



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 E MIRËQENIES SOCIALE
MINISTRY OF LABOUR AND SOCIAL WELFARE
MINISTARSTVO RADA I SOCIJALNE ZAŠTITE



In accordance with article 1 paragraph 1.3 indent (d) of Regulation 2001/19 on Executive Branch of Provisional Self-governing Institutions of Kosova.

Based on Law 2003/15 for Scheme of Social Assistance in Kosova, Article 11 paragraph 11.2.

Having into consideration scope of Ministry of Labour and Social Welfare specifically with action politics for poverty families' protection.

In purpose of examination and complaints determination in second level of social assistance seekers, **Minister of Ministry of Labour and Social Welfare issue this:**

**ADMINISTRATIVE INSTRUCTION NO. 12/2007
FOR
IMPLEMENTATION AND FUNCTIONING OF COMPLAINT COMMISSION IN
II LEVEL REGARDING SOCIAL ASSISTANCE**

Article 1

Purpose of Administrative Instruction

This Administrative Instruction aims implementation and determination of commission work rules for examination and determination of II level complaints regarding social assistances.

Artiel 2

Implementation of Commission

- (1) Ministry of Labour and Social Welfare through this Administrative Instruction authorizes Department of Social Welfare (DSW) that on Ministry behalf to implement Commission for Complaints.

- (2) Department of Social Welfare implements commission for examination and determination of complaints on II level regarding social assistances.
- (3) Commission is implemented based on article 11 paragraph 11.2 of Law for Scheme of Social Assistances 2003/15.

Article 3

Composition of Commission

- (1) Commission will have this composition:
 1. Commission President is Leader of Sector of Complaints in Division for Social Assistance – DSW,
 2. Two members of Commission are DSW officials,
 3. Commission has to be balanced on genitive aspect.

Article 4

Functioning of Commission

- (1) Commission for examination and determination of II level complaints regarding social assistances is managed by Leader of Complaints Sector of Division of Social Assistances.
- (2) Commission meetings can be held only if commission composition is completed.
- (3) Complaints Commission sessions appoints the president of Commission according to the need and notifies the members of commission for the date and time of session holding.
- (4) When the complaint is examined, in special cases Complaint Commission has the right to verify directly the family which has presented the complaint.
- (5) Commission decisions will be powerful only if two members of commission vote for it.
- (6) President of Commission based on session procès-verbal issues and signs decisions on the name of Complaints Commission.
- (7) In cases when complaint has to do with estimations of Medical Commission, than the Commission for Complaints will require from Medical Commission of second level which is authorized by MLSW, to examine medical aspect of complaint.
- (8) Subject estimation by medical commission of second level will be base for issuance of decision from Complaint Commission of second level.

Article 5

Commission members mandate

- (1) Commission is implemented with two years mandate.
- (2) Commission president has permanent mandate which also is the Leader of Complaints Sector.
- (3) Commission members have two years mandate with opportunity of reselection for another mandate.
- (4) If one member of commission fails to fulfill professional duties that flow from commission regulations and after examination of all facts, commission members can propose dismissing and replacing him with another member.
- (5) Definitive decision for dismissing and replacing of commission members does the chief of DSW.
- (6) In all cases when a commission member stops the mandate, than a new member is selected to continue the mandate.

Article 6

Procedures for complaint examination

- (1) Assignee of social assistance or his authorized representative who thinks that there has been any injustice with organ decision of first level for the right on social assistance, has the right to present the complaint to Complaint Commission of second level which works and act within Department of Social Welfare of MLSW.
- (2) Duration for presentation of the request in Complaint Commission in second level is 14 days from the day of taking the decision.
- (3) All complaints for Complaint Commission of second level have to be followed through Center for Social Work as first level organ.
- (4) Complaints Commission examines complaint and relevant documentation and notifies in written the complaint compiler for the taken decision not later than 21 twenty one days after taking the decision.
- (5) Commission decision of second level is sent to the party through CSW.

(5) If the complainer is unsatisfied with the decision of complaints commission, he can complain in competent Court in duration of 30 days from taking the decision of second level in administrative procedures.

Article 7

Responsible institutions for execution of commission decision

Decisions of Complaints Commission of second level are obligatory for first level organ that in concrete case are Centers for Social Work, which are obliged to execute these decisions in determined durations according to the provisions of Law for Administrative Procedures.

Article 8

Enter into force

This Administrative Instruction enters into force in the day of signing by Minister of Ministry of Labour and Social Welfare.

Minister of MLSW

Ibrahim Selmanaj

Pristine, November 2007