



REPRESENTATION OF NON-MAJORITIES AND PERSONS WITH DISABILITIES IN PUBLIC EMPLOYMENT

DECEMBER 2022



INCLUSION OF NON-MAJORITY AND PERSONS WITH DISABILITY IN PUBLIC EMPLOYMENT

DECEMBER 2022

**“Representation of members of the unmarried community and persons with disabilities during employment”
December 2022**

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INTRODUCTION

Is employment access equal for all citizens in Kosovo? Do the citizens from non-majority communities in Kosovo have the same opportunity to achieve the right of access to employment same as the Albanian majority community and how many of them achieved this right so far? How aware are the institutions, public bodies and enterprises that they are the ones, as an institution who are obliged to ensure equal treatment and implement positive discrimination measures? Do they know which legal framework obliges them to do so?

In accordance to the current legislation in Kosovo and in accordance with the Constitution and according to Law nb.06/L-14 on public servants, Article 9.Representation of communities, "in central public institutions, at least 10% of public servant jobs in all categories should be occupied by members of non-majority communities in Kosovo who meet the admission criteria, while at municipal level the number of additional jobs for community members is determined according to the percentage of community representation in relation to the total number of residents in the municipality".

Although all institutions are obliged to make employment opportunities equally available to all communities, first of all by publishing job vacancies in official languages and languages in official use at the local level on their official websites and in places accessible to community members and then by respecting the legally prescribed quota of 10% at the central level and quotas proportional to the number of inhabitants (at the local level reserved for members of non-majority communities during employment), practice and previous reports indicate that the representation of communities is below the prescribed minimum.

*Employment Assessment report for members of non-majority communities in public services and public enterprises in Kosovo*¹, Office for Community Affairs, 2013, and *Representation of communities in public administration in Kosovo*², OSCE Mission, May 2017, they state that the most common reasons for the low rate of participation are members of non-majority communities, insufficient training and experience of community members, a low rate of applications for job vacancies and under-representation of certain communities in higher positions. Experience and various reports show that there is also a lack of knowledge, awareness and common principles on how public authorities should promote policies to protect and promote the rights of non-majority communities, especially in the employment category, regardless of a clear legislative framework.

¹ Assessment of the employment of members of non-majority communities in public services and public enterprises in Kosovo, Office for Community Affairs, available at the link https://zck-ks.net/repository/docs/Procena_zaposljavanja.pdf

² Community representation in public administration in Kosovo, OSCE Kosovo Mission, May 2017, available at the link <https://www.osce.org/mission-in-kosovo/320496>

Considering the fact that professional training of members of non-majority communities is cited as one of the main obstacles to employment, in 2016 the Government of Kosovo adopted an Administrative instruction on the formation of a temporary mechanism for the verification of diplomas from the University of North Mitrovica, which enabled UNM graduates to apply for jobs, professional licences and professional exams in public institutions in Kosovo.

However, 31.12.2021. the mandate of the Commission for the Verification of Diplomas from the University of North Mitrovica ended without possibility of further extension, which blocked access to employment for all members of non-majority communities studying at the University of North Mitrovica (Serbs, Bosniaks, Gorans, Roma, Montenegrins), who did not verify their diplomas by the specified date, as well as to all those who obtained their university degrees after 12/31/2021.

In December 2021, the Government of Kosovo established an Intra-institutional working group for the coordination of human rights, headed by Mrs. Emilia Redzepi, who announced that within her competences she would monitor the implementation of the Law on Employment of Communities. The official reports of this working group are not yet available to the public. An intra-institutional group for the employment of Roma, Egyptians and Ashkali was also established, which is headed by Mr. Habit Hajredini, which has a mandate to create more favorable conditions for the employment of members of these communities, but it will not stop only at them, but will also monitor the employment of members of these communities, and other communities.

Considering that the issue of fair and proportionate employment of members of non-majority communities in Kosovo is essential, primarily due to the economic empowerment and sustainability of communities, we decided to offer research whose purpose would be to assess the current level of representation of communities in selected public service institutions in ten (10) municipalities, and to assess the extent to which the relevant regulations governing the representation of communities in those institutions, official bodies and companies are applied.

For the purpose of assessing the compliance of the representation of non-majority communities in public institutions, official bodies and companies, demographic data from the population census conducted in 2011 were used.

The population census from 2011 was not conducted entirely in Serbian areas, nor in the majority Albanian municipalities where Serbs live, so the number of community members, especially the Serbian community, is not accurate and does not maintain a picture of the real number of inhabitants per municipality, but the data taken from the census as a reference value by which to measure the employment rate of members of non-majority communities and their fair and proportionate representation.

The findings of this report are based on the analysis of quantitative and qualitative data collected by the NGO Aktiv in selected municipalities through interviews and surveys of the heads of personnel services or corresponding managers in an institution, official bodies or company.

The report provides a brief overview of the legal framework, followed by an assessment of the representation of communities in the selected institutions, official bodies and companies, while the second part provides a comparative overview of data related to the knowledge and fulfillment of legal obligations of the mentioned institutions.

The report ends with conclusions and recommendations for the design of policies and the implementation of measures defined as active employment measures through different levels of social action from institutions as policy makers, as well as mechanisms for monitoring the implementation of laws, to civil society organizations that can design and implement various trainings and campaigns from the area of application of active employment measures for members of non-majority communities.

LEGAL FRAMEWORK

Equal access to employment in public administration within the right to participate in public life is contained in the international and Kosovo legal framework, especially in the *Framework Convention for the Protection of National Minorities*³, and in the framework of non-discrimination and equal access to public services in the *International Covenant on Civil and Political Rights*⁴. Both international human rights instruments are directly applicable in Kosovo.

KOSOVO LEGAL FRAMEWORK

The Constitution of Kosovo clearly provides the representation of communities in public institutions and public enterprises. Article 61 of the **Constitution**⁵ states that “communities and their members have the right to fair representation in employment in public bodies and public enterprises [...]”.

In addition to numerous legal acts that protect the rights of non-majority communities in Kosovo⁶, until the entry into force of **Law no. 06/L/-114 on female public servants**⁷, the two main legal acts that were in force and prescribed applicable standards for the representation and employment of members of non-majority communities in the public service of Kosovo were *Law 03/L-149 on civil service and Regulation 04/2010 on the fair and proportionate representation of communities that are not in the majority in the public service of the Republic of Kosovo* of the Ministry of Public Administration, and most of the current employees are employed under the conditions of these two legal acts.

Based on these two legal acts, and during the time they were in force, the institutions played an active role in ensuring the fulfillment of the legal minimum by applying at least six (6) out of fourteen (14) active employment measures provided by the Regulation 04/2010, while from 2020 in force is, Regulation (VRK) No. 16/2020 on admission and career in the civil service in the Republic of Kosovo⁸, which in its article 28 overlooks the application of reserved quotas during employment, but also the publication of competitions and the receipt of applications in accordance with the Law on the Use of Languages.

Primary legislation

Law no. 06/L-114 on female public servants of Kosovo guarantees the general principles of non-discrimination, equal opportunities and equal representation and regulates the status of civil servants as employees in ministries, executive agencies, representative institutions, independent and regulatory bodies and municipalities.

Article 9. *Representation of communities*, Law no. 06/L-14 on public female servants says that “in central public institutions, at least 10% of jobs in all categories of public servants should be occupied by members of non-majority communities in Kosovo who meet the criteria for admission, while at the municipal level the number of vacancies for community members are determined in accordance with the percentage of community representation in relation to the total number of residents in the municipality”.

The same Law, however, in its Article 15 *Personnel Development Plans*, nowhere emphasizes the application of reserved quotas, but leaves room for by-laws to regulate this issue in more detail.

³ Article 15 of the Convention Framework for National Minorities Protection, Council of Europe, February 1995.

⁴ Articles 2 and 25 of the International Covenant on Civil and Political Rights. 23 March 1976.

⁵ Ustav Kosova, dostupan na linku https://gjk-ks.org/wp-content/uploads/2017/11/gjkk_kushtetuta_e_republikes_se_kosoves_me_amendamentet_I-XXV_srb.pdf

⁶ Law 04/L-020 on amendments to Law 03/L-047 on the protection and promotion of the rights of communities and their members in the Republic of Kosovo (2011), Law 02/L-37 on the language usage

⁷ Law No. 06/L-114 on public servants, available at the link <https://gzk.rks-gov.net/ActDetail.aspx?ActID=25839>

⁸ Regulation (VRK) No. 16/2020 on admission and career in the civil service in the Republic of Kosovo, available at the link <https://gzk.rks-gov.net/ActDetail.aspx?ActID=30890>

When it comes to the rights of persons with disabilities, in force is the Law no. 03/L-019 on professional training, retraining and employment of persons with limited abilities, which by Article 11 prescribes that every employer is obliged to employ one person with limited physical abilities for every fifty (50) workers, i.e. on the open market, Article 12 of the same Law, every employer who has 24 employees is obliged to employ one person with limited abilities, more precisely every 25th employee of a certain employer.

Secondary legislation

Regulation 04/2010 on fair and proportionate representation of communities that are not in the majority in the public service of the Republic of Kosovo⁹ contained a set of 14 active measures, the implementation of which would improve the representation of members of non-majority communities, as well as measures for monitoring the situation and reporting that should be undertaken in order to the proper implementation of the Regulation was ensured. The regulation also contained instructions for the collection of anonymous statistical data on the community from which public administration officials are from in order to assess whether the municipality or institution has reached the minimum threshold of community representation.

With the adoption of the new Law on Public Servants, a new **Decree (VRK) no. 16/2020 on admission and career in the civil service in the Republic of Kosovo**¹⁰ was adopted and entered into force, which in its article 28 foresees, in accordance with the Law, reserved quotas for non-majority communities, and by paragraph 3 of the same article it says:

The reserved quotas for each minority community in the civil service in each municipality is determined as the proportion of the population of that community in the total population of that community in the municipality, based on the data of the official population census.

What is particularly emphasized in this position is that only the official census data will be taken as a reference value in calculating the value of the reserved quota at the municipal level.

Article 9 of the Regulation governs the publication of the competition, so in paragraph 4 it is emphasized that the publication of the competition must be in accordance with the Law on the Use of Languages, and in Article 10, paragraph 2.1, it states that the content of the competition must contain a note: *Non-majority communities and their members have the right to fair and proportional representation in the civil service of Kosovo, as specified by the Law.*

Article 28, paragraph 5 of the Regulation prescribes the obligation of six-month calculation and monitoring of the state of reserved quotas for each municipality, independent institution or independent agency.

Although the Law on Public Servants overlooks the mandatory drafting of staff development plans, through annual general and individual plans, as well as mid-term general and individual plans, but, for example, *Regulation (MUP) no. 02/2020*¹¹ on personnel planning does not expressly oblige in any of its articles to respect the reserved quotas during personnel planning.

⁹ Regulation 04/2010 on fair and proportionate representation of communities that are not in the majority in the public service of the republic of Kosovo, available at the link <https://mpb.rks-gov.net/ap/desk/inc/media/DF61A738-9817-4AA9-9DBB-CC9C9D7201D4.pdf>

¹⁰ Regulation (VRK) No. 16/2020 on admission and career in the civil service in the Republic of Kosovo <https://gzk.rks-gov.net/ActDetail.aspx?ActID=30890>

¹¹ Regulation (MUP) No. 02/2020 on personnel planning, available at the link <https://gzk.rks-gov.net/ActDetail.aspx?ActID=30601>

QUESTIONNAIRE ANALYSIS

Demographic image

For the purposes of assessing the fulfillment of the legal provision about the representation of non-majority communities at the municipal level must be proportional to the demographic composition of the population in a given municipality, the demographic picture of all municipalities that participated in the research was first presented.

All data on the number of inhabitants and their ethnicity in the municipalities that were the subject of research are official data of the Agency for Statistics¹² according to the census conducted in 2011¹³.

The population census from 2011 was not conducted entirely in Serbian areas, nor in the majority Albanian municipalities where Serbs live, so the number of members of the communities, especially the Serbian community, is not accurate and does not maintain the picture of the real number of inhabitants per municipality, but there are also realistic estimates based on voter lists, as well as the Statistics Agency's "2009 Update" like explained in the above-mentioned report for municipalities in the North.

The data on the number of inhabitants in the municipalities in the North are based on the "Update 2009" and according to that data, the number of households for the four municipalities in the north of Kosovo is a total of 11122 households, and the data on the municipality of Leposavić/Leposaviq is available in the rest of the report.

Metodology

The report is based on surveys conducted in 37 public institutions, public bodies and companies at ten (10) municipalities, of which eight (8) have an Albanian majority population and 2 municipalities with a Serbian majority, one of which is from the North of Kosovo and one from the south of Ibar.

The survey (questionnaire) contains 17 questions related to:

- communication channels with citizens and communication in official languages,
- the number of employees and their ethnicity, as well as the number of persons with disabilities who are permanently employed
- legislation knowledge and legal obligations.

¹² Serbian - <https://ask.rks-gov.net/sr/agencija-za-statistiku-kosova> Albanian - <https://ask.rks-gov.net/sq/agjencia-e-statistikave-te-kosoves>

¹³ Serbian language <https://ask.rks-gov.net/media/1615/stanovnistvo-prema-polu-i-nacionalnosti-na-nivou-naselja.pdf> - Albanian language <https://ask.rks-gov.net/media/1613/popullsia-sipas-gjinis%C3%AB-etnicitetit-dhe-vendbanimit.pdf>

The municipalities that were the subject of research are Gjilan/Gnjilane, Kamenicë/Kamenica, Istogu/Istok, Klinë/Klina, Pejë/Peć, Lipjan/Lipljan, Fushë Kosovë/Kosovo Polje, Obiliq/Obilić, Štrpce/Shtërpçë and Leposaviq/Leposavić.

Out of 37 public institutions, institutions and companies, the following participated in the research:

- ✓ 9 Municipalities (municipal administrations)
- ✓ 10 Centers for social welfare
- ✓ 5 Basic courts
- ✓ 4 branches of Post of Kosovo
- ✓ 5 branches of the Regional Water Supply Companies
- ✓ 3 branches of the Regional Cleaning Company
- ✓ 1 Employment Office

Several institutions in ten municipalities that were the subject of research, such as the Tax Administration, the local Police, the Basic Court and the Post of Kosovo in Pejë/Peć, KEDS Obiliq/Obilić, Post of Kosovo in Obiliq/Obilić, refused to cooperate, considering that they were not competent to provide the requested type of information and directed interviewers at a higher level of government, i.e. Management, to get answers.

The data presented in this report contain information obtained from the heads of personnel services or the respective managers in the selected institutions.

Data from the survey was used to assess the level of compliance of each of the institutions with quotas on the representation of non-majority communities and knowledge of the legal obligations that institutions have towards members of non-majority communities and legal frameworks that oblige them to provide access to fair and proportionate employment for members of non-majority communities.

The collected statistical data show the degree of representation of members of non-majority communities in each institution.

The report and analysis of the data obtained by the research are presented in 2 parts.

The first part (quantitative analysis) presents comparative data on the number of inhabitants in each of the municipalities and the number of employees in the surveyed institutions by nationality, which were obtained by directly surveying the institutions listed below in each municipality, according to the form of the questionnaire that is attached to the questionnaire.

The second part (qualitative analysis) analyzes the knowledge and fulfillment of legal obligations of the mentioned institutions and their attitude towards the implementation of a set of laws that guarantee the rights of non-majority communities at the local and central level, as well as the rights of persons with disabilities.

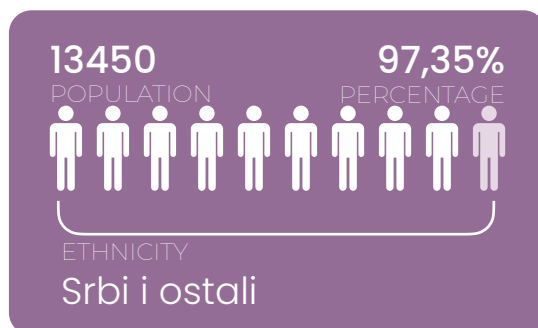
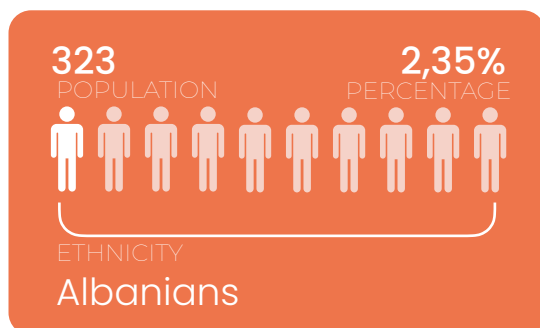
The first part-quantitative analysis

presents comparative data on the number of inhabitants according to each municipality, according to the data of the Agency for Statistics based on the 2011 census and the 2009 update, and data on the number of employees in the surveyed institutions according to nationality, obtained by direct survey of the institutions listed below in each municipality, according to the form of the questionnaire, which is attached to the questionnaire.

DATA FROM THE AGENCY FOR STATISTICS, 2011 CENSUS¹⁴

MUNICIPALITY	Gjilan/Gnjilane		Kamenicë / Kamenica		Istog / Istok		Klinë /Klina	
	90 187		36 805		39 289		38 469	
Albanians	87814	97,37%	34186	94,73%	36154	92,02%	37216	96,74%
Serbiens	624	0,6%	1554	4,3%	194	0,49%	98	0,25%
Turks	987	1,09%	5	0,013%	10	0,02%	3	0,007%
Bosniaks	121	0,13%	9	0,02%	1142	2,91%	20	0,05%
Roma	326	0,36%	240	0,66%	39	0,1%	78	0,2%
Ashkali	15	0,013%	0	0%	111	0,28%	85	0,22%
Egyptians	1	0%	0	0%	1554	3,95%	934	2,43%
Gorani	69	0,067%	27	0,07%	0	0%	0	0%
Other	195	0,21%	62	0,21%	85	0,21%	62	0,16%

LEPOSAVIĆ / LEPOSAVIQ – 13 773 INHABITANTS



Data from the Agency for Statistics, 2009 Update

The population census from 2011 was not conducted entirely in Serbian areas, nor in the majority Albanian municipalities where Serbs live, so the number of community members, especially the Serbian community, is not accurate and does not maintain a picture of the real number of inhabitants per municipality, but the data taken from the census as a reference value by which to measure the employment rate of members of non-majority communities and their fair and proportionate representation.

In the rest of the report, we present numerical - tabular and graphic data on the percentage representation of members of non-majority communities in the number of employees by institutions, public bodies and companies at the local level.

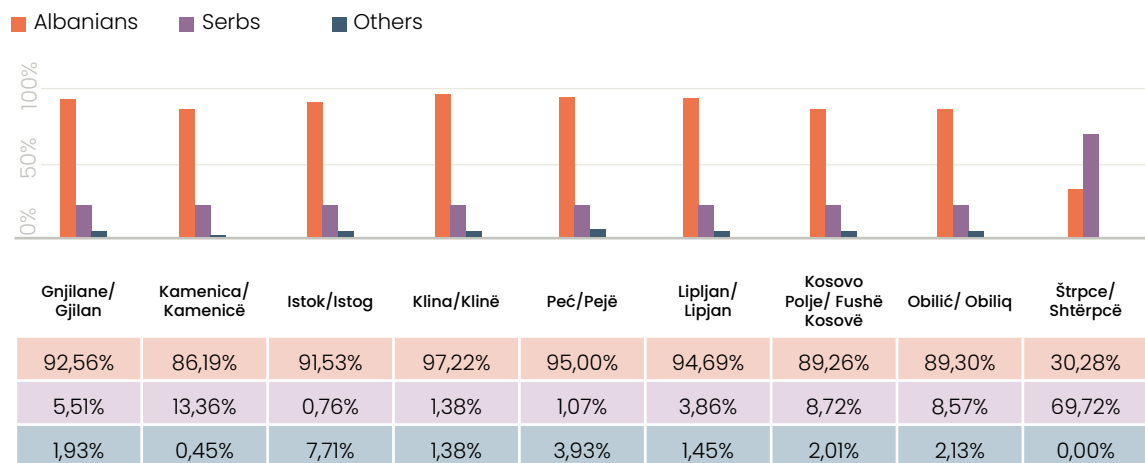
¹⁴ Agency for Statistics, Serbian language <https://ask.rks-gov.net/media/1615/stanovnistvo-prema-polu-i-nacionalnosti-na-nivou-naselja.pdf>

- Albanian language <https://ask.rks-gov.net/media/1613/popullsia-sipas-gjinis%C3%AB-etnicitetit-dhe-vendbanimit.pdf>

Pejë / Peć		Lipjan / Lipjan		Fushë Kosovë/ Kosovo Polje		Obiliq / Obilić		Shtërpçë / Štrpce	
96 450				39 384		21 594		6 949 ¹⁵	
87975	91,21%	54467	94,55%	34827	88,43%	19854	91,45%	3757	54,06%
332	0,34%	513	0,89%	321	0,81%	276	1,28%	3148	45,3%
59	0,06%	128	0,22%	62	0,16%	2	0,01%	0	0%
3786	3,92%	42	0,07%	34	0,09%	58	0,27%	2	0,03%
993	1,03%	342	0,6%	436	1,11%	661	3,06%	24	0,35%
143	0,15%	1812	3,15%	3230	8,2%	578	2,68%	1	0,01%
2700	2,8%	4	0,01%	287	0,73%	27	0,13%	0	0%
189	0,21%	6	0,01%	15	0,04%	5	0,02%	0	0%
273	0,28%	291	0,51%	172	0,44%	88	0,41%	17	0,24%

MUNICIPALITY

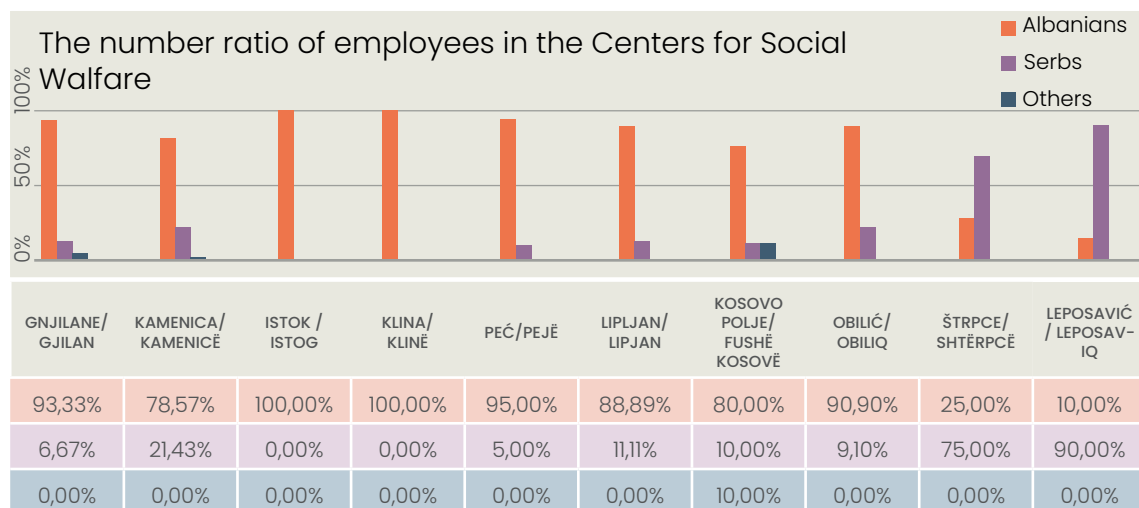
THE NUMBER RATIO OF EMPLOYEES IN THE MUNICIPALITIES (TO MUNICIPAL ADMINISTRATION)



When analyzing the data on employees in municipal administrations, all municipal administrations respect the quotas on the representation of non-majority communities by percentage provided for the local level of public administration. The municipalities of Štrpce/Shtërpçë and Kamenicë/Kamenica stand out especially in terms of community employment. The municipality of Leposavić/Leposaviq did not participate in the survey.

¹⁵ Serbs from the municipality of Štrpce did not fully respond to the 2011 census and the number shown is not in accordance with the reality on the ground

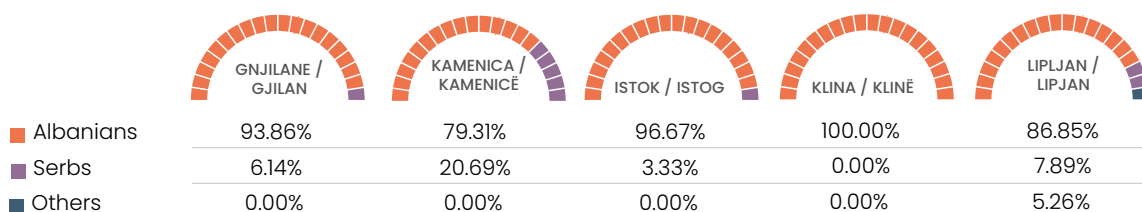
CENTER FOR SOCIAL WELFARE



Majority of the Social welfare centers employ the prescribed number of members of non-majority communities, where again the Centers from the municipalities of Štrpce/Shtërpcë and Kamenicë/Kamenica stand out with 25% and 21.43%, respectively, while there are no community members employed in Istogu/Istok and Klinë/Klina.

BASIC COURT

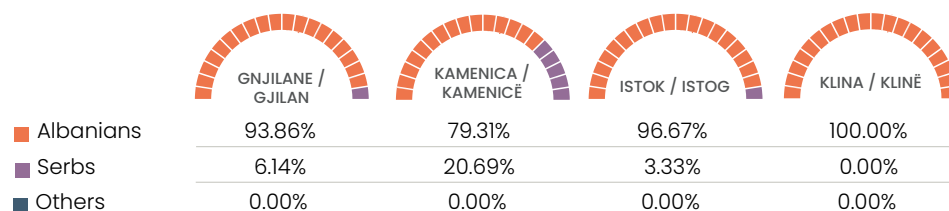
The number ratio of employees in Basic Courts



At Basic Courts, the largest number of community members is employed by the Basic Court in Kamenicë/Kamenica, 20.6%, at the positions of judges and administrative workers, while the Basic Court in Lipjan/Lipljan employs three (3) Serbs and two (2) Turks.

POST OF KOSOVO

The number ratio of employees in the Post office of Kosovo

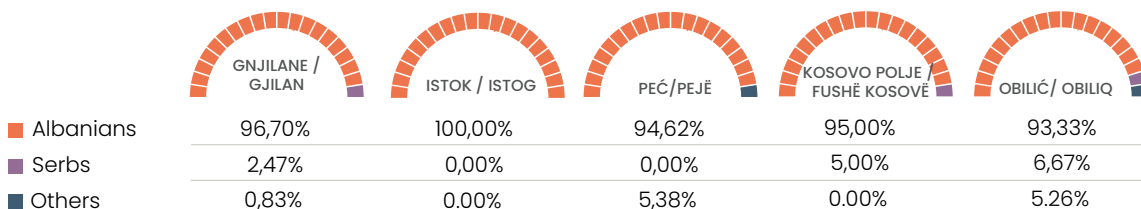


At the Post of Kosovo in the 4 municipalities from which we received answers, only the Post of Kosovo in Kamenicë/Kamenica employs members of the Serbian community, while in the other 3 municipalities they employed 100 percent majority population.

The Post of Kosovo in Obiliq/Obiliç refused to participate in the survey, with the excuse that it is not competent to provide the requested information and they directed the interviewer to contact the main office of the Post of Kosovo in Prishtinë/Prishtina.

REGIONAL PLUMBING/WATER SUPPLY COMPANIES

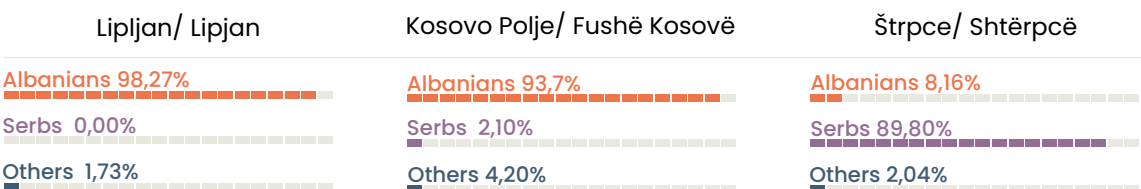
The number ratio of employees in Regional Water Supply Companies



In the branch offices of the Regional Water Supply Companies in the municipalities that responded to the survey, only in Istogu/Istok there are no members of non-majority communities employed, and in Pejë /Peć they are from the Roma and Bosniak communities.

REGIONAL CLEANING COMPANIES/PUBLIC UTILITY COMPANIES

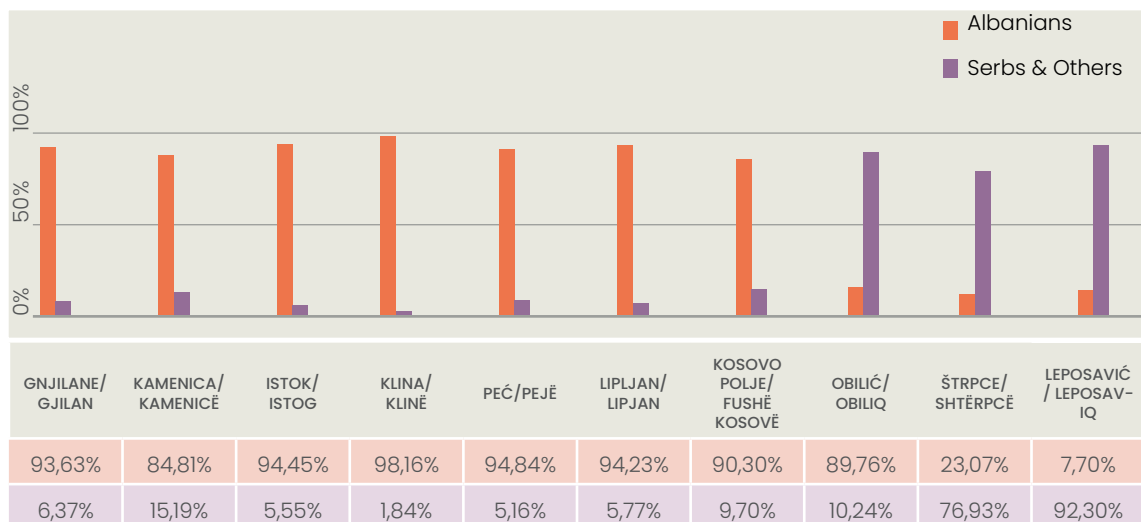
The number ratio of employees at regional cleaning companies/public utility companies



In the branches of regional cleaning companies/public utility companies in the municipalities that responded to our survey, all companies employ members of non-majority communities, and all three have members of the Roma community among their employees.

After comparing data from 37 public institutions, public bodies and companies, the share of members of non-majority communities employed in all surveyed institutions, public bodies and companies, by municipality, is presented in the graph below.

THE TOTAL NUMBER RATIO OF EMPLOYEES IN THE SURVEYED MUNICIPALITIES

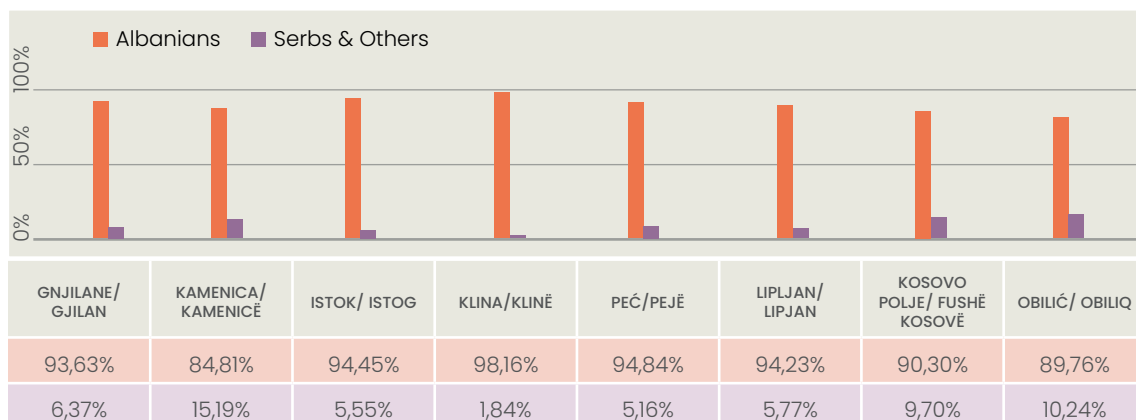


According to the survey data, the municipality of Štrpce/Shtërpçë, with 23.07% of employees from non-majority communities in that municipality, and the municipality of Kamenicë/Kamenica, with 15.19% of employees from non-majority communities in that municipality, exceed the legal quotas on representation at the local level.

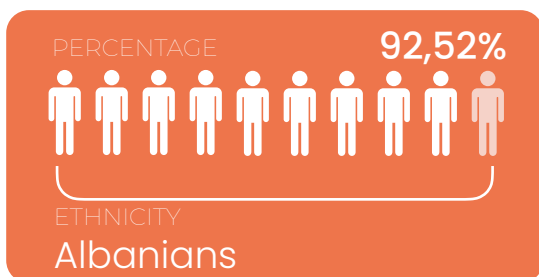
We also analyzed the share of members of non-majority communities in the number of employees in relation to the majority population, where 8 out of 10 municipalities were analyzed as municipalities with a majority Albanian population and 2 out of 10 municipalities with a majority Serbian population (majority Albanian population in the position of members of non-majority communities at the local level).

The following shows data according to the ratio of Albanians - Serbs and others, and the graph below shows the average of employed members of majority and non-majority communities in 8 municipalities with a majority Albanian population.

THE NUMBER RATIO OF EMPLOYEES IN 8 MUNICIPALITIES WITH MAJORITY ALBANIAN POPULATION

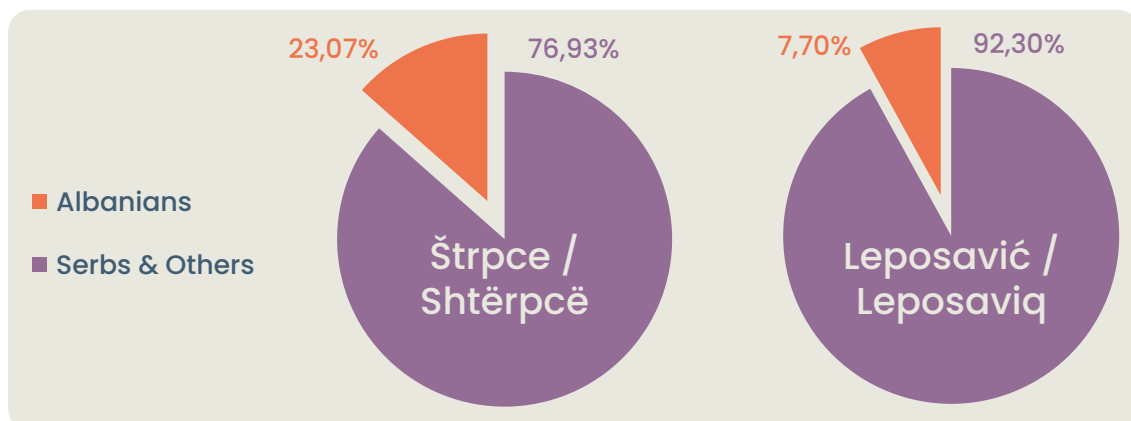


THE NUMBER RATIO OF EMPLOYEES IN 8 MUNICIPALITIES WITH MAJORITY ALBANIAN POPULATION-AVERAGE



In two municipalities with a majority Serb population, the number of employed members of non-majority communities at the local level is higher compared to the eight remaining municipalities, especially in Štrpce/Shtërpçë, and the average employment of members of non-majority communities is more than twice as high - 7.48% - 15.38%.

THE NUMBER RATIO OF EMPLOYEES IN 2 MUNICIPALITIES WITH A MAJORITY SERBIAN POPULATION



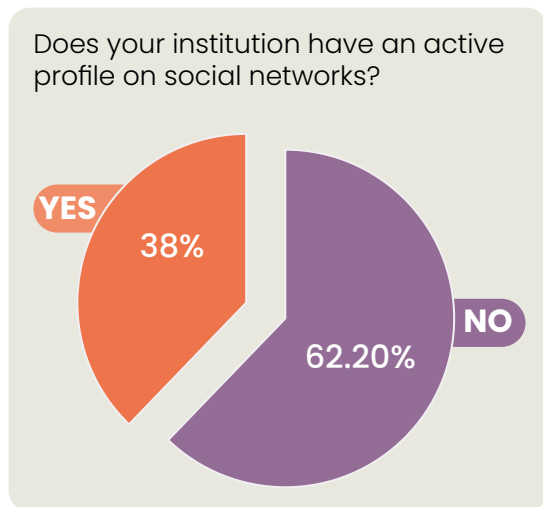
THE NUMBER RATIO OF EMPLOYEES IN 2 MUNICIPALITIES WITH A MAJORITY SERBIAN POPULATION—AVERAGE



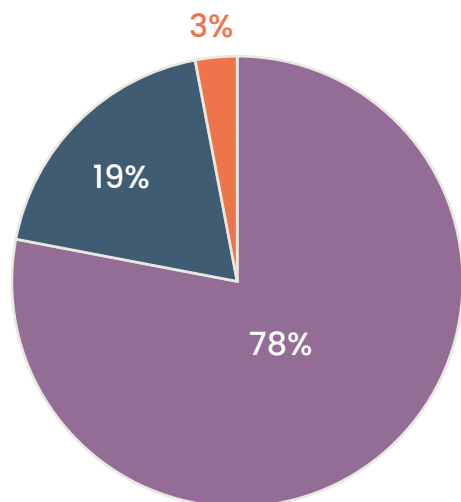
Second part-qualitative analysis

This section analyzes data concerning the direct access of members of non-majority communities to employment opportunities, as well as knowledge of the legal obligations that institutions have towards members of non-majority communities and legal frameworks that oblige them to facilitate access of members of non-majority communities to fair and proportionate employment.

In response to questions regarding the establishment of channels of communication with the population (official website and active profile on social networks) in the municipality where they perform their activities, 73% of institutions 27/37 have an official website (most often municipalities with 100% positive responses), i.e. 62.2% have active profiles on social networks - 23/37, while Centers for Social Welfare have neither official websites nor active profiles on social networks. Basic Courts communication channels are under the supervision of the Kosovo Judicial Council, and other institutions and companies are under the supervision of head offices at a higher level of management.



When asked about the obligation prescribed by the Constitution and the Law on the Use of Languages to publish job vacancies in official languages, i.e. languages in official use in the municipality, 78% - 29/37 of the respondents answered that they publish vacancies in both official languages (100% of municipalities), 19% - 7/37 rarely, while 1 answer was never. Publication of the course in both official languages is also an obligation stemming from the current Law on Public Servants and it is specifically emphasized in Article 9, Paragraph 4 of Regulation No. 16/2020 on recruitment and career in the civil service.

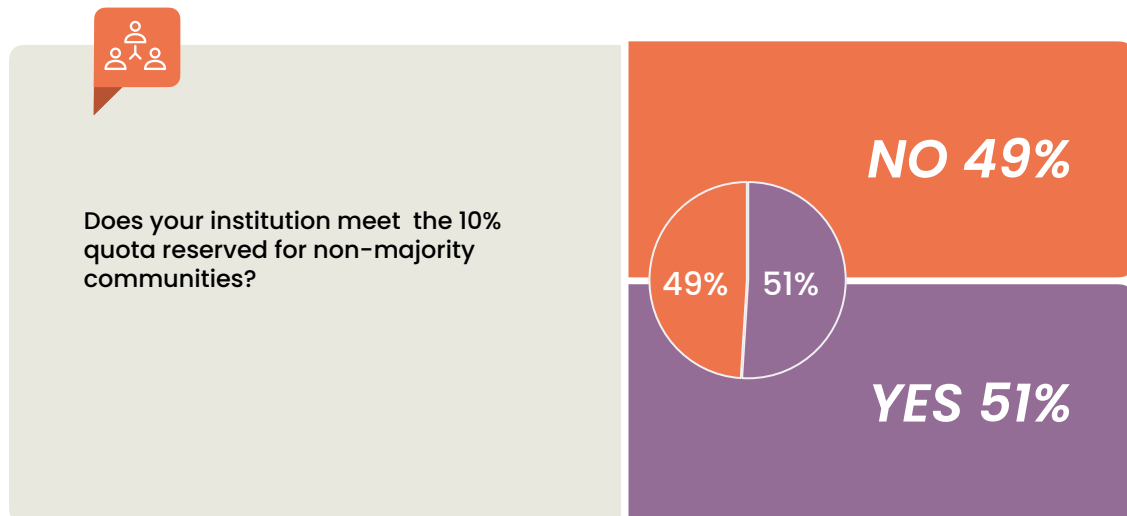


Does your institution publish job vacancies in official languages (Serbian, Albanian or another language in official use in your municipality)?

- Yes 78%
- Periodically 0%
- Rarely 19%
- Never 3%

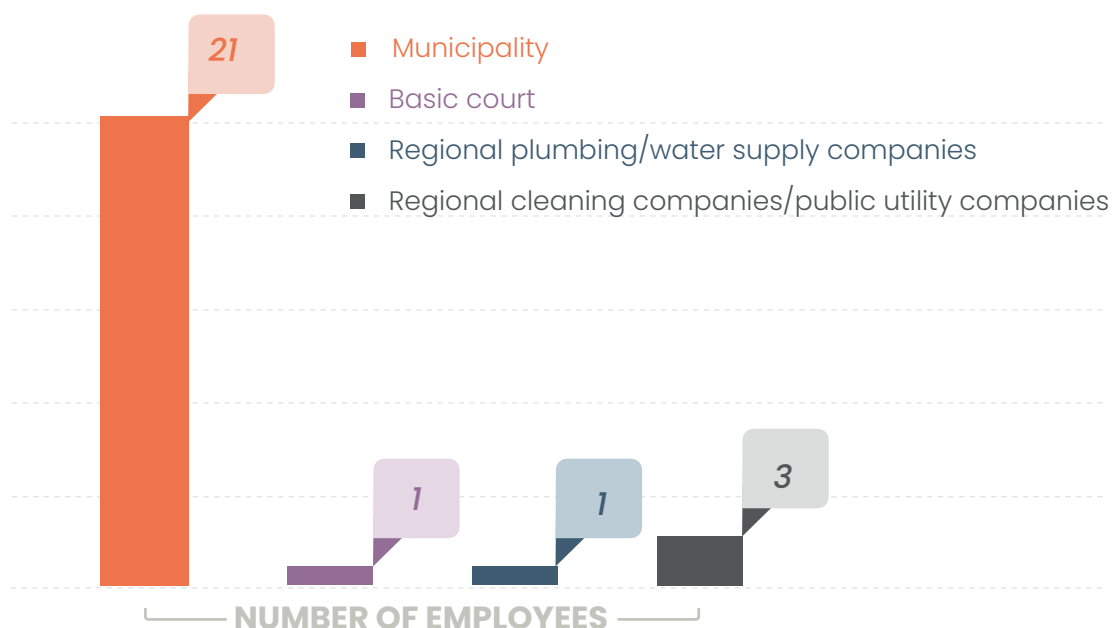
From 37 examined institutions, 19 of them, i.e. 51.4% believe that they do not meet the legal quota of 10% of employees, although none of the respondents limited themselves to the legal quotas for representation at the local level, and 48.6%, i.e. 18/37 fulfill the quota of 10%, in the most common number of municipalities.

DOES YOUR INSTITUTION MEET THE 10% QUOTA RESERVED FOR NON-MAJORITY COMMUNITIES?



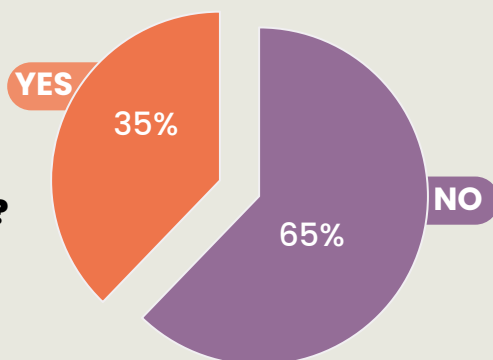
In addition to the number of employees from non-majority communities, the questionnaire also included the question of the number of employees from the category of persons with disabilities. Given that the data on the number of persons with disabilities individually by municipality was not known to the persons who responded to the survey, we will present the total number of persons with disabilities in all municipalities, according to the institutions where they are employed.

TOTAL NUMBER OF EMPLOYEES WITH DISABILITIES ACCORDING TO INSTITUTIONS IN ALL MUNICIPALITIES



Out of 37 institutions, 24 of them, i.e. 64.9% do not have persons with disabilities among their employees, while 13 have persons with disabilities among their employees, of which 8 are municipal administrations.

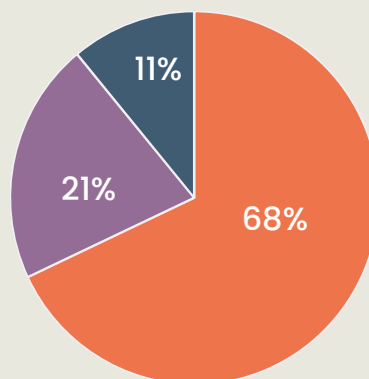
DO YOU HAVE PERSONS WITH DISABILITIES AS PERMANENT EMPLOYEES IN YOUR INSTITUTION?



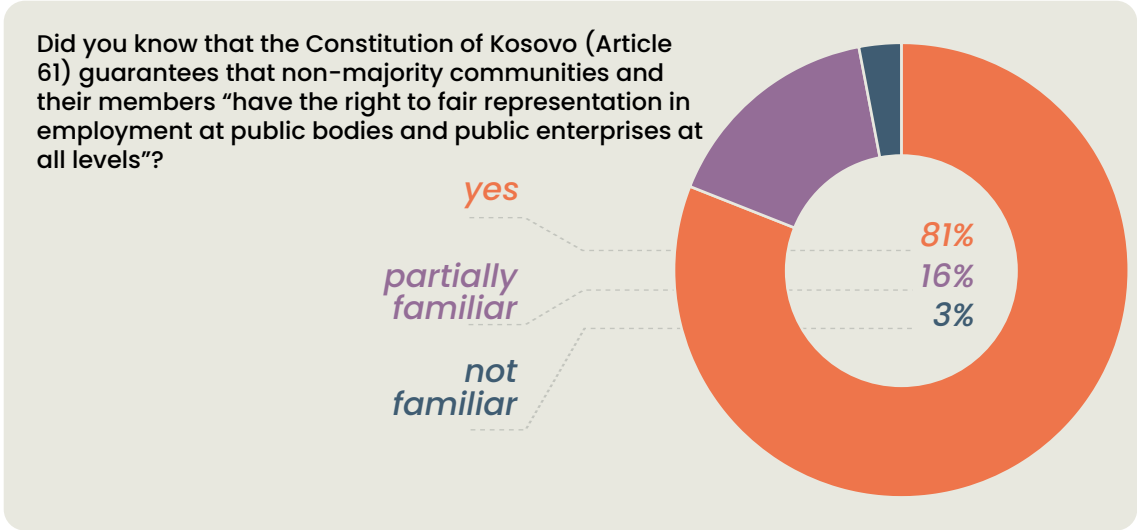
When we talk about knowledge of legal obligations and the legislative framework that regulates employment issues of members of non-majority communities, 68% of the answers were positive, i.e. respondents were aware of the existence of certain legal acts related to the representation of communities in public institutions, while 11% of respondents were not aware of any legal acts that regulate this issue, and 21% of respondents were partially aware of legal acts that regulate the issue of employment of members of non-majority communities.

Are you familiar with any legal acts that specifically give rights to non-majority communities regarding their representation at public institutions in Kosovo?

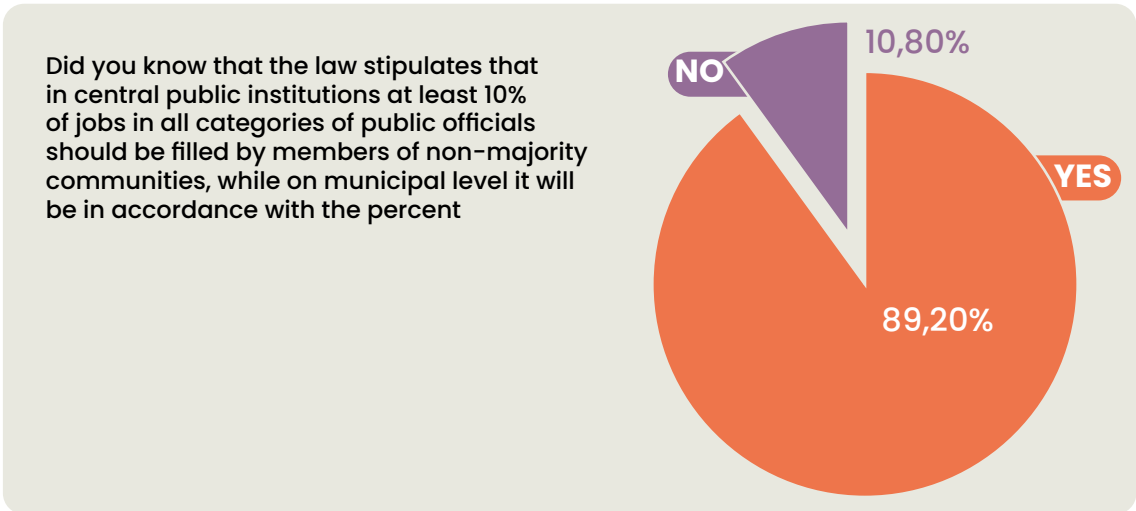
- Yes
- Partially familiar
- Not familiar



At 30 out of 37 institutions, respondents, most often heads of personnel services, were aware of the Constitutional provision that guarantees fair employment to members of non-majority communities, 6 of them were partially aware, while 1 was not aware at all.



33 out of 37 - 89.2% of the answers about the legally stipulated representation of 10% at the central level for members of non-majority groups were affirmative, while 4 of them had no knowledge of this provision.



A slightly higher percentage of 89,65% of respondents, is aware of positive discrimination in the employment of persons with disabilities, but they did not know exactly what it means directly, nor they knew how to state the legal framework that regulates the issue of employment of persons with disabilities.



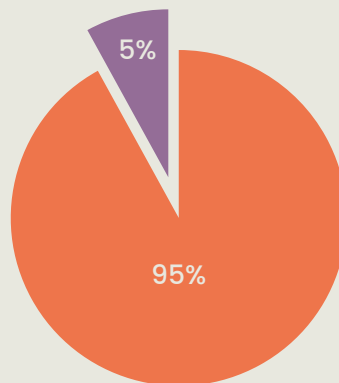
Also, a large percentage of respondents knew that the employment of communities, persons with disabilities and the less represented gender is a legal obligation and a priority until quotas are met, but this information is only at the level of knowledge, and not directly applicable.



Although both Regulation 40/2010 and the new Regulation, Article 28, paragraph 5, stipulate the six-month calculation and monitoring the status of reserved quotas for each municipality, independent institution or independent agency, 95% of the institutions that participated in the research do not fulfill this obligation or consider it obligation of the central levels of management or there is no knowledge that they are obliged to do so as an institution.

Does your institution calculates and monitor the implementation status of reserved quotas for six (6) months?

- No
- Yes



Conclusions

In relation to the set reference values – the ratio of representation of members of non-majority communities in the general population at the local level according to the official census data, the examined institutions, public bodies and companies, on average, respect the quotas set by law for the local level.

Municipalities, i.e. municipal administrations, fully meet and exceed legal minimums when applying reserved quotas for employment of community members.

The Kosovo Serb community is often the most represented community compared to the proportional representation in a given municipality. This affects the number of jobs in which there are numerically smaller communities, because the picture of the overall representation of communities at the municipal level is distorted so that it looks more positive, although there is not a fair and proportionate representation of each community individually, and members of non-Serb non-majority communities (especially when it is about members of the Roma and Ashkali communities) will most likely be employed in lower positions.

Employer institutions at the municipal level show a weak commitment to the implementation of legal obligations that were adopted to improve the representation of communities in total employment, they have only a rough knowledge of the existence of legal acts that regulate this issue and do not implement the prescribed measures.

RECOMMENDATIONS

CENSUS PARTICIPATION

Given that the reference value for calculating the quota for the representation of communities at the local level is data on the number of inhabitants in a certain municipality, in order to increase the share of community members in employment at the local level, it is necessary that the census that should be carried out in the following period, precisely and accurately determine the number of members of non-majority communities in municipalities.

The 2011 census was boycotted by the Serbian community and a very small number responded to the census, so now it is necessary to invite members of the Serbian and also other non-majority communities to respond to the census in as large number as possible. It is necessary to implement campaigns to raise awareness about the importance of participation in the census, both through the competent institutions of the system, and through civil society organizations and the international community.

TO THE GOVERNMENT OF KOSOVO, TO THE OFFICE FOR COMMUNITY AFFAIRS AND THE ADVISORY COMMUNITY COUNCIL

VERIFICATION OF DIPLOMAS FROM THE UNIVERSITY OF NORTH MITROVICA

In order for members of non-majority communities to be in an equal position when applying for a job, it is necessary to be continued with the diploma verification process from the University of North Mitrovica, as the only university institution where members of non-Albanian communities obtain higher education in their native language in Kosovo.

TO THE MINISTRY OF PUBLIC ADMINISTRATION

- ✓ Start an initiative to amend Regulation no. 16/2020 on admission and career in the civil service, by directly adding an article that would oblige public services to apply the legally determined reserved quotas in their personnel development plans at the annual and mid-term level and specify the ways in which institutions should do this, as well as by giving legal clarifications on whether proportional representation of communities should be applied to each community individually, in accordance with its share in the municipality's population, or as a total percentage.
- ✓ Audit the medium-term group and individual staff development plans of the institutions that sent those plans and determine whether the reserved quotas at all levels within the institution were taken into account during planning, as required by the Law, and order changes if they were not.

INTER-INSTITUTIONAL WORKING GROUP FOR COORDINATION OF HUMAN RIGHTS

INTER-INSTITUTIONAL GROUP FOR THE EMPLOYMENT OF ROMA, EGYPTIANS AND ASHKALI

- ✓ Provide less represented non-majority communities with a guaranteed number of places per total number of employees, by applying measures of positive discrimination, especially for the communities of Roma, Ashkali, Egyptians, but also Gorani, whose share in total employment is very low, through amendments to the legislation.

PUBLIC SERVICES AT THE LOCAL LEVEL

- ✓ When preparing staff development plans, in the part that talks about future employment, in the case of sub-legal representation of communities in that service, the employment of community members should be given priority and priority as planned personnel. Take into account reserved quotas when planning.
- ✓ Before announcing the competition, create conditions for the employment of community members who have appropriate education, for example, through improved and more proactive field work with communities, internships or targeted employment schemes developed in cooperation with other responsible institutions such as the Ministry of Labor and Social Protection, regional services for employment, the Community Affairs Office or civil society organizations.
- ✓ Organize trainings for community officials who are already in the service to increase and build capacity for advancement in the service, to higher managerial positions.

CIVIL SOCIETY ORGANIZATIONS

- ✓ Carry out constant supervision over the work of public services at the local level and over their approach to employment of members of non-majority communities and report on the findings of the supervision.
- ✓ Through cooperation with competent institutions, organize and launch programs to increase the professional capacities of community members, through programs of direct training, internships, volunteering, organizing language courses.
- ✓ Launch campaigns to invite citizens, members of non-majority communities, primarily the Serbian community, to respond to the census and campaigns to raise awareness of the importance of citizens' participation in the census for the sake of their better position in the future.

SURVEY

SURVEY

Implemented by NGO AKTIV within the project Amplifying Local Voices for Equitable Development (ALVED)

Topic: **Representation of non-majority communities and persons with disabilities at local public institutions in Kosovo**

Date:	Time:
Place:	Local institution:
Name and position of local institution representative::	

Surveyed local public institutions that employ civil servants

1. Municipality
2. Police station
3. Justice
 - Basic court branch
 - Basic prosecution
6. Center for social welfare
7. Post office
8. Local tax administration
9. Other: _____

CENSUS DATA FROM 2011:

Number of persons with disabilities in the municipality (if any): _____

In addition to: _____

SURVEY QUESTIONS

1. Does your institution have an official website?

YES

NO

ADDITIONALLY: _____

2. Does your institution have an active profile on social networks? If so, which one?

YES

NO

ADDITIONALLY: _____

3. Does your institution publish job vacancies in official languages (Serbian, Albanian or another language officially used in your municipality)? Please mark the word:

YES

PERIODICALLY

RARELY

NEVER

ADDITIONALLY: _____

4. How many employees (full time) are there in your institution? (Approximate number is fine)

ADDITIONALLY: _____

5. Does your institution meet the 10% quota reserved for non-majority communities? If you can provide separate statistics by department, please do so.

YES

NO

ADDITIONALLY: _____

6. How many permanent employees are there from the Serbian community?

ADDITIONALLY: _____

7. How many permanent employees are there from the Albanian community?

ADDITIONALLY: _____

8. How many are permanently employed from the community of Roma, Ashkali and Egyptians?

ADDITIONALLY: _____

9. How many permanent employees are there from the Bosniak community?

ADDITIONALLY: _____

10. How many are permanently employed from other non-majority communities? Which ones?

ADDITIONALLY: _____

11. Do you have persons with disabilities as permanent employees in your institution? If yes, how many?

ADDITIONALLY: _____

12. Are you familiar with any legal acts that specifically give rights to non-majority communities regarding their representation in public institutions in Kosovo. If so, please specify.

YES PARTIALLY FAMILIAR NOT FAMILIAR

ADDITIONALLY: _____

13. **In case that the respondent answers NO or the answer is incomplete to question 4 above]** Did you know that the Constitution of Kosovo (Article 61) guarantees that non-majority communities and their members „have the right to fair representation in employment at public bodies and public enterprises on all levels“?

YES PARTIALLY FAMILIAR NOT FAMILIAR

ADDITIONALLY: _____

14. **In case that the respondent answers NO or the answer is incomplete to question 4 above]** Did you know that the law stipulates that in central public institutions at least 10% of jobs in all categories of public officials should be filled by members of non-majority communities, while on municipal level it will be in accordance with the percentage of the population in that municipality?

For the interviewer, if necessary to explain:

(Law No. 06/L-114 on public servants)

(Regulation No. 16/2020 on recruitment and career in the civil service)

(Regulation No. 04/2010 on procedures for fair and proportional representation of non-majority communities in the public service)

YES NO ADDITIONALLY: _____

15. Are you familiar with any legal acts that specifically give rights to persons with disabilities regarding their employment in public institutions in Kosovo- the so-called Positive discrimination?

YES NO ADDITIONALLY: _____

16. **[In case that the respondent answers NO or the answer is incomplete to question 14 above]** Did you know that the employment of communities, the category of persons with disabilities and less represented gender has a legal priority, in order to fulfill the representation quota when necessary?

For the interviewer, if necessary to explain:

(Law No. 06/L-114 on public servants)

(Regulation No. 16/2020 on recruitment and career in the civil service)

(Regulation No. 04/2010 on procedures for fair and proportional representation of non-majority communities in the public service)

YES NO ADDITIONALLY: _____

17. Does your institution calculate and monitor the implementation status of reserved quotas for six (6) months? If yes, please provide us with further details on how it is calculated.

YES NO ADDITIONALLY: _____

