

THE OMBUDSPERSON INSTITUTION



BULLETIN

(Short summary of the Annual Report 2011)

August 2012



The Ombudsperson, Mr. Sami Kurteshi

The Ombudsperson is an independent institution, stipulated by the Constitution of the Republic of Kosovo and the Law on the Ombudsperson.

The Ombudsperson's legal and constitutional mission is protection, promotion and monitoring of human rights and fundamental freedoms. It enables creation of a view of human rights and fundamental freedoms in Kosovo, including here the level of violation of these rights and freedoms.

Violation of legal justice principles produces loss of justice based balance for all, thus it also affects necessary trust for functioning of a free and democratic society. Non-enforcement of the law is the main indicator of citizen's loss of trust in State's institutions. This should not be allowed to happen, because the equality before the law should primarily be ensured and safeguarded by State mechanisms.

The Ombudsperson does not administer the justice, but it identifies and points out irregular and illegal actions or omissions of the public authorities, in order to play his role in building a society based on the principle of equality before the law for all.

THE OMBUDSPERSON'S MISSION

Protection, monitoring and promotion of human rights and fundamental freedoms of the individuals from illegal actions or omissions of the public authorities of Republic of Kosovo constitute main action segments through which the Ombudsperson intends to realize constitutional and legal mission.

The Ombudsperson submits the annual report to the Assembly of the Republic of Kosovo.

THE CORE PRINCIPLES OF THE OMBUDSPERSON

IMPARTIALITY

CONFIDENTIALITY

PROFESSIONALISM

TRUST IN
THE
OMBUDS-
PERSON

Who may complaint to the Ombudsperson?

Any legal and natural person who claims that his/her rights have been violated by an act, illegal action, omission or maladministration of State authorities or other bodies or organizations exercising power for their account is entitled to submit to the Ombudsperson request for initiation of procedure.

Which complaints the Ombudsperson does not handle?

The Ombudsperson cannot handle complaints against private persons (except those related to claims for discrimination); complaints against court decisions, complaints against authorities outside Kosovo, as well as complaints in the cases when the parties did not exhaust all legal remedies.

How to Contact the Ombudsperson and lodge a complaint?

Every citizen may lodge a complaint in the central and regional offices of the Ombudsperson Institution in the following manner:

- *In person, by visiting one of the OIK offices;*
- *By completing respective form;*
- *Through the emergency phone line of the OIK (free of charge);*
- *Through a facsimile (fax);*
- *Through the electronic mail (e-mail);*
- *Other manner.*

Statistical summary

ADMITTED COMPLAINTS 1.1.2011 – 31.12.2011	1453
Ethnic background of complainants	
Albanian	1284
Serbian	87
Bosnians	39
Roma	18
Turkish	16
Others	9
Gender	
Male	1099
Female	354

Reports, recommendations and requests for interim measures	
Case reports	5
<i>ex officio reports</i>	4
Recommendations	2
Request for interim measure	1

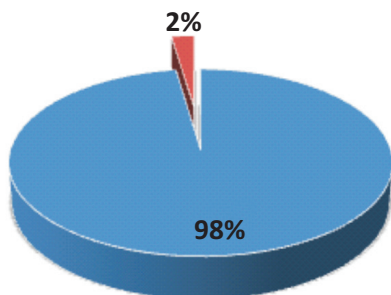
The ethnic background of complainants based on the investigated cases	
Albanian	471
Serbian	39
Bosnians	14
Roma	9
Turkish	8
Others	5
Gender	
Male	414
Female	132

Respondent parties of the investigated cases	
Courts	193 (31 %)
Ministries	141 (23 %)
Municipalities	107 (17 %)
Public enterprises	35 (6 %)
Police	28 (5 %)
Other	84 (18 %)

Graphic presentation

Investigated cases

1.1.2011 - 31.12.2011

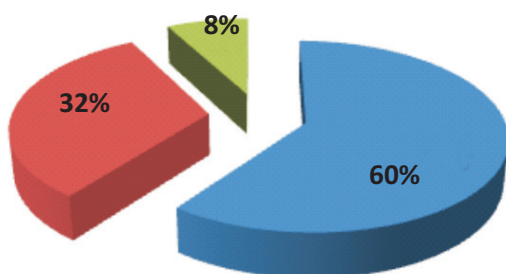


■ The cases opened for investigation (from the complaints) 546

■ Cases opened ex officio 13

269 Cases closed

1.1.2011 - 31.12.2011



■ Positively resolved 162

■ Declared inadmissible 86

■ Other reasons 21

THE SUBJECT OF THE INVESTIGATED CASES

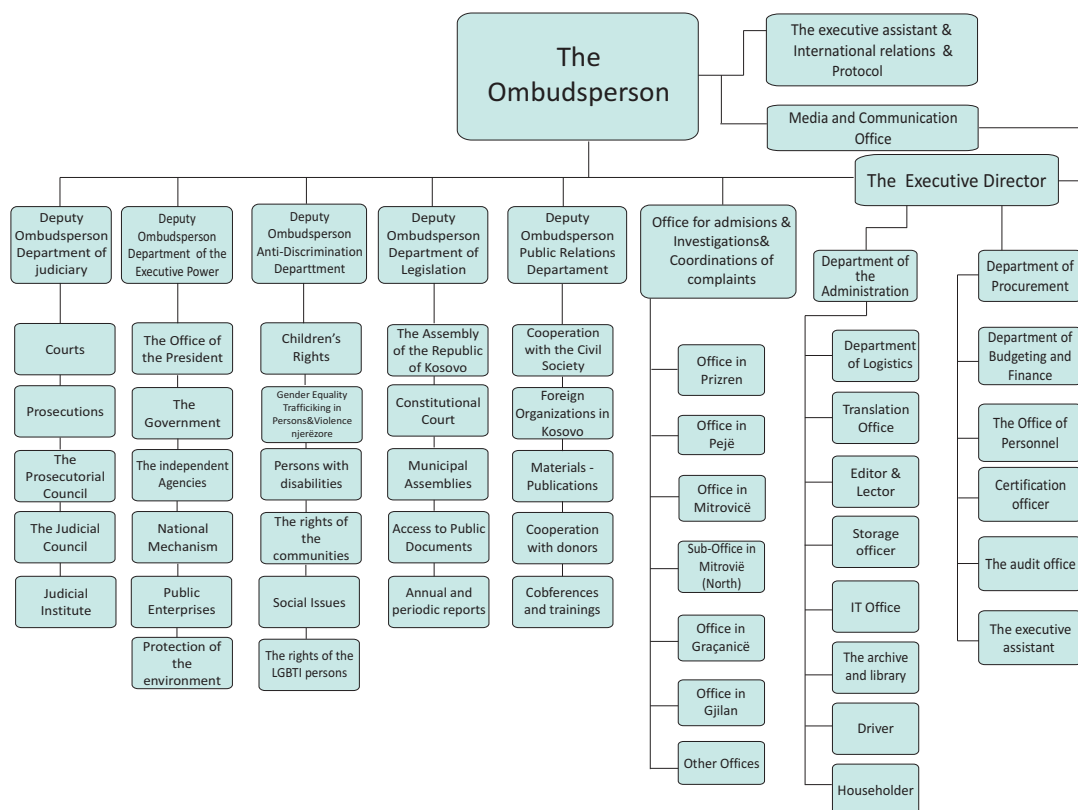
Right to a fair and impartial trial	111
Right to work and exercise profession	102
Protection of property	81
Social and health care security	81
Right to legal remedies	76
Equality before the law	21
Judicial protection of rights	18
torture or to inhuman or degrading treatment or punishment	14
Rights of the child	13
Right to education	12
Responsibility for the environment	11
Right of access to public documents	10
Mediation cases	8
Right to liberty and security	7
Right to marriage and family	7
Rights of the accused	5
Limitation of rights and fundamental freedoms	5
Right to life	4
Freedom of conscience and religious belief	4
Human dignity	3
Freedom of movement	3
Interpretation of human rights provisions	3
Good services	2
Right to personal integrity	1
Right to privacy	1
Religious confessions	1
Right to freedom of assembly	1
Electoral rights and right to participation	1
Freedom of art and science	1

Budget and expenses for the period of time

1 January to 31 December 2011

<i>Economic categories</i>	Final budget in 2011	Unallocated financial means	The budget spent	Bad debts	Free financial means	Realization in %
Salaries and wages	361,080.00	-	314,118.00	-	46,961.87	86.99 %
Good and services	229,845.03	13,454.00	209,301.77	6,367.93	14,175.33	91.06 %
Public utility expenses	22,733.26	-	12,525.65	10,192.31	15,30	55.10 %
Capital expenses	-	-	-	-	-	-
<i>Total</i>	613,658.29	13,454.00	535,945.55	16,560.24	61,152.50	87.33 %

Organizational chart



The organizational chart reflects mutual subordination of structures and was adopted through an internal Order of the Ombudsperson. The organizational chart also clearly defines the organizational structure of the institution as a precondition for a meaningful functioning of the institution and by respecting the vertical hierarchy, as well as by creating necessary levels of horizontal functioning.

The OIK's organizational structure

Based on the Constitution of the Republic of Kosovo and the Law on the Ombudsperson, the OIK's structure comprises by the officials elected by the Assembly of Kosovo, as well as by the OIK's civil servants who are selected in accordance with the provisions of the Law on Civil Service of Kosovo.

The election of the Deputy Ombudspersons in 2011 has assisted further organizational functioning in accordance with needs identified during the daily work.

Given that the human rights do not require explicitly only a professional education, but also human commitment and readiness to face certain situations, which are in most situations difficult and challenging, the OIK staff members are obliged to give their contribution in the established Units, based on the areas in which promotion and protection of human rights is foreseen.

These Units are grouped in five Departments as following:

Department of Judiciary,
Department of the Executive Branch,
Anti-Discrimination Department,
Department of Legislation,
Public Relations Department.

Each Deputy Ombudsperson is in charge of a certain department. Such organization enables better planning and effectiveness regarding achievable objectives.

Donations to the OIK for 2011¹

Donors	Budget according to economic categories	Budget amount	Unallocated financial means	Funds spent	Bad debts	Free financial means	Realization in %
Embassy of Norway	Salaries and wages	10,897.42	-	9,735.02	-	1,162.40	89,33 %
Embassy of Norway	Goods and services	47,691.82	-	41,648.93	3,268.80	2,773.67	87,33 %
Embassy of Turkey	Goods and services	6,468.28	-	4,094.20	-	2,374.08	63,30 %
UNICEF	Goods and services	2,548.52	-	2,548.52	-	-	100,00%
PTK	Goods and services	2,981.00	-	2,981.00	-	-	100,00%
Embassy of Kingdom of Belgium	Salaries and wages	1,846.11	1,846.11	-	-	1,846.11	0 %
Embassy of Kingdom of Belgium	Salaries and wages	721.20	721.20	-	-	721.20	0 %
	Total amount	73,153.9	2,567.31	61,007.67	3,268.80	8,877.80	83,39%

¹ During 2011, the OIK has benefited from series of activities aiming to build staff capacities (workshops, round tables, trainings, study visits, etc.). The activities have been financed directly by the OSCE. Donations for these activities (42,973 Euros) are not included the above table, because these donations have been completely managed by donor itself, not by the OIK.

Contacting the Ombudsperson Institution e-mail address:

ombudspersonkosovo@ombudspersonkosovo.org
info@ombudspersonkosovo.org

Phone lines free of charge:

+381 (0) 38 223 780

Central office in Prishtina:

**The Ombudsperson Institution
Neighbourhood "Bregu i Diellit",
Str. "Enver Maloku", no. 28
10000 Prishtinë, KOSOVO**

Office hours for the complainants: from Monday to Friday 08:00- 16:00

Tel: +381 (0) 223 782, +381 (0) 38 223 783,

+381 (0) 223 784, +381 (0) 38 223 789

Fax: +381 (0) 38 223 790

Office in Prizren

Address: Str. "Remzi Ademi", nn

Tel: +381 (0)29 222 138

Office hours for the
complainants: Monday and
Wednesday 10:00 -14:00

Office in Pejë

Address: Str. "Mbretëresha

Teutë" No.59, Floor III, no. 3,

Municipal Building Tel: +381
(0)39 432 931

Office hours for the
complainants: Monday and
Thursday, 10:00 -14:00

Office in Gjiilan

Address: Str. "Adem Jashari"

Municipal Building II

Tel: +381 (0)280 320 843

Office hours for the
complainants: Monday and
Thursday, 10:00 -14:00

Office in Mitrovicë

Address: Sheshi "Agim Hajrizi", nn,
Regional Tax Administration Office

Tel: +381 (0)28 530 138

Office hours for the complainants:
Monday and Thursday, 10:00 -14:00

Sub-Office in Mitrovicë

Address: Trepça annex, str. "Filip
Visnjic" no. 4

Tel: + 377 (0)45 455 319 and
+381 (0)63 817 44 79

Office hours for the complainants:
Monday and Thursday, 10:00 -14:00

Office in Graçanicë

Tel: +381 (0) 38 65 118

Tel. cell: +377 (0) 44 367 719 and
+381 (0) 64 37 11 137

Office hours for the complainants,
Monday and Thursday, 10:00 -14:00