

An Assessment of the Establishment, Functioning, and Performance of Municipal Community Participation and Representation Mechanisms

October 2021

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LIST OF ABBREVIATIONS

AI	Administrative Instruction
CC	Communities Committee
DCMAC	Deputy Chairperson of the Municipal Assembly for Communities
DMC	Deputy Mayor for Communities
LLSG	Law on Local Self-Government
MA	Municipal Assembly
MCR	Ministry of Communities and Return
MLGA	Ministry of Local Government Administration
MOCR	Municipal Office for Communities and Returns
OSCE	Organization for Security and Co-operation in Europe
OMiK	Organization for Security and Co-operation in Europe Mission in Kosovo
ToR	Terms of Reference

EXECUTIVE SUMMARY

This report provides insight into the legal and policy frameworks as well as the establishment, functioning and composition of municipal mechanisms tasked with protecting and promoting the rights and interests of non-majority communities in Kosovo. These mechanisms, the communities committee (CC), municipal office for communities and returns (MOCR), deputy mayor for communities (DMC), and deputy chairperson of the municipal assembly for communities (DCMAC), were each established a decade or more prior to the writing of this report and, have not been a feature of the OSCE Mission in Kosovo (OSCE) thematic reports since 2014. This report therefore serves as an update to assess the development of these mechanisms since 2014 and for the CC and MOCR mechanisms, assessed their work between the end of the 2017 municipal government mandate and the end of 2019 through comparative data analysis.

Generally, these mechanisms have demonstrated slow but gradual progress in reaching their full potential, with incremental progress in their substantive duties as prescribed by the relevant legislation. Similarly, while important new overarching legislation for transparency and public consultation in municipalities has been developed, there has been limited progress in developing secondary legislation to provide substantive tasks and clear duties for the mechanisms assessed in this report. Progress in the development of these mechanisms has nevertheless shown that they are capable of positively impacting communities across Kosovo and in nearly every instance, have been established where necessary. Advocacy and direct actions of these mechanisms have contributed to the improvement of the lives of communities and intercommunity relations where these mechanisms have been adequately empowered and have taken initiative to act.

This report calls for clarity through the introduction of new secondary legislation that helps round out substantive tasks and clear performance benchmarks for the mechanisms assessed. For DMC and DCMAC, it is imperative that greater emphasis is placed on tackling instances where these roles have been set up in non-mandatory settings, while also, developing an alternate role for municipalities to promote communities that also preserves the unique constitutional and legal character of these mechanisms. Vacancies of these posts where mandatory remain a sizeable concern.

For municipalities themselves, we underscore the importance of a whole-of-municipality approach where the mayor and senior municipal leaders take greater ownership over the functionality of community participation mechanisms and promote their development. Greater proactive engagement with the communities themselves by the mechanisms and throughout municipal structures will assist in this.

Ultimately, while these mechanisms continue to develop incrementally, renewed energy and targeted efforts to accelerate positive growth and redress deficiencies remains important for the protection of communities, and for their full participation in political life in Kosovo.

INTRODUCTION

Municipalities are crucial nodes of governance and are critical for multiethnicity in Kosovo as enshrined in the Constitution.¹ To this end, four key municipal-level mechanisms have been created to promote and protect the rights and interests of communities at the municipal level. Each of these mechanisms are listed below and receive a chapter in this report explaining their full legal and policy basis as well as assessments of their performance.

- **Communities committees (CC) are comprised of representatives of communities living in the municipality, and municipal assembly (MA) members. Their establishment is obligatory. The CC's key mandate is to review all municipal policies, practices, and activities with a view to recommending measures to the municipal assembly to ensure that the rights and interests of communities are respected.**
- **Municipal offices for communities and return (MOCR) are comprised of civil servants and are obligatory for all municipalities. The principle mandate of the MOCR is to protect communities' rights, ensure equal access to services, and create conditions for sustainable returns to take place.**
- **Deputy mayors for communities (DMC) are obligatory in municipalities where communities in a numerical minority make up at least ten per cent of the municipality's population. The mandate of the DMC is to provide advice and guidance to the mayor on issues related to all communities residing in the municipality.**
- **Deputy chairpersons of the municipal assembly for communities (DCMAC) are also obligatory where communities in a numerical minority make up at least ten per cent of the municipality's population. The principle mandate of the DCMAC is to ensure that rights of communities are not infringed upon and to provide communities with a focal point within the municipal assembly.**

As many of these mechanisms were established shortly before the 2013-2017 municipal government mandate, this report will assess the progress of these mechanisms and provide the first comprehensive OSCE assessment of these mechanisms since its 2014 "Assessment of Local-level Mechanisms for the Protection and Promotion of Communities' Rights and Interests in Kosovo".² Generally, the assessments of these mechanisms compare their performance between the end of the 2017 municipal government mandate and the end of 2019.

¹ Constitution of Kosovo, 9 April 2008.

² OSCE Report *An Assessment of Local-level Mechanisms for the Protection and Promotion of Communities' Rights and Interests in Kosovo* (June 2014) <https://www.osce.org/kosovo/120343?download=true>

Methodology

Each year, the OSCE Mission in Kosovo interviews representatives from each mechanism in all of the 38 municipalities in Kosovo with a series of questions regarding their establishment, composition, and performance. These questions are based on specific aspects of the legal or policy framework pertaining to each of the assessed mechanism. The answers to these questions provided by the aforementioned representatives, in conjunction with observations from OSCE field team monitoring, form the basis of data in this report. This data along with the specific questions from the annual questionnaire will be presented in each mechanism-specific chapter of this report. Similarly, a review of the legal and policy frameworks for each mechanism will appear in each mechanism-specific chapter. Where possible concerning the CC and MOCR mechanisms, this data will be comparative in nature. The data displayed in these segments will show data collected at the end of 2019 and indicate whether more or less municipalities are fulfilling their legal or policy framework obligation compared to October 2017. The comparison to October 2017 is made as it represents the end of the municipal government mandate which took place between 1 January 2014 and 22 October 2017 and thus, provided for sufficient time for these mechanisms to develop. This data is compared against 2019 as these mechanisms had two years in their new mandate to adjust and fulfill their obligations. Although not compared to the 2017 period, the DMC and DCMAC mechanisms are also presented with their 2019 data and accompanying analysis of their legal frameworks and how they are fulfilling their duties.

The report will explore the legal and policy framework affecting all mechanisms at a glance, provide a summary of findings from the obtained data, give mechanism-specific findings, as well as describe laws, policies and data in detail for each mechanism, assess the data for each, and lastly, conclude with recommendations to government and municipal institutions.

LEGAL AND POLICY FRAMEWORK AT A GLANCE

The Constitution³ defines Kosovo as a multi-ethnic society consisting of Albanian and other communities. From Article 3 onwards, communities continue to be featured prominently in the Constitution, especially in Article 22 which among others, affirms the direct applicability of the International Covenant on Civil and Political Rights and the Framework Convention for the Protection of National Minorities (Framework Convention).⁴ In the Explanatory Report of the Framework Convention, this is further defined as minority participation in all facets of governing institutions at all levels and in decentralised or local forms of government.⁵ Additionally, of particular relevance to local governance in Kosovo is Article 15 of the Framework Convention, which requires creation of conditions necessary for effective minority community participation in cultural, social and economic life and in public affairs.⁶ This collectively sets the highest legal basis for the protection and participation of non-majority communities in Kosovo.

The Law on Local Self-Government⁷ (LLSG) regulates the devolved power and executive structure of municipalities, and, *inter alia*, defines the CC, DMC, and DCMAC, the latter of which also is directly defined in Article 62 of the Constitution under its original title as the Vice President of the Municipal Assembly for Communities.⁸ The Law on the Protection and Promotion of the Rights of Communities and their Members⁹ further affirms the constitutional principles of non-majority communities' participation and representation in decision making, including through the establishment of DMC and DCMAC posts. For the purposes of this report, only these laws and associated subsidiary legislation are explored as they represent the most pertinent legal framework of the mechanisms assessed. As such, secondary legislation of the LLSG is particularly relevant for the CC, which is defined as one of two mandatory standing committees for each municipality, and the MOCR is defined in a sub-normative act of the LLSG and not in the law itself. The specific sub-normative legislation considered in this assessment is explored in detail in each mechanism-specific chapter. The only other piece of legislation considered in this report is the Law on Gender Equality¹⁰ as it is otherwise discussed in limited detail by the LLSG or its respective sub normative acts.

³ Constitution of Kosovo, *supra* note 1.

⁴ Explanatory Report to the Framework Convention for the Protection of National Minorities, (1995) <https://rm.coe.int/16800cb5eb>.

⁵ *Ibid.*

⁶ *Ibid.*

⁷ The Law No. 03/L – 040 on Local Self-Government (4 June 2008).

⁸ Constitution, *supra*, note 1.

⁹ The Law No. 03/L-047 on the Protection and Promotion of the Rights of Communities and their Members (4 June 2008), as amended by the Law No. 04/L – 020 of 27 December 2011 and the Law No. 04/L-115 (7 September 2012).

¹⁰ Law No. 05/L-20 on Gender Equality (26 June 2015).

In addition to this legal framework, the Ministry of Local Government Administration (MLGA) has also developed Terms of Reference (ToRs) for the CC, MOCR, DMC, and DCMAC. The ToRs provide more detailed guidance for each mechanism to give further detail on substantive tasks for each mechanism such as reporting timeframes, methods of conducting outreach, and on numerous other categories in order to provide comprehensive standard operating procedures. While these ToRs are not legally binding, they are important to guiding the establishment, performance and functionality of these mechanisms as the legislation is often broad and vague in its stipulations. Details of these ToRs and guidelines are also explored in greater detail in each mechanism-specific chapter.

SUMMARY OF FINDINGS

Over a decade after their establishment, mechanisms for the protection and participation of communities have generally displayed slow but gradual progress towards meeting legal and policy framework obligations. Challenges however remain in their establishment, performance, and functionality, as well as with the legal and policy frameworks these mechanisms are designed to work within.

- With a partial exception of the MOCR, the legal framework governing these mechanisms continues to generally lack definition, particularly surrounding clear performance benchmarks and substantive tasks such as meeting and reporting. All mechanisms assessed in this report displayed a very wide gap between few substantive tasks with limited definition in the legal framework and a much more robust array of tasks in the policy framework. Insufficient definition of duties and requirements for these mechanisms, and lacking stipulations and guidance for other components of the municipal executive and municipal assembly to work with these mechanisms, also hampers their integration as essential components of municipal decision making.
- Throughout Kosovo, the assessed mechanisms are generally performing the legally binding substantive tasks in their respective legislative frameworks, however they often do not perform to the level defined by the policy framework for the same tasks. Closing the gap between implementation of legal framework tasks and the full definition of these tasks in the policy framework remains important.
- In addition to the need for greater legal clarity, practical examples and methods of implementation could be an asset beyond what exists in the current policy framework. The present policy framework provides substantive tasks which help these mechanisms in lieu of clear administrative instructions or regulations, but is not an implementation guide. This is particularly relevant for lesser defined tasks that do not have a clear output

such as promoting dialogue or serving as a focal point. Reporting templates and implementation guidelines exist for the CCs and are helpful, however these guidelines could be expanded and templates could be developed for other important tasks such as project development for MOCRs.

- DMCs and DCMACs have each displayed their ability to be reasonably effective advocates for communities where they are established in both mandatory and non-mandatory settings. Given the existing ambiguity concerning the ten per cent threshold in particular for the DCMAC, there is a need for a clear legal pathway for its establishment, as well as pressure to establish this mechanism and the DMC in situations where it is mandatory and not established.
- Composition and selection requirements are necessary for the CC, DMC and DCMAC mechanisms as it pertains to community affiliation. The issue of which communities should sit on the CC, or which community should represent the DMC or DCMAC mechanisms can be complicated by the unreliability in population figures. Similarly, for the DMC and DCMAC, criteria for assessing which municipalities are comprised of ten per cent of a non-majority community is also unclear. An updated population census would be a particularly helpful measure in this regard.
- Progress on gender representation has been observed concerning the CC, but is otherwise negligible among the other mechanisms. Municipal adherence to the Law on Gender Equality¹¹ remains problematic both as it pertains to the overall representation of women but also in how they are represented within municipalities themselves as the limited progress that has taken place has not taken place evenly across mechanisms Kosovo-wide.

¹¹ Ibid.

COMMUNITIES COMMITTEE

▪ LEGAL FRAMEWORK

The CC is defined by the LLSG as one of two standing committees of each municipality alongside the Policy and Finance Committee.¹² Under Article 53.1, CCs are required to include members of the MA and community representatives. Additionally, the article states that any community residing in the municipality shall have at least one representative in the CC. In Article 53.2, the CC is required to review the compliance of municipal authorities with applicable law, review all municipal policies, practices, and activities with the aim to ensure that the rights and interests of the communities are fully respected, recommend measures to promote the expression and heritage of communities, and ensure their adequate protection in the municipality. These provisions form the most important legal basis for the composition and responsibilities of these mechanisms. More detailed responsibilities and composition requirements are specified in the sub-normative acts of the LLSG.

Alike all mechanisms explored in this report, the CC is subject to sub-normative acts of the LLSG in the form of regulations and administrative instructions. While many of these administrative instructions and regulations provide overarching requirements to the function and administration of the CC as a standing committee¹³, only three give direct and specific instruction on the composition and responsibilities of the CC.¹⁴ These sub-normative acts are important to defining the composition and selection requirements for this mechanism and its precise responsibilities and competencies. In the following segments these are discussed in greater length with specific provisions of these sub-normative acts in table a.

Composition and selection requirements in sub-normative acts

Administrative Instruction No. 03/2014 on the procedure of establishment, composition and competences of standing committees in municipalities – supplemented and amended by Administrative Instruction No. 02/2018 (issued on 22 October 2018).

- In article 7 of the 2018 amendment, it is stated the CC is comprised of five to seven members and, in municipalities where there are no non-majority communities, the CC can be composed of other communities which in this specific instruction is not clarified.
- For the selection of CC members, the instruction states that this shall be done with the proposal of candidates from the non-majority community in the municipality

¹² Article 53, the Law no. 03/L – 040 on Local Self-Government, (4 June 2008).

¹³ AI No. 2010/01 MLGA For Limitation of Compensation and Wages Received from Municipal Officials (10 March 2010), AI No. 03/2020 on the Transparency in Municipalities (25 September 2020), AI No. 06/2018 on Minimum Standards of Public Consultation in Municipalities (31 December 2018).

¹⁴ AI No. 2011/02 on Determination of Procedures for Law on Use of Languages (4 April 2011) AI No. 03/2014 on the Procedure of Establishment, Composition and Competencies of Standing Committees in Municipalities and its amendment and supplement AI 02/2018 (22 November 2018), Regulation 01/2017 on the Procedure for Drafting and Publishing Municipal Acts (23 August 2017).

while the MA approves these candidates. The chairperson of the CC is to be selected by a majority vote of the CC, or, should the chairperson be absent, the CC is to be chaired by the eldest member of the CC. Lastly, the CC is also to include members of non-majority communities that are not represented in the MA.

Direct responsibilities and competencies of the CC in sub-normative acts (table a)

<p><i>AI No. 2011/02 on determination of procedures for law on use of languages</i></p> <p>Article 4 outlines the procedure for recognizing traditionally spoken languages in a municipality. In this respect, the CC is explicitly referenced in Article 4.4 as a required body to review requests from the community to include a traditionally spoken language where it then submits a recommendation to the MA.</p>	<p><i>Regulation 01/2017 on the Procedure for Drafting and Publishing Municipal Acts</i></p> <p>Article 13 of this regulation identifies which bodies of a municipality are able to propose municipal normative acts. As it notes committees of the MA are able to propose legislation, the CC as a mandatory standing committee has the ability to therefore propose legislation.</p>	<p><i>AI No. 03/2014 on the procedure of establishment, composition and competences of standing committees in municipalities – supplemented and amended by AI No. 02/2018</i></p> <p>Article 8 effectively reaffirms the responsibilities of the CC in Article 53 on the LLSG but does not give any additional detail on how these duties are to be achieved.</p> <p>Article 11 on recommendations and reporting of standing committees stipulates that as a standing committee, the CC is required to submit an annual report on their work to the municipal assembly for approval.</p>
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Administrative Instruction no. 05/2020 on the Procedure of Establishment, Composition, and Competencies of Permanent Committees and Other Committees in the Municipality¹⁵

This administrative instruction, dated 21 December 2020, is scheduled to come into force following 2021 local elections and as such, is not part of the legal framework assessed in this report. Nevertheless, this instruction is important to the development of this mechanism and will abolish and replace the prior 2014 and 2018 administrative instructions of the same name which are discussed in the composition and direct responsibility segments of this chapter. As it pertains to the composition and selection of the CC, this instruction makes an important change as it clarifies one member of each non-majority community living in the municipality should be represented without any firm maximum number of members. This is a positive development as under the previous instruction, some municipalities exceeded the maximum of seven representatives as they had more than seven non-majority communities. The instruction also clarifies that in CCs where there are no non-majority communities, the CC may be comprised of members of civil society or the business community, although, there shall not be any more than five members in these instances. The composition aspect of the law also makes progress on gender as it makes an explicit reference that members of the committee should reflect gender equality.

Concerning direct duties and responsibilities, little has changed since the 2014 and 2018 instructions for this committee. The only notable difference is that CC annual reports must be submitted to the MA no later than the end of March for the previous year.

▪ **POLICY FRAMEWORK**

The ToR for the CC, drafted by the MLGA in 2012, was designed to offer the CCs a standardized description of responsibilities to convey the full scope of their duties and responsibilities as well as the procedures that regulate their establishment and functioning.¹⁶ Notably, the ToR further strengthens criteria for the composition and selection of CC members while also rendering members of the Kosovo Police or Kosovo Security Force, judges and prosecutors, civil servants or part of the municipal executive, or those deprived of legal capacity by a final court decision as ineligible for a CC position. The ToR also elaborates on the selection procedures for the chairperson and deputy chairperson of the committee. Additionally, unlike the relatively broad prescriptions of relevant legislation, the ToR requires the CCs to undertake numerous substantive tasks that do not appear in the LLSG.

¹⁵ AI No. 05/2020 on the Procedure of Establishment, Composition, and Competencies of Permanent Committees and Other Committees in the Municipality (21 December 2020)

¹⁶ This document is not available online.

Key substantive tasks required by the CC ToR that are not mentioned in the LLSG (table b)

Reviewing draft municipal legislation	Reviewing all municipal policies, practices and activities	Submission of legislation and Meetings of the CC
<p>Provide guidelines to municipal bodies on legal and institutional framework on protection of community rights.</p> <p>Review and follow up if forms, procedures and conditions for inclusion and participation of all communities in a decision-making and planning process are respected and ensure that CC recommendations are implemented.</p> <p>Report at least twice per year to the municipal assembly and mayor on actions, activities, and recommendations taken from the CC.</p> <p>Monitor the implementation of issued recommendations.</p>	<p>Review the annual draft budget of the municipality and advocate for the inclusion of provisions and funds for activities that aim at promoting communities' rights.</p> <p>Enhance the capacity of municipal authorities to reach communities and respond to their needs.</p> <p>Provide for enabling communities to express their needs and incorporate them into response/action plans if there is interest for communities to do so.</p> <p>Monitor and report on a regular basis to the MA on the implementation of projects for communities and advise/consult MOCR and mayor if needed on the implementation of such projects if requested.</p> <p>Consult with the MOCR for the selection of priority projects for communities.</p>	<p>Formulate and discuss recommendations with the mayor, MA and its committees as well as municipal directorates.</p> <p>Any proposed local municipal act, plan, strategy and annual budget shall be submitted to the committee at the beginning stage.</p> <p>Recommendations made by the committee shall be included in the material delivered to the members of the MA.</p> <p>If recommendations of the committee are not included in the proposed municipal regulation by the MA within two weeks, the CC shall request a written justification from the MA.</p> <p>The committee shall be required to meet at least once per month.</p> <p>The head of the MOCR informs the committee about its three months' work report, carried out by that office.</p>

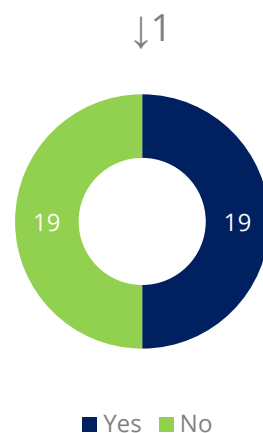
While numerous other provisions reaffirm or give partial detail to existing responsibilities, these policy framework tasks represent the most important ones for the CC in terms of reporting, meetings, and substantive duties beyond the remit of what already exists in the legislative framework. The CC has additional implementation guidelines and best practices drafted by the MLGA which are compiled in the 2012 Guidelines for the Communities Committee.¹⁷ These form a particularly helpful basis to practically implement legislative and policy framework commitments and provide specific templates for public announcements, work plans, and alike.

■ ASSESSMENT OF THE COMMUNITIES COMMITTEE

The assessment of the Communities Committee is based on observations by field teams of the OSCE Mission in Kosovo and its annual questionnaire to municipalities which are answered by a representative of the CC. The questions below were selected from that survey to illustrate how municipalities are fulfilling their legal and policy framework commitments and show how these mechanisms are established, function, and perform Kosovo-wide. The pie charts display data from 2019 and the indicator, where provided, shows the difference of how many municipalities are fulfilling their commitment as compared to 2017. Increases demonstrate that more municipalities' CCs are fulfilling their commitments compared to 2017 whereas decreases indicate that less municipalities' CCs are fulfilling their commitments. The exact municipalities fulfilling or not fulfilling commitments for each question in this segment can be found in the annex of this report, mechanisms by municipality unless otherwise specified.

Is the Communities Committee properly established in accordance with the relevant legislation/regulation/2011 census results?¹⁸ (19 Yes, 19 No – -1 indicator)

Communities Committees have been established in all 38 Kosovo municipalities. While this mechanism is implemented in all municipalities in 2017 and 2019, the LLSG states that all communities residing in the municipality must be represented in the CC. Despite this requirement, there is no stipulation on how big the community must be for its mandatory representation, nor how it is confirmed that all communities are represented. While not explicitly referenced in the legal framework, the 2011 census¹⁹ is used for purposes of this report. However, as the census was not held in the municipalities of Leposavić/Leposaviq, Mitrovica/Mitrovicë North,



¹⁷ Community Committee Guidelines, (2012), this document is not available online.

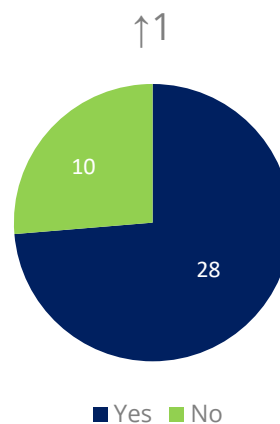
¹⁸ Law no. 03/L – 040 on Local Self-Government, (4 June 2008).

¹⁹ The 2011 census report is available at: <https://ask.rks-gov.net/en/kosovo-agency-of-statistics/social/population-and-housing-census>

Zubin Potok, and Zvečan/Zveçan, they are assessed in this report according to estimated community population figures taken from the 2018 OSCE Municipal Profiles publication.²⁰ Therefore, it is important to note that in a strict interpretation for the CC to represent all communities based on the 2011 census regardless of their size in the census. In 2019, 19 municipalities met this objective.

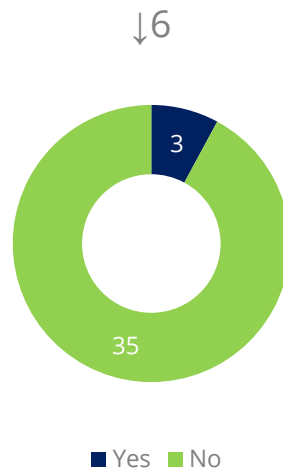
Has a work plan or activity plan been developed and approved for the CC?²¹ (28 Yes, 10 No, +1 indicator)

Although work plans are not part of the legislative framework of the CC or its ToR, a majority of municipalities have incorporated this good practice which stems from the CC guidelines. In this respect, a marginal increase of one municipality represents limited but positive progress that this mechanism continues to formalize and regularize the CC as a mechanism that conducts activities. Additionally, this demonstrates a level of will amongst a majority of CCs to do more than the basic legal requirement.



Has the CC reported every six months to the MA on its work?²² (3 Yes, 35 No, -6 indicator)

According to the Law, the CC's sole reporting requirement is to provide a written annual report to the MA. In the policy framework (table b), however, it is indicated that the CC should report its work to the MA twice a year, without specifying if this reporting is to be done in a written or oral format. OSCE field monitoring has noted that in many municipalities, MA members who are also CC members informally report on CC activities during MA sessions; this is, however, done on an *ad hoc* basis. Regardless of oral or written format, the policy framework reporting requirement for the CC to formally report to the MA has shown a significant decline between 2017 and 2019.



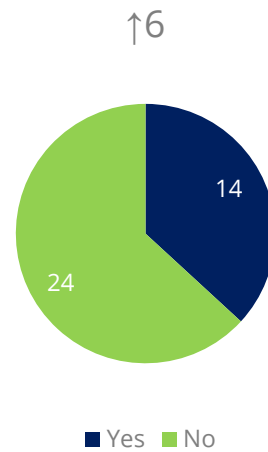
²⁰ OSCE Report *Compendium of all Municipal Profiles 2018*, (29 January 2019), <https://www.osce.org/mission-in-kosovo/410279?download=true>.

²¹ Community Committee Guidelines, (2012), this document is not available online.

²² Communities Committee Terms of Reference (2012), this document is not available online although key substantive tasks in this document can be found in table b of this report.

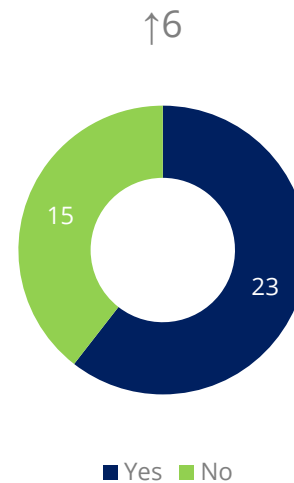
Has the CC issued a written annual report? If not, are there any specific plans/commitments for reporting?²³ (14 Yes, 24 No, +6 indicator)

The submission of a written annual report to be approved by the MA is the only legally required deliverable of the CC. The legal and policy frameworks discuss this deliverable; however, no submission deadlines are provided²⁴ and thus, “yes” responses in this segment are counted when a draft of a written annual report was released or was going to be released soon. With these criteria, written annual reports were submitted or underway in under half of the municipalities assessed despite being the only formal written deliverable. However, progress has been significant since 2017 with six more CCs issuing a written annual report in 2019 than in 2017 and several more CCs stating their intention to produce a written report in 2020.



Has the CC issued recommendations on specific issues relating to protection/promotion of community rights to municipal bodies?²⁵ (23 Yes, 15 No, +6 indicator)

In the context of its policy framework commitments, CCs Kosovo-wide have made sizeable improvements in relations to providing recommendations on specific issues related to communities. In 2019, examples of some of the recommendations made by CCs ranged from allocations of land to landless returnee families (Ferizaj/Uroševac), to increasing community inclusion in the municipal budget process (Vushtrri/Vučitrn), targeted support for Kosovo Roma and Kosovo Egyptian communities through recommending sewage and water supply improvements (Klinë/Klina) and in land allocation for graveyards to be used for Kosovo Roma and Kosovo Serb communities (Gračanica/Gračanicë, Shtime/Štimlje) among others. While there has been a substantial increase from 17 to 23 municipalities that had issued recommendations, the volume of recommendations



²³ AI No. 03/2014 on the procedure of establishment, composition and competences of standing committees in municipalities – supplemented and amended by AI No. 02/2018 (22 November 2018).

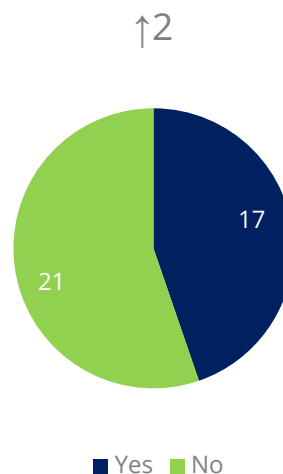
²⁴ This refers to the legal framework during the timeframe of this report. As discussed in the segment on AI No. 05/2020 on the Procedure of Establishment, Composition, and Competencies of Permanent Committees and Other Committees in the Municipality, this will change following local elections in 2021.

²⁵ Communities Committee Terms of Reference (2012), this document is not available online although key substantive tasks in this document can be found in table b of this report.

continues to show a wide variance. While some CCs were very active in providing recommendations, the number of recommendations issued by each municipality were not the same as some would issue few and others would issue several.

Has the CC reviewed municipal policies, practices and activities to ensure that the rights and interests of communities are fully respected?²⁶ (17 Yes, 21 No, +2 indicator)

Similar to the requirement to make specific recommendations on community rights that displayed a significant improvement between reporting periods, the legal requirement for the CC to review all municipal policies, practices, and activities made a modest increase although in 2019 still remains just below half of all municipalities being compliant with this task. This is a particularly important substantive task as through this provision, the CC is mainstreamed into the decision-making process of a municipality. With the wide scope of its review mandate for all policies, practices and activities, this also includes the municipal budget. Although article 53.2 of the LLSG states “all” municipal policies, practices and activities, in practice nearly none of the CCs is reaching this level of review. Therefore, the “yes” responses in this question are considered as those that have taken any level of review of any policies, activities or practices. OSCE field teams generally observe that CCs that do engage in any form of review of policies, activities and practices, generally review approximately an average of over 50 per cent and under 80 per cent of such documents.



▪ **SUMMARY OF FINDINGS - COMMUNITIES COMMITTEE**

- While the CC is legally defined as the only standing committee aside from the Policy and Finance Committee, in practice, the CC has not been evenly mainstreamed into the decision-making infrastructure of municipalities Kosovo-wide.
- CCs have generally demonstrated positive progress in reaching their minimum legal and policy framework commitments. However, when evaluated in how these bodies review all activities of a municipality or follow the full implementation cycle of recommendations issued, a majority of the CCs are not meeting these policy framework goals, or other more rigorous and detailed substantive tasks entailed in the CC policy framework (table b).

²⁶ Article 53, the Law no. 03/L – 040 on Local Self-Government (4 June 2008).

- Although numerous legal acts broadly define the CC as standing committee, the policy framework presents a wide array of additional performance benchmarks and criteria to be met. These criteria could be elevated into the legal framework such as reporting requirements, mandatory meeting requirements, and work plans as the CC currently lacks legally defined substantive outputs.
- CCs are established and are active Kosovo-wide. They, however, display a wide degree of variance in how they function or how frequently they fulfill duties. The obligation to report to the Municipal Assembly demonstrates this lack of formal procedure, whereas the issuance of recommendations illustrates the differing level of activity taken by these committees where they are meeting their commitments to legal and policy frameworks.
- The CC's duty to review all municipal policies and activities is one of its most important substantive tasks. However, the legal and policy frameworks in regard to this task is vague, and this is one area of CC's work which needs improvement. The prescription at the legal framework level in article 53.2 of the LLSG is to effectively encompass a review of everything issued by the MA, however the policy framework (table b) specifies that the budget is to be submitted to the CC at the beginning for review. While the CC is legally responsible for reviewing and commenting on the budget in the context of reviewing activities, procedures to mainstream the CC as a mandatory review mechanism could be strengthened.
- CCs across Kosovo have demonstrated that where properly enabled and formalized, they can be valuable tools for taking concrete actions and effecting meaningful change in the municipalities they serve. The widespread adoption of work plans from the policy framework and increasing breadth and depth of recommendations to municipal administrations have shown strong progress. These are measures which must be fostered. The sizeable decline in biannual reporting however remains a concern.
- While the LLSG specifies that every community must be represented, the basis for doing this is complicated by the lack of clear data on who resides within a given municipality in part due to general unreliability of current population data.

MUNICIPAL OFFICE FOR COMMUNITIES AND RETURN

▪ LEGAL FRAMEWORK

The Municipal Office for Communities and Return (MOCR) is a unique community protection mechanism. Unlike the other mechanisms in this report, it is an office with a permanent staff and has no specific composition or selection requirements outside of the general regulations on the civil service. Also unlike the other mechanisms in this report, the MOCR is not defined in the LLSG itself, and instead derives its substantive responsibilities, as it pertains to communities, from one sub-normative act of the LLSG, the Regulation for the Municipal Office for Communities and Return.²⁷

Regulation No.02/2010 defines the mechanism and gives it a dual mandate for identifying, implementing, and monitoring policies, activities and programmes related to the protection and promotion of communities' rights and for supporting all returnees, refugees, and internally displaced persons. This assessment will only analyze its mandate and functions as it pertains to communities generally, not to its displacement-related functions.

Staffing requirements in Regulation No. 02/2010

Between Articles 1, 3, 5, and 6 of regulation No.02/2010 it is determined that while the MOCR is mandatory in all municipalities, the staffing requirements have elements which are simultaneously fixed and flexible. Article 5 outlines that five positions are mandatory for the MOCR; namely, the head of the office, a co-ordinator for communities' rights and integration, an officer for communities' rights and integration, a co-ordinator for sustainable return, and an officer for sustainable return. Article 5, in conjunction with Article 6, provides a procedure to assess what staff are needed, stating that the mayor shall be guided by the criteria such as number and size of non-majority communities, geographical location of the communities, degree of integration and isolation of the communities, specific needs of non-majority communities, demographic changes, and the need to establish sub-offices if needed. The mayor then requests the CC and the Policy and Finance Committee of the municipality to make recommendations on staff sizing which is then to be approved by the Ministry of Finance and Transfers, Ministry of Local Government Administration, and Ministry of Communities and Return. Based on this process, the mayor may issue a decision determining what number of posts and officers shall operate in the municipality.

²⁷ Regulation No. 02/2010 for the Municipal Office for Communities and Return, (12 August 2010).

Direct responsibilities and competencies in Regulation No. 02/2010 (table c)

Co-operation	Duties and responsibilities	Staffing and task allotment	Inter-municipal co-operation
<p>Article 4 outlines mandatory co-operation with the DMC, Municipal Directorates, DCMAC, and the CC. This article also affirms that all offices of the municipality are obliged to co-operate with the MOCR or face reprimands as found in the legislation on the civil service.</p>	<p>Article 7 details the most substantive duties and responsibilities of the office, including promotion and protection of the rights of communities and their members as well as their equal access to public services, identification of priority needs of non-majority communities and development, provision and monitoring of projects to advance the rights of communities, co-ordination between government institutions, and submission of regular reports to the mayor, MA, and government institutions on progress. The MOCR must also maintain a database for statistical and policy purposes on non-majority communities.</p>	<p>Articles 8 and 9 provide greater specificity as to which of the five mandatory positions are to implement each component of the duties and responsibilities. The head of office in particular is tasked with submitting an annual report to the mayor and the MA, progress reports at each meeting of the CC, reports to government institutions by request, and the proposal of an annual budget for functioning and activities. Similarly, the officer's roles in particular are to disseminate information on the rights of communities as well as reach out and maintain regular contact with these individuals.</p>	<p>Article 11 also gives the flexibility of municipalities to form inter-municipal co-operation agreements, joint activities, and alike to ensure the implementation of the Regulation.</p>

▪ **POLICY FRAMEWORK**

The ToR or Standard Operating Procedures on the MOCRs were created by the Ministry of Communities and Return in 2011 and were drafted to assist the municipalities in implementing Regulation no. 02/2010.²⁸ Unlike other mechanisms which have fewer clear tasks defined in the respective legal frameworks, MOCR Regulation 02/2010 provides a fair amount of clarity on the role, responsibilities, and function of these offices. For this mechanism in particular, the ToR framework provides the highest quantity of substantive tasks and thus, only select examples have been used in this report to illustrate its contents in thematic categories.

Key substantive tasks defined by the ToR that are not included in Regulation No. 02/2010 for the Municipal Office for Communities and Return (table d)

Outreach and stakeholder engagement	Assessment of beneficiaries	Monitoring and reporting	Office planning and project development
Conduct field visits, at least once per month, to each non majority community (in all locations) and persons displaced within the municipality.	Conduct a needs assessment on non-majority communities and persons displaced in the municipality at least every six months.	Establish mechanisms through which communities can participate in monitoring and assessing the impact of municipal policies on their rights and access to services.	The MOCR will ensure the development and implementation of MOCR 3-year strategy, an annual work plan, and individual work plans.
Organize meetings once per quarter with leaders of the organizations of non-majority communities, and persons displaced in the municipality.	Identify, based on the findings of the needs assessment, priorities and set yearly objectives and benchmarks, and integrate them into the MOCR's annual work plan.	The head of the MOCR shall submit reports to the mayor, Municipal Assembly and its committees on a weekly, monthly, biannual and annual basis regarding the performance of the office and situation of communities.	Develop an annual budget of the MOCR which, will be prepared with priority project proposals targeting non-majority communities.
Organize quarterly stakeholder meetings and maintain regular contact with stakeholders	Produce awareness raising materials such as leaflets and enable easy access for communities to		Regularly report on the implementation of these projects to the mayor, CC, and central-level institutions

²⁸ This document is not available online.

including mayor, DMC, DCMAC, chairperson of the CC, relevant Municipal Directorates, the Prime Minister's Office for Community Affairs, MCR, MLGA, and international organizations.	reach MOCRs. Organize quarterly meetings with communities and displaced persons.	Biannual and annual reports will be published with input from communities.	if requested.
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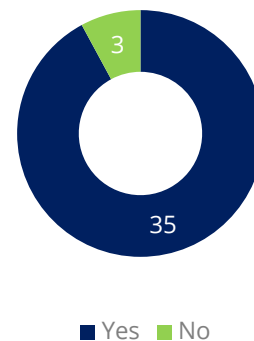
▪ **ASSESSMENT OF THE MUNICIPAL OFFICE FOR COMMUNITIES AND RETURN**

As noted in the assessment component of the CC and in the introduction segment of this report, the data displayed in the pie charts for each question is from 2019. The indicator shows whether the number of municipalities' MOCRs are fulfilling the question criteria have increased, or decreased compared to 2017. These findings are based on questions from OMiK's annual questionnaire to representatives from each MOCR which, are supplemented by observations of OMiK field teams. The exact municipalities fulfilling or not fulfilling commitments for each question in this segment can be found in the annex of this report, mechanisms by municipality unless otherwise specified.

Has the MOCR been established?²⁹ (35 Yes, 3 No)

MOCRs have been formally established in 35 municipalities, generally within the period of 2010 and 2011.³⁰ While the number of formal MOCRs have remained the same between 2017 and 2019, several MOCRs in Kosovo have not been established in full adherence to the legal obligations. The only municipalities where this office has not been established is in Leposavić/Leposaviq, Mitrovica/Mitrovicë North, and Zubin Potok where they have a similar kind of office but not an MOCR in place. This situation remained the same in both 2017 and 2019 and for the remainder of this segment these municipalities

No change from 2017



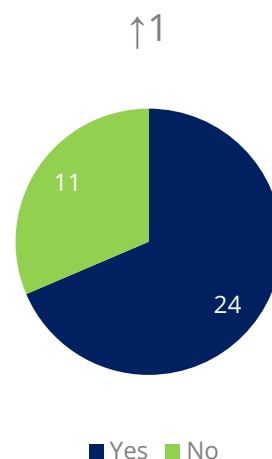
²⁹ Article 8, Regulation No. 02/2010 for the Municipal Office for Communities and Return, (12 August 2010).

³⁰ In the municipalities of Mitrovica/Mitrovicë North, Leposavić/Leposaviq, and Zubin Potok, the offices are formally Municipal Communities Offices, which were established under UNMIK administration, accordingly, in this section, these offices will be excluded from counting alongside fully fledged MOCRs.

are not considered and this question will not appear in the annex to this report. mechanisms by municipality.

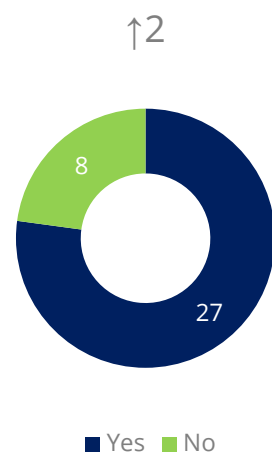
Has a work plan or activity plan been developed and approved for the MOCR?³¹ (Yes 24, No 11, indicator +1)

Work plans are not a part of the legal framework pertaining to communities, the only provision that is similar to such a plan is an “action plan” in reference to the return portfolio of the office. In the policy framework however, the annual work plan has significant importance in the work of the MOCR as the office is expected to conduct needs assessments in their respective municipalities, disseminate findings, and integrate feedback into their activities. Similarly, the policy framework calls for projects to be managed and approved in line with the MOCR work plan. While this report did not measure to what extent needs assessments are being produced by municipalities for communities, the policy framework set in the ToR places great emphasis on the MOCR annual work plan from the perspective of communities. This is, however, not mirrored in the relevant legislation. The development of work plans only saw a marginal rise of one municipality between 2017 and 2019.



Has the MOCR issued a written annual report? If not, are there any specific plans/commitments for reporting?³² (Yes 27, No 8, indicator +2)

MOCRs have a legal requirement to submit an annual report to the mayor and the MA. The reporting requirement, in addition to being a key benchmark of performance and functionality in law (table c), it also reports on the performance of the office and situation of communities as prescribed by the policy framework (table d). While the importance of the annual report is evident, there is no clear timeframe by which the annual reports must be completed. In 2017 and 2019, it was observed that in numerous instances, MOCR offices were in the process of finalizing their reports at the end of December or early January the following year. several other municipalities had already issued the report to the MA and some municipalities had already issued the report to the MA and some municipalities reported to have submitted the MOCR report as part of the mayor's



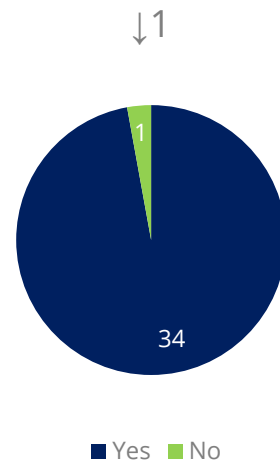
³¹ Article 8, Regulation No. 02/2010 for the Municipal Office for Communities and Return, (12 August 2010).

³² Ibid.

annual report. In lieu of a legally binding timeframe or format, municipalities assessed in this report were considered if they had issued the report or were planning to do so soon, including instances of incorporation in the mayor's annual report which also occurred but to a lesser extent in the 2017 and 2019 timeframes. In this respect, this assessment category saw a small improvement of three municipalities.

Has the MOCR established contacts with all communities and categories of beneficiaries (e.g. returnees, repatriated persons or social cases from non-majority communities)?³³ (Yes 34, No 1, indicator -1).

The legislation (table c) states that MOCR must reach out to and maintain regular contacts with non-majority communities. MOCRs across Kosovo have nearly reached full compliance on this substantive task. While this law sets a substantive task, which is being achieved in some form by each municipality, further elaboration on this task in the ToR (table d) details that such outreach shall include quarterly meetings with relevant stakeholders non-majority communities, displaced persons, and relevant institutions, monthly field visits, and distribution of information leaflets on MOCR responsibilities in the municipality among other tasks. Responses from



interlocutors Kosovo-wide indicate that this has taken various forms in municipalities which in a majority of cases establish close contacts with non-majority communities. Some municipalities reported that they do so through return related projects, and to a much lesser extent, others are reported as doing outreach but on a less frequent or occasional basis, with only one not being observed as organizing any outreach visits during the year. Therefore, positive responses indicate some achievement of the minimal legal commitment but generally with only a few components of the much more detailed and ambitious policy framework. In total, all municipalities were achieving this task in 2017 and 2019 except for Klokot/Klllokot in 2019, a single municipality decline. As the exact municipalities for 2017 and 2019 are clear, this question does not appear in the annex of the report, mechanisms by municipality.

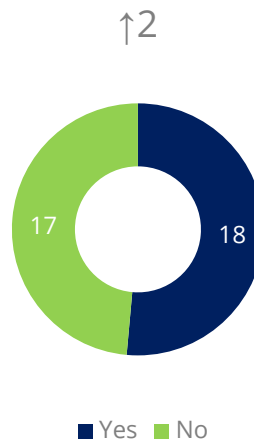
Has the MOCR worked on the development, monitoring or evaluation of projects benefitting communities?³⁴ (Yes 18, No 17, indicator +2)

The substantive task to develop, implement and monitor projects for the rights and interests of communities stems from the legal framework and is also stated in the ToR where the MOCR should consult with the CC and MA on the selection of projects, make budget proposals for projects, and regularly report to the CC on the implementation of these

³³ Ibid, Article 9.

³⁴ Ibid.

projects (table c and d). Projects in both the 2017 and 2019 reporting periods often were led or developed by, *inter alia*, the International Organization for Migration, Danish Refugee Council, EU-sponsored Return and Reintegration in Kosovo programme. In 2019, co-operation between the MOCR and an international or non-governmental partner constituted 14 of 18 positive responses. Instances where these organizations worked with MOCRs, included where the MOCR was engaged in co-financing cultural houses (Gjilan/Gnjilane), identifying beneficiaries for housing renovations (Mitrovicë/Mitrovica South), house reconstruction for Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities (Gjakovë/Đakovica), and supporting an international organization project on agricultural assistance (Prizren), among others. In some of the municipalities where MOCRs managed their own projects, they initiated distribution of school texts and provided firewood for non-majority community families in need (Podujevë/Podujevo), implemented sewage and road asphaltting projects in areas where non-majority communities reside (Istog/Istok) among other examples which primarily focused on infrastructure development for non-majority communities.



▪ SUMMARY OF FINDINGS – MUNICIPAL OFFICE FOR COMMUNITIES AND RETURN

The legal and policy frameworks of the MOCR provide numerous tasks for the office. Similar to other mechanisms assessed in this report, against the minimum standards of the legal framework or select minimum standards in the policy framework, MOCRs across Kosovo generally have achieved a relatively high number of tasks.

- With nearly a decade since the issuance of the Regulation No. 02/2010 to define and regulate MOCRs across Kosovo, the establishment of MOCRs nearly Kosovo wide is a positive achievement. At the same time, the full-establishment criteria which includes the MOCR's inclusion in the municipal statute is not being Kosovo-wide, hindering their full compliance with the legal framework.
- Written annual reports remain an important performance benchmark and provide visibility of the work of the office to the MA, as well as transparency towards the municipality. In this regard, this could be strengthened in municipalities where no annual reporting is taking place. There is no set timeframe for written reports to be submitted to the MA or in which format it is to be presented; mayor's report, standalone report, or otherwise. The policy framework provides implementation guideline in this regard.

- While the legal framework has a specific benchmark for the MOCR to develop an action plan for the returnee agenda of its work, the same does not exist for communities. This is especially evident given the project and activity focus of the MOCR and that the policy framework places high importance on the needs assessment of the MOCR as a mechanism to feed into the annual work plan for future work of the office and nearly all aspects of its work. Similarly, given that a much more detailed regulation exists for the MOCR's work with returnees³⁵, a similar regulation could be developed to further advance the work of the MOCR as it pertains to communities, elevating some aspects of the policy framework into law.
- The MOCR, as a standing office with the bandwidth to develop, implement, and monitor projects benefitting communities, has an important function which continues to show positive development and tangible results. Provided that most MOCRs are developing projects with a relatively high level of dependence on international organizations, fostering independent project management is an area that would be beneficial to build capacity within. Similarly, MOCRs could benefit from standard templates for projects and activities the same way that reporting templates have already been generated for the CC mechanism for example.

³⁵ Regulation No. 01/2018 On the Return of Displaced Persons and Durable Solutions, (4 January 2018).

DEPUTY MAYOR FOR COMMUNITIES

The DMC is another mechanism which was established by the LLSG, and is a mandatory position for those municipalities whose populations are comprised of at least ten per cent of communities who are not in majority. These positions have also been established in some municipalities where the population is not comprised of at least ten per cent of non-majority communities, is also considered in this segment.

▪ LEGAL FRAMEWORK

Substantive tasks in the legal framework

The legal framework regarding DMC is very broad and it has only stipulated a few direct tasks to be fulfilled. Most importantly where it is defined in the LLSG, it is noted that the DMC is elected for the same term of office as the mayor and is to provide guidance to the mayor on issues related to non-majority communities.³⁶ Beyond this limited guidance, *Administrative Instruction No. 01/2014 on the procedure of appointment of Deputy Mayors in Municipalities* provided a limited amount of clarification, by stipulating that the DMC “shall support and affirm the requests of [non-majority] communities before municipal organs”.³⁷ Though this provision is broad, it appears to give non-majority communities more direct access to municipal institutions through the DMC although otherwise, this sub-normative act reinforces existing tasks detailed in the LLSG.

Although this is not considered in the report as it came into force in September 2020 and is outside of the assessed timeframe, *Administrative Instruction No. 02/2020 for the Procedure of Appointing Deputy Mayors in Municipalities*³⁸ is the most recent Regulation with substantive tasks to this mechanism. This instruction gives the most detailed substantive duties to this mechanism to date and importantly adds that the DMC confirms the requirements of non-majority communities in municipal bodies including regular reports to the mayor on these requirements. It stipulates that in consultation with the mayor, the needs and interests of non-majority communities are taken into account in preparing the budget of the municipality. And it also states that in co-ordination with DCMACs, it promotes dialogue between communities and inclusion of non-majority communities in addition to participation of meetings in the municipal assembly.

Selection requirements for the deputy mayor for communities in the legal framework

In the LLSG, the appointment and dismissal of the DMC is proposed by the mayor with the approval of a majority of MA members present and voting and the majority of MA members

³⁶ Article 61.3, Law No. 03/L – 040 on Local Self-Government (4 June 2008).

³⁷ Administrative Instruction No. 01/2014 on the procedure of appointment of Deputy Mayors in Municipalities, (28 January 2014).

³⁸ Administrative Instruction No.02/2020 on the Procedure of Appointing Deputy Mayors in Municipalities (21 September 2020).

of non-majority communities present and voting. The DMC is elected for the same term as the mayor and must be established within 30 days if the post becomes vacant.

This procedure was given greater clarity in the 2014 *Administrative Instruction on the procedure of appointment of Deputy Mayors in Municipalities* which is most explicitly clear about the selection criteria. In this Administrative Instruction, where the DMC is mandatory, the candidate is to be nominated by the mayor and then the candidate must be approved by both a majority of the MA members and MA members belonging to non-majority communities. In municipalities where it is not mandatory, the DMC shall be appointed upon only a decision of the MA. The condition in either instance is that the DMC is selected among the largest minority group in the municipality. The Administrative Instruction also indicates that the duration of appointment is the same as the mayor unless they have been dismissed and adds a final stipulation that the DMC must have been a resident of the municipality for three years. Although most provisions are unchanged from the 2014 Administrative Instruction, the new 2020 Administrative Instruction on this matter makes a modest change to this procedure such that is no difference between the appointment of mandatory and non-mandatory DMCs.

Repeal of Administrative Instruction No. 01/2014

In a decision of the Minister of Local Government Administration dated 11 September 2019, *Administrative Instruction No. 01/2014 on the procedure of appointment of Deputy Mayors in Municipalities* was repealed.³⁹ While this decision is in force as of 11 September 2019, it did not come into effect until the final months of the year before the appointment period of any of the current DMCs. For the purposes of this report and in this context, *Administrative Instruction No. 01/2014 on the procedure of appointment of Deputy Mayors in Municipalities* is still considered in the assessment of these mechanisms. Replacement legislation came in the form of *Administrative Instruction No. 02/2020 for the procedure of appointing Deputy Mayors in Municipalities*⁴⁰ on 21 September 2019 as described in the substantive tasks and selection requirements segments of this chapter.

■ POLICY FRAMEWORK

Most details in relation to substantive tasks of this mechanism are provided by the Deputy Mayor for Communities Terms of Reference, created by the Ministry of Local Government Administration in 2014⁴¹ instead of the legal framework. These ToR were drafted to contain “the full scope of [DMCs’] duties and responsibilities”. In addition to the table of substantive tasks that appear in the ToR listed below (table e) there is also an inclusion that the following factors should be taken into account when selecting the individual for this post; standing

³⁹ Decision of the Minister of Local Government Administration (11 September 2019), <https://mapl.rks.gov.net/wp-content/uploads/2019/09/039-152-4-2014-2.pdf>.

⁴⁰ Administrative Instruction No.02/2020 on the Procedure of Appointing Deputy Mayors in Municipalities (21 September 2020).

⁴¹ This document is not available online.

within their community, extent of involvement and knowledge of the community, and nature and relationship with community members.

Substantive tasks defined by the ToR that do not appear in relevant DMC legislation⁴² (table e)

Ensures that sufficient funding is foreseen in the budget	Ensures the rights of communities and equal access to services for communities	Inter-community dialogue, and community involvement in activities	Outreach and representation towards non-majority communities	Reporting
<p>Advocates for non-majority communities during the budget preparation process.</p>	<p>DMC may be tasked by mayor to oversee implementation of MOCR activities.</p>	<p>In co-ordination with DCMAC, promotes involvement of non-majority communities in MA activities</p>	<p>Ensures a forum is provided for debate on matters of concern for non-majority communities and ensures public meetings are organized to reach non-majority communities.</p>	<p>Every 6 months the DMC submits reports to the mayor which, upon approval become integral to the 6-monthly report of the mayor to the MA.</p>
<p>Ensures sufficient funds are foreseen for municipal mechanisms for the promotion and protection of communities' rights including the MOCR.</p>	<p>Supports co-operation between CC and MOCR.</p>	<p>such as budget, projects, municipal strategies.</p>	<p>Required to regularly meet with other mechanisms and other municipal stakeholders.</p>	<p>The DMC performs a verbal presentation of the report at the CC after the mayor presents the report to the MA.</p>
<p>Co-operates with the CC during phases of budget review and approval.</p>	<p>Serves as focal point for implementation of CC recommendations and other community-related policies of MA, co-ordinates also with DCMAC.</p>	<p>Encourages inter-municipal collaboration as it relates to communities and serves as a point of contact.</p>	<p>Can regularly participate in MA meetings, CC meetings,</p>	<p>The DMC shall meet with the mayor at least</p>

⁴² Note that this table is in reference to substantive tasks defined by the ToR that do not appear in the relevant DMC legislation in the assessed timeframe of the report. As explained in the substantive tasks chapter, the new September 2020 Administrative Instruction includes new substantive tasks that are generally based on the DMC ToR.

The DMC will have adequate access to municipal resources.			Municipal Community Safety Council meetings, DCMAC.	once per month to discuss community related issues.
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■ ASSESSMENT OF THE POST OF DEPUTY MAYOR FOR COMMUNITIES

Establishment of DMC posts

Although the 2011 census is not explicitly deemed as the benchmark by which these posts are mandatory or not, this report uses the census as the basis for where the DMC post should be mandatory.⁴³ In municipalities where the census was not held - Leposavić/Leposaviq, Mitrovica/Mitrovicë North, Zubin Potok, and Zvečan/Zveçan - for purposes of this report, population estimates in the 2018 OSCE Mission in Kosovo Municipal Profiles⁴⁴ are used. Using this metric, only Mitrovica/Mitrovicë North passes the ten per cent threshold; the municipality, however, did not have a DMC post in 2019. In this report, Mitrovica/Mitrovicë North will be considered a vacant mandatory DMC.

Using the census metric, DMCs are mandatory in Dragash/Dragaš, Fushë Kosovë/Kosovo Polje, Gračanica/Graçanicë, Klokot/Kllokot, Novo Brdo/Novobërdë, Prizren, and Štrpce/Shtërpçë. Despite being mandatory, in 2019 a DMC post was not established in Gračanica/Graçanicë.

Legal status of non-mandatory DMC posts

In 2019, DMCs were active in seven⁴⁵ municipalities where non-majority communities comprise less than ten per cent of the overall population according to the 2011 census⁴⁶ or the estimates found in the 2018 OSCE Mission in Kosovo Municipal Profiles.⁴⁷ For the purposes of this report, these are considered as non-mandatory DMCs. The legal basis for non-mandatory DMC posts are found only in Section 4.2 of *Administrative Instruction No. 01/2014 on the procedure of appointment of Deputy Mayors in Municipalities* which discusses the appointment procedure for DMCs in municipalities which do not meet the ten per cent

⁴³ While exact population figures are ambiguous in municipalities where the census was not held, Leposavić/Leposaviq, Mitrovica/Mitrovicë North, Zubin Potok, and Zvečan/Zveçan, for purposes of this report, where census data is not available, population estimates in the 2018 OMiK Municipal Profiles are used. Using this metric, only Mitrovica/Mitrovicë North passes the ten per cent threshold.

⁴⁴ OSCE Report *Compendium of all Municipal Profiles 2018*, (29 January 2019), <https://www.osce.org/mission-in-kosovo/410279?download=true>.

⁴⁵ Kamenicë/Kamenica, Lipjan/Lipljan, Mamuša/Mamushë/Mamuša, Obiliq/Obilić, Ferizaj/Uroševac, Zubin Potok, Zvečan/Zveçan.

⁴⁶ The 2011 census report is available at: <https://ask.rks-gov.net/en/kosovo-agency-of-statistics/social/population-and-housing-census>.

⁴⁷ OSCE Report *Compendium of all Municipal Profiles 2018*, (29 January 2019), <https://www.osce.org/mission-in-kosovo/410279?download=true>.

threshold. With their inclusion in this administrative instruction, it is thus implied these posts are legally permissible.

However, Article 4.2 of the *Administrative Instruction No. 01/2010 MLGA for limitation of compensation and wages received from municipal offices* explicitly prescribes that municipalities that meet the threshold of non-majority communities constituting more than ten per cent of the population have the right to have a DMC that receives a salary. From this provision, those municipalities which do not meet the ten per cent threshold are therefore not entitled to financially compensated DMCs, unlike those municipalities with a mandatory DMC. In this Administrative Instruction, no metric is provided to establish whether the municipality does or does not meet the ten per cent threshold. Although this came into force outside of the assessed period, the aforementioned 2020 Administrative Instruction *on the Procedure of Appointment of Deputy Mayors in Municipalities* gives more clarity to non-mandatory DMCs by stating that in municipalities where non-majority communities comprise less than ten per cent of the population, the municipality may anyways optionally appoint a DMC based on financial resources.

Community affiliations of DMC posts

As outlined in the legal framework, these positions are to be held by the largest non-majority community in the municipality. While this segment does not assess if all appointment modalities were met, it is observed that of the 12 DMCs established, eight⁴⁸ were members of the largest non-majority community while the DMC for four⁴⁹ other municipalities did not correspond to the largest community according to the census or relevant estimate used by this report.

Assessment of the DMC fulfilling legal and policy framework commitments

As noted in the other assessment components of this report the questions below are taken from an annual survey to representatives of each mechanism, where the representative, in this case, DMC, completes questions which, are based on key aspects of its legal or policy framework. These surveys are supplemented by observations by OMiK field teams. This segment data displayed in the pie charts for each question is from the end of 2019. These findings are based on questions from OMiK's annual questionnaire to representatives from each MOCR which, are supplemented by observations of OMiK field teams. The exact municipalities fulfilling or not fulfilling commitments for each question in this segment can be found in the annex of this report, mechanisms by municipality unless otherwise specified as the vacant mandatory municipalities are always Gračanica/Gračanicë and Mitrovica/Mitrovicë North, they do not appear in the annex,

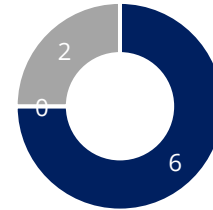
⁴⁸ Ferizaj/Uroševac, Kamenicë/Kamenica, Fushë Kosovë/Kosovo Polje, Lipjan/Lipljan, Mamuša/Mamushë/Mamuša, Prizren, Zubin Potok, Zvečan/Zveçan.

⁴⁹ Dragash/Dragaš, Klokot/Kllokot, Novo Brdo/Novobërdë, Štrpce/Shtërpcë.

Has the DMC provided specific advice and guidance to the mayor on community issues?⁵⁰ (Mandatory: 6 Yes, 2 Vacant) (Non-mandatory: 7 Yes)

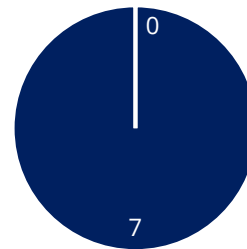
Where established, in 2019, DMCs considered mandatory for this report have all been providing specific advice and guidance to the mayor on community issues. This is also the case across all DMCs considered non-mandatory for the purposes of this report. Instances of advice and recommendations involved the process of condemnation of repeated security incidents, guidance to municipalities on the use of official languages, distribution of scholarships for members of non-majority communities, and the establishment of employment projects that target non-majority communities. The provision of specific advice and ongoing involvement of the mechanisms in regular meetings with the mayor illustrates that DMCs continue to be relevant and mainstreamed advocates for the communities they serve.

Mandatory DMCs in 2019



■ Yes ■ No ■ Vacant

Non-mandatory DMCs in 2019

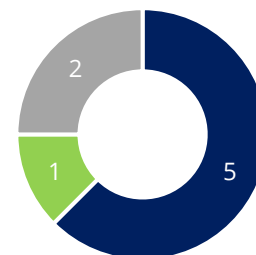


■ Yes ■ No

Has the DMC ensured that the municipal executive (i.e. MOCR and other municipal directorates) effectively implements projects / activities / policies / regulations related to the protection and promotion of communities' rights?⁵¹(Mandatory: 5 Yes, 1 No, 2 Vacant), (Non-Mandatory: 7 Yes, 0 No)

The provision of project activities and policies emanate from the policy framework (table e) and increase the interaction of the DMC across municipal directorates and offices. In both mandatory and non-mandatory instances, this aspect of the DMC's work has been implemented well in Kosovo. Among mandatory DMCs, only one was not fulfilling this task, noting that the mayor did not authorise oversight of MOCR activities and competencies to make requests to municipal directorates are limited. Additionally, it was observed by OSCE field teams that three DMCs were less consistent (Dragash/Dragaš, Mamuša/Mamushë/Mamuša, Prizren) in following up

Mandatory DMCs in 2019



■ Yes ■ No ■ Vacant

⁵⁰ Article 61.3, Law No. 03/L – 040 on Local Self-Government (4 June 2008).

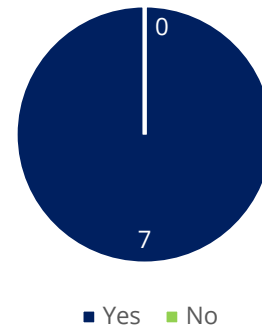
⁵¹ Terms of Reference for the Deputy Mayor of Communities (2014) although not available online, key substantive tasks are detailed in table e.

on recommendations of the CC and overseeing MOCR implementation of activities in their respective municipalities, although, these DMCs were in regular contact with the MOCR. This was similar in the experience of non-mandatory DMCs. While one DMC was observed as having less consistent follow up on effective implementation of activities particularly as it pertains to the MOCR, others were generally quite active. Activities overseen included MOCR work plans, support to local NGOs in marking the Kosovo Roma and Kosovo Ashkali communities' official days, employment initiatives, and distribution of firewood as examples.

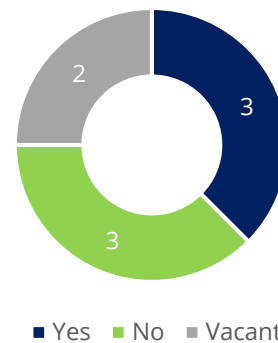
Has the DMC promoted inter-community dialogue?⁵² (Mandatory: 3 Yes, 3 No, 2 Vacant) (Non-Mandatory 3 Yes, 4 No)

Inter-community dialogue also appears as a policy framework task for the DCMAC (table e) and could serve as a shared commitment for these two mechanisms to interact more. Among mandatory DMCs, inter-community dialogue was not specifically tackled aside from two municipalities where as an example, the municipality with help from the OSCE, supported exchange between Kosovo Albanian and Kosovo Serb civil servants for inter-community dialogue. While others partially met this commitment, actions were less specific and included the DMC's attendance of events in the community, or awareness raising of issues in other forums such as municipal community safety councils. Non-mandatory DMCs performed better and activities to promote inter-community dialogued included specific activities in IOM-supported inter-ethnic sports events, and dialogue activities between the municipality and returnees from non-majority communities. Specific municipalities can be viewed in the annex, mechanisms by municipality.

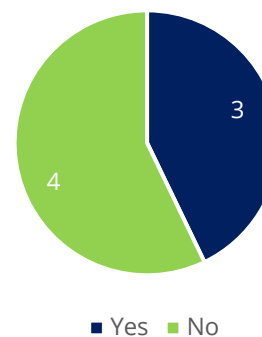
Non-mandatory DMCs in 2019



Mandatory DMCs in 2019



Non-mandatory DMCs in 2019

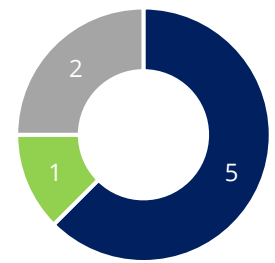


⁵² Ibid.

Does the DMC meet the mayor at least monthly to discuss community-related issues and ongoing activities?⁵³ (Mandatory: 5 Yes, 1 No, 2 Vacant) (Non-Mandatory 7 Yes)

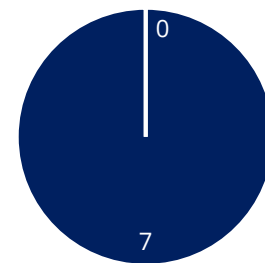
Meetings between the DMC and mayor at the interval of at least once a month is a substantive task from the policy framework (table e) and it is also a tangible elaboration of the legal framework's consideration of the DMC as an advisor to the mayor on issues concerning communities. In this respect, this meeting format is an important minimum standard to ensure the DMC's voice is directly heard by the mayor on a routine basis. Among municipalities with a mandatory DMC, all but one meets this minimum commitment where most state the interaction occurs more frequently than once a month. Where this minimum commitment was not met, it was due to the fact that the mayor is refusing to meet with the DMC (Klokot/Klllokot). Among the other DMCs in both mandatory or non-mandatory settings, all were meeting this commitment and similarly, most stated that they met with the mayor more frequently than once a month including even at a weekly or daily basis. This data cements that in nearly every instance, the DMC is an important part of the municipal decision-making structure which is a very positive development for this mechanism.

Mandatory DMCs in 2019



■ Yes ■ No ■ Vacant

Non-mandatory DMCs in 2019



■ Yes ■ No

▪ **SUMMARY OF FINDINGS – DEPUTY MAYOR FOR COMMUNITIES**

- *Administrative Instruction No. 01/2014 on the procedure of appointment of Deputy Mayors in Municipalities* had long been the only sub-normative act of the LLSG referencing the DMC and provided important albeit limited duties, but also important composition and selection requirements. Although beyond the assessment timeframe of this report, the new 2020 Administrative Instruction on this matter is important in the future of this mechanism.
- It is noted in the data that non-mandatory DMCs are generally implementing substantive tasks more than their mandatory counterparts. DMCs Kosovo-wide have demonstrated they can make a difference towards the advancement of non-majority communities' rights and interests. Although the appointment of non-mandatory DMCs lacked legal

⁵³ Ibid.

clarity in the past, the 2020 Administrative Instruction discussed in this chapter is a helpful measure to clarify this in the future with a clear legal pathway for establishment.

- The established DMCs have largely been integrated into the decision-making infrastructure of the municipality, with more meetings with the mayor have taken place than the policy framework prescribed, and that DMCs generally have strong co-operation and interactions with municipal executive structures. In the few circumstances where the DMC is sidelined, as few meetings with the mayor or municipal executive are required to take place, this is an area that could be legally strengthened to help mitigate this challenge and place equal onus on those interlocutors the DMC is obliged to meet with.
- Inter-community dialogue is a component of the DMC mandate which is among its weakest substantive tasks. Though the policy framework is explicitly designed to provide the full scope of duties, this particular duty receives very little commentary on its practical implementation. Best practices explained at the government level or practical implementation modalities would assist this mechanism and others. The inclusion of this task in the 2020 Administrative Instruction is helpful in elevating this aspect of the policy framework into law.

DEPUTY CHAIRPERSON OF THE MUNICIPAL ASSEMBLY FOR COMMUNITIES

▪ LEGAL FRAMEWORK

The DCMAC is a role which is unique among the mechanisms in this report. It is defined in Article 62 of the Constitution, initially under the title “vice president for communities”. While the name of this mechanism changed over time, its constitutional character, discussed in the next segment, remained the same.

Substantive tasks in the legal framework

The Constitution gives a concise description of explicit substantive tasks to the DCMAC where it is tasked with being the focal point for addressing non-majority communities’ concerns and interests in meetings of the MA and its work. The most important function defined in the constitution is that the DCMAC is tasked with reviewing claims of communities when they believe that acts and decisions of the MA are violating their constitutionally guaranteed rights and furthermore, the ability to refer such matters to the MA for reconsideration. The DCMAC is lastly granted with the option of referring matters directly to the Constitutional Court if it is refused reconsideration at the MA. The LLSG provides its contemporary name and additionally tasks it with inter-community dialogue.⁵⁴

⁵⁴ Law No. 03/L – 040 on Local Self-Government (4 June 2008).

Selection requirements for the DCMAC in the legal framework

In addition to defining it as a municipal entity, the Constitution gives specific criteria surrounding the establishment of the position and selection of its holder, namely that it is mandatory in municipalities where at least ten per cent of the residents belong to non-majority communities and, that the post is filled with whichever non-majority candidate received the most votes on the open list of candidates for election to the MA. These provisions are similarly not provided additional detail in the LLSG and unlike the DMC, do not have stipulations against being vacant.

▪ POLICY FRAMEWORK

While the legal framework presents the DCMAC with its most important task in the possibility of addressing complaints directly to the Constitutional Court, it otherwise gives this mechanism the smallest quantity of substantive tasks. Therefore, this mechanism also relies on the policy framework for its definition as a mechanism and has the DCMAC ToR, as drafted by the Ministry of Local Government Administration in 2015.⁵⁵ While some additional detail is also provided on the procedure of appointment and dismissal, the largest qualitative addition are substantive tasks.

Substantive tasks defined by the ToR that do not appear in relevant DCMAC legislation (table f)

Promotes inter-community dialogue and community involvement in the MA.	Serves a formal focal point for non-majority communities.	Co-operation with other local community mechanisms.	Reporting
Responsible for facilitating inter-community dialogue in consultation with the MA.	Participates in MA meetings and is consulted concerning agenda items related to communities' issues and suggests policies in favour of communities.	Can communicate through the DMC to the mayor to undertake action related to alleged violation of community members' rights.	Reports on work before the MA members.
In co-operation with DMC, facilitates involvement of communities in MA as well as public meetings	Participates in CC meetings and co-	Co-operates with the MOCR and may have access to	Provides information on work to the CC, DMC, and MOCR.
			The DCMAC informs the supervisory authority, MLGA, on

⁵⁵ This document is not available online.

concerning the budget and municipal regulations.	operates in reviewing municipal policies that affect the interests of communities. Ensures that recommendations of the CC are discussed in MA meetings. Ensures regular co-operation between local mechanisms for protection and promotion of communities' rights and also other municipal bodies.	regular reporting by the MOCR which are submitted to the MA. Through chairperson of the CC, may address concerns and needs pertaining to communities' safety at the Municipal Community Safety Council.	work upon request for reporting. Reporting may be performed in written and verbally.
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▪ ASSESSMENT OF THE DEPUTY CHAIRPERSON OF THE MUNICIPAL ASSEMBLY FOR COMMUNITIES

Establishment of DCMAC posts

Similar to the DMC posts, the 2011 census⁵⁶ is not explicitly deemed as the benchmark by which these posts are mandatory or not, this report uses the census as the basis for where the DCMAC post should be mandatory. As such, exact population figures are ambiguous in municipalities which have a DCMAC but where the census was not held; Leposavić/Leposaviq, Mitrovica/Mitrovicë North, Zubin Potok, and Zvečan/Zveçan. Therefore, same as for the DMC, population estimates in the 2018 OSCE Mission in Kosovo Municipal Profiles⁵⁷ are used to assess the ten per cent threshold where only Mitrovica/Mitrovicë North passes the ten per cent threshold. However, a DCMAC was established in Zubin Potok, and Zvečan/Zveçan.

Using only the census metric, DCMACs are mandatory in Dragash/Dragaš, Fushë Kosovë/Kosovo Polje, Gračanica/Graçanicë, Klokot/Klllokot, Novo Brdo/Novobërdë, Prizren,

⁵⁶ The 2011 census report is available at: <https://ask.rks-gov.net/en/kosovo-agency-of-statistics/social/population-and-housing-census>.

⁵⁷ OSCE Report *Compendium of all Municipal Profiles 2018*, (29 January 2019), <https://www.osce.org/mission-in-kosovo/410279?download=true>.

and Štrpce/Shtërpçë. While DCMACs were active in all of these municipalities in 2019, the DCMAC post for Fushë Kosovë/Kosovo Polje was only partially filled as the post was vacant from 28 March 2019 until the end of the year. Due to the prolonged vacancy of this position, it will be considered as vacant for purposes of this report. In this assessment, all of the DCMAC posts are considered together, not separately like in the DMC post given how only two appear that they may fall outside of the ten per cent rubric.

Legal standing of non-mandatory DCMAC posts

Unlike the DMC which now has formal legal recognition of non-mandatory DMCs since the recent 2020 administrative instruction⁵⁸, there is no legal definition provided to non-mandatory DCMAC postings. While assessed separately in the DMC segment of this report, both mandatory and non-mandatory DCMACs are placed in the same graph given that only two are considered non-mandatory.

The DCMAC, like the DMC, is considered in Article 4 of *Administrative Instruction No. 2010 MLGA for limitation of compensation and wages received from municipal offices* (issued 10 March 2010) where it explicitly prescribed that municipalities that meet the ten per cent threshold have the right to have a DCMAC that receives a salary. From this provision, those municipalities which do not meet the threshold are therefore not entitled to financial compensation for their DCMACs unlike those municipalities which meet the threshold.

Community affiliations of DCMAC posts

The community affiliation requirement differs from that of the DMC as the DCMAC must come from whichever non-majority candidate received the most votes in the open list of candidates for election to the MA which, does not necessarily have to be the largest non-majority community. The community affiliation of DCMAC posts were comprised of seven Kosovo Albanian men⁵⁹, one Kosovo Gorani man (Dragash/Dragaš), and one Kosovo Turk man (Prizren). When compared to the 2011 census which is used by this report to assess the ten percent requirement for this post and the community population figures to determine which community is or is not in a non-majority, it is noted that in three municipalities⁶⁰ that have Kosovo Albanian representatives, the 2011 census states that these are majority, not non-majority communities.

Assessment of the DCMAC fulfilling legal and policy framework commitments

As noted in the other assessment components of this report the questions below are taken from an annual survey to representatives of each mechanism, where the representative, in this case, DCMAC, completes questions which, are based on key aspects of its legal or policy framework. These surveys are supplemented by observations of OMiK field teams. This

⁵⁸ Administrative Instruction No. 02/2020 on the procedure of appointment of Deputy Mayors in Municipalities, (21 September 2020)

⁵⁹ Gračanica/Gračanicë, Klokot/Kllokot, Mitrovica/Mitrovicë North, Novo Brdo/Novobërdë, Štrpce/Shtërpçë. Zubin Potok, Zvečan/Zveçan.

⁶⁰ Klokot/Kllokot, Novo Brdo/Novobërdë, Štrpce/Shtërpçë.

segment data displayed in the pie charts for each question is from the end of 2019. These findings are based on questions from OMiK’s annual questionnaire to representatives from each MOCR which, are supplemented by observations of OMiK field teams. The exact municipalities fulfilling or not fulfilling commitments for each question in this segment can be found in the annex of this report apart from the segments on reporting and issues with timely info in the municipality as they are explained within the text. Similarly, as the only vacant DCMAC is Fushë Kosovë/Kosovo Polje, it does not appear in the annex.

Reporting

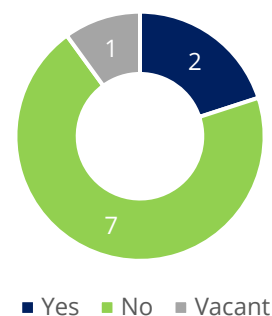
There are no reporting commitments in the legal framework and within the guidelines, reporting has no formal structure and is optionally verbal or written. Despite the importance of the DCMAC position as a focal point and constitutional watchdog, without any formal reporting commitments, stocktaking and recording of persistent issues, and basic transparency is inhibited. Similarly, unlike the reporting commitments of the CC and MOCR which receive visibility across the MA, the DCMAC receives less formal visibility without any established format of reporting. In 2019 only the DCMAC in Štrpce/Shtërpçë commented that inputs are annually transmitted to the Chair of the Municipal Assembly who incorporates them into an annual report of the MA.

Has the DCMAC encountered any issues in receiving timely or complete information from the municipality or municipal assembly?⁶¹

In 2019, two DCMACs discussed issues with timeliness of information although not with the municipal assembly. One DCMAC (Gračanica/Graçanicë) noted a lack of consistency concerning meetings and agendas from the CC, the other (Novo Brdo/Novobërdë) stated that he receives insufficient information on the activities of municipal directorates and invitations to take part in committees are not always received. While these issues are of concern, the majority of DCMACs have not reported issues all DCMACs appear to have a strong working relationship within their respective municipal assemblies which is important for their central mandate as a focal point between communities and the municipal assembly.

Has the DCMAC promoted inter-community dialogue?⁶² (2 Yes, 7 No, 1 Vacant)

Intercommunity dialogue is one of the very few defined tasks in the legal framework under the LSG which is also slightly elaborated upon in the 2015 DCMAC Guidelines. While the DCMAC is only a member of one community, the role supports both the community the DCMAC is from but also the other non-majority communities and their relations with the majority community. Only two DCMACs however had tangible examples of such advocacy (Klokot/Klllokot, Zvečan/Zveçan). In no instance



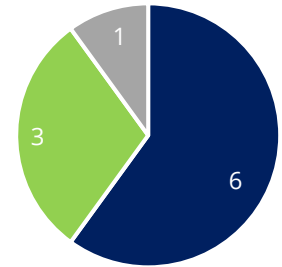
⁶¹ This question is based upon the DMC’s co-operation with other mechanisms as discussed in its Guidelines.

⁶² Law on LLSG, Article 55, *supra*, note 7.

was the DCMAC specifically involved in the greater inclusion of communities in the work of the MA as per the guidelines.

Has the DCMAC addressed concerns and issues related to the needs of communities in the meetings of the municipal assembly and its work?⁶³ (6 Yes, 3 No, 1 Vacant)

The mandate of advocating for needs of communities in MA meetings derives directly from the Constitution. Unfortunately, this essential function is not taking place in a majority of municipalities with a DCMAC but is one of the most important roles for this mechanism to fulfill. Concerns that were raised related to the needs of communities included a focus on infrastructure support, investments in remote areas inhabited by communities, the construction of primary schools to support the education of communities, and related measures to benefit communities.



■ Yes ■ No ■ Vacant

▪ **SUMMARY OF FINDINGS – DEPUTY CHAIRPERSON FOR MUNICIPAL ASSEMBLY COMMUNITIES**

- As the legal framework provides no legal definition or pathway for the creation of non-mandatory DCMACs and explicitly prohibits salaries for these positions in non-mandatory instances, the establishment of non-mandatory DCMAC should be considered. With their ability to raise measures to the Constitutional Court, these mechanisms should be only created in instances where they are fully fledged. While these mechanisms have shown that they can be an important advocate for communities a separate, optional role could perhaps be created which would allow non-mandatory DCMACs to do important work that does not include constitutional review while also preserving the unique character of the DCMAC in mandatory settings. Alternatively, there is a need for a clear legal pathway for fully-fledged DCMACs where they are non-mandatory.
- Despite its constitutional definition, the DCMAC mechanism otherwise receives the least definition under existing legislation and has no unique administrative instruction to give any detail on its duties. Similarly, within the policy framework, the mechanism has no periodic meeting or reporting requirements and thus has few substantive performance benchmarks. While its crucial mandate to observe constitutional infringement for communities remains its most important constitutionally defined task, this mechanism would benefit from broader definition on which role it plays.

⁶³ Ibid.

- Unlike the DMC, there is no legal measure that stipulates how long this position is allowed to be vacant for. Given that this position is supposed to act as human rights watchdog with the ability to directly inform the Constitutional Court of violations facing non-majority communities, measures against vacancy of this role should be adopted. In 2019 vacancy already affected communities in one municipality thus, weakening their political representation and protection.
- With its work setting directly within the MA, greater emphasis on its policy framework role as a formal focal point for concerns for communities, and co-operation in holding public meetings and consultations with communities and the public is a role which could enhance its substantive tasks. This would be particularly helpful in the context of existing regulation such as transparency standards and minimum standards of public consultation⁶⁴ and also could potentially help bolster important efforts in inter-community dialogue and the meaningful inclusion of communities in municipal action plans and strategies.

GENDER ANALYSIS

Women's rights to equal participation in executive bodies are reinforced in the legal framework through the 2015 Law on Gender Equality, which states that "[l]egislative, executive, judicial bodies at all levels and other public institutions shall be obliged to adopt and implement special measures to increase representation of underrepresented gender, until equal representation of women and men according to this Law is achieved." Article 6.8 of this Law states that "[e]qual gender representation in all legislative, executive and judiciary bodies and other public institutions is achieved when ensured a minimum representation of fifty percent (50%) for each gender, including their governing and decision-making bodies."⁶⁵

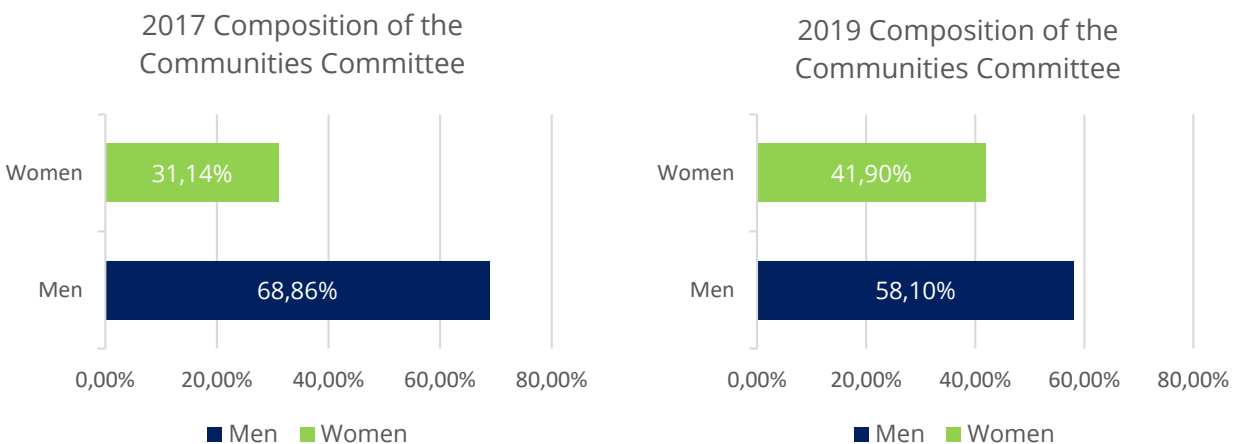
⁶⁴ AI No. 03/2020 on the Transparency in Municipalities (25 September 2020). AI No. 06/2018 on Minimum Standards of Public Consultation in Municipalities (31 December 2018).

⁶⁵ Law No. 05/L-20 On Gender Equality, 26 June 2015.

In the period assessed, some significant improvements can be viewed in the CC; however, very minimal progress is otherwise observed in the other three mechanisms. Similarly, the stipulation by the Law on Gender Equality to reach fifty per cent representation is not being met by any of the four mechanisms. At the mechanism level, in addition to showing the strongest improvement, ten CCs have representation of fifty per cent or more of women which is a positive development. However, less than fifty per cent of all CCs have achieved a gender balanced representation.

Communities Committee

In 2017, women occupied 90 CC positions – just under one third (31.14 per cent), while men occupied 199 positions (68.86 per cent). In 2019, the number of women represented increased significantly, to 119 (41.90 per cent) while number of men decreased from 199 to 165 (58.10 per cent). There was a significant improvement in the representation of women from 2017 to 2019 – an increase of 10.76 per cent – however, it still does not reach the 50 per cent required as per the Law on Gender Equality for equal representation.



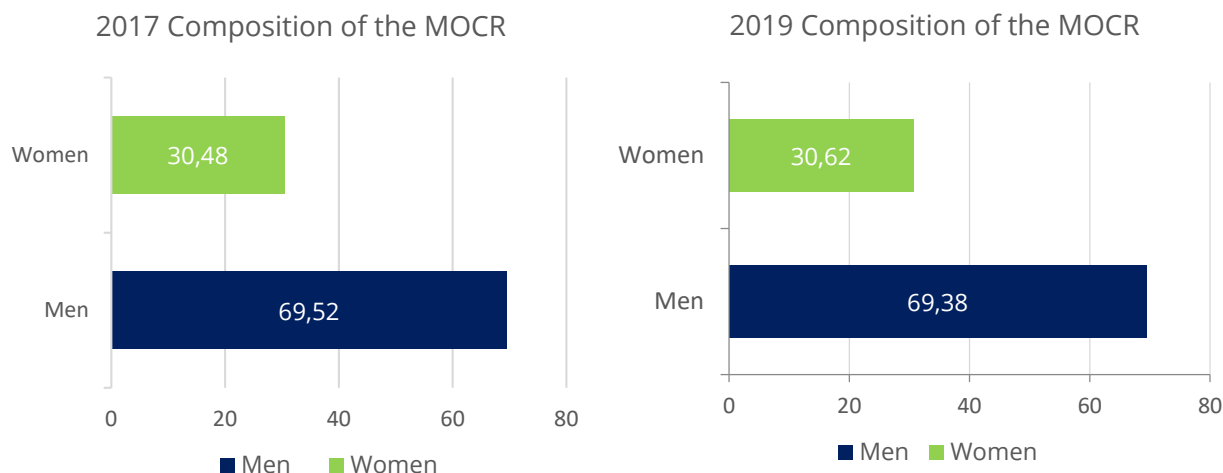
In 2017, there were five municipalities where men constituted 100 per cent of CC positions (Gjilan/Gnjilane, Junik, Mamuša/Mamushë/Mamuša, Viti/Vitina, and Zubin Potok), and no municipalities where women held 100 per cent of the positions. In 2019 however, there were no municipalities where men held 100 per cent of positions, showing that women are now represented in every municipality's CC.

In 2017, there were only seven municipalities where women represented at least 50 per cent of CC positions (Kačanik/Kaçanik, Hani i Elezit/Ellez Han, Štrpce/Shtërpcë, Glllogoc/Glogovac, Zvečan/Zveçan, Mitrovica/Mitrovicë North, and Gjakovë/Đakovica). In 2019, there were ten municipalities where women represented at least 50 per cent of CC positions (Kačanik/Kaçanik, Kamenicë/Kamenica, Parteš/Partesh, Štrpce/Shtërpcë, Mitrovica/Mitrovicë North, Podujevë/Podujevo, Gjakovë/Đakovica, Fushë Kosovë/Kosovo Polje, Malishevë/Mališevo, and Mamuša/Mamushë/Mamuša). This demonstrates an improvement

from 2017, however, there remain 28 municipalities that do not meet equal gender representation.

Municipal Office for Communities and Return

In 2017, men held 114 of the 164 MOCR posts (69.52 per cent), while women held 50 posts (30.48 per cent). In 2019, men held 111 of the 160 posts (69.38 per cent), women held 49 (30.62 per cent). The gender balance of MOCRs remains virtually unchanged between 2017 and 2019.⁶⁶ In 2017, ten MOCRs were made up of 100 per cent men (Kačanik/Kaçanik, Hani i

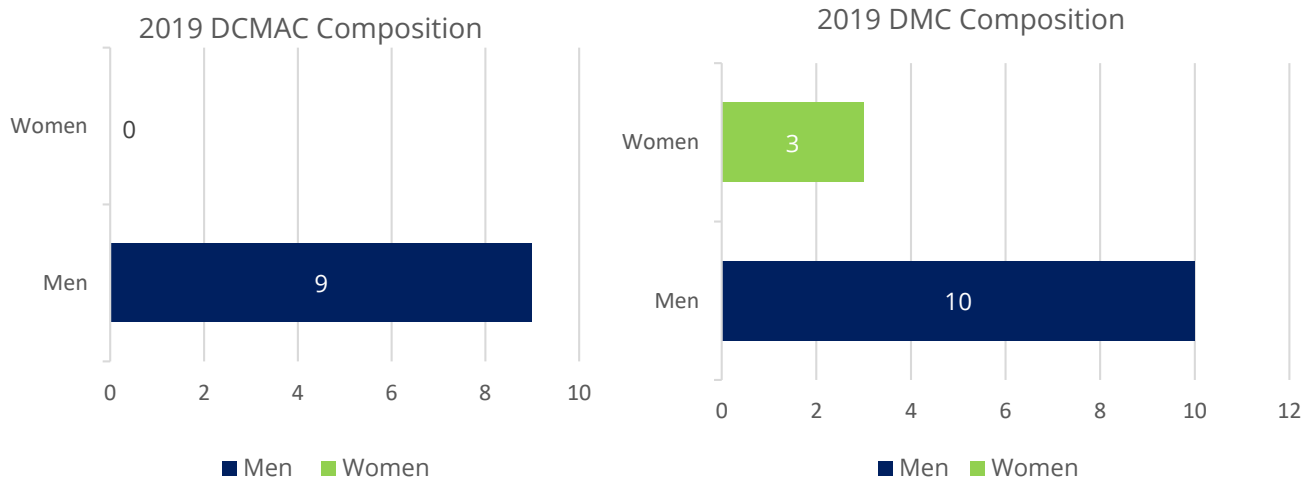


Elezit/Elez Han, Viti/Vitina, Štrpce/Shtërpçë, Podujevë/Podujevo, Zvečan/Zveçan, Leposavić/Leposaviq, Suharekë/Suva Reka, Mamuša/Mamushë/Mamuša and Dragash/Dragaš), and this number increased to 13 in 2019 (the previous ten plus Shtime/Štimlje, Parteš/Partesh and Junik). Although these are not expected to make major changes in two years, as mechanisms comprised of civil servants and not elected representatives, they should continue to be considered in the future development of this mechanism.

It is worth noting that in 2017, women comprised 100 per cent of the MOCR in four municipalities (Klokot/Kllokot, Glogoc/Glogovac, Mitrovica/Mitrovicë North and Malishevë/Mališevo). However, in all four cases, the MOCR consisted of one woman. In 2019, women comprised 100 per cent of the MOCR in the same four municipalities, and again, these MOCRs consisted of only one woman.

⁶⁶ This segment considers all MOCRs as well as Municipal Community Offices in Leposavić/Leposaviq, Mitrovica/Mitrovicë North, and Zubin Potok.

Deputy Mayor for Communities and the Deputy Chairperson of the Municipal Assembly for Communities



This segment counts all DMCs and DCMACs regardless if they are considered mandatory or not. While these mechanisms are similar as they are both occupied by an individual, they differ in their selection criteria. DMCs, which need to be approved by the municipal assembly, are first nominated by mayors. Given that women only represented three DMC posts while the other ten posts were occupied by men, some onus on the lack of representation of women falls upon the mayors of municipalities to consider women more often in their nominations.

Provided that DCMACs are contingent on which non-majority candidate receives the most votes in municipal assembly elections, representation of women is more contingent on women's involvement in politics and their acceptance to do so within municipalities. In 2019, all nine DCMAC positions were held by men⁶⁷ which, demonstrates this mechanism has the lowest involvement of women.

⁶⁷ Dragash/Dragaš, Gračanica/Gračanicë, Klokot/Kllokot, Mitrovica/Mitrovicë North, Novo Brdo/Novobërdë, Prizren, Štrpce/Shtërpçë, Zubin Potok, Zvečan/Zveçan.

CONCLUSIONS

Reflecting on the summary of findings, mechanism-specific findings, and the respective legal and policy frameworks of each mechanism, it is observed that modest, yet uneven and insufficient progress, has taken place across all four mechanisms. In a 2014 OSCE report titled *An Assessment of Local-level Mechanisms for the Protection and Promotion of Communities Rights and Interests in Kosovo* which assessed the same mechanisms as this present report, it was concluded that:

“Significant gaps in the legal framework hamper Kosovo institutions’ ability to promote and protect communities’ rights and interests in keeping with international standards. The absence of detailed secondary legislation for the Law on LSG leaves decision-makers and stakeholders with a lack of precise guidance on the practicalities of three of the four mechanisms’ work and functioning. While the development of policy documents offers additional guidance for the work of CCs, these do not have the strength of legislation; hence, the incorporation of key elements of that policy guidance into secondary legislation will be crucial to ensure the mechanisms’ effective functioning and compliance with the legal framework.⁶⁸”

Despite these conclusions having been drafted nearly six years ago, this assessment remains largely relevant. Numerous pieces of secondary legislation for the LSG have come into force between the publication of the previous report and the end of 2019, though much of this has not had direct and clearly mandated substantive tasks for these mechanisms as it pertains to communities. While some legal definition was provided to the CC with a regulation on proposing municipal normative acts and an amendment to the administrative instruction on standing committees in municipalities, the mechanism is yet to elevate important tasks from the policy framework to its set of legal obligations. Enhancing the legal framework is important for the coherence of these mechanisms and can also support policy framework tasks such as policy or budget review which, is in part dependent on other municipal-level actors.

⁶⁸ An Assessment of Local-level Mechanisms for the Protection and Promotion of Communities Rights and Interests in Kosovo, p. 30, June 2014, <https://www.osce.org/kosovo/120343?download=true>

While the 2014 Administrative Instruction for the selection of deputy mayors was a unique success in this regard, the decision of the Minister of Local Government Administration to repeal the Administrative Instruction in September 2019 dampens the limited legal framework progress that had taken place. The 2015 DCMAC Guidelines are a commendable measure to aid in defining this mechanism; however, secondary legislation remains entirely absent for this mechanism in particular. Policy frameworks have been important to aiding the development of these mechanisms and government institutions should create standardized templates for projects, report, and alike. Such templates have already been developed for the CC as discussed in that chapter, and developing similar documents for the other mechanisms would be an asset. This has particular relevance for the MOCR which continues to be the most important mechanism in regular work and projects affecting communities however, it has not been empowered with standardized tools to achieve its mandate.

In spite of deficiencies within the legal framework, these mechanisms have demonstrated that they can be important advocates for the municipalities where they are operational and have produced clear substantive outputs with benefits to the communities they serve. The near Kosovo-wide establishment of these positions remains an important achievement, as do select categories which saw sizeable advancements. The MOCR in particular has managed to make important strides in most offices implementing legally prescribed tasks however, similar to other mechanisms, while they may be considered reaching minimal aspects of the legal framework, they receive much less favourable results against more ambitious aspects of their policy frameworks. DMCs, and to some extent DCMACs, have demonstrated that they have become fairly well integrated into the decision-making structure of municipalities across Kosovo. While they could benefit from better defined tasks, their outputs have generally satisfied the most important aspects of their legal and policy frameworks which, is a significant accomplishment.

Underdevelopment of the legal framework is a sizeable obstacle to these mechanisms, as is sometimes lack of initiative on the part of the mechanisms themselves. Concerted efforts to remedy challenges identified in this report, and recommendations in the following section can help these mechanisms reach their full potential. Ultimately, the well-being and human rights of non-majority communities in Kosovo continues to rest largely on the shoulders of these mechanisms and thus, support by all stakeholders to their positive trajectory remains vitally important.

RECOMMENDATIONS

To relevant government institutions, including the Ministry of Local Government Administration, Ministry of Communities and Returns, and Office for Communities Affairs:

- 1. Develop secondary legislation for the Deputy Chairperson of the Municipal Assembly for Communities.** The DCMAC still does not have secondary legislation since its inception as a constitutionally defined mechanism. This needs to be updated to meet the needs of non-majority communities and this office.
 1. As a defined focal point and interface of communities in the Municipal Assembly, a DCMAC regulation could formally position the DCMAC as a facilitator for community involvement to support recent legislation on minimum standards of public consultation in municipalities. With specific provisions in Article 14 and 19 to identify interested parties and include them in working groups, the DCMAC is a well-positioned conduit to facilitate this on behalf of communities.⁶⁹ Similarly, the DCMAC is well positioned to provide for the inclusion of communities in mandatory meetings with residents as detailed in recent legislation on transparency within municipalities.⁷⁰
- 2. Raise the profile of the Communities Committee.** The CC remains one of the two standing committees in all municipalities, however, in practice it does not have the institutional strength of the policy and finance committee despite having the equivalent legal weight. Concrete measures should be taken to rebalance the CC's standing in the municipal structure which could include:
 1. Tailoring an administrative instruction fit for purpose to provide the CC with a mandatory window of review in the passing of municipal policies, acts, and the municipal budget. While the CC is explicitly obliged to review all policies acts and activities of the municipality, this is broadly not taking place. Though CCs are responsible to take initiative in fulfilling their mandate, they should receive adequate legal weight to not be circumvented by the municipality, and be empowered to fulfill their vital mandate to review and recommend.
- 3. Strengthen the Municipal Office for Communities and Return in supporting communities which are not returnees.** While the 2010 regulation in creating the MOCR contains the greatest level of detail among the mechanisms assessed, more can be done given its exhaustive policy framework tasks that do not appear in law. While in 2018 under the framework of its returns' portfolio, the MOCR was given robust guidance through the MCR Regulation 01/2018 on the Return of Displaced Persons and Durable Solutions, this still has no legal equivalent as it affects

⁶⁹ AI No. 06/2018 on Minimum Standards of Public Consultation in Municipalities (31 December 2018).

⁷⁰ AI No. 03/2020 on the Transparency in Municipalities (25 September 2020).

communities which are not returnees. Advancing the MOCR's commitments and role with communities could include:

1. Advancing a communities' equivalent to the action plan for returns in the existing administrative instruction would be a helpful measure in this regard, considering how frequently action plans are referenced in the policy framework. In conjunction, mandatory action plans could incorporate an elevation of the needs assessment from the policy framework into the legal framework. The needs assessment is a vital tool to ensure the relevance of the MOCR's work and, how to shift to the changing needs of communities in a municipality.
 2. Develop MOCR guidelines. An implementation handbook, particularly with increased project management emphasis and standard templates would benefit the ability for these offices to create their own projects and better strategically partner with NGOs in the field. The CC currently has guidelines which could be replicated for MOCRs and serve as a handbook of best practices.
- 4. Bolster concrete deliverables, co-operation, and meeting formats at the legal level.** In addition to per-mechanism targeted recommendations, performance benchmarks such as reporting timelines, annual report submission windows, forms of meeting with relevant stakeholders or presenting to the municipal assembly, all generally lack clarity across all mechanisms assessed. This should also include a review of the policy frameworks, elevating such existent and already partially applied criteria. Enhancement of these formalized tasks helps support the institutional character of these mechanisms, their transparency, and their ability to be meaningfully reviewed at the government level.
- 5. Push for greater gender parity.** Evidenced by results in both the 2017 and 2019 data sets of this report, gender parity in these mechanisms has made little progress. Measures to explicitly include this in the legislation or sub-normative legal acts, not only in the cross-cutting Law on Gender Equality⁷¹ may be worthwhile to consider in order to make meaningful progress in this area. A commendable example in this regard has been the improvement of the CC legislative framework which with the latest administrative instruction on its composition and duties, makes an explicit reinforcement of gender equality in its composition and selection of members criteria.⁷²
- 6. Resolve the status of mandatory DCMACs.** The ten per cent threshold remains elusive without a clear metric or method of adjudicating this population figure and with numerous instances of these mechanisms where they are not clearly provided

⁷¹ Law No. 05/L-20 on Gender Equality, 26 June 2015.

⁷² AI No. 05/2020 on the Procedure of Establishment, Composition, and Competencies of Permanent Committees and Other Committees in the Municipality (21 December 2020).

for in the law. However, as they have displayed in the findings of this report to still be important advocates for communities, a pathway could be to have an alternate optional role for municipalities to opt into. This would preserve the unique legal character of the DCMAC while also, encouraging and enabling municipalities that want to do more for non-majority communities. This had been an ongoing issue with DMCs until the recently adopted *Administrative Instruction No. 02/2020 on the Procedure of Appointment for Deputy Mayors in Municipalities*⁷³ that gave formal clarity to the post in non-mandatory settings. While this measure is beyond the assessment timeframe for this report, is an important piece of secondary legislation and similar legal clarity would benefit the DCMAC and gives greater voice to the second recommendation of this report on the need for secondary legislation for the DCMAC.

- 7. Take a firm stance on vacant posts.** Government institutions are critically important to the enforcement of vacancies in violation of the law as it pertains to the DMC. Similarly, legal requirements against vacancy should be elevated for the DCMAC position, especially given its constitutional character and issues with its vacancy illustrated in this report. Vacancies continue to undermine these mechanisms and have been observed in the most recent reporting period and being problematic for very extended durations of time.
- 8. Develop periodic reporting on these mechanisms.** With progress made in the law concerning the municipal performance management system, this should be enabled to generate an annual report card on the status of these mechanisms. With inputs from mandatory annual reports or the creation of mandatory annual report criteria, government review could help exert pressure where needed and identify targeted challenges to shift training and capacity-building resources towards.
- 9. Make policy framework documents accessible.** Despite their sizeable role in the contemporary functionality of these mechanisms, none of the policy framework documents are accessible online. This can be done immediately and is an easy measure to increase transparency.

To municipalities, including municipal leadership and municipal assemblies, the Communities Committees, the Deputy Mayor for Communities, the Deputy Chairperson of the Municipal Assembly for Communities, and the Municipal Office for Communities and Returns:

- 1. Engage communities in the municipal budget process.** With a strong emphasis on concrete activities, work plans, and projects, the municipal budget is critically

⁷³ Administrative Instruction No. 02/2020 on the Procedure of Appointment for Deputy Mayors in Municipalities (21 September 2020).

important to communities and the efficacy of these mechanisms. As this is important to all mechanisms and currently receives little light in most municipalities, greater engagement and enablement through the budget is a major key to successful aid to communities.

2. **Place greater emphasis on gender in selection.** With appointment and composition largely coming at the responsibility of municipal administrations, more must be done to incorporate gender parity among representatives and appointees. Given lacklustre progress aside from the communities committee, the unique concerns of women and girls need a greater voice at the municipal level.
3. **Push for formalization of procedures.** While possibly effective in short term scenarios, informal networks of reporting and meeting which take place outside of legal or policy frameworks ultimately hinders the ability for these mechanisms to be used as intended. Formalizing procedures enforces the institutional character of these offices and roles and meets agreed commitments in a holistic and transparent way. Though this does not discourage informal aspects of the work and community engagement, informal procedure should supplement, not substitute, formal reporting.
4. **Proactively seek engagement with communities.** With existing regulation on public engagement, prioritize communities throughout the municipal establishment and proactively engage mechanisms with communities in their purview. This can be enhanced by laws governing these mechanisms, but there are no obstacles to greater progress in achieving this.
5. **Aid the institutional establishment of these mechanisms where needed.** The widespread establishment and functioning of mechanisms has been an important achievement but in many cases mechanisms are not formally created and functioning as per the law. This has been identified in the non-recognition of MOCRs in municipal statutes, and additionally, municipalities themselves need to prioritize vacant mandatory posts.
6. **Work with a whole-of-municipality approach.** Each mechanism in this report has some level of engagement with the mayor of the municipality and components of the municipal directive. Meetings to improve good relations between municipal leadership is important and also utilizes the convening power of the mayor's office to foster good relations between these mechanisms which, need to work together to effectively promote communities given their spread between legislative and executive components of the municipality.

ANNEX – MECHANISMS BY MUNICIPALITY

This segment of the report includes the breakdown of municipalities meeting their legal and policy framework commitments in both 2017 and 2019 as per the questions of this report.

Is the Communities Committee properly established in accordance with the relevant legislation/regulation/2011 census results?

2017

Yes: Ferizaj/Uroševac, Fushë Kosovë/Kosovo Polje, Gračanica/Gračanicë, Istog/Istok, Junik, Kaçanik/Kaçanik, Klokot/Kllokot, Leposavić/Leposaviq, Lipjan/Lipljan, Mamuša/Mamushë/Mamuša, Parteš/Partesh, Prishtinë/Priština, Prizren, Rahovec/Orahovac, Shtime/Štimlje, Skenderaj/Srbica, Štrpce/Shtërpcë, Vushtrri/Vučitrn, Zubin Potok and Zvečan/Zveçan.

No: Deçan/Deçane, Dragash/Dragaš, Gjakovë/Đakovica, Gjilan/Gnjilane, Glogoc/Glogovac, Hani i Elezit/Elez Han, Kamenicë/Kamenica, Klinë/Klina, Malishevë/Mališevo, Mitrovica/Mitrovicë North, Mitrovicë/Mitrovica South, Novo Brdo/Novobërdë, Obiliq/Obilić, Pejë/Peć, Podujevë/Podujevo, Ranilug/Ranillug, Suharekë/Suva Reka and Viti/Vitina.

2019

Yes: Dragash/Dragaš, Ferizaj/Uroševac, Fushë Kosovë/Kosovo Polje, Glogoc/Glogovac, Leposavić/Leposaviq, Lipjan/Lipljan, Malishevë/Mališevo, Mamuša/Mamushë/Mamuša, Mitrovica/Mitrovicë North, Mitrovicë/Mitrovica South, Parteš/Partesh, Prishtinë/Priština,

Ranilug/Ranillug, Skenderaj/Srbica, Suharekë/Suva Reka, Viti/Vitina, Vushtrri/Vučitrn, Zubin Potok and Zvečan/Zveçan.

No: Deçan/Deçane, Gjakovë/Đakovica, Gjilan/Gnjilane, Gračanica/Gračanicë, Hani i Elezit/Elez Han, Istog/Istok, Junik, Kaçanik/Kaçanik, Kamenicë/Kamenica, Klinë/Klina, Klokot/Kllokot, Novo Brdo/Novobërdë, Obiliq/Obilić, Pejë/Peć, Podujevë/Podujevo, Prizren, Rahovec/Orahovac, Shtime/Štimlje and Štrpce/Shtërpcë.

Has a work plan or activity plan been developed and approved for the CC?

2017

Yes: Ferizaj/Uroševac, Gjilan/Gnjilane, Glogoc/Glogovac, Gračanica/Gračanicë, Hani i Elezit/Elez Han, Istog/Istok Kamenicë/Kamenica, Kaçanik/Kaçanik, Klinë/Klina Klokot/Kllokot, Leposavić/Leposaviq, Lipjan/Lipljan Malishevë/Mališevo Mitrovica/Mitrovicë North Mitrovicë/Mitrovica South, Obiliq/Obilić, Parteš/Partesh, Pejë/Peć Podujevë/Podujevo, Prishtinë/Priština Rahovec/Orahovac Ranilug/Ranillug, Shtime/Štimlje Skenderaj/Srbica, Viti/Vitina, Štrpce/Shtërpcë, Vushtrri/Vučitrn.

No: Deçan/Deçane, Dragash/Dragaš, Fushë Kosovë/Kosovo Polje, Gjakovë/Đakovica, Junik,

Mamuša/Mamushë/Mamuša, Novo Brdo/Novobërdë, Prizren, Suharekë/Suva Reka, Zubin Potok, Zvečan/Zveçan.

2019

Yes: Deçan/Deçane, Dragash/Dragaš, Ferizaj/Uroševac, Fushë Kosovë/Kosovo Polje, Gračanica/Gračanicë, Hani i Elezit/Elez Han, Istog/Istok, Junik, Kamenicë/Kamenica, Kaçanik/Kaçanik, Klinë/Klina, Leposavić/Leposaviq, Lipjan/Lipljan, Malishevë/Mališevo, Mamuša/Mamushë/Mamuša, Novo Brdo/Novobërdë, Obiliq/Obilić, Parteš/Partesh, Pejë/Peć, Podujevë/Podujevo, Prishtinë/Priština, Prizren, Rahovec/Orahovac, Shtime/Štimlje, Skenderaj/Srbica, Suharekë/Suva Reka, Viti/Vitina, Vushtrri/Vučitrn.

No: Glogoc/Glogovac, Gjakovë/Đakovica, Gjilan/Gnjilane, Klokot/Kllokot, Mitrovica/Mitrovicë North, Mitrovica South, Ranilug/Ranillug, Štrpce/Shtërpcë, Zubin Potok, Zvečan/Zveçan.

Has the CC reported every six months to the MA on its work?

2017

Yes: Kaçanik/Kaçanik, Klinë/Klina, Hani i Elezit/Elez Han, Istog/Istok, Mitrovica/Mitrovicë North, Pejë/Peć, Prishtinë/Priština, Skenderaj/Srbica, Shtime/Štimlje.

No: Deçan/Deçane, Dragash/Dragaš, Ferizaj/Uroševac, Fushë Kosovë/Kosovo Polje, Gjakovë/Đakovica, Gjilan/Gnjilane, Glogoc/Glogovac, Gračanica/Gračanicë, Junik, Kamenicë/Kamenica, Klokot/Kllokot, Leposavić/Leposaviq,

Lipjan/Lipljan, Malishevë/Mališevo, Mamuša/Mamushë/Mamuša, Mitrovicë/Mitrovica South, Novo Brdo/Novobërdë, Obiliq/Obilić, Parteš/Partesh, Podujevë/Podujevo, Prizren, Rahovec/Orahovac, Ranilug/Ranillug, Suharekë/Suva Reka, Viti/Vitina, Vushtrri/Vučitrn, Zubin Potok, Zvečan/Zveçan, Štrpce/Shtërpcë.

2019

Yes: Gjakovë/Đakovica, Istog/Istok and Prishtinë/Priština.

No: Deçan/Deçane, Dragash/Dragaš, Ferizaj/Uroševac, Fushë Kosovë/Kosovo Polje, Gjilan/Gnjilane, Glogoc/Glogovac, Gračanica/Gračanicë, Hani i Elezit/Elez Han, Junik, Kaçanik/Kaçanik, Kamenicë/Kamenica, Klinë/Klina, Klokot/Kllokot, Leposavić/Leposaviq, Lipjan/Lipljan, Malishevë/Mališevo, Mamuša/Mamushë/Mamuša, Mitrovica/Mitrovicë North, Mitrovicë/Mitrovica South, Novo Brdo/Novobërdë, Obiliq/Obilić, Parteš/Partesh, Pejë/Peć, Podujevë/Podujevo, Prizren, Rahovec/Orahovac, Ranilug/Ranillug, Shtime/Štimlje, Skenderaj/Srbica, Štrpce/Shtërpcë, Suharekë/Suva Reka, Viti/Vitina, Vushtrri/Vučitrn, Zubin Potok and Zvečan/Zveçan.

Has the CC issued a written annual report? If not, are there any specific plans/commitments for reporting?

2017

Yes: Hani i Elezit/Elez Han, Kaçanik/Kaçanik, Malishevë/Mališevo, Mitrovica/Mitrovicë North, Prizren,

Rahovec/Orahovac, Skenderaj/Srbica and Zvečan/Zvečan.

No: Deçan/Deçane, Dragash/Dragaš, Ferizaj/Uroševac, Fushë Kosovë/Kosovo Polje, Gjakovë/Đakovica, Gjilan/Gnjilane, Glogoc/Glogovac, Gračanica/Graçanicë, Istog/Istok, Junik, Kamenicë/Kamenica, Klinë/Klina, Klokot/Kllokot, Leposavić/Leposaviq, Lipjan/Lipljan, Mamuša/Mamushë/Mamuša, Novo Brdo/Novobërdë, Obiliq/Obilić, Parteš/Partesh, Pejë/Peć, Podujevë/Podujevo, Prishtinë/Priština, Ranilug/Ranillug, Shtime/Štimlje, Štrpce/Shtërpçë, Suharekë/Suva Reka, Viti/Vitina, Vushtrri/Vučitrn, Zubin Potok, Zvečan/Zvečan.

2019

Yes: Ferizaj/Uroševac, Gjakovë/Đakovica, Gračanica/Graçanicë, Istog/Istok, Kamenicë/Kamenica, Lipjan/Lipljan, Mitrovica/Mitrovicë North, Mitrovicë/Mitrovica South, Obiliq/Obilić, Pejë/Peć, Podujevë/Podujevo, Prishtinë/Priština, Prizren and Shtime/Štimlje.

No: Deçan/Deçane, Dragash/Dragaš, Fushë Kosovë/Kosovo Polje, Gjilan/Gnjilane, Glogoc/Glogovac, Hani i Elezit/Elez Han, Junik, Kaçanik/Kaçanik, Klinë/Klina, Klokot/Kllokot, Leposavić/Leposaviq, Malishevë/Mališevo, Mamuša/Mamushë/Mamuša, Novo Brdo/Novobërdë, Parteš/Partesh, Rahovec/Orahovac, Ranilug/Ranillug, Skenderaj/Srbica, Štrpce/Shtërpçë, Suharekë/Suva Reka, Viti/Vitina, Vushtrri/Vučitrn, Zubin Potok and Zvečan/Zvečan.

Has the CC issued recommendations on specific issues relating to protection/promotion of community rights to municipal bodies?

2017

Yes: Deçan/Deçane, Ferizaj/Uroševac, Gjakovë/Đakovica, Glogoc/Glogovac, Gračanica/Graçanicë, Kamenicë/Kamenica, Klinë/Klina, Leposavić/Leposaviq, Lipjan/Lipljan, Mitrovicë/Mitrovica South, Pejë/Peć, Prishtinë/Priština, Ranilug/Ranillug, Shtime/Štimlje, Skenderaj/Srbica, Vushtrri/Vučitrn, Zvečan/Zvečan.

No: Dragash/Dragaš, Fushë Kosovë/Kosovo Polje, Gjilan/Gnjilane, Hani i Elezit/Elez Han, Istog/Istok, Junik, Kaçanik/Kaçanik, Klokot/Kllokot, Malishevë/Mališevo, Mamuša/Mamushë/Mamuša, Mitrovica/Mitrovicë North, Novo Brdo/Novobërdë, Obiliq/Obilić, Parteš/Partesh, Podujevë/Podujevo, Prizren, Rahovec/Orahovac, Štrpce/Shtërpçë, Suharekë/Suva Reka, Viti/Vitina, Zubin Potok.

2019

Yes: Deçan/Deçane, Dragash/Dragaš, Ferizaj/Uroševac, Fushë Kosovë/Kosovo Polje, Gjakovë/Đakovica, Gračanica/Graçanicë, Istog/Istok, Kamenicë/Kamenica, Klinë/Klina, Leposavić/Leposaviq, Lipjan/Lipljan, Malishevë/Mališevo, Mamuša/Mamushë/Mamuša, Mitrovica/Mitrovicë North, Mitrovicë/Mitrovica South, Obiliq/Obilić, Parteš/Partesh, Pejë/Peć, Prishtinë/Priština, Ranilug/Ranillug,

Shtime/Štimlje, Skenderaj/Srbica and Vushtrri/Vučitrn.

No: Gjilan/Gnjilane, Glogoc/Glogovac, Hani i Elezit/Elez Han, Junik, Kaçanik/Kaçanik, Kamenicë/Kamenica, Klokot/Kllokot, Mamuşa/Mamushë/Mamuşa, Novo Brdo/Novobërdë, Podujevë/Podujevo, Štrpce/Shtërpçë, Suharekë/Suva Reka, Viti/Vitina, Zubin Potok and Zvečan/Zveçan.

Has the CC reviewed municipal policies, practices and activities to ensure that the rights and interests of communities are fully respected?

2017

Yes: Dragash/Dragaş, Ferizaj/Uroševac, Glogoc/Glogovac, Gračanica/Graçanicë, Lipjan/Lipljan, Malishevë/Mališevo, Mamuşa/Mamushë/Mamuşa, Mitrovicë/Mitrovica South, Obiliq/Obilić, Parteş/Partesh, Prishtinë/Priština, Prizren, Rahovec/Orahovac, Shtime/Štimlje, Suharekë/Suva Reka.

No: Deçan/Deçane, Fushë Kosovë/Kosovo Polje, Gjakovë/Đakovica, Gjilan/Gnjilane, Hani i Elezit/Elez Han, Istog/Istok, Junik, Kamenicë/Kamenica, Kaçanik/Kaçanik, Klinë/Klina, Klokot/Kllokot, Leposavić/Leposaviq, Mitrovica/Mitrovicë North, Novo Brdo/Novobërdë, Pejë/Peć, Podujevë/Podujevo, Ranilug/Ranillug, Skenderaj/Srbica, Viti/Vitina, Vushtrri/Vučitrn, Zubin Potok, Zvečan/Zveçan, Štrpce/Shtërpçë.

2019

Yes: Dragash/Dragaş, Fushë Kosovë/Kosovo Polje, Glogoc/Glogovac,

Gračanica/Graçanicë, Lipjan/Lipljan, Malishevë/Mališevo, Mamuşa/Mamushë/Mamuşa, Mitrovicë/Mitrovica South, Obiliq/Obilić, Prishtinë/Priština, Prizren, Rahovec/Orahovac, Shtime/Štimlje, Skenderaj/Srbica, Štrpce/Shtërpçë, Suharekë/Suva Reka and Vushtrri/Vučitrn.

No: Deçan/Deçane, Ferizaj/Uroševac, Gjakovë/Đakovica, Gjilan/Gnjilane, Hani i Elezit/Elez Han, Istog/Istok, Junik, Kaçanik/Kaçanik, Kamenicë/Kamenica, Klinë/Klina, Klokot/Kllokot, Leposavić/Leposaviq, Mitrovica/Mitrovicë North, Novo Brdo/Novobërdë, Parteş/Partesh, Pejë/Peć, Podujevë/Podujevo, Ranilug/Ranillug, Viti/Vitina, Zubin Potok and Zvečan/Zveçan.

Has a work plan or activity plan been developed and approved for the MOCR?

2017

Yes: Dragash/Dragaş, Ferizaj/Uroševac, Gjilan/Gnjilane, Glogoc/Glogovac, Gračanica/Graçanicë, Istog/Istok, Kamenicë/Kamenica, Kaçanik/Kaçanik, Klokot/Kllokot, Lipjan/Lipljan, Novo Brdo/Novobërdë, Obiliq/Obilić, Pejë/Peć, Podujevë/Podujevo, Prishtinë/Priština, Prizren, Rahovec/Orahovac, Ranilug/Ranillug, Shtime/Štimlje, Skenderaj/Srbica, Štrpce/Shtërpçë, Viti/Vitina, Vushtrri/Vučitrn.

No: Deçan/Deçane, Fushë Kosovë/Kosovo Polje, Gjakovë/Đakovica, Hani i Elezit/Elez Han, Junik, Klinë/Klina, Malishevë/Mališevo, Mamuşa/Mamushë/Mamuşa,

Mitrovicë/Mitrovica South,
Parteš/Partesh, Suharekë/Suva Reka,
Zvečan/Zveçan.

2019

Yes: Deçan/Deçane, Dragash/Dragaš,
Ferizaj/Uroševac, Fushë Kosovë/Kosovo
Polje, Gjakovë/Đakovica, Gjilan/Gnjilane,
Gračanica/Graçanicë, Istog/Istok, Junik,
Klinë/Klina, Lipjan/Lipljan,
Mitrovicë/Mitrovica South, Novo
Brdo/Novobërdë, Obiliq/Obilić,
Parteš/Partesh, Pejë/Peć,
Podujevë/Podujevo, Prishtinë/Priština,
Prizren, Rahovec/Orahovac,
Shtime/Štimlje, Skenderaj/Srbica,
Štrpce/Shtërpçë, Vushtrri/Vučitrn.

No: Glogoc/Glogovac,
Gračanica/Graçanicë, Hani i Elezit/Elez
Han, Kamenicë/Kamenica,
Kaçanik/Kaçanik, Klokot/Kllokot,
Malishevë/Mališevo,
Mamuşa/Mamushë/Mamuşa,
Suharekë/Suva Reka, Viti/Vitina,
Zvečan/Zveçan.

Has the MOCR issued a written annual report? If not, are there any specific plans/commitments for reporting?

2017

Yes: Dragash/Dragaš, Ferizaj/Uroševac,
Fushë Kosovë/Kosovo Polje,
Gjakovë/Đakovica, Gjilan/Gnjilane,
Glogoc/Glogovac, Gračanica/Graçanicë,
Istog/Istok, Klinë/Klina, Klokot/Kllokot,
Lipjan/Lipljan, Malishevë/Mališevo,
Mitrovicë/Mitrovica South, Novo
Brdo/Novobërdë, Obiliq/Obilić, Pejë/Peć,
Podujevë/Podujevo, Prishtinë/Priština,
Prizren, Rahovec/Orahovac,
Ranilug/Ranillug, Shtime/Štimlje,

Skenderaj/Srbica, Štrpce/Shtërpçë,
Viti/Vitina and Vushtrri/Vučitrn.

No: Deçan/Deçane, Junik,
Kaçanik/Kaçanik, Kamenicë/Kamenica,
Mamuşa/Mamushë/Mamuşa,
Parteš/Partesh, Suharekë/Suva Reka,
Viti/Vitina and Zvečan/Zveçan.

2019

Yes: Deçan/Deçane, Dragash/Dragon,
Ferizaj/Uroševac, Fushë Kosovë/Kosovo
Polje, Gjakovë/Đakovica, Gjilan/Gnjilane,
Gračanica/Graçanicë, Istog/Istok,
Kaçanik/Kaçanik, Kamenicë/Kamenica,
Klinë/Klina, Klokot/Kllokot, Lipjan/Lipljan,
Mitrovicë/Mitrovica South, Novo
Brdo/Novobërdë, Obiliq/Obilić,
Parteš/Partesh, Pejë/Peć,
Podujevë/Podujevo, Prishtinë/Priština,
Prizren, Rahovec/Orahovac,
Ranilug/Ranillug, Shtime/Štimlje,
Skenderaj/Serbia, Štrpce/Shtërpçë and
Viti/Vitina.

No: Glogoc/Glogovac, Hani i Elezit/Elez
Han, Junik, Malishevë/Mališevo,
Mamuşa/Mamushë/Mamuşa,
Suharekë/Suva Reka, Vushtrri/Vučitrn and
Zvečan/Zveçan.

Has the MOCR worked on the development, monitoring or evaluation of projects benefitting communities?

2017

Yes: Dragash/Dragaš, Fushë
Kosovë/Kosovo Polje, Gjakovë/Đakovica,
Gjilan/Gnjilane, Istog/Istok, Klinë/Klina,
Lipjan/Lipljan, Novo Brdo/Novobërdë,
Obiliq/Obilić, Podujevë/Podujevo,
Prishtinë/Priština, Prizren, Shtime/Štimlje,

Suharekë/Suva Reka, Vushtrri/Vučitrn and Zvečan/Zvečan.

No: Deçan/Deçane, Ferizaj/Uroševac, Glllogoc/Glogovac, Gračanica/Gračanicë, Hani i Elezit/Elez Han, Junik, Kaçanik/Kaçanik, Kamenicë/Kamenica, Klokot/Klllokot, Malishevë/Mališevo, Mamuša/Mamushë/Mamuša, Mitrovicë/Mitrovica South, Parteš/Partesh, Pejë/Peć, Rahovec/Orahovac, Ranilug/Ranillug, Skenderaj/Srbica, Štrpce/Shtërpcë and Viti/Vitina.

2019

Yes: Dragash/Dragaš, Fushë Kosovë/Kosovo Polje, Gjakovë/Đakovica, Gjilan/Gnjilane, Gračanica/Gračanicë, Istog/Istok, Kamenicë/Kamenica, Klinë/Klina, Lipjan/Lipljan, Novo Brdo/Novobërdë, Obiliq/Obilić, Pejë/Peć, Prishtinë/Priština, Prizren, Rahovec/Orahovac, Shtime/Štimlje, Štrpce/Shtërpcë and Suharekë/Suva Reka.

No: Deçan/Deçane, Ferizaj/Uroševac, Glllogoc/Glogovac, Hani i Elezit/Elez Han, Junik, Kaçanik/Kaçanik, Klokot/Klllokot, Malishevë/Mališevo, Mamuša/Mamushë/Mamuša, Mitrovicë/Mitrovica South, Parteš/Partesh, Podujevë/Podujevo, Ranilug/Ranillug, Skenderaj/Srbica, Viti/Vitina, Vushtrri/Vučitrn and Zvečan/Zvečan.

Has the DMC provided specific advice and guidance to the mayor on community issues?

Mandatory

Yes: Dragash/Dragaš, Fushë Kosovë/Kosovo Polje, Klokot/Klllokot, Novo Brdo/Novobërdë, Prizren and Štrpce/Shtërpcë.

No: N/A

Non-Mandatory

Yes: Ferizaj/Uroševac, Kamenicë/Kamenica, Lipjan/Lipljan, Mamuša/Mamushë/Mamuša, Obiliq/Obilić, Zubin Potok and Zvečan/Zvečan.

No: N/A

Has the DMC ensured that the municipal executive (i.e. MOCR and other municipal directorates) effectively implements projects / activities / policies / regulations related to the protection and promotion of communities' rights?

Mandatory

Yes: Dragash/Dragaš, Fushë Kosovë/Kosovo Polje, Klokot/Klllokot, Prizren and Štrpce/Shtërpcë.

No: Novo Brdo/Novobërdë.

Non-Mandatory

Yes: Ferizaj/Uroševac, Kamenicë/Kamenica, Lipjan/Lipljan, Mamuša/Mamushë/Mamuša, Obiliq/Obilić, Zubin Potok and Zvečan/Zvečan.

No: N/A

Has the DMC promoted inter-community dialogue?

Mandatory

Yes: Fushë Kosovë/Kosovo Polje, Klokot/Kllokot and Štrpce/Shtërpcë.

No: Novo Brdo/Novobërdë, Dragash/Dragaš and Prizren.

Non-Mandatory

Yes: Ferizaj/Uroševac, Kamenicë/Kamenica and Lipjan/Lipljan.

No: Mamuša/Mamushë/Mamuša, Obiliq/Obilić, Zubin Potok and Zvečan/Zveçan.

Does the DMC meet the mayor at least monthly to discuss community-related issues and ongoing activities?

Mandatory

Yes: Dragash/Dragaš, Fushë Kosovë/Kosovo Polje, Novo Brdo/Novobërdë, Prizren and Štrpce/Shtërpcë.

No: Klokot/Kllokot.

Non-Mandatory

Yes: Ferizaj/Uroševac, Kamenicë/Kamenica, Lipjan/Lipljan, Mamuša/Mamushë/Mamuša, Obiliq/Obilić, Zubin Potok and Zvečan/Zveçan.

No: N/A

Has the DCMAC promoted inter-community dialogue?

Yes: Klokot/Kllokot and Zvečan/Zveçan.

No: Dragash/Dragaš, Gračanica/Gračanicë, Mitrovica/Mitrovicë North, Novo Brdo/Novobërdë, Prizren, Štrpce/Shtërpcë and Zubin Potok.

Has the DCMAC addressed concerns and issues related to the needs of communities in the meetings of the municipal assembly and its work

Yes: Klokot/Kllokot, Novo Brdo/Novobërdë, Štrpce/Shtërpcë, Prizren, Mitrovica/Mitrovicë North and Zvečan/Zveçan.

No: Dragash/Dragaš, Gračanica/Gračanicë and Zubin Potok.

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