



**Doc. 13088 – Compendium of written amendments**

**(Final version)**

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

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## A. Draft Resolution

1. The Parliamentary Assembly notes that, since the unilateral declaration of independence in 2008, KosovoAny references to Kosovo in this text, 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. continues to seek international recognition while further developing its democratic institutions.
2. The Kosovo authorities continue to share power with an international presence operating within the status-neutral framework of United Nations Security Council Resolution 1244. This presence, including the United Nations Administration Mission in Kosovo (UNMIK) and the European Union Rule of Law Mission in Kosovo (EULEX), has gradually been reduced over the years.
3. The Assembly believes that the current phase of the European Union-mediated negotiations between Pristina and Belgrade, at prime minister level, indicates a greater willingness of both sides to promote reconciliation and overcome the legacy of the past, and creates a window of opportunity for resolving fundamental political problems along with technical matters.
4. The Assembly notes that the Council of Europe continues to apply a policy of status neutrality towards Kosovo, despite the fact that 34 of its 47 member States have recognised Kosovo as a sovereign and independent State. Recalling its Resolution 1739 (2010) on the situation in Kosovo and the role of the Council of Europe, it emphasises once more that, irrespective of the status of Kosovo, the people living there should enjoy good governance, democracy, rule of law and the same legal and human rights as other people in Europe.
5. In this respect, the Assembly regrets that overall progress in improving the rule of law in Kosovo is slow, particularly with regard to the fight against organised crime and corruption, both in the north and south of Kosovo, and that the judiciary continues to suffer from political interference, inefficiency and lack of transparency and enforcement. The Assembly therefore welcomes the recent restructuring of EULEX that aims to prioritise certain rule of law areas, such as fighting corruption and organised crime, in particular in the north of Kosovo.
6. As already stressed in its Resolution 1839 (2011) on the political situation in the Balkans, the Assembly is particularly concerned about the situation, including the security of the Serbian community, in the north of Kosovo, where security incidents and tensions persist. It remains convinced that a political agreement on how to govern this area is a prerequisite for a sustainable solution and for the realisation of the European Union aspirations of both Belgrade and Pristina.
7. Since enhanced autonomy was granted to the Serb municipalities, the sentiments of the Serbs living south of the Ibar River appear to be changing, resulting also in a

### **Amendment 3**

**Tabled by Ms Aleksandra DJUROVIĆ, Mr Vladimir ILIĆ, Mr Djordje MILIĆEVIĆ, Ms Stefana MILADINOVIĆ, Ms Nataša VUČKOVIĆ, Ms Vesna MARJANOVIĆ**

*In the draft resolution, paragraph 5, second sentence, replace the words "in particular in the north of Kosovo" with the following words : "both in the north and the south of Kosovo".*

higher voter turnout. However, the Assembly regrets that concerns for their safety and the full respect of their rights still persist and believes that interaction between the Kosovo Serb and Albanian communities needs to be further promoted. Furthermore, the authorities' strategy to protect and promote the rights of the Roma, Ashkali and Egyptians communities living in Kosovo also needs to be implemented with more vigour.

8. In the light of the above, the Assembly calls on the authorities in Kosovo, EULEX and UNMIK to continue strengthening the rule of law and the legal, institutional and policy framework for combating corruption, in particular by:
  - 8.1. introducing concrete measures to ensure proper implementation of the legal framework to curb political interference in the work of the judiciary and providing the latter with adequate support, resources and training;
  - 8.2. empowering independent anti-corruption bodies and fast tracking the provision of data to judicial authorities concerning corruption cases;
  - 8.3. simplifying the supervision of public procurement and monitoring the enforcement of existing rules;
  - 8.4. improving legislation, policy and practice in the areas of money laundering, financing of terrorism, trafficking in human beings, drugs and weapons and asset confiscation;
  - 8.5. developing an adequate witness protection system;
  - 8.6. providing the necessary funding and staff for an efficient, competent and multi-ethnic public administration system, and offering training in ethics and in the fight against corruption.
9. The Assembly welcomes the support of the European Union for the Council of Europe co-operation programmes and encourages it to:
  - 9.1. continue to offer a European perspective to the whole of the Western Balkans, including Kosovo;
  - 9.2. ensure that its policy dialogues with Kosovo focus particularly on strengthening the rule of law and are linked to incentives and priority conditions, in line with the recent recommendations of the European Court of Auditors;
  - 9.3. ensure that the normalisation process between Pristina and Belgrade goes hand in hand with the implementation of European human rights and rule of law standards in the whole region;
  - 9.4. support the Serbian authorities in finding sustainable solutions for and assisting the local integration in Serbia of internally displaced persons (IDPs) who do not wish to return, with a view to accelerating the normalisation process;
  - 9.5. strengthen its EULEX mission by:
    - 9.5.1. reinforcing its accountability and effectiveness in tackling high-level corruption and organised crime;

- 9.5.2. focusing on the investigation and prosecution of war crimes, along with an effective and well-funded witness protection programme;
- 9.5.3. implementing the recommendations of the opinion of the European Commission for Democracy through Law (Venice Commission) on the existing mechanisms to review the compatibility with human rights standards of acts by UNMIK and EULEX in Kosovo.
10. The Assembly calls on the authorities in Pristina and Belgrade to:
  - 10.1. engage in the European Union-mediated dialogue with an open mind and without preconditions;
  - 10.2. continue to ensure co-operation with the relevant EULEX bodies exercising executive law enforcement functions in Kosovo, including its War Crimes and Organised Crime Investigation Units, as well as with the International Criminal Tribunal for the Former Yugoslavia (ICTY) and with the European Union Special Investigative Task Force (SITF);
  - 10.3. refrain from resorting to non-judicial means, such as taking to the media, in a manner that might be seen as a threat to the integrity of the judicial process;
  - 10.4. intensify efforts so as to avoid that the stand-off situation in the north of Kosovo being transformed into a frozen conflict and find ways to involve Kosovo Serb civil society in the dialogue;
  - 10.5. tackle cross-border organised crime and corruption also by making progress towards the creation of a Balkan arrest warrant and a pan-Balkan extradition mechanism, which must include Kosovo if they are to be effective; in this respect, the signature of an operational protocol between the Serbian authorities and EULEX would improve mutual assistance in corruption cases;
  - 10.6. allocate adequate resources to the Belgrade–Pristina Working Group on Missing Persons and strengthen regional co-operation to help clarify the fate of the missing;
  - 10.7. intensify technical co-operation to establish clear statistics relevant to refugee and IDP return and local integration, and continue providing support for the return and reintegration of refugees in their place of origin or, where appropriate, for integration in the place of displacement, in co-operation with the international community, and give priority to the promotion of access to basic rights, including housing, education, health, employment and social services;
  - 10.8. publicly condemn and investigate inter-ethnic crimes and all acts of religious intolerance and vandalism against religious or cultural symbols;
  - 10.9. support cross-border, grass-root and civil society initiatives aimed at reconciling citizens and fostering cultural change.
11. The Assembly calls on the authorities in Kosovo to:

- 11.1. pursue judicial reform to further strengthen the independence, impartiality and transparency of the judiciary, in particular by:
  - 11.1.1. ensuring sufficient resources for the proper functioning of the courts, including in the Mitrovica district;
  - 11.1.2. providing security and protection to judges, prosecutors, litigants and witnesses;
  - 11.1.3. restructuring prosecution offices and filling vacant positions for minorities;
  - 11.1.4. upgrading the case-management system;
  - 11.1.5. improving awareness of human rights in judicial decision-making;
- 11.2. strengthen the financial independence of the Assembly of Kosovo and of other independent institutions;
- 11.3. implement the recommendations of the Ombudsperson Institution of Kosovo and ensure sufficient resources for its functioning;
- 11.4. implement the provisions enshrined in the legal and institutional framework for the protection and promotion of minority rights and facilitate interaction between communities, also by:
  - 11.4.1. promptly investigating attacks motivated by ethnicity or religion, and improving data collection;
  - 11.4.2. ensuring that communities' members are employed in public administration, including at senior level;
  - 11.4.3. allowing children to receive education in their mother tongue in public schools and establish a procedure for registration of private educational institutions providing education in a language of their choice;
  - 11.4.4. allocating adequate resources to civil registration offices, reaching out to vulnerable communities and ensuring affordable registration fees;
  - 11.4.5. allocating adequate resources to the Office of the Language Commissioner, responsible for monitoring the Law on the use of languages;
  - 11.4.6. ensuring broadcasting of the Kosovo public broadcaster in the Serbian language;
  - 11.4.7. supporting the work of the Kosovo Property Claims Commission with a view to reducing the backlog of cases;
  - 11.4.8. implementing legislation on the protection of cultural heritage;
  - 11.4.9. allocating adequate funds for the implementation of the strategy for the integration of the Roma, Ashkali and Egyptian communities, and paying attention to the situation of the Turkish and Bosniak communities;
  - 11.4.10. ensuring fulfilment of all obligations relating to the issuance of licence plates, without discrimination;
- 11.5. create the conditions for the sustainable return and reintegration of displaced and repatriated persons, in particular by:

- 11.5.1. allocating adequate staff and resources to municipal offices for communities and working groups on returns;
- 11.5.2. complying with international standards governing post-conflict property restitution;
- 11.6. ensure the independence of the media and the adequate protection of journalists, in particular by:
  - 11.6.1. fully implementing the laws on the Radio Television of Kosovo (RTK) and on the Independent Media Commission (IMC);
  - 11.6.2. drafting a handbook detailing the proper procedures for handling cases of violence against journalists;
  - 11.6.3. fully implementing the law on access to official documents;
  - 11.6.4. further promoting access to information for non-Albanian communities;
- 11.7. promote gender equality and the empowerment of women, in particular by:
  - 11.7.1. strengthening the fight against trafficking in human beings;
  - 11.7.2. implementing the 2012-2015 Action Plan on Domestic Violence;
  - 11.7.3. finalising standard operating procedures for victims of domestic violence and developing reintegration programmes for victims.
12. In order to enhance the Council of Europe's role in Kosovo, the Assembly reiterates its previous invitation to the Secretary General of the Council of Europe to convey to the Organisation's Secretariat that direct working contacts with the Kosovo authorities, at all levels, are necessary in order to ensure the smooth implementation of Council of Europe activities which respect the status neutrality.
13. In order to contribute to the democratic functioning of the institutions in Kosovo, the Assembly:
  - 13.1. encourages the Assembly of Kosovo to improve communication with independent institutions, such as the

**Amendment 1**

**Tabled by Ms Fatiha SAÏDI, Mr Ludo SANNEN, Mr José MENDES BOTA, Mr Stefaan VERCAMER, Mr Dirk Van der MAELEN**

*In the draft resolution, after paragraph 11.7.3, insert the following paragraph:*

*"inviting the Kosovo Assembly to establish co-operation with the PACE Parliamentary Network "Women free from Violence"."*

**Amendment 2**

**Tabled by Mr Björn von SYDOW, Ms Anne BRASSEUR, Ms Karin S. WOLDSETH, Mr Andreas GROSS, Mr Andres HERKEL, Mr Tiny KOX**

*In the draft resolution, replace paragraph 12 with the following paragraph:*

*"The Assembly welcomes the recent instruction issued by the Secretary General of the Council of Europe to the organisation's Secretariat, which authorised Council of Europe officials to interact with the Kosovo authorities with a view to facilitating the implementation of Council of Europe activities and programmes."*

Ombudsperson Institution, and to ensure that they are allocated the necessary resources to carry out their mandate;

- 13.2. encourages the Kosovo political parties to favour multi-ethnic membership and leadership;
- 13.3. resolves to intensify and expand its own dialogue with representatives of the political forces elected to the Assembly of Kosovo and invites its Bureau to define the modalities thereof with full respect for the policy of status neutrality.
14. Finally, the Assembly remains committed to promoting democracy, human rights and the rule of law in Kosovo and therefore resolves to continue to closely follow both developments in these areas and the relevant Council of Europe activities.

## B. Draft Recommendation

1. Referring to its Resolution ... (2013) on the situation in Kosovo Any references to Kosovo in this text, 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. and the role of the Council of Europe, the Parliamentary Assembly reiterates its stance that, irrespective of the status of Kosovo, the people living there should enjoy good governance, democracy, rule of law and the same legal and human rights as other people in Europe.
2. The Assembly notes that in its reply to Recommendation 1923 (2010) on the situation in Kosovo and the role of the Council of Europe, adopted on 12 January 2011, the Committee of Ministers affirmed its own commitment to the European perspective of all people living in Kosovo, acknowledging that “the Council of Europe monitoring process [would] only be truly meaningful if the relevant and competent authorities in Kosovo [were] directly involved in the monitoring process and responsible for following up the recommendations”.
3. The Assembly also welcomes the greater engagement of the Council of Europe in Kosovo through programmes aiming at strengthening democracy, human rights and the rule of law in Kosovo and through the activities of the Council of Europe Office in Pristina, which has been reinforced as requested by the Assembly.
4. However, the Assembly regrets that the Organisation has not been in a position to implement “other Council of Europe monitoring mechanisms” in Kosovo, as stressed by the Committee of Ministers in its reply. At the same time, it welcomes the recent proposal by the Secretary General of the Council of Europe to introduce the possibility of direct interaction between Council of Europe officials and the relevant and competent authorities in Kosovo on the basis of the functional responsibilities exercised by them.
5. Considering that the main challenge lies in the implementation of human rights and rule of law standards in Kosovo, the Assembly recommends that the Committee of Ministers:
  - 5.1. further enhance its action to promote human rights and rule of law standards in Kosovo and expand Council of Europe programmes, including through the work of key Council of Europe bodies and the Council of Europe Development Bank, in particular in the following areas:
    - 5.1.1. implementation of anti-discrimination legislation;
    - 5.1.2. independence and efficiency of the judiciary;
    - 5.1.3. action against corruption and evaluation of anti-money laundering measures and the financing of terrorism;
    - 5.1.4. action against trafficking in human beings;

- 5.1.5. action to promote gender equality, and prevent and combat violence against women and domestic violence;
- 5.2. ask the Council of Europe member States to:
  - 5.2.1. put an end to the forced return of Roma to Kosovo until such return can be shown to be safe and sustainable, in compliance with Resolution 1768 (2010) on Roma asylum seekers in Europe and with the recommendations of the Council of Europe Commissioner for Human Rights;
  - 5.2.2. continue to provide financial assistance so that existing action plans aimed at finding a sustainable solution for refugees and internally displaced persons are followed up by concrete action;
  - 5.2.3. contribute to the relevant co-operation programmes, according to the priorities set out by the Organisation;
- 5.3. support the proposal by the Secretary General of the Council of Europe to ensure that Council of Europe officials are able to interact and have direct working contacts with the Kosovo authorities with a view to facilitating the implementation of Council of Europe activities and programmes, without prejudice to the status-neutral approach of the Organisation;
- 5.4. strengthen the relevant work done by the Council of Europe in conflict and post-conflict regions on the revision and development of textbooks and teacher manuals, the organisation of teacher seminars and source material identification, as also stressed in Recommendation 1954 (2011) on reconciliation and political dialogue between the countries of the former Yugoslavia;
- 5.5. continue to co-operate closely with other international actors, in particular the European Union, the Organization for Security and Co-operation in Europe (OSCE) as well United Nations agencies, to improve co-ordination, enhance impact and avoid duplication of efforts.