

**NHRI contributions:
Albania, Bosnia &
Herzegovina, Serbia,
Kosovo*, North Macedonia,
Montenegro**

**European Commission
Enlargement package 2020**



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Introduction

The European Network of Human Rights institutions ([ENNHRI](#)) presents in this document the findings of a brief consultation amongst National Human Rights Institutions from **Albania, Bosnia and Herzegovina, Kosovo*¹, Montenegro, North Macedonia and Serbia** – following the invitation to provide written contributions in the process of preparing the 2020 Enlargement Package – updated 29 January 2020.

About ENNHRI and NHRIs

[ENNHRI](#) represents 45 members (National Human Rights Institutions) including 6 in the following Candidate and Potential Candidate countries: [Albania](#), [Bosnia & Herzegovina](#), [Kosovo*](#), [Montenegro](#), [North Macedonia](#) and [Serbia](#).

National Human Rights Institutions (NHRIs) are independent state bodies, with a broad mandate to promote and protect human rights. They are the only state bodies that are accredited for their independence from the government, pluralism, accountability and effectiveness, according to the UN Paris Principles (A/Res/48/143). NHRIs are trusted actors within the human rights framework, at local, national and international levels, given their regular accreditation by reference to the UN Paris Principles. The existence of an NHRI in compliance with the UN Paris Principles is a global indicator under SDG Goal 16 on peaceful, just and inclusive societies.

Benefits of engaging with NHRIs and ENNHRI:

- NHRIs provide national ownership and understanding of the application of rule of law, respect for human rights and fundamental freedoms to the local context, while reinforcing multilateral structures through reporting.
- NHRIs help ensure national implementation of human rights, as national level guardians of – amongst others – the EU Charter of Fundamental Rights and EU values.
- NHRIs contribute to coherence, solidarity and mutual trust, including through cross-border cooperation under the auspices of ENNHRI and other NHRI networks.
- NHRIs enable democratic space and support human rights defenders ([CoE Rec 2018/11](#)), working actively with civil society and supporting inclusive societies.

* This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo Declaration of Independence

Methodology applied

For the propose of this written contribution, NHRIs from the respective countries have been invited to share their evaluation of developments in their respective countries along the following four questions:

1. Have there been any relevant developments in **fundamental rights** in 2019 in your country?
2. Do you have any relevant information regarding rule of law and fundamental rights in 2019 in your country, especially concerning the **functioning of NHRIs**?
3. Have there been any developments regarding **civil society space** in your country in 2019?
4. Have there been any developments regarding **Human Rights Defenders**, including NHRIs, in your country in 2019?

As a reference the country reports that were included in the 2019 Enlargement Package have been shared with the respective NHRIs.

Please note that NHRIs apply international human rights standards at the national level, with a full understanding of the local context. At the same time, they report to international and regional human rights mechanisms a true picture of the human rights situation on the ground. Annual reports regarding the human rights situation on the ground [on the issues (amongst others) covered by the four questions] are shared with the respective NHRIs to their National Parliament and are worthwhile to be considered with the EU Delegations in the Candidate and Potential Candidate countries.

Do not hesitate to contact [Debbie Kohner](#) (Secretary General) or [Maurice Claassens](#) (Senior Network Development Office) at the ENNHRI Secretariat for more information.

Albania

The Peoples' Advocate of the Republic of Albania

Have there been any relevant developments in fundamental rights in 2019 in your country?

Year 2019 was very dynamic, as Albania expected the EU accession negotiations to be launched in the context of efforts in fulfilling its obligations, particularly in the rule of law and respect for fundamental human rights.

The People's Advocate, in the role of independent constitutional institution, guarantor of legal human rights and freedoms, promoter of the highest standards of the rule of law, and a watchdog prescribed by law over various segments of the justice system reform, has been closely monitoring a set of initiatives and developments which inherently combine the respect, safeguards and promotion of these standards in Albania.

The persistent political conflict in 2019 generated many consequences, with the gravest one being non-representation of people's vote in parliament. This way of exercising sovereignty raises question marks over the observance of the principles of the rule of law, due to the distortion of will expressed by vote. Justice reform has not yet produced the expected results, as there are still a number of pending issues and key justice institutions are not yet operational. The existence of a parliament that does not represent the popular vote, the persistent institutional and political conflict, the non-functional High Court and Constitutional Court coupled with the blocked activity of many courts due to insufficient judges to form panels, are resulting in a dysfunctional justice system with serious consequences on the functioning of the rule of law. Therefore, the check-and-balance system has not yet found effective application in our country.

Justice reform and its targeted outcomes must continue to be the main concern of all institutions in the country. It is clear that roll-out of the justice reform in line with the constitutional and legal provisions requires not only political will, but also financial and human capacities greater than those currently available. The Ombudsman has repeatedly raised this issue, recommending that it be on the priority agenda of both the executive and legislative branches.

The June 2019 local elections again manifested the issues related to safeguards of free voting and the lack of basic infrastructure facilities for the voting process of persons with disabilities. These conclusions are drawn from a series of inspections carried out by us at polling stations.

Freedom of assembly is one of the sensitive issues addressed by us during 2019, in the light also of many protests waged by residents mostly in Tirana and Kukes, or even opposition protests stretched throughout the year. Respect of the law by competent State bodies was the light motif of the People's Advocate whose stand reiterated that the freedom of assembly cannot be arbitrarily restricted by an administrative permit that is issued by the State Police, as the case was several times. The spirit of the law promotes this freedom, while modalities of maintaining law and order require another operating mindset (*modus operandum*) by law-enforcement bodies which have often used excessive force in these gatherings.

Protection against forced displacement remains an open issue that needs comprehensive and essential legal regulation in Albania. Developments related to the construction of public works proved that the current legal framework on protection against forced displacement is not only incomplete and non-binding, but it fails to be respected as far as they provide. This situation requires the adoption and enforcement of a specific law on forced displacement, in accordance with the best international and UN principles and standards on this matter.

The Council of Ministers proposed to the Assembly the adoption of the draft-law "On completion of transitional ownership processes in the Republic of Albania". In the People's Advocate view, its provisions bear the potential risk of violation of the fundamental right of property and other deriving rights, as well as create overlapping with the process regulated by the Law no. 133/2015 "On property handling and completion of property compensation process". This legal situation should be analysed with the utmost care given that we have expressed our reservations and observations also to the provisions of the above Law no. 133/2015, and even to implementing legislation approved by the Council of Ministers, related to respect for property rights. One such legal act is DCM No. 708 dated 21.11.2018 "On the registration of certain State-owned immovable properties on the Vlora - Saranda coastline and their transfer under the management of the ministry responsible for tourism", as amended, which has provisions that contradict the Constitution of the Republic of Albania as well as elements of illegality.

Despite the positive developments related to the adoption and entry into force of Law no.96/2017 "On the protection of national minorities in the Republic of Albania", the problem now has shifted to the implementing legislation. It is a fact that some important legal acts are not yet issued, albeit the time-limit set out in the law is overdue. This process should be concluded as soon as possible to fully guarantee the community rights, but also the individual rights of members of national minorities in Albania.

The draft laws "On audio-visual media" and "On electronic communications" presented as a package otherwise known as "anti-defamation package", was submitted to the Assembly by the Council of Ministers. Although still under review procedure at the Assembly after the President of the Republic did not decree it, our clearly stated opinion is that this legal package

violates the freedom of expression and leads to media operators being shut down by heavy fines and fine-levying mechanisms. These conclusions were reiterated at the annual conference in December 2019, with a focus on respect and protection of the freedom of expression in Albania.

Do you have any relevant information regarding rule of law and fundamental rights in 2019 in your country, especially concerning the functioning of NHRIs?

The Peoples' Advocate institution is the Albanian NHRI holding accreditation "A" status since 2004. Despite its non-decision-making nature, the office is a constitutional guarantee, provided with a broad mandate based on the international human rights standards for the promotion and protection of human rights as well as for the prevention of violations. This mandate is implemented in the jurisdiction and competencies that this institution provides for in its organic law, and by the fact that apart from the duties assigned to the provisions of this law, the Ombudsman performs other duties assigned to specific laws, as well as the role of the trusted and implementing institution of the pre-trial procedures, the start of the selection process of the candidacies, the creation of important institutions of the system of the rule of law, as defined in the Constitution of the Republic of Albania, Law no. 84/2016 "On the transitory evaluation of judges and prosecutors in the Republic of Albania", as well as in the Law No.115 / 2016 "On the bodies of the justice system governance". People's Advocate institution has been allocated continuously with a range of duties, for the implementation of which no financial provisions were made, despite the obligations deriving from the resolution of the Assembly of the Republic of Albania and in the same time the ECRI (European Commission against Racism and Intolerance) recommendations which foresee that each new mandate is accompanied with extra financial support.

In reality, the strengthening of the human and financial resources by having an infrastructure that facilitates the realization of the objectives and goals, is an ongoing concern for the People's Advocate institution, which should instead enjoy stronger and more sustained political and financial support from Parliament and the Government, to ensure the realization of duties in a fully effective manner, in financial autonomy, with adequate resources and investigative power, to provide for the realization of the objectives in total compliance with the Paris Principles and with the principles determined by the Venice Commission. Fact is that discussions for the state annual budget are usually accompanied with the disapproval of the requests presented by the institution of the People's Advocate. The same situation was presented when discussing the budget for 2019, where the minimal requests of the People's Advocate such as having a new staff position to handle with human rights defenders issues and SDG-s, still did find the right understanding. Meanwhile, even though during the discussions in November 2019 at the Albanian Parliament (the Commission on Legal Issues, Public Administration and Human Rights) related to the budget of the year 2020 it was agreed for a minimal increase in services and investments, this was not approved by the

Parliament in the final budget. The result was a relevant cut in budget of almost 8.5% percent of the 2019's budget, which itself was not adequate. The final budget resulted in an amount less than the one proposed by the Ministry of Finance itself. The People's Advocate Institution is working in properly addressing this issue, as cutting the budget of the NHRI is considered a clear indicator that may lead to the downgrade of the status of a National Human Rights Institution. On the meantime the Ombudsman has been successful in seeking the support of civil society and international community in Albania.

Late in 2017 a governmental platform named "Shqiperiaqeduam.al" has been activated aiming to centralize the complaints and to offer timely effective resolution, while discovering cases of misconduct by central and local administration. The platform has been having great visibility in the media and has proved to be effective in solving individual administrative complains, as the number of individual complains presented to the Ombudsman office since has been noticeably progressively decreasing.

The level of implementation of recommendations by public administration institutions has been and remains a constant issue for the People's Advocate institution. Beyond the positive steps and initiatives identified over the years, much remains to be done in this regard not only by public administration bodies at central and local level (especially regarding the implementation of recommendations), but also by the Albanian Parliament, as the legislative body presenting and discussing reports drafted by the People's Advocate Institution. An improvement on this regard is the fact that the annual report of the Peoples' Advocate was presented on plenary session and for the first time it was opened to discussions. Another achievement was the election by the Parliament of the three new Commissioners on February 26, 2019, solving a 'frozen' situation of almost 2 years.

Have there been any developments regarding civil society space in your country in 2019?

According to the current legal framework, CSO-s operate independently of government influence and interest. Instead the state organs are supposed to support and encourage the activities of non-profit organizations.

More specifically, with regard to the CSO legislation, as well as other laws and decision related to the non-for-profit sector and its relations with state, during 2019 there has been a new Instruction of Ministry of Finances and Economy, no.34, date 05.12.2019, on VAT reimbursement. CSOs are allowed to engage in economic activity and generate income through service contracts and public procurements; if engaging in economic activity in the social, educational, and cultural or sports fields, they are exempt from VAT when recognized by the competent authority in Albania.

In 2019 it became effective CSO representation and participation on the High Judicial Council and High Prosecutorial Council and on the National Network for the Legal Education of the

Public. CSO have also members on the National Council for European Integration, National Council for Civil Society, National Council on Gender Equality, the National Council for Protection of Child Rights and National Council for the Affairs of People with Disabilities National

Pursuant to Law No. 15/2015 "On the Role of the Assembly in the Process of Integration of the Republic of Albania into the European Union" Article 6, paragraph 2 / c, Decision of the Bureau of the Parliament No. 67, dated 04.05.2016 Regulation of the National Council of European Integration ", article 5/1 and following the applications made by CSOs in the two calls published by the CCI on 16 April 2018 and 24 April 2019, was decided by the President and the Vice-President of the NCEI, the approval of 15 CSO representatives, members of the National Council for European Integration, who will contribute to the NCEI under the chapters of the *acquis*.

The revised Road Map for the Government Policy towards a More Enabling Environment for Civil Society Development 2019-2023 on an enabling CSO environment has been approved by decision No. 539, date 25.7.2019.

The Agency for the Support of Civil Society (ASCS) is since 2009 the main public body providing financial support for civil society. However, public funding to sustain CSOs' actions is insufficient and has remained at the same level for years.

A National Resource Centre for Civil Society in Albania, financed by the European Union is established by Partners Albania (NGO), in support to strengthening of civil society sector and other stakeholders in the county. The Centre will serve as a platform for the civil society at the local, national, regional level and beyond, and it is foreseen to contribute to the strengthening of civil society's capacities to be more effective, transparent, accountable and independent actors and to the creation of an enabling environment for the civil society, participatory democracy and the integration process of Albania into the European Union.

The Albanian Ombudsman considers civil society a very important ally in its work in promoting and protecting human rights. Notwithstanding the fruitful cooperation established so far, this relationship, like every other aspect of life in the country, reflects the general situation of the Albanian society. Their approach to the mission for which they were created certainly affects the work of the Ombudsman Office. Lack of a fair and well-functioning justice system, as well as the lack of independent media, combined with political interference, often weak organizational capacities due to insecure funding, and low public trust are top challenges faced by Albanian civil society. CSOs are regularly invited to public consultations held by parliament, but their concern remains over the obligation to accredit and a general disregard their inputs. The space for civil society organizations in the traditional media is also not at the expected level. This is probably due to the reduction of funding sources, as many donors have either shrank their budgets for Albania or withdrawn completely.

Have there been any developments regarding Human Rights Defenders, including NHRIs, in your country in 2019?

The Albanian Parliament through the Resolution "On the recognition and support of the activity of human rights defenders in promoting, enhancing and protecting human rights and fundamental freedoms, strengthening the rule of law and consolidating democracy", passed on March 2019, has expressed its institutional commitment to contribute to the improvement of the legal framework for the protection of human rights defenders, as well as to strengthen parliamentary control for its implementation, addressing with due diligence the promotion, promotion and the protection of human rights and fundamental freedoms, the strengthening of the rule of law and the consolidation of democracy.

This resolution was an initiative of the parliamentary sub-committee for Human Rights aligned with the constitution of Albania and all duties coming from the international conventions Albania has ratified. In this Resolution, it is acknowledged the role of independent constitutional and statutory institutions in protecting and guaranteeing the legitimate rights and interests of the individual, as well as the importance of guaranteeing the growth and strengthening of their capacities, including financial support, ,encouraging these institutions (including the Ombudsman) to work closely with local government bodies, representatives of the Council of Ministers at local level, law enforcement agencies, civil society organizations / networks and international organizations to promote and protect human rights defenders and their activities, at local and national level.

The Sub-committee for Human Rights carried out later in May a consultation table on this resolution, with broad representation, aiming to collect input from the human rights activists on the situation, issues, needs and challenges they face on a daily basis. Following this consultation table, the Sub-committee for Human Rights of Albanian Parliament has committed to develop a report regarding the current situation, challenges and recommendations for the future of the work of human rights defenders.

The Albanian Ombudsman considers that there is a considerable space for national authorities to improve the existing legal and institutional framework in order to ensure effective protection mechanisms for human rights defenders at risk, as well as to increase effectiveness and transparency of the law enforcement bodies.

Bosnia and Herzegovina

Human Rights Ombudsman of Bosnia and Herzegovina

Have there been any relevant developments in fundamental rights in 2019 in your country?

In order to advance fundamental human rights in 2019 in Bosnia and Herzegovina, we highlight the following activities:

- In 2019, progress has been made in Bosnia and Herzegovina in protecting the rights of LGBTI persons. Namely, the first Pride Parade was held in Sarajevo, which was provided by the competent police authorities and took all measures to ensure that it was held without incident. Through several public announcements and appearances in the media, the Ombudsmen gave full support to the exercise of the rights of LGBT persons in Bosnia and Herzegovina, and participated in the first Pride Parade held in Sarajevo.
- The Constitutional Court of Bosnia and Herzegovina has held that the provision of Article 11, paragraph 2 of the Constitution of Republika Srpska, which states that "the death penalty may be prescribed exceptionally and only for the most serious forms of serious crime" is not in accordance with the Constitution of BiH. The Constitutional Court annulled the impugned provision and found that the provision would cease to be valid the day after the decision was published in the Official Gazette of BiH.
- In the area of protection of the rights of persons with disabilities, the following strategic documents were adopted: in the Federation of Bosnia and Herzegovina adopted a Strategy for the Advancement of the Rights and Status of Persons with Disabilities in the Federation of Bosnia and Herzegovina 2016-2021. Also, in Republika Srpska, the Strategy for the Advancement of the Social Status of Persons with Disabilities in the Republika Srpska 2017-2026 was adopted. The Law on Prohibition of Discrimination in BiH amended in 2016 introduces disability as a new basis for discrimination.
- An Action Plan for the Inclusion of LGBT Issues under the Open Government Principle is under development. The project is coordinated by the German development agency GIZ together with the Department for the Elimination of All Forms of Discrimination and the competent institutions. The Ombudsman's Department for the Rights of the Child works on the amendments to the family legislation in BiH and the amendments to the criminal legislation in the Federation of BiH (harmonization of regulations with the Council of Europe's Lanzarote Convention - Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse), work on analyzes and reports in the field of juvenile justice (visit to institutions where juveniles in conflict with the law are placed with the aim of improving the situation - conditions in institutions and accommodation, and their treatment), promotional activities of the Department - familiarizing children and adults

with the Ombudsman's mandate and the rights of the child. Based on the Ombudsman's initiative to amend the entity laws, the Ministry of Justice of the Federation of Bosnia and Herzegovina has prepared the Draft Law on Execution of Criminal Sanctions of the Federation of BiH, which provides for the possibility of transferring sentenced persons from one entity's penitentiary institutions to another entity as it is provided for by the Law on Execution of Criminal Sanctions and Misdemeanor Sanctions of the Republika Srpska. The Ombudsman's Department for the Rights of Persons with Disabilities, continuously monitors the degree of implementation of the adopted strategic documents, in order to determine the further course of action. The cases received by the Ombudsman institution mainly relate to the exercise of social and health protection rights, pension and disability protection rights, the right to education, employment, placement in social welfare institutions, as well as accessibility issues. It is especially important to point out the persistent discrimination on the basis of disability in relation to the cause of the occurrence of disability, that is, the different treatment of war invalids and civilian victims of war and persons with disabilities who have acquired disabilities under other circumstances. UN Committee on the Rights of Persons with Disabilities expressing concern about the different legal rights of persons with disabilities whose disability does not result from war in relation to civilian victims of war and disabled by war and because of the current practice of different assessments of the same disability based on the cause and/or occurrence of disability . In this regard, it is necessary for the entities to develop and apply harmonized criteria, assessment procedures and rights in the assessment of disability rates for all persons with disabilities, regardless of the cause of disability.

Do you have any relevant information regarding rule of law and fundamental rights in 2019 in your country, especially concerning the functioning of NHRIs?

The institution of the Ombudsman is facing a number of problems that hinder its functioning, especially related to the lack of necessary material and financial resources. This was also recognized by the GANHRI Accreditation Subcommittee which in its most recent accreditation decision dated 24 November 2017 noted that "the SCA acknowledges the complex political situation in which IHROBH operates. The SCA commends the efforts of the IHROBH in advocating for the adoption of amendments to its enabling law to address issues of concern noted previously by the SCA." Undoubtedly, there was a need to adopt the proposed amendments to the Law on Ombudsman and to take measures to strengthen the capacity of the Ombudsman Institution to be able to fulfil the mandate granted, in accordance with the Paris Principles. Until recently, the establishment of government at all levels, and especially at the state level, has also affected the functioning of the NHRI.

In 2019, the Ombudsman received 3218 complaints. Monitoring was carried out in at least 35 cases. Key challenges in 2019 are related to the economic and social rights in Bosnia and

Herzegovina manifested in high poverty as a result of unemployment, low salaries and pensions, insufficient to cover basic needs, undifferentiated VAT for basics and luxury, social differences between the majority of population and a small group of the most privileged citizens, social benefits non-unified for the whole country, corruption in employment and promotion, administration and judiciary In addition to the illegal migrations and migration of the BiH citizens, mostly youth and highly educated ones to the western countries.

Have there been any developments regarding civil society space in your country in 2019?

It could be noted that recently civil society is better organized and profiled with better focus on specific areas, and cooperation between CSOs and the authorities is formalized. The Cooperation Agreement between the Council of Ministers of Bosnia and Herzegovina and NGOs in Bosnia and Herzegovina which seeks to create the necessary political framework for strengthening participatory democracy, is in line with the EU's requirements and the needs of Bosnia and Herzegovina to transparently create and implement public policies in the of the Council of Ministers of Bosnia and Herzegovina, signed on 30 November 2017. According to unofficial data, over 11,000 NGOs are currently registered in BiH, but most of them have significant funding problems.

According to the Ombudsman's Action Strategy for the period 2016-2022 NGOs are the Ombudsman's strategic partner. In this context, representatives of the Ombudsman continued their successful cooperation with CSOs during 2019. Examples of this cooperation are:

- cooperation with Youth Center 'Kvart' from Prijedor,
- participation at a conference organized by NGOs 'Lara' and 'King' dealing with gender based violence and women empowerment for political and other public engagement,
- a meeting was held with NGO SOC advocating for the rights of LGBTQI persons and in September 2019 the first Pride was organized in Sarajevo with participation of the Ombudsman's representatives. The Ombudsman is dedicated to assistance and help to all NGOs in Bosnia and Herzegovina promoting the rights of LGBTQ persons,
- a meeting with NGO 'Kult', which is engaged in promotion of civil participation in decision-making process and raising awareness of the importance of such participation,
- marking the 30 years of the United Nation Convention on the Rights of the Child together with UNICEF, the BiH Ministry of Human Rights and NGO Naša djeca Sarajevo
- a meeting with NGO 'Give us the chance' engaged in rights of persons with difficulties in their development and their families,
- a meeting with NGO 'Sumero' promoting and representing the rights of persons with intellectual difficulties in order to enhance their social inclusion through the improvement of services and support to local communities,

- a meeting with NGO 'Peacebuilding Network' and agreed joint action aimed at restoring the quality of social and economic life in BiH and capacity building of the BiH society to deal with diversity in a constructive and non-violent manner.

Have there been any developments regarding Human Rights Defenders, including NHRIs, in your country in 2019?

The Human Rights Ombudsman of Bosnia and Herzegovina is an independent institution established to promote good governance and the rule of law, the protection of the rights and freedoms of natural and legal persons, as specifically guaranteed by the Constitution of Bosnia and Herzegovina and the international agreements annexed to this Constitution, which in this regard, will oversee the activities of the institutions of Bosnia and Herzegovina, its entities and the Brčko District, in accordance with the provisions of the Law on Human Rights Ombudsman of Bosnia and Herzegovina. In accordance with the provisions of the Anti-Discrimination Law the Ombudsman is also the central institution for protection against discrimination. The Ombudsman of BiH is accredited in status "A" as the national mechanism for protection of human rights in Bosnia and Herzegovina by the SCA GANHRI. Within their mandate, the Ombudsmen of Bosnia and Herzegovina monitor and ensure the protection of the rights of citizens in Bosnia and Herzegovina, including the rights guaranteed by the International Covenant on Civil and Political Rights, and regularly submit their observations to UN bodies.

In general development of conditions for the work of human rights defenders in Bosnia and Herzegovina, in a broad sense, is in a kind of transition. With regard to the Ombudsman, the fact that the Institution has a high degree of independence has enabled the Ombudsman to plan all its activities independently, guided, above all, by the needs of citizens, expressed through complaints submitted.

In terms of the development of our Institution in 2019, we highlight the following activities:

- In accordance with the organizational structure of the Institution, during 2019, we made additional employment of seven young law graduates;
- At the same time, we have recruited four new law graduates to replace retired lawyers;
- In 2019, the Ombudsmen sought to increase their visibility in media on specific social issues through the visits to local communities in the framework of the activity: "Ombudsman in your city";
- We have adopted a number of normative acts, including the following:
 - o Rulebook on Volunteering at the BiH Ombudsman Institution,

- Strategic Plan of the Internal Audit Unit of the BiH Ombudsman Institution for the period 2019-2021,
 - Annual Plan of the Internal Audit Unit of the BiH Ombudsman for 2019;
- In 2019, the Ombudsman prepared seven special reports in different areas of law, namely:
 - Special Report on Violations of the Rights through non-implementation of the Law on Free Access to Information,
 - Special Report on the Prohibition of Corporal and Psychological Punishment of Children in Bosnia and Herzegovina,
 - Special Report on Freedom of Assembly,
 - Special report on the position and role of social welfare centers in our society,
 - Special Report on the Role of the Inspectorate in the Protection of Human Rights (work on the Report started in 2019, while the presentation is planned for 2020),
 - Special Report on the Representation of Constituent Peoples in the Institutions, Administrative Organizations and Regulatory Bodies of Bosnia and Herzegovina, the Federation of BiH, Republika Srpska, the Brčko District of BiH and the Cantons of the Federation of BiH.
- Together with UNPFA we have implemented with UNPFA a project entitled: 'Integrated Sexual and Reproductive Health Services in Bosnia and Herzegovina' in the period 01 June – 30 November 2019;
- We have adopted a new Rulebook on Internal Organization and Systematization of Jobs and established a new department - the Department of Justice and Administration;
- We have given lectures and trainings in several occasions. Also, in contact with various international organizations, all employees have the opportunity to attend trainings, seminars and online courses. Thus, all employed lawyers have undergone one-day training in situational testing, especially since the legal provision stipulating that situational testing must be reported to the Ombudsman. Furthermore, three employees also completed a multi-day course in situational testing;
- We signed bilateral agreements with the Protector of Citizens of the Republic of Serbia, the Institution of the Ombudsman of the Republic of Turkey and the Institution of the Ombudsman of the Russian Federation.

Ombudsperson Institution of Kosovo

Have there been any relevant developments in fundamental rights in 2019 in your country?

During 2019, the Ombudsperson Institution of Kosovo based on the mandate given by Constitution and Law on the Ombudsperson, has undertaken a range of activities with the purpose of tackling human rights violation in the country. However, we will mention below some of the issues, which concerned a large number of citizens which have been affected:

a) Law of Public Officials and Law on Salaries sent for review to the Constitutional Court

Constitution of Republic of Kosovo entrusts the Ombudsperson with the mandate to refer to the Constitutional Court an abstract review of constitutionality of laws, of decrees of President and Prime Minister, regulations of the Government as well as the Statutes of the Municipality (Article 113, paragraph 2 of the Constitution).

In this regard, upon receiving relatively large number of complaints and upon reviewing the Law on Public Officials as well as the Law on Salaries in Public Sector, the Ombudsperson considers that they do not abide with the Constitution and both laws were challenged in the Constitutional Court, which acting upon Ombudsperson's request, has suspended their application until Court's final decision.

When it comes to the Law on Salaries, the Ombudsperson has ascertained that the Law has failed to carry out the constitutional spirit in terms of separation of powers, equality before the law as well as to guarantee the right to property. Moreover, the given Law was not in harmony with the principles of the rule of law, due to omissions in terms of its clarity, accuracy and predictability.

In addition, the Ombudsperson admitted 35 complaints from various entities of public sector filed against the Law on Salaries in Public Sector, including here complaints from the field of health, education, police and civil servants.

b) Report with recommendations related to the issue of children in street situation

This report aimed to (a) analyze the phenomenon of children in street situation, (b) to identify violation of children's rights, as well as (c) to draw attention of responsible institutions to take appropriate action in order to protect children in street situation.

In Kosovo, as well as in many countries of the world, a part of children's community comprises children in street situation. We see them alone in street or in groups, among other things, cleaning windscreens, selling small things, begging or looking for different things in garbage containers. Their involvement in these activities harms their health, development and well-being, places them on risk to be exposed towards violence, sexual abuse, exploitation and trafficking. The exact number of such children is unknown. On national level there are no official, inclusive information for children in street situation, which would provide a clear and complete picture of their number and status. Identification of such cases by state bodies is not easy, many of them are on move, some of them cannot be identified due to lack of personal documents and the fact that they are not registered in birth registers. Failure of their identification, lack of data about them, on one hand, makes them "invisible" before the law, deprives them from enjoyment of the rights guaranteed by the applicable legislation, including health care, education and social services. On the other hand, lack of above stated facts makes difficult and hinders the work of state institutions in the development of adequate and effective policies for the protection and realization of rights of such children. These were the issues which addressed the report and appropriate recommendations were sent to the responsible authorities.

c) Report with Recommendations related to assessment of the social services provision system in Republic of Kosovo

This report assessed whether the provision of social services in the Republic of Kosovo is in line with human rights protection standards and provided specific recommendations on actions to be taken by the Government of the Republic of Kosovo, the Ministry of Labour and Social Welfare as well as given municipalities, in the direction of improving current situation.

This report gathered information from most responsible persons regarding provision of social services in municipalities, how well are they informed about social problems, how well are they prepared to provide social services, which activities have been undertaken to diminish and eliminate poverty and provide quality social services, what kind of documents have been drafted at the municipal level, connection of municipal with that at central level and the civil society sector etc. Then, after analysing other data available, it concluded that Kosovo's social protection system is not at a satisfactory level, as a result of inadequate functioning of Social Work Centres related to provision of professional social services to all citizens of the country, without discrimination.

Do you have any relevant information regarding rule of law and fundamental rights in 2019 in your country, especially concerning the functioning of NHRIs?

The Ombudsperson Institution of Kosovo (OIK) with the aim to comply with Paris Principles has continuously worked to strengthen itself, both in terms of a strong legal infrastructure that

guaranteed its independence, but also in practice, while not allowing any interference in performing its mandate.

The Constitution of Republic of Kosovo guarantees its functional, budgetary and organisational independence. In its work, OIK is guided by the principles of impartiality, independence, pre-eminence of human rights, confidentiality, and professionalism and enjoys organisational, administrative and financial independence in the fulfilment of the obligations provided for by the Constitution and the law.

The OIK, with the purpose of exercise its mandate effectively and efficiently, has adopted all the necessary regulations, as required by law. It has also adopted a Strategy and Action Plan, upon which it operates in order to achieve its objectives.

It is worth mentioning that the Regional Cooperation Council in its published Balkan Barometer **for last three years in a row, has ranked the Ombudsperson Institution of Kosovo as the most trustworthy from institutions listed in the country and in the region**, which marks another notable success of OIK role in promotion and protection of human rights in the country.

Another development worth mentioning is also the **signing of a Memorandum of Understanding between the Swiss National Commission for the Prevention of Torture and the Ombudsperson Institution on common monitoring of Forced Return Operations between Switzerland and Kosovo**, which happened on 24 April 2019.

This agreement is of the specific importance for both institutions, it is the first international agreement of this nature for both institutions, for the Swiss National Commission for the Prevention of Torture but at the same time for the Institution of the Ombudsperson, within the scope of which, National Preventive Mechanism against Torture for Kosovo acts.

During the ceremony of signing, all parties pointed out the importance of cooperation on issues of common interests.

Through this Memorandum, Parties agreed to cooperate closely and consult one another on matters of mutual interest with the aim of reaching joint objectives, to ensure that Returnees have been treated correctly by Swiss police forces during forced removal and to ensure that Returnees, who have been forcibly returned, are treated humanely when handed over to police authorities of Republic of Kosovo at Prishtina International Airport.

The monitoring process will involve the phase of hand-over at Prishtina International Airport, entry modalities at the border point conducted by Kosovo police forces, medical check-ups and any other assessment procedure as well as transfer to detention center if relevant.

On 27 June 2019, **the Law on Child Protection has been adopted**, which aims to protect child from all forms of violence, abuse, maltreatment, exploitation, neglect or any other form that endangers life, safety, health, education, upbringing and child development. The Ombudsperson Institution provided its contribution to the working group in the drafting process of this law, in order to ensure that all international standards for the protection of children's rights are included. Therefore, in November 2019, the Ombudsperson Institution launched **the Regulation on Special Procedures for Admission, Handling and Addressing Complaints Filed by Children or Complaints Relating to Children's Rights**. This Regulation sets special rules/standards on admission, handling and addressing complaints relating to children's rights, by guaranteeing and respecting their rights and freedoms foreseen by the Constitution of the Republic of Kosovo, Laws and other Acts, as well as International Human Rights Instruments, particularly the Convention on the Rights of the Child. It also stipulates the main principles that any official of the Ombudsperson Institution shall consider during the receiving, handling and addressing of complaints filed by children or complaints relating to children's rights.

Other developments worth mentioning is also the entry into effect of the **Law No. 06/L-057 on Disciplinary Liability of Judges and Prosecutors**, which provides the Ombudsperson with additional mandate to investigate, actually to address complaints against prosecutors and judges. The **Law No. 06/L-085 on Protection of Whistleblowers** has also entered into force, which sets out the rules on whistleblowing, the whistleblowing procedure, the rights and protection of whistleblowers, as well as the liabilities of public institutions and private entities related to the whistleblowing.

The new Criminal Code has also entered into effect and reforms in the sector of justice are ongoing. The new Code contains provisions through which it is aimed an increase of the efficiency in combating corruption, domestic violence, terrorism, etc.

Statistical data with regard to the complaints and reports with recommendation

Complaints

Annual statistical data with regard to complaints -2019	
Number of complaints	1876
Number of persons involved in the complaints	6466
Number of cases opened for investigation	878
Ex. officio cases	51

Reports with recommendation

Annual statistical data with regard to the reports with recommendations 2019	
Reports for investigated cases (from the addressed complaints from citizens)	18
Reports for opened cases investigated ex officio	11
NPM reports	13
Letters with recommendation	28
Recommendations in Reports with recommendation and Letters with recommendation	221
Amicus Curiae briefs	5
Opinions	2
Requests for interim measures	6

Positively resolved cases

One of the objectives of the Strategy of the Ombudsperson Institution of Kosovo, is also to tackle systematic violation of human rights, which impact a larger number of the citizens, therefore a lot of Ex. Officio reports with recommendation were addressed to the responsible authorities, and below we have presented some of the positively resolved cases and the subject matter of them:

- **Ex-officio Report with Recommendations** related to unequal treatment of pensioners by Commercial Banks in Kosovo in provision of banking loan services;
- **Report with Recommendations** regarding the conditioning with membership in the Kosovo Blind Association in order to obtain the blindness card with the aim to benefit from rights and benefits guaranteed by Law no. 04 / L-092 for Blind Persons;
- **Report with Recommendations** related to the failure to approve the request for return to the priority lists, as well as the legal effect of annulment of Decision no. 2/988, of 26 November **2013, of the Senate of the University of Prishtina.**
- **Report with Recommendations** on State's Positive Obligations on Protection from Domestic Violence and the Right to Life, arising from the Constitution of the Republic of Kosovo and Article 2 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.
- **Recommendation Letter** regarding the lack of harmonization of transitional and final provisions of Code no. 06 / L-006 on Juvenile Justice;

- **Letter of recommendation** regarding the lack of justification in the Decisions of the Commission of the Government for Recognition and Verification of the Status of sexually abused persons during the Kosovo Liberation War, when refusing to recognize their status.
- **Letter of Recommendation** regarding the failure to extend working licenses to geodetic surveyors of secondary category as well as for failure to harmonize legal provisions of the secondary legislation;
- **Ex-officio Report** to the Ministry of Environment and Spatial Planning regarding environmental permission for stone crusher plants in village Kusar of Gjakova that destroyed/ devastated the nature in this part of the country;
- **Report with Recommendations** on the access of persons with disabilities to public property, the right to education and the right to work;
- **Letter of Recommendation** regarding the failure to implement the decision of the Independent Oversight Board of the Kosovo Civil Service (IOBKCS) and the decision of the Basic Court in Ferizaj (**labour issue, execution of the judicial decision regarding return to work**)

Have there been any developments regarding civil society space in your country in 2019?

In March 2019 **the Law no. 06 / L - 043 on Freedom of Association in Non-Governmental Organizations** has entered into force by abrogating earlier law of 2011.

Actually, the law was adopted in 2018 by the Assembly of Kosovo, but some provisions of the law were found to limit, in fact to endanger organizational sector of NGOs. Upon NGOs' response and the President's assessment, the Law was sent back to the Assembly for review and the remarks were taken in consideration. The new law, as such, represents a good opportunity for the development of the non-governmental sector in Kosovo.

Have there been any developments regarding Human Rights Defenders, including NHRIs, in your country in 2019?

On 23 October 2019, the Ombudsperson Institution of Kosovo became member of the European Network of Equality Bodies (EQUINET), as it was concluded that it is in compliance with the EQUINET Statute and pre-defined criteria and meets the conditions required for membership along other equality bodies that are members of this network.

Membership of the Ombudsperson Institution of Kosovo in this network is another success achieved by this institution and is added to the list of memberships of this institution to international human rights structures (IOI, ENNHRI, AOM, AOMF, EOI etc.).

Montenegro

Protector of Human Rights and Freedoms of Montenegro

Have there been any relevant developments in fundamental rights in 2019 in your country?

Protector of Human Rights and Freedoms of Montenegro autonomously and independently on the principles of justice and fairness, take measures to protect human rights and freedoms. During 2019 some progress has been made in the realization of human rights and freedoms in Montenegro. Progress is still more pronounced in the area of legislation. However, human rights and freedoms cases indicate that the response of the competent authorities and institutions is inadequate and that the situation is still unsatisfactory in many areas. Certain human rights and freedoms violations occur on a continuous basis, with more or less deviations from the previous period. Therefore, greater attention should be paid to preventing human rights violations in the future, and that law enforcement institutions and bodies respond more decisively and effectively to each case. In this respect, the key role and responsibility of decision-makers in all three branches of government, legislative, executive and judicial, is to ensure full application of the law and the rule of law. When it comes to certain social groups, trends are uniform over the last few years and the most or most discriminated persons are persons with disabilities, Roma, women, LGBTIQ community, rural aged care households and private sector employees. The quality of responding to citizens' complaints has been significantly improved. The Ombudsman's opinions and recommendations include, in addition to pointing to international documents and standards and domestic legislation, best practices from the European Court of Human Rights. Most violations of rights have already been remedied during the course of the examination procedure in the handling of complaints. The annual report contains a separate sub-chapter on bodies and other entities that have not complied with the recommendations, which have partially complied with the recommendations, and in particular who have not complied with the recommendations. Continuously, the Protector acts with the authority that the recommendations must be fulfilled.

Do you have any relevant information regarding rule of law and fundamental rights in 2019 in your country, especially concerning the functioning of NHRIs?

The legal and institutional framework for the functioning of the institution of the Protector of Human Rights and Freedoms of Montenegro has been established. The Protector is accredited with the Global Alliance of National Human Rights Institutions - GANHRI, 05 August 2016, with the status of "B". In the coming period, activities to improve the institution's independence and independence status should be directed. The independent position given

to us by the Constitution and the Law allows us to impartially and objectively analyze the actions of the competent authorities and to point out their mistakes and omissions, when conditions are created. Although the position of Protector is independent, this does not mean that we are neutral. We are not, and cannot be, neutral in the fight for citizens' human rights, social justice, the rule of law. In almost many areas of our work, there are some problems and require a more resolute response from state law enforcement bodies. Despite our many years of pointing out, the problems are repeated and the results are missing, which is especially pronounced in the exercise of the right to good administration and legal protection, in the protection against discrimination, domestic violence and violence against women, children and among children, social rights and economic protection, especially for vulnerable categories of the population the pursuit of justice and justice and other democratic principles and values. In previous year in area of legislation we submitted an Opinion on the Draft Law amending the Law on free access to information, Initiative to amend the Law on Social and Child Welfare, Initiative to amend the Rules on the contents of the database and the content and method of keeping records in social and child welfare - Register of licensed providers. Good cooperation with the media is reflected in the keen interest in the monitoring of conferences organized by the Institution, the transmission of announcements, news and published announcements.

Have there been any developments regarding civil society space in your country in 2019?

The Institution is committed to developing relationships that contribute to the protection against discrimination, the promotion of equality and to strengthen cooperation with civil society organizations, regional and international bodies that promote, protect and promote rights and freedoms and act with dedication to protect rights. Cooperation with the civil sector, including special protection against discrimination and the rights of the child, is of strategic interest for the achievement of the basic function of the Institution and is based on mutual trust and respect. The Protector particularly emphasizes the quality of cooperation with civil sector what is of particular importance given the performance appraisal of the institution is commonly confirmed by the state authorities and the civil sector. For this year we plan establishment of a focal points through the regional network as the specific project, proposal for strengthening financial support in relation to increasing scope of mandates and institution activities. The aim of this activity is to empower victims, in cooperation with civil society and local institutions, to report discrimination to the Protector and other state authorities, and to assist parties in formulating requests and thereby reduce the costs of dealing with cases of citizens from local communities before the Protector and other state bodies.

Have there been any developments regarding Human Rights Defenders, including NHRIs, in your country in 2019?

The Ombudsman Institution is a natural partner to the civilian sector and enhanced cooperation has helped to strengthen the position and results of the Ombudsman. We believe that there is progress in the work and position of human rights defenders, but that trust between defense attorneys and state authorities needs to be further strengthened. Collaboration with the media has certainly contributed to the positive evaluations mentioned in the part of the European Commission Report for 2018, which states that "several aspects of the work of the Protectorate Institution have been improved, including visibility, more active information on activities carried out, and productivity. " When attacks or harassment of human rights defenders occur, we strongly condemn and respond in accordance with our mandate. Protector reacted to statements after voting on amendments to law on public order and peace, raised issue of protection of deputies, attack on journalist News, activation of explosive device in front of a journalist's house, injuring a girl with a stray bullet, reporting on statements that offend women's dignity, statements in the context of expressing political views, graffiti printed. Journalists from some media who covering human rights and freedoms topics, regularly report on the recommendations we have sent to the competent authorities. In addition to providing examples of life in which each of us can be found, this type of reporting is particularly important because the public is given insight into what each one in the chain of responsible companies has taken, or what they have not done, and what is recommended for solving the problem. ODIHR organize a roundtable meeting in Podgorica in order to discuss the situation of human rights defenders in Montenegro and because of assessment report with key findings of good practices and challenges in the protection of human rights defenders in Montenegro.

North Macedonia

Ombudsman Office of the Republic of North Macedonia

Have there been any relevant developments in fundamental rights in 2019 in your country?

In 2019 the External Oversight Mechanism has only partially become operational, meaning that the envisaged three staff members (State Counselor and two Counselors) have started working in the Ombudsman Office. However, in respect to the civil society part of the Mechanism, no further progress has been made. The public call for inviting civil society organizations working in the area of human rights, police and judiciary to participate in the Mechanism was published by the Assembly as a body responsible for its selection. Three civil organizations/associations (Macedonian Helsinki Committee, Macedonian Young Lawyers Association and the Macedonian Association of Criminologists) were selected by the Assembly who should nominate members to the Mechanism. In the upcoming period we expect to sign the contracts with the persons nominated by the selected associations.

In 2019 the Mechanism for monitoring the implementation of the UN Convention on the rights of persons with disability was established within the Ombudsman Office. The Mechanism is consisted of three staff members, State Counselor and two Counselors. The Mechanism was publicly promoted in December 2019. The official promotion of the Mechanism was on December 3th.

In March 2019 the new Law on the prevention and protection against discrimination was adopted. The adopted law prohibits any discrimination based on race, origin, nationality or ethnicity, sexual orientation, gender identity, religion, political beliefs, or any other grounds.

The country's Commission for protection against discrimination has not been constituted with commission' members yet. In August 2019 the Assembly published the public call for commission' members but later in December the call was annulled and re-published again. No further developments yet.

Do you have any relevant information regarding rule of law and fundamental rights in 2019 in your country, especially concerning the functioning of NHRIs?

In accordance with a Government' decision and pursuant GRETA recommendation, the Ombudsman has become a National rapporteur on trafficking in human beings and illegal migration. For performance of this function, the Ombudsman hired two new personnel, State Counselor and a Counselor. The Mechanism became functional at the end of 2019.

Having in mind this newest competence, the mandate of the Ombudsman is rather broad. Aside of protection and promotion of human rights and freedoms, the Ombudsman is a National Preventive Mechanism, Amicus Curiae, External Oversight Mechanism, Mechanism for Monitoring the implementation of the UN CRPD and National Rapporteur on trafficking in human beings.

One of the novelties of the Law on the Ombudsman adopted in 2016 was the obligation of the Assembly to draft list of measures based on the Ombudsman Annual Report' recommendations obliging the Government to report back on the level of their implementation every six months. In 2019 the Assembly drafted another set of measures tackling all the areas of human rights protection given in the Annual Report of the Ombudsman published in 2019.

Further on in 2019 a visit was carried out to the Tetovo Correctional-educational facility (functioning in the penitentiary institution Prison Ohrid), with aim to assess how the Ombudsman's recommendations stated in its earlier report of 2016 were implemented.

Additionally, in 2019 the Ombudsman was focused on assessing the situation with peer violence and bullying, preparing a special report based on a survey conducted in all primary schools in the country.

In order to assess the conditions and the manner of treatment of children with educational and social problems and disturbed conduct, the Ombudsman paid visit to the Public Institution "Ranka Milanovikj", publishing a Special Report afterwards on the findings during the visit.

Given the fact that in 2019 a new Law on Primary Education was adopted which offered a different concept especially in the area of inclusivity, the Ombudsman submitted its Opinion to the Ministry of Education and Science in order to improve the provisions aimed at greater protection of children.

With the adoption of the new Law on Social Protection, the categories of beneficiaries of social financial assistance and beneficiaries of permanent financial assistance have been replaced and included in one beneficiary category of guaranteed minimum assistance. Pursuant that the Ombudsman submitted an Initiative to amend the Health Insurance Act demanding regulation of that provision. The submission of the Ombudsman was accepted and incorporated in the law.

Have there been any developments regarding civil society space in your country in 2019?

The overall estimation of the space of functioning of the civil society organization is good with no reported abuse or violations upon the freedom of association or acting. The greatest focus

of the civil society organizations in 2019 was set on environmental issues and pollution. The Ombudsman Office regularly has cooperated with a number of civil society organizations and considers them as an ally in the field of human rights protection and promotion.

Have there been any developments regarding Human Rights Defenders, including NHRIs, in your country in 2019?

Since the Ombudsman Office is a NHRI for the Republic of N. Macedonia, no specific developments have taken place apart of the above given info. The Ombudsman Office currently is in a process of preparation of its Annual Report for 2019 which will contain all major developments in respect to its work and the level of implementation of its recommendations. The Report shall be available by the end of March 2020. Once available, I can report on the major findings.

The Protector of Citizens of the Republic of Serbia

Have there been any relevant developments in fundamental rights in 2019 in your country?

The situation when it comes to freedom of expression and freedom of the media has not changed compared to the previous period. Again in this period, the Protector of Citizens states that the professional work and status of journalists have been endangered by their financial status, as well as by physical and any other attacks on media representatives, by hate speech and discriminatory terminology.

In their remarks, journalists warn that their rights have been repeatedly compromised. There are still three key problems: *The way in which budget funds for information are spent* - funds are obtained through public calls, which are announced by local governments. The allocation of funds is decided by independent committees, however, their reputation has been tarnished by their decisions on the allocation of money from the budget. *Difficult financial conditions in which journalists work*. Journalists work most often under unfavorable employment contracts, and their earnings are below the national average. They work in conditions where there are no special mechanisms for the protection of professional rights.

Progress has been made on preventing and eradicating torture, but there is still the inadequate treatment of officers towards persons deprived of their liberty in a number of cases. Such treatment is due, among other things, to a lack of staff, to established stereotypes towards this vulnerable group, and to a lenient criminal policy towards officers. Further aggravating factors include poor accommodation conditions for persons deprived of their liberty and lack of legal regulations or insufficient legal regulation and compliance with international standards.

Although torture is absolutely prohibited by both national laws and international instruments, much remains to be done to ensure that persons deprived of their liberty are fully protected from all forms of torture and inappropriate treatment.

In 2019, the Protector of Citizens conducted a survey on the implementation of the Strategy for Social Inclusion of Roma Men and Women, which resulted in the publication of the Special Report on the Implementation of the Strategy for Social Inclusion of Roma Men and Women, presented on December 11, 2019. Namely, the Protector of Citizens followed a number of measures envisaged by the Strategy and Action Plan in the fields of education, employment, housing, health and social protection. In its main assessments, a separate report warns that, by all indicators, the Romani remain a social group in the most disadvantaged social,

economic and educational position. The capacities of local self-governments, as well as the awareness of the role they play in the process of Roma inclusion are strengthened, but not enough to effectively implement measures. What contributed to the progress were public policy measures to improve the situation of the Romani, but a major problem is the fact that the Action Plan for the Implementation of the Social Inclusion Strategy for 2017-2018 has expired, and the adoption of a new one is a year late.

Some advances, especially normative ones in the field of property rights, do exist, but they are not accompanied by sufficient capacities, both personnel and technical and financial capacities, as well as adequate organization and division of labour, which results in its ineffective realization and insufficient level of legal certainty.

Do you have any relevant information regarding rule of law and fundamental rights in 2019 in your country, especially concerning the functioning of NHRIs?

After failing to review four consecutive regular annual reports of the Protector of Citizens (2014, 2015, 2016 and 2017), the National Assembly reviewed the Annual Report for 2018 and adopted the Conclusion (Official Gazette, No. 51/19 from July 19, 2019), which, among others, made appeals to the Government to continuously report to the National Assembly on the implementation of these conclusions.

With regard to the modifications and amendments to the Law on the Protector of Citizens, in order to strengthen the independence and improve the efficiency of the work of the Protector of Citizens, the Protector of Citizens submitted to the Ministry of State Administration and Local Self-Government, as well as to the National Assembly, a Draft Law on Modifications and Amendments to the Law on the Protector of Citizens for further action. Accordingly, modifications and amendments to the Law on the Protector of Citizens should also accompany the strengthening of human resources that would have the effect of improving the efficiency of this body.

The Protector of Citizens notes that no changes have been made regarding the provision of premises for adequate, permanent accommodation of the institution of the Protector of Citizens, and that this body is located in the same premises, which in their capacity do not correspond to neither the number of employees nor the efficient organization of work.

In 2019, the Protector of Citizens received 3293 complaints, which is only 1.44% less than in 2018, while the number of contacts with citizens in 2019 was 7582, which is 31% more than in 2018.

In the reporting period, in the course of its investigations, the Protector of Citizens issued 390 recommendations to public authorities, out of which 247 are still within implementation deadline

In the observed period, the Protector of Citizens submitted 499 recommendations to the public authorities in expedited oversight procedures, which the authorities executed immediately upon learning that the Protector of Citizens had initiated the control procedure.

	Recommendations made in the period January 1st, 2019 - December 31st, 2019	Recommendations due for implementation	Recommendations that were executed	%
Recommendations following the investigations	390	143	119	83,22
Recommendations issued in expedited oversight procedures	499	499	499	100
TOTAL RECOMMENDATIONS	889	642	618	96,26

In 2019, the Protector of Citizens, as a National Preventive Mechanism for prevention of torture (NPM), made 85 visits, a noticeable increase compared to 2018, when that number was 44.

Have there been any developments regarding civil society space in your country in 2019?

The Protector of Citizens actively cooperates with partners from civil society organizations, with the belief that there is always room for further improvement of this cooperation.

Have there been any developments regarding Human Rights Defenders, including NHRIs, in your country in 2019?

In 2019, an initiative was launched to develop a journalism platform that would record every single case of security threats and any form of pressure on journalists and media workers and directly contribute to more effective action by the competent state authorities in cases of security threats to journalists. The work on such a platform has received support from media associations and unions, as well as media outlets, and during 2019 meetings were held between representatives of the Protector of Citizens and representatives of media associations and unions and media outlets.

In accordance with Article 2a of the Law on Amendments to the Law on Ratification of the OPCAT, the Protector of Citizens, performing its duties as NPM, cooperates with associations

whose goal under the Statute is to promote and protect human rights and freedoms, in accordance with the law. Civil society organizations, members of the NPM, are selected following a competitive public call, and in 2019 the NPM collaborated with the Lawyers' Committee for Human Rights - YUCOM, the International Aid Network - IAN, and the Mental Disability Rights Initiative of Serbia - MDRI-S.

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