***Ex officio***

**Case No. 563/2016**

**REPORT WITH RECOMMENDATIONS**

Related to

*The procedure for the review of the Ombudsperson’s Annual Report according to the Rules of Procedure of the Assembly of the Republic of Kosovo*

**Addressed to:**

* **Mr Kadri Veseli, President**

**The Assembly of the Republic of Kosovo**

* **Mrs Albulena Haxhiu, President**

**The Committee on Legislation, Mandates, Immunities, Rules of Procedure of the Assembly and Oversight of Anti-Corruption Agency**

* **Mrs Lirie Kajtazi, President**

**The Committee on Human Rights, Gender Equality, Missing Persons and Petitions**

Prishtina, on 30 September 2016

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**PURPOSES OF REPORT**

Article 72 of Rules of Procedure of the Assembly defines “Special procedures regarding the reports of independent bodies”. Namely, relating to “The annual work report of an independent body, ***established by the Assembly***” (*ibid,* Article 72, par. 1, additional emphasis), Rules of Procedure sets forth that “After the presentation of the report, discussion shall take place in the following order: representatives of parliamentary groups and members of the Assembly, to be concluded by a voting on the approval” (*ibid*, Article 72, par. 3).

This report has three main purposes:

1. To provide a correct interpretation regarding Article 72 of Rules of Procedure, according to which the Ombudsperson is not considered “established by the Assembly”, therefore, on the basis of the current Rules of Procedure, Ombudsperson’s Annual Report should not be subject to voting on the approval in conformity with procedures defined in Article 72;
2. To argument that, because of specific nature of the work of the Ombudsperson as well as based on European and International Human Rights Standards, the role of the Assembly is not to vote completely pro or contra on the approval of the Ombudsperson’s Annual Report, but to contribute to the oversight of the implementation of the recommendations of presented in the Annual Report; and
3. To recommend the Assembly to supplement Rules of Procedure according to the below-mentioned arguments.

**LEGAL GROUNDS**

In conformity with Law no. 05/L-019 on Ombudsperson, the Ombudsperson, among others, has the following powers and responsibilities:

* “to make recommendations to the Government, the Assembly and other competent institutions of the Republic of Kosovo on matters relating to promotion and protection of human rights and freedoms, equality and non-discrimination” (Article 18, par. 1, sub-par. 5);
* “to publish notifications, opinions, recommendations, proposals and his/her own reports” (Article 18, par 1, subpar 6);
* “to recommend promulgation of new Laws in the Assembly, amendments of the Laws in force and promulgation or amendment of administrative and sub-legal acts by the institutions of the Republic of Kosovo” (Article 18, par 1, subpar 7);
* “to recommend to the Assembly the harmonization of legislation with International Standards for Human Rights and Freedoms and their effective implementation” (Article 18, par 1, subpar 9).[[1]](#footnote-1)
* “to advise and recommend to the institutions of the Republic of Kosovo for their programs and policies to ensure the protection and advancement of human rights and freedoms in the Republic of Kosovo” (Article 18, par. 3).

Upon the submission of this report to competent institutions and the publication of the report in the media, the Ombudsperson aims at carrying out the following legal responsibilities.

**ANALYSIS OF RULES OF PROCEDURE OF THE ASSEMBLY**

Rules of Procedure of the Assembly is promulgated based on Article 76 of Constitution of the Republic of Kosovo, which sets forth that: “The Rules of Procedure of the Assembly … shall determine … the work for the Assembly.” Article 72 of the Rules of Procedure, entitled “Special procedures regarding the reports of independent bodies ”, foresees four steps to be pursued to review “The annual work report of an independent body established by the Assembly” (*ibid*, Article 72, par. 1). First, Annual report shall be reviewed by the functional committee that covers “the scope of responsibilities of the independent body” *(ibid).* Second, the committee shall “review the annual report of the independent body and present to the Assembly a report with recommendations” within three working weeks (*ibid*, Article 72, par. 2). Third, the review of the annual report in the Assembly meeting “shall commence with a presentation of the report by the rapporteur of the functional committee”, and “discussion shall take place in the following order: representatives of parliamentary groups and members of the Assembly, to be concluded by a voting on the approval” (*ibid*, Article 72, par. 3). Fourth, Rules of procedure foresees that, “the floor may be given also to the responsible person of the independent body, upon the request of the Assembly” (*ibid*, Article 72, par. 4).

It is not completely clear from the text, whether Rules of procedure set forth in Article 72, interpreted correctly, should be implemented for the Ombudsperson, because according to the language of this provision, procedures set forth should be implemented only for “The annual work report of an independent body ***established by the Assembly”*** (*ibid*, Article 72, par. 1, additional emphasis). If the Ombudsperson, within the context of this provision, is considered as “established by the Assembly”, then, until Rules of procedure are amended, the procedures set forth in Article 72 shall apply to its Annual report, as for other independent bodies established by the Assembly. However, if the Ombudsperson is not considered “established by the Assembly”, then, procedures of Article 72 shall not apply to the Ombudsperson’s Annual Report and Rules of Procedure should be supplemented with other procedures for the review of its Report.

The word group “independent body, established by the Assembly” may be broken down into two parts: “independent body” and “established by the Assembly”.

First, the category “independent body” includes institutions set forth in Chapter XII of the Constitution of the Republic of Kosovo, which is entitled “Independent Institutions”. Independent institutions listed under this chapter are: Ombudsperson (Articles 132-135), Auditor General (Articles 136-138), Central Election Commission (Article 139), Central Bank of Kosovo (Article 140), Independent Media Commission (Article 141) and Independent Agencies (Article 142).

However, the expression “independent body” includes not only institutions under Chapter XII of Constitution, but also every and each body which is guaranteed independence or which is described or labelled as independent, wherever it is in the Constitution. Such institutions are: Regular Courts (“The judicial power is unique and independent and is exercised by courts”, Article 4, par. 5); Independent Oversight Board for Civil Service (Article 101, par. 2); Kosovo Judicial Council (“The Kosovo Judicial Council is a fully independent institution in the performance of its functions”, Article 108, par. 2); State Prosecutor (“The State Prosecutor is an independent institution”, Article 109, par. 2); Kosovo Prosecutorial Council (“The Kosovo Prosecutorial Council is a fully independent institution in the performance of its functions”, Article 110, par. 1); and Constitutional Court (“The Constitutional Court is an independent organ”, Article 4, par. 6, and “The Constitutional Court is fully independent in the performance of its responsibilities”, Article 112, par. 2).

It is clear that in using the expression “independent body”, the Assembly uses it in the broadest meaning, which includes not only institutions under Chapter XII of Constitution, but also other bodies identified as independent in other parts of the Constitution. This is proved by the fact that there are institutions included in the list of “Independent agencies” in the website of the Assembly, which do not belong to Chapter XII, such as e.g., Constitutional Court and Kosovo Prosecutorial Council (see the list of institutions at <http://www.kuvendikosoves.org/?cid=1,1044>).

The second part of the word group “independent body, ***established by the Assembly***”, presents more difficult problems of interpretation. Using the words “established by the Assembly”, Article 72 of Rules of Procedure means that not all independent bodies, but only those established by the Assembly are subject to procedures set forth under this provision. Therefore, there goes a question, should Ombudsperson be considered as a body established by the Assembly?

There are three possible interpretations of key words “established by the Assembly”. According to first interpretation, which is also the broadest interpretation, every independent body for which there is a law which regulates its organisation and functioning, may be considered as “established by the Assembly”, because every law must be adopted by the Assembly, in order for the body to enjoy the status of the law. However, according to this interpretation, ***all*** independent bodies would be considered as “established by the Assembly”, as for each such body there is a law regulating its organisation and functioning. See, for example Law No. 05/L-019 on Ombudsperson, Law No. 05/L-055 on Auditor General and the National Audit Office of the Republic of Kosovo, Law No. 03/L-073 on General Elections in the Republic of Kosovo (see, in particular, Article 59, “CEC”), Law No. 03/L-209 on Central Bank of the Republic of Kosovo, Law No. 04/L-44 on Independent Media Commission, Law No. 03/L-199 on Courts, Law No. 03/L-192 on Independent Oversight Board of Kosovo Civil Service, Law No. 03/L-223 on Kosovo Judicial Council, Law No. 03/L-224 on Kosovo Prosecutorial Council and Law No. 03/L-121 on Constitutional Court of the Republic of Kosovo. Therefore, according to first interpretation of the words “established by the Assembly”, all these bodies are considered “established by the Assembly” and as a result, all these bodies are subject to procedures in conformity with Article 72 of Rules of procedure of the Assembly.

However, the fact that this interpretation precludes no independent body from the scope of Article 72, it constitutes an argument against this interpretation. A general principle of interpretation of legal instruments is ***rule against surplusage***: “A law must be interpreted in such a manner as to provide effect to all provisions, that no part is ineffective or excessive, invalid or unimportant” (L.M. Eig, “Statutory Interpretation: General Principles and Recent Trends” (2011), pp. 13-14, citing Supreme Court of the United States, *Hibbs v. Winn*, 542, U.S. 88, 101 (2004)). See also, T.A. Dorsey, *Statutory Interpretation and Construction* (2010), §3.34, p. 85 (“In law, every article and every word is used for a reason”). According to this principle, we can conclude that words “established by the Assembly” should not be interpreted in such a manner that “independent body” and “independent body ***established by the Assembly”,*** are referred to same bodies, because in this case, words “established by the Assembly” would not add anything; they would be excessive words. Exactly due to this reason, words “established by the Assembly” cannot be interpreted as to have the meaning “whose organisation and functioning is regulated by a law adopted by the Assembly”, because as it has been observed above, ***all*** independent bodies meet this criterion and as a result, the Assembly would not have any reason to use the full word group, “independent body,***established by the Assembly”***, instead of simply “independent body”. The fact that Rules of procedure includes these words is an indicator that the Assembly’s intention was to limit the scope of Article 72, in order not to be implemented for all independent bodies. As a result, first interpretation should be removed, as it violates rule against surplusage.

According to this second interpretation, we should understand the concept of the establishment of a body differently, based on the language used in the law regulating that body. Law of every independent body sets forth whether that body is established by the Assembly or not. This piece of information is usually given in the first Article, where the purpose of law is defined. For some independent bodies, the regulating laws define that their intention is the establishment of those bodies. According to this interpretation of words “established by the Assembly”, one can conclude that procedures set forth in Article 72 of Rules of procedure of the Assembly are applied only to those independent bodies, the regulating laws of which expressly define that they are established by the Assembly. Whereas, regarding those bodies, the laws of which define only their functioning and organisation, but not also their establishment, these bodies are out of the scope of Article 72.

The main merit of this second interpretation, unlike first interpretation, is that the second interpretation manages to give effect to the words “established by the Assembly”. Therefore, the second interpretation does not violate the rule against surplusage. Unlike fist interpretation, not all independent bodies are considered as established by the Assembly. Due to this reason, the use of words “established by the Assembly” was not unintentional.

However, this second interpretation has another big deficiency: the division between laws claiming ***to establish*** independent bodies and those claiming only ***to regulate the organisation and functioning*** of independent bodies seems to be arbitrary. No reason can be distinguished why some of these bodies are described, in their regulating laws, as established by these laws, and some others are not. For example, Law No. 05/L-055 on the Auditor General and the National Audit Office of the Republic of Kosovo declares expressly an establishing purpose: “The purpose of this law is to regulate the organisation, operation, and competencies of the Auditor General and the ***establishment,*** organisation and functioning of the National Audit Office of the Republic of Kosovo” (*ibid*, Article 1, additional emphasis). In addition, Law No. 04/L-034 on the Privatisation Agency of Kosovo expresses its purpose “Resolved to quickly address the substantial negative economic and social effects arising from that legal uncertainty and to promote investment in the concerned enterprises and assets by ***establishing*** the Privatization Agency of Kosovo (*ibid*, Introduction, additional emphasis). Article 1 of the same law is entitled “***Establishment*** and Legal Status of the Privatization Agency of Kosovo” (*ibid*,additional emphasis).

Unlike these laws, Law No. 04/L-44 on Independent Media Commission (“The purpose of this Law shall be to establish the powers of the Independent Media Commission”, Article 1) and Law No. 03/L-159 on Anti-Corruption Agency (“This Law defines the status and responsibilities of the Anti-Corruption Agency”, Article 1), do not expressly mention the purpose to establish these independent bodies, but only to determine the manner of their organisation and functioning.

The problem with interpretation we are considering is that there is no principal reason why should we consider the National Audit Office and Privatisation Agency of Kosovo as established by the Assembly, but not the Independent Media Commission and the Anti-Corruption Agency. It seems that the inclusion of the word “establishment” was not intentional in some laws, while not in the others. Therefore, the use or not of this word in regulating laws cannot serve as the basis to define which bodies should be subject to procedures set forth for the review of annual reports in Article 72 of Rules of procedure.

Two first interpretations of the words “established by the Assembly” proved to have failed. Therefore, let us consider a third interpretation. According to this interpretation, the key of difference between independent bodies established by the Assembly and those not established by the Assembly lies not in laws but in Constitution. The Constitution clearly defines a special category of independent institutions that are at the discretion and competence of the Assembly to establish or not. Namely, Article 142 of Constitution sets forth that: “Independent agencies of the Republic of Kosovo are institutions ***established by the Assembly*** based on the respective laws that regulate their ***establishment,*** operation and competencies” (*ibid*, Article 142, par. 1, additional emphasis). Unlike these independent “agencies” which are created depending on the need and on the will of the Assembly, independent bodies which are expressly defined in the Constitution cannot be considered as established or created by the Assembly. For example, Constitution sets forth that: “Organisation, functioning and jurisdiction [but not establishment] of the Supreme Court and other courts shall be regulated by law” (*ibid*, Article 103, par. 1); “The organisation, competencies and duties [but not establishment] of the State Prosecutor shall be defined by law” (*ibid*,Article 109, par. 3); and “Organisation, operation and competencies [but not establishment] of the Auditor-General of the Republic of Kosovo shall be determined by the Constitution and law” (*ibid*,Article 136, par. 2). As indicated by these examples, the Constitution makes a clear distinction between (1) independent agencies, which are not defined by Constitution itself, but are established by the Assembly, and (2) independent bodies which are defined expressly as part of the constitutional structure.

This third interpretation avoids deficiencies of which the first and second interpretations suffer. Different from first interpretation, this interpretation does not violate rule against surplusage. Inclusion of words “established by the Assembly” is not surplus and unintentional. On the contrary, these words serve to limit the scope of Article 72 of Rules of procedure, indicating that only independent bodies established by the Assembly based on the competence defined in Article 136 of Constitution shall be subject to procedures defined in Article 72 for the review of annual reports. While, bodies whose existence does not come out from the Assembly, but which are expressly defined by the Constitution are not considered as “established by the Assembly” and as a result, according to the language used in Rules of procedure, should not be subject to same procedures.

This interpretation also avoids the disadvantage we have seen with the second interpretation. As noted above, second interpretation is based on the fact that some laws define the purpose of establishment of independent bodies and some do not define this purpose, but we have not found any basis that could explain this fact, which could have explained ***why*** only some laws spoke of the establishment of respective bodies and some did not. Whereas, third interpretation manages to explain clearly the difference between two types of independent bodies, based on classification which comes out of the Constitution itself.

Therefore, based on this third interpretation, what conclusions can we draw on the scope of Article 72 of Rules of procedure of the Assembly, especially for the review of the Ombudsperson’s Annual Report? As we have seen above, this provision envisages four steps for the review of annual reports, one of which is “conclusion by a voting on the approval” (*ibid*, Article 72, par. 2). While, according to the best interpretation we have found for the word group “independent body, established by the Assembly”, this procedure should be implemented only for those bodies which are not expressly defined in the Constitution, but which are established by the Assembly, based on its competence to establish independent agencies. Such agencies are, for example, Anti-Corruption Agency, Privatisation Agency of Kosovo, Kosovo Council for the Cultural Heritage, etc. Unlike these bodies, institutions such as Ombudsperson, Auditor General, Constitutional Court, etc., are predefined by the Constitution and therefore, are not established by an act of establishment of the Assembly. The Assembly does not play a role on the establishment of these institutions, but only in the regulation of organisation and their functioning.

Therefore, if procedures defined in Article 72 of Rules of Procedure are implemented only for annual reports of bodies established by the Assembly, then Ombudsperson’s Annual Report, which is an institution foreseen directly in the Constitution, not established by the Assembly, shall not be subject to procedures defined in this provision, including the voting on approval.

**the role of the ASSEMBLY in the REVIEW of the OMBUDSPERSON’S ANNUAL report**

If Ombudsperson’s Annual Report is left out of the scope of Article 72 of Rules of procedure of the Assembly, then other questions will arise: In what way should Rules of procedure be supplemented in this matter? What role should the Assembly play in the review of Ombudsperson’s Annual Report?

As a beginning, we can note that the nature of the Ombudsperson’s work makes voting on approval of his reports inappropriate. The main feature of Ombudsperson’s reports is that the intention is not only to describe the Ombudsperson Institution’s work. A more important intention of these reports is to provide information on the situation of human rights in the Republic of Kosovo, as well as to make concrete recommendations addressed to responsible public institutions on the improvement of this situation.

This role of the Ombudsperson in the presentation of recommendations is confirmed by the Constitution and by Law No. 05/L-019 on Ombudsperson. Article 135 of Constitution, which is entitled “Ombudsperson Reporting”, expressly defines that “The Ombudsperson is ***eligible to make recommendations and propose actions*** when violations of human rights and freedoms by the public administration and other state authorities are observed” (*ibid*, Article 135, par. 3). In addition, Law on Ombudsperson, Chapter III, “Powers and Responsibilities of the Ombudsperson”, has mentioned the role of the Ombudsperson 11 times in the presentation of recommendations for public authorities of the Republic of Kosovo. See Article 16, par. 8; Article 17, par. 5 and 7; Article 18, par. 1, subpar. 2, 5, 6, 7 and 9; and Article 18, par. 3 and 5.

The fact that making recommendations comprises a big portion of the work of the Ombudsperson gives a different nature to his reports in comparison with the reports of the majority of other independent bodies. For example, according to Law No. 04/L-034 on Privatisation Agency of Kosovo, Article 20, making recommendations is not included as part of the Agency’s Annual Report addressed to the Assembly. In addition, Law No. 03/L-223 on Kosovo Judicial Council, Article 4, par. 1, subpar. 26, only defines that Council should prepare an annual report “on the activities of the courts and the expenditures of the Council”. This does not mean that these independent bodies are unable or it is inappropriate for them to make recommendations, however, competence and responsibilities to make such recommendations play a much bigger role in the Ombudsperson’s work, which is clearly reflected in his reports. See, for example, Ombudsperson’s Annual Report 2015, No.15, part II, “Summary of Reports with Recommendations”, pp. 78-97.

As making of recommendations plays an important role in the Ombudsperson reporting, voting on the approval on his annual report is neither sufficient, nor desirable, as part of the review of that report by the Assembly. Voting on the approval is appropriate when the Assembly wishes to express its opinion on the work done by an institution ***in the past***, but is not appropriate for an institution reporting on steps to be taken by public authorities ***in the future.*** Moreover, voting on the approval of the Ombudsperson’s Annual Report in whole, looks more like an entirely formal step.

Therefore, rather than voting **pro** or **contra** on the Ombudsperson’s Annual Report in whole, Ombudsperson proposes that the Assembly, should supplement the Rules of procedure of the Assembly with specific procedures on the oversight of implementation of Ombudsperson’s recommendations by other public authorities. In this way, the Assembly would be able to play a role to the increase of the level of implementation of these recommendations. Taking into account the fact that Ombudsperson lacks executive powers to ensure the implementation of his recommendations, it is indispensable for the success of the Ombudsperson Institution mission that the Assembly supports this mission as much as possible.

Furthermore, in conformity with Constitution, and International and European standards on Human Rights, the duty of the Assembly is to support Ombudsperson’s work in this matter. In the context of a Parliamentary Republic, the Assembly is an institution the power of which comes out directly from the people of the Republic. This fact gives the Assembly not only the ***right*** but also the ***duty*** to hold other public institutions to account, especially the Government. This principle finds its confirmation in the text of the Constitution: “The Assembly of the republic of Kosovo . . . oversees the work of the Government and other public institutions that report to the Assembly in accordance with the Constitution and the law” (*ibid*, Article 65, par. 9). Doing so, the oversight of the implementation of Ombudsperson’s recommendations by other public institutions is only a part of a more general competence defined to the Assembly by the Constitution.

The special role of the Assembly in the oversight of implementation of Ombudsperson’s recommendations is supported also by International and European standards on the relationship between national parliaments and institutions on Human Rights. Recently, these standards are promulgated as a result of an international conference organised in 2012 by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and The International Coordinating Committee of National Human Rights Institutions (ICC), among others. The list of principles which resulted from this international conference emphasised the role of the Assembly in the oversight of public authorities regarding the respect of human rights. The conference pointed out that “Parliaments should hold open discussions on the recommendations issued by NHRIs” and “Parliaments should seek information from the relevant public authorities on the extent to which the relevant public authorities have considered and responded to NHRIs recommendations”); Article 32 (“Parliaments should seek to be involved in ... monitoring the State’s compliance with all of its international human rights obligations”); and Article 41 (“Parliaments and NHRIs as appropriate should co-operate in monitoring the Executive’s response to Judgments of Courts (national and, where appropriate, regional and international) and other administrative tribunals or bodies regarding issues related to human rights”).

The duty of national parliaments to monitor public authorities regarding human rights is also confirmed by the Parliamentary Assembly of the Council of Europe which in 2011, issued a Resolution no. 1823, “National parliaments: guarantors of human rights in Europe”. In this resolution, the Parliamentary Assembly claimed that national parliaments “are the key to effective implementation of international human rights norms at national level”, with reference also to “their duty to protect human rights . . . ***holding the executive to account***” (*ibid*, Article 2, additional emphasis). In particular, Parliamentary Assembly believes that “national parliaments are uniquely placed to hold governments to account for swift and effective implementation of the Court’s [European Court on Human Rights] judgments]” (*ibid*, Article 5, par. 1). In this respect, Resolution “urges parliamentarians to exercise their responsibility to carefully scrutinise the executive in their countries when it comes to the implementation of, in particular, international human rights norms ” (*ibid*, Article 6, par. 2).

International human rights norms are one of the main pillars of Ombudsperson reports and recommendations. See, e.g., Law No. 05/L-019 on Ombudsperson, Article 16, par. 1 (“The Ombudsperson has the power to investigate complaints received from any natural or legal person related to assertions for violation of human rights envisaged by the … international instruments of human rights, particularly the European Convention on Human Rights”) and Article 16, par. 4 (“The Ombudsperson has the power to investigate… on its own initiative (ex officio), if from findings, testimonies and evidence presented by submission or by knowledge gained in any other way, there is a base resulting that the authorities have violated human rights and freedoms stipulated by … international instruments on human rights”). While activities of the Ombudsperson, including also his recommendations are this closely related to international human rights norms, it is impossible for the Assembly to meet the requirement of the Parliamentary Assembly of the Council of Europe, to oversee the respect of these norms by public authorities, without paying special attention to the oversight of implementation of Ombudsperson’s recommendations. This type of oversight, not voting on the approval, should be a result of the review of Ombudsperson’s Annual Report.

1. **FINDINGS OF THE OMBUDSPERSON**

**Findings of the Ombudsperson**

Based on the assessment above, the Ombudsperson found that:

1. Procedures defined in Article 72 of Rules of procedure of the Assembly of the Republic of Kosovo for the review of “annual report of an independent body, established by the Assembly”, including voting on the approval of the report, should not applied to the Ombudsperson’s annual report.
2. Due to the specific nature of the Ombudsperson’s work and reporting, namely, due to his role in making recommendations, voting on the approval of the Ombudsperson’s Annual Report is neither appropriate nor desirable as part of its review in the Assembly; and
3. Respecting fully International and European Human Rights standards requires from the Assembly of the Republic of Kosovo to play a role in the oversight of the level of implementation of recommendations addressed to other public authorities by the Ombudsperson.
4. **RECOMMENDATIONS OF THE OMBUDSPERSON**

Based on these findings, and in conformity with Article 135, par. 3 of Constitution of the Republic of Kosovo, and Article 16, par. 4 of Law no. 05/L-019 on Ombudsperson, the Ombudsperson recommends the Assembly of the Republic of Kosovo to:

1. Clarify expressly that specific procedures for the review of “annual report of an independent body, established by the Assembly”, defined in Article 72 of Rules of Procedure of the Assembly of the Republic of Kosovo, including voting on the approval of the report, are not applied to the Ombudsperson’s Annual Report; and
2. Supplement the Rules of procedure of the Assembly of the Republic of Kosovo to define specific procedures for the review of Ombudsperson’s Annual Report, including the oversight of the level of implementation of his recommendations by other public authorities.

In conformity with Article 132, paragraph 3 of Constitution of the Republic of Kosovo (“Every organ, institution or other authority exercising legitimate power of the Republic of Kosovo is bound to respond to the requests of the Ombudsperson and shall submit all requested documentation and information in conformity with the law”) and Article 28 of Law no. 05/L-019 on Ombudsperson (“Authorities to which the Ombudsperson has addressed recommendation, request or proposal for undertaking concrete actions, … must respond within thirty (30) days. The answer should contain written reasoning regarding actions undertaken about the issue in question”), will you kindly inform us on actions to be undertaken about this issue.

Sincerely,

Hilmi Jashari

Ombudsperson

1. Although Rules of Procedure of the Assembly does not have the status of legislation, amendments to Rules of procedure, recommended in this report, can contribute to “harmonisation of legislation with international standards on human rights and fundamental freedoms and their effective implementation”, while these amendments would strengthen the role of the Assembly in the oversight of implementation of Ombudsperson’s recommendations by other public institutions. [↑](#footnote-ref-1)