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SUMMARY RECORD OF THE 37th MEETING

Held at the Palais Wilson, Geneva,
on Monday, 10 November 2008, at 10 a.m.

Chairperson: Mr. TEXIER

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS

- (a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Document on Kosovo (Serbia) submitted by the United Nations Interim Administration Mission in Kosovo (UNMIK)
(E/C.12/UNK/1; E/C.12/UNK/Q/1; HRI/CORE/UNK/2007)

1. At the invitation of the Chairperson, the members of the delegations of Serbia and the United Nations Interim Administration Mission in Kosovo (UNMIK) took places at the Committee table.
2. The CHAIRPERSON recalled that, at its thirty-fourth session in May 2005, the Committee had examined the initial report of Serbia (then Serbia and Montenegro) (E/1990/5/Add.61) and, in paragraph 9 of its concluding observations (E/C.12/1/Add.108), had taken note of the State party's explanation about its inability to report on measures adopted and progress made in achieving the observance of the rights recognized in the Covenant with regard to the province of Kosovo and Metohija, where civil authority was exercised by UNMIK under Security Council resolution 1244 (1999). The Committee had, however, called upon the State party to request the Secretary-General to provide it with information collected by UNMIK, in accordance with paragraph 11 (j) of that resolution, on the enjoyment in Kosovo since 1999 of the rights recognized in the Covenant and, without prejudice to the legal status of Kosovo, on the basis of such information to supplement its initial report to the Committee. Serbia had therefore invited UNMIK to submit supplementary information to the Committee, which UNMIK had duly done in October 2007 through the document before the Committee (E/C.12/UNK/1).
3. The Committee was bound by its concluding observations, and by them only. It was aware of the events that had occurred since it had issued its concluding observations in May 2005, in particular the unilateral declaration of independence by Kosovo and its recognition as an independent State by 51 States, but not by the United Nations, since Security Council resolution 1244 (1999) was still in force.
4. He reminded those present that the Committee was a human rights body comprising independent experts, and was in no way political. No comments of a political nature on the status of Kosovo would therefore be accepted. The clear, reasonable, legally sound and firm decision to adopt that rule had been taken by the Committee as a whole, and he would not hesitate to interrupt any speaker who contravened it. However, if everyone present was committed to the Committee's aim of examining the application of the Covenant in Kosovo, he was sure that a positive and constructive dialogue would be held.
5. Mr. STARČEVIĆ (Serbia) thanked UNMIK, as the administering Power in the province of Kosovo and Metohija according to Security Council resolution 1244 (1999), for submitting document E/C.12/UNK/1 and thus permitting the conclusion of the examination of implementation of the Covenant in the State party of Serbia. Regrettably, little progress had been made in Kosovo and Metohija since 1999 with respect to human rights, and it was unacceptable

that respect for human rights was being made conditional on the current political situation. Since the document submitted by UNMIK focused on describing legislation rather than on practical measures taken to implement the Covenant, the Serbian delegation had relied mostly on other reports - for example, by the Office of the United Nations High Commissioner for Refugees (UNHCR) and non-governmental organizations (NGOs) such as Amnesty International - in preparing its written comments on the document.

6. The general level of human rights protection in Kosovo and Metohija remained inadequate, and discrimination against non-Albanian ethnic groups, particularly members of the Serbian and Roma communities, was widespread. As noted in reports by the Organization for Security and Co-operation in Europe (OSCE) Mission in Kosovo and Amnesty International, the political and legal system did not meet international standards, which denied the entire population some of their fundamental rights. An atmosphere of impunity prevailed, and the main institutions responsible for the protection of human rights were incapable of ensuring safety, fair trials, non-discrimination and other rights to all residents of Kosovo and Metohija.

7. The lack of security guarantees was restricting the freedom of movement of minority communities, as well as access to the health services, courts and public transport, and was contributing significantly to the extremely slow pace of sustainably returning internally displaced persons (IDPs) to Kosovo and Metohija. Of the 230,000 such persons, predominantly Serbs, Roma and other non-Albanians, who had been forced to leave the province after June 1999, only a few thousand had returned thus far. Given that economic, social and cultural rights were crucial to the sustainability of returns, it was surprising that the Covenant had been excluded from the list of human rights instruments in chapter 3 of UNMIK Regulation No. 2001/9 on a Constitutional Framework for Provisional Self-Government in Kosovo.

8. A lack of consistency in implementing legislation on the protection of property rights meant that it was often difficult for owners to access their property, and illegal occupancy of property persisted despite UNMIK attempts to help owners. Insufficient numbers of judges and local experts often led to excessively long court proceedings and a lack of effective legal remedy.

9. The privatization process was a major difficulty, and enjoyment of the proceeds from sales had been denied to all former Serbian and non-Albanian employees who had lost their jobs: since June 1999, all non-Albanians had been expelled from 98 per cent of industrial facilities and various institutions, constituting 77,735 employees in 509 workplaces. Particularly worrying was the insufficient power supply to areas to which displaced non-Albanian communities were being returned. That population was suffering grave financial problems as a result of protracted displacement and the inability to achieve economic sustainability on return, compounded by a policy of the Kosovo Energy Corporation to charge returnees for the electricity consumed by illegal occupants during their displacement.

10. The fact that Albanian and Serbian were two of the official languages of Kosovo and Metohija was often not reflected in public documents or correspondence. Children from different ethnic backgrounds rarely interacted in the education system and lived separately from each other, and the few shared-schools initiatives had resulted in further ethnic division. Of the many Serbian cultural monuments that had been damaged or destroyed between 1999 and the events of March 2004 involving ethnic Albanian violence, only a few had been reconstructed.

11. The Committee's review of implementation by UNMIK of the Covenant in Kosovo and Metohija over the previous nine years would be useful as a starting point for long-overdue action aimed at improving the difficult human rights situation in the province. He trusted that UNMIK would take immediate steps to implement the Committee's recommendations.

12. The CHAIRPERSON noted that the Serbian delegation consisted of four members, whereas the agreement with the Committee had stipulated that it would consist of one only.

13. Mr. STARČEVIĆ (Serbia) said that the letter from the Committee had not mentioned that condition. Given that the only State party that was being examined was Serbia, not UNMIK, and that UNMIK had submitted a document that formed part of the periodic report of Serbia, it was important that both Serbia and UNMIK should be present at the Committee table.

14. The CHAIRPERSON, recalling that the agreement had been oral and that the Serbian delegation had been invited on that basis, said that although he would not insist on three members leaving the Committee table, the Serbian delegation should be aware that all discussion would be held with UNMIK only.

15. Mr. TSCHOEPKE (UNMIK) said he welcomed the opportunity for dialogue with the Committee and for an exchange of ideas and perspectives that would provide crucial guidance to UNMIK in discharging its mandate of protecting and promoting human rights in Kosovo. Given that the situation in Kosovo had changed over the previous nine years, UNMIK too would have to change. The ability of UNMIK to perform the vast majority of its tasks as an interim administration had been fundamentally challenged by recent actions on the ground. Nonetheless, UNMIK would remain in Kosovo under its mandate as set out in Security Council resolution 1244 (1999) and it was expected that OSCE, a pillar of UNMIK, and the European Union Rule of Law Mission (EULEX Kosovo) would play enhanced roles in monitoring and promoting human rights.

16. The commitment of UNMIK to creating an effective legal and policy framework for delivering on human rights was reflected in such provisions as the Constitutional Framework, the range of UNMIK regulations including one on anti-discrimination, and the two technical agreements with the Council of Europe, one of which related to the Framework Convention for the Protection of National Minorities. UNMIK had established a sound legal and regulatory framework for a modern market economy and had taken the lead in creating local economic institutions by assisting in the drafting of legislation, developing organizational structures and providing follow-up mentoring and assistance. The UNMIK Human Rights Advisory Panel, an independent body created through an UNMIK regulation, provided a mechanism for reviewing complaints concerning matters falling within UNMIK's responsibility. The Panel had become fully operational earlier in 2008 and had received 56 cases, of which 43 were currently under consideration and 13 had been declared inadmissible. The cases covered economic, social and cultural rights, including employment issues, property rights, the right to an adequate standard of living and discrimination. UNMIK would do its utmost to implement the recommendations of the Panel in order to optimize its effectiveness as a mechanism for accountability.

17. While establishing the required legal and policy frameworks was highly desirable and indispensable in some instances, it was simply not enough: it was essential to develop the capacities of Kosovo's institutions. He paid tribute to the contribution by OSCE to human rights

monitoring and institution-building. An example of the growing human rights capacities within the Kosovo Government was the Advisory Office on Good Governance, Human Rights, Equal Opportunity and Gender, which had contributed to preparing common core and treaty-specific documents in 2007. With support from the international community, the Advisory Office had drafted and was about to publish the Kosovo Strategy and Action Plan on Human Rights, an ambitious document that described measures for improving respect for the rights of non-Albanian communities, women, young persons, persons with disabilities and other marginalized groups, and envisaged a comprehensive review of existing legal and policy frameworks.

18. While there were many achievements, Kosovo could not afford to ignore ongoing challenges, especially in the reduction of poverty, the creation of employment and the delivery of health and education services. In order to meet those challenges, the Kosovo authorities had in 2008 signalled formal commitment to the Millennium Development Goals and established baseline data for measuring progress in attaining them, a process which would help focus decision-making on meeting urgent economic and social development needs.

19. UNMIK had adopted a rights-based approach to the return of IDPs. A UNHCR survey had found that 84.45 per cent of returns had been sustainable. However, the number of returns since 1999 had been low, as a result of factors such as lack of employment and an uncertain political climate. While it was essential for Kosovo officials to recognize IDPs as a central part of their constituency, it was equally important for minority communities to participate in governmental structures and processes.

20. The Kosovo authorities had prepared a programme for socio-economic development that would address key challenges, including further investment in infrastructure, improving education for Kosovo's extremely young population and developing institutions to consolidate the rule of law in a multi-ethnic society. Contributions made by the international community would meet Kosovo's financial needs as identified in the Medium Term Expenditure Framework. UNMIK welcomed and encouraged continuing assistance from the international community in consolidating achievements to secure a stable and prosperous Kosovo for all its communities.

21. The CHAIRPERSON invited the Committee members to pose questions of a general nature and to ask questions related to articles 1 to 5 of the Covenant.

22. Mr. KERDOUN said that since 1999 Kosovo had been heavily dependent on international assistance, which meant that UNMIK had faced the difficult task of ensuring that foreign funds were used without discrimination and were not diverted for corrupt purposes. It was particularly alarming that, of the €2.7 billion of assistance received by 2005, nearly €200 million had been allocated to "non-designated budget support", without further specification. The possibility of corruption had led to the establishment of a Financial Investigation Unit. He asked the delegation to inform the Committee why such large amounts had been left with an unclear status, and what had been done to ensure that those resources were used correctly. In respect of discrimination, while the report referred to proposals for affirmative action measures, very little progress had been made in that regard. What was blocking the implementation of affirmative action to ensure proportional representation in hiring? Was the Kosovo Assembly considering the adoption of a law on the rights of persons with disabilities?

23. Mr. RIEDEL, noting that one of the purposes of UNMIK Regulation No. 1999/24 on the Law Applicable in Kosovo was to ensure that international human rights treaties were applicable in Kosovo, expressed dissatisfaction with the delegation's contention that UNMIK had not been involved in the drafting of the Constitution and that it was thus not in a position to comment on the fact that the Covenant had not specifically been cited in that document. UNMIK should exercise its authority to ensure that economic, social and cultural rights were protected, and should take steps to ensure that the Government of Kosovo observed the provisions of Regulation No. 1999/24. While welcoming the establishment of a mechanism, the Human Rights Advisory Panel, to investigate possible human rights violations, he asked whether any cases had been resolved, and with what outcomes. Lastly, he said that the lack of reliable demographic data meant that it was particularly difficult to adopt measures to ensure human rights. He called for more efforts to be made to fill that void, notwithstanding the high cost and political sensitivity of such work.

24. Ms. BRAS GOMES asked what was the delegation's understanding of the nature of economic, social and cultural right, and how UNMIK integrated human rights and public participation into its efforts to achieve the Millennium Development Goals. Noting that the law prohibiting discrimination was highly regarded by experts and scholars, she said that its practical application was lacking. For example, there were no by-laws or regulations setting out procedures for its implementation; the terms in the law were not well defined and, according to some reports, the law had been mistranslated. What could be done to improve the law's implementation?

25. Women were particularly underrepresented at the municipal and local levels, and few municipalities had adopted gender equality policies and had named gender equality officers. It was of particular importance to ensure women's participation in local government, as that in turn would lead to a more balanced approach to the practical implementation of economic, social and cultural rights.

26. Ms. BARAHONA RIERA said that there was a lack of programmes and resources aimed at changing gender attitudes in Kosovo, and asked what had been done to amend the laws on discrimination and to improve policies aimed at eliminating gender discrimination in respect of education, culture, access to medical services and economic advancement in Kosovo.

27. Mr. SA'DI said that it was unclear from the report, who was responsible for the implementation of economic, social and cultural rights in Kosovo. The new Constitution apparently did not give the rights addressed by the Covenant their due. The delegation should give more information on the functioning of the Office for Complaints referred to in the report, and should explain why that body had been established specifically under the Ministry of Industry and Trade. Noting that the Administrative Department of Education and Science had established an appeals procedure and the Ministry of Culture, Youth and Sports had set up a complaints procedure, he suggested that it might be more rational to have a single channel for the lodging of complaints in the event of discrimination. What had been done to address the double discrimination faced by non-Albanian women in Kosovo? He also asked to hear about cases of discrimination faced by Roma and other non-Albanians, and how they had been addressed.

28. Ms. WILSON expressed concern at the abysmally low number of IDPs who had returned to Kosovo after the conflict in the 1990s, and asked whether the Revised Manual for Sustainable

Return referred to in the report had taken into consideration the Guiding Principles on Internal Displacement issued by the Representative of the Secretary-General on internally displaced persons. How were the authorities encouraging people to return, and how was the security of returnees guaranteed? While the report stated that 50 per cent of municipalities had adopted return policies, representatives of the IDPs had not been involved in the drafting of those policies, and the delegation itself recognized that such policies were not sustainable. What measures were being taken to ensure the safe and sustainable return of IDPs? Did people who were forced to return to Kosovo from other countries, many of whom presumably failed to secure refugee status, benefit from the same assistance as IDPs who returned to Kosovo of their own free will? Lastly, in respect of the law prohibiting discrimination, there was apparently a lack of awareness of the legal provisions and a lack of legal aid to implement the law in practice. What was being done to address those problems?

29. Mr. ZHAN Daode expressed surprise at the statement in the report to the effect that Kosovo had in many aspects surpassed the position of developed countries in respect of infrastructure, economic stability and finance. Could the delegation explain how a country that just 10 years previously had been the scene of armed conflict had made such progress?

30. Ms. BONOAN-DANDAN asked whether the core document had been translated into minority languages. How had the report been prepared, and what civil society and minority groups or associations had been consulted during its preparation? She also asked how reporting, policy formulation and the monitoring of progress could be possible in the absence of reliable statistical data.

31. Since the Covenant did not figure among the human rights treaties listed in the new Constitution as being directly applicable in Kosovo, she expressed concern that, in the event of a conflict between the Covenant and domestic law, the latter would prevail. Given that UNMIK personnel enjoyed immunity in Kosovo, what were the remedies available to people whose rights were violated by UNMIK itself? The Human Rights Advisory Panel reportedly lacked independence. In its replies to the list of issues the delegation had referred to a flexible approach adopted by a number of municipalities in extending legal aid to IDPs and others who lacked official papers. How did that work in practice? What guarantees were provided to ensure that legal aid was made available without discrimination?

32. She called upon the delegation to respond to questions 9 and 10 of the list of issues, which had not been answered in the replies, and to explain the status of the Ombudsman. It was her understanding that the Office of the Ombudsman had existed previously, but had then been dissolved. In what ways did the new mandate differ from the old one? Noting that Kosovo had entered into free-trade agreements with a number of neighbouring countries, she enquired what impact such agreements had had on vulnerable and marginalized population groups in Kosovo. Lastly, she asked the delegation in general terms to explain its understanding of the specific nature of economic, social and cultural rights.

33. The CHAIRPERSON, speaking as a member of the Committee, asked what difficulties had been encountered in the functioning of the judiciary, in particular in respect of issues related to health, education and non-discrimination.

34. Mr. TSCHOEPKE (UNMIK) emphasized that all funding received by UNMIK or Kosovo, whether earmarked for a specific purpose or not, was channelled through the Kosovo Consolidated Budget, making it easy to monitor how donations were used and leaving very little room for diverting funds from their original purpose. In many cases donors were involved in administering donations, which helped to avoid corrupt practices. The United Nations Office of Internal Oversight Services had examined one major project and revealed no shortcomings in that regard. On behalf of Kosovo, UNMIK had signed the Central European Free Trade Agreement, which sought to establish a unified rate of custom and excise duty and address differences in taxation systems between parties. No problems had yet arisen in its implementation.

35. Responding to concerns that article 22 of Kosovo's new Constitution did not fully address UNMIK Regulation No. 1999/24, he explained that UNMIK had not been involved in the drafting of article 22. Regulation No. 1999/24, under which all human rights instruments applied in Kosovo, was nevertheless still in force. The Human Rights Advisory Panel had been created by UNMIK to monitor its own actions from the point of view of human rights and was considered independent as its members were not appointed by UNMIK. Its terms of reference were wide enough to cover all UNMIK activities.

36. With regard to the lack of reliable demographic data, he said that comprehensive census legislation was in force but that implementation remained a problem. Pilot projects were under way to test methods and tools, but trained personnel and funding were also required. Feedback from the pilot projects had yet to be received but he expressed confidence that existing census legislation would allow a reliable body of demographic data to be obtained.

37. Mr. HAJREDINI (UNMIK) recalled that, since document E/C.12/UNK/1 had been submitted, Kosovo had declared its independence and the Constitution of the Republic of Kosovo had come into force.

38. The CHAIRPERSON reiterated that comments should be confined to matters that fell within the Committee's mandate and that the status of Kosovo should not be discussed.

39. Mr. HAJREDINI (UNMIK) said that an act on training, rehabilitation and employment for disabled persons drafted the previous year had been discussed by legislative bodies but considered too expensive. Following consultations with various ministries and the incorporation of their recommendations, the draft would be reviewed again by the relevant committee. A national plan for disabled persons was due for publication in December 2008 and various groups had been established to examine issues such as education, social protection and employment. Discrimination against the disabled was covered by the Anti-Discrimination Law, which, along with a Government report on the subject, was published in Romani, Bosnian and Braille, as well as Albanian. September had been designated Anti-Discrimination Month, and a comprehensive programme of activities was being undertaken as part of a two-year campaign to raise awareness of anti-discrimination legislation and the rights of persons with disabilities.

40. Mr. DECKER (UNMIK) said that implementation had been a problem in general, partly because the institutions involved had been established only recently, and should be considered in any discussion of legislation in Kosovo.

41. Ms. DEMAJ (UNMIK) said that Kosovo aimed to create a legislative infrastructure that conformed to European and international standards in the field of human rights. The Government of Kosovo was working to establish the necessary institutional mechanisms. Under the Law on Gender Equality in Kosovo, gender equality was promoted as one of the main features of Kosovo society. Implementation and monitoring mechanisms were in place locally and nationally. Women still faced challenges in participating in the decision-making process at all levels, accounting for less than one third of managerial staff and only 10 of higher-level decision-makers, a long way from the 40 per cent target established in legislation. Affirmative action had been taken during 2007 to try and increase the proportion of women in all levels of government but limited progress had been made, and much more remained to be done to achieve equal representation of women in administration. She offered to provide additional information on the proportion of women in the judiciary.

42. Mr. RAYMUNDO (UNMIK) said that work towards achieving the Millennium Development Goals (MDGs) and aligning legislation with them was being led by the United Nations agencies operating in Kosovo, in particular the United Nations Development Programme (UNDP). A recent report had concluded that the MDGs in the areas of health and education were achievable, which was encouraging in view of the challenges faced. He expressed satisfaction at the clear and unequivocal support from the Kosovo authorities for pursuing the MDGs, which to a large extent represented the most pressing priorities in realizing the enjoyment of economic, social and cultural rights, without absolving the authorities of the need to implement all provisions of the Covenant. He understood there was every intention of ensuring that the Covenant remained applicable in Kosovo.

43. Mr. HAJREDINI (UNMIK) said that institutional mechanisms for the prevention of discrimination now existed in Kosovo. Fifteen ministries had human rights mechanisms and 26 municipalities were equipped to address and promote respect for human rights, including prevention of discrimination; their mandate was to monitor the laws in force against discrimination and to develop awareness campaigns to improve cooperation at the community level. A number of ministries were empowered to implement the human rights action plan which the Government would issue at the end of November and, also, its forthcoming strategy for the integration of the Roma community, which would focus on eliminating discrimination. That mechanism was operational with support from relevant international bodies functioning in Kosovo, including OSCE and the European Community. A number of measures had been taken to facilitate the implementation of the anti-discrimination legislation in force and various programmes had been designed to enhance the capacity of existing mechanisms.

44. Mr. TSCHOEPKE (UNMIK) said that UNMIK had been in control of Kosovo during the reporting period, as mandated by Security Council resolution 1244 (1999). Following the declaration of independence by the Kosovo authorities, a new constitution had been enacted in June 2008 which had undermined the mandated authority of UNMIK. Although UNMIK remained nominally in control, it was no longer able to implement its mandate in full in some areas where other players, including international players, had assumed control. The Mission continued to monitor and report on the situation, in addition to exercising control in a limited area of its mandate.

45. Local laws and UNMIK regulations coexisted in Kosovo because, until June 2008, UNMIK had been the ultimate legislator in Kosovo and the regulations that it had promulgated

were directly applicable. Moreover, all legislation enacted by parliament had been sent to UNMIK for promulgation by the Special Representative of the Secretary-General since 2001, when responsibilities and legislative authority had been transferred to local authorities. Although its ability to implement its mandate, and therefore human rights instruments, was limited, UNMIK remained the final authority in Kosovo according to Security Council resolution 1244 (1999). The situation was complicated but the issues raised by the coexistence of two legal systems in a single area were being addressed at the political level and UNMIK was confident that it would continue to implement its mandate, although adapted as required by the Security Council.

46. He was confident that the issue of double discrimination against women from ethnic minorities would be addressed by the instruments that had been developed once they could be fully implemented with the local authorities. Referring to the high success rate of returns, he clarified that over 80 per cent of returnees remained in Kosovo, which indicated the success of the safety measures that were in place.

47. Mr. RAYMUNDO (UNMIK) said that the local authority responsible for returns and minority communities had indicated that it was in the process of revising the 2006 Revised Manual for Sustainable Return with input from IDP groups, which had not previously been involved in developing policies affecting returns. The low number of returns to Kosovo over the years could be attributed to the negative impact of social and economic conditions and the current climate of political uncertainty there, which could threaten the mechanisms whereby IDP groups became more involved in the process of policy development. In addition to consultations conducted through IDP associations in Kosovo, there had been efforts to involve IDPs more directly.

48. With respect to the returns process, specialized working groups had developed municipal returns strategies in most municipalities in Kosovo. Much work remained to be done to overcome the challenges to Kosovo's institutional capacity to deal with returns. There was a need to develop training and capacities at central and local levels and, also, to strengthen leadership and technical capacity. Persons returned forcibly to Kosovo were being helped to reintegrate through a programme that received them and facilitated their access to the necessary civil documentation that would offer them access to health and education services.

49. Mr. TSCHOEPKE (UNMIK) said that the lack of effective remedies to invoke anti-discrimination laws was due in part to the fact that the court system was in the process of development and in part to the need for training. A number of international organizations, in particular the United States Agency for International Development, were seeking to raise awareness of anti-discrimination legislation among the judiciary and to enhance professionalism by enabling judges and lawyers to take into account and implement existing human rights legislation. Efforts were being made to address the issues raised by the transition to the legislative rules of a modern market economy and, also, the need to take into account human rights implementation.

50. Referring to paragraph 134 of document E/C.12/UNK/1, he clarified that the privatization programme developed by UNMIK since 2004 had led to an economic transition in Kosovo that had been implemented more rapidly than privatization programmes in other developed countries such as the former German Democratic Republic and, in that respect, had surpassed them.

51. Mr. DECKER (UNMIK) said that, while the treaty-specific document had been translated into Albanian and Serbian, the core Millennium Development Goals document had not.

52. The Special Representative of the Secretary-General for Kosovo had tasked OSCE with compiling the present report based on inputs from the Kosovo institutions to which competencies had been transferred and from UNMIK. All ministries and heads of human rights units had contributed to the report through the governmental working group established for that purpose in December 2006. OSCE had taken a holistic approach to compiling the report; had established capacity-building workshops within government structures on economic, social and cultural rights and treaty-body reporting, provided concrete support in order to obtain the requested input and set up a coordinating task force composed of six permanent staff members. Focal points had been appointed in various offices and departments of UNMIK including the Office of Gender Affairs, the Department of Civil Administration and the Office of Communities, Returns and Minority Affairs. Moreover, information had been received from OSCE, which had a broad monitoring role, in addition to UNDP, the United Nations Children's Fund, the United Nations Development Fund for Women, the World Health Organization, the World Bank, the Statistical Office of Kosovo, the Kosovo Judicial Institute, the Ombudsman Institution in Kosovo and the Union of Independent Trade Unions of Kosovo. Although civil society had not been involved in drafting the report due to a lack of resources at the time, shadow reports had been prepared through the Office of the High Commissioner for Human Rights.

53. Mr. TSCHOEPKE (UNMIK) clarified that although chapter 3.1 of the Constitutional Framework mentioned specific covenants, chapter 3 applied to all covenants.

54. On another note, he explained that although UNMIK enjoyed immunity from prosecution, it was required to provide alternative remedies to claimants alleging that their human rights had been violated. One such remedy was the Human Rights Advisory Panel which addressed allegations of violations by UNMIK, the advisory opinions of which UNMIK was required to take seriously.

55. Mr. DECKER (UNMIK) said that the Government was committed to resolving the situation with regard to the civil registration of the Roma, Ashkali and Egyptian communities of Kosovo. The preliminary results of the regional study on civil registration among those groups that was being conducted by the High Commissioner on National Minorities of OSCE indicated that the problem in Kosovo might be less severe than in other countries in the region. However, the fact that 20 per cent of that population lacked documentation remained a cause for serious concern.

56. UNMIK believed that the free-trade agreements benefited marginalized groups as they enhanced trade and so allowed those groups to profit from economic development, and that the Central European Free Trade Agreement mechanism in particular would enhance economic development throughout the region.

57. The former and the new Ombudsman institution were essentially the same, but appointments to that office were now made by the Special Representative of the

Secretary-General with the assistance of local authorities. The local Ombudsman had no authority over human rights violations by UNMIK, which were addressed by the Human Rights Advisory Panel.

58. Problems remained with the functioning of the justice system in Kosovo. International judges were serving in the justice system, in the international court overseeing privatization and, also, in a number of criminal courts at various levels. Their presence was instrumental in training local judges and enforcing international standards with respect to criminal justice. International players were implementing programmes to strengthen the justice system in the area of commercial and civil rights disputes, although that task would not be completed in the near future.

The meeting rose at 1 p.m.