

RTK interview with Barbara Rohmann, Director of Human Rights and Communities Department, on Human Rights Package of Laws campaign

Journalist: We will be talking today about the Human Rights Package of Laws. In fact we will focus a little bit more on the laws, but also the campaign that was launched recently by the OSCE. There are three very important laws: The law on Gender Equality, the Law on the Protection from Discrimination and the Law on the Ombudsperson which regulate the main aspects of human rights in Kosovo.

We have invited Barbara Rohmann, Director of the Human Rights and Communities Department within the OSCE to talk about this campaign but also in general about these laws and how important they are for us in Kosovo. Good morning and welcome!

Rohmann: Good morning!

Journalist: Welcome to the studio of our morning program. We want to talk about the campaign launched by the OSCE and the three laws that I mentioned. How important are these laws in fact for Kosovo.

Rohmann: We are talking here about the Human Rights Package of Laws which is made up of the following three laws: the Law on Gender Equality, the Law on Ombudsperson and the Law on the Protection from Discrimination. These three laws are very important, because they entail new regulations and actually enforce the protection of human rights. They give new responsibilities to different government bodies and interested parties. For example, the Ombudsperson has been enforced, with different responsibilities now. The campaign is actually to inform the general public about their rights and novelties brought about by the package and the available resources to exercise all those rights. Our campaign includes TV advertisements, which are also broadcast on RTK between 19.30 and 20.00 hrs. We have also produced different leaflets, such as this one for example.

Journalist: Let me hold it can you zoom in? In the meantime you can also explain the campaign which intends to explain the importance of these laws to all citizens of Kosovo and instances where they can ask for their rights that refer to these laws.

Rohmann: The campaign includes TV advertisements and leaflets that represent the diversity of Kosovo society and it conceptualizes the tolerance that we should enjoy. The campaign promotes awareness of discrimination and tolerance. With these new laws, for example, the Law on Ombudsperson, the Ombudsperson institution has been promoted and reinforced. The Ombudsperson can now also act as a national preventive mechanism against torture and other cruel, inhuman or degrading treatment and punishment. The Ombudsperson can now regularly monitor prisons and visit all places of detention. That is something that was not stipulated before, but is now part of the Law on Ombudsperson. So these three laws, this package of human rights laws is a very important for the promotion and protection of human rights.

Journalist: Are we talking about mere amendment of laws or are these new laws that we did not have in the past in Kosovo?

Rohmann: These laws as such did not exist. They surely amend existing laws that we have had before. Without doubt, we welcome laws that are promoting human rights. But the beauty of it is that they are all strengthened now in the framework of the human rights law package. So these three laws, they actually promote also different actors, for example, if you think about gender equality it promotes the Agency for Gender Equality, and also the Ombudsperson as I just said before which has more responsibilities since it can monitor and report any kind of human rights cases and any kind of human rights abuses. This responsibility was not so strongly stipulated before. So this is quite a novelty and something really good. Thinking of the Law on Gender Equality, it introduced gender sensitive budgeting which means that all the local or public institutions as well as municipalities have to also have in mind gender sensitive budgeting. So any kind of activity they want to commence, they need to have a look on policies' particular impact on both women and men, because impact is not the same on both at same time and these are considerations they didn't have to have before, so this is something really new and good.

Journalist: Are these laws in harmony with EU Laws for example, because we adopt laws that are in line with the EU all the time, right, with the EU countries, because we too aspire to be there and it is our obligation to harmonize laws of course.

Rohmann: They are. As you might know in Kosovo the international framework of human rights laws is directly applicable. Like the Universal Declaration on Human Rights, like different international covenants on human rights, like the European Convention on human rights and so on. So these three laws are also in line with this, there is no doubt about it. However, few Kosovo laws had to be also amended in order for them all to be working together. Usually it is a six months period after a law is enacted that you also have to amend sublegal acts stemming from the laws. So that has been done now in the last months. There are also Rules and Procedures that were amended, rules on how you employ people, so the whole systematization of the job posts was amended and there had to be also sublegal acts amended in order for these new laws now to function well. Now we have to really work to ensure that these laws are implemented.

Journalist: We will be talking about this later on as well, but, what was the contribution and the role of the OSCE in the adoption of this package of laws and what was the reason that the OSCE was involved in launching the entire project and the entire campaign and is overseeing so to say, more or less, this entire process and the campaign.

Rohmann: As you might know, many, many years ago, the OSCE was an important international organization in Kosovo that actually established the Office of the Ombudsperson. Therefore, historically, we have an interest in the Ombudsperson Institution and we still try to promote the Ombudsperson Institution, to support the Ombudsperson institution with different activities and we work very closely together, so this is one aspect. The other one is, since the OSCE is an international organization that is very much concerned about the human rights and also about communities here in Kosovo we are naturally also very interested in any kind of human rights legislation. And particularly in these three new human rights laws that make up the human rights package. So what we have been doing for example in the last months and throughout the last year, we have actually promoted laws in a way that we were part of the public consultations, we actually had a close look at the drafts of the laws and commented them and advised everyone on the particular context of the laws.

Journalist: Let's talk a little about implementation of laws, as you said this law is in line with the EU Laws and we have many other laws that can maybe serve as model to many more developed countries. However, when it comes to implementation, you know that part. To what extent do you think this package of laws will be implemented in Kosovo, by all pertinent institutions? How hard will this part be?

Rohmann: This is always a challenge, to really successfully implement new laws. I think there are already some good things in securing human rights laws, for example thinking of the judiciary, because there are also some new elements when dealing with cases of potential discrimination it is easier for the judiciary to make the case. So many different actors are somehow in a positive way affected with regard to this human rights package laws. Regarding implementation – that will be now up to all the actors to really implement it, but now they have the tools and they need to implement it, they have the tools now in this new law. The Ombudsperson has already done a step in that direction. When you think about the last European Union Progress Report, it was stipulated that the Ombudsperson needs better monitoring and reporting, and the Law on Ombudsperson is actually giving, more responsibilities to the Ombudsperson institution in order to address any kind of human rights abuse. So monitoring can improve as can the implementation of these laws.

Journalist: What about you as the OSCE, will you continue to oversee this package of laws, in terms of its implementation, so not to just simply assist in this process that you are launching in this campaign, but also continue overseeing it, to see whether it is going the way it is foreseen in these three laws? And what influence can you have if you see that things are not going the way they should?

Rohmann: This is just the campaign; the campaign is a TV advertisement which we will be on the next couple of weeks, so it is a campaign of limited duration. We can't go on for years and years. However, since we are still interested in human rights, we will keep monitoring human rights, we will remain interested in looking into the implementation of these laws. We have been and we will continue to monitor basic trials, so we are at basic courts, we have a team that monitors trials, and in this context this human rights package is important, because sometimes there are cases that have to be seen in context with these human rights laws.

Journalist: I want to go back to these two laws, the first one, the Law on Gender Equality and the Law on Protection against discrimination. What do they foresee, what are some of the main aspects of these two laws. How hard it will be to implement them in Kosovo and will there be a will in the part of institutions to implement these laws accurately. Although you also said that it is a challenge of course.

Rohmann: If you think about the Law on the Protection from Discrimination, this is actually a law that stipulates that anyone living in Kosovo should be free from any kind of discrimination.

Journalist: Are there such people in Kosovo currently? For example is there a group of people who are in fact discriminated against, that you consider that are discriminated against currently?

Rohmann: Well, yes, discriminated against on different topics. I think that you have for example, issue of access to justice, last year we held a campaign on that topic. Not every Kosovar has the same access to judicial institutions. Not everyone has access to education, there are different human

rights where there is discrimination. Not everyone has the opportunity to have his/her language represented everywhere it should be, so again there is a problem with implementation of existing laws. These human rights laws, i.e. the Law on the Protection from Discrimination enforce a better protection of these human rights and that there should be not any further discrimination in the future. So any kind of discrimination based on ethnicity, religion, age, gender or on any other grounds should not happen any more.

Journalist: Considering that our courts are overburdened with many cases, will these cases be considered as priorities of priorities, namely the cases that will be filed based on these laws, since the adoption of this legal package

Rohmann: Well, that is very difficult to say in advance. I think that it can be only seen with time, when we monitor we will find out. They might not prioritize these cases; however, they should not deprioritize them either; so they should not discriminate against these cases and put them last. I don't think this will happen. If they are prioritized, this will become clear with time.

Journalist: In general, these are laws that are necessary, and even essential, but that their implementation will be a challenge, right, and you stated this several times, and the latter is also in a way a challenge for judicial institutions as well, for courts in Kosovo. We hope that all institutions will overcome this challenge in a positive manner, in fact implement these laws, since we are talking about the three laws.

Journalist: Many thanks for being in the studio.

Rohmann: Thank you very much for inviting me.

Journalist: Thank you for being here and for explaining many issues. The launching of the campaign, in a way this interview is also a part of campaign that OSCE is doing.