

Report from study visit to Kosovo September 2013



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Photos taken by Joakim Roos except when indicated differently.

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The photos on the front page are from Pristina and Southern Mitrovice/a.

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Summary and recommendations

A delegation from Church of Sweden visited Kosovo between the 9th and 13th September 2013 in order to learn about the situation for the Roma minority and especially the difficulties facing those returned from Sweden to Kosovo after a rejected application for asylum.

In Kosovo we learned that the problems of the Roma minority are closely linked to the situation for the Ashkali and Egyptian minorities and the report therefore to a large extent describes the situation not only for Roma but for the three groups.

In practice there is severe discrimination against the Roma, Ashkali and Egyptian communities to be found in Kosovo, but the violations of rights are often not very explicit. There is a general difficulty proving discrimination and human rights violations for groups that for so long have been excluded from society. There is a vicious circle of exclusion, lack of education and poverty. Nevertheless it is vital to break that circle and we found worrying examples of the majority society not wanting to see or confess that there is a problem with discrimination. **There is a need for a stronger Roma, Ashkali and Egyptian representation in civil society and a need for small, accessible grants for those minority-organizations that exist. There is also a need for an inclusive economic development that gives all the people of Kosovo hope for the future.**

For the returnees from western European countries there are severe problems with reintegration in Kosovo, due to many factors. For the Roma, Ashkali and Egyptian communities these problems are worse because of their minority situation. Particularly for the Roma community, there are still security incidents in some parts of Kosovo, and remaining traumas from the violence against Roma that occurred after the war. Many of the houses of Roma were burned down and there are also difficulties proving ownership of houses. There is a severe lack of language-support for making school attendance meaningful for Roma children who after many years in Western Europe often do not speak Albanian or Serb. These factors pose severe violations of human rights. **The Church of Sweden endorses the recommendations by the Council of Europe and the UNHCR not to return Roma persons to Kosovo by force and we want to highlight the fact that children of school age are particularly at risk of having their right to education breached by a forced return.**

There are big deficiencies in the health care in Kosovo, particularly in trauma-related care. There are people deported to Kosovo from Western Europe in very bad state of health and this must stop. **Persons in need of trauma-related care should not be sent back to Kosovo by force, since the trauma-related care is underdeveloped. Deportations of severely ill persons are an inhumane practice that should not take place, no matter to which country.**

There is a severe problem with forced marriages which could be labelled as trafficking in human beings. Many young Roma, Ashkali and Egyptian women are being married abroad without being consulted, for a price of 2 000 or 3 000 Euros. **The risk of falling victim to forced marriages should be assessed in all asylum claims from Roma, Ashkali and Egyptian women from Kosovo.**

Background to the study trip

There are many asylum seekers from Kosovo coming to Sweden. The first six months of 2013 there were 446 persons from Kosovo asking for asylum in Sweden, which makes Kosovo till the 10th largest country of origin of asylum seekers in Sweden.¹ It is reasonable to assume that many of these persons are from the Roma minority. According to a study from Amnesty International in 2011 most Roma asylum seekers from Kosovo do not access a proper examination of their asylum claim. Their claims are considered as obviously unmotivated or just based on the difficult economic situation in Kosovo.² In 2012 there were 46 persons (6 % of applicants) from Kosovo that were granted permit to stay in Sweden, mainly due to humanitarian reasons.

Many rejected asylum seekers from the Roma minorities in the Balkans stay in Sweden despite not being granted a resident permit. Many of them are in contact with the parishes in Church of Sweden and many are desperate for not returning to their country of origin.

The Swedish Migration Board has the task to motivate rejected asylum seekers to voluntary return to their country of origin. When this fails there are also deportations of people with force, carried out by the police. Sweden has returned rejected asylum seekers from the Roma minority to Kosovo for many years, despite the fact that it is against the recommendation of the Council of Europe³ and of UNHCR⁴.

The stories that are told from the Roma people from Kosovo differ quite much from how the situation is portrayed by migration authorities. Therefore it was important for Church of Sweden to make a study visit as a fact-finding mission, focusing on the situation for the Roma minority, with a special interest in the situation for the returnees. Part of the delegation was comprised of colleagues from a local parish in Nyköping with extensive contact with many asylum seekers from Kosovo; Monica Bengtsson, Anne Svanhed-Åhlin, Maria Andrén and Patrik Ingemansson. They had a slightly different program then the rest of us, especially concerning field visits. In the delegation there were also two deacons from Church of Sweden working on migration issues based in the region of Linköping; Jan Johansson and Susanna Löfgren. Kristina Hellqvist, advisor for refugee- and integration issues from the Central Church Office in Uppsala, who has compiled this report, took part, as well as David Qviström from the Church Newspaper and a photographer, Joakim Roos.

Representatives from political parties were invited to join the delegation and we were very happy that the parliamentarian Maria Ferm from the Green Party and the spoke person for Young Greens Magda Rasmusson decided to travel with us.

¹ *Verksamhets- och kostnadsprognos*, Migrationsverket, 2013-07-29 <http://www.migrationsverket.se/info/7558.html>

² *Romer i asylprocessen*, Amnesty International, 2011, a summary can be found in the Annual Report of Amnesty, <http://www.amnesty.se/nyheter/nyheter/632516/>

³ *The situation in Kosovo* and the role of the Council of Europe*, Parliamentarian Assembly of the Council of Europe, 22nd January 2013, <http://assembly.coe.int/ASP/Doc/XrefViewPDF.asp?FileID=19353&Language=en>

⁴ *UNHCR's statement on the occasion of the 5th Meeting of the Ad Hoc Committee of Experts on Roma Issues*, 16th May 2013

The week before we visited Kosovo the Swedish Migration Board published a report from a fact-finding-mission to Kosovo in April 2013 concerning the situation for minorities in Kosovo.⁵ This has been a relevant background document for us. However, our report puts more emphasis on giving voice to the minority representatives themselves and therefore also differs in descriptions and partly in conclusions.

Everyone in the delegation as well as the persons that are quoted in the report have been invited to comment on this report before finalizing it. The complete list of representatives met are to be found in the end of the document. Apart from them we have also met a number of returnees from the Roma minority. This is the place to express a big **thanks** to all those who took time to meet us and share their expertise and insights with us.



Almost the whole group; from the left side Susanna Löfgren, Maria Andrén, Patrik Ingemansson, Anne Svanhed-Åhlin, David Qviström, Monica Bengtsson, Joakim Roos, Kristina Hellqvist, Magda Rasmusson and Maria Ferm. Jan Johansson is behind the camera...

General minority situation in Kosovo and something on vocabulary

We organized the trip to Kosovo to learn about the situation for the Roma minority. However, we soon learned that in Kosovo there is commonly a referral to the three most vulnerable minority groups; Roma, Ashkali and Egyptian, together. The difference between the groups, as we understood it, is partly the origins, partly the self-identity and partly the language. The Roma are said to have their roots in India, the Ashkali in Persia and the Egyptians - in Egypt. All three groups were called Roma until 1999 when the Ashkalis and Egyptians declared themselves separate groups. The Ashkali and Egyptians have Albanian as a mother tongue whilst Roma have Romani as mother tongue. The people from the Roma community are usually poorer and less educated. All three groups have slightly darker skin than Albanians and Serbs and are therefore often recognizable. In Kosovo's

⁵ *Minoriteter i Kosovo*, LIFOS, 2013-09-06, <http://lifos.migrationsverket.se/dokument?documentSummaryId=30760>

constitution and legislation there are specific quotas for political representation and employment in the public sector of the Roma, Ashkali and Egyptian communities. However, some within these groups have mixed feelings about them being put in the same box. Maybe it could be compared with the distinction between Sinti and Roma in Italy. Partly it is a true and relevant distinction and partly it is way for a group with a slightly better situation to distance themselves from the Roma community that is always at the lowest level. In this report the Roma, Ashkali and Egyptian communities are mentioned together when relevant. Often the Roma group is particularly mentioned.

According to the last census (2011) there are 8 824 Roma, 15 435 Ashkali and 11 524 Egyptians living in Kosovo today, from a total population of slightly over 1,7 million.⁶ Before the war there were at least 150 000 only Roma, according to the RAD-Center. In Pristina there were 10 000 Roma living before the war, now there are only 4 families.

There are also other minorities in Kosovo, most notably the Kosovo-Serbian minority. Because of the war and the remaining high tension between Belgrade and Pristina this group is also vulnerable in many ways. However the Serbian minority is better educated and less poor than the Roma, Ashkali and Egyptian minorities and - for good and for bad - has the support from Serbia in their struggles. Our study visit did not focus on the situation for the Kosovo-Serbs but sometimes they are mentioned in the report.

For names of places, mostly both the Albanian and the Serbian name is indicated, e.g. Fushë Kosovë/Kosovo Polje or Mitrovica/a. For the name of the country and the capital, the most common English versions are used, i.e. Kosovo and Pristina.

Security and freedom of movement

Rainer Mattern from Swiss Refugee Council wrote in a report from 2011: *"Paradoxically, after the war, the situation took a dramatic turn for Roma and other ethnic minorities of Kosovo. Then the former victims, the Albanians, became the persecutors. Radical Albanians accused the Roma collectively of collaborating with the Serbian militia during the war, and new violence erupted against entire Roma communities."*⁷

The security situation was one of the main focuses for our study visit. The actors we met portrayed a situation where the kind of targeted persecution of Roma minorities, as described in the text above, do not longer occur, or at least "it is not the main concern right now". Bekim Sylja from the RAD-center (Roma & Ashkali Documentation Center) told us that particularly the years 2002-2005 presented a very difficult security situation for Roma in Kosovo. Shpresa Agushi from RROGRAEK (The network of Roma, Ashakali and Egyptian Women organizations of Kosovo) told us that there is still some violence against Roma but not like it used to be. There used to be every day occurrence of beating and rape and a total ignorance from the police in the town of Gjilan/Gnjilane where she lives. There has been improvements. But still, her children are often being beaten by other children and

⁶ Figures to be found at <http://census.rks-gov.net>

⁷ *Social Inclusion and Cultural Identity of Roma Communities in South-Eastern Europe*, Swisspeace, 2011 <http://www.isn.ethz.ch/Digital-Library/Publications/Detail/?id=128545>

the police would just say that "oh, that is children's behavior". Her answer is clear: "No this is not a children's problem, it is an ethnic problem".



Shpresa Agushi from
RROGRAEK in her
home town
Gjilan/Gnjilane

Photo: Kristina Hellqvist

– During the war there was ethnic cleansing of Roma in Kosovo. That is not the case anymore, says Shpresa Agushi. She adds that there is however an uncertainty for the future and whether more systematic violence will erupt again.

The Associate Protection Officer of UNHCR in Pristina says that the return process is still marked, in some areas of Kosovo, by security incidents and by reluctance from the receiving communities to accept minority returnees. Particularly this is the case in Istog/k, Klina/e, Mamushe, Djakova/Djakovica and northern Mitrovice/a. Unfortunately we did not have that information beforehand and we did not visit these areas, except northern Mitrovice/a, where at least we could observe that the Roma camps had been emptied and people had been offered space to live in a "mahalla" in southern Mitrovice/a.

The Program Officer for Human Rights and Democracy at the Swedish Embassy in Pristina, asserts that often the Roma people are caught between two fires, being neither Albanians nor Serbs, and that this is the case particularly in Mitrovice/a. Most we met agree that the Ashkali and Egyptian populations are better off since they have lived closer to the Albanian society and speak Albanian. The Serbian minority in Kosovo, which was not the focus for our study visit, faces more security risks, but they at the same time a better resourced community with their own educational structures, health facilities and social security, paid from Serbia. Some of the Roma still prefer to use the Serbian structures since they offer better welfare services. But in the long run it is very uncertain what will happen with the Serbian parallel system in Kosovo.

Concerning freedom of movement there is no official hindrance for Roma to settle in e.g. Pristina. But the figures speak a clear language. As mentioned previously, before the war there were 10 000

Roma in Pristina, now there are 4 families. The Roma are said to prefer to live in their own "mahallas" and settle in other towns surrounding Pristina. Whether that is by preference or by not feeling welcome in Pristina that is an open question. In Gjiilan/Gnjilane there were 6 000 Roma before the war and now there are 400. Most that have left are in Serbia, Macedonia or in Western Europe.

We discussed with the RAD-centre about the possibility to look into the war-crimes that took place during the war in order to reach restorative justice. Bekim Sylja expressed that there is a general fear in Kosovo of opening that discussion, and that stability is more of a priority. In the Museum of Kosovo that we visited in Pristina there was a clear representation of one persecutor - the Serbs. The atrocities committed by the Serbs during the war are certainly nothing to neglect, but the reality is as always more complex. There is yet no interest in facing the fact that Albanians also have been persecutors in some cases, e.g. in relation to the Roma minority.

School and higher education

Balkan Sunflowers Kosova estimates that 75 % of the children between 6 and 14 years old from the Roma, Ashkali and Egyptian communities are attending school. Among the returnees the figure is estimated to be lower.

Balkan Sunflowers Kosova works with educational support to children from the Roma, Ashkali and Egyptian communities. One important focus is to fight the drop-out. They work with school mediators; minority representatives that can mediate between the families and the school, help families claim their rights, and also push the families to let their children and also daughters attend school.



Children from Roma, Ashkali and Egyptian communities supported in afterschool activities in the Educational centre of Balkan Sunflowers Kosova, Fushë Kosovë/ Kosovo Polje

Whether the main reason for school drop-out is not feeling respected by the teachers nor the other pupils, or due to internal attitudes in the Roma, Ashkali and Egyptian communities is a question that people respond differently to. Balkan Sunflowers Kosova shared with us that in any school the Roma, Ashkali and Egyptian children would be in the back of the class-room and that they also experience bullying both from teachers and other pupils. But there are also other reasons for the drop-outs, especially for girls.

- The internal attitudes in the Roma communities are difficult, according to the Program Officer for Human Rights and Democracy at the Swedish Embassy, adding that according to UNDP Roma girls between the age of 10 and 12 are those that are worse off in Kosovo since they risk early marriages and school-drop out.

- The legal marriage age in Kosovo is 18 but you can marry at the age of 16 with the consent of the parents. Despite this many Roma girls are being married at the age of 13 or 14, says Shpresa Agushi from the RROGRAEK. The reason is often that it is considered better to marry than to have sexual relations being unmarried. If a Roma girl is not married young she might be considered sexually frivolous and difficult to marry later. And many families would consider the school-drop-out a price worth paying for having their daughter properly married. "There are no jobs anyway", as one Roma person told us. The same attitude is to be found in the Ashkali and Egyptian communities according to Balkan Sunflowers Kosova.

For the returnees, and especially the Roma returnees, the language barrier is a severe problem. Many of the children that have spent many years or maybe their whole life in e.g. Sweden or Germany do not speak Albanian or Serbian. There is no language support for these children and often they stay at home instead of attending school which is a severe violation of their right to education.

- Children in school should not be sent back to Kosovo! Their education will be lost, says Bekim Sylja from the RAD-Center.

The RAD-Center told us that they do not advocate separate schools teaching in Romani for Roma children. The price of segregation is too high. Rather they want to see Romani taught in all schools as an optional subjects, not only for Roma children. But today there is huge lack of teachers and also there are three different Roma dialects spoken in Kosovo which is a richness but also poses a challenge.

Concerning higher education there are about 150 students from the Roma, Ashkali and Egyptian communities studying in the university according to the RAD-center. However, among them there are very few Roma, most are Egyptians and Ashkali. The RAD-center focuses their efforts on getting more minority persons attend higher education in order to build capacity within these communities and better fight discrimination and exclusion. Before the war there were many Roma intellectuals in Kosovo but now most of them are out of the country.

Muhamet Arifi from Balkan Sunflowers Kosova also shared with us the problem of corruption in the university. Just to get access to studying medicine you need to pay around 5 000 euro.



Children in
Fushë Kosovë/
Kosovo Polje

Poverty and unemployment

Kosovo is the poorest country in Europe after Moldova. According to the World Bank 15 % live in extreme poverty and 45 % in poverty. Kosovo has the youngest population in Europe, the average age is 27. Kosovo government is the biggest employer in Kosovo.

– Kosovo is in transition but it is not moving quickly, says Feride Hyseni, Secretary General at the Red cross Kosovo.

The average salary is about 300 or 400 Euro a month. A doctor could earn 500 Euro. At the same time the prices are not that much lower than in Western Europe. Also for people with jobs it is difficult to make both ends meet.

The unemployment is very high in Kosovo, officially around 40 %, and in the Roma, Ashkali and Egyptian communities well over 90 %. There is an anti-discrimination legislation which is very good on paper but not really being used. The minority rights that are stipulated in the constitution e.g. for quotas for minorities for jobs in the public sector is not being respected. The excuse is often that Roma, Ashkali and Egyptians are illiterate and uneducated. Most Roma, Ashkali and Egyptian people live from recycling metals and plastic bottles and begging or are dependent on remittances from relatives abroad. Women from the Roma, Ashkali and Egyptian communities sometimes have illegal cleaning jobs. Shpresa Agushi from RROGRAEK tells that 8 out of five hundred Roma persons in Gjilan/Gnjilane have a real job.

– There is a "Balkan mentality" here, says Shpresa Agushi. In order to have job you need to know someone and have a good network. There is a lot of nepotism.

You can have 60-90 Euro per month in social assistance if you have children under 5. You can also have social assistance if none of the members in the family are *able* to work for example due to handicap or illness. These criteria are obviously difficult to meet.

For Muhamet Arifi the government's priority seems to be infrastructure investments and to work for visa-liberalization, priorities which he does not agree with.

– I don't care for visa-liberalization and EU-integration. We need employment and jobs. If we don't have money we cannot travel. If we don't have cars, we do not need new roads, says Muhamet Arifi.

Violence against women

Women are victims of domestic violence to a large extent in Kosovo, and certainly also in the Roma, Ashkali and Egyptian communities.

– There is domestic violence towards women and children in almost every house, says Muhamet Arifi from Balkan Sunflowers Kosova.

According to RROGRAEK the police is ignoring domestic violence, even if it sometimes leads to murder. They are planning to commission a study on the topic.

There is also existence of honor killings, but that is more prevalent in rural Albanian areas than among Roma, Ashakali and Egyptian communities, according to both Balkan Sunflowers Kosova and RROGRAEK.

There is a severe problem with forced marriages which could be labeled as trafficking in human beings. Many young Roma, Ashkali and Egyptian women are being married abroad without being consulted, according to all the persons we met. The father of the bride is paid a "babahak" = bride's price for his daughter which, according to the RAD-Center, could be something like 2 000 or 3 000 Euro, a considerable amount of money for a poor family. The scope of this problem is not clear.

During the war many women were raped all over the region. However, this is a sensitive topic to raise and discuss according to RROGRAEK. Kosovo is yet not ready to really discuss what happened during the war.

Health

Medicine is very expensive in Kosovo and very few people have health insurance. Bekim Sylja in the RAD-Center also told us that when people go to see a doctor they want to have an injection, otherwise they are disappointed. The trauma-related work is not developed in Kosovo and the psychiatric knowledge is lacking, "maybe it is better in private clinics, but then you need to pay".



Jan Johansson in the midst of the remains of a previous Roma-camp on lead-contaminated land in Northern Mitrovice/a.

Many Roma that were returned to Kosovo previously ended up living in lead-contaminated camps in northern Mitrovice/a. In Mitrovice/a there used to be one of the largest mines in former Yugoslavia, a big employer but also a big contaminator. One of the camps, Osterode, used to be the base for the French K-FOR but they left the buildings when the lead-contamination was discovered. The fact that this camp became the home for hundreds of deported Roma hit the international news as a big

scandal. A report from the journalist Paul Polanski was claiming that the children would have irreversible brain damage all their lives.⁸ According to Avdullah Mustafa at the RAD-center there are quite worrying health indicators for people that has lived on the lead-contaminated camps in northern Mitrovice/a. However, different tests have shown different results. They do hope that it is true that the lead level in the blood has gone down, but there are doubts and it would be good to have it evaluated by an independent medical expertise. It was however a relief to see that the lead-contaminated camps are really closed. There is only one Roma-camp left in northern Kosovo; Leposavic, which is due to be closed next year as housing is being prepared. However, it was unclear how much of the rest of Mitrovice/a is lead-contaminated.



Destroyed houses in a Roma neighborhood in Gjilan/Gnjilane

Photo: Kristina Hellqvist

Housing

It is difficult for many of the returnees to prove property rights as they often do not have that on paper, especially in the Roma community the houses are inherited often without registration. Many houses of Roma were destroyed during the war. Some who left more recently also sell their house

⁸ *Abandoned Minority: Roma Rights History in Kosovo*, European Roma Rights' Centre, 2012
<http://www.errc.org/article/abandoned-minority-roma-rights-history-in-kosovo/4065>

when they leave in order to pay the smugglers. We could witness the situation in the Roma neighborhood Avdullah Presheva in Gjilan/Gnjilana where most of the houses were still destroyed since the conflict.

The Associate Protection Officer at UNHCR Pristina says that:

– One of the major challenges to the return and integration of displaced persons is the insufficient allocation of land for social housing, particularly to landless Roma, Ashkali and Egyptian community members. Resistance to the allocation of land for the return of Roma, Ashkali and Egyptian families are frequently reported in several municipalities.

Statelessness

Statelessness is a severe problem that particularly the Roma minorities in the Balkans have experienced after the split of former Yugoslavia. The RAD-center told us that they had been involved in a project for Roma, Ashkali and Egyptian communities in Kosovo to obtain documents between the years 2007 and 2011. 20 000 persons lacking ID-papers and birth-registration were helped to obtain documents and that has made the problem less dominant. But still it is difficult for many returning persons from the Roma, Ashkali and Egyptian communities to obtain personal identity documents, according to UNHCR in Pristina.

Specific support to returnees

In the last 6 months 2 061 individuals have been returned to Kosovo from western Europe, mainly from Switzerland, Germany and Sweden. Among them 1 462 were forced returns. Approximately 60 % of those returned are Albanians and 29 % Roma, Ashkali and Egyptians. 20 % are women. In 2012 there were 4 087 returnees, among them 2 920 forced returns which shows a continued high level of forced returns in comparison to voluntary returns.

The civil servant we met from the government ministry responsible for support to those returning expressed the need to know more about the returnees beforehand. He also expressed concerns with those returned with severe health problems, something he found unethical. Last year there was a person in coma returned to Kosovo from Sweden. He did not know of the fact that the forced returns are against the recommendations of the Council of Europe and of UNHCR.

The support program from the ministry includes 16 different services such as pick-up at the airport and support with housing and food for the first six months. It is only those that left Kosovo before 2010 - before the program was established - that qualify for the support. That is in order to avoid that people leave and come back just to access the program, according to the ministry. Despite this, the support to the returnees leads to certain tension within the communities and among those that never left.

The returns are based on bilateral readmission agreements and is a prerequisite for Kosovo to qualify for a visa-liberalization. However, a visa-liberalization for the Schengen-countries might take up to 5 years to achieve, according to the Swedish Embassy.



Discussion at the
Swedish Embassy
in Pristina

Photo: Kristina Hellqvist

We however met many critical voices asserting that the state support for returnees is not functioning as envisaged.

– On paper everything is perfect. But not in reality, says Shafiquzzaman Rabbani, head of office of IFRC in Pristina. He emphasizes that the criteria is unclear and that the state is slow in responding. There are bureaucratic delays and a low level of understanding of officials dealing with return. The Red Cross has a specific project for vulnerable returnees from Sweden, supported by the Red Cross in Sweden, and it is well needed since the state response is so slow.

The RAD-center affirms that the state program is not functioning.

– The strategy for repatriation is only a document, says Bekim Sylja at the RAD-Center. EU has paid 3,4 million Euro to support returnees from EU-countries. But there are very bureaucratic and lengthy processes to receive any support.

Shpresa Agushi at RROGRAEK points out that there is a lack of support specifically directed at minority women returning, and she suggests to include women- and child-resources in the supplies for the returnees.

The Danish Refugee Council has a SIDA-funded project in Mitrovica/a with specific support for the Roma community, some of them being returnees from western Europe. The program is e.g. offering help to economic self-sustainability through micro-enterprises. We could see some positive examples, but in general most of those returned to Kosovo were quite depressed about their situation and with lack of hope for the future.

Many speak of the contrast between the big promises and guarantees made to people before they are being deported from Europe, and the actual situation in Kosovo when they arrive. One leaflet from the Danish Refugee Council produced in co-operation with the Swedish Migration Board that we came across in Mitrovice/a⁹ pictured happy stories from families that had been assisted after their return, claiming e.g. that families were "more hopeful than ever about their future". Without neglecting that there might be positive examples, it is probably more fair not to try to pretend that the return is easy. Even if you have assistance from the state or an NGO there are huge difficulties.



Visiting income generating projects in the Roma Mahalla project of the Danish Refugee Council in Southern Mitrovice/a.

Both the RAD-Center and Balkan Sunflowers Kosova concur that most returnees leave Kosovo again, this time mainly to France as the rumor says that France is not imposing removals. And that this is especially true for persons from the Roma, Ashkali and Egyptian communities. Red Cross affirmed that some returnees supported by them are leaving Kosovo again, especially from the Dragash/Gora region.

The Associate Protection Officer at UNHCR Pristina comments the return of people from the Roma Ashkali and Egyptian communities from the neighboring countries saying that:

– UNHCR pursued advocacy efforts on behalf of these communities and at present, is implementing the European Union-funded project which will enable the voluntary return of 60 Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian families displaced in Macedonia (FYROM) and Montenegro. The project includes the reconstruction of houses and provision of income generating support. The reluctance from the authorities and receiving communities in some locations to support the return process was observed during the initial project implementation phase.

⁹ "Support to sustainable return to Kosovo of rejected asylum seekers in Sweden"

UNHCR in Pristina especially points out that the refusal to allow returnees going home or who originate from another part of Kosovo to find a durable solution and receive humanitarian assistance in the form of house construction, is not only in breach of the UN Guiding Principles on Internal Displacement, but it is also in violation of the Constitution, as article 156 states that “[t]he Republic of Kosovo shall promote and facilitate the safe and dignified return of refugees and internally displaced persons”, which does not explicitly confine return to the place of origin.

– Overall, although there are developments in the field of rule of law and respect for human rights of minority returnees, as members of minority communities, considerable gaps remain in relation to the restoration of rights of IDPs and most returnees still face challenges and difficulties in establishing their lives in Kosovo, UNHCR concludes.

Political representation and participation

There are 120 seats in the Kosovo parliament and 20 are reserved for minorities, among them there are four seats for Roma, Ashkali and Egyptians.

– The Roma, Ashkali and Egyptian representatives in the parliament are very quiet and easily manipulated by others. They are not strong representatives, says Muhamet Arifi from Balkan Sunflowers Kosova, and continues: There is no solidarity between the groups. Local representation is a disaster. Families and business control political parties. The majority can manipulate minority representatives.

Also the Swedish Embassy and the International Federation of the Red Cross made references to the "Roma population being heavily manipulated" and caught between the Albanian and Serbian interests.

– First priority now is to support the Roma, Ashkali and Egyptian communities to vote, says Bekim Sylja from RAD-center in Pristina. He agrees with Muhamet Arifi about the problem of representation. The minority representatives are "self-elected" within the political parties and are rather the easiest to control than the best representatives.

There is a lack of consultation with the civil society and with the Roma, Ashkali and Egyptian communities. As an example Avdullah Mustafa from the RAD-center mentions the closing of the Roma camps in northern Mitrovica/a and the relocation of the people to the Roma Mahalla project in southern Mitrovica/a.

– The Roma people were not consulted in planning the new housing. The apartment blocks that were built do not facilitate Roma traditional way of living in close together in extended families. After some time we could influence the project to build low houses instead. They function much better, tells Avdullah Mustafa.

There is also a lack of funding for the civil society organizations, says Bekim Sylja. The European Commission wants to give big grants to big organizations. It is almost impossible for grass-roots organizations or minority-led organizations to receive support.

Discrimination

Kosovo is a poor country with many problems. Some we met would say that the Roma just *feel* discriminated, in reality life is tough for everyone. And if you do not have the right papers or the right training, life will be even more difficult. It is not because you are Roma. The secretary general of the Red Cross in Kosovo, Feride Hyseni, said that "with certainty I can tell you, there is no discrimination of Roma in Kosovo".¹⁰ She preferred emphasizing the need to increase self-awareness of Roma, discourage them for early marriage, and encourage them to education and better integration in the society.



Meeting with Red Cross Kosovo and the International Federation of the Red Cross and Crescent in Pristina

At the same time we could see how discrimination against Roma could look like. We met a family with four children at the age of 10, 11, 13 and 14, recently deported from Germany after 14 years in western Europe. They are originally from Pristina but now they do not know anyone there and their house has been destroyed. They came instead to Mitrovica/a, but has been denied the possibility to register and therefore cannot access the state program for returnees. The letter from the authorities says that there are no proofs of the fact that they had been deported from Germany, despite the fact that the family had documents verifying the deportation. Our interpreter from Danish Refugee Council in Mitrovica/a was also surprised by the letter from the authorities.

There are also cases of Roma families being "taken off the list" for social security, without any clear reason. In the Roma Mahalla project of the Danish Refugee Council in Mitrovica/a they work with forum for discussions that are divided by gender and age groups in order to discuss common problems and identify how to make changes. The discrimination cases are very often discussed in

¹⁰ In the feedback on the draft version of this report the Red Cross commented that the secretary general meant that there is no discrimination of Roma in Kosovo *by the Red Cross*.

these groups. Sometimes it can be that there is a real reason behind being "taken off the list", e.g. that you do not meet the criteria. But that means that there is also a lack of information.

There is an anti-discrimination legislation in Kosovo but according to many voices it has mainly been passed in order to please the EU and there is not really a plan for making it become real in people's life. There is also a government strategy for integration of the Roma, Ashkali and Egyptian communities in Kosovo. The RAD-center was part of drafting the strategy which was adopted in 2008. In 2009 there was an accompanying action-plan adopted. But there was no funding allocated for the work, says Bekim Sylja from RAD-center. The RAD-center is a bit disillusioned when it comes to the government's willingness to take the problem serious. Now they rather focuses on the local level and to influence the local governments to make action plans and allocate funds.

Those who can, will hide their minority status, says Shpresa Agushi from RROGRAE. She travels daily between Gjilan/Gnjilane and her work in Pristina. Often no-one sits next to her in the bus. When her neighbors heard her speaking Romani on the phone they asked her "What are you?" and she answered "I am a human being and I am also a Roma woman". After this they do not speak with her anymore.

In Fushë Kosovë/Kosovo Polje the staff from Balkan Sunflowers Kosova told us, as mentioned previously, that Roma children are always at the back of any class room. They are not formally rejected to attend school but sometimes Roma children are sent home because "they look too young" or other arbitrary reasons. In Mitrovica the Danish Refugee Council told us that Roma children often are put in younger age groups than their own. "When you do not know how to claim your rights you are not imposing." It is also common that Roma children are being bullied by other children and also by the teachers. The RAD-Center told us that in the hospitals the Roma are always in the end of the line and the last to be assisted. In the Serbian health sector it is bit better but still there is discrimination of Roma also there. If a Roma, Ashkali or Egyptian person is accompanied by an international person there will be a better treatment, according to the RAD-Center.

Both Muhamet Arifi from Balkan Sunflowers Kosova and Shpresa Agushi tell us that the quota for employing persons from Roma, Ashkali and Egyptian communities in the public sector is not being met.

– They say that there was no Roma, Ashkali or Egyptian person that applied, says Shpresa Agushi, and adds: Well, how will anyone apply if there was no information given?

The discrimination is even worse for women from the Roma, Ashkali and Egyptian communities and they are even more excluded from consultations, she asserts.

Since there is a good anti-discrimination legislation in Kosovo we asked how it could be possible that no single case of Roma discrimination was filed. The RAD-Center told us that maybe if you file a case you will be attacked later. The justice system is not working, and especially not for the minorities. There is a big fear and there is a general lack of trust in the authorities.

The Associate Protection Officer at UNHCR in Pristina comments the situation regarding discrimination in detail:

– In general, different patterns have been observed during our monitoring exercise including slow implementation of affirmative measures by relevant actors. Roma, Ashkali and Egyptian community members continue to be one of the most vulnerable communities in Kosovo. They do face marginalization and discrimination, especially in the areas of education, social protection, health care, documentation, housing and employment. Moreover, lack of personal identity documents continues to hinder the social inclusion of the Roma, Ashkali and Egyptian communities in Kosovo as it prevents them from accessing public services and upholding their political, social and economic rights. As an example, unregistered members of a family are excluded from social assistance benefits, pension rights and are unable to register property titles or to obtain rights to property that were transferred to them or inherited. On the other side, minority returnees have access to health and education in their own language but these services are mostly provided by the Serbian administered institutions that are operating parallel to the Kosovo ones whereas the Roma community primarily relies on these parallel services in the areas of health, education, and social assistance. Therefore, access to public services for Roma, Ashkali and Egyptian communities varies greatly according to where in Kosovo they live, UNHCR Pristina concludes.

It was evident for us that there is a reluctance in the majority society, and even in institutions set to protect Human Rights, to admit that there is discrimination of the Roma minority in Kosovo - even if there is no country in Europe that does not discriminate against Roma people. The Kosovo-Albanians have been a discriminated minority themselves for a long time and are not yet prepared to see their own discrimination. The first step for any change is to admit that there is a problem. In this respect Kosovo has still a long way to go.



Hope for her future? An orphan girl in Fushë Kosovë/ Kosovo Polje

Government-, agencies- and NGO-representatives we met in chronological order¹¹

- Program Officer for Human Rights and Democracy, Swedish Embassy, Pristina
- Head of Division for cooperation with Local and International Organizations, Ministry of Internal Affairs, Kosovo
- Muhamet Arifi, Director, Balkan Sunflowers Kosova
- Shafiquzzaman Rabbani, Head of Office, IFRC Kosovo
- Vera Lumi-Shala, Program Officer, IFRC Kosovo
- Feride Hyseni, Secretary General, Red Cross of Kosovo
- Jasmina Dalipovic, Mitrovica Head of Office/Program Manager, Danish Refugee Council
- Burim Nebihu, Civil Society and Good Governance Officer, Danish Refugee Council
- Jefito Boricic, Community Development Officer, Danish Refugee Council
- Artan Bajrami, Local (Mitrovica/a) NGO 'Shukarno Talenti' Director
- Bekim Sylja, Deputy Executive Director, RAD-Center (Roma & Ashkali Documentation Center)
- Avdullah Mustafa, Mitrovica Program Manager, RAD-Center
- Shpresa Agushi, Executive Director, RROGRAEK (The network of Roma, Ashkali and Egyptian Women organizations of Kosovo)
- Mimoza Gavrani, Local Coordinator, RROGRAEK
- Sarah Maliqi, Program Officer, Civil Rights' Defenders, Kosovo

Additional contacts by e-mail:¹²

- Kristen Stec, Danish Refugee Council, Kosovo representative
- Associate Protection Officer, UNHCR, Pristina

¹¹ Names have been omitted when requested

¹² Names have been omitted when requested