

# *STANDARDS* *for* *KOSOVO*

*“A Kosovo where all – regardless of ethnic background,  
race or religion – are free to live, work and travel without  
fear, hostility or danger and where there is tolerance,  
justice and peace for everyone.”*



## INTRODUCTION

This document sets out the standards that Kosovo must reach, in full compliance with UN Security Council resolution 1244 (1999) and the Constitutional Framework and the original standards/benchmarks statement, endorsed by the Security Council. Furthermore, in the Presidential Statement of 12 December 2003 on the Standards for Kosovo, the Security Council reiterated the primacy of the regulations promulgated by the SRSG and subsidiary instruments thereunder as the law applicable in Kosovo. Any discriminatory elements in post March 1989 legislation relating to Kosovo will not be applied. These standards reinforce Kosovo's parallel progress towards European standards in the framework of the EU's Stabilisation and Association Process, based inter alia on the Copenhagen criteria. The standards describe a multi-ethnic society where there is democracy, tolerance, freedom of movement and equal access to justice for all people in Kosovo, regardless of their ethnic background.



# *Standards for Kosovo*

## **I. Functioning Democratic Institutions**

The Provisional Institutions of Self-Government (PISG) are freely, fairly and democratically elected. The PISG governs in an impartial, transparent and accountable manner, consistent with UNSCR 1244 and the Constitutional Framework. The interests and needs of all Kosovo communities are fully and fairly represented in all branches and institutions of government. Those communities participate fully in government. The laws and functions of the PISG approach European standards. The PISG provides services for all people of Kosovo throughout the territory of Kosovo; parallel structures have been dismantled.

### Elections

- Elections are regular, transparent, free and fair, conforming to international standards, allowing the full and peaceful participation of all communities and ethnic groups.
- Internally-displaced persons and refugees continue to be fully included in the Kosovo election process and their ability to vote is facilitated.
- An independent, representative and multi-ethnic Central Election Commission administers elections.
- A range of democratic political parties contests elections.
- A comprehensive legal framework covering political party operation and finances is adopted and enforced.

### Provisional Institutions of Self-Government (PISG)

- All communities are proportionately represented at all levels of the PISG, in accordance with applicable legislation. The PISG and local municipal government decide and enact legislation in an open, accountable and democratic manner.
- All official languages are respected throughout the institutions of government
- The PISG and municipalities ensure the availability of basic public services, such as health care, utilities and education, without discrimination, to all communities in Kosovo.
- The civil service is professional, impartial and accountable, representative of all communities in Kosovo and includes a significant proportion of women.
- All communities have fair access to employment in public institutions.
- Codes of conduct and enforcement procedures exist to for transparent and accountable government; recommendations of the Ombudsperson are given full weight.
- Regular and independent audits of the KCB, Assembly, government ministries and municipalities.
- Allegations of misconduct are thoroughly investigated,

elected officials and public servants responsible for unethical, fraudulent, or corrupt behavior are effectively disciplined.

- Proposed Assembly legislation is reviewed and cleared by the Assembly Committee on Rights and Interests of Communities prior to adoption by the Assembly.
- Women participate in the institutions of the PISG at rates that equal or exceed rates in the region and the interests of women are fully reflected in its policies and legislation.
- The proposals on decentralization of the Council of Europe have been examined and considered with the aim to create functional structures of local government.
- Parallel structures for the provision of services have been dismantled or integrated into PISG structures.

### Media and Civil Society

- A range of private, independent print and broadcast media exists, providing access to information for all communities throughout Kosovo.
- There is an independent and effective media regulatory authority, aspiring to European standards, recruited without discrimination and according to merit.
- Hate speech, or any form of incitement, is condemned by political leaders, the media regulatory authority and media commentators.
- Publicly-funded media devotes a full and proportionate share of its resources and output to all ethnic communities.
- Non-governmental organizations, in particular those representing minorities, are able to operate freely within the law and individuals are free to join them without discrimination.

## II. Rule of Law

There exists a sound legal framework and effective law enforcement, compliant with European standards. Police, judicial and penal systems act impartially and fully respect human rights. There is equal access to justice and no one is above the law: there is no impunity for violators. There are strong measures in place to fight ethnically-motivated crime, as well as economic and financial crime.

### Equal Access to Justice

- All crime is thoroughly investigated, regardless of the ethnic background of the victim or perpetrator.
- The prosecution and conviction of perpetrators of crime is consistent and effective, regardless of the ethnic background of victim or perpetrator
- Substantial progress has been made in solving the most serious murders and assaults against members of ethnic minorities.
- Witnesses are effectively protected from intimidation and retribution.
- Crime clearance rates for crimes of violence against persons of all communities are roughly equivalent.
- Misconduct by judges, prosecutors, attorneys, police, and penal system employees is routinely investigated and appropriately punished.
- There are professional codes of conduct for judges, prosecutors, lawyers and other members of the police and penal system, including a Bar Association representative of all Kosovo communities.
- Acts of retribution against individuals involved in disciplinary processes are rare and such individuals are adequately protected.
- All communities are fully and fairly represented amongst judges, prosecutors and in the Kosovo Police Service (KPS) and Kosovo Corrections Service (KCS).
- Institutions are functioning to train and educate the police, judges, lawyers, and penal system managers.
- An effective and impartial system of justice in the civil law sector is accessible to members of all communities in Kosovo.
- The backlog of civil law cases in courts is steadily being reduced.
- Judgments in civil law matters are being enforced, court execution officers are functioning, and court fines are routinely being paid.
- Legislation in civil law matters is reviewed and developed to ensure greater conformity with European standards.
- Alternatives to litigation for resolving civil disputes are expeditiously developed and effectively used.

- There is effective action to eliminate violence against women and children, trafficking and other forms of exploitation, including preventative education and provision of legal and social services to victims.

### No one is above the law

- All crimes, especially those of violence, that promote inter-ethnic hatred and fear are thoroughly investigated and resolved, and perpetrators are brought to justice and punished.
- Incidents of organized crime, trafficking, crime rooted in extremism, terrorism, and economic crime are vigorously investigated and local judges and prosecutors effectively prosecute and try perpetrators. The percentage of unsolved cases of crime rooted in extremism or terrorism is steadily declining.
- Perpetrators of assaults on judges, prosecutors, KPS officers and witnesses are fairly tried in local courts and are sentenced appropriately.
- Mechanisms of regional and international cooperation are functioning for police and judicial authorities, including transfer of suspects and sentenced persons, and mutual legal assistance to jurisdictions.
- There is full cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY), including arrest of indictees and provision of witnesses and information.
- Those war crimes not addressed by the ICTY are prosecuted fairly in Kosovo

### Economic and Financial Crime

- Effective legal, financial and administrative mechanisms that conform to EU standards are in place to tackle economic crime in both the public and private sectors, including seizure of illegally-acquired assets.
- There is a clear understanding amongst the vast majority of public sector employees of ethical conduct requirements, especially regarding conflict of interest.
- Adequate investigative mechanisms have been created and are functioning effectively.
- Money laundering legislation is effectively implemented and suspicious financial transaction reporting is in place

### **III. Freedom of Movement**

All people in Kosovo are able to travel, work and live in safety and without threat or fear of attack, harassment or intimidation, regardless of their ethnic background. They are able to use their own language freely anywhere in Kosovo, including in public places, and enjoy unimpeded access to places of employment, markets, public and social services, and utilities.

#### Freedom of Movement

- All communities are able freely to exercise rights to social, cultural and religious expression, including attending ceremonies and access to relevant sites.
- Military and police escorts are no longer needed; members of all ethnic communities have access to safe and public transportation
- Public employees from minority communities are able to work in majority areas without difficulties.
- The number of crimes specifically related to movement by minorities (e.g. stoning incidents) is significantly reduced and infrequent.
- Political leaders, without prompting, condemn and take action against acts of violence against ethnic communities and their members.

#### Free use of language

- Meetings of the Assembly and its committees are conducted in all official languages.
- Official municipal and ministry documents are translated in a timely manner into all official languages.
- Personal documents are issued in the native language of the recipient.
- Official signs inside and outside municipal and ministerial buildings are expressed in all official languages.
- Names of streets, cities, towns, villages, roads and public places are expressed in Albanian, Serbian and any other language of a community that lives there in a significant number.
- Municipalities and ministries provide adequate interpretation and translation services for all communities, including translation of all official documents and interpretation for all official meetings in relevant languages.

#### **IV. Sustainable Returns and the Rights of Communities and their members**

Members of all communities must be able to participate fully in the economic, political and social life of Kosovo, and must not face threats to their security and well-being based on their ethnicity. All refugees and displaced persons who wish to return to Kosovo must be able to do so in safety and dignity.

##### Rights

- The laws of Kosovo provide a full range of protection for human rights and the rights of communities and their members, consistent with European standards.
- A comprehensive and effective structure is in place within the PISG to monitor compliance with human and community rights and to respond to violations.
- Existing mechanisms within municipalities responsible for protection of human and community rights (Municipal Community Offices, Municipal Assembly Communities and Mediation Committees) have adequate resources and staff, and are functioning effectively.
- Kosovo participates in the Council of Europe implementation process for the Framework Convention for the Protection of National Minorities and fully implements recommendations resulting from that process.
- There is fair distribution of municipal and ministerial resources to all communities.
- The educational curriculum encourages tolerance and respect of the contributions of all communities to the history of Kosovo.

##### Returns

- The number of municipalities with sustainable returns increases, including an increase in returns to urban areas, the pace of returns overall accelerates, and the level of unmet demand for return has been substantially reduced.
- Returnees to Kosovo are able to participate in the economy and job market without discrimination and limitations based on the freedom of movement.
- Health care, social services, education and public utilities are available to returnees on a level equal to that of the rest of the population.
- Returnees face no greater risk of violence than the population as a whole, and police and the judiciary respond promptly and without discrimination to crimes, irrespective of the ethnic background of the victim.
- Municipalities and ministries are able to assume responsibility for returns within all communities in a manner consistent with European standards.

- Funding is allocated from the KCB to support returns projects and smaller communities.
- Visible support of the returns process by community leaders and public information and education efforts supported by the PISG create a climate of tolerance and support for the right to return.
- PISG support for returns, including financial assistance, is distributed equitably to all communities.

## **V. Economy**

The legal framework for a sustainable, competitive market economy is in place and implemented. The minimum essential conditions are a legal and institutional base which act without discrimination against any individual or company; a regulatory system conducive to business that is capable of holding governmental officials and the private sector accountable; a tax regime that sustains the essential functions of government and an infrastructure that provides basic services and facilitates investment. The goal is to move Kosovo towards the achievement of European standards.

- Basic economic legislation is in place and enforced
- Relevant government institutions and services are functioning
- The budget process is functioning and meeting all legal requirements.
- Economic statistics are available and regularly published, including on GDP, inflation, trade and unemployment.
- Privatization and liquidation of Socially Owned Enterprises are well advanced; Municipal Authorities and relevant governmental structures support a smooth and reliable transfer of ownership rights.
- Restructuring of Publicly Owned Enterprises, based on independent audits, is progressing and fully backed by the PISG.
- Supervision over commercial banking, insurance and pension scheme is reliable and effective.
- Kosovo wide billings approach 100% of services provided by KEK, PTK and water sector utilities, and collections approach at least the levels of neighbours.
- Tax revenue fully funds the recurrent budget, and an increasing share of the public investment.
- Tax compliance indicators are substantially improving.
- Revenue raising is free from political influence.

## **VI. Property Rights**

The fair enforcement of property rights is essential to encourage returns and the equal treatment of all ethnic communities. This requires that there is effective legislation in place, that there are effective property dispute resolution mechanisms; that rightful owners of residential, commercial and agricultural lands are able to take effective possession of their property and that there is an accurate system for transfer, encumbrance and registration of property as well as the prevention of coerced property sales.

### Property Rights

- Legislation is in place that is consistent with European standards.
- Illegal occupants have been evicted from properties and the property returned to its rightful owners.
- Municipal courts resolve property issues without discrimination against minority communities and do so at a rate comparable to European court systems.
- The Police enforce these decisions routinely and without discrimination.
- The Housing and Property Directorate and the Housing and Property Claims Commission have effectively resolved their backlog of cases.
- There is an effective system to remedy disputes over agricultural and commercial property.
- A property rights registry has been established and is functioning and municipal cadastral surveys have been completed.
- Municipal authorities cease unlawful or unjustified attempts to develop public lands that have long-established informal settlements by minority communities or other vulnerable groups.
- Informal settlements of vulnerable minority groups have been legalized and regularized.

### Preservation of Cultural Heritage

- Kosovo's cultural heritage is respected as the common patrimony of all of Kosovo's ethnic, religious and linguistic communities.
- All communities are entitled to preserve, restore and protect sites important to their cultural, historical and religious heritage with the assistance of relevant authorities (PISG), in accordance with European standards.
- There shall be neither discrimination nor preferential treatment of cultural heritage properties of any community.

## **VII. Dialogue**

There is a constructive and continuing dialogue between the PISG and their counterparts in Belgrade over practical issues. Kosovo's cooperation within the region is developed.

### Belgrade-Pristina dialogue

- There are regular meetings of the working groups (initially four: missing persons, returns, energy and transport & communications) and all working groups are multi-ethnic
- Meetings take place in atmosphere of constructive cooperation, respecting the rules of procedure and utilizing available international expertise.
- The working groups make progress in resolving practical issues of mutual concern.

### Regional

- Working arrangements are in place to provide advanced cooperation in the fields of: freedom of movement (including border crossings), trade and economy, police and justice, public administration, and regional parliamentary exchanges.
- There is participation in bilateral and multilateral arrangements to benefit stability in the region.

## **VIII. Kosovo Protection Corps**

The Kosovo Protection Corps (KPC) thoroughly complies with its mandate, as stated in the Constitutional Framework, as “a civilian emergency organisation which carries out in Kosovo rapid disaster response tasks for public safety in times of emergency and humanitarian assistance.” The KPC operates in a transparent, accountable, disciplined, and professional manner and is representative of the entire population of Kosovo. The KPC is capable of enforcing discipline and is fully funded in a transparent way.

- The KPC performs its mandated functions in full compliance with the rule of law.
- All Kosovo communities are fully and fairly represented in the KPC without being subject to discrimination.
- Funding is transparent and independently audited.
- The number of KPC installations has been reduced by at least one-third; contingent size is reduced to 3,052 active members and 2,000 reserve members
- All misconduct is punished, under a rigorous Disciplinary Code and Performance Review System.
- The KPC has engaged in a comprehensive campaign to recruit in ethnic minority communities.
- The KPC has devoted a proportionate share of reconstruction activities to ethnic minority communities.
- A Terms of Service Law for active and reserve members has been adopted and implemented.

