

OCA MATRIX - MUNICIPAL LEVEL
IV. SUSTAINABLE RETURNS AND THE RIGHTS OF COMMUNITIES AND THEIR MEMBERS

MALISHEVĚ/MALIŠEVO MUNICIPALITY

A. SUSTAINABLE RETURNS AND RIGHTS OF COMMUNITIES – APRIL - JUNE 2005

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.		1			Strategy prepared for 2005, however, little is done for its implementation.
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			2		The MRO appointed. But her perform is extremely weak.
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		0			No returnees in the municipality. No involvement of the existing RAE

Action	Responsible Authority	Timeline	Indicators	Assessment of MR/PIO				Remarks of MR/PIO
			the development and implementation of return strategies					in the development of MRS
<p>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.</p>			Please, provide inputs on support provided		1			<p>No return of Serb IDPs are stipulated yet. Few attempts are made for the return of one Roma IDP from Plementin camp. MWGR is not functional at all.</p>
<p>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 the Municipal Working Group).</p>			<p>0=no action is taken 1=task force is established 2=TF includes representatives of returning community 3=TF functions are effective 4=TF is very well functioning according to the ToR</p>					<p>No such Taskforce set up. There is a great deal of hesitation on the convention of MWRG meetings.</p>

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						N/A
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.			Number of Concept Papers in development and under implementation in 2004, as against 2003		1				Only for the return of one Roma family. No such efforts made for the return of Serb IDPs.
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						N/A
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						Only few projects are prepared for potential return locations. Nothing concrete for its implementation.

Action	Responsible Authority	Timeline	Indicators	Assessment of MR/PIO					Remarks of MR/PIO
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						None
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						None
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						None in the reporting period
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	0					No
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			Please provide information on the report system and on ethnicity and gender						N/A at present

Action	Responsible Authority	Timeline	Indicators	Assessment of MR/PIO					Remarks of MR/PIO
returnees. Improved monitoring of ongoing displacement, including property sales.			of the returnees						
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						No database of and no communication with the IDPs

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
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.			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						N/A at present

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						No such projects prepared yet
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.						None

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						N/A

Action	Responsible Authority	Timeline	Indicators	Assessment of MR/PIO					Remarks of MR/PIO
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						N/A

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		1				LCPC not functional and doesn't include RAE representation
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			2			In few occasions only
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.			Please provide information on any proactive information campaign						Requires improvement.
4.5.7 Community dialogue and response to violence are increasingly dealt with through joint initiatives, including Communities Committees and Mediation Committees, crime			Please report on the municipal initiatives as to prevention of						Municipal Directorate of Civil Security coordinates with

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prevention councils and other forums, which engage discussion and negotiation to prevent and resolve security-related concerns.			security concerns						Police. No Mediation and Communities Committees established in Malishevë/Mališe vo. LCPC is not functional at all.

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
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.			Amount of funds allocated from KCB to support returns (2005 compared to 2004)						No such allocations are made available for supporting return projects

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.

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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.			Number of public statements made by public officials and community leaders;						None in the reporting period

Action	Responsible Authority	Timeline	Indicators	Assessment of MR/PIO					Remarks of MR/PIO
			Number of GIVs, GSVs, visits to returns sites in which community leaders participate.						
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.			Please provide information on the possible information campaigns						No such campaign have taken place in the reporting period.
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						N/A
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						None yet

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			Percentage allocation for returnee						None

Action	Responsible Authority	Timeline	Indicators	Assessment of MR/PIO					Remarks of MR/PIO
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.			community from municipal PISG funds supporting return						

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
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			Please indicate the system to protect the rights of communities existing in the legislation at the local level						The right and protection of minorities is only acknowledged in the MRS

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
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			0=no action is taken, 1=creation of equal opportunity	0					No such appointment or policy developed.

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EO policy statement and EO implementation policy.			officer 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
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			Number of municipalities in which regular Communities and Mediation Committee meetings are held;	0				The Communities and Mediation Committees are not established at all. No appointment of the MCO has

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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			Number initiates taken to improve the collaboration between MCO and municipal structures,					taken place. However, the MRO is also standing for 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					None
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	0				No CC and MC in place
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	0				No specific issues pertaining minorities.

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

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4.13.2 KCB and Municipal budgets financing local groups' projects supporting returns, minority rights protection and tolerance building.			Please provide information on the projects financed by the local budget						None in the reporting period.