

Assessment, ZUBIN POTOK, June 2005

Functioning Democratic Institutions

Action number.	Action	Assessment Dec 2004	Assessment December 2004 Comments of the Standard Actions in	Assessment April 2005	Assessment April 2005 Comments of the Standard Actions in Progress and at Risk	Assessment April 2005	Assessment May 2005 Comments of the Standard Actions in Progress and at Risk	Assessment April 2005	Assessment June 2005 Comments of the Standard Actions in Progress and at Risk
1.1 Elections are regular, transparent, free and fair, conforming to international standards, allowing the full and peaceful participation of all communities and ethnic groups.								No participation to the last elections	
1.1.1	Certify local NGOs and international organizations to observe elections. Elections are determined by observers to be free and fair and to satisfy basic standards of universality, transparency,	Green	N/A	Green	No Changes.	Green	No Changes.	Green	No change
1.1.2	Organize a sustainable and cost effective field operation, including management of the budget.	Green	N/A	Green	No Changes.	Green	No Changes.	Green	Stable
1.1.3	Provide adequate voting sites to all communities in Kosovo. Adequate security and other measures if freedom of movement to assigned polling stations is inadequate.	Green	N/A	Green	No Changes.	Green	No Changes.	Green	No change
1.1.4	Cooperation with municipal level to dedicate local resources without delay in support of the preparation and execution of polling day activities.	Green	N/A	Green	No Changes.	Green	No Changes.	Green	No change
1.1.5	Provide sufficient public information on how, what, when and where voting will take place.	Green	N/A	Green	No Changes.	Green	No Changes.	Green	No change

1.2 Internally-displaced persons and refugees continue to be fully included in the Kosovo election process and their ability to vote is facilitated.

1.2.1	Operate a sustainable program, to allow IDPs and refugees to choose to participate even if their ability to return to Kosovo is curtailed.	Green	Given the very little success of the By-mail programme for the IDPs in Serbia and Montenegro (as well as the in the rest of the world), its sustainability has been put to question. However, the in-person programme in SaM is probably even less sustainable. Whatever the case, and especially if this aspect of the elections if handed over to the local elections management body, IDPs and refugees should continue having access to the electoral process.	Green	No Changes.	Green	No Changes.	Green	No change
1.2.2	Conduct outreach for participation by eligible out-of-Kosovo voters.	Green	N/A	Green	No Changes.	Green	No Changes.		

1.3 An independent, representative and multi-ethnic Central Election Commission administers elections.									
1.3.1	Multi-ethnic and continuously operational CEC is established, as provided under electoral framework.	Green	N/A	Green	No Changes.	Green	No Changes.	Green	No Changes from last Vushtrri/Vučitrn report
1.3.2	Provide a level playing field for political entities, candidates, and voters to participate in the elections. CEC decisions do not discriminate against any community in Kosovo and take into consideration specific interests of all communities and the need to build a stable multiethnic community in which the interests of all communities are clearly and equitably represented and served.	Green	N/A	Green	No Changes.	Green	No Changes.	Green	No change
1.3.3	Electoral rules and procedures approved in a timely manner. Diverging political or ethnic interests are not allowed to create operational stalemate. The interests of all communities are taken into account and are specially considered when determining electoral rules and procedures. Gender equality considerations shall also be taken into account.	Green	N/A	Green	No Changes.	Green	No Changes.	Green	No change
1.3.4	Monitor the thorough implementation of the legal dispositions regarding the participation of women in the electoral process, in line with European Standards.	Green	N/A	Green	No Changes.	Green	No Changes.	Green	No Changes from last Vushtrri/Vučitrn report
1.3.5	Ensure a cost-effective electoral process which satisfies basic international standards.	Green	N/A	Green	No Changes.	Green	No Changes.	Green	No Changes from last Vushtrri/Vučitrn report
1.4 A comprehensive legal framework covering political party operation and finances is adopted and enforced.									
1.4.1	Adopt comprehensive Political Party Regulation, including sanctions for non-compliance	Green	N/A	Green	No Changes.	Green	No Changes.	Green	No change

1.4.2	<p>Political parties comply with terms of the regulation and amend their statutes where necessary to bring them into compliance with its requirements , including:</p> <ul style="list-style-type: none"> <li>*Political party representatives and organs are democratically elected and on a regular basis.</li> <li>*Political parties regularly submit their financial reports, as prescribed in the Regulation.</li> <li>*Parties which have not submitted their annual financial reports for 2002 and 2003 do so, as provided under AD 2004/1.</li> <li>*Political Parties allow and cooperate with auditing of their finances.</li> <li>* If public funding for political parties is available, establish formula for its allocation and distribution that does not discriminate</li> </ul>	Green	<p>The formula contained in the Law on Political party funding passed by the previous Assembly contradicts that rule. The Law has not been promulgated by the SRSG, hence the last point of action is red</p>	Green	<p>The Law on PP funding has not been promulgated by the SRSG. Instead, the Assembly Presidency apparently decided to allocate 100% of public funds to all entities represented in the Assembly proportionately to the number of seats they hold, including the reserved seats; hence the last point turned green.</p>	Green	No Changes.	Green	No change	
1.5 A range of democratic political parties contests elections.										
1.5.1	<p>Certify all political parties which satisfy registration and certification requirements.</p>	Green	N/A	Green	No Changes.	Green	No Changes.		No change	
1.5.2	<p>Establish effective and efficient complaints and appeals procedure for refusal of certification to participate in the elections.</p>	Green	N/A	Green	No Changes.	Green	No Changes.			

1.6 All communities are proportionately represented at all levels of the PISG, in accordance with applicable legislation. The PISG and local municipal government decide and enact legislation in an open accountable and democratic manner.									
1.6.1	Implementation of established administrative instruments for providing representation to communities, based on their population, in all central provisional government offices.	Yellow	The representation levels have been established long ago, but the minority representation is low, particularly at senior levels.	Yellow	Minority representation at central level has slightly increased to approximately 10% still falling short of the required ranges established through a proposal by SRSB Steiner.	Yellow	Minority representation at central level has remained at approximately 10%. However, the initiative (reported earlier) of OPM, regarding a special recruitment strategy with the aim of increasing the percentage of minority employment at the central level, includes more than 100 positions earmarked for minorities (OPM - 8; MTI - 8; MLA - 3; MTC - 9; MH - 12; MPS - 9; MLSW - 8; MEF - 4; MESP - 8; MAFRD - 4; MEM - 13 and MEST 17) and most of them were advertised via minority media.	Green	Improved in Health Sector where Cabra/Qabra will hire shortly an additional Nurse.
1.6.2	Determination of minimum representation standards, based on population criteria, for municipal level offices, taking into account the right and the demand of refugees and IDPs to return.	Yellow	Minimum representation standards have not been set, but minorities are represented at municipal level with varying degrees of representation. Representation at senior levels is low.	Yellow	Increase in minority representation has been observed in some municipalities, but almost half of the municipalities are falling short of fair-share financing levels. Especially representation at senior levels remains low.	Yellow	No changes.	Yellow	No change
1.6.3	Development and implementation of plans designed to increase and encourage participation of the communities in the civil service esp. at senior levels (e.g. outreach programs and rules for operating rosters for filling up vacancies keeping in view the legislation and standards so developed and notified). Communities participating in the civil service do so in an atmosphere of tolerance and respect for each other.	Yellow	No concrete affirmative action taken to increase minority participation, including at senior levels. OPM claims to have requested Ministries to provide orgcharts with minority representation	Yellow	A four week Strategy for increasing minority representation at central level has been adopted by OPM and is in the process of being implemented. The Strategy, without targeting specified levels of minority representation, includes identification of positions to be reserved for minorities in the Ministries and OPM, to be followed by an outreach campaign. So far positions have been identified and terms of reference have been drafted for them.	Yellow	See 1.6.1 Some ad-hoc efforts at increasing minority employment at municipal level have also been made, e.g. Dragash/Dragas recruited two more minority staff; Obiliq/c has recently published two minority vacancies of deputy directors for the education and health departments through newspaper advertisements and radio broadcastings; in Lipjan/Lipljan one post of a guard was advertised and in Noveberde/Novo Brdo two vacancies were advertised through minority media and one post was filled with a minority employee	Yellow	effort made to insert more minority in the Administration sector

1.6.4	Enhancing access to employment information by all communities, including IDPs (e.g by increased use of all communities media for vacancy announcements).	Red	No concrete action taken to increase minority access to employment information. Especially at municipal level, minority language media are very rarely used to advertise such positions. Gov plans to develop roster for vacant minorities	Yellow	The abovementioned Strategy includes provisions for OSCE support to dissemination of job vacancies to minority communities and IDPs, as well as use by the PISG of more (popular) minority media for advertising them.	Yellow	The OSCE and the ORC assisted in the dissemination of the vacancies identified in the Recruitment Strategy, in the municipalities and to IDPs, respectively. A more sustainable system of advertising and dissemination needs to be identified. PISG also advertised in minority languages and utilised popular minority media.	Yellow	No change
1.6.5	Organisation of special recruitment drives for removing back-log of communities' vacancies in PISG at central and local levels.	Red	Same as two above, (1.6.3. And 1.6.4).	Yellow	See above- 4-week recruitment drive is underway -for central level. No special recruitment drives organised for local level, but central level strategy provides that it will be applied to local level, if successful.	Yellow	See above- 4-week recruitment drive is underway -for central level. No special recruitment drives organised for local level, but central level strategy provides that it will be applied to local level, if successful.	Yellow	Improvement: All vacancies are widely disseminated to both communities.
1.6.6	Establish structure, e.g. a separate office with representation from all communities, to monitor communities' representation in the PISG.	Yellow	New Ministry of Returns and Communities could hopefully play that role.	Yellow	No specific focal point identified for this issue. The Ministry of Returns and Communities has not become fully operational to be able to undertake such responsibility. Community representation in the civil service is monitored mainly by MPS in the context of their staffing reports, but also the AOGG within OPM, for central level, and by MLG for local level.	Yellow	No Changes.	Yellow	No change
1.6.7	Staff records maintained and statistics produced (gender, ethnicity, age, seniority) by all PISG offices.	Yellow	More concrete statistics necessary to also demonstrate the seniority level at which different groups are represented.	Yellow	Concrete statistics on seniority levels are still lacking.	Green	Concrete statistics are maintained by the MPS, including seniority levels.	Green	No complaint in regards of security. No change
1.6.8	Rules of Procedure for the Conduct of Assembly business to be reviewed, well defined, notified and adhered to. The Rules should be in accordance with the Constitutional Framework and internationally accepted norms for legislatures.	Yellow	Previous Assembly had revised initial UNMIK rules of procedure; revised Rules of procedure were never fully accepted by UNMIK as valid, as they contradicted in some aspects the Constitutional Framework. These revised rules are currently used by the new Assembly, until, as expected, it issues new rules.	Yellow	The Assembly Committee on the Rules of Procedure has drafted new rules of procedure that seem to correct all provisions in the previous set of rules that were inconsistent with the Constitutional Framework. UNMIK has made recommendations to the Assembly on some adjustments before the new rules are adopted- which were apparently accepted. Adoption by the Assembly is expected at the next plenary (21/04)- action can then become green.	Green	The new rules, which are in full conformity with the Constitutional framework, are scheduled to be adopted by the Assembly at the plenary session on 20 May. The attempt to pass them at the session of 21 April was unsuccessful, as the opposition complained that some revisions were made to the Rules after the draft had been adopted by the relevant Assembly Committee.		NO CHANGE

1.6.9	Rules of Procedure for Assembly incorporate provision for consultative process (public hearing of draft laws, conformity with EU aquis etc.) in accordance with European practices, and there is no breach of such provisions.	Yellow	Revised rules incorporated such provisions (not used in the previous quarter though). No legislative process during this quarter as yet, since new Assembly just started functioning.	Green	The (old-revised) rules of procedure contain provisions for consultation with experts and the public (Rules 41.1 and 41.3) and oblige committees to invite the sponsor of a draft law under discussion (Rule 41.2). There was no known breach of these provisions. Conformity of draft legislation with EU aquis was checked until March 2005 by experts of the EAR project "Support to the Assembly of	Green	No Changes.		NO CHANGE
1.6.10	Rules of Procedure of the Assembly provide for debates/question time to review work of Ministries.	Yellow	Same as above. Executive oversight need to be re-established.	Green	According to the procedural rules, 15 minutes shall be made available for the Prime Minister to answer questions of Assembly Members at every plenary session, and 15 minutes for each other Minister at every fourth session (Rule 22). New, soon- to- be adopted rules include three relevant articles (on oral and written questions to the Government and interpellation). However, no plenary session during the current or previous	Green	The Prime Minister and Minister of Local Government Administration will present the Government project on the reform of local government to the Assembly for debate at the 19 May plenary session.		N/A
1.6.11	Rules for conduct of Government Business to be formulated notified and adhered to. The Rules would inter-alia specify the class of cases that will require the approval of the Government and the procedures for inter-ministerial consultation and examination of technical issues before consideration by Government.	Red	Comprehensive Rules of Executive Business have not been adopted. The draft earlier suggested by UNMIK was also not considered.	Green	On the 113th government session on February 1st the government has approved its Rules of Procedure. TThe Rules outline the organization of the work of the government including the interaction between Prime Minister and Ministers, the discussions at government sessions, publication of government legal acts, coordination and planning of the work of the government, relationship with the Assembly and other PISG bodies. They also provide for the use of languages "in accordance with applicable provisions".	Green	No Changes.		
1.6.12	Rules for conduct of municipal business adopted and implemented by each municipality. The Rules should inter-alia provide for inter-departmental consultations, public consultations and consultation with communities' committees/ groups.	Yellow	To some extent, inter-departmental consultations occur in the meetings of the Board of Directors of municipalities. However, consultations are more the exception than the rule, with the Communities' Committees.	Yellow	All municipalities have adopted rules of conduct, however consultations with the Communities Committees are rare on non-existent, and public consultations/ with civil society occassional in most municipalities. On the contrary, inter-departmental consultations take place on a regular basis.	Yellow	No major changes. Consultations with the Communities Committees continue to be rare, but some municipalities have tried to revive their Committees (Peje/Pec region). The municipalities of Dragash/s, Kline/a and Istog/Istok have recently presented draft municipal regulations for public consultations.	Yellow	NO CHANGE

1.6.13	Government and Municipal policy decisions are screened for compliance with equal opportunity/ human rights/ gender equality/ communities' interests.	Yellow	To some extent, inter-departmental consultations occur in the meetings of the Board of Directors of municipalities. However, consultations are more the exception than the rule, with the Communities' Committees.	Yellow	No standardised mechanism exists in the municipalities for screening of such compliance, and the lack of consultation with the Communities' Committees exacerbates the problem. At central level, there is no known procedure for such screening and the new rules of procedure adopted by the Government (see 1.6.11) do not include a provision to that effect.	Yellow	No significant changes. The Office of Gender Affairs reports that the Government and Municipal policy decisions are not discussed with the participation of the Division for Gender Equality of the Prime Minister's Office. Women belonging to minority communities are largely excluded from decision-making at the level of local municipal government	Yellow	Progress made. The Gender Office is fully operational and access to all.
1.6.14	Joint (UNMIK-PISG) Gazette publication to start. All PISG legislative issuances and Administrative Directions and Instructions to be notified in the Joint gazette in all official languages.	Yellow	The current UNMIK Gazette publishes laws and admin. Directions. There is no publication of PISG Admin Instructions.	Yellow	The publication of PISG Admin Instructions has not yet begun as the Law on the Official Gazette adopted by the Assembly requires further consultation with UNMIK before promulgation.	Yellow	No Changes.		N/A
1.6.15	Information provided in a timely and constructive manner to UNMIK personnel assigned to monitor Ministries, Assemblies and Municipalities on impending policy decisions and processes.	Yellow	There is a varied response from the institutions – in general, the municipalities doing better than the Ministries.	Yellow	Mitrovica - Rating 2 ("Information generally only provided upon request from UNMIK"); Leposavic - Rating 0; Zvecan - Rating 0; Vushtri - Rating 4; Skenderaj - Rating 1 ("The willingness ... is very low and most cases delayed"); Gjilan - Rating 1; Kamenica - Rating 3; Kacanik - Rating 3; Novo Berdo - Rating 4; Shterpe - Rating 1; Vitina - Rating 3; Ferizaj - Rating 1 ("General reluctance to share information with UNMIK was noticed. On most cases UNMIK has to insist for information. Information is never furnished voluntarily"); Prizren - Rating 4; Malishevo - Rating 2; "Information provided, but mostly after requests of UNMIK"); Suva Reka - Rating 4; Dragas - Rating 4; Rahovec - Rating 4; Decan - Rating 3 ("Some departments do not provide requested information, others give them without any problems"); Gjakove - Rating 3; Kline - Rating 2 ("Information provided to a	Yellow	MCYS reported that cooperation has declined, since the new Minister has been in office and changed the rating down from 3 to 2.	Green	



1.6.16	Assembly does not recommend for promulgation any law that is inconsistent with UNSCR 1244 and the Constitutional Framework.	Yellow	Many laws in the past have been found to contradict the CF and UNSCR 1244 and have not been promulgated by the SRSG. This should not be continue in the new Assembly- consultation with UNOLA or other international experts in case of doubt.	Yellow	The Assembly recommended for promulgation the Law on the Approval of the Annual Kosovo Consolidated Budget and Appropriations for the Period 1 January to 31 December 2005, which UNMIK has said must be promulgated as an UNMIK Regulation. [The Assembly also approved in second reading ten further laws UN OLA would need to be consulted for a legal opinion on the remaining ten laws. On 11 March, the SRSG sent a letter to President of the Assembly Daci reminding him of seven Assembly laws that could not be promulgated in their current forms. UN OLA considered four of those laws – Concessions, Obligations, the Bar, and Public Gatherings – to be problematic either because they are “inconsistent with the SRSG’s reserved powers and responsibilities under the [Constitutional Framework]” or there is “no legal basis in the Constitutional	Yellow	Of the twelve laws approved in second reading , four laws – Law on Freedom of Association in Non-Governmental Organisations, Law on Irrigation of Agricultural Land, Law on the Support to Small and Medium Enterprises, and Law on the Independent Media Commission – will require further review by UN OLA in order to ensure conformity with international standards, although not necessarily for inconsistency with UNSCR 1244 or the Constitutional Framework.		N/A
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1.7 All official languages are respected throughout the institutions of government.										
1.7.1	Establish structure/unit, to oversee the implementation of the official language policy that adequately meets the requirements of the communities. Corrective actions to be taken on infringement of the policy.	Yellow	New Ministry of Returns and Communities could hopefully play that role	Yellow	Two units will oversee implementation, one for central level within the MPS and one for local level within the MLG. Units have been established, but are not fully functional yet.	Yellow	No change	Yellow	NO CHANGE	
1.7.2	PISG issues Executive Direction and ensures implementation of the Official Language Policy laying down mandatory norms to be followed by PISG offices.	Red	Same as above. , self monitoring capacity in compliance with policy needs to be instituted. (1.7.1).	Yellow	MPS is in the process of drafting a Law on Languages.	Yellow	The draft Law on Languages has been prepared and has been submitted to the Assembly for discussion.		NO CHANGE	
1.7.3	Statistics/report on compliance with official language policy from all government Ministries and Municipalities are obtained and published.	Red	Same as above, (1.7.1).	Yellow	Some reports exist. Production of concrete statistics depends on the effective functioning of the two units under 1.7.1, which is just beginning.	Yellow	No Changes.	Yellow	No Change	
1.7.4	PISG assign responsibility within each Government Office to ensure implementation of official language policy.	Red	Same as above. (1.7.1).	Yellow	Decision has been made to assign this responsibility to the Permanent secretaries of the Ministries and the CEOs of the Minicipalities.	Yellow	No visible changes. Sporadic evidence only that the municipal CEOs follow-up on their responsibility to oversee language policy implemenation in their municipalities.	Yellow	NO CHANGE	
1.7.5	A Kosovo Assembly Committee (with requisite community participation e.g. the Committee on rights and interest of communities) is empowered t oversee the implementation of official language policy.	Red	Same as above. (1.7.1).	Red	Units under 1.7.1 can play that role with regards to the Government and the Nmunicipalities. However, an Assembly Committee could be explicitly charged with this duty with regard to the functioning of the Assembly.	Red	Assembly Committee to ovrsee language implemntation in the Assembly has not been designated yet.		No Change	

1.7.6	Adequate staffing and financial resources allocated to offices for ensuring that translation and interpretation facilities are available in a timely manner.	Yellow	Financial resources usually in place, staffing is lacking.	Yellow	Most of the Ministries and municipalities have reported that their human resources must be increased for enabling the qualitative, rational and quick translations for organs of municipality and citizens. All the municipalities, without exception, assess that for making adequate-timely translations, there has to be an additional budget, especially for installing the equipments of simultaneous translation in the municipalities, as well as for increasing the translators' number. In addition, problems with identifying good translators are also reported.	Yellow	No Changes.	Yellow	NO Change
1.7.7	Government approves panel of translators for translating documents, together with corresponding rates, to ensure timely translations of official documents.	Red	No evidence of Government having considered such a measure.	Yellow	Government reports that all Ministries( except the newly formed ones) have established translation cells, however some are still lacking adequate staff.	Yellow	No Changes.		NO Change
1.7.8	Legal instruments concerning names of cities, villages and municipalities etc are respected, and changes to them are addressed through appropriate legal instruments that are developed through consultation between UNMIK and the PISG.	Yellow	Some municipalities often violate this inspire of directives	Yellow	Official names of municipalities and places (as in 2004/23) are still not respected fully, although action has been taken in many municipalities to replace non-compliant signs, especially since the relevant letter sent by PM Haradinaj on 23 January 2005. Many road signs misspelling the Serbian version or monolingual were recently replaced, as reported by the Ministry of Transport- however in some of them the Serbian version was immediately defaced. Unofficial (albanian) names of municipalities are still used even on official instances.	Yellow	No Changes.Regarding the requirements of several UNMIK Regulations about the use of official names of municipalities, villages and places, compliance has improved but glaring examples of non-compliance remain: Obiliq/c (using Kastriot in lieu of Obiliq/c), Gllgovc/Glogovac (using Drenas in lieu of Gllgovc/Glogovac), Suhareke/Suva Reka (using Theranda/Suhareka in lieu of Suhareke/Suva Reka) and Mitrovica/Mitrovica, where Svinjare village is incorrectly identified as Frasher. In particular, improvements have been reported for Dragash/s, Gjakove/Djakovica, Istog/Istok, Kline/a and Vushtrri/Vucitrn.	Yellow	Improvement. Since January, the Municipality is receiving less documents in only Albanian.

1. 8 PISG and Municipalities ensure the availability of basic public services such as health care, utilities and education, without discrimination to all communities in Kosovo.

1.8.1	Functional Joint Steering Board on Public Administration (chaired by the Prime Minister and including Heads of UNMIK Pillar II and III) to provide strategic guidance and coordination for strengthening public administration in Kosovo.	Red	Although the Steering Board was established, its meetings were not regular and often depended on UNMIK persuasion and support. Important initiatives like framing of a public administration strategy , for which the services of UN DESA were engaged, have been left mid-way without follow-up.	INACTIVE	The process have been superseded by a UNDP-led exercise.	INACTIVE	The process have been superseded by a UNDP-led exercise. Recently discussions have intensified at the level of the Office of the Prime Minister in the Government Coordination Secretariat (GCS) about how to provide guidance and coordination for public administration capacity-building. Terms of Reference for a Capacity-Building Unit in GCS are under preparation. A Steering Board consisting of PISG, UNMIK, and donor officials has been formed to prepare a donor conference on 20 May to coordinate donors' capacity-building in the administration. An possible extension of the mandate of this Steering Board, which could include strategic guidance of capacity-building in the government, is under consideration.		
1.8.2	Development and announcement of a Public Administration Strategy by Government, with concrete objectives and a strict implementation time-table, as a follow-up of the initiatives flowing from the expert studies already conducted and a proposed workshop with local and international stakeholders.	Red	Same as above, (1.8.1).	INACTIVE	See above.	INACTIVE	See above.		
1.8.3	PISG, Ministries and Public Service providers formulate and publish standards of services they will provide to the citizens, to be measured periodically through Citizens' Report Cards. Ensure that the formulation of public services standards fully takes into consideration the specific needs and interests of women.	Red	There is no evidence of attempt in this direction.	Red	No progress has been reported..	Red	No Changes.		

1.8.4	Anti-discrimination law is adopted and enforced, in compliance with relevant European standards.	Yellow	. The law has been adopted, but its implementation is yet to be seen.	Yellow	No subsidiary legislation has been adopted yet that would "operationalise" the ADL. The OPM has however started implementing a public awareness campaign, through a number of leaflets and posters distributed Kosovo-wide in 5 languages explaining the basic concept of the ADL. Additionally the ADL will be published (in Albanian, Serbian and Turkish) and distributed to relevant actors Kosovo-wide. This project is entirely financed by OMiK. Additionally, in February 2005 KJI held a two-days workshop for judges and prosecutors on the ADL and its implementation in practice.	Yellow	No Changes.		No Change
1.8.5	All PISGs, Municipalities and Public Service Providers prepare and implement annual sub-component plans (as a supplement to their detailed budgets) specifying, in physical and financial terms, the measures to be taken for addressing the needs of communities that constitute the minorities in their areas. The sub-component plans should conform to the norms of fair-share financing.	Red	No effort has been made to prepare these plans.	Red	Ministry of Finance has been tasked to prepare model sub-component plans to be used by all PISG. No concrete progress has been made yet.	yellow	Some substantial efforts have been made as several drafts have been presented. Still, further improvement is needed as the drafts do not meet all the requirements of a sub-component plan.	yellow	NO CHANGE
1.8.6	Report on the communities' sub-component plan to be made an integral part of the annual reports of the Ministries, Municipalities and Service Providers.	Red	Same as above, (1.8.5).	Red	Depends on progress on the action above.	Red	No Changes.	yellow	No Change
1.8.7	Appropriate administrative institution in PISG identified, (with adequate community representation), for evaluating service delivery to communities- including the provision of public utilities- and publication of reports by such institutions on a quarterly basis.	Red	New Ministry of Returns and Communities could hopefully play that role.	Red	No progress noted since the last review. When MRC becomes functional, it can hopefully play that role.	Red	No Changes.		NO CHANGE

1.8.8	All PISG Ministries and municipalities establish public grievance redressal offices with adequate community representation, including a system for accepting and engaging with public utilities providers on claims of inadequate utility service provision .	Yellow	There are no public grievance redressal cells, and redressal arrangements are generally ad-hoc.	Yellow	No progress noted since the last review. A few municipalities have some kind of mechanism to receive public complaints.	Yellow	According to the MLG, nine municipalities have established multiethnic offices for complaints concerning public services, nine municipalities have not established municipal offices for complaints, and eight municipalities have established the municipal offices for such complaints, but they are not multiethnic (see MLG report for latest WG on S1)	Red	No Change
1.8.9.	PISG designate a responsible office to engage with Public Utilities to address inequalities in service provision to communities and their representation/employment within the utilities sector, particularly in customer services and technical support.	Red	No such arrangements exist in the PISG.	Yellow	Some engagement of PISG with Public Utilities (e.g. public transport) has taken place	Yellow	No Changes.		
1.9 The civil service is professional, impartial and accountable, representative of all communities in Kosovo and includes a significant proportion of women.									
1.9.1	Organisational structures in the Ministry Headquarters (Secretariat) to be standardized.	Red	Organisation structures are not uniform and even new proposals tend to disregard uniformity as being as a desirable objective. Likely to pose serious administrative problems in the future.	Red	No progress.	Red	No Changes.		
1.9.2	Administrative direction to be issued delegating administrative and financial responsibilities by Ministers to various civil service levels in PISG Ministries, permitting routine administrative functions to take place without political interference.	Red	No formal delegation of authority was made by the previous Ministers. 9.2 also a handicap in making general delegation by Government.	Red	No progress.	Red	No Changes.		
1.9.3	Disciplinary procedures of the civil service to be elaborated.	Green	By and large enunciated, but application is weak.	Green	UNMIK has concerns on the compliance of the SPAC with its own rules of procedure.	Green	No Changes.		

1.9.4	Comprehensive Plan to be approved, duly supported by financial resources, for capacity building of civil servants, including technical and leadership training. The plan should have at least the following: Definition of KIPA's role; - Definition of professional standards for	Yellow	Assessment of capacity gaps and TNA has been done in the past. KIPA has been working on the basis of so-called plans, which are however not comprehensive enough. Definition of professional standards required from key functionaries not done.	Yellow	New assessment of capacity needs has been concluded with UNDP help. KIPA is also in the process of developing courses that would make successful participants certified to hold certain government positions, for example as procurement officers. It has drafted a Training Plan for 2004-05, and is using it to develop a core curriculum for the institute. Questionnaires to assess training needs have also been created.	Yellow			No Change
1.9.5	Recruitment procedures to be reviewed and elaborated to insulate them from political interference and to enhance transparency. Mechanisms for addressing recruitment related issues/ complaints to be strengthened by operationalising the Independent Oversight Board.	Yellow	Senior levels in civil service not politically insulated, and frequent attempts are made to change civil servants on political grounds.	Yellow	The IOB has been set up but never became fully operational..	Yellow	No Changes. The IOB is currently operative in two of three areas. The areas of "Compliance Assessment" and "Review of Appointments on the Level of Heads of Departments" are being implemented. The IOB had drafted rules of evidence, procedure and practice for the Appeal System, which have not, however, received the concurrence from O/SRSG, as they are considered inadequate.		NO Change
1.9.6	Investigate thoroughly all incidents of discrimination and harassment in the workplace by public servants and elected officials (see also 8.4 on Anti-Discrimination law).	Yellow	No evidence of the system inspiring much confidence.	Yellow	No progress observed since the last review.	Yellow	OGA reports that no genuine attempt to address gender-based discrimination and sexual harassment in the workplace has been undertaken. Isolated examples have not been translated in common policies and practices in the PISG.		No Change
1.9.7	Performance Appraisal System for civil servants established and functional.	Yellow	Varying degrees of compliance.	Green	Performance appraisal systems have been introduced and are being used in Ministries and Municipalities although there are variations in the quality of use.	Green	No Changes.	yellow	NO CHANGE

1.9.8	Produce and notify specific set of regulations for parliamentary staff, in line with Kosovo civil service provisions.	Yellow	Two specific draft regulations on the parliamentary staff have been drafted for the Assembly as part of the EAR support programme, i.e. a new Statute for Assembly Staff and Rules of Procedure for the Administration. While these draft regulations remain to be approved by the new Assembly, the previous Assembly could already take credit for awarding all staff members a three year contract.	Yellow	These drafts are still awaiting adoption in the Assembly/Presidency.	Yellow	No Changes.		No Change
1.9.9	Actions for representation of communities and women in the PISG (as elaborated elsewhere in the paper)	No Info.	No Information.	No Info.	No Information.	No Info.	No Info.		No Change
1.10 All communities have fair access to employment in public institutions.									
1.10-	Same as 6.1 to 6.7 and 8.4	No Info.	No Information.	No Info.	No Information.	No Info.	No Info.		No Change
1.11 Code of conduct and enforcement procedures exist to provide for transparent and accountable government; recommendations of Ombudsperson are given full weight.									
1.11.1	Preparation of Rules of Government, as stated above in standard 6.	No Info.	No Information.	No Info.	No Information.	No Info.	No Info.		No Change
1.11.2	Rules of Government, Rules of Procedure and Codes of Conduct adhered to by PISG in practice and action taken by Government for violations.	Yellow	Rules of Business of the Government and RoP for Ministries not in place. Code of conduct for civil servants exists, but its application is weak.	Yellow	Government Rules in place, their application remains to be seen. Enforcement of civil service code of conduct is weak. Mitrovica - Rating 4; Leposavic - Rating 1; Zvecan - Rating 1; Skenderaj - Rating 1; Gjilan - Rating 1; Kamenica - Rating 3; Kacanik - Rating 3; Novo Berdo - Rating 3; Shterpce - Rating 1; Ferizaj - Rating 1; Prizren - Rating 3; Malishevo - Rating 2; Suva Reka - Rating 3; Dragas - Rating 3; Rahovec - Rating 2; Decan - Rating 3; Gjakove - Rating 3; Kline - Rating 2; Pristina - Rating 2; Podujevo - Rating 2; Gllogoc - Rating 3; Shtime - Rating 3; Ministry of Health: Rating 2; MLSW: Rating 2; MAFRD Rating 1; MCYS Rating 3.	Yellow	No Changes, except a Draft Law on Civil Servant Code of Conduct being prepared in the Office of the Prime Minister.		NO Change



1.11.3	Information on PISG policies and executive actions made available timely and readily by PISG to UNMIK monitors at central and municipal levels.	Yellow	Varied response, especially on the time factor.	Yellow	No progress reported from previous quarter. Mitrovica - Rating 2; Leposavic - Rating 1; Zvecan - Rating 1; Skenderaj - Rating 0; Gjilan - Rating 1; Kamenica - Rating 2; Kacanik - Rating 3; Novo Berdo - Rating 4; Shterpce - Rating 1; Vitina - Rating 1; Ferizaj - Rating 1; Prizren - Rating 3; Malishevo - Rating 3; Suva Reka - Rating 3; Dragas - Rating 4; Rahovec - Rating 3; Decan - Rating 2; Gjakove - Rating 2; Kline - Rating 1; Pristina - Rating 1; Obiliq - Rating 1; Podujevo - Rating 4; Fushe Kosove - Rating 3; Lipjan - Rating 1; Glogoc - Rating 4; Shtime - Rating 4; Ministry of Health: Rating 1; MLSW: Rating 3; MAFRD Rating 1; MCYS Rating 4.	Yellow	No Changes.	Yellow	No Change
1.11.4	Ministries, Municipalities and Public Utility Entities publish annual reports including their financial statements. The reports are provided to the Kosovo Assembly, Municipal Assemblies and UNMIK structures within three months of the closing of the year.	Red	No such reports published or placed in the Assembly.	Yellow	Some institutions have started to publish their annual reports including their financial statements.	Yellow	No Changes.	Yellow	No Changes from last Vushttri/Vuçitri report.
1.11.5	Code of Conduct (including provision for financial disclosure) for political appointees is drafted and adopted. Mechanism established for enforcement of the Code.	Yellow	No Information.	Yellow	A draft Code of Conduct for political appointees in the Government is still awaiting adoption at the OPM.	Yellow	A Code of Conduct for Political Advisors was adopted in April 2005. no information available that a mechanism for enforcement is established.		NO change
1.12 Regular and independent audit of KCB, Assembly, government ministries and municipalities.									
1.12.1	Audit plans drawn up by Auditor General's Office every year in advance, and notified.	Yellow	No Information.	Yellow	The Auditor General was appointed in Nov 2003. During 2004 the office has been set-up and staffed with local staff. Training and capacity building programmes started in 2004. The OAG is not yet functioning fully as its audit capacity is under development. The jointly funded EAR/UNMIK development project is currently at risk because the EAR have stopped further progress whilst they propose changes to the project structure.	Yellow	No Changes.	Yellow	No Change

1.12.2	Auditor-Generals reports submitted to SRSB and the Assembly.	Yellow	No Information.	Green	The OAG have submitted to the SRSB the following audit reports: 2001 Audit of KCB Financial Statements; 2003 Audits of the POEs; 2003 Audits of the Municipalities; and one independent audit report on the Tender for a Second Mobile Telephony Operator in Kosovo. The Audit report on the KCB financial statements FY2002-2003 will be presented in May 2005 (this audit is performed by the Netherlands Rekenkamer on behalf of UNMIK).	Green	No Changes.		
1.12.3	Internal Audit Units established for main expenditure units of KCB, and internal audits conducted.	Yellow	No Information.	Yellow	No information.	Yellow	Internal audit Units are established; there are more than 100 auditors operating in the Public Sector, and internal audits have been conducted.	Yellow	Established
1.12.4	Results on implementation of audit recommendations notified by each PISG expenditure unit.	Yellow	No Information.	Yellow	Not all recommendations are yet implemented.	Yellow	No Changes.	Yellow	No Change
1.12.5	Kosovo Assembly Budget Committee, or a functional sub-committee of it, oversees public expenditures in PISG Ministries and budget organizations.	Red	Not done or attempted.	Red	The Assembly's rules of procedure contain a provision that "[t]he Budget Committee shall . . . be responsible for examining the annual reports and the audited financial statements of the Kosovo Consolidated Budget relevant to the budget of the Provisional Institutions of Self-Government and other audit reports relating to the operations of the Assembly, the President, the Government, Ministries or other activities of the Provisional Institutions of Self-Government . . . The Budget Committee shall submit reports to the Assembly on its findings from time to time and there shall be opportunities for the Assembly to debate such reports." The ORA parliamentary group recently submitted a proposal to investigate the Government expenditures from December 2004. They say they have received the expenditure reports from the Government for all other months except December 2004. Any findings of the Budget Committee with regard to public expenditures have not been debated in the Assembly.	Red	No Changes.		No change
1.13 Allegations of misconduct are thoroughly investigated, elected officials and public servants responsible for unethical, fraudulent or corrupt behaviour are effectively									
1.13.1	Adopt and implement Anti-Corruption Strategy for Kosovo, including an Anti-Corruption campaign.	Yellow	PISG issued the Anti Corruption strategy on 17th march 2004, however not follow-up.	Yellow	The first draft of the Action Plan on implementation of the Anti-corruption Strategy for Kosovo was presented in a two day workshop held from 21-22 February 2005, organised by OGG and PACO Council of Europe. The recommendation given will be finalised during this month.	Yellow	No Changes.		No change

1.13.2	Promulgation and enforcement of an Anti-corruption law.	Yellow	No Information.	Yellow	UNMIK, Parliament and Government officials have harmonised all recommendations given by UNMIK regarding anti-corruption law. The law will be approved during the next Parliamentary session and will be sent to SRSG for signature. An agency against corruption will be formed after the law has been signed by SRSG.	Yellow	No Changes.		
1.13.3	Discipline and Appeal Boards established and functioning in all PISG organizations.	Yellow	Varied compliance.	Yellow	Boards are established in all Ministries and municipalities, but their functioning is lacking in some cases, especially at local level.	Yellow	No Changes.	yellow	No Changes from last Vushtri/Vučitrn report.
1.13.4	Establishment of central anti-corruption body and designation of vigilance officers in Ministries and government offices.	Red	No such central level body established.	Red	No Info.	Red	No Changes.		No change
1.13.5	Code of conduct for elected officials and civil servants drawn up and adhered to. Codes of conduct provide that all public officials and civil servants contribute to the establishment of an atmosphere of tolerance between all communities.	Yellow	Civil Servants Code of Conduct only drawn up.	Yellow	A draft Code of Conduct for political appointees in the Government is still awaiting adoption at the OPM. Code of conduct for elected officials (part of the Assembly's RoP) and for civil servants in place, but no provision on tolerance included.	Yellow	A Code of Conduct for Political Advisors was adopted in April 2005. no information available that a mechanism for enforcement is established.		No change
1.13.6	Enforcement mechanism for Code of conduct for elected officials and civil servants is in place.	Yellow	No code of conduct even for political appointees.	Yellow	See above. Code for Assembly members lacks enforcement mechanism. See also 1.13.3.	Yellow	No Changes.		No change
1.13.7	PISG identify and punish elected officials and civil servants inciting inter-ethnic violence or hatred between communities, or failing to discharge responsibilities to prevent such violence or hatred.	Red	No cases of administrative action have come to notice.	INACTIVE	No such instances since March 2004.	INACTIVE	No Changes.		No change
1.14 Proposed Assembly legislation is reviewed and cleared by Assembly Committee on Rights and Interests of Communities prior to adoption by the Assembly.									

1.14.1	Amendments proposed by the Committee on Rights and Interests of Communities should be carefully reviewed and voted on. Representatives from all communities participate in the drafting of laws. The draft laws and decisions proposed by representatives of smaller communities are considered with due respect.	Yellow	Kosovo Serb community representatives were never invited to participate in WGs drafting legislation. Amendments by the Committee rarely accepted.	Yellow	No such amendments were proposed during this period. One amendment proposed by an individual Kosovo Turk representative, dealing with the use of Kosovo Community languages other than Albanian and Serbian, received ten votes in favour and six votes in opposition but was mistakenly declared as rejected by the Chairperson. The involvement of non-Albanian communities in drafting legislation remained a weak point. The Government procedures for drafting legislation do not contain explicit requirements for the inclusion of non-Albanian community representatives in the working groups that draft legislation. However, the PM has adopted decision that provides for minority participation in the drafting of legislation related to minority community rights.	Yellow	The only amendment proposed by the CRIC during the reporting period, which dealt with the appointment of a non-Serb minority community representative to the council of the Independent Media Commission, was adopted by the Assembly in place of an alternative amendment proposed by the relevant functional committee. The participation of the Kosovo Serb Chair in two CRIC meetings can also be considered as a positive development.		No change
1.15 Women participate in the institutions of the PISG at rates that equal or exceed rates in the region and the interests of women are fully reflected in its policies and legislation.									
1.15.1	Promulgate and disseminate widely the Law on Gender Equality.	Green	N/A	Green	No specific actions for dissemination were reported by the Division for Gender Equality of the OPM. During year 2004 OGG has organised an international conference and a series of trainings and workshops specifically for disseminating, promoting and implementing the law on gender equality in Kosova.	Green	No Changes.	Green	No change
1.15.2	Create the Office of Gender Equality at the highest possible level of government with a clear mandate and adequate resources and create capacity that enables it to influence policies and formulate Kosovo-wide strategies.	Yellow	A separate office on the lines envisaged in the Law on Gender Equality yet to be established.	Yellow	The Government has decided to establish the Office of Gender Equality; the Division for Gender Equality of the Office of the Prime Minister proposed to be converted into the Office for Gender Equality. Some Kosovo women leaders denounced to the SRSG the lack of transparency with which the establishment of the Office for Gender Equality has been handled so far by the Government and the Ministry of Public Services.	Yellow	At the end of April the Permanent Secretary of the Prime Minister appointed the Head of the Division for Gender Equality of the Advisory Office on Good Governance, Human Rights, Equal Opportunities and Gender Issues (AOGG) of the Prime Minister's Office (PMO) as the Interim Director of the Office for Gender Equality.		

1.15.3	Develop, disseminate and implement the Kosovo Action Programme for Gender Equality.	Yellow	Programme was developed by civil society and endorsed by the Government, but there is no evidence of implementation.	Yellow	The Kosovo Action Plan for the Achievement of Gender Equality, drafted in 2003, and endorsed by the Office of the Prime Minister in 2004, has not been revised to respond to emerging issues and current priorities. Kosovo Government has taken a decision at 10/02/05 for forming an office for Gender Equality to address gender issues.	Yellow	As a result of the advocacy work of the OGA, the Interministerial Working Group on Gender Issues, chaired by the Division for Gender Equality of the Prime Minister's Office, has recognized the necessity of revising the Kosovo Action Plan for the Achievement of Gender Equality, prepared in 2002 and endorsed by the Prime Minister's Office only in 2004. The Action Plan as proposed in the Beijing Platform for Action, outlines the framework for the advancement of women and the promotion of gender equality in Kosovo. Among the weaknesses of the Plan the lack of negotiations with the Ministers to be involved in its implementation, the absence of accountability mechanisms at the decision making level, together with the non-existence of a budget for its execution have been the most serious obstacles. The OGA is		No change
1.15.4	Set up - Gender Affairs Officers in Ministries; make functional and/or strengthen mechanisms for gender mainstreaming envisaged by the Law on Gender Equality: - Inter-ministerial Council for Gender Affairs; - Municipal Gender Offices; - Gender Equality Attorneys	Yellow	Gender Equality Attorney is GREEN	Yellow	MPS was urged to formalise the revised Terms of Reference (ToR) of the Municipal Gender Officers. After the promulgation of the Law on Gender Equality and the transfer of the MGOs program to the Office of the Prime Minister (June 2004), the Advisory Officer for Good Governance, Human Rights, Equal Opportunities and Gender Issues (AOGG) was requested to ensure the approval of the	Yellow	No Changes.		No change
1.15.5	Set clear targets and implement affirmative actions to substantially increase the number and enhance the position of women within PISG structures.	Red	No Information.	Red	No affirmative actions have been devised or implemented by the MPS to increase the quantitative and qualitative representation of women in professional categories of the Kosovo Civil Service. Regardless the opportunity offered by the formation of the new Government, the appointment of women to political ranks at the level of minister, deputy minister and permanent secretary was not improved.	Red	No Changes.	yellow	No change
1.15.6	Maintain and publish statistics on positions occupied by women in PISG on an annual basis.	Red	General statistics yes, but not on positions.	Red	No systematic actions have been taken to create a knowledgeable resource capable of identifying gender gaps and analyzing trends.	Red	No Changes.	yellow	No change

1.15.7	Electoral Process ensures at least the existing level of representation of women in elected positions.	Green	N/A	Green	N/A	Green	No Changes.	Green	No change
1.16 The proposals of decentralization of the COE have been examined and considered with the aim to create functional structures of local government.									
1.16.1	Proper examination of the CoE proposals in the Government keeping in view the European charter on local self-government and other European standards. Examination of proposals is done in co-operation with UNMIK and representatives of all communities and takes into consideration all interests.	Yellow	Discussions are ongoing	Yellow	Government Plan on Local Government reform has been developed in consultation with UNMIK- minority communities have not participated (Kosovo Serbs have declined invitation). Plan establishes 5 pilot municipal units, to form the basis of a larger reform plan to be implemented in the future.	Yellow	No Changes.		No change
1.16.2	Establishment of joint Task Force with the UNMIK and agreement on implementation modalities.	Yellow	Agreement on implementation modalities worked on.	Yellow	See above. Implementation modalities for 5 pilot projects are included in general terms in the Government Plan- implementation has yet to begin.	Yellow	Implementation has not started, but establishment of a Steering Board and five working groups to move the process forward is underway; Kosovo Serbs have nominated representatives to participate in them.		No change
1.17 Parallel structures for the provision of services have been dismantled or integrated into PISG structures.									
1.17.1	Develop strategy to reduce demand for and dismantle parallel structures and integrate them into PISG structures.	Red	No Information.	Yellow	Implementation of local government reform is expected to reduce demand for parallel structures.	Yellow	No Changes.	Yellow	No change
1.17.2	Start implementation of strategy.	Red	No Information.	Red	No progress	Red	No Changes.		No change
1.17.3	Negotiation with Belgrade on technical issues.	Red	No Information.	Red	No progress	Red	No Changes.		No change

1.18 A range of private, independent print and broadcast media exists, providing access to information for all communities throughout Kosovo.								
1.18.1	Develop strategic plan for minority broadcasting that is consistent with the European Convention on Minority Rights.	Yellow	No Information.	Yellow	Such plan, proposing a fund for minority broadcasting that the private broadcasters can have access to, has been developed as a proposal by the TMC and is soon to be discussed with the OPM.	Green	The Strategy mentioned before has been approved and adopted by the Government.	No change
1.18.2	Endorsement and implementation of plan by PISG	Red	No Information.	Red	To follow aforementioned action. The draft strategy includes an implementation plan with dates and concrete actions. The financial impact of the implementation is also outlined in the strategy.	Yellow	Implementation Plan for the Strategy has yet to be developed, approved and implemented. Dates included in the Strategy have slipped.	No change
1.18.3	Develop and implement a long-term licensing plan that ensures a sustainable, dual public/private broadcasting sector and serves the needs of minority communities in accordance with European standards.	Red	No Information.	Red	Such a plan will be the responsibility of the IMC, once established, to implement the PISG's strategic plan noted in 18.1.	Red	No Changes.	No change
1.18.4	*Establish local institutions for education in journalism at undergraduate and graduate levels. Curriculum meets European standards. *Establish Department of Journalism.	Red	No Information.	Red	No progress yet. The Kosovo Media Institute, a postgraduate and mid-career journalist education centre will be established by autumn this year. Faik Konica School of Journalism is still functioning as the only institution of formal higher education in the field of journalism. This school, however, has been licensed only until the current roll of students have graduated. MEST has announced that they are in the process of establishing a Department of Journalism "within a matter of weeks", but major issues, including the identification of premises for the Department remain to be resolved.	Red	No Changes.	N/A
1.18.5	Copyright law is passed and enforced.	Red	No Information.	Yellow	Copyright Law has been adopted by previous Assembly, but not promulgated yet-IC has reservations with regards to its quality. The Assembly had adopted it with sub-minimal consideration and no public hearings.	Yellow	No Changes.	No change

1.18.6	Ensure freedom of information is respected, including implementation of the Law on Access to Official Documents.	Yellow	Several provisions of the Law on Access to Official Documents envisage measures that should be undertaken in order to implement it. The deadlines envisaged in the Law are not met. For example, the OPM did not publish a report by 31 July 2004 on the implementation of the Law (Section 16.2), and none of the institutions have a register with the names of documents that are housed by the institution and their respective locations, which should have been operational by 1 January 2004 (Section 10.3). Also, the Government has not yet adopted rules and procedures regarding the classification of sensitive documents, as it should have done by 5 January 2004 (Section 17.1). Second	Yellow	No known action has been taken since last quarter.	Yellow	No Changes.	Yellow	No change
1.18.7	Establish award for media outlet/journalist best promoting democratic values and reconciliation in Kosovo.	Red	No Information.	Yellow	The Association of Professional Journalists of Kosovo has established an award system for good journalism including such values. However, the award system currently lacks a funding mechanism	Yellow	No Changes.		No change
1.18.8	Kosovo media outlets advance democratic values and human rights issues e.g. gender equality awareness.	Yellow	No Information.	No Info.	No Information.	Yellow	OGA reports that in the past months articles denigrating efforts to protect women's rights appeared in the press, together with an extensive use of sexist language.		No Information
1.19 There is an independent and effective media regulatory authority, aspiring to European standards, recruited without discrimination and according to merit.									
1.19.1	Independent Media Commission law is passed. Independence of media regulator is fully safeguarded.	Yellow	Since November 2003 draft law is in OPM., it needs to be presented to the parliament.	Yellow	The draft IMC law, which was approved at first reading by the Assembly in January, was discussed by stakeholders at a public hearing on 7 February. The draft law is expected to be adopted in the April plenary (21/4). The TMC has presented the Assembly with amendments that, if accepted, would produce a law with the legal provisions necessary to ensure the IMC's independence- then the action can turn green.	Yellow			No change



1.19.2	Independent Media Commission staff recruitment is completed. Staff should be multi-ethnic. Complete development of internal policies and procedures.	Red	No Information.	Yellow	Staff recruitment by the TMC for the future IMC is 75% complete. No non-majority candidates have presented themselves since mid-2003.	Yellow	No Changes.		No change
1.19.3	Media comply with Temporary Media Commissioner's guidelines on copyright, until copyright law is passed. Media professionals comply with media legislation and standards.	Yellow	No Information.	Yellow	Kosovo's main television stations consistently comply with TMC guidelines on copyright. However, compliance by local television broadcasters is variable. With a small number of notable exceptions, print and broadcast media generally comply with TMC codes of conduct	Yellow	No Changes.		No change

1. 20 Hate speech, or any form of incitement, is condemned by political leaders, the media regulatory authority and media commentators.									
1.20.1	Develop and adopt comprehensive new code of conduct for journalists, with the goal of, among other things, eliminating libelling and threats causing hatred.	Yellow	A draft Code is in place, formal adoption expected by end January (simultaneously with the establishment of a Press Council as below).	Green	The Press Code was endorsed by nine editors-in-chief representing the main newspapers in Kosovo. Efforts are under way to gain endorsement by non-majority editors.	Green	No Changes.		No change
1.20.2	Create self-regulatory system for print media. Press council should be multi-ethnic.	Yellow	Underway, hopefully established in spring.	Yellow	A Press Council is being developed. There is understanding and acceptance on behalf of the mainstream media that the council ought to be multiethnic.	Yellow	No Changes. With the Press Council the Press Code above cannot be enforced.		No change
1.20.3	Media criticise any form of hate speech and refrain from broadcasting or printing it. Media encourage tolerance among the communities and report in an unbiased way, especially when dealing with situations of inter-ethnic tension.	Yellow	One case of hate speech during electoral period identified by the TMC. Encouragement of inter-ethnic tolerance yet to be seen. Some media have criticized hate speech and bias reporting for example during March. Also most media have publicly admitted to have reported in an unprofessional and unacceptable manner during March. Commendable that settlements reached between broadcaster (RTK, KTV and TV21) who acknowledged violations of specific principles embodied in the Broadcast Code of	Yellow	The TMC and Pillar III are monitoring the media. The broadcasters' coverage of the events around Haradinaj's indictment have been tempered and professional. Generally, comparing with the situation of last year, the quality has improved. Examples of sanctionable hate speech or open incitement of hatred, discrimination or violence have not been reported. Far more common, particularly in a couple of newspapers, is prejudicial journalism that stops short of hate speech or incitement.	Yellow	No Changes.	Yellow	No information
1. 21 Publicly-funded media devotes a full and proportionate share of its resources and output to all ethnic communities.									
1.21.1	Develop strategic Plan for minority broadcasting that is consistent with the European Convention on Minority Rights. Strategic plan for minority broadcasting defines complementary roles of public and private broadcasting and scale and source of necessary resources. (same as 18.1) Endorsement and implementation of plan by PISG.	Yellow	No Information.	Yellow	The draft strategy for minority broadcasting, in its current form, foresees the establishment of a fund for minority and multi-ethnic media. Private and public media outlets would be able to gain financial assistance for coverage dedicated to minorities. The draft RTK law includes provisions requiring RTK to allocate no less than 15 percent of its broadcasting time and no less than 10 percent of its programming budget to non-majority communities. This allocation, as stipulated in the current draft, also includes prime time news dedicated to minorities.	Yellow	See 1.18.1 . Strategy has been endorsed by the Government, but no implementation plan in place.		No change

1.21.2	Drafting, adoption, and implementation of a law establishing RTK as a public broadcaster in accord with best European practices. Law should establish in clear and practical terms the RTK obligations to serve all ethnic communities in a proportionate way.	Red	No draft exists. Efforts are underway to establish a working group.	Yellow	A draft RTK law has been prepared, but is still to be approved by the Government. The draft law has been largely harmonised with European standards but still needs some revision to ensure full compliance. It includes explicit and concrete provisions for minorities.	Yellow	No Changes.		No change
1.21.3	Public TV signal is received all over Kosovo.	Red	Although the RTK signal covers about 80% of Kosovo, efforts and plans to cover the rest of Kosovo have yet to be seen.	Red	No change from previous quarter, lack of funding remains the main obstacle.	Red	No Changes. .		No information
1.22 Non-governmental organizations, in particular those representing minorities, are able to operate freely within the law and individuals are free to join them without									
1.22.1	Adopt Freedom of Association Law.	Yellow	Adopt Freedom of association law. Draft law of Freedom of Association of NGOs has been prepared and sent to assembly at end Dec.	Green	Freedom of Association of NGOs law has been adopted by the Assembly, not yet promulgated by the SRSB (see also 1. 6.16).	Green	No Changes.	Green	No Changes.
1.22.2	Establish Kosovo register for NGOs with multi-ethnic staff.	Yellow	The NGO register is operating within MPS, under international supervision	Yellow	No change from previous quarter.	Yellow	No Changes.		No change
1.22.3	Regulate financial transparency, government financing and tax exemptions for NGOs/non-profit activities.	Red	Current legislative framework is inadequate to allow for the smooth operation of the 2,800 NGOs in Kosovo and clearly define their rights and obligations. As a result, about 80% of them are merely hibernating.	Yellow	New NGO law has yet to be promulgated by SRSB- some NGOs have reacted negatively to some of its contents.	Yellow	No Changes.		No change

1.22.4	Adopt legislation or establish standard procedures (e.g. formation of public private commissions) enabling civil society organisations- especially those representing minority communities- get more involved in public policy making and the delivery of services. Such action might include the establishment of a Civil Society Committee at the Central Assembly.	Red	No progress reported	Red	No progress reported, although new ROP of Government provide for a very loose obligation to provide access and cooperate with NGOs (atr 79).	Red	No Changes.		
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From Serb Municipalities



























































