



Doc. 15957

28 March 2024

Transmission by the Committee of Ministers to the Parliamentary Assembly for consultation of the letter of 12 May 2022 addressed to the Secretary General of the Council of Europe, in accordance with Statutory Resolution (51) 30

Request for an opinion¹

Committee of Ministers

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1. See the report of the Committee on Political Affairs and Democracy on "Application by Kosovo* for membership of the Council of Europe", [Doc. 15958](#).

* Throughout this text, all reference to Kosovo, whether to the territory, institutions or population shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.



Letter from Ms Ragnhildur Arnjóltsdóttir, Ambassador, President of the Ministers' Deputies - Presidency of Iceland, addressed to Mr Tiny Kox, President of the Parliamentary Assembly of the Council of Europe, on 24 April 2023

THE CHAIR
LA PRÉSIDENTE

COMMITTEE
OF MINISTERS
COMITÉ
DES MINISTRES



PRESIDENCY
OF ICELAND



PRÉSIDENTE
DE L'ISLANDE

Mr Tiny Kox
President of the Parliamentary Assembly
Council of Europe
Strasbourg

Ref ► SecCM/OUT(2023)48e

Strasbourg, 24 April 2023

Dear President,

In accordance with Resolution (51) 30 of the Committee of Ministers, I enclose the decision adopted by the Ministers' Deputies today at their 1464bis meeting under item 2.4 "Application for membership", CM/Del/Dec(2023)1464bis/2.4, together with the related document DD(2022)200.

Yours sincerely,



Ragnhildur Arnjóltsdóttir
President of the Ministers' Deputies

cc.
Secretary General
DLAPIL

Enc: CM/Del/Dec(2023)1464bis/2.4, DD(2022)200

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Decision of Ministers' Deputies, on 24 April 2023

CM/Del/Dec(2023)1464bis/2.4

24 April 2023, 1464bis meeting – Application for membership

The Deputies,

Recalling the decision, expressed at the 8th Session of the Committee of Ministers in May 1951, to consult the Parliamentary Assembly before deciding on applications for membership of the Council of Europe in conformity with the provisions of the Statute;

Recalling the Brussels Agreement of 27 February 2023 and the Ohrid Agreement of 18 March 2023 and its Implementation Annex, reached in the EU-facilitated dialogue led by the High Representative, and the importance of all parties implementing them expediently and in good faith;

Decided to transmit to the Parliamentary Assembly for consultation the letter of 12 May 2022 addressed to the Secretary General of the Council of Europe (document [DD\(2022\)200](#)), without prejudice to the Committee of Ministers' future consideration of this application to accede to the Council of Europe.

Letter from Ms Marija Pejčinović Burić, Secretary General of the Council of Europe, addressed to Mr Luigi Di Maio, Chair of the Committee of Ministers, Minister for Foreign Affairs and International Cooperation of Italy, on 12 May 2022

DD(2022)200: distributed at the request of Chair of the Ministers' Deputies
Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers

Council of Europe
The Secretary General

Strasbourg, 12 May 2022

Dear Minister,

I am sending you herewith an application for membership received on 12 May 2022, for possible follow up by the Committee of Ministers in accordance with the Statute of the Council of Europe.

Yours sincerely,


Marija Pejčinović Burić

Mr Luigi Di Maio
Chair of the Committee of Ministers
Minister for Foreign Affairs and International Cooperation
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Letter addressed to Ms Marija Pejčinović Burić, Secretary General of the Council of Europe, regarding the application of Kosovo*, on 12 May 2022



Consulat Général de la République du Kosovo à Strasbourg

Ref: 12/2022

Strasbourg, 12 May 2022

NOTE VERBALE

The Consulate General of the Republic of Kosovo in Strasbourg expresses its compliments to the Secretary General of the Council of Europe, Her Excellency Ms. Marija Pejčinović Burić, and has the honor to enclose herewith a Letter of request for accession of the Republic of Kosovo to the Council of Europe.

The Consulate General of the Republic of Kosovo in Strasbourg avails itself of this opportunity to renew to the Secretary General of the Council of Europe the assurances of its highest consideration.

To: Her Excellency Ms. Marija Pejčinović Burić - Secretary General of the Council of Europe





Republika e Kosovës
Republika Kosova - Republic of Kosovo

Ministria e Punëve të Jashtme dhe Diasporës/ Ministarstvo Inostranih Poslova i Dijaspore/ Ministry of Foreign Affairs and Diaspora

Prishtina, 12 May 2022
Ref: 248/2022

Your Excellency,
dear Secretary General,

As a European country strongly committed to human rights and the rule of law and in view of the profound impact on the political architecture of our European continent inflicted by Russia's illegal aggression against independent Ukraine, I have the honour to inform you that the Republic of Kosovo is hereby applying for full membership of the Council of Europe.

Having been recognized as an independent state by more than 73 per cent of the member states of the Council of Europe since its independence on 17 February 2008, and consonant with its identity as a European country the Republic of Kosovo is single-mindedly pursuing the path of full integration into the legal and political frameworks laid down in the Statute of the Council of Europe and other European and Western organizations.

Throughout its existence as an independent state the Republic of Kosovo has enshrined basic human rights in its constitution, of which some key elements are directly linked with the Council of Europe. Please allow me to highlight some of these provisions.

Article 22 of the Constitution of the Republic of Kosovo ensures the direct effect of key documents of the Council of Europe, such as the European Convention on Human Rights and its Protocols, the Framework Convention for the Protection of National Minorities and the Istanbul Convention. This article of the Constitution also gives direct effect to key UN documents such as the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Elimination of All Forms of Discrimination Against Women and the Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment.

Article 53 of the Constitution directly links legal interpretations of human rights and fundamental freedoms in Kosovo to the European Court for Human Rights by stating: „Human rights and fundamental freedoms guaranteed by this Constitution shall be interpreted consistent with the court decisions of the European Court of Human Rights.“

Following its path towards becoming a fully-fledged member of relevant European and international institutions, our country has further strengthened the rule of law since its general elections in 2021. As a result of all the efforts of our still young Republic, Kosovo has been ranked first in the Western Balkans by the World Justice Report on Rule of Law and second in the region by the Transparency International Index for 2021 with the highest single increase of 17 ranks.

Fundamental rights for women are promoted in our country by adherence to the above mentioned conventions but also by legal provisions that ensure at least 30 per cent of the members of our national and local parliaments have to be women. In our current national parliament the ruling coalition can count on more than 40 per cent female members of parliament.

The empowerment and protection of non-majority communities in public institutions include many constitutional guarantees and are correctly and widely perceived as the most far reaching in Europe.

Our Constitution's provision to assign 20 out of 120 seats of the parliament exclusively for minorities (10 seats for the Serb community, and 10 for the Bosniak, Turkish, Egyptian, Roma, Ashkali communities), while at the same time preserving their right also to compete for the remaining 100 seats represents a unique degree of guarantees for minorities in the electoral process. Regardless of the outcome of the elections, the Serb community has the right to elect one member of government, while two additional members of government are selected from the other communities. Nowhere in the region or Europe for that matter can such a level of inclusion of minorities be found.

Members of non-majority communities enjoy the legal right to participate in our public administration on a national and local level. Similar guarantees are enshrined in our Constitution for minority communities regarding language and schooling especially on the local level.

All these and a series of other provisions ensure that empowerment and protection of minority communities in Kosovo exceed those of most other countries in Europe.

These provisions and the health of our democracy serve as proof that European values can be the formula for overcoming even a most tragic past and for providing a better future for all, as has been the case in the very founding of the Council of Europe itself.

There is no other country in the region or in Europe whose citizens produce survey after survey approval rates for European and Western values by up to more than 90 per cent. Our identity is a profoundly European one. Kosovo is eager to contribute to the common good of our common continent.

We further believe that a decision by the Council of Europe to admit the youngest country in Southeast Europe could be a strategically decisive step towards stabilizing the region and preventing it from relapsing into conflict. We are confident that such a decision would help the region to come to terms with the past and to open up a new era of ever closer cooperation in many areas of mutual benefit.

The young and European-minded people of Kosovo aspire to belong to the family of nations in the Council of Europe. With the exceptional experience of a tragic recent past defined by war and genocide, but at the same time proving in surveys to be still the most optimistic and most European country in the region, Kosovo considers itself amply qualified to contribute to a further strengthening of Europe and its indispensable values.


We are grateful for the support the Council of Europe and many of its member states are providing to our country, its institutions and our vibrant civil society in pursuing this European path.

Kosovo is both ready and able to fulfil all membership requirements under Articles 3 and 4 of the Statute of the Council of Europe and to become a valuable member of the Organisation.

Therefore please allow me to conclude by expressing our deeply felt aspiration and our wish to join the family of European nations in the Council of Europe.

I avail myself of this opportunity to present to you, Madame Secretary General, and the members of the Committee of Ministers, the assurances of my highest consideration.

Sincerely,



Donika Gërvalla-Schwarz
Deputy Prime Minister
Minister of Foreign Affairs and
Diaspora

H.E. Ms. Marija Pejčinović Burić
Secretary General of the Council of Europe
Strasbourg