Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 2094 (2016)[1]

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

Parliamentary Assembly

1. Nearly eight years have elapsed since the declaration of independence by the Assembly of Kosovo. Since then, Kosovo has been recognised as a sovereign and independent State by 34 Council of Europe member States. However, 13 Council of Europe member States have not recognised Kosovo as a sovereign and independent State. Accordingly, the Council of Europe follows a policy of status-neutrality towards Kosovo, while supporting its progressive alignment with the Council of Europe's standards in the areas of democracy, human rights and the rule of law.

2. The Parliamentary Assembly acknowledges the progress achieved in Kosovo in the area of democracy, with the smooth and transparent organisation of legislative elections in 2014, which, for the first time, were held throughout Kosovo and with the participation of Kosovo Serbs in the vote. It regrets, however, that the legislative work of the Assembly of Kosovo has been delayed by numerous political stand-offs, which indicate the inability of Kosovo's political forces to develop constructive dialogue on issues of crucial importance. It also condemns all manifestations of violence, considering those taking place in a legislative chamber to be of particular gravity and liable to undermine people's trust in democratic institutions.

3. The Assembly welcomes the adoption by the Assembly of Kosovo of the constitutional amendments which paved the way for the creation of specialist chambers to prosecute the cases investigated by the Special Investigative Task Force, as a follow-up to Assembly Resolution 1782 (2011) on the investigation of allegations of inhuman treatment of people and illicit trafficking in human organs in Kosovo. The Assembly considers this decision as a step towards reconciliation and a sign of the authorities' willingness to fight against impunity.

4. As regards the protection of human rights and inter-community relations, the Assembly regrets that ethnically-related incidents continue to occur, while recognising that the general climate of security has improved. It calls on the Kosovo authorities to remain vigilant in this area, to condemn all forms of ethnically-motivated attacks, including those against cultural heritage, irrespective of their gravity and frequency, and act with a sense of responsibility in their public discourse in order to continue easing tensions. The Assembly considers the delivery of justice as the best way to reassure non-majority communities that they are safe in Kosovo and protected by the law.

5. In the Assembly's view, ensuring the respect of the rule of law and its effective enforcement should be the first and foremost priority of the Kosovo authorities. Endemic and widespread corruption in all aspects of government, justice and the economy negatively impacts the lives of people in Kosovo, irrespective of their community; it is an impediment to the overall strengthening of standards and holds back Kosovo's economic development.

6. The Assembly attaches great importance to the European Union-facilitated dialogue on normalisation of relations between Belgrade and Pristina and welcomes the beginning of accession negotiations between Serbia and the European Union in 2014, and the signature of the Stabilisation and Association Agreement between the European Union and Kosovo in October 2015. It believes that the continuation of dialogue

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1. *Assembly debate* on 28 January 2016 (8th Sitting) (see Doc. 13939, report of the Committee on Political Affairs and Democracy, rapporteur: Mr Agustín Conde). *Text adopted by the Assembly* on 28 January 2016 (8th Sitting).

* 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.

between Belgrade and Pristina, the availability of a European perspective for both and the further strengthening of the standards of democracy, human rights and the rule of law in Kosovo are of major importance for Kosovo's democratic security and for the stability of the region of the western Balkans as a whole. The Assembly also attaches great importance to the National Action Plan for the implementation in Kosovo of United Nations Security Council Resolution 1325 (2000) on Women, Peace and Security.

7. With these considerations in mind, the Assembly calls on the Kosovo authorities to:

7.1. do their utmost to eradicate corruption from all areas of government, justice and the economy, including by:

7.1.1. implementing the Anti-Corruption Strategy 2012-2016 and its action plan and monitoring their implementation;

7.1.2. improving co-ordination between the different organs working on anti-corruption and economic crime;

7.1.3. encouraging the Kosovo Anti-Corruption Agency to take a more proactive approach during the investigation stage;

7.1.4. ensuring that the public prosecutor follows up the cases transmitted by the Kosovo Anti-Corruption Agency;

7.2. act with greater resolve to strengthen the rule of law and its enforcement, including by:

7.2.1. protecting the judiciary and the prosecution from political influence and interference;

7.2.2. ensuring the professionalism, impartiality and independence of the judiciary and the prosecution;

7.2.3. implementing the Kosovo Judiciary Strategic Plan (2014-2019);

7.2.4. strengthening the rules concerning disciplinary sanctions against law-enforcement officials, ensuring their implementation and that the public is adequately informed;

7.2.5. improving the continued training of judges and prosecutors, including in international human rights law;

7.2.6. pursuing the investigation and prosecution of war crimes;

7.2.7. enforcing the witness protection system;

7.3. tackle unemployment, especially among young people and women;

7.4. implement all the agreements stemming from the dialogue between Belgrade and Pristina, particularly the Agreement on the establishment of the Association/Community of Serb majority municipalities;

7.5. continue to build mutual trust between communities; protect the rights of minorities and their safety while promoting their economic integration, in particular by:

7.5.1. investing in job-creation activities, especially in areas inhabited by non-majority communities;

7.5.2. continuing the integration of Kosovo Serbs in the judiciary, including in the north of Kosovo and, in general, promoting the recruitment of staff from non-majority communities in public administration and public companies, with a view to reflecting Kosovo's ethnic diversity;

7.5.3. ensuring full and efficient implementation of the procedure to recognise diplomas issued by the University of Mitrovicë/Mitrovica;

7.5.4. ensuring the protection of all cultural heritage, with special regard to the cultural heritage of non-majority communities irrespective of the rejection of Kosovo's membership application to the United Nations Educational, Scientific and Cultural Organization (UNESCO);

7.5.5. creating conditions for the return of displaced persons, by ensuring the effective reintegration of their property rights and facilitating their employment or the development of other income-generating activities;

7.5.6. addressing the specific challenges preventing the integration of Roma, Ashkali and Egyptians, including early school dropout, child labour and early marriage;

7.5.7. supporting inter-community dialogue, also at the level of civil society, and refraining from any public discourse that might fuel inter-community tensions;

7.5.8. supporting cross-border exchanges and dialogue on the issues of reconciliation and living together;

7.6. implement and evaluate the impact of the new anti-discrimination law;

7.7. implement and evaluate the impact of the new law on gender equality; organise or support public campaigns to raise awareness of gender-based violence, and endorse and implement the principles of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210);

7.8. continue to tackle the phenomenon of foreign fighters, with an emphasis on prevention of radicalisation and the implementation of the new specific legislation on this issue; implement the National Strategy against Terrorism (2012-2017) and the Strategy for the prevention of violent extremism and radicalisation leading to terrorism (2015-2020);

7.9. address the root causes of irregular migration and organise public campaigns to dissuade people from embarking on such a course;

7.10. take resolute action against money laundering, drug trafficking, smuggling of migrants, trafficking in human beings, the arms trade and illegal possession of weapons;

7.11. continue negotiations with the Netherlands with a view to establishing the specialist chambers in the Hague, and ensure co-operation with them once they are set up.

8. The Assembly encourages the United Nations Interim Administration Mission in Kosovo (UNMIK) to increase its capacities for co-operation with INTERPOL and EUROPOL and encourages the authorities in Pristina to use the available mechanisms which are already in place.

9. The Assembly invites the Assembly of Kosovo to:

9.1. pursue its legislative programme without undue delay;

9.2. strengthen its oversight of the government;

9.3. strengthen mechanisms for consultation with civil society, particularly organisations representing women;

9.4. adopt new rules of procedure for its work, in line with European standards;

9.5. promote gender equality, and equality for LGBTQ persons, within its structures and gender mainstreaming in its functioning, enhancing the appointment of women to decision-making positions and the examination of Kosovo's budget from a gender perspective;

9.6. adopt the reform of the public administration, ensuring that recruitment and advancement are based on merit, and promoting its impartiality;

9.7. enable the proper functioning of the Ombudsperson institution, engage in a constructive dialogue with it, follow up its recommendations and ensure that it has the necessary resources to carry out its mandate.

10. The Assembly calls on the political forces that are represented in the Assembly of Kosovo to ensure that a constructive political dialogue takes place between the majority and the opposition.

11. The Assembly calls on the authorities in Belgrade and Pristina to:

11.1. continue European Union-facilitated dialogue on normalisation of relations in an open and constructive spirit, and to include women in the dialogue in accordance with United Nations Security Council Resolution 1325 on Women, Peace and Security;

11.2. step up co-operation in order to dismantle transnational criminal networks operating in the region; make progress on the issue of missing persons; and facilitate the investigation and prosecution of war crimes.

12. The Assembly recommends that the Kosovo authorities intensify dialogue and co-operation with the Council of Europe and its different bodies and institutions, notably by:

12.1. asking for the assistance of the European Commission for Democracy through Law (Venice Commission) to fully align its electoral legislation with international standards;

12.2. following up the recommendations formulated by Council of Europe monitoring bodies, *inter alia* those of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), the Group of Experts on Action against Trafficking in Human Beings (GRETA), the Advisory Committee of the Framework Convention for the Protection of National Minorities and those formulated in the context of the joint European Union/Council of Europe Project against Economic Crime in Kosovo (PECK);

12.3. co-operating fully and effectively with the wide range of Council of Europe mechanisms and projects available to Kosovo.

13. The Assembly resolves to step up dialogue with the Assembly of Kosovo and recommends that its Bureau modify the current format for co-operation with the political forces elected to the Assembly of Kosovo, with a view to inviting the Assembly of Kosovo to designate a delegation which would ensure the representation also of minority communities, in addition to the majority and the opposition.