



Organization for Security and Co-operation in Europe

Department of Human Rights, Decentralization and Communities

**HUMANITARIAN MINORITY BUS TRANSPORTATION IN KOSOVO AFTER
TRANSFER TO PROVISIONAL INSTITUTIONS OF SELF-GOVERNMENT
FINDINGS OF A MONITORING EXERCISE
REPORT No. 3**

APRIL - JUNE 2007

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1. Executive Summary

The third report on humanitarian bus transportation of the OSCE Mission in Kosovo (OSCE) covers the period from April to June 2007 and brings the gender and age perspective into focus. In particular, male and female humanitarian bus transportation passengers of different age groups have been interviewed on services and opportunities that they can access through the humanitarian bus lines. The results clarify that, by enhancing the freedom of movement, this service enables access to shopping and market places, health care, education, and social welfare services, and to municipal and central institutions. It provides beneficiaries with the opportunity to visit relatives and friends from their community, some of which are displaced, to reach their place of employment, and to visit religious sites. It enables access to banks, pension funds, restaurants, cafes and libraries. Passengers have increased in the second quarter of 2007 from 73,440 (January-March) to 76,330 (April-June). Therefore, there is a need for the Provisional Institutions of Self-Government to continue to fund and manage this service in years to come.

Whilst the service provider is ensuring the continued operation of the presently obsolete bus fleet, there is a need for new funds to become available in the future, so that the service can be expanded and its quality improved. It is the responsibility of the Provisional Institutions of Self-Government to ensure that this is the case, through the Kosovo Consolidated Budget. This report highlights that the short term flexibility to satisfy the changing needs expressed by specific communities on particular occasions is commendable. However, there is a compelling need for a medium and long term Provisional Institutions of Self-Government commitment to ensure that the service can respond to a growing and changing demand, through adequate fleet and financial resources.

At the same time, there is concern over the fact that, six months after the Operational Arrangement for the Transfer of Responsibilities for Humanitarian Transportation for Minority Communities in Kosovo has entered into force, the Provisional Institutions of Self-Government implementation of important institutional mechanisms envisaged by the Arrangement lags behind schedule and has not been accomplished.

The Transport Advisory Committee (hereinafter the Committee) composed by the Provisional Institutions of Self-Government, the United Nations Interim Administration Mission in Kosovo (UNMIK), the OSCE and the Ombudsperson Institution in Kosovo has been established in December 2006. Until August 2007 however, the Ministry of Transport and Communications and the Ministry of Communities and Returns have failed to draft the procedure that would enable the Committee to decide upon requests for extension of existing routes and the creation of new routes in accordance to the route and timetable selection methodology. In addition, the Ministry of Transport and Communications failure to create a Secretariat and to establish a data-base to register all humanitarian bus transportation requests submitted to the Provisional Institutions of Self-Government has also affected the functioning of this body and prevented a transparent decision-making process. It is important to highlight, however, that as of September 2007, the Secretary of the Committee and the Ministry of Transport and Communications have undertaken to form an inter-ministerial working group to draft and adopt the said procedure. The outcome of this process will be thoroughly analysed in the next OSCE Humanitarian Bus Transportation report.

As part of their responsibilities, it is also necessary that the Provisional Institutions of Self-Government produce and distribute written information on the humanitarian transportation service, reach out to customers and assess their needs and satisfaction.

2. Background

On 31 August 2006, UNMIK and the Provisional Institutions of Self-Government signed the Arrangement for the Transfer of Responsibilities for Humanitarian Transportation for Minority Communities in Kosovo (hereinafter the Agreement). As of 1 January 2007, the Provisional Institutions of Self-Government and particularly the Ministry of Transport and Communications and the Ministry of Communities and Returns took over the responsibility for the above-mentioned service from UNMIK. This service was established in 1999 under the responsibility of the United Nations High Commissioner for Refugees. It was then transferred to UNMIK Department of Civil Administration on 1 July 2001 and, finally, to the Provisional Institutions of Self-Government as of 1 January 2007. Transportation services were first managed by the Danish Refugee Council, and later by the local transport consortium “Kolašin Prevoz” since 1 September 2003.

As part of its mandate to ensure the protection and participation of communities through local and central government, the OSCE has agreed to “lend its assistance in the course of [...] monitoring the [Arrangement’s] implementation.” As a result, Article 6.2 of the Arrangement provides that “[t]he OSCE shall have unhindered access to minority transportation services and their beneficiaries, for the purposes of close monitoring, of following up on any reported incidents, and of preparing reports to the [Provisional Institutions of Self-Government], the [Special Representative of the Secretary General], and other members of the International Community, as appropriate, on the fulfilment of the terms of this Arrangement.” In light of the above, the OSCE has already published two reports, the first covering the period from 21 November to 22 December 2006, and the second from January to March 2007.¹

The humanitarian transportation programme is part of the Provisional Institutions of Self-Government endeavour to ensure the fulfilment of Standard 3: “freedom of movement.”² Its implementation may contribute to the creation of the necessary conditions for the effective participation of persons belonging to minority communities.³

Humanitarian and special transportation services for minority communities in Kosovo transferred to the Provisional Institutions of Self-Government include:⁴

¹ The OSCE Humanitarian Minority Bus Transportation in Kosovo prior to Transfer to Provisional Institutions of Self-Government Findings of a Pilot Monitoring Exercise, is available at: http://www.osce.org/documents/mik/2006/12/24068_en.pdf and the OSCE Humanitarian Bus Transportation Report No. 2, is available at: http://www.osce.org/documents/mik/2007/07/25634_en.pdf.

² Standard 3, *Freedom of Movement*, “all people in Kosovo are able to travel, work, and live in safety and without threat or fear of attack, harassment or intimidation, regardless of their background. They are able to use their language freely anywhere in Kosovo, including in public places, and enjoy unimpeded access to places of employment, markets, public and social services, and utilities.”

³ Article 15 of the Council of Europe’s Framework Convention for the Protection of National Minorities.

⁴ Arrangement, Article 2.1, Transfer of Operational Functions.

- the humanitarian bus transportation service;⁵
- other special transportation services, namely the freedom of movement train;⁶ and,
- the bus transport service for Kosovo civil servants.⁷

Considering that the humanitarian bus transportation intends to ensure “[...] the provision of an essential service to larger concentrations of non-Albanian, as well as a limited number of Albanian ethnic populations, thereby responding substantially to the need for freedom of movement for all,”⁸ the OSCE has decided to focus its monitoring activities on this service and on the sixteen routes (Annex 1) along which it is currently operated.

3. Methodology

In the period April-June 2007, the OSCE monitored eight humanitarian bus routes.⁹ During this survey, the questionnaire used by the OSCE included a specific set of questions aiming at obtaining in-depth information regarding the services and opportunities that passengers can access through the humanitarian bus transportation. In order to identify the needs that specific categories of passengers satisfy through the service, the collected information is broken down by gender and age.

Under Article 3.6 and 3.7 of the Agreement the Ministry of Transport and Communications, the Ministry of Communities and Returns and the Provisional Institutions of Self-Government in general are mandated to collect data on minority communities, particularly with regards to the impact of transportation projects. The OSCE reviewed monitoring methodology may assist the ministries to comply with the said requirements.

As for the security related assessment, the OSCE has enquired about the inclusion of minority transportation related issues on the agenda of Local Public Safety Committees and Municipal Communities Safety Councils.¹⁰

Municipal authorities, such as Municipal Community Offices, Municipal Returns Officers as well as other return related stakeholders have been asked by the OSCE to provide inputs regarding new and potential humanitarian transportation needs expressed by specific villages and communities. Such needs may be considered by the Committee when deciding upon changes to the current routes and timetables. However, despite recent positive steps, as of September 2007 the Ministry of Transport and Communications and the Ministry of Communities and Returns had not yet put in place the route and timetable selection methodology as required by the Arrangement. In particular, according to Article 4,

⁵ Arrangement, Article 2.1(a) and Annex I.

⁶ Arrangement, Annex II. This service is managed by Kosovo Railways (previously UNMIK Railways).

⁷ Arrangement, Annexes III and IV. This service is managed by two operators: Merkatori Gjilan/Gnjilane and Travel Agency 038.

⁸ Arrangement, Annex I, General Long Term Agreement with Kolašin Prevoz, Annex 1, Terms of Reference, August 2006, page 4.

⁹ In particular, the OSCE Municipal Teams monitored Routes 5, 8, 15 and 16 between April and May 2007 and Routes 4, 9, 13 and 14 in June 2007. For a detailed description of the Route’s itinerary, see Annex I.

¹⁰ UNMIK Regulation No. 2005/54 On the Framework and Guiding Principles of the Kosovo Police Service, Section 7, defines Municipal Communities Safety Councils and Local Public Safety Committees as consultation mechanisms in which to "discuss any matters relating to policing, public safety and order" respectively at the municipal and village levels.

by 1 January 2007, the Ministry of Transport and Communications and the Ministry of Communities and Returns shall put in place the route and timetable selection methodology set out in Annex VI; while until the methodology is in place, there shall be no change to the routes and timetables. The fulfilment of this undertaking is of obvious importance in order to ensure that new humanitarian transportation needs are taken into account and the Committee can function in accordance with its mandate.

4. Access to services and opportunities: humanitarian bus transportation necessity and importance

Along the monitored routes, the OSCE interviewed 228 passengers, including 132 men and 96 women. The respondents' gender and age distribution is further specified in Annex 2. Whilst some of the respondents showed reluctance and suspicion *vis-à-vis* the purpose of the questionnaire, most of them were glad to be offered the opportunity to freely express their opinions, criticisms or appreciations. The first conclusion which can be drawn by the exercise is that there is a need to reach out to communities members for the purpose of building their trust towards the Provisional Institutions of Self-Government.

Through a multiple choice question, the interviewed passengers have been asked to identify which services, facilities, and opportunities they can access by means of using the humanitarian bus.

As Table 1 below shows, 67.5% of the passengers said that they can access shopping places and markets, 54.8% underscored the access to hospitals and medical doctors, 49.1% highlighted the opportunity to visit friends and relatives, 31.1% indicated the access to schools and universities, 24.6% said that they access banks, and 21.1% identified the access to religious sites as one of the reasons why they use the humanitarian bus transportation.

In addition, 18.4 % of the interviewed passengers indicated restaurants and cafes, 15.4% municipal and central government institutions, 13.6% employment, 13.6% Centres for Social Work, 11% pension funds and libraries as important opportunities and services accessed through the humanitarian transportation service. Ten more types of services and opportunities have been selected by respondents with a percentage of preference lower than 10%.¹¹

While the results of the assessment do not display substantial gender variations (Annex 5), the break down by age reveals more remarkable differences (Annexes 4 and 6).

In particular, the main gender discrepancy relates to the access to doctor/hospitals, which has been selected by 60.4% of female respondents against a mere 50.8% of male respondents. One explanation could be found in the general reluctance of men to resort to medical checking. Other areas in which male and female choices revealed a gap include: restaurant/café (chosen by 22% of the male as opposed to 13.5% of female respondents); court (indicated by 6.1% of male and 1% of female

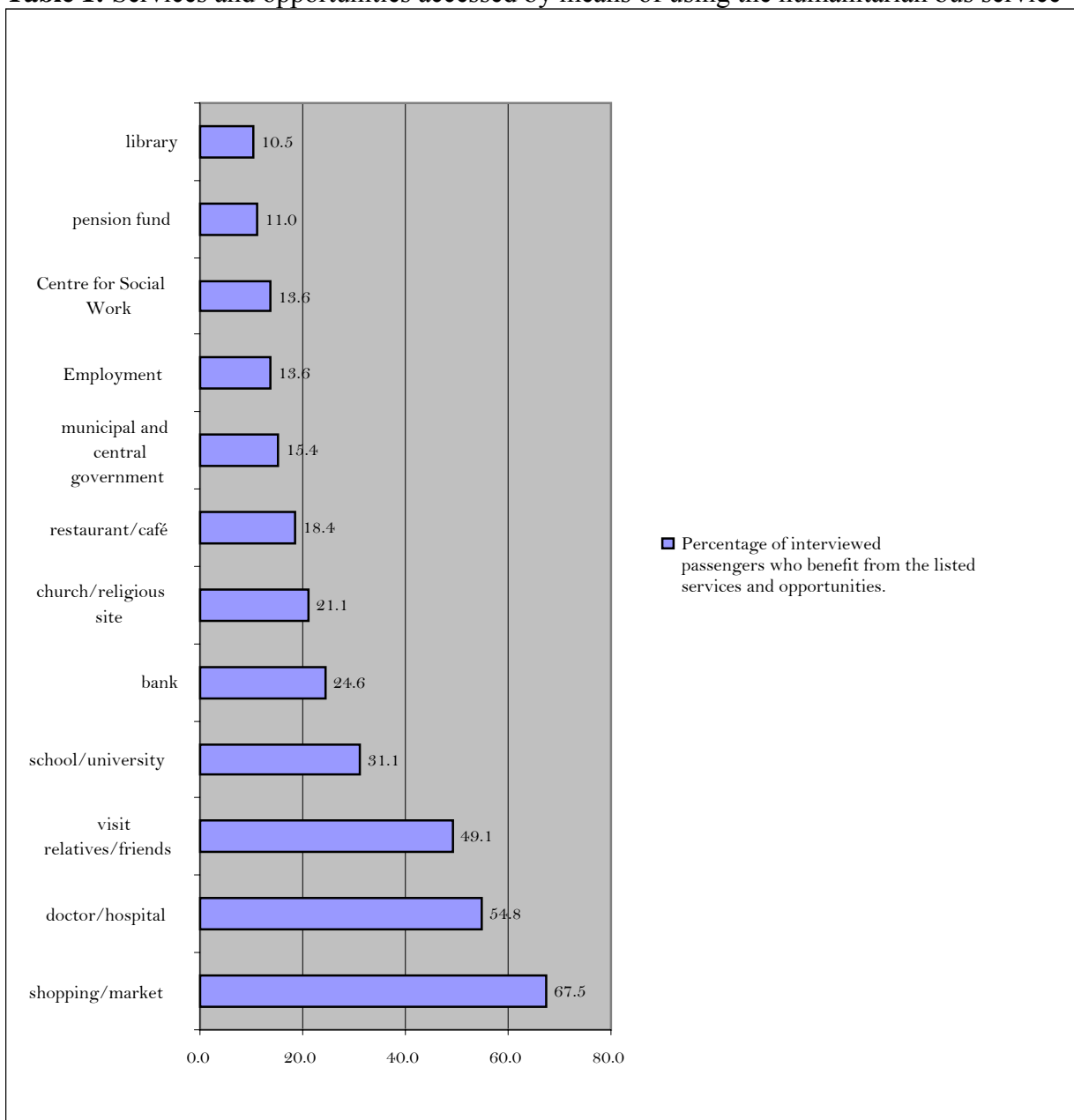
¹¹ These services and opportunities include: post office (7.5 %); cemetery (3.9 %); court (3.9 %); police (3.5 %); sport facilities (3.1 %), cultural centre (2.6 %); other (2.6 %); youth centre (2.2 %); public utility company (1.8 %); cinema/theatre (0.9 %).

respondents), post office (indicated by 9.1% of the male and 5.2% of the female respondents), and shopping/market (selected by 70.8% of the female and 65.2% of the male respondents).

As for the age breakdown, whilst middle age (from 30 to 49 years) and late aged adults (from 50 to 59 years) use humanitarian bus transportation first and foremost for shopping purposes, children (persons under 18 years old) and young adults (from 18 to 29 years) utilise it to access school and university. Access to medical care is the main reason for the elderly (60 and above) to use humanitarian bus transportation.

The usefulness of these findings is manifold. On the one hand, the Ministry of Transport and Communications and the Ministry of Communities and Returns may consider these outcomes when putting in place “the route and timetable selection methodology,” upon which the Committee will base its decisions regarding changes to the current routes and timetables. This is particularly true with reference to the assessment criteria used to evaluate the existing transportation needs and requests. On the other hand, the Ministry of Transport and Communications and the Ministry of Communities and Returns may also consider conducting similar assessments regarding the customers’ satisfaction and preferences. On the whole, and in consideration of the general feeling of isolation prevailing amongst minority communities, the OSCE is of the opinion that the Provisional Institutions of Self-Government, and particularly the Ministry of Transport and Communications and the Ministry of Communities and Returns should more pro-actively engage in activities aimed at reaching out to service customers belonging to minority communities thus ensuring proper feedback on the adequacy and efficiency of delivered services.

Table 1: Services and opportunities accessed by means of using the humanitarian bus service



5. Service quality

Article 2, paragraphs 3 to 5 of the Arrangement, defines the minimum requirements to which the humanitarian transportation service administered by the Provisional Institutions of Self-Government should conform in terms of service quality, including with reference to radio communication equipment, bus maintenance and exclusive utilisation of the vehicles for the purpose of the service.

5.1 Condition of vehicles and communications system

Though the vast majority of the interviewed customers showed an overall satisfaction with regard to the comfort and the hygiene of the buses, some of them highlighted the need for cleaner buses¹² and repair of torn up seats.¹³

While the heating system is in place and had been previously assessed as functioning,¹⁴ the lack of air conditioning system coupled with the protective Plexiglas windows impede an appropriate ventilation of the buses that is particularly problematic during the hot season.

In spite of the obsolete bus fleet,¹⁵ breakdowns do not occur very often¹⁶ due to the regular maintenance ensured by the service provider. In those cases in which breakdowns do happen, the service provider usually sends an additional bus to replace the damaged one. However, at least in one reported case, the contractor has been unable to provide an additional bus on Route 9.¹⁷ The quick-response mechanical support teams are functional, although their location¹⁸ has an impact on the promptness to react depending on the routes.¹⁹

Until now the breakdowns and the frequent engine problems of the buses never escalated into security incidents, but this may change in the future. This only reinforces the need for the Ministry of Transport and Communications to secure adequate financial resources for the replacement of the oldest vehicles in accordance with its obligations under Article 3.9 of the Arrangement.²⁰

¹² Routes 4, 9 and 13.

¹³ Route 13.

¹⁴ See the OSCE Humanitarian Bus Transportation Report No. 2, page 10, footnote 25.

¹⁵ Seventeen vehicles date between 1984 and 1985, two vehicles were produced in 1992 and one vehicle in 1998 (9-year old). Only two 19-seat minibuses are relatively new as they were produced in 2005.

¹⁶ On 13 April 2007, one of the buses travelling to Mitrovicë/Mitrovica broke down while on the way from Kamenicë/Kamenica to Gjilan/Gnjilane. The bus which services Route 15 picked up passengers from the broken down bus, and after reaching the terminus for Route 15 in Gračanica/Gračanicë, continued to Mitrovicë/Mitrovica. No additional bus was required as the number of passengers for both Mitrovicë/Mitrovica and Gračanica/Gračanicë was relatively low.

¹⁷ On 26 June 2007, at the departure point (upper Rahovec/Orahovac) one of the two buses broke down. While around 10 passengers managed to get a seat in the left over and overcrowded bus serving the village of Velika Hoča/Hoçë e Madhe, the remaining 40 customers had to wait until, an hour later, the Municipal Community Office set aside for the purpose of the trip a municipal bus (the so called Green Bus) which is owned by the Municipality and under the Municipal Community Office supervision.

¹⁸ One in Gjilan/Gnjilane and one in Laplje Selo/Llapllasellë, near Prishtinë/Priština.

¹⁹ While the average intervention occurs within the 15 minutes, in exceptional cases the customers had to wait one hour or more.

²⁰ Article 3.9 reads out that the Ministry of Transport and Communications will ensure sufficient capacity and resources to provide humanitarian and minority transportation services, including sufficient funds from the Kosovo Consolidated Budget.

The communication methods are being assessed as reliable though they mainly rely on mobile phones. The radio equipment is indeed available in all the monitored buses despite the fact that it is not being used. Used radio frequencies continue to be provided by the Office of the United Nations High Commissioner for Refugees, underscoring the continued inability and unwillingness of the Ministry of Transport and Communications to secure the Provisional Institutions of Self-Government provided frequencies, through the responsible Telecommunications Regulatory Authority.

5.2 Drivers' professionalism and politeness

Pursuant to the first part of Article 3.4 of the Arrangement, the Ministry of Transport and Communications shall ensure that the humanitarian bus employees speak the languages of the passengers. Since all the drivers and conductors speak Serbian and the vast majority of the passengers are Serbian speakers, the latter do not encounter any communication obstacles.

The second part of Article 3.4 of the Arrangement deals with the efficiency of the personnel. All the OSCE monitors report about the professionalism and politeness of drivers and conductors often beyond their professional duties.²¹ Nonetheless, in a bid to establish principles and legal mechanisms for the passengers to be able to complain against drivers and service staffs' inappropriate behaviour, and upon request of the Committee, in March 2007 the Ministry of Transport and Communications established a working group to draft a Code of Conduct for bus drivers and service staff. On 3 September the Committee has reviewed and approved the final draft,²² and the Ministry is now expected to issue it in the form of an Administrative Instruction.

The third part of Article 3.4 of the Arrangement refers to the obligation that the employees' selection reflects the diversity of the Kosovo population both in terms of gender and community belonging. Table 2 below shows the professional, ethnic and gender composition of the service provider's employees. Though there is room for further improvement, especially as for the gender balance, the current personnel's structure is assessed as being in compliance with the article.

Table 2: Service provider staff composition²³

| Position | | Community | No. | % | Gender | No. | % |
|--------------------|-----------|----------------------------------|-----------|------------|--------|-----|------|
| Manager | 2 | Kosovo Serb & Kosovo Montenegrin | 36 | 75 | Men | 40 | 83.3 |
| Field Co-ordinator | 1 | Kosovo Albanian | 7 | 14.6 | Women | 8 | 16.7 |
| Driver | 19 | Roma | 3 | 6.2 | Total | 48 | 100 |
| Mechanic | 12 | Kosovo Bosniak | 1 | 2.1 | | | |
| Controller | 14 | Kosovo Turkish | 1 | 2.1 | | | |
| Total | 48 | Total | 48 | 100 | | | |

Legend: Source: Kolašin Prevoz. The figures provided are to be considered as estimations because of the high fluctuation rate.

²¹ Special needs are often accommodated, such as picking some passengers up on the roadside, outside the bus stop or waiting for sick passengers to complete their therapies in the hospitals.

²² The following OSCE Humanitarian Bus Transportation Report No. 4 (July – September 2007) will further elaborate on the Code of Conduct as well as on its implementation.

²³ Source: Kolašin Prevoz. The figures provided are to be considered as estimations because of the high fluctuation rate.

5.3 Bus accessibility, stops and signage

Though the Ministry of Transport and Communications has the obligation to ensure that all information²⁴ regarding transportation services is available in Albanian, English and Serbian (Article 3.5 of the Arrangement), no written information is displayed or available inside or outside the buses. The only way for the passengers to obtain information is through the drivers and conductors and solely in oral form.

Usually, and with the noticeable exception of Route 8,²⁵ passengers do not have to walk long distances to reach the bus stop. Stops are generally accessible and not isolated since they are placed on the main road of the settlement, and though there are no signs, their location is widely known to the customers.

5.4 Punctuality and affordability

Buses are assessed as being usually on time, sometimes even ahead of schedule. Delays are generally attributed to adverse weather conditions, breakdowns, and technical check-up, and rarely last longer than 15 minutes.

Along the eight monitored routes bus fees are reasonable and ranges from 0.30 to 0.75 Euro.²⁶ It is noteworthy that on Route 8 the service is free of charge while on Route 16 the ticket costs 3 Euro. The latter fee is justified by the fact that this route is substantially longer than the other routes. The elderly, children, persons with disabilities, and social cases, however, are exempted from paying.

Reportedly, the illegal practice introduced by the Municipal Community Office in Rahovec/Orahovac of conditioning access to humanitarian bus transportation to the payment of the waste disposal fee has not been carried on over the reporting period.²⁷ The OSCE will continue to monitor the situation to ensure that such a practice is not resumed.

5.5 Complaints and suggestions of beneficiaries

Reportedly, no written complaints have been submitted, though interviewed passengers usually address the drivers, the conductors or at times the Municipal Community Offices and the service provider with a number of verbal complaints ranging from the dustiness to the need for the route's expansion. The vast majority of the passengers do not know to whom to lodge an official complaint. In addition to that, no written information is available in the buses on access to effective remedies.

Having this in mind, the OSCE remains concerned about the lack of a formal complaint procedure, which would be consistent with the obligation provided for by Article 3.6 of the Arrangement.²⁸

²⁴ Including routes, fees, and time, signage, and Administrative Instructions and Regulations.

²⁵ The elderly from the four neighbouring villages (Osojane/Osojan, Koš/Kosh, Shalinovicë/Šalinjovica, Tuçep/Tučep) have to walk a distance of at least 1 km to reach the nearest bus stop. Also, and due to that fact that no bus shelters are provided, bus riders, including elderly, have to stand in the street.

²⁶ Route 14 and 15: 0.70 Euro; Route 13: 0.30 Euro; Route 5: 0.40 Euro; Route 4: 0.50 Euro; Route 9: 0.75 Euro.

²⁷ See the OSCE Humanitarian Bus Transportation Report No. 2, page 14.

²⁸ Article 3.6 reads out that the Provisional Institutions of Self-Government will address human rights/discrimination complaints related to the Arrangement, in accordance with the applicable law.

In the meanwhile, the Ministry of Transport and Communications has engaged in bilateral contacts with the Municipal Community Offices for the latter to address issues of concern. However, the Ministry has so far failed to provide the Committee with written information regarding the content and outcomes of such meetings.

5.6 Passenger flow, service availability and frequency

Between April and June 2007, 76,330 passengers have been using the humanitarian bus transportation,²⁹ with the following monthly breakdown: 25,030 in April; 25,287 in May and 26,013 in June. When compared to the previously reported trimester³⁰ it appears that 2,886 more passengers were riding the humanitarian buses, which is partly due to the end of the school year coupled with the occurrence of a number of cultural and religious holidays.³¹ These figures combined with the vast range of opportunities accessible through this service, confirm the necessity of humanitarian bus transportation as a mean to ensure freedom of movement, access to basic rights and services such as education, cultural and religious identity for persons belonging to minority communities.³²

The number of available seats on the bus is reported to be sufficient to accommodate the customers' demand only on four of the eight monitored routes.³³ On these routes, bus overcrowding is only occasional. On Routes 8, 9, 13 and 16 the capacity of the bus is considered inadequate which in turn explains why, at times, passengers have to stand or are even left behind.³⁴

Along most of the monitored routes,³⁵ customers are satisfied with the frequency of the buses though almost all of the interviewed passengers would appreciate an additional day-trip. On Route 16, the passengers remarked that the insufficient bus frequency forces them to plan their trips far in advance and often to stay overnight with family and friends.

On Route 13, the parents of the children attending the secondary school in Gjilan/Gnjilane claim that, by increasing the frequency of the bus to all weekdays (except Saturday and Sunday), the students would be able to commute from/to Novo Brdo/Novobërdë rather than living in Gjilan/Gnjilane. On both Route 8 and 9, passengers believe that the decongestion of the overcrowded bus could be achieved either by adding an additional day-trip or by providing an extra bus per each of the existing trips.

The fluctuation on the number of passengers riding the humanitarian buses is to some extent predictable. Passenger numbers increase during cultural and religious holidays, during the time of withdrawal of pensions and social assistance subsidies, and at the end of the school year. In some of those cases, the Municipal Community Officers or other community leaders do anticipate the higher demand and usually contact the service provider to ask for additional buses. Provided that the request is made with reasonable

²⁹ Source: Kolašin Prevoz, Monthly Reports April, May and June 2007.

³⁰ See the OSCE Humanitarian Bus Transportation Report No. 2, page 16 when the passengers counted 73,440.

³¹ Source: Kolašin Prevoz, Monthly Reports April, May and June 2007.

³² In line with Article 5 of the Framework Convention for the Protection of National Minorities, applicable in Kosovo under Article 3.2 (h) of the Constitutional Framework for Provisional Self-Government in Kosovo.

³³ Routes 4, 5, 14, and 15.

³⁴ On 13 March, about 10-15 Kosovo Serbs from Upper Rahovec/Orahovac were not able to travel to Zvečan/Zveçan along Route 9 due to insufficient seats in the two buses provided. On the same route in more than one occasion the OSCE had to cancel the monitoring trip due to overbooking.

³⁵ This goes for Route. 5, 4, 9, 14, and 15.

notice, and depending on the availability of the buses, the service provider is usually keen to accommodate such requests.

This short term flexibility in accommodating the need of communities with either additional buses or additional trips should be complemented with a medium and long term commitment by the Provisional Institutions of Self-Government and the Ministry of Transport and Communications in particular to support the service. Such commitment should encompass putting in place the route and timetable selection methodology, as required by the Arrangement and to ensure that pending humanitarian transportation requests are determined by the Committee in accordance with objective criteria. Structurally, it should also include a Provisional Institutions of Self-Government commitment to secure the availability of additional Kosovo Consolidated Budget funds to ensure the purchase of new vehicles. The Provisional Institutions of Self-Government ability to increase the number of trips per existing route and to create new humanitarian transportation routes is strictly dependant on such financial commitment.

6. Transport Advisory Committee and route selection process

Pursuant to Article 4 of the Arrangement by 1 January 2007, the Ministry of Transport and Communications and the Ministry of Communities and Returns shall put in place the route and timetable selection methodology contained in the Annex VI. The latter requires that any changes to the existing routes and timetables are based on a background and feasibility analysis, that community needs are adequately assessed, and that the participation and consultation of the involved communities is ensured. Article 4 of the Arrangement also stipulates that “[u]ntil the methodology is in place, there shall be no change to the routes and timetables” and entrusts the Committee with the exclusive authority to approve such changes.

Since its creation, the OSCE and UNMIK representatives within the Committee have recommended that the Ministry of Transport and Communications and the Ministry of Communities and Returns fulfil their responsibility to put in place the said methodology. In addition, and to enable the Committee to function in accordance with its mandate after the transfer to Provisional Institutions of Self-Government, the OSCE Humanitarian Bus Transportation Report No. 2 has formulated the specific recommendations below:

“16. The Ministry of Transport and Communications and the Ministry of Communities and Returns should create a transparent request procedure whereby communities in need of humanitarian transportation may apply for the extension of existing humanitarian transport routes or for the creation of new routes to ensure the implementation of the forthcoming route and timetable selection methodology. Such procedure should offer the possibility of appeal, in case a request is rejected;

17. The Ministry of Transport and Communications and the Ministry of Communities and Returns are encouraged to establish a Committee Secretariat and enable all Committee members to receive all necessary documentation and information for the fulfilment of their duties to ensure the proper functioning of the Committee envisaged by Article 5 of the Arrangement and with reference to the route and timetable selection process;

18. The Committee Secretariat should establish a registry of all humanitarian transportation requests and complaints submitted to the Provisional Institutions of Self-Government to ensure a transparent decision-making regarding the route and timetable selection process (...).”

While acknowledging that recently the Ministry of Transport and Communications has undertaken significant steps to accelerate the process,³⁶ to date neither the methodology nor the request procedure (which would enable the communities to apply for the extension of existing routes or for the creation of new routes) have been adopted. This has so far prevented the Committee from discharging one of its main functions, which is to “review compliance with the route selection methodology (Article 5.2 a. of the Arrangement).” Up till now, the Committee is still lacking a formalized Secretariat, which would be essential in addressing recurrent issues such as: calling the meetings at a very short notice, failing to distribute minutes and reading materials, failing to agree upon the agenda with all the Committee members.³⁷ In addition to that, there is a need for a data base to be created for a coherent and transparent collection of requests, which would in turn enable the Committee’s members to have a clear and comprehensive overview of outstanding requests and complaints.³⁸

In conclusion, and in spite of the steps which have recently been undertaken by the Ministry of Transport and Communications to expedite the process, at the time of drafting this report, the implementation of the abovementioned OSCE recommendations still lags behind schedule.

6.1. New requests and requests for expanded services, including from return sites

Pending the adoption of the procedure, which would enable the submission of requests for the creation of new humanitarian bus routes or for the modification of existing routes, minority communities have been increasingly addressing municipal authorities or donors for small-scale humanitarian transportation projects. This has happened in the Prishtinë/Priština Municipality, where the municipal transport company “Trafiku Urban” has accepted a request submitted by the Kosovo Serb communities living in the Rural North area of the municipality. As a result, since June 2007, a public bus service has been established to connect villages with minority community population in Prishtinë/Priština Rural North³⁹ and Gračanica/Graçanicë. This service runs twice per week, on Wednesdays and Thursdays, and complements the humanitarian bus service provided on Route 2, which operates on Mondays, Tuesdays, and Fridays.⁴⁰

³⁶ As a result of the Committee’s meeting which was held on 3 September 2007, the Ministry of Transport and Communications has presented to the Committee’s members a draft Procedure which would allow the route and selection methodology to be finally implemented. The content of the draft, the comments submitted by the OSCE and the overall process will be thoroughly analysed in the next OSCE Humanitarian Bus Transportation Report.

³⁷ The Ministry of Transport and Communications, and namely the office of the Permanent Secretary, is currently performing the functions of the Committee’s Secretariat, allegedly due to the lack of personnel and to the ban on further recruitment, which in turn is foreseen by International Organizations such as the International Monetary Fund.

³⁸ One illustrative case is shown by Route 9. With reference to this route, the Municipal Community Officer in Rahovec/Orahovac formulated and discussed with the Ministry of Transport and Communications and the service provider a number of requests. However, the Ministry of Transport and Communications has not shared the content of such discussions with the Committee members. Source: Municipal Community Officer and the OSCE Municipal Team; meetings held on 20 March, 23 April and 3 July 2007.

³⁹ According to the available estimates, Kosovo Serb population lives in the following villages of Prishtinë/Priština Rural North: Nëntë Jugoviq/Devet Jugovića (a Kosovo Albanian majority village with approximately 50 Kosovo Serbs; several Kosovo Serbs left the village after the conflict); Lebanë/Lebane (approximately 20 Kosovo Serbs; several families returned recently); Bërnice e Epërme/Gornja Brnjica (approximately 120 Kosovo Serbs); Donja Brnjica/Bërnice e Poshtme (more than 500 Kosovo Serbs). There are currently no Kosovo Serbs in Besi/Besinja, Trudë/Trudna and Prugoc/Prugovac.

⁴⁰ This positive achievement was facilitated by the Municipal Community Officer and a Kosovo Albanian Municipal Assembly member. The service will be tested during a three-month period and will be free of charge during the first month. After that period, the company will determine whether the service generates sufficient earnings to cover its operational costs.

In Prizren Region,⁴¹ the return site of Drajiq/Drajčići where 32 Kosovo Serbs live does not have access to either public or humanitarian means of transportation. Although no official request has been lodged so far, the villagers have expressed their interest in being considered for inclusion in existing routes. The rest of the return sites⁴² do have access to the commercial line between Prizren and Štrpce/Shtërpçë as well as to the municipality free bus line between Novake/Novak and Prizren.

An official request for an extra trip or an additional bus for the existing trips has been submitted to the Ministry of Transport and Communications as well as to the service provider by the Rahovec/Orahovac Municipal Community Officer with reference to Route 9. The route operates twice a week, every Tuesday and Friday and it is often overbooked. In order to avoid unpleasant situations at the time of riding, the Municipal Community Office has put in place a registration system which helps regulating the access to the bus but does not resolve the chronic scarcity of seats.⁴³

In Pejë/Peć Region,⁴⁴ passengers of Route 8 suggest that the route should be expanded to include the following stops: Koš/Kosh, Shalinovicë/Šalinjovica, Tuçep/Tučepi, Istog/Istok, Gjurakovc/Đurakovac, Srbobran/Srbobran, and Bllagajë/Blagaje. Also, the villages of Ljevoša/Lëvoshë, Bellopojë/Belo Polje, and Sigë/Siga-Brestovik/Brestovik⁴⁵ are all left without any humanitarian transportation. The only way for the villagers to get to the northern Kosovo Serb inhabited municipalities is through Gorazdevac/Gorazhdevc village.⁴⁶ The latter is at least seven kilometres away from each of these villages, and is served with a regular commercial line outside the scope of the humanitarian transportation project.

In the Mitrovicë/Mitrovica Region,⁴⁷ and particularly with regard to the discontinued⁴⁸ Route 6,⁴⁹ there have been attempts to resume the service under the humanitarian transportation project. However, to date there has been no change and the service is currently provided by a municipal mini-van donated to the Municipal Community Office by the International Organization for Migration.

In the Gjilan/Gnjilane Region,⁵⁰ a number of requests have been forwarded in 2007 to expand the existing routes, however only few of them in written form. This further underscores how essential it is for the Ministry of Transport and Communications and the Ministry of Communities and Returns to adopt a formalised transportation request procedure, including standardised application forms, focal points to provide information and facilitate submissions, and a comprehensive database to ensure the appropriate registration and processing of all submitted requests.

⁴¹ Including the following municipalities: Prizren, Mamuša/Mamushë/Mamuša Pilot Municipal Unit, Dragash/Dragaš, Gjakovë/Đakovica, Malishevë/Mališevo, Suharekë/Suva Reka and Rahovec/Orahovac.

⁴² Sredska/Sredskë and Mushnikovë/Mušnikovo.

⁴³ As a matter of fact, the high demand for this route, particularly during the cultural and religious holidays or towards the end of the month (the time for pensions and subsidies' collection), results in long queuing outside the Municipal Community Office early in the morning, often with elderly people standing for a long time.

⁴⁴ Including the following municipalities: Pejë/Peć, Istog/Istok, Klinë/Klina, Deçan/Deçane, Junik Pilot Municipal Unit.

⁴⁵ With the respective estimated population of: 15 Kosovo Serb inhabitants; 30 Kosovo Serb inhabitants and more than 100 Kosovo Serb inhabitants.

⁴⁶ The estimated Kosovo Serb population is around 850.

⁴⁷ Including the following municipalities: Mitrovicë/Mitrovica, Vushtrri/Vučitrn, Zvečan/Zveçan, Zubin Potok, Skenderaj/Srbica and Leposavić/Leposaviq.

⁴⁸ See the OSCE Humanitarian Bus Transportation Report No. 2, page 22.

⁴⁹ Serving the villages of Koshtovë/Košutovo, Ceraj/Ceranja and Bistricë/Bistrica.

⁵⁰ Including the following municipalities: Gjilan/Gnjilane, Ferizaj/Uroševac, Štrpce/Shtërpçë, Shtime/Štimlje, Kamenicë/Kamenica, Novobërdë/Novo Brdo, Viti/Vitina, Kaçanik/Kaçanik and Hani i Elezit/Đeneral Janković PMU.

In the Novobërdë/Novo Brdo Municipality, the following return projects are ongoing: Bostane/Bostan-Prekovce/Prekoc-Izvor/Izvor; Klobukar/Kllobukar; and Jasenovik/Jasenovik. As for the first project, all settlements are included in the humanitarian transportation project.⁵¹ As for the second, no returns have taken place yet. As for the third, and in spite of the inclusion along Route 14, there is an outstanding request to expand Route 13 so as to include Jasenovik/Jasenovik village.⁵²

In the Ferizaj/Uroševac Municipality, two projects are ongoing: Srpski Babuš/Babush i Serbëve and Talinoc i Muhaxherëve/Muhadžer Talinovac. As for Srpski Babuš/Babush i Serbëve, on 23 June 2007 between 80 and 90 Kosovo Serbs returned to the village.⁵³ The village is currently not included in any humanitarian transportation Routes.⁵⁴ As for the Talinoc i Muhaxherëve/Muhadžer Talinovac, the 18 Kosovo Serbs currently living in the village dispose of a municipal nine-seat mini-van which on a bi-weekly basis takes the villagers to Babljak/Bablak thus enabling them to access Route 10. After the reporting period, on 20 August 2007, the Ministry of Transport and Communications has received a written request from both return sites to be included along Route 10, and to be served with a new bus line to Štrpce/Shtërpçë once a week.

7. Security issues

The security and safety of passengers travelling by means of humanitarian transportation is to be considered *the benchmark* against which to measure the successfulness of the project.⁵⁵ Although during the reporting period there was no incident involving personal physical harm or injury, low level intimidation incidents, including stoning, insulting, inappropriate gesticulations and spitting bear witness to the existence of persisting forms of intolerance and nurture perceptions of insecurity amongst passengers. All of these incidents were perpetrated by juveniles. Some appear to be the product of anti-social behaviour that often goes unpunished, thus reinforcing the perception of impunity. However, the specific targeting of humanitarian transportation as opposed to other types of public transportation, and the perception of passengers as having been targeted due to their ethnicity, calls for addressing these incidents as potentially ethnically motivated.

For example, on 12 April 2007 a humanitarian bus travelling along Route 8⁵⁶ was stoned at around 10:30 in the village of Runik/Rudnik (Skenderaj/Srbica Municipality).⁵⁷ The front windshield of the bus was hit by a stone causing light damages and no injuries. The transport provider reported the incident to the Kosovo Police Service Station which immediately opened an investigation. As a result of the incident the Kosovo Police Service adopted the following security measures: the re-introduction of the escort and the re-scheduling of the bus-departure time with 15 minutes delay so as to avoid passing through the

⁵¹ Routes 13 and 14, and partially Route 15.

⁵² Presently Jasenovik/Jasenovik residents seeking to travel to Gjilan/Gnjilane or neighbouring villages are to walk five kilometres to Bostan/Bostane to access a bus service. Villagers request at least the inclusion of the village on Thursday Route 13 service, in order for them to access the market in the Prekoc/Prekovce.

⁵³ These figures are to be taken as mere estimations.

⁵⁴ The Ministry of Communities and Returns has provided a eight-seat mini-van for urgent cases. Moreover, the Ministry also provides a mini-van once a week for shopping purposes.

⁵⁵ Article 3.1 of the Arrangement reads that the Ministry of Transport and Communications will work closely with the Kosovo Police Service and KFOR to ensure that minority transportation routes are conducted in a safe and secure environment.

⁵⁶ The bus was transporting around 50 Kosovo Serb returnees from Klinë/Klina and Istog/Istok Municipalities to north Kosovo.

⁵⁷ Source: the OSCE Skenderaj/Srbica.

Runik/Rudnik village during the school break. The latter reflects one of the recommendations formulated in the OSCE Humanitarian Bus Transportation Report II. As a follow up, municipal authorities convened meetings with school representatives in Runik/Rudnik to discuss and prevent the repeated engagement of students in such heinous behaviors. On a positive note, on 25 April 2007 in the Skenderaj/Srbica Municipality, the first Municipal Community Safety Council meeting took place during which the Kosovo Police Service representative, despite the absence of Kosovo Serb representatives, did mention the incident as well as the ongoing investigation.

On 17 April 2007 a humanitarian bus travelling along Route 2⁵⁸ was stoned by five to six unknown persons while passing through Nëntë Jugoviq/Devet Jugovića, a village located in the Rural North area of Prishtinë/Priština Municipality. While one stone hit the metal frame of the bus, there were no injuries. The transport provider reported the incident both to the Kosovo Police Service,⁵⁹ which sent a patrol to the scene, and to the Ministry of Transport and Communications.⁶⁰ On 19 April, the Kosovo Police Service Community Police Officer present at the Prishtinë/Priština Rural North security meeting did not raise the issue directly, but confirmed upon request that the incident had occurred. On 20 April, the Kosovo Police Service Community Police Office confirmed that they had discussed the incident with the perpetrators (a group of children below the age of fourteen) and with their parents. The OSCE in Prishtinë/Priština followed-up on the incident with the Kosovo Police Service North Patrol Station Commander and the Kosovo Police Service village officer. Reportedly, the latter had interviewed the juvenile perpetrators and determined that they were unaware of the ethnicity of the passengers. Lacking any evidence to the contrary, the Kosovo Police Service Officer was unable to file an “ethnic intimidation” report. Additionally, the case could not be addressed as a “property destruction” because no damage could be detected on the bus. In the end the incident has been filed as a “breach of public peace and order.”⁶¹ On a positive note, a joint initiative of the international community⁶² and the Kosovo Police Service reaching out to the Kosovo Albanian community living in Nëntë Jugoviq/Devet Jugovića was conducted on 7 May, under the auspices of a Kosovo Albanian member of the Prishtinë/Priština Municipal Assembly.⁶³

While acknowledging that the Kosovo Police Service has investigated and followed up the case, the OSCE observes that humanitarian buses are white and clearly identifiable and that they have been operating along the same routes for several years. Although the United Nations logo has been removed from the humanitarian bus fleet, these buses are still recognisable as providing transport to minority communities. After many years, the local population of these areas has become familiar with their appearance and schedule. Although this could not be proved during the criminal investigation, it is likely that the perpetrators were aware of the passengers’ ethnicity. Since the establishment of this service there has been an “historical pattern” of passengers of the humanitarian bus transportation being targeted through stoning incidents in various locations throughout Kosovo

⁵⁸ The bus was carrying approximately 40 passengers.

⁵⁹ Kosovo Police Service Station in Gornja Brnjica/Bërnice e Epërme.

⁶⁰ Letter dated 18 April 2007.

⁶¹ The OSCE had the opportunity to review the Kosovo Police Service file and could verify that this contained approximately 20 pages of photographs of the bus and notes of the interviews.

⁶² The OSCE, UNMIK Department of Civil Administration and KFOR.

⁶³ This Municipal Assembly member is in fact a representative of the Devet Jugovića/Nëntë Jugoviqët village and was actively involved in organising this initiative, which marks a positive example of the way in which municipal authorities can become involved in promoting inter-ethnic tolerance and preventing security incidents targeting the humanitarian transportation service.

According to the criteria established by the United Nations Joint Security Implementation Group,⁶⁴ many of these incidents would not be classified as “potentially ethnically motivated.” Nonetheless, in a post-conflict situation, there is continued need of collecting data on incidents motivated by hatred. In most of the OSCE participating States,⁶⁵ the applicable legislation and the practice of collecting statistics regarding “hate crime,” would probably imply the classification of such actions as inter-ethnic incidents.

Reactions of the local Kosovo Serb community only confirm that such incidents are perceived as a form of intimidation.⁶⁶ Whether founded or not, these perceptions do exist among the involved communities and it is advisable that concerned Provisional Institutions of Self-Government, particularly the Ministry of Transport and Communications and the Ministry of Communities and Returns, undertake a more proactive role and specific measures to address them, including through participation in inter-ethnic dialogue initiatives of the sort described above.

It is worth mentioning that despite the occurrence of several political, religious and cultural events throughout Kosovo during the reporting period,⁶⁷ the schedule of the humanitarian buses was neither modified nor was any trip cancelled.

⁶⁴ The “Criteria for the identification of Potentially Ethnically Motivated Incidents” require that all the following three conditions are met if an incident is to be classified as “a potentially ethnically motivated”: “1. The victim is from a vulnerable ethnic group (this condition is met wherever there is a historical pattern of people from this ethnicity in this area being targeted on grounds of ethnicity); and 2. the offender is unknown or from a different ethnic group; and 3. The circumstances of the offence disclose no likely, ethnically neutral, motive (by the way of illustration, this would generally rule out cases of looting, theft or burglary because, however damaging to communities and however much they may require a co-ordinated or even highlighted response from the police, there is a clear economic motive. It rules out disputes arising out of neighbourhood disputes, money, drunken brawls etc. And it would rule out cases which appear linked to the victim’s involvement in organised crime. Conversely, whenever positive indicators of ethnic motive are present, such as hate speech, or where the offender is a member of a group with a record of ethnically motivated attacks, the incident should be classified as potentially ethnically motivated ...).” Source: Special Representative of the Secretary General of the United Nations, Interoffice Memorandum on “Criteria for reporting on ethnically motivated incidents,” 10 August 2005.

⁶⁵ According to a survey of the OSCE Office of Democratic Institutions and Human Rights, in 2005, 36 of the 42 OSCE participating States who provided responses had a practice of collecting statistics on “hate crime”; all but one of the respondent States had legislation dealing with “hate crime.” The Office of Democratic Institutions and Human Rights defines “hate crime” as “any criminal offence, including criminal offences against persons or property, where the victim, premises, or target of the offence are selected because of their real or perceived connection, attachment, affiliation, support, or membership of a group ...,” whereas, “a group may be based on a characteristic common to its members, such as real or perceived race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or other similar factor.” Source: OSCE Office of Democratic Institutions and Human Rights, *Combating Hate Crimes in the OSCE Region: An Overview of Statistics, Legislation, and National Initiatives*, Warsaw, 2005, pages 12 and 16 through 18.

⁶⁶ On Route 8, interviewed passengers said that they do not feel safe during the trip and experience anxiety and stress. They also question the willingness of the Provisional Institutions of Self-Government to protect them and ensure their safety and security. As for Route 2, the interviewed bus driver noted that “right after the humanitarian bus, a city bus from Prishtinë/Priština was passing, but it was not stoned.” Kosovo Serbs interviewed in April also believe that the act was specifically targeted against their community, and feel that the police have tried to hide the case from them. They would like to have a manned police sub-station with a phone line in Donja Brnjica/Bërnice e Poshtme in order to address these types of incidents at the local level.

⁶⁷ The following are mere examples of events which did not imply any changes in the bus schedules. On 16 June 2007 during the Liberation Day, no threats occurred on any of the monitored routes. On 28 June 2007, the Vidovdan celebration, which took place in Gazimestan did not impact on any of the humanitarian bus routes. On 30 June 2007, a Vetëvendosje demonstrations took place in Prishtinë/Priština. Although, the humanitarian bus line 4, connecting Upper Rahovec/Orahovac with Gračanica/Gračanicë was travelling on the same day. The line was fully operational and the service was not affected in any way.

8. Municipal Communities Safety Councils, Local Public Safety Committees and humanitarian transportation

In accordance with Sections 7.3 through 7.8 of UNMIK Regulation No. 2005/54 on the Framework and Guiding Principles of the Kosovo Police Service, “Municipal Community Safety Councils (MCSC) are established in each Kosovo Municipality [...]” for the Kosovo Police Service to “co-operate fully with municipal authorities to enhance security of members of all communities within each municipality [...]”; also “[...] the Police Commissioner shall establish Local Public Safety Committees (LPSCs) in smaller areas within municipalities where it is in the interest of effective policing and good relations with communities to do so [...].” The OSCE provides advice and capacity building to such Local Public Safety Committees and monitor their functioning.

In the Prishtinë/Priština Region, Municipal Community Safety Councils are not operational. In Obiliq/Obilić a smaller security forum including KFOR, Kosovo Police Service, the Kosovo Protection Corps, UNMIK Department of Civil Administration and the OSCE is functioning and meets on a weekly basis providing the minority communities with the theoretical opportunity to raise and discuss issues related to the humanitarian transportation.

There are two Local Public Safety Committees⁶⁸ located in the Lipjan/Lipljan Municipality and regular security meetings in the minority community inhabited areas of Prishtinë/Priština Rural North and Prishtinë/Priština Rural South.⁶⁹ Regrettably, during the Prishtinë/Priština Rural North security meeting on 19 April 2007 the Kosovo Police Service Community Police Officer did not mention the humanitarian transportation incident, which had occurred two days before in Nëntë Jugoviq/Devet Jugovića until a specific question was asked in this regard. Omitting such incidents is not just detrimental to the efforts aiming to build a safe environment for the humanitarian transport service, but it also reiterates the perception among minority communities that their interests are ignored.

The issue of humanitarian transportation was also raised in a Prishtinë/Priština Rural North Security Meeting on 10 May, where it was announced that a municipal bus line was to be launched as of June 2007 complementing the humanitarian transport service on Route 2.⁷⁰ The OSCE does not expect that specific security measures are introduced in relation to this new bus service.

In Mitrovicë/Mitrovica Region, the Municipal Community Safety Councils are established and functioning only in Mitrovicë/Mitrovica,⁷¹ Vushtrri/Vučitrn and Skenderaj/Srbica.⁷² On 2 April 2007, the

⁶⁸ The first Local Public Safety Committee is established in Janjevë/Janjevo, a Kosovo Albanian majority village with large Kosovo Croat and Roma communities, whose population is estimated to comprise some 363 and 200 persons respectively. The second Local Public Safety Committees is operational in Donja Gušterica/Gushtericë e Ulët, a Kosovo Serb village.

⁶⁹ While the security meeting in the Prishtinë/Priština Rural South area involves only representatives of minority communities, representatives of both the Kosovo Albanian and the Kosovo Serb communities take part in the security meetings organised in Prishtinë/Priština Rural North because of its demographically mixed character.

⁷⁰ At the time of writing, the line has become fully operational, thus complementing the service along Humanitarian Transportation Route 2.

⁷¹ The Municipal Community Safety Council has been held three times since its establishment, but the issue of humanitarian transportation has never been discussed. Route 6 linking the Laposavić/Leposaviq KBC villages (Koshtovë/Košutovo, Bistricë/Bistrica and Cerajë/Ceranja) with Mitrovicë/Mitrovica south ceased to operate since June 2006.

⁷² Established but not functioning Municipal Community Safety Councils: Zvečan/Zvečan, Zubin Potok and Laposavić/Leposaviq. However, municipal security meetings do take place in those municipalities with different composition, setting and timelines.

humanitarian bus transportation was discussed for the first time in the Vushtrri/Vučitrn Municipal Community Safety Council where the OSCE brought the issue to the attention of all participants. The Kosovo Police Service Station Commander mentioned that there have not been any reported security concerns or incidents related to the humanitarian bus line transportation. He also reassured the Municipal Community Safety Council members that, should any security incidents occur, he will certainly inform the Municipality.

As for Skenderaj/Srbica, the first two meetings of the newly established Municipal Community Safety Councils took place over the reporting period. On 25 April 2007, in spite of the absence of Kosovo Serb representatives, the Kosovo Police Service representative did report about the incident which had occurred on 12 April 2007 along Route 8 in the village of Runik/Rudnik. On 28 June 2007, the second Municipal Community Safety Council meeting took place in which no humanitarian transportation related issues were addressed.

As for the Local Public Safety Committees in Mitrovicë/Mitrovica Region,⁷³ the only one established and properly functioning is located in the Kosovo Albanian enclave of Çabrë/Čabra in the Zubin Potok Municipality.

In Gjilan/Gnjilane Region there have not been any Municipal Community Safety Councils meetings taking place over the reporting period. However, in Ferizaj/Uroševac, while the said body is in the process of being established, minority humanitarian transportation issues were brought to the attention of the Municipal Working Group on Return, with the request from the leaders of the return project in Muhadžer Talinovac/Talinoc i Muhaxherëve to be included in the humanitarian transportation service.

Two Local Public Safety Committees are located in minority areas in the Gjilan/Gnjilane Region, one in Vërboc/Vrbovac and the other in Partesh/Parteš. On 28 June 2007 the latter met, and based on the OSCE suggestion, the issue of the humanitarian bus transportation was included in the agenda. The Local Public Safety Committee members praised the service as being very useful and pointed out the fact that no other public transport is available in the area.

In the Pejë/Peć Region, on 19 April 2007 the humanitarian bus transportation issue was brought to the attention of the Municipal Community Safety Council in the Istog/Istok Municipality by a Kosovo Serb representative from Srbobran/Serbobran village. The latter expressed his hope that the humanitarian transport is extended to this village.

In Prizren Region no Municipal Community Safety Councils meetings took place over the reporting period. As for the Local Public Safety Committees, there are four located in Kruševo/Krushevë; Mushnikovë/Mušnikovo; Mamuša/Mamushë/Mamuša, and Velika Hoča/Hoçë e Madhe.⁷⁴ The latter location is the departure point of the humanitarian Routes 4 and 9, but the Local Public Safety Committee is only formally established but not operational.

⁷³ In Priluzhje/Prelluzhë village (Vushtrri/Vučitrn Municipality) the Local Public Safety Committee is established but not functioning; in Suvo Grlo/Syriganë (Skenderaj/Srbica Municipality) the Local Public Safety Committee is established but some of the target groups refuse to attend these meetings; in Svinjare/Svinjarë (Mitrovicë/Mitrovica Municipality) an Local Public Safety Committee is planned to be established upon return of the Kosovo Serb IDPs.

⁷⁴ Respectively in Dragash/Dragaš Municipality; Prizren; Mamuša/Mamushë/Mamuša PMU and Rahovec/Orahovac Municipality.

In conclusion, the report confirms that regrettably Kosovo-wide Municipal Community Safety Councils and Local Public Safety Committees convene on an irregular basis and that the issue of minority humanitarian transport is rarely a topic on their respective agendas. Further efforts are therefore required to ensure that these forums function properly and address issues concerning minority humanitarian transportation. At the same time, minority communities are also encouraged to increase their participation within those bodies through their local representatives.

9. Recommendations

Access to services and opportunities: humanitarian bus transportation necessity and importance

- To ensure the fulfilment of Standard 3 on “freedom of movement,”⁷⁵ the Provisional Institutions of Self-Government and particularly the Ministry of Transport and Communications and the Ministry of Communities and Returns should be more pro-active in building the trust of communities’ members, including through the adoption of assessment tools aimed at measuring the customers’ satisfaction and preferences.

Condition of vehicles and communications system

- In line with Article 3.9 of the Arrangement⁷⁶ the Ministry of Transport and Communications should secure adequate financial resources for the gradual replacement of the oldest vehicles in order to prevent breakdowns of the buses in majority inhabited areas which may in the future lead to security incidents.
- To ensure security and to guarantee the long-term sustainability, availability and operation of a radio communication system, the Ministry of Transport and Communications should request that the Telecommunications Regulatory Agency issue Provisional Institutions of Self-Government approved radio frequencies to the transport provider.

Signage and written information on humanitarian transportation

- The Ministry of Transport and Communications should display signs and make available written information within the humanitarian buses in the Albanian, Serbian and English languages, including information about transportation routes, fees and time schedules; and administrative instructions and regulations (Article 3.5 of the Arrangement).

Complaints and suggestions of beneficiaries

- Pursuant to Article 3.6 of the Arrangement,⁷⁷ the Ministry of Transport and Communications and the Ministry of Communities and Returns should put in place and disseminate to the widest

⁷⁵ Standard 3 *Freedom of Movement*, “all people in Kosovo are able to travel, work, and live in safety and without threat or fear of attack, harassment or intimidation, regardless of their background. They are able to use their language freely anywhere in Kosovo, including in public places, and enjoy unimpeded access to places of employment, markets, public and social services, and utilities.”

⁷⁶ Article 3.9 states that the Ministry of Transport and Communications will ensure sufficient capacity and resources to provide humanitarian and minority transportation services, including sufficient funds from the Kosovo Consolidated Budget.

⁷⁷ Article 3.6 reads out that the Provisional Institutions of Self-Government will address human rights/discrimination complaints related to the Arrangement, in accordance with the applicable law.

possible extent a formal complaint procedure, including the availability of complaint forms and of information on the complaint procedures and the institutions to which these should be addressed. Municipal Community Officers, Municipal Returns Officers and all municipal officials⁷⁸ should be properly instructed on how to assist humanitarian minority bus beneficiaries to fill in a complaint.

Passenger flow, service availability and frequency

- It is recommended that the Provisional Institutions of Self-Government and their service provider accommodate the transportation needs of communities through a short, medium and long term strategy:
 - a. In the short term, the service provider shall continue to display flexibility in providing the passengers with additional buses or additional trips where needed;
 - b. In the medium term, the Ministry of Transport and Communications and the Ministry of Communities and Returns should enable the Committee to take informed decisions regarding changes of the current routes and timetables through periodic reports on the passenger flow, service availability and frequency, and by adopting a transport request procedure; and,
 - c. In the long term, on the one hand the Committee should review the current bus route and timetable and on the other hand the Provisional Institutions of Self-Government should secure the availability of funds for the purchase of new vehicles in order to implement the modification suggested by the Committee to the existing bus route and timetable.

Transport Advisory Committee and Route selection process

- The Provisional Institutions of Self-Government should enable the Committee to discharge its obligations under Article 4 and 5 of the Arrangement, through the following steps:
 - a) The Ministry of Transport and Communications and the Ministry of Communities and Returns should put in place the route and timetable selection methodology through the expedite adoption of a humanitarian transportation request procedure;
 - b) The Ministry of Transport and Communications and the Ministry of Communities and Returns should put in place and give the best possible dissemination to a formal complaint procedure;
 - c) The Ministry of Transport and Communications and the Ministry of Communities and Returns are encouraged to establish a Committee Secretariat and enable Committee members to receive all necessary documentation and information for the fulfilment of their duties; and,
 - d) Through the Committee Secretariat, the Ministry of Transport and Communications should create a data base to register all the outstanding humanitarian transportation requests and complaints to ensure a transparent decision-making regarding the route and timetable selection process.

⁷⁸ Particularly those who are in close and regular contact with the users of this service and can assist them in submitting such requests and complaints to the appropriate institutions.

Security issues

- To build the trust of passengers in the Provisional Institutions of Self-Government and to counteract their prevailing scepticism and reluctance in approaching institutions such as the Kosovo Police Service and municipal bodies, the Provisional Institutions of Self-Government, and in particular the Ministry of Transport and Communications and the Ministry of Communities and Returns and the Kosovo Police Service, may consider undertaking promotional measures such as:
 - a) regularly interviewing passengers and assessing their needs, also with regard to security perceptions;
 - b) conducting information and consultation outreach activities, including inter-ethnic dialogue initiatives that assist the creation of a growing sense of confidence amongst passengers; and,
 - c) assisting the passengers with prompt interventions and counter-reaction measures in case of incidents, even low scale intimidation, which prevent the customers from feeling safe and secure.
- To prevent the humanitarian buses from being targeted, the Ministry of Transport and Communications and the service provider should consider measures to ensure that these vehicles cannot be easily identified and appear to be ordinary public transportation vehicles;
- To prevent certain groups of juveniles from perceiving humanitarian buses as a 'legitimate' target, and to establish personal relationships between passengers/drivers and the perpetrators, the Ministry of Transport and Communications, the Ministry of Communities and Returns, the Kosovo Police Service and relevant municipal authorities should consider undertaking dialogue initiatives targeting school pupils. These may include a series of meetings during which bus drivers and passengers, as well as parents, teachers and school pupils from Kosovo Albanian majority areas through which the service operates, can establish direct relations and overcome prejudice.

Municipal Community Safety Councils and Local Public Safety Committees

- The Provisional Institutions of Self-Government, the municipalities and the relevant Kosovo Police Service stations should closely co-operate with local communities to ensure that Municipal Community Safety Councils and Local Public Safety Committees function properly and enable discussion on the issue of minority humanitarian transport among all relevant stakeholders.

Annex 1

Humanitarian Bus Transportation Routes

As of March 2007, the Provisional Institutions of Self-Government humanitarian bus transportation operated on a total of 17 Routes. They were the following:⁷⁹

- 1) Babin Most/Babimoc (OB) -Miloševo/Milloshhevë (OB) - Gračanica/Graçanicë (PR) - Miloševo/Milloshhevë (OB) - Babin Most/Babimoc (OB);
- 2) Gornja Brnjica/Bërnice e Epërme (PR) – Gračanica/Graçanicë (PR) - Gornja Brnjica/ Bërnice e Epërme (PR);
- 3) Miloševo/Milloshhevë (PR) - Gate 3 - Miloševo/Milloshhevë (PR);
- 4) Velika Hoça/ Hoçë e Madhe (RH) – Upper Rahovec/ Orahovac - Gračanica/Graçanicë (PR) - Upper Rahovec/ Orahovac - Velika Hoça/ Hoçë e Madhe (RH);
- 5) Grace/Gracë (VU) - Mitrovica/Mitrovicë North (MI) - Grace/Gracë (VU);
- 6)⁸⁰ Lepasavić/Lepasaviq (LE) – Mitrovicë/Mitrovica South (MI) - Lepasavić/Lepasaviq (LE);
- 7) Vidanje/Videjë (KL) - Klinë/Klina (KL) - Drsnik/Dresnik (KL) - Grabac/Grabc (KL) - Bica/Binxhë (KL) - Zvečan/Zveçan (ZV) Klinë/Klina - Drsnik/Dresnik (KL)- Grabac/Grabc (KL) - Biça/Binxhë (KL) - Vidanje/Videjë (KL);
- 8) Osojane/Osojan (IS) - Zvečan/Zveçan (ZV) - Osojane/Osojan (IS);
- 9) Velika Hoça/ Hoçë e Madhe (RH) - Rahovec/Orahovac (RH) - Zvečan/Zveçan (ZV) - Rahovec/Orahovac (RH) - Velika Hoça/ Hoçë e Madhe (RH);
- 10) Babljak/Bablak (UR) – Gračanica/Graçanicë (PR) - Babljak/Bablak (UR);
- 11) (*Gjilan/Gnjilane A*) or Gjilan/Gnjilane (GN) - Poneš/Ponesh (GN) - Koretište/Koretishtë (GN) - Stanišor/Stanishor (GN) - Gornje Kusce/Kufcë e Epërme (GN)- Kmetovce/Kmetoc (GN) - Šilovo/Shillovë (GN) - Gjilan/Gnjilane (GN);
- 12) (*Gjilan/Gnjilane B*) or Gjilan/Gnjilane (GN) - Donja Budriga/Budrikë e Poshtme (GN) - Pasjane/Pasjan (GN) - Donja Budriga/Budrikë e Poshtme (GN) - Parteš/Partesh (GN) – Cernica/Cernicë (GN) - Gjilan/Gnjilane (GN) Gornji Livoc/Livoç i Epërm (GN) - Gjilan/Gnjilane (GN);
- 13) (*Gjilan/Gnjilane C*) or Gjilan/Gnjilane (GN) – Stanišor/Stanishor (GN) - Gornji Makreš/Makresh i Epërm (GN) - Trnjičevce/Tërniqec (NB) - Čuljkovce - Bostane/Bostan (NB) - Izvor/Izvor (NB) - Prekovce/Prekoc (NB) - Zebince/Zebincë (NB) - Straža/Strazhë (GN) – Kosmata - Stanišor/Stanishor (GN) - Gjilan/Gnjilane (GN) - Paralovo/Parallovë (GN) - Gjilan/Gnjilane (GN) - Stanišor/Stanishor (GN) - Kosmata - Straža/Strazhë (GN) - Zebince/Zebincë (NB) - Prekovce/Prekoc (NB) - Izvor/Izvor (NB) - Bostane/Bostan (NB) - Čuljkovc - Trnjičevce/Tërniqec (NB) - Gornji Makreš/Makresh i Epërm (GN) - Stanišor/Stanishor (GN) - Gjilan/Gnjilane (GN) - Paralovo/Parallovë (GN) - Gjilan/Gnjilane (GN);
- 14) (*Gjilan/Gnjilane D*) or Gjilan/Gnjilane (GN) - Stanišor/Stanishor (GN) - Gornji Makreš/Makresh i Epërme (GN) - Trnicevce/Tërniqec (NB) – Čuljkovce - Novo Brdo/Novobërdë (NB) - Bostane/Bostan (NB) - Izvor/Izvor (NB) - Prekovce/Prekoc (NB) - Gračanica/Graçanicë (PR) - Prekovce/Prekoc (NB) - Izvor/Izvor (NB) - Bostane/Bostan (NB) - Novo Brdo/Novobërdë (NB) – Čuljkovc - Trnjičevce/Tërniqec (NB) - Gornji Makreš/Makresh i Epërm (GN) - Stanišor/Stanishor (GN) - Gjilan/Gnjilane (GN);
- 15) (*Gjilan/Gnjilane E*) or Gjilan/Gnjilane (GN) - Stanišor/Stanishor (GN) - Straža/Strazhë (GN) - Zebince/Zebincë (NB) - Prekovce/Prekoc (NB) - Šilovo/Shillovë (GN) - Gračanica/Graçanicë (PR) - Šilovo/Shillovë (GN) - Prekovce/Prekoc (NB) - Zebince/Zebincë (NB) - Straža/Strazhë (GN) - Stanišor/Stanishor (GN) - Gjilan/Gnjilane (GN);
- 16) (*Gjilan/Gnjilane F*) or Kamenicë/Kamenica (KK) - Ranilug/Ranillug (KK) - Šilovo/Shillovë (GN) - Gjilan/Gnjilane (GN) - Mitrovicë/Mitrovica (MI) - Gjilan/Gnjilane (GN) - Šilovo/Shillovë (GN) - Ranilug/Ranillug (KK) – Kamenicë/ Kamenica (KK); and,
- 17) (*Gjilan/Gnjilane G*) or Klokot/Kllokot (VI) - Parteš/Partesh (GN) - Gjilan/Gnjilane (GN) - Mitrovicë/Mitrovica (MI) - Gjilan/Gnjilane (GN) - Parteš/Partesh (GN) - Klokot/Kllokot (VI).

⁷⁹ The list was provided by UNMIK Field Operations Unit, Humanitarian Bus Project, General operational Report, 31 July 2006. The municipalities where these villages are located are indicated through acronyms in bracket as follows: (OB) Obiliq/Obilić; (PR) Prishtinë/Priština; (RH) Rahovec/Orahovac; (VU) Vushtrri/Vučitrn; (ZV) Zvečan/Zveçan; (LE) Lepasavić/Lepasaviq; (KL) Klinë/Klina; (IS) Istog/Istok; (UR) Ferizaj/Uroševac; (GN) Gjilan/Gnjilane; (NB) Novo Brdo/Novobërdë; (KK) Kamenicë/Kamenica; (VI) Viti/Vitina. Some of the names in Administrative Direction No. 2004/23 Implementing UNMIK Regulation No. 2000/43, as amended, on the Number, Names and Boundaries of Municipalities, appear to have been misspelt and have been corrected in this Appendix in consultation with native speakers.

⁸⁰ Suspended since August 2006.

Annex 2
Passengers interviewed by the OSCE

Gender and age distribution

| Age groups | Gender | | | | Total | % |
|--|---------------|----------|--------------|----------|--------------|----------|
| | Men | % | Women | % | | |
| Persons under 18 (children) | 12 | 9.1 | 6 | 6.3 | 18 | 7.9 |
| Young adults 18-29 | 33 | 25 | 25 | 26 | 58 | 25.5 |
| Middle aged adults 30-49 | 34 | 25.8 | 30 | 31.3 | 64 | 28% |
| Late aged adults 50-59 | 28 | 21.2 | 24 | 25 | 52 | 22.8 |
| People aged 60 and above | 23 | 17.4 | 11 | 11.4 | 34 | 14.9 |
| Respondents unwilling to state their age | 2 | 1.5 | 0 | 0 | 2 | 0.9 |
| Total | 132 | 100 | 96 | 100 | 228 | 100 |
| % | 57.9 | / | 42.1 | / | 100 | / |

Annex 3

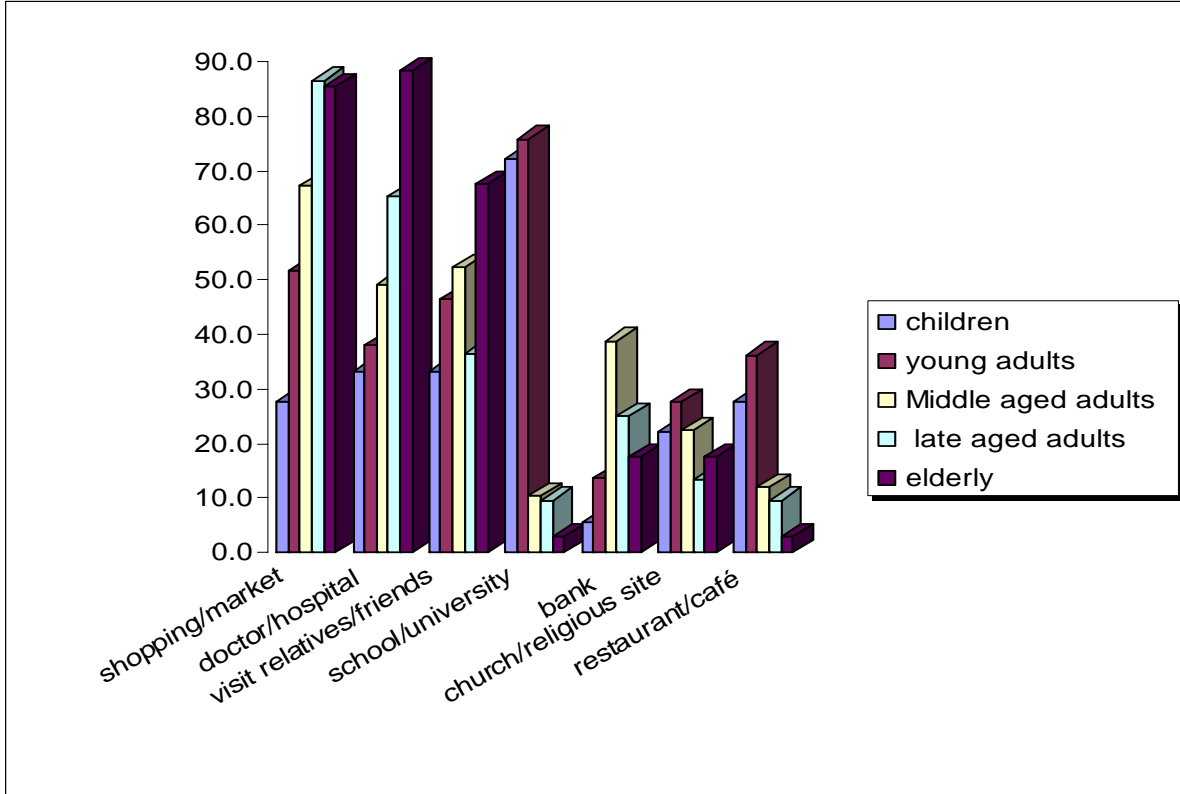
Percentage of respondents who benefit from specific services/opportunities by means of Humanitarian Bus Transportation

| Service or opportunity accessed through the humanitarian transport | % of respondents who benefit from the service/opportunity | | | | | | | |
|--|---|------------------|--------------------|-------------------|---------------------------------|--------------------------------------|------------------------------------|--------------------------|
| | Total | Gender breakdown | | Age breakdown | | | | |
| | All respondents | Male respondents | Female respondents | Children under 18 | Young adults aged from 18 to 29 | Middle aged adults between 30 and 49 | Late aged adults between 50 and 59 | Elderly aged 60 and more |
| shopping/market | 67.5 | 65.2 | 70.8 | 27.8 | 51.7 | 70.3 | 86.5 | 85.3 |
| doctor/hospital | 54.8 | 50.8 | 60.4 | 33.3 | 37.9 | 51.6 | 65.4 | 88.2 |
| visit relatives/friends | 49.1 | 48.5 | 50.0 | 33.3 | 46.6 | 54.7 | 36.5 | 67.6 |
| school/university | 31.1 | 31.1 | 31.3 | 72.2 | 75.9 | 10.9 | 9.6 | 2.9 |
| bank | 24.6 | 25.0 | 24.0 | 5.6 | 13.8 | 40.6 | 25.0 | 17.6 |
| church/religious site | 21.1 | 22.0 | 19.8 | 22.2 | 27.6 | 23.4 | 13.5 | 17.6 |
| restaurant/café | 18.4 | 22.0 | 13.5 | 27.8 | 36.2 | 12.5 | 9.6 | 2.9 |
| municipal and central government offices | | | | | | | | |
| | 15.4 | 15.2 | 15.6 | 0.0 | 29.3 | 15.6 | 5.8 | 8.8 |
| Employment | 13.6 | 12.1 | 15.6 | 0.0 | 10.3 | 32.8 | 7.7 | 0.0 |
| Centre for Social Work | 13.6 | 14.4 | 12.5 | 0.0 | 6.9 | 12.5 | 15.4 | 26.5 |
| pension fund | 11.0 | 10.6 | 11.5 | 0.0 | 8.6 | 6.3 | 9.6 | 23.5 |
| library | 10.5 | 12.1 | 8.3 | 11.1 | 31.0 | 1.6 | 1.9 | 2.9 |
| post office | 7.5 | 9.1 | 5.2 | 0.0 | 10.3 | 12.5 | 5.8 | 0.0 |
| cemetery | 3.9 | 4.5 | 3.1 | 0.0 | 5.2 | 1.6 | 5.8 | 5.9 |
| Court | 3.9 | 6.1 | 1.0 | 0.0 | 6.9 | 3.1 | 5.8 | 0.0 |
| police | 3.5 | 3.0 | 4.2 | 0.0 | 5.2 | 3.1 | 3.8 | 2.9 |
| sport facilities | 3.1 | 3.8 | 2.1 | 11.1 | 8.6 | 0.0 | 0.0 | 0.0 |
| cultural centre | 2.6 | 3.0 | 2.1 | 0.0 | 3.4 | 3.1 | 1.9 | 2.9 |
| Other | 2.6 | 4.5 | 0.0 | 11.1 | 0.0 | 3.1 | 3.8 | 0.0 |
| youth centre | 2.2 | 3.8 | 0.0 | 5.6 | 5.2 | 0.0 | 1.9 | 0.0 |
| public utility company | 1.8 | 1.5 | 2.1 | 0.0 | 1.7 | 3.1 | 0.0 | 2.9 |
| cinema/theatre | 0.9 | 0.8 | 1.0 | 0.0 | 1.7 | 0.0 | 0.0 | 2.9 |

Annex 4
Access to services and opportunities through the humanitarian bus transport

Age breakdown

Percentage of respondents per age group who benefit from specific services/opportunities through humanitarian bus transportation

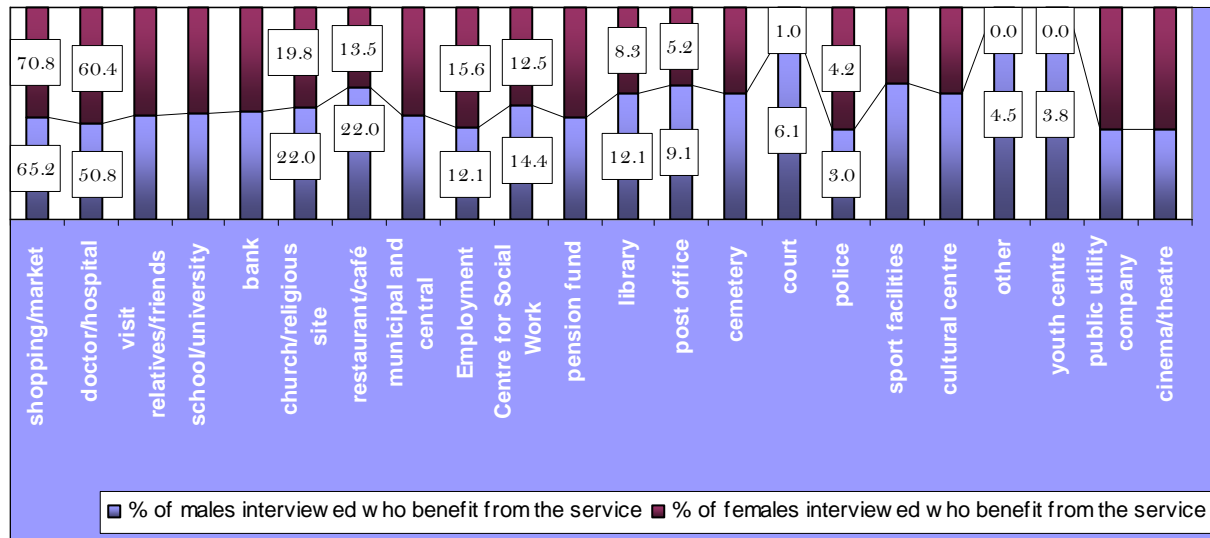


Legend: Details concerning the respondents' gender and age distribution are contained in the Annex 2 above. The exact percentages are displayed in Annex 5 below.

Annex 5 Access to services and opportunities through the humanitarian bus transport

Gender breakdown

Percentage of respondents per gender group who benefit from specific services/opportunities through humanitarian bus transportation

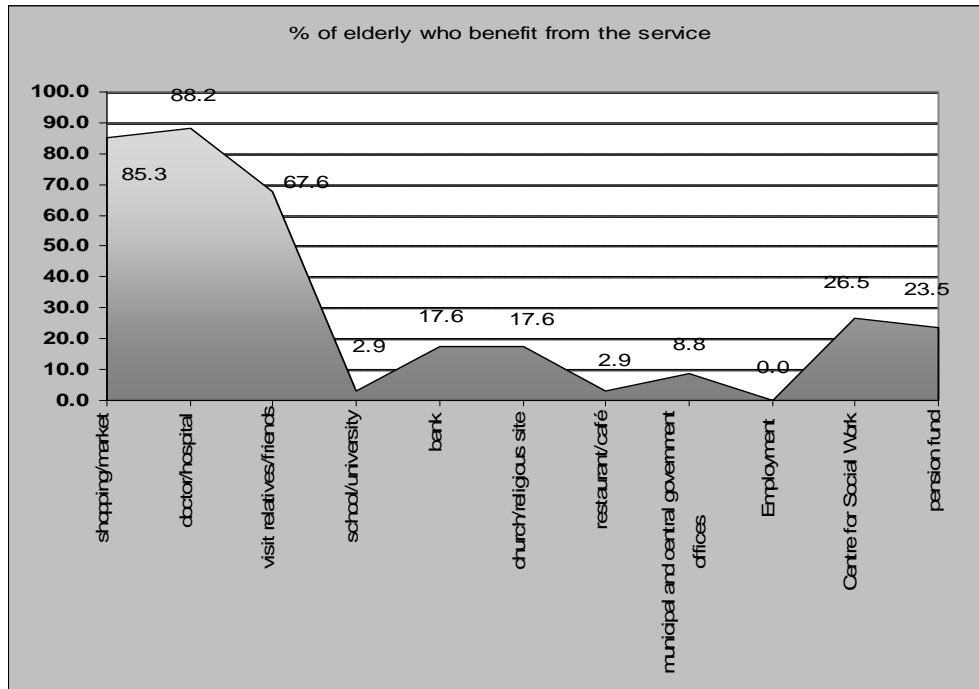


Legend: The percentages displayed in this Annex refer to 132 male and 96 female respondents. More details concerning the gender and age distribution of the respondents are contained in the Annex 2 above.

Annex 6

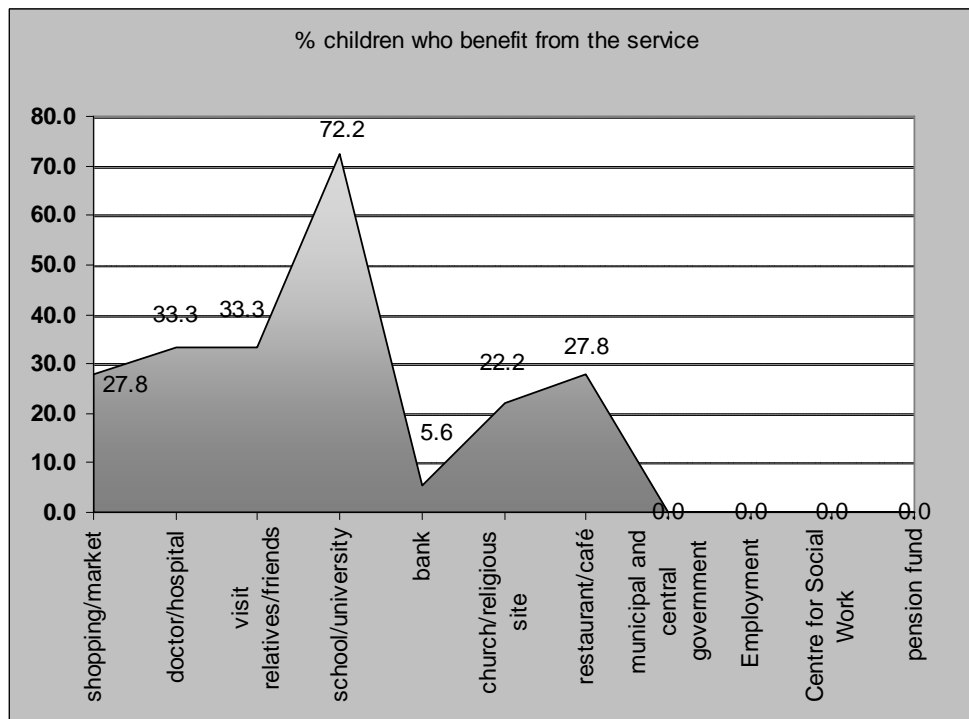
Access to services and opportunities through the humanitarian bus transport

Elderly



Legend: 34 respondents aged 60 or more were interviewed in the course of the survey.

Children



Legend: Eighteen respondents below the age of 18 were interviewed in the course of the survey.