

EUROPEAN UNION - KOSOVO STABILISATION and ASSOCIATION PARLIAMENTARY COMMITTEE (SAPC)

2nd Meeting
23-24 November 2016
Strasbourg

DECLARATION and RECOMMENDATIONS

The European Union - Kosovo Stabilisation and Association Parliamentary Committee (SAPC) held its second meeting in Strasbourg, on 23 and 24 November 2016, under the co-chairmanship of Mr Xhavit HALITI, Vice-President of the Kosovo Assembly and Mr Tonino PICULA, Chairman of the European Parliament Delegation. It held an exchange of views with:

- Mr Skender HYSENI, Minister of Internal Affairs and
- Ms Anila STATOVCI, Deputy Minister of European integration, on behalf of Government of Kosovo;
- Ms Angelina EICHHORST, Director for Western Europe, Western Balkans and Turkey, on behalf of the European External Action Service;
- Mr David CULLEN, Head of Unit for the former Yugoslav Republic of Macedonia and Kosovo, DG NEAR, on behalf of the European Commission.

The Committee addressed the following subjects:

- State of play of EU-Kosovo relations;
- Follow up to recommendations adopted during the first SAPC meeting in Prishtina;
- Rule of law, including protection of human rights and anti-mafia legislation;
- Good neighbourly relations and regional cooperation, including EU facilitated dialogue between Kosovo and Serbia and implementation of the concluded agreements;
- Ways to boost Kosovo's economy with focus on raising employment, strengthening small and medium enterprises and development of the agriculture;
- Protection of environment, green jobs and investing in youth;
- Health insurance system;
- Accreditation and evaluation of the educational system.

The Stabilisation and Association Parliamentary Committee, in accordance with Rule 3 of its Rules of Procedure and Article 132 of the EU-Kosovo Stabilisation and Association Agreement, addressed the following Declaration and Recommendations to the Stabilisation and Association Council and to the institutions of Kosovo and of the European Union:

1. Noted that the border demarcation agreement between Kosovo and Montenegro is one of the two remaining requirements for visa liberalisation and that Kosovo's political life in the last year has focused almost entirely on this issue, delaying progress on numerous other issues of importance to citizens, for instance to deliver further progress on the track record of high level corruption and organised crime convictions; called upon the leaders of Kosovo - from both the ruling coalition and the opposition - to actively and constructively contribute to a solution to this political stalemate, which seriously weakens Kosovo's ability to progress and deliver on much needed reforms; noted that free, fair and transparent municipal elections in 2017 are crucial for democratic future of Kosovo as well as for future of its EU integration process; strongly condemned physical and armed attacks on Kosovo Institutions and officials;
2. Welcomed the launch of the European Reform Agenda by the Government and the European Commission and of 2016 Economic Reforms Programmes, as a part of the dialogue between the EU and Kosovo in the framework of economic governance and called for their effective, sustainable and swift implementation, in particular in the field of rule of law, competitiveness and investment climate, employment and education; expressed opinion that designating Kosovo as a safe country of origin on the EU common list of safe countries of origin would be most welcoming in combating irregular migration;
3. Emphasised that the Kosovo Assembly's oversight of the Government needs to be further strengthened and called on the Government to create the necessary conditions to enable the Assembly to exercise its oversight role; stressed the importance of the active and constructive participation of the opposition in the decision-making processes, within the democratic institutions as well as of orderly arrangements of decision-making processes, of time-adequate and open parliamentary debates organised by ruling coalition, who should avoid fast-track procedures of adoption of sensitive laws; called for upgrading of the capacity of the EU Integration Committee given its important role in advancing EU-related reforms; highlighted the need for increased civil society engagement by all government bodies and institutions in decision-making at all levels;
4. Welcomed a recent agreement that Kosovo and Serbia have reached on telecommunication under which the International Telecommunication Union would allocate the telephone code 383 to Kosovo; called on both sides of the Dialogue on normalisation of relations between Kosovo and Serbia to fully implement all concluded agreements; stressed that progress is measured by the degree of implementation on the ground of the agreements reached during the Dialogue; recalled that the full normalisation of relations between Kosovo and Serbia is an important condition for progress towards membership of the European Union for both countries; in a spirit of good neighbourly relations, called on Serbia to refrain from interfering in the territory of Kosovo and in the process of its international recognition, thus to enable the process of normalisation of relations that would be based on the principle of mutual respect of sovereignty and equality of both countries in their international borders;
5. Welcomed the launch of the Mitrovica Bridge construction works funded by the European Union and encouraged both mayors of Mitrovica to meet frequently in a dedicated working group and to seize the opportunity to hold regular and frequent exchanges of views, including after the project is completed, in order to discuss issues of vital importance to all the people of Mitrovica; welcomed the Government's plan to open the first civil registration offices in the north, where documents of the Republic of Kosovo would be issued; expressed concern that parallel Serbian bodies in the north continue to issue documents of the Republic of Serbia and called on Serbia to close down parallel Serbian bodies in the north and stop issuing these documents; encouraged movement on the issue of Association/Communities of Serb majority municipalities awaiting a

mandate in order to draft the Statute following the appointment of a management team, in accordance with the ruling of the Constitutional Court;

6. Encouraged Kosovo Government and representatives of Serbs of Kosovo to intensify negotiations with the purpose of integration of communities in form of a representation independent from initiatives of non-Kosovo political groups and parties; called all political actors to refrain from incentive statements which may damage the political dialogue between Pristina and Belgrade; recalled that the liaison offices in both Kosovo and Serbia must be properly informed 48 hours prior to official visits;
7. Welcomed the launch of new railway connectivity project on the Orient/East-Med Corridor with the new railway track and stations in Kosovo that constitutes Kosovo's sole connection to the wider region; called on Government to fully support the implementation of the project; called on Government to adopt the law on energy performance of buildings and by-laws transposing the EU Directive on the Energy Performance of Buildings; called on Government to make progress in development of renewables, which is instrumental in reaching the 2020 mandatory climate targets;
8. Welcomed the efficient fight against terrorism conducted by the authorities at all levels, including successful intelligence activities, subsequent investigations and efficient court proceedings of terrorism cases; noted with satisfaction that the Kosovo Police had been able to prevent 40 Kosovars from going to Syria and Iraq, that it had initiated investigations against 237 persons and arrested 127, of whom 34 persons had been indicted; urged stronger commitment and actions to prevent (young) people from becoming violent extremists including the involvement of Islamic communities in preventing radicalisation, and; noted that authorities should set up mechanisms to link central institutions with local actors to enable the early detection of radicalisation; recalled that good education, job prospects and a functioning social system would help most young people to stay away from that phenomenon; noted that criminalisation of the returned foreign fighters is not the sole solution, but should be in a package with programs on de-radicalisation and reintegration; furthermore, encouraged more training for judges and prosecutors regarding extremist religious groups and quicker confiscation of terrorist-related funds; recalled that informal and non-formal learning offer many opportunities for the empowerment of young people, in particular through volunteering, sports and arts activities, creating spaces for intercultural dialogue and the development of civic values and attitudes which are necessary to prevent radicalisation and extremism and to help young people become responsible and engaged citizens; in this context, reiterated that more consideration should be given to civil society, grass roots initiatives and people-to-people contacts, as any prevention strategy solely based on state-based surveillance and repression is destined to fail;
9. Noted that corruption and organised crime remain widespread in the region and represent an obstacle to Kosovo's democratic, social and economic development; called on the authorities to ensure that the law enforcement institutions in charge of investigating corruption are able to perform their mandates in full; recalled that the funding of political parties must be transparent and in accordance with the highest international standards; expressed concern at the low level of political responsibility for corruption cases relating to the work of state institutions; called on the Government, the Assembly and independent agencies and publicly owned enterprises to focus more on preventing corruption in the area of public procurement; stressed that greater efforts must be made in the fight against organised crime and that a track record must continue to be built up in final convictions as one of the two remaining requirements for visa liberalisation; called for Kosovo's membership of Interpol as a necessary urgent means to fight more effectively organised crime and step up the cooperation in this field at international level; welcomed the fact that despite the judiciary being in an early stage, a good progress assessment was given by

the Commission, however expressed concern that there is undue political influence; called for ensuring adequate financing for the judicial sector;

10. Sent condolences to the family and friends of the young political activist Mr Astrit DEHARI, who died in custody under dubious circumstances and urged the competent authorities to investigate thoroughly all circumstances of his death, including any allegations of the excessive use of force by any law enforcement agents as well as possible responsibility of state institutions; stated that if any wrong doing had taken place, it needed to be prosecuted and severely punished as an example;
11. Expressed concern that no progress has been made in improving the freedom of expression and of the media; noted with concern repeated threats and attacks against media outlets, in particular related to war crimes, and called on Kosovo authorities to swiftly investigate and prosecute perpetrators of these threats and attacks, including the recent attack on Kosovo Radio Television (RTK) and its Director; noted with concern the continuous political pressure on editors; emphasised the need for complete transparency in ownership and funding of the media, as well as non-discrimination as regards state advertising;
12. Called for a swift start to the work of the Kosovo Relocated Specialist Judicial Institution and expressed the hope that initial proceedings could be launched early next year, including the issuing of the first indictments; stressed the need to intensify the prosecution of war crimes, in particular by ensuring a proactive approach including cooperation on this issue with countries in the region, the confidentiality of investigations and a high level of witness protection; emphasised that all allegations of war crimes should be properly investigated, regardless of the nationality of suspects or victims, and that the impression should not be given that anyone is above the law;
13. Noted that effective promotion and protection of human rights throughout Kosovo should be pursued; called on the Kosovo authorities to address gender mainstreaming as a priority and to ensure that governing bodies and authorities lead by example; expressed concern about the structural challenges hampering the implementation of the Law on Gender Equality and remained concerned about the underrepresentation of women in decision-making positions; noted the important role women must play in post-conflict reconciliation and transitional justice processes as well as the importance of engaging women's civil society organisations in policy-making; expressed concern that no progress has been made on combating domestic and gender-based violence; urged the authorities to encourage publicly and put in place protection mechanisms and shelter measures for women who break the silence and denounce domestic violence; expressed concern about the low level of property ownership among women and called on the authorities to actively ensure that property rights for women are secured; called on Kosovo to develop a comprehensive strategy for the fight against gender based violence along the lines of the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention); expressed concern about discrimination of women on labour market;
14. Welcomed the mandate given to the Ombudsperson to act as an equality body; remained concerned about the low level of processing and investigation of cases of hate speech, especially those targeting the LGBTI and minority communities; encouraged the Advisory and Coordination Group for the Rights of the LGBTI Community to follow up actively on these cases and concerns;
15. Welcomed the political commitment made by the Government of Kosovo to undertake a thorough review and rationalisation of the system of independent agencies and bodies and called on the Government to proceed with its implementation; welcomed the assistance of the European Union in this regard;

16. Stressed that in order to curb the brain drain of young people and to boost employment, especially among young people, it is imperative to provide high quality education and training, to encourage entrepreneurship, including alternative business models such as co-operatives, mutuals, social enterprises, to support small and medium enterprises, including targeted business support for start-ups, rural industries, cultural industries, tourism initiatives, green SMEs and women and young people's entrepreneurship, and to build a functional market economy based on depoliticised judicial and administrative structures and adequately funded institutions for protecting the rule of law, and to ensure that graduates have adequate knowledge matching the needs of the labour market; called for implementing adequate policies for decreasing unemployment and reducing the trade deficit; encouraged the institutions of Kosovo and of the European Union to undertake measures to increase investments in production and in high value added service sectors; emphasised that the politicisation of boards of publicly owned enterprises is a problem that Kosovo must eliminate without further delay; welcomed the conclusion of 2016 Paris Summit and the establishing of first Regional Youth Cooperation Office (RYCO) and called on government to fully support its activities and projects aimed at providing the European perspective for youth in the Western Balkans;
17. Noted that higher studies in Kosovo are conducted under the Bologna system since 2001, that Kosovo Accreditation Agency (KAA) and State Council of Quality, by applying the criteria of European Association for Quality Assurance in Higher Education (ENQA), has increased the level of accreditation of programs and of quality assurance in higher studies; stressed that the acceptance of Kosovo into European Area of Higher Education would increase international cooperation and the mobility of academic staff and students, would strengthen the quality assurance system and would lead to the preparation of joint degrees (diplomas) with international programs; reiterated that studies in Kosovo aiming at higher research levels should be linked to the labour market and youth employment;
18. Noted that tendering specifications for application for all forms of contracts under IPA fund are highly specific and called for special attention to be given to guide and instruct interested Kosovo stakeholders, and to remaining assistance, which has not yet been programmed, is directed towards projects with a more direct impact on Kosovo's economy.