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An Assessment of the Implementation of the  
Legal and Policy Framework for the Reintegration of

# Repatriated Persons in Kosovo



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December, 2016



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## List of abbreviations

CA	Commission for Appeals
CMS	Case Management System
CCR	Central Commission for Reintegration
CoE	Council of Europe
CSW	Centre for Social Welfare
DCAM	Department for Citizenship, Asylum and Migration
DRRP	Department for Reintegration of Repatriated Persons
EU	European Union
IOM	International Organization for Migration
LAP	Local Action Plan
MAFRD	Ministry of Agriculture, Forestry and Rural Development
MESP	Ministry of Environment and Spatial Planning
MH	Ministry of Health
MIA	Ministry of Internal Affairs
MLGA	Ministry of Local Government Administration
MLSW	Ministry for Labour and Social Welfare
MOCR	Municipal office for communities and returns
MOE	Municipal office for employment
MCR	Municipal commission for reintegration
OPM	Office of the Prime Minister
OSCE	Organization for Security and Co-operation in Europe Mission in Kosovo
UNICEF	United Nations Children's Fund

## Executive Summary

This report reviews the progress made by Kosovo institutions in the development and implementation of the legal and policy framework for the reintegration of repatriated persons. A previous report by the Organization for Security and Co-operation in Europe (OSCE) “*Reassessing Progress in the Development and Implementation of the Legal and Policy Framework for the Reintegration of Repatriated Persons*” published in January 2014 identified a significant progress, and also highlighted a number of shortcomings. The present report covers the period between January 2014 and December 2015. Two major factors influenced the reintegration process during this reporting period. The legal and policy framework governing the reintegration of repatriated persons was entirely revamped in late 2013, and the number of persons repatriated to Kosovo rose sharply since the second half of 2013, putting a greater strain on the institutions responsible for reintegration.

The report finds that despite the challenges, significant progress has been achieved since the last report was issued. Institutional changes addressed most of the problems identified previously. The 2013 legal and policy framework was further strengthened by the adoption of a new Regulation in 2015, and is suitable for addressing the needs of repatriated persons. Both central and local level institutions have generally complied with their legal obligations and fulfilled their duties in areas including provision of information, assistance, as well as monitoring and reporting. The performance of local level institutions was enhanced through a process of decentralisation culminating in the adoption of Local Action Plans for Reintegration. The introduction of a Case Management System (CMS) and the strengthened role given to regional co-ordinators ensured a functioning flow of information between central and local level institutions. The introduction of the CMS also addressed one of the major shortcomings discussed in the previous report, i.e. the absence of reliable and centralized data.

The key new feature of this report is its focus on the specific needs of repatriated vulnerable persons, including persons belonging to communities in a numerical minority. The revamped legal and policy framework greatly enhanced the potential of the Reintegration Program to address the needs of vulnerable persons. Following extensive monitoring of the institutional response to these needs by OSCE field teams, the report assesses the performance of both central and local level institutions in this regard as satisfactory. The OSCE encourages responsible institutions to continue assessing the needs of vulnerable repatriated persons while paying special attention to women and members of communities in a numerical minority. Other key recommendations include the provision of information in all relevant official languages, and improvement of data collection processes. Relevant institutions should co-operate closely to ensure that all repatriated persons are recorded in the CMS regardless of need for assistance. Additionally, individuals should be adopted as a common unit of measurement and used by all institutions. Data should also be properly disaggregated by community and gender at all levels.

Altogether, the report commends the progress made by Kosovo institutions in the field of reintegration of repatriated persons. All major shortcomings have been sufficiently addressed, and both central and local level institutions are performing well. The OSCE will therefore

disengage from monitoring the general institutional performance in the reintegration process, and will focus solely on monitoring the provision of reintegration assistance to vulnerable persons, including members of communities in a numerical minority.

## Introduction

Between January 2005 and December 2015, according to Ministry of Internal Affairs (MIA) nearly 52,000 persons were repatriated to Kosovo.<sup>1</sup> During the reporting period covered by this report (between January 2014 and December 2015), 21,156 persons have been repatriated to Kosovo, according to government statistics.<sup>2</sup> In 2015 alone, 16,546 persons were repatriated. According to MIA in 2014 and 2015 repatriated persons belonging to communities in a numerical minority constituted approximately 22.5 per cent and 10.2 per cent respectively of the total number of persons repatriated to Kosovo.<sup>3</sup>

This increase in the rate of repatriations corresponds to the sudden surge in the number of persons leaving Kosovo and claiming asylum in European Union (EU) member states between July 2014 and February 2015. According to the International Organisation for Migration (IOM), 42,000 persons from Kosovo claimed asylum in EU Member States in the first months of 2015 alone.<sup>4</sup> According to EU official statistics<sup>5</sup>, the number of individuals from Kosovo seeking asylum in the EU has hovered between 10,000 and 20,000 per annum since 2008. In 2014, it nearly doubled to 37,890, and in 2015 it nearly doubled again to 72,465.<sup>6</sup>

An assessment conducted by the OSCE between February and May 2015 in all 38 Kosovo municipalities through interviews with and questionnaires addressed to municipal offices for communities and returns (MOCRs) where they have been established, municipal communities offices in Leposavić/Leposaviq, Zvečan/Zveçan and Zubin Potok, as well as the Mitrovica/Mitrovicë North Administrative Office, and three representatives of communities in a numerical minority at the municipal level per municipality selected by the OSCE field teams as persons of authority within their community indicated that 37 out of 38 municipalities of Kosovo have reportedly experienced a significant increase in outward migration of their residents between July 2014 and February 2015, the one exception being

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<sup>1</sup> 4,987 in 2005, 3,278 in 2006, 2,945 in 2007, 2,556 in 2008, 3,225 in 2009, 3,095 in 2010, 2,715 in 2011, 2,920 in 2012, 5,115 in 2013, 4,610 in 2014, 16,546 in 2015; according to the Department of Citizenship, Asylum and Migration (DCAM) within the MIA, “Voluntary and Forced Readmission between January 2005 and June 2013”, and MIA Department for Citizenship, Asylum and Migration (DCAM) annual statistical reports 2013, 2014, 2015.

<sup>2</sup> MIA Department for Citizenship, Asylum and Migration (DCAM) annual statistical reports 2014 and 2015

<sup>3</sup> Ibid.

<sup>4</sup> See <http://kosovo.iom.int/coordinated-response-needed-address-irregular-migration-flows> (accessed 26 September 2016).

<sup>5</sup> See [http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr\\_asyappctza&lang=en](http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asyappctza&lang=en) (accessed 23 July 2016).

<sup>6</sup> In 2014, Germany became the most frequent destination country, replacing France. Other significant destination countries were Sweden, Austria, and particularly Hungary, where over 20,000 persons from Kosovo claimed asylum in both 2014 and 2015 ([http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr\\_asyappctza&lang=en](http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asyappctza&lang=en)) (Accessed 23 July 2016).

Mitrovica/Mitrovicë North. According to this assessment, while most migrants were young Kosovo Albanian males or families, community representatives interviewed stated that in 14 municipalities Kosovo Roma, Kosovo Ashkali, and Kosovo Egyptians have been overrepresented among the persons who left Kosovo.

In addition to the physical stress that accompanies forced returns, repatriated persons face difficulties in accessing housing, education, social assistance and finding sustainable employment, which can have a different impact on men and women. Repatriated children who were born and raised outside Kosovo often have weaker language skills than their Kosovo-born peers, and consequently struggle in school.<sup>7</sup> For particularly socially marginalised communities, such as the Kosovo Roma, Kosovo Ashkali and Kosovo Egyptians, these problems can often be even more challenging.

In accordance with its on-going mandate to protect and promote the rights of communities in Kosovo, the OSCE issues regular public reports on the reintegration of repatriated persons in Kosovo, focusing in particular on institutional compliance with legal and policy obligations.

The OSCE has thus far issued three reports on the repatriation process in Kosovo and the support provided by the Kosovo institutions to repatriated persons.<sup>8</sup> These reports aimed to assess the response of Kosovo institutions to the needs of repatriated persons, including the establishment of a regulatory and policy framework and the development of the necessary mechanisms to assist repatriated persons, including communities in a numerical minority at the municipal level.

While early reports pointed at concerning shortcomings in the implementation of the reintegration process which resulted in inadequate support to the reintegration of repatriated persons, the 2014 report concluded that notable progress had been made by Kosovo institutions through *inter alia* the adoption of a comprehensive regulatory and policy framework as well as the allocation of funds to assist the reintegration of repatriated persons. However, the report also noted that municipalities lacked a systematic approach in assessing the needs of repatriated persons. Additionally, the report stressed that the lack of available comprehensive data on the needs of repatriated persons and on the actual assistance provided made it impossible to assess the impact of the reintegration mechanisms, including on communities in a numerical minority at the municipal level.

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<sup>7</sup> For a comprehensive assessment of the negative psycho-social impact of repatriation on children from vulnerable communities, see reports by the United Nations Children's Fund (UNICEF): UNICEF Kosovo and the German Committee for UNICEF, *No Place to Call Home: Repatriation from Germany to Kosovo as seen and experienced by Roma, Ashkali and Egyptian children*, August 2011, [http://www.unicef.org/kosovo/No\\_Place\\_to\\_Call\\_Home\\_English\\_2011.pdf](http://www.unicef.org/kosovo/No_Place_to_Call_Home_English_2011.pdf) (accessed 23 July 2016); and UNICEF Kosovo in co-operation with Kosovo Health Foundation, *Silent Harm: A report assessing the situation of repatriated children's psycho-social health*, March 2012, [http://www.unicef.org/kosovo/SILENT\\_HARM\\_Eng\\_Web.pdf](http://www.unicef.org/kosovo/SILENT_HARM_Eng_Web.pdf) (accessed 23 July 2016).

<sup>8</sup> OSCE report *Reassessing Progress in the Development and Implementation of the Legal and Policy Framework for the Reintegration of Repatriated Persons* (January 2014). <http://www.osce.org/kosovo/82416> (hereafter "2014 Repatriations Report"); OSCE Report, *Assessing the Progress in the Development and Implementation of the Legal and Policy framework for the Reintegration of Repatriated Persons* (September 2011). <http://www.osce.org/kosovo/82416>; OSCE Report, *Implementation of the Strategy for Reintegration of Repatriated Persons in Kosovo's Municipalities* (November 2009). <http://www.osce.org/kosovo/40180>.

This report aims to review the progress made by Kosovo institutions since the publication of the previous OSCE report on repatriations in January 2014. It covers the period between January 2014 and December 2015. As in previous reports, general institutional performance with regard to the repatriation and reintegration process is assessed and significant developments in the legal and policy framework are reviewed. Additionally, this report assesses the capacity of institutions to identify and respond to the specific needs of repatriated persons belonging to communities in a numerical minority in a given municipality.

In the first chapter, the report outlines the international and domestic provisions governing the repatriation and reintegration process. The second chapter focuses on the performance of central and local level institutions vis-à-vis their obligations set forth in the legal and policy framework. Finally, the report summarises the improvements made by the institutions since the publication of the 2014 report and their compliance with the required standards and in relation to the OSCE recommendations made in the 2014 assessment of the repatriation process. As with previous reports, this report provides a set of recommendations to responsible Kosovo central and municipal institutions.

## Methodology

The report assesses the implementation of the legal and policy framework on the reintegration of repatriated persons both at the local level in 37 municipalities across Kosovo<sup>9</sup> and central level through a combination of qualitative and quantitative data collected by the OSCE during the reporting period (January 2014 - December 2015).

OSCE field teams gathered data and information using a tracking tool that was completed on a quarterly basis throughout the reporting period. Data and information in the tracking tool was completed through interviews with representatives of MOCRs<sup>10</sup> and the observations by field teams<sup>11</sup> on the implementation of the legal and policy framework on the reintegration of repatriated persons at the municipal level. Through this tracking tool, quantitative data on the number of requests for assistance, number of meetings of the municipal commissions for reintegration (MCRs),<sup>12</sup> and number and types of assistance provided was gathered. In addition, qualitative data to assess the compliance of MOCRs and MCRs with their legal obligations was collected.

Additional information on municipal responses to specific needs of vulnerable persons and members of communities in a numerical minority during the period 2014-2015 was gathered

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<sup>9</sup> Junik has been excluded from monitoring as there were no cases of repatriated persons recorded during the reported period.

<sup>10</sup> For the purposes of this report, MOCRs also refer to the Municipal Communities Offices in Leposavić/Leposaviq, Zvečan/Zveçan and Zubin Potok, and to the Mitrovica/Mitrovicë North Administrative Office. Junik is excluded from monitoring. Furthermore, for a considerable part of the monitoring period the responsible officer in the Glllogoc/Glogovac MOCR was on maternity leave, and her replacements were unable to provide the requested information. The total number of institutions referred to as MOCRs in the report is thus 36.

<sup>11</sup> Based on their observations, information collected from MOCRs and other relevant municipal officers, civil society organizations, communities representatives, international organizations and other stakeholders.

<sup>12</sup> MCRs have not been established in Mitrovica/Mitrovicë North, Leposavić/Leposaviq, Zubin Potok and Zvečan/Zveçan; Junik is excluded from monitoring. The total number of MCRs assessed in this report is thus 33.

by OSCE field teams for the purpose of this report in April and May 2016 through a questionnaire addressed to co-ordinators for reintegration of repatriated persons within the MOCRs and officers within the Centres for Social Welfare (CSWs)<sup>13</sup> in all municipalities across Kosovo. The questionnaire gathered data on the frequency of outreach visits, the assessment of needs upon arrival and one year following repatriation, availability of information in all official languages, provision of specific assistance to vulnerable persons and persons who had been repatriated within a year of leaving Kosovo. Provision of information and of assistance to different categories of repatriated persons was evaluated on the scale from ‘most of the time’ through ‘sometimes’ and ‘rarely’ to ‘never’. As part of this questionnaire, additional questions were asked to the MOCRs on their perceptions and understanding of the issues affecting the re-integration of repatriated persons belonging to communities in a numerical minority, including the specific needs of women and identified vulnerable persons.

Qualitative data on compliance with legal obligations at the central level was collected through interviews conducted with MIA representatives from the Department for Reintegration of Repatriated Persons (DRRP) and the Department for Citizenship, Asylum and Migration (DCAM).<sup>14</sup> Finally, quantitative data on the number of repatriated persons, requests for assistance from the Reintegration Program, and Program beneficiaries disaggregated by community and gender where possible, as well as the type of assistance provided was gathered from DRRP annual reports for 2014 and 2015, and cross-checked with DRRP representatives in 2016.<sup>15</sup>

## **Chapter I: Overview of the policy and regulatory framework**

This chapter outlines the international and domestic provisions governing the repatriation and reintegration process. It also outlines the changes and improvements in the legal and policy framework that have been noted since the publication of the last OSCE report, including an analysis of the provisions introduced for the protection of vulnerable persons. Key obligations of relevant institutional duty bearers at both central and local levels are outlined to serve as a benchmark for the assessment of institutional compliance.

### **Application process for the provision of assistance**

When a person is forcibly repatriated to Kosovo, DCAM is informed of the impending arrival by the repatriating state, and feeds this information to DRRP. DRRP then informs the municipality of origin through the CMS and regional co-ordinators. The DRRP team at Prishtinë/Priština International Airport approaches repatriated persons upon their arrival, assesses their immediate needs, provides necessary assistance (temporary board and lodging, healthcare, transportation to the municipality of origin), and registers them in the CMS. Upon arrival in the municipality, MOCR and CSW staff approaches the repatriated person to relay

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<sup>13</sup> With the exclusion of Junik from monitoring, the total number of CSWs monitored in this report is 37.

<sup>14</sup> The interview with DRRP representatives was conducted by the OSCE on 12 November 2015, while communication with the director of DCAM was maintained through e-mail between November 2015 and March 2016.

<sup>15</sup> An e-mail was sent by the OSCE to DRRP on 9 August 2016. The OSCE received answers from the DRRP on 17 August 2016.

information about available assistance and conduct a more thorough needs assessment. The repatriated person fills in an application form for assistance, the MOCR helps to complete it, assesses whether the information provided reflects the actual needs of the repatriated person, and submits the request to either the MCR or the Central Commission for Reintegration (CCR), depending on the nature of the request. The request is then examined within the period stipulated by the applicable Regulation, and if successful, assistance is granted.

When persons return voluntarily, they may apply directly to the MOCR for reintegration assistance, in which case they will be registered in the CMS and file a request for reintegration assistance. In some cases, repatriated persons may benefit from donor ‘voluntary returns’ assistance funded by organizations such as the IOM; however this assistance is independent from the DRRP procedures and funds.

### **i. Background to policy and regulatory framework**

Repatriation in the Kosovo context is defined by the MIA as the act of returning to Kosovo performed by a Kosovo resident or a person with Kosovo origin and it is applied to all types of return in cases when entering the territory of Kosovo.<sup>16</sup> MIA through its DRRP is the institution responsible for handling repatriation cases throughout the process of readmission and reintegration. Repatriated persons return to Kosovo for a variety of reasons. In some cases they are forcibly returned from Western European countries following the cessation of their temporary protection status or the rejection of their asylum claim; however, in some cases they choose to return on a voluntary basis.

The process of repatriation is generally governed by international human rights standards; the modalities of removal and readmission in Europe are guided by the Council of Europe’s *Twenty Guidelines on Forced Return* (2005), a compilation of relevant standards reflecting international human rights law and jurisprudence of international courts. The institutions in the place of origin have an obligation to “readmit its own nationals without formalities, delays or obstacles”, “not enquire about the reasons for the return”, and “refrain from applying any sanctions against returnees”<sup>17</sup> Besides these rules on the readmission process, the *Guidelines* do not specify any obligation of the place of origin to reintegrate and assist the readmitted persons. Nevertheless, international standards applicable to the follow-up process are the broader human rights norms, such as the right to access to education, healthcare, and social assistance.<sup>18</sup> The Kosovo legal framework directly guarantees all these rights to everyone, including repatriated persons.<sup>19</sup>

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<sup>16</sup> Strategy for Reintegration of Repatriated Persons in Kosovo (October 2013), [http://www.mpb-ks.org/repository/docs/National\\_Strategy\\_for\\_Reintegration\\_of\\_Repatriated\\_Persons.pdf](http://www.mpb-ks.org/repository/docs/National_Strategy_for_Reintegration_of_Repatriated_Persons.pdf), p. 27 (thereafter “Reintegration Strategy”).

<sup>17</sup> Council of Europe (CoE), *Twenty Guidelines on Forced Return*, September 2005, available at [http://www.coe.int/t/dg3/migration/archives/Source/MalagaRegConf/20\\_Guidelines\\_Forced\\_Return\\_en.pdf](http://www.coe.int/t/dg3/migration/archives/Source/MalagaRegConf/20_Guidelines_Forced_Return_en.pdf) (accessed 23 July 2016), Guideline 13.

<sup>18</sup> See Article 22 (right to social security), Article 23 (protection against unemployment), Article 25 (right to health) and Article 26 (right to education) of the Universal Declaration of Human Rights, UN General Assembly Resolution 217 A (III), 10 December 1948 (UDHR). Also, Article 13 (right to education) and Article 12 (right to health care) of the International Covenant on Economic, Social and Cultural Rights

Furthermore, communities and their members in Kosovo possess specific rights guaranteed by the constitution and the legal framework. Improvement of living conditions of members of communities in a numerical minority through proactive means and affirmative measures is encouraged and guaranteed by law.<sup>20</sup> The Kosovo legal framework recognizes the special needs of members of communities given the specific challenges that they face. As members of non-Albanian communities form a substantial section of persons repatriated to Kosovo, it is essential that Kosovo institutions pay special attention to support and assistance facilitating their reintegration.

The legal framework governing the reintegration of repatriated persons is based on the policy framework outlined in the *Strategy for Reintegration of Repatriated Persons in Kosovo* published in October 2013.<sup>21</sup> The three key strategic objectives specified in the Strategy are:

- 1) Strengthening of institutional capacities, installing of improving monitoring and evaluation system, and decentralization of competencies;
- 2) Drafting and implementing of comprehensive policies at local level in order to achieve sustainable reintegration;
- 3) Public awareness and social mobilization.<sup>22</sup>

The previous OSCE report (2014) reviewed and analysed the strategy. The report criticized the lack of focus on long-term measures for sustainable reintegration.<sup>23</sup> The OSCE commended the commitment to launching a Case Management System (CMS) and the special attention to the needs of vulnerable repatriated persons including members of communities in a numerical minority.<sup>24</sup>

The *Strategy* was followed by the adoption of Regulation No. 20/2013 on Reintegration of Repatriated Persons and Management of the Reintegration Program. Since the publication of the 2014 OSCE report, the Regulation has been replaced by Regulation No. 08/2015, and later by Regulation No. 04/2016. While the former applied during a part of the monitoring period covered by this report, the latter was adopted after the reporting period had passed. The minor change it brought will nevertheless be outlined briefly at the end of this section.

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(ICESCR), UN General Assembly resolution 2200A (XXI), 16 December 1966, entered into force 3 January 1976.

<sup>19</sup> See also: Law No. 2011/04-L-032 on Pre-University Education, 31 August 2011; Law No. 2012/04-L-125 on Health, 26 April 2013; Law No. 2003/15 on the Social Assistance Scheme in Kosovo, 18 August 2003, and Law No. 04/L-096 on amending and supplementing of the Law No. 2003/15 on Social Assistance Scheme in Kosovo, 20 May 2012.

<sup>20</sup> See constitution of Kosovo, Article 58.4; Law No. 03/L-047 on the Protection and Promotion of the Rights of Communities and their Members in Kosovo, 13 March 2008, Articles 1.2, 3.4, 9.

<sup>21</sup> Reintegration Strategy (*supra* 16).

<sup>22</sup> Reintegration Strategy (*supra* 16), p. 13.

<sup>23</sup> 2014 Repatriations Report (*supra* 8), p. 20.

<sup>24</sup> *Ibid*, pp. 20 - 21.

## ii. Central level legal and policy framework

### *Regulation No. 20/2013*

Regulation 20/2013 was adopted as part of a comprehensive review of the policy and regulatory framework and replaced basic Regulation 10/2012.<sup>25</sup> The Regulation revamped the institutional framework and introduced a number of key changes including the creation of a case-management system and a Commission for Appeals, as well as a shift from direct assistance to measures facilitating successful integration such as education, training and the abolishment of deadlines for the provision of such assistance.<sup>26</sup>

### *Regulation No. 08/2015*

Since the publication of the 2014 OSCE report on the Repatriation Process, Kosovo institutions have introduced Regulation 08/2015, taking into account the need to improve the former regulation and more comprehensively meet the needs of the repatriated population.

Both the 2013 and the 2015 Regulations generally limit the eligibility for benefitting from the Program to persons who have left Kosovo prior to 28 July 2010.<sup>27</sup> However, the elements of the Program pertinent to education for children<sup>28</sup>, professional training<sup>29</sup>, and employment assistance<sup>30</sup> are available to all repatriated persons regardless of the date of departure. The 2015 Regulation also extends this provision to access to internships.<sup>31</sup>

Importantly, the 2015 Regulation has relaxed the eligibility criteria to facilitate access to all elements of the Program for the most vulnerable individuals, defined as “persons with special needs” in Article 22 of the Regulation.<sup>32</sup> General eligibility criteria – i.e. to have left Kosovo before 28 July 2010, to have submitted the requests within a given timeframe, to not be repatriated repeatedly, and to not have benefitted from a similar scheme<sup>33</sup> - do not apply in such cases. Article 22 defines vulnerable persons with special needs as “repatriated persons who have lived for at least one year outside Kosovo and have a need for special reintegration measures as a consequence of their decreased functional capacity, due to illness or disabilities, age, or as a consequence of their family conditions or other social problems”.<sup>34</sup>

Vocational training, internships, employment and self-employment/business financing are explicitly listed as methods of support for economic integration of repatriated persons.<sup>35</sup>

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

<sup>26</sup> Other important changes included the dismantling of the high-level reintegration board and its replacement with an inter-ministerial Central Commission for Reintegration (CCR) for the approval of construction and income generation support, the speeding up of the approval process by introducing a 15-day deadline for reviewing requests, and the inclusion of MOCR representatives within the MCRs at the local level. The role of regional coordinators was also formally cemented in the legislation. (2014 Repatriations Report, *supra* 8 pp. 21 – 22).

<sup>27</sup> Article 2(1) Regulation 20/2013; Article 4(1)(1) Regulation 08/2015.

<sup>28</sup> Article 14 Regulation 20/2013; Article 15 Regulation 08/2015.

<sup>29</sup> Article 15 Regulation 20/2013; Article 17 Regulation 08/2015.

<sup>30</sup> Article 16 Regulation 20/2013; Article 19 Regulation 08/2015.

<sup>31</sup> Article 18 Regulation 08/2015.

<sup>32</sup> Article 4(3) Regulation 08/2015.

<sup>33</sup> Article 1 Regulation 08/2015.

<sup>34</sup> Article 22 Regulation 08/2015.

<sup>35</sup> Article 16 Regulation 08/2015.

Internships are a new feature of the 2015 Regulation, although the Regulation does not provide any detail as to which institution shall be responsible for arranging such internships, or even which institutions should take on interns.<sup>36</sup> The role of municipalities in supporting sustainable reintegration has been extended to provide appropriate information, guidance and advice concerning municipal services.<sup>37</sup> MOCRs should therefore take a more proactive role in facilitating and monitoring access to activities supporting sustainable reintegration, and to cooperate extensively with the municipal offices for employment (MOEs).<sup>38</sup>

At the municipal level, the Regulation has assigned a significant role to the MOE and CSW, which are now responsible together with MOCRs for conducting thorough needs assessments of repatriated families.<sup>39</sup> Needs assessments were made a key element of the Regulation following the introduction of the aforementioned Article 22 on assistance and support to vulnerable persons with special needs. While no objective benchmarks are prescribed, the Regulation foresees that the “nature of assistance and support is defined based on the individual assessment of the circumstances of each case, including also the specific measures of support in case of need.”<sup>40</sup> The needs assessment ought to reflect the best interest of children<sup>41</sup>, and an initial needs assessment should be conducted by Prishtinë/Priština International Airport Reception office and municipal CSW.<sup>42</sup>

Finally, to better reflect the shape of migration flows and account for repatriation by land, the 08/2015 Regulation stipulates that immediately upon arrival at a gate/crossing point, repatriated persons should be received in an organized manner, provided information and medical assistance if needed,<sup>43</sup> while Regulation 20/2013 only foresaw an arrival at the Prishtinë/Priština International Airport.<sup>44</sup>

### **Regulation No. 04/2016**

In January 2016 (after the monitoring period covered by this report), the new Regulation 04/2016 came into force and replaced its predecessor. The only change this brought was to open up the possibility to benefit from self-employment assistance for post-July 2010 migrants.<sup>45</sup>

### **Guidelines to support the process**

Since the publication of the previous OSCE report, two sets of Guidelines were published by the MIA to provide further clarity and guidance in the implementation of the 2013 *Strategy* and subsequent Regulations. The *Guide for the Implementation of the Policy to the Reintegration* from November 2013 mostly summarises the roles and competences of

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<sup>36</sup> Article 18 Regulation 08/2015.

<sup>37</sup> Article 14(5) Regulation 08/2015.

<sup>38</sup> Articles 17, 19, 20 Regulation 08/2015.

<sup>39</sup> Articles 28(5), 28(6) Regulation 08/2015.

<sup>40</sup> Article 22(2) Regulation 08/2015.

<sup>41</sup> Article 22(4) Regulation 08/2015.

<sup>42</sup> This provision does not reflect the shift to Border Crossing Points instead of Prishtinë/Priština International Airport; see Article 22 (3) Regulation 08/2015.

<sup>43</sup> Article 7(1) Regulation 08/2015.

<sup>44</sup> Article 6(1) Regulation 20/2013.

<sup>45</sup> Article 4(2) together with Article 20 Regulation 04/2016.

respective institutions in the readmission and reintegration process. The more valuable part of the Guide is the section on the treatment of vulnerable groups of persons during the process of reintegration. It provides a comprehensive list of the vulnerable categories of persons: self-feeding mothers; children without parental care and children abandoned; children without parental care and abused and mistreated children; children with special needs; non-Albanian communities ('minorities'), particularly Kosovo Roma, Kosovo Ashkali and Kosovo Egyptians; elderly persons without family care; people with mental disabilities and without family; families in poor economic condition; victims of human trafficking.<sup>46</sup>

The *Guidelines for Assistance and Support for Repatriated Persons for Sustainable Reintegration Based on Reintegration Policies* from May 2014 attempt to fill in some omissions in the 2013 Regulation, and anticipate some of the developments later introduced in the 2015 Regulation, particularly with regards to persons with special needs and corresponding needs assessment. The guiding principles derived from international human rights law are enumerated.<sup>47</sup> Crucially, the process of needs assessment is described in more detail. After the initial needs assessment conducted at Prishtinë/Priština International Airport,<sup>48</sup> the MOCR with support from the CSW should conduct a more detailed assessment of the needs of the family<sup>49</sup> within five days of the arrival in the municipality.<sup>50</sup> The assessment is conducted by reviewing the information stored in the CMS and the documentation the family possesses, and by interviewing the family.<sup>51</sup> Children are interviewed separately from their parents.<sup>52</sup> The needs assessment focuses on a number of categories, such as housing situation, socio-economic conditions, family size, the availability of documentation (including civil registration and school certificates), health needs, disability, language, professional and employability skills, vocational training needs, risk of violence,<sup>53</sup> and existence of a support network in Kosovo. The category 'specific vulnerabilities' including the risk of marginalization is also included, which is especially relevant for communities.<sup>54</sup>

The Guidelines further provide detailed instructions on various modalities of both emergency assistance and support for sustainable reintegration,<sup>55</sup> and specify the details of inter-sectorial

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<sup>46</sup> MIA, *Guide for the Implementation of the Policy to the Reintegration*, Prishtinë/Priština, November 2013, [http://mpb-ks.org/repository/docs/Guide\\_for\\_the\\_Implementation\\_of\\_the\\_National\\_Policy\\_to\\_the\\_Reintegration\\_1303\\_2014.pdf](http://mpb-ks.org/repository/docs/Guide_for_the_Implementation_of_the_National_Policy_to_the_Reintegration_1303_2014.pdf) (accessed 23 July 2016), p. 6.

<sup>47</sup> Indivisibility and interdependence; universality, non-discrimination and special attention to the needs of the most vulnerable; best interests of the child; right to life, survival and development; right to be heard for all repatriated persons, including children and other vulnerable groups. MIA, *Guidelines for Assistance and Support for Repatriated Persons for Sustainable Reintegration Based on Reintegration Policies*, Prishtinë/Priština, May 2014, [http://www.mpb-ks.org/repository/docs/Guidelines\\_for\\_assistance\\_and\\_support\\_of\\_repatriated\\_persons\\_for\\_sustainable\\_reintegration.pdf](http://www.mpb-ks.org/repository/docs/Guidelines_for_assistance_and_support_of_repatriated_persons_for_sustainable_reintegration.pdf) (accessed 23 July 2016) (hereafter 'Guidelines'), pp. 4 – 5.

<sup>48</sup> This reflects the 2013 Regulation provision.

<sup>49</sup> The word is used throughout; 'household' would be a more accurate term.

<sup>50</sup> Guidelines, p. 9

<sup>51</sup> Ibid.

<sup>52</sup> Ibid.

<sup>53</sup> Domestic violence, children at risk of violence abuse, neglect or exploitation.

<sup>54</sup> Guidelines, p. 9

<sup>55</sup> Guidelines, pp. 10 - 19.

coordination at central and local level, as well as vertical coordination between central and local level institutions.<sup>56</sup> The Guidelines provided a vital supplement to the 2013 Regulation by providing detailed instructions on implementation. The more detailed 2015 Regulation incorporates many elements of the Guidelines.

### **Obligations of the Department for Reintegration of Repatriated Persons (DRRP)**

The DRRP was established by the 2013 Regulation, which expanded the Reintegration Office into a fully-fledged department within the MIA. The DRRP is tasked with several responsibilities carried out by the department itself, by its staff at Prishtinë/Priština International Airport, and by regional co-ordinators, namely:<sup>57</sup>

- 1) Proposing, drafting, and ensuring implementation of reintegration policy and strategic documents;
- 2) Advising, supporting, and co-ordinating the work of different institutions involved in the process;
- 3) Reviewing and deciding on the requests of repatriated persons who are under the responsibility of the central level institutions, and monitoring implementation of decisions issued at both central and local levels;
- 4) Organizing the reception of repatriated persons, providing information of possible benefits, conducting the initial needs assessment, providing transportation to the municipality of origin;
- 5) Establishing and maintaining the mechanisms for collection, reporting and exchange of information between the central and local level institutions, including the CMS;
- 6) Training and capacity building of municipal authorities;
- 7) Providing secretariat duties for the CCR and Commission for Appeals;
- 8) Managing the temporary shelter for seven-day emergency board and lodging.

### **Obligations of the Central Commission for Reintegration (CCR) and Commission for Appeals (CA)**

The CCR consists of representatives of the MIA, Ministry for Labour and Social Welfare (MLSW), Ministry of Environment and Spatial Planning (MESP), Ministry of Health (MH), Ministry of Agriculture, Forestry and Rural Development (MAFRD), and is chaired by a DRRP representative. It reviews and decides on requests for financing of business plans, reconstruction of houses, renovation of houses, and assistance and support for vulnerable persons under Article 22 of the 2015 Regulation. The Regulation stipulates that the decisions be made within 15 days of the submission of a request, and communicated to the applicant within 15 days after the decision is taken.<sup>58</sup>

The CA is composed of representatives the Office of Prime Minister (OPM), MIA, MESW, MESP and MH, who must all be jurists with considerable work experience. The CA decides on appeals against decisions by both DRRP and MCRs. It has an obligation to review the

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<sup>56</sup> This corresponds to the obligations of respective institutions enumerated in the Regulation; vertical co-ordination focuses on the technical, financial and co-ordination support provided to municipalities by MIA and other ministries (Guidelines, pp. 20 – 23).

<sup>57</sup> Article 25 Regulation 08/2015.

<sup>58</sup> Article 26 Regulation 08/2015.

appeal, make a decision within 30 days from the submission of an appeal, and communicate the decision to the appellant within 15 days of the decision.<sup>59</sup>

### **iii. Municipal level legal and policy framework**

The obligations of municipal level institutions responsible for the reintegration of repatriated persons are governed by the same Regulations and Guidelines which govern the obligations of central level institutions. At the municipal level there are three bodies responsible for assisting repatriated persons: the municipal offices for communities and returns, the municipal commissions for reintegration, and centres for social welfare.

#### **Municipal offices for communities and return (MOCRs)**

Regulation 02/2010 on the municipal offices for communities and return remains a key piece of legislation at the local level. This Regulation mandates the establishment of local co-ordination mechanisms for returns and communities issues – MOCRs - in all municipalities to serve as the primary actors responsible for shaping successful return and reintegration policies at the local level. Furthermore, MOCRs are tasked with implementing reintegration and development initiatives enhancing the conditions conducive to sustainable returns through facilitating and protecting access to essential rights and services, including property rights, health care, education, and employment. Furthermore, the Regulation makes MOCRs responsible for assessing the needs of returnees and repatriated persons, conducting outreach visits, promoting awareness of policies among relevant officials and providing information to repatriated persons about their rights and available support.<sup>60</sup> The Regulation 08/2015 assigns MOCRs a range of duties specifically related to the process of reintegration of repatriated persons, including informing, assisting and advising repatriated persons on the possibilities available through the Program,<sup>61</sup> supporting and monitoring sustainable reintegration,<sup>62</sup> collecting and registering information in the CMS,<sup>63</sup> and regularly reporting to municipal bodies and the DRRP on reintegration issues.<sup>64</sup>

#### **Municipal commissions for reintegration (MCRs)**

MCRs are the decision-making bodies at the local level. They consist of representatives of various municipal departments – education, health, social welfare, labour and employment, public services, planning and urbanism, geodesy, cadastre and property, plus the officer for European integration and MOCR representative. The Director for social welfare is the chair of MCRs. The commissions decide on application for emergency benefits, i.e. housing through rent, social assistance, winter assistance packages, medical treatment, and furniture packages. The decisions should be taken within seven days from the submission of an application, and communicated to the applicant within three days.<sup>65</sup>

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<sup>59</sup> Article 27 Regulation 08/2015.

<sup>60</sup> Article 9 Regulation 02/2010.

<sup>61</sup> Article 29(2)(1) Regulation 08/2015.

<sup>62</sup> Article 29(2)(5) Regulation 08/2015.

<sup>63</sup> Article 29(2)(7) Regulation 08/2015.

<sup>64</sup> Article 29(2)(8) Regulation 08/2015.

<sup>65</sup> Article 30 Regulation 08/2015.

## Centres for Social Welfare (CSWs)

Finally, under the 2015 Regulation, CSWs, as the municipal institutions chiefly responsible for social protection, play an important role in the reintegration process. They are mandated with conducting thorough needs assessments of repatriated persons, particularly those with special needs.<sup>66</sup>

## Chapter 2: Overview of implementation of the legal and policy framework at the central and municipal levels

This chapter focuses on the performance of central and local level institutions vis-à-vis their obligations set forth in the legal and policy framework. The first part of the chapter presents quantitative data on the number of repatriated persons to Kosovo and the beneficiaries of the Reintegration Program. In the second part, the chapter analyses qualitative data on the performance of central level (DRRP) and local level (MOCRs, MCRs) institutions.

### i. Key data on support provided to repatriated persons

According to DCAM and DRRP, 21,156 persons were repatriated to Kosovo during the reporting period. Out of this number, 7,961 were registered in the CMS.<sup>67</sup> 12,392 were repatriated forcibly and 8,764 voluntarily.<sup>68</sup> According to MIA, repatriated persons belonging to communities in a numerical minority constituted approximately 13 per cent of the total number of persons repatriated to Kosovo.<sup>69</sup>

During the reporting period a total of 1,460 requests for assistance and support from the Reintegration Program were submitted for emergency packages<sup>70</sup> and reintegration support.<sup>71</sup> This figure is, however, much lower than the total number of repatriated persons<sup>72</sup> Assistance upon arrival<sup>73</sup> is provided without the need to submit an official request. MCRs reviewed 880 requests while the CCR reviewed 580 requests. Out of the total number of requests received 898 requests contained all required information and met the criteria to benefit from the Program, and were thus approved.<sup>74</sup> Out of the total number of requests received, 361 requests did not meet the criteria and were rejected,<sup>75</sup> and 201 requests were

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<sup>66</sup> Article 28(5) Regulation 08/2015.

<sup>67</sup> 4,610 in 2014 and 16,546 in 2015. In the e-mail sent by DRRP representatives to the OSCE on 17 August 2016, the discrepancy is explained by a large number of persons who return voluntarily and do not report to an MOCR or the Prishtinë/Priština International Airport team, and thus are not registered in the CMS. DRRP indicated it is working closely with DCAM to register more returning repatriated persons.

<sup>68</sup> MIA (DCAM) *Statistical Report 2014* and MIA (DCAM) *Statistical Report 2015*.

<sup>69</sup> 22.5 per cent in 2014 and 10.2 per cent in 2015; MIA (DCAM) *Statistical Report 2014* and MIA (DCAM) *Statistical Report 2015*.

<sup>70</sup> Food and non-food items, medicine and medical treatment, winter packages (including firewood), accommodation through rent.

<sup>71</sup> Vocational training, employment, financing business plans, language courses and catch-up classes.

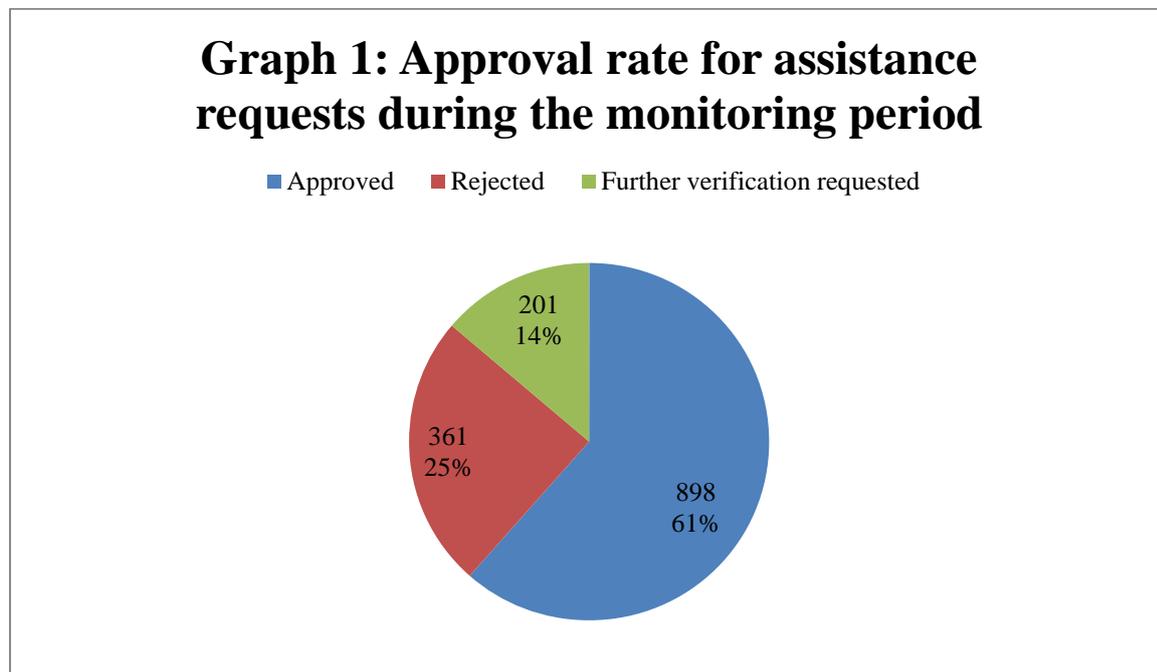
<sup>72</sup> In the e-mail sent by DRRP representatives to the OSCE on 17 August 2016, this is comprehensively explained – many repatriated persons have sufficient economic means and despite being informed of the possibility to benefit from the Reintegration Program, they do not apply for assistance; some repatriated persons do not fulfil the criteria outlined in the legislation; additionally, the entire household applies on behalf of all family members.

<sup>73</sup> Transportation to the municipality of origin, temporary (seven day) accommodation and meals.

<sup>74</sup> 645 by MCRs, 253 by CCR.

<sup>75</sup> 166 by MCRs, 195 by CCR.

referred back to MOCRs for further verification and assessment.<sup>76</sup> Finally, during the reporting period, the Appeals Commission received 188 complaints against the decisions issued by the MCRs and the CCR.



The Appeals Commission reviewed all complaints, ten of which were accepted (the original decision was overturned and the request for assistance granted), 141 rejected, and 25 cases were returned for consideration to the initial decision-making bodies. Eight appeals were sent for further verification, and in four cases, information on further legal remedies available to the parties was issued.

Within the reporting period the MCRs reviewed the above requests in 317 meetings while the CCR held 48 meetings and the Appeals Commission reviewed the complaints in 42 meetings.

The nature of the Reintegration Program and the method through which the DRRP collects and presents information, it is not possible to provide a precise number of the persons and a breakdown of their demographic characteristics (age, sex, community, etc.) who benefited from the Reintegration Program for the entire reporting period. This is due to a lack of consistency in the data collection methodology. For instance, records are sometimes kept for individual beneficiaries and sometimes for family groupings. In addition, the records of the long-term assistance beneficiaries of the Program are carried from one year to another, and are thus counted in each year. For example, in 2014 a total of 2,024 persons benefited from the Program but 952 of these beneficiaries were carried forward from 2013, and only 1,072 were first-time beneficiaries. In 2015, 2,912 persons benefited from the Program but 610 were carried forward from 2014 while only 2,302 were first-time beneficiaries.<sup>77</sup>

<sup>76</sup> 69 by MCRs, 132 by CCR.

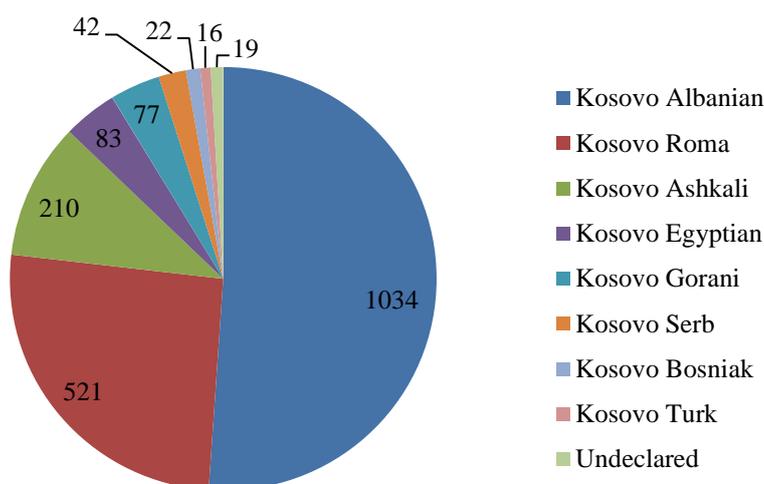
<sup>77</sup> MIA (DRRP), *Reintegration Report January – December 2014* and MIA (DRRP) *Reintegration Report January – December 2015*.

Additionally, DRRP confirmed that one person can benefit from several forms of assistance, and each instance will count separately.<sup>78</sup>

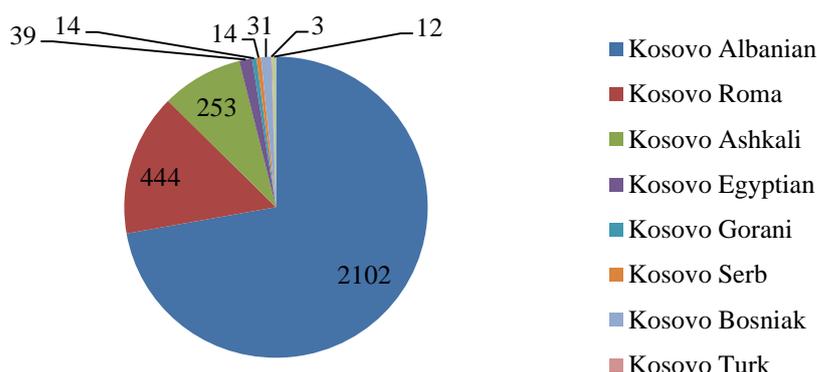
The graphs below based on figures from DRRP annual reports from 2014 and 2015 provide figures showing the numbers of repatriated persons granted assistance disaggregated by

community belonging as recorded by the DRRP for each year within the reporting period.<sup>79</sup>

**Graph 2: Total beneficiaries of the reintegration programme by community in 2014**



**Graph 3: Total beneficiaries of the reintegration programme by community in 2015**



<sup>78</sup> This was confirmed in an e-mail sent by DRRP representatives to the OSCE on 17 August 2016.

<sup>79</sup> MIA (DRRP), *Reintegration Report January – December 2014* and *Reintegration Report January – December 2015*. It should be noted that the difference in the number of beneficiaries between the years is relatively small despite the significant increase in the total number of repatriated persons in 2015. This can be explained by the ineligibility to benefit from the Program of most persons repatriated in 2015 according to Regulation criteria.

Detailed graphs indicating the types of assistance provided to members of different communities are available in Annex I. Additionally, in 2014 further 19 families were found eligible and supported under the mainstream social assistance scheme, and 20 families under mainstream pension schemes.<sup>80</sup> Only four families benefitted from the social assistance scheme in 2015. 190 persons<sup>81</sup> classified by the DRRP as vulnerable benefitted from the Program in 2014, and 78 households classified as vulnerable have received assistance in 2015.

Statistical information from the DRRP Case Management System displays some trends concerning the provision of support to communities. Data available in the graphs in the annex to this report indicate that during the reporting period the Kosovo Roma, Kosovo Ashkali, and Kosovo Egyptian communities for example predominantly received assistance such as transportation, accommodation (both temporary and permanent) or food and non-food items, as well as language courses and catch-up classes to assist repatriated persons to catch up with their fellow pupils in different subjects. Conversely, various forms of employment assistance were mainly provided to Kosovo Albanians. Also, DRRP does not provide a breakdown of requests submitted disaggregated by community, and it is therefore not possible to ascertain whether members of communities in a numerical minority did submit or not and how many requests for sustainable reintegration assistance, or whether their requests were rejected. Another trend observed throughout the reporting period is the low proportion of women receiving employment assistance, particularly in the form of business financing. While women constituted nearly a third of all repatriated persons during the reporting period, only eight per cent of beneficiaries of this particular form of assistance were women. Furthermore, it is worrying that DRRP does not provide gender disaggregated data on other categories of assistance, i.e. assistance upon arrival and emergency support, and it is thus impossible to analyse the provision of reintegration assistance from a gender perspective.

## II. Central level mechanisms and institutional compliance

### *Department for Reintegration of Repatriated Persons*

As discussed in the previous section, one of the key obligations of the DRRP is to establish efficient mechanisms to facilitate the exchange of information between central and local level institutions<sup>82</sup> as well as to manage the CMS and analyse the data contained within.<sup>83</sup> The essential change introduced by the 2013 legal framework, highlighted in the 2014 OSCE report, was the creation of the Case Management System (CMS). The use of this system successfully materialized within this reporting period and served to facilitate the exchange of information between the central and local level institutions. Indeed, according to the DRRP,

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<sup>80</sup> DRRP does not provide information on the number of individuals.

<sup>81</sup> 50 single mothers, 46 persons with mental health issues, 29 persons in poor economic situation, 27 persons with illnesses or disabilities, 19 persons from non-Albanian communities, 14 elderly persons without family support, four persons with limited freedom of movement due to blood feuds, one person without knowledge of the official languages of Kosovo.

<sup>82</sup> Article 25(2)(7) Regulation 08/2015.

<sup>83</sup> Article 25(2)(11) Regulation 08/2015.

information on repatriated persons including their arrivals was mostly shared through the CMS and regional co-ordinators.<sup>84</sup>

The number of interviewed MOCRs reporting that they receive information from the DRRP prior to the arrival of repatriated persons has increased during the current reporting period in comparison with the previous one.<sup>85</sup> This was generally attributed to the use of the CMS and functioning communication with regional co-ordinators. Additionally, 27 municipalities reported that the data they receive is disaggregated by gender and community. Some issues were however reported by the Kosovo Serb majority municipalities of Novo Brdo/Novobërdë and Parteš/Partesh in the Gjilan/Gnjilane region, where MOCR representatives reported a problem with the flow of information attributed to the regional co-ordinator's limited knowledge of Serbian. Additionally, MOCRs in Prishtinë/Priština and Shtime/Štimlje indicated that the flow of information from DRRP ceased in August and December 2015 respectively, during the period when the previous regional co-ordinator was replaced by an acting co-ordinator.

With regards to DRRP feedback to requests sent by the municipalities, MOCR officers noted a marked improvement during the monitoring period. As at the end of the monitoring period, all municipalities that had submitted requests to DRRP have been regularly receiving feedback.

Another key recommendation made in the 2014 OSCE report was the need for the Department to 'request that MOCRs submit accurate, disaggregated data on repatriated persons on a monthly basis.'<sup>86</sup> In terms of reporting, DRRP indicated that all MOCRs apart from the MOCRs in the northern municipalities<sup>87</sup> submit weekly reports to regional co-ordinators<sup>88</sup> who then submit them to DRRP. According to DRRP, during the monitoring period all municipalities have been using the CMS, which has been operational since January 2013, and their capacities in using it have significantly improved.<sup>89</sup>

According to DRRP and MOCR representatives, 35 municipalities had been using the needs assessment questionnaire provided by DRRP and developed with OSCE support in 2015,<sup>90</sup> and had collected data disaggregated by community and gender. The legal obligation of DRRP to analyse CMS data and produce regular analytical reports is partially fulfilled through the publication of quarterly, bi-annual and annual statistical reports. These reports provide a breakdown on applications for reintegration support, and on the support provided, including disaggregated data by community, gender and vulnerability.

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<sup>84</sup> OSCE interview with the DRRP, 12 November 2015.

<sup>85</sup> According to OSCE field teams interviews with MOCRs, 22 municipalities reported receiving information prior to repatriated persons' arrival during the reporting period. In the previous reporting period, only 17 municipalities reported that this had been the case.

<sup>86</sup> 2014 Repatriations Report (*supra* 8), p. 24.

<sup>87</sup> Mitrovica/Mitrovicë North, Leposavić/Leposaviq, Zubin Potok and Zvečan/Zveçan.

<sup>88</sup> Six regional co-ordinators have been operating during the monitoring period, all male.

<sup>89</sup> OSCE interview with DRRP on 12 November 2015.

<sup>90</sup> Only Gjilan/Gnjilane and Mitrovica/Mitrovicë North were using forms of their own design.

Nevertheless, according to DRRP staff, the reports are purely statistical and are not used analytically. Such reports are necessary for analysing the needs of repatriated persons or the impact of assistance provided, including in identifying the specific needs and challenges of communities and women in reintegrating into Kosovo. According to DRRP, such analytical reports are only produced on an ad-hoc basis or when requested by relevant line ministries. Hence, the needs assessments conducted by MOCRs and entered into the CMS are not used for addressing patterns that emerge including the needs of communities and vulnerable groups. Nevertheless, the obligation introduced by MLGA for municipalities to adopt Local Action Plans to plan the provision of support for the reintegration of repatriated persons could partially address this gap. Indeed the MLGA issued on 15 September 2015 an instruction to all municipalities to draft Local Action Plans and submit them to the MIA by 30 November 2015.

DRRP sees improving capacity at the local level as key to improving the current system of monitoring and reporting and the speedy distribution of assistance to repatriated persons. During the reporting period, five training workshops were organized by the DRRP for this purpose including a training facilitated by the OSCE<sup>91</sup> which focused on assisting MOCRs to assess the needs of repatriated persons and develop Local Action Plans. The trainings also included a briefing on the changes introduced in the Regulation 08/2015 and the new provisions concerning vulnerable groups including communities and beneficiaries from the new migratory movements. The delivery of the trainings was mostly handled by DRRP staff and resulted in the training of 143 municipal employees. Between March 2014 and November 2015, the DRRP held training workshops for municipalities on the use of the CMS, on protection of personal data, on development of a Local Action Plan, and on planning and management of personal integrity in all administrative regions of Kosovo.

DRRP informed the OSCE that it had fulfilled its information dissemination obligation. Leaflets providing information on reintegration assistance in five language versions – Albanian, Serbian, English, Romani, Turkish - had been given to municipalities and the Prishtinë/Priština International Airport team to be disseminated. Interpretation at the airport is available on an ad hoc basis, but only in Albanian, Serbian, and English.

The previous OSCE report assessed the co-operation between central and local level institutions prior to the appointment of regional co-ordinators as poor. A key recommendation concerned the need for regional co-ordinators to bridge the gap between central and municipal mechanisms, especially related to the monitoring of approved requests concerning income generation projects, language catch-up classes and house reconstruction renovation projects, as well as the submission of regular reports to the DRRP as well as the

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<sup>91</sup> A four-day workshop was held in November 2015, on the implementation of the policy and regulatory framework on protection of communities, returns, repatriation and reintegration. The workshop, chaired by the DRRP organized in partnership with the Ministry for Communities and Return and in co-operation with UNHCR and the Kosovo Agency for Advocacy and Development (KAAD), targeted northern municipalities' municipal community offices (MCOs), municipal offices for communities and returns (MOCRs), and other municipal officials that work closely with the offices. Each day was focused on specific functions/responsibilities of the MCOs/MOCRs, divided according to the three 'pillars' of the scope of action of the offices: communities' rights and access to services; voluntary return; repatriation.

provision of assistance to MOCRs to assess the needs of repatriated persons and identify appropriate forms of assistance. Throughout the reporting period, all municipalities, but Pejë/Peć, reported that there was good co-operation with their respective regional co-ordinators.<sup>92</sup>

### **iii. Municipal level mechanisms and institutional compliance**

#### *Municipal office for communities and returns*

During the reporting period, 34 out of 38 MOCRs in Kosovo municipalities were functional within the reporting period. The MOCRs in the four northern municipalities were not working, although their role in the repatriations process was performed by Municipal Communities Offices and the Mitrovica/Mitrovicë North Administrative Office.

Generally, there has been a significant improvement in the compliance of MOCRs with their responsibilities as specified under Regulation 10/2012 and 08/2015 respectively, comparing to the previous reporting period.

The 2014 OSCE report on the reintegration process of repatriated persons found that although MOCRs complied with their obligation to inform repatriated persons on available assistance, communication was more often reactive in response to a request by the repatriated person to the MOCR rather than proactive. For this reporting period, an assessment was made on the provision of information to various categories of repatriated persons: persons who fulfilled the prescribed deadline for benefiting from the reintegration Program, persons who did not fulfil this deadline but are still eligible for assistance<sup>93</sup> and persons identified as in need of special assistance who benefit from the comprehensive reintegration Program even if they do not fulfill the 28 July 2010 deadline.<sup>94</sup>

Data obtained indicate that, during this reporting period, information is available to repatriated persons through at least one channel of information flow in every municipality (information leaflet, information from office staff, information through outreach visits) and that availability of information in particular languages reflects the language profiles of municipalities.

There were practically no differences in the availability of information to the three different categories of repatriated persons within individual municipalities. Only in the Pejë/Peć region municipalities, with the exception of Gjakovë/Đakovica, leaflets providing information for post-July 2010 migrants and persons with special needs were not available in any language.

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<sup>92</sup> Towards the end of the reporting period, tensions between the regional co-ordinator and local MOCR were reported in Pejë/Peć municipality.

<sup>93</sup> All repatriated persons are eligible for assistance for accessing education, employment, social assistance and healthcare regardless of the prescribed deadline in accordance with Articles 2, 15, 16, 17, 18, and 10 Regulation 08/2015.

<sup>94</sup> Persons identified as in need of special assistance because of their decreased functional capacity, illness, disability or age (see Article 22 Regulation 08/2015) can benefit from the comprehensive reintegration Program even if they do not fulfill the 28 July 2010 deadline.

Information is however available through MOCR staff. The general Reintegration Program leaflet is rarely available in these municipalities.

In 29 municipalities, the Albanian version of the Reintegration Program repatriation leaflet was always or sometimes available, and information in Albanian from MOCR staff was regularly or sometimes available in all municipalities except the virtually mono-ethnic Kosovo Serb Parteš/Partesh. Outreach visits by Albanian-speaking staff were, with varying frequency, conducted in all municipalities with Albanian-speaking repatriated persons.

The Serbian versions of the three leaflets were either always available, or never available. This is understandable in municipalities with negligible Kosovo Serb presence; however, Klokot/Kllokot, Ranilug/Ranillug, and Parteš/Partesh, all Kosovo Serb majority municipalities, also reported they never have the leaflets available. Outside of mono-ethnic Kosovo Albanian or Kosovo Turkish municipalities, information for all three categories of repatriated persons in Serbian was regularly available through office staff.

Turkish versions of the leaflets were always available in municipalities with a sizeable Kosovo Turkish presence and a few others,<sup>95</sup> while MOCR regularly provides information in Turkish in Štrpce/Shtërpçë, Shtime/Štimlje, Mitrovica/Mitrovicë North, Mamuša/Mamushë/Mamuša, and Prizren.

Provision of information in Bosnian appears inconsistent without any discernible pattern, while information in Romani is only available in the Prishtinë/Priština region municipalities and in some municipalities in the Gjilan/Gnjilane region.<sup>96</sup>

One of the key recommendations of the previous OSCE report was for the MOCRs to intensify their efforts in outreach and assessing the needs of repatriated persons. During the previous reporting period, 27 MOCRs indicated that they conducted a preliminary needs assessment within five days<sup>97</sup> of a repatriated person's arrival "most of the time", and further five MOCRs conducted it "sometimes".<sup>98</sup> In the current reporting period, 32 MOCRs stated that within the reporting period, they routinely conducted the preliminary needs assessment "most of the time", and one MOCR "sometimes".<sup>99</sup> However, DRRP representatives noted that MOCRs had not been pro-active in conducting outreach activities and needs assessments, but stated that the situation was improving.

According to Regulation 08/2015, MOCRs should conduct preliminary needs assessment together with CSWs. CSWs in 27 out of the 37 monitored municipalities reported that this was the case "most of the time", while in further four municipalities they have been included

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<sup>95</sup> Ferizaj/Uroševac, Kačanik/Kaçanik, Štrpce/Shtërpçë, Vushtri/Vučitrn (although OSCE field team monitoring indicates it is only rarely available), Fushë Kosovë/Kosovo Polje, Gračanica/Gračanicë, Lipjan/Lipljan, Obiliq/Obilić, Prishtinë/Priština, Shtime/Štimlje, Mamuša/Mamushë/Mamuša, Prizren.

<sup>96</sup> Ferizaj/Uroševac, Gjilan/Gnjilane (sometimes), Kačanik/Kaçanik, Štrpce/Shtërpçë, Viti/Vitina.

<sup>97</sup> Article 29(2)(3) Regulation 08/2015 and Guidelines (*supra* 47), p. 11.

<sup>98</sup> OSCE field team assessment indicated that 25 MOCRs conducted the needs assessment "most of the time" and nine "sometimes". Other MOCRs only conducted the needs assessment "rarely" or "never".

<sup>99</sup> OSCE field team assessment indicated that 30 MOCRs conducted the needs assessment "most of the time" and five "sometimes".

“sometimes” or “rarely”<sup>100</sup> Furthermore, most municipalities used the standardized form developed by the DRRP with OSCE support which assists the consistent compilation of data for the purpose of data entry into the CMS and for reporting purposes.<sup>101</sup>

The picture is more complex with regards to assessments of the needs of repatriated persons benefitting from reintegration assistance within one year from reintegration.<sup>102</sup> Figures provided by MOCRs and CSWs differ slightly;<sup>103</sup> OSCE field assessments indicate that while 15 municipalities conducted the needs assessment ‘most of the time’, ten did so ‘sometimes’, five ‘rarely’, and seven ‘never’.<sup>104</sup> When they are conducted, it is normally in conjunction with other municipal services (CSW, Employment Office).

Out of 36 interviewed MOCRs, 34 MOCRs reported that they do take note of the specific needs of repatriated members of communities in a numerical minority.<sup>105</sup> Specific issues affecting reintegration and access to opportunities of repatriated persons from communities in a numerical minority are broadly similar across all municipalities – worse economic conditions, lack of property ownership, lower level of educational attainment compared to communities in a majority situation in a given municipality. Language barriers are sometimes mentioned as a problem. Most MOCRs and CSWs, as well as OSCE field teams, single out Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities as those facing the most severe challenges to reintegration. Furthermore, some CSWs and a few MOCRs note a gender disparity, and indicate that women from non-Albanian communities face greater obstacles to reintegration than men due to limited educational and employment opportunities.

With regard to provisions introduced by Regulation 08/2015, extending the eligibility to benefit from the Repatriation Program to identified vulnerable groups regardless of the date they left Kosovo,<sup>106</sup> MOCRs in 22 municipalities always identify vulnerable cases among

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<sup>100</sup> Zubin Potok and Zvečan/Zveçan did not conduct needs assessments at all; additionally, CSWs in Dragash/Dragaš, Malishevë/Mališevo, Mamuša/Mamushë/Mamuša and Prizren indicated they did not participate in the initial needs assessment.

<sup>101</sup> Gjilan/Gnjilane, and Mitrovica/Mitrovicë North use their own forms.

<sup>102</sup> According to Article 29(2)(5) Regulation. 08/2015 MOCRs “should support and monitor the sustainable reintegration of repatriated persons in close co-ordination with the regional co-ordinators and other actors”. Furthermore, Articles 28(5) and 28(6) state that a needs assessment should also be conducted by CSW in municipalities to review the reintegration process through reviewing the CMS and interviewing families in the field. According to the Guidelines (*supra* 47), p. 11, the needs assessment should be conducted jointly by MOCR and CSW.

<sup>103</sup> MOCRs report that this needs assessment is conducted “most of the time” in 17 municipalities, “sometimes” in ten, “rarely” in two, and “never” in six. CSWs report that it is conducted “most of the time” in 16, “sometimes” in eight, “rarely” in three, and “never” in eight.

<sup>104</sup> ‘Sometimes’ Ferizaj/Uroševac, Fushë Kosovë/Kosovo Polje, Gjilan/Gnjilane, Glogoc/Glogovac, Gračanica/Gračanicë, Hani i Elezit/Elez Han, Kaçanik/Kaçanik, Kamenicë/Kamenica, Leposavić/Leposaviq, Lipjan/Lipljan, Novo Brdo/Novobërdë, Rahovec/Orahovac, Skenderaj/Srbica, Štrpce/Shtërpçë, Vushtrri/Vučitrn ‘most of the time’; ‘rarely’ Deçan/Deçane, Gjakovë/Đakovica, Istog/Istok, Klinë/Klina, Mitrovicë/Mitrovica South, Obiliq/ Obilić, Pejë/Peć, Prishtinë/Priština, Shtime/Štimlje, Viti/Vitina ‘sometimes’; Dragash/Dragaš, Klokot/Kllokot, Podujevë/Podujevo, Prizren, Ranilug/Ranillug; ‘never’ Malishevë/Mališevo, Mamuša/Mamushë/Mamuša, Mitrovica/Mitrovicë North, Suharekë/Suva Reka, Parteš/Partesh, Zubin Potok, Zvečan/Zveçan.

<sup>105</sup> The exceptions being Zubin Potok and Zvečan/Zveçan.

<sup>106</sup> An exemption from the time requirement to benefit from the Program is provided under Article 4(3) which states that persons identified as vulnerable have the right to benefit from the Program as defined by Article 22. This extends the support to persons who have lived at least for 1 year outside of Kosovo and have a need

repatriated persons who had left Kosovo after 28 July 2010, while further eight do so ‘most of the time’ or ‘sometimes’.<sup>107</sup> MOCRs identified a total of 141<sup>108</sup> cases within the reporting period.<sup>109</sup> Only 20 MOCRs however took specific steps to ensure that women are informed of assistance opportunities available to them.<sup>110</sup> Generally, MOCRs and CSWs either indicated that there were no significant differences between genders with regards to challenges to reintegration of vulnerable groups, or pointed out that women faced greater obstacles in accessing employment due to lack of education.

With regards to post-July 2010 migrants not classified as vulnerable,<sup>111</sup> 18 municipalities have been routinely collecting data and assessing their needs. Eight municipalities did so irregularly, and ten never did.<sup>112</sup> MOCRs, CSWs, and OSCE field teams generally agree that there are no significant differences between the needs of repatriated persons who had left Kosovo prior to 28 July 2010 and those who did so afterwards.

In terms of their reporting obligations, in comparison to the last OSCE assessment made, MOCRs mostly fulfilled their reporting obligation towards municipal structures and the DRRP. In the 2014 OSCE report, an average of 14 MOCRs sent monthly reports while within this reporting period an average 28 MOCRs sent reports. According to DRRP, all MOCRs sent monthly reports to the department except for the four northern municipalities.<sup>113</sup> Furthermore, according to the DRRP, all MOCRs have been routinely using the CMS which

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for special reintegration measures as a consequence of ‘their decreased functional capacity, illness, disability, age, family condition or social problem’ The necessary support is based on an individual assessment and is indicated by the DRRP staff at Prishtinë/Priština International Airport and municipal Centres for Social Welfare.

<sup>107</sup> Dragash/Dragaš, Ferizaj/Uroševac, Fushë Kosovë/Kosovo Polje, Gračanica/Gračanicë, Kaçanik/Kaçanik, Kamenicë/Kamenica, Leposavić/Leposaviq, Lipjan/Lipljan, Mitrovicë/Mitrovica South, Novo Brdo/Novobërdë, Skenderaj/Srbica, Parteš/Partesh, Podujevë/Podujevo, Prishtinë/Priština, Prizren, Rahovec/Orahovac, Ranilug/Ranillug, Shtime/Štimlje, Štrpce/Shtërpçë, Suharekë/Suva Reka, Viti/Vitina, Vushtrri/Vuçitri ‘always’, Deçan/Deçane, Malishevë/Mališevo, Mamuša/Mamushë/Mamuša, Obiliq/Obilić ‘most of the time’, Gjakovë/Đakovica, Istog/Istok, Klinë/Klina, Pejë/Peć ‘sometimes’, Gjilan/Gnjilane ‘rarely’, Zubin Potok, Zvečan/Zveçan, Mitrovica/Mitrovicë North ‘never’, Hani i Elezit/Elez Han and Klokot/Klllokot did not report any applicable cases.

<sup>108</sup> This differs from the number given by the DRRP. Very likely, this is a methodological issue, whereby some MOCRs consider each household a case, while others consider each individual a case.

<sup>109</sup> 43 cases were Kosovo Albanians, 42 Kosovo Ashkali, 26 Kosovo Roma, 15 persons classified as ‘Kosovo Roma, Ashkali, or Egyptians’, nine Kosovo Egyptians, eight Kosovo Serbs, one Kosovo Bosniak. From the information available to MOCRs, 81 cases were male, 23 female.

<sup>110</sup> Ferizaj/Uroševac, Hani i Elezit/Elez Han, Kaçanik/Kaçanik, Kamenicë/Kamenica, Klokot/Klllokot, Novo Brdo/Novobërdë, Parteš/Partesh, Ranilug/Ranillug, Štrpce/Shtërpçë, Viti/Vitina, Leposavić/Leposaviq, Mitrovicë/Mitrovica South, Podujevë/Podujevo, Deçan/Deçane, Fushë Kosovë/Kosovo Polje, Gračanica/Gračanicë, Lipjan/Lipljan, Obiliq/Obilić, Prishtinë/Priština, Shtime/Štimlje.

<sup>111</sup> All repatriated persons are eligible for assistance for accessing education, employment, social assistance and healthcare regardless of the prescribed deadline in accordance with Articles 2, 10, 15- 18 Regulation 08/2015.

<sup>112</sup> Ferizaj/Uroševac, Fushë Kosovë/Kosovo Polje, Gjilan/Gnjilane, Gračanica/Gračanicë, Kaçanik/Kaçanik, Kamenicë/Kamenica, Klokot/Klllokot, Lipjan/Lipljan, Novo Brdo/Novobërdë, Obiliq/Obilić, Parteš/Partesh, Prishtinë/Priština, Ranilug/Ranillug, Shtime/Štimlje, Štrpce/Shtërpçë, Viti/Vitina, Vushtrri/Vuçitri, Zvečan/Zveçan ‘most of the time’; Deçan/Deçane, Gjakovë/Đakovica, Hani i Elezit/Elez Han, Istog/Istok, Klinë/Klina, Mitrovicë/Mitrovica South, Podujevë/Podujevo ‘sometimes’; Skenderaj/Srbica ‘rarely’; Dragash/Dragaš, Leposavić/Leposaviq, Malishevë/Mališevo, Mamuša/Mamushë/Mamuša, Mitrovica/Mitrovicë North, Pejë/Peć, Prizren, Rahovec/Orahovac, Suharekë/Suva Reka, Zubin Potok ‘never’.

<sup>113</sup> According to an OSCE interview with DRRP on 12 November 2015.

allows for the improved collection of disaggregated data on repatriated persons important for strategic planning on the needs of repatriated persons, including on access to housing, education, employment and other basic services. It also allows for a better overview of the situation of repatriated persons, their level of integration and the needs of vulnerable groups including communities.

With regard to the decentralization process, during the reporting period 32 municipalities drafted a Local Action Plan (LAP) for reintegration in accordance with MIA policy, and five municipalities failed to do so.<sup>114</sup> Out of the municipalities that drafted the LAP only Prishtinë/Priština, did not have the LAP approved by the municipal assembly by the end of the reporting period. MLGA and MIA provided training on drafting the LAP to 22 municipalities. 23 municipalities<sup>115</sup> reported that they have reflected specific needs of vulnerable persons, including members of the communities in a numerical minority, in their LAPs. However, only 15 municipalities<sup>116</sup> had their officers for gender equality review the LAPs and integrate the specific needs of both men and women from communities in a numerical minority.

### *Municipal commissions for reintegration*

During the reporting period, MCRs were established in 33 municipalities,<sup>117</sup> and operated in full composition as foreseen by the law<sup>118</sup> in 32 municipalities compared to 24 during the period assessed in the previous OSCE report.<sup>119</sup> Full representation of the municipal directorates is of notable importance given that requests for assistance and discussion in the commission require the specific expertise from each department on issues such as civil registration, education, psychosocial support, social assistance, housing, employment, and consider the specific needs of men and women. The previous report also indicated low rates of attendance of MCR meetings by its members. During the reporting period, consistent attendance by all members was reported in 27 municipalities.<sup>120</sup> According to regular OSCE monitoring, during the reporting period, the MCRs across Kosovo met 392 times. DRRP reported that MCRs were meeting to respond to requests for assistance in a timely manner, complying with the obligation stipulated in the Regulation that decisions should be made within seven days of the receipt of a request.<sup>121</sup>

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<sup>114</sup> Hani i Elezit/Elez Han, Mitrovica/Mitrovicë North, Leposavić/Leposaviq, Zubin Potok and Zvečan/Zveçan.

<sup>115</sup> Dragash/Dragaš, Ferizaj/Uroševac, Fushë Kosovë/Kosovo Polje, Gjakovë/Đakovica, Gračanica/Gračanicë, Kamenicë/Kamenica, Klokot/Kllokot, Lipjan/Lipljan, Malishevë/Mališevo, Mamuša/Mamushë/Mamuša, Mitrovicë/Mitrovica South, Novo Brdo/Novobërdë, Obiliq/Obilić, Podujevë/Podujevo, Prishtinë/Priština, Prizren, Rahovec/Orahovac, Skenderaj/Srbica, Shtime/Štimlje, Suharekë/Suva Reka, Štrpce/Shtërpçë, Viti/Vitina, Vushtrri/Vučitrn.

<sup>116</sup> Deçan/Deçane, Ferizaj/Uroševac, Gjakovë/Đakovica, Istog/Istok, Kaçanik/Kaçanik, Kamenicë/Kamenica, Klinë/Klina, Mitrovicë/Mitrovica South, Novo Brdo/Novobërdë, Prishtinë/Priština, Ranilug/Ranillug, Shtime/Štimlje, Štrpce/Shtërpçë, Viti/Vitina, Zvečan/Zveçan.

<sup>117</sup> See *supra* 12.

<sup>118</sup> Article 30(2) Regulation 08/2015.

<sup>119</sup> The one exception was Parteš/Partesh.

<sup>120</sup> The exceptions were Gračanica/Gračanicë, Mamuša/Mamushë/Mamuša, Parteš/Partesh, Pejë/Peç, Prizren, and Shtime/Štimlje.

<sup>121</sup> Article 30(7) Regulation 08/2015.

## Conclusion

The 2014 OSCE report on reintegration of repatriated persons noted significant progress, and expressed its hopes for the framework that was reformed by the adoption of the Regulation 20/2013. During the monitoring period, substantial progress has been achieved in both developing and implementing the legal and policy framework for the reintegration of repatriated persons in Kosovo. Regulation 20/2013 brought a sufficient level of detail into the reintegration framework, which was then further developed by the two sets of *Guidelines*. Competences of various stakeholders have been set out, a centralized database established, and the scope of assistance for repatriated persons expanded to focus predominantly on long-term support with the aim of making the return more sustainable. Regulation 08/2015 fine-tuned the framework even further and relaxed the criteria to benefit from the Reintegration Program for the most vulnerable repatriated persons, including members of communities in a numerical minority in a given municipality. Article 22 of the Regulation effectively allowed access to Reintegration Program to all repatriated persons deemed especially vulnerable, regardless of their date of departure from Kosovo. According to municipal officials and OSCE regular monitoring, this provision has enabled a substantial number of readmitted persons in particularly challenging economic conditions to access reintegration assistance. The Reintegration Program has been assisting members of non-Albanian communities. Members of the Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities in particular have benefitted from the Program, both through regular access and through the provision on vulnerable persons. Extending the possibilities of vulnerable persons to additionally benefit from self-employment assistance under the new Regulation 04/2016 is another positive step.

On the institutional level, the framework appears to be functioning well, and the Case Management System has proven extremely successful since its inception. Following DRRP capacity-building efforts, all municipalities are now capable of using the CMS and routinely do so. Data exchange between the central and the local level has improved since the previous reporting period and is now functioning without significant issues, both through the CMS and through regional co-ordinators, who have significantly improved the vertical co-operation.

However, during the reporting period 62.37 per cent of all repatriated persons were not registered in the CMS. This discrepancy presents a significant challenge in obtaining a holistic picture of the situation of persons repatriated to Kosovo. DRRP indicated that it is working closely with DCAM to ensure that all repatriated persons are automatically registered in the CMS. Co-operation between both MIA departments and local level institutions is crucial in closing this significant gap in monitoring.

At the central level, the DRRP is still not using the CMS to its full potential, and does not conduct deeper analysis of the figures obtained through the tool. Significant issues with data collection and analysis persist; disaggregation of data by gender in particular is imperative in order to stimulate targeted policy intervention. Furthermore, for the purposes of data analysis, a common unit of measurement must be adopted. MOCRs are often using ‘families’ as the basic unit, which then gives imperfect readings of total figures and gender distribution. The OSCE recommends using ‘individuals’ as the common unit of measurement for precise data

collection and reflection of all types of households. At the local level, provision of information to repatriated persons on various channels of assistance was generally ensured, and usually available in all languages in use in a given municipality. MOCRs and CSWs generally complied with their obligation to conduct needs assessments and outreach visits, although often this occurred in a reactive, rather than proactive manner. In contrast with the previous reporting period, MOCRs largely complied with their reporting obligations towards other municipal structures and the DRRP. Municipal commissions for reintegration have been functioning in full composition as prescribed by the legislation in the vast majority of municipalities, and deciding on requests in a timely manner. The adoption of Local Action Plans in late 2015 should further improve responsiveness of municipal institutions to particular challenges in their municipalities.

Access of women, and particularly women from non-Albanian communities, to assistance from the Reintegration Program should be further encouraged and facilitated, particularly in the area of self-employment assistance where significant gender disparities were observed.

Similarly, both central and local level institutions should ensure that members of communities in a numerical minority benefit from all forms of assistance, including measures for sustainable reintegration. It must be noted however that a positive trend has been observed in this regard, and that the new provision on support to vulnerable repatriated persons has been widely used to assist members of communities in a numerical minority.

A tendency to downplay the specific needs of women and members of communities in a numerical minority and assume that all repatriated persons generally face the same challenges has been observed in some municipalities. Expanding the provision of Article 22 on assistance to vulnerable persons to expressly include gender and membership of communities in a numerical minority is one way of ensuring that the specific needs of these categories of repatriated persons are met. Targeted training on gender issues, especially on gender mainstreaming, and community rights for central and local level officials is another option. Enhancing co-operation between municipal officers for gender equality and municipal officials responsible for reintegration of repatriated persons would further ensure that gender issues are taken into consideration.

All things considered, the progress made by Kosovo institutions in the field of reintegration of repatriated persons is sound. While minor issues persist, they can be expected to be addressed by the responsible institutions. With this in mind, the OSCE feels that the need for thorough monitoring of the repatriation process has ceased, and it will disengage from this area in its upcoming programmatic period. In accordance with the OSCE Mission in Kosovo mandate, OSCE field teams will continue to monitor - on an ad-hoc basis - the situation of repatriated persons from communities in a numerical minority, as well as other vulnerable categories of repatriated persons, to ensure that their rights are respected, protected, and fulfilled.

## Recommendations

### To the Ministry of Internal Affairs

- Amend Article 22 of the Regulation 04/2016 to expressly include gender and membership of a community in a numerical minority among the criteria determining vulnerability.
- Oversee that DRRP, DCAM and MOCRs co-operate closely and take all necessary measures to ensure that all repatriated persons are recorded in the Case Management System, in order to obtain a holistic picture of the situation of all persons repatriated to Kosovo.
- Initiate an information campaign in all official languages targeting all repatriated persons and urging them to register in the Case Management System.

### To the Department for Reintegration of Repatriated Persons

- Ensure that information about all types of assistance for all categories of repatriated persons is available at Prishtinë/Priština International Airport and in municipalities in all official languages, and that interpretation is available upon request. In particular, ensure that information on assistance available to repatriated persons is provided in the Romani language in municipalities where Romani speakers live.
- Ensure that regional co-ordinators have sufficient knowledge of both languages in official use in Kosovo where this is necessary for carrying out their obligations.
- Provide training on gender mainstreaming and community rights to MOCR officials and regional co-ordinators in order to enhance their conceptual understanding of these issues.
- Adopt a unified unit of measurement (individuals) in the CMS for data management purposes.
- In cooperation with the Ministry of Local Government Administration issue an administrative instruction obliging the MOCRs to use the unified unit of measurement.
- Request that all data collected from central and local level on requests for and provision of assistance from the Reintegration Program is disaggregated by gender and community
- Analyse data in the Case Management System to identify significant patterns in the provision of assistance to amongst men and women or from different communities.
- In cooperation with the Ministry of Local Government Administration issue an administrative instruction requiring the establishment of oversight mechanisms to monitor the implementation of Local Action Plans.
- In co-operation with MLGA issue periodical public reports on the implementation of Local Action Plans.

Clarify the modalities of provision of internships included in the 2015 Regulation, i.e. what kinds of internships should be offered, by what institution, and for what remuneration, and ensure that internships are offered to members of communities in a numerical minority, and that men and women have equal access.

#### **To Municipal Offices for Communities and Return**

- Conduct outreach visits in a proactive manner whenever repatriated persons arrive in the municipality to assess the needs and within one year from arrival to assess the level of reintegration.
- Ensure that CSWs are included in the outreach and needs assessment process.
- Ensure that data collected and inserted in the Case Management System on the requests made and assistance provided is disaggregated by gender and community, and use a unified unit of measurement.
- Proactively inform through outreach visits and information campaigns women, members of communities, and persons with special needs as defined in Article 22 of the Regulation of possibilities to benefit from all forms of assistance from the Reintegration Program, and in particular from measures for sustainable reintegration, including training, employment and self-employment.
- Ensure that information on all types of assistance for all categories of repatriated persons are available in all languages in official use in the particular municipality, either through leaflets or through interpretation services available upon request.
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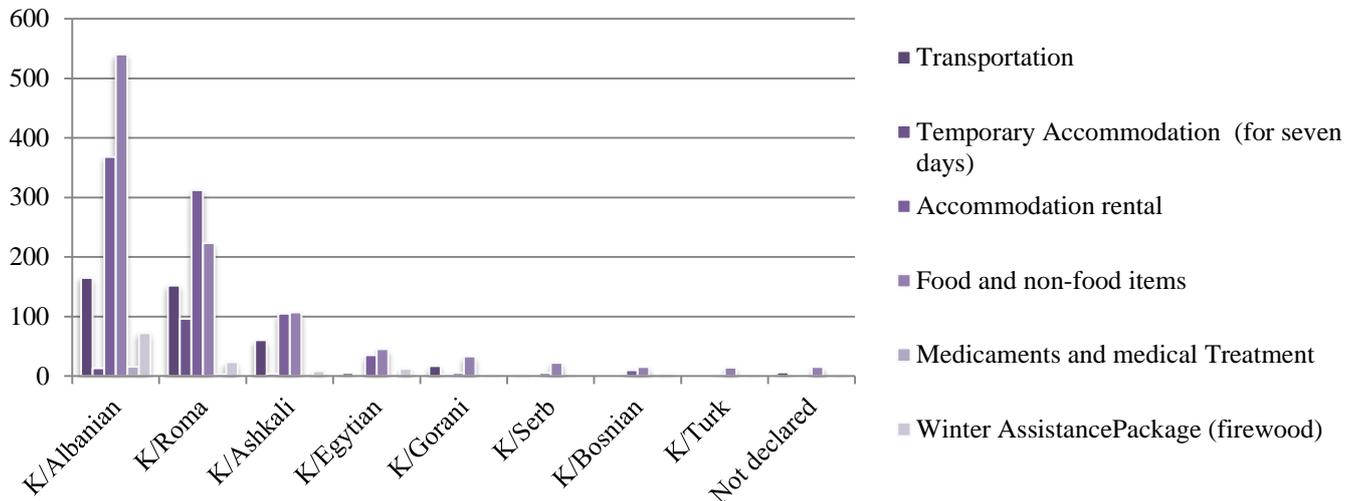
#### **To municipalities**

- Together with the municipal officers for gender equality, incorporate specific gender and community-related issues into Local Action Plans.

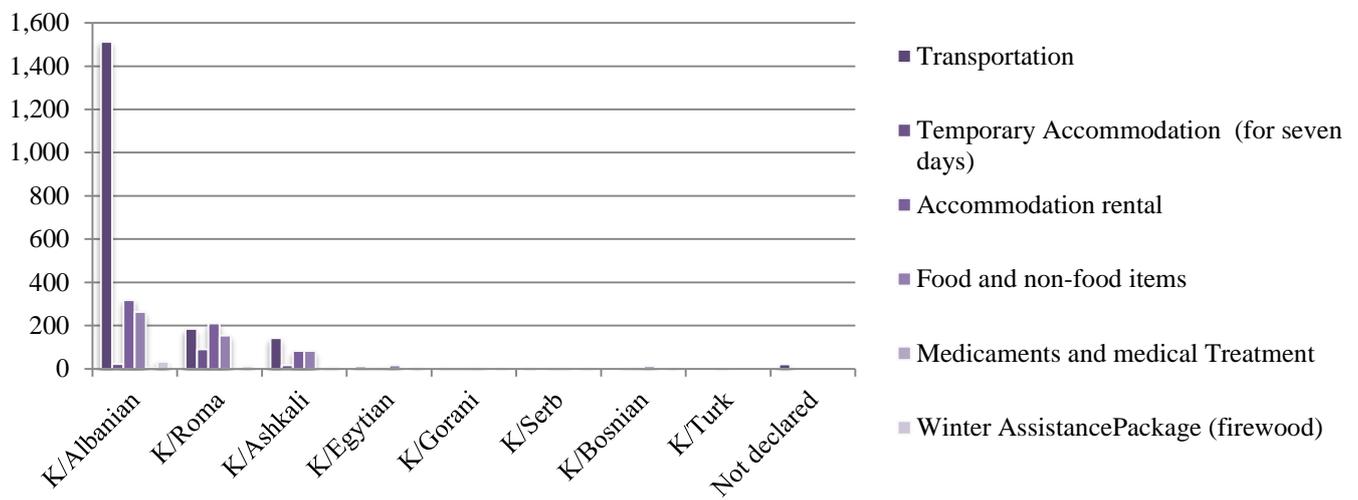
## Annex I: Graphs of beneficiaries of different forms of assistance

All data in the following graphs is taken from DRRP annual reports for 2014 and 2015.<sup>122</sup>

### Beneficiaries, by community, and types of assistance provide the reporting period January-December 2014

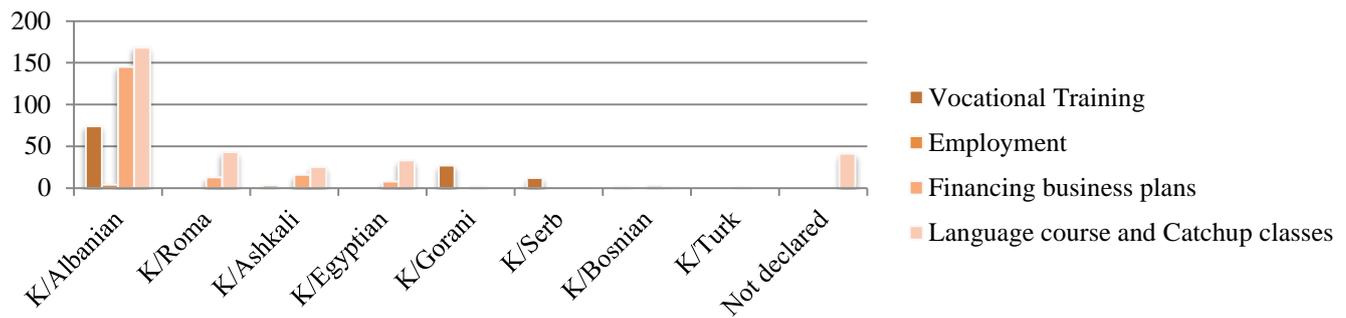


### Beneficiaries, by community, and types of assistance provide the reporting period January-December 2015

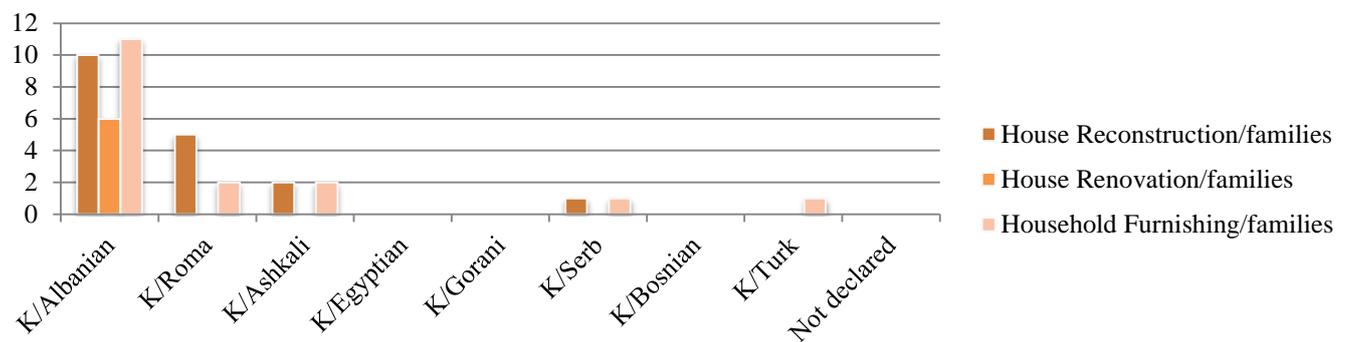


<sup>122</sup> *Supra* 79.

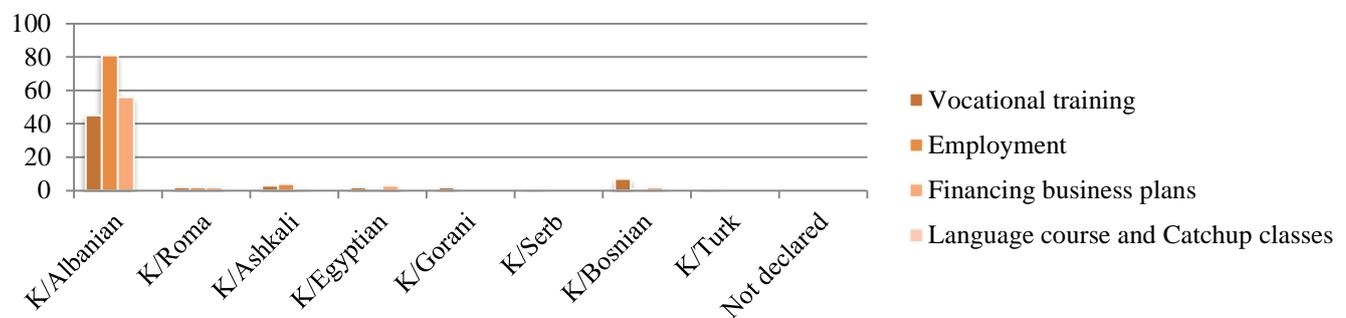
## Assistance for sustainable reintegration - Individual beneficiaries in 2014



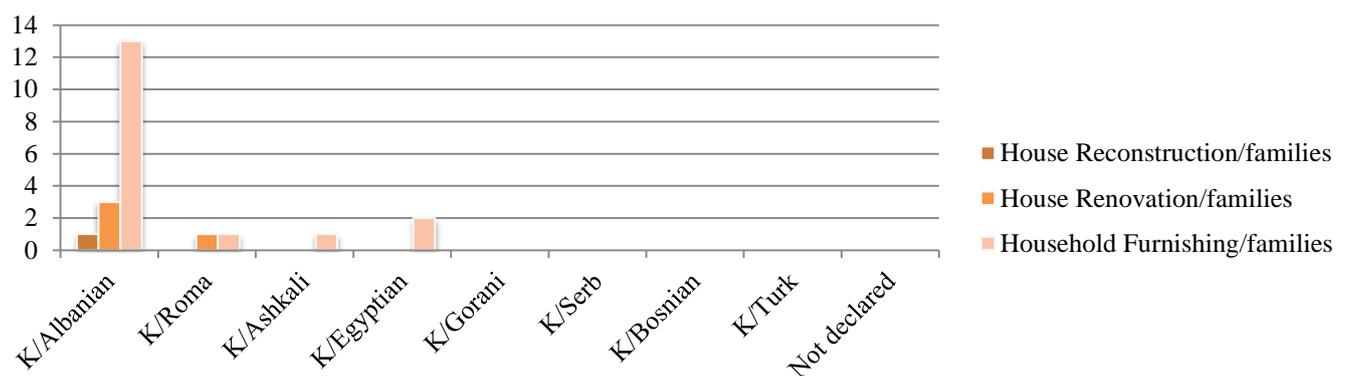
## Assistance for sustainable reintegration - Beneficiaries by family in 2014

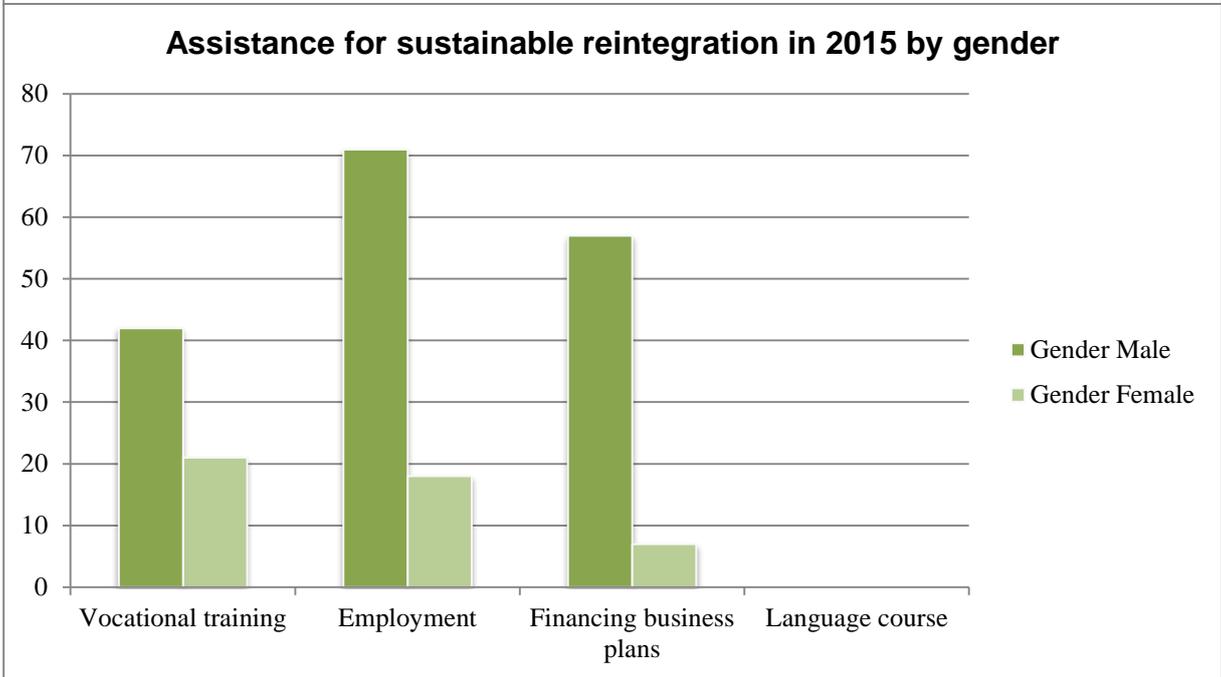
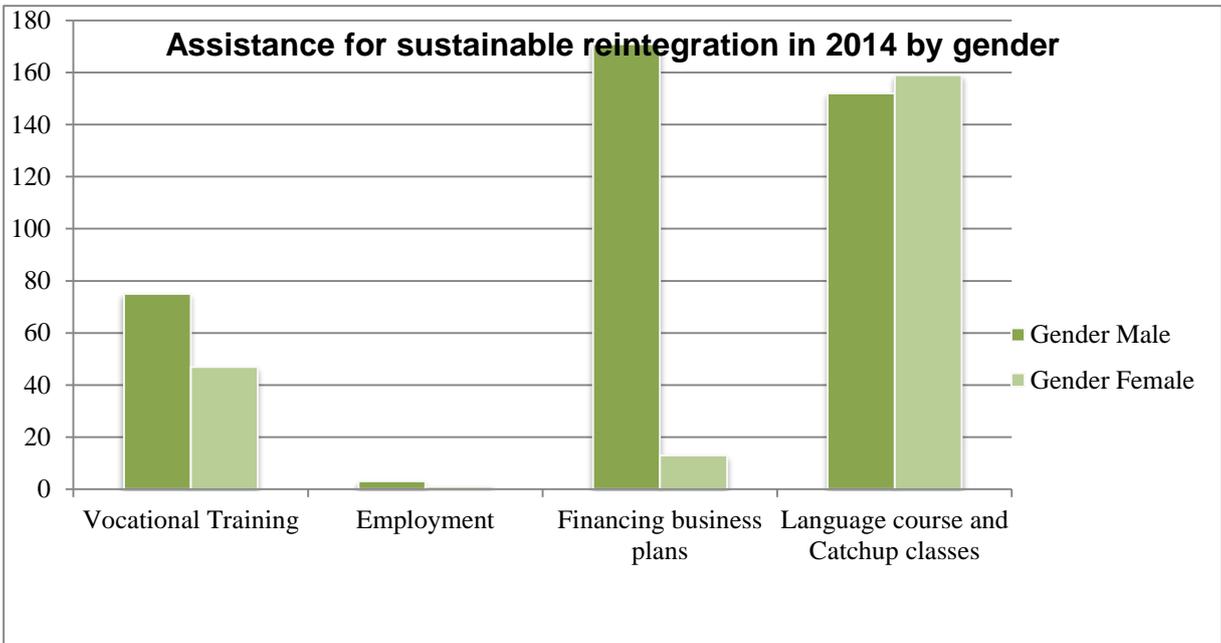


## Assistance for sustainable reintegration - Individual beneficiaries in 2015



## Assistance for sustainable reintegration - Beneficiaries by family in 2015







An Assessment of the Implementation of the  
Legal and Policy Framework for the Reintegration of

# Repatriated Persons in Kosovo