

„TOGETHER FOR SOCIAL INCLUSION IN KOSOVO“

FINAL RECOMMENDATIONS

December 2018

These final recommendations were prepared within the project “Together for social inclusion in Kosovo”, supported by the Ministry of Foreign Affairs of the Czech Republic within the Transition Promotion Program and realised in 2018 by Counselling Centre for Citizenship/Civil and Human Rights, Prague, Czech Republic, in cooperation with Civil Rights Program Kosovo, Prishtina, Republic of Kosovo.

The aim of the project was the introduction of the Czech model of social inclusion of Roma communities to the relevant specialists in Kosovo (representants of municipalities, relevant ministries, Centres for social work and nongovernmental organisations) and offer this model as an example for the implementation of the Strategy for Inclusion of Roma and Ashkali Communities in the Kosovo Society 2017-2021.

These final recommendations summarize the basis of the social inclusion in Czech Republic and Kosovo, introduce the main principles of the coordinated cooperation of all the relevant stakeholders on the local level, including the special role of the Czech governmental Agency for social inclusion, the main obstacles and prerequisites of the implementation of this model in Kosovo and related recommendations.

The principles summarized in this publication were discussed within the conference held in Prishtina on 12 December 2018. By the participants, mainly the representatives of the Centres for social work, it was found as inspirational and useful for the practises on the implementation of social inclusion on local level in Kosovo.

Based on these principles, the Memorandum for implementation of the strategy of social inclusion of RAE communities in Kosovo was signed by Mr. Burim Berisha, the Mayor of the Municipality of Fushe Kosove (Komuna e Fushë- Kosovës/Opstina Kosovo Polje), Mr. Naim Osmani, the Executive Director of Civil Rights Program Kosovo, and Mr. Miroslav Dvořák, the Executive Director of Counselling Centre for Citizenship/Civil and Human Rights.

I. Social exclusion - definition¹

“Simply stated, socially excluded are those persons, who have limited access to institutions and services (therefore to institutional help as well), they are excluded from social networks and lack vertical contacts outside the socially excluded locality.

¹ <http://www.socialni-zaclenovani.cz/co-je-socialni-vyloucení>

The basic characteristics of sifting to social bottom is accumulation of reasons that lead to existential crisis (loss of occupation, insolvency, issues regarding housing, issues of the children at school, illness and so on). Socially excluded people usually do not face just one issue, but a complex of issues, whereas even one of them individually is capable of normal functioning of the person in society. With graduating sifting to the bottom it becomes unclear what was the original reason for the drop and what is the consequence.

People living on the edge of the society adapt to the conditions of social exclusion and they adopt specific behaviour patterns which are quite often in contradiction with the values of the majority. Therefore the coexistence with socially excluded group can be often viewed as problematic. The habits acquired by adaptation to life in social exclusion however prevent these people from succeeding in the majority society, they lose (or even do not ever acquire) value ladders of a middle-class citizen focused on career growth and success. This locks them up again and again in the trap of social exclusion. From this trap there is no escape without outside help.

Ethnicity plays a specific role in the social exclusion issues, especially imputed ethnicity. The majority of the Czech inhabitants wrongly assumes that social exclusion is primarily an ethnic issue, not social one. Simply said, they assume that the reason for poverty and social exclusion of part of the roma ethnic population is not their social situation, but their ethnic origin. Nevertheless it is currently evident that not all the Roma people in the Czech Republic live in the area of social exclusion and no everyone, who is living within the conditions of social exclusion is of Roma origin."

II. CZECH MODEL OF SOCIAL INCLUSION OF ROMA COMMUNITIES

The aim of this chapter is the introduction of the methodology of the coordinated cooperation of relevant stakeholders on local level in the Czech Republic.

The main conceptual and strategic paper of the Czech government, setting down the methodology of the elimination of social exclusion and poverty in socially excluded localities, is the **Strategy of the fight against social exclusion 2016 – 2020**, based on the vast sociological research and study *Analysis on Socially Excluded Localities in the Czech Republic*, Gabal Analysis and Consulting 2015.

The **main aim of the strategy** of the fight against social exclusion:

"The main strategic aim, which is the elimination of social exclusion and poverty in socially excluded localities. It rests on three basic pillars:

1) The existence of socially excluded localities brings huge expenses to the public budget on redevelopment of the issues that are connected to them; such expenses have reproduced since 1990 and have also further deepened through the increasing isolation of excluded localities as well as gradual growth of social, economic and cultural barriers between the inhabitants of socially excluded localities and the rest of the society.

2) Using an appropriate composition of interventions it is possible to significantly reduce the numbers of socially excluded persons in the Czech Republic and also the numbers of the socially excluded localities and therefore significantly lower the burden of the public budget.

3) *The central motive of proposed intervention is not an affirmative action, in that case favouritism of a part of Czech inhabitants, but changes and complementation of central systems (e.g. care for endangered children and institutional care, planning and development of social services, pre-school and school education, active employment policy, support of housing of low-income households, and so on).*

The measures stated in the Strategy react to the situation of the inhabitants of the socially excluded localities. Such localities can be defined in following way:

a) spatially isolated (whereas isolation can take form of a complete spatial segregation as well as impermeable neighbouring within local/municipal estate),

b) socially isolated (whereas the social barriers in contact not only on citizen level, but even on institutional level can be tracked down),

c) economically isolated (whereas it can be tracked down that the inhabitants of the excluded localities are not involved in formal economics, but into different more or less isolated and illegal economic networks),

d) culturally different (whereas the differences in culture are either connected with ethnicity or – and in many times even more – the differences are significant in the concept of culture together with social status, poverty, education, exclusion),

e) symbolically excluded (which manifests itself by displacement of the inhabitants of the excluded localities from the participation on public life on the basis of recognizable criteria – colour of the skin, clothing, manners and behaviour and so on).

It is possible to find elements of all above listed forms of isolation in every socially excluded locality, however the absence or unknown presence of any of them does not necessarily mean that it is not a socially excluded locality.²

Agency for social inclusion

- agency of the Czech government (department of the Office of Government of the Czech Republic), established by the resolution no. 85 of the Czech government adopted on 23rd January 2008, and resolution no. 731 of the Czech government adopted on the 9th June 2008.

The aim of the agency is to fulfil the measures of the Strategy on municipal level, to coordinate the functioning of local stakeholders during formulation and fulfilment of local strategic plans, to arrange the contact between the municipality and central institutions, to provide counselling and supervision to the municipalities within project funding of measures for social inclusion from EU funds.

Basic principles for function on municipal level:

- municipality as a partner – activity of the Agency on municipal level is established with a contract between the municipality and the Agency (in the field of autonomous competence) – Memorandum on cooperation. The Memorandum sets forth the duties of the municipality (especially active involvement)

² The report on the fulfilment of the Strategy of the fight against social exclusion 2011-2015, p. 6

- voluntariness and the interest of the municipality – municipalities are not legally obliged to cooperate with the Agency, the decision on the cooperation is based on the decision of the elected authorities of the municipality
- coordinated cooperation on the local level takes three years and its purpose is to formulate local strategic plan of social inclusion as a binding instrument for the municipality, the strategic plan is bound to be approved by the municipal council
- the fundamentals of the activities of the Agency: 1) it helps the municipalities and cities with surveying and detailed understanding of the issues of socially excluded localities and its inhabitants, during preparations and setting forth long-term processes for their resolvment and while acquiring funding for such preparations; 2) connects local subjects (especially municipalities and their offices, non-profit organizations, schools and school facilities, employment office, employers, police and the public) to cooperate on social inclusion; 3) cooperates with the ministries, transfer information from municipal level towards the administrative bodies, takes part in forming the state policy of social inclusion and their coordination.

Instruments of social inclusion on municipal level:

- 1) Local partnership: platform where are organized regular meetings of the representatives of the autonomous bodies, administrative bodies, non-profit sector and other stakeholders, that cannot be involved in the process of social inclusion in the municipality. The members of the partnership meet on regular basis few times a year (or also in thematic work groups) and together they prepare strategic plans and particular projects in support of social inclusion. Local partnership is the basic of the work of the Agency for social inclusion in particular municipalities.
- 2) Situational analysis: detailed surveys that sum up the current state of the locality and the needs of its inhabitants in the area of housing, education, employment and so on. These analyses form a good basis for follow-up work in the locality, which is the preparation of the strategic plan.
- 3) Strategic plans: binding development documents prepared by all members of the local partnership. Strategic plans contain overview of needs of the localities gathered from the situational analyses and proposals of specific measures and projects that shall help their fulfilment (always with deadlines and responsible implementers). The strategic plan is prepared by all the members of the local partnership, usually they are divided into working groups. The fulfilment of the strategic plan is afterwards monitored and the plan is actualized and reviewed.
- 4) Project counselling: Agency provides counselling for funding from European structural funds to all the partners within the local partnership. It is mainly the support in choosing the relevant grant title, preparation of project design as well as applications. The agency focuses on operational programmes: programme of employment, programme of education for competitiveness and investment programme (especially investment into infrastructure of social services, social economics and development of problematic neighbourhoods) and regional programme.

Activities of the Agency within the municipality

- Agency usually works within the municipality for three years, during which time as a coordinator participates on below mentioned measures, and furthermore supervises the municipality while putting the strategic plan into effect themselves, with no need for interventions from governmental offices.

Basic recommendations for municipalities for effective social inclusion

(recommendations formulated by the Agency for social inclusion in the Handbook for municipalities/Social inclusion in the municipality, 2012, <http://www.socialni-zaclenovani.cz/prirucka>)

- A) Be familiar with the situation within the municipality:** define a real picture of the locality, reasons for social exclusion of the inhabitants of the locality, free oneself from superstitions and hoaxes – familiarity with the situation is a must-know instrument for finding and planning a solution

Mapping of the situation in the municipality/socially excluded locality using situational analysis.

Situational analysis is based on:

- Surveys and inspections on relevant topics that have been conducted in the past
- Quantitative demographic data on socially excluded locality (e.g. data from the municipality, from the registry of inhabitants, from the schools, police, non-governmental organizations and so on) – data from the field of employment, compulsory school attendance, social benefits, security (trespasses and criminality), housing, care for endangered children
- Mapping of the potential of non-governmental organizations and institutions operating in the locality and the needs of socially excluded persons (e.g. using questionnaires: What are we doing in this fields? What do we want to do? What do we need for that and what prevents us from doing so? What would a coordinated cooperation bring?). Suitable combination with qualitative survey in the field.
- Formulation of the checklist of measures – which measures are in use in the municipality and which measures are missing
- Detection of reflections and attitude of the inhabitants of the socially excluded locality and wider public – which issues on municipal level do they find as grave ones (e.g. using questionnaires)

Recommended areas of situational analysis:

1) Basic characteristics of the municipality and its inhabitants

- Brief characteristics of the municipality,
- Socially demographic context of the municipality with regard to information reflecting aspects of social exclusion.

2) Socially excluded inhabitants

- Summary of information on historical background, on the presence of socially excluded citizens and the rise of the social issue in the municipality/locality,
- Estimation of the sociodemographic characteristics of socially excluded population,

- Characteristics of the relations between the majority and socially excluded population,
- Description of internal structuration of socially excluded population,
- Description of the dynamics of social exclusion.

3) Description of the socially excluded localities

- Identification and description of each particular socially excluded locality
- Description of the life quality in the socially excluded localities,
- Spatial aspects of social exclusion

4) Systemic persons involved and analysis of partial fields of social exclusion/inclusion

- Mapping of local mechanisms of social exclusion in particular areas: education, housing, employment, security, social services, healthcare, local social policy, political participation,
- Mapping of integrational/inclusive mechanisms in particular areas: education, housing, employment, security, social services, healthcare, local social policy, political participation,
- Analysis of the efficiency of measures in said fields,
- Characteristics of integrational policy of the municipality as a whole.

5) Conclusion

- Identification of key elements of the dynamics of social exclusion in the municipality/locality,
- Identification of weak points in the municipal integrational policy,
- Summary of proposals and measures.

B) Solve social inclusion together and in coordination

Prerequisite of effective solution is common and coordinated cooperation of all relevant local persons, established on the platform of representatives of local stakeholders on the municipal level (e.g. establishing counselling body of the municipal leadership, working group, etc.).

The aim of the platform is sharing the experience of different institutions acting within the locality, sharing provided services to prevent duplicate services and common looking for missing and needed measures.

Recommended members of the platform: representatives of the municipality, relevant departments of the municipal office: social department, education department, housing department; schools and school facilities; municipality supported organizations; the employment office, municipal police, state police, non-governmental organizations, social work providers, probation and mediation service, employers, owners of the house fund, representatives of the socially excluded localities, representatives of the public. According to the Czech experience the recommended number of members is ca. 15 (based on the dimension of the municipality and number of relevant stakeholders)

Basic functions of coordination platform:

- Information – serves to its members as an information platform. Member of the platform acquires easily and free of charge information from the municipality leaders, the members of

the platform inform each other. The leadership of the platform conducts actions increasing the common awareness among the members.

- Communication – space for erasing communicational barriers. The platform shall fulfil facilitating role in situations, where there is discredit and low development of mutual relations. Communication creates contacts and also access to wider range of opportunities.
- Cooperation – platform is a network base for opportunities of cooperation. It helps to identify common projects, suitable partners, organization of contacts, professional consultations. Encouragement of cooperation is the primal function of the platform and should be supported via suitable analytical, informational and methodological instruments. The platform creates a method to systematic solution of social exclusion on local level.
- Counselling and lobbying – each member of the platform can profit from the collection of information, persons, contacts and opportunities, which are an inherent part of the platform. Understanding of the issues and needs on local level helps the platform in enforcing agreed common interests at local, regional and state bodies.
- Public relations – platform enables promotion of its members and activities on local level. Membership is a prestigious matter for the members.

The prerequisite for functioning of the platform is assignment of one person responsible for the function of the platform: coordinator, whose task is to unify the approach of all institutions and organizations while dealing with issues connected to social exclusion. Primal tasks of the coordinator are: collection of current information on situation and issues in the socially excluded localities, ensuring of mutual sharing of information among the members, leadership in the process of planning and coordination of the activities in the socially excluded localities, invoking and leading the meetings of coordination platform, meeting in person with the representatives of the institutions, consultations about the current situation and issues to deal with, identification of the needs of socially excluded localities and initiation of necessary measures.

The role of the coordinator in the Czech Republic is fulfilled by the so called local consultants of the Agency for social inclusion.

C) Formulation of local strategic plan

Due to the fact, that social exclusion has to be viewed as a highly complicated and multidisciplinary issue, it is also required that the coordinated platform creates a strategic plan summing up the actual state of the socially excluded locality, priority areas which have to be targeted by the measures opted within the platform, formulation of present and future measures including assignment of particular duties of relevant persons involved/members of the platform. Local strategy plan is in ideal state in a form of public obligation of the municipality (usually confirmed by the municipal council) and also the obligation of the members of the platform (can take a form of a contract of all the members of the platform).

Framework of the strategic plan should be formulated in the initial phase of the functioning of the coordinated platform, as it is the basic data for the functioning of the platform while dealing with social inclusion.

The Strategic plan comes from the principles of strategic planning in three phases:

1. Where are we?

- description of current situation
- definition of key issues which need to be targeted
- mapping of current potential of all the partners and defining of the capacities, that are missing
- setting the priorities of further planning
- distribution of the members of the platform into thematic groups according to the priorities.

2. Where do we want to get?

- setting a general image of how the situation should look in 10 years (a vision)
- according to the priorities the formulation of goals that should be reached – final state in particular areas

3. How do we get there?

- to each goals we determine measures to fulfilment
- each measure or instrument has to have a clear owner, which means a person or an organization, which is responsible for its fulfilment
- the goals and measures have to have clear indicators of fulfilment
- it is also required to determine financial sources or other capacities for each instrument (in the Czech Republic for example the European funds)
- we create an overall schedule of the fulfilment of the plan
- in the end it is good to review the plan “from the back”, therefore to see if the agreed upon measures really aim on fulfilling before stated visions and goals

Basic principles while formulating strategic plan:

- focus on social exclusion: the plan is targeted on reduction and gradual elimination of social exclusion in the locality.
- open partnership: the plan comes from the experience and vision of all relevant stakeholders in the field of social integration, involved in the work of the coordinated platform.
- link-up on previous documents: the prepared plan has to take in count previous strategic and other programme documents of the municipality, Agency and other members of the inclusion group.
- connection in-between the activities: wherever it is possible, there should be individual independent projects and activities connected so as to reach the best possible goal with the least costs.
- stress on local needs: the plan is primarily a local document, it should answer the needs of local inhabitants, its basis are goals and policy of the municipality, members of the group for inclusion and other that are affected by the strategy. The plan cannot be just a re-write of governmental strategies.
- the plan comes from the surveys on the situation in socially excluded locality: planned goals and activities stated in the plan react to data and information that have been gathered in the introductory mapping of the situation in the locality.

- efficiency: existing resources are efficiently used, there is a limited number of priorities according to the agreement of the members of the group for inclusion.

- relevance of the plan based on the title of definite mandate: municipality (political leadership of the municipality) has to be identified with the plan and feel bound by it, it seems suitable to confirm the plan by the bodies of the municipality. The political support has a meaning while fulfilling particular steps of the plan, as well as for presentation of good praxis.

D) Evaluation of the strategic plan

Local strategic plan is to be understood as a live material, guiding all the activities of the coordinated platform for social inclusion. For that reason it has to react especially to:

- Outcomes of the planned measures, their realization, or on the other hand reasons why the realization failed
- The evolution in the socially excluded locality, newly emerged negative factors (e.g. migration of inhabitants from other municipalities)

The task of the coordinated platform is to continuously evaluate fulfilment of the plan and based on current needs revision the plan while respecting the principles of the formulation of the plan.

Alternative to the Agency for social inclusion – community planning

Provision of services to inhabitants of socially excluded localities in the Czech Republic (as well as to other groups of the population, endangered by negative socio-economic effects), or social work, is legally regulated and standardised, the providers of the social services (non-governmental, or non-profit organizations, state institutions, autonomous bodies, organizations created by the institutions of public administration) are bound by laws, especially:

- Act no. 108/2006 Coll., on social services
- Act no. 359/1999 Coll., on social and legal protection of children.

Municipalities are obliged to fulfil tasks in the area of social inclusion mainly due to the act on municipalities.

In purpose of fulfilling such tasks the municipalities are not obliged to cooperated with the Agency for social inclusion, the principles of local coordinated platform (local partnership) can be implemented within communal planning of social services.

The definition of communal planning: “Communal planning is an instrument that helps to ensure territorial accessibility of social services in different municipalities and regions. Using communal planning, we are finding the answer to the question: “Which social services should be present in the municipality, town, region, to answer the need of the place, of the community and of the individuals?” The answer to this question is not easy. The processes of the communal planning always come from resources that are available, and from the characteristics of the area, which means the shape is always original. “³

³ Ministry of Labour and Social Affairs of Czech Republic, in <https://www.mpsv.cz/cs/852>

III. LEGAL AND POLITICAL FRAMEWORK – KOSOVO

Legal ground

- **Law on public administration – municipality as a state administration/autonomy**

Law no. 03 / L-189 on the State Administration of the Republic of Kosovo on 21 October 2010, the administration bodies determined as following:

- Institutions of direct state administration;
- Institutions of indirect state administration.

1. Institutions of direct state administration are: highest state administration bodies; central state administration bodies; local state administration bodies; municipalities, with regard to delegated state competencies.

2. Institutions of indirect state administration are: municipalities with regard to own and extended competencies (decentralization); independent state administration bodies with the status of a legal entity; legal persons with regard to delegate state competencies.

1.1 Highest state administration bodies - the Office of the Prime Minister and the Ministries are highest state administration bodies used by the respective Highest State Administration Authorities for implementation of their governmental and administrative responsibilities.

1.2 Central state administrative bodies - subordinate bodies of the state administration performing non-ministerial tasks or other administrative tasks.

2.1 Local State Administration Bodies - Local State Administration Bodies are municipal bodies of the state administration. The territorial competence of Local State Administration Bodies shall correspond to the territory of one or more municipalities. The Government shall determine by Regulation the territorial competencies and the seat of Local State Administration Bodies. Local State Administration Bodies are subordinate to one of the highest state administration bodies or to a central state administration body. State administration competencies shall be delegated to municipalities unless there are legal or other overriding reasons requiring that other state administration bodies carry out these competencies directly. Upon delegation of competencies, the State Administration bodies shall provide the municipalities with sufficient financial means to carry out the respective competencies.

Independent State Administration Bodies - Independent State Administration Bodies are legal entities established to perform continuously activities of state administration which require in the public interest a high degree of independence. The degree of independence with regard to the appointment of staff, to financial management, to internal organization and to the performance of

administrative activities and supervision granted to the respective body shall correspond to the requirements of the administrative tasks performed by the respective body. The competences and the degree of independence shall be defined in the law establishing the respective Independent State Administration Body.

The Public Administration Institutions exercise their activity on the basis of the Principles as follows:

- services are delivered according to the rule of law principle;
- the administration acts in an impartial, politically neutral and citizen orientated manner;
- tasks are performed with efficiency and effectiveness and in a transparent manner;
- administrative bodies can cooperate in the public interest;
- competencies are defined on the basis of the subsidiary principle;
- gender equality and the principles of a multi-ethnic society are protected and promoted.

Law no. 03 / L-040 on Local Self-Government (LLSG) defines the Municipality as a basic unit of local self-government in Kosovo, consisting of members of communities in the territory as defined by law, as foreseen in the Law on Number, Names and Administrative Boundaries of municipalities.

The activities and general responsibilities of the municipality under the Law on Local Self-Government are as follows:

- The Municipality is the basic unit of local self-government in Republic of Kosovo, made up of community of citizens of a specific territory defined by law and shall exercise all powers which are not explicitly reserved for the central institutions.
- All municipal organs shall ensure that the citizens of the municipality enjoy all rights and freedoms without distinction of any kind, such as race, ethnicity, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status, and that they have fair and equal opportunities in municipality service at all levels.
- Municipalities shall implement their policies and practices to promote coexistence and peace between their citizens and to create appropriate conditions enabling all communities to express, preserve, and develop their national, ethnic, cultural, religious, and linguistic identities.
- All municipal authorities shall be answerable to the citizens of the Municipality in the forms set by law.
- Citizens of the municipality shall have the right to participate in the activities of the municipality, as prescribed by law.
- Municipalities shall be entitled to enter into agreements with villages, quarter or settlements within their territory to offer services closer to citizens in accordance with Article 35 and their statutes.

Municipalities exercise their competencies in accordance with the principle of subsidiary.

According to LLSG municipalities exercise their own, delegated and enhanced competencies.

Own Competencies are as follows:

Municipalities shall have full and exclusive powers, insofar as the the local interest is in concern, while respecting the standards set forth in the applicable legislation in the following areas:

- local economic development;
- urban and rural planning;
- land use and development;
- implementation of building regulations and building control standards;
- local environmental protection;
- provision and maintenance of public services and utilities, including water supply, sewers and drains, sewage treatment, waste management, local roads, local transport, and local heating schemes;
- local emergency response;
- provision of public pre-primary, primary and secondary education, including registration and licensing of educational institutions, recruitment, payment of salaries and training of education instructors and administrators;
- promotion and protection of human rights;
- provision of public primary health care;
- provision of family and other social welfare services, such as care for the vulnerable, foster care, child care, elderly care, including registration and licensing of these care centres, recruitment, payment of salaries and training of social welfare professionals;
- public housing;
- public health;
- licensing of local services and facilities, including those related to entertainment, cultural and leisure activities, food, lodging, markets, street vendors, local public transportation and taxis;
- naming of roads, streets and other public places;
- provision and maintenance of public parks and spaces;
- tourism;
- cultural and leisure activities;
- any matter which is not explicitly excluded from their competence nor assigned to any other authority.

Delegated Competencies are as follows:

Central authorities in Republic of Kosovo shall delegate responsibility over the following competences to municipalities, in accordance with the law:

- cadastral records;
- civil registries;
- voter registration;
- business registration and licensing;
- distribution of social assistance payments (excluding pensions); and
- forestry protection on the municipal territory within the authority delegated by the central authority, including the granting of licenses for the felling of trees on the basis of rules adopted by

the Government;

Central authorities in Republic of Kosovo may delegate other competencies to municipalities, as appropriate, in accordance with the law. Delegated competencies must in all cases be accompanied by the necessary funding in compliance with objectives, standards and requests determined by the Government of Kosovo.

Enhanced Municipal Competencies

- Certain municipalities explained below shall have their own competences enhanced in the areas of health, education and cultural affairs and shall have participatory right in selecting local station police commanders as set forth in the subsequent articles.
- Central authorities of Republic of Kosovo shall monitor the exercise of enhanced competencies, in accordance with the central legislation providing for equal access to public services; minimum quality and quantity standards in the provision of public services; minimum qualifications of personnel and training facilities; general principles on licensing and accreditation of public service providers.
- Municipalities exercising enhanced municipal competencies may cooperate with any other municipality in providing services.
- The municipalities of Mitrovicë/Mitrovia North, Graçanicë/Gračanica, Shtërpcë / Štrpce shall have the competence for provision of secondary health care, including registration and licensing of health care institutions, recruitment, payment of salaries and training of health care personnel and administrators.
- The municipality of Mitrovicë/ Mitrovia North shall have competence for the provision of higher education, including registration and licensing of educational institutions, recruitment, payment of salaries and training of education instructors and administrators.
- All municipalities in which the Kosova Serb Community is in the majority shall have authority to exercise responsibility for cultural affairs, including, protection and promotion of Serbian and other religious and cultural heritage within the municipal territory as well as support for local religious communities in accordance with the applicable law. Municipalities may cooperate with any other municipality in cultural affairs.
- Municipalities in which Kosovo Serb community is in a majority shall exercise enhanced participatory rights in the selection of the local station police commanders in accordance with law on police.
- **What is the role of the municipality (legal and actual) in the area of social inclusion – e.g. cooperation with the centres for social work, competence in the area of housing, education**

Social services for people at risk fall within the competence of various institutions and organizations at the central and municipal level that are either mandated by law to provide social services, or implement programs and activities aimed at improving access to such services.

Social services in Kosovo are designed to serve adults and children with disabilities; families with marital difficulties; reduce impediments to the labour market; the elderly; people with long-term and

chronic illness; children and adults at risk of physical or sexual abuse; youth and adults with drugs and substance abuse problems; children deprived of parental care, mistreated by their families, or in conflict with the law.

Central level

The Ministry of Labour and Social Welfare (MLSW) is the principal institution responsible for the overall organization and quality of social and family services in Kosovo. According to the Law on Social and Family Services, the MLSW is responsible, among other things, for:

- developing policies and strategic plans for the provision of social and family services;
- ensuring that the policies and strategic plans are implemented;
- coordinating the activities of international and nongovernmental organizations to promote the development and implementation of social welfare policies;
- encouraging community participation on social welfare issues.

The Budget of Kosovo is approved at the end of each year by the Parliament of Kosovo through the Law on Budget, which determines expenditures of each budgetary organization financed by the national public budget. Furthermore, financing of social services as a competence transferred from MLSW to the municipalities is included within the general grant of each municipality.

The Department of Social Policy and Family (DSPF) functions within the Ministry with a mandate to develop new policies and legislative acts, set standards for social services and social protection, financially support targeted groups and monitor the quality of social service provision in Kosovo, provided both by state and non-state bodies. According to MLSW, the DSPF employs forty-five (45) staff members.

The General Social and Family Services Council (GSFSC) is by law a central body relevant to the social service sector in Kosovo. The GSFSC is independent in the exercise of its functions, but MLSW provides administrative support and facilities for its operation. The GSFSC is composed of twenty-one members, of which: eleven members elected by the Social and Family Services professionals on the Council's register; two members nominated by the Association of Joint Municipalities, two members nominated by the University of Prishtina; one member nominated by the General Health Council; one from nongovernmental organizations, and four nominated by MLSW. The Council is responsible, among other things, for:

- holding the register of social and family service providers who are licensed to practice in Kosovo;
- deciding who may hold a license and become a provider of social services, and what continuous professional development is required for such professionals;
- investigating complaints against service providers, and decide disciplinary measures including the removal of service providers from the register.

Municipal level

The municipalities of Kosovo are governed based on the Law on Local Self-Government that determines the status of the municipalities and the competencies of the municipal bodies. The legislative framework mandates state Centres for Social Work (CSW) as the primary bodies of municipal authorities to ensure provision of social care, social protection and counselling in circumstances where a child/adult is in need of Social and Family Services.

The CSWs fulfil two main tasks: (1) the assignment of monthly benefits according to the existing social assistance schemes and (2) the provision of services to vulnerable groups. First, Centres for Social Work are the competent authorities to administer the Social Assistance Scheme. The Government Administrative Instruction on No. 01/2010 on the procedures for delegating responsibilities of the social assistance scheme at the local level determines that municipalities are responsible for developing the procedures for provision of social assistance with regard to criteria for the application of social assistance, verification and re-verification of families, proceedings of the cases in the Medical Commission. Furthermore, Centres for Social Work are also the primary bodies of municipal authorities mandated to deliver social services like family counselling, consultation on social protection issues, and referral to other relevant services (if they exist locally).

The LSFS provides that each municipality establishes and maintains a Centre for Social Work staffed by appropriately trained and qualified professionals and social service officers.²³ References to competencies of Centres for Social Work are found in multiple laws including the Law on Social and Family Services, Law on Family, Law on Protection of Domestic Violence, and Juvenile Justice Code.

The provision of social services transferred from the central level to local governments is considered to fall under municipal competence and the Law of Local Self-Government foresees that municipalities fund these services⁴. Amongst others, the provision of services with regard to social welfare, education, health care are in the interest of the municipal population and are also considered as municipal competencies.

In implementing their mandate, municipalities are provided not only with their own revenue sources, but may also be financed by grants from the Government, donations and/or other revenues. The legislation related to Local Government Finances foresees that operational grants may be provided, divided into general and specific grants under the Kosovo budget.

The CSW staff review documents for social assistance and other forms of benefits, the budget line for paying them comes from the MLSW. In addition, the **“Strategy for the Decentralization of Social Services”** requires decentralization of social services based on a similar formula for allocation of the budget for health and education. However, the criteria and parameters for designing such a formula are not determined yet.

⁴ Article 17 of the Law on Local Self-Government of Kosovo, http://www.assembly-kosova.org/common/docs/ligjet/2008_03-L040_en.pdf accessed 6 October 2017: “provision of family and other social welfare services, such as care for the vulnerable, foster care, child care, elderly care, including registration and licensing of these care centers, recruitment, payment of salaries and training of social welfare professionals.”

No grant allocation for social services supplements exists at the moment, although there are recommendations from central government. The CSWs do not manage a budget; the budget is centralized at local government and there are specific budget lines for personnel, equipment and goods/services, not professional social services. Personnel salaries are administered from the local government.

In generally, the role of the Municipality in the field of social inclusion can be covered as follow:

- ***Logistical support for CSW staff;***
- ***Support with financial means for the sheltering family;***
- ***Support with financial means for abandoned children, children with a social behaviour, for children placed in shelters;***
- ***Support with financial means for shelters - safe houses for the protection of women and children;***
- ***Supporting financial resources in health (recovery abroad, medical therapy etc.);***
- ***Financial support for housing issues (non-residential households are provided with rent payments or in the form of accommodation in collective flats),***
- ***Support with financial means for the reintegration of children into the learning process and especially (children returning from abroad to Kosovo, children who have dropped out of school etc.).***

According to the Law on Local Governance, the municipality is obliged to provide social services to its citizens in need.

- **Law on social work – competence and methods of work of the Centre for social work (CSW)**

CSW applies all applicable laws, but its scope is mainly based on the Law on Social and Family Services Law no. 02 / L-17 as well as Law no. 04 / L-081 on amending and supplementing the law.

The main premise is that Case Manager is the key person in identifying the needs of a particular party and leading the case up to the decision making process. It offers social services such as: Social counselling, family visits, and referral to other partners dealing with relevant issues whether they are government or non-governmental

- **Law on social and legal protection of children – which institution is monitoring? What are the legal measures for protection of children endangered by social inclusion?**

Since there is no law in Kosovo for children, the rights and protection of children are regulated by the Law on Social and Family Services no. 02 / L-17, Family Law no. 2004/32, and Code no. 03/L-193 Juvenile justice code.

The legal measures for the protection of endangered children are:

- Under guardianship;
- Family shelter;
- Residential housing (SOS or Hospital Centre until the definitive accommodation on family housing);
- Adoption
- **Law on NGOs and civic activism (basic principles of the association law)**

According to the Law on freedom of association in non-governmental organizations, every person in Kosovo enjoys the full right to associate and establish an NGO. No person is obligated to associate against his will and be discriminated in any way due to the decision to associate or not to associate.

Fight against social inclusion

- **Operative basis of the implementation of the Strategy on social inclusion of the RAE communities 2017 – 2021 – which department does monitoring and evaluation? How effective is that? (Are there any impartial studies, analysis?)**

The Strategy for the Integration of Roma, Ashkali and Egyptians in Kosovo constitutes the basic policy document for the protection and promotion of human rights and rights of communities which will be implemented during the period 2017-2021. The main purpose of this strategy is to support the integration of three communities (Roma, Ashkali and Egyptian) in Kosovo through effective promotion of their rights in the fields of education, employment and social welfare, health and housing.

Office of the Prime Minister of the Republic of Kosovo - Office for Good Governance in cooperation with the Office for Communities within the Office of the Prime Minister, Ministry of Returns and Communities and representatives of civil society of Roma, Ashkali and Egyptian communities are responsible for monitoring the implementation of this strategy.

The Office of the Prime Minister of the Republic of Kosovo - Office for Good Governance is the responsible body that reports on the overall implementation of the Strategy for the Integration of Roma, Ashkali and Egyptians in Kosovo, and at the same time serves as the Secretariat. In this regard, the Office of the Prime Minister of the Republic of Kosovo - Office for Good Governance reports directly to the Government of the Republic of Kosovo on a periodic basis every 6 months.

Implementation of the Strategy in the first year of its implementation remains far from fulfilling defined activities, mainly due to the lack of political engagement, insufficient financial and human resources to monitor progress, and inadequate coordination between central and local level institutions.

The Office of Good Governance within the Office of the Prime Minister, as the responsible institution in charge for implementation and monitoring of the Strategy, does not have sufficient human and financial capacity to effectively fulfil its mandate. This lack of capacity has negatively impacted on institutional coordination and establishment of a regular institutional system for monitoring and reporting on the implementation of the Strategy at central and local level.

The Kosovo Government does not have a specific budget line for the implementation of the activities of the Strategy, but within the budgets of ministries implement activities regarding the implementation of the Strategy. The budget necessary for the implementation of this Strategy is calculated as part of the development of the Action Plan of the Strategy, while the calculation is made for the entire five-year period of its implementation.

- **Operative implementation of MAC – do they exist on the level of all municipalities? How do the municipalities choose them? Who coordinates them? Who are the members (e.g. municipality, state institutions – employment office, schools, NGOs, local RAE activists)? Which methods and measures do they use? What are the outcomes of the work? Is there a common methodology of work?**

The municipal level has not established mechanisms for monitoring the implementation of the Strategy, as planned in the Strategy, and did not allocate funds for 2017. The obstacles for the proper implementation of the Strategy at the local level are affected by the delays of the responsible institutions in central level in finalizing the Strategy in terms of reference for the Municipal Action Committee (MACs). The MAC is an important mechanism for coordinating activities between local and central institutions and implementing Local Action Plan (LAP). Meanwhile, it is worth mentioning the activities carried out by civil society organizations that have supported municipalities in drafting and approving LAP.

- **Activities and methods of the NGOs in the area of social inclusion, which special accent on protection of children (support of the victims of the sexual violence and neglect, looking for children – work in field, institutional care), numbers of the RAE clients, forms of funding of the NGOs – support from the state, standards of social work (qualifications of the employees of the NGOs and so on).**

The Law on Social and Family Services recognizes the role of NGOs in provision of social and family services, outlining that NGOs are encouraged to provide Social and Family Services, either on their own initiative or, under contract, on behalf of the municipal Directorate or the MLSW.

Furthermore, the current finances are not sufficient to maintain any quality of the services provided in the state sector or support NGO sustainability. Therefore, the need to invest in social services and dedicate a specific budget for social services is of utmost importance to ensure that qualitative services are delivered accordingly.

The CSW has a legal mandates for child protection in cooperation with NGOs in identifying them in street situations, psychiatric care, serious labour, sexual abuse etc.

After identification, support programs for protected children are provided. Other stakeholders such as the respective Municipal Directorates, Health authorities, Educational institutions etc., are also active.

In cases of trafficking with human beings, there are also central level actors involved. Apart from the CSW and the Kosovo Police, the Investigation Unit, Prosecution Office, Courts, etc.

The situation of the RAE communities

- Unemployment rate, structure of incomes

The situation of Roma, Ashkali and Egyptian communities in the labour market is worse than the situation of all other communities living in Kosovo, where there are concerns about the level and quality of employment. This is as a result of the combination of relatively low education/skills levels and a wide range of other factors, including lack of access to information and social capital that could facilitate their engagement in quality work, and discrimination in the labour market.

This community faces a high degree of unemployment. That is why this community is involved in all social assistance schemes.

This community generates income mainly through informal employment (charity, forced labour, cans collection, recycling etc.)

- Claim to social support, also with comparison to average wage in Kosovo

The minimum social assistance scheme is 80 Euros, and the maximum is 140 Euros. This means it is below the average of the average wage income in Kosovo.

- The area of education – fulfilment of compulsory school attendance, the rate of illiteracy, statistic rate of maximal education and qualification

As far as education is concerned, the RAE community stands very low in this regard. The rate of illiteracy is very high. Although low education is obligatory, however, the children of this community do not follow it or in the meantime they drop out of school.

- The area of housing – accessibility of rental housing, the approach to socially excluded localities (the accessibility of the services, healthcare, hygiene, drinkable water, public transport and so on)

The municipality has several plans for construction of residential facilities for people in need, especially from RAE community. According to the Law on Housing, the municipality is obliged to pay rent for persons who do not have sufficient income.

IV. CONCLUSION AND RECOMMENDATIONS – THE POSSIBILITIES FOR IMPLEMENTATION OF THE CZECH MODEL IN KOSOVO

With regard to different starting points of the Czech Republic (among others also a member state of the EU, which fact is linked to a direct opportunity to funding of measures for social inclusion from

EU budget) and the Republic of Kosovo, the Czech model is not directly transferable to Kosovar praxis.

On the other hand, individual measures of social inclusion on local/municipal level, conducted in the Czech Republic, are applicable in Kosovo, whereas their utilization (with somewhat defined differences) can lead to an efficient implementation of measures validated by the Czech practice.

The boundaries for full implementation of the Czech model in Kosovo:

1. The Czech model of Agency for social inclusion is based on political will to coordinate local measures of social inclusion on central/governmental level (on the other hand even the Agency is not established by law, but merely a resolution of the government, the funding of the Agency is ensured primarily from the EU funds). Kosovo lacks political will to real and efficient implementation of the Strategy for social inclusion of Roma and Ashkali communities on local level.
2. Important role of the Agency is the support and help towards municipalities while funding projects aiming at fulfilment of local strategic plans from the EU structural funds. The Republic of Kosovo (not being a member country of the EU) has no opportunity to draw such support.
3. The status of social services in Kosovo is not regulated comprehensively, non-governmental organizations in Kosovo have no legal title for funding the provided services from public budget.
4. The resources from state and municipal budgets to be used on the realization of measures of social inclusion are not allocated in the Republic of Kosovo.

Despite this, the model of social inclusion of communities on local level can be implemented in the Republic of Kosovo, which was formulated successfully tried out by the Agency for social inclusion, and which defines the role of the municipalities, i.e. model of local partnerships (or coordinated platforms) and local strategic plan of social inclusion. Such model and its efficiency was proven in the Czech Republic not only in the localities where the Agency is present, but also in other municipalities and towns via the method of communal planning of social services.

Utilization of the methods of coordinated cooperation and strategic planning has also a conceptional dimension in Kosovo, municipality/town accessing to such method would implement governmental strategic goal, so called Municipal Action Committee in the sense of the Strategy for social inclusion of Roma and Ashkali communities, which would consequently, after evaluation of the actions of such platform, serve as a good practice example for other municipalities in Kosovo, as well as for governmental institutions searching for instruments for implementation of the Strategy.

Advantages of the implementation of the Czech model in Kosovo:

- The municipalities are the bodies liable for the dignity of the citizens and their feelings of security (based on decreasing the inter-ethnic tensions or ignorance in the relations between RAE communities and the majority). The municipality shall comprehensively deal with the issue of social inclusion on local level while involving all relevant stakeholders, including representatives

of RAE communities and wider public. Consequently the social tension in the municipality can or will drop down and there is a chance of improvement for the status of RAE localities.

- The municipality shall implement the provisions of the Municipal Action Committee pursuant to the Strategy, acquired experience can be shared as a good practice example, it is a prestigious matter.
- Cooperation of the stakeholders while dealing with social exclusion can lead to formulation of common project intent aimed at specific measures and acquiring resources different from public budgets.

Prerequisites and recommendations:

- The municipality should assign a person/persons acting on behalf of the municipality, effectively cooperate with other relevant persons including non-governmental organizations and representatives of the communities. The municipality should hear the voice of all the relevant key actors, including NGO's and representatives of the target groups, mainly RAE communities.
- The municipality should allocate funds for realization of the measures of social inclusion on the local level and, within the functioning of the local partnership, it could be the a partner in projects dealing with the social inclusion.
- The municipality should assign a person responsible for coordination of local partnership, and that should be its employee or a third person (representative of other stakeholder), with whom the representatives of the municipality shall cooperate.
- Based on quantitative and qualitative situational analysis the municipality should become familiar with the situation within the locality and based on this it should establish a local partnership, that should formulate local strategic plan, including the vision of social inclusive measures and the steps of fulfilling the vision.
- The functioning of the local partnership should be realised on a regular basis by the periodical meetings of the relevant stakeholders and by the effective evaluation of the implementation of the local strategic plan.

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