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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

(VENICE COMMISSION)

KOSOVO

OPINION

ON THE DRAFT LAW ON PUBLIC GATHERINGS

Adopted by the Venice Commission
at its 124th online Plenary Session
(8-9 October 2020)

on the basis of comments by

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I. Introduction

1. By letter of 21 August 2020, the Prime Minister of Kosovo, Mr Avdullah Hoti, requested an opinion of the Venice Commission on the draft law on public gatherings (CDL-REF(2020)062). In particular, the request is aimed at assessing whether the proposed draft law adheres to best international practices, standards and norms.

2. Mr Dimitrov, Ms Nußberger, Mr Otty and Mr Vermeulen acted as rapporteurs for this opinion.

3. On 14-15 September 2020, the rapporteurs and the Secretariat of the Venice Commission held a series of video meetings with the Deputy Prime Minister, the Minister of Justice, the Minister of Internal Affairs, the Director of the legal office of the Prime Minister's office, the Head of Office for Legal Affairs in Kosovo Police, the President of the Supreme Court, the Ombudsperson, the chief legal advisor of the Constitutional Court, the international community, as well as with civil society. On 30 September, the authorities provided written comments on the present draft opinion, demonstrating their willingness to follow up various recommendations in the draft opinion, which the Venice Commission appreciates. The Venice Commission is also grateful to the authorities and to the Council of Europe Office in Pristina for the support provided in the organisation of the virtual meetings.

4. This opinion was prepared in reliance on the English translation of the draft law. The translation may not accurately reflect the original version on all points, therefore certain issues raised may be due to problems of translation.

5. This opinion was drafted on the basis of comments by the rapporteurs and the results of the video-meetings and written comments from stakeholders. It was submitted to the written procedure replacing sub-Commissions. Following an exchange of views with the Director of Legal Office of the Prime Minister's office, it was adopted by the Venice Commission at its 124th online Plenary Session (8-9 October 2020).

II. Background

6. The Constitution of Kosovo of 2008 guarantees the freedom of gathering in its Article 43: *"Freedom of peaceful gathering is guaranteed. Every person has the right to organise gatherings, protests and demonstrations and the right to participate in them. These rights may be limited by law, if it is necessary to safeguard public order, public health, national security or the protection of the rights of others".*[1]

7. The current law, regulating public gatherings (Law No. 03/L-118, "Law on Public Gatherings"), has not been updated since its entry in force in 2009. In March 2018, the Ministry of Internal Affairs of Kosovo issued a "Concept Document for Public Gatherings" aimed at better regulating the legal framework for organising and holding public gatherings and achieving full compliance with the Constitution of Kosovo and international standards and conventions, as well as at harmonizing the punitive measures foreseen in this law with those measures foreseen by other applicable laws. According to the concept document, there have been several problems regarding the implementation of the 2009 Law on Public Gatherings in force, mainly due to the legal gaps, vagueness, ambiguities and potential conflicts with the Criminal Code of Kosovo. The concept document also underscores that the problems encountered in the implementation of the law on public gatherings were related to the potential conflict between the punitive measures foreseen in the law and other laws regulating behaviour of citizens such as the Criminal Code, the lack of clarity regarding the definition of public gatherings and what can be considered as

[1] See Article 43 of the Constitution of Kosovo.

violence, the types of public gatherings, the scope of rights and responsibilities of the organisers, as well as the scope of duties and responsibilities of the police.[2]

8. In comparison with the current law on public gatherings in force since 2009, the new draft law includes significant changes:

- In the draft law, the right to organise or participate in public gatherings is guaranteed to "any person" whereas in the 2009 Law, it was guaranteed only to "every citizen of the Republic of Kosovo".
- In the 2009 Law, gatherings have to comprise at least twenty persons in order to fall under the law (Article 5). The regulation for smaller gatherings was thus unclear and there was a concern that they might not sufficiently be protected. The wording in the new draft law defining public gatherings as being composed "of two or more individuals" is preferable in this respect (Article 3(1)1) (save that – as indicated below – there are issues relating to notification requirements being applied to such small gatherings).
- In the 2009 Law, a gathering that has not been notified in due time can be forbidden according to its Article 8(1)1. The new Article 10 of the draft law does not contain any such provision.
- Under the 2009 Law (Article 12.4), the rights of the so-called "duty guards" are very comprehensive. They include detaining persons who violate the order during a gathering and handing them over to the police, although the duty guards are private persons, assigned by the organiser of the gathering to maintain the order. The "duty guards" seem to be replaced by the "stewards" in the new draft law. In contrast to the duty guards, stewards are not given specific competences, such as controlling persons, prohibiting them from entering, keeping them outside the location of the public gathering, or detaining them. The only prerogative they have, according to the new draft law, is "to identify" individuals breaking the rules (Article 17).

9. During the video meetings referred to above, and in their written comments of 30 September, the authorities explained that the draft law was prepared by the Ministry of Internal Affairs on the basis of recommendations by the OSCE Mission in Kosovo, with the assistance of an EU funded project on Police Reform and results of public consultations, comparative assessments about the regulation of public gatherings in neighbouring countries, the recommendations gathered in the 2018 concept document, the Joint Guidelines of the Venice Commission and the OSCE/ODIHR, as well as the case-law of the European Court of Human Rights.

10. During the meetings with the representatives of civil society organisations, some interlocutors claimed that they were not invited to the public consultations mentioned by the representatives of the government. In their written comments, the authorities explained that one civil society organisation was invited to close consultations and that the draft law was published on the government's web portal and was open to comments from the public.

III. Scope

11. The scope of this Opinion covers only the draft law submitted for assessment. This Opinion does not constitute a full and comprehensive review of the entire legal and institutional framework governing public gatherings in Kosovo.

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[2] Concept Document for Public Gatherings, https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwi1xNezue3rAhUJ6aQKHVbaBssQFjAAegQIARAB&url=http%3A%2F%2Fkonsultimet.rks-gov.net%2FStorage%2FConsultations%2F09-47-43-26042018%2F2.Koncept%2520Dokument%2520per%2520Tubime%2520Publike%2520%2520Ang.docx&usg=AOvVaw2TgGa3QKSwVkkEL-wiR2Z1.

12. The Venice Commission takes note of positive developments as compared to the law in force as illustrated in para. 8, but focuses on areas that require further attention to and improvements of the draft law. The ensuing recommendations are based on Council of Europe and other international human rights standards, in particular the European Convention on Human Rights (ECHR) and the International Covenant on Civil and Political Rights (ICCPR), as well as the 2019 Guidelines on freedom of peaceful assembly drafted by the Venice Commission and the OSCE/ODIHR, the Venice Commission Rule of Law Checklist, as well as good practices. It takes into account ODIHR and the Parliamentary Assembly of the Council of Europe (PACE) reports on Kosovo and previous recommendations where relevant.

13. According to Article 22 of the Kosovo Constitution, the human rights and fundamental freedoms as enshrined in the European Convention on Human Rights (ECHR) and in the International Covenant on Civil and Political Rights are directly applicable under the Constitution of Kosovo and have priority over provisions of domestic law.

14. This opinion will therefore in particular refer to the Article 11 ECHR as interpreted by the European Court of Human Rights as well as on other international standards, notably Article 21 of the ICCPR.

IV. International Standards

15. This Draft Law intends inter alia to protect the right to freedom of peaceful assembly as guaranteed in the aforementioned treaty provisions. The right to freedom of peaceful assembly protects the various ways in which people gather together in public and in private. It has been recognised as one of the foundations of a democratic, tolerant and pluralist society in which individuals and groups with different backgrounds and beliefs can interact peacefully with one another. The right to freedom of peaceful assembly can thus help to give voice not only to majority opinions but also to minority opinions and bring visibility to marginalised groups. Effective protection of the right to freedom of peaceful assembly can also help foster a culture of open democracy, enable non-violent participation in public affairs,[3] and invigorate dialogue on issues of public interest. Public assemblies can help ensure the accountability of corporate entities, public bodies and government officials and thus promote good governance in accordance with the rule of law.[4]

16. The right to freedom of peaceful assembly in Articles 11 ECHR and 21 ICCPR complements and intersects with other civil and political rights: the right to freedom of expression (Art. 10 ECHR and Art. 19(2 ad 3) ICCPR), the right to freedom of association (Art. 11 ECHR and Art. 22 ICCPR), the right to participate in public affairs (Art. 25a) ICCPR) and the right to vote (Art. 3 of protocol No. 1 ECHR and Art. 25b) ICCPR). Moreover, the right to freedom of assembly may overlap with the right to manifest one's religion or belief in community with others.[5] Recognising the interrelation and interdependence of these different rights is vital to ensuring that the right to freedom of peaceful assembly is afforded practical and effective protection.

17. As observed above, the freedom of assembly at the European and international level freedom of assembly is specifically guaranteed in Article 11 of the European Convention on Human Rights (ECHR) and Article 21 of the International Covenant in Civil and Political Rights (ICCPR) through the case law on these provisions.

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[3] "Report on factors that impede equal political participation and steps to overcome those challenges", UN Doc. A/HRC/27/29, Office of the United Nations High Commissioner for Human Rights, (OHCHR), 30 June 2014, para. 22.

[4] Venice Commission, OSCE/ODIHR, CDL-AD(2019)017rev, Joint Guidelines on Freedom of Peaceful Assembly (3rd edition), para 2.

[5] See ECtHR, 26 July 2007, *Barankevich v. Russia*, No. 10519/03, para. 24.

18. As the European Court of Human Rights has reiterated in the *Barankevich v. Russia* judgment, "*the right of peaceful assembly enshrined in Article 11 is a fundamental right in a democratic society and, like the right to freedom of thought, conscience and religion, one of the foundations of such a society (…). As has been stated many times in the Court's judgments, not only is democracy a fundamental feature of the European public order but the Convention was designed to promote and maintain the ideals and values of a democratic society. Democracy, the Court has stressed, is the only political model contemplated in the Convention and the only one compatible with it. By virtue of the wording of the second paragraph of Article 11 (…), the only necessity capable of justifying an interference with any of the rights enshrined in those Articles is one that may claim to spring from a "democratic society" (...). The right to freedom of assembly covers both private meetings and meetings in public thoroughfares as well as static meetings and public processions; in addition, it can be exercised by individuals participants of the assembly and by those organising it (…). States must refrain from applying arbitrary measures capable of interfering with the right to assemble peacefully. (…)*".[6]

19. Furthermore, the OSCE/ODIHR and the Venice Commission have developed the 2019 Guidelines on Freedom of Peaceful Assembly[7] which reflect, *inter alia*, the ECtHR case-law as well as the practice in other democratic countries adhering to the rule of law. These guidelines provide guidance for implementing national legislation on freedom of peaceful assembly in accordance with international standards.

V. Analysis

A. Remarks related to some definitions and expressions contained in the draft law

1. The definition of "peaceful public gatherings" in the draft law

20. It may be assumed that one of the aims – even the main aim - of the draft law is to protect the international and constitutional human right to freedom of peaceful assembly. Unfortunately, the draft law defines in Article 1(1) as its purpose 'to guarantee the exercise of the right to *peaceful public gatherings* and the freedom of speech at *peaceful public gatherings*.' The concept of "peaceful public gatherings", derived from the term "peaceful gathering" in Article 43, is unclear.

21. Article 3(1)1.1 defines a peaceful public gathering as *"a temporary and peaceful presence of two or more individuals, in public places or spaces open to the public, for the purpose of expressing common opinion on issues of public interest.*" This notion of "peaceful public gatherings" raises various problems. First, it includes a circular reference to the term "peaceful" without indicating what has to be considered as "peaceful". This can lead to problems in the application and interpretation of the draft law when identifying what actions can be considered as peaceful exercises of the right to public gatherings.

22. Furthermore, it is not clear whether the term 'peaceful' in the draft law within the notion of 'peaceful public gatherings' is identical with the term 'peaceful' in Article 11 ECHR and Article 21 ICCPR. Only 'peaceful assemblies' are protected by these treaty provisions.[8] Therefore, a clear understanding of what is the meaning of the term "peaceful" in the draft law and its relation to the similar term in the aforementioned provisions is essential. It is true that the term "violence" is

[6] Ibid, paras 24 and 25. See also ECtHR, 31 March 2015, *Helsinki Committee of Armenia v. Armenia*, No. 59109/08, para. 45; 20 February 2014, *Nosov and others v. Russia,* No. 9117/04, 10441/04, para 55; 20 February 2003, *Djavit An v. Turkey*, No. 20652/92, para. 56; 14 February 2006, *Christian Democratic People's Party v. Moldova*, No. 28793/02, paras. 62 and 63.

[7] Joint Guidelines on Freedom of Peaceful Assembly, CDL-AD(2019)017rev.

[8] Ibid, para 1; CDL-AD(2010)031, Joint Opinion on the Public Assembly of Serbia by the Venice Commission and OSCE/ODIRH, para 28.

defined in Article 3(1)14, as "an action that is carried out by an individual or a group, through the use of physical force, psycho-physical coercion, by compelling means or methods, against citizens or public and private property." This may be helpful but is neither sufficient, nor clear. An assembly should be deemed peaceful if its organisers have professed peaceful intentions in respect to the assembly and the conduct of the assembly itself is non-violent in terms of Article 3(1)14. In practice a frequent problem is that only some participants within a large crowd are not peaceful. As the ECtHR has considered in the case of *Schwabe and M.G. v. Germany*, *"the possibility of extremists with violent intentions who are not members of the organising group joining a demonstration cannot as such take away that right. Even if there is a real risk of a public demonstration resulting in disorder as a result of developments outside the control of those organising it, such a demonstration does not as such fall outside the scope of Article 11 (1), but any restriction placed on such an assembly must be in conformity with the terms of paragraph 2 of that provision."*[9] Thus, an intentional gathering of a number of individuals in a public or private space for a common expressive purpose might be considered to be a peaceful assembly even in cases where some individual participants are not peaceful. All actions taken by the government, including the measures of dispersal and prohibition as a reaction to the violent actions of individual participants, should be in line with the principle proportionality.

23. Draft Article 5(1) gives another definition, diverging from the definition in Article 3(1)1.1: *"Peaceful public gatherings are considered all organized gatherings with the aims of public expression of political, social, national or racial concerns which is not accompanied by unlawful actions."* It connects "peaceful public gatherings" with the requirement of "not committing unlawful actions". Defining the notion of "peaceful" by reference to the notion of "lawful" as Article 5(1) does, would go against the standard that "an assembly can be entirely peaceful even if it is unlawful".[10] "Unlawful" is indeed a much broader notion than "not-peaceful". Therefore, defining "peaceful public gathering" as only those that are "lawful", by definition would result in excluding gatherings – including assemblies protected by Article 11 ECHR and Article 21 ICCPR - that are accompanied by unlawful actions from the notion of "peaceful public gatherings". Taking this provision to the extreme, even traffic offences, littering or making too much noise might turn an otherwise peaceful gathering into a non-peaceful one within the meaning of the draft provision. These reflections are also appliable to Article 12(4)2 of the draft law, which gives the authorities the possibility to intervene in a public gathering for the sole reason that unlawful actions are carried out during the gathering. The observations made above about the use of the word "peaceful" other than to describe the overall nature of the right protected are repeated.

24. The use that the draft law makes of the category "peaceful" does not allow to distinguish between the kind of gatherings which fall within the privileged protection to "peaceful public gatherings" granted by Article 43 of the Constitution of Kosovo and Article 11 of the ECHR, and those other gatherings which fall outside of that protection such as those foreseen in Article 8 and 18 of the draft law.

25. The definition of peaceful public gatherings in Article 3(1)1.1 includes the quality of "expressing common opinion on issues of public interest in the definition of "peaceful public gatherings". Furthermore, the wording of Article 5(1) links a "peaceful public gathering" to the "public expression of political, social, national or racial concerns", thereby defining the scope of what can be considered as a peaceful exercise of the right to public gathering to those concerns. Such gatherings dealing with public issues, fundamental questions of the society, political ideas etc, in general will qualify as assemblies under Article 11 ECHR and Article 21 ICCPR, and as such merit great freedom and protection from the state authorities.[11] However, it is unclear

[9] See, ECtHR, 1 December 2011, *Schwabe and M.G. v. Germany*, Nos. 8080/08 and 8577/08, para. 103.

[10] Joint Guidelines on Freedom of Peaceful Assembly, CDL-AD(2019)017rev, para. 48.

[11] So, the OSCE/ODIHR-Venice Commission Joint Guidelines on freedom of peaceful assemblies states that its concern revolves around "the protection of gatherings held to express an emotion, idea

whether assemblies in these provisions and peaceful public gatherings as defined in the draft law are identical.

26. The Venice Commission's opinion is that the relation between these concepts should be clarified, in particular as to the meaning of the term 'peaceful' and the aim of the gathering. In doing so, it is advisable to explicitly adopt the terminology of the ECHR and the ICCPR, thereby ensuring – on the basis of an overall assessment by the authorities - specific protection to assemblies as understood in these provisions.

2. The distinction between "public gatherings" and "peaceful public gatherings" in the draft law

27. Due to the way in which various provisions of the draft law are worded, there seems to be a difference between "public gatherings" and "peaceful public gatherings". What is more, the draft law seems to impose different duties and responsibilities on the organisers and law enforcing bodies according to this differentiation. This is evident from the wording of draft Article 11(1) ("The organiser is responsible for organising and leading the peaceful public gathering") and Article 12(1) ("The police will maintain the public order and peace around the space where the public gathering takes place"). The divergent wording of these two provisions leads to the assumption that there are two different categories – *public* gatherings and *peaceful public* gatherings - where organisers and the police have different duties and responsibilities. Articles 5(2), 5(3), 5(4), 5(5), 11(2), and 11(3) impose several duties to the organisers of "public gatherings", without indicating whether these duties concern those organising "peaceful public gatherings" as well.

28. It seems that there is a certain tension between the broad definition of "peaceful public gathering" in Article 3(1)1 and the typology of "public gatherings" in Article 4(2) (gatherings, marches, protests, public celebrations, peaceful commemorations, demonstrations and public events). The different kinds of gatherings are quite similar (demonstration, protest, marching etc.), so it will be difficult to distinguish between them. At the same time, it seems to be possible to exclude a "public gathering" from the protection of the law if it does not fall into one of these categories mentioned in Article 4(2). Furthermore, Article 10(1) is titled "prohibition of public gathering", although the core of the provision addresses the prohibition of "peaceful gatherings".

29. A solution for these overlaps and inconsistencies could be to create a specific regime for peaceful assemblies (cf. para. 26), guaranteeing wide freedom and accompanied with restricted limitation clauses along the lines of Article 11(2) ECHR and Article 21 ICCPR, and on the other hand a different regime or regimes for 'other gatherings' (such as the gatherings in Article 8 and the events in Article 18 of the draft law), where the authorities could have a wider room for regulation and restriction.

3. Further definitions in the draft law

Without prejudice to the previous analysis, there are some other definition issues to be addressed.

a. Violence

30. Article 3(1)14 defines 'violence' as an "action […] against citizens or public and private property". Defining violence this way is too broad and vague. In fact, it can be misinterpreted in such a way that any action directed against individuals or property could be considered as violent.

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or opinion relating to matters of public interest or concern, including those that address political, cultural or social issues and those that seek to send a message to the public or relevant decision-makers". See Joint Guidelines on Freedom of Peaceful Assembly, CDL-AD(2019)017rev, para 42.

What is more, the reference to "citizens" in this definition would imply that if an action is directed against a foreigner, it would not be considered as a violent action. A better definition of violence would be "an intentional action […] involving the use of force against people or public and private property",[12] omitting the word "citizens".[13]

b. Protests

31. Article 3(1)2 of the draft law defines 'protest' as a "resolute opposition for [against, Venice Commission] an injustice or an illegal action". This might imply that one cannot protest or demonstrate in favour of what is considered as positively fair or what is in line with the legislation in force. This would represent a serious restriction to the right to freedom of gathering but also to the right to freedom of expression: often protests will concern actions by groups and individuals claiming these actions are in line with - and indeed endeavour to realize – existing legal values enshrined in statutory, constitutional and international human rights law. Furthermore, it is not clear if this definition of protest is useful at all, since the draft law only refers explicitly to a "protest" in Article 12(3), where the regulation applied to policing public gatherings is the same to that applicable to policing protests. Greater clarity could therefore be achieved if his definition were removed.

32. While the 'right to protest' as such is not expressly recognized in either regional or international human rights treaties, the right to peaceful protest is generally protected under international human rights law through a link between freedom of assembly and other civil and political rights.[14] Hence, the draft law should not impose a blanket ban on the exercise of the right to protest resorting to a particular idea of justice or to what is in fact provided by the domestic and international law in force. What is more, according to Article 4(2) of the draft law the term "protest" is referred to as a type of "public gatherings". For these reasons a separate definition of "protest" should be removed.

c. Peaceful commemorations

33. Article 3(1)4 defines "peaceful commemorations" as gatherings with the aim to "commemorate a historic event or to honour a distinguished historical figure or contributor to issues of national interest". Beyond the concerns already mentioned regarding the use of the word "peaceful", a literal interpretation of the definition of peaceful commemorations as stated in Article 3(1)4 would exclude other grounds for holding a public commemoration, differing from those devoted to commemorate a historic event or to honour a distinguished historical figure or contributor to issues of national interest. This would represent a restriction to the scope of activities which might be worth of being commemorated and which are different from those foreseen in the draft law. In addition, in the draft law, there is no specific regulation related to "commemorations". Since "peaceful commemorations" are a subcategory of public gatherings according to Article 4(2), this definition does not seem to be useful.

[12] See Joint Opinion on the on the Public Assembly of Serbia by the Venice Commission and OSCE/ODIHR CDL-AD(2010)031, para 28: "Article 11 of the ECHR protects freedom of assembly, however, only freedom of peaceful assembly is guaranteed. Although the state is given a wide margin of appreciation in order to deal with disorder or crime or to protect the rights and freedoms of others, this freedom is fundamental and presents such an essential element of a democracy that it cannot be restricted unless the persons exercising it have committed a reprehensible act. It is a positive obligation of the state to guarantee the effective exercise of the freedom of assembly."

[13] See Joint Guidelines on Freedom of Peaceful Assembly, CDL-AD(2019)017rev, para 109: "International human rights law does not link the guarantee of the right to freedom of assembly to citizenship. It is therefore essential that relevant legislation provides freedom of peaceful assembly not only to citizens, but that it also foresees the same right for stateless persons, refugees, foreign nationals, asylum seekers, and migrants". See also ECtHR, 9 April 2002, *Cisse v. France*, No. 51346/99.

[14] See Joint Guidelines on Freedom of Peaceful Assembly, CDL-AD(2019)017rev, para 9.

d. Competent bodies

34. Article 3(1)11 defines competent body as the "Kosovo Police and other bodies in the scope of this law". In the draft law there is no further indication regarding to what those "other bodies" are. In addition, Article 10(2) mentions that "competent bodies" will be in charge of issuing a written decision regarding the prohibition of holding "peaceful public gatherings", without clarifying what bodies the provision is referring to. In order to ensure legal certainty and due process, further clarification should be provided regarding those "competent bodies" other than the police. This is also relevant as to the use of the term "competent bodies" in Article 12 paragraphs (2), (3), (4) and (5).

e. Clash between participants

35. Article 6(4) prescribes that the "clash between their participants" represents a ground for not facilitating the simultaneous opposing gatherings. The draft law provides no further explanation on what has to be understood as a "clash", whether this concerns only violent physical confrontation or whether this includes also other behaviour. The authorities have explained in their written observation that this is an issue of translation, so a better translation will provide clarification in this regard.

f. Highest police bodies

36. Articles 10(3), 18(11) and 18(12) refer to the "highest police bodies" as the body in charge of delivering a final decision about the prohibition of a public gathering or a public event within forty-eight hours. The draft law provides no further explanation on who those highest police bodies are. The term "highest police bodies" should be clearly defined.

B. Duties and responsibilities of the organisers

1. Notification

37. Article 7(1) of the draft law prescribes that organisation of a "*peaceful public* gathering" is notified. On the one hand - as mentioned previously - the use of the word "peaceful" in the draft provision creates a source of uncertainty, as it would imply that other "public gatherings" are not covered by this provision. On the other hand, Article 7(3) requires a notification at least seventy-two hours before the "*public* gathering" is held. Harmonisation of the terms used in the draft law is necessary, cf. paras. 26 and 29.

38. The Venice Commission agrees, in general, that provision for a timeframe for the notification of public events may be helpful, as it enables the authorities to take reasonable and appropriate measures in order to guarantee their smooth conduct. It recalls, however, that there may be cases in which a public event is organised as an urgent or spontaneous response to an unpredicted event, where it may not be possible to respect the ordinary timeframe for notification.[15] The authorities must take reasonable and appropriate measures to facilitate assemblies that are convened at short notice or in response to an urgent or emerging situation (including spontaneous assemblies, flash mobs and non-notified assemblies) as long as they are peaceful in intent and execution.[16]

39. The notification regime of Article 7 also does not provide any exception concerning small or spontaneous gatherings. According to Article 7 all gatherings should be notified to the

[15] Venice Commission, Opinion on the Federal Law on assemblies, meetings, demonstrations, marches and pickets of the Russian Federation CDL-AD(2012)007, para 37.
[16] Joint Guidelines on Freedom of Peaceful Assembly, CDL-AD(2019)017rev, para 171.

competent authorities. Although "urgent gatherings" are addressed in a separate provision (draft Article 9), these still have to be notified - no later than three hours before the gathering. In addition, draft Article 8 (gatherings that do not need to provide advance notice) does not mention spontaneous assemblies as an exception to the notification requirement. This might lead to the incorrect inference that all unnotified gatherings would be considered as unlawful and therefore subject to prohibition.[17] The European Court of Human Rights has stated that *"a decision to disband assemblies solely because of the absence of the requisite prior notice, without any illegal conduct by the participants, amounts to a disproportionate restriction of freedom of peaceful assembly."*[18] A special regulation should be introduced for public gatherings – assemblies - which, due to their nature, cannot comply with the general requirement of notification of Article 7 and the specific requirement of Article 9, in particular for spontaneous assemblies.

2. The requirement of having an identifiable organiser

40. Throughout the draft law various duties and responsibilities are imposed on the organisers (or their representatives) of a public gathering.[19] In spite of Article 9(3), referring to situations where there are not known organisers in case of an urgent gathering, the legislative technique in general seems to take for granted that a public gathering has one or more identifiable organisers. While this may be true of most of these assemblies, not always there will be an identifiable organiser. Assemblies should be facilitated by police whether they have a formal or identified organiser or not. The increased use of social media allows assemblies to be organised in a more informal manner, but the absence of an identifiable organiser should not diminish the protection afforded by the right to freedom of assembly to all expressive gatherings. Where there are no formal organisers of an assembly, public communication tools such as social and other media may be used to inform participants about the police's preparations to facilitate the event. In such cases the authorities should communicate with all participants in an assembly through clear and audible statements, amplified by bullhorns or other sound equipment, if necessary.[20] Therefore, the draft law should establish a procedure aimed at facilitating public gatherings which are not organised by an identifiable person or collective.

3. Stewards

41. Article 11(3) of the draft law establishes the requirement of a "sufficient" number of stewards in order to assure the peacefulness of the public gathering. Certainly, the primary role of stewards is to guide, orient, explain, and give information to assembly participants, as well as to identify potential risks and hazards before and during an assembly. While the presence of stewards may lead law enforcement authorities to see less need for a heavy police presence, stewards should not be regarded as a substitute for an adequate presence of law enforcement personnel, as the State remains under a positive obligation to provide adequately resourced policing arrangements necessary for maintaining public order and safety.[21] Imposing an obligation of keeping a "sufficient" number of stewards creates an ambiguity that can be abused to prevent the holding of a public gathering or to impose sanctions afterwards in case the authority considers that the organisers did not fulfil the requirement of ensuring a sufficient number of stewards at the public gathering. In such cases formal requirements should not be treated as decisive and an investigation should be done thoroughly on a case by case basis. Thus, it is recommended to refrain from using the word "sufficient" in this regard.

[17] For instance, under draft Article 16(1), the competent bodies may postpone or end the gathering if the gathering is held at a location not foreseen in the notification.
[18] ECtHR, 17 July 2007, *Bukta and Others v. Hungary*, No. 25691/04, para. 36.
[19] Article 5; Article 7; Article 11; Articles 17(1), 17(3); Articles 18(7), 18(9); Article 19; and Article 20.
[20] Joint Guidelines on Freedom of Peaceful Assembly, CDL-AD(2019)017rev, para 170.
[21] Ibid., para 156.

4. Compensation for police expenses

42. Article 19 of the draft law imposes on the organisers of public events the duty of compensating any additional safety measures taken by the police. The article also foresees a time-limit for the organisers to conclude an agreement with the police for compensation of police expenses forty-eight hours prior to the public event. This might lead to the conclusion that at some point during the course of public gatherings, the police could turn into a paid service depending on the safety measures considered as being "additional", while under draft Article 12(1) the police is responsible of maintaining public order and peace around the space where the public gathering takes place. In this regard, it is necessary to underscore that authorities should not make policing or facilitating a peaceful assembly contingent on the payment of the respective costs by the organisers. The facilitation of assemblies is an inherent part of the role of law enforcement and needs to be undertaken by the state, regardless of the nature, size or other circumstances surrounding an assembly.[22] Certainly, organisers are responsible for compensating for damages of public or private property, but only if they are directly responsible for such damages. Liability will only exist where organisers or stewards have personally and intentionally incited, caused or participated in actual damage or disorder.[23] Assembly organisers and representatives should under no conditions be obliged to pay for damages caused by other participants in an assembly (unless they incited, or otherwise directly caused them).[24] Imposing charges on assembly organisers may constitute a disproportionate prior restraint and may dissuade people from holding assemblies. It would be clearer and more consistent with basic principles for the provision of compensation for any kind of measures undertaken by the law enforcing bodies to be excluded, save where, for example, purely commercial or sporting events are involved which require a police presence.

C. Prohibitions and restrictions

43. Paragraphs 1(2) and 1(3) of Article 10 of the draft law determine that a peaceful public gathering can be prohibited if there is a "real risk to public safety" and if there are "considerable reasons that the gathering might be used for violence". The Venice Commission has some concern at the variation in these terms. These grounds, when they concern peaceful assemblies protected by Article 11 ECHR and Article 21 ICCPR, are too vague. A better standard might be that there are serious grounds to believe that such a real risk to public safety may materialize.

44. During the video meetings, the delegation of the Venice Commission learned that in cases when a decision prohibiting a public gathering is reviewed by the competent court, there is no procedural rule that prescribes that the burden of proof for the violent intentions of the organisers lies with the public authority.

45. In order to adequately protect the right to freedom of gatherings according to Article 43 of the Constitution of Kosovo and to international standards, it is necessary to only allow prohibitions of public gatherings under well-defined circumstances and to interpret these prohibitions narrowly. the European Court of Human Rights has held that "[t]he mere probability of tension and heated exchange between opposing groups during a demonstration is not enough to justify the prohibition of an assembly.[25]" The Court has further held that "[t]he burden of proving the

[22] Ibid., para 155.
[23] See ECtHR, 26 April 1991, *Ezelin v. France*, No. 11800/85, para. 53, where the Court found that even though the applicant had not disassociated himself from criminal acts committed during an assembly, he had not committed any of these acts himself; the imposition of the administrative fine against him was thus not necessary in a democratic society; and ECtHR, 23 October 2008, *Sergey Kuznetsov v. Russia*, No. 10877/04, paras. 43-48.
[24] Joint Guidelines on Freedom of Peaceful Assembly, CDL-AD(2019)017rev, para 224.
[25] See ECtHR, 21 October 2010, *Alekseyev v. Russia*, Nos. 4916/07, 25924/08 and 14599/09, para 77. See also ECtHR, 2 October 2001, *Stankov and The United Macedonian Organisation Ilinden v. Bulgaria*, Nos. 29221/95 and 29225/95, para 107.

violent intentions of the organisers of a demonstration lies with the authorities.[26] The right to peaceful assembly should not be interpreted restrictively and any restrictions should be construed narrowly, and that in general, rights must be "practical and effective" not "theoretical or illusory".[27]

46. Therefore, the grounds in paragraphs 1(2) and 1(3) of Article 10 should be defined more clearly, in particular with regards to peaceful assemblies. Because of their vagueness, terms such as "real risk" and "considerable reasons" have to be further clarified in case-law. So long as there is no consensus on the understanding of those terms it would be helpful to insert additional elements into the law to restrict the wide margin of appreciation of the authorities in deciding when to prohibit an assembly.

47. Furthermore, it is unclear what a real risk "to human rights and freedoms" stands for. According to the case-law of the ECtHR, even the infringement of the rights of others might have to be tolerated, if, on the basis of a balancing process, the freedom of assembly prevails.[28]

48. Articles 10(1)1, 13(4), 14(4) and 16(1)3 of the draft law include the expression "other incitements forbidden by legislation in force". Again, this term is too vague. According to the case-law of the European Court of Human Rights, every interference with the right to freedom of peaceful assembly will constitute a breach of Article 11 unless it is "prescribed by law", pursues one or more legitimate aims under paragraph 2, and is "necessary in a democratic society" for the achievement of the aim or aims in question.[29] In their written comments, the authorities explained that the expression "other incitements forbidden by legislation in force" refers to Article 141 of the Criminal Code which criminalises public incitement to hatred, discord and intolerance between national, racial, religious, ethnic and other groups or based on sexual orientation, gender identity and other personal characteristics. This explanation is welcome. However, the reference, in the draft provision to the criminal code provision should be clear, and in implementing this provision the authorities should consider that Article 11 ECHR should be interpreted in the light of Article 10 ECHR.[30]

49. The provisions establishing prohibitions should be worded as clear and narrow as possible. The clause "other incitements forbidden by legislations in force" should be accompanied with references to the principle of proportionality: "pursuing a legitimate aim" and "necessary in a democratic society".

D. Legal remedies

50. Article 10(5) of the draft law provides that the organiser or the representative of the public gathering, who are not satisfied with the decision of the authority to prohibit the public gathering, may appeal within three days to the competent court to review the case. However, in the draft law there is no further indication regarding to which court the organisers should file their appeal against the police decision of prohibiting a public gathering, nor is there any indication that such summary proceedings in fact are realistic.

51. The Guidelines on Freedom of Peaceful Assembly underscore that those seeking to exercise the right to freedom of peaceful assembly should have recourse to a prompt and

[26] See ECtHR, 2 February 2010, *Christian Democratic People's Party v. Moldova* (No.2), No. 25196/04 para 23; see also Venice Commission, OSCE/ODIHR, CDL-AD(2019)017rev, Joint Guidelines on Freedom of Peaceful Assembly, para 49.
[27] CDL-AD(2010)016, Joint Opinion on the Act on Public Assembly of the Sarajevo Canton (Bosnia and Herzegovina) by the Venice Commission and OSCE/ODIHR, para 10.
[28] See, for example, ECtHR, 29 April 1999, *Chassagnou v. France*, Nos. 25088/94, 28331/95 and 28443/95, para.113; see also Joint Guidelines on Freedom of Peaceful Assembly, CDL-AD(2019)017rev, para 143.
[29] ECtHR, 11 April 2013, *Vyerentsov v. Ukraine*, No. 20372/11, para 51.
[30] ECtHR, 26 April 1991, *Ezelin v. France*, No. 11800/85, para 37.

effective remedy against decisions allegedly disproportionately, arbitrarily or illegally restricting or prohibiting assemblies. Where assemblies are prevented or unreasonably restricted due to potentially unlawful inaction or negligence of the administrative authorities, the organisers or representatives of the assembly should be able to initiate direct legal action in courts or tribunals. The relevant court decisions should in principle be issued prior to the planned events. The right to a remedy includes being able to access independent and impartial administrative and judicial appeals mechanisms. The availability of effective administrative review can reduce the burden on courts and help build a more constructive relationship between the authorities, the organisers, and the public in general. In both administrative and court proceedings, the burden of proof should be on the relevant state authority to prove that the restrictions imposed are justified.[31] The administrative and judicial bodies in charge of dealing with the appeals filed by the organisers of public gatherings should be specified in the law.

52. Articles 10(6) and 18(13) provides for a "fast track procedure" without giving any further explanation as to the nature of this procedure. The provision does not provide any clarification with regard to the competent court which would conduct the fast track procedure, nor does it contain any explanations concerning time -limits within which the court should deliver its decision. Neither is it clear whether this so called "fast track procedure" also applies to urgent gatherings. During the video meetings, the delegation of the Venice Commission learned that the Kosovar legislation does in fact provide for such a "fast track" procedure in charge of dealing with complaints related to the exercise of the right to freedom of gathering. It was also underscored that if some cases are qualified as "urgent cases" in judicial proceedings, current legislation does not provide for any shorter time-limits for this type of cases, and that such cases are only treated in priority for reasons of public security. In addition, the delegation learned that on average: "a prompt legal procedure" at the Kosovar courts might take at least one year for rendering a decision.

53. According to the Guidelines on Freedom of Peaceful Assembly, court decisions should be issued in a timely manner, so that the appeal can be resolved before the assembly is planned to take place. In case of insufficient time, courts or tribunals should have the authority to issue interim orders or rulings pending final resolution of the case. A heavy caseload cannot serve as a sufficient justification for delays in judicial proceedings. This requirement for an expeditious appeal mechanism should be provided for in law.[32]

54. The system of legal remedies as included in the draft law is rather incomplete. There is no fast track procedure foreseen in urgent gatherings (Article 9), and no specific provision for decisions of dispersal, postponing and ending gatherings is provided (Articles 15 and 16). It is neither clear whether the fast track judicial procedure of Article 9 can be started against the first decision that prohibits a public gathering, or only after a decision by the highest police authority in administrative appeal is delivered. The law should specify the legal bodies in charge of dealing with appeals against a prohibition to hold a public gathering, and define further aspects such as the time-limit for delivering a decision, the decision-making authority in charge of dealing with the complaints and appeals. The law should further specify that when the appeal body fails to render its decision within the specified term, the gathering, meeting or manifestation must be considered to be permitted by the authorities.

55. In any case, it is important that references to legal remedies are coherent with what is provided for in the respective laws on the judicial system.

[31] Joint Guidelines on Freedom of Peaceful Assembly, CDL-AD(2019)017rev, para 125.
[32] Ibid, paras 125 and 126.

E. Digital image and recording by the authorities

56. Article 12(8) of the draft law provides that "Recordings, filming and photographs are disposed of immediately after the gathering, in case they are not needed". This provision raises several concerns. There is no cross-reference to applicable data protection legislation and there are no provisions on data retention (maximum duration).

57. The main concern is related to the clause "if not needed" in Article12(8), since that clause is rather vague and gives too broad a discretion to the authorities. The retention of video material of attendees at gatherings raises serious issues of data protection.

58. The Guidelines on Freedom of Peaceful Assembly highlight that digital images of organisers and participants in an assembly should not be recorded except where specifically authorized by law and necessary in cases where there is probable cause to believe that the planners, organisers or participants will engage in serious unlawful activity. In general, intrusive overt or covert surveillance methods should only be applied where there is clear evidence that imminent unlawful activities, such as violence or use of fire arms are planned to take place during an assembly.[33] In this sense also the Joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association remarks that legislation and policies regulating the collection and processing of information relating to assemblies or their organisers and participants must incorporate legality, necessity and proportionality tests. Given the intrusiveness of such methods, the threshold for these tests should be high. Where they interfere with the exercise of rights, data collection and processing may amount to a violation of the rights to freedom of peaceful assembly and expression.[34]

59. A cross-reference to the applicable legislation on data protection such as the Law on Minor Offences, Code of Criminal Procedure and the Law on Protection of Personal Data should be added and the vague term "if not needed" should not be used in the article.

F. Punitive measures

60. Article 20 of the draft law contains a list of sanctions and fines for violations of the law. There is a fine of 100 Euros for natural persons and of 200 Euros for legal persons for not notifying the gatherings, for holding a gathering despite prohibition and for not undertaking additional safety measures. There is a fine of 200 Euros for persons carrying or selling alcohol at a public gathering, a fine of 300 Euros (natural persons) and 400 Euros (legal persons) for those for the refusal of ending the public gathering when a competent body requires to do so, and a fine of 700 Euros (natural Persons) and 1000 Euros (legal persons) for carrying or holding at a "peaceful public gathering" inscriptions or other items that incite or call for ethnic, racial, national or religious hatred or violence.

61. The Venice Commission learned that the average salary in Kosovo is between 300 and 400 Euros per month. The fines provided in the draft law might have a chilling effect for those willing to organise public gatherings. The chilling effect might become even more intense if one considers the limited financial resources of minorities living in Kosovo. This might amount to a disproportionate restriction of the right to freedom of gathering.

62. It has to be underscored, that penalties imposed must be necessary and proportionate, since unnecessary or disproportionately harsh sanctions for behaviour during assemblies could

[33] Joint Guidelines on Freedom of Peaceful Assembly, CDL-AD(2019)017rev, para. 172.
[34] See the Joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies, A/HRC/31/66, of 4 February 2016, para 52.

inhibit the holding of such events and have a chilling effect that may prevent participants from attending. Such sanctions may constitute a violation of the freedom to organise a future peaceful assembly.[35] Penalties for minor offences that do not threaten to cause, or result in, significant harm to public order or to the rights and freedoms of others should accordingly be low and the same as minor offences unrelated to assemblies. In cases involving minor administrative violations, it may be inappropriate to impose any sanction or penalty on assembly participants and organisers.[36] The Venice Commission recalls that offences such as the failure to provide advance notice of an assembly or the failure to comply with route, time and place restrictions imposed on an assembly should not be punishable with prison sentences, or heavy fines.[37] It is therefore recommended to harmonise the fines to be imposed for breaching the provisions of the draft law with the current economic situation in the country, striking a proper balance between the interest of the participants and organisers of public gatherings in exercising their right freely and the legitimate interest of the state in sanctioning and preventing unlawful actions.[38]

63. Article 20(4) of the draft law imposes a fine of 500 Euros to any person carrying a weapon at the place of gathering. This might be in conflict with Article 356(3) of the Criminal Code of Kosovo of 2019 (CODE NO. 06/L-074 -Chapter XXVIII Criminal Offenses Against the General Security Of People And Property – Causing general danger),[39] since this article punishes those persons who endanger human life or cause considerable damage to property with one to eight years of imprisonment if the offender carries a weapon in a place where a large number of people are present. In their written comments, the authorities explained that the draft provision is aimed at persons who have a permit to carry a weapon. The Criminal Code applies to those who do not have a permit according to the Law on Weapons. This adequate explanation is welcome. However, this should be clarified in draft Article 20(4).

64. The Venice Commission Rule of Law Check List stresses that the principle of legal certainty, which implies the requirements of foreseeability of laws and legitimate expectations, is a benchmark of the Rule of Law principle. Foreseeability not only means that the law must, where possible, be proclaimed in advance of implementation and be foreseeable as to its effects: it must also be formulated with sufficient precision and clarity to enable legal subjects to regulate their conduct in conformity with it.[40] According to the doctrine of legitimate expectations, those who act in good faith on the basis of law as it is, should not be frustrated in their legitimate expectations. However, new situations – such as the corona virus -may of course justify new legislation that frustrates expectations that earlier were legitimate.[41]

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[35] ECtHR, 18 June 2013, *Gün and Others v. Turkey*, No. 8029/07, paras 82-84; see also ECtHR, 14 October 2014, *Yilmaz Yildiz and others v. Turkey*, No. 4524/06, paras 34 and 48; see also UN Human Rights Committee, Views (on the merits): *Igor Bazarov v. Belarus* (1934/2010) 24 July 2014, CCPR/C/111/D/1934/2010, paras. 7.2 to 7.4.

[36] See ECtHR, 15 October 2015, *Kudrevičius and Others v. Lithuania*, No. 37553/05, para. 149: "At the same time, the freedom to take part in a peaceful assembly is of such importance that a person cannot be subject to a sanction – even one at the lower end of the scale of disciplinary penalties – for participation in a demonstration which has not been prohibited, so long as that person does not himself commit any reprehensible act on such an occasion", citing *Ezelin v. France*, op. cit., note 11, para. 53; The Court has held that this is true also when the demonstration results in damage or other disorder (see ECtHR, 15 May 2014, *Taranenko v. Russia*, (2014), No. 19554/05, para. 88).

[37] See Joint Guidelines on Freedom of Peaceful Assembly, CDL-AD(2019)017rev, para 36.

[38] See 26 April 1991, *Ezelin v. France,* No. 11800/85, para 52. "The proportionality principle demands that a balance be struck between the requirements of the purposes listed in Article 11 (2) (art. 11-2) and those of the free expression of opinions by word, gesture or even silence by persons assembled on the streets or in other public places. The pursuit of a just balance must not result in avocats being discouraged, for fear of disciplinary sanctions, from making clear their beliefs on such occasions".

[39] https://md.rks-gov.net/desk/inc/media/A5713395-507E-4538-BED6-2FA2510F3FCD.pdf.

[40] Venice Commission, CDL-AD(2016)007, Rule of Law Check List, para 58. See also ECtHR, 26 April 1979, The Sunday Times v. the United Kingdom (No. 1), No. 6538/74, para 49.

[41] Venice Commission, CDL-AD(2016)007, Rule of Law Check List, para 58 and para 61.

65. Although there is not necessarily a conflict between the overlapping Article 20(4) of the draft law and Article 356(3) of the Criminal Code, the relationship between these two provisions should be clarified.

G. Online gatherings

66. The draft does not provide for the possibility of people holding public gatherings wholly online. Internet-based technologies play an increasing role in the exercise of the right to freedom of peaceful assembly. The Internet can be used for forms of online activism related to assemblies, and such activities may warrant protection. The Internet and social media may also legitimately serve as a means of facilitating assemblies.[42] In this evolving trend, the possibility that assemblies may occur wholly online cannot be excluded.[43] It is therefore recommended to include in the draft law some regulations providing for the possibility of holding public gatherings online.

VI. Conclusion

67. The Venice Commission welcomes and fully acknowledges the aim of the legislator to strike a fair balance between the protection of the right to freedom of gathering with other rights in line with international standards. The Commission notes that the draft law represents various improvements in comparison with the current law in force. However, several important draft provisions lack in precision, which might cause uncertainties and difficulties in its implementation.

68. Notwithstanding that the Constitution of Kosovo uses a very wide concept of gatherings, this opinion recommends adopting a specific approach to "assemblies" as understood under Article 11 ECHR and Article 21 ICCPR. This approach would require several changes to the draft law. This opinion makes the following recommendations in relation to the current version of the draft:

- The rather broad meaning of "gathering" has to be narrowly defined in a way that it would be possible to distinguish between those gatherings which fall within the scope of protection of the Constitution and the international standards on peaceful assemblies, and those other gatherings which due to their nature do not need to be under that privileged protection. Taking this as a basis, it is recommended to create a specific regime for peaceful public gatherings covered by the right to peaceful assemblies in the sense of Article 11 of the ECHR and Article 21 ICCPR; and another, different regime or regimes for 'other gatherings'.
- Several definitions in the draft law under consideration lack consistency and clarity and should be made clearer. In particular, the differentiation between "peaceful public gatherings" and "public gatherings" needs to be reviewed. The quality of being "peaceful" could be addressed in the provisions regulating restrictions to the exercise of the right to freedom of public gathering and not be used in defining public gatherings or describing situations or actions within the law.
- The envisaged fines might have a deterring effect for organisers. They heavily burden the organisers, holding them personally liable for breaches of public order during assemblies and provide too broad grounds to restrict, prohibit and terminate peaceful protests.

[42] Recommendation CM/Rec (2014) 6 of the Committee of Ministers to member States on a Guide to human rights for Internet users: everyone has "the right to peacefully assemble and associate with others using the internet." Also, Human Rights Council, Resolution 21/16, (October 2012), UN Doc. A/HRC/RES/21/16, and Resolution 24/5 (October 2013), UN Doc. A/HRC/RES/25/5, both entitled: The rights to freedom of peaceful assembly and of association. See also the Joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies, A/HRC/31/66, of 4 February 2016, para. 10: "Although an assembly has generally been understood as a physical gathering of people, it has been recognized that human rights protections, including for freedom of assembly, may apply to analogous interactions taking place online."

[43] Joint Guidelines on Freedom of Peaceful Assembly, CDL-AD(2019)017rev, para 45.

- Terms with undefined and broad meaning such as “real risks”, “considerable reasons”, “competent bodies” or “highest bodies” should be defined more clearly. The draft law must provide clear standards of proof for fact assessment, identifiable competent authorities, and clear description of procedures.
- There should be clear and detailed regulation in the draft law regarding notification time-limits, competent decision-making bodies and adequate procedures for filing complaints. When referring to fast-track procedures, it should be clear what procedures are meant and how they function. Furthermore, if a decision is not reached within the time foreseen, the gathering has to be considered as permitted. Legal remedies proposed in the law must be in line with what is provided for in the judicial system of Kosovo.
- More detailed regulation is required in relation to the retention of recordings of gatherings.

69. The Venice Commission remains at the disposal of the Kosovo authorities for further assistance in this matter.