

# Repatriation **without** Responsibility

The nature and implications of Roma,  
Ashkalia and Egyptian forced repatriation to Kosovo

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## **I. Brief summary of the findings**

This paper examines the issue of forced repatriation of Roma, Ashkali and Egyptians from some European Union member states in recent years and draws partially on the assessment of the previous 2009 RADC report '*Hopelessness: Roma, Ashkalia and Egyptian Forced Returnees in Kosovo*' and also, has tapped on the data gathered by the RADC and other local or international institutions that monitor the situation of forced returnees, as it progresses. Exploring the paradoxical situation of the forced returnees from these three ethnic communities, the paper extends the following observations:

- regardless of comprehensive public policy and legal framework to accommodate the community rights of Roma, Ashkali and Egyptian communities, these communities continue to be exposed to discrimination in all spheres of daily life,
- in the process of forced repatriation of Roma, Ashkali, and Egyptian from host EU member states to Kosovo there is a gap in between the institutional commitment and the ability to facilitate sustainable re-integration in Kosovo,
- the sustainability aspect of the re-integration of forced repatriated persons in Kosovo is being hampered by the overall grim existing socio, political and economic situation of Kosovo and of the dire circumstances under which Roma, Ashkali and Egyptian communities currently live in Kosovo, that are characterized by the inadequate housing, nutrition, access to education, property disputes, social discrimination and exclusion, and weak public security,
- lack of the institutional coordination, first, among the hosting EU member countries and Kosovo institutions, second, among central level institutions of Kosovo, and finally, between the central and municipal authorities in Kosovo and their weak performance concerning the implementation of policies that foster the re-integration of the forced returnees, considerably affect the successful re-integration of the forced returnees in Kosovo life.

The paper concludes that the re-integration of forcibly returnees will remain difficult due to the dismal conditions under which Roma, Ashkali and Egyptian communities live and it will only impose on the sharing of space and limited resources and it will weaken social cohesion and it may stir towards local grievance and inter-personal and communal conflicts, thus contributing to social instability in Kosovo.

The paper extends the following recommendations:

- the sending states should stop temporarily the repatriation process of Roma, Ashkali and Egyptian families and expand the financial and technical assistance to Kosovo authorities in facilitating the re-integration of Roma, Ashkali and Egyptian repatriated families,
- Kosovo authorities should increase their institutional responsibility and commitment to facilitate the re-integration of Roma, Ashkalia and Egyptians forcefully repatriated families,
- the civil society organizations and donor agencies operating in Kosovo should develop projects that facilitate the social and economic re-integration of Roma, Ashkali and Egyptian forced repatriated people.

## **II. Brief overview of recent developments**

*Kosovo is not able to receive refugees 'in a way that protects their rights'*

Since the end of 1999 conflict, the UNHCR estimates that 2,529 Roma and 4,883 Ashkali/Egyptians returned voluntarily to Kosovo between 2000 and the end of 2007.<sup>2</sup> It is estimated that 20,000 Roma, Ashkali and Egyptian asylum seekers have failed to receive citizenship in the European host states<sup>3</sup>; meantime, circa 50,000 Roma, Ashkali and Egyptian live in Serbia proper, where Serb authorities continue to treat them as IDP's. By contrast, the Kosovo authorities treat them as refugees, reflecting the discursive implications of Kosovo's independence.

**Table 1: Voluntary and Forced Returns from all countries, 2007- May 2010**

	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>Jan - May 2010</b>	<b>Total 2007 - May 2010</b>
Voluntary returns*	3,836	2,382	3,544	2,096	11,858
Forced returns	3,219	2,550	2,962	1,249	9,980
	<b>7,055</b>	<b>4,932</b>	<b>6,506</b>	<b>3,345</b>	<b>21,838</b>

<sup>1</sup> Thomas Hammerberg, Council of Europe Commissioner for Human Rights, DW, 15 April 2010.

<sup>2</sup> Kosovo Government, *Strategy for the Integration of Roma, Ashkalia and Egyptian Communities in the Republic of Kosovo (2009-2015)*, p. 46.

<sup>3</sup> KRAEF, 'Our Position 2006', Kosovo Roma, Ashkalia and Egyptian Forum, Position Paper 1, 2006, p.10. Text available at: [http://www.osce.org/documents/odihr/2006/12/23321\\_en.pdf](http://www.osce.org/documents/odihr/2006/12/23321_en.pdf), (Accessed on 20 July 2010)

\* From all countries, including returns from FYROM, Montenegro and Bosnia Herzegovina, and IOM-assisted returns. Source: UNHCR OCM Prishtinë/Priština, May 2010<sup>4</sup>

The increased number of voluntary and forced returnees is influenced to a large extent by the readmission agreements between Kosovo and several EU member states. The first agreement was signed between German Federal Government and UNMIK on behalf of Kosovo in 2003 and has been revised subsequently, in 2005, 2006 and 2007. The last revision of this repatriation agreement was ratified on June 2010.<sup>5</sup> Under this bilateral agreement, it is expected that around 12,000 Roma, Ashkali and Egyptians, including over 5,000 children, will be returned from Germany to Kosovo.<sup>6</sup>

After the 2008 declaration of independence, the Kosovo Government signed repatriation agreements with Albania, France, Austria, Switzerland, and Belgium. On October 2009, an agreement was ratified between Kosovo and Albania

### Spotlight on the Mujolli Family

The family of Florim and Feride Mujolli from Fushe Kosove was forcefully repatriated to Kosovo after living for nearly twenty years in Germany. They have six children - the oldest is 18 and the youngest is 2. The Mujolli family had a normal life in Germany and respected the local laws, they had jobs and children attended German schools.

Life continued as normal until 17 March 2010, when the German Police entered their house at 6:00am and asked them to leave immediately. According to the oldest daughter, Hamide, the police forced them into cars while still in their pajamas. This all happened while Florim was at work. After three weeks he decided to return voluntarily and join the family in Kosovo.

Before migrating to Germany, the Mujolli family lived in the village Maxhunaj of Vushtrri, where they owned land and houses, but now their property is destroyed. The Mujolli family is now obliged to rent a house in Fushe Kosove, with no income and no job opportunities. In addition, the Mujolli family cannot register their children in Kosovo as they lack the correct documents – their children were born in Germany. Accordingly, none of the children are attending school in Kosovo.

*Interviewed by RADC on 21 September 2010, Fushe Kosove.*

<sup>4</sup> See more: Verena Knaus and Peter Widmann, *Integration Subject to Conditions: A report on the situation of Kosovan Roma, Ashkali and Egyptian children in Germany and after their repatriation to Kosovo*, German Committee for UNICEF, 2010, p.73.

<sup>5</sup> *Agreement between the Republic of Kosovo Government and the Government of the Federal Republic of Germany on the Readmission and Transit of Persons (Readmission Agreement)*, 14 April 2010. Text available at: [http://www.mfa-ks.net/repository/docs/Marrveshja\\_Ks-Gjer\\_per\\_ripranmin\\_e\\_personave\\_021\\_%28English-gjermonisht%29.pdf](http://www.mfa-ks.net/repository/docs/Marrveshja_Ks-Gjer_per_ripranmin_e_personave_021_%28English-gjermonisht%29.pdf), (Accessed on 15 September 2010).

<sup>6</sup> Verena Knaus and Peter Widmann, *Integration Subject to Conditions: A report on the situation of Kosovan Roma, Ashkali and Egyptian children in Germany and after their repatriation to Kosovo*, German Committee for UNICEF, 2010, p.8

for readmission of persons.<sup>7</sup> Following this, an agreement was ratified and signed on 2 December 2009 between Kosovo and France on the readmission of persons residing without an authorization.<sup>8</sup> Austrian authorities also concluded an agreement with Kosovo on August 2009, which regulates the dynamic, conditions, and the terms of collaboration with Kosovo authorities in the repatriation process of Kosovo citizens, including the Roma, Ashkali, and Egyptian communities.<sup>9</sup> Similarly, in February 2010 Kosovo signed an agreement with Swiss Federal Council on repatriation of persons without a residence authorization in Switzerland.<sup>10</sup> These bilateral agreements establish the conditions concerning readmission procedures and technical aspects of the repatriation process for Kosovo citizens or third-country citizens and stateless persons affiliated with Kosovo.

While signing these bilateral readmission agreements might reflect Kosovo's institutional capability to enter international agreements, and close the long gap to the EU by fulfilling the necessary conditions to start a visa dialogue that would lead to visa-free travel for Kosovo's citizens<sup>11</sup>, yet, Kosovo is not ready to receive these forced returnees as it lacks resources, political will and institutional capacities to accommodate the needs of returnees and facilitate their sustainable re-integration into Kosovo society by providing housing, healthcare, education, employment, security and social inclusion.

In fact, signing these readmission agreements has legalized an already existing irresponsible practice, where sending state does not provide sufficient support for sustainable re-integration and

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<sup>7</sup> *'Agreement between the Government of the Republic of Kosovo and the Council of Ministers of the Republic of Albania the on Readmission of Persons Residing without Authorisation'*, 06 October 2009. Text available at: <http://www.mfa-ks.net/repository/docs/anglisht-261.pdf>, (Accessed on 15 September 2010).

<sup>8</sup> *'Agreement between the Government of the Republic of Kosovo and the Government of the French Republic on the Readmission of Persons Residing without Authorisation'*, 02 December 2009. Text available at: [http://www.mfa-ks.net/repository/docs/Marrveshja\\_Ks.Fr\\_%28anglisht%29.pdf](http://www.mfa-ks.net/repository/docs/Marrveshja_Ks.Fr_%28anglisht%29.pdf), (Accessed on 15 September 2010).

<sup>9</sup> Austrian Government, 'Safe Third Country Agreement' with Kosovo Government, 01 August 2009.

<sup>10</sup> *'Agreement between the Government of the Republic of Kosovo and the Swiss Federal Council on the readmission of persons residing without authorization'*, 03 February 2010. Text available at: [http://www.mfa-ks.net/repository/docs/Marrveshja\\_Ks-ch\\_015%28anglisht%29.pdf](http://www.mfa-ks.net/repository/docs/Marrveshja_Ks-ch_015%28anglisht%29.pdf). (Accessed on 15 September 2010).

<sup>11</sup> In order to accelerate and meet visa liberalization criteria, Kosovo authorities have adopted Law on Citizenship, Strategy Against Terrorism, Strategy for Border Management, and have entered into bilateral readmission agreements with EU member countries, and not with EU as such due to non-recognition.

the receiving country lacks resources and institutional commitment to manage the situation.<sup>12</sup> Indeed, as the CoE Human Rights Commissioner recently asserted ‘Kosovo is under political pressure to accept these agreements, without having in place the budget or the capacity to receive these families in dignity and security.’<sup>13</sup> Continuously, the UNHCR, Council of Europe, OSCE, Amnesty International, Minority Rights Group International (MRGI) and European Roma Right Centre (ERRC), campaign for delaying the forced returning of Roma, Ashkali, and Egyptian communities due to unsatisfactory socio-economic and security conditions for sustainable re-integration into Kosovo society.<sup>14</sup>

While Europe tries to promote democratic values and human rights principles, social inclusion and social justice, the controversy and divided policies of the EU member states on home affairs, justice, and migration in essence disregards the principles of human rights and dignity. The incident with Roma expulsion in France could trigger two asymmetric developments: the expansion of similar expulsion practices to other EU member states, or delaying forced repatriation to avoid further public attention and criticism.

In concluding these bilateral repatriation agreements, Kosovo Government has not conducted any public information campaign to explain the implications of such agreements and how it affects Kosovo society, nor has ratified these agreements in a manner that allow legislative scrutiny of the Kosovo Assembly, by invoking the constitutional provision that allows the President of Kosovo to ratify certain international agreements<sup>15</sup> and the inclusion of Roma, Ashkali and Egyptian political representatives and their consultative bodies in the political debate in determining the terms of these repatriation bilateral agreements.

### **III. Policy, Legal and Institutional Framework**

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<sup>12</sup> Alongside visa liberalization process, the EU and Kosovo authorities should create the conditions for integrating repatriated people and address the multiple problems of those minorities who are affected by these agreements, such as Roma, Ashkali and Egyptian. See more: ESI Discussion Paper, ‘Isolating Kosovo? Kosovo v, Afghanistan 5:22’, 19 November 2009, p.2; Forum 2015, ‘Living in Gheto’, July 2009.

<sup>13</sup> Council of Europe, *Report of the Council of Europe Commissioner for Human Rights’ Special Mission to Kosovo*, CommDH(2009)23, 23 – 27 March 2009, p.5.

<sup>14</sup> See a recent publication of Amnesty International, ‘Not Welcome Anywhere: Stop the Forced Return of Roma to Kosovo’, September 2010.

<sup>15</sup> The Constitution of the Republic of Kosovo, Article 18, 15 June 2008.

Kosovo has signed on to most international and regional human rights covenants that recognize the rights of returnees, refugees and displaced persons and altogether with Kosovo's Constitution of 15 June 2008, the Law on the Protection and Promotion of the Rights of Communities, adapted on March 2010 and the Law on Anti-Discrimination and on Languages constitute the core legal documents, which provide the framework for community rights in Kosovo. Specifically, the Article 156 of Kosovo Constitution asserts that 'the Republic of Kosovo shall promote and facilitate the safe and dignified return of refugees [...] and assist them in recovering their property and possessions.'<sup>16</sup> In 2009, the Council of Europe's Commissioner for Human Rights observed that 'the Constitution provides a good legal framework for human rights protection', however it was underlined that 'it is now incumbent on the authorities, including the local authorities, to put these commitments into practice.'<sup>17</sup>

Aiming to put these commitments into practice and at integrating Roma, Ashkali and Egyptian communities in the Kosovo life, the Government of Kosovo developed in 2008 the Strategy for the Integration of Roma, Ashkali and Egyptian Communities in the Republic of Kosovo for the period 2009-2015 (hereafter, the Strategy). The Strategy, supported also by Roma, Ashkali and Egyptian civil society and international organizations, accordingly, identifies the fundamental need to improve the socio-political condition of Roma, Ashkali and Egyptian communities in Kosovo, the effective implementation of legislation on protecting the rights and interests of communities, to empower Roma, Ashkali and Egyptian communities through provision of health, education, and social welfare services, and to increase political participation and representation in the public sphere. Relevant to the forced repatriation issue, the Strategy demand from the host countries the following:

- a) to consider granting residence permits at least for those groups of refugees who have lived for a longer period of time, have permanent employment, whose children attend school, and who suffer from diseases that cannot be treated in Kosovo, b) to refrain from forcefully returning persons whose property is illegally occupied or destroyed until it is guaranteed that the returnee can re-possess his or her property, and, c) to provide financial resources

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<sup>16</sup> The Constitution of the Republic of Kosovo, Art. 156, 15 June 2008.

<sup>17</sup> Council of Europe, *Report of the Council of Europe Commissioner for Human Rights' Special Mission to Kosovo*, p.5.

in order to allow the Kosovo authorities to create temporary accommodation for returnees who have no accommodation...<sup>18</sup>

The main policy guiding the Kosovo Government on the forced repatriation of people who could not obtain asylum status or citizenship in countries of displacement until 2010 has been the Strategy for Reintegration of Repatriated Persons developed by the Kosovo Government and UNMIK in 2007. The Reintegration Strategy of Repatriated Persons seeks 'to ensure sustainable and durable solutions for forcibly returned persons in the areas of health, education, employment, legal reintegration, social welfare, housing and property related issues'<sup>19</sup>. Both strategies and their respective action plans have yet to be implemented. Lack of allocation of adequate financial resources from the Kosovo Consolidated Budget, the functioning of the coordinating bodies and the putting into effect of the mechanisms of transparency and accountability during the implementation of these initiatives can be cited as the major sources that contribute to the failed performance of Kosovo state institutions, in addition to their lack of will and ineptitude. By March 2010, the only funds dedicated to cover the costs for implementing the Repatriation Strategy was 100,000 Euros, as included in the budget of the Ministry of Labour and Social Welfare, and earmarked for running two shelters as temporary accommodation for forced returnees.<sup>20</sup>

An OSCE report finds that 'Kosovo's local authorities fall short in fulfilling their obligations to support the reintegration of persons repatriated to Kosovo from host countries.'<sup>21</sup> The European Commission 2009 Progress Report for Kosovo confirms this ineffectiveness of local authorities:

*'Municipal return strategies, if adopted, are not fully implemented. Guidance and support from central authorities remain insufficient and a lack of financial resources persists. There is no synergy between the frameworks put in place for voluntary returns and forced returns. Repatriated persons do not have access to temporary accommodation. Persons in need of medical treatment are not always treated. There is no reintegration monitoring mechanism.'*<sup>22</sup>

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<sup>18</sup> Kosovo Government, Strategy for the integration of Roma, Ashkalia and Egyptian Communities in the Republic Kosovo (2009-2015), p.54.

<sup>19</sup> Kosovo Government, Strategy for Reintegration of Repatriated Persons, 2007.

<sup>20</sup> Verena Knaus and Peter Widmann, 'Integration Subject to Conditions: A report on the situation of Kosovan Roma, Ashkali and Egyptian children in Germany and after their repatriation to Kosovo', p. 78.

<sup>21</sup> OSCE, Implementation of the Strategy for Reintegration of Repatriated Persons in Kosovo's Municipalities, Prishtina, November 2009, p.1.

<sup>22</sup> European Commission, Progress Report on Kosovo, October 2009, p. 20.

While Roma, Ashkali and Egyptian civil society organizations are also encouraged to join the Municipal Working Groups on Return in order to exercise immediate influence over municipal return policies, they have been unable to address effectively the issue as have insufficient power and resources. Roma, Ashkali and Egyptian civil society activists complain that they 'do not have access to donations and that their implementers often choose the wrong partners and some donations fall into bad hands'.<sup>23</sup> On the other hand, there are also calls from Roma activists for the external monitoring of projects, especially the quality of material used in constructing houses.<sup>24</sup> Meantime, the employees of the municipal offices continuously have criticized the lack of action plans in municipality level and the specific information for the municipal officers in dealing directly with the refugee issues, and that 'it had been ignored to create a joint group, which included the municipalities'.<sup>25</sup>

In late June 2010, following the recommendation of European Commission<sup>26</sup>, the Kosovo Assembly adopted a Readmission Law which sets out procedures for establishing whether persons whose readmission to Kosovo is requested by sending states actually originate from Kosovo, and whether they have a legitimate claim to citizenship.<sup>27</sup> According to a recent Amnesty International report 'the Law on Readmission is inadequate in preventing persons originating from Kosovo from being at risk of statelessness'<sup>28</sup> as it requires evidence of citizenship which is problematic for Roma, Ashkali and Egyptian communities due to the lack of documentation and civil registration.

Within the framework of the Kosovo Constitution, Roma, Ashkali and Egyptian communities in Kosovo are represented at the President's Office through the Community Consultative Council, at the Prime Minister's Office through the Office for Community Affairs, and at the Assembly of Kosovo through the Parliamentary Committee on Community Rights and Interests and the Returns. These representative mechanisms aim to provide Roma, Ashkali and Egyptian communities (among other community groups in Kosovo) with the opportunity to represent directly their political interests at

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<sup>23</sup> Interview with Nexhip Menekshe, Radio Romano Avazo, Prizren, 4 September 2010

<sup>24</sup> Project on Ethnic Relations, *International Roundtable on Roma, Ashkali and Egyptians of Kosovo: Challenges and Prospects of Sustainable Integration*, Vienna, 22 October 2008, p. 12.

<sup>25</sup> Interview with Xhevahire Dervishi-Rexhepi, Municipal Return Officer in Ferizaj, August 2009.

<sup>26</sup> Often the 'recommendations' coming from the European Commission have the power of an 'executive order' as the Kosovo authorities assign to any suggestion coming from the international community that is considered in the interest of Euro-Atlantic Integration of Kosovo.

<sup>27</sup> Kosovo Assembly, Law on Readmission, Article 1, No.03/L –208, 25 June 2010, p.1.

<sup>28</sup> Amnesty International, '*Not welcome anywhere: Stop the Forced Return of Roma to Kosovo*', p.30

the levels of governance and decision-making. However, as it was indicated in another paper recently done by RADC that Roma, Ashkali, and Egyptian representatives in the co-decision, consultation, and coordination mechanisms have achieved limited success due to 'lack of inter-institutional cooperation and coordination; lack of meaningful engagement in reviewing and commenting on legislative and policy initiatives; political interference of government; and the lack of attention of the Kosovo Government for these communities, focusing instead on the Serb community'<sup>29</sup>.

#### **IV. The Overall Conditions of Roma, Ashkali and Egyptian Returnees**

During the process of forced repatriation, Roma, Ashkali and Egyptian people are exposed to several human rights violations, including psychological pressure to leave the host country, short notice to leave the country, disrespectful behaviour of the police, and insufficient support and assistance after returning to Kosovo. For example, in Germany Roma, Ashkali and Egyptian families experience problems even before being repatriated forcefully, including difficulty in receiving social assistance, benefiting from health services, attending schooling, and finding jobs.<sup>30</sup> As asserted in a UNICEF report, 'the best interests of [these] children have not so far been considered a priority, despite the fact that over half these individuals with Roma background are children and almost two-thirds of them were born and have grown up in Germany'.<sup>31</sup>

Upon returning to Kosovo, Roma, Ashkali and Egyptian forced returnees face a new stage of difficulties due to limited living space and shortage of resources, while the continuous return of Roma, Ashkali and Egyptian refugees increases the number of dependants on social assistance, which is already very high among Roma, Ashkali and Egyptian communities in Kosovo. It can be assumed that in this regard approximately 50,000 refugees considered to be repatriated will fall under social assistance with a monthly support of €35 and €65 per family, irrespective of the number of children. It is widely acknowledged that a family, even in Kosovo, cannot survive with this extremely low income. Calculated on an average amount of €50 per month, the Kosovo

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<sup>29</sup> Adem Beha & Gezim Visoka, *Minority Consultative Bodies in Kosovo*, RADC Center, Prishtine, 2010, p. 6.

<sup>30</sup> For the conditions of RAE communities living in Germany see: Verena Knaus and Peter Widmann, '*Integration Subject to Conditions: A report on the situation of Kosovan Roma, Ashkali and Egyptian children in Germany and after their repatriation to Kosovo*', German Committee for UNICEF, 2010.

<sup>31</sup> Verena Knaus and Peter Widmann, '*Integration Subject to Conditions: A report on the situation of Kosovan Roma, Ashkali and Egyptian children in Germany and after their repatriation to Kosovo*', p.6.

government would have to provide a budget of €500,000 per month or six million Euros annually to provide social assistance for returnees, without estimating the costs of the provision of accommodation and re-integration.<sup>32</sup> Such harsh circumstances propel Roma, Ashkali and Egyptian returnees and their communities into a vicious circle of poverty and further marginalization, while disadvantaged groups such as women and children may find themselves trapped into forced labour and marriages and trafficking.

### **a) Housing and Accommodation**

Upon their arrival in Kosovo, the forced returnees, in the absence of their own dwelling place receive short-term accommodation from Kosovo authorities, until another solution is found. However, the forced returnees are at risk of becoming homeless people, due to the following reasons: a) most of the returnees sold their land and property before leaving Kosovo to finance the (often) illegal travel to Western Europe, b) their houses might have been burned or demolished during or after the 1999 conflict, c) their property may have been occupied illegally by their community members, or Serbs and Albanians, d) cases reported where Roma, Ashkali and Egyptian communities bought land from Serb owners before the 1999 conflict, without appropriate documentation and upon return they have problems to prove the legality of property ownership as they do not possess the necessary documentation. The former owner/s of property may have moved out of Kosovo or died, or they face difficulties to claim the land ownership as the Serb former owner demands additional money and puts other conditions.<sup>33</sup> There are also cases where the temporary occupiers of Roma, Ashkali and Egyptian houses do not pay public utilities such as electricity, leaving the returned families to cope with the situation.<sup>34</sup>

Finding themselves in this situation, most returnees have no choice but to seek temporary shelter with relatives, friends and neighbours, which can exacerbate the social and economic conditions of these communities. For example, an Egyptian family of seven members in Gjakove lives in a small shelter of twenty to twenty-five meter squares. Similarly, an Ashkali family in Fushe Kosove sheltered twelve people in a three-room house, consisting of only seventy-two meters squared.

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<sup>32</sup> Council of Europe, *Report of the Council of Europe Commissioner for Human Rights' Special Mission to Kosovo*, p. 158.

<sup>33</sup> Interview with Qerim Gara, Ashkali Community Leader in Fushe Kosove, 15 October 2009

<sup>34</sup> Testimony provided by the European Roma Rights Centre from primary research for its forthcoming report on the human rights situation of Roma, Ashkali and Egyptians in Kosovo. ERRC interview with N.Sh. (Gjilan, 26 May 2010). Among others, during this interview he emphasized: 'The Albanian occupiers were here for 4 years. 'Why should I pay for someone else's electricity? I pay for what I use.'

Kosovo authorities recognize this difficult situation but as an OSCE report asserts: ‘none of the municipalities in Kosovo has taken any steps towards finding temporary and/or durable housing solutions for repatriated persons, and none has included budgetary projects in its budget plans to meet the housing needs of repatriated persons.’<sup>35</sup> Of 7,000 Roma, Ashkali and Egyptian properties in Kosovo that are currently occupied by third parties, nothing has been done to resolve the situation<sup>36</sup>, though property rights and land ownership are critical aspects in finding a sustainable solution for the accommodation of Roma, Ashkali and Egyptian forced returnees.

## **b) Employment**

Employment and income generation opportunities are generally scarce in Kosovo and 75% of Roma, Ashkali and Egyptian families receive from 50 to 120 Euros per month through social assistance, community support, humanitarian aid, and occasional work through the informal economy.<sup>37</sup> According to this data, a Roma, Ashkali and Egyptian person lives on 21.37 Euros a month or 0.71 Euro cents a day.<sup>38</sup> That is, below the hunger line – not enough money to even buy food for your basic calorie intake.<sup>39</sup> Moreover, it is estimated that only 40% of Roma, Ashkali and Egyptian families receive social assistance, whereas the remainder are disqualified as they don’t fulfil the condition of having children under the age of 5 and elderly dependents incapable of work, while 70% of Roma, Ashkali and Egyptian families are dependent on assistance from outside Kosovo.<sup>40</sup>

The scarce employment opportunities combined with discriminatory practices exhibited in the labour market result in low level of employment of Roma, Ashkali and Egyptian community members where numbers reveal that only 5% work on public sector and public enterprises, whereas only 3.5% are employed in the private sector.<sup>41</sup> In 2007, Humanitarian Law Centre (HLC) identified the insufficient implementation of Anti-Discrimination Law, particularly in the case of Roma, Ashkali and Egyptian employment and highlighted the unequal opportunities that Roma,

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<sup>35</sup> OSCE, *Implementation of the Strategy for Reintegration of Repatriated Persons in Kosovo’s Municipalities...*p.10.

<sup>36</sup> PER, *International Roundtable on Roma, Ashkali and Egyptians of Kosovo: Challenges and Prospects of Sustainable Integration*, p. 8.

<sup>37</sup> KFOS, *The Position of Roma, Ashkali, and Egyptian Communities in Kosovo: Baseline Survey*, Prishtina, 2009, p.21

<sup>38</sup> Ibid, p.21

<sup>39</sup> DW-WORLD, ‘*New UNICEF report condemns German policy of deporting Roma children*’, 08 July 2010. Text available at: <http://www.dw-world.de/dw/article/0,,5775224,00.html> (Accessed on 19 September 2010).

<sup>40</sup> KFOS, *The Position of Roma, Ashkali, and Egyptian Communities in Kosovo: Baseline Survey*, Prishtina, 2009, p.23

<sup>41</sup> Ibid, p.31

Ashkali and Egyptian people face when it comes to employment in public enterprises. The privatization process has not helped much in improving the employment opportunities for Roma, Ashkali and Egyptian communities. As most privatized companies are owned by Albanian employers, they generally avoid hiring members of Roma, Ashkali and Egyptian communities because of ethnic prejudice or lack of qualifications. There are also cases where an ethnicity is claimed falsely to get reserved jobs for minorities. An Ashkali activist from Magura argues that ‘the airport is very close, recently an Ashkali had an opportunity to apply for jobs there, but Albanians claimed to be Ashkali and took the jobs in the name of the Ashkali. They are violating our rights.’<sup>42</sup> Also, “...most of the jobs which Roma traditionally had are taken by Albanians, like blacksmith or trading.”<sup>43</sup> In the rare cases of employment, Roma, Ashkali and Egyptian people usually are asked to perform hard physical work and are paid less than Albanian employees performing equivalent tasks. Responding to the issue of forced return of Roma, Ashkali and Egyptian families, Danush Ademi, an Ashkali MP in the Kosovo Assembly asserted that ‘a common source of income of Roma, Ashkali and Egyptian families is the support from the relatives living abroad as asylum seekers or with residence permit.’<sup>44</sup> Hence, Ademi warns that the forced return of Roma, Ashkali and Egyptian families will have a disastrous impact on Roma, Ashkali and Egyptian communities in Kosovo, as the last remedial source of income is taken away.

### **c) Healthcare**

In addition to being serviced by a poor health system, with insufficient services and ineffectively managed, Kosovo people are not covered by public health insurance scheme and patients have to pay for the most of medicine. In the case of Roma, Ashkali and Egyptian forced returnees suffering from serious diseases are not able to find a sufficient and affordable way of ensuring their healthcare and medicine in Kosovo. In general, municipal health authorities do not conduct any information and outreach activities with Roma, Ashkali and Egyptian forced returnees, nor they facilitate the recuperation of ill returnees by providing free-of-charge medication and services.<sup>45</sup>

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<sup>42</sup> Testimony provided by the European Roma Rights Centre from primary research for its forthcoming report on the human rights situation of Roma, Ashkali and Egyptians in Kosovo. ERRC interview with H.A. (Magura, 24 May 2010).

<sup>43</sup> Testimony provided by the European Roma Rights Centre from primary research for its forthcoming report on the human rights situation of Roma, Ashkali and Egyptians in Kosovo. ERRC interview with N.M. (Prizren, 22 May 2010).

<sup>44</sup> Interview with Danush Ademi, currently an Ashkali Member of Kosovo Assembly, Prishtine, 12 October 2009

<sup>45</sup> OSCE, *Implementation of the Strategy for Reintegration of Repatriated Persons in Kosovo’s Municipalities...*p.8.

Shemsi Miftari, an Ashkali returnee and Kosove insulin-dependent patient confesses that besides insulin, he also needs other medication which he cannot afford by himself. Shemsi needs approximately 110 Euros per month to buy the medication, on which his life depends. The Miftari family has also two children of age 12 and 6 who are dumb and deaf who are unable to attend the special institution for hearing-impaired students in Prizren due to the impossibility to finance the transport and accommodation. The Miftari family was given notice to leave Germany in 2007 and they decided to return voluntarily in order to get the promised assistance from different organizations, but upon arriving in Kosovo they have been ignored.

In many cases, to receive adequate healthcare, patients are obliged to visit private clinic which have unaffordable prices for poor people. Skender Broraj after spending twenty years in Germany was forcefully repatriated in June 2010 and among many other problems, he is concerned with the health care of his mother. In his words:

*My mother suffers from a heart diseases and is diabetic... [in Germany]... she used to get medicines for free and she used to have regular check-ups but now I do not know how I am going to take care of her, when I know that my house is totally destroyed and I do not know where I am going to stay.*<sup>46</sup>

A UNICEF report indicates that half of Roma departed from Germany are children.<sup>47</sup> In Kosovo, one of the major challenges concerns the improvement of mother and child health status where there is a 'lack of knowledge and awareness among communities and families about adequate home care management, child physical and cognitive development and general reproductive health.'<sup>48</sup> Hence, these repatriated children will be exposed to this poor health and nutrition conditions, which will impact negatively on their wellbeing. The poor environmental conditions where Roma, Ashkali and Egyptian forced returnees are accommodated also impact their health situation. As declared by Basri Rexhepaj, an Ashkali Community Officer in Ferizaj:

*'Here in Dubrave hygienic circumstances are very bad. Many tuberculosis cases are caused by poor living conditions and bad food. A particular problem is that we do not have a sewerage system. Nobody is giving any money for that, and no one delivers medicine for the sick people.'*<sup>49</sup>

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<sup>46</sup> Interview with Skender Broraj, Istog, 21 September 2010.

<sup>47</sup> See more: Verena Knaus and Peter Widmann, 'Integration Subject to Conditions: A report on the situation of Kosovan Roma, Ashkali and Egyptian children in Germany and after their repatriation to Kosovo', German Committee for UNICEF, 2010.

<sup>48</sup> UNICEF Kosovo, Section of Health and Nutrition, Text available at: <http://www.unicef.org/kosovo/children.html>, (Accessed on 21 September 2010).

<sup>49</sup> Interview with Basri Rexhepaj, Ashkali Community Officer in Ferizaj, 4 October 2009

These cases illustrate that many Roma, Ashkali and Egyptian community members, who were forcibly returned and suffer from health problems, are exposed continuously to new diseases such as tuberculosis (TBC) in Dubrave, or lead poisoning in Mitrovica. Indeed, these EU member states, aware of poor healthcare services and conditions in Kosovo, forcefully repatriate Roma, Ashkali and Egyptian people who suffer from diseases, thereby violating their right to health wellbeing, social protection, and right to life.

#### **d) Education**

Integrating Roma, Ashkali and Egyptian forced repatriated young people and children into the mainstream education system remains one of the greatest obstacles of public schooling in Kosovo. A recent UNICEF Report states that 'while most children had attended school regularly in Germany, once they returned to Kosovo, three quarters dropped out of school, mainly due to poverty, language barriers and the lack of school certificates from Germany'.<sup>50</sup> In such difficult educational conditions, there is the risk that many deported children and youth people will attempt to return to their host country through organized crime networks, where the only prospect awaiting them is the status of an illegal immigrant.<sup>51</sup>

After spending nearly twenty years in Germany, the Berisha family was forcefully repatriated to Kosovo in December 2009.<sup>52</sup> Since then, due to the lack of educational documentation, five of their children are unable to attend public schooling in Kosovo. Children also face language difficulties as they have been born and raised in German-speaking environments. Many repatriated families complain about lacking documents, which they were unable to gather in Germany before an unexpected or unwanted repatriation. However, Frank Michael Wellna at the Migration Attaché at the German Embassy in Prishtina explains that these families can contact the embassy, which will provide them with birth certificates and other documents.<sup>53</sup>

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<sup>50</sup> Verena Knaus and Peter Widmann, *'Integration Subject to Conditions: A report on the situation of Kosovan Roma, Ashkali and Egyptian children in Germany and after their repatriation to Kosovo'*, p. 81.

<sup>51</sup> Ibid, p.14.

<sup>52</sup> Interview with Ismet Berisha, Gjakove, 20 September 2010.

<sup>53</sup> Interview with Frank Michael Wellna, Migration Attaché at the German Embassy in Prishtina, 29 September 2010.

To date, no municipal working plan on education considers the specific needs of Roma, Ashkali and Egyptian repatriated children and youth, including the language constraints, securing documents, and supporting with textbooks.<sup>54</sup> Many other young people leave education due to security reasons. An Ashkali 17 year-old girl was born in Germany and forcefully repatriated to Kosovo in 2003. She did not continue her education in Kosovo due to her fear that Albanian students might behave violently with her. Roma living in Serb populated areas experience a similar phenomenon. Seljatin Emini, a Roma activist from Preluzje, declared that ‘they face discrimination, as it is obvious that a Roma student cannot follow an academic career the same as his or her Serbian peers’<sup>55</sup>.

### **e) Security and Discrimination**

In most cases, Roma, Ashkali and Egyptian forced repatriated families do not face security problems, except the perceived fear and uncertainty of travelling to unknown places due to language barriers. In general, for Roma, Ashkali and Egyptian communities in Kosovo, there are three main threats to security: theft (23%), followed by robberies, murders, organized crime/mafia (23%), and infectious diseases (15%).<sup>56</sup> However, depending on the region, many Roma, Ashkali and Egyptian forced returnees feel insecure in different situations as they live with the impression of being treated differently from the majority.

The security for the Roma community in the Albanian dominated areas is still a problem, as it is the same problem of security for Ashkali community living in areas, dominated by Serbs. Security concerns occur only in sensitive regions where Roma, Ashkali and Egyptian forced returnees become a minority within minority, such as in the cases of North Mitrovica. As the Serb-controlled municipalities in the North of Kosovo do not recognize or implement laws and other measures taken by the Kosovo authorities, they do not maintain data on returns and consequently do not provide any assistance for Roma living in that region.<sup>57</sup> Indeed, in 2009 the UNHCR stated that ‘Kosovo Serbs and Kosovo Albanians inhabiting areas where they are in the minority, and Kosovo Roma inhabiting any part of Kosovo continue to face serious restrictions to their freedom of movement and their exercise of fundamental rights, including serious societal and sometimes

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<sup>54</sup> OSCE, *Implementation of the Strategy for Reintegration of Repatriated Persons in Kosovo’s Municipalities...* p.9.

<sup>55</sup> Testimony provided by the European Roma Rights Centre from primary research for its forthcoming report on the human rights situation of Roma, Ashkali and Egyptians in Kosovo. ERRC interview with S.E. (Preluzje, 23 May 2010).

<sup>56</sup> UNDP, *Early Warning Report Kosovo 28*, p.30.

<sup>57</sup> Amnesty International, *‘Not Welcome Anywhere: Stop the Forced Return of Roma to Kosovo’*, p. 13.

administrative discrimination that would limit in particular their ability to exercise their political, social and economic rights'.<sup>58</sup>

Kosovo Roma usually avoid reporting crimes to local police due to the low confidence in law enforcement<sup>59</sup> and because "they are afraid of possible repercussions."<sup>60</sup> Moreover, low confidence in law enforcement results also, from both the under-represented recruitment of police belonging to these communities and the institutional weaknesses of Kosovo Police. On the other hand, the forceful repatriation of Roma, Ashkali and Egyptian people creates security concerns also within their communities. There are reported cases where the returned Roma began illegal business with drugs and crime. Such cases are reported by Roma activists in Prizren, declaring that 'in my neighbourhood, ten persons were forcibly returned and now they are all drug dealers'<sup>61</sup> claiming that this will affect their children tomorrow.

Roma, Ashkali and Egyptians constantly feel discriminated against and believe that municipal authorities, public companies, central government, and public schooling are responsible for this discriminatory situation.<sup>62</sup> In many cases, they report discrimination in education, employment, or in unequal consideration for Roma, Ashkali and Egyptian in utilizing public services. All these factors complicate the gradual re-integration of Roma, Ashkali and Egyptian forced returnees to Kosovo society. To illustrate this, a 22 year-old female who returned to Kosovo with her family in 2005, after having spent 14 years in Germany, witnessed ethnic discrimination:

*I was at this basketball court with some other Ashkali girls and boys, when an Albanian boy came there and beat a boy from our group. Children were coming and calling us insulting names and shouting "Gypsies, gypsies!". I was so afraid, and the Albanian boy did not even know the person he was cutting into pieces!<sup>63</sup>*

Kosovo's weak judicial system also has implications for addressing discrimination cases. Regarding the judiciary in Kosovo, the 2009 EU Progress Report notes that 'the justice system remains weak,

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<sup>58</sup> UNHCR, *Eligibility Guidelines for Assessing the International Protection Needs of Individuals from Kosovo*, 9 November 2009, HCR/EG/09/01, p.18.; See more: Council of Europe, *The Situation in Kosovo and the role of the Council of Europe, Political Affairs Committee*, Doc. 12281, 7 June 2010.

<sup>59</sup> UNHCR, *Eligibility Guidelines for Assessing the International Protection Needs of Individuals from Kosovo*, 9 November 2009, HCR/EG/09/01, p.11.

<sup>60</sup> MRGI, *Filling the Vacuum: Ensuring Protection and Legal Remedies for Minorities in Kosovo*, 2009, p.15-20.

<sup>61</sup> Interview with Nexhip Menekshe, Radio Romano Avazo, Prizren, 4 September 2010

<sup>62</sup> UNDP, *Early Warning Report Kosovo 28*, p.33.

<sup>63</sup> Interview with A. S., 22 October 2009

vulnerable to political interference and inefficiency' and that 'Kosovo's judiciary is still in need of a major reform.'<sup>64</sup>

#### **f) Obtaining legal and official document**

Apart from an initiative undertaken by UNHCR, CRPK and RADC to assist Roma, Ashkali and Egyptian communities in obtaining legal and civil documents, there are no significant activities undertaken by relevant national and local authorities to raise awareness among Roma, Ashkali and Egyptian forced returnees about the importance of civil registration and provide assistance in obtaining the documents.<sup>65</sup>

There are also cases where the children of Roma, Ashkali and Egyptian forced returnees that are born in the host country face civil registration difficulties. In Kosovo, child born outside of Kosovo must possess an international birth certificate issued by the country of birth. In many cases the Roma, Ashkali and Egyptian returnees do not have such documentation as they were forced to leave without warning. Accordingly, these children are unable to receive legal identification documents in Kosovo which makes impossible registering to public schools and receiving healthcare.<sup>66</sup> The Kosovo Government indicated in the Action Plan for the Implementation of Roma, Ashkali and Egyptian Integration Strategy that it aims to 'strengthen cooperation among institutions of Kosovo and institutions of host countries to enable information and registration of returnees and the repatriated persons.'<sup>67</sup> In achieving this, it plans to draft information packages for refugees and the displaced that are able to return.

#### **g) Psychological Consequences of a Deportation**

*'We had been detained like prisoners. And we did not even have enough time to pack our bags.'*<sup>68</sup>

The process of deportation imposes humiliation, fear and insecurity and disrespect of privacy. The psychological distress that the deportees experience during the deportation phase, when police

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<sup>64</sup> EU 2009 Progress Report for Kosovo, p.11

<sup>65</sup> OSCE, *Implementation of the Strategy for Reintegration of Repatriated Persons in Kosovo's Municipalities...*p.9.

<sup>66</sup> UNICEF, *Every Child Counts: Birth registration in Kosovo...*p. 51.

<sup>67</sup> Kosovo Government, 'The Republic of Kosovo Action Plan on the Implementation of the Strategy for the Integration of Roma, Ashkali and Egyptian Communities, 2009-2015', p. 91-2.

<sup>68</sup> B. Sh., 17 years old, 13 August 2009

often enter their dwelling place in the middle of the night to make sure that no one escapes and the approach used by the police bears resemblance to those of torture approaches, as the deportees are put under mental, emotional and physical duress.

These forced repatriation scenes mainly affect children and young people as they experience the spiraling vortex of trauma caused from both deportation events and adjustment to Kosovo reality where they to adopt to various, especially those 'related to language barriers, lack electricity or water or other adaptation to lower standards of living and adaptation in school.'<sup>69</sup> Children, who lived in western countries, usually thought that they would be on vacation in Kosovo. After realizing that they would never be able to go back to their schools and friends, they were often disillusioned and shocked<sup>70</sup>.

The proceedings of a forced return can vary greatly and forced returns are not informed at all on the proceedings. Sometimes the people are brought to the airport directly, but in some cases the whole family is first being taken into custody pending deportation, in order to bridge the time-frame between the detention and the flight to their home country. Methods of repatriation can also differ between countries, i.e., Switzerland returns returnees via commercial flights, whereas Austria and Germany repatriate people in charter flights. Unfortunately, there are a number of cases, in which families are separated in the deportation process. For instance, in Ferizaj a young Ashkali man reported that he had not seen his parents since 2001, began crying as he explained that he avoids talking to his mother on the phone, as she suffers from deep depressions and a sleep disorder. Separating family members like this can easily be seen as an instrument of psychological pressure to encourage the rest of the family to return to Kosovo voluntarily.

It should also be considered that the social position of young girls and women is not the same as in western societies. Female Roma, Ashkali and Egyptian community members often face gender-based discrimination and find it difficult to reintegrate into the village communities. Often there is a perceived prevalent feeling of inferiority, and girls who used to go to school in their host countries are confronted with unequal treatment by teachers and male schoolmates in Kosovo. Despite the

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<sup>69</sup> Anica Mikuš-Kos, Slovene Philanthropy; Ljubljana, Slovenia, '*The psychological and psychosocial situation of returnee children and youth*' in the *Expert Conference RETURN and IMPACT: The Challenge of Good Practice in International Return Programmes to Kosovo*, 17-19 October 2008, Prishtina, Kosovo, p.14.

<sup>70</sup> Bashkim Kurti, a Community Officer in Gjakova, 15 August 2010

ongoing Westernisation in Kosovo, social norms and moral values still differ very much between the western countries and Kosovo, and female Roma, Ashkali and Egyptian returnees report social condemnation for behaviour which was seen as normal in their host countries.

## **V. The Political Position of Western Countries and Donor Assistance Regarding Roma, Ashkali and Egyptian Forced Repatriation**

Between 2008 and 2010, Kosovo Government has signed five repatriation agreements with Albania, France, Austria, Belgium and Switzerland. There are also several readmission agreements pending to be signed with other European countries. In general, the readmission agreements signed thus far establish the repatriation conditions for Kosovo citizens or third-country citizens and stateless persons affiliated with Kosovo, readmission procedures and technical aspect of repatriation process. In all of these bilateral agreements, three broad reasons are invoked to regulate the issue of repatriation and readmission of persons remaining illegally in the host state: (a) the desire to develop friendly relations and deepen mutual cooperation; (b) friendly relations and deepen mutual cooperation; (c) the necessity to eliminate illegal migration; and (d) to promote compliance with international treaties and conventions.

Certainly, Kosovo's position of incomplete international recognition and membership in regional and international institutions is in a weak position and is obligated to sign repatriation agreements in order to maintain the international support and development assistance from EU member states. Such agreements also provide evidence for Kosovo's capacity as sovereign and independent state to conclude international agreements and comply with international norms and principles. Furthermore, the repatriation process is fostered in particular after Kosovo's independence due to the perceived political and eco-social improvement of situation in Kosovo.

The Roma, Ashkali and Egyptian forceful repatriation procedure occurs in four stages. First, if Roma, Ashkali and Egyptian families fail to prove possession of citizenship, residence permit or visa in the host country, they are listed for repatriation. In this respect, Switzerland appears to be more cautious in approaching the repatriation of asylum-holders on an individual basis. In a Conference

organized in 2008, Grégoire Crettaz, First Secretary, Migration Attaché, Embassy of Switzerland in Kosovo confirmed this:

*Out of a Diaspora of 150,000 from Kosovo, about 8,000 are of RAE communities, of whom 6,000 have either citizenship or a permit. Out of the 2,000 that remain under asylum law, around 1,500 have temporary residence permits. Only 500 remain that are either in processing or about to return. But only about 62 members of RAE communities impend immediate return.<sup>71</sup>*

In the Swiss case, the position to repatriated Roma, Ashkali and Egyptian families in gradual manner and through identifying cases individually and based on appropriate criteria also continues in 2010, where the number of returnees has not increased.

The next step in the repatriation procedure holds that in case the Roma, Ashkali and Egyptian family does not comply with the rules of voluntary return, security authorities in the host country use different methods to repatriate forcefully. In this regard, as most of the repatriated families come from Germany, it is stated by German authorities that forced return is a last resort, and decisions are taken under rather strict conditions. In the words of a German Diplomat:

*'Only if no voluntary return is chosen, our Government might choose means of forced return of last resort, but on rather strict conditions and limitations. We are operating based on UNHCR position statement, which last time saw the return of Roma as not desirable.'<sup>72</sup>*

According to this, there are no forced returns of Roma with the exception of criminals. This is not the case in reality because there are hundreds of Roma, Ashkali and Egyptian families repatriated to Kosovo without any criminal record. 'Daily newspapers in Kosovo are misinformed', said Frank Micheal Wellna of the German Migration Attache. There would be no mass deportation. According to the German Migration Attache/Repatriations in Prishtina, there are only 108 Roma, 37 Ashkalia, and 5 Egyptians who are deported up to August 2010. RADC asked the German Migration Attache for the list of people who are deported, but German Migration Attache, Frak Michael Wellna, said he

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<sup>71</sup> Grégoire Crettaz, First Secretary, Migration Attaché, Embassy of Switzerland in Kosovo, in the PER International Roundtable on Roma, Ashkali and Egyptians of Kosovo: Challenges and Prospects of Sustainable Integration, Vienna, 22 October 2008, p.7.

<sup>72</sup> Lorenz Barth, Counsellor, Permanent Mission of the Federal Republic of Germany to the OSCE, in the PER International Roundtable on Roma, Ashkali and Egyptians of Kosovo: Challenges and Prospects of Sustainable Integration, Vienna, 22 October 2008, p.6.

cannot give RADC this list due the fact that this information is protected under the data protection law, making it unavailable for the public.<sup>73</sup>

In the meantime, procedures regulate that the sending and requesting states establish contacts and the requesting state receives the forcefully repatriated people to the airport and provides temporarily accommodation and food. Prior to repatriation, the host state sends the list of people planned to be repatriated to the Kosovo authorities to verify if they possess currently or in the past Kosovo citizenship and residency. The Kosovo Minister of Internal Affairs, Bajram Rexhepi declared that there are cases when people on list have declared that they originate from Kosovo, but in fact they are citizen of one of the neighbouring countries, Serbia, Macedonia, Montenegro or Albania. Recently, a case was verified that they belong to Albanian community but they have been registered in Germany as Ashkali in the hope to prolong the toleration status and eventually to obtain German citizenship.<sup>74</sup>

As the majority of Roma, Ashkali and Egyptian families are repatriated from Germany and Switzerland, these two countries try to provide assistance to facilitate re-integration to Kosovo. The International Organization for Migration (IOM) also provides direct and immediate assistance when the returnees arrive in Kosovo, providing information, airport assistance, special assistance for medical cases and onward transportation to the returnees' final destinations.

Some of the Roma, Ashkali and Egyptian forcefully repatriated families benefit from a re-integration scheme provided by three of the German federal states. URA (Bridge) is a project supported by Baden-Württemberg, Niedersachsen and Nordrhein-Westfalen, which provide assistance primarily to the voluntary returnees from these regions, but also to forcefully repatriated families. The financial support entails providing 50 Euros per person immediately and paying 100 Euros per month for five months after returning to the host community. In addition, URA financial schemes support returnees with 300 Euros per person for furniture and 75 Euros per person for medicine and healthcare. In supporting the re-integration process of returnees from Germany, the URA project also supports language courses, professional and vocational trainings and an education grant up to 120 Euros per person. In addition, URA projects support several employment opportunities by assisting and mediating in finding jobs, organizing seminars and support to

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<sup>73</sup> Interview with Frank Michael Wellna, Migration Attaché at the German Embassy in Prishtina, 29 September 2010.

<sup>74</sup> Kosovo Daily Express, 'Only our Roma', 19 April 2010, p.8-9.

establish a business through a grant of up to 2000 Euros based on a successful proposal. As of December 2009, URA has provided employment assistance to 77 returnees and provided funds to another 13 to start a small business.<sup>75</sup>

Although the German-funded reintegration program URA is considered a comprehensive package for targeting forced returns, it focuses almost exclusively on the needs of parents and does not pay much attention to the needs of returning children.<sup>76</sup> In addition, a Roma civil society activist from Prizren stated that the URA project does not partner with any Roma organisations. Indeed, accessibility to the URA project is one of the challenges for Roma, Ashkali and Egyptian repatriated persons, as travelling from peripheral regions of Kosovo, like Prizren, Peja, and Gjakova to Prishtina (where the URA project is administered) costs around 20 Euros per person. Hence, a person receiving less than 100 Euros per month is faced with the difficult decision between trying to seek support from URA by travelling to the capital and staying home to save that money for food and basic needs.

Kosovars who return voluntarily from Switzerland can benefit from two projects financed by Swiss authorities that promote the sustainable reintegration through economic and social development and employment assistance. These projects also provide technical assistance to Kosovar institutions involved in providing assistance for returnees. Another project funded by the Swiss Government seeks to contribute to the social and economic development of specifically disadvantaged members of Roma, Ashkali and Egyptian communities living around Prishtina region, focusing mainly in the areas of education, economic development, basic infrastructure and community building.<sup>77</sup>

## **VI. Recommendations**

### **1. The overall recommendation of this report is that the sending states should temporarily stop the forced repatriation of Roma, Ashkali and Egyptian communities to Kosovo and**

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<sup>75</sup> Verena Knaus and Peter Widmann, *Integration Subject to Conditions: A report on the situation of Kosovan Roma, Ashkali and Egyptian children in Germany and after their repatriation to Kosovo*, p. 95.

<sup>76</sup> Ibid, p. 95.

<sup>77</sup> See more on Swiss assistance projects to Kosovo returns at: [http://www.swiss-cooperation.admin.ch/kosovo/en/Home/A\\_list\\_of\\_current\\_projects](http://www.swiss-cooperation.admin.ch/kosovo/en/Home/A_list_of_current_projects), (Accessed on 23 September 2010).

**should synchronize their policy action in the spirit of ensuring that the human rights of Roma, Ashkali and Egyptian forced returnees are respected and protected. Hence, the best solution seems to be the naturalisation and integration in their host country, or repatriation to Kosovo with genuine assistance.**

**2. Kosovo authorities should immediately:**

- 2.1 allocate sufficient funds for implementing the Strategy for Reintegration of Repatriated Persons and its explanatory Action Plan,
- 2.2 Increase their inter-ministerial communication, cooperation, and coordination of activities in order to implement the Strategy for Reintegration of Repatriated Persons,
- 2.3 instruct the Ministry of Labour and Social Welfare to create a special budgetary line to provide basic social assistance for Roma, Ashkali and Egyptian forced returnees after sufficient proof is provided that they need assistance in housing, healthcare, and income generation,
- 2.4 facilitate through the Ministry of Internal Affairs the civil registration of Roma, Ashkali and Egyptian forced returnees and re-consider slowing down the process of accepting and confirming the citizenship of repatriated families for the sending states,
- 2.5 provide through the Ministry of Health and its entities, free healthcare to Roma, Ashkali and Egyptian returnees in case they are unemployed and don't have sufficient social assistance,
- 2.6 through Ministry of Education create inclusive and equal conditions for Roma, Ashkali and Egyptian repatriated children by registering to school without complicated criteria and documentation, provide language catch-up classes, and respect their cultural and linguistic barriers,
- 2.7 through Ministry of Returns and Communities include Roma, Ashkali and Egyptian forced returnees to their list of beneficiaries in housing projects, and allocate funds to fulfil their basic living conditions,
- 2.8 Moreover, the minority consultative bodies based at the President's Office, Prime Minister's Office and the Kosovo Assembly should engage and use their political

power to demand upon the central and local authorities in Kosovo to take full responsibility in assisting Roma, Ashkali and Egyptian forced returnees.

**3. The civil society organizations and the donor agencies present in Kosovo should develop projects that facilitate the social and economic re-integration of Roma, Ashkali and Egyptian forced repatriated people.**

- 3.1 The domestic NGOs in Kosovo, together with the international donor agencies and Kosovo authorities, should organize a donor conference to create a special fund to assist the repatriated families with housing, healthcare, employment and social inclusion in the public sphere,
- 3.2 Roma, Ashkali and Egyptian civil society communities should design assistance programmes for forced returnees and use public means to increase the pressure to local and central authorities in Kosovo,

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