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*Qeveria -Vlada-Government*

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**Strategy for the Integration of Roma, Ashkali and  
Egyptian Communities in the Republic of Kosovo**  
**2009-2015**

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## **Executive Summary**

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## Abbreviations

GEA	Gender Equality Agency
EIA	European Integration Agency
KPA	Kosovo Property Agency
SHPD	Shelter and Property Directorate
PTA	Parents and Teachers Association
DUA	Democratic Union of Ashkalis
EU	European Union
KCB	Kosovo Consolidated Budget
CoE	Council of Europe
DOW	Doctors of the World
UDHR	Universal Declaration of Human Rights
ECHR	European Convention for Human Rights
FCNM	Framework Convention for National Minorities
EIC	Education and Information Campaign
WG	Working Group
UN-HABITAT	United Nations Human Settlements Programme
ICCPR	International Convention for Civil and Political Rights
ICESCR	International Convention for Economic, Social and Cultural Rights
ICO	International Civilian Office
ICRC	International Red Cross Committee
IEC	Information, Education and Communication
NPHI	National Public Health Institute
ILO	International Labour Organization
OI	Ombudsperson Institution
PISG	Provisional Institutions of Self-Government
IRDK	New Democratic Initiative of Kosovo
MEF	Mid-Term Expenditure Framework
PAC	Property Affairs Committee
KCPSED	Kosovo Centre for Public Security Education and Development
HRC	Human Rights Convention
CEFAW	Convention for Elimination of All Forms of Discrimination against Women
ECPHRBF	European Convention for Protection of Human Rights and Basic Freedoms
KEK	Kosovo Power Corporation
KFOS	Kosovo Foundation for Open Society
KJC	Kosovo Judicial Council
PSLC	Public Security Local Councils
CEFRD	Convention for Elimination of All Forms of Racial Discrimination
KRAEF	Kosovo Roma Ashkali and Egyptians Forum
ESPM	Environment and Spatial Planning Ministry
LGAM	Local Government Administration Ministry
MEST	Ministry of Education, Science and Technology
MLSW	Ministry of Labour and Social Welfare
MAFRD	Ministry of Agriculture, Forestry and Rural Development
MOJ	Ministry of Justice
MEM	Ministry of Energy and Mines
MEF	Ministry of Economy and Finance
MRC	Ministry for Returns and Communities
MCYS	Ministry of Culture, Youth and Sports
MIA	Ministry of Interior Affairs
MFA	Ministry of Foreign Affairs
MH	Ministry of Health

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MPS	Ministry of Public Services
MTI	Ministry of Trade and Industry
MTT	Ministry of Transport and Telecommunications
HRU	Human Rights Unit
PCU	Professional Conduct Unit
WHO	World Health Organization
NGO	Non-Governmental Organizations
OSCE	Organization for Security and Cooperation in Europe
PDAK	Democratic Party of Kosovo Ashkalis
IPCPR	International Pact for Civil and Political Rights
PREBK	Kosovo Roma United Party
SRSG	Special Representative of the Secretary General
PTK	Kosovo Post and Telecom
EPAP	European Partnership Action Plan
PEC	Professional Education Centre
SLC	Social Labour Centre
DCRA	Documentation Centre for Roma and Ashkalis
SFH	Schweizerische Flüchtlingshilfe
KP	Kosovo Police
KDP	Kosovo Development Plan
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
UNIJA	Danish Refugee Council, IDP Association UNIJA, etc.
UNKT	United Nations Kosovo Team
UNMIK	United Nations Mission in Kosovo
OPM/OGG	Office of the Prime Minister – Office for Good Governance, Human Rights and Equal Opportunities

## Executive Summary

### 1. Introduction

#### 1.1. Preamble

##### Vision and Goals

Vision:

The Republic of Kosovo, an independent, sovereign, free and democratic state that will implement and respect all international standards of Human Rights and where all communities will be able to live without fear, will enjoy equal opportunities and will uphold the vision of building a joint future.

Goals:

- Promote and strengthen the protection of the rights of Roma, Ashkali and Egyptian communities and their full integration in Kosovar society;
- Develop proper policies and legislation, and ensure that the legislation is in line with international standards of human rights;
- Actively promote the empowerment of democratic institutions and rule of law, especially through dialogue and institution building for the implementation of the rights of Roma, Ashkali and Egyptian communities;
- Support and encourage the work of NGOs that represent the interests of Roma, Ashkali and Egyptian communities, especially cooperation with them, including the Institution of the Ombudsperson;

On February 17<sup>th</sup>, 2008, the Assembly of Kosovo endorsed the declaration of independence declaring Kosovo an independent and sovereign state and representing the aspirations to build a free and democratic country that would implement and respect the highest international standards of human rights and where all communities can live without fear, enjoy equal opportunities and embark on the vision of building a joint future. These aspirations were reflected and embodied in the Constitution of Kosovo that was endorsed on April 9<sup>th</sup>, 2008, and entered force on June 15<sup>th</sup>, 2008.

This Constitution embodies the highest standards of human rights and pays special attention to minority communities in Kosovo. Chapter III of the Constitution, dedicated completely to the rights of communities and their members, notes that in addition to basic human rights and freedoms the minority communities also enjoy special rights as specified in the Constitution. The specific articles on minority rights specified in the Constitution of Kosovo is evident proof of the good will of the Republic of Kosovo to enable every citizen of Kosovo regardless of their ethnicity to live in freedom and full dignity in the territory of the Republic of Kosovo.

As part of the commitment to guarantee a good life for all communities, the Republic of Kosovo pays special attention to Roma, Ashkali and Egyptian communities which are officially recognized as specific communities by the state of Kosovo.

It is well known that throughout Europe, Roma (and Ashkali and Egyptians) have been subject to discrimination for centuries. Even today they face discrimination and racial stereotypes and are in the narrow cycle of discrimination, poverty and exclusion, and remain one of the most vulnerable minorities in Europe. All social and economic indicators clearly highlight this deplorable fact; meanwhile, the living conditions of the poorest communities are reminiscent to the living conditions of the poorest communities in undeveloped countries.

Kosovo is no exception in this regard and as all over Europe, the Roma, Ashkali and Egyptian communities are unfortunately discriminated and among the poorest and most vulnerable communities in Kosovo with the least perspective for a better life and future.

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The destructions of the war in Kosovo and the prolonged process of resolving the country's final status has further aggravated the economic and social situation of Kosovars and has especially touched the most vulnerable groups of society, including these three communities.

The Government of the Republic of Kosovo is aware of this situation and it is committed to do everything in its power to create proper conditions for Roma, Ashkali and Egyptian communities so that they can enjoy equal rights with all other ethnic communities in Kosovo without any form of discrimination. Proof of this engagement is the endorsement of the special strategy, which includes affirmative measures aimed at bridging the gaps between Roma, Ashkali and Egyptian communities on the one side and other communities on the other.

For this reason in particular, the Government of Kosovo has established the Ministry for Returns and Communities (MRC) in 2005 and other institutional mechanisms such as the Office for Communities - the Office of the Prime Minister, and the Advisory Council for Communities – the Office of the President.

### Principles

The Government of the Republic of Kosovo is led by the principle of integration at equal footing and pledges to guarantee the respect for the identity and national background of members of these three communities, at the same time fighting all forms of discrimination.

With the aim of implementing as quickly as possible the principles and oaths of the Constitution of the Republic of Kosovo, the Government of the Republic of Kosovo pledges to use affirmative measures in order to quickly improve the situation of the three communities.

In full accordance with the Constitution of the Republic, the Government of the Republic of Kosovo will strictly abide to a policy of equal opportunities, social inclusion and anti-discrimination.

The Government of the Republic of Kosovo will follow a participatory approach and will include representatives and civil society of these communities in the implementation and monitoring of the Strategy – as they were included in the development process of the Strategy.

### Justice

The priority of the Republic of Kosovo is the reconstruction of the country and eliminating the consequences of the war. In this respect, the Government of Kosovo is engaged in curing the wounds of war and is trying its best to bring justice regardless of the ethnicity of the victims or perpetrators and to shed light on the fate of missing persons, among which are many members of these communities.

The Government of the Republic of Kosovo, for years now, has been making tremendous efforts to enable the return of Kosovar citizens that left the country as a result of the war. Justice and reconciliation have been identified as prerequisites that enable a peaceful coexistence between communities-ethnic groups in Kosovo and for the democratic development of Kosovar society.

The Strategy for the integration of Roma, Ashkali and Egyptian communities represents an important contribution in the restless efforts by the Government of the Republic of Kosovo to build a climate of tolerance and mutual respect between different communities in Kosovo and to enable a political dialogue between the Republic of Kosovo and host countries of members of these communities, and with specialized agencies (IOM, UNHCR and others) to keep the process under control.

### Thanks

The development of this Strategy was a common effort of the Office of Good Governance in the Office of the Prime Minister of the Republic of Kosovo and all line Ministries of the Republic of Kosovo, Kosovo Foundation for Open Society (KFOS), representatives of the three

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communities and of the OSCE Mission in Kosovo, who jointly coordinated the development process of the strategy.

Therefore, the Government of the Republic of Kosovo deeply thanks KFOS and OSCE for their close cooperation and generous and highly qualitative assistance that helped develop this strategy

Representatives of the relevant ministries and from other institutions of Kosovo as well as several international organisations provided invaluable input in the development of the strategy.

Our thanks are extended in particular to the Roma, Ashkali and Egyptian communities and the Human Rights Units in the Ministries of the Government of the Republic of Kosovo participating in the working groups for the elaboration of the strategy. Without their expertise and commitment it would have been impossible writing the strategy.

Further, we are thankful to Council of Europe (CoE), to the United Nations Development Programme (UNDP), UNICEF, UNIFEM, UN-HABITAT, and the United Nations High Commissioner for Refugees (UNHCR) for their valuable contributions.

### **1.2. Background**

#### *Roma, Ashkali and Egyptians in Kosovo*

Exact data on the actual number of Roma, Ashkali and Egyptian communities currently living in Kosovo or on the number of Roma, Ashkali and Egyptian communities originally from Kosovo, but living as refugees, IDP, rejected asylum seekers or migrant workers outside of Kosovo are not available. Statistics about the three communities are unclear and often inaccurate or contradictory. However, it is estimated that currently around 35.000 to 40.000 Roma, Ashkali and Egyptians live in Kosovo and a larger number live outside Kosovo.

Large communities with a couple of thousand persons exist in Gjakove/Djakovica, Prizren, Ferizaj/Urosevac, Fushe Kosove/Kosovo Polje, Obiliq/Obilic, Peje/Pec, Gracanica, Gjilan, Mitrovica and Leposavic.

Ten thousands of the Roma, Ashkali and Egyptians currently living outside of Kosovo left Kosovo during and in the aftermath of the conflict in 1999. However, the partial reconstruction as well as the return process to other places in Kosovo such as Gjilan/Gnjilane, Lipjan/Lipljan or Kline/Klina, however, also demonstrates the possibility for a new beginning.

The strategy primarily addresses the improvement of the situation of those Roma, Ashkali and Egyptian communities still living in Kosovo, and at the same time provides solutions and recommendations for the re-integration of returnees. Only in a second step, when the situation of these communities has improved and their absorption capacity has increased, the communities will be in a position to receive considerable numbers of returnees.

The return process and the process of reconciliation and creating a tolerant environment and interethnic dialogue in Kosovo which strictly respects the rights and freedoms of minorities underline the readiness of the Republic of Kosovo to accept its Roma, Ashkali and Egyptian citizens. However, the three communities still face a deplorable situation in Kosovo, in particular in the field of employment.

All available social and economic indicators underline their disadvantaged position and the actual living conditions of the poorest remind to living conditions of the poorest communities in developing countries.

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The UNDP Human Development Report (2004) provides some useful data on the socio-economic position of the three communities in Kosovo<sup>1</sup>

<b>Per Capita Income</b>
Roma, Ashkali & Egyptians: <b>€397</b> Kosovo Serbs: <b>€1.282</b> Kosovo Albanians: <b>€1.051</b> Others: <b>€866</b>
<b>Extreme Poverty (1 USD a day)</b>
Roma, Ashkali & Egyptians: <b>36.70%</b> have to live in extreme poverty. Kosovo Serbs: <b>3.94%</b> Kosovo Albanians: <b>12.87%</b> Others: <b>16.82%</b>
<b>Unemployment Rate</b>
Roma, Ashkali & Egyptians: <b>58.32%</b> Kosovo Serbs: <b>30.18%</b> Kosovo Albanians: <b>45.85%</b> Others: <b>42.96%</b>

Data from a Wage and Skills Survey of the International Labour Organisation (March 2006) confirm the disadvantaged position of the three communities.

The sample comprised 12.126 workers employed in 1547 enterprises, primarily private companies; however, only 0.1% of the persons working in these enterprises were Roma, Ashkali and Egyptians, meaning around 12 persons.<sup>2</sup>

<b>Average Monthly Income</b>
Roma, Ashkali & Egyptians: <b>€ 144.30.</b> Kosovo Serbs: <b>€ 196.60</b> Kosovo Albanians: <b>€ 224.10</b> Others: <b>€ 240.20</b>

That Roma, Ashkali and Egyptians, if employed, occupy primarily lower level positions is demonstrated by the results of the survey conducted for the UNDP Human Development Report. The data represent the percentage of the respective workforces in leading positions.

<b>Legislation and Managerial Staff</b>
Roma, Ashkali & Egyptians: <b>7.90%</b> Kosovo Serbs: <b>16.19%</b> Kosovo Albanians: <b>13.94%</b> Others: <b>15.58%</b>
<b>Professional and Technical Staff</b>
Roma, Ashkali & Egyptians: <b>11.68%</b> Kosovo Serbs: <b>33.57%</b> Kosovo Albanians: <b>22.15%</b> Others: <b>25.91%</b>

<sup>1</sup> For the data see UNDP, Human Development Report Kosovo 2004. Pristina 2004. For further data on the situation of the three communities in the employment sector see the chapter "Economic Empowerment and Employment".

<sup>2</sup> International Labour Organisation, Wage and Skills Survey. March 2006. Pristina 2006. This data demonstrate that the common practice to count together as "Others" all non-Albanian and non-Serb communities (Roma, Ashkali, Egyptians, Bosniacs, Gorani, Turks, Croats) can not provide for reliable and realistic results due to the differences between Roma, Ashkali, Egyptians on the one hand and e.g., Bosniacs and Turks on the other hand.



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Data from surveys on the ethnic structure of public companies in Kosovo demonstrate an unfavourable position of Roma, Ashkali and Egyptian communities and affirmative measures foreseen in the Constitution of the Republic of Kosovo and in this Strategy are indispensable in order to resolve this issue.

Employment in Public Companies Egyptians	Employees (total)	Roma,	Ashkali,
Kosovo Electricity Company (KEK):	7564	3 (0.04%)	
Post and Telecommunication Kosovo (PTK):	2484	14 (0.56%)	
Kosovo Railroads:	389	2 (0.51%)	
Airport Pristina:	577	2 (0.35%)	
Kosovo Trans:	912	30 (3.29%)	

These five companies employed together 11,926 persons; out of them were 51 Roma, Ashkali and Egyptians (0.42%). Also in the Kosovo Police Service (KPS), the three communities are underrepresented with 0.71% of the officers or 50 persons.

Individual data from the Government structure and from international organisations – as major employers – present a similar deplorable picture: an obvious under-representation of the three communities among the workforce of these institutions.

However, individual data from some municipalities demonstrate the existence of good practices in Kosovo, e.g., in Gjakove/Djakovica the Water and Sewage Public Company employs around 5% Roma, Ashkali and Egyptians (eleven persons) while the rate of Roma, Ashkali and Egyptians employed with the City Sanitation Public Company is even 56% (61 persons).

However, there are exceptions in some municipalities where members of these communities practice certain crafts and are economically successful and accepted as business partners by the majority population.

It is assumed that on the one hand prejudiced practices by potential employers and on the other hand the low level of professional training and education and the lack of information among communities' members contribute to deplorable situation on the labour market.

It is expected that with the (forced) return from Western Europe, Macedonia, Bosnia and Herzegovina or Montenegro and the voluntary return of Internally Displaced Persons (IDP) from Serbia, the economic situation will further deteriorate; in particular taking into account that the remittances from Western Europe contributed to the income of many of the families that remained in Kosovo.<sup>3</sup>

Of further particular concern is the situation of the three communities in the education sector.

Education-related data for Roma, Ashkali & Egyptians in Kosovo <sup>4</sup>
Illiterate: <b>16%</b>
Children attending primary education: <b>75%</b>
Children attending secondary education: <b>25%</b>
Attending or finished high school: <b>1.4%</b>

The following table on the literacy rate does not only demonstrate the disadvantaged position of the three communities.

<sup>3</sup> Among Roma, Ashkali and Egyptians remittances, help-out from relatives/friends, alimonies constitute 20.86% of the total income which is the highest rate among all ethnic communities. See UNDP, Human Development Report Kosovo 2004. Pristina 2004

<sup>4</sup> UNDP, Human Development Report Kosovo 2004. Pristina 2004. For further data on education see the chapter "Education".

Literacy rate <sup>5</sup>	
15-24 years: Non-Roma	98%
Roma	65%
Roma women	56%
25-34 years: Non-Roma	98%
Roma	76%
Roma women	69%

The table also demonstrates the particular disadvantaged position of Roma, Ashkali and Egyptian women in the education system. A similar situation prevails on the labour market (e.g., out of the 50 police officers only two are women while the UNDP survey showed that the percentage of Roma, Ashkali and Egyptian women in leading position is 0%). Low education level, economic and social dependence and early marriages further aggravate their position and reinforce the discrimination of women of these three communities.

Cases of discrimination can be found in all spheres of daily life of the three communities. In education, access to health care, reconstruction of destroyed property, political participation and representation, participation in supported return programmes, the three communities or members of the three communities are disadvantaged against the Serb minority that has enjoyed great attention by international institutions that supervised the administration in Kosovo and the efforts of local institutions.

#### Refugees, Internally Displaced Persons and Migrants

Around 45.000 to 50.000 Kosovo Roma, Ashkali and Egyptians live in Serbia (around 23.000 as registered IDP), 35.000 are registered in Germany as rejected asylum seekers and around 10.000 live as refugees in Montenegro, Macedonia and Bosnia and Herzegovina. An unaccounted number lives as refugees, illegal migrants or migrant workers all over Western Europe. It is expected that in the next future considerable numbers will be returned to Kosovo.

As of October 2007, only 6,899 Roma, Ashkali and Egyptians returned to Kosovo since January 2000 according to UNHCR data. On the other hand, a considerable number are believed to have left Kosovo in this period due to very difficult economic reasons.

The main domestic policy documents governing the (voluntary) return of IDP are the *Provisional Institutions Self-Government (PISG) Recommendations to Updating Return Policies and Procedures* from May 2006, the *Revised Manual on Sustainable Return* which was last revised in July 2006 and the *Protocol on Voluntary And Sustainable Return*, signed June 2006 by UNMIK, Government of Serbia and PISG.

In addition, most of the municipalities developed *Municipal Return Strategies* which yet address solely the issue of voluntary return of IDP and refugees, but not of forced return.

It is believed that more than 11% of the registered IDP in Serbia are Roma, Ashkali and Egyptians, however, there is also a large number of citizens that are displaced to Serbia without being registered as IDP. Most of these IDPs live in extreme poverty without having access to essential services such as education, health care, social benefits or to the official labour market.

At time of writing the strategy, the return of failed asylum seekers from Western Europe was still in the reserved competencies of UNMIK while the return of IDP from Serbia was already in the competencies of the Government. Accordingly, different policy papers govern the respective return policies.

In 2007, UNMIK and PISG finalised a *Strategy for the Reintegration of the Repatriated* addressing the situation of refugees being forcefully returned to Kosovo. It is estimated that around 50% of the persons who might be repatriated forcefully are Roma, Ashkali and Egyptians, in particular Roma.

<sup>5</sup> UNDP, Faces of Poverty. Bratislava 2005.

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It is expected that in the next future, considerable numbers will be (forcefully) returned from Western European, primarily Germany, but also from countries such as Montenegro, Macedonia and Bosnia and Herzegovina.

This return creates additional responsibilities for both the central government and the municipal authorities; a mass-scale return to Kosovo would even overburden the capacity of politics and society in Kosovo. And it would overstretch the absorbing capacities of the Roma, Ashkali and Egyptian communities creating the danger that larger numbers would leave Kosovo.

The strategy at-hand provides for solutions and extensive recommendations to return- and reintegration-related issues, however, can not replace the governing policy documents mentioned above.

### Context

The strategy has to be seen in context of other important policy documents both in the Republic of Kosovo and at international level. The strategy recommendations do not intend to replace general policy documents, but to provide for additional useful and realistic recommendations on how the situation of the three communities can be improved in all relevant sectors.

All other relevant general strategies or general policy documents of the Government of the Republic of Kosovo, which are being finalized, such as: the development of the 2009-2013 strategy and the manual for sustainable returns by the Ministry for Returns and Communities and which address the position of these three communities, will take into account the Strategy for the Integration of Roma, Ashkali and Egyptian Communities in Kosovo.

Experiences and best practices from other policy documents in Kosovo, and in particular from other Roma-related policies in the region and recommendations of inter-governmental organisations such as Council of Europe, OSCE and United Nations served as reference points in the development process of the strategy.

Of invaluable importance were the detailed and concrete recommendations of the Council of Europe regarding different aspects of the life of Roma, Ashkali and Egyptians and the Action Plan for Roma and Sinti in the OSCE Region.<sup>6</sup> This strategy will also embrace the best European practices and the initiatives that are being launched throughout the continent to resolve the problems of these communities.

In addition to sector-related policy documents, general policy documents such as the Kosovo Development Strategic Plan (KDSP), the Medium Term Expenditure Framework (MTEF) and the Law for Financing Local Governments nr.03/L-049 which constitute the main financial planning documents for Kosovo in the next few years are of utmost importance. It is indispensable that KDSP as well as MTEF make reference to the implementation of the strategy and foresee respective financial resources.

The Government of the Republic of Kosovo ensures in close co-operation with its partners from the European Union (Commission) that the implementation of relevant parts of the strategy will be included as one of the priorities in the European Partnership Action Plan (EPAP).

In this respect, the Government of the Republic of Kosovo will allocate funds from its budget for the implementation of the strategy, and also invites all donors to allocate additional sufficient funds for the integration of Roma, Ashkali and Egyptian communities in Kosovo.

The Government of the Republic of Kosovo ensures that any further developments deriving from the declaration of independence, such as new laws, take into account the specific situation of the Roma, Ashkali and Egyptian communities. The “Community Consultative Council”, which

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<sup>6</sup> Annex X provides for a reference to all relevant documents which inspired and guided the development of the strategy.

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was established on September 15<sup>th</sup>, 2008, will include representatives from all three communities and will dedicate efforts to improve the political and social situation of the three communities.

Both the new Constitution of the Republic of Kosovo the Law on Communities and the Law on the protection and promotion of the rights of communities and their members in Kosovo (NO 03/L-047) include provisions on the introduction of affirmative measures which are indispensable to improve the situation of Roma, Ashkali and Egyptians.

### **1.3. Methodology**

#### *General*

The purpose of the strategy is to contribute to the creation of a Kosovo society in which Roma, Ashkali and Egyptians are respected as equal citizens, enjoying all rights and fundamental freedoms and are not subject to any form of discrimination. Thereby, the Strategy sets out the right of the Roma, Ashkali and Egyptian communities to participate equally in all structures of society, including politics and economy of Kosovo.

The development process of the strategy and the implementation of the strategy shall adhere to the following guidelines:

1. A successful strategy has to be developed in a participatory approach, involving both representatives of the relevant ministries and of the three communities.
2. The communities shall be involved in the implementation and monitoring of the strategy.
3. Both the development of the strategy and its implementation has to be seen in a wider context; other Government initiatives or relevant international initiatives constitute points of reference.
4. The Strategy does not intend to replace general “mainstream initiatives”, but to complement them. Consequently, the strategy follows a mainstreaming approach whenever possible, complemented with affirmative actions whenever necessary.
5. The recommendations of the Council of Europe, the OSCE Action Plan for Roma and Sinti in the OSCE Region as well as recommendations of the United Nations and of the European Union constitute important guidelines for the development and implementation of the strategy.
6. A sincere and realistic implementation of the strategy based on identified financial resources is key to the improvement of the situation of Roma, Ashkali and Egyptians. The inclusion of the implementation of the Strategy as one of the priorities into the European Partnership Action Plan (EPAP), or into the Kosovo Development Strategy Paper (KDSP) and Medium-Term Expenditure Framework (MTEF) as well as relevant provisions in the Kosovo budget constitute guarantees for a sincere and realistic implementation.
7. This framework document shall be complemented by Action Plans for each of the Strategy sectors and will enable the incorporation of specific and concrete comments, suggestions, remarks or recommendations by various stakeholders that were involved or contacted during the development process and will enable the allocation of a sufficient budget for envisaged measures.
8. The Government of Kosovo shall establish an accountability mechanism for the implementation of the Strategy.

## Strategy for the Integration of Roma, Ashkali and Egyptian Communities in the Republic of Kosovo

### Development Process

The strategy development followed both a participatory approach and a rights-based approach. It included already in the development process a dialogue between “duty-bearer” and “right-holder” and envisages to continuing this communication and co-operation during both the implementation and the monitoring process, creating thereby both ownership for the strategy and mutual understanding.<sup>7</sup>

The participatory approach led to the efficient participation of both government representatives and representatives of the three communities and furthermore included representatives and organisations of the civil society belonging to the majority population.

Regional roundtables, workshops and the launching conference served already in the preparatory phase successfully the purpose of involving a broad range of actors from the government and the communities. This approach established safeguards that the strategy will be successfully implemented and will find the support of the society-at-large.

The following six working groups were established for drafting the different sectors of the strategy:

- Housing and informal settlements, registration and documents, return and re-integration
- Education
- Culture, identity, media and information
- Employment and economic empowerment
- Health and social issues
- Anti-discrimination, security, minority rights, political participation and representation
- Women

The working groups consisting of members of the relevant line ministries and representatives of the three communities and chaired by national or international experts, elaborated the recommendations of the strategy.

Experts from other organisations such as CoE, UNHCR, UNDP, UNHABITAT, Kosovo Education Centre (KEC), Centre on Housing Rights and Evictions (COHRE), Roma Education Fund (REF), UNMIK Office for Communities, Return and Minorities (OCRM), Institute for Public Health, the OSCE Mission in Kosovo as well from various local and international NGOs, contributed with their expertise.

With regards to the drafting process the historical context should be taken into consideration because it has coincided with the declaration of the independence of the Republic of Kosovo, the drafting and approval of the Constitution of the Republic of Kosovo, the approval of the laws of the Ahtisaari package and the transfer of authority from international institutions to those of the Republic of Kosovo.

Great part of UNMIK legislation is still in poker and in the meanwhile the legislation applicable in Kosovo is being replaced, changed and complemented. These changes have been taking place in an intensive and fast way and this is why the legal or institutional framework that has been referred to may have not been the latest one.

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<sup>7</sup> For information to the Rights-Based Approach see: United Nations High Commissioner for Human Rights, Frequently Asked Questions On a Human Rights Based Approach to Development Cooperation, New York, Geneva 2006.

## 2. Sectors of the Strategy

**2.1. Anti-Discrimination**

**2.2. Education**

**2.3. Employment and Economic Empowerment**

**2.4. Health and Social Issues**

**2.5. Housing and Informal Settlements**

**2.6. Return and Reintegration**

**2.7. Registration and Documents**

**2.8. Gender**

**2.9. Culture, Media and Information**

**2.10. Participation and Representation**

**2.11. Security and Policing**

## **2.1. Anti-Discrimination**

### **Description of the Situation**

Throughout history, Roma, Ashkali and Egyptians - since the development and recognition of their identity - have faced systematic exclusion from and discrimination in all spheres of private and public life. In the former Socialist Federal Republic of Yugoslavia (SFRY) as in any other socialist state, ethnic, linguistic, religious and other differences have been hidden under the socialist banner. All citizens were considered to be equal and thus public discussions about real or perceived exclusion of certain groups from public life were not allowed.

On the other hand, a system was in place that carefully balanced at least the major ethnic groups within the republics of the SFRY in the federal power-sharing mechanisms. In this system, in Kosovo as elsewhere in the SFRY, very few Roma, Ashkali and Egyptians had high and publicly visible positions in the governments, as judges, prosecutors, in radio and TV stations or as assembly members.

Some of whom had such positions, chose not to disclose their identities because of feared discrimination. However, Roma, Ashkali and Egyptians in higher and leading positions are the exception, while the majority of them has always lived under much more miserable conditions than any other group. The 1998-1999 war in Kosovo further emphasized differences and ethnic hatred in Kosovo, and further aggravated the position of these communities.

The exclusion and discrimination has survived all political changes. Roma, Ashkali and Egyptians in Kosovo still face discrimination and are the groups with the highest unemployment rate and highest poverty rate. Companies or institutions which were set up or reorganised in the last years such as Kosovo Police Service (KPS), Kosovo Electric Company (KEK), Post and Telecommunication Kosovo (PTK), Kosovo Railroad, Kosovo Transport, Pristina Airport employ nearly 20.000 persons; however only ca. 0.5% of the employees are Roma, Ashkali and Egyptians.

In addition to unemployment, they also face the lowest education level and the lowest life-expectancy, a considerable part of them lack registration and official documents, they are vulnerable to live in informal settlements lacking adequate infrastructure or equal access to services. Roma, Ashkali and Egyptian women do face multiple discrimination due to their gender and ethnicity.

This is why in a number of areas the Government of the Republic of Kosovo must launch affirmative action to provide all persons belonging to the Roma, Ashkali and Egyptian communities with equal chances and opportunities. Anti-discrimination policies have to be mainstreamed throughout all the different sectors of the strategy. In its different chapters, the strategy is recommending measures to be taken to provide equal chances and opportunities for these communities.

### **Policy Framework and Reference Documents**

The Constitution of the Republic of Kosovo has placed human rights and community rights at the centre of attention, in fact it has dedicated all of chapter three to community rights which in detail unfolds the special rights enjoyed by members of minority communities in the Republic of Kosovo. In addition, specific anti-discrimination provisions are provided in international Conventions applicable in Kosovo, most relevant of these are (a) The Universal Declaration on Human Rights<sup>8</sup>, (b) The European Convention for the Protection of Human Rights and

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<sup>8</sup>UDHR, Article 1: All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. 2: Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory

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Fundamental Freedoms<sup>9</sup> and its Protocols, (c) The International Covenant on Civil and Political Rights<sup>10</sup> and the Protocols thereto, (d) The Convention on the Elimination of All Forms of Racial Discrimination, (e) The Convention on the Elimination of All Forms of Discrimination against Women, (f) the Convention on the Rights of the Child<sup>11</sup>, and (h) The Council of Europe's Framework Convention for the Protection of National Minorities.<sup>12</sup> Moreover, the International Covenant on Economic, Social and Cultural Rights<sup>13</sup> is applicable as defined by UNMIK Reg. 1999/24.

These international standards provide a broad protection framework of the individual and the community against discrimination.

Moreover, in line with international and European<sup>14</sup> standards the Kosovo Government adopted the Anti-Discrimination Law on 30 July 2004 (Law No. 2004/3)<sup>15</sup> and the Administrative Directive for its implementation (No.4/2006). The purpose of the Law is to prevent and combat discrimination, promote effective equality and to enforce the principle of equal treatment of all citizens of Kosovo under the rule of Law (Art. 1). The law is based on the three following principles: equal treatment, fair representation, good understanding and interethnic tolerance.

To enforce the law, associations and organisations can be involved in pursuing a claim. The Ombudsperson institution is the key body for the promotion for equal treatment, which both receives and investigates complaints. In order to raise awareness on the Anti-Discrimination Law the Government undertook a public information campaign with the motto: "All different, but all equal before the law" in five languages, including Romani. Furthermore, 11 October 2005, the Kosovo Government approved the Action Plan for the Implementation of the Anti-discrimination Law (2005-2007). Moreover, on October 3<sup>rd</sup>, 2008, the Government of the Republic of Kosovo announced September the month of Anti-Discrimination in Kosovo with the motto „All are equal and free of discrimination“, which will continue through the course of 2009.

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to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty. and 7: All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

<sup>9</sup> ECHR, Article 14: The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

<sup>10</sup> ICCPR ensures in Article 24 the Right of every child without discrimination to protection measures as required as a minor, on the part of his family, society and the State; the right to be registered immediately after birth and the right to acquire a nationality. Article 26 further ensures equal and effective protection of all persons before the law.

<sup>11</sup> ICRC, Article 2.1. defines the obligation of States to ensure that each child without discrimination of any kind are ensured the rights as set out in this Convention. Protection against discrimination is defined in Article 2.2: States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

<sup>12</sup> FCNM., Art. 4: 1. The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited. 2. The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities. 3. The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.

<sup>13</sup> ICESCR, Art. 2 defines that the rights laid down in this covenant shall be exercised without discrimination of any kind

<sup>14</sup> See also a) European Union Council Directive 2000/43/EC of 29 June 2000 and b) European Union Council Directive 2000/78/EC of 27 November 2000.

<sup>15</sup> See also UNMIK Regulation No. 2004/32 On the Promulgation of the Anti-Discrimination Law adopted by the Assembly of Kosovo, of 20 August 2004.



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The goal of the anti-discrimination month is to implement numerous activities and disseminate the Anti-Discrimination Law and the administrative directive for its implementation and other material prepared specifically for this campaign in five languages of all communities, including Romani, for the promotion of Human Rights, Equal Opportunities and Anti-Discrimination, with special emphasis on minority communities.

However, a lot remains to be done in order to implement this law as soon as possible and to assume the obligations deriving from this law.

The mainstreaming and promotion of Human Rights within applicable legislation and policies is further supported by the establishment of Human Rights Co-ordinators within each Ministry<sup>16</sup>. Further, Human Rights coordinators should have been established in municipalities, however, not all municipalities fulfilled this obligation yet.

Another important evolution of the legislation is the approval of the Law on the protection and promotion of the rights of communities and their members in Kosovo (No. 03/L-047, 13 march 2008). This law includes important and detailed provisions that aim at improving the quality of life, the social economic standards, the rights and assurances for the minority communities. The goal of this law is to guarantee and promote the rights of the minority communities tackling on different fields such as political participation, language, media, religion, education and healthcare. The Parliament has approved other laws such as the Law on Local Self-Government 2008/03-L040, the Law for Financing Local Government Nr.03/L-049 and the regulation for the functioning of the support fund for minority and multiethnic media and other special groups that address the issues of communities, including these three communities.

In addition the Parliament has approved the Law on official holidays in Republic of Kosovo No.03/L-064 which aspires to guarantee the respect for the identity and culture of the communities. This law has specified memorial days for members of the different communities among which 8 April as the day of Roma and 15 February as the day of the Ashkalinjs.

Other laws of the Ahtisaari package as well as laws that are in the process of drafting and approving stipulate provisions that seek to guarantee the rights and improve the life conditions of the Roma, Ashkali and Egyptian communities.

### **Measures**

#### ***The Institutions of the Republic of Kosovo***

The government institutions of the Republic of Kosovo shall ensure the effective implementation of its anti-discrimination legislation to combat racial and ethnic discrimination in all fields, *inter alia*, access to education, employment, housing, health and social services and citizenship. The institutions of the Republic of Kosovo's institutions shall involve Roma, Ashkali and Egyptian representatives in the design, implementation and evaluation processes.

The government institutions of the Republic of Kosovo shall take into account in all measures and programmes the specific situation of Roma, Ashkali and Egyptian women, who are continuously victims of double discrimination on the basis of both ethnicity and sex.

The government institutions of the Republic of Kosovo shall assess on a regular basis, both at the local and central level, the results of these policies, strategies and measures and involve representatives of the Roma, Ashkali and Egyptian communities in the evaluation process.

The Government of the Republic of Kosovo shall develop and implement a clearly defined policy of "equal treatment" in all spheres of life such as economy, education, health, housing, access to services. .

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<sup>16</sup> See Administrative Instruction No. 8/2005.

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Consistent with national and international standards on the protection of data, the relevant institutions of the Republic of Kosovo shall document all types and relevant cases of discrimination in order to better assess the situation and respond to the needs of Roma, Ashkali and Egyptians.

The Government of the Republic of Kosovo shall produce periodical reports on the issue of discrimination and the policies, strategies and measures taken to address the issue.

The relevant institutions of the Republic of Kosovo shall, by encouraging a genuine dialogue or consultations, improve the relations between Roma, Ashkali and Egyptians and other ethnic groups, with the view to promoting tolerance, interethnic dialogue and overcoming prejudices and negative-discriminatory stereotypes on both sides.

The Government of the Republic of Kosovo will encourage the employment of members of these communities in the key sectors of the judiciary, the Ombudsperson and law enforcement agencies in order to raise the trust of these communities in these institutions.

The Government of the Republic of Kosovo shall inform and raise the awareness of the people of the Republic of Kosovo on the Anti-Discrimination Law among the Kosovo population. In addition, tailor made awareness raising campaigns on the Anti-Discrimination Law shall target the Roma, Ashkali and Egyptian communities. These campaigns shall include information about the existence of the Anti-discrimination Unit within the Ombudsperson Institution and the availability of their regional offices.

The Government of the Republic of Kosovo will encourage the employment of members of these communities throughout the public sector and in particular in positions that enable the monitoring of the implementation of the anti-discrimination law or positions that evaluate measures.

The Government of the Republic of Kosovo shall organise, in co-operation with local and international NGOs and organisations trainings on the Anti-Discrimination Law for lawyers, judges, prosecutors.

The Government of the Republic of Kosovo shall support the development and capacity building of Roma, Ashkali and Egyptian civil society actors to addressing discrimination against community members and providing legal advice.

The Government of the Republic of Kosovo shall ensure that mechanisms at local and central level dealing with implementation of the Anti-Discrimination Law are established or strengthened.

The Government of the Republic of Kosovo shall ensure access to justice for Roma, Ashkali and Egyptians and that appropriate procedures are applied when discrimination cases are brought to court. They shall facilitate access to justice for members of Roma, Ashkali and Egyptian communities through measures such as legal assistance and provision of information in Roma language.

The Government of the Republic of Kosovo shall ensure that all cases of suspected discrimination are thoroughly and objectively investigated and will provide proper assistance for abuse victims or witnesses.

The Government of the Republic of Kosovo shall guarantee that there will be no impunity for perpetrators of discriminatory or violent acts, *inter alia*, by taking prompt and effective investigative and punitive action on the part of the police.

The Government of the Republic of Kosovo shall take into account in all measures and programmes the situation of Roma, Ashkali and Egyptian women, who are often victims of discrimination on the basis of both ethnicity and sex.

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In the establishment of anti-discrimination mechanisms and bodies and the implementation of anti-discrimination policies, strategies and measures, the relevant institutions of the Republic of Kosovo shall, whenever necessary consult and request the support from these communities and the international community.

### ***Civil Society***

Roma, Ashkali and Egyptian NGOs will be encouraged to draft regular “shadow reports” on the implementation of anti-discrimination policies, strategies and measures.

Roma, Ashkali and Egyptian NGOs will be supported to raise awareness among their communities on the Anti-Discrimination Law and how to identify cases of discrimination.

Roma, Ashkali and Egyptian NGOs will be encouraged and assisted in supporting their community members in access to free legal aid or access to justice in case of discrimination.

Roma, Ashkali and Egyptian NGOs should pay attention and raise awareness of the double discrimination of Roma, Ashkali and Egyptian women.

Roma, Ashkali and Egyptian NGOs should be ensured participation in decision-making and must be consulted by the authorities in relevant policies combating discrimination against Roma, Ashkali and Egyptians.

### ***International Organisations and NGOs***

It is expected that International Organisations and NGOs should support the Government of the Republic of Kosovo in providing training for different stakeholders on the application, the scope and the implementation of Kosovo’s Anti-Discrimination Law.

## **2.2. Education**

### ***Description of the Situation***

An analysis of the situation of Roma, Ashkali and Egyptians in the education system in Kosovo paints a very bleak picture. The situation is characterised by a low level of general attendance in compulsory education, a very small amount of Roma, Ashkali and Egyptians attending higher education or university education, very few teachers of Romani, Ashkali or Egyptian origin and a high drop-out rate, in particular of girls.

Another problem faced by Roma, Ashkali and Egyptians in the education system are: The children primarily attend Albanian-language schools, but also Turkish-language and Bosnian-language schools or classes.

Further, a considerable share of children attends schools with Serbian as language of instruction in the Serb enclaves or in the municipalities in Northern Kosovo such as Mitrovica and Leposavic, where due to the current political situation the institutions of the Republic of Kosovo and the Government have limited access.

However, there do not exist schools in which Romani is used as language of instruction nor is it possible to learn Romani in schools in Kosovo.

Unfortunately, there exist only few data – sometimes even conflicting – on the situation of the three communities in the education system. There is more data about the Roma population than about Ashkali and Egyptian communities. However, all of the data pass a common message: Urgent remedies to improve the situation are indispensable.

The Ministry for Education, Science and Technology published the following data:

<b>Ministry of Education (MEST) education-related data for Roma, Ashkali &amp; Egyptians in Kosovo<sup>17</sup></b>
Roma, Ashkali and Egyptians enrolled in pre-primary education: <b>176</b>
Roma, Ashkali and Egyptians enrolled in primary education: <b>4.153</b>
Roma, Ashkali and Egyptians enrolled in secondary education: <b>204</b>

Meanwhile, the Education Support Programme of the Open Society Institute has published the following data that involve only the Roma population:

<b>ESP Education-related data for Roma, Ashkali &amp; Egyptians in Kosovo<sup>18</sup></b>
Roma enrolled in primary education: <b>1.332 persons: 13.3% - 17.6%</b>
Roma completed primary education: <b>6417-8493 persons: 32.4%</b>
Roma enrolled in secondary education: <b>168 persons: 3.4% - 4.5%</b>
Roma completed secondary education: <b>891-1180 persons: 4.5%</b>
Roma enrolled in tertiary education: <b>10 persons: 0.2% - 0.3%</b>
Roma completed tertiary education: <b>79-105 persons: 0.4%</b>

Data from the 2004 UNDP Kosovo Human Development Report illustrate the bleak situation

<b>UNDP Education-related data for Roma, Ashkali &amp; Egyptians in Kosovo<sup>19</sup></b>
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<sup>17</sup> Ministry of Education, Sport and Technology (MEST), Kosovo Education Statistics 2005-06. Internet: <http://www.ks.gov.net/masht/DefaultPC.aspx?CaseID=2&LangID=EN&ModID=16&ItemID=974>

<sup>18</sup> Open Society Institute, Education Support Program, Monitoring Education for Roma, A Statistical Baseline for Central, Eastern and South Eastern Europe. Budapest 2006. Most of the data are based on calculations. Internet: [http://www.soros.org/initiatives/esp/articles\\_publications/publications/monitoring\\_20061218](http://www.soros.org/initiatives/esp/articles_publications/publications/monitoring_20061218)

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Illiterate: <b>16%</b>
Children attending primary education: <b>75%</b>
Children attending secondary education: <b>25%</b>
Attending or finished high school: <b>1.4%</b> .

The 2005 UNDP study on Roma in Southeast and Central Europe “Faces of Poverty” provided for even more deplorable data on literacy:

<b>UNDP Literacy rate<sup>20</sup></b>	
15-24 years: Non-Roma <b>98%</b> Roma: <b>65%</b> Roma women: <b>56%</b>	
25-34 years: Non-Roma <b>98%</b> Roma: <b>76%</b> Roma women: <b>69%</b>	

The data from ESP as well as the UNDP data on literacy rate do not only document the disadvantaged position; they also demonstrate a deterioration of their situation in the education system in the last years.

The reasons for this deplorable situation are manifold: as a result of the conflict in 1998-1999, many Roma, Ashkali and Egyptians were forced to leave Kosovo and the ones stayed lived through in many places in Kosovo a period of interethnic tensions that on several occasions stopped children from attending schools; others attended Serbian language schools in the Nineties and could not attend Albanian-language schools.

The economic situation of the Roma, Ashkali and Egyptian families, poverty, interethnic tensions, harassment and discrimination in schools is a frequent phenomenon and factor that prevented children from going to schools. These circumstances require additional affirmative measures that enable a higher enrolment of children in schools and will reduce the early dropout rate.

However, also lack of understanding of the importance and the value of formal education, prevailing among certain disadvantaged segments of the Roma, Ashkali and Egyptian communities further contributes to the situation. This assessment is in particular valid when it comes to education for girls.

The situation will be further aggravated with the return of failed asylum seekers from Western Europe who in many cases might not even speak the more common languages of instruction – Albanian, Serbian/Bosnian or Turkish, but Romani and the language spoken in their former host country – German, French, etc.

The government of the Republic of Kosovo recognises the specific situation of Roma, Ashkali and Egyptians in the education system and will undertake specific measures in order to improve access to all levels of education and to increase the quality of education available to these communities.

### **Legal and Policy Framework**

The education system in Kosovo undergoes still a transition period transforming the previous education system in a modern system adapted to the requirements of a modern, flexible and knowledge-based society.

In general education-related legislation and policies refer to the most relevant international documents and obligations. In the last years, the Assembly of the Republic of Kosovo passed several education-related laws in order to further develop and modernise the Kosovo education system.

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<sup>19</sup> UNDP, Human Development Report Kosovo 2004, Pristina 2004

<sup>20</sup> UNDP, Faces of Poverty. Bratislava 2005

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This chapter has to take into account the existing framework of national and international laws and obligations applicable in Kosovo. However, it will additionally bring forward measures aiming at improving the situation of Roma, Ashkali and Egyptians in the education system based on best practices from other countries.

### **National Laws and Strategies Regarding Education**<sup>21</sup>

The Constitution of Kosovo will provide for important input regarding education of communities' members.

Law on Use of Languages;

Law on Pre-School Education (No. 02/L-52);

Law on Primary and Secondary Education (2002/02);

Law on Higher Education in Kosovo (2002/03);

Law on Inspection of Education (2004/37);

Law on Adult Education and Training (No. 02/L-24);

Law on Vocational Education and Training (No. 02/L-42);

Law on Publishing Teaching Resources, Reading Materials and Pedagogical Documentation (No. 02/L-67);

Law on Education in Municipalities of Republic of Kosovo (No.03/L-068)

Strategy for Development of Pre-University Education in Kosovo 2007 – 2017;

Strategy for Development of Higher Education in Kosovo 2005 – 2015;

Strategy for Integration of Roma, Ashkali and Egyptian Communities in Kosovo Education Component 2007 – 2017<sup>22</sup>;

Draft Strategy for Development of Vocational Education in Kosovo;

Mainstreaming with Europe: An Adult Learning Strategy for Kosovo (2005 – 2015)

### **Measures**

Ministry of Education, Science and Technology (MEST) is responsible for the implementation of the below mentioned measures.

#### ***General and Cross-Cutting***

Conduct a needs assessment in close co-operation with communities' representatives in order to be enabled to design a successful education policy for the communities.

MEST shall introduce Teaching Assistants for pre-school education (assistant educators) and primary school education.

MEST shall develop and implement an accredited training programme for the Teaching Assistants

MEST shall recognise and certify the profession of Teaching Assistants

The government shall establish and contribute to a fund dedicated to projects improving the situation of the three communities in the education system

The Government in cooperation with local and foreign donors will contribute to this fund

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<sup>21</sup> Website of Ministry of Education, Science and Technology. Internet: <http://www.ks.gov.net/masht/DefaultPC.aspx?LangID=EN>

<sup>22</sup> This document was adopted by the Ministry of Education before the general strategy document was prepared and adopted.

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MEST shall establish a budget-line for the allocation of scholarships for students with above-average performance and for students from families with poor economic conditions attending secondary schools, higher secondary schools or universities

MEST shall introduce quota for the employment of pedagogic, administrative and all other kind of staff of Roma, Ashkali and Egyptian origin in the education system

MEST shall provide free textbooks for students from vulnerable families at all levels of the education system

### ***Anti-Discrimination***

MEST, in partnership with NGOs, shall organise a research on segregation of and discrimination against Roma, Ashkali, and Egyptian communities in the education system in Kosovo, as well as to establish whether isolation exists or not. Based on this research, MEST shall appropriate measures tackling segregation and discrimination in the education system.

The Government shall adopt legal acts prohibiting and preventing any kind of segregation of children in separate schools, separate buildings, separate classes or inside the classroom based only on ethnicity. Exceptions will be made only in cases such as when children are divided in order to allow for attending instruction in a given language of instruction or because of the distance from schools with pupils of other ethnicity.

The Government shall introduce legal provisions foreseeing effective measures for prevention of segregation and to allow for desegregation. Apart from this, effective measures should be foreseen to bring discrimination to halt.

School and pedagogic personnel shall receive training on education programs that promote interethnic and intercultural tolerance and harmony and awareness-raising against discrimination.

Members of the Roma, Ashkali and Egyptian communities shall be trained in order to enable them to recognise discrimination and segregation in schools and proceed with further action.

### ***Primary School Education and Secondary School Education***

Provide transport free of charge to all children attending elementary and secondary education in locations more than two kilometres from their homes.

MEST shall provide for opportunities for donors to support the school attendance of students from the communities with scholarships.

### ***Higher Secondary and University Education***

MEST shall allow for preparatory classes for students intending to attend higher secondary education and university education.

MED shall organise and conduct these preparatory classes at local level.

Local education authorities in co-operation with community organisations or representatives shall conduct awareness-raising campaigns on the advantages of higher education, making use of role models.

MEST shall provide space in pupils' and students' dormitories

MEST shall determine quota for students of Roma, Ashkali and Egyptian origin in secondary schools, higher secondary schools and at universities.

MEST shall provide enrolled students scholarships as incentives to motivate them to complete schooling.

### ***Adequate Curricula Development and Teacher Training***

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Train and further qualify teachers of Roma, Ashkali and Egyptian communities in compulsory education

Conduct summer schools for teachers teaching in Romani language

Establish exchange programmes for Roma, Ashkali, and Egyptian teachers.

Introduce Romani as a (facultative) subject at various levels of the education system

Develop curriculum for teaching Romani language and training programme for teachers teaching in Romani language

Develop curricula for additional school subjects which could be taught in Romani language

Include basic modules on Romani, Ashkali, and Egyptian tradition, culture and history in the general curricula of other languages of instruction

Develop advanced modules on Romani, Ashkali, and Egyptian tradition, culture and history in the general curricula of other languages of instruction (as facultative subjects)

MEST shall establish a commission of curriculum experts and representatives of the three communities that shall investigate all existing and planned textbooks for discriminating terms and expressions.

Develop curricula modules promoting anti-discrimination and fighting prejudices as well as promoting the rights of the child.

Conduct extra-curricula activities, promoting the values, heritage and identity of Roma, Ashkali and Egyptian communities in schools with considerable numbers of Roma, Ashkali and Egyptian children.

### ***Participatory Approach and Information and Outreach***

Local education government institutions, schools, and NGOs shall engage in common activities aiming at improving school attendance (increasing enrolment rate of children in pre-school and pre-primary education, improving daily attendance, decreasing drop-out rates)

Introduce incentives and making use of positive role models from the communities in order to motivate children and parents to attending school regularly

MEST and local education government institutions shall invite representatives of parents, community representatives and Roma, Ashkali and Egyptian civil society to actively participate in the drafting and decision-taking process of education policies relevant for the communities.

Local education government institutions, in cooperation with the Municipal Community Office and representatives of the civil society, shall develop municipal education action plans, identifying the priorities for the upcoming three years.

Educators and teachers shall regularly visit families and neighbourhoods in order to build trust and to discuss with parents the school performance of their children. These visits also serve to establish trust and readiness for cooperation among Roma, Ashkali, and Egyptian communities with education institutions.

Parents will be regularly invited to school activities and for meetings with the teachers and headmasters.

Parents Teacher Association shall engage in monitoring schools to ensure participation of Roma, Ashkali, and Egyptian communities' representatives in all relevant events

### ***Returnees and other "special cases"***

Intensive (six-month) catch-up courses for children who were returned from abroad shall be organised. The courses shall be available in all possible languages of instruction chosen for



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further education and shall also address the different cultures and traditions of all communities in Kosovo. Additional courses could be organised upon request and needs among returnees.

Local education government institutions, schools and NGOs shall offer additional instruction to children with learning difficulties in the school or in community centres.

Local education government institutions, schools and NGOs shall offer support to children for homework and additional studies who do not study at home.

Conduct awareness raising programmes addressing the inclusion of children with special needs in the regular system of education.

Provide for counselling for and training activities with parents of children with special needs.

Conduct information campaigns shall inform Roma, Ashkali, and Egyptian communities on existing literacy programs in areas inhabited by these communities.

MEST and local education authorities, in cooperation with NGOs, shall provide financial support for inclusion of Roma, Ashkali, and Egyptian communities into existing programmes and support new initiatives to reduce the rate of illiteracy.

### ***Extra-curricular activities***

MEST, in co-operation with the relevant municipal authorities shall establish *Resource (Didactic) Centres* in five municipalities, offering supplementary lessons for primary school pupils, various courses for members of Roma, Ashkali, and Egyptian communities, initiating cultural and sports activities with the community, offering programs for fighting illiteracy and including parents in the activities.

School authorities, in co-operation with civil society, organise extra-curricular activities in order to raise mutual awareness on the importance of education, diversity and respect for human rights.

MEST, in cooperation with civil society, shall implement programmes for children of the Roma community in the pre-school education preparing for attending schooling; inter alia preparing them to follow the language of instruction of the school they will attend in primary school. These programmes shall either be offered in schools, but also in community centres

MEST shall facilitate the training of members of the Roma community or of speakers of Romani language in order to deliver these programmes

MEST will undertake measures to establish close cooperation between education authorities, schools, centres for social work and civil society organization with the purpose of preventing and reducing non-attendance and dropping-out of school.

### **2.3. Employment and Economic Empowerment**

#### **Description of the Situation**

Kosovo faces major social and economic challenges and has according to estimations the highest unemployment rate in the Western Balkans.<sup>23</sup> In particular the unemployment rate among Kosovo Roma, Ashkali and Egyptian communities<sup>24</sup> exceeds the rates among other communities. The per-capita income of these communities is much lower, and a large number of them live in extreme poverty with less than one Dollar a day.

Data from a Wage and Skills Survey of the International Labour Organisation (March, 2006) confirm the disadvantaged and discriminated position of the three communities: The sample comprised 12.126 workers employed in 1547 enterprises, primarily private companies; however, only 0.1% of the persons working in these enterprises were Roma, Ashkali and Egyptians, meaning around 12 persons. The survey also shows that the average monthly income of Roma, Ashkali and Egyptians, are lower compared to the income of Kosovo Albanians.

The majority of the employed community members seem to be employed primarily in the lower wage sectors and in positions not requiring any professional training.<sup>25</sup>

In general Roma, Ashkali and Egyptians are underrepresented in the workforce; be it the private sector, the public sector (state structures and offices of municipalities), former Publicly Owned Enterprises or international organisations.

The data for public companies such as KEK, PTK, Kosovo Railroad, Airport Pristina and others may illustrate the current situation.

Roma, Ashkali and Egyptian women are in a particular disadvantaged and discriminated, and they suffer the highest drop-out rate from educational institutions.

The economic perspective of the three communities depends considerably on their equal participation in the education system. An increased employability of members of the three communities is also dependent of an increased access of Roma, Ashkali and Egyptians to formal (in particular to secondary and higher education) and non-formal education. In this regard, a close co-operation and co-ordination of relevant policies of the relevant authorities, in particular the Ministry of Labour and Social Welfare and the Ministry of Education is necessary (See also Chapter on Education).

The appalling economic situation affects the democratic development of the society-at-large, since it contributes to the further aggravation of ethnic partition. The high level of unemployment can even lead to more residential segregation, to lower school attendance and can further increase the ethnic distance.

This situation might deteriorate in future when members of these three communities will be forcefully repatriated from Western European countries and from Macedonia, Montenegro or Bosnia and Herzegovina (See also Chapter on Return and Reintegration).

Therefore, it is of utmost importance creating successful and sustainable income possibilities for these communities, since this constitutes an essential prerequisite for their effective integration into society and their interaction with other communities. The relevant authorities should thereby make use of best practices from the region.<sup>26</sup>

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<sup>23</sup>Official data on informal employment are not available.

<sup>24</sup> According to the 2004 UNDP, Human Development Report Kosovo 2004, 58,32 % percent of Kosovo Roma, Ashkali and Egyptians were unemployed compared to 30,18% Kosovo Serbs or to 45,85% Kosovo Albanians, or 42, 96% among Others. In general see: European Commission, SEC (2007) 1433 Brussels, 6.11.2007: Kosovo under UNSCR 1244 2007 Progress Report.

<sup>25</sup> Ibid.

<sup>26</sup>For examples on best practices see: European Roma Rights Centre, The Glass Box, Budapest 2007

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In this respect, it is very important for the Government of the Republic of Kosovo to launch measures to eliminate discrimination in the labour market and to ensure equal access for all members of these communities in the labour market.

According to applicable law in Kosovo the civil service body shall represent in a proportionate manner all communities. Concrete data on the share of Roma, Ashkali and Egyptians and segregated according to their position within the civil service is missing. For this reason, the Government of the Republic of Kosovo will introduce measures to implement the existing legislation and will establish a regular reporting mechanism to ensure the implementation of the relevant laws.<sup>27</sup>

### ***Legal and Institutional Framework***

The right to work<sup>28</sup> is essential for the social and economic security of an individual. Employment and economic opportunities enable the individual to safeguard its well-being and basic needs. Moreover, work provides the individual with sources for self-realisation and enables human beings to actively participate in the society.

The Constitution of the Republic of Kosovo provides for the possibilities to introduce affirmative measures. Article 58 point 4 [Responsibilities of the State] of the Constitution stipulates:

“(...) 4. The Republic of Kosovo shall adopt adequate measures as may be necessary to promote, in all areas of economic, social, political and cultural life, full and effective equality among members of communities. Such measures shall not be considered to be an act of discrimination. (...)”

Furthermore, Article 61 [Representation in Public Institutions Employment] of the Constitution of the Republic of Kosovo refers to employment of members of communities: “(...) Communities and their members shall be entitled to equitable representation in employment in public bodies and publicly owned enterprises at all levels, including in particular in the police service in areas inhabited by the respective Community, while respecting the rules concerning competence and integrity that govern public administration (...)”.

In order to establish an effective and impartial, multi-ethnic civil service in Kosovo, the UNMIK Regulation No 2001/36 on the Kosovo Civil Service, Section 2.1, establishes merit, non-discrimination, equitable and multi-ethnic representation (inclusiveness), as well as fair and equitable treatment of civil servants (equity) as governing principles. Moreover, it determines for the recruitment of civil servants under Section 2 (h) Inclusiveness: recruitment at all levels in the Civil Service shall reflect the multi-ethnic character in Kosovo and the need for equitable representation of all the communities in Kosovo.<sup>29</sup> The Annex of the Regulation sets the Code of

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<sup>27</sup>The Ministry of Public Service conducted a research on the position of minorities within the PISG as part of the Action Plan of the Government to increase the number of minorities and their position within PISG. The research covers 247 respondents from all ministries from the Permanent Secretary to technical staff and show the following outcome as regards ethnic affiliation: 102 Albanians, 83 Serbs, 31 Turks, 25 Bosniaks, 2 Gorans, 1 Roma, 1 Ashkali, 1 Egyptian, 1 Croat. See: INDEX, Kosova, Gallup International (Prishtinë/Prishtina, November 2006): Position of Minorities in PISG. According to the gaps in the existing methodology on the evaluation of the share of ethnic communities in the public service on central and municipal level (e.g. sometimes the data is not segregated according to the three communities, or does not give information on the different post classifications) it is difficult to assess the current situation and come to conclusions.

<sup>28</sup>See Universal Declaration of Human Rights, Article 4, 20, 23, 24, 25; International Covenant on Economic, Social and Cultural Rights, Article 6, 7, 8.

<sup>29</sup>See also the Office of the Prime Minister (OPM) Decision No. 5/154 for the Employment of Minorities in the PISG in Kosovo, 28 June 2005, Article 2, Section 2.1.: “All central and local level employer bodies shall apply and oversight the procedures in order to ensure multiethnic representation within their institutions.” Further, see also: Standards for Kosovo, Standard 1, 6.1

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Conduct of the Civil Service which includes the respect of human rights and the rights of communities as well as the unbiased conduct of affairs.

The Administrative Directive (AD) No. 2003/2 Implementing UNMIK Regulation No. 2001/36 on the Kosovo Civil Service, section 10.1 on Fair Representation in the Civil Service recognises that: “All employing authorities shall monitor and implement procedures to ensure multi-ethnic representation and gender balance within their ministry, municipality or executive agency, in accordance with section 3.3 and may utilise the following affirmative action measures as needed: (a) Active recruitment: making special efforts to identify and solicit job applications from under-represented populations, especially internally displaced persons and refugees; (b) Addressing results of long-term discrimination: developing on-the-job training programmes for commonly disadvantaged populations to enhance their ability to apply and compete for promotions; and (c) Addressing discrimination by ensuring that personnel understand anti-discrimination policies and have access to adequate grievance procedures.

Other affirmative measures in compliance with European and international standards may be provided as determined in Art. 10.2 of the AD.<sup>30</sup>

The AD 2003/2, obliges the Ministry of Public Services to develop an Administrative Instruction (AI) containing further criteria and procedures for implementing and monitoring fair representation in the civil service at all levels. The set of MPS Administrative Instructions 2003/01 -12 implementing AD 2003/2 and UNMIK Regulation 2002/36 includes among others the AI 2003/12 on Equal Opportunities Procedures.

Moreover, the Kosovo Anti-Discrimination Law (ADL), Article 4 relates to both, the public and private sectors, including public bodies and protects any natural or legal person or persons from any action or inaction which violates the right to: (a) conditions for access to employment, self-employment and to occupation, including selection criteria and recruitment conditions, whatever the branch of activity, and at all levels of the professional hierarchy, including promotion; (b) access to all types and to all levels of vocational guidance, vocational training, advanced vocational training and retraining, including practical work experience; and (c) employment and working conditions, including dismissals and pay”.

The Essential Labour Law in Kosovo<sup>31</sup> prohibits all kinds of discrimination in employment and occupation, including access to vocational training, access to employment and to particular occupations, and terms and conditions of employment.<sup>32</sup>

The UNMIK Regulation No. 2003/33 determines the occupational safety, health and the working environment.

As regards the policy framework, the Agency of Gender Equality (AGE) within the Office of the Prime Minister has drafted a Strategy on Increasing the Number and Improving the position of Women in PISG 2006 – 2015 to foster a gender balance among civil servants.<sup>33</sup>

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<sup>30</sup> Administrative Direction (AD) No. 2003/2, 10.2: „Other affirmative measures may be made provided that they are compliant with European and international standards, and that:

(a) They do not reduce minimum professional standards for job eligibility solely to facilitate the greater representation of commonly disadvantaged populations in the Civil Service; (b) They do not exclude specific ethnicities or genders from the open and meritorious competition for specific position(s) that do not have a legitimate ethnic or gender criteria as a qualification for the post; and (c) Ethnicity will be self-determined by the employees themselves.”

<sup>31</sup> Promulgated by UNMIK Regulation No. 2001/27

<sup>32</sup> See UNMIK Regulation No. 2001/27, Section 2

<sup>33</sup> The Strategy has been approved by the Government on 3 May 2006. In addition, the Law on Gender Equality [Article 3, Section 3.1.] specifically provides that: “With the implementation of legal and affirmative measures, equal participation of women and men is reached at all levels of legislative, executive, judicial and public institutions in order that representation of both genders in these institutions reaches the level of their representation in the general population of Kosovo.” Further, the Law on Gender Equality [Article 3, Section 3.2] envisages certain levels of

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Currently, the Ministry of Labour and Social Welfare is developing a Kosovo Employment Strategy. The respective departments of the Ministry of Labour and Social Welfare will accord the relevant activities foreseen in both documents regarding vulnerable communities and taking into account the particular vulnerable situation of Roma, Ashkali and Egyptians.

The Kosovo Youth Policy and Action Plan 2007-2010 (Ministry of Culture, Youth and Sports, December 2006) promoting the full and active integration of youth into society, does not distinguish between the different communities. The Government however will ensure that the implementation of this Action Plan will be in a proportionate manner inclusive towards the three communities (e.g. tailor-made activities targeting in specific Roma, Ashkali and Egyptians).

Kosovo has not developed a poverty reduction strategy yet. However, the Government in co-operation with international organisations will ensure that a future strategy will address the particular disadvantaged position of the Roma, Ashkali and Egyptian communities.

The Kosovo Development Strategic Plan (KDSP) and Medium Term Expenditure Framework (MTEF) constitute the main financial planning documents for Kosovo in the next few years. Therefore, it is indispensable that KDSP as well as MTEF make reference to the implementation of the strategy and foresee respective financial resources.

### ***Measures***

#### ***Labour Market Data***

The relevant government institutions shall introduce specific data on all communities, including Roma Ashkali and Egyptians for the situation on the labour market in order to monitor as easy as possible the level of integration and the social and economic situation of these communities.

The relevant government institutions shall conduct a situation analysis in order to receive more reliable and comprehensive data on the situation of Roma, Ashkali and Egyptians on the labour market.

#### ***Coordination***

The Government of the Republic of Kosovo shall establish coordination among the relevant ministries in order to create strong linkages between school education and employment possibilities for the three communities, including measures to facilitate transfer from school to work.

The Government shall establish a coordination mechanism, including representatives of the relevant line ministries and of the Roma, Ashkali and Egyptian civil society guiding a comprehensive inclusive employment policy.

#### ***Policy Development***

The Government of the Republic of Kosovo in its own structures as well as the public service in general shall strictly adhere to an anti-discriminatory policy and shall establish mechanisms to counter discriminatory practices in economy.

The Government of the Republic of Kosovo shall use all relevant documents of the European Union on social inclusion<sup>34</sup> as guidance for their activities regarding increasing employment and self-employment among Roma, Ashkali and Egyptians.

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gender participation in the PISG: "Equal gender participation of both females and males, according to Section 3.1, is achieved in cases where the participation of the particular gender in the institutions, bodies or at the level of authority is 40%."

<sup>34</sup> See the EU Employment Strategy; the 2000 EU Race Directive (Council Directive 2000/43/EC) implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and the 2000 EU Framework Employment Directive (Council Directive 2000/78/EC) establishing a general framework for equal treatment in

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In light of the future importance of the private sector, the Government shall provide for the relevant framework that will allow for the introduction of a comprehensive inclusive policy, explicitly targeting vulnerable communities such as Roma, Ashkali and Egyptians.

The central institutions shall focus its measures on increasing the employability, creating a larger number of entrepreneurs from within the three communities and increasing the number of formally employed persons, inter alia through active labour market measures in the public and private sector.

The Government recognises that the capacities of the relevant ministries, in particular the Ministry of Labour and Social Welfare (MLSW), to manage these measures, have to be increased.

### ***Review of Legislation***

The Government of the Republic of Kosovo in cooperation with international organizations in Kosovo and representatives of the civil society of the three communities shall analyse the relevant legislation (employment-related laws and regulations) on provisions on equal opportunities and on prohibition of discrimination on ethnic or racial grounds in employment and amend them, if it deems to be necessary.

The Government of the Republic of Kosovo shall:

introduce affirmative measures for Roma, Ashkali and Egyptians in the economy as foreseen in general in the Constitution of the Republic of Kosovo.

ensure that Roma, Ashkali and Egyptians not possessing all necessary documents will not be excluded from participating in any measures targeting the improvement of Roma, Ashkali and Egyptians in the economy.

introduce legislation providing for a strong and regulated approach to achieving equality for Roma, Ashkali and Egyptians in employment.

### ***Active Labour Market Measures – Employment***

In light of the under-representation of the three communities in the workforce and despite financial constraints and the need to scale down the number of employees in the public sector, the Government of the Republic of Kosovo and the public sector in general shall, in addition introduce affirmative measures in order to increase the number of members of the three communities employed in the public sector.

The Government of the Republic of Kosovo shall:

encourage municipalities to develop their own economic empowerment strategies or action plans for Roma, Ashkali and Egyptians or to include their concerns and needs into general local development strategies.

Affirmative measures in the private sector could either be implemented through the inclusion of Roma, Ashkali and Egyptians into general programmes supporting the employment of vulnerable groups or through programmes targeting explicitly Roma, Ashkali and Egyptians.

introduce effective active labour market measures such as tax incentives, wage subsidies in particular for the employment of members of the three communities and/or establish guarantees that existing programmes implementing active labour market measures include a fair share of Roma, Ashkali and Egyptian participants.

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employment and occupation. Further information on the EU Social Inclusion Policy can be found under: [http://ec.europa.eu/employment\\_social/spsi/vulnerable\\_groups\\_en.htm](http://ec.europa.eu/employment_social/spsi/vulnerable_groups_en.htm)

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pay special attention to introducing measures targeting Roma, Ashkali and Egyptian women or inclusion of them in general women-specific programmes.

The Government of the Republic of Kosovo shall ensure that Roma, Ashkali and Egyptian community members are employed by authorities at central and municipal level in order to reach a fair share of these communities.

Central and municipal government institutions shall co-ordinate with the MLWA municipal centres for employment to actively encourage members of the three communities to apply also for higher level positions.

The Government of the Republic of Kosovo shall in particular employ mediators/assistants from the three communities working in the education and health sector, thereby providing the budgetary resources for their employment.

In case public work programmes are implemented, the Government of the Republic of Kosovo in cooperation with international partners shall ensure that Roma, Ashkali and Egyptians will be included in public work programmes. The public work programmes shall preferably contain a professional training component.

International organisations present in Kosovo should provide best practices and employ Roma, Ashkali and Egyptians, thereby setting targets for the employment of Roma, Ashkali and Egyptians in their personnel.

### ***Active Labour Market Measures – Employability/Professional Training***

Following research, the Government shall focus professional training programmes for Roma, Ashkali and Egyptians on market needs, taking into account possible larger sectors of employment such as mining.

The Government and municipalities shall create training or promotion programs for public sector, specifically targeting Roma, Ashkali and Egyptians or mainstream them into general programmes.

The Government of the Republic of Kosovo shall introduce measures facilitating a better transfer from school to labour market.

The relevant institutions shall conduct capacity building and professional trainings for Roma, Ashkali and Egyptian communities in order to increase their competitiveness on the labour market.

### ***Self-employment/Entrepreneurship***

The institutions of the Republic of Kosovo shall:

organise training programmes for entrepreneurs and potential entrepreneurs from among Roma, Ashkali and Egyptians and will mainstream them into general programmes, thereby making use of existing skills, activities and expertise in the communities.

encourage the development of business incubators, business advisory services, job clubs, etc for members of the three communities or ensure that they are included appropriately in such institutions.

support/encourage Micro Finance Institutions to create micro-credit schemes or grant programmes specifically for Roma, Ashkali and Egyptian communities or mainstream them into general programs, thereby taking into account the specific situation of most of the community members such as lack of securities due non-registered, non-existing or destroyed property, the need for longer grace periods, or their need to get support in accessing the market (See also Chapter on Access to Housing and Informal Settlements).

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introduce temporary measures, including affirmative actions, allowing Roma, Ashkali and Egyptian entrepreneurs to participate in tenders or applying for contracts.

introduce temporary measures facilitating transfer of informal economic activities into formal(-ised) economic activities. These measures shall include tax exemption or wage subsidies for newly registered SME owned by members of the Roma, Ashkali and Egyptian communities.

encourage, prepare and support Roma, Ashkali and Egyptians to engage in independent agricultural activities.

### ***Innovative Inclusive Policy Concepts***<sup>35</sup>

The Government of the Republic of Kosovo is committed to make use of innovative concepts such as contract compliance, e.g., in certain public investment programmes, or fair employment rules.

The Government and municipalities shall consider introducing whenever feasible the concept of contract compliance when awarding contracts to companies. Central and municipal authorities shall ensure that companies working in envisaged public investment programmes, in particular infrastructure development programmes, employ a fair share of Roma, Ashkali and Egyptians.

In the process of possible future privatisation, the relevant authorities shall consider introducing the concept of contract compliance when awarding contracts on former Socially Owned Enterprises obliging the awarded company to ensure that x-percentage of the future workforce is recruited from among Roma, Ashkali and Egyptian communities.

The Government of the Republic of Kosovo shall encourage private companies to voluntarily subscribe to concepts of inclusive policies such as Corporate Social Responsibility or UN Global Compact.<sup>36</sup>

The international organisations present in Kosovo are called upon to strictly adhere to inclusive policy approaches such as contract compliance, fair employment rules or UN Global Compact.

The international organisations are encouraged to apply the best inclusive practices by awarding contracts from a certain amount upwards only when companies can prove that x-percentage of their workforce is recruited from among Roma, Ashkali and Egyptian communities.

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<sup>35</sup> Several countries such as Great Britain, Northern Ireland, United States or Hungary introduced such approaches in order to increase the employment and employability of disadvantaged communities.

<sup>36</sup> Corporate Social Responsibility (CSR) comprises a variety of concepts and approaches. It can be defined as the ethical behaviour of business towards its constituencies or stakeholders. Companies or organisations implementing CSR could follow a code of conduct that could imply certain employment policies or social activities. UN Global Compact was initiated by the former UN Secretary General Kofi Annan, in order to bring companies together with UN agencies, labour and civil society to support universal environmental and social principles. For more information see <http://www.unglobalcompact.org>.



## **2.4. Health and Social Issues**

### **Description of the Situation**

When analysing the health status of Roma, Ashkali and Egyptian communities in Central and South Eastern Europe, experts agree on three points: a) there is little data about the health status of Roma, Ashkali and Egyptians (which is aggravated in Kosovo since there exists a very weak general health information system), b) data that does exist suggest gross disparities between Romani population and majority ethnicity population and c) poor health among Roma is closely tied to the fact that they are overrepresented in the ranks of the poor.<sup>37</sup>

A research conducted by the Open Society Institute in 2007 in South Eastern Europe (Kosovo was not included) showed a high rate of chronic illnesses such as diabetes, coronary diseases, vitamin deficiencies, malnutrition, and dystrophy among children of Roma, Ashkali and Egyptian communities.<sup>38</sup>

Only limited data on the health status of Roma, Ashkali and Egyptians in Kosovo is available. Assuming that the general health status of the communities is similar to the health status of Romani communities in other countries in Western Balkans and that in Kosovo prevails a similar gap between the health status of the majority population and the Romani population as in other countries in Western Balkans, one can conclude that the health status of the three communities leaves much to desire for, taking into account the general bad health status of the Kosovo population.

This assumption is supported by the few available data:

According to community reproductive health surveys conducted by Doctors Of the World (DOW) in 2001, 56 percent of mothers surveyed in the Roma, Ashkali and Egyptian-inhabited Internally Displaced Persons (IDP) Camp in Plemetina gave birth at home; 12% reported losing a child in the first month after birth. Children born at home are often not registered in civil registries.

The survey also found out that 40% of Ashkali mothers in the municipality of Fushe Kosove/Kosovo Polje did not see a doctor during their pregnancy; all but nine percent of these said they did not think it important. Seventy-five percent of sexually active women surveyed did not use any method of contraception; 79 percent of these had no information about contraceptives.

According to the UNDP Human Development Report for Kosovo (2004) 74.77% of Roma, Ashkali and Egyptians have a “safe source of drinking water” and 61.12% sewerage for disposal wasted water and 25.24% do not have access to piped water. The UNDP publication “Faces of Poverty, Faces of Hope” (2005) gives further indications on the living conditions, affecting the health situation of the communities in Kosovo. 72% do not have a toilet or bathroom in the house while this is the case for 45% of the majority population

Further, the report states that 86% of the Roma, Ashkali and Egyptian respondents stated that in the last 12 months were periods in which they did not have access to essential drugs of the Essential Drugs List which was prepared and endorsed by the Ministry as an official document. 47% of the majority respondents made the same claims.

In this context it should be pointed out that the health system in Kosovo is still in transition and not all diseases can be treated adequately. Further, since there does not exist a

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<sup>37</sup> See Open Society Institute, Roma Health Project, *Confronting a Hidden Disease. TB in Roma Communities*. New York, Budapest 2007. For comparative data on health see e.g., UNDP, *Human Development Report Kosovo 2004*. Pristina 2004; UNDP, *Faces of Poverty*. Bratislava 2005.

<sup>38</sup> See Open Society Institute, Public Health Program, *Public Health Fact Sheet: Left Out: Roma and Access to Health Care in Eastern and South Eastern Europe (April 2007)*

(obligatory) health insurance, people have to pay for a number of services, treatments or drugs.<sup>39</sup> World Health Organisation (WHO) published a list with “essential drugs” that in general should be available free of charge. However, in Kosovo most of these “essential drugs” are not available anymore in public pharmacies, but only in private pharmacies or with pharmaceutical wholesale dealer who sell these drugs. Therefore, many of the “essential drugs” are not affordable anymore for people with average or below-average income as the vast majority of the Roma, Ashkali and Egyptians. During 2008, the Ministry has managed to increase the budget for drugs, and by the end of 2008 70% of drugs and essential material will be available to public institutions.

As Roma, Ashkali and Egyptians in Kosovo are generally poorer than other minority groups and the majority population, these out-of-pocket payments and the payment for “essential drugs” affect this group disproportionately.

Securing basic living requirements is a precondition for the good health condition of individuals and the community, and this often exceeds the competencies of the health sector. Therefore, inter-sectorial cooperation is a key component in reducing the risk factors that contribute to ill health.

A specific problem constitutes the health status of the Roma, Ashkali and Egyptian communities that have lived in lead-contaminated camps.

The health situation of the three communities has to be addressed in a comprehensive and holistic approach, addressing simultaneously health issues (access to health care, better understanding of preventive health care, healthy lifestyle, etc.), housing and environmental issues (living conditions, access to clean potable water, sewerage system, waste disposal, etc), employment and education.

A workshop held with communities’ representatives prior to the development of the strategy identified the following problems: a small number of medical staff from Roma, Ashkali and Egyptian communities, insufficient information on preventive healthcare and healthcare education, few campaigns for childhood vaccination. The Ministry of Health with the support of UNICEF and the NPHI has organized additional campaigns for marginalized groups especially for Roma, Ashkali and Egyptian communities (See reports by UNICEF about insufficient medical visits in Roma, Ashkali and Egyptian settlements, low-level participation in healthcare institutions, and general concern over inadequate service by medical staff and lack of awareness among these communities; lack of healthcare education still constitutes a problem, and the difficult access to healthcare services for members of the three communities).

The lack of analysis and data about the situation of the three communities in the healthcare sector continues to be a problem to accurately identify problems and provide solutions. The non-functioning of SISHT continues to be a major problem for data at the Ministry of Health!

### **Legal and Policy Framework**

Within the framework of the resources available the health system in Kosovo undergoes still a transition period transforming the previous health system in a modern system adapted to the requirements of a modern, flexible and patient-oriented system.

In general health-related legislation and policies refer to the most relevant international documents and obligations. In the last years, the Assembly of Kosovo passed several health-related laws in order to further develop and modernise the Kosovo health system.

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<sup>39</sup> See Schweizerische Flüchtlingshilfe (SFH), Kosovo - Zur Lage der medizinischen Versorgung – Update. Bern, Juni 2007. Internet: [www.ecoi.net](http://www.ecoi.net); United Nations Kosovo Team, Erste Beobachtungen zu Defiziten im Gesundheitsversorgungssystem im Kosovo. 2007. Internet: [www.ecoi.net](http://www.ecoi.net)

This chapter has taken into account the existing framework of national and international laws and obligations applicable in Kosovo. However, it will additionally bring forward measures aiming at improving the situation of Roma, Ashkali and Egyptians in the health system based on best practices from other countries.

### **National Laws and Strategies Regarding Health**

The following laws regulate the health system in Kosovo or are relevant for health-related issues: Kosovo Health Law (2004/4); Law on the Rights and Responsibilities of the Citizens in the Healthcare (2004/38); Law on Private Practices in Health (2004/50); Law on Public Health (2007/02-L78); Law on Infective Diseases; Law on Medical Emergency Services (2006/02-L50); Law on Health Inspectorate (2006/02-L38); Law On Medicinal Products and Medical Devices (2003/26); Law On Occupational Safety, Health And The Working Environment (2003/19); Law On Reproductive Health (2006/02-L76); Law On The Sanitary Inspectorate Of Kosovo (2003/22); Law on Spatial Planning (2003/14); Law on Water (2004/24)

The following policy papers or strategies address health-related policy in Kosovo: Health Strategy of Kosovo 2005-2015; Strategic aims and developments in the Ministry of Health based on the declaration of development priorities of the Government and the mid-term expenditure framework 2009-2011; Reproductive Health Strategy; 2005-2015 Kosovo Environmental Protection Strategy; Draft Healthcare Information System Strategy; Draft Human Resources Planning Strategy; Draft Strategy for Schools that Promote Health

### **Measures**

The Ministry of Health in cooperation with other relevant institutions is responsible for the implementation or co-ordination of the below mentioned measures.

The participation of representatives and organisations of the three communities in the development and implementation of the measures is indispensable; in particular in the outreach and information campaigns.

### ***General Measures<sup>40</sup>***

The human rights unit of the Ministry of Health in cooperation with the Ombudsman office or other monitoring mechanism in health care system shall follow up reports of abuse or discrimination in health care settings.

Through the human rights unit of the Ministry of Health, Roma, Ashkali and Egyptian communities will be included in the , implementation, and evaluation of health programs and policies that affect their lives.

The human rights unit of the Ministry of Health in cooperation with other relevant institutions will ensure that health and social services policies and legislation address social factors that affect the health of minorities. Interventions that aim to improve housing, for example, are critical to reducing TB infections.

### ***Measures Securing Basic Health Requirements***

The Ministry of Health and the CFMC in cooperation with the human rights officer, the NPHI officer who will undertake measures for cooperation with all CFMCs for ensuring basic measures and conditions for the healthcare protection of these communities, shall train community representatives at village level or settlement level on securing basic health requirements.

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<sup>40</sup> See Open Society Institute, Public Health Program, Public Health Fact Sheet: Left Out: Roma and Access to Health Care in Eastern and South Eastern Europe (April 2007)

## Strategy for the Integration of Roma, Ashkali and Egyptian Communities in the Republic of Kosovo

The Ministry of Health (the Public Health Division) together with other relevant medical institutions shall ensure within their competencies that settlements of Roma, Ashkali and Egyptian communities have secure access to quality drinking water, sewerage network and are included in the waste disposal organisation.

The Ministry of Health and the NPHI shall conduct regular water, sanitary and epidemiological control activities.

The Ministry of Health, within its competencies, shall wherever it deems to be necessary ensure that the land on which the settlements of the communities are located are not polluted and hazardous.

The Ministry of Health shall, in consultation with the communities concerned, provide for alternative housing for persons living in hazardous areas.

In particular in villages (settlements) not connected to the general water supply, community representatives shall be enabled to regularly control water quality and purify water.

Community representatives shall regularly inform and advise members of their communities on food quality and safety (conditions of preservation, preparation and procession of food, control of distribution of food products)

The Ministry of Health shall conduct an immunisation campaign and creation of immunisation database. The existing database is common for all community representatives.

The relevant medical institutions shall facilitate the registration of Roma, Ashkali and Egyptians, in particular of children, in order to include them in preventive healthcare measures such as immunisation campaigns and provide in general for access to the healthcare system

Strengthen the co-operation among the relevant authorities in the sectors of health, education, environment and spatial planning in order to develop and implement a holistic approach

The relevant medical institutions shall develop a comprehensive and holistic approach in particular targeting women and children

The Ministry of Health in cooperation with specialized international agencies shall regularly control the health status of the Roma, Ashkali and Egyptian communities who have lived in lead-contaminated camps and facilitate access to appropriate continuous treatment

### ***Analysis and Data Collection***

Conduct survey on access of the communities to preventive and curative healthcare services in order to identify possible obstacles

Support the collection of ethnically disaggregated data and, based on this data, allocate resources to populations most in need of basic health services. Communities should be involved in the data collection and analysis process.

The Ministry of Health will undertake additional measures to create/strengthen the database for the entire population that undergoes immunization and especially for members of the three communities.

### ***Outreach and Information Campaigns***

The following measures are primarily in the scope of responsibility of the National Institute of Public Health (NIPH)

Conduct healthcare education about water and the importance of water – saving, cleaning and using water

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Develop Information and Education Campaigns (IEC) for the implementation of targeted measures or social mobilization on health-related issues through the use of appropriate and innovative means

Organise IEC campaigns on topics that are of interest to Roma, Ashkali and Egyptian communities

Conduct activities for healthcare promotion and education among Roma, Ashkali and Egyptian communities by supporting the publication of IEC material (information, education and communication)

Broadcast educational programmes in the language of communities with respect to the cultural, religious and traditional specifics of communities,

Conduct awareness-raising activities on the consequences of traditional treatment and superstition for treatment of diseases

Conduct awareness-raising on the need of looking for medical treatment in time

Broadcast educational shows in the language of the communities with respect to the cultural, religious and traditional specifics of these communities

Support the publication of IEC material in the language of Roma, Ashkali and Egyptian communities

Inform about the health risks of occupations such as collection and recycling of secondary waste material

Raise awareness among international organisations and potential donors on the need to address the health status of the communities in cooperation with the health institutions and organisations or representatives of the communities

### ***Access to Quality Health Care, in particular for women and children***

The Ministry of Health will undertake additional measures to improve the availability of institutions of and information on preventive healthcare, without breaching the Master Plan or by reviewing it in agreement with the Municipalities and the Ministry of Health.

The Ministry of Health will provide (financial) incentives for health workers to work in remote healthcare centres or in mobile healthcare institutions and to visit marginalised communities

Improve equipment and supply with basic drugs for “local health stations/ambulances” and/or pharmacies located in or close to Roma, Ashkali and Egyptian settlements,

Increase the number of medical visits in neighbourhoods of the communities

Implement specific training for healthcare staff, associates and communities for eliminating the stigma and discrimination of the three communities

Implement and supervise the Ethical and Professional Code among health service providers for Roma, Ashkali and Egyptian communities

Improve antenatal and postnatal care and increased number of visits of or to midwives, nurses and doctors

Provide quality services regarding reproductive health, counselling on family planning, prevention of STD.

Ensure access to the most important (e.g. gynaecological cancer examinations) preventive health services for Roma women.

## Strategy for the Integration of Roma, Ashkali and Egyptian Communities in the Republic of Kosovo

Increase number of health care services in close proximity to neighbourhoods of the communities

Health education about water and its importance – preserving, cleaning and using water

Development Information and Education Campaigns to implement target measures or social mobilization for healthcare issues by using proper and innovative measures

Organize Information and Education Campaigns for issues of interest to Roma, Ashkali and Egyptian communities

### ***Social Issues***

Reconsider definition of categories eligible for social assistance and take into account the specific disadvantaged position of members of the communities

Evaluate allocation of social assistance (monitoring and evaluation of social schemes)

Provide quality services in the prevention of sexual and domestic violence and in adequate rehabilitation

Provide access for women and children from the communities to “safe houses” and shelters

## **2.5. Housing and Informal Settlements**

### **Description of the Situation**

Kosovo Roma, Ashkali, and Egyptians often live segregated from other ethnic communities in neighbourhoods that lack adequate infrastructure including roads, electricity, sewage disposal, clean water, garbage removal and access to public transport. Often, residents of these neighbourhoods lack registered title (ownership or use rights) over their property, either due to lack of documents, unregistered transactions and/or land occupation. Usually, constructions have been built without urban or construction licenses. Access to infrastructure services, such as roads, electricity and sewage is inadequate. Social housing and housing finance schemes do not cover existing needs.

Housing settlements are considered to be 'informal' when it does not conform to the laws and regulatory frameworks set up in the area in which it develops. Therefore these areas are considered to be 'informal settlements'.<sup>41</sup> These Kosovo Roma, Ashkali and Egyptian informal settlements are not always reflected in municipal spatial development and urban plans. Access to housing assistance, be it social housing units and/or housing finance scheme is highly limited. Issues such as forced repatriations, lack of housing reconstruction assistance for either returns and/or local integration aggravate these problems.

With this strategy, the Government of the Republic of Kosovo aims to take affirmative steps to a) provide these persons with legal security of tenure, b) integrate their settlements into the municipalities spatial and urban plans and c) improve their access to housing assistance and other public services.

In this regard, the Government will follow the goals contained in the Kosovo Standards Implementation Plan (Goals 6.8 and 6.9) and the European Partnership Action Plan related to informal settlements (Priority 31).<sup>42</sup> These goals are consistent with the commitments contained in the Stability Pact '*Vienna Declaration on Informal Settlements in South Eastern Europe*' to which Kosovo is a signatory since 2004.

The Council of the European Union reiterated in the Council Decision of 18 February 2008 (2008/213/EC) the importance of regularising informal settlements and finding sustainable solutions for the housing and integration of Roma communities that are living in hazardous living conditions in camps and for internally displaced persons groups living in informal centres.<sup>43</sup>

In order to ensure the protection of housing, land and property rights of Kosovo Roma, Ashkali and Egyptians who have suffered from displacement (see Chapter on Return and Reintegration), a mapping of pre-conflict informal settlements with an assessment of measures needed to ensure that conflict destruction does not lead to further segregation and housing rights infringements is necessary.

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<sup>41</sup>Informal settlements are human settlements which for a variety of reasons do not meet criteria for legal recognition. See also the 2004 Stability Pact "Vienna Declaration on Informal Settlements in South Eastern Europe. Internet: [www.stabilitypact.org/housing/f%20-%20050415\\_Vienna%20Declaration.pdf](http://www.stabilitypact.org/housing/f%20-%20050415_Vienna%20Declaration.pdf)

<sup>42</sup>Following the European Council Decision 2006/56/EC of 30 January 2006<sup>42</sup> on the principles, priorities and conditions contained in the European Partnership with Serbia and Montenegro including Kosovo, and to address these issues, the Kosovo Action Plan for the Implementation of European Partnership 2006 (Kosovo EPAP, 2006) was adopted.

<sup>43</sup>See Council Decision of 18 February 2008 on the principles, priorities and conditions contained in the European Partnership with Serbia including Kosovo as defined by United Nations Security Council Resolution 1244 of 10 June 1999 and repealing Decision 2006/56/EC (2008/213/EC)

### Housing

Data on the housing situation of Roma, Ashkali and Egyptians in Kosovo is currently limited, the Government will ensure that more adequate data for the purpose of developing housing programmes is regularly collected and maintained.<sup>44</sup> In all, access of Kosovo Roma, Ashkali and Egyptian families to housing assistance is currently very limited. Families live in inadequate housing conditions in collective shelters (such as those in Leposavić/Leposaviq or Mitrovicë/Mitrovica) and camps. Future prospects of forced repatriation make it necessary for the government to plan in advance for the provision of additional housing units.

Persons living in camps, barracks and other types of collective shelters face the worst housing situation. Due to the obligation to close down these collective shelters, the Government of the Republic of Kosovo has in certain cases started to resettle the inhabitants to social housing units.<sup>45</sup> In the northern municipalities, local authorities have not yet provided adequate solutions to Kosovo Roma, Ashkali and Egyptian families living in shelters. Moreover, pressure has been exerted on them to move elsewhere without providing reasonable alternatives, something which can lead to unlawful evictions and other human rights violations.<sup>46</sup> Assistance to local integration programmes parallel to the returns process, needs to be urgently developed and implemented.

### Housing in relation to forced repatriation

Kosovo might see in near future an increased return of Roma, Ashkali and Egyptians from Western Europe, neighbouring countries and probably from Serbia. While organised return of IDP from Serbia is very often facilitated and supported by reconstruction programmes, returnees from Western Europe can in general not profit from such programmes.<sup>47</sup> Only Germany hosts around 35,000 Roma, Ashkali and Egyptians under a toleration status (“Duldung”). In other European countries a few thousand Roma, Ashkali and Egyptians have found temporary refuge. It can be anticipated that most of them will be returned to Kosovo. It is expected that Macedonia, Montenegro and Bosnia and Herzegovina will start to return its approximately 10,000 Roma, Ashkali and Egyptian refugees to Kosovo soon.<sup>48</sup>

### Recent Activities to Address Informal Settlements and Access to Housing

Throughout 2006 and 2007 the Ministry, in co-operation with UN HABITAT and the OSCE Mission in Kosovo started a number of pilot initiatives on municipal level addressing the regularisation of informal settlements in Kosovo. These initiatives included a conference on informal settlements, a public awareness campaign, the creation of a common Working Group on Informal Settlements (in line with the Standards for Kosovo requirement for a ‘Stakeholders Group on Informal Settlements’) counting with the participation of UN-HABITAT, OSCE and the Association of Kosovo Municipalities.

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<sup>44</sup> The UNDP study *Faces of Poverty* (Bratislava, 2005) indicates the following disparity with regard to housing conditions of Kosovo Roma, Ashkali and Egyptians: Rooms per Household Members: Roma: 0.49/Non-Roma: 0.72; Square Meters per Household Members: Roma 14/ Non-Roma:21; Share of the population not having access to bathroom or toilet inside of the house: Roma: 72%/Non-Roma: 45%

<sup>45</sup> In Plemetina, the first social housing building for internally displaced persons was inaugurated in June 2006, accommodating 36 families, a second one (with 23 apartments) was finalised by end of June 2007. Further effort on this project is needed to ensure water and electricity supplies for all apartments and a proper heating system and access to services.

<sup>46</sup> The Leposavic Municipal Assembly has repeatedly attempted to close the Leposavić/Leposaviq collective shelter, despite the lack of alternative accommodation.

<sup>47</sup> However, it estimate that between 35% and 50% of the Roma, Ashkali and Egyptians originating from Kosovo and now living in Serbia are not registered as IDP. This would mean that up to 20,000 are not registered and could not profit from reconstruction programmes. For more details on this issue see the chapter on Return and Reintegration.

<sup>48</sup> The draft Reintegration Strategy for Repatriated Persons foresees the return of 5,000 persons per year for the coming five years. The availability of social housing is currently very limited in Kosovo despite the implementation of a social housing programme in nine municipalities for which 6,340,000 Euros have been allocated.



## Strategy for the Integration of Roma, Ashkali and Egyptian Communities in the Republic of Kosovo

Actions to regularise informal settlements have taken place so far in an *ad hoc* manner in different municipalities of Kosovo. Examples of a *de facto* recognition of land tenure can be found in Dy Korriku/Sitnicko Naselje<sup>49</sup> (Mitrovicë/Mitrovica) and Priluzje/Prelluzhë<sup>50</sup> (Vushtrri/Vučitrn).

In the former Roma Mahalla of Mitrovicë/Mitrovica a return programme was implemented, which included the reconstruction of houses – in case where the owners could prove their property titles with the registration in cadastral books – and the construction of apartment buildings on former socially owned land allocated by the Municipality for persons who could not prove the ownership of their former houses.

These cases, however, are exceptional actions taken primarily to facilitate returns and housing reconstruction programmes. A consistent policy for municipalities and central level authorities regarding both housing and informal settlements is yet to be developed.

In 2006, these actors developed a set of legal and policy objectives, based on the ‘Standards for Kosovo’ and the ‘European Partnership Action Plan’ under the initiative ‘For A Better Life in Our Municipality’ (see final conference document, 16 November 2006). These objectives are currently in progress. Moreover, the Report of the Conference the ‘You are displaced, your rights are not’ (MESP, OSCE and Movement for Peace, 26-27 November 2007) provide policy recommendations in the area of informal settlements regularisation.

### **Legal and institutional framework**

International standards have been directly applicable in Kosovo through UNMIK Regulations beforehand until Kosovo has been declared independent and afterwards, through the Constitution. The legislation in Kosovo recognises the right to the peaceful enjoyment of possessions (Article 1, Protocol 1, European Convention for Human Rights), the right to respect for family and private life (Article 8, ECHR) and the right to adequate housing (Article 11.1, International Covenant on Economic Social and Cultural Rights).<sup>51</sup>

These standards create positive obligations for all public authorities with respect to housing, land and property rights of persons living in inadequate conditions and/or without legal security of tenure.<sup>52</sup> Public authorities have, in this sense, the obligation to take immediate steps towards providing security of tenure to persons living in informal settlements, in consultation with the affected communities.<sup>53</sup>

Moreover, international standards create negative obligations for public authorities to refrain from practices that can lead to human rights violations, such as ‘forced’ or ‘unlawful evictions’.<sup>54</sup>

The competencies of municipalities in the area of housing, land use and construction licensing are defined through the Law on Local Self-Government (2003/03-L040). The Law on Spatial Planning regulates the procedures in which central and municipal authorities develop and

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<sup>49</sup> Mitrovica Municipal Assembly, Proposal Declaration Pr. No 399/01. 28 February 2003.

<sup>50</sup> Municipal Assembly Decision, Vushtrri/Vucitern, 01.Nr.700/03, dated 3.10.2003.

<sup>51</sup> These international standards are applicable in Kosovo through Section 1.3 of UNMIK Regulation 1999/24 On the Law Applicable in Kosovo.

<sup>52</sup> See inter alia General Comment No. 4 to the ICESCR setting out that the right to adequate housing provides that all persons should be guaranteed a degree of security of tenure that provides protection against forced eviction, harassment and other threats. This protection extends to individuals residing in informal settlements; OSCE Final Conference Document, 2003 Regional Roundtable on Informal Settlements in Kosovo. (see:). In this sense,

<sup>53</sup> See, General Comment No. 4 to the ICESCR on the right to adequate housing. Paragraph 8 (a). Legal security of tenure.

<sup>54</sup> ‘Forced evictions’ is defined as the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection. The prohibition on forced evictions does not, however, apply to evictions carried out by force in accordance with the law and in conformity with international human rights standards. (General Comment 4, International Covenant on Economic, Social and Cultural Rights).

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implement spatial and urban plans.<sup>55</sup> The conditions and procedures for the provision of construction licenses are defined by the Law on Construction.<sup>56</sup> Registration of title over immovable property is regulated by the Law on the Immoveable Property Rights Register.<sup>57</sup>

With regards to policy commitments, the Kosovo Standards Implementation Plan and the European Partnership Action Plan set clear policy guidelines for the regularisation of informal settlements. Following a process initiated through the 2003 'OSCE Working Regional Roundtable on Formalising Informal Settlements of Roma and other vulnerable groups' the Kosovo authorities signed in 2004 the Stability Pact 'Vienna Declaration on Informal Settlements'.<sup>58</sup> The declaration contains a programme of action which is revised regularly in regional capacity building meetings.

Since 2004, the Government has taken steps to fulfil the goals and actions on the regularisation of informal settlements contained in the 'Kosovo Standards Implementation Plan' (Chapter VI, Property Rights). In this sense, the Ministry of Environment and Spatial Planning has drafted guidelines on spatial planning and informal settlements for municipalities, provided training to Municipal Directorates of Urbanism and considered plans to develop a comprehensive survey on informal settlements of all communities.

Of further importance is the 'European Partnership Action Plan' (EPAP). Goal 31 of EPAP explicitly refers inter alia to the regularisation of informal settlements, to find sustainable solutions for the integration of Roma minority communities that are living in hazardous living conditions in camps and for IDP groups living in informal centres.

### **Measures**

#### ***General***

The relevant authorities shall regularise informal settlements of Kosovo Roma, Ashkali and Egyptians.

This regularisation process shall be conducted in consultation with the communities.

The Government of the Republic of Kosovo shall ensure compliance and continued fulfilment of the requirements for solving the problem of informal settlements and avoiding the creation of new ones contained in the relevant international and domestic documents

The Ministry of Environment and Spatial Planning, in co-operation with the Ministry of Communities and Returns shall conduct a survey on the existing housing and informal settlements situation of Roma, Ashkali and Egyptians, including information on the pre-conflict situation, in order to establish a reliable data base to be used for assistance purposes. (See Annex A to Informal Settlements and Access to Housing for more details).

The Government of the Republic of Kosovo shall ensure the continuous functioning of the 'Stakeholders Group on Informal Settlements', tasked with developing and implementing a Kosovo-wide medium and long-term strategy and action plans (including implementing legislation) on regularising informal settlements and prevention of new ones.

The Government of the Republic of Kosovo shall ensure through the Stakeholders Group an adequate oversight of municipalities' compliance with the requirements on informal settlements contained in the relevant documents.

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<sup>55</sup> UNMIK Regulation 2003/30 On the Promulgation of the Law Adopted by the Kosovo Assembly on Spatial Planning.

<sup>56</sup> UNMIK Regulation 2004/37 On the Promulgation of the Law Adopted by the Kosovo Assembly on Construction.

<sup>57</sup> UNMIK Regulation 2002/22 On an Immoveable Property Rights Register.

<sup>58</sup>See [http://www.stabilitypact.org/housing/f%20-%20050415\\_Vienna%20Declaration.pdf](http://www.stabilitypact.org/housing/f%20-%20050415_Vienna%20Declaration.pdf)

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The Government of the Republic of Kosovo shall create a sub-group on Roma, Ashkali and Egyptians informal settlements and access to housing. This group shall be chaired by the Good Governance Office of the Prime Minister and shall oversee the implementation of the housing and informal settlements component of this strategy and evaluate progress and propose concrete measures to central and local authorities every six months.

Regularisation of informal settlements shall include the improvement the conditions of these settlements through affirmative measures such as land use allocation, land swaps, *de facto* recognitions, incorporation into spatial and urban plans and provision of infrastructure.

Internally Displaced Persons and refugees who lived in informal settlements which are now destroyed shall be entitled to same affirmative measures in order to protect their rights. In this sense, conflict related destruction of informal settlements should in no case lead to further segregation of Kosovo Roma, Ashkali and Egyptian communities (see Returns and Reintegration Chapter).<sup>59</sup>

### ***Informal Settlements***

The relevant institutions of the Government of the Republic of Kosovo shall ensure that informal settlements are included in Municipal Development Plans, Urban Development Plans and Spatial Plans. Municipalities shall refrain from using this land for other purposes. Conflict related destruction of informal settlements should not impede the return of Kosovo Roma, Ashkali and Egyptian refugees and IDPs to their places of origin.

The municipalities shall ensure that the land tenure is regularised in cases where informal settlements occupy public, state or socially-owned land.

In particular when informal settlements are on public, state or socially owned land, are not health hazardous and could be connected to municipal infrastructure, the relevant authorities shall endeavour to allocate land to the inhabitants for residential purposes. If necessary, the relevant authorities shall facilitate re-parcelations, land use allocations, land swaps with the Kosovo Trust Agency, integration into spatial and urban plans and *de facto* recognitions of long standing occupation of socially owned land.

The Government of the Republic of Kosovo shall revise relevant laws on land use, spatial planning, housing, and construction to allow informal settlements regularisation. Particular attention shall need to be provided to provisions on adverse possession, land subdivision and legalisation procedures for buildings lacking urban and/or construction permits.

In case of informal settlements located on private property (individuals or companies) the municipalities and the relevant authorities shall facilitate the registration of transfers and/or inheritances. In this sense, municipalities and other authorities shall refer individuals to free legal aid providers whenever necessary.

### ***Internally Displaced Persons and Returnees***

Conflict related destruction of informal settlements shall in no case lead to further segregation of Kosovo Roma, Ashkali and Egyptian communities. When settlements were destroyed during the conflict, the relevant authorities shall always respect former inhabitants right to return home as a priority.

Redevelopment of public lands that have long-established informal settlements by minority communities or other vulnerable groups shall be exclusively limited to the purpose of allowing the residential use by its former inhabitants. If based on objective and non-discriminatory criteria

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<sup>59</sup> For a better understanding of the applied concept of affirmative measures see the General Comment 25 of the Committee on Civil and Political Rights, on the Rights of Minorities.

## Strategy for the Integration of Roma, Ashkali and Egyptian Communities in the Republic of Kosovo

(i.e., health hazard) this is factually not possible, compensation or alternative land and housing shall be in all cases provided to the Internally Displaced Persons and refugees. NOT CLEAR

### ***Access to Housing***

The Government of the Republic of Kosovo shall take specific measures to alleviate inadequate housing conditions and to provide access to housing to those Kosovo Roma, Ashkali and Egyptians in need. Moreover, the Government shall ensure that no executive authority in Kosovo endangers housing rights by unlawfully evicting individuals and/or closing down collective shelters without providing alternative accommodation.

The Government of the Republic of Kosovo shall develop specific housing programmes targeting Kosovo Roma, Ashkali and Egyptian communities.

The Government of the Republic of Kosovo, in co-operation with international donors shall provide financial resources to improve the housing conditions of Roma, Ashkali and Egyptians. In this sense, the Government shall provide for the framework to introduce micro-credit or grants schemes for housing constructions for Roma, Ashkali and Egyptians. Thereby, the Government shall take into account best practices from other countries.

The Government of the Republic of Kosovo shall ensure that the municipalities develop municipal housing strategies that duly take into account the needs of Kosovo Roma, Ashkali and Egyptian communities, including the needs that may arise linked to forced repatriation of individuals from Western Europe. These strategies shall be integrated in the Municipal Return Strategies and duly take into account budgetary needs.

The Government of the Republic of Kosovo commits to comply with international standards on housing rights, as defined by the International Covenant on Economic, Social and Cultural Rights. In this regard, the Government shall ensure that no executive authority unlawfully evicts individuals. When collective shelters are closed down, the central and local authorities will ensure that alternative accommodation is provided, as well as access to legal remedies.

## **Annex A to Informal Settlements and Access to Housing**

Selected, but not exhaustive data necessary for solving the housing and informal settlement situation:

1. Number of informal settlements
2. Number and/or percentage of community members living in informal settlements
3. Categorisation of informal settlements (including in particular property status)
4. Situation of informal settlements, including status of planning; environmental and public health conditions; general location (access/proximity to transport, infrastructure, schools, etc.)
5. Number and/or percentage of community members living in sub-standard dwellings (definition of sub-standard dwellings)
6. Average amount of square meters available per person in a Roma, Ashkali and Egyptian household
7. Number and/or percentage of community members whose houses are connected with electricity, water, sewage, sewerage, garbage collection, asphalted roads.
8. Number and percentage of destroyed property
9. Number and/or percentage of illegally occupied property
10. Number and percentage of community members not living in their property due to the unsafe situation that has been noticed in the past too.
11. Location of (informal) Roma, Ashkali and Egyptian settlements in order to address or avoid racial residential segregation.
12. Mortgages or credits or other possibilities available for buying houses?
13. Number and percentage of Roma, Ashkali and Egyptians who participated in housing (reconstruction) programs?
14. Expenditure per head in these housing and reconstruction programs?
15. Do corresponding comparative data from other ethnic groups exist for all these questions?
16. Data disaggregated by gender and age would be particularly useful.

## **2.6. Return and Reintegration**

### **Description of the Situation**

It is estimated that more than 100,000 of the former 150,000 Kosovo Roma, Ashkali and Egyptians are still displaced outside Kosovo. A large part left Kosovo after June 1999 when wide-spread atrocities all over Kosovo forced them out of their homes. However, considerable numbers of Roma, Ashkali and Egyptians left Kosovo along with Albanians during the conflict in 1998/1999. Other groups left Kosovo already during the Serbian oppressive regime in the 1990ies or even during the 1980ies. While some persons who fled Kosovo gained refugee status in Western European or neighbouring countries, a big number still face displacement in or outside of Kosovo.

Exact data on the number of Roma, Ashkali and Egyptians being hosted by Western Europe or countries in the region is not available. In Serbia, only 23,000 Roma, Ashkali and Egyptians are registered as IDPs while the total number is estimated to be from 40,000 up to 50,000 persons, many of them without possession of valid documents necessary to access key services and rights<sup>60</sup> (See also the Chapter on Registration and Documents). The number of refugees in Montenegro and in the Former Yugoslav Republic of Macedonia, or of Persons under Temporary Admission Status in Bosnia and Herzegovina, amounts all together to around 10,000.<sup>61</sup>

Based on the available data, it is estimated that Western Europe currently hosts more than 40,000 Roma, Ashkali and Egyptians who stay under “toleration status” (in German: *Duldung*).<sup>62</sup> While Germany and other countries in general declined to grant asylum to Kosovo Roma, Ashkali and Egyptian refugees, others like France, United Kingdom, Austria or Hungary have recognised some of them as refugees. In addition to those who failed to gain refugee status, an unaccounted number live as illegal migrants<sup>63</sup> in Western European countries.<sup>64</sup>

The overall minority return process in Kosovo has been very slow. According to UNHCR, 2529 Roma and 4883 Ashkali and Egyptians voluntarily returned to Kosovo between January 2000 and November 2007. 600 persons belonging to Roma, Ashkali and Egyptian communities voluntarily returned in a spontaneous manner to Kosovo between October 2007 and November 2008 and received assistance from UNHCR, such as shelter repair or food and non-food assistance. The Roma Mahalla in Mitrovica, the Avdullah Preseva neighbourhood in Gjilan/Gnjilane or the Ashkali Mahalla in Vushtrri/Vucitrn are examples of large-scale assisted return projects.

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<sup>60</sup>See UNHCR/Praxis, Analysis of the Situation of Internally Displaced Persons from Kosovo in Serbia, Belgrade March 2007, p.11.

<sup>61</sup> Around 4,500 Roma, Ashkali and Egyptians from Kosovo are registered as Displaced Persons in Montenegro, while about 2000 Roma, Ashkali and Egyptians are seeking refugee status in “the former Yugoslav Republic of Macedonia” (see: Report of the Committee on Migration, Refugees and Population on the Situation of longstanding refugees and displaced persons in South East Europe to the Parliamentary Assembly of the Council of Europe, Doc. 11289, 24 May 2007). A couple of hundred Roma, Ashkali and Egyptians are under a temporary protection regime in Bosnia and Herzegovina. Bosnia and the Former Yugoslav Republic of Macedonia repeatedly requested to return the refugees to Kosovo.

<sup>62</sup>In Germany alone there are about 35,000. As of 31. December 2004, the following number of persons from Kosovo were obliged to leave Germany (*ausreisepflichtige Personen*): Roma (24.351), Albanians (16.151), Ashkali (8.197), Egyptians (1.883), Bosniaks (1.305), Serbs (670), Gorani/Torbeshi (285), Turks (41) and 1.628 Others. Bundesamt für Migration und Flüchtlinge Deutschland, Informationszentrum Asyl und Migration, Serbien und Montenegro/Kosovo. Erkenntnisse des Bundesamtes Berichtsraum Dezember 2004 – März 2005. Stand März 2005.

<sup>63</sup> Illegal migrants are persons who do not or do not longer fulfil the conditions of residence in other countries because they (i) entered illegally (ii) overstayed their visa or residence permit (iii) their asylum claim has been rejected, or (iv) their residence permit has been cancelled.

<sup>64</sup> Germany, the main host country for refugees from Kosovo, introduced in 2007 a new law which – under certain conditions – could allow persons under the “toleration status” (*Duldung*) to receive temporary residence and working permits. In addition, the Netherlands recently adopted a similar policy. At the time of writing this strategy it was not known how many Roma, Ashkali and Egyptians are affected from these changes in Germany and the Netherlands.

## Strategy for the Integration of Roma, Ashkali and Egyptian Communities in the Republic of Kosovo

According to their legal status, Roma, Ashkali and Egyptian community members fall either under international refugee protection regime, i.e. refugees and asylum seekers, or, are subject to the UN Guiding Principles on Internal Displacement, or constitute third country nationals residing illegally in the EU entitled to minimum guarantees and protection from forced return by the principle of non-refoulement<sup>65</sup>.

The potential Roma, Ashkali and Egyptian returnees can be differentiated as follows:

- IDPs in Kosovo
- IDPs in Serbia
- Displaced Persons in Montenegro
- Refugees or Asylum seekers in the Former Yugoslav Republic of Macedonia
- Persons under Temporary Admission Status in Bosnia and Herzegovina
- Asylum seekers in Western European countries
- Persons in Western European Countries under “toleration status” (in Germany known as “Duldung”). These are primarily persons whose asylum claims have been rejected, but whose return to Kosovo is not accepted by UNMIK/PISG (see also UNHCR’s Position Paper, June 2006).
- Illegal migrants

Since 2006 UNHCR maintains its position that Kosovo Roma continue to be at risk of persecution and their return should only take place on a strictly voluntary basis, based on fully informed individual decisions<sup>66</sup>. On the other hand, UNHCR does not object to the return of Ashkali and Egyptians after an individual screening procedure. UNHCR further states in its Position Paper that “(...) under the current political and socioeconomic circumstances, the return of persons from these two groups, found not in need of international protection should be approached in a phased manner, due to the limited absorption capacity of Kosovo, in order not to bring about politically and socially destabilizing factors at a time when negotiations on the future status of Kosovo are under way”.<sup>67</sup>

Several international human rights and minority rights institutions/organisations such as the Commissioner for Human Rights of the Council of Europe or Amnesty International have raised concerns about the forced return to Kosovo of any member of the Roma, Ashkali or Egyptian communities or about their large-scale return to Kosovo.<sup>68</sup> The number of persons being repatriated to Kosovo is likely to increase in future, after most of the Western European countries recognised the independence of Kosovo. In 2007, the Kosovo Government and UNMIK have developed a Reintegration Strategy of Repatriated Persons to prepare for such event. The Strategy envisages budget projections for an estimated number of 5000 repatriated per year.<sup>69</sup>

A mass-scale return from Western Europe and other host countries would overburden the capacities of both the Kosovo society and politics, and of the receiving communities. Roma,

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<sup>65</sup> See Article 33 (1) of the United Nations Convention relating to the Status of Refugees.

<sup>66</sup>See UNHCR: UNHCR’s Position on the Continued International Protection Needs of Individuals from Kosovo, June 2006, p.7.

<sup>67</sup>Ibd.

<sup>68</sup> See: Parliamentary Assembly of the Council of Europe, Committee on Migration, Refugees and Population, Situation of Longstanding Refugees and Displaced Person in Southeast Europe, Doc. 11289 rev. 24 May 2007; Amnesty International, Kosovo (Serbia), No Forcible Return of Minorities to Kosovo. AI Index: EUR 70/004/2007, 31 May 2007; Commissioner for Human Rights of the Council of Europe who recently urged Bosnia and Herzegovina not to withdraw temporary admission permits for the 3000 Kosovo refugees since the security situation still remains fragile, in particular for Romani refugees. See Press Release, Council of Europe, Office of the Commissioner for Human Rights, 28.06.2007; Council of Europe, Report of the Chair of the MG-S-Rom and Council of Europe Coordinator for Roma and Travellers Activities Following Their Mission To Kosovo, 26 February - 1 March 2006. 17 May 2006 (MG-S-ROM (2006) 3)

<sup>69</sup>See Government of Kosovo, Prishtinë/a, July 2007: Reintegration Strategy of Repatriated Persons, p.7

## Strategy for the Integration of Roma, Ashkali and Egyptian Communities in the Republic of Kosovo

Ashkali and Egyptians constitute the poorest communities in Kosovo, relying heavily on remittances from persons living in Western Europe. Forced return in large numbers would create a serious socio-economic crisis and could lead to further migrations or secondary displacement.

In light of the envisaged decentralisation of Kosovo, the central authorities will provide the framework for the reintegration policy while the municipalities will be the main responsible actors for the actual re-integration of the returnees. In close co-operation with the relevant line ministries they will have to develop solutions providing housing, employment, access to essential services, documents and civil registration. These solutions must take into account the specific vulnerabilities of the Roma, Ashkali and Egyptians displaced.

Before the conflict, many Kosovo Roma, Ashkali, and Egyptians used to live in neighbourhoods that are considered to be 'informal settlements'.<sup>70</sup> The residents in these neighbourhoods lacked registered title (ownership or use rights) over their property, either due to lack of documents, unregistered transactions and/or land occupation. Usually, houses were built without urban or construction licenses. In order to ensure the protection of the right of displaced persons and refugees from these 'informal settlements' to return home, special regularisation measures for the protection of persons displaced from these areas are required taking into account the special circumstances in which these neighbourhoods were developed (See Chapter on Informal Settlements and Access to Housing).

The co-ordination of voluntary return of IDPs from Serbia and of displaced persons and refugees from neighbouring countries such as Montenegro, the Former Yugoslav Republic of Macedonia and Bosnia and Herzegovina is in the competencies of the Ministry for Communities and Return (MCR). Currently, the administration of the repatriation process for forced returns from Western European and other countries is a reserved competence of the UNMIK Office for Communities, Return and Minorities (OCRM). This competence has been transferred to the Ministry of Internal Affairs on November 1<sup>st</sup>, 2008.

Thus, the Government of the Republic of Kosovo is welcoming any return, however favours a phased return allowing for a sustainable integration of all returnees.

### ***Legal and Institutional Framework***

Under international human rights instruments<sup>71</sup>, refugees and displaced persons have the right to return to their homes, irrespective their ethnicity, in either a spontaneous or an organised and assisted manner. Moreover, the rights of displaced persons' and refugees<sup>72</sup> to housing and property restitution are recognised in international human rights standards.<sup>73</sup> In accordance with the basic principles that guide the return process, return has to be voluntary, safe and

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<sup>70</sup>Informal settlements are human settlements which for a variety of reasons do not meet criteria for legal recognition. See the 2004 Stability Pact Vienna Declaration on Informal Settlements in South Eastern Europe available at [http://www.stabilitypact.org/housing/P%20-%20050415\\_Vienna%20Declaration.pdf](http://www.stabilitypact.org/housing/P%20-%20050415_Vienna%20Declaration.pdf)

<sup>71</sup>See 1951 Convention relating to the Status of Refugees; 1967 Protocol relating to the Status of Refugees; Guiding Principles on Internal Displacement.

<sup>72</sup>The term 'refugees and displaced persons' includes those persons displaced across borders, for example due to conflict or disaster, who may not meet the legal definition of a refugee under international refugee law. See Explanatory Notes on the Principles on Housing and Property Restitution for Refugees and Displaced Persons. E/CN.4/Sub.2/2005/17/Add.1, 8 July 2005, para. 2 and 3.

<sup>73</sup>See Article 8 (Right to Respect for Private and Family Life), Article 14 (Prohibition of Discrimination), Article 1, Protocol 1 (Right to Property) and Article 2, Protocol 4 (Freedom of Movement) of the ECHR. See UN Security Council Resolutions 1287 (2000), 1036 (1996), 971 (1995) and 876 (1993); UN SC Resolution 820 (1993) and UN SC Resolution 1244 (1999) on Kosovo. Regarding the right to return to one's country, see Article 13(2) of the Universal Declaration of Human Rights (UDHR); Article 12 (4) of the International Covenant on Civil and Political Rights (ICCPR); Articles 45, 127, 132, 134 and 135 of the Geneva Convention on the Protection of Civilian Persons in Time of War; and Article 12 (2) of the African Charter on Human and Peoples' Rights.



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sustainable.<sup>74</sup> Return should take place in dignity and should be based on the free and informed choice of the refugee or the displaced person.

In this respect, the mechanisms for the protection of the right to housing and property restitution need to be accessible, efficient and respect international human rights standards. In addition, state authorities are obliged to ensure that displaced persons enjoy adequate housing conditions and are protected from forced evictions. These standards are also reflected in the UN Guiding Principles on Internal Displacement<sup>75</sup> and more recently, in the “Pinheiro Principles”, adopted in August 2005.<sup>76</sup> The “Pinheiro Principles”, provide the rights to: (i) Housing and property restitution, (ii) Protection from displacement, (iii) Peaceful enjoyment of possessions,, (iv) Adequate housing, (v) Respect for home and privacy, (vi) Freedom of movement and (vii) Voluntary return in safety and dignity.

The implementation of the right to return and to housing and property restitution is dependent on a) effective, transparent and accountable structures for the allocation of reconstruction, land and housing assistance and the implementation of comprehensive and balanced return projects; and b) remedial venues against the unlawful occupation of housing, land and other property; against harassment, threats and forced departure and from coercion and/or fraud in the conduct of immovable property transfers.

In line with international standards for implementing human rights, in Kosovo, the primary source of the rights of displaced persons and refugees to return and to housing and property restitution is UN Security Council Resolution 1244.<sup>77</sup>

The body responsible for the restoration of housing and property rights affected by the conflict is the Kosovo Property Agency<sup>78</sup> (KPA, former Housing and Property Directorate) with the mandate of resolving all outstanding residential, commercial and agricultural private immovable property disputes related to the conflict.<sup>79</sup>

With regards to policy guidance on returns, the European Partnership Action Plan (EPAP) Priority 29 outlines the need for a strong strategic framework on communities and returns and a mechanism at municipal level for facilitating the sustainable integration of returnees and existing minority communities.

The UNHCR’s Position on the Continued International Protection Needs of Individuals from Kosovo, June 2006 outlines the main international principles in regard to return and is a basis for the PISG and UNMIK repatriation policy.

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<sup>74</sup> See UNMIK concept paper on “The Right to Sustainable Return”, 27 May 2002,

<sup>75</sup> Guiding Principles on Internal Displacement, UN Doc. E/CN.4/1998/53/Add.2, Principle 21 provides that “properties shall in all circumstances be protected; property and possessions left behind by internally displaced persons should be protected against destruction and arbitrary and illegal appropriation, occupation or use”.

<sup>76</sup> The “Principles on Housing and Property Restitution for Refugees and Displaced Persons” (‘Pinheiro Principles’) were formally endorsed by the UN Sub-Commission on the Promotion and Protection of Human Rights on 11 August 2005. See Principles on Housing and Property Restitution for Refugees and Displaced Persons, E/CN.4/Sub.2/2005/17.

<sup>77</sup> UNMIK Reg. 2001/9, 15 May 2001, and the Constitution of Kosovo guarantee the right of all refugees and displaced persons from Kosovo “to return to their homes, and to recover their property and personal possessions” and states that “the competent institutions and organs in Kosovo shall take all measures necessary to facilitate the safe return of refugees and displaced persons to Kosovo”.

<sup>78</sup> The KPA is formed by an Executive Secretariat, a Supervisory Board and a Property Claims Commission (PCC) as a quasi judicial body. As for the claims dispute resolution the PCC shall reach a decision on the claimed property in relation to title, property use rights and lawful possession rights. The decisions of the PCC are final if not appealed. The decisions of the PCC constitute title determinations and therefore successful claimants holding PCC decisions will be able to register their ownership (or right of use) in the Kosovo Immoveable Property Rights Register.

<sup>79</sup> See UNMIK Regulation 2006/10 On the Resolution of Claims Relating to Private Immoveable Property, including Agricultural and Commercial Property, as superseded by UNMIK Regulation 2006/50.

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Of further importance is Chapter 4 “Rights of Refugees and Internally Displaced Persons” of the Ahtisaari Package.

The Constitution contains under Transitional Provisions Article 156 [Refugees and Internally Displaced Persons] which stipulates that “(...) (t)he Republic of Kosovo shall promote and facilitate the safe and dignified return of refugees and internally displaced persons and assist them in recovering their property and possession (...)”<sup>80</sup>

The main domestic policy documents governing the voluntary return of IDP are the Provisional Institutions of Self-Government (PISG) Recommendations to Updating Return Policies and Procedures from May 2006, the Revised Manual on Sustainable Return from July 2006 and the Protocol on Voluntary And Sustainable Return, signed June 2006 by UNMIK, Government of Serbia and PISG.

The Protocol on Voluntary and Sustainable Return offers support to IDPs from Serbia who choose to return.

In addition, most of the municipalities develop yearly Municipal Return Strategies which should support the process of voluntary return of IDPs and refugees to Kosovo according to the Revised Manual for Sustainable Return. The OSCE report on the Implementation of Municipal Return Strategies<sup>81</sup> indicates a lack of participation of representatives from the three communities in the return planning and implementation process at municipal level.

The main domestic policy document governing the involuntary return of persons who could not obtain asylum status or citizenship in countries of displacement is the Reintegration Strategy of Repatriated Persons developed by the Kosovo Government and UNMIK.

Further relevant documents as regards to repatriation are the bilateral Readmission Agreements which UNMIK signed so far with Germany, Switzerland and Sweden.

In November 2007, the OSCE, together with the Ministry of Environment and Spatial Planning developed a set of policy and legal recommendations through a multi-stakeholder conference (“You are displaced, your rights are not”). As a result, concrete recommendations were developed to protect the right of displaced persons to return home and to housing and property restitution. A special emphasis was placed on the protection of these rights for the Kosovo Roma, Ashkali and Egyptian communities.

These documents constitute the general framework in Kosovo for the return policy regardless of the ethnicity of the returnees.

In this context, the following recommendations, developed specifically to address the situation of returning Roma, Ashkali and Egyptians irrespective of their status in their current host countries, have to be seen as complementing or reiterating recommendations in the already existing policy documents.

### ***Measures***

#### ***Central Level***

The Government of the Republic of Kosovo recognises that the widespread extreme poverty and disadvantageded and discriminated position of the three communities in Kosovo requires that first the capacities of the communities still living in Kosovo have to be strengthened in order to enable them to increase their absorption capacity

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<sup>80</sup> See the Constitution of Kosovo. Internet : <http://www.kushtetutakosoves.info/?cid=2,275>

<sup>81</sup> OSCE Report: Planning and Implementation of the Municipal Return Strategy in the Kosovo Municipalities, April-May 2007

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The relevant authorities in co-operation with international organisations shall establish a database making use of already available data containing the number of Roma, Ashkali and Egyptians currently living in Western Europe as refugees (rejected asylum seekers), in Serbia as IDPs or as refugees/displaced persons in other countries such as the Former Yugoslav Republic of Macedonia, Bosnia and Herzegovina and Montenegro.

The Government of the Republic of Kosovo shall ensure that persons who left Kosovo prior to 1 January 1998 and are returned to Kosovo from Western Europe or countries in the region have the right to be citizens of Kosovo.

The Government of the Republic of Kosovo shall ensure that the relevant strategies and policies regarding return of refugees and IDP have to provide for a holistic, inclusive approach, covering income generating activities, access to property, essential services (education, health, social services) and inter-ethnic dialogue. The implementation of these elements has to be ensured in the respective return projects in line with the Revised Manual for Sustainable Return and the Protocol on Voluntary and Sustainable Return.

The Government of the Republic of Kosovo shall address alternative solutions to return by developing a framework for local integration and resettlement (including land allocation schemes) for the displaced persons, who do not wish to return to their place of origin.

The relevant Ministries shall ensure that the Reintegration Strategy of the Repatriated Persons addresses all issues relevant for returning Roma, Ashkali and Egyptians.

The Ministry of Internal Affairs (MoIA) shall identify the need for registration/documentation of repatriated persons and assist with a multi-lingual information brochure on institutions, venues and procedures through which repatriated persons can register their civil status and habitual residence prior or upon return to Kosovo. (See also Chapter on Registration and Documents).

The responsible authorities shall ensure that children born abroad are provided with adequate civil status certificates and personal documentation (See also Chapter on Registration and Documents).

The Office of the Prime Minister's return policy shall ensure that refugees and IDP can exercise their right to return to their place of origin. Return to another location in Kosovo will be facilitated in case returning refugees or IDP wish to do so.

The relevant authorities shall closely involve Roma, Ashkali and Egyptian civil society organisations in the decision-making process regarding development, facilitation and monitoring of all return-related activities.

The Office of the Prime Minister of the Republic of Kosovo shall ensure that all central and local institutions and mechanisms dealing with return-related issues will include representatives of Roma, Ashkali and Egyptian IDP and refugee organisations.

The Office of the Prime Minister of the Republic of Kosovo shall establish a central mechanism dedicated to the issue of Roma, Ashkali and Egyptian, who were forcefully returned. The establishment of this body will be included in the recently endorsed Reintegration Strategy for Repatriated Persons. The MoIA and the Ministry of Communities and Return (MRC) will each establish a focal point for Roma, Ashkali and Egyptian issues.

A focal point for Roma, Ashkali and Egyptian issues shall be established in the Office of the Prime Minister that will co-ordinate with the focal points in MoIA and MRC the policies and activities related to the return of these communities. The focal point will facilitate networking, coordination with and involvement of community representatives, civil society organizations and all other relevant and interested parties from the three communities.

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The MCR shall ensure and guide the municipalities to include the issue of returning Roma, Ashkali and Egyptian IDP in their Municipal Return Strategies<sup>82</sup>.

The MCR shall ensure that the municipalities include Roma, Ashkali and Egyptian IDP and refugee representatives in their Municipal Working Groups on Return as stipulated in the Revised Manual for Sustainable Return regarding the participation of IDP representatives.

MCR in co-operation with international organisations shall take a pro-active role in providing guidance to the respective municipal return mechanisms (Municipal Return Officer, Municipal Working Group on Return) to support local communities in the development of return projects (see also Recommendations to Municipalities, point 2).

The Office of the Prime Minister of the Republic of Kosovo shall support the participation of representatives from the Roma, Ashkali and Egyptian communities in the Direct Dialogue Working Group. The Working Group shall identify solutions for these Roma, Ashkali and Egyptians from Kosovo being displaced to Serbia without being registered.

The Office of the Prime Minister of the Republic of Kosovo shall ensure that Roma, Ashkali and Egyptian civil society organisations will be included in drafting and reviewing of all return policy documents.

### ***Municipalities***

All municipalities shall include the issue of returning Roma, Ashkali and Egyptian IDP in their Municipal Return Strategies and will develop relevant projects in close co-operation with the communities.

Municipal authorities shall ensure outreach and information delivery to Roma, Ashkali and Egyptian IDPs from their municipalities and an adequate representation of these IDP representatives in the Municipal Working Group on Return. Further, municipal authorities shall ensure that Roma, Ashkali and Egyptian IDPs are proportionately included in return related activities and projects developed by the municipalities.

### ***Financial Resources***

Municipal authorities shall provide for a fair and equal participation of Roma, Ashkali and Egyptians in planning and implementation of return-related projects, the review and approval mechanism at central level shall ensure a fair and equal allocation of project funds.

The relevant strategies and policies and the respective implementation plans regarding integration of displaced persons and forced returnees shall include a fair sharing of financial resources among all ethnic communities according to their percentage among returnees.

The relevant institutions of the Republic of Kosovo shall undertake every effort to raise financial resources for the reintegration of Roma, Ashkali and Egyptian returnees and for strengthening the capacity of the receiving communities.

The central institutions of the Republic of Kosovo shall support municipalities receiving returning Roma, Ashkali and Egyptians in the efforts to receive financial support from international donors for their reintegration activities for Roma, Ashkali and Egyptians.

The Office of the Prime Minister of the Republic of Kosovo shall encourage the international community to apply the same rules and procedures towards all communities when providing financial support regarding return and reconstruction.

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<sup>82</sup> See also Kosovo Action Plan for the Implementation of European Partnership 2006, August 2006, Priority 28, Action No. 9 "Inclusion of communities, returnees, women representatives in decision-making and planning of return issues".

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The Office of the Prime Minister of the Republic of Kosovo shall identify possibilities to support these communities' members who returned voluntarily in the last years without having received any assistance.

### ***Returnees from Informal Settlements***

The Government and the Municipalities recognize that returnees who lived in informal settlements need special measures of land regularization, in order to protect their right to return and their housing rights. Such measures could include land use allocations, re-parcelations, registration of informal transfers and/or inheritances and integration into municipal spatial and urban plans. In cases where regularisation is factually impossible (i.e., due to health hazard due to proximity to a river or a waste land) alternative land and/or housing should be made available.

The MCR in co-operation with the Ministry of Environment and Spatial Planning (MESP) and the Municipalities shall conduct a survey of destroyed Kosovo Roma, Ashkali and Egyptian settlements with a view to facilitating the provision of a remedy to the loss suffered, in the form of restitution in kind and/or compensation as well as to protect the right of those displaced to voluntarily return home or to integrate locally.

The MESP in co-operation with the MCR and the Municipalities shall ensure that conflict related destruction of informal settlements will not impede the right to return of Kosovo Roma, Ashkali and Egyptian refugees and IDPs to their places of origin.

The MESP and the Municipalities shall ensure compliance with the requirements of the Property Standard (Goal 6.8) and the European Partnership Action Plan, Priority 31 and cease unjustified attempts to develop public lands that have long-established informal settlements by minority communities or other vulnerable groups for purposes other than residential use by its former inhabitants.<sup>83</sup> If redevelopment is necessary, compensation or alternative housing will be provided to the displaced persons.

In cases where informal settlements subject to return and reconstruction projects occupy public, state or socially owned land, municipalities and central level authorities shall legalise their situation, in co-operation with the other governmental institutions and relevant international actors (See also Chapter on Access to Housing and Informal Settlements).

Municipalities shall, when necessary, facilitate re-parcelations, land use allocations, land swaps with the Kosovo Trust Agency, integration into spatial and urban plans and *de facto* recognitions of long standing occupation of socially owned land

### ***Ad-hoc reception and accommodation***

The relevant authorities shall ensure the full implementation of the endorsed policy documents (e.g. Readmission procedures) that provide a reception and support mechanism for forced returnees from Western Europe and other countries.

The Office of the Prime Minister of the Republic of Kosovo shall implement a housing or shelter programme in order to provide for sufficient, preliminary accommodation for potential returnees. PISG will thereby explore solutions such as providing (temporary) accommodation in property currently under administration of KPA for returnees without any accommodation.

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<sup>83</sup>Kosovo Standard Implementation Plan, Goal 6.8: Municipal authorities cease unlawful or unjustified attempts to develop public lands that have long-established informal settlements by minority communities or other vulnerable groups; EPAP, Priority 31: Regularise informal settlements. Find sustainable repatriation solutions for the integration of Roma minority communities that are living in hazardous conditions in camps and for IDP groups living in informal centres.

### ***Information and Outreach***

The Office of the Prime Minister of the Republic of Kosovo in cooperation with the MCR and supported by the international community shall secure necessary funds to enable municipal institutions, namely the Municipal Return Officers to a more efficient and targeted outreach and information provision to Roma, Ashkali and Egyptian refugees and IDPs in order to facilitate their well informed decision making.

In particular, the relevant municipal authorities (Municipal Returns Offers) in co-operation with UNHCR and its implementing partner agencies and other local and international organisations shall increase the number of Go-and Inform Visits specifically targeting Roma, Ashkali and Egyptians IDPs. Community representatives will be included in the Go-and Inform Visits.

The relevant institutions shall ensure that potential returnees will receive all information necessary to make a well-informed decision. In particular, Kosovo Property Agency (KPA) will strengthen its outreach activities to IDP and refugees from the Roma, Ashkali and Egyptian communities.

KPA shall coordinate with the MoIA to reach out and distribute all property related information through the relevant authorities in the host countries and organisations implementing repatriation assistance programmes.

The responsible institutions shall undertake necessary steps for the recognition of certificates or documents (e.g. birth certificates, educational and academic certificates/diplomas, employment documents and pension entitlements, health certificates) issued by other States and in case they disappeared during the return, the relevant authorities will support the returnees in receiving these documents or copies thereof from the former host countries (See also Chapter on Registration and Documents).

### ***International Community***

The host countries are asked to consider granting residence permits at least for those groups of refugees who inter alia have been living in the host countries already for a longer period of time, who have permanent employment, whose children attend school, and who suffer from diseases that can not be treated in Kosovo.

The host countries are asked to refrain from forcefully returning persons whose property is illegally occupied or destroyed until it is guaranteed that the returnee can re-possess his or her property.

The host countries are asked to consider providing financial resources in order to allow the Kosovo authorities to create temporary accommodation for returnees without any accommodation such as renting out property currently under administration of KPA.

International organisations shall support the participation of representatives from the Roma, Ashkali and Egyptian communities in the Direct Dialogue Working Group. The Working Group will identify solutions for these communities' members displaced in Serbia without being registered.

The international community shall give priority and ensure the protection to the right to return of Roma, Ashkali and Egyptians to their place of origin over the extension of "protective zones"<sup>84</sup> or any other similar measure.

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<sup>84</sup>According to the Draft Law on the Establishment of Special Protective Zones (November, 2007) the "Special Protective Zone" shall be an area defined by a map, or by a defined area surrounding a monument, building, group of buildings, ensemble, village, or historic town centre that may be safeguarded from any development or activity which could damage its historical, cultural, architectural or archaeological context, natural environment or aesthetic visual setting. The reconstruction of the settlement of Rudesh/Rudes (formerly inhabited by Egyptians who are now displaced in Montenegro) in Istog/Istok has been delayed due to its inclusion in a 'cultural protective zone'.

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International organisations such as OSCE, UNHCR and Council of Europe shall facilitate a closer co-operation between Roma, Ashkali and Egyptians in Kosovo and IDP and refugee organisations of the three communities in order to reach a better inclusion of their concerns in the return policy and activities.

### ***Roma, Ashkali and Egyptian civil society***

Roma, Ashkali and Egyptian IDP organisations outside Kosovo shall strengthen their networking, facilitate the dissemination of information regarding return process and possibilities, maintain closer coordination and cooperation with international and local organizations involved in the IDP and return sector (UNHCR and its implementing partner agencies, Danish Refugee Council, IDP association UNIJA etc.).

They shall nominate representatives from their communities as official members in the Municipal Working Groups on Return in order to be enabled exercising immediate influence on municipal return policies, planning and implementation of return projects and other return-related activities.

IDP organizations working in and outside Kosovo are called upon to strengthen their networking in order to become effective partners in the return process.

## **2.7. Registration and Documents**

### **Description of the Situation**

The right to be recognised as person before the law is a fundamental human right. Civil registration is a prerequisite for access to civil, political, economic, social and cultural rights. The civil status register is the only official public document, which proves the civil status of a person before his/her family, the society and the State. Civil registration recognises a person's name, a right that the person cannot relinquish, which identifies the person as integral part of the society in which he or she lives and undertakes juridical relations. Persons excluded from civil registration do not have their identity recognised by the legal system and are unable to execute legally valid acts. They are likely to be excluded from the exercise of rights and obligations.

In general, the issue of registration and documents encompasses two different procedures and two different categories of documents: A) The civil status registration which enables the registration of vital civil status facts of a person such as birth, marriage and death certificates; and B) the registration of habitual residents of Kosovo which entitles a person to obtain identity card and travel document.

In Kosovo, many Roma, Ashkali and Egyptians lack habitual resident and civil status registration or do not possess all necessary documents. Different categories of persons are affected by the lack of personal documentation:

1. Residents of Kosovo
2. IDPs in Kosovo
3. IDPs in Serbia and in Montenegro
4. Returnees from Serbia and from Montenegro
5. Persons who have been repatriated to Kosovo
6. Persons who will be repatriated to Kosovo

There are no exact numbers of Roma, Ashkali and Egyptians lacking habitual resident or civil status registration. The UNHCR estimates that approximately 20% to 40% of these communities are not registered as habitual residents in Kosovo.<sup>85</sup>

The reasons for the relatively large share of Roma, Ashkali and Egyptians who lack habitual resident or civil status registration are manifold, such as complex and cumbersome procedures (in particular when children are not borne in hospital), poverty and illiteracy, lack of registration over generations, lack of awareness on the obligation and advantage of registration among these communities, as well as living in informal settlements. Roma, Ashkali and Egyptian women and girls are more vulnerable due to early and often unregistered marriages and to the exclusion or drop out from education. In addition, the fees for the issuance of civil status certificates or habitual resident registration differ in the municipalities and might constitute an obstacle to poor families to obtain documents.<sup>86</sup>

The lack of registration and documents prevents recognition of the affected individual as a person before the law and hampers his/her access to all basic rights<sup>87</sup>, including the right to

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<sup>85</sup>UNHCR Kosovo – Office of the Chief of Mission (OCM), Protection Unit, Civil Registration Campaign Targeting Roma, Ashkali and Egyptian Community in Kosovo-Action Plan, July 2006, p.1.

<sup>86</sup>According to the 2007 OSCE Report on Civil Registration of Persons Belonging to the Roma, Ashkali and Egyptian Communities. Findings of a Monitoring exercise (11. December 2006-15 January 2007), the fees for the issuance of e.g. marital status or the proof that a person is alive differ up to 9 €. Moreover, while the issuance of identity cards is free of charge, the replacement or correction cost up to 20 €.

<sup>87</sup>For example persons who lack habitual residence registration are de facto excluded from receiving legal aid, e.g. in pursuing their habitual residency registration. UNMIK Regulation 2006/36 on Legal Aid, Section 10: “(...) The



education, to health care, to social benefits, to participate in elections and to freedom of movement (right to leave one's country). Further, persons without habitual residence in Kosovo can not participate in the household and population census envisaged by the applicable legislation. However, this is important as according to applicable legislation<sup>88</sup> specific minority communities might be in the position to enjoy specific community rights or qualify for affirmative action measures when reaching a certain number or percentage of the population. In addition, the availability of reliable statistical data on the ethnic composition of the Kosovo population is a key element for the implementation of the Framework Convention for the Protection of National Minorities as well as for the design of an effective minority policy targeting the specific needs of communities.

The situation of thousands of Roma, Ashkali and Egyptians who are currently living outside of Kosovo as IDPs, refugees, or migrants requires special attention. According to UNHCR estimates, in Serbia only 23.000 out of 40.000-50.000 Roma, Ashkali and Egyptian displaced persons are registered as IDPs (See also the Chapter on Return and Reintegration). The others, also about 20.000 or more, lack basic identity documents and many of them have never been registered in the registry books which were transferred from Kosovo to Serbia. Those refugees and IDPs who lack basic documents are particularly at risk to become stateless.<sup>89</sup>

Another phenomenon can be observed among the returnees from Western Europe: in several cases the involved returnees claim that they have lost certificates or documents obtained during their stay in Western Europe (birth certificates, school certificates, etc) and face difficulties in obtaining certified copies once being back to Kosovo.

### ***Legal and Institutional Framework***

International human rights standards directly applicable in Kosovo<sup>90</sup> protect the right of every person to be recognised everywhere as person before the law (Article 16, International Covenant on Civil and Political Rights) and the right to a nationality (Article 15.1, Universal Declaration of Human Rights). The Universal Declaration of Human Rights further protects every person not to be arbitrarily deprived of his/her nationality or denied the right to change his/her nationality (Article 15.2). All children have the right to be protected from discrimination, to be registered immediately after birth, have a name and acquire a nationality.<sup>91</sup> Authorities, in whose jurisdiction these international standards are applicable, are obliged to implement these rights in accordance with their national law, in particular where the child would otherwise be stateless.

The Republic of Kosovo is also committed to international standards aimed at preventing or reducing statelessness such as: the 1954 United Nations' Convention Relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness, the 1997 European Convention on Nationality and the 2006 Council of Europe Convention on the Avoidance of Statelessness in relation to State Succession.

The registration of habitual residence is regulated by UNMIK Regulation No. 2000/13 on the Central Civil Registry and UNMIK Administrative Direction No. 2001/12 contain the criteria and procedures through which the identity and eligibility of applicants is determined. At the

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following classes of persons, in order of priority for the allocation of resources, are qualified to receive legal aid: a) Habitual residents of Kosovo; b) Temporary residents of Kosovo from jurisdictions that provide reciprocal legal aid to habitual residents of Kosovo; c) Other persons determined by law or international agreement. (...)"

<sup>88</sup>As for example for the recognition and use of minority languages by municipal authorities, See: AoK Law No. 02/L-37 On the Use of Languages, as promulgated by UNMIK Regulation No. 2006/51 of 20 October 2006.

<sup>89</sup>See UNHCR/PRAXIS, March, 2007: Analysis of the Situation of Internally Displaced Persons from Kosovo in Serbia : Law and Praxis, p.11 ff

<sup>90</sup> See UNMIK Regulation 2001/9 as amended by UNMIK Regulation 2002/9.

<sup>91</sup> Article 24, ICCPR and Art. 2, Art. 7 of the 1989 Convention of the Rights of the Child.

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municipal level, municipal civil registration centres carry out these procedures, while at the central level the central civil registry is operational.

The Assembly of Kosovo Law No. 2004/46 on Civil Status Registers, promulgated by UNMIK Regulation No. 2005/21 provides rules and procedures through which the basic facts of birth, marriage and death are registered at municipal civil status offices. There is also the Law nr.02-1-06 for amending and completing the Law nr.2004/46 for Registries of the Civil State, announced by UNMIK Regulation 2008/25 on 16 May 2008.

As regards policies, on May 2006 the Office of Prime Minister (OPM) issued the “Recommendations to Updating Return Policies and Procedures” which recognise the backlog of requests for civil registration documentation and instruct municipalities “...to ensure that pending registration requests for Roma, Ashkali and Egyptians are completed in the next six months. No late fees for these administrative services shall apply to these groups”. The Government of the Republic of Kosovo recognises that there is a continued need to ensure the implementation of these Recommendations.

The Government of the Republic of Kosovo is further committed to ensure the on-going implementation of the European Partnership Action Plan (EPAP) Priority 28, which refers to documents and stipulates inter alia: “(...) Enhance efficiency of issuing personal documents for all communities including returnees (...)”. Responsibility for the implementation of this action is with Ministry of Internal Affairs, the municipalities and UNMIK.<sup>92</sup>

### **Measures**

#### ***Central Level***

The Government of the Republic of Kosovo shall undertake the necessary steps to enable civil and habitual registration of Kosovo Roma, Ashkali and Egyptian communities in order to ensure that all persons from Kosovo are able to exercise their citizenship rights and fundamental Human Rights.

The Government of the Republic of Kosovo shall closely co-operate with the Government of the Republic of Serbia, the host countries concerned and international organisations to ensure that all IDPs, refugees, migrants of Kosovo origin, irrespective of their ethnicity, are able to obtain citizenship, civil status and habitual resident registration in Kosovo, if they wish to do so.

The Government of the Republic of Kosovo acknowledges the particular vulnerable situation of thousands of displaced Roma, Ashkali and Egyptians who are lacking basic registration and are displaced outside of Kosovo and shall undertake in close co-operation with the Government of the Republic of Serbia measures to avoid that these become stateless in future.

The Ministry of Internal Affairs (MoIA) shall identify the need for registration/documentation of a repatriated persons and assist with a multi-lingual information brochure on insitutions, venues and procedures though which repatriated persons can register their civil status and habitual residence prior or upon return to Kosovo. The responsible authorities will ensure that children born abroad are provided with adequate civil status certificates and personal documentation (See also Chapter on Return and Integration).

The responsible authorities shall undertake necessary steps for the recognition of documents (e.g. educational and academic certificates/diplomas; employment documents and pension entitlements; health certificates) issued by other States in order to enable the sustainable reintegration of repatriated persons (See also Chapter on Return and Integration).

The Government of the Republic of Kosovo shall develop a policy to facilitate the registration of these communities and prevent that considerable number of persons face similar problems in

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<sup>92</sup> Kosovo Action Plan for the Implementation of the European Partnership 2006, Priority No. 28, action No. 12.

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future. This policy should address both the situation of persons living in Kosovo and of persons currently living outside of Kosovo.

The Government of the Republic of Kosovo shall seek assistance from relevant international stakeholders to retro-actively provide every person with the missing documents and ensure improved access and outreach to avoid registration gaps in the future.

The Government of the Republic of Kosovo shall issue written instruction obliging all municipalities to adopt specific procedures in order to implement the Office of the Prime Ministers “Recommendations Updating Return Policies and Procedures” (24 May, 2006) with specific reference to the registration of undocumented persons belonging to the Roma, Ashkali and Egyptian communities.

The Government of the Republic of Kosovo shall develop a coherent, transparent and comprehensive policy in order to avoid bureaucratic obstacles at municipal level and future cases of non-registered persons.

The central authorities shall authorise short-term measures leading to more flexibility in the procedures and introduce special measures such as temporarily waiving of fees or general “windows of opportunity” in which standard procedures will be replaced by more flexible procedures. These short-term measures will be valid for all persons living in Kosovo and will be preceded by information and outreach campaign in particular targeting the three communities.

The central and municipal authorities shall ensure that the implementation of these short-term measures at municipal level will be monitored.

The Government of the Republic of Kosovo shall introduce systemic and sustainable changes (regarding both legal situation and procedure) leading to a new legal and policy framework with a client-oriented approach improving the possibilities getting registered and receiving all necessary documents.

The Office of the Prime Minister of the Republic of Kosovo shall ensure co-operation between the Ministry of Internal Affairs (MoIA), the Ministry of Health (MoH) and the Ministry of Education, Science and Technology (MEST) to ensure that referral mechanisms exist for unregistered residents identified in the education and health systems.

The Government of the Republic of Kosovo shall appoint an appropriate body responsible of collecting statistics on gaps in registration among the population including information of cases of statelessness. The body will monitor trends of registration and issue recommendations to the Kosovo Government.

The Government of the Republic of Kosovo shall organise in close co-operation with the civil society and international organisations outreach and awareness raising campaigns informing Roma, Ashkali and Egyptians about the necessity and the process of registration.

The MoIA shall identify the need for registration/documentation of repatriated persons and assist with a multi-lingual information brochure on institutions, venues and procedures through which repatriated persons can register their civil status and habitual residence prior or upon return to Kosovo (See also Chapter on Return and Reintegration).

### ***Procedural amendments***

The relevant authorities shall define a modest and harmonised range of minimum and maximum rates for each civil status certificate and service to avoid setting disproportionate fees in different municipalities.

The relevant authorities shall extend and facilitate the use of witness procedures to determine the applicant’s identity and eligibility.

## Strategy for the Integration of Roma, Ashkali and Egyptian Communities in the Republic of Kosovo

The Ministry of Internal Affairs shall develop an overview of procedures for the public and for municipal registry officials to guide individuals through the system in a coherent way. Should an individual not be able to fulfil requirements for habitual residency registration or civil status registration, s/he should receive information on further procedures and it should be ensured that the individual has access to the proper remedies to proceed with necessary procedures, including access to courts.

Returnees not obtaining all necessary documents, in particular children born in Western Europe shall be supported by the relevant authorities in their efforts to obtain all documents urgently in close co-operation with the authorities of the former host countries.

### ***Legal amendments***

The Government and the Assembly shall ensure that applicable legislation on legal aid is amended to ensure that also vulnerable groups lacking habitual residents registration can have access to free legal aid in particular in cases in which they face the risk of becoming stateless.

The Government of the Republic of Kosovo shall create mechanisms allowing IDPs and refugees who were not present in Kosovo at the last civil registration and who are still living outside Kosovo to register and obtain access to all necessary documents.

The Government shall create mechanisms facilitating the registration of and the access to documents for persons born in other Republics of former Socialist Federal Republic of Yugoslavia (SFRY).

The Government shall ensure that all relevant documents and instructions related to the Roma, Ashkali and Egyptian civil registration will be disseminated among all relevant municipal institutions.

The Government shall ensure that, to the extent possible, children born out of wedlock obtain access to civil registration in conditions of equality with children born in registered marriages.

### ***Municipalities***

Municipalities shall introduce within applicable legislation a specific obligation of employees of civil status registration offices to issue a written decisions to all persons whose registration request was rejected and provide written information on remedies that such persons may pursue in order to obtain civil registration.

Registry offices shall inform all failed applicants on the existing appeal procedure.

All municipalities shall activate the “review boards” in order to facilitate the registration for vulnerable communities without documents.

Municipalities shall in co-operation with the Roma, Ashkali and Egyptian civil society establish “mobile teams” for outreach activities among Roma, Ashkali and Egyptians.

Municipalities shall allocate adequate resources from the municipal budget to ensure the operation of mobile teams and the implementation of civil registration outreach activities targeting the Roma, Ashkali and Egyptian communities.

Municipalities shall appoint a Roma, Ashkali and Egyptian civil registration focal point who would co-ordinate municipal efforts and ensure and collect relevant information.

Municipalities shall adopt a gender-sensitive approach that assists mother and babies in case of home birth and promotes civil registration of all new born babies.

Municipalities shall establish a co-operation mechanism between the relevant municipal authorities, including health authorities and mid-wives, and the Roma, Ashkali and Egyptian communities, including informal community representatives and women from the communities assisting in home-births, in order to prevent future non-registration.

## Strategy for the Integration of Roma, Ashkali and Egyptian Communities in the Republic of Kosovo

Municipalities shall recognise data on registration collected by Roma, Ashkali and Egyptian civil society and accept them for further facilitating of registration and issuing of documents.

Municipalities must ensure affirmative measures wherever possible for potential-intellectual candidates, offer posts in municipal directorates, especially when it comes to education, healthcare and culture.

### ***International Organisations***

International organisations shall support the civil society and relevant authorities in their outreach and information activities targeting Roma, Ashkali and Egyptians in Kosovo as well as outside of Kosovo.

International organisations shall facilitate the training of Roma, Ashkali and Egyptians as multiplier in order to inform their communities about the need and importance of registration.

The international community and the relevant authorities shall ensure that all Roma, Ashkali and Egyptians living outside Kosovo are informed about and shall have the opportunity to participate in the envisaged census taking.

The international community is called upon to do its utmost to support the registration of Roma, Ashkali and Egyptians originating from Kosovo, but currently residing in Serbia without being registered as IDP. This registration should either allow them to receive IDP status in Serbia or to return to Kosovo, if they wish to do so.

International organisations shall establish a manual guiding the relevant authorities on verification and registration procedures for particular vulnerable communities, taking into account best practices from other countries.

### ***Roma, Ashkali and Egyptian communities***

The civil society of Roma, Ashkali and Egyptians shall continue collecting relevant data regarding registration and documents. Persons and civil society organisations from the Roma, Ashkali and Egyptian communities shall participate in efforts informing the members of the three communities about the need and importance of registration.

## 2.8. Gender

### Description of the Situation

The improvement of the situation of Roma, Ashkali and Egyptian women is of particular importance, since they can be considered as being discriminated twice – as member of their communities and as women.

Roma, Ashkali, and Egyptian communities and especially women from these communities have faced numerous obstacles socially, politically, and economically in Kosovo, such as a lack of freedom of movement due to insecurity after the war, ethnic discrimination, and low levels of education within their communities, violence and a lack of access to political decision-making.

Women from the communities are considered to have an extremely bad position on the labour market, their educational status is very low and their health status seems to be worse than among women from the majority community.

However, only a few data are available underlining this fact; not at least since even gender-related policy documents such as the Kosovo Programme for Gender Equality (2008/2013) or the National Strategy on Gender as part of the Kosovo Development Planning Strategy (KDSP) (2007) do not contain any reference to the situation of Roma, Ashkali and Egyptian women.

Therefore, it would be important to conduct study in cooperation with the Roma, Ashkali and Egyptian Women's Network about the actual situation of these women.

An additional feature of their situation is the lack of participation in public life. Only one Ashkali woman is currently member of the Kosovo Assembly. On the other hand, women from the three communities are quite active in the civil society sector; they have formed *inter alia* a Roma, Ashkali and Egyptian women groups' network and run several NGOs.

UNDP referred in some studies to the situation of the women from the communities:

#### Employment<sup>93</sup>

Unemployment Rate	
15-24 years: Non-Roma women	81%
Roma women:	99%
25-54 years: Non-Roma women	60%
Roma women:	73%
Above 55 years: Non-Roma women	55%
Roma women	71%
Unemployment Rate	
Total: Non-Roma women:	76%
Roma women:	90%
Total: male majority population:	39%
Roma men:	63%

The decrease of the unemployment among older age groups compared to the youngest age group can be understood as an indicator for the deterioration of the economic situation of the communities in general and for the position of the women in particular.

<sup>93</sup> For the data see: UNDP, Face of Poverty, Faces of Hope. Bratislava 2005. Please note that most other countries do not recognise Ashkali and Egyptians as distinct ethnic groups. Therefore, most international publication refer only to Roma, which, however, in general includes Ashkali and Egyptians too.

Education<sup>94</sup>

Literacy Rate	
15-24 years: Non-Roma	98% Roma: 65% Roma women: 56%
25-34 years: Non-Roma	98% Roma: 76% Roma women: 69%
Literacy Ratio Boys And Girls	
15-24 years: Non-Roma	0.99; Roma: 0.74
25-34 years: Non-Roma	0.99; Roma: 0.83

Both data sets prove not only the disadvantaged position of Roma, Ashkali and Egyptian in general, but the “double disadvantaged position of women from these communities.

Health

Regarding the health status the few available data – from the year 2000 – also point at the disadvantaged position of women from these communities.

According to community reproductive health surveys conducted by Doctors Of the World (DOW) in 2001, 56 percent of mothers surveyed in the Roma, Ashkali and Egyptian-inhabited Internally Displaced Persons (IDP) Camp in Plemetina gave birth at home; 12% reported losing a child in the first month after birth.

The survey also found out that 40% of Ashkali mothers in the community of Fushe Kosove/Kosovo Polje did not see a doctor during their pregnancy; all but nine percent of these said they did not think it important. Seventy-five percent of sexually active women surveyed did not use any method of contraception; 79 percent of these had no information about contraceptives.

The few data reiterate the need for addressing in particular the situation of the women from the communities. The Strategy for the Integration of Roma, Ashkali and Egyptians shall therefore, treat gender as an issue of special importance which is intertwined in all sectors the strategies addresses.

In order to reach an appropriate implementation of relevant measures, gender-related issues should be mainstreamed in the general policies.

The relevant line ministries or government institutions in charge with the implementation of the strategy have to ensure that measures targeting Roma, Ashkali and Egyptian women are included in their general measures and that the respective budgets are gender-sensitive and provide for specific budget-lines for measures targeting Roma, Ashkali and Egyptian women. The relevant ministries and government institutions shall thereby consult the existing institutional mechanisms for achieving gender equality (at central and at local level) and the Roma, Ashkali and Egyptian women groups’ network.

Further, it shall be ensured that structures of the Roma, Ashkali and Egyptian women (non-governmental organizations, networks, respected individuals from communities) participate in the implementation, monitoring and evaluation of programs/measures.

**Legal and Institutional Framework**

Laws that address gender equality issues are:

The Anti-Discrimination Law (Law No. 2004/32), UNMIK Regulation No. 2001/27 (On the Essential Labour Law in Kosovo), UNMIK Regulation No. 2001/36 (On the Kosovo Civil

<sup>94</sup> For the data see: UNDP, Face of Poverty, Faces of Hope. Bratislava 2005

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Service) or UNMIK Administrative Direction No. 2003/2 implementing Regulation No. 2001/36.

Gender-specific laws and regulations are: the Law on Gender Equality (Law No. 2004/18), adopted by the Kosovo Assembly 2004, UNMIK Regulation 2001/4 (On the Prohibition of Trafficking in Persons in Kosovo) and UNMIK Regulation 2003/12 (On Protection Against Domestic Violence).

Further relevant policy documents are the Kosovo Program Plan for Gender Equality which has been endorsed by the Government of the Republic of Kosovo on 24 April 2008.

The following institutions work on gender equality: the Agency for Gender Equality (Office of Prime Minister); Advisory Office for Good Governance, Human Rights, Equal Opportunities and Gender Issues – (Office of Prime Minister); Human Rights Unit in the Ministries of the Government of the Republic of Kosovo, the Unit for Gender Equality - Institution of Ombudsperson; Officers for Gender Equality in ministries; the Assembly Committee for Equal Opportunities and Gender Issues and the Inter-ministerial Council for Gender Equality.

At municipal level the Officers for Gender Equality and the Municipal Committees for Gender Equality work on this issue.

### ***Measures***

#### ***General***

The existing institutional mechanisms for achieving gender equality (at central and at local level) and the Roma, Ashkali and Egyptian women groups' network shall be involved in the design, implementation and monitoring and evaluation of all Roma women- related activities.

#### ***Education***

The Ministry of Education, Science and Technology (MEST) in cooperation with other relevant institutions is responsible for the implementation of the below mentioned measures.

Produce quantitative and qualitative data of general educational trends with gender and ethnicity disaggregated data every two years

Develop school curricula promoting new gender roles with special focus on primary school students

Create Community Educational Centres where students from disadvantaged families can do homework and spend time reading

Run catch up classes for girls and children who study and have to work at home

Implement educational and skill oriented programs for young women and men who cannot pursue secondary and/or tertiary formal education

Tailor and introduce peer2peer education programs for young parents which promote gender equitable parental roles

Develop and introduce work and study programs for young Roma, Ashkali and Egyptian parents

Encourage active participation of mothers in children's education through attending parents' meetings, involvement in school boards etc.

Support young married couples to remain in school, facilitate discussions about how marriage and education can happen in the same time, no need to compromise education – these programs should target students in high schools and universities

Develop programs to motivate families (second and third generation) to create supportive environment for young couples to pursue secondary and tertiary education



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Develop and launch mentorship programs for students in high schools and universities taking into account best practices and lessons learnt from neighbouring countries

### ***Employment***

The Ministry of Labour and Social Welfare in cooperation with other relevant institutions is responsible for the implementation of the below mentioned measures.

By 2010, University of Prishtina (Faculty of Economy) together with Ministry of Labor and Social Welfare shall produce quantitative and qualitative data of Roma, Ashkali and Egyptian labor force especially unemployment categorized by: age, gender, education, economic activity and occupation

Ministry of Finance and Economy in cooperation with relevant donors and financial institutions shall introduce measures which encourage self-employment of Roma, Ashkali and Egyptian families

The Government of the Republic of Kosovo shall allocate funds to be used for joint ventures of Roma, Ashkali and Egyptian families with special conditions for women's loans

Municipalities, business networks and civil society shall develop regional Action Plans for supporting women's entrepreneurship, including research, training courses on small and medium enterprises, skill-oriented workshops on using micro credits for running businesses, design of time management workshops for women to handle different roles (mothers, wives, single mothers, widows, professionals)

The Government of the Republic of Kosovo, in co-operation with World Bank, UNIFEM, UNICEF, UNDP and the Roma, Ashkali and Egyptian Women's Network and other women's organisations, shall conduct a comprehensive poverty assessment of Roma, Ashkali and Egyptian women, taking into account the influence of poverty on health, education, gender equality and life cycle

Recruit women from the three communities in schools of public administration and provide full scholarships

### ***Health***

The Ministry of Health in cooperation with other relevant institutions is responsible for the implementation of the below mentioned measures.

The National Public Health Institute shall, with the support of international organizations, produce comprehensive qualitative and quantitative health screening in the three communities

The Ministry of Health should make health care services for Roma, Ashkali and Egyptian women available and accessible through elimination of discriminatory practices

The Government – the Agency for Gender Equality, should develop institutional mechanisms at all levels to ensure regular information flow between Roma, Ashkali and Egyptian communities and public health institutions

Introduce the model of the community health mediators to support Roma, Ashkali and Egyptian women in particular regarding reproductive health and rights.

Train and employ women in Family Medicine Centres throughout Kosovo

Establish Family Medicine Development Centres in regions with significant number of Roma, Ashkali and Egyptian inhabitants and ensure their outreach to the communities

### ***Violence Against and Discrimination of Women***

In co-operation with civil society, the Government of Kosovo shall create programs and institutional structures to combat violence against women

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The Government of the Republic of Kosovo – the Agency for Gender Equality shall introduce programmes aiming at prevention of domestic violence through strengthening men's resistance of harmful constructions of masculinity and promote gender equitable identities

The Agency for Gender Equality shall establish effective partnership with Roma, Ashkali and Egyptian women's network and NGOs to combat harmful traditional practices

The Ministry for Labour and Social Welfare, the local Centres for Social Work, in co-operation with the civil society shall develop mechanism to register and monitor early marriages in order to tailor target oriented action

The Government shall encourage UNICEF, UNIFEM and non-governmental organisations to produce qualitative and quantitative data on prevalence and occurrence of all practices harmful to women and men

UNIFEM and women's organizations and networks and other civil society organizations will cooperate with the Roma, Ashkali and Egyptian Women's Network and other organizations of these communities to support them in their activities in front of state institutions, inside communities and media.

### ***Political Participation***

Support the political participation of women from the communities at local and central level through establishment of training and mentorship programs

Establish special programmes to empower Roma, Ashkali and Egyptian women's organisations to integrate women's perspective in the work of political structures of Roma, Ashkali and Egyptian communities

Empower women in communities as voters through voters' education campaigns and avoid family voting during elections

### ***Media***

Develop and broadcast educational programs in which gender equitable roles will be promoted, new models of parenthood and responsibility of young men in supporting women to receive education and pursue career, encourage parents' ambitions to invest in formal education of their daughters

Build capacity among Roma, Ashkali and Egyptian women and their organisations in order to enable them to make effective use of media

International organizations and donors should financially support capacity building programs for media objectively portraying the three communities with special focus on the situation of Roma, Ashkali and Egyptian women in community and society

## **2.9. Culture, Media and Information**

### **Description of the Situation**

The conflict in Kosovo led to an interruption of cultural and media activities of the communities in Kosovo and it also inflicted the three communities. The post-conflict period saw only a slow recovery of these activities as the international administration for Kosovo and the (then) Provisional Interim Self Government of Kosovo (PISG) focussed their respective policies on the needs of other communities. Most of the culture- and media-related activities for Roma, Ashkali and Egyptians remained on the level of projects, primarily sponsored by international donors.

The three Departments of the Ministry of Culture, Youth and Sports have drafted and are implementing Programme Policies for supporting and advancing the rights of communities/minorities and for supporting culture and sports activities of Roma, Ashkali and Egyptian communities.

Only a small number of members of the communities who have remained in Kosovo are trained in professional journalism, hardly any have received professional training in cultural management and promotion or in artistic professions.

It should be reminded that there exists an important differentiation between the communities. While Ashkali and Egyptians use Albanian as their mother tongue and are very close to the Albanian culture, Roma in general, speak Romani as their first language and have a distinct cultural tradition, however, influenced by surrounding ethnic groups such as Albanians, Serbs or Turks.

With regard to media, culture and information this means that Ashkali and Egyptians could rely on Albanian-language media and cultural activities – if they would address and reflect the needs of the two communities while Roma would have the need for “additional” media and cultural activities in their mother tongue.

Only a few institutions in Kosovo are dedicated to media and culture activities of the three communities. Radio and Television Kosovo (RTK) has a regular TV programme in Romani language (45 minutes per week). Other, privately owned TV stations do not broadcast specific programmes for the three communities.

Since November 2007 exists a Rom-led radio station “Radio Romano Avazo” in Prizren. The equipment was provided by a private donor, however, the station faces serious problems, since other costs are not fully covered.

Several radio stations broadcast programmes in Romani language or broadcast programmes in other languages (Albanian, Serbian) for the three communities.<sup>95</sup> Most of these media activities are implemented with project money, which very often means that with the end of the project, the media activities also cease to exist. With the exception of the RTK programmes in Romani language they are not any media which are an integral and sustainable part of the media landscape in Kosovo.

Further, many of these media activities, in particular radio broadcasts are programmes consisting of music and greetings, but provide hardly any substantial news or information important or relevant for the communities.

Mainstream print media do not provide regularly space for portraying the current situation in Kosovo from the perspective of the three communities or do not consider them as important readers whose interests should be reflected in the media.

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<sup>95</sup> According to the *Independent Media Commission* 15 national and local electronic media broadcast shows in Romani language and information programmes for Roma, Ashkali and Egyptian communities. However, due to the fact that most of the broadcasts depend on project money, the actual number of shows is smaller..

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There exist only two magazines in Romani language (one is a magazine for children) which are periodically published. Only a few people from the three communities work with electronic or print media in Kosovo.

The description clearly demonstrate that there exists a considerable lack of media in Kosovo which address the needs and interests of the three communities or even media which is run by members of the three communities.

Cultural institutions (theatres, museums, galleries, concert halls, libraries, etc) do hardly include cultural activities of the three communities or do not target them as audience or visitors. A considerable part of the artistic community that existed before the conflict has now left the country.

The cultural institutions of the Ministry of Culture, Youth and Sports (theatres, museums, galleries, concert halls, libraries, etc) provide equal access to all communities without discrimination including the Roma, Ashkali and Egyptian communities, always with respect for laws related to culture and the Anti-Discrimination Law. The Roma, Ashkali and Egyptian communities must submit their requests to use the institutions of culture and sports and these requests have to be approved by the Ministry of Culture, Youth and Sports and meet the needs of these communities.

Since the end of the conflict only a few cultural events of the three communities took place. Regarding Roma, several activities were conducted on 8. April – the International Roma Day which is celebrated all over the world. However, most of the cultural events were sponsored by international organisations and attended primarily by Roma, Ashkali and Egyptians and by internationals working in Kosovo, but hardly by Kosovo Albanians or Kosovo Serbs.

There exists an urgent need to re-introduce the culture and traditions of the communities to the other communities, however, also to the younger generation of the communities. The younger generation is increasingly influenced by other cultures – worldwide youth culture and the culture of the directly surrounding majority population, i.e., Kosovo Albanians, Kosovo Serbs or Kosovo Turks. This process is in Kosovo in particular strong due to the non-existence of role models from the communities and due to the lack of presence or participation of community members in public life and due to the inferior status which is attributed to the three communities in the Kosovo society.

Further, one can identify that their culture is not presented realistically but in a way which further transports prejudices and stereotypes.

### **Legal and Institutional Framework**

The applicable law in Kosovo does not restrict in any way the use of minority language media in Kosovo. It stipulates that communities and their members have the right to “provide information in the language and alphabet of their Community, including by establishing and maintaining their own media”, and to “be guaranteed access to, and representation in, public broadcast media, as well as programming in relevant languages”.

This chapter therefore, does not only establish safeguards for private minority electronic or print media, but also provides for an inclusion of the communities in the decision-making and for their representation in relevant institutions in order to enable them to participate in programme development, editorial process, and supervisory mechanism.

In 2007 the Independent Media Commissioner Council decided to introduce discounts on license fees for broadcasters which serve minority communities. However, due to an appeal to this decision, the Media Appeals Board decided in October 2007 that the Independent Media Commissioner should review the license fee model.

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In the Office of the Prime Minister a Fund for the Support of Minority, Multi-ethnic, and Disadvantaged Media has been set up. By applicable law (UNMIK Regulation 2006/14 on Radio Television of Kosovo), this fund is financed by five percent of the Public Broadcasting Fee. However, due to termination of a contract to collect this fee through Kosovo Energy Corporation (KEK), there are currently no contributions to this fund. Further, KEK has to date failed to deposit any money into this Fund for the period when it still collected this fee.

On December 3<sup>rd</sup>, 2008, the Government of the Republic of Kosovo endorsed Regulation No.01/2008 for the functioning of the fund for supporting minority, multiethnic and media and other special groups.

With regard to cultural activities and institutions the following laws are of relevance: Law No. 02/L-51 (On Publishing Activities and Books); Law No. 02/L-88 (Cultural Heritage Law); Law No. 02/L-57 (On Institutions of Culture), Law No. 02/L-12 (On Theatre), Law No. 02/L-59 (On Philharmonic, Opera and Ballet of Kosovo). However, none of these laws contains any reference to cultural institutions or activities of or for members of Roma, Ashkali and Egyptians.

### **Measures**

The Ministry of Culture in cooperation with other relevant institutions is responsible for the implementation or co-ordination of the below mentioned measures.

However, the implementation of all proposed measures requires the participation of representatives and organisations of the three communities from the outset.

### ***Measures Regarding Institutionalisation***

Establish a joint Culture and Information Committee of the Ministry of Culture and the Department of Information, consisting of representatives of the communities and of relevant ministries

The Culture and Information Committee shall draft relevant detailed plans for the further cultural and media development of the communities.

Representatives of the communities shall be involved in this development process and the Ministry of Culture and the Department of Information respectively shall each employ one person from the communities.

Representatives of the communities shall participate in the decision-making processes concerning relevant cultural and media activities at all levels.

Establish four regional Cultural Information Centres and one National Cultural Information Centre (Pristina) and provide them with the necessary equipment.

Public cultural institutions such as theatres, museums, galleries, concert halls, libraries, etc shall regularly conduct activities involving artists of the communities or targeting the communities as audience.

The Government shall provide financial resources in order to conduct regularly cultural performances and activities such as theatre and music performances, exhibitions, readings, etc.

### ***Human Resource Development***

The Ministry of Culture and the Office of the Prime Minister in cooperation with other relevant institutions is responsible for implementing or coordinated abovementioned measures.

Apply affirmative actions in line with the constitution and relevant laws in the employment of members of the communities in media and cultural institutions at all levels

Apply affirmative measures in line with the constitution and relevant laws such as quota for students from the communities at faculties of arts or academies and scholarships for students.

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Employ members of the three communities to work in the Cultural Information Centres.

Train members of the three communities on skills such as managing technical equipment, editorial policies, journalism, management and communication

Support capacity-building activities for journalists and the publication of newspapers, magazines and documentaries

### ***Cultural Heritage***

Facilitate research on the cultural heritage of the three communities

The Law on Cultural Heritage Nr.2006/02-L88 has foreseen possibilities and procedures of research and studies in the field of Cultural Heritage for all communities living in Kosovo.

Preserve cultural heritage of the three communities and include it into the list of Kosovo cultural and religious heritage

The Law on Cultural Heritage has foreseen the way and conditions to include Cultural Heritage in the List of Cultural Heritage of Kosovo, according to which the Cultural Heritage of all communities living in Kosovo will be implemented without discrimination.

Facilitate and support activities aiming at raising awareness in particular among the youth of the communities for the cultural heritage of their own communities

Support the organisation of regular cultural activities with and for members of the three communities in the Cultural Information Centres

Support the organisation of cultural activities aiming at promoting multi-cultural and multi-ethnic values

The Ministry of Culture, Youth and Sports will continue to implement Programme Policies for promoting and supporting multiethnic projects in all three departments for the better integration of Roma, Ashkali and Egyptian communities

In close co-operation with the Ministry of Education, Science and Technology, conditions will be created for the institutional preservation and development of Romani language through the establishment of a Committee for Romani language, conduct of summer schools, seminars etc.

The relevant institutions shall facilitate the writing, printing and publishing of books, newspapers and magazines in Romani language and/or written by authors of the three communities.

The Ministry of Culture, Youth and Sports will continue to implement Programme Policies in the future for Roma, Ashkali and Egyptian communities by printing books in the languages of these communities.

The relevant institutional authorities shall facilitate the printing, publishing and distribution of newspapers and magazines in Romani language or written from and for members of the three communities.

The Ministry of Culture shall support and undertake measures for Roma, Ashkali and Egyptian artists in further trainings and performances.

The Ministry of Culture and other relevant institutions shall support the collection and publication of CDs with old Romani songs

The Ministry of Culture shall facilitate and support the research on and the documentation of the cultural heritage of Roma, Ashkali and Egyptian communities, including the use of Romani language, traditional crafts and any other tradition or cultural heritage of the communities

The Ministry of Culture and other line institutions shall introduce the cultural event "Week of the Culture of the Roma, Ashkali and Egyptian Communities"

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The Ministry of Culture shall support and facilitate lectures and presentations on the culture, history and tradition of Roma, Ashkali and Egyptian communities

The relevant authorities shall facilitate information campaigns that promote multicultural values

## **2.10. Participation and Representation**<sup>96</sup>

### **Description of the Situation**

Roma, Ashkali and Egyptians are dramatically underrepresented in the civil service at central and local level in Kosovo, in particular in higher positions. They are underrepresented in the civil service in municipalities despite the fact that the *Fair Share Financing Policy* obliges municipal authorities to allocate a centrally determined percentage of their staffing budget for civil servants belonging to minority communities. This mechanism fails to reflect the proportional inclusion of the different communities characterizing the multi-ethnic composition of the municipalities. Consequently, the *Fair Share Financing Policy* does not sufficiently ensure inclusion and participation of Roma, Ashkali and Egyptian communities in the civil service.

The reasons for this exclusion are manifold and include the lack of education to the lack of civil registration and documents, and past discriminatory tendencies.<sup>97</sup> Equal access to and fair representation in the public administration, however, is one of the preconditions for a genuine participation in public life.

The same applies for the legislature at Kosovo's central and municipal level. Out of 21 political entities representing minority communities, there are two Ashkali parties, one Roma and one Egyptian political entity represent these communities, and as of May 2008 the newly established Ashkali Democratic Union (BDA); further the United Roma Party of Kosovo (PREBK) and the Egyptian party New Democratic Initiative of Kosovo (IRDK).

Roma, Ashkali, Egyptians have together four set-aside seats in the Kosovo Assembly. During the last general elections in November 2007, one Roma, one Egyptian and three Ashkali have been elected into Assembly of Kosovo.<sup>98</sup> From the Ashkali entities, the PDAK is the only Ashkali party which obtained (three) seats in the Assembly of Kosovo with some 3,443 votes. They gained two set-aside seats and an additional elected seat in the Assembly. The United Roma Party of Kosovo (PREBK) enjoys limited support from the Roma community and obtained only 600 votes in the last elections while the Egyptian party New Democratic Initiative of Kosovo (IRDK) obtained some 2,121 votes. There is no Roma, Ashkali or Egyptian having a seat in the Kosovo Assembly on the ticket of a political party that does not particularly represent these three communities. A representative of the Egyptian party was also part of the Central Election Commission<sup>99</sup> preparing the elections in 2007.

These three communities could achieve a better representation in the Kosovo Assembly (and could therefore be more influential), if they would form pre-election coalitions or common parties, possibly also including other ethnic groups. A positive sign in this direction however is the creation of the new parliamentary group "Coalition 7+" comprising of three Kosovo Bosniak, (VAKAT), three Kosovo Turkish (KTDP) and one Roma Representative (PREBK). Based on the rotation agreement between these three entities, the Roma representative chairs this coalition in 2008. Through similar joint venture Roma, Ashkali and Egyptian communities could strengthen the position of smaller communities in the Assembly of Kosovo. The "Coalition 7+" enjoys wide

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<sup>96</sup>Initially, the Working Group dealing with this chapter was entitled "Working Group V Minority Rights". During the first session of the working group, the participants decided to limit the topic to the participation of Roma, Ashkali and Egyptians in public life, including decision making, since all the other relevant rights are covered by the other chapters of this Strategy.

<sup>97</sup> See the other chapters of this strategy, in particular employment and economic empowerment for the situation in public service.

<sup>98</sup>Out of 20 registered minority parties, 13 obtained seats in the Assembly of Kosovo including: Six Serb, two Bosnian political parties and one party each of the Turkish, Gorani, Roma, Ashkali, and Egyptian communities.

<sup>99</sup>Four members of minority community parties were represented in the Central Election Commission, the SLKM (Kosovo Serb community member), KDTP (Kosovo Turkish community member), VAKAT (Kosovo Bosnian community member) and IRDK (Kosovo Egyptian community member).



representation in the Assembly Committees, including the Assembly Committee on the Rights and Interests of Communities.<sup>100</sup>

The IRDK is actively promoting the interests of the Egyptian community in the Assembly, *inter alia* by posing questions to the government within plenary sessions of the Assembly (for instance on the employment and representation of persons belonging to this community in various Ministries). On the other hand PDAK and PREBK appear scarcely or insufficiently involved in advocating for the rights and interests of the respective communities. Within the Committee on the Rights and Interests of Communities, all these parties participate in the review of draft legislation, but are scarcely proactive in advocating issues important for their communities such as integration, access to civil registration, education, employment and property, return, use of and education in the mother tongue. Oversight over the action of the government and the implementation of legislation is structurally weak throughout the Assembly of Kosovo, which reviewed and submitted to debate the implementation of only four laws in the course of the previous legislature.

The political representation of Roma, Ashkali and Egyptians is insufficient both at the central and local level. In many cases they are unable to obtain the minimum number of votes required in order to gain a seat in the respective Municipal Assemblies. For instance, in Prizren with a long-standing Roma population of over 5000, no Roma holds a seat in the Municipal Assembly.

A number of Roma are members in Mediation and Communities Committees (CC) dealing with minority issues. Out of the number of 35 municipalities, 22 municipalities have at least either a Roma, Ashkali or Egyptian represented in the CC<sup>101</sup>. Mediation Committees including also at least one member out of the three communities can be found in 20 municipalities. In addition, in 14 municipalities Roma, Ashkali or Egyptian members are employed in Communities Offices.

The weak political representation is partly caused by the fact that an estimated 20 – 40 % of Kosovo's estimated 35,000 Roma, Ashkali and Egyptians lack civil status registration and personal documents. These persons are not registered in the voters' lists and can not vote.

In addition, Roma living in Kosovo's Serb enclaves or north of the Iber/Ibar river have to follow the "political guidelines" of the Kosovo Serb community for participating in elections. Also in some areas with Albanian majority, members of the three communities might prefer to vote for the strongest political party at local level.

The lack of residence registration among these communities may also adversely affect the ability of these communities to qualify for specific community rights,<sup>102</sup> in all those cases in which special measures or positive action measures for minority communities are subject to the achievement of specific demographic threshold. Meanwhile, there is no accurate data available about the representation of Roma, Ashkali and Egyptians in the judicial sector.

Displacement of Roma, Ashkali and Egyptians and the destruction of entire settlements as a result of the war had a destructive impact on political participation and on civil society organisations promoting the interests and rights of these communities. Since 2000, there were various attempts to establish a common Kosovo-wide civil society representation of these communities, e.g. the

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<sup>100</sup> Seats in Assembly committees are allocated proportionally to parliamentary groups and since three Ashkali members have not joined any parliamentary group, they were not given any seat in committees, except the Committee on the Rights and Interests of Communities, whose composition is specifically defined by the Constitution. Two Ashkali members are represented in this committee.

<sup>101</sup>In eight out of the 22 municipalities the CC include two representatives from these communities: Two Ashkali in Podujeve/Podujevo; two Egyptians in Kline/Klina; two Egyptians in Decan/Decane one Ashkali and one Roma in Vushtrri/Vucitrn; two Egyptians in Gjakova/Djakovica; two Roma in Rahovec/Orahovac; two Ashkali and one Roma in Suhareke/Suva Reka; one Ashkali and one Roma in Ferizaj/Urosevac.

<sup>102</sup>As for example for the recognition and use of minority languages by municipal authorities, See: Assembly of Kosovo Law No. 02/L-37 On the Use of Languages, as promulgated by UNMIK Regulation No. 2006/51 of 20 October 2006.

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Kosovo Roma Ashkali Egyptian Forum (KRAEF)<sup>103</sup>, the Roma Ashkali Documentation Center (RADC)<sup>104</sup> and the Roma, Ashkali and Egyptian Women's Network<sup>105</sup>. These umbrella organisations have been actively participating in the development of this Strategy and play an essential role in advocating for the inclusion of issues related to the rights and integration of their communities within the political agenda.

This Strategy marks the first comprehensive and systematic policy document aiming at improving the difficult situation of Kosovo Roma, Ashkali and Egyptians and promoting their inclusion in decision-making processes. Those policies, and the action plans based upon them, can only be successful, if Roma, Ashkali and Egyptians are actively involved in its implementation and participate in respective bodies and institutions dealing with concerns of their communities.

Girls and women should have equal opportunity and voice in this process. Despite the existence of a Roma, Ashkali and Egyptian women's network and with the exception of some women who managed to gain positions in which they can also speak on behalf of their community, Roma, Ashkali and Egyptian women enjoy insufficient representation and influence both within political, civil society entities. They are in the minority in both elected and civil service positions. The issue of gender equality involves the entire Kosovar society, including these three communities and it remains to be addressed within the Roma, Ashkali and Egyptian communities also with reference to political and civic participation.

### **Policy Framework and Reference Documents**

In Kosovo exist several affirmative measures to ensure the representation of minority communities at both central and local level such as the reserved seats in the Assembly of Kosovo and in its relevant committees,<sup>106</sup> or their guaranteed inclusion in the government of the Republic of Kosovo. At municipal level they are represented in the Communities and Mediation Committees within the Municipal Assemblies or in the Municipal Communities Offices. However, according to the law on local self-governance there does not exist any legal provision guaranteeing participation in municipal assemblies or any other form of participation in decision-making processes at local level.

As the failure of the *Fair Share Financing Policy* proved the effective implementation of such mechanisms and measures is however key in promoting or failing to promote effective participation.

The Constitution of the Republic of Kosovo regulates the power sharing system at central level enabling minority communities to obtain representation in the Assembly of Kosovo through set aside seats (out of the 120 seats, twenty are set-aside seats and out of them four seats are allocated to Roma, Ashkali and Egyptian political entities).

The composition of the Presidency of the Assembly is also based on a power sharing system, and enables the representation of eight members including a member from the Kosovo Serb community and one member from another non-majority community.

Each community regardless of its demographic size and political representation shall be represented by two representatives in the Committee on the Rights and Interests of

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<sup>103</sup> KRAEF is active since 2000.

<sup>104</sup> RADC is operational since 2004.

<sup>105</sup> The Roma Ashkali and Egyptian Women's Network was initiated in 2000.

<sup>106</sup> The Kosovo Assembly has 11 Standing Committees out of this the Committee on the Rights and Interest of Communities and Returns is one of the two main committees of the Assembly of Kosovo. Each community represented in the Assembly of Kosovo has at least one representative in the Committee. The Committee exercises oversight of the Government through the review of draft legislation and field visits to monitor the implementation of laws. During the last mandate of the Assembly of Kosovo, the Committee on the Rights and Interests of Communities has reviewed 148 draft laws.

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Communities.<sup>107</sup> There are in total eleven standing Committees in the Assembly of Kosovo. With the exception of the Committee on the Rights and Interest of Communities, representation within these Committees is proportional to the seats each party has in the Assembly.

The Constitution also ensures that at all times, at least two Ministers shall be from communities other than the community having a majority representation in the Assembly. One of these Ministers shall be from the Kosovo Serb community and one from another community.

The Constitution maintains the previous Assembly of Kosovo power sharing system with set-aside seats for non-majority communities. The composition of the Committee on the Rights and Interests of Communities will however change to the disadvantage of other communities. Instead of two members per community, the Kosovo Albanian and Kosovo Serb communities will have three representatives each, while other communities will have to share three seats. Inevitably, the Roma, Ashkali and Egyptian communities will suffer and obtain less representation in this Committee.

The Constitution and Law on Communities will create a potential institutional venue for the consultation a civil society organisations belonging to minority communities: the Communities Consultative Council (Article 60). This potential will be fulfilled if civil society organisations from non-majority communities including the Kosovo Ashkali, Egyptians and Roma are genuinely enabled to participate in the nomination and appointment of their members within the Council and constantly consulted regarding communities' needs and concerns.

The envisaged creation of an Office for Communities within the Office of the Prime Minister is a productive tool for the Kosovo Roma, Ashkali and Egyptians and these communities will be involved and consulted regarding the activities of this office.

Currently, the major instrument for the minority rights protections at local level are the Communities Committees and the Mediation Committees. Along with the Municipal Community Office, these committees are crafted as anti-discrimination and community protection mechanisms to ensure that every local community regardless of its size, language, religion, ethnic origin or any other characteristic of its members shall receive equal treatment by the municipal authorities.

Specific provisions regulating the mandate and composition of Communities and Mediation Committees, as well Municipal Communities Offices are contained in UNMIK Regulation 2007/30 on Local Self-Government of Municipalities in Kosovo.<sup>108</sup>

According to UNMIK Regulation 2007/30, municipalities where one or more communities live that are not in the majority, a second Vice-Chairperson from among the Members of the Municipal Assembly shall be elected by the Municipal Assembly from these communities. In case such communities are not represented in the Municipal Assembly, the Assembly shall appoint, in consultation with the respective communities, a person from those communities to serve as a Vice-Chairperson as a non-voting member entitled to attend and take the floor during sessions of the Municipal Assembly and its Committees.

### **Measures**

#### ***Central and local level***

Kosovo institutions shall promote the participation of Roma, Ashkali and Egyptian communities in public and political life. Roma, Ashkali and Egyptian women should be able to participate on an equal basis with men in consultations and other mechanisms designed to increase access to all areas of public and political life.

Central and local government institutions of the Republic of Kosovo shall:

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<sup>107</sup> Communities represented by only one member shall be represented by this member in the Committee.

<sup>108</sup> Other relevant laws are: *Law on Municipal Elections*; *Special Law on the Promotion and Protection of the Rights of Communities and Their Members in Kosovo*; *Law on Administrative Municipal Boundaries*.

## Strategy for the Integration of Roma, Ashkali and Egyptian Communities in the Republic of Kosovo

Ensure a fair representation of Roma, Ashkali and Egyptian in civil service, including, where necessary, through the introduction of affirmative measures to promote their participation in the civil service and report regularly on the advancement of these communities representation.

Ensure that the *Fair Share Financing Policy* is fully implemented at local level.

Ensure an adequate inclusion of Roma, Ashkali and Egyptian communities in formal consultative processes, and their participation in policy measures affecting their communities.

Empower and integrate Roma, Ashkali and Egyptian individuals into decision-making processes at all levels as elected representatives of their communities.

Establish mechanisms to ensure equal, direct and open communication between Roma, Ashkali and Egyptian communities and government authorities, including advisory and consultative bodies.

Organize election-awareness campaigns to increase participation of the Roma, Ashkali and Egyptian electorate in elections.

Ensure that Roma, Ashkali and Egyptian voters can make free, safe and informed choices in elections.

Ensure that Roma, Ashkali and Egyptian women voters have access to and can make free, safe and informed choices in elections, including by enforcing prohibitions on so-called “family voting”.

Reconsider the current system of political participation at local level in order to enable or to improve the participation of Roma, Ashkali and Egyptians.

Ensure adequate budget allocation for the Strategy implementation on annual and long term basis.

Ensure freedom of movement and safe access of Roma, Ashkali and Egyptian political leaders to their target groups in enclaves.

Ensure freedom of movement and safe participation in the election for Roma, Ashkali and Egyptian voters in enclaves (if necessary through mobile polling centres in the vicinity of the Roma, Ashkali and/or Egyptian settlements).

### ***Civil Society and Political Parties***

Political parties of the Ashkali, Egyptian and Roma communities should genuinely consult civil society organisations from their communities regarding the protection and participation of the respective communities and proactively advocate for the rights of the respective communities, both in the plenary sessions of the Assembly and its Committees.

Civil society shall actively participate in election information and voters' education campaigns for Roma, Ashkali and Egyptian communities.

## **2.11. Security and Policing**

### **Description of the Situation**

The Kosovo Police (KP) was established in September 1999 in line with the United Nations Mission Resolution 1244. The Kosovo Police organisation aims to represent the multi-ethnicity in Kosovo within the police. According to Article 61 of the Constitution of the Republic of Kosovo, the communities and their members will have the right to equal representation in the police service in areas inhabited by the respective community. Since 1999 reportedly around 50 Roma, Ashkali and Egyptians (0.50% of all graduates) had graduated from the Kosovo Centre for Public Safety Education and Development (KCPSD).<sup>109</sup> Currently the Kosovo Police has 7119 officers (including Border and Boundary Police excluding civilian employees)<sup>110</sup>. Out of this number reportedly only 50 belong to the Roma, Ashkali and Egyptian communities, including 21 male and one female Roma police officers; six male and one female Egyptian police officers and 21 male Ashkali police officers. According to these figures, in 2007 only 0.70 % of all Kosovo Police officers were from the Roma, Ashkali and Egyptian communities whereas these communities constitute approximately between 1.46 – 1.75 % of the Kosovo population (not including the estimated more than 100,000 Roma, Ashkali and Egyptian displaced persons and refugees who have not yet returned to Kosovo).

The actual number of Roma, Ashkali and Egyptians, however, might be different. Until recently, the application documentation foresaw only the ethnic categories “Albanian”, “Serb”, “Roma”, “Gorani”, “Turk”, “Bosniac” and “Others”. Thus, Ashkali and Egyptian applicants who have joined the KCPSD training program could only identify on under these categories. However, once the officers have joined the Kosovo Police they do have the opportunity to identify as belonging to one of the three communities. The fear of being labelled belonging to a marginalised community which is potentially discriminated against might also constitute a reason why officers might identify as a member of the majority community. On the other hand, it can not be excluded that persons actually not belonging to one of the three groups, joined the Kosovo Police under the pretext of being Roma, Ashkali or Egyptian.

There is no quota system in place to enhance the representation of minority communities in the Kosovo Police. However, the Kosovo Police keeps a database with ethnic segregated data on Kosovo Police staff including Border and Boundary police (except civilian employees) and tries to encourage/target minority community members or women to apply for the Kosovo Police through specific job advertisements to achieve a gender and ethnically balanced police body. Currently the Kosovo Police (excluding the civilian employees) has about 85 % Albanians, around 10% Kosovo Serbs and 5 % of other communities.

The Kosovo Police does not keep ethnic segregated data reflecting the rank/position of these officers. However, according to Kosovo Police no Roma, Ashkali or Egyptian officers occupy a post above captain/station commander.<sup>111</sup> The fact that these communities do lack to a greater extent formal education (see also chapter on education) also contributes to their under-representation among higher ranks in the Kosovo Police.

The Kosovo Police is founded on community policing philosophy and organisational strategies. As such, every Kosovo Police station has Community Policing Officers. The Kosovo Police also deploys multiethnic patrols for areas with a non-Kosovo Albanian population. Currently there are 139 Community Policing Officers in Kosovo Police.<sup>112</sup> Among them are one Ashkali and two

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<sup>109</sup> In total, 8159 cadets graduated since 1999.

<sup>110</sup> According to the KPS Data from 8.February 2008, the total number of 7119 police officers include 6011 Albanian, 21 Ashkali, 215 Kosovo Bosniak, 5 Qerkezi, 3 Kosovo Croats, 7 Egyptians, 38 Gorani, 1 Macedonian, 22 Roma, 710 Kosovo Serbs, and 86 Turkish officers.

<sup>111</sup> Information obtained by OSCE from KPS spokesperson Veton Elshani on 11.04.2008

<sup>112</sup> The 139 Community Policing officers are divided as follows: 109 Albanians, 17 Kosovo Serbs, 1 Gorani, 6 Kosovo Bosniaks, 2 Montenegrins, 1 Ashkali, 2 Egyptians, 1 Kosovo Turk.

Egyptian Community Policing Officers. Kosovo has a number of neighbourhoods with a significant Roma, Ashkali and Egyptian population. In order to *inter alia*, build trust and improve inter-ethnic relations among these communities with the Kosovo Police on local level an adequate number of Roma, Ashkali and Egyptian police officers for Community Policing has to be employed. Apart from the promotion of ethnic representation, equal treatment, career promotion and respect for minority members within the Kosovo Police, it is essential that the Kosovo Police receive training on minority issues and inter-ethnic relations including awareness and sensitivity for cultural differences of Roma, Ashkali and Egyptians communities in Kosovo. The current training includes modules on 'Policing in Multi-Ethnic Society' and 'Human Rights' to ensure that the Kosovo Police enforce the law in an impartial and non-discriminatory manner towards all communities

### **Policy Framework and Reference Documents**

The KPS is bound both by international and local law to abide the principle of non-discrimination. The Constitution of the Republic of Kosovo, Articles 3 and 24 stipulate "equality before the Law and the full respect of basic human rights and freedoms for all communities".<sup>113</sup> The principle of non-discrimination is reinforced in UNMIK Regulation No. 2005/54 On the Framework and Guiding Principles of the Kosovo Police Service<sup>114</sup>, which stipulates that the KPS shall be governed among others by "Non-Discrimination: No discrimination, direct or indirect, based on sex, race, colour, language, religion, political opinion, national, ethnic or social origin, association with a community, property, birth, disability, family status, pregnancy, sexual orientation, age or any other status."<sup>115</sup> This is further emphasized in the KPS Policy and Procedural Manual (PPM) Section I. P - 1.23."

The UNMIK Regulation No. 2005/54 stipulates that the KPS shall be guided by the principle of inclusiveness and that "Recruitment at all levels in the Kosovo Police Service shall reflect the multi-ethnic character of Kosovo and the need for equitable representation of all the communities in Kosovo [...]"<sup>116</sup> In addition, Section 4.5 of this Regulation sets forth: "The Kosovo Police Service shall ensure that the composition of the officers deployed in each area reflects the local communities they serve, as well as the general multi-ethnic character of the Kosovo Police Service [...]"

"The procedure and recruitment of communities in the police force is regulated by the Law on Police Nr.03-L-035/2008 Article 2 point g, which foresees: the commitment to employment, promotion and allocation of tasks in a comprehensive, merited fashion and without discrimination, reflecting the multiethnic character of the Republic of Kosovo and acknowledging the principles of gender equality and human rights stipulated in the Constitution of the Republic of Kosovo.

Moreover, Article 11 and Article 34 of the same law contains provisions related to the communities, their protection namely their representation in the police force.

Moreover the Council of Europe's European Code of Police Ethics, specifies in Section 25, that "Recruitment procedures shall be based on non-discriminatory grounds" and that "policies shall aim at recruiting men and women from various sections of society including ethnic minority

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<sup>113</sup> Section 3., UNMIK Regulation 2001/9. For the implementation of this Regulation see further: Administrative Direction No. 2006/9 on Implementing UNMIK Regulation No. 2005/54 On the Framework and the Guiding Principles of the Kosovo Police Service.

<sup>114</sup> UNMIK Regulation No.2005/54 On the Framework and Guiding Principles of the Kosovo Police Service, promulgated on the 20 December 2005.

<sup>115</sup>UNMIK Regulation 2005/54, Section 1.2 (g)

<sup>116</sup> Section 1.2 (h) UNMIK Regulation 2005/54

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groups, with the overall objective of making police personnel reflect the society they serve.” This is reinforced in the KPS PMM, Section I. P - 1.23 reading that “All KPS employees, with no discrimination, enjoy the equal human right and freedoms. KPS provides a fair representation of communities for employment and advancement at all levels”. In addition, the European Code of Police Ethics applies to the KPS as defined in the KPS PPM in Section I. P-1.13. Further, the KPS PPM states that “the police organization shall reflect the society it serves, in particular, the multi-ethnicity in Kosovo should be represented within the police.”

### ***Measures***

#### ***Recruitment***

The Kosovo Police shall:

Set up a central database with ethnic segregated data, including all ranks, of the Kosovo Police in order to ensure that set targets and increase of a multi-ethnic representation of the Kosovo Police can be measured.

Establish clear policies with regard to the recruitment and retention of minority community members in Kosovo Police.

Undertake an awareness raising campaign targeting minority communities to encourage them to apply to serve in Kosovo Police.

Increase the number of Roma, Ashkali and Egyptian communities in the Kosovo Police as well as officers from these communities for Community Policing to be deployed in areas inhabited by a significant number of Roma, Ashkali and Egyptians.

Provide specific preparation training for Roma, Ashkali and Egyptian applicants for the Kosovo Police to prepare them for the entry test to the Kosovo Police.

Ensure that Roma, Ashkali and Egyptians are appropriately represented among all ranks, including higher ranks. If necessary, the Kosovo Police shall make use of affirmative measures – as generally envisaged in the Constitution – in order to reach an appropriate representation of the three communities in higher positions.

Ensure that Roma, Ashkali and Egyptian officers, as well as officers belonging to other minority communities are aware of the existing complaints mechanism with the Professional Standards Unit (PSU) and use it in case they experience any form of discrimination.

Ensure a neutral working environment from which all employees regardless their ethnic background benefit equally and without any discrimination.

#### ***Training***

The Kosovo Police shall elaborate, where appropriate, and in close partnership with international organizations and Roma non-governmental organisation, codes of conduct, practical guidance manuals and training programmes to train about sensitivities of minority communities and effective policing in multi-ethnic societies.

The Kosovo Police shall involve Roma, Ashkali and Egyptian community representatives in the development and delivery of training programmes for the police officers on minority issues and inter-ethnic relations.

The relevant authorities shall develop policies that promote awareness among law-enforcement institutions regarding the situation of Roma, Ashkali and Egyptians to counter prejudice and negative stereotypes against these communities.

#### ***Operational Practices***

The Kosovo Police shall:

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Assess the gap between international standards on police and currently existing national practices in consultation with national police forces, NGOs and representatives of Roma, Ashkali and Egyptian communities.

Co-operate and request, if needed, the assistance of the Strategic Police Matters Unit in the OSCE Secretariat, the OSCE High Commissioner for National Minorities and the OSCE Office for Democratic Institutions and Human Rights to develop targeted programmes and confidence-building measures, e.g. such as Minority Community Policing, to improve the relations between Roma, Ashkali and Egyptians and the police, particularly at the local level.

Develop policies and procedures to ensure an effective police response to racially motivated violence against Roma, Ashkali and Egyptians.

Develop policies to: (1) improve relations between Roma, Ashkali and Egyptian communities and the police, so as to prevent police abuse and violence against Roma, Ashkali and Egyptians; and (2) improve trust and confidence in the police among these communities.

Ensure that the anti-discrimination law is enforced effectively and encourage the reporting of ethnic hate crimes to ensure they are fully recorded and investigated.

Ensure an effective, impartial and non-discriminatory investigation and procedures in case of police abuse or any discriminatory act from the side of the police towards a member of Roma, Ashkali and Egyptian communities.

Ensure that the police enforce the law in a non-discriminatory and impartial manner, and that perpetrators of discriminatory or violent acts will be brought to justice, *inter alia*, by taking prompt and effective investigative action.

Make use of the possibility of creating Local Public Safety Councils (LPSC) as foreseen in UNMIK Regulation 2005/54, Section 7) in villages or neighbourhoods with considerable Roma, Ashkali and Egyptian population in order to improve the perception of security among members of the three communities.



### **Strategy Approval, Monitoring, Reporting and Implementation**

The Strategy for the integration of Roma, Ashkali and Egyptian communities in Kosovo constitutes the basic document of policies for the promotion of human rights and community rights and will be implemented in 2009-2015.

Once the Strategy for the integration of Roma, Ashkali and Egyptian communities in Kosovo 2009-2015 is endorsed by the Government of the Republic of Kosovo, it will be implemented by the Ministry for Returns and Communities and other line ministries, relevant agencies and in cooperation with civil society.

The Office of the Prime Minister of the Republic of Kosovo – the Office for Good Governance in cooperation with the Office for Communities – the Office of the Prime Minister, and representatives of Roma, Ashkali and Egyptian civil society are in charge of monitoring the implementation of this strategy.

The Office of the Prime Minister of the Republic of Kosovo – the Office for Good Governance, is the body in charge, in cooperation and coordination with other institutions, to draft during 2009 the Action Plan for the implementation of this strategy.

In addition, the Office of the Prime Minister of the Republic of Kosovo – the Office for Good Governance is responsible for monitoring and implementing measures foreseen in the Action Plan for the integration of Roma, Ashkali and Egyptian communities in Kosovo.

In line with the specific objectives of every priority sector in the Strategy for the integration of Roma, Ashkali and Egyptian communities in Kosovo, the Action Plan shall reflect and determine specific and concrete measures for every institution, along with measurable success indicators and a clear timeframe.

With the aim of implementing measures foreseen in the Action Plan for the integration of Roma, Ashkali and Egyptian communities in Kosovo, financial implications will be calculated for every measure and the Government of the Republic of Kosovo must give the necessary financial support.

In the end, the Office of the Prime Minister of the Republic of Kosovo – the Office for Good Governance, is the body in charge of reporting about the overall implementation of the Strategy for the integration of Roma, Ashkali and Egyptians in Kosovo, and at the same time operates as a Secretariat. The Office of the Prime Minister of the Republic of Kosovo – the Office for Good Governance reports directly to the Government of the Republic of Kosovo, in periodical basis, every six months.<sup>117</sup>

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<sup>117</sup> The above mentioned administrative procedures and the description of responsibilities are a derivate of the recommendations that have come from the study entitled “A legal action plan for Roma, Ashkali and Egyptian Integration” sponsored by the European Union and administered by the European Agency for Reconstruction. Bernard-Guele/66/CARDS/KOS.EAR