



The Country of Return Information Project functions as a network of NGO's for the collection and transfer of specific information on reintegration possibilities for potential returnees and their counsellors. All questions you may have on reintegration possibilities and on which you don't find the answer in this country sheet, can be directed to the helpdesk "Country of Return Information and Vulnerable Groups".
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COUNTRY SHEET KOSOVO

January 2009

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1. Access to territory (from country of asylum to return area)

Based on the UNMIK Regulations 2005/53, 2005/16, 2005/19, 2006/26 and Administrative Instruction 2005/8, Department of Borders, Asylum and Refugees is established within the Ministry of Internal Affairs of Kosovo, and its mandate is to provide efficient border management as well as sustainable systems of repatriation. The Department conducts admission of refugees and asylum-seekers and assists them in solving possible difficulties during the accommodation process and their integration into Kosovo society, and implements repatriation policy in accordance with the conventions, laws and standards determined by the European Union. The Readmission Policy introduces the strategy and procedures in Kosovo for handling readmission of persons originating from Kosovo and residing without legal status in host countries.

In principle, no person will be readmitted to Kosovo unless the person has been confirmed to originate from Kosovo. To prepare and readmit its persons, Kosovo Authorities will cooperate with the host countries to realise safe and dignified returns of its persons. Such cooperation will include signing of procedural agreements and eventually, formal readmission agreements with these host countries. Kosovo Authorities will seek to reach an agreement with host countries to attain durable returns of all residents of Kosovo by implementing readmission procedures elaborated in Section IV of the Readmission Policy, and monitor such readmission procedures in Kosovo to be conducted in compliance with relevant international human rights standards¹.

Since declaration of independence of Kosovo, no readmission agreement has been signed between Republic of Kosovo and any of the host countries.

1.1 Documentation

1.1.1 Travel documents needed for returnees

In order to travel to Kosovo, a returnee must possess a valid Kosovo passport or travel document issued by Kosovo authorities; an UNMIK Travel Document; or other documentation such as an emergency travel document (*laissez-passer*) issued by asylum country authorities, which is a document similar to a passport and permits them to return to the country of origin.

In a specific cases, when a person does not possess any document similar to a regular passport or emergency travel document (*laissez-passer*), border police will request at a minimum a photo ID that proves his/her identity. This includes photocopies of a valid travel document, expired travel documents, a form of ID, driving licence, military book or a photocopy. If a returnee has none of the above mentioned documents, the border police will contact the returnee's family and request them to come to the border point

¹ UNMIK/PISG, Readmission Policy, November 2007, page 2-3.

to provide evidence of the returnee's identity, prior to allowing him/her to enter Kosovo².

Travel documents will be issued only after proper identification is confirmed in accordance with the readmission procedures, and such travel documents will be issued by the host countries until Kosovo sets up its consulates.

1.1.2 Documents needed in the country of return

When a Kosovo citizen is returned to Kosovo and never has registered in the civil registers book (basic register), he/she should go to the respective Municipal Centre for Civil Registration (MCCR) to proceed with registration. This will enable him/her to obtain other necessary documents needed i.e. Identification card (ID), birth certificate, marriage certificate, property documents, travel document, citizenship documents, etc.

1.1.3 How to obtain necessary documents

1.1.3.1 Civil Registration

As mentioned above, the first step to obtain documents for returnees who have never been registered is to go to their respective municipal centre for civil registration (MCCR). In order to be registered a person should meet the following requirements and criteria³:

Registration requirements:

- I. A person lives in or returns to Kosovo;
- II. Persons who return should prove their intention for resettlement in Kosovo and prove their identity;
- III. Persons should prove their permanent residence in Kosovo and be personally present in the civil registration office.

Registration criteria:

- A. The person is born in Kosovo,
- B. That one of his/her parents was born in Kosovo,
- C. That he/she has stayed in Kosovo without interruptions for at least 5 years,
- D. That he/she has stayed in Kosovo less than 5 years, but he/she has not stayed for 5 years only because he/she was forced to leave Kosovo,
- E. That he/she is under 18 years of age and otherwise a dependent child of a person registered under the criteria from A to D,
- F. That he/she is under 23 years of age and otherwise a dependent child of a person registered under the criteria from A to D, as well as to be a regular student at a recognized educational institution.

In addition, returnees who are not registered need to submit the following documents:

- **Birth Certificate** - In order to be supplied with a birth certificate, a returnee must apply at the respective municipality by filling out a birth certificate application form and paying an administrative fee of 1 EUR.

²Information received from interviewing police officer Mr. Fadil at the office of deportation in Prishtinë/Pristina International Airport, October 2008, contact ++37744703793.

³Prishtinë/Pristina Municipality, Brochure on Civil Registration, www.prishtina-komuna.org/?mod=fajllat&ftid=1&bid=3&smid=79&did=79, accessed November 2008.

- **Residential certificate** - This document is issued in the name of the head of household - a returnee must fill in a residential application form, submit a copy of ID and a copy of electricity, telephone or any other public utilities bill that proves the residency of the applicant, and pay administration fees of 2.5 EUR.
- **A travel document issued by host country**

For the children that were born in the host country, the documents below are needed in order to get registered:

- Birth certificate - original copy issued by registration centre in host country.
- Marriage certificate of the parents.
- Photocopy of the UNMIK or Kosovo ID of the parents.

1.1.3.2. Identification Card (ID)

Again, the returnee must go to the respective municipality centre for civil registration and apply for the ID by submitting the following documents:

- 2 photocopies of the birth certificate;
- 2 photocopies of the residential certificate; and
- 2 photocopies of UNMIK ID or another ID.

A photo and fingerprints will be taken at the MCCR office. The returnee will be required to submit any expired ID card. Upon submission of above documents, the applicant will receive a receipt. The Kosovo ID is issued without any fees and should be received by the applicant within a period of 1 to 2 weeks.

1.1.3.2. Regular Passport

As of July 21, 2008, the Ministry of Internal Affairs of the Republic of Kosovo has started to issue Kosovo passports/travel documents. In this context, UNMIK travel documents are no longer being issued, though they are valid until the expiring date. Below you can find information on the application procedure and needed documents⁴.

Step 1.

The applicant has to meet personally at the MCCR office and prove that he/she is a citizen of Republic of Kosovo and resides in Kosovo by submitting the following documents:

- 2 photocopies of birth certificate;
- 2 photocopies of ID card (for adult applicant only);
- 2 photocopies of residence certificate;
- Certificate confirming that he/she is not under investigation (issued by the competent court - for adult applicant only); and
- Proof of payment of administration fees - 25 EUR + 1 EUR bank services for adults; 20 EUR for children 3-18 years old; and 15 EUR for children less than 3 years old.

Children have to be accompanied by both parents, and parents need to bring proof of their identity (ID or passport). If one of the parents is dead, the child needs to be accompanied by the other parent. In case of divorce, a court decision needs to be

⁴http://www.mpb-ks.org/repository/docs/proceduarat_aplikimit_per_pasaport.pdf, accessed October, 2008

presented. Child under custody has to be accompanied by their guardian, and has to present verified authorization.

Step II.

- Fill out passport form **P**, and **R-14** form (only in case of a child applicant;
- A photo is taken only for child applicant at the MCCR office)
- MCCR officer will issue a receipt to the applicant and give instructions when the passport will be ready.

The entire process from the moment of application until the issuance of passport should last from 7 to 10 days maximum. However in practice, due to the lack of human, technological and infrastructure capacities, the entire procedure may last 3 to 4 weeks.

The validity timeframe will be: 10 years for citizens above 18 years of age, 5 years for citizens from 3 to 18 years of age, and 3 years for citizens who have not reached 3 years of age.

1.1.4 Price of necessary documents

Please see the above sections.

1.2 Travel to country of origin

Kosovo territory can be accessed by land and by air. There are 3 official border crossing points between Republic of Kosovo and Republic of Albania; 2 traffic border crossing points and 3 temporary border crossing points for foot-passengers with Republic of Macedonia; 1 border crossing with Montenegro; and 5 crossings with Republic of Serbia. Kosovo has only one international airport based in Prishtinë/Pristina. In addition, Kosovo can be accessed by train through 2 borders crossing points (1 from Serbia and 1 from Macedonia)⁵.

1.2.1 By air

Kosovo has one international airport - Prishtinë/Pristina International Airport (PIA) - which is located 18 km southwest of Kosovo's capital Prishtinë/Pristina and 3 km south of Sllatinë/Slatina village. The farthest cities are no more than 80 km from the airport. The approximate time of the journey from the airport to Prishtinë/Pristina city is 30 minutes. The airport taxis are available from 05:00 hrs in the morning till 22:30 and even later. The charge is approximately 25 EUR. From cities throughout Kosovo, taxis are available 24 hours and the charge is in accordance to its meter system. Airport buses are available every two hours starting from 05:00 hrs up to 23:00 hrs. The buses depart from the capital city (from the Airport building), and from the Grand Hotel (centre of Prishtinë/Pristina) and vice versa. PIA is opened from 05:00 hrs to 22:00 hrs.

There are direct flights to Prishtinë/Pristina from many Western Europe countries i.e. Vienna, London, Stuttgart, Zurich, Ljubljana, Budapest, Berlin, and Copenhagen. Direct flights are also available from Tirana and Istanbul. In addition, there are direct charter flights organized from other cities in Western Europe i.e. Düsseldorf, Munich, Frankfurt, and Geneva. There are good connecting flights between all Western Europe countries in Kosovo via Vienna, Ljubljana, Zurich and Budapest.

⁵ Ministry of Interior Affairs of Kosovo, Brochure of the Department for Border, Asylum and Refugees, www.mpb-ks.org/?page=2,18, accessed November 2008.

Travel time from most of the Western Europe cities to Prishtinë/Pristina is between 2 to 3.5 hours and tickets cost between 200 to 300 EUR from Germany and Switzerland, and between 300 to 500 EUR for other Western European countries.

Economy class passengers are entitled to 20 kg of luggage without payment, and business class passengers are entitled to 30 kg. Nevertheless, maximum weight per luggage can not be more than 32 kg. Any luggage that exceeds the weight limit is subject to charges set by individual airline companies.

Transportation of any non-permitted objects in your cabin luggage is prohibited. Pictographs of dangerous objects are displayed at every check-in counter. Maximum weight per hand luggage is 8 kg.

Prishtinë/Priština International Airport contact information:

Airport Information Desk Arrival: + 381 38 5958 159,

Airport Information Desk Departure: + 381 38 5958 169,

Airport Information: + 381 38 5958 147

For more information please visit PIA website at: www.airportpristina.com

The following is a list of the most frequently used travel agencies in Kosovo:

- **Kosova Airlines**

Reservation and information in town: +381 38 24 91 85/84

Lost and found luggage: 00381 38 5958 174/175

Address: Vellusha e poshtme 17

City: Prishtinë/Pristina

ZIP code: 10000

URL: <http://www.kosovaairlines.com>

Flight destinations: **PRISHTINË/PRISTINA; DÜSSELDORF; STUTTGART; KÖLN; FRANKFURT; ZÜRICH; GENEVA**

- **Austrian Airlines**

Reservation and information: +381 38 24 24 24 /548 435

Email: info@mcm.travel

Lost and found luggage: +381 38 5958 175/179

Address: St .Lidhja e Pejes E-12

City: Prishtinë/Pristina

ZIP code: SI-4210

URL: <http://www.mcm.travel>

Flight destinations: **VIENNA**

- **British Airways**

Reservation and information: +381 38 54 86 61

Lost and found luggage: +381 38 5958 174/175

Address: PIA Departure Terminal

City: Prishtinë/Pristina

ZIP code: 10.000

URL: <http://www.britishairways.com>

Flight destinations: **LONDON**

- **Malev**

Reservation and information +381 38 535 535 / 502 481

Email: info@itclub.cc

Lost and found luggage: +381 38 5958 175/179

Address: Bill Clinton Boulevard, E-12

City: Prishtinë/Pristina

ZIP code: 10000

URL: <http://www.itclub.cc>

Flight destinations: **BUDAPEST**

- **Adria**

Reservation and information 00381 38 246 764

Lost and found luggage: 00381 38 5958 174/175

Address: Qamil Hoxha 12

City: Prishtinë/Pristina

ZIP code: 10000

URL: <http://www.adria-airways.com>

Flight destinations: **LJUBLJANA**

- **Swiss International airlines**

Reservation and information: +381 38 24 34 46

Lost and found luggage: +381 38 5958 174/175

Address: Grand Hotel

City: Prishtinë/Pristina

ZIP code: 10000

URL: <http://www.swiss.com>

Flight destinations: **ZÜRICH, GENEVA**

1.2.2 By land

The following are the major border crossing points that include motor vehicle roads and in two occasions railroads⁶.

- Vermica border crossing point - Southwest Kosovo neighbouring with Albania. It is located just 18 kilometres outside of Prizren city and it is only accessible by road. The crossing point is open 24 hours for travellers and goods, whereas customs clearance of goods can be done between 08:00 and 20:00. Vermica border crossing point manages two other smaller crossing points - Qafa e Prushit and Qafa e Morines - that are located 10 kilometres west of Gjakova city neighbouring with Albania. The crossing points are open for travellers 24 hours and for goods from 08:00 to 20:00.
- Merdare border crossing point - Northeast Kosovo neighbouring with Serbia. It is on the 37th kilometre of the highway between Prishtinë/Pristina and Nis (Serbia). It is open 24 hours for travellers and customs clearance.
- Muqibaba and Mutivoda border crossing points - East Kosovo neighbouring with Serbia. It is located 20 kilometres from Gjilan city, and it is open from 08:00h to 20:00, only for passengers not for goods.

⁶ For more information see UNMIK Customs Service website at: www.unmikcustoms.org, accessed October 2008.

- Hani i Elezit border crossing point - Southern Kosovo neighbouring with Macedonia. The distance between this border crossing point and Prishtinë/Pristina is 70 kilometres. It is open 24 hours and is the most frequented crossing point in terms of passengers and goods entering and leaving Kosovo.
- Glloboçica border crossing point - Southern Kosovo neighbouring with Macedonia. It is 68 kilometres from Prishtinë/Pristina. This crossing point is open 24 hours and is only for passengers, not for import and exports of goods.
- Kulla border crossing point - West of Kosovo neighbouring with Montenegro. It is open 24 hours. It is located close to Peja/Pec city at a high altitude level (1250 metres). Therefore, during the winter season, the road is often closed due to weather conditions.
- Zubin Potok and Leposaviq border crossing points - Northwest and North Kosovo neighbouring with Serbia. These two border crossing points have not been not functioning since February 18, 2008, where they were burned.

1.2.3 By sea

Not relevant.

1.3 Entry procedure

1.3.1 By air

Returnees who plan to return to Kosovo by air will land in Prishtinë/Pristina International Airport (PIA). They will pass through the regular entry procedure which consists of passport control by the border police, followed by customs control of goods/luggage. The entire procedure lasts from 5 to 10 minutes, depending on the passenger flow. Passengers travelling to Kosovo should hold a valid passport or other emergency travel document (*laissez-passer*) issued by the host country authorities.

Please see section 1.1.1 for information on persons who do not have valid travel documents.

1.3.2 By land

The entry procedure by land is similar to the one by air. It is advised for returnees who are planning to enter Kosovo through Serbia to have a valid Serbian passport, as Serbian customs and border police do not allow entrance into Serbia with an UNMIK or Kosovo passport.

1.3.3 By sea

Not relevant.

1.4 Impacts of former acts and statuses upon entry

In general terms, if a person returning to Kosovo was involved in criminal acts prior to leaving Kosovo and is subject to criminal proceedings, he/she will be treated in accordance to the legislation of Kosovo.

Furthermore, given the complexity of the situation in Kosovo, UNHCR maintains the position that the following groups of persons continue to be at risk of persecution and they should be considered as falling under the provisions of Article 1 A (2) of the 1951 Convention and the 1967 Protocol relating to the Status of Refugees. Where a State

feels unable to grant refugee status under the law, but the individual is not excluded from international protection, a complementary form of protection should be granted. The return of individuals belonging to these groups should only take place on a strictly voluntary basis. Individuals who express a wish to return voluntarily should be able to do so freely and with the full knowledge of the current situation in Kosovo⁷.

Groups Considered at Risk

- Kosovo Serbs;
- Kosovo Roma; and
- Kosovo Albanians in a minority situation.

Other Vulnerable Categories of Persons

- Persons in ethnically mixed marriages and persons of mixed ethnicity;
- Persons perceived to have been associated with the Serbian authorities after 1990; and
- Victims of trafficking.

In addition to the groups above, there are individuals that do not necessitate international protection, but due to their extenuating circumstances and limitations of social welfare institutions in Kosovo, UNHCR recommends paying specific attention to their needs during the return process.

Humanitarian Categories

- Unaccompanied elderly persons who have no relatives or any other form of support; and
- Separated children without relatives/caregivers in Kosovo.

1.4.1 Impacts of former refugee or subsidiary protection status

There is no evidence that former refugee or subsidiary protection status would have legal or any other impact on returnees.

1.4.2 Impacts of former unsuccessful asylum claim

There is no information available concerning any eventual problem caused by a former unsuccessful asylum claim.

1.4.3 Impacts of former illegal exit from country of origin

As confirmed by border police, returnees who left Republic of Kosovo illegally and now are returning to Kosovo under the normal entry procedures are not subject to any legal proceedings⁸.

1.4.4 Impacts of crime committed outside the country of origin

In case of involvement in any criminal activity outside Kosovo, the country where the criminal activity has taken place is the processing authority. If such a person has been

⁷UNHCR's Position on the Continued International Protection Needs of Individuals from Kosovo, June 2006, www.unhcr.org/cgi-bin/texis/vtx/home/openssl.pdf?tbl=SUBSITES&id=4492bdaa2, pages 7-8, accessed in October 2008

⁸Information received from interviewing police officer Mr. Fadil at the office of deportation in Prishtinë/Pristina International Airport, October 2008, contact ++37744703793

charged with any imprisonment or other sentence, there are no legal consequences implemented in the Republic of Kosovo against such a person.

1.5 Customs regulation

1.5.1 Goods

Regarding goods, customs exemptions shall apply for the below list of goods, which are subject to the following customs value and quantitative limits per traveller, per day⁹. Goods of a non-commercial nature, including presents and souvenirs, contained in traveller's personal luggage and not exceeding a customs value of 175 EUR are permitted.

The following allowances:

- Tobacco products:
 - 200 cigarettes; or
 - 100 cigarillos; or
 - 50 cigars; or
 - 250 grams of tobacco; or
 - A proportional assortment of these different products.
- Alcoholic beverages;
 - 1 litre of spirits or strong liqueurs over 22% volume; or
 - 2 litres of fortified wine, sparkling wine or other liqueurs; and
 - 2 litres of still table wine.
- perfumes and toilet water;
 - 60 cc/ml of perfume; and
 - 250 cc/ml of toilet water.

1.5.2 Money

Every person entering or leaving Kosovo and carrying money of a value in excess of 10,000 EUR shall declare the amount of money and the source of such money in writing, in a specific form, and if so requested by the officer, shall present the money.

Anyone sending money outside Kosovo, or receiving money in Kosovo from outside, via post or commercial courier, in excess of 10,000 EUR shall declare the amount of money and the source, in writing in a specified form.

1.5.3 Change of residence

Personal property imported by a natural person having a place of residence outside Kosovo and transferring his place of residence to Kosovo shall be admitted free of import duty.

Exemption under this section shall be limited to personal property which:

1. Has been in the possession of and, in the case of non-consumable goods, used by the person concerned at his former place of residence for a minimum of six months before the date on which he ceases to have his place of residence

⁹Kosovo Customs, www.dogana-ks.org/?cid=2,51, accessed in October 2008

outside of Kosovo except where the Director General may in special cases otherwise permit; and

2. Is intended to be used for the same purpose at his new place of residence.

Exemption shall be granted only to a natural person:

- Whose place of residence has been outside of Kosovo for a continuous period of at least 12 months; or
- Where the Director General is satisfied that it was the clear intention of the person concerned to reside outside of Kosovo for a continuous period of at least 12 months, but that intention could not be fulfilled.

No exemption shall be granted for:

- Alcoholic products;
- Tobacco or tobacco products;
- Commercial means of transport; and
- Articles for use in the exercise of a trade or profession, other than portable instruments of the applied or liberal arts.

1.6 Access to return area

1.6.1 Limitations on internal travel

In general terms, there are no limitations on internal travel. However, the movement of persons within Kosovo is hampered by the political situation, and by real and perceived security threats, in particular between the north and the rest of Kosovo. It can be dangerous for a Kosovo Albanian to travel to North Kosovo either by walking or by car with Kosovo registration plates. Likewise, despite significant improvement in regard to the freedom of movement, certain minorities, mainly Serbs and Roma face perceived and real difficulties in moving freely throughout Kosovo.

1.6.1.1 Administrative restrictions

There are no administrative restrictions with respect to travelling inside Kosovo.

1.6.1.2 Practical obstacles

In general, there are no practical obstacles. However, during the winter season, roads may be blocked, especially in rural areas. In addition, many roads are currently being repaired, resulting in delays and traffic jams.

1.6.2 Territories impossible or dangerous to approach

After cessation of the war in Kosovo in June 1999, KFOR and Kosovo Protection Corps (KPC) performed tremendous efforts in removing mines and other unexploded ordnance. However, there are areas which are still dangerous to approach due to the residual mines and other unexploded ordnance. According to KPC, many of the mined land fields are not identified because the Serbian army has refused to give accurate and complete information regarding the location of these mine fields¹⁰. In this context, areas that

¹⁰ Kosovo Protection Corps, <http://www.tmk-ks.org/new/tmk/operacionet/operacionet.php?id=1>, accessed in October 2008

continue to be unsafe include villages by the border with Albania as well as the border strip in the west and south of Kosovo.

1.6.3 Means of internal travel

The vast majority of the Kosovo population use private cars for internal travel. However, public transportation by bus is functioning optimally at both levels - inter-urban and within the cities. Regarding the inter-urban bus transportation, one way tickets may cost a maximum of 5 EUR for the most distant cities, down to 1 EUR. One way tickets for public transportation by bus within the same city can cost from 0.40 to 0.50 EUR.

Bus station in Prishtinë/Pristina contact number: ++38138550011

Railway transportation of passengers is available for the following directions¹¹:

- Prishtinë/Pristina → Shkup/Skopje → Prishtinë/Pristina (one way ticket 4 EUR)
- Pejë/Pec → Prishtinë/Pristina → Pejë/Pec (one way ticket 3 EUR)
- Fushë Kosovoë/Kosovo Polje → Han i Elezit/General Jankovic → Fushë Kosovoë/Kosovo Polje (one way ticket 0.50 EUR)

You can find more information on Kosovo Railways on the respective web address: www.kosovorailway.com, or by telephone ++38138536619 or ++38138536355

Furthermore, since 1999 there is humanitarian bus transportation which is a specific service provided by the Kosovo government to the Kosovo Serb community. This service has been transferred from UNMIK to local institutions, including its funding, management, safety and security, and even after February 17, 2008, this service has proven to be a success in terms of number of users, quality of the service, passenger satisfaction levels, and access to basic rights. It has also proven to be a success as to the management by the relevant Kosovo authorities. The fourth OSCE report on Humanitarian Bus Transportation reflects the findings of a field-based survey regarding the concerns, needs and experiences of the minority communities relying on this service¹².

However, the transport infrastructure (roads and railways) in Kosovo is limited in scope and condition. It is not well connected with regional networks and maintenance expenditures have been inadequate, even though some upgrading of the road infrastructure has started in the Priština/Prishtinë area and the regional connections to Shkup/Skopje and Pejë/Pec. Road density stands at only 3.3 km per 1,000 inhabitants and rail connections with Serbia have been difficult after Kosovo's declaration of independence.

¹¹ Kosovo Railways, www.kosovorailway.com, accessed on November, 2008.

¹² OSCE mission in Kosovo, Monitoring Department, Humanitarian Minority Bus Transportation in Kosovo after Transfer to Kosovo Institutions, June 2008, www.osce.org/documents/mik/2008/07/32250_en.pdf, accessed October 2008.

2. Physical security (in return area)

The overall security situation in Kosovo is relatively calm but continues to be unpredictable and oftentimes fragile. Although there have been notable improvements in the capacity of the local police force and security apparatus, this is not necessarily reflected in the confidence that ethnic minorities may have in the ability and/or willingness of the law enforcement system to protect them. The number of security incidents has declined and improvements are observed with regard to freedom of movement. This applies in particular to the Ashkali and Egyptian communities.¹³ In addition, members of Serb and Roma ethnic minorities still continue to perceive the situation as unsafe, especially following the declaration of independence. The confidence of minorities in law-enforcement authorities, both international and local, tends to remain rather low¹⁴.

Although the international community has largely focused on the issue of interethnic violence, the Internal Security Sector Review (ISSR) found that for the people of Kosovo high unemployment, a lack of economic development and widespread poverty have created an atmosphere of insecurity. Economic instability has exacerbated problems such as ethnic violence, corruption, increased crime rates and contributed to a growth in mistrust of Kosovo's key institutions of government, both international and indigenous¹⁵.

In February 2008, the General Affairs and External Relations Council agreed to a Joint Action 4 to establish a rule of law mission, known as "EULEX", in Kosovo. The central aim of the European Union Rule of Law Mission in Kosovo (EULEX) is to assist and support the Kosovo authorities in the rule of law area, specifically in the police, judiciary and customs areas. It is a technical mission which will monitor, mentor and advise whilst retaining a number of limited executive powers¹⁶.

2.1 On-going armed conflicts

There are no ongoing armed conflicts in Kosovo. Nevertheless, due to the interethnic tension and following the declaration of independence, the security situation became more fragile. In February, two border posts in Northern Kosovo were destroyed, and the storming of the court house in Mitrovicë/Mitrovica in March 2008 resulted in the death of an UNMIK policeman and several serious injuries to other persons.

¹³ UNHCR, Kosovo 2007 Annual Protection Report, accessed in November 2008

¹⁴ Commission of European Communities, Commission Staff Working Document, KOSOVO (UNDER UNSCR 1244/99) 2008 PROGRESS REPORT, Brussels, 05.11.2008, http://ec.europa.eu/enlargement/press_corner/key_documents/reports_nov_2008_en.htm, accessed November 2008

¹⁵ Provisional Institutions of Self Governance, United Nations Development Programme, Kosovo Internal Security Sector Review, 2006, www.ks.undp.org/repository/docs/ISSR_report_eng_ver2.pdf, page 13, accessed November 2008.

¹⁶ European Rule of Law Mission in Kosovo (EULEX), www.eulex-kosovo.eu/?id=2, accessed November, 2008.

2.2 Regions with high security risk

Again, due to the ethnic tension, three municipalities north of the Ibar/Ibër River (Zubin Potok, Zvečan/Zvecan, and Leposaviq/Leposavic) and the northern part of the city of Mitrovicë/ Mitrovica are areas with potential high security risk.

2.3 Crime

The overall security situation in Kosovo continues to improve. Nevertheless, organized crime, corruption, money laundry, illicit drugs and trafficking, are still present at a worrisome level, causing significant loses to the Kosovo budget. The judiciary lacks capacity to tackle organized crime seriously. The motivation of public prosecutors and judges to tackle organized crime is further undermined by the lack of adequate working conditions, salaries and social protection. However, Kosovo law enforcement authorities are doing their best to improve the actual situation and to exercise law on weak points, especially on borders where organized crime is most likely to take place.

2.3.1 Regions with an extremely high level of crime

The above mentioned crime activities are more or less spread all over Kosovo with no specific regional division. However, due to the inability of Kosovo institutions to extend its authority, in particular rule of law and justice mechanism, and the presence of parallel structures supported by Serbian Government, North Kosovo has a high level of organized crime, including economic crime.

2.3.2 Risk of becoming a victim of human trafficking

Despite Kosovo's progress since 1999 in strengthening rule of law, security, and institutional reform, trafficking in human beings remains a form of organized crime that continues to pose great danger to society and the state of Republic of Kosovo. Kosovo still remains a country of origin, transit and destination for trafficking victims. Victims of trafficking are mainly from Moldova (45%), Rumania (19%) and Ukraine (12%). Recently, a growing number of Kosovo Albanian minors are being recruited from among the most vulnerable and disadvantaged families.

Trafficked victims usually move illegally between the borders but can be trafficked within the country as well. The crime of trafficking in human beings is divided into different categories depending on the purpose for which the victims are exploited. Depending on the type of trafficking, it has been concluded that vulnerable groups in trafficking are children and adults that are poor and have low education. Victims, both children and adults, are forced to migrate as a result of high levels of poverty in their home countries, attracted by promises of a better life and legal employment elsewhere. Victims are usually offered jobs as a baby-sitter, cleaner, waitress or caretakers for old people, which normally does not require a high level of education and language skills. Although, the majority of recently identified victims in Kosovo have been trafficked within the country, most of them have been bought and sold several times for the purposes of sexual abuse, and 100% of them are women and minor girls¹⁷.

¹⁷ IOM Kosovo, Counter-Trafficking unit, www.iomkosovo.org/OtherPublications.html, accessed in November 2008

Victims are recruited through personal contacts (stranger, friend, partner, relative, and pimp), newspapers add, or sold by family members. The following are stories of some of the victims of trafficking in Kosovo¹⁸:

“A friend introduced me to a woman in Kiev. She offered me a job abroad and said she would prepare a passport for me, for free. I asked if the job was sex related and she promised that it was not”.

24 year old Ukranian.

“A woman I knew from my town was organizing all those trips. I asked her to help me and she promised she would. She swore on her children’s life I would work as a cleaner or a waitress but not as a prostitute. She helped me to get a passport. She introduced me to a man and said he would take me to Italy”.

21 year old Moldovan.

In addition, the trafficking experience means the beginning of a cycle of violence and terror such as rape, beating, torture starvation, physical exhaustion, isolation, control, and deception, leading to severe psychological consequences, i.e. acute stress reaction, Post Traumatic Stress Disorder (PTSD), depression, adjustment disorder, etc¹⁹.

Out of 53 Kosovo victims of trafficking, the majority were Kosovo Albanian (47), 12 were from Gjilan/Gnjilane region, 10 from Prishtinë/Pristina region and the rest came from other regions of Kosovo²⁰.

Given the above facts, Kosovo authorities have adopted legislation on Trafficking with Human Beings (THB) and organized crime, which are generally in line with the international standards. Moreover, the Ministry of Internal Affairs of Kosovo has developed a strategy for combating trafficking in human beings²¹.

However, there are serious doubts in terms of local capacities being able to implement legislations and strategies in practice. The monitoring of trafficking cases by the Organization for Security and Co-operation in Europe (OSCE) in 2006 and 2007 reveals a concerning lack of preparedness by the Kosovo authorities to handle these cases. In particular, OSCE has noted a consistent failure of the relevant authorities to place the human rights of trafficked persons “at the centre of all efforts to prevent and combat trafficking and to protect, assist and provide redress to victims.” In summary, OSCE observed that authorities involved in the investigation and prosecution of alleged traffickers fail to adopt a victim-centred approach, or to ensure that perpetrators face justice. Therefore, OSCE remains deeply concerned by the continuing failure of the

¹⁸ Ibid, page 6.

¹⁹ Ibid, page 14.

²⁰ Ibid, page 10.

²¹ Ministry of Internal Affairs, Government of Republic of Kosovo, National Strategy and Action Plan Against Trafficking in Human Beings 2008-2011, July 2008, http://www.mpb-ks.org/repository/docs/strategjia_anglisht.pdf, accessed in November 2008

Kosovo judicial system to adequately respond to the worrying phenomenon of trafficking in human beings²².

The following is the address of the International Organization for Migration, the lead agency in human trafficking issues:

IOM Mission in Kosovo. Counter-Trafficking Prevention and Capacity Building Programme in Kosovo.

Address; Ismail Qemajli No 18,
++381(0)38 249 058

www.iomkosovo.org

2.3.3 Risk of becoming a victim of forced prostitution

As mentioned in the previous section, Kosovo has become a major destination country for women and girls trafficked into forced prostitution since the deployment, in July 1999, of an international peacekeeping force (KFOR) and the establishment of a UN civilian administration (UNMIK). Women trafficked into Kosovo from outside, are predominantly from Moldova, Bulgaria and Ukraine, increasing numbers of Kosovo Albanians - the majority of them believed to be minors - are being internally trafficked, while NGOs report that some Kosovo Albanian women and girls are now being trafficked into EU countries.

As a respond to this situation, an anti trafficking unit established in 2000 was followed by UNMIK regulations on trafficking in 2001. Nowadays, the responsibilities are passed to the Kosovo Police Service (KPS) Anti Trafficking Unit which is operating in close cooperation with IOM (International Organization for Migration) and local NGOs as a focal point for support and assistance. The most recent police updates show decreased figures of trafficking while on the other side the prostitution is increasing. This is mainly due to the large international presence in Kosovo, and the fact that Kosovo faces great economic and social challenges, being one of the economically poorest countries in Europe, with an average annual per capita income of \$1,800, and a very high unemployment rate (42%), on the other hand.

IOM Mission in Kosovo. Counter-Trafficking Prevention and Capacity Building Programme in Kosovo.

Address; Ismail Qemajli No 18,
++381(0)38 249 058

www.iomkosovo.org

2.3.4 Effectiveness of protection

2.3.4.1 Police forces

The performance of the Kosovo Police Service (KPS) as regards the maintenance of public order and combating minor crime in the majority-populated areas is satisfactory.

²² Organisation for Security and Co-operation In Europe (OSCE), The Department for Human Rights, Decentralization and Communities, Legal System Monitoring Section, " A Legal Analysis of Trafficking in Persons Cases in Kosovo, October 2007, www.osce.org/documents/mik/2007/10/27620_en.pdf, accessed in November, 2008.

Surveys completed by Internal Security Sector Review and other organizations conclude that the Kosovo Police Service (KPS) is one of the most trusted institutions in Kosovo.

Laws on the Police and on the Police Inspectorate were adopted in February 2008²³. The Kosovo Centre for Public Security, Education and Development was converted into an executive agency of the Ministry of Interior in March 2008.

However, there is a danger that the early success of the KPS may have served to mask some problems. The reservations of Kosovo population regarding the KPS, centre on their perceived failure to ensure the rule of law, creeping politicisation of the service, and corruption..²⁴

In addition, Kosovo police are facing many difficulties which can be summarized as follows²⁵:

- Following the declaration of independence, many police officers from the Kosovo Serb community left the service.
- In some non-majority areas, the functioning of the multi-ethnic police force is not fully effective.
- There is no improvement in the exchange of intelligence between different KPS structures.
- Relations with the public prosecution service continue to be difficult.
- There are no obvious signs of either a significant improvement of the investigative capacities or the strategic use of intelligence for police purposes.
- Salary levels for the police are low.
- Police detention facilities still do not meet international standards.
- Kosovo police investigative and internal control capacities need to be further strengthened.
- A crime reduction strategy has not yet been implemented.
- There is no strategy for the collection of weapons. Legislation on small arms is incomplete and its enforcement is ineffective.
- There is still no law on forensics and autopsy.
- The KP makes insufficient use of crime statistics as a management tool.
- The number and availability of small arms, light weapons and explosives, as well as the continuing presence of unexploded ammunition circulating in Kosovo, constitute a very serious problem.
- The absence of a proper legislative framework leads to unregulated arms circulation, which is affecting crime rates and public security in Kosovo.
- There is neither strategy nor an action plan to combat organized crime.

²³ More information on Kosovo police is available at www.kosovopolice.com, accessed in December 2008.

²⁴ Provisional Institutions of Self Governance, United Nations Development Programme, Kosovo Internal Security Sector Review, 2006, www.ks.undp.org/repository/docs/ISSR_report_eng_ver2.pdf, page 18, accessed November 2008.

²⁵ Commission of European Communities, Commission Staff Working Document, KOSOVO (UNDER UNSCR 1244/99) 2008 PROGRESS REPORT, Brussels, 05.11.2008, http://ec.europa.eu/enlargement/press_corner/key-documents/reports_nov_2008_en.htm, accessed in November 2008

In overall, progress has been made in the field of policing, but high-level crime and strategic deficiencies remain serious concerns.

As of November 2008, the Police Component which is a part of the overall EULEX support to the Kosovo authorities in the rule of law area will assist the Kosovo Police (KPS) in working towards a multi-ethnic police that is free from political interference and serves the people of Kosovo. EULEX police officers will be co-located with their KP counterparts and will have a total strength of approximately 1,400 International police officers, foreseen to be deployed all over Kosovo²⁶.

2.3.4.2 Judiciary

The legal system in Kosovo is a combination of legislation adopted by the Kosovo authorities, regulations and administrative directions of the United Nations Interim Administration in Kosovo (UNMIK), and Yugoslav laws in place before March 22, 1989.

The Ministry of Justice²⁷ continues to reinforce its administrative capacity. It has drafted and adopted a considerable number of new legislative acts in line with its legal reform programme. The Coordination Council for Rule of Law, established in October 2007, has started to operate. It brings together ministries and agencies from the area of freedom, security and justice.

The Judicial Investigation Unit (JIU) under the responsibility of UNMIK continued to examine complaints of misconduct by Kosovo judges and prosecutors. A total of 164 cases were received in 2008, leading to the launch of 73 new investigations. The JIU found misconduct in 87 cases and forwarded these to the Kosovo Judicial Council (KJC).

However, the weakness of the judiciary persists²⁸.

- The Ministry of Justice still has very limited technical and human resources.
- There is a low level of trust in the judiciary among the population.
- Continuing existence of three parallel sources of legislation (ex-Yugoslav law, UNMIK regulations and Kosovo law adopted following the declaration of independence).
- There is no compilation of judicial decisions and no judicial commentary in Kosovo.
- The justice system failed to send a clear and strong message that ethnic violence would not be tolerated in Kosovo.
- Witness protection continues to be weak, if not absent, especially as concerns war crimes. There is still no specific legislation on witness protection that establishes procedures for witness relocation in the most serious criminal cases.

²⁶ European Rule of Law Mission in Kosovo (EULEX), www.eulex-kosovo.eu/?id=9, accessed December 2008

²⁷ Ministry of Justice of Kosovo, www.md-ks.org, accessed in November 2008

²⁸ Commission of European Communities, Commission Staff Working Document, KOSOVO (UNDER UNSCR 1244/99) 2008 PROGRESS REPORT, Brussels, 05.11.2008, http://ec.europa.eu/enlargement/press_corner/key_documents/reports_nov_2008_en.htm, Pages 13-15, accessed November 2008

- The KJC's disciplinary system is slow and decision-making does not always stand up to scrutiny. To date, 57 disciplinary cases are waiting to be processed by the two KJC Disciplinary Committees.
- The backlog of cases continues to be a serious problem, especially in civil proceedings. At the beginning of October, the total number of unsolved civil cases pending before the municipal courts of Kosovo stood at 160,477. There is no operational system for the execution of civil judgments. Furthermore, over 36,000 criminal cases are pending. Alternative dispute resolution, such as mediation, has not yet been implemented.
- Municipal courts, along with the police, lack the capacity to address, prevent and sanction illegal occupation, use and construction of property in an impartial manner.
- The strategy for the reform of the judicial system does not include a comprehensive plan to streamline the three sources of legislation and create legal certainty.
- Parallel courts applying Serbian law continue to operate.
- The court system faces serious challenges from a human resources and organisational perspective. Transfer of judges from courts with a modest workload to those with an overload rarely takes place. The number of judges is still insufficient. The salaries in the judiciary have not increased since 2002. Judges are not covered by insurance or social security schemes. There is no legislation that specifies criteria for professional advancement. The average age of judges is high. Since 2001, almost no new judges or prosecutors have been recruited. Data collection in courts is unreliable.
- Courts and prosecution offices have no budgetary competence for the procurement of small office items. There is no clear division between judges dealing with penal or civil matters. There is no specialised administrative justice.
- Implementation of the Code of Ethics is weak.
- Detainees have to wait on average 1-1.5 years before their trial starts and conditions of detention of pre-trial detainees are not satisfactory.
- The absence of specialisation among prosecutors is a serious obstacle in the fight against organised crime, such as money laundering or the trafficking of human beings, which is a key priority in the European Partnership for Kosovo.
- Cooperation between police and public prosecution is poor and inefficient.

Overall, the judicial system remains weak at all levels.

3. Social security and reintegration

3.1 Regions with no reintegration and return opportunities

In general terms, all regions have reintegration and return opportunities. However, due to interethnic tensions between the Albanian majority and the Serbian minority, there are regions where return and reintegration is difficult and practically non-existent. For example, currently, it would be very dangerous for an ethnic Albanian to return to North Mitrovicë/Mitrovica, while it would also be difficult for an ethnic Serb to return to the Gjakovë/Djakovica region. The Kosovo Government is supporting return for Serbian and other minorities. The Ministry for Communities and Returns has been operational since 2005 to deal with this issue.

Prior to each minority return, a comprehensive assessment on security and reintegration issues is conducted by relevant organisations such as NGOs who are working in the field of return. As noted in section 3.3.1, employment and income generation opportunities are limited throughout Kosovo making economic reintegration extremely difficult for any returnee. Moreover, massive movement of population from rural to urban areas (especially in the Prishtinë/Pristina region) has resulted in many rural areas being sparsely populated, which also hampers economic reintegration.

3.2 Housing, accommodation

3.2.1 Property restitution and/or compensation

“All refugees and displaced persons have the right to have restored to them any housing, land and/or property of which they were arbitrarily or unlawfully deprived, or to be compensated for any housing, land and/or property that is factually impossible to restore as determined by an independent and impartial tribunal.”²⁹

In Kosovo, the primary source of the rights of displaced persons and refugees to return and to housing and property restitution is UN Security Council Resolution 1244. Moreover, the authorities of Kosovo guarantee the right of all refugees and displaced persons from Kosovo “to return to their homes, and to recover their property and personal possessions” and state that “the competent institutions and organs in Kosovo shall take all measures necessary to facilitate the safe return of refugees and displaced persons to Kosovo, and shall cooperate fully with all efforts by the UNHCR and other international and non-governmental organizations concerning the return of refugees and displaced persons”³⁰.

The Kosovo Property Agency (KPA) was established in March 2006 when UNMIK promulgated Regulation 2006/10 on the Resolution of Claims Relating to Private

²⁹ The Pinheiro Principles, Section II, Principle 2, the right to housing and property restitution.

³⁰ UNMIK Reg. 2001/9, 15 May 2001, preamble and section 3.4.

http://www.unmikonline.org/regulations/unmikgazette/02english/E2001regs/RE2001_09.pdf, accessed November, 2008.

Immovable Property, Including Agricultural and Commercial Property³¹. This Regulation, amended by UNMIK Regulation 2006/50, prescribed the nature and scope of the mandate of KPA to resolve conflict related claims, and established its institutions and their respective responsibilities and functions.

KPA was conferred with jurisdiction to resolve claims relating to private immovable property, without the need for such claims to be referred to the courts with territorial and subject-matter jurisdiction over them³². Section 3 of UNMIK regulation 2006/50 prescribed that KPA had jurisdiction to resolve the conflict-related claims involving circumstances directly related to or resulting from the armed conflict that occurred between February 27, 1998 and June 20, 1999:

1. Ownership claims with respect to private immovable property, including agricultural and commercial property; and
2. Claims involving property use rights in respect of immovable property, including agricultural and commercial property.

Moreover, KPA was also mandated to deal with the implementation of decisions of the Housing and Property Claims Commission (HPCC) which were pending enforcement in March 2006 and to take over the management of the Housing and Property Directorate's (HDP) administrative properties portfolio. In exercising this aspect of its mandate, KPA was vested with "*the rights, obligations, responsibilities and powers of the HPD*". Further, HPD's physical assets were vested in KPA, and its personnel were redeployed to carry out similar duties within KPA.

KPA is composed of three main bodies, an Executive Secretariat, an autonomous quasi-judicial Kosovo Property Claims Commission (the "Commission") and a Supervisory Board.

Executive Secretariat

The primary responsibilities of the Executive Secretariat include the collection and registration of claims, and replies to claims and the processing of claims prior to their presentation for adjudication before the Commission. Information on and access to the claim in-take process is ensured through KPA offices, mobile teams within and outside Kosovo, outreach campaigns by the Kosovo Property Agency, non-governmental and inter-governmental agencies, as well as the Government of Kosovo. Special efforts have been taken to ensure access to the claim process by vulnerable communities, such as Roma, Ashkali and Egyptians. In this sense, the KPA conducted in February 2007 an

³¹ The 2005 Report of the UN Special Envoy on Standards (otherwise known as 'the Kai Eide Report') identified illegal occupation of agricultural and commercial property as one of the major factors hindering returns to Kosovo, and thus requiring urgent intervention. UNMIK responded to the findings of the Report in March 2006 by establishing the Kosovo Property Agency (KPA) under UNMIK Regulation 2006/10, as amended by UNMIK Regulation 2006/50.

³² However, there is a right of appeal against a decision of the Commission to the Supreme Court of Kosovo, section 12 of UNMIK Regulation 2006/50.
http://www.unmikonline.org/regulations/unmikgazette/02english/E2006regs/RE2006_50.pdf, accessed in November, 2008

outreach campaign to inform displaced Roma, Ashkali and Egyptian persons about the claim process³³.

The Executive Secretariat is also mandated to ensure effective implementation of final decisions on claims. This will be achieved through remedies such as placing property under KPA-administration, repossession, seizure of unlawful structures, auction, compensation and lease agreements, all of which will facilitate and ensure the return of properties to lawful property right holders.

The Kosovo Property Claims Commission

The Commission is conferred with jurisdiction to adjudicate claims referred to it by the Executive Secretariat. It is composed of a panel of two international and one national member who were appointed by the Special Representative of the Secretary-General (SRSG) in May 2007. The official languages of the Commission are Albanian, English and Serbian but its working language is English with translations being provided as required.

The Supervisory Board

The Supervisory Board is mandated to supervise the work of the KPA and provide it with administrative oversight, overall direction and policy guidance. It is however expressly precluded from participating in the process by which the Kosovo Property Claims Commission (KPCC) adjudicates and reaches decisions on claims. The Board is composed of five members, appointed by the SRSG and two of these members are appointed on the nomination of the Prime Minister of Kosovo. Decisions taken by the Board are required to be made by consensus, but where consensus cannot be reached, decisions can be taken by simple majority.

Applicable domestic laws

The substantive laws which the Commission must apply in order to determine property rights are contained in the domestic property laws, primarily:

- Law on Basic Property Relations (Official Gazette of SFR Yugoslavia, No. 6/80);
- Law on Expropriation (Official Gazette of SAP Kosovo, No. 37/71);
- Law on Co-ownership of an Apartment (Official Gazette of the SAP Kosovo, No. 43/80, 22/87);
- Law on Construction of Annexes to Buildings and the Conversion of Common Premises into Apartments (Official Gazette of the SAP Kosovo, No. 14/88);
- Law on the Transfer of Real Property (Official Gazette of SAP Kosovo, No. 45/81, 29/86, 26/88);
- Law on the Registration of Real Properties in Social Ownership (Official Gazette of SAP Kosovo, No. 37/71);
- Law on Construction of Facilities for Investment - Commercial purposes (Official Gazette of SAP Kosovo, No. 5/86);
- Law of Contract and Tort (Official Gazette of FRY, No. 31/93);
- Law on Forests (Official Gazette of SAP Kosovo, No. 46/86 and 10/87);

³³ Organization for Security and Co-operation in Europe (OSCE), Mission in Kosovo, Department of Human Rights, Decentralization and Communities, Eight years after Minority returns and housing and property restitution in Kosovo, June 2007, http://www.osce.org/documents/mik/2007/07/25813_en.pdf, accessed in November 2008.

- Law on Housing Relations (Official Gazette of SAP Kosovo, No. 11/83, 29/86 and 42/86);
- Law on Land for Construction (Official Gazette of SAP Kosovo, No. 14/80 and 42/86); and
- Law on Measurement and Land Cadastre (Official Gazette of SAP Kosovo, No. 12/80).

Procedure³⁴

Collection of Claims

Pursuant to UNMIK Regulation 2006/10, as amended by Regulation 2006/50, KPA is exclusively mandated to collect claims which fall under its subject matter jurisdiction. Claims could be submitted to the Executive Secretariat by both natural and legal persons. KPA procedures require claimants primarily to submit claims in person. Where a natural person is unable to make a claim, the claim could be made by a member of his/her family household. It is also possible for a natural person to submit a claim through an authorized representative in possession of a valid and duly executed power of attorney. Legal persons were required under the regulation to submit claims through a lawyer who was a member of a bar association in Kosovo, the Republic of Serbia or the Republic of Montenegro.

Location of Claim Intake Offices

Claims are required to be filed by attending at any KPA office or mobile unit and filling out a claim form with the assistance of a KPA officer. KPA offices are opened in each of the five regions and mobile units serve minority enclaves and rural areas. In line with its authority to establish a procedure to facilitate the receipt of claims from refugees and IDPs residing outside Kosovo, the Executive Secretariat opened offices in Serbia, Montenegro and former Yugoslavian Republic of Macedonia. Unfortunately, KPA offices in Serbia have closed, and Danish Refugee Council and the Serbian Ministry of Kosovo and Metohija are filling in the gaps left by the closure through a legal aid programme funded by the European Agency for Reconstruction.

The Claim Form

An electronic claim form has been designed by the Executive Secretariat and claimants are invited to attend at any one of KPA's offices to fill in the claim form. The information could be provided to the claim intake officer in Albanian or Serbian. The claim form should be signed by both claimant and claim intake officer. Claimants are required to present their ID card or identity documents for inspection when submitting their claim. A copy of the claimant's identity documents are attached to the claim form for inclusion on the claim file. Claimants are also required to submit originals or certified copies of any documents to be relied on in support of the claim and which are within their possession or reasonable power of procurement. A copy of these documents is placed on the claim file and the originals are returned to the claimant.

Further steps of property restitution and/or compensation include:

- Notification and publication of claims;
- Investigation of claims;
- Access to property records and verification of documents;

³⁴ The Kosovo Property Agency, Annual Report 2007, <http://www.kpaonline.org/PDFs/KPA2007AnnualEnglish.pdf>, accessed November 2008.

- Drafting legal submissions on claims; and
- Implementation of decision.

Relevant information on property issues can be found in KPA's web site: <http://www.kpaonline.org/>.

Property and housing rights remain one of the most complex issues and illustrate the shortcomings of the rule of law in Kosovo. No matter how many legal instruments have been approved by the Assembly of Kosovo and UNMIK in order to protect property rights, eight years after the establishment of UNMIK in Kosovo, there is still no adequate and effective protection of property rights. The public authorities continue to fail to guarantee the implementation of these laws and there are widespread allegations of nepotism, corruption and links with organized crime³⁵.

Despite the creation of KPA/KPCC, devoted to the resolution of problems related to property claims and their implementation, the adjudication process may take several years and is perceived as disproportionately lengthy by those directly concerned. The implementation of decisions is not always enforceable and post-eviction incidents, including the re-occupations of property, frequently occur as a result. The illegal occupation of properties, including agricultural land and commercial facilities, together with a lack of effective protection against looting and burglaries of vacant reconstructed properties, incidents involving damage of property after the eviction of illegal occupants, lack of cadastral records, fraudulent transactions, inadequate protection of tenancy rights, irregular expropriations³⁶, all prevent the effective exercise by ethnic minorities of property rights. For the Roma community, problems are even more acute as a result of the frequent informality of their title to properties where they lived before the war. The lack of deeds for their houses is dealt with on a case by case basis by municipal officials and the recognition of property rights will frequently depend on the flexibility and good will of the individual municipal official. The voluntary return of Roma to Kosovo is closely related to the resolution of outstanding property problems.

Furthermore in some instances Kosovo Police Service (KPS) officers have failed to evict re-occupants of properties and/or to file a criminal case against them. In other cases, KPS have failed to act on the spurious ground that the properties in question were commercial facilities³⁷.

Due to the difficulty that presents in sourcing monies to fund the compensation payments, little progress has been made in implementing the compensation scheme.

³⁵ Republic of Kosovo Ombudsperson Institution, Eight Annual Report 2007-229, addressed to the Assembly of Kosovo, 21 July 2008, <http://www.ombudspersonkosovo.org/repository/docs/EIGHT%20ANNUAL%20REPORT%202007-2008.doc>, paragraph one, page 52, accessed in November 2008

³⁶ See the Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo, S/2007/582, (28 Sep 2007)

³⁷ UNHCR, Kosovo 2007 Annual Protection Report, accessed in November 2008.

3.2.2 Housing programmes by return areas

While a substantive amount of money has been dedicated since 2000 to the voluntary returns of displaced persons, assistance and support for people forcibly returned to Kosovo has been practically non-existent and mainly provided by UNHCR and IOM right after the forced returns of these people. Many forced returnees indeed do not have a house anymore, are unemployed, their children do not have a good level of Albanian enabling them to follow the curricula in schools in Kosovo and they generally have a difficult time reintegrating in a society they left long time ago³⁸.

Recently, there have been some initiatives from the individual western countries (Denmark) to support returnees in either building or rehabilitation of houses alongside with the other support, but there is currently no housing programme implemented by the Government of Kosovo, targeting voluntary or forced returnees from the western countries.

On the other hand, regarding the minority returns, there is a much more comprehensive initiative that is being carried out by the Government of Kosovo through Ministry of Communities and Returns in conjunction with the relevant International Organizations (UNMIK, OSCE, UNHCR, BPRM, UNDP, etc) and international and local NGOs. In this respect, various housing programmes are being implemented mainly for the Serbian and Roma minorities, and are based in almost all regions which are inhabited by these minorities, including enclaves.

Despite all the efforts and the different strategies and programmes developed in the last years, returns in Kosovo have been scarce with regard to minority communities (Kosovo Serb, Roma, Ashkali, Egyptians and Kosovo Albanians in municipalities where they constitute a relative minority).

3.2.3 Opportunities of building a house

In order to build a house, an investor must possess land which must be private property and a construction permission issued by the respective municipality. Construction should comply with the regulations stipulated in the Law No. 2004/15 on Construction³⁹.

Documentation required for construction permission includes the following:

- a. Proof of ownership or the right to use the land with documentation described in article 36 of Construction Law;
- b. Urban permission and any other permission required under specific laws;
- c. Detailed project design including requirements relating to water, electricity, sewage connections and considerations on impact on natural and human environment;

³⁸ Republic of Kosovo Ombudsperson Institution, Eight Annual Report 2007-2008, addressed to the Assembly of Kosovo, 21 July 2008, www.ombudspersonkosovo.org/repository/docs/EIGHT%20ANNUAL%20REPORT%202007-2008.doc, paragraph 3, page 51, accessed in November 2008

³⁹ Assembly of Kosovo, Law No. 2004/15, On Construction, May 2004, www.ks-gov.net/mmph/document/english/ligje/ban_ndertimi/Law_on_construction.pdf, accessed in November 2008

- d. In cases where there are no urban plans and the application is for a family house, the municipal statement of possible connections to technical infrastructure is required;
- e. Written report of the expert commission taking into account resistance and stability, noise and heat insulation and energy saving measures in particular. This law applies in the whole territory of Kosovo.

The construction permission should be issued by the respective authority within 60 days after complete documentation is received.

3.2.3.1 Conditions of obtaining land property

Depending on market availability, construction land in Kosovo can be freely purchased by its citizens. The buyer and seller of the construction land should go to the respective municipality in order to legalize the transaction of the construction land, and submit following documents⁴⁰:

- Two original transaction contracts verified in the municipal court.
- Copy of the ownership document issued by the cadastre department of the respective municipality (this should be provided by the seller).
- Both parties should bring proof that they have paid property tax on a regular basis (this document is issued at the respective municipality).

3.2.3.2 Relevant approximate prices

The prices vary largely throughout Kosovo depending on location, available infrastructure and purpose of the construction land. The size of construction land is usually measured in m² or in ari (100 m²). In Prishtinë/Pristina and other main cities of Kosovo, price of construction land in suburb areas is in average of 5,000 EUR per ari, while inside the city the price can be up to 30,000 EUR per ari. In rural areas prices can vary between 500 and 2,000 EUR per ari.

Prices of basic construction materials in EUR are as follows:

Cement:	5.00 EUR / 50 kg
Block brick:	0.40 EUR / piece
Construction wire:	1.10 EUR / 1 kg
Construction iron net 4:	
5, 6, 7, and 8:	1.10 EUR / 1 kg
Nails (5, 6, 7, 8, 10, 12, 20):	1.10 EUR / 1kg
Grit	15.00 EUR / m ³

3.2.3.3 Available credits, subsidies and other forms of help

There are no credits, subsidies or other forms of help provided by the Government of Kosovo. Yet, there are numerous commercial banks that give loans for building house, with the interest rate of 10% to 12%:

Pro Credit Bank Prishtinë/Pristina

STR,,Skënderbeu,,pn
+381(0)38 240 248

⁴⁰ Prishtina Municipality, Directorate for Cadastre, <http://www.prishtina-komuna.org>, accessed in November 2008

www.procreditbank-kos.com

Raiffeisen Bank Prishtinë/Pristina

UÇK STR 51

+381(0)38 222 222

www.raiffeisen-kosovo.com

info@raiffeisen-kosovo.com

NLB Prishtinë/Pristina

Rexhep Luci STR nr 5

+381(0)38 234 111

info@nlbPrishtinë/Pristina-kos.com

TEB bank - <http://www.tebbank-kos.com>

In order to qualify for a construction loan from most of the abovementioned commercial banks, one should:

- be a citizen of Kosovo;
- receive salary through the respective bank; and
- have a monthly income no less than 120 EUR.

Loan conditions:

- maximum amount: 200,000 EUR;
- the loan term: 20 years;
- your participation: 25% - 30% (depending from the location); and
- grace period: 6 months.

Required Documentations:

- ID card;
- Employment contract; and
- Verification of any additional familial incomes (if any).

3.2.4 Opportunities of buying real estate

Opportunities for buying real estate largely depend on the general economic conditions of Kosovo citizens and legality of constructions, rather than from the availability in the market. During the last nine years, Kosovo has witnessed an expansion of private construction of apartments, houses and commercial buildings. Moreover, many of these constructions are illegal i.e. built with no legal permits and without being in compliance with the principles of urban planning. In this context, potential buyers should pay particular attention to the legal issue of real estate prior to establishing and negotiating any contract.

Information on market availability of real estate can be found in the daily newspapers and with real estate agencies as follows:

www.kohaditore.com

www.ofertasukses.com

www.kosovarealestate.net

realestate@kosova-yp.com

++ 377 44 363 664

++ 386 49 363 664

www.ecoimpex-90.com

Str. Fehmi Agani 9/1

Prishtinë/Pristina 10000

Kosovo

Phone: +381 (0)38 222 757

Fax: +381 (0)38 249 263

3.2.4.1 Legal conditions

As mentioned above, it is crucial that a buyer of real estate clarifies legal issues prior to engaging in a contractual relationship with the seller. This includes verification of construction permits, ownership of the real estate, and mortgage. In this context, it is advisable to hire professionals experienced in real estate transactions, e.g. a solicitor. Many of the real estate agencies provide these services as a part of their package to customers.

Documents that are needed to legalize the real estate transaction include⁴¹:

- Two original transaction contracts verified in the municipal court;
- Copy of the ownership document issued by the cadastre department of the respective municipality (this should be provided by the seller); and
- Both parties should bring proof that they have paid property tax on regular basis (this document is issued at the respective municipality).

3.2.4.2 Eventual obstacles for certain groups

In general terms there are no obstacles for any citizen of Kosovo. However, single woman and certain minorities (Roma, Ashkali, Egyptian) may face difficulties in purchasing real estate due to their poor economic condition. In addition, Serbian and Roma minority may face obstacles in buying real estate in the areas where they feel or perceive that they are unsafe, as may Albanians from North Kosovo who find it unsafe to buy real estate in North Mitrovica, Zubin Potok, Zvecan and Leposaviq.

3.2.4.3 Relevant approximate prices

Real estate prices in the Kosovo market vary widely depending on location and the condition of the property. Interviews with real estate agencies in September 2008 indicate that the purchase price of a typical 80 m² flat in Prishtinë/Pristina could be between 80,000 EUR to 100,000 while in Prizren (suburban location) it ranges between 48,000 to 60,000 EUR. In Pejë/Pec or Mitrovicë/Mitrovica the prices are around 40,000-56,000 EUR.

Costs of houses have increased in Kosovo during the transition period. Price increases are evident in Prishtinë/Pristina where there is a big concentration of financial capital and employment opportunities compared to other parts of Kosovo.

⁴¹ Prishtina Municipality, Directorate for Cadastre, <http://www.prishtina-komuna.org>, accessed in November 2008

Estimate prices of real estates/apartments in Kosovo:

<u>City</u>	<u>Price EUR/m²</u>
Prishtinë/Prishtinë/Pristina	800 - 1,500
Prizren	600 - 800
Pejë/Pec	500 - 700
Mitrovicë/Mitrovica	500 - 600
Gjakovë/Dakovica	500 - 600

3.2.4.4 Available credits and subsidies

There are no credits or subsidies provided by the Government of Kosovo. Whereas, commercial banks offer loans under the same terms and conditions described in the section 3.2.3.3.

3.2.5 Opportunities of renting a house or apartment

Due to the large international presence in Kosovo availability and prices of property renting are changing constantly. Nevertheless, as mentioned earlier, there is a construction eruption in Kosovo going on over the last 9 nine years, hence opportunities for renting house or apartment are fairly accessible, provided one can afford the rent.

Information on the rental market can be obtained through daily newspapers and real estate agencies throughout Kosovo:

www.kohaditore.com

www.ofertasukses.com

www.kosovarealestate.net

realestate@kosova-yp.com

++ 377 44 363 664

++ 386 49 363 664

www.ecoimpex-90.com

Str. Fehmi Agani 9/1

Prishtinë/Pristina 10000

Kosovo

Phone: +381 (0)38 222 757

Fax: +381 (0)38 249 263

In addition, Kosovo Property Agency is managing rental schemes for the houses/apartments of the Serbian minority that currently are unoccupied⁴².

3.2.5.1 Eventual obstacles for certain groups

See section 3.2.4.2.

⁴²The Kosovo Property Agency, <http://www.kpaonline.org>, accessed in November 2008

3.2.5.2 Relevant approximate prices

In Prishtinë/Pristina, the rent for apartments is approximately 300 to 700 EUR, often regardless of size. For houses, it is between 1,000 to 4,000 EUR. Outside Prishtinë/Pristina, the prices are approximately 30% lower. The price of rent depends on the location of the rented premises.

3.2.5.3 Available subsidies

Not available.

3.2.6 Other middle-term accommodation possibilities

Not available

3.2.7 Temporary shelters

There are no specific temporary shelters for accommodation of homeless people. However, Ministry of Labour and Social Welfare (MLSW) provides temporary accommodation to returnees for a maximum of seven days. Employees of the MLSW that are based at the Prishtina International Airport (PIA), interview all returnees upon their arrival to PIA, and in case a returnee has no place to stay, he/she will be accommodated at a hotel in Prishtina and accommodation fees will be paid by the MLSW. This temporary accommodation can be used for a maximum of seven days, and if by this time a returnee does not manage to find accommodation, such cases will be transferred to the municipality social welfare authority, which is responsible to find a solution for accommodation. However, in practice, accommodation by the municipal social welfare authority is almost impossible due to the lack of facilities for temporary accommodation.

3.3 Livelihood – basic “survival”

Poverty in Kosovo is widespread and has remained persistent in the first half of this decade. The average monthly wage for 2005/2006 is estimated at the level of 209.40 EUR a month. About 45% of the Kosovo population lives in poverty and 18% in extreme poverty. Average real GDP growth was around 1.5 percent in the 5 years between 2002 and 2007. This slow increase is due to a combination of low investment and the ongoing withdrawal of the international community in Kosovo. The prospect for improved growth is uncertain. According to the IMF, the economy's poor fundamentals and continued donor withdrawal is expected to slow down growth for some time to come. Poor infrastructure and energy are expected to be major bottlenecks.

The poorer population tends to be concentrated in households that are large, elderly, have more dependents, more unemployed, and located in rural areas as well as in the regions of Mitrovicë/Mitrovica and Ferizaj/Urosevac⁴³.

⁴³ The World Bank Europe and Central Asia Region-Poverty Reduction and Economic Management Unit, Statistical office of Kosovo-Social Statistic Department-Living standard Unit, 'Kosovo Poverty Assessment', October 3, 2007, <http://www-wds.worldbank.org/external/default/main?pagePK=64187835&piPK=64620093&theSitePK=523679&menuPK=64187283&siteName=WDS&sType=2&dAtts=DOCDT,DOCNA,REPNB,LANG,DOCTY,VOLNB,REPNE&sortDesc=DOCDT&query=Kosovo%20Poverty%20Assessment>, accessed in January 2009

3.3.1 Employment

The Ministry of Labour has presented a Kosovo Employment Strategy (2008-2013). However, high implementation costs have prevented its adoption. The absence of a strategic and legislative framework and a lack of administrative capacity are obstacles to the development of adequate employment policies in Kosovo. The Kosovo Youth Employment Action Plan has yet to be implemented. The Ministry of Labour and Social Welfare has little administrative capacity. The current ratio of Public Employment Service officials to support job seekers is 1:1,800. As a result, there are no clear arrangements or procedures to develop, manage, monitor and evaluate policies and their implementation. Employment policies are also being developed without the involvement of the private sector, an aspect which undermines their effectiveness.

Discrimination in employment is regulated in article 183 (Violating Rights of Employment and Unemployment) of the Criminal Code of Kosovo dated 06/07/2003. Whoever denies or restricts the right of persons to free employment under equal conditions which have been determined by law shall be punished by a fine or by imprisonment of up to one year⁴⁴.

Statistical data of the Ministry of Labour and Social Welfare shows that the employment rate in 2007 was between 29% and 35%. Female population is employed significantly less (15%) compared to male population (47-56%)⁴⁵. People with the higher education tend to have much better chances to be employed (80%) than those with lower or no education. Over 80% of employments during 2007 are in the private sector⁴⁶. Nearly 620 persons have applied for one job. Regarding economic sectors, the tertiary sector (service sector) had the highest (67%) demands for employees, compared to the production sector.

Overall, very little progress has been reported in the employment sector. Moreover, Kosovo has no action plan on disabilities. Kosovo lacks rehabilitation facilities for the social reintegration of disabled people. Rehabilitation and re-socialising of people with physical disabilities is managed by non-governmental organisations only. Access to secondary schools of people with special needs is not ensured.

3.3.1.1 Unemployment⁴⁷

Kosovo remains one of the countries with the highest unemployment rate in the region. Registered unemployment in Kosovo is 43% of the economically active population.

⁴⁴ Kosovo criminal code dated 06/07/2007, Official gazette of Kosovo Parliament, www.gazetazyrtare.com, accessed in December 2008

⁴⁵ Ministry of Labour and Social Welfare of Kosovo, Department of Labour and Employment, Labour and Employment, Annual Report 2007, <http://www.mpms-ks.org/data/File/Info.pdf/Labour%20and%20Employment%202007.pdf>, accessed in December 2008

⁴⁶ Ibid

⁴⁷ Commission of European Communities, Commission Staff Working Document, KOSOVO (UNDER UNSCR 1244/99) 2008 PROGRESS REPORT, Brussels, 05.11.2008, http://ec.europa.eu/enlargement/press_corner/key_documents/reports_nov_2008_en.htm, Paragraph 6-7, page 38, accessed December 2008.

A total of 334,595 persons (compared to 327,262 persons in 2006) were registered unemployed by the Kosovo public employment services by the end of 2007; 93% of all registered job seekers have been registered for more than 12 months. The highest number of unemployment in 2007 is registered in Prishtinë/Pristina and Mitrovice/Mitrovica region⁴⁸.

Among the long-term unemployed, the most disadvantaged groups are women, Roma, Ashkali, Egyptians and persons with disabilities. The current disability benefits system acts as a disincentive to persons with disabilities who wish to seek work; disability benefits are only available to those who do not work or participate in vocational training.

An area of concern is female employment. Young women experience higher unemployment (56-61%) rates than men (32-36%) and are more often in low quality, part-time and fixed-term jobs. Youth unemployment is particularly high in Kosovo, at almost five times the EU average. 73% of all unemployed belong to the young people.

3.3.1.2 Labour market programmes

The recent labour market statistics show that 56.6% of job-seekers in Kosovo are unskilled, which is likely to cause an unending spiral of structured unemployment. On the other hand, there is a mismatch between competencies developed within the formal education system and those required within the labour market. There is evidence that Kosovo's population is under-educated in comparison with the needs of a modern economy, and this ranks higher education reforms among top priorities in the society.

There is hardly any contact between Kosovo's higher educations and research institutions, although this would be favourable and rewarding for both. There is no cooperation or even flow of information that would enhance modernization of higher education. In this situation each year Kosovo produces approximately 25,000 unemployed persons who are not ready to meet the market needs. Thus, there is not a proper education system with curricula that is adapted in accordance with the market needs⁴⁹.

Vocational schooling in Kosovo at secondary level is provided for students completing elementary school who do not gain a place in high school. There are about 50 vocational schools, each with a limited number of specialist programs. The Ministry of Education has prepared the Strategy Document for Vocational Education in 2003, and it recognizes that resources for the vocational schools are extremely limited. The academic approach to vocational education is determined in part by a number of features of the wider context in which vocational schools are located in Kosovo, such as almost total absence

⁴⁸ Ministry of Labour and Social Welfare of Kosovo, Department of Labour and Employment, Labour and Employment, Annual Report 2007, <http://www.mpms-ks.org/data/File/Info.pdf/Labour%20and%20Employment%202007.pdf>, accessed in December 2008

⁴⁹ Statistical Office of Kosovo, Labour Market Analysis, November 2007, www.ks.gov.net/ESK/eng/index.php?option=com_docman&task=search_result&Itemid=8, accessed in December 2008

of industry in Kosovo, absence of significant links with employers from either the public or the private sector, shortage of materials and resources to support practical teaching, etc.

Unemployed individuals should be registered at the municipal office for employment, in order to be informed about the labour market and availability of jobs, retraining programs as well as to get support for employment:

Nr	Center for Social Welfare (CSW)	Manager	Contact number
1	Prishtinë/Prishtina	Fahrush Neziri	038 244 841/044 164 019
2	Prizreni/Prizren	Nuhi Koqinaj	029 223 451/044 139 850
3	Peja/Pec	Drita Kemendi	039 433 473/044 298 803
4	Mitrovicë/Mitrovica South	Miran Salihu	028 535 440/044 208 777
5	Mitrovicë/Mitrovica North	Miladin Gjurovic	028 665 159/063 8184830
6	Gjilan/Gnjilane	Riza Syla	0280 320 140/044 177 399
7	Gjakovë/Gjakovica	Gjon Luli	0390 323 510/
8	Deqan/Decane	Agron Kuqi	039 461 014/044 327 961
9	Klinë/Klina	Enver Berisha	039 471 476/044 209 872
10	Istogu/Istog	Fitore Rexhaj	039 451 140/044 138 698
11	Obiliq/Obilic	Fatime Halimi	038 562 077
12	Fushë Kosovë/Kosovo Polje	Isak Zogjani	038 536 462
13	Glllogovc/Glogovac	Avdi Gashi	038 584 356
14	Lipjan/Lipljane	Ganimete Murseli	038 581 454
15	Pudujevë/Podujevo	Skender Muqaj	038 571 838/044 319 693
16	Novobërdë/Novobardo	Vlainka Ivkovic	038 576 037/044 345 235
17	Viti/Vitina	Demush Ahmeti	0280 381 660/044 194 041
18	Kamenicë/Kamenica	Naser Vokshi	0280 371 099/
19	Ferizaj/Uroševac	Shyqeri Mehmeti	0290 327 525/044 299 678
20	Ranillug/Ranilug	Miroslav Dejanovic	044 177 417
21	Shtërcë/Strpce	Dosta Racicevic	064 383 15 43
22	Kacanik/Kacanik	Ramadan Luzha	0290 380 671/044 224 919
23	Zveqan/Zvecane	Svetlana Mihajlovic	028 665 159/063 862 09 71
24	Leposaviq/Leposavic	Dragan Jablanovic	028 83 977/ 063 862 09 71
25	Skenderaj	Halil Hamzaj	028 582 247/044 192 123
26	Vushtri/Vucitrn	Ibush Fazliu	028 572 006
27	Zubin Potoku/Zubin Potok	Tatjana Kompirovic	028 460 064/064 822 67 03
28	Dragash/Dras	Ibrahim Gashi	029 281 227/044 415 635
29	Malishevë/Malisevo	Afrim Zogaj	029 269 004/044 204 708
30	Rahovec/Orahovac	Floriqe Boshnjaku	029 276 663/044 611 812
31	Suharekë/Suvareka	Sami Rakaqi	029 271 165/044 209 864

3.3.1.3 Labour conditions

Labour conditions are governed by the Ministry of Labour and Social Welfare based on the regulation No. 2001/27 and Essential Labour Law in Kosovo, and collective agreements. The law provides the protection of employees' rights including anti-union

discrimination and gender discrimination. Moreover, this law regulates provisions of annual leaves, minimum wage, overtime pay, maternity, leaves and sick leaves⁵⁰.

Working Hours

UNMIK Regulation no. 2001/27 followed by Labour Law contains detailed provisions regarding working hours, such as that working hours shall not exceed 40 hours per week and a working day shall not exceed 12 hours. Overtime may not exceed 20 hours per week or 40 hours per month. The law provides that overtime shall be paid at a rate of 20 % per hour or be compensated with corresponding time off during the following month. The employer can choose the option on a case-by-case basis.

Average wage is estimated at around 200 EUR per month

Personal Income Taxes (PIT)

Salaries less than 960 EUR yearly PIT=0%, salaries 961 -3,000 EUR yearly the PIT=4%, salaries 3,001 - 5,400 EUR the PIT = 8%, and salaries over 5,400 EUR yearly the PIT = 10%.

Paid Leave

The law provides for the following paid leaves:

- The annual leave for the first year of work is 12 working days, respectively 18 working days for years thereafter.
- Official holidays: If an employee works on such days, the hours are considered as overtime.
- Unpaid leave: this type of leave is subject to an agreement between the employee and employer.

Maternity and sick leave: see section 3.3.5.2

Despite improvements, at this point in time, there has been very little progress made regarding the health and safety at work.

3.3.1.4 Accessibility of short-term / occasional jobs

Short term/occasional jobs are not widely available in Kosovo. Furthermore, there is poor coordination between the relevant authorities (Ministry of Labour and Social Welfare) and the private sector, which is a major provider of short-term jobs. However, definition of political status of Kosovo has enabled local authorities to have access to seasonal employment opportunities in the region. The recently signed agreement between Ministry of Culture, Youth and Sports of Kosovo Government and German Federal Employment Agency (Deutsche Bundesagentur für Arbeit) is one of the current possibilities⁵¹. The agreement itself offers seasonal employment opportunities in Germany for students of the age 18-35 with good German language skills, enrolled at a Kosovo public or private university. According to the Labour Law, temporary and

⁵⁰UNMIK/REG/2001/27, On Essential Labour Law in Kosovo, October 2001, http://www.mpms-ks.org/data/File/Ligjet/RE2001_27.pdf, accessed in October 2008

⁵¹ Ministry of Couture, Youth and Sports of Kosovo, www.mkr-ks.org, + 381 38 211 064 or +381 38 211 557

periodical jobs in the countries of the region, can last up to 120 working days during the year. Employers can hire people from student and youth groups if they are not older than 26 years, through students and youth organizations/associations.

Another agreement called “BRIDGE Kosovo-Finland⁵²” was signed between Ministry of Labour and Social Welfare and Finland authorities for seasonal employment of job seekers from Kosovo. In this project will be included around 100 persons from all regions of Kosovo, and they will be hired to work on the maintenance of apartments, houses, public buildings and green areas. Requirements for these job opportunities in Finland are: to be registered at the regional employment centre; to be younger than 30 years; to be experienced in the jobs offered; and basic knowledge of Finish or English language is preferable.

Moreover, there is an informal market of short term jobs in almost all cities of Kosovo which is mainly dedicated for physical labour (constructions) on a daily basis at the rate of 10 to 15 EUR per day. These markets are usually located near the city’s green market and are easily accessed.

3.3.1.5 Lack (high demand) in specific professions

Based on the employment market research, the regional employment centres⁵³ as a field partner of Ministry of Labour and Social Welfare, and ILO (International Labour Organization), the following are professions with high demand in Kosovo’s employment market:

Accounting; mechanical engineering; auto electricians; office administration; bakery and pastry; office equipment repair and maintenance; basic agricultural products transformation; plumbing and pipefitting; building and construction; pneumatics and hydraulics; business administration; repair and maintenance of household equipment; carpentry; sheet ironing, welding and basic metal tools; cook and waiter; electrical installation; textiles; information technology; welding; graphic design; and lift and elevators installation and maintenance.

3.3.1.6 Practical and contact information

The practical and contact information regarding the job opportunities can be found in the following websites:

<http://www.kohaditore.com>
<http://www.ofertasukses.com>
<http://www.ofertapune.com>
<http://www.portalpune.com>

Ministry of Labour and Social Welfare of Kosovo

<http://www.mpms-ks.org>
e-mail: info_mpms@yahoo.com
tel/fax: 038/ 213-814 ; 038/ 213-022

⁵² Ministry of Labour and Social Welfare of Kosovo, <http://www.mpms-ks.org>

⁵³ Ministry of Labour and Social Welfare, Vocational Retraining Programs Brochure, <http://www.mpms-ks.org/data/Image/Publikimet/Informator.pdf>, accessed in October 2008

Ministry of Trade and Industry of Kosovo

<http://www.mti-ks.org>

Rr. Perandori Justinjan, 3-5

Qytetëza Pejton, 10000 Prishtinë

Tel: +381 (0) 38 200 36010

Fax: + 381 (0) 38 212 807

3.3.2 Contact information relevant to the issue of recognition of degrees

Ministry of Education is the authority to contact with respect to recognition of degrees obtained in foreign countries:

Ministry of Education Science and Technology, of Kosovo

Address; Loc. Dardania Building - III, St. Musine Kokollari No. 18, 10 000 -

Prishtinë/Pristina , KOSOVO

<http://www.masht-ks.org>

Tel: +381 (0) 38 549 973

masht@ks-gov.net

3.3.3 Education and retraining programmes

The education and retraining programmes are regulated by LAW No 02/L-42⁵⁴ approved by Kosovo Parliament.

3.3.3.1 By government

Ministry of Labour and Social Welfare has eight regional Vocational Training Centres (VCTs). These centres deliver training programmes in priority occupations, to the adults that are unemployed due to their inadequate training.

Vocational Training Centre (VCT)	Contact Information
VTC Prishtinë/Prishtinë/Pristina	tel: 038/ 564 043; str. "Tahir Zajmi" pn. 10000 Prishtinë
VTC Mitrovicë/Mitrovica	tel: 028/ 530 266; st. "Fushë Ibër" pn. 41000 Mitrovicë
VTC Prizren	tel: 029/ 243 684; str. "Manastirit" nr.1 20000 Prizren
VTC Gjilan/Gnjilane	tel: 0280/ 21 231; str. "Idriz Seferi" pn. Gjilan
VTC Ferizaj/Urosevac	tel: 0290/ 27 101; str. "Ramadan Rexhepi" Ferizaj
VTC Gjakovë/Dakovica	tel: 0390/ 25 071; str. "Mbretëresha Teuta" nr.72, Gjakovë
VTC Pejë/Pec	tel: 039/ 433 860; str. "Mbretëresha Teuta" nr.95, Pejë
VTC Dolane	tel: 063/ 823 7747; 044/ 350 847 village Dolane

⁵⁴ Assembly of Kosovo, Law on Vocational Education and Training, http://www.masht-gov.net/advCms/documents/LAW_FOR_ADULT_EDUCATION_AND_TRAINING.pdf, accessed in November, 2008

The VTCs organizes vocational training courses for around 26 different vocations based on the market analysis of the demands for professions. The target populations are unemployed youth, females, people with special needs and minorities⁵⁵.

3.3.3.2 By private firms

The following private organizations deliver training programmes on Information Technology:

AUK (American University in Kosovo)	Gërmia Campus, Rr. "Nazim Gafurri" nr.21 10000 Prishtinë
Cactus Trainings	Kolonia Ramiz Sadiku pn. Qyteza Pejton Prishtinë, tel: 038/ 246 888 e-mail: info@cactus.com , http://www.cactus.com
Kujtesa	Tel: 044/ 156 901; 10000 Prishtinë e-mail: shkolla@kujtesa.com
Microsoft	Sheshi "Adem Jashari", pn. 028/ 30 795 40000 Mitrovicë
UBT (University of Business and Technology)	Lagjja Kalabria pn. Prishtinë tel: +371 38/ 541 400; http://www.ubt-uni.net ; e-mail: info@ubt-uni.net

3.3.3.3 By international organisations or NGOs

APPK-AGEF DAWIDAK	Str. "Andrea Gropa", pn 10000, Prishtinë tel: 038/ 243 474; e-mail: info@appk.org , http://www.appk.org
GTC (German Training Centre; Qendra Gjermane e Trainimit)	Str. "Bislim Bajgora", pn. 41000 Mitrovicë tel: 028/ 530 156; e-mail: director@gtc-kosovo.org
Saudi Joint Relief Committee for Kosovo	Bulevardi-Bill Clinton, (ish "Novi Domi") Dardani, Prishtinë; tel: 038/ 549 203
"Don Bosko" School	Str. "Tahir Zajmi", Prishtinë; tel: 038/ 541 169 e-mail: pristine@sdbime.it
Humanitarian Association from Qatar	Rruga e Marevcit pn., Prishtinë tel:038/ 243 935; 038/ 243 936
Swisscontact Office in Prishtinë/Pristina	Str. 6 Hamdi Gashi 32 P.O Box 185, 10000 Prishtina, Republika e Kosovës Tel: +381 (0)38 517 543 Fax: +381 (0)38 517 543
Office in Gjakova	Str. M.Cama nr.14. 50000 Gjakovë, Republika e Kosovës Tel & Fax; +381 (0)390 324 290

⁵⁵ For more information on Vocational Training Centres refer to: www.mpms-ks.org/data/Image/Publikimet/Informator.pdf, accessed in December, 2008.

GTZ	<p>GTZ Office Prishtinë/Pristina Hajrullah Abdullahu Street 25 10000 Prishtinë/Pristina , Kosovo Tel: +381 38 224 956 Fax: +381 38 243 776 Email: gtz-kosovo-buero@gtz.de,</p>
SIDA	<p>swedishoffice.pristina@sida.se Telefon: +381 (38) 24 57 95 Fax: +381 (38) 24 57 91</p>
KOSVET	<p>Programme Office Str. Dukagjini 116, 10000 Pristina, Kosovo Tel/Fax: + 381-38-224713 www.pem-consult.de/kosvet kosvet@pem-consult.de</p>

3.3.4 Starting a new business

Any returnee can start a new business either by own funds or using credit funds that are offered through banks and Micro Finance Institutions (MFI), or NGOs.

3.3.4.1 Legal conditions

According to law, all business entities in Kosovo are obligated to register with Kosovo Business Registration Agency within Ministry of Trade and Industry of Kosovo.

Kosovo Business Registration Agency

Str. Perandori Justinjan, 3-5 Qytetëza Pejton, 10000 Prishtinë, Kosovë

Tel: +381 (0) 38 200 36010, Fax: + 381 (0) 38 212 807

www.mti-ks.org

Activities of the Business Registration Agency include:

- Registration of new businesses;
- Re-registration of the registered businesses as the provisional ones;
- Registration of Trade Name which can be used by any type of business;
- Registration of Kosovo businesses working units;
- Registration of foreign companies' units - representatives in Kosovo,
- Registration of changes in information which were registered in the provisional registration;
- Acceptance of annual reports and annual financial reviews (annual balances) from Corporations, Shareholding Companies, and Public Limited Companies;
- Deletion of all non functional businesses from register and businesses that do not operate according to respective legislation or violate article 34.4 of AU No. 2002/22;
- Design and distribution of registration forms;
- Distribution of certificates for registered businesses;
- Records giving and certification of documentation copies from Business Register;

- Cooperation with Statistical Office, Tax Administration and other Offices and Agencies;
- Safe-keeping of written and electronic data; and
- Information provision to the public through notices publication, papers with pre-publishing information and document copies as well as internet web site operation.

Below are listed types of businesses:

Individual Businesses - is a physical person engaged in business. A physical person who acts as a personal enterprise is responsible for all debts of the business. For registering an individual business, it is necessary to fulfil in form "B", to pay 7 EUR, provide ID copy and a copy of the rent agreement, if rented, as well as evidence from Kosovo Energetic Corporation for fulfilment of obligations. The change or repeal of the registration is made by the Business Registration Agency and costs a fee of 5 EUR.

General Partnership - is a company set up by two or more physical and/or legal persons who act as partners in performing a business activity under a single business name and who are liable with all of their assets for their obligations. For registering a General Partnership it is necessary to complete form "B", to pay 7 EUR, provide ID copies of all owners and a copy of the rent arrangement, if rented. The change or repeal of the registration is made by an administrative payment of 5 EUR.

Limited Partnership - is a company set up by two or more physical and/or legal persons who act as partners in order to perform a business activity under a single business name. For registering a limited partnership it is necessary to complete form "B", to pay 7 EUR, provide ID copies of all owners and a copy of the rent arrangement, if rented. The change or repeal of the registration is made by an administrative payment of 5 EUR. Also, it is required to provide information for all limited and unlimited partners.

Limited Liability Company - is a company set up by one or more (up to 50) legal and/or physical persons in the capacity of company members in order to perform a business activity under a single business name. Limited liability companies are liable for their obligations with all of their assets. Minimal investment requested to form a limited liability company is 2,500 EUR. For registering a Limited Liability Company it is necessary to complete form "A-0", present the company's memorandum or statute, provide ID copies of the owner/s if they are physical persons or copies of registration in the adequate registry if legal persons. Provision of ID copies of the company members and director, copy of the rent agreement, if rented, and a deposit of a minimum amount of the asset from 2,500 EUR is also required. The registration fee is 22 EUR, and the change or repeal of the registration reaches up to 20 EUR.

Joint Stock Company - is a company set up by one or more legal and/or physical persons in the capacity of shareholders in order to perform a business activity under a single business name. The minimum amount of establishing asset requested for creating a Joint Stock Company is 25,000 EUR. For registering a Joint Stock Company it is necessary to complete form "A-0", present the company's memorandum or statute, provide ID copies of the owner/s if they are physical persons or copies of registration in the adequate registry if legal persons. Provision of ID copies of the company members and director, copy of the rent agreement, if rented, and a deposit of a minimum amount of the asset from 25,000 EUR is also required. The registration fee is 22 EUR, and the change or repeal of the registration reaches up to 20 EUR.

Foreign Companies - is a company with the foreign status of a physical person. Foreign investors may not possess more than 49 % of ownership or have controlling interest in a business organisation which produces or distributes military products. For registering a Foreign Company it is necessary to complete form "A-0", provide the registration copy from the home country of the company, a decision of the members or assembly of the shareholders to open a representing company in Kosovo, evidence of tax payments, rent agreement, if rented, representative authorisations, ID copy or passport copy of the directing members or corporate director. The registration fee is 22 EUR, and the change or repeal of the registration reaches up to 20 EUR.

Cooperative Company - is a commercial company, which asset is divided in a number of shares with the same rated value. Members of the Cooperative Company are not responsible with the company's obligations. A Cooperative Company may be established by one or more physical and/or legal persons with a starting asset from minimum 500 EUR. For registering a Cooperative Company it is necessary to complete form "K-0", provide ID copy of the Cooperative President, Director and of the directing members, copy of the rent agreement, copy of the corporate statute and asset deposit together with the amount of 500 EUR. The registration fee is 22 EUR and the change or repeal of the registration reaches up to 20 EUR.

Licence

All businesses in Kosovo must be licensed. The licence is issued by the Ministry of Trade and Industry after submission of the following documents:

- Photocopy of construction permission issued by the respective municipality, if the business building is under construction;
- Photocopy of business registration issued by the Kosovo Business Registration Agency;
- Photocopy of VAT registration (when requested);
- Declaration from Tax Administration of Kosovo, which proves that the business has no unpaid taxes or pending legal procedures;
- Registration fees depend on the type of business (see below); and
- Licence should be renewed every two years and can be withdrawn at any time at the applicant's requests.

Businesses must have permission from the respective municipality authorities, too. In order to get a two year renewable permission, one should present to the municipality authorities the following documents:

- Photocopy of business registration and photocopy of license;
- Photocopy of urbanity plan of the construction where the business is going to take place, or rental photocopy if construction is rented; and
- Registration fee to the municipality which ranges from 75 EUR to 1,000 EUR, depending on the business type.

Taxes

The following three tax schemes are applied by the Kosovo Tax Administration:

1. Corporation Income Taxes (CIT). For the businesses with a yearly turnover of more than 50,000 EUR as well as for businesses with a yearly turnover between

- 5,000 and 50,000 EUR, CIT is 20 %. Businesses with a yearly turnover of less than 5,000 EUR should pay a fixed amount of CIT of 37.50 EUR, every three months.
2. Personal Income Taxes (PIT). For salaries of less than 960 EUR per year the annual PIT is 0 %. For salaries between 961 to 3,000 EUR the annual PIT is 4 %, for salaries between 3,001 to 5,400 EUR the PIT is 8 %, and for salaries over 5,400 EUR the annual PIT is 10 %.
 3. Value Added Taxes (VAT). VAT is 16 % in Kosovo.

3.3.4.2 Credits and subsidies and access to them

Kosovo Government through Ministry of Agriculture, Forestry and Rural Development⁵⁶ is providing very limited subsidies for the agriculture business. However, there are several commercial banks and micro finance Institutions that provide short, mid and long-term credits for businesses.

Documents needed for the business credits include:

1. Registration certificate issued by the Ministry of Trade and Industry, VAT certificate and information on business;
2. Financial information of the company for the last 12 months;
3. Inventory list of the company; and
4. Copy of plan and possession list for assets to be mortgaged.

The monthly interest of credits for small and medium businesses ranges from 1.9 to 1.10 %. The maximum amount of credit can be up to 1 million EUR.

MICROFINANCE INSTITUTIONS

FINCA INTERNATIONAL

Main Office in Prizren, Str. Shaip Spahiu, pn. Prizren
tel: 029/ 631 254; 029/ 622 378; <http://www.finca-ks.org>

FINCA-branch in Prishtinë/Pristina, Str. Iliaz Kodra, pn.
tel: 038/ 544 925

FINCA-branch in Ferizaj, Str. 13 Qershori, pn.
tel: 0290/ 327 375

FINCA-branch in Gjakova, Str. Nëna Terezë, pn
tel: 0390/ 321 704

FINCA-branch in Gjilan, Str. Mehmet A. Ersoy, pn
tel: 044/ 224 445

FINCA-branch in Peja, Str. Mbretëresha Teutë, pn.
tel: 039/ 432 823

International Centre for Support to
Business
Intercooperation

Str. Mostari, #19/6, Prishtinë, tel: 038/ 228 539

KEP-(Kosovo Enterprise Program)

Str. Mitëhat Frashëri, nr.6, Arbëri II, Prishtinë
Tel: 038/ 243 034

Str. Bedri Pejani nr. 4, Prishtinë
tel: 038/ 245 011; fax: 038/ 245 012

e-mail: info@keponline.net; <http://www.keponline.net>

KRK (Kreditimi Rural i Kosovës)

Str. Rexhep Mala, nr.4 Prishtinë
tel: 038/ 243 554; e-mail: krk_imf@hotmail.com
<http://www.micro-credit.net/kosovo/home.html>

⁵⁶Ministry of Agriculture, Forestry and Rural Development, www.mbpzhr-ks.org

Mercy Corps International

Str. Bedri Shala, nr.38/C, Bregu Diellit, Prishtinë
tel: 038/ 549 704

<http://www.mercycorps.org/countries/kosovo>

Partner Aid International

Str. Ferizajit, nr.201, Gjilan

Tel: 0280/ 327 427; fax: 0280/ 320 388

UNDP (United Nation Development Program)

Qyteza Pejton, nr. 14, Prishtinë; tel: 038/ 249 066/101

e-mail: registry.ks@undp.org;

<http://www.kosovo.undp.org>

COMMERCIAL BANKS

Raiffeisen Bank

UÇK Street 51

10000 Prishtinë/Pristina

Tel.: +381 (0) 38 226 400, 401

Fax: +381 (0) 38 226 408

<http://www.raiffeisen-kosovo.com>

info@raiffeisen-kosovo.com

Nova Ljubljanska Banka - NLB

Rexhep Luci Street 5

10000 Prishtinë/Pristina

Tel.: +381 (0) 38 246 180

Fax: +381 (0) 38 246 189

<http://www.kasabank.com>

kasabank@kasabank.com

ProCredit Bank

Skenderbeu Street

10000 Prishtinë/Pristina

Tel.: +381 (0) 38 240 248

Fax: +381 (0) 38 248 777

<http://www.procreditbank-kos.com>

info@procreditbank-kos.com

Economic Bank

Migjeni Street 1

10000 Prishtinë/Pristina

Tel.: +381 (0) 38 244 396

Fax: +381 (0) 38 243 828

<http://www.bekonomike.com>

bek@bekonomike.com

Bank for Business

UÇK Street 41

10000 Prishtinë/Pristina

Kosovo / UNMIK

Tel.: +381 (0) 38 244 666

Fax: +381 (0) 38 243 656, 657

<http://www.bpb-bank.com>

3.3.5 Social security

Social security covers four broad areas:

- Pension programmes to support the elderly and the disabled;
- Social assistance programmes to support vulnerable cases;
- Veterans' programmes for those injured during the war and for families of those killed or missing; and
- Assistance in finding jobs to support their families.

The social protection system is financially unsustainable and not organised efficiently. The Ministry of Labour and Social Welfare has limited capacity in the mechanisms for monitoring. There is no adequate updated legislation. The social services system remains centrally managed. Decentralization is being hampered by financial constraints and limited capacity at municipal level. There are no professional social workers in Kosovo with adequate experience and competence.

Pensions

The pension scheme has been changed to increase benefits to those who have contributed to the old Yugoslav pension fund for more than 15 years. Nearly 132,421 persons are currently receiving benefits under the basic pension scheme. Based on laws and administrative regulations of the Kosovo authorities the following are forms of Government and private pension provision⁵⁷:

- Mandatory pensions consisting of two forms of pension: A. Basic Pension; and B. Individual Savings Pensions.
 - A. Basic Pension - means a pension paid by the Pension Administration to all persons habitually residing in Kosovo who have reached pension age (65 years). Within this pension fund there are two categories of beneficiaries.
 - i. All persons who are residents of Kosovo and have reached pension age (65 year) regardless of their working record (if they use to work or not) are eligible and will receive a pension at the rate of 40 EUR per month.
 - ii. All persons who are residents of Kosovo and have reached pension age (65 years) and can prove that they have worked and contributed to the pension fund for at least 15 years are eligible and will receive a pension at the rate of 75 EUR per month
 - B. Individual Savings Pension - means a pension paid by the Kosovo Pension Savings Trust to persons of pension age meeting the requirements of the regulations with respect to pension contributions. Persons eligible for this pension are those who have been working and paying pension contributions to the Pension Savings Trust. This fund has been established in 2002⁵⁸. The employer should pay 5 % of its gross salary (after taxes) and employee 5%, to the Tax Administration. The monthly pension rate

⁵⁷ Regulation No. 2005/20 amending UNMIK Regulation No. 2001/35 on Pensions in Kosovo, August 2005, www.mpms-ks.org/data/File/Ligjet/RE2001_35pension2.pdf, paragraphs 4-8, page 10, accessed in December 2008.

⁵⁸ For more information on this pension fund see:

www.trusti.org/trusti/Home/tabid/36/language/en-US/Default.aspx, accessed December, 2008

from these savings depends on the years of contribution, amount of the contribution and annual investment return⁵⁹.

- C. Supplementary Employer Pension - is a pension provided to employees by their employer in accordance with Regulation No. 2005/20. Employers may provide Supplementary Employer Pensions through the establishment of Supplementary Employer Pension Funds (“Pension Funds”). Pension Funds are non-profit legal entities established in the form of trusts for management of pension assets.
- D. Supplementary Individual Pension is a pension purchased by natural persons from licensed pension providers in accordance with the Regulation. A natural person may establish a Supplementary Individual Pension for themselves by contracting a licensed bank or other financial institution for a trust management of a Defined Contribution Pension or by contracting with a licensed insurance company for a Defined Benefit Pension.

Disability pensions⁶⁰

Disability pensions provide financial support to eligible persons in accordance with the criteria set forth in law and within the resources allocated for this purpose in the Kosovo Consolidated Budget.

In order to be eligible for a disability pension, an applicant must be habitually residing in Kosovo and must meet the disability requirements of the law on Disability Pensions. The Doctor’s Commission will assess the medical condition of applicants for disability pensions.

Persons who reside in, are confined in, or are financially supported by institutions caring for the disabled, including psychiatric or medical establishments, religious institutions caring for the infirm or disabled, residential schools and prisons, and other institutions receiving support from the Kosovo Consolidated Budget to care for the disabled, are not eligible for disability pension payments under the law on Disability Pensions.

Persons capable of employment or actually employed in any manner, including any self-employment as defined in the tax laws of Kosovo, shall not be eligible for disability pension.

Persons who are in receipt of a basic pension or a benefit under the scheme of “Benefits for the war invalids of Kosovo and for the next of kin of those who died as a result of the armed conflict in Kosovo” shall not be eligible for disability pensions.

An application for disability pension should be submitted at the Social Welfare Centre in the respective municipality. The Doctor’s Commission must review the applicant’s

⁵⁹ For more information see:

www.trusti.org/trusti/Investments/PensionCalculator/tabid/171/Default.aspx, accessed in December 2008

⁶⁰ Assembly of Kosovo, Law No. 2003/23, On Disability pensions in Kosovo, November 2003, www.kuvendikosoves.org, accessed in December 2008

medical condition. When submitting an application the applicant must produce medical evidence from any qualified registered medical practitioner who has previously treated or assessed the applicant. This medical evidence must set out precisely the following:

- Diagnosis of the physical, mental condition, disease or disability that the applicant is suffering from;
- Impact of the health condition, disease or disability on employment, including a specific description of impaired functioning of the applicant;
- Date of onset of the condition, disease or disability;
- Assessment of the applicant's work ability with respect to daily living tasks and tasks associated with employment; this must include reference to applicant's prior employment if any; and
- Prognosis of the permanence of disability.

The Social Welfare Centre requires that all medical evidence is submitted in accordance to a form(s) supplied by the Ministry for this purpose. In addition, respective authorities or the Doctor's Commission may at its sole discretion require from the applicant to attend a medical examination at a time and place decided on by the Designated Authority or the Doctor's Commission. This provision applies also to persons who are already in receipt of a disability pension and whose continuing disability is being reviewed pursuant to the law on Disability Pensions. Failure to attend such examination shall disqualify an applicant from receipt of a disability pension. However, exemption may occur for a reasonable excuse.

The monthly rate of disability pension is set at the same rate as the monthly rate for basic pension (currently 40 EUR).

3.3.5.1 Unemployment benefit and access to it

Currently there is no unemployment benefit other than the social assistance scheme described below.

Social Assistance

Kosovo Parliament passed the Law No. 2003/15 on the Social Assistance Scheme in Kosovo⁶¹, which sets out the legal acts, criteria and procedures to assist poor and vulnerable families. Some 325,000 persons are covered by a social assistance scheme.

There are two main groups of criteria that are used to determine if a family/person is eligible for social assistance or not.

Non-Financial Criteria for Social Assistance

In order to be eligible for social assistance, all family members must be habitually residing in Kosovo and the family must fall within one of the following two categories:

A. Category One.

⁶¹ Assembly of Kosovo, Law No. 2003/15, on Social Assistance Scheme in Kosovo, August 2005, www.kuvendikosoves.org, pages 5-9, accessed on November, 2008.

A family where all family members are dependants, as defined in sub-section 2.7 of the Social Assistance Scheme Law, and where such dependants are not working. This includes the following groups:

- Persons who are over 18 years of age and who have permanent and severe disabilities rendering them unable to work for remuneration;
- Persons who are 65 years of age or older;
- Full-time careers of a person(s) with permanent disability, *or* of a person(s) at or over the age of 65 needing full-time care, *or* of children under the age of 5;
- Persons up to 14 years of age;
- Persons between the ages of 15 and 18 inclusive who are in full-time secondary education;
- Single parents with at least one child under the age of 15.

B. Category Two.

A family where only one family member is able to work who has:

- At least one child under the age of 5, and/or
- An orphan under the age of 15, being taken care of permanently by a family.

All family members within these two categories must either be a dependant, as defined in the law, or be registered as unemployed with the Employment Offices of the Ministry.

Persons who reside in, or are confined to institutions like psychiatric institutions, elderly home, religious institutions, boarding schools, and prisons, are not eligible for Social Assistance payments under this Law.

Financial Criteria for Social Assistance

In order to be eligible for social assistance, an applicant or recipient must meet the following financial eligibility requirements.

- a. He or she has quantifiable assets below the limits allowable.
- b. He or she has net quantifiable income (after appropriate deductions) below the Monthly Gross Standard Rate applicable to that family.

Assets may be quantifiable or non-quantifiable for determination of financial eligibility. Quantifiable assets are all assets that are considered for financial eligibility determination. Non-quantifiable assets are all assets that are exempt from financial eligibility consideration.

Application for Social Assistance

Respective municipal social welfare centres shall accept applications from families that consider themselves eligible for social assistance. A family cannot submit an application for social assistance to more than one social welfare centre at any time.

Families applying on the basis of one or more family members being permanently and severely disabled will have such person's medical condition reviewed by the Doctor's Commission.

Period of Receipt of Social Assistance

Eligible families/persons under category one will receive social assistance for a period up to six (6) months provided that the family continues to meet the criteria specified under the category during this period. A new application is required in order for the family to receive further social assistance after the expiry of the aforementioned period.

Families/persons eligible under category two will receive social assistance for a period up to six (6) months provided that the family continues to meet the criteria specified during this period and take the necessary action to find work. The frequency by which the designated authorities shall require evidence of the family's action to find work will be set out in an instruction guide to be issued by the ministry. A new application is required in order for the family to receive further social assistance after the expiry of the aforementioned period.

Respective authorities shall inform each applicant in writing of the outcome of his/her application within 45 days.

A family receiving social assistance must inform the authorities immediately of any change of circumstances that may affect their eligibility for social assistance.

Monthly Social Assistance Payments

The monthly gross standard rate of social assistance shall be calculated according to the family size and consumer price index, as follows:

Family Size	Monthly Gross Standard Rate
One member	35 EUR
Two members	50 EUR
Three members	55 EUR
Four members	60 EUR
Five members	65 EUR
Six members	70 EUR
Seven or more members	75 EUR

The amount of monthly social assistance to be paid to an eligible family/person shall be calculated based on the following formula:

$$C=A - B$$

C = amount to be paid to the eligible family/person;

A = monthly gross standard rate of social assistance applicable to the family size

B = quantifiable net monthly income of the eligible family/person after allowable deduction have been applied

3.3.5.2 Sickness benefits and access to them

In terms of direct financial support to the employees, there is no sickness benefit under the current social scheme of the Kosovo Government. Women are entitled six months of paid maternity leave. During this time, the first three months are paid by the employer at the level which is not less than 70 % of her regular salary, whereas the remaining 3 months of maternity leave are paid by government funds, again not less than 70 % of the regular salary. In addition, employees have a maximum of 30 days of paid sick leave during a one year period. If sick leave is taken as a result of a work-related accident/injury or illness, an employee is entitled to his/her salary for such period.

It should be emphasized that the abovementioned benefits apply to the employees working in the public sectors. Regarding employees' entitlements in the private sector, it is very difficult to give an accurate picture, because benefits vary among the private companies.

3.3.5.3 Family allowances and access to them

No benefits other than the social assistance scheme presented above.

3.3.5.4 Other benefits in the social welfare system

There is a social assistance scheme dedicated to war invalids and families of martyrs. In addition, the ministry provides support to special cases, which refers to the residents of the MLSW institutions (please refer to 3.2.7). This support implies 10 EUR/monthly per person.

3.3.5.5 Special benefits for returnees

There are no social schemes under the government structures that aim to assist returnee communities specifically.

3.3.6 Charity organisations with a general scope

Mother Theresa Association

Telephone: ++381 38 542 854

Email: ntereza@yahoo.com

Red Cross of Kosovo

<http://www.redcroos-ks.org>

Catholic Relief Services

Email: info@crs.org

Website: <http://www.crs.org/kosovo>

Useful information on NGO's operating in Kosovo can be found in:

<http://www.advocacy-center.org/Newsletter/NGO%20Directory.pdf>, and

<http://www.kgscenter.org/pdf/ngo.pdf>,

3.3.7 Useful data to calculate the cost of living⁶²

Item	Unit	Amount	Price/Unit
Bread	Kilogram	1	0.35 - 0.45 EUR
Milk	Litre	1	0.89 - 0.90 EUR
Cheese	Kilogram	1	2.50 - 6.00 EUR
Yogurt	Litre	1	0.87 - 0.95 EUR
Eggs	Piece	30	2.50 - 3.50 EUR
Beef	Kilogram	1	5.43 - 5.80 EUR
Oil	Litre	1	1.52 - 1.60 EUR
Rice	Kilogram	1	1.36 - 1.55 EUR
Sugar	Kilogram	1	0.52 - 0.55 EUR
Salt	Kilogram	1	0.21 - 0.22 EUR
Flour	Kilogram	1	0.57 - 0.65 EUR
Frozen chicken	Kilogram	1	2.64 - 2.80 EUR
Potatos	Kilogram	1	0.36 - 0.40 EUR
Onions	Kilogram	1	0.41 - 0.50 EUR
Cabbage	Kilogram	1	0.16 - 0.18 EUR
Peppers	Kilogram	1	1.50 - 1.60 EUR
Tomatos	Kilogram	1	1.00 - 1.20 EUR
White beans	Kilogram	1	2.32 - 2.50 EUR
Apples	Kilogram	1	1.20 - 1.40 EUR
Electricity	High rate 07.67 EUR/1kWh		Low rate 03.83 EUR/kWh
Central Heating	Private 0.84EUR/ month (no VAT)		Commercial and Institutional 1EUR/m ² month (no VAT)
Water	0.40 EUR/m ³		
Fuel	0.85 EUR /L		
Fire wood	35.00 EUR / m ³		

⁶² For more information see: <http://food-ks.org/?cid=2,1#>, accessed December, 2008.

3.4 Health

3.4.1 General health situation by regions

Thanks to the sound investments of the international community, considerable improvements have been achieved in provision of health care services, since June 1999. However, Kosovo's health care sector continues to face numerous problems that are mainly related to the lack of appropriately trained health professionals, poor planning and ineffective management of health services, outdated equipment and insufficient supply of essential drugs. These shortfalls contribute negatively to the health condition of Kosovo's population in general.

There is no available up-to-date report on the general health situation in Kosovo. The information below comes from various surveys that were carried out to support the planning of humanitarian assistance during the immediate aftermath of the conflict; therefore their results may be outdated⁶³.

- In 1999, the annual crude mortality rate for natural causes was estimated at 5.4 deaths per 1,000 persons.
- Life expectancy is estimated at 71.5 years for men, 76.5 years for women.
- Infant mortality is variably estimated at 18-25-35 per 1,000 live births.
- The majority of deaths (53 %) among the Albanian population are from non-communicable diseases, followed by neonatal deaths (28 %) and deaths from communicable diseases (12 %).
- The most common adult chronic conditions are cardiovascular, renal and lung diseases and chronic back pain and ulcer/gastritis. Cancer is an increasing problem. Tobacco is a major contributor to morbidity and mortality.
- Many communicable diseases, such as tularaemia, brucellosis and Crimean-Congo hemorrhagic fever are endemic in the region. A high tuberculosis incidence is particularly worrisome. Water and food borne diseases, such as Hepatitis A, are endemic.
- Many Kosovo citizens have been exposed to traumatic events - ranging from imprisonment and torture through murder of a family member and sexual abuse to separation from family, resulting in a high prevalence of PTSD (22 %)⁶⁴
- Dental problems are very common: More than three quarters of all children have dental caries. Gingivitis occurred in 20 % and orthodontic disorders in 60 % of the population.

An outbreak of tularaemia associated with food and water contaminated by rodents occurred in late 1999 and early 2000. Brucellosis and Congo-Crimean hemorrhagic fever is a continuous problem, particularly in the Prizren region.

Tuberculosis continues to be a major public health problem with incidences far above most western European countries. The conflict worsened the situation. During their exile, many refugees lived under cramped and stressful conditions with poor hygiene

⁶³ Provisional Institutions of Self-Government in Kosovo, Ministry of Health, "Health and health situation", February 2004

⁶⁴ "KRCT, "Long-term sequels of war, social functioning and mental health in Kosovo", Thomas Wenzel, Bajram Maxhuni, Ferid Agani, Feride Rushiti and Ismet Abdullahu, Kosovo, August 2006.

and sometimes inadequate nutrition; treatment was disrupted; and TB drugs were scarce. According to the data from the Kosovo TB programme, the majority of new cases occur at a relatively young age (15-34 age group).

The maternal, peri-natal (during the labour), infant and child health status of Kosovo's women and children is poor compared to the rest of Europe. The high maternal, peri-natal and infant mortality rates reflect the need to improve the accessibility, use and quality of services for the prevention, detection and treatment of health problems that occur during pregnancy, childbirth and infancy.

Environmental factors have a great effect on the health of the population. In Kosovo, the main environmental problems are: air quality, water and sewage systems, heavy metal pollution, waste management, traffic accidents and poor housing conditions.

Regions with the most polluted environment are Mitrovicë/Mitrovica (lead and zinc mines and related industry), Obiliq/Obilić (lignite mines and power plants), Glogovac/Glogovac (ferro-nickel mines and metallurgical industry) and Elez Han (limestone quarries and cement factory). The Trepca industrial complex in Mitrovicë/Mitrovica is one of the largest lead mining, smelting, refining and battery plant complexes in Europe. When operating, the complex is a serious polluter. While lead is the main pollutant, cadmium, zinc, copper and toxic gases (sulphur dioxide, sulphur trioxide, carbon monoxide, nitrogen oxides, etc.) also exceed acceptable standards. Blood testing for lead has shown children under three to be the most affected after the mine workers.

3.4.2 Drinking water and sanitation by regions; heating systems

According to the Department of Water and the Ministry of Environment and Spatial Planning (MESP) only 44 - 50 % of the Kosovo population has access to a reliable water supply system. This is not equally distributed throughout Kosovo. The urban locations can mainly access potable drinking water while only 9 % of rural locations are accessing a reliable water supply system. About 56 % of the population is accessing water which does not fulfil basic hygienic requirements.

The present waste management system does not record data on waste generation, collection, treatment, recovery, and disposal in a comprehensive and structured way. Although about 90 % of the urban population have garbage collection, it is generally of poor standard because of the lack of equipment and disposal facilities. In contrast, less than 10 % of rural areas are served by regular garbage collection. The fee for waste collection is about 3 EUR per household per month, but payment collection is very low (30 - 40 %). Generation of domestic waste, based on recent data, is approximately 2 kg/per capita/day. Out of a total of 29 municipal landfills 26 are rehabilitated and the European Agency for Reconstruction (EAR) and other donors have supported the reconstruction or construction of 9 additional regional landfills. Only 28 - 30 % of the urban population have access to a reliable sanitation system⁶⁵.

⁶⁵ UNHCR, Kosovo 2007 Annual Protection Report, Accessed in November 2008

The complete lack of waste water treatment in Kosovo poses a precarious risk to the ground and drinking water and to nature in general⁶⁶.

3.4.3 Health care system

In early February 2004, Kosovo Parliament passed the Health Law No. 2004/4. According to this law health care for citizens shall be implemented through a uniform, integrated, functionally linked system of healthcare activities through preventive, curative and rehabilitative health care measures⁶⁷.

The public health care services are provided at three levels:

- A. Primary health care;
- B. Secondary health care; and
- C. Tertiary health care.

During the last ten years, considerable positive developments have been achieved within the health care services of Kosovo. However, in spite of substantial international investments, health reforms and achievements, Kosovo's health sector is still suffering from the legacy of poverty, socialist systems, long period of oppression and destructions during the war. In addition, very a limited health budget is seriously affecting the quality of health care services.

The main challenges that health care services in Kosovo are facing can be summarized as follows:

- No health insurance system, resulting in scarce health budgets.
- Specialty oriented health system.
- Poor distribution of human resources with too many staff at hospital level and in urban areas and an under provision in rural areas
- Lack of adequately trained human resources compared with European standards.
- Lack of health management skills.
- Poor implementation of laws relevant to health care services.
- Over prescribing and uncontrolled private pharmacies.
- Poor facilities, equipment, and infrastructure at the three levels of care provision.
- No referral system and gate keeping, resulting in excessive demand on hospital services.
- No incentives for efficient and effective performance.
- Lack of access for minority groups to the full range of available health care services.

⁶⁶ Organization for Security and Cooperation in Europe, OSCE mission in Kosovo, Monitoring department, "Water Issues in Kosovo", July 2008, www.osce.org/documents/mik/2008/07/32394_en.pdf, paragraph four, page 11, accessed on December, 2008.

⁶⁷ Assembly of Kosovo, Health Law, No 2004/4, <http://www.mshgov-ks.org/legjislacioni/shendetesi/Ligji%20per%20Shendetesi.pdf>, accessed October 2008

- High mortality (particularly neonatal mortality) and morbidity caused by many diseases that could be easily prevented or cured.
- Lack of accurate data and underdeveloped health information systems.

A. Primary Health Care Services

Municipalities are responsible for provision of primary health care services and follow-up of the health status of the citizens within their territory. Primary health care services are implemented through family medicine services.

Primary health care services include:

- Promotion, prevention, treatment and rehabilitation of diseases, disorders and injuries;
- Health education;
- Immunization;
- Initial diagnosis and basic health care including minor surgeries;
- Promotion of oral health and basic dental health care;
- Community based mental health care;
- Community based rehabilitation; and
- Provision of qualitative food and water.

Primary health care is provided and implemented by a Family Medicine Team consisting of the following health workers:

- General Practitioner,
- Dentist;
- Family Medicine specialist;
- Pharmacist;
- Paediatrician;
- Gynaecologist-obstetrician;
- Specialist of clinical biochemistry; and
- Nurses, midwives, physiotherapists and medical technicians from section.

B. Secondary Health Care Services

Secondary health care services include the following:

- Out-patient health care: diagnostic, therapeutic and rehabilitative;
- Hospital health care (in patient) implementing the diagnostic, therapeutic and rehabilitative treatment on 24 hour basis;
- Health education of the patients; and
- Professional support for primary health care.

C. Tertiary Health Care services

Tertiary health care includes specialized services provided in the Health Care Institutions authorized by the Ministry of Health, institutions where the educational university process, the scientific-research works and the post graduated specialized education are developed. These services are provided only in the Clinical University Centre based in Prishtinë/Pristina.

D. Mental Health Services:

Traditionally, mental health services in Kosovo were focused on biological treatment in centralized institutions, as evidenced in the Shtime/Stimlje Institute. With the change in philosophy, there has been a corresponding move towards a decentralized, de-institutionalized model of mental health, focusing on community based mental health services.

The Mental Health Services in Kosovo are coordinated centrally by a Mental Health Officer in the Ministry of Health. In addition to the advisory role to the government, with respect to policies and legislation for the mental health, this office is involved in service planning, management, coordination, monitoring and quality assessment of mental health services⁶⁸.

A parallel health sector exists in the Serbian majority municipalities, which is funded simultaneously by the Kosovo Government and Belgrade. Coordination between the Kosovo Government and the parallel sector in the areas of policy and operations is non-existent.

3.4.3.1 Health care infrastructure by regions

A. Primary Health Care

Primary health care services are provided through three types of health facilities. There are thirty Main Family Medicine Centres that are based in each municipality/town, 173 Family Health Centres and 162 Puncta (small health station) that are based mostly in rural areas.

Ostensibly, primary health care services should be provided by doctors and nurses that have received modern training in family medicine. In this context, the ministry expects that primary care will be able to take care of 80 - 90 % of present health problems in the population.

Most minority areas and enclaves have primary health care facilities with adequate staff and conditions.

In spite of the rapid progress on the training side, primary care faces considerable problems:

- Access to primary health care varies. In urban areas, a family health centre is usually within easy reach; in rural areas the access may be much poorer and the facilities provide a poor and limited service;
- Out-of-hours coverage in primary care is limited. If it exists, the doctors often do not know the patients and may easily refer them to hospitals;
- The referral system does not work. The patients refer themselves to the hospitals bypassing primary care;
- Municipal primary health care still has to rely on clinical specialists as there are not enough family medicine specialists;

⁶⁸ World Health Organization - Ministry of Health of Kosovo, WHO-AIMS Report on Mental Health System in Kosovo - Draft, 2006

- In many rural areas, there is acute shortage of staff in primary care; and
- Although it is gradually changing, the attitudes of many clinical specialists and patients continue to be sceptical towards primary care.

In addition, Serbs and Roma families prefer to seek health services in primary health care facilities established within parallel structures.

B. Secondary Care

Kosovo has five district (secondary care) hospitals. The hospitals, except the small parallel hospitals located in minority areas, are based on an out-dated and wasteful concept of pavilion hospitals⁶⁹. They consist of separate, semi-independent clinics, each clinic providing inpatient, outpatient and emergency care. They often have their own laboratories, sterilization, intensive care, operation theatres, etc. The secondary care hospitals provide services in the following specialties and supporting areas:

- Internal medicine (including pulmonology);
- Surgery (including urology);
- Orthopaedics;
- Paediatrics;
- Gynaecology and obstetrics;
- Neuro-psychiatry;
- Oto-rhino-laryngology;
- Ophthalmology;
- Dermatology;
- Radiology (including ultrasound);
- Central laboratory and Blood Transfusion Centre;
- Pathology;
- Physiotherapy (not particularly well developed); and
- Central pharmacy.

Regional Hospitals:

- Gjakovë/Đakovica - 480 beds
- Gjilan/Gnjilane - 388 beds
- Mitrovicë/Mitrovica North⁷⁰ - 607 beds
- Pejë/Peć - 428 beds
- Prizren - 655 beds
- Vushtri/Vucitrn - 56 beds

Access to health services, in terms of secondary care, seems to be more problematic and minorities often resort to the parallel health structures that the Serb authorities continue to fund and operate.

⁶⁹ Provisional Institutions of Self-Government in Kosovo, Ministry of Health, "Health and health situation", February 2004

⁷⁰ Although the Mitrovicë/Mitrovica (North) Hospital is an official hospital, it behaves as a parallel institution and does not report to the Ministry

Parallel hospitals

- Harriet Tubbman Maternity Hospital in Graçnicë/Gracanica - 7 beds
- Simonida Surgical Hospital, in Graçanicë/Gracanica - 19 beds
- Internal Medicine and Paediatric Hospital, Laplje Selo - 27 beds

C. Tertiary Health Care

Tertiary health care is provided only at the Clinical University Centre of Kosovo based in Prishtinë/Pristina. Number of professional staff working in this centre includes 501 doctors and 1,167 nurses. The Centre has 2,290 beds and provides the following services:

Clinic	Number of beds
Surgery	294
Orthopaedics	115
Gynaecology and obstetrics	572
Internal medicine	255
Infectious diseases	116
Paediatrics	252
Neuropsychiatry	159
Ophthalmology	100
Oto-rhino-laryngology	100
Maxillo-facial surgery	45
Dermatology	60
Chest medicine	68
Intensive care	38

Overall, the building standard of all health care facilities is poor. The old-fashioned construction concept of the hospitals ("pavilion hospital") renders them ineffective and expensive. The level and quality of equipment is low. There have been hardly any capital investments during the 15-20 years preceding the conflict. The maintenance of buildings and equipment is poor.

D. Mental Health Services:

In Kosovo, the mental health services are organized in terms of catchments areas and there are seven catchments areas that provide mental health services for the population⁷¹.

There are eight outpatient mental health facilities (Community Mental Health Centres) which are based in the bigger cities (Prishtinë/Pristina (2), Mitrovicë/Mitrovica (south), Gjilan/Gnjilane, Ferizaj/Uroševac, Prizren, Pejë/Pec, and Gjakovë/Dakovica) and are available to provide mental health services and treatment. One of the Prishtinë/Pristina facilities serves only children and adolescents. In addition, there are six community residential facilities (one per 500,000 inhabitants) available in the territory of (Prishtinë/Pristina, Gjakovë/Dakovica, Prizren, Peja/Pec, Mitrovicë/Mitrovica and Gjilan/Gnjilane). These facilities are called "Integrated Houses" by Kosovo Health Law.

⁷¹World Health Organization - Ministry of Health of Kosovo, WHO-AIMS Report on Mental Health System in Kosovo - Draft, 2006

Each Integrated house has 10 residential beds reserved for psychiatric clients (2.10 beds per 100,000 populations). There are no beds in integrated houses which are reserved for children and adolescents only.

Furthermore, Kosovo has psychiatric inpatient units available with 166 psychiatric beds. Four of the units are based in district hospitals (Prizren, Peja/Pec, Gjakova/Dakovica and Gjilan/Gnjilane) while one psychiatric clinic is based in the Prishtinë/Pristina University hospital. Of these 166 beds, none are reserved for children and adolescents only.

There are no mental hospitals located in Kosovo. In the Prishtinë/Pristina University Hospital Psychiatric Clinic, 11 beds are available for persons with mental disorders in a forensic inpatient unit. Another residential facility called "Special Institute in Shtime/Stimlje" which has 200 beds provides care for people with mental retardation, mental health disorders, and other social problems. The facility has two residential houses: one in Shtime/Stimlje and the second in Graçanicë/Gracanica where children with mental retardation are placed. This institution is in very bad condition, and only one part time psychiatrist works there.

Despite evident achievements, the situation in mental health is far from meeting the needs of population.

- The financing of the health sector is very low in general and for mental health services in particular. Budget for the mental health sector, in 2007, is two times lower compared to the budget in 2004, and it represents less than 3 % of the total health budget (two times lower than WHO recommendations). As a consequence of this, many capacities developed in the mental health can not work effectively due to inability to employ the necessary professional staff.
- This specific difficult situation demonstrates itself through the high number of chronic psychiatric patients from Kosovo in psychiatric hospitals in Serbia, but also the rehabilitation and difficult psychosocial integration of non Kosovo residents in the special institution in Shtime/Stimlje.
- Complex psychological consequences of war traumas, rapid developments of cultural and social transition, and the difficult economic situation with rising unemployment and poverty⁷², present additional difficult circumstances for further development of the mental health services in Kosovo.
- There is a high prevalence of Post Traumatic Stress Disorder - PTSD (22 %), of emotional distress(43.6 %) and depression (41.8 %) in the population of persons 15 years of age and older⁷³
- The increase of suicides in Kosovo (2.93/100,000)⁷⁴, particularly in adolescents, is also a serious indicator of insufficiency in the mental health services.

The situation is not any better when it comes to addiction disorders and the complex problem of forensic psychiatry. Another problematic issue is the mental health services

⁷² Ministry of Health of Kosovo supported by World Health Organization, "Strategy for Mental Health in Kosovo 2008-2013, October 2007

⁷³ KRCT, "Long-term sequels of war, social functioning and mental health in Kosovo". Thomas Wenzel, Bajram Maxhuni, Ferid Agani, Feride Rushiti and Ismet Abdullahu, Kosovo, August 2006.

⁷⁴ Prevalence of suicidal preoccupations among Kosovar's 15 year and older. Conference of the Albanian Psychiatry League, Tirana, Albania. September 29-30 2006

for children and adolescents that are not still developed, compared to the demographic population structure in Kosovo. Moreover, mental health services in the public sector are provided by only 38 psychiatrists and 9 psychologists for the entire Kosovo population which is estimated to be between 2 and 2.5 millions.

3.4.3.2 Eligibility criteria and access to health care services

Currently the only eligibility criterion to have access to health care services is to be registered as a citizen of Kosovo. This is due to the fact that Kosovo has no health insurance system in place and is financed through Kosovo Government. Until such a health insurance system is established, a person does not need to be employed in order to receive health care services.

3.4.3.3 Costs of healthcare

Theoretically speaking, based on the Health Law No. 2004/4, Chapter V, section 22, health care services are provided free of charge in public health institutions for the special groups of population as follows:

- Children and adolescents up to 15 years of age;
- Pupils and students until the end of regular school terms;
- Citizens over 65 years of age;
- Citizens who are immediate family members of martyrs, war invalids' immediate family members, and recipients of social assistance and close members of their families; and
- People with disabilities.

However, as mentioned earlier, Kosovo has no health insurance system yet, therefore the entire health budget is allocated from the Kosovo Consolidated Budget which is usually very low and covers less than 30 % of the health needs of the population. For the year 2008, the health budget was approximately 55 million EUR. Therefore, for the period of one year, an average of 27.5 EUR per capita was allocated for health services. Moreover, the majority of this budget goes to the salaries of health care providers. It should be noted that the average monthly salary of a specialist doctor is around 240 EUR.

Individuals and families who do not belong to the groups described above must pay a so-called co-payment fee in order to receive health services. The co-payment fees are regulated with the administrative instruction 6/2006⁷⁵ issued by the Ministries of Health and Finance on May 30, 2006. For the primary health care services a person should pay an average of 2 EUR depending on the service⁷⁶. Fees for the secondary and tertiary services vary depending on the service, e.g. a consultation with a specialist is 3 EUR; inpatient treatment is 3 EUR per night spent in the hospital; diagnostic tests range from

⁷⁵ Ministry of Health and Ministry of Finance of Kosovo, Administrative instruction 6/2006, 30 May 2006: www.mshgov-ks.org/legjislacioni/udhezimet_administrative/Udhezimet%20Administrative/2006/Nr_06_2006_Alb_Ser.pdf, accessed in December 2008.

⁷⁶ Ibid p.7-9

5 EUR up to 25 EUR for a CT scan; treatment procedures ranges from 10 EUR for Sigmoidoscopy up to the 150 EUR for the coronarygraphy⁷⁷

There are few private companies that offer health insurance, but due to the high level of unemployment (between 45 and 50 %), the vast majority of the Kosovo population can not afford this insurance.

In reality, the situation in the health sector is daunting, despite recent achievements in the past years. Patients usually pay for medication from their own pocket, including for drugs on the essential drug list, which are supposed to be provided free of charge by the Ministry of Health. Very often, in order to receive health services in hospitals, patients need to bribe professionals with the fees that are much higher than their monthly salaries (250 EUR to the anaesthetist, 690 EUR to the surgeon, 150 EUR for pre-operative laboratory in a phlebotomy). If these under-table payments can not be made, patients will face a long waiting time - often months⁷⁸.

Nearly 47 % of Kosovo citizens believe that there is massive corruption in the health care sector⁷⁹.

3.4.3.4 Discrimination in health care system

According to the Health Law, chapter III, section 12, provision of health care should be based on the following principles:

- Equity;
- Quality;
- Honesty/Responsibility;
- Inclusiveness and Non-discrimination;
- Sustainable Financing ;
- Financing/Cost-effectiveness; and
- Co-financing.

In addition, Kosovo parliament has passed Law 2004/3 on Anti-Discrimination, promulgated by UNMIK Regulation 2004/32⁸⁰.

Minorities do not seem to deliberately be excluded from access to health services, mental health services and/or services for handicapped and/or disabled people. However, the overall access to health care is made difficult by corruption, long travelling times, poor and infrequently running public transportation. In the end, it is

⁷⁷ Ibid p.10-21

⁷⁸ European Commission Liaison Office to Kosovo (ECLLO), unpublished draft report, Mental Health and Physical Disabilities. Peer assessment mission on vulnerable groups in Kosovo, 30/06/2008 - 04/07/2008, Melanie Wohlgenannt MD, MPH, Tyrolean Public Health Services, Austria, paragraph two p.1.

⁷⁹ United Nation Development Programme (UNDP), Early Warning Report - Report # 20/21 Special Edition January -June 2008, www.ks.undp.org/repository/docs/EWR20_eng_press.pdf, paragraph four, p. 47, June 2008, accessed in December 2008.

⁸⁰ Assembly of Kosovo, Law No 2004/3, Low on Anti-Discrimination, February 2004, http://www.unmikonline.org/regulations/unmikgazette/02english/E2004regs/RE2004_32_ALE20_04_03.pdf, accessed in January 2009

the most vulnerable groups, persons with disabilities, who are the losers in this system⁸¹.

Distrust between the ethnic groups in Kosovo has seriously affected the provision of health services to the minorities. The non-Serb minorities, such as the Turks, Roma, Egyptians, Ashkalis, Bosniacs, Goranis and Croats, appear to coexist relatively peacefully with each other as well with both the Albanians and Serbs. Consequently, they seem to have reasonable access to health services. They are also assumed to be relatively well integrated in the Kosovo society.

When discussing “minority health”, the concerns depend on the speaker. The Albanians deplore the existence of parallel health care structures, refusal of the Serbs to accept the authority of the Ministry of Health and interference of the Serbian Ministry of Health in health matters in Kosovo. The Serbs complain about poor access to hospitals, particularly tertiary health care, safety and quality of care in the Albanian dominated facilities, and the situation of Serb health workers who have lost their jobs⁸².

3.4.3.5 Services of non-state agents in health care

Private sector

There are many private clinics and hospitals, but they are mainly concentrated in larger cities of Kosovo, especially those that are more specialized, which are located only in Prishtinë/Pristina. Private practices are not well regulated by law; therefore it is difficult to give clear indication about the quality of services they provide. In addition, many private practices are not licensed by the Ministry of Health of Kosovo; therefore they are not accountable to the Ministry.

In reality, private practices are rarely used by the population, except for a very small group who is able to afford such a services. For example, a simple consultation in the private sector would cost from 20 to 50 EUR, excluding fees for medicines and diagnostic tests. Inpatient treatment in private hospitals would cost anywhere between 100 to 150 EUR per night, excluding treatment interventions, tests and medicines.

3.4.3.6 Diseases which cannot be effectively treated in the country

In addition to the questionable quality of services in general, there are several health problems which cannot be treated at all in the country. These diseases include the following:

- Cardio-surgery;
- Cancer treatment - radiotherapy and certain types of chemotherapy;
- Transplantation;
- Leukaemia;
- Spinal surgery;
- Serious eye disease;

⁸¹ European Commission Liaison Office to Kosovo (ECLLO), unpublished draft report, Mental Health and Physical Disabilities. Peer assessment mission on vulnerable groups in Kosovo, 30/06/2008 - 04/07/2008, Melanie Wohlgenannt MD, MPH, Tyrolean Public Health Services, Austria, paragraph three, page 1

⁸² UNHCR-Kosovo, Unpublished report, Kosovo 2007 Annual Protection Report,

3.4.3.7 Supply with standard medicines

There is an essential drug list⁸³, which lists drugs that are free of charge, for the secondary and tertiary health care, as well as a list of consumable materials⁸⁴ that are supposed to be supplied by the Ministry of Health. These lists contain 168 different drugs and medical products and 239 items of consumable materials. However, most of the time these supplies are insufficient and patients must purchase them in the private pharmacies for their own money. Furthermore, important diagnostic and treatment procedures very often can not be performed in the public institutions due to the lack of supplies. Recently, there has been some noticeable improvement with respect to supplies, but at the same time there is a serious concern regarding the sustainability of this improvement.

⁸³ Ministry of Health Of Kosovo, Essential Drug List for Secondary and Tertiary Care, http://www.mshgov-ks.org/departamentet/farmaci/Lista_esenciale_barnat_13_8_2008.pdf, accessed in January 2009

⁸⁴ Ministry of Health Of Kosovo, Essential List of Consumable Materials for Secondary and Tertiary Care http://www.mshgov-ks.org/departamentet/farmaci/Lista_Esenciale_materiali_shpenzues_13_8_2008.pdf, accessed in January 2009

LIST OF ABBREVIATIONS

APPK	Employment Promotion Agency Kosovo
AUK	American University in Kosovo
BPRM	Bureau of Population, Refugees, and Migration
CIT	Corporation Income Taxes
CT	Computerized Tomography
EAR	European Agency for Reconstruction
ECLO	European Commission Liaison Office
EU	European Union
EULEX	European Union Rule of Law Mission
GDP	Gross Domestic Product
GTC	German Training Centre
GTZ	German Technical Cooperation
HDP	Housing and Property Directorate
HPCC	Housing and Property Claims Commission
ILO	International Labour Organization
IMF	International Monetary Fund
IOM	International Organization for Migration
ISSR	Internal Security Sector Review
JIU	Judicial Investigation Unit
KEP	Kosovo Enterprise Programme
KFOR	Kosovo Forces - North Atlantic Treaty Organization
KJC	Kosovo Judicial Council
KOSVET	Kosovo Vocational Education and Training
KPA	Kosovo Property Agency
KPC	Kosovo Protection Corps
KPS	Kosovo Police Service
KRCT	Kosovo Rehabilitation Centre for Torture Victims
KRK	Kosovo Rural Credits
MCCR	Municipal Centre for Civil Registration
MESP	Ministry of Environment and Spatial Planning
MFI	Micro Financial Institutions
MLSW	Ministry of Labour and Social Welfare
NGO	Non-Governmental Organization
NLB	New Ljubljana Bank
OSCE	Organization for Security and Cooperation in Europe
PIA	Pristina International Airport
PISG	Provisional Institutions of Self-Governance
PIT	Personal Income Taxes
PTSD	Post Traumatic Stress Disorder
SCW	Social Welfare Centre
SIDA	Swedish International Development Agency
SRSR	Special Representative of Secretary General
THB	Trafficking with Human Beings
UBT	University of Business and Technology
UNDP	United Nation Development Programme

UNHCR	United Nation High Commissioner for Refugees
UNMIK	United Nation Mission in Kosovo
VAT	Value Added Tax
VCT	Vocational Training Centre
WHO	World Health Organization

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