



Kosovo

Rights Displaced

Forced Returns of Roma, Ashkali and Egyptians from
Western Europe to Kosovo

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Summary and Recommendations

RIGHTS DISPLACED

Photographs by Andrew Testa for Human Rights Watch

Peja/Pec. Elvira Gashi with her children in a one room home in the Shtate Shtatori neighborhood. They were forcibly returned from Germany in the summer of 2009. Elvira is 22 and spent 20 years of her life in Germany.



Kosovo's Romani community—generally known as Roma, Ashkali and Egyptians (RAE)—are historically its poorest, and its most economically, politically and socially marginalized. The Roma have often been targeted for violent attack, spurned by some Kosovo Albanians—the country's largest ethnic group—as “collaborators” with the minority Serb population. Meanwhile Albanian-speaking Ashkali and Egyptians have also frequently fallen victim to ethnically-motivated attacks. In recent years, many RAE have been displaced outside Kosovo, their numbers shrinking from over 200,000 before the war in 1999 to some 38,000 today.



Few of the displaced return. Discouraged by extreme poverty, social deprivation, persistent discrimination, political instability, and lack of adequate assistance to ensure the sustainability of their return, only 8,160 RAE have gone back

to Kosovo of their volition since 1999. Moreover, the pace of voluntary returns has been slow over the years, with fewer than 500 people returning in 2009, and a little over 1,000 returning thus far in 2010.



Dubrava area, Ferizaj/Urosevac town. This Roma neighborhood is extremely poor. None of the adults work and few children are able to attend school.



Gjakova/Djakovica (Egyptian area known as “Kolonija”). Haki Resch was returned from Saarbrücken, Germany, three years ago, while his wife and sons remain in Germany. He has not seen them since.



But these voluntary returnees are not the only RAE heading back to Kosovo. Fueled by frustration at the slow pace of voluntary returns, and domestic political concerns about asylum and immigration, a number of Western countries—including Germany, Switzerland, and Sweden—have deported RAE back to Kosovo. Since 1999, around 51,000 RAE have been involuntarily returned to Kosovo, and numbers look set to rise. While precise numbers are not available, in Germany alone, 12,000 Kosovo RAE—including “toleration permit” holders, failed asylum seekers and other irregular migrants—are estimated to be at risk of deportation.

Kosovo has signed agreements with a growing number of European countries to facilitate such deportations—even though the Office of the United Nations High Commissioner for Refugees (UNHCR) guidelines call on countries not to deport Serbian-speaking Roma and certain other ethnicities (both Serb and Albanian) to places where they would be a minority. UNHCR also stipulates that Ashkali and Egyptians only be returned after screening to assess risk on return, and

in a phased manner that takes into account Kosovo’s limited absorption capacity.

Human Rights Watch believes the current approach of the Kosovo government and Western European governments regarding forced returns of RAE is short-sighted, and puts the rights of RAE and the stability of Kosovo at risk. While the number of forced returns has so far been relatively small, the readmission agreements between Kosovo’s government and Western European countries currently being negotiated or already concluded, and the absence of screening by the Kosovo government prior to forced returns, create a real risk of human rights abuse and escalating crisis for deportees, their families and the broader RAE community, already Kosovo’s most marginalized and vulnerable population.

RAE who are deported to Kosovo face numerous obstacles to their basic human rights, including lack of access to personal documents; statelessness; problems repossessing their property or obtaining housing; difficulties accessing education, health, employment and social welfare; and



Gjakova/Djakovica (Egyptian area known as “Kolonija”). A boy from the Egyptian community collects aluminum cans and plastic at the municipal dump a few hundred meters from his village.





separation from family members. Some deportees leave behind spouses and children, especially if they are married to foreign nationals and have different nationalities to their children, which interfere with their right to family life. Many also lack identity documents, which are crucial for numerous activities including registering as a citizen and voting, and can in some cases lead to de-facto statelessness. Many child deportees are also unable to fully participate in school because they cannot speak enough Albanian or Serbian, and struggle with different curriculums and to have their foreign education certificates recognized.

Such problems are not unique to RAE sent back to Kosovo against their will. All Kosovo citizens are affected by limited access to health, employment and social welfare. Moreover, RAE who stay in Kosovo, and voluntary or “induced” returnees from Western Europe (who receive one-off or time-limited assistance if they agree to leave rather than be deported), share many of their difficulties. But the persistent discrimination, social exclusion, and lack of familiarity with the health

and education system to which they are returning means that RAE deportees fare worst of all.

Despite these problems, governments in Western Europe seem determined to press ahead with forced returns of RAE, whose plight they and other international donors largely ignore. The unwillingness of Western European governments to assist forced returnees may be linked to a desire to encourage individuals threatened with deportation to agree to leave voluntarily in exchange for some form of financial assistance. Meanwhile bilateral and multilateral donors who are not involved in the deportations may be wary of being seen as complicit in the process if they become involved in assisting forced returnees. Whatever the explanation, there are currently hardly any international or domestic non-governmental organizations (NGOs) running programs aimed at providing financial assistance to RAE forced returnees, which adds to the burden already faced by the broader, and highly vulnerable, RAE community.



(left) Ferizaj/Urosevac. Dubrava area. Sami Salihi (an Ashkali) lost his job as a result of discrimination.

(above) Hallaci i Vogel/Mali Alac village. The village's Ashkali graveyard. Before the war the Ashkali community in the village buried their dead in the same graveyard as the Albanians. After the war, they were told by the Albanian community that they had to bury their dead elsewhere. Their graveyard is now on a hill above the village.



Fushe Kosove/Kosovo Polje town. Roma, Ashkali and Egyptian men wait for daily work by the road in the Lagja 028 neighborhood. Opportunities are limited.





(above) Fushe Kosove/Kosovo Polje town. This abandoned railway building is now home to Sadik Bajrami, his wife Igballe Kadrolli, and their three children. The Ashkali family was displaced from another part of the town in 1999, when their family house was burned. The municipality is currently building them a new house.

(right) Fushe Kosove/Kosovo Polje town. Sadik Bajrami, his wife Igballe Kadrolli, and their eldest daughter live in this room with their three children.



Meanwhile the Kosovo government, rather than insist that returns be linked to adequate conditions, is facilitating them in an unregulated manner and without taking key steps necessary for integration. For example, it has yet to implement its 2007 Strategy for Reintegration of Repatriated Persons and the associated 2008 Action Plan, which outline policy directions to improve RAE living conditions and identify the needs of forced and other returnees, such as housing, access to personal documents, health care, employment, education and social welfare. Moreover, municipal authorities remain largely unaware of the document's existence and their obligations specified within.

In recent years, international criticism of the forced returns has grown. For example, in his report following a special mission to Kosovo in March 2009, Thomas Hammarberg, the Council of Europe Commissioner for Human Rights, concluded that forced returns from Western Europe could “destabilize the already fragile security situation and increase ethnic tensions,” and negatively impact the situation that minority

communities in Kosovo face. He appealed to Western governments to avoid forced returns of minorities to Kosovo and called on them to regularize their status in host countries until conditions in Kosovo allow them to return safely.

During a visit to Kosovo in June-July 2008, Walter Kälin, UN Representative of the Secretary-General on the Human Rights of Internally Displaced Persons, similarly found that members of minority communities who were forcibly returned risked internal displacement due to “pervasive patterns of discrimination coupled with a lack of reintegration support.” He recommended that Kosovo authorities and states conducting forcible returns to Kosovo “take robust measures to provide such persons with real reintegration perspectives,” avoid returning minorities, and regulate their status in home countries as long as discrimination remained “pervasive” and conditions prevented safe return.

Meanwhile, UN Secretary-General Ban Ki-moon in his April 2010 report to the UN Security Council warned Western European countries forcibly returning Kosovo minorities that



such returns may negatively impact the overall security situation, undermine stability, and diminish the ability of the Kosovo authorities to support returns in general. Ban cited lack of political will and scarce funding as the main reasons that Kosovo authorities failed to assist deportees satisfactorily. UNHCR has also expressed concern, mainly through contacts with the Western governments involved.

These statements have been echoed on a national level in Germany, the country returning the largest numbers of minorities to Kosovo. During a June 2010 debate in the German Bundestag (lower house of parliament) initiated by Die Linke and the Green opposition parties, representatives of UNICEF Germany, ProAsylum (an NGO), German churches and Christian Schwartz-Schilling (a former EU High Representative in Bosnia and Herzegovina) argued that pervasive discrimination and marginalization of RAE in Kosovo, if exacerbated by a significant influx of forced returns, could result in *refoulement*, or repression. In reply, officials representing the German Länder authorities argued that only a relatively small

number of RAE have so far been returned to Kosovo, and that returns have been conducted in a “phased and responsible manner,” while emphasizing that many repatriated RAE “were not well-integrated in Germany, linguistically or economically.”

The European Union must prioritize ensuring that Kosovo is not only stable and peaceful, but respects the rights of its inhabitants. To effect removals in a manner consistent with that objective, EU and other governments in Western Europe should focus their efforts on creating conditions for sustainable return of RAE to Kosovo and on committing resources and political will to improving RAE rights inside Kosovo, rather than engaging in deportations in the absence of such conditions.

As an urgent first step, all EU and Western European governments should commit themselves to a moratorium on forced returns to Kosovo pending an improvement of reception conditions. Any returns should be carried out in accordance with UNHCR guidelines.



(left) Ferizaj/Urosevac town. Displaced Roma and Albanian families live in these metal containers (without toilets or running water) on the outskirts of Ferizaj/Urosevac.

(above) Kamenica/Kamenice. Nada Petrovic, a Roma returnee from Serbia, lives in this room with her two sons. Nada is unemployed.



Donors should provide assistance to RAE returnees to Kosovo and displaced RAE in Kosovo returning to their home areas, irrespective of whether the return is organized, spontaneous or involuntary. That assistance should be packaged with overall assistance to host communities to facilitate reintegration, and to avoid returns worsening conditions for those already present.

Kosovo authorities must also do more to assist its RAE population, including those who have been forcibly returned, committing the resources and political will necessary to implement the RAE integration strategy at the municipal level. They must insist that returns are linked to adequate conditions, and engage more critically with the readmissions process, including making individual risk assessments prior to approving forced and other returns, and blocking returns that would lead to abuse.

Gjakova/Djakovica town. Burim Cava (an Ashkali) with his father outside the hut where he lives with six other family members. He was returned from Karlsruhe, Germany.

MAP OF KOSOVO MUNICIPALITIES



Map source courtesy UNHCR Kosovo

RECOMMENDATIONS

TO THE GOVERNMENT OF KOSOVO

- Ask Western European countries to apply a temporary moratorium on forced returns to Kosovo until sustainable reception conditions have been achieved.
- Earmark adequate budgetary resources to assist forcibly returned RAE on both the central and municipal levels.
- Create a trust fund to supplement budgetary sources, with financial assistance provided by both bilateral and multilateral donors to finance adequate reception assistance (housing, schooling, health care, social welfare, job creation measures) for forced returnees.
- Ensure that all potential returnees are individually assessed prior to return, in accordance with UNHCR guidelines.
- As a matter of urgency, implement the 2007 Strategy for Reintegration of Repatriated Persons.

TO MUNICIPAL AUTHORITIES IN KOSOVO

- In consultation with RAE representatives, assist RAE forced returnees and other returnees with civil registration, property regularization and disputes, social welfare inclusion, and school enrollment.

TO EUROPEAN GOVERNMENTS INVOLVED IN DEPORTATIONS TO KOSOVO (INCLUDING GERMANY, SWITZERLAND, SWEDEN, DENMARK, NORWAY, NETHERLANDS, BELGIUM, AUSTRIA, UK, FRANCE, ITALY, LUXEMBOURG AND OTHERS)

- Temporarily suspend deportations of RAE to Kosovo until there are adequate reception conditions for safe and dignified returns.
- Ensure that any returns to Kosovo are carried out in full compliance with UNHCR guidelines.
- Assist the Kosovo government to cover basic assistance to RAE forced returnees.

TO INTERNATIONAL ACTORS IN KOSOVO (INCLUDING THE UN, UNHCR, EU AND OSCE)

- Coordinate international donors and agencies and the Kosovo authorities to ensure that existing and future assistance projects to RAE communities include support to forced returnees.

TO INTERNATIONAL BILATERAL AND MULTILATERAL DONORS (INCLUDING THE EU, UN, WORLD BANK, AND DEVELOPMENT AGENCIES OF WESTERN EUROPEAN COUNTRIES)

- Support programs aiming at providing adequate reception conditions to forced returnees.
- Channel assistance through a trust fund, working in close conjunction with the Kosovo authorities to ensure that funds are spent in a transparent and effective way.

HUMAN RIGHTS WATCH
350 Fifth Avenue, 34th Floor
New York, NY 10118-3299

www.hrw.org

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(front cover) Medvec, Lipjan/Lipljan municipality. Dashnim Rexhepi, his wife Selime and their three children. The Rexhepis agreed to return to Kosovo in 2009 from Stuttgart, Germany, after being threatened with deportation if they refused.

(below) Kamenica/Kamenice town. Milana Stojanovic is a Roma IDP originally from the village of Kolanski Most (in the same municipality). Her house there was burned by ethnic Albanians in 1999, reconstructed in 2000 by UNDP, and subsequently burned again, to prevent the family from returning.

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Various countries in Western Europe are deporting Roma, Ashkali and Egyptian minorities to Kosovo, despite calls from the Council of Europe and UN to halt the practice. Around 50,000 Roma, Ashkali and Egyptians have been deported to Kosovo since 1999, and numbers look set to rise, with as many of 12,000 facing deportation from Germany alone.

Rights Displaced: Forced Returns of Roma, Ashkali and Egyptians from Western Europe to Kosovo documents the situation for those who are sent back to Kosovo. Ignored by donors and the Kosovo authorities, Roma, Ashkali and Egyptians who are forced back receive little or no assistance. They face numerous obstacles to their basic human rights, including lack of access to personal documents; statelessness; problems repossessing their property or obtaining housing; difficulties accessing health, employment and social welfare; and separation from family members. Children are particularly affected, with few able to stay in school.

The report contains concrete recommendations to Western governments, donors and the Kosovo authorities, including an immediate moratorium on forced returns until conditions improve, and assistance to those who have been returned, coupled with progress on implementing the Kosovo government's strategy for integrating and assisting Roma, Ashkali and Egyptians, its most vulnerable minorities.