



## **Project Report**

# **Breathe Freely**

# **Merr frymë shlirë**

**Kosovo Advocacy and Development Centre**

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## Executive Summary

As the newest country in Europe, Kosovo is struggling with law enforcement in many fields. Oppressed for many years, Kosovo society was not in a position to develop and nurture a law-abiding culture. Adding to this the scarce capacities and lack of clear organizational structure of the implementing authorities, it seems almost impossible to even think about effective enforcement of the new tobacco control policies.

The cultural change will happen if Kosovo citizens get mobilized in support of the enforcement process and actively support the implementing authorities in their day-to-day efforts to enforce the tobacco control law.

Throughout the project duration KADC has created and built a greater cohesion among all stakeholders interested in effective law enforcement increasing the awareness about the cultural change the enforcement of the new Law on tobacco control is bringing in our country.

KADC has organized seven roundtables in seven major municipalities of Kosovo on “The cultural change in our society the enforcement of tobacco control Law is bringing”. The roundtables have brought together representatives of municipal NGO’s, local implementing authorities and media to collaborate and work together in supporting the enforcement of the tobacco control in their municipalities.

The debate and media presence in roundtables has produced local news increasing the awareness of the citizens about the new tobacco control policies and has generated wide public attention for the need to support the enforcement of the tobacco control law.

To improve the enforcement of the tobacco control law in public areas, schools, Government, health and judicial institutions and everywhere else where the law bans smoking there is a need:

- To initiate and conduct a broad public awareness raising campaign.
- Utilize the established coordination working groups in their day-to-day work to ensure a smoke free environment in Kosovo and encourage and support the mutual cooperation of central and local inspectorate authorities in their endeavours to ensure the law enforcement throughout Kosovo.
- Functionalize the rotation of inspectors and conducting joint rotational visits with mixed inspection teams from both central and local level authorities.
- Increase the awareness of law enforcement efficiency (justice in motion) by publishing the number and content of the executed fines of tobacco control law violations as an essential measure to prevent others in breaking the law.
- And finally to track reported and filed tobacco control law violation cases in the courts and initiate tobacco case prioritization at the judicial institutions.

## **Introduction**

On 26 April 2013, the President of Kosovo signed a comprehensive Tobacco Control Law that includes the strongest protections in the world to date in public health protection and against tobacco industry interference in policy-making.

The new Tobacco Control Law bans all forms of promotion and sponsorship and mandates smoke-free public places and workplaces as an essential step for protecting public health.

The law has entered into force on 22 May 2013 and was supported by a public awareness raising campaign. The very next step after passing such strong control policies was the effective enforcement of the law. The past has shown that when it comes to the enforcement some chains in the process are not as functional as passing the law.

The project goal was to support local implementing authorities in seven major municipalities of Kosova (Mitrovica, Gjakova, Prizren, Ferizaj, Prishtina, Gjilan and Peja) and increase the awareness about the cultural change the enforcement of the new Law on Tobacco Control is about to bring in Kosovo society.

Three objectives of the project were to:

1. Develop cultural debate on the change the new tobacco control policies will bring in our society,
2. Support implementing authorities in Tobacco Control Law enforcement,
3. Generate public support for the new Tobacco Control Law.

The project duration was four months from August to November 2013. The implementation has been extended for one month since the public attention and media were focused on the municipal elections process held in October and November 2013 in Kosovo.

## **Project Activities and Results**

### **1. Roundtables in seven Municipalities**

Throughout the project implementation period (August – December 2013) KADC has organized and facilitated seven roundtables “The cultural change in our society the enforcement of Tobacco Control Law is bringing” in main municipalities of Kosova: Prishtina, Gjilan, Mitrovica, Ferizaj, Prizren, Peja and Gjakova.

The roundtable meetings have been attended by municipal implementing authorities; trade, education and sanitary inspectorate, central and regional Kosovo Police, civil society organizations, media, WHO-Office in Kosova and Ministry of Health.

#### **Mitrovica Municipality Roundtable**

In coordination with the Mitrovica local NGO “Community Building Mitrovica (CMB)” and Ministry of Health on October 9<sup>th</sup> 2013 KADC has organized the first roundtable “The cultural change in our society the enforcement of Tobacco Control Law is bringing” (attach. Mitrovica Agenda).

The local implementing authorities have discussed the difficulties and challenges they are facing for the enforcement of the law on tobacco control in Mitrovica.

It has been concluded that the level of the tobacco law enforcement in Mitrovica is low. It is an immediate need for the mobilization of the local inspection authorities, local and regional police authorities and an increased cooperation with civil society in Mitrovica to act jointly in improving the law enforcement.

It was recommended increasing the cooperation between the local and central inspectorate authorities; conduct joint inspection visits with police and work on public relation with local media to increase the public awareness.

To better supervise and enhance tobacco law enforcement in Mitrovica it has been recommended to establish a local coordination group consisting of local sanitary and trade inspectorate, Kosovo police Mitrovica region, CMB and other civil society representatives and local media (attach. Mitrovica Report, Photos).

#### **Gjakova Municipality Roundtable**

In coordination with the Gjakova local NGO “Iniciativa e Femrës Kosovare (IFK)” and Ministry of Health on October 18<sup>th</sup> 2013 KADC has organized second roundtable “The cultural change in our society the enforcement of Tobacco Control Law is bringing” (attach. Gjakova Agenda).

In Gjakova municipality the level of tobacco law enforcement is at the satisfactory level, there are sporadic law violation and they are more frequent at the periphery of the Gjakova town and rural areas.

As a good example were illustrated the strict 100% smoking ban enforcement in the organized marriage ceremonies. Law violations cases have been encountered in the educational institutions.

The roundtable recommendation were to identify the so called “hot spots” of more frequent law violation and pay them more inspection visits; conduct joint visits with local and central inspection authorities and regional police; increase the cooperation between local and central authorities; establish local coordination group for the tobacco law enforcement consisting of local and central inspection authorities, regional police, civil society representatives, education inspectorate and local media; conduct at least once a month meeting of the coordination group; conduct public awareness activities and organize a meeting with bar and restaurant owners to inform them on law provisions and their responsibilities towards the law enforcement (attach. Gjakova Report, Photos).

### **Prizren Municipality Roundtable**

In coordination with the Prizren local NGO “Ec ma Ndryshe” and Ministry of Health on October 25<sup>th</sup> 2013 KADC has organized third roundtable “The cultural change in our society the enforcement of Tobacco Control Law is bringing” (attach. Prizren Agenda).

The tobacco law enforcement in Prizren Municipality according to the local enforcing authorities is at the satisfactory level. There are sporadic law violation but at the rural areas or at the periphery of the town. There are law violations in the public institutions, especially in education institutions and Prizren gymnasium has been an example of law violation. Smoking ban violations have been encountered at the sport centres during the basketball games or other sports events.

As an alarming phenomena has been identified the selling of cigarettes one by one (in pieces) near or in front of schools enabling pupils to buy them a lot easier.

It was recommended to establish the coordination group consisted of local inspection authorities, civil society organizations, regional police and local media; increase the level of cooperation between local and central enforcing authorities, organize at least once a month joint meeting for better and more efficient law enforcement; every member of the coordination group shall report to the group for their work and steps that they will take to improve law enforcement; trade inspectorate shall take immediate steps and ban the selling of cigarettes in front or near schools; increase the activities and engagement of the local education inspectorate authorities; conduct public raising awareness activities; require sports club directors in coordination with police to supervise smoking ban provision in sports centres (attach. Prizren Report, Photos).

### **Prishtina Municipality Roundtable**

In coordination with central sanitary and health inspectorate and Ministry of Health on November 12<sup>th</sup> 2013 KADC has organized fourth roundtable “Sanitary and health inspectorate, challenges and efficiency in tobacco control law enforcement” (attach. Prishtina Agenda).

The aim of the fourth roundtable was to discuss the challenges and to increase the efficiency and coordination between responsible authorities for the supervision and tobacco law enforcement.

It has been concluded that with the beginning of the winter the enforcement of the tobacco law is challenged especially in restaurants and health institutions even though the inspectorate authorities have been mobilized and are conducting more frequent inspection visits.

There is a good level of cooperation between sanitary and health inspectorate but there is a lack of cooperation between with other inspection authorities. The inter-ministerial Council (responsible for inter sectorial cooperation of the tobacco law enforcement) has raised the awareness for the need of cooperation but not concretely implemented.

The Kosovo Police have expressed their readiness to continue assisting sanitary inspectorate in joint inspection visits in terrain but according to a concretely drafted operational plan.

The roundtable recommendations were to create unique mandatory fine templates; track the status of the filed cases in the courts and make public the executed fines; start with the second awareness raising campaign; organize on RTK TV debate on the tobacco law enforcement process; send a circular to permanent secretaries of all ministries on their roles and responsibilities for the law enforcement in Government institutions; finalize and approve the administrative instructions foreseen by the law; draft a concrete operational plan of joint visits between Kosovo Police and sanitary inspectorate; and organize inspection visits at night (attach. Report, Photos).

### **Ferizaj Municipality Roundtable**

In coordination with the Ferizaj local NGO "INPO" and Ministry of Health on November 15<sup>th</sup> 2013 KADC has organized fifth roundtable "The cultural change in our society the enforcement of Tobacco Control Law is bringing" (attach. Ferizaj Agenda).

The tobacco law enforcement in Ferizaj Municipality according to the local enforcing authorities and civil society representatives is at relatively low level. There are law violations in restaurants, educational and public institutions.

The civil society representatives claimed that there are frequent law violations in closed areas and there is a need for a different approach of the sanitary inspectorate since the so far educational and tolerant inspection visits have given a wrong message damaging businesses that are respecting the law. However, the inspectorate authorities have claimed that they are engaged in enforcing the law but there are difficulties such as lack of staff or issuing the mandatory fines (lack of unique code for further processing).

It was recommended to increase the level of cooperation between local and central enforcing authorities and organize at least once a month joint meeting for better and more efficient law enforcement; conduct joint inspectorate of local and central level; rotate inspectors from different regions and conduct inspection visits; group members shall report to the group for their work and steps that they will take to improve law enforcement; trade inspectorate shall take immediate steps and ban the selling of cigarettes in front or near schools; increase the activities and engagement of the local education inspectorate authorities; draft a circular with the responsibilities and duties of educational

principals and distribute it in schools; conduct public raising awareness activities with even door to door activities; advocate for fostering the process of creating and having a unique code for mandatory fines.

To better supervise and enhance tobacco law enforcement in Ferizaj it has been recommended to establish a local coordination group consisting of local sanitary and trade inspectorate, Kosovo police Ferizaj region, INPO and other civil society representatives and local media (attach. Ferizaj Report, Photos).

### **Gjilan Municipality Roundtable**

In coordination with the Gjilan local NGO "KCIC" and Ministry of Health on December 12<sup>th</sup> 2013 KADC has organized sixth roundtable "The cultural change in our society the enforcement of Tobacco Control Law is bringing" (attach. Gjilan Agenda).

The tobacco law enforcement in Gjilan Municipality according to the local enforcing authorities and civil society representatives is at relatively low level. There are law violations in restaurants, educational and public institutions.

The civil society representatives claimed that there are frequent law violations in closed areas and restaurants and they are more frequent after 16:00 hour. They have required a different approach of the sanitary inspectorate since the so far educational and tolerant inspection visits have given a wrong signal and is damaging businesses that are respecting the law. However, the inspectorate authorities claimed that they are engaged in enforcing the law but there are difficulties such as lack of staff (only two (2) inspectors) and negative impact the election period have had.

With the beginning of the winter period the number of law violation has increased in bars and restaurants. Only after the second round of the election process the frequency of inspection visits has increased and six (6) cases for minor offences have been filed.

It was recommended to increase the level of cooperation between local and central enforcing authorities and organize at least once a month joint meeting for better and more efficient law enforcement; conduct joint inspectorate of local and central level; rotate inspectors from different regions and conduct inspection visits; group members shall report to the group for their work and steps that they will take to improve law enforcement; increase the activities and engagement of the local education inspectorate authorities; draft a circular with the responsibilities and duties of educational principals and distribute it in schools; conduct public raising awareness such as educational and health PR activities in schools ; make public the number of executed fines.

It has been recommended to establish a local coordination group consisting of local sanitary and trade inspectorate, Kosovo police Gjilan region, NGO KCIC and other civil society representatives and local media that will coordinate and better supervise and enhance tobacco law enforcement in Gjilan (attach. Gjilan Report, Photos).

## **Peja Municipality Roundtable**

In coordination with the Peja local NGO “Syri i Vizionit” and Ministry of Health on December 19<sup>th</sup> 2013 KADC has organized seventh and final roundtable “The cultural change in our society the enforcement of Tobacco Control Law is bringing” (attach. Peja Agenda).

The tobacco law enforcement in Peja Municipality according to the local enforcing authorities is at relatively good level. There are some law violations in restaurants, educational and public institutions.

The inspectorate authorities claimed that they are actively engaged in enforcing the law but there are difficulties such as lack of staff, low level of salary and no stimulation for their work after official working hours.

It was recommended to increase the level of cooperation between local and central enforcing authorities and organize at least once a month joint meeting for better and more efficient law enforcement; conduct joint inspectorate of local and central level; rotate inspectors from different regions and conduct inspection visits; group members shall report to the group for their work and steps that they will take to improve law enforcement; increase the activities and engagement of the local education inspectorate authorities; draft a circular with the responsibilities and duties of educational principals and distribute it in schools; conduct public raising awareness such as educational and health PR activities in schools ; make public the number of executed fines.

It has been recommended to establish a local coordination group consisting of local sanitary and trade inspectorate, Kosovo police Peja region, Syri i Vizionit and other civil society representatives and local media that will coordinate and better supervise and enhance tobacco law enforcement in Peja (attach. Peja Report, Photos).



## **2. Dissemination of information leaflets**

Informational leaflets on tobacco control law have been distributed in each roundtable organized in seven municipalities. In each roundtable KADC has initiated establishment of the coordination working groups consisted of local NGO', regional Kosovo Police, local media, representatives of the local implementing authorities (sanitary, trade, education inspectorate) and representatives of health institutions to work together and support the implementation of the tobacco control law in their municipality. KADC have delivered to each working group leaflets on what citizens can do to support tobacco control law implementation for further distribution in their municipality.

## **3. Coordination meeting of enforcing authorities**

During the project implementation period KADC has organized seven coordination meetings with inspectorate authorities, Kosovo Police, WHO office in Kosovo and Ministry of Health on their day-to-day work and steps in enforcing the tobacco control law (attach. Photos). In these meetings the progress and challenges each implementing authority is facing for the enforcement of the law were discussed. The meetings have produced concrete plans on how to overcome these challenges and difficulties.

## **4. Joint inspection visits**

KADC has coordinated joint visits of the Kosovo Police, sanitary and health inspectorate and anti-tobacco coalition members in bars and restaurants in afternoon and late hours. The aim of these visits was to demonstrate publicly the commitment of the enforcement authorities and Kosovo Police in enforcing the tobacco control law. During these visits there were no violation of the tobacco control law in inspected restaurants or bars encountered.

## **5. Disseminations of the reported law violations on toll free number 0800 11 000**

KADC has closely worked with the representatives of the Ministry of Trade, department for protection of consumers, to enhance the collaboration and communication for more efficient dissemination of the reported law violations at the toll free number. They have compiled and sent on daily basis the list of law violations reported on the toll free number by citizens (attach. List of reported violations). KADC has advocated to the MTI to replace and install a better and voice-recording capable system that will record all phone calls/reports by the citizens. This is very important since it will serve as an evidence of the law violation in court trials/sessions. MTI has installed the new voice-recording system and all calls/reports are recorded 24h a day.

## Conclusions

Throughout the project duration KADC has worked to create and build a greater cohesion among all stakeholders interested in effective law enforcement increasing the awareness about the cultural change the enforcement of the new Law on Tobacco Control is bringing in our country.

KADC has successfully organized seven roundtables in seven major municipalities of Kosovo on “The cultural change in our society the enforcement of Tobacco Control Law is bringing”. The roundtables have brought together representatives of municipal NGO’s, local implementing authorities and media to collaborate and work together in supporting the enforcement of the tobacco control in their municipalities.

For an improved law implementation and enforcement, KADC has founded in each municipality the local coordination working groups consisted of local NGO’s, inspectorate authorities, Kosovo Police and media with the aim to jointly work and support efficient enforcement of the tobacco control law.

The debate and media presence in these roundtables has produced local news increasing the awareness of the citizens about the new tobacco control policies and has generated wide public attention for the need to support the enforcement of the tobacco control law. In every municipality the debate in roundtables has been reported and broadcasted by local written and electronic media.

The cultural change the new tobacco control law is bringing in Kosovo society is being widely accepted and embraced by the majority of the population creating grounds for developing a law-abiding society that cares for the health protection of others. However, there are still citizens that are breaking the law whenever they see an opportunity to get away unnoticed or unpunished.

Organized meetings with inspectorate authorities and Kosovo Police have brought more light and clarity about the roles and responsibilities of each authority in enforcing the law. Even more they have improved the collaboration and cooperation among them in both local and central level.

Vivid joint inspection visits in restaurants in late hours of Kosovo Police, inspectorate authorities and anti-tobacco coalition have produced a positive effect in respecting the tobacco law carrying out the message that the law enforcement is being monitored 24 hours.

The project has enhanced the information flow and frequency of the reported violations on the toll free number and citizens became more active in reporting tobacco control law violations.

## **Recommendations**

Utilize the established coordination working groups consisted of local inspection authorities, civil society organizations, regional police and local media to support tobacco control law enforcement authorities in their day-to-day work to ensure a smoke free environment in Kosovo.

Encourage and support the mutual cooperation of central and local inspectorate authorities in their endeavours to ensure the law enforcement throughout Kosovo by organizing once a month joint meetings to share experiences and challenges they face in terrain.

Improve the law enforcement by functionalizing the rotation of inspectors and conducting joint visits with mixed inspection teams from both central and local level authorities.

Increase the level of activities and engagement of the local education inspectorate authorities. Distribute a circular with the responsibilities and duties of educational principals in schools.

Initiate a broad public awareness raising campaign for the enforcement of the tobacco control law in public areas, schools, Government, health and judicial institutions and everywhere else where smoking is banned by the law.

Track reported and filed tobacco control law violation cases in the courts and initiate tobacco case prioritization at the judicial institutions.

Increase the awareness of law enforcement efficiency (justice in motion) by publishing the number and content of the executed fines of tobacco control law violations as an essential measure to prevent others in breaking the law.

Create and use a unique code by the inspectorate authorities and Kosovo Police to execute mandatory fines on the spot to the physical person that is breaking the law.