
CIVIL SERVANT TRAINING PROGRAMS AND CAPACITY BUILDING ON THE RIGHTS OF THE NON-MAJORITY COMMUNITIES AND NON-DISCRIMINATION IN KOSOVO

October, 2018



Acknowledgements

Members of the Coalition would like to thank the interviewees from the different institutions and organizations for their willingness to participate and provide invaluable information and data for this report.

Lead NGO for publishing the Report

ECMI Kosova (www.ecmikosovo.org)

ECMI Kosovo is the principal non-governmental organisation engaged with minority issues in Kosovo, with the overarching aim to develop inclusive, representative, community-sensitive institutions that support a stable multi-ethnic Kosovo. ECMI Kosovo contributes to the developing, strengthening and implementation of relevant legislation, supports the institutionalisation of communities-related governmental bodies, and enhances the capacity of civil society actors and the government to engage with one another in a constructive and sustainable way.

**Str. Nëna Terezë No. 20, Apt. 5,
10000 Prishtina – Kosovo,
Tel. +381 (0) 38 224 473**

**Str. Kralja Petra 183a
38220 Mitrovica/Mitrovicë North, Kosovo**

Equal Rights for All Coalition

ERAC brings together seven (7) NGOs that work in the domain of *rule of law* and *fundamental rights* that will work together with an additional **nineteen (19) grass root NGOs**, with a particular focus on the establishment of a sustainable network of NGOs that are active in the protection and promotion of the fundamental rights of vulnerable and/or marginalised groups. The project's special focus are the following groups: **all minority communities** in Kosovo, **women, youth** and **LGBT community**. Although working on similar topics and issues, these NGOs are often divided on the basis of the particular target groups they are working with or the region they are active in. By establishing structural cooperation between selected NGOs and providing formal opportunities for continuous learning, the action generates the sharing of knowledge and experience between NGOs, strengthens their capacities for advocacy with relevant central and municipal institutions, and increases their visibility.

ERAC members are the following organisations:

- European Centre for Minority Issues Kosovo – leader of the Coalition;
- Centre for Social Group Development – member of the Coalition;
- Centre for Equality and Liberty for the LGBT Community in Kosovo – member of the Coalition;
- Kosovo Center for Gender Studies – member of the Coalition;
- Youth Initiative for Human Rights – member of the Coalition;
- Kosovo Glocal – member of the Coalition;
- Centre for Legal Aid and Regional Development – member of the Coalition.

Disclaimer

This publication has been produced with the assistance of the European Union. The contents of this publication are the sole responsibility of ECMI Kosovo and can in no way be taken to reflect the views of the European Union.

Copyright

© Equal Rights for All Coalition (ERAC), July 2018. All rights reserved. No part of this publication may be reproduced, stored in retrieval system or transmitted in any form or by any means, electronic, mechanical, photo-copying, recording or otherwise, without the prior permission of ERAC.



CIVIL SERVANT TRAINING PROGRAMS AND CAPACITY BUILDING ON THE RIGHTS OF THE NON-MAJORITY COMMUNITIES AND NON-DISCRIMINATION IN KOSOVO



CONTENTS

I. Executive Summary	9
II. Introduction	10
III. Methodology	12
IV. Human Rights Protection Mechanisms for Minority Communities	13
Central Level of Kosovo	13
Kosovo Institute for Public Administration (KIPA)	13
The Office for Good Governance, Human Rights, Equal Opportunities and Gender Issues	14
ZOffice for Communities Affairs	14
Consultative Council for Communities	15
Office of Language Commissioner	17
Ministry for Communities and Returnee	18
Committee on Rights and Interests of Communities and Returns	18
Public Administration at Central Level	18
Local level of Kosovo	21
Municipal Offices for Communities and Return (MOCR)	21
Municipal Human Rights Units	22
Municipal Communities Committee	22
Independent Institutions	22
Ombudsperson Institution of Kosovo	22
Public Administration at the Local Level	23
V. Law Enforcement	28
Kosovo Judicial Council (KJC) and Kosovo Prosecutorial Council (KPC)	28
The Judiciary	28
Quality Assessment of Training in the Judiciary	30
The Kosovo Police Force	31
Assessment of training offered at the Police Academy	33
VI. Conclusions	37
VII. Recommendations	38
VIII. References	39
IX. Annex 1	42

LIST OF ABBREVIATIONS

MEST	Ministry of Education, Science and Technology
MLGA	Ministry of Local Government Administration
MPA	Ministry of Public Administration
MLSW	Ministry of Labor and Social Welfare
MESP	Ministry of Environment and Spatial Planning
MCYS	Ministry of Culture, Youth and Sport
MED	Ministry of Economic Development
MAFRD	Ministry of Agriculture, Forestry and Rural Development
MTI	Ministry of Trade and Industry
MCR	Ministry for Community and Return
MIA	Ministry of Internal Affairs
AIS	Agency for Information and Society
ACA	Anti-Corruption Agency
AAD	Agency for Agricultural Development
KAS	Kosovo Agency of Statistics
SOK	Statistical Office of Kosovo
FVA	Food and Veterinary Agency
KIPA	Kosovo Institute for Public Administration
KJI	Kosovo Judicial Institute
KPC	Kosovo Prosecutorial Council
KPSS	Kosovo Police Service School
CCC	Communities Consultative Council
OCA	Office for Community Affairs
OGG	Office for Good Governance
PIK	Police Inspectorate of Kosovo
TAK	Tax Administration of Kosovo
RWC	Regional Water Company
PISG	Provisional Institutions of Self-Government
ECMI	European Center for Minority Issues
ERAC	Equal Rights for All Coalition
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
CPHRF	Council for the Protection of Human Rights and Freedoms
ECHR	European Convention on Human Rights

ODIHR	Office for Democratic Institutions and Human Rights
OSCE	Organization for Security and Co-Operation in Europe
OECD	Organisation for Economic Co-operation and Development
TES	Training and Educational Support

I. EXECUTIVE SUMMARY

The present report outlines the legislative and institutional measures undertaken by the Government of Kosovo to address issues of ethnic discrimination in the public service, and provide training on inter-ethnic equality. According to a report titled “Legal protection against discrimination in South East Europe”, produced by Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) in 2016, identifying, reporting, handling and even evidencing discrimination in Kosovo remains very low.¹ Partly connected to local tradition and culture regarding human rights, and as such a weakness in recognizing and registering discrimination at a grassroots level, this report will address the lack of training among civil servants in human rights and anti-discrimination, to understand how discrimination remains concealed at an institutional level. The present report is particularly pertinent, especially in view of the Government’s ongoing strategic plan for the training of civil servants (2016-2020), which aspires to pursue gradual alignment with EU standards, yet fails to address grassroots civil servant training in civil and human rights, and communities’ rights.²

For the purposes of the report, a select number of representative public bodies and their associated institutions were examined in terms of their stated goals, the measures they took for achieving them, implementation, and the quality of the training outcomes. The selection was made to reflect training in institutions whose members come to frequent contact with the public, and/or channel communication between local and national government. The report found that the decreasing interest in methodical and widespread education, in view of wider challenges, in combination to legislative indifference and institutional support, has hindered progress. Moreover, limited documentation of the content of the training provided to civil servants until now has rendered evaluation challenging in terms of its long-term outcomes.

¹ Centre for SEELS, 2016. Legal Protection against Discrimination in South East Europe: Regional Study, p. 267

² See for example: Ministry of Public Administration, The Strategy for Training of Civil Servants 2016-2020; Government of Kosovo, Plan of action for three year period 2016-2018 for implementation of the strategy on training of civil servants 2016-2020.

II. INTRODUCTION

In compliance with article 22 of the Constitution of Kosovo ['Direct Applicability of International Agreements and Instruments'], a provision rendering the Universal Declaration of Human Rights, the Council of Europe Framework Convention for the Protection of National Minorities, and the Convention on the Elimination of All Forms of Racial Discrimination, directly applicable in Kosovo, national Government has passed legislation on anti-Discrimination, and has taken a number of institutional measures to support and promote awareness, education, and training for civil servants on issues of ethnic minority rights.³ Under direct Constitutional protection has also been the Consultative Council for Communities, a public body instituted to assist communication and consultation between the government and ethnic minority communities on legislation and policy.⁴ Its scope and function since its institution will be addressed in detail later on in the present report.

Direct legislative action to protect ethnic minorities was taken in 2008, when the Parliament enacted Law No. 03/L-047 'On the Protection and Promotion of the Rights of Communities and their Members in Kosovo', a law designed to protect the rights of the different communities of Kosovo, recognizing their members' equality in language, education, cultural heritage, identity and religion, among other things.⁵ The most recent and up to date law, by international standards, for the protection of citizens' rights in Kosovo, has been Law No. 05/L-021 'On the Protection from Discrimination', enacted on 28 May 2015.⁶ Its scope is to protect citizens, regardless of nationality/community/race, sex, gender, religion, from direct or indirect discrimination, harassment, and victimization in all areas of life, including access to employment, training, and working conditions.⁷ More importantly, in Kosovo, all ministries and municipalities are obliged by law to establish Human Rights Units or assign officials for reporting on and coordinating the implementation of the non-discrimination law.⁸ Nevertheless, as will become evident in the present report, the majority of these legal and institutionalized measures have been gradually neglected by the governmental and government-affiliated organizations responsible for their development and implementation. More importantly, even if legislative measures have been adopted for the protection of the rights of ethnic minorities, according to the EU Commission Kosovo Report for 2016, the performance of institutions in addressing issues of discrimination remained low.⁹ All these shortages in implementation undermine the spirit of the laws adopted by Kosovo, and render civil service awareness and training on ethnic minority issues incomplete in the least.

The ethnic outlook of present-day Kosovo, according to combined demographic information from the 2011 census and the 2013 OSCE Municipal Profiles, has been reported to comprise of:

- around 1.8 million total inhabitants;
- 87% of whom are ethnic Albanian;
- 8% Serb;
- 5% other (Bosniak 1.54%, Turkish 1.01%, Roma 0.84%, Ashkali 0.83%, Egyptian 0.61%, Gorani 0.58%, Croat est. 0.01%, Montenegrin est. 0.01%)¹⁰.

³ Constitution of Kosovo, Article 22 'Direct Applicability of International Agreements and Instruments', p. 6

⁴ *ibid*, Article 60.3.1, 60.3.2 'Consultative Council for Communities', p. 18

⁵ Assembly of Kosovo, 13 March 2008, Law 03/L-047, 'On the protection and promotion of the rights of communities and their members in Kosovo'.

⁶ Assembly of Kosovo, 28 May 2015, Law 05/L-021, 'Law on the Protection from Discrimination'.

⁷ Centre for SEELS, 2016. Legal Protection against Discrimination in South East Europe: Regional Study, p. 25

⁸ *ibid*. 39

⁹ European Commission. 2016. Commission Staff Working Document: Kosovo 2016 Report, p. 26

¹⁰ ECMI Kosovo. 2013. Communities in Kosovo: A guidebook for professionals working with communities in Kosovo, [English edition] pp. 12-61

Especially for the Roma, Ashkali and Egyptian Communities, the Ombudsperson Institution in Kosovo expressed explicit concern in both their 2015 and 2016 annual reports, where they noted that indirect discriminatory treatment in regards to these communities' access to social assistance remained an issue. Combined with the extreme poverty faced by members of these communities, indirect discrimination also affected the repatriation of Roma, Ashkali and Egyptian communities.¹¹ Especially in their 2016 Annual Report, the Ombudsperson's Institution expressed very serious concern about the problems minority communities face overall and, more importantly, they indicated that there appeared no prediction of improvement reported by Kosovo institutions.¹² Similarly for 2017, the latest annual review highlighted that these communities remained the most vulnerable and the most marginalized communities in Kosovo.¹³ As will become evident in the present report, deep shortages at a structural level, connected by and large to the public servants' lack of awareness and training on ethnic minority issues, ought to be among of the underlying issues behind this wider institutional weakness to address indirect discrimination towards ethnic minorities in Kosovo.

In the following sections, this report will address the operation of these governmental and extra-Governmental organizations, their interrelated practice, as well as Governmental strategic planning for the future, and come to conclusions about the institutional weaknesses that have, until now, obstructed the training of a civil service sensitive to ethnic minority issues.

¹¹ Ombudsperson Institution. Annual Report 2015: No. 15, p. 51

¹² Ombudsperson Institution. Annual Report 2016: No. 16, p. 67

¹³ Ombudsperson Institution. Annual Report 2017: No. 17, pp. 78-80

III. METHODOLOGY

The present report is based on the premise of a reported weakness in evidencing and addressing discrimination at a state institutional level, a fact that has informed the structure of the report to include both primary source material (interviews and questionnaires with public bodies), as well as secondary source material (pamphlets, institution annual reports, legislation etc). In this way, the gaps in existing information are covered by insight knowledge harvested from acting officials from the examined institutions.

ECMI distributed questionnaires to all the municipalities and ministries, to assess the scope and impact of training in human rights. At the same time, specifically targeted interviews with the various institutions provided information about the administrative aspect of training, as well as the challenges and future plans. Moreover, ECMI secured access to curricula of Academy of Justice and Police Academy for content analysis, and identified space for potential improvement.

For institutions that do not themselves train civil servants, but are rather overseeing and advisory institutions (such as the Ombudsperson's Institution and the Communities Consultative Council, among others), interviews focused on these institutions' professional assessment of the underlying issues behind training in human rights, their views on the progress or lack of it, and plans for future action.

The rationale behind this tailored approach reflects two challenges faced by ECMI during conducting desk-based research. On the one hand, existing data on discrimination against minorities is minimal since, as multiple parties confirmed, most cases are not yet reported and never reach the judicial level. As such they have never been integrated into wider statistical information. On the other hand, this problem of non-existent statistic resources was exacerbated by the non-centralized nature of civil servant training- for example in the case of the judiciary until 2018 administrative staff were trained by KIPA while judges and prosecutors by the Academy of Justice, creating a mismatch in the scope and content of the offered trainings. To cover this gap in statistics and inter-institutional cooperation, the questionnaires were used to reflect the participants' experience and high-ranking officials were interviewed in relation to the issues identified through ECMI's desk-based research, as well as the participants' responses.

As such, the report is structured in two sections, corresponding to these two different categories of institutions and sources of information. The first section examines institutions that manage direct training of future civil servants and also the replies from the local and central level institutions, the second part is devoted to Law enforcement mechanisms. In this way, practice and policy are assessed and compared, to come to conclusions about the future state of training in anti-discrimination, ethnic minority rights, and human rights overall. The report concludes with a section on ECMI's recommendations for future action.

IV. HUMAN RIGHTS PROTECTION MECHANISMS FOR MINORITY COMMUNITIES

Central Level of Kosovo

Kosovo Institute for Public Administration (KIPA)

Kosovo Institute for Public Administration (KIPA) was established as an agency under the Ministry of Public Administration. The main role of the KIPA is to organize trainings for civil servants in order to enhance the quality of civil services in the public administration and institutions. KIPA publishes each year the annual reports for civil servants trainings.¹⁴

In 2015, KIPA trained 2,768 civil servants through 88 training modules for a total of 303 training sessions. Trained officers were from the central and local level of public administration. Training sessions were attended by senior management, professional and administrative levels with a broad representation including all ministries, executive, independent agencies and municipalities. The gender structure of the participants in the training consists of 39.70% female and 60.30 male gender, 3.07% were from minorities who speak Serbian. From the central level institutions, KIPA trainings were attended by 1392 participants or 50.29% of total trainees during the year, while from the local level institutions in the KIPA training participated 1376 or 49.71% of total trainees during the year.¹⁵

During 2016, KIPA has trained 3761 civil servants through 135 training modules in a total of 619 training sessions. Part of the trained group were also 100 participants from the public procurement companies. The training was attended by senior, professional and administrative officials with a wide representation including, ranging from Ministries, Executive Agencies, Independent Agencies, Municipalities, Public Companies, Judges and Regional Units. The gender structure of the participants in the training consists of 40.63% females and 59.37% males, 14.09% were from Serb-speaking minorities. From the central level of institutions, KIPA trainings were attended by 2824 participants or 75.08% of total trainees during the year, while from the local level institutions 937 or 24.91% of total trainees participated in KIPA trainings during the year.¹⁶

Human and minority rights related trainings were part of the training modules, however there was no specific module designed for human rights training.

During 2015 there was a two days training on the Rights, Responsibilities and Complaints in Civil Service. Training was dedicated to the employees in Kosovo municipalities, which was attended by 40 participants, including two trainers. Moreover, under the module Civil Servants' Rights a training was conducted in support of the integration process of the Serb community in the northern part of the Kosovo state institutions. In this training program were trained 318 civil servants divided into 11 training groups, including six trainers. The participants in the training were from four northern municipalities: North-Mitrovica, Zvecan, Zubin Potok and Leposavic. Beneficiary institutions: MLGA, MEST, MLSW, MPA, AIS, MESP, MCYS, MED, MAFRD, MTI, MCR, ACA, AAD, TAK, KAS-SOK, FVA, RWC.¹⁷

¹⁴ Interview with Refiqe Sylqevci, Director of KIPA

¹⁵ KIPA Annual Report 2015

¹⁶ KIPA Annual Report 2016

¹⁷ KIPA, reply on the request for access to public documents, January 2018.

In 2017 KIPA started working on a "Human Rights in Kosovo" Module. The module manual was worked out. The completing of the training is in process. The next activity will be coach training for trainers certified by the Office for Good Governance and the project of support from European Commission. The trainers are supposed to be involved in the trainings of "Human Rights in Kosovo" module.¹⁸

The Office for Good Governance, Human Rights, Equal Opportunities and Gender Issues

The Office for Good Governance, Human Rights, Equal Opportunities and Gender Issues (Office for Good Governance/ OGG) was instituted in 2001 to operate within the Office of the Prime Minister, overseeing the Government's efforts in relation to human rights (advising Government Ministers and the Prime Minister on issues of Human Rights, drafting and reviewing policy, communicating with the public, etc).¹⁹ It employs eight (8) civil servants, including a Director, a Coordinator, five (5) Senior Officers responsible for each of its areas of oversight (Rights of the Child, Good Governance, Equal Opportunities and Disability, Equal Opportunities and Minorities, Anti-Discrimination), and an Administrative Assistant.²⁰

According to its acting Director, Mr. Habit Hajredini, the Office's main responsibility is capacity building training for civil servants across the board.²¹ Trainings are related to human rights, with a special focus on minorities- anti-discrimination seminars, for example- and include specialized topics such as disabilities within minority groups. In general, Mr. Hajredini noted, trainings on minorities focus on the Ashkali, Egyptian and Roma communities, and the OGG runs a variety of events both at a centralized as well as a local level- seminars and workshops on education healthcare, housing, and social welfare- with civil servants as beneficiaries. OGG developed its own training programme on human rights and equal opportunities, a project that lasted for 6 months, which they then introduced to KIPA for implementation. For the past year this programme has been in implementation, and it has already produced 19 civil servants certified to act as trainers. The training lasted for five (5) days and the civil servants now mandated to provide human right training were selected from different services within the civil service, where they returned after their accreditation. A similar training programme against homophobia and racism has already been concluded with the auspices of OGG.

The most decisive action appears to have been the institution of a mechanism that will address capacity building at each ministry. According to this new initiative by the OGG, each municipality will have a staff member working specifically on non-discrimination at a local level, and in 2017 OGG began the process of civil servant training to man this administrative structure. This civil servant will forward all needed knowledge for other civil servants in the municipality, this includes non-discrimination of non-majority communities.

Office for Communities Affairs

The Office for Community Affairs (OCA) is an advisory body within the Office of the Prime Minister, tasked with facilitating the communication of issues directly related to the communities in Kosovo to the Prime Minister. The OCA was instituted in 2008 and its responsibilities include coordinating policy and consulting with the communities, while as an Office within the PM's Office they can also

¹⁸ Interview with Refiqe Sylqevci, Director of KIPA, January 2018.

¹⁹ Kosovo. Regulation No.16/2013 On the Organisational Structure of the Office of the Prime Minister [05.04.2013], Article 40 "Office of Good Governance", p. 64-67

²⁰ *ibid.* p. 68

²¹ Interview by ECMI and ERAC representatives conducted on Wednesday 04 April 2018, in Mr. Hajredini's office.

advise and contribute to governmental policy on communities' issues, monitor implementation of government action on minority communities, as well as the implementation of laws and policies affecting communities.²² The Office comprises of six (6) civil servants, which include two (2) Senior Policy Officers, one (1) Senior Officer on Public Communication, two (2) Senior Officers on Coordination and Provision of Grants and, one (1) Administrative Officer.²³

As evident from their Annual Bulletins and newsletters, the OCA is running a wide portfolio of diverse activities, stretching from housing initiatives and cultural programmes to conference organization and trainings.²⁴ According to open access data provided online, there is no evidence of specific training on ethnic minority/community awareness or human rights for the staff at the OCA.

Consultative Council for Communities

Instituted under direct Constitutional protection in 2008, the Communities Consultative Council (CCC) aspires to provide a direct channel of communication between Kosovo's minority communities and the government, for consultation on legislation and policy at an early stage.²⁵ The Council is composed by representatives from all the communities in Kosovo and a number of representatives from the Kosovo government specializing in minority issues and, while formed to enhance citizens' participation in decision-making, it is important to be noted that it does not hold a vetoing power on legislation or policy.²⁶ By 2012, the Organization for Security and Co-Operation in Europe (OSCE) reported a number of important shortages in implementation that hindered the intended function of the Council. At an administrative level, the government neglected to publish annual strategies, or reports to the Assembly.²⁷ And while some educational measures were implemented, and non-discrimination clauses were included in employment legislation, OSCE found, no specific programmes or initiatives were initiated to address employment discrimination against vulnerable communities.²⁸ Similarly, no specific healthcare measures had been implemented for members of communities and, overall OSCE reported limited progress in the actual implementation of the Law on Communities.²⁹

By the next year (2013), more structural problems became evident. After the intervention of the European Center for Minority Issues in Kosovo (ECMI), which organized a two-day workshop with members of the Council, the main issues identified in relation to the Council's inability for programme implementation, were a lack of clarity in the division of responsibilities within the Council and, more importantly, severe underfunding. According to the Information Bulletin issued by ECMI at the time, because of this severe underfunding, the Council was unable to develop any projects related to its constitutive charter, and existing funding was merely enough to cover the running costs of regular Council meetings and working-groups.³⁰ For 2015-2016, OSCE returned

²² Visoka, G., Beha, A. Minority Consultative Bodies in Kosovo: A Quest for Effective Emancipation or Elusive Participation? Journal on Ethnopolitics and Minority Issues in Europe, vol. 10, No.1 (2011), p. 16

²³ N.N. [Office of the Prime Minister/ Office for Community Affairs], <http://www.kryeministri-ks.net/?page=2,134> [Accessed: 21 March 2018]

²⁴ See for example the Bulletins and newsletters between 2010 and 2013, available at: <http://www.zck-ks.net/?page=2,120> [Accessed: 22 March 2018]

²⁵ Constitution of Kosovo, Article 60.3.1, 60.3.2 'Consultative Council for Communities', p. 18

²⁶ Visoka, G., Beha, A. Minority Consultative Bodies in Kosovo: A Quest for Effective Emancipation or Elusive Participation? Journal on Ethnopolitics and Minority Issues in Europe, vol. 10, No.1 (2011), p. 15

²⁷ OSCE Mission in Kosovo. 2012. Implementation Measures for Legislation Impacting Human Rights, p. 17

²⁸ *ibid.* p. 18

²⁹ *ibid.* pp. 18-19

³⁰ ECMI Information Bulletin. 2013. Lack of Adequate Budget Allocation Seriously Hampers the Work of the Consultative Council for Communities. Available at: <https://us6.campaign-archive.com/?u=0e3bc8a45806bf65531105c4b&id=-dad1ff692e&e=26afd14725>

to the issue of the Council with a detailed report on its performance and impact. Among other findings, OSCE found that awareness of the Council and its function at the municipal level was very low, with two-thirds of the interviewed displaying no awareness whatsoever of the Council and its role.³¹

With lack of awareness partly connected to continuing underfunding and its implications for community outreach, the report also concluded that, as evident by the low response rate by institutions that have received recommendations by the Council, room for improvement also exists in inter-institutional co-operation. Last but not least, even though OSCE commended the CCC for almost reaching its target in regards to law reviews, the low number of comments submitted in the end render the overall impact of the Council limited.³² In December 2017, the President of Kosovo Hashim Thaçi offered his verbal support for a gradual increase in the Council's budget, while he acknowledged the importance of the institution for the wellbeing of communities, ahead of its ten-year anniversary in 2018.³³ An institution particularly important for connecting central government to the citizens, the evident institutional weaknesses in supporting its development and impact, highlight the problems between legislation and implementation regarding communities' rights in Kosovo overall. As will become evident throughout the present report, similar problems in implementation are hindering progress in civil servant training on ethnic minority rights, a fact perhaps connected to the fact that institutions such as the Council are, until now, unable to represent minority communities adequately at a national level.

In an interview conducted with the acting President of the Board, Mr. Gazmen Salijević- also member of the current ECMI Kosovo team- shared an interesting set of insights in relation to training and education on minority rights issues.³⁴ Due to limited funds the CCC currently organizes trainings only for its members, Mr. Salijević admits, and even though not within their statutory mandate to train civil servants, they can expand their trainings for the civil society if budgetary constraints are lifted. Current trainings include Human Rights law, capacity building, and public information campaigns on minority rights, as well as the organization of debates, lectures, and workshops for the civil society. Nevertheless, CCC's role remains primarily to act as a channel of communication between the citizens and the government. As such, they receive complains about the violation of minority rights, they submit recommendations and voice demands.

The main problem Mr. Salijević has identified in his line of work until today is the low quality of civil servant training overall, and a specific weakness to acknowledge the persistent underlying issues of ethnic discrimination and weak defense of human right principles in Kosovo. In many instances, civil servants have expressed their disbelief in the need for the defense of minority rights arguing that minorities have "more than enough rights as it is", he says. For him, only joint efforts can contribute to gradual improvement: while the CCC can continue its grassroots project of informing civil society on its rights, and applying pressure to the government about persisting problems, equality, civil servant training, governmental accountability, and institutional scrutiny can secure long term outcomes.

³¹ OSCE. Performance and Impact of the Consultative Council for Communities, 2015-2016, p. 9

³² *ibid.* 17-18

³³ Office of the President- Consultative Council for Communities, Press Release, 21 December 2017 'President Thaçi discussed with the Consultative Council for Communities on the Protection of the Rights of Communities', Available at: <http://www.ccc-rks.net/index.php/en/news/item/549-press-release-december-21-2017>

³⁴ Interview with Mr. Salijević conducted on 19 April 2018.

Office of Language Commissioner

The Office of the Language Commissioner functions within the Office of the Prime Minister. Since 2012, when this office was established, its main mission was monitoring the implementation of the law on languages by Kosovo institutions. Among the main competencies of this office are: monitoring compliance with the Law by any institution under its jurisdiction; Conducting inquiries, either on its own initiative or on the basis of complaints made by a legal or natural person regarding the failure of any institution under its jurisdiction to respect the Law or any other legal act regarding the status or use of official languages or other community languages the language of which is not an official language in Kosovo; It also provides, when needed, advice or assistance to the public or institutions in charge with the rights and obligations they have for the use of the Language Law.³⁵ Within the OLC, two supporting mechanisms have been established The Language Policy Board, which acts as a forum for language policies and the Language Policy Network, ensures that institutions appoint liaison officers or focuses with whom the Office of the Language Commissioner will cooperate for better implementation of language policies.³⁶

ECMI Kosovo has electronically sent a questionnaire to the officials of this office to learn more about the trainings that this office has organized, maintained or developed with non-majority communities regarding the Law on Languages, and also held an interview with the Language Commissioner, Mr. Slavisa Mladenovic. According to the data collected, this office has held trainings related to the rights of minority communities in Kosovo which have been included within the language rights program - The Law on the Use of Languages. According to the data provided in the questionnaire, the OLC has trained civil servants on two occasions on Language Rights and the Law on the Use of Languages.

With regard to the methodology used in these trainings, the OLC has overseen the "Guide to Civil Servants on the Application of Language Rights". The roadmap was drafted in close cooperation with the Kosovo Institute for Public Administration (KIPA) and with the support of the OSCE Mission in Kosovo. This document aims to raise awareness among civil servants of the issue of the use of official languages in various areas of public administration through the training modules provided by KIPA. The problems and challenges faced by public administration and civil servants have been highlighted regarding the implementation of the Law on the Use of Official Languages. As a result, this document has been issued through which civil servants will be trained on their obligations in implementing the Law, which will contribute to improving the services to citizens, as well as respect for human rights (including language).

During the interview, Mr. Mladenovic explained that the Office has processed ten (10) modules under the KIPA training programs (Kosovo Institute for Public Administration). Work with KIPA on the introduction of sub modules of languages for trainings started from 2016 and lasted for two (2) years. According to Mr. Mladenovic language trainings should have a separate module for them to be more effective, and therefore, wish that in future KIPA will treat the topic of the languages as a topic in its own in every KIPA training.

The OLC has organized two (2) training sessions in cooperation with the OSCE for members of the Language Policy Network. For these trainings, trainers were prepared by an external expert from Canada through a two-day workshop that was held in Budva, which was also organized by the OSCE. Moreover, the OLC has held several other trainings / courses in cooperation with ECMI Kosovo.

³⁵ <http://www.komisioneri-ks.org/?page=1,33>

³⁶ <http://www.komisioneri-ks.org/?page=1,61>

Ministry for Communities and Returnee

The Ministry for Communities and Return (MCR) aims to protect the rights of minority groups and returnees, including the right to return, as defined in articles 3 and 4 of the Constitution of Kosovo. Its mandate covers a wide range of activities, including:

- Creating favourable conditions for a sustainable return process by promoting trust, dialogue, and reconciliation among communities through various strategies and programs; and
- Ensuring that policies at the central and local levels contain provisions to protect community rights, human rights and returnee interests, including free movement, use of minority languages, freedom of expression, equal representation, access to courts, housing rights and local services.

Unfortunately we did not get a reply on our questionnaire from the MCR, nor were we able to arrange a meeting with them. However, in some of the replies on questionnaire from the municipalities, we received information that the MCR has organized workshops regarding the returnees with Municipal Offices for Communities and Return.

Committee on Rights and Interests of Communities and Returns

The Committee on Rights and Interests of Communities and Returns is a permanent committee of the Kosovo Assembly which acts as a safeguard for community interests in the legislative process. It is composed of Assembly members holding seats reserved or guaranteed for the Serb community, other non-majority communities and the majority community. It reviews legislation and makes recommendations based on the rights and interests of communities, and it can further propose laws to address the concerns of communities.

We contacted Ms. Natasha Prica, Chair of the committee, by email, directing to her the questionnaire about Kosovo training programs that were held for minority communities' officers in Central Level. Furthermore, we have asked for a meeting with her in order to obtain more information about the trainings that were or will be held for the officers in public institutions regarding to human rights. She replied, suggesting to meet Mrs. Besa Pajazit – Senior Training Officer in the Parliament of Kosovo. We met with Mrs. Pajaziti who stated that every end of the year all the Directorates send the list of the trainings required for civil servants but none of them has to do with human rights. Further, she stated that from the year 2013 there were no trainings for Human Rights in general. In the question made, if she thinks that these trainings should be held especially for the officers from minority communities, she answered that there are 10 officers from minority communities, but they never asked for any training regarding Human Rights.

Public Administration at Central Level

In ERAC request for access to public documents, we received only few responses. The target institutions were each ministry of the government of Kosovo. The request was sent in the form of a questionnaire (see Annex 1). Please see table one for detailed information on trainings organized by line ministries.

Table 1. Responses from responsible officials in Ministries.

REQUEST TO INSTITUTION	DATE OF REQUEST	DATE OF REPLY	RESPONSE RECEIVED
Ministry for the Kosovo Security Forces	7/10/2018	----	NO REPLY
Ministry of Infrastructure	7/10/2018	7/20/2018	Responsible for organizing trainings is KIPA.
Ministry of Finance	7/10/2018	7/20/2018	The Officer for Minorities and Children's Rights within Ministry of Finance stated that she was never part of these trainings but would like to have been, she has urged that if we organize such kind of trainings to invite her. While some of the functional departments of Ministry of Finance, such as the Budget, Property Tax, the Central Public Private Partnership Department, and so on, have organized professional trainings also with the participation of the minority communities. In the Ministry, there is one employee from minority communities, that has been following all trainings provided as mentioned above.
Ministry of Health	7/10/2018	----	NO REPLY
Ministry of Culture, Youth and Sport	7/10/2018	----	NO REPLY
Ministry of European Integration	7/10/2018	----	NO REPLY

Ministry of Justice	7/10/2018	7/18/2018	<p>Regarding your request, we inform you that the Human Resources Division, in coordination with the Kosovo Institute for Public Administration (KIPA), manages the assignment of Civil Servants of the Ministry of Justice to the trainings organized by KIPA, depending on the professional field that it contains training.</p> <p>In cases of assignment to these civil servants training of the non-majority community, we are obliged to notify the KIPA in a timely manner in order to provide translation for them. Trainings are organized to enhance the professional capacities of Civil Servants, related to the description of their job duties.</p>
Ministry of Innovation and Entrepreneurship		----	NO REPLY
Ministry of Labour and Social Welfare	7/10/2018	----	NO REPLY
Ministry of Education, Science and Technology	7/10/2018	----	NO REPLY
Ministry of Internal Affairs	7/10/2018	----	NO REPLY
Ministry of Foreign Affairs	7/10/2018	----	NO REPLY
Ministry of Economic Development	7/10/2018	----	NO REPLY
Ministry of Environment and Spatial Planning		----	NO REPLY
Ministry of Diaspora and Strategic Investments	7/10/2018	7/19/2018	Did not hold and did not provide trainings in the field of non-majority communities.
Ministry for Community and Return	7/10/2018	----	NO REPLY

Ministry of Local Government Administration	7/10/2018	7/20/2018	Has organized trainings in cooperation with the OSCE in the municipality with members of the Roma community on topics of trafficking in human beings, beggars, serious child labor and raising awareness of education. The trainings were funded by the Human Rights Division at MLGA and OSCE. Participants of the training program were Roma community citizens and municipal officials, including the Office for Communities and Returns. Trainers were trained in preparatory programs by external experts and MLGA work.
Ministry of Public Administration	7/10/2018	----	NO REPLY
Ministry of Agriculture, Forestry and Rural Development	7/10/2018	----	NO REPLY
Ministry of Regional Development	7/10/2018	7/11/2018	As a new ministry they are still dealing with internal labor affairs within the ministry, they have not organized trainings for non-majority communities.
Ministry of Trade and Industry	7/10/2018	----	NO REPLY

Local level of Kosovo

Municipal Offices for Communities and Return (MOCR)

All the municipalities in Kosovo are required to have an Office for Communities and Return . These offices have a priority to promote and protect the rights of non-majority communities, make sure everyone has equal access to public services, as well as create the ground for returnees to integrated, with the special focus on the returnees and repatriated persons belonging to non-majority communities.³⁷ ERAC organized meetings with representatives of the MOCR in the 14 municipalities where ERAC has operating paralegals. According to the information we received from these meetings, the MOCR does not organize trainings for other departments or offices in the municipalities in regard to the rights of minority communities or returnees.

³⁷ <http://www.ecmikosovo.org/en/Municipal-Level-Institutions>

Municipal Human Rights Units

Like the MOCR above, all municipalities are required by law to have a Municipal Human Rights Unit (MHRU). The MHRU among other human rights monitoring, it focuses also on the rights of communities and use of official languages as guaranteed by constitution and the relevant laws. The MHRU is also responsible for addressing the requests of residents of the relevant municipality in relation to human rights.³⁸

Municipal Communities Committee

The Communities Committee (CC) is one of the three mandatory Committees that each municipality must appoint under the Law on Local Self-Government and the respective Administrative Instruction (MLGA) No. 03/2014. The CC has been crafted as an anti-discrimination and community protection mechanism to ensure that every local community regardless of its size, language, religion, ethnic origin or any other characteristic of its members shall receive equal treatment by the municipal authority.³⁹

The Committee is responsible for promoting and affirming community rights and examines any violations made regarding to this, makes recommendations to the Municipal Assembly, reviews all municipal policies, practices and activities to ensure that the rights and interests of communities are fully respected to be expressed. Defend and develop their ethnic, cultural, religious and linguistic identities as well as the security and adequate protection of the rights of communities. Exercises other responsibilities unless it is regulated otherwise by the Statutes of the municipality.⁴⁰ The CC does not organize trainings itself as it functions mainly as an overseeing body for promotion and protection of the rights of minority communities.

Independent Institutions

Ombudsperson Institution of Kosovo

The Ombudsperson has the power to investigate complaints received from any natural or legal person related to assertions for violation of human rights envisaged by the Constitution, Laws and other acts, as well as International Law and Conventions.

Ombudsperson Institution represents:

Legal mechanism for protection, monitoring and promotion of human rights and fundamental freedoms of natural and legal persons from unlawful and irregular actions or inactions of the public authorities, institutions and persons or other authorities. The OIK acts as a National Mechanism of prevention of torture and other cruel, inhuman and degrading treatments and punishments within all places where persons deprived of their liberty are placed, including police retention, pre-trial detention facilities, stay in health institutions, customs detention, immigration detention. The OIK works with all other facilities where suspicions on violation of human rights and fundamental freedoms may occur. The OIK also represents an equality mechanism for promotion, monitoring and support of equal treatment without discrimination on the bases protected by the Law on Gender Equality and the Law on Protection from Discrimination.

In an interview meeting with Ms. Merita Sylja, Director of the Department for Protection from Discrimination we discussed about the trainings held by the Ombudsperson Institution of

³⁸ Ibid.

³⁹ <https://www.osce.org/sq/mission-in-kosovo/305531?download=true>

⁴⁰ http://prishtinaonline.com/uploads/komiteti_per_komun..pdf

Kosovo in general and specifically for non-majority communities. According to Ms. Merita, the OIK organizes numerous and frequent trainings for its own staff, since it is very important for the staff of this institution to be updated with knowledge of different fields. Trainings for the staff of this institution are funded by the OIK itself but also by the various donations it receives. In addition to staff trainings the OIK has trained staff to be certified as trainers in order to train other institutions or anyone else in need. Ms. Merita herself, has trained about LGBTI issues, judges, police, various social centers, members of legal counseling etc.⁴¹ About trainings related specifically to minority communities in detail one can find them in the annual report.⁴² Moreover, Ms. Merita points out that trainings for civil servants are regulated also by the Law on Civil Service, which obliges to invest in the capacity building of the staff at public institutions. She also argues that KIPA has been ineffective to provide adequate trainings in relation to human rights, let it alone be for minority rights.

Public Administration at the Local Level

In ERAC request for access to public documents from local level institutions, we received a sufficient amount of responses. The target institutions were each municipality of Kosovo. Request was sent in the form of a questionnaire (see Annex 1). Please see table two for detailed information on trainings organized by municipalities.

Table 2. Responses from responsible officials in Municipalities.

REQUEST TO INSTITUTION (MUNICIPALITY)	DATE OF REQUEST	DATE OF REPLY	RESPONSE RECEIVED
Deçan/Deçane	10/07/2018 20/07/2018	20/07/2018	The municipality does not have any community training program, because the trainings are organized from the central level, in the official training we participate based on the announcement coming from the central level based on the training topics. Usually we receive training announcements from KIPA and in some cases we have training announcements from USAID. The municipality drafts a training plan, which is then sent to the MPA at the central level. In the draft we point out the areas and themes where we need trainings for the civil servants. We have not had a specific training on the rights of minorities. It is not something the civil servants at our municipality have requested, nor have we been suggested such trainings from the MPA nor any other central level institution.

⁴¹ Interview with Ombudsperson Institution of Kosovo, Ms. Merita Sylja, July 2018.

⁴² <https://oik-rks.org/en/2018/03/30/annual-report-2017/>

Dragash/Dragaš	10/07/2018	-	NO REPLY
Drenas/Glogovac	10/07/2018	-	NO REPLY
Ferizaj/Uroševac	10/07/2018	-	NO REPLY
Fushë Kosovë/ Kosovo Polje	10/07/2018 27/08/2018 12/09/2018	-	NO REPLY
Gjakova/Djakovica	10/07/2018	18/07/2018	Office for Communities and Return organizes trainings and awareness raising "days" about minority communities to the civil servants and also wider public. The campaign has a special focus with schools and teachers for treating all children equally despite their ethnic background. Other than this there are trainings on minority communities organized by ministries for the civil servants.
Gjilan/Gnjilane	10/07/2018	23/07/2018	Trainings were organized by Ministry of Communities and Return, Ministry of Local Self-Government and international organizations. Themes were: reviews of the constitution and relevant laws for minority communities, moreover different regulations and administrative instructions were discussed in the form they should be implemented. Normally civil servants from Office for Communities and Return takes part in the trainings related to minority communities. This is regulated by their mandate of function.
Gračanicë/Gračanica	13/07/2018 02/08/2018 12/09/2018	13/09/2018	The civil servants have taken part in trainings related to Roma, Ashkali and Egyptian communities. The themes of the trainings have been the promotion and protection of the rights of these groups. Moreover trainings aimed to give the needed tools to implement the work with focus on minority communities.

Hani i Elezit/Elez Han	10/07/2018 23/07/2018	23/07/2018	Responding to your request regarding training programs for non-majority communities in Kosovo for civil servants in local authorities, I inform you that in the Municipality of Hani i Elezit we do not have communities, we have Albanian 99.9% ethnicity and consequently we have not organized trainings of this nature.
Istog/Istok	10/07/2018	-	NO REPLY
Junik/Junik	13/07/2018	-	NO REPLY
Kaçanik/Kaçanik	13/07/2018	-	NO REPLY
Kamenicë/Kamenica	10/07/2018	24/07/2018	In our municipality there was no staff training on human rights, in particular for non-majority communities, therefore such training is needed.
Klinë/Klina	10/07/2018 23/07/2018	23/07/2018	In 2018, we inform you that from the data we have from the Office for Communities and Returns, trainings have been organized by the German Organization "Gizi" and in March 2018 the training on "Capacity Building in Primary Education" was held by USAID in May 2018 was held "Training for the Development of Social Services", also from USAID and in June 2018 the "Project Management" training was held. I think such trainings are necessary and very efficient in the service of minority communities. We do not have data for the calendar year 2017, since in the position of the Director of the Municipal Administration I am from January 2018.
Klllokot/Klokot	13/07/2018 16/07/2018	-	NO REPLY
Leposavic	13/07/2018	-	NO REPLY
Lipjan/Lipjan	10/07/2018	-	NO REPLY
Malishevë/Mališevo	10/07/2018	-	NO REPLY
Mamushë/Mamuša	10/07/2018	-	NO REPLY
Mitrovica Veriore/ Severna Mitrovica	13/07/2018 30/08/2018 12/09/2018	-	NO REPLY

Mitrovicë/Mitrovica	10/07/2018	-	NO REPLY
Novobërdë/Novo Brdo	13/07/2018 06/09/2018	06/09/2018	There have been several trainings, however not always directly related to minority or human rights. Trainings have been organized by central level institutions, often in cooperation with international organizations in Kosovo. Some of these trainings were about language rights, regulation for returnees, training on how to deal with inter-ethnic conflicts.
Obiliq/Obilič	10/07/2018	-	NO REPLY
Partesh-Pasjan/ Parteš-Pasjane	13/07/2018	28/07/2018	There has been no trainings organized by government institutions of Kosovo. One training was organized by the Ombudsman Institution of Kosovo. The training dealt with Law on The Protection and Promotion of the Rights of Communities and their Members Kosovo.
Pejë/Peč	10/07/2018	18/07/2018	The Municipal Community Office for Communities and Returns has participated in various trainings organized for civil servants or only for MOCR officials (for return or repatriation), while for human rights training in particular for non-majority communities, there was not held any training.
Podujevë/Podujevo	10/07/2018	-	NO REPLY
Prishtinë/Priština	10/07/2018 23/07/2018 12/09/2018	12/09/2018	There have been trainings organized by IKAP. The trainings related to minority communities and their rights, have been part of a larger training program on legal and institutional frameworks of Kosovo. Trainings are not organized regularly, often they are organized on the basis of a new law or administrative instruction that touches upon the work of civil servants.
Prizren/Prizren	10/07/2018	-	NO REPLY
Rahovec/Orahovac	10/07/2018 13/07/2018 02/08/2018	-	NO REPLY

Ranillug/Ranilug	13/07/2018	02/08/2018	Municipality of Ranillug / Ranilug did not hold trainings regarding on this topic, but we are willing to arrange something with your help and be part of the same training.
Shtërpcë/Štrpce	13/07/2018	-	NO REPLY
Shtime/Štimlje	10/07/2018	24/07/2018	In the municipality of Shtime/Štimlje there was no training program, organized for minority communities, by any organization. There have been campaigns from time to time but not programs that have been realized for that purpose. The Municipal Office for Communities and Returns in the Municipality of Shtime/Štimlje has held meetings with citizens of Roma and Ashkali communities and has informed them of their rights in certain areas, but these have been the meeting sessions that have contributed to the provision of services in Centre for Social Labour (CSL), Main Centre for Family Medicine (MCFM), Administration, etc., but also for Drafting the Action Plan for the Inclusion of Roma and Ashkali Communities in Shtime / Štimlje Municipality.
Skenderaj/Srbica	10/07/2018	-	NO REPLY
Suharekë/Suva Reka	10/07/2018 23/07/2018	26/07/2018	Representatives from Municipal Office for Communities and Return participated in a training organized by the Office of Good Governance and Human Rights. The theme of the training was the right to access public documents, right to participation and information in official languages of Kosovo.
Viti/Vitina	10/07/2018	-	NO REPLY
Vushtrri/Vučitrn	10/07/2018	-	NO REPLY
Zubin Potok/Zubin Potok	13/07/2018	-	NO REPLY
Zvečan/Zvečan	13/07/2018	-	NO REPLY

V. LAW ENFORCEMENT

Kosovo Judicial Council (KJC) and Kosovo Prosecutorial Council (KPC)

Both, KJC⁴³ and KPC⁴⁴ operate as independent institutions and are set to ensure the independency, fairness, impartiality, and professionalism of judicial and prosecutorial systems in Kosovo. In an interview with Ms. Ganimete Juniku⁴⁵ from KJC, she stated that neither KJC nor KPC have trainings that they organize independently, however they have a close cooperation with the Academy of Justice, that is responsible for training of judges and prosecutors. Together they work on the training programs to make it as comprehensive as possible, while being in a full compliance with the constitution and overall legal framework of Kosovo, as well as international human rights treaties and conventions applicable to Kosovo.

According to Ms. Ganimete, KJC and KPC, both have certified trainers that institutions, especially Academy of Justice, invite for carrying out trainings that are related to this field, often organized with the help or donations of international organizations in Kosovo.

The Judiciary

1.1.1 The Kosovo Judicial Institute, currently Academy of Justice

The Kosovo Judicial Institute (KJI) began its activities as an independent body created by OSCE in August 1999, as the 'Judicial Training Section', and it was formally established in February 2000 as the KJI.⁴⁶ In 2006, the Kosovo Assembly adopted the law "On Establishing the Kosovo Judicial Institute", and defined as the KJI's responsibilities to coordinate with the Kosovo Judicial and Prosecutorial Council (KJPC) and its subsequent legal entities for the training needs of judges, prosecutors and candidates for these positions, as well as other supportive positions within the Kosovo judicial system.⁴⁷ Enshrined in KJI's training programme since its earliest days, have been seminars, symposiums, training sessions, and workshops spanning from issues of human rights standards to training on specific legal issues and the relationship between the judiciary and law enforcement.⁴⁸

In regards to their 'Continuous Training Program', a scheme providing professional development training to judges and prosecutors while practicing, five (5) out of a total of 115 courses were focused on 'Gender equality and non-discrimination'. The highest number of trainings was 38 for 'Criminal area (material and procedural)', and the lowest was one (1) training session on 'Sustainable leadership'.⁴⁹ Participant demographics for these trainings record that out of a total of 1555 trainees, 1527 were ethnic Albanians, 17 belonged to (unspecified) minorities, and 11 were international representatives.⁵⁰ In terms of training in human rights, for 2015, KJI offered six (6) training sessions on the European Convention of Human Rights and Fundamental Freedom, which focused on data protection, resource information of journalists, European Court of Human

⁴³ <http://www.gjyqesori-rks.org/en/>

⁴⁴ <http://www.kpk-rks.org/en/>

⁴⁵ Interview with Ms. Ganimete Juniku, Senior Officer, Law Department, KJC, August 2018.

⁴⁶ OSCE Mission in Kosovo. May 2002. Kosovo Judicial Institute, p. 1

⁴⁷ Assembly of Kosovo. 23 February 2006. Law No. 02/L-25, "On Establishing the Kosovo Judicial Institute", Article 1, Paragraphs 1.7, 1.8.

⁴⁸ OSCE Mission in Kosovo. May 2002. Kosovo Judicial Institute, pp. 1,2

⁴⁹ *ibid.* p. 26

⁵⁰ *ibid.* p. 27

Rights standards of protection for whistleblowers, the right to fair trial in relation to the European Convention of Human Rights, and regulations on access to public documents.⁵¹ In accordance to the Institute's strategic goal for gradual compliance with EU and international standards, six (6) special trainings were dedicated to gender equality and non-discrimination, with their main focus on the promotion of diversity, tolerance and equality, as well as a broader understanding of how prejudices are created and how they operate.⁵² Even though not explicitly stated, OSCE report emphasizes that the main focus of the abovementioned activities focused on gender and LGBT issues.

In contrast to this umbrella embracement of human rights, in their 2016 report titled "Legal Protection against Discrimination in South East Europe", the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), an organization collaborating with the Kosovo Government on civil servant training, took into consideration discrimination at a regional, case-by-case, institutional level.⁵³ In their report for Kosovo GIZ noted that, in the judiciary, apart from the fact that a systematized structure for the dissemination of good practice against discrimination does not exist to assist awareness among judges, in case-by case examples, the formalistic and traditional reading of the anti-discrimination law many times hinders progress at ground-level.⁵⁴ Perhaps the most important observation for the present report remains that GIZ continuously cite an overall weakness in identifying, reporting, and handling discrimination in Kosovo, a fact that, apart from its impact upon official statistics recording discrimination in the country, ought to be partly connected to the relatively small, and non-compulsory training on ethnic minority rights within KJI's training programmes.

As of 24 February 2017, the Kosovo Assembly enacted the Law No. 05/L-95, transforming the Kosovo Judicial Institute into Academy of Justice, while maintaining the same training services and strategic plan.⁵⁵ In the Academy's 2017 Continuous Training Programme, human rights were included as training to model implementation of the European Convention of Human Rights (ECHR). As such, trainees were instructed in the structure and interpretation of the European Convention and its relationship to the Kosovo Constitution, Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms and its implementation, and Article 10 of the European Convention on Human Rights, in three (3) one-day sessions.⁵⁶ A special one-day session was dedicated to "Protection and Promotion of Diversity, Tolerance and Equality in the Context of Legislation on Non-discrimination", a seminar focused on diversity in society, non-discrimination and harassment, and societal and judicial prejudice. The day included both interpretation of the existing laws, as well as activities and exercises aiming to raise awareness to these issues.⁵⁷ As is evident, training on human rights for 2017 mainly focused on the general legal framework as dictated by the ECHR and its specific correspondence with the Kosovo Constitution and legislation, while specialized training on day-to-day discrimination received minimal attention. What ought to be noted, again, is that, as participation in these trainings is optional and there exists no follow-up mechanism to ensure implementation, a quantification of the outcomes is not yet available.

⁵¹ *ibid.* p. 34

⁵² *ibid.* p. 35

⁵³ Centre for SEELS, 2016. Legal Protection against Discrimination in South East Europe: Regional Study, p. 17

⁵⁴ *ibid.* pp. 260, 263-264

⁵⁵ Decree of the President of Kosovo, 03 February 2017. Law No. 05/L-95. 'On Academy'. Promulgated by Decree No. DL.-008-2017.

⁵⁶ Academy of Justice Kosovo. Training Program 2017, pp. 91-93

⁵⁷ *ibid.* p. 94

The equivalent training for trainers programme, on the other hand, appears to have focused on teaching techniques and educational methodologies, and its approach on content will become evident in the subsequent section.⁵⁸ Administrative staff were also trained only on the technical aspects of their profession, with sessions on 'Case Flow Management' (one day), 'External and Internal Communication' (one day), and 'Legal Writing and Reasoning' (one day), among others.⁵⁹ The only relevant training to non-discrimination appears to have been a one-day session dedicated to training on 'Ethics and Professional Conduct'.⁶⁰ Focused on the Code of Ethics for staff, which includes non-discrimination against race/origin/sex/gender as a principle for good conduct (Article 7), the seminar's specific content will, also, be addressed in the next section of the present report.⁶¹ For the current annual training cycle, 2018-2019, the 'Initial Training Program 2018/2019 for newly appointed prosecutors' includes 10 training sessions (30 training hours) on human rights legislation according to the ECHR, a clear improvement in comparison to the 2016 'Practical Training of the Initial Training Program', which did not include a similar course.⁶²

In general, for their 2016-2019 roadmap, the Government of Kosovo has pledged to continue pursuing compliance to the EU on issues of Human Rights, and specific training on ethnic minority rights at a local level does not appear to form part of the agenda. The following section will analyse the information harvested from trainers and participants in programmes on human rights run by the Academy of Justice, to understand how minority civil rights and equality feature in the training.

Quality Assessment of Training in the Judiciary

The underlying issues in regards to training in Human Rights and anti-discrimination in the Judiciary became evident during an interview with the Program Coordinator at the Academy of Justice, Mr. Besim Morina.⁶³ Even though Mr. Morina confirmed that training in the principles of Human Rights is indeed offered to civil servants, three significant impediments in implementation appear to hinder the smooth dissemination of the training. Firstly, trainings have been constructed in accordance to the ECHR and, as such, they are mostly focused on theory, legislation, and some case studies, as well as the relationship of local to international law and conventions. Even though there are specific chapters on minorities, Mr. Morina noted, the nature of the sessions is often a disadvantage.

As the sessions are structured to provide a space for judges and prosecutors to discuss their daily cases and receive feedback and legal opinion from colleagues. Generally, the prosecutors and the judges are keen on having trainings concerning the legal issues they are facing in their different cases and if they have a problem understanding the problem and analyse it, they are coming to trainings to discuss the cases. As minority discrimination rights are not often reported and rarely reach the judiciary, as explained continuously until now, subsequently issues of discrimination do not normally reach the training session at the Academy. The problem will be exacerbated even further since for 2018 Human Rights seminars are included in the 'voluntary' trainings of the Academy, while the 'obligatory' trainings, attended by judges and prosecutors, will only include seminars on ethics.

⁵⁸ Academy of Justice Kosovo. Training of Trainers Program, pp. 129-131.

⁵⁹ Academy of Justice. Training for Administration Management, and Administrative Staff of Courts and Prosecutorial Offices, pp. 120-128

⁶⁰ *ibid.* p. 127

⁶¹ Kosovo Prosecutorial Council. The code of professional ethics for support staff, Article 7 'Non-Discrimination', p. 4

⁶² Academy of Justice. Initial Training Program for newly appointed prosecutors, pp. 26-27; Kosovo Judicial Institute and Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH. 2016. Handbook for Practical Training of the Initial Training Program (ITP).

⁶³ The interview with Mr. Morina was conducted on 06 June 2018 at his office in the Justice Academy.

The general focus in the Academy is the training for judges and prosecutors but after its replacement of the KJI, the law has mandated the Academy to organize trainings for administrative staff as well. These trainings focus mainly on capacity building, they have been planned after consultation with judges, and often they are supported by EU funded projects. International institutions and NGOs also make recommendations for new trainings but Mr. Morina has found that many times they can be out of focus in terms of the needs on the ground. For example, when in the previous year the Academy of Justice organized a seminar on the new laws on bankruptcy, even though it was needed and previous participant feedback had expressed the wish for its organization, in the end there were no attendees on the day. Certainly, the non-mandatory nature of the trainings proved crucial in this instance, and it would be highly advisable for the Human Rights and anti-discrimination seminars to become mandatory for administrative staff, as well as the judges and prosecutors as well.

Last but not least, similarly with the Police Academy, a profound lack of inter-institutional cooperation hinders the examination of cases of discrimination, a step that could help raise the issue among the judges and prosecutors, as well as the administrative staff. Attendance to seminars is not associated with progression or other professional rewards and as such incentives for civil servants to attend them remains low. Overall it appears as if good intentions are in place, but the vague definition of Human Rights, the focus of the seminars mainly on the legal aspects, the lack of reported case studies, the non-mandatory nature of the trainings, and the lack of professional incentives for attendance, render the efforts of the Academy of Justice ineffective.

The Kosovo Police Force

The PIK, KIPA, and the KPSS

Since 1999, the UN-mandated Organization for Security and Co-Operation in Europe (OSCE) has been assigned part of the training of the Kosovo Police Service in partnership with the Government, and with a special focus the democratization of the police force, and their training in human rights, among other things.⁶⁴ At the same time, the Government of Kosovo instituted in 2011 the Kosovo Academy for Public Safety (Law No. 04/L-053), that offers training to police officers in collaboration with OSCE.⁶⁵ As will be seen in detail later in the report, by 2018, even though OSCE remains the main provider of education on ethnic minority awareness at the police force, the organization has now shifted its focus to gender inclusivity and LGBTI issues, leaving ethnic minority training almost nominally present. Its Office for Democratic Institutions and Human Rights (ODIHR), on the other hand, has been running educational conferences and workshops in the Eastern Balkans, with Kosovo's participation in the relevant police training programmes conspicuously minimal.⁶⁶

Between 1999 and 2005, the OSCE-run Kosovo Police Service School (KPSS), reported about 7,000 officer graduates, offering classes with strong democratic principles of human rights imbedded in the curriculum, a Trainer Certification Programme, and a series of community policing programmes in eight multiethnic municipalities, highlighting that fighting crime is a pursuit for society as a whole.⁶⁷ Classes were taught in English, Albanian, and Serbian, and the

⁶⁴ OSCE Mission in Kosovo. March 2005. Police Education and Development, Fact Sheet, p. 1

⁶⁵ Official Gazette of Kosova, No. 26, 25 November 2011. Law No. 04/L-053. 'On Kosovo Academy for Public Safety'. Promulgated by Decree No. DL-045-2011.

⁶⁶ ODIHR Annual Review, 2017. Published by the OSCE Office for Democratic Institutions and Human Rights. Warsaw: OSCE/ODIHR 2018

⁶⁷ OSCE Mission in Kosovo. March 2005. Police Education and Development, Fact Sheet, pp. 1-3

ethnic background of its students comprised of 84% Kosovo Albanians, 10% Kosovo Serbs and 6% other (Kosovo Roma, Turks, Gorani, Bosniaks, and Muslim Slavs).⁶⁸ The following year (2006), and in coordination with the PISG Ministry of Internal Affairs, the Police Inspectorate of Kosovo (PIK) was inaugurated, to hold the Police accountable and safeguard citizens' equal rights.⁶⁹

After Kosovo's unilateral declaration of independence in 2008, OSCE's Law Enforcement Department faced a significant drop in the multi-ethnic constitution of the police force, when Serbian Kosovo Police Service officers left their positions, a fact that at the time challenged the sustainability of a multi-ethnic police force.⁷⁰ A similar problem incurred when, with the transfer of the budget responsibility from the OECD to the Kosovo consolidated budget, the drop of staff remuneration from EUR 800 to EUR 150 resulted in a sharp drop in international training experts.⁷¹ As is evident, from its institution, the OSCE achieved to create a series of institutional structures consciously monitoring and promoting diverse ethnic representation and foreign expertise within the police force, as well as external structures to hold the police accountable, yet political developments on the ground often obstructed their slow but steady progress.

In 2014, Skender Hyseni, the then acting Minister of Internal Affairs, acknowledged in his introduction to the Annual Review for the Police Inspectorate that abuse of power and neglect of human rights in part of the police was still an issue, and promised to work for the alignment of PIK at a local level to strengthen police accountability, transparency and democratic conduct.⁷² According to the same report, for the year 2014, out of a total 96 PIK employees who underwent training, three received training on issues of Human Rights in Kosovo, delivered by KIPA (Kosovo Institute for Public Administration). This signifies a clear improvement from the 2013 Annual Review, where no training in Human Rights was offered.⁷³ Conversely in 2015 and 2016, even though the Inspectorate appears to have strengthened its collaboration with the Institution of Ombudsperson and the Council for the Protection of Human Rights and Freedoms (CPHRF), no specific training is mentioned in the respective Annual Reviews.⁷⁴ As such, according to existing information on training provided at the Police Inspectorate of Kosovo, even though the organization has made a clear commitment towards upholding human rights, and has established connections with international organizations and the Institution of Ombudsperson, the limited practical training remains negligible in comparison with the stated needs and aspirations. What ought to be noted also here is that none of these reports references 'ethnic minority' rights, but the rather more broad 'human rights' umbrella-term is employed.

In terms of the broader strategic plan for the training of civil servants, as expressly outlined in the strategic roadmap for 2016-2020, the Ministry of Public Administration appears to have shifted their overall objective to coincide with the Kosovo's future aspiration for accession to the European Union, and as such their training is and will be focused on civil servant efficiency, professionalism, centralization, modernization, and general knowledge about European Union

⁶⁸ *ibid.* p. 3

⁶⁹ OSCE Secretariat, 'OSCE Mission and Kosovo authorities inaugurate police inspectorate', 28/06/2006. Available at: <https://www.osce.org/kosovo/47478> Accessed: 14/03/2018

⁷⁰ OSCE, 2008. Implementation of Police-Related Programmes: Lessons Learned in South-Eastern Europe. SPMU Publication Series Vol. 7, pp. 47, 52

⁷¹ *ibid.* p. 32

⁷² Ministry of Internal Affairs. Police Inspectorate of Kosovo Annual Report 2014, p. 5

⁷³ Ministry of Internal Affairs. Police Inspectorate of Kosovo Annual Report 2013, p. 31

⁷⁴ Ministry of Internal Affairs. Police Inspectorate of Kosovo Annual Report 2015; Ministry of Internal Affairs. Police Inspectorate of Kosovo Annual Report 2016.

structures and procedures.⁷⁵ As such, human and ethnic rights at a local level have not been included as a specific training target. KIPA will remain responsible for implementing almost all training for civil servants, either as a primarily responsible institution or as a secondary/supportive institution.⁷⁶ Nevertheless, in their reference to KIPA's output during the period 2011-2013, the ministry noted that

"[...] There is no standard practice of cooperation between KIPA and ministries. While some ministries have mentioned some form of cooperation, others have not mentioned any cooperation at all. Usually, the trainings were not compulsory and had no influence on the performance of civil servants. Participants in KIPA trainings usually received only a certificate of attendance. At the municipal level, there is no evidence at all of the trainings attended in the previous years."⁷⁷

Assessment of training offered at the Police Academy

In order to understand any potential underlying issues behind existing training on human rights, ECMI and ERAC conducted an interview with Mr. Kastriot Jashari, Director for Training and Educational Support at the Police Academy.⁷⁸ Questionnaires were also distributed to trainers and trainees, focusing on the content and the experience of participating in human rights training at the Academy. Out of a total of 15 questionnaires (five [5] for trainers and ten [10] for trainees), 10 were returned completed (five [5] from trainers and five [5] from trainees). The scope of the questionnaires has been qualitative, addressing the participants' experience with minority issues trainings over time.

In terms of organization, Mr. Jashari clarified that the Academy is running on its own independent budget, and that educational curricula are put together in cooperation with non-Governmental partners and international organisations (such as the OSCE). Content is tailored according to the specific needs of each law enforcement division, curriculum objectives are set in collaboration with the interested body and approved by the relevant overseeing institution and, at the end of training participants are invited to submit feedback forms. According to Mr. Jashari, feedback until now has been overall positive, it focuses mainly on technical/practical needs, and no specific demands for deeper training in human rights have been recorded. This also has been evident from the feedback of student forms as part of quality assessment, a task undertaken by the appropriate Quality division that evaluates the methodology, lecture contents, and practical issues. Throughout the trainings, the Academy remains in close contact with the students and, in the annual workshop between the interested bodies for the training curriculum, student feedback is taken into consideration in the planning of new training.

Overall, there appears to exist a clear structure in place, including central planning for tailored curriculum content, an annual workshop between the interested educational bodies, quality assessment, and steady feedback from students. Training courses are mandatory and, even though not connected with specific rewards for attendance, the participants are issued a diploma of attendance, and a number of the trainings are direct prerequisites for graduation.

⁷⁵ Ministry of Public Administration. The Strategy for Training of Civil Servants 2016-2020, pp. 5-6

⁷⁶ Ministry of Public Administration. Plan of Action for three year period 2016-2018 for implementation of the strategy on training of civil servants 2016-2020.

⁷⁷ Ministry of Public Administration. The Strategy for Training of Civil Servants 2016-2020, p. 13

⁷⁸ Interview conducted on Monday 26 March 2018, at the Police Academy in Vushtrri.

In regards to specific training for human rights and ethnic minority protection from discrimination, however, Mr. Jashari's responses revealed best intentions on the one hand, yet structural deficiencies on the other. Even though translations of curricula and course content are available, and there exists a special division within the Academy for the support of different minority languages within the force, understanding about the function of training in "human rights" remains vague. Case in point, even though questions to our interviewee were phrased and delivered in such style as to insist on ECMI's interest specifically in human rights and anti-discrimination training, most of the Director's replies tended to direct the conversation to a more generalised overview of the training offered at the Academy. As such, it became evident that, even though human rights' training is present in the curricula, it is rather a generalised approach, and the Academy does not have a specific policy or plan for tangible long-term outcomes regarding the fight against discrimination or human rights issues in the part of the Police. Such observation becomes evident from two further responses by the Director for Training. When asked whether for the Academy the concept of the umbrella-term "human rights" specifically aims to tackle discrimination against ethnic minorities at a regional level, the Director replied that the Academy operates with the principle of absolute equality. As such, the Director explained, both among the trainees and members of the Academy, as well as in terms of their future encounters with citizens, the Academy does not address ethnic discrimination as a discernible problem because by statute and structure it has accepted the principle of ethnic equality. Admirable as this blanket devotion to non-discrimination may be, in this case it is worrying and rather borders denial at an institutional level, and hence remains an issue that needs to be addressed further.

When further asked about whether the Police Academy is in contact with the Kosovo Police Force to receive information on citizens' formal or informal complains against the Police in regards to discrimination, in order to include such feedback into future training, Mr. Jashari clarified that the two bodies are completely separate. In view of this information, ECMI believes that it is imperative for the Academy to develop future inter-institutional co-operation with the Kosovo Police Force, the Justice Department, and the Ombudsperson's Institution, in order to receive statistical information on discrimination cases, and use it to enhance its future trainings on human rights. Moreover, the fact that such information does not appear to be readily available between the Kosovo Police Force and the Academy raises further questions about whether existing trainings in human rights are at all connected with their social outcomes, or they are taught only as part of the country's wider efforts to align with EU standards.

In relation to training currently offered to cadets, the Police Academy kindly offered ECMI access to the course outline in effect. The "Human Rights" course is intended for students who have completed the Basic Training, a training that lasts six (6) months. The course takes place within five (5) days, and it totals 35 hours of classes and an exam. Each session lasts (2) hours, and the final five (5) hours of the course are devoted to sitting the test, checking it, distributing evaluation forms to students, and awarding the certificates to successful students.⁷⁹ The first two sessions are devoted to a general overview of the Police's role and position in society, in relation to law enforcement and Democratic Principles. The curriculum then includes introductory sessions on the basics of Human Rights, non-discrimination, and International Law (Lessons #3-#6). The following sessions (#7-#14) deal with the European Convention on Human Rights, the right to life, the prohibition of torture and maltreatment, the right to liberty and security of person, and the freedom of thought, religion, expression, and movement. Lesson #10 focuses on Police behaviour in pre-trial procedure and Potential Violations of Human Rights.

⁷⁹ Kosovo Academy for Public Safety, Kosovo Police. Course Overview: Human Rights, pp. 2, 5. Accessed: 30 March 2018

As is evident from this overview, even though the amount of sessions is satisfactory, in terms of content, and distribution, practical issues are significantly under-represented in comparison to instruction in the Law and international Conventions. Out of these 30 hours of training, cadets receive two (2) hours of training on non-discrimination, and a further two (2) hours on police behaviour, potential abuse, and pre-trial procedures. While theory and alignment with international standards are unquestionably useful in the training of new cadets, in reality it appears as if the intentions are good but the delivered programme is dealing with day-to-day police practice inefficiently. A more concise approach to theory and the basic knowledge of international conventions, in combination with enhanced seminars focused on case studies relating to discrimination and police abuse, might offer a balanced and efficient knowledge to cadets, without necessarily increasing the number of sessions or hours of training.

Part of the aforementioned problems became evident in the questionnaires as well, and participants voiced their concerns and proposed a variety of solutions. A uniformly consistent feature among trainers' feedback is their propositions for more interregional collaboration on good practice. Even though apparently content with the offered programme and its content, they repeatedly remarked how the trainings would merit from more contact with European colleagues, exchange programmes between training academies, and closer cooperation with other Balkan nations on good practice. Two trainers mentioned the need for updated technologies, and one individual expressed strong disapproval in the lack of internal collaboration in the drafting and planning of training programmes. This latter observation remains particularly important in its implications since it reveals that internal institutional dialogue regarding ethnic minority rights training is lagging. Even though structural provisions have been made for feedback to inform future practice, in reality, channels of communication appear rather blocked and are slow to adapt to new challenges, in the least.

What remains interesting in the respondents' otherwise positive assessment of governmental efforts for personnel training train in Human Rights is that, accordingly to the existing curriculum, they do not appear to make a distinction between the umbrella-term "Human Rights" and the specific requirements of an "ethnic minority" training. As evident from the curricula as well, "Human Rights" training is focused on the legal aspect of the concept, a fact that a number of trainees also found challenging to understand during the trainings. Uniformly, both trainees and trainers did not appear to distinguish the difference between human rights in general and ethnic minority discrimination in particular, and so many of the questions focusing on ethnic minority courses remained unanswered or were answered in relation to a more generalised overview of human rights.

Perhaps most tellingly, on the part of participants the most illustrative example of the systemic weakness in providing ethnic minority rights training came from a mistake in questionnaire number four [4]. Misunderstanding the field requesting her to input the date she completed the questionnaire, participant number four inserted the date she received her training on human rights: 21 September 2001. According to the rest of her replies, she has not received further or follow-up training since then, and her guiding principle up to today is generally upholding the principles dictated by legislation and international treatise on Human Rights. The outcome of a simple misunderstanding, this mistake reveals that, at least part of the acting Kosovo Police personnel, received their latest training on Human Rights at least 15 years ago, and with no follow-up training. This finding is particularly worrying and suggests that, apart from an updated approach to current Police training, it is imperative to renew the accreditation of personnel who have supposedly already received training at some point in their career.

On a parallel level, most participants confirmed to be following the mandates of equal rights legislation 'in spirit', without identifying any special procedures put in place at an institutional level to safeguard that the Police are actively practicing non-discrimination. There appears to be no established quantifiable bureaucratic procedure of accountability, a fact that ought to have contributed to the aforementioned systemic weakness to bring discrimination cases to justice.

VI. CONCLUSIONS

Human rights mechanisms for protection of minority communities and their rights are regulated and stipulated in a comprehensive manner throughout the legal and institutional frameworks of Kosovo. The findings show that both at central and local level there are several mechanisms that promote and protect human rights, and moreover specific mechanisms for the rights of non-majority communities: Office for Good Governance; Office for Communities Affairs; Consultative Council for Communities; Office of Language Commissioner; Ministry for Communities and Returnee; Committee on the Rights and Interests of Communities and Returns; Ministerial Human Rights Units; Municipal Offices for Communities and Return; Municipal Human Rights Units; Municipal Communities Committees; and the Ombudsperson Institution of Kosovo. Moreover, in the law enforcement sector there are several other institutions that also directly or indirectly serve as human and minority rights protection mechanisms: Kosovo Judicial Council; Kosovo Prosecutorial Council; Kosovo Police; Academy of Justice; and Kosovo Academy for Public Safety.

Based on the desk research, questionnaires and semi-structured interviews with representatives from the public institutions, we gathered information to conclude that there is a gap in training programs or trainings dedicated to the rights of non-majority communities. According to the Law on Access to Public documents, the public institutions carry the legal obligation to reply on the requests for access to public documents. However, the questionnaires reply outcome was not satisfactory; only 13 out of 38 Municipalities and 6 out of 21 Ministries replied.

Kosovo government institutions, central and local, do not have training programs as such. However, there is occasional trainings, which for example Office for Good Governance organizes. According to the replies we got, this responsibility belongs to Kosovo Institution for Public Administration (KIPA), which in consultation with relevant institutions should develop training programs based on the needs and requests. KIPA does not have a separate training program for the rights of non-majority communities, rather this topic is incorporate into several training programs. The Kosovo government institutions have as an obligation the capacity building of civil servants, nevertheless, based on the questionnaire replies and interviews, the trainings are organized as requested from the civil servants. The lack of trainings on non-majority communities does not directly imply that there is a lack, as there is no demand. Taking into consideration the reported human rights violation and discrimination cases of ERAC paralegals from various municipalities, there is a need for trainings on promotion and protection of the rights of non-majority communities.

The law enforcement entities do have their own training programs and courses. The Academy of Justice has courses on human and minority rights, including international human rights treaties that are applicable for Kosovo. Moreover, it has a specific one year training course for the judges and prosecutors, which are certified after its completion. The Kosovo Academy for Public Safety (KAPS) has full Bachelor level programs, courses and trainings for Police and other civil servants from security sector. Neither the Academy of Justice or KAPS have specific courses or trainings related to non-majority communities, but such themes are incorporated into the overall modules of human rights themes.

VII. RECOMMENDATIONS

- It is important for institutional regulations and trainings on Human Rights to include specific reference to ethnic minority rights. Even though minority rights are obviously implied as part of the ECHR, the umbrella term hinders implementation in most cases, as officials evade the specifics by generalized references to the spirit of the law rather than specific actions.
- Kosovo ought to participate in international training programmes and seminars. As evident in the ODIHR Annual Review for 2017, even though all neighboring Western Balkan states participated in a number of trainings regarding human rights and hate crime, Kosovo was for the most part not included.⁸⁰ Lack of international cooperation was also a common feature in the trainers' feedback on the current programme in the police force, and it would be advisable for exchange programmes with other Balkan and European states to be enhanced for the exchange of good practice.
- At the same time it is important for actions at a local level to support the nation-wide initiatives for awareness and training in human/ethnic minority rights. Municipalities ought to collaborate with local NGOs and international organisations for the implementation of training programmes for local representatives of the law and administrative civil servants to ensure that international treaties are enacted at a local level.
- In terms of training at an institutional level it is vital for training in minority/human rights to be mandatory and continuous. As evident from the police force, police personnel have received a one-off training in human rights, without follow-up sessions or up-to-date seminars to mirror developments in legislation and modern practice. It is highly advisable for the current trainings to be reviewed in terms of content and effectiveness, and a series of follow-up sessions to be organized for civil servants who received their original training more than three years ago (when the latest anti-discrimination law was enacted).
- Inter-institutional communication needs to be systematized. The fact that reported case studies and citizens' complaints against the relevant bodies do not inform training programmes renders their content too theoretical to be understood as a problem that is, in reality, an everyday occurrence. Especially within the police department, it is highly recommended for complains against the police to be presented as examples of bad practice against minorities during seminars on human/minority rights.
- Funding for training and monitoring programmes ought to be increased drastically. As evident in a number of case studies, even though good intentions drive a lot of the initiatives to tackle discrimination against minorities, the lack of funding undermines the good work of organisations such as the Office for Good Governance.
- It would also be advisable for training in minority rights to be connected directly with a rewards system, so as to incentivize personnel to participate actively in these trainings. Currently, both in the judiciary as well as in the police force, trainees receive a diploma of attendance that, nevertheless, is not connected with any progression benefits.
- In institutions that are in direct contact with the public, such as the judiciary and the police force, it is imperative for the multi-ethnic constitution of these bodies to be monitored and enhanced.

⁸⁰ ODIHR Annual Review, 2017. Published by the OSCE Office for Democratic Institutions and Human Rights, pp. 46, 58

VIII. REFERENCES

- Centre for SEELS. 2016. Legal Protection against Discrimination in South East Europe: Regional Study. <http://www.seelawschool.org/pdf/Book-Legal-Protection-Against-Discrimination-SEE.pdf>
- Ministry of Public Administration, Kosovo. 2016. The Action Plan for the Strategy for Training of Civil Servants 2016-2020. <https://map.rks-gov.net/getattachment/649247f0-f60a-4fd0-aae6-30ab39c933ac/.aspx>
- Constitution of Kosovo. 2008. Article 22 and Article 60. <http://www.kryeministri-ks.net/repository/docs/Constitution1Kosovo.pdf>
- Assembly of Kosovo, 13 March 2008, Law 03/L-047, 'On the protection and promotion of the rights of communities and their members in Kosovo'. http://www.assembly-kosova.org/common/docs/ligjet/2008_03-L047_en.pdf
- Assembly of Kosovo, 28 May 2015, Law 05/L-021, 'Law on the Protection from Discrimination'. <https://www.kuvendikosoves.org/common/docs/ligjet/05-L-021%20a.pdf>
- European Commission. 2016. Commission Staff Working Document: Kosovo 2016 Report. https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_kosovo.pdf
- ECMI Kosovo. 2013. Communities in Kosovo: A guidebook for professionals working with communities in Kosovo. <http://www.ecmikosovo.org/uploads/ECMIKosovoDec2013GuidebookforProfessionalsENG.pdf>
- Ombudsperson Institution. Annual Report 2015. https://www.oik-rks.org/repository/docs/English_Annual_Report_2015_351292.pdf
- Ombudsperson Institution. Annual Report 2016. <https://www.oik-rks.org/en/2017/03/31/annual-report-2016/>
- Ombudsperson Institution. Annual Report 2017. <https://www.oik-rks.org/en/2018/03/30/annual-report-2017/>
- Kosovo Institute for Public Administration. Annual Report 2015.
- Kosovo Institute for Public Administration. Annual Report 2016.
- Interview by ECMI and ERAC representatives conducted on January 2018, with Refiqe Sylqevci, Director of KIPA.
- Kosovo. Regulation No.16/2013 On the Organisational Structure of the Office of the Prime Minister [05.04.2013], Article 40 "Office of Good Governance". http://kryeministri-ks.net/wp-content/uploads/docs/Rregullore_Nr_162013_per_strukturen_organizative_te_Zyres_se_Kryeministrit.pdf.
- Interview by ECMI and ERAC representatives conducted on April 2018, with Habit Hajredini, Director of OGG.
- Visoka, G., Beha, A. Minority Consultative Bodies in Kosovo: A Quest for Effective Emancipation or Elusive Participation? Journal on Ethnopolitics and Minority Issues in Europe, vol. 10, No.1 (2011).

<http://www.ecmi.de/fileadmin/downloads/publications/JEMIE/2011/VisokaBeha.pdf>

OSCE Mission in Kosovo. 2012. Implementation Measures for Legislation Impacting Human Rights

<https://www.osce.org/kosovo/94360?download=true>

ECMI Information Bulletin. 2013. Lack of Adequate Budget Allocation Seriously Hampers the Work of the Consultative Council for Communities. Available at: <https://us6.campaign-archive.com/?u=0e3bc8a45806bf65531105c4b&id=dad1ff692e&e=26afd14725>

OSCE. Performance and Impact of the Consultative Council for Communities, 2015-2016

<https://www.osce.org/mission-in-kosovo/362846?download=true>

Office of the President- Consultative Council for Communities, Press Release, 21 December 2017

<http://www.ccc-rks.net/index.php/en/news/item/549-press-release-december-21-2017>

Interview by ECMI and ERAC representatives with Mr. Gazmen Salijević conducted on 19 April 2018.

N.N. [Office of the Prime Minister/ Office for Community Affairs]. <http://www.kryeministri-ks.net/?page=2,134>

Bulletins and newsletters between 2010 and 2013, available at: <http://www.zck-ks.net/?page=2,120>

Language Commissioner. <http://www.komisioneri-ks.org/?page=1,33> <http://www.komisioneri-ks.org/?page=1,61>

ECMI Kosovo. <http://www.ecmikosovo.org/en/Municipal-Level-Institutions>

OSCE Mission in Kosovo. <https://www.osce.org/sq/mission-in-kosovo/305531?download=true>

Municipality of Prishtine/Pristina. http://prishtinaonline.com/uploads/komiteti_per_komun..pdf

Interview by ECMI and ERAC representatives conducted on July 2018, with Merita Sylja, Director of Discrimination Department, Ombudsperson Institution of Kosovo.

Kosovo Judicial Council. <http://www.gjyqesori-rks.org/en/>

Kosovo Prosecutorial Council. <http://www.kpk-rks.org/en/>

Interview by ECMI and ERAC representatives conducted on August 2018, with Ganimete Juniku, Senior Officer, Law Department, KJC.

OSCE Mission in Kosovo. May 2002. Kosovo Judicial Institute, Report. <https://www.osce.org/kosovo/24637?download=true>

Assembly of Kosovo. 23 February 2006. Law No. 02/L-25, "On Establishing the Kosovo Judicial Institute", Article 1, Paragraphs 1.7, 1.8. https://www.kuvendikosoves.org/common/docs/ligjet/2006_02-L25_en.pdf

Decree of the President of Kosovo, 03 February 2017. Law No. 05/L-95. 'On Academy'. Promulgated by Decree No. DL.-008-2017. <https://ad.rks-gov.net/en/notices/Details/1607>

Academy of Justice Kosovo. Training Program 2017.

Academy of Justice Kosovo. Training of Trainers Program.

Academy of Justice. Training for Administration Management, and Administrative Staff of Courts and Prosecutorial Offices.

Kosovo Prosecutorial Council. The code of professional ethics for support staff, Article 7 'Non-Discrimination'. <http://www.kpk-rks.org/assets/cms/uploads/files/Legjislacioni/Kodet/THE%20CODE%20OF%20PROFESSIONAL%20ETHICS%20FOR%20SUPPORT%20STAFF.pdf>

Academy of Justice. Initial Training Program for newly appointed prosecutors, pp. 26-27; Kosovo Judicial Institute and Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH. 2016. Handbook for Practical Training of the Initial Training Program (ITP).

Interview by ECMI and ERAC representatives conducted on June 2018, with Besim Morina, Program Coordinator, Academy of Justice.

OSCE Mission in Kosovo. 2005. Police Education and Development, Fact Sheet. <https://www.osce.org/kosovo/37595?download=true>

Official Gazette of Kosova, No. 26, 25. 2011. Law No. 04/L-053. 'On Kosovo Academy for Public Safety'. Promulgated by Decree No. DL.-045-2011. <https://www.kuvendikosoves.org/common/docs/ligjet/Law%20on%20Kosovo%20Academy%20for%20public%20safety.pdf>

ODIHR Annual Review, 2017. Published by the OSCE Office for Democratic Institutions and Human Rights. Warsaw: OSCE/ODIHR 2018. <https://www.osce.org/odihr/annual-report/2017>

OSCE Secretariat. 2006. 'OSCE Mission and Kosovo authorities inaugurate police inspectorate'. Available at: <https://www.osce.org/kosovo/47478>

OSCE, 2008. Implementation of Police-Related Programmes: Lessons Learned in South-Eastern Europe. SPMU Publication Series Vol. 7, pp. 47, 52 <https://www.osce.org/secretariat/35659?download=true>

Ministry of Internal Affairs. 2013. Police Inspectorate of Kosovo Annual Report 2013. <https://ipk.rks-gov.net/wp-content/uploads/2015/02/Annual-report-2013.pdf>

Ministry of Internal Affairs. 2014. Police Inspectorate of Kosovo Annual Report 2014. http://www.kosovopolice.com/repository/docs/Raporti_i_PK-se_per_vitin_2014_-_versioni_anglisht.pdf

Ministry of Internal Affairs. 2015. Police Inspectorate of Kosovo Annual Report 2015.

http://www.kosovopolice.com/repository/docs/Raporti_vjetor_i_pun%C3%ABs_s%C3%AB_Policis%C3%AB_s%C3%AB_Kosov%C3%ABs_2015_-_ANGLISHT.pdf

Ministry of Internal Affairs. 2016. Police Inspectorate of Kosovo Annual Report 2016. <http://ipk.rks-gov.net/wp-content/uploads/2015/02/Raporti-vjetor-ANG-2016.pdf>

Ministry of Public Administration. 2016. The Strategy for Training of Civil Servants 2016-2020. http://kryeministri-ks.net/wp-content/uploads/docs/THE_STRATEGY_FOR_TRAINING_OF_CIVIL_SERVANTS_2016-2020.pdf

Interview by ECMI and ERAC representatives conducted on June 2018, with Kastriot Jashari, Director for Training and Educational Support, Kosovo Academy for Public Safety.

Kosovo Academy for Public Safety, Kosovo Police. 2017. Course Overview: Human Rights.

IX. ANNEX 1

Questionnaire sent to central and local level institutions.

Disclaimer

The following questionnaire will be used for the research that will be conducted under the project "Equal Rights for All Coalition, a four (4) years project funded by the EU and managed by the European Union in Kosovo. The purpose of this research is solely to analyse Kosovo training programs for public servants that are related to minority communities. The findings will be used in a report which will be presented in a conference organised during this year and will be shared on the ERAC website and social media in Albanian, Serbian and English.

Questionnaire

Name of the institution: _____

His/her position in the institution: _____

Municipality: _____

Date: _____

CHAPTER I: The Training Program

- 1) Did your institution had or does it have a training program related to the rights of minority communities?
- a. Yes, it had
 - b. No, it did not have
 - c. Yes, it has
 - d. No, it does not have

- 2) If it had, was the training program incorporated in a larger program or it is separate training program (Please explain).

- 3) If it has, is the training program incorporated in a larger program or it is separate training program (Please explain).

4) If the training program was/is incorporated in the larger program, please provide some general information on how the program was designed, the methodology and what components it covers and under which section are the rights of minority communities covered.

5) If the training program related to minority communities is separate training program what is the methodology and what are the issues covered. (Please explain).

6) Which office within your institution initiated, developed and financed the training program? (Please explain).

7) Where any other national or international organisations involved in the development of the training program and financing the organisation of the trainings? (Please explain).

8) How was the training program developed? What kind of material was used for the development of the program and is the training material accessible?

9) How did your institution organise the training program related to minority communities: Are they organised as a series of trainings (how many days) or only one time trainings (how many hours)? Are they repetitively organised every six (6) months or annually? (Please explain).

CHAPTER II: Participants of the Training Program

1) Who were the participants of the training program?

2) How did your institution distribute information about the program and how was organised the process of the selection of participant to be trained on the rights of minority communities? (Please explain).

3) Did the participants receive any certificate after successfully participating in the training program related to minority communities?
a. Yes
b. No

4) Was there any follow-up meeting/s to the training program related to minority rights? If yes, please explain the process and who was responsible to organise the process.

5) How many people were trained on the rights of minority communities during the past three (3) years?
a. 0 – 100
b. 101 – 200
c. 201 – 300
d. 301 – 400
e. More

CHAPTER III: Trainers of the Program

1) How were the trainers selected to deliver the trainings related to minority communities? (Please explain).

2) Were the selected trainers representatives of your institution or independent experts? (Please explain).

3) Did the trainers undergo any pre-training program specifically to deliver the training related to the rights of minority communities? (Please explain).

4) If yes, how was the program Training for Trainers developed, delivered and who financed it? (Please explain)

5) Did the trainers contribute to the development of the training program? If yes, please explain their role.

6) Did the trainers/experts of the program related to the rights of minority communities trained representatives of your institution so they can in the future deliver trainings related to the rights of minority communities? (Please explain)

- a. Yes
- b. No

7) If yes, please provide some more detailed information on the process, program and the timeframe of this activity.

8) How many trainers were involved in the training program for public servants related to the rights of minority communities (over the past three (3) years)?

CHAPTER IV: Challenges throughout the process

1) Please identify 2-3 challenges that your institutions faces on the development of the program:

- a. _____
- b. _____
- c. _____

2) Please identify 2-3 challenges that your institutions faces on the organisation of the training session/s:

- a. _____
- b. _____
- c. _____

3) Please identify 2-3 challenges that your institutions faces on the selection of the participants:

- a. _____
- b. _____
- c. _____

