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Zyra e Kryeministrit/Ured Premijera/Office of the Prime Minister

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**STRATEGY AND ACTION PLAN ON HUMAN RIGHTS**  
**OF REPUBLIC OF KOSOVO**  
**2009-2011**

**December 2008**

*Human rights are of special importance for Republic of Kosovo, as a democratic state, where all its citizens shall live with dignity and shall enjoy all rights and freedoms according to European and international standards*

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**ABBREVIATIONS**

AEI	Agency for European Integration
AGE	Agency for Gender Equality
CEDAW	Convention on Elimination of all Forms of Discrimination against Women
CEP	Centre for Professional Education
CERD	Convention on Elimination of all Forms of Racial Discrimination
CoE	Council of Europe
CRC	Convention on Rights of the Child
CSL	Centre for Social Labour
EC	European Commission
ECHRF	European Convention on Protection of Fundamental Human Rights and Freedoms
EU	European Union
FCNM	Framework Convention on Protection of National Minorities
HRC	Human Rights' Cells
ICCPR	International Convention on Civil and Political Rights
ICO	International Civil Office
ILO	IPEC-International Labour Organisation
KCB	Kosovo Consolidated Budget
KJC	Kosovo Judicial Council
KPS	Kosovo Police Service
MAFRD	Ministry of Agriculture, Forestry and Rural Development
MALG	Ministry of Administration of Local Government
MCYS	Ministry of Culture, Youth and Sports
MEM	Ministry of Energy and Mining
MESP	Ministry of Environment and Spatial Planning
MEST	Ministry of Education, Science and Technology
MFA	Ministry of Foreign Affairs
MFE	Ministry of Finance and Economy
MLSW	Ministry of Labour and Social Welfare
MoH	Ministry of Health
MoI	Ministry of Interior
MoJ	Ministry of Justice
MPS	Ministry of Public Services
MRC	Ministry of Returns and Communities
MTC	Ministry of Transport and Communications
MTI	Ministry of Trade and Industry
NGO	Non-Governmental Organisation
OI	Ombudsperson Institution
OPM/OGG	Office of the Prime Minister-Office of Good Governance, Human Rights, Equal Opportunities and Gender Equality
OSCE	Organisation for Security and Cooperation in Europe
PISG	Provisional Institutions of Self-Government of Kosovo
SRSG	Special Representative of the Secretary General
UDHR	Universal Declaration on Human Rights
UNDP	United Nations Development Program
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children Fund
UNMIK	United Nations Interim Mission in Kosovo
UNTK	United Nations Team in Kosovo

WG                      Working Group  
WHO                     World Health Organisation

## **EXECUTIVE SUMMARY**

Strategy and Action Plan on Human Rights of Republic of Kosovo aims at providing the necessary steps to be undertaken in order to improve the implementation, promotion and protection on human rights as well as dissemination of knowledge on human rights in Kosovo.

Strategy and Action Plan on Human Rights reflects provisions of the Vienna Declaration and Action Program, and in particular, principles of universality, indivisibility, mutual relations and inter-dependence of all human rights – civil, political, economic, social and cultural.

Therefore, the Strategy provides for not only ad hoc measures on elimination of specific problems but also continuous action to improve human rights in Kosovo. Action Plan displays priorities and actions to be undertaken in the area of human rights in order to start resolving the existing problems or ensuring higher standards of human rights in Kosovo.

Strategy on Human Rights, associated by the Action Plan on Human Rights, aims at implementing human rights in Kosovo, in conformity with international standards, promoting and protecting them as well as the best possible information of citizens of Kosovo with regards to their rights. The Strategy serves as a document comprising an effective, sustainable and coordinated policy in the area of human rights and which was drafted in a clear manner by presenting real and achievable objectives. The document is also a flexible one, in order to make possible changes or supplementation at a later stage, if necessary or if required by circumstances.

The Strategy identifies and determines the most priority duties, consolidates coordination among interested parties, introduces timelines for the accomplishment of most duties as well as determines institutions responsible to be commissioned with various duties and responsibilities for the implementation of the Strategy. On one hand, the Strategy provides for measures to resolve specific problems, whereas on the other hand, measures that intend to improve the general state of human rights in Kosovo.

In line with the aim and specific objectives provided for in the Strategy on Human Rights in Kosovo, the Action Plan reflects and defines specific and concrete measures for each responsible institution, together with tangible success indicators and clear timelines. With an aim of implementing and accomplishing measures envisaged in the Action Plan on Human Rights, an approximate calculation of financial implications for each measure has also been conducted as well as the financial support that ought to be provided by

Government of Republic of Kosovo. Also, ongoing projects have been marked which already have allocated funds.

This Strategy intends to focus engagements of Government of Republic of Kosovo, in the coming three year period, in the following main fields:

1. Draft policies, strategies and action plans in the areas of human rights;
2. Issue necessary legislation, including the review and implementation of present legislation;
3. Build institutional capacities dealing with human rights, including the establishment of various mechanisms and the development of training activities;
4. Establish reporting and monitoring mechanisms, with particular emphasis to reporting for international mechanisms;
5. Strengthen cooperation between government institutions and civil society, with particular emphasis to the Ombudsperson Institution.

Strategy and Action Plan were drafted under the coordination of the Office of the Prime Minister of Republic of Kosovo/Office of Good Governance, and through a wide cooperation with various stakeholders in this field. The drafting process was transparent and comprehensive, since it involved not only representatives of government institutions, but an extraordinary cooperation with international organisations such as UNMIK, ICO, Council of Europe, European Commission, Finnish Government, OSBE, UNDP, UNICEF, UNFPA, UNIFEM, ECMI, Save the Children, MDRI etc. as well as representatives of civil society and local NGO-s like Down Syndrome Kosova, Handikos, Association of students graduated in Turkey, Partners Kosova, Human Rights Center of University of Prishtina, CPHRF, Center for Protection of Victims of Torture, Center for Integration of Minorities etc, and the independent experts in the area of human rights.

The drafting process also took into account conditions and capacities of Kosovo to implement objectives laid down and an analysis of, not only the general state of affairs of human rights, but more specific problems faced in this area, through a study of the present situation of human rights in Kosovo and by bringing to light some of the main problems.

Government of Republic of Kosovo has the full political will to implement all relevant international instruments on human rights, but one must take into consideration the countless budgetary constraints as well as the need for continuous institutional capacities to implement in practice these commitments and responsibilities.

Also, apart from government institution, an important role on the implementation of human rights hold other institutions such as the Assembly, Judiciary etc., and their role in this frame is irreplaceable.



## INTRODUCTION

With the declaration of independence and the approval of Constitution, Republic of Kosovo took its path towards the establishment of a sovereign and independent state, which will flourish in conditions of democracy and freedom and will guarantee international standards on human rights.

As part of government efforts, this strategic document is an important tool to create more effective, sustainable and coordinated policies in the area of human rights. The drafting of this Strategy enables a greater focus of attention in human rights and the intensification of comprehensive government endeavours towards the full observance of human rights in Republic of Kosovo.

The Strategy includes the contribution of civil sector of Kosovo society, human rights researchers and experts as well as local and international governmental and non-governmental organisations acting in Kosovo.

Strategy on Human Rights underpins the Kosovo institutions to face challenges, nationally and internationally, and defines measures and activities aimed to be implemented by governing institutions on human rights during the three year period 2009-2011.

The Strategy is designed to accomplish the following requirements: first, it was thought to produce a clear document identifying priorities for a three year period; second, be functional and achievable, by including real and applicable objectives in the frame of existing human capacities and government budgetary constraints; and third, be flexible in order to be changed or supplemented in necessary and due to future circumstances.

Also, during the process of drafting the Strategy, a series of important elements have been followed, such as:

- Giving priority to the preparation and implementation of Strategy, by Government of Republic of Kosovo;
- Greater inclusion of as many government and non-government organisations as well as international organisations and institutions acting in the field of human rights;
- Guaranteeing transparency during the entire process;
- Taking into account the national and international legal infrastructure; and
- Analyzing the present situation with regards to activities of national institutions on human rights.

The Strategy identifies and defines the top priority duties, consolidates coordination among stakeholders, establishes timelines for the accomplishment of many duties as well as defines responsible institutions to be commissioned with various duties and responsibilities of implementing the Strategy.

On one hand, the Strategy provides for measures to resolve specific problems, whereas on the other hand, measures that intend to improve the general state of human rights in Kosovo.

The Action Plan presents priorities and actions to be undertaken in the area of human rights in order to commence with resolving current problems or ensuring higher standards of human rights in Kosovo. Furthermore, it suggests legislation measures to be undertaken in order to ensure the implementation of human rights in Kosovo as well as to approximate national legislation with the European Union legislation, as part of the European integration process.

The following presents the need for institutional capacity building concerning human rights, including the establishment of various mechanisms to deal with this capacity building. The document, also, provides for the establishment and strengthening of monitoring and reporting mechanisms by paying special attention to reporting for international institutions.

## **I. BACKGROUND**

### **II HISTORICAL BACKGROUND**

Initially, after the end of conflict in 1999, Kosovo was administered by the United Nations Security Council Resolution 1244. The UN mission in Kosovo is known as UNMIK – United Nations Interim Mission in Kosovo and is headed by the Special Representative of the Secretary General of United Nations (SRSG). According to 1244 Resolution, UNMIK was obliged to support the establishment of Provisional Institutions of Self-Government in Kosovo (PISG). Firstly, the Provisional Administrative Council was established, which comprised all political groups and representatives of various ethnic communities in Kosovo.

In 2001, the level of self-government in Kosovo is elevated with the drafting of the Constitutional Framework on Provisional Self-Government in Kosovo, which represented a legal act approved by Assembly of Kosovo, with the assistance and under the supervision of international institutions in Kosovo. The Constitutional Framework entered into force on 15 May 2001, after promulgation by the SRSG. This marked the commencement of building Kosovo’s central and municipal institutions through free elections by citizens of Kosovo, under the supervision of international institutions. Provisional Institutions of Self-Government had an aim of ensuring peace, security and normal living conditions for all as well as to make possible a life in an open and free society with equal opportunities for all citizens without discrimination. On the basis of Constitutional Framework, Kosovo was entitled to the right of Presidency of Kosovo, Government of Kosovo and Assembly of Kosovo with 120 seats, out of which 10 reserved seats for deputies from Serb minority and another 10 for other minorities such as Turks, Bosnians, Roma, Ashkali and Egyptians.

Another issue related to human rights, worth emphasizing, is that along with Chapter 4, which was dedicated to the Rights of Communities and its Members, with the promulgation of Constitutional Framework, PISG took the responsibility to “observe and ensure internationally recognized human rights and freedoms as determined by: a) UDHR; b) ECHR; c) ICCPR d) ICERD e) CEDAW; f) CRC; g) European Charter on Regional and Minority Languages; and h) FCNM<sup>1</sup> and “provisions on rights and freedoms provided for by these instruments shall be directly applicable in Kosovo as part of the Constitutional Framework”<sup>2</sup>. With the exclusion of European Charter on Regional and Minority Languages, all other instruments (plus Convention against Torture and other Inhuman Treatment and Punishment) are guaranteed with the Constitution of Republic of Kosovo (Chapter II, Art. 22) also.

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<sup>1</sup> 2001/09 – Chapter 3, Art. 3.2.

In 2006, talks on Kosovo's final status commenced. These meetings were supported by UN and led by the UN Special Envoy, Martti Ahtisaari. In February 2007, Ahtisaari prepared an agreement which was not accepted by Serbia and since negotiations were blocked, Kosovo declared its independence on 17 February 2008, coordinated with international community and took over the implementation of the Ahtisaari plan. Immediately, after the declaration of independence, the Constitutional Committee of Republic of Kosovo was established, which was commissioned to come up with a draft Constitution by taking into account the comments made by citizens and interest groups. After receiving and reviewing all comments, remarks and proposals made by citizens, experts and many activists at meetings with citizens and round table discussions with interest groups organised throughout Kosovo, this Committee approved the final draft of the Constitution on 2 April 2008. Afterwards, the Constitution of Republic of Kosovo was approved by the Assembly of Kosovo on 9 April 2008 and it was agreed to enter into force on 15 June 2008. The Constitution of Republic of Kosovo guarantees highest international standards on human rights and minority rights.

## **I.II THE PROCESS OF DRAFTING THE STRATEGY AND ACTION PLAN ON HUMAN RIGHTS**

Human rights problems in Kosovo are of various dimensions and may not be easily and rapidly resolved. The full observance and implementation of human rights and freedoms, according to international standards and conventions, is hindered, in particular, by social, economical, political and cultural problems.

Incomes of the vast majority of citizens of Republic of Kosovo are low and for this reason many citizens see it difficult to face prices of goods, services and minimal expenses of consumer basket. Pensions, grants and social assistance are very low and have a negative impact in the opportunities of accomplishing the right to education, health, permanent housing and food as well as to the realisation of other social, economical and cultural rights.

As with any other society in transition, in Kosovo, occurrences such as corruption, organised crime and other negative occurrences impact severely the state of human rights and the democratization of the society in general.

Being at the process of building and consolidation of institutions of Republic of Kosovo, the institutions of our independent state are still developing and as a consequence are not able yet to ensure full welfare of its citizens, even through during the past years UNMIK and local institutions have achieved significant results in improving the level of protection of human rights in Kosovo.

In general, awareness-raising on human rights is not at the appropriate level and very often, regardless of obligations deriving from regulations and laws in force on

implementation and monitoring of human rights, officers don't implement them properly and are not well-informed on the need and importance of their application. Simultaneously, citizens of Kosovo are not sufficiently aware of their rights and existing mechanisms for the protection of their rights.

However, besides the top priority engagements related to the Kosovo status settlement, there were significant improvements in the legal framework as well as on the establishment of institutional mechanisms created to communicate and coordinate policies, programs and processes related to human rights issues within institutions of Kosovo. This made possible a facilitation of implementing human rights for all citizens of Kosovo without discrimination and provided equal opportunities for active participation in determining executive policies and activities.

What is worth emphasizing about Government of Republic of Kosovo is the commitment to work towards the increase in the level of rule of law and improvement of implementation of human rights in practice.

From the viewpoint of organisation of non-governmental sector, in Kosovo there are many non-governmental organisations acting in the area of promotion and protection of human rights, focused on the rights of children, women, ethnic minorities, youth, pensioners, persons with disabilities, psycho-physical rehabilitation of survivors-victims of torture etc. Many of them deal with the monitoring of state of affairs of human rights in Kosovo and develop various programs in the area of education and promotion of human rights, whereas only few of them have significant impact on the creation of public opinion, adoption of legislation, policies and activities of local institutions as well as access to international organisations.

Nevertheless, there is a lot to be done in order to enhance and coordinate efforts of the Government, judiciary, civil society, NGO's, foundations, programs and each individual with an aim of guaranteeing a better implementation and development of a legal culture on human rights in Kosovo.

The path towards the drafting of the Strategy was preceded by a series of important developments. In December 2003, the SRSG proposed a set of Standards for Kosovo, the accomplishment of which would lead to negotiations on the legal status of Kosovo. With an aim of affirming its commitment on universal principles and norms of human rights, Office of the Prime Minister, established the Working Group on Strategy of Human Rights in Kosovo.

In July 2005, Prime Minister of Kosovo issued a decision for the establishment of Human Rights' Cells in each Ministry of Government of Kosovo. This marked an effort of Government of Kosovo to establish a sustainable mechanism on human rights with the main aim of promoting and protecting them.

Strategy on Human Rights, associated by the Action Plan on Human Rights, aims to implement human rights in Kosovo, in compliance with international standards, to

promote and protect them as well as to inform citizens of Kosovo as better as possible with regards to their rights. The Strategy serves as a document exposing an effective, sustainable and coordinated policy in the area of human rights and which is drafted clearly with real and achievable objectives. The document is also built to be flexible in order to enable changes and complements at a latter stage, if necessary or due to circumstances.

The Strategy identifies and defines the top priority duties, consolidates coordination among stakeholders, establishes timelines for the accomplishment of many duties as well as defines responsible institutions to be commissioned with various duties and responsibilities of implementing the Strategy. On one hand, the Strategy provides for measures to resolve specific problems, whereas on the other hand, measures that intend to improve the general state of human rights in Kosovo.

Strategy and Action Plan were drafted under the coordination of the Office of the Prime Minister of Republic of Kosovo/Office of Good Governance, and through a wide cooperation with various stakeholders in this field. The drafting process was transparent and comprehensive, since it involved not only representatives of government institutions, but an extraordinary cooperation was also provided by international organisations such as Council of Europe, OSCE, UNDP, UNICEF, UNIFEM, as well as representatives of civil society and independent experts in the area of human rights.

The drafting process also took into account conditions and capacities of Kosovo to implement objectives laid down and an analysis of, not only the general state of affairs of human rights, but more specific problems faced in this area, through a study of the present situation of human rights in Kosovo and by bringing to light some of the main problems.

The Action Plan presents priorities and actions to be undertaken in the area of human rights in order to commence with resolving current problems or ensuring higher standards of human rights in Kosovo. Furthermore, it suggests legislation measures to be undertaken in order to ensure the implementation of human rights in Kosovo as well as to approximate national legislation with the European Union legislation, as part of the European integration process. The following presents the need for institutional capacity building concerning human rights, including the establishment of various mechanisms to deal with this capacity building. The document, also, provides for the establishment and strengthening of monitoring and reporting mechanisms by paying special attention to reporting for international institutions.

## II. THE VISION AND MISSION

### **Vision:**

Human rights are of special importance for Republic of Kosovo. Our major objective is to build a democratic, stable, safe and prosperous Kosovo, where all its citizens shall enjoy the rights and freedoms, without discrimination, as well as have a guaranteed human dignity according to international and European standards.

### **Mission:**

Government of Republic of Kosovo has a mission to protect and promote the fundamental human rights and freedoms, democracy, good governance and rule of law and to achieve international standards on human rights as well as to establish and improve the effectiveness of existing mechanisms guaranteeing the observance of recognized norms.

Government of Republic of Kosovo, through its continuous commitments, has a mission to ensure the observance and protection of human dignity, by ensuring a full observation of human rights, increase the knowledge of them and raise the awareness, improve coordination of activities as well as increase and strengthen human rights supporting mechanisms.

### III. AIMS

Strategy and Action Plan on Human Rights of Republic of Kosovo, have the following specific aims to:

- Promote and strengthen protection of human rights;
- Draft respective policies and legislation as well as ensure the compliance of legislation with international standards;
- Promote, actively, the strengthening of democratic institutions and rule of law, in particular, through dialogue and institution building for the implementation of human rights;
- Support and encourage efforts to promote good governance;
- Support and encourage the work of NGO's with special interest for Kosovo society which promote concrete programs for the improvement and development of transitional justice and human rights;
- Deepen cooperation with government and non-governmental institutions in Kosovo, with special emphasis to the Ombudsperson Institution;
- Accelerate processes of ratification of all international instruments on Human Rights, in the context of UN Charter and Universal Declaration of Human Rights, dealing with full implementation of all rights without discrimination;
- Integrate recommendations received from relevant international institutions;
- Establish and strengthen monitoring and reporting mechanisms in order to draft reports for respective human rights international monitoring mechanisms;
- Improve education on human rights at all levels.



## **IV. STATE OF AFFAIRS OF HUMAN RIGHTS IN REPUBLIC OF KOSOVO**

### **A) GENERAL CONTEXT**

At the outset, it is worth emphasizing that is difficult to conduct a full analysis of the state of affairs of human rights in Kosovo due to certain factors and circumstances such as lack of reliable data, implementation of often fragmented and uncoordinated inter-institutional activities, lack of funds and human resources etc. However, raising the awareness on key elements of the situation is necessary for the assessment of the proposed approach in this Strategy<sup>2</sup>.

Situational analysis comes as a result of reviewing various existing documents and reports, researches, workshops and development of interviews with local and international organisations on human rights that are active in Kosovo.

Human rights problems in Kosovo deal with civil, political, economic, social and cultural rights and affect both, majority community as well as minority communities. These problems have an impact on human rights and are of complex nature and related to various aspects such as the lack of proper implementation of legislation or lack of appropriate mechanism and budgetary constraints.

As far as the applicable law is concerned, we may conclude that the state of human rights provides space for implementation of human rights, since the public institutional mechanisms are in line with internationally recognised human rights standards (including European Convention on Human Rights). Apart from national laws, Article 22 of the Constitution of Republic of Kosovo shows that “fundamental human rights and freedoms guaranteed with agreements and instruments given below are directly applicable in Republic of Kosovo, and in cases of disputes, they have priority over national legal provisions and acts of public institutions. The following are included:

- 1) Universal Declaration on Human Rights (UDHR);
- 2) European Convention on Protection of Fundamental Human Rights and Freedoms (ECHR);
- 3) International Convention on Civil and Political Rights (ICCPR);
- 4) Framework Convention on Protection of National Minorities (FCNM);
- 5) Convention on Elimination of all Forms of Racial Discrimination (CERD)
- 6) Convention on Elimination of all Forms of Discrimination against Women (CEDAW);

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<sup>2</sup> For more information on problems of human rights, refer to Kosovo Ombudsperson Institution, *Fifth Annual Report 2004-2005* (2005) and Report submitted by the United Nations Interim Mission in Kosovo (UNMIK) in compliance with Article 2.2 of Agreement between UNMIK and Council of Europe concerning the Framework Convention on Protection of National Minorities (ACFC (2005) 003, 2 June 2005). OSCE also worked on the preparation of “shadow report” on the implementation of International Convention on Civil and Political Rights which should be reviewed by the United Nations Human Rights Committee, on the basis of procedures defined by Article 40 of the Convention.

- 7) Convention on the Rights of the Child (CRC);
- 8) Convention against Torture and other Inhuman Treatment and Punishments;

Since this is the first time for the Government of Republic of Kosovo to develop a strategy and action plan on human rights – which shall be implemented at a transitional stage of institutional building of independent Kosovo – it is of special importance for the coming three years of implementation of action, to analyze problems and activities on human rights on the basis of problems and sectors in which Government remains engaged and will aim to make improvements during the coming three year period 2009-2011.

Apart from the inclusion of general problematic issues of human rights and the treatment of special groups and categories such as children, persons with disabilities, minorities, victims of trafficking, victims of torture, discriminated persons up to processes of reporting on international and European conventions on human rights, the document aims at providing an awareness of emergent problems and concrete achievements in these areas with an aim of describing as real as possible state of affairs of human rights in Kosovo.

The main identified problems, including some issues that are not directly related to issues of human rights, are, as follows:

- Poverty – reaching at 55% of population, a part of which lives in extreme poverty (17%); citizens live in poverty, suffer from malnutrition and lack basic hygiene and health services;
- There are thousands of missing persons; their bodies are still missing and unidentified;
- Displacement of thousands of persons during and after the conflict in 1999 (habitants living in poverty, suffer from malnutrition and lack basic hygiene and health services);
- Severe social situation of war widows;
- Lack of employment for the majority of population, in particular the youth (55-60%);
- Lack of potable water and the air pollution;
- High rate of infant mortality;
- High degree of non-integration of persons with disabilities (around 10% of population), in particular in education, employment, public transport and public services in general;
- Lack of legislation with regards to mental health, in line with human rights international standards;
- Detention of juvenile crime perpetrators, mentally ill prisoners, ordinary prisoners and detainees in the same spaces;
- Lack of initiatives, gaps in legislation and lack of special institutional mechanisms to compensate victims of torture, in particular the ones for the last war in Kosovo;
- Failure to implement and partial implementation of approved legislation;
- Insufficient level of law implementation and inefficient functioning of judiciary;

- Prolonged judiciary procedures;
- Insufficient awareness-raising of judges and lawyers with regards to human rights and international standards;
- Limited resources and capacities of established institutions and institutional mechanisms in general to ensure effective implementation of protection and promotion measures for human rights;
- Lack of appropriate cooperation with the Ombudsperson Institution;
- Lack of cooperation with specialised NGO's on inter-human and inter-ethnic conflict resolution and protection of human rights;
- Limited development of civil society;
- Lack of strategic documents on general and specific issues of human rights;
- High level of children working;
- Insufficient inclusion of children in education, in particular some groups of children such as girls, children with disabilities and children from RAE communities;
- School violence and abandoning;
- Insufficient quality of education, including school infrastructure;
- Insufficient freedom of movement for all, in some zones of Kosovo;
- High rate of mortality and morbidity of children under 5 years of age;
- Failure and insufficiency to implement legal acts and appropriate mechanisms for the prevention of practices risking youth health;
- Inadequate degree of services and fundamental conditions for mental health;
- Lack of provision of proper psycho-social and health care for children and their families;
- Deteriorated living conditions for elder people;
- Trafficking in human beings;
- Insufficient infrastructure and space for cultural, sports and youth activities;
- Integration and insufficient (re) socialization of persons with disabilities;
- Inappropriate gender equality;
- Insufficient integration of minorities;
- Lack of effective monitoring of implementation of laws and international obligations as well as inclusion of international criteria in national laws;
- Insufficient public participation and awareness in processes dealing with rights and freedoms;
- Inadequate degree of judicial system effectiveness;
- Insufficient implementation of international standards on human rights in the judicial system;
- Lack of proper treatment of minor delinquency;
- Presence of sexually oriented based discrimination

## **B. STATE OF AFFAIRS OF HUMAN RIGHTS IN SPECIFIC AREAS**

### **1. The Rights of Persons with Disabilities**

According to approximate figures from researches conducted by various local and international non-governmental organisations, in Republic of Kosovo there are around 150 thousand children and adults with disabilities, or approximately 7% of the entire population.

The position of persons with disabilities in Kosovo is not satisfactory at all and demands improvements. Aspects which are in desperate need of improvement are areas dealing with facilitating the integration of persons with disabilities in the process of planning and drafting government strategies and development programs, establishment of education and training programs, employment, public education and awareness raising and the change of stances in Kosovo society in general.

In December 2000, UNMIK has established a working group under its administration, the so-called Disability Task Force, comprising representatives of UNMIK institutions, local and international non-governmental organisations and representatives of other relevant institutions in this area. The primary duty of this group was to develop a comprehensive strategy on disabilities in Kosovo, in line with United Nations Standard Rules on Equality of Opportunities for People with Disabilities. The purpose of this Strategy was to strengthen the approach of human rights towards disability as aimed in the Constitutional Framework.

At the end of its work, this task force, precisely on 3 December 2001, on the International Day of People with Disabilities, published the policy document called “Comprehensive Policy Framework for the Issue of Disability in Kosovo”. This important document would serve as the basis to build upon policies and laws to advance further the position of persons with disabilities in Kosovo.

As part of efforts to ensure a better life and as appropriate as possible representation of all citizens of Kosovo, on 26 April 2006, the National Council of Persons with Disabilities was established. This Council was established to communicate and coordinate policies, programs and processes with regards to the issue of disability among Government of Kosovo, the community of persons with disabilities, representative NGO's, private businesses and civil society in Kosovo.

On 20 March 2008, Government of Kosovo made a decision to draft the National Plan on Persons with Disabilities. In conformity with the Government Decision, the Permanent Secretary of the Office of the Prime Minister made a decision to establish the Working Group on the drafting of the National Plan for Persons with Disabilities. Office of Good Governance/Office of the Prime Minister is leading the work of this working group. Participants in the drafting of the Action Plan on Persons with Disabilities are HRC Coordinators from all Ministries and other experts of civil society dealing with the rights

of persons with disabilities. Furthermore, the working group is supported by consultants and financially by the Italian Embassy. The Working Group has established six working sub-groups to address specific sectorial areas, as follows: Education, Health, Social Protection, Employment, Access and Infrastructure and Statistics.

## **2. The Rights of Women and Gender Equality**

According to some researches, 50% of the population of Kosovo are women<sup>3</sup>. Regardless of major improvements made in recent years towards the achievement of gender equality, women in Kosovo remain in a disadvantaged position in various aspects of life such as employment, poverty, education, opportunity to choose decision-making positions as well as active participation in social processes.

Also, fundamental disparities may be noticed in women position in rural and urban areas such as illiteracy, lack of analysis and budget planning from the gender perspective at both central and local levels. All these shortcomings show that in general there is a slow pace of achieving gender equality as one of the basic preconditions for a democratic and developed society.

However, despite all this, Kosovo has managed to develop a solid legal framework and other mechanisms to achieve gender equality. A number of institutional mechanisms have been established at central and local level, and a good legal framework is in place to ensure the achievement of gender equality in Kosovo. We may stress the following:

- Convention on Elimination of all Forms of Discrimination against Women, which is a constitutive part of Constitution of Republic of Kosovo;
- Law on Gender Equality;
- Law against Discrimination (LAD);
- Law on Mediation;
- Administrative Instruction on implementation of LAD;
- Action Plan on implementation of LAD;
- Government Programs on Gender Equality;
- Administrative Instruction on Procedures of Equal Opportunities.

At central level, the following have been established:

- Committee on Human Rights, Equal Opportunities, Gender Issues and Missing Persons at Assembly of Kosovo;
- Agency on Gender Equality;
- Office of Good Governance within the Office of the Prime Minister;
- Human Rights' Cells in each Ministry;
- Gender Equality Officers in each Ministry of the Government;

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<sup>3</sup> In Kosovo, there was no census since 1981. See Human Development Report, Kosovo 2004-UNDP, United Nations Development Program.

- Inter-Ministerial Group on Gender Equality;
- Human Rights' Cell within the Statistical Office of Kosovo.

At the municipal level, the following have been established:

- Human Rights' Cells;
- Officers on Gender Equality at 30 municipalities of Kosovo

Among the achievements at central level, it's worth emphasizing the establishment of the Office on Gender Equality, on the basis of UNMIK Regulation 2004/18, with the mandate to implement and monitor the implementation of the Law on Gender Equality and to promote the development of gender equality in Kosovo. Afterwards, this Office was elevated to the Agency on Gender Equality with a Government Decision, dated 1 September 2006.

Furthermore, at the municipal level, since 2003, each municipality of Kosovo has Gender Equality Officers, to assist the integration of gender equality perspective in general institutional developments.

Also, on the basis of data from Ministry of Public Services, the percentage of women employed at central and local institutions is 35.6%, whereas at local level this percentage is 40.5%, which means that is in compliance with provisions of the Law on Gender Equality.

Nevertheless, it is important to stress the fact that the number of women holding decision-making posts is disproportional, which means that there is a low number of women in decision-making posts. Moreover, regardless of the fact that Law on Gender Equality is in force since 2004 with one of the main purposes to investigate gender related discrimination, the number of gender discrimination related cases is not satisfactory.

This means that Kosovo needs to work more on promotion of women rights and implementation of the Law on Gender Equality and other mechanisms.

As part of the drafting of strategic documents and policies, the Kosovo Program on Gender Equality, for the period 2008-2011, has been drafted, under the leadership of the Agency for Gender Equality.

### **3. The Rights of the Child**

Having in mind the importance of the rights of the child, Government of Republic of Kosovo made efforts to work on improving the level of life for all children in Kosovo, by classifying it as a fundamental standard for the democratic society. In general, Kosovo has made a significant progress towards the establishment of mechanisms on the rights of the child as well as including of these rights in the national legislation.

To this end, there are a number of achievements: Prime Minister's Office of Good Governance employs an Officer on the Rights of the Child, the Action Plan against Trafficking in Human Beings has been drafted, with a sub-group on children; all Ministries have established Human Rights' Cells and some of them have officers dealing with the rights of the child; and efforts have continued to increase the number of municipal officers dealing the rights of the child.

Doubtlessly, one of the main achievements in this area is the establishment of the Inter-Ministerial Committee on the Rights of the Child, with a Decision of the Prime Minister of Kosovo on 25 October 2006. The main purpose of this mechanism is to protect and promote the rights of the child in Kosovo with an aim of putting the child at the centre of Government endeavours. Through this mechanism, Government of Republic of Kosovo tends to achieve international standards on human rights and to support the improvement of effectiveness of existing mechanisms as well as to guarantee the observance and implementation of recognized norms on the rights of the child.

Government of Republic of Kosovo has continued to cooperate with local and international organisations, in particular the ones involved with the rights of the child, with an aim of drafting a Comprehensive Strategy on the Rights of the Child in Kosovo, by establishing a working group to draft this strategic document in order to respond to new national and international challenges. The idea for such a strategic document on the rights of the child provides a joint vision to move forward to the promotion and protection of the rights of the child in Kosovo.

As far as current legislation is concerned, the Convention on the Rights of the Child has been included in the list of international instruments in the Constitution of Republic of Kosovo, and with only few left out, most of the new legislation includes the fundamental principles and provisions of the Convention on the Rights of the Child.

The principle of non-discrimination was recognized in the Constitutional Framework and the Law against Discrimination and now is has been clearly inserted in the Constitution of Republic of Kosovo as well as in other sectorial legislation in health, education, family and social services and protection of children. Nonetheless, discrimination of girls,

children of ethnic groups (in certain spheres) and children with disabilities remains a challenge and they don't enjoy equal access to schooling, opportunities in higher education and quality health services.

While provisions of current legislation guaranteeing equality and prevention of discrimination represent an important starting point, more strategic and proactive measures are required to overcome inequalities, identify and give priority to marginalised and discriminated groups of children.

The principle of the highest interest for children is included clearly in some pieces of legislation such as the Law on Family and Social Services. It also underpins existing procedures on protection of children and protocols. However, shortcomings are evident in the Family Law and other laws that provide access to social welfare benefits and quality health care.

A major progress has been marked in the promotion of principles of participation of the child, even though a lot remains to be done in this area. In general, children in Kosovo are considered as a subject of protection from adults, they don't participate in decision-making and decisions for children are made by the one who are responsible for them. Up to date, inclusion of children in determination and implementation of laws, policies and programs affecting them was limited.

Apart from this, some laws clearly demand for children's points of view to be taken into account while making decisions, such as the Criminal Juvenile Code and the Law on Social and Family Services. Inclusion of representatives of children in boards (councils) of schools would increase the participation of children in school governance, but these boards are not operational yet. The rights of the child to express their viewpoints and to participate personally in decision-making are not addressed yet in health laws.

While there was significant progress in the drafting of primary laws, the drafting of secondary legislation, institutional mechanisms and necessary programs for the implementation of these laws was slow. Primary laws are, in principle, general. Translation of legislation in reality requires more laws, instructions and necessary institutional structures and resources.

Slow progress in implementation of the rights of the child may be partially due to the lack of a national action plan for the protection of the rights of the child and effective mechanisms for coordination among institutions (agencies). Even though laws and policies incorporate the Convention on the Rights of the Child, there was no comprehensive assessment, on their implementation and impact to the improvement of children rights, conducted and there is no determined system with regards to the allocation of general budget dedicated to children. There is also no data collection and monitoring mechanisms to assess progress on implementation and to identify gaps towards the realisation of children rights.



#### **4. The Rights of Minorities**

Republic of Kosovo is a multiethnic state with various communities living in it Albanians, Serbs, Turkish, Bosnians, Roma, Ashkali, Egyptian, Gorans, Croatians, Montenegrins and other. Kosovo lack exact demographic data. As there was no census in Kosovo since 1981 it is difficult to speak of precise figures of population in Kosovo, but an objective of Government of Republic of Kosovo is to conduct the census in 2009 and then we will have a clear picture on this issue.

Ministry of Communities and Returns (MRC) concludes that full and effective equality for persons belonging to minority communities in many areas is still far from being achieved. There is a need to undertake further positive measures such as employment as experienced during the implementation of the outreach on employment of minority communities' members initiated by Government of Kosovo in January 2005. The general economic situation in Kosovo is very difficult, and unemployment and poverty affects largely minorities as well. This issue is also related to the process of returns since returnees need not only security but employment as well.

In October 2007, Government of Kosovo approved the Strategy on Reintegration of Repatriated Persons. Apart from providing immediate assistance, the Strategy tends to ensure sustainable solution for the needs of repatriated persons in the areas of health, education, employment, legal reintegration, social welfare, property issues and is based on principles of equality. In April 2008, Government approved the Action Plan on implementation of the Strategy, including its budget.

##### *Freedom of Movement*

Freedom of movement is also on the fundamental human rights and its importance is stressed in Article 35 of the Constitution of Kosovo.

Regardless of challenges concerning freedom of movement, new research conducted by KPS shows that more than 94% of minorities travel outside their dwellings and their perception (95-37%) for freedom of movement remains good. However, not only minorities face difficulties with freedom of movement, since Albanians in north of Kosovo also face difficulties.

##### *Framework Convention on Protection of National Minorities*

Framework Convention on Protection of Minorities (FCNM) is part of legislation and shall be directly implemented in Kosovo. Also, its principles are well integrated in the second Chapter of the Constitution of Republic of Kosovo.

FCNM is a fundamental convention defining international standards related to the issue of minority rights and provides opportunities of implementing actions envisaged in the European Partnership Action Plan. Government of Kosovo is engaged maximally for the implementation of this Action Plan.

### *Media*

Government of Kosovo approved the Strategy on Media Policies for Minority Communities in Kosovo and aims at supporting multiethnic, minority and other disadvantaged groups media through the Fund on Support to Minority, Multiethnic and other Disadvantaged Groups' Media.

Law on Radio Television of Kosovo, No. 02/L-47, Article 20, paragraph 11, amended by Regulation No.2006/14, on promulgation of the Law on Radio Television of Kosovo provides for 5% of funds from subscription to be allocated to the Fund on Support to Minority, Multiethnic and other Disadvantaged Groups' Media.

Implementation of this law will enable a normal functioning of the fund and establish opportunities to provide support to minority, multiethnic and disadvantaged groups' media.

### *Assembly*

Constitution of Republic of Kosovo, not only ensures democratic governance of Kosovo through guaranteeing of universal rights and free periodical election, but also provides for parliamentary quotas for political representatives of minority communities.

Committee on the Rights and Interests of Communities and Returns, comprises thirteen members, two from each of Albanian, Serb, Turkish, Bosnian and Ashkali communities and one from each of Egyptian, Roma and Goran communities. Any member may submit a request to the Presidency of the Assembly for a law to be reviewed by the Committee on the Rights and Interests of Communities. The Committee, with majority votes of its members, may decide whether to make recommendations or not for a specific law. If the Committee decides to take such an action, then within a period of one to two week, makes recommendations with an aim of ensuring that the rights and interests of communities are addressed properly. On its initiative, the Committee may propose laws and other similar measures in the area of responsibility of the Assembly as deemed appropriate to address communities' concerns.

With regards to legal infrastructure, Kosovo has managed to develop a solid legal framework on minority issues in the recent years. A series of institutional mechanisms, at central and local level, have been established and a good legal basis established that can lead to, and ensure, an environment providing equal opportunities for all citizens of Kosovo. It is worth emphasizing the following:

## **Legal Framework**

- Framework Convention of Protection of Minorities is part of the Constitution of Republic of Kosovo
- European Charter on Regional and Minority Languages
- Chapter III of the Constitution of Republic of Kosovo
- Law against Discrimination
- Law on the Use of Languages
- Law on Religious Freedoms
- Law on Cultural Heritage
- Law on Promotion of Community Rights and the Rights of their Members

## **Institutional Mechanisms**

- Ministry for Returns and Communities
- Office on Communities within the Office of the Prime Minister
- Office on Good Governance, within the Office of the Prime Minister
- Human Rights' Cells in Ministries with Minority Officers
- Committee on the Rights and Interests of Communities and Returns
- Committee on the Use of Languages
- Communities' Consultative Council within the Office of the President

## **Municipal Level**

- Human Rights' Cells in Municipalities, with Officers on Communities
- Municipal Committees on Communities

Law on the Use of Languages, No. 02/L-37 was approved by the Assembly of Kosovo on 27 July 2006. The approval of the Law on Use of Languages enriches the legal background for the purpose of protection and promotion of minority rights in Kosovo and the closure of an important process related to Standard Five.

Government of Republic of Kosovo, in compliance with obligations deriving from Article 32, item 32.1 of the present law, with an aim to preserve, promote and protect official languages and their equal status in Kosovo as well as to ensure the protection of community languages, whose native language is not an official language, has established the Committee on Languages in order to supervise the implementation of this law.

Starting from the fact that freedom of worship is one of the fundamental human rights and one of the internationally recognized standards on freedom of expression, conscience and religious determination, the establishment of a sound multi-religious society, a convenient environment for all communities to express and preserve their religious identity, the Assembly of Kosovo approved the Law on Religious Freedoms No.02/L-31, approved on 13 July 2006.

Lately, the Law on Protection and Promotion of Communities' Rights and the Rights of their Members in Kosovo (No. 03/L-047, 13 March 2008) has been approved. The present law contains important and detailed provisions aiming at improving the quality of life, social and economic standards and the rights and guarantees for minority communities. This law aims to guarantee and promote as better as possible the rights of minority communities by touching upon various areas such as political participation, language, culture, media, religion, education and health.

## **5. Equal Opportunities and Anti-Discrimination**

- *Law against Discrimination*

Law against Discrimination was approved by Assembly of Kosovo, with additional amendments on 30 July 2004. This law was promulgated by the SRSG on 20 August 2004 and entered into force one month after promulgation. The approval of the Law against Discrimination enriches the legal background in the context of promotion and protection of human rights in Kosovo.

With regards to the implementation of the Law against Discrimination and in compliance with obligations deriving from Article 12, item 12.3 of this law, Government of Republic of Kosovo issued secondary legislation and is in the process of establishing institutional mechanisms mandated with the implementation of the law and respective secondary legislation.

For the purpose of implementing the Law against Discrimination a lot of efforts were placed on the establishment of institutional mechanisms to deal with implementation of legislation approved by the Government and Assembly of Kosovo.

- *Administrative Instruction No.04/2006 on implementation of the Law against Discrimination*

Administrative Instruction on implementation of the Law against Discrimination was signed by the Prime Minister in May 2006.

The purpose of this Administrative Instruction is to define practical rules, structural and physical facilitations for the implementation of the Law against Discrimination and to promote equal treatment of all persons without discrimination on the basis of racial, ethnic, gender, language, physical and mental disability, sexual orientation, nationality, opinion or political conviction, religion or believes, property etc.

- *Comprehensive Action Plan on implementation of the Law against Discrimination*

Government of Kosovo, at its regular meeting, on 11 October 2005, approved the Comprehensive Action Plan on implementation of the Law against Discrimination.

As part of this Plan, anticipated to be realised in the period 2005-2007, five main objectives have been defined which will be achieved through certain activities by actors and responsible institutions involved in the Action Plan.

- *Administrative Instruction No. 2006/05 (MPS), on organisation and functioning of Offices for Admission of Claims and Requests – Citizens’ Communication Desks*

For the purpose of implementing the Law against Discrimination, Ministry of Public Services, issued the Administrative Instruction No. 2006/03 (MPS) on the organisation and functioning of the Offices on Admission of Claims and Requests – Citizens’ Communication Desks.

This Administrative Instruction shall regulate the creation of Offices on Admission of Claims and Requests, respectively Citizens’ Communication Desks.

The establishment of these Offices/Desks shall be made by each central institution (Office of the Prime Minister and Ministries) and local (all municipalities of Kosovo).

The purpose of Citizens’ Communication Desks is to provide citizens with opportunities to contact directly institutions of Kosovo as providers of public services and to create a system where citizens may complain for the insufficient provision of public services.

- *Code of Conduct for Civil Servants No. 01/2006*

In May 2006, Government of Kosovo approved the Code of Conduct for Civil Servants. Code of Conduct for Civil Servants represents the entirety of principles and norms to be followed by all civil servants.

This Code aims at establishing rules of conduct for civil servants, protect their status and regulate the rights and duties of civil servants in relation to institutions and citizens, in compliance with legislation in force and it will also promote public services for citizens, ethics at work and public interest by characterizing integrity, honesty, objectivity and impartiality in accomplishment of duties.

In conformity to this Code, Civil Servants are obliged to accomplish their duties in compliance with the principle of equal treatment and non-discrimination and to observe the dignity and equality of all people without differences or discrimination.

- *Promotion and implementation of legislation and institutional mechanisms*

In the context of protection and promotion of human rights and the principle of non-discrimination, which are a comprising part of values and democratic institutions, and in particular promotion and protection of equal opportunities for all, Government of Kosovo has already established Human Rights’ Cells within all ministries and most municipalities of Kosovo.

Establishment and functioning of these mechanisms as well as appointment of anti-discrimination officers will have a long-term and important impact on the implementation of law and secondary legislation against discrimination.

## **6. Combating Trafficking in Human Beings**

Combating Trafficking in Human Beings is an issue of special importance for the Government of Kosovo, who made efforts and worked closely with all actors fighting trafficking, in particular areas of: prevention, protection, legal prosecution and on children. Combating trafficking was based on legislative framework, as follows:

- UNMIK Regulation No. 2001/4 signed on 12 January 2001 – on Prohibition of Trafficking in Human Beings in Kosovo
- UNMIK Regulation No. 2003/25, signed on 6 July 2003 – Provisional Criminal Code of Kosovo;
- UNMIK Regulation No. 2003/26, signed on 6 July 2003 – Provisional Criminal Procedure Code of Kosovo;
- Administrative Directive No. 2005/3 on implementation of UNMIK Regulation No. 2001/4 – on Prevention of Trafficking in Human Beings in Kosovo;
- Action Plan on Combating Trafficking in Human Beings in Kosovo 2005-2007 – approved in May 2005.

Government of Republic of Kosovo has established mechanisms to combat trafficking in human beings. In 2003 established the Inter-Ministerial Working Group against Trafficking in Human Beings, in May 2005, Provisional Institutions of Self-Government (PISG) and UNMIK, signed the “Action Plan on Combating Trafficking in Human Beings in Kosovo”, Decision on the approval of Job Descriptions for the Inter-Institutional Group against Trafficking in Human Beings in Kosovo and National Anti-Trafficking Coordinator, creation of the Anti-Trafficking Secretariat in May 2005 which functioned for few years within the Office of Good Governance, Office of the Prime Minister and supported the Kosovo Anti-Trafficking Coordinator.

Inter-Institutional Working Group established comprises representatives of governmental and non-governmental institutions, with two NGO’s with the right of voting.

On the basis of the Action Plan on Combating Trafficking in Human Beings in Kosovo, OGG initiated the creation of the following Working Sub-Groups: Prevention, Protection, Legal Prosecution and functioning of the Sub-Group on Children. Job descriptions were drafted for these sub-groups and chairs and co-chairs select together with members for these sub-groups. The aim of these sub-groups is to develop, implement and review, regularly, the Strategy and Action Plan on Combating Trafficking in Human Beings in Kosovo concerning activities and measures related to prevention of trafficking in human beings.

In April 2008 an assessment of the implementation of Action Plan was conducted and the issue of anti-trafficking was transferred to the leadership of Ministry of Interior, who immediately drafted the new Action Plan, which was afterwards approved by the Government of Republic of Kosovo.

## **7. The Right to Employment**

The right to employment is one of the main socio-economic rights and deserves great attention by the government and other actors dealing with human rights in general. But, unemployment in Kosovo remains wide-spread and at concerning levels. The high level of unemployment causes the deepening of poverty and the low level of accomplishment of other standards of socio-economic rights such as the right to appropriate housing, health or food. In fact, Kosovo has a young population with an entrepreneurship spirit and with good knowledge of official languages, thus government will make efforts to take care that these human resources are used properly by increasing employment.

The level of unemployment touches upon all segments of the society and for these it is deemed necessary to improve socio-economic integration of all groups in the Kosovo labour market. Apart from provision of equal employment opportunities, another issue deriving in the context of human rights is the creation of working conditions for all and the undertaking of affirmative actions for certain categories of the society for which there is little evidence of their disadvantaged position on this issue.

The state has the duty to look after its citizens and to establish highest hygiene, sanitary and technical safety conditions in order to make possible for them to work without damaging their health. This duty is made more difficult as a consequence of the high level of informal economy in Kosovo as well as the fact that institutions that should deal with these issues are still weak and under consolidation.

Another problem in the area of employment is the duty to eliminate minor labour. Unfortunately, as a consequence of poor economic conditions, the number of children abandoning compulsory education is increasing and they get engaged in various physical labour. This is a neuralgic issue which requires government intervention in the future.

## **8. The Right to Education**

Republic of Kosovo made a remarkable progress in restoration and advancement of education system by drafting specific strategies for the development of primary, secondary and higher education. These strategies aim at improving the quality in schools, teachers' capacity building, enriching the material basis and modernization of curricula. In the area of improvement of educational programs it would be appropriate to have in mind the education of youth on the basis of human rights and institutions, and laws and procedures that enable their guaranteeing.

Also, educational programs need to be full in order to promote the spirit of tolerance and coexistence and to fight discrimination and violence.

A major challenge of educational system in Kosovo, from the point of view of human rights, is doubtlessly the existence of two separate education system, the one under administration and financing of Government of Kosovo and the other Serb parallel system.

From another point of view of comprehensiveness, a concerning factor is that Roma, Ashkali and Egyptian pupils, and in particular girls of these communities, in many cases are not registered in schools or are characterized with a high degree of school abandoning. Abandoning compulsory education is a phenomenon that touches upon, significantly, children of majority community in rural and remote areas.

## **9. The Right to Information and Freedom of Expression**

In order to guarantee the right of citizens to be informed and to ensure a high level of transparency of the administration of Republic of Kosovo, the Assembly approved, in November 2003, the Law on Access to Official Documents. However, there has been some time since this law came into force but still its implementation faces problems. Very often, there are cases when requirements submitted by citizens to deal with various official documents, were not taken into account by competent bodies. It also happens to delay the provision of required information, thus it is necessary for officers to have responsibility to provide the information required, to be well prepared and to be efficient and responsible for their duties.

Also, it has been noted that the number of requests for this information is not significant, which means that citizens are not properly aware of the opportunity to access documents. Therefore, it would be necessary for the public to be aware for this law and the guaranteed legally opportunity to have access to official documents.

Kosovo is already a state enjoying high degree guarantees of freedom of expression. Also, Republic of Kosovo is characterized with a rich plural media sector which is continually enlarging and modernizing. Public electronic media enable the broadcast of programs in languages of minority communities, while minority communities have their



own media institutions in their language. With the consolidation of state institutions of Republic of Kosovo **and the transfer of authorities from international organisations, the media regulatory institution will, from now on, be a local body and not an Independent Media Commissioner.** Also, media legislation needs to be further supplemented and modernized to face the challenges of the future.

In this case, special importance is paid journalism professional ethics, quality guarantee and elimination of defamation and offence. Having in mind the Kosovo context, special attention to the regulation of media functioning must be paid to mechanism prohibiting the inciting of violence, pornography, discrimination and all forms of hatred vocabulary in media.

## **10. The Right to Social Protection**

Consequences of the conflict and major reconstruction and restitution challenges in Kosovo made country's system of social protection remain a long way from achieving desired standards. Unfortunately, experience in the social protection sector was not favourable and there was almost nothing to inherit. From mid 70's up to 1989, Kosovo had its own social protection system through the legislation of the Autonomous Province of Kosovo. From 1990, this system became inexistent and the social assistance for citizens of Kosovo, during 90's, mainly came from family relatives respectively Diaspora and from a modest contribution of few humanitarian organisations operating at the time in Kosovo. After the war, the social protection system had to be built from scratch.

Financial possibilities for this social system to have a wide cover or efficiency are low, but in the meantime, the needs of citizens is large because the economic state of Kosovo is a difficult one. This made capacities of this system too stretched, which means that in the future, Government will have to take care to build capacities of this system and to improve efficiently its administration.

Up to date this system enjoyed the generous support of many international organisations and friendly countries who provided many social services throughout Kosovo. But with the building and consolidation of state institutions of Republic of Kosovo, the responsibility for the provision of social assistance, to citizens of Kosovo, will move more and more under the responsibility of state institutions.

Among many problems and needs, faced by the social protection system in Kosovo, it is worth emphasizing some priorities to be accomplished in the period covered by this Strategy. First, priority is given to social protection of children, as the most fragile class of society. This area requires the improvement and enlargement of services provided to children and to enable a strict implementation of legislation in force. Also, care towards the elderly deserves a special role, in particular the settlement of the pension fund. Another important priority is the state care towards persons with disabilities, who have emergent needs as well as war invalids, families of martyrs, families of the missing persons and victims of torture.

## **11. The Rights of Displaced Persons, Returnees and Refugees**

As a consequence of poor political state of affairs, as well as social and economic ones, Kosovo has historically suffered from high levels of emigration. The role of emigrants for the Kosovo society is of extraordinary importance, and in the future the rights and conditions of Kosovo emigrants in various host countries, will become a priority for the foreign politics of Government of Kosovo. The same may be said for refugees, since the political problems faced by Kosovo society in the past caused the movement of a large number of citizens of Kosovo from their home country, in particular as a consequence of the conflict. For these reasons, the state of Kosovo will be very sensitive towards the rights of displaced persons and refugees by guaranteeing international standards of their protection and observance.

The large international presence in Kosovo made the number of foreign employees in Kosovo high. Also, with the economic growth of Kosovo as well as the advancement of Euro-Atlantic processes, Kosovo will be become an attractive country for many citizens of the third world. This situation will change gradually in the future, and Kosovo will get the features of other European countries and will be transferred into a host country not only for emigrants but for possible refugees as well.

This situation should be preceded by this Strategy by making it possible for Kosovo to have international standards to guarantee immigrant and refugee rights. Also, the awareness of Kosovo's society is related to their rights and will be high to make Kosovo an example of a host country of foreigners coming as immigrants or refugees.

## **12. The Right to Access Appropriate Health Care System**

Kosovo health care system was destroyed after the war and despite all efforts undertaken by local and international institutions, from the end of conflict, there is still a lot to be done in this area. The development of health system is addressed specifically with another strategy of Government of Kosovo. Nevertheless, some health problems need to be emphasized from the human rights point of view.

One of the main problems of Kosovo health system is the high level of infant mortality, which means that priority should be given to health care of women during and after pregnancy and this raises the need to improve the gynaecological-obstetric and paediatric service in Kosovo.

Smoking is very concerning in Kosovo, but is it difficult to measure it precisely as a consequence of high quantities of black market or smuggling. The degree of smoking is very high, and in particular, touches upon youth, including minors. In the past, little has been done to fight smoking, thus a public campaign is necessary to discourage smokers

and to promote abandoning as well as to undertake special measures to prohibit smoking at minors.

While speaking for youth, there is a need for educational programs to discourage the consumption of alcohol and narcotic substances which are sensitively present in Kosovo. An awareness campaign is necessary with regards to the prevention of sexually transmitted diseases as well.

In the area of health, it is worth emphasizing the right to a health environment. Kosovo has the Law on Protection of Environment, dated 15 April 2003, promulgated by UNMIK Regulation No. 2003/9, which establishes the legal basis to develop a health environment for citizens of Kosovo and to achieve European Union environmental standards. Environmental legal basis needs to be supplemented and to undertake intensive measures to enable the implementation of respective legislation. Amendment of legislation and guaranteeing the implementation of law should be given priority when speaking of the high hygiene, sanitary and technical safety standards in Kosovo.

A concerning problem affecting the health sector in Kosovo is the existence of health care parallel structures by Serb institutions, which provide health services in areas habited by members of the Serb community. They don't provide the necessary communication, which causes lack of information and important data related to health and health indicators.

Constitution of Republic of Kosovo and the new Law on Local Self-Government provides for extended competencies on secondary health care and education in municipalities with Serb majority. Also, in the general context of minority communities' integration in Republic of Kosovo, it would be necessary, in the future, to integrate the health system as well.

## **REPORTING AND MONITORING MECHANISM FOR THE IMPLEMENTATION OF THE STRATEGY AND ACTION PLAN ON HUMAN RIGHTS**

Strategy on Human Rights in Kosovo comprises the basic policy document for the promotion of human rights and will be implemented during the period 2009 -2011.

Since the draft strategy has gone through the drafting and finalizing process, Office of Prime Minister – Office of Good Governance, submitted this document for approval, to the Government of Republic of Kosovo.

Office of the Prime Minister – Office of Good Governance, is the body commissioned to report and monitor the implementation of Strategy, in cooperation and coordination with other institutions. Furthermore, Office of the Prime Minister – Office of Good Governance is responsible for the monitoring and implementation of measures anticipated by the Action Plan on Human Rights. Institutions responsible for the implementation of Action Plan activities, shall report before the Office of the Prime Minister of Republic of Kosovo – Office of Good Governance and Human Rights on quarterly basis.

In compliance with aims and specific objectives defined in the Strategy for Human Rights in Kosovo, the Action Plan reflects and defines specific and concrete measures for each responsible institution, together with tangible success indicators and a clear timeline. With an aim of implementing and realisation of measures anticipated, in the Action Plan on Human Rights, it was made an approximate calculation of financial implications for each measure and the necessary financially support to be provided by Government of Republic of Kosovo.

Office of the Prime Minister – Office of Good Governance shall establish a Unit with two officers, who would be responsible to report and coordinate, as well as collect data on reporting on international instruments.

In conclusion, Office of Prime Minister – Office of Good Governance, is the responsible body to report on the general implementation of the Strategy on Human Rights in Kosovo. To this end, Office of the Prime Minister – Office of Good Governance shall report directly to the Government of Republic of Kosovo on six month basis.

Coordinator on Human Rights within Government of Republic of Kosovo shall coordinate the process of cooperation among Human Rights' Cells at all Ministries of Government of Kosovo as well as among 30 Human Rights' Cells in Municipalities of Republic of Kosovo. Also, regular monthly meetings will be held with these mechanisms to monitor progress and the difficulties in implementing the Strategy and Action Plan on Human Rights.