



# **BETWEEN A ROCK AND A HARD PLACE:** KOSOVO'S CHALLENGES IN DEALING WITH THE COVID-19 PANDEMIC



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KOSOVO'S CHALLENGES IN DEALING WITH  
THE COVID-19 PANDEMIC

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# LIST OF ACRONYMS

<b>DDR</b>	<b>Disaster Risk Reduction</b>
<b>EWS</b>	<b>Early Warning Systems</b>
<b>ECDC</b>	<b>European Center for Disease Control</b>
<b>EMA</b>	<b>Emergency Management Agency</b>
<b>GoK</b>	<b>Government of Kosovo</b>
<b>HFA</b>	<b>Hyogo Framework for Action</b>
<b>IEMS</b>	<b>Integrated Emergency Management System</b>
<b>NIPHK</b>	<b>National Institute of Public Health of Kosovo</b>
<b>KP</b>	<b>Kosovo Police</b>
<b>KPI</b>	<b>Kosovo Police Inspectorate</b>
<b>KSF</b>	<b>Kosovo Security Forces</b>
<b>MIA</b>	<b>Ministry of Internal Affairs</b>
<b>MoH</b>	<b>Ministry of Health</b>
<b>NIPH</b>	<b>National Institute of Public Health</b>
<b>NRP</b>	<b>National Response Plan</b>
<b>SFDRR</b>	<b>Sendai Framework for Disaster Risk Reduction</b>
<b>SSSR</b>	<b>Strategic Security Sector Review</b>
<b>WB</b>	<b>World Bank</b>
<b>WHO</b>	<b>World Health Organization</b>

# EXECUTIVE SUMMARY

This study provides a critical overview of Kosovo's national framework in emergency response and crisis management, including the legal and strategic framework in dealing with emergencies as well as the roles of key institutions involved in emergency planning and response. In doing so, it seeks to elucidate factors that can influence the efficacy of the institutional response to crises due to potential gaps in the legislative framework, ambiguity over roles and responsibilities, coordination issues among the relevant institutions, insufficient allocation of funds, limited training and staff capacities among others.

The study does not delve into specific shortcomings in laws, institutional setup or policy process, but instead points to major inconsistencies in the legal, strategic, and policy framework of Kosovo. The first part of this study lays out the main laws and strategic documents that guide policy-making during emergency-related situations in Kosovo. The second part zeroes in on Kosovo's response during the COVID-19 pandemic by focusing on the onset's impact on various dimensions of the lives of the citizens, including political ramifications, security implications and socio-economic uncertainties.

The COVID-19 pandemic presents the first large-scale crisis that Kosovo's fledgling institutions have faced. Although the COVID-19 is still an ongoing development in Kosovo and beyond, and the lessons learned from the critical response will be plenty, nevertheless a number of key findings stand out already at this stage. It is the aim of this study to highlight those early findings after 10 month-long efforts to control the pandemic. In sum, this study demonstrates that most of the measures taken by Kosovo Government have had a limited success in bringing COVID-19 under control due to lack of prior planning in emergency response, further exacerbated by an ongoing political crisis.

Hence. Kosovo's scorecard is a mixed bag of early successes, avoidable failures and numerous flaws, often leaving citizens confused and to their own devices. At the time of concluding this report, a Constitutional Court ruling brought down Hoti's government, paving the way to new elections by mid-February. At the height of the second wave of the pandemic, Kosovo is governed by an acting President and a caretaker government with a pending election process that is likely to further distract Kosovo authorities from an effective and focused response to the ongoing pandemic as well as to delay country's vaccine purchase and distribution plan.

## KEY FINDINGS

- In the backdrop of competing priorities in the post-conflict reconstruction process and post-independence state building efforts, less attention has been paid to emergency preparedness and crisis management, as a sector that requires foresight and strategic planning. Few measures have been put in place to try to thwart or adequately address such crises through a mix of legislative, policy, and operational tools. The issue is compounded by an alarming dearth of studies regarding emergency preparedness and crisis management in Kosovo, creating a knowledge gap among policy makers and the public alike.
- Kosovo faces a number of risks that could cause large-scale emergency that may threaten the safety and security of its citizens and test the institutional capacities to prevent, prepare for, respond, and recover from crises. These threats can disproportionately affect more disadvantaged communities and are exacerbated by existing vulnerabilities such as fragile economy, limited public health capacities and illegal construction in hazard zones.
- Although the Constitution of the Republic of Kosovo contains several provisions related to

emergencies, it is not sufficient to prevent legal ambiguity in practice, especially in terms of defining circumstances that justify or require the declaration of a nation-wide emergency or institutional roles in its response.

- Regular risk assessments grounded on solid evidence are imperative to inform policy-making and raise public awareness on emergency situations, including through the use of early warning systems. Existing risk assessments are either outdated or are not comprehensive enough to cover the range of risks and threats facing Kosovo due to poor policy planning and prioritization, lack of resources and capacities, and lack of a functional institutional structure to coordinate and carry risk assessments periodically.
- There are gaps in Kosovo's legislation especially in clarifying key stakeholders' roles and responsibilities in times of crisis, covering a broader range of emergency situations, strengthening provisions on human rights and civil liberties during a State of Emergency, promoting a more participatory approach to policy planning and response to disasters, and in placing greater focus on preparedness and post-emergency resilience. Further, laws are marred by poor implementation.
- Most strategic documents related to emergency preparedness and crisis management are either expired or outdated. Although there have been changes in legislation, since 2010, the National Security Strategy, the IEMS and the NRP have not been updated, and within these ten years there has not been any new - legally binding - strategic document on addressing emergency-related situations.
- There is overlap and/or ambiguity in roles and responsibilities of stakeholders involved and there is no clear process in place that can be sustained in times of crisis;
- Kosovo lacks a preventive approach and has limited capacities for preparedness and response; Existing plans to reduce risk from emergency situations, albeit limited in scope, are not fully implemented and as a result key entities involved in the response are not informed and adequately trained to respond to emergencies. There is also a need for a comprehensive assessment of operational capacities and gaps in preparedness and response.
- Kosovo's lack of membership in international bodies hampers efforts for a more effective approach to emergency situations by creating a knowledge gap, making access to funds more difficult, and preventing international cooperation to disaster prevention and response..
- There is no community-based risk reduction and emergency preparedness, which involves various actors in the society through a participatory and inclusive approach.
- Kosovo's approach to dealing with COVID-19 was challenged by the lack of a preventive and preparatory approach to emergency situations, lack of a clear legal basis for government decisions, limited resources and staff capacities, shifting public trust in the institutions, allegations of mismanagement and discrimination, and lack of a clear, transparent, consistent communication strategy with the public
- The COVID-19 pandemic has had significant political, rule of law, security, and socio-economic implications. It has exacerbated political instability and deepened socio-economic issues, including deprivation among the most disadvantaged communities such as women and minorities. It has exposed vulnerabilities in the security sector, especially in the cyberspace – leading to an increase in cyberattacks. COVID-19 has impacted rule of law, but it was mostly used as an excuse for lack of results in dealing with cases of corruption and

organized crime, which are linked to systematic inefficiencies and impunity.

- There is a lack of publicly available record on the policy processes in Kosovo institutions during situations of emergency and relief response, including the state response towards the COVID-19 pandemic.
- Low level of trust in the institutions undermined an effective and efficient response to the pandemic, affecting the degree to which the public – which was often at the receiving end of mixed messages issued by Kosovo’s top officials - embraced the measures introduced by the authorities.
- Kosovo’s lack of membership in international bodies hampers efforts for a more effective approach to emergency situations by creating a knowledge gap, making access to funds more difficult, and preventing international cooperation to disaster prevention and response.
- A continuation of the political crisis puts an effective and focused response to the pandemic in jeopardy.

## RECOMMENDATIONS FOR KOSOVO’S INSTITUTIONS

- **Review and supplement existing laws related to emergencies** to clarify existing ambiguities stemming from constitutional provisions or gaps in legislation, on aspects such as protection of human rights and civil liberties during emergencies or assigning roles and responsibilities in times of crises.
- **Update the currently expired and outdated strategic framework** to ensure that the orientation of strategic documents reflects the changing needs for citizens’ safety and security in the shifting landscape of threats. Specifically, there is an urgent need to update the Kosovo’s National Security Strategy, the IEMS, and the NRP.
- **Conduct regular and cross-sectoral risk assessments under the coordination of a separate institutional body** to periodically identify new security risks and threats to the safety of the citizens, and utilize the findings to inform policy-making and the public.
- **Promote a culture of resilience to disasters and practice a “build back better” approach** by learning from previous crises to reduce the disruptive impact of crises and enable the society to adapt more quickly to new organizational modes amidst adverse circumstances. This includes raising awareness among the communities on risk and vulnerabilities to disasters, actions that could be taken to mitigate those risks, as well as primary organizations/ institutions tasked with response.
- **Establish a functional emergency management system** that looks coordinated capacities and resources for an effective approach in preparing for, responding, and recovering from crisis.
- **Strengthen cooperation with international partners and pursue membership in international bodies related to disaster prevention and response** such as by investing in local capacities and standardizing emergency management practices for greater interoperability with other entities. Kosovo would benefit from the sharing of knowledge, experience, funds, and expertise as well as add its own contribution to regional and international disaster risk reduction efforts and emergency response.



- **Ensure a more inclusive approach to decision-making in preparing and responding to crisis** since emergency situations may disproportionately affect marginalized or vulnerable communities and it is necessary to adopt that a participatory approach that involves local affected communities a more equitable and efficient response to crisis.
- **Increase levels of transparency in the decision-making process related to emergency situations,** including during the COVID-19, by making publicly available relevant policy planning documents, risk and threat assessments, and other evidence informing policymaking. Disseminate timely and accurate information that keeps the public informed, coupled with efforts to address disinformation. Greater transparency is also necessary to address the low level of public trust in the institutions and shifting attitudes towards its response.
- **The government's main focus should be in prioritizing public health** and intensifying efforts to purchase the COVID-19 vaccine.

# METHODOLOGY

This report relies on qualitative and quantitative data gathered through a mixed methods approach. Specifically, the contents of this report are provided through desk research, interviews with stakeholders, as well as survey data collected through the Kosovo Security Barometer (KSB) instrument.

Initially, a thorough review of literature was conducted to build up the context and elucidate the understanding of the key concepts related to emergency situations and crisis response. This included scholarly articles, policy documents, and media commentary covering definitions, dilemmas, and theoretical puzzles in the field of disaster and disaster-relief research. Further, an analysis of national documents as well as the legal and strategic frameworks was conducted to scrutinize Kosovo's approach to prepare for, react, manage, and recover from emergency situations. This review includes close reading of the main laws guiding policy in emergency situations and crisis response in Kosovo. Lastly, the study incorporates a review of national strategic documents, institutional protocols, and agency/institution-specific mandates. Such an approach allows for a better understanding of the roles and responsibilities of various entities while positioning the issue in the context of broader topics such as national security.

Interviews with stakeholders complemented the report. They provided insights from policymakers, frontline workers, and civil society representatives. These data were particularly useful in providing an insiders' view of the policy makers at the frontline of the pandemic on Kosovo's efforts to cope with COVID-19 pandemic. The stakeholders pointed out to current challenges, existing institutional and organizational gaps, and concrete recommendations on how to improve the crises response in the future. In addition, the study utilizes quantitative data derived from the Kosovo Security Barometer (KSB), a distinctive instrument through which the Kosovo Center for Security Studies (KCSS) measures Kosovo-wide public perceptions to measure public's trust in the institutions, perceptions towards threats and risks, and priority issues that need to be addressed.

The study also offers insights into the current level of preparedness and policy response towards national emergencies in Kosovo. However, it has a set of limitations that may influence its findings. Since the conception of this report, the rate of COVID-19 infections and deaths has reached its peak in "the second wave" of the pandemic, namely in November and December, both the deadliest months in Kosovo. The worsening toll of the pandemic significantly affected the research as key stakeholders who were dealing with the pandemic either became unavailable for interviews or postponed them. Moreover, there is a significant lack of publicly available record on the policy processes in Kosovo institutions during situations of emergency and relief response. For the purposes of this study, the understanding of emergency situations referred to in the body of the report is quite broad, with the justification that often times countries face convergent crises and deal with more than one type of crisis at the same time. However, for a complete analysis of a state's response, a more nuanced representation and focus on a certain type of crisis can be more beneficial.

# INTRODUCTION

All countries – whether developed and resourceful or developing and with scarce means - face numerous challenges in responding to emergencies. Emergencies range from natural disasters to human-made catastrophes, large-scale disasters that are often impossible to predict with a scale of destructions that is difficult to ever fully remedy. These crises shatter infrastructural systems and disrupt people’s lives by directly putting at risk their security, health, and access to basic services. Moreover, large-scale emergencies lead to mass human suffering and loss of life, and they are not always confined within national borders. While in many cases it remains difficult to anticipate emergency situations, states can still take a number of measures to mitigate the consequences of crises and reduce future risk in areas such as legislation, action plans, budget allocation, coordination mechanisms and protocols, enhanced institutional capacities, trained personnel, public awareness and participatory community engagement.<sup>1</sup> In addition to these measures, focus should be placed on vulnerable and marginalized groups, which may be disproportionately affected in crises due to their specific socio-economic or geographical characteristics, which put certain members of society at a greater risk. For countries like Kosovo that are still in the process of consolidating democratic institutions and building capacities, dealing with emergency situations can be a particularly daunting task due to limited resources, lack of previous experiences to refer to, and ongoing political instability. The 2012-2014 Strategic Security Sector Review (SSSR) in Kosovo emphasized that unconventional threats resulting from disasters such as earthquakes, floods, wildfires or spread of infectious diseases should be recognized.<sup>2</sup>

The apparent lack of adequate policy focus and capacity building for this sector has been particularly exposed in light of the COVID-19 pandemic, which has laid bare the system’s shortcomings in responding to national emergencies and crises management. Not unlike many other countries in the world, Kosovo has been struggling to stem the spread of the virus while trying to navigate the myriad political, economic, and logistical challenges in its policy response. In addition to public health concerns, the pandemic has created debilitating socio-economic and political effects, which threaten to reverse development processes in Kosovo, the progress of institutional reforms, and the overall functioning of democracy. Ultimately, the current pandemic situation underscores the importance of public’s trust in the institutions maintaining the social contract between the government and its citizens. In Kosovo’s case, the low level of public’s trust in institutions directly affected citizens’ willingness to comply with the government-sponsored restrictive measures taken in response to the pandemic to curb the spread.

The first part of this study begins with a discussion of key concepts and definitions to help frame the issue of emergency situations and crisis management. It then provides a brief introduction of the risks and threats landscape in Kosovo with the potential of leading to large-scale emergencies or other crises. Further, it offers an overview of Kosovo’s legal and strategic framework with the purpose of laying out key legislation regulating the country’s capacity to prepare, respond and recover from emergencies. In doing so, it points out the existing gaps in the legislation that can impact the efficacy of the response. The study also maps out the main institutional entities that are mandated to deal with emergencies in Kosovo. The second part of this study provides a snapshot of Kosovo’s experience in dealing with the novel COVID-19 virus, while highlighting the various socio-economic, political, public health, and security effects in society. Drawing from this discussion and the emerging lessons learnt in addressing crises such as the current pandemic, this paper puts forward a number of recommendations in order to improve Kosovo’s ability to prevent, respond, and recover from similar large-scale crises more effectively.

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<sup>1</sup> World Health Organization (WHO), p.9 [https://www.who.int/hac/techguidance/preparedness/emergency\\_preparedness\\_eng.pdf?ua=1](https://www.who.int/hac/techguidance/preparedness/emergency_preparedness_eng.pdf?ua=1)

<sup>2</sup> Office of the Prime Minister, “Analysis of the Strategic Security Sector Review of the Republic Of Kosovo” accessed via

# KEY CONCEPTS: A BRIEF DISCUSSION

At the outset of this study, it is important to clarify a number of concepts that are central to understanding emergency situations more broadly and the specific approach that states choose to take in response. An emergency is defined as an “unexpected event, which places life and/or property in danger and requires an immediate response through the use of routine community resources and procedures.”<sup>3</sup> Disaster is a related term which refers to a calamity that exceeds the coping capacity of the affected population, triggered by natural or technological hazards or by human action, resulting in widespread losses to people, infrastructure, or the environment.<sup>4</sup> Crisis is another notion that involves events and processes that carry “severe threat, uncertainty, an unknown outcome, and urgency” with trigger points so critical as to leave historical marks on nations, groups, and individual lives – often serving as historical points of reference, distinguishing between the past and the present.<sup>5</sup> In the available literature, these key terms often tend to be used interchangeably even though depending on the country or organizational context they can imply different phenomena. Both emergencies and crises can turn into a disaster, while a disaster is inherently an emergency situation if it can be flagged ahead of time.<sup>6</sup> They can also vary in terms of scale, encompassing local, national, regional, or international events and requiring a holistic approach that can involve a multitude of actors such as governments, non-governmental organizations, and international organizations.

There are different conceptual models that can be used in understanding risk and informing a state’s approach to protecting its citizens, infrastructure and the environment in crisis situations. Generally, these tend to fall within three broad categories: a) prevention and preparedness, b) response and management, and c) recovery and resilience. Emergency planning is a relatively new field driven by intensifying hazards, burgeoning vulnerabilities, and emerging risks.<sup>7</sup> Emergency prevention is the process of systematically preparing for future contingencies while establishing a blueprint for managing events such as through specified institutional tasks and responsibilities, communication mechanisms, allocated funds and training or human resources<sup>8</sup>. It includes programs that are used to support and enhance response to an emergency or disaster. Even though, when faced with the reality of crisis, prepared plans do not always get perfectly carried out, they are essential in identifying existing needs and can indeed play an important role in mitigating risk and reducing the human and infrastructural toll of emergencies and disasters. They can take into account common elements of all hazards as well as the need for hazard-specific plans based on risk assessments.<sup>9</sup>

Mitigation is any action to minimize the impact of a potential disaster while preparedness refers to specific measures taken before a disaster strikes, usually to issue warnings, take precautions and facilitate a rapid response.<sup>10</sup> In order to mitigate risks, the risks need to be identified first. A risk management approach implies a systematic approach to identifying, assessing and reducing risks of all kinds associated with hazards and human activities.<sup>11</sup> Emergency response can involve a combination of plans, procedures, as well as improvisation in dealing with all aspects of emergencies.<sup>12</sup> Disaster/Emergency Recovery refers to a body of decisions and actions taken after

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<sup>3</sup> “Guide to emergency management and related terms, definitions, concepts, acronyms, organizations, programs, guidance, executive orders & legislation”, B. Wayne Blanchard , 2008. p.48

<sup>4</sup> Ibid. p.38

<sup>5</sup> Farazmand, Ali. (2001). “Crisis and Emergency Management: An Introduction.” In Ali Farazmand (ed.), *Handbook of Crisis and Emergency Management*. New York: Marcel Dekker, p.3-4

<sup>6</sup> Al-Dahash et al. “Understanding the Terminologies: Disaster, Crisis and Emergency”, 2016, p.1

<sup>7</sup> Alexander, “Disaster and Emergency Planning for Preparedness, Response, and Recovery”, 2015, p.2

<sup>8</sup> Ibid.

<sup>9</sup> World Health Organization (WHO), “A strategic framework for emergency preparedness”, 2016,

<sup>10</sup> Twigg, “Disaster risk reduction”, Humanitarian Practice Network, 2004.

<sup>11</sup> Ibid.

<sup>12</sup> Alexander, “Disaster and Emergency Planning for Preparedness, Response, and Recovery”, 2015, p.2

a disaster with a view to restoring or improving the pre-disaster living conditions of the stricken community, while encouraging and facilitating necessary adjustments to reduce disaster risk.<sup>13</sup> Disaster resilience is “the ability of individuals, communities, organization and states to adapt to and recover from hazards, shocks or stresses without compromising long-term prospects for development.”<sup>14</sup> The Hyogo Framework for Action defines it as the degree to which individuals, communities and public and private organizations are capable of organizing themselves to learn from past disasters and reduce their risks to future ones, at international, regional, national and local levels.<sup>15</sup>

Another set of concepts that are often used inter-changeably is risks and threats. Risks imply potential of harmful consequences, or expected losses (deaths, injuries, property, livelihood, economic activity disrupted or environment damaged) resulting from interactions between natural or human-induced hazards and vulnerabilities.<sup>16</sup> It infers the hazards to which a community is exposed and the vulnerabilities of that community.<sup>17</sup> Threats, on the other hand, refer to the potential harm caused when certain vulnerability is exploited intentionally or unintentionally. Certainly, risks and threats in any situation will never be fully diminished, however, when it comes to averting disasters and major crises, the role of planning and preparing for emergency situations is critical.

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<sup>13</sup> WTO, “Definitions: Emergencies” accessed via <https://www.who.int/hac/about/definitions/en/>

<sup>14</sup> GSDRC, “What is disaster resilience”, accessed via <https://gsdrc.org/topic-guides/disaster-resilience/concepts/what-is-disaster-resilience/>

<sup>15</sup> United Nations, Hyogo Framework for Action 2005-2015: Building the Resilience of Nations and Communities to Disasters

<sup>16</sup> World Health Organization (WHO), “A strategic framework for emergency preparedness”, 2016

<sup>17</sup> Ibid.

# RISKS OF EMERGENCY SITUATIONS IN KOSOVO

Kosovo faces a number of risks that could cause large-scale emergencies that may threaten the safety and security of its citizens and test the institutional capacities to prevent, prepare for, respond, and recover from crises. These threats can disproportionately affect more disadvantaged communities and are exacerbated by existing vulnerabilities such as fragile economy, limited public health capacities and illegal construction in hazard zones. An KCSS study, published in 2008 on Emergency State and Civil Protection in the Republic of Kosovo, pointed to the need for comprehensive threat and risk assessments in Kosovo, highlighting their importance for strategic planning and preventive efforts.<sup>18</sup> Although there are a few documents available that account for the potential danger of man-made and natural disasters in Kosovo, there is a notable lack of consistent and comprehensive risk and threat assessments of this nature. An added challenge is that existing reports assessing emergency risks are not comprehensive and largely focus on natural disasters, excluding technological or man-made disasters. For instance, according to a UNDP report, Kosovo's economy, population, and environment are "moderately exposed and highly vulnerable to natural hazards."<sup>19</sup> Kosovo is exposed to frequent floods, heavy snowfall, drought, wildfires and other meteorological hazards.<sup>20</sup> Although most of Kosovo is exposed to flooding, in some highly exposed river basins (e.g. Drini in the western part of the country), floods occur every 2-3 years<sup>21</sup> and are caused by heavy rainfall, uncontrolled construction in the areas around the rivers, disposal of solid waste in the rivers, and lack of maintenance of riverbeds and embankments.<sup>22</sup> Its impact is deemed severe for residents, assets, vital infrastructure, facilities of special importance, the environment, cultural heritage, and the economy.<sup>23</sup>

Kosovo also frequently experiences droughts, with water scarcity affecting in particular the low lying areas in the country's central and eastern parts due to seasonality of natural river flows and groundwater recharge, as well as poor management of resources.<sup>24</sup> Disaster Inventory Management System (DesInventar) notes that the most frequent types of disasters in Kosovo in the past 30 years include forest fires, floods and landslides.<sup>25</sup> These natural hazards often lead to displacement of local populations, damaged property and loss in agricultural land and productivity. For instance, the damage incurred by floods in 2013, 2014 and 2016 is estimated at over EUR 4 million.<sup>26</sup> The floods annually in Kosovo affect some 10,000 people.<sup>27</sup> Forest fires pose severe risk as well. In 2007, forest fires burned 10.597 hectare with an estimated loss about EUR 4.65 million.<sup>28</sup> Main seismic sources in Kosovo include the areas of Prizren-Pejë, Ferizaj-Viti-Gjilan (where a 6.2 magnitude earthquake occurred in 1921), and Kopaonik.<sup>29</sup> In addition to climate-related conditions, the same assessment identifies the construction of buildings with little criteria and poor quality as deteriorating factors that increase the risks of the collapse of high residential and public buildings, damages to infrastructure and transportation, environmental deterioration and secondary effects such as leaking sewage and toxic products<sup>30</sup>.

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18 Qehaja, "Emergency State and Civil Protection in the Republic of Kosovo", QKSS, 2008

19 UNDP, "Kosovo Disaster Risk Reduction Initiative (KDDRI)", 2013, p.1

20 Ibid., p.4.

21 Ibid.

22 Kosovo's Ministry of Internal Affairs, "Natural and other disasters risk assessment", 2016, p.35

23 Ibid.

24 Ibid.

25 South East Europe Urban Resilience Building Action Network, "Kosovo", accessed via <http://seeurban.net/country-kosovo/>

26 Ibid.

27 Global Facility for Disaster Reduction and Recovery (GFDRR), "Disaster risk profile: Kosovo", accessed via <https://www.gfdrr.org/en/publication/disaster-risk-profile-kosovo>

28 Kosovo's Ministry of Internal Affairs, "Natural and other disasters risk assessment", 2016, p.42

29 Natural and other disasters risk assessment", 2016, p.42

30 Ibid., p.44.

In 2016, the Emergency Management Agency (EMA) conducted the “Natural and other Disasters Risk Assessment” following a previous 2009 assessment. Overall, the EMA assessment maintains that Kosovo has never been exposed to large-scale risks but does not exclude their potential. It also notes that existing human capacities and technical resources as reactive forces for protection and rescue have not reached desired levels and there is a need for further training, tests on the level of readiness through exercises, and regional cooperation<sup>31</sup>. The nature of risks and threats potentially leading up to emergency situations is diverse. The EMA assessment notes also risks in critical infrastructure, collective buildings, during transportation, industrial accidents and hazardous waste, as well as epidemiological risks, including pandemic flu<sup>32</sup>. With regards to epidemic risks, it is worthy of note that Kosovo has previously experienced outbreaks, including the smallpox outbreak during 1972 which affected at least 175 individuals, resulting in 35 deaths.<sup>33</sup> In 2009, hundreds of cases of H1N1 virus were reported in Kosovo, resulting in more than 10 deaths.<sup>34</sup>

Kosovo has a number high vulnerability factors that increase the risks of emergencies, including rural areas that are cut off from road traffic and supply of goods, illegal construction in hazard zones and failure to comply to building codes,<sup>35</sup> inadequate design of drainage and sewage systems in the urban areas, high level of unemployment, fragile economy, limited public health capacities as well as unsustainable water management and agronomic practices, deforestation, and destruction of slope by mining activities.<sup>36</sup> Further, Kosovo’s vulnerability to climate-related disasters has increased in the past 15 years with a dramatic increase in natural hazards related to climate change.<sup>37</sup> Since climate change is likely to exacerbate existing risks and threats to emergencies, it is important to note that various groups in the society such as women are disproportionately impacted.<sup>38</sup> As such, Kosovo’s approach to managing disaster risk should be Kosovo needs to be inclusive and consider a gender perspective.<sup>39</sup>

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31 Ibid., p.114.

32 Ibid.

33 WHO, “Epidemiologic aspects of smallpox in Yugoslavia”, 1972

34 , Radio Free Europe, “Kosovë: Deri më tash, 11 viktime nga gripi i dërrit”, 2009

35 Ibid.

36 Fetah Halili and Agim Gashi, 2009, National Background Report on Environmental Research for Kosovo; World Bank, 2005, Kosovo Poverty Assessment: Promoting Opportunity, Security, and Participation for All, Report No. 32378-XK.

37 (GFDRR), “Disaster risk profile: Kosovo”

38 GIWPS, Georgetown University, accessed via <https://giwps.georgetown.edu/resource/women-building-resilient-cities-in-the-context-of-climate-change/>

39 Ibid.

# LACK OF CONSISTENT ANALYSIS ON DISASTER PREPAREDNESS AND RESPONSE

Regular risk assessments grounded on solid evidence are imperative to inform policy-making and raise public awareness on emergency situations, including through the use of early warning systems (EWS). Existing risk assessments are either outdated or are not comprehensive enough to cover the range of risks and threats facing Kosovo due to poor policy planning and prioritization, lack of resources and capacities, and lack of a functional institutional structure to coordinate and carry risk assessments periodically.<sup>40</sup> Risk assessment should be carried out across sectors, such as threats to national critical infrastructure, climate-related or other natural disasters, man-made disasters such as terrorist attacks. After identifying the risks, it is important to establish a functional system that in a coordinated manner between the central and local level would communicate the risk to the public and facilitate better preparedness and response. For example, the WHO presents a model for an arrangement that guarantees national-based institutional preparedness towards emergencies, through risk assessments, building an international standard for adequate and updated risk assessment and coordinating inter-institutional mechanisms for emergency response.

Although Kosovo is not a member of WHO, the practices for which member states have made commitments to implement in their respective countries can serve as a good model for increasing Kosovo's preparedness and response to emergencies in general, and health emergencies in particular. Through WHO European Action Plan, European countries have committed in establishing, maintaining and strengthening national systems to ensure timely risk assessment and information sharing among relevant stakeholders. In this regard, the respective action plan foresees the establishment of national mechanisms that would handle cross-sectoral coordination and joint risk assessment for different sectors to ensure integrated preparedness and response. While Kosovo has taken a step towards integrated preparedness and response through the IEMS, this document does not foresee the establishment of a specific mechanism for cross-sectoral coordination and does not define the roles of different sectors for conducting regular sector based or multi-sector risk assessments. The Kosovo system is mainly focused on emergency response, while the WHO model focuses on prevention, but also tends to improve the response by foreseeing regular risk and capacities assessments and regular improvement of the emergency response infrastructure.

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<sup>40</sup> South East Europe Urban Resilience Building Action Network, "Kosovo"



# OPERATING IN VACUUM: KOSOVO'S LACK OF MEMBERSHIP IN INTERNATIONAL BODIES

Kosovo's lack of membership in international bodies hampers efforts for a more effective approach to emergency situations by creating a knowledge gap, making access to funds more difficult, and preventing international cooperation to disaster prevention and response. Since declaring independence in 2008, Kosovo has become a member of important international bodies<sup>41</sup>, yet, it remains excluded from international organizations such as the United Nations, World Health Organization, World Trade Organization, Council of Europe, Organization for Security and Cooperation in Europe, INTERPOL, UNSCO. Although Kosovo is intent on joining the European Union, it is still at an early stage in the process. This implies that Kosovo cannot equally benefit from the international expertise, funds, and experience in addressing joint challenges, but also that it cannot give its own contribution in return. This puts Kosovo at a direct disadvantage to effectively prepare for and respond to complex situations such as (inter)national emergencies. Since crises are not always confined to national borders, this means that effects of this exclusion can extend not only to Kosovo's society but also to neighboring countries and beyond.

Further, Kosovo is not a signatory country to the Hyogo Framework for Action (HFA) or the Sendai Framework for Action (SFDRR), and as a result is not included in regional DDR platforms and faces difficulties in accessing funds/expertise from global initiatives such as the Global Environmental Facility (GEF) and the Green Climate Fund (GCF).<sup>42</sup> Given that Kosovo is not a signatory to the UN Framework Convention on Climate Change, it has not prepared an Intended Nationally Determined Contribution to the 2015 Paris Agreement, the first universal climate agreement<sup>43</sup>. Nevertheless, it remains impacted by climate change particularly through its heavily coal-dependent energy mix. The Kosovo Institute of Hydrometeorology is however a member of European Flood Awareness System (EFAS) which makes it possible to communicate and share flood risk data.<sup>44</sup>

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<sup>41</sup> Such as World Bank, International Monetary Fund, European Bank for Reconstruction and Development, World Customs Organization etc.

<sup>42</sup> Ibid.

<sup>43</sup> Regional Implementation of Paris Agreement Project, "Kosovo", 2020.

<sup>44</sup> Ibid.

# CONSTITUTIONAL PROVISIONS DURING A STATE OF EMERGENCY

Although the Constitution of the Republic of Kosovo contains several provisions related to emergencies, it is not sufficient to prevent legal ambiguity in practice, especially in terms of defining circumstances that justify or require the declaration of a nation-wide emergency or institutional roles in its response. The constitution states the President in consultation with the Prime Minister can declare a State of Emergency<sup>45</sup> when: (1) there is a need for emergency defense measures; (2) there is internal danger to the constitutional order or to public security; or (3) there is a natural disaster affecting all or part of the territory of the Republic of Kosovo.<sup>46</sup> However, this provision is rather broad and as the COVID-19 pandemic demonstrated, unless each type of emergency is regulated by separate laws, there is a need for additional legislation (e.g. a Law on the State of Emergency) to help clarify which additional powers are invoked or revoked from specific institutions during a state of emergency, underlying conditions preceding the declaration of emergencies, financial implications, criteria for changes in policy measures during emergencies, suspension of civil liberties, or transparency requirements. Since a country can experience more than one type of emergency, what specific provisions should be taken into that account? What would be the legal and operational implications for the stakeholders involved? Unless clearly specified in the legal framework, such crises are bound to create confusion and a state of chaos in adverse circumstances that further strain a country's response.

As the turmoil in attempts to declare a state of emergency during COVID-19 demonstrated, there is a legal gap in Kosovo regarding emergency situations – to clarify the competencies of key stakeholders to ensure that decisions taken are legal and legitimate. Importantly, supplementary legislation should also be in line with the spirit of the constitution. For instance, although some existing laws reference emergency situations, they do not mention any role for the President or the KSC, which begs the question – Should these emergency situations, which are covered by separate legislation be considered as a circumstance for a state of emergency? In other words, if emergency situations that are regulated by separate law do not require the actions of the President of the KSC, then does this mean that the declaration of a state of emergency is needed in cases of an external attack or situations that are not covered by existing laws?

In principle, considering the mandate of the President and the Prime Minister, the Constitution foresees coordination between these institutions in practice during a State of Emergency. In times of crisis, the government's regular powers might be insufficient and timely amendments may be impossible. Thus, the President who, based on Article 131 of the Constitution, can also mobilize the Kosovo Security Force to assist in the State of Emergency, brings a temporary boost in the response. During a State of Emergency the President chairs the Security Council, which under regular circumstances is chaired by the Prime Minister. The SC exercises executive functions related to the State of Emergency and consists of the prime minister; deputy prime minister(s); minister for the Kosovo Security Force; minister of foreign affairs; minister of internal affairs; minister of justice; minister of economy and finance; and the minister of returns and communities.<sup>47</sup> The composition of the KCS underscores that coordination between the President and the Government is essential in times of crises – which as our constitution gets tested we do not see such coordination being carried out.

Article 56 of the Constitution<sup>48</sup> refers to restrictions to fundamental rights and freedoms during a State of Emergency under necessary relevant circumstances, however, to fully uphold these rights in addition to the constitution, provisions should be detailed in the related laws as well.

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<sup>45</sup> Constitution of the Republic Kosovo, Article 84

<sup>46</sup> Ibid, Article 131

<sup>47</sup> Ibid, Article 127

<sup>48</sup> Article 56 on Fundamental Rights and Freedoms During a State of Emergency, Constitution of the Republic of Kosovo

Although there may be an assumption that the President will act in a country's best interest, the President's statutory powers as a result of declaring a state of emergency can also be misused to boost authority or politicize the emergency response. Since a State of Emergency can be announced once the president issues a decree which needs approval by the Assembly, determining the nature of the threat and the limitations on rights and freedoms - there is a need for robust oversight to ensure that circumstances meet these necessary criteria in determining the type of emergency and its scope, as well as its effects in the suspension of civil liberties, while having a clear time limit for doing so.

# LEGAL FRAMEWORK

Kosovo's existing laws contain essential provisions in dealing with emergencies but gaps remain in clarifying roles and responsibilities of key stakeholders in times of crisis, covering a broader range and scope of emergency situations, strengthening provisions regarding human rights and civil liberties during a State of Emergency, promoting a more participatory approach to policy planning and response to disasters, and in placing greater focus on preparedness and post-emergency resilience. Further, laws are also marred by poor implementation as witnessed by the lack of functional coordination and communication systems, updated emergency response plans and risk assessments, lack of public information and capacity building training programs. Among the main laws that regulate the institutional response in emergencies are the following: Law No. 04/L-027 on Protection Against Natural and other Disasters, Law on The Agency for Emergency Management, Law on Prevention and Fighting Against Infectious Diseases and Law on Health, Law No. 04/L-147 on Waters of Kosovo,<sup>49</sup> Law No. 07/L-006 on Preventing and Combating Covid-19 Pandemics in the Territory of the Republic of Kosovo.

- **Law for Protection Against Natural and Other Disasters**<sup>50</sup> regulates the protection and rescue of people, animals, property, cultural heritage and environment against natural and other disasters. However, disasters in this law are narrowly defined, excluding emergency situations like pandemics, which in the context of COVID-19 presents a major shortcoming. According to this law, various bodies at the central and local level such as the Assembly, the Government, and municipalities share a broad range of responsibilities related to the organization, preparation, implementation of protection against natural and other disasters – necessitating a level of inter-intuitional coordination. Yet, it is not clear under what mechanisms such coordination is facilitated. Based on this law, as local institutions reach the limit of their capacities to respond to disasters, they can seek the assistance of central institutions including the deployment of the KSF, however, it does not specify the decision-making process or make any reference to the President or the KSC as relevant authorities during natural or other disasters that could potentially precipitate a State of Emergency within the country. Moreover, most references in this law relate to protection, or the immediate measures taken in defense towards natural or other disasters, rather than preventive measures, DDR, or post-disaster recovery whichh could be used to help mitigate the impact of disasters. Although risk assessments are foreseen to be carried out at central and local level, this law does not specify how comprehensive they should be, how often they need to be conducted, and how they factor in into the decision-making process. When it comes to emergency response plans that should be processes by central and local institutions, the same law states that they should be approved by the public, but does not call for a participatory approach that involves the public to inform the drafting of these plans.
- **Law on Agency for Emergency Management**<sup>51</sup> establishes this agency as an independent body within the Ministry of Internal Affairs, which is organized in the central and local level, with its local level covering 112 centers. Most provisions under this law relate to EMA's managerial and technical duties for protection against natural and other disasters, rather than on conditions such as for functioning of organizational structures of the IEMS.

<sup>49</sup> <https://gzk.rks-gov.net/ActDetail.aspx?ActID=8659>

<sup>50</sup> Republic of Kosovo (2011) Law No. 04/L-027 For Protection Against Natural and Other Disasters, *Official Gazette of the Republic of Kosova*, Available at <https://ame.rks-gov.net/Portals/0/Files/Law%20for%20protection%20against%20natural%20and%20other%20disasters.pdf>

<sup>51</sup> Assembly of Republic of Kosovo (2014), LAW NO. 04/L-230 ON THE AGENCY FOR EMERGENCY MANAGEMENT

- **Law on Prevention and Fighting against Infectious Diseases**<sup>52</sup> lists contagious diseases and defines key concepts related to prevention and fighting against infectious diseases. However, COVID-19 as a novel virus is not part of this list and thus there are no direct references to addressing the COVID-19 pandemic. In such cases when dealing with new infectious diseases, the law foresees that the MoH can take preventive measure based on KIPH guidelines, including measures such as placing people into quarantine. In response to COVID-19, largely referencing provisions in this law (such as 41.2), MoH undertook preventive measures that limited freedom of movement and freedom of assembly. However, the Constitutional Court declared these preventive measures as unconstitutional<sup>53</sup> since this law does not clearly specify limitations on rights and freedoms during health emergencies, including pandemics.
- **Law on Health** provides a chapter (XIX) which regulates healthcare during emergencies. Although in this law the notion of emergency is confined to the health status, it can be argued that most emergency situations require the involvement of healthcare providers. According to this law, the MoH is in charge of providing healthcare activities in cases of emergencies, however in a state of emergency (declared nation-wide by the President) is used interchangeably with emergency situations without acknowledging the respective potential implication to the decision-making structure in the different occasions.<sup>54</sup> The same also tasks the Government with preparatory activities during emergencies, which in the case of COVID-19 pandemic includes ensuring stocks of drugs and medicinal expendables and renewal of the state healthcare reserves to the level necessary. Further, this law mentions epidemics in regards to health care measures for early detection of cases, but it does not reference pandemics which could be relevant for provisions regulating international cooperation (Article 92).
- **Law No. 07/L-006 on Preventing and Combating Covid-19 Pandemics in the Territory of the Republic Of Kosovo** - was adopted in 2020 with the purpose of creating the legal basis for the state institutions of Kosovo to combat and prevent COVID-19 pandemics. The law filled an important gap in Kosovo's legal framework in managing crises like pandemics as it defines responsibilities and roles in taking measures to prevent, control, treat, monitor, and provide funding during the pandemic. The passing of this law offers authorities legal basis to take preventive measures at national level, including the imposition of restrictions on freedoms and human rights as well as fines in case of non-compliance with government decisions, in line with the constitution. This law also serves as an example of supplementary legislation when existing laws fail to provide clarity or do not anticipate emerging threats that cause emergency situations.
- **Law No. 06/L –014 on Critical Infrastructure** provides the legal basis to identify national critical infrastructure through an all-hazards approach, including cross-cutting and sectorial criteria that should be supported by EMA. Since this law foresees security coordinators and liaison officers for each identified national critical infrastructure sector and a creation of a National Critical Infrastructure Facility, there is a challenge in ensuring effective coordination with existing intuitional mechanisms and coordinator. Although this law filled a

<sup>52</sup> Assembly of Republic of Kosovo (2008) Law No. 02/L-109 For Prevention and Fighting Against Diseases, *Official Gazette of the Republic of Kosovo*

<sup>53</sup> Constitutional Court Decision can be accessed via <https://gjk-ks.org/vendimet-nga-seancat-shqyrtuese-te-mbajtura-me-30-dhe-31-mars-2020/>

<sup>54</sup> The detailed list of activities is available at <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=8666>, p.30

gap in the legislation and transposes key provisions from EU directives, its implementation has been delayed.<sup>55</sup>

Given Kosovo's aspiration to become a member of the European Union, its legislation related to emergency preparedness and crisis management should also be compatible with EU acquis, with pre-accession negotiations taking place across 35 chapters, including on topics such as the environment (Chapter 27) covering legislation related to, among others, water and air quality, nature protection, industrial pollution control and risk management.<sup>56</sup> Generally speaking, to ensure compliance with EU acquis, Kosovo not only needs to enact laws that correspond with the EU policies, but also to allocate funding to key institutions mandated in the emergency response and train and equip its administration.

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<sup>55</sup> Energy community, "Cybersecurity", accessed via <https://www.energy-community.org/implementation/Kosovo/CYBER.html>

<sup>56</sup> European Neighbourhood Policy and Enlargement Negotiations, "Chapters of the Acquis" accessed via [https://ec.europa.eu/neighbourhood-enlargement/policy/conditions-membership/chapters-of-the-acquis\\_en](https://ec.europa.eu/neighbourhood-enlargement/policy/conditions-membership/chapters-of-the-acquis_en)

# STRATEGIC FRAMEWORK

Following the onset of COVID-19 pandemic, Kosovo found itself in a precarious situation since almost all its strategic documents related to emergency preparedness and crisis management had either expired or become outdated. Although there have been changes in legislation, since 2010, the National Security Strategy, the IEMS and the NRP have not been updated, and within these ten years there has not been any new - legally binding - strategic document on addressing emergency-related situations. In a span of two years, from March 2012 to 2014, the Government of Kosovo launched a comprehensive review of its security sector. The SSSR assessed the security threats and risk to Kosovo, identified the legislative reforms to be undertaken and the human and technical capabilities to meet the security challenges.<sup>57</sup> The SSSR identified the pressing need to review and revise all the strategic documents, including the National Security Strategy, the National Defense Strategy, and the National Response Plan, which is considered obsolete.<sup>58</sup> It also revealed that security institutions in Kosovo faced redundancies in their roles and missions, were not coordinated well and were ill equipped to face the potential threats and risks to the wellbeing of the people of Kosovo and its national security pending further changes.<sup>59</sup>

The SSSR also recommended the transition of KSF to Kosovo Armed Forces with the mission of protecting the nation's territorial integrity, providing military support to civil authorities in disaster situations, and participating in international peacekeeping operations; and the transition of the Ministry of the Kosovo Security Force to a Ministry of Defense with the responsibility of providing civilian oversight and guidance for the new Kosovo Armed Forces<sup>60</sup>. The SSSR also recommended for MIA to work closely with the Ministry of Defense (MoD) for a gradual transition of responsibilities to MIA in the field of emergency management.<sup>61</sup> The SSSR is relevant in pointing out to the shortcomings in Kosovo's current strategic framework, which put at risk the security and safety of its citizens. The SSSR considered the threat of epidemics and called for changes in the national security framework to correspond with the shifting nature of the threats. Although some of the SSSR recommendations have been taken into consideration, such as the passing of a package of laws that facilitates KSF's transition into KAF, most recommendations have not been implemented, partly as a result of poor policy planning and prioritization by previous governments, or due to changes in government within short periods of time.

## STRATEGIC DOCUMENTS

### Integrated Emergency Management System (2010)

In 2010, the Kosovo Government adopted the Integrated Emergency Management System (IEMS) and the Ministry of Internal Affairs has been authorized to coordinate its implementation.<sup>62</sup> This document provides a systematic, proactive approach to guide departments and agencies at all levels of government, non-governmental organizations, and the private sector to work seamlessly to prevent, protect, respond, recover, and mitigate the effects of incidents, regardless of cause, size, location, or complexity, in order to reduce the loss of life and property and harm to the environment. In relation to the National Response Plan (NRP), the IEMS provides the framework for the management of incidents, while the NRP provides the structure and mechanisms for

57 Analysis of the Strategic Security Sector Review of the Republic Of Kosovo", 2014, p.4.

58 Garentina Kraja, Principles and Practice of Public Policy in Kosovo, p.149

59 Kabashi-Ramaj, "Kosovo was not adequately prepared for the pandemic", 2020

60 Ibid. p.6

61 Ibid.

62 Vendim i Qeverisë së Kosovës, Nr. 12/126, 26.05.2010. Available at: [https://kryeministri-ks.net/wp-content/uploads/docs/Vendimet\\_e\\_Mbledhjes\\_se\\_126-te\\_te\\_Qeverise\\_2010.pdf](https://kryeministri-ks.net/wp-content/uploads/docs/Vendimet_e_Mbledhjes_se_126-te_te_Qeverise_2010.pdf).

national-level policy for the management of incidents.<sup>63</sup>

The IEMS is based on the premise that utilization of a common incident management framework will give emergency management/response personnel a flexible but standardized system for emergency management and incident response activities. It is further flexible since the system components can be utilized to develop plans, processes, procedures, agreements, and roles for all types of incidents. In this regard, the IEMS is applicable to any incident regardless of cause, size, location, or complexity, while providing an organized set of standardized operational structures, which is critical in allowing disparate organizations and agencies to work together in a predictable, coordinated manner.<sup>64</sup> With reference to its components, this document states that it integrates existing best practices into a consistent, nationwide, systematic approach to incident management that is applicable at all levels of government, non-governmental organizations, and the private sector, and across functional disciplines in all-hazards context. Based on the IEMS, the components were not designed to stand alone, but to work together in a flexible, systematic manner to provide the national framework for incident management.<sup>65</sup> The respective components deriving from the IEMS are listed below<sup>66</sup>:

- **Preparedness:** Effective emergency management and incident response activities begin with a host of preparedness activities conducted on an ongoing basis, in advance of any potential incident. Preparedness involves an integrated combination of assessment; planning; procedures and protocols; training and exercises; personnel qualifications, licensure, and certification; equipment certification; and evaluation and revision.
- **Communications and Information Management:** Emergency management and incident response activities rely on communications and information systems that provide a common operating picture to all command and coordination sites. IEMS describes the requirements necessary for a standardized framework for communications and emphasizes the need for a common operating picture. This component is based on the concepts of interoperability, reliability, scalability, and portability, as well as the resiliency and redundancy of communications and information systems.
- **Resource Management:** Resources (such as personnel, equipment, or supplies) are needed to support critical incident objectives. The flow of resources must be fluid and adaptable to the requirements of the incident. IEMS defines standardized mechanisms and establishes the resource management process to identify requirements, order and acquire, mobilize, track and report, recover and demobilize, reimburse, and inventory resources.
- **Command and Management:** This component is designed to enable effective and efficient incident management and coordination by providing a flexible, standardized incident management structure. The structure is based on three key organizational constructs: the Incident Command System, Multiagency Coordination Systems, and Public Information.
- **Ongoing Management and Maintenance:** In the framework of this component, there are two components: the Emergency Management Institute and Supporting Technologies.

<sup>63</sup> Kosovo Government. (2010). *Sistemi i Integruar i Menaxhimit të Emergjencave*. Prishtinë: Qeveria e Republikës së Kosovës, p. 4. Available at: <https://ame.rks-gov.net/Portals/0/Files/SIME%20i%20Miratuar.pdf>.

<sup>64</sup> Ibid, p. 5.

<sup>65</sup> Ibid, p. 6.

<sup>66</sup> Ibid, p. 6-8.



As regards the public health emergency which was declared by the Kosovo Government on 15 March 2020 to cope with the COVID-19 pandemic in the country,<sup>67</sup> the IEMS does not have specific sections dedicated to epidemiological risks, it only mentions them in passing. It is worth mentioning that there are some references made to the public health within the IEMS, however more details when dealing with public health emergency situations can be found on the NRP.<sup>68</sup> The IEMS makes some important points regarding information security that have become relevant in the context of COVID-19, such as considering how leaking sensitive information on public health and disinformation can lead to national security risks by creating panic among the public and disruption the normal course of information. Although it was foreseen for the IEMS to be updated on a biyearly basis to account for changes in legislative and procedural changes, lessons learnt from exercises, potential incidents or planned events - there has not been any follow-up or update to IEMS since its inception in 2010.<sup>69</sup> Thus, a new IEMS will need to reflect developments that in the recent years in order to provide sustainable and comprehensive approach to Kosovo's emergency management. For instance, legal framework on Ministry of Defense and Kosovo Security Force has completely changed in late 2018, the Law No. 04/L-076 on Police was issued in 2012, the Law No. 04/L-125 on Health was issued in 2013 and other relevant legal acts which considerably changed since 2010.

## **National Response Plan (2010)**

Following the IEMS, the Kosovo Government adopted the NRP in late 2010 with the Ministry of Internal Affairs in charge of the implementation of this strategic document.<sup>70</sup> The Plan incorporates experiences and best procedures from different disciplines of incident management (e.g. national security, emergency management, law enforcement, firefighting, responding to hazardous substances, public works, public health, medical emergency services and worker of response and recovery in the field of health and safety) and integrates them into a coordinated and joint structure.<sup>71</sup> Furthermore, the NRP provides a framework for central interaction with local governance and structures of regional branches, private sector and non-governmental organizations in the context of the activities of prevention, preparedness, response and recovery from incidents/emergencies/disasters. Besides this, it determines the capacities and resources and assigns responsibilities, operational processes and protocols to help protect the country from natural and technological hazards and human caused factors, life rescuing, protecting public health, safety, goods and environment. The NRP ultimately serves as the foundation for the development of additional detailed procedures to implement more effective and efficient incident management activities within specific types of incidents. While using the IEMS, the NRP determines mechanisms for coping with different activities related to emergency management.<sup>72</sup>

This document covers the full range of complex and constantly changing requirements through predicting or responding to major disasters and other emergencies, threats or terrorist acts.<sup>73</sup> It is important to note that the NRP provides a basis for initiating long-term community recovery activities and prevention activities as well, thus resulting in establishing legal and institutional mechanisms with the involvement of the government (under the coordination of MIA) in incident

<sup>67</sup> Kosovo Government Decision for declaration of a public health emergency, No. 01/11, 15.03.2020.

<sup>68</sup> Ibid.

<sup>69</sup> Kosovo Government. (2010). *Sistemi i Integruar i Menaxhimit të Emergjencave*. Prishtinë: Qeveria e Republikës së Kosovës, p. 4.

<sup>70</sup> Kosovo Government decision, No. 06/150, 23.12.2010.

<sup>71</sup> Government of the Republic of Kosovo. (2010). *National Response Plan*. Prishtina: Government of the Republic of Kosovo, p. 9. Available at: [https://ame.rks-gov.net/Portals/0/Files/National\\_Response\\_Plan.pdf](https://ame.rks-gov.net/Portals/0/Files/National_Response_Plan.pdf).

<sup>72</sup> Ibid.

<sup>73</sup> Ibid, p. 10.

management operations.<sup>74</sup> Hence, the coordination between structures and processes for incidents imply i) central support for state, regional and local bodies, ii) exercise of direct central powers and responsibilities given by the law, and iii) integration of public and private sector in the incident/emergencies management. Additionally, the NRP distinguishes incidents that demand coordination by the Ministry of Internal Affairs, incidents defined as of national character and those incidents occurring on daily basis covered by authorities and agencies through authorizations and existing plans. The NRP is applicable to all line ministries and government bodies which are mandated to provide assistance or conduct operations in cases of existing incidents or potential incidents of national level (incidents of national level are elaborated by the IEMS).<sup>75</sup>

An important component of the NRP are the Emergency Support Functions (ESF) meant to consolidate the capacities of ministries, government bodies and the Kosovo Red Cross to provide planning, support, resources and conduct the implementation of the program and emergency services in the event of nation-wide incidents. ESF serves as a coordinating mechanism to provide assistance to the local and regional authorities and other bodies tasked to perform missions of central primary responsibility.<sup>76</sup> In terms of the public health emergency, ESF 8 titled “Public Health and Medical Services” involves public health, medicine, mental health services, and funeral services<sup>77</sup>:

- **Public health and medical aid (ESF 8):** Medical aid is needed not only in medical facilities, but at points of evacuation of the wounded persons, in points and shelters of evacuated people and refugees and other locations to support field operations.
- **Medical equipment and supply:** The NRP spells out the need for sufficient quantities of pharmaceutical preparations for preventive and therapeutic purposes, as well as qualified medical personnel. It implies the delivery of vaccines for prevention of certain infectious diseases that may occur during disasters.
- **Management and transportation of wounded and casualties:** Key resources may be required in transportation and healthcare if the number of those affected by diseases, injured or exposed increases. Moreover, an increase in the number of casualties is likely to overwhelm the available capacity of regional and local medical services.<sup>78</sup>

NRP is also an outdated strategic document with the current version introduced by the government in 2010. Phase III of the NRP foresaw a regular revision of document in four-year cycles,<sup>79</sup> which implies that the NRP should have been revised twice (in 2014 and 2018) since. However, to date no information is available whether the document has been reviewed, revised or published every four years as initially stipulated. On contrary, the 2020 government’s decision to declare COVID-19 pandemic in Kosovo a public health emergency indicated that the initial NRP adopted in 2010 was activated to kick into effect the measures of ESF 8.<sup>80</sup> Hence, Kosovo institutions are operating with an outdated document, which does not reflect a set of major developments in the last decade, especially involving the legal framework and practices in Kosovo. Lastly, following the ongoing relaxation of protective measures against COVID-19 pandemic in Kosovo, the government and the responsible ministry/ministries should undertake major revisions and update the current NRP. Similarly as with IEMS, there are no publicly available reports to record the level

<sup>74</sup> Ibid.

<sup>75</sup> Ibid.

<sup>76</sup> Ibid, p. 17.

<sup>77</sup> Ibid, p. 18.

<sup>78</sup> Ibid, pp. 113-114.

<sup>79</sup> Ibid, p. 5.

<sup>80</sup> Kosovo Government Decision No. 01/11, 15.03.2020

of implementation of these documents throughout these ten years, including information of if and what parts of its institutional organization framework have been functionalized. This is especially relevant for stakeholders such as local institutions, regional branches or civil society organizations who were also obliged under this Plan to report on incidents, adapt emergency response plans and coordinate with the other institutions takes with emergency response.

## **Security Strategy of Kosovo (2019 – draft document)**

Kosovo institutions, specifically security institutions are practically operating without a National Security Strategy. The process initiated in 2018 by the Kosovo Government produced a draft of the security strategy which was adopted by the Kosovo Security Council<sup>81</sup> and the Kosovo Government in June 2019.<sup>82</sup> However, as Kosovo entered into political turmoil due to resignation of then Prime Minister Ramush Haradinaj<sup>83</sup> in July 2019, followed by dissolution of the Assembly<sup>84</sup> in August 2019, therefore the state institutions failed to finally adopt and enact this strategic document which nowadays is invalid. Whilst, a new drafting process for drafting the National Security Strategy 2021-2030 was launched and in November 2020 KSC published a draft document for public consultations.<sup>85</sup>

Since the document was drafted amidst the pandemic situation in Kosovo, the strategy recognizes the COVID-19 pandemic among the key emergencies in Kosovo. It states that disasters include epidemics and pandemics (including COVID-19), fires, toxic spills, landslides, large-scale road, air and rail accidents, and earthquakes. This document seeks to advance technical, professional and legal aspects for defining what for Kosovo constitute Critical National Infrastructure and capabilities necessary for its protection in light of natural and man-made disasters. In this regard, the draft document of security strategy the Critical National Infrastructure will include substantial prevention and management measures against natural and man-made emergencies, such as conducting a threat analysis for all critical infrastructures to pave the way for more effective policies and action plans allowing higher levels of safety and security during emergencies. As to the capabilities of civil authorities to deal with natural, industrial or human-made emergencies and disasters, the Emergency Readiness Exercise and Assessment Program is foreseen to be published. Furthermore, when considering current strategic framework on emergencies, the strategy points out that the NRP will be comprehensively reviewed, whilst the IEMS will be supplemented, based on lessons learned from real situations and practical exercises.<sup>86</sup>

With reference to COVID-19 pandemic in Kosovo, the strategy acknowledges that Kosovo was “inadequately prepared for this new threat” to the population, which challenged Kosovo’s healthcare service, economy and other related-matters. In addition, COVID-19 pandemic based on the strategy highlighted the following challenges: i) the need for better communication and a comprehensive approach in time of crisis, ii) central and local institutions should improve risk management, promote a culture of preparedness, and improve planning through ongoing training and testing of existing plans, and iii) better budget allocations in health and security sector. The Kosovo institutions, according to this draft of security strategy, will employ future crisis

81 Koha.Net. (2019, July 21). *Qeveria miraton Strategjinë e Sigurisë, Ramadani pret mbështetje unanime të Kuvendit*. Available at: <https://www.koha.net/arberi/175213/qeveria-miraton-strategjine-e-sigurise-ramadani-pret-mbeshtetje-unanime-te-kuvendit/>.

82 Vendim i Qeverisë së Kosovës, Nr. 07/111, 19.07.2019

83 Thaqi, D., & Berisha, E. (2019, July 19). *Haradinaj jep dorëheqje, ftohet nga Specialja*. Available at: <https://www.koha.net/arberi/174939/haradinaj-jep-doreheqje/>.

84 Radio Evropa e Lirë. (2019, August 22). *Shpërndahet Kuvendi i Kosovës*. Available at: <https://www.evropaelire.org/a/shperndarja-e-kuvendit-/30121899.html>.

85 Office of the Prime Minister, “Draft-Strategjia e Sigurisë së Republikës së Kosovës 2021-2030”

86 Government of the Republic of Kosovo - Security Strategy of the Republic of Kosovo 2021-2030, pp. 10-11.

management plans, therefore indicating that Kosovo is dedicated to continue the development of capacities and capabilities in security and health institutions for maintaining better public health and safety in the future.<sup>87</sup> It is important to highlight that the security strategy has not yet been adopted by the Government nor the Kosovo Assembly.

**Disaster Risk Reduction Strategy and Plan of Action 2016 – 2020** is a document aimed at coordinating the work of actors in the local level, relevant ministries as well as the foreign and local donors to reduce disaster risk and at the same time to contribute to sustainable development for Kosovo. This document is the first strategy on risk reduction in the Republic of Kosovo and as such serves as a baseline for building disaster risk reduction programs and activities, however, just like the NRP, IEMS, and the National Security Strategy, at this point, this strategy will soon expire – presenting yet another strategic document with no record regarding its implementation, level of incorporation into decision-making, integration of resilience principles among local communities or overall impact in adapting mitigation measures to disasters in Kosovo.

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<sup>87</sup> Ibid.

# MAPPING OF STAKEHOLDERS

Emergency situations that often arise as sudden events can have a profound impact in a country's institutions and society. Although in many cases it is difficult to predict emergencies, putting in place standardized protocols of action in times of crisis as well as a coordination system of communications, the allocation of resources, and response is imperative in mitigating the damages of a catastrophe. The effectiveness of response during emergencies and the ability to bounce back from crisis often depends on the amount of foresight, planning, training, and coordination at stakeholder level. Consistency, assured through a set of procedures and processes put in place and enacted accordingly, is particularly important in the context of high political instability to ensure a sustainable and transparent approach to prepare for and to respond to emergencies regardless of changes in leadership.

The legal framework and the strategic documents guiding Kosovo's emergency response are comprehensive combining efforts of state institutions and agencies, local institutions, non-governmental actors and the private sector. In this regard, the IEMS shapes the responsibilities of all actors into three main roles:

<b>POLICY-MAKING ROLE</b>	<b>COORDINATING ROLE</b>	<b>SUPPORTIVE ROLE</b>
Drafting, reviewing and implementing the policies, procedures and agreements related to the emergency management programs and activities and the response to incidents	Resource management and any other coordination efforts necessary for emergency management programs and activities and the response to incidents;	Assistance/support for emergency management programs and activities and response to incidents.
While the MIA is the focal point of emergency management, other ministries and institutions may have one of these roles depending on the nature of the emergency. Institutions such as the KSF, KP, Prosecution, etc. mainly perform a supporting role, exercising their usual roles as defined by respective laws, while placing their capacities and resources at the service of emergency management.		

The organization of the emergency response in Kosovo anticipates the initial management of incidents at the local level. However, emergencies at the national level are expected to be multi-jurisdictional, implying that a considerable state-level coordination is needed. Depending on the specific nature of the emergency, various institutions and governmental agencies, as well as local institutions, non-governmental and private sector, will be involved in management response. Depending on the scale of the threat/emergency, state authorities establish operational centers, organized at different levels to provide support and coordinate the institutional efforts before, during and after the end of an emergency.

## KOSOVO SECURITY COUNCIL (KSC)

The KSC is a key mechanism that advises institutions on all issues related to security, recommending security policies and strategies, and assessment of the overall security situation in Kosovo.<sup>88</sup> The development of emergency management policies and strategies and the assessment of their effect on security goes through the Kosovo Security Council (KSC). The KSC is supported by a

<sup>88</sup> Law No. 03/L-050 for the Establishment of the Security Council of Kosovo.

Situation Center that serves as an operational center for gathering information and analysis. It also provides support on emergency management by exchanging information with all institutions in the country and coordinates operational activities throughout Kosovo.<sup>89</sup> While its role in normal times is advisory, the Security Council assumes an executive role in the event of a declaration of a state of emergency. In a state of emergency, the KSC has the authority to take various actions that, in accordance with the applicable laws, are necessary to deal with the state of emergency. If needed, the KSC is authorized to delegate its authority to various bodies to deal with certain situations during the state of emergency.<sup>90</sup> With the declaration of the state of emergency, the President of the Republic of Kosovo assumes a direct role in emergency management as he or she becomes the head of the KSC.<sup>91</sup>

## THE GOVERNMENT OF KOSOVO

Except for in the times of a state of emergency, the primary responsibility for emergency management lies with the Government of Kosovo. The Prime Minister leads the country in response to an emergency and ensures the quick and efficient engagement of resources in all emergencies of national character.<sup>92</sup> During an active or potential emergency, the coordination of all central management activities is carried out through the Ministry of Internal Affairs. Other ministries and government agencies transfer their authority and responsibilities for emergency response within such coordination framework.<sup>93</sup>

### The Ministry of Internal Affairs (MIA)

The MIA is in charge of coordination for the prevention, preparation, response and recovery from natural, technological, or human caused emergencies. The Minister of Internal Affairs is the “Governmental Coordinator” for emergency management.<sup>94</sup> Moreover, the Minister is also responsible for the coordination of the national resources needed for effective response to emergencies if one of the following conditions is applicable:

- 1) Any ministry or governmental agency requested the Government’s assistance in responding to emergencies;
- 2) Local and regional resources are insufficient for effective management of an emergency; thus, the central resources are needed;
- 3) More than one ministry or agency are highly involved in emergency response;
- 4) The Prime Minister has ordered the Minister of Internal Affairs to lead (the response to) an emergency situation.<sup>95</sup>

In addition, the MIA has additional mechanisms that have specific roles in emergency management. **The Emergency Management Agency (EMA)** is an additional independent body that functions under the MIA. The EMA is responsible for supporting the citizens and first responders by ensuring that all actors involved in emergency management are functioning as a single body to

<sup>89</sup> Ibid.

<sup>90</sup> Ibid.

<sup>91</sup> The Constitution of the Republic of Kosovo [Article 2, Paragraph 8]. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=3702>

<sup>92</sup> The Government of Kosovo, National Response Plan.

<sup>93</sup> Ibid.

<sup>94</sup> Ibid.

<sup>95</sup> Ibid.

develop, maintain and advance the national-wide capacities to prepare, protect, respond and recover from all kind of emergencies.<sup>96</sup> The EMA is organized in the central and local level, with the General Directorate of the agency responsible for the activities in the national level and the 112 centers that constitute the operational structure of the EMA at the local level. Those include health services, firefighters and police at the local level.<sup>97</sup>

## Line Ministries

Depending on the nature of the emergency and the available resources, different ministries and agencies may play a primary, coordinating, or supportive role in emergency management.<sup>98</sup> In situations where a particular government agency has the authority, capacity and legal responsibility to direct or manage key aspects of the emergency response, that agency becomes part of the central system.<sup>99</sup> While each ministry has its own designated role and the corresponding scope and mission, in case of emergencies their efforts focus on emergency management. For instance, **The Ministry of Foreign Affairs** remains responsible for the coordination of international agreements and relations during emergencies and coordinates the emergency management activities with international partners.<sup>100</sup> Similarly, in case of emergencies the **Ministry of Defense** bears the usual responsibility for managing the capacities, infrastructure and equipment of the Ministry and KSF.<sup>101</sup> As needed, in an emergency situation, the Minister of Defense authorizes KSF's support for civil authorities for emergency management.<sup>102</sup> The Minister of the KSF retains the authority of the KSF command in all situations and operations.<sup>103</sup>

In case of public health emergencies, the primary burden of emergency management falls on the **Ministry of Health** and its independent agencies whose role is to adapt healthcare in accordance with the emergency plan, implement the necessary changes in the referral and guidance system, ensure the effective provision of emergency healthcare during the public health emergency period and activate the temporary healthcare institutions and reserve supplementary capacities.<sup>104</sup> In addition to the direct role of the **MoH**, agencies that operate within it such as the **National Institute of Public Health (NIPH)** carry their own responsibilities in emergency management by to organizing, developing, providing oversight and implementing public health policies and strategies.<sup>105</sup> It provides main guidelines in response to public health emergencies and ensures the effective implementation of the public health strategy. On the other hand, in case of emergencies, the health institutions are obliged to develop their own plans for emergency situation, in accordance with definitions set by the Ministry through sub-legal acts.<sup>106</sup>

In addition to specific commitments of all ministries and governmental agencies to various phases of national emergencies, certain ministries have independent authority to declare emergencies. For instance, the Ministry of Health has the authority to declare a public health emergency. The

<sup>96</sup> The Mission of the Emergency Management Agency. Available at: <https://ame.rks-gov.net/al/Misioni>

<sup>97</sup> The Law No 04/L-230 on the Emergency Management Agency

<sup>98</sup> The Government of Kosovo. National Response Plan. Available at: [https://ame.rks-gov.net/Portals/0/Files/National\\_Response\\_Plan.pdf](https://ame.rks-gov.net/Portals/0/Files/National_Response_Plan.pdf)

<sup>99</sup> Ibid.

<sup>100</sup> Ibid.

<sup>101</sup> The Law No. 06/L-122 on the Ministry of Defense

<sup>102</sup> The Government of Kosovo. National Response Plan.

<sup>103</sup> Ibid. For more on the KSF's specific role in emergency management, please refer to the chapter on the KSF responsibilities and capacities.

<sup>104</sup> The Law No. 04/L-125 on Health.

<sup>105</sup> The Mission of the National Institute of Public Health

<sup>106</sup> The Law No. 04/L-125 on Health.

**Ministry of Agriculture** can also declare an emergency if a region has suffered a loss of over 30 percent of a certain production as a result of a disaster.<sup>107</sup> Similarly, other ministries such as the Ministry of Environment have the authority to react independently in case of contamination of certain areas with hazardous substances or various pollutants that may have an impact on the environment.<sup>108</sup>

## **Local Governance/Municipalities**

In most emergencies, local resources, reciprocal aid and assistance agreements comprise the first line of emergency management and response to incidents.<sup>109</sup> Consequently, the local municipalities and local capacities of institutions such as Kosovo Police, primary healthcare facilities and services and firefighters serve as the first pillar of emergency management. Kosovo municipalities have full and exclusive powers to respond to local emergencies.<sup>110</sup> Mayors are responsible for the coordination of the municipal resources to address the full spectrum of the emergency response and in certain emergency circumstances have the political power to draft, change and repeal orders and regulations.<sup>111</sup> Moreover, they play a crucial role in communication between the local authorities, citizens, NGOs and the private sector and to coordinate the necessary assistance with all the stakeholders.<sup>112</sup> In addition, mayors are responsible to enter into agreements on the use of resources and capacities of other municipalities and require the intervention of central government when local resources and capacities are insufficient or depleted for the effective management of the emergency.<sup>113</sup>

## **JUSTICE SYSTEM**

The justice system is a key pillar in ensuring a lawful response to emergency situations. Courts and the State Prosecutor are responsible to investigate and address potential violations during emergencies, to ensure the lawfulness of government decisions in emergencies and to guarantee the protection of the fundamental human rights and freedoms. The National Response Plan places the State Prosecutor's focus during state emergencies on terrorist threats. In cooperation with ministries and other governmental agencies, the State Prosecutor engages in the activities of other law enforcement agencies to detect, prevent and counter potential terrorist threats against the Republic of Kosovo.<sup>114</sup> In the event of a state of emergency as a result of a terrorist threat, all institutional capacities will be directed in the service of the State Prosecutor to identify and foil threats.<sup>115</sup>

## **KOSOVO SECURITY FORCES**

Emergency response is KSF's hallmark since its formation. KSF's main responsibilities are to respond to crises, to assist civil authorities in responding to natural and other disasters and

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<sup>107</sup> The Government of Kosovo. National Response Plan

<sup>108</sup> Ibid.

<sup>109</sup> The Integrated Emergency Management System (2010).

<sup>110</sup> The Law No. 03/L-040 on Local Self Government.

<sup>111</sup> The Government of Kosovo. National Response Plan.

<sup>112</sup> Ibid.

<sup>113</sup> Ibid.

<sup>114</sup> Ibid.

<sup>115</sup> Ibid.



emergencies and to assist civil authorities through civil protection operations.<sup>116</sup> Also, according to the 2008 Law on the Kosovo Security Force, KSF has an emergency response component to conduct search and rescue, demining, handling of hazardous materials, firefighting and other humanitarian assistance capabilities. In a state of emergency, KSF can be called upon by the President of Kosovo<sup>117</sup> to conduct emergency operations in line with its constitutional and legal powers and duties.<sup>118</sup> New laws have further determined the KSF's mandate, its organization and functions following its transformation. While the new documents do not make a direct reference to KSF role in emergency situations, crisis response and emergencies still consist the organization's core values and duties.

## KOSOVO POLICE

The Kosovo Police functions under the authority of the Ministry of Internal Affairs and under the control and supervision of the General Director of the Police. Furthermore, The General Director cooperates with the Minister and provides him/her with information and reports as determined by the law. In line with this, in the realm of public order and safety, the Minister has the right to perform functions related to preparations for emergencies.<sup>119</sup> One of the key duties and powers of the KP is to provide assistance during natural disasters and other emergencies.<sup>120</sup> Also, when it comes to emergencies, in addition to regular police officers, the reserves are called upon.<sup>121</sup> Consistent with EMA, the KP is one of the three first emergency responders, responsible to protect and save life, materials and evidence at very early stages of the emergency. Kosovo police is responsible to manage incidents at the local level.<sup>122</sup>

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<sup>116</sup> Law No. 03/L-046 on the Kosovo Security Force.

<sup>117</sup> Law No. 06/L-123 On Kosovo Security Force.

<sup>118</sup> Ibid

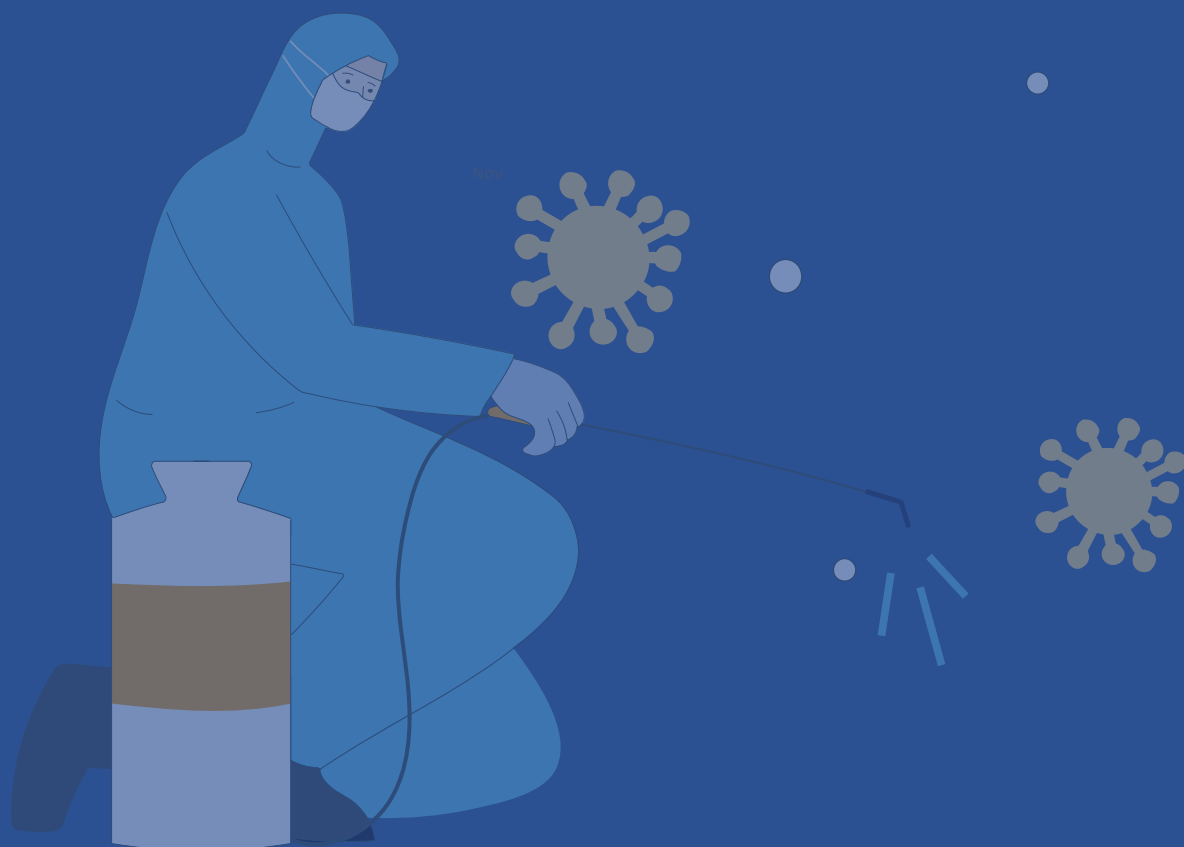
<sup>119</sup> Article 5 of Law No. 04/L-076 On Police.

<sup>120</sup> Article 10 of Law No. 04/L-076 On Police.

<sup>121</sup> Article 36 of Law No. 04/L-076 ON Police.

<sup>122</sup> The Government of Kosovo. National Response Plan.

# COVID-19 PANDEMIC AND KOSOVO'S RESPONSE



# THE GLOBAL OUTBREAK OF COVID-19

Despite early warnings from the scientific community about the impending risks of pandemics,<sup>123</sup> the outbreak of the novel coronavirus caught countries around the world largely unprepared. COVID-19 is the disease caused by this new virus which was first identified in China in December 2019, when a mysterious cluster of cases of pneumonia were reported in Wuhan, Hubei Province.<sup>124</sup> SARS-CoV-2 is primarily spread through respiratory droplet transmission in proximity between persons and airborne transmission in poorly ventilated areas. Although the virus does not discriminate and it has a death rate 10 times that of the seasonal flu, it affects certain population groups more heavily, such as older people and those with underlying health issues.<sup>125</sup> This rate implies a higher toll as the number of infections grows. Moreover, the new coronavirus seems to be more contagious than other strains, especially since it can be spread through “silent spreaders” or people who are infectious but are asymptomatic, estimated to account for as much as 50% of the infection.<sup>126,127</sup>

Due to its alarming levels of spread and severity, in March 2020, the WHO designated COVID-19 a pandemic - a disease outbreak covering a wide geographic area and affecting an exceptionally high proportion of the population.<sup>128</sup> This prompted many countries to declare national emergencies as they sought to safeguard health while minimizing economic and social disruption.<sup>129</sup> With knowledge around the new virus still building up, states face the challenge on how to best respond under conditions of high uncertainty. Due to the lack of a readily available treatments such as anti-viral drugs or vaccines, focus has been directed to contain it through measures such as isolation of infected cases, contact tracing, testing, mandatory face masks, social distancing, partial or full lockdowns, and closing of borders. At least 186 countries have implemented varying degrees of restrictions on freedom of movement to slow transmission rates and prevent health systems from becoming overwhelmed.<sup>130</sup> While restrictive measures have helped to save lives, they have also led to rising levels of unemployment and poverty, with the World Bank projecting the deepest global recession since World War II.<sup>131</sup>

By early December, more than 67 million people have been infected by COVID-19 worldwide, and the pandemic has claimed over 1.5 million lives.<sup>132</sup> The number of infections tends to fluctuate and is often described in terms of waves, implying a rising number of infections, a defined peak, and then a decline, hinting that even during a lull, future case spikes are possible.<sup>133</sup> Changes in restrictions generally should be guided by public health principles such as information on infection status (indicators to monitor spread), community acceptance (e.g. socio-economic support, public trust), public health capacity (testing, tracing, expertise), and health system capacity (treatment facilities, medical equipment).<sup>134</sup> However, not all countries follow such principles and WHO has warned that premature ease of restrictions could spark a resurgence of infections and cause even

<sup>123</sup>“Experts warned of a pandemic decades ago. Why weren’t we ready?”, National Geographic, accessed via <https://www.nationalgeographic.com/science/2020/04/experts-warned-pandemic-decades-ago-why-not-ready-for-coronavirus/>

<sup>124</sup> Lauren Sauer, “What is Coronavirus” accessed via <https://www.hopkinsmedicine.org/health/conditions-and-diseases/coronavirus>

<sup>125</sup> Denise Grady, “How does coronavirus compare to the flu?”, accessed via <https://www.nytimes.com/article/coronavirus-vs-flu.html>

<sup>126</sup> Ibid.

<sup>127</sup>Nicole Brown Chou ““Silent spreaders” could be behind half of COVID-19 cases, study finds”, accessed via <https://www.cbsnews.com/news/coronavirus-asymptomatic-presymptomatic-silent-spreaders/>

<sup>128</sup> Ibid.

<sup>129</sup> WHO Director-General’s opening remarks at the media briefing on COVID-19 - 11 March 2020 accessed via <https://www.who.int/director-general/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19--11-march-2020>

<sup>130</sup> Han et al. “Lessons learnt from easing COVID-19 restrictions: an analysis of countries and regions in Asia Pacific and Europe” [https://www.thelancet.com/article/S0140-6736\(20\)32007-9/fulltext](https://www.thelancet.com/article/S0140-6736(20)32007-9/fulltext)

<sup>131</sup> Ibid.

<sup>132</sup> BBC, “Covid-19 pandemic: Tracking the global coronavirus outbreak” accessed via <https://www.bbc.com/news/world-51235105>

<sup>133</sup>Abram Wagner, “What makes a ‘wave’ of disease? An epidemiologist explains” <https://theconversation.com/what-makes-a-wave-of-disease-an-epidemiologist-explains-141573>

<sup>134</sup> Han et al., The Lancet

more severe, longer-term damage to the economy.<sup>135</sup>

The immediate challenge has been to identify the right approach to stem the spread of infections, enhance public health capacities and medical treatment to improve chances of recovery, while alleviating socio-economic repercussions. Generally, countries that responded successfully have had consistent messaging at the top level with early lockdown measures accompanied by mass testing and contact tracing of infections, which ensured quick and reliable information on how the disease is spreading. A trend that stood out in states' response has been the relatively greater success rates of countries led by women such as New Zealand, Germany, and Taiwan – who seemed to have been more proactive than their male counterparts, taking early decisive measures in a risk averse manner, employing a participatory approach and clear communication system with the public.<sup>136</sup> Although developed countries have struggled with the pandemic and their responses have been given inconsistent outcomes, developing countries with more limited resources and capacities have faced additional challenges.

In Western Balkans (WB), the first case of COVID-19 was reported in late February in North Macedonia, during a time when Italy was already facing a serious crisis, followed by reported cases in Serbia, Bosnia and Herzegovina, Albania, Kosovo, and Montenegro.<sup>137</sup> As COVID-19 spread, WB countries introduced measures to protect their fragile health systems such as by purchasing medical equipment, transforming medical facilities in specialized COVID-19 centers or medical staff shifts.<sup>138</sup> As part of full lockdown or partial lockdown plans, they also closed borders and airports, schools, banned large gatherings, restricted domestic travel and implemented curfews.<sup>139</sup> The unprecedented lockdown measures have further tested the existing fragile standards of transparency, accountability and rule of law in WB, while exposing shortcomings in the functioning of public administrations.<sup>140</sup> Since many of these measures infringe upon individual rights, human rights advocates have expressed concerns that decisions taken during the pandemic could have long term implications on civil liberties and the functioning of democracy, exacerbated by the resulting social and economic devastation.

Currently, the region is experiencing another surge in cases, public health systems are being overwhelmed and the medical staff overworked. In the short run, this shows that the relative breathing time between the different waves of infections were not sufficient for the public health system to adapt or implement significant measures to improve their capacities. On the other hand, in the long run, the challenge will be in finding ways to internalize the lessons learned from this experience to prevent other outbreaks while recalibrating systems for a more efficient and effective response in the future.

Although the rapid spread of COVID-19 pandemic illustrates the shared vulnerabilities and interdependencies between countries around the world, concerns have been raised about the absence of coordination among countries to mobilize against COVID-19,<sup>141</sup> especially in light of

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<sup>135</sup> Ibid.

<sup>136</sup> World Economic Forum, "Are women leaders really doing better on coronavirus? The data backs it up", accessed via <https://www.weforum.org/agenda/2020/09/women-leaders-coronavirus-better-than-men>

<sup>137</sup> Reuters, "North Macedonia confirms first case of coronavirus" accessed via <https://www.reuters.com/article/us-china-health-north-macedonia-idUSKCN20K2G8>

<sup>138</sup> The Covid-19 Crisis in the Western Balkans accessed via <https://www.oecd.org/south-east-europe/COVID-19-Crisis-Response-Western-Balkans.pdf>

<sup>139</sup> Ibid.

<sup>140</sup> European Policy Centre, "Opening governments in times of lockdown", accessed via <https://cep.org.rs/en/publications/opening-governments-in-times-of-lockdown/>

<sup>141</sup> "UN chief criticises lack of global cooperation on Covid-19" via <https://www.itv.com/news/2020-06-24/un-chief-criticises-lack-of-global-cooperation-on-covid-19>

decisions such as the EU ban on exports of medical equipment.<sup>142</sup> Such decisions undermined European solidarity and created a sense of abandonment among other countries, including the region of Western Balkans. The pandemic also galvanized states and the global scientific community to race to come up with a vaccine, which was developed in a record time.<sup>143</sup> While the new vaccine raises hopes for an end to the pandemic it also raises issues about distribution systems. Namely, it is estimated that less developing countries such as those of the Western Balkans, there will be significant delays in getting access to the vaccine due to the flawed infrastructure but also lack of financial means to secure its purchase.<sup>144</sup>

## SNAPSHOT OF COVID-19 CRISIS IN KOSOVO

The first confirmed cases of COVID-19 in Kosovo were reported on March 13, a 22-year-old Italian staying in the town of Klina and a 77-year-old man from Vitia, both of whom had arrived from Italy, which during that time was the hardest hit European country.<sup>145</sup> By mid-December, there have been around 47,952 confirmed COVID-19 cases in Kosovo, claimed the lives of deaths of more than 1200 individuals, with more than 36,000 recovered. While not included as part of the COVID-19 data, the number of excess deaths should also be considered, or the difference between the observed numbers of deaths in specific time periods and expected numbers of deaths in the same time periods which include deaths that are directly or indirectly attributed to COVID-19.<sup>146</sup> For instance, this type of data would include deaths as a result of the mismanagement of resources, lack of access to medical services for preventable diseases, lack of financial means or the sheer inability of treatment due to an overwhelmed healthcare system with COVID-19 patients. Following a decline in August and September, the number of cases rose sharply during November, recording the highest number of daily new cases and active cases since the beginning of the pandemic in March 2020.<sup>147</sup> According to WHO, transmission rate in Kosovo has reached 1.6, which means that for every 100 people who have the virus, they are likely to infect another 160 individuals.<sup>148</sup> Hospitals and medical centers across the country are nearing capacity and the number of infected medical staff is increasing, further straining the healthcare system.<sup>149</sup>

In order to look into the Kosovo response to the pandemic, one has to take into consideration that within this period (February – December 2020), Kosovo faced a political crisis, which saw a change in government and subsequently in the approach to dealing with the COVID-19 crisis. Hence, Kosovo's response to the pandemic should be reviewed in two separate periods: the measures undertaken during the Kurti Government (February - June<sup>150</sup> 2020) and measures taken during the Hoti Government (June 2020 - present<sup>151</sup>). In spite of significant changes in the respective governments' approach, some measures were reinstated, and many of these measures have also come as a result of external guidelines from WHO or ECDC, or out of NIPHK recommendations.

<sup>142</sup> Bown, "EU limits on medical gear exports put poor countries and Europeans at risk" via <https://www.piie.com/blogs/trade-and-investment-policy-watch/eu-limits-medical-gear-exports-put-poor-countries-and>

<sup>143</sup> New York Times, "Pfizer's Early Data Shows Vaccine Is More Than 90% Effective" via

<sup>144</sup> "WB so far not included in the EU's contracts to procure the future COVID-19 vaccines" via <https://europeanwesternbalkans.com/2020/08/27/wb-so-far-not-included-in-the-eus-contracts-to-procure-the-future-covid-19-vaccines/>

<sup>145</sup> Bami, "Kosovo Confirms First Two Coronavirus Cases" via <https://balkaninsight.com/2020/03/13/kosovo-confirms-first-two-coronavirus-cases/>

<sup>146</sup> CDC, "Excess Deaths Associated with COVID-19" via [https://www.cdc.gov/nchs/nvss/vsrr/covid19/excess\\_deaths.htm](https://www.cdc.gov/nchs/nvss/vsrr/covid19/excess_deaths.htm)

<sup>147</sup> NIPHK Data on confirmed COVID-19 cases in Kosovo

<sup>148</sup> Ibid.

<sup>149</sup> Ibid.

<sup>150</sup> Acting government since March 25, 2020

<sup>151</sup> Acting government since December 21, 2020

Kosovo response was characterized by relatively early implementation of lockdown measures compared to other countries of the region, which in the short run had an impact in controlling the number of cases. Intricate curfew systems were put in place, directing the movement of the citizens on specific hours based on their ID numbers, as well as based on age groups more susceptible to the virus (those over 65 years old). The low number of cases arguably allowed for a more efficient tracing of contacts of infected persons and testing. However, given that in the early months acquiring tests for COVID-19 was more challenging, the low number of administered tests made it difficult to have a more accurate representation of the trend, as compared the current situation where testing capacities have significantly increased, from around 200 tests per day to around 2000 per day.

During the early phase of the pandemic, when the government introduced more restrictive measures for the first time, the number of infected cases was kept seemingly at bay. However, as soon as the measures were eased in May, spikes in the number of new cases followed, especially during waves that were in line with the surge of cases across Europe. Again, any reporting of cases needs to be considered in relation to testing capacities and death rates, meaning that when there are more tests available there are higher chances of identifying more cases.

The range of measures included closing of schools, malls, bars, restaurants, parks, and recreational activities as well as shutting of non-essential businesses. Kosovo's municipalities were also classified into high, medium or low risk based on the number of infected cases. Other measures included limitations on in-door gatherings and the number of people entering in public institutions, limiting the number of people in public and private transportation, closing of borders, instituting medical checks at the border, reducing the number of non-essential staff in public and private work spaces where possible, making masks and social distancing mandatory at all times, requiring businesses and public institutions to regularly disinfect spaces, making visible guidelines on protective measures against COVID-19 etc.

Since the onset of the pandemic, the MoH has become a regular sight on most media channels, with the public expecting to hear recent updates about cases and measures introduced. Yet, the rationale behind measures introduced to curb the pandemic were not always made clear, and the public was expected to follow through usually in short-notice while not having a full grasp of these measures. For instance, when a measure to ease restrictions was made, that decision was not followed by specific target rates of infections. The rationale for such measures was put into question when the government bent at the pressure of restaurants to ease measures in spite of the rising trend in cases. Similarly, in some cases critics voiced concerns that the government measures were misguided and not taken based on solid data. For instance, while research shows that schools tend to be relatively safe environments,<sup>152</sup> the Ministry of Education made the decision to close schools for extended periods of time, without at least presenting a clear rationale why such measures are required in Kosovo's case. Although Kosovo's MoH based its decision-making for all decisions taken regarding the pandemic on recommendations of the National Institute for NIPHK none of these reports was made publicly available.<sup>153</sup>

Overall, concerns around the validity of measures in response to the trend of infections are related to the lack of rigorous research on how COVID-19 is being transmitted within the country as well as how patients are recovering or dying from it. This closely ties with the lack of available data on COVID-19 cases, including making available data disaggregated based on key characteristics. The disaggregation of data on cases, fatalities and economic and social impact by sex, age,

<sup>152</sup> "Why schools probably aren't COVID hotspots" via <https://www.nature.com/articles/d41586-020-02973-3>

<sup>153</sup> European Policy Centre, "Opening governments in times of lockdown."

ethnicity and race, disability and economic status – is vital to understanding the pandemic's differential impacts and to tailoring a response.<sup>154</sup> A more complete set of publicly available information around COVID-19 would allow experts and academia to conduct more rigorous research to better assess the situation, while providing a more accurate picture of how the virus is spreading in Kosovo, where the hot spots are, and what measures seem to be working or not. Such studies are instrumental for better informing the public and for evidence-based policy-making, including on the delivery of vaccines based on the vulnerability of various communities.

The COVID-19 pandemic presents a fast evolving situation, and with the exception of relative lulls between the two waves, the situation can deteriorate not only on a weekly but also on a daily basis. Yet, as policy makers seek to enhance their effectiveness in response, they should be cautious of the false dichotomy between public health and the economy, in other words between saving lives and saving livelihoods. The health and the economy are inextricably linked, and healthy citizens make up for a productive workforce and society. Instead, measures should be focused on addressing priority areas that help to alleviate economic losses while not putting the lives of people at risk.<sup>155</sup> The following sections provide a more detailed overview of some of the main government decisions that were taken to prevent the spread of infections in Kosovo, while attempting to present the events in a more chronological order.

## KURTI GOVERNMENT FACES COVID-19 PANDEMIC

The first cases of COVID-19 were reported in Kosovo as the country's main opposition party Lëvizja Vetëvendosje of Albin Kurti came to power in a rocky power-sharing deal with the Democratic League of Kosovo. The short-lived government took over as Kosovo's leaders came under pressure from the Trump Administration to seal a deal with Serbia ahead of US elections, an arrangement resisted by Kurti and his associates that eventually led to a series of moves that deepened the rifts within the governing coalition that left planning for pandemic's onset in the back burner. What ensued was a political crisis, a deepening political rivalry and polarization that developed in parallel to the struggles to manage the pandemic, often undermining the very efforts to curb the pandemic's spread and to remedy its fallouts. With no clear prior references, inadequate bodies to manage a public health disaster and with politicization of the measures undertaken to fight COVID-19, government officials, public servants and mostly healthcare professionals faced an impossible battle characterized by improvisation and ad hoc decision-making that dealt a detrimental blow to already frail public trust in the country's fledging institutions.

One of the early government measures undertaken to increase levels of readiness was the formation of the Committee for Coordination and Assessment of the Emergency Situation with COVID-19, set up through the Ministry of Health based on the National Response Plan and its Article 8 provisions on public health emergencies.<sup>156</sup> A working group was then formed to draft a response plan to the pandemic as health officials sought to improve the supply of protective equipment for medical staff, increase capacities to treat COVID-19 cases, train medical staff to manage the case load, keep the public informed and maintain cooperation with WHO and ECDC and implement their recommendations. The Government approved the COVID-19 Preparedness and Response Plan, setting the course of action for relevant mechanisms involved

<sup>154</sup>“ From insights to action: Gender equality in the wake of COVID-19” via <https://reliefweb.int/report/world/insights-action-gender-equality-wake-covid-19>

<sup>155</sup>Chew Hui Min, “WHO chief criticises ‘false choice’ between public health and economy in COVID-19 fight” via <https://www.channelnewsasia.com/news/singapore/who-tedros-ghebreyesus-covid19-updates-singapore-13121480>

<sup>156</sup>MoH, “Njofitimi rreth Coronavirusit” accessed via <https://msh.rks-gov.net/sq/njofitimi-per-coronavirus/>

in managing the pandemic, and it approved the request of the MoH on a range of issues such as termination of schools, temporary suspension of travel, ban on the export of medical equipment and materials.<sup>157</sup> Key stakeholder institutions such as the Hospital and University Clinical Service of Kosovo also developed protocols for the management of cases based on ECDC and WHO guidelines.

In addition to the immediate preventative measures to curb the spread of the virus, liaison representatives from relevant institutions joined the Situation Center of the Kosovo Security Council to coordinate operational activities. On March 15, 2020, upon the request of the Minister of Health, a state of public health emergency was declared obliging the institutions to act in accordance with the NRP, placing the MoH as the entity responsible for the pandemic's management.<sup>158</sup> The Operational Center was established at the Ministry of Health on March 16, followed by operational centers at ministerial and municipal levels. In all 38 municipalities across Kosovo, Local Emergency Headquarters were established.<sup>159</sup> The MoH also established a website dedicated to the COVID-19 pandemic, containing information on the latest statistics, COVID-19 symptoms, preventive measures to be taken by citizens, options for volunteering, contact information, and a section on selective curfew schedules.<sup>160</sup> The Student Center dormitories were designated as a quarantine space, with 1180 people admitted during its operation. An additional center in the outskirts of Prishtina was designated as a quarantine center for foreigners entering Kosovo and by March 31 all urban transportation was halted.

The Kosovo government prohibited rallies in all private and public premises on March 23, allowing only up to two people while practicing social distance. At the request of health authorities, Kosovo government also put in places curfews between 10:00 and 16:00 and from 20:00 to 06:00, with the exception of those in need of medical attention, but also production, supply and sale of essential goods such as food and medicine. Restrictions also did not apply to services and activities related to the pandemic's management.<sup>161</sup> However, the government's decision for restriction of movement was contested by Kosovo's President Hashim Thaci, Kurti's political rival, who made a public call for non-compliance calling the measure unconstitutional due to the restriction of freedom of movement,<sup>162</sup> plunging Kosovo in a state of confusion and politicizing the management of the pandemic along political lines. Days later, the Constitutional Court ruled that the government's decision to restrict movement during the pandemic breached Kosovo's constitution, deeming it illegal.<sup>163</sup>

The government's decision was based on two laws, the Law on the Prevention of Infectious Diseases and the Law on Health. According to the Constitutional Court, these two laws do not authorize the Government to restrict freedom of movement and the rights guaranteed by the Constitution but authorize the Ministry of Health to take action on those laws.<sup>164</sup> Pending a new

<sup>157</sup> Sheremeti, "Ra kjo pandemi e u pamë", accessed via <https://www.koha.net/veshtrime/218921/ra-kjo-pandemi-e-u-pame/>

<sup>158</sup> Dorentina Kastrati, "Qeveria shpall gjendje emergjente (Dokument)" accessed via <https://kallxo.com/lajm/qeveria-shpall-gjendje-emergjente-dokument/>

<sup>159</sup> The Association of Kosovo Municipalities Conducted the Study on "Emergency Needs And Socio-Economic Impact Of Covid-19 On Local Government In Kosovo" via <https://komunat-ks.net/2020/07/09/asociacioni-i-komunave-nxori-studimin-mbi-nevojat-emergjente-dhe-ndikimin-socio-ekonomik-te-covid-19-ne-pushtetin-lokal-ne-kosove/?lang=en>

<sup>160</sup> European Policy Centre, "Opening governments in times of lockdown."

<sup>161</sup> The detailed list of measures is accessible at <https://kryeministri-ks.net/en/the-kosovo-government-holds-its-15th-meeting/>

<sup>162</sup> "Për "thirrjen për rezistencë" Thaçi mund të dënohet me 5 vjet burgim" via <https://www.koha.net/arberi/215490/per-thirrjen-per-rezistence-thaci-mund-te-denohet-me-5-vjet-burgim/>

<sup>163</sup> According to Court's unanimous decision "the Government is not in accordance with Article 55 [Restriction of Fundamental Rights and Freedoms] of the Constitution regarding Articles 35 [Freedom of Movement], 36 [Right to Privacy], 43 [Freedom of the Assembly] of the Constitution and Article 2 (Freedom of Movement) of Protocol no. 4, Article 8 (Right to Private and Family Life) and Article 11 (Freedom of Assembly and Association) of the ECHR", the court decision states.

<sup>164</sup> Ibid.



law on the preventive measures during the pandemic situation, the Constitutional Court allowed two weeks for its decision to come into effect due to the pandemic, the recommendations of state health institutions and the potential damaging consequences to public health that could result from the immediate annulment of government decisions.<sup>165</sup>

In April, the MoH, restricted the entry and exit from affected areas, placing neighborhoods and municipalities into quarantine based on contact tracing and rates of infections. By the end of April the MoH, after 14 days of completely closing all of its economic activities, presented the phased approach to lifting restrictions imposed to prevent and combat COVID-19 pandemics.<sup>166</sup> The easing of social distancing measures and stay at home orders was planned in three phases, which were implemented gradually.

Government measures on the restriction of economic activity for some sectors, restrictions on the movement of citizens, restrictions on the international circulation of goods, decisions on deferral of payment of tax liabilities, and decline in aggregate demand resulted in the decline of revenues in the affected sectors. These restrictions were immediately reflected in a rapid decline in tax and customs revenues. Based on forecasts, Kosovo's predicted cumulative contraction in tax revenues is estimated at 7.5 to 12.5% of the annual budget.<sup>167</sup> Depending on the longevity of the ongoing crisis, in monetary terms, this means the public budget could end up with a gap of 200 million euros or about 10 percent of current budget.<sup>168</sup>

In late March, The Ministry of Finance drafted a fiscal emergency package to help the needy and businesses affected by the pandemic, which was approved on March 30. As part of it, by May 8, 2020, funds were allocated for:

- a. An additional EUR5.181 million for beneficiaries of social schemes for two months (100 thousand beneficiaries of this scheme);
- b. An additional EUR4.880 for pensions with monthly payment of up to 100 euros (with 162,687 beneficiaries);
- c. EUR13.7 million euros to subsidize the salary of EUR 170 to 80,608 private sector employees affected by government decisions to curb infections;
- d. An additional EUR 6.7 million in salaries to some 21,518 employees of the public sector exposed to increased risk of long-term infection while performing their jobs. Similarly, under the Emergency Fiscal Package, 11,633 new employees were enrolled, whereas only 1,459 workers were laid off. EUR 130 per month were offered to them in financial aid.<sup>169</sup>

On May 31, the acting government announced that measures to restrict the spread of the pandemic were lifted, including the opening of Kosovo's land borders for the first time in over two months.<sup>170</sup>

<sup>165</sup>Rina Kika, "Constitutional Court Decision Shows State of Emergency Is Not Required" accessed via <https://kosovotwopointzero.com/en/constitutional-court-decision-shows-state-of-emergency-is-not-required/>

<sup>166</sup>MoH, "Adresimi i Ministrit Arben Vitia para mediave, për masat e reja për Covid-19" via <https://msh.rks-gov.net/sq/adresimi-i-ministrit-arben-vitia-para-mediave-per-masat-e-reja-per-covid-19/>

<sup>167</sup>Office of the Prime Minister of Kosovo, "Mbledhja e 19-të e Qeverisë – Miratohet Pakoja Emergjente Fiskale", via <https://kryeministri-ks.net/miratohet-pakoja-emergjente-fiskale/>

<sup>168</sup> Ibid.

<sup>169</sup> Ibid.

<sup>170</sup> Prishtina Insight, "Coronavirus measures lifted in Kosovo" via <https://prishtinainsight.com/coronavirus-measures-lifted-in-kosovo/>

## COVID-19 MANAGEMENT UNDER HOTI GOVERNMENT

In June, the NIPHK announced a rapid decline in positive COVID-19 cases signaling that Kosovo successfully managed to control the virus.<sup>171</sup> But by then, due to the continuous political turmoil, a new government was formed by a coalition of opposition parties with a simple majority, unseating the winner of the general elections in Kosovo. The incoming government's focus on the Trump-mediated dialogue with Serbia threw the response to the pandemic in uncharted waters. The gradual easing of the measures resulted in a spike of COVID-19 cases in Kosovo, however, the new government appeared reluctant to reinstate the more restrictive earlier measures, and prioritizing the opening of the economy.

In absence of a COVID-19 vaccine or some other sustainable measures to control the virus, the ease of measures soon started to influence a new spread of the virus, influenced also by the government's decision to stop contact tracing. On June 22, the Executive Commission for Combating, Monitoring and Responding to the SARS-COV-2 virus was established within the Office of the Prime Minister with the purpose of informing and advising the government on pandemic situation<sup>172</sup> and on July 12, another KSC meeting was called to consider whether extraordinary measures should be reinstated in light of a spike in infections.<sup>173</sup> From July 6, the government reinstated some restrictive measures such as curfews in four municipalities with the highest numbers of cases, obliging public and private institutions to work only with core staff, and restricting opening hours for restaurants and cafes. Preventive measures were also taken for the four northern municipalities: North Mitrovica, Zubin Potok, Leposavic, and Zveçan.<sup>174</sup> The Ministry of Health was required to reorganize the clinics within the UHSK and adopt measures to increase the number of health personnel as well as testing.<sup>175</sup>

Following a protest by gastronomic business owners, on July 28, the government approved another set of measures geared towards easing COVID-19 restrictions, including for recreational activities, in spite of a sharp increase in cases.<sup>176</sup> On August 14, the government decided to open state borders with neighboring countries<sup>177</sup> and on September 25 at the request of MoH, the government made a number of decisions regarding travel restrictions and regulations, including RT-PCR tests for foreign citizens entering Kosovo and 7-day self-isolation for those that could not provide a test. It also allocated funds to reimburse Kosovo Police officers working overtime.<sup>178</sup> Following the spike in August, the number of cases relatively subsided in September and early October. In the meantime, the number of beds was increased in the health facilities and oxygen supply to treat these patients was expanded.<sup>179</sup> As the number of COVID-19 cases reached 120 in 100,000 people, MoH and KNHI recommended additional measures, deeming

171Demi, "A manual: how to lose the battle with COVID-19, via" <https://prishtinainsight.com/a-manual-how-to-lose-the-battle-with-covid-19/>

172OSD, "Themelohet Komisioni Ekzekutiv për luftimin, monitorimin dhe reagimin ndaj SarS CoV2 – COVID-1" via <http://osk-ks.org/themelohet-komisioni-ekzekutiv-per-luftimin-monitorimin-dhe-reagimin-ndaj-sars-cov2-covid-19/2417/>

173 "Hoti të dielën mbledh Komitetin për Menaxhimin e pandemisë dhe Këshillin e Sigurisë" via <https://kallxo.com/lajm/hoti-te-diel-en-mbledh-komitetin-per-menaxhimin-e-pandemise-dhe-keshillin-e-sigurise/>

174Ibid.

175Office of the Prime Minister, "Qeveria miratoi masat e reja për parandalimin e pandemisë COVID 19", via <https://kryeministri-ks.net/qeveria-miratoi-masat-e-reja-per-parandalimin-e-pandemise-covid-19/>

176 Tringë Sokoli, "Government Eases Covid-19 Restrictions as Cases Soar", via <https://kosovotwopointzero.com/en/government-eases-covid-19-restrictions-as-cases-soar/>

177 Government decides to open borders with neighboring countries, via <https://kryeministri-ks.net/en/the-government-approved-the-decision-for-opening-the-state-border-with-neighbour-countries-and-supplementing-the-law-on-official-holidays/>

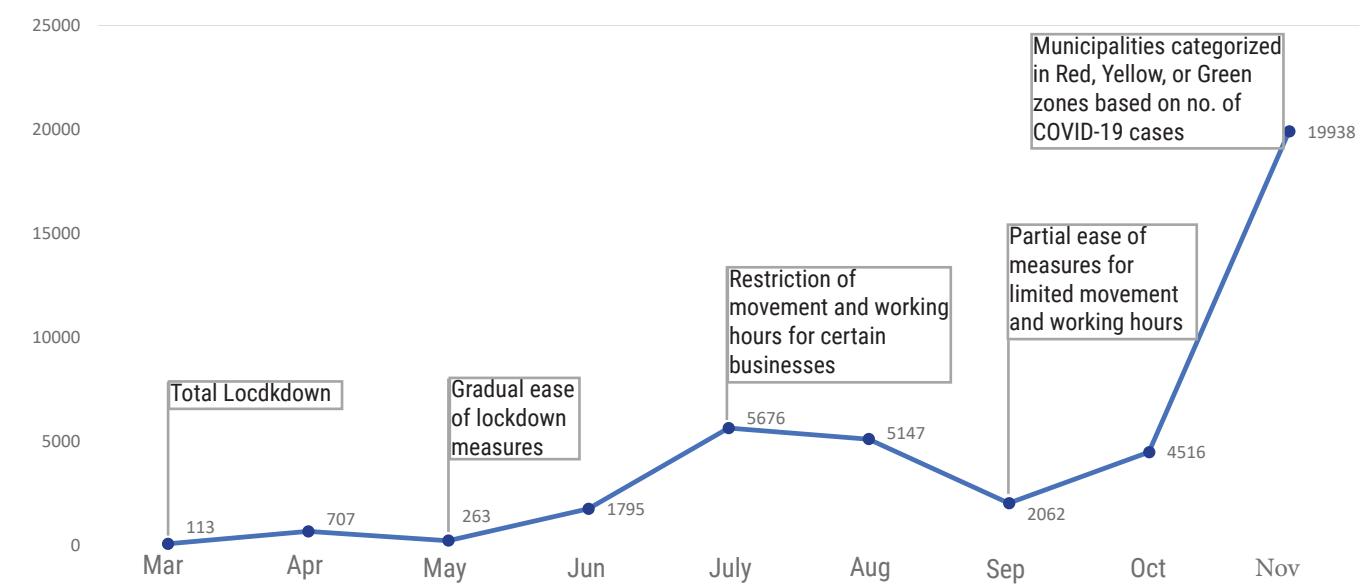
178"Government approves new measures to prevent the spread of COVID-19 and allocates additional funds to members of the Kosovo Police", via <https://kryeministri-ks.net/en/government-approves-new-measures-to-prevent-the-spread-of-covid-19-and-allocates-additional-funds-to-members-of-the-kosovo-police/>

179 Ibid.

the epidemiological situation as serious with the potential to deteriorate.<sup>180</sup>

On November 13, curfews were reinstated in several municipalities depending on their level of risk (high, medium, low) while the hospitals neared full capacity.<sup>181</sup> With cases running rampant, within two weeks the hospitalizations doubled. Yet, recreational centers, restaurants, schools were not closed, merely urged to limit their capacity, a decision that was welcomed by entities such as the Kosovo Chamber of Commerce (KCC) which advocated for measures to safeguard from economic collapse. According to the World Bank, Kosovo's economy is expected to contract by 8.8% during 2020,<sup>182</sup> while the Economic Recovery Package worth over 1.2 billion for a 24-month, was approved on December 4, after nine failed attempts.<sup>183</sup> Among other measures, it allows contributors to withdraw 10 % of pension savings in the Kosovo Pension Savings Fund, foresees the establishment of a special fund to support those who lost their jobs as a result of the pandemic, as well as measures in support of affected businesses.<sup>184</sup>

### GOVERNMENT PREVENTIVE MEASURES AND COVID-19 CASES IN KOSOVO



Source: National Institute of Public Health of Kosova

180 Office of the Prime Minister, "Situaata epidemiologjike me Covid 19 në Kosovë është serioze", via <https://kryeministri-ks.net/situaata-epidemiologjike-me-covid-19-ne-kosove-eshte-serioze/>

181 The Government Adopts New Anti-Covid-19 Measures, via <https://kosovotwopointzero.com/en/the-government-adopts-new-anti-covid-19-measures/>

182 World Bank, "Kosovo", via <http://pubdocs.worldbank.org/en/993701492011106034/mpo-ksv.pdf>

183 Kosovo's Economic Recovery Package, via [https://mf.rks-gov.net/desk/inc/media/FEC082F0-53E1-46B9-BC9B-5F23C29920CE.pdf?fbclid=IwAR2c6uVrwnmK8WtMFkNO-eNLCi4Heol25BQoP\\_Ydmq-wc131NTAfh2XVv6Q](https://mf.rks-gov.net/desk/inc/media/FEC082F0-53E1-46B9-BC9B-5F23C29920CE.pdf?fbclid=IwAR2c6uVrwnmK8WtMFkNO-eNLCi4Heol25BQoP_Ydmq-wc131NTAfh2XVv6Q)

184 Ibid.

## KEY CHALLENGES IN IMPLEMENTATION

The lack of preventive measures in place and adequate preparatory planning became evident early on in Kosovo. A number of factors have challenged the implementation of measures in Kosovo to curb the impact of COVID-19 and institutional effectiveness in response. These include the lack of a preventive and preparatory approach to emergency situations, lack of a clear legal basis for government decisions, limited resources and staff capacities, shifting public trust in the institutions, allegations of mismanagement and discrimination, and lack of a clear, transparent, consistent communication system with the public.

As the Strategic Security Sector Review showed, Kosovo's national security strategy does not reflect the country's current security context, a situation that is further aggravated by the fact that the NRP, which is instrumental in galvanizing the institutional response in times of crises, is obsolete<sup>185</sup>. The SSSR put forward a number of recommendations to launch an overhaul in the national security framework to better tailor it to the changing needs, means and context. The SSSR review had also shown that the risk of an epidemic is a low probability and high consequence scenario considered in the threats and risks assessment.<sup>186</sup> The most recent strategy on how to face a pandemic was adopted seven years ago, in 2013, and was designed specific to the then threat from SARS.<sup>187</sup> However, since SSSR recommendations have not been fully implemented, in its confrontation of COVID-19 Kosovo lacked a functional Emergency Management System (EMS) with all its accompanying capabilities. It had a reduced ability to efficiently prevent, prepare, respond and recover from a major threat to the security of its people.<sup>188</sup> Intervention and improvement is also critical in areas such as establishing an operational center and emergency communication system.<sup>189</sup> For instance, as part of coordination efforts, the Ministry of Internal Affairs requested from institutions involved in the emergency response to assign a point of contact for managing the pandemic. However, for many of these institutions one of the first challenges was the lack of protective gear, which was not foreseen in the previous financial plan.<sup>190</sup> This posed a challenge especially for institutions with large numbers of employees, such as the Kosovo Police.

The Kosovo Police, a key institution and instrument in enforcing the government measures during the pandemic situation reported that it has faced various challenges during the implementation of the COVID-19 measures. A key challenge has been the absence of legal basis to fine citizens who break the rules of the lockdown.<sup>191</sup> As a result, these breaches were penalized and were not treated as a misdemeanor.

Requests to organize protests challenged KP further because despite the risk of COVID-19, the KP was not in a position to ban protests, a guaranteed right under the existing laws and the constitution.<sup>192</sup> Another challenge noted by the Kosovo Police was the lack of personal protective equipment (PPE). The Police Inspectorate of Kosovo, tasked to support the police officers to adhere to democratic standards while performing their job found in a report in April that border police and patrolling units were inadequately equipped with protective gear and in some cases officers were required to purchase these means on their own.<sup>193</sup> This challenge was eventually

<sup>185</sup>Government of Kosovo, "Analysis of the Strategic Security Sector Review of the Republic Of Kosovo"

<sup>186</sup>Besa Kabashi-Ramaj(2020), "Kosovo was not adequately prepared for the pandemic."

<sup>187</sup> Ibid.

<sup>188</sup> Ibid.

<sup>189</sup>EU Commission report on Kosovo, accessed via <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-kosovo-report.pdf>

<sup>190</sup> KCSS interview with representative from the Kosovo's Police Inspectorate, August, 2020.

<sup>191</sup> KCSS interview with Rashit Qalaj, former head of the Kosovo Police, May, 2020.

<sup>192</sup> Ibid.

<sup>193</sup>KPI report on the work of Kosovo Police regarding preventive measures during COVID-19, accessed via <https://ipk.rks-gov.net/wp-content/uploads/2020/07/RAPORTI-I-INSPEKTIMIT-NR.-01-2020-VLER%C3%8BSIMI-I-ANGAZHIMEVE-POLICORE-N%C3%8B-KUADRI>

addressed with the assistance of the MoH and donors. KP officers worked overtime in stretches of 12 hours per day during the lockdown, which strained the force and depleted its resources.<sup>194</sup>

In terms of their performance, the KP was not able to regularly monitor the implementation of measures such as entries-exits in municipalities that were placed in quarantine, and one of the challenges has been the difficulty of verifying citizens' permit to break the curfew.<sup>195</sup> Further, according to a representative of the KPI,<sup>196</sup> measures such as maintaining quarantine zones put pressure on KP who lacked staff and logistical field resources. Although the IPK did not report a significant change in the number of complaints when it comes to the work of the KP, they did note that during the pandemic there have been at least 8 complaints against KP officers for alleged violation of citizens' rights, as well as a slight trend in domestic violence cases with KP officers as the reported perpetrators.<sup>197</sup> There have been a few reports on cases when KP officials did not respect anti-COVID measures such as the ban on public gatherings. According to Rashit Qalaj, the head of KP, these officials were suspended.<sup>198</sup>

Allegations of mismanagement and discrimination, mostly facing health officials, further undermined the management of the pandemic.. Even absent a pandemic situation, the public health system in Kosovo is considered fragile and struggling with limited capacities, lack of resources, and poor management practices. In fact, Kosovo spends only about 8% of its annual budget or around EUR 250 million each year on health, which is the lowest public health investment in the region.<sup>199</sup> Lack of proper investments in the health sector and years of neglect have left the healthcare institutions inadequately equipped and medications in scarce supply, while private healthcare providers come with a hefty cost. There were only 95 respirators in Kosovo, required for treatment of the most severe cases of COVID-19.<sup>200</sup> In addition, the prosecution office launched investigations looking into cases of COVID-19 related deaths following problems with oxygen supply at Kosovo's main hospital in July.<sup>201</sup> Although testing has expanded in recent months with the licensing of private laboratories, due to their high cost, testing for the general public is still limited.<sup>202</sup> Wards in hospitals across the country have been utilized to treat patients with COVID-19 after the Infectious Disease Clinic in Prishtina reached capacity, but they do not fulfill standards to contain the spread of virus.<sup>203</sup>

The public health system is also challenged by limited capacities, influenced also by a rising trend of new doctors leaving the country for better prospects elsewhere - usually for Germany or some other European country.<sup>204</sup> Early into the pandemic, NIPHK made it clear that Kosovo lacks staff specializing in epidemiology (22 in total) and microbiology (29 in total) while there is a need for an additional 17 and 32, respectively<sup>205</sup>. For several months, there were only two microbiologists in IKSHPK in charge of conducting COVID-19 tests, working around the clock for an extended

<sup>194</sup> Interview with Rashit Qalaj, former head of Kosovo Police May, 2020.

<sup>195</sup> Ibid.

<sup>196</sup> KCSS interview with representative of the Kosovo's Police Inspectorate , August, 2020.

<sup>197</sup> KCSS interview with representative of Kosovo's Police Inspectorate, August, 2020.

<sup>198</sup> KCSS interview with Rashit Qalaj, former head of Kosovo Police, May, 2020.

<sup>199</sup>South East Europe Dialogue, "The Performance of Public Health-care Systems in South-East Europe."

<sup>200</sup>Bekë Veliu, "Young Doctors Look to Leave Kosovo", accessed via <https://kosovotwopointzero.com/en/young-doctors-look-to-leave-kosovo/>

<sup>201</sup> Ibid.

<sup>202</sup>Veseli-Krasniqi, "Në Kosovë licencohen 29 laboratorë privatë për testimet për COVID-19", via <https://www.evropaelire.org/a/testimi-per-covid-19-labororet-private-/30775338.html>

<sup>203</sup>Kqiku, "COVID-19 puts strain on Kosovo health system", via <https://prishtinainsight.com/covid-19-puts-strain-on-kosovo-health-system/>

<sup>204</sup> Ibid.

<sup>205</sup>"IKShpk përballet me mungesë të epidemiologëve dhe mikrobiologëve në kohën e pandemisë as reported" by <https://kallxo.com/lajm/ikshpk-perballet-me-mungese-te-epidemiologeve-dhe-mikrobiologeve-ne-kohen-e-pandemise/>

period of time.<sup>206</sup> Medical staff are also dealing with ongoing stress and serious fatigue as they continue to be overworked, especially those in intensive units who are experiencing not only physical but also mental fatigue.<sup>207</sup> It is important to note that medical staff was also deprived of their right for annual leave for a period of time.<sup>208</sup> Moreover, an alarming number of medical staff was infected by COVID-19. As of early September, they accounted for 11 per cent of all recorded COVID-19 cases.<sup>209</sup> Contributing to these cases may be poor management practices such as assigning personnel suffering from chronic or terminal illness to directly treat COVID-19 patients as well as allowing confirmed cases of COVID-19 to continue work.

At the local level, municipalities struggled to implement measures due to high budgetary dependency from the central level, weak public health infrastructure, and lack of protective and hygienic equipment.<sup>210</sup> Moreover, municipalities which have limited capacities experienced challenges that are primarily driven by decisions at the central level such as lack of available essential medicines in public health institutions, delay of vaccines for seasonal flu, expensive medical care. However, in order to provide support for their citizens, municipalities provided financial assistance to those who have been infected by COVID-19.<sup>211</sup>

Enforcing COVID-19 measures in Kosovo Serb majority municipalities in Kosovo presented another distinctive challenge. There was a disconnection between the central public health system and existing parallel operations of the Belgrade-supported public health structures in the Serb-majority municipalities in Kosovo.<sup>212</sup> In the early months, COVID-19 cases in the north were not included in the NIPHK daily reports, however, this issue was addressed following several reports.<sup>213</sup> There was some cooperation among these institutions, while divergences that were common in the early stages of the pandemic became gradually more synchronized.<sup>214</sup>

Similar to many countries around the world, another direct challenge has been the difficulty in shaping public behavior, with citizens ignoring the simple but highly effective preventive measures such as keeping social distance and wearing masks. While some individuals may underestimate the risk of the pandemic or fail to understand the role of prevention, studies show that there are individuals who are reluctant or refuse to wear masks as an intentional act of rebellion, an attempt to feel some sense of power amid a complicated situation.<sup>215</sup> Other studies attribute this reluctance to wear masks to stigma in being perceived as suffering from an illness.<sup>216</sup> Moreover, unlearning past habits and learning new ones, while not impossible, it can be difficult for some.

A number of reports have noted that compliance with anti-COVID-19 measures has been inconsistent.<sup>217</sup> While there is correlation between wearing masks and spread of the COVID-19

<sup>206</sup> Mulla, "Kosovo's Covid-19 Frontline", via <https://kosovotwopointzero.com/en/photostory/kosovos-covid-19-frontline/>

<sup>207</sup> Kqiku, "COVID-19 puts strain on Kosovo health system", via <https://prishtinaininsight.com/covid-19-puts-strain-on-kosovo-health-system/>

<sup>208</sup> SHSKUK announcement as reported by <https://kosovapress.com/rritja-e-pandemise-krasniqi-pezellon-pushimet-vjetore-per-te-gjithe-personelin-mjekesor/>

<sup>209</sup> UNMIK report accessed via [https://unmik.unmissions.org/sites/default/files/s\\_2020\\_964\\_e.pdf](https://unmik.unmissions.org/sites/default/files/s_2020_964_e.pdf)

<sup>210</sup> Ministry of Local Government, "Raport i situatës së pandemisë COVID - 19 për komunat e Republikës së Kosovës", via <https://mapl.rks-gov.net/wp-content/uploads/2020/07/Raport-i-situates-se-pandemise-COVID-19-per-komunat-e-Republikes-se-Kosovoes-shqip.pdf>

<sup>211</sup> Municipality of Prishtina, accessed via <https://prishtinaonline.com/lajmet/3164/aplikimi-per-ndarjen-e-ndihmes-prej-50-euro-per-personat-me-covid19>

<sup>212</sup> UNMIK report accessed via [https://unmik.unmissions.org/sites/default/files/s\\_2020\\_964\\_e.pdf](https://unmik.unmissions.org/sites/default/files/s_2020_964_e.pdf)

<sup>213</sup> NIPHK announcement as reported in <https://literal.media/Pas-kritikave-te-infektuarit-me-COVID-19-ne-Veri-perfshihen-ne-njof-timet-e-IKSHPE2%80%99se/83790>

<sup>214</sup> Ibid.

<sup>215</sup> Martin, "What Is It About Wearing a Mask That's Such a Problem for Some People?", accessed via <https://www.lamag.com/citythink-blog/wearing-a-mask-psychology/>

<sup>216</sup> Ibid.

<sup>217</sup> UNMIK report via <https://unmik.unmissions.org/sg-reports>

infection,<sup>218</sup> in Kosovo there are no data that show how much citizens have been complying with these and other anti-COVID-19 measures. In fact, when faced with a new virus, for which there is no readily available treatment and against which people have no preexisting immunity, a key way for the government to effectively protect citizens from one another is by convincing them to take the necessary measures to protect themselves.<sup>219</sup> This makes trust between government and its citizens a prerequisite.

Public trust in the institutions is an important factor which influences the ability/willingness of the citizens to follow government decisions and tie also with its ability to clearly communicate its actions and policies. KCSS data gathered through the Kosovo Security Barometer (KSB) show that throughout the year most respondents have had most contact with the municipalities (48.4%) and the health institutions (41.7%), with 55.9% of the respondents perceiving health institutions as highly corrupted.<sup>220</sup> Based on open-ended questions, 41% of respondents have ranked the Kosovo Police as the most trusted one, followed by the Kosovo Security Forces (17%), while 10% of the respondents ranked health institutions as the most trusted ones.<sup>221</sup>

On the other hand, the least trusted institutions according to KSB data, Kosovo Government and Kosovo Assembly, namely the least trusted institution in Kosovo is the Government, enjoying only the trust of only 13% of respondents or 70 % of respondents having no trust. Kosovo's Assembly followed Kosovo's Assembly with 16 % of respondents stating they trust the work of the Assembly (while 58 percent of them have no trust).<sup>222</sup> When asked about perceptions on how the different institutions have dealt with the pandemic, most respondents have considered the work of the KP as "excellent" (30%) or good (44.2%), followed by the work of the public health institutions, with 28% of them perceiving their work as "excellent" and 39.6% as "good." On the other hand, the Office of President was perceived as the institution that dealt the poorest with the pandemic, with 31% of respondents ranking its work as "very poor." Similar perceptions were reported towards the Kosovo Assembly with 21.9% deeming their work as "very poor" in managing the pandemic.

The fluctuation in public perceptions underscores the importance of clear communication with the public, among others, to help them think through fallacies. For instance, an indirect challenge that can influence the efficacy in response is the normalization of deaths and loss of empathy. As the public is faced with growing numbers of deaths presented in the form of statistics, there is a risk that such lethality rates can be perceived as inevitable. And the problem with normalizing deaths is that it leads to more deaths.<sup>223</sup>

<sup>218</sup> "New Study Highlights New Evidence That Masks Prevent Coronavirus Spread" via <https://health.clevelandclinic.org/new-study-highlights-new-evidence-that-masks-prevent-coronavirus-spread/>

<sup>219</sup>Bollyky et al., "Fighting a Pandemic Requires Trust" via <https://www.foreignaffairs.com/articles/united-states/2020-10-23/coronavirus-fighting-requires-trust>

<sup>220</sup>KCSS, "Kosovo Security Barometer Data", September-October, 2020

<sup>221</sup> Ibid.

<sup>222</sup> Ibid.

<sup>223</sup>Brown University, "We Can't Let COVID-19 Deaths Become Normalized", via <https://watson.brown.edu/research/2020/we-can-t-let-covid-19-deaths-become-normalized>

# POLITICAL REPERCUSSIONS OF COVID-19

As referenced in the sections above, the pandemic had political repercussions for democracy and the democratic institutions in Kosovo. The following subsections further elaborate some of the reasons that provoked political turmoil in Kosovo amid COVID-19 pandemic crisis.

## STATE OF EMERGENCY

Disputes between Vetëvendosje and LDK were explicitly intensified after President Hashim Thaçi's endeavour to declare a state of emergency in order to cope with the COVID-19 pandemic,<sup>224</sup> which was fiercely opposed by Prime Minister Kurti.<sup>225</sup> Kosovo's Constitution stipulates that the President declares a state of emergency "upon consultation" with the Prime Minister,<sup>226</sup> thus implying that a state emergency may not be declared in case there is a refusal of the Prime Minister. In this regard, a state of emergency was not declared since the President did not submit to the Assembly a decree for declaring a state of emergency.<sup>227</sup> However, Thaçi's move was fully supported by LDK and its high profile figures prior to the government's no-confidence motion occurred, including then Minister of Internal Affairs and Public Administration, Agim Veliu.<sup>228</sup> The latter publicly admitted that a state of emergency should be declared since the number of confirmed cases with the COVID-19 pandemic disease in Kosovo is "increasing hourly."<sup>229</sup> Following his statement on the matter, Prime Minister Kurti fired the minister for positioning himself against the government as well as for publicly exaggerating the number of citizens infected.<sup>230</sup>

Contrary to this, LDK did not agree with Kurti's move to discharge Veliu (who is also one of the most influential deputy leaders in LDK) and consequently undertook the initiative to bring a no-confidence motion before the Assembly leading to the dismissal of the government.<sup>231</sup> The leader of LDK, Isa Mustafa, also supported the declaration of the state of emergency, dealing a blow to Kurti's efforts and undermining the ruling coalition.<sup>232</sup> The dispute over the state of emergency caused a tense situation and polarized the political scene in Kosovo. In addition, President Thaçi openly opposed protective and prevention measures undertaken by the government to handle the situation with the COVID-19 pandemic which implied restrictions on the freedom of movement.<sup>233</sup> Moreover, Thaçi stated that the Kosovo citizens, the Kosovo Police and other security-related institutions should not respect nor implement the Kosovo Government's decisions related to restrictive measures on the freedom of movement and dubbed them unconstitutional.<sup>234</sup>

<sup>224</sup> Koha.Net. (2020, March 17). *Presidenti propozon gjendjen e jashtëzakonshme për koronavirusin*. Available at: <https://www.koha.net/arberi/213711/thaci-i-kerkon-qeverise-ta-therrase-keshillin-e-sigurise/>.

<sup>225</sup> The Prime Minister Office. (2020, March 18). *Prime Minister Albin Kurti: Declaring State of Emergency is Illogical, Unnecessary and Useless*.

<sup>226</sup> Article 131, Constitution of the Republic of Kosovo, 9 April 2008.

<sup>227</sup> Vllahiu, E., & Sopi, A. (2020, March 19). *Kuvendi ende nuk e ka pranuar zyrtarisht dekretin e Thaçit*. Available at: <https://kallxo.com/lajm/kuvendi-ende-nuk-e-ka-pranuar-zyrtarisht-dekretin-e-thacit/>.

<sup>228</sup> Klan Kosova. (2020, March 17). *VV dhe LDK me qëndrime të kundërta për propozimin e Thaçit për Gjendje të Jashtëzakonshme*. Available at: <https://klankosova.tv/vv-dhe-ldk-me-qendrim-te-kunderta-per-propozimin-e-thacit-per-gjendje-te-jashtezakonshme>

<sup>229</sup> Ibid.

<sup>230</sup> The Prime Minister Office. (2020, March 18). *Prime Minister Kurti dismisses Minister Veliu*.

<sup>231</sup> Koha.Net. (2020, March 20). *LDK: Kurti nuk reflektoi, sot dorëzuar kërkesën për mocion mosbesimi me 46 nënshkrime*. Available at: <https://www.koha.net/arberi/214182/ldk-kurti-nuk-reflektoi-sot-dorezuam-kerkesen-per-mocion-mosbesimi-me-46-nenshkrime/>.

<sup>232</sup> Radio Evropa e Lirë. (2020, March 17). *Isa Mustafa kërkon shpalljen e gjendjes së jashtëzakonshme*. Available at: <https://www.evropa-elire.org/a/30493144.html>.

<sup>233</sup> Kosovo Government Decision, No. 01/15, 23.03.2020.

<sup>234</sup> Koha.Net. (2020, March 23). *Thaçi: Kurti shkeli Kushtetutën - qytetarët s'janë të obliguar të respektojnë këtë vendim*. Available at: <https://www.koha.net/arberi/214575/thaci-kurti-shkeli-kushtetuten-ne-menyre-flagrante/>.



Lastly, Thaçi disputed the government's decisions at the Constitutional Court of Kosovo, while the Ministry of Internal Affairs and Public Administration sued Thaçi for his call to the public to disobey the government restrictions.<sup>235</sup>

## **KOSOVO-SERBIA DIALOGUE**

Events related to dialogue between Kosovo and Serbia are considered as key factors that have brought down Kurti's government. Critics claim that Kurti's government fall came about due to the direct pressure exerted by the United States Special Presidential Envoy for Kosovo and Serbia Peace Negotiations, Richard Grenell, repeatedly asked Kurti to completely eliminate the tariffs on goods entering Kosovo from Serbia and Bosnia & Herzegovina as well as to not employ reciprocity measures against Serbia in order to resume the dialogue,<sup>236</sup> as demanded by Serbia in exchange for participation in the process. However, unlike demanding that Kosovo undertake these political steps, Kurti on the other side criticized the US envoy for not having applied the same policy towards Serbia for halting de-recognition campaign against Kosovo's statehood and international recognition.<sup>237</sup>

In the meantime, President Thaçi and former government coalition partner LDK have been poised to remove Kosovo's tariffs to quickly restore the dialogue with Serbia under the United States' mediation following the government's formation in February 2020.<sup>238</sup> Kurti showed reluctance to move in favor of Grenell's demand due to his claim that the US foreign policy and President Donald Trump's envoy is asking for a quick final Kosovo-Serbia deal on the verge of US presidential elections.<sup>239</sup> Furthermore, Kosovo's acting Prime Minister implied that Grenell interfering in internal politics to dismiss the government and push the LDK to initiate a no-confidence motion.<sup>240</sup> Kurti raised concerns that the final deal on normalizing relations between Kosovo and Serbia mediated by the United States might potentially imply land swaps, particularly partition of Kosovo's Serb-dominated northern municipalities,<sup>241</sup> a claim vehemently denied by top US officials.<sup>242</sup> The European Union as the official facilitator of the dialogue between Kosovo and Serbia lately positioned against the land swap. The EU High Representative for Foreign Affairs and Security Policy, Joseph Borrell stated that the idea may have a domino effect on the region and that the EU would prefer to maintain the current situation when it comes to border issues.<sup>243</sup> However, the European Union's chief diplomat earlier was rather vague with reference to a potential final deal that would affect land swaps.<sup>244</sup>

235 Ramaj, S. (2020, March 31). Për "thirrjen për rezistencë" Thaçi mund të dënohet me 5 vjet burgim. *Koha Ditore*, p. 5.

236 Prishtina Insight. (2020, February 2). *Mixed reactions to Kurti's tariff plans*. Available at: <https://prishtinainsight.com/mixed-reactions-to-kurtis-tariff-plans/>.

237 Mackinnon, Amy. (2020, April 23). 'In the Balkans, if You Neglect History, It Will Backfire'. Available at: <https://foreignpolicy.com/2020/04/23/balkans-kosovo-serbia-albin-kurti-richard-grenell/>.

238 Kumnova, Kestrin. (2020, March 25). *Bashkimi dhe ndarja e LVV- LDK*. Available at: <https://www.evropaelire.org/a/bashkim-ndarje-lvv-ldk-/30509570.html>.

239 Walker, Shaun. (2020, April 20). *Kosovan acting PM accuses Trump envoy of meddling*.

240 Semini, Ll. (2020, April 20). *Kosovo PM accuses US envoy involved in his govt' overthrown*. Available at: <https://apnews.com/0d9243a8a85b0e411b727e46b7ea6c25>.

241 Walker, Shaun. (2020, April 20). *Kosovan acting PM accuses Trump envoy of meddling*. Available at: [https://www.theguardian.com/world/2020/apr/20/kosovan-acting-pm-accuses-trump-envoy-of-meddling?CMP=share\\_btn\\_tw](https://www.theguardian.com/world/2020/apr/20/kosovan-acting-pm-accuses-trump-envoy-of-meddling?CMP=share_btn_tw).

242 U.S. Department of State. (2020, March 26). *Joint Statement of Special Presidential Envoy Richard Grenell, Ambassador Philip Kosnett, and Special Representative for the Western Balkans Matthew Palmer on Kosovo*.

243 Radio Evropa e Lirë. (2020, May 29). *Borrell: BE-ja preferon gjendjen e tanishme të kufijve midis Kosovës dhe Serbisë*.

244 Palokaj, A. (2020, May 5). *Borrell nuk është kundër ndryshimit të kufijve të Kosovës*. Available at: <https://www.koha.net/arberi/220523/borrell-nuk-eshte-kunder-ndryshimit-te-kufijve-te-kosoves/>.

The European Union's appointed Special Representative for Kosovo-Serbia dialogue, Miroslav Lajčák, has stated that the idea of land swaps is not and should be on the agenda of dialogue.<sup>245</sup> On the other hand, the caretaker Kosovo government lifted the tariffs against Serbia and Bosnia-Herzegovina, while it put some reciprocity measures towards Serbia in place,<sup>246</sup> however the latter has not yet halted its campaign against international recognition of Kosovo. The Constitutional Court's decision stated that Thaçi's decree for mandating the LDK nominee for the election of a new government is in full accordance with Kosovo's Constitution.<sup>247</sup> The court decided that a successful no-confidence motion "does not result in mandatory dissolution of the Assembly," thus rejecting the Vetevendosje Movement's demand to Assembly's dissolution for organizing a new snap parliamentary elections in Kosovo.<sup>248</sup> Besides Kurti who pointed out that the court's decision is unjust and unacceptable,<sup>249</sup> President Thaçi<sup>250</sup> and other political parties called to respect Court's decision. Although the outgoing prime minister called for new legislative elections, the pandemic made unlikely the prospect of new elections.<sup>251</sup> The chain of political developments that took place during the pandemic brought about a new government on June 3 led by Avdullah Hoti of LDK. However, in addition to leading the country in a time of unprecedented crisis and amidst a complex set of economic, political, and social challenges, the new government also faced a crisis of legitimacy.<sup>252</sup> In the meantime, the pandemic took a dramatic turn in Kosovo,<sup>253</sup> giving the impression that the power struggle among the political parties directly put at risk the health of Kosovo's public. This contention is further illustrated by the government's difficulty to pass the much-needed Economic Recovery Package, which was voted by the Parliament after six failed attempts.<sup>254</sup>

245 Koha.Net. (2020, May 11). *Lajčak: Shkëmbimi i territoreve nuk do të jetë në rend dite në dialogun Kosovë-Serbi*. Available at: <https://www.koha.net/arberi/221391/lajcak-shkembimi-i-territoreve-nuk-do-te-jete-ne-rend-dite-ne-dialogun-kosove-serbi/>.

246 Vendim i Qeverisë së Kosovës për zbatimin gradual të reciprocitetit si parim në marrëdhëniet me Serbinë, Nr. 01/20, 31.03.2020.

247 Constitutional Court of Kosovo. (2020, May 28). *Decisions from the review session held on 28 May 2020*.

248 Ibid.

249 Koha.Net. (2020, May 29). *Kurti nuk e pranon vendimin e Kushtetueses për dekretin e Thaçit*. Available at: <https://www.koha.net/arberi/223741/kurti-si-i-padrejte-vendimi-i-kushtetueses-eshte-i-papranueshem/>.

250 Koha.Net. (2020, May 29). *Thaçi kërkon respektim të vendimit të Kushtetueses e formim të shpejtë të qeverisë së re*. Available at: <https://www.koha.net/arberi/223733/thaci-ben-thirrje-per-respektim-te-vendimit-te-kushtetueses-kerkon-formimin-e-shpejte-te-qeverise-se-re/>.

251 Bechev, "COVID-19 in the Western Balkans", via <https://www.atlanticcouncil.org/blogs/new-atlanticist/covid-19-in-the-western-balkans/>

252 Political crisis and the Corona—'State of Emergency' in Kosovo", via <https://link.springer.com/article/10.1007/s42597-020-00046-w>

253 Ibid.

254 "Economic recovery package passes at Kosovo Assembly", accessed via <https://prishtinainsight.com/economic-recovery-package-passes-at-kosovo-assembly/>

## RULE OF LAW AND SECURITY IMPLICATIONS

The COVID-19 outbreak has exacerbated existing challenges and given rise to new ones, including those posing a threat to the safety and security of citizens in Kosovo. The lockdown measures led many individuals turning to digital platforms for their work or studies. However, as people during the pandemic began spending more time online than ever before, there was also an increase in cyber-crimes.<sup>255</sup> Criminals have sought to exploit vulnerabilities and take advantage of online means to carry out their illegal activities usually for purposes of profit.<sup>256</sup> Many institutions, companies, and organizations face the challenge of securing new remote working practices, while individuals remain vulnerable of falling prey to various online scams. According to the KP, since the onset of the pandemic, there has been a notable increase in fake profiles in social media, through which cyber criminals have been spreading disinformation and fake news.<sup>257</sup> Hacking and identity theft have also spiked. KP has identified cyber threats such as ransomware, scamming of businesses, and scamming through websites or social media platforms.<sup>258</sup> In such cases, cyber criminals urge individuals to make purchases online while stealing their personal data and using them in the dark web marketplaces.<sup>259</sup>

The proliferation of disinformation in the online sphere is perhaps one the main security challenges that was influenced by the pandemic, not only at a global level, but also at a regional and national level. An overabundance of information that occurs during an epidemic is often termed “infodemic,” referring also to deliberate attempts to disseminate wrong information to undermine the public health response and advance alternative agendas of groups or individuals.<sup>260</sup> Amid a pandemic crisis when demand for information is high, disinformation can be detrimental to people’s physical and mental health by increasing stigmatization, threatening precious health gains, and influencing non-compliance of public health measures, thus reducing the countries’ ability to curb or stop the pandemic.<sup>261</sup> Moreover, disinformation can be deadly, since misinformed individuals are less likely to make use of diagnostic tests and immunization campaigns or abide by other public health measures that are necessary to save lives.<sup>262</sup> Importantly, disinformation contributes to polarization in the public debate on topics related to COVID-19, amplifying hate speech, heightening the risk of violence and human rights violations, and threatening long-term prospects for advancing democracy, human rights and social cohesion.<sup>263</sup>

Numerous studies have cautioned against disinformation as an emerging threat that seeks to undermine public trust in governments and social cohesion in the region, which during the COVID-19 pandemic seemed to have further deteriorated.<sup>264</sup> Since the first reports on COVID-19 cases emerged, various kinds of disinformation began to circulate, especially on social media, which in Kosovo is regarded as one of the main sources of information, but also a prime source of disinformation.<sup>265</sup> The spread of disinformation around COVID-19, such as in the form of false

<sup>255</sup> Kosovo Police, “Protection from scams - Covid-19 Pandemic”, March 31, 2020 accessed through <https://www.kosovopolice.com/>

<sup>256</sup> Ibid.

<sup>257</sup> Ibid.

<sup>258</sup> Ibid.

<sup>259</sup> Ibid.

<sup>260</sup> WHO, “Managing the COVID-19 infodemic: Promoting healthy behaviours and mitigating the harm from misinformation and disinformation”, <https://www.who.int/news/item/23-09-2020-managing-the-covid-19-infodemic-promoting-healthy-behaviours-and-mitigating-the-harm-from-misinformation-and-disinformation>

<sup>261</sup> Ibid.

<sup>262</sup> Ibid.

<sup>263</sup> Ibid.

<sup>264</sup> Report presented at EU parliament , via [https://www.europarl.europa.eu/RegData/etudes/STUD/2020/653621/EXPO\\_STU\(2020\)653621\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2020/653621/EXPO_STU(2020)653621_EN.pdf)

<sup>265</sup> “Kosovo: Coronavirus and the media”, via [https://en.ejo.ch/ethics-quality/kosovo-coronavirus-and-the-media?fbclid=IwAR1sZRzX-3jRChCvWwyekNgd9iVvvRbbnkQDGy2nj2e7ABuvfLyGkLiUP\\_-M](https://en.ejo.ch/ethics-quality/kosovo-coronavirus-and-the-media?fbclid=IwAR1sZRzX-3jRChCvWwyekNgd9iVvvRbbnkQDGy2nj2e7ABuvfLyGkLiUP_-M)

COVID-19 treatments, prompted even the MoH to react.<sup>266</sup> Low levels media literacy contributed to the fact that people spread disinformation while not being aware that it originates from unverified sources.<sup>267</sup>

A recent poll in Kosovo found that a third of the population did not believe the virus was real, while 61 percent said COVID-19 was “less risky than described.”<sup>268</sup> Another more recent poll showed that almost 50% of respondents in Kosovo said they “believe a lot in any conspiracy theory” while a little over 70% said they “believe a lot or some conspiracy theories.”<sup>269</sup> The community most prone to conspiracy theories in Kosovo are Kosovo Serbs who based on this study also displayed the greatest resistance to vaccination: 89.6% of those surveyed reject vaccines.<sup>270</sup>

The KSB survey conducted by KCSS showed that most respondents (66.9%) ranked unemployment as a high threat, followed by corruption (56.36%), organized crime (53.80%), while for 28% of the respondents the pandemic presents the highest threat. It is important to note, however, that when it comes to perceptions towards the gravity of the pandemic crisis, the timing of the questionnaire may have played a role, depending on whether the country was going through relatively low numbers of cases or peaks. Importantly, 33.83% of the respondents revealed that they had doubts about the existence of the COVID-19 pandemic, and this was slightly more prevalent among Kosovo Serb respondents. This level of skepticism certainly makes it difficult to efficiently implement measures to protect the health of the citizens and poses a serious threat to public health.

Another troubling trend that threatened the security and safety of citizens during the pandemic has been the increase in the number of domestic violence cases. According to Rashit Qalaj, the former head of the KP, although there was a decrease in criminality during the pandemic, there was an increase in reported cases of domestic violence.<sup>271</sup> Specifically, there was a 20 to 25 percent increase in reporting from 2018 to 2020 compared to previous years.<sup>272</sup> In most cases, violence was exercised on women, children and the elderly.<sup>273</sup> While lockdown measures intended to prevent infections and protect the lives of the citizens, in many cases, it meant that victims of domestic violence were locked inside with their abusers. As a result, “a pandemic within a pandemic” has emerged, a trend that is in line with data on rising numbers of domestic violence cases at global level. Challenges in addressing these cases include victim blaming, lack of police response, patriarchal norms embedded in the institutional system, reporting barriers, including stigmatization from family members and community or lack of assurances about safe reporting.<sup>274</sup> As such, calls have been made for institutions to take violence prevention seriously and not use the current crisis as a justification for any increase, since the pandemic may be a trigger, but those at fault are the perpetrators.<sup>275</sup>

<sup>266</sup> MoH announcement as reported by <https://www.koha.net/arberi/230142/msh-ja-rreth-recetave-mos-bini-pre-e-lajmeve-te-tilla/>

<sup>267</sup> Digital Communication Network, “Coronavirus Crisis Disinformation in Kosovo”, via <https://digicomnet.org/disinformation-kosovo>

<sup>268</sup> “As hospitals fill, Kosovo battles plague of virus deniers”, via <https://www.france24.com/en/20200911-as-hospitals-fill-kosovo-battles-plague-of-virus-deniers>

<sup>269</sup> “The Suspicious Virus: Conspiracies and COVID19 in the Balkans” <https://biepag.eu/wp-content/uploads/2020/12/Conspiracies-and-COVID19-in-the-Balkan-English-2.pdf>

<sup>270</sup> Ibid.

<sup>271</sup> “Faktorët e rritjes së dhunës në familje gjatë pandemisë COVID-19” as reported via <https://telegrafi.com/faktoret-e-rritjes-se-dhunes-ne-familje-gjate-pandemise-covid-19/>

<sup>272</sup> Travers, “Pandemic lays bare the flaws in Kosovo’s domestic violence response”, via <https://prishtinainsight.com/pandemic-lays-bare-the-flaws-in-kosovos-domestic-violence-response/>

<sup>273</sup> Ibid.

<sup>274</sup> Women’s organizations and NGO’s, “Security and Gender Group Calls for Prevention of Domestic Violence amid the COVID-19 Pandemic.”

<sup>275</sup> Travers, “Pandemic lays bare the flaws in Kosovo’s domestic violence response.”

The COVID-19 pandemic has also undermined efforts in the rule of law, especially in anti-corruption and organized crime. There have been notable logistical challenges due to COVID-19, which have caused significant delays and increased the backlog of cases, including several high profile cases. A considerable number of court sessions in 2020 have not been held due to lack of spaces to conduct hearings in line with anti-COVID measures and challenges related to lack of protective equipment against COVID-19.<sup>276</sup> Since the lockdown measures were put in place, courts and prosecution suspended their activities, dealing only with urgent cases such as juvenile cases, domestic violence, validation of detention,<sup>277</sup> worked with a reduced number of staff, held hearings without the presence of the public and moved meetings online when possible.<sup>278</sup> Yet, critics note that the pandemic should not be used as an excuse for lack of results in the anti-corruption front, particularly as the decreasing trend is tied to the systemic immunity witnessed across the different chains in the prosecution and judicial process.<sup>279</sup> Transparency International's 2019 Anti-Corruption Perceptions Index revealed that Kosovo's ranking had dropped from 93<sup>rd</sup> to 101<sup>st</sup> in the international rankings – showing that the public perceived that Kosovo's efforts to combating public sector corruption have worsened.<sup>280</sup>

In 2020 there have been two high profile sentencing judgments, one related to misuse of funds in the name of "3% Fund" formed by the Albanian diaspora contributions during the 90s and the other case, the "Ferronikeli" case, involving the former mayor of Lipjan on accusations of bribes and exercise of influence.<sup>281</sup> Nevertheless, these convictions have been appealed.<sup>282</sup> Experts have dubbed 2020 as a 'lost year' in the fight against corruption, noting that the judiciary in 2020 has experienced the deepest regress since 2015.<sup>283</sup> Further, in assessing the impact of COVID-19 in the work of the judiciary institutions, experts note that the pandemic and response efforts do not absolve the system of the lack of willingness and courage to prosecute cases of corruption, including those involving high level officials.<sup>284</sup>

276 Ramaj, "Beteja e humbur kundër korrupsionit", Koha Ditore, p.4, 2020.

277 Civil Rights Defenders, "Impact of Covid-19 Measures on Human Rights and Criminal Justice in Western Balkans and Turkey" via <https://crd.org/2020/05/26/impact-of-covid-19-measures-on-human-rights-and-criminal-justice-in-western-balkans-and-turkey/>

278 Leposhtica, "Funksionimi i gjyqësorit në kohë pandemie", via <https://kallxo.com/gjate/funksionimi-i-gjyqesorit-ne-kohe-pandemie/>

279 Ibid.

280 Transparency International, "Corruption perceptions index", accessed through <https://www.transparency.org/en/cpi/2019/results/table>

281 Ramaj, "Beteja e humbur kundër korrupsionit", Koha Ditore.

282 Ibid.

283 Ramaj, "Miftaraj: Drejtësia në 2020-n ka shënuar regresin më të madh që nga 2015-a", Koha Ditore, 2020.

284 Ibid.

# SOCIO-ECONOMIC IMPLICATIONS AND IMPACT ON HUMAN RIGHTS AND CIVIL LIBERTIES

The onset of the COVID-19 pandemic has had significant social and economic ramifications in Kosovo. It has increased unemployment, social inequalities, and deteriorated the public's physical and mental health. Moreover, the pandemic has put at risk the protection of human rights and civil liberties, which are central to a functioning democracy. These effects are particularly felt among disadvantaged or marginalized groups, which have been deprived of various opportunities, including access to adequate public health services or have faced higher levels of discrimination.

The COVID-19 crisis has exerted unprecedented pressure on Kosovo's economy, which has been in decline and is expected to contract by 8.8 percent according to World Bank estimates.<sup>285</sup> The pandemic crisis exposed the fragility of Kosovo's consumption-based growth model but also confirmed the significant role that remittances play during these difficult times, with Kosovo being the only country in the region with growing remittances.<sup>286</sup> Even before the pandemic, Kosovo has had the highest number of unemployment in the region, while four months into the pandemic over 37,000 unemployed people registered for benefits, with nearly half of them (16,820) women and the number job seekers multiplied by 40 times.<sup>287</sup> Those most affected by unemployment include people with disabilities, unskilled workers, women, youth straight out of school and members of ethnic minorities.<sup>288</sup>

Assessing socio-economic implications for disadvantaged groups such as Roma, Ashkali, and Egyptian communities is particularly difficult since a majority of them are excluded from economic activities. Without formal registration in employment centers, it is hard for them to benefit from the government's Emergency Fiscal Package.<sup>289</sup> Notably, during the COVID-19 members of these communities have had limited access to testing and education. For instance, until June, out of 1600 tested in Ferizaj, only two of them were members of the Ashkali community, while in the municipality of Ferizaj, over 50% of Roma, Ashkali and Egyptian students did not attend distance learning, potentially increasing rates of dropouts.<sup>290</sup> Worryingly, neither the MoH nor the NIPH have data on affected people from these communities. UNICEF has further warned of the long-term consequences on children due to school closures.<sup>291</sup> It should be noted that the impact of crises tends to be gendered, and while men reportedly have a higher COVID-19 fatality rate, women and girls are especially hurt by the resulting economic and social implications.<sup>292</sup> For instance, since women have disproportionately faced higher burdens of caretaking duties, unpaid labor and domestic work, there are studies that warn of backslide in gender equality advances

<sup>285</sup>World Bank, "Recession Deepens as COVID-19 Pandemic Threatens Jobs and Poverty Reduction in Kosovo", via <https://www.worldbank.org/en/news/press-release/2020/10/22/recession-deepens-as-covid-19-pandemic-threatens-jobs-and-poverty-reduction-in-kosovo>

<sup>286</sup>Ibid.

<sup>287</sup>Gap Institute, "The impact of COVID-19 pandemic on the labor market", via <https://www.institutigap.org/news/2558>

<sup>288</sup>Lumezi, "Jobless In The Pandemic", via <https://kosovotwopointzero.com/en/jobless-in-the-pandemic/>

<sup>289</sup>Avdyli, "The pandemic worsens conditions in roma, ashkali and egyptian communities", via <https://kosovotwopointzero.com/en/the-pandemic-worsens-conditions-in-roma-ashkali-and-egyptian-communities/>

<sup>290</sup> Ibid.

<sup>291</sup>Santora, "UNICEF warns of a 'lost generation' and finds school closures are ineffective", via. <https://www.nytimes.com/2020/11/19/world/unicef-warns-of-a-lost-generation-and-finds-school-closures-are-ineffective.html>

<sup>292</sup> Women's organizations and NGO's, "Security and Gender Group Calls for Prevention of Domestic Violence amid the COVID-19 Pandemic."

made throughout the years.<sup>293</sup>

Asylum seekers in Kosovo present another group category that has been adversely affected by the pandemic situation. Upon declaring the health emergency by the government, all border crossing points were closed but irregular movements continued to occur, resulting in many asylum seekers being essentially trapped in Kosovo. Although Kosovo has one main asylum seekers' centre and some additional accommodation facilities, currently they are overcrowded due to the increase in the number of asylum seekers present in Kosovo. However, most of them are not willing to be registered as asylum seekers in Kosovo as their intention is to use Kosovo only as a transit country. According to media reports, although Kosovo provided food and shelter for asylum seekers in the centers, there are also others who are sleeping outside the camp, in abandoned houses or other facilities in very poor conditions, lacking food and clothing.<sup>294</sup> Some of them have committed criminal offences such as stealing from people in the streets, stealing at the shopping centres, destroying cars and other properties etc.<sup>295</sup> Recently, as it was reported, some of them set fire at the asylum centre located in Vranidoll.<sup>296</sup> In addition, the old mosque in the village of Magure where the main asylum centre is located, was set on fire.<sup>297</sup> The mosque was uninhabited but was used by some migrants to sleep during the night.<sup>298</sup>

Testing for COVID-19 - which is considered one of the critical tools in assessing the pandemic situation, was not made readily available for everyone. With limited testing capacities, many ordinary citizens had to wait for days to get tested or were not able to do so in spite of showing symptoms or having had close family members affected by COVID-19.<sup>299</sup>

On the other hand, politicians or celebrities were being tested within a day.<sup>300</sup> Kosovo human rights watchdogs has raised concerns over discriminatory testing practices, calling for greater transparency and monitoring of the process of testing, including having access to testing lists.<sup>301</sup> Moreover, concerns were raised over the licensing of private laboratories to conduct PCR (RT-PCR) and serological tests, on issues related to corruption allegations, overpricing, and even creation of a black market for medical services.<sup>302</sup>

Stress, bereavement, isolation, loss of income, fear and anxiety as a result of the ongoing pandemic, is increasing the need for mental health support.<sup>303</sup> Yet, the pandemic has disrupted the provision of mental health services depriving many from much needed support. In spite of growing demand for mental health support, the MoH did not allocate any additional funding to

<sup>293</sup> Ibid.

<sup>294</sup> "Azilantët në Kosovë, pamje të mjerueshme se ku po e kalojnë natën" as reported through <https://indeksonline.net/azilantet-ne-kosove-pamje-te-mjerueshme-se-ku-po-kalojne-naten/>

<sup>295</sup> Ibid.

<sup>296</sup> "Emigranti i vë zjarr kampit në Vranidoll, arrestohet nga policia" as reported through <https://www.zeri.info/kronika/376028/emigranti-i-ve-zjarr-kampit-ne-vranidoll-arrestohet-nga-policia/>

<sup>297</sup> "Djegia e xhamisë në Magurë të Lipjanit, banorët thonë se azilantët pinin hashash aty" as reported via <https://telegrafi.com/djegia-e-xhamise-ne-magure-te-lipjanit-banoret-thone-se-azilantet-pinin-hashash-aty/>

<sup>298</sup> "Mbi 2,600 imigrantë kanë ardhur në Kosovë nga 1 janari, mbi 50 % të tyre sirianë" as reported through <https://www.koha.net/arberi/246654/mbi-2-600-imigrante-kane-ardhur-ne-kosove-nga-1-janari-mbi-50-te-tyre-siriane/>

<sup>299</sup> <http://ekonomia-ks.com/sq/shendetesi/kmdlj-denon-diskriminimin-gjate-testimit-per-koronavirus>

<sup>300</sup> "Qytetarët presin me ditë për rezultatin e testit për Covid-19, politikanët e marrin brenda ditës" as reported through <https://www.koha.net/arberi/231202/qytetaret-presin-me-dite-per-rezultat-te-testit/>

<sup>301</sup> "KMDLNj dënon diskriminimin gjatë testimit për koronavirus" as reported via <http://ekonomia-ks.com/sq/shendetesi/kmdlj-denon-diskriminimin-gjate-testimit-per-koronavirus>

<sup>302</sup> Risk Bulletin, "The Civil Society Observatory to Counter Organized Crime in South Eastern Europe", accessed via [https://globalinitiative.net/wp-content/uploads/2020/12/GI-TOC\\_SEE\\_RB\\_3\\_EN.pdf](https://globalinitiative.net/wp-content/uploads/2020/12/GI-TOC_SEE_RB_3_EN.pdf)

<sup>303</sup> WHO, "COVID-19 disrupting mental health services in most countries", via <https://www.who.int/news/item/05-10-2020-covid-19-disrupting-mental-health-services-in-most-countries-who-survey>

mental health services.<sup>304</sup> The system's shortcomings when it comes to mental health support were tragically exposed when a young man, Agon Musliu, who was being quarantined in the Student Center, committed suicide.<sup>305</sup> What followed was an investigation into the case while the public directed responsibility towards institutions tasked with overseeing the quarantine measures. Further, studies have shown that the frequency of anxiety and depression symptoms among health professionals in Kosovo during the Covid-19 pandemic has reached concerning levels, although a pre-Covid-19 comparison is lacking.<sup>306</sup>

Many government decisions have intruded into the rights of the citizens, including the right to privacy and personal data protection, as well as infringement on freedom of expression and information rights.<sup>307</sup> As Fultra Kusari, a media lawyer, notes that during the pandemic, the protection of patients' privacy is one of the main responsibilities of media reports while also one of the most difficult challenges<sup>308</sup>. However, a number of media organizations have violated these privacy rights while exposing patients' identities or publishing name lists of quarantine people, which has potentially caused irreparable damage, including social stigma.<sup>309</sup> On the other hand, according to Hilmi Jashari, Kosovo's Ombudsperson, during the pandemic situation there was not a notable increase in complains for violations of human rights in Kosovo,<sup>310</sup> but this may also be related to the fact that during that time most officials were working only online. When asked about challenges in addressing cases that are presented at the Ombudsperson, Jashari noted that most of the challenges arise from a general public culture of not respecting human rights coupled with the need for a comprehensive review of the functioning of state apparatus<sup>311</sup>. He continued that on many occasions there are human rights violations that are not done on purpose by the state, but rather because they are a product of the system.<sup>312</sup>

The COVID-19 pandemic is expected to have long lasting impact on various aspects in the lives of the citizens, when lockdown measures temporarily suspended civil liberties and raised concerns on the overall functioning of democracies. According to the KSB survey, 45.67% of respondents did not think that the COVID-19 pandemic in Kosovo impacted the quality of the democracy, 32% thought that it did while 22 % of the respondents were not sure.

## INTERNATIONAL COOPERATION AND ASSISTANCE

The COVID-19 pandemic has exposed the deficiencies and inefficiencies in the institutional system in Kosovo to prepare for and respond to crisis. Although the pandemic is primarily a public health crisis, its impact has trickled down across different spheres in the society. With limited resources and capacities, the institutions of Kosovo faced numerous challenges to respond to the growing need for preventive measures such as adequate protective gear for the frontline workers and

<sup>304</sup>Kasapolli-Selani, "Ankthi dhe depresioni, problemet më të shpeshta në pandemic", via <https://www.evropaelire.org/a/shendeti-mend-or-pandemia-/30917863.html>

<sup>305</sup>Bami, "Kosovo Students Demand Justice Over Youngster's Suicide in Quarantine", via <https://balkaninsight.com/2020/05/28/kosovo-students-demand-justice-over-youngsters-suicide-in-quaranaeDb0>

<sup>306</sup>Gallopeni et al., "Anxiety and depressive symptoms among healthcare professionals during the Covid-19 pandemic in Kosovo: A cross sectional study", via [https://www.researchgate.net/Anxiety\\_and\\_depressive\\_cross\\_sectional\\_study](https://www.researchgate.net/Anxiety_and_depressive_cross_sectional_study)

<sup>307</sup>"State of pandemonium: Digital rights in the Western Balkans and COVID-19", via <https://repository.gchumanrights.org/bitstream/handle/20.500.11825/1622/4>.

<sup>308</sup>"Gazetarët (nuk) cenuan privatësinë e personave të prekur me Covid19" via <http://www.arbresh.info/lajmet/gazetaret-nuk-cenuan-privatesine-e-personave-te-prekur-me-covid19/>

<sup>309</sup> Ibid.

<sup>310</sup>KCSS interview with Hilmi Jashari, former Ombudperson of Kosovo, June, 2020.

<sup>311</sup> Ibid.

<sup>312</sup> Ibid.



the public, medical equipment and medicine, and treatment facilities for COVID-19. Some of the challenges have been alleviated through international cooperation and assistance arriving from partner countries or organizations. Notably, the European Union allocated €5 million of immediate support for the health sector €63 million of support for the social and economic recovery.<sup>313</sup> The EU's total support to Kosovo in dealing with the COVID-19 crisis amounts to 168 million euro, including support for medical equipment, support to vulnerable groups and minorities and their access to basic services, and supports to Kosovo's budget in response to the crisis.<sup>314</sup>

In addition to providing support through multilateral organizations and regional projects, a number of countries have also provided bilateral support, including but not limited to the United States which through USAID provided \$1.6 million in operational support such as critical equipment and hygiene kits to health centers, schools, and vulnerable communities throughout Kosovo; the British Embassy in Pristina together with United Nations launched the \$2.5 million project on Return to (New) Normal in Kosovo: Strengthening resilience through a safe and inclusive return to normality in health and education in the wake of COVID-19<sup>315</sup>; the German Embassy has provided several rounds of donation of protective equipment against COVID-19, including a donation from the German Federal Ministry of Defense delivered the largest individual aid measure of the German Bundeswehr within the framework of the international COVID-19 pandemic fight by providing medical equipment to KSF – whose medical personnel will work in civilian hospitals and thus contribute to the citizens' health care<sup>316</sup>; the Japanese government has provided a €810,000 grant to Kosovo in the fight against COVID-19<sup>317</sup> in addition to the personal protective equipment distributed through UNICEF;<sup>318</sup> Turkey has also provides support through medical equipment.<sup>319</sup> Although the biggest donor in support of Kosovo's efforts to fight the COVID-19 pandemic come from the EU, according to KSB data, when asked about which country or organization provided the most support during the pandemic, Kosovo's citizens perceive that Germany, the United States, and Turkey – followed by the European Union – offered the greatest level of support towards Kosovo and its citizens.

<sup>313</sup> EU Commission, "EU response to the coronavirus pandemic in the Western Balkans", via [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/coronavirus\\_support\\_wb.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/coronavirus_support_wb.pdf)

<sup>314</sup> European Union in Kosovo, [https://www.youtube.com/watch?v=wD-\\_oBCcRa4&fbclid=IwAR1TWV-R3Wv-XYoM-tpxiyhKy0mx-gWGRNVrlkHN754Me3mgBdV34q2Q2-yQ](https://www.youtube.com/watch?v=wD-_oBCcRa4&fbclid=IwAR1TWV-R3Wv-XYoM-tpxiyhKy0mx-gWGRNVrlkHN754Me3mgBdV34q2Q2-yQ)

<sup>315</sup> EU Kosovo, "EU Covid-19 assistance to Kosovo – Albanian" via <https://reliefweb.int/report/serbia/british-embassy-and-un-will-support-kosovo-strengthening-health-and-education-sectors>

<sup>316</sup> KFOR, "KFOR facilitates the largest delivery of aid against covid19 by the German armed forces" via <https://jfcnaples.nato.int/kfor/media-center/archive/news/2020/kfor-facilitates-the-largest-delivery-of-aid-against-covid19-by-the-german-armed-forces>

<sup>317</sup> Kosovo's Ministry of Foreign Affairs, accessed via [https://www.mfa-ks.net/al/single\\_lajmi/4071](https://www.mfa-ks.net/al/single_lajmi/4071)

<sup>318</sup> UNICEF response COVID - 19 in Kosovo, via <https://www.unicef.org/kosovoprogramme/press-releases/help-japanese-government-unicef-provides-health-workers-367580-sets-personal>

<sup>319</sup> "Kosovo's foreign minister thanks Turkish Ambassador for support" as reported via <https://klankosova.tv/%E2%80%8Bharadinaj-stublla-falenderon-ambasadorin-e-turqise-per-perkrahjen-e-kosoves/>

# CONCLUSION

This study sought to provide a critical overview of Kosovo's national framework in emergency response and crisis management, including the legal and strategic framework in dealing with emergencies as well as the roles of key institutions involved in emergency planning and response. Further, this study provided a snapshot and analysis of Kosovo's response to the COVID-19 pandemic, which has created political ramifications, security implications and socio-economic uncertainties. The COVID-19 pandemic presents the first large-scale crisis that Kosovo's fledgling institutions have faced. Although the COVID-19 is still an ongoing development in Kosovo and beyond, a few early lessons learnt became evident such as the need for greater focus on prevention and preparedness when it comes to managing the risks of emergencies, establishing a more coordinated institutional structure to ensure a more effective response, and pressing need to review, supplement gaps in current legislation and update key strategic documents regulating Kosovo's approach to emergencies. Ultimately, this study highlighted that due to lack of preparedness, limited capacities, poor inter-institutional coordination and lack of transparency in decision-making processes, most of the government's measures have not been enough to address effectively COVID-19, resulting in a response characterized by failures and flaws, putting citizens' health and wellbeing at risk. At the time of concluding this report, a Constitutional Court ruling brought down Hoti's government, paving the way to new elections by mid-February. The election process is likely to further distract Kosovo authorities from an effective and focused response to the pandemic with short-term and long-term implications for Kosovo's institutions and its citizens.

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