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MISSION IN KOSOVO
Department of Human Rights, Decentralization and Communities

PARALLEL STRUCTURES IN KOSOVO

2006-2007

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I. GLOSSARY

D

Deputy Municipal Assembly President (DMAP)

E

European Convention of Human Rights and Fundamental Freedoms (ECHR)

F

Former Federal Republic of Yugoslavia (FRY)

H

Housing and Property Claims Commission (HPCC)

Housing and Property Directorate (HPD)

I

Internally displaced person (IDP)

International Covenant on Civil and Political Rights (ICCPR)

K

Kosovo Cadastre Agency (KCA)

Kosovo Consolidated Budget (KCB)

Kosovo Force (KFOR)

Kosovo Liberation Army (KLA)

Kosovo Police Service (KPS)

Kosovo Police Service School (KPSS)

Kosovo Standards Implementation Plan (KSIP)

M

Ministry for Education, Science and Technology (MEST)

Ministry of Finance and Economy (MFE)

Ministry of Interior (MOI)

Ministry of Health (MoH)

Ministry of Justice (MOJ)

Municipal Assembly President (MAP)

N

North Atlantic Treaty Organization (NATO)

O

Organization for Security and Co-operation in Europe Mission in Kosovo (OSCE)

OSCE Mission in Kosovo Regional Centre (RC)

OSCE Municipal Team (MT)

P

Programa de Apoyo a la Democracia Municipal (PADEM)

Provisional Criminal Procedure Code applicable in Kosovo (PCPCK)

Provisional Institutions of Self-Government (PISG)

R

Regional Police Headquarters (RHQ)
Republic of Serbia Geodetic Authority (RSGA)

S

Serbian Ministry of Education and Sports (SMES)
Serbian Ministry of Interior Affairs (*Ministarstvo Unutrasnih Poslova* – MUP)
Serbian Ministry of Health (SMoH)
Serbian Ministry of Justice (SMoJ)
Serbian National Council (SNC)
Special Representative of the Secretary-General for Kosovo (SRSG)

U

United Methodist Committee on Relief (UMCOR)
United Nations Administration Mitrovicë/Mitrovica (UAM)
United Nations Interim Administration Mission in Kosovo (UNMIK)
United Nations Office of the Special Envoy of the Secretary-General for the future status process for Kosovo (UNOSEK)
UNMIK Civilian Police (CIVPOL)
UNMIK Department of Civil Administration (DCA)
Ushtria Çlirimtare e Kosovës (UÇK)

Y

Yugoslav Army (Vojska Jugoslavija-VJ)

II. INTRODUCTION

After the end of the North Atlantic Treaty Organization (NATO) bombing campaign in 1999, the Kosovo Serbs that remained in Kosovo did not immediately recognise the newly-established United Nations Interim Administration Mission in Kosovo (UNMIK). Different factors such as limitations on lack of freedom of movement contributed to the *de facto* perpetuation of the Serbian administration. In Kosovo Serb inhabited areas structures such as courts, schools and hospitals continue to answer directly to Belgrade thus operating in parallel to the UNMIK administration.

In this report, the general term *parallel structures* is used to define bodies and institutions that have been or still are operational in Kosovo after 10 June 1999 and that are not mandated for under the United Nations Security Council Resolution 1244. In the majority of cases, these institutions operate under the *de facto* authority of the Serbian government and assert jurisdiction over Kosovo from Serbia proper, or operate in the territory of Kosovo. These parallel structures operate contemporaneously with, or sometimes even under the same roof as the Provisional Institutions of Self-Government (PISG) recognized bodies.¹ In this regard, it is important to notice that the Kosovo Standards Implementation Plan (KSIP), although legally not binding, required that parallel structures are dismantled or integrated into the PISG.²

The purpose of this report is to describe and analyse the effects of the parallel structures operating in Kosovo and to provide an update of the situation since 2003, when the Organization for Security and Co-operation in Europe Mission in Kosovo (OSCE) last issued a report on parallel structures in Kosovo. Parallel courts, parallel security structures, parallel administrative structures related to property issues, parallel schools and parallel health care facilities are the main issues examined in this report. The report does not purport to cover every activity by the Serbian government in the territory of Kosovo.³

This report is divided into five chapters, each one providing an overview of the current situation and analysing the effects of the parallel structures that existed in 2006 in Kosovo. The OSCE made specific recommendations in 2003 on how to resolve some of the problems related to parallel structures in Kosovo. This report also contains recommendations that take into account the current political situation and the settlement process on the future status of Kosovo.

¹ Administrative bodies responsible for property issues, established after 10 June 1999 sometimes recognize UNMIK's mandate but also operate under the *de facto* authority of Belgrade.

² Standard 1 on the Functioning of Democratic Institutions; Actions 1.1 – 1.3 require all PISG and UNMIK to develop a strategy to reduce demand for and dismantle parallel structures and integrate them into PISG structures; to start implementation of a strategy and negotiate with Belgrade on technical issues.

³ For example pensions payable by the Serbian authorities.

III. EXECUTIVE SUMMARY

The existence of parallel structures continues to have a substantial impact on Kosovan society. This report provides an overview of existing parallel structures in Kosovo and is a follow up to the “Parallel Structures Report in Kosovo” issued by the OSCE in October 2003. The OSCE has examined parallel structures in the areas of courts, security structures in northern Kosovo,⁴ property rights, education and health care in Kosovo, aiming to assess the decisions taken and the services provided by these structures as well as their effects on society.

The OSCE’s findings indicate that the continued existence of parallel structures in these areas is the result of three factors:

- The demand for parallel structures is linked to the continued lack of access by some members of the Kosovo Serb community to UNMIK and PISG services. The entrenchment of mono-ethnic enclaves has reinforced restrictions on the freedom of movement. This has made it very difficult for minority communities to access services, including health care, education and social assistance. It is difficult to envisage a reduction of demand and supply and an integration of these structures without first ensuring the equal access to services for all.
- The continued lack of trust of Kosovo Serbs in UNMIK and the PISG, based on their security perceptions and a feeling that they are being discriminated by the PISG.. The main factors why Kosovo Serbs prefer to use health facilities in their enclaves and in northern Kosovo are reported to be security concerns and a distrust of the quality of services provided by the PISG. Continued and increased efforts have to be made to address these concerns, through more active outreach efforts and more flexible and better service provision arrangements.
- Finally, the political situation and the unresolved status question have been a great obstacle to the integration of parallel structures. Several initiatives have been taken at the local level, and a few more by the international community to start the integration of parallel structures into Kosovo’s governance structure. Yet they did not have a greater impact due to a lack of political will from, and a comprehensive strategy developed by, the main parties concerned. It should be hoped that the ongoing status settlement will allow for agreements on the integration of these structures.

Many of these points are illustrated in the report’s initial chapter on the parallel courts operating in Kosovo. They have been analysed on different occasions and reported on regularly by the OSCE since 1999. The parallel court system, which began in 1999 and continues today, severely hampers the establishment of the rule of law in Kosovo.

⁴ For the purpose of this Report the reference “northern Kosovo” encompasses the municipalities of Leposavić/Leposaviq, Zvečan/Zveçan, Zubin Potok and the area of Mitrovica/Mitrovicë north of the Ibar River.

UNMIK (and the future international actors) and local authorities in Kosovo must address and resolve the following issues in relation to the court system:

- 1) The recognition, or non-recognition, of judgments by parallel courts, above all for the period between 1999 and January 2003;
- 2) The double jeopardy dilemma faced by UNMIK judges and prosecutors in light of parallel court decisions by district courts in Serbia; and
- 3) The dismantling or integration of the parallel court system.

UNMIK and local authorities in Kosovo have not yet addressed the issue of whether or how to transfer pending cases from parallel courts to UNMIK courts. More importantly, there is no agreement with the Government of Serbia to address and solve the problems arising when parallel Serbian courts assert jurisdiction over cases which fall under the jurisdiction of UNMIK courts. People must be able to obtain judgments that are legally recognized in both Kosovo and Serbia proper.

In its second chapter, the report examines some of the special circumstances pertaining to the security situation in northern Kosovo and illustrates some of these points. Since June 1999, there have been two main entities involved in parallel security in northern Mitrovicë/Mitrovica, the so called “Bridge-watchers,” and the police of the Serbian Ministry of Interior Affairs (*Ministarstvo Unutrasnih Poslova – MUP*). Their continued presence is, among many other reasons, including the continuing politicisation by local political leaders and Belgrade of criminal incidents,, the result of both the persistence of criminal incidents in the area as well as a lack of popular trust in the efforts of the international community and the PISG to prevent their occurrence. The continued tensions in the North, and ongoing discussions on its position within post-status Kosovo, limited the amount of information that could be collected on parallel security structures for this report.

The effects of parallel structures affecting property rights, access to education and access to health care raise additional issues. When looking at property rights it is alarming to notice the detrimental influence of parallel structures on the realisation of this right; ultimately this can lead, and has led, to loss of property for private individuals. As for education, Kosovan children of different backgrounds do not receive the same education because of the existence of two school systems with different curricula. In the past years, authorities have allowed separate structures to develop rather than address the issue of discrimination when it comes to health care. The PISG needs to create an integrated public service to address the lack of sufficient supply of healthcare and education of the Kosovo Serb community. In addition, segregation in public services and in particular the idea that a community can only be served by members of its own community, must be dealt with and resolved.

In many cases parallel structures operate as a de facto social welfare system. Particularly in healthcare and education where they are overstaffed. According to officials from the UNMIK Department of Civil Administration (DCA), the number of employees in the parallel healthcare system in Prishtinë/Priština servicing about 12,000 people equals the total number of municipal healthcare workers providing services for over 400,000 people. In this regard the additional source of income

provided by the parallel structures remains an important factor keeping a large number of Kosovo Serbs in Kosovo.

The complexity of the issue indicates that political will needs to be mobilized on all sides for the development of a comprehensive strategy which is required for the integration of parallel structures. This strategy should systematically address the parallel demand and supply sides of service provision, and develop tools of policy enforcement.

Simply closing down parallel structures dealing with health care and education is not an acceptable solution. The final aim should be the comprehensive inclusion of the existing parallel public services into a unified system. The OSCE has compiled a set of recommendations to the PISG as well as the international community, particularly to UNMIK and its potential successor.

IV. RECOMMENDATIONS

A coherent policy regarding parallel structures is still needed in Kosovo. Parallel structures have emerged in part due to a lack of access or alternatives for some residents, in part due to a lack of trust and general perceptions of the security environment, as well as a lack of political will to constructively engage the issue. Consequently, the OSCE believes that a comprehensive strategy is needed and that not all parallel structures can be dealt with in the same manner.

Some overarching observations for the months ahead flow from the report:

- the PISG should develop viable alternatives to the parallel structures;
- there should be no forcible closure of parallel structures until a status settlement is reached;
- The international community should seek to address the causes of parallel structures during the implementation of the status settlement through agreements on the issues of decentralization and minority protection;
- following a status agreement, the two sides should, possibly with the mediation of the international community, ensure the smooth, effective and comprehensive integration of parallel structures into post-status Kosovo; and
- the international community should assist the enforcement of the relevant agreements resulting from a status settlement.

To address the key factors determining the continued existence of parallel structures, the OSCE has divided its recommendations into three categories:

- The first category aims at *reducing the demand* for parallel structure services, i.e. to improve the services offered by UNMIK and the PISG and thus gain public confidence;
- The second category aims at reducing the supply of parallel services by negotiating with parallel services providers in order to ensure a *reduction of service*; and
- The third category aims at *enforcing certain policies/measures* that can be applied by the relevant actors so as to integrate parallel services providers into Kosovo's governmental structures.

All three categories of recommendations are necessary to reduce, and eventually eliminate, the dependence of some communities on parallel structures in Kosovo. They are also necessary to help integrate parallel structures into Kosovo's governmental structures. Some recommendations are applicable to more than one category.

A. Reduction of demand

Courts

- UNMIK (or its successor) and local authorities should continue the recruitment of Kosovo Serbian judges, prosecutors, and court personnel with competitive salaries. UNMIK should convince Serbian authorities to assist in this process by encouraging Kosovo Serbs to apply for vacancies within the judiciary.
- UNMIK and the PISG, especially the Ministry of Justice (MOJ), should reaffirm their commitment to guarantee access to justice for minority communities in municipalities throughout Kosovo. For example, more liaison offices and courts should be considered in minority community areas. Furthermore, the security, transportation and housing situation of Kosovo Serb judges, prosecutors and court liaisons needs to be given further consideration and evaluation.

Security

- The international community should continue to strengthen the multi-ethnicity of the Kosovo Police Service (KPS) as a whole.
- The international community should support the KPS development in terms of adequate equipment and ensure sufficient salaries, since a functional police service is crucial for the development of a stable situation in Kosovo.
- As for most Serbs in Kosovo the perception of their security situation is their reality, the international community should pay greater attention to the security concerns of Kosovo Serbs while designing proportional responses to particular incidents.
- The international community should quickly and effectively communicate the true facts of criminal incidents affecting Kosovo Serbs in order to counteract false and politicised accounts put out by Belgrade authorities and media, and Kosovo Serb political leaders.
- Municipal Community Safety Councils and, especially, Local Public Safety Committees, which are valuable tools to improve the security situation and address minorities' concerns, should be strengthened and supported.

Property

- The Kosovo Cadastre Agency (KCA) should undertake an information campaign in the northern municipalities encouraging individuals to use the services provided by the Kosovo Municipal Cadastre Offices.

Schools

- The Ministry for Education, Science and Technology (MEST) and the Serbian Ministry of Education and Sports (SMES) must negotiate a plan to ensure

mutual recognition of diplomas and certificates and to standardise the requirements for the issuance of these documents.

- The PISG must budget to ensure that the needs of the Kosovo Serb and Gorani populations are accommodated within the school system in Kosovo. This should begin with the development and provision of textbooks and other education material in Serbian and include funding and technical assistance for the development of optional parts of the curriculum to teach topics related to a specific community's needs and/or on preserving their cultural identity, beliefs and religious traditions. This should include an improvement of the quality of available education, as well as offering equal access to education for all minority groups.
- The PISG could establish a Special Fund for the Education of Minorities; managed by PISG under international supervision; financial contributions from the Kosovo Government, kin states (including Serbia, Turkey, and Bosnia and Herzegovina) and the international community. This Fund will provide special grants for minorities' schools to cover extra salaries to staff, infrastructure, development of optional curriculum (15 to 20% of school curriculum), translation of Kosovo Curriculum and learning and teaching material into all minorities languages.
- The PISG should address ongoing needs for minority language education by: continuing to guarantee the participation of communities in the development of curricula in their mother tongue and by displaying flexibility in the implementation of educational reforms for pupils who have not yet integrated into the new education system. If a community does not reach the established threshold of 14 pupils per class, as stipulated by the World Bank implemented formula, then the situation should be addressed through alternative measures to guarantee access to education in their mother tongue.

Health care

- The PISG should work towards improving the quality and infrastructure of health care institutions Kosovo-wide. The PISG should reaffirm its commitment to guarantee access to quality health care for all communities in all municipalities in Kosovo.
- The Ministry of Health (MoH) should establish high quality multi-ethnic health care facilities that employ both Kosovo Albanian and Kosovo Serbian staff in locations accessible to both communities. Furthermore the MoH should promote such multi-ethnic structures among all communities. In addition, multi-ethnic mobile teams of qualified professionals, including in specialized areas of medicine, should regularly visit, or even be stationed in, remote minority areas that experience difficulty accessing main medical centres.
- The PISG should efficiently address several substantive issues related directly to minorities' access to health care services; namely the limited access to secondary and emergency health care services for the minority communities

living in enclaves; the maldistribution of medical personnel; the shortage of specialized equipment and of transport means; the insufficient gynaecologic, ophthalmologic and dental services as well as the lack of dental equipment; and the poor health status of some minority communities, particularly the Roma community.

B. Reduction of supply

Courts

- Mechanisms should be created to prevent duplicative litigation and ensure legal certainty for individuals who have already obtained decisions from parallel courts. In doing so, the authorities should bear in mind that between 1999 and January 2003, in some areas of Kosovo, the parallel courts were the only practical judicial forum. Such mechanisms could be as follows:
 - a. The international community could establish a presumption of legality (Presumption), with the right to appeal, for civil decisions and acts of the parallel courts. (In doing so, UNMIK or its future international successor, would have to determine whether this would cover the entire period in question, 1999 – 2006, or whether it would cover only the period from 1999 – January 2003);
 - b. A judicial review panel could be established under the supervision of UNMIK (or its successor) to determine the legality of decisions and acts not covered by the Presumption, and to decide on appeals;
 - c. UNMIK could consider establishing a procedure for transferring pending matters before parallel courts to UNMIK courts; and
 - d. A mechanism could be created to resolve the situation where there are conflicting decisions by UNMIK and parallel courts.

Security

- The international community should continue to support the training and enrolment of Kosovo Serb KPS cadets at the Kosovo Police Service School (KPSS) and more importantly, ensure sufficient and regular staffing of Kosovo Serb KPS officers in the KPSS. In addition, all KPS cadets should be trained at the KPSS in order to ensure cohesion within the KPS.

Schools

- An agreement should be reached between Belgrade and Prishtinë/Priština, which aims at the creation of a unified education system in Kosovo acceptable for all communities. This agreement should involve the integration of the SMES system into the MEST. The Belgian, Spanish or the Italian experience in the Autonomous Provinces of Bolzano/Bozen and Trento, where the education system has been decentralized, could be considered as useful examples for such an agreement.

- The PISG should aim to continue improving the quality of education staff and devote more resources towards improving infrastructure in academic institutions Kosovo-wide to ensure the accommodation of all minority community pupils.
- PISG must ensure that municipal funds are used to subsidize the improvement of school transports, particularly the availability of safe transport for pupils from minority communities to respective education facilities regardless of the distance.⁵

Health care

- Parallel health care structures should be gradually dismantled and integrated into one unified system. Dismantling and integration of the parallel structures should be understood as the merging of the Serbian Ministry of Health (SMoH) run health care facilities into a unified system. A possible solution could be the “legalization” of the so called parallel health care structures as in many cases they are providing the only way for Kosovo Serbs to get access to health care. In this regard, such facilities should be kept and improved together with MoH-run facilities.
- Following an agreement, the PISG should start the integration of the parallel health care structures. This integration could be acceptable to Kosovo Serbs if the PISG would make a commitment to take over part of the costs for the health facilities, since this would ensure certain autonomy of the facilities serving mostly Kosovo Serb patients. Furthermore, the PISG should guarantee the quality of treatment and allowing international and Serbian monitoring of the services.
- The issue of providing adequate health care services for minority communities should not be politicized and should not be used as a tool by Belgrade and Prishtinë/Priština to reach certain political goals.

C. Measures of policy enforcement

Courts

- The status settlement and its implementation should maintain as an objective the resolution of the problems related to the parallel courts.

Security

- The international community should continue to closely monitor the KPS and UNMIK Civilian Police (CIVPOL) performance from a human rights perspective, especially in northern Kosovo.

⁵ Regulation No. 2002/19 on the Promulgation of a law adopted by the Assembly of Kosovo on Primary and Secondary Education in Kosovo, Section 22.1 “A municipality shall arrange safe and efficient transport for pupils in compulsory education to attend school.”

Property

- The international community should seek to ensure that the implementation of any status agreement includes the integration of all parallel administrative structures into the legally mandated Kosovo institutions and the discontinuation of their direct financial links with the Republic of Serbia. Any status agreement should also ensure a monitoring mechanism to be carried out by the international community to ensure that the new structures abide by the Kosovo legal framework.
- The international community should ensure the transfer to Kosovo institutions of all displaced cadastre and judicial property related records currently stored in Serbia proper.
- The international community should also ensure the implementation of the Immovable Property Rights Register in the northern municipalities. This will require a transitional phase in which the KCA and the Republic of Serbia Geodetic Authority (RSGA) co-operate in the establishment of Municipal Cadastre Offices in the northern municipalities and the closure of all displaced cadastre offices in Serbia proper.
- The UNMIK Special Representative of the Secretary-General for Kosovo (SRSG) should issue a clarification directed to the courts and the municipalities regarding the validity of property-related administrative decisions issued by parallel structures in Serbia and the validity of property related documents issued by parallel administrative structures operating in the territory of Kosovo.

Health care

- Isolated and sporadic “good practices” and attempts at co-operation at the local level should be highlighted and promoted Kosovo-wide by the PISG. The international community should also demonstrate its support for local initiatives aiming at reaching a unified health care system in Kosovo.
- All minority communities should be fully consulted on any future arrangements in the area of health care, including crucial factors such as perceptions of a lack of security and freedom of movement as well as the treatment of minorities at the health care institutions.
- Equal access to employment for professionals from minority communities Kosovo-wide has to be ensured. In this regard, the PISG should pro-actively recruit more medical professionals from minority communities. Medical professionals from all minority communities should be encouraged to apply for vacancies. The medical staff that consists of internally displaced persons (IDPs) concentrated in northern Kosovo, should benefit from more opportunities for professional development inside Kosovo.

1. PARALLEL COURTS

1. 1. Background

Seven years after its establishment, UNMIK has yet to gain full authority over legal proceedings in, or relating to, Kosovo. One of the greatest impediments to the establishment of a cohesive legal system in Kosovo has been, and continues to be, the parallel Serbian court system.⁶ These parallel courts, which operate both in Kosovo and in Serbia proper, prevent an environment in which all ethnicities may live with equal access to justice under the same law. The parallel courts apply the laws currently applicable in Serbia which differ from the current laws in Kosovo. The Supreme Court of Serbia is the ultimate appellate body for final judgments of the parallel courts.

Until now, UNMIK has taken few concrete steps to address the legal and practical problems raised by the existence of the parallel court system.⁷ Significant steps should be taken once and for all to solve such problems, otherwise Kosovans could remain in a state of confusion over which courts they should turn to. This situation raises particular concerns today due to the ongoing transfer of competencies to the local authorities, as the risk exists that the situation might not be properly addressed in the future. UNMIK should increase efforts to resolve these problems.

For several years after 1999, with respect to access to justice, members of the Kosovo Serb community in particular have relied on parallel courts. In northern Kosovo, parallel courts provided for a variety of the legal needs of the Kosovo Serb population who were either unable or unwilling to access UNMIK courts. Not only was there a void in the UNMIK-administered judiciary in northern Kosovo, but the security situation for Kosovo Serbs did not always allow them to freely travel to areas where the UNMIK courts operated. Resorting to the use of the parallel courts should not necessarily be interpreted as a political statement by those who used the courts, but rather their most accessible option. Not until January 2003 was the UNMIK-administered court system made available to residents living in all areas of Kosovo.

⁶ Parallel courts may also be referred to as “displaced”. The choice to refer to them as “parallel” and not “displaced” is keeping in line with prior practices as established by UNMIK and the OSCE. See OSCE, Department of Human Rights and Rule of Law, *Parallel Structures in Kosovo*, October 2003, pages 16 to 23.

⁷The legal bases for sole jurisdiction of the UNMIK courts in Kosovo is UN Security Council Resolution 1244, UNMIK Regulation No. 1999/1 On the authority of the Interim Administration in Kosovo as amended by UNMIK Regulations No. 1999/25 and 2000/54 (“All legislative and executive authority with respect to Kosovo, including administration of the judiciary, is vested in UNMIK [...]”), and Art. 9(4) of UNMIK Regulation No. 2001/9 On the Constitutional Framework for Provisional Self Government of Kosovo (Constitutional Framework). The Constitutional Framework provides for an UNMIK court structure of “the Supreme Court of Kosovo, District Courts, Municipal Courts and Minor Offenses Courts.” This chapter does not address the legality of parallel court structures or resolve the legal status of the parallel courts. Rather, it summarizes data about current parallel court structures, describes problems which arise when parallel courts assert jurisdiction over cases which fall under the jurisdiction of UNMIK courts, and makes recommendations on how to resolve the problems.

Over the years the parallel courts have, among other activities, presided over civil litigation, investigative and criminal proceedings, inheritance cases, certification of documents and requests for judicial assistance from Serbian or foreign courts.⁸ OSCE research indicates that between June 1999 and January 2003,⁹ the parallel municipal and district courts heard or otherwise facilitated approximately 5,300 matters arising out of Mitrovicë/Mitrovica region alone.¹⁰

In addition to parallel courts operating in the territory of Kosovo, parallel municipal and district courts within Serbia proper also still claim jurisdiction over Kosovo. For instance, the parallel district courts in Serbia proper still act as appellate courts for cases heard in parallel courts in Kosovo and courts of first instance in serious criminal matters occurring in Kosovo.

The existence of a parallel court structure is particularly problematic with respect to criminal matters, because it raises problems of double jeopardy as a defendant can be prosecuted or sentenced twice for the same crime. Due to a lack of clear guidance from UNMIK, local prosecutors in Kosovo have developed conflicting practices regarding the effect of criminal judgments issued by parallel courts within Serbia proper. The effect on defendants, particularly Kosovo Serbs who have endured trials in Serbia proper and then return to Kosovo, has been troubling since they are not immune from a second trial on the same charges in an UNMIK court.

At the same time, it should be noted that criminal trials in the parallel courts in Serbia have had similarly disturbing effects in relation to the victims of crimes. The OSCE has identified some cases where lenient sentencing by the parallel District Courts in Serbia proper have exhibited disregard for international standards of justice. The OSCE has noted that when a Kosovo Serb defendant receives a lenient sentence from a parallel court for alleged crimes committed against a Kosovo Albanian, such a judgment could have been issued in order to prevent future criminal proceedings against a Kosovo Serb defendant in Kosovo.

1.2. Structure of the existing parallel courts

According to OSCE information, Serbian courts currently attempt to cover, jurisdictionally, every municipality and district of Kosovo. Even if most of these courts are now located in Serbia proper, there are also some branches in Kosovo. However, the OSCE has experienced significant difficulties in gathering specific information about parallel courts, due to the reluctance of judges to discuss these matters with OSCE staff.

⁸ See, OSCE, Department of Human Rights and Rule of Law, *Parallel Structures in Kosovo*, October 2003, pages 19-20.

⁹ These statistics regarding the number of cases heard are based on data reported in OSCE, Department of Human Rights and Rule of Law, *Parallel Structures in Kosovo*, October 2003, and have not been updated due to the increasing difficulties in gathering new data from judges serving in parallel courts.

¹⁰ See, OSCE, Department of Human Rights and Rule of Law, *Parallel Structures in Kosovo*, October 2003, pages 19-20.

1.2.1 Mitrovicë/Mitrovica region

Despite the presence of the UNMIK courts in the Mitrovicë/Mitrovica region, the OSCE can confirm the existence of the parallel District Court of Mitrovicë/Mitrovica (“Kosovska Mitrovica District Court”) in the Zvečan/Zvecan Municipality, and of parallel municipal courts of Leposavić/Leposaviq and Mitrovicë/Mitrovica based in the respective municipalities. While for the parallel municipal courts of Leposavić/Leposaviq there is no additional information, the parallel municipal court of Mitrovicë/Mitrovica deals also with cases from Vushtrri/Vučitrn and Skenderaj/Srbica municipalities and is also operating a sub-office in Zubin Potok. According to OSCE research, the parallel courts in the Mitrovicë/Mitrovica deal with only civil cases and administrative issues. However, the OSCE can confirm the existence of a branch of the parallel district court of Mitrovicë/Mitrovica, in Kraljevo (Serbia proper), which deals with criminal proceedings among others.

Although the OSCE could not obtain updated information since the last OSCE assessment regarding the number of judges and cases in the parallel courts,¹¹ these courts are still connected to the Serbian Ministry of Justice (SMoJ) in Belgrade. Members of all communities living in the Mitrovicë/Mitrovica region use parallel courts, especially those who need judgments to be recognised in Serbia proper in civil matters like inheritance and family law. The parallel courts have periodically instructed parties to address UNMIK courts in inheritance and property cases (for example, when the real estate is located in the south part of Mitrovicë/Mitrovica, in order to grant effectiveness of the judgments before the authorities of Kosovo).

1.2.2 Prishtinë/Priština

The OSCE is aware of parallel municipal and district courts of Prishtinë/Priština and of respective prosecutors offices in Niš, Serbia proper. A liaison office (with three employees) of the Court in Niš is based in Gračanica/Gračanicë and is mainly involved in court administrative issues (e.g. verification of the authenticity of documents, verification of signatures of contracts). It uses stamps of the Republic of Serbia in performing its duties and occasionally a judge from the Court in Niš works in the office.

The OSCE has determined that the services of the office based in Gračanica/Gračanicë are used by all communities in Kosovo who need documents recognised as valid in Serbia proper. However, it appears that this office typically refrains from processing documents and requests related to the transfer of the real property when the two parties belong to different communities residing in Kosovo, or when the real estate is located in Kosovo. This is to avoid potential conflicts with UNMIK courts.

The parallel Commercial Court of Prishtinë/Priština is located in Kraljevo, Serbia proper and the parallel Municipal Court of Lipjan/Lipljan is located in Prokuplje, Serbia proper. Prokuplje has two judges handling criminal cases and other judges

¹¹ See, OSCE, Department of Human Rights and Rule of Law, *Parallel Structures in Kosovo*, October 2003, page 21.

involved in civil matters. A branch of the parallel Municipal Court of Lipjan/Lipljan is currently located in the village of Lepina/Lepi (Lipjan/Lipljan Municipality), with only one civil judge based there on a regular basis.

The court in Lepina/Lepi typically handles inheritance and family law cases, but the court in Prokuplje hears a wide variety of cases by members of all the communities in Kosovo who need judgments recognised as valid in Serbia proper.

According to OSCE findings, the Lepina/Lepi court hears approximately one hundred cases per year. For complex cases where the presence of lay judges is requested, parties normally submit their claims directly to Prokuplje, where a full panel of judges may hear the case.

Finally, some judges based in Prokuplje assist the other parallel courts of Niš and Kruševac in Serbia proper when needed.

1.2.3. Gjilan/Gnjilane region

The OSCE is aware of the presence of the parallel courts of Gjilan/Gnjilane in Vranje, Serbia proper, the parallel Municipal Court of Ferizaj/Uroševac in Leskovac, Serbia Proper, and the parallel Municipal Court of Kamenicë/Kamenica in Jagodina, Serbia proper. Serbian authorities established these three parallel courts immediately after the conflict in Kosovo.

A branch of the parallel court of Leskovac, Serbia proper, is based in Štrpce/Shtërpçë, Kosovo, approximately 400 meters from the municipal building, with one judge and seven other employees (including administrative staff and a security guard) located there on a permanent basis and paid by the SMoJ.

The parallel court of Leskovac, Serbia proper, hears civil cases, while criminal cases are divided between it and the parallel District Court of Prishtinë/Priština in Niš, Serbia proper, according to the subject matter jurisdiction under Serbian law. However, the main role of the Court branch in Štrpce/Shtërpçë appears to be administrative, such as the issuance of various certificates (e.g. that a person has never been criminally prosecuted by the Serbian authorities), the verification of the authenticity of documents, and issues related to driving authorizations.

1.2.4 Pejë/Peć and Prizren regions

According to information gathered by the OSCE, the parallel courts of the Prizren region are located in Pozarevac, Serbia proper, and the parallel courts responsible for Pejë/Peć region are located in Leskovac, Serbia proper.

1.3. Activities of the parallel courts and reactions

Parallel courts both within and outside Kosovo continue to present a problem related to the proper administration of justice and to the establishment of rule of law in

Kosovo.¹² While the overall negative effect of the parallel court system on the rule of law in Kosovo may have diminished in certain sectors, parallel courts, or the liaison offices representing these courts, continue to operate in several enclaves and municipalities throughout Kosovo. UNMIK continues to be unable or unwilling to terminate the parallel courts.

From OSCE's understanding, in 1999, the government of Serbia - and the Federal Republic of Yugoslavia- had a policy of keeping Serb structures in place in northern Kosovo. UNMIK was responsible for the reconstruction of the judicial system throughout all of Kosovo, but was unable to establish courts in Zvečan/Zveçan and Leposavić/Leposaviq municipalities, for various reasons. Between 1999 and 2002, the parallel municipal courts filled a void in the UNMIK judicial structure, especially in these northern municipalities. As of May 2002, there were 34 judges working in the parallel courts of northern Kosovo and an undetermined number of judicial staff working in the various municipalities in the remaining parts of Kosovo.¹³

In the past UNMIK has sought to convince Serbian judges to remain in their posts following a transfer of competencies to UNMIK and has also tried to persuade other judicial personnel to leave the parallel courts. During the fall of 2000, UN representatives including Hans Corell, the Under-Secretary-General for Legal Affairs and the Legal Counsel of the United Nations in New York, were involved in negotiations with these judges.¹⁴ However, these efforts proved unsuccessful and Serbian judges were reluctant to join the UNMIK system.

Following later negotiations, on 9 July 2002, UNMIK and FRY parties signed the "Joint Declaration on Recruitment of Judges and Prosecutors of Serb Ethnicity into the Multi-ethnic justice System in Kosovo," under which UNMIK sought to lessen the appeal of the parallel court system by promising greater attention towards judicial integration.¹⁵ In accordance with the Joint Declaration, on January 2003, municipal and minor offences courts were established in Kosovo in the predominantly Serb municipalities of Zubin Potok and Leposavić/Leposaviq.¹⁶ Furthermore, the introduction of Kosovo Serb judges into the UNMIK courts of Mitrovicë/Mitrovica was accomplished, with the anticipation that the more inclusive UNMIK court would weaken the influence of the parallel courts.¹⁷ Although these courts are now active,

¹² See, OSCE, Department of Human Rights and Rule of Law, *Parallel Structures in Kosovo*, October 2003, see also Ombudsperson Institution in Kosovo, *Fourth Annual Report*, 12 July 2004, page 12; see also, from the same Institution, *Fifth Annual Report*, 11 July 2005, at page 20 and *Sixth Annual Report*, 11 July 2006, pages 13 and 21, available at <http://www.ombudspersonkosovo.org> at the link Annual Reports, accessed 19 September 2006.

¹³ See, OSCE, Department of Human Rights and Rule of Law, *Parallel Structures in Kosovo*, October 2003, page 17.

¹⁴ See, OSCE, Department of Human Rights and Rule of Law, *Parallel Structures in Kosovo*, October 2003, pages 1-2.

¹⁵ OSCE/UNHCR, *Tenth Assessment of the Situation of Ethnic Minorities in Kosovo (Period Covering May 2002 to December 2002)*, March 2003, page 33, available at: http://www.osce.org/documents/mik/2003/03/903_en.pdf. Accessed on 1 September 2006.

¹⁶ See, OSCE/UNHCR, *Tenth Assessment of the Situation of Ethnic Minorities in Kosovo (Period Covering May 2002 to December 2002)*, March 2003, page 33.

¹⁷ See, OSCE/UNHCR, *Tenth Assessment of the Situation of Ethnic Minorities in Kosovo (Period Covering May 2002 to December 2002)*, March 2003, page 33. This has been, at least in part, successful. As of June 2006, 13 Kosovo Serb judges are working for the UNMIK courts. Historically,

they were not fully operational as of October 2003 and they remain understaffed today.¹⁸

It must be noted that UNMIK, and now the Department of Civil Rights in the MOJ, does actively seek to improve justice for Kosovo Serbs who live outside the vicinity of an UNMIK court. For instance, on 10 December 2004, UNMIK opened a branch of the Prishtinë/Priština Municipal Court in Gračanica/Gračanicë, a large Serbian enclave to the southeast of Prishtinë/Priština. In addition, UNMIK and MOJ maintain a network of Court Liaison Offices in areas of predominantly Serbian populations who help file court papers on behalf of Kosovo Serbs and arrange safe transport for them to and from UNMIK courts. Such efforts, while helpful, still do not solve the underlying problem of mutual non-recognition of UNMIK and Serbian parallel courts.

1.4. Current concerns and analysis

The parallel court structure, both inside and outside Kosovo, presents several related problems to the administration of justice, notably the validity and recognition of judgments, confusion and additional costs resulting in overlapping jurisdiction, and the problem of double jeopardy in criminal cases. UNMIK has already attempted to address these problems in various ways, but issues still persist.

Indeed blanket non-recognition of past parallel court judgments could lead to significant problems. Parallel courts have issued important and practical decisions involving the payment of alimony, loans, transfer of property, marriage, and divorce. Often, Kosovo Serbs have relied on the parallel courts, either out of convenience, or because they reasonably believed these courts to be valid based upon official Belgrade support of them.¹⁹

Though the parallel courts in Kosovo should not have any power of enforcement in Kosovo, Kosovo Serbs, Kosovo Albanians and members of other communities still rely on them, especially when they need a judgement to be recognised in Serbia proper. Thus, given this reality, parties in Kosovo have actually been known to bring civil cases simultaneously in both UNMIK and parallel courts. Consequently, this need for judgment recognition in Serbia and Kosovo leads to duplication of resources and sometime conflicting legal outcomes. Often, courts of one system (either UNMIK or Serbian) are not aware of ongoing cases or judgments in the other system.

Serbian judges and prosecutors have been hesitant to apply for positions with UNMIK for fear of losing social benefits and because Serbian authorities offer better salaries and benefits.

¹⁸ There are only two Kosovo Serb judges at the District Court of Mitrovicë/Mitrovica and no Kosovo Serb judges at the Municipal Court. Moreover, the Municipal Court of Zubin Potok has only one judge to deal with civil and criminal cases.

¹⁹ See, OSCE, Department of Human Rights and Rule of Law, *Parallel Structures in Kosovo*, October 2003, page 22.

1.4.1 The risk of conflicting judgments, public confusion and duplicative costs

A variety of problems occur as a result of overlapping jurisdictions. For example, where there have been two decisions by two different courts on the same set of facts, or when the same dispute has been brought before the courts of the two different systems. Overlapping jurisdiction is a source of confusion for both Kosovo Serbs and Kosovo Albanians, and causes legal uncertainty.

One of the unfortunate impacts of overlapping jurisdictions is that, particularly in civil cases, time and money spent to litigate or certify an issue in one system must be spent a second time only to have the judgment or certification validated within a second system. And there is the danger that two courts will reach conflicting legal outcomes. The OSCE has monitored situations in which there has been evidence of confusion and extra costs for the parties.

For example, in a case filed before the Municipal Court of Zubin Potok, later referred to the Municipal Court of Mitrovicë/Mitrovica, an individual submitted a claim against the Hunting Association to challenge his allegedly unlawful dismissal on 9 December 1999, and requested to be reinstated in his former job position. The plaintiff did not know whether to bring a lawsuit in the UNMIK or the parallel court, and consequently filed lawsuits in both courts. The plaintiff complained about duplicative costs, and his lawyer complained about the different applicable laws in both courts and about the problem of the risk of two different judgments. On 3 December 2001, the parallel court issued a decision in favour of the claimant. Meanwhile, the case was still pending in the Mitrovicë/Mitrovica Municipal Court as of August 2006.

In a second case before the District Court of Mitrovicë/Mitrovica, a woman filed a request to obtain a divorce and custody of her child. However, a parallel court had already issued a decision entrusting the child to the father. As the mother was not satisfied with the parallel court decision, she filed a new claim in the UNMIK court based on the same facts. The UNMIK court reached a contradictory decision, granting custody to the mother.

In a third case, the parallel court of Mitrovicë/Mitrovica issued a decision in a divorce and alimony case. However, since the alimony decision of the parallel court is not executable in Kosovo, the mother of the child filed a new alimony claim before the District Court of Mitrovicë/Mitrovica. The amount of alimony to be paid by her former husband is different in each judgment.

In a fourth case, on 22 November 2000, two parties obtained a judgment granting a divorce from the parallel court in Leposavić/Leposaviq. However, in the subsequent procedure for division of assets before the UNMIK Municipal Court in Leposavić/Leposaviq, the UNMIK court did not recognise the parallel court's divorce judgment. Therefore, the parties had initiated another divorce procedure before the UNMIK District Court in Mitrovicë/Mitrovica, and obtained a second divorce on 27 May 2004, during the ongoing proceedings regarding the division of wealth.

These cases are only examples of problems faced by people due to the non-reciprocal recognition of judgments between UNMIK courts and parallel courts. This results in

legal uncertainty and duplicative costs. It creates confusion for people who do not understand which court to approach and want decisions recognized in both Serbia proper and Kosovo.

1.4.2 Double Jeopardy

The existence of parallel courts raises the problem of double jeopardy. Under Article 4 of Protocol 7 of the European Convention of Human Rights and Fundamental Freedoms (ECHR) and article 14(7) of the International Covenant on Civil and Political Rights (ICCPR), double jeopardy is prohibited.²⁰ The past criminal procedure law applicable in Serbia and, until April of 2004, in Kosovo, states that a court shall reject a case “if the accused has already been validly convicted of the same crime or acquitted of the charge...”²¹ The current Provisional Criminal Procedure Code applicable in Kosovo (PCPCK) similarly affirms that “No one can be prosecuted and punished for a criminal offence, if he or she has been acquitted or convicted of it by a final decision of a court...”²²

Double jeopardy typically prohibits re-prosecution in one jurisdiction when the defendant has been convicted or acquitted in that same jurisdiction. This becomes unclear when a person is convicted in a parallel court structure asserting jurisdiction over the same territory. However, in order to resolve ambiguity in favour of the defendant, unless exceptional circumstances apply (i.e. newly discovered facts or fundamental procedural irregularities), courts should generally follow the principle of double jeopardy in dealing with parallel court decisions.

For instance, the OSCE is aware of one related murder case from 1999 in which an investigation led to an indictment by the Office of the Prosecutor at the District Court of Gjilan/Gnjilane.²³ However, in the meantime, the suspect had fled to Serbia proper where an indictment for the same crime was issued against him by the parallel District Court of Vranje, acting in its role as the District Court of Gjilan/Gnjilane.²⁴ The murder trial took place in Vranje on 20 August 2004, and the court found the defendant guilty of murder and sentenced him to one year’s imprisonment. The sentence for murder appears low. The case is still pending at the District Court of Gjilan/Gnjilane, where an indictment has been filed and the Chief Prosecutor declared his intention to request an arrest when the defendant returns to Kosovo.

In another case, an individual committed a murder in 2001 in Mitrovicë/Mitrovica and surrendered to the parallel District Court of Kraljevo, Serbia proper. The Chief Prosecutor of the Mitrovicë/Mitrovica District Court has information that the defendant was convicted and was currently serving a sentence in Serbia proper.

²⁰ The ECHR, its Protocols and the ICCPR are directly applicable in Kosovo, having been incorporated into the law in Section 3.2 of the Constitutional Framework.

²¹ Art. 349(5) of the Criminal Procedure Code of the Socialist Federal Republic of Yugoslavia, Official Gazette of the Socialist Federal Republic of Yugoslavia, No. 4/77.

²² Art. 4(1) of the PCPCK. See also article 389(1) point 3 PCPCK.

²³ The indictment was handled directly by the District Court, and not by a Municipal Court, due to its serious nature.

²⁴ At the time of the indictment in Gjilan/Gnjilane and the following indictment in Vranje, both courts would have applied the Criminal Procedure Code of the Socialist Federal Republic of Yugoslavia.

However, the Prosecutor affirmed that since the parallel court in Kraljevo is not recognized, an investigation related to the alleged offender also started at the Mitrovicë/Mitrovica District Court, but due to the absence of the defendant, the Prosecutor decided to suspend the investigation until the suspect returns to Kosovo.

In a third case, on 7 December 1999, a Prosecutor of the District Court of Gjilan/Gnjilane filed an indictment against an individual for an attempted murder committed in Kosovo. The alleged offender escaped to Serbia proper. There, the parallel District Court of Vranje, Serbia proper, prosecuted and sentenced him to two years and six months of imprisonment for the alleged criminal acts committed in Kosovo. On 17 March 2005, the Supreme Court of Serbia reduced the sentence to one year and six months of imprisonment. At the same time, the District Court of Gjilan/Gnjilane conducted a criminal proceeding against the same individual for the same charges. However, the court rejected the charge because the accused had already been previously convicted by the parallel court.²⁵ On 22 May 2006 the public prosecutor of the District Court of Gjilan/Gnjilane filed an appeal against the decision, claiming that it was taken by an incompetent court and, as of August 2006, the case is still pending at the Supreme Court of Kosovo.

Concerns have been expressed by prosecutors in the regions of Gjilan/Gnjilane and Mitrovicë/Mitrovica that, as Kosovo moves closer to a status agreement, the parallel District Courts in Kraljevo and Vranje in Serbia proper will become more active in issuing indictments and hearing cases arising from criminal activities in Kosovo. In cases of alleged serious crimes such as murder, aggravated theft, plunder and counterfeiting, defendants have often fled to Serbia proper,²⁶ probably hoping for a more lenient sentence if prosecuted in Serbia proper.

In summary, regarding criminal trials, generally persons tried by an UNMIK court or parallel court should not be prosecuted and/or tried for the same set of facts by the court operating in the other system. However, in exceptional circumstances, such as new evidence or procedural irregularities, re-prosecution should be allowed.

1.4.3 Recognition of decisions

One major issue that still needs to be addressed by UNMIK and the local authorities is the status of cases that have been decided by the parallel courts, especially in civil litigation. The OSCE has already stressed this in its previous report.²⁷ It may be helpful to draw a distinction between the period up until January 2003, when the parallel courts were most active, and since January 2003, when UNMIK courts were officially established in northern Kosovo. During the period up until January 2003, UNMIK had only limited control over the municipalities in northern Kosovo, and although UNMIK courts in Mitrovicë/Mitrovica did have official jurisdiction over these territories, several cases were dealt with by the parallel courts.

²⁵ The court based its decision on article 389(1) point 3 of the PCPCK.

²⁶ These examples have been taken from a list provided to the OSCE by the District Court of Gjilan/Gnjilane. According to the court, all individuals named in the indictments have fled to Serbia proper.

²⁷ See, OSCE, Department of Human Rights and Rule of Law, *Parallel Structures in Kosovo*, October 2003, pages 22-23.

There are two potential solutions with regard to the first period up until January 2003. One option would be for UNMIK to make a formal determination that decisions of these parallel courts are simply not legally valid. Alternatively, appropriate mechanisms could be created to evaluate the legal validity of the decisions and actions of the parallel courts, and address the transfer pending cases.

Non-recognition of judgments and actions by parallel courts can be justified on the ground that the parallel structures are illegal due to the UN Security Council Resolution 1244 (1999), UNMIK Regulation No. 1 1999/1 (On the Authority of the Interim Administration in Kosovo), and Art. 9(4) of UNMIK Regulation No. 2001/9 On the Constitutional Framework. While this might be the easiest solution, it could create social problems. This would also ignore that parallel courts issued judgments and decisions considered as valid within the Serbian legal system. Moreover, some might take advantage of the legal uncertainty by stopping payment of alimony or loans, or attempting to seize the transferred property. In addition, such a solution would ignore that Kosovo Serbs living in northern Kosovo relied upon the parallel courts when UNMIK courts were not accessible. However, this last reason might not apply after January 2003, when the UNMIK courts system was established throughout Kosovo.

2. PARALLEL STRUCTURES – SECURITY

2.1. Introduction – historical background

This chapter will provide an update on the current situation related to parallel security structures up to September 2006 mainly in the north as well as a view into security developments over the last months. It is important to note that the security situation in Mitrovicë/Mitrovica region is dynamic, very complex, and can change within a matter of hours.

Following the conflict of 1999, some Kosovo Serbs in Mitrovicë/Mitrovica north of the Ibar River gathered to prevent Kosovo Albanians from crossing the river from the south. In the beginning people gathered spontaneously around the bridge, without leadership or structure. Gradually, they became more organized. The Bridge-watchers, as the group became known, considered themselves to be a security structure with three main functions: to prevent Kosovo Albanians from entering northern Mitrovicë/Mitrovica; to gather information on the Kosovo Force (KFOR) and CIVPOL; and to gather information on any Kosovo Albanian living in the north. By the end of 1999, the Bridge-watchers were a structured organization, co-ordinating their activities with the assistance of radio and other forms of telecommunication.

These activities turned into a regular job for the Bridge-watchers, including salaries and designated shifts. Salaries were collected from voluntary donations of inhabitants of northern Mitrovicë/Mitrovica as well as from the hospital in northern Mitrovicë/Mitrovica, funded by the Serbian Ministry of Health (SMoH). Over time, some Bridge-watchers also became involved in criminal activities, experienced serious infighting, and began to lose some support from Belgrade and from the local

population.²⁸ As a result, the number of Bridge-watchers and the scope of their activities were affected.

At present, there is still an active core of undetermined Bridge-watchers as well as an estimated larger group that can be called upon at any time when needed. The Bridge-watchers continue to monitor the bridge and play a vital role in maintaining the balance of power in northern Kosovo.²⁹

In addition to the Bridge-watchers, there has been a continued presence of MUP officers in the north, including both former police officers in Mitrovicë/Mitrovica prior to the conflict, and those sent from Serbia proper to gather information and carry out certain administrative services such as the issuing of driving licences. Their engagement in policing activities has significantly declined since 1999. The MUP officers from Mitrovicë/Mitrovica have maintained a constant presence in the region while officers from Serbia proper have rotated over time.

2.2. Developments and current situation

The OSCE has been training Kosovo Serb police officers at the KPSS in Vushtrri/Vučitrn and deploying them Kosovo-wide since 2000. The UNMIK-Former Republic of Yugoslavia (FRY) Common Document clearly outlines that Kosovo Serb KPS officers will primarily work in areas where there is a majority of Kosovo Serb inhabitants as well as in mixed communities.³⁰ It appears that the Kosovo Serb leadership would support the training and deployment of Kosovo Serb KPS officers under the condition that they are only deployed in Kosovo Serb areas and that no Kosovo Albanian officers will be deployed in Kosovo Serb areas.³¹

It was also decided by the Police Commissioner and SRSG at that time to engage in a targeted recruitment of former MUP officers, so that they could be deployed in northern Kosovo. Recruitment of these officers over the last five years has been very efficient given that in 2002 the presence of Kosovo Serb KPS officers in northern Kosovo would have been unthinkable.³² Currently, all four police stations in northern

²⁸ See, OSCE, Department of Human Rights and Rule of Law, *Parallel Structures in Kosovo*, October 2003, page 12.

²⁹ See, OSCE, Department of Human Rights and Rule of Law, *Parallel Security Structures in North Mitrovica, Background Report*, 21 May 2002.

³⁰ UNMIK-FRY Common Document, 5 November 2001, page 5.

³¹ An alleged verbal agreement with former Special Representative of the Secretary-General (SRSG) Steiner has been mentioned and referred to several times in the past by the Kosovo Serb leadership in the vicinity of security incidents and when Kosovo Albanian Police officers were operationally involved. For example, an arrest in the center of northern Mitrovicë/Mitrovica of a suspect on 10 November 2005 and the demonstration that followed this police action; an incident at Gate 31 when a Kosovo Serb citizen attacked KFOR/CIVPOL on 07 July 2006; an incident at Gate 1 which involved the Municipal Deputy President of Leposavić/Leposaviq on the 15 July 2006; and the deployment of Kosovo Albanian KPS Border Police officers at Gate 1 and 31. However, in establishing the larger police sub-stations in Kosovo Serb minority areas, local community leaders have consistently accepted the deployment of some Kosovo Albanian and other non-Kosovo Serb officers, provided that the majority of officers deployed are Kosovo Serbs.

³² See, OSCE, Department of Human Rights and Rule of Law, *Parallel Security Structures in North Mitrovica, Background Report*, 21 May 2002, page 6

Kosovo are under Kosovo Serb KPS command, and the presence of Kosovo Serb KPS officers now seems normal. One of the Deputy KPS Regional Commanders is a Kosovo Serb Lieutenant Colonel. Despite this great success for the KPS, the security situation still remains far from normal.

From the end of 2004 until the early spring of 2006, the security situation in the north continued to normalise. Former MUP officers, now serving as KPS officers, were working well in the police stations and under the KPS chain of command and there were fewer MUP officers sent from Serbia proper. Although Bridge-watchers were still present they kept a low profile.

At present all police stations in Mitrovicë/Mitrovica region have been transitioned from UNMIK Police to KPS command, except for the Regional Police Headquarters (RHQ), which remains the only RHQ in Kosovo under UNMIK Police command.³³

Currently, there are approximately 50 former MUP officers deployed within the KPS in Mitrovicë/Mitrovica region. Additionally there is still an undetermined number of active MUP officers in Kosovo with half of them allegedly in Mitrovicë/Mitrovica region.

In Mitrovicë/Mitrovica north there is a MUP station behind the Black Lady Café, which is still in operation.³⁴ There is also a substation in Bosniak Mahala. These stations deal primarily with administrative issues.³⁵ In addition to the station in northern Kosovo, there are MUP stations in Štrpce/Shtërpçë across from the municipal building, and another in Ranilug/Ranillug (Kamenicë/Kamenica Municipality).

Kosovo Serbs in northern Kosovo believe that the Bridge-watchers and the MUP can provide some degree of security that the KPS, CIVPOL and KFOR cannot. Security incidents occasionally occur and are to a certain extent played up in the media by Kosovo Serb leaders in northern Kosovo (and the authorities in Belgrade) strengthening perceptions among some Kosovo Serbs that they live in a precarious security situation. Some examples of those incidents could be:

- On 28 March 2006, in Mitrovicë/Mitrovica north, a young Kosovo Serb male was stabbed at the main bridge over the Ibar River in front of Dolce Vita Café;
- Buses travelling between northern Kosovo and Kosovo Serb inhabited areas in western Kosovo were stoned in Skenderaj/Srbica Municipality on 9 May, 12 May and 8 June 2006;
- On 16 May 2006, a rocket propelled grenade was launched into a shop in Leposavić/Leposaviq Municipality;

³³ Leposavić/Leposaviq police station was transitioned in December 2003; Vushtrri/Vučitrn police station on 24 February 2004; Zvečan/Zvečan police station on 2 December 2004; Skenderaj/Srbica police station on 31 March 2005; Mitrovicë/Mitrovica south police station on 29 April 2005; Zubin Potok police station on 7 August 2005; Mitrovicë/Mitrovica north police station was transitioned on 25 August 2005.

³⁴ See, International Crisis Group, *Bridging Kosovo's Mitrovica Divide*, Europe Report No 165, 13 September 2005, page 26.

³⁵ The station in Bosniak Mahala mainly issues Serbian passports to Kosovo Albanians.

- On 1 June 2006, a young Kosovo Serb male was murdered in Zvečan/Zveçan Municipality;
- On 15 July 2006, a verbal and physical dispute took place at Gate 1 between the Deputy Municipal Assembly President (DMAP) of Leposavić/Leposaviq and KPS Border Police officers;
- On 26 August 2006, a hand grenade was thrown at the Dolce Vita Café, injuring nine people. Traffic on the main bridge has been restricted since the attack. There is now a reinforced presence of Bridge-watches in the vicinity of the café. On 27 August 2006, the Serbian National Council (SNC) gave a press conference amongst other issues, that if the present security forces are not able to maintain security, the Kosovo Serb leadership will provide their own security presence. The UNMIK Police Regional Commander stated that if this is intended to only be a “neighbourhood watch”, he does not oppose it;
- On 30 August 2006, a bus coming from Montenegro carrying Kosovo Serb children was allegedly stoned in a village outside Mitrovicë/Mitrovica town; and
- On 25 September 2006 a fight broke out between Kosovo Serbs and Kosovo Albanians in the neighbourhood of Bosniak Mahala which was followed by demonstrations in the north and increased tensions on both sides. The bridge was once again closed only hours after it was re-opened for traffic³⁶.

On 2 June 2006, the Municipal Assembly President (MAP) of Zvečan/Zveçan reportedly stated that due to the deteriorating security situation in Kosovo, 385 civilian administrative personnel from the Yugoslav Army (Vojska Jugoslavija-VJ) would be deployed to northern Kosovo. The MAP later denied ever making this statement.

Regardless of any positive investigative activities by law enforcement agencies, local community perceptions remain deeply entrenched and are difficult to alter. It is important to note that incident-related facts often matter very little as incidents are repeatedly used for political gain. The local political leadership is using the perception of insecurity to prove their case that an additional Serbian security presence is needed, claiming that the international security presence and the KPS is not able or willing to protect individuals.

³⁶ It should be noted that from September 2006 to January 2007 OSCE has noticed a gradual reduction of security incidents in northern Mitrovica.

3. PARALLEL ADMINISTRATIVE STRUCTURES WITH PROPERTY RELATED COMPETENCIES

3.1 - Background

Municipalities in Kosovo have competencies that relate to land use, spatial planning, construction and social housing under the supervision of the respective ministries and within the limits of the reserved powers of the SRSG.³⁷ In addition, municipalities draft and implement municipal and urban spatial plans, deliver building and land use permits, and manage social housing. Moreover, Municipal Cadastre Offices, overseen by the KCA, maintain and update the Kosovo Immovable Property Rights Registry.

In October 2003, the OSCE identified a number of administrative structures competent for property matters within Kosovo that were still functioning under the framework and authority of Belgrade notwithstanding the legal and institutional framework established pursuant to United Nations Security Council Resolution 1244.³⁸ As demonstrated in the previous assessment, parallel administrative structures continue to make reference to non-applicable law and to provide inaccurate information to citizens regarding available legal remedies. These practices still continue to create a climate of legal uncertainty which can result in the misuse of power at the municipal level, can negatively affect the judicial and administrative protection of the right to property (Article 1, Protocol 1, ECHR) as well as the right to an effective remedy (Article 13, ECHR).

In August 2006, the OSCE reassessed the situation in the municipalities. Generally, the situation has not changed substantively in the past three years. This assessment not only demonstrates the continued existence of parallel structures in the northern municipalities of Kosovo (Leposavić/Leposaviq, Zubin Potok, and Zvečan/Zveçan) where the majority of the population is Kosovo Serb, but also identifies how human rights concerns arise from the fact that parallel administrative structures are in violation of the applicable law.³⁹ The OSCE is further concerned that this neglect of the rule of law has created an institutional environment that can result in the misuse of power.⁴⁰

As explained in the previous assessment, the existence of these structures is not due to the creation of new bodies, but rather the continuation of the pre-1999 Republic of

³⁷ UNMIK Regulation No. 2000/45 On Self Government of Municipalities in Kosovo, Section 3.1 (h) “[E]ach municipality shall be responsible for [the] management of municipal property”. See also UNMIK Regulation No. 2002/22 On the Promulgation of the Kosovo Assembly Law on an Immovable Property Rights Register; UNMIK Regulation No. 2004/37 On the Promulgation of the Law on Construction adopted by the Assembly of Kosovo and UNMIK Regulation No. 2003/30 On the Promulgation of the Law adopted by the Kosovo Assembly on Spatial Planning.

³⁸See, OSCE, Department of Human Rights and Rule of Law, *Parallel Structures in Kosovo*, October 2003.

³⁹ UNMIK Regulation No. 2000/45, Section 33 “All administrative actions shall comply with the applicable law.” The applicable law is set out in UNMIK Regulation No. 1999/24, amended by UNMIK Regulation No. 2000/59.

⁴⁰See, OSCE, Department of Human Rights and Rule of Law, *Parallel Structures in Kosovo*, October 2003, Chapter 3 “Parallel Administrative Structures – Property Issues”.

Serbia municipal administration. Currently, they constitute the only local government bodies existing in northern Kosovo.

The administrative acts that are used as the basis for the decisions of these municipal bodies, such as the Directorates of Urbanism, are generally based on the Republic of Serbia legal framework and do not acknowledge the Kosovo Assembly laws related to municipal competencies such as construction, spatial planning and immovable property rights registration.⁴¹ There are no parallel administrative structures operating in the remaining municipalities of Kosovo where the majority of the population is Kosovo Albanian.

The problems described in this chapter derive from the non-validity of documents issued by parallel administrative structures before the Kosovo courts and other public bodies as well as the non-provision of effective remedies against their administrative decisions. For example, the non-implementation of the Kosovo laws on immovable property rights registration negatively affects the provision of services such as the registration of inheritances, mortgages, sales and other property transfers and can lead to fraudulent practices.

In addition, the conduct of expropriations through non-applicable procedures may lead to violations of the right to property. In such conditions, the deprivation of possessions lacks the requirement of legality established by the European Court of Human Rights jurisprudence.

3.1.1 Co-operation between UNMIK, the PISG and the Republic of Serbia

Despite the general lack of progress since 2003, the OSCE has monitored some instances of co-operation between UNMIK, the PISG and the Republic of Serbia regarding property matters, primarily related to access to cadastral and judicial records displaced in Serbia proper since June 1999.

Since 1999, the Republic of Serbia has granted UNMIK access to these records on an *ad hoc* basis (i.e. providing extracts of records related to Socially Owned Enterprises related to the privatisation process and for use by the Housing and Property Directorate (HPD) and Housing and Property Claims Commission (HPCC)). However, progress in ensuring effective access and/or the return of these records has been slow. The SRSG has officially requested the Prime Minister of the Republic of Serbia for the restitution of these records, but has received no response to date.⁴²

In April 2005, in another case of cooperation between UNMIK, the PISG and the Republic of Serbia, UNMIK and the Municipality of Mitrovicë/Mitrovica received,

⁴¹ Pre-1999 Republic of Serbia laws are applicable in Kosovo under certain conditions. Section 1.2 of UNMIK Regulation No. 1999/24, On the Law Applicable in Kosovo, as amended, states that “If a court of competent jurisdiction or a body or person required to implement a provision of the law, determines that a subject matter or situation is not covered by the laws set out in section 1.1 of the present regulation but is covered by another law in force in Kosovo after 22 March 1989 which is not discriminatory and which complies with section 1.3 of the present regulation, the court, body or person shall, as an exception, apply that law”.

⁴² See, Letters of the SRSG to the Prime Minister of Serbia of 5 June 2005 and 14 February 2006.

with the assistance of the CCK, copies of missing cadastral data necessary for the reconstruction of Roma Mahala in Mitrovicë/Mitrovica Municipality (a large Roma settlement destroyed shortly after the conflict in 1999). Cadastral data (dating from 1998) archived in Kruševac, Serbia proper, since 1999, was verified by the KCA, allowing for the demarcation of boundaries between private and public property, the delineation of individual plots of land assigned for the reconstruction of houses and buildings, and the eventual completion of infrastructure plans. Reconstruction of the neighbourhood started in April 2006.

Despite efforts by the KCA supported by UNMIK, there has been no progress on the implementation of the Kosovo Assembly laws on immovable property rights registration.⁴³ As a consequence, the cadastre offices in the northern municipalities have not benefited from the technical improvements implemented in Kosovo through the Kosovo Cadastral Support Programme nor from those implemented in the Republic of Serbia through the RSGA Real Estate Cadastre and Registration Project.⁴⁴

However, there have been other attempts of co-operation in the area of property rights with the CCK as “the CCK was established for the purpose of providing a focal point (on behalf of the Government of Serbia) that would bring together and harmonize all state, political and social capacities aimed at resolving problems in Kosovo and Metohia regarding the implementation of United Nations Security Council Resolution 1244.”⁴⁵

3.2 Parallel administrative structures located in the territory of Kosovo

Property-related parallel administrative structures have been identified as the Directorates of Urbanism, the Department for Legal-Property Affairs and the Offices of the RSGA located in the northern municipalities.

3.2.1 Municipal Directorates of Urbanism and Directorates of Legal-Property Affairs

The Municipal Directorates of Urbanism in the northern municipalities continue to implement the Republic of Serbia framework on construction and spatial planning and

⁴³ On June 14 2005, KCA officials, with the help of UNMIK, delivered all relevant laws and subsidiary acts to the cadastre officials in the northern municipalities.

⁴⁴ Republic of Serbia Real Estate Cadastre and Registration Project Implementation Plan, page 12 and Final Report of Professor Patrick McAusian and Katarina Nedeljkovic, page 2. See at Republic of Serbia Geodetic Authority website: <http://www.rgz.sr.gov.yu/>, accessed 15 September 2006.

⁴⁵ Constitutional Framework and the UNMIK-FRY Common Document, 5 November 2001 confirm the obligation to provide security, observance of human rights, and return of internally displaced persons and refugees. For more information on the CCK, see <http://www.kc.gov.yu/>, accessed 15 September 2006. According to the Common Document, specific areas of engagement and common interest include security, protection and freedom of movement, missing persons, return of refugees and displaced persons, property rights, protection of cultural sites and property, judiciary, police co-operation, action against terrorism, development of the Kosovo Police Service, multiethnic civil service, local government, education and media. Efforts at co-operation on return issues have been further elaborated in 2006 with the signing of the Protocol on Voluntary and Sustainable Returns. The Protocol was signed between UNMIK, the PISG and the Government of Serbia on 6 June 2006. The Protocol is available at <http://www.unmikonline.org/pio/returns/Protocol-on-returns-eng.pdf>, accessed 27 September 2006.

to disregard the existing relevant Kosovo Assembly legislation. In addition, the OSCE has identified cases of expropriation by parallel administrative structures. In a case monitored in Zvečan/Zveçan, the Municipality advised affected property right holders to appeal the decision on expropriation to the Ministry of Finance of the Republic of Serbia as a second instance administrative review. This decision negatively affected the right to property and the right to an effective remedy of the affected property right holders, as they were referred to bodies which do not have authority over the territory of Kosovo, and cannot provide adequate and effective redress.⁴⁶

In a case monitored in Zubin Potok municipality, the local government circumvented the expropriation procedure by purchasing land from the property right holders affected by the construction of a road, and then verified these contracts in the non-recognised parallel court of Mitrovicë/Mitrovica.⁴⁷ Moreover, the OSCE has identified a case of municipal allocation of land which disregards UNMIK reserved powers over the use of socially owned property.⁴⁸

In sum, in areas where parallel administrative structures operate, the implementation of the Republic of Serbia framework on Construction and Spatial Planning is inadequate, creates legal uncertainty and leaves individual rights unprotected.

3.2.2. Offices of the Republic of Serbia Geodetic Authority

Offices of the RSGA are present in the municipalities of Leposavić/Leposaviq, Zvečan/Zveçan, Zubin Potok, as well as in Serbia proper. In the northern municipalities, these offices issue possession lists and other relevant documents, but do not implement the Kosovo Assembly laws on immovable property rights registration. The fact that two separate cadastral records are maintained pertaining to the same properties (the Kosovo Immovable Property Rights Register and the RSGA), creates legal uncertainty and facilitates fraud, as an individual can theoretically transfer the same immovable property twice to different persons. In addition, the non-implementation of the Kosovo Assembly laws effectively denies the individuals living in these areas the right to register mortgages.

Minority communities' property right holders (in these areas, Kosovo Albanians), generally access services provided by the cadastre offices on an ad hoc basis through the Municipal Community Offices and/or international UNMIK officials. For example in Zubin Potok, as part of the property rights verification process, property right holders from the village of Çabër/Çabra received copies of the possession lists of their lands (a mandatory precondition for the reconstruction of their houses). The Kosovo Albanian inhabitants of Koshutovë/Košutovo, Bisticë/Bistrica and Cerajë/Ceranja villages in Leposavić/Leposaviq have also received copies of possession lists for the same purpose. However, in Zvečan/Zveçan, the inhabitants of Zhahë/Žaža reportedly use the services provided by the Municipal Cadastral Office of Mitrovicë/Mitrovica.

⁴⁶ Municipality of Zvečan, Directorate Legal and Property Affairs, Decision 03, Nr.35-351/49-1, 15 November 2001.

⁴⁷ Zubin Potok; Contracts on transfer of real property Nr.01-464-40/42/43/44/47, 20 March 2003,.

⁴⁸ Municipality of Zubin Potok, Decision Nr. 08-464/220, 4 August 2004.

3.3 Parallel administrative structures located outside the territory of Kosovo

As reflected in the 2003 assessment, the Republic of Serbia maintained displaced offices of the RSGA in Kosovo in different cities in Serbia proper. Thus Kosovans occasionally used property-related documents such as possession lists that were issued by these displaced cadastral offices located in Serbia proper.

In this current assessment, the OSCE has found that the situation has not changed substantially. The RSGA has maintained its Prishtinë/Priština Regional Office in Leposavić/Leposaviq. Other offices which were located in Kosovo before June 1999 continue to be dislocated in different cities within Serbia proper, mainly in Kruševac, Leskovac and Niš.⁴⁹

The OSCE has observed that documents issued by these displaced offices are utilized on different occasions by NGOs and/or implementing agencies to support the reconstruction of houses for displaced persons and potential returnees. However, the validity of these documents is unclear. Some of these cadastre records issued by displaced offices refer to the municipality of origin as the place of issuance. As a result, Kosovo officials have refused to accept them as valid documents. For example, the Directorate of Legal Property Affairs in Ferizaj/Uroševac has indicated to the OSCE that it does not consider such documents as valid.⁵⁰

In other instances, local authorities have found *ad hoc* solutions. Apart from the co-operation observed in the Mitrović/Mitrovica Roma Mahala reconstruction process described earlier, the Municipal Cadastre Office in Ferizaj/Uroševac has on one occasion cross-checked documents submitted by displaced persons and issued by the displaced cadastral office in Kruševac despite the availability of records in the Municipality. The Municipal Cadastre Office then updated its own records to issue cadastral certificates necessary for the reconstruction process.⁵¹

4. PARALLEL EDUCATION

4.1 The Structures

Two systems of education operate in Kosovo. Schools in Kosovo Serb and Gorani inhabited areas or in municipalities where the Kosovo Serb or Gorani communities

⁴⁹ See: Republic of Serbia Geodetic Authority Website. http://www.rgz.sr.gov.yu/centar_list.asp?CentarID=8&LanguageID=3&PageNumber=1, accessed 15 September 2006. Displaced cadastral records from other municipalities have been observed by the OSCE in Shtime/Štimlje, Štrpce/Shtërpcë (records originating in Leskovac), Kamenicë/Kamenica, Ferizaj/Uroševac, Viti/Vitina, Rahovec/Orahovac (Kruševac). Some property transactions are registered in the Municipal Court in Leskovac.

⁵⁰ Interview with the Head of the Property and Legal Affairs Department in the Municipality, 2 August 2006.

⁵¹ Interview with the Project Manager of European Perspective, Implementing partner of the return project in the village Srpski Babush/Babushi Serb, 26 July 2006. Other NGOs/implementing partners for return projects in the municipality confirmed that they all request property related documents from parallel administrative structures (i.e. CARE International in Talinove/Talinovac and United Methodist Committee on Relief (UMCOR) in Bablak/Babljak).

constitute the majority use the curriculum of the SMES. The SMES also supplies these schools with textbooks, diplomas and stamps. Teachers and other support staff are supervised and directed from Belgrade and until recently, received salaries from SMES and the MEST.⁵² To date there is still no recognition of certificates and diplomas between the two systems.

Parallel Schools operate in all regions of Kosovo.⁵³ In Prishtinë/Priština region, 19 primary and nine secondary schools have been identified in the municipalities of Fushë Kosovë/Kosovo Polje, Prishtinë/Priština, Lipjan/Lipljan and Obiliq/Obilić.

In Prizren region 11 parallel education facilities exist in Rahovec/Orahovac and Dragash/Dragaš with eight primary and two secondary schools.

Thirty four parallel schools are located in Mitrovicë/Mitrovica and in northern Kosovo, where all educational facilities are parallel. There are also parallel schools located in Skenderaj/Srbica and Vushtrri/Vučitrn.

In Pejë/Peć region three primary and three secondary parallel schools are located in Istog/Istok, Klinë/Klina and Pejë/Peć municipalities.

In Gjiilan/Gnjilane region 21 primary and 10 secondary schools under parallel structures have been identified in Gjiilan/Gnjilane, Viti/Vitina, Novobërdë/Novo Brdo, Štrpcë/Shtërpcë and Kamenicë/Kamenica.

4.2 The causes and effects of parallel structures in education

OSCE continues to identify and examine the obstacles that exist in Kosovo and Serbia proper which inhibit the integration of parallel institutional structures into a single unified educational system. It is important to note that little change has occurred since 2003 to reverse the causes and effects of parallel schools and in certain cases, the divide between the two systems has actually deepened.

4.2.1 Causes of parallel structures

4.2.1.1 Perceived lack of security

The March 2004 violence significantly deteriorated the overall security environment across Kosovo for minority communities. However, there has been an overall reduction in inter-ethnic-related violence especially in the last six months. Nevertheless, harassment, intimidation and provocation is often a regular concern for Kosovo Serbs. Therefore a perceived lack of security still remains one of the main reasons the Kosovo Serb community continues to refuse to integrate into PISG-run educational facilities.

⁵² See paragraph (4.2.1.3) below for further details on double salaries received by Kosovo Serb teachers.

⁵³ See Annex I for a complete list of all parallel education facilities in Kosovo.

Overall, there is still a general perception that PISG-operated schools are unsafe and in some cases, Kosovo Serb students continue to travel out of their municipalities in order to attend secondary schools in other Kosovo Serb enclaves.⁵⁴ Since 2003, there has been a noticeable improvement with respect to municipal efforts to ensure regular and safe transport from minority villages for minority students on a consistent basis.⁵⁵ There are only two cases where KPS escorts are still provided for minority student transport from Gojbulja/Gojbujë (Vushtrri/Vučitrn Municipality) to Mitrovicë/Mitrovica north as well as in Obiliq/Obilić from the line running through Babimoc/Babin Most - Plemetin/Plemetina - Caravodice/Crkvena Vodica - Obiliq/Obilić.⁵⁶ In some areas, increased KPS patrols have contributed to reducing minority security concerns.

4.2.1.2 Kosovo Albanian and Kosovo Serb communities' attitudes towards tolerance and finding a common ground

Minority protection is stated by the PISG and international community as a mandatory prerequisite to status resolution and is further guaranteed in the Standards Implementation Plan for Kosovo, the European Partnership Action Plan, Kosovo Assembly Law No. 2004/3 The Anti-Discrimination Law promulgated with UNMIK Regulation 2004/32, as well as the Constitutional Framework for Provisional Self-Government in Kosovo promulgated with UNMIK Regulation 2001/9, which states that, "the Provisional Institutions of Self-Government shall observe and ensure internationally recognized human rights and fundamental freedoms, including those rights and freedoms set forth in[...] The Council of Europe's Framework Convention for the Protection of National Minorities."⁵⁷ However, neither the MEST nor municipal educational authorities have drafted any kind of comprehensive plan which could allow for the integration of Kosovo Serb and Gorani communities into the MEST educational system.⁵⁸

⁵⁴ Novobërdë/Novo Brdo - pupils travel to Gjilan/Gnjilane (service provided by Gjilan/Gnjilane Municipality); Ferizaj/Uroševac to Štrpce/Shtërpçë and Lipjan/Lipljan; Vushtrri/Vučitrn to Mitrovicë/Mitrovica north.

⁵⁵ The exceptions being: Novobërdë/Novo Brdo – minimal transport is available and there are difficulties in putting in place an adequate minority transportation system for the following reasons: schools are scattered across the Municipality; early commencement of classes adds to the difficulty of coordinating pupil pick-ups; and the only mini-bus has nine seats. No ethnic/community considerations were included when deciding on which schools to service. Instead the decision was based on the proximity of the two schools. Moreover, most pupils must pay 5 Euros for the service. Pupils whose parents cannot afford the fee are exempted. Pejë/Peć – the Municipality recognizes its responsibility to provide transport but is only providing this service for a few Kosovo Serbs and other minorities within the Municipality. Lack of funds is cited for limited service. Skenderaj/Srbica – the SMES provides transport for pupils from Suvo Grlo/Suhogërrllë to Banje/Bajë. Dragash/Dragaš – transport is only provided to the secondary school due to lack of available municipal funds. Prishtinë/Priština – all other transport aside from the Preoce/Preoc - Gračanica/Gračanicë and Gornja Brnjica/Brnicë e Ulët - Gračanica/Gračanicë routes is provided by the SMES.

⁵⁶ Requests for transport escorts have been put forth by parents in many municipalities but following KPS and KFOR assessments were deemed unnecessary.

⁵⁷ See, Constitutional Framework, Chapter 3 – Human Rights.

⁵⁸ According to the MEST at the central level, attempts have been made over the past few years to cooperate and to address these differences with the SMES, but with no results. In Skenderaj/Srbica, the Department of Education drafted a project proposal to reconstruct ten schools including the one in Banjë/Banja. In Mitrovicë/Mitrovica south, municipal and regional bodies used to meet with the

Overall, there has not been any sign of improving tolerance or attempts to find common ground between the Kosovo Albanian and Kosovo Serb communities at the central level. The MEST has tried to encourage Kosovo Serbs to apply for education positions through advertisements in Serbian language media; however responses range from extremely low to none at all.⁵⁹

The situation is equally complicated at the municipal level as all educational staff continue to be bound by instructions from the MEST and the SMES on vital issues such as curriculum and salaries, including the general division of educational responsibility.⁶⁰ This deep division leaves little room for co-operation between Kosovo Albanian and Kosovo Serb educators thus making this gap almost impossible to bridge.⁶¹ It is important to note that there have been many positive efforts by both sides at the local level to initiate discussions or engage in activities that could ultimately lead to the consolidation of the educational systems or at the very least, build tolerance and understanding among the communities. Despite recognition of the importance of co-operation between MEST and SMES officials, all efforts have stalled due to uncompromising attitudes of educational officials, local communities and most recently, due to CCK involvement and the uncertain current political climate as status resolution approaches.⁶²

PISG initiatives to accommodate the needs of minority communities thereby reducing the demand for parallel schools have been limited at best. Many municipalities have demonstrated a degree of readiness to co-operate with the SMES representatives and often have provided parallel schools with assistance and supplies in the form of firewood, transport assistance, infrastructure aid and educational supplies except for textbooks.⁶³ Specifically in Dragash/Dragaš, the MEST has organized 9th grade catch-

Kosovo Serb community to discuss integration but all ideas were rejected by the Kosovo Serbs. Furthermore, communication has ceased in multiple municipalities following a CCK directive issued in December 2005. In Rahovec/Orahovac, the Municipality launched a six month integration plan starting in March 2006 to build trust among the Kosovo Serb community through outreach activities led by Municipal Directors. Gorani teachers have rejected possible integration plans in Dragash/Dragaš mostly for financial reasons.

⁵⁹ MEST posts job vacancies in Serbian print and other media.

⁶⁰ SMES secondary schools apply a different and more extensive grading system than that under the MEST.

⁶¹ Kosovo Serbs claim that they require approval from SMES to be able to integrate or that the CCK has blocked any signs of effort. The Kosovo Albanians assert that they regularly demonstrate initiative from their side or display 'an open door policy' towards the Kosovo Serb community.

⁶² Skenderaj/Srbica – Kosovo Serb school director is open to discussing possible forms of co-operation but claims to have no escort to reach Skenderaj/Srbica town; Vushtrri/Vučitrn, Ferizaj/Uroševac, Lipjan/Lipljan, Viti/Vitina and Fushë Kosovë/Kosovo Polje are but a few of the municipalities that claim the Kosovo Serb community refuses to co-operate. In other municipalities such as Gjilan/Gnjilane, Rahovec/Orahovac, Dragash/Dragaš and Istog/Istok there have been positive signs of tolerance building but no real dialogue. In Viti/Vitina, integration meetings ceased in late 2005 following the Municipality's termination of financial assistance for the maintenance and running costs of parallel schools when school directors refused to place bilingual signs on their institutions.

⁶³ Textbooks are exclusively provided by SMES for parallel education facilities. Some municipalities claim that books could be made available in Serbian but that there is no assistance from the minority side to compile them while others claim that the Serbian language is already institutionalized within the municipal education system although there is no available evidence to support this. Often the Kosovo Albanian side states that the Kosovo Serbs do not respect UNMIK Regulation No. 2002/19 on the Promulgation of a law adopted by the Assembly of Kosovo on Primary and Secondary Education in Kosovo.

up classes for Gorani students. Moreover, in 2006 the PISG built schools in Lipjan/Lipljan, Ferizaj/Uroševac and Gračanica/Gračanicë in an attempt to accommodate the needs of Kosovo Serb pupils.⁶⁴ There have been no reported cases since 2003 of any Kosovo Serb or Gorani pupil being refused participation in any PISG-run educational institution.

4.2.1.3 Renouncing of PISG salaries by Kosovo Serbs

From the end of the conflict until March-June 2006, many Kosovo Serb teachers were receiving double salaries – one from SMES and another from the PISG.⁶⁵ A directive was issued in December 2005 by the CCK effectively calling for all Kosovo Serb and Gorani staff to choose between receiving a salary from Serbia or from the PISG.⁶⁶ As a result, virtually all staff in the education sector have officially renounced their PISG salaries by voluntarily removing themselves from payment lists or submitting written statements to the concerned municipality, in order to continue receiving the higher salary paid by the SMES.⁶⁷ It should be noted that although Kosovo Serb education

⁶⁴ It is clear in the case of the Gračanica/Gračanicë Kindergarten, that a kind of tacit co-operation has been reached between the PISG and Serbia to allow the school to be supervised and run by the SMES. In the return village of Vidanje/Videjë (Klinë/Klina Municipality), municipal authorities offered to enrol Kosovo Serb children in the school located in Jagoda/Jagodë, but the Kosovo Serb community declined and instead designated a private house as a school and one teacher was hired to instruct the pupils according to the SMES curricula.

⁶⁵ The salary paid by the SMES to Kosovo Serb teachers working in Kosovo is approximately twice the average salary that teachers receive in Serbia proper (roughly between 200-250 Euros plus 100%, resulting in salaries ranging from 400-500 Euros a month depending on professional background and experience). The SMES states that the purpose of the higher salary is to compensate Kosovo Serb teachers for working in Kosovo and to encourage them to stay in their positions. According to MEST, the average monthly salary paid to a teacher regardless of ethnicity is 189 Euros per month. There are different contract types available under MEST based on class sizes, level of education (primary and secondary) and number of working hours which can result in a small increase in the amount of monthly salary received. Moreover, it has been reported that when Kosovo Serb teachers did receive PISG salaries, they would not get the official average salary of 189 Euros as described by MEST. Funds were sent as one lump to the municipalities who then distributed them to school directors, who in turn could choose to disperse the funds among all education staff regardless of whether or not they had agreed to receive PISG funds. (Therefore a teacher could receive as little as 150 Euros a month).

⁶⁶ CCK Directive reads: "All individuals who established labour relations in some of the institutions out of the competences of the Republic of Serbia (UNMIK, PISG) or who are engaged in any way in the same institutions have to decide about one-labour relations. If they do not do so their labour relations in institutions of the Republic of Serbia would be cancelled. We kindly request you to inform all municipal co-ordinators who are under your supervision." This is also complemented by an instruction issued directly by SMES No. 611-364 on 06.10.2005.

⁶⁷ Based on the feedback received from the OSCE Municipal Teams (MT), it appears that education staff may have had to present proof that they had closed their bank accounts where they received PISG funds to demonstrate compliance with the directive. However there are some cases where bank accounts could not be closed as some individuals have taken out bank loans and cannot terminate their accounts until the loan is paid in full. The few staff that have not renounced PISG salaries do not receive funds from the SMES. There are also reports of staff that have reopened new accounts in order to continue receiving PISG funds. According to some Municipal Directors of Education, funds continue to be transferred to Kosovo Serb accounts although the money is no longer collected. In such cases, the municipalities will accumulate and hold on to the funds so that they can be utilized for other educational needs in Kosovo Serb schools as per the request of the Prime Minister. In Fushë Kosovë/Kosovo Polje, the Municipal Director of Education refused to issue a letter to Kosovo Serb teachers that would effectively terminate their relationship with the PISG.

staff did receive PISG salaries, apart from a few persons in the past, they did not sign individual contracts with the MEST.⁶⁸ The OSCE is concerned that not all teachers may have voluntarily renounced these salaries and may have in fact done it out of fear that they would potentially lose their job with the SMES, be blacklisted for future employment opportunities in Serbia proper, or suffer from intimidation or become ostracized by fellow community members.⁶⁹

This Kosovo-wide renouncing of salaries has had no visible effect on the quantity and quality of educational services provided at each educational institution. There remain an adequate number of teachers to meet the needs of the students and no facilities have been forced to close down due to shortage of teaching staff.⁷⁰ It is important to note that municipal rightsizing of staff as a consequence of reduced budgets, have not had any negative impact on minority education.⁷¹

Opportunities do exist for teachers from parallel schools in municipal institutions either as official civil servants, paid directly by the municipalities or through municipal compliance on Fair Share Financing quotas on minority employment. According to the regional MEST Director for Pejë/Peć, municipal school directors have displayed regular leniency in relation to the ratio of teaching staff employed in Kosovo Serb schools, in many cases more teachers are employed than the actual number dictated by law. This is financed by using the salaries for teachers that have renounced their PISG salaries. SMES representatives claim that the PISG system is actually 'closed' to Kosovo Serb teachers; however the OSCE cannot ascertain the accuracy of this claim.

Many municipal MEST officials Kosovo-wide conclude that there is an ongoing excess of teachers and administrators in Kosovo Serb schools, however little to no reduction has taken place on the number of persons paid for services rendered in the

⁶⁸ A kind of collective agreement was signed between schools and the MEST to allow Kosovo Serbs to receive PISG salaries. Thus, education staff only had to sign bank vouchers on a monthly basis to receive funds. In Gjilan/Gnjilane, two or three teachers had previously asked to sign contracts with the PISG however, they were informed by the Department of Education that their requests should pass through their school directors clearly signalling the potential for these individuals to be 'ostracized' by their community.

⁶⁹ According to the SMES Education Coordinator in Ranilug/Ranillug, those who did not follow the directive were automatically removed from SMES lists. In Vushtrri/Vučitrn, the Municipal Director of Education has referred to one possible case of a Kosovo Serb who allegedly wished to sign a contract and receive a PISG salary, but in the end chose not to out of fear of reprisal from the Kosovo Serb community. In Viti/Vitina, 48 teachers had expressed interest in reacquiring PISG salaries and requested to officially be added to PISG payment lists. The SMES via the CCK was informed of this initiative and decided to suspend their payment for the month of May 2006. In the end, SMES has decided not to terminate the contracts of the 48 teachers and there are even indications that the suspended salary will be paid to the teachers retroactively. Essentially the teachers were faced with an ultimatum by CCK to withdraw their request from the PISG if they want to maintain contracts with the SMES. All of the teachers have now withdrawn their requests to the PISG and are paid exclusively by the SMES.

⁷⁰ In Pejë/Peć Municipality four teachers have left their positions however, two have already been replaced and a recruitment campaign is underway to fill the other two vacant posts.

⁷¹ In Rahovec/Orahovac, four support staff were dismissed last year based on the MEST Administrative Instruction 2002/16, as the percentage of support staff exceeded the number of pupils. This was superseded by the CCK directive and collective renouncement of PISG salaries.

education sphere.⁷² As in 2003, Kosovo Serb school directors continue to appoint teachers without consulting with the MEST or following their required procedures even in the case of staff that used to receive PISG salaries.⁷³ There were isolated instances in Zubin Potok and Leposavić/Leposaviq where school directors at least kept MEST officials informed of appointments for the sake of co-operation.

4.3.1. Effects of the parallel structures

4.3.1.1. Differing curricula

As SMES and MEST still have not reached an agreement on a curriculum for Kosovo, students continue to face differing curricula depending on which system they choose to attend. Kosovo Serbs have no alternative but to follow the SMES system as they are not accounted for under the MEST system.⁷⁴ These differences continue to effect whether students can exercise their right to learn their mother tongue, be educated in certain subjects in their mother tongue and to study the history and culture of their ethnic group. Overall, Kosovo Serbs are able to exercise these rights under the SMES curricula, however Roma are extremely restricted under both systems as there are no guarantees for the provision of education in Romani or about their ethnic group; thus they generally receive schooling in Serbian.⁷⁵ Nevertheless, Roma, Ashkali and Egyptians are fully integrated into either the SMES or MEST system. Kosovo Bosniak and Kosovo Turks are able to exercise their right to be taught in their mother tongue under the MEST curricula while the majority of Gorani schools follow the SMES curricula except in Restelicë/Restelica and Krushevë/Kruševo which follow the MEST curricula.⁷⁶

⁷² In Rahovec/Orahovac, Dragash/Dragaš, Skenderaj/Srbica, Vushtri/Vučitrn and Kamenicë/Kamenica, Municipal Directors of Education cite the non-adherence to the pupil/teacher ratio, while in Vushtri/Vučitrn, the Municipality also feels that Kosovo Albanian schools are overstaffed.

⁷³ In Viti/Vitina, MEST did not consult with the Kosovo Serb school directors when the downsizing of staff took place in 2005.

⁷⁴ There is one exception; the Kosovo Serb Kindergarten 'Sunce' in Kamenicë/Kamenica follows the MEST curricula.

⁷⁵ In Pejë/Peć, under the MEST, 100 Roma, Ashkali and Egyptian pupils in Xhemajl Kada School have been offered additional classes in Romani however; the Municipality is finding it difficult to identify a qualified teacher. Moreover, textbooks are difficult to find as the MEST curricula includes very little material related to Roma, Ashkali and Egyptians. In Gjilan/Gnjilane and northern Mitrovicë/Mitrovica, under the SMES curricula, Roma pupils receive additional schooling in their mother tongue. In Zvečan/Zveçan and Štrpce/Shtërpçë, there are no additional classes due to the small number of Roma pupils. The NGO Programa de Apoyo a la Democracia Municipal (PADEM) offers supplementary education in Romani in Leposavić/Leposaviq while in Mitrovicë/Mitrovica north, one course is offered in Romani but the Municipality is experiencing difficulty in identifying a qualified teacher.

⁷⁶ The MEST has developed new curricula in Bosnian and Turkish which also covers classes on the four national subjects - language, culture, arts and history - covering grade 1-13, except for grade 5 which will be integrated into the system in 2007. Until recently, Kosovo Bosniak and Gorani pupils used books from Bosnia that were not in compliance with the MEST curricula reform. The MEST has produced new textbooks for grades 1, 2, 6 and 7 for the 2006-2007 academic year. New 9th grade books were printed in 2005-2006. The remainder of the books are to be produced in 2007. According to the *Ombudsperson Institution in Kosovo Sixth Annual Report 2005-2006* addressed to the Assembly of Kosovo 11 July 2006, page 31, 'Only a few textbooks have been published in the Turkish language. Due to that, pupils of primary and secondary schools usually use textbooks from Turkey, although they are not in compliance with the new Kosovo curriculum.' It is important to note that the only initiative to make MEST curricula available in Serbian was to translate books for each grade on the four national

There are concerns among the Kosovo Serb community that children would be forced to learn a 'slanted' version of history and geography under the MEST curricula.⁷⁷ This view adds impetus for the Kosovo Serb community to keep up the existence of the parallel educational system. Other minority communities such as Roma, Ashkali, Egyptians and Gorani primary concern with both MEST and SMES textbooks is the complete omission of some groups.⁷⁸

There have been several activities and projects sponsored over the years by municipal authorities, NGOs and other donors to help improve minority school education. This includes infrastructural support projects, training on security at schools, anti-illiteracy campaigns, provisions of textbooks for vulnerable students, mother tongue language classes and the organizing of multiethnic events to foster interethnic co-operation.

It is important to add that in most locations where schools have two appointed school directors as in Lipjan/Lipljan, Pejë/Peć and Dragash/Dragaš (one appointed by MEST the other by SMES), the directors co-operate and meet regularly to discuss several issues related to the effective functioning of the school.⁷⁹

Diplomas and education certificates from primary and secondary schools under the MEST are not recognized by the SMES. The SMES continues to maintain its own curriculum in order to guarantee that Kosovo Serb and other minority students from Kosovo will be qualified to seek any level of education in Serbia proper. Furthermore, it can be argued that the SMES refuses to accept the MEST system as it could impact future Kosovo Serb returns to Kosovo.⁸⁰

subjects from Bosnian to Serbian with a few adaptations, but these books have not been used by any Kosovo Serb pupils to date.

⁷⁷ In Rahovec/Orahovac concerns have been voiced to the OSCE that the so called Ushtria Çlirimtare e Kosovës (UÇK) / Kosovo Liberation Army (KLA) leaders are depicted as national heroes. In Novobërdë/Novo Brdo, the Director of Education explained that MEST textbooks neglect the history of Kosovo Serbs and depict them in a skewed manner.

⁷⁸ In Dragash/Dragaš, the Gorani have complained to the OSCE that SMES books portray their people historically, religiously and in literature in a negative light. In Ferizaj/Uroševac, the Roma community have voiced their concern that a 7th grade MEST reading exercise textbooks refer to Roma pejoratively as 'Magjups'. In addition, the first reference and display of the Kosovo Albanian flag earlier in the last century makes mention of the Roma trying to obstruct efforts of Kosovo Albanian leaders to use the flag. The issue has been brought to the attention of the MEST.

⁷⁹ Until the CCK directive to renounce PISG salaries, SMES school directors used to visit the municipal building in Vushtrri/Vučitrn to discuss academic issues with the Municipal Director of Education. In Fushë Kosovë/Kosovo Polje, there are three directors at 'Sveti Sava' school and the sole contact point for co-operation among the three is the school board.

⁸⁰ Tensions continue to rise in the return villages of Siga/Sigë and Brestovik (Pejë/Peć Municipality) pending the resolution of where the Kosovo Serb returnee children will attend school. The Municipality has offered the use of two classrooms at the school in Brestovik and are willing to allow the children to follow the SMES curricula. Despite municipal efforts to integrate the children into the MEST, the Kosovo Serb parents were afraid to be the first to follow the MEST curriculum because of the non-recognition of diplomas in Serbia. It is clear that the Municipality's accommodative policy would strengthen the incentive for Kosovo Serbs to return to the area outside of Goraždevac/Gorazhdec in Pejë/Peć. At present the conflict remains to be resolved between Belgrade and Prishtinë/Priština. The returnee community has forwarded a request to MEST to approve the classroom use officially however, the Ministry has only agreed to approve this request unofficially thus far. The school would be considered as a satellite to the one located in Goraždevac/Gorazhdec, but the school director cannot approve this without official approval from Belgrade. In the meantime, three children are not attending school while one is transported daily by the Municipality to Goraždevac/Gorazhdec. It is important to

The situation is particularly acute for the Gorani community in Dragash/Dragaš, as the start of the school year has been severely disrupted over a dispute between the Municipality, teachers in parallel schools, parents and students, caused by refusal to sign the PISG contracts by Gorani teachers.⁸¹

4.3.1.2 Impact on children and quality of education

The level of SMES supervision of schools appears to vary by region. In Mitrovicë/Mitrovica, the system is closely followed as the Provincial Secretary for Education and Regional as well as municipal branches of the SMES are located in Kosovo Serb areas. Direct mechanisms for supervision are clearly in place in Mitrovicë/Mitrovica, Prishtinë/Priština and Gjilan/Gnjilane regions whereas the situation varies in Prizren and Pejë/Peć regions.⁸²

note that this lack of clarity has already resulted in the departure of six pupils to Serbia and Montenegro to continue their studies. If a solution is found, there is a chance that the children would return and attract other future returnees. Following a visit from the head of the CCK, it has been agreed to allow the children to use the allotted municipal facilities. The pupils should begin attending classes as early as the beginning of October 2006, pending the identification of a teacher.

⁸¹ The ongoing refusal of Gorani teachers to sign PISG contracts is a political issue. It is also linked to the education reform, which the MEST wants to introduce in the Gorani schools. Until recently, the Gorani teachers in Dragash/Dragaš following the curriculum of the Republic of Serbia had been receiving salaries from Belgrade and the PISG. Belgrade has tried to play on this situation, through the CCK urging the teachers not to sign the PISG contracts for 2007/2008 year. Most of the teachers followed the CCK instructions, taking under consideration better social security package and financial benefits of Serbian contracts. The problem escalated in August 2006 with the municipality re-advertising 161 Gorani teacher posts. The situation further deteriorated due to the continued attempt of the Municipal Directorate of Education to enforce the decision. The teachers, who did not sign the contracts were not allowed to teach in majority of the schools. The Municipality issued a communiqué stating that minority rights on education would be respected inviting at the same time for parents not to allow teachers to utilize their children as a political tool. Parents continued to insist that newly recruited teachers were not qualified and insisted that old teachers should be able to instruct their children in Serbian otherwise they had planned to boycott the schools. On 25 October, most of the primary schools in Gora were open and functioning, however the situation was far from normal. Most of the students of the mixed primary school in Dragash/Dragaš town continued boycotting the education process, but some are currently following the MEST system. Although Radeša/Radesh school was opened, there were no students attending classes as a sign of protest against the municipal action of replacing the old teachers with new ones. Kukuljane/Kukjan school remained closed even though the Municipal Directorate of Education promised to re-open it, and the schools in Rapča/Rapqë, Brod and Vranište/Vranishtë continued to function with former staff that refuse to sign contracts. In Restelica/Restelicë, Zlipotok and Kruševo/Krushevë the schools follow the MEST PISG system.

⁸² In Gjilan/Gnjilane – the SMES Co-ordinator and Education Inspectors hold monthly co-ordination meetings with school directors and teachers through the Education Co-ordinators office in Ranilug/Ranillug while in Štrpce/Shtërpçë, inspectors visit once every two months to review directors and staff performance as well as administrative and financial matters. Pejë/Peć region schools maintain contact through reporting mechanisms. Although there is no direct control as in other regions, school directors will always turn to Belgrade for support despite the regular provision of supplies from municipalities such as firewood and cleaning of the premises. In Mitrovicë/Mitrovica – SMES representatives work closely with the Director of the United Nations Administration Mitrovicë/Mitrovica (UAM) Department of Education, Youth and Sports on curriculum and finance issues. In Leposavić/Leposaviq the regional SMES office and CCK Education Coordinator play important roles by often serving as a link between schools and other organizations. In Prizren – CCK representative claims that the first SMES visit to Rahovec/Orahovac Municipality only took place in June 2006, otherwise there is no other direct supervision from the SMES aside from issuing curriculum and hiring/firing policies. There is a SMES office located in Mitrovicë/Mitrovica north where

The quality of education provided/received appears to vary Kosovo-wide. In some municipalities, quality is quite high as Kosovo Serb classes are small in size therefore there is a greater focus on the needs of individual students, whereas in other locations, small class sizes have led to the joining of students at different levels of proficiency into one. The mere existence of two educational systems has and will continue to inevitably lead to inequality and different levels and speed of development for different minority communities. For example, minority students that follow the MEST system can be negatively affected by regulations on the teacher/student ratio.⁸³

The level of training of education staff also affects the quality of available education. Although the SMES has devoted greater attention to ensure that Kosovo Serb teachers possess adequate qualifications and prior training before deployment, there are still cases as in Viti/Vitina where a high percentage of teachers have not been trained nor are qualified to adequately perform their functions. This is because they have worked in Kosovo since 1999 and their school directors treat their positions as a reward for their loyalty instead of advertising their posts to be filled by more qualified personnel. Continuing professional training is offered to all teachers under the MEST however, SMES-organized trainings in Kosovo and Serbia proper do not seem to be available to all staff Kosovo-wide or there is a poor level of teacher interest to attend such activities.⁸⁴

Without common ground or at least some form of reconciliation between the two educational systems, pupils will continue to be negatively affected by this divide. Moreover every child's right to an education is often overshadowed by ongoing debates on the above issues between authorities and parents. The end result being that children's ability to exercise their right to education is endangered as they are caught in an ongoing political struggle between ethnic groups time and again. The lack of a comprehensive approach to the issue of minority education continues to negatively impact on numerically smaller communities such as the Bosniak and Turkish

education staff can attend meetings and receive direct instructions; otherwise staff are notified of other changes via the internet.

⁸³ In Pejë/Peć the Municipality has approved classes in Bosnian however, some of the class numbers fall below the minimum limit of 14.2 minority pupils as per the formula set by the World Bank. The Municipal Director of Education plans to enforce the formula in conjunction with the Ministry of Finance and Economy (MFE) Budget Circular 2007/02 dated May 26, 2006 which outlines how education grant funds are awarded to each municipality. Thus the amount of available municipal funds for teachers' salaries is restricted. This would put these children's ability to exercise their right to an education at risk regarding access to education in their mother tongue. According to UNMIK Regulation No. 2005/15 Amending UNMIK Regulation No. 2001/09 on the Executive Branch of the Provisional Institutions of Self-Government in Kosovo, Annex IV, the MEST shall promote a non-discriminatory educational system in which each person's right to education is respected and quality of learning opportunities are available too and facilitate the development and qualitative improvement of the education system and the efficient delivery of educational services.

⁸⁴ MEST organizes trainings on critical teaching methods as well as other seminars. SMES organizes trainings on active learning and other seminars which aim to improve teaching skills. According to the MEST Municipal Education Handbook part 1 page 24 "It is the task of the Municipal Directorate of Education to identify staff in need of administrative and/or technical training. Such staff should participate in training courses provided either by the Ministry or by one or several municipalities. Education staff are obliged to take part in such courses and it is the responsibility of the Municipal Directorate of Education to ensure attendance." Kosovo Assembly Law No. 2002/2 On Primary and Secondary Education in Kosovo Section 32.2, "All teachers shall be required to undertake appropriate professional re-training and development as required by MEST."

communities. Moreover, the specific needs of children from the Roma, Ashkali and Egyptian communities are still not addressed in a consistent manner, while ongoing educational reforms have created new obstacles for Gorani students to access education. There is presently a lack of interaction between communities within the school systems which reinforces the divide in Kosovan society and forces individuals to exist exclusively within their respective communities.

4.4 Tertiary Education

Kosovo Serbs residing in Kosovo remain highly dependent upon the Serbian state system for provision of tertiary education. While the parallel University of Prishtinë/Priština displaced to Mitrovicë/Mitrovica is the most important institution in this respect, a small number of private universities also operate in Kosovo.

In respect of the parallel University of Prishtinë/Priština, enrolled students generally move to Mitrovicë/Mitrovica in order to live and study. The University is largely self-sufficient: lectures, examinations and extra-curricular activities take place on campus, although a number of teaching staff (many of them IDPs from Kosovo) now live in Serbia proper. The University also operates a number of faculties elsewhere in Kosovo, including the Faculty of Philosophy in Graçanića/Graçanicë.

Other than that there is a Consultative Centre of a private Faculty from Novi Sad (“Fakultet za Usluzni Biznis”) operating in Štrpce/Shtërpçë. Opened in October 2002 in the grounds of Štrpce/Shtërpçë High School. This Faculty offers studies in the fields of Business Management, Economics, Tourism and Public Management.

The first generation of students (approximately 40) graduated last year, with approximately 20 students currently enrolled. Lecturers live locally, although the Faculty is regularly visited by staff from the Novi Sad campus. Examinations are held both in Štrpce/Shtërpçë and Novi Sad, although all papers are moderated in Novi Sad.

5. PARALELL HEALTH CARE

5.1. The structures

In October 2003, the OSCE identified a number of parallel health structures within Kosovo.⁸⁵ This assessment will show that the situation in the municipalities has not changed significantly in the last three years.

The parallel health care facilities are located Kosovo-wide but primarily in the regions of Mitrovicë/Mitrovica, Prishtinë/Priština and Gjilan/Gnjilane. Parallel health care facilities exist on a smaller scale in the regions of Prizren and Pejë/Peć. In northern Kosovo these facilities appear to be the only health care providers to members of

⁸⁵ See attached Annex II for a complete list of all Parallel Health Care facilities in Kosovo.

minority communities. Most but not all of these facilities provide primary health care with a few exceptions.⁸⁶

In northern Kosovo, parallel health care facilities operate in all the municipalities and constitute the majority of health care facilities available to the population. One hospital, five health houses and 16 clinics have been identified as belonging to the parallel health structure in northern Kosovo. In the municipalities of Zubin Potok, Leposavić/Leposaviq and Zvečan/Zveçan most of the healthcare facilities are parallel with the exception of Ministry of Health (MoH) operated facilities.⁸⁷

In Prishtinë/Priština region, there is one parallel hospital with several specialized branches in different locations, two health houses and 15 clinics.

In Gjilan/Gnjilane region there are in total 39 parallel health care facilities, mainly in the municipalities of Štrpce/Shtërpçë, Gjilan/Gnjilane and Kamenicë/Kamenica.

The only two municipalities in Prizren region where parallel health structures operate are Rahovec/Orahovac (Upper Orahovac/Rahovec and Velika Hoça/Hoçë e Madhe) and Prizren (Sredska/Sreckë and Mušnikovo/Mushnikovë with health houses which are managed by the Štrpce/Shtërpçë health house).

In Pejë/Peć region four clinics and a private house have been identified as the only parallel health care facilities.

5.2. The causes and effects of parallel structures

The OSCE continues to identify the obstacles that exist in Kosovo and Serbia proper that hinder the integration of parallel structures in health care into a unified health care system in Kosovo. It should be noted that little or no change has occurred in the past three years to resolve the issue of parallel health structures.

5.2.1. Causes of the parallel health care structures

5.2.1.1. Attitudes among the Kosovo Serb community and the Kosovo Albanian community and the lack of dialogue at central level

⁸⁶ Some of the exceptions are the hospital in Mitrovicë/Mitrovica north; the Clinical Hospital Centre Priština, having different specialised facilities based in Gračanica/Graçanicë and Laplje Selo/Llappnasellë; the Health House in Donja Gušterica/Gushtericë e Ulët (provides both primary and secondary health care services); the internist-paediatrics hospital “Dr. Josif Vasić” in Šilovo/Shilovë in Gjilan/Gnjilane region; and the Štrpce/Shtërpçë town health house “Dom Zdravlja Štrpce” (providing some secondary health care such as orthopaedic services and minor surgery).

⁸⁷ The few exceptions being the clinics provided by MoH, in the villages of Koshtovë/Košutovo (Leposavić/Leposaviq Municipality), Lipa/Lipë (Zvečan/Zveçan Municipality), Çabër/Çabra (Zubin Potok Municipality). These facilities are exclusively utilized by the Kosovo Albanian minority in northern Kosovo, while the Kosovo Serbs and Bosniaks use the parallel health care structure. Regarding secondary health care the Kosovo Albanians are directed to the Mitrovicë/Mitrovica south hospital.

Kosovo Serbs cite security concerns as one of the factors which make them prefer to use health care facilities in their enclaves and in northern Kosovo. In addition, there is still a deeply rooted perception amongst Kosovo Serbs that Kosovo Albanian health care professionals may not have the same level of professional skills as Kosovo Serb medical professionals.⁸⁸ The Kosovo Albanian population exclusively utilizes the MoH run health care facilities.

It is essential to note that the idea that a community can only be served by members of its own community is embedded in the perceptions of both Kosovo Serbs and Kosovo Albanians. The general segregation of the Kosovo society thus leads to a clear division in terms of seeking and providing health care services.

The OSCE has observed that there are generally no communication problems in PISG-run structures between medical staff and minority community patients, since doctors and nurses usually speak Serbian. However, language compliance is not fully respected, with some signs appearing only in Albanian at health care facilities.

In the past three years, the municipal health care authorities have not enunciated any strategy or action plan which would provide for steps towards integration of the parallel structures into a uniform health care system. Some isolated attempts have failed specifically in Štrpce/Shtërpçë where the UNMIK Department of Civil Administration (DCA) has made several attempts in 2004 to organize meetings between Kosovo Serbian and Kosovo Albanian doctors in order to seek a solution for reintegration into the MoH, but none of them proved successful.

There are however, a few exceptions at local level that indicate some progress towards integration. The clinic in the village of Drajkovce/Drajkofc (Štrpce/Shtërpçë Municipality) is sometimes used by Kosovo Serbs for the medical services of MoH paid doctors. There are even more frequent cases of Kosovo Albanians using the medical services in the Štrpce/Shtërpçë health house which operates completely under the Serbian Ministry of Health (SMoH). According to the Deputy Director of the Štrpce/Shtërpçë Municipal Health Department, all patients are treated equally and free of charge.

In general, there have been few proactive measures taken to reach out and help Kosovo Serbs overcome their perceptions and fears. Nevertheless, at the municipal

⁸⁸ For instance, in the Podujevë/Podujevo Municipality, only 21 Kosovo Serbs live in the remote and geographically isolated hamlet of Sekiraca/Sekiraq, about one hour driving from Orllan/Orlane. Kosovo Serbs accept health care services from the health house in Orllan/Orlane where there is a permanent doctor. On request, the health house staff pays family visits in co-ordination with KFOR. Prescriptions are in Serbian language and the health personnel speak Serbian. According to the Director of Health, health care for Kosovo Serbs and Roma, Ashkali and Egyptian communities is satisfactory. Necessary instruments are available. Despite the general lack of staff, municipal services are allegedly available for all communities. However, due to the remote location of the Kosovo Serb hamlet, about two hours driving from Podujevë/Podujevo town but only 500 metres from Serbia proper, Kosovo Serbs might prefer – especially in cases of emergency – to visit the health houses in Serbia proper. Another example is Pejë/Peć region where Kosovo Serbs prefer not to go the hospital in Pejë/Peć and would do so only in an emergency situation (some would not even go in such a situation). They instead visit hospitals in Kosovo operated by Kosovo Serbs.

level, Rahovec/Orahovac is a positive example with its Six-Month Integration Plan,⁸⁹ the Municipality has launched a series of activities targeting minority communities to encourage their integration into the municipal system. The Director of the Department of Health and the Director of the Primary Health Care Centre have conducted outreach activities in minority areas, and encouraged the local population to use the downtown facilities. To this end, they have made available vehicles belonging to MoH clinics as well as minority drivers for those reluctant to seek services using their private vehicles. Thus, in order to avoid long trips to the northern municipalities Kosovo Serbs from Rahovec/Orahovac sometimes use the health house in the downtown majority-inhabited area. It was noted that in the period June-August 2006 the usage of the PISG run facilities by members of minority communities increased.

Indeed, Rahovec/Orahovac Municipality is unusually proactive with its Municipal Department of Health, constantly working with the medical staff in Kosovo Serbian areas in order to decrease the need to use facilities in northern Kosovo. Furthermore, there are monthly co-ordination meetings between MoH and SMoH medical staff and they continue even though Kosovo Serbs renounced their salaries from the PISG.

5.2.1.2. Lack of dialogue at central level

The above-mentioned examples are the exceptions, rather than the rule. Moreover, they are not backed up by any systematic effort to resolve the problems at central level. The OSCE is concerned that in the past several years there has not been any dialogue between the MoH and the SMoH, thus no agreement has been reached in order to consolidate the parallel health care systems. This total lack of co-operation at the central level is particularly regrettable as the proper access to health care is a basic need of all communities and should remain above political considerations.

With regard to the rigidly divided region of Mitrovicë/Mitrovica, according to the northern interlocutors there has not been any discussion between the SMoH and the MoH on how to consolidate the parallel structures at the regional or municipal level. However, according to the southern interlocutors, there were two informal meetings with KFOR mediation. Additionally, when the Centre for Dialysis was inaugurated by the MoH, a written notification and invitation for co-operation were sent to those representing the health care system in the north. The Kosovo Serbs did not respond.

In Prishtinë/Priština region, there was an attempt on dialogue regarding the joint use of the Bresje Hospital in Fushë Kosovë/Kosovo Polje, which was reconstructed after being destroyed in the March 2004 riots. However, the dialogue stalled due to the rejection by the parallel structures of a request to employ a certain percentage of Kosovo Albanian doctors and medical staff. Recently there has been a new offer from the Municipal Assembly President (MAP) to the Kosovo Serb health house staff to start using the reconstructed building without any immediate changes to their staff, with the condition that they commit to employing some Kosovo Albanian staff at a later date. No response has been received yet by the MAP.

⁸⁹ The Six Month Integration Plan could be seen as a project that beside other outreach activities by the municipal directorates involves improved access to the health facilities. The Municipality should continue to encourage local minority population to use the PISG structures.

The deep divide between the two systems continues and efforts to compromise are, so far sporadic and unsuccessful. In Gjilan/Gnjilane region, PISG representatives participated in radio talks in Ranilug/Ranillug and TV shows in Silovo/Shillovë to raise awareness about the importance of merging the health care structures. Unfortunately, these attempts were not successful due to the unwillingness of Belgrade to engage in dialogue. The OSCE notes that according to the SMoH representative in Gjilan/Gnjilane region, the SMoH current priority is to set up parallel secondary health care facilities (nonexistent in the region), currently only available in Vranje, Gračanica/Gračanicë and Mitrovicë/Mitrovica. This plan will reinforce the parallel system and make integration more challenging.

5.2.1.3. The recent renouncement of PISG salaries by the Kosovo Serbs

Situations of double remunerations, both by the PISG and by Belgrade, have existed in Kosovo since the end of the conflict. Following the December 2005 directive of the Co-ordination Center for Kosovo (CCK), the vast majority of Kosovo Serb employees who had established labour relations with the PISG renounced their PISG salaries⁹⁰ in favour of parallel remunerations from the Republic of Serbia.

In the sectors of primary health care and primary and secondary education, competent municipal authorities had to interrupt salary payments to the involved PISG workers. These payments are covered through central grants allocated to municipalities as part of the Kosovo Consolidated Budget (KCB). It appears that the CCK enforced their directive through field visits, during which involved Kosovo Serb workers were requested to provide evidence that they had stopped receiving PISG salary payments as a condition for continuing to receive salaries from the Republic of Serbia.

The OSCE is concerned that a certain level of pressure could be exercised over Kosovo Serb medical professionals in some municipalities to renounce salaries by the PISG. According to OSCE information,⁹¹ the Director of the MoH Division of Minority Rights and Gender Monitoring was recently approached by three members of the Serbian community working as nurses in the Family Health Centre in Donja Gušterica/Gushtericë e Ulët (Lipjan/Lipljan Municipality) seeking advice concerning their re-inclusion on the municipality pay-roll.⁹²

With a few exceptions in certain municipalities, the Kosovo-wide renouncing of salaries has had no visible on the quality and quantity of health care services provided at each health facility.⁹³

⁹⁰ The PISG salaries range from 200 to 280 Euros per month depending on the different types of contracts and based on qualification and job description (generalist and specialist doctors, nurses and health administration). The average salary paid by the MoH to medical specialists is 250 Euros per month (according to data from the OSCE Mission in Kosovo Regional Centre (RC) Mitrovicë/Mitrovica); 234 Euros per month (data from RC Gjilan/Gnjilane); ranges from 200 to 280 Euros per month (data from RC Regional Centre Prizren); 273 Euros/month (data from RC Pejë/Peć).

⁹¹ Information from the Human Rights Unit Co-ordinator in the PISG/MoH, see Weekly OSCE/Central Human Rights Advisory Unit Team Report - Reporting period covered 26 August – 8 September 2006.

⁹² It seems that the involved official advised the nurses to directly contact the Ministry of Finance.

⁹³ In Viti/Vitina all Kosovo Serb medical staff (20) have allegedly renounced their PISG salaries. Renouncing the PISG contracts does not only lead to the loss of the PISG salaries but also to shortage

In northern Kosovo doctors, nurses and health care workers only receive salaries from the SMoH.⁹⁴ Allegedly the PISG has a special budget for the Kosovo Serb medical facilities.⁹⁵ Thus northern Kosovo the CCK directive on renouncing the salaries did not affect staff in the health care sector since it operates completely independently from the PISG. All the health care employees are paid by the SMoH and they have been refusing the MoH salaries since the beginning of the international administration in Kosovo. The Kosovo Serb health care employees in Vushtrri/Vučitrn and Skenderaj/Srbica have never been on the PISG payroll either.

In the Prishtinë/Priština region, according to the representative of the SMoH and municipal sources, since the beginning of 2006 there are no longer any employees in the parallel health care structures who receive salaries from the PISG.⁹⁶

In Lipjan/Lipljan, all Kosovo Serb staff working in the health care sector followed the directive of CCK issued in December 2005 and officially renounced their salaries from the PISG, with the exception of three staff members.⁹⁷ Since 2002 the number of Kosovo Serbs working in this sector has decreased from 291 to 82 in 2005. The official reason for such a decrease given by the Municipality is that they are overstaffed and that the number of doctors should be in proportion with the size of the population. In January 2006, approximately one month after the CCK Directive was issued, a total of 78 staff members were on the municipal payroll. Currently, only three Kosovo Serb staff are officially on the municipal payroll. However, unofficially the number of Kosovo Serbs receiving salaries from municipal bodies is approximately 20. These 20 Kosovo Serbs working in parallel health care structures have closed their former official bank accounts and opened new ones, and still continue to receive double salaries, one salary from the Municipality and one salary from the SMoH. According to the municipal Directorate of Health and Social Welfare, the remaining financial means for the Kosovo Serbs who renounced their salaries are collected into a special fund. There are no reported or known cases that anyone is left without a salary.

In the Gjilan/Gnjilane region, the situation varies from municipality to municipality, with the general trend that most of the Kosovo Serb health staff renounced their PISG contracts but still continue working in the same positions. In Gjilan/Gnjilane, 161 Kosovo Serb staff renounced municipal salaries when they were instructed by the CCK to choose between two employers. None has been left without a salary. There are 35 Kosovo Serb nurses who are still on the municipal payroll as they were never

of medication as apparently the MoH health care structures supply health houses with medications and other support.

⁹⁴ This is except for one female employee, who is in the PISG payroll list and provides health care services to Roma.

⁹⁵ As an example, an ambulance was allegedly bought last year especially for the hospital in Mitrovicë/Mitrovica north.

⁹⁶ At least in one municipality (Fushë Kosovë/Kosovo Polje) there are Kosovo Serb employees (one doctor, several nurses and support staff – a total of 19 Kosovo Serb workers) working in regular PISG primary health care institutions. According to them the salary they receive from the PISG is not affected by any additional payments from the Serbian government. However, these payments were stopped when they failed to renounce the PISG salaries.

⁹⁷ They are currently on the municipal payroll and do not receive salaries from the SMoH - 1 from Lipjan/Lipljan_town, and 2 from Rubovc/Rabovce.

receiving salaries from the SMoH. In Novobërdë/Novo Brdo all nine employees working in the parallel facilities renounced their salaries from the PISG; none renounced their jobs. In Kamenicë/Kamenica, so far 47 Kosovo Serb staff have renounced their salaries. Despite this their salaries are still being transferred to their bank accounts (stated by a Director of a health house based on the payroll list received from the bank). In Štrpce/Shtërpçë, until 15 February 2004, 114 Kosovo Serb employees were on the KCB payroll. After the MoH requested a downsizing to 66 employees, the management of the health centre deemed this as unacceptable due to a large number of IDPs employed in Štrpce/Shtërpçë health structures. As a result, all Kosovo Serbian employees agreed to renounce PISG/MoH salaries. Therefore, at the time when the CCK directive was received, there were no Kosovo Serb employees on the MoH payroll.

Concerning Prizren, all parallel health structure staff (a total of five persons) receive salaries from the SMoH, and have never been included in the PISG salary scheme. On the other hand, in Rahovec/Orahovac, the situation is more complex. Prior to the CCK Directive, out of the 15 Kosovo Serb staff employed in parallel structures, 11 were included in the PISG salary scheme, while the remaining four were receiving salaries from the SMoH. In compliance with the CCK directive of December 2005, all Kosovo Serb employees that were previously included in the PISG salary scheme renounced their salaries. Nevertheless, according to the relevant health authorities in the Municipality, municipal authorities have refrained from informing central level authorities about the renouncement. The staff in question is therefore still at present provided with PISG salaries as well as SMoH salaries, but refusing to sign payment vouchers from PISG in order not to breach the CCK Directive.

In Pejë/Peć region, the issue does not have any magnitude and the impact is insignificant. In particular, in Pejë/Peć Municipality all five staff members who were receiving PISG salaries in the clinic in Goraždevac/Gorazhdec have renounced them, but the Municipality is still paying them salaries. In Kline/Klina three nurses receive salaries only from the SMoH. In Istog/Istok at the beginning of 2001 during four or five months, employees received salaries from UNMIK DCA of Istog/Istok Municipality. After payment of salaries was transferred to the PISG, all employees of parallel health care facilities in Istog/Istok Municipality, except one nurse, refused to receive salaries from the PISG. One nurse, working in Osojane/Osojan clinic, was on the PISG payroll list and received salary from the PISG since 2001; she did not sign a labour contract with the PISG for 2006.

Overall, so far the Kosovo-wide renouncing of salaries has had no visible effects on the quality and quantity of health care services provided. No facilities have been forced to close down and usually an adequate number of medical professionals remain to meet the needs of patients.⁹⁸

⁹⁸ However in the Municipality of Leposavić/Leposaviq there are not enough specialists, namely laryngologists, ophthalmologists and dentists.

5.2.1.4. Payment of double salaries by the SMoH

Through the years a major factor that reinforced the existence of parallel structures has been the payment of double salaries by the SMoH.⁹⁹ The OSCE is aware of the delicate nature of this issue and the difficulties experienced in the process of gathering precise data. As a result, the information gathered by the OSCE on this particular matter is contradictory and defers from region to region. However, the general pattern remains the same as assessed by the OSCE in 2003 - higher (double) salaries continue to be paid by the SMoH to the Kosovo Serb medical professionals.¹⁰⁰

5.2.2 Effects of the parallel health care structures

5.2.2.1. Standard of health care facilities and supervision by the SMoH – impact on patients and quality of health care services

The health standards in the parallel health care structures Kosovo-wide are allegedly controlled by the Health Protection Inspection from the SMoH which periodically visits the facilities.

Following the CCK directive no changes have been noticed in terms of quantity and quality of health care services. There is sufficient number of medical professionals and no health care facilities have been closed down. In this sense, the CCK instruction did not impact negatively the provision of health care services.

The quality of health care services provided to members of minority communities is generally assessed as satisfactory but in some aspects limited and substandard. The main issues identified are related to an insufficient number of transportation means (ambulance vehicles), lack of sufficient space in some premises, lack of proper and up-to-date equipment such as dental care and gynaecology equipment, inadequate deployment of medical professionals in remote areas, no readiness and flexibility to remedy emergency health cases, insufficient secondary health care facilities. For

⁹⁹ The term “double salary” refers to the practice of the SMoH to pay twice the amount of the salary to a healthcare worker in Kosovo as they would pay a health care worker with equal qualifications in Serbia proper.

¹⁰⁰ The average SMoH salary for medical professionals is approximately 500 Euros. The salaries are roughly double the amount that a health care worker receives in Serbia, yet the exact amount varies across region. It seems that Serbia still pays all employees working in Kosovo a 100% salary bonus. However, no information could be obtained regarding the exact figures. In Gjilan/Gnjilane region the SMoH salaries are roughly 700 Euros, which is the double of what the same health care worker would receive in Serbia proper. Regarding the Prizren region, the information gathered on this issue is contradictory. According to Rahovec/Orahovac Kosovo Serb staff in parallel health structures, SMoH salaries paid to medical professionals range between 400 and 560 Euros. According to Prizren Kosovo Serb staff in parallel health care structures and according to Municipal Community Officer, their salaries range from 250 to 350 Euros. In Prizren Municipality, medical staff depends on salary either from the PISG or from the SMoH, each one receives only one salary. Finally, in the Pejë/Peć region, the average SMoH salary is around 362 Euros – however, health specialists working in Goraždevac/Gorazhdec receive double salary (724 Euros)

instance, magnetic resonance equipment is not available in any Kosovo Serbian-populated areas in Kosovo, thus patients need to travel each time to Serbia proper.

In northern Kosovo, there are a sufficient number of medical professionals available to provide health care to patients and all the health facilities are functional. In some municipalities in northern Kosovo there are allegedly plans to even open up new facilities.¹⁰¹ There are enough medical professionals available to provide health care, since many medical professionals in this region are IDPs from throughout Kosovo, who were forcibly displaced from their municipalities in and after 1999. However, despite this it appears that they are not deployed in such a way as to service the clinics, especially in the Kosovo Serbian enclaves.¹⁰² Specifically in Leposavić/Leposaviq clinics are poorly staffed and under-supplied. Both health house and clinic buildings need some major renovation and refurbishing.¹⁰³ It is interesting to add that there is a medical building in Leposavić/Leposaviq, which since 1999 is serving as a collective centre for refugees from Croatia, thus reducing the availability of medical facilities in the Leposavić/Leposaviq town.

In Prizren region, in Rahovec/Orahovac parallel facilities, the health care service provided still does not satisfy existing standards due to the lack of specialists. In case of serious illness and comprehensive medical tests, patients are forced to travel long distance (using UN convoys) to the medical facilities in northern Mitrovicë/Mitrovica or Gračanica/Gračanicë.

The OSCE has determined that no clinics are located in private houses except one in Klinë/Klina Municipality and two first aid centres in Štrpce/Shtërpçë municipality.¹⁰⁴ However, it appears that the efficient operation of the facility is not affected since the services are provided on an *ad hoc* basis. It usually serves only during the visits of the doctors in mobile clinics from Osojane/Osojan three times per month. The nurses who work in this clinic are from the same village. They usually provide services upon request of the inhabitants visiting them at their houses. On the other hand, some parallel health care facilities are located in other premises which have not been built

¹⁰¹ In the northern part of Mitrovica/Mitrovicë.

¹⁰² For instance, in Zubin Potok a once per week doctor's visits especially to the Kosovo Serbian enclaves outside the municipal boundaries are not sufficient. There is a disproportional number of staff in the Zubin Potok health house, while there is not enough in all clinics. This could be explained by the lack of vehicles and equipment. In Skenderaj/Srbica the two clinics in Bajë/Banja and in Suvo Grlo/Suhogërlë provide basic primary health care and minor emergency treatment. In total, the two clinics employ ten persons: one doctor, four nurses, two cleaners, two drivers, and one handyman. The doctor comes from Serbia proper. It should be noted that the clinic doctor and his staff work in three locations; the third is Cërkolez/Crkolez, in Istog/Istok Municipality. The doctor rotates between the three clinics, and one nurse covers each during business hours (until 2:00 p.m.).

¹⁰³ In terms of lacking equipment and infrastructure, the following is of pressing need: additional ambulance vehicles in order to facilitate emergency transportation of patients from the Municipality to Mitrovicë/Mitrovica for clinical assistance; and resuscitation equipment (both in the health house as well as in the ambulance vehicles)

¹⁰⁴ According to OSCE findings, in Klinë/Klina Municipality, there is a house in Videjë/Vidanje where the mobile medical team from the health centre of Osojane/Osojan village performs medical check ups. There are also three nurses which are employed by the SMoH who work upon the call of Kosovo Serb patients (visiting the patients in their own houses). However, when the mobile clinic from Osojane/Osojan comes to a Vidanje/Videjë private house, the two nurses will also come and work there. In Štrpce/Shtërpçë Municipality, in the villages of Sušica/Sushicë and Gornja Bitinja/Biti e Eperme, the space provided in the private houses allegedly fulfils necessary criteria according to the Deputy Director of the Municipal Health Department.

for exercising health care activities and this leads to inefficiency in the operation of those facilities.¹⁰⁵

Parallel health care facilities which are without permanent staff (some clinics) receive medical services by mobile medical teams composed by doctors and nurses usually twice per week.

5.2.2.2 Supervision of the parallel health care structures by the SMOH

Apparently, health care facilities run by the SMOH Kosovo-wide are not supervised by Belgrade on a daily basis. This could possibly lead to misuse of financial resources that are granted by the SMOH to a particular health care structure. The overview of the regions displays well-established mechanisms and links with Belgrade. However, the level of supervision differs from region to region being most direct and close in northern Kosovo.¹⁰⁶ There are no SMOH representatives residing in the regions of Prizren and Pejë/Peć.

In sum, the OSCE has observed that parallel co-ordination, control and accountability mechanisms are established across Kosovo through key appointments (direct appointments of Directors and Regional Co-ordinators from the SMOH) and frequent visits and inspections by the Health Protection Inspection from the SMOH. There is constant co-ordination between the primary and secondary level which is well ensured since both levels are directly supervised by the SMOH. Moreover, the Co-ordinator for Kosovo Parallel Health Structures within the SMOH in Belgrade is tasked, among others, to co-ordinate between the levels. The Co-ordinator, although based in Belgrade, makes frequent field visits to parallel health care facilities in Kosovo. In addition, the SMOH is responsible for the training and the professional opportunities of the medical specialists. Drug supplies are also granted by Serbia. Furthermore, the Kosovo parallel health care facilities are in many cases obliged to submit a semi annual or annual report to the SMOH providing information on their activities, needs and problems.

¹⁰⁵ One example of this is Kamenicë/Kamenica.

¹⁰⁶ In Mitrovicë/Mitrovica region in particular, the SMOH supervises closely the parallel health care structures regarding the northern municipalities. The health care facilities are frequently visited and inspected by SMOH officials in order to scrutinise the efficiency and in order to respond to the local needs. There is a constant co-ordination between the primary and secondary health care facilities, since all of the clinics and health houses are under the control and supervision of the medical centre. In Prishtinë/Priština region, according to the Director of the Health House in Gračanica/Graçanicë the facility belongs entirely to the SMOH, with regular controls from Health Protection Inspection from the SMOH. The Directors of all facilities are appointed by and accountable to the SMOH. The Secondary Health Care Centre is also under the supervision of the SMOH. The facilities were recently visited by the SMOH, which controlled health standards. Findings were positive. Also the Director of this Hospital is appointed by and accountable to the SMOH. In Gjilan/Gnjilane region, the SMOH appointed Regional Co-ordinator (four years mandate) is in constant touch with the local community and knows its needs and fears. The parallel health care facilities in Prizren region are under the direct supervision of the Regional SMOH presence in Mitrovicë/Mitrovica. The health house Director in Štrpce/Shtërpce nevertheless supervises the SMOH staff in Sredska/Sreckë and Mušnikovo/Mushnikovë.

5.2.2.3. Opportunities for medical professionals, exchange of professional information and continuing medical education

OSCE is currently unaware of any attempts to integrate Kosovo Serb medical staff into the health care facilities administrated by the PISG.¹⁰⁷ Additionally, the combination of downsizing and measures to balance the ethnic representation in the SMoH run health care structures could lead to indirect discrimination towards Kosovo Serb health care employees who do not have equal access to employment Kosovo-wide due to limited freedom of movement as a result of actual and perceived security threats. Opportunities are limited in municipal institutions if medical specialists from parallel health care structures want to keep their current jobs. This is also connected with the CCK directive from December 2005 requesting that they renounce their salaries in PISG structures. The only option is a change into PISG structures upon the condition of giving up the salary received by the SMoH. Understandably this is not very common. The only gesture by the PISG to integrate Kosovo Serb medical professionals seems to be the issuance of job vacancies in all official languages, but even this is not a consistent PISG practice. This is a positive step which, however, should be coupled with a comprehensive strategy, clear guarantees and competitive salaries in order to be successful. Also the issue of IDP medical professionals who are clustered and concentrated in some northern municipalities and do not have other prospects and opportunities for jobs around Kosovo should be tackled.

Another persistent issue is that the professional medical staff in the PISG run facilities and in the parallel facilities have no opportunities to exchange information and expertise on health care related matters. According to OSCE information, apart from the multi-ethnic clinic in Drajkovce/Drajkofc (Štrpce/Shtërpcë Municipality), where medical staff from both systems use the same facility and thus have the opportunity to exchange professional experiences, there are no other such cases that the OSCE is aware of in Kosovo.

As to the opportunities for continuing medical education generally, no courses or trainings organised by the MoH were attended by, the Kosovo Serb medical staff in the past years. On the other hand, there are cases in which the Kosovo Serb medical professionals have boycotted PISG invitations. For instance, according to information from Štrpce/Shtërpcë Municipality, the Regional PISG Health Co-ordinator offered, in 2005, specialisation to Kosovo Serb doctors in family medicine. However, the offer was refused.

Most of the health care professionals in the parallel system attend training and conferences in Serbia proper. However, they do not always have easy access to such continuing medical education. It has to be noted also that staff in PISG run health care facilities cannot attend any continuing medical education offered by the SMoH in Kosovo or in Serbia proper.

¹⁰⁷ For instance, in the Prishtinë/Priština region only one case is known of a Kosovo Serb doctor working in PISG institutions in Fushë Kosovë/Kosovo Polje. According to the Prizren Director of Health, three years ago, a Kosovo Serb physician working in the health house was offered co-operation in the PISG structure in Prizren as well as PISG salary. Nonetheless the envisaged person was not interested in the offer. He has in the meantime left the job.

In sum, the lack of constructive interaction between the two health care systems impacts negatively on the patients in need of health care service. Until a comprehensive and compromising approach is adopted by both Prishtinë/Priština and Belgrade, the existence of parallel health care structures will continue to be justified to a certain extent as filling a need and providing vital health service for the minority communities.

6. CONCLUSIONS

As outlined in the report from 2003 and confirmed in this reassessment, parallel structures continue to exist in several areas of the public sector. Parallel structures are a highly politicised issue. By continuing to finance these structures, the government of Serbia continues to exert control over parts of Kosovo. Arguably, the rights and interests of individuals are affected by UNMIK's and the PISG's refusal to recognise decisions taken by parallel structures and by Serbian authorities' refusal to dismantle or integrate the parallel structures.

The existence of parallel structures can be detrimental to the rule of law. Sometimes, though, it can also be complementary to the system, covering gaps and subsequently ensuring access to certain services for members of minority communities.

The lack of recognition by PISG structures of construction permits or cadastre records issued by a parallel authority can result in Kosovans losing their properties. Equally alarming is the double jeopardy problem in light of parallel court decisions by district courts in Serbia. UNMIK and the PISG should also bear in mind that pupils from Kosovo that would like to continue their studies in Serbia proper cannot do so unless they can present documents issued by Serbian authorities.

The OSCE believes that the Serbian-run hospitals and other health care facilities are still necessary for the provision of services to some minority communities who avoid seeking aid from the Kosovo-run health care facilities due to lack of trust. In many return areas, the provision of health care facilities is intrinsically linked to the success of Kosovo Serbs returns. It is therefore important that the MoH allocate the necessary resources and take proactive measures to reach out to minority communities to help them overcome their fear of utilizing MoH-provided health care service. Moreover, both ministries of health (MoH and SMOH) should co-operate with a view to improve healthcare services for all communities in Kosovo.

A pragmatic approach and a strong commitment are needed in order to realize the dismantling and integration of the parallel structures. Furthermore, acknowledging this should be an essential part of the negotiations on the future status of Kosovo. The current impasse should be solved by a political agreement between the PISG and the Serbian authorities on ways to go forward. One way of approaching this complex issue is through the decentralization process. In this regard relevant actors should keep in mind when negotiating about decentralization that issues such as the right to equal access to education, the right to equal access to health care, the right to freedom of movement, property rights and the right to an effective remedy are fundamental.

Concerning security issues, all KPS officers in Kosovo face the same difficulties in carrying out their duties, including those arising from inexperience, lack of proper equipment, and low salary. The security situation in northern Kosovo and especially in the northern part of Mitrovicë/Mitrovica is far from normal and keeps presenting problems for the establishment of the rule of law and a functioning police service. To improve this situation it will be difficult to find solutions that are in the interest of all stakeholders in northern Kosovo: the individual inhabitants, the political leadership, the police service, and the international community.

Whatever means and methods the international community and the PISG decide to utilise in order to solve the problem of parallel structures during the status settlement and its implementation, they must endeavour not to harm those who have benefited from them in good faith or alienate those who have been working within the parallel structures. A system in which all peoples' rights are protected and ensured must prevail when resolving the issue of parallel structures in Kosovo today.

Annex I: Parallel Education Facilities in Kosovo

Gjilan/Gnjilane Region

Gjilan/Gnjilane:

Primary School Sveti Sava (Paralovo/Parallovë with a branch in Ponesh/Poneš), Primary School Bora Stanković (Koretište/Koretishtë and a branch in Straža/Strazhë), Primary School Petar Petrović Njegoš (Gornje Kusce/Kufcë e Epërme with branches in Gornji Makreš/Makresh i Epërm and Stanišor/Stanishor), Primary School Vuk Karadžić (Šilovo/Shillovë with branches in Kmetoc/Kmetovce, Livoc i Epërm/Gornji Livoč and Gjilan/Gnjilane), Primary School Miladin Popović (Pasjane/Pasjan), Primary School Dositej Obradović (Parteš/Partesh and a branch in Donje Budrige/Budrikë e Poshtme), Branko Radičević (Cerničë/Cernica), Economic-Business Secondary School (Koretište/Koretishte with a branch in Parteš/Partesh), Technical Secondary School (Gornje Kusce/Kufcë e Epërme with a branch Parteš/Partesh) and a High School (Šilovo/Shillovë with a branch in Pasjane/Pasjan).

Viti/Vitina:

Primary School Marko Rajković (Vrbovac/Vërboc with a branch in Mogillë/Mogila), Primary School Sveti Sava (Klokot/Kllokot), Primary School Mldan Marković (Viti/Vitina town with a branch in Binçë/Binač) and Secondary School Srednje Tehnička škola (Vrbovac/Vërboc).

Novobërdë/Novo Brdo:

Primary School Dositej Obradović (Prekovce/Prekoc and branches in Izvor and Zebincë/Zebince), Primary School Miladin Popović (Bostane/Boston and a branch in Stara Kolonia) and Primary School Sveti Sava (Jasenovik).

Štrpce/Shtërpçë:

Primary School Staja Marković (Štrpce/Shtërpçë town with branches in Gornja Bitinja/Biti e Epërme and Sušice/Sushicë), Primary School Rajko Urošević (Gotovuša/Gotovushë with a branch in Viča/Vičë), Primary School Šarski Odred (Sevce/Sevcë with branches in Jažince/Jazhincë and Vrbeštica/Vrbeshticë) and Secondary School Jovan Cvijić (Štrpce/Shtërpçë town with a branch in Gornja Bitinja/Biti e Epërme).

Kamenicë/Kamenica:

Primary School Trajko Perić (Veliko Ropotovo/Ropotovë e Madhe), Primary School Veljko Dugošević (Ranillug/Ranilug), Primary School Desanka Maksimović (Kamenicë/Kamenica), Primary School Brastvo i Jedinstvo (Strezovce/Strezocë), Primary School 9 Maj (Kololeč/Kolloleq), Secondary Tehnička Škola (Kamenicë/Kamenica town and Veliko Ropotovo/Ropotovë e Madhe), Secondary Gymnasium (Kamenicë/Kamenica town and Veliko Ropotovo/Ropotovë e Madhe),

Secondary Medical School (Veliko Ropotovo/Ropotovë e Madhe and Pasjane/Pasjanë), Secondary Economic School (Ranilug/Ranillug and Kusce/Kuhvce) and Pre-School Pčelica Maja (Veliko Ropotovo/Ropotovë e Madhe with branches in Ranillug/Ranilug, Korminjane/Korminjanë, Berivojcë/Berivojce, Domorovce/Domorovcë, Bošče/Boscë, Ajnovce/Hajnovcë, Tomance/Tomancë and Kamenicë/Kamenica).

Mitrovicë/Mitrovica Region:

Leposavić/Leposaviq:

Primary School Leposavić (Leposavić/Leposaviq with branches in Dren, Jošanica/Jashanicë and Kijevčići/Kijevçiqë), Primary School Vuk Karadžić (Sočanica/Soçanicë with branches in Gornja Sočanica and Vuča/Vuçë), Primary School Stana Bačanin (Lešak/Leshak with branches in Belo Brdo/Belobradë, Guvnište/Guvnishtë, Miokovići/Miokoviq, Vračevo/Vraqevë, Ostraće/Ostraqë, Donji Krnjini/Këmin i Ulët, Beluće/Beluqë and Bistrica/Bisticë), Secondary Technical School Nikola Tesla (Leposavić/Leposaviq) and Secondary Agricultural School (Leposavić/Leposaviq displaced from Prishtinë/Priština since 1999).

Skenderaj/Srbica:

Primary Schools in Banja/Bajë and Suvo Grlo/Suhogërlle.

Zubin Potok:

Primary School Jovan Cvijić (Zubin Potok with branches in Velji Breg/Breg i Madh, Crepulja/Crepulë, Kovače/Kovaçë and Dren), Primary School Blagoje Radić (Zupče/Zupç with a branch in Rujište/Rujishtë), Primary Petar Kocić (Brnjak/Bërnjak with branches in Lučka Reka/Lluçkarekë, Bube and Banja/Banjë), Secondary Technical School Grigorije Božović (Zubin Potok).

Zvečan/Zveçan:

Primary School Vuk Karadžić (Zvečan/Zveçan), Secondary School Zvečan (Zvečan/Zveçan), Primary School Sveti Sava (Žerovnica/Zherovnicë) and Primary School Banović Strahinja (Bajnska/Bajnskë).

Vushtrri/Vučitrn:

Primary School Vuk Karadžić (Priluzje/Prelluzhë), Primary School Sveti Sava (Grace/Gracë), Secondary Technical School Nikola Tesla (Priluzje/Prelluzhë) and Secondary School 21st Novembar (Gojbulja/Gojbulë).

Mitrovicë/Mitrovica north:

Primary Schools: Branko Radičević and Sveti Sava. The rest of the primary schools originally operated in the southern part of the Municipality but were relocated to the

north following the 1999 conflict and the March 2004 riots. These include: Dositej Obradović, Desanka Maksimović, Miodrag Vasiljević (Primary and Secondary School), Veljko Banašević, Braća Mihajlović, Vlada Četković and Rade Milićević. Secondary Schools: Mihajlo Petrović Technical School, Desa Tomović Medical Secondary School. An Economic Trade and Gymnasium Secondary Schools relocated from the south to the north following the conflict while another Gymnasium and Secondary School from Vushtrri/Vučitrn now operate in the north.

Pejë/Peć Region

Pejë/Peć:

Primary School Janko Jovičević (Goraždevac/Gorazhdec), Secondary School Sveti Sava Gymnasium (Goraždevac/Gorazhdec), Mileva Vuković Economic School (Goraždevac/Gorazhdec) and Technical School (Goraždevac/Gorazhdec).

Klinë/Klina:

Primary School (Vidanje/Videjë – it is a sub-branch of the school in Osojane/Osojan).

Istog/Istok:

Primary School Radoš Tošić (Osojane/Osojan), Primary School Jedinstvo (Čërkolez/Črkolez) and a satellite class of the Goraždevac/Gorazhdec Secondary School in Osojane/Osojan.

Prishtinë/Priština Region

Fushë Kosovë/Kosovo Polje:

Primary School Aca Marović (Bresje), Primary School Aca Marović satellite school (Kuzmin), Primary School Vuk Karadžić (Bresje), Primary School Ugljare (Ugljare/Uglar), Primary School Aca Marović (Batuse/Batushë), Kindergarten Nasa Radost (Ugljare/Uglar) and Secondary Medical School (previously located in “Sveti Sava” moved to Lepina/Lepi village in Lipjan/Lipljan Municipality). The “ex-Sveti Sava” school (Bresje) is run under the SRSG’s executive decision. This school is located in a predominately Kosovo-Albanian-speaking area. The school initially operated separately using the same facility with a separate management structure drawn from senior staff from both Sveti Sava and Hivzi Sylejmani schools. Municipal Department of Education proposals to establish common staff and management structures met with resistance from the Kosovo Serb staff and was rejected as this would translate into the acceptance of the Kosovo education system and curricula. (The morning shift for Kosovo Serb and Roma students still operates under SMES).

Prishtinë/Priština:

Kralj Milutin Primary School (Gračanica/Graçanicë), Secondary Medical School (Gračanica/Graçanicë), Primary and Secondary Music School (Gračanica/Graçanicë),

Secondary Architectural-Traffic School (Gračanica/Graçanicë), Djurdjevak Pre-School (Gračanica/Graçanicë), Primary School Sveti Sava (Sušica/Sushicë), Electro-Technical Secondary School (Sušica/Sushicë), Primary School Miladin Mitić (Laplje Selo/Llapnasellë), Gymnasium (Laplje Selo/Llapnasellë), Secondary Technical School (Preoce/Preoc) and Primary School D. Prica (Donja Brnjica/Bernicë e Poshtime).

Lipjan/Lipljan:

Primary School Braća Aksić (Lipjan/Lipljan Town and four satellites in Rubofc/Rabovce, Suvi Do/Suhadoll, Novo Naselje/Lagje e Re and Grackë e Vjetër/Staro Gracko), Primary School (Janjevë/Janjevo), Knez Lazar (Donja Gušterica/Gushtericë e Ulët with three satellites in Dobrotin/Dobratin, Livađe/Livagjë and Gornja Gušterica/Gushtericë e Epërme), Primary School Vuk Karadžić (Lepina/Lepi and satellite school in Skulanevo Skullan), Secondary School SAGS with two branches – Gynmasium (Lepina/Lepi) and Agricultural School (Donja Gušterica/Gushtericë e Ulët).

Obiliq/Obilić:

Primary School Branko Radičević (Obiliq/Obilić town), Primary School Dositej Obradović (Caravodicë/Crkvena Vodica), Primary School Milan Rakić (Babimoc/Babin Most) and Primary School Sveti Sava (Plemetin/Plemetina and two satellite classes from secondary schools in Gračanica/Graçanicë).

Prizren Region

Rahovec/Orahovac:

Primary School Vuk Karadžić (Upper Rahovac/Orahovac town), Primary School Svetozar Marković (Velika Hoča/Hoçë e Madhe) and Secondary School Gynmasium (Upper Rahovec/Orahovac town). Another school named Dositej Obradović Primary School (Upper Rahovac/Orahovac town) exists only on paper. In reality, students are enrolled at Vuk Karadžić and education staff has been merged from both schools.

Dragash/Dragaš:

Primary School Nezim Berati (Dragash/Dragaš), Primary School 22 Decembar (Restelica/Restelicë)¹⁰⁸, Primary School 5 Oktobar (Kruševo/Krushevë), Primary School 25 Maj (Vranište/Vranishtë), Primary School Zenun Zenuni (Brod), Primary School 9 Maj (Rapča/Rapqë) and Secondary School Ruzhdi Berisha (Dragash/Dragaš).

¹⁰⁸ However in January 2007 OSCE officials were informed that students in Restelica/Restelicë follow the PISG MEST system.

Annex II: Parallel Healthcare Facilities in Kosovo

Gjilan/Gnjilane region

In Gjilan/Gnjilane Municipality - there is daily internist-paediatrics hospital “Dr. Josif Vasić”, village of Šilovo/Shilovë, which provides secondary health care and health house in the village of Šilovo/Shilovë. In addition, several clinics are providing primary health care in the villages of Šilovo/Shilovë, Gornje Kusce/Kufcë e Epërme, Kmetovc/Kmetovce, Stanišor/Stanishor, Koretište/Koretishtë, Ponesh/Poneš, Paralovo/Parallovë, Parteš/Partesh, Budriga/Budrikë, Pasjan/Pasjane and Church Clinic in Gjilan/Gnjilane.

In Viti/Vitina Municipality - the two parallel health care facilities called family medicine centres are located respectively in the village Klokot/Kllokot and Vrbovac/Verbovc (both providing primary health care).

In Štrpce/Shtërpçë Municipality - there are several (11) parallel health care facilities: the Štrpce/Shtërpçë town Health House “Dom Zdravlja Štrpce” (mainly primary health care centre, providing also some secondary health care services such as orthopaedic services and small surgery); the clinic in village Drajkovce/Drajkofc (Primary health care facility (multi-ethnic, used by both the PISG/MoH and Serbian Ministry of Health systems); the clinic in village Brezovica/Brezovicë (Primary health care); clinic in village Sevce/Sevcë (Primary health care); clinic in village Gotovuša/Gotovusha (Primary health care); clinic in village Jažince/Jazhincë (Primary health care); first aid centre in village Donja Bitinja/Biti e Poshtinë (Primary health care); first aid centre in village Vrbeštica/Verbeshticë (Primary health care); first aid centre in village Sušiče/Sushiq (Primary health care); first aid centre in village Gornja Bitinja/Biti e Eperme (Primary health care); first aid centre in the collective centre “Lahor” (Primary health care).

In Kamenicë/Kamenica Municipality - the Family Medicine Centre in Ranilug/Raniluk, the Ambulant of Family Medicine Centre in Kamenicë/Kamenica and nine (9) other Clinics which are located in Gornje Korminjane/Korminjan i Epërm, Veliko Ropotovo/Ropotovë e Madhe, Bosce/Boscë, Ajnovce/Hajnoc, Kololec/Kolloleq, Domorovce/Domoroc, Božovce/Bozhevcë, Rajanovce/Rajanoc and Bušince/Bushincë provide primary health care.

In Ferizaj/Uroševac Municipality - there are no parallel health care structures. However, there is a team of Kosovo Serb doctors from a clinic in Gušterica/Gushtericë, in the Lipjan/Lipljan Municipality, which in co-ordination with local authorities, provide visits to returnees in Bablak/Babljak on regular basis. Basically, the parallel health care services in Bablak/Babljak consist in doctors and health personnel visiting Bablak/Babljak in order to meet returnees and bring them

medicines. The clinic in Gušterica/Gushtericë is a parallel structure. The Municipality has provided transport to these doctors and health personnel in the past; currently, they do not need it any more, but the Municipality is ready to provide it, if needed. The Municipal Community Officer met with managers of this clinic and the Municipality of Ferizaj/Uroševac was and is aware that this is a parallel structure but wanted to help returnees in this respect.

In Novobërdë/Novo Brdo Municipality - there are two parallel health care facilities - an ambulant located in Jasenovik and a Family Medical Centre located in Prekoc/Prekovce. Neither has a particular name and both provide only primary health care.

Mitrovicë/Mitrovica region

In Zubin Potok Municipality – one health house (providing primary health care - general and specialised doctors and nurses, but no clinical treatments) and three clinics which are staffed by nurses and receive only once-per-week doctors visits in remote villages.

In Leposavić/Leposaviq Municipality – one health house (providing primary health care - general and specialised doctors and nurses, but no clinical treatments) and three clinics which are staffed by nurses and receive only once-per-week doctors visits in Kaljin (Albanian language spelling does not exist as the village is not officially registered) (Kosovo Bosnian), Socanica/Socanice (Kosovo Serbian), and Lesak/Leshak (Kosovo Serbian).

In Zvečan/Zvečan Municipality – one health house in the town of Zvečan/Zvečan and three clinics in the village of Grabovac/Graboc, of Žerovnica/Zherovnicë and of Banjska/Banjskë. All mentioned health care facilities provide primary health care.

In Mitrovicë/Mitrovica North - one hospital and one health house as well as one clinic located in Suvi Do/Suhodolli and one clinic in the Students Centre (dormitories). The hospital in Mitrovicë/Mitrovica North provides secondary health care while all other mentioned facilities provide primary health care.

In Mitrovicë/Mitrovica South - After the conflict in 1999, the hospital of Mitrovicë/Mitrovica remained on the Northern part of the city while the health house (clinic) in the South was turned into an adopted hospital for primary care only. The clinic in the south is governed by the PISG Ministry of Health. There are different minority community members in the southern part of the city (Bosnians, Turks, Ashkali), but only five Kosovo Serb community members live in the village of Svinjarë/ Svinjare. There are no parallel health structures in the southern part of Mitrovicë/ Mitrovica.

In Skenderaj/Srbica Municipality - two clinics operate in the Municipality, one in Bajë/Banja and one in Syriganë/Suvo Grlo providing basic primary health care and minor emergency treatment.

In Vushtrri/Vučitrn Municipality - there are currently four parallel health care facilities - one health house “Dom Zdravlja” that was originally operating in Obiliq/Obilić but it is now operational in Prelluzhë/Priluzhje; the health house maintains three branches in the form of clinics in Gracë/Grace (six nurses and two logistical staff), Goibulë/Gojbulja (five nurses, one logistical staff and one security guard); and Banjskë/Banjska (one nurse and one logistical staff).

Pejë/Peć region

In Pejë/Peć Municipality - an clinic in Gorazdevac/Gorazhdec provides primary health care.

In Istog/Istok Municipality - there are clinics in three (3) villages - Osojan/Osojane, Crkoljez/Cërkolez and Suvo Gerlo/Suho Gërlle - providing primary health care.

In Klinë/Klina Municipality - there is no medical facilities or health house. The Kosovo Serbs go to the health house in Osojan/Osojane, which is located in Istog/Istok Municipality. However, there is a house in Videjë/Vidanje where the mobile medical team from the health centre of Osojan/Osojane village performs medical check up. There are also three nurses which are employed by the SMOH who work upon the call of Kosovo Serb patients (visiting the patients in their own house).

Prishtinë/Priština region

In Gračanica/Graçanicë enclave - the primary health care centre is the health house in Gračanica/Graçanicë which has ambulances in the following villages under its auspices: Laplje Selo/Llapnaselle, Preoce/Preoce, Čaglavica/Cagllavicë, Donja Brnjica/Bërnice e Ulët, Sušica/Sushicë, Slivovo/Sllivovë and Prekovce/Prekovc (Novo Brdo/Novaberdë Municipality).

The Secondary Health Care Center is the Clinical Hospital Centre “Priština” (KBC), located in Gračanica/Graçanicë which has the following facilities under its auspices: Gynaecological Clinic “Majka devet Jugovica”, Gračanica/Graçanicë; Surgery Clinic “Simonida”, Gračanica/Graçanicë; Intern-Paediatric Clinic “Kralj Milutin”, Laplje Selo/Llapnaselle; Radiological Cabinet (RTG), Gračanica/Graçanicë; Micro-Biology, Gračanica/Graçanicë; parts of Prizren Hospital in Rahovec/Orahovac, ambulances in Velika Hoca/ Hoca e Madhe, Osojane/Osojan, Gorazdevac/Gorazhdec, Dragash/Dragaš are also under supervision and on the payroll of Clinical Hospital Centre Priština (located in Gračanica/Graçanicë).

In Fushë Kosovë/Kosovo Polje Municipality - there are three parallel health care facilities which provide primary health care services and are located in the villages of Ugljare/Uglar, Kuzmin/Kuzmin and Batušë/Batushe.

In Lipjan/Lipljan Municipality - there is one health house located in Donja Gušterica/Gushtericë e ulët, providing primary and secondary health care services and eleven (11) ambulances, which provide primary health care services, in the following town(s)/village(s): Lipjan/Lipljan town, Gornja Gušterica/Gushtericë e Epërme, Rubovc/Rabovce, Grackë e Vjetër/Staro Gracko, Novo Naselje/Lagje e Re, Suvi Do /Suhadoll, Lepina/Lepi, Livađe/Livagjë, Skulanevo/Skullan, Dobrotin/Dobratin, Janjevë/Janjevo.

In Obiliq/Obilić Municipality - there are four clinics providing primary health care respectively in Obiliq/Obilić town (though there are no permanent staff but visiting doctors since March 2004) and in the villages of Caravodicë/Crkvena Vodica, Plemetin/Plemetina and Babimoc/Babin Most. For secondary health care or in case of serious health problems, patients are re-directed to Mitrovicë/Mitrovica, Gračanica/Gračanicë or Laplje Selo/Llapllaselle hospitals. The main clinic used to be in Obiliq/Obilić town, but was relocated after 1999 to Priluzhje/Prelluzhe in Vushtrri/Vučitrn Municipality. This main clinic now provides the other four above mentioned ones with medicine and has a supervisory role as a link to the SMoH.

Prizren region

In Prizren Municipality - there are two parallel Health Houses (HH) providing primary health care, both managed by the Štrpce/Shtërpcë HH. One is located in Sredska/Sreckë, a Kosovo Serb village with 110 inhabitants, all Kosovo Serbs, and the other is located in Mushnikovë/Mušnikovo, a multiethnic village with 1 370 K-Albanians, 140 Kosovo Bosniak and 90 Kosovo Serbs. (Source December 2005 Village Profiles drafted by MT Prizren). Notably, there is another HH in Mushnikovë/Mušnikovo village, which is managed by the Prizren Directorate of Health.

In Rahovec/Orahovac Municipality - there are two parallel clinics (primary health care) in the Upper Rahovec/Orahovac and in the village of Velika Hoča/Hoçë e Madhe (no specific name given).