

Assessment of Standards Efforts, April 2006 - Temporary Matrix

Sustainable Returns							
#	Action	Aug	Comments August 2005	Nov	Comments November 2005	Apr	Comments April 2006
Municipalities and ministries are able to assume responsibility for returns within all communities in a manner consistent with European standards.							
4.1.1	Strategy regarding central structures relating to returns, including the Office of Inter-Ministerial Coordinator for Returns, is developed by a committee. This committee should be established by the Office of the Prime Minister and include ORC, OCA, UNHCR, OSCE and OHCHR (Linked to discussion on OPM proposal for new Ministry, and to anticipated EAR consultancy on central structures). <i>Targeted action:</i> The Ministry of Communities and Returns is established through a participatory process with clear terms of reference, adequate staffing and resources, and a workplan for assumption of governmental responsibilities in these areas.	Red	The Ministry established posts and recruited staff after establishment. However, a number of vacancies were announced for positions that had already been filled (at least temporarily) by personnel recruited on an ad hoc basis. This recruitment process was not done in consultation with OCA KCB staff who were tasked by UNMIK to support the work of MCR so as to ensure that the recruitment process was fair, transparent and inclusive. After the temporary three-month contracts expired for the locally recruited staff, the MCR announced a number of vacancies (the Government determined that the MCR would have 197 posts) and began to recruit the personnel through official channels as of 5 May. Vacancies were, however, announced for only some of the positions. [OCRM] In June, the Ministry of Communities and Returns has continued to disregard earlier agreements on staffing and resourcing. It has attempted to illegally transfer (i.e., without prior consultation with UNMIK and in contravention to Regulation 2005/12) €1.3 million from the GAR and RRRF funds to the MCR Administration line. Furthermore, it has not yet acted on integrating the OCA KCB staff into the MCR structure. [OCA]	Yellow	MCR has been reducing its staff since September when it had 211 staff members. In October 61 staff members were downsized, bringing total number of staff to 150. MCR plans to further reduce to 125 by the end of the year. It is unclear whether reduction procedure is consistent with PISG administrative guidelines and regulations, MCR failed to provide concise information on procedures as requested (in Standard WG on 20 Oct and 17 Nov). There are now seven staff members in UNMIK Representative office in MCR. No action was undertaken to integrate UNMIK KCB staff into the MCR structure. [OCRM] OCRM is of the opinion that this action point remains RED.		
4.1.2	Strategy for central communities and returns structures is implemented, and enhanced structures are able to fulfil governmental responsibilities relating to communities and returns, including having adequate resources and staffing.	Yellow	The Ministry, after a period of resistance, started to acquaint itself with the existing returns mechanisms and processes. The delay, however, has had negative consequences, one of which is an unsatisfactory rate of returns. This is due in part to the lack of available funding from bilateral donors. In addition, returns were held up by the refusal of the MCR to recognize existing projects and transfer the programme funds to UNDP. Only after an unnecessary delay and with OPM intervention has the MCR signed the MoU with UNDP on the SPARK (replacement for the GAR and RRRF). [OCRM] The Ministry initially reported the demand to return as exclusively to the Gjilan region. It claimed that some 13,000 persons had registered their wish to return, but could not provide details such as their place of displacement or the breakdown by place of origin. [Source: ORC and MLG] More recently, MCR has recognized that there is an interest of IDPs to return to other locations including RAE to the Roma Mahala in south Mitrovica. In June/July MCR's Department of Returns, has initiated a series of field trips to various municipalities. The feed back for these initiatives has been very positive, suggesting that MCR staff	Yellow	Since the launch of the Strategic Framework on Communities and Returns in July, UNMIK in cooperation with PISG created a Steering Committee and six thematic Working Groups. In a consultative process a new returns strategy is currently being developed. UNDP has managed the GAR and RRRF since the signing of MoU. However, MCR continues to play a key role through municipal offices and MWGs in developing and implementing returns projects, especially with the gradual transfer of competencies to PISG. UNDP under GAR/RRRF has agreed to fund MCR TV segment on returns, which the Project Review Committee of COCG has approved. GAR/RRRF will be replaced by the SPARK programme. MCR is one of the co-chairs of COCG, and one of the WGs on the returns process. [OCRM]		

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4.1.3	Office of the Inter-Ministerial Coordinator for Returns has adequate resources and staffing to fulfill its responsibilities within current mandate and mandate to be developed as part of agreed strategy for central returns structures.		No longer relevant.		No longer relevant.		
4.1.4	Each municipality develops a municipal returns strategy for 2004 and subsequent years, and the returns strategies are implemented effectively.	Yellow	24 municipalities have endorsed Municipal Returns Strategies. 2 municipalities have drafted strategies but not yet endorsed them (Obiliq/c, Decan/Decani). 3 municipalities have not drafted strategies (Skenderaj/Srbica, Leposavic/q, Zvecan, Zubin Potok). Gillogoc/Glogovac is considered exempt from this requirement. The MRS will need to be reviewed in the context of the Strategic Framework. [OCA]	Yellow	According to MCR all Municipalities have developed MRS as of September. However, the MRS should be reviewed to conform with the pending changes in the Strategic Framework and Manual for Sustainable Returns. Implementation of some aspects of MRS has been delayed because of inconsistency and funding shortfalls. MCR continues to solicit funds from both donors and PISG to implement MRS. [OCRM] 26 municipalities have developed one waiting for endorsement) MRS, 3 have not (Leposavic/q, Zubin Potok, Zvecan/Zveqan). 15 municipalities have partially implemented the MRS. (Glogovc/Glogovac exempted) Mitrovice/a implementation is ongoing (Roma Mahalla). For the reporting period Suhareke/Suva Reka and Kline/a have reported financial contribution to the implementation of the MRS. [DCA]		
4.1.5	Each municipality with ongoing or projected returns has established and filled a Municipal Returns Officer post with appropriate Terms of Refrence in place.	Red	36 MROs are appointed and functioning in 26 municipalities. Zubin Potok has appointed an MRO but the MRO is not yet functioning. Leposavic/q and Zvecan have not appointed MROs. (Glogovc/Glogovac excluded.) The MEF and the MPS have authorized the request for these 36 MRO posts. The transfer of funds has been authorised by the SRSG on 27 June, the MFE has transferred the funds on 15 July to the 26 Municipalities with MROs.	Green	MRO's are appointed in 28 municipalities. Leposavic/q has recently appointed an MRO but the MRO is not yet operational, Zvecan no MRO). Transfers for payments of MRO salaries were done to all municipalities. (MLGA) The two MROs in Obiliq/Obilic have not been paid since January 2005, despite availability of funds. (Glogovc/Glogovac exempted) [DCA]		
4.1.6	Each ministry has a focal point to support returns process, and works effectively to implement its responsibilities consistent with the agreed strategy for central returns and communities structures.	Yellow	Focal points have indeed been appointed by each Ministry and should be in a position to work effectively once the strategy has been launched. Efficient synergy is still needed within the PISG Focal points as to enable them to efficiently address the draft strategy. [OCRM]	Yellow	Focal points have been appointed. Efficient synergy is still needed within the PISG Focal points as to enable them to efficiently address the draft strategy. MCR continues to participate in the coordination of returns activities at PISG level. The need to build its capacity to cope with the enormous challenges ahead is glaring. MCR needs to closer cooperate with other ministries so that PISG plays a proactive role in the returns process. In the development of the new returns strategy some WGs failed to convene during the past months because PISG representatives were absent. [OCRM]		

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4.1.7	Ensure community, returnee and IDP women representatives are involved in decision-making and planning for returns at all levels.	Red	More community, returnee and IDP participation should be encouraged. [OCRM].The OGA comment "There is no mechanism or quota system ensuring community, returnee and IDP women representation in decision-making and planning for communities at all levels, especially as the heads of households are generally men" remains valid. In some municipalities such as Pristina, there are IDP women representatives. [OGA]	Red	Efforts to include women representatives in the planning and implementation of return and reintegration projects have been sporadic and mainly promoted by international actors. Relevant local institutions have largely ignored this responsibility. [OGA] IDPs involvement in returns process is assessed as marginal to low (Pristinë/Priština, Shtime/Štimlje, Prizren, Pejë/Peć, Rahovec/Orahovac, Gjakovë/Đakovica, Suhareke/Suva Reka, Istog/k, Klinë/a, Zvečan/Zvečan) with limited participation of women or non-existent (Lipjan/Lipljan, Obiliq/Obilić, Malishevë/Mališevo, Dragash/Dragaš, Deçan/Dečani). IDP representatives who participate in MWGs so far have not proposed any specific returns project. [DCA]		
4.1.8	Municipal Working Groups and Municipal Assemblies (including Municipal Directorates) provide ongoing support for returns in the municipality at a level consistent with the demand for return and including a commensurate level of resources, including ultimate assumption of responsibility for MWGs by municipality.	Yellow	Many municipalities are taking a proactive approach to returns. But the opening of MCR municipal offices in at least 13 municipalities (April/May) created a lot of confusion over the roles and responsibilities of municipalities. As a result many municipalities took a cautious step backwards waiting to see how things develop. Following commitments that the Minister of Communities and Returns made to the SRSG to reduce the field presence and clarify their functions, the MCR has closed all but four regional offices. [Source: ORC & MCR] Out of 26 reporting Municipalities, there is an improvement in the Prishtine/Priština and Fushe Kosove/Kosovo Polje Municipalities where the local authorities are getting involved in the process, with other 15 municipalities fully supporting the returns, and little support or no support at all in 8 municipalities, and Zubin Potok with no displaced persons, as a result of the 1999 war, or March riots (so not applicable). [OCA]	Yellow	MCR and Municipalities have urged closer coordination and cooperation in the returns process as evident at joint meetings in recent months. Municipalities have a freehand in developing their MRS and Concept Papers in accordance with existing guidelines. [OCRM] Out of 30 municipalities, the MWGs are functioning effectively in 18 (Skenderaj/Srbica, Zubin Potok/Zubin Potok, Vushtrri/Vucitn, Prizren, Suhareka/Suva Reka, Dragash/Dragaš, Pejë/Peć, Istog/Istok, Klinë/Klina, Gjilan/Gnjilane, Novo Brdo/Novobërdë, Ferizaj/Urosevac, Viti/na, Kamenice/a, Štrpce/Shtërpçë, Shtime/Stimlje, Fushe Kosove/Kosovo Polje, Podujevo/e), functioning but meeting irregularly in 2 municipalities (Zvečan/Zvečan, Leposavic/q), meeting but not functioning effectively in 2 municipalities (Deçan/Dečani, Lipjan/Lipljan), meeting irregularly and not functioning effectively in 3 municipalities (Rahovec/Orahovac, Prishtinë/Priština, Obiliq/c), and not functioning in 4 municipalities (Mitrovica/ë, Gjakovë/Đakovica, Malishevë/Mališevo, Kacanik) (Glogoc/Glogovac not applicable). [DCA]		

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4.1.9	Task Forces, including representatives from the returning community, have been established and function effectively to address individual organized returns projects, where necessary. (Task Forces report to the Municipal Working Group).	Yellow	See 4.1.8. Nonetheless, the task force for ongoing returns projects have continued to function. [ORC]	Yellow	In municipalities with ongoing return projects, task forces have generally been established. [DCA]		
The number of municipalities with sustainable returns increases, including an increase in returns to urban areas, the pace of returns overall accelerates, and the level of unmet							
4.2.1	The PISG will complete implementation of a comprehensive program to ensure full reconstruction of all property destroyed through the violent acts of 17-20 March 2004. These Efforts will involve the affected individuals and within communities within assessment, procurement and implementation phases of the project, and will be undertaken in cooperation with UNMIK's Reconstruction Support Team established to provide technical support to the PISG in this effort. A program to provide furniture and other household items for families whose property was taken or destroyed as a result of the March violence will also be implemented. The PISG will also work with the UN Country Team to assume responsibility for humanitarian relief efforts involving those displaced as a result of the 17-20 March violence.	Yellow	869 houses have been reconstructed of the total number of 897 houses (excluding Podkalaja in Prizren). Of 338 beneficiaries eligible for compensation for secondary buildings, payments were made for 217 cases, and money was received by 198 beneficiaries. Of 636 cases eligible for 2000 Euros start-up assistance, 588 payment orders were issued and 526 beneficiaries have been paid. (report from CIMC). On 19th May 2005, under the supervision of the D/PM, a commission has been established for evaluation of reconstruction quality (11May). Unfortunately, to date, the impact of the review body has not been felt at all in that neither the Municipalities nor the beneficiaries have been informed about this new mechanism for recourse. Pillar II claims that the CIMC reports that have been provided distort the facts and figures since they claim more progress than what has actually occurred. Detailed assessment will be carried out for forthcoming standard implementation assessment. [OCRM]. There has been no progress on the commercial properties.[ORC]. There are unresolved issues with the Tripartite Agreement. [OSCE]. Reconstruction has still not begun on the 57 houses damaged in Prizren/Podkalaja, but these are currently being assessed by a separate commission. Progress has been difficult to measure since reports are not released on a regular basis and are available only in the Albanian language. UNDP no longer provides support to the CIMC and the commission is either unwilling or unable to provide information indicating who has received what assistance. [ORC]MLGA disagrees: "CIMC is regularly providing reports to the government as well as to the SIWG III&IV. Reports are available at least in English and Albanian, and there are summaries in Serbian. As of end of May 1467 persons remain displaced as a result of the March violence and the lack of progress of the reconstruction programme is the main obstacle to the return. Some 30 families have started to return to Svinjare following the KFOR unilateral initiative to take matters into their own hands by completing the reconstruction of secondary buildings with their own funds.	Red	No progress has been achieved during the reporting period. The CIMC has not produced any reports and refused to provide figures during the reporting period, despite ensuring to do so, e.g. in a meeting between OCRM and Minister MCYS on 4 October. UNMIK has collected over 170 claims from beneficiaries, stating that the quality of the works are below standards. After attempting, without success, to secure the review of these claims by the CIMC, UNMIK and KFOR engineers investigated 42 of these claims and concluded that not only all claims were justified but that 38 of the 42 houses inspected were inhabitable. The Government decided on 1 Nov to cease the functioning of the CIMC, a WG consistent of OPM, MCYS, MFE was established to clarify the budget request- however it is not known which body will be responsible to finalize the operational responsibilities of the dissolved CIMC. In Prizren the destroyed houses in Podkalaja are not yet reconstructed, and no budget made available; some cases have not received start-up kit payments (7 Shtime/Stimlje, 3 Fushe Kosove/ Kosovo Polje, 4 in Prizren) and several individuals have not received compensation for secondary buildings. [OCRM] The reconstruction process has not been completed in Mitrovica/e, Skenderaj/Srbica, Vushtrri/Vuctrin. MEST: Schools in Obiliq/ć and Fushë Kosovë/Kosovo Polje were reconstructed. Some of the furniture and teaching material destroyed in March 2004 was still not replaced in spite of repeated reminders from UNMIK. [DCA]		

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4.2.2	The PISG will ensure that sufficient funding is set aside for both reconstruction efforts and household startup programme.	Green	Generally sufficient funding set aside for reconstruction and household start-up programme. So far, no funds have been set aside for the reconstruction of the 57 houses in Prizren, for which assessment is currently on-going. Once this is completed, funding will have to be secured in cooperation with donors. Pledges have been made by Sweden and UNESCO to assist.	Red	see 4.2.1		
4.2.3	All persons displaced in March 2004 who wish to return to their homes are able to do so in safety and dignity.	Yellow	<p>The return situation for IDPs displaced following the riots of March 2004 has not changed. Of the 9 municipalities reporting no return of their March 2004 IDPs in the last reporting period, only Viti/Vitina has reported return of IDPs in the present reporting cycle. Skenderaj/Srbica, prospects for returns to urban areas seem very little in the light of the present security situation in the municipality. Kline/Klina, Peje/Pec and Rahovac/Orahovac have reported return of all their IDPs displaced in March 2004. [OCA]</p> <p>1437 IDPs still displaced at end of June 2005 [UNHCR] 1467 IDPs were displaced at the end of May 2005: K-Serbs 1,292; K-Albanians 54, RAE 101. Out of the total of 1,467 persons still in displacement in Kosovo, 737 were recipients of UNHCR distributed humanitarian assistance. (Source: UNHCR)</p> <p>The figure for the previous month was 1,573. Out of 25 municipalities reporting, following the March 2005 violence, in 2 municipalities (Shtime/Štimlje & Ferizaj/Urosevac) no displaced families have been able to return. In 6 municipalities (Pejë/Pec, Gjiilan/Gnjilane, Kamenicë/Kamenica, Prishtinë/Pristina, Fushë Kosovë/Kosovo Polje & last April in Vushtrri/Vucitrn), only a few families of the March displaced have been able to return; in one municipality - Lipjan/ Lipljan - many have returned. All persons displaced in March have returned in only 3 municipalities: (O/Rahovac, Viti/Vitina, Klina). Klina/e reports that all March 2004 displaced have now returned, whilst Prishtine/Pristina H18, Kamenica/e, Novoberde/ Novo Brdo, Ferizaj/Urosevac, Gjakove/Dakovica, Decan/e report that no March 2004 displaced returns have taken place. Those from Prizren/Podkalaja whose houses have not yet been reconstructed remain in displacement. A Seminar on the reconstruction of the old Prizren neighborhood "Nenkalaja/Podkalaja" took place on 16th and 17th of May organized by the Swedish NGO "Cultural Heritage without Borders" and with participation of representatives of Prizren Municipality, Istanbul Technical Institute, University of Torino, Ministry of Culture, Institute of Protection of Monuments, OSCE and UNMIK.</p>	Yellow	At the end of August, 2726 out of the 4100 March IDPs had returned. UNHCR statistics for September and October showed little improvement as 1374 were still displaced at the end of October. Mitrovica/e and Pristina/Prishtine regions have the largest numbers of March IDPs (681 and 587 respectively, as of Oct) with Pec/Peja the least with 9. According to UNCRH figures for October, 1245 Serbs are still displaced. [UNHCR] The figure varies from 0% in Shtime/Štimlje to 20% in Fushë Kosovë/Kosovo Polje, 25% in Lipjan/Lipljan and 30% in Obiliq/Obilic. Out of the 9 K/Serb affected families in Prishtinë/Pristina Municipality, all those who permanently lived in the houses before March 2004 (4 families) returned after the reconstruction. In Vushtrri/Vucitrn, thirty six Ashkali families with one 178 family members returned in July 2005. [DCA]		

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4.2.4	Municipalities supporting returns through local structures wherever needs have been identified through IDP demand, and all projects described in 2004 Strategy for Sustainable Returns have been reviewed and implemented where there is IDP demand and sufficient funding.	Yellow	<p>Out of 26 Municipalities reporting, for the reporting period, new Concept Papers have been developed in the following Municipalities: Prishtine/Pristina, Obiliq/c, Gjilan/Gnjilane, Noveberde/Novo Brdo, Mitrovica/e, Leposaviq/c, Shtimje/Stimlje, Rahovec/Orahovac. There are still Concept Papers waiting for funds in other 7 Municipalities, and no CP in another 5 Municipalities (Zubin Potok, where there are no persons to return, and Podujeve/o where the demand for return is small). [OCA]</p> <p>Returns projects are ongoing in 18 municipalities and planned in another 9. No projects are planned in Decan/Decani or Zubin Potok. This action point is not applicable to Gillogov/Glogovac.</p> <p>Some progress has been achieved in May and June as a project jointly funded through 2004 returns funds and an NGO supported by the Swedish Government was initiated in the villages of Drsnik and Doloac. Furthermore the Municipality of Klina (with little to no international support) has continued to achieve progress in the urban returns, with 5 returns by mid-June. However, at 1 a.m. on 17 June, two hand grenades were thrown into the front yard of the home of the fourth Serb returnee family where the elderly couple (aged 66 and 68) were sleeping. Fortunately, no one was injured but this will certainly have a strong negative impact on an area that seemed to be making such good progress - even though the returnees have stated that this will not affect their decision to stay.</p>	Yellow	<p>A process to review and amend the existing strategy is ongoing in cooperation between UNMIK, PISG and relevant key players at all levels. The lack of funds remains a major challenge, OCRM has identified a funding gap of € 30 million for existing concept papers. CPs/return projects have been developed in Prizren, Dragas/h, Peja/Pec, Istog/k, Kline/a, all consistent with the still applicable Manual for Sustainable Returns. In Prizren 4 out of 5 CPs are developed by intl NGO's, 1 by a local NGO. Pejë/Peć developed 5 CPs, including 1 for urban return of K/Serbs; 7 CPs developed in Istog/k and approved by MWG. Klinë/a developed 5 CPs for rural return sites, they have been endorsed in the last 15 months, including the first CP ever prepared entirely by local players. As such, Klinë/a set another precedent in Kosovo by committing itself to full implementation of the return project in Klinac/Klinavac village. This CP was recently approved by the central review mechanism as a top priority and soon the Municipality signs an MoU with UNDP for implementation under the SPARK programme. Prishtinë/a and Shtime/Štimle, Lipjan/Lipljan developed CPs. In Gjilan Region, 5 out of 7 municipalities have developed CPs (Strpce, Kacanik not), Leposavic/q has developed a CP during the reporting period. 10 Municipalities (Pejë/Peć, Dragash/s, Gjakovë/Đakovica, Rahovec/Orahovac, Suhareka/Suva Reka, Istog/k and Klinë/a, Strpce/Shterpce, Ferizaj/Urosevac, Gjilan/Gnjilane) have assessed the demand for returns through various mechanisms such as MWG, NGOs or through other agencies. Dečan/Dečani has not received the information requested form CCK on potential returnees in order to assess the demand. Partial assessment of the needs of IDPs has been made in Shtime/Štimle and FK/KP. In Mitrovica region, municipalities are aware of the needs of IDPs, but have very limited financial sources and capacity to meet these demands. [DCA]</p>		
4.2.5	All returnees are provided with adequate identification documents in a timely manner. The responsible authorities provide, to the extent possible, returnees with any other documentation necessary in order for them to exercise their right to return.	Green	This has been achieved.	Green	Returnees have access to documents, but UNMIK intervention is still required in some municipalities. [DCA]		

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4.2.6	Returns projects that are consistent with the Manual for Sustainable Return are developed and implemented in all locations where sufficient demand is identified.	Red	<p>With significant delay the MCR has transferred the funds to UNDP, the MoU had to be amended from EUR 8,8 million to EUR 7,4 million as the MCR started reconstruction project in Zociste not in compliance with Manual, no sustainability component, no beneficiary consent, no MWG endorsement.</p> <p>On 28 July the "SPARK" project document, implementing the MoU, was signed by UNDP, UNMIK/OCRM and MCR, Minister Petkovic, on the same day request to transfer EUR 7,4 million was signed by MCR. (Comment: the transfer took place on 8 August.)</p>	Red	<p>GAR/RRRF will be replaced by the SPARK programme. The Minister MCR continues to disregard key elements of the SPARK programme, causing delays in implementation of projects approved and identified through the Central Review Mechanism (CRM). MCR transferred € 7,4 Mio to UNDP for the implementation of the SPARK project in August. However, as of November, MCR Minister had refused to sign off on any of the returns projects. (contrary to earlier agreements as outlined in various correspondence, the SPARK MoU and project documents, MCR is objecting the involvement of an implementing partner and wants to directly implement the projects). To date not a single project is being implemented through SPARK. More community, returnee and IDP participation should generally be encouraged. Closer collaboration among and active participation of communities, returnees and IDPs in the implementation of returns projects needs to be sought. Their level of involvement is not sufficient. A Brezovica IDP workshop in September, in which MCR participated, also signaled need of IDPs participation. MCR has completed the reconstruction of some 16 (out of 44 planned) houses and an ambulanta in Zociste is ongoing. The houses are of excellent quality but the project is not in compliance with the Manual for Sustainable Returns, does not include income generating components, none of the beneficiaries has yet returned. [OCRM]</p> <p>In Dečan/Dečani and Gjakovë/Đakovica 2 families have spontaneously returned. In Malishevë/Malisevo 1 Roma family returned with 12 members and where allocated a flat in a social housing facility. In Pejë/Peć 90 K/Serb families have returned to Siga, Brestovik, Ljevosa and 71 to Belo Polje. 13 RAE families have also returned to 5 different locations. Ongoing projects in Dragash/š for 28 families from Serbia is an integrated project comprising of housing, income generation assistance and infrastructure improvement. In Istog/k, Kosh/Kos village, 37 families returned with 80 members. The project was funded by EAR (28 houses) and a Swedish NGO (9 houses) an infrastructure component was supported through KCB. [DCA]</p> <p>MLGA assessment: YELLOW.</p>		

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4.2.7	Returns projects in urban areas involving repossession of residential property developed and implemented, respecting the right to return in safety and dignity, wherever demand is identified.	Yellow	<p>Klina Municipality has singled itself out by continuing to achieve remarkable progress in this area with little to no support. Kline/a urban return continues, with the 10th return to Kline/a town reported in July. The first K-Serb businessman returned to Prishtine/Pristina. In Viti/na the general trend is of minorities selling their properties located in the urban areas. Forced returns to Pristina have been reported. RAE return projects are being implemented in a number of municipalities (Gjakova/Djakovica, Vushtrri/Vucitrn, Istog/Istok, Suhareka/Suva Reka, Mitrovice/Mitrovica and Fushe Kosove/Kosovo Polje). [OCA]</p> <p>Urban returns have occurred or are in progress in 10 municipalities, are planned in 6, and are not planned in 13 (Glllogovc/Glogovac excluded).</p>	Yellow	<p>MCYS coordinated in cooperation with the Swedish NGO CHwB a project for the rehabilitation of Podkalaja/Nenkalaja area in Prizren, which aims at facilitating the returns of minorities (mainly Serbs) to the area through the reconstruction of 78 houses and at developing a preservation plan for Podkalaja/Nenkalaja in the framework of the rehabilitation of the historical zone of Prizren. Three spontaneous returns took place to Prishtinë/Priština City. There are 3 cases of return in Kamenice/Kamenica. In Prizren Municipality urban returns take place on an ad hoc basis. In Pejë/Peć (1), Deçan /Dečani (1), Istog/Istok (2), Gjakovë/Đakovica (2) projects for RAE urban returnees are developed, but the main obstacle is funding. In Klinë/Klina Municipality 20 Kosovo/Serb families have returned. In Klinë/Klina another K/Serb rural return project is ongoing in Drsnik/Dresnik. In the light of the successful implementation in Kline/a, Lipjan/Lipljan municipality is starting to develop an urban return project. On 17 Nov 6 RAE heads of families returned to Suhareke/Suva Reka town from FYROM (this is an ARC/GAR project). In Vushtrri/Vucitrin, the urban return was planned for 59 Ashkali houses, 36 Ashkali families returned in July 2005. [DCA/OCRM]</p>		
4.2.8	Individual and small group returns effectively and promptly served by mechanisms to support their sustainable return (including BPRM and UNHCR programs, and the RRRF), and responsibility for those mechanism is ultimately assumed by municipalities.	Yellow	<p>UNHCR figures give a total number of 126 Voluntary Minority returns in June, broken down into six (Serbs, Roma, Ashkalia/Egyptian, Bosniak, Goran and Albanians) ethnic groups. [UNHCR]</p> <p>On 4th of July, the Minister of MCR signed the MOU with UNDP agreeing on the capacity of signing (basis of witness). Project with IOM currently developed. SPARK funds were transferred on 8 August. [OCRM]</p>	Yellow	<p>UNHCR figures give a total number of 115 Voluntary Minority returns from different ethnic communities (Serbs, Roma, Ashkalia/Egyptians, Bosniak, Goran and Albanians) in October, (135 in Aug, 250 in Sep). The total number of voluntary minority returns for 2005 is 1768, the total since 2000 is 14146. [UNHCR] In Mitrovice/Mitrovica, some spontaneous returns have occurred, with the assistance of UNDP RRRF programme, no support from the side of the municipalities was observed. [DCA] A project to strengthen the receiving capacity within municipalities was developed by IOM. The implementation of a pilot phase is expected to start in Jan 06, in Peje/Pec, Istog/k, Kline/a municipalities, if funding is made available it could soon be extended to Dragas/h, Prizren, Gjakova/Djakovica and Rahovec/Orahovac. (OCRM)</p>		

#	Action	Aug	Comments August 2005	Nov	Comments November 2005	Apr	Comments April 2006
4.2.9	When there is resistance to return at municipal or local level, it is responded to promptly and eliminated through coordinated action (including dialogue). Central returns and communities structures actively monitor progress and intervene to remove obstacles. Ethnic Community leaders also contribute to returns process.	Green	<p>Kacanik developed returns strategy in July [OCRM].</p> <p>Out of 24 Municipalities reporting, non-resistance has been registered in 14 Municipalities. In another nine municipalities, some resistance has been shown, and dealt with through dialogue. Some problems are still to be dealt with. In Zvecan, there is support for returns only for the persons who can prove that they have lived in the municipality before 1999.</p>	Green	<p>Positive developments were noted in 4 municipalities; 1. Prishtinë/Priština, where local Albanian leaders in Kojlovica/e opposed a Go and See visit by Serbs in June 2005, the Deputy MAP held a special meeting with them and convinced the local representatives to allow the GSV. 2. In Rahovec/Orahovac a MWG sub-group visited Zociste and overcame resistance. 3. Pejë/Peć the Municipal leadership has publicly rejected a petition against the return to Siga village. 4. Following resistance in Zheger/Zegra, Gjilan/Gnjilane Municipality, the MP held meetings with community leaders and organized a public gathering to motivate the public to support the return process. No action has been reported from 4 municipalities; Obiliq/Obilić, Malisheve/Malisevo and Deqan/Decani where K/Albanian leaders did not undertake any action to mitigate the resistance to returns, nor did the leaders in Zvecan/Zveqan support IDPs, who have indicated interest to return but the conditions in the receiving communities are not favorable. According to UNMIK more efforts are needed in Ferizaj/Urosevac to engage community leaders to effectively meet resistance towards returns. [DCA]</p>		

#	Action	Aug	Comments August 2005	Nov	Comments November 2005	Apr	Comments April 2006
4.2.10	Community members accurately informed through established contact with relevant PISG officials about the prospect for return.	Green	<p>The Strategic Framework on Communities and Returns has been launched on 19 July. A comprehensive outreach programme by Government is currently underway.</p> <p>There have been many activities during the past months. The MCR has been particularly active in contacting IDPs. While initially, there was confusion as the information provided was not always accurate and creates unrealistic expectations, this improved over time. Both Ministers of MCR and MLG paid a visit to IDP/refugees in Montenegro and Macedonia in order to establish direct contact as well as to inform them about the possibilities of return. Subsequently, ORC facilitated a two day visit by a Montenegrin government delegation, led by Montenegro's Assistant Minister of the Social welfare. The delegation visited the displaced people to Kline/a and Peja/Pec. They also had the chance to discuss and receive returns related information by meeting municipal authorities, and officials from PISG ministries (MCR, MLG, MLSW and OPM) in order to assess the possibility of return of displaced people.</p> <p>OCA: High level visits and activities from the PISG side are to be commended but still it is far from the stage to claim that community members are accurately informed. The activities are ongoing and will takesome time to be considered achieved.</p>	Green	Focus on accurate information of IDPs is given in the process of the development of a new returns strategy, inclusion in working groups and closer cooperation and consultation with IDP associations and representatives is sought. MCR continues to strengthen its collaboration with community members and key players, including IDP associations, at all levels to strenghten a concerted effort in the returns process. At the Brezovica/e IDP workshop, MCR strongly articulated the importance of establishing contacts with all stakeholders in the returns process. A Kosovo-wide outreach programme is underway with MCR playing a leading role.[OCRM]		
4.2.11	Revised edition of the Manual for Sustainable Return is completed and distributed. Changes reflected in the revised Manual are implemented.	Yellow	Revision of Manual of Sustainable Returns will be developed by the end of the year, as follow up action to the launch of the Strategic Framework.	Yellow	PISG is participating in the revision of the Manual for Sustainable Returns. PISG representatives participate in the Working Groups to revise the existing returns policy, some representatives (MCR/MLGA) have failed to attend several meetings (which as a result had to be cancelled). Furthermore the MCR has not fulfilled engagements vis a vis UNDP and UNMIK and has failed to appoint personnel to participate in the joint programme implementation unit as agreed in the SPARK MoU. [OCRM].		

#	Action	Aug	Comments August 2005	Nov	Comments November 2005	Apr	Comments April 2006
4.2.12	Rate and location of returns and extent of demand closely monitored and reported in transparent manner, including information on ethnicity and gender of returnees. Improved monitoring of ongoing displacement, including property sales.	Yellow	IOM project currently being developed.	Yellow	IOM projects currently being developed, consisting of three main components; to provide field-based information to relevant stakeholders, to expand local reception facilities, and to enhance municipal and administrative capacities. (OCRM)		
4.2.13	Information database regarding displaced population, demand within displaced population, and level of returns is improved.	Yellow	Negotiations have begun with both IOM and an NGO in Austria to establish an information system (including databases) to support the returns process. While, this will take several months to actualize, capacity-training for PISG staff will be part of the project. As well, MCR reports that is is working to establish a database of those who wish to return; that it is collecting data; and that it is preparing a platform to hold this information.	Yellow	Work on MCR database on IDPs was put on hold for unknown reasons. OCRM plans to work with MCR to re-start work on it. Also COCG's project review committee has held preliminary discussions for the development of a website with a database component, to sensitise IDPs in Serbia on returns. [OCRM].		
Returnees to Kosovo are able to participate in the economy and job market without discrimination and limitations based on the freedom of movement.							
4.3.1	Minority employment in both central and municipal levels of government, civil service, and public utilities in accordance with proportional ranges and with equitable distribution of ethnic communities in senior-level positions. Full implementation of Section 10 of Administrative Direction 2003/2 implementing UNMIK Regulation 2001/36 (Fair Representation in Civil Service), UNMIK Regulation 2001/19 and UNMIK Regulation 2001/36. Civil Service Law is strictly enforced in cases of discrimination and unethical conduct.	Yellow	<p>Minority employment targets have been met or exceeded in 16 municipalities. 8 municipalities have reached 70% of their target, and 3 municipalities are below 70%. (3 municipalities are exempt: Glogovac/Glogovac, Kacanik and Malisevo/Malisevo.)</p> <p>The situation in the ministries has improved slightly, as out of some 100 posts set aside for minority candidates in various ministries; some 30 have been successfully filled by minority candidates. The Government has shown a good initiative in approving a 16.6% requirement for minority participation at the central level in June 28 meeting. [OCA] Other 100 posts to be distributed within the municipalities with an agreement between MEF & OPM.</p> <p>Minority employment at both central and municipal level remains below targets. However, the OPM has, in coordination with MLSW, launched a special recruitment strategy with the aim of increasing the percentage of minority employment at the central level. More than 100 positions have been earmarked for the minorities. Some of the vacancies have remained open because no appropriate candidates applied. In the course of ongoing downsizing, care must be taken to avoid lay-offs which will be detrimental to minorities. Worrying signals are coming from mixed municipalities where minority education and health staff are identified for the downsizing as a result of municipalities being overstaffed and MFE instruction to revise their staffing figures. Where minority employment is below required representation any further downsizing of minority employees would be a major setback.</p> <p>In May 2005 Ministry of Transport acknowledged severe under-representation of minorities working on public</p>	Yellow	<p>MPS reports that the total percentage of minority staff in 36 Ministries and Central institutions is 10,68% (5,94% Serbs, 1,24% Turks, 3,48% other minorities). (MPS, info from Sep) In MoH, 9.27 % of all staff employed is from minority ethnic groups. Expected level is 16,6%. The current situation is likely to remain static in the foreseeable future. MCYS reports approx 10% minority staff.</p> <p>On municipal level 17 municipalities have reached almost full or full compliance with the minority employment targets (Rahovac/Orahovac, Suhareke/Suva Reka, Pristina/Prishtine, Podujevo/Lipjan/Lipljan, Obiliq/c, Mitrovica/e, Zvecan/Zveqan, Skenderaj/Srbica, Gjilan/Gnjilane, Kamenica/e, Viti/na, Strpce/Shterpce, and Noveberde/Novo Brdo and three Municipalities exempted from the quota). 7 municipalities have reached 70% or more of their target (Gjakova/Djakovica, Istog/k, Vushtri/Vuctrin, Prizren, Zubin Potok, Fushe Kosovoe/Kosovo Polje and Dragash/s), 6 do not comply (Deqan/Decani, Peje/Pec, Kline/a, Leposavic/q, Ferizaj/Uroshvac and Shtime/Stimlje). 3 municipalities exempted are (Glogovac/Glogoc, Kaq/canik, Malisevo/Maliseve). (information from 3rd quarter update, 30 Sep 05) [DCA]</p>		

#	Action	Aug	Comments August 2005	Nov	Comments November 2005	Apr	Comments April 2006
4.3.2	Continued inclusion of income generation components in concept papers supporting returns projects, and development of regional approaches to income generation.	Red	Zociste: MCR disregards all non-reconstruction related components. Some returns papers are continuing to be developed in consultation with the displaced, receiving communities and Municipalities. In these cases, income generating projects are being integrated and efforts are being taken to integrate these components in a regional perspective. However, the MCR is announcing a series of returns projects for which no concept document has been developed and for which, therefore, no consultations have taken place with the displaced and receiving communities. The economic sustainability of these concepts are not realistic as they either are based on the construction of a factory or an increase of the number of civil servants in a given municipality so to employ returnees.	Yellow	During the reporting period 27 concept papers with income generating components are still awaiting funding (3 chosen for SPARK, implementation did not start). CP's in: Vushtrri/Vucitrn (1), Viti/na (1), Gnjilan/Gjilane (3), Prizren (5), Dragas/h (3), Peje/Pec (5), Istog/k (7), Klina/e (5), Lipjan/Lipljan (1 Project paper). The MCR returns project to Zociste still disregards the requirement for non-reconstruction related components. Furthermore MCR generally gives focus to reconstruction of houses, disregarding the need for income generating components in projects identified for implementation through the CRM. [DCA]		
4.3.3	Identify and remove barriers to the participation of community members in the economy and job market, including those obstacles deriving from gender-biased procedures, practices and behavior. Ensure returnee and IDP participation in vocational/professional training and programs, promoting a gender-sensitive approach.	Yellow	The MEST has a Gender and Community Division that is working on the implementation of community policies.	Yellow	Economy and job-creation remain a major challenge Kosovo wide and for members of all communities, the situation did not change over the reporting period. In the process to develop a new returns strategy a working group on 'Economic Development', co-chaired by MFE and UNDP was created, in order to address major obstacles for returnees and identify possible solutions for inclusion of returnees in the economic development. [OCRM] The MEST has a Gender and Community Division that is working on the implementation of community policies. (MLGA)		
Health care, social services, education and public utilities are available to returnees on a level equal to that of the rest of the population.							
4.4.1	Ministries develop and implement centrally coordinated measures/policies to improve communities' access to essential services.	Yellow	There are now 5 working groups which have been set up to implement the Programme on the Reform of Local Govt. To monitor service delivery to all communities, the Government has formed an inter-ministerial committee with the Permanent Secretaries under the chair of the Permanent Secretary from the OPM. A secretariat will support the Committee (approximately 2-3 officials) and will be placed at the Ministry of Public Services which will provide administrative support and coordinate meetings and compile data. Term references are drafted. [MLGA] Focal Points in ministries should be activated and develop a more proactive approach. [OCRM]	Yellow	MAFRD has strengthened its sub-office in Zvecan/Zveqan. Staff provide technical assistance and services to minority farmers and traders that have difficulty to access ethnic majority inhabited areas. The Kosovo Veterinary and Food Agency (KVFA) within MAFRD, has set up a new Veterinary Station for the provision of better services to mainly minority community farmers in Zubin Potok, particularly during vaccination campaigns. Serbs have access to basic health services, but reportedly limited access to secondary and tertiary health services. [DCA] An increase parallel structure health and education facilities, serving exclusively the K/Serb community, has been observed. (MLGA)		

#	Action	Aug	Comments August 2005	Nov	Comments November 2005	Apr	Comments April 2006
4.4.2	Education in one's own mother tongue is made available throughout Kosovo to communities that meet the criteria and the desire for such education has been expressed.	Yellow	Pre-primary, primary and secondary education is available throughout Kosovo in Albanian, Serbian and Turkish. Bosnian and Gorani face some problems with secondary education, as there is a limited choice. For higher education, especially Gorani and Bosnians communities do not yet have a sufficient variety of higher education options.	Yellow	Education is generally made available where demand exists. Pre-primary, primary and secondary education is available throughout Kosovo in Albanian, Serbian, Bosnian and Turkish. For higher education, especially the Gorani and Bosnian, communities do not have sufficient options. A program for the introduction of an optional Roma language course had been developed, no follow-up or implementation is reported. Education in one's mother tongue is available in all municipalities, except Ferizaj/Urosevac (where shared school is currently under construction in the village Babljak), Skenderaj/Srbica. However, parallel structures continue to increase in the reporting period. [DCA]		
4.4.3	Minority students are able to attend mixed or shared schools should they so choose, without being subject to harassment.	Green	At the meeting of the Prishtine/Pristina Communities Committee, the Ashkali community representative expressed concerns over the harassment of their children in the school (Emin Duraku School) and problems with the Project Coordinator. The issue will be addressed by MEST and monitored by the Communities Committee.	Green	MEST reports that children belonging to minority communities can generally access majority schools, with the exception of K/Serb children. The situation for K-Serbs remains unchanged; most attend separate schools in enclaves. [DCA]		
4.4.4	All schools offer teaching of minority language courses where sufficient demand exists, including qualified teachers and textbooks in minority languages.	Yellow	At the beginning of June, MEST announced that it would implement a pilot project to provide Serbian language courses for Albanian students and vice versa. Schools of the Gorani, Turkish and Bosniac communities do provide courses in Albanian language. Roma language courses are still in the process of being developed by MEST for the Roma community children.	Yellow	MEST has approved a project proposal for mixed pre-primary classes in 6 municipalities for K-Serb, K-Albanian and K-Turkish children. Save the Children Kosovo will implement this project with MEST support. (DCA)		
4.4.5	Administrative Direction on past public utilities debt relating to properties of displaced persons has been adopted and implemented.		The implementation of the Administrative Direction declined because people prefer to negotiate past public debts with KEK directly, hoping to reach a better deal, since the AD refers only to debts prior to September 2002.		No changes [OCRM]		
4.4.6	Connection and supply of public utilities to returnees is provided efficiently and without discrimination.	Green	No discrimination has been observed in supply of public utilities to returnees, except in cases of Obiliq/c and Viti/na, where UNMIK involvement was needed to secure electricity connections for returnees. Note that KEK bills in the municipality of Novoverde/Novo Brdo rename the municipality into Artana. [OCA] Major delays in provision of public utilities observed in Svinjare [OCRM].	Green	No changes reported, no discrimination has been observed in supply of public utilities to returnees. [OCRM]		

#	Action	Aug	Comments August 2005	Nov	Comments November 2005	Apr	Comments April 2006
4.4.7	Monitor returnee access to social services, education and public utilities, using a gender-sensitive approach, and ensure that all barriers preventing the equal access to services are effectively removed.	Yellow	A Committee of Permanent Secretaries of OPM, MPS, MEF and MLGA has been put into place to monitor access of minorities to public services. The ToR can be provided. A technical secretary from the MPS has been assigned to assist the work of the Committee. [Comment from MLG]	Yellow	In general access to public services is available, although the perception in the Serb communities is that health facilities cannot be accessed due to security concerns and linguistic problems. In the case of Klinë/ Klina, returnee access to education was not provided by the PISG, the Serb returnees were offered to integrate in a nearby Albanian school, the children do now attend a school opened in Vidanje (satellite school from Osojane, Istog/k, operated by parallel system). A shared school is currently under construction Babljak, Ferizaj/Urosevac. Peja/Pec reports on active engagement of the municipality in promoting inclusion of minority children in the educational system. [DCA] K-Serbs community declined the offer of participating in the PISG educational system. (MLGA)		
4.4.8	Implementation of actions undertaken to dismantle, or integrate into PISG structures, parallel structures for the provision of services according to the implementation plan on Functioning Democratic Institutions.	Yellow	The Working Group on Dialogue with Belgrade has begun to address some of these issues. As well, discussions are to begin between the Ministry of Health in Belgrade and the MoH in Pristina on how to coordinate treatment of RAE children affected by lead. See also 6.7.5 and 6.7.6 (Standard 6) on progress regarding cadastral records. [OSCE]	Yellow	The Kosovo Forest Agency (KFA) - within MAFRD – has employed sixteen minority community representatives from the Shterpece/Štrpce Socially Owned Forest Enterprise; minority community representation within the KFA is now 15% of the overall total. MoH reports that no action was taken regarding the existence of parallel structures in the Health sector. (DCA)		
Returnees face no greater risk of violence than the population as a whole, and police and the judiciary respond promptly and without discrimination to crimes, irrespective of							
4.5.1	Development of crime prevention councils in municipalities with significant inter-ethnic population or potential returns and effective implementation of these councils.	Yellow	LCPCs are established and functioning in 24 municipalities. LCPCs are established and partially functioning in 3 municipalities (Malisheve/Malisevo, Decan/Decani, Ferizaj/Urosevac). LCPCs are established but not functioning in 3 municipalities (Pristine/Pristina, Lipjan/Lipljan, Zubin Potok). In Pristine/Pristina, LCPC meetings have stopped since February 2005. In Zubin Potok the meetings have been suspended since March 2005 in protest against attacks against K-Serbs in Istog/Istok. [OCA]	Yellow	see 3.2.2 All LSCS (former LCPCs) are established, with exception of Zubin Potok. Since the handover of chair from UNMIK to local authorities several municipalities report lower frequency and lower quality of meetings (e.g. Suhareke/Suva Reka). Pristine/Pristina and Obiliq/c not meeting over reporting period (OB since handover of chair). Malisheve/o, Zvecan/Zveqan, Mitrovice/a do not meet regularly. (DCA) On 16 August MLGA issued an Administrative Instruction No 05/2005 on the Use and Management of Municipal Public objects, regarding permission of usage of public buildings in consultation with minority representatives and police. (MLGA) see 3.2.3. Generally level of initiatives to promote freedom of movement should be increased. E.g. LCSC Decan/Deqan meets regularly but does not discuss how to improve security. A decrease in quality and quantity of LCSC meetings has been reported since the handover of the chair to municipal authorities in several municipalities. (DCA) More activities which contribute to addressing freedom of movement concerns and promotion of freedom of movement need to take place.		

#	Action	Aug	Comments August 2005	Nov	Comments November 2005	Apr	Comments April 2006
4.5.2	Meet standards relating to security within the transition strategy towards professional, impartial and multiethnic KPS.	Green	No change. [OCA]	Green	KPS currently employs 15,16% minority community members. No figures on the percentage of minority employees on medium and senior level obtained. (OCRM)		
4.5.3	Political leaders at all levels publicly encourage all Kosovans to cooperate with police in solving all crime, including inter-ethnic crime.	Green	Leaders at all levels are encouraging all people of Kosovo to cooperate with police, in solving and condemning inter-ethnic crimes. [OCA] On 6th of July the PM, Minister of MLGA and Presidents of Municipalities have signed a declaration calling for implementation of democratic standards in Kosovo's society rule of law, sustainable returns, respect of property rights. [MLGA]	Green	See 3.1.1. Generally incidents are condemned. A murder case which occurred on 27 August, in Strpce/Shterpce, Gjiljan/Gnilane Region, where two Kosovo Serbs were found dead and two injured, was widely condemned by central level authorities. On municipal level condemnations are still prompted by UNMIK. In Vushtrri/Vucitrin 2 stoning incidents occurred, the municipality responded promptly, in Podujeve/o prompt action was taken by LCSC on alleged intimidation of an Ashkali. In Lipjan/Lipljan the local authorities did not condemn the murder of two K/Serbs originating from LI municipality (in Strpce/Shterpce). An attack on the K/Serb KPS Regional Commander, which occurred on 28 September in Kac/qanik, was widely condemned. MCYS Minister publicly supports reconstruction activities, including Orthodox sites. MEST reports more active role of majority leaders in publicly supporting all communities (without giving specifications). MLGA Minister regularly visits minority communities and IDPs in Kosovo, encouraging their return. Minister LGA has requested UNMIK to facilitate dialogue with Northern Municipalities. [DCA]		
4.5.4	In addition to what may be accomplished through regular operational activities, increase public confidence in police through community policing, proactive public information strategy and better public understanding.	Yellow	According to OCA and despite a difference in interpretation with the Rule of Law Standard (2.5.2), this is not a success story. Sixteen municipalities either do not have a public information strategy or did not submit the requisite information. Pro-active municipalities are: Gjiljan/Gnjilane, which produces a monthly journal intended to promote LCPC's, Novoberde/Novo Brdo, where leaflets have been distributed which explain and promote the neighbourhood watch scheme and Istog/k where a community safety action team has been formed to increase awareness of community safety and freedom of movement. The following locations are actively practicing awareness campaigns: Fushe Kosovo/Kosovo Polje is printing posters expressing tolerance and coexistence, whereas in Viti/Vitina, the KPS community police are organizing summer/winter camps. [OCA]	Yellow	see 3.4.2. Most CPI's are mixed or international. Positive impact assessed in Prishtine/Pristina Rural North, Istog/k, Kline/a, Ferizaj/Urosevac, Svinjare, Vushtrri/Vucitrin, increasingly positive impact in Peja/Pec, Gjakova/Djakovica, Decan/Deqan, no to very limited impact in Obiliq/c, Lipjan/Lipljan Prizren, Suhareke/Suva Reka, Dragas/h. Gjiljan/Gniljane the initiative is internationally driven and not accepted by minority leaders. Zvecan/Zveqan MCO has requested establishment of CPI in three K/Albanian villages. [DCA]		

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4.5.5	Judiciary provides high-level of rights protection, including equal access to justice and adherence to fair trial standards for communities and effective enforcement of laws relating to ethnic discrimination. (See Rule of Law Implementation Plan)	Yellow	6 CLOs currently open, recently Priluzhë/Priluzje. 4 planned in August (Mitrovicë/Mitrovica, Shillov/Silovo, Osajane, Novake), 2 in Sept, location to be verified, funding obtained. Court documents are not being delivered to North Mitrovicë/Mitrovica as court messengers are unwilling to travel to this area. The JIS has written to the DJA requesting recruitment of suitable messenger and offering assistance of JIS to ensure that effective strategies are in place to target minority communities in the recruitment process. Secretary of the Prishtinë/Priština Municipal Cadastre Office refused to cooperate with an investigation being conducted by the CLO (KS) staff from Gračanice/Gračanica, despite a written request by the Director and undertaking of his supervisor. The Secretary denied access to the cadastre's documents required to investigate complaints of fraudulent transactions of real property. The DOJ is following up. A new international staff member has joined the JIS temporarily and is assisting the CLO in going to three municipalities where CLOs cannot go unaccompanied. The investigation into complaints of courts not adhering to the applicable law on official communication in Serbian, Albanian, and Turkish has been forwarded to an audit team in the Judicial Inspection Unit. Their findings will be reported in due course. Non-adherence to the law is ongoing in several courts despite letters from DoJ instructing them to adhere. New visits to courts not previously visited revealed non-adherence in the municipal and minor offences courts of Skenderaj/Srbica and the municipal court of Vushtrri/Vucitrm. (UNMIK Pillar I)	Yellow	There are 7 fully staffed and operating CLO's in Gračanice/Gračanica, Novoberde/Novo Brdo, Gorazhdevc/Gorazdevac, Hoca i Madhe/Velika Hoca, and Vrbovc/Vrbovac, in Shillov/Silovo and Priluzhe/Priluzje they were opened in July and August. An additional 3 CLO's were set to open in Babljak, Osojan/Osojane and Novak/Novake. Due to lack of funds in the DOJ budget, staff from other CLO's are temporarily staffing these offices part-time and are providing this much needed service to these minority communities. Two additional sites were identified in Gjilane/Gnilane Region, no funding is available. The CLO's have also started a project on writing of claims for damages related to the conflict and following the arrival of UNMIK. This project is meant to fit into the human rights mandate of the CLO's. The 17000 claims filed in 2004 for damages following the arrival of UNMIK are still suspended pending a decision of the DOJ on how to proceed with these claims. However this suspension has also affected approximately 24 claims related to March 17. (Pillar I)		
4.5.6	Community members are able to travel without restriction or escort as a result of improved security environment through community policing, visible support by PISG and access to safe transportation (as per 16.1 below).	Yellow	See Freedom of Movement 3.2.6. Of note, the Serbian Minister of Communities and Returns walks around Prishtine/Pristina without an escort. (ORC)	Green	The freedom of movement of the minorities is improving; they increasingly use public and/or private transport. UNMIK humanitarian transport is still used in Vushtrri/Vucitrm, Pristina/Prishtine, Gjilane/Gnjilan, Istog/k, Klina/e. KFOR stopped regular escorts since 10 August, some 'irregular' escorts are still provided, mainly for Orthodox clergy in SW region. (DCA) See 3.2.4., 3.2.5, 3.2.6.		

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4.5.7	Community Dialogue and response to violence are increasingly dealt with through joint initiatives, including Communities Committees and Mediation Committees, crime prevention councils and other forums which engage discussion and negotiation to prevent and resolve security -related concerns.	Yellow	<p>16 municipalities have functioning Communities Committees. Of these, 7 also have functioning Mediation Committees and 5 others have Mediation Committees but have not received any referrals from the Communities Committee.</p> <p>8 municipalities have partially functioning Communities Committees, 4 have established CCs but they do not function (Obiliq/c, Lipjan/Lipljan, Mitrovica, Skenderaj/Srbica). Malisheve/Malisevo has not established a Communities Committee (Glogovc/Glogovac is exempt).</p> <p>7 municipalities have functioning Mediation Committees, 7 have partially functioning MCs, 7 have established MC but they do not function, 7 MCs have not received any referrals. Malisheve/Malisevo has not established a Mediation Committee (Glogovc/Glogovac is exempt). [MRs]</p> <p>Where the CCs and MCs do not function, this is partly due to non-participation of minority community members. Attempts to improve the functioning by changing the chair of CC has not yet yielded results. [OCA] There is little or no initiative in the following municipalities: Pristine/Pristina, Lipjan/Lipljan, Obiliq/c, Suhareke/Suva Reka, and Decan/e. In Fushe Kosove/Kosovo Polje, a concept paper is being planned. Gjilan/Gnjilane police are targeting areas of high crime. In Peje/Pec, the Municipal President visited the returns village of Belo Polje where he urged the Kosovo Serbs to visit Peje/Pec town. In Istog/k, the Municipal President visited Osojan/e village where he urged the Kosovo Serbs to visit Istog/k town. The Municipal President of Decan/Decani visited a returns project.</p>	Yellow	<p>CC's are established in most municipalities (with exception of Lipjan/Lipljan, Obiliq/c, Malisheve/Malisevo) but several report that they are not well functioning (partially due to non-participation of minority community members, or no referrals of from CC to MC). Attempts to improve the functioning, by changing the chairperson of CC's, had positive results (Pec/Peje CC meets regularly and effectively). Positive development also in Zvecan/Zveqan, where through CC involvement, the problem of Roma in Zitkovac camp was overcome. On 24 November the K/Serbs in Lipjan/Lipljan submitted names of CC participants. Over the reporting period regular and effective meetings are reported in 6 municipalities: Peje/Pec, Gjakova/Djakovica, Istog/k, Kline/a, Fushe Kosove/Kosovopolje, and Zvecan/Zveqan. The other municipalities report that the work of the CC's could still improve significantly. The functioning of MC's depends to a significant extend on the work of the CC's (cases should be referred from CC to MC). (DCA)</p>		
Funding is allocated from the KCB to support returns projects and smaller communities.							
4.6.1	Sufficient funding regularly allocated from KCB to support returns projects and communities, including the earmarking of funds to support municipalities constructively engaged in returns projects and minority integration,	Red	<p>The Ministry of Communities and Returns has continued to disregard earlier agreements on staffing and resourcing. It has attempted to illegally transfer (i.e., without prior consultation with UNMIK and in contravention to Regulation 2005/12) €1.3 million from the GAR and RRRF funds to the MCR Administration line. The SRSG's intervention managed to only partially reverse this action because the MCR was able to use €580,000 out of this € 1.3 million. This also adversely affects the SPARK MoU with UNDP since only 93% of the total €8.8 million, required to be allocated under this, is currently available. [OCA]</p>	Yellow	<p>The Government adopted a draft budget 2006 establishing a separate budget line for funds earmarked for well-performing municipalities. This is based upon a recommendation from the Grants Commission to establish an incentive system supporting municipalities with a positive record on Standards implementation and minority integration. [MLGA]</p>		
4.6.2	Funding is distributed fairly to address returns priorities, and projects funded through Kosovo budget are implemented effectively.	Yellow	no changes reported [OCRM]	Yellow	no changes reported [OCRM]		
Visible support of the returns process by community leaders and public information and education efforts supported by the PISG create a climate of tolerance and support							

#	Action	Aug	Comments August 2005	Nov	Comments November 2005	Apr	Comments April 2006
4.7.1	The PISG will develop and implement immediately a groundbreaking systematic program to reach out to the Kosovo Serb and other ethnic communities in order to rebuild trust and confidence between the communities. These efforts will also include planning medium and longer-term reconciliation and inter-ethnic dialogue strategies.	Green	<p>PISG has launched its outreach programme "we can live together" with several field visits this month of several Ministers. Many more visits are scheduled for the next coming weeks. The programme mainly consists in visits from political leaders to create an environment that promotes tolerance, respect of diversity, freedom of movement, human rights, the right on property. As well it intends to call for integration and employment of minorities which are less represented in the institutional life in Kosovo. The final aim of this engagement in the end will be regaining the trust, as a priority and a precondition of security and well-being in Kosovo. This programme has been supported by all Ministers. [OCRM]</p> <p>The MLGA has elaborated a program has been adopted by the Government. Prior to this, political leaders visited minority communities and IDPs on an ad hoc basis, based on their individual outreach programmes. Now, there is much greater coordination. As well, the MCR has been extremely active in the COCG. Nonetheless, there is still substantial mistrust of the PISG on the part of minorities, (e.g., many who lost their home in March 2004 and are not happy about how their houses have been reconstructed, and CIMC has not communicated effectively with these beneficiaries.) There is still much more to be done. For example, when the OPM's AOGG sponsored a two day conference to launch the process to develop a human rights strategy (27-28 May 2005), IDPs and return issues were missing from the programme and working groups and no minority reps attended the conference. [OSCE] [See also 4.11.1]</p>	Green	An MCR TV programme on returns was approved by the COCG and will be financed through GAR, implementation will start in January 06. MCR continues to co-chair COCG. PISG representative are actively participating in the process to develop a new returns strategy, which will include an outreach component, all Working Groups have identified the need for closer cooperation and better information exchange with IDPs and representatives of the communities. [OCRM]		
4.7.2	As part of a systematic outreach programme, PISG developed and funded public information campaigns and initiatives in support of minority rights, multi-ethnicity and tolerance, including a gender perspective, and initiatives at municipal level, are implemented.	Green	<p>See point 4.7.1</p> <p>MLG has developed an outreach programme which has been adopted by the Govt. The joint PISG/UNMIK returns strategic framework includes a media strategy. The MCR co-chairs the Communities' Outreach and Communication Group (COCG) with ORC, where many outreach activities are discussed and implemented. The COCG undertook an evaluation of its activities on 8 June and is now discussing future activities. The COCG will also present a progress report to the EG on 16 June. (Information from ORC)</p>	Green	In October the MCYS Culture Department organised a street performance in Prishtine/Pristina entitled "Braid of Cultures" presenting over a dozen projects funded under their Diversity and Integration Programme. During the reporting period, public information campaign, initiatives, or otherwise support to inter-ethnic dialogue, have been reported in the following municipalities: Gillogoc/Glogovac, Fushe Kosovo/Kosovopolje, Pristina/Prishtine, Vushtrri/Vucitrn, Prizren, Dragas/h, Peje/Pec, Decan/i, Gjakove/Dakovica, Istog/k, Kline/a. (DCA)		
4.7.3	UNMIK supported information campaign developed and implemented, including component involving local NGO initiatives in municipalities.	Green	There is no specific information campaign on returns. The information campaign on standards deals with all issues including returns and -- on this -- UNMIK has cooperated with the PISG/municipalities in organizing townhall meetings in all municipalities and villages. The Standards Campaign included five TV debates broadcast on RTK - one was devoted to freedom of movement and return. (Info from ORC)	Green	No recent information campaign specifically on returns. The information campaign on the standards, including returns, was terminated in the summer. (OCRM)		

#	Action	Aug	Comments August 2005	Nov	Comments November 2005	Apr	Comments April 2006
4.7.4	Visible support by majority community leaders at all levels, including positive regular public declarations enhancing minority rights, and encouraging returns as well as visits to community areas and returns sites.	Green	<p>Positive engagement in high-level Returns Task Force by Prime Minister, Ministers and party leaders.</p> <p>On 6th of July the PM, Minister of MLGA and Presidents of Municipalities have signed a declaration where they call on application of democratic standards in Kosovo's society, rule of law, sustainable returns, respect of property rights. (MLGA).</p> <p>Through the programme "we can live together", visits from political leaders will have the aim of creating an environment that promotes tolerance, respect of diversity, freedom of movement, human rights, the right on property, as well as calling for integration and employment of minorities which are less represented in the institutional life in Kosovo. The final aim of this engagement in the end will be regaining the trust, as a priority and a precondition of security and well-being in Kosovo. Until now a number of visits have taken place. [MLGA]</p> <p>Most municipalities have made declarations in support of minority rights and encouraging return. Exceptions to this have been Shterpce/Strpce and Prishtine/Pa, where no public declarations have been made.</p>	Green	<p>MCR has at several occasions emphasized the rights of minorities including their right to return, and continues to express commitment to achieving this objective. At an IDP workshop in Bresovica, attended by IDP representatives, MCR renewed its pledge to guarantee minority rights. [OCRM]</p> <p>Following a meeting between the Minister MCYS and the Minister of Culture of Serbia in September, both sides have appointed Cultural Coordinators to run technical working groups, aimed at resolving outstanding issues at a non-ministerial level. Minister MLGA has regularly visited community municipalities and participated in a conference organized by UNHCR IDP association in November.</p> <p>Municipalities report a visible engagement of leaders in return process, municipal structures are involved in dialogue with IDPs and encourage them to return. Representatives of the local bodies also undertook visits to IDPs at their place of displacement (no detailed information is available). An exception is Obilic/q where engagement of ethnic leaders is minimal, and no action has been taken to mitigate resistance to return. [DCA]</p>		
4.7.5	Visible engagement by PISG officials from all parties and both executive and legislative branches.	Green	<p>Apart from the government's Outreach-programme (see under 4.7.4.), President Rugova visited the municipality of Gjilan (mixed). Opposition leader Thaci participated at the high-level presentation of the Strategic Framework for communities and returns. [MLGA]</p> <p>There was a joint declaration issued by all youth party organizations against violence and in favour of peace, tolerance and democracy.</p>	Green	No change		

#	Action	Aug	Comments August 2005	Nov	Comments November 2005	Apr	Comments April 2006
4.7.6	Relevant PISG authorities at both central and municipal levels in direct contact with the IDP community and its representatives, including through involvement in 'Go-and-See Visits' and 'Go-and-Inform Visits' and through producing public information for the displaced.	Green	Efforts in this area are continuing. (See indicator 4.1.c)	Green	In most municipalities the local structures are involved in the return process. MWG are established and functioning (the only exception is Kacanik), chaired by MAP or AMAP. Links with IDPs are established, however, the need for closer cooperation with IDP associations was identified at several levels and occasions during the reporting period. Information campaign as such are developed in Gjilan/Gnjilane, Prizren, Klina/e. The Minister of MLGA, who is regularly meeting with all CEOs, appealed to facilitate the return of IDPs. MLGA minister has regularly visited community areas and IDP sites and received visits of IDP representatives, encouraging them to return. [DCA] PISG authority participated in a GSV of IDPs from Decan/Decani. Local authorities also participated in a GIV to Roma currently residing in FYR of Macedonia. [MLGA]		
4.7.7	Community dialogue and response to violence are increasingly dealt with through joint initiatives involving all political parties.	Yellow	no changes reported	Yellow	No initiatives specifically related to this action point reported. [DCA]		
4.7.8	Civil society engagement in and support for returns and integration projects are supported politically and financially by PISG on both central and municipal level and that support extends to all qualified NGOs without discrimination.	Green	Civil society is actively engaged at the central and municipal levels -- including, e.g., the CDHRF, Mother Theresa Society, Advocacy Centre, etc.	Green	In 2005 the MCYS Departments of Culture and Sports signed policies to support minorities and integration. Calls for proposals brought 200 applications in Culture and 110 in Sports and resulted in 59 projects sponsored in culture and 61 projects in Sports. All applications were transparently reviewed by panels (in Culture by an internal/external multi-ethnic board) Payment for these projects is still not finalized. MEST supports the initiative of the Kosovo Nansen Dialogue that conducts an inter-ethnic seminar in education for both K-Albanian and K-Serb high school teachers. This is an ongoing initiative. (DCA) COCG organized two meetings in Belgrade, co-chairs met with the main counterparts from NGOs, IDP associations, CCK and international organizations. Recently more proactive role of MCR in the process was observed. (OCRM)		
4.7.9	Civic instruction on coexistence and tolerance in mixed communities is increased and systemized in all schools.	Green	nothing to add	Green	no changes		
PISG support for returns, including financial assistance, is distributed equitably to all communities.							

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4.8.1	Reporting on spending (both distribution and utilization) is reviewed to ensure equitable distribution of funds to all communities, consistent with size of community, needs of community members, and demand for return.	Green	Reporting on spending is done on a quarterly basis as well as annually. According to the 2004 figures made available in April 2005, the Fair Share quota in 2004 was exceeded by 1.5 million Euros.		No information received from central level. To be assessed with annual report.		
The laws of Kosovo provide a full range of protection for human rights and the rights of communities and their members, consistent with European standards.							
4.9.1	International human rights standards, including standards relating to the rights of women and children, are incorporated into domestic legislation, including issuances and directives of the Kosovo Assembly, Ministries, and Municipalities whenever necessary, and all such legislation is implemented effectively and without discrimination.	Yellow	If the comment made in the April assessment was correct, there has been real backsliding. According to the OSCE, no human right review of legislation and policy is being done at the present time. The AOGG does not even see legislation before it is submitted to the Assembly. According to MLG: OGG processes the draft laws and draft regulations to ensure their compliance with intl human rights standards. And, in the OPM, there is the Office of European Integration (OEIP) -- a division that checks that the draft laws are in compliance with EU standards. Only after receiving OEIP comments, will the law be passed by Govt.	Yellow	OSCE observes need for more effectiveness in the human rights review of draft legislation assigned by UNMIK 2001/19 to OPM's offices (OLSS and AOGG). The recent RTK law arrived to a "public hearing" (by invitation only, and only those invited were allowed to speak) without being consistent with the Anti-Discrimination Law. OLSS attended the public hearing. Further, the same draft law was presented to the assembly in the same form, inconsistent with the ADL. No clear procedures for the mandatory human rights review, and confusion on this issue has increased since the non-renewal of the OPM Permanent Secretary's contract in September. (OSCE)		
4.9.2	Anti-Discrimination Law (ADL) consistent with European Union Directives and international standards endorsed by Kosovo Assembly for promulgation by SRSG. Objections to ADL by Koalition Povratka are discussed and resolved.	Green	Action completed.	Green	Action completed.		

#	Action	Aug	Comments August 2005	Nov	Comments November 2005	Apr	Comments April 2006
4.9.3	PISG endorses for promulgation regulations and administrative instructions to implement the Anti-Discrimination Law effectively; gaps are identified and appropriate action taken to ensure ADL provides effective remedies and sanctions for discrimination; training on ADL is provided to the judiciary and the legal community; and an effective public information campaign on the ADL is launched.	Red	No subsidiary legislation to the ADL had been drafted in June 2005 [OSCE] In December 2004, after the ADL had been adopted, the OPM began developing an implementation plan with a workshop organized by the AOGG with support from OSCE. However, little done to incorporate the workshop's conclusions into a plan until 26 April 2005 when a follow-up meeting was held. At that time, a matrix for a comprehensive implementation plan was drafted and comments solicited. But weeks have passed without substantive progress and to date, no subsidiary legislation to the ADL has as yet been drafted. (Source: ORC and OSCE)	Yellow	PISG has endorsed Comprehensive Implementation Plan for the ADL in September, although the AI process has stalled. Further the recent draft leaves out the assignment to ministries of responsibilities for ADL implementation. So far, there are still very few remedies and sanctions for discrimination, and according to DOJ officials in October, only one court case has used the ADL. (OSCE) The ADL Comprehensive Implementation Plan foresees for budgetary means for information campaigns, and training for all relevant actors. The Plan is expected to be put in practice starting January 2006. [OCRM]		
4.9.4	Endorsement and implementation of Equal Opportunity Laws consistent with European Union Directives and international standards adopted by Kosovo Assembly, including implementation of Administrative Instruction NR MSHR/DCSA 2003/12, which establishes Equal Opportunity Officers and instructions to act without discrimination.	Yellow	Some municipalities have appointed EOOs. These are often the same person as the MGO. There are no TORs available from the central level. Moreover, the appointment of EOOs does not mean effective implementation of legislation. A targeted review must be done on this issue to assess the effectiveness of the EOOs. (Source: OSCE)	Yellow	EOOs have been appointed in OPM, 5 (out of 13) Ministries and 24 Municipalities. In many cases Municipal Gender Officers are simultaneously fulfilling the functions of EEOs. No new staff with specific knowledge of equal opportunity issues has been hired. The AI 2003/12 has the effect of overburdening those with multiple assignments, and barely have the capacity, or the backing of the political establishment to perform their current gender-equality oriented tasks before adding EO to their task list. [OSCE/MLGA]		
4.9.5	Legislation at municipal and central level include vital interest clause that provides special provisions in the protection of immutable rights of communities.	Red	Vital interest clause still not addressed by the central level to ensure implementation at the municipal level. However, the first draft of the Local Self-Government Law includes vital interest mechanisms. (MLGA) No further changes reported	Yellow	Vital interest clause still not addressed by the central level to ensure implementation at the municipal level. However, the first draft of the Local Self-Government Law includes vital interest mechanisms. [MLGA] No further changes reported (comment: in OCRM/MLGA meeting on 23 Nov, it was agreed, that the red color in Aug assessment was mistakenly given)		

#	Action	Aug	Comments August 2005	Nov	Comments November 2005	Apr	Comments April 2006
4.9.6	Training on ADL provided to the judiciary and the legal community.	Yellow	An initial trainings on the ADL took place since February. Since then, OGG has begun trainings in 4 municipalities (still ongoing) in cooperation with KIPA and other NGOs. The Finnish Programme for Human Rights is funding some of these trainings. As well, ADL is now included in the initial legal education programme. Note, however, that the KJI says that under its mandate, it cannot train lawyers or legal practitioners -- only judges -- and considerably more training still needs to be provided before we can expect the legal community to understand and work with the ADL. Training of judges continues. (OSCE)	Yellow	One KJI training for judges on labor issues included a discussion of the ADL (13 Sep), otherwise little has been done to train judges. In terms of trainings for lawyers, HRRoL is not aware of any ADL-specific training for the legal community. (OSCE) OGG/OPM continued to promote the ADL during October (no details available), two seminars were organized for municipal officials on 11 Oct (for Gjillan/Gnilane, Viti/na, Kamenice/a, Kaq/canik, Novoberde/Novo Brdo) and 14 Oct (Gllgovc/Glogovac, Skenderaj/Srbica, Malisheve/Malisevo, Shtime/Stimlje, Fushe Kosovoe/Kosovo Polje) (OPM)		
4.9.7	Effective public information campaign on ADL launched.	Yellow	Some materials have been printed (posters and brochures) and distributed largely to officials at the municipal level. However no comprehensive public information campaign has taken place to date. The effort must be on-going and pervasive in public places. Most of the population in Kosovo-- especially minorities such as the RAE -- know nothing about the ADL or how to use it. (OSCE and ORC) No development in the public awareness campaign in June 2005 [OSCE]	Yellow	No new public public awareness campaign has been launched since the production of posters, brochures and copies of the law were issued. OPM/AOGG did submit final report for the financing of this effort to OSCE. Further, the ADL Comprehensive Implementation Plan does include a sizeable public awareness campaign, and it is expected that DOJ and OSCE will contribute financing to the KCB portion, although this second part of the campaign is still in start up. [OSCE]		

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4.9.8	Gaps identified and appropriate action taken by PISG to ensure ADL provides effective remedies and sanctions for discrimination.	Yellow	The Ombudsperson Institution already in 2004, created two special teams – the Non-Discrimination Team (NDT) and the Children’s Rights Team (CRT). The lawyers working for these units are specialised in the above-mentioned subject matters. The ADL also provides for the possibility to file discrimination claims within the regular court system in Kosovo (see Articles 7-9 of the ADL) [OSCE] Despite the meeting in April, there has been little progress on this in May or June. While gaps have been identified in an implementation plan, as of this time, no appropriate action has been taken by the PISG -- there are no mechanisms in place -- to ensure that ADL provides effective remedies and sanctions for discrimination. (Source: OSCE). Accor. to MLGA: Identified were the following: PISG needs to approve and publish regulations and Administrative Instructions so that the Anti-Discrimination Law (ADL) can be implemented in an effective manner. This means, inter alia, that: a) OGG must draft secondary legislation to implement the law in cooperation with the OHCHR. b) OGG be given an executive mandate at the central level so that it can assume real leadership on human rights matters. c) Ministries need to establish their focal points for human rights (OGG/OPM coordinates this process) d) Permanent Secretaries need to become more involved with human rights issues. e) OGG need to develop an action plan for implementing the law against the discrimination f) The Legal Office of the Prime Minister need to issue appropriate acts for implementing the Anti-Discrimination Lawg) The campaign to promote the ADL must continue (OGG/OPM responsibility) with elements focused on: (i) the need to establish a policy on equal treatment (MPS);	Yellow	At the present time within the PISG there are no mechanisms in place to ensure that ADL provides effective remedies and sanctions for discrimination. The government approved a comprehensive action plan which recommends the following: a) OLSS to draft secondary legislation to implement the law in cooperation with the OHCHR b) OGG be given an executive mandate at the central level so that it can assume real leadership on human rights matters c) Ministries need to establish their focal points for human rights (OGG/OPM coordinates this process) d) Permanent Secretaries need to become more involved with human rights issues. e) The Legal Office of OPM needs to draft appropriate secondary legislation for implementing the Anti-Discrimination Law. f) The campaign to promote the ADL must continue (OGG/OPM responsibility), including the following elements: (i) the need to establish a policy on equal treatment (MPS); (ii) the need to amend the laws and to issue new Administrative instructions(MPS) (for example: that announcements for job vacancies should be openfor all irrespective from: age, gender and ethnicity etc.) [OSCE]		
Kosovo participates in the Council of Europe implementation process for the Framework Convention for the Protection of National Minorities and fully implements							
4.10.1	Council of Europe, with support from PISG and UNMIK, includes Kosovo in monitoring process for Framework Convention.	Green	Action completed.	Green	Action completed.		
4.10.2	Appropriate PISG staff allocated and provided with the necessary resources to prepare the reports required under the Framework Convention.		The FCNM report was submitted to the Council of Europe on 30 May 2005. Therefore, this is no longer relevant.		No change		
4.10.3	All PISG structures cooperate with and provide the necessary data to the drafters of the implementation status report.		The FCNM report was submitted to the Council of Europe on 30 May 2005. Therefore, this is no longer relevant.		No change		

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4.10.4	Reports are prepared and presented to the Advisory Committee in a timely fashion.	Green	The FCNM report was submitted to the Council of Europe on 30 May 2005.		No change		
4.10.5	Recommendations of the Advisory Committee considering and commenting on the Report are considered and implemented.		Not yet relevant		Not yet relevant		
A comprehensive and effective structure is in place within the PISG to monitor compliance with human and community rights and to respond to violations.							
4.11.1	Central structures relating to human rights and rights of communities and their members are strengthened by OPM, with support from ORC, OCA, UNHCR, OSCE and OHCHR.	Yellow	<p>Work has started on a human rights strategy which was discussed at a workshop held 27-28 May 2005. The document presented notes that the strategy is intended not only to protect and promote human rights but to also serve as a tool to track the progress of the Government and other institutions in fulfilling the HR Standards. At present, the document merely sets out what needs to be done -- e.g., to create effective mechanisms to ensure that there are remedies that can be used when violations occur; to assist both the judiciary and the bar to understand how enforcement mechanisms to protect human rights should operate; to create enabling legislation for the ADL and the Gender Equality Law. And while it spells out priority issue areas -- such as women, children, minorities (including returns policies), people with disabilities, and missing persons -- what is on paper is still a skeleton with no flesh on the bones. [ORC]</p> <p>A second draft of the Human Rights Strategy was distributed in July for comments to the participants in the Workshop. OSCE and other contributors provided extensive comments to the draft. Human Rights focal points were established in PISG (ministries) on 21 July 2005. [OSCE]</p> <p>Govt has also drafted a strategy to combat human trafficking. [MLG]</p>	Yellow	No changes on the Human Rights Strategy since July. The international standard for the development of such a strategy, the OHCHR Handbook on National Human Rights Plans of Action has not yet been officially accepted. Further, the process for working group selection is not transparent, consistent nor inclusive. For example, concerns of returnees, IDPs, refugees are not addressed. The specific provisions of applicable human rights instruments have not been addressed. What has been written so far as a "strategy" has not been based on anything originating from the ad hoc working group. (OSCE)		
4.11.2	Plan for strengthening central human rights structures is implemented.	Yellow	See 4.11.1.		See 4.11.1		

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4.11.3	Plan for PISG to assume responsibility for humanitarian assistance needs arising from emergency situations and internal displacement, as well as from involuntary repatriation, is developed and implemented, including those elements covered under overall civil emergency preparedness.	Yellow	According to MLGA the Government takes over responsibility for those 700 individuals by providing social assistance through the Ministry of Labor & Social Welfare financed by KCB.	Green	The handover of responsibilities for humanitarian assistance to March displaced to the PISG took place. The majority of individuals is well informed about the change (more information to persons in GN region is recommended) and has access to the Centres for Social Welfare to apply for assistance (UNHCR)		
4.11.4	Full implementation at central and municipal level of Ministry of Public Services AI 2003/12, Implementing AD 2003/2 and Regulation 2001/36. In particular, creation of Equal Opportunities Officer and drafting of EO policy statement and EO implementation policy.	Green	No changes reported	Yellow	Five ministries have not renewed contracts of their permanent secretaries in non-compliance with Regulation 2001/19. SPAC operations seem to be problematic, with members notified for meetings with less than 24 hours notice, no advance documentation, presentation of only one candidate for PS selection rather than the requisite shortlist of a minimum of three implied in Article 20 of 2001/36. (OSCE). MCR has terminated the contracts of 61 employees and has failed to provide information on compliance with regulation 2001/36. In some cases, Municipal Gender Officers have been requested to perform both functions without prior consultation with the Office for Gender Equality in the Prime Minister's Office, which is in charge of their functional coordination. [OGA] OPM and 5 (out of 13) Ministries have appointed EEOs, as did 24 Municipalities. (MPS) see 4.9.4. for EEO's.		

#	Action	Aug	Comments August 2005	Nov	Comments November 2005	Apr	Comments April 2006
4.11.5	Offices within the PISG tasked with addressing human rights, minority rights and rights of women issues are staffed properly, trained and functioning effectively, in order to ensure provisions of Law on Gender Equality are implemented.	Yellow	<p>On 10 May 2005 the MPS approved a regulation, on the creation of Gender Equality Office. The abovementioned office however has still not been created, nor is a Head of this office appointed. According to the Law on Gender Equality, the new office is to be an executive agency and the head appointed by SPAC. Attempts to appoint a head have been thwarted by the Ministry of Public Services. [OSCE]</p> <p>Even though gender equality mechanisms such as Gender Officers in some of the ministries and Municipal Gender Officers have been appointed, and a Division for Gender Equality within the Prime Minister's Office exists, most of these civil servants are not involved in the political decision making process at central and local level. Gender Officers do not count with specific budget lines and they still lack expertise to ensure the implementation of the most relevant clauses of the Law on Gender Equality. Despite the Regulation No. 2005/2 for the Establishment and Internal Organization of the Office for Gender Equality has been issued by the OPM, the Executive Director of this Office has not been appointed yet and the Office is not operational. [OGA]</p> <p>Human Rights focal points were established in PISG (ministries) on 21 July 2005. [OSCE]</p>	Yellow	Human Rights units in each ministry within the PISG were established by a Prime Ministerial decision on 21 July 2005, at the first meeting of these focal points, only three ministries were represented. Those present were mainly individuals who were tasked to take on an additional duty. Little capacity building support has been offered so far, but is expected to occur in the coming quarter. It appears that oversight for minority inclusion in the OPM has now been shifted to the ministry level, and few civil servants address the minority issue at the OPM level. [OSCE] Gender equality mechanisms, including the Office for Gender Equality in the Prime Minister's Office, Gender Affairs Officers in ministries and Municipal Gender Officers are lacking political authority and financial means to perform efficiently their duties. [OGA] see also 4.12.5		
4.11.6	The reports and the recommendations of the Ombudsperson relating to minority rights and discrimination are taken into consideration and complied with by all PISG structures and municipalities. Mechanism is put in place within PISG to respond to reports promptly, and to monitor implementation of recommendations by responsible authorities.	Green	In the reporting period, MLGA received copies of seven complaints concerning municipalities and has followed up on each of these in writing to the Ombudsperson and by direct contact with the municipalities. However, when dealing with central level complaints, the Ombudsperson sends these to the SRSG -- not to the PISG -- and therefore the PISG can only respond if and when notified by the SRSG.	Yellow	<p>When dealing with central level complaints, the Ombudsperson sends these to the SRSG -- not to the PISG -- and therefore the PISG can only respond if and when notified by the SRSG. (MLGA)</p> <p>Ombudsperson communications have been recorded in Gjilan/Gnjilane, Kamenica/e, Prizren Peje/Pec, Pristina/Prishtine, Obilic/q, Kosovopolje/Fushe Kosove, Lipjan/Lipljan, Gillogovc/Glogovac, Podujeve/o, Shtime/Stimlje. In Prizren and Peje/Pec actions to implement those recommendation have been taken. No indication is available that actions have been taken in the other municipalities. [DCA] The MLGA received and acted upon two requests from the Ombudsperson, one relating to the MCYS, one relating to the municipality of Obiliq. The MLGA furthermore recorded 5 written communications between the Ombudsperson and the municipalities which are yet under procedure. (MLGA)</p>		

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4.11.7	Independent Oversight Board (IOB) is fully functional as well as civil service oversight mechanisms established as per UNMIK Regulation 2001/36 and Administrative Direction 2003/2.	Yellow	IOB submitted revised procedures for hearing appeals, which were approved by UNMIK on 8 August and the hearing of appeals can begin immediately. The Board's other two functions, which are to review appointments at the level of head of departments and the compliance assessment function, have just started.	Green	All legal instruments needed for the functioning of the IOB have been adopted, the IOB is functioning since 8 Aug; hearing appeals from civil servants, reviewing appointments at the level of Heads of Departments and making compliance assessments of the employing authorities within the civil service. Appointments of members are ongoing, one member was appointed on 14 Nov by SRSG, chairman has been instructed to start procedures to replace the IOB international member. (DCA)		
Mechanisms within municipalities responsible for protection of human and community rights (Municipal Community Offices, Municipal Assembly Communities and							
4.12.1	Municipal Community Offices fully constituted and supported by Municipal authorities leading to their ultimate integration into mainstream municipal structures, and any revisions in local self-government laws maintain MCO structure as integral part of municipal governments. *Specific efforts made to improve cooperation by CEOs with MCOs, and strengthen links between municipal structures and MCOs (potentially through recommendations to be developed by Office on Communities, with support from OCA; *. Staffing and funding needs of MCOs evaluated and addressed.	Yellow	Out of 24 municipalities reporting in May and June, 20 municipalities experienced good or very good cooperation between MCO and municipal structures. In Skenderaj/Srbica reporting is the only sign of cooperation between the MCO and the municipality. Whilst most MCOs assess their cooperation with the municipality as satisfactory, a number of constraints to their smooth functioning have been identified, such as the unresolved staffing and budget issue in Viti/na, the months long delay of filling six MCO vacant posts in Pristina/Prishtine, the lack of institutional support for initiatives presented by MCO at BOD meetings (Rahovec/Orahovac) and the lack of office space in Obiliq/c. Out of 26 Municipalities reporting in July, there is a slightly worsening of the situation in Noveberde/Novo Brdo, where there is a rejection to formally accept MCO as a sub-Municipal Office, and Zubin Potok where the functioning of the structures has been suspended as retaliation for some attacks against the Serb population. [OCA] The draft Law of Local Self-Government maintains MCO structures. [MLGA]	Yellow	The functioning of MCOs is improving, except for Noveberde/Novo Brdo, Skenderaj/Srbica, Podujevo/e and Glogovac/Glogovac. Closer cooperation between the MCOs and local authorities belonging to the majority population should be encouraged in order to further integrate the MCO employees into the administration. In Ferizaj/Urosevac head of MCO reportedly mainly concentrates to assist his own community. [DCA]		
4.12.2	In cases where financial support for these entities is inadequate, appropriate resources are allocated promptly.	Yellow	Out of 24 municipalities reporting, there was adequate allocation of funds in 13 but insufficient in four. In Peja/Pec, the budgetary responsibilities have been transferred from UNMIK to the MCO who has not been able to properly manage it. In Gjakove/Djakovica, the MCO is running its own budget from donations (locally and internationally.) No information received from the remaining five municipalities.	Yellow	Municipalities did not report any changes.		

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4.12.3	<p>Review of Communities and Mediation Committees is undertaken by PISG, with support from UNMIK. Action taken to respond to results of this review:</p> <p>*In cases where financial support for these entities is inadequate, appropriate resources are allocated promptly;</p> <p>*. In cases where the staffing is insufficient, recruitment procedures are initiated and completed promptly in line with proportional representation;</p> <p>*. In cases of insufficient expertise the persons serving in the above institution are provided with adequate training.</p>		<p>The review of the work and performance of the CC's and MC's still on-going. The PISG can only assume responsibility pending the outcome of that assessment.</p> <p>Regular meetings of Communities Committees were reported by 14 municipalities (for the list of municipalities see Indicators Assessment List for June). Whilst in six municipalities, the meetings were not held. Committees have yet to be formed in 4 municipalities due to Kosovo Serb boycott (Vushtrri/Vucitrn, Fushe Kosovo/Kosovo Polje, Obiliq/c, Lipjan/Lipljan). In five municipalities, committees made recommendations for MC, PFC or Municipal Assembly. Mediation Committees have met in six municipalities.</p>	Yellow	<p>see 4.5.7. CC's are established in most municipalities (with exception of Lipjan/Lipljan, Obiliq/c, Malisheve/Malisevo) but several report that they are not well functioning (partially due to non-participation of minority community members, or no referrals of from CC to MC). Attempts to improve the functioning, by changing the chairperson of CC's, had positive results (Pec/Peje CC meets regularly and effectively). Positive development also in Zvecan/Zveqan, where through CC involvement, the problems of Roma in Zitkovac camp was overcome. Over the reporting period regular and effective meetings are reported in 6 municipalities: Peje/Pec, Gjakova/Djakovica, Istog/k, Kline/a, Fushe Kosove/Kosovopolje, and Zvecan/Zveqan. The other municipalities report that the work of the CC's could still improve significantly. The functioning of MC's depends to a significant extent on the work of the CC's (cases should be referred from CC to MC). (DCA)</p>		
4.12.4	<p>Full implementation of Pillar II Administration Instructions on the working of Mediation and Communities Committees and Additional Deputy Presidents. Committees meeting regularly, have access to all municipal documents and offices, are well received by CEO and Municipal President and communities address them and participate in their work.</p>	Green	<p>Action completed.</p> <p>See 4.5.7 for details of the functioning of the Communities and Mediation Committees.</p>	Green	<p>Action completed.</p>		
4.12.5	<p>Municipal Officials enabled to properly acknowledge and address human rights problems.</p>	Yellow	<p>Two municipalities reported that their staff attended HR training by OSCE. The competence of some municipal officials has been seen in the fact that they have reported on violations of property rights and the illegal use of land. However, competence and expertise varies across municipalities. There are 16 municipalities where OSCE human rights experts are now attached to the local govt. Although worth noting is that KIPA offers an annual human rights training for civil servants.</p>	Yellow	<p>Over the past two years OSCE placed Human Rights Experts within the municipal administration in order to assist local officials in matters regarding compliance with human rights practices and advising on human rights issues, with the overall goal to build a long term sustainable internal human rights capacity within the municipalities. [MLGA/OSCE] 16 municipalities had been covered by the HRE programme. During the reporting period two experts (Podujeve/o, Istog/k) have concluded the training, but challenges e.g. regarding minorities, return and reintegration issues are still identified. (OSCE)</p>		

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4.12.6	PISG develops mechanism to monitor municipal performance relating to communities, to reward and replicate innovative approaches, and to respond to areas of concern.	Yellow	no changes reported	Green	The MLGA has established two separate departments to monitor/supervise (and take remedial action where required) and coordinate/support the municipalities respectively. Furthermore, the Government adopted a draft budget establishing a separate budget line for funds earmarked for well-performing municipalities. This is based upon a recommendation from the Grants Commission to establish an incentive system supporting municipalities with a positive record on Stanrads implementation and minority integration. (MLGA)		
There is fair distribution of municipal and ministerial resources to all communities.							
4.13.1	The fair share financing requirements are met at all PISG levels. Quarterly reporting requirements regarding Fair Share Financing for Municipalities are met in line with Section 4.6 of Regulation 2003/41 on the 2004 Budget.	Green	As reported by MFE, only 17 out of 27 municipalities reached Fair Share Financing -- Mitrovica/a, Zvecan, Leposavic/q, Vushtrri/Vucitrn, Skenderaj/Srbica, Kline/Klina, Prizren, Rahovec/Orahovac, Suhareke/ Suva Reka, Gjilane/Gnjilane, Viti/Vitina, Strpce/Shterpce, Kamenice/Kamenica, Prishtine/Pristina, Lipjan/Lipljan, Podujevo/o and Shtime/Stimlje. Most of the others have committed to reaching their targets by the end of the first half of the fiscal year. A number of municipalities, including Dragash/Dragas, Fushe Kosovë/Kosovo Polje, Istog/Istok, Peje/Pec and Gjakovë/Djakovica, cited the need to review the student-teacher ratios and the lack of qualified minority education staff as rationale for their FSF under spending. See also 4.8.1	Yellow	Reports from UNMIK DCA are stating that all municipalities have submitted 3rd quarter reports, Podujevo/o submission status to be clarified. It is noteworthy that according to information obtained from MFE no quarterly reports were received from municipalities with K/Serb majority population. According to DCA reporting, 14 municipalities achieved the FSF target, 2 partially met the target (Leposavic/q, Kline/a). Decan not known. 10 did not meet the target. (3 exempted) MCYS: Fair share financing for minorities in the MCYS four Departments. 4% of MEST's budget is spent on minorities. MoH devolved its primary health care component to municipalities, in case of non compliance with FSF requirements MoH can only advocate with municipalities. (DCA/OCRM)		
4.13.2	KCB and Municipal budgets financing local groups' projects supporting returns, minority rights protection and tolerance building.	Red	See 4.1.5	Yellow	Financial contribution to return process/projects has been reported by the following municipalities: Lipjan/Lipljan, Vushtrri/Vucitrn, Viti/na, Gjilane/Gnjilane, Suhareke/Suva Reka, Kline/a. While the MCYS Departments of Culture and Sports signed policies allocating 15% of their budgets to projects supporting minorities or fostering integration. MCYS is reporting on outstanding payments for contracted projects. [DCA]		
The educational curriculum encourages tolerance and respect of the contributions of all communities to the history of Kosovo.							

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4.14.1	Primary and secondary school textbooks are developed as per European standards with tolerant use of language introduced based on recommendations of multi-ethnic Textbook Review Council to be established in accordance with UNMIK Regulation 2002/19.	Yellow	MEST reported that the text books still have not fully reached European standards with, but various working groups and international organizations are in the process of evaluating books.	Yellow	Text books do not fully comply with European standards. At present no Text Book Review Council has been established. The issue of funding of this council, or of any funding for review, remains unsolved. The recently produced textbooks for Bosniaks and Gorani have not been reviewed by an independent institution. MEST does accept the use of textbooks from Bosnia and from Croatia by minority communities in Kosovo . [DCA]		
4.14.2	Existing school history textbooks are screened for their factual accuracy and use of language for removal of inflammatory material and reprint of revised history textbooks	Green	According to the UNMIK staff from the Ministry of Education, Science and Technology, the history textbooks were revised by a German governmental organisation.	Green	No change. MEST has no influence on the textbooks used by the parallel education facilities mainly used by Serb children. [DCA] The history textbooks were revised by a German governmental organisation.		
4.14.3	Multi-ethnic curriculum is developed with specificities of communities' education addressed, new curriculum implemented and school textbooks reflect diversity and tolerance in accordance with Council of Europe standards.	Yellow	There is no multiethnic curriculum but community education specificities are addressed in so called "national" subjects (history, music, etc.)	Yellow	There is no multiethnic curriculum and also none foreseen in the near future. But community education specificities are addressed in the national subjects (history, music etc.) of each community. [DCA]		
4.14.4	Tolerance building, human rights to be an integral part of the curriculum for all schools.	Green	MEST explained that, although there are elements of human rights and tolerance as part of the curriculum, there still remains a problem the unsuccessful conveyance of messages from teachers to students.	Green	Elements of human rights and tolerance are part of the curriculum. No evaluation as to the class-room practice has been made so far. [DCA]		