Inspectorates are institutions that are responsible for the oversight of laws. There are 36 inspectorates that function separately. Despite the growth of the 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.
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In Kosovo there are tens of inspectorates that are obliged to inspect different aspects. The number of inspectorates continues to be low, while the number of institutions and institutions that they have legal obligation to inspect has been growing throughout years. In some institutions, inspectors manage to carry out few inspections, while others bear the consequences.

Around 61.3% of Kosovo youth aged 15-24 work without contracts, most of them are not paid extra hours, and they do not enjoy elementary rights. Also, we are witnessing many scandals of private health institutions carrying our 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 competencies 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 25 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 sectors of institutions there are no inspectorates as special bodies. 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 2016 GAP Institute published a report on the functioning of these institutions and identified around 50 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.

“Elsewhere there are organizations 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 Justice reports to the Secretary, and then to the Minister, 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 them, Kosovo Government is fully informed about the current situation in the field of inspection, and thinks 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 of 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 them, 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.

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

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

The percentage of employees aged 15-24 working without a contract is 61.3%. When asked if they enjoyed their rights in their primary work, i.e., benefits from social secu-rity scheme, only 23.8% of the respondents gave positive answers," says this report, although all respondents.

Also, Policy and Advocacy Center (PA) in August 2016 carried out a survey related to work conditions in the region of Pristina. In service, catering and trade sector, 59.46% work without contracts, while in construction as much as 59.76% work with-out contracts.

This research indicates that construction works extra hours, 45.36% of workers op-posed to it, and they worked 50 hours a week, while as much as 4.43% declared that they work up to 60 hours a week. De-spite the extra hours, some of these workers said they were not paid for these hours. 41% of the respondents said they had not been paid their extra hours.

Some of the labor contest are being reviewed year after year, while 732 cases have to do with mis-place work, 7285 cases have to do with work in places, 2,326 cases deal with material compensation to the injured party, and 434 cases deal with other labor contests. Kosovo courts started this year (2017) with 5,857 unresolved cases of la-

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 our 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 blandishments, dissatis-fication and suspicion related to possible favoritism towards some employers and consequently produced unfair decisions...

Between 2011 and 2016 Labor Inspecto-rate carried out 5,905 inspections, out of which there were 4,997 regular inspections, 1,717 repeated inspections, 564 upon request of the parties, and 115 joint inspections. Con-sequently, if we look at all types of inspec-tions, one can conclude that the total number of inspections also includes repeated inspec-tions, 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. Properties took the total number of inspections during 2016 and compared it to the number of active busi-nesses.

This comparison shows that Labor Inspe ctorate 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 sec-tor, since the inspectorate is obliged to carry out inspections also in public in-

If we consider only the private sector, one labor inspector during a year should inspect not least than 1,799 businesses. Ac-

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 1,540 employees with-0ut contracts. During these inspections, 856 remarks and 115 fines were imposed against employers. These data also indi-cate that there have been violations of workers' rights, and if there were more inspections in place, more cases would probably be evidenced.

The head inspector of this inspectorate, Suarez Ibrahimie, told Property that there are different breaches of Labor Law and that the most frequent violations have to do with work without contracts, work during official holidays, etc. He says that despite the low number of inspec-tors, in recent years the implementation of Labor Law marked progress. According to him, this inspectorate needs additional 150 inspectors in order to produce more effort 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 inspec-tion. 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 pri-va te sector," says Ibrahimie.

The primary goal in the methodology of Labor Inspectorate is to educate and not punish. When breaches of workers' rights are identified, the inspectorate issues a reprimand note, and the employer has an amount of time in order to address the issues.

Out of this total number of cases in pro-cess (3,669), 105 cases have to do with dis-missal from work, 2,736 cases have to do with return to work place, 2,326 cases deal with material compensation to the injured party, and 434 cases deal with other labor contests. Kosovo courts started this year (2017) with 5,857 unresolved cases of la-

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Labor Inspectorate Report 2016

<table>
<thead>
<tr>
<th>Employees without contracts</th>
<th>Fines</th>
</tr>
</thead>
<tbody>
<tr>
<td>1340</td>
<td>128</td>
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</tbody>
</table>

Notes

Legalized employees

355

9 OF 50 INSPECTORS have ties with political parties

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.

Preport found that out of the total number of 50 inspectors, 9 of them have ties with political parties (6 with PDK, 1 with AAK and 2 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 MIJEKU is from the Municipality of Gjilan. In 2009 he was elected as a municipal member of assembly. In June 2011 he got employed as labor inspector. He kept the two positions simultaneously. He also run during 2013 local elections as PDK candidate for municipal assembly member.

VENEL ZHINIPOTOKU from the Municipalities of Ferizaj has ties with PDK. He was director, the 5th and 6th and also active during local elections in Ferizaj when Rajanuk Xhami was the mayor, while during Agim Aliu’s term, he was director of Health and Social Welfare Directorate. Both are political positions.

NEKAT FAZLIQI from the Municipality of Drenas also turn out to have ties with PDK. He expressed this openly via Facebook, posting photos with senior PDK officials. He was also selected during local elections in Drenas, supporting Ramush Haradinaj from PDK during his election campaign.

FLORE NCRAJ 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.

MUSAFUFJ from the Municipality of Prishtina has ties with AAK structures in this municipality. An announcement of his party made in July 2014 says that he was appointed as member of presidency of AAK from Prishtina.

HALIJA JEMELKHAI regional coordinator of Labor Inspectorate in Durrës has ties with AAK. He was seen serving as advisor for ALK in many years. 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 VOXHII deputy labor inspector since 2006. He has close ties with AAK in Durrës. He has a public photo during AAK election meeting during municipal elections. 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.

SINIK ABDULLAHI local inspector of Labor Inspectorate in Durrës has ties with AAK. He was seen as active participant 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.

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INSPECTORS DO NOT TREAT CASES PROPERLY

Policy and Advocacy Center (PAC) monitors Labor Law since 2011. Milaimorina from PAC said that during these years of monitoring, they concluded that Labor Inspectorate is insufficiently efficient in inspecting employers.

“The thing that worried us was the methodology of inspections, on 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 4-year period. We asked to have access to the list of inspected businesses, but we were denied such a thing,” says Morina.

Juni Animi, head of Independent Union of Small Businesses said that told Preport that in their field work they evident many violations of workers’ rights, and they send this cases to the Inspectorate, but this institution does not undertake any measure in these cases.

“We have had cases when we went to a company and found it with no contract. We have asked them to present contracts within two weeks, and they did not do so, because they had these contracts for years. We have 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 Animi.

On the other hand, in September 2016 Kosovo Police arrested Labor Inspectorate coordinator for Pristina region, Muhamet Rinkaj. An indictment was filed against him for receiving bribes. He asked for money as a condition not to impose fine for violations of Labor Law, which he found during inspections in “All Zone” company. According to the indictment, he got 15,000 euros for this service.

He says that if there are so many violations and the inspectors cannot say every day, why should there exist a Labor Inspectorate, adding that the situation even worsens in construction and technical service sector. In relation to this, head inspector Ibrahimisi says that there is no well-organized private sector union, and that such declarations have no grounds. But neither Kosovo Journalist Association (AGK) has nice experience with Labor Inspectorate. The president of this Association, Sihelgim Hysenaj, said that only during 2016 this Association filed many cases of journalists related to violation of their labor rights.

He said that 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 Ibrahimisi 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 coverage in dealing with cases of journalists,” says Hysenaj.

In relation to the discontent of AGK and other parties, Ibrahimisi says that this is an issue of interpretation of decisions by the involved parties and that the inspectorate doesn’t 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 contrary, we cannot say that we always make the best and just decisions. There is always space for the discussions and every decisions,” says Ibrahimisi.

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

According to the data of state law- givers, during 2014–2016 Labor Inspectorate was a party in 41 cases, out of which 40 cases were decided in favor of this institutions, 3 cases are in procedure, three charges were withdrawn, 6 are being reset, and 1 case is lost.

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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 regarding the work of Labor Inspectorate in terms of working 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 plan results 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 risk level, which would contribute to the adequate planning. According to our analysis, construction is among the sectors with the highest risk and the most serious consequences, and thus its inspectors should be of high priority compared to other sectors," says Labor Inspectorate.

"Labor Inspectorate does not have concrete analytical reports on the planned number of inspections, their realisation, shortcomings 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. Macedonian inspectorate stands much better when it comes to functioning and the organisation of its Labor Inspectorate.

When hiring inspectors, Macedonia sets aside the development of necessary skills and competencies in the construction sector. Instead of that, they must be licensed in the field of work 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 activity 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 251 inspectors, only 5 of them are engineers, while the rest have general professional background.

In 2015 Kosovo had 50 inspectors and carried out 9,950 inspections. Macedonia’s Labor Inspectorate had 114 inspectors and carried out 49,311 inspections. Even if we compare the aspect of individual performance, Macedonia was much better then Kosovo in terms of efficiency. In 2015 on labor inspectors, we carried out an average of 190 Inspections, while an inspector in Macedonia carried out an average of 433 inspections. Therefore, apparently, the Labor Inspectorate in Macedonia carried 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.

Comparative analysis of the number of inspectors, inspections only in health and safety, inspections only in construction sector, (Specialized) inspectors only for health and safety.

<table>
<thead>
<tr>
<th>INSPECTORATE</th>
<th>MACEDONIA</th>
<th>KOSOVO</th>
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<tbody>
<tr>
<td>Total Inspections</td>
<td>49,311</td>
<td>9,950</td>
</tr>
<tr>
<td>Number of inspectors</td>
<td>114</td>
<td>50</td>
</tr>
<tr>
<td>Inspections only in health and safety</td>
<td>17,412</td>
<td>470</td>
</tr>
<tr>
<td>Inspections only in construction sector</td>
<td>37</td>
<td>37</td>
</tr>
<tr>
<td>(Specialized) inspectors only for health and safety</td>
<td>433</td>
<td>190</td>
</tr>
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</table>

The Labor Inspectorate was often accused by workers for their unjust decisions regarding their cases. These breaches mainly took place in cases of workers’ rights violations in 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 workers, and in favor of workers’ rights, even 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 inspecting the premises of RTK and last note towards him. Labor Inspectorate Violete Nishori, Kosovare Kurdija and Ahmet Ahmeti had inspected the case and found six violations in this case and considered it well-grounded. They recommended Labor Inspectorate to suspend its decision regarding its employees.

"The Inspectorate found breaches of legal provisions, Article 85 of Labor Law, Article 18 of the Regulation for Material and Disciplinary Obligations, Article 18, paragraph 18.1 of the Regulation, Article 19.1 and Article 21 of the Regulation for Material and Disciplinary Obligations. Also, the decision is not in accordance with Labor Law, which is obligatory according to Article 95 of this Law," if further said in the decision.

The justification of this decision faults the RTK Disciplinary Committee, which held a meeting to revise Arsim Halili’s case and imposed the last note, unreasonably 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 signed by one of the members of the Committee, Naser Qinovci, while the Inspectorate found that someone else signed instead of the member.

Within 90 days RTK filed a complaint to Labor Inspectorate and the latter, respecting their 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 the 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 being 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 take conditions favorable for its employees with a standard that is in line with Labor Law," the decision said.

"This part was taken into consideration by Inspectors also during new inspection, since the same conclusion was also drawn again during this inspection."

The new inspection of this case was performed by inspectors Violete Nishori, Kosovare Kurdi and Ahmet Ahmeti. Surprisingly enough, the inspectors found six violations in the case of RTK employees, and considered his complaint as invalid. The Labor Inspectorate pointed out that in 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 employees, and during another inspection, they did not mention all the disregard of RTK Regulation for Material and Disciplinary Obligations with Labor Law.

Also, the three said inspectors found six violations, that were respected, while during first inspection they found that this Article was violated. Article 85 paragraphs 1.1 stipulates that an employee can be imposed written warning. But RTK inspectors did not find this last note, that 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 has no base in Labor Law. In case such regulations are not in line with Labor Law, it is the employer’s decision, accepted by Labor Inspectorate. This lack of harmonisation of RTK internal regulations with Labor Law was 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 during their first inspection. Such an action could be considered as falsifying official document. But during another inspection, the very inspectors did not find this violation.

Regarding this case, Head Inspector Bajri Ibrahim says that the second instance can bring a decision contrary to the last instance, which is well-grounded, because the decision can be interpreted differently by parties or lawyers, but according to him, there are no tendencies of unfavorable decisions during inspections.

He says that if inspectors during their first inspection did not find any violations, the arguments accurately, the second instance suggest them review those arguments and other violations are found. Heed Inspector Ibrahim says, that a decision can be interpreted in two different ways. If the parties are the parties satisfied with Labor Inspectorate decisions, while adding that labor inspectors do not necessarily lose the most impartial and best decisions, and that is always possible to discuss every decision.

Comparative interpretations on RTK by the same inspectors.

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Arsim Halili filed a complaint on October 10, 2014 claiming that his rights as RTK employee were violated, by inspecting the premises of RTK and last note towards him. Labor Inspectorate Violete Nishori, Kosovare Kurdija and Ahmet Ahmeti had inspected the case and found six violations in this case and considered it well-grounded. They recommended Labor Inspectorate to suspend its decision regarding its employees.

"The Inspectorate found breaches of legal provisions, Article 85 of Labor Law, Article 18 of the Regulation for Material and Disciplinary Obligations, Article 18, paragraph 18.1 of the Regulation, Article 19.1 and Article 21 of the Regulation for Material and Disciplinary Obligations. Also, the decision is not in accordance with Labor Law, which is obligatory according to Article 95 of this Law," if further said in the decision.

The justification of this decision faults the RTK Disciplinary Committee, which held a meeting to revise Arsim Halili’s case and imposed the last note, unreasonably 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 signed by one of the members of the Committee, Naser Qinovci, while the Inspectorate found that someone else signed instead of the member.

Within 90 days RTK filed a complaint to Labor Inspectorate and the latter, respecting their 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 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 being 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 take conditions favorable for its employees with a standard that is in line with Labor Law," the decision said.

"This part was taken into consideration by Inspectors also during new inspection, since the same conclusion was also drawn again during this inspection."

The new inspection of this case was performed by inspectors Violete Nishori, Kosovare Kurdi and Ahmet Ahmeti. Surprisingly enough, the inspectors found six violations in the case of RTK employees, and considered his complaint as invalid. The Labor Inspectorate pointed out that in 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 employees, and during another inspection, the very inspectors did not find this violation.

Regarding this case, Head Inspector Bajri Ibrahim says that the second instance can bring a decision contrary to the last instance, which is well-grounded, because the decision can be interpreted differently by parties or lawyers, but according to him, there are no tendencies of unfavorable decisions during inspections.

He says that if inspectors during their first inspection did not find any violations, the arguments accurately, the second instance suggest them review those arguments and other violations are found. If the parties are the parties satisfied with Labor Inspectorate decisions, while adding that labor inspectors do not necessarily lose the most impartial and best decisions, and that is always possible to discuss every decision.
Institutions that are subject to inspection. The average
grew over the years, but it is still far from covering all
According to these reports, the number of inspectors
as well as the work carried out by this Inspectorate.
2016. These reports reflect all difficulties, challenges
aged to obtain Health Inspectorate reports from 2013 to
institutions and businesses
in Serb-majority municipalities, and their number if
healthcare institutions that carry out their activity
just an average number. This number does not include
suspend their activity over the years while new ones
emerge, and thus the above mentioned figure (1,500) is
Due to disproportion between the number of health-
care institutions and the number of inspectors, the
latter can go back to certain inspected institutions in
order to see whether it considered their recommenda-
tions only after 3,5 years.
The growth of number of inspectors produced many
recommendations for healthcare institutions, but
characteristic in the closing down of healthcare ac-
tivities. In 2014 a total of 59 healthcare institutions
suspended their activity, in 2015 this number was 63,
while in 2016 2 total of 59 healthcare institutions sus-
spected their activity. The number of fines has reduced
from 109 in 2015 to just 89 fines in 2016. But impos-
ing fines to healthcare institutions is not the primary
interest of this Inspectorate. According to its annual
reports, the number of recommendations increased,
aimed at improving the behavior of healthcare insti-
tutions. Recommendation and their implementation
might not take place when even number the lower number
of inspectors.
Health Inspectorate had many problems in cashier
the fines, which was also mentioned in General Audit
reports. This changed over the years, through private
halliffs.

The work of Health Inspectorate has been improv-
ning over the years in terms of number of inspect-
ed 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 peri-
od, the number of inspectors should reach 56, and
I believe that this will considerably improve the
extraordinary inspectors. Head inspector Baraku
said that she persistently addressed the need for
This Inspectorate employs only 6 regular and 3

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

Kosovo as the biggest scandal 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. In-
stitutional officials justify all this with the very low
number of inspectors, compared to the number of in-
stitutions that should be inspected.
According to head inspector Arilda Baraku Health In-
spectorate should inspect around 1,500 health institu-
tions. In its annual inspection report, this Inspectorate
mentions a lower number of around 1,280 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
institutions and businesses that operate illegally.

Through access to public documents, Deport is man-
eged 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, ac-
tording 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
in 2013 with 291 inspections, while in 2014 the number of inspections reached 416. The
reports indicate that the number of inspectors did not
change much. From 2011 to 2016 this institution em-
ploied between 5 and 7 inspectors.

Due to disproportion between the number of health-
care institutions and the number of inspectors, the
Inspectorate does not manage to inspect even half of the
institutions

Health Inspectorate

Inscriptions over the years

Number of healthcare institutions

2013
2014
2015
2016

2013
2014
2015
2016

40.3%
41.0%
41.8%
42.2%

59.7%
59.0%
58.2%
57.8%

Annual percentage of inspections
Percentage of uninspected institutions

HEALTH INSPECTORATE

INSPECTORATE WORK, DIFFICULT IN THE ABSENCE OF INSPECTORS

EVEN HALF OF THE INSPECTORATE DOES NOT MANAGE TO INSPECT EVEN HALF OF THE INSTITUTIONS

58.2%
41.8%
Baraku says that during those 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 Kosovo 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 crime, which entered Kosovo illegally, Prof. Popoti 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 Bajtija, said that the unification of these two inspectorates is still not functioning because changes should be made to the current Law on Health Inspectorate. "A new regulation of 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 affected 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 bribes.

This happened in 2011. He was sentenced with 1,5 years in prison in 2013. After he left the position of head inspector, and based on this inspectorate report, the performance of this institution 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 conformed 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 hear for favoring companies that produce medication in Kosovo.

In 2015 this case was also confirmed by Kosovo Medicines Agency, part of which was Pharmaceutical Inspectorate.