Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 1509 (2001)[1]

Human rights and rule of law in Kosovo

Parliamentary Assembly

1. The observance of human rights and the rule of law throughout the European continent, and particularly in South-east Europe, are two of the Assembly's constant, major concerns.

2. The Assembly is sad to note that human rights continue to be flouted widely in Kosovo.

3. The Assembly notes that security of persons and property is still not guaranteed in Kosovo, despite the presence of a most imposing multinational peace force.

4. The Assembly is dismayed by the individual situation of prisoners and the conditions of their arrest and detention.

5. Responsibility for protecting and promoting human rights in Kosovo was expressly entrusted to the United Nations civilian administration by Resolution 1244 (1999) of the Security Council of the United Nations on the situation in Kosovo.

6. The gradual, but so far slow establishment of a judicial system in Kosovo is an edifying undertaking which requires the support of all European governments, including those of the region.

7. The Assembly welcomes the creation of Kosovo's own multi-ethnic local police force and urges the United Nations civilian police to involve the Kosovo local police force more in its duties.

8. The Assembly is concerned at the slowness of the process of national participation in the provisional administration set up by the United Nations.

9. The Assembly is accordingly gratified by the proposal by Mr Haekkerup, the Special Representative of the United Nations Secretary General, to provide Kosovo with a "legal framework" before holding general elections in autumn 2001.

10. The Assembly is worried by the apparent contradictions in Kosovo's current legislation which make it impossible to apply.

11. The Assembly believes that, because of its expert knowledge, the Council of Europe is at present the international organisation best placed to promote the protection of human rights in Kosovo and is particularly well qualified to participate in the drafting of legislation.

12. For these reasons, the Assembly recommends that the Committee of Ministers:

12.1. support the efforts undertaken by the United Nations, the OSCE and the European Union to stabilise and consolidate the rule of law in Kosovo;

12.2. request the United Nations interim administration to abide in all its actions by the European Convention on Human Rights and other relevant Council of Europe instruments;

12.3. continue to support all the Council of Europe's programmes of legal assistance and human rights awareness-raising in Kosovo;

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1. Assembly debate on 25 April 2001 (12th Sitting) (see Doc. 9057, of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Akçali). Text adopted by the Assembly on 25 April 2001 (12th Sitting).

12.4. provide more resources to the International Criminal Tribunal for the Former Yugoslavia (ICTY), so that it can carry out the necessary investigations and indictments;

12.5. encourage the adoption of an electoral law enabling elections to be contested by parties of citizens – as in other European countries – instead of parties based on ethnic affiliation;

12.6. encourage the transfer to the future interim assembly of powers and jurisdiction in the legal and financial fields;

12.7. lastly, increase the Council of Europe's hitherto inadequate presence in Kosovo, and its assistance to the competent authorities, by inviting for example the Council of Europe Human Rights Commissioner to establish contacts with the Ombudsman Institution in Kosovo.