

Kosovo

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1 Introduction

This human rights review will cover approximately three years (i.e. 2017-2020) and outline the most relevant human rights issues in Kosovo. Attention will be first given to the human rights issues that have received the most media coverage, followed by the most important decisions of the Kosovo Constitutional Court. Some of the issues covered in these sections are relevant for the second section. The main focus of the second section is the Constitutional Court's decisions, regarding, in particular, their impact on legislative changes in Kosovo, while the third section describes the main legal act enacted by the Kosovo Assembly and other Kosovo institutions. Finally, the report ends with some conclusions that summarize the most relevant developments on the protection of human rights in Kosovo.

2 Human Rights Issues in the Media

The first matter presented concerns human rights issues that received the most media coverage and public attention in Kosovo from the end of 2017 until July 2020. The issues are in relation to such rights as the right to compensation (wages), property rights, consumer protection, non-discrimination and the right to retire.

2.1 *Law on Wages*

One of the issues that has attracted the attention of the public and the media has been the increase of the salaries for officials working in the public sector. In December 2017, the Government of Kosovo decided to increase the salaries of the prime minister, deputy prime ministers, ministers and the rest of the government cabinet.¹ The prime minister was very much criticized for this decision, which cost the Kosovo budget over 1.1 million euros per year.² In

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1 Government of Kosovo (2017). Decision No. 04/20 on Waged of Prime Minister's Cabinet, dated 20 December 2017.

2 Zëri.Info, *Sa ishin dhe sa do të jenë pagat e kabinetit Haradinaj?* (Eng. How Much Were and Will be the Salaries of Haradinaj's Cabinet?), 2017. [www.zeri.info](https://zeri.info/aktuale/177765/sa-ishin-dhe-sa-do-te-jene-pagat-e-kabinetit-haradinaj/). Available at: <https://zeri.info/aktuale/177765/sa-ishin-dhe-sa-do-te-jene-pagat-e-kabinetit-haradinaj/> (last accessed 27 August 2020); BOTASOT.INFO, "Super Qeveria" e Ramush Haradinajt: Kaq shumë i kushton buxhetit të shtetit (Shifra) (Eng. "Super Government" by Ramush Haradinaj: It Costs So Much to the State Budget (Figures)), 2019. www.botasot.info. Available at: www.botasot.info/aktuale-lajme/1006500/super-qeveria-e-ramush-haradinajt-kaq-shume-i-kushton-buxhetit-te-shtetit-shifra/ (last accessed 27 August 2020).

September 2018, a number of the civil servants working at the Office of the Prime Minister of Kosovo went on strike because they considered the decision discriminatory through their own salaries not having been raised.³ In addition, protests and strikes were organized by the Teachers' Union (SBASHK) of primary, secondary and preschool schools demanding a change to the salary law and increasing their salary because they deserve it.⁴ After many reactions and requests from different stakeholders, the government drafted the law on salaries in the public sector and approved it on 3 September 2018.⁵ However, this draft law again provoked debates and opposition from some teachers and medical staff. In January 2019, the government, due to the continuous demands of members of these professions and the pressure from strikes and protests, raised salaries.⁶ The law was also approved by the Assembly of the Republic of Kosovo with some changes that again do not satisfy all the requirements of persons working in the public sector. The Institution of the Ombudsman of Kosovo, from the numerous complaints it has received (more than 40 complaints until the time of reporting) regarding Law No. 06 / L-111 on Salaries in the Public Sector, on 5 December 2019, sent to the Constitutional Court a request for assessment of compliance with the Constitution of the Republic of Kosovo and the imposition of an interim measure until the final decision by the court.⁷ In this regard, the Constitutional Court, on 19 December 2019, issued a decision on an interim measure, which had suspended the implementation of the law in question until 30 March 2020. In June 2020, the Constitutional Court repealed partially⁸ the Law No. 06 / L-111 on Salaries in the Public Sector, reasoning that this law provisions were contrary to the Constitution of the Republic of Kosovo, Article 1 of Protocol No. 1 (Protection of property) of the European Convention on Human Rights (ECHR) as well as paragraph 2 of Article 23 of the Universal Declaration of Human Rights (UDHR).⁹ The decision of the government to increase the salaries of the

3 Xheneta Murtezaj, FSSHC përkrah grevën e shërbyesve civilë në zyrën e Kryeministrit (Eng. FSSHC Supports the Strike of Civil Servants in the Office of the Prime Minister), 2018. [www.kallxo.com](https://kallxo.com). Available at: <https://kallxo.com/shkurt/fsshc-perkrah-greven-e-sherbyesve-civile-ne-zyren-e-kryeministrit/> (last accessed 10 June 2020).

4 Indeksonline, Protesta e mësimdhënësve: Duam vend meritor në Ligjin e Pagave (Eng. Teachers' Protest: We Want a Deserved Place in the Wages Law), 2018. www.indeksonline.net. Available at: <https://indeksonline.net/protesta-e-mesimdhenesve-duam-vend-meritor-ne-ligjin-e-pagave/> (last accessed 7 June 2020).

5 Zyra e Kryeministrit të Republikës së Kosovës, Qeveria e Kosovës miratoi Projektligjin për pagat (Eng. The Government of Kosovo Approved the Draft Law on Wages), 2018. www.kryeministri-ks.net. Available at: <https://kryeministri-ks.net/qeveria-e-kosoves-miratoi-projektligjin-per-pagat/> (last accessed 18 July 2020).

6 AlbaInfo, Qeveria e Kosovës rrit pagat për mësimdhënësit (Eng. The Government of Kosovo Increases Salaries for Teachers), 2019. www.albinfo.ch. Available at: www.albinfo.ch/qeveria-e-kosoves-rrit-pagat-per-mesimdhenesit/.

7 Ombudperson Institution of Kosovo, Annual Report of OIK 2019, 2020. Available at: www.oik-rks.org/en/2020/04/02/godisnji-izvestaj-2019/ (last accessed 20 July 2020).

8 Constitutional Court of Kosovo, KO219/19, Judgment Adopted on 30 June 2020, published on 9 July 2020. Available at: <https://gjk-ks.org/en/decision/vleresim-i-kushtetutshmerise-se-ligjit-nr-06-l-111-per-pagat-ne-sektorin-publik-3/> (last accessed 12 July 2020).

9 *Ibid.*

Sabiha Shala

government cabinet in 2017 was repealed by the new government in February 2020.¹⁰

2.2 Pension Reform

During 2017 and 2018, a wide debate was waged in the media, and numerous reactions came from employees fired from their jobs during the period 1990-1999 by the Serbian authorities in power at the time, regarding the government's concept paper on reforms of pensions.¹¹ This reform aimed not only to create a sustainable system for future generations, it is also expected to provide recognition of work experience for employees who were excluded from their jobs during the period from 1990 to 1999. However, reactions came from employees fired during the period 1990-1999 who found it impossible to meet the 15-year criterion for the realization of the contributory pension.¹² Such a condition was opposed by employees of this period,¹³ education workers in particular. In March 2019, the assembly approved the government's proposal for the adoption of Law No. 06 / L-073 on The Status of Albanian Education Workers of the Republic of Kosovo From the School Year 1990/91 to The School Year 1998/99.¹⁴ According to this law, a teacher who has worked for nine years will be 'rewarded' with 95 euros per month and a contributory pension of 260 euros. This means that they will be paid 355 euros per month, and if the person has died, the spouse is also entitled to compensation. In 2019, more than 7,500 education employees of the above period applied for, and the government has been obliged to retroactively pay, this compensation, while applicants from 2020 will be paid on a monthly

- 10 Javanews.al, I uli pagën vetes, zbulohet se sa do të paguhet Albin Kurti si kryeministër (Eng. He Reduced His Salary, It Is Revealed How Much Albin Kurti Will Be Paid as Prime Minister), 2020. www.javanews.al. Available at: <https://javanews.al/i-uli-pagen-vetes-zbulohet-se-sa-do-te-paguhet-albin-kurti-si-kryeminister/> (last accessed 20 August 2020); Sinjali.com, Albin Kurti ia ul pagën vetit, por çfarë do të ndodhë me pagat e gjyqtarëve dhe prokurorëve? (Eng. Albin Kurti Reduces His Salary, But What Will Happen to the Salaries of Judges and Prosecutors), 2020. Available at: <https://sinjali.com/albin-kurti-ia-ul-pagen-vetit-dhe-ministrave-por-çfare-do-ten-dodhe-me-pagat-e-gjyqtareve-dhe-prokuroreve/> (last accessed 20 July 2020).
- 11 Government of Kosovo, Concept Document for Regulation the Pension Field. Prime Minister Office, Prishtina, Kosovo, 2016. Available at: https://kryeministri-ks.net/wp-content/uploads/docs/Koncept-dokumenti_per_rregullimin_e_fushes_se_pensioneve_MPMS.pdf (last accessed 16 June 2020).
- 12 Klan Kosova, Paqartësi për pensionet e viteve 1990-1999 (Eng. Uncertainty about Pensions for the Years 1990-1999), 2019. Video available at: www.youtube.com/watch?v=nBhzEpcPlK0 (last accessed 22 July 2020).
- 13 Lajmi.net, Paqartësi për pensionet e viteve 1990-1999 (Eng. Uncertainty about Pensions for the years 1990-1999), 2019. www.lajmi.net. Available at: <https://lajmi.net/paqartesi-per-pensionet-e-viteve-1990-1999/> (last accessed 22 July 2020).
- 14 Official Gazette of Kosovo, Ligji nr. 06/l-073 për statusin e punëtorëve të arsimit shqip të Republikës së Kosovës nga viti shkollor 1990/91 deri në vitin shkollor 1998/99, 2019. Available at: <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=18857> (last accessed 21 July 2020).

basis and not retroactively. The issue of employees in other sectors remains unresolved.¹⁵

2.3 Billing for Electricity

Another issue that has received the attention of the public and the media during these three years has been the issue of energy billing by Electricity Distribution Services in Kosovo sh.a. (KEDS). In 2017, the media reported the news with the headline 'KEDS bills 8 million euros per year for the electricity of northern Serbs'.¹⁶ According to this newspaper, the Serb minority community living in the northern part of the Republic of Kosovo does not pay for electricity at all and the Government of the Republic of Kosovo through the Energy Regulatory Office (ERO) has allowed KEDS to include this part of the debt in the monthly payments of citizens of the Albanian community and other communities living in other parts of the Republic of Kosovo. After the media reporting, the Institution of the Ombudsman of Kosovo initiated investigations in an *ex officio* capacity, addressing ERO with questions about whether the value of energy consumed in northern Kosovo was 8 million euros per year and whether this value was distributed through the billing of citizens throughout Kosovo as reported in the media. For the Institution of the Ombudsman of Kosovo, this is a practice of ERO, unfounded in law, which constitutes multiple violations, because it is contrary to the laws on electricity, violates the right of citizens not to be discriminated against and violates property rights and consumer rights. Therefore, it is recommended that ERO urgently stop illegal electricity billing practices in the north of the Republic of Kosovo that consumers in the rest of the country become responsible for.¹⁷ The Institution of the Ombudsman of Kosovo filed on 15 August 2017 a lawsuit with the Basic Court of Prishtina, respectively, in the Department of Administrative Affairs, in which case it requested the annulment of ERO Decision V_399_2012, dated 6 February 2012, and the compensation of customers who are billed for electricity consumption in the four northern municipalities. Along with the lawsuit, the postponement of the execution of the decision in question was requested. The Basic Court in Prishtina, on 11 September 2017, approved the request for postponement of the execution

- 15 Constitutional Court of Kosovo, KI17/19 Resolution on Inadmissibility of 9 July 2020, 2019, published on 3 August 2020. Available at: <https://gjk-ks.org/en/decision/vleresim-i-kushtetutshmerise-se-udhezimit-administrativ-nr-09-2015-per-kategorizimin-e-shfrytzezuesve-te-pensionit-kontributpagues-sipas-strukture-kualifikuese-dhe-kohezgjatjes-se-pageses-se-kontribu/> (last accessed 23 July 2020).
- 16 A.R., KEDS-i na faturon 8 milionë euro në vit për rrymën e serbëve të veriut (Eng. KEDS Bills Us 8 Million Euros a Year for the Electricity of Northern Serbs), 2017. www.zeri.info. Available at: <https://gazetablic.com/keds-na-faturon-8-milione-euro-ne-vit-per-rrymen-e-serbeve-te-veriut/> (last accessed 17 August 2020); ZeriIno, *ibid*. Available at: <https://zeri.info/ekonomia/137917/keds-i-na-faturon-8-milione-euro-ne-vit-per-rrymen-e-serbeve-te-veriut/> (last accessed 19 July 2020).
- 17 Ombudperson Institution of Kosovo, Annual Report of OIK 2017, 2018. Available at: www.oik-rks.org/en/2018/03/30/annual-report-2017/ (last accessed 20 July 2020). Ombudperson Institution of Kosovo, Annual Report of OIK 2019, 2018. Available at: www.oik-rks.org/en/2019/04/08/annual-report-20188/ (last accessed 20 July 2020).

Sabiha Shala

of the decision until the receipt of the judgment according to the claim¹⁸ and has not yet decided on the Ombudsman's request for the main issue, namely the compensation of consumers, who until December 2017, were billed for electricity consumption in the four northern municipalities.

3 Constitutional Court of the Republic of Kosovo

The Constitutional Court implements constitutional review, namely, it adjudicates the compliance of legal norms with norms of higher legal force. In this regard, various bodies can submit a constitutional complaint. According to Article 113 of the Constitution and the relevant provisions of the Law and the Rules of Procedure of the Constitutional Court, individuals are not authorized to submit to the Constitutional Court claims that are of an *actio popularis* nature. The only way natural or legal persons can challenge the constitutionality of a law before the Constitutional Court through Article 113.7 of the Constitution and Articles 47 and 49 of the law is if they prove that their claim is not of an '*actio popularis*' nature – but that they have been directly and affected by a 'law' in the absence of any act, decision or measure implementing that law.

Within the last three years, the most important decision of the Kosovo Constitutional Court is the decision presented here on the constitutionality of the law on wages in the public sector. The court repealed this law because it was discriminatory and contrary to the Constitution of the Republic of Kosovo and international acts guaranteeing the right to property.

Two other Constitutional Court decisions that will be summarized below were introduced by the politicians (the president and deputies of Kosovo Parliament) and their claims of human rights violations.

The first decision was issued on the case brought by the Kosovo President, Mr. Hashim Thaqi.¹⁹ On 24 March 2020, the president submitted Referral KO54/20 to the Court, through which the president requested a constitutional review of the Kosovo Government Decision (No. 01/15 of 23 March 2020) on the prohibition of the movement of citizens from 10:00 to 16:00 and from 22:00 to 06:00 as COVID-19 preventive measures, and the imposition of the interim measure against the challenged decision of the government.²⁰ The constitutional question was if the government, by issuing such decision, limited the fundamental rights and freedoms guaranteed by the Constitution in accordance with the law or beyond the powers provided by law. In this context, regarding the assessment of whether the restrictions made at the level of the entire Republic of

18 Ombudperson Institution of Kosovo, Annual Report of OIK 2019, 2018. Available at: www.oik-rks.org/en/2019/04/08/annual-report-20188/ (last access 20 July 2020).

19 Judgment in case KO 54/20, filed by: The President of the Republic of Kosovo.

20 Constitutional Court of Kosovo, KO54/20, Applicant: The President of the Republic of Kosovo, Constitutional Review of Decision No. 01/15 of the Government of the Republic of Kosovo, of 23 March 2020. Available at: <https://gjk-ks.org/en/decision/vleresim-i-kushtetutshmerise-se-vendimit-nr-01-15-te-qeverise-se-republikes-se-kosoves-te-23-marsit-2020/> (last accessed 30 July 2020).

Kosovo by the challenged decision of the government are prescribed by law, the Court has focused on the assessment of the powers established in Articles 41 and 44 of Law No. 02/L-109 for Prevention and Fighting against Infectious Diseases and Articles 12 (1.11) and 89 of Law No. 04/L-125 on Health.

The Court unanimously decided that Decision (No. 01/15) of the Government of 23 March 2020 is unconstitutional as it incompatible with Article 55 (Limitations on Fundamental Rights and Freedoms) of the Constitution in conjunction with Articles 35 (Freedom of Movement), 36 (Right to Privacy), 43 (Freedom of Gathering) and Article 2 (Freedom of Movement) of Protocol No. 4, Article 8 (Right to Respect for Private and Family Life) and Article 11 (Freedom of Assembly and Association) of the ECHR, for the following reasons.

The limitations for Kosovo citizens as contained in the government decision are not 'prescribed by law' and therefore are contrary to the guarantees contained in Articles 35, 36 and 43 of the Constitution in conjunction with the respective Articles of the ECHR. As paragraph 1 of Article 55 of the Constitution states that the fundamental rights and freedoms guaranteed by this Constitution may only be limited by law, and as the two laws mentioned above do not authorize the government/Ministry of Health to limit such constitutional rights and freedoms provided in Articles 35, 36 and 43 of the Constitution at the level of the entire Republic of Kosovo and for all citizens of the Republic of Kosovo without exception, the challenged decision is unconstitutional. Thus, the Court concluded that the government exceeded the limitations permitted by the abovementioned laws and cannot restrict any fundamental rights or freedoms through decisions unless a restriction of the relevant right is provided by the law of the assembly, and as the government can only enforce a law of the assembly that restricts a fundamental right and freedom only to the specific extent authorized by the assembly through the relevant law.

Further, the court clarified the meaning of the constitutional terms 'limitation' and 'derogation' that appear in Articles 55 and 56 of the Constitution as it was a disagreement between the parties to the dispute, the president and the government. According to the Court, the 'limitation' of human rights and freedoms can be made 'only by law' of the assembly, but this does not mean that the 'limitation' of rights can only be made through and after the declaration of a state of emergency. Thus, the Court also clarified that "the term *limitation* implies a lighter degree of interference and this can be done even without declaration of a state of emergency, whereas *derogation* implies a more severe degree of interference since it can never be done without a declaration of a state of emergency."²¹

As to the request for interim measures, the Court did not take any decision on that as all judges agreed to decide in their entirety the merits of the case. Thus, the Court set the date of 13 April 2020 as the date of entry into force of this judgment, namely the repeal of the challenged decision of the government. This date was set due to the circumstances created by the declaration of the COVID-19 pandemic at the global level, relevant recommendations of health institutions at

21 *Ibid.*

the state and global level, the potentially harmful effects on public health as a result of the immediate repeal of the restrictions provided by the decision of the government and the protection of public health and interest until the enforcement of this judgment by the relevant institutions of the Republic of Kosovo.²² The Court advised the assembly to take appropriate measures to ensure that the necessary limitations on fundamental rights and freedoms in order to safeguard public health have been made in accordance with the Constitution and this judgment.²³ Finally, the court repeated that the Ministry of Health/the government is authorized to render decisions with an aim to prevent and combat the pandemic, insofar as it is authorized by Law No. 02/L-109 for Prevention and Fighting against Infectious Diseases and Law No. 04/L-125 on Health.²⁴

The second case²⁵ was referred to the Court by Uran Ismaili and 29 other deputies of the Assembly of the Republic of Kosovo requesting the constitutional review of four (4) decisions of the Ministry of Health, namely decisions on: i) declaring the Municipality of Prizren a 'quarantine zone'; (ii) preventing, fighting and eliminating the infectious disease COVID-19 in the territory of the Municipality of Prizren; (iii) preventing, fighting and eliminating the infectious disease COVID-19 in the territory of the Municipality of Dragash and (iv) preventing, fighting and eliminating the infectious disease COVID-19 in the territory of the Municipality of Istog.²⁶ The applicants allege that they are not in compliance with Articles 35 (Freedom of Movement) and 55 (Limitations on Fundamental Rights and Freedoms) of the Constitution of the Republic of Kosovo (hereinafter the Constitution) and Article 2 of Protocol No. 4 of the European Convention on Human Rights (hereinafter ECHR). The applicants also requested the imposition of the interim measure for the suspension of the challenged decisions.

After analysing the arguments of both parties and considering its judgment on the case KO54/20, the Court decided that the decisions 'for prevention, fighting and elimination of the infectious disease COVID-19' in the municipalities of Prizren, Dragash and Istog, as these measures are prescribed by the Law for Prevention and Fighting against Infectious Diseases, pursue a 'legitimate aim'

22 *Ibid.*

23 *Ibid.*

24 *Ibid.*

25 Constitutional Court of Kosovo, KO61/20, Applicant: Uran Ismaili and 29 other deputies of the Assembly of the Republic of Kosovo, 2020. Available at: <https://gjk-ks.org/en/decision/vleresimi-kushtetutshmerise-se-vendimit-nr-214-iv-2020-te-12-prillit-2020-te-ministrise-se-shendetesise-per-shpalljen-e-komunes-se-prizrenit-zone-karantine-dhe-vendimeve-nr-2/> (last accessed 24 July 2020).

26 Ministry of Health of Kosovo, Decision [No. 214/IV/2020] of 12 April 2020 of the Ministry of Health on declaring the Municipality of Prizren "quarantine zone"; Decision [No. 229/IV/2020] of 14 April 2020 of the Ministry of Health "on preventing, fighting and eliminating infectious disease COVID-19 in the territory of the Municipality of Prizren"; Decision [No. 238/IV/2020] of 14 April 2020 of the Ministry of Health "on preventing, fighting and eliminating infectious disease COVID-19 in the territory of the Municipality of Dragash"; Decision [No. 239/IV/2020] of 14 April 2020 of the Ministry of Health, "on preventing, fighting and eliminating infectious disease COVID-19 in the territory of the Municipality of Istog".

such as the protection of 'public health' as foreseen in paragraph 3 of Article 2 of Protocol No. 4 of the ECHR, are proportional in relation to 'legitimate aim' pursued and are 'necessary in a democratic society'. Therefore, the court concluded that these decisions are in compliance with the Constitution, with the exception of the respective points of the enacting clauses which determine the respective administrative minor offences, whereas it declared unconstitutional the decision declaring the Prizren municipality a 'quarantine zone'.

Similar to the previous case and for the same reasons, the Court did not approve the request for interim measures and emphasized that until the date of the entry into force of such decision, the relevant institutions of the Republic of Kosovo, in the first place, the assembly, must take appropriate measures to ensure that the necessary limitations on fundamental rights and freedoms in order to preserve the public health are made in accordance with the Constitution and Judgment KO54/20.

Another law that was challenged in front of the Constitutional Court of Kosovo was the Law 06/L-010 on Notary, which entered into force on 26 December 2018.²⁷ One of the challenged articles was Article 76 (2). The Institution of the Ombudsman of Kosovo alleged that the article in question by retroactive effect has changed the age of retirement for notaries from the age of 70 to 65, whereupon they have been denied legitimate expectations and future benefit that resulted in a violation of the right to property guaranteed by Article 46 of the Constitution in conjunction with Article 1 of Protocol No. 1 of the ECHR.²⁸ The Court, on the basis of its analysis, concluded that such article in conjunction with Article 22 of the challenged law are not in contradiction and do not violate the rights under Article 46 (Protection of Property) of the Constitution, in conjunction with Article 1 of Protocol No. 1 (Protection of Property) of the ECHR, the 'legitimate expectations' do not in themselves, in accordance with ECtHR practice, guarantee that the legislator cannot change the law, especially if such a change is proportionate. In addition, the Court explained that the legislature, due to its position and democratic legitimacy, is in a better position than the Court to determine and advance the country's economic and social policies.²⁹

4 Important Legal Acts for Human Rights

During the three reporting years, institutions have drafted and adopted a considerable number of relevant legal acts to guarantee human rights. The following are some of the most important laws and exercises for the citizens of the Republic of Kosovo. First, it is worth mentioning that Kosovo as a new state

27 Constitutional Court of Kosovo, KO65/19, Judgment of 29 July 2019, published on 23 August 2019. Available at: <https://gjk-ks.org/en/decision/vleresim-i-kushtetutshmerise-se-nenit-32-paragrafi-1-nenit-41-paragrafet-1-3-dhe-1-4-dhe-nenit-76-paragrafi-2-ne-lidhje-me-nenin-2-paragrafi-7-dhe-nenin-22-paragrafi-1-3-te-ligjit-nr-06/> (last accessed 10 August 2020).

28 *Ibid.*

29 *Ibid.*

Sabiha Shala

has not yet drafted and adopted codes in all areas, including the codification of laws in the civil field, which as a process started in 2003 but was interrupted. Since 2017, the Ministry of Justice, supported by the European Union (EU), has started drafting a civil code based on the best European models and the German model in particular. The code has been approved by the government and is now awaiting approval by the Assembly of the Republic of Kosovo. The Civil Code has five parts: the General Part, the Book on Family Law, the Book on Obligations, the Book on Property Rights and the Book on Inheritance. These books are in line with applicable EU standards and will support judicial cooperation in civil matters – local and international – with all relevant partners, such as the judiciary, lawyers, notaries, chambers of commerce and all other relevant professional partners. This code is considered very effective and citizens will have a greater guarantee of protection of their rights in this area.

In addition to the Civil Code, the institutions of the Republic of Kosovo have adopted several laws and administrative instructions necessary for the protection of human rights. The most important law adopted in 2020 is the Law on Economic Recovery – COVID-19,³⁰ which aims to help businesses and citizens of the Republic of Kosovo address the consequences created by the pandemic.

In July 2019, Law No. 06 / L-081 on Access to Public Documents (LQDP) entered into force and guarantees the right of every person, without discrimination on any grounds, to have access to public documents, produced, received, held or controlled by public institutions, as well as the right to reuse public sector documents. At the same time, the Assembly of Kosovo adopted the Law on Child Protection,³¹ six years after the start of the drafting process. This is the first law in the country that specifically addresses the rights of the child, and it consists of nine chapters.

In December 2018, the President of Kosovo decreed another law important for the citizens of Kosovo, Law No. 06 / L-008 on amending and supplementing Law No. 2004/26 on Heritage in Kosovo.³² This law enables important changes by envisaging the notary as a competent body for inheritance issues, which helps citizens more quickly realize their inheritance rights. Moreover, this law guarantees

if the surviving spouse does not have a place to live, he/she reserves the right to use the residential-marital object, in which he lived during the marriage,

30 Assembly of Kosovo, Kuvendi miratoi Projektligjin për parandalimin dhe luftimin e Pandemisë COVID-19 në territorin e Republikës së Kosovës (Eng. The Assembly Approved the Draft Law on Prevention and Combating the COVID-19 Pandemic in the Territory of the Republic of Kosovo), 2020. Available at: www.kuvendikosoves.org/Uploads/Data/Documents/Projektligjiperrime_kembjenekonomikeCOVID-19_bUkmLRvb4j.pdf (last accessed 19 August 2020).

31 Official Gazette of the Republic of Kosovo, Law No. 06/L-084 on Child Protection, 2019. Available at: <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=20844> (last accessed 28 July 2020).

32 Official Gazette of the Republic of Kosovo, Law No. 06/L-008 on Amending and Supplementing the Law No. 2004/26 on Inheritance in Kosovo, 2019. Available at: <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=18305> (last accessed 27 August 2020).

until his death or remarriage. If the residential building is sold or otherwise alienated, the surviving spouse is provided with the necessary residential building.³³

Such a supplement guarantees the surviving spouses that they have a place of residence at the time of the death of the spouse. In this case, the woman is the one who often benefits in society, such as the Kosovar one, where the woman encounters difficulties in many cases in enjoying the right of inheritance after the death of her husband.

Furthermore, the Assembly of the Republic of Kosovo has adopted several other important laws for human rights such as The Law on amending and supplementing Law No. 04 / L-065 on Copyright and Related Rights, Law for The Protection of Personal Data, the Law on Amending and Supplementing the Law No. 2004/32 on the Family, the Juvenile Justice Code, the Law on Asylum, etc.³⁴

It is also worth reporting on the approval of two administrative instructions during the reporting period. Administrative Instruction 03/2016 (QRK) on special measures for the registration of joint immovable property on behalf of both spouses was supplemented and amended during 2017, 2018, 2019³⁵ and 2020 through Administrative Instruction (QRK) No. 02/2020,³⁶ with which the time period of its implementation has been extended for another five years. The purpose of this administrative instruction is to stimulate the registration of immovable property in the name of both spouses in the public registers by exempting from the payment of fees for the registration of immovable property in the name of both spouses.

During this reporting period, the Ministry of Labour and Social Welfare also approved Administrative Instruction No. 05/2018 on the method and procedures for assessing the ability to work of persons with disabilities. This instruction regulates the method and procedures for assessing the reduction of work capacity for persons with disabilities to determine the recognition of the rights to training, rehabilitation and employment.

33 In Art. 12 of the Law No. 2004/26 on Inheritance in Kosovo, after Para. 2, a new Para. 12.3 is added.

34 Assembly of the Republic of Kosovo, Evidence of the Laws Approved by Legislator, 2020. Available at: www.kuvendikosoves.org/Uploads/Data/Documents/Evidencaeligjeve_DT4YJLRyB.pdf or www.kuvendikosoves.org/eng/draft-laws-and-laws/ (last access 12 December 2020).

35 Official Gazette of the Republic of Kosovo, Administrative Instruction (grk) No. 03/2016 on Special Measures for Registration of Joint Immovable Property on Behalf of Both Spouses, 2019. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=12418> (last accessed 26 August 2020).

36 *Ibid.*

Sabiha Shala

5 Conclusions

Based on the above, it is clear that the Republic of Kosovo during this reporting period has also been facing several issues related to human rights protection, starting with the rights of the second generation, such as the right to compensation/a wage, the right to a pension, the right to consumer protection and the right to retire, and ending with civil rights, such as the right to non-discrimination, the right to free movement and finally the right to property.

Due to the COVID-19 situation, the rights of Kosovo citizens were also challenged by the decision of the Ministry of Health, respectively, the Government of the Republic of Kosovo, the decision of which were reviewed by the Constitutional Court of the Republic of Kosovo from the constitutional compatibility aspect. The Court found that the Government of Kosovo, by issuing such decision on the limitation of the free movement of people in the entire territory of the Republic of Kosovo, had breached the human right guaranteed by the constitutional provision, namely the right to free movement. The limitation of free movement of people in four cities was found to be constitutional as these decisions were foreseen by the Law on Health and Law for Prevention and Fighting against Infectious Diseases as preventive and health-protective measures for citizens from the COVID-19 virus.

The role of the Constitutional Court of Kosovo proves to be very important as well when it comes to the constitutionality of national legislation. The law on wages in the public sector that was followed by many reactions and critiques was declared unconstitutional and was annulled.

Part of the Constitutional Court and deputies of the Kosovo Assembly as well as the media played a very important role when it came to the right to property and payment of compensation. The Institution of the Ombudsman of Kosovo was very active during this reporting period, and some of the courts' decisions were taken due to its initiative. Of course, NGOs and other state institutions with the authority to promote human rights have been cooperating with the Institution of the Ombudsman of Kosovo.