

## Report on *Ex-Post* Evaluation of the Law No. 05/L-021 on the Protection from Discrimination<sup>1</sup>

<b>Proposing institution</b>	Legal Office in Office of the Prime Minister
<b>Title of <i>Ex-Post</i> Evaluation Report</b>	<i>Ex-Post</i> Evaluation Report on the Law No. 05/L-021 on the Protection from Discrimination
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<sup>1</sup> Report on *Ex-Post* Evaluation of the Law No. 05/L-021 on the Protection from Discrimination, was approved in the 159<sup>th</sup>, with the Decision No. 05/159, dated 13.09.2023.

## EXECUTIVE SUMMARY

1. Protection from discrimination is one of the constitutional values on which the constitutional order of the Republic of Kosovo is based.<sup>2</sup> Article 24 (2) of the Constitution guarantees the right to everyone to enjoy the right to equal legal protection, without discrimination. Furthermore, this article states that *"No one shall be discriminated against on grounds of race, color, gender, language, religion, political or other opinion, national or social origin, relation to any community, property, economic and social condition, sexual orientation, birth, disability or other personal status."*<sup>3</sup>
2. The Constitution of the Republic of Kosovo in its Article 22 has defined the direct implementation of several international agreements and instruments which guarantee, among others, equal treatment and the prohibition of discrimination such as: Convention on the Elimination of All Forms of Racial Discrimination; Convention on the Elimination of All Forms of Discrimination against Women; European Convention on Human Rights and Freedoms, Council of Europe Convention on preventing and combating violence against women and domestic violence. In this respect, the European Convention on Human Rights and Freedoms, directly applicable on the basis of Article 22 of the Constitution of the Republic of Kosovo,<sup>4</sup> in Article 14 also defines that *"The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status."*<sup>5</sup>
3. One of the legal instruments for the implementation of these provisions, both of the Constitution of the Republic of Kosovo and also of the European Convention on Human Rights and other international instruments, is the Law No. 05/L-021 on the Protection from Discrimination. This law, along with the Law No. 05/L-020 on Gender Equality and the Law No. 05/L-019 on Ombudsperson, constitute the package of laws on human rights in the Republic of Kosovo.

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<sup>2</sup> See Article 7 of the Constitution of the Republic of Kosovo, accessible at <https://gzk.rks-gov.net/ActDetail.aspx?ActID=3702> on 27.04.2023.

<sup>3</sup> *Ibid*, Article 24.

<sup>4</sup> *Ibid*, Article 22 p. 2. Part of the Article 22 of the Constitution of the Republic of Kosovo, in which certain international conventions and instruments are directly applied, including the Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women.

<sup>5</sup> Article 14 of the European Convention on Human Rights and Freedoms, accessible at [https://www.echr.coe.int/documents/convention\\_sqi.pdf](https://www.echr.coe.int/documents/convention_sqi.pdf), on 27.04.2023.

4. Law No. 05/L-021 on Protection from Discrimination (hereinafter "LPD") was published in the Official Gazette of the Republic of Kosovo on June 26, 2015 and, according to its article 28, it entered into force 15 days after its publication.
5. Considering the significance of this law in ensuring the equal treatment before the law and non-discrimination, and, based on the Conclusion of the Assembly No. 08-P-48, dated 16.05.2022, issued based on the Recommendation of the Commission for Human Rights, Gender Equality, Missing Persons, Victims of Sexual Violence of War and Petitions, as well as the Program for Protection and Promotion of Human Rights and Freedoms,<sup>6</sup> the Office of the Prime Minister of the Republic of Kosovo has assessed the need to conduct an *Ex-Post* evaluation of the LPD.
6. The purpose of this initiative is to identify the challenges in the implementation of this law, with particular importance for the protection of human rights and non-discrimination, and in particular to see what steps should be taken to strengthen its implementation. More specifically, with this evaluation, the aim is to understand whether after the entry into force of the LPD, of which almost 8 years have passed, there were sufficient resources available to support the implementation of this law, whether the responsible institutions or mechanisms for its implementation have acted in accordance with their responsibilities, and whether it is in accordance with the other legal framework.
7. In this context, the Office of the Prime Minister has established the Working Group with the objective of conducting the *Ex-Post* evaluation of the LPD. This working group is chaired by the Legal Office within the Office of the Prime Minister, and includes the Office for Good Governance in the OPM, as well as representatives of other competent institutions in the field of protection from discrimination.
8. During the drafting of this *Ex-post* evaluation report, challenges were encountered in obtaining statistical data for the cases referred to the prosecutorial and judicial system, which resulted in the report being incomplete in the absence of specific data on the cases of discrimination. Due to this reason, this *Ex-Post* Evaluation was completed on the basis of interviews, conducted with competent institutions for the implementation of the LPD.
9. In the *Ex-Post* evaluation of the LPD, the working group,<sup>7</sup> has opted for "**Evaluation of implementation and compliance**" as one of the three types of *Ex-Post* evaluation. This is in order to evaluate the process of implementation of the LPD, whether the implementation is being done correctly, as well as with the aim of identifying the factors

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<sup>6</sup> Adopted by the Decision of the Government, No.10/42, and dated 27.10.2021.

<sup>7</sup> Amended and supplemented by Decision No. 017/2023.

that have helped or hindered the implementation of the LPD. Regarding the scope of the evaluation, it does not cover the law as a whole, but only certain articles which regulate the initiation of administrative and court proceedings in cases of protection against discrimination, the exercise of effective legal remedies, the issue of the burden of proof, as well as the provisions on minor offences, and other related provisions.

10. Based on the conducted interviews, it was found that some institutional mechanisms have not been functionalized in accordance with the requirements of the LPD. Accordingly, despite the fact that the LPD defines the grounds of discrimination, it has been assessed as necessary to unify the functioning of the central and local mechanisms in accordance with the requirements of Article 11 of the LPD. In addition, despite the fact that the LPD has determined the sanctions for violations of its provisions, it failed to determine the competent administrative body for imposing the fines, thereby, until now, the punitive provisions of the LPD have not been implemented.
11. This report, also, highlights a significant incoherence and collision between the legal provisions of this law and the provisions of other laws, such as the Law on Obligational Relationships, the Law on Labour, the Law on Contested Procedure, the Law on Minor Offences, where there is a need for immediate legislative intervention to amend and supplement these laws, to ensure their alignment with the LPD, as far as the parts dealing with discrimination are concerned.
12. Finally, the Report recommends corrective actions in relation with the LPD. More specifically, the recommendations consist of steps that shall be taken to address the challenges and gaps identified regarding the implementation of the LPD, starting from the need to amend and supplement the LPD in order to harmonize it with other applicable legislation. Furthermore, when amending and supplementing the LPD, the competencies of the administrative bodies, responsible for the implementation of this law, need to be specified, as well as to further align the penal provisions pertaining to the determination of sanctions for violations of the material-legal provisions of the LPD, the determination of the body for minor offences, as well as the harmonization of the minimum and the maximum fine for minor offences, which can be imposed in cases of violations of the relevant provisions of the LPD.

## **I. INTRODUCTION**

### **I.1. The context of evaluation**

13. During the process of monitoring and reports carried out previously, it has been observed that the institutions responsible for the implementation of the LPD are encountering

serious difficulties in legal, institutional and functional terms, as well as significant lack of financial capacity and human resources.

14. In addition, the data of the monitoring reports of the Ombudsperson, the Office for Good Governance, non-governmental organizations, etc., reveal that, despite the mandate of the ministries, municipalities and other institutions for monitoring and reporting, as well as handling cases of discrimination, it has been assessed that the capacities of all institutions to provide quality services in the protection against discrimination remain limited and insufficient to ensure efficient and effective implementation of the LPD.
15. Therefore, taking this into account, and based on the requirements set forth by the Program for Human Rights and the Conclusion of the Assembly No. 08-P-048 dated 16.05.2022, the Office of the Prime Minister has chosen the *ex-post* evaluation of the Law on the Protection from Discrimination.
16. Thus, the selection of this law for *Ex-Post* evaluation was done, among other things, considering the extraordinary significance that the LPD has in establishing the legal and institutional infrastructure for the purpose of protection from discrimination. Also, other reasons were the challenges that have been mentioned in the various reports (mentioned above), regarding the insufficient level of implementation of the LPD, as well as protection from discrimination, taking into account the fact of the constitutional and legal obligation for equal treatment before the law, as one of the values of the constitutional order of the Republic of Kosovo.

## **I.2. The purpose and scope of the evaluation**

17. The purpose of this *Ex-Post* Evaluation Report is to highlight the main challenges in the field of protection from discrimination and the challenges of bodies and institutions in terms of legal, institutional and functional aspect, with special emphasis on performing the analysis regarding implementation and harmonization of this law with other legislation in force. This evaluation also aims to identify the gaps and propose relevant recommendations for a proper review and restructuring of the legal framework and concrete proposals for each of these institutions, within the process of reforms that are expected to be made in the future starting from the legislation, and then determination of competencies of the bodies responsible for the imposition of sanctions for minor offence in cases of violation of the LPD, including organizational and functional aspects. In addition, the analysis shall serve as basis for future legislative amendments of the LPD, and other special laws in the parts that deal with equal treatment and non-discrimination, and other amendments which are thought to be made in our legal framework, in order to ensure equal treatment and non-discrimination.

18. The *Ex-Post* evaluation of the LPD is considered a crucial instrument for identifying the level of implementation, the challenges faced during its implementation, as well as the measures that must be taken in order to strengthen the implementation of this law, and with this, also ensuring the practical implementation of the constitutional obligation for equal treatment and non-discrimination, respectively, how to further strengthen the measures and policies for protection from discrimination in Kosovo.
19. Therefore, regarding the definition of the scope of this evaluation, the working group has decided that the focus of this *Ex-Post* shall be on the "Implementation and compliance evaluation". This type of evaluation was used to identify the degree of implementation of the LPD. Therefore, the evaluation aims to determine whether the LPD was fully implemented, partially implemented, not implemented, or it was implemented but not properly.
20. The evaluation is conducted on the LPD for the period from the entry into force until now. Regarding the scope of the evaluation, it does not cover the law as a whole, but specifically articles 11, 12, 13, 14, 16, 17, 18, 20, 23 and 24 of this law. These articles regulate the initiation of administrative and court proceedings in cases of protection against discrimination, the exercise of effective legal remedies, the burden of proof, as well as the provisions on minor offences, and other provisions related to them.
21. Also, this evaluation shall analyse the level of harmonization of the LPD with other applicable legislation, that is, how the purpose of the LPD is related to its further legal provisions.
22. The parties that are actively involved in the process of implementation of the LPD are: Legal Office in OPM, Office for Good Governance in OPM, Office of the Ombudsperson, Kosovo Prosecutorial Council, Kosovo Judicial Council, Academy of Justice, Kosovo Bar Association, the Agency for Free Legal Aid, the officials responsible for protection from discrimination at the governmental level and at the municipal level.

## **II. DESCRIPTION OF THE LAW TO BE EVALUATED AND THE APPLIED METHODOLOGY**

### **II.1. Description of the law or sub-legal act to be evaluated**

23. As defined in article 1 of the LPD "*The purpose of this law is to establish a general framework for prevention and combating discrimination based on nationality, or in*

*relation to any community, social origin, race, ethnicity, colour, birth, origin, sex, gender, gender identity, sexual orientation, language, citizenship, religion and religious belief, political affiliation, political or other opinion, social or personal status, age, family or marital status, pregnancy, maternity, wealth, health status, disability, genetic inheritance or any other grounds, in order to implement the principle of equal treatment.”*

24. For the purpose of this *Ex-Post* evaluation, articles 11, 12, 13, 14, 16, 17, 18, 20, 23 and 24 are the subject of its treatment, and are related to the establishment of institutional mechanisms for protection from discrimination in ministries and municipalities, the right to initiate administrative and court proceedings, in cases of protection from discrimination, the exercise of effective legal remedies against decisions in the procedure, both in administrative or court proceedings, including criminal proceedings. Moreover, these legal provisions also address the issue of burden of proof, individual and institutional liability, as well as provisions on minor offences related to them.
25. In the following text of this evaluation, the focus shall be on the most problematic issues of the above mentioned articles. It is worth noting that based on the LPD, in addition to the competences specified by other special laws, the competences and responsibilities of the Ombudsperson institution are defined as one of the state institutions, which promotes and protects human rights, including the field of protection from discrimination (Article 9 of the LPD). According to this article, the Ombudsman has the competence to receive and investigate submissions of persons who claim to be victims of discrimination, as well as to provide opinions and recommendations for specific cases of discrimination. The Ombudsperson is also authorized to address directly the prosecution bodies in cases of suspicion of a criminal offense.<sup>8</sup>
26. Furthermore, in relation to this law, there is no approved concept document. Consequently, this *Ex-Post* evaluation report will not be able to analyse the relationship between the analysis of the policies that would be defined in one concept document and their reflection in this *Ex-Post* evaluation. This, in fact, is the first official and concrete document that highlights the challenges in the implementation of this law, and as such, it constitutes an important step in the beginning of the process of amending the LPD, as well as harmonizing the other special laws regarding equal treatment and protection from discrimination.

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<sup>8</sup> See Article 9 para. 2, subparagraph 2.4 of Law No. 05/L-021 on Protection from Discrimination.

## **II.2. Chain of results**

27. Considering the scope and type of this *Ex-post* evaluation, the working group has come to the conclusion that this part does not apply to this evaluation.

## **II.3. Methodology**

28. The Office of the Prime Minister has established the Working Group, with the objective of conducting the *Ex-Post* evaluation of the LPD. This working group is chaired by the Legal Office within the Office of the Prime Minister, in cooperation with the Office for Good Governance in the OPM, and with the participation of other competent institutions in the field of protection from discrimination.

29. The EUKOJUST project, financed by the European Union, has provided the necessary technical support, providing experts in the legal field (Prof. Assoc. Dr. Bedri Bahtiri) in order to support the work of the Working Group in the preparation of the *Ex-Post* evaluation of the LPD, with special emphasis on the evaluation of the implementation and compliance of this law. The project has also offered the other necessary support to carry out this evaluation process.

30. The preparation of the *Ex-Post* evaluation report of the LPD follows a methodology that relies on the use of the qualitative and analysis methods, since it aims to collect data on the current structural operation for the relevant units or officials, in order to coordinate and report on the implementation of this Law, to conduct analysis of the way of coordination, reporting and cooperation with the Office for Good Governance, and of the institutional mechanisms for protection from discrimination.

31. The data were collected from two sources:

- (i) Primary sources: legislation in force in the field of protection from discrimination and reports, and other documents from the main bodies and institutions dealing with protection from discrimination;
- (ii) Secondary sources: meetings with institutions responsible for the implementation of the LPD in order to collect data regarding the level of implementation as well as the challenges faced by these institutions.

32. As for the primary sources, the constitutional provisions, the relevant provisions of the LPD, the Law on Labour, the Law on Obligational Relationships, the Law on Contested Procedure, and other sub-legal acts have been analysed, as well as relevant reports



regarding the LPD. In addition, through the analysis of relevant reports and empirical studies carried out earlier by the relevant institutions on the situation in the field of protection from discrimination, the institutional procedures and capacities for providing this protection have served as good basis for drafting of this *Ex-Post* evaluation.

33. Within the secondary sources, the data were collected from the meetings and interviews, conducted with representatives from relevant institutions such as: The Institution of Ombudsperson, the Judicial Council, the Prosecutorial Council, the Academy of Justice, the Kosovo Bar Association, as well as with representatives of some ministries and some municipalities. In these meetings, the research focused on questions structured in 4 sections: questions on the capacities and current structure of units for protection from discrimination in all institutions, questions on their functioning, service provision and staff development, questions on structural, functional and legal challenges and the part of suggestions and recommendations.
34. The results of these discussions, including the views of these institutions regarding the level of implementation of the LPD, the measures they have undertaken in its implementation, the challenges they have faced, the capacities they have at disposal to ensure the fulfilment of legal responsibilities, were part of interviews with these institutions.
35. Finally, one of the challenges in the process of conducting this *Ex-Post* evaluation was the lack of statistical data from the institutions responsible for the implementation of the LPD. In the meetings held, individual cases were discussed, however, without concrete data, since also the procedures was initiated on different legal grounds, and not based on the discrimination, as defined in the LPD. Therefore, the institutions do not possess statistical data on cases based on discrimination.
36. However, at the meetings held with the competent institutions in the process of implementing this Law, such as: the Office for Good Governance in the OPM, the Institution of Ombudsperson, the Prosecutorial Council of Kosovo, the Judicial Council of Kosovo, the Academy of Justice, the Kosovo Bar Association, as well as the officials responsible for protection from discrimination at the governmental and municipal level, discussions were conducted concerning aspects related to the commitment of these institutions in the implementation of the LPD, their challenges and recommendations in strengthening the implementation of this law. Therefore, a significant part of this evaluation is based on the data received from these institutions, which are presented in a structured manner below.

37. During the meetings and interviews held with the above-mentioned institutions, the representatives of the Legal Office in the OPM, the Office for Good Governance in the OPM, as well as the expert engaged by the EUKOJUST Project, participated. The findings from these meetings were presented to the working group by the engaged expert, which were discussed and reflected in this report. The Legal Office in OPM, as the coordinator of this process, has reviewed the prepared the draft, ensuring that the content of the report adheres to the requirements outlined in the manual for *Ex-Post* Evaluation of Legal Acts.

### **III. RESULTS OF THE EVALUATION**

#### **Subchapter I- Applicability**

##### ***General information***

38. Based on the meetings held with the competent institutions, it results that the challenges in implementing the LPD encompass various aspects, starting from the aspect of the incorrect formulation of legal norms, the aspect of harmonizing these norms with the norms of others laws, the aspect of the lack of human and financial resources of the institutions responsible for the implementation of this law, and the lack of adequate knowledge in the field of protection from discrimination, which lead to insufficient implementation of the LMD.

##### ***Establishment of institutional mechanisms in Ministries and Municipalities for protection from discrimination***

39. As a result of the adoption of the Regulation (QRK) – No. 03/2017 on Institutional Mechanisms for Protection from Discrimination in Government and Municipalities, the establishment of mechanisms for protection from discrimination at the central and local level has also begun. Currently, out of 15 ministries, the structure for protection from discrimination is missing in only one of them, namely, the Ministry of Regional Development. While in the municipalities of the Republic of Kosovo, according to the latest data from 38 municipalities, the mechanism for protection from discrimination is missing only in the Municipality of Partesh and Zubin Potok.

40. However, the functioning of mechanisms for protection from discrimination, at both institutional levels, remains challenging in the following aspects:

- The mechanisms have not been operationalized in accordance with Article 13 of the Regulation (QRK) - No. 03/2017 on Institutional Mechanisms for Protection

from Discrimination in Government and Municipalities. Specifically, the relevant unit or official for protection against discrimination must report vertically directly to the Secretary General (at the ministerial level), and directly to the Mayor (at the municipal level).

- The appointment, duties and responsibilities of the relevant unit or official for Protection from Discrimination in all institutions have not been unified, as stated in the Article 9 and 10 of the aforementioned regulation. Furthermore, Article 7 of the regulation in question has not been properly implemented in all institutions for the allocation of sufficient financial means from the budget of Kosovo for institutional mechanisms for protection from discrimination, in the Ministry and the Municipality, in order to implement the tasks and their responsibilities, as well as for the advancement of issues of protection from discrimination.
- Certain number of relevant officials for protection against discrimination have been assigned additional duties and responsibilities.
- Finally, according to the Office for Good Governance in the Office of the Prime Minister, there is a lack of support for increasing the number of staff in this office, to fulfil the duties and responsibilities outlined in the Law No. 05/L-021 on Protection from Discrimination. Similar to this, such a request was also made by the relevant officials and units for protection against discrimination at the central and local level.

Appendix 1 of this evaluation provides an overview of the current situation of the mechanisms for protection from discrimination at both the institutional levels, which are monitored and report to the Office for Good Governance in the OPM. Meanwhile, Appendix 2, presents a table with data on the budget of the aforementioned mechanisms.

***Lack of initiation of civil and criminal proceedings based on protection from discrimination***

41. There are many cases when certain individuals, groups or communities may be discriminated against, but they do not initiate these cases, in accordance with article 12 and 13 of the LPD, due to the lack of sufficient knowledge about this law, fear of punishment, stigmatization, or even a lack of trust in the mechanisms for protection from discrimination and justice institutions. In this context, in meetings between the Ombudsman and the KJC and the KPC<sup>9</sup> it became apparent that the low number of

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<sup>9</sup> Meeting with the Ombudsman, on 03.04.2023.

court cases for protection from discrimination is linked to the absence of cases being initiated based on the discriminatory grounds. Moreover, the legal grounds for protection against discrimination is not being applied, due to the fact that lawyers do not use it. This also appears in specific cases where there are claims but no identification of the grounds of discrimination. Furthermore, in the case law, a case in Gjakove is mentioned, which was not handled in a meritorious way in the Supreme Court, because the value of the dispute was considered "small."<sup>10</sup> Additionally, from the meetings with the KJC and the KPK,<sup>11</sup> it results that the number of cases is low, and even when they are filed, they do not appear with special identification in CMIS.

42. At the meeting held with the KPC, data were collected regarding cases of discrimination that ended with an indictment, but according to the KPC, there are no statistics available on any case of discrimination that ended with an indictment by any prosecution office in the country.

#### ***Lack of imposition of sanctions for minor offences***

43. As a result of the incorrect wording of its norms and harmonization with the relevant Law on Minor Offences (elaborated in detail in the harmonization section), the LPD encounters issues with certain norms of a sanctioning nature, more specifically it's Article 23. This article fails to determine which discriminatory actions are subject to which imposed sanctions on minor offences, thereby not adhering to the principle of determinability regarding the link between specific actions and their corresponding sanctions, as well as not defining the responsible administrative body for the imposition of these fines.

#### ***Lack of unified case law***

44. According to the Ombudsperson,<sup>12</sup> the Courts have said that there is a lack of case law, which would make the implementation of Articles 13, 14, 16 and 17 of the LPD, easier.
45. While according to the Chair of the KJC,<sup>13</sup> this institution is in favour of intensifying the work to unify the case law by the Supreme Court, in order to ensure the implementation of the LPD. In this regard, the commission established by the Supreme Court, competent for providing legal opinions and principled positions, serves the

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<sup>10</sup> Meeting with the Ombudsman, on. 03.04.2023.

<sup>11</sup> Meeting with the KJC, on 07.04.023; Meeting with the KPC, on 05.04.2023.

<sup>12</sup> Meeting with the Ombudsperson, on 03.04.2023.

<sup>13</sup> Meeting with the Chair of the KJC, on 07.04.2023.

purpose of unifying the case law. Similarly, the KJC has established an Ethics Committee, which has the authority to issue opinions for this purpose.

***Lack of inter-institutional coordination***

46. The Chair of the KPC said that two years ago there was a meeting with the Ombudsperson, but it was ineffective, which speaks of a lack of coordination and cooperation between institutions.

47. Also, due to the lack of coordination in the field of protection from discrimination, there is a lack of concrete results for the improvement of the existing situation.

***Lack of training and/or attendance at the trainings***

48. The Academy of Justice designs the training program based on the assessment of training needs. Within this program, some voluntary trainings in the field of protection from discrimination are also included. Beneficiaries of these trainings are: judges, prosecutors, professional associates, lawyers, including lawyers for free legal aid, Government and municipal officials, as well as representatives of the IAP and non-governmental organizations that deal with this field.<sup>14</sup>

49. According to the Academy of Justice, the latter has offered and will continue to offer opportunities for training in the field of protection from discrimination, to each judge, prosecutor, or professional associates. However, the number of participants is low.

50. On the other hand, according to the KJC, there are enough trainings in the field of protection from discrimination. The development of trainings in the field of protection from discrimination in the initial training of candidates for judges and prosecutors should be mandatory. However, due to overload, mandatory training on protection from discrimination training should not be included in continuing education.

51. In addition to the Academy of Justice, the Kosovo Bar Association (KBA) also holds trainings for lawyers in all regions, and since the accumulation of points is also in question, it has never happened that there is no interest in the trainings selected by KBA, which are adapted to the actuality, frequent amending and supplementing of the legislation and innovations that occur in all fields.

***Lack of prioritization of cases based on discrimination***

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<sup>14</sup> Meeting with the Academy of Justice on 06.04.2023.

52. In lawsuits based on protection from discrimination, the deadlines for initiation of the proceedings, should also be clarified. According to Article 16 (9) of the LPD, cases of discrimination must be dealt with urgently. Therefore, this should be included not only in the Law, but also in the strategic documents for access to justice and the circulars of the KJC.

53. Furthermore, the main problem in the field of protection from discrimination, is that the cases are not initiated based on discrimination, but rather based on the ground of returning to work due to discrimination, or compensation based on discrimination. So, in no case has priority been given to the initiation of the procedure based mainly on discrimination, and then return to work or compensation, but the opposite always happens, for which the parties and lawyers who initiate such cases are also responsible. The cases are even more problematic if there are additional grounds of discrimination, raising issue on how to proceed in these cases.

54. In the Strategy for Access to Justice, several cases related to what is called '*priority cases*' are defined, among which cases based on discrimination are not included, despite being defined in Article 16 (9) of the LPD.

#### ***Lack of sufficient financial and human resources in some institutions***

55. The need to increase the capacities of judges and prosecutors who deal with the field of protection from discrimination is indispensable, as well as examining the possibility of making this training mandatory. Since the trainings in the Continuous Training Program are voluntary, it is proposed to include at least one mandatory training on protection from discrimination in the initial program.<sup>15</sup>

#### ***Burden of proof***

56. According to Article 20 (2) of the LMD, the burden of proof in relation to cases based on discrimination shall be upon the respondent, however, other laws establish that the burden of proof shall be upon the plaintiff. This causes challenges in the implementation of the above-mentioned article, and the harmonization of other laws with the LPD is essential in terms of the burden of proof in disputes based on discrimination.

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<sup>15</sup> Meeting with the Ombudsperson, on 04/03/2023; Meeting with KJC, on 07.04.2023; Meeting with KPC, on 04/05/2023.

57. By making it clear that the burden of proof shall pass to the respondent, where the authorities shall provide exculpatory evidence for cases where there are allegations of cases of discrimination. For this, the courts must follow the practice of the ECHR according to Article 53 of the Constitution of the Republic of Kosovo.

#### **Subchapter II- Significance:**

58. Based on the process of this *Ex-post* evaluation, it results that articles 11, 12, 13, 14, 16, 17, 18, 20, 23 and 24 of the LMD are important to ensure the necessary procedural framework for the implementation of this law, but in certain cases, there is a lack of complete legal clarity, such as the clarity regarding the competence of the law enforcement mechanisms. Consequently, some of the provisions should be amended and supplemented, mainly for the purpose of harmonization. Likewise, during the amendment and supplementation of the relevant articles, setting a deadline for the initiation of the procedure in cases of protection from discrimination is considered important.

59. According to the Ombudsperson, there is a necessity to amend and supplement the LPD in order to strengthen the current mechanisms. Specifically, Chapter II of the LPD, focuses on the competencies of the Ombudsperson Institution, but it is assessed that the provisions should be more detailed, *for instance*, in its article 13, the law should outline the detailed procedure from the initiation of the lawsuit to its conclusion, referring to the LCP, and also, the LPK and LPD should be harmonized in terms of burden of proof.<sup>16</sup>

60. During the meeting with the KPC,<sup>17</sup> the necessity for amending the LPD was emphasized, where the amendment and supplementation of the provision of its article 17, regarding the issue of addressing criminal offenses, is needed, in which case it was recommended that the LPD should be harmonized with the Criminal Code.

#### **Subchapter III- Harmonization:**

##### ***Harmonization with international standards***

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<sup>16</sup> Meeting with the Ombudsman, on 04/03/2023.

<sup>17</sup> Meeting with the KPC, on 05.04.2023

61. Based on the findings of the European Commission in the Country Report for 2022, LPD is in line with international standards.<sup>18</sup> However, in terms of harmonization with internal legislation, inconsistency was found between this law and other laws in force.<sup>19</sup>

***Lack of coherence of the law***

62. One of the findings is the lack of coherence among the articles within the law, since within the framework of chapter II of the LPD, the relevant articles lack coherence among them. For example, – article 19 defines a material right for reasonable accommodation on employment of persons with disabilities, and this article is wrongly placed in Chapter II which refers to procedures in the competent bodies. The same case of lack of coherence within the LPD itself exists in Article 22, which regulates public contracts (*material issue*) which are included within Chapter II, which regulates procedural issues. Moreover, in this chapter, there is no regulation pertaining to the administrative procedure for cases of discrimination.

***Lack of harmonization with Law No. 05/L-019 on Ombudsperson***

63. During the evaluation, significant inconsistencies between the LPD and the constitutional provisions, as well as other legislation in force, were identified. For instance, Article 9 (2.7) of the LPD grants the Ombudsperson the power to "*provide advice, guidance and support to subjects of public and private sector...*" Whereas, according to Article 132 (1) of the Constitution of the Republic of In Kosovo, the Ombudsman is authorized "to protect the rights and freedoms of individuals from unlawful or improper acts or failures of **public authorities only [emphasis added]**."<sup>20</sup> Therefore, by the aforementioned provision of the LPD, the Ombudsperson has been granted legal authorizations that exceed the constitutional limitations of his mandate.

64. Also, according to Ombudsperson, amendments are also needed in the Law on the Ombudsperson, to include a provision to Article 16 and harmonize it with the LPD, emphasizing that in cases involving discrimination, the Ombudsperson should have a possibility to initiate the procedure *ex-officio*.

***Lack of harmonization with legislation in the field of labour***

65. Addressing the cases of protection from discrimination in the private sector shall be regulated by the relevant labour legislation, adding the competences and

<sup>18</sup> European Commission Country Report for Kosovo for 2022, p. 36.

<sup>19</sup> Cited above, p. 4.

<sup>20</sup> Constitution of the Republic of Kosovo, Article 132 (1).



responsibilities of the relevant mechanisms (e.g. the competence of handling cases of discrimination at work by the Labour Inspectorate should be explicitly added in the relevant Law on Labour Inspectorate). In this direction, there is an ambiguity in the judiciary about the implementation of the Law on Labour, especially in terms of labour disputes, and the lack of harmonization between the Law on Labour and the LPD.

66. In addition, the Law on Labour, in its article 87 defines the timeline for submission within of 3 years from the date of submission of the request for protection from discrimination at work. This article is not in line with article 14 (3) of the LPD.

67. According to the KJC, there is a lack of harmonization between the LPD and the Law on Labour, since article 14 (3) of the LPD defines the 5-year deadline for the possibility of initiating court proceedings for protection from discrimination in the employment relationship. This, according to the KJC, leaves room for different interpretations, as some consider that this term applies to the initiation of the procedure, while others consider it as an obsolescence of the right to exercise the request. On the other hand, the Law on Labour determines the obligation to initiate the procedure in labour disputes within the 30-day period.<sup>21</sup>

***Lack of harmonization with Law No. 05/L-087 for Minor Offences***

68. With the entry into force of the Law on Minor Offences, the issue of minor offences is regulated in a completely new way, firstly, by defining the principle of legality, according to which the minor offences can only be defined by law (and not by sublegal act), with the exception of those at the municipal level, which can also be determined by municipal regulations. Additionally, the Law on Minor Offences defines the minimum and maximum sanctions for minor offences that can be imposed on natural and legal persons, which can then be determined by special laws in different fields, within the framework defined by the basic law on minor offences. As a result, based on the Article 167 of this law, there is a need for the general harmonization of all the provisions of the special laws that define and regulate minor offences, with this law. However, the LPD is not in line with it, as it has not defined the body for minor offences, nor the specific actions that constitute a violation of material legal provisions.

***Lack of harmonization with the Law No. 04/L-077 on Obligational Relationships***

69. The lack of harmonization between the LPD and the Law on Obligational Relationships, lies in the fact that the latter, in its provisions for compensation of damage, has determined several legal deadlines, within which the party can exercise

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<sup>21</sup> Meeting with KJC, on 07.06.2023.

his/her right to compensation, and those deadlines are 1, 3 and 5 years. This is contrary to the deadlines defined by separate laws, and the Law on Protection from Discrimination should not define a different deadline, since the courts apply the Law on Law on Obligational Relationships to all cases related to compensation of damage.

**Subchapter IV-Efficiency:**

70. Considering the scope and type of this ex-post evaluation, the working group has come to the conclusion that this part does not apply to this evaluation.

**IV. CONCLUSIONS AND RECOMMENDATIONS**

**IV.1. Conclusions**

**A. CONCLUSIONS ON APPLICABILITY**

Following the analysis of the LPD and other applicable legislation in Kosovo in the field of protection from discrimination, as well as international legal acts, and also based on the data from monitoring reports of the Ombudsperson, the Office for Good Governance, non-governmental organizations, etc. it results that this field must be reformed and advanced. These analyses show that in addition to legal conflicts, there are also challenges in the exercise of powers by the institutions responsible for the implementation of this law. In the following text, some concrete conclusions will be presented, as follows:

The LPD and other laws in force in Kosovo prohibit discrimination *"based on race or ethnicity or colour, gender, language, religion, political or other affiliation, national or social origin, property, trade union membership, education, social status, marital or family status, age, health status, disability, genetic inheritance, local identity, sexual expression or orientation, etc."*

- a.** There is an emphasized lack of human and financial resources of the institutions responsible for the implementation of this law, and even the lack of sufficient knowledge in the field of protection from discrimination, which have influenced the insufficient implementation of the LPD.
- b.** There is a lack of coordination between institutions regarding the implementation of the law. There is inconsistency between the statements of institutions regarding professional training for protection from discrimination.<sup>22</sup>

<sup>22</sup> Report, p. 12; Meeting with the Academy of Justice, on 04.04.2023; Meeting with the Prosecutorial Council, on 04/05/2023; Meeting with KJC, on 04/07/2023.

- c.** However, the functioning of mechanisms for protection from discrimination, at both institutional levels, remains challenging in the following aspects:

-The mechanisms have not been operationalized in accordance with Article 13 of the Regulation (QRK) - No. 03/2017 on Institutional Mechanisms for Protection from Discrimination in Government and Municipalities. Specifically, the relevant unit or official for protection against discrimination must report vertically directly to the Secretary General (at the ministerial level), and directly to the Mayor (at the municipal level).

-The appointment, duties and responsibilities of the relevant unit or official for Protection from Discrimination in all institutions have not been unified, as stated in the Article 9 and 10 of the aforementioned regulation.

- d.** The knowledge of legislation on protection from discrimination is not sufficient. The number of lawyers who have implemented the provisions of the LPD when representing the parties in various legal matters is small. In other words, they offer very little advice to their clients on the use of legislation for protection from discrimination. Also, parties are not inclined to file discrimination lawsuits, due to the costs involved.
- e.** The practices related to the field of discrimination in Kosovo contain numerous and well-developed provisions in many areas, but improper implementation remains a very serious problem. The challenges are also related to the lack of capacities of investigative and judicial bodies, the lack of sufficiently specialized lawyers for protection from discrimination, as well as the knowledge of discriminatory practices.
- f.** A challenge in this field is also the length of the procedures and the high costs, which are considered as two barriers for the cases of discrimination to reach the trial of cases before the courts of Kosovo. Based on the numerous reports, it is observed that legal proceedings often last several years and they rarely meet the standards of justice in respecting the right to trial within a reasonable time, as required by the European Convention on Human Rights and Freedoms.
- g.** It is worth noting that in civil cases, the court can decide if there has been discrimination, to stop the discrimination, and it can provide compensation based on which the court procedure is initiated. For criminal cases, the party who claims to have been discriminated against, can report the discrimination to the police, and to the State Prosecutor's office, which may result in an indictment and then a

criminal sentence. Here it is important to file the lawsuit in court for civil cases, and the indictments to the court for criminal matters, and then the judiciary is put into operation. Hence, it is important that the parties use the available legal remedies in order to activate the competent institutions for protection from discrimination.

## **B. CONCLUSIONS ON SIGNIFICANCE**

The current state of regulating the field of protection from discrimination and the elimination of legal loopholes and legal conflicts, has room for great improvements. Also, the harmonization of the law with good practices in the field of protection from discrimination, has room for further improvements.

## **C. CONCLUSIONS ON HARMONIZATION**

Based on the findings provided above, the LPD is in line with international standards.<sup>23</sup> However, it is assessed that there is still room for the harmonization of the LPD with other applicable laws.<sup>24</sup> So, the LPD has inconsistencies with the laws elaborated in detail in the recommendations section.

## **IV.2. Recommendations**

### **A. RECOMMENDATIONS ON APPLICABILITY:**

#### **A1. Recommendations for increasing professional capacities through trainings:**

- i.** To organize continuous training for all law enforcement bodies and for all sectors. Based the analysis of the situation, it results that there is a significant lack of knowledge on how to approach the field of protection from discrimination, and in this aspect, efforts should be made to judges, prosecutors and professional associates to attend advanced trainings in the field of protection from discrimination, in particular with the Academy of Justice (for judges and prosecutors, professional associates, as well as the administrative staff of the courts and prosecution), the Training Center of the Kosovo Bar Association, the Kosovo Institute for Public Administration, the Police Academy, other institutions, and also for the private and non-governmental sector.

<sup>23</sup> European Commission Country Report for Kosovo for 2022, p. 36.

<sup>24</sup> Report, p. 4, 11, 20, 21.

**A2. Recommendations of the re-organizational character for the registration of cases from the field of protection from in the database of the judiciary and prosecution offices, with special discrimination identification numbers**

- ii. The database CMIS, used to register the cases in the courts and the cases in the prosecution offices, should be defined with specifications for the identification of cases based on discrimination, as it is not currently done. At the same time, other platforms related to protection from discrimination should be advanced.
- iii. Additionally, it is recommended to the KJC to include cases for protection from discrimination among the cases that are handled with priority.

**A3. Recommendations for shortening procedures and avoiding unnecessary delays in procedures**

- iv. The duration and prolongation of the procedures create financial costs for citizens, therefore, they are considered as two barriers for court proceedings in cases of discrimination.
- v. To examine the possibility of exempting cases of discrimination and lawsuits for protection from discrimination from the payment of court fees, which would encourage victims of discrimination to submit their cases without barriers and complicated procedures, including not having to pay court fees.

**A4. Recommendations for strengthening the mechanisms that deal with protection from discrimination, with budget and human resources**

- vi. To improve the situation immediately as regards the allocation of funds for increasing the number of staff of institutions for the proper implementation of powers in the field of protection from discrimination, such as in the Ombudsperson Institution, the Office for Good Governance, Courts, Prosecution Offices, as well as other mechanisms at central and local level, who are competent for protection from discrimination.
- vii. Therefore, it is necessary to raise public awareness regarding the importance of protection from discrimination and the promotion of a culture of respect, tolerance and understanding towards the changes occurring in society.

## **B. RECOMMENDATIONS FOR HARMONIZATION**

In the process of amending the LPD, the amendment of these special laws is also needed, by defining exclusionary provisions for the field of discrimination and the implementation of the provisions of the LPD as *lex specialis*, and in particular, the amendments must include the following purposes:

### **B1. NECESSARY LEGAL AMENDMENTS**

**i. Amendment of the Law on Protection from Discrimination** - Initially, the Article 9 (2.7) of the LPD should be amended, which provides the competences of the Ombudsperson to "*provide advice, guidance and support to subjects of public and private sector...*" in contradiction with the constitutional limitations of his mandate, determined by Article 132 (1) of the Constitution of Kosovo. At the same time, in order to avoid a legal vacuum, it is recommended to transfer this competence to the relevant inspectorate.

Furthermore, it is necessary to accurately define the minor offenses in the provisions of the LDP, and then to define sanctions for each minor offense, as well as assign the bodies for minor offences. All this with the aim of harmonizing the LPD with the Law on Minor Offences and to ensure the implementation of the LPD.

Likewise, the LPD should be amended and supplemented, in order to regulate the administrative procedure including effective legal remedies for protection from discrimination in a separate chapter, and in particular the chapter on procedures before the court, special legal actions for protection from discrimination, temporary measures, jurisdiction, the burden of proof, the participation of third parties as interveners, the deadline for fulfilling obligations, the regular and extraordinary legal remedies for challenging the court decisions. With this, the effective protection from discrimination would be ensured for the parties to the procedure.

**ii. Amendment of the Law on Contested Procedure** - in order for the burden of proof in cases of discrimination to fall on the institutions that are alleged to have caused the discrimination, and not upon the plaintiff as it currently is. This is for the purpose of harmonizing the Law on Contested Procedure with the LPD and international standards.

**iii. Amendments to the provisions of the Law on Labour** - regarding the deadlines for legal protection which can be requested in court, against the decisions of public and private legal entities, including commercial companies. This is for the purpose of harmonizing the Law on Labour with the LPD.

**iv. Amendments to the provisions of the Law on Administrative Conflict** - as regards the deadline for filing a lawsuit for administrative conflict based on discrimination, where an exception it should be determined that in cases of administrative conflict based on discrimination, the deadlines set by the LPD should apply, and not the 30-day deadline as defined by the Law on Administrative Conflict.

**v. Amendments to the provisions of the Law on Obligational Relationships** - as regards the aspects of the statute of limitations of the claims, which must be harmonized with the LPD, since the deadlines defined in the Law on Obligational Relationships should not also apply also to the claims from the field of protection from discrimination.

**vi. Amendments of the laws that regulate the duties and responsibilities of the central inspectorates** - To increase the explicit powers of the relevant inspectorates for handling cases of discrimination. For example, to explicitly add the competence of handling cases of discrimination at work by the relevant Labour Inspectorate in the relevant Law on the Labour Inspectorate.

**vii. Amendment of the provisions of the Law on Organization and Functioning of State Administration and Independent Agencies** - to amend the law in order to create the legal possibility for institutional mechanisms for human rights and protection from discrimination at the level of ministries to be organized at the level of the division or department, depending on the size of the ministry. Regardless of the organization at the division and department level, the head of this mechanism should report directly to the Secretary General.

**viii. Amendment of the Law on Amending and Supplementing the Law on Free Legal Aid** - to amend Article 10 (A) in order to provide free legal aid even without a "Decision" of the competent body.

#### **TECHNICAL APPENDICES**

**The following appendices are part of this manual:**

- Appendix 1: Central and local mechanisms for protection from discrimination;
- Appendix 2: Budget of central and local mechanisms for protection from discrimination;
- Appendix 3: Decision No. 139/2022 dated 10.06.2022 on the establishment of Working Group for *Ex-Post* Evaluation for the Law on Protection from Discrimination;
- Appendix 4: Decision No. 139/2/2022 dated 13.02.2023 for amending and supplementing the Decision No. 139/2022 dated 10.06.2022;
- Appendix 5: Conclusion of Assembly No. 08-P-48, dated 16.05.2022.

#### **Appendix 1: Central and local mechanisms for protection against discrimination;**

##### **Mechanisms for Protection from Discrimination at the central level**

	<b>Ministry</b>	<b>Mechanisms for Protection from Discrimination</b>
1	MINISTRY OF INTERNAL AFFAIRS	<ul style="list-style-type: none"> <li>• Official for Protection from Discrimination</li> </ul>
2	MINISTRY OF FINANCE, LABOR AND TRANSFERS	<ul style="list-style-type: none"> <li>• Official for Protection from Discrimination</li> </ul>
3	MINISTRY OF COMMUNITIES AND RETURNS	<ul style="list-style-type: none"> <li>• Official for Protection from Discrimination</li> </ul>
4	MINISTRY OF DEFENSE	<ul style="list-style-type: none"> <li>• Coordinator for Protection from Discrimination</li> </ul>
5	MINISTRY OF CULTURE, YOUTH AND SPORTS	<ul style="list-style-type: none"> <li>• Official for Protection from Discrimination</li> </ul>
6	MINISTRY OF LOCAL GOVERNMENT ADMINISTRATION	<ul style="list-style-type: none"> <li>• Official for Protection from Discrimination</li> </ul>
7	MINISTRY OF INDUSTRY, ENTERPRISE AND TRADE	<ul style="list-style-type: none"> <li>• Official for Protection from Discrimination</li> </ul>
8	MINISTRY OF ENVIRONMENT, SPATIAL PLANNING AND INFRASTRUCTURE	<ul style="list-style-type: none"> <li>• Official for Protection from Discrimination</li> </ul>
9	MINISTRY OF EDUCATION, SCIENCE, TECHNOLOGY AND INNOVATION	<ul style="list-style-type: none"> <li>• Official for Protection from Discrimination</li> </ul>
10	MINISTRY OF AGRICULTURE, FORESTRY AND RURAL DEVELOPMENT	<ul style="list-style-type: none"> <li>• Coordinator for Protection from Discrimination</li> </ul>
11	MINISTRY OF ECONOMY	<ul style="list-style-type: none"> <li>• Official for Protection from Discrimination</li> </ul>
12	MINISTRY OF HEALTH	<ul style="list-style-type: none"> <li>• Coordinator for Protection from Discrimination</li> </ul>
13	MINISTRY OF JUSTICE	<ul style="list-style-type: none"> <li>• Coordinator for Protection from Discrimination</li> </ul>
14	MINISTRY OF REGIONAL DEVELOPMENT	<ul style="list-style-type: none"> <li>• The responsible official has not been appointed.</li> </ul>

***Mechanisms for Protection from Discrimination at the local level***

<b>No.</b>	<b>Municipality</b>	<b>Structure responsible for human rights/gender equality</b>	<b>Number of officials</b>	<b>Job titles of officials</b>
1	Peja/Peć	/	2	Gender Equality Official; Official for Protection from Discrimination
2	Dečan/Dečane	/	1	Gender Equality Official
3	Dragash/Dragaš	Unit for Human Rights and Office for Communities and Returns	4	Gender Equality Official; Official for Protection from Discrimination; Community Official, and Official for Children's Rights



4	Lipjan/Lipljane	Unit for Human Rights and gender equality	1	Official for Gender Equality and Equal Opportunities
5	Fushë Kosovë/ Kosovo Polje	Unit for Human Rights and Gender Equality	1	Gender Equality Official
6	Prishtinë/Priština	Sector for Human Rights and Communities	4	Coordinator for Human Rights, three officials for communities
7	Obiliq/Obilić	Unit for Protection from Discrimination and Gender Equality	4	Coordinator, Human Rights Official, Gender Equality Official, Official for Community Rights
8	Vushtri/Vučitrn	Unit for Human Rights	2	Human Rights Official, Gender Equality Official
9	Podujevë/Podujevo	Unit for Human Rights	4	Coordinator for Human Rights Gender Equality Official Official for Children's Rights
10	Mitrovicë e Jugut/Južna Mitrovica	Unit for Human Rights	4	Coordinator of Unit for Human Rights Community Official Gender Equality Official
11	Klinë/Klina	Office for Gender Equality	1	Gender Equality Official
12	Skenderaj/Srbica	Unit for Human Rights	2	1 Human Rights Official and 1 Gender Equality Official
13	Istog/Istok	Sector for Human Rights and Communities	2	1 Gender Equality Official and 1 Child Protection Official
14	Gjakovë/Đakovica	Unit for Human Rights	4	1 Human Rights Coordinator, 1 Community Rights Official, 1 for Children's Rights
15	Prizren/Prizren	Unit for Human Rights	1	Human Rights Coordinator
16	Mamushë/Mamuša	Unit for Human Rights	1	Human rights and Gender Equality Official
17	Suharekë/Suvareka	Unit for Protection from Discrimination	1	Official for Protection from Discrimination
18	Rahovec/Orahovac	Unit for Human Rights	2	1 for Children's Rights and 1 for Gender Equality
19	Shtime/Štimlje	Unit for Protection from Discrimination and for Gender Equality	3	Official for protection from discrimination and gender equality, Official for Children's Rights and Community Official
20	Ferizaj/Uroševac	Unit for Human Rights	1	Human rights and Gender Equality Official
21	Shtërpçë/Štrpce	Unit for Human Rights	2	Gender Equality Official, Human Rights Official
22	Gjilan/Gnjilane	Unit for Human Rights	4	Human Rights Coordinator, Official for Children's Rights Gender Equality Official and Official for Protection from Discrimination

23	Kamenicë/Kamenica	Unit for Human Rights	3	Gender Equality Official, Return and Repatriation Official Official for Children's Rights (and also the Coordinator of relevant unit)
24	Novobërdë/Novo Brdo	/	1	Gender Equality Official
25	Gračanicë/Gračanica	/	1	Gender Equality Official
26	Klllokot/Klokot	Office for Human Rights Office for Gender Equality	2	Gender Equality Official
27	Glllogoc /Glogovac	Unit for Human Rights, Gender Equality	1	Coordinator for Human Rights, Gender Equality and Equal Opportunities
28	Malishevë/Mališevo	Unit for Human Rights	3	Human Rights and Gender Equality Coordinator Community Official Official for Children's Rights
29	Ranillug/Ranilug	Unit for Human Rights Office for Gender Equality	3	Human Rights Officer Official for Children's Rights Community Official
30	Kacanik/Kaçanik	Office for Gender Equality	3	Human Rights Coordinator Gender Equality Official, Official for Children's Rights
31	Viti /Vitina	/	1	Gender Equality and Protection from Discrimination Official
32	North Mitrovica	/	1	Official for protection from discrimination
33	Junik/Junik	Office for Gender Equality	1	Gender Equality Official
34	Hani i Elezit/Elez Han	/	1	Human Rights Official, Gender Equality Official
35	Leposaviq/Leposavić	/	1	Official for Protection from discrimination
36	Partesh/Parteš	/	/	/
37	Zubin Potok/ Zubin Potok	/	/	
38	Zveçan/Zveçane	/	1	Official for protection from discrimination

## Appendix 2: Budget of central and local mechanisms for protection from discrimination

Mechanisms for Protection from Discrimination at the central level do not have a separate budget code, however, their activities or obligations within the framework of policies (action plans) that require a budget are carried out through a request to the relevant hierarchy within the ministry.

### Budget of Mechanisms for Protection from Discrimination at the local level

Budget for subsidies/transfers and capital expenditures in the mechanism for protection from discrimination/gender equality in 2022.

No.	Municipality	Subsidies/transfers	Capital expenditures	Total
1	Pejë/Peć	10,000	n/a	20,800
2	Fushë Kosovë/Kosovo Polje	n/a	n/a	22,050
3	Vushtrri/Vučitrn	n/a	n/a	16,491
4	Mitrovicë/Mitrovica	3,500	n/a	21,200
5	Klinë/Klina	n/a	n/a	10,727
6	Skenderaj/Srbica	n/a	n/a	29,500
7	Istog/Istok	2,000	n/a	10,000
8	Rahovec/Orahovac	n/a	n/a	7,281
9	Kamenicë/Kamenica	5,000	n/a	12,200
10	Novobërdë/Novo Brdo	n/a	n/a	9,100
11	Gračanicë/Gračanica	5,000	n/a	10,897
	<b>Total</b>	<b>25,500</b>	n/a	<b>170,246</b>

