Parliamentary Assembly
Assemblée parlementaire
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 1923 (2010)[1]
Final version

The situation in Kosovo* and the role of the Council of Europe

Parliamentary Assembly

1. Referring to its Resolution 1739 (2010) on the situation in Kosovo and the role of the Council of Europe, the Parliamentary Assembly is of the view that, although divided on the issue of status, Council of Europe member states should be united in supporting a greater involvement of the Council of Europe in Kosovo, for the benefit of all its inhabitants.

2. Although more than two thirds of Council of Europe member states have recognised Kosovo as an independent state, the Organisation implements a policy of status-neutrality towards Kosovo. In these circumstances, the Assembly believes that the Council of Europe engagement in Kosovo should aim at raising standards in the field of democracy, human rights and the rule of law, so that people in Kosovo can enjoy an equivalent level of rights to that upheld by the Council of Europe, irrespective of the status of Kosovo.

3. To this end, the Council of Europe should broaden the range of its activities in Kosovo and demonstrate pragmatism, flexibility and imagination in finding formulas which would enable the broadest possible range of Council of Europe activities and mechanisms to apply in Kosovo, while respecting its current policy of status-neutrality.

4. In the light of these considerations, the Assembly recommends that the Committee of Ministers:

4.1. clearly formulate the political commitment that the Council of Europe should contribute to raising the standards of democracy, human rights and the rule of law in Kosovo, and consider this as a priority area for the work of the Organisation;

4.2. give priority to activities aimed at improving the rule of law, fighting corruption, organised and economic crime and reinforcing the judiciary in Kosovo;

4.3. continue its activities in the field of education, as well as protection and rehabilitation of the cultural heritage in Kosovo, which play a fundamental role in fostering interethnic dialogue and reconciliation;

4.4. support the continuation and further development of activities which bring together individuals from different Kosovo communities;

4.5. take a proactive approach in negotiating new modalities to ensure the continuation of the work of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and the Advisory Committee on the Framework Convention for the Protection of National Minorities in Kosovo and ensure that the reports issued by these bodies are addressed directly to those authorities which have real and effective authority in the relevant domain, and which can subsequently implement the relevant recommendations;

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1. *Assembly debate* on 22 June 2010 (22nd Sitting) (see Doc. 12281, report of the Political Affairs Committee, rapporteur: Mr von Sydow; and Doc. 12302, opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Omtzigt). *Text adopted by the Assembly* on 22 June 2010 (22nd Sitting).

*Throughout this text, all reference to Kosovo, whether to the territory, institutions or population shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

4.6. initiate a feasibility study on how to extend the implementation of other Council of Europe monitoring mechanisms to Kosovo;

4.7. conduct a study on the relevance and applicability of the case law of the European Court of Human Rights to the issue of restitution of properties or provision of equivalent financial compensation to the case of Kosovo;

4.8. support activities aimed at fostering gender equality, fighting violence against women, including domestic violence, and combating trafficking in human beings in Kosovo;

4.9. set up activities aimed at strengthening the independence of the media in Kosovo;

4.10. step up activities on the situation of the Roma, Ashkali and Egyptian communities in Kosovo;

4.11. reinforce the role, visibility and capacities of the Council of Europe office in Pristina, in particular by enhancing its resources and capacity for political analysis and early warning;

4.12. continue to co-operate closely with the complex institutional layout present in Kosovo, including international actors and Kosovo institutions, and reinforce its contacts with civil society and non-governmental organisations;

4.13. ensure that the policy of status-neutrality is implemented in such a way as not to prevent direct working contacts between Council of Europe staff and the Kosovo authorities, at all levels, when such contacts are justified by the need to ensure the smooth implementation of Council of Europe activities which respect status-neutrality.