

ASSESSMENT OF STANDARDS GOALS TO APRIL 2007

STANDARD I: FUNCTIONING DEMOCRATIC INSTITUTIONS

1. Elections are regular, transparent, free and fair, conforming to international standards, allowing the full and peaceful participation of all communities and ethnic groups.

- *Elections in 2004 were judged free and fair by the OSCE, Council of Europe and other observers. All communities and ethnic groups were free to participate equally and without discrimination, although the vast majority of Kosovo Serbs decided not to. The 2006 Municipal Assembly Elections were postponed by the SRSG for a maximum of one year after extensive consultations with all political forces in Kosovo in order to ensure political unity during the status negotiations.*

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

- *Throughout Serbia proper, 15 polling and registration centres were set up and run by OSCE for the 23 October 2004 election. All displaced people who had proper documentation and had not already requested postal ballots were able to cast their votes for the Kosovo Assembly at these locations. However, only a small number of IDPs chose to cast a ballot.*
- *A by-mail voting programme was set up to enable IDPs and others to vote in the 23 October 2004 election by postal ballot. However, less than 2 percent of the estimated number of eligible voters outside Kosovo registered for postal ballots; the Serbian authorities decided not to cooperate in locating eligible voters through the Commissariat for Refugees.*

3. An independent, representative and multi-ethnic Central Election Commission administers elections.

- *The CEC took on responsibility for the operational aspects of conducting the elections in 2004, while OSCE retained control over the expenditure of the budget allocated by the Government for this activity, as well as Out Of Kosovo voting and the counting of the results. Since then the CEC has continued to build capacity in all areas and is expected to take full responsibility for the next elections with the support of the OSCE. In the CEC: out of 10 national members 1 is a Serb, 3 are from other communities and 3 are women. In the CEC Secretariat, out of 51 staff members, 6 are Serbs (12%) and 10 are women (20%).*

4. A range of democratic political parties contests elections.

- *While 41 political entities are now registered in Kosovo, in 2004, 28 political entities competed in the 2004 Assembly elections, 16 representing Kosovo Albanians (plus 5 independent candidates), 4 representing Bosniaks, 4 representing the Roma/Ashkali/Egyptian communities, 2 representing Kosovo Serbs, and one each representing the Turkish and Gorani communities.*

5. A comprehensive legal framework covering political party operation and finances is adopted and enforced.

- *A formula was adopted in March 2005 which distributes public funds to political entities represented in the Kosovo Assembly proportionately to the number of seats held including reserved seats. UNMIK Regulation 2004/11, On the Registration and Operation of Political Parties in Kosovo, provides the legislative framework.*
- *Three political parties are in constant violation of UNMIK Reg. 2004/11, as they have not submitted their biannual financial reports. Ten political entities were fined by the Elections Complaints and Appeals Commission (ECAC) during and after 2004 elections. Another 16 political entities (mostly citizen's initiatives) were fined in 2001 - 2002, but then none was certified for the 2004 elections.*

6. All communities are proportionately represented at all levels of the PISG, in accordance with applicable legislation. The PISG and local municipal government decide and enact legislation in an open, accountable and democratic manner.

- *The Kosovo Assembly Rules of Procedure, which were adopted in May 2005 and amended in June 2006, fully comply with the Constitutional Framework. Public hearings and consultations have become regular features in the Assembly, with comments received on numerous draft laws. Adherence to the Rules has improved, allowing Assembly Members to express their opinions freely. The monitoring of the work of the Assembly has shown a growing trend to respect the rules and no major violations have occurred during plenary sessions in the recent past.*
- *Regarding minority representation in the Kosovo Assembly, the boycott of the 2004 Assembly election reduced Kosovo Serb representation in the Assembly from 22 members to the 10 reserved for Kosovo Serbs by the Constitutional Framework. The absence of SLKM representatives participating in the Assembly and the Government prevents optimal definition and promotion of Kosovo Serb interests by the community. This situation has been compounded recently with the decision of the two other elected Kosovo Serb representatives to start boycotting the Assembly.*
- *Constitutional Framework protections remain in place providing for the appointment of special panels to review legislation that minority communities feel may negatively affect their vital interests. The last case was in July 2007 when a majority of Assembly members rejected (and then later accepted) an amendment accommodating the concerns of Turkish community with regard to the Law on Languages.*
- *All Municipalities have their rules and procedures laid out in their statutes, including the newly established Pilot Municipal Units. Inter-departmental consultation is ensured through the Board of Directors. Public consultation is becoming a normal practice before the finalisation of major legislation and budget proposals. But most town hall meetings are poorly attended and consultation with minority communities is infrequent.*
- *There are total of about 60,000 people employed in the Kosovo Civil Service. (Because of the declared non-cooperation stance of the three Serb-run Northern Municipalities and Administration in Northern Mitrovicë/Mitrovica, these figures are not complete, especially for the Municipalities.) In the central institutions, there are 26,642 civil Servants, out of whom 1800 are Kosovo Serbs and 1142 from the other minority communities. These constitute 11% against a target of 16.6%. Though incomplete, the statistics at the municipal level show that minority employment constitutes about 12% of the total.*

- *At the senior level, minority representation is guaranteed by the designation of certain portfolios, as is currently the case with a Kosovo Serb Minister for Communities and Returns and a Kosovo Bosniac Minister of Health. Currently, the Permanent Secretary of Communities and Returns is a Kosovo Serb, while three top-level PISG positions remain vacant but reserved for Kosovo Serbs: Minister of Agriculture, Deputy Minister of Local Government Administration and Assembly Presidency Member.*

7. All official languages are respected throughout the institutions of government

- *A new Law on Languages, was promulgated on 20 October 2006. The implementation of this law has now started, with the issuance of various administrative instructions, the latest covering administrative sanctions in cases of violation. An Administrative Instruction on the Composition and Competences of the Language Commission needs to be revised to ensure adequate minority participation.*
- *Compliance with official language use has improved in recent years and currently 23 Municipalities and all Ministries have language units staffed with interpreters and translators, many of whom have benefited from training programmes conducted by the Kosovo Institute for Public Administration (KIPA). The Ministry of Public Services (MPS) and the Ministry of Local Government Administration (MLGA) are monitoring language compliance at the central and local levels respectively. They have also produced reports on documents translated and meetings serviced. However, there seems to be a lack of corrective actions to enforce full compliance with the official language policy – though this has started: recently a written warning was issued to the translators in Pejë/Peć for their failure to provide services to the Communities Committee.*
- *Fifteen out of the 30 Municipalities are reported to consistently publish their documents in the official languages and provide official documents translated in a timely manner. Personal documents are issued in the native language of the recipient upon request.*

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

- *Basic public services provision is of variable quality for all communities in Kosovo*
- *There is no pattern of systematic or widespread discrimination in the availability of basic public services.*
- *Basic services are available to all but Kosovo Serbs in general tend to prefer to use the parallel structures supported by the Serbian government (see goal 17).*

9. The civil service is professional, impartial and accountable, representative of all communities in Kosovo and includes a significant proportion of women.

- *Through experience over the last eight years and in-service training of civil servants, the civil service is slowly building up its professionalism. The Kosovo Institute of Public Administration (KIPA) is playing a key role in enhancing the professional capacity of the civil service. The growing number of public consultations on specific and general issues both at the central and local levels, as well as the increasingly*

vibrant debates within the Municipal Assemblies, are creating better conditions to hold civil servants accountable and impartial.

- *On 24 March 2007, the Kosovo Government adopted a Public Administration Reform Strategy together with an Action Plan for its implementation. The Ministry of Public Service (MPS) is consulting with its international partners (World Bank and EC) on the way forward including funding. The PISG is reported to have allocated €6.5 million for 2007.*
- *Despite the policy of the Serbian Government discouraging Kosovo Serbs from employment in the PISG, thousands of Serbs are still on the Kosovo payroll. The PISG has also tried to reach out to Kosovo Serbs by high level visits to their areas and by keeping in trust the salaries of those who had withdrawn from the payroll.*
- *Out of all employees in the Kosovo Civil Service at the central and local level, 35.71 % are reported to be women. At the central level there are 193 women in senior posts and 56 at the local levels (men 937 and 731). Clearly, women remain under-represented at the senior level, with only one minister and one Permanent Secretary and two municipal CEOs.*

10. All communities have fair access to employment in public institutions.

- *For figures on civil service employment see goal 6.*
- *Over the years, minority employment has improved due a recruitment drive by the PISG in 2005. Vacancies for minorities are advertised in Serbian in both the Kosovo Albanian and Kosovo Serb press and sometime even in Serbia proper. As recently as 2006 the Government has been trying to attract Kosovo Serbs to compete for employment in the PISG and had mapped out an "Action Plan to Advance Minority Employment", including visits by Ministers to minority areas.*
- *Since 2006 the Serbian Government has actively discouraged Kosovo Serbs from participating in the PISG, and even threatened to withdraw the Serbian salaries from those who are also on the PISG payroll. As a result many withdrew from the PISG payroll, but now 153 have requested reinstatement. The Kosovo Government continues to hold in trust the salaries of all those who have withdrawn.*

11. Codes of conduct and enforcement procedures exist to provide for transparent and accountable government; recommendations of the Ombudsperson are given full weight.

- *Codes of conduct for elected officials and civil servants, comprehensive Government Rules of Procedure and Terms of Reference for the new Ministries have been adopted and are being implemented. A code of conduct for political appointees has been promulgated by the Office of the Prime Minister. A public information campaign has also been carried out with the distribution of pamphlets and T-shirts explaining the objectives of the codes of conduct.*
- *Although much of the legislative framework for civil servants is in place, there have been instances of non-compliance with established rules and procedures. In earlier years UNMIK had to intervene in a number of cases involving the dismissal of senior municipal officials. But now with the full operation of the Independent Oversight Board, all appeals are directed to that body. Since August 2006, the IOB has been*

considering appeals from civil servants and employing agencies and has been providing rulings. In addition, it has been conducting monitoring visits to ensure compliance with the civil service law, especially during the selection of senior officials. As a result of these monitoring visits, the IOB has given several recommendations for better compliance with the provisions of the civil service law. The effort now is to institute effective mechanism for the enforcement of the rulings and recommendations of the IOB.

- *The Senior Public Appointments Committee (SPAC) is now functioning normally, after facing some initial difficulties related to the politicisation of the senior civil service. SPAC is chaired by the Prime Minister and has three ministers as members, with six members from the international community and civil society.*
- *The Ombudsperson has also been serving as an independent mechanism to address public grievances. Until 2006 it was led by an international, but now the responsibilities have been transferred to Kosovo. Currently the institution is led by a Kosovo Albanian Ombudsperson and the expectation is that the top posts will be shared between the majority and minority communities. In November 2006, the Kosovo Assembly voted on three candidates and none was able to win the 61 votes necessary. As a result, a new selection process has been launched under a new Regulation recently issued.*
- *Recommendations of the Ombudsperson are not given full weight in all areas and at all times. The newly-established Human Rights Units in the ministries are expected to serve as channels of communication and focal points for the implementation of the recommendations of the Ombudsperson. The MLGA is also following up complaints made to and by the Ombudsperson of Kosovo relating to minority rights in the Municipalities.*

12. Regular and independent audits of the KCB, Assembly, government ministries and municipalities.

- *The Office of the Auditor General (OAG) audits annually the Financial Statements of the Kosovo Consolidated Budget (KCB). In the last two years, the OAG conducted over 120 audits of the KCB including various ministries, the Kosovo Assembly and 30 municipalities. In 2006, the OAG conducted the audit and published the report on the Financial Statements for 2005 fiscal year. It also published 2005 budget audit reports of 30 municipalities. The OAG further conducted another five specific audits on various ministries and issues.*
- *A significant number of OAG recommendations remain unimplemented. UNMIK is discussing with PISG ways to improve monitoring of the implementation of the recommendations of the OAG.*
- *For its part, the Ministry of Finance and Economy (MFE) conducted 30 internal audits of KCB organizations in 2006. These reports have identified irregularities for which remedial recommendations had been provided for implementation by senior officials.*
- *Internal Audit Units have been established in all central institutions except in the Ministry of Communities and Returns and in all municipalities, except the Kosovo Serb-majority municipalities of Shtërpce/Štrpce, Zvečan/Zvečan, Leposaviq/Leposavić and Zubin Potok, as well as in the three Pilot Municipal Units*

(PMUs). Various trainings have been given to the 103 internal auditors currently employed throughout the civil service. The Law on Internal Audit has been approved by the Kosovo Assembly and is awaiting promulgation by the SRSG.

13. Allegations of misconduct are thoroughly investigated; elected officials and public servants responsible for unethical, fraudulent, or corrupt behaviour are effectively disciplined.

- *Discipline and Appeal Boards exist in all PISG organisations, in most as permanent bodies and in some ad hoc. These bodies and the general enforcement of the civil service code of conduct need to be strengthened.*
- *Public grievance redressal offices or commissions have been established in all government institutions at the central and local levels and have started receiving complaints. These bodies are new and their effectiveness will only be known with the passing of time.*
- *Based on the anti-corruption strategy adopted by the PISG, the Government approved in February 2006 an Anti-Corruption Action Plan. The Anti-Corruption Agency has been established and is operational, but has not yet established a track record of achievement in fighting corruption. An anti-corruption public campaign is also underway to raise awareness about the existence and content of the anti-corruption plan. In 2006 the MPS issued an Administrative Instruction on the code of conduct for civil servants. An Administrative Instruction for implementation of the Law on Access to Official Documents is now in force.*
- *The implementation of the Anti-Corruption Strategy will now depend on the effectiveness of the Agency and the collaboration it obtains from the PISG and the public.*

14. Proposed Assembly legislation is reviewed and cleared by the Assembly Committee on Rights and Interests of Communities prior to adoption by the Assembly.

- *The Assembly has considered (and adopted) the only four amendments proposed by the Committee on Rights and Interests of Communities since its establishment. The problems faced by the Committee relate to internal political divisions, low level of communication between the Assembly and Government, and a lack of concrete initiatives from Committee members.*

15. Women participate in the institutions of the PISG at rates that equal or exceed rates in the region and the interests of women are fully reflected in its policies and legislation.

- *The representation of women in elected bodies at central and municipal levels has been achieved (27.3% both in the Kosovo Parliamentary Assembly and municipal assemblies). But women are under-represented at all levels in executive bodies: one woman minister out of 13, one woman Permanent Secretary out of 13, two women municipal Chief Executive Officers out of 30.*
- *An Office for Gender Equality (OGE) was established with the overall mandate to monitor the implementation of the provisions of the Law on Gender Equality and to*

promote gender equality in Kosovo. On 1 September 2006, the Office was transformed into the Agency for Gender Equality (AGE) and is trying to assume a very active legislative and advocacy role for the enhancement of gender equality.

- *All Municipalities have Gender Equality Officers (GEO) and so far 20 Municipalities have Committees for Gender Equality (CGE). GEOs are aware of the Kosovo strategy and coordination has taken place with AGE to synchronize work-plans and future steps. However there are still gaps in the work being undertaken by the GEOs and the CGEs. Additional efforts are needed to support fully all the gender structures and to involve them adequately in meetings, decisions and selection of personnel.*
- *The legislation passed by both the Kosovo Assembly and the Municipal Assemblies often lacks gender perspectives, and does not reflect adequate consultation with women's groups. Last year the AGE provided observations on seven draft laws before the Kosovo Assembly. AGE also participates in the drafting of other regulations in order to ensure that laws are in accordance with gender equality principles. At the municipal level too, GEO and CGE are increasingly, but not yet adequately, taking part in the formulation of by-laws and municipal policies and decisions.*
- *In May 2006, the Government of Kosovo approved the Strategy to increase the number and improve the position of women in the PISG 2006-2015. For the purpose of implementing the Strategy, AGE has undertaken a survey "Assessment of needs for professional training of women in PISG". The PISG is also engaged in drafting a "Programme for Gender Equality in Kosovo". The Prime Minister declared 2007 as the Year for Affirmative Action for Women in Kosovo, for the realization of which the PISG is drafting an Administrative Instruction.*

16. The proposals on decentralization of the Council of Europe have been examined and considered with the aim to create functional structures of local government.

- *COE proposals were considered but the debate has moved on. The process to reform local self government is proceeding outside the Standards framework and has now been incorporated into the Special Envoy's Comprehensive Proposal for the Kosovo Status Settlement).*

17. Parallel structures for the provision of services have been dismantled or integrated into PISG structures.

- *Parallel structures continue to operate, with the political and financial support of the Government of Serbia, everywhere there are significant Kosovo Serb communities. As the services provide a wide range of necessary services, and are also preferred by their users for cultural and political reasons, it has proven exceptionally difficult to convince users to turn to services provided by Kosovo.*

18. A range of private, independent print and broadcast media exists, providing access to information for all communities throughout Kosovo.

- *Out of 117 licensed broadcasters, 42 broadcast in minority languages – 34 in Serbian, 4 in Bosnian, 2 Turkish, 1 Gorani and 1 Roma. 12 radio stations, most of them broadcasting in Serb language have a weekly programme in Roma language.*

- *It is estimated that RTK currently covers 75% of the inhabited area of Kosovo with its terrestrial signal; the law requires 90% coverage, including in areas inhabited by minority communities. RTK's satellite programming is available theoretically in all of Kosovo, although it is unknown how many households possess a satellite dish.*
- *There is one weekly, one bi-weekly and one monthly newspaper in the Serbian language; one weekly newspaper in the Turkish language and one monthly Albanian/Serbian bilingual newspaper.*
- *The Government adopted in April 2005 a policy on the 'Engagement and Protection of Media Serving Minority and Disadvantaged Groups'. In May 2006, eleven outlets were each granted a one-off grant of €4,500 through the Minority Media Fund. A new round for 2007 has not yet been announced. RTK's transfer of five per cent of the 2006 and 2007 broadcast fee to the Minority Media Fund is still awaited.*
- *Kosovo Print media continue to report on minority issues (but from a largely negative standpoint). Serbian-language newspapers imported from Serbia proper "often contain misleading news coverage about Kosovo and cannot be said to properly serve Serbian-language readers in Kosovo" (Temporary Media Commissioner in 2005).*

19. There is an independent and effective media regulatory authority, aspiring to European standards, recruited without discrimination and according to merit

- *The Independent Media Commission (IMC) succeeded the Temporary Media Commissioner with the establishment of its Council on 28 August 2006. The other institutions of the IMC, the Office of the Chief Executive and the Media Appeals Board were established at this time. Local ownership of these institutions proceeded with the selection of the CEO of the IMC in October 2006 and the approval of 2 resident co-ordinators for the Media Appeals Board in January 2007. The IMC is now in the process of drafting secondary level legislation. The implementation of the IMC Law as well as of the secondary level legislation, however, is very slow and has led to public criticism and a public ad hoc hearing at the Assembly Committee for Public Services, Local Administration and Media.*
- *A Press Council has been established with one Kosovo Albanian and one Kosovo Serb deputy chair. Journalists and editors are increasingly adhering to both the Press Council's Code of Conduct (adopted in 11 March 2005) and its Statute (adopted in August 2005). As of 31 March 2007, the Press Council has received a total of 32 complaints, 22 of which have been adjudicated.*

20. Hate speech or any form of incitement, is condemned by political leaders, the media regulatory authority and media commentators.

- *No cases of hate speech were brought forward to the IMC since its establishment in August 2006 or have been dealt with by the Media Appeals Board or the Press Council of Kosovo in the first quarter of 2007, although reports by civil society groups allege numerous cases of hate speech in Kosovo's media.*

21. Publicly-funded media devotes a full and proportionate share of its resources and output to all ethnic communities.

- *RTK TV broadcasts 16.37 per cent of its total programming in community languages,*

including re-runs. The total percentage of community programmes results in 9.2 per cent excluding the re-runs. RTK Radio broadcasts 12.5 per cent of its total programming in community languages. Of the total news programming of RTK TV, 20.7 per cent are in community languages. (The applicable legislation states that 15% of all programming should be in the languages of minority communities without specifying whether this percentage includes the re-running of programmes)

22. Non-governmental organizations, in particular those representing minorities, are able to operate freely within the law and individuals are free to join them without discrimination.

- *According to the PISG, 4228 NGOs are registered in Kosovo, which marks an increase from the registration of 2800 NGOs in 2005; of the 4228 NGOs, 429 are International NGOs, 534 represent minority interests while 121 have multi-ethnic staff.*
- *A law on the Freedom of Association of NGOs has been adopted by the Assembly, but has not yet been promulgated by the SRSG pending consideration of the law's compliance with international human rights standards.*

STANDARD II: RULE OF LAW

23. All crime is thoroughly investigated, regardless of the ethnic background of the victim or perpetrator.

- *Investigations are ongoing without evidence of ethnic bias.*
- *Police identify a suspect following an investigation of reported crimes in roughly the same percentage for crimes against Kosovo Albanians and members of the Kosovo ethnic minorities. Figures for the first quarter of 2007 show that the percentage of crimes in which the police identified a suspect is 50 per cent for crimes against a Kosovo Albanian and 42.2 per cent for crimes against a member of an ethnic minority.*
- *PISG regularly makes statements of support for investigations into all crimes regardless of ethnic background of a perpetrator or victim and issues condemnatory statements following acts of violence. For example, on 16 January 2007 the Prime Minister, the Minister of Justice, the President of the Supreme Court and the Chief Prosecutor issued a joint statement calling for witnesses to the March 2004 Riots to cooperate with police. Similarly, the responses of the Minister of Internal Affairs and the Municipal President of Deçan/Deçani to the March 2007 assault on the Deçani Monastery sent an effective political message against inter-ethnic violence.*
- *All 33 police stations and 5 regional headquarters have passed to full KPS control (except for Mitrovicë/Mitrovica region that has been partly transitioned), as well as a number of Operations and Crime Departments, Border Police Department and most border posts.*

24. The prosecution and conviction of perpetrators of crime is consistent and effective, regardless of the ethnic background of victim or perpetrator

- *Prosecutions and convictions are ongoing without evidence of ethnic bias.*

- *OSCE monitors cases involving minorities, and has not identified any concerns over court rulings and criminal prosecutions that could be ascribed to ethnicity. The Department of Justice Judicial Inspection Unit investigates complaints of bias in court cases. Since its establishment, the Judicial Inspection Unit has received a total of 11 complaints of ethnic bias by judges. Of these, 6 were lodged by Kosovo Serbs against K-Albanian judges, 1 by a K-Bosniac against a K-Albanian judge, 1 by a K-Roma against a K-Albanian judge, 1 by a K-Turk against a K-Albanian judge and 2 by K-Albanians against K-Serb judges. Of these cases, ethnic bias was found in 1 case - against a K-Serb judge. 3 cases are under investigation, with 1 case pending KJC disciplinary proceedings. 1 case was closed this year, with no misconduct found.*
- *Kosovo's justice system requires deeper structural reforms to make it more efficient. The OSCE has noted that in many areas judges have yet to increase their professional standards to satisfy international norms.*

25. Substantial progress has been made in solving the most serious murders and assaults against members of ethnic minorities.

- *The available statistics of crimes committed against the Kosovo Serb minority since 2000 show that a total of 509 suspects were arrested for offences against Kosovo Serbs. Out of this number, 215 were Kosovo Albanians and 344 non-Albanian. The statistics show that an overwhelming majority of the crime in Kosovo occurs between members of the same community.*
- *Up until 2005 there was an overall increase of crime rates, affecting all communities. The non-Albanian communities did not suffer a higher increase. In fact the increase in crimes committed against Kosovo Serbs was proportionately lower than the increase affecting the majority community. The overall crime rates for 2006 show a slight decrease of 5 per cent over those for 2005.*
- *The number of potentially ethnically motivated cases remains low when compared to the total number of cases. Police continues to monitor and prioritise any crime that is potentially ethnically motivated.*
- *More than 1,000 investigations, initially spearheaded by an international team, were opened regarding the March 2004 violence. Local prosecutors have brought over 300 criminal charges resulting in 134 convictions with several cases still under investigation. Additionally, the international prosecutors have indicted 36 people for the most serious offences, resulting in 26 convictions and 1 acquittal. During 2006 in cooperation with police 2 more people were brought to trial and 7 more were indicted. Maximum penalties of up to 18 years imprisonment have been imposed by the courts. UNMIK Police has made substantive progress in creating an archive and database that will serve both as an investigative and prosecutorial tool and as an accessible and accurate record of the crimes that occurred. Investigations shall continue for as long as it takes to identify and hold accountable the remaining people who organised and carried out crimes related to the March 2004 riots.*
- *While inter-ethnic crime continues at a low level, dramatic incidents such as the hand-grenade attack on the 'Dolce Vita' bar in Mitrovicë/a in August 2006 and on Deçani Monastery in March 2007 continue to make headlines. Similar incidents occur against all communities but impact more dramatically on minorities'*

perceptions of security and freedom of movement - adding fear to uncertainties they already face - and on potential returnees' willingness to return.

26. Witnesses are effectively protected from intimidation and retribution.

- *Numerous threats are reported against witnesses. Threats are also reported against members of the judiciary.*
- *With support from UK and US, all five District Courts in Kosovo are now equipped with a Witness Protection System consisting of a closed circuit television system. This allows protected witnesses or witnesses who are particularly vulnerable, such as minors or victims of sexual assaults, to testify without being in the courtroom and, if necessary, without being seen by the public and with voice distortion. In addition Prishtinë/Priština and Prizren District Courts have the capacity to allow witnesses to testify through video conferencing in real time and from secure locations outside Kosovo, which will significantly enhance the ability of the Kosovo Justice system to conduct investigations and prosecutions in a variety of sensitive cases with protected witnesses. Equally, the system will allow Kosovo residents who are witnesses in war crimes cases being investigated and/or prosecuted in Serbia proper to testify without leaving Kosovo.*
- *Further legislation on witness protection is awaiting finalisation, pending receipt of the final assessment report by the US and the EU on the Kosovo Witness Programme.*
- *The OSCE has conducted a review of witness protection procedures in place and has identified gaps in the existing witness protection legislation, especially related to the witness relocation programme for the most serious criminal cases. The authorities do not implement existing provisions of the Provisional Criminal Procedure Code related to protecting witnesses. The failure of authorities to effectively protect witnesses prevents the effective prosecution of alleged criminals, impedes the establishment of the rule of law in Kosovo, and erodes public confidence in the justice system.*

27. Crime clearance rates for crimes of violence against persons of all communities are roughly equivalent.

- *Crime clearance rates are broadly comparable for crimes committed by or against members of all communities.*

28. Misconduct by judges, prosecutors, attorneys, police, and penal system employees is routinely investigated and appropriately punished.

- *Investigations of misconduct are ongoing, and sanctions were imposed where appropriate.*
 - *Since its establishment, the Court Disciplinary Commission of KJC held eight sessions reviewing misconduct by 12 judges. The Commission recommended 3 dismissals, temporarily suspended 4 judges and instituted other disciplinary measures against 4 judges. And 5 new cases are under review.*
 - *5 investigations have been opened against prosecutors during the 8 March to 20 April 2007 period.*
 - *The Kosovo Correction Service has reported that since 1 January 2007 there have been 4 dismissals of corrections staff, 7 suspensions and 16 written*

warning for disciplinary infringements.

- *The Kosovo Chambers of Advocates has investigated 60 cases of complaints against advocates since 1999 and enforced sanctions in 8 cases.*
- *The Directorate of Professional Standards, established within the Kosovo Police Service, reviewed and addressed 74 cases of complaints against Police Officers in the first quarter of 2007 and initiated 96 new cases.*

- *With the creation of the Ministry of Internal Affairs and specifically the Kosovo Police Inspectorate (PIK), as well as the reorganisation of the Kosovo Public Service, a mechanism now exists for the investigation and remedy of allegations of misconduct by KPS Officers. The KPI is fully staffed and training is underway. KPI, under OSCE supervision effectively and professionally investigated police behaviour during the protests of 10 February and it will participate in the investigation into other cases of alleged misconduct by senior police officers.*

29. There are professional codes of conduct for judges, prosecutors, lawyers and other members of the police and penal system, including a Bar Association representative of all Kosovo communities.

- *Judges and prosecutors, KPS and UNMIK Police, lawyers and penal employees have developed, and act in accordance with, their respective codes of conduct.*

30. Acts of retribution against individuals involved in disciplinary processes are rare and such individuals are adequately protected.

- *There is no specific legislative or administrative provision ensuring such protection. Regular administrative and court procedures are available.*

31. All communities are fully and fairly represented amongst judges, prosecutors and in the Kosovo Police Service (KPS) and Kosovo Corrections Service (KCS).

- *Kosovo Police Service (15.96 per cent minorities, 10.28 per cent Kosovo Serbs) and the Kosovo Corrections Service (13.8 per cent minorities, 9.29 per cent Kosovo Serbs) have an adequate minority representation.*
- *Minority representation of judges and prosecutors is at 10.86 and 9.09 per cent respectively. Serb representation is at 5 per cent for judges and 3 per cent for prosecutors. Women's representation is at 26.83 per cent for judges, and 20.45 per cent for prosecutors.*
- *Efforts continue to attract new judicial candidates. The most recent appointments to the Kosovo judiciary were on 27 November 2006, when 12 persons were appointed by the SRSG. Five were from under-represented communities. However, 2 of these subsequently resigned, taking up higher-paying positions elsewhere.*

32. Institutions are functioning to train and educate the police, judges, lawyers, and penal system managers.

- *The law establishing the Kosovo Judicial Institute has been passed. The KJI has completed its Initial Legal Education Programme, and continues delivering its Continuous Legal Education Programme, including Anti-Discrimination, Anti-Trafficking and human rights training.*

- *Building on the success of the Kosovo Police Service School, the Kosovo Centre of Public Safety Education and Development (KCPSED) has been established in 2006 and now serves as the main local training institution for all security and public safety agencies of Kosovo. It supports the training of not only the Kosovo police service but also of other departments within the broader security and public safety sector such as Corrections, Customs and the Department of Emergency Management which includes Fire & Rescue Services.*
- *Training for lawyers continues.*

33. An effective and impartial system of justice in the civil law sector is accessible to members of all communities in Kosovo.

- *There is no evidence of bias in the functioning of civil courts.*
- *A number of measures have been put in place to enhance security in minority communities, which are set out in UNMIK Regulation No. 2005/54 On the Framework and Guiding Principles of the Kosovo Police Service, and UNMIK Regulation No. 2006/25 On a Regulatory Framework for the Justice System in Kosovo.*
- *Access to justice for minority communities is improved through the functioning of 11 Court Liaison Offices in minority community areas, organising “court days” in minority areas, court departments (such as the Gračanica/Graçanicë department of the Pristina Municipal Court) and by providing escorts where needed. During the first quarter of 2007 period, the Offices provided transportation to courts for 116 parties, received civil claims in 21 cases, 305 persons and 282 phone calls were received and assisted.*
- *17 Police sub-stations have been opened in minority areas, ensuring that KPS officers belonging to the local community are engaged in its policing, together with 11 Local Public Safety Committees, also in minority areas. 8 more sub-stations are planned to open in 2007.*
- *Regulation 2006/36 on Legal Aid was promulgated on 7 June 2006. This Regulation provides establishment of an integral system for legal aid with the purpose of protection of community interests in compliance with international instruments for human rights protection.*

34. The backlog of civil law cases in courts is steadily being reduced.

- *The total number of pending civil cases, as of February 2007, is 47,105. The total has continued to mount steadily.*
- *The strategic plan 2007-2012 has been approved in order to reduce backlog of unsolved cases by using mediation, inventorising old cases, using joint claims processing where appropriate, training staff and other.*
- *In addition, although faced with delays, a computerised Case Management Information System (CMIS) is being implemented and when completed is expected to contribute significantly to the functioning of the courts.*

- *An MOU between the European Union, UNMIK and the U.S. Office and the related Project Document on funding and implementation of the vetting process for judges and prosecutors is now finalised for signature. Meanwhile, The Kosovo Judicial Council (KJC) has approved the new allocation of 303 judicial positions for District, Municipal and Minor Offences Courts. The allocation of the prosecutor's positions shall be assessed by the Ministry of Justice. A number of judicial staff has been transferred from low-volume courts to high-volume courts as part of this process.*

35. Judgments in civil law matters are being enforced, court execution officers are functioning, and court fines are routinely being paid.

- *91 court execution staff are working in the court system, and collecting fines.*
- *At the beginning of February there were 6435 unsolved cases: an additional 1394 had been received and 897 have been executed by April 18.*

36. Legislation in civil law matters is reviewed and developed to ensure greater conformity with European standards.

- *Legislation continues to be reviewed and promulgated.*

37. Alternatives to litigation for resolving civil disputes are expeditiously developed and effectively used.

- *Alternative dispute resolution mechanisms are still in development. The Draft Law on Mediation has been adopted by the Government and sent to the Assembly. It went through the first reading and soon will undergo the second reading.*
- *For Communities and Mediation Committees please see goal 62.*

38. There is effective action to eliminate violence against women and children, trafficking and other forms of exploitation, including preventative education and provision of legal and social services to victims.

- *Work is underway on implementation of the Kosovo Action Plan against Trafficking in Human Beings. During the first three months of 2007 the THBS Unit has undertaken 21 surveillance operations, 9 Covert Operations, 26 Joint Operations with other units, 60 operations with municipalities. 273 premises were searched resulting to the closure of 6; 16 suspects were interviewed with 46 witnesses coming forward; 18 arrests were made; there were 6 identified victims (3 Albanian nationals, 3 Kosovo Albanians) of whom assistance was offered to 4 while 1 was repatriated.*
- *The Victims' Advocacy and Assistance Unit, Victims Resource Centers and Victims Assistance Coordinators continue to provide support to victims of trafficking and domestic violence.*
- *KPS training includes courses on domestic violence and Anti-Trafficking.*
- *More effective action to eliminate violence against women and children, trafficking and other forms of exploitation is needed. The number of trafficking-related court*

cases is low compared to the number of arrests and other actions against trafficking.

- *More effective action, including use of protective court orders, is needed to implement UNMIK Regulation No. 2003/12 on Protection against Domestic Violence.*

39. All crimes, especially those of violence that promote inter-ethnic hatred and fear are thoroughly investigated and resolved, and perpetrators are brought to justice and punished.

- *The overall trend is that violent crimes against Kosovo Serbs are on the decrease in Kosovo. Police monitor and prioritise any crime that is potentially ethnically motivated. Please see also goals 23-25.*

40. Incidents of organized crime, trafficking, crime rooted in extremism, terrorism, and economic crime are vigorously investigated and local judges and prosecutors effectively prosecute and try perpetrators. The percentage of unsolved cases of crime rooted in extremism or terrorism is steadily declining.

- *A number of measures to address corruption through investigation, prosecution, and deterrence of financial Crime have been taken by the Department of Justice. Over 20 corruption investigations and prosecutions took place in the past 12 months. Investigations have targeted Kosovo public and governmental institutions as well as UNMIK local and international staff. Currently, international prosecutors are working on 43 corruption cases. More than half of these cases were initiated in 2006, with 26 people arrested and 3 convicted. Another 5 cases are awaiting trial and 2 are at trial.*
- *International and local prosecutors closely cooperate with the police and have dedicated increased investigative and prosecutorial resources to combat financial crime and corruption.*
- *The Kosovo Special Prosecutor's Office (KSPO), which is bringing local prosecutors together with International Prosecutors to prosecute complex crimes, including corruption and organized crime cases, is up and running. Four Special Prosecutors are now in place and working with the KSPO, one of whom is a woman. Three more Special Prosecutors have been selected, one of whom is a minority, and their recruitment is pending the approval of the KJC. This will ensure that local prosecutors have the knowledge and expertise to continue complex anti-corruption and organised crime work in Kosovo after the internationals leave.*
- *The Anti-Corruption Agency (see also goal 13) is becoming more active in fighting corruption. Some dossiers have been already completed and have been sent to competent prosecutor's offices for further proceedings. Furthermore, this Agency has established a hot line through which citizens may make anonymous calls and may report possible cases of corruption.*
- *The Financial Intelligence Centre, operational from September 2004, is engaged with enhancing law enforcement capacities, particularly in information gathering and analysis, aimed at deterring money laundering and related criminal offences through greater transparency in financial transactions. The Centre developed 85 cases in 2006, and 52 in the first quarter of 2007. The cases have been forwarded to the appropriate Investigative Units.*

- *The International Economic and Corruption Units of UNMIK Police are working jointly with Economic KPS Investigative Units to share information, resources and training. UNMIK Police and KPS are also cooperating in the combating of serious organised crime including trafficking and crime rooted in extremism and/or terrorism.*
- *Serious and organised crime, and financial and economic crime including corruption and money-laundering, continue to be a problem in Kosovo, as throughout the region. Pursuing successful investigations, supporting local police, prosecutors and judges seeking to investigate and try these cases, and building courageous and impregnable structures to take control of these most difficult areas of justice will continue to present a challenge for the foreseeable future.*

41. Perpetrators of assaults on judges, prosecutors, KPS officers and witnesses are fairly tried in local courts and are sentenced appropriately.

- *There are sporadic incidents concerning assaults on judges and prosecutors, but threats continue. Protection for local as well as international judges and prosecutors has to continue.*
- *Assaults against KPS officers continue. According to statistics the number of assaults or threats directed against KPS officers for January to March 2007 is as follows: January 38, February 40 and March 34. There is no indication that these cases are handled inappropriately and there no record of complaints directed against KPS in these cases.*

42. Mechanisms of regional and international cooperation are functioning for police and judicial authorities, including transfer of suspects and sentenced persons, and mutual legal assistance to jurisdictions.

- *Legal cooperation with other jurisdictions continues.*

43. There is full cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY), including arrest of indictees and provision of witnesses and information.

- *Kosovo suspects indicted by the ICTY surrendered to the ICTY and travelled to The Hague within 36 hours.*
- *For the first quarter of 2007 the DoJ has received 3 requests for assistance from either the ICTY Office of the Prosecutor or defence teams, in response to which they have provided full assistance.*

44. Those war crimes not addressed by the ICTY are prosecuted fairly in Kosovo

- *War Crimes cases are prosecuted by international prosecutors. The total number of War Crimes handled by the international prosecutors to date is 61.*

45. Effective legal, financial and administrative mechanisms that conform to EU standards are in place to tackle economic crime in both the public and private sectors, including seizure of illegally-acquired assets.

- *Please see goal 40.*

46. There is a clear understanding amongst the vast majority of public sector employees of ethical conduct requirements, especially regarding conflict of interest.

- *Please see goals 9, 11 and 13.*

47. Adequate investigative mechanisms have been created and are functioning effectively.

- *A Financial Investigation Unit and an Investigative Task Force are in operation.*
- *Kosovo Special Prosecutor's Office will focus upon corruption cases, including cases of financial and economic crime.*

48. Money laundering legislation is effectively implemented and suspicious financial transaction reporting is in place

- *Legislation is in place and reporting of suspicious financial transactions continues.*
- *Money laundering legislation remains to be effectively implemented.*

STANDARD III: FREEDOM OF MOVEMENT

49. All communities are able freely to exercise rights to social, cultural and religious expression, including attending ceremonies and access to relevant sites.

- *The police continue to assess the security situation as stable but fragile.*
- *The Freedom of Movement (FOM) of Communities substantially deteriorated following the March 2004 riots and was initially slow to recover. Several measures were initiated to increase the level of FOM. Community police officers and inter-ethnic crime officers were introduced in relevant police stations. Political leaders adopted a zero tolerance approach and systematically condemned all ethnically related crimes. Materials promoting tolerance were incorporated in the primary and secondary school curricula.*
- *According to the regular police surveys, the trend in minorities' positive perception of their FOM significantly increased from 41 per cent in March 2005 to a constant 92-98 per cent for the past year.*
- *However, some members of all communities continue to remain largely within or in between areas where they are in the majority. Security and perceptions of security and freedom to move, particularly of the Kosovo Serb community south of Mitrovicë/a and the Kosovo Albanian community in north Mitrovicë/a, continue to be undermined by intimidatory acts, rumours and some incorrect reporting. Frequent reporting of statements by senior Serbian leaders that Kosovo Serbs are not safe and do not have freedom of movement make a significant psychological impact.*

50. Military and police escorts are no longer needed; members of all ethnic communities have access to safe and public transportation

- *Following the March 2004 riots, military and police escorts significantly increased as did military checkpoints which rose from 50 to 133. Escorts and checkpoints gradually reduced throughout Kosovo without affecting freedom of movement.*
- *Checkpoints are now rare and military escorts are much less frequently requested. KFOR granted 83 escorts between February and April 2007, usually in cases of minorities attending religious events. Police escorts are currently requested by less than 1 per cent of minorities travelling in Kosovo.*
- *On 1 January 2007, the Ministry of Transport and Communications took over from UNMIK the full financial and operational competency for the Humanitarian Transport Project (minority bus and rail operations).*
- *The Humanitarian bus service transports up to 28,000 minority beneficiaries per month, Kosovo Rail another 30,000 and the PISG-Civil Service Bus also provides regular transport to 1400 minority civil servants each month.*
- *On 23 January 2007, the Humanitarian Minority Bus transported Kosovo Serbs from Rahovec/Orahovac to Zvečan/Zveçan and Gračanica/Gračanicë, with “KS” number plates and without UN emblems and escort for the first time in seven years.*

51. Public employees from minority communities are able to work in majority areas without difficulties.

- *Non-Albanian civil servants at the central and municipal level travel to work without escorts.*

52. The number of crimes specifically related to movement by minorities (e.g. stoning incidents) is significantly reduced and infrequent.

- *The number of FOM related crimes has significantly decreased since 2003 and no such crime has been reported to date in 2007.*
- *Despite this certain high profile incidents have raised tensions between communities and negatively impacted on the security perception. The Mitrovicë/Mitrovica bridge for instance was closed on several occasions in 2006.*

53. Political leaders, without prompting, condemn and take action against acts of violence against ethnic communities and their members.

- *Political and institutional leaders continue to condemn incidents of violence and vandalism when they occur. The most recent example is a radio address of the Prime Minister against FOM crimes.*

54. Meetings of the Assembly and its committees are conducted in all official languages.

- *The Assembly is fully compliant with language requirements.*

55. Official municipal and ministry documents are translated in a timely manner into all official languages.

- *Availability of translations has improved with the establishment of manned translation units in all ministries and almost all municipalities. Please refer to goal 7.*

56. Personal documents are issued in the native language of the recipient.

- *This is now true with few exceptions. Please refer to goal 7.*

57. Official signs inside and outside municipal and ministerial buildings are expressed in all official languages.

- *Most municipalities are fully or partially language compliant in respect of road and street signs and municipal buildings.*

58. Names of streets, cities, towns, villages, roads and public places are expressed in Albanian, Serbian and any other language of a community that lives there in a significant number.

- *Except in the Serb-run northern Municipalities and the mono-ethnic Kosovo Albanian Municipalities, signs outside municipal buildings generally appear in all official languages. Defacing or misspelling of place names on road signs is quite common, but defaced signs are routinely cleaned or replaced by the authorities. There are also instances when municipalities use unofficial names of villages and municipalities in official communications and activities. Cases in point are Obiliq/ć (using Kastriot), Glogovac/Glogovac (using Drenas), Suhareke/Suva Reka (using Theranda). But nowhere have they used legislative procedures to change official place names.*
- *The Serb-run municipalities north of the Ibar generally do not erect signs in Albanian.*

59. Municipalities and ministries provide adequate interpretation and translation services for all communities, including translation of all official documents and interpretation for all official meetings in relevant languages.

- *Service has improved with the establishment of manned translation units in all ministries and most municipalities.*

STANDARD IV: SUSTAINABLE RETURNS AND THE RIGHTS OF COMMUNITIES AND THEIR MEMBERS

60. The laws of Kosovo provide a full range of protection for human rights and the rights of communities and their members, consistent with European standards.

- *Kosovo provides a full range of protections for human rights and the rights of communities through human rights international instruments applicable in Kosovo as well through domestic laws.*

- *Despite the existence of an anti-discrimination law, an action plan as well as an administrative instruction to implement it renewed efforts by the Government will be necessary to achieve the desired results.*

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

- *Early in 2005 the Ministry of Community and Returns (MCR) was established with the mandate to “Make recommendations to, and coordinate and monitor the activities of ministries, municipalities and other authorities in respect of the promotion and protection of the rights and interests of Communities and their members”. A Kosovo Serb was appointed as minister.*
- *By early 2006 Human Rights Units had been established in all Ministries. An Administrative Instruction defining the competences of Human Rights Units in the Ministries was adopted by the Government on 28 February 2007. This AI adds monitoring of implementation of recommendations of the Ombudsperson to the Units’ responsibilities. The Units include 3-7 staff covering gender, rights of minorities, equal opportunities, anti-discrimination, children’s rights and rights of persons with disabilities.*
- *Nevertheless, there is still no comprehensive mechanism for tracking discrimination cases in Kosovo, and the Government also needs to develop adequate strategies for intervention.*

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

- *Communities Committees (CCs) are formally established in most municipalities, but in general their performance is not fully satisfactory. The CCs normally engage in issues out of their mandate, instead of addressing sensitive practical problems affecting the communities. There is generally poor participation and lack of quorum.*
- *The Mediation Committees (MCs) are also formally established in most municipalities, but their functioning is directly affected by the poor performance of CCs, since the latter is supposed to refer cases to MCs.*
- *Appropriate staffing remains a problem and it has become customary for Municipalities to hire a single civil servant to cover the functions of Municipal Officer for Gender Equality, Equal Opportunities Officer, Co-ordinator for Children’s Rights and/or Municipal Returns Officer.*
- *The newly established Agency for Gender Equality should strengthen the co-operation, guiding and training activities for the Municipal Officer for Gender Equality.*

63. Kosovo participates in the Council of Europe implementation process for the Framework Convention for the Protection of National Minorities and fully

implements recommendations resulting from that process.

- *In late 2004 the Government committed itself to further engaging with UNMIK in reporting to the Council of Europe on the FCNM yet its engagement in the process has been minimal since. UNMIK submitted on behalf of Kosovo a first annual report under the Framework Convention on the Protection of National Minorities.*
- *The FCNM Advisory Committee Opinion on Kosovo was adopted on 25 November 2005 and made public on 2 March 2006. While the Government committed to implementing the recommendations of the committee, no decision has been made on how to implement them.*

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

- *Compliance with fair-share finance (FSF) quotas and with MFE Administrative Instruction 2006/09 on the Administration of FSF by Municipalities has improved. In 2006, out of the 24 Municipalities south of the Ibar River, only three failed to comply with the FSF targets, these being Prizren/Prizren (-1.3 per cent), Dragash/Dragaš (-2.3 per cent), and Ferizaj/Uroševac (-0.6 per cent). The MFE has rejected their FSF submissions and instructed amended submissions; Prizren has now complied by submitting an amended FSF report to MFE. The MFE is effectively intervening and the Municipalities are responding.*
- *All the 27 reporting Municipalities have complied, albeit belatedly, with MFE's Administrative Instruction 2006/09 by presenting their Annual Plan for Minority Projects and Expenditures (APMPE)*

65. The educational curriculum encourages tolerance and respect of the contributions of all communities to the history of Kosovo.

- *Material promoting tolerance and multi-culturalism has been incorporated into primary and secondary school curricula. Tolerance and human rights are also part of the curriculum and are taught either in the weekly civic education class or are integrated into other general subjects.*
- *No Serb experts have contributed to the elaboration of the official textbooks despite numerous invitations to do so. Official history text books may need further revisions.*

66. The number of municipalities with sustainable returns increases, including an increase in returns to urban areas, the pace of returns overall accelerates, and the level of unmet demand for return has been substantially reduced.

- *By the end of 2003, multi sectorial returns projects were scarce. To date returns have occurred in all multi-ethnic Municipalities including in Istog/k where the Belgrade authorities have cooperated with the Kosovo institutions on a joint returns project in Llugë/Lugovo and Gjurakovc/Djurakovac while another joint project is being developed in Badovc/Badovac (Prishtinë/Priština).*

- *Since the peak of 3,801 minority returns in 2003, the returns figures have decreased each year to reach a mere 1,622 for 2006. While the low figures of 2004 are a direct consequence of the March 2004 riots, the 2005 and 2006 figures are partially due to the mismanagement of the KCB funds by the newly appointed (Serb) Minister of Communities and Returns.*
- *On 6 June 2006 a Protocol on Voluntary and Sustainable Returns was signed between Pristina and Belgrade (see goal 99). This protocol was at the centre of the debates of Direct Dialogue Working Groups on Returns and aims to improve the conditions for return by enhancing the capacities for implementation of the return process through provisions that range from providing access to basic services for the returnees to promoting integration of the Internally Displaced Persons (IDPs). The protocol includes a provision for the Serbian Government to make referrals to the Kosovo institutions but none has been made to date*

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

- *With an estimated third of the population living in poverty, including 15 per cent in extreme poverty, all segments of the Kosovo society are suffering from the lack of economic opportunities. Returnees who are largely without supporting family, social network or physical infrastructure are generally less successful in achieving economic sustainability. The Government recognises this problem, and in May 2006 revised the vulnerability criteria for assistance under returns programs to include IDPs who can contribute to the community's economic and social development.*

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

- *There is access to public services such as pension, social assistance, electricity and water. However access to education remains restricted for Kosovo-Serbs and Kosovo-Roma due to the language barrier and lack of books in their own languages. This is a contributory factor to the continued existence of parallel structures dependent upon Serbia.*
- *Some schools in mixed areas share educational facilities.*

69. Returnees face no greater risk of violence than the population as a whole, and police and the judiciary respond promptly and without discrimination to crimes, irrespective of the ethnic background of the victim.

- *Police statistics show that returnees do not face greater risk of violence.*

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

- *The creation of the Ministry of Returns and Communities in early 2005 did not fulfil hopes for progress in the central-level involvement in the returns process. Until the resignation of the Minister in November 2006, the functioning of the Ministry was characterised by serious financial and administrative*

management shortfalls. In particular the refusal of the minister to follow existing policies and to implement the Government's commitment to establishing a returnee database proved to be particularly damaging to the returns process. The new minister, who filled the role provisionally from the resignation of his predecessor until being formally appointed in 2007, initiated a long overdue restructuring of the ministry and has constructively engaged with all stakeholders. As a result, the transfer of returns competencies resumed in late 2006.

- *The valuable support for the returns process provided by the MLGA and OPM allowed the launch of a new returns framework in July 2005. As a result of these consultations, the Government promulgated substantial returns policy revisions on 24 May 2006. These, together with a revised Manual for Sustainable Return simplified and streamlined the steps for return by setting the municipality as the central implementing institution.*
- *During the period covered by Standards, the role of municipalities in the returns process has fundamentally changed. The hiring of Municipal Returns Officers in mid 2004 set the grounds for an increased engagement of municipalities in the returns process. Most municipalities now have Municipal Working Groups chaired by the Municipal Assembly President or a deputy, and have developed and endorsed returns strategies.*
- *Municipalities are now demonstrating capacity to directly implement components of returns projects which increases sustainability while reducing project costs. In 2006, Klinë/a became the first Municipality to fully implement a multi-sectorial return project without international involvement.*

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

- *Return projects in 47 locations all over Kosovo have been completed, involving expenditure of nearly €40 million from the Kosovo budget in addition to donor funding. Apart from Kosovo Serbs, beneficiaries are Roma, Ashkali, Egyptian, Bosniak as well as Albanian community members. .*
- *Despite a reduction of 50 per cent when compared to the 2004 and 2005 allocations (€10.5 million in each year), with € 5.2 million allocated for returns projects in 2007, the Government of Kosovo has been consistently since 2004 the single largest source of funds.*
- *The Ministry of Communities and Returns has indicated that it will focus on individual returns — a more cost-effective and economically viable approach to displacement – and had taken the lead in the implementation of the Community Development and Stabilisation projects and two organised returns projects in Prizren and Vushtrri/Vučitrn, in addition to other return projects, funded by MCR and implemented by partners.*
- *While ever more returns projects are being developed by municipalities, lack of funding remains the single most important obstacle to returns. A funding shortfall of €15.8 million affects 16 approved return projects.*

72. Visible support of the returns process by community leaders and public

information and education efforts supported by the PISG create a climate of tolerance and support for the right to return.

- *The Prime Minister and Municipality Presidents regularly made public declarations urging the displaced to return, the majority population to accept and implement its special responsibilities towards minority communities, and calling for implementation of democratic standards, rule of law, sustainable returns and respect for property rights.*
- *In particular, the Prime Minister and 23 municipalities (all Kosovo Albanian majority) adopted on 25 February 2005 a joint declaration urging the displaced to return, the majority population to accept and implement its special responsibilities towards minority communities, and the protection of property rights and release of illegally occupied property. An extensive outreach campaign entitled 'We Can Live Together', involving teams of ministers visiting displaced and receiving communities was undertaken in 2005. It promoted tolerance, respect for diversity, freedom of movement, human rights and property rights, and called for integration and employment of minority community members.*

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

- *The Central Review Mechanism, chaired by MCR, ensures that return projects are assessed and prioritised without discrimination.*

STANDARD V: ECONOMY

74. Basic economic legislation is in place and enforced

- *Basic economic legislation is, by and large, in place, addressing areas such as public financial management and accountability, personal and corporate income tax, tariffs, the excise code, concessions, intellectual property, etc. A new law on Public Procurement is in the legislative process, having passed its first reading in the Assembly. A number of basic laws, however, have yet to be developed and/or revised, including those pertaining to issues such as the liquidation of persons in bankruptcy, business organisations, real rights, and employment promotion and protection.*

75. Relevant government institutions and services are functioning

- *The Ministry of Finance and Economy (MFE) has gradually strengthened budget management and implemented strict budget execution.*
- *The Ministry of Energy and Mining (MEM) is fully functioning. Some pieces of secondary legislation in the energy sector are still missing, but a substantial number are in place.*
- *The Office of the Auditor General is fully functional, conducting and publishing a wide range of audits and audit reports, including on the annual Kosovo Consolidated Budgets (KCB) and municipal finances. Audits of the KCB for 2001-2005 and municipalities for 2001-2005 are available on the OAG website. Independent audits*

of Publicly Owned Enterprises (POEs) for 2003-2005 are available on the KTA website.

- *Following the appointment, on 1 April 2007, of a Kosovo Director General, the UNMIK Customs Service came to be fully managed by local professionals. The Customs Service is currently 95 per cent compliant with EU standards, and continues to make improvements in its equipment and methodology.*
- *In 5 of the 6 reserved powers regulatory fields (Independent Commission on Mines and Minerals, Energy Regulatory Office, Frequency Management Office, Water and Waste Regulatory Office, Civil Aviation Regulatory Office, and Railways), legislation has been promulgated establishing regulatory bodies, with the exception of the Railway Regulatory Commission which has yet to be established. Local board members have been appointed to the relevant regulators by the PISG. All regulatory bodies are now headed by Kosovo professionals, except the Civil Aviation Regulatory Office.*
- *An Independent Tax and Customs Review Board (IRB) is in place and deals with appeals relatively quickly. Minority hearings are provided with official translation, while the chairs of panels in such cases are nominated by minority members of the IRB. Decisions are translated into the claimant's language.*
- *The Investment Promotion Agency (IPA) has been established and is now fully operational. A representation office has been opened in Austria with funding from Austria's Development Agency. The IPA received technical and material assistance from the EAR and the World Bank.*

76. The budget process is functioning and meeting all legal requirements.

- *The budget development process has gradually developed and is now functioning well. By 2006, the budget had moved back into surplus after large deficits in 2004 and 2005. The 2007 budget process was launched on schedule, with the 2007 Kosovo Consolidated Budget satisfying all conditions for promulgation. Around 28 per cent of the 2007 KCB was allocated to public investment (up from 26 per cent in 2006). The Government has instructed spending agencies to produce conservative current spending plans.*
- *Budget execution has also improved and is now under control. The move to annual cash budgeting in 2005 has been consolidated. However, it has since become evident that the execution of capital expenditures has been a problem. Budget organisations were allowed to carry over some unspent capital appropriations in 2007, which should facilitate higher capital expenditure in the medium term. The MFE's 2006 annual report indicates that public expenditure in 2006 remained within budget ceilings at all levels and within all economic categories.*
- *In the summer of 2006, the three northern municipalities of Zubin Potok, Leposavić/q and Zvečan/Zvečan boycotted the budget process. Efforts on the part of the MFE and UNMIK eventually led to their compliance with the 2007 Budget development instructions, and 2007 budget appropriations have since been allocated to them.*
- *Some weaknesses remain in the costing of new policy proposals, and their prioritisation against existing programmes.*

77. Economic statistics are available and regularly published, including on GDP, inflation, trade and unemployment.

- *The Statistical Office of Kosovo disseminates some data in a timely way, but despite substantial technical assistance, faces severe challenges in producing a normal range of statistics to a reasonable standard and timetable.*
- *The Central Banking Authority (CBAK) publishes annual reports on Kosovo's economy and produces various thematic studies relevant to economic development. CBAK also publishes monthly banking statistics.*
- *Pending a census, reliable statistics cannot be guaranteed.*

78. Privatization and liquidation of Socially Owned Enterprises are well advanced; Municipal Authorities and relevant governmental structures support a smooth and reliable transfer of ownership rights.

- *Privatisation continues at a steady pace. 25 waves of privatization have been launched to date. By the end of March 2007, 445 new companies derived from the assets of 276 socially owned enterprises had been tendered for sale, 245 sales contracts were signed, and 137 contracts still pending signature. Total privatisation proceeds amounted to €288,130,910. The KTA Board had also approved a total of 80 liquidations with proceeds amounting to €2,746,684. 20 per cent of privatisation proceeds are due to be paid to the eligible former workers of privatised enterprises. As of the end of March 2007, this amount stood at €57,626,182 of which €10,874,992 had already been paid to the Independent Trade Unions of Kosovo, which disburses the funds to the workers.*
- *Lawful owners affected by privatisation of Socially-Owned Enterprises are guaranteed compensation under applicable law and in accordance with the European Convention of Human Rights. Lawful owners also have legal recourse through the Special Chamber of the Supreme Court, and the right to compensation from an escrow account created from proceeds of assets sold.*
- *The Kosovo Trust Agency has agreed, in principle, to incorporate provisions in tenders that would make the sale of certain companies conditional on a guarantee of continued employment of minorities. However, as political concerns have delayed privatisation in minority areas, there has been limited scope for the implementation of this approach.*
- *SOE employees who are IDPs can file claims at the EU/KTA offices in Belgrade. KTA has developed links with minorities across Kosovo and has a number of coordination centres in the major enclaves.*
- *The KTA and the Special Chamber of the Supreme Court (SCSC) have acted to protect minority rights in privatisation. Until 2006, the KTA published initial lists submitted by the trade unions and informed potential claimants of their rights, while the SCSC received claims and added claimants to the lists. As the process became protracted due to the number and nature of the claims against the employee lists, discussions on a methodology to reduce the number of claims and streamline the system were undertaken. The final outcome has been UNMIK Administrative*

Direction (AD) 2006/17 which came into force on 6 December 2006. The AD imposes a duty on the KTA to provide any aggrieved worker with the opportunity to seek recourse with a Review Committee established by the KTA. Should this committee decide against the grievance, the worker will be in a position to seek recourse at the SCSC. This revision to the system effectively introduced a Court of First Instance (within the KTA), separate from the Court of Appeal (the Special Chamber).

- *For years, the KTA faced the problem of various SOE lands having been sequestered by municipalities. Finally, in 2006, progress was made on retrieving the said land, in so far as the KTA and the MLGA agreed on a procedure for addressing those cases where a municipality seeks to retain land under the auspices of the public good. UNMIK Regulation No. 2006/5 On the Allocation of Land Assets Currently Under the Administrative Authority of the KTA to Municipal Administrations for Public Benefit Purposes, as well as relevant administrative instructions issued by the MLGA have helped to pave the way forward. Since then, several land swaps have been proposed and approved by the KTA, while new requests are being received. However, no land annexed in an unauthorised manner (irrespective of considerations of public good) has been returned with the exception of some plots in Prizren Municipality.*

79. Restructuring of Publicly Owned Enterprises, based on independent audits, is progressing and fully backed by the PISG.

- *In early January 2006, the KTA completed the incorporation of the Kosovo Energy Corporation (KEK), UNMIK Railways, and the district heating enterprises Termkos and Gjakove, thus finalizing the incorporation of all major POEs in Kosovo (the incorporation of Post and Telecommunications of Kosovo and Pristina International Airport was completed in June 2005). The incorporation of water companies commenced in December 2006. It is expected that incorporated companies could be registered in June 2007. A similar project for the waste and irrigation sectors commenced in February 2007.*
- *Audited accounts for POEs are published on the KTA website.*
- *PISG representatives to the Boards of all POEs have been nominated.*

80. Supervision over commercial banking, insurance and pension scheme is reliable and effective.

- *Each segment of the financial system is governed by a framework of prudential rules that regulate entry into the system and the conduct of business within it. These include the usual prudential requirements concerning ownership, capital adequacy, liquidity, audit, and the management of various financial and operational risks. These rules are, for the most part, consistent with the Basel Guidelines and EU/EC requirements. CBAK regularly monitors compliance by, as well as the overall condition of, financial institutions through onsite inspections and offsite analysis of reported financial data. Throughout 2006, CBAK worked to shift its supervisory activity from a “rule-based” to a “risk based” approach with respect to the supervision of the insurance industry. This method focuses on solvency requirements and creates a prudential framework that more accurately reflects the risks undertaken by insurers. CBAK is now working closely with the industry to establish a*

gradual shift by the end of 2007.

- *UNMIK Regulation No. 2006/47 promulgated on 24 August 2006 transformed the BPK into the Central Banking Authority of Kosovo (CBAK). The Regulation reaffirms the apolitical and independent composition of the Governing Board.*
- *The banking sector evidenced progressive growth during 2006 as well as the first quarter of 2007. In 2006, the sector saw a deposit growth of 10 per cent and a loan growth of 26 per cent. Saving deposits increased by 11 per cent and now comprise 56 per cent of total deposits. At the end of February 2007, the banking sector held total deposits of €969 million (40 per cent of GDP, which is in line with the level of Kosovo's neighbours). Short-term loans increased by 8 per cent, and long-term loans by 35 per cent. Interest rates remain high, but show a slow decreasing trend.*
- *Pension funds in Kosovo account for 1 per cent of total financial sector assets, with a value of €10.5 million. This amount reflects the assets of supplementary schemes – pensions provided to employees from their employers, aside from the mandatory contributions to the Kosovo Pensions and Saving Trust (KPST), which is a “social security fund”. During 2006, however, all six supplementary pension funds that were operating within different public corporations ceased to be active. Their voluntary or non-voluntary termination was due, in particular, to either a case of high unfunded liabilities, or a failure or change of ownership of the contributing company. Acting either at its own initiative, or at the request of each contributing company, CBAK has revoked their licenses, and appointed a receiver. At the end of the ongoing liquidation processes, assets collected by the various former pension funds will be transferred to other pension funds or, in certain cases, to escrow accounts opened in commercial banks on behalf of each pensioner.*

81. Kosovo wide billings approach 100 per cent of services provided by KEK, PTK and water sector utilities, and collections approach at least the levels of neighbours.

- *Cash collection remains a major problem for a number of public utilities and an obstacle to their economic viability, though there continue to be some increases in revenue collection. KEK's collection rate currently stands at approximately 70 per cent of energy billed, however this figure does not take into account the very significant amounts of commercial and technical losses. The collection rate for the water sector stands at approximately 57 per cent of water billed, while the PTK remains stable at 100 per cent.*
- *On 17 November 2005, UNMIK and the PISG launched the Joint Task Force on Electricity Supply, Billing and Revenue Collection, responsible for the coordinated implementation of support to the revenue collection efforts of KEK, including Police and Justice support. The JTF has since discussed the expedition of judicial procedures to support bill collection, as well as institutional debt. Several prominent criminal debt cases have since been persecuted.*
- *Further efforts, including consistent Government support for KEK policies, and effective coordination between enforcement agencies are needed.*

82. Tax revenue fully funds the recurrent budget, and an increasing share of the public investment.

- *100per cent of the recurrent budget is funded by tax revenue, mostly customs, plus the bank balance accumulated from previous years' surpluses. An increasing part of the public investment programme is funded by KCB funds. Donor aid is declining.*

83. Tax compliance indicators are substantially improving.

- *Starting in 2006, work has been under way to produce effective tax compliance indicators, especially through the effective use of TAK's IT systems. Different reports designed for monitoring tax compliance in income taxes and, to some extent, VAT, have been presented to TAK. A quarterly report for monitoring tax compliance within income taxes will be implemented during the second quarter of 2007. Another report has been designed and implemented for monitoring the VAT refunds system. Some "softer" tax compliance indicators have also been produced, whereby information from different sources is used to match different tax filers.*

84. Revenue raising is free from political influence.

- *Tax Administration of Kosovo has offices across all 5 regions in Kosovo, including local offices in minority areas. The tax system is uniformly applied across Kosovo, but TAK experiences difficulty operating in northern Kosovo.*
- *The KCB, POEs and Municipalities are audited and their accounts published.*
- *The composition of the Independent Tax and Customs Review Board is complete. The Board deals with appeals quickly and with few delays. Minority hearings are provided with official interpretation, while chairs of panels in these cases are nominated by minority members of the IRB. Decisions are translated into the relevant language.*

STANDARD VI: PROPERTY RIGHTS

85. Legislation is in place that is consistent with European standards.

- *The legal framework related to housing and property rights remains to be made internally coherent and consistent with international human rights and European standards.*
- *A central-level inventory of property-related legislation was completed in 2005. The task-force established to reform property legislation ensured the adoption of important property-related laws, such as the Law on Construction, Law on Cadastre, and Law on Expropriation.*
- *Other property related laws under review by the Kosovo Assembly include the Draft Law on the Transformation of Possessors into Owners, and the Draft Law on the Treatment of Illegal Construction. The Draft Law on the Organisation of Cadastral Institutions needs to be finalised to improve the functioning of the cadastral institutions. The Law on Real Rights and the Law on Housing are still under revision.*
- *Municipal regulations on construction need to be harmonised with the central level*

legislation.

- *All administrative instructions but one, required to implement the Law on Spatial Planning, were issued. Municipalities continued to work on urban development and urban regulatory plans. More work is needed to develop and implement Spatial Plans for Special Areas of cultural, natural, economic and historical value.*
- *Concerns remain over the implementation of property related legislation at central and municipal level such as those regarding property taxes, expropriations, and illegal construction.*

86. Illegal occupants have been evicted from properties and the property returned to its rightful owners.

- *Illegal occupation and use of property remains widespread. The Kosovo Property Agency (KPA) received 18,245 claims for private immovable property (residential, agricultural and commercial) as of 17 April 2007.*
- *The Housing and Property Directorate (HPD), HPCC and the municipal courts resolved claims and evicted illegal occupants with the assistance of police where necessary. Co-operation between HPD and the Police was consistently good. The rate of voluntary release by illegal occupants was always low. Individual complaints related to alleged re-occupation of properties after evictions continued to take place despite efforts to deter and sanction re-occupation.*
- *In 2005, the Government implemented a comprehensive public information campaign against illegal occupation of property developed by OSCE, the OPM and the Ministry of Environment and Spatial Planning. Public officials, including the Prime Minister issued statements condemning the illegal occupation of property and calling for the return of properties to their rightful owners. The Minister of Environment and Spatial Planning called for respect of property decisions issued by the courts and Housing and Property Claims Commission (HPCC).*
- *Systematic municipality efforts are needed to prevent and sanction illegal construction. Several factors influence progress in this area, such as threats against public officials, corruption, incomplete legal framework, and a lack of comprehensive policy at the central level.*

87. Municipal courts resolve property issues without discrimination against minority communities and do so at a rate comparable to European court systems.

- *There was no evidence of ethnic bias in either property-related court decisions or their execution.*
- *Pursuing protection of property rights through the Courts remains a lengthy process. There are over 10,000 property cases pending in courts. A strategy to identify and address the existing property backlog was agreed by the relevant stakeholders in*

April 2007.

- *Kosovo's legislation, courts and administrative procedures are not sufficiently well-developed to identify, correct and punish illegal construction, occupation and expropriation systematically and in a timely way. Incomplete or absent cadastral records exacerbate these problems.*
- *The Department of Justice has received and investigated 36 allegations of fraudulent property transactions. Most cases concerned property owned by displaced persons. Fraudulent transfers of immovable property occur either through the falsification of personal identification documents or the forgery of authorisations to third parties to conduct the transaction. After receiving complaints in this direction, the Director of the UNMIK Department of Justice issued an instruction to all Municipal Courts in Kosovo to refer any letter of authorisation for an immovable property transfer issued in Serbia proper to the Department for verification. This procedure, however, results in considerable delays due to the fact that the Department needs to communicate with the Ministry of Justice in Serbia.*
- *The current practice in the use of temporary legal representatives has proven to jeopardise the right to a fair trial. In a number of cases, the Court fails to satisfactorily follow the procedures which guarantee that the temporary legal representative defends the best interests of the plaintiff.*

88. The Police enforce these decisions routinely and without discrimination.

- *The Police assisted HPD/HPCC and the courts in enforcing their decisions.*
- *Further efforts are needed to prevent unlawful occupation and damage to residential and commercial properties.*

89. The Housing and Property Directorate and the Housing and Property Claims Commission have effectively resolved their backlog of cases.

- *All 29,160 received cases were adjudicated in the first instance by the HPCC. Of these, 491 claims still need to be implemented (April 2007). Most of these cases are pending reconsideration by HPCC.*
- *The breakdown of implemented cases is as follows: 10,118 properties were identified as destroyed and HPCC issued a declaratory statement confirming the lawful owner, but offered no remedy (as repossession was not possible). In 27 per cent of all implemented cases property were sold rather than inhabited by the repossessionors. Repossession took place in 4,932 cases (17.3 per cent of implemented claims). In 2,187 cases (7.7 per cent) the claim was withdrawn by the claimant. In 2,216 cases (7.8 per cent) the successful claimant failed to choose an implementation option or could not be contacted and the case was closed without physical implementation. In 3,393 cases the property was placed under temporary administration on request of the successful claimant. In addition, 1736 residences were placed ex officio under administration by the Kosovo Property Agency. A rental scheme was developed for these properties to ensure a regular income to the*

displaced. As of 12 April 2007, 167 properties had been rented and €76,382 had been collected.

90. There is an effective system to remedy disputes over agricultural and commercial property.

- *HPD was transformed into the Kosovo Property Agency (KPA) in March 2006 and its mandate expanded to cover all claims on ownership rights or rights of use over private immovable properties which are related to the conflict.*
- *KPA has received 18,385 claims (6,000 more than estimated). The work on the verification of documents and notification of the claimed properties is ongoing. The Kosovo Prime Minister nominated a Deputy Director of the KPA Executive Secretariat.*

91. A property rights registry has been established and is functioning and municipal cadastral surveys have been completed.

- *There are 27 functioning Municipal Cadastre Offices (MCOs) in Kosovo with the operational cadastre and an operational Immoveable Property Rights register. The cadastral offices in Zubin Potok, Leposavić/Leposaviq and Zvečan/Zveçan continue to be under the de facto authority of the Republic of Serbia Geodetic Authority.*
- *Subsidiary instruments required to implement the property rights registry system, including those required to ensure effective remedies and accountability mechanisms are in place. The instruments include remedial provisions for the appeal of Municipal Cadastral Offices decisions, with the KCA as the second review instance. All subsidiary instruments to implement the Immoveable Property Rights Register have been delivered to all Municipalities.*
- *Digital Immoveable Property Rights registry is functioning in 21 MCOs. Kosovo Cadastral Agency has trained MCOs on digital registration.*
- *Cadastral surveys have been completed. Cadastre reconstruction projects are ongoing with international donor support.*
- *The Kosovo Assembly adopted an amendment in January 2007 to the Law on Cadastre to allow minor adjustment of boundaries between consenting partners with MCO approval (instead of municipal court clearance). Previously existing legal impediments to the efficient registration of apartments by MCO's were also addressed by KCA, with the support of the World Bank.*
- *The absence of full cadastral records, including those remaining in Serbia proper, obstructs completion of the Cadastre and the effective operation of the law to protect property rights. Most Municipalities still lack some records that are held in Serbia proper. The return of these records has been requested twice from the Serbian Prime Minister and on a number of occasions in contact with the Serbian authorities, so far*

without result.

92. Municipal authorities cease unlawful or unjustified attempts to develop public lands that have long-established informal settlements by minority communities or other vulnerable groups.

- *After several attempts to re-develop the former informal settlement, the municipality of Mitrovicë/a signed an agreement with the international community on 18 April 2005 on the parameters for the redevelopment of the Roma Mahala. The return to Roma Mahala started with the return of three families (sixteen persons) in March 2007. The programme will resettle some one hundred families or a total of more than 500 Roma, Ashkali and Egyptian individuals by the end of summer. Twenty-four flats and 57 houses have been completed and another 24 flats are under construction.*
- *Plans have been made for the redevelopment of the Rudesh/Rudeš Roma/Ashkali/Egyptian destroyed settlement in Istog/Istok. These decisions took into account the rights of former inhabitants of the informal settlements to return.*

93. Informal settlements of vulnerable minority groups have been legalized and regularized.

- *A situation analysis of informal settlements was conducted in 2005. The MESP drafted spatial planning guidelines to integrate informal settlements. In 2006, the MESP, together with OSCE and UN-HABITAT organised a Kosovo-wide awareness campaign which set the basis for a future Kosovo Action Plan on Informal Settlements. As a result, the government committed to a) regularise existing informal settlements and prevent the development of new ones, b) ensure a sustainable urbanisation process in Kosovo and develop a sustainable land governance policy for Kosovo.*
- *The Minister of Environment and Spatial Planning (MESP) made regular public statements in support of the rights of informal settlements inhabitants.*
- *Informal settlements remain to be legalised and regularised. Registration of immovable property rights needs to take place. The private sector needs to contribute to the regularisation process. The rights of their inhabitants are not always protected. Measures are needed to prevent future illegal developments.*

STANDARD VI (CONTINUED): CULTURAL HERITAGE

94. Kosovo's cultural heritage is respected as the common patrimony of all of Kosovo's ethnic, religious and linguistic communities.

- *The Government of Kosovo, including in particular the Ministry of Culture, Youth and Sport (MCYS), actively promotes the values of cultural heritage through statements, radio programmes, and campaigns including educational campaigns focused at youth and school children.*

- *A number of projects have been successfully implemented with support by the Ministry to increase respect for cultural heritage in Kosovo. In 2006 MCYS carried out a Cultural Heritage Awareness Campaign with Town Hall meetings, TV spots and billboards throughout Kosovo with the slogan: "Protect it, it's yours". The minister attended several Town Hall meetings in the most sensitive municipalities. A similar campaign is under preparation and should begin in late April.*
- *An MoU is currently under discussion between MCYS and the Ministry of Education on including cultural heritage as a subject in school curricula.*

95. All communities are entitled to preserve, restore and protect sites important to their cultural, historical and religious heritage with the assistance of relevant authorities (PISG), in accordance with European standards.

- *The Law on Cultural Heritage was promulgated on 6 November 2006. As required by the law, the establishment of a Kosovo Cultural Heritage Council is underway. MCYS has established a group of experts to prepare drafts for the 14 subsidiary laws necessary to implement the Law. The Council of Europe (CoE) has been assisting MCYS in this process.*
- *A Reconstruction Implementation Commission (RIC) was established in June 2005 to restart the reconstruction of Serbian Orthodox Church (SOC) sites damaged or destroyed in March 2004. €3.7 million was originally pledged to restore the 34 religious monuments. PISG increased this pledge by €1.7 million in 2007. Led by CoE, with representatives of MCYS, SOC and the Institutes for the Protection of Monuments of both Kosovo and Serbia, RIC carried out emergency protection measures in 2005 on 30 sites and more extensive interventions in 2006 on 7 priority sites. Approximately €2.5 million has been spent thus far. The work of the RIC has demonstrated excellent cooperation between PISG and SOC and between Serb and Kosovo Albanian experts in the field.*
- *With the support of UNMIK, CoE and EC, UNESCO organized a Donor Conference in May 2005 in which it raised \$10m US for preservation and restoration of all types of cultural heritage in Kosovo. An umbrella MoU was signed between UNESCO and UNMIK in September 2006 setting the framework for cooperation. A supplemental MoU has been signed covering 7 sites and others are in negotiation.*
- *Following a number of incidents directed against cultural heritage sites, in mid-2006 MCYS initiated bi-weekly security meetings with KPS and KFOR to improve communication and raise awareness of the need for special attention to cultural heritage sites. Focal points have been appointed by KPS and MCYS at both central and regional levels. After a review of security procedures KPS increased the frequency of patrols and improved its reporting practices.*
- *In April 2005, the Deçan/Deçani canyon was designated a specially zoned area by the SRSG to ensure preservation of the Serbian Orthodox Visoki Deçan/Decani Monastery, a UNESCO world heritage site. In January 2007, UNMIK successfully exerted pressure on the PISG to remove illegal constructions in the zone.*

96. There shall be neither discrimination nor preferential treatment of cultural heritage properties of any community.

- *In 2005, the Culture Department of the MCYS adopted a policy to support minority communities and integration and implemented a programme for integration and cultural diversity. The Policy and the programme contained clear guidelines on non-discrimination in relation to culture, including cultural heritage. There has been no progress since. No policies have been signed in any department and support to minority projects/events are handled on an ad-hoc basis.*
- *The creation of an inventory of cultural heritage is progressing. By the end of December 2006, a total of 2,847 objects have been entered in a central database. The soon-to-be-established Kosovo Council for Cultural Heritage will have the final say on the classification of objects as cultural heritage.*

STANDARD VII: DIALOGUE

97. There are regular meetings of the working groups (initially four: missing persons, returns, energy and transport & communications) and all working groups are multi-ethnic

- *The Dialogue Working Groups (Missing Persons, Energy, Returns and Transport & Telecommunications) got off to a shaky start: the first two WG sessions convened some five months after the Vienna launch of dialogue but further sessions were subsequently blocked by Belgrade for 12 months following the March 2004 unrest. With the resumption of Dialogue in March 2005, all four WGs convened within the following three months. The Pristina delegations to the Working Groups on Returns, Energy and Transport & Telecommunications were multi-ethnic. (Over-ruling the Prime Minister and preventing Kosovo Serbs from taking an active part, the ICRC Chair of the Working Group on Missing Persons insisted that a Kosovo Serb could only be an alternate member of the delegation as ICRC consider these talks to be between two former warring parties.)*
- *The launch of the Kosovo status process eclipsed the Dialogue WGs somewhat. Belgrade showed steadily decreasing interest in convening sessions, with the exception of the WG on Missing persons which continues to meet on an ad hoc basis without the presence of the guarantors or facilitators.*

98. Meetings take place in atmosphere of constructive cooperation, respecting the rules of procedure and utilizing available international expertise.

- *Both Pristina and Belgrade delegations have been generally constructive, demonstrating a willingness to discuss issues raised by the other side. Both delegations have been able to travel to both Pristina and Belgrade without hindrance.*
- *The Pristina delegation to the Working Group on Energy on occasion has lacked unity between Kosovo Albanian and Kosovo Serb members.*
- *The Belgrade delegation to the WG on Energy and the WG on Transport & Communications have repeatedly attempted to politicise the sessions by for example demanding that all references to Kosovo be changed to “Kosovo and Metohija”.*

99. The working groups make progress in resolving practical issues of mutual concern.

- *The Working Group on Missing Persons made progress with conclusion of the repatriation of mortal remains from Serbia to Kosovo. Most other progress has been limited to the area of forensics.*
- *The Working Group on Returns successfully developed a Protocol on Voluntary and Sustainable Returns (see goal 66).*

100. Working arrangements are in place to provide advanced cooperation in the fields of: freedom of movement (including border crossings), trade and economy, police and justice, public administration, and regional parliamentary exchanges.

- *Legal cooperation with other jurisdictions continues, including extraditions to/from Albania, prisoner transfers to/from Serbia proper and legal assistance requests.*
- *Interim Free Trade Agreements were reached with FYR Macedonia and Bosnia and Herzegovina and UNMIK on behalf of Kosovo signed the Central European Free Trade Agreement in December 2006, due to take effect on 1 May 2007.*

101. There is participation in bilateral and multilateral arrangements to benefit stability in the region.

- *The Government has appointed a Stability Pact Coordinator. Kosovo (Government and UNMIK) participates in Stability Pact meetings.*
- *Bilateral agreements continue to be concluded including on medical/dental university education with Albania and the Former Yugoslav Republic of Macedonia, and on legal cooperation with other jurisdictions including Albania, Serbia proper and Norway.*
- *Participation in bilateral, regional and inward meetings continues including with the Former Yugoslav Republic of Macedonia and a visit to Kosovo by the Serbian Deputy Minister of Social Affairs in cooperation with Kosovo's Ministry of Labour and Social Welfare.*

STANDARD VIII: KOSOVO PROTECTION CORPS

102. The KPC performs its mandated functions in full compliance with the rule of law.

- *The KPC has functioned in compliance with the law. Crimes committed by KPC members in a private capacity have been prosecuted under normal justice procedures.*

103. All Kosovo communities are fully and fairly represented in the KPC without

being subject to discrimination.

- *As at 17 April 2007 there are 201 ethnic minority members of the active contingent (6.8 per cent), of whom 27 are women and 42 are Kosovo Serbs (1.4 per cent). The target as contained within UNMIK Regulation 1999/8 Establishing the KPC is 10 per cent. Nonetheless, all vacant KPC posts have been reserved for minority community members for over two years and specific efforts have been made to promote ethnic minority members. In addition, since early 2006 the KPC Commander has publicly reserved the second Deputy Commander position for the recruitment of a Kosovo Serb.*
- *There is no single disciplinary case of discrimination in the KPC to date and retention rates continue to improve.*
- *Active minority participation remains below target. Potential and current Kosovo Serb members continue to face intimidation from their own communities, resulting in absenteeism leading to dismissal through implementation of the Disciplinary Code. Turnover of Kosovo Serbs in particular consequently remains high.*
- *As at 17 April 2007, there are 92 female members of the active contingent (3.1%). Women continue to occupy relatively more senior ranks than their male counterparts and to date there has not been a single case of gender discrimination brought against the KPC.*

104. Funding is transparent and independently audited.

- *Funding is independently audited by the Internal Audit Division of the Ministry of Finance and Economy (and the KPC has complied with requests of annual audits since its formation in 2000) and funding is transparent.*

105. The number of KPC installations has been reduced by at least one-third; contingent size is reduced to 3,052 active members and 2,000 reserve members

- *Rationalisation of infrastructure continues in order to provide a more cost-effective and efficient service as well as prepare for the future. In 2006 the KPC released 4 sites and another 3 are to be released in May 2007. Currently the KPC occupies 38 sites (from 59 in 2003) and is developing a comprehensive time-framed action plan for the release of other sites.*
- *Currently there are 2,936 active members of the KPC and 1,892 reserve members.*

106. All misconduct is punished, under a rigorous Disciplinary Code and Performance Review System.

- *The revised KPC Disciplinary Code came into effect on 14 December 2005, in line with modern European human rights legislation. This involved a transfer of responsibility from KFOR to KPC to investigate major as well as minor disciplinary cases.*
- *Excluding absenteeism cases (which constitute approximately 55% of all cases), there has been an estimated 86% decrease in major acts of non-compliance resulting*

in dismissal between 2002 and 2006, although in 2006, when the decline was at its steepest, the decrease was in part due to some improvements that were required in the KPC's initiation and staffing of cases since it assumed responsibility for this under the new Code. Including absenteeism cases, there has been an estimated 75% decrease in major acts of non-compliance resulting in dismissal between 2002 and 2006. As at 17 April, in 2007 there have been 11 dismissals (all for absenteeism, including 6 Kosovo Serbs, 1 of whom was dismissed for threatening behaviour as well as absenteeism).

107. The KPC has engaged in a comprehensive campaign to recruit in ethnic minority communities.

- *The KPC-led Task Force 8 (TF8) has implemented many projects including: trilingual barrack signs, web-sites, leaflets, public information material, training material; two Kosovo-wide billboard campaigns; on-going media campaign; outreach activities; Basic Training Courses in Serbo-Croatian; civil reconstruction and humanitarian projects in ethnic minority and mixed areas; introduction of policies to retain and support ethnic minorities, such as special leave or assisting with travel to and from work. Throughout Kosovo the KPC has implemented many outreach activities, including opening barracks to members of the public and the media, visiting minority and mixed areas, organising meetings and arranging various forms of support for ethnic minority and vulnerable communities. The KPC website (www.tmk-ks.org) went live on 6 April 2007 in Albanian, Serbian and English.*

108. The KPC has devoted a proportionate share of reconstruction activities to ethnic minority communities.

- *The KPC has provided humanitarian, reconstruction and emergency assistance to all communities throughout Kosovo, including Kosovo Serb communities. Projects have included the construction of fresh water supply systems, sewage and irrigation channels, bridges, roads, reconstruction of schools, fire stations and other essential buildings and rubble clearing. A high-profile recent example is the KPC's lead role in the repair and reconstruction of properties damaged in the March 2004 riots in Svinjarë/Svinjare (a Contact Group Priority), which was determined as being successfully accomplished by the UNMIK/PISG Decision Making Board on 15 December 2006.*
- *The KPC also assists isolated and vulnerable communities through the provision of medical assistance, wood, clothes, snow clearing and other assistance particularly required during the winter months. Regulation 2006/3 amending Regulation 1999/8 came into effect on 24 January 2006 and reflects the increasing responsibilities being accorded to the KPC, which authorises the KPC to undertake additional humanitarian tasks, including the monitoring of unoccupied reconstructed homes of ethnic minorities.*
- *KPC teams have cleared over 781,237 square metres of land of unexploded ordnance during 2006, and turned the land over to members of the public. On 27 September 2006 the KPC began Technical Survey operations of all outstanding Dangerous Areas, which is a new responsibility and further enhances the KPC's capabilities. This is in addition to the assumption of responsibility for EOD Response Tasks from KFOR on 22 June 2005. The KPC is the only Kosovan institutional capacity for demining in Kosovo and is assessed to have the capacity to assume full responsibility*

for all mine and UXO clearance in Kosovo by the end of 2007.

109. A Terms of Service Law for active and reserve members has been adopted and implemented.

- *UNMIK never promulgated a Terms of Service Law, but on 7 April 2006 four Personnel Regulations covering KPC members' conditions of employment in the areas of leave, promotion, casualty and performance appraisal were signed into effect. These regulations clarify KPC members' rights and duties, and demonstrate the further professional development of the KPC as an organisation with structured internal rules and regulations. These can be considered to constitute the legal framework that a Terms of Service Law would provide, in fulfillment of this goal.*

Ends Report 20 April 2007