' incapacity to verify the validity of cadastral data, as well as personal biases based on patriarchal norms and values that only men should own or inherit properties, impact women's practical access to property. According to recent reports carried out by the NGO Norma, which is part of the KWN, an estimated 23 percent of women in Kosovo inherit property,²³¹ with another source citing that just 4 percent is part of family heritage.²³²

188. From a legislative perspective, the GoK recognizes joint marital rights on property acquired during marriage. In spite of this, women's assertion over these rights are challenged at the societal level as the result of longstanding patriarchal norms. Accordingly, the gap in property ownership remains persistent in 2023 and affects the economic empowerment of women in a very tangible sense. Government efforts to address this issue through an Administrative Instruction dating back to 2016, encouraging joint property registration free of charge, resulted in a 4 percent increase of properties owned by women. However, challenges remain with insufficient enforcement of the existing legislation.²³³ NGO GAP notes that for 2023, only 14 percent of women own property compared to 74 percent owned by men. The remaining percentage is owned by legal entities.²³⁴

228 Tëvë 1 (2023), [Miratohet projektligji për shpronësimin e pronës së paluajtshme](#)

229 Kosova News (2023), [Miratohet vendimi i Projektligjit për Shpronësimin e Pronës së Paluajtshme](#)

230 Kosovo Property Comparison and Verification Agency [THE KOSOVO PROPERTY COMPARISON AND VERIFICATION AGENCY – My blog \(kpcva.org\)](#)

231 KWN (2023), [Hulumtimi I OJQ "Norma" gjen se në Kosovë vetëm 23 për qind e grave dhe vajzave e trashëgojnë pronën.](#)

232 Zëri (2023), [As një e pesta e pronave në Kosovë nuk zotërohet nga grate.](#)

233 Zëri (2023), [As një e pesta e pronave në Kosovë nuk zotërohet nga grate.](#)

234 GAP (2024), input for the joint CSO report on Human Rights Kosovo 2023.

189. The housing conditions of persons in vulnerable situations are not aligned with minimum safety requirements. There is a lack of will and commitment by the official duty-bearers to help solve their living conditions.²³⁵ The improvement of the living conditions of vulnerable groups remains weak from the institutional side of the fence and vastly charity- and donor-driven.

190. Civil society organizations have expressed their concerns about the decisions of the GoK regarding the expropriation of land in the north of Kosovo.²³⁶ In the initial months of the year, the Government executed two expropriation decisions in the northern municipalities of Leposaviq/Leposavić and Zubin Potok. The targeted land, spanning 138 hectares, was earmarked for the development of new Kosovo Police bases. This initiative triggered a response from the EU Office in Prishtina/Priština, emphasizing the importance of adhering to Kosovo law's expropriation process, which mandates public consultation and affords affected citizens the opportunity to legally challenge decisions before finalization. The EU urged the Kosovo government to diligently uphold due process and fully respect the rights of property owners.²³⁷

191. In October 2023 the Basic Court in Prishtina/Priština rendered a judgement to annul the GoK preliminary decision on expropriation in relation to four plaintiffs from Leposaviq/Leposavić, ordering the GoK to re-issue a new preliminary decision. The claim of other eighteen (18) plaintiffs was rejected on account of failure to provide proof of ownership of the concerned plots, raising issues over access to justice and right to an effective remedy.²³⁸

192. In early September 2023, the residence of the Serb returnee R.J was deliberately set ablaze for the third time. Similarly, in July, the house of another Serbian returnee family was subjected to arson and towards the end of May 2023, the home of another Serb returnee M.D in the municipality of Pejë/Peja was forcibly demolished despite a valid Supreme Court judgment in his favor. This property had been confiscated by municipal authorities in the past, and despite the court decision, it was never returned. In May of the previous year, he faced arrest on charges related to a war crime against the civilian population in 1999. The legal process is ongoing, marked by five extensions of his detention. The decision to demolish his house occurred during a period when he was still not in custody.²³⁹

193. Recommendations

- The Ministry of Environment, Spatial Planning and Infrastructure (MESP) should strengthen the Kosovo Property Comparison and Verification Agency (KPCVA) as a supervisory mechanism for property rights, ensuring its efficiency in settling property claims and disputes;
- The GoK should develop measures that address societal bias and structural gender inequality impacting women's access to property and inheritance rights, focusing on verifying cadastral data, challenging patriarchal norms, and enforcing legislation to increase women's property ownership;

235 Kallxo (2022), [Barazia gjinore: rreth 126 mijë prona në emër të grave në Kosovë.](#)

236 Aktiv (2022), [Concern regarding the decisions on the expropriation of land in the North of Kosovo.](#)

237 NSI (2024), input for the joint CSO report on Human Rights Kosovo 2023.

238 Koha (2024), [the government gives up properties in the north for which it lost court cases.](#)

239 NSI (2024), input for the joint CSO report on Human Rights Kosovo 2023.

- The GoK should strengthen its efforts to improve housing conditions for vulnerable groups, moving beyond charity- and donor-driven initiatives to institutional commitments, ensuring alignment with minimum safety requirements, especially for members of vulnerable communities;
- The Ministry of Environment, Spatial Planning and Infrastructure should implement measures to expedite assistance for lawful property reclaiming, especially for Internally Displaced People (IDPs) and returnees, aligning with constitutional obligations following the 1998-1999 conflict;

6.5 Cultural Rights

194. The international standards that recognize cultural rights as integral for individuals' dignity and self-actualization are Articles 22 and 27 of the UDHR. In the legislative framework of Kosovo, the Constitution is much more explicit in the protection of the cultural rights of communities and their members. Article 59 states that members of communities have the right to "express, maintain and develop their culture and preserve the essential elements of their identity, namely their religion, language, traditions and culture."²⁴⁰ Furthermore, communities have the right to "establish associations for culture, art, science and education as well as scholarly and other associations for the expression, fostering and development of their identity."²⁴¹ The violation of cultural rights is understood in Resolution 30/20 of the Human Rights Council in terms of a threat to "stability, social cohesion and cultural identity."²⁴² In its government program, the GoK commits to improving the legal framework for the promotion of Kosovo's cultural heritage.²⁴³ Having said this, it is important to underscore that Kosovo has yet to integrate the International Covenant on Economic, Social and Cultural Rights as a core instrument of its constitutional framework.

195. The infrastructure for the protection of Kosovo's cultural and religious heritage is stated in Article 9 of the Kosovo Constitution. In Article 9, the cultural heritage of communities is described as "an integral part of the heritage of Kosovo," and accordingly, it is stated that "[...] Kosovo shall have a special duty to ensure an effective protection of the entirety of sites and monuments of cultural and religious significance to the communities."²⁴⁴ In the Law No. 02/L-88 on Cultural Heritage, the scope of cultural heritage is defined as "the architectural, archaeological, movable and spiritual heritage regardless of the time of creation and construction, type of construction, beneficiary, creator or implementer of a work."²⁴⁵

240 The Kosovo Constitution (2008).

241 The Kosovo Constitution (2008).

242 The Kosovo Constitution (2008).

243 GoK (2021), [Programi-i-Qeverise-se-Kosoves-2021-2025.pdf \(rks-gov.net\)](#).

244 The Kosovo Constitution (2008).

245 The Law on Cultural Heritage [The Law no 022/L-88 on Cultural Heritage](#).

196. The failure of the GoK to amend the Law No. 02/L-88 on Cultural Heritage, and stipulated as a precondition for Kosovo's political transformation in Annex V of the Ahtisaari Plan (2007) remains a notable issue of concern. As highlighted in the previous two CSO reports and in the 2023 European Commission country report, the Implementation and Monitoring Council (IMC) continues to remain the only formal mechanism for dialogue between the government and the Serbian Orthodox Church.²⁴⁶

197. As per the EU Commission report the Ministry of Culture, Youth and Sports (MCYS) should increase its efforts to improve the status of the artistic communities in Kosovo.²⁴⁷ Budgetary expenses for culture are often undermined by other government expenditures viewed as more urgent in the context of Kosovo's development. Resultantly, initiatives aiming to promote art and culture in Kosovo are often self-financed and lack collaboration with Kosovo institutions.²⁴⁸

198. In 2023, the MCYS allocated 500,000 Euros for the establishment of a Jewish Cultural Center in Prizren. The Center will contribute to exhibitions about Jewish cultural ties in Kosovo, and the furtherance of understanding in Jewish culture and traditions.²⁴⁹

199. Kosovo currently participates in the Creative Europe Programme. More efforts are needed to increase the number of culture beneficiaries within EU partners.

200. The intergroup dispute between the K-Albanians and the K-Serbs about Kosovo's ethnic character continues to politicize the cultural heritage of one another in the country. The failure of the GoK to implement the Constitutional Court Decision of 2016 about the property rights of the Serbian Orthodox Church over the Visoki Dečani/Deçan monastery as well as adjacent land undermines the ethno-religious freedom of the K-Serb community. Against this understanding, Serbian Orthodox representatives have submitted a parliamentary question to the European Parliament inquiring about the religious rights in Kosovo. The parliamentary response made available via the website in July, the EU Parliament stressed the pressures made to the GoK to implement the decision.²⁵⁰ In May 2022, the GoK restated its pledge to protect the cultural heritage of Kosovo and requested that the Visoki Dečani/Deçan monastery, the Patriarchate of Peć/Peja, the Gračanica/Graçanica Monastery, and the Church of the Holy Virgin of Ljeviš/Kisha e Shën Premtës be removed from the List of World Heritage in Danger.²⁵¹ According to the most recent UN Security Council Report, the GoK has made no progress in this regard. In May the Special Representative of the Secretary-General repeated calls for action.²⁵²

201. Kosovo is not currently a member of the United Nations Educational, Scientific, and Cultural Organization (UNESCO), because it has not been recognized as an independent state by all UN member states. In order to become a member of UNESCO, a country must first be a member of the United Nations. However, this has not dissuaded Kosovo's bid for membership in UNESCO, although its application has been blocked consistently by Serbia and its allies.

246 EU Commission (2023), Kosovo Report 2023.

247 EU Commission (2023), Kosovo Report 2023.

248 Kosova live (2023), [Artistja Kosovare tregon sfidat që hasi gjatë karrierës: Arti në Kosovë është mbrapa me vendet e tjera.](#)

249 EU Commission (2023), Kosovo Report 2023.

250 European Parliament (2022), [parliamentary question about Serbian Orthodox rights in Kosovo.](#)

251 UN Security Council (2021), [Kosovo Report of the Secretary-General 2021.](#)

252 UN Security Council (2023), Kosovo Report of the Secretary-General 2023, pp. 14.

202. The UN Security Council report highlights a series of alarming incidents targeting Serbian Orthodox religious sites within Kosovo.²⁵³ These include instances of theft from the Serbian Orthodox Church and areas designated as special protective zones according to Kosovo legislation. A recent incident in Kosovo involves the theft of money and items from an Orthodox church in the village of Osojan in Istog/Istok. The clergy reported the incident to the police, who found no signs of forced entry or damage to the church door. The case is now classified as a 'serious theft', and legal actions will be taken upon identifying the suspects.²⁵⁴ Another noteworthy instance occurred in Prizren, where minors attempted to set fire to the entrance door of a Serbian Orthodox Church.²⁵⁵

203. Recommendations

- The GoK and the AoK should improve the legal framework for the promotion of Kosovo's cultural heritage in part by amending the Law on Cultural Heritage in accordance with the pre-conditions stipulated in the Ahtisaari Plan (2007);
- The AoK should include the International Covenant on Economic, Social and Cultural Rights as a core instrument of human rights in its Constitution;
- The Ministry of Culture, Youth and Sport should protect the entirety of sites and monuments of cultural and religious significance to the communities;
- The GoK must implement the Court decision of 2016 about the property rights of the Serbian Orthodox Church over the Visoki Dečani monastery to avoid undermining the ethno-religious freedom of the K-Serb community;
- The GoK must take appropriate measures to ensure the safety of the religious sites of the Serbian Orthodox Church and other religious sites;
- GoK should allocate more funds for culture in Kosovo and the promotion of the people to participate in cultural life.

253 UN Security Council (2023), Kosovo Report of the Secretary-General 2023, pp. 14.

254 Sinjali (2023), [Vjedhje e rëndë në kishën ortodokse në Istog, Policia nis hetimet.](#)

255 Koha (2023), [The Serbian Orthodox Church is grateful to the Kosovo police for their response to the incident in the church in Prizren.](#)

7. SECTION C: RIGHTS OF SPECIFIC PERSONS AND GROUPS

7.1 Women's rights and gender equality

204. Women's rights are protected through various laws and regulations. On the constitutional domain, gender equality is recognized "as a fundamental value for the democratic development of the society, providing equal opportunities for both female and male participation in the political, social, cultural and other areas of societal life."²⁵⁶ In addition to this stipulation, the Constitution aligns with a set of international agreements and conventions on the protection of discrimination on the basis of gender. In particular, Article 22 states that priority over local laws and provisions is rendered to directly applicable conventions.²⁵⁷ Convention on the Elimination of All Forms of Discrimination Against Women and the Istanbul Convention are directly applicable human rights instruments on women's rights.²⁵⁸ While not explicitly cited in the Constitution, Kosovo's legislation recognizes the United Nations Security Council Resolution 1325 on Women, Peace and Security (UN Resolution 1325).²⁵⁹

205. Article 24 of the Constitution of Kosovo describes equality before the law as a right to not be "discriminated against based on race, color, gender, language, religion, political or other beliefs, national or social origin, association with any community, property, economic or social status, sexual orientation, birth, disability or any other personal status." Other local laws and regulations on gender equality reflect international principles and legislation on gender equality and the promotion of women's rights. This includes Law No. 05/L-020 on Gender Equality, Law No. 05/L-021 on Protection from Discrimination, and Law No. 08/L-185 on Prevention and protection from Domestic Violence, Violence against Women, and Gender-based Violence, which replaced the Law No. 03/L-182 on the Protection against Domestic Violence in October 2023.²⁶⁰

206. The NGO KGSC underscores that although the Law on Gender Equality has determined the obligation of public institutions to ensure a minimum representation of women at 50 percent, this is not reflected in the law on elections in Kosovo, which the AoK has passed. Article 28 of the new Election Law has determined that "In the list of candidates of each political entity, at least 30 percent are male and at least 30 percent are female, with one candidate of each gender included at least once in each group of three candidates, counting from the first candidate on the list". Women's organizations have advocated that the law on elections should be in harmony with the law on gender equality, but they have not been considered.²⁶¹

256 The Kosovo Constitution (2008).

257 Notably, it is only in the case of conflict or misunderstanding that the international agreements take precedence over provisions of laws and other acts of public institutions.

258 The Istanbul Convention is formally known as the Council of Europe convention on preventing and combating violence against women and domestic violence.

259 [Resolution 1325](#) affirms the impact of war on women and girls and the importance of women's full participation in conflict resolution.

260 KGSC (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

261 KGSC (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

207. Gender-based violence is recognized as a form of discrimination under Article 4 of the Law on Gender Equality. According to the Law on Gender Equality in Kosovo, both public and private entities must incorporate the principle of gender equality and integration when planning, budgeting and implementing policies and programs. This requirement extends to areas such as childbirth and compensation. Additionally, the law explicitly prohibits harassment and sexual harassment in all contexts. Moreover, the Criminal Code defines gender-based violence, violence in a domestic relationship, and sexual violence criminal offenses, by the regulation of the legal basis for additional punishments for persons found guilty of domestic violence and sexual violence, and by prioritizing investigations and judgments for these cases.²⁶²

208. Intrinsic to Kosovo's legislative framework is also Article 180 of the Criminal Code, which criminalizes female genital mutilation and article 239, which criminalizes forced marriage. The Criminal Code of Kosovo has substantially incorporated the Istanbul Convention. Additionally, the State Protocol for Handling Cases of Sexual Violence focused on standardizing "the necessary actions for a continuous, comprehensive and responsible response, for the identification, protection, treatment, documentation, referral, sustainable empowerment and re-integration of victims/survivors/survivors of sexual violence, through immediate and professional interventions of responsible institutions." The criminalization of honor killing can be derived from Article 173 of the Criminal Code.²⁶³

209. In September 2023, the Law on Domestic Violence, Gender-based Violence, and Violence against Women was adopted. This is recognized as a pivotal step towards a more robust system for preventing and addressing such violence. Aligned with international standards, including the Istanbul Convention and EU acquis, the law reinforces institutional responsibilities. The EU office in Kosovo encourages the GoK to provide sufficient funding for the effective implementation of the law, and underscores the significance of the timely and comprehensive execution of the adequate legislative measures.²⁶⁴

210. The institutional mechanisms that safeguard the implementation of gender equality as a constitutional right in public institutions and protect policies securing women's equal access to society and services are regulated by law. The Agency of Gender Equality (AGE) is the governing body charged with monitoring the local implementation of international public policy and the systemization of gender mainstreaming in GoK policies.

211. An important advance towards gender mainstreaming Kosovo's local policy-making and the implementation of the legal framework is the Kosovo Program for Gender Equality 2020-2024 (KPGE).²⁶⁵ The obligation to develop KPGE as a reference platform for developing institutional ac-

262 KGSC (2024), input for the joint CSO report on Human Rights Kosovo 2023.

263 KGSC (2024), input for the joint CSO report on Human Rights Kosovo 2023.

264 EU office in Kosovo (2023), [The EU in Kosovo welcomes the adoption of the Law on Domestic Violence, Gender-based Violence, and Violence against Women](#)

265 The term Gender mainstreaming is defined in Law no. 05/L-020 on Gender Equality in Article 1.16 as follows: "[...] the inclusion of a gender perspective into every stage of the process, planning, approval implementation, monitoring and evaluation of legislation, policies or programs [...] considering the promotion and advancement of equal opportunities between men and women" (p. 3).

tions and strategies towards implementing the legal framework is specified in Article 11 of Law No. 05/L-020 on Gender Equality. The main objective of KPGE is to “advance gender equality principles and to achieve a peaceful, prosperous and harmonious society for women and men in Kosovo.”²⁶⁶ To do so, KPGE anchors its strategic actions in three pillars: (1) the economic empowerment and social welfare of women, (2) the human development roles and gender relations, and (3) women’s rights and access to justice and security.

212. Gender equality is prioritized in the EU integration processes of Kosovo, and is therefore a central notion in Kosovo’s ongoing transition to a democratic society. In practice, however, both the KWN and KGSC (2024) underscore that there is insufficient gender mainstreaming in a manner consistent with the legislative framework.²⁶⁷ Furthermore, while gender-responsive budgeting is stipulated by law, Kosovo lacks a comprehensive Gender Responsive Budget (GRB) framework and the inclusion of key sectors like the care economy, as noted in a recent KWN commentary on the Law on Budget Appropriations of the Budget of Kosovo.²⁶⁸

213. According to the EU Commission report (2023) progress in the area of public administration can be noted in the recruitment of staff.²⁶⁹ However, the persistence of overt and covert forms of discrimination continues to undermine the democratic development of society, revealing long standing societal cleavages and man-oriented power hierarchies.

214. Partially resulting from the disparities stated above, the equal representation of women in meaningful decision-making positions across legislative, executive, and judiciary domains remains a challenge. Reverberating the previous reports, the electoral framework fails to reflect the gender equality quota of 50 percent representation of women.²⁷⁰ Some improvement in responding to the Law on Gender Equality concerns the number of women in municipal assembly seats, which corresponds with 1,937 women or 37 percent women.²⁷¹ The same does not hold for political parties in which differentiation according to gender remains, laying bare patriarchal gender expectations in structures not immediately pressured by top-down regulative mechanisms. The situation is not better in the judiciary. Kosovo has 432 judges (148 women and 284 men), and 183 prosecutors (78 women and 105 men), which is a low percentage of female judges and prosecutors in comparison with most other European countries.²⁷²

215. The discontinuities between policy and practice have also translated into the underrepresentation of women in the peace and security agendas. Under UN resolution 1325, the security and peace-building processes of Kosovo require the involvement of women in the negotiation teams during the dialogue between Kosovo and Serbia. However, according to NGO KWN, women remain underrepresented in senior political positions thereby falling short on women’s inclusion at the negotiation table.²⁷³ The implementation of the Law No. 05/L-020 on Gender Equality is a prerequisite for straightening the imbalance. Thereby, failure to implement the affirmative mea-

266 Kosovo Program for Gender Equality [Kosovo Program for Gender Equality \(2020\)](#).

267 KWN (2022), input for the joint CSO report on Human Rights in Kosovo 2023.

268 KWN (2023), [the law on budget appropriations of the budget of the republic of Kosovo 2023 from a gender perspective](#).

269 EU Commission (2023), Kosovo Report 2023.

270 KGSC (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

271 EU Commission (2022), [Kosovo Report 2022](#).

272 EU Commission (2022), [Kosovo Report 2022](#).

273 KWN (2022), input for the joint CSO report on Human Rights in Kosovo 2022.

asures of the above-mentioned Law is often veiled behind the concept of meritocracy.²⁷⁴ A positive step forward in 2023, however, is that although the number of female MPs has remained the same, there is a rise of women leading more than half of the Committees of the AoK.²⁷⁵

216. Sexist language and derogatory comments directed at female politicians continued unabated in 2023, illustrating the hostile environment that impinges on women's aspirations to participate in the public political landscape. A particularly illustrative case was the attack on the Deputy Speaker Saranda Bogujevci, who expressed her potential wish to be able to have children without a partner. The ensuing volatile discourse used against her violated her individual dignity and undermined the very principles of gender equality enshrined in Kosovo's legislative foundations.²⁷⁶

217. In addition to the restrictions placed on women in top-down governmental structures, gender-based discrimination also persists in the socio-economic spheres of society. Numerically speaking, however, Table 1 shows the reconfiguration of the unemployment rates per gender as per the latest available data from the KAS.²⁷⁷ The underrepresentation of women in the labor market remains with an imbalance of 18.6 percent of women unemployed compared to 8.6 percent men in 2023 (see table). Compared to the overall labor participation rates in the Western Balkans, Kosovo has the lowest participation rate in the region.²⁷⁸

274 KWN (2022), input for the joint CSO report on Human Rights in Kosovo 2022.

275 EU Commission (2023), Kosovo Report 2023, p.8.

276 KGSC (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

277 KAS (2024), [unemployment rate Kosovo](#).

278 KWN (2022), input for the joint CSO report on human rights in Kosovo.

Table 2 Trend analysis of Kosovo unemployment rate by gender between 2020-2023 (ages 15 to 65)

2020	Male	Female	Total
numbers	80.173	42.206	121.379
%	23.5	32.3	25.9
2021	Male	Female	Total
numbers	66.154	34.007	100.161
%	19.0	25.0	20.7
2022	Male	Female	Total
numbers	51.863	25.357	77.220
%	15.6	18.9	11.8
2023	Male	Female	Total
numbers	27.999	24.718	52.717
%	8.6	18.6	11.5

218. The GoK has delayed the amendment and adoption of the Labor Law in 2023 as well, which would harmonize it with the EU Work-life Balance Directive. The continued delay in adopting this law contributes to persisting gender-based discrimination in labor. Only a few cases are reported due to insufficient knowledge of institutional referral mechanisms, and inadequate inspections on the matter (with the few existing cases supported by the EU through women’s CSOs outreach and free legal aid). The Law falls short in protecting women on maternity leave from expiry of short contracts.

219. NGO KGSC notes that despite the criminalization of sexual harassment in the workplace in Kosovo’s legislation, the occurrence of the phenomenon is yet to be examined in more depth in the private sector, as Kosovo lacks data for the private sphere as institutional collaboration with this sector is not formalized. The Constitutional Court of Kosovo addressed the issue to the Labor Inspectorate stating that they do not sufficiently handle sexual harassment cases in their surveillance and reporting.²⁷⁹

279 KGSC (2024), input for the joint CSO report on Human Rights Kosovo 2023.

220. There is significant concern over the dire situation facing shelters providing residential services to victims of domestic violence, children without parental care and trafficking victims in 2023. Compared to the previous reporting period and earlier financial support from the MoJ, shelters are facing a funding crisis, as per a recent publication of NGO KWN.²⁸⁰ In addition to this, NGO KGSC states the lack of transparency when it comes to the budget allocations of the MoJ vis-à-vis shelters. They state that ever since the GoK undertook the financing of the shelters with the state budget, they have struggled to obtain data that were more easily accessible in the past.²⁸¹ Given the limited number of shelters in Kosovo and no specialized organizations to assist domestic abuse survivors after leaving the shelters, many women face challenges characterized by low financial incomes, leaving them with no options but to return to the abusive household.²⁸²

221. The ongoing evaluation for the employment of survivors of domestic violence marks a crucial step forward in 2023, as per NGO KGSC.²⁸³ The guide for optimizing local mechanisms against domestic and gender-based violence, coupled with the execution of the National Strategy for Protection from Domestic Violence and Violence against Women (2022-2026), is actively fostering a collaborative effort between institutions and society.²⁸⁴

222. In a recently published report carried out by NGO KGSC in collaboration with NGO KLI, 50 court verdicts pertaining to 2022 which concerned cases that involved elements of domestic violence, which were selected randomly from the basic courts in Kosovo, along with an additional 14 verdicts from the Court of Appeals and Constitutional Court of Kosovo. The objective was to assess the adherence of Kosovo's court decisions to the standards outlined in the Istanbul Convention. The procedural timeline was one of the elements under scrutiny. The findings indicated that the average handling time from the offense to the first-degree verdict is a total of 266 days or 8.5 months in domestic violence cases. This suggests that on average the cases are processed within an adequate time frame and thus in alignment with the Istanbul Convention standards.²⁸⁵

223. The same report also examined the legal framework, revealing that 58 percent of cases are classified as criminal offenses under Article 248 of the Criminal Code. The report summarizes that in 12 percent of instances the offense was categorized as domestic violence coupled with another offense and an additional 20 percent of cases was classified under slight bodily harm under Article 185 of the Criminal Code. 4 percent of cases were categorized as an attack or threat and 2 percent involved continuous harassment offenses. In this respect, NGO KLI emphasizes the alignment of the committed offenses in a family context with the Criminal Code, Supreme Court Guidelines, and the Istanbul Convention, thereby urging their classification as "domestic violence" whenever possible.²⁸⁶

280 KWN (2023), [KWN Urges the Government to Address the Needs of Shelters and Other Social Services](#).

281 KGSC (2024), input for the joint CSO report on Human Rights Kosovo 2023.

282 KWN (2023), [Pas strehimorës e pastrehë](#).

283 KGSC (2024), input for the joint CSO report on Human Rights Kosovo 2023.

284 KGSC (2024), input for the joint CSO report on Human Rights Kosovo 2023.

285 KGSC (2023) and KLI (2023), [The Istanbul Convention in the verdicts of courts in Kosovo, p 21](#).

286 KGSC (2023) and KLI (2023), [The Istanbul Convention in the verdicts of courts in Kosovo, p 21](#).

224. Notably, according to the same report, 72 percent of domestic violence victims lack professional representation, contravening both the Istanbul Convention and prevailing legislation. Moreover, the overall sentencing policy in domestic abuse cases was characterized by an approach of leniency: 74 percent of cases resulted in conditional imprisonment vis-à-vis just 10 percent leading to the effective imprisonment of perpetrators of domestic violence. Accordingly, more stringent sentencing may facilitate in deterring perpetrators and combatting incidents.²⁸⁷

225. In December 2022, the State Protocol for the Treatment of Sexual Violence Cases in Kosovo was launched. This was an initiative of the MoJ and the Institute of Forensic Medicine in close cooperation with NGO KWN, the EU and UN Women Kosovo, who provided support in the drafting of the document. The Protocol responds to Kosovo’s commitment to the Istanbul Convention and “[...] recognizes the need to have a standardized, continuous, comprehensive and accountable response for the identification, protection, treatment, empowerment and reintegration of victims/survivors of sexual assault and violence through immediate intervention by responsible institutions.”²⁸⁸

226. An important institutional concern is the continued stigmatization and victim blaming. Inappropriate interference by judges and prosecutors consists of pressure put on victims to reconcile with perpetrators of domestic violence. This points to the concomitant need for training of judges in the implementation of the current legislation.²⁸⁹

227. From January 2023 to December 2023, 2638 cases of domestic violence have been reported to the Police of Kosovo. Out of these cases, 2120 (or 80.36 percent) are instances of violence against girls and women in a domestic environment whereas 597 include men. In these instances, 2375 men were the perpetrators, whereas only 374 perpetrators were women. This signifies that the cases of domestic violence continue to rise, compared to other years, and survivors of these cases are predominantly women, indicating systemic violence against women and girls. This data has been made available on the official webpage of the Ministry of Justice, a platform which has been immensely supported by UN Women. NGO KGSC considers that this belated step is crucial to tracking cases of domestic violence as well as femicide, although a special platform for femicide should also be launched.²⁹⁰

Table 2 Cases of domestic violence between 2019 and 2023 ²⁹¹

Year	2019	2020	2021	2022	2023
Cases of domestic violence in numbers	1,915	2,069	2,200	2,273	2,638

287 KGSC (2023) and KLI (2023), [The Istanbul Convention in the verdicts of courts in Kosovo, p 21.](#)

288 UN Women (2022), [New protocol for responding to sexual violence in Kosovo.](#)

289 EU Commission (2022), [Kosovo Report 2022.](#)

290 KGSC (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

291 Ministry of Justice (MoJ 2024), [databaza për evidentimin e rasteve të dhunës në familje.](#)

228. Although trends show that violence in the family is on the rise, the total number of incidents is likely underreported. In this respect, UN Women states that a wide spectrum of factors propel victims of domestic violence to remain silent. In a context of patriarchal norms, women in particular experience pervasive fear from their partners and their families to report the perpetrator to the police. Other factors including lack of inheritance, and insecure financial conditions contribute to the reluctance of many survivors to report the incidents to the police. On average, according to NGO KWN, victims currently reporting on cases of abuse have suffered long standing violence over the course of 7 to 10 years before going to the police.²⁹² The current situation stresses the critical need for societal action, particularly in empowering the younger generation to advocate for the promotion of a society in which women have equal rights to education, employment, and property. It is only through a societal shift that contributes to a more equitable environment that the prevention of domestic violence can be achieved.²⁹³

229. Across the last three reporting periods spanning 2021, 2022, and extending into 2023, intimate femicide has regrettably become entrenched in Kosovo society, manifesting concerning and persistent societal trends. In 2023, four cases of intimate femicide were recorded.²⁹⁴ The data reveals a concerning trend with at least 55 women murdered in Kosovo since 2010, predominantly by spouses, fathers and sons.²⁹⁵

230. Protests about violence against women and domestic violence have been ongoing for several years, but gained particular momentum in 2021, 2022 and 2023. Protests were sparked by several cases of violence against women with the most prominent case in 2023 that of the murder of Liridona Ademaj.²⁹⁶ This case brought to light the failure of the Kosovo police and the responsible institutions to protect the victims. The protests were led by women's rights organizations, activists, and survivors of violence, who demanded that the government take action to address the question of safety for all women in Kosovo and gender-based violence in the region.²⁹⁷

231. Related to the previous paragraph and the positive obligations of the official authorities to protect the right to life, the Constitutional Court ruled on the case of the femicide of Sebahate Morina. The Court concluded that the police and prosecution did not react promptly and failed to conduct a proper risk assessment, and did not take sufficient preventive measures which ultimately put Morina's life at risk. The decision emphasizes the state's positive obligations to safeguard individuals from domestic violence and highlights systematic shortcomings in addressing gender-based violence.²⁹⁸

292 Gazeta Express (2024), [katër gra u vranë brenda vitit 2023 në Kosovë](#).

293 Gazeta Express (2024), [katër gra u vranë brenda vitit 2023 në Kosovë](#).

294 Gazeta Express (2024), [katër gra u vranë brenda vitit 2023 në Kosovë](#).

295 Evropa e Lirë (2023), [Si të këputet zinxhiri i femicidit?](#)

296 Kallxo (2023), [Vrasja e Liridona Ademajt, nis protesta e thirrur nga Kolektivi për Mendim dhe Veprim Feminist](#).

297 Kallxo (2023), [Vrasja e Liridona Ademajt, nis protesta e thirrur nga Kolektivi për Mendim dhe Veprim Feminist](#).

298 Betimi për Drejtësi (2023), [Rasti i Sebahate Morinës: Gjykata Kushtetuese konstaton se i është shkelur e drejta për jetë](#).

232. Recommendations

- The AoK should align the Election Law with the Law on Gender Equality in consideration so as to ensure institutional consistency in promoting women's representation;
- The GoK, and the Agency for Gender Equality should develop measures to combat sexist language and derogatory comments against female politicians, fostering a more respectful and inclusive political environment;
- The Ministry of Finance, Labor and Transfers should develop targeted strategies to address gender-based discrimination in socio-economic spheres, focusing on the increase of women's participation in the labor market and gender gap;
- The Labor Inspectorate, the Ministry of Finance, Labor and Transfers and the Kosovo Chamber of Commerce should formalize institutional collaboration with the private sector to address sexual harassment, and conduct in-depth examinations of its occurrence;
- The GoK, the Ministry of Finance, labor and transfers should provide transparent budget allocations for shelters, ensuring sufficient funding to address the funding crisis faced by shelters and provide residential services;
- The GoK, the Ministry of Education, Science, Technology and Innovation should improve its comprehensive societal campaigns to empower the younger generation to advocate for gender equality, domestic violence prevention, and challenging patriarchal norms;
- The Kosovo Police responsiveness should be improved with strategies on risk assessment in cases of domestic violence, which ensure timely and effective preventive measures to safeguard individuals at risk;
- The MoJ should initiate procedures for the criminalization of femicide;
- The MoJ in cooperation with Kosovo Police should create a database with precise and reliable information on the cases of femicide, as the information available is inaccurate and there is a discrepancy;

7.2 Children's rights

233. The UN Convention on the Rights of the Child (CRC), which defines children as under the age of 18, is directly applicable in Kosovo as per Article 22 of the Constitution and supersedes the local laws and acts of the government. This Convention, however, which remains insufficiently applied by the judges and prosecutors as provided by Article 22 of the Kosovo Constitution, establishes children's rights within the six fundamental human rights treaties.²⁹⁹ The protection of children's rights as a foundational pillar of Kosovo's democratic development is constitutionally defined in Article 50 (from paragraphs 50.1-50.5). The Constitution puts emphasis on children's well-being,

299 UNHCR (1989), [Convention on the Rights of the Child](#).

equality, and protection against maltreatment, violence, and any form of exploitation. In line with international standards, the primary legislation has been recently complemented by the Law No. 06/L-084 for Child Protection. Relating to UNICEF (2021), the Law, which entered into force in 2020, marked a “milestone achievement” in the legal framework of the protection of children’s rights.³⁰⁰ It safeguards children from different forms of physical, mental, and emotional abuse; neglect; and exploitation in all societal spheres ranging from care institutions to public facilities to the home.

234. The factual implementation of the Law on Child Protection, which entered into force on July 19, 2020 has yet to be fully enforced in 2023. The vast majority of child protection professionals did not have knowledge on the responsibilities arising from the Law on Child Protection, nor the innovations brought by this Law. From a total of 17 Administrative Instructions foreseen under the Law on Child Protection, only 9 of them have been approved until now.³⁰¹ According to the latest monitoring of the Coalition of NGOs for Child Protection (KOMF) published as the Report Card the new services and programs foreseen by the Law on Child Protection have not yet been established. Prevention is not yet a key element of child protection services. In particular, the free child helpline and child protection houses have not yet been established.³⁰² Among the main challenges in the protection of children without parental care remains the delay in resolving the status of children without parental care and services for children without parental care in difficult conditions and those after the age of 18. A positive step is the increase of the monthly payment for children in foster care and the development of programs dedicated to increase capacities of foster families for children without parental care, potential adoptive parents and professionals. Identification and reporting or self-reporting of children in situations of violence and systemic treatment of violence cases, are still problematic issues. Kosovo still lacks specialized services that would deal with the protection and reintegration of children involved in child labour. Regarding trafficking, identification of children victims of trafficking, justice system treatment and the long-term reintegration, remain among the biggest challenges.³⁰³

235. As noted in section 6.2, the Law No. 08/L-153 on Early Childhood Education was approved by the AoK. Because this law regulates the provision of quality education standards and renders preschool education mandatory from 2024, access to preschool education in Kosovo should significantly increase. The Law also provides legal basis for the provision of Early Childhood Education (ECE) services through various models, including community-based centers as an alternative form of Early Childhood Education, which Save the Children Kosova/o is scaling up throughout the country, contributing to a 8 percent increase in the access of children 0-6 years old to community-based Early Childhood Education, as compared to Kosovo’s total enrolment rates of 2022.³⁰⁴ In total, the numbers are rather alarming with pre-school attendance far below the European standard of 96 percent, and lower than regional averages. Kosovo still remains the country with the

300 UNICEF (2021), [State of Children's rights in Kosovo](#).

301 Terres des Hommes Kosova (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

302 KOMF (2024), [Report card: What is Kosovo's overall score for child care?](#)

303 KOMF (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

304 Save the Children Kosova/o (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

lowest inclusion of children in preschool education, compared to other countries in the region. Only 15 percent of children aged 3-4 attend early childhood education programs, who are usually living in wealthier households.³⁰⁵ The most recent data available shows that only 38 percent of Kosovo's 3- to 5-year-old children have access to any kind of learning structure.³⁰⁶ In its Report Card (2024), NGO KOMF has highlighted that the main reason for such low inclusion is the small absorption capacity of preschool institutions and the general awareness of the traditional forms of education in the family. Preschool institutions are mostly focused in urban areas, and rural areas are almost excluded from access to early childhood development services.³⁰⁷

236. The institutional mechanisms warranting the implementation of legislation and incorporating child participation mechanisms are defined by the Law No. 06/L-084 on Child Protection.³⁰⁸ They include the Inter-Ministerial Committee for the Rights of the Child, which operates within the Office of the Prime Minister through the Office of Good Governance, and other mechanisms at the central and local level.³⁰⁹ Instrumental to ensuring effective implementation of the child protection mechanisms in Kosovo is the Strategy for the Rights of the Child and Action Plan (2019-2023).³¹⁰ The Office of Good Governance plays a leading role in the processes related to the creation and implementation of the Strategy. Developed in close cooperation with UNICEF, Save the Children Kosova/o, the NGO Syri i Vizionit and other NGOs, the document lays out four strategic objectives that have as their main goal "[...] the undertaking of initiatives that improve the situation of children in economic, social and political contexts in Kosovo."³¹¹ The main focus is on the instrumentalization of the legal framework and recognition of the best interests of the child in all levels of decision-making and service provision.³¹² Accordingly, the four-year strategy centers on the improvement of the judicial structures for the well-being of children. Likewise, the provision of services that contribute to the overall health and well-being of children are detailed in the Strategy.

237. Schools lack professional and support staff such as psychologists, pedagogues and assistants for children with disabilities. Currently, there are about 200 psychologists and pedagogues in schools nationwide. Having in mind that there are 1,047 educational institutions, it can be concluded that not even one quarter of schools has psychologists. Inclusion of the most vulnerable children at all levels of education, such as children with disabilities, children from non-majority communities, who do not receive adequate support to achieve their full potential, continues to remain the most challenging issue.³¹³

238. An evaluation of the institutional mechanisms concerning the protection of children's rights in Kosovo is inseparable from an understanding of the factual situation on the ground. Different from the previous reporting periods, the realities on the ground put on view institutional progress in this regard: different from the previous reporting period, the main institutional mechanism

305 KOMF (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

306 AA (2023), [Kosovë, prezantohet Ligji për edukimin në fëmijërinë e hershme](#).

307 KOMF (2024), [Report Card: What is the overall score of Kosovo for child care?](#)

308 Save the Children Kosova/o (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

309 Terres des Hommes Kosova (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

310 National Strategy for the Rights of the Child 2019-2023 [Strategjia-per-te-Drejtat-e-Femijeve-ANG-FINAL_20190219.pdf \(rks-gov.net\)](#).

311 National Strategy for the Rights of the Child 2019-2023 [Strategjia-per-te-Drejtat-e-Femijeve-ANG-FINAL_20190219.pdf \(rks-gov.net\)](#).

312 Save the Children Kosova/o (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

313 KOMF (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

foreseen by the Law on Child Protection Team was partially established.³¹⁴ This concerns the Council for Children's Rights, which functions as the highest mechanism at the central level that coordinates work on implementing the Law, as well as other mechanisms at the central and institutional level.³¹⁵ Furthermore, the Municipal Child Rights teams have been established in the 14 municipalities, while the establishment in remaining municipalities should remain a priority.³¹⁶

239. Kosovo has a legal framework in place to address juvenile delinquency which ensures protection of the rights of children in conflict with the law and promotes their rehabilitation and reintegration into society. Under the Code 06/L-006 on Juvenile Justice, children who commit criminal offenses are subject to different procedures and sanctions than adults. NGO KOMF (2024) has assessed that although the new Juvenile Justice Code (JJC) has doubled diversity measures, which play a decisive role in preventing the initiation of court proceedings against minors and promoting their rehabilitation and reintegration into society, the implementation of diversity measures faces challenges. According to the "Report Card" published by the Coalition of NGOs for Child Protection – KOMF, in recent years, a significant decline in applying these measures has been observed in the juvenile justice system. Juveniles with educational measures are placed in a closed type institution, which is a violation of the Juvenile Justice Code (JJC) provisions, and which is a serious violation of the fundamental children's rights. This is due to the fact that the Open Education Center does not accept direct admissions based on the Court decision, but only transfers from the Correctional Center. A constant concern is caused by the fact that in the absence of a correctional center for female minors, they are placed in a center with adult female detainees/convicts. Further, there is a large number of Correctional Center officers and a very small number of professional staff which evidences the main aim of the current correctional system to prevent escape rather than work for the rehabilitation and reintegration of minors.³¹⁷

240. Also according to NGO KOMF (2024), there is a lack of data on the number of children with disabilities, children that consume tobacco, alcohol and children who use drugs. Government support for the provision of rehabilitation health services for children with disabilities, remains very limited. Our country still does not provide sustainable prevention services and programs that are more than necessary considering the growing trends of drug use by children and teenagers. It is estimated that the total number of users has exceeded 30,000 users for the first time, children and teenagers continue to be part of this number of users more and more each year. The average age of starting drug use has dropped from 18 in 2018 to 16, in the latest period. Nevertheless, Kosovo does not have special rehabilitation services for children victims of drug abuse. Requests from children for mental health services have increased, especially since the Covid-19 pandemic. Infant mortality in Kosovo, although decreased over the years, is still the highest compared to countries in the region.³¹⁸

314 EU Commission (2023), Kosovo Report 2023, p.38.

315 EU Commission (2023), Kosovo Report 2023, p.38.

316 EU Commission (2023), Kosovo Report 2023, p.38.

317 KOMF (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

318 KOMF (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

241. According to an analysis carried out by KIKS Kosova (KLAN), the delinquency cases in Kosovo have been on the rise with an increasing number of incidents reported to the Kosovo Institute of Criminology.³¹⁹ A yearly trend evidences the following: In 2021, a total number of 1,658 cases have been reported, in 2022 this amounted to 1,886 cases while in 2023 around 2,000 cases.³²⁰ According to the same report by Klan Kosova, the leading age category involved in most criminal offenses is 17 years with, according to the Kosovo Police, ‘minor bodily harm’ as the most prevalent criminal offense.³²¹ According to KIKS Kosova, these statistics may be indicative of a concerning new trend that warrants careful attention and strategies of intervention.

242. In December 2023, the GoK allocated funds for one-time supplements amounting to 100 Euros each for children and pensioners.³²² This decision, reached during an electronic meeting, signifies a strategic move to implement Measure 3.5, addressing supplements for households with children, and Measure 3.2, focusing on supporting pensioners and families with social assistance. These measures are integral components of the comprehensive Economic Revival Package.

243. The social services system in Kosovo continues to be overstretched, poorly funded, and unable to cope with the growing demands of people in need and vulnerable groups. Adoption of the new Law on Social and Family Services strongly supported by the NGO KOMF, opens the process of social services reform in the country. The main challenge in the field of social services remains the unstable financing, thus risking the closure or quality reduction of many social services for children and families in need.³²³ Children continue to remain largely unaccounted for; equity for children with disabilities, children from ethnic minorities, children growing up in rural areas, underaged mothers and working children (children contributing to family income) remains a strong concern. The ratio of funding for the licensed NGOs licensed to provide services is secured from the following sources of funds and ratios: 11 percent from the Municipal budgets; 20 percent from the Kosovo budget, 55.5 percent from various international and local donors and the remaining from other fund sourcing.³²⁴ 75% of beneficiaries receive services only by licensed NGOs as non-formal social service providers throughout Kosovo.³²⁵

244. The Centers for Social Work around Kosovo face a range of challenges. This holds especially true with reference to the necessary human and financial resources that may address the social needs of children in vulnerable situations. This is because Kosovo continues to have a decentralized system of social services. In this regard, it is necessary to consider the centralization of the provision of social services as it has proven to be a more successful model for implementation and adequate financing in European countries. In this respect, social services have not been a priority

319 KIKS Kosova (2023), [Rriten rastet e delikucencës te të miturit.](#)

320 Telegrafi (2024), [Gjatë 2023-ës rreth 2.000 raste për vepra të ndryshme penale nga të miturit në Kosovë](#)

321 KIKS Kosova (2023), [Rriten rastet e delikucencës te të miturit.](#)

322 Paparaci (2023), [Qeveria merr këtë vendim për shtesat 100 euro për fëmijët dhe pensionistët.](#)

323 KOMF (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

324 Save the Children Kosova/o (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

325 Save the Children Kosova/o (2024), final evaluation of the project ‘Strengthening Social Service Provision for the Most Vulnerable Groups in Kosovo in Response to Covid-19’ (2023).

of local governments.³²⁶ According to the “Analysis on the state of Centers for Social Work”, developed by the Ministry of Justice and the NGO KOMF, more than half of Centers for Social Work have difficult or impossible accessibility for children and persons with disabilities. Centers for Social Work lack professional staff specialized in the field of child protection. The representation of professions is unbalanced, mostly, there are lawyers, followed by sociologists, pedagogues, psychologists and social workers. Moreover, Centers for Social Work are overloaded with cases, with an average of 85 cases for one social service provider. Only 28 percent of Centers for Social Work have relatively good infrastructural conditions, while the rest of them provide services in unsuitable working spaces.³²⁷ The Law on Child Protection (Article 15) asserts that each Centers for Social Work shall designate at least one relevant responsible and specialized officer to coordinate child protection measures and interventions, although in practice only four Centers for Social Work have appointed a specialized child protection worker with the support of NGOs. Given these challenges, the GoK brought the Centres for Social Work to fall under the jurisdiction of the Ministry of Justice (MoJ) in January 2023.³²⁸ The MoJ, mandated by the GoK for social protection starting in 2023, has increased funding for licensed NGOs to a maximum amount of 1.5 million. According to NGO Save the Children Kosova/o, this increased investment contributes to an increase of funds for 35 out of 47 licensed NGOs. Despite this positive development, the current funding scheme is not sufficient to cover all the needs of girls, boys, women and men living in vulnerable situations throughout the country.³²⁹

245. It is imperative to underscore the significant shift in the mandate for social and family policies in 2023, transitioning from the purview of the Ministry of Finance, Labor, and Transfers to that of the MoJ. Throughout the course of 2023, a comprehensive restructuring and reorganization of the social protection system has transpired, encompassing all facets—from the formulation of central policies and the oversight of implementation to the planning, management, and delivery of municipal services. This intricate process entailed the bifurcation of the Division/Department of Social Policies and Family (DSPF) between two ministries: the Ministry of Finance Labor and Transfers (MFLT) and the Ministry of Justice (MoJ). Notably, the Department of Social Policies and Family (DSPF) has been strategically integrated into both ministries, underscoring a collaborative approach to social and family policy management. Within this dynamic transformation, the Social Assistance Scheme (SAS) retains its position under the jurisdiction of the Ministry of Finance Labor and Transfers (MFLT), which assumes responsibility for its meticulous management and vigilant monitoring. Anticipated to reverberate across all dimensions of governance, this restructuring initiative is poised to exert a profound influence, extending from central-level policymaking and the meticulous oversight of implementation to the nuanced planning, management, and delivery of services at the municipal level.³³⁰

246. The number of children living in poverty in Kosovo remains alarming with social assistance

326 Save the Children Kosova/o (2022), input for the joint CSO report on Human rights Kosovo 2022.
 327 KOMF & Ministry of Justice (MoJ, 2023) [Analysis of the current state of Centers for Social Work 2023](#).
 328 Kosovo 2.0, [Where are the centers for social work?](#)
 329 Save the Children Kosova/o (2024), input for the joint CSO report on Human Rights in Kosovo 2023.
 330 Terres des Hommes Kosova (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

schemes unable to meet the increased demand in providing access to basic provisions.³³¹ According to the latest data from Kosovo Agency of Statistics, 22.7 percent of children live in poverty and 7 percent of them live in extreme poverty. The NGO KOMF states that the current system of social protection in Kosovo does not sufficiently address the various needs of vulnerable children and families. Social transfers have very limited impact on reducing poverty, resulting in high rates of child poverty in comparison to other countries in the region. The Law No. 2003/15 on Social Assistance contains a set of discriminatory criteria that excludes a considerable number of children and families from the social assistance scheme. Thus, the revision process of social assistance legislation is expected to eliminate the discriminatory criteria for children and increase inclusion of children and families living in poverty. The draft Law on Local Government Financing, which was finalized years ago and is expected to create a Specific Grant for Social Services in order to regulate the sustainable financing of social services, has not been adopted yet. The process of costing and financing formula for social services which started years ago, has not yet been completed.³³² A positive development has been the approval of child benefits as an effective instrument to alleviate poverty and inequality among children. However, child benefits amounts of 20 Euros (0-24 months) and 10 Euros (over 2 years), are not enough to contribute to alleviation of poverty. The low amount is limited to children up to 16 years old, thereby excluding children from the ages of 16 to 18.³³³ According to Kosovo legislation, the definition of children includes ages of 0 to 18 years, therefore, child benefits must cover children up to 18 years old. NGO KOMF data show that child benefits do not have a sustainable legal basis, they are only offered based on a decision within the emergency package from Covid – 19 period.³³⁴

247. In addition to this, the exploitation of children through child labor and begging continues to occur in the year 2023. According to the EU Commission report, around 9 percent of children are involved in work, of whom 5.6 percent in hazardous conditions.³³⁵ Concerning child begging, a decline can be noticed. Compared to the previous reports (2021 and 2022), there is a decrease in the total number of child beggars. Compared to 2022 (175 children) vis-à-vis 2021 (191 children), in 2023 a total number of 34 children have been identified.³³⁶ It is unclear as to why the identified cases are comparably lower than in previous years, especially since the GoK has not undertaken any serious institutional initiatives to address the issue of child begging in Kosovo. Rather, institutional efforts have focused on ad-hoc solutions without offering concrete and long-term plans.³³⁷

248. Children from non-majority communities constitute the children in the most vulnerable position in social, economic, and cultural aspects. Inequalities concerning access to basic health care, education, and culture remain prevalent, partially as the K-Roma and K-Ashkali communities are consistently discriminated against. Compared to other communities, the immunization rate among the K-Roma and K-Ashkali communities is particularly low.³³⁸ Public institutions have insufficiently moved beyond legislative stipulations towards social actions and programs of inclu-

331 Kosovo 2.0, [Poor help to the poor.](#)

332 Coalition of NGOs for Child Protection – KOMF (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

333 Kosovo 2.0, [Poor help to the poor.](#)

334 KOMF (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

335 EU Commission (2023), Kosovo Report 2023, p.101.

336 Dukagjini (2023), [bie numri i fëmijëve lëmoshkërkues.](#)

337 Kosova Press (2022), [175 child beggars have been identified in Kosovo.](#)

338 EU Commission (2023), Report on Kosovo 2023, p. 95.

sion.³³⁹ According to a recent report carried out by Save the Children Kosova/o (2023), there is also a systematic lack of data collection mechanisms impeding on the work of centers for social work to identify and provide adequate social services to children in vulnerable situations.³⁴⁰

249. K-Roma children have an early disadvantage to their start in life compared to children from other ethnic backgrounds.³⁴¹ This is especially true when examining the family setting, as reported by Save the Children Kosova/o. According to the data they provide, 72 percent of children up to the ages of 14 have undergone forms of psychological and physical violence within the family. Notably, children with disabilities face higher risk for physical and emotional abuse and other forms of neglect, violence and exploitation due to discrimination and exclusion.³⁴²

250. The phenomenon of early marriages continues to be widespread and impacts the lives and education of children in Kosovo. Based on credible international reports, the NGO VoRAE states that 1 in 25 girls and 1 in 50 boys (aged 20-24) are married before the age of 18. From the data gathered during field visits of NGO VoRAE, early marriages persist as a problematic issue that our society continues to grapple with, necessitating intervention. Consequently, NGO VoRAE has initiated a conscientious campaign to prevent early marriages, not only for citizens of the K-Roma, K-Ashkali, and K-Egyptian communities but for all communities residing in Kosovo.³⁴³ In December 2023, the decision to establish the inter-institutional working group for the prevention and reporting of early marriages in the Roma, Ashkali, and Egyptian communities in the Republic of Kosovo was signed.³⁴⁴

251. Children with disabilities and in need of special care are often deprived of adequate access to health and educational facilities as well as to assistance required for attending inclusive education.³⁴⁵ The majority of children with disabilities remain outside the Kosovo educational system. Despite some positive advances undertaken by the MESTI in 2023 (see section 6.2), the GoK has to further scale up its financial support and social services for children with disabilities.

252. Recommendations

- Public authorities should enforce the implementation of the Law on Child Protection, provide training to child protection professionals on its provisions, and expedite the approval of the remaining Administrative Instructions;
- The MESTI should address the alarmingly low attendance of preschool education in Kosovo by implementing the Law on Early Childhood Education, emphasizing community-based centers to increase access;

339 Kosovo 2.0, [Poor help to the poor.](#)

340 Save the Children Kosova/o (2023), [Collection and analysis of data and statistics of vulnerable groups benefiting from social services in Kosovo.](#)

341 REYN (2022), [Breaking the silence. The right of young Roma children in Europe to thrive.](#)

342 Save the Children Kosova/o (2022), input for the joint CSO report on Human Rights in Kosovo 2022.

343 Vorae (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

344 Vorae (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

345 EU Commission (2022), [Kosovo Report 2022.](#)

- The institutional mechanisms for child protection should be strengthened as outlined in the Law on Child Protection;
- Public authorities should address the rise in juvenile delinquency by closely monitoring cases, implementing preventive measures, and considering additional strategies for intervention based on identified trends;
- The Ministry of Finance, Labor and Transfers should address inadequacies in the social assistance schemes, ensuring inclusive coverage for all children and families in need, and reconsider discriminatory criteria in the Law on Social Assistance;
- The Ministry of Finance, Labor and Transfers should address the exploitation of children through child labor and begging by implementing targeted initiatives and long-term plans to address this critical issue;
- Local municipalities should take responsibility in addressing significant inequalities faced by children from non-majority communities, improving access to healthcare, education, and cultural opportunities;
Social services should focus on early intervention and support for K-Roma children, recognizing their vulnerability and implementing measures to protect them from violence and discrimination;
- Public authorities should address the widespread issue of early marriages by raising awareness and implementing preventive measures, involving all communities in Kosovo;
- The Ministry of Education, Science, Technology and Innovation in collaboration with the Ministry of Finance, Labor and Transfers and Ministry of Health should enhance efforts to ensure children with disabilities have adequate access to health and educational facilities, inclusive education, and necessary assistance, scaling up financial support and social services.

7.3 Youth rights

253. The Kosovo Constitution does not mention youth and their rights in the text. It only establishes the eligibility for voting in both local and national elections at 18 years of age. The legislative framework of Kosovo defines “youth” in the Law No. 03/L-145 on Empowerment and Participation of Youth (Article 3 1.1) as “the age group of young people between fifteen (15) and twenty-four (24) years.”³⁴⁶ Notably, this age category represents a large segment of the demographic composition as 35 percent of the total population of Kosovo is between 15 and 24 years old.³⁴⁷ With this in mind, the Law No. 03/L-145 on Empowerment and Participation of Youth plays a key role in ensuring the “[...] continued participation of youth [...] in the development of a democratic society.”³⁴⁸

346 The Law on Empowerment and Participation of Youth [LAW NO. 03/L-145 ON EMPOWERMENT AND PARTICIPATION OF YOUTH \(rks.gov.net\)](#)

347 YIHR KS (2024), input for the joint CSO report on human rights in Kosovo 2023.

348 YIHR KS (2022), input for the joint CSO report on Human Rights in Kosovo 2022.

In November 2023, the Youth Bill was approved, which is the “first reform of the legal framework” in the area of youth by the GoK with the aim to enhance the participation of youth and their overall quality of life in Kosovo.³⁴⁹

254. In 2023, the Ministry of Culture, Youth and Sports (MCYS) drafted a new strategy for Youth, which is in congruence with the Law No. 03/L-145 on Empowerment and Participation of Youth. As per the strategy, the GoK will further commit itself to empowering the needs of Kosovo individuals ensuring the realization of their needs, rights and human potential. Covering the period 2024-2032, it aims to integrate youth into society and empower them as contributors to an inclusive and sustainable society. The key objectives of the strategy include the development and coordination of youth policies at the central level. Accompanied by three action plans, the strategic plan focuses on the education, employment, health, and cultural engagement of young Kosovo individuals between the ages of 15 and 29.³⁵⁰ A State Commission for Youth (SCY) was appointed in August 2021. Composed of 8 ministries, its main aim is to foster inter-institutional cooperation, develop horizontal policies for youth empowerment, and revise current legislation. The SCY was also responsible for drafting the new Youth Strategy.

255. The institutional mechanisms tasked with developing youth policies and programs lie within the Youth Department of the Ministry of Youth, Culture, and Education. While the Law also oversees the voluntary organization of a Central Youth Action Council (CYAC), no such Council has functioned since 2018. Basic responsibilities are also assigned to central and municipal institutions to strengthen the youth sector in Kosovo by overseeing Youth Programs and Youth Centers. The official GoK portal of Kosovo reports a total of 150 youth organizations divided into 100 networks and 50 centers.³⁵¹

256. The Youth Initiative for Human Rights - Kosovo (YIHR KS) presents vital inputs for the new State Strategy for Youth 2024-2032 and its accompanying Action Plan. The Strategy, which underscores the necessity of strengthening mechanisms for youth participation in decision-making, emphasizing transparency and inclusivity for non-majority communities, especially in rural areas, should ensure equal opportunities for all, with an inclusive outreach strategy targeting non-majority communities and robust monitoring mechanisms. Likewise, the strategy intends to equip young people with life skills through formal education. YIHR KS proposes integrating inter-ethnic dialogue, multicultural cohabitation, and reconciliation into teaching materials, with a specific focus on fostering inter-ethnic relations within the K-Serb and K-Albanian communities. This integration should be actively implemented in school curricula. Finally, YIHR KS suggests initiating the inclusion of volunteerism as a mandatory tool or course at the local and school levels, promoting active engagement and community participation. These proposals align with the overarching goal of fostering a successful and prosperous life for Kosovo’s youth in the coming years.³⁵²

349 Office of the Prime Minister (2023), [174th meeting of the GoK](#).

350 MCYS (2023), [the state strategy for Youth \(2024-2033\)](#).

351 MCYS (2023), [the state strategy for Youth \(2024-2033\)](#).

352 YIHR (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

257. Kosovo has officially become a member of the European Youth Card Association (EYCA), an international organization based in Brussels that issues the European Youth Card in over 30 European countries. Following a successful application by the Ministry of Culture, Youth, and Sports, the government will provide the card free of charge to all young people under the age of 30, irrespective of gender, ethnicity, abilities, or socio-economic status. The digital card, accessible in all official languages of Kosovo, grants access to over 60,000 discounts and benefits across Europe in transportation, accommodation, culture, sports, education, services, and products. The government plans to collaborate with both the public and private sectors in Kosovo to offer discounts and benefits for cardholders within the country, applicable to both residents and young foreign visitors and tourists coming to Kosovo. The initiative aligns with increased youth mobility in Europe, supported by measures such as the Young Cells Scheme, Ministry of Education scholarships, and the Ministry of Culture, Youth, and Sports mobility grants, providing numerous opportunities for educational, competitive, and professional experiences for young people in Kosovo. Equipped with the card, Kosovo's youth will enjoy equal opportunities and benefits alongside their European counterparts.³⁵³

258. Unemployment among young people remains a problem with significant large-scale consequences for the socio-economic development of the region with an employment rate of just 20.4 percent.³⁵⁴ YIHR KS stresses that youth unemployment is conspicuously prevalent among those with parents possessing lower educational backgrounds, originating from economically disadvantaged families, and primarily situated in rural areas. Notably, the influence of social connections and acknowledgment from influential figures plays a pivotal role in shaping an individual's societal status, with 54-59 percent recognizing its importance for securing employment opportunities.³⁵⁵

259. Increasingly, Kosovo's youth are leaving Kosovo for Western Europe in pursuit of better living standards. This is primarily driven by unattractive economic and employment conditions within Kosovo. The lack of regulatory mechanisms and privately driven socio-economic conditions have established a perception amongst the younger generation that financial and economic growth is limited. Although the minimum wage has increased through the new Law on Minimum Wages, Kosovo's youth is dissatisfied with the limited economic opportunities. The void of an active workforce is increasingly filled by foreign nationals mainly from Asia and Pakistan, as noted in the section on labor rights.³⁵⁶

260. According to the EU Commission report on Kosovo, the Youth Guarantee Implementation Plan, initially adopted in 2022, is being fortified in 2023 with the GoK engaged in creating the necessary conditions for piloting the Youth Guarantee in two municipalities. In this respect, Kosovo is in the process of restructuring the employment agency, a crucial step in fulfilling the Youth Guarantee implementation plan.³⁵⁷

353 MCYS (2024), [tashmë zyrtare: Kosova anëtare në EYCA - European Youth Card Association](#).

354 KAS (2024), [Tregu i punës](#).

355 YIHR (2024, input for the joint CSO report on Human Rights in Kosovo 2023.

356 Lajm Press (2023), [Të rinjtë po braktisin Kosovën, emigrimi në shifra të larta](#).

357 KAS (2024), [papunësia në Kosovë](#).

261. In accordance with the Economic Revival Package in which the GoK guaranteed young people “the first job, subsidized by the state at the level of minimum wage,”³⁵⁸ the GoK launched the “Superpuna” platform, a key initiative aimed at addressing youth unemployment and fostering economic growth. The platform, managed by the Ministry of Finance Labor and Transfers (MFLT) pledges a 264 Euros subsidy on top of the minimum wage for the first six months of employment. Although according to the MFLT, the target was to employ around 10,000 young people between 19 and 25 within the inaugural year, it is yet to be determined whether this goal has been achieved. In the first week of its launch, in February, 1,000 applications were submitted.³⁵⁹ The platform is designed for the seamless interaction between businesses and job seekers, and offers businesses the opportunity to double the minimum wage. However, it remains to be examined to what extent the platform will illustrate long-term success in areas of inclusion, and diversity.

262. Recommendations

- The Ministry of Culture, Youth and Sports should ensure the effective implementation of the new Youth Strategy (2024-2032) and its Action Plan by integrating an external monitoring mechanism;
- The Ministry of Youth, Culture, and Sports should revive the Central Youth Action Council (CYAC) or form an alternative mechanism that actively and transparently engages in decision-making processes and enhances coordination of youth programs and centers;
- Transparent and inclusive policies for non-majority communities should be developed and included in the new State Strategy on Youth 2024-2032 to foster their active participation;
- An outreach strategy should be developed by the GoK and implemented to ensure that all eligible youth in Kosovo are aware of and utilize the benefits offered by the European Youth Card;
- The GoK should implement targeted policies and address factors leading to the departure of Kosovo’s youth with strategies and actions that reduce youth unemployment and retains Kosovo youth;
- The GoK should externally evaluate and strengthen the effectiveness of the Superpuna platform, ensuring it meets its target of employing young people and contributes to reducing youth unemployment;
- The GoK should develop and implement comprehensive mental health support programs in schools and cities ensuring that information about available services is widely disseminated among youth.

358 Ministry of Finance, Labor and Transfers (2021), [Economic Recovery Package](#).
 359 Albinfo (2023), [Kosovë: 1000 aplikime në platformën ‘Superpuna’](#)

7.4 The rights of persons with disabilities

263. The legislative framework that informs the situational assessment of the implementation of the human rights of persons with disabilities in Kosovo consists of the Constitution along with numerous laws and regulations in which specific reference is made to this segment of the population. Part of the legislative framework through which the rights of persons with disabilities are safeguarded is Law No. 2003/23 on Disability Pensions and Law No. 03/L-022 on the Material Support for Families of Children with a Permanent Disability. Two other laws that support specific persons with disabilities are the Law No. 05/L -067 on the Status and Rights of Paraplegic and Tetraplegic Persons and the Law No. 04/L – 092 on the Blind. A part of Kosovo’s legal framework reflects the United Nations Convention on People with Disabilities (CRPD), but it has yet to be incorporated into the Constitution as a directly applicable international human rights instrument under Article 22. Kosovo has also adopted an inclusive vision centered on promoting the rights and conditions of this community and its facilities in its Strategy on the Rights of Persons with Disabilities (2013-2023). Although the Office of Good Governance has developed a new strategy commencing with the period of 2024, it yet remains to be approved.

264. Kosovo’s legislation is implicitly based on European human rights instruments but lacks properly formulated and explicit harmonization. In Article 22 of the Constitution, a number of key human rights instruments serve as the basis for local laws and regulations, but the CRPD is not included. According to NGO HANDIKOS (2023), the inclusion of the CRPD is pivotal if the aim is to attain the fundamental preconditions for persons with disabilities to lead a normal and dignified life. After continuous efforts and requests from HANDIKOS for the incorporation of the CRPD, the GoK held a meeting on 13 December 2022 thereafter issuing decision No. 02/112 with a proposal for the amendment of the Constitution addressed to the AoK.³⁶⁰

265. Related to the previous paragraph, the Constitutional Court of Kosovo issued a decision (Case KO 207/22) on the compatibility of the proposed constitutional amendment to add the CRPD to the list of directly applicable international agreements and instruments in Kosovo. The Court declared the referral admissible and unanimously determined that the proposed amendment does not diminish the fundamental rights and freedoms guaranteed by Chapter II [Fundamental Rights and Freedoms] of the Constitution. The decision emphasized the principles of the UN Convention, highlighting the rights related to dignity, autonomy, non-discrimination, full participation, and positive obligations for implementation.³⁶¹ In October 2023, the Assembly of Kosovo attempted to amend the Constitution to include the United Nations Convention for Persons with Disabilities in Article 22, but due to political reasons, the amendment could not be made because the members of the AoK from the K-Serb community were not present to vote on these changes.³⁶²

266. The institutional mechanisms tasked with ensuring alignment between policy and practice are under the purview of the National Council for People with Disabilities (NCPD). Although initially designed to collaborate with relevant Civil Society Organizations (CSOs), the NCPD experienced a period of inactivity from 2018 to 2023. Given its pivotal role in shaping institutional policies aimed at enhancing the socio-economic conditions of the disabled community, the NCPD’s status

360 HANDIKOS (2022), input for the joint CSO report on Human Rights in Kosovo 2022.

361 Constitutional Court (2023), [Notification on decision in Case KO 207/22](#).

362 HANDIKOS (2023), input for the joint CSO report on Human Rights in Kosovo 2023.

was readdressed in 2021, leading to its reestablishment. However, since its reinstatement in 2021, the NCPD conducted only two meetings in 2022, with a single meeting documented in 2023 (although two meetings should have been held in accordance with policy).³⁶³

267. The weak link between policy and practice partially translates into realities of continued discrimination and a lack of institutional care and societal awareness among the general population.³⁶⁴ According to NGO HANDIKOS, discrimination in Kosovo's societal framework manifests across three significant dimensions. Prejudice from the general public plays a pivotal role in the community's exclusion from the public sphere. Ongoing infrastructural challenges, impeding the access of individuals with disabilities to public buildings, schools, medical facilities, and transportation, compound the already challenging circumstances for this demographic in Kosovo. Despite administrative directives ensuring accessibility to public spaces, the built environment inadequately caters to individuals with disabilities, thereby undermining their ability to fully participate in society on an equal footing.³⁶⁵

268. Accessibility is a constituent component of any inclusive environment that takes into account the participation of persons with disabilities. A situational assessment of Kosovo's infrastructure shows that the material environment is not just inadequately equipped for persons with disabilities but in fact even hazardous. The Administrative Instruction on the Technical Conditions of Buildings for the Access of People with Disabilities No. 33/2007 is continuously and openly disregarded, leading to a sense of discrimination among the community.³⁶⁶ Moreover, in 2022, the Ministry of Environment, Spatial Planning and Infrastructure sent the official notice No. 4159/22 to all municipalities to advance the implementation of this Administrative Instruction. In January 2023, the Basic Courts of Mitrovicë/Mitrovica and Ferizaj/Uroševac received funds from USAID Kosovo to install tactile pavements that improve the orientation of blind persons who previously had to depend on the physical assistance of individuals to enter these buildings.³⁶⁷

269. It is in the context of infrastructure that five lawsuits have been filed against various institutions since 2018 with 4 cases still awaiting review.³⁶⁸ The case of wheel-chair user Faruk Kukaj is particularly prominent because it raised the awareness for wheelchair users in Prishtina/Priština. Mr. Kukaj filed a lawsuit against the municipality of Prishtina/Priština on the basis of discrimination, stating that the municipality inadequately provides the basic infrastructure needed for wheelchair users. In 2022, he partially won the case in the Basic Court of Pristina/Priština with the municipality paying him 5,500 Euros in immaterial damages.³⁶⁹ His public appearances have not only given voice to wheel-chair users and persons with disabilities, but have also encouraged other people to demand the implementation of their basic human rights. As of 2023, the lawsuit is in the Court of Appeals and Constitutional Court of Kosovo since the Municipality of Prishtina/

363 HANDIKOS (2023), input for the joint CSO report on Human Rights in Kosovo 2023.

364 HANDIKOS (2023), input for the joint CSO report on Human Rights in Kosovo 2022.

365 HANDIKOS (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

366 HANDIKOS (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

367 USAID (2023), [Providing court access for people with disabilities](#).

368 HANDIKOS (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

369 Prishtina Insight (2022), [Person of the year for Prishtina Insight, Faruk Kukaj](#).

Priština has appealed the case and a decision is pending.³⁷⁰ Furthermore, NGO HANDIKOS notes that another lawsuit for protection against discrimination was registered in the Basic Court in 2023 where the Assembly of Kosovo is sued. The plaintiff has linked the case with inhumane treatment. According to NGO BIRN, although many public buildings were built or renovated after the Kosovo war, they passed the technical tests without fulfilling all the legal conditions for creating equal access to persons with disabilities. In the University of Prishtina/Priština there are no employees with disabilities, despite the law requiring one in every 50 employees to be a person with disabilities. Of 26 institutions, with 3,000 employees, monitored, only 10 employees were persons with disabilities.³⁷¹

270. Justice as an instrument for establishing legal equality remains inaccessible to persons with disabilities. In part, this has to do with the institutional buildings themselves which are not at all accommodated for persons with disabilities. The same holds true for the notary office. Paradoxically, the Administrative Instruction No. 05/2022 on Notary fees for compensation of notary work and expenses exempts persons with disabilities from paying certain notary services. However, as most offices of notary cannot be accessed by wheel-chair users,³⁷² the material environment impinges on their opportunities to factually exercise this right.

271. Despite their crucial significance, the healthcare system and social services at the institutional level inadequately address the fundamental needs of individuals with disabilities. The paradox extends beyond the unequal and discriminatory treatment they receive from healthcare personnel. Additionally, there is a lack of mechanisms ensuring immediate healthcare services for people with disabilities. Consequently, NGO HANDIKOS highlights that individuals with disabilities are compelled to seek assistance from private medical centers or even abroad, incurring substantial financial burdens.

272. The absence of a spinal unit in the public hospital has not been resolved in 2023 and therefore continues to pose severe consequences potentially leading to individuals sustaining injuries and being confined to wheelchairs. Despite the GoKs initial plans to establish this unit in conjunction with the activities outlined for the Year of Persons with Disabilities, concrete implementation is still pending.

273. A positive development concerning the health needs of persons with disabilities is that in 2022, the GoK issued an Administrative Instruction for Assistive Devices foreseen in Law No. 05/L-067 on the Status and Rights of Paraplegic and Tetraplegic Persons. In 2023, the MoH established an Evaluation Committee for this purpose.³⁷³ The Administrative Instruction is expected to be implemented in 2024.³⁷⁴

274. The social disadvantages of persons with disabilities in the area of education are expressed in a manner that manifests the discrepancies between policy and practice. Although notionally Kosovo promotes an inclusive educational system, in reality, only 12 percent of students with disabilities are factually included. The educational sector depicts an alarming situation with the vast

370 HANDIKOS (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

371 BIRN (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

372 HANDIKOS (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

373 HANDIKOS (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

374 HANDIKOS (2022), input for the joint CSO report on Human Rights in Kosovo 2022.

majority of children with disabilities, i.e., 88 percent of children, excluded from the system. Compared to the previous report, the numbers estimated remain the same. In the higher education system only 7 students attend the public university.³⁷⁵ Private institutions are yet to make public the student population with disabilities.

275. Another issue of particular concern in the inclusive educational system concerns the insufficient number of assistants available for children with disabilities. In this regard, two positive developments can be noted. The first is that MESTI allocated a budget for an additional 100 assistants in 2022 in primary education.³⁷⁶ This follows the recruitment of 100 assistants in 2021, and translates into more support for the inclusive educational system. According to MESTI, in 2023 the GoK has allocated financing for an additional 300 assistants.³⁷⁷ A second positive development towards a more inclusive educational system for children with disabilities concerns the training organized by MESTI on inclusion and the treatment of children with disabilities.³⁷⁸

276. Persons with disabilities remain among the poorest socio-economic communities in Kosovo.³⁷⁹ The issues arising are manifold and manifested at different socio-political and economic spheres of Kosovo society. First, there is a clear discontinuity between the legislation on employment opportunities and the realities of implementation. The Law No. 03/L-019 on Vocational Ability, Rehabilitation and Employment, which guarantees the right of employment to persons with disabilities is not sufficiently translated into practice.³⁸⁰ In 2023, the Law No. 08/L-197 on Public Officials also entered into force obligating public institutions and other enterprises of the public domain to employ persons with disabilities in accordance with the quota. According to NGO HANDIKOS, the GoK is in the process of preparing the administrative instruction.³⁸¹

277. Save the Children Kosova/o notes that based on the criteria within the current legislation, youth with disabilities are only granted certificates of participation unless they demonstrate proficiency in reading, writing, basic mathematics, and fulfill 75 percent of the training competencies. The restricted availability of high-quality educational services for youth with disabilities, particularly at undergraduate and graduate education, is closely tied to discriminatory attitudes of institutional stakeholders on the abilities of persons with disabilities to acquire adaptable skills and meet the current labor market needs. Additionally, research reveals that businesses in Kosovo report that they lack the experience of employing persons with disabilities, the necessary work conditions and accommodation, and perceptions that the work skills that they require cannot be possessed by persons with disabilities. In this regard, employers are often revealing their unconscious biases and discrimination towards the potential of persons with disabilities to carry out work in meaningful ways.³⁸²

375 HANDIKOS (2022), input for the joint CSO report on Human Rights in Kosovo 2022.

376 HANDIKOS (2022), input for the joint CSO report on Human Rights in Kosovo 2022.

377 MESTI (2022), email response to HRN concerning recommendations of the previous joint CSO report on Human Rights in Kosovo.

378 EU Commission (2022), [Kosovo Report 2022](#).

379 EU Commission (2022), [Kosovo Report 2022](#).

380 HANDIKOS (2022), input for the joint CSO report on Human Rights in Kosovo 2022.

381 HANDIKOS (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

382 Save the Children Kosova/o (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

278. Rather than being perceived as an imperative mandated by legal provisions, the incorporation of individuals with disabilities in the economic sector hinges upon the personal decisions of business owners. An exemplary illustration in this context is the manufacturing facility affiliated with the enterprise “Freesia,” which is situated in Lipjan/Lipljan, and specializes in the production of sanitary paper and tissues. The company exclusively employs individuals with disabilities, and as such, provides a noteworthy example for other companies to hire individuals with disabilities. Despite this, the business owner states that there is significant absence of institutional support emphasizing that the sustained employment of his staff is contingent solely upon the sales performance of Freesia products.³⁸³

279. Within Kosovo’s legislation the Administrative Instruction on the Access of Persons with Disabilities is not factually implemented, resulting in realities of consistent exclusion and discrimination.³⁸⁴ Furthermore, the GoK has yet to approve the draft Law on the Evaluation, Status, Benefits and Services for Persons with Disabilities. Likewise, in February 2022, the GoK issued its Decision No. 221/2022 which obligates public institutions to attain the official quota for the employment of persons with disabilities. In practice, NGO HANDIKOS observes that only a small number of vacancies have expressly addressed this category of employees to apply. In reality, individuals with disabilities often find themselves at a disadvantage when compared to their peers, as their disability tends to negatively impact their employment opportunities.

280. Because in 2022 the Health Commission undertook a reassessment of the eligibility for financial compensation and social services, as outlined in Law No. 05/L-067 on the Status and Rights of Paraplegic and Tetraplegic Persons, this process led to the exclusion of a substantial number of individuals who had previously been rightfully recognized under this law. Approximately 30,000 individuals experienced a re-evaluation of their conditions during the year, following procedures outlined by the Health Commission’s regulations. Resultantly, the Ombudsman Institution, in a report of December 2023, raised concerns about the lack of legal basis for such re-evaluations and urged institutions to enhance Regulation No. 07/2017. The NGO HANDIKOS asserts that the rights of individuals with disabilities should not be subjected to re-evaluations, as their conditions do not improve. In light of these violations, HANDIKOS forwarded several cases to the Administrative Department of the Basic Court in Pristina/Priština, where they are currently still under evaluation. The critical consequence of this situation is the heightened socio-economic marginalization of affected individuals, who are now deprived of the financial compensation crucial for their basic living expenses and medical needs. The right of individuals not to undergo unwarranted re-evaluations should be safeguarded to prevent further harm and ensure their access to essential support.³⁸⁵

281. Social services for individuals with disabilities are provided by Disabled Persons Organizations on project-based resources. Authorities have yet to scale up community-based social services for persons with disabilities and increase financial support. Particularly deprived from equal opportunities are children with disabilities from non-majority communities and especially children from K-Roma, K-Egyptian and K-Ashkali communities. In addition to discrimination on the basis of their disability, they are excluded from equal participation in society as the result of ethnic discrimination. As captured by Save the Children Kosova/o’s Child Rights Situation Analysis, chil-

383 Evropa e Lirë (2023), [Fabrika e veçantë në Lipjan](#).

384 EU Commission (2022), [Kosovo Report 2022](#).

385 HANDIKOS (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

dren with disabilities face a higher risk for physical and emotional abuse or other forms of neglect, violence and exploitation, due to discrimination and exclusion against them. These inequalities stem from the absence of effective inter-sectoral coordination in designing policies that address the specific needs of children, the lack of adequate financial and human resources for providing child-centered services, and the absence of a robust monitoring system to ensure the quality of services for children and vulnerable groups.³⁸⁶

282. Recommendations

- The AoK should incorporate the United Nations Convention on Rights of People with Disabilities (CRPD) in the Constitution in order to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity;
- The GoK should concretely prioritize the inclusion of persons with disabilities into the public workforce and make transparent its data of percentage of persons hired;
- The GoK should expedite the approval of the new Strategy on the Rights of Persons with Disabilities (2024 onwards) developed by the Office of Good Governance;
- The AoK should ensure explicit harmonization of Kosovo's legislation with European human rights instruments, addressing gaps, and explicitly formulating the harmonization with CRPD principles.
- The institutional role and functioning of the National Council for People with Disabilities (NCPD) should be enhanced to facilitate inter-institutional cooperation and policy implementation;
- The NCPD should ensure consistent meetings according to its policies, thereby facilitating ongoing oversight and coordination for disability-related policies and initiatives;
- All public and private institutions of Kosovo should strengthen efforts that improve the physical accessibility to institutional buildings, including courts and notary offices, thereby ensuring that individuals with disabilities can exercise their rights to legal representation;
- The GoK, the Ministry of Finance, Labor, and Transfers as well as the Ministry of Justice should consolidate Administrative Instruction No. 33/2007 into a special law for the public access of persons with disabilities;
- The Ministry of Health (MoH) should address the persistent inadequacies in the healthcare system by establishing mechanisms for immediate healthcare services for persons with disabilities;

386

Save the Children Kosova/o, input for the joint CSO report on Human Rights in Kosovo 2023.

7.5 Non-majority communities' rights

283. Kosovo has well-established institutions at the central and municipal levels, as well as an adequate legislative framework, to guarantee the rights of non-majority communities. The legislative framework foresees the democratic principles of multi-ethnicity, diversity, and equality of all ethnic, religious, and linguistic groups in Kosovo.³⁸⁷ The Constitution of Kosovo declares in Article 3.1 (Equality before the Law) that Kosovo “is a multi-ethnic society consisting of Albanian and other Communities”³⁸⁸ The non-majority communities of Kosovo include the K-Serb, K-Turkish, K-Roma, K-Ashkali, K-Egyptian, K-Bosniak, and K-Goran communities³⁸⁹ and other communities. In Table 5 below, the demographic proportion of the respective communities is illustrated according to the last population census.³⁹⁰ In addition to the Constitution, the rights of non-majority communities are guaranteed in Law No. 03/L-047 on the Protection and Promotion of the Rights of the Communities and their Members in Kosovo. In this Law, the “national, ethnic and religious diversity” of Kosovo is defined as “a source of strength and wealth for the further development of a democratic society.”³⁹¹ In light of this understanding, the law stipulates special measures that can ensure the implementation of the equal status and integration of the communities and their members in Kosovo society. Furthermore, in Law No. 02/L-37 on the Use of Languages (the Language Law) both Albanian and Serbian have the status of official languages. At the municipality level, the language of any non-majority communities shall have the status of a language in official use if a municipality is inhabited by a community whose mother tongue is not an official language, and which constitutes at least 3 percent of the total population of the respective municipality.³⁹² The official use of Turkish and Roma language in the Municipality of Prizren is an illustrative case of this Law in practice. The same is the case with the Roma language in Graçanicë/Gračanica.

Table 5 Population by ethnic background excluding ‘other’ and ‘prefer not to answer’³⁹³

	K-Albanian	K-Serb	K-Turkish	K-Bosniak	K-Roma	K-Ashkali	K-Egyptian	K-Goran	Total
Total	1,616,869	25,532	18,738	27,533	8,824	15,436	11,524	10,265	1,739,825

284. The institutional mechanisms that safeguard the rights of the non-majority communities in Kosovo partially fall within the Community Consultative Council of the Office of the President of Kosovo, Municipal Offices for Communities and Return but also with the Ombudsperson and the Ministry for Communities and Returns. The Community Consultative Council bridges the gap between the public institutions of Kosovo and the communities. Its central role is to articulate the views of the communities on the legislation, policies, and programs relevant to non-majority communities, to guarantee the efficient functioning of community representative organizations,

387 Demaj, U. & M. Vandenbroucke (2016), [Post-war Kosovo landscapes in Pristina: discrepancies between language policy and urban reality | Nationalities Papers | Cambridge Core.](#)

388 The Kosovo Constitution (2008).

389 The Kosovo Constitution (2008), Chapter III.

390 Statistical Agency of Kosovo [Agjencia e Statistikave të Kosovës \(rks-gov.net\)](#) (2021).

391 The Law on the Protection and Promotion of the Rights of Communities and their Members in the Republic of Kosovo [Law no. 03/L-047.](#)

392 Law on Use of Languages [Law no.02/L-037.](#)

393 The majority of the K-Serbs boycotted the Kosovo census of 2011. As a result, there are still no official records as to how many ethnic Serbs inhabit Kosovo.

and to provide communities with the opportunity to participate in legal and policy initiatives. In addition to the Council, the GoK has also adopted the Strategy for the Inclusion of the K-Roma and K-Ashkali Communities in Kosovo Society 2022-2026. The government has approved the Strategy and Action plan for 2022-2024.³⁹⁴ The delay of the approval of the strategy posits a negative impact on the life of K-Roma and K-Ashkali communities in education, health, housing, social issues and anti-discrimination.

285. The GoK Strategy and Action Plan (2022-2024) assumes more action regarding the societal inclusion of the K-Roma and K-Ashkali communities.³⁹⁵ Following the Declaration of Western Balkans Partners on Roma Integration within the EU Enlargement Process (Poznan Declaration), the GoK has established a Technical Group for the Protection from Discrimination of K-Roma, K-Ashkali, and K-Egyptian communities.³⁹⁶ The Technical Group is responsible for addressing issues related to discrimination against these communities in Kosovo. The group is tasked with identifying instances of discrimination and working with relevant authorities to address these issues. Additionally, the group is responsible for raising awareness about discrimination against these communities and promoting equal rights and opportunities. In 2021, an electronic platform was launched where persons who have experienced discrimination are encouraged to report their cases, which are subsequently investigated by the Group and the responsible institutions. In 2022, the platform was accessed by almost 6,000 visitors, and 8 cases of discrimination were reported.³⁹⁷ In 2023, more than 9000 visits to the platform were recorded.³⁹⁸ During the first Inter-institutional meeting organized by Human Rights Network, the representatives of the OGG reported to have received 45 cases on the platform. The Office of Good Governance published a report on the use of the platform and the increase of reported cases.³⁹⁹

286. The multi-ethnic context of Kosovo is characterized by discontinuities between its official multi-ethnic on paper and the realities of ethno-spatial segregation.⁴⁰⁰ Kosovo is represented as an ethnically inclusive society in its various laws and regulations, but the notion of multi-ethnicity does not align with the realities of ethno-spatial separation that took shape during the 1990s and crystallized after the 1998-1999 armed conflict.

287. In addition to the multi-ethnic configuration of Kosovo, discrepancies exist between the inclusive policy and practices of ethnic and linguistic exclusion. The Law No. 02/L-37 on the Use of Languages is representative of the consolidation of equality in Kosovo legislation. Through the adoption of the Law on the Use of Languages, the AoK declared the equal use of the official lan-

394 Childhub (2022), [The strategy for advancing the rights of the Roma and Ashkali communities in the Republic of Kosovo \(2022-2026\) and its action plan for the years 2022-2024 has been approved.](#)

395 The Government Program of the Republic of Kosovo [Programi-i-Qeverise-se-Kosoves-2021-2025.pdf \(rks-gov.net\).](#)

396 EU Commission (2022), [Kosovo Report 2022.](#)

397 The National the protection from discrimination of the Roma, Ashkali and Egyptian Communities [Platforma kombëtare për mbrojtje nga diskriminimi për komunitetet Rom, Ashkali dhe Egjiptian \(2022\).](#)

398 Office of Good Governance (2023), [U krentua njëvjetori i punës së Platformës Kombëtare për Mbrojtje nga Diskriminimi për Komunitetet Rom, Ashkali dhe Egjiptian.](#)

399 OGG (2023), [Platforma kombëtare për mbrojtje nga diskriminimi në komunitetet Rom, Ashkali dhe Egjiptian.](#)

400 Demaj, U. & M. Vandenbroucke (2016), [Post-war Kosovo landscapes in Pristina: discrepancies between language policy and urban reality | Nationalities Papers | Cambridge Core.](#)

guages, Albanian and Serbian. As the Law itself does not identify means to support the development of municipal capacities to ensure its execution, the GoK adopted administrative instructions in 2008 and established a Language Commissioner in order to oversee its implementation.⁴⁰¹ However, a stronger government commitment to consolidating language policies is still required. Along with the poor quality of translations in Serbian, studies report on the systematic exclusion and replacement of Serbian with English in signage of official authorities in the capital city.⁴⁰²

288. A pivotal aspect within the 2023 situational assessment of human rights in Kosovo revolves around security, significantly influencing our understanding of community tensions. The perception between K-Albanians and K-Serbs, whether as communities within the same nation or as rival groups, is profoundly shaped by the broader political landscape of the region. Notably, tensions in northern Kosovo re-emerged at the conclusion of July 2022, triggered by a decision of the Government of Kosovo regarding the issuance of car license plates, persisting throughout the entirety of 2023.

289. Following the events of 2022,⁴⁰³ with the subsequent en masse resignation of K-Serb officials in the north of Kosovo, the K-Serb population boycotted the April 2023 elections with a historically low turnout of 3.47 percent.⁴⁰⁴ Although the European Commission Security Council Report (2023) underscores that the by-elections were held in consonance with Kosovo's legislative framework, as the result of the low K-Serb turnout, mayors with a K-Albanian ethnic background took office in the northern municipalities. The Serbian boycott violated Serbia's Dialogue Obligations, as per the EU Commission Report, and constituted a breach of the First Agreement on Principles Regulating the Normalization of Relations, designed to facilitate the assimilation of local self-managing structures into the K-system under the governance of K-Serb representatives.⁴⁰⁵ The European Commission Report (2023) furthermore stresses that new elections should be held with "unconditional participation" of the K-Serb population.⁴⁰⁶

290. As noted previously in the report, tensions in the north manifested anew on May 26, 2023, as the entry of the K-Albanian mayors into the municipal building, escorted by specialized security units of the Kosovo Police, encountered obstruction from K-Serbian protesters. The ensuing clash between the Kosovo Police and the protesters resulted in numerous injuries of various degrees sustained by various individuals. The situation escalated into violence on May 29 2023 with KFOR members deployed to prevent further escalation on the ground becoming "the subject of unprovoked attacks and sustained trauma wounds with fractures and burns due to the explosion of incendiary devices" (KFOR statement). At least 30 peacekeeping soldiers and 52 civilians were injured in clashes between security forces and ethnic Serbs on 29 May 2023.⁴⁰⁷

291. In addition to the above, it is noteworthy to include the Government of Kosovo's decision, implemented on June 14 of the current year, to prohibit the import of Serbian products, a mea-

401 EU Commission (2022), [Kosovo Report 2022](#).

402 Demaj, U. & M. Vandenbroucke (2016), [Post-war Kosovo landscapes in Pristina: discrepancies between language policy and urban reality | Nationalities Papers | Cambridge Core](#).

403 See the joint CSO report on Human Rights for the year 2022.

404 EU Commission (2023), Kosovo Report 2023, p. 79.

405 EU Commission (2023), Kosovo Report 2023, p. 80.

406 NSI (2024), input for the joint CSO report on Human Rights Kosovo 2023, p. 4.

407 Balkan Insight (2023), [Dont-ignore-the-real-causes-of-kosovo-serbs-population-decline](#).

sure that remained in effect during the reported period. Originally, this decision encompassed all trucks bearing Serbian license plates; however, subsequent modifications permitted the importation of goods from foreign entities operating within Serbia. This directive has had repercussions on the availability of certain Serbian products in retail establishments across Kosovo, particularly in regions predominantly inhabited by Serbs. To address this shortfall, products from alternative sources, such as North Macedonia, have been introduced. Nonetheless, these substitutes often come at a higher cost than their Serbian counterparts, thereby imposing an additional financial strain on citizens, particularly amidst the prevailing challenging circumstances in both Europe and the broader region. It is crucial to emphasize that the aforementioned decision not only constitutes a violation of the Central European Free Trade Agreement (CEFTA) but also runs counter to the principles outlined in the Stabilization and Association Agreement between Kosovo and the European Union.⁴⁰⁸

292. Different from the past, the current Government does not agree with the facilitation of voting by the OSCE to enable the K-Serbs with casting their votes in the constitutional referendum and general elections of Serbia.⁴⁰⁹ As in the previous year, the GoK reiterated its stance that these elections cannot take place across the entirety of Kosovo but should be confined to the Liaison Office in Prishtina/Priština, operating under the auspices of the European Union Missions. The PM asserted that holding the elections beyond these premises necessitates a special agreement within the ongoing dialogue between the two parties. The OSCE has previously affirmed its preparedness to facilitate the voting process, as was the case from 2017 to 2020, contingent upon the consent and support of Kosovo institutions, with particular emphasis on the Kosovo Police.⁴¹⁰

293. On April 8 2023, the Kosovo Police issued directives imposing a ban on all activities within Kosovo by sports entities that lack registration with Kosovo's sports federation.⁴¹¹

294. On May 31, the Office of Community Affairs within the Prime Minister's Office initiated a grant program, earmarking a total of 500,000 Euros for non-majority communities. However, concerns about fairness in the allocation process were raised by various stakeholders, including some Kosovo media outlets and NGOs representing non-majority communities. Notably, out of more than 40 NGOs, only three were announced as preliminary grant recipients on July 11. Responding to these concerns, the Deputy Ombudsperson of Kosovo expressed apprehension regarding the fund allocation and confirmed the initiation of an investigation into the matter.⁴¹² Concurrently, NGOs representing the K-Serb community called on the government to cancel the community funding call. This development underscores the need for a transparent and equitable grant allocation process, prompting scrutiny from both domestic and international observers.⁴¹³

408 NSI (2024), Input for the joint CSO report on Human Rights Kosovo 2023.

409 EU Commission (2022), [Kosovo Report 2022](#).

410 NSI (2024), input for the joint CSO report on Human Rights Kosovo 2023.

411 NSI (2024), input for the joint CSO report on Human Rights Kosovo 2023.

412 Gazeta Express (2023), [Dyshimet-per-abuzim-me-fondin-per-komunitete-avokati-i-popullit-nis-hetimet](#).

413 NSI (2024), input for the joint CSO report on Human Rights Kosovo 2023.

295. In the period of February 26, 2023 and March 27, 2023, the NGO NSI notes that a total of ten (10) houses owned by Serbs were ransacked or robbed in the municipality of Graçanicë/Gračanica. According to NGO NSI failure to prosecute those responsible for the aforementioned crimes contributes to the perception that they can be carried out with impunity, which in turn may encourage their frequency.⁴¹⁴

296. The regular work of the Kosovo Police is increasingly overshadowed by the presence of special police units in the north as per NGO Aktiv. They state that the Kosovo special forces “evoke immense fear due to their intimidating image and the absence of any members of the local population.” According to data from the NGO Human Centre Mitrovica, fear of these units is present in as much as 77 percent of the local population.⁴¹⁵ Among other concerns, ordinary citizens fear the checkpoints and at least four bases built in northern Kosovo for the needs of special units. The checkpoint near Bistricë/Bistrica on the main road is particularly problematic, where special police stop and conduct identification of citizens. All of these factors have contributed to the perception among the ordinary population that “special police forces are not there to ensure the safety and security of citizens but rather as a factor of instability and repression”. This belief has been reinforced by numerous incidents involving civilians in which members of these units have participated. According to NGO Aktiv documented cases include “individual instances of mistreatment and repression of citizens by special police units, mostly occurring on the main road where there are no witnesses or cameras to provide material evidence.”⁴¹⁶

297. Regarding institutions, public opinion research shows a statistically significant difference in the level of trust in law enforcement institutions among K-Albanians and K-Serbs, with the latter having significantly lower trust. Indirectly, this can lead to the conclusion that there is a difference in the approach of institutions and their relationship with different ethnic groups, a finding supported by reports from the international community. For example, annual reports from the U.S. State Department point to the same trend, citing insufficient capacity or lack of will to enforce laws that, on paper, provide equal access to rights but fall short in practice.⁴¹⁷

298. The evaluation of the situation of non-majority communities in Kosovo, as assessed by NGO AKTIV’s yearly report, outlines key areas that require attention to improve overall rights. In the K-Bosniak community, there is a critical need to enhance the quality of education in the Bosnian language, ensuring the availability of textbooks and expanding course offerings in high schools and universities. Additionally, efforts should focus on protecting and preserving language and cultural identity, along with facilitating access to services and information in the native Bosnian language. For the K-Gorani community, recommendations include advocating for the employment of at least one native Gorani speaker by the Dragash municipality, improving economic conditions, and addressing issues of robbery and property theft along border regions. The K-Roma, K-Ashkali and K-Egyptian communities each call for equal access to services, enhanced operational mechanisms of institutions to combat discrimination, and the promotion of the inclusion of the Romani language. Within the K-Serb community, the urgent need to address security concerns, facilitate the return of usurped properties, and ensure equal access to services, particularly in rural areas, is

414 NSI (2024), input for the joint CSO report on Human Rights Kosovo 2023.

415 Human Centre Mitrovica (2023), Security and ethnic relations in Kosovo report 2023.

416 Aktiv (2024), input for the joint CSO report on Human Rights Kosovo 2023.

417 NSI (2024), input for the joint CSO report on Human Rights Kosovo 2023.

emphasized. Concerning the K-Turkish community, immediate steps are advised to address language barriers through interpreters and providing official information/documents in the Turkish language. Central institutions should focus on rectifying the deficiency of Turkish-language books in schools and finding sustainable solutions for youth unemployment. This comprehensive assessment highlights specific challenges and proposes targeted interventions to enhance the rights and well-being of non-majority communities in Kosovo.⁴¹⁸

299. Hate speech and acts of discrimination were widespread in the context of the volatile situation in northern Kosovo in 2022, which continued throughout 2023.⁴¹⁹ The Law No. 05/L-021 on the Protection from Discrimination establishes a general framework to prevent and combat discrimination in order to implement the principle of equal treatment. In spite of this, public institutions fail to act in accordance with the law and provide equal social access and conditions for non-majority communities.

300. In contrast to inclusive policy making, the K-Roma, K-Ashkali, and K-Egyptian communities face discrimination on the basis of their ethnicity, despite the Law No. 05/L-021 on the Protection from Discrimination which prevents discrimination based on ethnicity. The stigma assigned to their culture has driven them further into marginalization resulting in unequal access to health-care, employment, and education.⁴²⁰ In addition, the K-Montenegrins and K-Croats face similar struggles as other non-majorities when it comes to equal access to health care, employment, and inclusion in other societal spheres that ensures their equal rights and opportunities in Kosovo.⁴²¹

301. Recommendations

- The Office of Good Governance (OGG) should enhance public awareness campaigns that promote respect, and understanding among the different ethnic communities;
- The Office of Good Governance (OGG) should encourage community engagement and participation by the communities in decision-making processes that affect their lives, including through local government structures;
- The Office of Good Governance (OGG) and the Office of the Language Commissioner (OLC) should develop a strategy for increasing interethnic dialogue and cooperation between different ethnic communities including language programs;

418 Aktiv (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

419 EU Commission (2023), Kosovo Report 2023.

420 Sections 7.1 and 7.2 of the current report discuss the situation of the Roma, Ashkali, and Egyptian communities from the perspective of Women's rights and Children's rights.

421 NSI (2022) and Aktiv (2022), input for the joint CSO report on Human Rights in Kosovo 2022.

- Central and local institutions should improve their institutional coordination and communication to ensure the effective protection of non-majority communities and their rights;
- The GoK should address rising intergroup tensions between K-Albanians and K-Serbs, ensuring the safety of citizens, and mutual trust, thereby avoiding the negative impact of special police units on local populations;
- The GoK should stop the practice of preventing imports from Serbia by lifting the ban on the import of Serbian products, and enabling the unhindered import of Serbian printed media, medicines and medical supplies;
- All institutions, including the Office of the Language Commissioner, have a collaborative responsibility to consistently implement the Law on the Use of Languages. They should work together to ensure that the law is enforced and that all individuals and communities can exercise their language rights.

7.6 LGBTIQ+ rights

302. The rights of lesbian, gay, bisexual, transgender, queer and intersex (LGBTIQ+) persons are protected internationally through Article 7 of the UDHR and Article 14 of the European Convention on Human Rights, which protects against discrimination on any grounds. On the other hand, explicit recognition of the LGBTIQ+ community or sexual orientation and gender inclusivity in the respective declaration and convention is not available. However, the jurisprudence of the ECtHR is enriched with cases dealing with discrimination on the ground of sexual orientation and gender identity, thereby providing a widened scope of understanding at the international terrain. In the context of the ECHR, applicants dealing with equal marriage rights have challenged different provisions of the ECHR before the ECtHR, mainly Articles 8 (the right to respect for private and family life), 12 (the right to marry and to found a family) and 14 of ECHR (the prohibition of discrimination) have been invoked. The most relevant provision is Article 12, which provides that “Men and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of this right”. Article 24 of the Kosovo Constitution also makes specific mention of sexual orientation and gender expression.

303. The Constitution of Kosovo does not envision gendered restrictions on the freedom to marry; article 37 of the Constitution of Kosovo recognizes that everyone has the right to marry and the right to have a family as provided by law. Despite the constitutional rights of the LGBTIQ+ persons, the requisite legislation necessary to recognize the community in terms equal to all members of society has not been adopted in the new draft Civil Code. This is because of the failure to vote in favor of same-sex unions by the AoK, thereby reflecting a fundamentally homophobic ideology underlying Kosovo’s societal structures. It has also impeded on efforts of the LGBTIQ+ persons, civil society and the international community to provide the country with genuine forms of democracy. Instead, the discussions surrounding same-sex unions instigated a homophobic campaign in 2022 and 2023 against individuals of the LGBTIQ+ community with public persona, political figures and media outlets overtly going against the basic rights of LGBTIQ+ individuals. This was particularly prominent during the session of the draft Civil Code discussion in the AoK. In particular, the Declaration of the Chair of the AoK Human Rights Committee Duda Balje, who

publicly stated her vote against same-sex unions, was a clear paradox with her public position in society.⁴²² Balje's comments in 2022 were discriminatory from a human rights perspective because they imply that the rights of the LGBTIQ+ persons should be subordinate to the cultural and traditional values of the majority. This approach ignores the fact that human rights are universal and apply to all individuals, regardless of their cultural or religious background. In this respect, the OIK released an opinion stating that same-sex marriage is a constitutionally guaranteed right and depriving same-sex individuals from this right is a violation of their right not to be discriminated against based on their sexual orientation.⁴²³ The exacerbation of the already tenuous position of the LGBTIQ+ individuals in Kosovo continues as Balje remains chair of the Human Rights Committee, regardless of the calls for dismissal from CSOs, and in July 2023, she publicly accused LGBTIQ+ individuals "to have lost their way" in a television program. The discriminatory language used by politicians as Balje reverberates in all spheres of society, thereby undermining active efforts to arrive at a more open and equal space shared by all members of the community.⁴²⁴ In 2023, the safety of LGBTIQ+ individuals was endangered as well. An activist for the rights of LGBTIQ+ persons was the target of a hate crime, and the same incident was reported to the Kosovo Police. Another case involves an indictment by the Special Prosecutor's Office of Kosovo against an individual suspected of planning a terrorist attack in Kosovo targeting the LGBTIQ+ persons in Prishtina/Priština square with dangerous and lethal materials.⁴²⁵ On the other hand the Human Rights Network (HRN) member organizations called on the justice institutions to investigate the case of graffiti written in the courtyard of the University of Prishtina "Hasan Prishtina" calling for the murder of LGBTIQ+ persons.⁴²⁶

304. Four cases, encompassing assault, threats, invasion of privacy, and domestic violence, have been reported according to the NGO CEL, but their resolution remains tenuous. The authorities cite the challenge of tracing the origin of online threats as a reason for their inaction. It is noteworthy that cases presented independently at the police station encounter more obstacles compared to those accompanied by representatives of CEL.⁴²⁷

305. Despite the gravity of the reported incidents, a lack of progress in addressing them raises concerns about the efficacy of the current investigative procedures. The unresolved nature of these cases not only perpetuates a sense of vulnerability for the victims but also underscores the need for a more robust and technologically adept approach to tackling online threats. The Kosovo Prosecutorial Council continues to maintain a tracking mechanism on hate crime, however the overall data collection on hate crimes against LGBTIQ+ individuals remains under examination.⁴²⁸ While the Criminal Code stipulates that in any criminal offense motivated by gender identity and sexual orientation the underlying motives are viewed in terms of aggravating circumstances, the

422 Human Rights Network (2022), [Declaration concerning statements made by Duda Balje on same-sex marriage.](#)

423 Ekonomika online, [Avokati i Popullit mbështet martesat mes gjinisë së njëjtë, ka një vërejtje për Kodin Civil – Ekonomia Online](#)

424 Kanal 10 (2023), [Ti i bën dëm LGBT, sepse e ke humb rrugën" - "cfarë instituti moral je ti?," Duda Balje vs. Vullnet Krasniqi.](#)

425 Kallxo.com (2023), [Aktakuzë ndaj një personi për përgatitjen e veprave penale terroriste ndaj komunitetit LGBT \(kallxo.com\)](#)

426 HRN (2023), <https://www.facebook.com/HRNKosovo/posts/pfbid0qGirTsbz8PiTYJLy1oWPToTBFd9WBon9YtsRi7xgEnKj27v9pkeSE9A-66WKC5YPWI>

427 CEL (2024), input for the joint CSO report on Human Rights Kosovo 2023.

428 EU Commission (2022), [Kosovo Report 2022.](#)

extent to which homophobia underlies hate crimes is underexplored. CEL suggests that disparities in the outcomes between cases presented alone and those with the assistance of CEL evidence the importance of a social support network and advocacy to navigate the complexities of the legal system. This discrepancy highlights the gaps in institutional responsiveness vis-à-vis individual complainants and emphasizes the importance of comprehensive assistance for victims of such offenses.⁴²⁹ In a response letter to the HRN in 2023, the Kosovo Police noted that a coordinator of hate crime cases has been appointed at the central level who oversees all reports, information, accepts and updates all received reports as well as forwards all case statistics for each month or even in different periods according to request of the management of the Kosovo Police.⁴³⁰

306. Although in the previous reporting period, a shelter was reportedly underway in the municipality of Pristina/Priština for protecting individuals outcast by their families and victimized by others, this has not progressed in 2023.⁴³¹ NGO CEL Kosovo reports that the lack of institutional accommodations provided at the official level for victimized persons of the LGBTIQ+ community has propelled NGOs to offer their own networks of assistance; CEL Kosovo offers emergency accommodation for adults without a safety net.

307. Kosovo institutions have yet to adopt concrete strategies to promote the acceptance of Kosovo's society towards people with LGBTIQ+ backgrounds. Although the Office of Good Governance stated in the previous reporting period (2022) that a draft action plan is underway to elevate the stigmas attached to LGBTIQ+ community members, there is still no concretized document concerning the status promotion of this community. Thus far, the GoK has failed to initiate campaigns increasing the level of acceptance of LGBTIQ+ individuals in the public domain or in the home.⁴³²

308. In June 2023 an analytical report of a public opinion poll was published by NGO LGBTIQ+ ERA, which aimed to examine how perceptions may have altered since the latest attitude surveys of 2015.⁴³³ Conducted between December 2022 and January 2023, the report reveals that attitudes towards the LGBTIQ+ persons have improved since 2015 but remain predominantly negative. Acceptance is more pronounced in larger urban areas, with women generally being more supportive than men. The report shows that the level of education correlates with increased acceptance, but readiness to fully support an LGBTIQ+ person in close relations is lacking across all education levels. The public expresses incomplete acceptance of the LGBTIQ+ population, opposing public expressions and Pride Parades. Widespread negative beliefs persist, with significant portions opposing LGBTIQ+ couples having children or same-sex marriage.⁴³⁴

309. A positive step forward in public perception in this respect is the most recent stance of Kosovo's Prime Minister Albin Kurti and other officials, who articulated their support by publicly appearing at the forefront of Prishtina/Priština's Pride Parade in 2023. Organized for the seventh time in a row, Prishtina/Priština Pride has faced opposition from conservative and religious groups, leading to security concerns and the need for police protection during the events. Despite these

429 CEL Kosovo (2024), input for the joint CSO report on Human Rights 2023.

430 KP (2022), email response to HRN concerning recommendations of the 2021 joint CSO report on Human Rights in Kosovo.

431 EU Commission (2023), Kosovo Report 2023.

432 CEL Kosovo (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

433 LGBTI Era (2023), [Attitudes towards LGBTIQ+ people in the Western Balkans: Analytical report of a public opinion poll.](#)

434 LGBTI Era (2023), [Attitudes towards LGBTIQ+ people in the Western Balkans: Analytical report of a public opinion poll.](#)

challenges, however, it is the first time that Kosovo's PM, the mayor of Prishtina/ Priština and the Minister of Health have made their public appearance in support of the event. The LGBTIQ+ persons in Kosovo continue to work towards achieving greater acceptance and equality, including the recognition of same-sex marriage and protection from discrimination. The promotion of gay rights in Kosovo is an ongoing process, and Prishtina/Priština Pride Week plays a crucial role in creating visibility and building momentum towards a more inclusive and just society.⁴³⁵

310. In the domain of health, the MoH established a working group for drafting the clinical protocol for Pre-Exposure Prophylaxis (PrEP) to prevent HIV infection in Kosovo. While the initiative dates back to 2017, the protocol itself is currently awaiting approval.⁴³⁶ In other health domains, the Kosovo institutions are not equipped for gender transitions, hormonal treatment or any other kind of measures benefitting LGBTIQ+ communities specifically. Contrarily so, according to NGO CEL, voluntary blood donations from members of the community are not accepted by health instances because of the stigma attached to the interlink between LGBTIQ+ members and sexually transmitted diseases including HIV.⁴³⁷

311. Related to the previous, there is a significant lack of funded research updating the societal understanding concerning the welfare of individuals from the LGBTIQ+ communities. A point in case concerns the rate of bullying LGBTIQ+ individuals undergo on the basis of factual or perceived sexual orientation, gender identity and gender expression characteristics. At the same time, however, the number of suicides, self-harms resulting anxiety and depression among the LGBTIQ+ community continues to grow as per the NGO CEL.

312. The lack of updated empirical examinations, studies, campaigns and other officially funded initiatives concerning the socio-economic and psychological welfare of this segment of the population is concomitant with inaction of the official institutions to promote the rights of the LGBTIQ+ communities. This in turn reflects an overall ambiguous stance of the GoK towards this societal group, thereby laying bare fundamental discontinuities between its official principles of democracy and all-inclusivity and the factual realities of exclusion based on sexual orientation and gender expression.

313. Resulting the stigma attached to LGBTIQ+ community, the fear of coming out is palpable among this group. This is further exacerbated through online and offline hate speech depicting members of the LGBTIQ+ communities as morally and/or mentally degenerate.⁴³⁸ Resultantly, the cases of people openly declaring their sexual orientation as non-hetero or non-binary gender identities are few and in between. In this respect, the first queer bar in Prishtina/Priština Bubble Pub remains the only LGBTIQ+ owned café in Kosovo, which openly profiles itself as a queer bar.⁴³⁹

435 CEL Kosovo (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

436 CSGD (2022), [Establishment of the working group for the drafting of the clinical protocol for prophylaxis before HIV infection.](#)

437 CEL Kosovo (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

438 D4D (2023), [The importance of preventing and punishing hate speech against the LGBTIQ+ community.](#)

439 Libertas (2022), ['Filluska' e personave LGBTIQ+ në zemër të Prishtinës.](#)

314. Recommendations

- The State Prosecution should ensure that hate crimes targeting the LGBTIQ+ communities are effectively ex-officio prosecuted and punished;
- The Kosovo Police, and State Prosecution should effectively act in cases of hate speech and hate crimes against LGBTIQ+ persons;
- The MESTI should include information about LGBTIQ+ persons in the national education system to promote awareness and acceptance of diversity;
- The Ministry of Finance, Labor and Transfers (MFLT) should provide funding and support for LGBTIQ+ organizations to carry out their work and engage in advocacy;
- The OGG should offer the general public programs and awareness campaigns to educate oneself on LGBTIQ+ issues including the challenges faced by the community and the importance of equality and inclusion;
- More support should be provided by the Government of Kosovo and Ministry of Health to meet the need for psychological support for LGBTIQ+ people;
- Competent institutions (GoK, AoK) should ensure adequate completion of the legal framework with regard to gender recognition in order to permanently guarantee realization of this right;
- The Municipality of Prishtina/Priština should proceed with the construction of the LGBTIQ+ shelter;
- The AoK should correct unconstitutional provisions regarding marriage and cohabitation within the draft Civil Code, and also should adopt the draft Civil Code to ensure that same-sex couples have the same rights as other couples, and to eradicate discrimination based on sexual orientation and gender identity in family law;
- The MoH should address specific health needs and approve the clinical protocols for Pre-Exposure Prophylaxis;
- The AoK should take the necessary measures to address discriminatory language used by the members of the Assembly towards LGBTIQ+ persons.

7.7 People on the move

315. The legislative framework of Kosovo promotes and facilitates the safe return of “internally displaced persons” in Article 156 of the Constitution, while simultaneously guaranteeing assistance in recovery of property and possessions.⁴⁴⁰ Furthermore, in January 2018 the GoK issued Regulation No. 01/2018 on the Return of Displaced Persons and Durable Solutions. The Regulation, among others, defines the responsibilities of competent, decision making, and implementing bodies as well as assistance procedures and criteria.

316. The domestic legal framework covering the entire asylum policy is completed. This legal framework foresees reception and initial treatment procedures of the applicants for international protection; procedures and standards of reviewing and ruling on the applications for international protection; the internal rules on the functioning of the Asylum Centre, the rules on the work of National Commission for Refugees (NCR), as the second administrative instance; as well as Regulation on the integration of foreigners, respectively persons with International protection status in Kosovo.⁴⁴¹

317. Considering changes in the EU legislation and the need to address legal gaps encountered during its implementation, the GoK continued working for drafting of the new Law on Foreigners which is still pending approval. The new reception center for migrants inaugurated in 2022 will be reflected in the new Law on Foreigners; the new Law will also foresee several new institutes, such as the Tolerated Status for foreigners; the establishment of a fully effective and protection-sensitive entry system which should include identification, screening and referrals of people seeking international protection and those with specific needs; it should also lay down provisions on facilitated integration.⁴⁴²

318. Kosovo continues to be a transit route for mixed movements. In 2023, there were 181 applications for international protection status (asylum requests) that had been submitted to the Department for Citizenship, Asylum and Migration within the Ministry of Internal Affairs by Civil Rights Program Kosovo (CRP/K).⁴⁴³ Most asylum requests have been suspended (149 out of 181 applications), as applicants have disappeared without completing the refugee status determination procedure or have withdrawn the application for international protection status. However, twenty-four (24) applications resulted with positive decisions granting international protection status, among which six (6) applicants were recognized with Refugee status with temporary residence permit for four (4) years and other eighteen (18) with Subsidiary Protection status with temporary residence permit for one (1) year, with possibility of extension. Refugees arrived from different countries of origin such as Ukraine, Jordan, Syria, Afghanistan and Turkey. Cases of gender-based and domestic violence as well as LGBTIQ+, as grounds for international protection, have been institutionally considered by granting protection to those in need.⁴⁴⁴

440 The Kosovo Constitution (2008).

441 CRPK (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

442 CRPK (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

443 CRPK (2024), [statistics: a free legal aid provider to applicants for international protections status in Kosovo](#)

444 CRPK (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

319. The overall statistics on asylum for 2023 have been published by the Department for Citizenship, Asylum and Migration within the Ministry of Internal Affairs. There are 221 decisions issued by Asylum Division that include 124 decisions on suspension of procedure, 30 decisions on Refugee status recognition, 13 decisions on voluntary withdrawal, 12 decisions on Temporary Protection, 7 decisions on extension of Temporary Protection, 19 decisions on Subsidiary Protection, 5 decisions on extension of Subsidiary Protection, 9 decisions on refusal of asylum requests, and 2 decisions on refusal based on accelerated procedure.⁴⁴⁵ In comparison to previous years, the physical and social security in the Asylum Centre in Magurë/Magura significantly improved during 2023.⁴⁴⁶

320. Considering the essential knowledge and skills of authorities gained throughout several years on refugee protection, including direct support and assistance provided by CRP/K and other local and international organizations, persons with recognized international protection status have had more accessible access to integration schemes such as accommodation, social assistance, language courses and education, medical assistance, provision of food and non-food items, assistance provided for job opportunities as well as access to free legal aid. However, limited institutional capacities and lack of coordination of all actors engaged in dealing with integration of persons with international protection status in Kosovo was identified as the main challenge for efficient and effective response toward those in need. Taking into consideration that the process requires engaging many government sectors, both governmental and municipal i.e. legal registration, accommodation, education, language and integration courses, employment, gender based violence issues, LGBTIQ+, mental health issues etc., it requires regular institutional coordination and cooperation, which is lacking. Therefore, NGO CRP/K and other relevant organizations played a crucial role to link all responsible authorities to perform their public duties in responding toward people in need in a timely manner.⁴⁴⁷

321. Kosovo has made significant steps in creating a legal framework to protect those at risk of statelessness, ensuring rights like birth registration, citizenship acquisition, and access to statelessness determination procedures, while promoting equality across gender, ethnicity, race, and religion. However, challenges persist in the effective implementation of these laws, particularly in the area of late birth and citizenship acquisition. Despite provisions for a simplified administrative procedure in cases for late birth registration where some or no evidence is available, bureaucratic obstacles and misinterpretation of norms continue to hinder the resolution of complex applications, often preventing a final legal solution.⁴⁴⁸

322. The process of confirming and acquiring citizenship remains problematic for adult members of the Roma, Ashkali, and Egyptian communities who were born in Western European countries or displaced in the Western Balkan region. These individuals face a serious risk of statelessness due to difficulties in securing the required evidence and the authorities' assessment of their citizenship rights at the time of application. For some, the statelessness determination procedure represents the only legal path to legal status in Kosovo. Currently, there are 14 persons with stateless status in Kosovo. Most of them are struggling with access to the rights and services during the application

445 Ministry of Internal Affairs (2024), [annual statistical report 2023](#).

446 CRPK (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

447 CRPK (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

448 CRPK (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

process and after being granted status due to limited knowledge of the authorities on the existence of the recognized stateless persons and associated rights.⁴⁴⁹

323. Unregistered individuals encounter significant challenges within the court procedures. One of the primary issues is that legal disputes related to identity issues are often deprioritized, leading to prolonged unresolved cases. This lack of prioritization exacerbates the difficulties faced by those at risk of statelessness, as their cases remain pending for extended periods. Moreover, administrative bodies frequently disregard judicial recommendations, resulting in a re-initiation process that delays resolution and leaves individuals without legal identity and access to fundamental rights for extended periods.⁴⁵⁰

324. A persistent challenge in Kosovo, particularly for marginalized communities such as the Roma, Ashkali, and Egyptian populations, is the limited availability of information and data on unregistered individuals. At present the authorities have no official numbers of persons unregistered at birth. Even though this issue has been tackled on a number of occasions (2011 census and 2015/2016 survey with focus on Roma, Ashkali and Egyptian communities) still there is no official statistical overview of the affected persons. This lack of data and reactive approach of institutions in identification of unregistered has resulted in many adults and minors within these communities remaining unregistered for years and being deprived of basic rights due to the absence of documents proving their birth or nationality.

325. The NGO Civil Rights Program Kosovo (CRP/K) in close cooperation with the UNHCR have persistently highlighted the challenges faced by unregistered individuals at risk of statelessness, urging authorities to take action by emphasizing the responsibility of Kosovo's institutions in resolving initial documentation problems and encouraging the development of a systemic mechanism to identify, prevent, reduce, and protect unregistered persons. The importance of consistent implementation of the legislative framework, along with the unified interpretation of legal norms aligned with international standards, has been reiterated. Moreover, it was enlisted under the Strategy for Advancing the Rights-of the Roma and Ashkali communities.⁴⁵¹

326. Individuals at risk of statelessness largely depend on legal assistance provided by NGOs, as the Free Legal Aid Agency's eligibility criteria exclude unregistered adult persons who lack an identity document. NGO CRP/K, with the support of UNHCR, has been instrumental in providing legal aid and court representation for unregistered individuals, ensuring their rights are recognized in administrative processes. In 2023, NGO CRP/K supported 140 people with late birth registration and citizenship and identified over 100 unregistered individuals needing free legal aid, effectively addressing the diverse challenges of statelessness and impacting different demographics, including women, men, children, and vulnerable groups like the elderly. Kosovo has made significant steps in creating a legal framework to protect those at risk of statelessness, ensuring rights like birth registration, citizenship acquisition, and access to statelessness determination procedures,

449 CRPK (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

450 CRPK (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

451 Office of the Prime Minister

while promoting equality across gender, ethnicity, race, and religion.⁴⁵²

327. The institutional mechanisms responsible for assisting returnees and internally displaced persons (IDPs) are defined by the Regulation No. 01/2018 on the Return of Displaced Persons and Durable Solutions. As in the previous years, the MCoR does not prioritize cases based on the vulnerability criteria on provision of the assistance, as per Article 10. Compared to the previous report, which noticed the lack of ethnic diversity in the Central Review Commission, in 2023, the Ministry of Communities and Return has reappointed members of the Central Review Commission ensuring diverse ethnic representation within its composition.⁴⁵³ At the end of the year, the GoK established the Central Appeal Commission, which is mandated to review claims against the Central Review Commission. The Ministry of Communities and Returns has completed the Strategy for Protection and Promotion of Community Rights 2023- 2027, which was published in December 2023.⁴⁵⁴

328. Housing assistance projects aiming to provide durable housing solutions for returnee families are mainly funded and implemented by the international community with the co-participation of the Ministry of Communities and Returns. Pursuant to the provisions of the No. 04/L-013 on the Cadaster, the mandatory registration of each constructed housing unit in the cadastral registry is imperative, ensuring property rights can be fully exercised and legal protection can be invoked when necessary. Non-registration of the constructed houses means that these buildings legally do not exist and as such prevents the legal protection over the buildings, as well as of all other associated rights closely correlated to the property rights. The observed challenges with regard to non-registration of constructed humanitarian housing units are related to complex legal procedures, financial implications, human and technical capacities at the municipal level, and lack of information/documentation. These challenges collectively hinder the realization of legal obligations pertaining to cadastral registration and impede the comprehensive safeguarding of property rights for the returnee families.⁴⁵⁵

329. Rental accommodation is one of the schemes for the provision of shelter and housing assistance according to Regulation No. 01/2018 on Return of Displaced Persons and Durable Solutions.⁴⁵⁶ Rent is provided as a temporary accommodation measure for returnees until a durable solution for housing is found. Rent for returnees of the serious (severe) category⁴⁵⁷ is provided for a period between 3 and 12 months, subject to the financial capacities of the Ministry of Communities and Returns.⁴⁵⁸ Upon the expiry of the deadline for accommodation, the relevant municipality shall provide sheltering through social housing programs according to the applicable law.⁴⁵⁹

452 CRPK (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

453 AT (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

454 AT (2022), input for the joint CSO report on Human Rights Kosovo 2022.

455 AT (2024), input for the joint CSO report on Human Rights Kosovo 2023.

456 Regulation No. 01/2018 on the Return of Displaced Persons and Durable Solutions, Article 15, available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=15942>

457 Ibid, Article 10, paragraph 2, foresees the vulnerability categories of returnee families based on the assessment which can be as indicated in sub-paragraph 2.1. serious/severe, 2.2 moderate, and 2.3 low vulnerability.

458 Ibid, Article 15, paragraph 2.2.5.

459 AT (2024), input for the joint CSO report on Human Rights 2023.

330. The vulnerable returnee families, mainly from K-Roma, K-Ashkali, and K-Egyptian communities continue to live in rented accommodation with very limited and/or no assistance from the relevant authorities although foreseen within the legislative framework. Their already fragile situation is further aggravated by the additional hardships linked to rent costs and absence of meaningful durable housing solutions. It is important to add that most of these families have been assessed and approved for housing solutions, however, although a number of years have passed the solutions are not yet on the horizon.⁴⁶⁰

331. It is worth noting that all returnees who are residing in privately rented accommodations do so without the security of formal lease agreements. This lack of legal documentation intermittently impedes their ability to access social assistance programs and secure any other forms of protection. This hindrance is a direct consequence of their uncertain residential status.

332. With entry into force of the Law No. 08/L-176 for Amending and Supplementing Laws Containing Special Administrative Procedures and their Harmonization with Law No. 05/L-031 for the General Administrative Procedure, the conditions for registration of property rights with payment of property tax debts were removed. Also, there are no conditions by the municipalities on garbage bills debt. The issue remains pending due to administrative/bureaucratic procedures of the municipalities. The process of registration of the rights on the property use of the beneficiaries of donor housing programs on municipal allocated land in the municipal cadastral books in South Mitrovicë/Mitrovica continues to be unresolved. A total of 288 houses were built in the “Fidanishte” neighborhood for K-Roma, K-Ashkali and K-Egyptian communities through different international donors. The registration of 74 cases, for which the Municipal Urbanism Department has collected relevant documentation, was initially stalled due to legal impediments; with their removal, the municipality did proceed with relevant administrative actions. The concerned families feel insecure as they are not in possession of relevant property documentation that will provide them safe and unhindered use of properties.⁴⁶¹

333. Numerous landless returnees have been patiently awaiting durable solutions within the timeframe of 2017-2023, despite the existence of a relevant legal framework and the initiation of various social housing projects. Although a legislative framework mandates municipalities to evaluate social housing needs, minimal actions have been undertaken. Various concerns have surfaced, encompassing the lack of progress in housing needs assessment, the development of municipal social housing programs, the absence of a functional database on social housing, and a lack of effective fundraising initiatives by municipalities for implementation of social housing programs. Articles 20 and 25 of Law No. 03/L-164 on Financing Specific Housing Programmes⁴⁶² outline the obligation of the municipalities to conduct housing needs assessments within their respective areas of responsibility. Following these assessments, the municipalities are required to develop a three-year housing strategy, addressing elements such as housing needs, financing requirements, and identification of available land for social housing construction. Survey findings indicate that

460 AT (2023), [Report: Durable Housing Solutions Associated with Property Rights Challenges in Kosovo](#).

461 AT (2024), input for the joint CSO report on Human Rights Kosovo 2023.

462 AT (2024), input for the joint CSO report on human Rights Kosovo 2023.

information on the social housing needs of returnees and displaced families is unavailable, resulting in an insufficient reflection in municipal housing strategies.⁴⁶³ The municipalities are facing limited possession of municipal land and legislative challenges in allocation of municipal land for individual requests.⁴⁶⁴

334. There are a total of 89 landless families Kosovo wide, mainly from K-Roma, K-Ashkali and K-Egyptian returnee/IDP communities. The majority of these returnee families currently reside in private accommodations, and their challenging socioeconomic conditions make it difficult for them to afford rent costs and utility bills.⁴⁶⁵

335. Trust levels among returnees towards key institutions vary across ethnic communities, with language barriers and a lack of reintegration support/economic opportunities identified as significant challenges. In some of the difficult locations there are still frictions between potential returnees and the receiving community, due to alleged unresolved war crimes or missing person's cases. Security incidents, influenced by the political climate and dialogue, are reported, impacting the security perception of returnee communities. There is limited interaction and activities between women/youth returnees with host communities indicating potential gaps in cultural exchange and understanding. A significant number of returnee families moved to their place of displacement due to health-related concerns, challenges in securing employment, educational factors, difficulties in the reintegration process, and possession of property in displacement.⁴⁶⁶

336. The K-Serb returnees continue to be targets of thefts, stoning, property damages and intimidations, thus creating negative perception over the security situation and have an impact on the reconciliation process. The K-Serb returnees claim most of the cases remain unresolved and there is no regular feedback from the police about the status of the case. According to NGO Advancing Together (AT) there were 17 security incidents targeting the returnee community.⁴⁶⁷

337. Due to reintegration challenges, the families that are faced with poverty and unemployment, simply have no interest in getting acquainted with children's rights. The children are used for street begging, collection of raw materials in order to generate revenues for the families, thus are forced to stop education or to not attend regular education. There are 11 returnee children that have been involved in child labor in different forms, mainly from K-Roma, K-Ashkali and K-Egyptian communities. Kosovo has made progress in addressing child protection and their rights through the adoption of Law No. 06/L-084 on Child Protection, but more remains to be done to prevent and effectively respond to violence abuse, exploitation, and negligence against children.⁴⁶⁸

463 AT (2023), [Report: Durable Housing Solutions Associated with Property Rights Challenges in Kosovo](#).

464 AT (2024), input for the joint CSO report on Human Rights 2023.

465 AT (2024), input for the joint CSO report on Human Rights 2023.

466 AT (2023), [Report: Social Cohesion of Returnees in Kosovo](#).

467 AT (2023), input for the joint CSO report on Human Rights Kosovo 2023.

468 AT (2023), input for the joint CSO report on Human Rights Kosovo 2023.

338. Due to the lack of educational background and specific vocational training, the K-Roma, K-Ashkali and K-Egyptian returnees are facing challenges to find sustainable livelihood or proper employment. Vocational training is offered for free, however, the seven centers in Kosovo lack trainers for most required training, waiting lists are long and usually it takes more than six (6) months to start the training. Besides this, living in remote villages requires additional spending for transport for as long as the training lasts.⁴⁶⁹

339. Most of the members that receive social assistance do not enter into formal employment, fearing of being removed from the social scheme and knowing that most of them do not have secure and long-term work, as such they get mainly engaged into seasonal and temporary informal work relationships. This group declared that there are also barriers to their employment in the public sector which are linked to the required criteria of an adequate education, and previous work experience which they do not have. This limits their prospects for stable and secure jobs in the public sector.⁴⁷⁰

340. Recommendations

- Despite the fact that Kosovo institutions took first steps towards the integration of recognized refugees in Kosovo, further institutional support is needed for their inclusion into socio-economic opportunities;
- The Ministry of Internal Affairs should ensure access to rights and basic services for all asylum seekers and refugees in a timely and coordinated manner;
- The Ministry of Internal Affairs should enhance inter-institutional cooperation and coordination to effectively respond to the needs and requests of recognized Refugees and persons with Subsidiary Protection status in Kosovo for their legal and socio-economic integration and protection;
- Civil registries should develop a systematic approach for the identification, prevention, reduction, and protection of unregistered persons in Kosovo in order to identify the unregistered persons;
- The public institutions of Kosovo should minimize the legal obstacles for those unregistered persons lacking the full set of evidentiary documentation, thus enabling the late birth registration following the provisions provided in Administrative Instruction No 24/2015 on the late registration in the civil status registries, particular Article 10;

469 AT (2024), input for the joint CSO report on Human Rights Kosovo 2023.

470 AT (2024), input for the joint CSO report on Human Rights 2023.

- The Judiciary System in Kosovo should adopt a more proactive approach in managing cases and resolving administrative conflicts. By implementing such measures, the judicial process can become more effective and expedited, and the efficiency of the judicial system in addressing administrative cases can be significantly enhanced;
- Government officials and service providers should be made aware about stateless persons and their rights through training programs that may enhance civil servants' capacities to effectively assist stateless individuals;
- The Ministry of Internal Affairs should identify the number of families who have benefitted from housing units (with or without construction permits) and register cadaster registries;
- The Ministry of Internal Affairs should implement the current legislative framework to ensure that all involved parties are aware of the legal obligations prior to, during, and after the construction of the housing unit;
- Municipal Offices for Communities and Return and the Ministry for Communities and Return should develop an inclusive tracking sheet of all returnees without properties and vulnerable communities' members for advocacy for potential project proposals for social housing;
- The Ministry of Spatial Planning, Environment, and Infrastructure should include returnees/displaced persons as a special category in the sub-legal acts of the new Law on Social Housing;
- The GoK should strengthen support for returnee communities, ensuring that assistance programs are effective and responsive to the needs of the community;
- The GoK should provide language proficiency programs to overcome language barriers that hinder effective communication and reintegration.

8. Section D: CROSS-CUTTING ISSUES/SPECIFIC HUMAN RIGHTS ISSUES

8.1 Transitional justice and human rights

341. The definition of transitional justice in this document derives from the OHCHR, which defines it in relation to human rights as a goal to “provide recognition to victims, enhance the trust of individuals in state institutions, reinforce respect for human rights and promote the rule of law as a step towards reconciliation and the prevention of new violations.”⁴⁷¹ A comprehensive approach to transitional justice can facilitate the processes of reconciliation and contribute to the transformation of Kosovo’s society into a more inclusive state shared by all ethnic communities.

342. The legislative framework addressing transitional justice in the context of the Kosovo conflict includes Law No. 05/L-060 on Forensic Medicine, effective since April 2016, which establishes the Institute of Forensic Medicine tasking it with locating, exhuming, and determining the fate of missing persons. Article 15 emphasizes cooperation with families and relevant organizations. Second, Law No. 04/L-172 on Amending and Supplementing the Law No. 04/L-054 on the Status and the Rights of the Martyrs, Invalids, Veterans, Members of Kosovo Liberation Army, Sexual Violence Victims of the War, Civilian Victims of War and Their Families addresses conflict-related sexual violence. However, this law poses challenges, as it limits recognition to incidents right after the 1998-1999-armed conflict.

343. In 2021, the GoK appointed a Working Group of experts to develop the overarching transitional justice strategy that was to “unite all previous initiatives,”⁴⁷² and in 2023 a new draft was developed and is pending approval.⁴⁷³ However, as noted in the previous reports (2021 and 2022), most initiatives thus far have been flawed with the lack of political will and serious engagement of relevant actors to bring forth a concrete action plan. Notably, as with other governments, the current GoK has repealed previous formal initiatives and commenced anew. The continuous negation of previous projects in favor of newly established initiatives impacts the DwP field in a negative manner, and impedes on positive progress.⁴⁷⁴

344. In 2023, the Humanitarian Law Center Kosovo (HLCK) released a comprehensive report elucidating the recent initiatives pursued by the GoK concerning the treatment of the past, along with an assessment of the current status of their implementation.⁴⁷⁵ The report reviews the current state of affairs for the following initiatives: The Institute for Crimes Committed During the War in Kosovo, the Truth and Reconciliation Commission, the National Strategy for Transitional Justice, the

471 OCHR (2022), [transitional justice and human rights](#).

472 Prime Minister Albin Kurti (2021) cited in Osorio (2022) for the Humanitarian Law Center Kosovo (HLCK), [Towards a national transitional justice strategy for Kosovo](#).

473 YIHR (2023), input for the joint CSO report on Human Rights in Kosovo 2023.

474 Nora Ahmetaj (2023), input for the joint CSO report on Human Rights in Kosovo 2023.

475 HLC Kosovo (2023), [Current state initiatives for dealing with the past](#).

State Commission for research, registration/inventory, assessment, and documentation of cultural and historical heritage sites destroyed during the 1998-1999 war, the Law on Missing Persons, the Memorial for Children Killed during the 1998-1999 War in Kosovo, and the Museum for documentation and presentation of the crimes of former Yugoslavia and Serbia against Albanians in Kosovo. HLCK's analysis of current state initiatives on dealing with the past reveals a noteworthy increase in efforts by political and governmental actors in recent years. However, these initiatives lack consultation with relevant groups, posing a potential risk to sustained political will. Additionally, a lack of public transparency hampers the provision of accurate information to residents. The report recommends enhancing transparency in established initiatives and encouraging greater involvement of organizations dedicated to addressing the past in related processes.⁴⁷⁶

345. The Institute for Crimes Committed During the War in Kosovo, operationalized to document and preserve collective memory, emerged as a MoJ initiative. The Kosovo Assembly adopted the Draft Law in its second reading on July 13, 2023 and a new director was appointed.⁴⁷⁷

346. Furthermore, HLCK underlines the difficulties of the GoK in formulating a comprehensive Transitional Justice Strategy leading to a lack of cohesive interaction among existing mechanisms for dealing with the past. A failed attempt in 2012 to create such a strategy under an inter-ministerial group prompted a new initiative by the Ministry of Justice in 2021. This initiative established a Working Group comprising representatives from public institutions, academic institutions, and civil society. Over 30 meetings were conducted during the drafting process, with a focus on engaging both majority and non-majorities communities. The resulting National Strategy for Transitional Justice aims to provide a framework for addressing human rights violations and international humanitarian law breaches, emphasizing victim rights and the construction of a peaceful future. The draft includes strategic objectives in areas like truth-finding, criminal justice, reparations, and institutional reforms, aligning with state obligations. The draft document underwent public consultation from May 15 to June 2, 2023, and a workshop on June 26 reviewed feedback. As of 2023, the finalization of the National Strategy for Transitional Justice is pending.⁴⁷⁸ According to BIRN (2024), the MoJ will adopt the Transitional Justice Strategy in January 2024.⁴⁷⁹ In the absence of consultations with pertinent stakeholders in the realm of human rights, the strategy also encompasses matters pertaining to criminal justice. Ideally, this integration should not occur, considering that the oversight of this domain has traditionally fallen under the jurisdiction of hybrid courts, UNMIK, EULEX, and the Special Prosecution Office of Kosovo for the past 25 years.⁴⁸⁰

347. Furthermore noted by the HLCK report, the State Commission for the research and documentation of cultural and historical heritage sites destroyed during the 1998-1999 war in Kosovo was established by a government decision on July 14, 2021. Its purpose is to conduct comprehensive research, collect evidence, and document the destruction of cultural and historical objects during the conflict. The Commission is tasked with creating a final report, assessing damages, and determining the historical, cultural, social, and spiritual significance of the destroyed sites. Amendments to the Commission's establishment were made on January 26, 2022, including changes

476 HLC Kosovo (2023), [Current state initiatives for dealing with the past](#).

477 HLC Kosovo (2023), [Current state initiatives for dealing with the past](#).

478 HLC Kosovo (2023), [Current state initiatives for dealing with the past](#).

479 Balkan Insight (2024), [BIRN Fact-Check: Was Kosovo's First Transitional Justice Strategy Worth the Wait?](#)

480 Ahmetaj, N. (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

to its members. By the end of 2022, the Minister of Culture, Youth and Sports disclosed that the Commission had compiled a preliminary report, identifying over 1,300 destroyed sites in the database, along with numerous documents and artifacts held by Serbia. However, the report has not been made public yet due to confidentiality requirements. The head of the Commission, Gjejlane Hoxha, stated that from September 2021 to March 2023, intensive work was conducted on identification, documentation, and damage assessment. In March 2023, the Commission completed a comprehensive report with records on damages, including estimates in preliminary monetary values, and submitted it, along with recommendations for further actions, to the government.⁴⁸¹

348. The Law No. 03/L-023 on Missing Persons, which safeguards the rights of those missing and their families, particularly those who disappeared as a result of the 1998-1999 conflict in Kosovo, faced dissatisfaction, thereby prompting the need for amendments (see also previous reports of 2021 and 2022). Following consultations on June 4, 2018, a Government decision established a group to draft the Concept Document for Missing Persons, approved on June 18, 2019. This led to the creation of a Commission for amending the Law on Missing Persons. According to HLCK, the commission's work faced criticism for its poor intensity. The Concept Document highlighted the existing law's inadequacies in meeting the needs of family members and generating unequal treatment among categories emerging from the war. Delays in amendments led to a request from the Government Commission for Missing Persons on March 11, 2020, urging the reinitiation of the matter. The working group was convened on September 15, 2021, to finalize the Draft Law amending the Law on Missing Persons. In a May 31, 2023 meeting, the Assembly of Kosovo Committee for Human Rights discussed the draft law, announcing close proximity to finalization but noted delays due to disagreements on family demands. As of 2023, the Draft Law has yet to be processed.⁴⁸²

349. The discrepancies in the current legal framework concern the provisions ensuring reparations for all victims of conflict, specifically those who suffered injuries after the official end of the war in June 1999 (see also previous CSO reports 2021 and 2022). A contradiction exists between the Law No. 04/L-023 on Missing Persons and the Law No. 04/L-037 on Civilian Victims, creating challenges for families of individuals who disappeared between January 1998 and December 1999.⁴⁸³ Although eligible for welfare benefits, when a missing person is found and identified, they are not included in the list of civilian war victims, resulting in the discontinuation of benefits for their families. The transitional justice strategy aims to facilitate the registry of retired war survivors or relatives of war victims to claim both retirement pensions and entitled welfare benefits. Currently, they must choose one or the other. A 2023 report by the UN Human Rights Council stresses the necessity for a functioning legal framework on reparations that acknowledges all categories of wartime victims, extending beyond June 1999 until December 2000.⁴⁸⁴

350. Advocacy by civil society organizations and the families of victims and missing persons in

481 HLC Kosovo (2023), [Current state initiatives for dealing with the past](#).

482 HLC Kosovo (2023), [Current state initiatives for dealing with the past](#).

483 Balkan Insight (2024), [BIRN Fact-Check: Was Kosovo's First Transitional Justice Strategy Worth the Wait?](#)

484 Balkan Insight (2024), [BIRN Fact-Check: Was Kosovo's First Transitional Justice Strategy Worth the Wait?](#)

Kosovo have persistently and continuously sought an extension of the registration deadline for survivors beyond the current timeline.⁴⁸⁵ Drawing upon the wealth of documented cases, KRCT has proactively issued recommendations for legal amendments directed towards the members of the Assembly of Kosovo. These recommendations advocate for an extension of the mandate of the Government Commission, a reconsideration of the time frame for rape cases, the recognition of victims' rights to free health services, special consideration for children born of rape, addressing the absence of a second instance review for appeals, and expediting the excessively prolonged waiting period for the exercise of rights and benefits from the time of application.⁴⁸⁶

351. The leaders of Kosovo and Serbia, in a 2023 agreement to normalize relations, have committed to endorsing a declaration on missing persons, specifically aimed at locating the bodies of the remaining 1,600 people who went missing in 1998-99.⁴⁸⁷ Yet, thus far progress has yet to be made and delegations have yet to resume their work in the Prishtina/Priština- Beograd/ Belgrade bilateral working group on missing persons, which has been deadlocked since June 2021. Treating the missing persons issue as a matter of urgency is essential to bring answers to families waiting for almost 25 years, highlighting the humanitarian imperative over political purposes.⁴⁸⁸ Yet, despite these renewed promises, the politicization of the issue remains the main impediment to actual progress in uncovering the missing persons cases.⁴⁸⁹

352. In June 2022, the Government of Kosovo decided to establish a Ministerial Commission for the Memorial for Children Killed during the 1998-1999 War in Kosovo. This Commission, chaired by the Prime Minister, involved members from various ministries. On October 13, 2022, the Commission created a Working Group, led by which later, on December 13, 2022, gained approval for the Action Plan outlining the construction of the Memorial. In January 2023, the Ministry of Culture, Youth and Sports (MCYS) announced a public call for non-governmental organizations to implement a project consulting survivors and families affected by the 1998-1999 war. A Memorandum of Understanding was signed on March 16, 2023, between the MCYS and the University of Prishtina/Priština for consultation and drafting a narrative document on the memorialization of children killed and missing during the war. The Faculty of Philosophy, under this collaboration, initiated a call for students on March 25, 2023, to consult survivors and families, ultimately leading to the publication of an international design competition for the Children's Memorial project.

353. The Museum for documenting and presenting the crimes committed by the former Yugoslavia and Serbia against Albanians in Kosovo is another initiative led by the MCYS. On June 7, 2023, the GoK established a Working Group tasked with drafting the Concept Document for the museum's establishment. The Working Group's mandate concludes upon the adoption of the Concept Document. On August 7, 2023, the MCYS invited CSOs to propose suitable candidates for the Working Group. These nominees will contribute to designing the concept for the Museum, emphasizing a collaborative approach involving various stakeholders.⁴⁹⁰

485 Balkan Insight (2024), [BIRN Fact-Check: Was Kosovo's First Transitional Justice Strategy Worth the Wait?](#)

486 KRCT (2024), input for the joint CSO report on Human Rights Kosovo 2023.

487 Balkan Insight (2024), [Kosovo and Serbia Must Keep Their Promise on Missing Persons.](#)

488 Balkan Insight (2024), [Kosovo and Serbia Must Keep Their Promise on Missing Persons.](#)

489 See also the reports of 2022 and 2021 for similar comments by the respective CSOs.

490 Balkan Insight (2024), [Kosovo and Serbia Must Keep Their Promise on Missing Persons.](#)

354. The NGO HLCK has monitored recent developments in war crimes prosecutions, covering indictments and convictions by the Special Prosecution Office of the Republic of Kosovo and updates on cases before the Kosovo Specialist Chambers. The Special Department of the Basic Court in Prishtina/Priština reveals that from January 2023 to December 7, 2023, the Special Prosecution Office (SPRK) of the Republic of Kosovo issued six indictments against Serbian Armed forces members for war crimes, along with seven indictments in absentia against eight individuals. Additionally, two members of the Serbian Armed forces were convicted with final judgments for war crimes during this period. Moving to the Kosovo Specialist Chambers and the Special Prosecutor Office (SPO), the HLCK reports that, until December 14, 2023, the SPO has issued two new indictments against Sabit Januzi, Ismet Bahtijari, and Haxhi Shala. The SPO is also investigating two new indictments against Isni Kilaj and Dritan Goxhaj. Two ongoing processes at the first level involve the cases of Hashim Thaci et al. and the case against Pjetër Shala. On December 14, the appeals chambers delivered a judgment reducing Salih Mustafa's sentence from 26 to 22 years. Another case concluded with a final decision, finding both defendants Hysni Gucati and Nasim Haradinaj guilty, resulting in 4.5 years of imprisonment and a fine of 100 Euros. Nasim Haradinaj was released on December 14. Overall, there are eight cases before the Kosovo Specialist Chambers, with two in trial at the first level, two in the enforcement of judgment, two in pre-trial procedures, and two in investigative procedures.⁴⁹¹

355. The Kosovo Rehabilitation Center for Torture Victims (KRCT), in collaboration with other esteemed NGOs such as the Center for the Promotion of Women's Rights (CPWR), Medica Kosova, and Medica Gjakova, has been duly authorized by the Ministry of Labour and Social Welfare to document the cases of sexual violence. Together, they recorded a staggering 1,300 cases of sexual violence that transpired during the harrowing period of war (1998-1999).⁴⁹²

356. Furthermore, NGO KRCT, NGO Medica Kosova and other related NGOs played a pivotal role in 2023 securing recognition for 53 war rape survivors, while directly supporting 45 others during the application stage. Over 100 legal services were rendered to survivors of wartime sexual violence.⁴⁹³

357. This comprehensive documentation transcends communal and geographical boundaries, encapsulating all communities and locations where these abhorrent acts occurred within the context of the war. Significantly, this documentation surpasses the timeframe stipulated by the law on civilian victims of war, thus encompassing survivors of sexual violence during the war in Kosovo (27.02.1998-20.06.1999). Additionally, it includes instances of sexual war violence that were regrettably rejected by the Government Commission for the Recognition and Verification of the Status of Persons Raped during the War in Kosovo.⁴⁹⁴

358. Notably, the deadline for application for recognition of victim status has been extended from

491 HLC Kosovo (2024), input for the joint CSO report on Human Rights Kosovo 2023.

492 KRCT (2024), input for the joint CSO report on Human Rights Kosovo 2023.

493 KRCT (2024), input for the joint CSO report on Human Rights Kosovo 2023.

494 KRCT (2024), input for the joint CSO report on Human Rights Kosovo 2023.

the previous deadline of February 5, 2023, to May 15, 2025, with the possibility of an additional two-year postponement. The NGOs KRCT, Center for the Promotion of Women's Rights (CPWR), Medica Kosova and Medica Gjakova continue to advocate for an unlimited application deadline to align with international law and meet the needs and sensitivities of the victims.⁴⁹⁵

359. On 30 November 2023, NGO KRCT organized the International Conference on Patterns of Conflict-Related Sexual Violence Against Men and Boys. The panels engaged in insightful discussions on the experiences and challenges faced by male survivors of sexual violence during the Kosovo war.⁴⁹⁶ Notably, despite the pervasive and systematic nature of Conflict-related Sexual Violence (CRSV) in Kosovo, prosecution of responsible individuals remains limited. The lack of political commitment and the complexity of cases create an environment conducive to the impunity of perpetrators.⁴⁹⁷

360. In 2023, the Supreme Court of Kosovo upheld the Appeals Court verdict sentencing Z.V. to 13 years in prison for sexual violence during the war. Initially sentenced to 10 years by the Basic Court in Prishtina/Priština, the Appeals Court increased the sentence after an appeal. The Supreme Court, dismissing a request for the protection of legality, affirmed the 13-year sentence.⁴⁹⁸

361. In a significant development spurred by NGO KRCT, Center for the Promotion of Women's Rights (CPWR), Medica Kosova, and Medica Gjakova advocacy efforts since 2019, April 14th is now recognized as the Memorial Day of survivors of sexual violence from the wartime.⁴⁹⁹

362. Recommendations

- The GoK should demonstrate sustained political will and commitment to transitional justice initiatives, avoiding the continuous negation of previous projects in favor of new ones for better progress;
- GoK initiatives for transitional justice should involve the expertise of civil society and contribution of non-majority communities;
- The adoption of the National Strategy for Transitional Justice should be finalized in 2024;
- The adoption of the Draft Law amending the Law on Missing Persons should expedited in 2024;
- The remaining missing persons cases require the resumption of work in the Prishtina/Priština-Belgrade bilateral working group, prioritizing humanitarian imperatives over political consideration.

495 KRCT (2024), input for the joint CSO report on Human Rights Kosovo 2023.

496 KRCT (2024), input for the joint CSO report on Human Rights Kosovo 2023.

497 KRCT (2024), input for the joint CSO report on Human Rights Kosovo 2023.

498 KRCT (2024), input for the joint CSO report on Human Rights Kosovo 2023.

499 KRCT (2024), input for the joint CSO report on Human Rights Kosovo 2023.

8.2 Corruption and human rights

363. An examination of corruption in the context of human rights offers a lens into the nested levels of society in which corruption takes place and impedes on the attainment of collective rights. Particularly in developing countries, addressing the link between corruption and human rights violations is of particular significance for the development of society along the democratic principles of civic equality, inclusivity and transparency.

364. The EU Commission report of 2023, acknowledges limited progress in Kosovo's fight against corruption in 2023. While Kosovo adopted new regulations in 2022 for auditing political parties and campaign financing (see previous report), the factual implementation of anti-corruption legislation remains incomplete. This holds particular truth for the legal framework for criminal confiscation, which albeit advanced remains largely unimplemented with the value of confiscated assets remaining low.⁵⁰⁰

365. In 2023, Kosovo ranked at place 83 out of 180 countries in the Transparency International Corruption Perceptions Index. According to the EU report mentioned above, this shows slight progress in the fight against corruption, while at the same time the report emphasizes a lack of willingness in Kosovo to refrain from interfering in the judiciary, highlighting the need for continued efforts in combating corruption. Indeed, as noted in section A of this report, the ongoing government interference in judicial matters raises concerns, suggesting insufficient political will to relinquish control and strengthen independent oversight.⁵⁰¹

366. The effectiveness of the measures implemented by the Government to fight corruption necessitates improvement, specifically when it comes to cases of high-level corruption. A critical aspect lies in fortifying the capacities of the Anti-Corruption Agency, which remains underutilized, particularly in the conclusive confiscation of assets. In this respect, the EU Commission report (2023) emphasizes the pivotal nature of collaboration between law enforcement and prosecution in the anti-corruption endeavors.⁵⁰²

367. The NGO BIRN Kosovo recently published a comprehensive report titled "The Justice System's Handling Cases with Terrorism and Corruption Charges in 2023." The report, based on extensive monitoring, examines the treatment of 7 terrorism cases and 16 corruption cases by the Special Department of the Basic Court in Prishtina throughout 2023. Key findings highlight weaknesses in the justice system, emphasizing lenient sentencing policies, non-involvement of institutions, and significant delays in handling corruption cases. While terrorism cases demonstrate a quicker approach, delays persist between alleged crime and indictment, with sentences often at the lowest threshold. The report offers recommendations, urging improved prosecutorial practices, enhanced collaboration with international organizations, civil society, media, and the need for skill development in investigating extremism and terrorism cases.⁵⁰³

500 EU Commission (2023), Kosovo report 2023, pp. 25-26

501 Kallxo (2023), [Raporti për indeksin e perceptimit të korrupsionit në vitin 2023, Kosova me pikë të njëjta si në vitin 2022](#)

502 EU Commission (2023), Kosovo report 2023, pp. 25-26

503 BIRN (2023), [The Justice System's Handling Cases with Terrorism and Corruption Charges in 2023.](#)

368. An important question in the large-scale fight against corruption concerns the domains in which unimpeded forms of corruption occur in the first place. According to Kallxo.com, a precondition in combating high-level corruption in Kosovo is a basic understanding of the area of inception of corruption.⁵⁰⁴ In the fight against corruption, Kosovo has significantly progressed according to Transparency International, which places the corruption index of the territory at 41 out of 100 points. Kosovo ranks 83 on a global scale of 180 countries with Denmark at number 1 as least corrupt country in the world.⁵⁰⁵

369. The management of corruption cases continues to pose challenges, as highlighted in a recent 2023 report by NGO KLI. Disturbingly, a substantial number of corruption cases in both prosecution and the courts persist without resolution. According to KLI's findings, between January and September 2023, 731 individuals faced accusations of corruption, resulting in charges being accepted against 1,157 persons. This points to a notable shortfall in the Public Prosecution Office's ability to efficiently address the incoming corruption cases, indicative of a concerning escalation compared to the preceding year (2022).⁵⁰⁶

370. The same report published by the NGO KLI highlights inconsistencies in processing cases, implying challenges in both legal procedures and political commitment to combating corruption. KLI identified the lack of specificity regarding the damage in corruption indictments as problematic. Among the 75 individuals facing indictments during the monitoring period, KLI observed that the damage was specified only in the cases of 14 individuals, neglecting to do so for the remaining 61 persons. Underscore the lack of consistency and political will, the processing of these cases exceed the legal timeframes: KLI found that nine (9) indictments initiated between 2008 and 2016 are yet to reach a conclusion.⁵⁰⁷

371. Concerning public perception, a recent report published by the NGO Çohu (December 2023) found that the majority of residents in Kosovo believe that public officials are involved in corruption. Approximately 65 percent of participants in the report expressed the belief that public officials are easily engaged in corruption. The report, based on a survey of over 1,000 citizens across Kosovo, also highlighted concerns about corruption perceptions related to judges and prosecutors. Notably, 28.6 percent believe that all judges are involved in corrupt affairs, while 25.9 percent share a similar opinion about prosecutors. The high percentage of residents associating corruption with ministers implies a widespread distrust of government officials.⁵⁰⁸

372. In February, following an investigation by NGO BIRN, the Basic Prosecution in Prizren initiated an indictment against Levent Kasami, a former director of public services in Prizren during Haskuka mayorship. Kasami's actions, as revealed in BIRN's 2021 report, involved manipulating a tender to benefit a specific economic operator, thereby causing financial harm to the budget of the Prizren municipality.⁵⁰⁹

504 Kallxo (2023), [A dihet se ku nis korrupsioni në Kosovë?](#)

505 Pristina Insight (2022), [Kosovo progressed on – but still doesn't control – corruption.](#)

506 KLI (2023), [Ndjekja dhe gjykimi i korrupsionit.](#)

507 KLI (2023), [Ndjekja dhe gjykimi i korrupsionit.](#)

508 AA (2023), [Shumica e qytetarëve në Kosovë mendojnë se zyrtarët publikë janë të përfshirë në korrupsion.](#)

509 BIRN (2022), input for the joint CSO report on Human Rights in Kosovo 2022.

373. Recommendations

- The Judiciary System in Kosovo should deal with the cases of high profile corruption swiftly and transparently as well as increase their involvement in the fight against corruption and increase the trust of the public in these institutions;
- The Special Prosecution of the Republic of Kosovo (SPRK) should increase the number of ex-officio investigation cases;
- The SPRK should establish a special department for the fight against corruption;
- Judiciary System in Kosovo, should ensure that corruption indictments are thoroughly and timely investigated and that justice is served.

8.3 The environment and human rights

374. Human rights and the environment are closely interlinked.⁵¹⁰ Human rights cannot be enjoyed without a sustainable, safe and healthy environment. The adverse effects of climate change threaten the full enjoyment of human rights, including the rights to a sustainable, safe and healthy environment, the right to life, water, sanitation, food, health, housing, self-determination, culture and development.⁵¹¹ In July 2022, the United Nations General Assembly adopted a resolution in which it is declared that “everyone on the planet has a right to a healthy environment.”⁵¹² The resolution is a landmark decision that explicitly declares access to a clean and healthy environment as a universal human right.⁵¹³ It subsequently calls upon stakeholders to scale up their efforts to mitigate the effects of the climate crisis including states, international organizations and businesses.

375. The Constitution of Kosovo does not recognize the right to a healthy environment. However, it states within Article 52 that “Nature and biodiversity, environment and national inheritance are everyone’s responsibility” and that “Everyone should be provided an opportunity to be heard by public institutions and have their opinions considered on issues that impact the environment in which they live.”

376. The Green Agenda for the Western Balkans aims to reflect the European Green Deal in a proportionate and adapted manner for the respective countries. The objective is to turn regional environmental and climate challenges into opportunities and renewable solutions. Given that natural resources and climate change do not know any borders, the Green Agenda foresees joint regional action, which will contribute to the sustainable socio-economic development and the green recovery of the entire region in the post-pandemic period.

510 Geneva Environment Network [Geneva Environment Network](#) (2023).

511 OHCHR [OHCHR](#) (2022).

512 Geneva Environment Network [Geneva Environment Network](#) (2023).

513 United Nations (2022), [UN general Assembly declares access to a clean and healthy environment a universal human right](#).

377. The Western Balkans leaders, including the GoK, signed the Sofia Declaration on the Green Agenda in November 2020. The signatories of the document commit to decarbonization by 2050, thus ending the use of all fossil fuels: oil, gas, and coal. To achieve this objective, on 10 July 2023, the Ministry of Economy and the Ministry of Environment, Spatial Planning, and Infrastructure of Kosovo jointly submitted their draft National Energy and Climate Plan (NECP) to the Secretariat of the Energy Community for review. In accordance with Article 9 of the Energy Community Governance Regulation, the Secretariat evaluated the draft Plan and provided its recommendations. The Secretariat stated that the draft adheres to the requirements of the Governance Regulation and encompasses a thorough list of both current and proposed measures.⁵¹⁴

378. As of an Administrative Instruction for Packaging and Packaging Waste effective since September 2023, Kosovo citizens are required to pay for certain types of plastic bags. According to the Minister of Environment, Liburn Aliu, lightweight plastic bags with a thickness of 25 to 50 microns will be available in the market with a minimum selling price of 5 cents, paid by the consumer. Out of these 5 cents, two cents go to the budget of Kosovo. The instruction also prohibits the production, import, and sale of specific lightweight plastic bags and mandates labeling for those sold. Furthermore, biodegradable compostable plastic bags with proper certification will not have a mandatory minimum selling price.⁵¹⁵

379. Real-time monitoring of air quality is now made possible through a network of 12 air monitoring stations positioned in geographically spread locations in the municipalities of Kosovo. This enables measuring the air quality in Kosovo in real time. Access from these 12 stations is accessible through the European Environment Agency (EEA's) European Air Quality Index platform.⁵¹⁶ In addition to this, in December 2022, the Law No. 03/L-230 on Environmental Impact Assessment was approved. The Law is seen as a milestone in the context of environmental protection in Kosovo. It ensures that projects with an impact on the environment are not granted permission unless sustainable mitigation measures are put in place that comply with the environmental acquis.⁵¹⁷ In spite of this progress, the EU report for 2023 notes that mitigation measures are yet to be developed.

380. The air quality in Kosovo ranks as the third worst in Europe.⁵¹⁸ Prishtina/Priština consistently accounts for the worst air quality within Kosovo. A key factor contributing to the current situation is the dependence on coal power to provide the energy supply as well as the practice of burning solid fuels including firewood for domestic heating and cooking. A diachronic trend analysis covering the years 2018-2023 show that the air quality – shown here in micrograms per cubic meter of air – is consistently above the WHO air quality guidelines of 10 µg/m³.⁵¹⁹

Table 6. Air quality in micrograms per cubic meter of air in Kosovo from 2018 to 2023

- 514 The Secretariat of the Energy Community (2023), <https://www.energy-community.org/news/Energy-Community-News/2023/12/29a.html>
- 515 Kallxo (2023), [Disa lloje të qeseve të plastikës bëhen me pagesë në Kosovë.](#)
- 516 IQ Air (2023), [What is Kosovo doing about air pollution?](#)
- 517 BIRN (2022), [Position paper: Kosovo's national energy and climate plan \(NECP\).](#)
- 518 IQ Air (2023), [What is Kosovo doing about air pollution?](#)
- 519 Air Quality Index (2023), [Kosovo Air Quality Index.](#)

Year	2018	2019	2020	2021	2022	2023	WHO guideline
Average Air Quality Index in µg/m ³	30.4	23.5	20.0	14.7	19.41	19.0	0

381. The main sources of air pollution are from emissions by burning solid fuels including coal and wood both domestically and in the energy industry which uses coal fired power plants. According to the World Bank, this constitutes around half of the Particulate Matter 2.5 (PM2.5) emissions in Kosovo (see the following paragraph). While an estimated 20 percent of the air pollution in Kosovo comes from outside the country, the majority is the result of sources that can be controlled by the GoK.⁵²⁰

382. The coal power plants of Kosovo constitute a major source of air pollution. The two existing power plants termed Kosovo A and Kosovo B are located in the town of Obiliq/Obilić, which neighbors of Prishtina/Priština and is therefore responsible for much of the air pollution over the city. It should be underscored that the power plants rank as Europe's first and third most polluted power plants. Together, they emit four times more PM2.5 than the majority of other coal plants in the Balkan region.⁵²¹ While they provide Kosovo with its energy infrastructure, the resulting air pollution is damaging to the natural environment and human health.

383. In addition to its risks to human health, air pollution is damaging to the natural environment. The chemical compounds nitrogen oxide and ammonia released into land and water results in chemical imbalanced spaces with significant dysregulations in the natural ecosystems and biodiversity. Other impacts include the erosion of buildings, and acidic rain contributing to the damage of plants, forests and crops. A particularly important source for global heating and climate change concerns greenhouse gas emissions.

384. The three hydropower projects on the Deçan/Dečani river, Lumbardhi/Bistrice and Belaja/Belica, have been the subject of a dispute between the Ministry of Environment, Spatial Planning and Infrastructure of Kosovo and the Austrian hydropower investor KelKos. These projects were in operation until 2021 when their operational permits were suspended by a Supreme Court ruling based on environmental grounds. However, the ruling was recently declared unconstitutional by the Constitutional Court.⁵²² In the original trial, KelKos was accused of violating environmental regulations and endangering the Deçan/Dečani river, a vital water source for the region. In 2023, the lower court ruled that the processes for issuing permits did not meet the legal criteria. It annulled the permits and ordered the Ministry of Environment, Spatial Planning and Infrastructure (MESP) to initiate a new process. Additionally, the court instructed the ministry to establish an ad

520 IQ Air (2023), [What is Kosovo doing about air pollution?](#)

521 IQ Air (2023), [What is Kosovo doing about air pollution?](#)

522 Pishtarët (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

hoc expert group to evaluate the environmental damages caused by the construction of the hydropower plants.⁵²³ The suspension of the operational permits marked a significant victory for environmental activists who had been campaigning against the projects for years.⁵²⁴ In August 2023, the Basic Court of Prishtina annulled a decision made by the Independent Media Commission (IMC) in January 2021, which issued a warning to NGO BIRN Kosovo's television programme 'Jeta në Kosovë' over its investigation into a businessman's monopolistic practices. The investigation, entitled 'Unclean Energy: The Kosovar Who Would Own the Sun', showed how businessman Blerim Devolli was behind six companies reaping millions of euros from the sale of solar energy in violation of anti-monopoly rules.⁵²⁵

385. Kosovo's new Energy Strategy (2022-2031) steers away from further hydropower development due to environmental concerns. This is an important step forward which makes Kosovo the first in the region to stop promoting new hydropower plants. The strategy plans ambitious growth in renewable energy, including 600 MW of wind, 600 MW of solar, 20 MW of biomass, and 100 MW of prosumer capacity, aiming for carbon neutrality by 2050.⁵²⁶

386. Recommendations

- The National Energy and Climate Plan should be finalized and made accessible to the general public;
- The Ministry of Environment and Spatial Planning should present a concrete plan about waste management in Kosovo;
- The Ministry of Environment and Spatial Planning should harmonize with and start implementing legal provisions on environmental liability, damage and crime; implement the polluter pays principle and raise public awareness on environmental protection;
- The Ministry of Environment and Spatial Planning should consider building a substantial and improved collaborative engagement between CSOs and governmental counterparts at the central and local levels. In doing so, it will aim to ensure active and qualitative participation in policy and decision-making, monitoring processes for CSOs and people through priority setting processes at the municipal level, and increasing awareness about the benefits of best practices in the priority areas of the Green Agenda.

523 Pishtarët (2024), input for the joint CSO report on Human Rights in Kosovo 2023.

524 Energy Community (2022), [Secretariat to mediate between Ministry of Environment in Kosovo and Kelkos in dispute over hydropower plants.](#)

525 BIRN(2023), [https://balkaninsight.com/2023/08/04/birn-wins-solar-power-investigation-case-against-kosovo-media-regulator/.](https://balkaninsight.com/2023/08/04/birn-wins-solar-power-investigation-case-against-kosovo-media-regulator/)

526 Bankwatch Network (2023), [Kosovo becomes the first Western Balkan country to stop promoting new hydropower.](#)

8.4 The Right to Equality and Non-Discrimination

387. Non-discrimination is a fundamental human right that is enshrined in various international human rights treaties, including the UDHR, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. Article 14 of the ECHR enshrines the protection against discrimination in the enjoyment of the rights set forth in the Convention. Kosovo has a legal obligation to ensure that all individuals within its jurisdiction are protected from discrimination on the basis of race, ethnicity, gender, religion, sexual orientation, and other protected characteristics.

388. From a legal perspective, the Constitution of Kosovo in its Article 24, explicitly prohibits discrimination and guarantees equal protection under the law for all individuals. The Law No. 05/L-020 on Gender Equality, the Law No. 05/L-100 on Protection from Discrimination, and the Criminal Code No. 04/L-082 also provide a legal framework to protect individuals from discrimination and to hold perpetrators accountable. The Law on Ombudsperson Institution has authorized the Ombudsperson Institution for promoting, monitoring and supporting equal treatment without discrimination on grounds protected by the Law on Gender Equality and the Anti-Discrimination Law. The Ombudsperson may also appear in the capacity of the friend of the court (*amicus curiae*) in judicial processes dealing with human rights, equality and protection from discrimination. The Administrative Instruction of the Ministry of Local Government Administration, No. 2007/08 on the Establishment of Human Rights Units in Municipalities has foreseen the establishment of units in municipalities composed of at least three officials, including the coordinator of the Human Rights Units.⁵²⁷

389. The fragmented legal acts and the lack of executive powers, have significantly affected the legal certainty regarding the mandate of these municipal mechanisms, damaging the consistency and predictability of the same in the protection, advancement, and promotion of human rights, which above all constitutes a serious violation of the basic principles for the rule of law.⁵²⁸

390. Nonetheless, as the European Commission's annual report 2022 stated, the Law on Protection from Discrimination is substantially in conformity with European and international norms, but its implementation remains limited. It is still necessary to organize training courses for public officials for the protection against discrimination, in particular for the non-discrimination officers in the municipalities and ministries, whose capacities need to be further strengthened.⁵²⁹ Furthermore, a Report on the implementation of Law No. 05/L-021 on Protection from Discrimination was published in 2023 on the basis of the cases reported on the online platform for the protection against discrimination of the K-Roma, K-Ashkali and K-Egyptian communities.⁵³⁰

527 CRPK (2022), input for the joint CSO report on Human Rights in Kosovo 2022.

528 CRPK (2022), input for the joint CSO report on Human Rights in Kosovo 2022.

529 EU Commission (2022), [Kosovo Report 2022](#).

530 Office of Good Governance, [report on the implementation of the law on the protection against discrimination of K-Roma, K-Ashkali and K-Egyptian communities](#).

391. Discrimination based on ethnic identity continues to be a major issue in Kosovo with the dignity of especially K-Roma, K-Egyptian and K-Ashkali community members at risk. In February 2022, the Complaints Commission of the Kosovo Bar Association upheld a fine of 2,500 Euros against lawyer Tomë Gashi for his involvement in kicking the possessions of a person begging in Mother Teresa Square in February 2020. In response to this incident, the Youth Initiative for Human Rights - Kosovo (YIHR KS) filed a complaint with the Chamber of Advocates of Kosovo on March 3, 2020, leading to the initiation of disciplinary proceedings.⁵³¹ After initial findings of unethical conduct and duty violations, he was fined EUR 2,500.00. Gashi appealed the decision, leading to a Complaints Committee nullification, but the subsequent reinstatement upheld the initial judgment. Unsuccessful in further complaints and a court lawsuit against the Kosovo Bar Association (OAK), Gashi's appeal to the Court of Appeals and Constitutional Court of Kosovo was ultimately rejected, affirming the disciplinary measures against him.⁵³²

392. Discrimination against women, particularly in the workplace, also remains a significant challenge. Women are often paid less than men for the same work, and are underrepresented in leadership positions. Discrimination based on sexual orientation and gender identity is also prevalent, with members of the LGBTIQ+ community facing stigma, discrimination, and violence.

393. The implementation of non-discrimination measures in practice is further complicated by the weak coordination at the level of municipalities. Many marginalized communities lack access to justice and face barriers to seeking redress for discrimination. According to NGO CRP/K, mechanisms for the protection of human rights at the local level can play a decisive role in strengthening the system of protection of human rights at the central level. Kosovo case law on non-discrimination is still minor, and among the cases opened for investigation by the Ombudsperson in 2022, 48 related to discrimination. In 2023, the OIK received 164 individual complaints of alleged discrimination with 101 cases referred for investigation, as per the EU Commission report. Moreover, discrimination cases are sometimes not taken seriously and processed slowly by the respective authorities.⁵³³

394. Subsequent to the case of wheelchair-user Faruk Kukaj, who sued the Municipality of Prishtina/Priština and won his case seeking compensation from the municipality for not providing infrastructure for people like him in 2022, no similar cases of discrimination concluded in court in 2023.⁵³⁴

531 YIHR KS (2022), [Komunikatë për publikun](#).

532 YIHR (2023), [Epilogue of the case: Tomë Gashi found responsible for undertaking unethical actions, violation of duties and authority of the lawyer](#).

533 EU Commission (2022), [Kosovo Report 2022](#).

534 Prishtina Insight (2022), [Person of the year for Prishtina Insights, Faruk Kukaj](#).

395. Recommendations

- The Office of Good Governance (OGG) within the Office of the Prime Minister needs more human, financial and administrative resources to fulfill its mandate and to oversee policies in the areas of human rights, good governance and anti-discrimination;
- The Kosovo Assembly's Committee on Human Rights need to ensure a more efficient implementation of the anti-discrimination legislation;
- KJC, KPC and the Academy of Justice should provide additional trainings on anti-discrimination for judges and prosecutors in handling discrimination cases in accordance with the applicable legislation;
- The OGG together with the Kosovo Assembly's Committee on Human Rights needs to develop initiatives aimed at combating discrimination and promoting the inclusion and equal treatment of non-majority communities, including Roma, Ashkali, and others, in all sectors of Kosovo society;
- The GoK should provide awareness-raising campaigns for the general population about the anti-discrimination framework in Kosovo and its importance in society.

