

## **Membership Application of the Ombudsperson Institution, Kosovo\***

### **Complementary information from the Executive Board of *Equinet - the European Network of Equality Bodies***

In early 2019, Equinet received a formal membership application from the Ombudsperson Institution of Kosovo\*. Following an e-mail received from the Serbian Commissioner for the Protection of Equality expressing their concerns, the Equinet Executive Board considered this membership application at two separate Board meetings (March and June 2019) and also shared information about this membership application with the European Commission (as main funder of Equinet) to clarify their position given the specific situation of Kosovo.

As a result, during their meeting on 26 June, Members of the Executive Board of Equinet, according to established practice and procedure, thoroughly assessed the comprehensive membership application and laws (on protection from discrimination, on Ombudsperson, on Gender Equality) submitted by the Ombudsperson institution of Kosovo, considering the Equinet statutes and membership criteria<sup>1</sup>. The Board notes that according to established practice and procedure, and in keeping with Equinet's objective and ethos of capacity-building, the effectiveness of the equality body is not scrutinised during the assessment of the membership application.

After substantial deliberation the Equinet Executive Board reached the unanimous decision that the application of the Ombudsperson Institution of Kosovo is in accordance with the Equinet statutes and membership criteria, and should be admitted and presented to Equinet's next Annual General Meeting for ratification by Equinet members.

The Equinet Executive Board took into consideration the need for an equal assessment of the membership criteria for all applications and that:

- (1) [Kosovo](#) is officially a potential candidate to join the EU;
- (2) Kosovo approximated domestic legislation to EU equality and anti-discrimination legislation;
- (3) the Ombudsperson Institution of Kosovo is also member to several other networks, such as [ENNHRI](#) (European Network of National Human Rights Institutions), [IOI](#) (International Ombudsman Institute), and the [Association des Ombudsmans et Médiateurs de la Francophonie](#);
- (4) granting membership in Equinet is not a decision on the question of status of Kosovo.

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<sup>1</sup> Excerpt from Article 3 of the Equinet Statutes: 'Equinet is a network: that is to say a group of organisations which are active in the European Union and the European Free Trade Association Member States, EU candidate and potential candidate countries as well as other European countries that have approximated their legislation to EU equality and anti-discrimination, which have a similar mandate and profile, which share the same interests, which pursue the same objectives on a European level, which benefit from the existing cooperation within the network, but which also make their own contribution.

Equinet's members, which are organisations specialised in equality issues and generally founded on the basis of article 13 of the Racial Equality Directive (2000/43/EC) and/or article 8a of the Directive of nineteen seventy six (76/207/EEC), inserted by Article 1.7 of the Directive of two thousand and two (2002/73/EC), which relates to gender equality, make up the key elements in the process of implementing legislation and policies regarding equality of treatment. They aim to effectively combine their capacities and their functions to strategically push for changes to and respect for the principles of equality, diversity and non-discrimination in all areas. Equinet was created to allow the organizations specialised in equality issues to benefit from their mutual experience and expertise in their continual effort to optimise the implementation of laws, policies and practices relating to equal treatment and to guarantee that the pro-equality organizations which are united in Equinet are heard on a European level and, if necessary and appropriate, on a national level.'

Equinet remains committed to supporting its member equality bodies to be independent and effective catalysts for more equal societies in all EU Member States as well as EEA countries, EU candidate countries and potential candidates and other countries that have an obligation to approximate their legislation to EU equality laws.

*\* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence*