



# An Assessment of Local-level Mechanisms for the Protection and Promotion of Communities' Rights and Interests in Kosovo

June, 2014



*Cover photograph: Municipal Assembly hall, Klinë/Klina municipality, 26 May 2014, OSCE/Driton Marku.*

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## **LIST OF ABBREVIATIONS**

<b>CC</b>	Communities Committee
<b>DMC</b>	Deputy Mayor for Communities
<b>DCMAC</b>	Deputy Chairperson of the Municipal Assembly for Communities
<b>MCR</b>	Ministry for Communities and Returns
<b>MLGA</b>	Ministry of Local Government Administration
<b>MA</b>	Municipal Assembly
<b>MOCR</b>	Municipal Office for Communities and Returns
<b>OSCE</b>	Organization for Security and Co-operation in Europe Mission in Kosovo
<b>ToR</b>	Terms of Reference

## EXECUTIVE SUMMARY

The four main local government participation mechanisms with specific responsibilities for the protection and promotion of community rights in Kosovo are the Communities Committees (CCs), Municipal Offices for Communities and Returns (MOCRs), and the positions of Deputy Mayor for Communities (DMC) and Deputy Chairperson of the Municipal Assembly for Communities (DCMAC). These are key mechanisms in helping Kosovo institutions meet important criteria of the International Covenant on Civil and Political Rights (ICCPR)<sup>1</sup> and the Framework Convention for the Protection of National Minorities (FCNM)<sup>2</sup> by providing for the fulfilment of communities' right to participate in governance and public affairs, which is a vital element of communities' ability to fulfil a range of other rights (e.g. the right to education, to freedom from discrimination, equal access to services, etc.). While these four mechanisms have the potential to function as a coherent system at the local level, their ability to do so is negatively affected by significant gaps in the legal framework and numerous problems in practical implementation.

The absence of sufficiently detailed secondary legislation to facilitate the implementation of the Law on Local Self-Government<sup>3</sup> leaves decision-makers and stakeholders with a lack of precise guidance on the practical functioning of three of the four mechanisms, with minimal directions for DMC and DCMAC posts and all substantive detail for CC operation existing only in policy guidance, without the strength of secondary legislation. On the positive side, several DMC posts were established where not obligatory, and inter-community relations appear to have benefitted from the work and existence of all four mechanisms. While compliance with the existing legal framework has improved, problems have remained: one obligatory DMC post was not established and one DCMAC post remained vacant for over a year; not one CC fully represented all the communities in its respective municipality; and some MOCRs were short-staffed. The OSCE has found two-thirds to three-quarters of all CCs and one-quarter to half of MOCRs to be failing to implement substantive mandated duties. Additional concerns include a lack of clear reporting and oversight, poor co-operation among the mechanisms, the non-prioritization of the mechanisms' work by other municipal actors, very poor representation of women, and the perception that the mechanisms often overlook the interests of smaller communities.

To address the aforementioned shortcomings, central-level institutions in Kosovo, in particular the Ministry of Local Government Administration and the Ministry for Communities and Returns, should adopt detailed secondary legislation concerning the practical operation of the mechanisms, as well as undertake related monitoring

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<sup>1</sup> International Covenant on Civil and Political Rights (1966), <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> (accessed 3 March 2014).

<sup>2</sup> Framework Convention for the Protection of National Minorities and Explanatory Report (1995), [http://www.coe.int/t/dghl/monitoring/minorities/1\\_atglance/PDF\\_H\(95\)10\\_FCNM\\_ExplanReport\\_en.pdf](http://www.coe.int/t/dghl/monitoring/minorities/1_atglance/PDF_H(95)10_FCNM_ExplanReport_en.pdf) (accessed 3 March 2014).

<sup>3</sup> Law No. 03/L-040 on Local Self-Government, 20 February 2008. Full text available at [http://www.assembly-kosova.org/common/docs/ligjet/2008\\_03-L040\\_en.pdf](http://www.assembly-kosova.org/common/docs/ligjet/2008_03-L040_en.pdf) (accessed 3 March 2014).

and capacity-building, and increase support and guidance to municipalities. Local-level institutions should ensure full compliance with legal requirements, and, where not obligatory but beneficial, consider establishing DMC posts to support inter-community relations. Municipalities should likewise ensure all mechanisms can access the necessary resources for undertaking their work (e.g. translation, computer access, etc.), including outreach to and communication with communities, and that they undertake regular and transparent reporting on their work. Additionally, municipal leadership should take steps to appoint more women and ensure transparent and impartial appointment processes, as well as supporting co-ordination among the four mechanisms and their empowerment as vital elements of local governance in Kosovo.

## 1. INTRODUCTION

Local-level participation mechanisms offer significant assistance to communities in a numerical minority in any given municipality in realizing their human rights to education, to freedom from discrimination, to freedom of religion, to employment, and to access services and social welfare, among others.

In Kosovo, the key bodies acting at the local level to support all communities' equal enjoyment of their right to participation in public affairs<sup>4</sup> are the Communities Committees (CCs), Municipal Offices for Communities and Returns (MOCRs), and the positions of Deputy Mayor for Communities (DMC) and Deputy Chairperson of the Municipal Assembly for Communities (DCMAC).<sup>5</sup> Their establishment in 2008 reflected the development of local governance systems in Kosovo to improve protection of the rights and interests of communities, and the functioning of these mechanisms in practice remains important to secure those rights.

In 2009, an OSCE report<sup>6</sup> found that the "legal framework [in Kosovo] is not being adequately implemented [and] the existing mechanisms do not always provide

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<sup>4</sup> As noted by the MLGA: "...the functioning of the MOCs [municipal offices for communities and returns], including representative level structures (respectively the Municipal Assembly mechanisms) such as Communities Committee, Deputy Chairpersons for Communities and Deputy Mayor for Communities, conclude the framework of municipal internal mechanisms to protect and promote the rights of communities." P. 18, *Report on Functioning of the Municipal Assemblies of the Republic of Kosovo*, January-June 2013, MLGA June 2013. <https://mapl.rks-gov.net/Raporte/2013.aspx> (accessed 3 March 2014).

<sup>5</sup> Municipal Community Safety Councils (MCSCs) are another mechanism relevant to community participation in local government, they have however a specific security-related mandate and do not work as core mechanisms for the functioning of local government administration, and are therefore not included in this research. An additional aspect of participation not included in this report is the representation of community members in the public service, which was directly addressed by the 2013 OSCE Report, *Representation of Communities in the Civil Service in Kosovo* (February 2013). <http://www.osce.org/kosovo/99601> (accessed 3 March 2014).

<sup>6</sup> OSCE Report *Protection and Promotion of the Rights of Communities in Kosovo: Local Level Participation Mechanisms* (December 2009) <http://www.osce.org/kosovo/40722> (accessed 3 March 2014) (2009 Participation Report).

communities with genuine and effective protection nor do they guarantee their participation”<sup>7</sup>. Although the situation has improved significantly since the 2009 report, some municipalities continue to fall short of compliance with their legal obligations. The 2012 OSCE *Communities Rights Assessment* report<sup>8</sup> concluded that “shortcomings in the protection and promotion of the rights of communities in Kosovo remain”, and more specifically that while there are a number of local-level mechanisms in place in Kosovo to protect and promote the rights and interests of communities, these mechanisms do not always prove effective. The report also observed a lack of municipal support to local community protection.<sup>9</sup> OSCE monitoring in 2013 confirmed that many of these local-level mechanisms continue to function inconsistently and inadequately in the implementation of their obligations.

Following the elections held in November and December 2013, new local government institutions in Kosovo are now in the process of formation. Given the crucial role which CCs, MOCRs, DMCs and DCMACs play as the mechanisms specifically established to protect communities rights and interests at the local level, this report aims to provide an assessment of the functioning of the four mechanisms and identify key steps for improvement in order to contribute to and enhance the establishment, start-up and subsequent work of these four mechanisms going forward. Section 2 below reviews gaps and deficiencies in the legislative framework establishing the four mechanisms (including secondary legislation), as well as the mechanisms’ respective mandates. Section 3 assesses whether the mechanisms have been properly established. It also assesses their performance, in particular their compliance with obligations under the legal and policy framework, over the April 2012 to October 2013 period. Section 4 presents conclusions and recommendations to decision-makers and stakeholders on how to improve the legal framework and the four mechanisms’ performance, in order to advance Kosovo communities’ participation in local governance and the protection and promotion of their rights and interests.

### **Methodological note**

The OSCE identified the research parameters and focus areas of this report based on regular field reporting in 2012 and 2013, complemented by a desk review of the legal and policy framework. Having identified key points for compliance, OSCE researchers monitored and assessed the four local mechanisms in 34 municipalities<sup>10</sup> over an 18-month period, from April 2012 to October 2013. In addition to conducting their own assessments of functionality and compliance during that period, the OSCE researchers collected data through survey interviews held with 250 relevant stakeholders from April to June 2013, including members of the four

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<sup>7</sup> *Ibid.*, p. 25.

<sup>8</sup> OSCE Report *Community Rights Assessment Report – Third Edition* (July 2012). <http://www.osce.org/kosovo/92244> (accessed 3 March 2014).

<sup>9</sup> *Ibid.*, p. 5 and p. 35.

<sup>10</sup> Leposavić/Leposaviq, Zubin Potok, Zvečan/Zveçan, as well as Mitrovica/Mitrovicë North, had to remain excluded from the survey, as these municipalities did not apply the relevant Kosovo legal framework during the period of assessment.

mechanisms, municipal assembly (MA) members, and community representatives not involved in municipal work or politics.<sup>11</sup> Annex 5 presents responses on important topics gathered through this survey. The report is therefore based on a combination of quantitative and qualitative data drawn from a range of sources both inside and outside of the four mechanisms.

## 2. REVIEW OF THE LEGAL AND POLICY FRAMEWORK GOVERNING MUNICIPAL-LEVEL COMMUNITY MECHANISMS

The legal framework in Kosovo provides a range of obligations on Kosovo institutions to safeguard and promote communities' equal participation in local governance. Key international instruments providing the right to equal participation in public affairs are the International Covenant on Civil and Political Rights (ICCPR) and the Framework Convention for the Protection of National Minorities (FCNM), both of which are directly applicable in Kosovo. The ICCPR expressly states that every citizen has the right to participate in public affairs without discrimination.<sup>12</sup> The FCNM also requires governments to create the conditions necessary for effective community participation in cultural, social and economic life and in public affairs.<sup>13</sup> Among the steps governments should adopt to fulfil those obligations are:

- Consulting with communities on legislation or administrative measures likely to affect them directly, including through their representative institutions and other appropriate procedures;

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<sup>11</sup> Of the 250 total, 13 interviews were conducted with DMCs, 14 with DCMACs, 56 interviews with CC members, 55 with MOCR staff, 51 with MA members, including where possible opposition party members, and 61 representatives of communities without political affiliation (e.g. civil society workers, teachers, etc.). Between eight and ten interviews were conducted per municipality; wherever possible, two respondents of different genders and communities were interviewed for each category. Overall, due to the fact that men are more often appointed for these positions, less than a third, only 74, respondents were women. The majority of respondents, 106 (42 per cent), came from the Kosovo Albanian community, 49 (20 per cent) came from the Kosovo Serb community, around 20 (7 to 8 per cent) from each of the Kosovo Roma, Kosovo Bosniak and Kosovo Ashkali communities, with 12 or under (less than 5 per cent) from the Kosovo Egyptian, Kosovo Turk, Kosovo Gorani, Kosovo Montenegrin and Kosovo Croat communities. While not statistically significant for the diverse population surveyed, this substantial number of interviews provided a solid basis for important insights and conclusions to be drawn.

<sup>12</sup> International Covenant on Civil and Political Rights (1966), *supra*, note 1, Article 25: "Every citizen shall have the right and opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: a) To take part in the conduct of public affairs, directly or through freely chosen representatives; b) To vote and to be elected at genuine periodic elections which shall be held by secret ballot, guaranteeing the free expression of the will of the electors; c) To have access, on general terms of equality, to public service in his country."

<sup>13</sup> Framework Convention for the Protection of National Minorities and Explanatory Report (1995), *supra*, note 2, Article 15: "The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them".

- Involving communities in the preparation, implementation and assessment of central- and local-level development plans and programmes likely to affect them directly;
- Undertaking studies, in conjunction with these communities, to assess the possible impact of projected development activities on those communities;
- Facilitating of the effective participation of communities in decision-making processes and elected bodies at central and local levels, as well as in decentralized or local forms of government.<sup>14</sup>

## 2.1 The legal framework in Kosovo

The Kosovo legal framework requires Kosovo institutions to adopt affirmative measures to promote equality among communities in social, economic, cultural and political spheres, and includes particular guarantees for the post of the Deputy Chairperson of the Municipal Assembly for Communities.<sup>15</sup>

The primary legislation relevant to the four mechanisms is the Law on Local Self-Government<sup>16</sup> (the Law), the preamble of which refers to the need to promote governance systems able to address “the specific needs and concerns of non-majority communities”. The Law (a) establishes the permanent Committees on Communities at the municipal level to review compliance of municipal bodies with the applicable law, actions and practices related to communities’ rights and interests<sup>17</sup>; and (b) in municipalities where at least 10 per cent of residents are from communities in a numerical minority, establishes the post of Deputy Chairperson of the Municipal Assembly for Communities,<sup>18</sup> and the post of Deputy Mayor for Communities.<sup>19</sup> Unfortunately, the Law has not been accompanied by comprehensive secondary legislation to guide the practicalities of implementation, and an important failing is the lack of detail on the three key mechanisms it establishes for community participation.

The one notable exception is the Regulation on Municipal Offices for Communities and Returns (the Regulation)<sup>20</sup>, based on the Law (and the Law on the Protection and Promotion of the Rights of Communities and their members<sup>21</sup>), which combined

<sup>14</sup> FCNM and Explanatory Report (1995), Explanatory Report, paragraph 80, FCNM, *supra*, note 2, Article 15.

<sup>15</sup> Kosovo constitution, Article 58, para 4, and Art. 62 on the DCMAC post, referred to here as “Vice President of the Municipal Assembly for Communities”.

<sup>16</sup> Law on Local Self-Government, *Supra*, note 3.

<sup>17</sup> Law on Local Self-Government 2008, Arts. 51 and 53, *ibid.*

<sup>18</sup> *Ibid.*, Arts. 54 and 55.

<sup>19</sup> *Ibid.*, Art. 61.

<sup>20</sup> Regulation No. 02/2010 on Municipal Offices for Communities and Returns, 12 August 2010. Full text of Regulation available at [http://www.kryeministri-ks.net/repository/docs/Rregullore\\_per\\_Zyrat\\_komunale\\_per\\_Komunitete\\_dhe\\_Kthim.pdf](http://www.kryeministri-ks.net/repository/docs/Rregullore_per_Zyrat_komunale_per_Komunitete_dhe_Kthim.pdf) (accessed 3 March 2014).

<sup>21</sup> Law No. 03/L-047 on the Protection and Promotion of the Rights of Communities and their members. Full text of law available at [http://www.kuvendikosoves.org/common/docs/ligjet/2008\\_03-L047\\_en.pdf](http://www.kuvendikosoves.org/common/docs/ligjet/2008_03-L047_en.pdf) (accessed 30 March 2014).

the functions of the former municipal communities offices and municipal returns offices to establish the MOCRs. The Regulation provides a much more complete level of detail for the MOCR mechanism than the Law does for the other three mechanisms. Additionally, the recent adoption of the Administrative Instruction on the Procedure of Appointment of Deputy Mayors in Municipalities<sup>22</sup> (‘the Administrative Instruction’) provides some additional guidance on the post of DMC.

## 2.2 The legal and policy basis for the effective functioning of the four mechanisms

In assessing the legislative basis for the mechanisms, four main criteria have been considered: (i) process of appointment (and composition, for CCs and MOCRs); (ii) aim and purpose of the mechanism; (iii) mandate and responsibilities; and, (iv) systems for reporting and oversight.

### 2.2.1 Deputy Mayor for Communities

The Law contains only one article for the DMC mechanism,<sup>23</sup> supplemented by the Administrative Instruction.<sup>24</sup> In terms of the four criteria assessed, they stipulate the following:

- i. **Appointment.** The process of DMC appointment (and dismissal) is the area most detailed by the single article in the Law addressing this post, with additional provisions in the Administrative Instruction.<sup>25</sup> In municipalities where “at least 10 per cent of the citizens belong to non-majority communities”<sup>26</sup>, the Mayor must propose candidates for the DMC post, who must be approved by the majority of the MA members present and voting, including a majority of MA members from non-majority communities present and voting, with vacant posts being filled within 30 days. The term of office for the position runs in parallel with that of the mayor. The Administrative Instruction also requires candidates to be resident in the municipality for a minimum of three years, and to be “members of [the] minority group which make up the largest minority community in the municipality”.<sup>27</sup>
- ii. **Aim and purpose.** There is a clear (albeit broad) aim for the mechanism in the Law: the DMC, “shall assist the Mayor and provide him/her advice and guidance to the Mayor on issues related to the non-majority communities”<sup>28</sup>. Correspondingly, the Mayor is also obligated to “consult” the DMC on community matters.

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<sup>22</sup> Administrative Instruction No. 2014/01 On The Procedure of Appointment of Deputy Mayors in Municipalities, 28 January 2014. Full text of Administrative Instruction available at <http://mapl.rks.gov.net/getattachment/4920ed63-3d4a-4fa5-9836-42b2f5d53af9/Udhezimi-administrativ-MAPL-Nr-2014-01-per-procedu.aspx> (accessed 3 March 2014).

<sup>23</sup> Law on Local Self-Government, Article 61, *supra*, note 3.

<sup>24</sup> *Supra*, note 22.

<sup>25</sup> Administrative Instruction No. 2014/01, Section 4, *supra*, note 22.

<sup>26</sup> Law on Local Self-Government, Article 61, *supra*, note 3.

<sup>27</sup> *Ibid.*, Section 6.

<sup>28</sup> Law on Local Self-Government, Article 58 (l), *supra*, note 3.

- iii. **Mandate and responsibilities.** There are no provisions in the Law which indicate any specific mandate and responsibilities, and only limited additional detail is provided by the Administrative Instruction, notably that the DMC “shall support and affirm the requests of minority communities before the municipal organs”<sup>29</sup>. Neither the Law nor the Administrative Instruction gives any indication of how the DMC post should inter-relate with any of the other three community participation mechanisms (for some posts, individual municipal statutes provide additional detail in this respect).
- iv. **Reporting and oversight.** There are no provisions indicating any systems for reporting or oversight of the DMC’s work,<sup>30</sup> beyond the assumption that given the post’s responsibility to advise the Mayor, the DMC would report to, and be supervised by, the Mayor.

### **2.2.2 Deputy Chairperson of the Municipal Assembly for Communities**

Existing legislation for the DCMAC mechanism consists of one article in the constitution<sup>31</sup> and two articles within the Law, which mirror the wording of the constitutional provisions.<sup>32</sup> In terms of the four criteria assessed, they stipulate the following:

- i. **Appointment.** In municipalities where 10 per cent or more of residents are from communities in a numerical minority at the municipal level, the law stipulates that “The post of the Deputy Chairperson of the Municipal Assembly for Communities shall be held by the non-majority community’s candidate who received the most votes on the open list of candidates for election to the Municipal Assembly”, including the criterion that the post-holder must be a member of a community in a numerical minority in the municipality.<sup>33</sup> There is no reference in the Law to any process for dismissal and a lack of guidance regarding the potential appointment of non-obligatory DCMACs in municipalities with less than 10 per cent of citizens from communities in a numerical minority in the municipality.
- ii. **Aim and purpose.** There is a relatively clear aim for the mechanism, with Article 55 noting two key functions for the DCMAC, who shall, a) “promote inter-community dialogue”, and b) “serve as formal focal point for addressing non-majority communities’ concerns and interests in meetings of the Assembly and its work”.<sup>34</sup>

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<sup>29</sup> Administrative Instruction No. 2014/01, Section 5, *supra*, note 22.

<sup>30</sup> While no provisions exist in the Law on Local Self-Government concerning reporting obligations for the DMC, the Law on Civil Service does establish this as a basic principle for all civil servants; see Article 5, 1.5 on Accountability, Law No.03/L-149 on the Civil Service, 25 June 2010. Full text available at <http://www.kuvendikosoves.org/common/docs/ligjet/2010-149-eng.pdf> (accessed 3 March 2014).

<sup>31</sup> *Supra*, note 15

<sup>32</sup> Law on Local Self-Government 2008, Articles 54 and 55, *supra*, note 3.

<sup>33</sup> *Ibid.*, Art. 54.

<sup>34</sup> *Ibid.*, Art. 55.

- iii. **Mandate and responsibilities.** There is limited reference in the Law to a specific mandate, with the note that the DCMAC “shall be responsible for reviewing claims by communities or their members that the acts or decisions of the municipal assembly violate their constitutionally guaranteed rights”, and the responsibility to refer such claims to the MA for reconsideration.<sup>35</sup> In the event the MA chooses not to reconsider the matter or if upon reconsideration it still presents a violation, the DCMAC has the mandate to then submit cases directly to the constitutional court, offering an important channel for communities to seek redress from the central level. There are however no provisions which indicate how the DCMAC post should inter-relate with any of the other three community participation mechanisms.
- iv. **Reporting and oversight.** There are no provisions indicating any systems for reporting or oversight of the DCMAC’s work.

### 2.2.3 Communities Committee

As noted above, the Law is also the basis for the work of the CC, which is established as one of the two “permanent committees” within the MA.<sup>36</sup> Two policy documents issued in 2012 provide important additional guidance for the CCs’ work: the Ministry of Local Government Administration (MLGA)-endorsed CC Terms of Reference (ToR)<sup>37</sup>, and the CC Guidelines<sup>38</sup>. Both policy documents were developed in response to the need for more direction for communities and municipalities on CCs’ role and functioning. In terms of the four criteria assessed, they stipulate the following:

- i. **Appointment and composition.** While Article 53 does provide some requirements on composition of the CC, noting that it must include members of the MA and at least one representative of every community residing in the municipality (representatives of communities should be the majority of members), there are discrepancies between the Albanian translation and the English and Serbian translations of the Law.<sup>39</sup> The Law fails to provide any detail on the process of appointment. The CC ToR is therefore an important tool in addressing this lack of guidance, by outlining a process for selection of community members, including eligibility criteria (Section 4 of the CC TOR) and processes for electing Chairs and Deputy Chairs (Section 6), as well as a dismissal process (Section 14). The CC Guidelines go further, proposing good practices for community outreach to encourage meaningful participation (Section 2). However, no guidance exists for

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<sup>35</sup> *Ibid.*, Art. 55.

<sup>36</sup> *Ibid.*, Articles 51 and 53.

<sup>37</sup> MLGA, The Terms of Reference of the Committee on Communities, Decision issued 4 September 2012.

<sup>38</sup> The MLGA has not issued any public or formal endorsement of the Communities Committee Guidelines, but supported their production and release in September 2012.

<sup>39</sup> For Article 53, the Albanian version of the Law on Local Self-Government (*supra*, note 3) does not correspond to the English and Serbian versions of the Law, offering unclear instructions over whether MA members or members representing communities in a numerical minority in the municipality should form the majority of CC members. The CC ToR (*supra*, note 37) assist on this point, clearly stating that members representing communities in a numerical minority in the municipality should form the majority of the CC (Section 4).

the appointment of MA members from the community in a numerical majority in a given municipality to the CC.

- ii. **Aim and purpose.** The Law describes the CC's aim as ensuring that "rights and interests of the communities are fully respected" through review and provision of recommendations on municipal policies and action.<sup>40</sup>
- iii. **Mandate and responsibilities.** The Law also gives some detail on mandate and responsibilities, stating that the CC should: "review compliance of the municipal authorities with the applicable law and review all municipal policies, practices and activities" related to communities' rights, and "recommend to the MA measures it considers appropriate to ensure the implementation of provisions related to the need of communities to promote, express, preserve and develop their ethnic, cultural, religious and linguistic identities, as well as to ensure adequate protection of the rights of communities within the municipality"<sup>41</sup>. There are no provisions in the Law which give any indication of how the CC should inter-relate with any of the other three community participation mechanisms.

The CC ToR (Sections 5 and 7) and CC Guidelines (Sections 3 and 4) provide much more detail on duties and responsibilities (both for the CC in general, and for Chair and Deputy Chair posts), including: to review the municipal budget; to issue recommendations to the MA or Mayor on communities-related issues; to advocate for communities' representation within the municipal civil service; to channel communities' inputs to relevant strategies and policies; and to monitor and report to the MA, as well as consult and co-ordinate with the MOCR, on the implementation of communities-related projects.

- iv. **Reporting and oversight.** There are no provisions in the Law indicating any systems for reporting and oversight of the CC's work. The CC ToR do however address reporting, outlining at least semi-annual reporting to the MA and Mayor on the CC's actions, activities and recommendations (Section 5.2), as well as the production of a written annual report on its work (Section 5.3).

#### ***2.2.4 Municipal Offices for Communities and Returns***

The MOCR is the mechanism with the most detailed legislative basis, developed through collaboration among central government bodies which have direct or indirect responsibility for communities' issues (the Ministry for Communities and Returns (MCR), the Office for Community Affairs, the Ministry for Public Administration, the Ministry for Internal Affairs, and the MLGA) as well as a number of international stakeholders. The primary direction comes from the Regulation, which is particularly significant in establishing the MOCRs as a unified mechanism for the protection and promotion of community rights, incorporating former municipal communities offices and municipal returns offices. The policy document "MOCR

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<sup>40</sup> Law on Local Self-Government, Article 53, *supra*, note 3.

<sup>41</sup> *Ibid.*

Terms of Reference – Standard Operating Procedures”<sup>42</sup>, which was approved by the Inter-Ministerial Working Group on MOCRs and published in 2011, provides additional guidance for the MOCR’s work, detailing specific responsibilities in the three key areas of communities’ rights: access to services, returns, and repatriations. In terms of the four criteria assessed, they stipulate the following:

- i. **Appointment and composition.** The Regulation details the five MOCR posts envisaged, depending on the needs of a given municipality (including needs identified based on advice from the CC): a Head of Office, a Co-ordinator and an Officer for communities’ rights and integration, and a Co-ordinator and an Officer for sustainable returns<sup>43</sup>. There are no provisions regarding recruitment processes or selection criteria for MOCR staff. However, this gap has been effectively filled by the MOCR ToR and their accompanying annexes, which provide job descriptions for each specified position, as well as by the Law on Civil Service<sup>44</sup>, which regulates appointment processes for civil servants.
- ii. **Aim and purpose.** There is a clear aim for the mechanism, as stated in the preamble to the Regulation, namely to contribute to the implementation of international community rights agreements and instruments directly applicable in Kosovo, of the Law on Local Self-Government and of the Law on the Protection and Promotion of the Rights of Communities and their members. The Regulation also states that MOCRs should protect and promote community rights, ensure equal access to services, and create the conditions for sustainable returns<sup>45</sup>.
- iii. **Mandate and responsibilities.** The Regulation details the duties and responsibilities of the MOCRs: actions relating to communities’ rights, with an emphasis on returns, the integration process and access to services; maintenance of database information on target communities and beneficiaries; and a co-ordination function within the municipality and with relevant central institutions<sup>46</sup>. In carrying out these duties and responsibilities the Regulation requires MOCRs to establish contacts with target beneficiaries (e.g. members of communities, returnees, repatriated persons); to undertake assessments of community rights and beneficiary needs (or update earlier assessments); to co-ordinate and co-operate with relevant stakeholders; to undertake development, monitoring or evaluation of projects benefitting communities; to facilitate communities’ participation in developing relevant strategies, policies and action plans; to provide advice (written or verbal) to the MA or municipal executive bodies on issues relevant to the protection and promotion of communities’ rights; and undertake public outreach and awareness-raising activities<sup>47</sup>.

The Regulation specifically notes that MOCRs should work in “full co-ordination” with the other three community participation mechanisms; it also obligates all

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<sup>42</sup> MOCR Terms of Reference – Standard Operating Procedures, 21 April 2011, available at: [http://www.kryeministri-ks.net/zck/repository/docs/ToR\\_for\\_MOCRs-20110421-final-eng.pdf](http://www.kryeministri-ks.net/zck/repository/docs/ToR_for_MOCRs-20110421-final-eng.pdf) (accessed 3 March 2014).

<sup>43</sup> Regulation on MOCRs, Articles 5 and 6, *supra*, note 20.

<sup>44</sup> Law on Civil Service, *supra*, note 30.

<sup>45</sup> Regulation on MOCRs, Article 1, *supra*, note 20.

<sup>46</sup> *Ibid.*, Article 7.

<sup>47</sup> *Ibid.*, Articles 8 and 9.

municipal officials to co-operate fully with the MOCR, and the MOCR to co-operate with relevant central institutions<sup>48</sup>.

- iv. **Reporting and oversight.** The Regulation provides that the MOCR should “report to the Mayor”, and submit regular progress reports to the Mayor, MA and central institutions; it also provides that the Head of Office should submit an annual report to the Mayor and MA, and present a detailed report on the MOCR’s work at each meeting of the CC<sup>49</sup>.

## 2.3 Gender balance

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)<sup>50</sup>, which is directly applicable in Kosovo<sup>51</sup>, requires that governments take “all appropriate measures, including legislation, to ensure the full development and advancement of women” and “ensure to women, on equal terms with men, the right [...] to participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government”<sup>52</sup>.

Women’s right to equal participation in public affairs is further reinforced in the legal framework in Kosovo through the Law on Gender Equality, which states that “[e]qual gender participation must be observed during the appointment of members of certain councils, committees and representative bodies within and outside Kosovo, by the competent institutions”, clarifying that “equal gender participation” is considered to be achieved in cases where participation in the institutions is 40 per cent.<sup>53</sup> Additionally, the Law on Civil Service, which applies to the post of DMC and to MOCR staff, includes a clear commitment to gender equality<sup>54</sup>. While the legal and policy framework for DMCs, DCMACs and MOCRs makes no specific reference to gender, the CC ToR and Guidelines both make reference to “equal gender treatment” and “gender balance” in the composition of CCs and selection of candidates, respectively<sup>55</sup>.

## 2.4 Summary of findings

When reviewed in relation to the four key criteria (appointment process and composition, aim and purpose, mandate and responsibilities, and reporting and

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<sup>48</sup> *Ibid.*, Article 4.

<sup>49</sup> *Ibid.*, Arts. 3, 7 and 8.

<sup>50</sup> The Convention on the Elimination of All Forms of Discrimination against Women, UN General Assembly, 18 December 1979, available at:

<http://www.ohchr.org/Documents/ProfessionalInterest/cedaw.pdf> (accessed 3 March 2014).

<sup>51</sup> CEDAW is listed among the international instruments noted under Article 22 of the Kosovo constitution as being directly applicable in Kosovo.

<sup>52</sup> CEDAW, Articles 3 and 7, respectively, *supra*, note 50.

<sup>53</sup> Law 2004/02 on Gender Equality in Kosovo, 19 February 2004, Articles 3.4 and 3.2 respectively. Full text available at [http://www.kuvendikosoves.org/common/docs/ligjet/2004\\_2\\_en.pdf](http://www.kuvendikosoves.org/common/docs/ligjet/2004_2_en.pdf) (accessed 3 March 2014).

<sup>54</sup> Law on the Civil Service, Articles 3.1 and Article 5, 1.2 and 1.9, *supra*, note 30.

<sup>55</sup> CC ToR, Article 4.1, *supra*, note 37; CC Guidelines, p. 8, *supra*, note 38.

oversight), the legislative basis for the four mechanisms has a number of clear gaps affecting implementation at the local level. The one exception is the 2012 Regulation for the Municipal Offices for Communities and Returns, which represents important progress in removing legal uncertainty for at least one of the mechanisms, as recommended by the OSCE's 2009 report.<sup>56</sup>

While appointment processes are outlined in brief, most mechanisms still lack guidance on candidate criteria, terms of office, dismissal procedures and/or measures to ensure transparency in decision-making. The relevant legislation does outline the aim and purpose of all four mechanisms, yet uses very broad language for those of the DMCs and CCs. Similarly, the legal provisions for mandates and responsibilities are weak: these are very limited for the DMC, the DCMAC and CC, and only listed in a substantive form for MOCRs. The MOCR is also the only mechanism for which legislation outlines inter-relations among the four mechanisms and details reporting and oversight procedures, with no such systems established for DMCs, DCMACs or CCs.

The development of secondary legislation, namely the Administrative Instruction on DMCs, the Regulation on MOCRs, and policy documents, namely the CC ToR and Guidelines, does represent important progress. However, significant gaps remain, and the valuable contribution made by policy guidance is undermined by the fact that these documents do not have the strength of legislation, which may account in part for their weak implementation (see Section 3). Both the posts of DMC and DCMAC are affected by a lack of substantive detail on responsibilities as well as on systems for reporting and oversight.

While no blueprint exists for ideal local governance structures that would ensure the full protection and promotion of community rights and interests in line with international standards, in principle, the four mechanisms existing in Kosovo would appear to be able to deliver this protection and promotion if functioning well. With the mandatory CC working as part of the legislative branch of local government, communities are included in decision-making on issues affecting them in all municipalities, additionally benefitting from the leadership post of DCMAC in some municipalities and the channel for protecting constitutionally guaranteed rights which this post offers. Similarly, working as part of the executive branch of local government, the mandatory MOCR works on implementation of practical measures, supplemented by the leadership post of DMC in some municipalities. However, the lack of detail in the legal and policy framework undermines the work of the mechanisms as a coherent system for local level implementation – this same lack of detail also inhibits effective assessment of their functioning in protecting and promoting communities rights and interests. The further development of the legal and policy framework for the four mechanisms will be crucial for Kosovo institutions to meet their obligations.

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<sup>56</sup> 2009 Participation Report, p. 27.

### 3. REVIEW OF THE ESTABLISHMENT AND FUNCTIONING OF THE FOUR MECHANISMS

As noted above, the MOCRs and the CCs are obligatory for all municipalities, regardless of the size of resident community populations. The specific posts of DMC and DCMAC are required by law only in municipalities where communities comprise at least or above 10 per cent of the total municipal population. According to the census conducted in 2011<sup>57</sup>, there are seven municipalities requiring the posts of DMC and DCMAC – i.e. where the population of communities in a numerical minority at the municipal level is at least or above 10 per cent.<sup>58</sup> It should be noted, however, that while the 2011 census provides the most comprehensive and only official population assessment in Kosovo, there were reports of lower levels of participation by certain communities, namely Kosovo Serbs, Kosovo Roma, Kosovo Ashkali and Kosovo Egyptians, who may therefore be under-represented to a certain extent.<sup>59</sup>

#### 3.1 Deputy Mayor for Communities

##### *Assessment of establishment*

In general, the OSCE assessment found that the DMC posts were established in accordance with the relevant legislation and 2011 census results, with the exception of Gračanica/Graçanicë municipality, which did not appoint a DMC despite a census recording of over 10 per cent of residents from communities in a numerical minority at the municipal level. Encouragingly – and in line with the OSCE 2009 recommendations<sup>60</sup> – eight municipalities<sup>61</sup> went further than the legal requirement, establishing DMC posts despite the fact that their communities' populations were not assessed by the 2011 census to have reached the 10 per cent threshold. Of the 14 appointed DMCs<sup>62</sup>, five were Kosovo Albanian (in the case of Lipjan/Lipljan, from the community in a numerical majority in this municipality), four

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<sup>57</sup> The 2011 census report is available at: <http://esk.rks.gov.net/rekos2011/repository/docs/Report%20On%20Population,%20Households%20And%20Ho using%20%20Census%20In%20Kosovo%202011.pdf> (accessed 3 March 2014).

<sup>58</sup> Dragash/Dragaš, Fushë Kosovë/Kosovo Polje, Gračanica/Graçanicë, Klokot-/Kllokot-, Novobërdë/Novo Brdo, Štrpce/Shtërpcë and Prizren.

<sup>59</sup> For example, see 'Minority Communities in the 2011 Kosovo Census Results: Analysis and Recommendations', European Centre for Minority Issues (ECMI) Kosovo Policy Brief, 18 December 2012, available at: [http://www.ecmikosovo.org/wp-content/Publications/Policy\\_briefs/2012-12\\_ECMI\\_Kosovo\\_Policy\\_Brief\\_-\\_Minority\\_Communities\\_in\\_the\\_2011\\_Kosovo\\_Census\\_Results\\_Analysis\\_and\\_Recommendations/eng.pdf](http://www.ecmikosovo.org/wp-content/Publications/Policy_briefs/2012-12_ECMI_Kosovo_Policy_Brief_-_Minority_Communities_in_the_2011_Kosovo_Census_Results_Analysis_and_Recommendations/eng.pdf) (accessed 3 March 2014).

<sup>60</sup> 2009 Participation Report, Recommendations, p. 27.

<sup>61</sup> Gjilan/Gnjilane (see note 62 below), Kamenicë/Kamenica, Lipjan/Lipljan, Mamuşa/Mamushë/Mamuşa, Mitrovicë/Mitrovica, Obiliq/Obilić, Pejë/Peć and Ranilug/Ranillug.

<sup>62</sup> Note that the DMC post in Gjilan/Gnjilane became vacant on 17 October 2013 and remained so until the elections the following month. Given that the dismissal occurred at the very end of the 18-month period of assessment, this overview and analysis includes OSCE monitoring of the Gjilan/Gnjilane DMC post's functioning, and the former appointee's survey responses.

were Kosovo Serb, two were Kosovo Bosniak, two were Kosovo Turk, and one was Kosovo Montenegrin.<sup>63</sup>

OSCE monitors reported that salary and per diem payments to the DMCs appeared to be made correctly and regularly, and that DMCs had access to the municipal resources they needed for their work (e.g. computers, office space, phones, transport, etc.). The legal and policy framework does not specify the allocation of specific budgetary resources to DMCs to fund activities as such, however in at least four cases the OSCE found that DMCs had access to additional funds or a specific budget through the Mayor's office. OSCE monitors also found that no municipalities adopted specific ToR or a Job Description for the post of Deputy Mayor; similarly, no DMCs had developed or approved a work or activity plan.

### ***Assessment of performance***

In general, the OSCE assessment found that the DMCs did work in accordance with the Law on Local Self-Government. Although in this case the extremely limited detail in the Law precludes substantive assessment,<sup>64</sup> OSCE monitoring confirmed that the 14 appointed DMCs performed at least their basic implicit responsibilities, inasmuch as they attended their offices and participated in regular meetings, including municipal assembly meetings.

### ***Issues of concern***

**Reporting.** The Law does not require any specific reporting by DMCs, however this is a standard responsibility of all civil servants<sup>65</sup>, and is important for accountability and transparency in the DMCs' work. OSCE monitoring confirmed that only four of the 14 appointed DMCs reported on their work, mainly through verbal reporting or unpublished written reports to the Mayor.

**Internal co-operation to protect and promote communities' rights and interests.** Most DMCs surveyed by OSCE monitors expressed that their communication with their respective municipality was good, with only two indicating they had problems receiving relevant and timely information<sup>66</sup>. OSCE monitors assessed that just over half of DMCs (eight) were effectively co-operating with the other community participation mechanisms.<sup>67</sup> Of the thirteen DMC respondents interviewed, the

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<sup>63</sup> See Annexes 1 and 2.

<sup>64</sup> The assessment undertaken during the April 2012 to October 2013 period did not assess DMC performance against the responsibilities noted in Administrative Instruction No. 2014/01(*supra*, note 22), as this was approved in January 2014.

<sup>65</sup> Article 5, Basic Principles of the Civil Service, 1.5 "Accountability - Civil Servants have the obligation to report, explain and be answerable for resulting consequences deriving from their administrative actions, decisions and inactions", Law on the Civil Service, *supra*, note 30.

<sup>66</sup> See Annex 5.

<sup>67</sup> For the purposes of assessment, 'effective co-operation' was defined as "regular and successful exchange of information, joint meetings, co-ordinated action, mutual support for any advocacy/lobbying on policies or decisions within the municipality, etc.".

majority (11) felt that good co-operation existed among the four mechanisms, although two reported that such co-operation was poor.<sup>68</sup>

**Language compliance.** OSCE monitors reported that only four DMC posts were significantly affected by municipal failures to comply with language requirements, mainly concerning the use of the Turkish or Bosnian languages. Survey responses gathered from DMCs confirmed this reasonably positive picture, and none highlighted substantial problems with use of languages.<sup>69</sup>

### 3.2 Deputy Chairperson of the Municipal Assembly for Communities

#### *Assessment of establishment*

The DCMAC post was established in all seven municipalities where 10 per cent or more of the residents are from communities in a numerical minority (according to the 2011 census).<sup>70</sup> An additional eight municipalities established DCMAC posts despite not reaching the 10 per cent threshold, although one has been vacant since the DCMAC resigned in September 2012.<sup>71</sup> As required, all appointed DCMACs were from communities in a numerical minority in the given municipality. Of the 14 DCMACs in their posts in October 2013, three were Kosovo Albanian, three were Kosovo Bosniak, three were Kosovo Egyptian, three were Kosovo Turk and two were Kosovo Serb.<sup>72</sup>

OSCE monitors reported that salary and per diem payments to the DMCs appeared to be made correctly and regularly, and that in general they had good access to the resources they needed for their work, although problems were noted in four cases related to lack of office space, and computer and phone access. While the legal and policy framework does not specify the allocation of specific budgetary resources to DCMACs to fund activities as such, in six cases they could access funds through the MA budget or the municipality's Chief Financial Officer.

#### *Assessment of performance*

In general, OSCE monitors found that DCMACs appeared to be operating in accordance with their statutory responsibilities, e.g. participating in municipal assembly meetings; only in one instance was this not the case, due to a vacant post. In three cases, specific ToR or a Job Description were developed or adopted by the municipality for the post, and in two cases a work or activity plan was developed or approved.

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<sup>68</sup> See Annex 5.

<sup>69</sup> *Ibid.*

<sup>70</sup> Dragash/Dragaš, Fushë Kosovë/Kosovo Polje, Gračanica/Gračanicë, Klokot/Kllokot, Novobërdë/Novo Brdo, Prizren and Štrpce/Shtërpçë.

<sup>71</sup> Gjakovë/Đakovica, Gjilan/Gnjilane, Istog/Istok, Kamenicë/Kamenica, Pejë/Peć, Prishtinë/Priština, Mitrovicë/Mitrovica and Ranilug/Ranillug (though this post was left vacant following a resignation in September 2012).

<sup>72</sup> See Annexes 1 and 2.

### ***Issues of concern***

**Reporting.** The Law does not require any specific reporting by DCMACs, however, this is a standard responsibility of all elected officials, and is important for accountability and transparency in the DCMACs' work. OSCE monitoring confirmed that only two of the 14 appointed DCMACs reported on their work; this was in verbal form only in one case, and to the Mayor alone in the other.

### **Internal co-operation to protect and promote communities' rights and interests.**

Most (ten) of the DCMACs surveyed by OSCE monitors expressed that their communication with their respective municipality was good, and none referred to problems with receiving relevant information.<sup>73</sup> OSCE monitors assessed that 11 DCMACs were effectively co-operating with the other community participation mechanisms<sup>74</sup>, and the majority (11) of DCMACs interviewed felt that good co-operation existed among the four mechanisms,<sup>75</sup> although some problems with information sharing were reported in this respect.

**Language compliance.** OSCE monitors reported significant problems or issues relating to the use of languages in official use only in relation to one DCMAC post; the other surveyed DCMACs confirmed OSCE monitors' generally positive conclusion that most DCMACs do not face problems due to municipalities' non-compliance with obligations on use of languages<sup>76</sup>.

## **3.3 Communities Committees**

### ***Assessment of establishment and composition***

Of the 34 municipalities surveyed, OSCE monitors found that all had established CCs, and that most were broadly in line with the legal framework. Only three CCs were judged to have serious functional problems, either failing to hold meetings<sup>77</sup> or having no community representatives<sup>78</sup>. However, when CC membership was assessed against the 2011 census, all CCs were missing representatives from communities recorded as municipal residents in the census; however small the community recorded, a CC representative is required by the Law.

The 34 established CCs had a total of 230 members. Overall, the highest proportion of CC members were Kosovo Albanian (102), followed by Kosovo Serb (50), Kosovo Ashkali (21) and Kosovo Roma (20), and thereafter the other Kosovo communities with around ten or fewer members on CCs across Kosovo. Analysis of "missing" CC members (i.e. missing from CCs which should have had certain community members according to the 2011 census of communities residing in each municipality, but did

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<sup>73</sup> See Annex 5.

<sup>74</sup> *Supra*, note 67.

<sup>75</sup> See Annex 5.

<sup>76</sup> *Ibid.*

<sup>77</sup> Kaçanik/Kaçanik.

<sup>78</sup> Hani i Elezit/ Elez Han, which was entirely Kosovo Albanian; and Parteš/Partesh, which was entirely Kosovo Serb.

not), indicated that Kosovo Bosniaks and Kosovo Turks were the most affected, being entirely absent from CCs in 23 and 20 municipalities respectively, despite their recorded residence in those municipalities; Kosovo Egyptians and Kosovo Gorani were unrepresented on CCs in 15 and 14 municipalities where they reside, respectively; Kosovo Ashkali were unrepresented on CCs in 13 municipalities where they reside; and both Kosovo Serbs and Kosovo Roma were unrepresented on CCs in eight municipalities where they reside.<sup>79</sup>

In all cases but one<sup>80</sup>, MAs adopted municipal statutes to provide for CC operation and functioning, and in seven cases MAs also adopted ToR to further direct the CCs' work<sup>81</sup>. With regard to nomination and selection procedures for CC members, the CC Chair and the Deputy Chair, the appropriate procedures<sup>82</sup> were followed in 23 cases, though OSCE monitors identified problems in nine cases<sup>83</sup>.

OSCE monitors found that the salary or per diem payments due to CC members appeared to be paid regularly and correctly (as per the adopted municipal statutes) in the majority of cases (29), but reported specific problems in three municipalities<sup>84</sup>. Access to adequate municipal resources to support the CCs' work (such as transport, computers, phone and office access, etc.) appeared to be more problematic: OSCE monitors found that four CCs<sup>85</sup> had only partial access to such resources, and that 12 CCs<sup>86</sup> lacked such access. While the CCs in general have no specific budget line for activities, in two cases<sup>87</sup> they had access to additional municipal funding beyond the operational minimum (per diems, stationery, etc.).

### **Assessment of performance**

Fewer than half of the CCs established (13)<sup>88</sup>, had developed or approved a specific work or activity plan additional to the legislation, MLGA-endorsed ToR and Guidelines. Overall, however, OSCE monitors assessed that around two-thirds of CCs were operating in accordance with the ToR, finding that 23 were generally

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<sup>79</sup> See Annex 3.

<sup>80</sup> Pejë/Peć.

<sup>81</sup> Gjilan/Gnjilane, Kamenicë/Kamenica, Glllogoc/Glogovac, Mitrovicë/Mitrovica, Podujevë/Podujevo, Istog/Istok, and Pejë/Peć.

<sup>82</sup> As detailed in the CC ToR, Articles. 4.1, 4.2, 4.3 and 6, *supra*, note 37.

<sup>83</sup> OSCE monitors assessed that nomination and selection procedures were not fully followed in Štrpce/Shtërpçë, Parteš/Partesh, Klokot/Kllkot, Junik, Prishtinë/Priština, Lipjan/Lipljan, Obiliq/Obilić, Malishevë/Mališevo and Rahovec/Orahovac.

<sup>84</sup> Dragash/Dragaš, Lipjan/Lipljan, and Deçan/Deçane.

<sup>85</sup> Kaçanik/Kaçanik, Štrpce/Shtërpçë, Mitrovicë/Mitrovica and Mamuša/Mamushë/Mamuša.

<sup>86</sup> Viti/Vitina, Kamenicë/Kamenica, Skenderaj/Srbica, Vushtrri/Vučitrn, Prishtinë/Priština, Shtime/Štimlje, Lipjan/Lipljan, Gračanica/Graçanicë, Obiliq/Obilić, Prizren, Dragash/Dragaš, and Rahovec/Orahovac.

<sup>87</sup> Pejë/Peć and Shtime/Štimlje.

<sup>88</sup> Ferizaj/Uroševac, Viti/Vitina, Glllogoc/Glogovac, Mitrovicë/Mitrovica, Podujevë/Podujevo, Vushtrri/Vucitrn, Istog/Istok, Klinë/Klina, Pejë/Peć, Prishtinë/Priština, Suharekë/Suva Reka, Malishevë/Malisevo and Prizren.

compliant, seven<sup>89</sup> were partially compliant, and four<sup>90</sup> were not operating correctly.

To provide a more detailed indication of performance, OSCE monitors identified a number of substantive duties from the legislative and policy framework for the purposes of assessing CCs' work over the 18-month period from April 2012 to October 2013. Finding that between two-thirds to three-quarters of all CCs were under-performing across a range of key areas, OSCE monitors made the following assessment:

Substantive duty	No. of CCs assessed as having undertaken duty during the last year	Percentage of CCs assessed as performing this duty
Provision of guidance to municipal bodies on the protection/promotion of community rights <sup>91</sup>	9 <sup>92</sup>	26%
Issuing of recommendations on specific issues relating to protection/promotion of community rights to municipal bodies <sup>93</sup>	14 <sup>94</sup>	42%
Review of the municipality's last annual budget <sup>95</sup>	11 <sup>96</sup> (Recommendations were only made in 2 cases <sup>97</sup> )	32%
Advocacy for equal communities' representation within the municipal civil service <sup>98</sup>	8 <sup>99</sup>	24%
Arrangement of opportunities for communities to participate in developing relevant strategies and policies <sup>100</sup>	4 <sup>101</sup>	12%
Monitoring and reporting to the MA on the implementation of communities projects <sup>102</sup>	4 (and one partially) <sup>103</sup>	14%
Consultation and/or co-ordination with the MOCR on the selection of projects to benefit	15 <sup>105</sup>	45%

<sup>89</sup> Hani i Elezit/Elez Han, Skenderaj/Srbica, Mitrovicë/Mitrovica, Deçan/Deçane, Gjakovë /Đakovica, Junik and Dragash/Dragaš.

<sup>90</sup> Kaçanik/Kaçanik, Obiliq/Obilić, Mamuša/Mamushë/Mamuša and Rahovec/Orahovac.

<sup>91</sup> Law on Local Self-Government, Art. 53.2, *supra*, note 3.

<sup>92</sup> Ferizaj/Uroševac, Gjilan/Gnjilane, Hani i Elezit/Elez Han, Istog/Istok, Klokot-/Kllokot-Mitrovicë/Mitrovica, Prizren, Ranilug/Ranillug and Vushtrri/Vučitrn.

<sup>93</sup> Law on Local Self-Government, Art. 53.2, *supra*, note 3, and CC ToR, Art.s.5.1, 5.2, 5.3, 7.7, 7.8, 7.9, 7.11, 8.1, 8.2, 8.3, *supra*, note 37.

<sup>94</sup> Ferizaj/Uroševac, Hani i Elezit/Elez Han, Gjilan/Gnjilane, Podujevë/Podujevo, Skenderaj/Srbica, Vushtrri/Vučitrn, Deçan/Deçane, Gjakovë /Đakovica, Istog/Istok, Klinë/Klina, Pejë/Peć, Suharekë/Suva Reka, Malishevë/Mališevo and Prizren.

<sup>95</sup> CC ToR, Art.5.2, *supra*, note 37.

<sup>96</sup> Dragash/Dragaš, Hani i Elezit/Elez Han, Gjakovë /Đakovica, Istog/Istok, Klinë/Klina, Lipjan/Lipljan, Mamuša/Mamushë/Mamuša, Pejë/Peć, Prishtinë/Priština, Skenderaj/Srbica and Vushtrri/Vučitrn.

<sup>97</sup> Pejë/Peć and Skenderaj/Srbica.

<sup>98</sup> CC ToR, Art.5.2, *supra*, note 37.

<sup>99</sup> Gjilan/Gnjilane, Kamenicë/Kamenica, Mitrovicë/Mitrovica, Skenderaj/Srbica, Vushtrri/Vučitrn, Lipjan/Lipljan, Prizren and Rahovec/Orahovac.

<sup>100</sup> CC ToR, Art.5.2, *supra*, note 37.

<sup>101</sup> Vushtrri/Vučitrn, Istog/Istok, Klinë/Klina and Prizren.

<sup>102</sup> CC ToR, Art.5.2, *supra*, note 37.

<sup>103</sup> Mitrovicë/Mitrovica, Skenderaj/Srbica, Vushtrri/Vučitrn and Prizren, and Istog/Istok partially.

### **Issues of concern**

**Reporting.** While there are no legal obligations for CC reporting, the CC ToR include requirements to report semi-annually to the MA on the CC's work and to issue a written annual report on its work on promotion of communities' rights<sup>106</sup>. OSCE monitors found that very few of the 34 established CCs undertook such reporting: only seven CCs reported semi-annually to the MA<sup>107</sup>, and only nine produced a written annual report<sup>108</sup>.

**Internal co-operation to protect and promote communities' rights and interests.** Most CC members surveyed by OSCE monitors expressed that their CCs' communication with their respective municipality was good, and that information or documents they need were provided regularly and on time, although around a quarter of those interviewed reported problems in those respects.<sup>109</sup> OSCE monitors assessed that 22 CCs were effectively co-operating with the other community participation mechanisms<sup>110</sup>, and the majority of CC members interviewed felt that good co-operation existed among the four mechanisms<sup>111</sup>. However, the OSCE found that a third of CCs were not co-operating effectively, and survey responses outlined specific challenges in this area, indicating that improvements are necessary in a number of municipalities.

**Language compliance.** OSCE monitors reported significant problems or issues relating to the use of languages in official use in only five CCs, with an additional three experiencing minor issues.<sup>112</sup> Hence, language compliance problems were not a significant obstacle to CC functioning, and opinions gathered from CC members confirmed the generally positive conclusion.<sup>113</sup>

## **3.4 Municipal Offices for Communities and Returns**

### **Assessment of establishment and composition**

<sup>105</sup> Kamenicë/Kamenica, NovoBrdo/Novobërdë, Parteš/Partesh, Mitrovicë/Mitrovica, Podujevë/Podujevo, Skenderaj/Srbica, Vushtrri/Vučitrn, Deçan/Deçane, Gjakovë /Đakovica, Istog/Istok, Klinë/Klina, Pejë/Peć, Prishtinë/Priština, Prizren and Rahovec/Orahovac.

<sup>104</sup> CC ToR, Art.5.2, *supra*, note 37.

<sup>106</sup> CC ToR, Art.5.2 and 5.3, *supra*, note 37.

<sup>107</sup> Hani i Elezit/Elez Han, Glogoc/Glogovac, Gjakovë /Đakovica, Istog/Istok, Klinë/Klina, Pejë/Peć and Prizren.

<sup>108</sup> For 2012: Hani i Elezit/Elez Han, Mitrovicë/Mitrovica, Podujevë/Podujevo, Skenderaj/Srbica, Vushtrri/Vučitrn, Istog/Istok, Klinë/Klina, Prishtinë/Priština and Lipjan/Lipljan.

<sup>109</sup> See Annex 5.

<sup>110</sup> *Supra*, note 67.

<sup>111</sup> See Annex 5.

<sup>112</sup> Monitoring identified problems in NovoBrdo/Novobërdë, Vushtrri/Vučitrn, Junik, Obiliq/Obilić and Prizren, and minor problems in Štrpce/Shtërpçë, Klinë/Klina and Dragash/Dragaš.

<sup>113</sup> See Annex 5.

Since the introduction of the relevant legislation in 2010, MOCRs have been established in 34 municipalities.<sup>114</sup> However, a number of these MOCRs were incorrectly established: OSCE monitors found that 9<sup>115</sup> were not in compliance with staffing requirements,<sup>116</sup> and that 16<sup>117</sup> had failed to fully recognise and incorporate the MOCR into municipal statutes as required.<sup>118</sup>

The majority of municipalities (21) adopted specific ToR and incorporated the MOCR within their municipal organograms<sup>119</sup>, and around half (17) also developed or approved an activity plan.<sup>120</sup> In general, OSCE monitors assessed that all MOCRs had access to municipal resources to facilitate their work<sup>121</sup>, but in seven specific cases found those resources to be insufficient<sup>122</sup>. Similarly, OSCE monitors observed that all salary and per diem payments for MOCR staff appeared to be made correctly, although staff shared with the OSCE some complaints regarding calculations for those payments. In most cases, the MOCRs had access to their own budgets or budget lines<sup>123</sup>, but in six cases<sup>124</sup> did not.

A total of 147 staff members were employed in MOCRs across Kosovo. The largest proportion of MOCR staff were from the Kosovo Serb community (56), with the second largest number from the Kosovo Albanian community (33), followed by the Kosovo Bosniak community (18), and the Kosovo Ashkali and Kosovo Roma communities (12 and 11, respectively), as well as smaller numbers of staff from other communities.

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<sup>114</sup> In Malishevë/Mališevo only a Municipal Officer for Communities and Returns was employed at the end of 2012 to work with the relatively small number of communities in a numerical minority in this municipality, which according to the 2011 census was 0.1% of its residents.

<sup>115</sup> Deçan/Deçane, Junik, Kaçanik/Kaçanik, Hani i Elezit/Elez Han, Glogoc/Glogovac, Gračanica/Graçanicë, Malishevë/Mališevo, Podujevë/Podujevo and Suharekë/Suva Reka.

<sup>116</sup> Regulation on MOCRs, Arts. 5 and 6, *supra*, note 20.

<sup>117</sup> Deçan/Deçane, Dragash/Dragaš, Gjakovë /Đakovica, Gračanica/Graçanicë, Junik, Kaçanik/Kaçanik, Hani i Elezit/Elez Han, Kamenicë/Kamenica, Lipjan/Lipljan, Malishevë/Mališevo, Mamuşa/Mamushë/Mamuşa, Mitrovicë/Mitrovica, Pejë/Peć, Prizren, Shtime/Štimlje and Suharekë/Suva Reka.

<sup>118</sup> Regulation on MOCRs, Article 3.2, *supra*, note 20.

<sup>119</sup> *Ibid.*, Article 10.4: Gjilan/Gnjilane, Glogoc/Glogovac, Gračanica/Graçanicë, Fushë Kosovë/Kosovo Polje, Istog/Istok, Junik, Kamenicë/Kamenica, Klinë/Klina, Klokot/Kllokot, Lipjan/Lipljan, Mitrovicë/Mitrovica, Novo Brdo/Novobërdë, Obiliq/Obilić, Parteş/Partesh, Podujevë/Podujevo, Prishtinë/Priştina, Rahovec/Orahovac, Ranilug/Ranillug, Shtime/Štimlje, Skenderaj/Srbica and Vushtrri/Vučitrn.

<sup>120</sup> *Ibid.*, Article 7.1.4: Glogoc/Glogovac, Gračanica/Graçanicë, Istog/Istok, Junik, Klinë/Klina, Lipjan/Lipljan, Mitrovicë/Mitrovica, Novo Brdo/Novobërdë, Pejë/Peć, Podujevë/Podujevo, Prishtinë/Priştina, Prizren, Ranilug/Ranillug, Shtime/Štimlje, Skenderaj/Srbica, Suharekë/Suva Reka and Vushtrri/Vučitrn.

<sup>121</sup> *Ibid.*, Article 10.1.

<sup>122</sup> Fushë Kosovë/Kosovo Polje, Glogoc/Glogovac, Kamenicë/Kamenica, Mamuşa/Mamushë/Mamuşa, Podujevë/Podujevo, Prizren and Rahovec/Orahovac.

<sup>123</sup> Regulation on MOCRs, Art. 10.1, *supra*, note 20.

<sup>124</sup> Deçan/Deçane, Gračanica/Graçanicë, Junik, Malishevë/Mališevo, Mamuşa/Mamushë/Mamuşa and Suharekë/Suva Reka.

### Assessment of performance

In general terms, OSCE monitors observed that the majority of MOCRs operated in accordance with the regulatory framework and work plans, noting problems in this respect only for seven offices<sup>125</sup>. To provide a more detailed indication of performance, OSCE monitors identified a number of substantive duties from the legislative and policy framework for the purposes of assessing MOCRs' work over the 18-month period from April 2012 to October 2013. Finding that, overall, between half and three quarters of MOCRs implement most mandated duties, OSCE monitors made the following assessment:

Substantive duty	No. of MOCRs assessed as having undertaken duty during the last year	Percentage of MOCRs assessed as performing this duty
Establishment of contacts with all communities and categories of beneficiaries (e.g. returnees, repatriated persons or social cases from communities in a numerical minority in a given municipality). <sup>126</sup>	33 <i>(Although there were several observations regarding weak contacts with Kosovo Roma, Kosovo Ashkali or Kosovo Egyptian communities)</i>	100%
Assessment of community rights / beneficiaries needs (or updating of an earlier assessment). <sup>127</sup>	23 <sup>128</sup> <i>(Although note that assessments were often limited, undertaken for specific communities, for returnee groups only, or for specific projects or donors).</i>	70%
Co-ordination and co-operation with relevant stakeholders (e.g. liaison among NGOs, donors and beneficiaries, etc.). <sup>129</sup>	27 <sup>130</sup> <i>(3 only to some extent<sup>131</sup>)</i>	82%
Development, monitoring or evaluation of projects benefitting communities. <sup>132</sup>	15 <sup>133</sup>	45%

<sup>125</sup> Monitoring identified that Deçan/Deçane and Malishevë/Mališevo MOCRs were not operating in accordance with Regulation 02/2010 or their work plan, and that the following MOCRs were working only partially in accordance with these documents: Kaçanik/Kaçanik, Hani i Elezit/Ellez Han, Mitrovicë/Mitrovica, Prizren and Dragash/Dragaš.

<sup>126</sup> Regulation on MOCRs, Art.7, *supra*, note 20; MOCR ToR, Chapter II, Art. 3.1, *supra*, note 42.

<sup>127</sup> MOCR ToR, Chapter II, Art. 3.3, *supra*, note 42.

<sup>128</sup> Ferizaj/Uroševac, Gjilan/Gnjilane, Kamenicë/Kamenica, Ranilug/Ranillug, Novo Brdo/Novobërdë, Parteš/Partesh, Mitrovicë/Mitrovica, Podujevë/Podujevo, Vushtrri/Vučitrn, Deçan/Deçane, Gjakovë/Đakovica, Istog/Istok, Klinë/Klina, Pejë/Peć, Prishtinë/Priština, Shtime/Štimlje, Lipjan/Lipljan, Gračanica/Gračanicë, Obiliq/Obilić, Suharekë/Suva Reka, Malishevë/Mališevo, Mamuša/Mamushë/Mamuša and Rahovec/Orahovac.

<sup>129</sup> Regulation on MOCRs, Art.4, *supra*, note 20; MOCR ToR, Chapter II, Art. 3.2, *supra*, note 42.

<sup>130</sup> Gjilan/Gnjilane, Kamenicë/Kamenica, Ranilug/Ranillug, Novo Brdo/Novobërdë, Parteš/Partesh, Klokot/Kllokot-, Glllogoc/Glogovac, Mitrovicë/Mitrovica, Podujevë/Podujevo, Skenderaj/Srbica, Vushtrri/Vučitrn, Deçan/Deçane, Gjakovë /Đakovica, Istog/Istok, Klinë/Klina, Pejë/Peć, Prishtinë/Priština, Shtime/Štimlje, Lipjan/Lipljan, Gračanica/Gračanicë, Obiliq/Obilić, Suharekë/Suva Reka, Malishevë/Mališevo, Mamuša/Mamushë/Mamuša, Prizren, Dragash/Dragas and Rahovec/Orahovac.

<sup>131</sup> Vushtrri/Vučitrn, Malishevë/Mališevo and Dragash/Dragaš.

<sup>132</sup> MOCR ToR, Chapter II, Art. 3.4, *supra*, note 42.

<sup>133</sup> Ferizaj/Uroševac, Kamenicë/Kamenica, Parteš/Partesh, Vushtrri/Vučitrn, Deçan/Deçane, Dragash/Dragaš, Gjakovë /Đakovica, Istog/Istok, Junik, Klinë/Klina, Pejë/Peć, Prishtinë/Priština,

Facilitation of community participation in developing relevant strategies / policies / action plans. <sup>134</sup>	10 <sup>135</sup>	30%
Monitoring of policies relevant to the protection/promotion of community rights or specific beneficiaries. <sup>136</sup>	16 <sup>137</sup> (3 only to some extent <sup>138</sup> )	48%
Provision of advice (written or verbal) to the MA or municipal executive bodies on issues relevant to the protection/promotion of community rights. <sup>139</sup>	15 <sup>140</sup>	45%
Public outreach or awareness raising with communities and specific beneficiary groups. <sup>141</sup>	22 <sup>142</sup>	67%

### **Issues of concern**

**Reporting and transparency.** OSCE monitors found that 27 of the 33 established MOCRs reported regularly within the municipality as required, including through annual reports,<sup>143</sup> although only in 11 municipalities were reports found to be publicly available.<sup>144</sup>

**Internal co-operation to protect and promote communities' rights and interests.** Most (71 per cent) of the MOCR staff surveyed by OSCE monitors expressed that their communication with their respective municipality was good, and that information or documents they need were provided regularly and on time, although around a quarter of those interviewed reported problems.<sup>145</sup> Similarly, the majority (70 per cent) of MOCR staff surveyed felt that good co-operation existed with the

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Lipjan/Lipljan, Suharekë/Suva Reka and Rahovec/Orahovac. Istog/Istok, Klinë/Klina and Prishtinë/Priština.

<sup>134</sup> Regulation on MOCRs, Article 7, *supra*, note 20.

<sup>135</sup> Ferizaj/Uroševac, Novo Brdo/Novobërdë, Mitrovicë/Mitrovica, Podujevë/Podujevo, Istog/Istok, Klinë/Klina, Prishtinë/Priština, Shtime/Štimlje, Lipjan/Lipljan and Prizren.

<sup>136</sup> Regulation on MOCRs, Article 4, *supra*, note 20, and MOCR ToR, Chapter II, Article 3.5, *supra*, note 42.

<sup>137</sup> Ranilug/Ranillug, Novo Brdo/Novobërdë, Mitrovicë/Mitrovica, Podujevë/Podujevo, Vushtrri/Vučitrn, Deçan/Deçane, Istog/Istok, Junik, Klinë/Klina, Shtime/Štimlje, Lipjan/Lipljan, Gračanica/Gračanicë, Suharekë/Suva Reka, Prizren, Dragash/Dragaš and Rahovec/Orahovac.

<sup>138</sup> Mitrovicë/Mitrovica, Podujevë/Podujevo and Rahovec/Orahovac.

<sup>139</sup> Regulation on MOCRs, Article 7.1.7, *supra*, note 20; MOCR ToR, Chapter II, Article 3.6 and Article 3.7, *supra*, note 42.

<sup>140</sup> Kamenicë/Kamenica, Novo Brdo/Novobërdë, Podujevë/Podujevo, Skenderaj/Srbica, Deçan/Deçane, Gjakovë /Đakovica, Istog/Istok, Junik, Klinë/Klina, Pejë/Peć, Shtime/Štimlje, Lipjan/Lipljan, Suharekë/Suva Reka, Prizren and Rahovec/Orahovac.

<sup>141</sup> MOCR ToR, Chapter II, Article 3.8, *supra*, note 42.

<sup>142</sup> Ferizaj/Uroševac, Viti/Vitina, Gjilan/Gnjilane, Ranilug/Ranillug, Parteš/Partesh, Mitrovicë/Mitrovica, Podujevë/Podujevo, Deçan/Deçane, Gjakovë/Đakovica, Istog/Istok, Junik, Klinë/Klina, Pejë/Peć, Prishtinë/Priština, Shtime/Štimlje, Lipjan/Lipljan, Gračanica/Gračanicë, Obiliq/Obilić, Suharekë/Suva Reka, Malishevë/Mališevo, Prizren and Dragash/Dragaš.

<sup>143</sup> Regulation on MOCRs, Art. 7.1.7, *supra*, note 20.

<sup>144</sup> Viti/Vitina, Kamenicë/Kamenica, Novo Brdo/Novobërdë, Glogoc/Glogovac, Mitrovicë/Mitrovica, Skenderaj/Srbica, Vushtrri/Vučitrn, Gjakovë/Đakovica, Klinë/Klina, Pejë/Peć and Prishtinë/Priština.

<sup>145</sup> See Annex 5.

other three mechanisms,<sup>146</sup> a conclusion supported by OSCE monitors who found 24 MOCRs to be effectively co-operating<sup>147</sup> with other mechanisms in the municipality. However, OSCE monitors observed the absence of such co-operation by almost a third of MOCRs, indicating that improvements are necessary in a number of municipalities.

**Language compliance.** OSCE monitors reported problems or issues relating to the use of languages in official use in only five MOCRs,<sup>148</sup> and that language compliance was thus not a significant obstacle to MOCR functioning; opinions gathered from MOCR staff confirmed this generally positive conclusion<sup>149</sup>.

### 3.5 Gender balance

Gender balance within all the mechanisms was poor, potentially impairing the mechanisms' ability to effectively identify and address the often very different issues facing men and women, boys and girls in the communities they represent. All of the mechanisms should thus adopt affirmative measures to improve their gender balance.

The posts of DMC and DCMAC were almost exclusively a male domain, with just one female DMC and one female DCMAC appointed, in Mamuša/Mamushë/Mamuša and Mitrovicë/Mitrovica respectively.<sup>150</sup> While election or appointment determines the selection of DCMACs and CC members, the DMC and MOCR staff members are recruited as civil servants, and as such clear obligations exist with regard to gender balance.<sup>151</sup>

Women were similarly underrepresented on most CCs: only 67 of the 230 CC members (29 per cent) were women; 20 CCs (59 per cent) had less than 40 per cent women members<sup>152</sup>; and six CCs had no women at all<sup>153</sup>. Fourteen CCs (41 per cent)

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<sup>146</sup> *Ibid.*

<sup>147</sup> *Supra*, note 67.

<sup>148</sup> Monitoring identified problems in Mitrovicë/Mitrovica, Prishtinë/Priština, Gračanica/Graçanicë, Suharekë/Suva Reka and Prizren.

<sup>149</sup> See Annex 5.

<sup>150</sup> See Annex 2. Unfortunately, this is reflective of municipal leadership across Kosovo more generally during the period of assessment, with no female Mayors, no female Deputy Mayors, and only three female MA Chairpersons appointed, so in this respect women from communities in a numerical minority at the municipal level appear to be at no increased disadvantage.

<sup>151</sup> As noted above, Law 03/L-149 on the Civil Service, makes a number of commitments to gender equality, *supra*, note 30.

<sup>152</sup> Deçan/Deçane, Ferizaj/Uroševac, Fushë Kosovë/Kosovo Polje, Gjakovë/Đakovica, Gjilan/Gnjilane, Gračanica/Graçanicë, Kaçanik/Kaçanik, Klinë/Klina, Klokot-/Kllokot, Istog/Istok, Junik, Lipjan/Lipljan, Mamuša/Mamushë/Mamuša, Mitrovicë/Mitrovica, Obiliq/Obilić, Pejë/Peć, Podujevë/Podujevo, Prishtinë/Priština, Rahovec/Orahovac, Skenderaj/Srbica, Viti/Vitina and Vushtrri/Vucitrn.

<sup>153</sup> Gjilan/Gnjilane, Gračanica/Graçanicë, Istog/Istok, Junik, Klokot/Kllokot and Viti/Vitina,

were in a better situation, with 40 per cent or more women members,<sup>154</sup> whereas only four CCs had more women than men<sup>155</sup>.

MOCRs had the best gender representation overall, with 44 women out of 147 staff members (30 per cent). However, at the individual level, only 11 had 40 per cent or above female staff members (32 per cent), while 23 had below 40 per cent (68 per cent); moreover, 11 municipalities had no female MOCR staff at all (32 per cent), while only two had no male staff (6 per cent).<sup>156</sup>

### 3.6 Summary of findings

#### *Establishment and functioning*

The OSCE's assessment of compliance with the legislative requirements to establish the four mechanisms concluded that the situation was generally good, though far from complete. All mandatory DMC and DCMAC posts were established with the exception of Gračanica/Gračanicë. Several municipalities established posts even where not obligatory, i.e. with less than 10 per cent of their populations being from communities in a numerical minority according to the 2011 census<sup>157</sup>, but where local stakeholders felt the posts were important for non-majority communities' representation: eight DMC and eight (seven filled) DCMAC posts. While only a few DCMAC posts were affected by a lack of operational resources, detailed assessment of DMC and DCMAC performance was unfortunately not possible due to the lack of legal or policy guidance on their mandates and responsibilities.

All municipalities had established CCs and MOCRs, with the exception of Malishevë/Mališevo which appointed a single officer in place of an MOCR. OSCE monitors found that CCs in all municipalities failed to include representatives from all communities in the municipality, while under half of CCs had access to basic equipment and amenities for their work, and four were not operating correctly. The picture was better for MOCRs: although around half had minor issues with set-up and staffing, OSCE monitors found that only a few lacked adequate operational resources. The OSCE's assessment of CCs' substantive duties identified serious problems however, with two-thirds to three-quarters of all CCs found to be under-

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<sup>154</sup> Dragash/Dragaš, Dečan/Dečane, Gjakovë/Đakovica, Gllogoc/Glogovac, Hani i Elezit/Elez Han, Kamenicë/Kamenica, Malishevë/Mališevo, NovoBrdo/Novobërdë, Parteš/Partesh, Prizren, Ranilug/Ranillug, Shtime/Štimlje, Štrpce/Shtërpçë and Suharekë/Suva Reka.

<sup>155</sup> Dečan/Dečane, Dragash/Dragaš, Gllogoc/Glogovac and Ranilug/Ranillug.

<sup>156</sup> See Annex 4.

<sup>157</sup> The recommendation of the Advisory Committee on the Framework Convention for the Protection of National Minorities concerning the interpretation of the 2011 census data is relevant in relation to decision-making on the establishment of the posts of DMC and DCMAC where not obligatory according to the 2011 census. "The Advisory Committee [...] considers that some flexibility should be applied in the analysis and processing of the census results, particularly as regards the rights of minority communities that are based on their numbers in a given municipality." See Third Opinion on Kosovo, adopted on 6 March 2013, Council of Europe, p. 13, paragraph 29. Available at: [http://www.coe.int/t/dghl/monitoring/minorities/3\\_FCNMdocs/PDF\\_3rd\\_OP\\_Kosovo\\_en.pdf](http://www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/PDF_3rd_OP_Kosovo_en.pdf) (accessed 3 March 2014).

performing across a range of key areas. Over three-quarters of CCs failed to provide guidance on communities' rights, advocate for communities' representation in the civil service, facilitate communities' involvement in strategy or policy development, or report to the MA on relevant projects. MOCRs performed better in a similar OSCE assessment of their substantive duties, with between half and three-quarters of MOCRs implementing most mandated duties; nevertheless, one-third to a half of MOCRs had failed to undertake project or policy monitoring, to facilitate communities' involvement in strategy or policy development, or to advise the municipality.

On a positive note, while only the DCMAC has a specified mandate to work on **inter-community dialogue**, this assessment indicates that all four mechanisms have a potentially important role to play in fostering good relationships and communication. Nearly two-thirds of survey respondents felt that the four mechanisms had made a positive contribution to improving relationships, with respondents highlighting that simply the existence of the mechanisms had assisted communication and enhanced confidence among communities. Capacity-building and further investment in this area are likely to prove worthwhile.

### ***Issues of concern***

This assessment highlighted a number of issues of concern. On a positive note, it appears that **language compliance** was generally good, with few, albeit serious, problems identified as affecting the work of the four mechanisms in a small number of municipalities. More concerning is that some of the mechanisms **lacked clear reporting and oversight mechanisms**: only four DMCs and two DCMACs provided reports on their work (often only verbally) and less than a third of CCs reported regularly; while 27 of the 33 MOCRs reported regularly, only a third of their reports were publicly available. While the MLGA does undertake monitoring<sup>158</sup>, this should be strengthened to include more detail on the functioning and performance for DMCs, DCMACs and CCs in particular, as well as follow-up to address specific cases of non-compliance. There is a need for central institutions to develop their role in this respect, both in promoting increased and transparent reporting by the mechanisms themselves, and in providing oversight by monitoring the mechanisms' performance.

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<sup>158</sup> The Monitoring Department of the MLGA undertakes regular monitoring of local government in Kosovo, producing a range of reports. While three monitoring reports released to date do cover the establishment of the CCs and MOCRs, and gather basic data such as the number of meetings per year, they do not go into detail on their functioning. See: *Report on Functioning of Municipalities of the Republic of Kosova, January-June 2012*, MLGA July 2012, <https://mapl.rks-gov.net/getattachment/3b6729f0-1175-40b8-9e28-6ca8d782d035/Report-of-functioning-of-Minucipalities-of-the-Rep.aspx>; *Monitoring report of the Republic of Kosova Municipalities, January-December 2012*, February 2013, <https://mapl.rks-gov.net/getattachment/949c9281-1b66-463a-9244-25ebf002fb61/Raport-i-Mointorimit-te-Komunave-te-Republikes-se.aspx>; and, *Report on Functioning of the Municipal Assemblies of the Republic of Kosova, January-June 2013*, MLGA June 2013, <https://mapl.rks-gov.net/Raporte/2013.aspx> (all accessed 3 March 2014).

Transparent reporting on activities is linked to **effective co-operation among the mechanisms** and their functioning as a combined system for communities at the municipal level. A quarter of CC and MOCR survey respondents reported problems with receiving full or timely information from the municipality, and a fifth of all survey respondents gave negative ratings for co-operation among the mechanisms. Comparison of these responses with OSCE assessments (which found that only half of DMCs and two-thirds of DCMACs, CCs and MOCRs undertake effective co-operation<sup>159</sup> with other mechanisms) indicates that there are a number of municipalities which had serious problems in this area. OSCE assessments indicate that co-operation is a key factor in achieving success,<sup>160</sup> a correlation supported by survey responses, which pointed to internal co-operation among the four mechanisms as an important element of effective lobbying for communities' rights and interests. Most municipalities had no formalized systems for co-ordination or information exchange among the mechanisms, and this is clearly an important area for improvement.

Such co-operation and mutual support is likely to be particularly important given many survey respondents' experiences of **non-prioritization or lack of support from municipal actors for communities' issues**, which they identified as a key obstacle to success. Many respondents felt that the four mechanisms were largely ignored or overlooked by municipal decision-makers, that the mechanisms lacked support from (or were critically dependent on) powerful sponsors, and that the interests of members of communities in a numerical majority in certain municipalities tended to prevail. This problem was also acknowledged by the MLGA itself,<sup>161</sup> and identified in the 2009 OSCE report which noted "the lack of empowerment of the communities' representatives by municipal leaders"<sup>162</sup>. The 2009 report also highlighted another problem which survey responses have again identified, namely that **political party interests** influence the mechanisms' work, at times taking precedence over communities' interests<sup>163</sup>; worryingly, responses indicate that this has also compromised selection processes for municipal employment or assistance. Addressing both of these issues will require changes in attitudes and professional

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<sup>159</sup> *Supra*, note 67.

<sup>160</sup> For the purposes of the research, "success" was defined as success in work on a particular issue related to the protection or promotion of non-majority community rights (e.g. the mechanism pushed for an action or decision which was undertaken, or succeeded in blocking a problematic action or decision). Over the assessment period of April 2012-April 2013, OSCE monitors judged that: of the seven CCs not co-operating effectively with the other mechanisms, none had experienced success; of the seven MOCRs not co-operating effectively, only one was judged to have achieved some success; of the four DCMACs not co-operating effectively, none were judged to have had any success; although, of the four DMCs not co-operating effectively, three had experienced some success.

<sup>161</sup> A 2012 MLGA monitoring report noted that, "Even though the mandatory committees are obligatory by Law on Local Self-Government, municipalities pay less attention to the Committee for Communities. We can say that this committee is more a formal fulfilment derived from the legal obligation". p. 8, *Report on Functioning of Municipalities -January-June 2012*, MLGA July 2012, *supra*, note 158.

<sup>162</sup> 2009 Participation Report, p. 25 and p. 27.

<sup>163</sup> *Ibid.*, p. 25.

culture among municipal staff and leaders more broadly, however, collaboration among the four mechanisms will be essential in strengthening their combined voice.

An additional area of concern is representation of communities and women in the mechanisms. As noted above, **gender balance** in the DMC, DCMAC and CC mechanisms was very poor: the underrepresentation of women presented a serious obstacle to effective representation of women's and girls' interests and concerns. When asked about **fair representation of all communities** by the mechanisms (regardless of the individual community affiliation of those appointed), just under a fifth of survey respondents felt that representation was unfair. Respondents highlighted a number of perceived problems, including that the Kosovo Serb community is prioritized while smaller communities are left aside, and that some DMCs and DCMACs serve only their own community.

#### 4. CONCLUSIONS

The fulfilment of communities' right to participation in local governance in Kosovo depends to a great extent on the functioning of the four mechanisms established to protect and promote communities' rights and interests: the Municipal Offices for Communities and Returns (MOCRs), the Communities Committees (CCs), and the posts of Deputy Mayor for Communities (DMC) and Deputy Chairperson of the Municipal Assembly for Communities (DCMAC).

The 2009 report produced by the OSCE concluded that further legislative steps should be taken, and a much greater emphasis placed on implementation as "the existing mechanisms do not always provide communities with genuine and effective protection nor do they guarantee their participation"<sup>164</sup>. Four years later, this report – although recognizing the important and substantial progress made – echoes this finding, and concludes that there are a number of key failings that must be addressed for Kosovo institutions to effectively provide for community participation in local governance.

Significant gaps in the legal framework negatively affect Kosovo institutions' ability to promote and protect communities' rights and interests in keeping with international standards. The absence of detailed secondary legislation for the Law on Local Self-Government leaves decision-makers and stakeholders with a lack of precise guidance on the practicalities of three of the four mechanisms' work and functioning. While the development of policy documents offers additional guidance for the work of CCs, these do not have the strength of legislation; hence, the incorporation of key elements of that policy guidance into secondary legislation will be crucial to ensure the mechanisms' effective functioning and compliance with the legal framework. Equally, while the new Administrative Instruction approved in January 2014 is a positive step, more detailed secondary legislation and policy

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<sup>164</sup> *Ibid.*, p. 25.

guidance is sorely needed for the posts of DMC and DCMAC; a clear legal framework for their operation would make an important difference to both the quality of their performance and the possibility to assess the performance of appointees. Secondary legislation should also outline transparent and meaningful reporting and oversight systems for all mechanisms, including a monitoring role for central institutions.<sup>165</sup> In general, the legal and policy framework fails to outline modalities for the joint functioning of the four mechanisms as a coherent system for the protection of communities' rights and interests at the local level.

In general, compliance with the existing legislative requirements to establish the four mechanisms was good, though incomplete. Although almost all of the mandatory mechanisms were established, as well as several non-obligatory posts, problems did remain: one mandatory DMC post was not established, and one DCMAC post remained vacant for over a year; none of the CCs had complete membership that fulfilled the obligation to include all communities resident in their municipal areas; some MOCRs were short-staffed, and a number of municipalities failed to adopt full statutes for the MOCRs as required by the Regulation. Assessments of the mechanisms' functioning were far less positive. Two-thirds to three-quarters of all CCs were found to be under-performing across a range of key areas; and one-quarter to half of MOCRs were failing to implement their substantive mandated duties. Unfortunately, it was not possible to conduct a detailed assessment of DMCs' and DCMACs' performance due to a lack of detail in the legal framework on their mandates and responsibilities. OSCE monitoring also identified inadequate guidance and performance on reporting and oversight, as well as poor internal co-operation among the mechanisms. All of the mechanisms also had very poor representation of women. The survey of respondents from the mechanisms identified a number of additional issues of concern, including non-prioritization of the mechanisms' work by other municipal actors, the influence of political parties, and the perception that the mechanisms often overlook the interests of smaller communities. On the positive side, the research indicated that municipalities' failure to comply with language requirements only affects the work of a small number of mechanisms, and that inter-community relations have benefitted from the work and existence of all four mechanisms.

## 5. RECOMMENDATIONS

In order to address the failures of conformity and compliance identified, the following recommendations advocate for specific actions to be undertaken by local and central institutions as the primary duty bearers with regard to the work of the four mechanisms. Community and international stakeholders also have important roles to play in supporting the mechanisms' improved performance however,

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<sup>165</sup> Also recommended in the 2009 OSCE report: "Communication between ministries and local level institutions should be improved, while the chain of command and the reporting system need to be clarified in order to contribute to the efficiency of the mechanisms". *Ibid.*, p. 27.

respectively through more active participation in advocacy and contributions to capacity building.

### **5.1 To relevant central-level institutions, including the Ministry of Local Government Administration, Ministry for Communities and Returns, Ministry for Public Administration and Office for Communities Affairs:**

- a) Undertake an inclusive, consultative process to address identified gaps in the legal framework regulating the DMC, the DCMAC and the CC, with particular focus on appointment processes, mandate and responsibilities, and reporting and oversight mechanisms. The process should include input from local government and community representatives, as well as relevant international stakeholders. As an important step in this process, the policy guidance on CCs included in their Terms of Reference and Guidelines should be further developed, strengthened and incorporated into secondary legislation, in order to improve the legal framework and its implementation.
- b) Ensure full and easy access to relevant laws and policies, including through publication on ministry and municipal websites in all official languages, and dissemination of that legal and policy framework to local stakeholders and communities.

### **5.2 To the Ministry of Local Government Administration and the Ministry for Communities and Returns:**

- a) Exert pressure on municipalities for full compliance with their legal obligations on the establishment of the four mechanisms in relation to CCs and MOCRs and to DMCs and DCMACs in municipalities where communities are 10 per cent or more of the municipal population. To be fully compliant with the Law on Local Self Government, all CCs must include at least one representative of each community resident in the municipality (as required under Article 53 of the Law), and municipalities should allocate adequate operational resources for CCs to function, including for interpretation and translation services and transport for outreach visits.
- b) Encourage municipalities to establish DMC posts where appropriate but not obligatory, for example in municipalities where communities form less than 10 per cent of the municipal population, but where they are of a substantial size, or where particular issues merit the additional support a DMC post would bring.
- c) Undertake regular and transparent monitoring of the four mechanisms' functioning. Building on that already undertaken, monitoring should include assessment of each mechanism's mandated duties, review of the reports produced by the mechanisms at the local level, and solicitation of feedback from local communities through meaningful consultation. Publish all monitoring reports on ministry websites in official languages and ensure

appropriate follow-up steps are taken to address any identified problems, and to ensure full compliance and improved functionality, where necessary.

- d) One year after the introduction of new legislation or policy guidance, undertake a thorough assessment of its implementation by local-level institutions, including recommendations on improvements necessary for specific actors. Publish and discuss the findings of this assessment in detail with the municipalities concerned, as well as with relevant bodies such as the Office for Communities Affairs and the Communities Consultative Council, and track the implementation of those recommendations.
- e) Ensure local stakeholders receive adequate support and guidance on the proper functioning of the four mechanisms. Undertake outreach to advise municipal officials and community representatives on the legal and policy framework, to provide training on responsibilities where necessary (e.g. on budget review, project monitoring, inter-community dialogue), to promote good practices, and to address any specific issues identified by monitoring or raised by local stakeholders. Consider establishing specific focal points within the MLGA, such as exist within the MCR, with responsibility to provide support and guidance to local-level mechanisms and institutions, as well as to follow up on issues of compliance or weak capacity.

### **5.3 To the Office of the Language Commissioner:**

- a) Continue to monitor municipal institutions and the four protection mechanisms for full compliance with language-related obligations, and take action to address all complaints of violations of language rights.

### **5.4 To municipalities, including municipal leadership, the Municipal Offices for Communities and Returns, the Communities Committees, the Deputy Chairpersons for Communities and the Deputy Chairpersons of the Municipal Assembly for Communities:**

- a) Take immediate action to ensure that the mandatory bodies of Communities Committees and Municipal Offices for Communities and Returns are established in all municipalities, and the posts of Deputy Mayors for Communities and Deputy Chairpersons of the Municipal Assembly for Communities are established in municipalities where communities are 10 per cent or more of the local population, in line with relevant legal obligations. Once established, the composition of each CC must include at least one representative of each community resident in the municipality, as required under Article 53 of the Law on Local Self Government.
- b) Consider establishing DMC posts where appropriate but not obligatory, namely in municipalities where communities form less than 10 per cent of the municipal population, but where they are of a substantial size, or where

particular issues merit the appointment of a DMC post to provide needed additional support to the municipal government or resident communities.

- c) Ensure community protection mechanisms have the practical resources they need to function effectively, including sufficient office space for meetings and/or daily work, computers and telephone access, as well as transport for outreach visits, and services or funds for translation and interpretation. If weak human capacity is identified as a problem in fulfilling certain responsibilities, pursue opportunities for targeted training (e.g. on budget review, project monitoring, inter-community dialogue), including by submitting requests to the relevant central institutions for training support, in particular the MLGA and MCR.
- d) Ensure the mechanisms work together with a coherent approach to the protection and promotion of communities' rights and interests. Encourage direct information sharing and co-ordination between the CC and MOCR as standard practice, and, where DMC and DCMAC posts exist, encourage regular reporting of the MOCR to the DMC, and participation of the DCMAC in CC meetings. All mechanisms in each municipality should be encouraged to hold monthly meetings to review current issues and discuss and co-ordinate responses and action.
- e) Improve appointment and recruitment processes by ensuring that selection is fully compliant with relevant legal and policy guidance, and based on transparent decision-making processes, in order to help ensure that appointees have the necessary knowledge and experience. Take concrete steps to improve gender balance in community protection mechanisms, including through outreach to encourage women candidates (e.g. involving local women's groups and women's caucuses in efforts to identify and contact potential women candidates).
- f) Ensure transparent reporting of the four mechanisms' work. In particular ensure that all formal reporting detailed in legislation and policy guidance is fully implemented, published in all official languages and distributed to all municipal departments, to community representatives (e.g. through CC dissemination, with local media, civil society, etc.), and to relevant central institutions.
- g) Improve information flow between communities and the four mechanisms. Ensure communities have easy access to the four mechanisms: publish names of appointees and their contact information, and for specific mechanisms institute and publicize an open-door policy of visiting hours once a week to receive members of the public who wish to discuss relevant issues. Ensure the dissemination of the four mechanisms' progress reports to community representatives (e.g. through CC dissemination, with local media, civil society, etc.). Where needed, increase outreach to communities to raise

awareness of the mechanisms' work and gather information on communities' needs and issues.

- h) Take steps to empower the four mechanisms and encourage all municipal actors to accord them proper respect as important elements of local governance. Municipal leadership should lead by example to support such empowerment. Where beneficial or necessary, municipalities should arrange technical trainings for the four mechanisms, and/or more general trainings for other municipal actors and stakeholders on the mechanisms' mandates, reporting and outreach.
- i) Directly acknowledge the potential for the four mechanisms to contribute to improving inter-community relationships, including through specific capacity development for key posts where relevant.

## ANNEX 1 – TABLE: ESTABLISHMENT OF LOCAL PROTECTION MECHANISMS (BY MUNICIPALITY)

An overview of the establishment of the four mechanisms as of October 2013:

Municipality	DMC	DCMAC	CC	MOCR	Comment
Ferizaj/Uroševac			✓	✓	
Gjilan/Gnjilane	✓*	✓	✓	✓	DMC and DCMAC posts not required but still established (*DMC post vacant as of October 2013).
Hani i Elezit/Elez Han			✓	✓	
Kaçanik/Kaçanik			✓	✓	
Kamenicë/Kamenica	✓	✓	✓	✓	DMC and DCMAC posts not required but still established.
Klokot-/Kllokot-	✓	✓	✓	✓	
Novobërdë/Novo Brdo	✓	✓	✓	✓	
Parteš/Partesh			✓	✓	
Ranilug/Ranillug	✓	✓*	✓	✓	DMC and DCMAC posts not required but still established (*DCMAC post vacant since September 2012).
Štrpce/Shtërpcë	✓	✓	✓	✓	
Viti/Vitina			✓	✓	
Mitrovicë/Mitrovica	✓	✓	✓	✓	DMC and DCMAC posts not required but still established.
Skenderaj/Srbica			✓	✓	
Vushtrri/Vuçitrn			✓	✓	
Glogovc/Glogovac			✓	✓	
Podujevë/Podujevo			✓	✓	
Deçan/Deçane			✓	✓	
Gjakovë/Đakovica		✓	✓	✓	DCMAC post not required but still established.
Istog/Istok		✓	✓	✓	DCMAC post not required but still established.
Junik			✓	✓	
Klinë/Klina			✓	✓	
Pejë/Peć	✓	✓	✓	✓	DMC and DCMAC posts not required but still established.
Fushë Kosovë/Kosovo Polje	✓	✓	✓	✓	
Gračanica/Gračanicë	*	✓	✓	✓	DMC post not established despite 10% threshold.
Lipjan/Lipljan	✓		✓	✓	DMC post not required but still established (though held by representative of the community in a numerical majority in the municipality).
Obiliq/Obilić	✓		✓	✓	DMC post not required but still established.
Shtime/Štimlje			✓	✓	
Prishtinë/Priština		✓	✓	✓	DCMAC post not required but still established.
Dragash/Dragaš	✓	✓	✓	✓	
Malishevë/Mališevo			✓	*	No MOCR formally established, only one Officer appointed.
Mamuša/Mamushë/Mamuša	✓		✓	✓	DMC post not required but still established.
Prizren	✓	✓	✓	✓	
Rahovec/Orahovac			✓	✓	
Suharekë/Suva Reka			✓	✓	
<b>Totals</b>	<b>14</b>	<b>14</b>	<b>34</b>	<b>33</b>	<b>2 municipalities had not established mandatory mechanisms. 11 municipalities had established non-obligatory posts.</b>

## ANNEX 2 – TABLE: COMMUNITY AND GENDER OF DMCS AND DCMACS (BY MUNICIPALITY)

An overview of the DMC and DCMAC appointments by community, gender and municipality, as of October 2013:

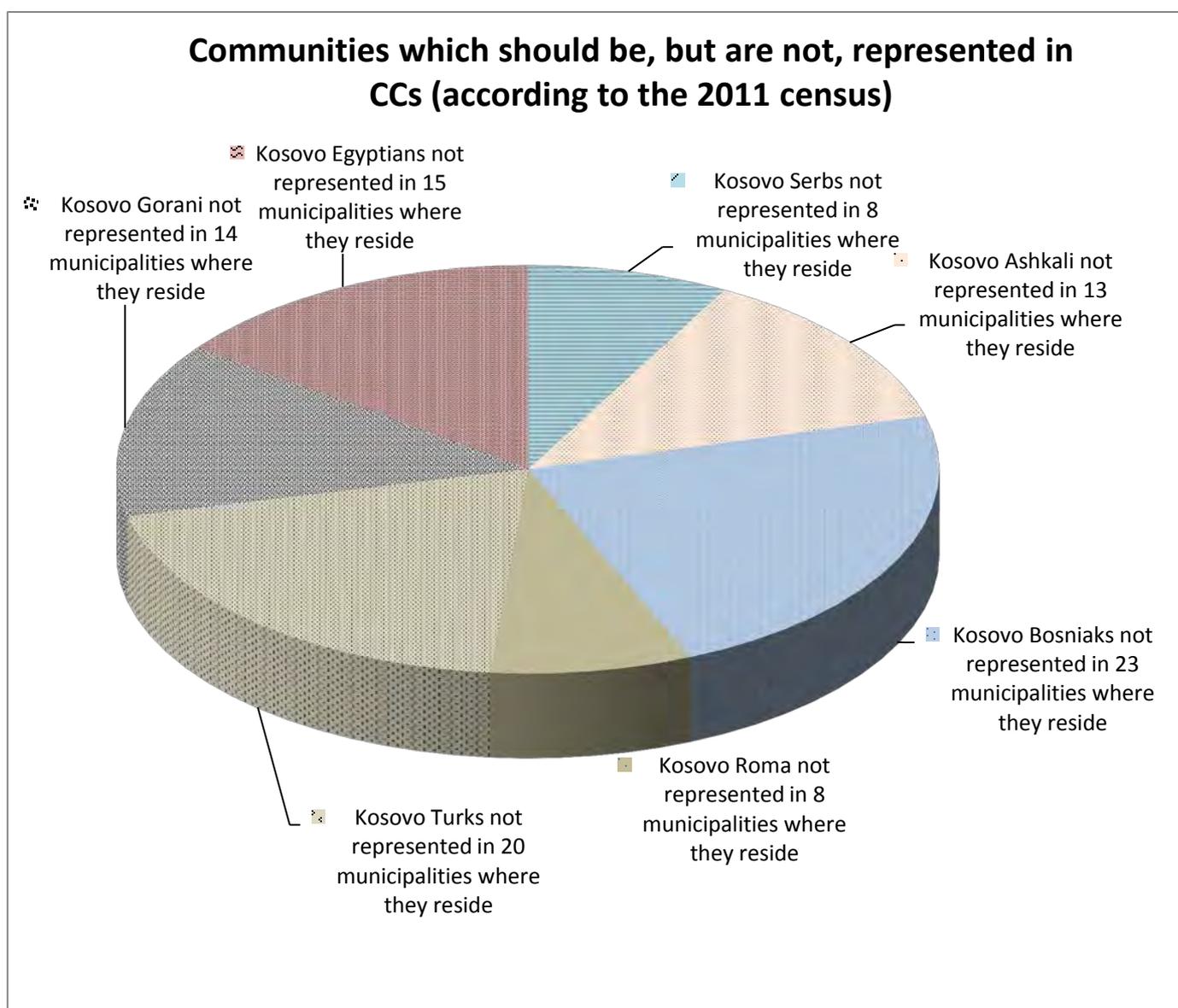
Municipality	DMCs			DCMACs		
	Male	Female	Community	Male	Female	Community
Ferizaj/Uroševac						
Gjilan/Gnjilane	✓		Kosovo Serb <sup>166</sup>	✓		Kosovo Turk
Hani i Elezit/Elez Han						
Kaçanik/Kaçanik						
Kamenicë/Kamenica	✓		Kosovo Serb	✓		Kosovo Serb
Klokot-/Kllokot-	✓		Kosovo Albanian	✓		Kosovo Albanian
Novobërdë/Novo Brdo	✓		Kosovo Serb	✓		Kosovo Serb
Parteš/Partesh						
Ranilug/Ranillug	✓		Kosovo Albanian	vacant		n/a
Štrpcë/Shtërpçë	✓		Kosovo Albanian	✓		Kosovo Albanian
Viti/Vitina						
Mitrovicë/Mitrovica	✓		Kosovo Turk		✓	Kosovo Turk
Skenderaj/Srbica						
Vushtrri/Vučitrn						
Glllogovc/Glogovac						
Podujevë/Podujevo						
Deçan/Deçane						
Gjakovë/Đakovica				✓		Kosovo Egyptian
Istog/Istok				✓		Kosovo Egyptian
Junik						
Klinë/Klina						
Pejë/Peć	✓		Kosovo Bosnian	✓		Kosovo Bosnian
Fushë Kosovë/Kosovo Polje	✓		Kosovo Montenegrin	✓		Kosovo Egyptian
Gračanica/Gračanicë				✓		Kosovo Albanian
Lipjan/Lipljan	✓		Kosovo Albanian			
Obiliq/Obilić	✓		Kosovo Serb			
Shtime/Štimlje						
Prishtinë/Priština				✓		Kosovo Turk
Dragash/Dragaš	✓		Kosovo Bosnian	✓		Kosovo Bosnian
Malishevë/Mališevo						
Mamuša/Mamushë/Mamuša		✓	Kosovo Albanian			
Prizren	✓		Kosovo Turk	✓		Kosovo Bosnian
Rahovec/Orahovac						
Suharekë/Suva Reka						
<b>Totals</b>	<b>13</b>	<b>1</b>	<b>14 posts</b>	<b>13 (14)</b>	<b>1</b>	<b>14 posts + one vacant</b>

<sup>166</sup> Post vacant as of October 2013.

### ANNEX 3 – CHART: UNDERREPRESENTATION OF COMMUNITIES IN CCS (BY COMMUNITY)

As discussed above in Section 3.3, when CC membership was assessed against the 2011 census, all CCs were found to be missing representatives from communities recorded as municipal residents in the census. However few members of a community reside in any given municipality, a CC representative is required by the Law.

The pie chart below presents the overall proportions of different communities not represented on CCs as required, i.e. communities which reside in a municipality according to the 2011 census but which have no representative on their CC, as of October 2013:



## ANNEX 4 – TABLE: NUMBER AND GENDER OF CC MEMBERS AND MOCR STAFF (BY MUNICIPALITY)

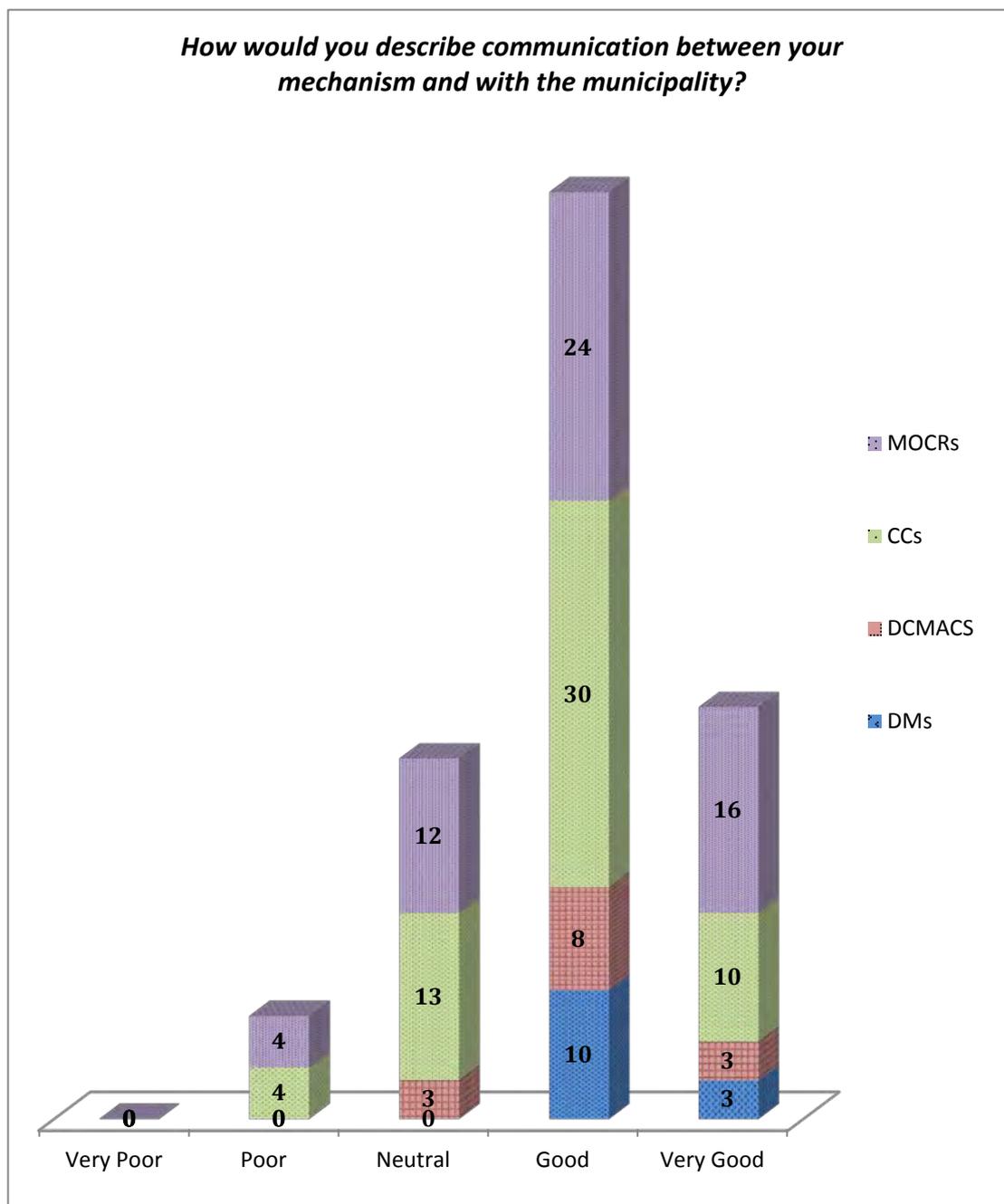
An overview of CC members and MOCR staff by municipality, indicating gender, and the percentage of women, as of October 2013:

Municipality	CC members				MOCR staff			
	Male	Female	Total	% women	Male	Female	Total	% women
Ferizaj/Uroševac	5	2	7	29	10	3	13	23
Gjilan/Gnjilane	7	0	7	0	6	0	6	0
Hani i Elezit/Elez Han	3	2	5	40	1	0	1	0
Kaçanik/Kaçanik	4	1	5	20	3	0	3	0
Kamenicë/Kamenica	6	4	10	40	4	3	7	43
Klokot-/ Klokot-	5	0	5	0	1	1	2	50
Novo Brdo/Novobërdë	4	3	7	43	2	1	3	33
Parteš/Partesh	3	2	5	40	2	0	2	0
Ranilug/Ranillug	3	4	7	57	1	1	2	50
Štrpce/Shtërpçë	4	4	8	50	1	1	2	50
Viti/Vitina	5	0	5	0	3	0	3	0
Mitrovicë/Mitrovica	6	1	7	14	3	3	6	50
Skenderaj/Srbica	6	1	7	14	3	2	5	40
Vushtrri/Vučitrn	6	3	9	33	4	1	5	20
Gllgovc/Glogovac	3	4	7	57	0	1	1	100
Podujevë/Podujevo	6	1	7	14	2	0	2	0
Deçan/Deçane	1	4	5	80	3	1	4	25
Gjakovë/Đakovica	4	3	7	43	4	1	5	20
Istog/Istok	5	0	5	0	6	2	8	25
Junik	5	0	5	0	1	0	1	0
Klinë/Klina	5	2	7	29	4	1	5	20
Pejë/Peć	6	1	7	14	6	3	9	33
Fushë Kosovë/ Kosovo Polje	8	1	9	11	4	1	5	20
Gračanica/Gračanicë	5	0	5	0	2	0	2	0
Lipjan/Lipljan	7	2	9	22	5	2	7	29
Obiliq/Obilić	6	3	9	33	4	5	9	56
Shtime/Štimlje	3	2	5	40	2	1	3	33
Prishtinë/Priština	6	3	9	33	2	2	4	50
Dragash/Dragaš	2	3	5	60	5	0	5	0
Malishevë/Mališevo	3	2	5	40	0	1	1	100
Mamuša/Mamushë/Mamuša	6	1	7	14	2	0	2	0
Prizren	4	3	7	43	4	2	6	33
Rahovec/Orahovac	7	2	9	22	2	5	7	71
Suharekë/Suva Reka	4	3	7	43	1	0	1	0
<b>Totals</b>	<b>163</b>	<b>67</b>	<b>230</b>	<b>29</b> <i>overall % women</i>	<b>103</b>	<b>44</b>	<b>147</b>	<b>30</b> <i>overall % women</i>

## ANNEX 5 – CHARTS: SURVEY RESPONSES ON COMMUNICATION, CO-OPERATION AND USE OF LANGUAGES (BY MECHANISM)

Charts presenting the ratings and responses given by survey respondents when asked questions about their experiences over the period from April 2012 to April 2013; as indicated in the charts, respondents were a mixture of DMCs, DCMACs, CC members and MOCR staff.

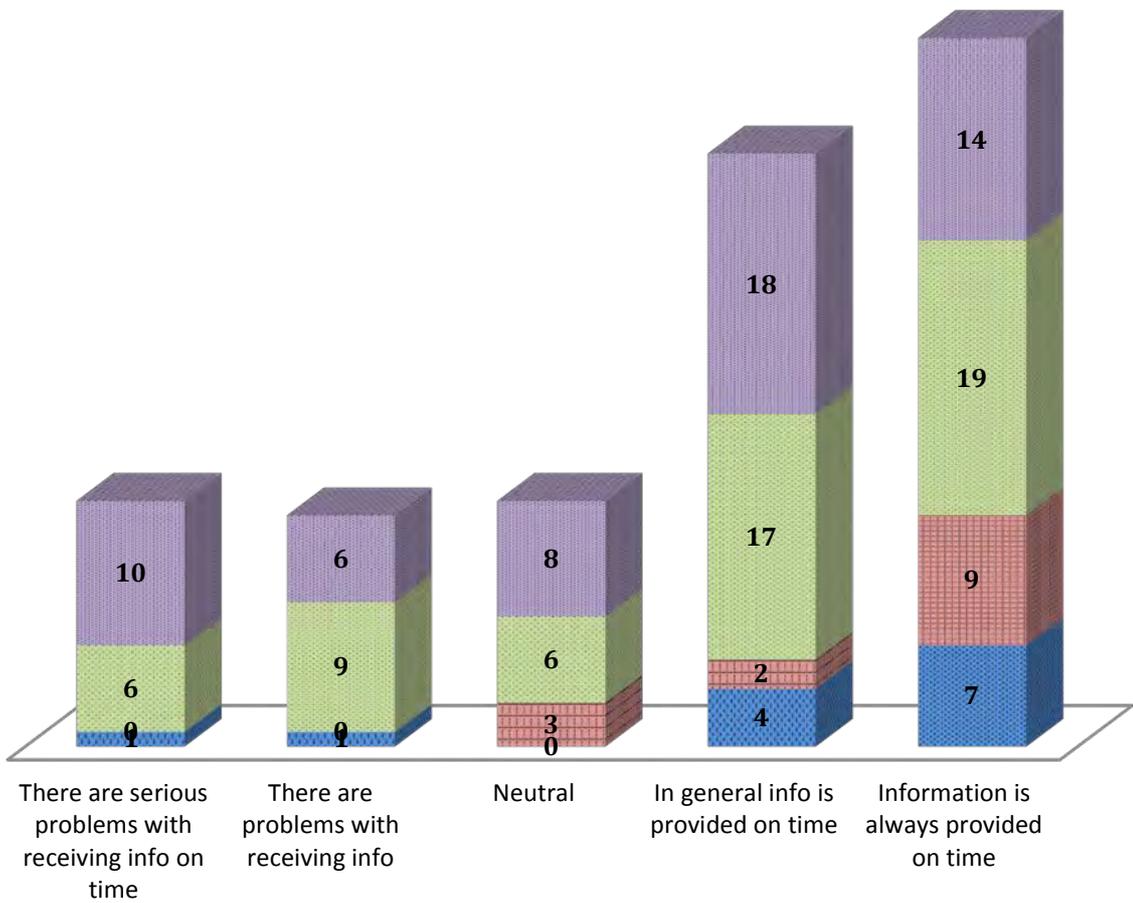
i.



ii.

***Do you receive info on municipal meetings or assembly meetings, and do you receive relevant documents for review, regularly and without problems?***

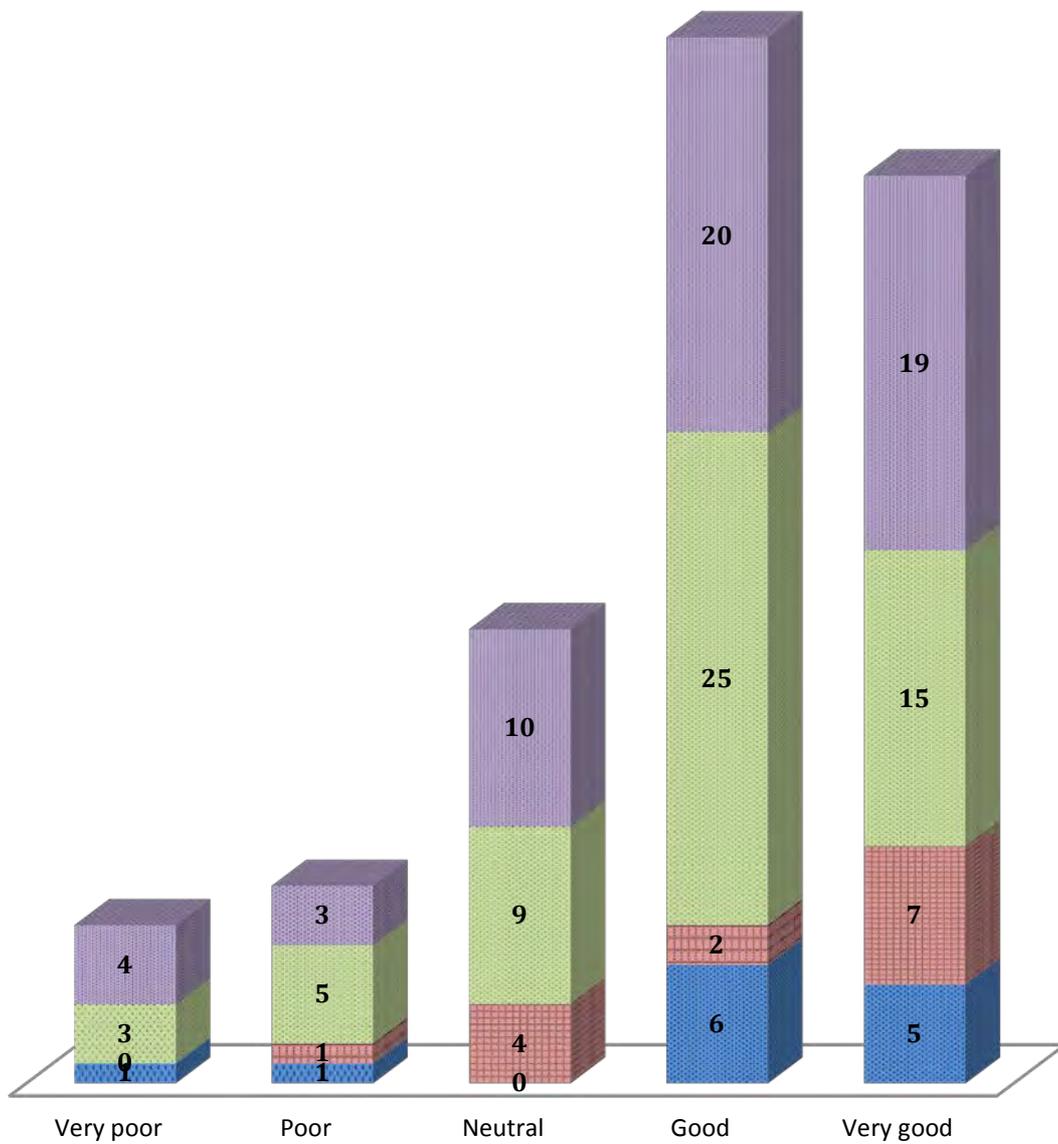
DMs DCMACS CCs MOCRs



iii.

***How would you assess your co-operation with the other three community participation mechanisms? (I.e. how regularly and successfully do you exchange information, hold joint meetings, co-ordinate action, mutual support for any advocacy/lobbying on policies***

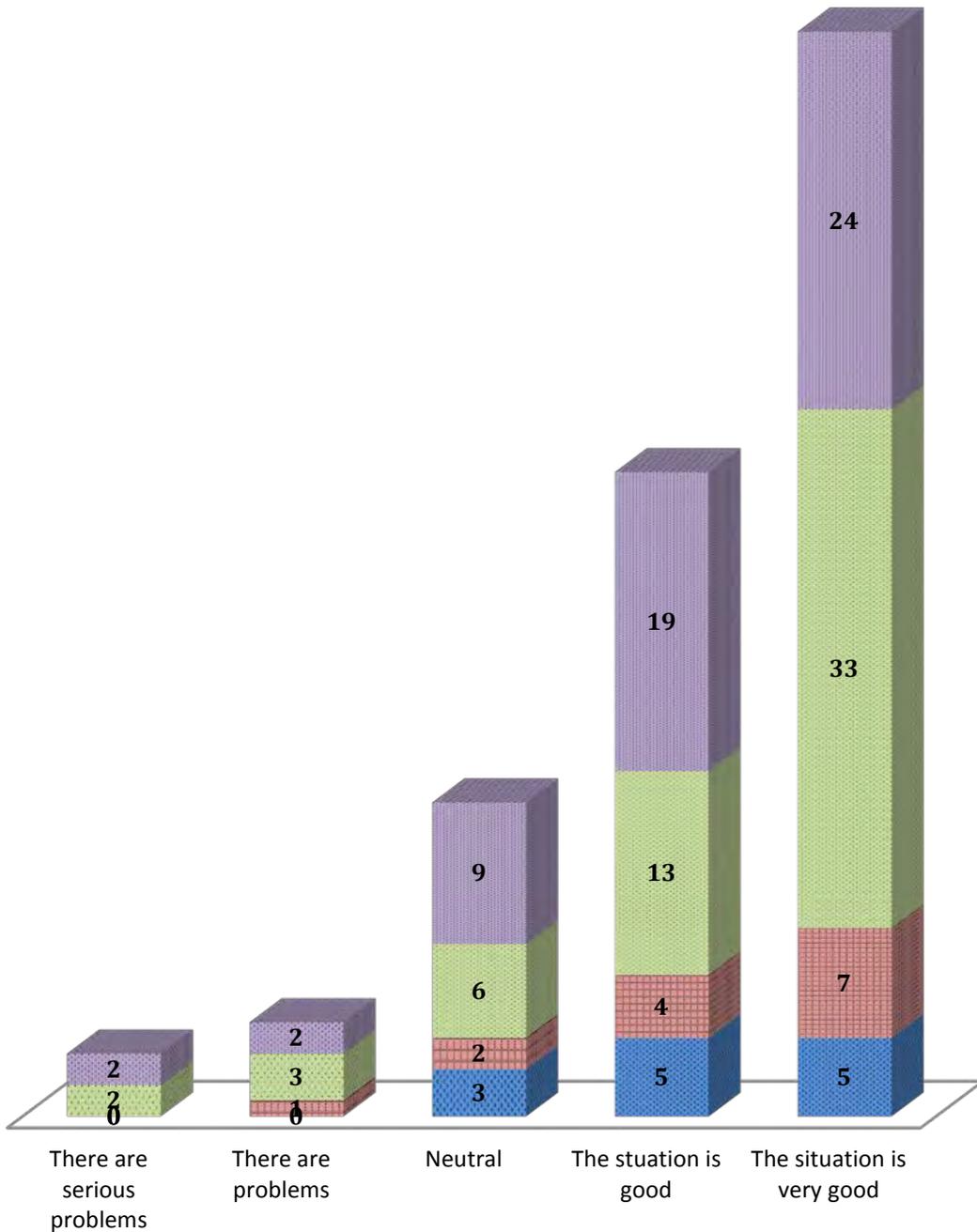
■ DMs ■ DCMACS ■ CCs ■ MOCRs



iv.

**Do you experience any problems with use of languages in official use and accessing information in official languages?**

DMs DCMACS CCs MOCRs







# An Assessment of Local-level Mechanisms for the Protection and Promotion of Communities' Rights and Interests in Kosovo

June, 2014

Municipal Assembly hall, Klinë/Klina municipality, 26 May 2014, OSCE/Driton Marku