



Kosovo

Rights Displaced

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

HUMAN
RIGHTS
WATCH



Rights Displaced

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

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Glossary of Abbreviations

CRP/K	Civil Registration Project Kosovo
DRC	Danish Refugee Council
EAR	European Agency for Reconstruction
ECLO	European Commission's Liaison Office
EU	European Union
HPD	Housing and Property Directorate
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICO	International Civilian Office
IDP	Internally Displaced Person
IOM	International Organization for Migration
IRDK	Iniciativa e Re Demokratike e Kosoves [New Democratic Initiative of Kosovo, Kosovo Egyptian Party]
KPA	Kosovo Property Agency
KPS	Kosovo Police Service
MoU	Memorandum of Understanding
NRC	Norwegian Refugee Council
OHCHR	Office of the UN High Commissioner for Human Rights
OPM	Office of Prime Minister
OSCE	Organization for Security and Co-operation in Europe
PDAK	Partia Demokratike e Ashkanlive te Kosoves [The Democratic Party of the Kosovo Ashkali]
PISG	Provisional Institutions of Self-Government
RAE	Roma, Ashkali and Egyptian
SRSg	Special Representative of the United Nations Secretary-General
UDHR	Universal Declaration of Human Rights
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNMIK	United Nations Mission in Kosovo
USAID	US Agency for International Development

Summary and Recommendations

RIGHTS DISPLACED

Photographs by Andrew Testa for Human Rights Watch

A young child with light brown hair is sitting on a patterned rug in a room with a blue wall. The child is wearing a dark jacket over a light-colored shirt and is looking down. A bright light source is visible on the left, casting a strong shadow on the wall and the rug.

Peja/Pec. Elvira Gashi with her children in their 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, with none of the adults in work, and few children 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 remained 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. This 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) with her two sons in the room that serves as their home. 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. An Ashkali Burim Cava (right) with his father outside the hut where he lives with six other family members. He was returned from Karlsruhe, Germany.

MAP OF KOSOVO MUNICIPALITIES



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.

Methodology

Two Human Rights Watch researchers traveled to Kosovo in late November 2009 to document the current situation for displaced Roma, focusing on the plight of the recent forced returnees from Western Europe. One of the researchers undertook additional field research at the beginning of December 2009. A photographer accompanied the researchers for the duration of the field research, which took four weeks.

Human Rights Watch interviewed 84 Romani persons (including 20 women) living in 14 out of 30 municipalities in Kosovo.¹ Those interviewed included involuntary returnees, voluntary returnees, RAE displaced inside Kosovo, RAE political leaders, RAE civil society representatives (journalists, NGO workers), RAE municipal officials, and RAE traditional leaders. Out of the 84 persons interviewed, 52 described themselves as Ashkali, 25 as Roma, and 7 as Egyptians.

Human Rights Watch discussed the issues tackled in this report in detail with RAE organizations on the ground, including the Roma and Ashkali Documentation Center (RAD Center), Democratic Hope (*Shpresa Demokratike*), and the Roma radio channel Voice of the Roma (*Romano Avazo*). We also met with RAE political party representatives, including from the Kosovo Egyptian Party (*Iniciativa e Re Demokratike e Kosoves*, IRDK), the Democratic Party of the Kosovo Ashkali (*Partia Demokratike e Ashkanlive te Kosoves*, PDAK), and Roma Independent Liberal Party (*Romska Samostalna Liberalna Stranka*). Human Rights Watch also conducted interviews with representatives of the Civil Registration Project Kosovo (CRPK), a UNCHR-funded organization that assists RAE with civil registration and provides free legal assistance to the displaced.

Interpreters helped Human Rights Watch conduct interviews in Serbian, Romanes, and Albanian. Interviews were conducted either individually or in the presence of family members. All individuals were offered anonymity, and while many interlocutors allowed their real names to be used in the report, some asked that only their initials or first names appear. Individuals were told that the information they provided would be used in a report prepared by Human Rights Watch and were told they were free to decline to answer any questions or to end the interview at any time. In a dozen separate instances, the families that Human Rights Watch approached declined to be interviewed, explaining that they did not wish to attract “unnecessary attention” or “seek publicity.” In general, parents preferred to talk

about their children's condition, rather than let Human Rights Watch interview the children themselves. No money was paid for any of the interviews.

Following the field research, Human Rights Watch also conducted in-person or phone interviews with a total of four national and nine international officials from the following Kosovo and international bodies: the Kosovo Ministry of Returns and Communities, the Office of the Prime Minister of Kosovo, the Ombudsperson Institution in Kosovo, the United Nations Mission in Kosovo (UNMIK), the Office of UN High Commissioner for Refugees (UNHCR), the Office of UN High Commissioner for Human Rights (OHCHR), the United Nations Children's Fund (UNICEF), the United Nations Development Programme (UNDP), the European Union Rule of Law Mission in Kosovo (EULEX), the International Civilian Office (ICO), and the Organization for Security and Co-operation in Europe (OSCE) Mission in Kosovo. The international officials working in Kosovo interviewed for this report requested that we withhold their names, even when commenting on uncontroversial matters.

Five out of six Kosovo ministries contacted—the Ministry of Education, Science and Technology; Ministry of Local Government; Ministry of Health; Ministry of Environment; Ministry of the Interior and Office of the Prime Minister; and the Ministry of Returns and Communities (whose officials Human Rights Watch also met in person)—preferred to receive questions in writing rather than meet face-to-face. Written questionnaires were forwarded to them between January-February 2010. The replies, also in writing, were provided between March-April 2010. These exchanges were followed by further correspondence and phone interviews between May-September 2010.

Throughout the report, Albanian/Serbian names of the geographic locations will be used, according to the stylistic practice used by international organizations, including UNMIK, OSCE and EULEX. When talking about the Serbian majority areas, the Serbian language version of the name is mentioned first.

I. Background

Romani communities in Kosovo are generally characterized as Roma, Ashkali, and Egyptians (RAE).² Although identities are fluid among ethnic Roma in Kosovo, those describing themselves as Roma are mainly Serbian and Romani-language speakers, who tend to live in the Serb-majority areas (north of the Ibar River in the northern municipality of Mitrovica/Mitrovice as well as Serbian enclaves scattered around Kosovo). Those describing themselves as Ashkali and Egyptians are Albanian-language speakers, who live mainly, but not exclusively, in the ethnic Albanian majority areas.

Separate Ashkali and Egyptian identities emerged during the period of the Socialist Federal Republic of Yugoslavia, or SFRY (1946-1992).³ The political instability in Yugoslavia that followed the death of SFRY leader Josip Broz Tito in 1980 affected Kosovo, with increasing tension between Serbs and ethnic Albanians, and subsequent discrimination against ethnic Albanians after Slobodan Milosevic became president of Serbia in 1989. The division of Kosovo Roma into separate Roma, Ashkali and Egyptian communities solidified during the 1990s.⁴

The UN Mission in Kosovo (UNMIK) began to use the collective term ‘RAE’ in 2000. It is now widely used among international agencies in Kosovo. The term remains controversial among some Roma, who see it as a factor contributing to divisions within what they contend should be a cohesive single community.⁵ Nevertheless, it is currently used in the official nomenclature in Kosovo and in internationally-produced documents. It is also used in this report.

Defining Displacement

According to the 1951 Convention and its 1967 Protocol Relating to the Status of Refugees, the term “refugee” applies to anyone who:

² The ethnic groups of Egyptians in Kosovo are entirely distinct from persons coming from the country of Egypt, but trace their historic homeland to ancient Egypt.

³ Elena Marushiakova et al., “Identity Formation among Minorities in the Balkans: The cases of Roms, Egyptians and Ashkali in Kosovo,” working paper presented and discussed at the Sofia workshop on identity formation of the Balkan Minority Communities, December 15-16, 2000, p. 18.

⁴ Elena Marushiakova and Vesselin Popov, “New Ethnic Identities in the Balkans: The Case of the Egyptians,” *Philosophy and Sociology* (Nis, Serbia), vol. 2, no. 8, 2001, p. 465.

⁵ Various Roma activists and representatives conveyed this argument to an HRW researcher on numerous occasions during the November-December 2009 field research. The term appears to pose less of the problem for Ashkali and Egyptian leaders than Roma ones.

(...) owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it (...) ⁶

The Convention further specifies that “no Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.” ⁷

The Guiding Principles on Internal Displacement defines internally-displaced persons (IDPs) as:

persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflicts, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border. ⁸

Since the United Nations forums has not recognized Kosovo as an independent state, persons from Kosovo displaced to Serbia are not deemed to be refugees under international law, even if they have a well-founded fear of being persecuted if returned to Kosovo. In contrast, according to the Refugee Convention, persons who fled from Kosovo into Macedonia, Montenegro, and to Western Europe, can qualify as refugees provided they have a well-founded fear of persecution. In this report, Human Rights Watch uses the term ‘displaced person’ to refer to anyone who left Kosovo, including those who went to Serbia.

⁶ Convention relating to the Status of Refugees, 189 U.N.T.S. 150, entered into force April 22, 1954, <http://www.unhcr.org/pages/49da0e466.html> (accessed August 9 2010).
Protocol Relating to the Status of Refugees, 606 U.N.T.S. 267, entered into force October 4, 1967, <http://www.unhcr.org/pages/49da0e466.html> (accessed August 9 2010).

⁷ Ibid.

⁸ For IDP Guiding Principles see, <http://www.idpguidingprinciples.org/> (accessed August 9 2010).

Patterns of Displacement

The armed confrontation of the Kosovo Liberation Army (KLA) with Yugoslav government forces and Serbian police and paramilitary units, the subsequent NATO bombing and mass expulsion of ethnic Albanians by Yugoslav and Serb forces, and the wave of retaliatory ethnic violence by Albanians at the start of international rule in Kosovo in 1999, resulted in large numbers of RAE fleeing and being forcibly expelled from Kosovo.⁹ Many fled to elsewhere in the Balkans, mostly to Serbia, Montenegro and Macedonia. Others went to Western Europe, while some were displaced within Kosovo.

Significant displacement of RAE occurred at the end of the war. Serbian-speaking Roma have historically been perceived by some Albanians as “Serb collaborators,” and were targets of retaliatory violence in the aftermath of the war. While both the Albanian-speaking Ashkali and Egyptians were not targeted to the same extent, they were also frequently victims of ethnically-motivated attacks after the conflict ceased. There was further displacement, including inside Kosovo following the March 2004 anti-minority riots. All three groups were victimized in the riots, although the primary target of the violence was ethnic Serbs.¹⁰

There is no exact number of RAE who have left Kosovo since 1999, although UNHCR estimates that there are around 38,000 RAE in Kosovo today, compared to an estimated RAE pre-war population of 200,000.¹¹ Most of the displaced have originally gone to neighboring countries, subsequently transiting further, without being registered as refugees in the countries of transit. According to UNHCR estimates, in 2010 around 22,000 RAE displaced persons remain in Serbia, around 4,000 in Montenegro, around 1,700 in Macedonia, and around 130 in Bosnia and Herzegovina.¹² There are no reliable estimates for the number of RAE from Kosovo living in Western Europe, or for the numbers of RAE displaced inside Kosovo.

⁹ Elena Marushiakova et al., “Identity Formation among Minorities in the Balkans: The cases of Romas, Egyptians and Ashkali in Kosovo,” working paper presented and discussed at the Sofia workshop on identity formation of the Balkan Minority Communities, December 15-16, 2000, p. 19.

¹⁰ Human Rights Watch documented the March 2004 riots, which led to the expulsions of the Kosovo minorities, including the RAE in its report “Failure to Protect- Anti-Minority Violence in Kosovo, March 2004”, Vol. 16 No. 6 (D), July 2004, <http://www.hrw.org/en/reports/2004/07/25/failure-protect-o> (accessed May 28, 2010). It has also documented a failure of both Kosovo and international authorities to adequately investigate and prosecute the March 2004 cases in its report “Not on the Agenda- The Continuing Failure to Address Accountability in Kosovo Post-March 2004”, Volume 18, No. 4(D), May 2006, <http://www.hrw.org/en/reports/2006/05/29/not-agenda-o> (accessed May 28, 2010.)

¹¹ E-mail from UNHCR Kosovo to HRW, May 27, 2010. Nevertheless, as explained in footnote 1, *de facto* this number could be much larger.

¹² This number encompasses only RAE who are current Serbian IDP card holders. Most Kosovo RAE displaced in 1999 and shortly after stabilized in third countries. Since then, many also stabilized inside Serbia, and therefore do not hold official IDP status.

Few of the RAE displaced from Kosovo have returned. Between January 2000 and April 2010, a total of 8,160 RAE voluntarily returned to Kosovo (for details, please see table 1). A further 2,151 RAE have been returned to Kosovo involuntarily from Western Europe (discussed in more detail below).

RAE voluntary returns to Kosovo January 2000 – April 2010												
Ethnic Group	Returns 2000	Returns 2001	Returns 2002	Returns 2003	Returns 2004	Returns 2005	Returns 2006	Returns 2007	Returns 2008	Returns 2009	Returns 2010	Total Returns
Roma	20	214	390	287	430	235	303	581	86	214	50	2810
Ashkali/ Egyptians	0	533	882	118	593	727	466	312	195	281	179	5350
Total	20	747	1272	1469	1023	962	769	893	281	495	229	8160

(Data provided by UNHCR Pristina)

Among voluntary returnees, the majority came back “spontaneously.” Around 20 percent came with organized returns projects, facilitated by UNHCR and its various implementing partners. Most of those who have returned came from elsewhere in the Balkans, mainly from Serbia, Macedonia and Montenegro, which hosted the largest Kosovo RAE IDP and refugee communities. Most never formally registered as refugees.

There are no reliable estimates of the number of RAE displaced inside Kosovo who returned to their home areas, in part because the Kosovo government does not recognize IDPs—or internally displaced persons—as a category, does not register people as IDPs, does not provide them assistance, and has no strategy to assist them.

Lack of Progress in Relation to Voluntary Returns

Despite sustained efforts by UNHCR and other agencies since 1999, numbers indicate little progress in facilitating voluntary returns of RAE to Kosovo. This can be attributed to a number of factors.

Some Roma interviewed in Kosovo told Human Rights Watch that displaced persons are reluctant to return to areas where few, if any, RAE remain (particularly in Western Kosovo) because they fear becoming a social experiment—or as one Roma IDP inside Kosovo put it,

the “laboratory mice” used to test if conditions are ripe for returns to certain parts of Kosovo.¹³

Another factor of concern for both Roma IDPs in Kosovo, as well as Roma living outside, is the lack of Albanian language skills needed to integrate into Albanian-majority areas. This problem became particularly acute after the 1999 war, as new generations grew up without speaking each other’s languages. As a result, Romani and Serbian-speaking Roma have become increasingly isolated in Albanian-majority municipalities.

A third reason for the reluctance of RAE to return to Kosovo (discussed in detail below) is the dire economic situation. This affects all communities, but disproportionately RAE. The overall current unemployment rate, according to the Kosovo Ministry of Labor and Social Welfare, is 41 percent. While there are no precise estimates for RAE unemployment, rough municipal estimates indicate that around 80 to 90 percent do not have jobs.¹⁴ Displaced RAE in the region and Western Europe are discouraged by stories of the miserable economic plight faced by those who return to Kosovo. Other concerns that forced returnees cite include lack of adequate housing, schooling and healthcare.¹⁵

Political instability is another factor that makes RAE hesitant to return. While RAE interviewees currently living in Kosovo rarely ranked insecurity as a top reason for not going back, it has historically been a factor in RAE being reluctant to return to Kosovo.¹⁶ Before Kosovo’s declaration of independence, political instability affected the entire territory of Kosovo. Currently, this instability mainly affects the northern region of Mitrovica/Mitrovice, with authorities in the northern Serb-majority populated asserting that it remains part of Serbia and advocating the partition of Kosovo, while the Kosovo authorities, and their international allies, seek the long-term integration of north Mitrovica/Mitrovice into Kosovo’s political and administrative structures.

In 2008, the year of Kosovo’s declaration of independence, the number of returnees hit a 10-year low.¹⁷ Numbers rose slightly after 2008, but continue to remain low due to continued

¹³ While in most municipalities in Kosovo there are some neighborhoods from which RAE left *en masse* between 1999-2004 never to return, some of the largest groups originate from Kline/Klina, Malisheve/Malisevo, and Suhareke/Suva Reka municipalities. (Human Rights Watch e-mail exchange with a Roma activist working for the Roma and Ashkali Documentation Center, August 9, 2010.); Human Rights Watch interview with a Roma IDP from the city of Prishtina, currently living in Gracanica/Gracanice, November 22, 2009 (name withheld upon request).

¹⁴ Human Rights Watch telephone conversation with various officials at the Ministry of Labor and Social Welfare, June 2, 2010.

¹⁵ These concerns have been expressed by the forced returnees interviewed by Human Rights Watch.

¹⁶ Human Rights Watch did not interview any RAE refugees living outside Kosovo for this report.

¹⁷ UNHCR e-mail correspondence to Human Rights Watch, May 27, 2010.

instability and uncertainty.¹⁸ Many UN member states have declined to recognize Kosovo as an independent state, which prevents it from joining the UN and other multilateral forums. The impact of the International Court of Justice's (ICJ) recent advisory opinion that the declaration of independence did not violate international law remains to be seen.¹⁹ EU High Representative for Foreign and Security Policy Catherine Ashton, UN Secretary-General Ban Ki-moon, US Secretary of State Hillary Clinton, UK Foreign Secretary William Hague, and German Foreign Minister Guido Westerwelle were among key political figures who have expressed hope that the ICJ opinion would contribute to regional stability, opening up possibility for Pristina-Belgrade political dialogue, and indirectly encouraging the displaced to return to Kosovo.²⁰

Deportations

Deportations of Ashkali and Egyptians from Western Europe began in late 2003, motivated by lack of progress voluntary returns, and domestic political concerns about asylum and immigration. In 2003, UNHCR issued guidelines that Ashkali and Egyptians were not in need of generalized protection, although it made clear in the 2006 version of the document that:

[...] asylum claims originating from among these ethnic communities should be assessed individually [...] Nonetheless, 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.²¹

Since 1999, UNHCR guidelines have considered Roma to be a protected category. UNMIK has also considered Kosovo Roma to be a protected category since 1999, except for a limited number of Roma "males with a serious criminal record" who were allowed to be returned from 2005.²² Between 1999 and 2005, UNMIK blocked deportations of all Kosovo Roma, despite strong pressure from Western European governments.²³

¹⁸ Ibid.

¹⁹ International Court of Justice Advisory Opinion on Kosovo, July 22, 2010, <http://www.icj-cij.org> (accessed August 9, 2010).

²⁰ Balkan Insight, "World Reacts to ICJ Advisory Ruling on Kosovo," July 23, 2010, <http://www.balkaninsight.com/en/main/news/29647> (accessed September 24, 2010).

²¹ UNHCR, "UNHCR's Position on the Continued International Protection Needs of Individuals from Kosovo," June 2006, p.7.

²² E-mail from Human Rights Watch from Chachipe Roma rights NGO, September 8, 2010; E-mail to Human Rights Watch from a former UNMIK official, September 7, 2010.

²³ E-mail to Human Rights Watch from a former UNMIK official, September 3, 2010.

Germany, which hosts an estimated 23,000 displaced people from Kosovo under the “toleration permit” system, was the first country to reach an agreement with UNMIK to facilitate deportations.²⁴ On November 17, 1999, then-Special Representative of the UN Secretary-General (SRSG) Bernard Kouchner signed a Memorandum of Understanding (MoU) with the German Ministry of Interior, which allowed for orderly and voluntary returns to Kosovo, and agreed to readmit a limited number of persons deported by Germany who did not require international protection (excluding all minorities).²⁵

On March 31, 2003, then-SRSG Michael Steiner and the German Ministry of Interior signed a second MoU. German authorities agreed to continue deferring deportations of Kosovo Serbs and Roma, while adopting a gradual approach to returning other Kosovo minorities. These included Ashkali and Egyptians, whom the document stipulated would be returned depending on individual screening.²⁶

In February 2004, German authorities and UNMIK held talks with a view to renewing the 2003 MoU. The review not only maintained the earlier MoU’s protection criteria, but expanded protection by adding Kosovo Albanians from Serbian-majority areas as a protected category.

Following March 2004 anti-minority riots, forced repatriations by all countries for all categories (both protected and unprotected) were suspended until April 15, 2004. Subsequently, in a letter to the German Ministry of Interior dated April 16, 2004, UNMIK indicated that it would accept the forced returns of Albanians to ethnic Albanian majority areas, and that it would not be in a position to accept the involuntary returns of Kosovo Serbs, Roma, Ashkali and Egyptians.²⁷

On June 10-11, 2004, UNMIK signed a bilateral agreement with the German Ministry of Interior, but did not agree to reinstate the previously suspended deportations of Ashkali and Egyptians (while continuing to protect the Roma). Under strong German pressure, UNMIK agreed to review this position in August 2004, with the German authorities subsequently proposing a list of sites to which Ashkali and Egyptians could safely be returned. In 2005, UNMIK entered a formal readmission agreement with the German authorities, which ruled

²⁴ According to both UNHCR and UNICEF Germany, it is impossible to give an accurate estimate of displaced persons from Kosovo currently living in Germany. ProAsyl, the largest and most active German NGO dealing with the issue of forced returns to Kosovo, currently uses an approximation of 23 000.

²⁵ E-mail to Human Rights Watch from a former UNMIK official, September 3, 2010.

²⁶ Ibid.

²⁷ E-mail to Human Rights Watch from a former UNMIK official, September 3, 2010.

out the return of Roma to Kosovo, while agreeing to return the Ashkali and Egyptians after individual screening and only to the locations mutually agreed upon. This readmission agreement also, for the first time, allowed for the return of up to 30 Kosovo Roma “males with a serious criminal record” per year.²⁸

The 2004 agreement stipulated that UNMIK also did not accept (in accordance with the UNHCR guidelines) deportations of the following categories of persons:

- Chronically/severely ill persons whose conditions required specialized medical intervention, which at that time was not yet available in Kosovo;
- Persons with severe and chronic mental illness, including Post Traumatic Stress Disorder (PTSD);
- Severely handicapped persons (and their caregivers) requiring specialized support system, which at that time was not yet available in Kosovo;
- Unaccompanied elderly persons who had no relatives or other societal support in Kosovo.²⁹

UNMIK also signed memoranda of understanding with Switzerland in April 6, 2000, and with Sweden in November 2004.³⁰ The Swiss MoU stipulated that “forced returns are to be limited in numbers and restricted to individuals who, according to internationally recognized standards, are in no need for protection and whose safety and well-being is not endangered by their return.”³¹ On March 26, 2003, UNMIK met with Swiss authorities to follow up on the deportations issue, and clarified that if Switzerland did attempt to return Roma and Serbs, they would not be allowed to enter Kosovo and sent right back to Switzerland.³² UNMIK also emphasized the need to return Ashkali and Egyptians in a responsible and phased manner.³³

²⁸ UNMIK Agreed Note “Concerning Talks on the Repatriation of Minorities to Kosovo Held in Berlin on 13 January 2006”; Karin Waringo, “The Rush to Repatriate,” *Transitions Online*, July 11, 2005, <http://www.reliefweb.int/rw/rwb.nsf/db900sid/VBOL-6E8FZY?OpenDocument> (accessed September 8, 2010). According to a former UNMIK official with whom Human Rights Watch spoke, while the foreseen number of males with criminal record (sentenced to at least two years of prison and having served their time) was quite low, the real numbers of such persons returned to Kosovo was even lower. Source: Human Rights Watch telephone conversation with a former UNMIK official, September 9, 2010.

²⁹ E-mail to Human Rights Watch from a former UNMIK official, September 3, 2010.

³⁰ E-mail from UNMIK’s Office of Communities Support and Facilitation, August 12, 2010.

³¹ *Ibid.*

³² *Ibid.*

³³ *Ibid.*

On September 7 and October 13, 2004, UNMIK met with Swedish authorities in Pristina to discuss deportations in the aftermath of the March 2004 anti-minority riots. It was agreed that “the current environment was not conducive to the forcible return of Serb, Roma, Ashkali and Egyptians.”³⁴ The agreement was revised on November 10, 2005, when both parties agreed in the MoU that “small number of Ashkali and Egyptians may also be returned, depending on the results of an individual screening process.”³⁵

As of April 2010, a total of 2,151 RAE have been deported to Kosovo. Although a precise number is not available, UNMIK estimates that a total of around 51,000 people were “readmitted” to Kosovo between 1999 and end of 2007, and cites Germany, Switzerland and Sweden as the three countries returning the most people to Kosovo during that time.³⁶

According to UNMIK data dated from February 2002, during the period 1999-2001, approximately 20,400 persons were deported to Kosovo from Western Europe, with over the half of deportees from Germany (57 percent), followed by Switzerland (17 percent), the UK (9.5 percent) and Norway (6 percent). That data also noted that at that time, other countries hosting large Kosovar populations, including Italy, Denmark and the Netherlands, have only deported very small numbers.³⁷ This data also revealed that the vast majority (98.5 percent) were ethnic Albanians.³⁸

UNHCR guidelines were broadly followed during the years that UNMIK managed the deportations, particularly with regards to the compulsory screening of all potential returnees. However, there were instances of Western European countries returning Serbian-speaking Roma to Serbia, even though they originated from Kosovo, in an obvious attempt to circumvent restrictions on forced returns that were in place in Kosovo.³⁹ Once again, the

³⁴ E-mail from UNMIK’s Office of Communities Support and Facilitation, August 12, 2010.

³⁵ Ibid.

³⁶ United Nations, Economic and Social Council, E/C.12/UNK/1, January 15, 2008, “Implementation of the International Covenant on Economic, Social and Cultural Rights, Consideration of Reports Submitted by State Parties in Accordance with Article 16 of the International Covenant on Economic, Social and Cultural Rights, Replies by United Nations Interim Administration Mission in Kosovo (UNMIK) to the List of Issues (E/C.12/UNK/Q/1) to be Taken Up in Connection with the Consideration of the Document Submitted by UNMIK (E/C.12/UNK/1)), Question 27, paragraph 44, http://www2.ohchr.org/english/bodies/cescr/docs/E.C.12.UNK.Q.1.Add.1_EN.pdf (accessed August 9, 2010); The Western European countries (including Germany, Switzerland and Sweden, the three countries returning the largest numbers of persons to Kosovo) in question make their data available to UNHCR under the condition they do not disseminate them further. (Source: Human Rights Watch interview with an international official working in Kosovo, December 10, 2009.)

³⁷ E-mail to Human Rights Watch from a former UNMIK official, September 3, 2010.

³⁸ Ibid.

³⁹ While no official data exists to confirm this, Human Rights Watch during its research heard some statements from both Roma international officials working on Roma issues suggesting that in some instances Kosovo RAE asked to be flown to Belgrade instead of Pristina, when faced with deportations, quoting security concerns.

total estimate of such cases is not available. UNHCR Serbia says no such cases were registered in 2009.⁴⁰ Nevertheless, according to an expert on the issue, UNMIK administration kept the numbers of forced returnees under control.⁴¹ While only a very limited amount of Roma individuals were accepted during the period UNMIK oversaw readmissions, it was nonetheless challenging to keep up with screening large numbers of Ashkali/Egyptians, given the “often incomplete information provided by the returning countries and the strict timeline for the screening process.”⁴²

According to data compiled by German Bundestag, in June 2009, 2,408 Albanians, 9,842 Roma, 1,755 Ashkali, 173 Egyptians and 221 Serbs were liable to potential deportation on various grounds (including failed asylum procedure and discontinuation of the toleration status).⁴³

RAE forced returns January 2003 – April 2010									
Ethnicity	2003	2004	2005	2006	2007	2008	2009	2010	Total
Roma	1	1	36	49	48	54	127	82	398
Ashkali	104	79	234	389	244	236	184	41	1511
Egyptian	71	39	64	23	21	14	9	1	242
Total	176	119	334	461	313	304	320	124	2151

(Data provided by UNHCR Pristina)

Since 2000, UNHCR has issued annual position papers on persons in need of international protection in Kosovo.⁴⁴ In 2009 (the year when the most recent guidelines were published taking into consideration the reality after Kosovo’s declaration of independence), the guidelines were revamped and protected categories were added, including women threatened with domestic violence upon their return to Kosovo.⁴⁵

The current version of guidelines call on states not to deport Kosovo Albanians and Serbs to places where they would be in a minority, and not to deport Roma anywhere in Kosovo.⁴⁶ Persons from ethnically mixed-marriages and persons of mixed ethnicity; persons perceived

⁴⁰ Human Rights Watch telephone conversation with UNHCR Serbia officials, June 1, 2010.

⁴¹ Karsten Lüthke, “Return in Safety and Dignity: The Role of the UN Mission in Kosovo,” manuscript, p. 5.

⁴² E-mail to Human Rights Watch from a former UNMIK official, September 9, 2010.

⁴³ Deutscher Bundestag, “Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Ulla Jelpke, Sevim Dagdelen, Kersten Naumann, Joern Wunderlich und der Fraktion Die Linke,” Drucksache 16/14084 “Abschiebungen in das Kosovo,” October 12, 2009.

⁴⁴ UNHCR, “UNHCR’s Position on the Continued International Protection Needs of Individuals from Kosovo,” June 2006.

⁴⁵ This category has been added on the occasion of 2009 revision.

⁴⁶ United Nations High Commissioner for Refugees (UNHCR), “UNHCR’s Eligibility Guidelines for Assessing the International Protection Needs of Individuals from Kosovo”, HCR/EG/09/01, 9 November 2009.

to be associated with the Serbian and Yugoslav authorities after 1990; and victims of trafficking remain protected categories. The current guidelines also maintain the same position in relation to Ashkali and Egyptians that was first developed in its 2003 guidelines; that while they are not in need of generalized protection, their claims should nonetheless be assessed individually and returns carried out in a phased manner⁴⁷

From 2003 until November 2008, UNMIK screened all potential forced returnees in accordance with UNHCR guidance regarding persons in need of international protection. This entailed examining the files of the person or family in question and performing a background check in their place of origin prior to deportation to check whether a forced return would not result in *refoulement*.⁴⁸

UNHCR played no direct role in conducting the screening under UNMIK, although UNHCR field officers were, and remain, responsible for monitoring general compliance with these guidelines, through compiling information on forced returnees after their arrival to Kosovo (in their respective areas of responsibility).

Even though no publicly available data is available to assess the extent to which this approach has helped limit the numbers of forced returns, anecdotal evidence suggests that on numerous occasions, UNMIK blocked deportations of individuals and families, or even returned planes full of forced returnees that were flying from Western European countries.⁴⁹

Under growing pressure from Western European states for the UN and Kosovo government to accept forced returns—and in anticipation of greater self-governance by Kosovo—UNMIK’s Office of Communities, Returns and Minority Affairs (OCRM), together with the Kosovo authorities formulated a readmission policy in November 2007.⁵⁰ Titled “Strategy for Reintegration of Repatriated Persons,” the document contained standard operational procedures for readmissions, including the screening that UNMIK was already conducting, and an integration strategy for forced returnees. The Kosovo government endorsed the

⁴⁷ Ibid., p.8.

⁴⁸ Human Rights Watch phone interview with and UNHCR official, May 28, 2010.

⁴⁹ Human Rights Watch telephone interview with a former UNMIK official, August 9, 2010; E-mail to Human Rights Watch from a former UNMIK official, September 3, 2010.

⁵⁰ Kosovo Government, “Strategy for Reintegration of Repatriated Persons,” October 10, 2007.

strategy on October 31, 2007. It became effective on November 10, after it was approved by the government of Kosovo and the head of UNMIK.⁵¹

The Strategy enumerated steps necessary to successfully reintegrate the forced returnees (and other categories of returnees from Western Europe), including assistance upon arrival (a medical check, issuance of temporary documents and printed information on further procedures to be followed, transport to the place of origin, and if needed, provision of temporary accommodation for up to seven days).⁵² It also mentioned longer-term assistance for returnees in need, including information and guidance during the process of acquiring personal documentation, getting acquainted with Kosovo's health care and welfare system, registering children in school, and facilitating access to employment through vocational training.⁵³ The document also mentioned specific responsibilities of particular ministries and municipalities vis-à-vis these services, and foresaw the creation of a coordination mechanism for implementing the Strategy, encompassing the relevant ministries, and, when needed, OSCE, UNHCR, IOM and UNDP in an advisory role.⁵⁴

While a senior national and international official interviewed separately by Human Rights Watch said that the document provides a useful reference document for necessary steps and the entities in charge, they both expressed regret that Strategy has not been implemented due to lack of funding and political will.⁵⁵ OSCE also pointed out that lack of awareness and involvement by municipal authorities further contributed to failure to adequately implement the Strategy.⁵⁶

Also in November 2007, the Kosovo government adopted the Roma, Ashkali and Egyptian Integration Strategy.⁵⁷ The related Action Plan was adopted a year later in December 2008

⁵¹ UNMIK website, "Comprehensive Framework to Manage Force Returns to Kosovo," November 7, 2010, [http://www.unmikonline.org/DPI/PressRelease.nsf/o/FCDE97BA8C53409AC12573EC003D4F5E/\\$FILE/pr1709.pdf](http://www.unmikonline.org/DPI/PressRelease.nsf/o/FCDE97BA8C53409AC12573EC003D4F5E/$FILE/pr1709.pdf) (accessed July 28, 2010).

⁵² Kosovo Government, *Strategy for Reintegration of Repatriated Persons*, pp. 7-9.

⁵³ *Ibid.*, p.11-23.

⁵⁴ The Strategy mentions the Ministry of Internal Affairs, Ministry of Labor and Social Welfare, Ministry of Health, Ministry of Local Governance and Administration, Ministry of Environment and Spatial Planning, Ministry of Education, Ministry of Justice, and Kosovo Property Agency (KPA).

⁵⁵ Human Rights Watch telephone interviews with senior Kosovo and international officials, September 24, 2010.

⁵⁶ Organization for Security and Co-operation in Europe, Department of Human Rights and Communities, "Implementation of the Strategy for Reintegration of Repatriated Persons in Kosovo's Municipalities," November 2009, [http://www.reliefweb.int/rw/RWFiles2009.nsf/FilesByRWDUnidFilename/SODA-7XPS5W-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2009.nsf/FilesByRWDUnidFilename/SODA-7XPS5W-full_report.pdf/$File/full_report.pdf) (accessed September 27, 2010).

⁵⁷ United Nations Mission in Kosovo (UNMIK) and Provisional Institutions of Self-Government (PISG), "Strategy for Reintegration of Repatriated Persons," http://kosovoroma.files.wordpress.com/2008/02/reintegration-strategy_eng.pdf, (accessed May 28, 2010).

and consisted of earlier thematic documents (including OSCE-UNHCR periodic minority reports dating to 2000) supplemented by local perspectives arising from consultations organized by the Kosovo Office of the Prime Minister (OPM).⁵⁸ While UNMIK had developed various documents related to voluntary returns to Kosovo, the Action Plan and Strategy for the first time dealt with a full range of RAE issues comprehensively.

The 2007 Integration Strategy outlines the responsibilities of Kosovo authorities regarding the main problems that RAE experience, including education, employment and economic empowerment, health and social affairs, housing and informal settlements, returns and reintegration, registration, culture, media and information, participation and representation, and security, policing and justice. While the Strategy continues to be an important reference document that outlines what should be done, and which entities should oversee what, it has failed to make an impact—largely because of a lack of budget and inadequate coordination and oversight of implementation at the municipal level.⁵⁹

The Integration Strategy briefly mentions dangers associated with potential mass returns from Western Europe, stating that “a mass-scale return from Western Europe and other host countries would overburden the capacities of both the Kosovo society and the receiving communities.”⁶⁰ The Strategy further explains that mass returns could potentially lead to socio-economic crisis and result in secondary displacement of forcibly returned persons.⁶¹ It puts municipalities in charge of implementing individual assistance schemes for forced returnees, in order to provide housing, employment, access to essential services, documents and civil registration.⁶²

In order to better-manage the assistance to be provided on the municipal level, the Strategy stipulates that “the relevant authorities, in co-operation with international organizations, shall establish a database utilizing available data on the number of Roma, Ashkali and Egyptians currently living in Western Europe as rejected asylum seekers, in Serbia as IDPs, or as refugees/displaced persons in other countries such as the Former Yugoslav Republic of

⁵⁸ Human Rights Watch telephone conversation with an international official working in Kosovo, September 1, 2010; Kosovo Office of the Prime Minister, “The Republic of Kosovo Action Plan on the Implementation of the Strategy for the Integration of Roma, Ashkali and Egyptian Communities”, 2009-2015, http://www.roma-kosovoinfo.com/index.php?option=com_content&task=view&id=22&Itemid=35, (retrieved May 28, 2010).

⁵⁹ This opinion was shared among Human Rights Watch’s government interlocutors, international officials and civil society representatives interviewed. The other reason for the failure of the Strategy to ameliorate the situation of RAE is its insufficient dissemination on a local level.

⁶⁰ Republic of Kosovo, “Strategy for the Integration of Roma, Ashkali and Egyptian Communities in the Republic of Kosovo 2009-2011,” December 2008, p.47.

⁶¹ Ibid. p.48.

⁶² Ibid.

Macedonia, Bosnia and Herzegovina and Montenegro.”⁶³ This ambitious task has not been implemented to date, and no reliable data (except for Germany) is available for the number of people liable to deportation.⁶⁴

In November 2008, the government of Kosovo unilaterally assumed responsibility for managing forced returns to Kosovo (without proper consultation with UNMIK, which nevertheless did not formally protest). When the Kosovo Ministry of Internal Affairs took over the responsibility for handling deportations, it abandoned the screening of the circumstances of potential returnees, despite the concerns about mass returns expressed in the Strategy.

International officials to whom Rights Watch spoke speculated that screening and potentially excluding people from being returned to Kosovo would, in the words of one official, “give a bad image to Kosovo, which is something that the Kosovo authorities obviously would not be happy about.”⁶⁵

In 2010, two years after Kosovo’s declaration of independence, Germany entered into a bilateral readmission agreement with Kosovo’s government on the return of Kosovo citizens. By June 2010, the Kosovo government had signed bilateral readmission agreements with Germany, Switzerland, France, Denmark, Austria and Albania, while the negotiations with Norway, Belgium, Netherlands and Luxembourg.”⁶⁶ Sweden, Italy and Hungary are poised to start bilateral negotiations soon.⁶⁷

Unlike others parts of the Western Balkans, there is no EU-wide readmission agreement with Kosovo. This can be explained by the fact that not all EU member states recognize Kosovo as an independent state.

While Western European countries engaged in deportations have not directly linked easing their visa regimes for Kosovo citizens with the Kosovo government’s willingness to accept

⁶³ Republic of Kosovo, “Strategy for the Integration of Roma, Ashkali and Egyptian Communities in the Republic of Kosovo 2009-2011,” December 2008, p.51.

⁶⁴ Human Rights Watch telephone conversation with Ministry of Interior official, August 10, 2010.

⁶⁵ Human Rights Watch interviews with international officials based in Kosovo, December 4-5, 2009.

⁶⁶ E-mail to Human Rights Watch from the Kosovo Ministry of the Interior dated October 4, 2010.

⁶⁷ Ibid.

forced returnees, in other parts of the Western Balkans, EU-wide readmission agreements have been followed by easing visa requirements for EU entry.⁶⁸

This dynamic does not bode well for remaining Kosovo RAE in Western Europe, with Kosovo authorities willing to accept returns without screening or assistance, and German authorities, with an estimated 12,000 RAE liable for deportation, apparently keen (together with other Western European states) to expel persons “who in many cases are not integrated well in the German society.”⁶⁹

Nevertheless, the recent decree (issued on September 21, 2010) by the Ministry of Interior of Nordrhein-Westfalia, one of the German Länder currently hosting 38 percent of Kosovo RAE living in Germany, can be considered a positive move, and a prospective example for other Länder (and Western European countries) to follow. It recognizes the need for special protection of Kosovo RAE, proscribes careful individual screenings and recommends avoid deporting children attending schools of vocational training courses.⁷⁰

One exception to the almost non-existent assistance provided to forced returnees is the Roma and Ashkali Documentation Center (RAD). The NGO greets forced returnees at the airport and provides some basic information and assistance with contacting families or relatives when needed. While the RAD Center’s activities fill a crucial hole in services, they are limited in scope and cannot fill the gap caused by the Kosovo authorities’ lack of even basic assistance for the newly arrived. Also, in early 2010, the Kosovo authorities contracted a private company to provide transport from the Prishtina airport to the municipality of origin, as a few days of temporary housing of those in need (i.e. those who do not have any friends or family members pre-arranged to pick them up from the airport and host them). According to RAE activists, however, this service is not provided to everybody due to poor communication and coordination between Kosovo authorities and the Western European countries.

⁶⁸ At this writing, the EU as a whole had relaxed its visa regimes with Serbia, Montenegro, FYROM and is set to lift visa requirements for Bosnians and Albanians in October 2010. European Voice, “Schengen Access to be Eased for Bosnians and Albanians,” September 23, 2010.

⁶⁹ On June 28, 2009, a debate on forced returns took place in the German Bundestag, organized following the motion of the two opposition parties (Die Linke and the Greens) that demanded German federal authorities suggest to the Länder (states) to cease RAE deportations to Kosovo immediately, and that Germany “annuls” its bilateral readmission agreement with Kosovo. Some invited officials from Land authorities expressed opinions in favor of deportations. UNICEF Germany, ProAsylum NGO, German Coalition of Churches and the former EU High Representative in Bosnia and Herzegovina Christian Schwarz-Schilling pointed out the humanitarian crisis caused by the current deportation. They argued for a temporary ban on further forced returns until minimum reception conditions are ensured. (Source: Bundestag, “Kontroverse um Abschiebungen von Roma ins Kosovo,” June 28, 2010.)

⁷⁰ Ministry of Internal and Communal Affairs of Nordrhein-Westfalen, “Rückführung ausreisepflichtiger Personen in die Republik Kosovo hier: Angehörige der ethnischen Minderheiten der Roma, Ashkali und Ägypter,” September 21, 2010.

The Approach of the European Union

The European Commission has funded some concrete return projects, most recently one that facilitates the return of displaced Roma from the lead-contaminated camps in Mitrovica, northern Kosovo, to their former neighborhood in the same region.

The Instrument for Pre-accession Assistance (IPA), which came into force in January 2007, is the principle instrument funding assistance to Kosovo.⁷¹ But while the Commission has funded projects geared to the internally displaced, it has not yet funded any specific assistance projects targeting RAE deported from Western Europe.

The European Commission monitors patterns of displacement and returns to Kosovo, highlighting key developments in its annual progress reports. It has also commented on the issue of deportations from Western Europe, most recently in the 2007 progress report on Kosovo, in which it remarked that “Kosovo still lack both a reintegration strategy and a budget to deal with the asylum seekers rejected by western European countries.”⁷² The same report also assessed that the Kosovo’s provisional government was “not sufficiently prepared to face the social and security challenges of increasing returns from EU member states.”⁷³

The European Parliament has also expressed concerns about the likely impact of deportations, most recently in its Kosovo resolution from July 8, 2010, and called on the European Commission to step up ad-hoc assistance programs for the forced returnees.⁷⁴ This concern echoes an April 2010 motion for a resolution prepared by the current Kosovo Rapporteur Ulrike Lunacek on behalf of the Parliament’s Committee on Foreign Affairs (AFET), which states that “Kosovo is not yet in position to provide proper conditions to reintegrate

⁷¹ The Instrument for Pre-accession Assistance (IPA) is an EU financial instrument for all pre-accession activities funded by the European Commission as of 1 January 1, 2007, designed to deliver focused support to both candidate countries (Croatia, Turkey and the former Yugoslav Republic of Macedonia) and potential candidates (Albania, Bosnia and Herzegovina, Montenegro, Serbia and Kosovo under UN Security Council resolution 1244.) Between 2007-2010, around EUR 430 million (around \$ 590 million) has been allocated either to projects supporting regional cooperation and activities addressing common needs in the region. The total pre-accession funding for the current financial framework (2007-2013) is EUR 11.5 billion (around \$ 15 billion). Source: Website of the European Commission’s Directorate-General Enlargement, http://ec.europa.eu/enlargement/index_en.htm (accessed September 23, 2010).

⁷² Kosovo (Under UNSCR 1244) 2007 Progress Report, SEC (2007) 1433, 6 November 2007, http://ec.europa.eu/enlargement/pdf/key_documents/2007/nov/kosovo_progress_reports_en.pdf, (accessed July 21, 2010).

⁷³ Ibid.

⁷⁴ European Parliament, “European Parliament Resolution of 8 July 2010 on the European Integration Process of Kosovo,” P7 TA-PROV(2010)0281, <http://www.europarl.europa.eu/oel/file.jsp?id=5845622> (accessed August 12, 2010).

forcefully repatriated Roma and urges the Member States to stop carrying out this practice.”⁷⁵

Members of the European Parliament also recently raised the issue of forced returns during the AFET exchange of views with Pieter Feith, the EU Special Representative in Kosovo, pointing out the precarious situation of the children of forced returnees who often do not attend schools after returning to Kosovo due to the lack of adequate language skills.⁷⁶

To date, however, these critical statements by various international bodies have not materialized into concrete assistance to forced returnees in Kosovo. According to a senior international official based in Kosovo, whom Human Rights Watch interviewed, the lack of assistance from Western European countries engaged in deportations stems from their desire to encourage individuals threatened with deportation to accept the “induced” departure in exchange for financial payment, while multilateral donors may be reluctant to appear complicit in deportations.⁷⁷

⁷⁵ European Parliament, the Committee on Foreign Affairs (AFET), “Motion for a Resolution to Wind up the Debate on Statements by the Council and Commission Pursuant to Rule 110(2) of the Rules of Procedure on the European Integration Process of Kosovo,” Ulrike Lunacek on behalf of the Committee on Foreign Affairs, B7-0000/2010, 27 April 2010.

⁷⁶ European Parliament’s synopsis from AFET’s exchange on Kosovo with the EU Special Representative in Kosovo Pieter Feith, June 22, 2010.

⁷⁷ Human Rights Watch telephone interview with a senior international official based in Kosovo, September 27, 2010.

II. Rights of Forced Returnees

Roma, Ashkali and Egyptians who are forcibly returned from Western Europe to Kosovo face a range of human rights problems, analyzed below. Some of those problems are also faced by voluntary returnees (including those from Western Europe, who only receive assistance for a limited time), displaced and other RAE who remained inside Kosovo, as well as ethnic Albanian and Serb forced returnees. However, RAE forced returnees are particularly affected, both in terms of the range and severity of the abuse they experience.

Lack of Personal Documents

Many problems in our Roma community are caused by the fact that people do not have any personal documents, either for their children, sometimes even for themselves. They live their lives without papers, deprived of rights, dignity, everything.

—Nexhip Menekshe, Head of the *Romano Avazo* (Romanes “Voice of the Roma”), the Roma language radio station in Prizren.

Kosovan institutions and international organizations estimate that up to 40 percent of RAE who live in Kosovo today are not registered as residents and lack personal documents, including passports and national identity cards that are crucial for registering for social services, enrolling children in school, and changing one’s civil status (e.g. after getting married or divorced).⁷⁸

There are a number of reasons why RAE forced returnees from Western Europe lack ID cards, not the least being long absences from Kosovo. The problem also affects those who return voluntarily from neighboring countries without assistance (so-called “spontaneous return”). Those who go back to Kosovo via organized return schemes often find it easier to obtain ID cards: in four out of five organized RAE return sites that Human Rights Watch visited, returnees had obtained their ID cards (usually with the assistance of UNHCR or its implementing partner) within a few weeks of applying.⁷⁹

⁷⁸ Human Rights Watch interview with an Ashkali activist working for CRPK project, Kosovo Polje, December 8, 2010.

⁷⁹ Human Rights Watch interview with Rexhep Bajrami, an Ashkali Party leader, Ferizaj/Urosevac, November 19, 2009; Human Rights Watch interview with Sadik Shabani, a Roma returnee from the Sutka neighborhood in Skopje, Macedonia, December 7, 2010.

With necessary documentation and fee paid, the process of issuing an ID takes on average a couple of days.⁸⁰ Nevertheless, some RAE interviewed by Human Rights Watch said that RAE returnees find the process of applying for documentation challenging, do not understand how their municipal authorities work or the services they render, and lack advice from within the community as to how to proceed.

One difficulty is the cost of documents. Applying for a Kosovo ID currently costs €10 (US\$13), and €15 to 25 (\$20-33) for a Kosovo passport, depending on an applicant's age—a significant amount for Roma, who typically live on a monthly family income of around €40 (\$53).⁸¹ Some RAE returnees interviewed by Human Rights Watch mistakenly thought these documents were even more expensive, which also discouraged them from applying.

Another challenge is the lack of formal documentation needed to obtain a Kosovo ID card, for which applicants must have a birth certificate, residence certificate, and proof of citizenship (passport or what is known in Kosovo as a “citizenship certificate”).⁸² This is problematic for many RAE, since a large proportion of RAE women give birth outside hospitals or are not formally registered. As a result, their children lack birth certificates.

Some RAE returnees interviewed by Human Rights Watch appeared unaware of the importance of having proper Kosovo documentation. Ibrahim Fazliu, an Ashkali man in Dubrava, a town located in the northwestern municipality of Istog/Istok, has not obtained a Kosovo ID for either himself or his family of seven since returning from Montenegro in 2005.⁸³ Asked why he had not obtained the documents, he stated that “they cost a lot of money and anyhow I would not be qualified for any benefits even if I had all the papers in order.”⁸⁴ Also in the municipality of Shtime/Stimlje, Human Rights Watch spoke to Besnik Mehmeti, a recent returnee from the town of Zlakocan in Macedonia, whose 20-year-old wife does not have any personal documentation. He too said that it cost “too much money” to secure her the papers, adding he had relied on a local acquaintance, rather than the municipality, for information about the process.⁸⁵

⁸¹ E-mail from the Ministry of Local Government to Human Rights Watch, May 4, 2010.

⁸² Kosovo Ministry of Interior website, <http://www.mpb-ks.org/repository/docs/leternjoftimi.pdf> (accessed August 13, 2010).

⁸³ Human Rights Watch interview with Ibrahim Fazliu, a returnee from Kotor, Montenegro, Dubrava, November 20, 2009.

⁸⁴ Ibid.

⁸⁵ Human Rights Watch interview with Besnik Mehmeti, Shtime/Stimlje, December 7, 2009.

According to Elvira Gashi, a 22-year-old mother of two and forced returnee from Germany who currently lives in the northwestern city of Peja/Pec:

I would like to register my children here in Kosovo, but so far it has proven to be impossible. They were born in Germany, and to register them here, I need my ex-partner to come with me to the municipality, because on the old documents they were under his name. But I am not in touch with him anymore and do not wish to be, because he used to be violent towards me, [to] abuse me and that is why we split. But because of that, my children are without papers and I am afraid they will not be able to go to school because of that when their time comes.

Rohan Rexhepi is an Ashkali forced returnee from Sweden, who left Fushe Kosove/Kosovo Polje after the March 2004 anti-minority riots and was deported back after his asylum application failed in August 2008.⁸⁶ None of his three small children (all under 10-years-old) has personal identification, because, he says, he does not know how to register them with the municipality and has no money to pay the registration fees.⁸⁷ He explained that these factors, together with their weak Albanian language skills and the family's extreme poverty, mean that none of his children attend school.⁸⁸

An employee from the Civil Rights Program Kosovo, which provides free legal advice to displaced persons and returnees (among others), said that Kosovo Albanian and Serbian returnees do not appear to be affected by the lack of personal documents to the same degree, as they tend to have better contacts with local authorities, and do not face the same language barriers.⁸⁹

Lack of personal documentation makes it difficult for RAE forced returnees to access social security, health care, education and formal employment, which requires some form of identification to register a new employee. It also marginalizes them politically, preventing them from exercising civil duties such as voting. According to Besim Hoti, the leader of the Egyptian political party IRDK in Gjakova/Djakovica, many members of the Egyptian community were unable to register to vote in the Kosovo November 2009 local elections due to the lack of personal identification. It can also lead to statelessness (discussed in more detail below). The RAE Strategy stipulates that the Kosovo Ministry of Internal Affairs (MoIA) "shall identify the need for registration/documentation of repatriated persons and assist with multi-lingual

⁸⁶ Human Rights Watch interview with Rohan Rexhepi, Fushe Kosove/Kosovo Polje, December 8, 2009.

⁸⁷ Ibid.

⁸⁸ Ibid.

⁸⁹ Human Rights Watch interview with a CRPK project official, Fushe Kosove/Kosovo Polje, December 8.

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.”⁹⁰ Nevertheless, the OSCE Kosovo November 2009 report on the implementation of the Strategy for Reintegration of Repatriated Persons in Kosovo’s Municipalities states that relevant local authorities have undertaken “few if any activities” to raise awareness among repatriated persons of the importance of civil registration, or to proactively distribute information and promote access to municipal services.”⁹¹

In an effort to facilitate registration, the Ministry of Administration and Local Government designated April 2010 as a month when RAE could register for Kosovo IDs free of charge.⁹² While the Ministry claimed to have distributed this directive among all Kosovo municipalities, it was unable to tell Human Rights Watch in June 2010 what steps municipalities took to inform RAE communities about the initiative, or how many RAE were registered during the month.⁹³

Some NGOs, notably the Civil Rights Program Kosovo (CRPK), have sought to fill the gap by focusing on providing free-of-charge legal assistance to the internally displaced, including facilitating registration.⁹⁴ To date the CRPK has helped register over 5,000 displaced persons, including RAE forced returnees.⁹⁵ But while its work has in many instances helped RAE in need, it cannot be a substitute for Kosovo-wide municipal outreach to the displaced and returnees.

Statelessness

Statelessness is an issue throughout the former Yugoslavia, where it was common for people in the pre-1991 state to be born at home to unregistered parents, and to live in republics other than those in which they were born.⁹⁶

⁹⁰ Republic of Kosovo, “Strategy for the Integration of Roma, Ashkali and Egyptian Communities in the Republic of Kosovo 2009-2011,” December 2008, p.47.

⁹¹ Organization for Security and Co-operation in Europe Mission in Kosovo, “Implementation of the Strategy for Reintegration of Repatriated Persons in Kosovo’s Municipalities,” Department of Human Rights and Communities, November 2009, http://www.osce.org/documents/mik/2009/11/41281_en.pdf (accessed August 12, 2009).

⁹² E-mail to Human Rights Watch from the Ministry of Administration and Local Government, June 21, 2010.

⁹³ Human Rights Watch interview with an official from the Ministry of Administration and Local Government, June 22, 2010.

⁹⁴ The CRPK is funded by UNHCR and the Norwegian Refugee Council (NRC). It began operations in 2004 and operates in seven different locations in Kosovo (Prishtina, Gracanica/Gracanice, Mitrovica/Mitrovice, Zvecan/Zveqan, Peja/Pec, Gjilan/Gnjilane, and Prizren).

⁹⁵ Human Rights Watch interview with an Ashkali activist working for CRPK project, Fushe Kosove/Kosovo Polje, December 8, 2010.

⁹⁶ The 1954 Convention on Stateless Persons identifies a stateless person as someone who “does not have the legal bond of nationality with any state.” Convention relating to the Status of Stateless Persons, adopted on September 28, 1954, Conference of Plenipotentiaries convened by Economic and Social Council, Res. 526 A (XVII) (1954), entered into force June 6,

Statelessness among Kosovo RAE mainly affects those displaced in neighboring Macedonia and Montenegro, and in some cases, displaced and returnee RAE in Kosovo, including forced returnees from Western Europe—especially those who arrived before, during, or just after the 1999 conflict.

Statelessness arises when RAE returnees are unable to obtain Kosovo identity documents and have no Yugoslav or Serbian identity documents establishing prior residence in Kosovo—a phenomenon mostly applicable to the Kosovo RAE returnees from Macedonia and Montenegro.⁹⁷ Kosovo RAE who were present in these countries frequently lack formal personal documentation confirming their citizenship in either Socialist Yugoslavia or the neighboring country of displacement, making the process of acquiring Kosovo citizenship complicated and cumbersome.⁹⁸

Kosovo Albanian forced returnees from Western Europe also sometimes find themselves technically stateless. This particularly applies to those who left Kosovo prior to or during the conflict of 1999, especially when they have lost their Yugoslav papers, and have never been Kosovo citizens.⁹⁹

The Universal Declaration of Human Rights stipulates that “everyone has the right to a nationality” and that “no one shall be arbitrarily deprived of his nationality.”¹⁰⁰ The Constitution of Kosovo confirms the right of all Kosovo residents to citizenship, emphasizing that “The Republic of Kosovo recognizes the right of all citizens of the former Federal Republic of Yugoslavia habitually residing in Kosovo on 1 January 1998 and their direct descendants to Republic of Kosovo citizenship regardless of their current residence and of any other citizenship they may hold.”¹⁰¹

1960, <http://www2.ohchr.org/english/law/stateless.htm> (accessed June 1, 2010); Igor Stiks, “Nationality and Citizenship in the Former Yugoslavia: From Disintegration to European Integration,” *Southeast European and Black Sea Studies*, volume 6, issue 4, December 2006, pp. 483-500;

Laura van Wass, “Statelessness: A 21st Century Challenge for Europe,” *Security and Human Rights*, volume 20, no 2, May 2009, pp. 133-146.

⁹⁷ Joanne van Selm, “Statelessness of Roma in Macedonia,” *Forced Migration Review*, No. 32, April 2009, pp.46-47; Human Rights Watch telephone interview with an international official working in Montenegro, August 12, 2010.

⁹⁸ van Selm, “*Statelessness of Roma in Macedonia*”; Republic of Kosovo, “Strategy for the Integration of Roma, Ashkali and Egyptian Communities in the Republic of Kosovo 2009-2011,” December 2008, p.54.

⁹⁹ Human Rights Watch telephone interview with an international official working in Kosovo, August 11, 2010.

¹⁰⁰ The Universal Declaration of Human Rights, Article 15, <http://www.un.org/en/documents/udhr/index.shtml> (accessed May 31, 2010).

¹⁰¹ The Constitution of the Republic of Kosovo, Article 155, <http://www.kushtetutakosoves.info/repository/docs/Constitution.of.the.Republic.of.Kosovo.pdf> (accessed May 31, 2010).

The RAE Integration Strategy stipulates that “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.”¹⁰²

However, the document does not elaborate on concrete actions or procedures needed to address this issue.¹⁰³

In July 2010, the European Court of Human Rights (ECtHR) issued an important ruling on the issue of stateless in Slovenia, a former Yugoslav republic, which confirmed the obligation of states to grant permanent residency status to long-term legal residents in the aftermath of state succession, in order not to contribute to prolonged periods of statelessness.¹⁰⁴ The ruling noted that statelessness prevents individuals from living in a dignified way, and from cultivating family and community ties.

Many “spontaneous” (i.e. individual) returnees from Montenegro or Macedonia end up without valid documentation confirming their nationality because the UNHCR-issued IDP card from these two countries has expired, and they have not received any other status during their years in the country of displacement (nor do they have any other type of documents formerly issued by the Yugoslav authorities).¹⁰⁵ When back in Kosovo, they do not immediately know whom to ask for assistance, and can remain without valid Kosovo documents for long periods of time.¹⁰⁶

In November 2009, Human Rights Watch spoke to a couple from Montenegro, who had come back to Kosovo under a project organized by UNHCR. Their eight children had been without any documents confirming their nationality for more seven months because municipal authorities were unwilling to translate the children’s Montenegro-issued birth certificates.¹⁰⁷ When Human Rights Watch raised the issue with the municipality, officials said they lacked the capacity to respond promptly because of a large number of similar requests, primarily from forced returnees from Western Europe.¹⁰⁸

¹⁰² Republic of Kosovo, “Strategy for the Integration of Roma, Ashkali and Egyptian Communities in the Republic of Kosovo 2009-2011,” December 2008, p.54.

¹⁰³ Ibid. p.51.

¹⁰⁴ European Court of Human Rights, *Kuric and Others v. Slovenia*, Judgment of 13 July 2010, available at <http://cmiskp.echr.coe.int/tkp197/view.asp?item=1&portal=hbkm&action=html&highlight=Kuric%20%7C%20others%20%7C%20v.%20%7C%20Slovenia&sessionId=60128826&skin=hudoc-en> (accessed July 26, 2010).

¹⁰⁵ Human Rights Watch interview with Cazim Gusani, a RAE leader from the Roma Mahalla in Mitrovica/Mitrovice, December 11, 2009.

¹⁰⁶ Ibid.

¹⁰⁷ Human Rights Watch visited the Kolonija/Kolonije collective centre on November 17, 2009.

¹⁰⁸ Human Rights Watch interview with Bashkim Kurti, the Community Development Officer at the Gjakova/Djakovica municipality, November 16, 2010.

A separate Kosovo-wide strategy is needed to identify remaining RAE stateless persons and establish a procedure to handle such cases. A standing naturalization scheme, run by Kosovo central level authorities in close cooperation with the municipalities, should also be put in place. In the past, short-term and localized naturalization schemes for stateless Roma (including Roma from Kosovo) have been run in Macedonia. However, these had limited impact because they were run by NGOs and international donors rather than Macedonian authorities, and were thus fragmented and limited in scope.¹⁰⁹

Property Repossession and Access to Housing

I am 21-years-old and I have been living for the past four years in Sweden, where I applied for asylum. The rest of my family was granted asylum but not me. I had to come back to Kosovo, where I don't have close family and no place to live. My uncle took me to his house, so I have a roof above my head. Otherwise nobody has helped me with anything, nobody.

—Adnan Sabedin, forced returnee from Sweden, currently living in the Salahane Mahalla in Ferizaj/Urosevac.

According to the Universal Declaration of Human Rights, “everyone has the right to own property alone as well as in association with others” and “no one shall be arbitrarily deprived of his property.”¹¹⁰ Protocol 1 of the European Convention for Human Rights also states that, “Every natural or legal person is entitled to peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided by law and by the general principles of international law.”¹¹¹

The Kosovo Constitution stipulates that in order to create conditions for sustainable return, “The Republic of Kosovo shall assist the refugees in recovering their property and possessions.”¹¹² The Guiding Principles on Internal Displacement emphasize the

¹⁰⁹ van Selm, “*Statelessness of Roma in Macedonia*.”

¹¹⁰ The Universal Declaration of Human Rights, Article 17, <http://www.un.org/en/documents/udhr/index.shtml> (accessed May 31, 2010).

¹¹¹ European Convention for the Protection of Human Rights and Fundamental Freedoms, 213 U.N.T.S. 222, entered into force September 3, 1953, as amended by Protocols Nos 3, 5, 8, and 11 which entered into force on September 21, 1970, December 20, 1971, January 1, 1990, and November 1, 1998, respectively, Protocol 1, Article 1, <http://conventions.coe.int/treaty/en/Treaties/Html/005.htm> (accessed September 3, 2010).

¹¹² The Constitution of the Republic of Kosovo, Article 156, <http://www.kushtetutakosoves.info/repository/docs/Constitution.of.the.Republic.of.Kosovo.pdf> (accessed May 31, 2010).

responsibility to provide “to the greatest practicable extent, that proper accommodation is provided to the displaced persons.”¹¹³

Despite the universality of these standards, RAE forced returnees face three key problems in relation to housing. First, those who owned property prior to their departure often find it difficult to establish ownership, and to seek repossession when it is occupied by others. Second, lack of documentation confirming property rights makes it difficult to find a donor willing to help with reconstruction of destroyed or damaged homes. Third, those who lack property receive no assistance from international agencies or Kosovan authorities in finding somewhere to live.

While these problems also affect voluntary RAE returnees and internally displaced RAE, Human Rights Watch observed that recent forced returnees from Western Europe were most affected. None of the forcibly returned persons Human Rights Watch interviewed had a sustainable housing arrangement for a range of reasons, including lack of understanding as to the relevant structures and procedures, and lack of documentation proving ownership.

Repossessing Occupied Property

Difficulties repossessing property affects many displaced persons from Kosovo (including Serbs and, to lesser extent, ethnic Albanians). But it particularly affects RAE because they do not usually attempt to formally regain control of property since they lack documentation confirming their right to the property in question.¹¹⁴ This in turn relates to the lack of any tradition among RAE in Kosovo of establishing and inheriting formal property rights over land and houses.¹¹⁵

One particularly dramatic case documented by Human Rights Watch was that of Elvira Gashi, a 22-year-old Ashkali mother of two children, aged three and four. She had lived for 16 years on a “toleration permit” in Wolfenbuttel, Germany, where she finished high school and worked in a factory for around four years. She was deported from Germany together with her children, both German-born, in 2009.¹¹⁶

¹¹³ Guiding Principles on Internal Displacement, Principle 7, <http://www.idpguidingprinciples.org/> (accessed June 22, 2010).

¹¹⁴ Human Rights Watch telephone interview with a UN official, June 9, 2010.

¹¹⁵ This reason has been recognized by the RAE Integration Strategy as a root cause of many housing related problems of all categories for voluntary and forced RAE returnees. (Source: Republic of Kosovo, “Strategy for the Integration of Roma, Ashkali and Egyptian Communities in the Republic of Kosovo 2009-2011,” December 2008, p.43.)

¹¹⁶ Human Rights Watch interview with Elvira Gashi, Peja/Pec, November 18, 2009.

“Toleration Permits”

There are currently about 87,000 people living in Germany on a “toleration permit” or “duldung.” This grants temporary suspension from deportation to foreigners who are otherwise obliged to leave the country because they otherwise lack residence status whether as refugees or otherwise. The reasons for this “compassionate suspension” are multiple, including a temporary unrest in the country of origin, particular circumstances (such as illness) or technical problems (non-availability of documents confirming nationality of the person). While not being specific to Kosovo, “duldung” is periodically extendable. The single grace period depends on individual circumstances and ranges from days to months).

Source: German Residence Act (Gesetz über die Einreise und den Aufenthalt von Ausländern im Bundesgebiet), <http://www.aufenthaltstitel.de/auslg.html>

Gashi moved to her parents’ empty house when she arrived in Kosovo, although she does not have papers establishing her family’s right to the property. The house, which Human Rights Watch visited, was not destroyed in the war, but lacks running water or heating and is in an extremely poor state. Gashi told Human Rights Watch the Ashkali community had provided a mattress and a couple of blankets, and that “good people gave me and my children some food, which is why we are still alive.”¹¹⁷

She added that a neighbor had asked the municipality on her behalf whether it could provide any housing assistance, or knew of donors who could be approached. The municipality had responded that it had no funds earmarked for such cases and that international donors no longer funded individual housing in the region.¹¹⁸

Since 2006, the Kosovo Property Agency (KPA) has the primary competency for resolving the outstanding property rights disputes and ensures property restitution, in collaboration with the courts, police, and municipalities. Prior to that date, property restitution was handled by UNMIK’s Housing and Property Directorate (HPD).¹¹⁹ Both of these entities have relied on administrative procedures when handling property restitution cases. Claims are investigated on the basis of field interviews and cadastre verifications (i.e. checking against the local property register to establish the history of particular property’s ownership). When a decision is made on ownership, those deemed to be illegal occupants are given 30 days to

¹¹⁷ Human Rights Watch interview with Elvira Gashi, Peja/Pec, November 18, 2009.

¹¹⁸ Ibid.

¹¹⁹ The Housing and Property Directorate (HPD) was established in 2001 by UNMIK to restore rights to residential property, and to help resolve property rights-related disputes. During its five years, it has resolved over 25,000 cases, around 90 percent related to the occupied houses of the Serbs. HPD should thus be seen as a predecessor of KPA, which inherited its files, competencies and much of its national (and some international) staff.

leave.¹²⁰ Those who resist are forcibly evicted with help of Kosovo Police. At time of writing, there is no standardized procedure for establishing property ownership if the property is not listed in the cadastre.¹²¹

While Human Rights Watch research has not found any cases of RAE property being occupied in the so-called RAE “informal settlements,” the need for formalizing RAE informal settlements have been repeatedly pointed out by the OSCE Mission in Kosovo, most recently in its November 2009 report:

Those who used to live in informal property tenure prior to their departure from Kosovo, face particular challenges in accessing housing or any kind of accommodation upon return.¹²²

Informal Settlements:

The UN Habitat defines informal settlements as:-Residential areas where a group of housing units has been constructed on land to which the occupants have no legal claim, or which they occupy illegally;

-Unplanned settlements and areas where housing is not in compliance with current planning and building regulations (unauthorized housing).

Source: United Nations, Department of Economic and Social Affairs, Commission on Sustainable Development, “Indicators of sustainable development. Frameworks and methodologies,” ninth session 16-21 April, 2001, New York, http://www.un.org/esa/sustdev/csd/csd9_indi_bp3.pdf (accessed September 23, 2010).

Cases brought by the RAE claimants are only a small fraction—around three percent—of those successfully finalized by HPD and KPA.¹²³ This is because of the previously-mentioned lack of property rights documentation, which prevents them from successfully pursuing property restitution. The current case of the organized group return to the Roma Mahalla in Mitrovica/Mitrovice—the original neighborhood from which RAE were expelled in 1999—from

¹²⁰ Parliamentary Assembly of the Council of Europe, “Solving Property Issues of Refugees and Displaced Persons,” Document 12106, January 8, 2010, <http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc10/EDOC12106.htm> (accessed May 31, 2010).

¹²¹ Human Rights Watch telephone conversation with a CRPK official, August 12, 2010.

¹²² Organization for Security and Co-operation in Europe Mission in Kosovo, Department of Human Rights and Communities, “Implementation of the Strategy for Reintegration of Repatriated Persons in Kosovo’s Municipalities,” November 2009, p.11.

¹²³ Letter to Human Rights Watch from the Office of the Prime Minister (OPM), May 4, 2010.

the lead-contaminated RAE camps in the same municipality provides some best practices of how this problem can be successfully overcome.¹²⁴ In particular, it shows how demonstrating flexibility when it comes to accepting multiple witness testimony, pictures and other non-official evidence in lieu of regular ownership documents could serve as evidentiary material establishing pre-war property ownership.¹²⁵

In June 1999 the Roma neighborhood in the northern city of Mitrovica/Mitrovice was attacked by ethnic Albanians and burned to the ground. Its 8,000 inhabitants were left homeless and displaced. Many were resettled by Kosovo UN administration in camps in a heavily contaminated location close to a defunct lead mine. The move was supposed to be temporary. However, at time of writing, two of the camps (Osterode and Cesmin Lug) still exist. Nevertheless, both the European Commission and USAID are funding a group return project to bring back the camps' residents to the original neighborhood from which they were expelled.¹²⁶ In early October 2010, all residents of the Cesmin Lug camp moved to the Roma Mahalla, together with a pilot group from the Osterode camp. Cesmin Lug huts were subsequently bulldozed, and the camp was closed.

The Office of the Prime Minister told Human Rights Watch that the Kosovo Property Agency has mailed Roma organizations, parties and associations “thousands of copies” of information brochures in Romanes. These are intended to inform communities about existing channels and procedures to file their property claims.¹²⁷ While information dissemination constitutes a welcome first step, more is needed to address the issue of property occupation in a comprehensive manner. While projects such as CRPK play a very useful role, their size and outreach capacity is too limited to assist all those in need. Municipalities require a more proactive attitude in order to help RAE liaise with KPA to fight for their rights.

Lack of Access to Housing

The International Covenant on Economic, Social and Cultural Rights states that, “The State Parties to the present Covenant recognize the right of everyone to an adequate standard of

¹²⁴ In the case of the return project to the Roma Mahalla, because of the successful arbitrage of UNMIK, the Mitrovica/Mitrovice municipality provided land to allow the construction of apartments for those RAE who could not demonstrate any property rights documents but claimed they used to live in the Mahalla prior to 1999. This lease has been granted by the Mitrovica/Mitrovice municipality for the period of 99 years.

¹²⁵ Human Rights Watch telephone interview with a Roma activist from Mitrovica/Mitrovice, August 13, 2010.

¹²⁶ For more information about the history of the camps, see the Human Rights Watch report “Poisoned by Lead: A Health and Human Rights Crisis in Mitrovica’s Roma Camps,” June 2009, <http://www.hrw.org/node/83942> (accessed September 23, 2010).

¹²⁷ Letter from the Office of the Prime Minister to Human Rights Watch, May 4, 2010.

living for himself and his family, including adequate food, clothing and housing.”¹²⁸ The European Social Charter stipulates that, “With the view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed: 1) to promote access to housing of an adequate standard; 2) to prevent and reduce homelessness with a view to its gradual elimination, 3) to make the price of housing accessible to those without adequate resources.”¹²⁹

In cases of forced returnees whose families did not have even informal ownership of property or who cannot repossess occupied property, the absence of any financial assistance means that the burden of hosting them usually falls on the shoulders of friends and relatives, who themselves tend to live in conditions ranging from modest to very poor. Some bilateral donors, including from Germany and Sweden—usually in conjunction with humanitarian assistance or development NGOs from Western European countries—facilitate short-term housing and others support for those who agree to return to Kosovo rather than being deported.

Human Rights Watch met three individuals who had agreed to be removed from Germany, and who received temporary assistance from a German NGO “URA” (the Albanian term for “Bridge”, funded by German Länder) upon returning to Kosovo. Such assistance included rent payments for a couple of months and a lump sum payment, as well as help finding employment in two of the cases.¹³⁰

Human Rights Watch met no forced returnees from Western Europe who had received housing or other assistance from international donors or the Kosovo authorities. The precarious situation of the recent involuntary deportees currently constitutes the biggest assistance gap, which adversely affects the most vulnerable group among the displaced RAE.

In a remote village of Orlana/Orllane in the municipality of Podujeve/Podujevo, Human Rights Watch spoke to Xhevdet Kovaci, a 33-year-old Ashkali who was deported from

¹²⁸ International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976, Article 11, <http://www2.ohchr.org/english/law/cescr.htm> (accessed September 3, 2010).

¹²⁹ Neither the government of Kosovo nor UNMIK are states parties to these conventions, as Kosovo is not formally recognized as a country in the Council of Europe, and as such it cannot ratify the ECHR. Nonetheless, both the government of Kosovo and UNMIK have agreed to respect them as if they were parties to them, and it is appropriate to assess their compliance with them on that basis. European Social Charter, CETS No. 163, entered into force 01.07.1999, Article 31, <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=163&CM=8&CL=ENG> (accessed September 3, 2010).

¹³⁰ Human Rights Watch interviews with these individuals took place in Kosovo during November and December 2009.

Sweden in December 2008, where he had lived for two years.¹³¹ He told Human Rights Watch that he sold his house before leaving Sweden “to cover the associated costs” after being deported. He and his wife currently live with his brother and his family of eight, who live in another room in the same house in Orlana/Orllane.¹³²

In the municipality of Pec, Human Rights Watch spoke to three persons recently deported from various Western European countries (including Germany, the Netherlands and Norway), who had little connection with the place and did not own any property there because they left Kosovo with their parents at a very young age.¹³³

Sometimes, lack of housing pushes forced returnees to seek hazardous housing solutions. In late September 2010, for example, a group of 16 RAE families voluntarily resettled from the lead-contaminated Cesmin Lug and Osterode camps to the USAID-funded houses in the Roma Mahalla.¹³⁴ RAE recently deported from Western Europe have enquired about the possibility of moving into their abandoned flats in the contaminated camps. The demolition of huts in the recently closed Cesmin Lug camp was aimed to prevent this from happening.¹³⁵

While some existing RAE communities have hosted property-less RAE deportees, others have been unable to provide such assistance. In Gracanica/Gracanice, a local Roma activist and a leader in the Roma Liberal Party indicated that Serbian-speaking Roma families forcibly returned from Western Europe had arrived in the town throughout 2009, despite originating from other Kosovan municipalities. However, since the Roma Mahalla in Gracanica/Gravanice was very full—having absorbed displaced Roma in 1999 and 2004 from the neighboring municipalities—there was no possibility of hosting them.¹³⁶ According to Roma activist Sebastijan Serifovic:

I have heard about some of these forcibly returned families coming to Gracanica and wanted to visit them and see whether I could help them out with something, but by the time I came, I was told that they had already left – where to, nobody knows.

¹³¹ Human Rights Watch interview with Xhevdet Kovaci, Orlana/Orllane, Podujevo municipality, December 10, 2009.

¹³² Ibid.

¹³³ Human Rights Watch interviews with these individuals took place in Peja/Pec on November 18, 2009.

¹³⁴ For more information on the Roma Mahalla, see the Box p.36.

¹³⁵ Human Rights Watch telephone interview with an international official monitoring the process, September 24, 2010.

¹³⁶ Human Rights Watch interview with Sebastijan Serifovic, Gracanica/Gracanice, Prishtina municipality, November 22, 2009.

Human Rights Watch was unable to learn what became of them.

Even assisted voluntary returnees coming back to Kosovo on organized group return projects might end up in temporary housing such as tents or “containers” (temporary one-family barracks, sometimes equipped with a toilet, sink and kitchenette) while their houses are built. For example, 21 Egyptian returnees from Montenegro to Gjakova/Djakovica had been living in containers for seven months when they were interviewed by Human Rights Watch, despite what they claim were promises from international officials that their homes would be ready when they returned.¹³⁷

In addition to the lack of access to secure tenure, many RAE forced returnees, as well as other categories of IDPs and returnees, do not have access to adequate living conditions. Many live in crowded and sub-standard housing, without running water and/or electricity, a predicament that becomes particularly dire during winter, when many RAE returnees cannot afford to purchase kerosene or to collect enough wood to heat their homes.

In order to improve the housing crisis, the Kosovo government’s RAE Strategy and Action Plan suggests further developing social housing schemes for RAE beneficiaries, as well as regularizing the informal settlements through administrative procedures, together with improving conditions in those settlements that meet hygienic standards, and closing those that do not (most notably, the lead-contaminated camps in Mitrovica/Mitrovice).

According to information provided by the Ministry of Environment and Spatial Planning, the additional key document proposing solutions to the current housing crisis is the “Draft Law on the Special Housing Programs.”¹³⁸ This is intended to cover all persons who cannot afford market prices, and includes IDPs and returnees. It does not address ethnic differences when it comes to such access. According to this draft law, new social houses should be funded by a relevant ministerial budget line and left for the municipalities to manage (i.e. rented out at reduced or symbolic prices). The money would be allocated to the municipalities on basis of their size and the “economic situation of the population” living there.¹³⁹

To date, little has been done to implement the RAE Strategy in relation to housing, with the limited exception of the closure of some lead-contaminated camps in north

¹³⁷ Human Rights Watch conversation with a group of Egyptian returnees to the Kolonija neighborhood in the municipality of Djakovica, November 17, 2009.

¹³⁸ Letter from the Ministry of Environment and Spatial Planning to Human Rights Watch, April 8, 2010.

¹³⁹ Human Rights Watch telephone conversation with the Ministry of Environment and Spatial Planning, April 9, 2010.

Mitrovica/Mitrovice and the Plementina RAE camp in 2004/2005. OSCE Mission in Kosovo's November 2009 report on its implementation points out that while the Strategy:

recommended various measures to address the housing needs of repatriated persons, including construction of houses and housing programs for repatriated persons who do not own land and/or property (...), no concrete progress has been achieved at the local level.¹⁴⁰

Human Rights Watch did not see any programs for temporary or durable housing solutions for RAE forced returnees being implemented in any of the municipalities visited during its field research.

While Kosovo authorities do not currently envisage specific general housing assistance schemes for displaced RAE, the government is playing an active role in closing the lead-contaminated camps in north Mitrovica/Mitrovice and relocating their inhabitants to the so-called Roma Mahalla. Funded by the European Commission and implemented by Mercy Corps NGO, the project of constructing houses for around 122 RAE families is coordinated by the special task force under the chairmanship of Dr Shaip Muja, the special advisor from the Office of the Prime Minister.¹⁴¹

Moreover, the closure in 2004-2005 of the largest RAE camp in Kosovo, located in Plementina, illustrates the potential for a pro-active attitude among Kosovo authorities to help solve RAE housing problems. The Plementina relocation was carried after extensive consultation with RAE residents, and while not everyone was happy with the alternatives provided, the then-municipal authorities (including then-mayor Ismet Hashani, who currently serves as the Deputy Minister for Communities and Returns) demonstrated a will to include residents in the planning process, and to at least partially accommodate their wishes.¹⁴²

Right to Education

Back in Denmark, our children were learning the language and our oldest one even went to school there. Now the children are depressed, the oldest one is

¹⁴⁰ Organization for Security and Co-operation in Europe Mission in Kosovo, Department of Human Rights and Communities, "Implementation of the Strategy for Reintegration of Repatriated Persons in Kosovo's Municipalities," November 2009, p.10.

¹⁴¹ Letter from the Ministry of Environment and Spatial Planning to Human Rights Watch, April 8, 2010.

¹⁴² Some Plementina residents were accommodated in houses constructed in remote parts of the Obiliq/Obilic municipality, limiting their access to city jobs and significantly reducing employment opportunities; Telephone conversation with an international official formerly involved in the Plementina camp closure process, September 2, 2010.

confused, passive. We tried to send her to school [here] but she does not follow very well.

—R .S., forced returnee from Denmark, currently living in Lipjan/Lipljan municipality.

The right to education is enshrined in the Universal Declaration of Human Rights, which stipulates that everyone has the right to free elementary compulsory education.¹⁴³ The Convention on the Rights of the Child (CRC) obliges the state parties to “recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall in particular: (a) Make primary education compulsory and available free to all; (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need; (c) Make higher education accessible to all on the basis of capacity by every appropriate means; (d) Make educational and vocational information and guidance available and accessible to all children; (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.”¹⁴⁴

The International Covenant on Economic, Social and Cultural Rights states that “education shall be directed to the full development of human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms.”¹⁴⁵ The European Convention on Human Rights states that “no person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religions and philosophical convictions.”¹⁴⁶

¹⁴³ Universal Declaration of Human Rights (UDHR), adopted December 10, 1948, G.A. Res. 217A(III), U.N. Doc. A/810 at 71 (1948), Article 26, <http://www.un.org/en/documents/udhr/index.shtml> (accessed May 31, 2010).

¹⁴⁴ Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990, Article 28, <http://www2.ohchr.org/english/law/crc.htm> (accessed August 13, 2010).

¹⁴⁵ International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976, Article 13, <http://www2.ohchr.org/english/law/cescr.htm> (accessed September 3, 2010).

¹⁴⁶ European Convention for the Protection of Human Rights and Fundamental Freedoms, 213 U.N.T.S. 222, entered into force September 3, 1953, as amended by Protocols Nos 3, 5, 8, and 11 which entered into force on September 21, 1970, December 20, 1971, January 1, 1990, and November 1, 1998, respectively, Protocol 1, Article 2, <http://conventions.coe.int/treaty/en/Treaties/Html/005.htm> (accessed September 3, 2010).

The Kosovo Constitution guarantees the right of education, stating that “every person enjoys the right to free basic education” and that “public institutions shall ensure equal opportunities to education to everyone with their specific abilities and needs.”¹⁴⁷

While attending primary schools in Kosovo does not require fee payment, parents have to meet the costs of buying textbooks, other school supplies, transport, lunch, and sometimes uniforms. According to RAE parents who Human Rights spoke to, the associated costs of sending a child to school in Kosovo are an average €50 per month (US\$66).¹⁴⁸

According to statistics of Kosovo Ministry of Education for the first quarter of 2010, RAE children constitute 1.8 percent of the total of 311,744 primary school pupils, and 0.36 percent of the total of 104,053 high school students in Kosovo.¹⁴⁹ There are no available statistics showing the percentage of RAE children attending primary education (out of the total of all RAE children in the primary school age), mainly due to the fact that no ethnically disaggregated census currently exists in Kosovo and many RAE children are not registered anywhere.¹⁵⁰

The problem of high school dropout rates and low levels of enrollment (especially on the post-elementary school level) affects the entire RAE community. But these problems are exacerbated in the case of returnee RAE children by curriculum differences, lack of language skills, and the fact their educational qualifications from other countries are often not recognized, especially when they are in languages other than Albanian. These problems apply equally to children of voluntary returnees from the neighboring countries, and to persons deported from Western Europe. According to Rohan Rexhepi, a forced returnee from Sweden, now living in Fushe Kosove/Kosovo Polje (a city located in central Kosovo):

None of my seven children goes to school because they do not speak Albanian very well. They got their education in Sweden, and they don't know things that the children learn here – and nobody is there to help them to integrate in anyway.¹⁵¹

¹⁴⁷ The Constitution of the Republic of Kosovo, Article 47, <http://www.kushtetutakosoves.info/repository/docs/Constitution.of.the.Republic.of.Kosovo.pdf> (accessed May 31, 2010).

¹⁴⁸ The cost of food and clothes is higher in urban centers.

¹⁴⁹ The recent ethnically disaggregated statistics are available on the website of the Kosovo Ministry of Education, http://www.masht-gov.net/advCms/documents/Statistikat_e_Arsimit_në_Kosovë_2009_10.pdf (accessed May 2, 2010).

¹⁵⁰ Human Rights Watch telephone interviews with an official from the Ministry of Education, Science and Technology, August 12, 2010.

¹⁵¹ Human Rights Watch interview with Rohan Redjepi, Fushe Kosove/Kosovo Polje, December 9, 2009.

Also in Fushe Kosove/Kosovo Polje, Human Rights Watch spoke to an Ashkali family of five, deported from Kusel, Germany, to Kosovo in the winter of 2006. The family fled the war in 1999, and stayed in Germany on a renewable “toleration permit.”¹⁵² None of the children were going to school at the time because their Albanian was still “not up to standard,” and because their German school certificates were “not recognized in Kosovo.”¹⁵³ The father, Avni Lahi, said that all his children used to go to school in Germany and were “good and very good students.”¹⁵⁴

Having attended schools in Western Europe, the absence of education in Kosovo hampers the acquisition of language skills, furthers their feeling of alienation, and sometimes results in psychological problems such as depression.¹⁵⁵

Other barriers that children of RAE forced returnees face attending school include poverty, and lack of personal documentation. While poor Albanian and Serbian families also struggle to cover the needs of their school-age children, low-income does not usually cause them to drop out of schools. Indeed, both ethnic communities have almost universal primary school attendance.¹⁵⁶

In November 2009, Human Rights Watch visited Dubrava, a very poor Ashkali community that hosts large numbers of Ashkali IDPs from neighboring municipalities. Large numbers of children who appeared to be of school age could be seen, even though it was a school day. When asked why they were not in school, one resident replied:

Just look around, simply look around. These kids do not even wear proper shoes; do you think they can go to school like that? Dubrava is very poor, there is no money here, and this is the reason why [the children do not go to school].¹⁵⁷

One reason that many young RAE girls do not complete middle and high school could be the early marriage age, which oscillates around 15 and 16, but can be as young as 13-years-

¹⁵² Human Rights Watch interview with Avni Lahi, Fushe Kosove/Kosovo Polje, December 9, 2009.

¹⁵³ Ibid.

¹⁵⁴ Ibid.

¹⁵⁵ Human Rights Watch interview with Besnik Ardosoji, Roma education activist, Jeta e Re Mahalla, Prizren, November 18, 2009.

¹⁵⁶ Human Rights Watch telephone interview with an official of the Ministry of Education, Science and Technology official, July 12, 2010 and a Serbian primary school teacher from Gracanica/Gracanice, 27 July, 2010.

¹⁵⁷ Human Rights Watch conversation with a Dubrava resident, Ferizaj/Urosevac, November 19, 2009.

old.¹⁵⁸ While this problem does not exclusively apply to RAE returnees, information provided to Human Rights Watch by RAE leaders and activists in various parts of Kosovo indicates that RAE forced returnees tend to arrange their daughters' marriages to RAE residents in the country from which they were deported to allow them to return there.¹⁵⁹

Still, such marriages frequently result in divorces, and the girls are subsequently sent back to Kosovo, according to Fatima Haliti, a Roma journalist working for the Romanes language radio station "Voice of the Roma" ("Romano Avazo").¹⁶⁰ She pointed out that domestic violence appears to be an additional factor in such cases "even though women are not comfortable or willing to talk about it at all."¹⁶¹

No Kosovo-wide assistance is currently provided to children of deportees to ensure they learn the language and join the Kosovo education system. The Ministry of Education told Human Rights Watch it is finalizing plans to organize a Kosovo-wide six-month language course curriculum for children of forced returnees who do not speak Albanian and need to reintegrate into the Kosovo curriculum. The pilot phase of this nationwide initiative began in September 2010.¹⁶²

RAE communities, with occasional assistance from international donors, also operate limited small-scale projects that focus on teaching Albanian to children of forced returnees. For example, in Podujevo/Podujeve, a city located in northeastern Kosovo, an NGO "Democratic Hope" ("Shpresa Demokratike") offers donor-supported catch up language and subject classes to 84 Ashkali children, including some deported from Western Europe.¹⁶³ The scheme has been very successful, according to Agim Hyseni, the Ashkali community organizer who runs it, but remains "a drop in a sea of needs."¹⁶⁴

¹⁵⁸ While no formal statistics reflecting the average marriage age of RAE girls are available, RAE interlocutors usually mentioned 15-16 to Human Rights Watch as a median age. Kosovo children usually complete elementary school (which lasts five years) at 11 or 12, middle school (which lasts four years) at 15 or 16, and high school (which lasts three and sometime even four years, in case of profiled schools) at the age of 18 or 19. (Source: Kosovo Government's website, "Sectoral Report on Spatial Planning in the Kosovo Education Sector" [available in Albanian], <http://www.ks-gov.net/mmph/document/iph/shqip/Raportet%20sektoriale/Arsimi.pdf> (accessed August 13, 2010).

¹⁵⁹ Human Rights Watch interviews with Muharrem Prizreni (an Egyptian community activist), Gjakova/Djakovica, November 16, 2009; Fatima Haliti (a Roma journalist), Prizren, November 18, 2009; Redjep Bajrami (an Ashkali Party leader), Ferizaj/Uroševac, November 19, 2009.

¹⁶⁰ Human Rights Watch interview with Fatima Haliti, Prizren, November 18, 2009.

¹⁶¹ Ibid.

¹⁶² Letter from the Ministry of Education, Science and Technology to Human Rights Watch, June 1, 2010. The pilot project commenced on September 1, 2010, as foreseen.

¹⁶³ Human Rights Watch interview with Agim Hyseni, Podujevo/Podujeve, December 10, 2009.

¹⁶⁴ Ibid.

The RAE Integration Strategy briefly mentions the need to ensure access to education for RAE forced returnees of school age, but does not specify how this is to be achieved.¹⁶⁵ It deals in more detail with the need to increase school enrollment of RAE children in general, including establishing a special fund (with money being contributed by both Kosovo authorities and foreign donors).

Areas of support under the proposed fund include scholarships for RAE students at all educational levels, free textbooks for students from vulnerable families, monitoring and preventing discrimination and segregation of RAE students in Kosovo's education system, free transport to all RAE children attending primary or secondary education located more than two kilometers from their homes, and setting minimum quotas for the proportion of RAE students at each institution, especially at university level.¹⁶⁶ Human Rights Watch found no evidence of measures specifically targeting children of forced returnees from Western Europe being implemented anywhere in Kosovo.

Nevertheless, in order to facilitate access to education, the Ministry of Education, Science and Technology (MEST) is currently funding books to children in families eligible for social welfare (discussed in the chapter on "Access to Employment and Social Welfare" below).¹⁶⁷ It is unclear what proportion of the beneficiaries are RAE children. It is also currently funding catch up classes for RAE pupils in 9 out of 30 Kosovo municipalities. The Ministry provides monthly stipends to 75 RAE primary school pupils with good academic results, and to 25 secondary high school students.

These small-scale efforts are insufficient to meet the needs of the RAE community. Many poor RAE families are not social welfare beneficiaries (in part because of their lack of formal registration), and are therefore ineligible for the school books scheme. In most municipalities visited by Human Rights Watch there were no catch up classes offered to RAE children, including forced returnees.

Human Rights Watch research indicates that little progress has been made at the central or municipal level to address the educational needs of returnee RAE children. This is primarily due to the lack of allocation of financial resources, but also equally importantly, the lack of adequate coordination between central level and municipal authorities. Municipal officials

¹⁶⁵ Republic of Kosovo, "Strategy for the Integration of Roma, Ashkali and Egyptian Communities in the Republic of Kosovo 2009-2011," December 2008, pp.22-25.

¹⁶⁶ Other factors mentioned deal with the need to attract, train and retain more RAE teachers, expand the Romanes language curricula for Romanes-speaking communities etc.

¹⁶⁷ Letter from the Ministry of Education, Science and Technology to Human Rights Watch, June 1, 2010.

in the municipalities that Human Rights Watch visited were uninformed about central-level strategies and plans, including the thinking contained in the RAE Integration Strategy.

Municipalities must take urgent steps to integrate children of RAE returnees by registering them and mapping their needs; allocating finances to help their parents cover their basic associated needs; and organizing language and catch up classes.

Access to Health Services

I am an Egyptian woman suffering from breast cancer. I developed it after I was deported to Kosovo. We don't have very good prophylactics here in Kosovo, and you have to wait long time for the treatment, so most women like me get sick and die. In Western Europe women don't get sick so often, they usually prevent the disease or catch these things early.

—“F.K.”, a forced returnee from Germany, currently living in the municipality of Gjakova/Djakovica, Kolonija/Kolonije neighborhood.¹⁶⁸

The right to health is guaranteed by the Universal Declaration of Human Rights, which emphasizes the special entitlement of mothers and children to care and assistance.¹⁶⁹ The International Covenant on Economic, Social and Cultural Rights (ICESCR) stipulates “the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,” obliging all state parties to create “conditions which would assure all medical service and medical attention in the event of sickness.”¹⁷⁰ The European Social Charter states that, “With a view to ensuring the effective exercise of the right to protection of health, the Parties undertake, either directly or in co-operation with public or private organizations, to take appropriate measures designed *inter alia*: 1) to remove as far as possible the causes of ill-health, 2) to provide advisory and educational facilities for the promotion of health and the encouragement of individual responsibility in matters of health; 3) to prevent as far as possible epidemic, endemic and other diseases, as well as accidents.”¹⁷¹ The Constitution of the Republic of Kosovo stipulates that “healthcare and

¹⁶⁸ Human Rights Watch interview with “F.K.” (not her real initials), Gjakova/Djakovica, November 16, 2009.

¹⁶⁹ Universal Declaration of Human Rights (UDHR), adopted December 10, 1948, G.A. Res. 217A(III), U.N. Doc. A/810 at 71 (1948), Article 25, <http://www.un.org/en/documents/udhr/index.shtml> (accessed May 31, 2010).

¹⁷⁰ International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976, Article 12, <http://www2.ohchr.org/english/law/cescr.htm> (accessed September 3, 2010).

¹⁷¹ European Social Charter, CETS No. 163, entered into force 01.07.1999, Article 11, <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=163&CM=8&CL=ENG> (accessed September 3, 2010).

basic social insurance related to unemployment, disease, disability and old age shall be regulated by law.”¹⁷²

According to the Kosovo Health Law (promulgated in 2004 jointly by UNMIK and Kosovo’s then Provisional Institutions of Self-Government, PISG), “healthcare should be accessible to all citizens and communities in Kosovo.”¹⁷³ In Kosovo, certain groups are entitled to free of charge health service.¹⁷⁴ Displaced persons and returnees and those on low incomes are not exempted from paying for medical services in Kosovo. Nevertheless, the Health Law stipulates that all citizens must be granted access to preventive health care, reproductive health care, and emergency assistance in life threatening cases free of charge.¹⁷⁵

While the RAE (in general, but particularly those recently deported from Western Europe), arguably experience the biggest problems paying for quality medical care, many Kosovo Albanians also experience difficulties.¹⁷⁶ Kosovo Serbs, generally access medical care from Serbian government-funded hospitals and health clinics which operate in Serb-controlled areas of Kosovo using a so-called “yellow card” that gives them free access to medical assistance from the Serbian health service, and in some cases (such as the elderly and disabled), price reductions on various medicines. Roma registered in north Mitrovica/Mitrovice who are “yellow card” holders also have access to this type of service.

Responsibility for managing the local health system has been devolved to municipalities, which apply their own rules as to who is exempt from health care costs and who must pay.¹⁷⁷

The inability to access medical treatment appears to be particularly grave in cases of recent forced returnees from Western European countries, as they usually have no financial resources or understanding of how Kosovo health care works.

¹⁷² The Constitution of the Republic of Kosovo, Article 51, <http://www.kushtetutakosoves.info/repository/docs/Constitution.of.the.Republic.of.Kosovo.pdf> (accessed May 31, 2010).

¹⁷³ Kosovo Health Law, No. 2004/4, approved on February 19, 2004, http://www.kuvendikosoves.org/common/docs/ligjet/2004_4_en.pdf (accessed June 1, 2010).

¹⁷⁴ Among the groups exempted from payment are children and adolescents up to 15 years of age, pupils and students until the end of regular school terms, citizens over 65 years of age, member of families of martyrs, war veterans, and other disabled persons.

¹⁷⁵ Kosovo Health Law, No. 2004/4, approved on February 19, 2004, http://www.kuvendikosoves.org/common/docs/ligjet/2004_4_en.pdf (retrieved June 1, 2010).

¹⁷⁶ Human Rights Watch telephone interview with the Ministry of Health officials, June 14, 2010.

¹⁷⁷ Letter from the Ministry of Health to Human Rights Watch, June 11, 2010.

During its field research in Kosovo, Human Rights Watch did not encounter any cases of RAE returnees being turned away from hospitals, either in the ethnic Albanian or Serbian-majority areas.

Significant differences exist among municipalities in terms of health service provision to RAE forced returnees. Some municipalities, such as northern Mitrovica/Mitrovice, central Obiliq/Obilic, western Gjakova/Djakovica and central Fushe Kosove/Kosovo Polje, exempt them from payments for medical services. Other municipalities do not offer any preferential health treatment due to one's repatriation status.¹⁷⁸

Burim Cava, an Egyptian forced returnee from Karlsruhe in Germany, currently living in the Kolonija/Kolonije neighborhood of Gjakova/Djakovica town, suffers from serious epilepsy. He said that he received free medical treatment while living in Germany for 12 years on a "toleration" permit. He received an ID card "without any problem when he was forced to return to Kosovo in 2008."¹⁷⁹ While he is exempt for charges for medical treatment, he must still pay for medicine, which he cannot afford. He told Human Rights Watch: "I can go and have a chat with a doctor in a hospital, but other than that, I cannot get any medicines to keep my condition under control."¹⁸⁰

Sofija Hyseni, an Ashkali forced returnee from Germany, lives in the northern city of Mitrovica/Mitrovice. Her husband suffers from a heart condition. But although Mitrovica/Mitrovice municipality exempts forced returnees for payment for medical treatment, the family cannot afford the necessary medicine because no-one in the family has a job and they are ineligible for welfare, reportedly due to the lack of "adequate documentation."¹⁸¹ Hyseni spoke of her sadness at the family's situation, saying that before the war she was a well-known singer, "recording together with the best Albanian musicians that they had," and had supported herself and her extended family.¹⁸²

Some forced returnees told Human Rights Watch they had trouble continuing medical treatment upon return to Kosovo because they did not bring complete medical files with

¹⁷⁸ Letter from the Ministry of Health to Human Rights Watch, June 14, 2010.

¹⁷⁹ Human Rights Watch interview with Burim Cava, Gjakova/Djakovica (Kolonija/Kolonije), November 16, 2009.

¹⁸⁰ Ibid.

¹⁸¹ Human Rights Watch interview with Sofija Hyseni, Dy Korriku/Sitnicko Naselje neighborhood in south Mitrovica, December 10, 2009.

¹⁸² Ibid.

them. In some cases, forced removal has led to a discontinuation of medical treatment or care, with serious consequences for the right to health.

Blerim Hajdini, an Ashkali forced returnee from Norway currently living in the municipality of Lipjan/Lipljan told Human Rights Watch about his wife, who received medical treatment for three years in Norway due to a hernia.¹⁸³ She has been unable to resume her treatment in Kosovo due to lack of financial resources, and because she was unable to submit her request on time and bring her medical records from Norway.¹⁸⁴

In order to assist RAE forced returnees to access adequate health care, the Kosovo authorities should pass a nationwide exemption for forced returnees from paying for health services, including medicine. Kosovo municipal authorities should ensure that RAE forced returnees are adequately informed about how the Kosovo health system works, and are formally registered and eligible to access it. This could be achieved through public and direct outreach to forced returnees via relevant social welfare officials working in the municipalities.

Access to Employment and Social Welfare

I talk to a lot of forced returnees from various countries who come to Gjakova [a city located in western Kosovo] because we have a big Egyptian community here. They cannot find jobs, and this is the biggest problem. In Gjakova we have an unemployment problem in general, but these people they do not even know where to go, where to ask, and even if they do, nobody knows them, so they are the last ones to be hired.

—Besim Hoti, founder of the Egyptian political party IRDK in Gjakova/Djakovica, November 16, 2009.

Discrimination is prohibited under international human rights law. According to the International Covenant of Civil and Political Rights' (ICCPR): "All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, color, sex, language,

¹⁸³ Human Rights Watch interview with Blerim Hajdini, Lipjan/Lipljan, December 7, 2009.

¹⁸⁴ Ibid.

religion, political or other opinion, national or social origin, property, birth or other status.¹⁸⁵ The International Convention on the Elimination of All Forms of Racial Discrimination (CERD) continues to provide the key reference document on the obligation to eradicate discrimination and promote understanding among races.¹⁸⁶ The European Convention on Human Rights stipulates that, “The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.”¹⁸⁷

The Kosovo Constitution stipulates that “every member of a community shall have the right to freely choose to be treated or not to be treated as such and no discrimination shall result from this choice or from the exercise of the rights that are connected to that choice.”¹⁸⁸ It also states that, “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.”¹⁸⁹

The Anti-Discrimination Law, adopted by the Kosovo Assembly on July 30, 2004, and promulgated by the UN SRSG on August 20, 2004, introduced “one of the world’s most comprehensive and detailed domestic law banning discrimination.”¹⁹⁰ The Council of Europe’s Advisory Committee on the Framework Convention for the Protection of National Minorities (FCNM) in its November 2005 opinion on the implementation of the Framework Convention in Kosovo stated:

¹⁸⁵ International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, Article 26, <http://www2.ohchr.org/english/law/pdf/cerd.pdf> (accessed September 3, 2010).

¹⁸⁶ International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), adopted December 21, 1965, G.A. Res. 2106 (XX), annex, 20 U.N. GAOR Supp. (No. 14) at 47, U.N. Doc. A/6014 (1966), 660 U.N.T.S. 195, entered into force January 4, 1969, <http://www2.ohchr.org/english/law/pdf/cerd.pdf> (accessed September 3, 2010).

¹⁸⁷ European Convention for the Protection of Human Rights and Fundamental Freedoms, 213 U.N.T.S. 222, entered into force September 3, 1953, as amended by Protocols Nos 3, 5, 8, and 11 which entered into force on September 21, 1970, December 20, 1971, January 1, 1990, and November 1, 1998, respectively, Protocol 14 and Protocol 12, Article 1, Article 1, <http://conventions.coe.int/treaty/en/Treaties/Html/005.htm> (accessed September 3, 2010).

¹⁸⁸ The Constitution of the Republic of Kosovo, Article 57 part 2, <http://www.kushtetutakosoves.info/repository/docs/Constitution.of.the.Republic.of.Kosovo.pdf> (accessed August 13, 2010).

¹⁸⁹ The Constitution of the Republic of Kosovo, Article 58, <http://www.kushtetutakosoves.info/repository/docs/Constitution.of.the.Republic.of.Kosovo.pdf> (accessed August 13, 2010).

¹⁹⁰ Kosovo Government, The Anti-Discrimination Law, Law. No.2004/3, February 19, 2004, http://www.kuvendikosoves.org/common/docs/ligjet/2004_3_en.pdf (accessed September 3, 2010); Cahn, Claude, “Birth of a Nation: Kosovo and the Persecution of Pariah Minorities,” *German Law Journal*, 8(1), January 2007, p.15.

The Advisory Committee notes with satisfaction that the authorities in Kosovo have introduced progressive anti-discrimination legislation, in particular through the Anti-Discrimination Law. [...] The said law provides far-reaching guarantees against both direct and indirect discrimination in both public and private spheres.¹⁹¹

The Anti-Discrimination Law consolidates existing Kosovo laws, while aiming to ensure Kosovo's compliance with the EU standards in employment, education, and health care, among others. The law is based on principles of equal treatment, fair representation and good understanding of interethnic tolerance.¹⁹² On October 11, 2005, the Kosovo government approved the Comprehensive Plan of Action for the implementation of the Anti-Discrimination Law.¹⁹³ This document has foreseen outreach to raise awareness of the law within the Kosovo society, as well as the creation of relevant structures (such as ministerial focal points) to be responsible for the successful monitoring and implementation of the law, as well as information/data collection.

Nevertheless, the implementation of this law has lagged for many reasons, including lack of awareness at a social, local governance, ministerial, and even judicial level about the content of the law, and the channels through which citizens can raise their complaints.¹⁹⁴ As a result, according to the OSCE, victims of discrimination "rarely complain (...) because they do not know to identify it as such."¹⁹⁵ While the Ombudsperson Institution in Kosovo has conducted various outreach activities aimed at raising general awareness about the law, its efforts have not been enough to adequately inform society.¹⁹⁶ Moreover, rather than creating specific focal points within municipalities (i.e. specifically designated officials solely focusing on the issue), responsibilities for monitoring implementation of the law have been

¹⁹¹ Council of Europe, Advisory Committee on the Framework Convention for the Protection of National Minorities, "Opinion on the Implementation of the Framework Convention for the Protection of National Minorities in Kosovo," ACFC/OP/I(2005)004, March 2, 2006, p.14, http://www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/PDF_1st_OP_Kosovo_en.pdf (accessed September 2, 2010).

¹⁹² Luzio Nuno, "The Anti-Discrimination Law as a Confidence-Building Measure for Kosovo," in OSCE Mission in Kosovo, "Implementing the Anti-Discrimination Law: A Challenge for Kosovo," June 2007, http://www.osce.org/kosovo/item_11_25298.html (accessed September 2, 2010).

¹⁹³ UNMIK and the Provisional Institution of Self-Government, "Anti Discrimination Law: Comprehensive Implementation Action Plan," September 2005.

¹⁹⁴ OSCE Mission in Kosovo, "Implementing the Anti-Discrimination Law: A Challenge for Kosovo," June 2007, http://www.osce.org/kosovo/item_11_25298.html (accessed September 2, 2010).

¹⁹⁵ Ibid.

¹⁹⁶ Hilmi Jashari, "Kosovo's Anti-Discrimination Law and the Ombudsperson's Law In It," in OSCE Mission in Kosovo, "Implementing the Anti-Discrimination Law: A Challenge for Kosovo," June 2007, http://www.osce.org/kosovo/item_11_25298.html (accessed September 2, 2010).

given to existing ministerial officials, which are already occupied with other portfolios and lack time to undertake monitoring responsibilities thoroughly.¹⁹⁷

The previously-mentioned opinion of the Council of Europe Framework Convention Advisory Committee also stated that the general shortcomings of Kosovo's justice system, including scant access to legal aid and systemic slowness, resulted in heavy case backlogs and delays in administering justice. The Advisory Committee also identified the serious under representation of Kosovo's minorities in the justice system as an additional impediment to the successful implementation of the Anti-Discrimination Law, arguing absence of minority representatives makes it "difficult to build confidence in the judicial system among minority communities."¹⁹⁸

The second opinion on Kosovo from the Advisory Committee (dated May 31, 2010) noted that while "there is a well-developed legal basis providing for equality before the law and prohibition of discrimination [...] and that the Anti-Discrimination Law imposes an obligation on the authorities to conduct a public awareness program on its provisions, no adequate campaign has been carried out in this respect so far."¹⁹⁹ It subsequently urged the Kosovo authorities "to conduct awareness-raising activities amongst the population at large on the guarantees and related remedies provided for in the 2004 Anti-Discrimination Law. Legal professionals, including judges and prosecutors, should be provided with targeted adequate training in this respect."²⁰⁰

According to current (June 2010) Kosovo Ministry of Labor and Social Welfare statistics, 338,534 persons, or 41 percent of the workforce, are formally registered as unemployed in Kosovo.²⁰¹ Ninety- three percent of the persons registered as unemployed are defined as long-term unemployed (i.e. looking for work for a period longer than 12 months). No reliable

¹⁹⁷ Human Rights Watch telephone interview with an international official working in Kosovo, September 2, 2010.

¹⁹⁸ Council of Europe, Advisory Committee on the Framework Convention for the Protection of National Minorities, "Opinion on the Implementation of the Framework Convention for the Protection of National Minorities in Kosovo," ACFC/OP/I(2005)004, March 2, 2006, p.14, http://www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/PDF_1st_OP_Kosovo_en.pdf (accessed September 2, 2010).

¹⁹⁹ Council of Europe, Advisory Committee on the Framework Convention for the Protection of National Minorities, "Second Opinion on Kosovo, adopted on November 5, 2009," AFC/OP/II(2009)004, May 31, 2010, pp.16-17, http://www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/PDF_2nd_OP_Kosovo_en.pdf (accessed September 3, 2010).

²⁰⁰ Ibid. p.16, http://www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/PDF_2nd_OP_Kosovo_en.pdf (accessed September 3, 2010).

²⁰¹ Data available on the website of the Kosovo Ministry of Labor and Social Welfare, <http://www.ks-gov.net/mpms/PDF-fajllat/Publikimet/Librat/o62009-Raporti-i-Performances.aspx> (accessed June 1, 2010).

statistics on the RAE unemployment rate are currently available, but rough municipal estimates indicate that around 80 to 90 percent do not have jobs.²⁰²

Access to Employment

While dismal employment prospects negatively impact the entire population in Kosovo, RAE remain the most disadvantaged—and among them, the forcibly returned persons, who are often unfamiliar with the few employment opportunities that may exist in their municipalities and lack programs specifically designed to help them.

Human Rights Watch has found no evidence of any specific employment or income generation projects targeting RAE returnees or RAE in general, despite consulting with the Ministry of Employment and Social Welfare and other government agencies. While one key goal of the RAE Integration Strategy is to enhance RAE representation in the public sector, Human Rights Watch research suggests that RAE are still rarely employed in the municipalities, public utility companies, public schools, hospitals or health clinics. In addition, Human Rights Watch heard complaints from RAE representatives on more than one occasion that the number of RAE employees has fallen in recent years, especially at the municipal level—including in Municipal Communities Offices—where posts of community officers previously occupied by RAE were later given to Kosovo Albanians.²⁰³

Many RAE interviewed by Human Rights Watch also cited the under-representation or almost total absence of RAE at all government levels—including at the Kosovo Post, Kosovo Water Company and Kosovo Energy Company—as a clear example of anti-RAE discrimination in the labor market. According to Bajrush Kryeziu, a Roma municipal official from Bejrovica/Bejrovice, Kamenice/Kamenica Municipality:

We, the Roma, do not have much education, but we can still work well for water, energy, and other public companies. A lot of our men have some technical skills and they could use them there and bring bread on the table to their families.²⁰⁴

²⁰² Human Rights Watch telephone conversations with various officials at the Ministry of Labor and Social Welfare, June 2, 2010.

²⁰³ Such case was reported (*inter alia*) in the municipalities of Shtime/Stimlje, Gjilan/Gnjilane and Ferizaj/Urosevac. (Source: E-mail to Human Rights Watch from a Roma rights activist, August 16, 2010).

²⁰⁴ Human Rights Watch interview with Bajrush Kryeziu, Bejrovice/Bejrovica, December 9, 2009.

Asked about current RAE employment statistics within municipalities and public utility companies, the Ministry of Local Government said the most recent statistics were contained in the December 2008 RAE Integration Strategy, and were being updated.²⁰⁵ According to Strategy data, RAE in 2008 constituted 0.04 percent of Kosovo Electricity Company employees (7564 persons); 0.56 percent of the Post and Telecommunications Kosovo employees (2484 persons); 0.51 percent of the Kosovo Railroads employees (389 persons); 0.35 percent of the Airport Pristina staff (577 persons); and 3.29 percent of Kosovo Transport Company employees (912 persons).²⁰⁶

In some municipalities that Human Rights Watch visited—including Gjakova/Djakovica, Prizren, Lipjan/Lipljan, Kamenice/Kamenica, and Fushe Kosove/Kosovo Polje—the municipality employed some RAE. Nevertheless, these numbers were usually very small (in most cases, a single RAE individual for the entire municipality), and the individuals concerned had low level jobs, such as drivers, doormen and cleaners. There were even fewer RAE employees in other municipalities visited.

In all municipalities that Human Rights Watch went to, RAE interlocutors emphasized the importance of having RAE representatives working for the municipalities in more senior/representative roles, such as liaising with the RAE community, helping to manage assistance projects, and serving as a link between the municipalities and RAE communities. They stressed that this would facilitate RAE access to municipal services, give RAE more confidence to approach local authorities, and would be generally beneficial given their knowledge of the local community, language skills and commitment to forging closer ties between local authorities and their communities.

RAE access to employment is also affected by limited opportunities in the private sector, the privatization of formerly owned public enterprises that resulted in some RAE losing their jobs, and the collapse of traditional forms of RAE employment, such as horse breeding.²⁰⁷ These trends, coupled with low educational levels, mean that many RAE rely on day labor as a source of income, including seasonal work in the fields, and carrying heavy loads on construction sites and in the transport sector. These jobs pay an average of €10(US\$13) per

²⁰⁵ Human Rights Watch telephone interview with the Ministry of Local Government official, August 13, 2010.

²⁰⁶ Republic of Kosovo, “Strategy for the Integration of Roma, Ashkali and Egyptian Communities in the Republic of Kosovo 2009-2011,” December 2008, p. 9.

²⁰⁷ Republic of Kosovo, “Strategy for the Integration of Roma, Ashkali and Egyptian Communities in the Republic of Kosovo 2009-2011,” December 2008, p. 26.; Human Rights Watch interview with Rexhep Bajrami, the Ashkali party leader in Urosevac, November 19, 2009; Human Rights Watch interview with Nexhip Menekshe, director of the Romano Avazo radio station, Prizren, November 18, 2009.

day and almost exclusively involve men. Women, who suffer from a general lack of daily labor opportunities, tend to take care of the households and raise children.²⁰⁸

While these problems affect the RAE community in general, the predicament of forced returnees is particularly precarious. Human Rights Watch did not meet a single forced returnee in formal employment, although all male RAE interlocutors said they had taken steps to find work.²⁰⁹ While the main reason given was the overall lack of jobs, one RAE forced returnee claimed to have face discrimination due to his dark skin.²¹⁰

The employment prospects among the RAE who signed papers prior to deportation stating they were returning voluntarily do not appear to be much better. Human Rights Watch met only two such men in formal employment with local companies. In both cases this was only because a German-funded URA assistance program, was covering their salary for three months.²¹¹

Human Rights Watch spent several hours in November 2009 speaking to RAE men (both IDPs and non IDPs) queuing up for work in a market square in Fushe Kosove/Kosovo Polje. They told Human Rights Watch that it had been over two weeks since anyone had been hired, and that even then, only a few RAE had been taken on.²¹² As one Ashkali man stated:

We come here and wait the whole day, from 7 am till the sun sets, but usually nobody comes, and if somebody comes, sometimes they don't take us at all, and sometimes just a few.²¹³

They also stated that the best months for daily work are from spring to summer, because of the agricultural and construction season. According to another Ashkali man: "Whoever gets a day or two days of work per month during the winter season considers himself lucky."²¹⁴

²⁰⁸ Human Rights Watch interview with Fatima Haliti, journalist at the Romano Avazo radio station and women's rights activist, Prizren, November 18, 2009.

²⁰⁹ As women in the families of forced returnees interviewed by Human Rights Watch were in charge of the children and running their households, they reported not to actively seek jobs.

²¹⁰ The case of Bekim, a Rom forced returnee from Germany, currently living in Gjakova/Djakovica.

²¹¹ The case of Nedbedin Kurti, an Ashkali returnee to Obilic (Plementina) and Dashnim Rexhepi, an Ashkali returnee to Lipjan/Lipljan (Medvec).

²¹² Human Rights Watch conversation with a group of around 20 RAE men, Fushe Kosove/Kosovo Polje, December 11, 2009.

²¹³ Human Rights Watch conversation with an Ashkali man (who did not wish to give out his name), Fushe Kosove/Kosovo Polje, December 11, 2009.

²¹⁴ Human Rights Watch conversation with another Ashkali man (who did not wish to give out his name), Fushe Kosove/Kosovo Polje, December 11, 2009.

The RAE Integration Strategy and Action Plan stipulate various activities to promote employment among RAE, including projects linking vocational training with subsequent job placement in public utility companies and local administration. The Strategy obliges the Kosovo government to actively liaise with municipalities to “encourage (them) to develop their own economic empowerment strategies and action plans for Roma, Ashkali and Egyptians or to include their concerns and needs into general local development strategies,” and to introduce Kosovo-wide affirmative measures such as tax incentives and wage subsidies for private employers who hire RAE employees.²¹⁵

In reality, these measures are not being implemented on the ground, mainly due to lack of funding and poor coordination and administrative capacity in both central and municipal government.²¹⁶ The Ministry of Employment told Human Rights Watch that it is doing its best, but could not undertake larger endeavors due to limited finances.²¹⁷

While Kosovo authorities do not currently fund RAE-specific large scale initiatives, there are a few employment-generating programs and activities open to all Kosovo citizens. These include job placement assistance for six months from regional employment centers, which in 2009 helped place 6,841 persons; and short-term participation in public works, a scheme in which 580 persons participated in 2009 for three months.²¹⁸ Lack of ethnically disaggregated employment statistics for such projects means that it is not possible to determine how many RAE they actually benefited.

Meanwhile, international donors support for general programs to combat unemployment have proven helpful to their beneficiaries, but are very small-scale considering the scale of needs and the level of unemployment in Kosovo today.²¹⁹ International donor efforts to combat unemployment among RAE specifically have included attempts to provide vocational training and incentives to local employers to use RAE for organized projects, such as bringing groups of RAE to restore old RAE neighborhoods, by temporarily co-funding salaries of hired RAE returnees.²²⁰ No similar schemes exist for forced returnees.

²¹⁵ Republic of Kosovo, “Strategy for the Integration of Roma, Ashkali and Egyptian Communities in the Republic of Kosovo 2009-2011,” December 2008, p. 30.

²¹⁶ Human Rights Watch phone interview with an international official, June 15, 2010.

²¹⁷ Telephone interview with a Ministry of Labor official, August 13, 2010.

²¹⁸ Kosovo Ministry of Labor website, “Activities of the Ministry of Labor and Social Welfare in 2009, <http://www.ks.gov.net/mpms/PDF-fajllat/Publikimet/Broshura-2009-gjuhen-shqipe.aspx> (accessed 26 July, 2010).

²¹⁹ Ibid.

²²⁰ Such support measures have been funded by various multilateral and bilateral donors (including UNDP, American Refugee Council, Norwegian Refugee Council, Danish Refugee Council) in RAE return projects in the municipalities of

Access to Social Welfare

General unemployment benefits are not universally available in Kosovo, and social welfare payments are guaranteed only to families where no members are employed; families where only one member is employed and with a child under five-years-old; the disabled; persons who permanently take care of the aged or disabled; and persons between 15 and 18 years of age who regularly attend secondary school.²²¹ Displaced persons and returnees are not eligible for social welfare unless they are registered as Kosovo citizens and fit into one of the defined welfare recipient categories. RAE who are not registered with the local municipality (for the reasons discussed) are unable to access social welfare even if they otherwise meet the criteria. Sometimes, even if a person clearly meets the social welfare criteria, the application process can be time consuming and subject to delay. For example, three forcibly returned families complained to Human Rights Watch they had waited up to ten months to be included on the social welfare lists.²²²

One commonly-voiced complaint about the welfare system was that child support only applies to children under five, irrespective of the employment status of the parents. This creates an incentive for families to have more children, even though they struggle to support the ones they have. As an Egyptian community activist in Gjakova/Djakovica put it:

It [the criteria of having children below five years of age to receive social welfare] makes people feel compelled to make babies all the time – the babies become children though and just when they are about to go to school the payments stop. This is why many try to always have a child smaller than five years old in the house.²²³

Lack of financial assistance for families with children of school age has been cited by some RAE IDPS interviewed by Human Rights Watch as the primary reason for not sending children to school.²²⁴

Mitrovica/Mitrovica, Peja/Pec, and Gjakova/Djakovica during the years 2000-2009. Currently, similar project is being developed under the Mitrovica Mahalla group return project funded by the European Commission and USAID.

²²¹ (Kosovo Ministry of Labor website, <http://www.ks-gov.net/mpms/PDF-fajllat/Publikimet/Librat/Broshura-DNS.aspx>, (accessed June 1, 2010).

²²² Human Rights Watch interview with three families in the municipalities of Podujeve/Podujevo, Peja/Pec and Fushe Kosove/Kosovo Polje (November-December 2009). The families did not want to be quoted by name, fearing that their welfare would be “taken away” if they complained.

²²³ Human Rights Watch interview with Muharrem Prizreni, an Egyptian community activist, Gjakova/Djakovica, November 16, 2009.

²²⁴ Most RAE IDPs interviewed by Human Rights Watch admitted not sending children to school for financial reasons. Among other reasons (mainly mentioned in the context of the recent forced returnees, lack of the Albanian language skills and curriculum differences) were also mentioned as key reasons.

Right to Family Life

According to the Universal Declaration of Human Rights, “The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.”²²⁵ The Kosovo Constitution stipulates that “Family enjoys special protection by the state in a manner provided by law.”²²⁶ The European Convention on Human Rights states that “everyone has the right to respect for his private and family life.”²²⁷ Article 8 of the Convention has been interpreted to apply to cases of members of families being deported. In extreme cases, Article 3 (prohibition on inhuman and degrading treatment) may apply, as it was interpreted by the European Commission on Human Rights in the case of *Fadele v UK*, which involved a Nigerian asylum seeker in the United Kingdom whose three children had all British nationality.²²⁸ The Commission stipulated that obliging children to follow their father back to Nigeria, where they would live in conditions of extreme poverty, constituted a breach of Article 3.²²⁹

The right to family life is particularly relevant in situations of forced return. While the right does not necessarily include the right of a family to remain in a particular location, the question of whether or not family life can effectively be enjoyed if members are expelled to another location requires an assessment of the degree to which the family has ties in a particular place, and the extent to which these will be impacted by forced relocation.

Displacement often leads to serious disruptions of family life. Extended displacement can result in family members building new families and other ties in the place of displacement. This is particularly the case for children who have little memory of the place of origin. Even when return becomes possible, children and young adults may choose to remain in the place of displacement, where they have stronger bonds, while older family members,

²²⁵ Universal Declaration of Human Rights (UDHR), adopted December 10, 1948, G.A. Res. 217A(III), U.N. Doc. A/810 at 71 (1948), Article 16, <http://www.un.org/en/documents/udhr/index.shtml> (accessed May 31, 2010).

²²⁶ The Constitution of the Republic of Kosovo, Article 37, <http://www.kushtetutakosoves.info/repository/docs/Constitution.of.the.Republic.of.Kosovo.pdf> (accessed May 31, 2010).

²²⁷ European Convention for the Protection of Human Rights and Fundamental Freedoms, 213 U.N.T.S. 222, entered into force September 3, 1953, as amended by Protocols Nos 3, 5, 8, and 11 which entered into force on September 21, 1970, December 20, 1971, January 1, 1990, and November 1, 1998, respectively, Article 8, <http://conventions.coe.int/treaty/en/Treaties/Html/005.htm> (accessed September 3, 2010)

²²⁸ The European Commission on Human Rights preceded the entry into force of Protocol 11 of the ECHR, allowing for individual claims to be forwarded to it for examination and eventual forwarding to the Court. With the entry into force of Protocol 11, direct individual access to ECtHR has been granted.

²²⁹ European Commission on Human Rights, *Fadele Emanuel, Fadele Kehinde, Fadele Taiwo, Fadele Victor v. United Kingdom*, Judgment on February 12, 1990, <http://cmiskp.echr.coe.int/tkp197/portal.asp?sessionId=58813990&skin=hudoc-en&action=request> (accessed September 2, 2010).

especially retirees, wish to return. Human Rights Watch research indicates this pattern is common among RAE displaced from Kosovo.

Family separation does not always occur by choice. Human Rights Watch found several cases of forced returnees from Western Europe married to women of other nationalities, and whose children acquired nationality of the country of residence, either by birth or naturalization. However, these wives and children did not accompany their husbands and fathers back to Kosovo, although research was unable to determine the extent of the problem.

For example, Haki Resch is an Egyptian man living in the Kolonija neighborhood in the municipality of Gjakova/Djakovica, who was a “toleration permit” holder in Saarbrücken, Germany, from 2000 to 2009. He is married to a German woman, with whom he has a daughter and son, aged nine and five respectively.²³⁰ According to Resch, in 2005, he was sent to prison for “injuring another man in a fight related to a personal dispute” and was deported to Kosovo after his release.²³¹ He said that he cannot afford to bring his family to visit him, and does not have much hope that he will see them soon.²³² He showed Human Rights Watch recent letters, postcards and pictures in which family members expressed wishes to be reunited.

Also in Magure/Magura, in the municipality of Lipjan/Lipljan, Human Rights Watch spoke to A.S., an Ashkali forced returnee from Frankenthal, Germany, who went there in 1992 as an economic migrant and stayed on a “toleration permit.”²³³ He said he divorced his German wife in 2005, after which “he had difficulty seeing his kids.”²³⁴ In 2006, he tried to see them against his wife’s will and was arrested for breaking and entering her property. He was subsequently deported to Kosovo in 2006 and has not seen his children since.²³⁵

In another case in Prizren, Human Rights Watch spoke to Selman Dugani, a Roma man who had lived in Gottingen (Lower Saxony, Germany) on a “toleration permit” between 1999 and

²³⁰ Human Rights Watch interview with Haki Resch, Gjakova/Djakovica, November 16, 2009.

²³¹ Ibid.

²³² Ibid.

²³³ The interlocutor asked to be identified in the report only by his initials; Human Rights Watch interview with A.S., Magure/Magura, Lipjan/Lipljan municipality, December 7, 2009.

²³⁴ Human Rights Watch interview with A.S., Magure/Magura, Lipjan/Lipljan municipality, December 7, 2009.

²³⁵ Ibid.

2009.²³⁶ Dugani said that on one occasion when he was notified about extending his temporary stay ID, he was “instead detained and deported the very next day.”²³⁷ His German wife and a small daughter (who is also a German citizen) continue to live in Germany:

As much as it pains me, I prefer that my family in Germany stays there and don’t see how I live here. There I finished technical school, had a job, family, friends, here I cannot do anything. [I] tried to enroll in a university, but was told my diploma was not recognizable. I speak perfect German so applied for some jobs with the German KFOR [NATO’s Kosovo Force] and other ‘internationals’ but nobody got back to me. I don’t have a house, I don’t have anything, no life here.²³⁸

Osman Azemi is a Rom living in Mitrovica/Mitrovice. From 1983, he lived in Brescia, north Italy, on what he described a “temporary work-related permit” He is married to an Italian Roma woman with whom he has five children.²³⁹ In the winter of 2008, he lost his job and was subsequently deported to Serbia, Belgrade, even though he originated from Kosovo.²⁴⁰ He stayed in Belgrade in a Roma informal settlement “with friends of a friend,” after which he got in touch with the Roma leader in the Roma Mahalla in Mitrovica/Mitrovice, who told him about an on-going return project that gave him somewhere to live: “I am happy to have a roof above my head, but I miss my family, I miss my life there. In Italy, even a dog lives better than a Rom in Kosovo.”²⁴¹ Azemi’s deportation resulted in a double violation in that he was returned to Serbia contrary to UNHCR guidelines on returns of Kosovo Roma, and returned to a situation of secondary displacement in Kosovo.

In order to fully comply with the obligation to protect and respect family life, Western European countries should allow third-country nationals applying for asylum or holding a temporary residence permit (including the German “toleration permit”) to apply for family reunification with family members who are citizens or legal residents in that country.

²³⁶ Human Rights Watch interview with Selman Dugani, Prizren, November 18, 2009.

²³⁷ Ibid.

²³⁸ Human Rights Watch interview with Selman Dugani, Prizren, November 18, 2009.

²³⁹ Human Rights Watch interview with Osman Azemi, Mitrovica/Mitrovice, December 11, 2009.

²⁴⁰ Ibid.

²⁴¹ Ibid

III. Detailed 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 at central and municipal levels.
- Create a trust fund with financial assistance from bilateral and multilateral donors to supplement the budgetary sources and help finance adequate reception assistance (housing, schooling, healthcare, social welfare, job creation measures) for forced returnees.
- Screen all potential returnees prior to return, in accordance with UNHCR guidelines.
- Ensure that all forced returnees receive personal documents, including passports, in a timely manner in order to prevent statelessness and to facilitate their full reintegration in Kosovo.
- As a matter of urgency, implement the 2007 Strategy for Reintegration of Repatriated Persons.
- Ensure implementation of the anti-discrimination law by ensuring free legal aid to victims of discrimination, training judges and lawyers, proactively reaching out to ethnic minority communities as a matter of priority, and introducing “positive discrimination” hiring measures in public sector jobs.
- Closely monitor the implementation of the RAE Strategy and Action Plan by municipalities. Request, compile and publish periodic progress reports.

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.
- Familiarize yourself with the Strategy for Reintegration of Repatriated Persons and closely liaise with the central level authorities to ensure its full implementation.
- Disseminate information to RAE leaders and communities about municipal services available to returnees.
- Closely liaise with international donors to facilitate assistance, ensuring it is used in the best possible way.

To Western 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 via contributions to the trust fund.
- Do not return RAE from Kosovo to Serbia.

To International Actors in Kosovo (including the UN, UNHCR, EU and OSCE)

- Coordinate among Kosovo authorities and international donors and agencies to ensure that existing and future assistance projects to RAE communities include support to forced returnees.
- Help advocate for a temporary moratorium on further forced returns, and for urgent provision of adequate services to all those already returned.
- Closely work with Kosovo authorities on planned assistance and on-going projects for RAE to ensure that all returnees can benefit from them, irrespective of the circumstances of their return.

To International Bilateral and Multilateral Donors (including the EU, UN, World Bank, and development agencies of the 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.

IV. Acknowledgements

This report was researched and written by Wanda Troszczynska-van Genderen, researcher in the Europe and Central Asia Division of Human Rights Watch. Amanda McRae, Finberg Fellow in the Europe and Central Asia Division also participated in a part of the field research for the report. The report was edited by Benjamin Ward, deputy director of the Europe and Central Asia Division, and Danielle Haas, program editor. Veronika Szente Goldston, Europe and Central Asia Division advocacy director, Bill Frelick, director of the Refugee Program, and Peggy Hicks, Global Advocacy director, reviewed and provided comments on the report. Clive Baldwin, senior legal adviser, provided legal review. Iwona Zielinska, formerly senior associate and Marina Pravdic, associate in the Europe and Central Asia Division, provided some research as well as production assistance, Iris Xholi and Rezarta Veizaj, formerly interns in the Europe and Central Asia Division, also helped to conduct follow-up research. Anna Lopriore, Veronika Matushaj and Jessie Graham coordinated photo and map preparation. Grace Choi and Fitzroy Hepkins prepared the report for publication.

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(front cover) Medvec, Lipjan/Lipljan municipality. Dashnim Rexhepi, Selime (his wife) 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 a 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.