



**Republika e Kosovës**  
**Republika Kosova-Republic of Kosovo**  
**Qeveria - Vlada - Government**

*Ministria e Administrimit të Pushtetit Lokal*  
*Ministarstvo Administracije Lokalne Samouprave*  
*Ministry of Local Government Administration*

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## **Guidelines**

**The Deputy Chairperson of the Municipal Assembly for Communities**

Prishtinë/Priština, 2015

## **Introduction**

“The “Guidelines” for the Deputy Chairperson of the Municipal Assembly for Communities are drafted in compliance with the legal mandate of the Ministry of Local Government Administration in order to provide advice and explanation to municipalities, and to provide support to municipalities for their better implementation of legal obligations that derive from applicable legislation on the local self-government of the Republic of Kosovo. While these Guidelines are not a legal document, they are intended to support the Deputy Chairpersons of the Municipal Assembly for Communities to better implement their duties.

Through these Guidelines, we aim to strengthen the role of Deputy Chairperson of the Municipal Assembly for Communities as one of the most important local mechanisms for the safeguarding of communities’ rights in the development and implementation of local policies and decisions including to affirm the rights of communities resident in the respective municipality, to have stronger instruments for addressing the issues and policies for the benefit of communities, to ensure conditions for effective implementation of legal responsibilities, and, to encourage communities’ political representatives at the local level to be more active in solving the problems and addressing the needs of non-majority communities.

### **The purpose of the Guidelines**

The Guidelines emphasize the importance of the position of the Deputy Chairperson of the Municipal Assembly for Communities and based on the applicable legislation for the local self-government clarify the role and responsibilities, the procedures for appointment and dismissal, tasks during the performance of his/her duties, cooperation with local and central mechanisms for the promotion and protection of communities’ rights, reporting, the code of conduct and the conflict of interest.

The purpose of these Guidelines is to serve as a practical tool for the Deputy Chairperson of the Municipal Assembly for Communities and other local mechanisms for safeguarding of communities’ rights, by guiding them on the manner of acting and of creating a secure environment through knowledge, reviewing and addressing of rights of non-majority communities’ members.

The Guidelines aim to highlight the existence of effective policies and adequate mechanisms at the local level, which may facilitate the addressing of rights and interests of members of non-majority communities.

## **1. The definition of Community and Deputy Chairperson of the Municipal Assembly for Communities**

1.1 “Community” refers to group of individuals belonging to the same ethnic, religious or linguistic group.<sup>1</sup> For the purpose of this document, the expression community/communities refers to all communities which constitute a numerical minority at the municipal level in Kosovo.

1.2 The Deputy Chairperson of the Municipal Assembly for Communities is a position defined in the Constitution of the Republic of Kosovo<sup>2</sup>, the Law on Local Self-Government<sup>3</sup> and municipal statute in municipalities where at least 10% of citizens belong to non-majority communities. It aims to promote inter-community dialogue and to serve as a formal focal point for addressing the concerns and interests of all non-majority communities at Municipal Assembly meetings.

## **2. The mandate, duties and responsibilities of the Deputy Chairperson of the Municipal Assembly for Communities**

2.1. The mandate of the Deputy Chairperson of the Municipal Assembly for Communities stems from the Constitution of the Republic of Kosovo. According to the applicable legislation, the Deputy Chairperson of the Municipal Assembly for Communities has the following responsibilities:

**2.1.1 Promotes inter-community dialogue, fosters confidence building between communities and the Municipal Assembly and promotes the consultation and involvement of communities in the work of the Municipal Assembly, as follows:**

- In consultation with the Municipal Assembly Chairperson, the Deputy Chairperson of the Municipal Assembly for Communities is responsible for

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<sup>1</sup> The definition of Community in the Law no. 03/L-040 on Local Self-Government in Kosovo, of February 20, 2008, article 3

<sup>2</sup> Article 62 of the Republic of Kosovo Constitution

<sup>3</sup> Articles 54 and 55

promoting and facilitating inter-community dialogue and strengthening good relations and communication between communities.

- In co-operation with the Deputy Mayor for Communities, the Deputy Chairperson of the Municipal Assembly for Communities facilitates the involvement of communities in the work of the Municipal Assembly, as well as in public meetings concerning the budget and municipal regulations and plans, etc., and facilitates and supports communication and activities in the field.
- The Deputy Chairperson of the Municipal Assembly for Communities fosters confidence building within municipal structures and among communities, by undertaking activities in practice that affect communities, by facilitating communication between communities and through problem solving, as well as by maintaining an open-door policy for visits during well-advertised working hours.
- The Deputy Chairperson of the Municipal Assembly for Communities acts as a focal point for addressing communities' concerns and interests in Municipal Assembly meetings and facilitates the coordination of the relevant municipal structures and communities mechanisms in the resolution of problems, he/she provides constructive answers pertaining to issues and long-term initiatives in order to promote good relations between communities in the municipality. Relevant municipal stakeholders that are engaged in such activities include local-level mechanisms for safeguarding and promotion of communities' rights.

**2.1.2. Is responsible for reviewing claims made by communities or members of communities so as to ensure that Municipal Assembly acts and decisions do not violate constitutionally-guaranteed rights**

- Reviews complaints submitted by communities or communities' members to assess whether Municipal Assembly acts and decisions violate their constitutionally guaranteed rights.
- According to the complaints received, he/she requests that the Municipal Assembly reviews adopted acts/decisions which are allegedly in violation of the constitutionally-guaranteed communities' rights.

- Submits the matter to the Constitutional Court in cases when the Municipal Assembly has not reviewed the contested acts/decisions, or in cases when the Assembly has reviewed such acts/decisions, but even after its review, the Deputy Chairperson of the Municipal Assembly for Communities still considers that such acts/decisions represent a violation of the constitutionally guaranteed communities' rights.

### **2.1.3. Serves as a formal focal point for addressing the concerns and interests of all non-majority communities at Municipal Assembly meetings**

- The Deputy Chairperson of the Municipal Assembly for Communities participates in Municipal Assembly meetings, he/she is consulted concerning the agenda items related to communities' issues and suggests policies in communities' favor<sup>4</sup>.
- In consultation with citizens and civil society, identifies community needs.
- Holds regular meetings with citizens and promotes an "open-door" policy.

### **2.1.4. Cooperates with local mechanisms for the promotion and protection of communities' rights**

- Participates in Communities Committee meetings and cooperates in reviewing municipal policies that affect the interests of communities and in ensuring that the communities' rights and interests are fully respected.
- The Deputy Chairperson of the Municipal Assembly for Communities ensures that recommendations of the Communities Committee are discussed in Municipal Assembly meetings.
- The Deputy Chairperson of the Municipal Assembly for Communities, through the Deputy Mayor for Communities, may recommend to the Mayor to

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<sup>4</sup>Clarification: The Deputy Chairperson of the Municipal Assembly for Communities cooperates and coordinates its actions with other Municipal Assembly members who represent non-majority communities.

undertake certain actions in relation to the community members' rights that are allegedly violated.

- The Deputy Chairperson of the Municipal Assembly for Communities co-operates with the Municipal Office for Communities and Return and may have access to regular reports of the Municipal Office for Communities and Return, which are submitted to the Municipal Assembly.
- The Deputy Chairperson of the Municipal Assembly for Communities through the Chairperson of the Communities Committee, may address the concerns and the needs pertaining to communities' safety at the Municipal Community Safety Council.
- The Deputy Chairperson of the Municipal Assembly for Communities ensures regular co-operation between local mechanisms for the protection and promotion of communities' rights and interests.
- The Deputy Chairperson of the Municipal Assembly for Communities also ensures regular co-operation between other municipal bodies.

### **3. The procedure for appointment and dismissal of the Deputy Chairperson of the Municipal Assembly for Communities**

- In municipalities where at least 10% of the citizens belong to non-majority communities, the post of Deputy Chairperson of the Municipal Assembly for Communities shall be reserved for a representative of these communities.
- The Deputy Chairperson of the Municipal Assembly for Communities cannot be appointed in those municipalities where the criteria of 10% of citizens belonging to non-majority communities is not met.
- The post of Deputy Chairperson of the Municipal Assembly for Communities shall be held by the non-majority candidate who received the most votes on the open list of candidates for the elections to the Municipal Assembly.
- The Chairperson of the Municipal Assembly confirms the candidate for Deputy Chairperson of the Municipal Assembly for Communities after taking into

account the report of the Central Election Commission on the results of the elections for political parties and individual candidates within these political entities. The candidate shall be a member of a non-majority community in the respective municipality who has received the most votes in the open list of candidates at direct elections for the Municipal Assembly.

- In cases when the position of the Deputy Chairperson of the Municipal Assembly for Communities is vacated for any reason, the position of the Deputy Chairperson of the Municipal Assembly for Communities is filled by the candidate from the ranks of non-majority communities who received the most votes on the open list of candidates in the direct elections for the Municipal Assembly.
- The mandate of the Deputy Chairperson of the Municipal Assembly for Communities is the same as the mandate of the Municipal Assembly members.
- The mandate of the Deputy Chairperson of the Municipal Assembly for Communities shall cease upon:
  - The expiration of his/her mandate;
  - The change of the municipality of residence where he/she was elected;
  - The submission of a written resignation to the Municipal Assembly;
  - The court's final judgement, if he/she is convicted for a criminal offense which carries a prison sentence of 6 or more months;
  - 3 consecutive months of absence without justification at Municipal Assembly meetings.

#### **4. Reporting by the Deputy Chairperson of the Municipal Assembly for Communities and supervision of his/her work**

- The Deputy Chairperson of the Municipal Assembly for Communities reports on his/her work in front of the Municipal Assembly members.
- The Deputy Chairperson of the Municipal Assembly for Communities, in the spirit of co-operation, also provides information on his/her work to the

Communities Committee, the Deputy Mayor for Communities, Municipal Office for Communities and Return.

- The Deputy Chairperson of the Municipal Assembly for Communities informs the supervisory authority (the Ministry of Local Government Administration) on his/her work upon such a request for reporting.
- Reporting may be performed in writing and verbally.

## **5. Code of conduct and conflict of interest**

- The Deputy Chairperson of the Municipal Assembly for communities is excluded from decision-making and administrative procedures relating to any matter in which he/she, or his/her immediate family member has a personal or financial interest.
- The Deputy Chairperson of the Municipal Assembly for Communities at all times maintains his/her integrity and independence.
- The Deputy Chairperson of the Municipal Assembly for Communities makes a prompt and efficient review of issues.
- In each of the meetings where he/she attends, the Deputy Chairperson of the Municipal Assembly for Communities must report all existing conflicts of interest.
- The Municipal Statute and the Rules of Procedure provide for measures to be taken to exclude the Deputy Chairperson of the Municipal Assembly for Communities from decision-making and administrative procedures where he/she has a conflict of interest.
- The Deputy Chairperson of the Municipal Assembly for Communities, in his/her official capacity does not accept any gifts, money or other benefits from any person.



- Without prejudice on the provisions on confidentiality, the Deputy Chairperson of the Municipal Assembly for Communities provides accurate information concerning any matter and its status.