

## OCA MATRIX - MUNICIPAL LEVEL

### Vushtrri / Vučitrn

## IV. SUSTAINABLE RETURNS AND THE RIGHTS OF COMMUNITIES AND THEIR MEMBERS

### A. SUSTAINABLE RETURNS AND RIGHTS OF COMMUNITIES – REVISED POST 17 MARCH 2004

#### 1. SUSTAINABLE RETURNS

1. Municipalities and ministries are able to assume responsibility for returns within all communities in a manner consistent with European standards.

Action	Responsible Authority	Timeline	Indicators	Assessment of MR/PIO				Remarks of MR/PIO
4.1.4 Each municipality develops a municipal returns strategy for 2004 and subsequent years, and the returns strategies are implemented effectively.			0=no strategy is in place; 4=strategy is implemented.			X		Strategy is formulated, adopted by the assembly and efforts are being made to implement it.
4.1.5 Each municipality with ingoing or projected returns has established and fulfilled a Municipal Returns Officer post with appropriate Terms of Reference in place.			Number of municipalities which have developed, endorsed and implemented Municipal Returns Strategies and hired Municipal Returns Officers			X		The municipality was the first in Kosovo to employ the Municipal Returns officer

Action	Responsible Authority	Timeline	Indicators	Assessment of MR/PIO				Remarks of MR/PIO
4.1.7 Ensure community, returnee and IDP women representatives are involved in decision-making and planning for communities and returns issues at all levels.			Gender experts, women’s stakeholders in communities are increasingly included in the development and implementation of return strategies		X			None except in town hall meetings of Ashkali returnees all returnees including women were invited and they attended.
4.1.8 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.			Please, provide inputs on support provided				X	The municipality has enabled the returns of twelve Ashkali families by spending money on repairs of vandalism in the newly reconstructed houses from the municipal budget. The MWG is very regularly held and well attended with minority representatives and supports all return activities effectively.
4.1.9 Task Forces, including representatives from the returning community, have been established and function effectively to address individual organized returns projects and locations where such projects are contemplated). (Task Forces report to			0=no action is taken 1=task force is established 2=TF includes representatives of				X	One K- Serbian of one enclave only participates. However the task force meets

Action	Responsible Authority	Timeline	Indicators	Assessment of MR/PIO				Remarks of MR/PIO
the Municipal Working Group).			returning community 3=TF functions are effective 4=TF is very well functioning according to the ToR					regularly to initiate ways and means for making sustained returns possible.

2. 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 demand for return has been substantially reduced. [Provide figures to substantiate this]

Action	Responsible Authority	Timeline	Indicators	Assessment of MR/PIO				Remarks of MR/PIO
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			Number of individual spontaneous and facilitated returns in 2004 as against 2003			X		Twelve Ashkali have returned during this quarter.
4.2.4 Municipalities supporting returns through local structures wherever needs have been identified through IDP demand,			Number of Concept Papers in			X		The municipality has cooperated with

Action	Responsible Authority	Timeline	Indicators	Assessment of MR/PIO					Remarks of MR/PIO
and all projects described in 2004 Strategy for Sustainable Returns have been reviewed and implemented where there is IDP demand and sufficient funding.			development and under implementation in 2004, as against 2003						IDP representatives and identified projects and even secured money from a Swiss donor and the project is being implemented through NGO Women for Women Kosova.
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.			Number of returnees who are not yet provided with IDs			X			Whatever requested has been granted.
4.2.6 Returns projects that are consistent with the Manual for Sustainable Return and related policy documents are developed and implemented in all locations where sufficient demand is identified.			Please provide inputs on number of projects developed and implemented			X			Repair of 61Ashkali houses ofr March violence. Repair of Sewage system for the same houses. Construction of boundary walls for 27 such houses through Swiss donation and a community center for Ashkali IDPs.

Action	Responsible Authority	Timeline	Indicators	Assessment of MR/PIO					Remarks of MR/PIO
									15 Kosovo Serb houses in Slatina have been reconstructed.
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.			Number of returns projects to urban areas which begin implementation			X			1 project of 61 Ashkali houses only in urban area.
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 mechanisms is ultimately assumed by municipalities.			Please report on individual and small groups returns in the municipalities, and provide information on responsibilities assumed by the municipalities			X			Ashkali returns of twelve families in this quarter.  Some 15 individual returnees under RRRF.
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 mediation/dialogue). Central returns and communities structures actively monitor progress and intervene to remove obstacles. Ethnic community leaders also contribute constructively to returns process.			Please report on response to resistance, and provide information of the initiation of the dialogue			X			Vandalism in the newly reconstructed but unoccupied houses in Sllatinë / Slatina village. Immediately the municipality, community leaders, councils, community police met on war footing to appeal for their protection and

Action	Responsible Authority	Timeline	Indicators	Assessment of MR/PIO					Remarks of MR/PIO
									prevent further damage.
4.2.11. Revised edition of the Manual for Sustainable Return is completed and distributed. Changes reflected in the revised Manual are implemented.			1=revision of the Manual is done 4=the Manual revised is implemented						
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.			Please provide information on the report system and on ethnicity and gender of the returnees			X			The Ashkali returnees have fifteen females out of total thirty two members. The municipal returns officer has the complete data of all displaced and available always.
4.2.13 Information database regarding displaced population, demand within displaced population, and level of returns is improved.			Please provide information on the IDPs return		X				No proper data base is available with the municipal authorities. But rough estimates of over 6000 IDPs exist. The demand for return among the displaced population is low due to security concerns and the

Action	Responsible Authority	Timeline	Indicators	Assessment of MR/PIO					Remarks of MR/PIO
									fluid political situation

**3. Returnees to Kosovo are able to participate in the economy and job market without discrimination and limitations based on the freedom of movement**

Action	Responsible Authority	Timeline	Indicators	Assessment of MR/PIO					Remarks of MR/PIO
<p><b>4.3.1</b> 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.</p>			<p>Number of community members, including returnees, who are proportionally represented in the public sector                      Percentage of women belonging to communities employed in the Kosovo Civil Service in comparison with men belonging to communities</p>			<b>X</b>			<p>The percentage of minority employees is higher than the fair share target but K-Serbians do not work in the municipal building due to security concerns and the MCO is located in a Serbian village.</p>

Action	Responsible Authority	Timeline	Indicators	Assessment of MR/PIO				Remarks of MR/PIO
4.3.2 Continued inclusion of income generation components in concept papers supporting returns projects, and development of regional approaches to income generation.			Please report whether the income generating components are included in the concept papers of the municipalities			X		Yes the income generation part is included in all the projects submitted.
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.			Number of community members, including returnees, and women, receiving vocational/professional training.			X		About twelve Ashkali returnees will receive the vocational training from an approved project.

**4. Health care, social services, education and public utilities are available to returnees on a level equal to that of the rest of the population**

Action	Responsible Authority	Timeline	Indicators	Assessment of MR/PIO				Remarks of MR/PIO
4.4.6 Connection and supply of public utilities to returnees is provided efficiently and without discrimination.			Please indicate cases of discrimination			X		The connections to all public utilities are provided but the K-Serbian minorities have refused to sign the

Action	Responsible Authority	Timeline	Indicators	Assessment of MR/PIO					Remarks of MR/PIO
									service contracts and thus disconnections in the largest village Priluzhe.
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.			Please indicate cases of discrimination	X					No case of discrimination reported in this quarter. No such approach visible.

**5. 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 the ethnic background of the victim.**

Action	Responsible Authority	Timeline	Indicators	Assessment of MR/PIO					Remarks of MR/PIO
4.5.1 Development of crime prevention councils in municipalities with significant inter-ethnic population or potential returns and effective implementation of these councils.			1=development of crime prevention council 4=effective implementation of these councils			X			The crime prevention council is functioning but without the participation of K-Serbs.
4.5.3 Political leaders of all political parties and at all levels publicly encourage all Kosovans to cooperate with police in solving all crime, including inter-ethnic crime.			Please provide numbers of declaration of the local leaders				X		All Municipal Assembly meetings, public meetings, Board of Directors,

Action	Responsible Authority	Timeline	Indicators	Assessment of MR/PIO				Remarks of MR/PIO
								policy & finance meetings, LCPC, JCC and others do make such appeals.
<p><b>4.5.4</b> 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.</p>			Please provide information on any proactive information campaign				<b>X</b>	The municipality has vigorously encouraged and participated with NGO CARE and DFID for community dialogue to encourage freedom of movement and returns. It is one of the two pilot projects of the DFID on community based safety and policing.
<p><b>4.5.7</b> 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.</p>			Please report on the municipal initiatives as to prevention of security concerns				<b>X</b>	The municipality encourages all municipal directorates, religious organizations, schools, youth organizations, local village councils for

Action	Responsible Authority	Timeline	Indicators	Assessment of MR/PIO				Remarks of MR/PIO
								tolerance in all possible meetings.

**6. Funding is allocated from the KCB to support returns projects and smaller communities.**

Action	Responsible Authority	Timeline	Indicators	Assessment of MR/PIO				Remarks of MR/PIO
<p><b>4.6.1</b> 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.</p>			<p>Amount of funds allocated from KCB to support returns (2005 compared to 2004)</p>			X		<p>Although the municipal funding has been reduced considerably, the municipality still spent it's budget to rehabilitate the returned Ashkalis, the uninhabited Kosovo Serb houses in Novo Selo and is willing to do so for all IDPs.</p>

**7. 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 for the right to return.**

Action	Responsible Authority	Timeline	Indicators	Assessment of MR/PIO				Remarks of MR/PIO
<p><b>4.7.4</b> 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.</p>			<p>Number of public statements made by public officials and community leaders; Number of GIVs, GSVs, visits to returns sites in which community leaders participate.</p>			X	<p>The majority community leaders have given supporting declarations in all Municipal Assembly meetings, public meetings, Board of Directors, policy &amp; finance meetings, LCPC, JCC and others. The minority returns officer participates in all GSV's &amp; GIV's.</p>	
<p><b>4.7.6</b> 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.</p>			<p>Please provide information on the possible information campaigns</p>			X	<p>The municipal authorities have consistently engaged with both Serb and Ashkali IDPs.</p>	

Action	Responsible Authority	Timeline	Indicators	Assessment of MR/PIO				Remarks of MR/PIO
4.7.7 Community dialogue and response to violence are increasingly dealt with through joint initiatives involving all political parties.			Please provide numbers on such joint initiatives			X		Every instance of violence has been condemned unanimously by all political entities and joint meetings with minority villages were held to bolster the sense of security.
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.			Please provide numbers on projects politically or/and financially supported by PISG on local level		X			Municipal authorities encourage NGOs but financial support has been confined to repairing houses etc due to paucity of municipal budget.

**8. PISG support for returns, including financial assistance, is distributed equitably to all communities.**

Action	Responsible Authority	Timeline	Indicators	Assessment of MR/PIO				Remarks of MR/PIO
4.8.1 Including financial assistance, is distributed equitably to all communities. Reporting on spending (both distribution and utilization) is reviewed to ensure equitable distribution of funds to all communities,			Percentage allocation for returnee community from			X		Fair share targets have been exceeded and municipal funds were used to

Action	Responsible Authority	Timeline	Indicators	Assessment of MR/PIO					Remarks of MR/PIO
consistent with size of community, needs of community members, and demand for return.			municipal PISG funds supporting return						give help to returnees.

**9. 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.**

Action	Responsible Authority	Timeline	Indicators	Assessment of MR/PIO					Remarks of MR/PIO
<b>4.9.5</b> Legislation at municipal and central level include vital interest clause that provides special provisions in the protection of immutable rights of communities			Please indicate the system to protect the rights of communities existing in the legislation at the local level		<b>X</b>				Resolutions have been adopted but no legislation at municipal level.

**11. A comprehensive and effective structure is in place within the PISG to monitor compliance with human and community rights and to respond to violations**

Action	Responsible Authority	Timeline	Indicators	Assessment of MR/PIO					Remarks of MR/PIO
<b>4.11.4</b> 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			0=no action is taken, 1=creation of equal opportunity officer	<b>X</b>					Nothing done.

Action	Responsible Authority	Timeline	Indicators	Assessment of MR/PIO					Remarks of MR/PIO
policy.			2=drafting EO policy, 3=implementation of EO policy 4=full implementation of the legal instruments						

**12. Mechanisms within municipalities responsible for protection of human and community rights (Municipal Community Offices, Municipal Assembly Communities and Mediation Committees) have adequate resources and staff, and are functioning effectively.**

Action	Responsible Authority	Timeline	Indicators	Assessment of MR/PIO					Remarks of MR/PIO
<p><b>4.12.1</b> 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.</p> <ul style="list-style-type: none"> <li>•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;</li> <li>•Staffing and funding needs of MCOs evaluated and addressed</li> </ul>			Number of municipalities in which regular Communities and Mediation Committee meetings are held; Number initiatives taken to improve the collaboration between MCO and municipal structures,			<b>X</b>			MCO fully official and engaged with municipal structures. Mediation and Communities committees are not functional due to non participation of K Serbs. . MCO or MCO staff is practically having thrice or more meetings with municipal officials in spite of operating from the enclave. The CEO and directors regularly visit the minority villages and the

Action	Responsible Authority	Timeline	Indicators	Assessment of MR/PIO					Remarks of MR/PIO
									MCO.
4.12.2 In cases where financial support for these entities is inadequate, appropriate resources are allocated promptly.			Please provide information on the funds allocated to MCOs				X		Sufficient budget for MCO till date.
4.12.4 Full implementation of Pillar II Administrative Instructions on the working of the 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.			0= no action is taken, 1=MC and CC are functional 2= MC and CC regularly meet, 3= MC and CC have access to all documents and offices 4= full implementation of their mandate	X					K Serbs do not participate.
4.12.5 Municipal Officials enabled to properly acknowledge and address human rights problems			Please report on human rights issues, minority related cases and complaints				X		None reported.

**13. There is fair distribution of municipal and ministerial resources to all communities**

Action	Responsible Authority	Timeline	Indicators	Assessment of MR/PIO				Remarks of MR/PIO
<p><b>4.13.2</b> KCB and Municipal budgets financing local groups' projects supporting returns, minority rights protection and tolerance building.</p>			<p>Please provide information on the projects financed by the local budget</p>			<p><b>X</b></p>		<p>Transportation for participants provided for the ongoing dialogue project. Municipality has leased out 2 buses for transport of minorities. Municipal funds used for sewerage projects in minority areas and repair to damages to uninhabited IDP houses.</p>