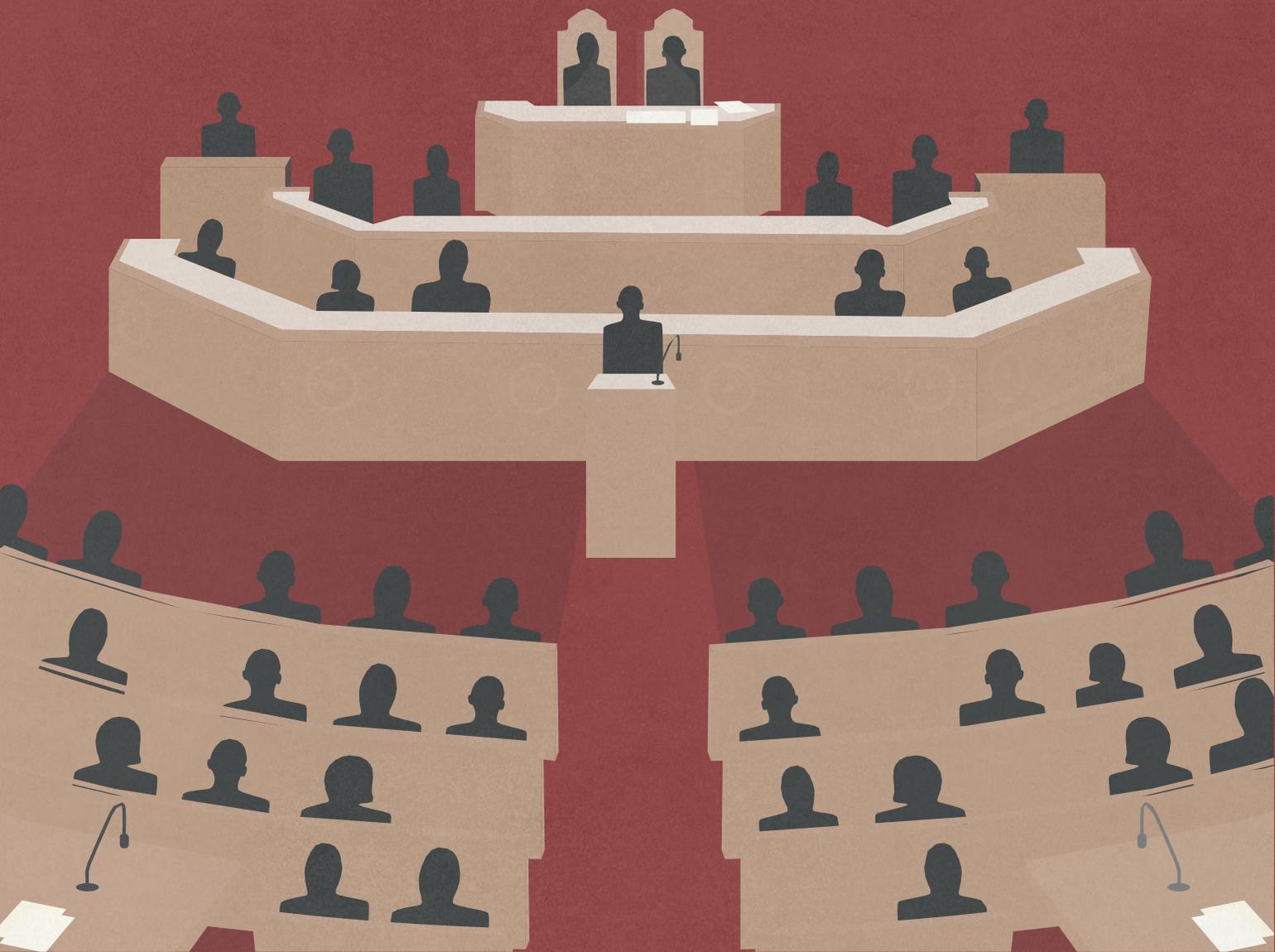




# SPRING SESSION OF KOSOVO ASSEMBLY

LAW-MAKING AMONG MANY CHALLENGES

16 January - 28 July 2023





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Authors: **Violeta Haxholli and Arbër Thaçi**

For any evaluation, remark, criticism or suggestion, please contact us through the options provided below:

Address: Str. Bajram Kelmendi, No.  
239, 10 000, Prishtine,  
Kosovo.

Tel: +383 (0) 38 248 038

E-mail: [info@kdi-kosova.org](mailto:info@kdi-kosova.org)

Web: [www.kdi-kosova.org](http://www.kdi-kosova.org)



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# INTRODUCTION

This analytical report assesses the spring session of the Kosovo Assembly for this year, from its beginning on January 16th until its conclusion on July 28th.

The report is the result of systematic monitoring by KDI through both physical and electronic observation of the Assembly's proceedings.

The first part of the report provides a comprehensive overview of the developments during the Assembly spring session, with a focus on the treatment of draft laws, prevailing themes in this session, the attendance of deputies, their behavior during sessions, the oversight role towards the executive, and the executive's accountability to the Assembly.

The second part of the report focuses on the work of the parliamentary commissions individually. It highlights the progress made within the commissions, including the examination of draft laws, field visits, reports from the executive, and other related matters falling under the commissions' purview.

Additionally, the report contains two additional sections. The first section addresses the Justice Reform, detailing how the Assembly has approached the process, the number of approved laws, and other factors that characterized the review of laws related to the Reform. The second section covers the Assembly's transparency towards the public, discussing topics like voting during sessions and the publication of documents by the Assembly.

Concluding the report are recommendations and conclusions aimed at the Assembly and its deputies. These aim to address the deficiencies experienced during this spring session and beyond, ensuring that such issues are not repeated in future sessions.



# DEVELOPMENTS IN SESSIONS

## Planning and Performance

During this year's spring session, the Assembly organized a total of 49 sessions. From a numerical perspective, this substantial number of sessions may suggest that the session could be considered successful. However, the presence of recurring problems and challenges faced by the Assembly throughout its parliamentary work led to a lack of significant effectiveness in this session, resulting in insufficient outcomes (Table 1.1). Approximately half of these sessions were plenary meetings, while delays in addressing the parliamentary agenda from the previous and current year, along with poor planning, necessitated a considerable number of session extensions. In addition to the regular sessions, there were also eight extraordinary sessions and two other solemn sessions held.

**Table 1.1 The sessions of the Assembly during the spring session**

|                          |           |
|--------------------------|-----------|
| Plenary Sessions         | 22        |
| Continuation of Sessions | 17        |
| Solemn Sessions          | 2         |
| Extraordinary Sessions   | 8         |
| <b>TOTAL:</b>            | <b>49</b> |

During this session, the Assembly approved a total of 44 draft laws. Out of these, 17 draft laws were part of the Government's 2023 legislative plan, while the majority of the approved draft laws, 27 in total, were from the legislative plans of the previous years 2022 and 2021. A considerable number of the approved draft laws were international agreements, totaling 11, while only 7 draft laws were specifically related to the executive's agenda.

Regarding their scope, the approved laws covered a wide range of areas. They included draft laws concerning the field of justice, such as the Law on the Bureau for the Verification and Confiscation of Unjustified Property, and the Law on the State Prosecutor, among others. Additionally, there were laws related to electoral administration, such as the Law on General Elections, as well as laws concerning agriculture and rural development, regional initiatives, and regional development. In the table below (2.1), some of the approved laws by the Assembly during this session are listed, distinguished by their importance and the fields they cover. On the other hand, 14 draft laws only managed to pass the first reading and are still awaiting approval in the second reading. Among them is the urgently needed draft law on the prevention and protection from domestic violence, violence against women, and gender-based violence, considering the current situation in the country.





The Assembly has approved a total of 44 draft laws. Out of these, 17 draft laws were part of the Government's 2023 legislative plan, thus fulfilling 13% of this Plan.

Table 1.2: Some of the Laws approved during spring session

| LAW  | SPONSOR                          | DATE       |
|--|----------------------------------|------------|
| Law on Bureau for Verification and Confiscation of Unjustified Wealth          | Ministry of Justice              | 9 February |
| Law on General Elections   | Kosovo Assembly                  | 8 June     |
| Law on Agriculture and Rural Development                                       | Ministry of Agriculture          | 8 March    |
| Law on Regional Development  | Ministry of Regional Development | 13 July    |
| Law on State Prosecutor  | Ministry of Justice              | 20 April   |
| Law on the amendment and supplement of the Law on State founded Pension Scheme | Ministry of Finance              | 27 July    |
| The Law on Early Childhood Education   | Ministry of Education            | 10 July    |

Në kuptim të përmbushjes së agjendës legjislative, mund të pohohet se Kuvendi nuk ka treguar sukses në përmbushjen e saj. Në dokumentin e programit legjislativ të ekzekutivit, për vitin 2023, janë planifikuar të trajtohen 130 projektligje, ndërsa numri që është miratuar përgjatë këtij sesioni, janë vetëm 17. Kësisoj, Kuvendi me vetëm 13% të programit legjislativ të përmbushur, nuk paraqet arritje të kënaqshme.

Në çështjen e intenzitetit të punës, Kuvendi i Kosovës, gjatë këtij sesioni është karakterizuar me një dinamikë të luhatshme. Në disa raste, me seanca të shumta brenda një kohe të shkurtër, ndërsa në disa raste tjera me mungesa të seancave për javë të tëra. Mungesa e një praktike të punës më të ekuilibruar, përveç që dëmtoi realizueshmërinë e agjendës parlamentare, vështirësoi trajtim të duhur nga ana e deputetëve të pikave të rendit të ditës. Në shumicën e rasteve, seancat planifikoheshin me rinde të ditës të ngarkuar dhe kohë të shkurtër për trajtim të projektligjeve, iniciativave apo raporteve shumë të rëndësishme, derisa votimet nuk shoqëroheshin me debate paraprake të domosdoshme.

Në anën tjetër, puna parlamentare gjatë këtij sesioni, në disa raste ka krijuar konsensusin e nevojshëm ndërmjet partisë në pushtet dhe opozitës, në mënyrë që disa nga marrëveshjet që kërkojnë shumicën e dyfishit të arrijnë të marrin pëlqimin e deputetëve. Ndërsa, në disa raste, si rezultat i mos pajtimeve të brendshme të partisë në pushtet, projektligje të rëndësishme së veçantë, sikurse Projektligji për Shëndetin Riprodhues dhe Fertilizimin Artificial apo Kodi Civil nuk arritën që të miratoheshin.

From the perspective of the legislation passed, the approval of the "Law on General Elections" cannot be considered as progress in the field of elections and their administration. Although the draft law reflected full consensus among parliamentary political parties, it encountered delays in at least three points. Firstly, the expansion of the preferential list to include 10 candidates lacked a reasonable explanation. Secondly, allowing candidates with sentences of less than three years, determined arbitrarily, raised concerns. Lastly, the provision that the head of the Central Election Commission could be dismissed by its members with a two-thirds vote clearly represents a step backward in the election organization process. Consequently, despite several years of efforts towards a comprehensive election reform, the Assembly, confined to the narrow preferences and interests of political parties, failed to achieve the desired outcome.

### Lack of quorum

One of the continuous problems that has affected the work of the Assembly is the lack of quorum in sessions due to the absence of deputies.

Paradoxically, if we look at the attendance lists of deputies present in each session, where the numbers are sufficient for decision-making, the issue of quorum for voting should not be a concern, let alone lead to the failure of entire sessions. In the attendance records kept by the Assembly, although there have been numerous absences of deputies, it is evident that there are enough deputies present in the sessions that have been interrupted due to the lack of quorum, resulting in the failure to complete the agenda. On average, there are about 90 deputies listed in each session, except for one session in April where only 46 deputies were present. Thus, in relation to the absences of deputies, part of the problem lies with those deputies who, despite reporting their presence, for various reasons, do not participate in the session's proceedings or leave the session at different times.

This situation has directly affected the handling of the parliamentary agenda, and as a result, the Assembly has faced continuous interruptions in sessions due to the lack of quorum and the inability to vote according to the parliamentary schedule, as the number of deputies, in many cases, does not even reach a simple majority. In other cases, when there has been a simple majority for the approval of draft laws, there have not been enough numbers to approve international agreements that require a two-thirds majority, leading to the postponement of votes on these agreements for consecutive weeks.

In these circumstances, the activity of deputies based on ideological beliefs or opinions about the deficiencies of draft laws or international agreements would be acceptable. However, the silent refusal to participate in the work of the Assembly without providing reasons behind such an action, it represents a lack of responsibility on the part of the deputies.

The obligation of deputies to participate in the work of the Assembly has been ultimately interpreted by the Constitutional Court, in the case of assessing the constitutionality of the decision of the Assembly regarding the election of the President on February 22, 2011.

In that case, the Constitutional Court emphasized that all 120 members of the Assembly are constitutionally obliged to adhere to the Constitution, the Law on Deputies, the Assembly's Rules of Procedure, and the Code of Conduct. They are required to participate in plenary sessions of the Assembly and support the procedures stipulated therein. Above all, there is a reciprocal obligation towards the people of Kosovo who elected them to represent their interests and exercise their duties responsibly as elected representatives.<sup>1</sup>

The political party "Serpska Lista" has been boycotting the work of the Assembly since last year, while the newly-elected deputies from this party chose to come and sign during the spring session to avoid losing their mandate due to the six-month absence rule. Similarly, two other deputies closely related to this political party, Adem Hodza and Fadil Gashi, who represent other minority groups, have acted in a similar manner. Apart from these deputies, there are no other deputies whose absence is due to political boycott. However, it should be noted that political boycott as a reason for absence is not justifiable based on the current legislation in force.

On the other hand, the attendance records reflect the political parties that have been absent the most during this session. In general, the 120 members of the Assembly were absent a total of 972 times in the 36 sessions recorded by the Assembly. Deputies from both the ruling coalition and the opposition were among those who were absent, with reasons mainly attributed to the deputies' official travel or health issues, but often the reasons were not known.

<sup>1</sup> See CC Decision point 80 and 83 në [https://gjk-ks.org/wp-content/uploads/vendimet/gjkk\\_ko\\_29\\_11\\_shq.pdf](https://gjk-ks.org/wp-content/uploads/vendimet/gjkk_ko_29_11_shq.pdf)



The reason why the number of sessions held is higher than the number of sessions recorded by the Assembly is that the Assembly's Administration registers the attendance of deputies for only one session per day, even in cases where multiple sessions are held in a day. Therefore, the number of absences per session is even higher.



One of the most prominent issues of this session has been the use of non-parliamentary and inappropriate language within the Assembly. Regarding the deteriorating trend of non-parliamentary language, the Assembly has not taken proportional steps to address the violations.

The reason why the number of sessions held is higher than the number of sessions recorded by the Assembly is that the Assembly's Administration registers the attendance of deputies for only one session per day, even in cases where multiple sessions are held in a day. Therefore, the number of absences per session is even higher.

The Assembly has recorded the attendance of deputies in 36 sessions of the spring session. The following table presents statistics on how many times deputies from each parliamentary group have participated in sessions. In addition to the boycott by the Srpska Lista, which has caused an increase in the overall number of absences, there has been a rising trend of absences among other parliamentary parties as well. The highest number of absences has been shown by deputies from opposition parties. The parliamentary group of LDK (Democratic League of Kosovo) had a total of 122 absences in 36 sessions, followed by the parliamentary group of PDK (Democratic Party of Kosovo) with 129 absences, and then the parliamentary group of AAK (Alliance for the Future of Kosovo) with 52 absences. (Table 1.3) The party in power, VV (Vetëvendosje), had fewer absences in relation to the number of deputies, with a total of 188 absences, which might be influenced by the necessity to participate in sessions, as the numbers for achieving the required majority to pass laws have been relatively close.

**Table 1.3: Absences in sessions according to Parliamentary Groups**

| GP                          | FORESEEN PARTICIPATION | ABSENCES   | PARTICIPATION AFTER ABSENCES | ABSENCES IN PERCENTAGE |
|-----------------------------|------------------------|------------|------------------------------|------------------------|
| VV                          | 2052                   | 188        | 1864                         | 9,2%                   |
| PDK                         | 648                    | 129        | 519                          | 19,9%                  |
| LDK                         | 576                    | 122        | 454                          | 21,2%                  |
| AAK                         | 288                    | 52         | 236                          | 18,1%                  |
| OTHER COMMUNITIES           | 288                    | 41         | 247                          | 14,2%                  |
| SRPSKA LISTA                | 432                    | 431        | 1                            | 99,8%                  |
| INDEPENDENT MP – HAKI ABAZI | 36                     | 9          | 27                           | 25,0%                  |
| <b>TOTAL:</b>               | <b>4320</b>            | <b>972</b> | <b>3348</b>                  | <b>22,5%</b>           |

### The use on non-parliamentary language

One of the most prominent issues of this session has been the use of non-parliamentary and inappropriate language within the Assembly. In relation to the deteriorating trend of non-parliamentary language, the Assembly has not taken proportional steps to address the violations. The Rules of Procedure of the Assembly of Kosovo allow the Speaker of the Assembly to take five types of measures against those who use non-parliamentary language in the sessions, such as requesting the withdrawal of remarks, interrupting the speech, giving a warning, issuing a warning for removal from the plenary session, and ultimately removing the member from the plenary session. However, regarding the language used, the Speaker did not take appropriate measures and often tolerated it.

Although the session has been characterized by vital topics that can provoke tension during parliamentary work, the use of inappropriate language and its normalization should never be considered acceptable. This situation has resulted in insults, offenses, and frequent verbal abuse coming from almost every parliamentary party. In some notable cases, the Deputy Prime Minister Besnik Bislimi used sexist language towards Deputy Ariana Musliu-Shoshi, and a serious offense occurred when the LDK deputy, Kujtim Shala, insulted Prime Minister Kurti during a session.

The failure to condemn non-parliamentary language has created a normal perception of it within the Assembly, leading to ongoing tensions. This trend of tension has not only produced inappropriate scenes within the Assembly but also caused the physical altercation between deputies from the Democratic Party of Kosovo and representatives of Vetëvendosje, members of the government cabinet, and deputies of the Assembly during July. This incident went beyond the disciplinary measures provided by the Rules of Procedure, resulting in the involvement of the judicial authorities, who have taken on the case in question.

<sup>2</sup> Rules of Procedure of Kosovo Assembly, Article 64, pg.28



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## The Oversight Function

One of the most important functions of the Assembly as an institution is defined to be its oversight role. The concept of 'oversight,' in the case of the Assembly, encompasses a wide range of activities, which primarily include the scrutiny of the Executive through mechanisms such as parliamentary questions, debates, and interpellations. During this session, the Assembly has conducted various oversight activities on the Executive. Prime Minister Kurti has been invited three times to special sessions on different topics, just as various ministers have been invited. The theme for which the Assembly has shown more attention in its oversight role has been the Kosovo-Serbia dialogue - for which Prime Minister Kurti was invited twice to special sessions dedicated solely to this topic. An extraordinary session was also held to address the events following the arrest of the KEK Board Director. Additionally, during regular plenary sessions, in discussions on topics outside the agenda or through parliamentary questions, the topic of dialogue with Serbia dominated the parliamentary debate.

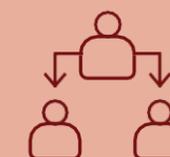
One of the most effective parliamentary control instruments is parliamentary questions. During this session, the deputies raised 171 questions to members of the executive. Some of these questions were repeated multiple times during sessions due to the absence of ministers. From a general perspective, the number of questions raised by the deputies is not satisfactory - less than one and a half questions per deputy on average, indicating a low average level of activity in this segment of parliamentary oversight work. It is concerning that some deputies did not raise any questions, as existing data shows that 82 deputies have not raised any parliamentary questions. (Table 1.4)

**Table 1.4: Deputies who raised the most Parliamentary Questions**

| DEPUTY                   | NUMBER OF QUESTIONS |
|--------------------------|---------------------|
| Mirlinda Sadiku-Tishukaj | 17                  |
| Agon Batusha             | 15                  |
| Arjeta Fejza             | 13                  |
| Ganimete Musliu          | 10                  |
| Arijeta Rexhepi          | 8                   |

Similarly, concerning is the low performance of opposition parties in submitting Parliamentary Questions. With the exception of the deputies from the Democratic Party of Kosovo (PDK), which is the largest opposition party and raised 45 Parliamentary Questions, other opposition parties have shown insufficient activity in this regard. The Democratic League of Kosovo (LDK), with 16 deputies, submitted only 10 Parliamentary Questions throughout the session, while the Alliance for the Future of Kosovo (AAK), with its 8 deputies, presented only 13 questions. (Table 1.5)

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During this session, the deputies raised 171 questions directed towards members of the executive. Some of these questions were repeated multiple times during sessions due to the absence of ministers.

**Table 1.5: Parliamentary Questions by Parliamentary Groups**

| PG                   | NUMBER OF QUES. | AVERAGE FOR DEPUTIES IN RELATION TO TOTAL QUESTIONS |
|----------------------|-----------------|---|
| VETËVENDOSJE         | 102             | 1,8 question  |
| PDK                  | 45              | 2,3 question  |
| LDK                  | 10              | 0,5 question  |
| AAK                  | 13              | 1,6 question  |
| GRUPI I KOMUNITETEVE | 1               | 0,1 question  |
| LISTA SERBE          | 0               | 0 question  |
| <b>TOTAL:</b>        | <b>171</b>      |   |

Regarding parliamentary questions, the Prime Minister has accepted 17 questions from the deputies, most of which were related to the topic of the dialogue and concerns related to this process. In general, unlike Prime Minister Kurti, some members of the Executive have not taken the questions seriously. It is noteworthy that the Prime Minister Kurti has responded to each question in the first instance, meaning at the time of submission. For irresponsible behavior regarding parliamentary questions, the Minister of Internal Affairs, Xhelal Sveçla, deserves special mention, as he has not answered some deputies' questions even after seven repetitions – failing to provide any requested answers. Similarly, the Minister of Foreign Affairs, Donika Gërvalla, has not shown readiness to respond to the deputies' questions. In Gërvalla's case, the questions have been repeated for the fifth time, and out of the 10 questions she has been presented with, she has only responded twice, displaying an uncooperative approach towards the deputies. (Table 1.6)

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**Table 1.6: Parliamentary Questions and Executive Responses**

| PRIMEMINISTER/MINISTERS |                         |           |
|-------------------------|-------------------------|-----------|
| NAME/SURNAME            | PARLIAMENTARY QUESTIONS | RESPONSES |
| ALBIN KURTI             | 17                      | 17        |
| BESNIK BISLIMI          | 1                       | 1         |
| ALBULENA HAXHIU         | 2                       | 1         |
| LIBURN ALIU             | 48                      | 29        |
| ARBEN VITIA             | 8                       | 8         |
| FATON PEÇI              | 3                       | 3         |
| ELBERT KRASNIQI         | 2                       | 1         |
| FIKRIM DAMKA            | 1                       | 1         |
| ARTANE RIZVANOLLI       | 10                      | 10        |
| HEKURAN MURATI          | 8                       | 6         |
| XHELAL SVEÇLA           | 13                      | 0         |
| ARBËRIE NAGAVCI         | 19                      | 14        |
| ROZETA HAJDARI          | 10                      | 8         |
| DONIKA GËRVALLA         | 10                      | 2         |
| HAJRULLAH ÇEKU          | 17                      | 12        |
| ARMEND MEHAJ            | 2                       | 1         |
| <b>TOTALI:</b>          | <b>171</b>              | <b>57</b> |

As part of its oversight function, the Parliament also exercises the right to monitor the implementation of laws that the deputies, through the Committees, consider should be supervised. However, in this regard, the activity of the Kosovo Parliament has been quite low. During this session, the Parliament has monitored only two laws in their entirety, which is an insufficient number. The Legislation Commission has overseen Law No. 06/L-009 on Mediation, and the Health Commission has overseen Law No. 04/L-156 on tobacco control and Law No. 08/L-040 on the amendment and supplementation of Law No. 04/L-156 on tobacco control. Therefore, it can be concluded that this oversight opportunity has not been sufficiently utilized by the deputies and committees.



# HOW WAS THE REFORM IN JUSTICE HANDLED?

## Beginning the spring session with the Law on Bureau

During this session, the Parliament reviewed several draft laws that are part of the justice reform, alongside other draft laws. The Law on State Bureau for Verification and Confiscation of Unjustified Wealth was the first law within the Reform to be approved by the Parliament on February 9, 2023, after being under consideration throughout the previous year. However, a few days after its approval, specifically on February 21, this law was referred to the Constitutional Court by the Democratic Party of Kosovo (PDK). Since then, the Law is still under review by the Court, which has not yet issued a decision on this matter.

The review by the Parliament was accompanied by deep disagreements between the government and the opposition. Opposition parties boycotted their participation in the working groups, and the draft law was finalized solely by the political party in power. Nevertheless, at the time of voting in the Parliament, the draft law was also supported by the Democratic League of Kosovo (LDK), which justified its support by the fact that the final version of the draft law had received positive evaluations from the Venice Commission, having been sent there twice by the Parliament Speaker. During the process of reviewing the draft law by the Parliament, KDI had provided the Legislation Commission and the respective working group with a parliamentary research on the draft law and recommendations for addressing the Venice Commission's requests and constitutional order. This analysis was extensively discussed in a public hearing with stakeholders from the Parliament, Ministry of Justice, civil society, and international representatives.

## Political consensus for the development of Veting in Justice

Another crucial initiative within the Justice Reform was the drafting of procedures for the vetting process in the judiciary sector. After the Ministry of Justice submitted the dossier to the Assembly in September 2022, in December, the Assembly established the Ad-Hoc Commission, known as the Ad-Hoc Commission for drafting the Law on the development of the evaluation process. The Assembly assigned a 6-month mandate, with the possibility of extension, to this commission to prepare the constitutional amendments and the respective draft law for the development of the vetting process. It was a positive fact that this commission was created with broad political consensus, and its composition reflected political parties from both the ruling coalition and the opposition. The opposition party LDK took the lead in this Commission. The first meeting of the commission was held in December 2022, during which a working group was formed to draft the constitutional amendments for the vetting process. Effectively, these amendments were drafted and finalized during January and February of the spring session 2023. Regarding this matter, KDI offered expertise to the working group through an analysis of the draft constitutional amendments discussed in one of the working group meetings with participants from the Assembly, Ministry of Justice, civil society, and international representatives.<sup>4</sup>

<sup>3</sup> KDI Analysis on State Bureau at, [https://kdi-kosova.org/wp-content/uploads/2022/12/Research\\_State-Bureau-for-Verification-and-Confiscation-of-Unjustified-Assets.pdf](https://kdi-kosova.org/wp-content/uploads/2022/12/Research_State-Bureau-for-Verification-and-Confiscation-of-Unjustified-Assets.pdf)

<sup>4</sup> KDI Analysis on Vetting at, <https://kdi-kosova.org/wp-content/uploads/2023/02/01-Raport-Analiza-per-Vetingun-ENG-1.pdf>





According to the constitutional procedure, after finalizing the constitutional amendments, they were sent to the Constitutional Court by the Speaker of the Assembly. Just like in the case of the Law on State Bureau, the Constitutional Court has not yet issued a decision regarding the constitutional amendments for the Vetting process. Meanwhile, the mandate of the Ad-Hoc Commission for Vetting has expired after the 6-month period, and following a decision of the Constitutional Court, the mandate of the commission must be extended by the Assembly to continue working on the drafting of the Law on Vetting.

### Controversies about the Law on the Prosecutorial Council

Another important legal initiative within the justice reform was the amendment and supplementation of Law no. 06/L-056 for the Kosovo Prosecutorial Council (KPC). This process was accompanied by significant disagreements between the government and the opposition, as well as between the Ministry and the Kosovo Prosecutorial Council. The main debate in the Assembly and beyond focused on changing the number of members in the KPC and decision-making within this institution.

After the Law was approved by the Assembly in June 2022, it was sent to the Constitutional Court by the opposition parties a month later, initially by the Democratic Party of Kosovo (PDK) and then by the Democratic League of Kosovo (LDK), in two separate cases, as these two parties believed that this Law undermined the independence of the judiciary in the country. Regarding this matter, the Constitutional Court published its ruling about a year later, in March 2023, during the mid-spring session of the Assembly. Through this ruling, the Court declared the Law invalid, thus restarting the process of amending and supplementing the Law from scratch.

After the Constitutional Court's ruling, the Ministry proceeded with another draft of the Law in the Assembly, and a working group was established in the Legislation Commission for its review. The Commission has now completed the review and has preliminarily approved the new draft of the Law. The second review in the Commission and the processing in the Assembly session are expected to take place during the autumn session of the Assembly. Additionally, two days after the end of the spring session, Chairman Glauk Konjufca sent this draft for evaluation to the Venice Commission.

Apart from the three aforementioned legislative initiatives, during this session, the Assembly also approved other laws as part of the justice reform, such as the Law on the State Prosecutor, the Law on Judicial Experts, the Administrative Procedure, etc. The review of these laws passed without any extensive debates among the parliamentary parties, as the changes were mostly of a technical nature. Furthermore, there are still six other important draft laws for the reform that remain in the procedure for the autumn session, including amendments to the penal code, the code of criminal procedure, the special prosecution, etc.



The Assembly reviewed several draft laws that are part of the justice reform, alongside other legislative initiatives. The Law on State Bureau for Verification and Confiscation of Unjustified Wealth was the first law within the reform to be approved by the Assembly on February 9, 2023.



# DEVELOPMENTS IN THE COMMITTEES

During the spring session, the 14 committees of the Assembly held a total of 221 meetings, conducted 10 public hearings, and made 5 field visits. The committees with the highest number of meetings, over 20, during this period were the Committee for Economy, Industry, Entrepreneurship, and Trade with 24 meetings and 3 public hearings, followed by the Committee for Health and Social Welfare with 22 meetings and 2 public hearings. Similarly, the Committee for Budget, Labor, and Transfers ranks with 23 meetings held during this session. The Committee for Legislation held 20 meetings, while all other parliamentary committees had less than 20 meetings each. The Committee for Foreign Affairs and Diaspora had the least number of meetings, only 7, during the session.

During this session, the Committees dealt with about 35 draft laws. All of these draft laws were processed by the 4 permanent committees, while the other functional committees, which were less involved in this aspect, only dealt with draft laws falling under their jurisdiction. Regarding the oversight of the executive, ministers of the Government appeared before parliamentary committees and reported 35 times, while other high institutional representatives did so 42 times. During this period, only three committees conducted field visits to relevant institutions. Concerning the monitoring of law implementation, the Committees drafted only 2 monitoring reports, one for the Mediation Law and one for the Tobacco Control Law. Additionally, they held discussions in meetings or supervisory activities for the implementation of 5 other laws. Below are the details of the activities for each committee.

### ✔ Committee on Budget, Labor and Transfer

During the spring session, the Committee for Budget, Labor, and Transfers held a total of 23 meetings. As this committee is also one of the permanent committees, it had a packed agenda, and according to its mandate, it reviewed 35 draft laws, including 3 international agreements.

The main topics covered by the legislation reviewed by this committee were from various fields such as the budget, state administration, product safety, forests, energy, state prosecutor, unauthorized constructions, legal medicine, public property, and vine, among others.

In addition to draft laws, the committee also reviewed 10 reports from state institutions and agencies. As for the executive's reports, the Minister of Finance, Labor, and Transfers, Hekuran Murati, appeared before the committee 7 times, presenting draft laws and international agreements. In 11 cases, other state officials also reported, such as the General Auditor, representatives from the Privatization Agency, the director of TRUST, the board of RTK, the board of the Pension Savings Fund, and the Regulatory Commission for Public Procurement, etc.

One of the main issues that characterized some of the committee's meetings was the review of the Government of Kosovo's decision to dismiss Kimete Gashi from her position at PRB (Procurement Review Body). The committee discussed this matter in three meetings but ultimately did not approve the Government's decision.



## ✔ Committee on Rights and Interests of Communities and Returns

As one of the permanent committees, the Committee for Rights and Interests of Communities and Returns had significant work in reviewing all draft laws related to community rights. During this session, in 11 held meetings, the committee examined a total of 30 draft laws. One of the main challenges that accompanied the committee's work was the political boycott by members of the Serpska Lista, who, after boycotting the general work in the Assembly, also ceased their participation in the committee's proceedings where they were members. As a result, out of the 18 members that this committee had, it now has only 12 members for several months, and active participation is limited to only 10 members. This is because two other members of parliament, who are not officially part of the Serpska Lista, such as the representative of the Gorani Party, Adem Hodza, and the representative of the Roma Initiative, Fadil Gashi, have also boycotted the Assembly, and consequently, this committee as well.

## ✔ Committee on Legislation, Mandates, Immunities, Rules of procedure of the Assembly and Oversight of the Anti-Corruption Agency

During the spring session, the Committee for Legislation, Mandates, Immunities, Rules of Procedure of the Assembly, and Oversight of the Anti-Corruption Agency held a total of 20 meetings. As one of the permanent committees, this Committee had a heavy agenda, reviewing 33 draft laws and reports from other committees on various fields, especially related to justice reform, but also on topics like forests, budget, unauthorized constructions, cinematography, consumer protection, etc. The dynamics of the committee were mainly characterized by discussions on the alignment of legislation with other existing laws and constitutional aspects. The Minister of Justice, Albulena Haxhiu, was invited to the committee twice. The first time was to present and justify two draft laws, one for the ratification of the Treaty between the Republic of Kosovo and the Kingdom of Denmark regarding the use of the Correctional Facility in Gjilan for the execution of Danish sentences. This draft law was approved in principle. The second time, the minister presented and justified the draft law for amending and supplementing the Law on the Prosecutorial Council of Kosovo. Apart from the minister, the director of the Anti-Corruption Agency, Yll Buleshkaj, and the chairman of the Central Election Commission (CEC), Kreshnik Radoniqi, also reported once before the committee on the work of their respective institutions in 2022. During this period, the committee also approved the monitoring report on Law No. 06/L-009 on Mediation

## ✔ Committee on European Integration

During this session, the Committee for European Integration held a total of 12 meetings, during which it reviewed 30 draft laws mainly from the perspective of their alignment with EU legislation. The draft laws covered various areas, such as consumer protection, energy, early childhood education, and others. Additionally, the committee also reviewed the draft laws related to justice reform, including the penal code, criminal procedure code, forensic medicine, judicial experts, etc. The committee also examined a financial IPA agreement between Kosovo and the EU. Regarding oversight of the executive, three ministers appeared before the committee: First Deputy Prime Minister for European Integration, Development, and Dialogue, Besnik Bislimi; Minister of Internal Affairs, Xhelal Sveçla; and Minister of Justice, Albulena Haxhiu. All three executive representatives reported primarily on the fulfillment of obligations arising from the European agenda of their respective ministries.

## ✔ Committee on Foreign Affairs and Diaspora

The Committee for Foreign Affairs and Diaspora was one of the committees that held few meetings during this session, with only 7 meetings in total. The main developments in this committee during this period were two briefings. Specifically, the First Deputy Prime Minister for European Integration, Development, and Dialogue, Besnik Bislimi, reported on the Kosovo-Serbia dialogue, and the Minister of Foreign Affairs, Donika Gërvalla, reported on the work of her ministry. Both of these briefings resulted in heated debates among the committee members from the ruling and opposition parties.

In terms of committee leadership, there was a change in the committee's chairmanship due to political developments within the ruling party LVV. The former chairman Haki Abazi was dismissed from this position and was replaced by deputy Arbëreshë Kryeziu-Hyseni, who has been leading the committee since the end of February onwards.

Among other things, during this session, the committee also reviewed 1 draft law, the one concerning the state budget, and discussed the monitoring of the implementation of the Law on the Foreign Service of the Republic of Kosovo.

## ✔ Committee on Education, Science, Technology, Innovation, Culture and Sports

During this session, the Committee for Education, Science, Technology, Innovation, Culture, Youth, and Sports held a total of 13 meetings and 2 public hearings. During these meetings, they reviewed a total of 10 draft laws from various fields, including higher education, cinematography, early childhood education, copyright, education, and culture, among others. Two public hearings were conducted for the draft law on cinematography and one for the draft law on copyright. The committee also examined an annual report on the work of the State Council for Quality of the Kosovo Accreditation Agency.

The Minister of Education, Science, Technology, and Innovation, Arbërie Nagavci, appeared before the committee three times to present draft laws related to the committee's scope of activity, while her counterpart, the Minister of Culture, Youth, and Sports, Hajrulla Çeku, was present twice. In one of the meetings, the deputy minister of this ministry also reported. It is worth noting that the committee was mandated to review two international agreements arising from the Berlin Process, specifically the draft law for the ratification of the Agreement on the Recognition of Higher Education Qualifications in the Western Balkans and the draft law for the ratification of the Agreement on the Recognition of Professional Qualifications for doctors, dentists, and architects in the Western Balkans. Both agreements were subsequently approved in the session of the Assembly. In addition to regular meetings, the committee members conducted two field visits during this period. The first visit was to the Special Olympics of Kosovo, where they offered support in capacity building. The second visit was to the Ministry of Culture, Youth, and Sports to monitor the implementation of the Law on Sponsorships in the fields of culture, youth, and sports.

## ✔ The Committee on Economy, Industry, Entrepreneurship and Trade

During this spring session, the Committee for Economy and Entrepreneurship held a total of 24 meetings and 3 public hearings. Over the course of approximately seven months, the committee reviewed a total of 6 draft laws covering topics such as energy, sustainable investments, mining and minerals, consumer protection, and others. Additionally, 14 reports from various institutions and agencies, as well as two government decisions, were examined. Ministers and high-ranking officials also reported before the committee. Minister of Economy, Artane Rizvanolli, appeared before the committee 5 times, either to present draft laws or to present performance reports of the ministry. Similarly, Minister of Industry, Entrepreneurship, and Trade, Rozeta Hajdari, appeared before the committee twice, but was absent on one occasion when invited by the committee. On the other hand, representatives of company boards, such as the Independent Commission for Mines and Minerals (KPMM), the Energy Regulatory Office (ZRRE), the Kosovo Privatization Agency (AKP), the Regulatory Authority for Electronic Communications and Postal Services (ARKEP), and the Regulatory Authority for Water Services (ARRU), reported on their work 14 times.

The main discussions in this committee revolved around energy issues and the Ferronikeli enterprise. Regarding the latter, the committee recommended the dismissal of members of the KPMM Board on an individual basis, as well as the annulment of the decision on the release of the mining rent obligation for "Ferronikeli". During this period, the committee also approved the report on the oversight of the Law on electronic communications.

## ✔ Committee on Agriculture, Forestry, Rural Development, Environment, Spatial Planning and Infrastructure

During this period, the Commission for Environment, Food, Agriculture, Planning, and Development held a total of 15 meetings. The discussions focused on the review of 9 draft laws that fall within the scope of this commission, such as the Forest Law, Vineyard Law, Organization of the Agricultural Market Law, Unauthorized Constructions Law, Strategic Environmental Assessment, etc.

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In addition, the Spatial Plan of the National Park "Bjeshkët e Nemuna" was also addressed, for which a public hearing was organized, and the Minister of Environment, Spatial Planning, and Infrastructure, Liburn Aliu, was invited to report. Another public hearing was held by the commission for the Vineyard Law.

During this period, the commission also accepted two petitions from citizens regarding public parking spaces. The commission agreed to gather some data from the municipalities and then hold a roundtable discussion. However, such a roundtable was not organized during this session.

### ✔ Committee on Health and Social Welfare

The Committee for Health and Social Welfare held 22 meetings during this session, during which it reviewed 6 draft laws in areas such as reproductive health and assisted medical fertilization, the pricing of medicinal products, communicable diseases, the essential drug list, the state budget, and pension schemes. Additionally, the committee conducted two public hearings for two of the aforementioned draft laws.

Regarding oversight, the committee received reports from two ministers. Specifically, Minister of Health, Arben Vitia, reported twice before the committee, while Minister of Finance, Labor, and Transfers, Hekuran Murati, reported twice as well.

The committee also dedicated a part of its activities to monitoring laws. During this period, it monitored the Law on Tobacco Control. Furthermore, the committee conducted a field visit to the Neurosurgery Clinic at the University Clinical Center of Kosovo.

### ✔ Committee on Public Administration, Local Governance, Media and Rural Development

During the spring session, the Committee for Public Administration, Local Government, Media, and Regional Development held a total of 17 meetings. The committee did not have a heavily loaded agenda, and the discussions during this period included the review of 6 draft laws in areas such as the state budget, executive agencies, special administrative procedures, balanced regional development, and public officials, among others.

In addition to the aforementioned draft laws, the committee also examined three institutional performance reports: those of the Public Broadcaster (RTK), the Independent Media Commission, and the Agency for Radiation Protection and Nuclear Safety, presented by their respective representatives. During the sessions to present draft laws, the Minister of Regional Development, Fikrim Damka, and representatives of the Ministry of Internal Affairs were also present. Moreover, the Independent Media Commission reported in one instance.

It is worth noting that besides the above-mentioned topics that this committee addressed based on its scope of activity, it also held a hearing with journalists injured during reporting from the northern region.

### ✔ Committee on Security and Defense Affairs

During this session, the Committee for Security and Defense held a total of 9 meetings, during which it reviewed issues falling within the scope of its activities. In general, this committee dealt with 4 draft laws in areas such as classified information, intelligence, budget, and civil registration. It also examined and supported an international agreement stemming from the Berlin Process, specifically the Agreement on Free Movement with ID cards in the Western Balkans. The main themes dominating the discussions in this committee were the developments in the north, especially after the deteriorating situation there in the second half of the session.

Regarding oversight of the executive, two performance reports were reviewed, and representatives of institutions such as the Director of Police, the Chief Executive of the Police Inspectorate of Kosovo, the Commissioner of the Information and Privacy Agency, among others, reported before the committee.

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### ✔ Committee on Human Rights, Gender Equality, Victims of Sexual Violence During the War, Missing Persons and Petitions

The Committee for Human Rights, Gender Equality, Missing Persons, Victims of Sexual Violence during the War, and Petitions is one of the committees that had the most diverse activities during this session. Out of a total of 20 meetings held during this period, this committee reviewed a total of 5 draft laws on issues such as missing persons, protection against discrimination, religious freedoms, domestic violence, and more. Additionally, it reviewed 1 international agreement on the Status and Functions of the International Commission on Missing Persons. For the latter, the committee also organized a public hearing with institutional and civil society actors. Moreover, the committee held a roundtable discussion regarding the possibility of incorporating the Convention on the Rights of Persons with Disabilities into the Constitution of the Republic of Kosovo.

The dominant themes in the discussions of this committee revolved around the protection of human rights, particularly focusing on missing persons, persons with disabilities, and minority communities. In exercising oversight over the executive, the committee invited the Chairman of the Governmental Commission for Missing Persons, Andin Hoti, the Ombudsman Naim Qelaj, and members of the Governmental Commission for the Recognition and Verification of the Status of Persons who suffered during the war, to report twice.

It is worth noting that this committee conducted the most field visits during this period, with a total of 5 such visits to institutions such as prisons in Lipjan and Prizren, the Integrative Rehabilitation Center for Chronic Psychiatric Patients in Shtime, as well as the Neonatology Department and Gynecology Department within the University Clinical Center of Kosovo.

### ✔ Committee for Oversight of Public Finances

The Committee for Public Finance Oversight held a total of 19 meetings during this session, during which it reviewed only one draft law, the state budget. However, in accordance with its scope of work, the committee exercised oversight of public finances through the review of audit reports. Thus, during this period, it scrutinized a total of 17 such reports from various institutions, including Trepça enterprise, municipalities, the Electricity Transmission, System Operator, and Market Operator (KOSTT), the Civil Registration Agency, the Prosecutorial Council, the National Audit Office, the Central Election Commission, the Anti-Corruption Agency, and more.

To present these reports before the committee, representatives of these institutions, including 5 ministers, reported to the committee. The ministers who reported were the Minister of Local Government, Elbert Krasniqi, the Minister of Environment, Spatial Planning, and Infrastructure, Liburn Aliu, the Minister of Industry, Entrepreneurship, and Trade, Rozeta Hajdari, the Minister of Internal Affairs, Xhelal Sveçla, and the Minister of Finance, Labor, and Transfers, Hekuran Murati. The latter expressed dissatisfaction with the questions posed to him, which he believed were not adequately addressed in the agenda.

### ✔ Oversight Committee for Kosovo Intelligence Agency

The Committee for Oversight of the Kosovo Intelligence Agency, being one of the more specific committees in terms of its scope of work, held its main discussions behind closed doors. However, from publicly available data, it is evident that this committee held a total of 9 meetings during the period under consideration, where it reviewed one draft law, specifically the state budget.

The discussions mainly took the form of reports, and before the committee, the Director of the Kosovo Intelligence Agency (AKI), Petrit Ajeti, and the Inspector General of the agency, Kujtim Shala, reported twice each. The details of these discussions were not made public, but it is known that the reports were mainly held during a period of deteriorating security situation in the country, particularly in the northern part.

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# STEPS BACK IN TRANSPARENCY

Based on the data from the monitoring of the Assembly during this session, it can be asserted that the it has taken steps backward in the field of transparency. The practices applied during this session have severely damaged transparency. Among other things, the failure to resolve the issue of electronic voting, which has created much uncertainty regarding voting, the non-disclosure of data on deputies' voting, and the practice of not providing data on the work of the commissions, represent negative developments in the transparency of the Assembly.

The absence of electronic voting, through which the number and individual voting of deputies were known, has hurt the transparency process. Moreover, the Parliament's approach to this issue has only worsened the situation, as it has not only failed to expedite the provision of tools for electronic voting but has also not published data on individual deputies' voting, leaving the will of deputies unknown to the citizens. Such a practice by the Assembly contradicts the Rules of Procedure of the Assembly – specifically, Article 61, paragraph 9 of the Rules, which stipulates that "The publication of the hand voting is made public within two (2) working days after the end of the voting in the plenary session."

Furthermore, when it comes to transparency and information about their activities, the parliamentary commissions are not doing well either. In the section for publishing data on their activities, some of them lack information about the held meetings, and in many cases, basic data for the held meetings, such as minutes, are missing. Also, the absence of documents such as the report on the session's work as a whole or the work plan is criticized. A similar lack of reporting on the activities of the Ad-Hoc Commissions has been observed on the official website of the Parliament.



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Tabele 1.7: The published minutes of parliamentary commissions regarding the number of sessions during the spring session.

|  | No. of meetings | Number of minutes published |
|--|-----------------|-----------------------------|
| Committee on Budget, Labor and Transfer  | 23              | 9                           |
| Committee on Rights and Interests of Communities and Returns   | 11              | 9                           |
| Committee on Legislation, Mandates, Immunities, Rules of procedure of the Assembly and Oversight of the Anti-Corruption Agency | 20              | 10                          |
| Committee on European Integration  | 12              | 12                          |
| Committee on Foreign Affairs and Diaspora  | 7               | 7                           |
| Committee on Education, Science, Technology, Innovation, Culture and Sports  | 13              | 6                           |
| The Committee on Economy, Industry, Entrepreneurship and Trade   | 24              | 21                          |
| Committee on Agriculture, Forestry, Rural Development, Environment, Spatial Planning and Infrastructure                        | 15              | 14                          |
| Committee on Health and Social Welfare   | 22              | 17                          |
| Komisioni për Administratë Publike, Pushtet Lokal, Media dhe Zhvillim Rajonal  | 17              | 12                          |
| Komision për Çështjet e Sigurisë dhe Mbrojtjes   | 9               | 0                           |
| Committee on Human Rights, Gender Equality, Victims of Sexual Violence During the War, Missing Persons and Petitions           | 20              | 16                          |
| Committee for Oversight of Public Finances   | 19              | 13                          |
| Oversight Committee for Kosovo Intelligence Agency   | 9               | 0                           |

# CONCLUSION AND RECOMANDATIONS

Në In general, this spring session of the Kosovo Assembly has displayed almost all the common shortcomings that have characterized previous sessions. Moreover, in some aspects, there has been a worsening trend. The planning and implementation of parliamentary work have been as usual, with a heavy and poorly planned agenda in terms of the extent of the activities and achievability.

During this session, in 49 plenary sessions, the Parliament approved a total of 44 Laws, fulfilling 13% of the Government's 2023 legislative agenda. Additionally, the parliamentary commissions held 221 meetings during this period.

The oversight function of the Parliament was penalized in some cases due to the executive's lack of willingness to provide transparency and accountability to the deputies and the public. Many parliamentary questions from deputies remained unanswered, despite being repeated in several consecutive sessions. Regarding the oversight of law implementation, deputies reported on only two laws being fully implemented.

The phenomenon of deputy absences continued, sometimes even more than what is officially recorded by the Parliament, with deputies being registered but not participating in the parliamentary proceedings. This, in many cases, led to a lack of quorum, resulting in some sessions not being held at all or being interrupted due to insufficient presence of deputies.

Inappropriate behavior by deputies, such as non-parliamentary language, was evident in some cases, but these incidents went unpunished, despite the Parliament's regulations providing measures for such conduct. Moreover, in the last month of the session, the harsh political climate of confrontations that had been present since the beginning of the session escalated into physical violence, involving deputies and ministers to an extent never witnessed before in the Kosovo Parliament.

Furthermore, this session also saw the political boycott by the Serbian List due to developments in the northern part of the country. They only attended one session during this session to redistribute the mandates after six months of absence, which, according to the Regulations, results in the loss of a deputy's mandate.

Based on the developments during this session and beyond, KDI offers the following recommendations for the Assembly in general and for the Members of Parliament in particular:

- **Well-planned session scheduling:** The Assembly should promptly organize parliamentary work in a comprehensive manner, either through a monthly calendar or other good practices that ensure the smooth conduct of parliamentary affairs. The existing practice of holding multiple sessions in a short period with a heavy daily agenda should be abandoned. Instead, a proper spread of sessions in the calendar, without session gaps for weeks, but with weekly sessions and light daily agendas, would enable a more thorough consideration of the material that MPs handle.
- **Lack of quorum and attendance on paper:** The Parliament should take the issue of MPs' absences seriously, especially for sessions where, according to official records, there is a sufficient number of MPs for the parliamentary work to proceed, but it fails in practice. The Parliament should ensure that this discrepancy between the actual participation of MPs in sessions and the official registration lists does not exist. Additionally, the Parliament should start the practice of recording absences for each session, especially in cases when there are multiple sessions during the day.

- **Consensus and inclusivity for the Justice Reform:** The broad political consensus achieved for the review of the Vetting process should continue during the upcoming sessions. After the evaluation of the draft Constitutional amendments by the Constitutional Court, the main responsibility will fall on the ruling party to maintain the current consensus and expand support among the parties of non-majority communities. This is essential, considering that the voting of the Constitutional amendments requires a 2/3 majority of these entities as well. Furthermore, during the consideration of Draft Laws related to the Reform, more public hearings should be organized to ensure full inclusivity in this process.
- **Oversight of the executive:** In fulfilling their oversight function, the Members of Parliament must be more active in ensuring accountability of the executive towards the Assembly by presenting more parliamentary questions. Parliamentary subjects so far have shown unsatisfactory performance in this regard, with only 171 questions raised against the executive during the entire session, and 82 deputies who have not raised any questions. Deputies should individually make use of this right, regardless of the party they belong to, especially for issues that concern the well-being of citizens.
- **Monitoring the implementation of laws:** The Assembly should also mark improvements in monitoring the implementation of laws. The statistics of this session show a small number of laws that the Assembly has monitored, indicating the need for this issue to be addressed in future sessions.
- **Addressing non-parliamentary language:** The Assembly should challenge the phenomenon of non-parliamentary language, which continues to be evident in parliamentary sessions and committees. The practice of using inappropriate, offensive, and lynching language has become normalized. In our view, this has been facilitated by the way the Assembly has approached the problem and how the Parliament's rules have been interpreted. Faced with this practice, the Assembly should take immediate action, starting with a stricter approach to the interpretation of the rules, making it possible to punish deputies who use such language.
- **Physical clashes:** Political clashes turning into physical confrontations are unacceptable for the institution of the Assembly. The disturbing scenes of violence during the month of July should not be repeated. Violence can never be a political tool and should not be justified in any context.
- **Transparency:** The Parliament should improve transparency towards the public. To enhance transparency and accountability of both the Parliament and individual deputies, the Parliament should reinstate electronic voting as soon as possible. In the meantime, besides publishing cumulative votes, the Parliament should make the individual voting results of each deputy accessible to the public during parliamentary sessions. On the other hand, other parliamentary bodies should regularly make other documents public, such as the minutes of parliamentary committee meetings, including those of Ad-Hoc Committees.

