

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

**Reassessing Progress in the Development and
Implementation of the Legal and Policy Framework
for the Reintegration of Repatriated Persons**

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LIST OF ABBREVIATIONS

CCR	Central Commission for Reintegration
CoE	Council of Europe
CAS	Case Management System
DCAM	Department for Citizenship, Asylum and Migration
ICESCR	International Covenant on Economic, Social and Cultural Rights
MIA	Ministry of Internal Affairs
MOCR	Municipal Office for Communities and Returns
MCR	Municipal Commissions for Reintegration
OSCE	Organization for Security and Co-operation in Europe Mission in Kosovo
UNICEF	United Nations Children's Fund
UNHCR	United Nations High Commissioner for Refugees
UDHR	Universal Declaration of Human Rights

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. The report follows an early OSCE assessment report for the period January 2010 – July 2011, “*Assessing progress in the implementation of the policy framework for the reintegration of repatriated persons in Kosovo’s municipalities*” released in September 2011. It analyses the extent to which revision of the regulatory framework in 2012 succeeded in addressing identified shortfalls, and monitors central and municipal compliance with key policy obligations. It also reviews recent policy reforms in 2013 for their potential effectiveness in refining the institutional framework for management of the reintegration programme, focusing in particular on the sustainability of reintegration assistance.

The report finds that there has been significant progress since 2011. Responsible institutions have remained committed to the reintegration process, as evidenced through their continued allocation of substantial human and financial resources. Institutional changes have had some success in addressing identified problems: in 2012, partial decentralization of the fund resulted in increased disbursement of reintegration assistance, and the appointment of regional co-ordinators strengthened weak co-operation between the central and municipal levels. The policy reform of 2013 built on these successes by restructuring the central-level approvals process and introducing new procedural mechanisms aimed at accelerating review of requests. Crucially, it opened up the fund to third parties seeking to implement medium- to long-term projects for the benefit of repatriated persons, shifting assistance from direct aid to more sustainable measures targeting core problems in education and employment.

However a quantitative assessment of the situation of repatriated persons in Kosovo, and of the impact of policies on their reintegration, remains impossible due to the persistent absence of reliable, centralized data. Without accurate information on the number of individuals with access to basic public services such as housing or education, effective planning or monitoring of reintegration policies and projects becomes highly problematic. Other ongoing challenges include the lack of monitoring and reporting on implementation of assistance, and the predominantly reactive approach of many municipalities in reaching out to repatriated persons to identify their needs and inform them of available assistance. While a new strategy addresses these issues on paper, it remains to be seen whether the improved policy framework will be translated into concrete progress on the ground.

The OSCE encourages all central and municipal institutions to continue their efforts in support of the sustainable reintegration of repatriated persons. Central institutions should prioritize the development and maintenance of a comprehensive database on repatriated persons, and use the resulting information to direct and evaluate the disbursement of reintegration assistance. Municipal institutions should continue to work together to identify the needs of repatriated persons and raise awareness of available funds, including through regular outreach activities and other targeted initiatives. All relevant actors should work together to call for, develop, implement and evaluate reintegration projects that focus on the medium- and long-term benefit of repatriated persons.

1. INTRODUCTION

From January 2005 to the end of June 2013, an estimated 25,000 to 27,000 individuals were forcibly returned or “repatriated”¹ to Kosovo, at an average rate of 2,500 to 3,500 per year.² Since 2008, bilateral readmission agreements between Kosovo institutions and 21 predominantly Western European states have expressly reaffirmed the right of signatory states to forcibly repatriate persons who do not fulfil the conditions for entry, presence or residency in their territory, and the duty of Kosovo institutions to readmit those persons “without further formalities”.³

In addition to the psychological stresses that accompany forced return⁴, repatriated persons often face difficulties accessing basic rights and services, including civil registration, education, health care and social assistance, and in finding sustainable employment. The language skills of repatriated children who were born and raised abroad are often weaker than their peers born in Kosovo, making it difficult for them to keep up in school. After years in displacement many repatriated adults lack the professional networks or experience to compete effectively for the limited employment opportunities available, and rely instead on family members or friends for support. Approximately a quarter of repatriated persons are members of communities considered by the United Nations High Commissioner for Refugees

¹ The Strategy for Reintegration of Repatriated Persons defines “repatriation” as “the act of returning to Kosovo performed by a Kosovo citizen or a person with Kosovo origin and it is applied to all types of return in cases when entering the territory of Kosovo through an official border crossing point”. Strategy for Reintegration of Repatriated Persons, Ministry of Internal Affairs (MIA), 11 October 2013.

² Data collected by the United Nations High Commissioner for Refugees (UNHCR) indicates that 25,052 individuals were repatriated between January 2005 and the end of September 2013, at an average rate of approximately 2,950 per year (3,554 in 2005, 3,569 in 2006, 3,219 in 2007, 2,550 in 2008, 2,962 in 2009, 2,910 in 2010, 2,435 in 2011, 2,516 in 2012, 2,349 from January to end of September 2013). UNHCR Statistical Overview, updated at end September 2013. Government figures for the same period are 27,185 persons in total, at an estimated rate of 3,200 persons/year (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 2013, and 1,464 by end of June 2013). Department of Citizenship, Asylum and Migration (DCAM) within the MIA, “Voluntary and Forced Readmission between January 2005 and June 2013”.

³ Those 21 countries are: Albania, Austria, Belgium, Bulgaria, the Czech Republic, Croatia, Denmark, Estonia, Finland, France, Germany, Hungary, Lichtenstein, Luxembourg, Malta, Montenegro, the Netherlands, Norway, Slovenia, Sweden and Switzerland, with further agreements being negotiated. Note that Belgium, the Netherlands and Luxembourg (the “Benelux” countries) are covered under a single agreement. Official, Department for Citizenship, Asylum and Migration (DCAM), MIA, Personal interview, 4 September 2013. The terms “without further formalities”, “without any formalities” and “without formalities” are found in all agreements available online, except the one negotiated with France. Ministry of Foreign Affairs, “International Agreements”, <http://www.mfa-ks.net/?page=2,72> (30 September 2013).

⁴ 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 (accessed 30 December, 2013); 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 (accessed 30 December, 2013).

(UNHCR) to be “at risk” and in need of international protection⁵ – namely Kosovo Serbs, Kosovo Albanians in a numerical minority at the municipal level, and members of the Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities – and can face restrictions in their freedom of movement as well as real or perceived threats to their security.

As part of its ongoing mandate to protect and promote the rights of communities and returnees in Kosovo, the Organization for Security and Co-operation in Europe Mission in Kosovo (OSCE) issues regular public reports on the conditions for the reception and reintegration of repatriated persons in Kosovo, focusing in particular on institutional compliance with legal and policy obligations.⁶ In 2009, an OSCE report concluded that “concrete measures to facilitate the reintegration of repatriated persons in the key areas of health, education, employment and housing [were] still lacking”, and that municipalities lacked funds for reintegration; it also noted the absence of functioning referral and co-ordination mechanisms between relevant central and local institutions.⁷ While a 2011 follow-up report highlighted a number of positive developments, including the creation of a sizeable central-level reintegration fund as well as improved institutional co-ordination, it again reported weak implementation in relation to data collection, monitoring and reporting, notably at the municipal level.

This report reviews progress in the reintegration process since publication of the 2011 assessment. As the ongoing lack of reliable data on repatriated persons continues to make any quantitative assessment of reintegration efforts highly problematic, the analysis focuses once again on the status of implementation of the legal and policy framework.⁸ To that end, Section 2 reviews developments in that framework between July 2011 and June 2013, highlighting the 2012 decision to partially decentralize management of the reintegration fund to the municipal level through the establishment of the Municipal Committees for Reintegration (MCRs) and the appointment of Regional Co-ordinators. Section 3 then assesses the current status of implementation of that framework by the Reintegration Board and Reintegration Office at the central level, and Municipal Offices for Communities and Returns (MOCRs) and MCRs at the local level. The summary of findings will review the extent to which developments are in line with the recommendations of the OSCE 2011 report. Section 4 focuses on the ongoing process of revision of the policy and regulatory framework for reintegration of repatriated persons, assessing the potential effectiveness of the changes in addressing identified shortfalls. Finally, the report offers some general conclusions and presents a series of targeted recommendations aimed at enhancing compliance by responsible institutions with their reintegration obligations and improving conditions for repatriated persons on the ground.

⁵ In total 21.31 per cent in 2011, 27.02 per cent in 2012, and 25.75 per cent between January and September 2013. UNHCR Statistical Overview, updated at end September 2013. Two thirds of these are from the Kosovo Roma community (65.08 per cent).

⁶ OSCE Report *Implementation of the Strategy for Reintegration of Repatriated Persons in Kosovo's Municipalities*, November 2009, <http://www.osce.org/kosovo/40180> (accessed 30 December 2013) (2009 Repatriations Report); OSCE Report *Assessing Progress in the Implementation of the Policy Framework for the Reintegration of Repatriated Persons in Kosovo's Municipalities*, September 2011, <http://www.osce.org/kosovo/82416> (accessed 30 December, 2013) (2011 Repatriations Report).

⁷ 2009 Repatriations Report, p. 1.

⁸ 2011 Repatriations Report, p. 3.

With regard to methodology, the report uses a combination of qualitative and quantitative data collected by the OSCE through regular monitoring activities in 34 municipalities⁹ from July 2011 to June 2013. The information was collected also through telephone or personal interviews with 54 municipal officials from 34 municipalities including representatives from MOCRs and MCRs, Regional Coordinators, representatives from the Reintegration Department and the Department for Citizenship, Asylum and Migration within the Ministry of Internal Affairs (MIA) (detailed in footnotes below). In addition, information was obtained through regular contact with community representatives and international and local organizations working on repatriations issues. Interviews with municipal officials took place between 1 and 15 July 2013, while interviews with central-level officials took place between 29 August and 14 October 2013. The assessment includes quantitative data on requests for assistance, disaggregated by type of assistance; quantitative data on establishment of implementing bodies at the local level and the central level, disaggregated by municipality; quantitative and qualitative data on the effective functioning of relevant institutions, notably in relation to (i) compliance with their monitoring, reporting, data collection and management responsibilities; and (ii) municipal initiatives to support the sustainable reintegration of repatriated persons.

2. OVERVIEW OF LEGAL, POLICY, REGULATORY AND INSTITUTIONAL FRAMEWORK FOR REINTEGRATION OF REPATRIATED PERSONS

The most comprehensive international instrument on readmission is the Council of Europe's *Twenty Guidelines on Forced Return* from 2005,¹⁰ which specifies the obligations of sending and receiving states during the early phases of removal and readmission of forced returnees. However, there is little in the way of agreed standards regarding the follow-up process of reintegration, although repatriated persons are entitled to the same human rights as all individuals, including access to education, health care and social assistance.¹¹ These rights are guaranteed and directly enforceable under the Kosovo legal framework.¹²

In Kosovo, responsibility for ensuring respect for international standards during the readmission process – notably the principles of family unity, medical fitness and

⁹ The report excludes the four northern municipalities of Mitrovica/Mitrovicë North, Leposavić/Leposaviq, Zubin Potok and Zvečan/Zveçan, as they during the reporting period did not apply the reintegration framework.

¹⁰ Council of Europe (CoE), *Twenty Guidelines on Forced Return*, September 2005 (“CoE Guidelines”). <http://www.refworld.org/docid/42ef32984.html> (accessed 30 December, 2013).

¹¹ 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 (ICESCR), UN General Assembly resolution 2200A (XXI), 16 December 1966, entered into force 3 January 1976.

¹² 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.

dignity and safety – lies predominantly with the sending state,¹³ while Kosovo legislation is limited to outlining the basic eligibility criteria for readmission (legal status or eligibility for legal status in Kosovo and irregular status in the host state).¹⁴ However, once readmitted to Kosovo, repatriated persons are protected by a comprehensive policy and regulatory framework that entitles them to a wide array of rights and services. Until September 2013, key documents were the Revised Strategy for the Reintegration of Repatriated Persons and its accompanying Action Plan (2010 Strategy and Action Plan), adopted in April and August 2010 respectively, and Regulation 10/2012 on Management of the Reintegration Programme, adopted in July 2012 (Regulation 10/2012); together these are referred to as the “2010/2012 framework”. In February 2013 the government initiated a review of the policy and regulatory framework, in an effort to assess the disbursement of reintegration assistance and improve the efficiency of the institutional framework. This resulted in the approval of a new regulation on 6 September,¹⁵ and a new strategy and action plan on 11 October 2013; together, these are referred to as the “2013 framework”. While Sections 2 and 3 focus on the 2010/2012 framework and its implementation by central and municipal institutions, Section 4 reviews the changes introduced by the 2013 framework, and its potential to address shortcomings in the previous framework and its implementation.

Another important document, which is relevant to both the 2010/2012 and the 2013 framework, is Regulation 02/2010 for the Municipal Offices for Communities and Return (Regulation 02/2010).¹⁶ This regulation mandated the establishment of local co-ordination mechanisms for returns and communities issues in all municipalities to serve as the primary actors responsible for shaping successful return and reintegration policies at the local level, and for implementing reintegration and development initiatives that create conditions conducive to sustainable returns, notably in terms of guaranteeing access to essential rights and services, including property rights, health care, education and employment.

2.1 Central level

Under the 2010/2012 framework, the primary duty bearers at the central level were the Reintegration Board, an inter-ministerial body with overall responsibility for management of the reintegration programme, and the Reintegration Office, which provided the Reintegration Board with administrative and technical support.

1) Reintegration Board

In April 2010, the government established an inter-ministerial Reintegration Board as the highest body responsible for management of the programme for reintegration of repatriated persons,¹⁷ comprising of senior representatives of key ministries¹⁸ as well

¹³ CoE Guidelines, 11, 16 and 17, *supra* note 10.

¹⁴ Law No. 03/L-208 on Readmission, 12 July 2010.

¹⁵ Regulation 20/2013 on Reintegration of Repatriated Persons and Management of the Reintegration Program, 6 September 2013.

¹⁶ Office of the Prime Minister, 12 August 2010.

¹⁷ Government decision No. 7/123, 30 April 2010; 2010 Strategy, Article 7.

as a number of international observers.¹⁹ It was supported by a full-time Secretariat and Reintegration Office located in the MIA.²⁰

Initially, the Reintegration Board was the only body with the authority to approve requests for reintegration assistance, including smaller requests for food packages, furniture and firewood. However, as the number of requests grew this became increasingly cumbersome, and Regulation 10/2012 devolved responsibility for approving requests for food and non-food items and other emergency assistance to the municipal level (see Section 2.2.2 below). The Reintegration Board maintained sole authority over requests for housing construction or reconstruction and for income generation projects,²¹ which it reviewed on a monthly basis or at *ad hoc* meetings.²²

The Reintegration Board also had primary responsibility for supervising implementation of the 2010 Strategy and Action Plan, and for informing the government of all relevant progress and identified challenges.²³ It was charged with defining responsibilities and facilitating distribution of information, both horizontally between ministries and vertically between the central and local levels, and for co-operating with donors and the international community on reintegration projects and initiatives.²⁴

2) *Reintegration Office*²⁵

The Reintegration Office was the focal point for reintegration issues at the central level and the key point of contact for municipalities. It was charged with providing the Reintegration Board and its Secretariat with general administrative support, undertaking preliminary verification of assistance requests prior to submission to the Secretariat, and monitoring implementation of Reintegration Board and MCR decisions.²⁶ It was also responsible for collecting personal information on repatriated persons, including from municipalities, and for registering and managing that data at the central level.²⁷

In terms of municipal communication and co-ordination, the Reintegration Office was responsible for managing the flow of information to the municipalities, including by notifying municipal offices of the anticipated arrival of repatriated persons, communicating Reintegration Board decisions on assistance requests to the relevant

¹⁸ These are the MIA; the Ministry of Local Government Administration; the Ministry for Communities and Return; the Ministry of Labour and Social Welfare; the Ministry of Health; the Ministry of Education, Science and Technology; the Ministry of Environment and Spatial Planning; the Ministry of Finance and Economy; and the Office of the Prime Minister.

¹⁹ The European Union Office in Kosovo, the International Organization for Migration (IOM) and the UNHCR.

²⁰ Regulation 10/2012, Articles 7.1.10, 8 and 9.2.6.

²¹ Regulation 10/2012, Articles 9.2.2 and 8.2.3.

²² Regulation 10/2012, Article 9.2.9.

²³ Regulation 10/2012, Articles 9.2.1, 9.2.10 and 9.2.12.

²⁴ Regulation 10/2012, Articles 9.2.3, 9.2.5 and 9.2.12, and 9.2.11.

²⁵ Note that Regulation 20/2013 expands the Reintegration Office into a Reintegration Department. However, as the reporting period for this section is prior to approval of the new regulation, all references are to the former Reintegration Office.

²⁶ Regulation 10/2012, Articles 7.1.10, 7.1.9 and 7.1.12.

²⁷ Regulation 10/2012, Articles 7.1.2, 7.1.7 and 7.1.8.

municipality through the Regional Co-ordinators, and undertaking outreach visits to repatriated persons to monitor their reintegration.²⁸ Initially, communication between the central and municipal levels was very weak, with no formal mechanism for co-ordination.²⁹ However, this was remedied by Regulation 10/2012, which mandated the appointment of Regional Co-ordinators to liaise between the Reintegration Office and the municipalities.

According to Regulation 10/2012, Regional Co-ordinators are responsible for coordinating the reintegration process at the municipal level, and for monitoring repatriated persons and providing them and the MOCRs with relevant advice. They are also responsible for processing and implementing Reintegration Board and MCRs decisions for their respective regions, and for monitoring implementation of those and reporting on a regular basis to the Reintegration Department.³⁰

The Reintegration Office was also responsible for the reception of repatriated persons at the point of readmission. As the first point of contact for repatriated persons, it was to inform them of available assistance and other public services, including medical assistance, provide them with up to seven days of shelter, and organize transportation to the municipality of destination.³¹

2.2 Local level

Under the 2010/2012 framework, the primary duty bearers at the municipal level were the MOCRs, which are the focal points for returns-related issues at the municipal level, and MCRs, which have the authority to process requests for emergency assistance, such as food and hygiene packages, furniture, shelter/housing and medical assistance.

1) *Municipal Offices for Communities and Returns*

MOCRs are mandatory community protection mechanisms at the municipal level that serve as the focal points for all communities- and returns-related issues. Their obligations derive primarily from Regulation 02/2010 on MOCRs, which details their composition and responsibilities. The offices must be staffed by a Head of Office and two co-ordinators, one for returns and one for communities; these core staff may then be assisted by a number of officers, as determined by need.³² MOCRs are responsible, *inter alia*, for assessing the needs of returnees and repatriated persons; conducting outreach visits; promoting awareness of existing policies among relevant officials and communities' representatives; facilitating access to public services; and developing, implementing and monitoring projects and activities for the benefit of repatriated persons. Furthermore, it is the responsibility of the MOCRs to provide repatriated persons with information about their rights and available support structures and

²⁸ Regulation 10/2012, Articles 7.1.6, 7.1.11, 7.1.13 and 7.3.2.

²⁹ 2011 Repatriations Report, pp. 11–13.

³⁰ Regulation 10/2012, Article 7.

³¹ Regulation 10/2012, Articles 3.4 and 1.5, and 3.4.

³² Regulation 02/2010, Articles 3, 5 and 6.

assistance, and to refer them to other competent offices within the municipal administration.³³

In addition to the general obligations of MOCRs under Regulation 02/2010, Regulation 10/2012 specifies additional responsibilities within the context of the reintegration programme. These relate primarily to the disbursement of reintegration assistance, and include the obligation to raise awareness among repatriated persons of available assistance, to assist them in filling out and submitting requests, to forward requests to the MCRs or the Reintegration Office, and to monitor implementation of decisions in co-operation with the Reintegration Co-ordinators.³⁴ Regulation 10/2012 also emphasizes existing responsibilities of MOCRs to reach out to repatriated persons and facilitate their access to public services, including health and social welfare.³⁵ In addition to its general reporting obligations³⁶ under Regulation 02/2010, the MOCRs were further tasked with submitting “regular” reports to the Reintegration Office³⁷.

2) *Municipal Committees for Reintegration*

In an effort to address the problem of lengthy delays in the approvals process, Regulation 10/2012 allowed for the partial decentralization of the reintegration fund to the municipal level through the creation of mandatory reintegration committees, the MCRs. These committees were established by the Mayor³⁸ and comprised representatives of relevant municipal directorates.³⁹ They had primary responsibility for approving all requests that fell outside the remit of the Reintegration Board (e.g. all requests other than those for housing (re-)construction and income generation assistance), notably food and hygiene packages, furniture, shelter/housing, medical assistance, and other material assistance. The MCR was required to provide approved assistance within seven days.⁴⁰

The MCRs were also charged with “identification of the needs of repatriated persons [...] concerning the arrangement of additional language courses, facilitating access to education, identification of opportunities for provision of vocational trainings and access to the labour market”. It should be noted that there is some overlap here with the role of MOCRs (as elaborated in Section 2.2.1 above), and the 2010/2012 framework did not specify modalities for co-operation.

³³ Regulation 02/2010, Article 7.

³⁴ Regulation 10/2012, Articles 5.1.1, 5.1.2, 5.1.3, 5.1.4 and 5.1.6.

³⁵ Regulation 10/2012, Article 5.1.8.

³⁶ The general reporting obligations of the MOCRs are detailed in OSCE Report *An Assessment of the Voluntary Returns Process in Kosovo*, November 2012. <http://www.osce.org/kosovo/96805> (accessed 30 December, 2013), pp. 12–13.

³⁷ Regulation 10/2012, Article 5.1.5 and 5.2.

³⁸ Regulation 10/2012, Article 6.1.

³⁹ These are listed as: education; health; social welfare; labour and employment; public services; spatial planning and urbanism; and geodesy, cadastre and property. The Officer for European Integration is also required to attend, and representatives of other municipal bodies may be invited to attend particular session when needed. The regulation also refers to a “Reintegration Officer”, but it is unclear whether this is a member of the MOCR or the Reintegration Co-ordinator. Regulation 10/2012, Article 6.2.

⁴⁰ Regulation 10/2012, Article 6.6.

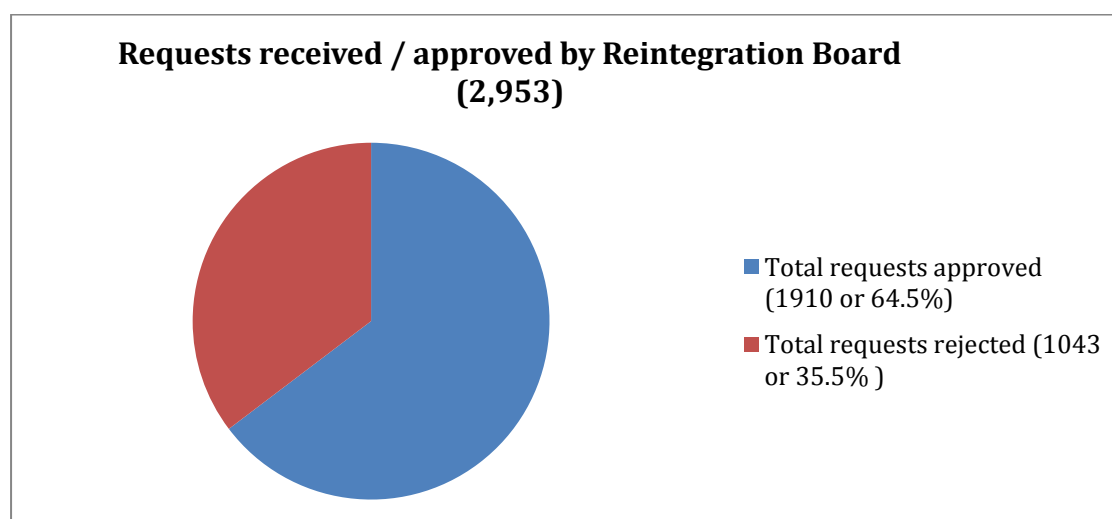
3. IMPLEMENTATION OF THE LEGAL AND POLICY FRAMEWORK AT CENTRAL AND LOCAL LEVELS

This section will assess the degree and effectiveness of implementation of the 2010/2012 framework during the reporting period.

3.1 Central level

1) Reintegration Board

During the reporting period the Reintegration Board complied with its obligation to meet at least once a month, convening a total of 33 meetings. Between July 2011 and June 2013 it received a total of 2,953 requests, approving 1,910 (64.5 per cent) of which 136 were for housing (re)construction and 396 for income generation assistance.⁴¹ By September 2013, however, only 36 of the approved requests for housing (re)construction had been implemented (26.5 per cent), leaving 100 pending; this was reportedly caused by delays in the tendering process.⁴² By contrast, the approval rate was much higher for income generation requests, at 376 (95 per cent), although the absence of implementation monitoring was cause for concern.⁴³

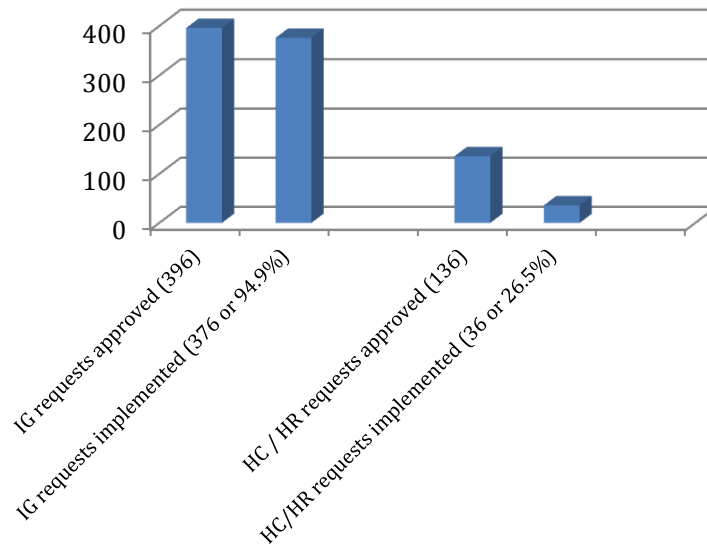


⁴¹ Note that up until mid-2012 the Reintegration Board reviewed all requests for assistance, while after passage of Regulation 10/2012 it only reviewed requests for housing (re)construction and income assistance. For this reason, the figures focus only on the latter two categories.

⁴² Official, Reintegration Department, Prishtinë/Priština, Personal interview, 11 September 2013.

⁴³ All figures obtained from the Reintegration Department, 14 October 2013.

Income generation (IG) and housing (re) construction (HC/HR) requests received / approved by Reintegration Board (2,953)



While the Board's core responsibilities were two-fold – to review requests for assistance and to monitor implementation of the legal and policy framework – it focused almost exclusively on the former,⁴⁴ neglecting to supervise implementation of the strategy and action plan in a systematic manner or to inform the government of progress and challenges.⁴⁵ In practice these responsibilities were taken over by the MIA, which took the lead in developing Regulation 10/2012 and initiating the 2013 review of the policy and regulatory framework. The MIA is also the primary point of contact for international organizations and donors working on reintegration issues. This practical reality was reflected in the new 2013 framework, which reassigned the Reintegration Board's policy-related responsibilities to the MIA (see Section 4 below).

2) *Reintegration Office*

Between 2011 and 2013 the number of staff employed within the Reintegration Office increased from seven to 42.⁴⁶ This growing responsibility was reflected in the 2013 framework, which expanded the Reintegration Office into a fully-fledged Department for Reintegration of Repatriated Persons (henceforth referred to as the Reintegration Department) (see Section 4 below).

Generally the Reintegration Office performed well during the reporting period, fulfilling its key responsibilities under the 2010/2012 framework. In December 2010,

⁴⁴ Official, EU Twinning Project, Personal interview, 30 August 2013.

⁴⁵ Official, EU Twinning Project, Personal interview, 30 August 2013; Official, Reintegration Department, Prishtinë/Priština, Personal interview, 11 September 2013.

⁴⁶ Thirteen of these were women, including the Director.

it established a Reception Office at Prishtinë/Priština International Airport to ensure that repatriated persons were properly received upon arrival. In accordance with its responsibilities under the 2010/2012 framework, the Reception Office logged the personal details of newly arrived repatriated persons, informed them of available assistance, including through informational leaflets, and provided them with temporary shelter for up to seven days and transport to their municipality of destination.⁴⁷

The appointment of new staff members allowed for more effective distribution of responsibilities through the establishment of specialized divisions and contact points relating, *inter alia*, to data collection, the Reception Office, international organizations, inter-ministerial communication, and reporting. The Reintegration Office provided the Secretariat with general administrative support and monitored implementation of Reintegration Board and MCR decisions through its Regional Co-ordinators. It did not, however, undertake any preliminary review of assistance requests, as required, believing this to be the sole responsibility of the Secretariat.

With regard to central–municipal co-ordination, MOCRs generally agree that the appointment of eight Regional Co-ordinators by the Reintegration Office in 2012⁴⁸ had a significant positive impact on communication between the central and municipal levels.⁴⁹ The co-ordinators regularly relayed information about developments at the central level to the MOCRs, who in turn informed the MCRs, and forwarded requests from the MCRs to the Reintegration Office.

The Reintegration Office reported that Regional Co-ordinators did undertake outreach activities to repatriated persons to inform them of available assistance, as required by Regulation 10/2012, but did not keep figures on the number or location of the visits.⁵⁰ In terms of its data collection responsibilities, the Reintegration Office did collect disaggregated statistics on repatriated persons from its Reception Office, which it stored in a centralized online database; however, it did not collect similar information from the municipalities.⁵¹

Despite these notable improvements in the implementation of Regulation 2010/12, certain problems persisted: while the Reintegration Office claimed that MOCRs were informed of the status of requests through official emails and scanned copies of the decisions, 22 municipalities noted ongoing delays in the approval process and incomplete feedback on rejected requests.⁵² MOCRs also reported that it was not

⁴⁷ Official, Reintegration Department, Prishtinë/Priština, Personal interview, 11 September 2013. Independent monitoring by the OSCE during the reporting period verified that the Reception Office was open and functional, and that informational posters and leaflets were on display throughout the airport.

⁴⁸ Eight regional co-ordinators were appointed during the reporting period, covering all regions of Kosovo.

⁴⁹ OSCE field assessment, conducted between 8 and 17 May 2013, including in-person meetings with MOCRs in 34 municipalities (OSCE field assessment), note 10 *supra*.

⁵⁰ Official, Reintegration Department, Prishtinë/Priština, Personal interview, 11 September 2013

⁵¹ Official, Reintegration Department, Prishtinë/Priština, Personal interview, 11 September 2013.

⁵² Deçan/Deçane, Dragash/Dragaš, Ferizaj/Uroševac, Fushë Kosovë/Kosovo Polje, Gjakovë/Đakovica, Gjilan/Gnjilane, Gračanica/Gračanicë, Hani i Elezit/Elez Han, Istog/Istok, Kaçanik/Kaçanik, Kamenicë/Kamenica, Klinë/Klina, Klokot /Kllokot, Mamuşa/Mamushë/Mamuşa,

possible to assess the status of requests, as there was no mechanism for tracking their progress and the Regional Co-ordinators did not provide them with any proof of receipt, which was especially problematic in the event of delayed or lost requests.

3.2 Local level

1) *Municipal Offices for Communities and Returns*

MOCRs have been established in 33 municipalities in Kosovo.⁵³ While the composition of MOCRs is in line with Regulation 02/2010 and its annexes, only 13 of the 33 have the full complement of five staff members.

Generally, MOCRs are in compliance with their responsibilities under the reintegration framework. As specified in Regulation 10/2012 they do provide repatriated persons with information on available assistance, although communication is more often reactive, in response to a request by the repatriated person to the MOCR, than proactive. They also assist repatriated persons in filling out and submitting requests, and forward requests on to the MCRs.⁵⁴ Some municipalities in particular have established good working practices: for example, in Fushë Kosovë/Kosovo Polje, the MOCR worked with the municipal department of education and local civil society to enrol 20 repatriated children in catch-up language courses, following a needs assessment; and in Pejë/Peć and Podujevë/Podujevo, MOCR officials undertook outreach visits to repatriated families to assess their living conditions and assisted them in filling out and submitting assistance requests.⁵⁵ MOCRs also monitor the approval and delivery of assistance, following up in cases of delay or non-receipt. However, it should be noted that they are not required to track how the assistance is actually spent which opens up the potential for misuse, particularly of income generation claims. Encouragingly, during the reporting period some MOCRs also implemented additional projects targeting repatriated persons, often in co-operation with MCRs (see Section 3.2 below).

With regard to their reporting responsibilities, 14 MOCRs⁵⁶ either prepared monthly reports for the Reintegration Office or forwarded them a copy of their regular quarterly and/or biannual reports, in compliance with their obligation to provide “regular” reports.⁵⁷ By contrast, eight reported to the Reintegration Office only upon

Parteš/Partesh, Ranilug/Ranillug, Pejë/Peć, Prizren, Rahovec/Orahovac, Štrpce/Shtërpçë, Suharekë/Suva Reka and Viti/Vitina. OSCE field assessment.

⁵³ They have not been established in Malishevë/Mališevo, or Mitrovica/Mitrovicë North. However, it should be noted that in Malishevë/Mališevo there is an officer for returns who assumes some of the responsibilities of an MOCR.

⁵⁴ Although this information was self-reported, it is supported by regular monitoring activities by the OSCE.

⁵⁵ OSCE field monitoring.

⁵⁶ The figures include performance by the returns officers in Malishevë/Mališevo and Junik who performs some of the duties of an MOCR but is not established as an MOCR.

⁵⁷ Ferizaj/Uroševac, Fushë Kosovë/Kosovo Polje, Gjilan/Gnjilane, Gračanica/Gračanicë, Junik, Klinë/Klina, Mitrovicë/Mitrovica, Novobërdë/Novo Brdo, Pejë/Peć, Prishtinë/Priština, Ranilug/Ranillug, Shtime/Štimlje, Skenderaj/Srbica and Suharekë/Suva Reka.

request,⁵⁸ while the remaining 11 did not submit any reports at all.⁵⁹ It should be noted, however, that the Reintegration Office does not ask for these reports from the MOCRs, believing them to be of limited use; instead it requests *ad hoc* updates on particular issues.⁶⁰

Despite this generally positive overview, a serious and persistent problem continues to be the ongoing lack of reliable and systematic data on repatriated persons, mainly because information collected and the methodology used differ from municipality to municipality; with most municipalities only recording information on families and individuals who directly approach the MOCRs. This problem was highlighted in the 2011 repatriations report.⁶¹ The Reintegration Office made some efforts to address this issue through the development of a centralized reintegration database available since September 2013, however it was too soon to assess whether this was being used effectively either by the municipalities or the central level, and aggregated data were not available from the Reintegration Office.

2) Municipal Committees for Reintegration

MCRs have been established in 33 municipalities.⁶² While 24 adhere to the composition specified in Regulation 10/2012, nine are missing representatives from one or more of the relevant ministries.⁶³ Moreover, while the formal composition of the MCRs is broadly compliant with the requirements of Regulation 10/2012, some municipalities reported very low rates of attendance which negatively affected the quality of discussions and the overall decision-making process.⁶⁴

All MCRs performed their primary function of reviewing requests for assistance. According to data collected by the OSCE, between July 2011 and June 2013 the MCRs received a total of 3,657⁶⁵ requests, of which 376 were for housing or shelter, 32 for medical assistance, 581 for furniture and firewood, and 1,531 for food and non-food items.⁶⁶ The MCRs also screened 580 requests for income generation assistance and 230 for housing construction, prior to submitting them to the central level for final approval in accordance with the provisions of Regulation 10/2012. Of the 3,657 requests submitted, the MCRs approved 2,924 (almost 80 per cent). With regard to

⁵⁸ Gjakovë/Djakovica, Hani i Elezit/Elez Han, Istog/Istok, Kaçanik/Kaçanik, Kamenicë/Kamenica, Obiliq/Obilic, Štrpce/Shtërpçë and Viti/Vitina.

⁵⁹ Dragash/Dragaš, Glllogoc/Glogovac, Klokot/Kllokot, Lipjan/Lipljan, Mamuşa/Mamushë/Mamuşa, Parteş/Partesh, Podujevë/Podujevo, Prizren, Rahovec/Orahovac, Shtime/Štimlje, Vushtrri/Vučitrn.

⁶⁰ Official, Reintegration Department, Prishtinë/Priština, Personal interview, 11 September 2013.

⁶¹ Repatriations Report 2011, p. 13–14.

⁶² They have not been established in Mitrovica/Mitrovicë North.

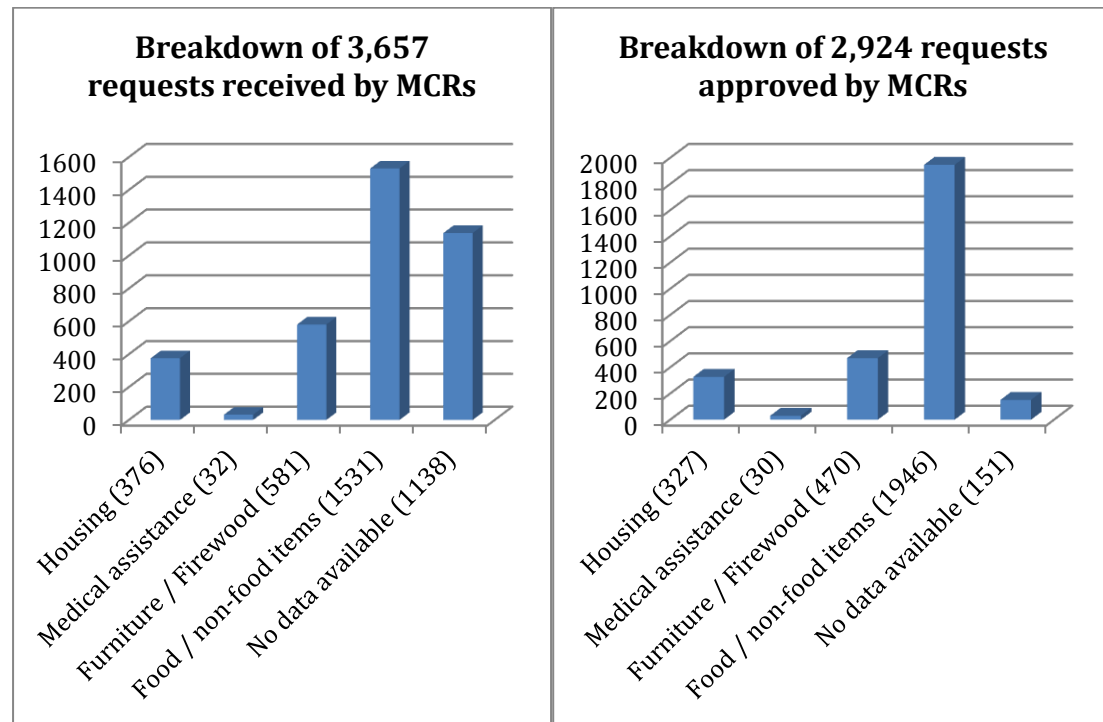
⁶³ These are Gračanica/Gračanicë, Hani i Elezit/Elez Han, Lipjan/Lipljan, Mamuşa/Mamushë/Mamuşa, Obiliq/Obilic, Parteş/Partesh, Prishtinë/Priština, Rahovec/Orahovac, Shtime/Štimlje.

⁶⁴ In Prizren, for example, only three out of 11 members attended the meeting on 15 August 2013.

⁶⁵ Information regarding the type of assistance was not available for 1,138 requests, primarily in Pejë/Peć region.

⁶⁶ Note that requests were often submitted and reviewed by the MOCRs/MCRs in packages, e.g. for shelter, firewood and food and non-food items. However, in order to provide a clearer picture of the types of assistance being provided, the above figures treat each requests separately, so one package requesting food, furniture and food and non-food items was treated as three separate requests.

types of assistance, the breakdown was as follows: 327 were for housing or shelter (11 per cent of the total), 30 for medical assistance (1 per cent), 470 for furniture and firewood (16 per cent), and 1,946 for food and non-food items (66.6 per cent).⁶⁷ Nonetheless, MCRs often failed to provide assistance within the mandatory seven-day period, convening meetings only on a monthly or twice-monthly basis due to the reportedly low number of requests submitted.



However, the rate of compliance by MCRs with their responsibility to assess the needs of repatriated persons was lower compared to the work done by MOCRs; .Namely, only ten of the MCRs conducted outreach activities,⁶⁸ while the rest relied on assessments conducted by the MOCRs⁶⁹. Moreover, MCRs only met to approve requests and did not discuss other forms of assistance (i.e. language classes, support to employment etc.). However, encouragingly, six MCRs⁷⁰ did co-operate with the MOCRs to implement projects benefiting repatriated persons.

3) Joint MOCR–MCR initiatives

Between July 2011 and June 2013, MOCRs and MCRs in eight out of 34 municipalities developed and implemented their own initiatives in support of the

⁶⁷ Data was not available for 151 requests (5 per cent).

⁶⁸ These are Dečan/Dečane, Ferizaj/Uroševac, Gjakovë/Đakovica, Gjiilan/Gnjilane, Istog/Istok Kačanik/Kaçanik, Klinë/Klina, Parteš/Partesh, Pejë/Peć and Ranilug/Ranillug. In Ferizaj/Uroševac, for example, the MCR regularly organized outreach activities and took immediate action to enrol children of school age into the education system, even pending verification of their documents.

⁶⁹ All MOCRs which were examined have conducted an assessment for the needs of repatriated persons.

⁷⁰ These are Istog/Istok, Dečan/Dečane, Gjakovë/Đakovica, Obiliq/Obilić, Lipjan/Lipljan and Ferizaj/Uroševac.

reintegration process: two municipalities provided language catch-up classes for repatriated children,⁷¹ one implemented a decision to facilitate civil registration⁷², and five supported employment of repatriated person by providing vocational training or directly employing repatriated persons.⁷³ Ferizaj/Uroševac, in particular, is an example of good practice. In addition to the abovementioned policy of free registration for repatriated persons, the MCR also issued statements on local television to raise awareness among repatriated persons of the services and assistance available to them under the reintegration programme. It undertook outreach visits to meet individuals, inform them of the rights and services to which they were entitled and encouraged registration at the municipal employment centre. It also lobbied with municipal health care institutions to ensure that repatriated persons would be exempt from fees. Novo Brdo/Novobërdë is another example of good practice, where the municipality implemented an employment scheme targeting repatriated persons, assisted repatriation persons in accessing civil registration, and produced/distributed information leaflets on available reintegration services and assistance, with OSCE support.

3.3 Summary of findings

The repatriations report published by the OSCE in September 2011 identified a number of challenges affecting the sustainable reintegration of repatriated persons, highlighting in particular the absence of clearly defined institutional roles and very weak central–municipal co-ordination.⁷⁴ The report argued that these contributed to low municipal awareness of, and commitment to, implementation of the legal and policy framework, while a lengthy top-down approval process meant that reintegration assistance was slow to reach beneficiaries.

Since 2011, the primary duty bearers have made significant progress towards addressing the concerns identified in the key recommendations of the 2011 report. The MIA undertook decisive action to renew commitments outlined in the Revised Strategy and Action Plan 2010 and dedicated adequate resources to their implementation through the development and approval of Regulation 10/2012 and the

⁷¹ These were Fushë Kosovë/Kosovo Polje and Obiliq/Obilić. In Fushë Kosovë/Kosovo Polje, the MOCR worked together with the municipal department of education and local civil society organizations to identify 20 repatriated children in need of catch-up classes; the municipal department of education then organized a six-week language class. The MCR also asked the MOCR to encourage all repatriated families to enrol their children in school, even if the necessary documentation was temporarily unavailable.

⁷² This was Ferizaj/Uroševac, although note that other municipalities also indirectly provided free civil registration to repatriated persons from the Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities, through compliance with a central-level administrative instruction aimed at implementing the Strategy for the Integration of Roma, Ashkali and Egyptian communities, 2009-2013.

⁷³ In Novo Brdo/Novobërdë, the municipality implemented an employment scheme targeting repatriated persons, while the heads of MOCRs in Kamenicë/Kamenica, Parteš/Partesh, Ranilug/Ranillug and Glllogoc/Glogovac reported employing a number of repatriated persons through temporary contracts and other public works (no precise figures available).

⁷⁴ Repatriations Report 2011, p. 18.

annual renewal of the central-level Reintegration Fund (Recommendation 1⁷⁵).⁷⁶ Regulation 10/2012 clarified the relationship between different bodies by fleshing out the institutional framework, and addressed the problem of lengthy delays by decentralizing authority over emergency assistance to the municipal level through the creation of MCRs. This not only increased the rate of disbursement of emergency assistance in particular (see section 3.2.2 above), but institutionalized a forum for communication and co-ordination between relevant municipal offices and departments (Recommendation 5⁷⁷). It also introduced the position of Regional Co-ordinators to strengthen central–municipal co-operation, which the MOCRs report has enhanced co-ordination and improved the rate and quality of vertical information flow (Recommendation 4⁷⁸). Central institutions now notify municipalities in advance of the arrival of repatriated persons (Recommendation 2⁷⁹), and have worked with international stakeholders, including the OSCE and the UNHCR, to provide training and capacity-building sessions to local institutions to raise awareness of reintegration policies and programmes (Recommendation 3⁸⁰).⁸¹

Despite these welcome improvements, a number of important recommendations from the 2011 repatriations report remain unaddressed. With the notable exceptions identified in Section 3.2.3 above, many municipalities continue to be reactive in their approach to assistance, and do not undertake regular outreach to repatriated persons to identify their needs on the ground or inform them of available assistance

⁷⁵ Recommendation 1: “Renew the commitments outlined in the Revised Strategy and Action Plan by ensuring that adequate resources are made available at all levels of government, notably for the newly-established municipal offices for communities and return, and for the implementation of targeted programmes and projects in key areas such as civil registration, health, education, employment and housing, in close co-operation with municipalities”. Repatriations Report 2011, p. 18.

⁷⁶ A budget of €500,000 was allocated to the Reintegration Fund in 2010; €3,420,150 in 2011; €3,170.150 in 2012; and the same amount again in 2013. Strategy for Reintegration of Repatriated Persons in Kosovo, *supra* note 1, p. 10.

⁷⁷ Recommendation 5: “In accordance with the Revised Strategy and Action Plan, *ensure effective cooperation, co-ordination and communication between relevant municipal offices and departments, and central-level institutions*, and pro-actively seek out information and support from relevant ministries regarding municipal responsibilities”. Repatriations Report 2011, p. 19 (emphasis added).

⁷⁸ Recommendation 4: “Ensure effective co-operation and co-ordination between relevant ministries responsible for health, education, employment, social welfare and housing, *as well as between central- and local-level institutions by strengthening relevant inter-ministerial co-ordination and communication mechanisms*” (emphasis added). Repatriations Report 2011, p. 19.

⁷⁹ Recommendation 2: “Take further steps to ensure that municipalities are informed in a systematic and timely manner about the arrival of repatriated persons in their area of responsibility and about the procedures to follow when applying for reintegration funds allocated by the central government”. Repatriations Report 2011, p. 19.

⁸⁰ Recommendation 3: “In co-operation with relevant international stakeholders, provide further training and capacity-building to local institutions to strengthen outreach, information and awareness-raising activities in relation to existing reintegration policies, strategies and programmes, and support municipalities in promoting awareness and disseminating information on the rights of repatriated persons and available assistance”. Repatriations Report 2011, p. 19.

⁸¹ The OSCE works regularly with the MIA to implement joint activities aimed at improving municipal compliance with relevant policy obligations. For example, in April 2013, the OSCE facilitated a two-day workshop to train municipal officials on proper and effective reporting and systematic data collection. In September 2013, the OSCE facilitated a series of five roundtables to train municipal officials of changes to the reintegration process resulting from the approval of Regulation 20/2013.

(Recommendation 9⁸²); where such activities reportedly do take place, there is no record of their frequency or follow-up action. The absence of any systematic needs assessment means that municipalities cannot identify the most urgent needs and prioritize related activities accordingly (Recommendation 6⁸³).

4. 2013 REVISION OF REINTEGRATION FRAMEWORK

As noted above, in February 2013 the MIA initiated a review of the policy and regulatory framework for the reintegration of repatriated persons. On 6 September 2013, Regulation 10/2012 on management of the reintegration program was superseded by Regulation 20/2013 on reintegration of repatriated persons and management of the reintegration programme⁸⁴ (Regulation 20/2013), which introduced a number of important institutional and procedural changes. This was followed on 11 October 2013 by the approval of a new strategy and action plan. The most relevant changes, as well as their potential effectiveness in addressing identified problems, are documented below.

4.1 Strategy for the Reintegration of Repatriated Persons 2013 and implementing Action Plan

Unlike the Revised Strategy 2010, the 2013 Strategy for Reintegration of Repatriated Persons in Kosovo (Reintegration Strategy 2013) undertakes a sound – albeit quantitatively unsubstantiated – analysis of the current situation of repatriated persons, including in the key areas of civil registration, health, housing and education. It reaffirms political commitment to the successful reintegration of repatriated persons, recognizing this as “one of the main indicators for overall sustainable development”.⁸⁵ It articulates its core Mission Statement “to provide conditions through the establishment of a fully functioning and professional mechanism for the successful and sustainable reintegration of repatriated persons and guaranteeing full socio-economic integration” for persons returned to Kosovo.⁸⁶ It also specifies three key strategic objectives, which it elaborates through ten specific objectives as follows:

- 1) *Strengthening of institutional capacities, installing of improving monitoring and evaluation system, and decentralization of competencies*
 - i) Strengthening of institutional capacities and human resources
 - ii) Functionalizing of monitoring and evaluation systems
 - iii) Strengthening co-operation and co-ordination between the relevant actors involved in the reintegration process

⁸² Recommendation 9: “Effectively reach out to repatriated persons in order to facilitate and support contact, dialogue and information-sharing among receiving and returnee communities, and between communities and institutions”. Repatriations Report 2011, p. 19.

⁸³ Recommendation 6: “Identify the most urgent needs of persons returning to the municipality and prioritize related activities accordingly, including through the urgent allocation of adequate funds and immediate action on all non-budgetary activities”. Repatriations Report 2011, p. 19.

⁸⁴ MIA, 13 August 2013.

⁸⁵ Reintegration Strategy 2013, p. 19.

⁸⁶ Reintegration Strategy 2013, p. 13.

- iv) Strengthening of communication – Exchange of information before and after the arrival of repatriated persons
 - v) Decentralization of administrative competences and resources
- 2) *Drafting and implementing of comprehensive policies at local level in order to achieve sustainable reintegration*
- i) Development of reintegration policies at the local level
 - ii) Provision of guaranteed services
 - iii) Socio-economic support for a sustainable reintegration
- 3) *Public awareness and social mobilization*
- i) Organizing of public awareness campaigns
 - ii) Involvement of the civil society in implementation of projects for a social sustainable mobilization.⁸⁷

The launch of a Case Management System (CMS), an electronic database administered by the MIA “where all requests and other relevant data related to repatriated persons and their benefits are recorded, saved, processed and archived”⁸⁸ is very encouraging. If the CSM is up and running by the end of 2014, as currently foreseen in the Action Plan, this would go a long way to resolving the persistent problem of inadequate and inconsistent statistics on repatriated persons. The Action Plan also envisages an “assessment of the current situation” under Objective 2.i, which would address the identified challenge of the lack of systematic needs assessment, as well as the development of municipal strategies and action plans for reintegration of repatriated persons, which would encourage a structured approach to the implementation of reintegration-related activities.⁸⁹ The Strategy further recognizes that special attention should be given to vulnerable groups, including among others single mothers, unaccompanied minors, elderly persons and communities, notably Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities.

While these are very positive developments, it should be noted that Objective 2.ii (Provision of guaranteed services) focuses only on central-level responsibilities to provide immediate assistance upon arrival, for example transportation to municipality of destination and temporary shelter, rather than on long-term municipal obligations to guarantee access to essential rights and services, for example in relation to problematic areas of education, employment, social policy and health care. Moreover, several of the Action Plan indicators are vague and unquantifiable, such as “Quality of services” and “Budgeted services”,⁹⁰ which will make implementation difficult to monitor. Generally speaking, however, the documents are an improvement on the 2010 Strategy and Action Plan, and their implementation, as well as their assessment, should be monitored carefully.

While the Reintegration Strategy provides an overview of the relevant legal and institutional framework and outlines the core responsibilities of relevant line

⁸⁷ Reintegration Strategy 2013, p. 13.

⁸⁸ Reintegration Strategy 2013, p. 23.

⁸⁹ Action Plan 2011, pp. 12–13.

⁹⁰ Action Plan, pp. 9 and 11.

ministries,⁹¹ unlike the Revised Strategy 2010 it (rightly) leaves procedural details to be fleshed out in secondary legislation—in this case Regulation 20/2013.

4.2 Regulation 20/2013 on reintegration of repatriated persons and management of the reintegration programme

Regulation 20/2013 dismantles the high-level Reintegration Board and transfers responsibility for approval of housing (re)construction and income generation requests, as well as medical assistance, to an inter-ministerial Central Commission for Reintegration (CCR); the Reintegration Board’s policy-related responsibilities have also been reassigned to the MIA. This restructuring aims to streamline the approvals process by transferring the administrative burden for reviewing housing and income-generation requests from a senior body to a working-level commission.⁹² The regulation also introduced other procedural mechanisms aimed at speeding up the approvals process, including the introduction of majority voting and a 15-day deadline for reviewing requests.⁹³

Although these changes were broadly positive, a number of procedural issues relating to the newly established CCR remain unclear. While Regulation 20/2013 lists participating ministries,⁹⁴ it does not specify the level of representation. Nor does it specify the frequency of CCR meetings or modalities for institutional co-operation, for example between the CCR and the newly expanded Reintegration Department (see below). Moreover, while it does stipulate a deadline for approval of requests, it does not indicate a timeline for delivery of assistance.

Regulation 20/2013 also attempts to increase implementation of “sustainable measures” in support of reintegration, such as renovation/reconstruction of houses,⁹⁵ language courses, education, vocational training, income generation, civil registration and counseling.⁹⁶ Importantly, it moves away from an exclusive focus on providing direct assistance to repatriated persons towards indirect assistance, by allowing part of the fund to be allocated to ministries, municipalities and civil society organizations for implementation of medium- and long-term projects benefiting repatriated persons, such as language catch-up classes, income generation projects, etc.⁹⁷ In addition to widening the pool of fund applicants, the new regulation also removes any deadline for submission of requests for educational, professional training or employment assistance, and extends the deadline for applications for reconstruction of houses and

⁹¹ The MIA, the Ministry of Labour and Social Welfare; the Ministry of Environment and Spatial Planning; the Ministry of Health; the Ministry of Education, Science and Technology; the Ministry of Local Government Administration; the Ministry of Diaspora; the Ministry for Communities and Returns; the Ministry of Finance; and the Ministry of Agriculture, Forestry and Rural Development. Reintegration Strategy 2013, pp. 15–18.

⁹² Although note that Regulation 20/2013 does not specify the level of representation on the CCR.

⁹³ Regulation 20/2013, Articles 22.5 and 22.6.

⁹⁴ The CCR is chaired by the MIA and its membership comprises representatives of the Ministry of Labour and Social Welfare, the Ministry of Environment and Spatial Planning, the Ministry of Health and the Ministry of Agriculture, Forestry and Rural Development. Regulation 20/2013, Article 22.

⁹⁵ Note that the new regulatory framework no longer allows for the construction of new houses.

⁹⁶ Regulation 20/2013, Article 12.

⁹⁷ Regulation 20/2013, Article 32.7 and 32.8.

self-employment/business establishment to 12 months (from six months under Regulation 10/2012).⁹⁸

While the 2010/2012 framework did not foresee any right of appeal, Regulation 20/2013 expressly acknowledges this right⁹⁹ and introduces an appellate body to review decisions of the CCR and the Municipal Commissions for Reintegration (formerly, Municipal Committees for Reintegration).¹⁰⁰ The new Commission for Appeals consists of a chair, a deputy chair and three members, all of whom must be lawyers with “considerable” work experience and two of whom must have senior expertise in the area of reintegration. Decisions are taken by simple majority and the threshold for quorum is three. However, the new regulation does not specify any procedural modalities for the submission or review of complaints.

The new regulatory framework also revises existing institutions and procedures to take account of identified problems. It mandates the creation of a Case Management System to monitor applications for assistance from repatriated persons¹⁰¹ which, as noted above, is a crucial first step towards the development of an evidence-based approach to the allocation and evaluation of assistance. It also promotes the Reintegration Office to a Reintegration Department, reflecting its significant expansion from seven staff members in 2011 to 42 in 2013 and further emphasizing political commitment to the reintegration process. It mandates the inclusion of MOCR representatives within the MCRs, thereby formalizing communication and co-ordination at the municipal level¹⁰², and strengthens this horizontal co-operation by tasking the Municipal Employment Offices, Vocational Training Centres and Regional Co-ordinators with proper monitoring and assessment of implementation of income generation assistance.¹⁰³

5. CONCLUSION

Between July 2011 and June 2013 responsible institutions, and notably the MIA, remained principally committed to the reintegration process, as evidenced through their continued allocation of substantial human and financial resources to the relevant institutions and activities. The expansion of the Reintegration Office into a Reintegration Department was illustrative of the relative importance accorded to effective management of the reintegration programme, as was the annual renewal of the sizeable Reintegration Fund. Regular efforts to review the legal and policy framework have also demonstrated genuine commitment to addressing identified shortfalls: Regulation 10/2012 sought to resolve the problem of lengthy delays in the disbursement of assistance by decentralizing certain requests to the municipal level, and to strengthen weak co-operation between the central and municipal levels through the appointment of Regional Co-ordinators; while Regulation 20/2013 built on these reforms by restructuring the central-level approval process and introducing new procedural mechanisms aimed at speeding up the rate of approvals. It also introduced

⁹⁸ Regulation 20/2013, Article 2.3 and 2.4.

⁹⁹ Regulation 20/2013, Article 33.1.3.

¹⁰⁰ Regulation 20/2013, Article 21.

¹⁰¹ Regulation 20/2013, Article 27.

¹⁰² Regulation 20/2013, Article 25.3.

¹⁰³ Regulation 20/2013, Article 17.7.

a right of appeal and accompanying mechanisms to permit repatriated persons right of recourse in the event that their request was rejected.

An essential change introduced by the 2013 framework is the creation of a much-needed and long overdue centralized database on repatriated persons—the Case Management System. As noted above, a serious and persistent problem in the reintegration process has been the continued absence of reliable, systematic and disaggregated data on repatriated persons. Without such data it is not possible to assess how many individuals (or even families) have access to housing, education and other basic services, how many have found sustainable employment—or even how many remain in Kosovo.¹⁰⁴ Relevant stakeholders lack a clear picture of the demographics of repatriated persons in Kosovo and cannot tailor policies and assistance to meet their needs. Reintegration funds can only be allocated on a reactive, *ad hoc* basis. This makes medium- and long-term planning very difficult and means that any quantitative evaluation of the success of existing policies is next to impossible. Although the MIA took steps in 2013 to address this problem by developing a common database for use by all municipalities, it is too soon to assess how many municipalities are using this database in the development and evaluation of policies and projects. The MIA should strongly encourage the Reintegration Department to prioritize collection of data from municipalities, and to maintain an accurate and reliable Case Management System. The Reintegration Department in turn should encourage municipalities to use the data collected to undertake a quantitative needs assessment and prioritize delivery of assistance to the most vulnerable cases, and to undertake effective monitoring and evaluation of implementation.

Another encouraging development is the expansion of the type of assistance available under the Reintegration Fund. While the 2010/2012 framework restricted potential applicants to repatriated persons, thereby limiting the use of reintegration funds to direct assistance, the 2013 framework opened up the fund to requests from other stakeholders to implement medium- and long-term projects for the benefit of repatriated persons, such as language catch-up classes, income generation projects and so on. This has expanded the pool of potential applicants from individual repatriated persons to central and municipal institutions working on reintegration issues, as well as civil society organizations, with positive implications for the overall sustainability of the reintegration process. By addressing the collective needs of repatriated persons through structured activities, these new reintegration projects could improve access to essential services for repatriated persons and enhance their access to sustainable employment. Central institutions should make every effort to raise awareness among municipal stakeholders of this opportunity by circulating a call for applications through the proper channels. In turn, municipal institutions and relevant civil society actors should work together to identify the needs of repatriated persons and develop targeted projects aimed at addressing them effectively.

These positive changes demonstrate ongoing commitment by central institutions to closing identified protection gaps and to promoting the full reintegration of repatriated

¹⁰⁴ DCAM, which manages migration data, does not track whether those individuals who are readmitted to Kosovo ultimately leave again. Official, DCAM/MIA, Personal interview, 4 September, 2013.

persons into society. However challenges remain, including the lack of monitoring and reporting on implementation of assistance, as well as the predominantly reactive approach of municipalities to the identification of the needs of repatriated persons and the provision of reintegration assistance. To resolve these issues, central institutions should encourage Regional Co-ordinators to work closely with MOCRs and other municipal actors to monitor implementation of approved requests, notably in relation to income generation assistance, language catch-up classes and house reconstruction/renovation, and to submit regular reports on this issue to the Reintegration Department. For their part, MOCRs should undertake regular outreach to repatriated persons, in co-operation with Regional Co-ordinators and MCRs, to assess their needs, raise their awareness of available assistance, and assist them in obtaining it.

6. RECOMMENDATIONS

To the Ministry of Internal Affairs

- Issue guidelines and standard operating procedures for implementation of Regulation 20/2013 without delay.
- Continue efforts in support of effective policy development, planning and steering of the reintegration of repatriated persons, in accordance with Article 19.1.1 of Regulation 20/2013.
- Undertake regular qualitative and quantitative monitoring and assessment of the status of implementation of the legal and policy framework for reintegration of repatriated persons, in accordance with Article 19.1.2 of Regulation 20/2013.
- Ensure continued allocation of adequate funds for effective implementation of the reintegration programme, in accordance with Article 19.1.2 of the Reintegration 20/2013.
- Issue an open call for project proposals benefiting repatriated persons, in accordance with Article 32.7 of Regulation 20/2013, clearly specifying eligibility criteria and monitoring and evaluation modalities.

To the Central Commission for Reintegration

- Ensure that participating ministries appoint suitable representatives with adequate technical expertise and seniority to rule on requests under review.
- Ensure that the grounds for rejection of requests are specified on all decisions, to allow for appeal under Articles 33.1.3 and 21 of Regulation 20/2013.

To the Reintegration Department

- Request that MOCRs submit accurate, disaggregated data on repatriated persons on a monthly basis, without delay.
- Take immediate steps to aggregate municipal data on repatriated persons into a central, harmonized database.
- Analyse data from central database for use in the development and evaluation of policies and projects targeting repatriated persons.
- Raise awareness among municipal institutions and civil society organizations working on reintegration issues of any calls for proposals issued by the MIA, through Regional Co-ordinators and its official website.

- Ensure that all decisions of the CCR are returned to the respective municipality through the Regional Co-ordinators, in accordance with Article 6 of Regulation 20/2013.
- Request regular reports on the implementation of CCR and MCR decisions from Regional Co-ordinators, including on income generation assistance, house reconstruction and language catch-up classes, in accordance with Articles 31.2 and 17.7 of Regulation 20/2013.

To the Municipal Offices for Communities and Returns

- Intensify efforts to reach out to repatriated persons, in co-operation with Regional Co-ordinators, to inform them of existing support mechanisms and identify and prioritize their needs, in accordance with Article 24 of Regulation 20/2013.
- Continue to assist repatriated persons in filling out and submitting requests for reintegration assistance, in accordance with Articles 24.2.1 and 24.2.3 of Regulation 20/2013.
- Collect accurate, disaggregated data on repatriated persons, in accordance with Article 7.2 of Regulation 02/2010, for submission to the central level.
- Monitor the implementation of MCR and CCR decisions in co-operation with the Regional Co-ordinators and other municipal actors, including on income generation assistance, house reconstruction and language catch-up classes, in accordance with Article 31.2 of Regulation 20/2013, and submit regular reports to the Reintegration Department through the Regional Co-ordinators.
- Take concrete action to improve horizontal co-operation with relevant municipal institutions and civil society organizations.

To the Municipal Commissions for Reintegration

- Co-operate with MOCRs to assess the needs of repatriated persons, in accordance with Article 25.6 of Regulation 20/2013, including through outreach activities and analysis of data on repatriated persons.
- Ensure that records of attendance and proceedings are maintained for all meetings and that consistent non-attendance by relevant municipal institutions is communicated to the Reintegration Department through the Regional Co-ordinators.

To the Municipal Employment Offices, Vocational Training Centres, and regional co-ordinators

- Undertake periodic monitoring and assessment of the implementation and effectiveness of income generation assistance, and submit regular reports to the Reintegration Department, in accordance with Article 17.7 of Regulation 20/2013.

To civil society organizations working on repatriations issues

- Work with municipal institutions and community representatives to identify the needs of repatriated persons, and develop and submit project proposals aimed at addressing them to the Ministry of Internal Affairs, in response to the open call for proposals.