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**INSTITUCIONET E PËRKOHSHME TË VETËQEVERISJES  
PROVISIONAL INSTITUTIONS OF SELF-GOVERNMENT  
PRIVREMENE INSTITUCIJE SAMOUPRAVLANJA**

**QEVERIA E KOSOVËS - GOVERNMENT OF KOSOVO - VLADA KOSOVA**

**MINISTRIA E PUNËS DHE MIRËQENIES SOCIALE  
MINISTRY OF LABOUR AND SOCIAL WELFARE  
MINISTARSTVO RADA I SOCIJALNE ZAŠTITE**

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In accordance with Article 1, indent 1.3, Paragraph (ç), indent 1.7 Paragraph (d) of the Regulation 2001/19 on the Executive Branch of Self-Government Institutions in Kosova.

Based on the Article 15 of the Law on Social and Family Services No 02/L-17

Having into consideration the scope of Ministry of Labour and Social Welfare in respect to policies and strategies on social and family services,

Aiming the regulation and review of appeals in accordance with administrative procedures from social and family services, **Minister of Ministry of Labour and Social Welfare** issues this:

**ADMINISTRATIVE INSTRUCTION No 04/2006  
ON  
ESTABLISHMENT OF COMMITTEE FOR EXAMINATION AND DECISION ON  
APPEALS IN SECOND LEVEL IN RESPECT TO SOCIAL AND FAMILY  
SERVICES**

**Article 1**

Purpose

**(1)** Administrative Instruction aims the establishment of committee for examination and decision on appeals in second level in respect to social and family services (hereinafter referred to as Committee).

**Article 2**

Establishment of Committee for examination and decision on appeals in respect to social and family services

(1) The Committee is established based on signature of this Administrative Instruction by Minister of MLSW in accordance with Article 15 of the Law on Social and Family Services.

(2) Minister of Ministry of Labour and Social Welfare through this Administrative Instruction authorizes the Department of Social Welfare to establish the Committee in behalf of the Ministry.

### **Article 3**

#### Procedures for examination and decision on appeals in second level in respect to social and family services

(1) Department of Social Welfare (hereinafter referred to as DSW) establishes the committee for examination and decision on appeals in second level in respect to social and family services.

(2) Each person or representative of each person, who believes and doubts to be discriminated on unfair and illegal bases or for other reasons has been denied adequate social and family services, has a right to appeal,

(3) In case when the individual or a family are not satisfied with decision of Center for Social Work (hereinafter referred to as CSW) in respect to providing social and family services, or denial of providing such services or with quality of services provided, can appeal in second level respectively to the committee for appeals.

(4) The appeal in second level is made through CSW which has made the decision of first level, or the appeal can be presented directly to the Committee of DSW.

(5) The deadline for presenting the appeal in Committee for Appeals as second level is 30 days from the day the decision of CSW was submitted.

(6) Within thirty days from the day the appeal was received, the Committee examines the appeal and relevant documentation and according to the need carries out the interview with dissatisfied party and also with the witnesses, appeal Claimers, the decisions of Committee are given in written.

(7) Decision of committee is send to the party through CSW which has made the decision of first level (based on territorial competence), informing the party at the same time.

(8) If the appellant is not satisfied with decision of Committee for appeals, he/she can start the administrative dispute in Supreme Court of Kosova, in the deadline of 30 days since the decision of second level on administrative procedure was made.

(9) Opening of administrative dispute in Supreme Court of Kosova does not suspend the execution of decision of the Committee for Appeals.

## **Article 4**

### Function of the committee for examination and decision of appeals in respect to social and family services

(1) Committee for examination and decision of appeals in second level in respect to social and family services is directed by director of Department of Social Welfare or from the other person appointed from him.

Committee is composed of five (5) members including also its director,

#### **1. Institutional composition of the committee**

Members of Committee are officials of these institutions:

**1.1** Director of CSW (Representative appointed from DSW);

**1.2** A Director from CSW-Kosova who is not involved in the case

**1.3** A representative of Municipality which is not involved in the case

**1.4** Two independent representatives appointed by DSW.

(2) Meetings of the Committee can take place only if there are present most of the Committee members.

(3) Decisions of the Committee will be fully effective if at least two Committee members vote pro the decision.

## **Article 5**

### Regulative for the work of committee for examination and decision of appeal in respect to social and family services

(1) Committee works and acts in accordance with provisions of Legislation from the field of Social and Family Services, and also in provisions of applicable laws which regulate administrative procedures in administration organs,

(2) Special rules of work can be regulated by Committee through sub legal act.

## **Article 6**

### Duration of the service in committee for examination and decision on appeals in second level in respect to social and family services

(1) The mandate of service in committee is permanent for all members that act from official duties in DSW.

(2) The members that come from municipality and from CSW act in the Ad-Hoc manner in the case and have a two (2) years mandate with possibility of reselection for another mandate.

(3) DSW in behalf of MLSW will make a selection of five CSWs and Municipalities of five Regions of Kosova in order their representatives (directors or persons authorized by them) be members of committee dependent of the case and who are not related to the case.

(4) If a member of committee has failed to carry out professional duties that derive from regulations of committee and after examination of evidences, members of committee can propose discharge of the member that has abused duties and responsibilities of the Committee.

(5) If a member of committee is absent in three meetings, he does not respect confidentiality of the data and also manifestation of not serious behaviors that are in contradiction with professional work ethics, can cause the discharge from the Committee.

(6) In all cases when the activity of a member stops, is nominated the new member that serves for the remaining time of mandate the member he replaces had. The new member is proposed by subject the discharged member has represented.

#### **Article 7**

##### Responsible institutions for the work of committee for examination and decision of appeals in second level related to social and family services

(1) MLSW, respectively Department of Social Welfare through Centers of Social Welfare are responsible for realization and supervision of policies of general program on social and family services in Kosova respectively for examination and decision on appeals in second level in respect to social and family services.

(2) Center for Social Work, professional NGOs and community based houses that provide social and family services are responsible for concrete implementation of this Administrative Instruction.

#### **Article 8**

##### Entry into force

This Administrative Instruction enters into force by signature of Minister of Ministry of Labour and Social Welfare.

**Prishtina, June 2006**

**Minister of MLSW**

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**Ibrahim Selmanaj**