

Tracking Kosovo's Commitment: Monitoring Adherence to the Venice Commission Rule of Law Checklist in 2023

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EXECUTIVE SUMMARY

The assessment of the rule of law situation in Kosovo presents progress and challenges in several key areas. This Report outlines the situation for the year 2023, based on the Rule of Law Checklist established and approved by the Venice Commission.¹ This checklist serves as a tool for the systematic and comprehensive assessment of the fundamental pillars in the field of the rule of law. This report evaluates five (5) categories: Legality, Legal Certainty, Prevention of Abuse (Misuse) of Powers, Equality before the Law, and Access to Justice.

Overall, Kosovo has achieved moderate progress in the assessed areas. This report highlights progress and challenges in various fields of Legality, including the supremacy of the law, law-making procedures, and others. On the other hand, while there has been moderate advancement in the independence of individual judges and the legislative framework regulating courts and prosecution, considerable limitations continue to exist.

One factor negatively impacting this assessment is the efforts to reform the Kosovo Prosecutorial Council, a reform that has faced significant opposition and ultimately found to be unconstitutional.

On the other hand, progress in the independence and accountability of the legal profession, especially the Bar Association, marks significant progress. Although there are rare cases of misuse and misrepresentation by individuals without licenses posing as lawyers, measures have been taken to strengthen oversight and transparency within the legal community.

Issues related to access to justice remain a concern, with lengthy trial procedures affecting citizens' willingness to seek quick resolutions to disputes. Although there are provisions for legal aid, sometimes the numerous procedures hinder their effectiveness. Furthermore, challenges persist in ensuring the presumption of innocence and rights to fair trial procedures, exacerbated by delays and inconsistencies in the judicial process.

It is worth noting that the Constitutional Court plays a key role in upholding the rule of law. The numerous cases sent to the Constitutional Court are evidence of the court's defense of constitutional principles and ensuring that the Constitution of the Republic of Kosovo is applied consistently.

In conclusion, while the justice system in Kosovo has made positive steps in certain areas, such as legal professionalism and constitutional justice, challenges still remain in law-making procedures, law enforcement, judicial independence, access to justice, and implementation of court decisions, requiring ongoing efforts for reform. To increase public trust and confidence in the justice system, comprehensive measures are needed to address deficiencies and uphold the rule of law.

I. INTRODUCTION

Kosovo faces various challenges in the rule of law sector, including numerous justice reforms, which are challenged in the Constitutional Court, as well as the resolution of cases in courts at a very slow pace.

¹ The Rule of Law Checklist, adopted by the Venice Commission at its 106th Plenary Session (Venice, 11-12 March 2016), available at: [www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2016\)007-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2016)007-e). Last assessed on: 25 March 2024.

Legality forms the basis of every democratic state, ensuring that state actions are authorized by law and consistent with constitutional principles. The report evaluates Kosovo's compliance with legal norms, examining the constitutional structure, legislative processes, and law enforcement. The report also considers Kosovo's inclusion in international legal standards and the role of civil society in promoting legal accountability. Furthermore, Legal Certainty implies that every individual should be able to understand what is required by the law and how it is applied in specific situations. Thus, it promotes stability, consistency, and fairness in the justice system.

It is worth noting that during the assessment period, the Constitutional Court declared the Law on the Kosovo Prosecutorial Council entirely invalid. Although the draft law was sent twice to the Venice Commission for assessment, the Kosovo Assembly failed to adopt a law in this field in accordance with the Constitution of the Republic of Kosovo. Some aspects of the Venice Commission's opinion recommendations on the Draft Law on the Kosovo Prosecutorial Council were not taken into account, and thus, the Constitutional Court found similar issues. Additionally, two other highly significant laws for reform in the Public Administration have ended up in the Constitutional Court, the Law on Public Officials, which has not been decreed by the President, and the Law on Salaries in the Public Sector, which has been sent to court by the Ombudsperson due to the acceptance of numerous complaints.

II. METHODOLOGY

Group for Legal and Political Studies (GLPS) conducts regular monitoring and assessment of the rule of law implementation in Kosovo, based on the Council of Europe's checklist for assessing the rule of law from the perspective of constitutional provisions, laws, subordinate legislation, as well as procedural rules to assess the distinction between written law and its implementation. This assessment is conducted on an annual basis.

The checklist contains eight main standards, which in turn include several indicators to monitor and evaluate the current situation. The mentioned categories below are considered to anticipate the fundamental concepts of the rule of law. The Constitution is taken as the highest source of law, followed by primary and secondary legislation, and judicial decisions.

The methodology based on the checklist has 5 categories:

1. Legality.
2. Legal certainty.
3. Prevention of abuse (misuse) of power.
4. Equality before the law and non-discrimination.
5. Access to justice.

Indicators within each group further include questions that need to be answered in order for the indicator to be fully realized. The assessment categories are significant progress, moderate progress, and limited progress. The fulfillment of indicators provides the percentage of achievement - for example, if an indicator has 6 operational questions and 3 are achieved, then we can say that the indicator is fulfilled by 50%, which means we have moderate progress. Furthermore, the analysis also provides a descriptive interpretation and explanation of the results.

III. Rule of Law in Kosovo – Data analysis

a. Legality

The principle of legality establishes the foundation of every democratic and functional state. This principle implies the supremacy of the law and imposes limitations on state authorities. State actions must be in accordance with and authorized by the law.² The Constitution of the Republic of Kosovo enshrines this principle, although in a narrower sense, as it refers to legality and proportionality in criminal cases. However, other codified provisions in the Constitution provide formal evidence of the existence of the rule of law.³

The principle of legality includes the supremacy of the law, compliance with the law, the relationship between international law and domestic law, law-making powers of the executive, law-making procedures, exceptions in emergency situations, the duty to implement the law, and private actors in charge of public tasks.⁴

1. Supremacy of the law

The first sub-category examines the conformity of state actions with constitutional and legal authorizations. This sub-category analyzes the recognition of the supremacy of law, the conformity of laws with the Constitution, as well as the process of legislation approval when required by the Constitution, and the approval of subordinate legislation when required by laws within the specified period set by that law. This sub-category has shown limited progress.

The Constitution of the Republic of Kosovo establishes this principle because it stipulates that the Constitution is the highest legal act and that laws and other legal acts must be in accordance with this Constitution.⁵ Meanwhile, the conformity of legislation with the Constitution is the responsibility of institutions to ensure it, starting from the drafting phase, the approval phase of the draft law, the approval phase, and also in some cases even after its approval. In 2023, it often occurred that the examination of the conformity of legislation was done even after it entered into force by sending a request to the Constitutional Court.

This sub-category addresses the timely approval of laws. In this aspect, legislation in Kosovo continues to be approved with delays. This can be observed from the Legislative Program, where out of 114 proposed draft laws in the program for the year 2023, only 61 have been approved.⁶ The Legislative Program for the year 2023 has been amended several times during the year, specifically ten times, with the October amendment foreseeing 136 draft laws. However, compared to the year 2022, the planning for the year 2023 has seen a slight

² The Rule of Law Checklist, European Commission for Democracy through Law (Venice Commission) (p. 17), available at: www.venice.coe.int/images/SITE%20IMAGES/Publications/Rule_of_Law_Check_List.pdf. Last assessed on: 25 March 2024.

³ Qerimi, Qerim. "Operationalization and Measurement of Law Enforcement in an Internationally Transitional Context: Venice Commission Checklist for Law Enforcement", "Law and Development Review 13", no. 1 (2020): 59-94. <https://doi.org/10.1515/ldr-2019-0010>. Last assessed on: 25 March 2024.

⁴ Shimon Shetreet, *Challenged justice: In pursuit of judicial independence*, 2021 (p.424), Leiden: Brill Nijhoff.

⁵ Constitution of the Republic of Kosovo, Article 16, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=3702>. Last assessed on: 25 March 2024.

⁶ Legislative Program for the Year 2023, adopted in the 121st meeting of the Government of the Republic of Kosovo, with Decision No. 02/121, dated 25.01.2023, amended and supplemented by the Decision No. 01/122, dated 31.01.2023, Decision No.01/133, dated 09.03.2023, Decision No. 02/138, dated 12.04.2023, Decision No. 12/142, dated 10.05.2023, Decision No. 15/143, dated 24.05.2023, Decision No. 12/153, dated 26.07.2023, Decision No. 01/154, dated 09.08.2023, Decision No. 18/159, dated 13.09.2023, and Decision No. 01/165 dated 12.10.2023, <https://kryeministri.rks-gov.net/wp-content/uploads/2023/10/Programi-Legjislativ-per-vitin-2023.pdf>. Last assessed on: 25 March 2024.

improvement. This is because in the Legislative Program for the year 2022, out of 172 proposed draft laws, only seventy-two draft laws were approved by the Government.⁷

Furthermore, the approval of by-laws deriving from Law no. 06/L-113 on the organization and functioning of state administration and independent agencies continues to be delayed by the responsible institutions. In 2023, ten Regulations on internal organization and job classification were approved (Regulation for the Kosovo Institute for Public Administration, for the Ministry of Economy, for the Kosovo Geological Service, for the Ministry of Finance, Labor and Transfers, for the General Inspectorate Office, for the Agency for Development of Agriculture, for the Ministry of Justice, for the Business Registration Agency in Kosovo, for the Metrology Agency of Kosovo, and for the Inspectorate of the Ministry of Justice). Thus, in this regard, Regulation (GRK) No. 01/2020 on Standards of Internal Organization, Job Classification, and Cooperation in State Administration Institutions and Independent Agencies (hereinafter referred to as Regulation (GRK) No. 01/2020) sets a timeframe within which the relevant regulations for internal organization and job classification must be drafted, stipulating that these regulations must be prepared within a period of six (6) months from the entry into force of Regulation (GRK) No. 01/2020 and submitted for approval. This means that the majority of state administration institutions are delayed in this regard.

The sub-category of the Supremacy of Law also assesses the extent to which the executive branch undertakes actions in accordance with the Constitution and the Law. During the year 2023, we have observed that the Government has submitted several draft laws for approval, which were later evaluated by the Constitutional Court as unconstitutional. Examples of such cases include the assessment of the constitutionality of Law no. 08/L-136 amending and supplementing Law no. 06/L-056 on the Kosovo Prosecutorial Council. In this case, the Court declared this Law to be in violation of the Constitution and declared it null and void in its entirety.⁸ Similarly, the Constitutional Court has assessed the constitutionality of Law no. 08/L-179 on Interim Measures of Essential Products in Special Cases of Destabilization in the Market.⁹ In this Law, the Constitutional Court found that some articles and paragraphs were in contradiction with the Constitution. Furthermore, the Constitutional Court has evaluated Law no. 08/L-197 on Public Officials, listing violations and specifying which provisions are in contradiction with the Constitution of the Republic of Kosovo.¹⁰

Furthermore, this sub-category also assesses whether judicial review applies to acts and decisions of independent agencies and private actors performing public duties. In this regard, the Constitutional Court, through its judgment in case KI 10/22 brought by the Union of the Institute of Forensic Medicine, found that regular courts, by refusing to review the legality of subordinate acts, denied the right of "access to justice" to the applicant. Therefore, in this regard, the Constitutional Court also found that regular courts have an obligation to ensure the preservation of legal supremacy of laws, including assessing the conformity of subordinate acts with the

⁷ Legislative Program for Year 2022, <https://kryeministri.rks-gov.net/blog/programi-legjislativ-per-vitin-2022-3/>. Last assessed on: 25 March 2024.

⁸ Notification from the Constitutional Court regarding the decision in the case KO 100/22 and KO 101/22, <https://gjk-ks.org/njoftim-per-vendim-ne-rastin-ki-100-22-dhe-ki-101-22/>. Last assessed on: 25 March 2024.

⁹ Constitutional review of Law no. 08/L-179 on Interim Measures of Essential Products in Special Cases of Destabilization in the Market, <https://gjk-ks.org/decision/vleresim-i-kushtetutshmerise-se-ligjit-nr-08-l-179-per-masat-e-perkohshme-te-produkteve-themelore-ne-raste-te-vecanta-te-destabilizimit-ne-treg/>. Last assessed on: 25 March 2024.

¹⁰ Constitutional review of articles 9, 12, 46 and 99 of Law No. 08/L-197 on Public Officials, <https://gjk-ks.org/decision/vleresim-i-kushtetutshmerise-se-neneve-9-12-46-dhe-99-te-ligjit-nr-08-l-197-per-zyrtaret-publike/>. Last assessed on 25 March 2024.

applicable law.¹¹ Following the Constitutional Court's Judgment, the Basic Court in Prishtina, Department for Administrative Matters, on December 14, 2023, issued a judgment evaluating the claims of the Institute of Forensic Medicine as well-founded, obliging the Office of the Prime Minister to issue a decision on the applicant's claims within 30 days from the date of receipt of the judgment.¹² This action marks an increase in the implementation of the Rule of Law because the Constitutional Court has managed to change an unjust practice by regular courts, enabling access to justice even in cases where it is alleged that rights have been violated by administrative acts.

2. Compliance with the law

The subcategory Compliance with the law showed moderate progress, remaining unchanged from the previous assessment. This sub-category deals with whether the authorizations of the authorities are defined by law, whether their actions are in accordance with the law, whether the competencies of public authorities are clearly divided, whether public authorities can act without a legal basis, and if so, whether these actions are justified. Constitutional provisions and legislation provide a clear definition of competencies, but often public authorities fail to comply with the existing regulations. The Constitutional Court, through its judgment in case KO 216/22 and KO 220/22, found that the contested Law, the Law on Public Officials, among other things, is not in accordance with paragraph 1 of Article 4, Form of Governance and Separation of Powers of the Constitution of the Republic of Kosovo.¹³ In the mentioned judgment, it is emphasized that:

*"(i) among the fundamental values embodied in the Constitution, on which the constitutional order of the Republic of Kosovo is based, is the 'separation of powers';
(ii) the functioning of the democratic state of the Republic of Kosovo is based on the constitutional principle of the separation of powers and the balance of control between them."*

In this regard, the Constitutional Court found that the Law on Public Officials is not in accordance with the Constitution of the Republic of Kosovo.

On the other hand, many citizens during the year 2023 have submitted complaints to the Consumer Protection Department, to the Trade Inspection regarding cable network services. The complainants have filed complaints because they have been obligated that in the case of contract connection, even if the content of the service/channels' changes, they are forced to pay the remaining part of the contract, without the possibility of termination. Cable operators have acted based on the Regulation of the Regulatory Authority for Electronic Communications and Postal Communications (RAEPC) on Contracts, Transparency, publication of information, and other protective measures for end-users of electronic communication services.¹⁴ In this regard,

¹¹ Constitutional review of Judgment ARJ. no. 115/2021 of the Supreme Court of Kosovo of 18 November 2021, Case KI10/22, <https://gjk-ks.org/decision/vleresim-i-kushtetutshmerise-se-aktgjykimit-te-gjykates-supreme-te-kosoves-arj-nr-115-2021-te-18-nentorit-2021/>. Last assessed on: 26 March 2024.

¹² The Union of the Institute of Forensic Medicine wins the case against the Government regarding the Regulation of the IML, Bota Sot, published on December 20, 2023. <https://www.botasot.info/lajme/2101367/sindikata-e-institutit-te-mjekesise-ligjore-fiton-rastin-ndaj-qeverise-per-rregulloren-e-impl-se/>. Last assessed on: 26 March 2024.

¹³ The judgment in case no. KO216/22 and KO220/22, Assessment of the constitutionality of articles 9, 12, 46, and 99 of Law no. 08/L-197 for Public Officials, <https://gjk-ks.org/decision/vleresim-i-kushtetutshmerise-se-neneve-9-12-46-dhe-99-te-ligjit-nr-08-l-197-per-zyrtaret-publike/>. Last assessed on: 26 March 2024.

¹⁴ ARKEP, Regulation on Contracts, Transparency, Publication of Information, and other protective measures for end users of electronic communications services, <https://www.arkep-rks.org/NewsDetails/9/389>. Last assessed on: 26 March 2024.

the Ministry of Industry, Entrepreneurship, and Trade has issued a decision for the termination of contracts of consumers with cable operators, emphasizing that the prohibition of termination is contrary to Article 72 of the Law on Consumer Protection.¹⁵ This reaction has been successful and has also resulted in the amendment of RAEPC's regulation.¹⁶

3. Relationship between international law and domestic law

This subcategory has shown moderate progress. This subcategory examines whether domestic legislation ensures that the state adheres to the rules of international law. Kosovo is not a party to many international or regional agreements and conventions on human rights; however, Article 22 of the Constitution of the Republic of Kosovo establishes international agreements and instruments for human rights and freedoms, which are directly applicable in the Republic of Kosovo, as well as the priority they enjoy.¹⁷ However, the International Covenant on Economic, Social and Cultural Rights is not listed among the legal instruments in the Constitution of the Republic of Kosovo. The Ombudsperson in the annual report has drawn attention to the exclusion of this Convention in the Constitution of the country, implying that Kosovo lacks a key instrument for achieving the goals of the 2030 Agenda.¹⁸

Regarding the implementation of decisions of the European Court of Human Rights, regular courts still do not apply them in a satisfactory number.

4. Law-making powers of the executive

This subcategory addresses whether the supremacy of the legislature is ensured, whether general rules are included in an act of Parliament, whether effective means against abuse are provided, and the delegation of legislative authorizations from Parliament to the Executive. The Constitution of the Republic of Kosovo stipulates that the Government is responsible for implementing laws and state policies and is subject to parliamentary oversight.¹⁹ Parliamentary oversight is further regulated through the Rules of Procedure of the Assembly, which is based on Article 76 of the Constitution. The Rules of Procedure of the Assembly of the Republic of Kosovo entered into force in July 2022.²⁰ According to these rules, the parliamentary committee can organize hearings to monitor the implementation of laws and policies. However, these hearings are held very rarely or not at all. On February 22, 2023, the Committee for Health and Social Welfare in a regular meeting formed a working group to monitor Law 04/L-156 on tobacco control, as well as Law 08/L-040 amending and supplementing Law No. 04/L-156 on Tobacco Control.²¹ It was said in this meeting that depending on the findings of the Working Group, recommendations will be made on how to re-enact the Law. After the formation of this

¹⁵ MINT, Notice regarding the decision on termination of consumer contracts with cable operators, <https://mint.rks-gov.net/Page.aspx?id=1,%203,1572>. Last assessed on: 25 March 2024.

¹⁶ ARKEP, Regulation no. 61 on contracts, transparency, publication of information, and other measures for users of Electronic Communications Services (ECS), <https://www.arkep-rks.org/NewsDetails/9/1139>. Last assessed on 25 March 2024.

¹⁷ The Constitution of the Republic of Kosovo, Article 22, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=3702>. Last assessed on: 25 March 2024.

¹⁸ The Annual Report of the Ombudsperson Institution for the year 2022, <https://oik-rks.org/2023/03/31/raporti-vjetor-2022/>. Last assessed on: 25 March 2024.

¹⁹ The Constitution of the Republic of Kosovo, Article 224, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=3702>. Last assessed on: 25 March 2024.

²⁰ Rules of Procedure of the Assembly of the Republic of Kosovo, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=61266>. Last assessed on: 25 March 2024.

²¹ News from the meeting of the Commission for Health and Social Welfare, <https://www.kuvendikosoves.org/shq/per-publikun/lajmi/nga-mbledhja-e-komisionit-per-shendetesi-dhe-31937/>. Last assessed on: 25 March 2024.

Working Group, the Minister of Agriculture, Forestry, and Rural Development issued a statement that there would be no more tolerance for non-compliance with this Law, and within less than a week, about 150 fines were issued for violators of the tobacco law.²² Additionally, the Committee on Human Rights, Gender Equality, Victims of Sexual Violence during the War, Missing Persons, and Petitions discussed the issue of non-compliance with Law No. 05/L-021 on Protection against Discrimination.²³ Also, the Committee on Human Rights, Gender Equality, Victims of Sexual Violence during the War, Missing Persons, and Petitions discussed the implementation of Law No. 05/L-67 on the status and rights of paraplegics and tetraplegics, specifically on the implementation of this law by the health commission, which assesses in which category paraplegics and tetraplegics are classified.²⁴

5. Law-making procedures

Law-making procedures, a subcategory that deals with the transparency, inclusiveness, and democratic nature of procedures, moderate progress has been observed. The Constitution of the Republic of Kosovo defines legislative procedures, where the Assembly is the supreme body for determining the content of the law, accountability, transparency, and inclusiveness. During the year 2023, there were cases in the Government where the approval of laws did not pass through the prescribed procedures. Regulation (GRK) no. 05/2016 on minimum standards for the public consultation process²⁵ clearly defines the consultation rules.

During the year 2023, this regulation was not always respected. Subsidiary acts deriving from the Law on Salaries were approved by the Government without undergoing the public consultation procedure, with 11 subsidiary acts being the case. There have been cases where the approval of draft laws was done without following the prescribed legal procedures. For example, the Draft Law on Sustainable Investment was approved at the 118th meeting of the Government of Kosovo, with decision no. 02/118, dated January 11, 2023, did not follow the prescribed legal procedures for public consultation.²⁶ Also, the coefficient of public officials' salaries was not known until the approval of Law no. 08/L-213 amending and supplementing Law no. 08/L-193 on budget allocations for the budget of the Republic of Kosovo for the year 2023, which was published in the Official Gazette on 28th February of 2023.²⁷

This is a regression because in these cases, public consultation procedures were not respected at all. There are cases where, even though a draft law or draft administrative act is published on the public consultation platform, comments are not taken into account, and it is not published or justified. Such was also stated by the EU representative, who declared that the comments of the EU Office regarding the Salary Law and the Law on Public Officials were not

²² About 150 fines for violators of the tobacco law, <https://kosovapress.com/rreth-150-gjoha-per-shkelesit-e-ligjit-te-duhanit/>. Last assessed on: 25 March 2024.

²³ From the session of the Commission for Human Rights, Gender Equality, Victims of Sexual Violence of War, for Missing Persons and Petitions, <https://www.kuvendikosoves.org/shq/per-publikun/lajmi/nga-seanca-e-komisionit-per-te-drejta-te-njer-31850/>. Last assessed on: 26 March 2024

²⁴ Announcement from the meeting of the Commission for Human Rights, Gender Equality, Victims of Sexual Violence of War, for Missing Persons and Petitions, dated 12.12.2023.", <https://kuvendikosoves.org/shq/punesimi/per-publikun/lajmi/nga-mbledhja-e-komisionit-per-te-drejtat-e-nj-34105/>. Last assessed on: 26 March 2024.

²⁵ Regulation (GRK) no. 05/2016 on minimum standards for the public consultation process.", <https://gzk.rks-gov.net/ActDetail.aspx?ActID=15036>. Last assessed on: 26 March 2024.

²⁶ Draft Law on Sustainable Investments, <https://kryeministri.rks-gov.net/wp-content/uploads/2023/01/Projektligj-per-Investime-te-Qendrushme.pdf>. Last assessed on: 26 March 2024.

²⁷ Law No. 08/L-193 on Budget Appropriations for the Budget of the Republic of Kosovo for the year 2023, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=68589>. Last assessed on: 26 March 2024

taken into account, and these laws were rushed through the procedure without consulting the parties concerned.²⁸

The Country Report published in November 2023 for Kosovo found that civil society actively participates in consultations and contributes to policymaking, however, increased engagement of authorities in enhancing civil society involvement is welcomed.²⁹ Additionally, the report emphasized that the use of an online platform for public consultations is lacking within the authorities.

According to statistics published on the public consultation platform, from the 1st of January 2023 to the 31st of December 2023, a total of 236 documents were published for public consultation at the central level.³⁰ From this number, 39 draft laws, 36 draft regulations, and 111 draft administrative instructions were published for public consultation. In total, according to platform statistics, the number of comments during this period is 162, which includes comments for all published documents.³¹ These data are usually superficial, and reports on public consultations are missing, which would show comments, reasons for acceptance or rejection, and how they are reflected in the draft document. According to Article 15 of the Regulation on minimum standards for the public consultation process, it is the obligation of the proposing authority to review the comments, and the responsible official is responsible, among other things, for publishing the updated draft proposal and the final consultation report with the public.³²

Meanwhile, the Assembly of the Republic of Kosovo publicly debates proposed legislation, which is transmitted also live on its website. The Assembly's platform informs the public about the stage at which a draft law is, but explanatory reports are missing.³³

For the year 2023, it was planned to conduct thirty-three ex-ante analyses of legislation (concept documents), according to the list issued by the General Secretary of the Office of the Prime Minister.³⁴ This list was amended on May 11, 2023, and September 7, 2023, where according to the updated list, a total of thirty-six concept documents are planned to be drafted. In 2023, the Government approved five (20) Concept Documents in various fields, such as the Concept Document in the field of Vehicles, Bankruptcy, for the Fund of Confiscation, for the organization of the joint market of agricultural products, for the use and exchange of immovable property of the Municipality, for the Civil Code Procedure, for the Court of Administrative and Labor.

Regarding ex-post assessments of legislation, for the year 2023, it was planned to prepare 7 Ex-Post Legislation Evaluation Reports, during the year, five Ex-post Assessments were approved (Evaluation for Law No. 05/L -021 on Protection Against Discrimination, Evaluation for Legislation on local democracy mechanisms, Evaluation of the Administrative Instruction (QRK) 10/2017 for the list of indicators for identifying victims of trafficking in persons, Evaluation of

²⁸ Klan Kosova, Szunyog: Public Administration Reform, key to EU accession, <https://klankosova.tv/szunyog-reforma-ne-administraten-publike-celes-per-anetaresim-ne-be/>. Last assessed on: 26 March 2024.

²⁹ Kosovo Report, https://neighbourhood-enlargement.ec.europa.eu/document/download/760aacca-4e88-4667-8792-3ed08cdd65c3_en?filename=SWD_2023_692%20Kosovo%20report_0.pdf. Last assessed on: 26 March 2024.

³⁰ Statistics on the public consultation platform, period from 1st of January 2023, to 31st December 2023, <https://konsultimet.rks-gov.net/statistics.php>. Last assessed on: 15 March 2024.

³¹ Ibid, <https://konsultimet.rks-gov.net/statistics.php>

³² Regulation (GRK) No. 05/2016 on minimum standards for the public consultation process, approved at the 86th meeting of the Government of Kosovo, with Decision No. 06/86, dated April 29, 2016, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=15036>. Last assessed on: 26 March 2024.

³³ The platform of the Assembly of the Republic of Kosovo, <https://www.kuvendikosoves.org/shq/projektligjet-dhe-ligjet/>. Last assessed on: 26 March 2024.

³⁴ The Concept Document List for the year 2023, <https://kryeministri.rks-gov.net/blog/lista-e-koncept-dokumenteve-2023/>. Last assessed on: 26 March 2024.

Law no.04/L-110 for Construction, and Evaluation of Law no.05/L-134 for the legalization and surrender of firearms, ammunition, and explosive devices).³⁵ In this regard, there is an improvement in the publication of Ex-post Evaluation Reports; however, there is a lack of a monitoring mechanism to show how the findings of ex-post assessments are implemented and how the findings of these reports are included in concept documents, which usually precede the legislation drafting process.

6. Exceptions in emergency situations

In this subcategory, significant progress has been noted. During this period, there has been no change in assessment. This subcategory deals with the fact that exceptions in emergency situations are determined by law. In Kosovo, this is regulated by Article 131 of the Constitution of the Republic of Kosovo, which precisely defines which provisions apply during a state of emergency, the scope, duration, and limitations. Additionally, it specifies which laws cannot be changed during a state of emergency, such as the law on parliamentary and municipal elections, and it determines that other principles for the actions of public institutions during the State of Emergency are regulated by law but always in accordance with the specific provision of the Constitution.

7. Duty to implement the law by public authorities

This category showed a limited progress. It analyzes the measures taken to ensure that public authorities effectively enforce the laws, focusing on questions such as whether there are difficulties in law enforcement, whether there are effective measures against non-compliance with the law, whether sanctions for non-compliance with the law are clearly specified, and how this system is implemented.

In Kosovo, public institutions tend to adopt laws in accordance with the EU legal framework without properly conducting ex-ante analysis to adapt as best as possible to the respective state. Furthermore, there are no effective legal means to ensure the effective implementation of the law by public authorities, and there are no specific measures defined in case of non-compliance with the law. Moreover, it should be emphasized that public institutions continue to fail in assessing the impact of the law, both in pre-assessment and ex-post assessment, as well as in law enforcement. In March 2023, Law No. 04/L-156 on Tobacco Control began to be enforced, through the announcement by the Minister of Agriculture, Forestry, and Rural Development for zero tolerance: "From today zero tolerance towards smoking in enclosed spaces."³⁶ Thus, through the activation of the ministry and the imposition of fines, this law has begun to be largely respected by citizens and businesses.

However, this law has been in force since 2013,³⁷ and the enforcement of laws must be ensured from the beginning and consistently, rather than sporadically. However, the enforcement of the Tobacco Control Law is not consistent because there are still periods when it is not enforced at all. Furthermore, in the ex-post assessment of the Discrimination Protection Law, it was found that some institutional mechanisms are not operational in accordance with the law. This law also specifies sanctions for violations of its provisions; however, until the assessment,

³⁵ The reports published on the official website., <https://kryeministri.rks-gov.net/?s=ex+post>. Last assessed on: 26 March 2024.

³⁶ Minister Peci announces measures: From today zero tolerance towards smoking in indoor areas, <https://zeri.info/aktuale/484998/ministri-peci-paralajmeron-masa-nga-sot-zero-tolerance-ndaj-duhanit-ne-ambiente-te-mbyllura/>. Last assessed on: 28 March 2024.

³⁷ Law no. 04/L-156 on Tobacco Control, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=8665>. Last assessed on: 28 March 2024.

the punitive provisions of the law have not been applied, nor has the competent authority for their issuance been determined.³⁸

In the subcategory of Private actors charged with public tasks, moderate progress has been noted. The Constitution of Kosovo does not provide provisions for the delegation of public duties to private actors. However, the Law on General Administrative Procedure (LGAP) is applied whenever a private individual acts on behalf of a public institution with a clear legal authorization or based on a law, as clearly specified in Article 2, paragraph 2 of this law. Similarly, the Law on the Organization and Functioning of State Administration and Independent Agencies (LOFSAIA), in Article 33, stipulates that: "State administration may delegate the exercise of certain duties for the realization of administrative functions under this law, to natural or legal persons, profit or non-profit." Additionally, this law in Articles 34 and 35 defines the conditions for delegation and supervision of delegated duties.

Conclusion

In conclusion, the category of Legality showed moderate progress for the assessment period from the 1st of January 2023, to the 31st of December 2023. During this period, it was found that Kosovo needs fundamental reforms in the duty of law enforcement, where the result was lower, due to difficulties in law enforcement and the lack of effective means to enable the enforcement of the law thoroughly.

Kosovo's legal landscape presents a picture of progress and persistent challenges across various aspects. While constitutional provisions affirming the supremacy of law and mechanisms for legislative approval demonstrate a commitment to democratic principles, delays in lawmaking, cases of unconstitutional laws, and inconsistent enforcement highlight aspects needing improvement. Moreover, efforts to align domestic legislation with international regulations, enhance parliamentary oversight, and ensure transparent law-making procedures are underway but require sustained attention. Addressing these issues is vital for Kosovo to strengthen its legal framework, uphold the rule of law, and foster effective governance in line with democratic ideals, thereby promoting stability, accountability, and the protection of rights for all its citizens.

b. Legal certainty

The second category of the compliance checklist for the rule of law is Legal Certainty. This category concerns the principle that the law should be clear, predictable, and accessible to everyone. This implies that each individual should be able to understand what is required by the law and how it applies in specific situations. Therefore, it promotes stability, consistency, and fairness in the legal system. This category consists of the following subcategories: **Accessibility of legislation, Accessibility of court decisions, Foreseeability of the laws, Stability and consistency of law, Legitimate expectations, non-retroactivity**, the principles of **Nullum Crimen Sine Lege** and **Nulla Poena sine Lege**, as well as **Res Judicata**.³⁹

1. Accessibility to Legislation

³⁸ Ex-Post Evaluation Report for Law No. 05/L-021 on Protection against Discrimination, dated 18th of August 2023., <https://kryeministri.rks-gov.net/wp-content/uploads/2023/09/ALB-Raporti-per-Vleresimin-Ex-Post-te-Ligjit-per-Mbrojtje-nga-Diskriminimi.pdf>. Last assessed on: 28 March 2024.

³⁹ The Rule of Law Checklist, European Commission for Democracy through Law (Venice Commission) (p. 25), available at: www.venice.coe.int/images/SITE%20IMAGES/Publications/Rule_of_Law_Check_List.pdf. Last assessed on: 25 March 2024.

The subcategory of **Accessibility to Legislation** showed significant progress. This subcategory has not seen changes from previous assessments, which deal with whether laws are accessible, whether all legislative acts are published before entering into force, and whether they are accessible via the Internet free of charge. In Kosovo, citizens have the opportunity to access legislative acts before they enter into force. During the proposal phase, draft laws are published on the official website of the Office of the Prime Minister after approval by the Government. Additionally, draft laws are published on the official website of the Assembly of Kosovo, where citizens can access and see in which phase a specific draft law is. After approval, laws are published on the official website of the Official Gazette, where they are accessible to everyone in five languages: Albanian, English, Serbian, Turkish, and Bosnian. The situation is not the same for sub-legal acts, where although they are published in the Official Gazette of the Republic of Kosovo, especially sub-legal acts issued by ministries are published in inappropriate formats (scanned PDFs as images), making it difficult to process and search for information. In this regard, there is a need to change this practice to facilitate citizens' access and make it easier to search for the information they need.

2. Accessibility to Court Decisions

Meanwhile, the subcategory **Accessibility to Court Decisions** showed significant progress. In this regard, there is a continuous effort to improve public access to court decisions. It is also worth noting that the decisions of the Constitutional Court are consistently published within a reasonable timeframe on the official website of the Constitutional Court, as well as in the Official Gazette of the Republic of Kosovo.

Administrative Instruction No. 04/2019 on the publication of processed court decisions specifies that all courts should publish all court decisions, except for some exceptions, within a period of sixty (60) days from the date of issuance of the court decision. The majority of decisions of the basic courts, the Court of Appeals, and the Supreme Court remain accessible on their respective websites. In December 2022, this administrative instruction was amended and supplemented through Administrative Instruction No. 01/2022, which includes the regulation of the publication of judgments of the Supreme Court, the Court of Appeals, and the Chambers of the second instance of the Commercial Court, as well as the publication of meritorious judgments of the Chambers of the first instance of the Commercial Court and the basic courts of the Republic of Kosovo.⁴⁰ However, cases of exceptions are often not justified for the public. So far, a total of 142,329 court judgments from regular courts have been published on the website of the Kosovo Judicial Council.⁴¹

3. Foreseeability of the laws

The sub-category **Foreseeability of the laws**, which showed moderate progress, analyzes whether laws are written in a clear form and whether new laws accurately specify which laws are repealed or amended and whether the changes are included in a consolidated version. Through the new Regulation of the Assembly of the Republic of Kosovo adopted in 2022, a requirement for the submission of a draft law has been added, emphasizing the need for legal review and

⁴⁰ Administrative Instruction No. 01/2022 for amending and supplementing Administrative Instruction No. 01/2021 for supplementing and amending Administrative Instruction 04/2019 for the publication of Processed Judgments, <https://www.gjygesori-rks.org/udhezimet-administrative/?r=M&legId=288>. Last assessed on: 29 March 2024.

⁴¹ Judgments published on the official website, last accessed on 12th of February 2024, <https://www.gjygesori-rks.org/aktgjykimet/>. Last assessed on: 29 March 2024.

harmonization.⁴² This may lead to greater attention being paid to the language used in the drafting phase of legislative acts. Additionally, it is worth noting that the period for entry into force is very short. For example, in the case of the Law on Public Sector Salaries, one month after publication in the Official Gazette, which has not been sufficient even for public institutions, as evidenced by the fact that they have not managed to process the supplements for public officials. In this regard, laws are somewhat written in an understandable and clear manner, and they expressly determine which previous law is repealed or amended. However, these changes are not included in a consolidated version. So far, we do not have consolidated versions of laws that would include all the changes and additions to a specific law. This is a negative aspect because laws in Kosovo are often amended, and it is not practical for citizens to browse through all the changes and additions and compare them, presenting a problem for officials who work with these laws. There have been some attempts to address this issue. The Draft Law on Legal Acts, which aims to regulate the issue of legal act consolidation, where the proposing body is required to carry out the consolidation procedure, has been approved by the Government. Currently, this Draft Law is in the Assembly.⁴³ Furthermore, this issue would be regulated by a subordinate act - an administrative instruction for the detailed regulation of this procedure in harmony with the law. In July 2022, it was considered by the Functional Commission in principle, which found that the Draft Law meets the conditions to be submitted to the Assembly for consideration and approval in principle.⁴⁴ This would be a positive development if the issue of law consolidation were to be addressed, as it would facilitate access to and work with these laws.

4. Stability and consistency of laws

Meanwhile, the sub-category **Stability and consistency of laws** showed limited progress. This sub-category assesses whether laws are stable to the extent that they are only changed with reasonable notice and whether they are applied consistently. In this regard, it is worth noting that laws are changed very often and not always with reasonable advance notice.

The Law on Public Officials⁴⁵ was drafted without prior analysis and policy documents to analyze the best options for legal regulation. This law envisages a complete change in the recruitment procedure, even though a recommendation from the Constitutional Court was to only amend it to include the findings of the Constitutional Court and to switch from a career system to that of position. This new law was not decreed by the President for reasons it has been sent to the Constitutional Court for an assessment of constitutionality.⁴⁶ On the 13th of September 2023, the Constitutional Court published the Decision on the Assessment of the Constitutionality of articles 9, 12, 46, and 99 of Law no. 08/L-197 on Public Officials where it found violations of

⁴² Rules of Procedure of the Assembly of the Republic of Kosovo <https://gzk.rks-gov.net/ActDetail.aspx?ActID=61266>. Last assessed on: 29 March 2024.

⁴³ Draft Law No. 08/L-107 on legal acts, <https://www.kuvendikosoves.org/shq/projektligjet/projektligji/?draftlaw=345>. Last assessed on: 29 March 2024.

⁴⁴ Ibid.

⁴⁵ The legislative process of the Draft Law for Public Officials, <https://www.kuvendikosoves.org/shq/projektligjet/projektligji/?draftlaw=437>. Last assessed on: 29 March 2024.

⁴⁶ The Law for Public Officials is sent to the Constitutional Court., <https://kosovapress.com/ligji-per-zyrtaret-publike-smund-te-hyje-ne-fuqi-deri-ne-vendimin-final-te-gjykates-kushtetuese/>. Last assessed on: 29 March 2024.

the Constitution of the Republic of Kosovo and ordered amendments to this law.⁴⁷ This means that since 2019, there have been many changes to the Law on Public Officials.

On the other hand, the Draft Law on the Kosovo Prosecutorial Council has been approved on second reading and sent to the Constitutional Court for assessment. On the 5th of April 2023, the Constitutional Court issued the Decision in the case no. KO100/22 and KO101/22 on the Assessment of the constitutionality of Law no. 08/L-136 amending and supplementing Law no. 06/L-056 on the Kosovo Prosecutorial Council, declaring this law invalid in its entirety.⁴⁸ Thus, the two main changes specified by the new Draft Law approved on second reading by the Assembly of the Republic of Kosovo are the reduction in the number of Council members and the immediate replacement of current members.⁴⁹ These issues have raised public debate, and these changes have also been addressed by the Venice Commission, which has issued two opinions, the latest of which is dated March 23, 2022, addressing the changes made in the Draft Law in question.

Regarding transitional provisions, the Opinion of the Venice Commission has emphasized that in the original draft, it was proposed that the mandate of Council members be terminated immediately, for which the Venice Commission had said that at least some of the current members should be allowed to continue their mandate unless a major improvement in the current system is foreseen. This idea was abandoned in the revised version, proposing that current members complete their term, thus not interrupting their mandate immediately.

The Venice Commission has emphasized that with the revised version of the transitional provisions, the security of the members' mandate is respected.⁵⁰ Despite this opinion, the Draft Law in the Assembly changed, and the transitional provisions were removed from the provision that offered the possibility for current members of the Kosovo Prosecutorial Council to remain in office until the end of their current mandate.

5. Legitimate expectations

Meanwhile, the sub-category **Legitimate expectations**, which concerns how much public authorities adhere to raised promises and expectations, not only from the law. In this case, in the past year, public authorities have failed to respect the principle of legitimate expectation. Therefore, this sub-category has shown limited progress.

During the assessment period, there have been cases where the Constitutional Court has annulled a specific law in its entirety due to inconsistency with the Constitution of the Republic of Kosovo. Additionally, the Constitutional Court has found several provisions of the Law on Public Officials that are contrary to the Constitution. Regarding promises, more work needs to be done in this direction, as authorities have failed to adhere to them.

As for the sub-category **Non-retroactivity of legislation**, it is worth noting that there is no general law that speaks to the retroactivity of laws. However, the Criminal Code of the Republic of

⁴⁷ The Judgment in case KO216/22 and KO220/22, Evaluation of the constitutionality of articles 9, 12, 46, and 99 of Law no. 08/L-197 for Public Officials, <https://gjk-ks.org/decision/vleresim-i-kushtetutshmerise-se-neneve-9-12-46-dhe-99-te-ligjit-nr-08-l-197-per-zyrtaret-publike/>. Last assessed on: 29 March 2024.

⁴⁸ Judgment reference number: AGJ 2152/23, dated 5th of April 2023., https://gjk-ks.org/wp-content/uploads/2023/04/ko_100_101_22_agj_shq.pdf. Last assessed on: 29 March 2024.

⁴⁹ Draft Law No. 08/L-136 for amending and supplementing Law No. 06/L-056 on the Kosovo Prosecutorial Council, <https://www.kuvendikosoves.org/shq/projektligjet/projektligji/?draftlaw=372>. Last assessed on: 29 March 2024.

⁵⁰ The Venice Commission - Opinion on the revised draft law for amending and supplementing Law No. 06/L-056 on the Prosecutorial Council of Kosovo, adopted by the Venice Commission at its 130th plenary session held on March 18-19, 2022., [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2022\)006-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2022)006-e). Last assessed on: 29 March 2024.

Kosovo expressly prohibits retroactivity of the law in criminal matters.⁵¹ **Nullum Crimen Sine Lege** and **Nulla Poena sine Lege** are applied as legal principles and are provided for in the Criminal Code as well as in the Constitution. The principle of **Res Judicata** is provided for in the Penal Code of Kosovo.

Conclusion

The result of Legal Certainty is significant progress. It is necessary to work more on the predictability of laws, the procedure for consolidating laws, and especially on the stability and consistency of laws, enabling greater legal stability and fewer frequent and unpredictable changes.

c. Prevention of abuse (misuse) of powers

The prevention of abuse (misuse) of power includes only one sub-category, which is the **existence of legal safeguards against arbitrariness and abuse of power by public authorities**. This involves analyzing how this is guaranteed, whether legal limitations are clear, whether there are mechanisms to prevent, improve, and sanction abuse of power, and whether public authorities are obliged to provide adequate justification for their decisions, especially when they affect the rights of an individual.⁵²

In Kosovo, there is legislation in this regard. However, there is a lack of adequate implementation or functioning of mechanisms to prevent, correct, and sanction these arbitrary actions.

In recent years, there have been many cases of abuse, including by the President, the Prime Minister, and other officials. During the assessment period, the Ministry of Health, the Health Insurance Fund opened a recruitment process for the director of the Health Insurance Fund in Kosovo, contrary to the law, with formal general requirements for the level of education required, as well as a reduction in work experience.⁵³ Initially, these findings were completely ignored, and at the end of the recruitment period, the recruitment process was canceled by the Health Insurance Fund.⁵⁴

Furthermore, the opening of the recruitment process for the Chief Executive Officer at Trepça Sh.A was illegal, therefore the CorrWatch initiative appealed for this competition to be canceled because the requirements presented were in violation of the Law on Public Enterprises. These concerns were shared with the management of Trepça Sh.A but were not addressed, and the Chief Executive Officer was selected through this recruitment process in contravention of the existing legislation.⁵⁵

⁵¹ Criminal Code of the Republic of Kosovo, No. 06/L-074., <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=18413>. Last assessed on: 29 March 2024.

⁵² The Rule of Law Checklist, European Commission for Democracy through Law (Venice Commission) (p. 29), available at: www.venice.coe.int/images/SITE%20IMAGES/Publications/Rule_of_Law_Check_List.pdf. Last assessed on: 28 March 2024.

⁵³ Cancellation of the competition for the director of the Health Insurance Fund is requested due to irregularities., https://www.koha.net/arberi/366574/kerkohet-anulimi-i-konkursit-per-dreitorin-e-fondit-te-sigurimeve-shendetesore-shkak-parregullsite/?fbclid=IwAR1BLJioaLYHLbLDVC1SZQHEXG7T5sDhJT9XiwI2WTCWMxZ5aSc_PA2BNYg. Last assessed on: 29 March 2024.

⁵⁴ Decision to cancel the recruitment procedure, dated 21st March 2023, <https://fssh.rks-gov.net/desk/inc/media/AEFA382-3821-46C0-BOBD-387C81C48069.pdf>. Last assessed on: 29 March 2024.

⁵⁵ Public reaction: Corrwatsh (Legal and Policy Studies Group, Institute for Policy Development, and GAP Institute) appeals for the recruitment process for Chief Executive Officer at Trepça Sh.A to be annulled due to

Another abuse of power is the adoption of legislative and sub-legislative acts without respecting the country's legal procedures. In this case, the issuance of sub-legislative acts stemming from Law no. 08/L-196 on Salaries in the public sector has been a serious violation, as none of them were consulted with the public. In February 2023, these acts were adopted, and the public was informed only after their publication in the Official Gazette.⁵⁶ Based on the above, the overall result for this category is limited progress.

d. Equality before the law and non-discrimination

The category of Equality before the law and non-discrimination is the fourth category of the Rule of Law Checklist.⁵⁷ The Constitution of the Republic of Kosovo stipulates that all individuals are equal before the law and ensures non-discrimination.⁵⁸ Additionally, Law no. 05/L-021 on Protection from Discrimination expressly prohibits direct and indirect discrimination.⁵⁹

However, the Law on Protection from Discrimination has been evaluated as somewhat unenforceable in practice. On the 14th of February 2023, the Ombudsman before the Committee on Human Rights, Gender Equality, Victims of Sexual Violence During the War, Missing Persons and Petitions that the law is not enforced at all and that there is no information nor any fines have been issued for this case.⁶⁰ The Ombudsman declared that the scope of the law itself is unclear, where it has been noted that there are many dilemmas from authorities tasked with enforcing the law.⁶¹ On the 15th of September 2023, the Ex-Post Assessment Report for Law on Protection from Discrimination was published.⁶²

The report shows that there have been challenges in the implementation of the Law on Protection from Discrimination, where institutions have highlighted, as the main challenges, the inaccurate formulation of legal norms, the aspect of harmonization with legal norms of other laws, the lack of human and financial resources of responsible institutions for the implementation of this law, and the lack of capacities.⁶³ Thus, through this report, it has been found that there have been deficiencies in the implementation of this law, among other things, for reasons such as the mechanisms - the unit or official responsible for protection against discrimination has not been functionalized; the appointments, duties, and responsibilities of the

illegality, 27th November 2023., <https://corrwatch.org/2023/12/12/reagim-publik-5/>. Last assessed on: 29 March 2024.

⁵⁶ Secondary legislation of Law no. 08/L-196 on salaries in the public sector., <https://gzk.rks-gov.net/ActDetail.aspx?ActID=68695>. Last assessed on: 29 March 2024.

⁵⁷ The Rule of Law Checklist, European Commission for Democracy through Law (Venice Commission) (p. 30), available at: www.venice.coe.int/images/SITE%20IMAGES/Publications/Rule_of_Law_Check_List.pdf. Last assessed on: 28 March 2024.

⁵⁸ The Constitution of the Republic of Kosovo, Article 24, <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=3702>

⁵⁹ Law No. 05/L-021 on the Protection from Discrimination, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=10924>

⁶⁰ Qelaj: The Law on Protection against Discrimination did not yield results; no one was punished for it, <https://ekonomiaonline.com/qelaj-ligji-per-mbrojtjen-nga-diskriminimi-sprodhoi-rezultate-askush-nuk-u-denua-per-kete/>

⁶¹ Ibid.

⁶² Report on Ex-Post Evaluation of the Law No. 05/L-021 on the Protection from Discrimination, <https://kryeministri.rks-gov.net/blog/raport-i-vleresimit-ex-post-per-ligjin-nr-05-l-021-per-mbrojtje-nga-diskriminimi/>

⁶³ Ibid.

unit or official have not been unified; the lack of issuance of punitive sanctions; the lack of institutional coordination.⁶⁴

Furthermore, on the 26 of December 2023, the Constitutional Court issued a Judgment on the Constitutionality Assessment of Law No. 08/L-196 on Salaries in the Public Sector.⁶⁵ The Office of the Ombudsman, on the 7th of April 2023, had submitted to the Constitutional Court the Law on Salaries in the Public Sector, with a request for its conformity assessment with the Constitution, because it had received 104 complaints from various entities of the public sector, mainly related to coefficient reduction, removal of bonuses, and unequal treatment among positions defined by law.⁶⁶ Therefore, it can be said that a significant number of officials reacted because they considered themselves discriminated against by the law, not receiving equal treatment for the work they do. Additionally, in its media communication, the Office of the Ombudsman declared: *"The contested law has created a divergent situation, where all employees have not been treated equally neither in the case of salary reductions nor in the case of salary increases. The Ombudsman evaluates that the reduction and increase in salaries seem not to have been based on a thorough prior assessment and not even on a linear system, even within specific sectors, resulting in some employees experiencing salary cuts, and others receiving increases, even within the same organization."* Through the Judgment, the Constitutional Court found that some provisions of the Law on Salaries in the Public Sector are not in conformity with Article 24 Equality before the Law of the Constitution, as well as with Article 14, Prohibition of Discrimination of the European Convention on Human Rights.

The Constitutional Court's judgment on the Salary Law contributes to the assessment in the subcategory of **Equality in law and Equality before the law**. Kosovo does not stand poorly in this aspect, as there is legislation that guarantees equality in the law, however, there are ongoing problems in implementation. Kosovo is a multi-ethnic state, where the Constitution recognizes special rights, in addition to the fundamental rights and freedoms of individuals belonging to the same national, ethnic, linguistic, or religious group traditionally present in the territory of the Republic of Kosovo. During this period, the Constitutional Court's Judgment was published, which found that the Salary Law adopted in the Assembly is discriminatory in some aspects, which contradicts the Constitution of the Republic of Kosovo and the European Convention on Human Rights.⁶⁷

Additionally, it is worth noting that there have been numerous reactions to the reassessment of persons with disabilities because, despite medical documentation, their right to compensation based on that assessment has been denied.⁶⁸ In this regard, although Law No. 05/L-067 on the status and rights of paraplegic and tetraplegic persons, in its Article 5, stipulates that: "Beneficiaries of this law have the right to protection of dignity and respect for

⁶⁴ Ibid.

⁶⁵ Judgment in case KO79/23, Assessment of the constitutionality of Law no. 08/L-196 on Salaries in the Public Sector., <https://gjk-ks.org/decision/vleresim-i-kushtetutshmerise-se-ligjit-nr-08-l-196-per-pagat-ne-sektorin-publik/>

⁶⁶ Press Release - The Ombudsperson sent Law no. 08/L-196 on Salaries in the Public Sector to the Constitutional Court, requesting an assessment of its compliance with the Constitution, <https://oik-rks.org/2023/04/07/komunikate-per-media-avokati-i-popullit-dergoi-ne-gjykatën-kushtetuese-ligjin-nr-08-l-196-per-pagat-ne-sektorin-publik-me-kerkese-per-vleresimin-e-perputhshmerise-se-tij-me-kushtetuten/>

⁶⁷ Judgment in case KO79/23, Assessment of the constitutionality of Law no. 08/L-196 on Salaries in the Public Sector, <https://gjk-ks.org/decision/vleresim-i-kushtetutshmerise-se-ligjit-nr-08-l-196-per-pagat-ne-sektorin-publik/>. Last assessed on: 29 March 2024.

⁶⁸ Persons with disabilities criticize the medical evaluation commission, <https://teve1.info/lajmet/personat-me-aftesi-te-kufizuar-kritikojne-komisionin-vleresues-mjekesor/>. Last assessed on: 29 March 2024.

their physical and mental integrity on an equal basis with other persons," there have been complaints that this paragraph is not being enforced.⁶⁹

The Office of the Ombudsman, in its report on this issue, emphasized that the dignity of paraplegic and tetraplegic persons is initially violated due to the practical difficulties they face in appearing before the Evaluation Commission, especially since the regulations do not provide for the possibility for the commission to visit the person.⁷⁰ Several recommendations for legislative changes have been proposed in this report to ensure equality and dignified life for these individuals. This category showed moderate progress.

e. Access to justice

Access to justice encompasses three different subcategories: **Independence and Impartiality, Fair Trial, and Constitutional Justice**. These principles are defined by the Constitution of the Republic of Kosovo, in Chapter VII, the Judiciary System, which also guarantees a unique, independent, fair, apolitical, and impartial judicial power, as well as ensuring equal access to courts.

1. Independence and impartiality of the judiciary

The first subcategory is the **Independence and impartiality of the judiciary**. This subcategory showed moderate progress, analyzing whether there are constitutional and legal guarantees for the independence of the judiciary. The independence of the judiciary is determined in the Constitution of the Republic of Kosovo and also in specific laws. Meanwhile, the criteria and procedure for the appointment of judges are detailed in the Law on Courts.⁷¹ According to the Constitution of the Republic of Kosovo, judges can only be dismissed in cases where they are convicted of a serious criminal offense or for serious breach of duties. This issue is further regulated by the Regulation on the disciplinary procedure of judges no. 05/2019,⁷² which regulates the disciplinary procedure conducted before the Kosovo Judicial Council (hereinafter: the Council).

The Council establishes an investigative panel, where for the consideration of a disciplinary case, this panel consists of three (3) judges who do not serve in the court where the judge subject to the procedure serves. Thus, the composition of the investigative panel consists solely of judges of different ranks. Regarding the transfer of judges, the Constitution provides that "judges cannot be transferred against their will, except as otherwise provided by law, for the efficient functioning of the judiciary or disciplinary measures."⁷³

During the year 2023, work on the vetting process in Kosovo continued, where after the approval of the Concept Document, a proposal for constitutional amendments for the vetting process was drafted. The Ad-hoc Commission for the Development of the Transitional Evaluation

⁶⁹ Law no. 05/L-067 on the status and rights of paraplegic and tetraplegic persons, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=12554>. Last assessed on: 29 March 2024.

⁷⁰ The Ombudsperson's Ex officio Report No. 521/2022 regarding the legal basis for the reassessment by the Commission for the assessment and determination of procedures for recognizing the status and rights of paraplegic and tetraplegic persons, <https://oik-rks.org/2023/12/22/raporti-i-avokatit-te-popullit-ex-officio-nr-5212022-lidhur-me-bazen-ligjore-te-ri-vleresimit-nga-komisioni-per-vleresimin-dhe-percaktimin-e-procedurave-per-njohjen-e-statusit-dhe-te-dreitave-te-pe/>. Last assessed on: 29 March 2024.

⁷¹ Law no. 06/L-054 on Courts, <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=18302>

⁷² Regulation (05/2019) on the disciplinary procedure of judges, https://www.gjyqesori-rks.org/wp-content/uploads/lgs/6651_Rregullorja%2005-2019.pdf

⁷³ The Constitution of the Republic of Kosovo, Article 104, par. 6, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=3702>

Process met with representatives of the Ministry of Justice regarding the progress in drafting the Draft Law on Integrity Control of Certain Positions in the Judiciary System and constitutional amendments. The Constitutional Court has accepted the proposed constitutional amendments for constitutional assessment.⁷⁴ The Speaker of the Kosovo Assembly announced that he had submitted to the Constitutional Court the constitutional amendments regarding the Vetting in the judiciary system.⁷⁵ Meanwhile, in December 2023, the Constitutional Court published a notification stating that it had decided by 6 votes in favor and 2 against that "proposed constitutional amendment no. 29, through which the temporary integrity control of members of the Kosovo Judicial Council, members of the Kosovo Prosecutorial Council, presidents of all courts, and all chief prosecutors, as well as candidates for these positions, by the Integrity Control Authority, does not diminish the fundamental rights and freedoms guaranteed by Chapter II of the Constitution."⁷⁶ Whereas, the proposed constitutional amendments no. 27 and no. 28, through which the constitutional criterion for the dismissal of judges and prosecutors for "serious breach of duties" is proposed, diminish the fundamental rights and freedoms guaranteed by Chapter II of the Constitution.

a. Independence of individual judges

The **independence of individual judges** showed moderate progress. The Law on Courts specifies that each Court has a President and a Vice President.⁷⁷ Furthermore, Article 14 of this law details the competencies of the President and Vice President of the Court, where among other things, the President of the Court is responsible for organizing and coordinating the functioning of the Court. Regarding conflicts of jurisdiction between Courts, the Law on Courts grants competence to the Court of Appeals to decide in cases of jurisdictional conflicts between Basic Courts.⁷⁸

b. Impartiality of the judiciary

In the subcategory of **Impartiality of the judiciary**, although there hasn't been a recent assessment of public perception, we can say there haven't been significant changes. Many cases of acquittals or minimal sentences, especially in cases of violence against women, have sparked numerous reactions from citizens. Therefore, it has shown limited progress.

c. The prosecution service: autonomy and control

The **prosecution service: autonomy and control** showed limited progress. In 2023, the Constitutional Court, through its judgment, declared invalid the entirety of Law No. 08/L-136 amending and supplementing Law No. 06/L-056 on the Kosovo Prosecutorial Council. This law was approved in contradiction to the Constitution of the Republic of Kosovo and therefore represents a failure of responsible institutions. Even though the draft law was sent for assessment to the Venice Commission, it has not adhered to these findings.

The Judgment of the Constitutional Court found that the contested law is not in accordance with the Constitution of the Republic of Kosovo, specifically with articles regarding the form of governance and the separation of powers, the competencies of the Assembly, the

⁷⁴ The ad-hoc commission forms the Working Group for the review of the Draft Law on Vetting, <https://ekonomiaonline.com/komisioni-ad-hoc-formon-grupin-punues-per-shqyrtimin-e-projektligjit-per-vettingun/>

⁷⁵ Ibid.

⁷⁶ Notification for the decision in case KO55/23, <https://gjk-ks.org/njoftim-per-vendim-ne-rastin-ko-55-23/>

⁷⁷ Law no. 06/L-054 on Courts, Article 14, <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=18302>

⁷⁸ Ibid., Article 22, <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=18302>

role and competencies of the Ombudsman, the Kosovo Prosecutorial Council, as well as articles regarding equality before the law, the right to legal remedies, and the judicial protection of rights. In July 2023, the Committee for Legislation, Mandate, and Immunity presented to the Assembly a report recommending Draft Law No. 08/L-249 amending and supplementing Law No. 06/L-056 on the Kosovo Prosecutorial Council. Through this report, it was explained that the Commission had examined the Draft Law in principle and found that it meets the conditions to proceed to the Assembly for consideration and approval in principle.⁷⁹ The opposition also opposed this version, emphasizing that the Constitutional Court's Judgment and the opinion of the Venice Commission were not taken into account.⁸⁰

d. Independence and impartiality of the Bar

While the **Independence and impartiality of the Bar** have shown significant progress. The Constitution of the Republic of Kosovo, in Article 111, defines the Bar Association as an independent profession that provides services in accordance with the law.⁸¹ In Kosovo, there exists an independent and organized body for the profession of advocacy. Law No. 04/L-193 on the Bar Association regulates, among other things, the organization and work of the Kosovo Bar Association.⁸²

This law stipulates that oversight of the legality of the general acts of the Bar Association is done by the Government of Kosovo, while the supervision of the work of advocacy and the conditions for its work are overseen by the Ministry of Justice, ensuring its independence. So far, there is no public data on how the oversight by the Ministry of Justice functions. On the 21st of March 2023, an incident was reported at the Kosovo Bar Association, where a member was taken to the police. This incident occurred between two members of the board - the chairman of the regional branch in Pristina and the chairman of the regional branch in Gjakova, where there was an attempt of physical assault, and one of the members was taken to the police.⁸³

A positive point is that the meetings of the Board of Directors of the Kosovo Bar Association are broadcast online on their Facebook page. Additionally, there have been several cases of fraud in the name of lawyers, which were published in March 2023. There have been cases where a former lawyer convicted of imprisonment has defrauded citizens by presenting himself as a lawyer, despite not having a license.⁸⁴ Furthermore, on the 30th of November 2023, the media reported accusations and counter-accusations within the Kosovo Bar Association, where a disciplinary prosecutor was threatened via email by the chairman of the regional branch in Pristina in November 2023.⁸⁵

⁷⁹ Recommendation from the Legislation, Mandate, and Immunity Commission, issued on 20th July 2023., https://www.kuvendikosoves.org/Uploads/Data/Documents/40-RaportpershqyrtimneparimperPLplotesimindhendryshimineKeshillitProkurorialteKosoves.lek_nqVEEkLB4P.pdf

⁸⁰ The opposition opposes the Draft Law on the Prosecutorial Council of Kosovo, 20th July 2023., <https://rtv21.tv/opozita-kundershton-projektligjin-per-keshillin-prokurorial-te-kosoves/>

⁸¹ The Constitution of the Republic of Kosovo, Article 111, <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=3702>

⁸² Law no. 04/L-193 on the Bar, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=8673>

⁸³ Incident at the Chamber of Advocates of Kosovo, one member escorted by the Police, <https://kallxo.com/lajm/incident-ne-oden-e-avokateve-te-kosoves-nje-anetar-shogerohet-ne-polici/>

⁸⁴ Formerly convicted lawyer deceives citizens again, presents himself as a lawyer without a license. <https://betimiperdrejtesi.com/ish-avokati-i-denuar-me-burg-mashtron-serish-qytetaret-paraqitet-si-avokat-pa-licence/?fbclid=IwAR0ETh3hN7WwJLmwqyt-ypNi0zbUXnuAnuYGInbAOdOeQz7p3-ipGH94dKg>

⁸⁵ Dukagjini, Counter-accusations in the Chamber of Advocates of Kosovo, 30th November 2023, <https://www.dukagjini.com/akuza-e-kunderakuza-ne-oden-e-avokateve-te-kosoves/>. Last assessed on: 29 March 2024.

2. Fair Trial

The subcategory of **Fair Trial** encompasses several issues, primarily addressing **Access to courts**. Every individual has the right to challenge any public or private act that violates their rights, according to the existing legislation. However, the prolongation of court proceedings negatively affects citizens' access to justice. According to the Law on Free Legal Aid, a person seeking free legal aid must meet certain criteria, including legal, financial, and qualification criteria.⁸⁶ The Free Legal Aid Agency provides free legal assistance to individuals who cannot afford to hire a lawyer. However, in urgent cases, free legal aid from the Free Legal Aid Agency may be provided regardless of meeting the criteria required by law, and this assistance is provided immediately.

Furthermore, the **Presumption of Innocence** is defined by the Criminal Procedure Code, where Article 3 states that every person suspected or accused of a criminal offense is considered innocent until proven guilty by a final court judgment.⁸⁷

In February 2023, the State Bureau for the Verification and Confiscation of Unjustified Assets Law was adopted.⁸⁸ Concerns were raised by the opposition regarding the opening of the bureau potentially creating parallel justice institutions, prompting them to initially send the draft law to the Venice Commission for an opinion. In this regard, on the 20th of June 2022, the Venice Commission approved a legal opinion on this matter. Even after the law was adopted, opposition concerns remained active, leading to the law being sent for constitutional review to the Constitutional Court.⁸⁹

Other aspects of the right to a fair trial include the right to be heard, the appeals process, equality of arms, means to combat prolonged judicial proceedings, and the reasoning of decisions, all of which are also guaranteed by the new Criminal Procedure Code. Equality of the parties is ensured by Article 9 of the Criminal Procedure Code. However, in practice, there are cases where these principles are not applied.

Regarding the **effectiveness of judicial decisions**, it is worth noting that once they are enforceable, they are immediately executable. However, there are cases where the enforcement of court decisions does not occur due to lack of oversight. In the case of lawsuits filed by the Group for Legal Studies / Center for Strategic Legal Cases and several environmental protection organizations to challenge environmental and water decisions issued by the Ministry of Environment, Spatial Planning, and Infrastructure for hydropower plants in Deçan, Shtërpcë, and Kaçanik, there are reports that court decisions are not being enforced.

3. Constitutional Justice

The last subcategory of Access to Justice is **Constitutional Justice**. The Constitution is the highest legal act, and according to Article 16 of the Constitution, laws and other legal acts must be in accordance with the Constitution.⁹⁰ The Assembly and the Government of Kosovo must always consider this provision when drafting and approving legal acts. Failure to do so results in

⁸⁶ Law no. 04/L-016 on free legal aid, articles 6-9., <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=2803>

⁸⁷ Criminal Procedure Code no. 08/L-002, Article 3, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=61759>

⁸⁸ Legislative process of Law no. 08/L-121 for the State Bureau for Verification and Confiscation of Unjustified Assets, <https://www.kuvendikosoves.org/shq/projektligjet/projektligji/?draftlaw=359>. Last assessed on: 29 March 2024.

⁸⁹ Koha Group, PDK sends the Draft Law for the State Bureau for Verification to the Constitutional Court, <https://www.koha.net/arberi/366686/pdk-ja-e-dergon-ne-kushtetuese-projektligjin-per-byrone/>. Last assessed on: 29 March 2024.

⁹⁰ The Constitution of the Republic of Kosovo, Article 16, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=3702>. Last assessed on: 29 March 2024.

unconstitutionality. Recently, this has been happening frequently, as the Constitutional Court annuls laws because their content is contrary to the Constitution.

During the year 2023, the Constitutional Court issued ten (10) Decisions on cases accepted from requests by state institutions. Such Decisions include: Constitutional review of Law No. 08/L-179 on Interim Measures of Essential Products in Special Cases of Destabilization in the Market; Constitutional review of Article 5 of Law No. 08/L-224 amending and supplementing Law No. 06/L-005 on Immovable Property Tax; Constitutional review of Articles 9, 12, 46, and 99 of Law No. 08/L-197 on Public Officials; Constitutional review of Decision No. 08-V-036 of 8 July 2021 of the Assembly of the Republic of Kosovo; Assessment of the draft constitutional amendments, referred by the Speaker of the Assembly; Assessment of the constitutionality of Article 6, paragraph 3, points 3.1 and 3.2 of Administrative Instruction (MASHT) No.151/2020 of 22 December 2020 of the Ministry of Education, Science, Technology, and Innovation; Assessment of the constitutionality of the "Legality Assessment Report of Municipal Act No. 020-558/17 of the Ministry of Local Government Administration of 12 July 2021" / Assessment of the constitutionality of the "Legality Assessment Report of Municipal Act No. 020-558/10 of the Ministry of Local Government Administration of 8 July 2021"; Constitutional review of Decision No. 08-V-040 of the Assembly of the Republic of Kosovo, of 21 July 2021, on the dismissal of members of the Board of the Regulatory Authority for Railways; Constitutional review of Law No. 08/L-136 on Amendment and Supplementation of Law No. 06/L-056 on the Prosecutorial Council of Kosovo; Constitutional review of Article 8, paragraph 2, of Law No. 04/L-131 on State-Funded Pension Schemes regarding Articles 5 and 6 of Administrative Instruction (MPMS) No. 09/2015 on the Categorization of Pension Contributors According to the Qualification Structure and Duration of Contribution Payment. At the end of 2023, the Government criticized the Constitutional Court for delays in handling laws, emphasizing that the Court does not respect the legal deadline for decision-making.⁹¹

An example is the Constitutional Court's Decision in the case of the Law on the Prosecutorial Council of Kosovo where this law was declared invalid in its entirety. As for individuals, they have access to constitutional justice in cases where their fundamental rights have been violated, after exhausting all other legal remedies. The Constitution of the Republic of Kosovo does not provide for "actio popularis", so individuals do not have the right to take action to review the constitutionality of normative acts after they enter into force. In case no. KI185/21, the applicant, an individual-business, had requested the assessment of the constitutionality of Law No. 06/L-155 on the prohibition of games of chance and Decision No. 83/2021 of the Supreme Court ARJ.UZVP of 7 September 2021.

The Constitutional Court, through its Decision of 13 March 2023, reiterated that natural or legal persons are not authorized parties and that the Court has consistently emphasized that individuals cannot challenge normative acts of a general nature.⁹² However, the Court has stressed that the only way individuals can challenge a law is when "they prove that they are directly affected by a 'law,' in the absence of any act, decision, or measure implementing that law and if they have exhausted all legal remedies provided by law, where they exist in light of the circumstances of a specific case." However, individuals have access to constitutional justice in

⁹¹ Haxhiu criticizes the Constitutional Court for delays in handling laws, Koha Group, 21st of December 2023, <https://www.koha.net/arberi/403299/haxhiu-kritikon-gjykatën-kushtetuese-per-vonesa-ne-trajtimin-e-ligjeve/>

⁹² Judgment reference no. AGJ 2139/23, dated 13th March 2023, in case no. KI185/21, plaintiff "CO COLINA" sh.p.k - Assessment of the constitutionality of Law no. 06/L-155 on Prohibition of Games of Chance and the Supreme Court Judgment ARJ. UZVP.no.83/2021 of September 7, 2021., https://gjk-ks.org/decision/kerkese-per-vleresimin-e-kushtetutshmerise-se-ligjit-nr-06-l-155-per-ndalimin-e-lojerave-te-fatit-dhe-aktgjykimit-te-gjykates-supreme-ari-uzvp-nr-83-2021-te-7-shtatorit-2021/?decision_view=text

cases where their fundamental rights have been violated, after they have exhausted all other legal remedies.

It is worth noting that there have been cases where the Executive did not base its decisions entirely on the assessments of the Constitutional Court, which can be seen in the case of the Law on Public Officials and the Law on Salaries, whose new versions were approved without adhering to the findings of the Constitutional Court. This has led these two laws to be sent back for assessment by the Constitutional Court, further prolonging the reform in public administration. It is worth noting that after the Constitutional Court's ruling on the Law on the Prosecutorial Council of Kosovo, the Minister of the Ministry of Justice stated at a press conference that:

*"It is absurd how the Constitution found political influence, for there to be a member from the Ombudsman in the KPC, while the Venice Commission considered this in relation to international standards. Why did it take the Constitutional Court 9 months to issue this Decision? Why did it take them so long?"*⁹³

This subcategory scored 4 points out of a total of 7.

Access to Justice scored moderate progress. From this, it follows that there have not been many changes from the previous evaluation, and more work needs to be done to improve access to justice and thus change public perception and increase their trust in justice.

IV. CONCLUSION AND RECOMMENDATIONS

The assessment of the Rule of Law in Kosovo has shown that Kosovo is facing numerous challenges. This report indicates that we have made moderate progress. During this period, Kosovo has undergone numerous legal reforms, often involving constitutional review by the Constitutional Court. There have been instances where the Constitutional Court has found that the enacted law was in contradiction with the Constitution, presenting its findings accordingly. It can be said that the implementation of legislation remains challenging in practice, requiring a greater focus from responsible institutions to address this issue. Simultaneously, the justice sector and institutional level must further engage to consider international standards, such as those of the Venice Commission's checklist, to enable Kosovo to continue its path towards European Union integration.

The following section offers some recommendations based on the challenges, shortcomings, and issues identified during this assessment period. Based on the current assessment, we recommend the following steps to improve the rule of law in Kosovo:

- Enforcement of laws in their entirety, with specific measures taken against non-compliance.
- Respect all the legislative procedures defined by current legislation by public institutions.
- Enhancement of capacities and independence of institutions involved in the legislative process and law enforcement.
- Raising awareness and educating citizens about their legal rights and procedures for navigating the justice system.
- Improving cooperation with international organizations and civil society to meet international standards of justice and law.

⁹³ Dukagjini, Haxhiu on the law for the Prosecutorial Council: The Constitution struck the justice reform, <https://www.dukagjini.com/haxhiu-per-ligjin-per-keshillin-prokurorial-kushtetuesja-e-goditi-reformen-ne-drejtesi/>

- Taking actions to strengthen the enforcement of judicial decisions and ensure their respect by institutions and stakeholders.
- Addressing the issue of consolidated versions of laws as an urgent need.
- Enhancing the oversight role of the Parliamentary Legislation Commission.
- Ensuring that responsible public institutions are familiar with the Venice Commission's Checklist and conducting an assessment of law enforcement based on this document.

Policy Analysis

Policy Analysis in general is a policy advice paper which particularly aims to influence the key means through which policy decisions are made in both local and central levels of government. The purpose of Policy Analysis is to address, more in-depth, a particular problem, to examine the arguments related to a concerned policy, and to analyze the implementation of the policy. Through Policy Analysis, Group for Legal and Political studies seek to stimulate wider comprehensive debate on the given issue via presenting informed policy-relevant choices and recommendations to the key stakeholders and parties of interest.



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