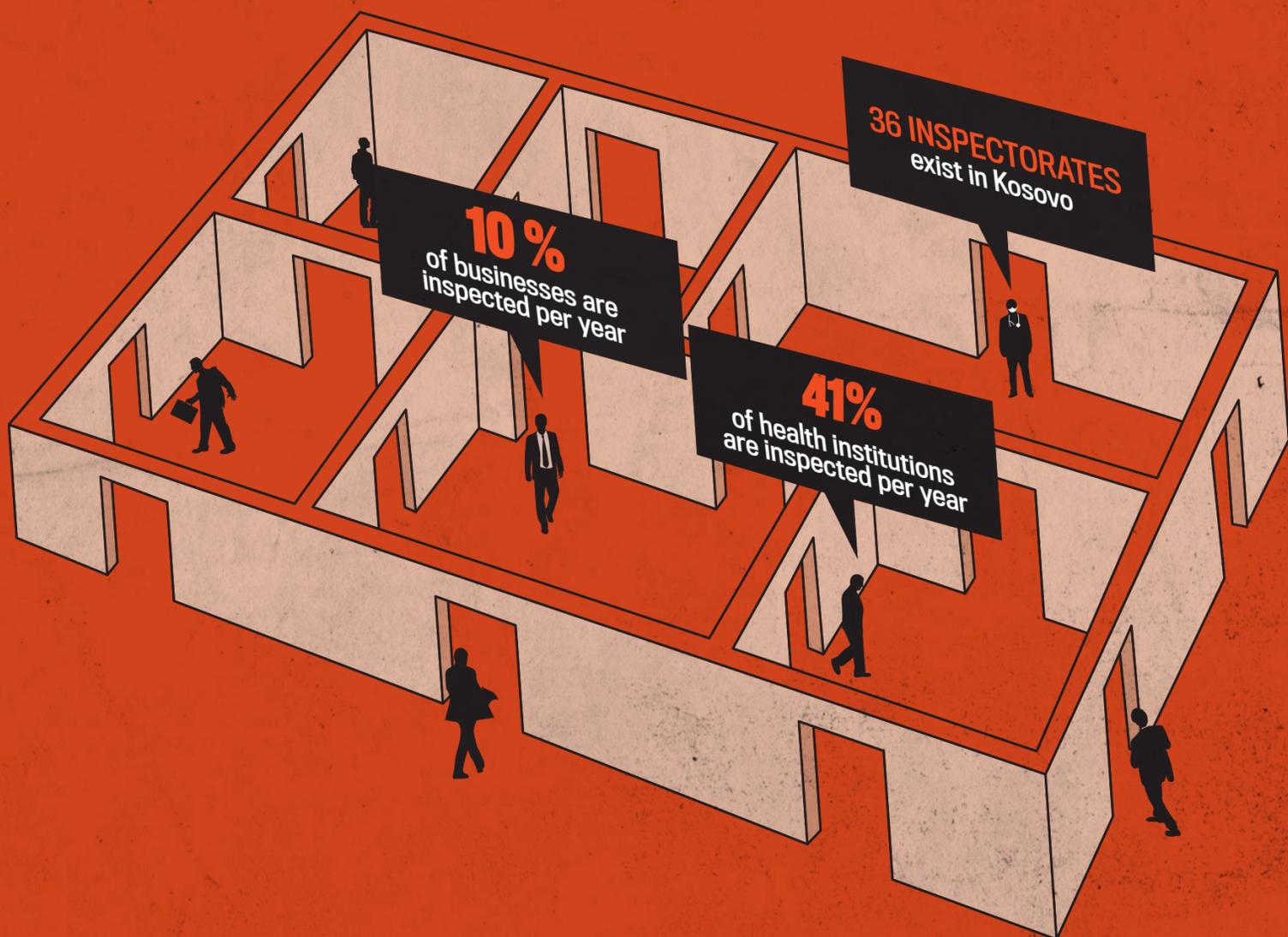


Preportr

A MARE'S NEST



Inspectorates are institutions that are responsible for the oversight of laws. There are 36 inspectorates that function separately. Despite the growth of number of both public and private institutions, the number of inspectors is insufficient. Labor Inspectorate inspects only 10% of businesses throughout the country, while Health Inspectorate covers around 40%. Some inspectors from these institutions have also ties with political parties. Preportr found that tens of inspectors were accused of abuse of official duty.



A MARI'S NEST

BESNIK BOLETINI, BESA KALAJA, LEONIDA MOLLIQAJ

Inspectorates are institutions that are responsible for the oversight of laws. There are 36 inspectorates that function separately. Despite the growth of number of both public and private institutions, the number of inspectors is insufficient. Labor Inspectorate inspects only 10% of businesses throughout the country, while Health Inspectorate covers around 40%. Some inspectors from these institutions have also ties with political parties. Preportr found that tens of inspectors were accused of abuse of official duty.

INSPECTORS ACCUSED

In Kosovo there are tens of inspectorates that are obliged to inspect different areas. The number of inspectors continues to be low, while the number of businesses and institutions that they have legal obligation to inspect has been growing throughout years. In this situation, inspectors manage to carry out few inspections, while citizens bear the consequences.

Around 61.3% of Kosovo youth aged 15-24 work without contracts, most of them are not paid for extra hours, and they do not enjoy elementary rights. Also, we are witnessing many scandals of private health institutions carrying out illegal activities throughout years, also proved by court verdicts. Environmental damages involving destruction of forests and rivers are at high levels. These and other vital issues are regulated with laws, while the oversight and implementation of these laws falls under the responsibility of these inspectorates.

In Kosovo, a considerable number of inspectorates was established in 2006. Despite the fact that in terms of competences inspectorates are at high hierarchical level, Preportr research found that inspectorates did not produce concrete results in the field of implementation of laws, since their very establishment until today.

The main obstacle is their chaotic functioning and organization. They are spread throughout special institutions such as ministries, municipalities and other independent institutions.

As a result, their accountability is also not concentrated. They generally report to their respective institutions. Most of these reports are for internal use only and they are not made public. Those that are, however, public are part of the reports of their respective institutions, and not classified as the work of the inspectorates.

Lack of reporting of their work in media and in some cases lack of work of inspectorates made the citizens generally hear about them only in cases of corruption affairs, which considerably undermined their reputation.

During its research, Preportr found that media reported about circa 35 inspectors accused for "Abuse of official duty, for illegal acquisition of assets", with three head inspectors and one regional coordinator involved.

Poor organization of inspectorates complicated the identification of their number and their type. In many websites of institutions there are no inspectorates as special sectors. In order to see whether there is an inspectorate for a certain field, one should look into laws regulating that field in order to see whether inspectorates are mentioned there.

In 2014 GAP Institute published a report on the functioning of these institutions and identified around 20 of them. According to researcher Visar Rushiti, there is a big variety of organization and functioning of inspectorates and there is no special central body that would oversee their work.

"Somewhere there are organized as divisions, while in other places we find them as departments, and as inspectorates. For example, the CEO of the Inspectorate within the Ministry of Justice reports to the Secretary, and then to the Minister. In other places, the inspectorate is an executive body. For example, Labor Inspectorate, where the head inspector responds directly to the Minister," explained Rushiti.

According to the Information Office of the Ministry of Trade and Industry, there are currently 26 inspecting bodies in central and local institutions covering all fields of work.

Preportr particularly focused on the Labor Inspectorate and Health Inspectorate, since these have the biggest influence on citizens' lives. The aim of this research was to present the problems which these inspectorates face in their work, as well as the lack of functioning or obstacles in their work in general, by analyzing their work and their activities.

LAW ON INSPECTIONS, NOT INSPECTORATES

There is no special law for inspectorates, a law which would set certain principles related to their work and their functioning. Inspectorates were es-

tablished according to the necessity - some through decisions and administrative instructions, and others through laws. This type of organization is not efficient in practice. As a consequence, there is a need to initiate a special law that would regulate legal basis and hierarchical organization of all inspectorates in Kosovo.

In 2013, Kosovo Government stipulated the drafting of this law in its Legislative Program, but according to Information Office of the Ministry of Trade and Industry, there were no further steps taken in this direction. As a result, a new law is being drafted only for inspections.

"Currently we are preparing a Concept Document for Draft Law on Inspections, which would address the need in its entirety for the reform of inspection system in Kosovo, including both legal and organizational/structural aspect. We are working so that this draft law is completed during 2017, and in this process we are closely cooperating with World Bank. This inspection reform was budgeted in 2017 Budget Law," was the response of this Office for Preportr.

According to them, Kosovo Government is fully informed about the current situation in the field of inspection, and this is the main reason behind this process, that we call the reforming process.

But Visar Rushiti from GAP Institute believes that the Law on Inspections would only deal with principles or inspection work, and not with their organization or functioning. According to him, the Law on Inspections should not substitute the Law on Inspectorates

"Draft Law on Inspections was opposed by the very Inspectorates because it contains provisions that harm the work of Inspectorates, such as informing the subjects before going to inspect them, which undermines the role of the Inspectorate. We have also opposed this law and proposed to have a model similar to Albania and Croatia, where there is a special law and a special body for all inspectorates which manages and oversees them," said Rushiti.

According to him, such a law would empower the role of the inspectorates, it would increase their responsibility and have a direct effect on the improvement of level of implementation of laws.

LABOR INSPECTORATE

LABOR INSPECTORATE INSPECTS ONLY 10% OF BUSINESSES

Each and every day, there are reports on the violation of workers' rights. The most serious problems have to do with the establishment of work relations, respectively work contracts. Labor Law, among others, stipulated the regulation of work relations between employee and employer in both public and private sector, setting out duties and responsibilities of both parties. Lack of contracts produces many consequences for employees, starting from their suspension, without previous notice, lack of care in case of injuries, lack of holidays, no payment for extra hours, etc.

According to the data from "Labor Force Survey" which is carried out by Kosovo Statistics Agency and published at the end of January 2017, 30% of employees in Kosovo work without a contract.

"the percentage of employees aged 15-24 working without contracts is 61,3%. When asked if they enjoyed their rights in their primary work, i.e. benefits from social security scheme, only 2,8% of the respondents gave positive answers," says this report, among other things.

Also, Policy and Advocacy Center (QPA) in August 2016 carried out a survey related to work contracts in the region of Pristina. In service, catering and trade sector 38,46% work without contracts, while in construction as much as 59,76% work without contracts.

This research indicates that construction workers work extra hours. 40,24% of the respondents declared that they work 50 hours a week, while as much as 14,63% declared that they work up to 60 hours a week. Despite the extra hours, some of these workers said they were had not been paid for those hours. 41% of the respondents said they had not been paid their extra hours.

Some of labor contest are being reviews in Kosovo courts. According to Kosovo Judicial Council data, Kosovo courts had 3,669 cases related to labor contests. 2,488 cases were unresolved as of January 1, which means they were transferred from previous years, while 1,181 new cases reached Kosovo courts.

Out of this total number of cases in process (3,669), 105 cases have to do with dismissal from work, 732 cases have to do with return to work place, 2398 cases deal with material compensation to the injured party, and 434 cases deal with other labor contests. Kosovo courts started this year (2017) with 2,387 unresolved cases of labor contest.

All these violations are happening while there is a Labor Inspectorate in place, which is an executive body and functions within the Ministry of Labor and Social Welfare.

This inspectorate employs 50 inspectors, which are responsible to carry out regular inspections, on daily bases as well as if deemed necessary. Considering the low number of inspectors and their dynamics of work, very rarely do these inspectors knock on employers' doors in order to inspect them. Some of these inspections have even been subject to indictments, dissatisfaction and suspicions related to possible favoritism towards some employers and consequently produced unfair decisions.

Between 2011 and 2016 Labor Inspectorate carried out between 6 and 9 thousand inspections. In 2016 this inspectorate carried out 7,285 inspections, out of which there were 4,997 regular inspections, 1,717 repeated inspections, 456 upon request of the parties, and 115 joint inspections. Consequently, if we look at all types of inspections we conclude that the total number of inspections also includes repeated inspections, which means that Labor Inspectorate does not manage to inspect regularly even 7,000 employers.

According to Kosovo Tax Administration data, there were 87,979 active businesses in Kosovo in 2016. Preportr took the total number of inspections during 2016 and compared it to the number of active businesses.

This comparison shows that Labor Inspectorate managed to inspect only 8,2% of the total number of businesses in the country. More than 90% of businesses in Kosovo are not inspected. These data were calculated only for the private sector, since the inspectorate is obliged to carry out inspections also in public institutions.

If we consider only the private sector, one labor inspector during a year should inspect not less than 1,759 businesses. According to 2016 data, one labor inspector managed to inspect only 145 businesses during the year. According to these data, it turns out that in order to inspect all businesses, an inspector would need a total of 12 years.

The 2016 inspections carried out by this inspectorate found 1340 employees without contracts. During these inspections, 855 remarks and 128 fines were imposed against employers. These data also indicate that there have been violations of workers' rights, and if there were more inspections in place, more such cases would probably be evidences.

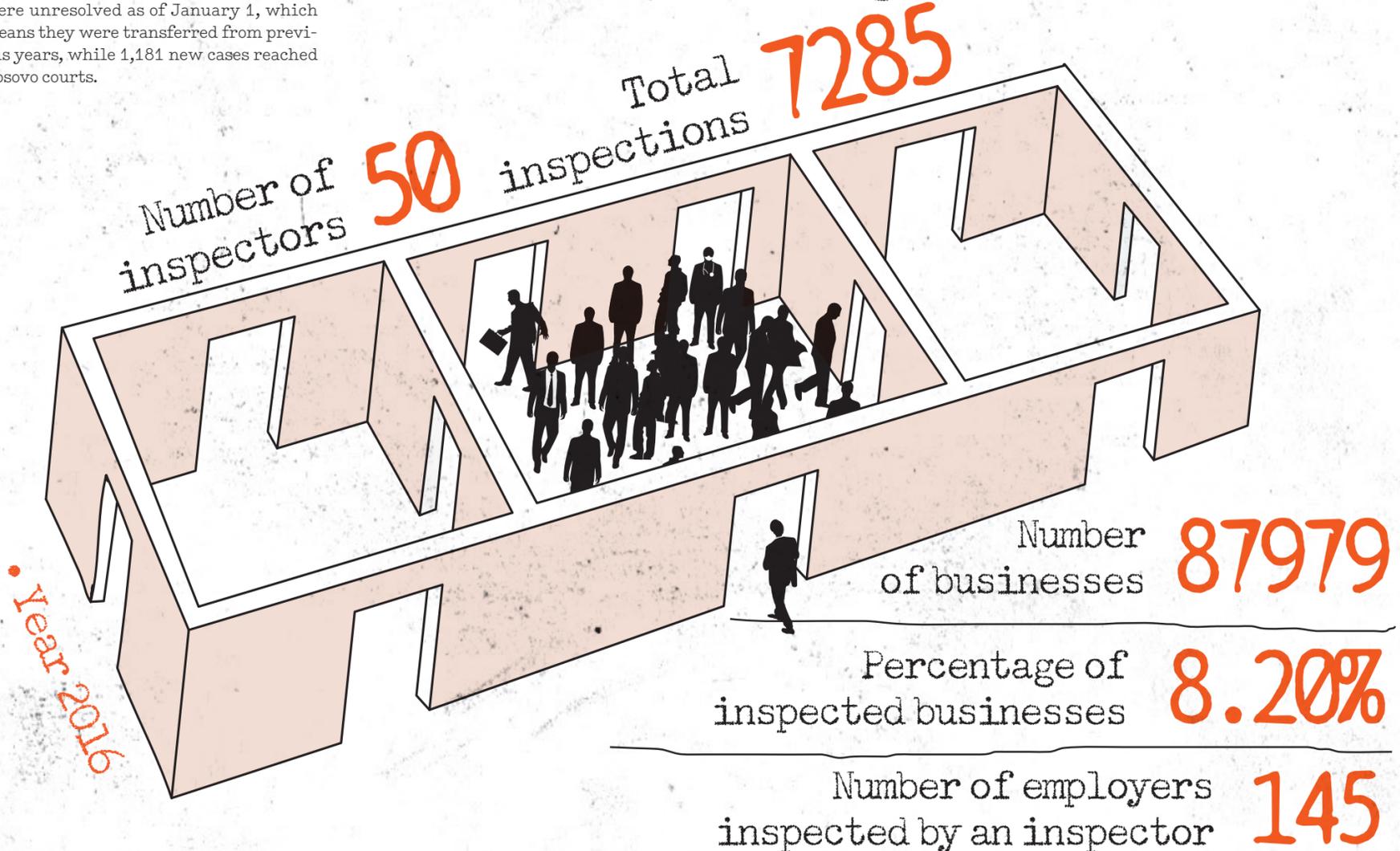
The head inspector of this inspectorate, Basri Ibrahim, told Preportr that there are different breaches of Labor Law and that the most frequent violations have to do with work without contracts, work during night, work during official holidays, etc. He says that despite the low number of inspectors, in recent years the implementation of Labor Law marked progress. According to him, this inspectorate needs additional 130 inspectors in order to produce more effect in terms of implementation of Labor Law.

"An inspection per day per inspector is enough, but even this is difficult to achieve because there are many procedures to be followed prior to carrying out an inspection. Not only the private sector but also the public one takes much time, because there are many procedures. Public sector inspection takes much more time than private sector," says Ibrahim.

The primary goal in the methodology of Labor Inspectorate is to educate and not punish. When breaches of workers' rights are identified, the employers first receive a note, and then they are given a short period of time in order to address the issues.



61% of employees aged 15-24 working without contracts



Labor Inspectorate Report 2016

 **1340**
Employees
without
contracts

 **128**
Fines

 **855**
Notes

 **1302**
Legalized
employees



POLITICAL TIES OF INSPECTORS

Just like in all other institutions, politics also got hold of Labor Inspectorate. Considering their specific task, the inspection in some cases could question their objectivity.

Reportr found that out of the total number of 50 inspectors, 9 of them have ties with political parties (4 with PDK, 4 with AAK and 1 with one Serbian political party). Some of them run during municipal elections, some were seen running election campaign for political parties, and other openly expressed their affiliation with certain political parties via social media.

NEBIL MJEKU is from the Municipality of Obiliq. In 2009 he was elected as municipal member of assembly. In June 2011 he got employed as labor inspector. He kept the two positions simultaneously. He also ran during 2013 local elections as PDK candidate for municipal assembly member.

VESEL ZHINIPOTOKU from the Municipality of Ferizaj has ties with PDK. He was director of HR and Administration in the Municipality of Ferizaj when Bajrush Xhemajli was the mayor, while during Agim Aliu's term, he was director of Health and Social Welfare Directorate. Both are political positions.

NEXHAT FAZLIU from the Municipality of Drenas also turns out to have ties with PDK. He expressed this openly via Facebook, posting photos with senior PDK officials. He was also active during local elections in Drenas, supporting Ramiz Ldrovci from PDK during his election campaign.

FLORIM KRASNIQI from the Municipality of Prizren is PDK supporter. In his Facebook profile, he openly expressed his support for this party.

HALIL HASANI from the Municipality of Ferizaj was candidate for municipal assembly member. from AAK during 2007 and 2009 elections.

MUSALUFAJ from the Municipality of Decan has ties with AAK structures in this municipality. An announcement of this party made in July 2015 says that he was appointed as member of presidency of AAK branch in Decan.

BASRI ZEJNULLAHU regional coordinator of Labor Inspectorate in Gjilan has ties with AAK. He was seen during gatherings of this party. He is also seen in a photo published in September 2015, participating in a meeting of candidates for municipal assembly member. His wife is also municipal assembly member from AAK.

MURAT VOKSHI deputy labor inspector since 2006. He has close ties with AAK in Decan. He has a public photo during AAK election meeting made in May 2013, and he participated in a meeting of the presidency of AAK branch in Decan in December 2004.

ANDRIJANA ZDRAVKOVIÇ from the Municipality of Shterpeç is labor inspector. She ran during 2009 local elections for municipal member of assembly from Jedinstvena Sirinicka Zupa - JSZ.

So, an employer is always given a second chance. But considering the low number of inspectors and inspections as a result of that, this measure may not be effective, since employers first wait for this note. This method can produce little effect, when we consider that our inspectorate manages to inspect only 10% of employers per year. So, other employers who are not yet inspected do not feel at risk in case of breach of law, because they know that they would first receive a note, and they could potentially carry out with those breaches of workers' rights.

"We have been dealing with this issue for many years. We have tried different inspection methods, but we found that this is the best method. We believe that sanction is not enough, and employers should see us as partners, and not as a punitive apparatus," says head inspector Ibrahimimi.

INSPECTORS DO NOT TREAT CASES PROPERLY

Policy and Advocacy Center (QPA) monitors Labor Law since 2011. Milaim Morina from this organization says that during these years of monitoring, they concluded that Labor Inspectorate is not sufficiently efficient in inspecting employers.

"The thing that worried us was the methodology of inspections, or the way how inspectorate targets businesses to be inspected. This is important because there are businesses who were inspected three times within a year, while there are large businesses that were never inspected in a 4-year period. We asked to have access to the list of inspected businesses, but we were denied such a thing," says Morina.

Jusuf Azemi, head of Independent Union of Small Businesses and Crafts told Reportr that in their field work they evident many violations of workers' rights, and they send this cases to the inspectorate, but this institutions does not undertake any measure to address these cases.

"We have had cases when we went to a company and found it with no work contracts. We have asked them to produce contracts within two weeks, and they did not do so, because they had the support of the inspector. When we told them we would publish the case in media, the very inspector together with the employer worked all night long and the next day they produced contracts," says Azemi.

He says that if there are so many workers with their rights violated every day, why should there exist a Labor Inspectorate, adding that the situation is even worse in construction and technical service sector.

In relation to this, head inspector Ibrahimimi says that there is no well-organized private sector union, and that such declarations have no grounds.

But neither Kosovo Journalist Association (AGK) had nice experience with Labor Inspectorate. The president of this Association, Shkelqim Hysenaj, said that only during 2016 this inspectorate received 10 cases of journalists related to violation of their labor rights.

"We had some journalists who went and filed complaints and then faced a certain resistance from the coordinators of this inspectorate, who somehow discouraged them, telling them that they filed these cases are filed in vain, because cases against media are meant to fail," says Hysenaj.

He says that they also informed the head inspector Ibrahimimi regarding these cases, but they received a senseless response.

"Journalists in Kosovo do not believe Labor Inspectorate at all. There is a general impression among journalists that this inspectorate is controlled politically, and it fears media owners in order to deal with cases of journalists," says Hysenaj.

In relation to the discontent of AGK and other parties, Ibrahimimi says that this is an issue of interpretation of decisions by the involved parties and that the inspectorate does not favor any employer, but rather there may be mistakes committed by inspectors during their inspections.

"Parties are not always happy with the decisions of Labor Inspectorate, but on the other hand I cannot say that we always make the best and just decisions. There is always space to discuss each and every decisions," says Ibrahimimi.

In some cases, parties are dissatisfied with the decisions of Labor Inspectorate, and they turn to courts in order to address these cases. According to Kosovo State Advocacy data, which functions within the Ministry of Justice, there were cases when they defended this inspectorate in courts.

According to the data of state lawyers, during 2014-2016 Labor Inspectorate was a party in court procedure in 93 cases, out of which 48 cases were decided in favor of this institutions, 35 cases are in procedure, three charges were withdrawn, 6 are being reset, and 1 case is lost.

On the other hand, in September 2016 Kosovo Police arrested Labor Inspectorate coordinator for Pristina region, Muhamet Binaku. An indictment was filed against him for receiving bribe. He asked for money as a condition not to impose fine for violations of Labor Law, which he found during inspections at "All Zone" company. According to the indictment, he got 10,000 euros for this service.

FIVE INSPECTORS RECEIVE SALARIES WITHOUT DOING ANYTHING

Goran Vukojevic, Ivan Jaksic, Srecko Sofronijevic, Veljko Andjelkovic and Vladan Radi are inspectors of Labor Inspectorate. They are supposed to carry out inspections in northern municipalities, but so far they submitted no report on their work.

Head inspector Ibrahimimi says that they are employed and they receive salaries but they submitted no report so far on their activities. Furthermore, he says not to have had any contact with these inspectors, who are paid by Kosovo citizens' taxes.

"They did not start their functioning yet. They are not registered at Labor Inspectorate. They are employed and they receive salaries according to Brussels Agreement, and this is a political issue which has to do with their integration. All institutions have such cases. We only evidenced them as employees, but we have no contacts with them," says Ibrahimimi.



Journalists in Kosovo do not believe Labor Inspectorate at all. There is a general impression among journalists that this inspectorate is controlled politically

SHKELQIM HYSENAJ, AGK

POOR PERFORMANCE OF INSPECTORS, FAR FROM MACEDONIA

The above mentioned figures indicate that labor inspectors did not have a good performance as per the number of inspectors. This poor performance is certainly also the result of working equipment (lack of vehicles) and professionalism of inspectors.

Labor Inspectorate does not have specialized inspectors for certain fields it inspects. National Audit Office carried out an auditing related to the work of Labor Inspectorate in terms of work safety and work hazards.

The report that was published in October 2016, states that Labor Inspectorate did not manage to implement the law, regulations and standards in its entirety. As a consequence, the situation of safety and health at work in Kosovo is not yet at the acceptable level.

Labor Inspectorate also lacks annual action and inspection plans resulting in the lack of implementation of legal requirements for safety and health at work. According to this report, the Inspectorate did not draft a genuine document or annual plan of inspections and does not even have priorities, while inspections are carried out randomly, with no previous plan.

"There is neither an assessment of sectors that are at a higher risk, which would contribute to an adequate planning. According to our analysis, construction is among the sectors with the highest risk and the most serious consequences, and thus its inspection should be of high priority compared to other sectors", says the report.

Labor Inspectorate does not have concrete analytical reports on the planned number of inspections, their realization, shortages or problems faced by inspected subjects, in order to serve as

official document or lesson to be learned for future inspections.

National Audit Office made a comparison between the performance of Labor Inspectorate of Kosovo and the one in Macedonia. Macedonia stands much better when it comes to functioning and organization of its Labor Inspectorate.

When hiring inspectors, Macedonia set criteria such as professional skills in certain areas. In addition to this, they must be licensed in the field of safety at work, a sector which is different from the work relations and health sector. Inspectors of a certain field cannot carry out inspections in another field, because they are not considered specialized in that area. In Kosovo, on the other hand, one inspector carries out tasks in three areas: work relations, safety at work and health at work.

In terms of safety at work, Macedonia, unlike Kosovo, has inspectors that are specialized in this area. Out of a total of 99 inspectors, 33 are specialized only in safety at work, and have different professional background. In Kosovo, on the other hand, out of a total of 50 inspectors, only 5 of them are engineers while the rest have general professional background.

In 2015 Kosovo had 50 inspectors and carried out 9,505 inspections. Macedonia's Labor Inspectorate had 114 inspectors and carried out 49,311 inspections.

Even if we compare the aspect of individual performance, Macedonia stands much better than Kosovo in terms of efficiency. In 2015 on labor inspector in Kosovo carried out an average of 190 inspections, while an inspector in Macedonia carried out an average of 433 inspections. Therefore, averagely, one labor inspector in Macedonia carries out 216 more inspections than an inspector in Kosovo.

Labor Inspectorate in Kosovo has 12 vehicles to carry out its operational activities, while Labor Inspectorate in Macedonia has 50 vehicles to carry out its inspections.

COMPARISON BETWEEN KOSOVO AND MACEDONIA INSPECTORATES - YEAR 2015

COMPARISON:	MACEDONIA	KOSOVO
Total inspections	49,311	9,505
Number of inspectors	114	50
Inspections only in health and safety	17,412	/
Inspections only in construction sector	470	/
(Specialized) inspectors only for health and safety	37	/
Average inspections per inspector	433	190

Source: National Audit Office

CONTRADICTIONARY INTERPRETATIONS ON RTK BY THE SAME INSPECTORS

Labor inspectorate was often accused by workers for their unjust decisions regarding their cases. These breaches mainly took place in cases of big companies or media. Some workers from Radio Television of Kosovo filed a case of breach of their rights in this inspectorate, but in some cases the decisions were in favor of this media, and not in favor of workers though the violations of their rights seemed obvious.

Arsim Halili filed a complaint on October 10, 2014 claiming that his rights as RTK employee were violated, by imposing disciplinary measures and last note towards him. Labor inspectors Violete Nishori, Kosovare Kurdiya and Ahmet Ahmeti had inspected the case and found six violations in this case and considered it well-grounded. Through this decision, Labor Inspectorate forced RTK to suspend its decision regarding its employee.

"The Inspectorate found breaches of legal provisions, Article 85 of Labor Law, Article 14, paragraph 14.2 of the Regulation for Material and Disciplinary Obligations, Article 18, paragraph 18.2, Article 19, paragraph 19.1 and Article 21 of the Regulation for Material and Disciplinary Obligations. Also, this regulation is not in accordance with Labor Law, which is obligatory according to Article 95 of this Law," if further said in the decisions.

The justification of this decision points out that RTK Disciplinary Committee, which held a meeting to review Arsim Halili's case and imposed the last note, was neither signed by the recorder, nor by the members of Disciplinary Committee or its President. Also, based on the correspondence of the case, Labor Inspectorate found that Arsim Halili was not invited to take part in the disciplinary session.

Furthermore, this committee's decision to impose disciplinary measures towards Arsim Halili was not signed by one of the members of this committee, Naser Gjinovci, while the inspectorate found that someone else signed instead of him.

Within 9 days RTK filed a complaint to Labor Inspectorate and the latter, respectively second instance, accepted this complaint, despite the fact that the inspectorate found six violations in the said case. The decision says that RTK never made legal violations for the said case, and that it respected Labor Law and its Disciplinary Regulation. Through this decision, the said inspectors were obliged to carry out another inspection, while they were reminded that they are dealing with serious institutions that has been cooperating with Labor Inspectorate.

"The presentation of these facts and the readiness of the subject to cooperate with the institutions of the Republic of Kosovo are circumstances that should be considered and analyzed by labor inspectors, because it indicates that this is a serious subject that has been continuously cooperating in order to create conditions for its employees with a standard that is in line with Labor Law," the decision ends.

This part was taken into consideration by inspectors also during new inspection, since the same conclu-

sion was also drawn also during this inspection.

The new inspection of this case was carried out by the same inspectors, by Violete Nishori, Kosovare Kurdiya and Ahmet Ahmeti. Surprisingly enough, these inspectors who found six violations in the case of RTK employee, and considered his complaint as well-grounded, during new inspection of the case they did not find any violation. So, for the same decision, the inspectors "forgot" the six violations found during first inspection. They also forget the impunity of RTK's Disciplinary Committee decision, and they do not mention at all the discord of RTK Regulation for Material and Disciplinary Obligations with Labor Law.

Also, the three said inspectors found that even Article 85 of Labor Law was respected, while during first inspection they found that this Article was violated. Article 85, paragraph 1.2 stipulates that an employee can be imposed written warning. But RTK in this case imposed last note, which is the last step before suspension, while a written warning is a lighter measure.

Last note is not included in Labor Law, and it was only stipulated in RTK Regulation, which was not in line with Labor Law. In case such regulations are not in line with Labor Law, employer's decision is not accepted by Labor Inspectorate. This lack of harmonization of RTK internal regulations with Labor Law was also found during other inspections.

According to Article 9 of RTK Regulation, last written note pertains to serious disciplinary measures. On the other hand, according to Labor Law, a written warning is imposed for light breaches of duty. So, it is obvious that the measures taken by RTK Disciplinary Committee were not in line with Labor Law. This is what inspectors found at first, but during another inspection they did not conclude that same thing.

Furthermore, Article 18, paragraph 2 of RTK Regulation stipulates that the decision should be signed by all Committee members. In the said case, one of the members did not sign the decision, but someone else signed instead, and this is what the inspectors found during their first inspection. Such an action could be considered falsifying official document. But during another inspection, the very inspectors did not find this violation.

Regarding this case, head inspector Basri Ibrahim says that the second instance can bring a decision contrary to the first inspection and that the decision can be interpreted differently by parties or lawyers, but according to him, there are no tendentious or favored decisions during inspections.

He says that if inspectors during their first inspection did not assess the arguments accurately, the second instance suggest them review those arguments and another decision is issued. Head inspector Ibrahim says that a decision can be interpreted in many ways and that not always are the parties satisfied with Labor Inspectorate decisions, while adding that the inspectors themselves not necessarily issue the most impartial and best decisions, and there is always space to discuss every decision.

HEALTH INSPECTORATE

INSPECTORATE DOES NOT MANAGE TO INSPECT EVEN HALF OF THE INSTITUTIONS

Kosovo often had big scandals in the field of healthcare, which greatly affected the trust in this institution. A major role in this aspect played Health Inspectorate, which did not manage to bring order in this area. Institutional officials justify all this with the very low number of inspectors, compared to the number of institutions that should be inspected.

According to hear inspector Ardita Baraku Health Inspectorate should inspect around 1,500 health institutions. In its annual inspection report, this Inspectorate mentions a lower number of around 1,380 private and public institutions as a total number of subjects to be inspected. Regarding private institutions, many suspend their activity over the years while new ones emerge, and thus the above mentioned figure (1,500) is just an average number. This number does not include healthcare institutions that carry out their activity in Serb-majority municipalities, and their number if not known including other institutions and businesses that operate illegally.

Through access to public documents, Preportr managed to obtain Health Inspectorate reports from 2013 to 2016. These reports reflect all difficulties, challenges as well as the work carried out by this Inspectorate. According to these reports, the number of inspectors grew over the years, but it is still far from covering all institutions that are subject to inspection. The average

number of yearly inspections between 2013-2016, according to these reports, is 41.3%, with an average of 59% of institutions left out without being inspected. So, each year around 799 healthcare institutions that operate in Kosovo are left without being inspected. The big difference in terms of the number of inspections can be noticed from 2011 with 291 inspections, while in 2012 the number of inspections reached 456. The reports indicate that the number of inspectors did not change much. From 2011 to 2016 this Institutions employed between 5 and 7 inspectors.

Due to disproportion between the number of healthcare institutions and the number of inspectors, the latter can go back to certain inspected institutions in order to see whether it considered their recommendations only after 3,5 years.

The growth of number of inspectors produced many recommendations for healthcare institutions, but characteristic is the closing down of healthcare activities. In 2014 a total of 59 healthcare institutions suspended their activity, in 2015 this number was 83, while in 2019 a total of 94 healthcare institutions suspended their activity. The number of fines has reduced from 109 in 2015 to just 89 fines in 2016. But imposing fines to healthcare institutions is not the primary interest of this Inspectorate. According to its annual reports, the number of recommendations increased, aiming at improving the behavior of healthcare institutions. Recommendation and their implementation might not take place when we consider the low number of inspectors.

Health Inspectorate had many problems in cashing the fines, which was also mentioned in General Audit reports. This changed over the years, through private bailiffs.

INSPECTORATE WORK, DIFFICULT IN THE ABSENCE OF INSPECTORS

The work of Health Inspectorate has been improving over the years in terms of number of inspected cases, but there are still challenges such as the low number of inspectors, lack of infrastructure and very difficult situation of healthcare system, which is not marking any programs for many years now.

This Inspectorate employs only 6 regular and 3 extraordinary inspectors. Head inspector Baraku said that she persistently addressed the need for more inspectors, but her demand was never taken into consideration.

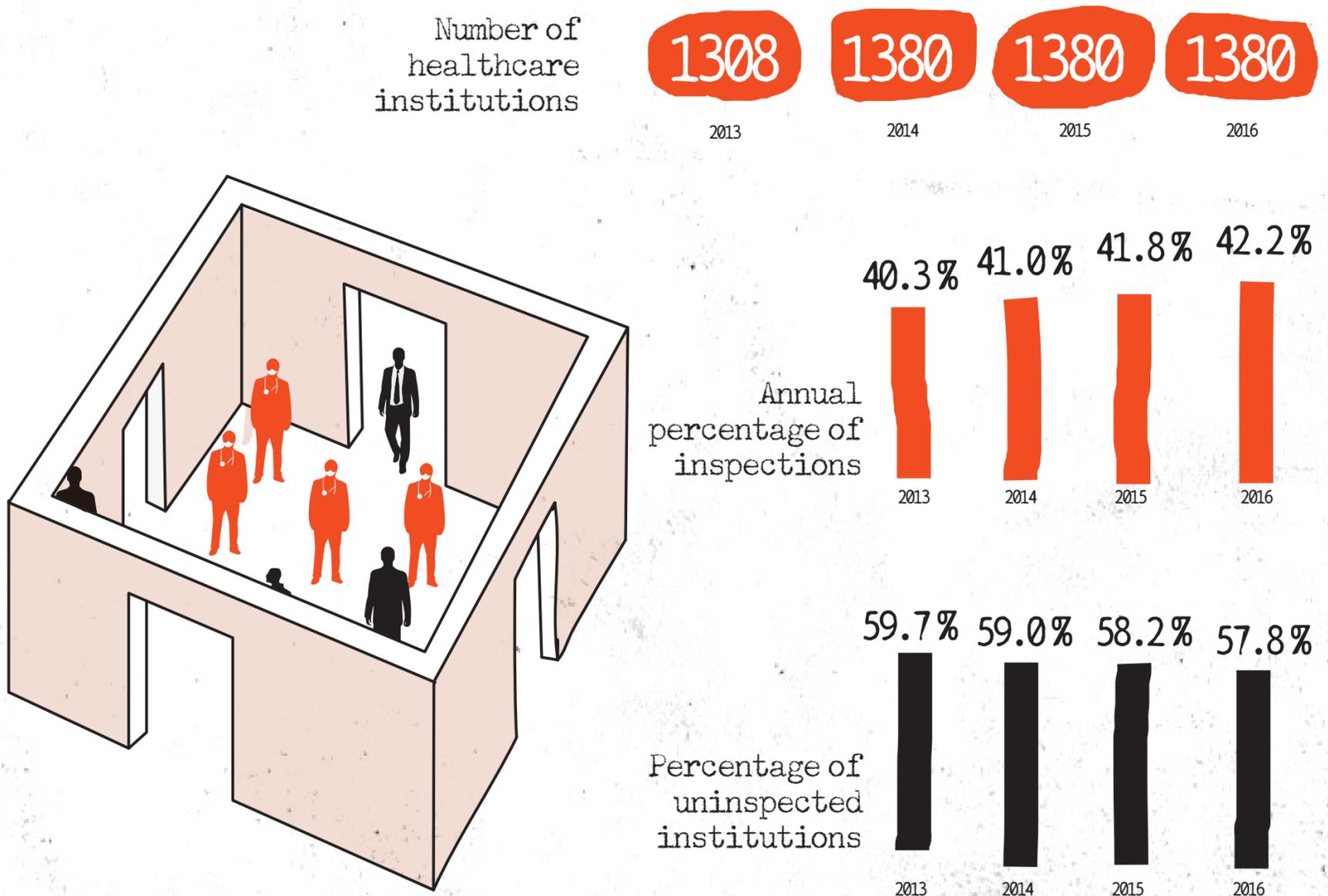
"I hope the number of inspectors will increase over the years because this is also stipulated in Healthcare Strategy 2017-2021. During this period, the number of inspectors should reach 36, and I believe that this will considerably improve the number of inspections in Kosovo", she said.

A great concern of this Inspectorate is also the fact that they have the public servant status and they are paid thus, which is yet another problem making them look for another job and leave the inspectorate.

Another problem is the poor management of healthcare institutions, which would take off the burden of this inspectorate to deal with cases related to relations between healthcare staff and patients.



INSPECTIONS OVER THE YEARS



Two health inspectorates cannot operate together. Their unification appears formal, since they continue to operate separately

Baraku says that during these 10 years of functioning, Health Inspectorate faced many difficulties. During 5 years of her service as head of this inspectorate, she wanted to change the situation, which could be achieved by increasing the number of inspectors, by changing the Law on Health Inspectorate, by increasing the number of vehicles (currently there are only 2 of them) and so on.

Health Inspectorate has a very symbolic budget which did not change much over the years.

In 2015 this budget was 60,378.45 euros. In 2016 this budget increased by 6,000 euros and reached 66,742.76 euros. This year the budget was somewhat increased and reached a total of 80,600 euros.

TWO HEALTH INSPECTORATES CANNOT OPERATE TOGETHER

Pharmaceutical Inspectorate and Health Inspectorate function under the same roof in the building of the Ministry of Health. Until 2015 these two inspectorates functioned separately, but with the new Law on Medical Products and Equipment they came together. Their unification appears

formal, since they continue to operate separately.

Law on Medical Products and Equipment, Article 5, paragraph 2, says that Pharmaceutical Inspectorate is an organizational structure of Health Inspectorate. Pharmaceutical Inspectorate carries out external oversight of producers, importers, wholesalers and retailers of medical products and equipment, through repeated performance assessment, monitoring and ad hoc as well as on demand inspections.

That these two inspectorates do not cooperate is also indicated in the reports of Health Inspectorate. The work of Pharmaceutical Inspectorate is reflected in very few places in these reports. In its 2016 report, Pharmaceutical Inspectorate is only mentioned in few cases, and only when it comes to decisions related to complaints and incomes that this inspectorate cashes from fines they impose towards inspected subjects.

Considering the chaotic situation of drugs market which enter Kosovo illegally, Preportr tried to set up a meeting with head inspector of this inspectorate, Remzije Thaqi.

During this research, she was suspended because she was part of an indictment and is accused together with many other officials of the Ministry of Health as well as two other inspectors of this Inspectorate for the criminal offence Abusing Official Position or Authority.

Thaqi was the last official to be suspended, since other officials were suspended for some time now. The current Minister of Health, Imet Rrahmani from LDK, needed a confirmation from the prosecution in order to suspend Thaqi.

It should be noted that the former head inspector was an LDK activist. Her activity in this political subject was more intense in the past when she also held the position of the Head of LDK Women Forum in Malisheva.

Head inspector of Healthcare Inspectorate, Ardita Baraku, did not want to talk about the dysfunctionality of the two inspectorates. The member of Health, Labor and Social welfare Commission of the Assembly from Vetevendosje, Besa Baftija, said that the unification of these two inspectorate is still not functioning because changes should be made to the current Law on Health Inspectorate. "A new regulation for internal organization should be drafted, because there is no such regulation in place," she says.

INSPECTORATES UNDERMINED BY CORRUPTION ACCUSATIONS

The involvement of senior inspectorate officials in corruption has perhaps af-

ected Health Inspectorate the most.

The suspicions that this inspectorate was not doing its job after different scandals in health institutions were made public, were confirmed when the former head inspector, Zef Komani, was caught taking bribe.

This happened in 2011. He was sentenced with 1,5 years in prison in 2012.

After he left the position of head inspector, and based on this inspectorate reports, the performance of this institutions improved.

Only after his arrest, the number of inspectors almost doubled.

The involvement of pharmaceutical and health inspectors in corruption cases contributed to further undermining of the image of health sector in Kosovo.

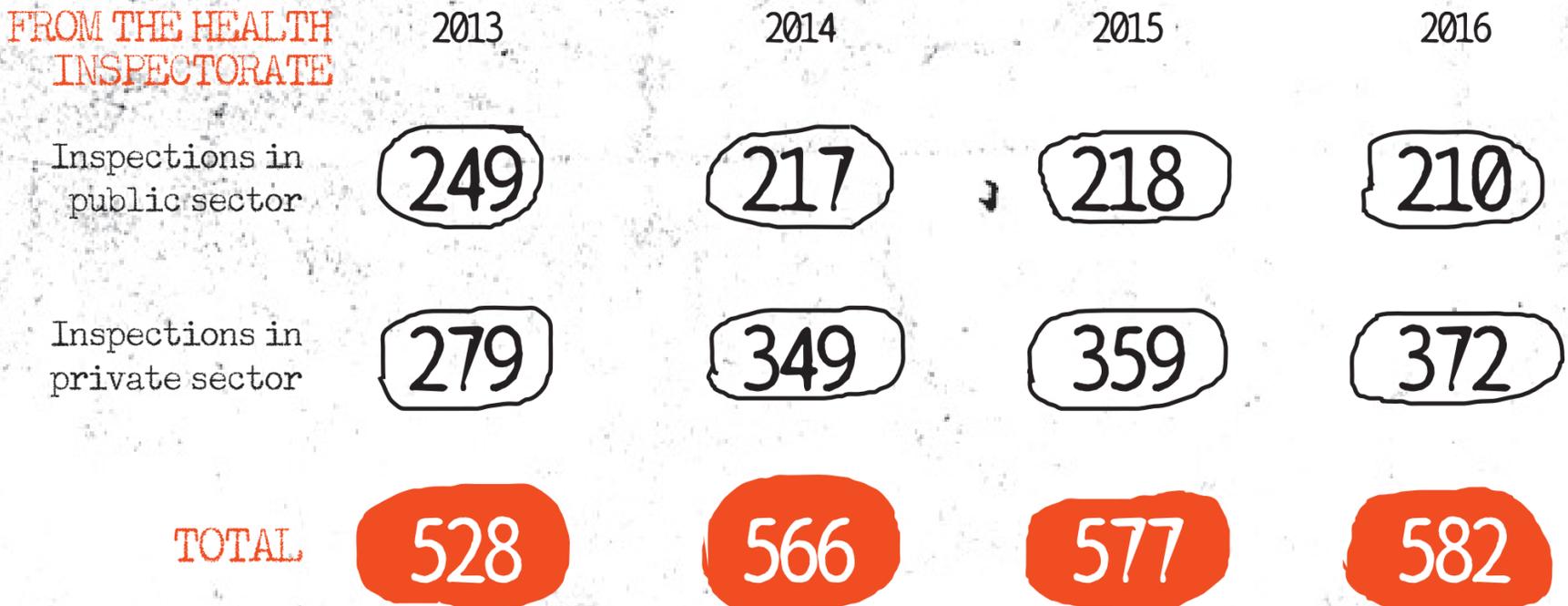
After the case of Komani, Health Inspectorate did not face other cases of this nature.

At least officially, there was no confirmed case of corruption of health inspectors.

The name of Remzije Thaqi, in addition to the case that lead to her suspension, was also mentioned related to investigations carried out against her for favoring companies that produce medication in Kosovo.

In 2013 this case was also confirmed by Kosovo Medicines Agency, part of which was Pharmaceutical Inspectorate.

INSEPCIONS FROM THE HEALTH INSPECTORATE



Remark: This publication was funded through a U.S. Embassy, Pristina grant. The opinions, findings, and conclusions or recommendations expressed herein are those of the Author(s) and do not necessarily reflect those of the Department of State.

Kosovo Center for Investigative Journalism is supported by:

