



DEMOCRACYPLUS

Policy brief

“Democratic functioning of institutions during the COVID-19 pandemic”

I. Introduction

In an effort to curb the spread of the COVID-19 pandemic disease, many states have been forced to take steps that have restricted the fundamental freedoms and rights of their citizens. In some of these countries, leaders have been accused of trying to take advantage of this situation to expand their power. There have been similar accusations in Kosovo. The President and the Prime Minister are in a constant race for the lead. The President's initiative to issue a decree declaring a state of emergency was opposed by the Prime Minister, on the pretext that it was his attempt to take executive power. Throughout this debate, it was not discussed how much the state of emergency would affect the better management of the pandemic situation. The non-declaration of a state of emergency had prompted the government to take a decision to restrict freedom of movement, which was later found to be unconstitutional. In addition to restricting fundamental freedoms and rights, violating the Constitution, the government had continued to violate the Constitution, this time by changing the decision-making authority. In a second dispute in the Constitutional Court, it was found that the government had unconstitutionally imposed the quarantine zone for certain cities, as well as for imposing fines for minor offenses.

The purpose of this document is to assess the impact of the COVID-19 pandemic on the democratic functioning of institutions at the central level, with a focus on the actions of the parliament and the government. In the framework of the evaluation of the actions of the Parliament, the fulfillment of the Constitutional roles will be analyzed, focusing on the supervisory one. As for the assessment of the government's actions, the measures taken will be analyzed regarding the restriction of fundamental human rights and freedoms, and the proposed financial packages will be assessed in terms of legal procedures and access to certain social and ethnic groups.

By identifying the shortcomings of institutions throughout the pandemic period, we aim to assess whether they have been consistent or contrary to the principles of an open and democratic society, and to provide concrete recommendations for addressing these challenges.

In this regard, this analysis assesses the following aspects:

For the Parliament:

1. Fulfillment of the mandate; and
2. Efforts to curb the spread of the virus and inter-institutional coordination.

For the Government:

1. Evaluation of decisions taken, more specifically if they are in line with the Constitution; and
2. Evaluation of financial packages, both in terms of procedures and inclusiveness.

II. Autocrats around the world use pandemics to increase their power

According to “Human Rights Watch”¹, as a result of the spread of COVID-19 pandemic disease, democracy in many countries is under threat as leaders are trying to silence critics and violate human rights by taking advantage of the state of emergency. These trends in human rights abuses and the expansion of the power of authoritarian leaders have also affected European Union countries and the United States. The Hungarian parliament passed the "Coronavirus Law", giving the Prime Minister almost unlimited powers to govern by decree. In the U.S., during a discussion on when and how to ease the isolation measures taken to curb the spread of the pandemic disease, President Trump claimed to have "absolute power" to decide on measures, by overpowering state governors, but within a day he was forced to renounce those claims. No serious legal scholar agreed with him – U.S.’ Constitution is admirably clear on the limitations of the president's authority.

COVID-19 is creating opportunities for autocrats and those with such tendencies to strengthen their control. They are taking on extraordinary power, insisting that they are doing so to protect public health. About 100 countries have declared a state of emergency since the beginning of the pandemic. Some will hand over these competencies when the emergency is over. Others plan to keep them. The risk is not great in countries with consolidated democracies and balanced controls between powers such as the United States, but the risk remains in countries where such safeguards are weak, such as Hungary².

Table 1: Some of the political decisions taken during the pandemic

State	What happened?
Hungary	Parliament gives the Prime Minister unlimited powers, without setting a deadline
Serbia	The president has received additional control after the declaration of the state of emergency, being the only one in power.
Turkey	More than 90,000 prisoners have been released to avoid the spread of pandemic in prisons. Political prisoners have been exempted from release.
China	Hong Kong's leading pro-democracy activist has been arrested.
India	The ruling party blames Muslims for the spread of pandemic.
Azerbaijan	The President vowed to use social distancing to isolate the opposition.
Togo	The money distributed to citizens in need goes only to those with identification cards, which are not owned by opposition supporters after they boycotted the registration as a result of manipulating the last election.

¹ “Democracy Under Threat As Covid-19 Spreads: Daily Brief Show More Services”, HRW. Accessed on: <https://www.hrw.org/the-day-in-human-rights/2020/03/31>

² “Would-be autocrats are using covid-19 as an excuse to grab more power”. The Economist. Accessed on: <https://www.economist.com/international/2020/04/23/would-be-autocrats-are-using-covid-19-as-an-excuse-to-grab-more-power>

Cambodia	The state of emergency law allows the government to take any "necessary" measures to combat COVID-19, including confiscation of property and the enactment of military law.
El Salvador	More than 2,000 people have been arrested for violating social distance rules. The Supreme Court has ordered the government to arbitrarily ban their placement in overcrowded detention centers. The president has refused.

III. Political crisis in the midst of the pandemic

After ten years in opposition, Self-Determination Movement (VV) managed to win the elections on October 6th, 2019, emerging as the first party, consequently forming a government in coalition with the Democratic League of Kosovo (LDK). In many cases, this government was also called the "government of hope" after ending the PDK's 12-year rule. The result of the October elections was also interpreted as a punishment of the PAN coalition, composed of Democratic Party of Kosovo (PDK), Alliance for the Future of Kosovo (AAK) and NISMA with non-majority communities. This coalition during its two-year rule (2017-2019) was involved in numerous corruption scandals, uncontrolled spending of public money, and employment of party militants.

After just 50 days of co-government, the coalition partners began to publicly show deep disagreements in regard to posing reciprocity measures to Serbia. The United States, through President Trump's special emissary for the Kosovo-Serbia dialogue, Richard Grenell, has insisted on the unconditional abolition of the 100% tariff on goods imported from Serbia and Bosnia and Herzegovina, the holding of which was hampering the dialogue to normalize relations between the two states. LDK insisted on meeting US's demand and not jeopardize relations with this strategic ally, while VV stood by Prime Minister Kurti's proposed plan for a gradual abolition of the tariff and establishing reciprocity, as foreseen in the government's program. This disagreement culminated in the midst of the pandemic of COVID-19, where LDK issued an ultimatum to Prime Minister Kurti stating that if the tariffs were not to be unconditionally removed within a week, LDK would leave the coalition immediately after the end of the pandemic.

Meanwhile, President Thaçi had called for a meeting of the National Security Council to discuss the declaration of a state of emergency due to the pandemic. The Prime Minister did not agree with this request of the President, which he described as an extreme measure. That same night, the President had already announced that he would send a decree to the Parliament to seek approval for declaring a state of emergency. In terms of legal criteria, a consultation between the President and the Prime Minister is required to issue a decree declaring a state of emergency. According to our legal interpretation, this competence falls within the scope of limited competencies which cannot be exercised on their own initiative, as it requires the consent of the Prime Minister. Surprisingly, LDK had supported the President's request by coming out against its government partner. The public statements of the Minister of Internal Affairs and Public Administration, Agim Veliu, about the need to declare a state of emergency, had prompted Prime Minister Kurti to fire him. Veliu's dismissal was contrary to the coalition agreement, which required that the dismissal of ministers be done with the consent of the partners. This action further aggravated relations with LDK. Thus, LDK, supported by Members of Parliament from AAK and NISMA, initiated the motion of no confidence in the Parliament. Meanwhile, on March 21st, the government, without the participation of the LDK ministers, decided to abolish the 100% tariff on imported goods, while from April 1st, the complete abolition of the tariff would be

replaced with reciprocity³, which was said to be established as a whole, but so far it has only been applied for a few certificates.

On March 25th, the Parliament of Kosovo, with 82 pro votes, voted the motion of no confidence for the Kurti's government⁴, after only 50 days in power. That same night, Prime Minister Kurti decided to dismiss Deputy Prime Minister Hoti, without providing any reason⁵. President Thaçi had assessed that VV, by not sending the name of the candidate for Prime Minister, had rejected the mandate, which he proceeded to give to the LDK. The President's decree has been challenged by the VV in the Constitutional Court, which has imposed an interim measure suspending the election of the new government.

IV. The Parliament's activity during the pandemic

The Parliament has a constitutional duty to guarantee control and balance between powers. As long as the pandemic state continues, Parliaments in different parts of the world are changing their practices in order to exercise their overseeing duties and ensure accountability. This includes meetings of commissions in distance, the establishment of special commissions, the initiation of plenary sessions in virtual mode, etc. Beyond the procedural innovations, the content of the work of the Parliaments has also changed. Some of the Parliaments have strengthened their powers by reserving the right to restore or revise the state of emergency, and in some countries specific deadlines have been set in legislation showing when the state of emergency will end.

At the time when the first cases of COVID-19 were confirmed in Kosovo, it was announced that President Thaçi had sent a decree declaring a state of emergency⁶, a decree for which Prime Minister Kurti had not given his consent. Disagreements between the partners of the ruling coalition LVV-LDK regarding the declaration of a state of emergency, led to the dismissal of the Minister of Internal Affairs and Public Administration, Mr. Agim Veliu, who had given a personal opinion in a media that the state of emergency should be declared. Prime Minister Kurti had stated that this statement was a "betrayal" to both the government and the police⁷, qualifying it as a "double betrayal". Prime Minister assessed that the declaration of a state of emergency was an attempt by President to seize power, as in case of emergency, the meetings of the Kosovo Security Council are chaired by the President and that during this period, this Council exercises limited executive functions in functions related to the state of emergency. The debate over the state of emergency was focused on which institution takes more executive power when declaring a state of emergency, rather than how effective the state of emergency would be in saving lives and better managing the spread of the pandemic disease.

³ "Kurti heq tarifën 100% për lëndën e parë nga Serbia". DW. Accessed on: <https://www.dw.com/sq/kosovë-kurti-heq-tarifën-100-për-lëndën-e-parë-nga-serbia/a-52871390>

⁴ Parliament of Kosovo. Accessed on: <http://www.kuvendikosoves.org/shq/lajmi/nga-punimet-e-seances-plenare-te-kuvendit-24762/>

⁵ Decision Nr. 099/2020. Government of Kosovo. Accessed on: <https://kryeministri-ks.net/wp-content/uploads/2020/03/Vendimi-KM-d.-Kurti-nr.-099.2020-1.pdf>

⁶ <https://kosovapress.com/thaci-proponon-shpalljen-e-gjendjes-se-jashtezakonshme-ne-kosove/>

⁷ "Albin Kurti thotë se Agim Veliu ka shprehur tradhti të dyfishtë". RTV 21. Accessed on May 3rd 2020: <https://rtv21.tv/%E2%80%8Balbin-kurti-thote-se-agim-veliu-ka-shprehur-tradhti-te-dyfishte/>

The dismissal of Minister Veliu prompted the LDK to accelerate the no-confidence motion against the Kurti's government, which was voted on March 25th, 2020, thus terminating the government. However, the decree announced by the President was never sent to the Parliament. Thus, in addition to the situation with the pandemic that limited the Parliament in organizing its daily affairs, the political crisis with the dismissal of the government was added, which almost completely paralyzed the work of this institution.

a) Sessions

After March 13th, 2020, between the first confirmed COVID-19 cases in Kosovo, and the ease of the isolation measures on May 4th, 2020, the Parliament of Kosovo held four sessions, two of them for the approval of the budget, the voting of the no confidence motion for the government, and to discuss economic and financial measures to help affected businesses. During this period, the Parliament has not played an active role in overseeing the government, nor in passing laws to help the health emergency situation, on economic measures that require changes in laws, nor in ratifying international agreements submitted to the Parliament.

On the day the WHO announced COVID-19 as global pandemic on March 11th, The Kosovo Parliament was in an extraordinary session to debate "the jeopardization of Kosovo's diplomatic relations with the United States as a result of Prime Minister Kurti's negligent and frivolous approach to the advice and guidance of US representatives." The session was initiated by the PDK parliamentary group and supported by MPs from other groups. The endangerment of relations with the United States was one of the reasons that pushed the LDK to initiate a no-confidence motion against the Kurti government, of which it was a part. On March 25th, the Parliament reviewed the motion proposed by the LDK with the support of 44 members of the parliament. The motion of no confidence as a whole was voted and passed in the Parliament⁸, and the government has been caretaker government since that day. The dismissal of the government in times of pandemic has limited its functions to take all necessary measures to deal with the pandemic. The Kosovo leadership was not sensitive to the situation, putting political interests before the public health. Instead of directing all state's energy and resources to the best possible management of the health situation, they have been dispersed by the struggle for power and taking the lead.

On top of everything, the pandemic found Kosovo without an approved budget. The establishment of the government in early February had made it impossible to approve the budget earlier. The budget approval this time was done through accelerated procedures. The extraordinary session was held on March 14th for the first review of the draft law on budget allocations for the Budget for 2020, while on March 15th the work for the second review had continued.

At the session on March 15th, the LDK and LVV parliamentary groups proposed to the session that the agenda be supplemented by one additional point - the Adoption of the resolution regarding the talks with Serbia. To add this point to the agenda, two-thirds of the members of the parliament present

⁸ Decision Nr. 07-V-013. Parliament of Kosovo. Accessed on: http://www.kuvendikosoves.org/Uploads/Data/SessionFiles/VendimiiMocionitndajQeveriseseRepublikesseKosoves_nLvumqwamK.pdf

would have to vote to avoid the rules of procedure of the Parliament. Through this Resolution⁹, the Parliament had reaffirmed its commitment to dialogue with Serbia, which would result in mutual recognition; had reiterated that the sovereignty and territorial integrity but also the unitary character of Kosovo is inviolable, for which no one can dialogue; and reaffirmed the competencies of the government defined by the Constitution and the Judgment of the Constitutional Court in the case of the evaluation of the Law on Competencies of the State Delegation, which states that the government has the mandate to lead the talks. This Resolution approved by the Parliament did not have any added value, but only a re-emphasis of the existing competencies and the provisions of the Constitution. All this was done for the Parliament to show that President Thaçi cannot dialogue on behalf of Kosovo with Serbia, and that the change of borders would not be accepted by this Parliament.

The only session of the Parliament held after the dismissal of the government was that of April 14th, which was convened by the PDK, and aimed at proposing economic and financial measures that Kosovo should take to overcome the challenges of economic recovery in addressing the consequences of COVID-19 pandemic.

In this session, PDK had requested the introduction of two draft-laws for the procedure of review in the Parliament:

1. Draft Law on Interim Measures to alleviate the effect of COVID-19 pandemic, and
2. Draft-law Amending the Law no. 03 / L-048 on the management of public finances and responsibilities, supplemented and amended by law no. 03 / L-221 with law no. 04 / L-116 and law no. 04 / L-194 and law no. 05 / L-1063 and law no. 05 / L-007.

The Parliament did not agree that these two draft-laws be included in the agenda, as this was an extraordinary session and the agenda could not be supplemented. Seeing the unwillingness of the Parliament, although the Constitutional Court had asked the Parliament to replenish the legal basis to address legal obstacles in the fight against the pandemic, PDK withdrew its request, as according to them, the purpose of the proposed Resolution was to come to the creation of the legal basis.

b) Committee meetings

Of the 14 parliamentary committees, only five have held committee meetings, and nine have been completely inactive while pandemic measures were in place. In total, the committees held seven meetings, four of which were directly related to the pandemic situation, and three of the meetings dealt with other issues. With the exception of a meeting of the Committee on Budget and Transfer that was held virtually, other meetings of the committees were held in the Parliament building with the physical presence of the members.

The meetings held to review issues related to the pandemic situation, were more of a discussion and served for informing the committee members. Although the committees had discussed new legal initiatives, such as the initiative of the Speaker of the Parliament on the Law on COVID-19, then

⁹ Resolution Nr. 07-R-001". Parliament of Kosovo. Accessed on: http://www.kuvendikosoves.org/Uploads/Data/SessionFiles/Rezolutanr.07-R-001perbisedimet-dialogunKosove-Serbi_EH8KPbGXLw.pdf

amendments to the Law on Amnesty, the Law on Execution of Penal Sanctions in the Criminal Code, none of them had gotten the green light from the committees. Also, in the meetings with the character of parliamentary oversight of the executive, the committees have had discussions on oversight, but no effective activity of this nature has been exercised.

V. Major Government decisions during the pandemic

The World Health Organization on March 11th, 2020 announced the Corona virus as a global pandemic. Two days later, the first two cases of the disease were registered in Kosovo¹⁰. Earlier in the day, the Kosovo government, in order to curb the spread of the virus, decided to suspend the educational process until March 27th at all levels, with the recommendation that one parent be released from their job. Also, the air and ground transportation lines were temporarily suspended from the high-risk countries and a decision was made on self-imposed quarantine for all those entering from high- and medium-risk countries. Public and non-public closed activities were also banned, such as: sports events, conferences, etc., as well as the activity of nightclubs, restaurants, etc.¹¹

The increase in the number of those infected by the disease pushed the government to declare a state of emergency on March 17th, 2020, and thus tighten the measures¹². The borders were closed to foreigners and flights were banned at Pristina International Airport.

In order to further prevent the spread of pandemic, the government had decided from March 24th, 2020 to ban the movement of citizens and private vehicles at certain times (during the hours 10:00 – 16:00 and from 20:00 – 06:00), with the exception of medical needs, production, supply and sale and other activities related to the management of the pandemic¹³. In the same decision of the government, it was decided to restrict street movements for more than two people together, as well as gatherings in all settings - private and public, open and closed, except when it is necessary to carry out work to prevent and combat the pandemic, as well as when a distance of two meters is provided with others.

On March 27th, 2020, at the request of the Minister of Health, the government had taken a decision to supplement and change this decision, changing the traffic schedules, banning the movement of citizens and private vehicles during the hours 17:00-06:00, and it also banned movement of citizens in open areas (squares) of cities¹⁴.

Restriction of fundamental freedoms and rights in violation of the Constitution

The decision of the Government of Kosovo to restrict freedom of movement throughout the country was challenged in the Constitutional Court by the President, claiming that the measures taken by the

¹⁰ “Konfirmohet, dy raste me koronavirus në Kosovë”. Gazeta Express. Accessed on:

<https://www.gazetaexpress.com/konfirmohet-dyy-raste-me-koronavirus-ne-kosove/>

¹¹ “Vendimi i Qeverisë së Kosovës: Mbyllen shkollat deri më 27 mars”. Kallxo.com. Accessed on:

<https://kallxo.com/lajm/vendimi-i-qeverise-se-kosoves-mbyllen-shkollat-deri-me-27-mars/>

¹² “Në Kosovë rritje e numrit e të prekurve me COVID-19”. DW. Accessed on: <https://www.dw.com/sq/në-kosovë-rritje-e-numrit-e-të-prekurve-me-COVID-19/a-52802955>

¹³ “Decision Nr. 01/15”. Government of Kosovo. Accessed on: <https://kryeministri-ks.net/wp-content/uploads/2020/03/Vendimet-e-Mbledhjes-së-15-të-të-Qeverisë-së-Republikës-së-Kosovës.pdf>

¹⁴ “Decision Nr. 02/17”. Government of Kosovo. Accessed on: <https://kryeministri-ks.net/wp-content/uploads/2020/03/Vendimet-e-Mbledhjes-17.pdf>

government are in violation of the Constitution and applicable laws, despite Constitution allowing the restriction of some of the freedoms and rights to be done by law, the Law on Prevention and Fighting Against Infectious Diseases, approved by the Parliament, allowed this restriction only for certain areas or regions but not throughout the country. Such a decision to restrict freedoms and rights can only be done by a decision of the Parliament after declaring a state of emergency, which Prime Minister Kurti did not approve. On March 31st, 2020, the Constitutional Court concluded that neither the government nor the Ministry of Health had the legal authority given by the Parliament to restrict movement throughout the country. Health emergency is not a legal basis that justifies restrictions. Such a decision, according to the Constitutional Court, has arbitrarily restricted three fundamental rights or freedoms: freedom of movement, right to privacy and freedom of gathering, for which the Constitutional Court had declared the government's decision invalid¹⁵. This decision went into effect on April 13th, 2020, since the Court gave time to the Parliament and the government to make the necessary legal changes.

The legal changes were not made by the Parliament, despite the fact that there was an initiative by the Speaker of the Parliament, Mrs. Vjosa Osmani-Sadriu supported by six other parliament members. She had drafted a law to help institutions address legal hurdles arising from the Constitutional Court's ruling, in order to better manage the pandemic. This initiative of Mrs. Osmani-Sadriu was not supported by the Presidency of the Parliament, on the grounds that the incumbent government cannot give an opinion on draft laws, and that this is an insurmountable legal obligation.

The government's decision was deemed to be unconstitutional, as restriction of freedom of movement, the right to privacy, and the right to gather throughout the country cannot be exercised by the government. The acting Prime Minister Kurti interpreted this statement of the Constitutional Court as if it allegedly challenged only the institution that took the decision, in this case the government, and that this decision should have been taken by a lower instance, such as the Ministry of Health. Despite the fact that the Court had clearly stated that such a decision can only be taken if the Parliament authorizes the government through law.

While what the government had done was only a repetition of the same decision, but the level of the decision-making institution was reduced from government to ministry, and that from a decision effective for the whole country, had taken individual decisions for all municipalities of Kosovo.

The PDK had appealed against three decisions of the Ministry of Health to the Constitutional Court, challenging the decision for the municipalities of Prizren, Dragash and Istog. On May 1st, 2020, the court published the Judgment, through which it decided that the decisions were in accordance with the Constitution, while the decision to declare a "quarantine zone" in the Municipality of Prizren was in violation of the Constitution¹⁶. The Court also ruled that the administrative offenses set out in these three contested Decisions were not "determined by law" and were therefore declared unconstitutional.

The Court's criticism for the Parliament

¹⁵ "Judgment in Case No. KO54/20". Constitutional Court. Accessed on: https://gjk-ks.org/wp-content/uploads/2020/04/ko_54_20_agj_ang.pdf

¹⁶ "Judgment in Case No. KO16/20". Constitutional Court. Accessed on: <https://gjk-ks.org/en/decisions-from-the-review-session-held-on-1-may-2020/>

In this judgment, the Court has criticized the Parliament for failing to take measures to address the Court's decision, specifically for failing to amend existing legislation or enacting any new law by which it defines the most appropriate mechanisms and authorizations, in so that the relevant authorities, including the Ministry of Health, respectively the government, take the appropriate and necessary measures to combat and prevent the COVID-19 pandemic, in accordance with the Constitution and Judgment K054/20.

The Court's criticism for the Government

The Court also addressed the Prime Minister's submission to the Court on behalf of the government, expressing the government's "concerns" about the violation of the provisions regarding the procedure and deadlines to be followed by the Court, where the Court was in a way threatened that "The government will carefully review the legal violations so far and, depending on their legal qualifications, will take the necessary actions based on the legislation."¹⁷

The court found the approach reflected by Prime Minister submission unacceptable and contrary to the fundamental values of the Constitution. The Court reminded the government that the Court is the ultimate interpreter of the Constitution, and that it is the obligation of all institutions to respect and not interfere in its independence. The Court also reminds the government that the Constitution does not attribute the government any competence regarding the decision-making of the judiciary.

VI. Emergency Fiscal Package

To provide financial assistance to citizens and businesses affected by the pandemic, who had lost their jobs or those businesses that had to be closed, on March 30th, 2020, the government approved an Emergency Fiscal Package¹⁸, with some of the main measures undertaken such as double payment of the value of the social scheme for April and May, then for companies in financial difficulties as a result of a decline in their activity due to the emergency situation, which includes coverage of monthly salary expenses for employees worth 170 euros for two months. For employees of grocery stores, bakeries and pharmacies an additional payment of 100 euros were allocated for two months, as well as payment of monthly assistance in the amount of 130 euros for people who lose their jobs due to the situation.

There will be provided interest-free lending for public enterprises in order to ensure their temporary liquidity. For municipalities in difficulty, 10 million euros have been allocated if needed. A budget of up to two million euros has been allocated to support initiatives and projects aimed at improving the lives of non-majority communities in Kosovo.

In order to ensure financial liquidity, this financial package envisages an increase in the budget for grants and subsidies for the Ministry of Agriculture to increase agricultural production, as well as for the Ministry of Culture to support sports and cultural activities. Each of these two ministries will have an additional five million euros. As for the support of exporters, ten million euros have been allocated.

¹⁷ Ibid.

¹⁸ "Decision Nr. 01/19". Government of Kosovo. Accessed on: <https://kryeministri-ks.net/wp-content/uploads/2020/03/Vendimi-i-Qeverisë-nga-Mbledhja-e-19.pdf>

This package contains a total of 15 measures, but their full implementation is not possible without changing the law on Public Financial Management and Accountability. To do so, the government had taken a decision¹⁹ to require the Parliament to amend and temporarily exceed the fiscal deficit rules as well as to limit the usable bank balance sheet. The government has reminded that the emergency package will be followed by a recovery package.

VII. Recommendations

For the Parliament:

1. Approval of the special law to address the judgment of the Constitutional Court through which the necessary authorizations for the government to take measures to combat pandemics are determined. This law should determine the extent to which restrictions on fundamental freedoms and rights preserved in the Constitution can be made, and the deadline for their expiration. Adoption of a special law would be more appropriate, as this law could be repealed when it would no longer be necessary, rather than expanding government authorization to restrict fundamental freedoms and rights under existing laws.
2. Amending and supplementing the Law on Public Financial Management and Accountability as well as the Law on Budget Appropriations, to enable the execution of economic and financial packages to help the affected citizens and businesses. The Parliament should play a central role in this process.
3. The undertaking of new legal initiatives, including the amendment of existing laws, should not be hindered due to the status of the government in office. The Parliament has the mandate and duty to exercise its oversight role until the moment of its dissolution. Although the government is resigning, it remains in charge of carrying out the necessary tasks. Consequently, the government's opinion on legal initiatives in office is not prohibited.
4. Parliamentary committees must play an active role in exercising their mandate. In particular, during this period they should focus on overseeing the work of the government and the measures taken to combat the pandemic and ensure that fundamental human rights and freedoms are not being restricted by the government beyond its legal authority.
5. Parliamentary committees should provide access to the media and the public at committee meetings. The public broadcaster, or any of the other media outlets, should be able to record the meetings of parliamentary committees. In cases where the meetings are virtual, the recordings must be published.

For the Government:

¹⁹ "Decision Nr. 03/23". Government of Kosovo. Accessed on: <https://kryeministri-ks.net/wp-content/uploads/2020/04/Vendimet-e-Mbledhjes-së-23-të-të-Qeverisë-së-Republikës-së-Kosovës.pdf>

1. The Constitutional Court is the final authority in the Republic of Kosovo for the interpretation of the Constitution and the compatibility of laws with the Constitution. Judgments of the Constitutional Court are binding for the judiciary and all individuals and institutions of the Republic of Kosovo. Therefore, the government must fully respect the decisions of the Court, present them directly to the public without describing them according to the version of their own interpretation.
2. All measures taken by the government to combat the pandemic must be in accordance with the lengths provided by law and the Constitution. The government should not make decisions that have no legal basis. Through decisions, the government cannot take a legislative mandate, regardless of the situation with the pandemic.
3. The emergency financial package proposed by the government must be in line with budget allocations and within government authorizations. The government should not make decisions on issues for which there is no budget, creating artificial expectations of citizens and businesses.