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The Repatriation Process in Kosovo

Institutional organisation, legal framework, lessons learnt and remaining challenges

Working Towards a
Stable Multi-Ethnic Kosovo

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ECMI Kosovo

ECMI Kosovo is the principal non-government organisation engaged with minority issues in Kosovo, withthe overarching aim to develop inclusive, representative, community-sensitive institutions that supporta stable multi-ethnic Kosovo.

ECMI Kosovo contributes to the developing, strengthening and implementation of relevant legislation,supports the institutionalisation of communities-related governmental bodies, and enhances thecapacity of civil society actors and the government to engage with one another in a constructive andsustainable way.

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Acronyms

CoE	Council of Europe
DCAM	Department for Citizenship, Migration and Asylum
EC	European Commission
EU	European Union
IOM	International Organisation for Migration
MCR	Ministry for Communities and Returns
MEO	Municipal Employment Offices
MESP	Ministry of Environment and Spatial Planning
MEST	Ministry of Education, Science and Technology
MFE	Ministry of Finance
MH	Ministry of Health
MIA	Ministry of Internal Affairs
MLGA	Ministry of Local Government Administration
MLSW	Ministry of Labour and Social Welfare
MOCR	Municipal Office for Communities and Returns
NATO	North Atlantic Treaty Organisation
OSCE	Organisation for Security and Co-operation in Europe
RO	Office for Reintegration
UNDP	United Nations Development Program
UNHCR	United Nations Refugee Agency
UNMIK	United Nations Interim Administration Mission in Kosovo
VTC	Vocational Training Centres

Executive Summary

This report documents the repatriation and reintegration process in Kosovo. This includes voluntary, forced, assisted and spontaneous repatriation. During the 1990s, many fled the Yugoslav wars and since Kosovo's independence in 2008, various host countries have requested that refugees and asylum seekers be returned. Thus, a **proficient framework is required to monitor the repatriation process**. Unfortunately, the repatriation process is flawed and many return to unsatisfactory conditions. The process of reintegration in Kosovo consists of the following three stages: **readmission**, **reception** and **reintegration** itself. Repatriated persons are often not aware of the services allocated to them due to a lack of awareness about the process. Since 2012, steps have been taken to raise awareness; however, issues still exist at central and local levels. Limited communication between various entities also inhibits the process by decreasing awareness and limiting the knowledge of employees.

Many issues remain that hinder the current system. For example, there is limited awareness about the repatriation process, as well as a lack of political desire to promote change. Lack of transparency and coordination, along with limited assistance offers, also pose problems. Repatriated persons often face difficulties upon return. Those that have lived abroad for an extended period may face **language barriers, property issues, economic problems and cultural identity issues**. Thus, it is imperative that a clear and concise system be designed and information be disseminated adequately. The issues that plague the repatriation process are of particular concern to members of non-majority communities and other vulnerable and marginalised groups.

This report addresses the institutions within the government that assist with repatriation at both local and central levels, as well as policy instruments adopted, such as the Strategy for the Reintegration of Repatriated Persons, the Action Plan on the Implementation of the Strategy for Reintegration of Repatriated Persons and the Regulation on Management of the Programme. Moreover, the report analyses the Management of the Reintegration Programme adopted in 2013, which explains the rights, opportunities and procedures afforded to repatriated persons under Kosovo legislation, including assistance measures relating to health, education, employment and housing.

Despite the progress that has been made, significant work still needs to be done to ensure that repatriated persons have access to the services provided. This report aims to serve as an instrument to clarify the process of repatriation to Kosovo, services provided to repatriated persons and the responsibilities held by the government.

ECMI Kosovo drew the following conclusions from its research and would like to formulate recommendations. The **unstable regulatory framework** has been criticised, however, the new instruments are expected to be implemented in a serious manner to ensure a more efficient process and better impact for beneficiaries. The **limited capacity of the authorities** has also impacted the implementation. For example, no municipality, thus far, has conducted a formal assessment or developed any programme, strategy or activity intended to implement the policy framework measures at the municipal level. This is largely a result of the unclear division of responsibilities between central and local government.

Another factor hindering the framework is that many have rather high expectations before repatriation, making them disappointed with the standards they encounter upon return. To improve this, **it is essential that guidance and instructions be provided at all levels** in order to achieve better knowledge of the framework content amongst institutions, so they are able to disseminate correct information. This will ultimately improve available assistance and raise awareness among those accessing the system. Moreover, it will make services and procedures more accessible and understandable to all.

Currently, no link exists between the MIA, in charge of repatriation, and other systems, such as the MCR in charge of returns. Through communication, they would be able to exchange concepts for good practices, increasing proficiency and effectiveness. Furthermore, heightened transparency and exchange of information between local and central levels is imperative to promote efficiency. Several key issues remain a concern of repatriated persons. For example, civil registration and the issuing of documents can be problematic for repatriated persons. Additionally, school dropout and segregation rates among repatriated children are extremely high, demonstrating the vital need for elevated awareness regarding the situation. **It is highly recommended that the government develops income generating projects to favour sustainable reintegration** in hopes of improving the repatriation process and increasing efficiency. Through greater transparency, cooperation and awareness, the repatriation process may become more efficient.

Introduction

1. Aims and Structure

This report documents the repatriation and reintegration process in Kosovo. This includes voluntary, forced, assisted and spontaneous repatriation. During the 1990s, many fled the Yugoslav wars and since Kosovo's independence in 2008, various host countries have requested that refugees and asylum seekers be returned.

This report addresses the institutions within the government that assist with repatriation at both local and central levels, as well as policy instruments adopted, such as the Strategy for the Reintegration of Repatriated Persons, the Action Plan on the Implementation of the Strategy for Reintegration of Repatriated Persons, and the Regulation on Management of the Programme. Moreover, the report analyses the Management of the Reintegration Programme adopted in 2013, which explains the rights, opportunities and procedures afforded to repatriated persons under Kosovo legislation, including assistance measures relating to health, education, employment and housing.

Finally, the report draws conclusions and recommendations addressed to central level and local level stakeholders in order to improve the overall process.

2. Conceptual approach

Before entering intothe substance of this research, it is important to address and clarify what we mean by repatriation, what the main differences are between repatriation and return, and what categories can be established when defining both concepts. The usual conceptual approach is based on the terminology settled by two of the main International Organisations specialised and working on this issue: the International Organisation for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR).[1]

2.1 Defining Return and Returnee

A **returnee** is an individual who has returned and, within the international framework, this refers broadly to the act or process of going back to the individual's country or community of origin.[2]

[1] Same conceptual framework used by the Kosovo authorities in the development of the Revised Strategy and Action Plan.
[2] United Nations High Commissioner for Refugees (UNHCR), *Master Glossary of Terms*, 2006, p.23

The act of return can take place in two different ways. On the one hand, it can take place within the territorial boundaries of a country, as is the case of returning internally displaced persons (IDPs) and demobilized combatants. On the other hand, the act ofreturn can take place from a host country to the country of origin, as is the case with refugees, asylum seekers and qualified nationals.[3]

Furthermore, there are subcategories of return which describe the way the return took place. Accordingly, the return can be voluntary, forced, assisted or spontaneous.[4]

Finally, there are subcategories which describe who is participating in the return. When the returnee is a refugee[5], we call the return, **repatriation.**[6]

2.2 Defining Repatriation and Repatriates

According to what has been established in the previous section, a **repatriate** is a refugee in the act of return from a host country to their country of origin; **Repatriation** is the personal right of a refugee, prisoner of war or a civil detainee.[7] The return to his or her country of nationality under certain conditions is provided (and guaranteed) in various international instruments.[8]In practice this cannot be generalised, however in principle, the option of repatriation relies upon the individual and their personal will, not upon the detaining power. Additionally, repatriation as a term also applies to diplomatic envoys and international officials in times of international crisis as well as expatriates and migrants.[9] In this regard, when defining repatriation, we can establish two subcategories regarding the

[3] International Organisation of Migration (IOM), *International Migration Law: Glossary on Migration*, 2004, p.56

[4]*Ibidem*

[5]According to the Convention relating to the Status of Refugees 1951 Art. 1A (2), as modified by the 1967 Protocol, a refugee is a person, who *"owing to well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinions, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country"*. Additionally, referring to refugees in a context of repatriation, we need to depart from a broader conceptualisation, including in the definition of refugee, the concept of *de facto* refugees. As established by the *International Migration Law: Glossary on Migration,* de facto refugee designates those "*persons not recognised as refugees within the meaning of the UN Convention Relating to the Status of Refugees, 1951 and Protocol relating to the Status of Refugees, 1967, and who are unable or, for reasons recognized as valid, unwilling to return to the country of their nationality or, if they have no nationality, to the country of their habitual residence*"; (International Organisation of Migration (IOM), *International Migration Law: Glossary on Migration*, 2004, p. 17).

[6] International Organisation of Migration (IOM), *International Migration Law: Glossary on Migration*, 2004, p. 55

[7] In the law of international armed conflict, repatriation also entails the obligation of the detaining power to release eligible persons (soldiers and civilians) and the duty of the country of origin to receive its own nationals at the end of hostilities. Even if treaty law does not contain a general rule on this point, it is today readily accepted that the repatriation of prisoners of war and civil detainees has been consented to implicitly by the interested parties; (International Organisation of Migration, *International Migration Law: Glossary on Migration*, 2004, p. 55).

[8] The International Instruments providing for provisions on specific repatriation conditions are: Geneva Conventions, 1949 and Protocols, 1977, the Regulations Respecting the Laws and Customs of War on Land, Annexed to the Fourth Hague Convention, 1907, human rights instruments as well as customary international law.

[9]International Organisation of Migration (IOM), *International Migration Law: Glossary on Migration*, 2004, p. 55

way the repatriation is performed, namely voluntary and forced repatriation. On the one hand, ***voluntary repatriation*** refers to the actofreturn to the country of origin in safety, with dignity, fully informed and freely expressing willingness.[10]According to the level of assistance provided duringthe process, voluntary repatriation may be *organized*, meaning that it takes place under the auspices of the concerned governments and UNHCR, or *spontaneous*, meaning that the refugees return by their own means with UNHCR and governments having little or no direct involvement in the process of return.[11]

In this context, it is important to highlight that some so-called 'voluntary' repatriations, especially those executed spontaneously, usually correspond to the category of***forced repatriation***. The affected persons are forcibly taken from their residences to a police station in order to sign papers stating that they will voluntarily return, and then they are taken to the airport from where they return to their country of origin.[12]In recent years, such "voluntary" repatriation has become the chosen method for a vast majority of Western European Host Countries. Refugees or persons under temporary protection[13] are forced back to their countries of origin,[14] usually to less than satisfactory conditions, including a lack of security, primary help and infrastructures forreintegration assistance.[15]A repatriated person from Germany, interviewed by Amnesty International in Fushë Kosovë/Kosovo Polje in June 2010, said: *`I was pushed to sign for a voluntary return. They threatened that they would pick me up at night and just send me back. So I returned voluntarily'.*[16]

On the other hand, ***involuntary or forced repatriation*** refers to the act of return to the country of origin induced by the hostcountry by creating circumstances that leave the affected persons with no other alternative. In other words, forced repatriates are persons with no legal status that have failed to fulfil or no longer fulfil the conditions for staying on the territory of host countries and are, therefore, induced to go back to their country of origin.

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[10]*Ibidem,*p. 69

[11] United Nations High Commissioner for Refugees (UNHCR), *Master Glossary of Terms*, 2006, p. 23

[12] Human Rights Watch (HRW), *Rights Displaced: Forced Returns of Roma, Ashkali and Egyptians from Western Europe to Kosovo,* 2010, p.28

[13]*Temporary protection (TP)* was introduced by many EU member states as a short-term measure in the context of the armed conflicts taking place in the former Yugoslavia territories during the 1990s. Temporary Protection was used as a group-based alternative or substitute to the right to seek asylum, individual-based under the 1951 Refugee Convention and 1967 Protocol (International Organisation of Migration (IOM), *International Migration Law: Glossary on Migration*, 2004, p. 64).

[14] Amnesty International (AI), *Not Welcome Anywhere: Stop the Forced Return of Roma to Kosovo*, 2010, p. 16.

[15] According to the UNHCR *Handbook for Repatriation and Reintegration Activities*, reintegration assistance implies the act to receive support on the restoration of national protection (hence, to obviate the need for international protection) and, through the reintegration process, the ability to maintain sustainable livelihoods, access basic services and fully reintegrate into communities and countries of origin; (United Nations High Commissioner for Refugees (UNHCR),*Handbook for Repatriation and Reintegration Activities*, May 2004, p. 24)

[16]Amnesty International (AI), *Not Welcome Anywhere: Stop the Forced Return of Roma to Kosovo,* 2010, p. 16.

Considering that repatriation is a personal right, neither the state of nationality nor the State of temporary residence or detaining power is justified in enforcing repatriation against the will of an eligible person, whether refugee or prisoner of war. In line with this, according to contemporary international law, prisoners of war or refugees refusing repatriation, particularly if motivated by fears of political persecution in their countries, should be protected from *refoulement*[17] and given, if possible, temporary or permanent asylum.[18]

3. Repatriation in Kosovo

Having addressed the conceptual issues with the process of return and repatriation, and having determined our approach to repatriation, we will now proceed to define its practice within the Kosovo context. This section aims to provide anessential historical and statistical overview of the current practice of repatriation in Kosovo, and to identify the main aspects that characterise its enforcement.

3.1 Historical contextualisation

As defined under the *Regulation on Reintegration of Repatriated Persons and Management of the Reintegration Program,*[19] a repatriated person is *'a Kosovar who due to the lack of the legal base to stay abroad, has been readmitted to Kosovo'.*

In the early 1990s, many of those now returning and being repatriated to Kosovo, left or fled the territory when the Yugoslav wars broke out in what was then the Socialist Federal Republic of Yugoslavia (SFRY).[20] During and after the 1999 war in Kosovo, thousands of people of all ethnicities fled Kosovo. Those mainly affected in the aftermath of the conflict included Serbs, Roma, Ashkali and Egyptians. Furthermore, in 2004 as a consequence of continued inter-ethnic violence between Kosovo Albanians and Serbs, members of Kosovo's different community groups, were forced to flee the territory. In this context, while many Serbs and Roma fled to Serbia, others sought international protection in the European Union (EU) and other Council of Europe (CoE) countries. In this context, the majority of them were allowed to stay in the Western European states, and either received asylum protection under the

[17] Human Rights Watch (HRW), *Rights Displaced: Forced Returns of Roma, Ashkali and Egyptians from Western Europe to Kosovo,* 2010, p.33
[18] International Organisation of Migration (IOM), *International Migration Law: Glossary on Migration*, 2004, p. 64.

[19]Government of the Republic of Kosovo, *Regulation NO.20/2013 on Reintegration of Repatriated Persons and Management of the Reintegration Program*, September 2013, Capter I, Article 2.
[20]Amnesty International (AI), *Not Welcome Anywhere: Stop the Forced Return of Roma to Kosovo,* 2010, p. 5.

1951 Refugee Convention and its 1967 Protocol, or being *de facto* refugees[21] but without legal status, were provided with temporary protection under domestic laws.[22]

In February 2008, Kosovo unilaterally declared its independence.[23] Subsequently, those host countries that accepted Kosovo's population when the territory was under the threat of the war, started to pressure Kosovo authorities to accept returnees. The main method adopted was to terminate the legal status and the temporary protection provided[24] to the Kosovars living abroad, leaving them with no other option than to return to Kosovo[25].

Before 2008, the Kosovo institutions had very limited readmission competencies. The United Nations Interim Administration Mission in Kosovo (UNMIK),established by the Security Council in its Resolution 1244 (1999), became the main responsible authority in this regard[26] with a mandate to help ensure conditions for a peaceful and normal life for all inhabitants of Kosovo as well asadvancing the regional stability of the western Balkans. Between June 1999 and November 2008, a massive humanitarian effort assisted more than 850,000 Kosovars returning to the territory to begin rebuilding their lives. Only in 2000, upwards of 82,000 persons who had sought protection abroad returned in organised repatriation movements by the end of September. Although the vast majority (over 73,000) came back voluntarily in order to not face expulsion, more than 9,000 returned forcibly.[27]

Right after Kosovo's Declaration of Independence, the Kosovo institutions started to gradually gain

[21]According to the Convention relating to the Status of Refugees 1951 Art. 1A (2), as modified by the 1967 Protocol, a refugee is a person, who *"owing to well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinions, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country"*.
Additionally, referring to refugees in a context of repatriation, we need to depart from a broader conceptualisation, including in the definition of refugee, the concept of *de facto* refugees. As established by the *International Migration Law: Glossary on Migration,* de facto refugee designates those "*persons not recognised as refugees within the meaning of the UN Convention Relating to the Status of Refugees, 1951 and Protocol relating to the Status of Refugees, 1967, and who are unable or, for reasons recognized as valid, unwilling to return to the country of their nationality or, if they have no nationality, to the country of their habitual residence*"; (International Organisation of Migration (IOM), *International Migration Law: Glossary on Migration*, 2004, p. 17).
[22]*fn*. 13
[23] Although the majority of repatriates fled the country during and after 1999, within the context of the conflict, it is important to bear in mind that some of those returning to Kosovo fled during the 80s as a consequence of socio economic difficulties. Besides, a considerable number of repatriated Kosovo Serbs, as it is the case in the Municipality of *Parteš/Partesh*, fled Kosovo between 2007 and 2008, as a consequence of the unilateral declaration of independence of the Country in February 2008.
[24] fn., 13
[25] Government of the Republic of Kosovo, *Revised Strategy for Reintegration of Repatriated Persons*, May 2010, p.2.
[26] Mandate of UN Interim Administration Mission in Kosovo (UNMIK), available at: http://www.unmikonline.org/Pages/about.aspx (consulted on 26 July 2013).
[27]UN Interim Administration Mission in Kosovo (UNMIK), *Policy Paper on the Repatriation of Kosovar Albanians,* October 2000, No. 2, p.2.

further control ofthe readmission and repatriation activities, and in November 2008, the Kosovo government started directly communicating with host countries on readmission requests and other repatriation related issues. On 12 July 2010, the Kosovo government promulgated the Law on Readmission, which sets forth the rules and procedures of the readmission process in Kosovo.[28] In this context it is important to highlight the role of the IOM and UNHCR, who since 1999 have both supported UNMIK and the Kosovo government in assisting voluntary returns, through the so-called IOM/UNHCR Voluntary Repatriation Programme to Kosovo.[29]

In the last five years, a large number of people who fled from Kosovo have been voluntarily or forcibly repatriated to Kosovo under bilateral readmission agreements concluded between Kosovo authorities and host countries. Accordingly, since November 2008, the Kosovo government has concluded readmission agreements with several countries in the region and Western Europe, including Albania, Austria, Belgium, the Czech Republic, Denmark, France, Germany, Luxembourg, Montenegro, the Netherlands, Norway, Slovenia and Switzerland.[30]

3.2 An estimated overview

In the aftermath of the armed conflict and Kosovo's Declaration of Independence[31] the return of members of majority and minority communities in Kosovo has been slow but constant during the last years. Accordingly, between 2008 and 2012, there have been approximately 14,096 organised voluntary returns[32]and 12,284 forced returns.[33] Between 2010 and 2012, according to the available data, there have been approximately 2,191 inducedreturns.[34] The lack of data regarding induced returns between 2008 and 2010 probably arises from the fact that induced returns have been traditionally registered as voluntary returns.[35]

[28]Government of the Republic of Kosovo, Law No. 03/L-208 on Readmission, 12 July 2010.

[29] United Nations High Commissioner for Refugees (UNHCR), Kosovo Crisis Update 1999-2000, available at: http://www.unhcr.org/3ae6b80f2c.html (consulted on 26 July 2013).

[30]Organisation for Security and Co-operation in Europe (OSCE) - Mission in Kosovo, *Assessing progress in the implementation of the policy framework for the reintegration of repatriated persons in Kosovo's municipalities,* September 2011, p.4

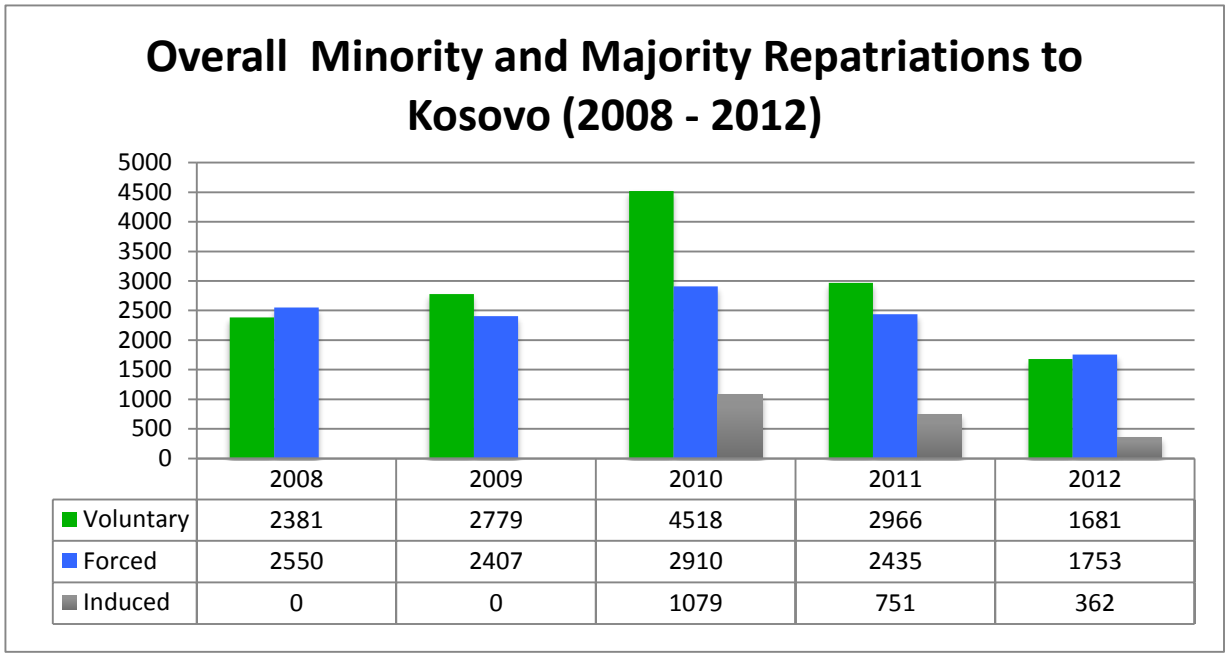
[31] Amnesty International, *Not Welcome Anywhere: Stop the Forced Return of Roma to Kosovo,* 2010, p. 15

[32] United Nations High Commissioner for Refugees (UNHCR) - Office of the Chief of Mission Pristina (Kosovo), *Statistical Overview: Updated as at the end of September 2010*. 2010, figure E; United Nations High Commissioner for Refugees (UNHCR) - Office of the Chief of Mission Pristina (Kosovo), *Statistical Overview: Updated at end September 2012,* 2012, figure D.1

[33]*Ibidem*

[34]United Nations High Commissioner for Refugees (UNHCR) - Office of the Chief of Mission Pristina (Kosovo),Statistical Overview: Updated at end September 2012, 2012, figure D.1

[35]Amnesty International (AI),*Not Welcome Anywhere: Stop the Forced Return of Roma to Kosovo,* 2010, p. 16

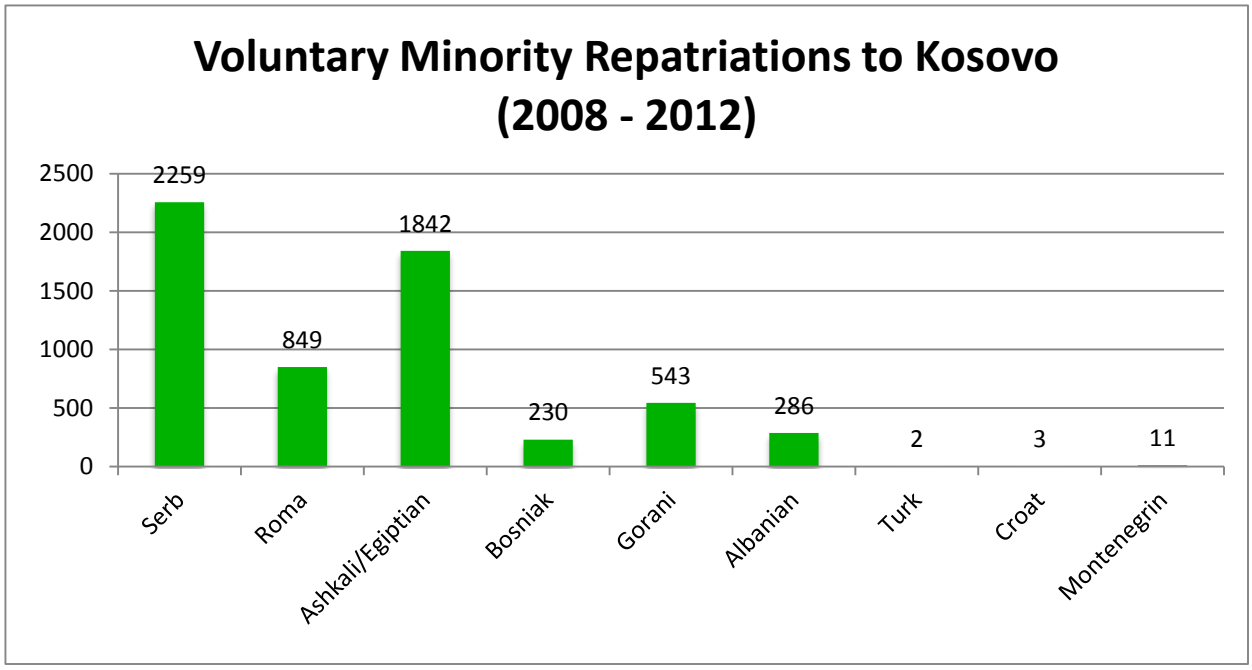


	2008	2009	2010	2011	2012
Voluntary	2381	2779	4518	2966	1681
Forced	2550	2407	2910	2435	1753
Induced	0	0	1079	751	362

Regarding minority repatriations, UNHCR estimates that since 2000, approximately 24,020 persons belonging to minority communities have voluntarily returned or repatriated from internal displacement (persons coming from central Serbia and within Kosovo) and external displacement (persons coming from Former Yugoslavia Republic of Macedonia, Montenegro and Bosnia and Herzegovina, and other third countries, mostly western European).[36]

Accordingly, between 2008 and 2012, out of 14,096 voluntary repatriations, 6,025 were voluntary minority repatriations. In this context, between 2008 and 2012, 2,259 Kosovo Serbs, 849 Kosovo Roma, 1,842 Kosovo Ashkali/Egyptians, 230 Kosovo Bosniaks, 543 Kosovo Gorani, 286 Kosovo Albanian, 2 Kosovo Turk, 3 Kosovo Croat and 11 Kosovo Montenegrin were forcibly repatriated to Kosovo.[37]

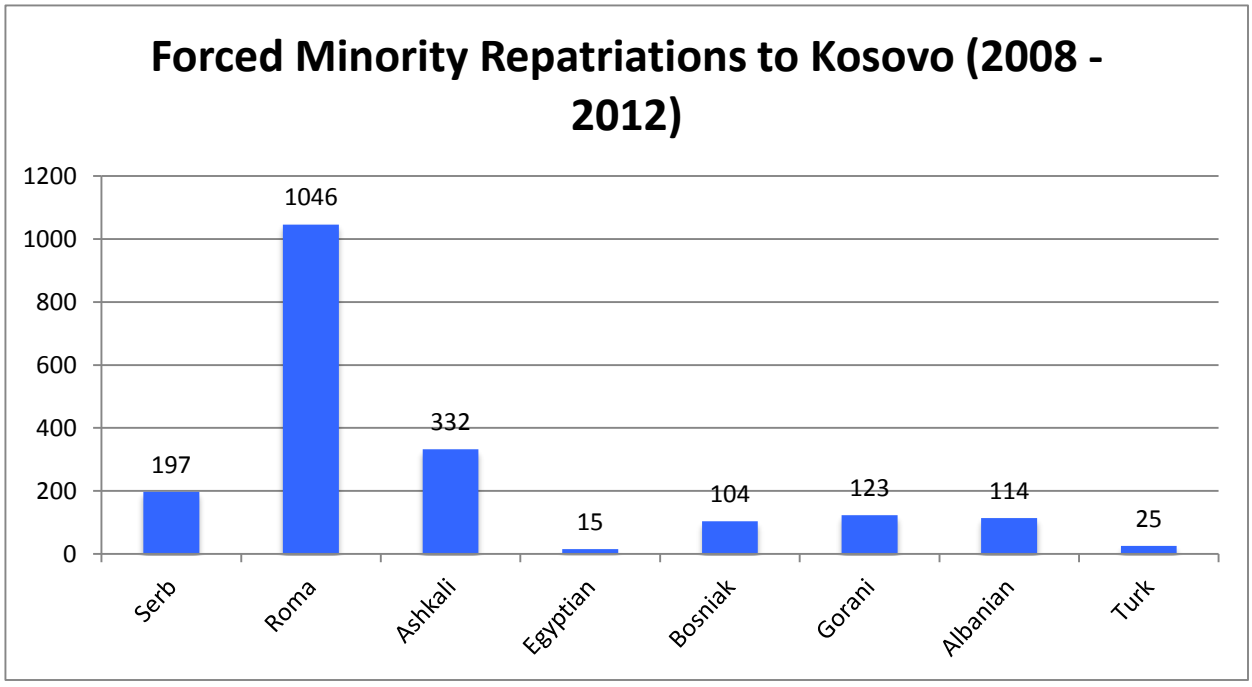
[36]United Nations High Commissioner for Refugees (UNHCR) - Office of the Chief of Mission Pristina (Kosovo), *Statistical Overview: Updated at end September 2012*, 2012, figure B.1.
[37]*Ibidem*



Regarding the main receiving municipalities, since 2000, 2,663 persons were repatriated to Mitrovica/Mitrovicë, 3,474 to Prizren, 4,343 to Gjilan/Gnjilane, 6,081 to Pejë/Peć and 7,459 to Prishtinë/Priština[38]. Finally, considering voluntary repatriations according to age and gender, we can conclude that repatriations affect women and men equally. Additionally, the majority of those who voluntarily repatriated have tended to be adults aged between 18 and 59 years old, followed by children aged between 5-17 years old, elderly people and children aged between 0-4 years old.[39]

Finally, regarding minority forced repatriations, according to UNHCR, since 2008, 1,970 persons forcibly repatriated belong to minority communities.[40]Accordingly, between 2008 and 2012[41], 197 Kosovo Serbs, 1,046 Kosovo Roma, 332 Kosovo Ashkali, 15 Kosovo Egyptians, 104 Kosovo Bosniaks, 123 Kosovo Gorani, 114 Kosovo Albanian and 25 Kosovo Turks have been forcibly repatriated to Kosovo.[42]

[38]United Nations High Commissioner for Refugees (UNHCR) - Office of the Chief of Mission Pristina (Kosovo), *Statistical Overview: Updated at end September 2012*, 2012, figure B. 2
[39]*Ibidem*, figure B. 9
[40]United Nations High Commissioner for Refugees (UNHCR) - Office of the Chief of Mission Pristina (Kosovo), *Statistical Overview: Updated at end September 2012*, 2012, figure C. 3; United Nations High Commissioner for Refugees (UNHCR) - Office of the Chief of Mission Pristina (Kosovo), *Statistical Overview: Updated as at the end of September 2010*. 2010, figure D. 2
[41]United Nations High Commissioner for Refugees (UNHCR) - Office of the Chief of Mission Pristina (Kosovo), *Statistical Overview: Updated at end September 2012*, 2012, figure C. 4
[42] No available data on Kosovo Montenegrin and Kosovo Croat has been found in this regard.



In this context, it is important to underline that while the vast majority of international assistance in the field of repatriates is aimed at assisting voluntary repatriates coming from Western Europe, forcibly repatriated persons often remain without any assistance, from either Kosovo institutions or international organisations. Consequently, the return and reintegration of forced repatriated persons remains one of the most neglected challenges for the Kosovo government. Besides, voluntary repatriates still face serious reintegration problems upon their arrival to the country, including in the key areas of civil registration, health, education, employment, social welfare and housing. These obstacles are particularly serious for members of non-majority communities and other vulnerable groups such as women, children and persons with disabilities.

The following chapter of this study is intended to outline the process of repatriation in Kosovo and to describe the instruments that compose the implementation frameworkadopted by the Kosovo authorities, to conclude and provide guidance on the readmission and reintegration process of repatriated persons in the country.

Chapter 1 - Implementation framework: Policy instruments and institutional mechanisms

The longer refugees have been outside of their countries of origin the greater the difficulty of preserving their cultural identity is.Language barriers, economic problems, unfamiliar administrative procedures and property issues only aggravate this situation. In this context, a well-structured and functional reintegration process is crucial in order to providea sustainable return.

The process of repatriation in Kosovo is composed of three main stages, namely readmission, reception and reintegration itself. Accordingly, the repatriation process starts with the readmission stage, formally based on the bilateral agreement between the host country and the origin country. Following this decision, the sending or host country contacts the Kosovo institutions to verify the origin or nationality of the person. After receiving the readmission confirmation by the Kosovo institutions, the person can be returned. Following this first stage, upon the repatriate'sarrival at the airport, Kosovo institutions are obliged to receive the person, assess the person's health, supplement already existing information on the needs of the person and provide him/her with information about their rights and opportunities in regards to his/her reintegration. If a person is not able to reach his/her final destination in Kosovo on the day of arrival, Kosovo institutions, according to the ruling institutional framework, are responsible to provide temporary accommodation for a period of up to seven days. Furthermore, they will make transport arrangements to the relevant municipality destination, when needed. Finally, once the repatriated person has been readmitted and primarily assisted upon their arrival at the municipality of origin, municipal institutions, relevant departments and specialized offices or centres are responsible to provide the person with the required reintegration assistance, which ranges from civil registration to housing and access to public services, including the areas of health, education, employment and social welfare.

Having outlined the process of repatriation in Kosovo, we now proceed to identify each of the instruments that composethe recent policy and institutional developments of the Kosovo government, designed to provide a response and coordinate the processes of readmission, reception and reintegration of repatriated persons, both at the central and municipal level.

1. Policy Instruments

Between 2007 and2008, Kosovo institutions started to gradually gain further control of the readmission and repatriation activities. In this context, the Kosovo government with the assistance of UNMIK, initiated the development of its own policy mechanisms, intended to outline and set the rules for the readmission and reintegration support scheme for repatriated persons. International conventions, EU standards and existing local legislation are the foundations of these instruments.[43]

In line with this, the key Kosovo policy instruments, adopted to provide assistance for repatriated persons are: the Strategy for the Reintegration of Repatriated Persons, adopted in 2007 and revised in 2010, the 2010 Action Plan on the Implementation of the Strategy for Reintegration of Repatriated Persons, and the 2012 Regulation on Management of the Programme, Competent Bodies, Procedures and Criteria for Benefit for Reintegration of Repatriated Persons.

1.1 Strategy for the Reintegration of Repatriated Persons[44]

The strategy for the Reintegration of Repatriated Persons was agreed between UNMIK and the Kosovo Government in October 2007 and assessed in 2010.[45] Based on this assessment, in May 2010 the Kosovo Government ratified the Revised Strategy for the Reintegration of Repatriated Persons,[46] which according to Kosovo authorities applies *to 'persons originally from Kosovo who failed to fulfil or are not fulfilling anymore respective conditions for staying in the territories of other countries'*[47], and left the countrybefore 28th July 2010.

The Revised Strategysets out the policies, measures and institutional framework for managing the reception and reintegration of repatriated persons. Accordingly, it outlines and delimits the role and responsibilities of central and municipal institutions - governmental mechanisms such as relevant ministries and municipal offices – throughout the stages of the reception and reintegration process.[48] Furthermore, it sets out the policies, guidelines and recommendations to be taken in ensuring

[43]See *Annex:* list of legal documentation as well as conventions related to the reintegration of repatriated persons.
[44]While writing this report, the strategy was newly under revision. The new Revised Strategy is expected to be published by September 2013.
[45] Before 2006, the responsibility to deal with the reintegration of repatriated people was under UNMIK, UNHCR, IOM and other organisations.
[46]Government of the Republic of Kosovo,*Revised Strategy for Reintegration of Repatriated Persons*, May 2010.
[47]*Revised Strategy for Reintegration of Repatriated Persons*, May 2010, p.7.
[48]*Revised Strategy for Reintegration of Repatriated Persons,* May 2010, pp. 32-35.

sustainable solutions for repatriated persons in all aspects of reintegration: initial reception,[49] humanitarian aid, medical services upon arrival, transport and temporary accommodation, legal reintegration and access to civil documents for repatriated persons,[50] access to health care,[51] education,[52] employment,[53] socialwelfare[54] and housing and property services.[55] In this regard, the main goal of the Revised Strategy is to support the socio-economic reintegration of repatriated persons by facilitating access to employment opportunities and available social schemes. Moreover, the Revised Strategy envisages the registration of repatriated persons in health institutions and the receipt of health cards.[56]

Finally, special attention through general policies - not specifically targeting repatriates - is given to the needs of vulnerable groups,[57] namely non-majority communities, trafficking victims, single parents, orphans, children with special needs, elderly people and persons with disabilities.

1.2 Action Plan: Implementing the Strategy for Reintegration of Repatriated Persons

Following the adoption of the Revised Strategy for the Reintegration of Repatriated Persons, the government of Kosovo appointed a task force to draftan action plan, intended to frame the implementation of the Revised Strategy. The 'Action Plan: Implementing the Strategy for Reintegration of Repatriated Persons', was approved by the Kosovo government in October 2010.[58]

The Action Plan of the Revised Strategy foresees specific activities to be undertaken by the relevant central and municipal level institutions in relation to the implementation of the legal framework in the field of migration, reintegration and repatriation[59]; on the assessment of institutional and human resources capacity-building[60]; the establishment of institutional communication.The key objectives are: creating a common database and information-sharing structures[61]; the provision of services in the areas

[49] *Revised Strategy for Reintegration of Repatriated Persons,* May 2010, pp. 9-11.
[50] *Revised Strategy for Reintegration of Repatriated Persons,*May 2010, pp. 11-14.
[51] *Revised Strategy for Reintegration of Repatriated Persons,* May 2010, pp. 15-16.
[52] *Revised Strategy for Reintegration of Repatriated Persons,* May 2010, pp. 18-20.
[53] *Revised Strategy for Reintegration of Repatriated Persons,* May 2010, pp. 17-18.
[54] *Revised Strategy for Reintegration of Repatriated Persons,* May 2010, pp. 21-24.
[55] *Revised Strategy for Reintegration of Repatriated Persons,* May 2010, pp. 28-31.
[56] *Revised Strategy for Reintegration of Repatriated Persons,* May 2010, p. 16.
[57] *Revised Strategy for Reintegration of Repatriated Persons,* May 2010, pp. 24-28.
[58] Government of the Republic of Kosovo, *Action Plan: Implementing the strategy for reintegration of repatriated persons*, October 2010.
[59] *Action Plan: Implementing the strategy for reintegration of repatriated persons,* October 2010, pp. 5-6.
[60] *Action Plan: Implementing the strategy for reintegration of repatriated persons,* October 2010, pp.7-9.
[61] *Action Plan: Implementing the strategy for reintegration of repatriated persons,* October 2010, pp.10-11.

identified by the Revised Strategy, within established timelines[62]; and the achievement of a sustainable reintegration.[63] Furthermore, it envisages the establishment of a reintegration fund[64] and provides for monitoring and control mechanisms in relation to the implementation of the Revised Strategy.[65]

1.3 Regulation on Reintegration of Repatriated Persons and Management of the Reintegration Programme

The Regulation on Reintegration of Repatriated Persons and Management of the Reintegration Program[66]was adopted by the Government of the Republic of Kosovo in September 2013, in substitution for the Regulation on Management of the Programme, Competent Bodies, Procedures and Criteria for Benefit for Reintegration of the Repatriated Persons[67] adopted in October 2012.

The present regulation is structured in six chapters aimed to establish the aim of the regulation scope and to set the rights and available opportunities for repatriated persons with regard to: assistance upon arrival, assistance packages, health, education, employment and housing; the definition of responsibilities of the competent central and municipal bodies; the establishment of the basic eligibility criteria for the reintegration program; and the description of the management program for the reintegration fund. Accordingly, this regulation is of crucial importance in securing repatriated persons' rights and obligations.

- **Assistance upon arrival in Kosovo**

According to the regulation, repatriated persons should benefit from organised transport from the point of arrival to the site of destination.[68] The reintegration office alongside the Ministry of Internal Affairs (MIA) Reception office at the Prishtinë/Priština international airport is responsible for organising the reception of repatriated persons at the Airport of Prishtinë/Priština and other border crossings. Upon arrival in Kosovo, the Reintegration Office[69] is responsible for informing[70] the repatriated persons of

[62]*Action Plan: Implementing the strategy for reintegration of repatriated persons,* October 2010, pp.12-13.
[63]*Action Plan: Implementing the strategy for reintegration of repatriated persons,* October 2010, pp. 14-18.
[64]*Action Plan: Implementing the strategy for reintegration of repatriated persons,* October 2010, pp.19-23.
[65]*Action Plan: Implementing the strategy for reintegration of repatriated persons,* October 2010, pp. 24-25.
[66]Government of the Republic of Kosovo, Regulation Nr. 20/2013 *on Reintegration of Repatriated Persons and Management of the Reintegration Program*, September 2013.
[67]Government of the Republic of Kosovo, *Regulation Nr. 10/2012 on Management of the Programme, Competent Bodies, Procedures and Criteria for Benefit for Reintegration of Repatriate*, October 2012.
[68] Regulation Nr. 20/2013, Article 6 (6.2)
[69] See section B, 1. 2
[70]Regulation Nr. 20/2013, Article 5

their rights to participate in the reintegration programmes, and is responsible for providing transport to destination sites.[71]

- **Assistance packages**

The Municipal Office for Communities and Returns (MOCR) is responsible for identifying the needs of repatriated persons within the relevant municipality, and is responsible for reviewing and taking decisions on the applications of repatriated persons for: food and hygiene items; sheltering/housing; medical assistance; material assistance; furniture assistance; and winter assistance.[72]

The regulation guarantees the right to an assistance package with food and hygiene items for up to six months[73] to repatriated persons with families in difficult socioeconomic conditions needing this help.Those families that gain the right to temporary shelter of up to seven days are automatically entitled to benefit.[74] Food assistance is assigned per person and there is flexibility if requested on health grounds.

A one-time opportunity for furniture assistance of up to €2,000 (€1,000 for individuals) is provided to repatriated persons that lack sufficient furniture.[75] The harmonised furniture assistance package provides, for instance, one refrigerator per family, up to four multipurpose beds and one kitchen sink per family.[76] Similarly, material assistance packages include, for instance, a blanket for each person, and vary according to the family size and are adaptive to the particular needs of women and young children i.e. sanitary towels or baby nappies.[77] Winter assistance is guaranteed to repatriate families on the basis of difficult socioeconomic conditions in which they cannot provide the fuel themselves.[78]

There is also an opportunity for occasional ad hoc assistance to be provided when needed, upon assessment of the relevant municipal authorities and through interaction with the relevant stakeholders.[79]

[71] Regulation Nr. 20/2013, Article 6.1
[72] Regulation Nr. 20/2013, Article 8
[73] Regulation Nr. 20/2013, Article 8.5
[74] Regulation Nr. 20/2013, Article 8.3
[75]Regulatuon Nr. 20/2013, Article 10.2
[76] Regulation Nr. 20/2013, Annex C
[77] Regulation Nr. 20/2013, Annex C
[78] Regulation Nr. 20/2013, Article 8.6
[79] Regulation Nr. 20/2013, Article 11

- **Health**

Repatriated persons have the right to emergency medical assistance if needed upon arrival.[80] On the basis of criteria for emergency benefit, repatriated persons may also access medical treatment and medication upon arrival.[81] Medical assistance, special treatment such as psycho-social treatments and payment of the expenses for uncommon medicaments could be provided for a period of 6 months with a possibility of extension for a further 6 months.[82] Nevertheless medical assistance is subject to eligibility criteria[83] and not widely guaranteed.

- **Education**

All repatriated children are entitled to the same education and equal rights as other students in the Republic of Kosovo education system.[84] The regulation stipulates that language courses should be provided for repatriated children in case of need.[85] The MOCR is responsible for assessing, previous to registration, the need in the respective municipality for additional language courses and facilitating access to education.[86] In the absence of documents, repatriated students are permitted to attend the school subject to the condition that they provide the documents as soon as possible.[87]

- **Employment**

The regulation provides for professional training,[88] assistance for employment[89] and assistance for self employment and business establishment.[90] Vocational training for repatriated persons that meet basic eligibility criteriais assessed as being able to increase chances for sustainable employment by competent bodies.[91] The regulation stipulates that the MOCR is responsible for identifying opportunities for the provision of vocational trainings and access to the labour market. All repatriated persons meeting the basic criteria who have not benefited from other income generation projects have the right to access the income generation projects programme[92]. Applicants must submit a business certificate, a business

[80] Regulation Nr. 20/2013, Articles6.1 and 9.1
[81] Regulation Nr. 20/2013, Article 9.1
[82] Regulation Nr. 20/2013, Article 9.4
[83]Regulation Nr. 20/2013, Article 9.3
[84] Regulation Nr. 20/2013, Article 14.1
[85] Regulation Nr. 20/2013, Article 14.2
[86]Regulation Nr. 20/2013, Article 14.2
[87] Regulation Nr. 20/2013, Article 14.3
[88]Regulation Nr. 20/2013, Article 15
[89]Regulation Nr. 20/2013, Article 16
[90] Regulation Nr. 20/2013, Article 17
[91] Regulation Nr. 20/2013, Article 15.2
[92]Regulation Nr. 20/2013, Article 17.3

plan of a value not exceeding the amount of 2,000 Euros,[93] and evidence for professional training for the development of the respective business plan, alongside an application form and relevant documents.[94] Finally, the Municipal Employment Office (MEO) and the Vocational Training Centres (VTC) are in charge of periodically monitoring and assessing the implementation of the concerned business plan.[95]

- **Housing**

The regulation provides repatriated persons with the right (uponarrival) to temporary shelter for up to seven days.[96] Moreover, repatriated persons may be eligible fora housing scheme through a market rental bonus scheme for a period of six months with the possibility of extension for an additional six months[97], or twelve in exceptional cases[98]. Furthermore, the regulation provides for the possibility of renovation or reconstruction of houses.[99]

Acknowledging the main policy instruments, the following section is intended to describe and analyse the principal institutional mechanisms, both at the central and municipal level, designed to coordinate and translate into practice the measures provided under the Reintegration Strategy and its Action Plan.

2. Institutional Mechanisms

Referring to institutional mechanisms with a role in the process of readmission and reintegration of repatriated persons in Kosovo, both central and municipal level institutions, have an important role. In this section we present and analyse the most relevant ones.

2.1 Central level institutions

In order to efficiently implement the outlined political framework and provide sustainable and high quality reintegration assistance, several central governmental institutions play a central role and have the responsibility to closely coordinate, oversee and monitor the different measures and activities that constitute the process of repatriation, in the key areas of civil registration, health, education, employment, social welfare and housing.

[93]Regulation Nr. 20/2013, Article 17.3
[94] Regulation Nr. 20/2013, Article 17.2
[95]Regulation Nr 20/2013, Article 17.4
[96] Regulation Nr. 20/2013, Article 6.7
[97] Regulation Nr. 20/2013, Article 7
[98] Regulation Nr. 20/2013, Article 7.4
[99] Regulation Nr. 20/2013, Article 13

This section will analyse and describe the main responsibilities of thecentral level institutions in charge of the implementation and funding of the adopted reintegration policies and related actions, the coordination and cooperation between central and local level institutions, and the role of each of the ministries that have a specific mandate in ensuring the basic conditions and enforcement of the readmission, reception and reintegration processes.

- **Central level Reintegration Fund**

In line with the Action Plan, the Central level Reintegration fund was established by decision of the Prime Minister in May 2010[100] to allocate the budgetary funds to support the implementation of the measures outlined by the Revised Strategy. The fund is aimed at providing repatriated persons in need with direct humanitarian assistance, namely transport, temporary shelter, and food and hygiene items; and assisting them with regard to accommodation and socio-economic reintegration.[101]

In accordance, the allocation of appropriate funds is essential in order to guarantee that the protection offered through the Revised Strategy and the corresponding Action Plan is effectively implemented.

The body in charge of the administration of the Repatriation Fund is the Inter-Ministerial Coordination Board, accountable for the review and approval of the repatriated assistance requests.[102]

- **Inter-Ministerial Coordination Board**

The Inter-Ministerial Co-ordination board was established by the government in April 2010,[103]under the Ministry of Internal Affairs, as an executive board responsible for monitoring the implementation of the outlined policy framework for the reception and reintegration of repatriated persons in Kosovo.[104]

The executive board is composed ofrepresentatives of the relevant ministries: Ministry of Internal Affairs (MIA), Ministry of Local Government Administration (MLGA), Ministry of Health (MH), Ministry of Education science and Technology (MEST), Ministry of Labour and Social Welfare (MLSW), Ministry of Environment and Spatial Planning (MESP); a representative from the Ministry of Finance (MFE)and

[100]Government decision No. 4/126, 26 May 2010

[101] According to the Government, in 2010 the allocated fund was of 500.000 Euro, and in 2011 it was of 3.4 million (Organisation for Security and Co-operation in Europe (OSCE) - Mission in Kosovo, *Assessing progress in the implementation of the policy framework for the reintegration of repatriated persons in Kosovo's municipalities,* September 2011, p. 7).

[102]*Action Plan: Implementing the strategy for reintegration of repatriated persons,* October 2010, pp. 20-22

[103]Government of the Republic of Kosovo, decision No. 7/123, 30 April 2010

[104]Organisation for Security and Co-operation in Europe (OSCE) - Mission in Kosovo, *Assessing progress in the implementation of the policy framework for the reintegration of repatriated persons in Kosovo's municipalities,* September 2011, p. 5.

representatives of the European Commission (EC), The United Nations Refugee Agency (UNHCR) and the International Organisation for Migration (IOM), which participates in an advisory capacity.[105]

The main activities of the executive board are:

- Managing the budget for the implementation allocated in the Repatriation Fund;
- Co-ordinating the work of the relevant ministries and facilitating cooperation between the areas of responsibility among the central andmunicipal level institutions;
- Overseeing and co-ordinating the implementation of the Revised Strategy and the Action Plan;
- Ensuring the effective dissemination of information between central and municipal institutions (ministries and municipalities), as well as between institutions and potential benefactors;
- Promoting support from potential donors and stakeholders active in the field of reintegration;coordinating governmental strategies at both central and municipal level; and
- Reporting to the government on the achievements and challenges related to repatriation in Kosovo.[106]

The ***Department for the Reintegration of Repatriated People (DRRP)***, formerly the Reintegration Office, is responsible for the coordination and training of municipal officials, processing reintegration funding requests prior to the executive board and maintaining contact with the repatriated. Besides this, the office is also responsible for the airport monitoring team that collects relevant data of the arriving repatriates and provides them with primary help assistance in case it is needed upon arrival.[107]

The***Secretariat*** coordinates activities of the institutions, provides recommendations to the executive board and assists in administrative issues related to repatriated persons' requests to benefit from the assistance available through the Repatriated Fund.[108]

- **Relevant Ministries**

A list and brief description of the roles and responsibilities of main relevant ministries follow.

[105]*Revised Strategy for Reintegration of Repatriated Persons,* May 2010, p. 34
[106]*Ibidem*
[107]Organisation for Security and Co-operation in Europe (OSCE) - Mission in Kosovo, *Assessing progress in the implementation of the policy framework for the reintegration of repatriated persons in Kosovo's municipalities,* September 2011, p.6
[108]*Revised Strategy for Reintegration of Repatriated Persons,* May 2010, p. 34

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Ministry of Internal Affairs (MIA)

The MIA mandate is to develop, implement and monitor policies and legislation in the field of security and internal affairs.

- In the context of the reintegration of repatriated persons, the MIA, through the Department for the Reintegration of Repatriated persons in Kosovo, plays a crucial coordination role between the relevant ministries and municipal institutions.
- Furthermore, the MIA is responsible for the arrival and civil registration steps of the repatriation process.
- The Department of citizenship, asylum and migration is in charge of readmission procedures, negotiation and implementation of readmission agreements, and assesses the origin of persons announced for readmission.
- The Agency of Civil Registration is to develop, implement and monitor government policies for registration, civil status and civil documentation, and to coordinate the Municipal Centres for Registration and Civil Registration.

Ministry of Local Government Administration (MLGA)

The MLGA's task is to support and advance local government and to work in cooperation with municipalities in order to offer complete and responsive services to the population of each region

- In the context of the reintegration of repatriated persons, the MLGA is in charge of coordinating and providing guidance to municipalities on the implementation of the revised strategy.
- Additionally, the MLGA is in charge of supporting local institutions in the development of repatriation projects.

Ministry of Labour and Social Welfare (MLSW)

The MLSW is responsible for the development and implementation of labour and social welfare policies and legislation

- In the context of reintegration of repatriated persons, the MLSW's mandate primarily focuses on data collection and distribution.
- The MLSW is also responsible for the coordination and provision of primary assistance in areas such as shelter and transport.
- Additionally, the MLSW works to support and enhance the socio-economic reintegration and development of repatriated persons.

Ministry of Education, Science and Technology (MEST)

The MEST mission is to draft, monitor and implement policies and legislation for the development of a well-spread, efficient and multiethnic education system

- In the context of the reintegration of repatriated persons, the MEST's work focuses on ensuring all repatriated children and youth, are adequately reintegrated into the education system.
- In this context, the MEST works to ensure that they get the necessary information on the available education opportunities and access to specific reintegration programs according to their needs such as catch –up classes and language training.

Ministry of Health (MH)

The mandate of the MH falls under the promotion, coordination and implementation of activities intended to build up a coherent and efficient health care system

- In the context of reintegration of repatriated persons, the MH is responsible for supporting the integration and the unimpeded access of repatriated persons to the health care system services.
- Likewise, the MH is in charge of gathering and keeping track of health related information of repatriated persons among the other relevant ministries.
- Finally, the MH provides immediate assistance to repatriated persons upon arrival and in temporary shelters.

Ministry of Environment and Spatial Planning (MESP)

The MESP is in charge of drafting, monitoring and implementing the policies and legislation related to the management of the environment, water, landscape and spatial planning and housing

- In the context of the reintegration of repatriated persons, the MESP, together with the Kosovo Cadastral Agency (KCA) and in cooperation with the other relevant ministries, is responsible for assisting and supporting efforts to find and provide sustainable housing for repatriated persons.



2.2 Municipal level institutions

As the local representation (representatives) of the governmental authorities, municipalities play a fundamental role in the implementation of the legislation, policies and practices designed to improve and promote equal access to services to all members of society, providing special attention to the needs and challenges of vulnerable groups.

Therefore, municipalities perform a central task in the enforcement of the Revised Strategy and Action Plan, aimed at ensuring sustainable conditions for the reintegration of repatriated persons. Correspondingly, municipalities are intended to work together in agreementwith the outlined central level institutions in order to advance the reintegration and assist repatriated persons in the areas of civil registration, health, education, employment, social care and housing. In this section, we present those municipal instruments designed for the reintegration of repatriated persons upon their arrival and settlement.

- **Municipal Authorities**

The Municipal leadership is represented by the mayor and the deputy mayor. The mayor and the deputy mayor are the main persons responsible for the implementation of governmental legislation and policies, including any strategy and Action Plan dealing with communities, repatriates and reintegration. In the context of the return, readmission and reintegration processes of repatriates, they play the role of overseeing and monitoring the overall implementation of the existing measures.[109]In this position, the municipal leadership instrument, together with the MLGA, should ensure and facilitate co-ordination, dialogue and co-operation between the relevant central municipal institutions, departments and offices. Besides, the mayor has the duties to administrate the repatriation budget of the municipality – located at the central level under the previously described reintegration fund - and to report to the central government on the progress achieved in the field.[110]

[109]Organisation for Security and Co-operation in Europe (OSCE) - Mission in Kosovo, *Booklet for municipal officials on reception and reintegration of repatriated persons,* December 2010, p.36

[110]*Revised Strategy for Reintegration of Repatriated Persons,* May 2010, p. 33

- **Municipal Assemblies**

It is the highest representative body of the municipality and it is responsible for adopting acts, rules of procedure and municipal regulation, as well as for approving the municipal budget and investment plans of the municipality such as those related to the distributed repatriated fund.[111] Furthermore, the municipal assembly is required to facilitate the creation of a communities committee, which is composed of members of the assembly of all the communities present in the concerned municipality.It has the competency to review the draft recommendations and their compliance regarding the municipal practices aimed at ensuring the protection and fulfilment of community rights, including repatriated persons.[112]

- **Municipal Offices for Communities and Returns**

The Regulation for the Municipal Offices for Communities and Return[113] was adopted in August 2010, establishing this institution as a mandatory municipal instrument.[114] Job descriptions and terms of references for the Municipal Offices for Communities and Return (MOCR) were adopted in April 2011.[115]According to the MOCR Regulation, municipalities have the duty to allocate the necessary financial sources and provide logistical support in order to build and facilitate the work of the MOCR.[116]

The mandate of the MOCR is to provide an adequate administrative framework to protect the rights of the communities including displaced, returns and repatriates. It is also to ensure equal access to services and to contribute to a sustainable return and reintegration. It can be done by assessing their needs, conducting outreach visits, promoting awareness of the existing measures amongst officials, communities, displaced and returned refugees, and by developing, implementing and monitoring projects and activities.[117] The MOCR is responsible for receiving and identifying the applications of

[111]*Revised Strategy for Reintegration of Repatriated Persons,* May 2010, p. 32
[112]Organisation for Security and Co-operation in Europe (OSCE) - Mission in Kosovo, *Booklet for municipal officials on reception and reintegration of repatriated persons,* December 2010, p.27
[113]Government Regulation No. 02/2010 for the Municipal Offices for Communities and Return, adopted on 12 August 2010, and entered into force on 27 August 2010.
[114]The Municipal Office for Communities and Returns (MOCR) replaces previous municipal structures in this field, namely the former Municipal Community Office and the Municipal Return Officer.
[115]*Terms of Reference for Municipal Offices for Communities and Return*.Approved by the Inter-ministerial Working Group, April 2011.
[116]Regulation No. 02/2010, Art. 10.1
[117]Organisation for Security and Co-operation in Europe (OSCE) - Mission in Kosovo,*Assessing progress in the implementation of the policy framework for the reintegration of repatriated persons in Kosovo's municipalities,* September 2011, p.8

repatriated persons and directing them to the correct decision-making body.[118] Moreover, the MOCR assists in implementing the decisions made by the MCR and CCR.[119] While coordinating with regional and local actors, the MOCR also disseminates information regarding the services provided to repatriated persons and collects information to be recorded in the database.[120]

- **The Municipal Commission for Reintegration**

The Municipal Commission for Reintegration is a decision-making body formed at the local level by the Mayor of each municipality.[121]Municipal Commissions for Reintegration comprise representatives of various departments, such as education, health, and labour and employment.[122]The Commission considers applications regarding assistance packages for repatriated persons. Upon receipt of applications, decisions shall be made as soon as possible, within a maximum of seven days, and the applicant will be made aware within two days of the decision.[123] The Commission also examines the needs of repatriated persons regarding "*access to civil status registry, issuing of civil documents, education and enrolment in school, psychosocial treatment in case of need and social assistance, housing, and regulation of cadastral documentation*."[124]

Once, the implementation framework and the content, role and responsibilities of the measures and mechanisms it entails have been outlined and analysed in detail, it is important to proceed in the assessment of its enforcement. The following section aims to assess the progress and impact of the here concerned Implementation framework.

[118]Regulation Grk No. 20/2013 on Reintegration of Repatriated Persons and Management of the Reintegration Program, article 24.
[119]Regulation Grk No. 20/2013 on Reintegration of Repatriated Persons and Managements of the Reintegration Program, article 24.
[120]Regulation GRK No. 20/2013 on Reintegration of Repatriated Persons and Managements of the Reintegration Program, article 24
[121]Regulation GRK No.20/2013 on Reintegration of Repatriated Persons and Management of the Reintegration Program, article 25
[122]ibid
[123]ibid
[124]ibid

Chapter 2 - Assessing the implementation framework for the reintegration of repatriated persons: the problem of enforcement and related factors

Drawing from the analysis developed throughout the previous chapter, everything indicates that in theory, the adopted and workingpolicy instruments and institutional mechanisms aimed to provide support and assist the reintegration of repatriated persons in Kosovo are relatively complete and well-structured. Nevertheless, according to recent reports assessing its implementation, and considering what emerged during consultation meetings, notably in the municipality of Parteš/Partesh, there is a worrying lack of effectiveimplementation. As a result, progress is limited, providing few durable and sustainable solutions to the repatriated persons' needs and emerging challenges.

The ongoing lack of effective implementation is a result of a general lack of awareness that leads to a risky gap between policy content and the practical developments on the ground. Accordingly, there is a poor institutional capacityembodied by a clear lack of transparency, cooperation and coordination between mechanisms and institutions, both at the central and municipal level. All of these factors, together with insufficient funding,[125] lead to ineffective assistance anda lack of initiativesto address the needs and challenges faced by repatriated persons.

This section reviews the impact of the policy and institutional developments in order to identify and explain the main causes of the lack of implementation of the adopted framework and the subsequent challenges encountered by institutions and repatriated persons in Kosovo.

The main encountered factors that have a negative impact on the implementation of the adopted policy framework are: a lack of awareness and political will, a lack of transparency, insufficient coordination and cooperation, an irregular system for data collection, an ineffective or late identification of needs, and scarce assistance initiatives.

1. Lack of awareness

Raising awareness among relevant central institutions, municipal authorities, officers, and repatriated persons, regarding the existent measures for the reintegration of repatriated persons, is an essential

[125]United Nations Security Council, *Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo*, August 2012.

exercise towards an effective implementation. However, there is a very limited knowledge on the content of the Revised Strategy and the Action Plan across Kosovo. Subsequently, there is an imperative need for guidance and instruction.[126]This was proven in the framework of the informative public meeting that ECMI Kosovo organised in the Municipality of Parteš/Partesh in June 2013, between representatives of the Ministry of Internal Affairs and Parteš/Partesh repatriates, where the attending representatives from the MOCR stated their lack of proper information regarding the process of reintegration for repatriates. It is reported that in the MOCR of Parteš/Partesh, there is no formal officer in charge of repatriates, as requested by the Regulation for the Municipal Offices for Communities and Return.[127] Instead, a member of the Office for European Integration of the same Municipality is covering this position on an ad hoc basis.[128] Additionally, the main questions raised by the repatriates during the relevant public meetings related to a clear lack of awareness of their rights and an unclear knowledge of the services they are entitled to.[129]

In December 2010, the OSCE published a booklet to provide guidance to municipal officers on the reception and reintegration of repatriated persons,[130] and in July of 2011, they conducted field visits in order to assist and assess the operative mechanisms. According to an OSCE report published in 2011[131] assessing the implementation of the policy framework,since June of 2010, several awareness-raising and capacity-building activities have been developed at a municipal level in order to readdress the gap.[132]

Therefore, since 2010, some improvements have been made in the field of awareness, guidance and instruction on the implementation framework for the reintegration of repatriated persons. In this regard, municipal officers for communities and returns have shown better knowledge of their role and responsibilities, and thanks to training sessions on repatriation and the reintegration fund organised by central-level authorities such as the Ministry of Internal Affairs,[133] an increasing number of municipalities today offer better services than some years ago. However, senior municipal officials still

[126] European Centre for Minority Issues Kosovo, *Meeting Report: Interview with Ms. Fahrije Ternave, Director of the Department for Reintegration of Repatriated Persons, Ministry of Internal Affairs, Government of the Republic of Kosovo,* 19 July 2013.
[127]Regulation No. 02/2010
[128] European Centre for Minority Issues Kosovo, *Meeting Report: Public meeting in Parteš/Partesh with repatriated people*, 4 June 2013.
[129]Ibidem
[130]Organisation for Security and Co-operation in Europe (OSCE) - Mission in Kosovo, *Booklet for municipal officials on reception and reintegration of repatriated persons,* December 2010, p.27
[131]Organisation for Security and Co-operation in Europe (OSCE) - Mission in Kosovo, *Assessing progress in the implementation of the policy framework for the reintegration of repatriated persons in Kosovo's municipalities*, September 2011.
[132]Ibidem, p.10
[133]Ibidem, pp.10-11

show very little awareness and clarity over the existing instruments and procedures,[134]and more importantly, repatriated persons lack proper understanding of their rights, the services offered to them and the procedures they should employ in order to access the assistance they are entitled to.[135]

Consequently, despite some valuable progress being made at a municipal level, further awareness, guidance and instruction needs to be provided at all levels in order to achieve better knowledge of the framework content amongst institutions, to improve and increase the provided assistance, and to make services and procedures more accessible and understandable to all.

2. Lack of transparency and Insufficient coordination and cooperation between institutions

Coordination and cooperation between the central and the local level is indispensible to effectively implement existing policies and instruments aimed at supporting the reintegration of repatriated persons. Accordingly, coordination mechanisms such as *the Inter-Ministerial Coordination Board*and the *Office for Reintegration*among othersare responsible to monitor and oversee the implementation and coordination of the mandates of all actors involved in the process of readmission and reintegration of repatriated persons.[136]

As it is established by the Revised Strategy and the Action Plan, designated officers within the MOCR are in charge of coordinating activities in relation to the reintegration of repatriated persons and to pass this information to the relevant municipal departments. However, not all municipalities have an Office for Communitiesand Returns with officers specifically responsible for the repatriated.[137] Where established and functioning repatriated-related bodies exist, feedback and information exchange, and cooperation between these bodies and other relevant departments at the municipal and central level, is irregular or practically non-existent. In several cases, these bodies lack the capacity, resources and political support to perform such tasks.

In this context, there is a need to establish regular communication and to formalise the system of information exchange between those responsible for the reintegration process within the municipalities and those who are responsible for dealing with repatriated issues at a central level, such as those within the relevant ministries. As reported by the OSCE mission in Kosovo, *'none of the municipalities report*

[134]Ibidem, p.11
[135]European Centre for Minority Issues Kosovo, *Meeting Report: Public meeting in Parteš/Partesh with repatriated people*, 4 June 2013.
[136]See Chapter 1 section B
[137]European Centre for Minority Issues Kosovo, *Meeting Report: Interview with Ms. FahrijeTernave, Director of the Department for Reintegration of Repatriated Persons, Ministry of Internal Affairs, Government of the Republic of Kosovo.* 19 July 2013.

having received advance notice of the arrival of repatriated persons and none, therefore, were in a position to make necessary arrangements to accommodate their needs prior to their return.'[138]

3. Irregular data collection and coordination

The coordination, cooperation and exchange of information at the local level, and between the central and the local level, are closely related to the maintenance of a database and data collection on readmissions and repatriated persons. The establishment of regular data collection, a reliable database and an adequate data assessment system is an indispensable step towards the achievement of effective and timely assistance and protection of repatriated persons.

In this regard, Municipal Offices on Communities and Returns are responsible for maintaining a database containing personal information of all repatriated persons of the municipality. Respectively, the office is in charge of coordinating this information with the relevant ministries, in order to enable each responsible body to plan and arrange the necessary assistance and reintegration activities upon the arrival of the concerned repatriates. At the same time, the Ministry of Internal Affairs (MIA)is responsible for coordinating all the gathered information, in order to create a central database containing the information of all repatriated persons in Kosovo, to be used and shared internally, for reintegration purposes.

Nevertheless, the findings demonstrate that currently there is no uniform methodology for data collection, storage and sharing[139]. A good example here is the case of the Office for Communities and Returns of Leposavić/Leposaviq that keep record of all persons who are repatriated to the municipality in a notebook[140]. Furthermore, the collected data is inconsistent in its production of statistics or other types of elaborate data that could supportthe planning of activities, projects or initiatives[141]. For example, the Municipal Office for Communities and Returns of Parteš/Partesh keeps record of all persons who are repatriated to the municipality in a spreadsheet that is not connected to the central database and the information it contains is not accurate.[142]

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[138]Organisation for Security and Co-operation in Europe (OSCE) - Mission in Kosovo, *Assessing progress in the implementation of the policy framework for the reintegration of repatriated persons in Kosovo's municipalities*, September 2011, p. 23

[139] European Centre for Minority Issues Kosovo, *Meeting Report: Interview with Ms. FahrijeTernave, Director of the Department for Reintegration of Repatriated Persons, Ministry of Internal Affairs, Government of the Republic of Kosovo,* 19 July 2013

[140]Organisation for Security and Co-operation in Europe (OSCE) - Mission in Kosovo, *Assessing progress in the implementation of the policy framework for the reintegration of repatriated persons in Kosovo's municipalities*. September 2011, pp. 13-14

[141]Ibidem, p.14

[142] European Centre for Minority Issues Kosovo, *Meeting Report: Public meeting in Parteš/Partesh with repatriated people*, 4 June 2013.

4. Ineffective or late identification on priority needs

From the moment repatriates arrive in Kosovo, municipalities have the mandate to organise the necessary primary assistance upon arrival according to the specific needs of each individual or group of repatriates, which are assessed through the database that municipalities are supposed to create, maintain and coordinate. Furthermore, municipalities have to assess long term repatriate needs in order to develop the adequate activities and projects to enable the effective implementation of policies and the Revised Strategy.[143]

A comprehensive needs-assessment exercise is a crucial step for effective policy implementation. However, currently none of the municipalities have conducted any formal assessment or developed any programme, strategy or activity intended to implement the policy framework measures at the municipal level. All existing activities of this kind have generally been done sporadically or on an ad hoc basis.[144]In this context, it is also important to highlight that in case of forcible repatriations, data is not available and consequently the needs-assessment and the subsequent assistance provision is not adequately facilitated.

5. Scarce assistance initiatives

The revised Strategy and the Action Plan establish that once municipalities have carried out the needs-assessment exercise, concrete measures have to be undertaken by the relevant authorities in order to attend to the acknowledged repatriate needs and challenges through the relevant areas of civil registration, education, health, employment, social welfare and housing, which is to be financed by the central-level fund allocated for reintegration. However, to date, municipalities have done very little to implement initiatives in this regard.

5.1 Civil registration

Municipalities are responsible for taking steps to facilitate civil registration and issuing documents and certificates to repatriated persons. This would include activities such as providing guidance on the civil registration procedure through personal advice, distributing posters and leaflets, or cooperating with other organisations and stake-holders working with similar repatriated issues. Despite some municipalities having developed initiatives in this regard, in many cases help is not targeted to the

[143]*Revised Strategy for Reintegration of Repatriated Persons,* May 2010, p.7

[144] Organisation for Security and Co-operation in Europe (OSCE) - Mission in Kosovo, Assessing progress in the implementation of the policy framework for the reintegration of repatriated persons in Kosovo's municipalities, September 2011, p. 14

special needs of repatriated persons. In the absence of documentation, repatriated persons are prevented from returning and/or repossessing their homes, and denied access to basic rights, including employment, social assistance, health care and education[145].

Accordingly, civil registration and the issuing of documents is one of the main concerns for repatriated persons and more specifically for those repatriated who are also members of a minority community.

5.2 Education

The revised Strategy and the accompanying Action Plan provide measures intended to facilitate the reintegration of repatriated children into the Kosovo education system. In this regard, repatriated children are usually dealt with on an ad hoc basis, case-by-case and in most municipalities there are no programs or measures intended to address their particular reintegration needs, such as language support, or catch-up and homework classes. Consequently, the dropout and segregation rates among repatriated children are extremely high[146]. However, as a consequence of a lack of accurate data on the number of returnees and repatriated children[147]and a lack of follow up between the MOCR and the MED on the integration of repatriated children in school, there is insufficient data to establish the state of this situation.

5.3 Health

The Revised Strategy and the accompanying Action Plan provide measures intended to assist repatriates upon reception by medical teams at the airport[148], and to facilitate repatriated persons' access to the healthcare system. Generally, municipalities have developed health care promotion campaigns or field visits targeting the municipality population and/or minority communities. However, there is a lack of healthcare initiatives targeting repatriated persons, and their specific needs tend to be addressed on an ad hoc basis.In line with this, minimum standards of health-care have not been implemented[149].

5.4 Employment and Social welfare

One of the main goals of the Revised Strategy is to achieve the reintegration of repatriated persons in socio-economic terms by facilitating access to employment opportunities, accessibility to the existent

[145]Amnesty International (AI), *Not Welcome Anywhere: Stop the Forced Return of Roma to Kosovo*, 2010, p.27
[146]Ibidem, p.30
[147]European Centre for Minority Issues, *Manual for Municipals: Improving the Delivery of Education for Roma, Ashkali and Egyptian Communities: Good Practices and Recommendations, October 2012, p. 46*
[148]*Revised Strategy for Reintegration of Repatriated Persons,* May 2010, p.7
[149]Amnesty International (AI), *Not Welcome Anywhere: Stop the Forced Return of Roma to Kosovo*. 2010, p.35

social services and supporting business development. However, like in the other relevant fields, although some assistance may be provided with income over a short period of time, no specific action has been developed at a municipal level to ensure sustainable long-term employment opportunities. As such, repatriated persons and their special needs are not being addressed. In this regard, only NGOs and International Organisations, such as UNDP,[150] have developed some income generating projects to provide a sustainable focus/approach on this area.

5.5 Housing

Many repatriates, from all ethnicities, either find it difficult or are unable to return to their original houses. Respectively, housing for repatriated persons remains one of the major obstacles in their process of reintegration. With regard to the informative public meeting organised by ECMI Kosovo in Parteš/Partesh, housing matters, especially related to documentation and property issues, constituted the majority of raised concerns during the meeting.[151]Furthermore, this is an issue disregarded by the Revised Strategy and the Action Plan. Although some municipalities have tried to find temporary solutions to the housing challenges faced by repatriated persons with shelters, housing with relatives or displaced persons camps, no durable solutions have been provided. Furthermore, despite the Law on Financing of Special Housing Programs,[152] the fund for house reconstruction[153] and the scheme managed by the Kosovo Property Agency,[154] municipalities have not made a consistent and regular use of this framework to assist repatriated persons. In this context, itis extremely important to note that if repatriates are not guaranteed their right to adequate housing, they risk becoming permanent internally displaced persons.

[150] The Sustainable Employment Reintegration Projectcoordinated by the United Nations Development Programme (UNDP), in partnership with the Ministry of Labour and Social Welfare (MLSW) and the Ministry of Internal Affairs (MIA), March 2012. Available at: http://www.ks.undp.org/content/kosovo/en/home/presscenter/articles/2012/03/07/almp-s-sustainable-employment-reintegration-of-repatriated-citizens-project.html (consulted on 26 July 2013)

[151] European Centre for Minority Issues Kosovo, *Meeting Report: Public meeting in Parteš/Partesh with repatriated people*, 4 June 2013.

[152]*Revised Strategy for Reintegration of Repatriated Persons,* May 2010, p.29

[153]Ibidem

[154]*Revised Strategy for Reintegration of Repatriated Persons,* May 2010, p. 31

Conclusions and recommendations

The regulatory framework governing repatriation has long been unstable. However, the new instruments are expected to be implemented in a serious manner to ensure a more efficient process and better impact for beneficiaries. The limited capacity of the authorities has also impacted the implementation. For example, no municipality, thus far, has conducted a formal assessment or developed any programme, strategy or activity intended to implement the policy framework measures at the municipal level. This is largely a result of the **unclear attribution of responsibilities** between central and local government. Another factor hindering the framework is that many have rather high expectations before repatriation, making them disappointed with the standards they encounter upon return. To improve this, it is essential that **guidance and instructions be provided at all levels** in order to achieve better knowledge of the framework content amongst institutions so they are able to disseminate correct information. This will ultimately improve available assistance and raise awareness among those accessing the system. Moreover, it will make services and procedures more accessible and understandable to all.

Currently, **no link exists between the MIA, which is in charge of repatriation, and other systems, such as the MCR, which is in charge of returns.** Through communication, they would be able to exchange concepts for good practices, increasing proficiency and effectiveness. Furthermore, heightened **transparency** and exchange of information **between local and central levels** is imperative to promote efficiency. Several key issues remain a concern for repatriated persons. For example, **civil registration** and the issuing of documents can be problematic for repatriated persons. Additionally, **school dropout** and segregation rates among repatriated children are extremely high, demonstrating the vital need for elevated awareness regarding the situation.

It is highly recommended that the government develop income generating projects to favour sustainable reintegration in hopes of improving the repatriation process and increasing efficiency. Through greater transparency, cooperation and awareness, the repatriation process may become more efficient.

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Annex- Legal Framework and International Instruments [155]

1. Reference documents of the Republic of Kosovo in the reintegration field, Republic of Kosovo has a wide legal basis, where as a principal legislation could be pointed out, but not limited only to:

Constitution of the Republic of Kosovo;

Law on Citizenship,

Law on Asylum (No. 03/L-066),

Law on Foreigners (No. 03/L-126),

Law on Foreigners Employment,

Law on Civil Registers,

Law on Dwelling and Emplacement.

Law on Personal Name;

Draft Law on Personal Data Protection;

Law on Identity Card;

Law on Travel Documents;

Law on Asylum;

Law on Property

Law on Civil Status Registers;

Law on Establishing Registers for the right to property;

Law on amending UNMIK Regulation 2006/50 on the Resolution of Claims Relating toPrivate Immovable Property, Including Agricultural and Commercial Property;

Law on the Kosovo Population and Housing Census,

Draft Law on amending and supplementing the Law on Health;

Law on Medical Emergency Services;

Law on Private Practices in Health;

Law on Basic Pension;

Law on amendment and supplementation of the Law no.2003/15 on the Social AssistanceScheme in Kosovo;

Draft Law on Labour;

Law on the Status and the Rigths of Families of Martyrs, Invalids, Veterans and member ofKLA and families of war civil victims;

Criminal Code of Kosovo;

Code of Criminal Procedure;

Law on Disability Pensions,

Law on amending and supplementing the Law on Health;

[155] *Revised Strategy for Reintegration of Repatriated Persons,* May 2010, Annex 1

Law on Family;

Law on Social and Family Services;

Law on Preschool Education;

Law on Public Health;

Law on Kosovo's Diaspora;

Law on Primary and Secondary Education;

Law on Inspection of Education in Kosovo;

Law on Education in the Municipalities of the Republic of Kosovo;

Law on Vocational Education and Training;

Administrative Instruction no. 11/2004 for the work and criteria for placing the residentsat home of elderly persons and without family care;

Administrative Instruction No. 12/2004 on the work and placing the residents in theSpecial Institution in Shtime,

National Strategy on Migration,

National Strategy against Trafficking of Human Beings;

Kosovo Health Strategy

Strategy on Prevention of Incidents at School.

2. International Conventions and Acts applicable in the Republic of Kosovo, which affect the protection of reintegrated persons are:

1. Universal Declaration on Human Rights;

2. Geneva Convention for the Protection of Refugees, 1951, and the Protocol, 1967

3. New York Convention for Stateless Persons;

4. UN Convention on the Elimination of All Forms of Discrimination Against Women;

5. UN Convention Against Torture and Other Cruel, Inhuman and Degrading Treatmentor Punishment, 1984;

6. European Convention for the Protection of Human Rights and Fundamental Freedomsand its Protocols;

7. UN Convention on the Rights of the Child;

8. International Covenant on Civil and Political Rights and its Protocols.