



**Organization for Security and Co-operation in Europe  
MISSION IN KOSOVO**

**Humanitarian Bus Transportation in Kosovo after  
Transfer to Kosovo Institutions  
Monitoring Findings**

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## **LIST OF ABBREVIATIONS**

AI	Administrative Instruction
EUR	Euro (currency)
HBT	Humanitarian bus transportation
MCO	Municipal communities office
MOCR	Municipal offices for communities and return
MCR	Ministry for Communities and Return
MoI	Ministry of Infrastructure
MLGA	Ministry of Local Government Administration
MTC	Ministry of Transport and Communications
OSCE	Organization for Security and Co-operation in Europe Mission in Kosovo
RSD	Serbian Dinar (currency)
TAC	Transport Advisory Committee
UNHCR	United Nations High Commissioner for Refugees
UNMIK	United Nations Interim Administration Mission in Kosovo

## EXECUTIVE SUMMARY

Humanitarian bus transportation (HBT) is a free transport service provided by Kosovo institutions for communities and other vulnerable groups that connects isolated villages to larger urban areas. HBT not only improves freedom of movement for communities across Kosovo – an essential pre-condition for realizing basic rights to education, employment, health care and social services – but provides isolated and rural communities with the opportunity to access a range of goods and services that are only available in urban areas.

The Kosovo institutions have been broadly successful in managing HBT, enabling freedom of movement and delivering a vital service to an expanding passenger base. Persons from vulnerable and isolated communities use the buses regularly and a survey conducted by the Organization for Security and Co-operation in Europe Mission in Kosovo (OSCE) revealed high levels of satisfaction with features such as security and comfort.

However, there have been persistent problems of administrative non-compliance by central-level institutions, relating in particular to the functioning of the institutional bodies mandated to review requests for new lines, amendments to existing lines, and to process appeals and complaints. Communication and co-ordination between central- and local-level institutions is also very weak and this has had a tangible impact on the responsiveness of the service to the needs of communities. It has also restricted passengers' access to remedies in the event of rejected requests and made the submission of complaints difficult.

Central-level institutions should take all steps to enter into full compliance with the relevant administrative and institutional framework. Communication and co-ordination between the central and local levels should be strengthened, and local-level authorities should be properly trained in the submission of requests. Finally, central-level institutions should ensure that service providers are contractually obliged to report all security incidents to the Kosovo police, and should liaise with the latter to encourage a timely and appropriate response.

## 1. INTRODUCTION

Since its establishment by the United Nations High Commissioner for Refugees (UNHCR) in 1999, HBT has made a strong contribution to the ability of all communities to move freely across Kosovo. By assisting freedom of movement, it helps to ensure that members of communities have access to basic rights and services, including education, employment, health care and social assistance. Moreover, by connecting isolated villages to larger urban centres it enables users to take advantage of a wide range of other social and economic opportunities, for example, to visit their banks or public utility company, see friends and relatives, or travel to religious sites and cemeteries.

Since 2006, the OSCE has monitored provision of the service by the Kosovo institutions, publishing four reports between 2006 and 2008 which provided detailed information on security, the condition of the buses, and passenger satisfaction.<sup>1</sup> Three years on, the OSCE

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<sup>1</sup> OSCE Report *Humanitarian Minority Bus Transportation in Kosovo Prior to Transfer to PISG* (November–December 2006). <http://www.osce.org/kosovo/24665> (accessed 11 April 2012); OSCE Report *Humanitarian Bus Transportation in Kosovo after Transfer to PISG: Findings of a Monitoring Exercise. Report No. 2* (January–March 2007). <http://www.osce.org/kosovo/26124> (accessed 11 April 2012); *Humanitarian Bus Transportation in Kosovo after Transfer to PISG: Findings of a Monitoring Exercise. Report No. 3* (April–

conducted a follow-up assessment which tracked progress since 2008 in policy and implementation at both the central and local levels, and gauged passenger satisfaction. The assessment consisted of a survey of 141 individuals carried out between July and September 2011, which complemented OSCE's continuous monitoring and advocacy activities to promote and protect the rights of all Kosovo communities and its most vulnerable groups.

The results showed that HBT continues to play an important role in the lives of persons belonging to vulnerable communities, enabling them to move freely and to access basic rights and other social and economic opportunities. There have been positive developments in the security situation, with fewer reported incidents and improved perceptions of security among passengers. However, continued administrative non-compliance by central-level institutions compromises their ability to respond effectively to the needs of communities and to guarantee passengers proper access to remedies in cases of rejected requests, problems which are exacerbated by very weak communication and co-ordination between central- and local-level institutions.

Section 2 begins with an overview of institutional and policy developments, highlighting successes and noting key concerns. Section 3 details the methodology employed for a passenger survey conducted in July 2011, before analysing the data in three core areas: access to services, passenger satisfaction and security. The final sections offer some concluding remarks and present a series of recommendations to central- and local-level institutions.

## **2. INSTITUTIONAL DEVELOPMENTS AND CONCERNS**

Initially under the remit of the international community, responsibility for the HBT service was transferred to Kosovo institutions in 2006.<sup>2</sup> In the preamble to the Arrangement for the Transfer of Responsibilities for Humanitarian Transportation of Minority Communities in Kosovo (Arrangement)<sup>3</sup>, Kosovo institutions affirmed their commitment to “promoting freedom of movement and providing access to social and economic opportunities, including jobs, education, health care services, place of worship and shopping centres.”

Under the responsibility of the Kosovo institutions HBT has remained an important and highly valued service, enabling members of communities across Kosovo to travel freely and to access important rights and services. Central-level institutions have largely fulfilled their obligations under the administrative framework, maintaining and managing existing routes,

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June 2007). <http://www.osce.org/kosovo/29793> (accessed 11 April 2012); *Humanitarian Bus Transportation in Kosovo after Transfer to Kosovo Institutions: Monitoring Findings. Report No. 4.* (June 2008). <http://www.osce.org/kosovo/32854> (accessed 11 April 2012).

<sup>2</sup> After it was established by UNHCR in 1999, the humanitarian bus transportation (HBT) service was taken over by the United Nations Interim Administration Mission in Kosovo (UNMIK) Department of Civil Administration from 1 July 2001. On 31 August 2006, UNMIK and the Provisional Institutions of Self-Government signed an Arrangement for the Transfer of Responsibilities for Humanitarian Transportation of Minority Communities in Kosovo (Arrangement), which assigned full responsibility to the Ministry of Transport and Communications (MTC) (now Ministry of Infrastructure (MoI)) and the Ministry for Communities and Return (MCR), and came into effect on 1 January 2007.

<sup>3</sup> PISG, Arrangement for the Transfer of Responsibilities for Humanitarian Transportation of Minority Communities in Kosovo, 1 September 2006 (Arrangement).

and presiding over an expansion of the service from 17 lines in 2008 to 30 working lines in 2011.<sup>4</sup>

However, as documented in previous OSCE reports<sup>5</sup>, since 2007 the Ministry of Infrastructure (MoI)<sup>6</sup>, the Ministry for Communities and Return (MCR), and the Ministry of Local Government Administration (MLGA) have failed to fully comply with the relevant administrative framework, notably in relation to the establishment and effective functioning of institutional bodies. This has compromised the transparency of the procedure for requesting new lines, and has effectively denied passengers their right of appeal or complaint. These compliance-related problems have been exacerbated by very weak communication and co-ordination between central- and local-level institutions.

In late December 2007, the predecessor of the MoI, the Ministry of Transport and Communications (MTC), issued Administrative Instruction (AI) 2007/6<sup>7</sup> which sets out the procedure for submission, review and approval of requests for new lines or changes to existing lines. According to Article 2.4, requests must be submitted to the MoI through municipal authorities<sup>8</sup>, in the official format prescribed, bearing the signatures of at least ten community members. This request should then be forwarded to a Technical Commission<sup>9</sup> for preliminary review by representatives of the MTC, the MCR and the MLGA. If the assessment is positive, the request is transmitted to a senior Transport Advisory Committee (TAC)<sup>10</sup> for a final decision. If the assessment is negative, or is not issued within 90 days, the requesting parties are entitled to submit a complaint to the TAC.<sup>11</sup>

The main area of administrative non-compliance relates to the TAC, which was not functional between July 2010 and February 2012, despite being mandated to meet at least twice per year.<sup>12</sup> During this time, the non-functioning of the TAC had tangible consequences in two key areas, namely procedural oversight and access to remedies.

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<sup>4</sup> Data provided to the OSCE by the MoI in May 2011 indicated that 35 HBT lines were operational across Kosovo. However, during the OSCE assessment of July 2011, field teams found that four of those lines were not functional (lines 3, 23, 24 and 33), and that lines 4 and 5 had been merged into a single line. As a result, this report will refer to 30 “working lines”. It should also be noted that line 15 was cancelled by the MoI in August 2011, reducing the total number of working lines to 29. However, as this occurred after the July survey, data for line 15 will be included in the overall assessment.

<sup>5</sup> See footnote 1, *supra*.

<sup>6</sup> Formerly the MTC, see footnote 2, *supra*.

<sup>7</sup> Administrative Instruction 2007/6 on the Procedure for the Submission and Assessment of Requests for Humanitarian Bus Transportation, 24 December 2007 (AI 2007/6); [http://mi-ks.net/data/documents/U.A\\_anglisht.doc](http://mi-ks.net/data/documents/U.A_anglisht.doc) (accessed 11 April 2012). Although this administrative instruction was issued by the predecessor to the MoI, the MTC, it continues to be applied by all relevant actors. This may be subject to change in 2012.

<sup>8</sup> Requests should be submitted to the Technical Commission through “the Mayor directly or through the MCO [Municipal Communities Office, now Municipal Office for Communities and Return]”. AI 2007/6, Article 2.4. See UNMIK Regulation 02/2002 for the Municipal Offices for Communities and Return (MOCR).

<sup>9</sup> According to Article 3.2 of AI 2007/6, the Technical Commission comprises three members: 1 from the MoI, 1 from the MCR, and 1 from the MLGA. In addition, the Kosovo police, the office of the Ombudsperson in Kosovo and the relevant service providers are present as observers.

<sup>10</sup> According to Article 5.2 of the Arrangement, the Transport Advisory Committee (TAC) comprises “senior representatives of the Ministry of Transport and Communications, the Ministry of Communities and Return, OSCE, UNMIK or its successor institutions and the Ombudsperson Institution in Kosovo (as an observer)”.

<sup>11</sup> AI 2007/6, Article 3.7 states that the requesting parties must submit their complaint “within thirty (30) days from the date in which they were served with a negative assessment or within sixty (60) days from the date in which the deadline has expired without an Assessment being issued by the Technical Commission”.

<sup>12</sup> AI 2007/6, Article 4.1.

On the issue of procedural oversight, the Arrangement sets out a bus route and timetable selection review methodology (the methodology)<sup>13</sup> which requires that all amendments to the service be accompanied by an assessment of community needs and a series of actions by the MoI to ensure community participation in the route selection process<sup>14</sup>. According to AI 2007/6, this comprehensive assessment of community needs should be conducted jointly by the MCR and the MLGA<sup>15</sup> but should be subject to review and endorsement by the TAC, which is also entitled to make written recommendations to the Prime Minister and the United Nations Special Representative of the Secretary-General for Kosovo<sup>16</sup>. As the TAC was not operational for most of the reporting period, it failed to fulfil its oversight function in this respect, and there was thus no external means of evaluating whether efforts were being made to ensure that communities' needs were properly assessed or whether appropriate action was being taken to ensure community participation.

On the issue of access to remedies, the TAC is the only body mandated to review appeals or complaints.<sup>17</sup> Its absence for most of the reporting period meant that there was no mechanism of redress for any party appealing an unsuccessful request or registering a complaint about the service. In addition, the requests process is characterized by a general lack of transparency: although the Technical Commission is formally required to send its final assessments to the requesting parties, it does not do so<sup>18</sup> – regardless of whether these are positive or negative. As such, requesting parties do not receive any information about their application, which means that they can only base an appeal on the failure of the Technical Commission to issue a final assessment within the foreseen deadline rather than on a written assessment detailing the reasons of rejection.

Both these problems are then aggravated by very weak communication and co-ordination between central- and local-level institutions. Despite a requirement in the Arrangement that central-level institutions consult local-level representatives and community leaders when undertaking an assessment<sup>19</sup>, to date there has been no outreach to municipal officials to provide them with relevant information or documentation, to train them on the proper (or any) procedures for submitting requests, or to obtain feedback on the existing service<sup>20</sup>. As a result, although certain municipal authorities claim to have submitted requests for new lines between 2008 and 2011, sometimes repeatedly, these were reportedly not received by the MoI, or where they were received were not in the proper format and were consequently disregarded. There is also no comprehensive registry of requests received, as foreseen in the

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<sup>13</sup> Arrangement, Annex VI.

<sup>14</sup> Arrangement, Methodology, Articles 4 and 5.

<sup>15</sup> AI 2007/6, Article 3.4 and 3.5.

<sup>16</sup> AI 2007/6, Article 4.1.

<sup>17</sup> Arrangement, Article 5.2.a. Article 4.4 AI 2007/6 states that: "The TAC shall issue the final decision on the Requests for humanitarian transportation."

<sup>18</sup> AI 2007/6, Article 3.6 states that the provision is "in accordance with Article 109 of the Law on Administrative Procedure". In an interview with the OSCE, MoI officials confirmed that they did not respond formally to requests for new lines or amendments to existing ones, and that complaints were addressed in an informal, ad hoc manner. Representative of the MoI, MoI premises, Priština/Prishtinë, personal interview, 6 December 2011.

<sup>19</sup> Arrangement, Methodology, Article 5.1.c.

<sup>20</sup> A survey in September 2011 showed that no outreach or awareness-raising activities had ever been conducted by the MoI in Kosovo's municipalities, e.g., there was no distribution of relevant documents (e.g., the Arrangement or AI 2007/6), or any training sessions on how to submit formal requests for new lines or amendments to existing ones. Where municipal representatives did possess the relevant documents, they had either received these from the MTC between two and three years ago, or from OSCE field teams.

AI,<sup>21</sup> which makes it difficult to track the progress of requests over time or to assess the number and nature of complaints.

These shortfalls were highlighted in August 2011, when the MoI cancelled a line in Gjilan/Gnjilane region with no advance notice to affected communities and no written justification.<sup>22</sup> Without a functioning TAC there was no mechanism through which the requesting parties could register a formal complaint, and community representatives had to pursue other options (e.g. informal telephone contact with MoI staff). At the end of February 2012, the line had still not been reinstated. In Obiliq/Obilić, repeated requests for more buses on a busy line – submitted by the municipal office for communities and return (MOCR) to the MoI over the course of one year – were not paid any attention to by the MoI, resulting in a protest on 30 November 2011 by approximately 30 Kosovo Serb and Kosovo Roma villagers from Plemetin/Plemetina.

However, in a welcome development in early February 2012, the MoI convened the first meeting of the TAC since July 2009, during which it provided participants with an update on the service and processed a backlog of requests.<sup>23</sup> Central-level institutions should build on this positive step by entering into full compliance with all relevant administrative provisions, and working with local-level authorities to ensure that these are aware of, and trained in, the proper procedures for submitting requests for amendments to the HBT service. For their part, local-level authorities should ensure that requesting parties have access to the relevant documents and that all requests are submitted promptly to the MoI in the correct format.

### **3. PASSENGER SURVEY AND METHODOLOGY**

Pursuant to its role in monitoring the protection of Kosovo's communities, in July 2011 the OSCE conducted 141 passenger interviews across the 30 working HBT lines to obtain information on the three key issues of access to services, passenger satisfaction and security. Where possible and/or appropriate, OSCE field teams completed one driver questionnaire and five passenger questionnaires per route, and efforts were taken to ensure balance between different ages, sexes, communities and other groups.<sup>24</sup> In accordance with the Mission's activities in monitoring the return and reintegration of refugees and displaced persons, particular attention was paid to returnees: where a line passed through a returns site, field teams tried to ensure that at least three of the five respondents were returnees.

The lack of reliable official data favoured a qualitative analysis, and the relatively small sample was chosen to allow for in-depth interviews that could elicit detailed insight into the

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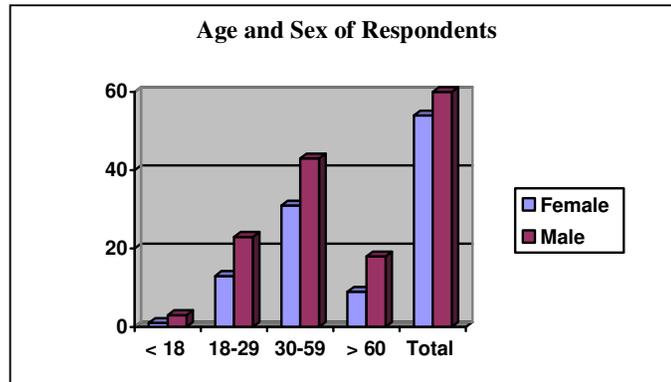
<sup>21</sup> AI 2007/6, Article 4.3: "The TAC shall keep a register with a) all the Requests; b) the Technical Commission's Assessments and c) the applicants' complaints against either the Technical Commission's negative Assessments or the Technical Commission's failure to assess."

<sup>22</sup> On 10 August, line 15C (Gjilan/Gnjilane, Stanišor/Stanišor and Paralovo/Parallovë villages) was discontinued following a decision by the MoI.

<sup>23</sup> The meeting was held on 10 February 2012, and attended by representatives of the MoI (including the Permanent Secretary), the MCR, the Kosovo police, the office of the Ombudsperson and the OSCE. Four requests for new lines/amendments to existing lines were reviewed, but all were rejected.

<sup>24</sup> As noted, this was not always possible: for example, when there were fewer than five passengers on board a bus, or where those present refused to answer questions, the number of passenger questionnaires completed was less than five. Moreover, where a particular line was used primarily by an elderly population or by students accessing their place of education, this predominance was reflected in the characteristics of the respondents.

experiences of service users across a broad range of issues. With regard to community affiliation, 106 of the 141 interviewees were members of the Kosovo Serb community, 17 of the Kosovo Albanian community, 5 of the Kosovo Roma community, 4 of the Kosovo Bosniak community, and 2 of the Kosovo Gorani community; 7 did not wish to be identified as belonging to any community. Of the 141 interviewees, 54 were female and 87 were male; 46 identified themselves as returnees, 43 of whom were Kosovo Serb.<sup>25</sup> Over half of the interviewed passengers were from 30 to 59 years old, while 40 were 29 or under, and 27 were 60 or more years old.



## 4. SURVEY FINDINGS

### 4.1. Access to services

A core function of HBT is to ensure that members of communities are guaranteed access to basic rights and services, such as education, health care and social assistance, that they can travel to their place of employment, and can exercise their freedom of religion. In order to gauge the effectiveness of the service in this respect, passengers were asked what they used HBT for, how long they had used it, and whether any alternative modes of transportation were available to them.

The results showed that the vast majority of passengers relied on HBT to access key rights or services. This was consistent across different categories of users: for example, of the 26 passengers who identified themselves as students, 25 used the service to travel to their school/university; of the 50 who identified themselves as employed, 26 used HBT to access their place of work<sup>26</sup>; 90 per cent of the remaining 62 interviewees – including home-makers, and unemployed or retired persons – used HBT to access healthcare and/or social services. Many passengers also used the bus lines to take advantage of social or economic opportunities that were only available in larger towns (for example banks, public utility companies and shopping markets), or to visit friends/relatives or religious sites and cemeteries.

<sup>25</sup> Of the interviewees who identified themselves as returnees, 43 identified themselves as belonging to the Kosovo Serb community, 2 to the Kosovo Bosniak community, and 1 to the Kosovo Albanian community.

<sup>26</sup> A further 20 passengers who identified themselves as employed used HBT to access health care and municipal institutions.

HBT therefore not only guarantees access to rights and services, but has a broadly positive impact on the overall quality of life of its users and their families. By improving the standard of living for vulnerable and marginalized communities across Kosovo, HBT also makes an important contribution towards creating favourable conditions for sustainable return.

The survey indicated that roughly half the passengers interviewed had used the service for three years or more, with the proportion of new users<sup>27</sup> increasing from 23 per cent to 53 per cent between 2008 and 2011, primarily due to the expansion of the service by an additional 13 lines. These figures suggest that the service has been effective both in meeting the needs of existing passengers and in adapting to demand from potential users. Frequency of use was consistent across both the pre-2008 and the post-2008 lines, with around 75 per cent of passengers using the bus at least once per week.<sup>28</sup> This regularity of use across all lines highlights the fact that the service has become an integral aspect of life for the majority of its users.

In 74 per cent of cases, passengers reported that there was no viable alternative to HBT (e.g., they did not own a private car or there were no other buses operating along the same route). In cases where alternatives were available, these were more expensive and less regular (e.g., private cars or minivans). Thus, for many passengers HBT is not just a useful service but a vital one, a lifeline for isolated and rural communities which secures their freedom of movement and provides them with regular access to basic rights and services. As such, central-level institutions should take all steps to guarantee current levels of HBT service provision, including through the allocation of adequate budgetary resources.

In line with broader Kosovo standards that aim to provide all communities with public information in both official languages<sup>29</sup>, Article 3.5 of the Arrangement states that the MoI is responsible for ensuring that information regarding transport services is available in Albanian and Serbian, including information about transport routes, fees and times, signage, and administrative instructions and regulations. While AI 2007/6 – which includes the request form for new lines and changes to existing lines – is now available in three languages on the MoI website<sup>30</sup>, passenger surveys showed that for 25 of the 30 working lines no written information was posted about the service either on the buses or in other locations (e.g., at bus stops, in municipal buildings or in shops/cafes etc.).<sup>31</sup>

It should be noted that passengers did not view the lack of written information as especially problematic: the communities served by HBT are usually small and closely knit so information about the service is easily transmitted by word of mouth. Moreover, in accordance with the Arrangement, all drivers were able to communicate with passengers in a

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<sup>27</sup> For the purposes of this assessment, “new users” refers to passengers who began using the service in the last two years.

<sup>28</sup> Where passengers used the service less frequently, this was due to geographical location or the type of services/opportunities accessed, rather than when the line was established.

<sup>29</sup> Law No. 03/L-155 on the Use of Languages, 27 July 2006.

<sup>30</sup> It should be noted that in August 2011 the Serbian version of AI 2007/6 was missing Annex 1 (the request form); OSCE reported this to representatives of the MoI, who redressed the problem promptly. The annex is now available in all languages: Official Website of the MoI, Albanian version <http://mi-ks.net/data/documents/U.Ap.doc> (accessed 11 April 2012); Serbian version [http://mi-ks.net/data/documents/Administrativno\\_upustvo\\_2007\\_-6\\_2299.doc](http://mi-ks.net/data/documents/Administrativno_upustvo_2007_-6_2299.doc) (accessed 11 April 2012); English version [http://mi-ks.net/data/documents/U.A\\_anglisht.doc](http://mi-ks.net/data/documents/U.A_anglisht.doc) (accessed 11 April 2012).

<sup>31</sup> Written information was reportedly posted for lines 6, 8, 9, 25, and 28.

language they understood<sup>32</sup>; this was true even in cases where passengers were members of a different community from that of the driver.<sup>33</sup> Nonetheless, compliance by central-level institutions with their administrative obligations would not only bring them into line with broader Kosovo standards on the use of languages, but would improve communication with existing HBT users and alert potential users to the service.<sup>34</sup>

## 4.2. Passenger satisfaction

As with previous OSCE monitoring exercises, the survey tracked levels of passenger satisfaction on issues such as security and comfort. It also assessed the effectiveness of central-level procedures in requesting or amending lines<sup>35</sup> by asking passengers whether they had submitted requests and whether these had been successful.

Consistent with previous trends, 88 per cent of passengers interviewed stated that they were satisfied with security.<sup>36</sup> All passengers reported feeling safe travelling to and from their bus stops, and 93 per cent of passengers felt safe while on the bus.<sup>37</sup> However, 17 per cent stated that they did not feel safe travelling in the area by any means other than HBT. Although the general trend shows an improvement compared to the situation in 2008 – when 80 per cent of passengers reported feeling unsafe travelling in the area – negative perceptions of security among even a minority of users means that HBT continues to serve an important security function, guaranteeing freedom of movement to those who are afraid to travel by other means.

When asked about comfort on the bus, satisfaction remained very high at 92 per cent, although some passengers complained about a lack of air conditioning/heating, uncomfortable seats and overcrowding, especially during rush hour or on special occasions. However, this was perhaps an unavoidable consequence of the fact that the buses were generally quite old: of the 30 surveyed, 22 had been in service for at least 15 years.

The assessment did highlight one important area of concern. While all drivers except one stated that the service was free of charge, passengers on five lines reported paying a fee (in one case as much as 2.5 EUR for a one-way ticket).<sup>38</sup> While the administrative framework is not explicit on the issue of fees, officials confirmed that the service is, and has always been, free of charge.<sup>39</sup> Central-level institutions should therefore take action to monitor and, if necessary, prevent the arbitrary imposition of fees by service providers, which not only compromises the spirit of HBT but potentially restricts freedom of movement and access to services for persons with limited incomes.

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<sup>32</sup> Arrangement, Article 3.4.

<sup>33</sup> Lines 29 and 35, which serve Kosovo Serbs in Mitrovicë/Mitrovica region, are both driven by Kosovo Albanians.

<sup>34</sup> See Section 2, *supra*.

<sup>35</sup> See Section 2, *supra*.

<sup>36</sup> Of the 141 passengers interviewed, 124 reported being satisfied with security.

<sup>37</sup> Those that did not feel safe travelling on the bus had either recently witnessed a security incident (line 14) or were based in northern Mitrovica/Mitrovicë, where the political and security situation is more complex (line 25).

<sup>38</sup> Passengers reported paying fees of varying amounts on line 19 (250 RSD), 20 (0.5 EUR), 21 (100 RSD), 22 (110 RSD) and 27 (1 EUR). Drivers reported that the service was free on all lines except line 22.

<sup>39</sup> Representatives of MoI, MoI premises, Prishtinë/Priština, personal interview, 6 December 2011. The MoI was not aware of the reported charges and expressed concern at the alleged imposition of fees. They informed the OSCE that they would follow up on the issue during their regular inspections.

On the issue of requests and complaints, on 5 of the 30 working lines<sup>40</sup> passengers reported submitting requests for new lines, or amendments to existing lines in the form of more buses or bus stops. The latter are sorely needed: in 26 cases passengers reported having to walk over 3 km from their villages to the nearest stop, and on lines 8, 18 and 27 this applied to at least four of the five passengers interviewed. However due to the problems noted in Section 2 above – namely, poor communication and co-ordination between the central- and local-level institutions, and the absence of an appeals procedure for rejected requests – passengers were not only unaware of how to communicate their concerns to the relevant authorities, but when they submitted their requests these were often in the wrong format and were rejected out of hand by the MoI, with no follow-up action.<sup>41</sup> In such cases, the non-functioning of the TAC meant that there was no mechanism through which to appeal the decision or file a complaint. This again highlights the need for central-level institutions to take immediate action to ensure full compliance with relevant administrative provisions.

### 4.3. Security

A core function of HBT is to guarantee freedom of movement for non-majority<sup>42</sup> communities, a vital precondition for accessing basic rights and services. To assess performance in this respect, the surveys tracked the number of reported security incidents on board the buses and the procedures in place for addressing such incidents when they occurred.

In a significant improvement on the situation since 2008, only 2 per cent of passengers reported experiencing a security incident while on board the buses; the comparable figure for 2008 was 36 per cent. The figure was slightly higher among drivers, who reported witnessing incidents on nine lines, primarily stonings or verbal harassment.<sup>43</sup> As noted in Section 4.2 above, the decrease in security incidents was accompanied by an improvement in passenger perceptions of security.

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<sup>40</sup> Lines 2, 3, 4/5, 6 and 13.

<sup>41</sup> For example, the MOCR in Obiliq/Obilic reported submitting requests for an additional bus on line 2 on 2 June and 3 December 2010, and again 6 May 2011. Because the request was not in the correct format, it was never addressed by the MoI. After an intervention by the OSCE, the MOCR submitted the request again in the correct format, but never received a response. When the OSCE raised the issue with the MoI, they stated that they had received the request but claimed that there were already sufficient buses on the route. However, this was never communicated directly by the MoI to the MOCR, and in any event the MOCR had no mechanism of redress given the non-functioning of the TAC. Similarly, a new route was requested in Skenderaj/Srbica municipality (Banja/Bajë – Suvo Grlo/Syriganë) in 2009, and the MOCR in Rahovec/Orahovac municipality reported requesting additional buses on line 4 in August 2008 to address the ongoing issue of overcrowding. Neither of these requests were followed up by the MoI.

<sup>42</sup> For the purpose of this report, non-majority refers to any community that is in a numerical minority in any given municipality.

<sup>43</sup> On line 6, the driver reported that he had witnessed regular incidents of verbal harassment by children, particularly on the road between Gojbulja/Gojbulë and the Prishtinë/Priština–Mitrovicë/Mitrovica road, which runs through a Kosovo Albanian area. On line 10 the driver reported that children in Bablak/Babljak village stoned the bus; the same children appear to have stoned the bus on line 11. The Kosovo Albanian driver on line 35, which travels through northern Mitrovicë/Mitrovica, reported three cases of verbal harassment; on one occasion, he stated that a truck had blocked his road and one of the truck passengers had approached him, grabbed his wrist, spat on him and insulted him. The drivers on lines 17 and 32 reported one incident each of verbal harassment, while the driver of lines 8, 9 and 28 reported three incidents of vandalism, however it is unclear whether these three particular incidents had an inter-ethnic component.

Despite these positive trends, however, there are some shortfalls in central-level compliance with relevant security obligations. According to the Arrangement, all security incidents should be reported promptly by the MoI to the Kosovo police<sup>44</sup>, regardless of scale. However, in an interview with the OSCE an official stated that the MoI neither reports security incidents to the police nor follows up on the progress of their investigation.<sup>45</sup> Although the assessment showed that about two thirds of all incidents were in fact reported to the police<sup>46</sup>, this was usually undertaken on an ad hoc basis by the drivers, who were under no legal obligation to do so.

A more proactive approach on the part of central-level institutions would send a clear message to all parties, and importantly to passengers, that security incidents affecting HBT users will not be tolerated. To that end, the MoI should contractually oblige service providers to report incidents to both the MoI and to the Kosovo police, and should themselves report all incidents to the Kosovo police during regular meetings of the Technical Commission. They should then liaise with the Kosovo police to encourage a timely and appropriate response. This could be supported by local-level authorities through more proactive engagement with the relevant community safety fora – i.e., Municipal Community Safety Councils and Local Public Safety Committees<sup>47</sup>; at present HBT rarely, if ever, features on the agenda of these bodies.<sup>48</sup>

## 5. CONCLUSIONS

This most recent assessment by the OSCE has shown that members of all communities across Kosovo continue to rely heavily on HBT, both to secure their freedom of movement, and to guarantee their access to essential rights and services and to other social and economic opportunities. As such, the service makes an important contribution to creating favourable conditions for sustainable return.

There have also been marked improvements to the service since 2008 – notably a steep decline in the number of reported security incidents and its expansion by an additional 13 lines – with levels of passenger satisfaction remaining consistently high. This ongoing demand for HBT across Kosovo suggests that the service will continue to be one of great value for many years to come.

However, despite positive action by central-level institutions in maintaining and expanding HBT, the non-compliance of the Technical Commission and the TAC with key administrative provisions has compromised oversight of the requests process and denied requesting parties formal access to remedies in the event of rejected requests or submission of complaints. There is also a widespread lack of communication and co-ordination between the central and local levels, with central-level institutions neglecting to reach out to their municipal

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<sup>44</sup> Arrangement, Article 3.1.

<sup>45</sup> Representative of the MoI, MoI premises, Prishtinë/Priština, personal interview, 6 December 2011.

<sup>46</sup> Of the nine incidents, the drivers reported five incidents to both the Kosovo police and the service provider, one to the Kosovo police only, and two to the service provider only; only one went unreported.

<sup>47</sup> UNMIK Regulation No. 2005/54 On the Framework and Guiding Principles of the Kosovo Police Service, 20 December 2005, Section 7, defines Municipal Community Safety Councils and Local Public Safety Committees as consultation mechanisms in which to “discuss any matters relating to policing, public safety and order” at the municipal and village levels respectively.

<sup>48</sup> Regular monitoring activities by the OSCE indicated that HBT did not feature on the agenda of a single Municipal Community Safety Council or Local Public Safety Committee meeting in 2011.

counterparts and provide them with current information or proper training. As a result, communities and their municipal representatives lack awareness of the proper procedures for submitting requests and/or lodging complaints, which means that these are often either improperly submitted or not submitted at all.

Although there has been an encouraging decline in the number of security incidents since 2008, as well as a correlative improvement in passenger perceptions of security, central-level institutions fall short of their administrative obligations by not reporting security incidents to the Kosovo police.

Finally, although information about HBT is communicated by word of mouth among regular users, written information about the service is not available in any language. This decreases transparency for existing users, and makes it difficult for new users to access relevant information.

## **6. RECOMMENDATIONS**

### **To the Ministry of Infrastructure:**

- Take all steps to guarantee current levels of HBT service provision, including through the allocation of adequate budgetary resources.
- Take immediate action to ensure that the Technical Commission is fully compliant with the relevant administrative provisions, notably Article 3 of AI 2007/6.
- Take immediate action to ensure that the Transport Advisory Committee is fully compliant with the relevant administrative provisions, notably Article 4 of AI 2007/6.
- Enhance communication and co-ordination with the municipal offices for communities and return to ensure that municipal officials are aware of, and trained in, the proper procedures for submitting requests for amendments to the HBT service, including for new lines and additional buses or bus stops on existing lines.
- Monitor, and if necessary prevent, the arbitrary imposition of fees by service providers.
- Ensure that service providers report all security incidents to both the Ministry of Infrastructure and the Kosovo police.
- Report all security incidents promptly to the Kosovo police, in accordance with the Arrangement, Article 3.1, and liaise with the latter to encourage a timely and appropriate response, including through relevant security fora at the municipal level.
- Ensure that signs and written information on transportation routes, timetables, and fees are displayed in all official languages.

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

- Co-operate with the Ministry of Infrastructure to ensure that the comprehensive assessment of each request is accompanied by an assessment of community needs, in accordance with Articles 3.4 and 3.5 of AI 2007/6.

### **To the municipal offices for communities and return:**

- Ensure that the request form is made available to requesting parties, in accordance with AI 2007/6, Article 2.3, and in all official languages.

- Ensure that requesting parties are aware of the correct format and procedures for submitted requests (e.g. that they gather the requisite ten signatures of community members, and submit the correct documentation either directly to the Mayor or through the MOCR (AI 2007/6, Articles 2.1 and 2.3).
- Assist requesting parties in submitting their requests in accordance with AI 2007/6, Article 2.3.
- Ensure that all complaints/appeals are submitted to the Transport Advisory Committee in accordance with Article 3.7 of AI 2007/6.
- Inform the requesting parties of the starting date of the assessment procedure by the Technical Commission in accordance with AI 2007/6, Article 2.5.
- Support the Ministry of Infrastructure in encouraging a timely and appropriate response to reported security incidents, through proactive engagement with community safety fora, such as the Municipal Community Safety Councils and Local Public Safety Committees.

**To the Kosovo police:**

- Ensure a timely and appropriate response to all reported security incidents.

## ANNEX

### **ADMINISTRATIVE INSTRUCTION NO. 2007/6 On Procedure for the Submission and Assessment of Requests for Humanitarian Bus Transportation**

#### **Article 1 Definitions**

1.1 For the purposes of this Procedure, the terms and abbreviations listed below shall have the following meaning:

- a) *Arrangement*: Operational Arrangement between the United Nations Interim Administration Mission in Kosovo (UNMIK) and the Provisional Institutions of Self-Government (PISG) on the Transfer of Responsibility for Humanitarian and Special Transportation Services for Minority Communities in Kosovo (Annex 3);
- b) *Background and feasibility analysis*: Background and feasibility analysis conducted pursuant to the route and timetable selection methodology contained in Annex VI to the Arrangement;
- c) *Community needs Assessment*: Assessment of community needs conducted pursuant to the route and timetable selection methodology (Annex 3) contained in Annex VI to the Arrangement;
- d) *Form*: humanitarian bus transportation request form;
- e) *Law on Administrative Procedure*: The Assembly of Kosovo Law No. 02/L-28 as promulgated by the UNMIK Regulation No. 2006/33.
- f) *Procedure*: Procedure for the Submission and Assessment of Requests for Humanitarian Bus Transportation;
- g) *Request*: Request for humanitarian transportation;
- h) *Requesting Parties*: Applicants who submit a Request for humanitarian bus transportation;
- i) *Route*: Humanitarian bus transportation route as specified in Annex 2 to this Procedure;
- l) *Transport Advisory Committee (TAC)*: The body set up in accordance to Article 5 of the Arrangement;
- n) *Technical Commission*: Technical Commission on Humanitarian Transportation set up pursuant to Article III of this Procedure;
- o) *The Comprehensive Assessment (Assessment)*: The decision adopted by the Technical Commission under Article 3 of this Procedure;
- p) *Transport Feasibility Assessment*: The assessment conducted by the MoTC under Article 3.5 of this Procedure;
- q) *Security Assessment*: The assessment conducted by Kosovo Police Service (KPS) and Ministry of Internal Affairs (MoIA) under Article 3.5 of this Procedure.

#### **Article 2 Requests for Humanitarian Bus Transportation**

2.1. A minimum of 10 inhabitants of locations that are not included along the existing Routes, and claim that their freedom of movement is limited, shall be entitled to request that their locations be reached by the humanitarian bus transportation service.

2.2. For this purpose, they shall submit jointly a Request either for the creation of new route or for the extension or modification of an existing route.

2.3. The request shall be submitted through a form, which is attached in Annex 1. The form consists of two parts: the first part to be completed by the requesting parties; and the second part to be completed by the Technical Commission. The Municipal Community Office (MCO) is responsible to make the form available to the requesting parties as well as to assist them in the submission of their requests.

2.4. In accordance with Article 40.3 of the Law on Administrative Procedure, the Mayor directly or through the MCO, shall receive the request and forwards it to the Technical Commission within two working days from submission.

2.5. The MCO shall inform the requesting parties of the starting date of the procedure.

### **Article 3**

#### **Technical Commission and First Instance Assessment**

3.1. The Technical Commission is established and mandated to decide on the request as a first instance assessment body.

3.2. The Technical Commission is composed of three members, one from each of the following institutions: the MoTC; the MCR and the Ministry of Local Government Administration (MLGA). In addition the Kosovo Police Service (KPS), the Ombudsperson Institution and the service provider, shall sit in the Technical Commission as observers. Each Institution shall appoint its representative in the Technical Commission and shall inform the Secretary of the TAC of this appointment. Members of the Technical Commission shall not be at the same time members of the TAC.

3.3. Upon notification from the Mayor, the Technical Commission shall enter all the requests into a special humanitarian bus transportation requests' registry.

3.4. Pursuant to Article 81.1 of the Law on Administrative Procedure, within 90 days from the date in which the request has been received by the MCO, the Technical Commission is obliged to issue a comprehensive Assessment (the Assessment). The Assessment shall be composed of: a) security assessment; b) transport feasibility assessment; c) community needs assessment; and d) a conclusion based on the above assessments (a to c). The Assessment shall be accompanied by either a positive conclusion (positive Assessment) or by a negative conclusion (negative Assessment).

3.5. Within the Technical Commission, the KPS shall issue a security assessment. The MoTC shall issue, after consulting with the humanitarian bus transportation service provider (service provider), a transport feasibility assessment, encompassing both the financial and the technical implications of the request. After the overall humanitarian transportation needs of the community making the request have been examined, the MCR and MLGA shall issue a community needs assessment.

3.6. The Technical Commission shall adopt the final Assessment preferably unanimously or by simple majority of the overall membership of the Commission (two out of three).

Dissenting opinions shall be attached to the Assessment. The Assessment shall contain the information provided for by Article 84.2 of the Law on Administrative Procedure. The requesting parties as well as the TAC shall be served with the assessment issued by the Technical Commission in accordance with Article 109 of the Law on Administrative Procedure.

3.7. In case the Technical Commission issues a negative Assessment or fails to issue an Assessment within the ninety (90) days deadline, the requesting parties are entitled to submit a complaint to the TAC, within thirty (30) days from the date in which they were served with a negative Assessment or within sixty (60) days from the date in which the deadline has expired without an Assessment being issued by the Technical Commission.

#### **Article 4**

#### **Transport Advisory Committee and Approval of Route and Timetable Changes**

4.1. Pursuant to Article 5.2 of the Arrangement the TAC shall meet twice a year at least, to review compliance with the route selection methodology and to provide the Prime Minister and the Special Representative of the United Nations Secretary General in Kosovo with a written opinion on possible changes to the current routes and timetables.

4.2 To this purpose the TAC shall consider:

- a) the background and feasibility analysis issued by the MoTC pursuant to Article 3.1, paragraphs a) to k) of Annex VI of the Arrangement;
- b) the assessment of community needs issued by the MoTC and the MCR pursuant to Article 4.1 of Annex VI of the Arrangement;
- c) the first instance decisions on Requests for humanitarian transportation issued by the Technical Commission pursuant to this procedure.

4.3. The TAC shall keep a register with a) all the Requests; b) the Technical Commission's Assessments and c) the applicants' complaints against either the Technical Commission's negative Assessments or the Technical Commission's failure to assess.

4.4 The TAC shall issue the final decision on the Requests for humanitarian transportation based on the acts mentioned in Article 4.3.

4.5. The TAC Decision regarding route and timetable changes shall be final and taken at least once per year. The Decision shall be based on the financial and bus fleet resources planned for and available within the following year's budget and in accordance with the Kosovo Consolidated Budget (KCB). After careful consideration of elements (a) to (c) as listed in Article 4.2 above, the TAC shall ensure the publication of approved route and timetable changes.

4.6. The TAC decision will include the following:

- a) a list of either existing or new routes to be prioritized and provided with humanitarian bus transportation in the following year's budget, through the KCB;
- b) a list of new routes or new stops within existing routes to be provided with humanitarian bus transportation only upon availability of additional resources either from the KCB, donations, or community contributions;
- c) a list of rejected requests.

4.7. In itself, the submission of a request in accordance with Article II does not entitle the applicants to have their request included in the scope of the route and timetable changes approved by the TAC. Dissatisfied submitters of a request may file an administrative law suit in accordance with the applicable legislation.

**Article 5**  
**Final Provision**

5.1. The present Procedure shall enter into force on the date of its signature and shall be published in the Albanian, Serbian and English languages in the Official Gazette of the Provisional Institutions of Self-Government and in the web-sites of the MoTC and MCR. The Procedure shall also be made available at the MCO.

5.2. Requests for humanitarian bus transportation presented before the entry into force of this Procedure, shall be re-submitted by the requesting parties in accordance with this procedure. The MCOs, in the respective Municipalities are responsible to inform the mentioned requesting parties of this requirement and shall assist them in submitting new Requests.

**Article 6**  
**Enter in force**

This Administrative Instruction enters in force on the day of signature.

Pristina  
On. The. 24.12.2007

Qemajl Ahmeti, Minister