

Civil proportional
representation
Service

Communities
municipal level institutions
central level institutions

legislative obligations
policy

legislative obligations
policy
Representation of Communities

Civil Service in Kosovo

legisla
policy
Communities
role

Representation of Communities in the **Civil Service** in Kosovo

May 2017



Organization for Security and
Co-operation in Europe
Mission in Kosovo

TABLE OF CONTENTS

EXECUTIVE SUMMARY	5
1. INTRODUCTION	6
2. LEGAL FRAMEWORK	9
3. STATUS OF IMPLEMENTATION.....	11
3.1 Representation of communities in select institutions at the central level	11
3.1.1 Gender representation of communities at the assessed central-level institutions	13
3.1.2 Representation of communities at all functional categories of the civil service at the assessed central-level institutions	14
3.1.3 Vacancies filled.....	17
3.1.4 Obstacles to increasing the representation of communities in the civil service at the central level.....	18
3.2 Municipal-level representation	19
3.2.1 Gender representation of communities at the municipal level.....	23
3.2.2 Representation of communities at all functional levels of the civil service at the municipal level.....	23
3.2.3 Vacancies filled.....	24
3.2.4 Obstacles to increasing representation of communities in the civil service at the municipal level.....	26
4. ANALYSIS OF FAIR RECRUITMENT AND POSITIVE ACTION MEASURES TAKEN	27
4.1 Implementation of fair recruitment and positive action measures at the assessed central-level institutions.....	28
4.2 Implementation of fair recruitment and positive action measures at the municipal level.....	31
5. DATA COLLECTION ON COMMUNITY AFFILIATION.....	35
5.1 Central level.....	35
5.2 Municipal level	36
6. REPORTING	36
6.1 Central level.....	37
6.2 Municipal level	37
6.3 Annual report on the implementation of Regulation 04/2010 by the Ministry of Public Administration	37
7. CONCLUSIONS.....	38
RECOMMENDATIONS.....	39
To the Ministry of Public Administration (MPA)	39
To central and municipal employing institutions.....	40
Annex C1: Central-level community representation in the civil service	42

Annex C2: Positive action measures implemented by each central-level institution	43
Annex M1: Municipal-level community representation in the civil service.....	44
Annex M2: Additional posts required to reach threshold for community representation.....	45
Annex M3: Percentage of communities in a numerical minority in each functional category	46
Annex M4: Positive action measures implemented by each municipality.....	47

LIST OF ABBREVIATIONS

Assembly of Kosovo	AoK
Communities Committee	CC
Consultative Council for Communities	CCC
Civil Protection Corps	CPC
Committee on Rights and Interests of Communities and Returns	CRIC
Ministry of Agriculture, Forestry and Rural Development	MAFRD
Ministry of Communities and Return	MCR
Ministry of Culture, Youth and Sport	MCYS
Ministry of Economic Development	MED
Ministry of Education, Science and Technology	MEST
Ministry of Environment and Spatial Planning	MESP
Ministry of Finance	MF
Ministry of Health	MH
Ministry of Internal Affairs	MIA
Ministry of Infrastructure	MI
Ministry of Justice	MJ
Ministry of Local Government Administration	MLGA
Ministry of Labour and Social Welfare	MLSW
Ministry of Public Administration	MPA
Ministry of Trade and Industry	MTI
Municipal Assembly	MA
Municipal Office for Communities and Returns	MOCR
Office for Community Affairs	OCA
Office of the President	OP
Office of the Prime Minister	OPM
Organization for Security and Co-operation in Europe	
Mission in Kosovo	OSCE

EXECUTIVE SUMMARY

The institutions in Kosovo continue to gradually improve the implementation of legislative obligations that guarantee the fair and proportional representation of communities in a numerical minority in the civil service at both the municipal and central levels.

At the central level, the overall proportion of communities in a numerical minority in the civil service of the 18 institutions assessed has increased during the reporting period (1 January 2013 to 31 December 2015) from 7.85 per cent to 9.63 per cent since the OSCE's last assessment of the situation in 2013, which is slightly below the minimum of ten per cent outlined in the Law on Civil Service. This overall figure does not reveal the uneven distribution of communities' representation across different institutions, meaning that while some central-level institutions have almost no community representation, others have much more than the 9.63 per cent average. Moreover, smaller communities, such as Kosovo Gorani, Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities are generally under-represented at the assessed central-level institutions compared with their overall proportion of the population in Kosovo.

At the municipal level there has been no significant improvement with respect to the representation of communities in the civil service in municipalities assessed in this report. The overall picture of community representation does not reveal the uneven distribution of posts across the assessed municipalities compared with the specific proportion of communities of the total municipal population. Generally, smaller communities are under-represented compared with their proportion of the population in a given municipality. The distribution of posts is also unevenly spread, with employees from Kosovo Roma and Kosovo Ashkali communities being disproportionately more likely to hold lower-level positions compared with employees from other communities.

This report finds that the assessed institutions at both the central and municipal level are not completely fulfilling their legal obligations to implement specific measures to remedy these shortcomings in community employment in the civil service. The OSCE calls upon institutions at the central and municipal level to ensure the fair and proportional representation of communities in the civil service by fully implementing the relevant legislation, including through the allocation of adequate resources for effective implementation of positive action measures, and upon the responsible institutions at the central level to adequately monitor the implementation of these measures. Particular effort should be made to increase the representation of members of numerically smaller communities, including Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities, and particularly female representation from these communities.

1. INTRODUCTION

The ongoing issue of unequal representation of communities in the civil service¹ has been highlighted in the OSCE *Communities Rights Assessment* reports (2009, 2010, 2012 and 2015)² and in the 2013 OSCE *Representation of Communities in the Civil Service in Kosovo* report.³ These reports identified numerous shortcomings with respect to the implementation of the Law on Civil Service,⁴ including the general absence of community members in senior positions, as well as the widespread lack of accurate and disaggregated data on civil service employees and applicants. This report provides follow-up assessment that covers the same municipalities and institutions that were included in the 2013 report. The current report presents updated data for the period 1 January 2013 to 31 December 2015. The findings reveal that there has been no sufficient implementation of most of the recommendations from the OSCE's 2013 report.

Since the last OSCE report, in 2013, the Office for Community Affairs (OCA) in the Office of the Prime Minister published an assessment in December 2013: *Employment of Non-majority Communities in the Kosovo Civil Service and Publicly Owned Enterprises*.⁵ The report suggested a set of 12 policy recommendations.⁶ However, while the recommendations were not formally endorsed by the government, the OCA contributed to increasing the representation of communities in public institutions and initiated the drafting of a regulation that would allow graduates of the University in Mitrovica/Mitrovicë North to have their diplomas certified for the purpose of employment in the Kosovo civil service.⁷

In addition, at the beginning of 2016, members of communities formerly belonging to the Civil Protection Corps (CPC) from northern Kosovo were integrated into Kosovo public administration institutions as part of the implementation of the agreements reached in the European Union facilitated dialogue between Belgrade and Prishtinë/Priština. However, as their incorporation into the Kosovo civil service falls outside the reporting period for this

¹ As defined in Articles 2 and 3 of the Law No.03/L-149 on the Civil Service, 14 June 2010.

² OSCE Report *Communities Rights Assessment Report* (December 2009), pages 42-43: <http://www.osce.org/kosovo/40779> (accessed on 10 May 2016); OSCE Report *Communities Rights Assessment Report, Second Edition* (December 2010), pages 13-16: <http://www.osce.org/kosovo/74597> (accessed on 10 May 2016); OSCE Report *Community Rights Assessment Report, Third Edition* (July 2012), pages 32-34: <http://www.osce.org/kosovo/92244> (accessed on 10 May 2016); and OSCE Report *Community Rights Assessment Report, Fourth Edition* (December 2015), pages 23-24: <http://www.osce.org/kosovo/209956?download=true> (accessed on 10 May 2016).

³ OSCE Report *Representation of Communities in the Civil Service in Kosovo* (February 2013), <http://www.osce.org/kosovo/99601?download=true> (accessed on 17 November 2016).

⁴ Law on the Civil Service, *supra* note 1.

⁵ Office for Community Affairs, *Employment of Non-majority Communities in the Kosovo Civil Service and Publicly Owned Enterprises*, May 2013, http://www.zck-ks.net/repository/docs/Assessment_on_Employment.pdf (accessed on 17 August 2016).

⁶ *Ibid.*, pp.61-64. The measures target the representation of Kosovo Roma, Kosovo Ashkali, Kosovo Gorani and Kosovo Egyptian communities; gender-balanced recruitment; and sanctions for poorly performing institutions.

⁷ Regulation No. 21/2015 on Procedures and Criteria for the Issuance of Certificates to Citizens of Kosovo Who Have Obtained Degrees from the University of Mitrovica/Mitrovicë North, 30 December 2015. During the reporting period, Kosovo institutions did not recognize diplomas from primary, secondary and tertiary levels issued by Serbian-language education institutions operating in Kosovo. In practice, this meant that graduates could not access employment opportunities within Kosovo institutions. The Regulation now enables those who have received diplomas from the University in Mitrovica/Mitrovicë North to have their diplomas certified for the purposes of employment, professional licensing and admission for professional exams with Kosovo institutions.

assessment (1 January 2013 to 31 December 2015), these posts are not included in the data that is presented throughout the report. It should, nevertheless, be noted that the incorporation of these posts would have an impact on the overall share of civil service posts filled by members of Kosovo communities from 2016 onwards.

The purpose of this report is to assess the current level of communities' representation in the select civil service institutions at central level and in select municipalities, and the extent of implementation of relevant legislation⁸ governing the representation of communities in the civil service. Moreover, the report will assess the progress made on the recommendations from the 2013 OSCE report.

The report additionally provides institutions with evidence-based research that can be used to further the development and implementation of policies aimed at enhancing communities' access to public-sector employment, such as in relation to the eventual amendments to the Law on Civil Service. For the purposes of evaluating compliance of employing institutions with the requirements for communities' representation in the civil service, this assessment uses demographic data from the 2011 census.⁹

The study analyses statistical data that has been disaggregated by community against the legal requirements to determine whether representation is adequate at both the central and municipal levels. It additionally assesses the extent to which employing institutions are in compliance with their obligations to enhance the representation of communities in the civil service through positive action measures, as well as the reporting and monitoring of these measures. Finally, the data has also been disaggregated by gender to assess trends regarding representation levels of women within communities in a numerical minority in the civil service.

The findings of this report are based on an analysis of quantitative and qualitative data collected during two separate phases by the OSCE at both select central institutions and municipalities for the reporting period of January 2013 to December 2015. The quantitative phase included the collection of data on the number, gender, ethnicity and positions of civil service employees in the assessed institutions and municipalities. The qualitative phase focused on collecting information on the measures taken by employing institutions to encourage greater recruitment and promotion of communities in a numerical minority in the civil service, including implementation of relevant legislation. Both phases of data collection were conducted through face-to-face interviews by OSCE staff members with heads of

⁸ Law on Civil Service, *supra* note 1, and the Ministry of Public Administration (MPA) Regulation 04/2010 on Procedures for the Fair and Proportional Representation of Communities not in the Majority in the Civil Service, 20 September 2010.

⁹ While the 2011 census results are disputed –especially in municipalities where a large portion of non-Albanian communities boycotted the process, and in the four northern municipalities which did not take part in the census, or due to the absence of the Kosovo Croat and Kosovo Montenegrin communities as separate communities– it is the only official source of demographic data available. Additionally, Article 7.1 of Regulation No. 04/2010 states that ‘until the publication of the official population and housing census, data and percentages shall be collected for the determination of fair and proportional representation of communities not in the majority in the civil service of municipal level institutions’, thus indicating that when the census data becomes available, this is what would be used to determine demographic data. Accordingly, note that the OSCE acknowledges that while for the municipalities of Klokot/Klllokot, Novo Brdo/Novobërdë and Štrpce/Shtërpçë the 2011 census results are disputed by the municipality, for the purposes of this report, these municipalities will be assessed according to their census results, including an assessment of the representation of both Kosovo Serb and Kosovo Albanian communities.

personnel at the employing institutions, and the data presented in the charts throughout the report was sourced from these interviews. At the central level, interviews were conducted with heads of personnel units from 18 institutions during two rounds of interviews: quantitative data collection on communities' representation during February/March 2016 and qualitative information gathering during April/May 2016.¹⁰ In addition, the OSCE conducted a qualitative interview with the Director of the Department for Civil Service Administration within the Ministry of Public Administration in May 2016, in order to obtain additional information received by the Ministry from select municipalities and central-level institutions. In order to consider communities' perspectives on their representation in the civil service, during April and May 2016 qualitative interviews were furthermore conducted with representatives from the following mechanisms for the protection and promotion of communities' rights at the central level: the Chair of the Assembly of Kosovo Committee on Rights and Interests of Communities and Returns (CRIC); the Chair of the Consultative Council for Communities (CCC) located within the Office of the President; and the Director of the Office for Community Affairs (OCA) located within the Office of the Prime Minister. All these institutions have been active on the issue of increasing employment of communities in the civil service.¹¹

At the municipal level, in February 2016, OSCE field teams collected quantitative data on communities' civil service representation as at 31 December 2015 during interviews with municipal heads of personnel in 34 of 38 municipalities in order to identify which municipalities require at least one civil service post to be filled by a member of communities in a numerical minority.¹² Twenty-four (24) municipalities were identified as fitting this criterion and in March 2016 qualitative interviews were conducted with both municipal heads of personnel and communities committees chairs in those municipalities in order to gain further information. In this second phase, only the municipalities where the size of the populations of communities in a numerical minority equated to at least one civil service post were included and hence, data presented in this report relates only to those 24 municipalities.¹³ Data from communities committees was also collected for this assessment

¹⁰ The 18 central-level institutions that were included in the assessment are: Office of the Prime Minister; Office of the President; Assembly of Kosovo; Ministry of Agriculture, Forestry and Rural Development; Ministry of Communities and Returns; Ministry of Culture, Youth and Sport; Ministry of Economic Development; Ministry of Education, Science and Technology; Ministry of Environment and Spatial Planning; Ministry of Finance; Ministry of Health; Ministry of Internal Affairs; Ministry of Infrastructure; Ministry of Justice; Ministry of Local Government Administration; Ministry of Labour and Social Welfare; Ministry of Public Administration; and Ministry of Trade and Industry.

¹¹ The CRIC presented a report on community representation in the civil service in June 2016, with the aim of influencing the amendment to the Law on Civil Service. The CCC has issued recommendations on this issue in recent years, including in 2015 to the ministries where communities represent less than three per cent of the civil service. Finally, the OCA is part of the Inter-Ministerial Commission on Communities' Affairs established in October 2015 and mandated to review implementation of legislation related to the rights of communities, which has also identified better representation of communities in institutions as one of its priorities.

¹² At the time of data collection for this report, the Law on Civil Service had not yet been applied in the four northern municipalities of Leposavić/Leposaviq, Zubin Potok, Zvečan/Zveçan and Mitrovica/Mitrovicë North, and there was no systematized municipal administrative structure that would allow for a meaningful assessment to be conducted. Therefore, due to this situation, as well as the lack of census results, these four northern municipalities have not been included in the assessment.

¹³ Using the 2011 census to calculate community representation in the civil service, the following municipalities were not included in the qualitative assessment due to community representation requirements being less than the equivalent of one civil service post: Vushtri/Vučitrn, Gllogoc/Glogovac, Skënderaj/Srbica, Junik, Rahovec/Orahovac, Malishevë/Mališevo, Kaçanik/Kaçanik, Parteš/Partesh, Viti/Vitina and Hani i Elezit/Ellez Han. Additionally, the four northern municipalities of Mitrovica/Mitrovicë North, Leposavić/Leposaviq, Zubin Potok and Zvečan/Zveçan were outside the scope of the assessment.

because they are mandated by the respective policy framework to advocate for equal communities' representation within the municipal civil service.¹⁴

The report presents a brief review of the legal and policy framework, followed by an assessment of communities' representation at both central and municipal levels. This is followed by sections assessing the implementation of the fair recruitment and positive action measures, as well as an assessment of the collection of data on community affiliation and reporting. The report closes with conclusions and policy recommendations for the Ministry of Public Administration as the key policy maker, as well as for central and municipal-level employing institutions.

The report includes four annexes with more detailed breakdowns of the representation of communities in the civil service. The annexes include a breakdown of the representation of each community in the civil service on both the central (Annex C1) and municipal (Annex M1) levels, as well as the additional posts that would be required for each municipality to reach the minimum threshold for community representation (Annex M2), and the breakdown of community representation in the civil service on the municipal level for each functional category (Annex M3). Furthermore, two annexes provide an overview of the positive action measures undertaken by central-level institutions (Annex C2) and municipalities (Annex M4) to achieve fair and proportional representation of communities.

In order to provide an accurate assessment of the progress that has been made by institutions since the OSCE's last assessment, this follow-up report uses the same methodology and applies it to the same scope of institutions assessed in 2013, which excludes four ministries¹⁵ and the four northern municipalities. In order to provide a fuller assessment, the OSCE intends to produce an additional publication that presents a more comprehensive picture of communities' representation in the civil service, including all ministries and municipalities.

2. LEGAL FRAMEWORK

Equal access to employment in the civil service within the framework of the right to participation in public life is enshrined in both international and Kosovo legal frameworks, specifically in the Framework Convention for the Protection of National Minorities,¹⁶ and within the framework of non-discrimination and equal access to public service in the International Covenant on Civil and Political Rights.¹⁷ Both international human rights instruments are directly applicable within Kosovo.¹⁸

¹⁴ Communities committees are permanent committees that are compulsory in every municipality, comprised primarily of community members who are in a numerical minority at the municipal level and should include at least one representative from every community residing in the municipality. Their role is to ensure that the rights and interest of communities are respected through the review and provision of recommendations on municipal policies and actions. The Communities committee Terms of Reference further outline their role to advocate for equal representation of communities in civil service (see Article 5.2.6).

¹⁵ The four ministries that are not included in this assessment are: Ministry of Diaspora, Ministry of European Integration, Ministry of Foreign Affairs and Ministry of Kosovo Security Forces.

¹⁶ See Article 15 of the Framework Convention for the Protection of National Minorities, Council of Europe, February 1995.

¹⁷ See Articles 2 and 25 of the International Covenant on Civil and Political Rights, 23 March 1976.

¹⁸ See Articles 22, 58.2 and 123 of the constitution; the International Convention on the Elimination of All Forms of Racial Discrimination and the Universal Declaration of Human Rights are also applicable. Articles 5(c) and 21(2) respectively are of relevance to this issue.

Within the Kosovo legal framework, proportional representation of communities in public employment is protected in the constitution.¹⁹ Moreover, the Law on Civil Service guarantees the general principles of non-discrimination, equal opportunities and equal representation, and specifically states that communities and their members have a right to fair and proportional representation in the civil service and bodies of central and local public administration. In particular, Article 11.3 of the Law states that:

“Within the civil service in institutions of central level the minimum of ten per cent of positions should be reserved for persons belonging to communities that are not majority in Kosovo and who fulfil the specific employment criteria. In municipal level for qualified members of the community that are not majority in municipality, the number of reserved working places shall be in compliance with percentage representation of the communities in the given municipality”.²⁰

In addition, the Ministry of Public Administration issued a Regulation on Procedures for the Fair and Proportional Representation of Communities not in the Majority in the Civil Service (Regulation 04/2010),²¹ which regulates the representation of communities across the different civil service categories, outlines the procedures for employing institutions to ensure fair and proportional representation, and includes fair recruitment and specific positive action measures that should be implemented.²²

The Regulation 04/2010 additionally outlines the monitoring and reporting measures that should be undertaken to ensure its proper implementation,²³ as well as instructions on the collection of anonymous statistical data on community affiliation of civil servants for the purposes of assessing whether the municipality or institution has reached the minimum threshold of representation of communities.²⁴

Notwithstanding communities representation in civil service being regulated by the Law on Civil Service and the Regulation 04/2010, there is no legal clarity on whether at the central level the threshold for representation of communities in numerical minority applies separately for each institution or if it is an overall figure intended to apply generally to the institutions as a whole and how (or if) the percentage should be broken down between various communities.²⁵ At the municipal level there is also some ambiguity regarding whether representation of communities should be calculated based on one overall percentage for all communities in a numerical minority, or whether representation should be assessed for each individual community residing in the municipality.

¹⁹ See Article 61 of the constitution: ‘communities and their members shall be entitled to equitable representation in employment in public bodies and publicly owned enterprises at all levels.’ and Article 101.1: ‘the composition of the civil service shall reflect the diversity of the people of Kosovo and take into account internationally recognized principles of gender equality’.

²⁰ *Supra* note 1, Article 11.3

²¹ *Supra* note 8.

²² *Ibid*, Articles 4.4, 5, 11 and 12.

²³ *Ibid*, Article 14.

²⁴ *Ibid*, Articles 9 and 10.

²⁵ A report issued by the Kosova Democratic Institute for the CRIC in May 2016 titled “Parliamentary Investigation – Representation of Non-Majority Communities in Civil Service of Kosovo” provides non-binding guidance quoting the commentary of the constitution, which considers with regard to article 101.1 that ‘the distribution of ten per cent of posts reserved for members of non-majority communities in Kosovo should be done based on proportional quotas to reflect the position of each community in Kosovo as a whole, with the intent to guarantee a multi-ethnic participation in civil service and practical implementation in the public administration of Kosovo’.

This report assesses compliance with both the Law on Civil Service and the Regulation 04/2010. In order to better understand the relative distribution of communities across different institutions and municipalities and identify patterns of communities representation, the central-level institutions will be assessed both as a whole and individually against the ten per cent threshold, in addition to central and municipal-level institutions being assessed both against an overall percentage with all communities combined and representation proportionate for every single community at Kosovo-level or residing in the municipality respectively.²⁶

3. STATUS OF IMPLEMENTATION

3.1 Representation of communities in select institutions at the central level

According to the current legal provisions, the representation of communities in the civil service at the central level should be at least ten per cent. All of the representatives from the 18 central-level institutions interviewed for this report are aware of the legal obligations outlined in both the Law on Civil Service and Regulation 04/2010. However, it is not clear to them whether the ten per cent threshold applies to the central-level civil service as a whole, or whether each separate institution should reserve ten percent of its civil service posts for the communities. Of the 18 representatives of central-level institutions that were interviewed by the OSCE, 15 consider that the ten per cent threshold should be applied separately to each institution. Whereas, the Ministry of Public Administration, the Ministry of Culture, Youth and Sport and the Ministry of Health instead consider the ten per cent threshold to the central-level civil service as a whole. As none of the representatives reported receiving any guidance or training from the Ministry of Public Administration on how to implement the legislative framework on community representation in the civil service since it was introduced in 2010, this report assesses both interpretations.

As a whole, the overall share of community representation at the civil service of the central-level institutions that were assessed does not reach the ten per cent threshold. As at December 2015, it was 9.63 per cent. However, this figure does represent a significant improvement since the OSCE's 2013 assessment where the overall representation of communities was 7.85 per cent.²⁷

If community representation in each of these central-level institutions is assessed separately, only six meet the minimum ten per cent threshold.²⁸ As shown in Figure C1 below,²⁹ the Ministry of Communities and Returns has the largest proportion of members of communities in a numerical minority employed (45 per cent). Twelve (12) institutions have less than ten per cent of posts filled by communities in a numerical minority,³⁰ with community

²⁶ The assessment of the institutions and municipalities on proportionate representation for every single community was undertaken by comparing the actual numbers of civil service posts held by members of communities with the number of posts that would reflect the communities' proportion in the population at the level of Kosovo or the municipality respectively, calculated on the basis of the 2011 census results.

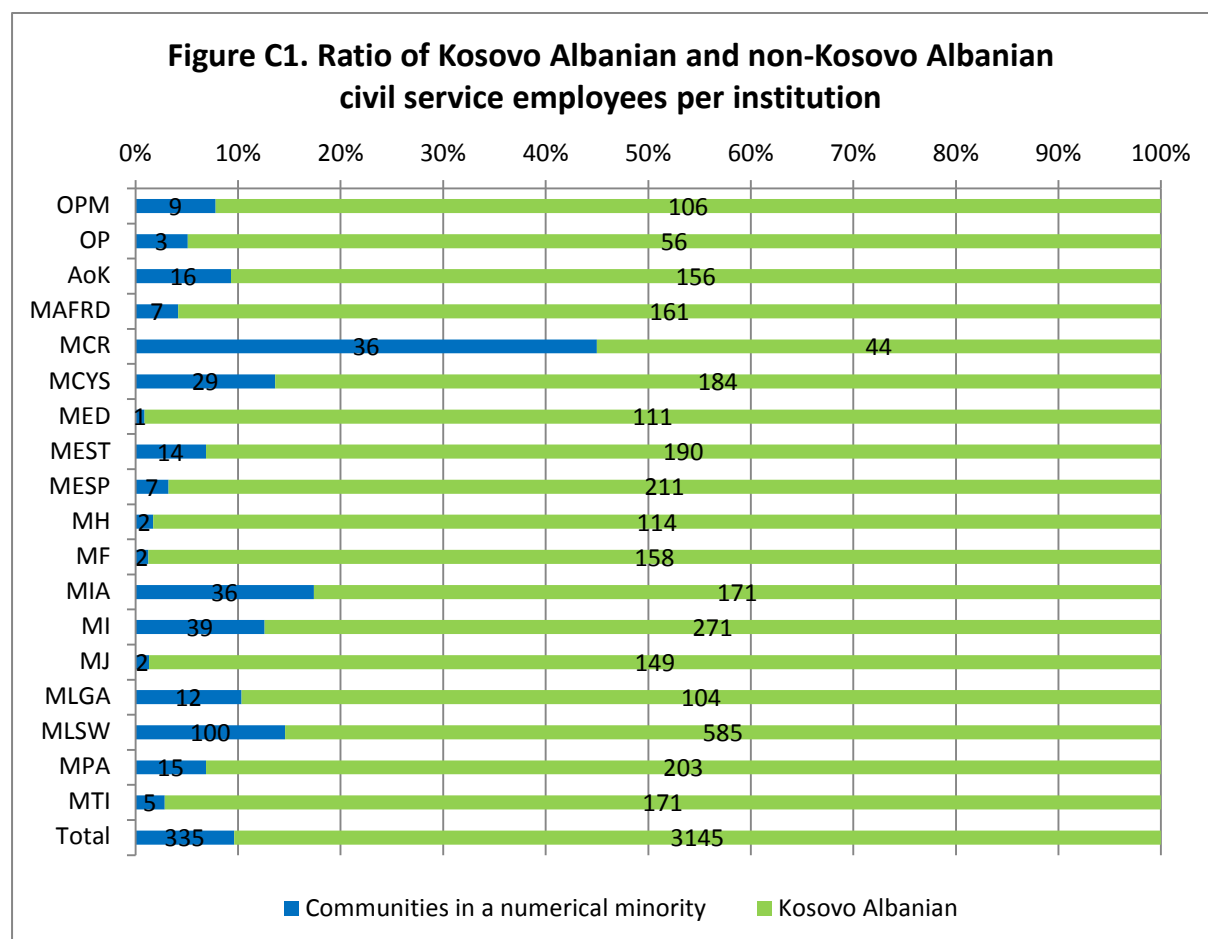
²⁷ *Supra* note 3.

²⁸ Ministry of Communities and Return (45.00 per cent), Ministry of Culture, Youth and Sport (13.61 per cent), Ministry of Internal Affairs (17.39 per cent), Ministry of Infrastructure (12.58 per cent), Ministry of Local Government Administration (10.34 per cent), Ministry of Labour and Social Welfare (14.59 per cent).

²⁹ See List of Abbreviations on p.3 for full names of the central-level institutions that were assessed.

³⁰ Office of the Prime Minister, Office of the President, Assembly of Kosovo, Ministry of Agriculture, Forestry and Rural Development, Ministry of Economic Development, Ministry of Education, Science and Technology, Ministry of Environment and Spatial Planning, Ministry of Finance, Ministry of Health, Ministry of Justice, Ministry of Public Administration, Ministry of Trade and Industry.

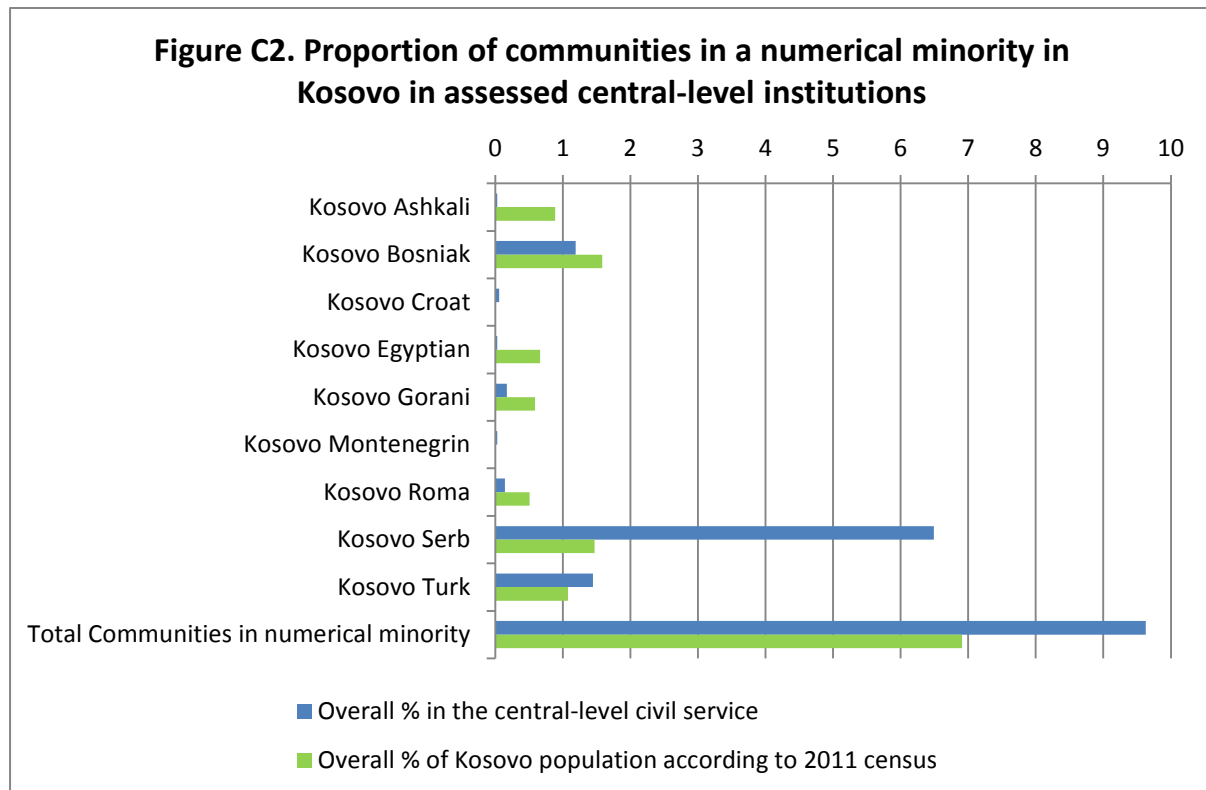
representation in the Ministry of Economic Development being less than one per cent. When compared to the OSCE’s previous assessment, the biggest improvements in community representation can be seen in the Ministry of Culture, Youth and Sport, and the Ministry of Internal Affairs.³¹



While at the central level the legal obligations for community representation in the civil service do not stipulate the proportion of posts that should be reserved for each separate community, Figure C2 below reveals not only that the overall share of civil service posts filled by members of non-majority communities does not reach the ten per cent threshold, but that there is disproportionate representation of certain communities compared to their overall share of the total population.

³¹ Ministry of Culture, Youth and Sport community representation increased from six per cent to 13.62 per cent, and the Ministry of Internal Affairs increased from 5.04 per cent to 17.39 per cent, *supra* note 3, page 8. The Ministry of Internal Affairs did not provide information on the number of vacancies filled in the period since the last assessment, therefore it is not possible to know whether this improvement can be explained by significant numbers of vacancies being filled by members of communities in a numerical minority. For the Ministry of Culture, Youth and Sport, this improvement cannot be explained by the vacancy figures as, according to data provided by the Ministry, all of the vacancies filled in this time were filled by Kosovo Albanians.

The figure shows that Kosovo Serbs make up the vast majority of posts filled in by non-Albanian communities in the assessed central-level institutions followed by Kosovo Turks and Kosovo Bosniaks, while other communities are under-represented compared with their proportion of the population of Kosovo.³²



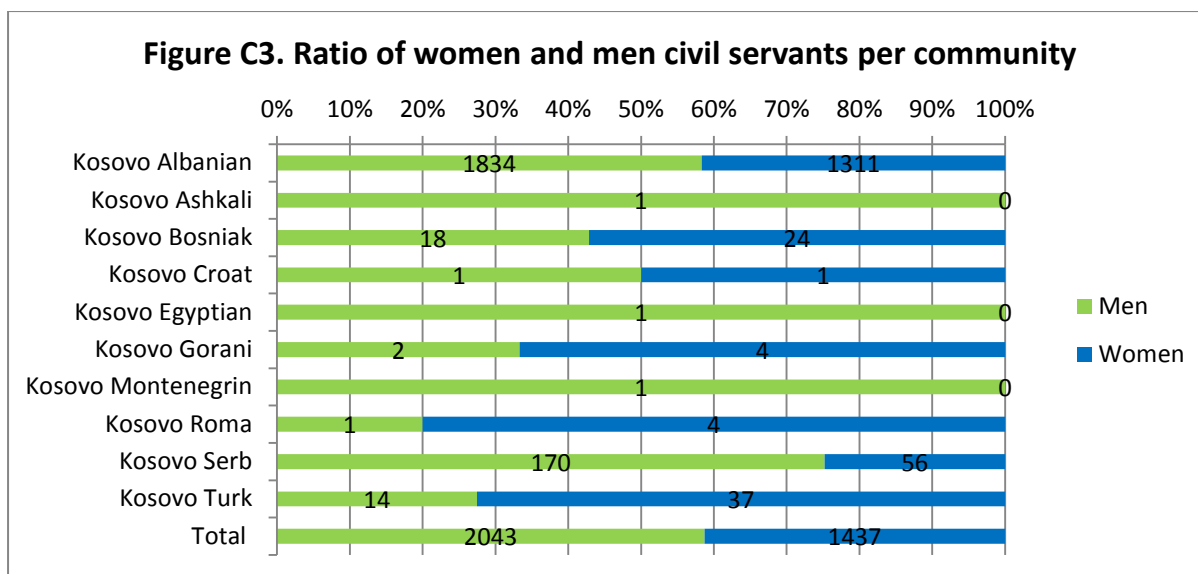
3.1.1 Gender representation of communities at the assessed central-level institutions

While there is no explicit mention of gender equality in the Regulation 04/2010, the report assesses the representation of women and men in line with the Law on Civil Service, which stipulates that the civil service should reflect the principles of gender equality and equal opportunities for both genders.³³ The Law on Gender Equality also states that public institutions should adopt and implement general and special measures to increase representation of the underrepresented gender, until equal representation (50 per cent) is achieved.³⁴

³² Annex C1 outlines the proportion of each community in each institution at the central level.

³³ *Supra* note 1, Article 3.1.

³⁴ See Articles 5 and 6, Law No. 05/L-020 on Gender Equality, 28 May 2015.



The data in Figure C3 shows significant differences in gender representation for different communities. Women from the Kosovo Serb, Kosovo Albanian, Kosovo Ashkali, Kosovo Egyptian and Kosovo Montenegrin communities are under-represented in comparison to men from those communities, while women from Kosovo Gorani, Kosovo Roma and Kosovo Turk communities are over-represented in comparison to men from the same communities. Only Kosovo Croat community has gender parity in the representation in the civil service. It should be noted that the number of civil servants from some of these communities is very small.

3.1.2 Representation of communities at all functional categories of the civil service at the assessed central-level institutions

As well as setting a minimum ten per cent threshold for community representation in the civil service, the legislative framework also stipulates the types of posts that should be reserved for communities, so as to ensure communities' representation at all levels. At the central level, civil service posts are divided into four functional categories: senior management level; management level; professional level; and technical-administrative level.³⁵ Article 5.1.2 of Regulation 04/2010 states that each central-level institution should reserve posts for communities in a numerical minority by selecting and applying one of the following five options:³⁶

- Ten per cent of civil servants from the categories: senior management level and management level;
- Ten per cent of civil servants from the categories: senior management level and professional level;
- Ten per cent of civil servants from the categories: senior management level and technical-administrative level;
- Ten per cent of civil servants from the categories: management level and professional level;

³⁵ As stated in Article 23 of the Law on Civil Service, *supra* note 1.

³⁶ See Article 5(1)(1.2) of MPA Regulation 04/2010, *supra* note 8.

- Ten per cent of civil servants from the categories: management level and technical-administrative level.

Article 5 of the Regulation can be interpreted in two ways: either, in each of the five options, the ten per cent threshold is applied separately to both functional categories as a percentage of the total posts for each of the functional categories; or, the two functional categories listed in each of the five options are combined, and the ten per cent threshold is assessed against the total number of posts in the two categories. Given this lack of clarity, compliance with both interpretations is assessed below.

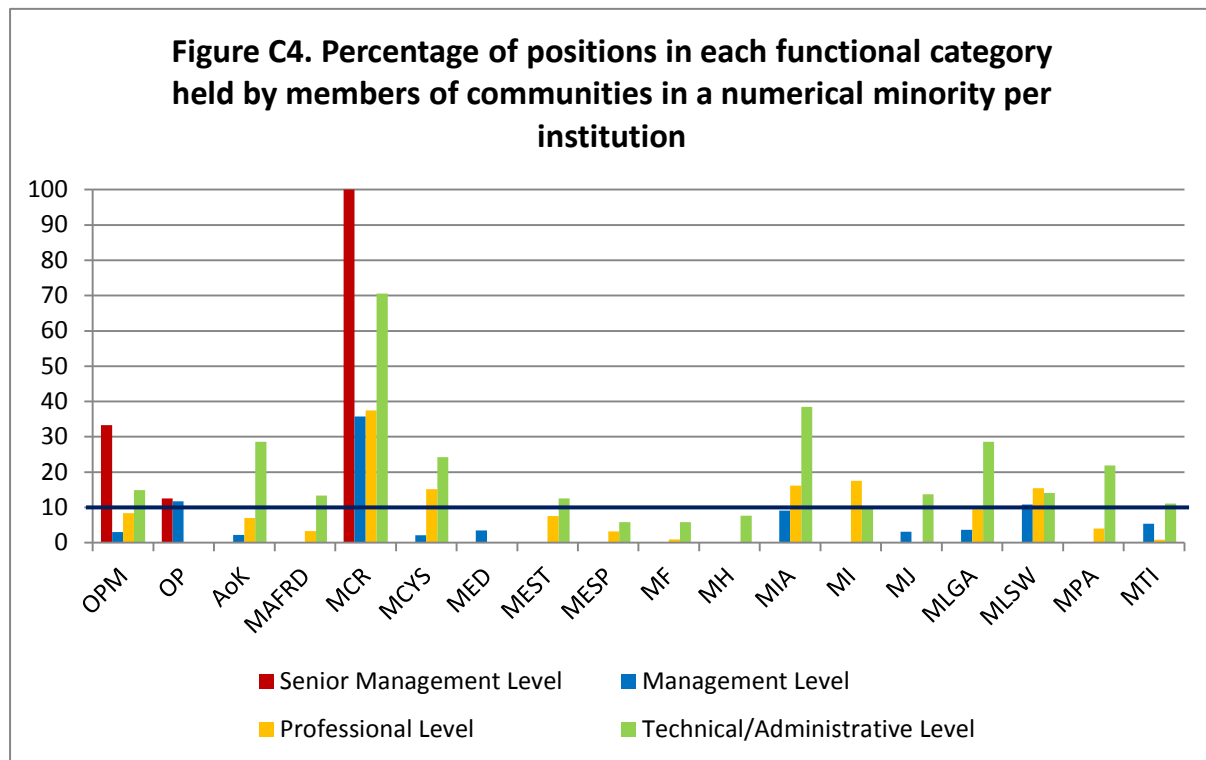


Figure C4 above shows that, when the ten per cent threshold is applied separately to each of the two functional categories within the five options, out of the 18 central-level institutions assessed, 14 do not comply.³⁷ The only four institutions that do distribute posts in accordance with at least one of the five options are the Office of the Prime Minister,³⁸ the Office of the President,³⁹ the Ministry of Communities and Return,⁴⁰ and the Ministry of Labour and Social Welfare.⁴¹

When the alternative interpretation of this article is applied (i.e. the two functional categories listed in each of the five options are combined, and the ten per cent threshold is assessed against the number of community members in the two functional categories out of the total

³⁷ Assembly of Kosovo, Ministry of Agriculture, Forestry and Rural Development, Ministry of Culture, Youth and Sport, Ministry of Economic Development, Ministry of Education, Science and Technology, Ministry of Environment and Spatial Planning, Ministry of Finance, Ministry of Health, Ministry of Infrastructure, Ministry of Internal Affairs, Ministry of Justice, Ministry of Local Government Administration, Ministry of Public Administration, Ministry of Trade and Industry.

³⁸ Which fulfills option 5.1.2.3 of Regulation 04/2010, *supra* note 8.

³⁹ Which fulfills option 5.1.2.1.

⁴⁰ Which fulfills all of the five options.

⁴¹ Which fulfills option 5.1.2.4 or 5.1.2.5.

number of posts in these two categories), the compliance level of the assessed institutions is much higher.

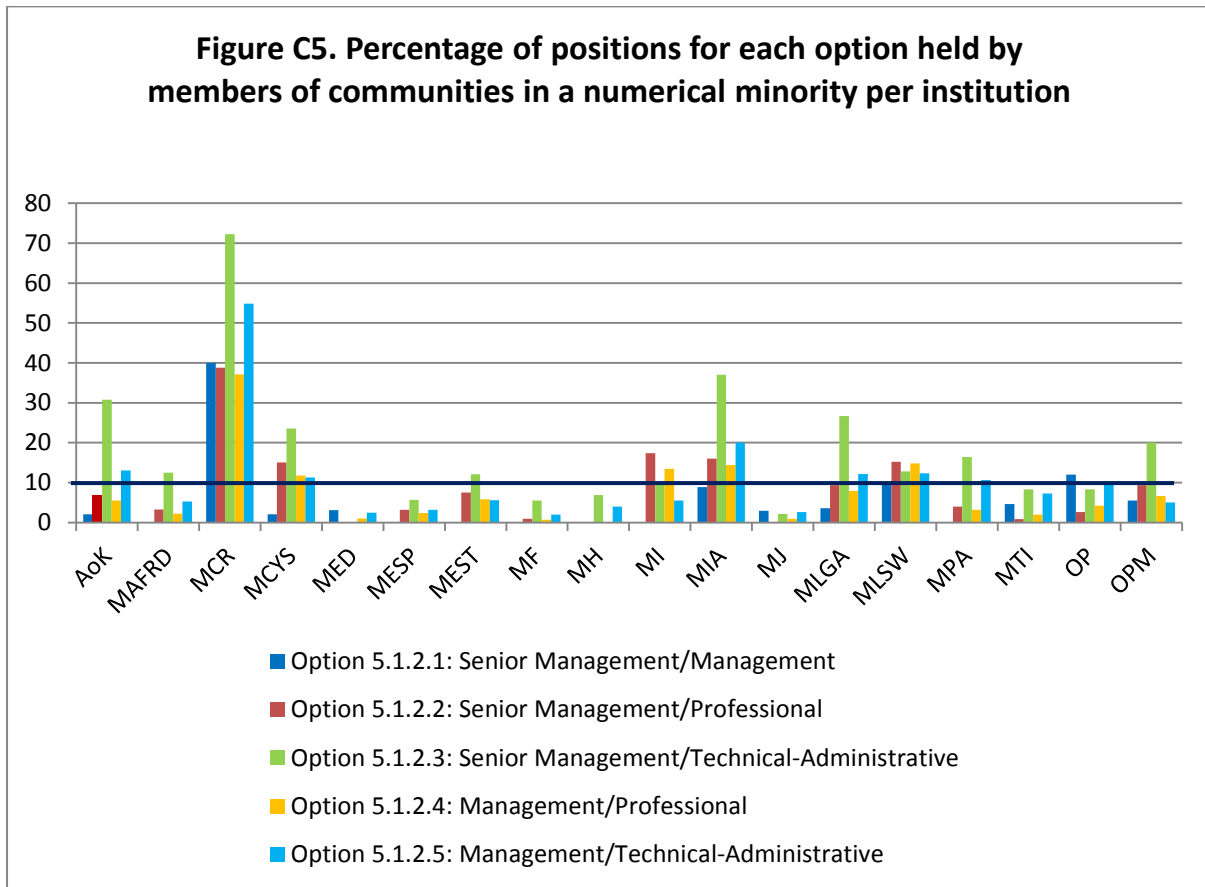
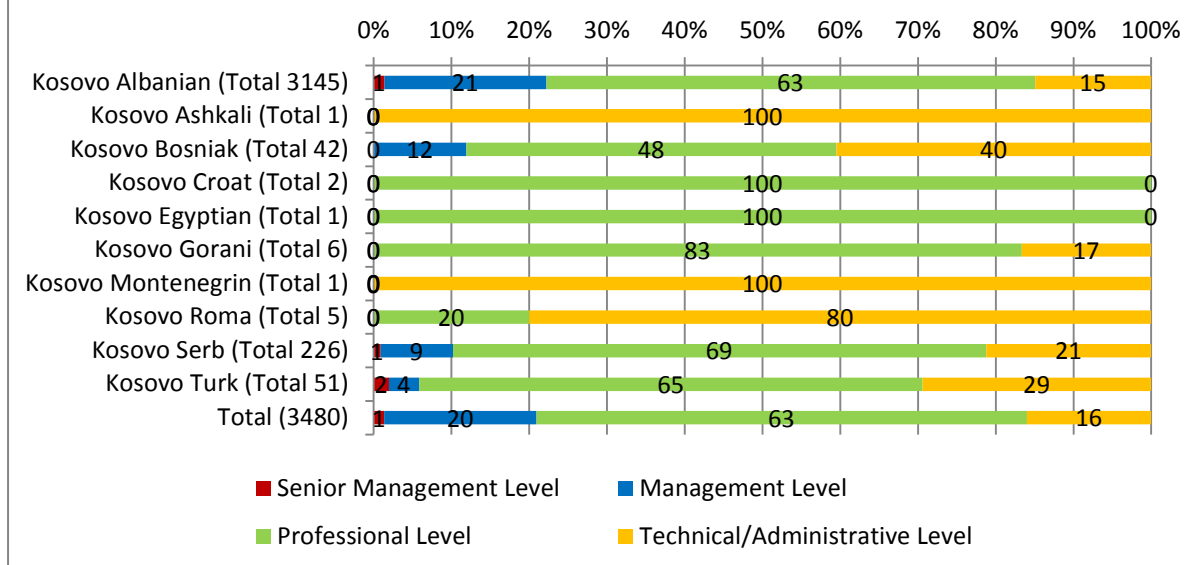


Figure C5 above shows that only six of the assessed central-level institutions do not fulfil any of the five options.⁴²

⁴² Ministry of Economic Development, Ministry of Environment and Spatial Planning, Ministry of Finance, Ministry of Health, Ministry of Justice, Ministry of Trade and Industry.

Figure C6. Distribution of posts filled by different communities per each functional category for each community



In Figure C6 above, the distribution of civil service posts in the central-level institutions that were assessed shows that out of the total number of civil service posts (3480), one per cent are in senior management-level; 20 per cent in management-level; 63 per cent in professional-level; and 16 per cent in technical-administrative-level. When data is disaggregated for senior management and management level posts for each of the Kosovo communities as a proportion of the total civil service posts held by each community, the figure reveals the following: of the total posts held by the Kosovo Albanian (3145) one per cent and 21 per cent respectively are at a senior management and management level; 12 per cent of the posts held by the Kosovo Bosniak are at management level, one per cent and nine per cent respectively of the posts held by Kosovo Serb community are at senior management and management level, while two per cent and four per cent respectively of all the posts held by the Kosovo Turk communities are at senior management and management levels.

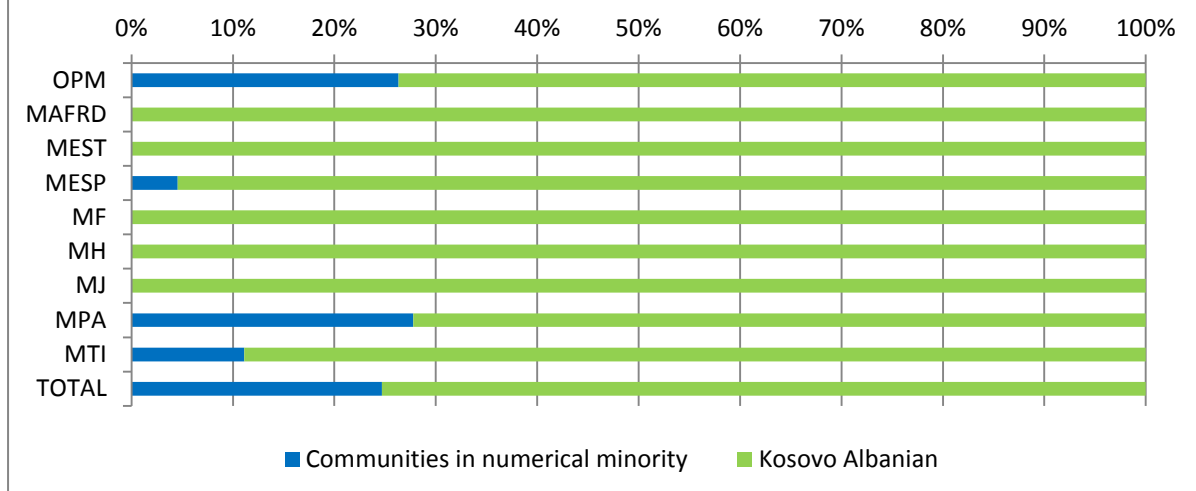
When comparing representation of men and women within communities in different functional categories at these central-level institutions, generally the data reveal no major discrepancies, and there is no over- or under- representation of either men or women in any particular functional category. The exception to the rule is for Kosovo Albanians employed at the central level, with men being over-represented in both the senior management and management levels compared to women.⁴³

3.1.3 Vacancies filled

In order to ascertain whether or not the assessed central-level institutions that do not have adequate communities' representation are successfully addressing the issue, an analysis was made of the proportion of vacancies that were filled by communities in a numerical minority in Kosovo compared to the Kosovo Albanian community during the reporting period (1 January 2013 to 31 December 2015). Out of a total of 362 vacancies that were filled, 59 were filled by members of communities in a numerical minority, which equates to 16 per cent.

⁴³ 28 per cent of Kosovo Albanian men employed at the central level hold senior management or management positions, compared with 13 per cent of Kosovo Albanian women.

Figure C7. Proportion of vacancies filled in central-level institutions between 1 Jan 2013 and 31 Dec 2015* by Kosovo Albanian and other communities



* Vacancy data was not available for the Assembly of Kosovo, Office of the President, or Ministry of Economic Development.

Figure C7 above shows that out of the nine institutions where data was available that have less than ten per cent of posts filled by communities in a numerical minority,⁴⁴ five did not fill a single vacancy in the reporting period with a candidate from a community in a numerical minority⁴⁵. Those institutions that have employed community members are the Office of the Prime Minister, the Ministry of Public Administration and the Ministry of Trade and Industry, all of which filled more than ten per cent of vacancies during this period with candidates from communities in a numerical minority. In addition, two of the institutions with the largest proportion of vacancies filled by candidates from communities in a numerical minority have already reached the ten per cent threshold.⁴⁶

3.1.4 Obstacles to increasing the representation of communities in the civil service at the central level

With regard to the 12 institutions that do not fulfil the minimum ten per cent threshold for community representation in the civil service, the obstacles most commonly cited by heads of personnel were a lack of qualified applicants (either due to a lack of education or adequate experience),⁴⁷ and a reported lack of interest from communities in applying.⁴⁸ The

⁴⁴ See *supra* note 30.

⁴⁵ Ministry of Agriculture, Forestry and Rural Development (18 vacancies), Ministry of Education, Science and Technology (22 vacancies), Ministry of Finance (13 vacancies), Ministry of Health (16 vacancies), Ministry of Justice (26 vacancies).

⁴⁶ Ministry of Communities and Return, which filled ten out of 13 vacancies from January 2013 till December 2015 by members of communities and the Ministry of Labour and Social Welfare, which filled 33 out of 75 vacancies in the same period.

⁴⁷ Representatives from the following institutions cited this reason in an open-ended question on obstacles to increasing representation of communities in the civil service: Office of the Prime Minister, Ministry of Education, Science and Technology, Ministry of Public Administration, Ministry of Trade and Industry, Ministry of Finance.

⁴⁸ Cited by the Ministry of Culture, Youth and Sport, Ministry of Economic Development, Ministry of Infrastructure, Ministry of Trade and Industry, Ministry of Health. The representative from the Ministry of

representative of one ministry mentioned the issue of diploma recognition from Serbian-language institutions as an obstacle.⁴⁹ The OSCE raised this concern with all interviewed representatives and, while eight central-level institutions⁵⁰ did report that they knew of candidates who had applied using diplomas issued by Serbian-language institutions in Kosovo, they did not deem it as an obstacle, implying that the diplomas were considered valid for the purposes of recruitment.

Representatives from the Communities Consultative Council (CCC), the Assembly Committee on Rights and Interests of Communities and Returns (CRIC) and the Office for Communities' Affairs (OCA) were also asked about their perception of the main obstacles to increasing the representation of communities in the civil service. While a lack of qualified applicants and the issue of diploma recognition from Serbian-language institutions were mentioned, they also all noted the overall lack of vacancies in the civil service as one of the main obstacles. Further, the representative from CRIC also mentioned that communities are often not aware of vacancies when they are announced.

3.2 Municipal-level representation

As noted in the legal framework section, the proportion of communities in the civil service for each municipality should mirror the proportion of communities who reside in the municipality. All of the municipal heads of personnel from the 24 municipalities that require at least one civil service post to be reserved for communities in a numerical minority who were interviewed in March 2016 reported that they were aware of the legal obligations of community representation in the Law on Civil Service, and all but two⁵¹ reported awareness of the Regulation 04/2010 on Procedures for the Fair and Proportional Representation of Communities not in the Majority in the Civil Service. However, the findings show that communities are under-represented in the civil service in the majority of municipalities that are included in this assessment, in particular when assessing representation of each individual community residing in the municipality. No municipality has reported receiving any instructions or training from central-level institutions as to how to implement these legal obligations (specifically as to how to encourage applications to, and increase levels of representation in, the civil service from community members). It appears from such responses that the first recommendation from the OSCE 2013 report, that the Ministry of Public Administration should undertake training activities to ensure that all employing institutions are fully aware of the relevant legal and policy frameworks regulating equitable representation of communities in the civil service and the obligations they entail, has not been implemented.

Figure M1 below shows the proportion of municipalities that meet the minimum threshold for each individual community residing in the municipality, as well as those that meet the threshold when the percentage of all communities is combined.⁵²

Health additionally suggested that one possible reason for the lack of applications from communities is that members of these communities often live outside of Prishtinë/Priština.

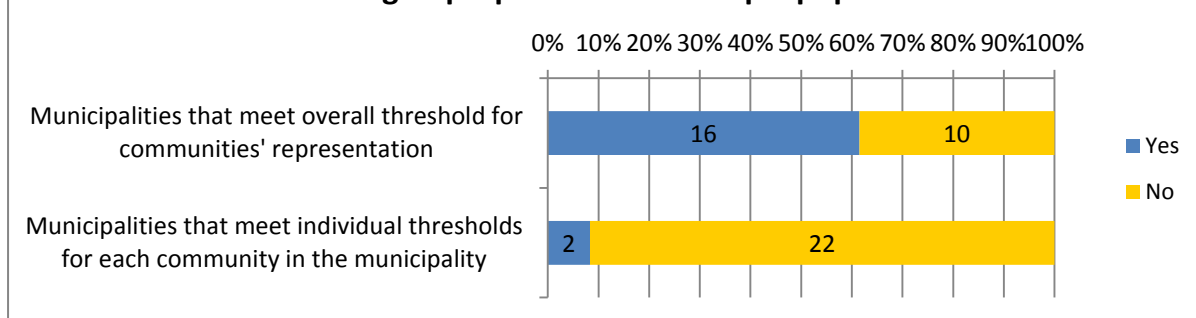
⁴⁹ According to the Head of Personnel from the Ministry of Education, Science and Technology, a Kosovo Gorani who was working at the Ministry for 14 years faced problems when trying to advance his/her career due to having a diploma issued by Serbian-language education institution. See also *supra* note 7.

⁵⁰ Office of the President, Assembly of Kosovo, Ministry of Agriculture, Forestry and Rural Development, Ministry of Communities and Return, Ministry of Culture, Youth and Sport, Ministry of Education, Science and Technology, Ministry of Infrastructure, Ministry of Local Government Administration.

⁵¹ Ranilug/Ranillug and Fushë Kosovë/Kosovo Polje.

⁵² It should be noted that the Dragash/Dragaš municipality does not disaggregate Kosovo Gorani from Kosovo Bosniak community in its official municipal records and instead lists members of both communities as Kosovo Bosniaks. While this decision does not affect the findings of the overall representation regarding the

Figure M1. Communities in a numerical minority representation according to proportion of municipal population



The chart shows that 16 out of the 26 municipalities where the overall proportion of communities residing in the municipality represents at least one civil service post meet the minimum threshold for proportionate representation in the civil service.⁵³ Since the 2013 assessment, Istog/Istok municipality now meets the overall threshold for civil service posts.

When the representation of each community was assessed separately, out of the 24 municipalities where at least one community in numerical minority had a population large enough to warrant at least one civil service post only two municipalities achieved proportional representation of each community in numerical minority residing in the municipality.⁵⁴ In the other 22 municipalities, some communities were over-represented and others were under-represented compared with their proportion of the population in the municipality. A more detailed assessment of this situation is outlined in Figure M2 below.⁵⁵

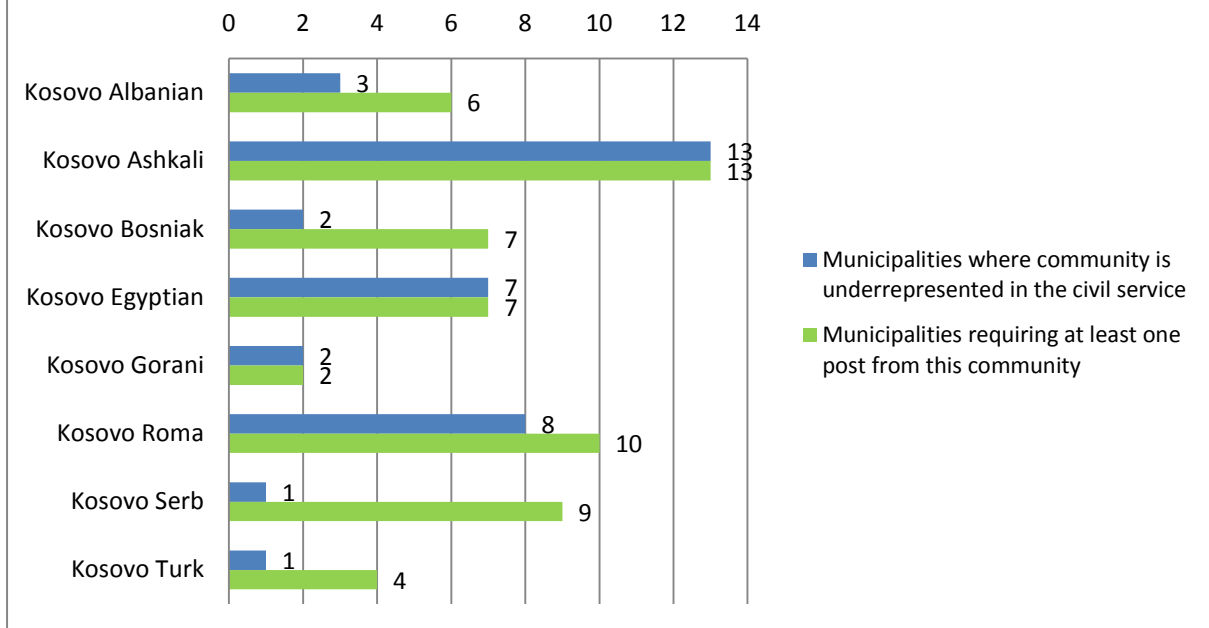
Dragash/Dragaš municipality as the total number of communities is below the proportion of communities in the census, it distorts data about the number of missing posts for Kosovo Gorani community, as some of the posts currently listed as held by Kosovo Bosniak members are effectively filled by members of the Kosovo Gorani community. Municipalities where no single community has a population large enough to warrant a single civil service post for that community: Vushtrri/Vučitrn, Rahovec/Orahovac, Skënderaj/Srbica, Parteš/Partesh, Viti/Vitina, Glogoc/Glogovac, Junik, Malishevë/Mališevo, Kaçanik/Kaçanik and Hani i Elezit/Elez Han. Municipalities where the overall proportion of communities residing in the municipality represents less than one civil service post: Skënderaj/Srbica, Parteš/Partesh, Viti/Vitina, Glogoc/Glogovac, Junik, Malishevë/Mališevo, Kaçanik/Kaçanik, Hani i Elezit/Elez Han and Rahovec/Orahovac.

⁵³ Municipalities where the overall percentage of communities employed in the civil service meets the minimum threshold: Mitrovicë/Mitrovica South, Vushtrri/Vučitrn, Lipjan/Lipljan, Fushë Kosovë/Kosovo Polje, Obiliq/Obilić, Klinë/Klina, Istog/Istok, Deçan/Deçan, Mamuša/Mamushë/Mamuša, Gjilan/Gnjilane, Kamenicë/Kamenica, Klokot/Kllokot, Ranilug/Ranillug, Štrpce/Shtërpçë, Ferizaj/Uroševac, Rahovec/Orahovac.

⁵⁴ Mamuša/Mamushë/Mamuša and Ranilug/Ranillug. For an overview of community representation in the civil service for each municipality, with corresponding census results to indicate municipal populations for each community, see Annex M1.

⁵⁵ Also see Annex M1 for detailed assessment of representation for each community in each municipality. The Kosovo Croat and Kosovo Montenegrin communities are not included in the analysis as the 2011 census did not include them as separate communities, they only had the possibility of declaring themselves as “other”, see also *supra* note 9.

Figure M2. Under-representation of communities at the municipal-level



Kosovo Serbs are the most represented community in all municipalities where they reside as a numerical minority, except for Novo Brdo/Novobërdë where the Kosovo Serb community is under-represented. By contrast, the Kosovo Gorani, Kosovo Ashkali and Kosovo Egyptian communities are under-represented in the civil service in every municipality where they reside.⁵⁶ Under-representation of the Kosovo Ashkali community is most striking in Fushë Kosovë/Kosovo Polje where the community makes up more than nine percent of the population but representation in the civil service is only two percent. For the Kosovo Egyptian community, under-representation is most significant in Gjakovë/Đakovica where the community makes up more than five percent of the population but less than two percent of the civil service. The situation is similar for the Kosovo Roma community, where adequate representation is enjoyed in only two of the ten municipalities where they reside in significant numbers.⁵⁷ For Kosovo Albanian and Kosovo Turk communities in a numerical minority, adequate representation is enjoyed in most municipalities where they reside in significant numbers.⁵⁸ For the Kosovo Albanian community in Gračanica/Graçanicë, under-representation in the civil service is significant, with less than seven percent of posts being filled by this community despite the municipal population equating to more than twenty percent.

⁵⁶ The Kosovo Gorani community is under-represented in Prizren and Dragash/Dragaš. The Kosovo Ashkali community is under-represented in Mitrovicë/Mitrovica South, Podujevë/Podujevo, Prishtinë/Priština, Gračanica/Graçanicë, Lipjan/Lipljan, Fushë Kosovë/Kosovo Polje, Obiliq/Obilić, Shtime/Štimlje, Gjakovë/Đakovica, Prizren, Rahovec/Orahovac, Suharekë/Suva Reka and Ferizaj/Uroševac. The Kosovo Egyptian community is under-represented in Fushë Kosovë/Kosovo Polje, Pejë/Peć, Klinë/Klina, Gjakovë/Đakovica, Istog/Istok, Deçan/Dečan and Rahovec/Orahovac.

⁵⁷ The Kosovo Roma community is under-represented in Mitrovicë/Mitrovica South, Gračanica/Graçanicë, Obiliq/Obilić, Pejë/Peć, Gjakovë/Đakovica, Prizren, Gjiilan/Gnjilane, and Kamenicë/Kamenica. However, it is adequately represented in Lipjan/Lipljan and Fushë Kosovë/Kosovo Polje.

⁵⁸ The Kosovo Albanian community in a numerical minority at the municipal-level is under-represented in Gračanica/Graçanicë, Klokot/Klllokot and Štrpce/Shtërpçë. The Kosovo Turk community is under-represented in Prishtinë/Priština.

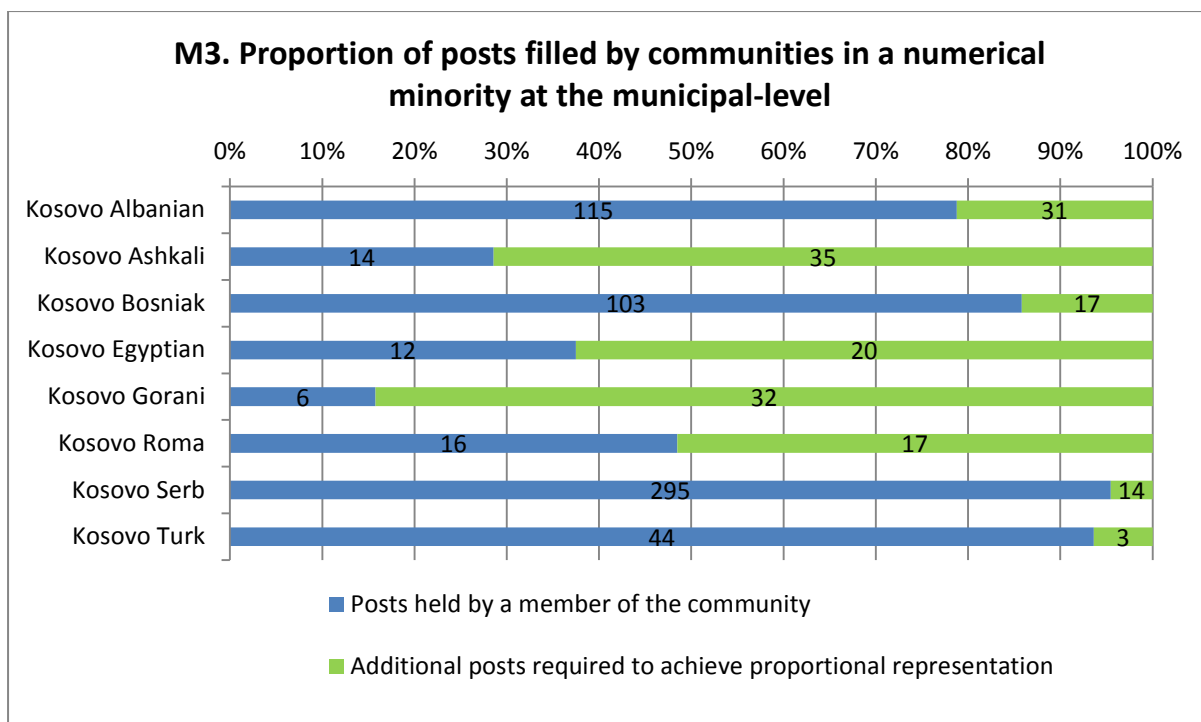


Figure M3⁵⁹ above indicates the overall number of posts that each community should hold to achieve levels of representation corresponding to the proportion of communities according to the 2011 census (blue and green together), with the blue portion of the bar indicating those posts that are actually filled by members of the community, and the green portion indicating the number of posts that are not filled by this community.⁶⁰ These positions exist yet are currently held by members of other communities. When reviewing the number of established posts in comparison to the proportion of communities in the 2011 census, 90 per cent of the posts that are required for the Kosovo Gorani community to be proportionately represented are held by a member of another community.⁶¹ The table also illustrates the large number of additional posts that would be needed to be filled by members of Kosovo Ashkali and Kosovo Egyptian communities in order for proportional representation to be achieved. By contrast the Kosovo Turk and Kosovo Serb communities have the highest proportion of required posts filled.

⁵⁹ Please note that both Kosovo Albanian and Kosovo Serb posts are included in these figures for the municipalities of Klokot/Kllokot, Novo Brdo/Novobërdë and Štrpce/Shtërpçë due to the disputed census results, *supra* note 9. In addition, Kosovo Albanians are classified as a community in a numerical minority in Gračanica/Graçanicë, Mamuša/Mamushë/Mamuša and Ranilug/Ranillug.

⁶⁰ For an overview of missing posts for each community for each municipality, see Annex M2.

⁶¹ *Supra* note 52.

3.2.1 Gender representation of communities at the municipal level

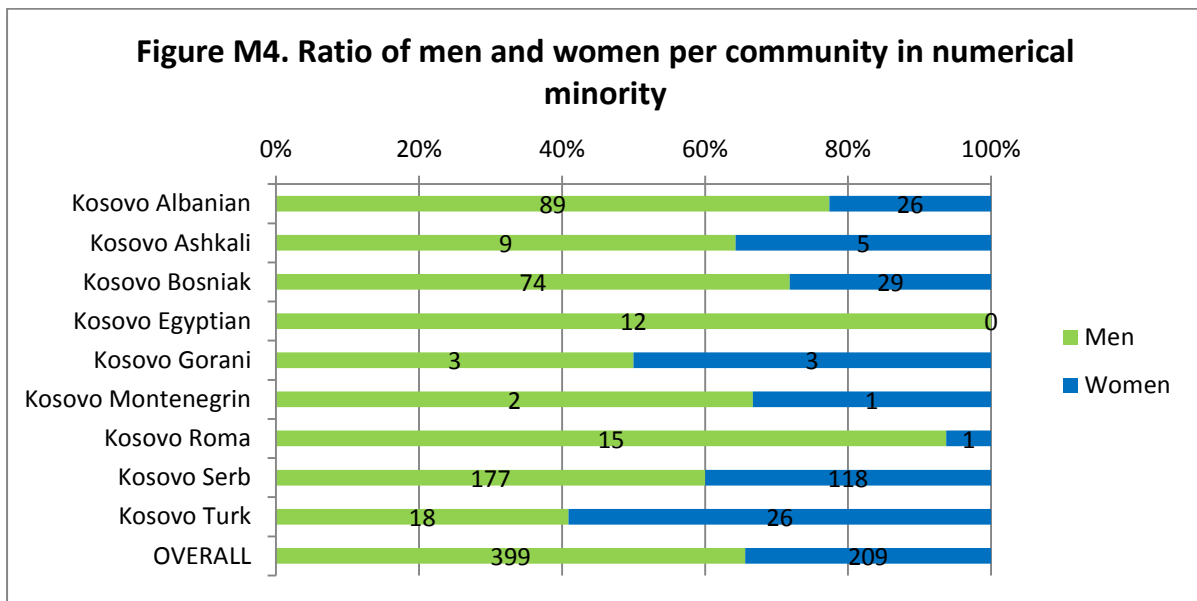


Figure M4 above⁶² reveals that women are consistently under-represented, with only the Kosovo Gorani community having an equal representation of women in the civil service. The community where women are most under-represented is the Kosovo Egyptian community, where no women are represented. Despite such poor gender representation, measures or steps that were taken to enhance gender representation among civil servants belonging to communities were reported in only three municipalities.⁶³

3.2.2 Representation of communities at all functional levels of the civil service at the municipal level

Regulation 04/2010 states that at the municipal level, the distribution of posts in terms of functional categories in the civil service should also reflect the proportion of communities in a given municipality.⁶⁴ At the municipal level, civil service posts are divided into management level, professional level and technical-administrative level.⁶⁵ Out of the 24 municipalities where the proportion of communities residing in the municipality represents at least one civil service post, only six municipalities meet the minimum threshold for each of the functional categories in proportion to the percentage representation of communities in the municipalities,⁶⁶ whereas a further three municipalities do not meet the threshold for any of

⁶² This figure includes only posts held by members of communities in a numerical minority at the municipal-level. Please note that both Kosovo Albanian and Kosovo Serb posts are included in these figures for the municipalities of Klokot/Kllokot, Novo Brdo/Novobërdë and Štrpce/Shtërpçë due to the disputed census results, see *supra* note 9.

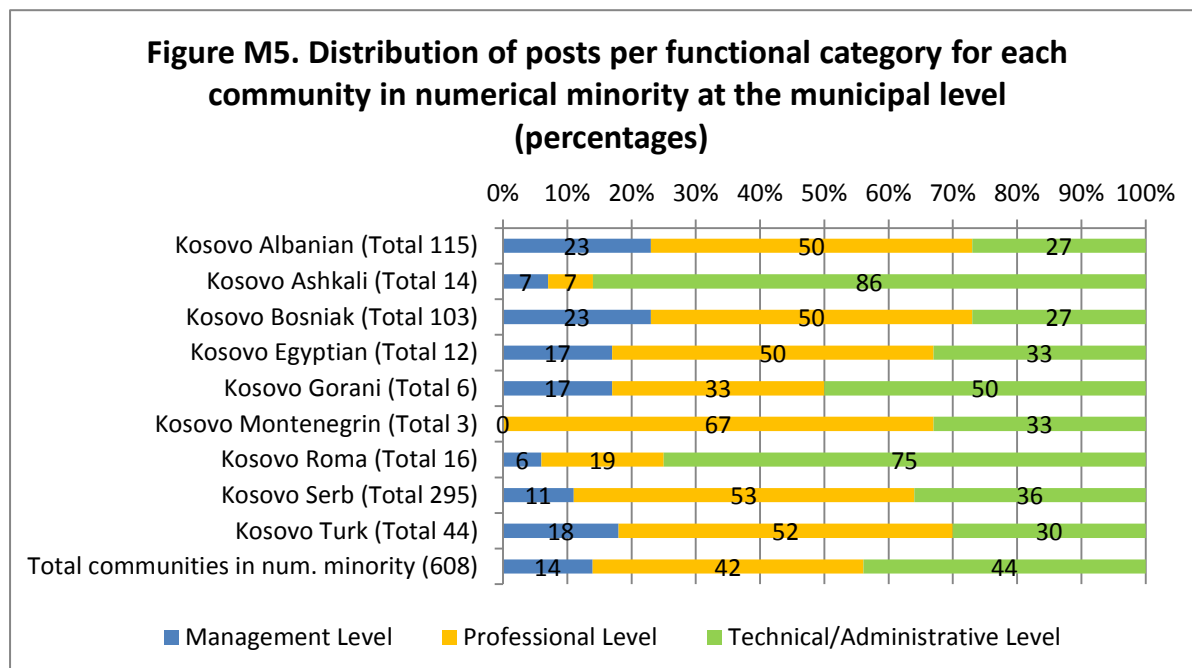
⁶³ Istog/Istok, Klinë/Klina and Gjilan/Gnjilane undertook measures that went beyond the obligatory notice in vacancy advertisements on equal opportunities for employment and welcoming of applications from both men and women foreseen by the Ministry of Public Administration Regulation 02/2010 on Recruitment Procedures in Civil Service, 20 September 2010, but no further details were given by these municipalities as to what the measures were.

⁶⁴ See Article 6.1.2, *supra* note 8.

⁶⁵ *Supra* note 35.

⁶⁶ Dečan/Dečan, Gjilan/Gnjilane, Lipjan/Lipljan, Mamuša/Mamushë/Mamuša, Ranilug/Ranillug, Štrpce/Shtërpçë.

the categories.⁶⁷ The remaining 16 municipalities only met the threshold in one or more categories.⁶⁸



While the legal obligations at the municipal level only apply to the proportion of communities in each municipality, some general trends with respect to the distribution of posts for each community can be seen in Figure M5 above.⁶⁹ The overall distribution of civil service posts throughout all 34 assessed municipalities (when the totals for posts held by member of communities in both a numerical minority and majority on the municipal level are combined) can be broken down as follows: 17 per cent in management-level positions; 49 per cent in professional-level positions; and 34 per cent in technical-administrative-level positions. Compared to the total average, Kosovo Roma and Kosovo Ashkali communities are under-represented and are almost exclusively employed at the technical-administrative level. These communities are already under-represented in absolute numbers. For example, the breakdown of posts shows that the Kosovo Roma community in Gjilan/Gnjilane and the Kosovo Ashkali community in Fushë Kosovë/Kosovo Polje, both already significantly under-represented in the civil service in the municipalities, are employed only in technical-administrative-level positions.

3.2.3 Vacancies filled

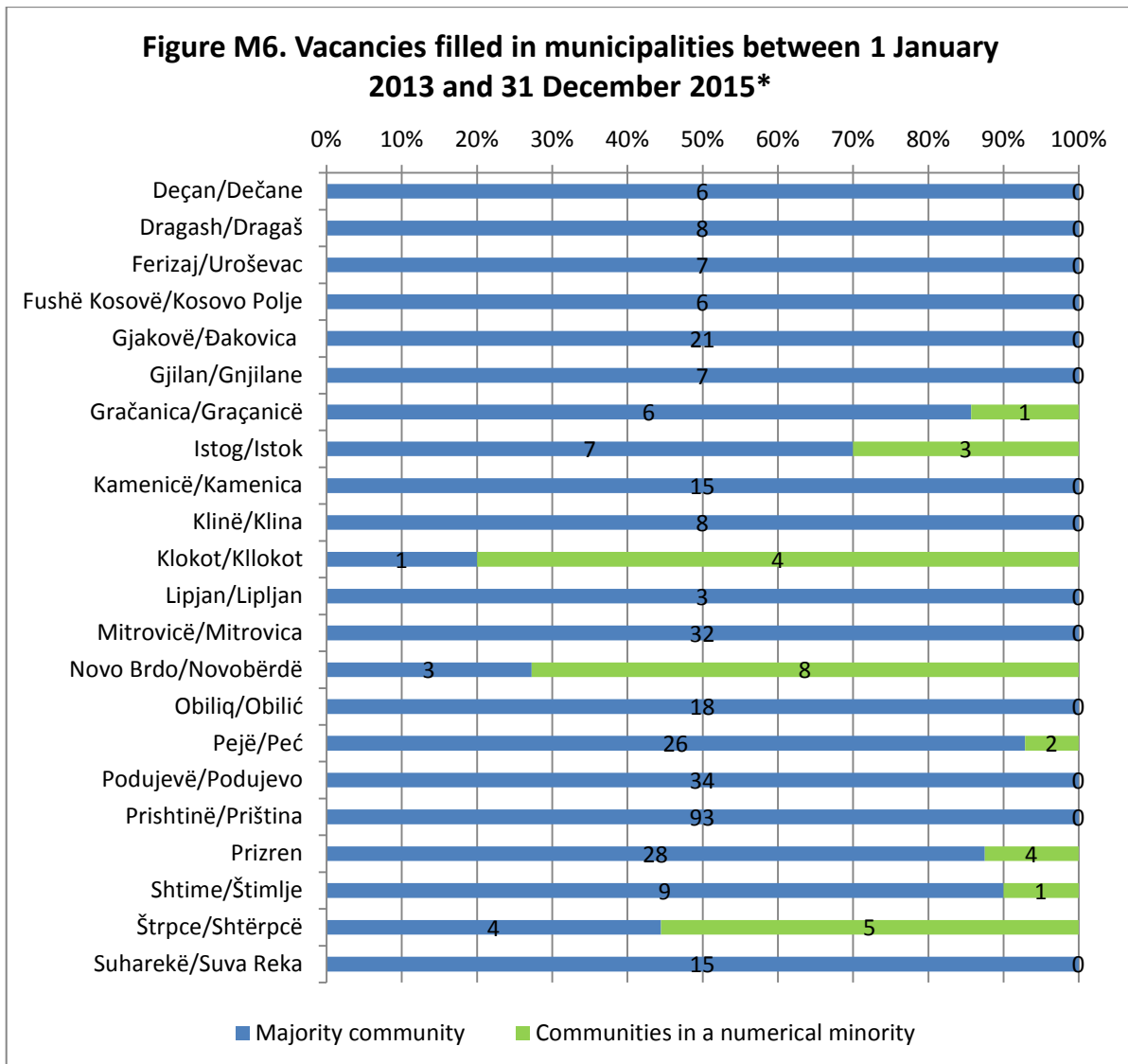
Figure M6 below disaggregates the number of vacancies filled by each municipality that does not fulfil the minimum threshold for employing members of communities in a numerical

⁶⁷ Gjakovë/Đakovica, Podujevë/Podujevo, Suharekë/Suva Reka.

⁶⁸ Mitrovicë/Mitrovica South, Prishtinë/Priština, Gračanica/Gračanicë, Fushë Kosovë/Kosovo Polje, Obiliq/Obilić, Shtime/Štimlje, Pejë/Peć, Klinë/Klina, Istog/Istok, Prizren, Dragash/Dragaš, Kamenicë/Kamenica, Klokot/Klllokot, Novo Brdo/Novobërdë and Ferizaj/Uroševac.

⁶⁹ This figure includes only posts held by members of communities in a numerical minority at the municipal-level. Please note that both Kosovo Albanian and Kosovo Serb posts are included in these figures for the municipalities of Klokot/Klllokot, Novo Brdo/Novobërdë and Štrpce/Shtërpçë due to the disputed census results, see *supra* note 9. In addition, Kosovo Albanians are classified as a community in a numerical minority in Gračanica/Gračanicë, Mamuşa/Mamushë/Mamuşa, Parteş/Partesh and Ranilug/Ranillug.

minority (when the representation of each community is assessed separately) between 1 January 2013 and 31 December 2015 by employees among members of communities in a numerical minority and majority at the municipal level.



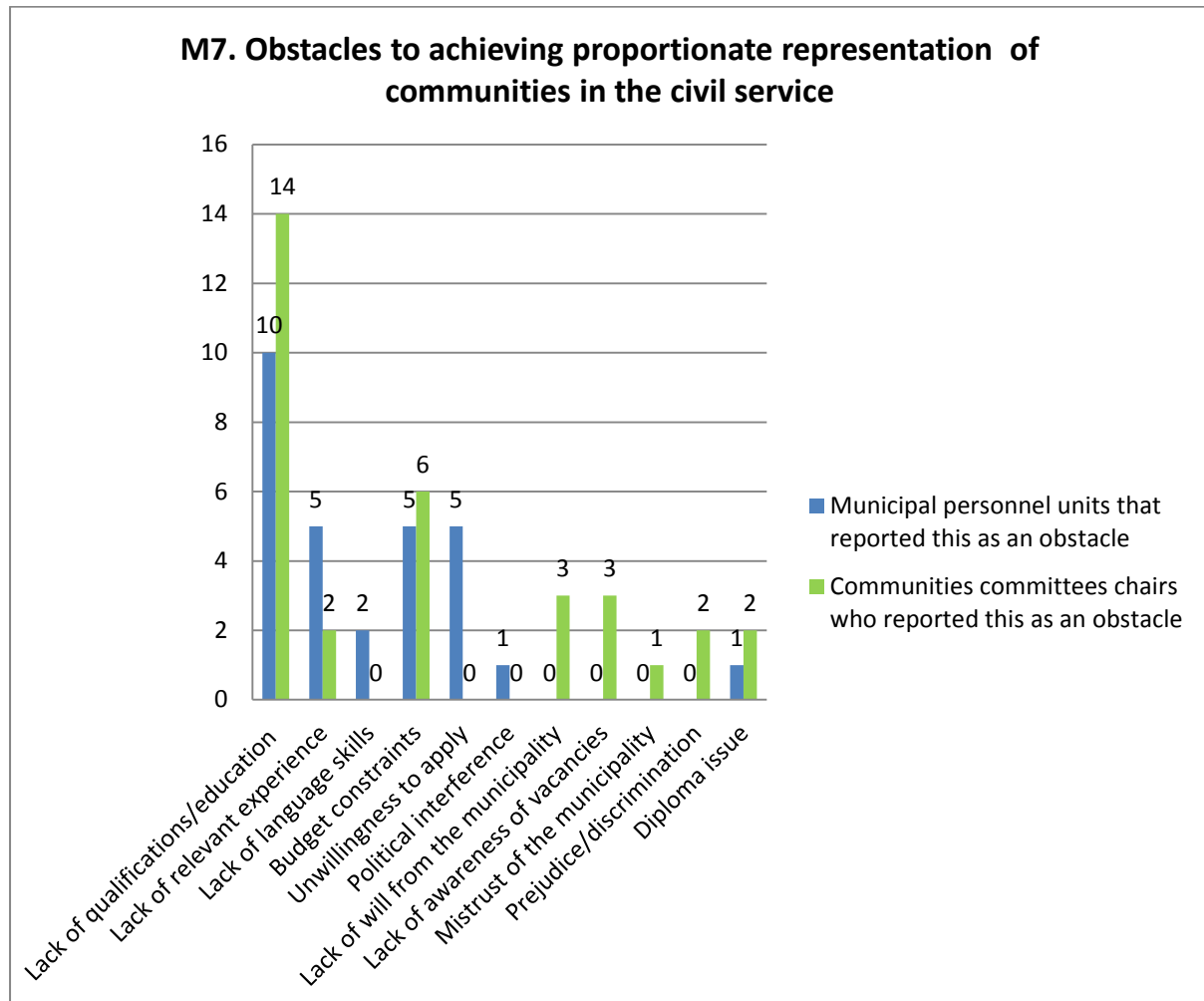
*For municipalities that do not meet the minimum threshold for individual community representation in the civil service.

The chart shows that out of the 22 municipalities that do not meet the minimum threshold for individual community representation in the civil service, 14 did not fill a single vacancy in the reporting period with a candidate from a community in a numerical minority.⁷⁰ For the municipality of Istog/Istok recruitments of members of communities in a numerical minority in the reporting period resulted in the municipality now meeting the overall threshold for civil service posts, which was not the case in the 2013 assessment.

⁷⁰ Deçan/Deçan, Dragash/Dragaš, Ferizaj/Uroševac, Fushë Kosovë/Kosovo Polje, Gjakovë/Đakovica, Gjilan/Gnjilane, Kamenicë/Kamenica, Klinë/Klina, Mitrovicë/Mitrovica South, Lipjan/Lipljan, Obiliq/Obilić, Podujevë/Podujevo, Prishtinë/Priština and Suharekë/Suva Reka, which filled all vacancies with applicants from the Kosovo Albanian community.

3.2.4 Obstacles to increasing representation of communities in the civil service at the municipal level

Both the heads of municipal personnel units and the communities committee chairs of the 24 municipalities assessed were asked what they think the biggest obstacles to achieving the required proportional representation of communities in the civil service are. Figure M7 below outlines the responses.



For both groups of respondents, the most common response was the same as that given for representation at the central level, i.e. that potential applicants lacked the necessary qualifications. The second most common answer was that municipalities are restricted by the central level on the number of new employees that can be recruited due to budget restrictions. For the municipal personnel units’ representatives, most of the other obstacles to greater employment of civil servants from communities related to the shortcomings of applicants or potential applicants, including a lack of professional experience or simply an unwillingness to apply for such positions. The responses of communities committee chairs did differ from those of the municipal representatives. As well as acknowledging a lack of qualifications and budget constraints, they also noted a lack of willingness or even prejudice from the municipality to employ communities’ members, as well as a shortage of applicants from communities due to a lack of awareness of vacancies. Communities committee chairs from two municipalities highlighted the issue of diploma recognition from Serbian-language

institutions as an obstacle to greater recruitment of applicants from communities.⁷¹ Heads of personnel units in six municipalities stated that the municipality had received applications from members of communities with a university diploma or secondary school certificate from Serbian-language institution in Kosovo.⁷² However, this was only mentioned as an obstacle by the personnel head in Mitrovicë/Mitrovica South. Further, communities committee chairs from two municipalities reported that they had either received or knew about complaints from communities regarding the poor advertisement of civil service vacancies.⁷³ Five communities committee chairs reported receiving complaints by members of communities relating to the lack of opportunities to be employed in the civil service in their respective municipalities.⁷⁴ Further, six CC chairs reported providing recommendations to the municipal assembly to increase the representation of communities in the civil service in their municipality.⁷⁵ The communities committee chair in Pejë/Peć reported that the poor gender representation of communities in the civil service was discussed during a municipal assembly session. When asked about specific examples of communities' members applying for civil service posts in their municipalities, only six communities committee chairs were able to give an insight into the recruitment process from a communities' perspective.⁷⁶

4. ANALYSIS OF FAIR RECRUITMENT AND POSITIVE ACTION MEASURES TAKEN

According to Article 4.4 and Article 12 of Regulation 04/2010, in order to achieve proportional representation of communities, all civil service institutions at both the central and municipal level are required to undertake fair recruitment measures, including: making special efforts to identify and solicit job applications from under-represented communities;

⁷¹ Dragash/Dragaš and Gjiilan/Gnjilane.

⁷² Mitrovicë/Mitrovica South, Štrpce/Shtërpçë, Ranilug/Ranillug, Novo Brdo/Novobërdë, Klokot/Kllokot and Gračanica/Graçanicë.

⁷³ In Dragash/Dragaš, the CC chair reported being aware of a complaint raised by a non-majority community municipal assembly member during a municipal assembly session which was related to a vacancy that had been advertised with an expired deadline for application; in Fushë Kosovë/Kosovo Polje, the CC chair reported that a Kosovo Roma woman complained that the municipal website does not advertise vacancies in Serbian language and information is often not disseminated among communities in a numerical minority.

⁷⁴ Deçan/Dečan, Gjakovë/Đakovica, Podujevë/Podujevo, Novo Brdo/Novobërdë and Klokot/Kllokot. No further details were given by these municipalities as to what was meant by a lack of opportunities.

⁷⁵ Gjakovë/Đakovica, Pejë/Peć, Mitrovicë/Mitrovica South, Podujevë/Podujevo, Prishtinë/Priština and Shtime/Štimlje.

⁷⁶ In Kamenicë/Kamenica, where the Kosovo Roma community is under-represented in the civil service, the CC chair reported knowledge of Kosovo Serbs and Kosovo Roma who had applied for positions. While some were successful and some were not, the experience of these candidates was that the recruitment process was highly politicized and based on nepotism and political or ethnic affiliation. In Novo Brdo/Novobërdë the CC chair reported that he had received a complaint from a Kosovo Albanian community member who had applied for a position but reported irregularities in the recruitment process where according to the candidate, the successful candidate had no relevant experience. In Gračanica/Graçanicë, where the Kosovo Roma and Kosovo Albanian communities are both significantly under-represented in the civil service, the CC chair reported knowledge of candidates from both of these communities applying unsuccessfully for positions, but the chair did not have any information on the reasons why the applications were unsuccessful. In Dragash/Dragaš, where the Kosovo Gorani community is under-represented, the CC chair reported being aware of a member of this community with a university degree who applied unsuccessfully for a position in the civil service but had no information as to the reason for this. Reported experiences by CC chairs in Podujevë/Podujevo, Gjakovë/Đakovica and Klokot/Kllokot were more positive, with chairs in these municipalities reporting that although they were only aware of unsuccessful candidates from communities, there were no particular complaints about the recruitment process.

developing on-the-job training programs for commonly-disadvantaged communities; providing training for personnel on anti-discrimination policies; including ‘statements of encouragement’ in vacancy notices to encourage applications in areas where communities are under-represented and ensuring that one member of the recruitment panel is from a community that is not in the majority.

In addition to the fair recruitment measures that are outlined in Articles 4.4 and 12 of the Regulation, which should be undertaken by all employing institutions, Article 11 of Regulation 04/2010 outlines the positive action measures that should be undertaken only by institutions that do not have adequate representation of communities, to achieve fair and proportional representation of communities, and stipulates that institutions should undertake at least six of the 14 listed measures. The measures relate to supporting recruitment, undertaking promotional activities, capacity-building and awareness-raising, and outreach.

The sections below outline the measures taken by employing institutions at both the central and municipal level. Given that there is no legal clarity on which measures are to be implemented by all institutions, and which should be implemented by those that have not achieved a fair representation, the report will assess all institutions on undertaking fair recruitment measures and focus on institutions that do not meet thresholds on representation of communities for their implementation of positive action measures.

4.1 Implementation of fair recruitment and positive action measures at the assessed central-level institutions

At the central level, compliance with the obligations regarding fair recruitment measures outlined in Articles 4.4 and 12 of Regulation 04/2010 is high. All 18 central-level institutions included in this assessment advertise vacancies in both official languages and 16 out of 18 include a notice on fair and proportional representation of communities not in the majority in all vacancy advertisements.⁷⁷ Of these institutions, 16 also comply with the requirement⁷⁸ to ensure that one member of the recruitment panel is from a community that is not in the majority.⁷⁹ Only the Office of the Prime Minister and the Office of the President complied with Article 4.4.2 of the Regulation to “address the results of long-term discrimination by developing on-the-job training programmes for commonly-disadvantaged communities”.

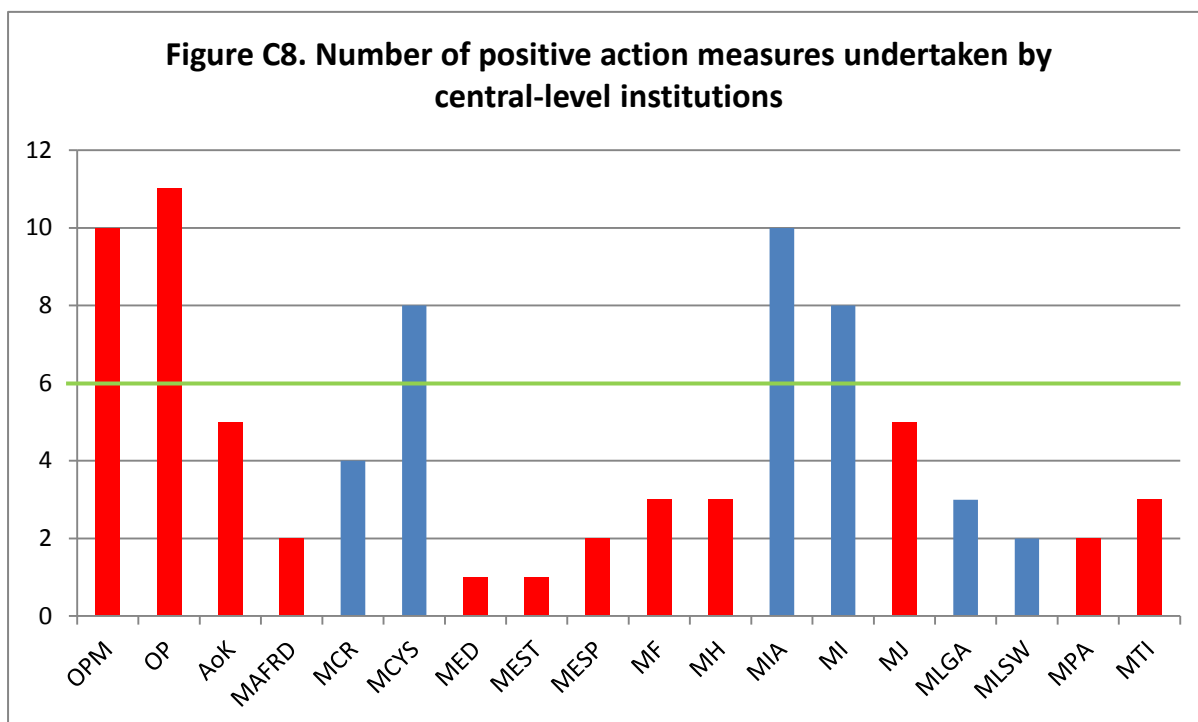
Regarding the implementation of the positive action measures to achieve fair and proportional representation as outlined in Article 11 of the Regulation,⁸⁰ figure C8 below shows the number of measures undertaken by each institution.

⁷⁷ The representative from the Ministry of Agriculture, Forestry and Rural Development reported that there was no legal obligation to undertake this measure, and the representative from the Ministry of Environment and Spatial Planning stated that no such notice was included because all Kosovo residents are encouraged to apply for all vacancies in this ministry.

⁷⁸ In accordance with Article 12.1.2 of Regulation 04/2010, see *supra* note 8.

⁷⁹ The Ministry of Health and the Ministry of Trade and Industry both stated that the reason for not complying with this requirement was that they do not have a qualified community member to be part of the recruitment panel, as the Article 7.1 of the MPA Regulation 02/2010 on Recruitment Procedures in Civil Service (*supra* note 63) states that the panel should be made up of employees holding posts that are more senior than the vacant post.

⁸⁰ *Supra* note 8.



The chart shows that out of the 12 institutions that do not reach the ten per cent threshold for communities' representation (shown in red),⁸¹ only two implemented more than the six minimum measures during the reporting period.⁸² Moreover, out of these 12, the institutions that employ the lowest proportion of communities also ranked among those that undertook the smallest number of positive measures.⁸³ These findings indicate that the institutions where the proportion of community members employed is less than ten per cent have not been successful in complying with the legal framework by implementing positive measures to increase the representation of communities.⁸⁴

⁸¹ Office of the Prime Minister, Office of the President, Assembly of Kosovo, Ministry of Agriculture, Forestry and Rural Development, Ministry of Economic Development, Ministry of Education, Science and Technology, Ministry of Finance, Ministry of Health, Ministry of Justice, Ministry of Public Administration, Ministry of Trade and Industry. Institutions shown in blue already reach the ten per cent threshold and are therefore not legally obliged to undertake any of the positive action measures.

⁸² Office of the Prime Minister and Office of the President.

⁸³ For example, the Ministry of Economic Development employs less than one per cent communities and only undertook one positive measure. Similarly, the Ministry of Finance and the Ministry of Health employ less than two per cent communities and each only undertook three measures.

⁸⁴ For an overview of positive action measures undertaken by each central-level institution, see Annex C2.

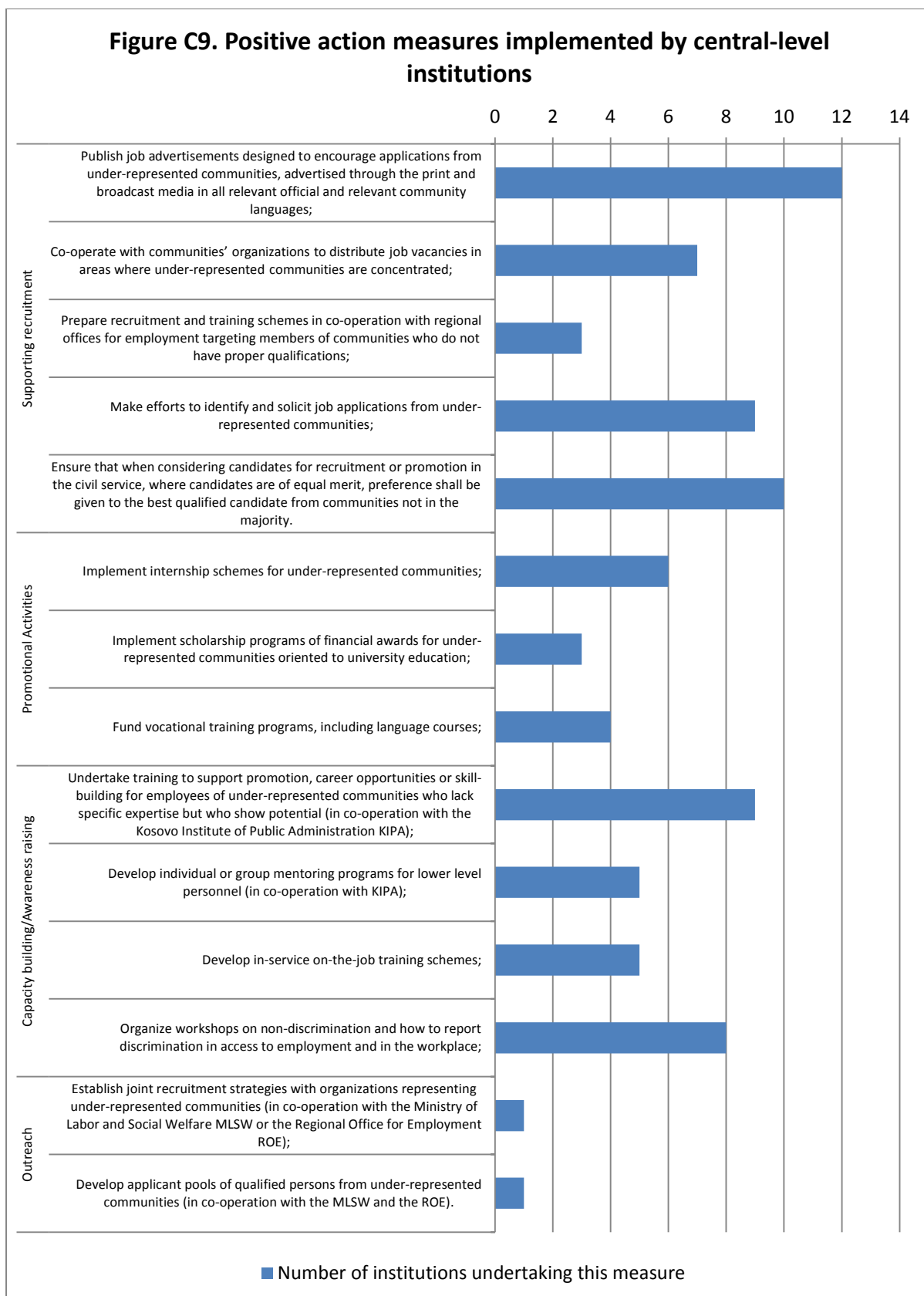


Figure C9 shows that the most frequently undertaken measure during the reporting period (1 January 2013 – 31 December 2015) is the publication of vacancy advertisements through

print and broadcast media in all relevant official and relevant communities' languages, and that the measures related to outreach activities are particularly poorly-implemented.

In order to facilitate the implementation of positive measures, Regulation 04/2010 also foresees the assignment of a civil servant who shall have the authority, resources, support from and access to senior management to enable effective implementation of the regulation.⁸⁵ Only four of the assessed institutions had a civil servant assigned for this purpose.⁸⁶ Similarly, the allocation of adequate budgetary resources to implement positive measures (which was also one of the recommendations from the previous OSCE report) was only reported in four of the assessed institutions, out of which two already meet the ten percent threshold.⁸⁷ The lack of budget allocated also explains the less frequent implementation of measures that do require financial resources, such as internships or training schemes for members of communities. Regulation 04/2010 also requires personnel managers to regularly assess the implementation of the Regulation.⁸⁸ Of the assessed institutions, ten reported that they were undertaking this measure.⁸⁹

4.2 Implementation of fair recruitment and positive action measures at the municipal level

In terms of adhering to the fair recruitment measures outlined in Article 4.4 and Article 12 of the Regulation 04/2010, the overall compliance at the municipal level is relatively high. All of the municipalities that were assessed advertise vacancies in official languages at the municipal level, and 20 out of 24 municipalities include the required "notice on fair and proportional representation of communities not in the majority" in all their vacancy advertisement forms.⁹⁰ Seventeen municipalities were in compliance with the requirement to have one member of the recruitment panel from a community that is not in the majority.⁹¹ The most commonly-given reason as to why this provision was not complied with was a lack of qualified staff.⁹² Only seven of the assessed municipalities developed on-the-job training programmes to address the results of long-term discrimination of 'commonly-disadvantaged communities' to enhance their ability to apply and compete for promotions, which was one of the recommendations from the 2013 OSCE report.⁹³ While no specific obstacles to applying this measure were noted, five of the 24 heads of personnel interviewed cited this measure as

⁸⁵ *Supra* note 8, Article 11.4.

⁸⁶ Office of the Prime Minister, Ministry of Infrastructure, Ministry of Trade and Industry, and Ministry of Finance. Given that of these institutions, only the Ministry of Finance met the ten per cent minimum threshold, the effectiveness of this measure is questionable.

⁸⁷ The Office of the President and Assembly of Kosovo do not meet the ten percent threshold, whereas the Ministry of Communities and Returns, and Ministry of Internal Affairs do.

⁸⁸ In accordance with Article 13 of the Regulation, see *supra* note 8.

⁸⁹ Office of the Prime Minister, Office of the President, Assembly of Kosovo, Ministry of Agriculture, Forestry and Rural Development, Ministry of Internal Affairs, Ministry of Infrastructure, Ministry of Justice, Ministry of Trade and Industry, and Ministry of Finance.

⁹⁰ See Article 12 (1)(1.1) of the Regulation 04/2010 (*supra* note 8); the municipalities that did not comply were Mitrovicë/Mitrovica South, Mamuşa/Mamushë/Mamuşa, Novo Brdo/Novobërdë and Klokot/Kllokot.

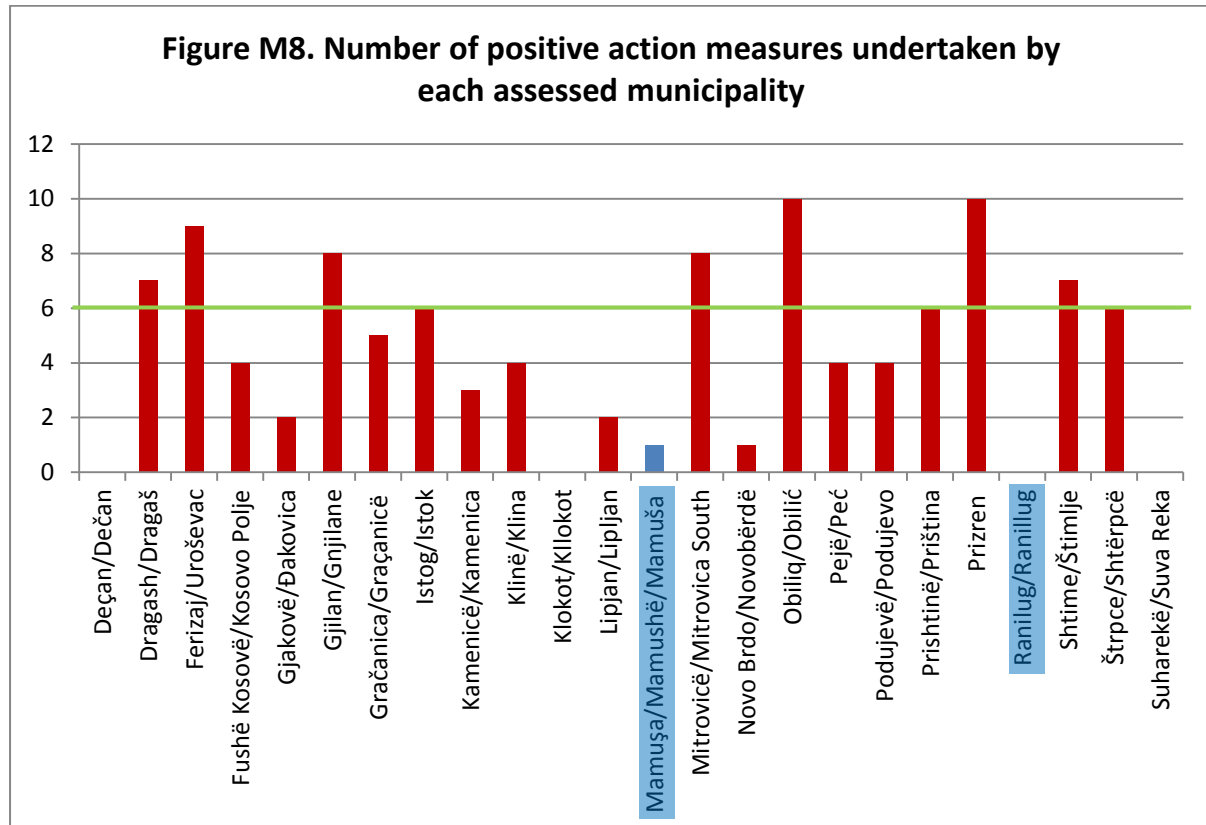
⁹¹ See Article 12 (1)(1.2) of the Regulation 04/2010 (*supra* note 8); the municipalities that did not comply were: Mitrovicë/Mitrovica South, Podujevë/Podujevo, Suharekë/Suva Reka, Ferizaj/Uroševac, Lipjan/Lipljan, Gračanica/Gračanicë and Obiliq/Obilić.

⁹² In the case of Podujevë/Podujevo the head of personnel unit stated that to his knowledge, there is no such obligation. In Lipjan/Lipljan and Obiliq/Obilić this provision is only complied with when the candidate is from a community not in the majority.

⁹³ See Article 4(4.2) of the Regulation 04/2010 (*supra* note 8), Gjakovë/Đakovica, Istog/Istok, Pejë/Peć, Podujevë/Podujevo, Gjilan/Gnjilane, Prishtinë/Priština and Shtime/Štimlje.

not relevant since they already had at least one member of these communities employed in the civil service.⁹⁴

As regards the implementation of the positive action measures to achieve fair and proportional representation as outlined in Article 11 of the Regulation, figure M8 below shows the number of measures undertaken by each municipality.



Out of the 24 municipalities that were assessed, only Mamuša/Mamushë/Mamuša and Ranilug/Ranillug (shown in blue) have the required level of communities' representation in the civil service (when broken down by each community residing in the municipality). Figure M8 shows that out of the 22 municipalities that do not meet the minimum threshold (shown in red), only ten have undertaken at least the minimum of six special action measures required by legislation.⁹⁵ Heads of personnel units in nine of the 24 municipalities indicated that they consider the representation of communities in their municipalities to be adequate⁹⁶ and therefore stated that there was no need to apply the special measures.⁹⁷ It is also noteworthy that only two communities committee chairs were aware of any positive action measures undertaken by the municipalities to enhance and preserve a fair and proportional representation of communities.⁹⁸ In both of these cases, the initiatives involved the MOCR

⁹⁴ As reported by the heads of personnel in Novo Brdo/Novobërdë, Mitrovicë/Mitrovica South, Pejë/Peć, Lipjan/Lipljan and Mamuša/Mamushë/Mamuša.

⁹⁵ See Article 11, *supra* note 8; Istog/Istok, Mitrovicë/Mitrovica South, Dragash/Dragaš, Prizren, Ferizaj/Uroševac, Štrpce/Shtërpçë, Gjilan/Gnjilane, Prishtinë/Priština, Shtime/Štimlje, Obiliq/Obilić.

⁹⁶ Eight of the nine municipalities mentioned meet the overall percentage of communities representation but not for every individual community. Novo Brdo/Novobërdë does not reach either threshold.

⁹⁷ Mitrovicë/Mitrovica South, Ferizaj/Uroševac, Štrpce/Shtërpçë, Gjilan/Gnjilane, Kamenicë/Kamenica, Novo Brdo/Novobërdë and Obiliq/Obilić as well as Mamuša/Mamushë/Mamuša and Ranilug/Ranillug.

⁹⁸ Shtime/Štimlje and Prishtinë/Priština.

distributing vacancy notices where community members reside. Despite the low compliance with this aspect of the legislation, it represents a significant improvement on the situation that was reported in the 2013 report, where not a single municipality implemented six or more of the required measures.⁹⁹

⁹⁹ For an overview of positive action measures undertaken by each municipality, see Annex M4.

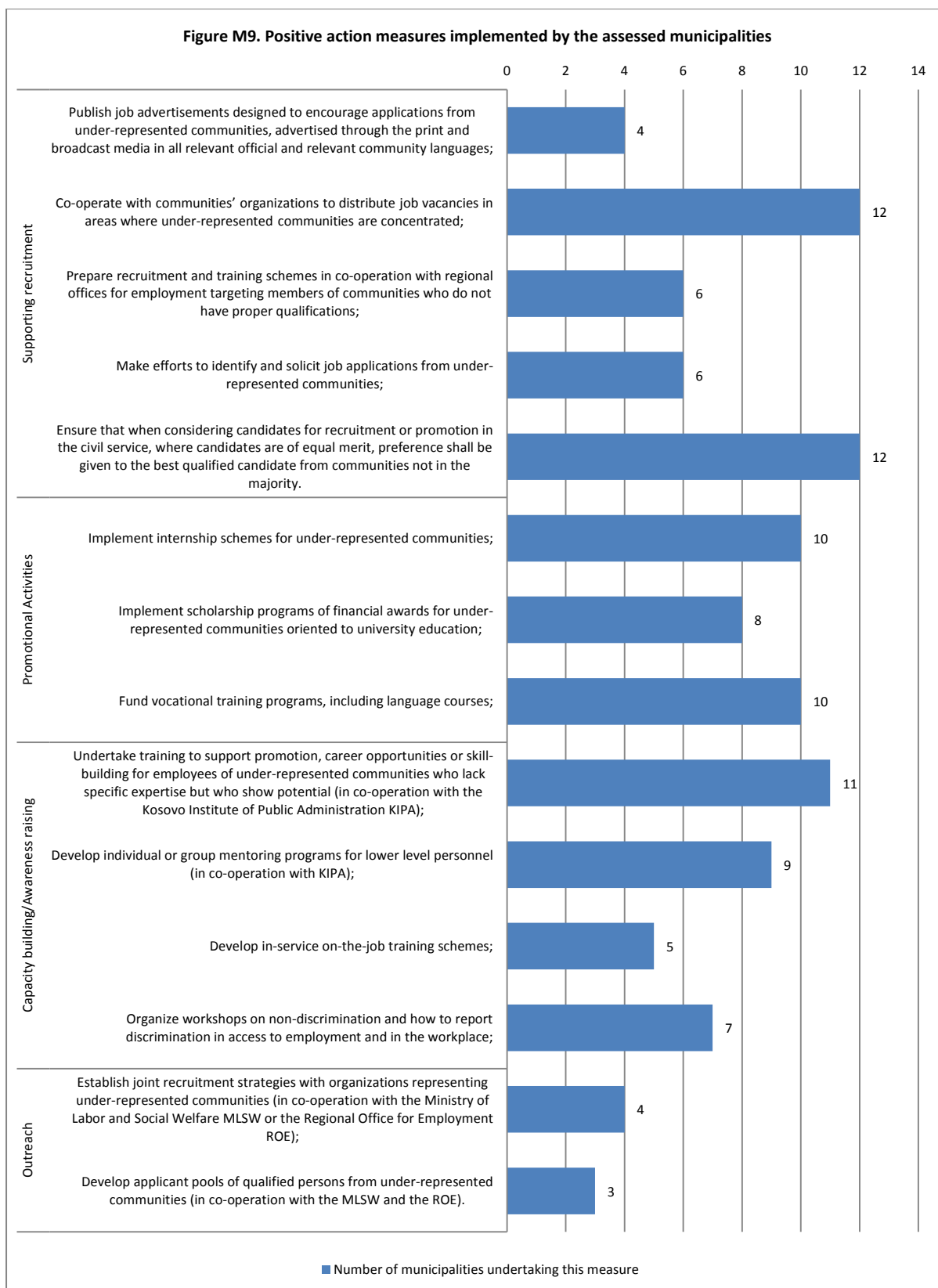


Figure M9 above shows that, at the municipal level, outreach activities are rarely implemented. However, the heads of personnel units interviewed did not state any particular obstacles to implementing outreach measures. The most frequently implemented measures were related to supporting recruitment through co-operating with communities' organizations

to distribute job vacancies in areas where under-represented communities reside, which was mostly done through the MOCR and/or the communities committee, as well as to ensure that preference is given to the best qualified candidate from communities.

Only two of the assessed municipalities appointed a civil servant to facilitate the implementation of Regulation 04/2010.¹⁰⁰ Similarly, allocation of budgetary resources to enable the implementation of special measures recommended in the previous OSCE report particularly at the municipal level was not reported in any of the assessed municipalities.¹⁰¹ However, the relatively high frequency of implementation of measures that would require financial means such as trainings, courses or internships seems to imply that municipalities were able to allocate resources from sources other than the municipal budget. Finally, nine out of 24 assessed municipalities stated that personnel managers do regularly assess the implementation of Regulation 04/2010.¹⁰²

5. DATA COLLECTION ON COMMUNITY AFFILIATION

Articles 8, 9 and 10 of Regulation 04/2010 oblige employing institutions to collect and store confidential and anonymous statistical data on the community affiliation of applicants and employees for the purposes of assessing the representation of communities in the civil service. The failure to collect such data was a previously identified concern that was highlighted in the recommendations of the 2013 OSCE report. Given the importance of reliable data for the purposes of monitoring the implementation of the 01/2010 Regulation, as well as the international and domestic standards that relate to collection of data on community belonging and personal data protection,¹⁰³ the sections below outline compliance with this aspect of the legislation at the central and municipal level.

5.1 Central level

At the central level, 14 of the 18 assessed institutions reported collecting and storing anonymous statistical data on the community affiliation of applicants and employees as per the legal obligations.¹⁰⁴ Of the institutions that reportedly do not collect and store such information anonymously as required, the Ministry of Culture, Youth and Sport and the Ministry of Health stated that they only store specific information regarding the community affiliation of applicants and employees as part of their general database. The Ministry of Justice representative stated that they believed that there was no legal obligation for the

¹⁰⁰ In accordance with Article 11.4 of the Regulation 04/2010, see *supra* note 8. Istog/Istok and Gjilan/Gnjilane. Both municipalities meet the overall minimum threshold for community representation but neither meets the minimum threshold for each individual community residing in the municipality.

¹⁰¹ In accordance with Article 13.2 of the Regulation 04/2010, see *supra* note 8.

¹⁰² Article 13, *supra* note 8; Istog/Istok, Klinë/Klina, Mitrovicë/Mitrovica South, Dragash/Dragaš, Prizren, Ferizaj/Uroševac, Gjilan/Gnjilane, Klokot/Klllokot and Prishtinë/Priština. All except Dragash/Dragaš, Prizren and Prishtinë/Priština meet the overall minimum threshold for community representation but none meets the minimum threshold for each individual community residing in the municipality

¹⁰³ For example, international standards recommend in most circumstances the right to free self-identification, including the right to choose not to identify oneself as member of a community. For further information, see Advisory Committee on the Framework Convention for the Protection of National Minorities, *Thematic Commentary No. 4 on "The Framework Convention: a key tool to managing diversity through minority rights"*, 27 May 2016.

¹⁰⁴ Office of the Prime Minister, Office of the President, Assembly of Kosovo, Ministry of Agriculture, Forestry and Rural Development, Ministry of Communities and Return, Ministry of Economic Development, Ministry of Education, Science and Technology, Ministry of Environment and Spatial Planning, Ministry of Finance, Ministry of Internal Affairs, Ministry of Infrastructure, Ministry of Labour and Social Welfare, Ministry of Public Administration, Ministry of Trade and Industry.

collection of such data.¹⁰⁵ When asked how the community affiliation of applicants and employees is determined, all but two institutions stated that they rely on the declaration by the applicant on their application form (not Annex 3 of the Regulation, which is a template form, including an option whether or not the applicant would like to state their ethnicity).¹⁰⁶ All institutions also reported that applicants and employees have the right to not declare their community affiliation, in accordance with Article 9.2 of Regulation 04/2010, however no institution reported that any applicant chose to exercise this right.¹⁰⁷

5.2 Municipal level

At the municipal level, 15 of the 24 municipalities assessed reported collecting and storing anonymous data on community affiliation.¹⁰⁸ In order to determine the community affiliation of applicants and employees, 11 of the 15 municipalities that do collect data use the declaration on the application form,¹⁰⁹ and eight municipalities reported using Annex 3 of Regulation 04/2010.¹¹⁰ However, in a number of municipalities, the practices used to collect data on community belonging did not respect the right of the applicant/employee to not declare or to self-declare his/her community affiliation in accordance with Article 9.2 of Regulation 04/2010.¹¹¹ Data collection of community belonging is also problematic in the municipality of Dragash/Dragaš,¹¹² the municipality does not collect separate data for Kosovo Bosniak and Kosovo Gorani communities. Civil service representation for both of these communities is therefore recorded under the Kosovo Bosniak community.

6. REPORTING

In accordance with Article 14 of Regulation 04/2010, all employing institutions should issue an annual report on the implementation of the Regulation to the Ministry of Public Administration. This provision was highlighted in the recommendations of the 2013 OSCE

¹⁰⁵ The Ministry of Local Government Administration did not provide any further information as to why such information was not collected and stored.

¹⁰⁶ The Ministry of Internal Affairs and the Ministry of Infrastructure reported using information from applicants' birth certificate to identify their community belonging. However, it should be noted that neither birth certificates issued in Kosovo nor any other personal identity documents contain information on one's community affiliation.

¹⁰⁷ As outlined in Article 9.2.1 of Regulation 04/2010, see *supra* note 8. The Ministry of Public Administration supplies application forms for central-level institutions to use. It includes a question on whether the applicant wishes to declare his/her ethnicity and if so, what their ethnicity is, which is in accordance with the form contained in Annex 3 of Regulation 04/2010, see *supra* note 8.

¹⁰⁸ Deçan/Dečan, Gjakovë/Đakovica, Istog/Istok, Klinë/Klina, Pejë/Peć, Mitrovicë/Mitrovica South, Podujevë/Podujevo, Dragash/Dragaš, Mamuša/Mamushë/Mamuša, Prizren, Novo Brdo/Novobërdë, Klokot/Kllokot, Prishtinë/Priština, Shtime/Štimlje and Lipjan/Lipljan.

¹⁰⁹ Klokot/Kllokot, Ferizaj/Uroševac, Novo Brdo/Novobërdë, Mitrovicë/Mitrovica South, Pejë/Peć, Prishtinë/Priština, Shtime/Štimlje, Lipjan/Lipljan, Fushë Kosovë/Kosovo Polje, Prizren, and Dragash/Dragaš.

¹¹⁰ Štrpce/Shtërpçë, Kamenicë/Kamenica, Mitrovicë/Mitrovica South, Istog/Istok, Pejë/Peć, Prishtinë/Priština, Prizren, Dragash/Dragaš.

¹¹¹ In Podujevë/Podujevo the municipality reportedly used information from personal identification, even though as noted above in note 106, neither personal identification nor birth certificates contain information on community belonging. In Gjakovë/Đakovica and Istog/Istok representatives from the MOCR were reportedly present in every interview panel and have knowledge of the community belonging of applicants, and in Deçan/Dečan, where information is only stored for employees, the municipality reportedly uses birth certificates and general familiarity of inhabitants of the municipality. In Mamuša/Mamushë/Mamuša the community belonging of applicants and employees is reportedly based on the language of education and names.

¹¹² *Supra* note 52.

report. The sections below outline compliance with this aspect of the legislation at the central and municipal level.

6.1 Central level

At the central level, eight of the assessed institutions submitted annual reports on the implementation of Regulation 04/2010 to the Ministry of Public Administration in accordance with Article 14 of the Regulation.¹¹³ Additionally, five institutions¹¹⁴ reported submitting quarterly reports that outline only the number and community affiliation of civil servants employed in the institution, including the measures undertaken to improve community employment in the institution. Among those institutions that do not submit an annual report to the Ministry of Public Administration, the Ministry of Environment and Spatial Planning reported that they were never asked to provide a report and were not aware of the obligation.

6.2 Municipal level

Of the 24 assessed municipalities, nine reported submitting an annual report.¹¹⁵ In addition, as was the case at the central level, five municipalities¹¹⁶ only submitted quarterly reports. Of those municipalities that did not comply, Suharekë/Suva Reka did not see the relevance as there are currently no non-Albanian civil service employees in the municipality, Ranilug/Ranillug was reportedly not aware of this obligation and Fushë Kosovë/Kosovo Polje reported that they are not monitoring the implementation of Regulation 04/2010. Three municipalities reported that they were not complying because they had not received a request from the Ministry of Public Administration,¹¹⁷ and four additional municipalities reported that although they do not submit a specific report on the implementation of the Regulation, they do submit an annual general report on the civil service in the municipality.¹¹⁸

6.3 Annual report on the implementation of Regulation 04/2010 by the Ministry of Public Administration

Following receipt of the annual reports from employing institutions, the Ministry of Public Administration, in co-operation with the Ministry of Local Government Administration, should issue a “periodic annual report on the implementation of procedures for the fair and proportional representation of communities not in the majority in the civil service”.¹¹⁹ According to the Director of the Department for Civil Service Administration, within the Ministry of Public Administration, the Ministry does not request employing institutions to submit an annual report on the implementation and there is no specific report produced by the Ministry on the implementation of the Regulation. Instead, data on communities’ representation in the civil service does form part of the Ministry’s general annual report on the civil service. However, the general annual report does not include any information about the implementation of the positive action measures that employing institutions should

¹¹³ Office of the President, Assembly of Kosovo, Ministry of Agriculture, Forestry and Rural Development, Ministry of Culture, Youth and Sport, Ministry of Economic Development, Ministry of Internal Affairs, Ministry of Justice, and Ministry of Trade and Industry.

¹¹⁴ Office of the Prime Minister, Ministry of Communities and Returns, Ministry of Education, Science and Technology, Ministry of Infrastructure and Ministry of Finance.

¹¹⁵ Deçan/Dečan, Istog/Istok, Klinë/Klina, Dragash/Dragaš, Ferizaj/Uroševac, Viti/Vitina, Štrpce/Shtërpçë, Prishtinë/Priština and Obiliq/Obilić.

¹¹⁶ Gjilan/Gnjilane, Klokot/Kllokot, Mitrovicë/Mitrovica South, Podujevë/Podujevo, and Prizren.

¹¹⁷ Shtime/Štimlje, Lipjan/Lipljan and Gračanica/Gračanicë.

¹¹⁸ Gjakovë/Đakovica, Novo Brdo/Novobërdë, Pejë/Peć and Mamuša/Mamushë/Mamuša.

¹¹⁹ See Article 14(5), *supra* note 8.

undertake. Furthermore, the Ministry has not delivered any training since the Regulation came into force in 2010 for employing institutions on how to implement the Regulation.

7. CONCLUSIONS

In the central-level institutions that were assessed, progress has been made since the OSCE's 2013 report in increasing the overall proportion of members of communities in a numerical minority, although the figure still does not reach the minimum ten per cent threshold outlined in the Law on Civil Service. Moreover, this overall improvement does not reveal the uneven distribution of posts filled by members of communities in a numerical minority, where some institutions fall well below the ten per cent. Moreover, numerically smaller communities¹²⁰ continue to be under-represented at the central level both in overall proportions and in the number of higher-level positions that they hold. On the contrary, Kosovo Serbs and Kosovo Turks are over-represented compared with their proportion of the population of Kosovo.

At the municipal level no major changes have occurred since 2013. When assessing the proportion of posts for each community residing in a given municipality, 22 municipalities fail to reach the required minimum. Further, ten out of the 24 municipalities assessed fail to meet the overall proportion of posts for communities when they are combined into one percentage. The Kosovo Serb community is often the most represented community compared to its proportional representation in a given municipality. This impacts the number of posts filled by numerically smaller communities and distorts the picture of overall community representation at the municipal level to appear more positive, despite there not being a fair and proportional representation of all individual communities. Again, at the municipal level, as well as at the central level, non-Serb communities (and particularly civil servants from Kosovo Roma and Kosovo Ashkali communities) are also more likely to be employed in lower-level (technical and administrative) positions, and not throughout the required professional and management categories.

With regard to gender balance within communities, at the central level the most significant levels of under-representation of women were found in the Kosovo Serb, Kosovo Gorani, Kosovo Roma and Kosovo Turk communities. The picture for the municipal level showed women being consistently under-represented, in particular among Kosovo Egyptian and Kosovo Roma communities.

Moreover, employing institutions at both the municipal and central levels that do not meet the minimum representation of communities show little commitment to implementing the legislative obligations that were enacted to improve the representation of communities in the civil service. The proportion of vacancies filled by members of communities in a numerical minority in these institutions from the beginning of 2013 to the end of 2015 indicates a similar lack of progress in improving community representation. This lack of action is compounded by the Ministry of Public Administration, which is tasked to monitor and report on the implementation of Regulation 04/2010 but does little to compel these institutions to undertake their legal obligations.

The key recommendations of the 2013 report included the need to effectively implement positive action measures through allocation of budgetary resources, the organization of trainings by the Ministry of Public Administration, the necessity to collect anonymous

¹²⁰ Communities smaller than the Kosovo Albanian, Kosovo Serb, Kosovo Turk and Kosovo Bosniak communities are considered numerically smaller communities in this report.

statistical data and improve annual reporting on the implementation of the Regulation 04/2010, as well as action to enhance the representation of the Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities in particular at the municipal level. The findings of the present report show that many of these recommendations remain relevant. While progress was noted in the number of municipal and central-level institutions that implemented at least six of the positive action measures to achieve fair and equal representation, insufficient budget allocation continues to hamper the effective implementation. Challenges remain with regard to the collection of data on community affiliation and reporting on the implementation of the Regulation 04/2010 to be fully in line with the legal requirements. In addition, Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities continue to be under-represented at both municipal and central levels. Finally, the Ministry of Public Administration has failed to provide guidance or training to employing institutions as well as to instruct them to submit annual reports during the reporting period.

Greater efforts need to be made by both employing institutions and the Ministry of Public Administration to ensure that the core problems outlined in this report, in particular the lack of qualifications and experience of community members, the low rate of applications, and the under-representation of certain communities in senior positions, are tackled, especially through the implementation of positive action measures outlined in Article 11 of Regulation 04/2010. In this respect, the Ministry of Public Administration has a particularly important role in compelling employing institutions to dedicate sufficient resources to implementing these specific measures and ensuring that the legal obligations are being met through regular monitoring and reporting.

RECOMMENDATIONS

To the Ministry of Public Administration (MPA)

- Initiate amendment of Article 11 of the Law on Civil Service to provide legal clarity or provide implementation guidance for uniform interpretation at the central level to specify whether the threshold for employment of communities in a numerical minority applies separately to each employing institution or whether it is an overall figure to be applied to all institutions as a whole. The same guidance is needed with regard to whether representation of communities should be calculated based on the overall percentage of ten per cent for all communities in a numerical minority, or whether representation should be broken down to match each individual community's proportion in the population at the level in Kosovo. Further, legal clarity or implementation guidance is needed at the municipal level as well to clarify whether the proportional representation of communities should apply to each community individually according to its proportion of the municipal population, or as a single overall percentage.
- Amend and update the Regulation 04/2010 to reflect the above specification; confirm whether the census data available as of 2011 are to be used to determine what constitutes fair and equal representation; specify which measures are to be implemented by all institutions, and which should be implemented by those that have not yet achieved a fair representation; clarify Article 5.1.2 in relation to how the ten per cent should be calculated.
- Draft the required annual report on the implementation of the Regulation 04/2010 including all required information as per Article 14 of that regulation.

- Furthermore, add guidance on reporting to ensure that the implementation of positive action measures, representation at all functional levels and financial expenses of the implementation are included. The reporting should further ensure that all data are gender-disaggregated and assesses different impact for men and women from communities. This can be done by developing a uniform reporting form for employing institutions to standardize the submission of the required annual report on the implementation of Regulation 04/2010.
- Develop partnerships among institutions, such as the Ministry of Local Government Administration, the Ministry of Labour and Social Welfare, Regional Offices for Employment, the Kosovo Institute of Public Administration, the Office of the Language Commissioner, the Office for Community Affairs and vocational schools to develop and implement long-term policies and programmes to ensure members of communities have access to adequate training to increase their ability to meet the civil service requirements. The policies and programmes should promote gender equality within communities.
- Undertake training activities to ensure that all employing institutions at both the central and municipal level fully understand their obligations stemming from the legal and policy frameworks regulating the fair and proportionate representation of communities in the civil service, with particular focus on positive action measures under Article 11 of Regulation 04/2010 and collection of data on community belonging (as set in the Articles 8, 9, 10 of the Regulation), respecting personal data protection and the right of persons belonging to communities to choose whether or not to declare affiliation.

To central and municipal employing institutions

- Prioritize measures to identify applicants and recruit adequately qualified staff from members of communities, for example through improved and more pro-active outreach to communities, internships or targeted recruitment schemes developed in co-operation with other responsible institutions such as the Ministry of Labour and Social Welfare, Regional Offices for Employment, Office for Community Affairs or vocational schools.
- Improve representation of communities at senior-level positions, in particular to under-represented communities, by undertaking targeted training for members of communities who are currently part of the civil service.
- Ensure the allocation of adequate budgetary resources to ensure the full and effective implementation of positive action measures to enhance the representation of communities in the civil service, as required under Article 11 of Regulation 04/2010.
- Submit an annual report on the implementation of Regulation 04/2010 to the Ministry of Public Administration, as required under Article 14 of that Regulation.
- Collect anonymous statistical data on the community affiliation of employees and applicants as required under Articles 8, 9 and 10 of Regulation 04/2010 and in accordance with the respective international standards on rights of communities and protection of personal data.
- Pay particular attention to enhancing representation of members of particularly under-represented Kosovo Gorani, Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities in the civil service to ensure their proportional representation on both the central and municipal levels.

- Take concrete steps to improve gender balance in significantly under-represented communities at both central and municipal levels, including through general and special measures foreseen in the Law on Gender Equality.

Annex C1: Central-level community representation in the civil service

	Kosovo Albanian	Kosovo Ashkali	Kosovo Bosniak	Kosovo Croat	Kosovo Egyptian	Kosovo Gorani	Kosovo Montenegrin	Kosovo Roma	Kosovo Serb	Kosovo Turk	Total per cent of Communities in Numerical Minority in civil service	Total civil service posts
Institution	Civil Service per cent	Civil Service per cent	Civil Service per cent	Civil Service per cent	Civil Service per cent	Civil Service per cent	Civil Service per cent	Civil Service per cent	Civil Service per cent	Civil Service per cent		
Office of the Prime Minister	92.17	0.00	1.74	0.00	0.00	0.87	0.87	0.00	2.61	1.74	7.83	115
Office of the President	94.92	0.00	3.39	0.00	0.00	0.00	0.00	0.00	0.00	1.69	5.08	59
Assembly of Kosovo	90.70	0.00	1.16	0.00	0.00	0.00	0.00	0.00	4.65	3.49	9.30	172
Ministry of Agriculture, Forestry and Rural Development	95.83	0.00	2.38	0.00	0.00	0.00	0.00	0.00	1.79	0.00	4.17	168
Ministry of Communities and Returns	55.00	0.00	1.25	0.00	0.00	1.25	0.00	0.00	38.75	3.75	45.00	80
Ministry of Culture, Youth and Sport	86.38	0.00	0.47	0.00	0.00	0.47	0.00	0.00	10.80	1.88	13.62	213
Ministry of Economic Development	99.11	0.00	0.00	0.49	0.00	0.00	0.00	0.00	0.00	0.89	0.89	112
Ministry of Education, Science and Technology	93.14	0.00	2.94	0.00	0.00	0.00	0.00	0.98	0.49	1.96	6.86	204
Ministry of Environment and Spatial Planning	96.79	0.00	1.83	0.00	0.00	0.00	0.00	0.00	0.00	1.38	3.21	218
Ministry of Finance	98.75	0.00	0.00	0.00	0.00	0.00	0.00	0.00	10.63	0.00	1.25	160
Ministry of Health	98.28	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.72	1.72	116
Ministry of Internal Affairs	82.61	0.00	2.42	0.00	0.00	0.48	0.00	0.97	10.63	2.90	17.39	207
Ministry of Infrastructure	87.42	0.00	0.65	0.00	0.00	0.65	0.00	0.00	10.32	0.97	12.58	310
Ministry of Justice	98.68	0.66	0.00	0.00	0.00	0.00	0.00	0.00	0.66	0.00	1.32	151
Ministry of Local Government Administration	85.40	0.00	0.00	0.00	0.00	0.00	0.00	0.00	8.62	1.72	10.34	116
Ministry of Labour and Social Welfare	85.40	0.00	1.61	0.15	0.00	0.00	0.00	0.15	11.68	1.02	14.60	685
Ministry of Public Administration	93.12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4.59	2.29	1.72	116
Ministry of Trade and Industry	97.16	0.00	1.14	0.00	0.57	0.00	0.00	0.00	0.00	1.14	2.84	176
TOTAL	90.37	0.03	1.21	0.06	0.03	0.17	0.03	0.14	6.49	1.47	9.63	3480

Annex C2: Positive action measures implemented by each central-level institution

	Institution	OPM	OP	AoK	MAFRD	MCR	MCYS	MED	MEST	MESP	ME	MH	MIA	MI	MJ	MLGA	MLSW	MPA	MTI	Total number of institutions undertaking each measure
Supporting Recruitment	Publish job advertisements designed to encourage applications	✓	✓	✓		✓	✓				✓	✓	✓	✓	✓			✓	✓	12
	Co-operate with communities' organizations to distribute job vacancies	✓	✓				✓						✓	✓			✓		✓	7
	Prepare recruitment and training schemes		✓				✓						✓							3
	Make efforts to identify and solicit job applications	✓	✓	✓		✓	✓					✓	✓	✓				✓		9
	Where candidates are of equal merit, give preference to candidate from communities	✓	✓	✓		✓	✓					✓	✓	✓	✓					✓
Promotional Activities	Implement internship schemes		✓	✓		✓	✓	✓				✓								6
	Implement scholarship programs	✓	✓						✓											3
	Fund vocational training programs	✓											✓		✓	✓				4
Capacity building/ Awareness Raising	Undertake training to support promotion, career opportunities or skill-building	✓	✓				✓			✓			✓	✓	✓	✓	✓			9
	Develop individual or group mentoring programs	✓	✓		✓								✓	✓						5
	Develop in-service on-the-job training schemes	✓	✓										✓	✓		✓				5
	Organize workshops on non-discrimination	✓	✓		✓						✓	✓	✓	✓	✓					8
Outreach	Establish joint recruitment strategies with organizations representing communities						✓													1
	Develop applicant pools of qualified persons			✓																1
TOTAL measures undertaken		10	11	5	2	4	8	1	1	2	3	3	10	8	5	3	2	2	3	

Legend

	Institution does not reach 10% threshold for communities' representation
	Institution does reach 10% threshold (therefore no obligation to undertake special measures)

Annex M1: Municipal-level community representation in the civil service

Municipality	Kosovo Albanian		Kosovo Ashkali		Kosovo Bosniak		Kosovo Croat	Kosovo Egyptian		Kosovo Gorani		Kosovo Montenegrin	Kosovo Roma		Kosovo Serb		Kosovo Turk		Total per cent of communities in numerical minority in civil service	Total per cent of communities in numerical minority in census	Total posts
	Civil Service per cent	Census per cent	Civil Service per cent	Census per cent	Civil Service per cent	Census per cent	Civil Service per cent	Civil Service per cent	Census per cent	Civil Service per cent	Census per cent	Civil Service per cent	Civil Service per cent	Census per cent	Civil Service per cent	Census per cent	Civil Service per cent	Census per cent			
Deçan/Deçane	97.20	98.46	0.00	0.10	1.87	0.15	0.00	0.93	0.98	0.00	0.00	0.00	0.00	0.08	0.93	0.01	0.00	0.00	2.80	1.54	107
Dragash/Dragaš	73.68	59.67	0.00	0.01	26.32	12.06	0.00	0.00	0.01	0.00	26.35	0.00	0.00	0.01	0.00	0.02	0.00	0.59	26.32	40.33	114
Ferizaj/Uroševac	95.18	95.90	1.93	3.34	0.00	0.08	0.00	0.00	0.02	0.00	0.06	0.00	0.64	0.19	0.44	0.03	0.44	0.05	4.82	4.10	228
Fushë Kosovë/Kosovo Polje	85.33	86.93	2.00	9.27	0.00	0.10	0.00	0.00	0.81	0.00	0.04	1.33	1.33	1.25	10.00	0.92	0.00	0.18	14.67	13.07	150
Gjakovë/Đakovica	98.10	92.72	0.00	0.65	0.00	0.08	0.00	1.90	5.41	0.00	0.01	0.00	0.00	0.78	0.00	0.02	0.00	0.02	1.90	7.28	211
Gjilan/Gnjilane	88.36	97.38	0.00	0.02	0.00	0.13	0.00	0.00	0.00	0.00	0.08	0.00	0.36	0.40	10.18	0.69	1.09	1.08	11.64	2.62	275
Glllogoc/Glogovac	100.00	99.85	0.00	0.00	0.00	0.02	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.01	0.00	0.15	139
Gračanica/Gračanec	6.90	23.18	0.00	0.97	0.00	0.14	0.00	0.00	0.03	1.72	0.21	0.00	1.96	6.98	87.93	67.53	0.00	0.14	12.07	32.47	58
Hani i Elezit / Elez Han	100.00	99.51	0.00	0.00	0.00	0.45	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.49	48
Istog/Istok	87.97	92.02	0.00	0.28	7.59	2.91	0.00	3.16	3.93	0.00	0.00	0.00	0.00	0.10	1.27	0.49	0.00	0.03	12.03	7.98	158
Junik	100.00	99.75	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.25	55
Kaçanik/Kaçanik	100.00	99.86	0.00	0.00	0.00	0.06	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.01	0.00	0.00	0.00	0.01	0.00	0.14	113
Kamenicë/Kamenica	82.76	94.74	0.00	0.00	0.00	0.02	0.00	0.00	0.00	0.00	0.08	0.00	0.49	0.67	17.24	4.31	0.00	0.01	17.24	5.26	203
Klinë/Klina	96.32	96.67	0.00	0.22	0.00	0.05	0.00	0.00	2.43	0.00	0.00	0.00	0.74	0.20	2.21	0.25	0.00	0.01	3.68	3.33	136
Klokot/Kllokot	32.00	53.29	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.35	68.00	46.05	0.00	0.04	68.00	46.71	50
Lipjan/Lipljan	91.53	94.55	1.31	3.15	0.56	0.07	0.00	0.00	0.01	0.00	0.01	0.00	0.65	0.59	5.65	0.89	0.00	0.22	8.47	5.45	177
Malishevë/Mališevo	100.00	99.79	0.00	0.01	0.00	0.03	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.05	0.00	0.00	0.00	0.00	0.00	0.21	147
Mamuša/Mamushë/Mamuša	16.67	5.94	0.00	0.22	2.38	0.02	0.00	0.00	0.00	0.00	0.00	0.00	4.76	0.71	0.00	0.00	76.19	93.12	23.81	6.88	42
Mitrovicë/Mitro vica South	95.35	96.65	0.00	0.90	2.62	0.58	0.00	0.00	0.01	0.00	0.03	0.00	0.00	0.73	0.58	0.02	1.45	0.72	4.65	3.35	344
Novo Brdo/Novobërdë	59.55	52.37	0.00	0.04	0.00	0.07	0.00	0.00	0.00	0.00	0.00	0.00	2.30	0.94	38.20	46.40	0.00	0.10	40.45	47.63	89
Obiliq/Obilić	89.52	92.13	0.00	2.68	0.81	0.27	0.00	0.00	0.13	0.00	0.02	0.00	0.83	3.07	8.87	1.28	0.00	0.01	10.48	7.87	124
Partëç/Partesh	4.35	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	95.65	99.89	0.00	0.00	4.35	0.11	46
Pejë/Peć	94.07	91.21	0.00	0.15	3.56	3.93	0.00	0.79	2.80	0.00	0.20	0.39	0.40	1.03	0.79	0.34	0.00	0.06	5.93	8.79	253
Podujevë/Podujevo	99.66	98.90	0.00	0.77	0.00	0.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.08	0.34	0.01	0.00	0.01	0.34	1.10	295
Prishtinë/Priština	98.38	97.77	0.18	0.28	0.54	0.20	0.00	0.00	0.00	0.00	0.10	0.00	0.00	0.03	0.36	0.22	0.54	1.08	1.62	2.23	557
Prizren	86.85	81.96	0.23	0.76	6.35	9.50	0.00	0.00	0.09	0.00	0.37	0.00	0.23	1.63	0.45	0.13	5.67	5.11	13.15	18.04	441
Rahovec/Orahovac	93.94	98.15	0.00	0.72	0.00	0.02	0.00	0.00	0.53	0.00	0.00	0.00	0.00	0.15	6.06	0.24	0.00	0.00	6.06	1.85	132
Ranilug/Ranillug	10.71	4.24	0.00	0.00	0.00	0.03	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	87.50	95.50	0.00	0.00	10.71	4.50	56
Shtëmë/Stimlje	97.10	96.79	1.85	2.74	1.45	0.07	0.00	0.00	0.00	0.00	0.01	0.00	0.00	0.08	0.00	0.18	0.00	0.00	2.90	3.21	69
Skenderaj/Srbica	95.69	99.66	0.00	0.02	0.00	0.08	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4.31	0.10	0.00	0.00	4.31	0.34	209
Štrpce/Shtërpçë	38.03	54.07	0.00	0.01	0.00	0.03	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.35	61.97	45.30	0.00	0.00	61.97	45.93	71
Suharekë /Suva Reka	100.00	98.92	0.00	0.83	0.00	0.03	0.00	0.00	0.01	0.00	0.00	0.00	0.00	0.07	0.00	0.00	0.00	0.01	0.00	1.08	140
Viti/ Vitina	97.76	99.32	0.00	0.03	0.00	0.05	0.00	0.00	0.00	0.00	0.01	0.00	0.00	0.03	2.24	0.24	0.00	0.01	2.24	0.68	134
Vushtrri /Vuçitër	92.18	98.53	0.00	0.20	0.00	0.05	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.10	6.15	0.55	1.68	0.40	7.82	1.47	179

* Dragash/Dragaš municipality does not collect separate data for Kosovo Bosniak and Kosovo Gorani communities. Civil service representation for both of these communities is, therefore, listed under the Kosovo Bosniak community.

Minimum threshold met	Community percentage represents less than one civil service post in the municipality
Minimum threshold not met	Community percentage represents less than one civil service post in the municipality but is represented in the civil service

Annex M2: Additional posts required to reach threshold for community representation

Municipality	Kosovo Albanian	Kosovo Ashkali	Kosovo Bosniak	Kosovo Egypt.	Kosovo Gorani	Kosovo Roma	Kosovo Serb	Kosovo Turk
Mitrovicë/Mitrovica South		3	0	0	0	3	0	0
Vushtrri/Vučitrn			0	0	0	0	0	0
Podujevë/Podujevo		2	0	0	0	0	0	0
Glllogoc/Glogovac		0	0	0	0	0	0	0
Skenderaj/Srbica		0	0	0	0	0	0	3
Prishtinë/Priština		0	0	0	0	0	0	0
Gračanica/Gračanicë	9	0	0	0	0	3		0
Lipjan/Lipljan		4	0	0	0	0	0	0
Fushë Kosovë/Kosovo Polje		11	0	1	0	0	0	0
Obiliq/Obilić		3	0	0	0	3	0	0
Shtime/Štimlje		0	0	0	0	0	0	0
Pejë/Peć		0	1	5	0	2	0	0
Klinë/Klina		0	0	3	0	0	0	0
Gjakovë/Đakovica		1	0	7	0	2	0	0
Istog/Istok		0	0	1	0	0	0	0
Deçan/Deçane		0	0	0	0	0	0	0
Junik		0	0	0	0	0	0	0
Prizren		2	14	0	1	6	0	0
Rahovec/Orahovac		1	0	1	0	0	0	0
Malishevë/Mališevo		0	0	0	0	0	0	0
Suharekë/Suva Reka		1	0	0	0	0	0	0
Dragash/Dragaš		0	0	0	30	0	0	0
Mamuša/Mamushë/Mamuša	0	0	0	0	0	0	0	
Gjilan/Gnjilane		0	0	0	0	0	0	0
Kaçanik/Kaçanik		0	0	0	0	0	0	0
Kamenicë/Kamenica		0	0	0	0	0	0	0
Klokot/Kllokot	11	0	0	0	0	0	0	0
Parteš/Partesh	0	0	0	0	0	0		0
Ranilug/Ranillug	0	0	0	0	0	0		0
Novo Brdo/Novobërdë	0	0	0	0	0	0	7	0
Štrpce/Shtërpçë	11	0	0	0	0	0	0	0
Viti/Vitina		0	0	0	0	0	0	0
Ferizaj/Uroševac		2	0	0	0	0	0	0
Hani i Elezit / Elez Han		0	0	0	0	0	0	0
TOTAL	31	31	15	18	31	19	7	3

Annex M3: Percentage of communities in a numerical minority in each functional category

Municipality	Communities in Numerical Minority per cent Census	Communities in Numerical Minority per cent in Management Positions	Communities in Numerical Minority per cent in Professional Positions	Communities in Numerical Minority per cent in Technical/ Administrative Positions
Dečan/Dečane	1.54176766	4.76	1.92	2.94
Dragash/Dragaš	40.32708768	22.72	24.69	40
Ferizaj/Uroševac	4.10459442	4.34	0	10.46
Fushë Kosovë/Kosovo Polje	13.07031901	7.14	10.94	19.44
Gjakovë/Đakovica	7.280341808	4.16	2.17	0
Gjilan/Gnjilane	2.621481958	8.82	9.16	14.87
Glogoc/Glogovac	0.146930686			
Gračanica/Gračanicë	32.46838407	12.5	6.81	50
Hani i Elezit / Elez Han	0.489205573			
Istog/Istok	7.979332638	11.76	17.46	6.55
Junik	0.246548323			
Kaçanik/Kaçanik	0.140680655			
Kamenicë/Kamenica	5.262574477	2.44	12.6	44.19
Klinë/Klina	3.325020781	10	0	7.02
Klokot/Kllokot	46.71361502	50	71.43	0
Lipjan/Lipljan	5.447443798	14.29	8.33	5.66
Malishevë/Mališevo	0.205079377			
Mamuša/Mamushë/ Mamuša	6.882149991	41.66	16	20
Mitrovicë/Mitrovica South	3.354239386	2.74	3.12	7.27
Novo Brdo/Novobërdë	47.62966265	25	33.33	54.29
Obiliq/Obilić	7.865794236	4	8.75	17.24
Parteš/Partesh	0.111919418			
Pejë/Peć	8.786936236	6.25	2.6	10
Podujevë/Podujevo	1.10283732	0	0.84	0
Prishtinë/Priština	2.23482506	0	1.2	2.27
Prizren	18.03511061	14.42	20.28	7.22
Rahovec/Orahovac	1.853828636	8.69	0	10.71
Ranilug/Ranillug	4.500775996	15.38	7.41	12.5
Shtime/Štimlje	3.209632557	0	5.55	0
Skenderaj/Srbica	0.340162806	3.85	4.69	5
Štrpce/Shtërpçë	45.93466686	60	65.71	59
Suharekë/Suva Reka	1.081678443	0	0	0
Viti/Vitina	0.67678294	0	1.33	5.12
Vushtrri/Vučitrm	1.474166309	6.25	7.14	10.2

Minimum threshold not met

Annex M4: Positive action measures implemented by each municipality

Municipality	Decan/Dečan	Dragash/Dragaš	Ferizaj/Uroševac	Fushë Kosovë/Kosovo Polje	Gjakovë/Dakovica	Gjilan/Gnjilane	Graçanica/Graçanicë	Istog/Istok	Kamenicë/Kamenica	Klinë/Klina	Klokoç/Klokoç	Lipjan/Lipljan	Mamuşa/Mamushë/ Mamuşa	Mitrovicë/Mitrovica South	Novo Brdo/Novobërdë	Obiliq/Obilić	Pejë/Peć	Podujevë/Podujevo	Prishtinë/Prishtina	Prizren	Ranilug/Ranillug	Shkupë/Štimlje	Štrpce/Štrpçë	Suharekë/Suva Reka	Total number of municipalities undertaking each measure
Supporting Recruitment	Publish job advertisements designed to encourage applications			✓		✓			✓														✓		4
	Co-operate with communities' organizations to distribute job vacancies		✓	✓		✓	✓	✓	✓			✓		✓			✓		✓			✓	✓		12
	Prepare recruitment and training schemes			✓										✓		✓			✓	✓		✓			6
	Make efforts to identify and solicit job applications			✓		✓	✓	✓								✓			✓						6
	Where candidates are of equal merit, give preference to candidate from communities		✓	✓	✓		✓	✓	✓	✓			✓			✓	✓		✓					✓	
Promotional Activities	Implement internship schemes		✓		✓		✓			✓			✓	✓		✓		✓	✓			✓			10
	Implement scholarship programs			✓	✓		✓	✓								✓		✓	✓			✓			8
	Fund vocational training programs		✓		✓		✓	✓						✓		✓		✓	✓			✓	✓		10
Capacity building/ Awareness Raising	Undertake training to support promotion, career opportunities or skill-building		✓	✓		✓		✓		✓				✓		✓		✓	✓			✓	✓		11
	Develop individual or group mentoring programs		✓	✓		✓		✓		✓				✓	✓	✓			✓						9
	Develop in-service on-the-job training schemes		✓											✓		✓	✓		✓						5
	Organize workshops on non-discrimination			✓		✓		✓								✓		✓		✓		✓			7
Outreach	Establish joint recruitment strategies with organizations representing communities													✓		✓		✓							4
	Develop applicant pools of qualified persons									✓						✓								✓	3
TOTAL measures undertaken		0	7	9	4	2	8	5	6	3	4	0	2	1	8	1	10	4	4	6	10	0	7	6	0

Legend

	Municipality does not reach 10% threshold for communities' representation
	Municipality does reach 10% threshold (therefore no obligation to undertake special measures)