



## Right to Fair and Proportional Representation of Communities in the Civil Service: The case of MOCR in Rahovec/Orahovac

---

Representatives of the Roma, Ashkali and Egyptian communities have brought a long-standing grievance to the attention of our paralegal and our Project Team from the Municipality of Rahovec/Orahovac.

Rahovec/Orahovac municipality has its own Office for Communities and Return (OCR). The Office employs five (5) staff members and they are all from the Serb community.<sup>1</sup> Members of the Roma, Ashkali and Egyptian communities are concerned by the fact that neither this office, nor the Municipality, employ any members of their communities. There is concern that the Roma, Ashkali and Egyptian communities' right to work has been violated, as this office deals directly with these three communities and the issues they face.<sup>2</sup>

The Equal Rights for all Coalition facilitated a request from the representatives of these communities to meet with the Mayor of the municipality of Rahovec/Orahovac, Mr. Idriz Vehapi, in order to discuss this concern and the possibility of employing a member of the Roma, Ashkali or Egyptian community to work in the OCR. In the past ten (10) years the MOCR in Rahovec/Orahovac, has not employed anyone from the Roma, Ashkali and Egyptian communities. As a result, there is concern that these communities are being discriminated against. Mr. Vehapi believes that regardless of the fact that the OCR has not employed any Roma, Ashkali or Egyptians, this has not influenced the Office's work in improving living conditions and solving problems that these communities face. Mr. Vehapi assured the representatives in the meeting that all communities and returnees have been treated equally and taken into consideration whenever they have referred to the Office. In other words, he said that the backgrounds of the employees have not affected the professionalism and seriousness towards any issues or cases raised with the MOCR. Mr. Vehapi has agreed that in the near future there will be an open call for a vacancy at the MOCR, specifically

---

<sup>1</sup> Head of the Office for Communities and Return, Jovan Bojic, in Rahovec/Orahovac. 2017.

<sup>2</sup> Representative of the Roma, Ashkali and Egyptian communities, Sadik Hyseni. 2017.



targeting applicants from the Roma, Ashkali and Egyptian communities in the Municipality. Both the Mayor and the Roma, Ashkali and Egyptian representatives agreed that this will increase the capacity, accountability and functionality of their administration towards the residents of Rahovec/Orahovac, namely the Roma, Ashkali and Egyptian communities.<sup>3</sup> While there has been no job advertisement yet since the meeting in May, our paralegal and our Project Team are both following up the case and hope that the Mayor will do as he said.

### **Legal framework and other considerations**

The document that specifically regulates the Municipal Offices for Communities and Return in all municipalities is the Regulation No. 02/2010 for the Municipal Offices for Communities and Return.

Regulation of the Municipal Offices for the Communities and Return (MOCR) is pursuant to article 93 (4) of the Constitution of Kosovo, Considering Chapters II, III and X and article 156 of the Constitution of Kosovo. Municipalities shall ensure that the MOCR include and perform as a minimum, the following functions: 1. Head of Office for Communities and Return; 2. Coordinator for Communities' Rights and Integration; 3. Officer/s for Communities' Rights and Integration; 4. Coordinator for Sustainable Return; 5. Officer/s for Sustainable Return.<sup>4</sup>

The representation of communities' interests is done through other mechanisms foreseen in the Law on Local Self-Government, like the Deputy Mayor for Communities, Deputy Chairperson of the Municipal Assembly for Communities and the Municipal Communities Committee. These mechanisms entitle specific quotas for minority communities based on the percentage of inhabitants of the minority communities.<sup>5</sup> Furthermore, they are specifically designed to represent the needs of minority communities and representation of all community members, is rendered mandatory.<sup>6</sup> In the case of Rahovec/Orahovec there are members of the Roma, Ashkali and Egyptian communities only in the Municipal Communities Committee. There is a clear legal framework that states that all communities, including those that are not in majority, should be proportionally represented in civil services. The legal obligations of community representation in the civil service are stated in the Law on Civil Service<sup>7</sup>, and further regulated by Regulation 04/2010 on Procedures for the Fair and Proportional Representation of Communities not in

---

<sup>3</sup> The Mayor of Municipality of Rahovec/Orahovac, Idriz Vehapi. 2017.

<sup>4</sup> Regulation No. 02/2010 for the Municipal Offices for Communities and Return, Article 5; Composition and structure of the Office.

<sup>5</sup> Law on Local Self-Government, Articles 53; 54; and 55.

<sup>6</sup> Law on Local Self-Government, Articles 53; 54; and 55.

<sup>7</sup> Law on the Civil Service, Article 11.



the Majority in the Civil Service. This Regulation mandates that at the central level 10% of civil servants must come from minority communities, while at the local level the representation must be proportionate to each community's share of the population in the relevant municipality.<sup>8</sup> Article 7.1 of Regulation no. 04/2010 states that “until the publication of the official population and housing census, data and percentages shall be collected for the determination of fair and proportional representation of the communities not in majority in the civil service of municipal level institutions”.<sup>9</sup> However, MOCR, being part of the civil service, is not legally required to employ members of non-majority communities.

In the population and housing census of Kosovo in 2011, Rahovec/Orahovac had 56,208 residents, of whom 787 (1.4%) declared themselves to be either Roma, Ashkali or Egyptian. However, these figures may not be reliable, as many Roma, Ashkali and Egyptians did not register. Furthermore, the census was boycotted altogether by members of the Serb community in the municipality, as in the rest of Kosovo. According to the Municipal Office of Communities and Returns, approximately 800 Serbs reside in the upper part of the town and in the village of Velika Hoča/Hoçë e Madhe.<sup>10</sup>

In its latest study on “Representation of Communities in the Civil Service in Kosovo: Follow-up Report”, the OSCE does not include Rahovec/Orahovac municipality in its qualitative assessments, due to the fact that according to the 2011 census, the population of Serbs and other non-majority communities is less than required to guarantee them one civil service post.<sup>11</sup>

ERAC would like to reiterate that community representation should not always be looked at from the viewpoint of legal obligations or meeting required quotas. It is of the utmost importance, as a matter of good governance that all communities feel equally treated and represented in the civil service.

ERAC hopes that the Municipality of Rahovec/Orahovac and its Mayor shall live up to their promise to include members of the Roma, Ashkali and Egyptian communities in the civil service and it will continue to support the advocacy efforts of the representatives of Roma, Ashkalia and Egyptian communities for representation in the Rahovec/Orahovac civil service, including the MOCR.

---

<sup>8</sup> Regulation 04/2010 on Procedures for the Fair and Proportional Representation of Communities not in the Majority in the Civil Service, Articles 4 and 6.

<sup>9</sup> Regulation 04/2010 on Procedures for the Fair and Proportional Representation of Communities not in the Majority in the Civil Service, Article 7.1.

<sup>10</sup> OSCE mission in Kosovo, Profiles of Municipalities, Rahovec/Orahovac. 2015. <http://www.osce.org/kosovo/13124?download=true>

<sup>11</sup> OSCE Mission in Kosovo, Representation of Communities in the Civil Service in Kosovo: Follow-up Report, p.8. 2017.



ERAC brings together seven (7) NGOs that work in the domain of *rule of law* and *fundamental rights* that will work together with an additional *nineteen (19) grass root NGOs*, with a particular focus on the establishment of a sustainable network of NGOs that are active in the protection and promotion of the fundamental rights of vulnerable and/or marginalised groups. The project's special focus are the following groups: **all minority communities** in Kosovo, **women**, **youth** and **LGBT community**. Although working on similar topics and issues, these NGOs are often divided on the basis of the particular target groups they are working with or the region they are active in. By establishing structural cooperation between selected NGOs and providing formal opportunities for continuous learning, the action generates the sharing of knowledge and experience between NGOs, strengthens their capacities for advocacy with relevant central and municipal institutions, and increases their visibility.

ERAC members are the following organisations:

- European Centre for Minority Issues Kosovo;
- Centre for Social Group Development;
- Centre for Equality and Liberty for the LGBT Community in Kosovo;
- Kosovo Center for Gender Studies;
- Youth Initiative for Human Rights;
- Kosovo Glocal;
- Centre for Legal Aid and Regional Development.

