



**Organization for Security and Co-operation in Europe
MISSION IN KOSOVO**

**Contribution to the Progress Review of the Action Plan of
the Strategy for the Integration of Roma, Ashkali and
Egyptian Communities in Kosovo,
2009–2015**

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LIST OF ACRONYMS

AI	Administrative Instruction
AOGG	Advisory Office on Good Governance
DP	displaced person
MCR	Ministry of Communities and Return
MCYS	Ministry of Culture, Youth and Sports
MEST	Ministry of Education, Science and Technology
MESP	Ministry of Environment and Spatial Planning
MoH	Ministry of Health
MIA	Ministry of Internal Affairs
MLSW	Ministry of Labour and Social Welfare
MOCR	Municipal Office for Communities and Return
NGO	Non-governmental organization
ODIHR	Office for Democratic Institutions and Human Rights
OPM	Office of the Prime Minister
OSCE	Organization for Security and Co-operation in Europe
PRTAN	Prevention and Response Teams towards Abandonment and Non-Registration
RTK	Radio Television of Kosovo
UNHCR	United Nations High Commissioner for Refugees
UNMIK	United Nations Interim Administration Mission in Kosovo

EXECUTIVE SUMMARY

This paper is intended to contribute to the review of the implementation of the *Kosovo Action Plan on the Implementation of the Strategy for the Integration of Roma, Ashkali and Egyptian Communities (2009–2015)*, in particular the review process co-ordinated by the Advisory Office on Good Governance within the Prime Minister's Office in the last quarter of 2012.

Focussing on the period since the first review conference organized by the European Commission and the Government of Kosovo in May 2011, and based on the Organization for Security and Co-operation in Europe Mission in Kosovo's (OSCE) regular monitoring alongside additional interviews with government and communities' representatives, this paper provides commentary and recommendations on implementation and issues most relevant to the OSCE's particular areas of focus. It does not represent a comprehensive, activity-by-activity review of the Action Plan.

In relation to the institutional mechanisms created for implementation of the Action Plan, namely the Technical Working Group and the Inter-institutional Steering Committee, it appears that weaknesses in the functioning of these institutional arrangements have been a factor limiting progress in implementation of the Action Plan. Basic requirements such as the frequency of meetings of these co-ordinating bodies, and the production of monitoring reports, have not occurred. In general, there is a significant lack of information for many areas of the Action Plan and the great majority of the data collection, studies and assessments committed to in the Action Plan have not been undertaken. This lack of information means that problems are not fully understood, impeding the design and implementation of targeted measures and solutions, as well as the necessary follow-up assessment of progress and results. Moreover, a lack of co-ordination and communication is still evident among relevant institutions and the stakeholders involved, in particular with the Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities themselves.

Reviewing progress in the nine Action Plan sectors (education, employment and economic empowerment, health and social affairs, housing and informal settlements, returns and reintegration, registration, culture, media and information, participation and representation, and, security, police service and justice), the paper highlights some areas of progress and good practice, including action to tackle civil registration obstacles, improve school attendance, find housing solutions and create conditions for sustainable returns and reintegration. However, there appears to be a lack of concerted or co-ordinated activity in the majority of areas. In education for example, while a Romani language curriculum has been developed, children are still without these classes, lacking trained teachers or textbooks. While progress has been made in closing the lead-contaminated camps in northern Mitrovica/Mitrovicë, sustainable housing solutions are still lacking for thousands of families from the Kosovo Roma, Ashkali and Egyptian families. Activities to address problems, ranging from student "catch up" classes to funding and support for cultural events, are often still provided only on an ad hoc basis. Kosovo institutions at all levels need to thoroughly assess and re-commit their staff and budgets to implement the activities pledged in the Action Plan by 2015.

The 2011 OSCE report reviewing initial progress towards the implementation of the Action Plan¹, found that in general Kosovo institutions had fallen short of fulfilling their commitments and called for increased efforts. Reviewing steps taken since then, almost three years since the approval of the Action Plan, this paper reaches similar conclusions, and, with just over three years implementation time remaining, this is concerning. Without doubt, increased political commitment at all levels, alongside increased human and financial resources, will be needed if Action Plan obligations are to be met.

¹ See OSCE Report *Implementation of the Action Plan on the Strategy for the Integration of the Roma, Ashkali and Egyptian Communities in Kosovo* (May 2011), <http://www.osce.org/kosovo/77413> (accessed 24 August 2012).

1. INTRODUCTION

With the aim of contributing to meaningful discussion and commitment to addressing the range of rights and needs represented in the *Action Plan for the Implementation of the Strategy for the Integration of Roma, Ashkali and Egyptian Communities, 2009–2015* (hereafter “the Action Plan”)², the production of this paper is the most recent step in a range of support the OSCE Mission in Kosovo (OSCE) has provided. Bringing together the efforts of all field teams and several different departments in Kosovo, as well as incorporating expertise from the Office for Democratic Institutions and Human Rights (ODIHR)³, this work on the promotion and protection of Roma, Ashkali and Egyptian communities’ rights and their integration reflects the high priority the OSCE accords to human rights, and the continuing need for policy prioritization and practice improvement in Kosovo.

OSCE engagement on policy discussion and advocacy on Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities’ rights and needs

In line with its mandate to monitor, promote and protect the human rights of communities in Kosovo, the OSCE was involved in the original process of advocating for the *Strategy for the Integration of Roma, Ashkali and Egyptian Communities, 2009–2015* (hereafter “the Strategy”)⁴. A key player in the initial policy discussion and advocacy for the Strategy’s development in 2006, the OSCE also undertook subsequent outreach to inform and encourage wider Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities’ participation in the process⁵. Building on this momentum, in 2007 the OSCE developed a collaborative initiative with the Office of the Prime Minister (OPM) and the Kosovo Foundation for Open Society to support the drafting of the Strategy⁶.

² OPM, *Kosovo Action Plan for the Implementation of the Strategy for the Integration of Roma, Ashkali and Egyptian Communities, 2009–2015*, December 2009; http://www.kryeministri-ks.net/zck/repository/docs/Action_Plan_on_the_Implementation_of_the_Strategy_for_the_Integration_of_Roma_Ashkali_and_Egyptian_Communities_2009-2015.pdf (accessed 24 August 2012).

³ Of particular relevance is the OSCE/ODIHR-implemented Best Practices for Roma Integration (BPRI) project, funded by the European Commission as a regional initiative for Roma integration, and currently covering Kosovo alongside other countries in the Western Balkans.

⁴ Office of the Prime Minister, *Strategy for the Integration of the Roma, Ashkali and Egyptian Communities in Kosovo, 2009–2015*, December 2008; http://www.kryeministri-ks.net/zck/repository/docs/Strategy_for_the_Integration_of_Roma_Ashkali_and_Egyptian_communities_2009-2015.pdf (accessed 24 August 2012). The Strategy also has an education component that was adopted separately in July 2007 and covers the period from 2007 to 2017.

⁵ In 2005, the OSCE began advocating for the development of a local strategy as a key step towards implementing the *OSCE Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area*, the Decade for Roma Inclusion 2005–2015, as well as relevant Council of Europe recommendations (for more detail, see http://www.coe.int/t/dg3/romatravellers/mgsrom_en.asp, accessed 24 August 2012). The launch conference for the Strategy development was a joint initiative of the OSCE, the Office of the Prime Minister and the Kosovo Foundation for Open Society. Held in September 2006, the conference brought together policy-makers and over 100 Roma, Ashkali and Egyptians from across Kosovo. The OSCE also organized follow-up outreach after the conference, holding five regional meetings in Gjilan/Gnjilane, Prishtinë/Priština, Pejë/Pec, Mitrovicë/Mitrovica and Prizren to inform a wider number of Roma, Ashkali and Egyptians about the upcoming Strategy development process.

⁶ The OSCE supported the process of Strategy development with funding and practical support for elements of the consultation process. OSCE chaired several of the working groups convened to input into certain Strategy sectoral chapters, monitored the development of policy recommendations, and facilitated the inclusion of expert advice and support from OSCE/ODIHR and other international organizations (e.g. United Nations Interim Administration Mission in Kosovo, United Nations High Commissioner for Refugees, the Council of Europe, United Nations Human Settlements Programme). Over 50 consultation meetings to

Following the Government endorsement of the Strategy in December 2008, the Action Plan was developed and endorsed in December 2009. The OSCE supported outreach to present the Action Plan and enhance central and local level co-operation for implementation through a series of regional meetings in 2010⁷, repeated again in 2012 to facilitate networking, co-ordination and communication among different levels of government on the Action Plan⁸. In response to requests from the Advisory Office on Good Governance (AOGG) within the OPM, in 2012 the OSCE also provided specific support to enhance government capacity for implementation of the Action Plan in relation to monitoring, report production and financial planning⁹.

In addition to supporting the original development of the Strategy and the related outreach and capacity building noted above, the OSCE has also played a role through contributing to public policy discussion on progress achieved. In May 2011, the OSCE published the report *Implementation of the Action Plan on the Strategy for the Integration of the Roma, Ashkali and Egyptian Communities in Kosovo* (hereafter “the 2011 OSCE review report”)¹⁰, offering an overview of initial progress based on regular monitoring and additional discussions and interviews conducted by the OSCE at central and local levels, and concluding with a series of recommendations. This OSCE report informed the discussion and decision-making at the first high-level event held to review the Action Plan, the May 2011 conference hosted by the European Commission (EC) and the Government of Kosovo¹¹ – in particular the concluding document, *Forty Actions to Boost the Implementation of the Roma, Ashkali and Egyptian Strategy and Action Plan*.

Having planned a similar public progress review report on the implementation of the policy framework for the integration of Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities for the autumn of 2012, the OSCE has adapted its activities to better contribute to the Government review process proposed by the AOGG. Given the valuable opportunity presented to contribute to important efforts towards Action Plan implementation, the decision was taken to accelerate and adapt the planned publication. This paper has therefore been

gather input for the Strategy were held in 2007 with support from the OSCE and the Kosovo Foundation for Open Society, involving government experts, civil society and communities representatives from across Kosovo.

⁷ Organized and funded by the OSCE, five regional meetings involving around 250 public officials and members of civil society organizations were held in Gjilan/Gnjilane, Prishtinë/Priština, Pejë/Peć, Mitrovicë/Mitrovica and Prizren during February and March 2010. The meetings were organized in co-operation with the Office for Community Affairs and the Advisory Office on Good Governance within the OPM.

⁸ Organized and funded by the OSCE, five regional meetings targeting municipal officials and civil society were held in Gjilan/Gnjilane, Prishtinë/Priština, Pejë/Peć, Mitrovicë/Mitrovica and Prizren during May 2012, aimed at enhancing co-operation and co-ordination between levels of government and improving communication on Action Plan goals and objectives. The regional meetings were organized in close co-operation with the Advisory Office on Good Governance with the OPM.

⁹ The OSCE organized tailored training for selected central and local level officials on monitoring techniques, report writing and budget planning in co-operation with the Kosovo Foundation for Open Society. Four one-day training sessions were held in June and July 2012, benefitting 72 civil servants (30 from local government and 42 from central level institutions).

¹⁰ See OSCE Report *Implementation of the Action Plan on the Strategy for the Integration of the Roma, Ashkali and Egyptian Communities in Kosovo* (May 2011), <http://www.osce.org/kosovo/77413> (accessed 24 August 2012).

¹¹ “The EU and the inclusion of Roma, Ashkali and Egyptians – A way forward for Kosovo”, a conference of the EC and the Government of Kosovo, held on 11 May 2011.

produced as an appropriate vehicle for timely inputs to the Action Plan review process and meetings in 2012.

Content, methodology and structure

Focussing on the period since the review conference in May 2011, this paper is based on the regular monitoring undertaken by the OSCE, along with additional targeted interviews held with central and local level institutions and with members of Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities between December 2011 and August 2012¹².

Comprising consolidated OSCE monitoring, analysis and related recommendations, this paper does not therefore represent a comprehensive, activity-by-activity review of the Action Plan. It does however offer valuable inputs to policy discussion around progress, presented in accordance with the thematic sections of the Action Plan. The level of detail and depth of material is greater in the sectors most relevant to the OSCE's mandate and areas of focus, in particular issues relating to protection of communities' rights. In general, the paper incorporates a substantial amount of information gathered at the local level, reflecting the monitoring undertaken by the OSCE's extensive field presence.

In terms of structure, further to this Introduction, the paper comprises a short discussion of the central-level mechanisms for Action Plan implementation, followed by commentary on progress presented by Action Plan sectors and objectives, a Conclusion, and a final section presenting Recommendations.

2. CENTRAL-LEVEL MECHANISMS FOR ACTION PLAN IMPLEMENTATION

The Action Plan emphasizes the fundamental role of central-level institutions in the implementation of the measures aimed at promoting the integration of the Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities, and assigns specific roles to several ministries in key sectors corresponding to their competencies, alongside municipalities in Kosovo.

While daily implementation of the Action Plan will be undertaken by "line ministries, executive agencies and municipalities, in co-operation with local and international partners"¹³, two main mechanisms are tasked with oversight and co-ordination: the Action Plan Technical Working Group (hereafter "the Working Group") and the Inter-Institutional Steering Committee (hereafter "the Steering Committee").

¹² During this period, OSCE field teams conducted additional interviews with a number of local counterparts, including municipal officials, community representatives and village leaders, local non-governmental organizations and other organizations, where relevant. Interviews were conducted in municipalities across Kosovo and included directors of departments, regional employment officers, directors of primary and lower secondary schools, Municipal Offices for Communities and Return staff, Municipal Human Rights Units staff, Deputy Mayors for Communities, and, Communities Committees Chairpersons. At the central level, the OSCE among others held discussions and conducted interviews with the head of the AOGG, the Ministry of Education, Science and Technology, the Ministry of Communities and Return, Ministry of Health, and Kosovo police on various topics relevant to Action Plan implementation.

¹³ Articulation of responsibilities as detailed in the Action Plan, page 12.

The Working Group¹⁴ harmonizes and co-ordinates government and donor investments, develops policies and recommendations, advises on funding priorities, and is responsible for co-ordinating and communicating among relevant stakeholders and for monitoring implementation progress. Chaired by the head of the AOGG, and administratively supported by their office, the Working Group includes representatives of various ministries and relevant external actors¹⁵. The Action Plan requires the Working Group to meet at least four times per year, and to publish progress reports on a quarterly basis, as well as semi-annual and annual reports to be approved by the Steering Committee.

The Steering Committee¹⁶ is a political body with broad high-level institutional representation, chaired by the Deputy Prime Minister. Terms of reference for the Steering Committee drafted by the AOGG suggest that the Committee should meet at least twice a year. The Committee's role is to facilitate dialogue and co-operation between the non-governmental sector and the Government in the discussion and implementation of the activities in the Action Plan, approve implementation reports and oversee proposed revisions to the Action Plan, assist with co-ordination of the public policy process, ensure that Action Plan needs are met by the Kosovo budget and assist with lobbying for additional resources.

In general, it appears that weaknesses in the functioning of these institutional arrangements have been a factor limiting progress in implementation of the Action Plan.

As noted in the 2011 OSCE review report¹⁷, the relatively late establishment of the Working Group and Steering Committee mechanisms (in the second half of 2010, over six months after the endorsement of the Action Plan, and 18 months after the endorsement of the Strategy) had a negative affect on implementation at the outset. The failure of both the Working Group and Steering Committee to convene regularly also appears to be an obstacle to the successful co-ordination of cross-governmental work on implementing the Action Plan. The Working Group has met six times since its establishment in the second half of 2010¹⁸, although the Action Plan foresees at least four meetings per year. According to information available to OSCE, the Steering Committee has not met since May 2011 when it met prior to the first high-level review conference on the Action Plan¹⁹.

¹⁴ The role and responsibilities of the Working Group are detailed in the Action Plan, pages 12–14.

¹⁵ The Working Group also includes representatives of the Office for Community Affairs, the Ministry of Communities and Return, the Agency for Co-ordination of Development and European Integration (now the Ministry of European Integration), the Gender Equality Agency, the Ministry of Education, Science and Technology, the Ministry of Labour and Social Welfare, the Ministry of Health, as well as external donors.

¹⁶ The Action Plan defines the members of the Steering Committee as comprising eleven members: the Deputy Prime Minister (Chair), the Minister for Education, Culture and Technology, the Minister of Environment and Spatial Planning, the Minister of Health, the Head of the AOGG (who acts also as the Deputy Head of the Committee), the Director of the Office of Community Affairs, one member from the Communities Consultative Council (to be appointed by the Council), the Ombudsperson, and one representative each of Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities. The role and responsibilities of the Committee are outlined in the Action Plan, pages 14–15. See also Government decision No. 8/126 on the composition of the Committee, 26 May 2010.

¹⁷ See OSCE Report *Implementation of the Action Plan on the Strategy for the Integration of the Roma, Ashkali and Egyptian Communities in Kosovo* (May 2011), <http://www.osce.org/kosovo/77413> (accessed 24 August 2012).

¹⁸ Based on the information available to the OSCE, the Working Group has held a total of six meetings: on 23 July 2010, on 8 October 2010, on 29 March 2011, on 13 September 2011, on 25 November 2011, and on 4 May 2012.

¹⁹ The last meeting of the Steering Committee took place on 4 May 2011.

Additionally, it appears that limited resources within the Working Group have been a factor in the failure to meet Action Plan progress reporting requirements²⁰, and discussion during the May 2011 EC-Government of Kosovo review conference highlighted lack of monitoring and report-writing capacity as a particular challenge, combined with weak institutional co-operation and limited data collection and processing practice²¹. As noted above, the OSCE therefore provided capacity building support to assist in meeting these needs, but would advocate continued investment in staff capacities and prioritization of these tasks, as well as the allocation of the resources required to undertake effective monitoring of Action Plan implementation. In addition, it bears noting that in general the data gathered by Kosovo institutions is not usually disaggregated by ethnicity, language or religion, and in almost all cases no databases of disaggregated information exist relevant for the key sectors identified by the Strategy. This prevents the collection and analysis of statistical information which would greatly benefit both the implementation and monitoring of the Action Plan.

Additional comment on the Action Plan institutional mechanisms would include the note that in general, only limited co-operation and co-ordination between central- and local-level institutions has been observed, and that there appears to have been little communication with Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian civil society on specific needs and targeted measures and solutions. Lastly, but significantly, it appears that the allocation of financial resources has been insufficiently prioritised. The Action Plan included financial estimates, totalling over 20 million Euro for the 2009–2015 implementation period. While the earmarking of almost 3 million Euro was announced for the year 2012²², it is unclear how much of this budget has been spent on relevant activities, and whether continued financial commitments will be made and carried through into implementation over the coming period.

Overall, it appears that limited political will is hampering progress on Action Plan implementation. The low activity levels of the bodies responsible for undertaking co-ordination and promotion impact directly on the implementation achieved in the relevant sectors by central and local actors, and the lack of substantive and regular monitoring and reporting precludes clear identification of accomplishments, needs and priorities.

²⁰ Mandated to prepare quarterly and semi-annual progress reports, the Working Group published its first and only report on Action Plan implementation immediately before the May 2011 review conference. A second annual progress report was in preparation at the time of writing (August 2012).

²¹ See for example the conference paper presented by the head of the AOGG, at the EC-Kosovo Government conference, “The EU and the inclusion of Roma, Ashkali and Egyptians – A way forward for Kosovo”, 11 May 2011.

²² During a roundtable discussion entitled “Kosovo, the EU and integration of Roma, Ashkali and Egyptian – Achievements, shortcomings and the way forward”, organized by the European Union Office in Kosovo and the Kosovo Foundation for Open Society on 25 May 2012 in Prishtinë/Priština, the Head of the AOGG within the OPM, announced the following budgetary commitments to the Strategy and Action Plan for 2012: Ministry of Labour and Social Welfare around 2 million Euro; Ministry of Communities and Return 400,000 Euro; Ministry of Health 93,000 Euro; Ministry of Culture, Youth and Sport 67,000 Euro; Ministry of Education, Science and Technology 100,000 Euro; Ministry of Local Government Administration 90,000 Euro; OPM 30,000 Euro.

3. THEMATIC SECTORS

OSCE monitoring information and findings relevant to the implementation of the Action Plan are presented below in accordance with the Action Plan's nine sectors. Where possible, information and commentary is linked to the relevant objective of the Action Plan sector; where limited information is available, or cross-cutting themes are discussed, then objectives have been grouped together in the presentation of material.

a. Education

Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian children experience low school enrolment and/or low attendance rates, as well as being affected by high drop-out rates, especially among girls, and late school enrolment after the usual initial enrolment age of six. Several factors contribute to this situation, including extreme poverty rates among the three communities, low levels of education and low awareness of the importance of education among the three communities, inter-ethnic tension, harassment and discrimination in schools, and the lack of teachers of Roma, Ashkali and Egyptian origin²³. While OSCE monitoring indicates significant continuing problems in this sector, there is also evidence of some positive examples of institutions addressing issues of concern – albeit often following civil society or international engagement on specific issues.

Objective 1: Significant improvement of participation in education system and of the quality of education for members of Roma, Ashkali and Egyptian communities

Cases of steps being taken to address problems include the example of co-ordinated work on non-attendance and late enrolment in Fushë Kosovë/Kosovo Polje town. These problems were successfully tackled for 53 Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian children who were enrolled in the 2011–2012 school year in the multi-ethnic school “Selman Riza”, following intervention by civil society and the assistance of the municipality and the Ministry of Education, Science and Technology (MEST)²⁴. While ad hoc initiatives by five municipalities to help increase Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities school attendance have been noted²⁵, the OSCE is in general unaware of any systematic or widespread use of “catch up” or intensive classes aimed at assisting Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities children's participation in the education system. On a positive note, the work of community mediators in a number of

²³ See OSCE Report *Community Rights Assessment Report, third edition*, (July 2012), pages 24–28. <http://www.osce.org/kosovo/92244> (accessed 24 August 2012).

²⁴ The Ideas Partnership, a non-governmental organization (NGO) in Kosovo, identified failure to pass the enrolment test as an obstacle to entering the education system: the NGO therefore provided the children with intensive classes, enabling them to pass the test and attend school from the beginning of the 2011–2012 academic year. Out of the 53 children who attended the NGO-provided classes, 42 are now regularly attending regular school. See OSCE Report *Community Rights Assessment Report, third edition*, (July 2012), page 27. <http://www.osce.org/kosovo/92244> (accessed 24 August 2012).

²⁵ For example, in Ferizaj/Uroševac municipality, the Municipal Office for Communities and Return co-operated with the OSCE and a local non-governmental organization, the Ashkali Community Centre, to distribute school books to Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian secondary school children. In Podujevë/Podujevo, the municipality offers literacy classes for members of the Kosovo Ashkali community, and also accepts school enrolment of returnee children without the necessary civil registration documents. Similar initiatives are undertaken by the municipalities of Gjakovë/Đakovica, Pejë/Peć and Prizren. See OSCE Report *Community Rights Assessment Report, third edition* (July 2012), page 10. <http://www.osce.org/kosovo/92244> (accessed 24 August 2012).

municipalities has contributed to increasing school attendance through the implementation of culturally-sensitive initiatives, and through strengthening links between the three communities and institutions (for further details on the role of mediators, see Objective 3 below).

In relation to specific teacher capacity building targeted at the three communities, although the Action Plan commits to including Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian educators and their assistants at the pre-primary and pre-school level, the OSCE is unaware of any ongoing comprehensive efforts to develop such capacity across Kosovo²⁶.

Objective 2: Prevention of discrimination and segregation in the education system

In relation to problems of discrimination and segregation in the education system, although the Action Plan commits institutions to undertake analysis and a range of action, the MEST has not identified any such problems existing in Kosovo²⁷. On this basis no specific analysis of relevant legislation or remedial measures has been undertaken by the Ministry.

However, two examples of positive institutional action and co-operation were noted in October 2011: mono-ethnic classes identified in Ferizaj/Uroševac and Gjakovë/Đakovica were disbanded and integrated into other classes after intervention by actors including municipal officials, the MEST and the international community (including the OSCE).²⁸

An OSCE project implemented in 2011 (a similar one is ongoing in 2012) aimed to counteract community stereotyping in schools and raised teachers' recognition of cultural, linguistic and ethnic diversities²⁹. Among its results, the project highlighted that there is an immense demand to have trainings of such kind, and to accommodate those teachers that could not participate. A further OSCE project implemented in 2012 aims at increasing municipal education staff understanding and knowledge of segregation in schools³⁰. Unfortunately, it appears that to date, the MEST does not provide any systematic or regular teacher training on topics such as human rights, anti-discrimination, tolerance, etc., and education staff and pupils benefit from such trainings on a sporadic and ad hoc basis when

²⁶ Some international initiatives exist however. For instance, within the framework of a project funded by the non-governmental organization Swiss Caritas, four Kosovo Roma community members in Prizren underwent teachers training for pre-school education. The teachers, currently working at a pre-school facility in Prizren, are awaiting accreditation of their diplomas.

²⁷ At a meeting held with MEST in January 2012, officials stated that there is no segregation in education in Kosovo.

²⁸ A mono-ethnic first grade classroom in the primary school "Tefik Çanga" in Ferizaj/Uroševac town was established at the beginning of the current school year, consisting only of Ashkali pupils. The class was disbanded in October 2011 after the OSCE intervened with the School Director and the Department of Education in the municipality, and the students were integrated into other classes. In a second case, a mono-ethnic class of Egyptian students was established in "Mustafa Bakija" school in Gjakovë/Đakovica. The class was similarly disbanded and integrated with other classes in October 2011 after intervention by the MOCR, the education inspectorate and MEST, as well as the OSCE and other international actors and after the issue was discussed in the local Communities Committee and the Communities Consultative Council. In both these cases recent OSCE monitoring confirmed that the Kosovo Ashkali and Kosovo Egyptian children affected continue to attend mainstream classes.

²⁹ This project trained 42 teachers from Gjilan/Gnjilane and Prishtinë/Priština regions in 2011 and an additional 40 teachers from Pejë/Peć and Prizren regions in 2012 in the use of student-centred approaches and participative, inclusive methodology in their classrooms, while promoting tolerance and understanding between communities, and learning to accept each others' differences.

³⁰ This OSCE project is currently implemented across Kosovo, and has so far benefitted around 175 education staff.

they are offered by international organizations and local non-governmental organizations (NGOs).

Objective 3: Qualitative and efficient cooperation among relevant institutions and organisations towards the education of members of Roma, Ashkali and Egyptian communities

Research conducted by the OSCE, highlights problems with school drop outs and non-attendance and found a significant lack of reliable, official data relating to drop outs in schools across Kosovo³¹. Kosovo's legal and policy framework is broadly in line with international standards on the human right to education and relevant temporary special measures to combat drop outs and improve attendance among vulnerable groups. However, the systems in place for assessing and monitoring attendance are problematic, and do not supply good quality, disaggregated education data that would provide for the needed policy decisions. The OSCE found in its research that official statistics offer unreliable and incomplete information on school drop outs, due to the inadequacy and unreliability of the monitoring and data collection methods used by the MEST and municipal institutions, as well as the records kept at the school level (e.g. 37 per cent of schools surveyed either did not monitor school drop outs or claimed to have had no drop outs in the past three years). The lack of information on school attendance and drop outs, from all communities, prevents a clear picture being drawn of the particular challenges and needs for the Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities.

However, the issuing of two new Administrative Instructions (AIs) by the MEST at the end of 2011 should help to improve the situation and unify record-keeping³². The first concerns the collection of statistical data on school registration, and the second school record-keeping. Both AIs complement each other and should lead to the consistent use and correlation of a hard-copy tracking tool (class diary, matrix book, etc.) and electronic database that will be able to provide detailed information about pupils' age, gender, ethnicity, mother tongue, journey distance to school, and will include special columns for school attendance and dropout ("abandonment").

An important positive step to be noted was the adoption by the MEST on 14 October 2011 of an AI³³ aimed at tackling the issues of school drop out and registration by forming Prevention and Response Teams towards Abandonment and Non-Registration (PRTANs) at the municipal and school levels. Although not directly referring to Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities, this new AI regulates measures to be undertaken at the municipal level to promote unhindered and facilitated access to education for all communities, including the most vulnerable. However, implementation of the new instruction appears very patchy. A recent OSCE assessment revealed that none of the municipalities in

³¹ At a meeting held in January 2012, MEST provided the school drop out figures of 0.65 per cent in 2008–2009, and 0.62 per cent in 2009–2010.

³² AI 09/2011 "For the collection and reporting of statistical data from schools and pre-school institutions in pre-university education using the system for management of information's in education", available at http://www.masht-gov.net/advCms/documents/09_UA.pdf, and AI 15/2011 "For pre-university school documentation", available at http://www.masht-gov.net/advCms/documents/15_UA.pdf, both issued 30 December 2011 (accessed 24 August 2012).

³³ AI No. 07/2011 on "Creating and strengthening of teams for prevention and response toward abandonment and non-registration in compulsory education", 14 October 2011, available at http://www.masht-gov.net/advCms/documents/UA_BRAKTISJA_E_SHKOLLES_SERBISHT_dhe_ANGNISHT_.pdf (accessed 24 August 2012).

the Prizren, Gjilan/Gnjilane and Mitrovicë/Mitrovica regions had established such teams, while in Prishtinë/Priština and Pejë/Peć regions there is conflicting information related to their existence and functioning³⁴. Regular OSCE monitoring activities indicate that the main obstacle for the establishment of PRTANs across Kosovo is the fact that more than 90 per cent of respondents stated they were unaware of the relevant AI, and none of the municipalities had secured funding for the implementation of associated steps in 2012³⁵.

Further positive steps to tackle problems with Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian children's school attendance were noted in Ferizaj/Uroševac municipality, where various activities, including roundtable discussions with parents and children, were initiated by the MOCR, local NGOs and international agencies³⁶. International community attention has also focussed on the drop out issue across Kosovo, and currently two informal taskforces are being organized by international NGOs³⁷ in Fushë Kosovë/Kosovo Polje municipality.

The role of community mediators in some municipalities has also appeared to increase school attendance through the implementation of culturally-sensitive initiatives, and by providing a link between the three communities and institutions. Since 2010, the OSCE has supported an initiative to train and engage community mediators in nine municipalities, seeing significant results in terms of Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian children's school participation³⁸. For example, at the end of the 2010/2011 school year, these mediators carried out a house-to-house campaign to register children in the first grade, identified those who had dropped out of school and raised parents' awareness of the importance of timely registration. As a result of these activities more than 100 children from the three communities who had previously dropped out of school were re-enrolled and now regularly attend classes³⁹. The school mediators continue to provide practical assistance with school registration, monitor school attendance and drop outs, and raise awareness of children and parents on the importance of education. The role of these mediators is being recognised by the Government,

³⁴ The "Selman Riza" Primary School Director in Fushë Kosovë/Kosovo Polje municipality stated that a PRTANs have been established at the school level, although not being able to present any document supporting this statement. Similarly, in Pejë/Peć region, OSCE was informed by the chief of the municipal directorate of education that a PRTAN has been established in Dečan/Dečane municipality, while the MOCR, the Municipal Human Rights Unit, the Kosovo Roma Communities Committee representative and the "Rexhep Kadrijaj" School Director could not confirm this information. Furthermore, in the same region, in Gjakovë/Đakovica municipality, only the municipal education department confirmed that a PRTAN had been established, while the MOCR, the Municipal Human Rights Unit and the "Zef Lush Marku" School Director were not aware of it.

³⁵ Within the framework of an ongoing OSCE project, capacity-building will be undertaken to support a selected municipality (where school drop out levels are of concern) to draft PRTAN Terms of Reference, which will then receive further support for the establishment and effective functioning of PRTANs. Similarly, the German Agency for International Cooperation is currently assisting six selected municipalities (Prizren, Fushë Kosovë/Kosovo Polje, Klinë/Klina, Gjilan/Gnjilane, Kaçanik/Kaçanik and Prishtinë/Priština) in the establishment of PRTANs.

³⁶ See OSCE Report *Community Rights Assessment Report, third edition* (July 2012), page 10 and page 27. <http://www.osce.org/kosovo/92244> (accessed 24 August 2012).

³⁷ European Centre for Minority Issues in Kosovo and Terre des Hommes.

³⁸ This OSCE initiative complements the project "Inter-culturalism and the Bologna Process" implemented by the Council of Europe, in co-operation with the MEST and co-funded by the EC.

³⁹ With OSCE funding, the project is implemented by the NGO Balkan Sunflowers, aiming at enhancing the capacities of Roma, Ashkali and Egyptian mediators. Mediators are engaged in Ferizaj/Uroševac, Fushë Kosovë/Kosovo Polje, Gjakovë/Đakovica, Gračanica/Graçanicë, Lipjan/Lipljan, Obiliq/Obilić, Pejë/Peć, Prizren and Shtime/Štimlje.

which has begun moves to take responsibility for their continued training, certification and future use to improve education participation⁴⁰.

Objective 4: Raising the awareness of communities and stakeholders to support the education of members of Roma, Ashkali and Egyptian communities

The 2009 OSCE report *Kosovo non-majority communities within the primary and secondary educational systems*⁴¹ reviewed the situation regarding inter-cultural education⁴² in Kosovo, concluding that the separate curricula in Kosovo satisfy the cultural educational needs of specific communities to a certain extent, but fall short of promoting mutual respect, understanding and tolerance and *inter-cultural* education.

The existing Kosovo curriculum and textbooks insufficiently reflect the specific histories, cultures and other attributes of all communities within Kosovo. Primary and secondary school pupils learn only basic and general information regarding other communities from the civic education classes and textbooks. Only a few schools⁴³ focus on cultural diversity, tolerance, non-discrimination, community and human rights as part of these classes (see Objective 1 above). In August 2011, the MEST approved a new Curricula Framework and must now begin the drafting of subject curricula⁴⁴. When adopted and implemented, the Curricula Framework will introduce new approaches in education that will pay attention to, among other topics, identity and intercultural understanding⁴⁵.

Kosovo Roma children face serious barriers to accessing education in their mother tongue – Romani. Many Roma children attend Serbian curriculum education institutions where they have access to Serbian language education, but where their access to mother-tongue education is limited⁴⁶. The Kosovo curriculum covering the Romani language and Roma culture and history for primary school grades 2–9 was adopted by the MEST in June 2010⁴⁷, although it still lacks textbooks and trained teachers. Despite this, a pilot project in three

⁴⁰ It is expected that Kosovo institutions take over the financial responsibility for school mediators starting from 2014. To facilitate certification of the school mediators, and with support from the OSCE, an advanced training programme was produced and certified by MEST. The training will take place between August and November 2012. Following the completion of the training, a final certification conference will be organized in co-operation with MEST in late November 2012.

⁴¹ See OSCE Report *Kosovo non-majority communities within the primary and secondary educational systems*, (April 2009), <http://www.osce.org/kosovo/36978> (accessed 24 August 2012).

⁴² “Intercultural education aims at highlighting the preservation of each group’s identity, accompanied by the acceptance of diversity and tolerance. To this end, intercultural education requires that both minority and majority learn about each other, about specific cultural characteristics, their respective histories and about the value of tolerance and pluralism.” Montreal International Seminar on Intercultural and Multicultural Education, 31 March 2000, paragraph 6, E/CN.4/Sub.2/AC.5/2000/WP.4, United Nations’ Commission on Human Rights, Sub-Commission on the Promotion and Protection of Human Rights, Working Group on Minorities, Sixth session.

⁴³ For instance, “Zekerija Rexha” and “Mustafa Bakia” schools in Gjakovë/Dakovica municipality.

⁴⁴ The new Curricula Framework approved by the MEST on 29 August 2011, available at <http://kkapk.armods.com/Portals/0/Korniza%20e%20Kurrikulës.pdf> (in Albanian only, accessed 24 August 2012).

⁴⁵ MEST has informed the OSCE that the consultation phase of any new textbook development involves members of the relevant communities; see OSCE Report *Community Rights Assessment Report, third edition* (July 2012), page 25. <http://www.osce.org/kosovo/92244> (accessed 24 August).

⁴⁶ OSCE report *Kosovo non-majority communities within the primary and secondary educational systems* (April 2009), page 5. <http://www.osce.org/kosovo/36978> (accessed 24 August 2012).

⁴⁷ AI 07/2010, adopted on 21.06.2010, available at http://www.masht.gov.net/advCms/documents/UA_7_plan_prog_gj_rome.pdf (accessed 24 August 2012).

primary schools in Prizren town was launched at the beginning of the 2011/2012 school year. Between October 2011 and June 2012, a total number of 41 Kosovo Roma pupils from grade two of these schools attended two hours of Romani language classes each week.⁴⁸

As the 2012 OSCE *Community Rights Assessment report*⁴⁹ showed, the level of interaction among pupils and teachers from different communities is limited and, in some municipalities, such interaction is non-existent⁵⁰. In other municipalities, activities to increase interaction occur mostly in an extra-curricular form, and are predominantly initiated and organized by international and local NGOs, international organizations and civil society. Furthermore, they are usually designed to mark international or local holidays rather than to provide opportunities for pupils from different communities to interact. Schools and municipal stakeholders very rarely show any initiative to conduct such activities and mainly rely upon the individual efforts of municipal employees to promote inter-community dialogue among pupils⁵¹.

b. Employment and Economic Empowerment

Protecting and promoting the socio-economic rights of all communities in Kosovo is an area where much remains to be done. Overall, employment rates in Kosovo remain low, with Kosovo Roma, Kosovo Ashkali, Kosovo Egyptian and other vulnerable communities being particularly affected. Lack of employment opportunities in general, both in the public and private sectors, remains a significant challenge to achieving progress towards integration of the three communities. It bears noting that women and youth among the three communities are particularly affected in this regard.

Objective 1: Increase the number of employees from Roma, Ashkali and Egyptian communities in the private economic sector through drafting and implementing active fiscal-economic policies that promote employment and self-employment

Objective 2: Encourage, prepare and support Roma, Ashkali and Egyptian communities for their inclusion in agricultural activities

Objective 3: Increase the level of employment of individuals from Roma, Ashkali and Egyptian communities through mediation, professional training and employment in public works

⁴⁸ The three schools involved, “Aziz Tolaj”, “Mati Logoreci”, and “Lekë Dukagjini” schools, all benefit from the work of a single Roma teacher, who, without any officially-provided textbooks or materials, or training or salary, has been providing these language classes; information provided by OSCE field teams in August 2012, and, also see OSCE Report *Community Rights Assessment Report, third edition* (July 2012), page 25. <http://www.osce.org/kosovo/92244> (accessed 24 August).

⁴⁹ See OSCE Report *Community Rights Assessment Report, third edition* (July 2012), <http://www.osce.org/kosovo/92244> (accessed 24 August 2012).

⁵⁰ For example, the report highlighted minimal levels of interaction in the following municipalities: Gllgoc/Glogovac, Gračanica/Gračanicë, Deçan/Deçane, Klinë/Klina, Leposavić/Leposaviq, Skenderaj/Srbica, Zubin Potok and Zvečan/Zveçan municipalities.

⁵¹ In Gjakovë/Đakovica for instance, the MOCR, in co-operation with the school Zef Lush Marku in Brekoc/Brekovac, organized a youth camp for different communities, to promote the right to education particularly among Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities. Similarly, in Prishtinë/Priština, the director and teachers of the school Elena Gjika organized a school day which included programmes in both the Albanian and Turkish languages.

In July 2011, the OPM published a three-year strategy on economic development⁵². However, there is no mention in the document of individual communities within Kosovo or of the specific needs and challenges experienced by certain communities such as the Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities, and no discussion of how different communities' economic opportunities could be developed or utilized to improve the economy. Furthermore, in February 2011 the Ministry of Labour and Social Welfare (MLSW) adopted an action plan for the implementation of its sectoral Strategy (2011–2013)⁵³ aimed at effectively addressing unemployment and social welfare issues, and, among other steps, detailing employment creation policies and active labour market measures. There is, however, no specific mention of Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities, or other communities, in the document.

In relation to the Action Plan requirement to undertake several assessments and collect data on employment and economic empowerment of members of the three communities (e.g. on fiscal incentives, the informal economy, registration with employment offices), from the information available to the OSCE, none of these studies or assessments have been undertaken. This lack of information impedes both the tackling of problems through co-ordinated and targeted measures (e.g. vocational training, business start ups, etc.), as well as the assessment of progress made and results.

At the local level, the 2012 OSCE *Community Rights Assessment Report* examined whether municipalities provide any vocational training or targeted support to promote the recruitment of communities that are a numerical minority at the municipal level into either the public or the private sector. The findings revealed that as of the end of 2011, a few municipalities had implemented employment initiatives targeting the three communities, often with the support of the MLSW or external donors; however, such initiatives were largely sporadic and short-term, and the efforts were not concerted or sustainable⁵⁴.

In 2011 and again in 2012, the OSCE, as part of overall activities aimed at improving access to services for communities in Kosovo, implemented a project aimed at enhancing access to the labour market for vulnerable communities in Kosovo. A vocational training programme

⁵² OPM, *Action Plan of the Economic Vision of Kosovo 2011–2014*, July 2011, http://www.kryeministri-ks.net/repository/docs/Action_Plan_of_the_Economic_Vision_of_Kosovo_2011-2014.pdf (accessed 24 August 2012).

⁵³ MLSW Action Plan for implementation of the MLSW Sectoral Strategy, 2011–2012/13, February 2011, available at <http://mpms.rks-gov.net/Portals/0/Aktiviteti%20javor/Plani%20Aksional%20Strategjise%20Sektoriale%202011-2013%20Anglisht.pdf> (accessed 24 August).

⁵⁴ For example, Vushtrri/Vučitrn municipality financed a project through which ten Kosovo Roma workers were engaged during reconstruction works of the road and sewage system in Priluzhje/Prilluzhë village in the summer of 2011. In Gjakovë/Đakovica, eight Kosovo Egyptians from the Ali Ibra settlement were employed during 2011 to work with the waste company Liridoni in the field of recycling. Kosovo Egyptian Ali Ibra residents were also directly engaged in the construction of their new houses through a Caritas Switzerland-funded project, receiving regular payment for their work. Pejë/Peć municipality, jointly with the local office of the International Organization for Migration implemented the project “Beautiful Kosovo” funded by the EC. Implemented over a two-month period, the project also aimed to increase employment of Kosovo Roma, Ashkali and Egyptian community members who were selected by the regional employment centre and engaged in public works such as cleaning of river beds. In Gračanica/Gračanicë the municipality employed a total of 35 Kosovo Roma men, approximately 20 per cent of the total municipality employment force during that period, to undertake public works such as a project funded by the MLSW consisting of the construction of a playground. From 1 August 2011 to 31 October 2011, the MLSW in co-operation with the World Bank implemented a cleaning and maintenance project employing 31 Kosovo Ashkali and 5 Kosovo Roma residents in Fushë Kosovë/Kosovo Polje.

was developed and delivered through an implementing partner (the Don Bosco Foundation), and priority given to Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian community members: the eight participants graduating from the 2011 programme, all from the three communities, have all since found full-time employment. A follow-up project was therefore implemented in 2012 along similar lines, trialling some additional components aimed at enhancing sustainability and encouraging gender balance. Such projects, despite their small size, demonstrate the success which targeted active labour market measures can have.

c. Health and Social Affairs

In general, health and social affairs is a sector where much remains to be done, and where the specific needs of the Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities do not appear to have been taken into account in recent policy-making.

In December 2010 (updated in March 2011), the Ministry of Health (MoH) published a three-year action plan for the Health Sector Strategy⁵⁵. The action plan does mention “vulnerable groups” and “vulnerable communities”, but does not define them, and makes no specific reference to the three communities or the particular healthcare needs and access challenges these communities have. In practical terms, the OSCE is not aware of any co-ordinated measures to undertake health care outreach for Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities, or to raise awareness of health and social rights and entitlements among these communities (see also social welfare issues under section *b. Employment and Economic Empowerment* above).

Objective 1: Assess health conditions and knowledge of three communities through the collection and analysis of sustainable and credible data

The MoH took steps in 2010 to improve the information available on the health of Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities. With the aim of establishing a database on health status and the three communities’ access to health services, a technical working group on health was established within the Ministry and mandated to collect information on the health conditions of members of the Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities. The working group has not held regular meetings, meeting only once to date, and none of the activities foreseen at its establishment have been implemented, including the publication of a survey and the creation of a database of Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities’ needs, reportedly due to financial constraints within the MoH⁵⁶.

However, the ongoing preparation of the Health Information System database on persons in Kosovo should help to address information needs for Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities health, although the system is unlikely to be completed before 2014. With information inputted by medical staff at the patient registration point, the

⁵⁵ MoH, Action Plan, 2011–2014, for the Health Sector Strategy 2010–2014, December 2010 (updated in March 2011) <http://www.msh-ks.org/attachments/article/1027/Action%20Plan%20March%202011%20-%20eng.pdf> (accessed 24 August 2012).

⁵⁶ See OSCE Report *Implementation of the Action Plan on the Strategy for the Integration of the Roma, Ashkali and Egyptian Communities in Kosovo* (May 2011), <http://www.osce.org/kosovo/77413> (accessed 24 August 2012). Updated information provided by email to OSCE by the Acting Co-ordinator of the Human Rights Unit within the MoH, on 16 August 2012.

database will include information on gender, age and ethnicity of patients, and from primary to tertiary healthcare levels.⁵⁷

At the local level, the OSCE is not aware of any municipality conducting comprehensive monitoring or assessments of the health conditions of the three communities. The availability of data on the health status of the Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities therefore remains limited.

With regard to Action Plan commitments to awareness-raising among the three communities some work has been undertaken. OSCE local-level monitoring identified a few health and vaccination campaigns and outreach activities targeting Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities that were conducted at the municipal level over the last year⁵⁸; however, none of these initiatives were co-ordinated across Kosovo. According to the MoH, lack of funds again hampered their ability to conduct the awareness-raising campaigns foreseen in the Action Plan⁵⁹.

Objective 2: Improve the quality of health services of mother and child and women's reproductive health situation

The OSCE is not aware of any specific activities to support mother and child health or reproductive health aimed specifically at Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities.

With regard to the particular problem relevant to the three communities of unregistered births, i.e. of infants born outside the healthcare systems, the OSCE is not aware of any co-ordinated or specific measures (see also section *f. Registration* below). This notwithstanding, local level OSCE monitoring has noted improvements in registration processing. Reporting indicates that most municipalities have increased their co-operation with the MoH and hospitals and family health centers, allowing the civil registration office staff to provide information and advice to parents on immediate registration of newborn infants – thus allowing the infants to be included in the healthcare system and access key services such as vaccinations. Additionally, it also appears that the Municipal Human Rights Units in general do not take concrete measures to promote registration of births outside the health system. Another reason for lack of action on this issue is the general lack of co-ordination between the Municipal Human Rights Units and other relevant municipal actors, such as MOCRs.⁶⁰

⁵⁷ Updated information provided by email to OSCE by the Acting Co-ordinator of the Human Rights Unit within the MoH, on 16 and 21 August 2012.

⁵⁸ For example: In 2011 Prizren municipality organized a number of awareness-raising campaigns on health issues for the Roma, Ashkali and Egyptian communities, followed by a vaccination campaign. In September 2011, Rahovec/Orahovac municipality organized awareness raising outreach activities on vaccination with the support of the OSCE. In Mitrovicë/Mitrovica during 2011, regular monthly visits by medical teams targeting newly returned families in Roma Mahalla were carried out by the local health centre – supported by Mercy Corps, these visits focused on prevention of lead poisoning. In Podujevë/Podujevo, the Municipal Human Rights Unit conducted several visits to primary and secondary schools (attended also by Roma and Ashkali students) to debate various problems, including healthcare and early marriages. In Pejë/Peć the Directorate of Health and Social Welfare oversaw the work of a medical team making weekly outreach visits to the neighborhoods inhabited by Kosovo Roma, Ashkali and Egyptians.

⁵⁹ Information provided by email to OSCE by the Acting Coordinator of the Human Rights Unit within the MoH, on 16 August 2012.

⁶⁰ For further detail, see OSCE Report *Access to civil registration in Kosovo* (July 2012), <http://www.osce.org/kosovo/92331> (accessed 24 August 2012).

Objective 3: Create quality and sustainable hygiene and sanitary conditions and a healthy environment in the dwellings of Roma, Ashkali and Egyptian communities

Although the Action Plan lists several measures, the OSCE is not aware of any co-ordinated activity to improve living conditions for Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities across Kosovo – either through providing services such as sewage systems or rubbish disposal for settlements, or through capacity building and outreach among the three communities. In terms of regular assessments of water quality and pollution, an activity detailed in the Action Plan, the OSCE is only aware of regular checks being undertaken in Mitrovicë/Mitrovica, where specific challenges are faced.

The lead contamination issue in Mitrovicë/Mitrovica, directly affecting the Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities in that municipality, has been the focus of several health-related actions. Although improved, the problem has not been entirely resolved by moving the affected families from the lead-contaminated camps of Česmin Lug and Osterode in northern Mitrovica/Mitrovicë (see also section *d. Housing and Informal Settlements* below) to the Roma Mahalla in southern Mitrovicë/Mitrovica due to the fact that lead contamination is also present in that area, albeit in a greatly reduced level⁶¹. Although two surveys were undertaken with international support, none of the proposed remedial actions were undertaken to improve the soil quality and contamination level in the Roma Mahalla, and the area has been simply covered with concrete⁶². Some positive co-ordination on the lead contamination issue is evident with the central level, and the MoH is planning the purchase of equipment for the Mitrovicë/Mitrovica medical centre Blood Health Unit⁶³.

Mitrovicë/Mitrovica municipality has however identified health and hygiene related concerns in neighbourhoods inhabited by Kosovo Roma and Kosovo Ashkali residents, and several activities have been undertaken by the municipal health centre (with support from the international NGO Mercy Corps, particularly in relation to lead poisoning). In 2011 medical teams made regular monthly visits to Kosovo Roma and Kosovo Ashkali households, including families newly returned to the Roma Mahalla area, during which nurses helped to raise awareness of health issues such as lead poisoning, as well as reproductive health and child care. A small local health clinic has also been functioning in the Roma Mahalla area, providing medical assistance and advice to the local community⁶⁴. Two local Kosovo Roma and Kosovo Ashkali residents have also been engaged and trained to work as health facilitators by the Kosovo Foundation for Open Society in co-ordination with the municipality, with the intention to have the facilitators included on the municipal payroll in 2012. Their work involves ad hoc awareness-raising campaigns among Kosovo Roma,

⁶¹ Additionally, the OSCE, Mercy Corps and the municipality have identified the private smelting activities undertaken for income generation by some of the camp residents in northern Mitrovica/ Mitrovicë as a significant concern due to the exposure of nearby families lead contamination. For further information on the issue of lead-contamination amongst the Roma and Ashkali community in Mitrovicë/Mitrovica, including the possible links between smelting activities and lead poisoning, see OSCE Report *Background Report Lead contamination in Mitrovicë/Mitrovica affecting the Roma community* (February 2009), <http://www.osce.org/kosovo/36234> (accessed 24 August 2012).

⁶² Surveys were conducted with British Embassy and Mercy Corps funding, providing three technical recommendations for improving soil quality (soil removal, covering and ploughing with uncontaminated soil); OSCE field team reports during 2010 and 2011 did not observe any such actions to reduce soil contamination.

⁶³ Updated information provided by email to OSCE by the Acting Coordinator of Human Rights Unit within the MoH, on 16 August 2012.

⁶⁴ Information provided by the Director of the Health Centre, and confirmed by OSCE field monitoring observation.

Kosovo Ashkali and Kosovo Egyptian residents in the Roma Mahalla and the 2 Korriku/Sitničko Naselje area. OSCE field teams observe that the increased medical team visits to households were welcomed by the communities, and resulted in identification of children with elevated lead blood levels who were later provided with treatment.

Objective 4: Facilitate the provision of social services through the distribution of information, including assistance schemes and the provision of services in an equal manner and according to need

Limited progress has been observed in the area of social services and protection. On 10 May 2012, the Assembly of Kosovo approved an amendment to the Law on Social Assistance in Kosovo, one of the Action Plan commitments⁶⁵. Although the Action Plan commits to undertaking awareness raising and information dissemination among Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities to increase knowledge of and access to available social services and welfare benefits, the OSCE is not aware of any such activities targeting the three communities and undertaken on a co-ordinated basis. Some efforts have been noted with regard to civil registration, a pre-condition to accessing such services (please see above, objective 1, and below, section *f. Registration*).

d. Housing and Informal Settlements

While progress has been made in closing down the lead-contaminated camps in northern Mitrovica/Mitrovicë, sustainable housing solutions are still lacking for thousands of families from the Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities. In general, the Government has not carried out housing needs assessments or developed municipal and central level housing strategies. More specifically, Kosovo institutions still lack a comprehensive strategy to prevent and regularize informal settlements inhabited by the three communities.

Objective 1: Provide housing of Roma, Ashkali and Egyptian communities living in collective centres and inappropriate housing conditions through projects on improvement of housing conditions and construction of social flats

In March 2010, the Assembly of Kosovo adopted the Law on Housing Financing Specific Programs⁶⁶ which the Ministry of Environment and Spatial Planning (MESP) subsequently supplemented with six AIs⁶⁷. Together, these form a legal framework that establishes the obligations and means by which municipalities should plan for and provide social housing schemes. However, the OSCE has observed that there are a number of concerns regarding the implementation of the relevant legal framework⁶⁸ and non-compliance of municipal

⁶⁵ Law No.04/L-096 on Amending and supplementing the Law No. 2003/15 on Social Assistance Scheme in Kosovo, 10 May 2012.

⁶⁶ Law No. 03/L-164 on Housing Financing Specific Programs, 12 March 2010.

⁶⁷ AI No. 18/2010 for Content of the Contract for Non-Profit Housing Rent, 02 September 2010; AI No. 19/2010 for Housing Bonus Content, 02 September 2010; AI No. 21/2010 for Determining the Order of Precedence for Categories of Families that can Benefit from Special Housing Programs, 18 December 2010; AI No. 22/2010 on Procedures of Benefiting by Special Housing Programs, 18 November 2010; AI No. 23/2010 on Procedures for the announcement of special housing programmes, 18 November 2010; AI No. 24/2010 on Minimum Housing Standards on Apartments of Special Housing Programs, 18 November 2010.

⁶⁸ For example, there is a notable failure to adhere to the proper appeals procedure – in cases where there have been complaints against the selection of social housing beneficiaries, those complaints have gone to the same municipal Selection Commission which carried out the original selection procedure and not to the MESP, as

regulations with central level legislation⁶⁹. Additionally, no apparent progress has been made to meet the obligation of municipalities to undertake needs assessments identifying Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian families in need of social housing and to develop housing programmes accordingly.

In terms of specific settlement issues, despite the intention to close all lead-contaminated camps inhabited by the Kosovo Roma and Kosovo Ashkali communities by the end of 2010, only Česmin Lug was closed in that year⁷⁰. Osterode camp is expected to remain open until the end of 2012 and within this period Mercy Corps plans to finish the recently-begun construction of a six-apartment building in the Mikronaselje/Kodra e Minatorëve neighbourhood in northern Mitrovica/Mitrovicë. The building will settle the remaining five Osterode families⁷¹ and a social protection case (one family from the Leposavić/Leposaviq camp); United Nations Interim Administration Mission in Kosovo (UNMIK) Administration in Mitrovicë/Mitrovica has issued a construction permit for the building. A second phase of European Union funding was approved in July 2012 to support the MCR to manage project activities aimed at closing the Leposavić/Leposaviq camp⁷². Implementation should commence in early 2013, but may face difficulties as Mitrovicë/Mitrovica municipality have already indicated that they are unwilling to receive families from the camp who were not originally displaced from the Roma Mahalla. Mercy Corps is also working on the provision of alternative housing for Leposavić/Leposaviq camp residents, planning the construction of new housing in the Roma Mahalla area for eight more displaced families by the end of 2012 – however, Mitrovicë/Mitrovica municipality has yet to issue the required building permits.

Objective 2: Regulate informal settlements by Government of Kosovo providing a sustainable solution and equal treatment of Roma, Ashkali and Egyptian communities

is required under the Law on Housing Financing Specific Programs (Article 14). Although not widespread, some other procedural concerns include the failure of municipalities to issue public announcements or calls for social housing applications when projects are being implemented, or such public announcements only being issued in the language of the community that is a numerical majority in the municipality. In at least one case, there was a pronounced policy of discrimination in selecting the beneficiaries for social housing: in Suharekë/Suva Reka there was a policy of selecting only Kosovo Albanians for four social housing units, reportedly at the request of the donors (members of the Kosovo Albanian diaspora). Other municipalities had quite low levels of allocation to communities that are a numerical minority in the respective municipalities, but without comprehensive and disaggregated data being kept at municipal level, it is difficult to assess the fairness of the selection procedures.

⁶⁹ Common areas of non-compliance relate to the criteria for selecting beneficiaries, the composition of municipal Selection Commissions responsible for selecting beneficiaries of social housing, and the appeals procedure.

⁷⁰ Two projects were initiated on this issue, the Kosovo Partnership for Sustainable Resettlement of Roma, Ashkali, and Egyptian Communities Program (RESTART) and the European Union-Mitrovicë/Mitrovica Roma, Ashkali, Egyptian Support Initiative Project (EU-MRSI), funded by the United States Agency for International Development and the European Commission Liaison Office respectively. As the implementing partner for both projects, the international NGO Mercy Corps has been working to close down the two camps in northern Mitrovica/Mitrovicë and relocate the inhabitants to safer locations, mainly the Roma Mahalla in southern Mitrovicë/Mitrovica. In October 2010, Česmin Lug was closed and demolished. Its inhabitants were relocated either to the Roma Mahalla or temporarily moved to Osterode camp in northern Mitrovica/Mitrovicë.

⁷¹ As of 30 July 2012, another 12 families moved to the newly built row houses in Roma Mahalla in southern Mitrovicë/Mitrovica, leaving a total of five families in the camp.

⁷² The European Union-Mitrovicë/Mitrovica Roma, Ashkali, and Egyptian Support Initiative project (EU-MRSI) (Phase II) was approved in July 2012.

In order to promote the regularization of informal settlements, many of which are inhabited by Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities, in March 2010 the MESP initiated the drafting process for the Strategy on Identification and Regularization of Informal Settlements⁷³, in line with the Action Plan and several other local and international instruments⁷⁴. However, no progress has been made since then, as the Strategy on Prevention and Regularization of Informal Settlements has still not been approved – allegedly due to lack of funds for its implementation.

At the local level, by the end of 2011 18 municipalities had provided positive examples of ongoing regularization of informal settlements. However, four municipalities had not even started the process and the rest were only in the draft phase. Among the main obstacles identified was the continuing confusion amongst municipal officials over the concept of informal settlements, as well as the failure of most municipalities to formally include the participation of informal settlement inhabitants in the spatial planning process⁷⁵.

e. Returns and Reintegration

The persistent absence of a sustainable solution for many of the approximately 220,000⁷⁶ displaced persons (DPs)⁷⁷ from Kosovo continues to pose a major challenge for all concerned. Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities represent a significant proportion of DPs – both those affected by repatriation and by voluntary returns. The safe and dignified return of DPs to their homes is recognized as a fundamental right both in international law and in the legal framework in Kosovo⁷⁸. Despite Kosovo institutions' and international actors' continued engagement on the issue, returnees are still confronted by serious obstacles to their sustainable reintegration, including limited access to public services, property rights and socio-economic opportunities, the deteriorating security situation in returns sites, and tensions between receiving communities and potential returnees in certain areas.⁷⁹

⁷³ The draft *Strategy on Identification and Regularization of Informal Settlements*, developed by a working group set up by the same Ministry, was presented on 10 March 2011, and remained open for public comments for the following 30 days.

⁷⁴ See Law No. 03/L-106 Amending Law on Spatial Planning No. 2003/14, 25 November 2008. See also the *Vienna Declaration on National and Regional Policy and Programs on Informal Settlements in South-Eastern Europe*, Ministerial Conference on Informal Settlements in South Eastern Europe, Vienna, 28 September–1 October 2004.

⁷⁵ See OSCE Report *Assessment of municipal responses to informal settlements in Kosovo* (December 2011), <http://www.osce.org/kosovo/86273> (accessed 24 August 2012).

⁷⁶ United Nations High Commissioner for Refugees, *Estimate of Refugees and Displaced Persons still seeking solutions in South-Eastern Europe, as of 30 September 2011*.

⁷⁷ For the purposes of this report, the category of “displaced persons” includes all persons displaced from, and within, Kosovo during the 1998–1999 conflict and March 2004 riots.

⁷⁸ The legal framework in Kosovo reaffirms the right of all DPs to return to their homes in safety and dignity and recover their properties and possessions (or receive appropriate compensation) in line with international human rights standards and instruments (such as: Article 13.2. of the Universal Declaration of Human Rights; Article 12.4 of the International Covenant on Civil and Political Rights; and Article 5.d.ii of the International Convention on the Elimination of all Forms of Racial Discrimination).

⁷⁹ For more details, see OSCE Report *Municipal Responses to Displacement and Returns in Kosovo* (November 2010), <http://www.osce.org/kosovo/73854> (accessed 24 August 2012), and OSCE Report *Assessing Progress in the Implementation of the Policy Framework for the Reintegration of Repatriated Persons in Kosovo's municipalities* (September 2011), <http://www.osce.org/kosovo/82416> (accessed 24 August 2011).

There have been some positive developments in returns and repatriations policy since 2010, but implementation by municipal institutions has been neither consistent nor effective. A 2010 government regulation mandating the establishment of municipal co-ordination mechanisms, the Municipal Offices for Communities and Returns (MOCRs)⁸⁰, constituted an important first step towards addressing identified problems in the returns and reintegration process at the municipal level. However, to date, there is little evidence that this has led to tangible improvements in the development, implementation and co-ordination of returns and reintegration activities on the ground.

Objective 1: Strengthen the system on collection and processing of information on Roma, Ashkali and Egyptian communities

The Ministry of Communities and Returns (MCR) and the Ministry of Internal Affairs (MIA) collect data on voluntary returnees and repatriated persons respectively. However, efforts to consolidate existing databases have yet to yield concrete results. At the municipal level, most MOCRs gather information and data on displaced persons, voluntary returnees and repatriated persons. However, the information collected and methodology used differs from municipality to municipality, and, importantly, OSCE monitoring indicates that in the majority of cases the data is not disaggregated by community or gender, thus reducing its utility for planning and policy responses. As yet, there has been no introduction of the electronic databases (to be linked to the existing databases in the MCR, MIA, and MLSW), as foreseen by government Regulation 02/2010 for MOCRs⁸¹.

Objective 2: Government of Kosovo ensures effective and comprehensive services to accomplish the needs of repatriated individuals from Roma, Ashkali and Egyptian communities, through the drafting and implementation of relevant public policies and the strengthening of institutional co-ordination

Repatriation

According to statistics compiled by the United Nations High Commissioner for Refugees (UNHCR), in 2011 a total of 2,435 persons were repatriated to Kosovo from host countries (mainly from Western Europe) based on bilateral readmission agreements. This included 605 members of communities defined by UNHCR as minorities, all of whom were classified⁸² as belonging to groups considered at risk and in need of protection by UNHCR (including 300 Kosovo Roma, 121 Kosovo Ashkali and 9 Kosovo Egyptians). In the first half of 2012, a total of 1,449 persons were repatriated to Kosovo; this included 274 Kosovo Roma, 77 Kosovo Ashkali and 2 Kosovo Egyptians.⁸³ Members of Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities therefore represent a significant proportion of those affected by repatriation in the last eighteen months.

The Action Plan commits to the establishment of a specific working group to deal with repatriation of the three communities – thus far, although action has been taken on

⁸⁰ OPM, Regulation No. 02/2010 for the MOCRs, adopted 12 August 2010, entry into force on 27 August 2010.

⁸¹ See Article 7(2) of Government Regulation No. 02/2010 for the MOCRs, 12 August 2010.

⁸² See UNHCR, *Eligibility Guidelines for Assessing the International Protection Needs of Individuals from Kosovo*, HCR/EG/09/01, 9 November 2009.

⁸³ See UNHCR, Office of the Chief of Mission Prishtinë/Priština, *Statistical Overview – Update as of July 2012* (available from UNHCR).

repatriation in general, no specific body has been established for Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities. In April 2010, the Government established an inter-ministerial co-ordination board (executive board) to oversee and monitor implementation of the policy framework for the reintegration of repatriated persons⁸⁴. Membership of the executive board consists of representatives of relevant ministries⁸⁵ and international organizations in an observer role⁸⁶, and the board is responsible for preparing and overseeing implementation of the government policy framework for the reintegration of repatriated persons, including those from Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities. The board is also responsible for ensuring financial allocations⁸⁷, and for establishing effective communication mechanisms, information-sharing and co-ordinating the implementation of government strategies at the central and municipal levels. To facilitate execution of its mandate, the executive board is served by two subordinated institutions: an office for reintegration within the MIA and a secretariat⁸⁸.

Following the Government's revision of its Strategy for Reintegration of Repatriated Persons and its Action Plan Implementing the Strategy for Reintegration of Repatriated Persons in 2010⁸⁹, from April 2011 central-level institutions, notably the MIA, intensified their efforts to raise awareness of this new policy and institutional framework among municipal institutions, and to build up the capacities of relevant offices. These preliminary steps were broadly successful: a large proportion of municipalities reported receiving written guidelines on implementation of the new strategy and plan and access to central-level reintegration funds; and over half attended training sessions on repatriations organized by the central level institutions⁹⁰. The Ministry for European Integration also undertook regular visits to municipalities across Kosovo, to emphasize the importance of the sustainable reintegration of repatriated persons for the European Union visa liberalization process. In some municipalities

⁸⁴ See Government decision No. 7/123, 30 April 2010.

⁸⁵ Key ministries include the MIA; the Ministry of Local Government Administration; the MCR; the MLSW; the MoH; the MEST; the MESP; the Ministry of Finance and Economy; and the OPM.

⁸⁶ These are the EC, the International Organization for Migration and UNHCR.

⁸⁷ This fund was approximately 3.4 million Euro in 2011; a similar sum has been allocated for 2012.

⁸⁸ The Office for Reintegration is the central-level contact point for reintegration issues. Its core responsibilities include: maintaining regular contact with municipal officials, central bodies and other actors working on repatriations; providing training to municipal officials on policy and relevant funding opportunities; preliminary processing of requests for reintegration funds prior to their submission to the secretariat and the executive board; and outreach to repatriated persons. A sub-component of this office is the airport monitoring team, which is staffed on an ad hoc basis by four Office for Reintegration officers, and based at the airport in Prishtinë/Priština to gather relevant data from repatriated persons upon their arrival (e.g., basic personal information, municipality of destination) and to provide them with immediate assistance (e.g. in relation to access to housing, civil registration and basic services). The secretariat is responsible for co-ordinating the activities of relevant institutions, monitoring implementation of the Revised Strategy and Action Plan, elaborating recommendations for the executive board, and processing administrative requirements related to requests submitted by returnees to obtain benefits made available by the reintegration fund.

⁸⁹ The *Revised Strategy for the Reintegration of Repatriated Persons* was adopted by the Government in May 2010 (see also Government decision No. 4/126, 26 May 2010). The *Action Plan Implementing the Strategy for Reintegration of Repatriated Persons* was approved in October 2010. See also UNMIK/Provisional Institutions of Self-Government Strategy for Reintegration of Repatriated Persons, approved by the Government of Kosovo on 10 October 2007, and Government of Kosovo Action Plan for the Strategy for Reintegration of Repatriated Persons, April 2008. For further discussion of the 2007 Strategy see OSCE Report, *Implementation of the Strategy for Reintegration of Repatriated Persons in Kosovo's Municipalities*, November 2009, <http://www.osce.org/kosovo/82416> (accessed 24 August 2012).

⁹⁰ See OSCE Report *Assessing Progress in the Implementation of the Policy Framework for the Reintegration of Repatriated Persons in Kosovo's municipalities* (September 2011), pages 10–11. <http://www.osce.org/kosovo/82416> (accessed 24 August 2012).

this prompted the establishment of supplementary co-ordination structures beyond the scope of the legislative/policy framework, or the undertaking of awareness raising campaigns⁹¹. However, these initiatives were exceptional and in most municipalities the Ministry visits yielded little in the way of tangible results.⁹²

Similarly, while initiatives to improve co-operation and co-ordination on repatriation between central- and local-level institutions, as well as among relevant municipal bodies, intensified from March 2011, municipalities did not immediately take advantage of available assistance or lacked the capacities to implement the policy framework effectively⁹³. Since March 2011, OSCE regular field monitoring has found a consistent increase in the number of assistance requests for repatriated persons in need submitted to the central level, but noted that the approvals process remains slow and funding is often restricted to food and hygiene items.

In an effort to address these shortfalls and speed up assistance, on 14 May 2012 the Government passed a regulation aimed at enhancing the effectiveness of its programme for the reintegration of repatriated persons. This regulation clarifies the institutional structure, procedures and criteria for the management of the reintegration process and the disbursement of central-level funds, devolving more responsibility for disbursement of funds to the new local-level mechanism of Municipal Committees for Reintegration by August 2012, Municipal Committees for Reintegration had been established in 23 municipalities⁹⁴.

Voluntary returns

During 2011, UNHCR monitoring noted a total of 1,182 individuals it defined as minorities who voluntarily returned to their homes following internal and external displacement, including 464 Kosovo Serbs, 120 Kosovo Roma, 395 Kosovo Ashkali and Kosovo Egyptians, 60 Kosovo Bosniaks, 106 Kosovo Gorani, and 27 Kosovo Albanians in a numerical minority at the municipal level. In the first half of 2012, UNHCR listed 534 voluntary returns, including 51 Kosovo Roma and 219 Kosovo Ashkali and Egyptian members. Members of Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities

⁹¹ For example, the establishment of ad hoc repatriations commissions in Gjilan/Gnjilane, Kamenicë/Kamenica and Rahovec/Orahovac municipalities; working groups in Ferizaj/Uroševac and Viti/Vitina municipalities, and of a repatriations board in Vushtrri/Vučitrn municipality. Additionally, Podujevë/Podujevo, Gjakovë/Đakovica and Viti/Vitina municipalities undertook awareness-raising campaigns aimed at reaching out to repatriated persons.

⁹² For further details see OSCE Report *Assessing Progress in the Implementation of the Policy Framework for the Reintegration of Repatriated Persons in Kosovo's municipalities* (September 2011), <http://www.osce.org/kosovo/82416> (accessed 24 August 2012).

⁹³ In February and March 2011, the OSCE, in co-operation with relevant ministries and government bodies, organized regional roundtables aimed at raising the awareness of relevant municipal officials about the policy framework for the integration of repatriated persons and facilitating dialogue and communication between the central and local levels. A similar series of roundtables was implemented in February and March 2012 in co-operation with central level officials, including the Office for Community Affairs of the OPM, the MCR, the Returns Co-ordination and Support Unit of the Office within the Office of the Deputy Prime Minister, and the Reintegration Office within the MIA. The roundtables aimed to build capacity amongst municipal officials on repatriation and reintegration policies and procedures, with particular emphasis on enhancing access to central-level reintegration assistance.

⁹⁴ These are: Dragash/Dragaš, Ferizaj/Uroševac, Fushë Kosovë/Kosovo Polje, Gjakovë/Đakovica, Gjilan/Gnjilane, Glogovac/Glogovac, Istog/Istok, Junik, Kamenicë/Kamenica, Klinë/Klina, Klokot/Klllokot, Mitrovicë/Mitrovica, Novo Brdo/Novobërdë, Pejë/Peć, Podujevë/Podujevo, Rahovec/Orahovac, Ranilug/Ranillug, Skenderaj/Srbica, Shtime/Štimlje, Štrpce/Shtërpçë, Suharekë/Suva Reka, Viti/Vitina and Vushtrri/Vučitrn.

therefore represent a large share of the voluntary returns in the recent period, around a half of those recorded⁹⁵.

To raise awareness among displaced populations, the MCR, UNHCR and the Danish Refugee Council have continued to support municipalities in conducting outreach activities to displaced persons in Kosovo and the region, primarily through go-and-inform and go-and-see visits. Within the existing returns framework⁹⁶ the MCR, in co-operation with local institutions and relevant international partners, continued to support displaced persons and returnees through a number of assistance programmes⁹⁷. In addition, as noted above, the Government has underlined its commitment to facilitating safe and sustainable return by mandating the establishment of MOCRs in municipalities.⁹⁸ These offices are responsible for promoting and protecting the rights of communities, displaced persons and returnees, including repatriated persons; ensuring equal access to public services; and co-ordinating and promoting the returns process. MOCRs have been established in most municipalities⁹⁹.

Gaps in assistance and support to voluntary returnees, and to repatriated persons in particular, often leave vulnerable persons without adequate care upon their arrival in Kosovo, placing individuals and families in a situation of extreme vulnerability. Lack of *de facto* assistance in the areas of housing, schooling, and economic opportunities has serious consequences for the sustainable reintegration of vulnerable persons, in particular those with protection needs, including Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities.

f. Registration

⁹⁵ This is in contrast to 2,311 in 2010, 1,153 in 2009, 679 in 2008 and 1,816 in 2007. See UNHCR, Office of the Chief of Mission Prishtinë/Priština, *Statistical Overview – Update as of July 2012* (available from UNHCR).

⁹⁶ MCR, *Strategy for Communities and Return 2009–2013*; and UNMIK/Provisional Institutions of Self-Government, Revised Manual on Sustainable Return, July 2006; Government Regulation No. 02/2010 for the MOCRs adopted 12 August 2010 and entered into force on 27 August 2010.

⁹⁷ For instance, through the European Commission Liaison Office/MCR funded Return and Reintegration in Kosovo (RRK) project, which has benefited Kosovo Serbs, Kosovo Roma, Kosovo Ashkali, Kosovo Egyptians and others. The RRK III, which began in November 2011, plans to facilitate the return of up to 200 displaced families to five municipalities (Prizren, Štrpce/Shtërpçë, Parteš/Partesh, Novo Brdo/Novobërdë and Suharekë/Suva Reka) over a 30-month implementation period.

⁹⁸ OPM Regulation No. 02/2010 for the MOCRs, adopted 12 August 2010 and entered into force on 27 August 2010. The MOCRs replace and reform their predecessors, the Municipal Community Offices and the Municipal Return Officers (see UNMIK Regulation 2007/30 on Self-Government of Municipalities in Kosovo amending UNMIK Regulation 2000/45, Section 23, and UNMIK/Provisional Institutions of Self-Government, Revised Manual on Sustainable Return, July 2006).

⁹⁹ There have been no steps taken to establish the MOCRs in the municipalities of Han i Elezit/Đeneral Janković, Kaçanik/Kaçanik, Junik, Malishevë/Mališevo, Mamuşa/Mamushë/Mamuša and Prishtinë/Priština. Of note is that, except for Prishtinë/Priština, these municipalities did not have Municipal Community Offices (predecessors of MOCRs). The three northern municipalities of Leposavić/Leposaviq, Zubin Potok and Zvečan/Zveçan have not been considered as they apply Serbian law.

To be recognized as a person before the law is a fundamental human right¹⁰⁰. Civil registration is a process whereby a person is identified and recognized as an integral part of the society in which he or she lives. Persons that are not registered are unable to obtain official documents and are thereby prevented from exercising their rights and freedoms. However, while no individuals are actively prevented from accessing civil registration, there are still barriers to registration that mainly affect the most vulnerable groups in Kosovo. A large proportion of members of Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities remain unregistered in the civil registry books in Kosovo and lack personal identification¹⁰¹, without which their fundamental rights are denied in various areas, including social protection and welfare, employment, education and health¹⁰². Some progress has been achieved towards ensuring civil registration of the most vulnerable, in particular the Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities. However, much remains to be done in this area.

Objective 1: Improvement of legal, institutional and management framework to accelerate the registration process and address the needs of the three communities

The Action Plan urges Kosovo institutions to tackle the complicated legal and policy framework for civil status registration by reviewing all existing policies, regulations and instructions regulating civil registration, as well as identifying and analysing procedural differences among municipalities. The new law on civil status¹⁰³ improves the legal framework for the registration and issuance of civil status documents, covering persons living permanently and temporarily in Kosovo as well as those living abroad. It also regulates gaps in the areas of re-registration and late registration, issues primarily affecting Kosovo Roma, Kosovo Ashkali and Kosovo Egyptians.¹⁰⁴

In addition, a number of steps have been taken in co-operation with the international community to improve civil registration services, including improvements in the functioning of the address system in Kosovo, the consolidation of registry books, and digitalization of data. However, while there has been an increase in the number of civil registration offices

¹⁰⁰ International human rights standards protect the right of every individual to be recognized as a person before the law, to be registered immediately after birth, to have a name and to acquire a nationality. See Article 6, Universal Declaration of Human Rights, United Nations General Assembly, 10 December 1948; Article 16, International Covenant on Civil and Political Rights, United Nations General Assembly Resolution 2200 (XXI), 16 December 1966; See Article 24(2), International Covenant on Civil and Political Rights, *ibid.* Also, Articles 7 and 24, United Nations Convention on the Rights of the Child, United Nations General Assembly Resolution 44/25, 20 November 1989. Of special relevance to children's rights, see: Human Rights Committee, General Comment No.17, Rights of the Child, Article 24, 07/04/1989, paragraph 7 [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/cc0f1f8c391478b7c12563ed004b35e3](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/cc0f1f8c391478b7c12563ed004b35e3) (accessed 24 August 2012).

¹⁰¹ Kosovo institutions and international organizations estimate that up to 40 per cent of Roma, Ashkali and Egyptian community members who live in Kosovo are not registered as residents and lack personal documents, including passports and identity cards. See for instance Human Rights Watch, *Rights Displaced, Forced Returns of Roma, Ashkali and Egyptians from Western Europe to Kosovo*, October 2010, page 41. <http://www.hrw.org/reports/2010/10/28/rights-displaced> (accessed 24 August 2012). For more information OSCE Report *Access to civil registration in Kosovo* (July 2012), <http://www.osce.org/kosovo/92331> (accessed 24 August 2012).

¹⁰² The document requirements remain the major obstacle for Kosovo Roma, Ashkali and Egyptian community members who want to obtain civil registration. In many cases, applicants have either never possessed adequate documentation or no longer possess it due to loss or destruction of their documents.

¹⁰³ Law No. 04/L-003 on Civil Status, 8 July 2011.

¹⁰⁴ For further detail, see OSCE Report *Access to civil registration in Kosovo* (July 2012), <http://www.osce.org/kosovo/92331> (accessed 24 August 2012).

across Kosovo, insufficient financial, logistical and human resources still limit their proper functioning. Relevant institutions do not conduct sufficient outreach and awareness-raising activities to inform residents about the importance of and the procedures related to civil registration.¹⁰⁵

Another measure detailed in the Action Plan to tackle registration problems, the use of temporary free registration periods, has been implemented, but only twice, by two different ministries, despite the Plan's reference to this as an ongoing annual practice. For instance, the Ministry of Local Government Administration declared a month of free registration for members of the Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities only in 2010. While some municipalities exempt certain categories of the population from administrative fees, this is not a consolidated practice across Kosovo¹⁰⁶. Furthermore, in practice it appears that the categories exempted from registration fees are subject to a certain degree of discretion, and do not fully include all cases of poverty in a given municipality.¹⁰⁷

A recent positive development observed was the issuing of Circular No.123 on 15 March 2012 by the MIA instructing the waiving of late birth or death registration fees for members of the Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities for a period of up to one year¹⁰⁸. However, OSCE information gathering during June and July 2012 revealed that not all civil registration offices were aware of the circular and many were not implementing it. In addition, the circular will only remain effective until March 2013.

Objective 2: Strengthen cooperation among institutions of Kosovo and institutions of host countries to enable information and registration of returnees and the repatriated persons

Voluntary returns and repatriations from the region and Western Europe have continued in 2011 and 2012 (see above, section *e. Returns and Reintegration*).

Civil registration continues to be one of the main concerns for returnees and repatriated persons from the Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities. As noted above, some central-level policy progress has been achieved towards ensuring civil registration of the most vulnerable, in particular members of the three communities (see Objective 1 above).

With regard to registration of returnees and repatriated persons upon their return at the local level, a number of municipalities¹⁰⁹ report having taken steps to facilitate civil registration and the issuance of documents and certificates to repatriated persons from these communities.

¹⁰⁵ Ibid.

¹⁰⁶ For instance, the municipalities of Deçan/Deçane, Dragash/Dragaš, Istog/Istok, Klinë/Klina, Malishevë/Mališevo, Pejë/Peć, Prishtinë/Priština and Shtime/Štimlje reported to exempt one or more of the following categories: social assistance scheme beneficiaries, pensioners, students and pupils, families of fallen Kosovo Liberation Army combatants and war invalids. See OSCE Report *Access to civil registration in Kosovo* (July 2012), <http://www.osce.org/kosovo/92331> (accessed 24 August 2012).

¹⁰⁷ For further detail, see OSCE Report *Access to civil registration in Kosovo* (July 2012), <http://www.osce.org/kosovo/92331> (accessed 24 August 2012).

¹⁰⁸ Ibid.

¹⁰⁹ For instance Mitrovicë/Mitrovica, Skenderaj/Srbica, Kamenicë/Kamenica, Štrpce/Shtërpçë, Klinë/Klina, Istog/Istok, Gračanica/Gračanicë, Lipjan/Lipljan and Prizren.

Initiatives include: providing general guidance and advice on civil registration procedures¹¹⁰; co-operating with UNHCR's legal aid implementing partner, the NGO Civil Rights Program Kosovo¹¹¹, and other organizations in facilitating civil registration for Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities members; and exempting communities and other vulnerable groups from administrative fees for the issuance of documents.¹¹² In addition, several municipalities participated in a civil registration information campaign across Kosovo in co-ordination with the MIA, including distribution of posters and leaflets on registration procedures.

g. Culture, media and information

The preservation and promotion of the cultural and religious heritage of all communities as an integral part of the heritage in Kosovo is an area that needs further attention. Kosovo institutions are obliged to ensure the effective protection and preservation of sites and monuments of cultural and religious significance to all communities. In addition, institutions should promote culture, art, science and education as well as scholarly and other associations and activities for the expression, fostering and development of the identity of communities. While some modest progress has been made in terms of broadcast media, Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities still face challenges in relation to their cultural and religious heritage, with key first steps yet to be completed – for example, complete lists of tangible and intangible heritage for the three communities are yet to be defined.

Objective 1: Increase participation of Roma, Ashkali and Egyptian communities in the decision-making process on policy making and implementation in the area of culture and media at all levels

At the level of central institutions there has been modest progress to improve the representation of all communities in the media and to provide equitable access for all communities to quality media representing their interests and promoting their cultures. In order to promote developments in this area, for the past three years the OSCE has been providing support to the public service broadcaster, Radio Television of Kosovo (RTK), through capacity building activities to the RTK editors and journalists and support for a weekly Romani language programme.

¹¹⁰ Guidance is usually provided by MOCRs, Municipal Civil Registration Centres and Municipal Civil Status Offices, while only a few offices have made efforts to reach out to persons concerned in order to promote access to municipal services

¹¹¹ On behalf of UNHCR, the NGO Civil Rights Program Kosovo began implementing a civil registration campaign targeting Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities in September 2006. It has concluded memoranda of understanding with a number of municipalities to ensure flexibility with regard to civil registration procedures and exempting members belonging to these communities from payment of administrative fees.

¹¹² For example, in Skenderaj/Srbica, Deçan/Deçane, Junik, Klinë/Klina, Istog/Istok, Prishtinë/Priština, Lipjan/Lipljan, Obiliq/Obilić and Shtime/Štimlje municipalities repatriated persons do not pay administrative fees for the issuance of documents by the civil registration and/or civil status offices. For more background, see OSCE Report *Assessing Progress in the Implementation of the Policy Framework for the Reintegration of Repatriated Persons in Kosovo's municipalities* (September 2011), <http://www.osce.org/kosovo/82416> (accessed 24 August 2012).

RTK claims to have fulfilled the legal requirement to dedicate 15 per cent of its programming to services for non-Albanian communities in their respective languages¹¹³. Nonetheless, community leaders and NGO representatives in Prishtinë/Priština have pointed out several times to OSCE that the smaller communities such as the Kosovo Ashkali and Kosovo Egyptians are not adequately represented. On 15 February 2011, Kosovo Ashkali and Kosovo Egyptian civil society representatives submitted a written request to RTK management for the establishment of a dedicated programme for their communities. At the time of writing, August 2012, RTK had still not replied to this request.

On a positive note, RTK launched in November 2011 a second Romani programme, namely the daily news (10 to 15 minutes from Monday to Friday in prime time), in addition to the weekly magazine programme (45 minutes). However, in general there are several shortcomings apparent in the content of RTK non-Albanian programmes – such as the lack of updated film, poor use of graphics and long interviews, and the rather small team engaged for the Romani language programming. The OSCE has also observed that cameras are not available on a daily basis to the team involved in producing the non-Albanian programmes, making effective coverage of all activities concerning the Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities problematic.

Currently, there is only one licensed radio station, Romano Avazo in Prizren, whose primary language is Romani; however, there are several radio and TV stations across Kosovo which produce programmes dedicated to Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities¹¹⁴. There are no newspapers in the Romani language or specifically targeting one of the three communities.

In a recent positive move, in June 2012 the Committee for Managing the Fund for Minority, Multiethnic and Other Disadvantaged Groups awarded grants for several Romani language media initiatives¹¹⁵. Unfortunately, in general, support to media programming targeting the three communities or in the Romani language, tends to be undertaken on an ad hoc basis and when support is provided by international agencies, often time-limited to specific initiatives. An example would be the OSCE-supported radio project in Prizren in 2010, which raised awareness of the commitments in the recently-approved Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian Action Plan through Romani language radio programmes. A second, similar OSCE-supported project aimed to promote Roma language rights through expanded radio programming in the Prizren area in 2012.

Objective 2: Promotion of cultural identity of the three communities through the protection of cultural heritage and the support of cultural activities

The preservation of cultural and religious sites and promotion of the cultural heritage of all communities continue to be an area requiring increased efforts and support. Equally, little

¹¹³ Article 6 (6) of Law No. 02/L-47 on Radio Television of Kosovo, promulgated by UNMIK Regulation 2006/14, 11 April 2006.

¹¹⁴ For instance, in Mitrovicë/Mitrovica municipality, the local television station TV Mitrovica occasionally covers cultural activities by communities. Likewise, in northern Mitrovica/Mitrovicë Radio Kontakt Plus and TV Most sometimes feature guests or stories from communities on their shows. In Gračanica/Graçanicë municipality, the radio stations KiM Radio and Vitez Radio have programming for one hour per week in the Romani language.

¹¹⁵ The beneficiaries, radio Romano Avazi (Prizren), NGO Prosperiteti (Gjakovë/Dakovica) and NGO Sakuntala (Prizren), received 4,700 Euro each.

progress has been made in the field of the protection of the Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities' intangible cultural heritage.

Ministry of Culture, Youth and Sports (MCYS) annual reporting indicates that at the central level, the MCYS established a Joint Committee on Culture and Information in 2011 to oversee community and cultural projects relating to the three communities. Further to these initial efforts however, no meetings were held in 2012, and no specific budget is yet confirmed for Action Plan implementation with allocations still under consideration. However, the MCYS has undertaken activities and provided funding for a number of projects undertaken by members of Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities (including publications, festivals, flag day celebrations). Additionally, a working group mechanism was established in December 2011 to work on the identification of the three communities' spiritual cultural heritage, co-ordinated with the Department of Cultural Heritage (which has included the Action Plan commitments in its own work planning) and civil society. In general, members of the three communities have also participated in various multi-ethnic cultural sporting activities conducted by the MCYS during 2011.¹¹⁶

In terms of additional funding mechanisms, the Office of Communities Affairs within the OPM established the practice of forming a review panel on an annual basis to examine funding applications for projects targeting communities in a numerical minority at the municipal level, including the promotion of their identity and culture – a positive aspect is the inclusion on the commission of individuals who are members of the three communities. Similarly, the MCR awards small-scale grants to non-majority communities projects at the local level. In the past, projects dealing with cultural activities of the three communities have been funded through this mechanism.

At the local level, a limited number of municipalities have actively promoted the cultures of communities in a numerical minority at the municipal level, particularly the numerically smaller communities such as the Kosovo Ashkali or Kosovo Egyptians¹¹⁷. Similarly, in Prizren municipality, the limited activities undertaken to promote the culture of such communities were initiated by the communities themselves. A larger number, around a third, of municipalities supported celebration of International Roma Day in the past two years¹¹⁸, but this support was extended on an ad hoc basis, rarely with any concerted plan to promote community cultures. Furthermore, according to the information gathered by the OSCE through interviews with municipal officials and community representatives, while it is usually representatives of the three communities who make requests for funding allocations, there does not appear to be any municipal consultation with communities during the budget planning process of allocating funds for the promotion of their cultures.

¹¹⁶ MCYS annual progress report, January to December 2011.

¹¹⁷ For instance, in 2011 and 2012, Ferizaj/Uroševac municipality provided funds to support the celebration of Ashkali Flag Day on 15 February, as did the municipalities of Lipjan/Lipljan, Fushë Kosovë/Kosovo Polje, Prishtinë/Priština and Suharekë/Suva Reka in 2012, in some cases with the attendance of senior officials. Vushtrri/Vučitrn municipality supported Ashkali Flag Day in 2011, but only following a community initiative to organize the event, and Obiliq/Obilić municipality in 2012 following OSCE advocacy.

¹¹⁸ Between 2011 and 2012 the municipalities of Ferizaj/Uroševac, Fushë Kosovë/Kosovo Polje, Gjakovë/Đakovica, Gjiilan/Gnjilane, Gračanica/Gračanicë, Istog/Istok, Kamenicë/Kamenica, Klinë/Klina, Mitrovicë/Mitrovica, Pejë/Peć, Prizren, Suharekë/Suva Reka, and Štrpce/Shtërpce supported the International Roma Day in different ways, ranging from allocation of funds to the provision of premises free of charge for the activities.

Often, international organizations also provide support for communities' cultural initiatives. For example, in 2011 the OSCE supported celebrations of International Roma Day through selected initiatives, encouraging co-operation with municipal institutions and NGOs on activities ranging from folk dances to theatre performances and quiz competitions, aimed at strengthening Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities members' cultural identities.

h. Participation and representation

Substantial legislative provisions and measures exist to ensure effective participation and representation of non-Albanian communities in Kosovo. In terms of central level governance mechanisms and election participation, it appears that this legislative and policy framework is proving effective – in terms of election participation and political party and parliamentary assembly activity, the Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities are able to successfully use the opportunities provided to participate. However, despite legal requirements for recruitment of public officials, the three communities are proportionally under-represented at all levels. Equally, local government mechanisms have failed to properly incorporate the Action Plan's commitments into their work planning and budgeting, and are falling short of providing effective protection for local communities' interests and needs.

Objective 1: Effective participation of Roma, Ashkali and Egyptian communities in public life and decision-making institutions of Kosovo by providing and ensuring equal access and opportunities for the three communities at all forms of representation

Representation in public institutions and decision-making

At the central level, various mechanisms exist to safeguard and promote non-Albanian communities participation and rights – several are enshrined in legislation, such as the reserved seats in the Assembly and the Communities Consultative Committee¹¹⁹. At the local level, the OSCE continues to monitor the establishment and effectiveness of mechanisms for the promotion and protection of communities' rights¹²⁰. The posts of Deputy Mayor for Communities and Deputy Chairperson of the Municipal Assembly for Communities have been established in 12 and 15 municipalities respectively¹²¹. Positively, several of these

¹¹⁹ Article 12 of the Law on the Protection and Promotion of the Rights of Communities establishes the Communities Consultative Council as a mechanism under the auspices of the Office of the President of Kosovo in 2008 to facilitate the political participation of non-Albanian communities at central level. Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities are represented with two members each respectively (six in total). Source: http://www.ccc-president-ksgov.net/tmp/index.php?option=com_content&view=article&id=54&Itemid=44&lang=en (accessed 24 August 2012).

¹²⁰ The Law No. 03/L-040 on Local Self-Government, 20 February 2008, provides for community participation in public affairs and safeguards the rights and interests of communities with the establishment of mandatory municipal assembly Communities Committees and the creation of two posts, the Deputy Chairperson of the Municipal Assembly for Communities and the Deputy Mayor for Communities, for those municipalities in which communities who are a numerical minority in the municipality exceed ten per cent of the overall population in the municipality (Articles 51, 54–55 and 61).

¹²¹ The position of Deputy Mayor for Communities has been established in 12 municipalities: Dragash/Dragaš, Fushë Kosovë/Kosovo Polje, Gjiilan/Gnjilane, Lipjan/Lipljan, Klokot/Klllokot, Mamuşa/Mamushë/Mamuša, Mitrovicë/Mitrovica, Novo Brdo/Novobërdë, Obiliq/Obilić, Prizren, Ranilug/Ranillug and Štrpce/Shtërpçë. The post of Deputy Chairperson of the Municipal Assembly for Communities has been established in 15 municipalities: Dragash/Dragaš, Ferizaj/Uroševac, Fushë Kosovë/Kosovo Polje, Gjakovë/Djakovica,

municipalities have established these posts although not obliged to do so by law (i.e. when communities who are a numerical minority in the municipality do not exceed ten per cent of the overall population in the municipality)¹²². However, cases of non-compliance also exist, as a small number of municipalities have not established the posts, despite being legally required to do so¹²³.

The mandatory Communities Committees have been established in 34 municipalities in Kosovo. The Communities Committees are mandated to review the full spectrum of communities' human rights, to guide and support municipal institutions to respect and ensure those rights, and to provide recommendations for remedial action when necessary. However, in general, Communities Committees have found it difficult to provide communities with the protection envisaged and in practice only a few of these committees fully adhere to their duties and responsibilities. OSCE monitoring identified only three Communities Committees¹²⁴ which take the implementation of the Strategy into account in their work plan, and a single municipal Communities Committee, Ferizaj/Uroševac, which has established a working group on the Strategy's implementation. Overall, municipal Communities Committees have failed to adequately address the issue of the implementation of the Strategy. Commitments in the Action Plan to efforts to ensure gender equity in Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities' representation also appear to have been overlooked: women belonging to the three communities remain proportionally less represented than other women, contributing to further under-representation.

In a positive development, as noted above, in 2010 the government further underlined its commitment to promoting and protecting communities' rights with the creation of the MOCR. As of mid-2012, MOCRs had been established in 31 municipalities (see above, section *e. Returns and Reintegration*).

Between April and July 2012, the OSCE undertook an assessment of communities' representation in the civil service in Kosovo, in order to assess central and municipal level compliance with the legal requirements that ten per cent of central-level positions be reserved for members of communities and that representation at the municipal level be proportional to the number of communities' members residing in a given municipality¹²⁵. The results showed a clear and consistent trend of under-representation of Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities at both the central and municipal levels: while the percentage

Gjilan/Gnjilane, Gračanica/Gračanicë, Istog/Istok, Kamenicë/Kamenica, Klokot/Klllokot, Mitrovicë/Mitrovica, Novo Brdo/Novobërdë, Pejë/Peć, Prishtinë/Priština, Prizren and Ranilug/Ranillug.

¹²² Six out of 12 municipalities have appointed the post of Deputy Mayor for Communities, and seven out of 15 municipalities have appointed the post of Deputy Chairperson of the Municipal Assembly for Communities (municipalities of Ferizaj/Uroševac, Gjilan/Gnjilane, Istog/Istok, Kamenicë/Kamenica, Mitrovicë/Mitrovica, Prishtinë/Priština and Ranilug/Ranillug), though not required to do so by law.

¹²³ In the municipalities of Obiliq/Obilić and Štrpce/Shtërpce, no one has been appointed to the post of Deputy Chairperson of the Municipal Assembly for Communities, while in the municipality of Gračanica/Gračanicë, the municipality is yet to appoint an individual to the post of Deputy Mayor for Communities. This is despite the fact that communities who are a numerical minority in the municipality are considered to exceed ten per cent of the overall population in these municipalities.

¹²⁴ Deçan/Dečan, Fushë Kosovë/Kosovo Polje and Podujevë/Podujevo municipalities.

¹²⁵ Regulation No. 04/2010 on Procedures for the Fair and Proportional Representation of Communities not in the Majority in the Civil Service of Kosovo, 20 September 2010 issued by the Ministry of Public Administration, Articles 5.1.1 and 6.1.1. The Regulation specifies that, until the publication of official census results, it is the responsibility of municipal institutions to collect and store data on municipal populations (Articles 7.1 and 7.2); it further states that these figures must not be below those listed in Annex 1 of the Law No. 03/L-049 on Local Government Finance, 15 June 2008.

of the three communities within the overall population is approximately 2.54 per cent, they occupy only 0.45 per cent of positions at the central level and 0.69 per cent of positions at the municipal level. This is the case even in municipalities where the three communities are present in relatively large numbers, and which comply with more general obligations for proportional communities' representation across the municipality as a whole. For example, in Fushë Kosovë/Kosovo Polje, the Kosovo Ashkali community is estimated at 3,882 individuals (of a total municipal population of 46,818), which entitles them to approximately 8.29 per cent of positions in the municipal civil service; however, in April 2012 only 3 of the 155 civil service staff in this municipality were Ashkali (1.92 per cent). Similarly, in Gjakovë/Đakovica, the Kosovo Egyptian community is approximately 7,735 individuals (of a total municipal population of 115,055), entitling them to 6.72 per cent of local civil service posts; however, out of 313 civil servants only 4 were Egyptian (1.28 per cent). The least compliant municipality in this respect is Gračanica/Graçanicë: although the total Kosovo Roma population is estimated at 2,000, entitling them to 8.67 per cent of positions, no single member of the Kosovo Roma community is currently employed by the municipality.¹²⁶

Relevant officials at both the central and municipal levels are aware of the problem of persistent under-representation of Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities within the civil service, but have stated that representation shortfalls are due to an insufficient number of applications from qualified candidates and the lack of formal education among those communities. In addition to the provision of training and internship support for increasing representation of the three communities, the Action Plan also details additional efforts to be taken in the advertisement of civil service posts. However, OSCE field monitoring has observed that job vacancies are not always posted in areas where these communities reside and that the communities' languages are not used in the job advertisements.

Election participation

In general, the relevant legislation governing the practice of elections¹²⁷ appears to have been successful in safeguarding the rights of members of the Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities to participate in democratic processes.

With regard to voter registration, because the voting list is extracted directly from the civil registry, all voters in Kosovo need to be first registered as civil persons. Therefore, issues surrounding civil registration for the three communities will impact on their ability to participate in elections (please see above, section *f. Registration*).

The last local elections have not seen the establishment of specific polling centres for Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian neighbourhoods, but have followed the general principle and legal requirement applicable to all communities, that voters should not have to travel further than three kilometres to vote.

In terms of language access, the OSCE is aware of cases where voting materials, particularly public information materials were made available in the Romani language – examples of this

¹²⁶ Demographic estimates based on unofficial OSCE figures.

¹²⁷ Law No. 03/L-073 on General Elections, 5 June 2008, available at http://www.assembly-kosova.org/common/docs/ligjet/2008_03-L073_en.pdf and Law No. 03/L-072 on Local Elections, 5 June 2008, available at http://www.assembly-kosova.org/common/docs/ligjet/2008_03-L072_en.pdf (both accessed 24 August 2012).

were noted in Prizren and Gračanica/Graçanicë. By law, actual ballot papers may only be issued in the two official languages in Kosovo, and, for local elections in certain municipalities where a community that is a numerical minority at the municipal level is of sufficient size (more than five per cent), in the language of that community: no Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities are of sufficient size in any one municipality to benefit from this provision. In terms of provisions to support the participation of illiterate voters, again, legal provisions for all communities are available to support the participation of any voters from the three communities who may require such assistance: any voter requiring literacy support is entitled to request assistance from a polling station committee staff member, and OSCE monitoring has noted that voters have been able to make use of this support successfully.

It is noteworthy that the legal provisions governing composition of the Central Election Commission, as well as Municipal Election Commissions and polling station committees have facilitated Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian participation. The Central Election Commission for example formerly included a member from the Kosovo Roma community, and currently includes a Kosovo Ashkali member, and OSCE monitoring has also observed that the three communities were represented in several Municipal Election Commissions and polling station committees. This representation is very positive, and has helped to ensure that additional, supportive measures (such as the publication of Romani public information materials and the location of voting centres) were taken to ensure Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities' participation in earlier elections.

The 2010 parliamentary assembly elections saw the participation of five political entities (four parties and one civic initiative) associated with the three communities which were registered and certified to contest the election – two Kosovo Ashkali, two Kosovo Egyptian and one Kosovo Roma. The current situation, whereby these political entities are represented in the Assembly of Kosovo, and some also included in the ruling coalition, indicates that the three communities are successfully participating in the democratic process in Kosovo. Legal provisions require that parliamentary seats are set aside for representatives of the Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities: four seats are currently held by representatives of the three communities, meeting the requirements.

i. Security, police and justice

Security incidents have an adverse impact on communities' actual and perceived safety and security, and can restrict their freedom of movement and limit their access to essential rights and services. They also have the potential to increase inter-ethnic tensions, and to undermine relations between communities and municipal institutions. Non-Albanian communities are regularly affected by security incidents, and by crimes committed against persons, private property and cultural and religious sites.

While the Action Plan focuses on the actions of Kosovo police in addressing security issues related to the Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities, the role of municipalities in addressing communities' security concerns is also important and prominent in recent policy-making on community security¹²⁸. Many of the negative effects which

¹²⁸ The Kosovo Community Safety Strategy and Action Plan 2011–2016 foresees, among other steps: municipal institutions and security forums (including Municipal Community Safety Councils) assistance in integrating returnees into society; security issues related to communities being addressed institutionally (through for instance, the establishment, strengthening and re-vitalization of the security forums); and, raising

security incidents have on inter-ethnic relations can be mitigated if municipal institutions respond in an adequate and timely manner to the incident in question – for example, through dialogue in appropriate forums, public statements condemning acts of violence and outreach to the affected community.

The OSCE report *Municipal Responses to Security Incidents Affecting Communities in Kosovo and the Role of Municipal Community Safety Councils*¹²⁹ documents some of the most serious security incidents that have negatively affected members of Kosovo Ashkali, Kosovo Egyptian and other communities, targeting persons and private property (returnee houses)¹³⁰. Despite a few positive examples, municipal responses to security incidents affecting communities generally occurred on an ad hoc basis, with no consistency of approach between municipalities. Furthermore, many municipalities have not fulfilled their obligations to the establishment and conduct of Municipal Community Safety Councils¹³¹, the municipal bodies best able to ensure appropriate responses to security incidents. Moreover, where municipalities did respond to security incidents, community representatives noted a number of persistent problems¹³². The lack of timely and effective responses by municipalities fosters a lack of trust among communities, and acts as a disincentive for future crime reporting or raising of security concerns to the authorities – additionally, such weak responses contribute to negative perceptions of security and safety among communities.

Objective 1: Increase effectiveness of Kosovo police in prevention and addressing crime and conflict within Roma, Ashkali and Egyptian communities

While the OSCE is not aware of any survey undertaken to assess how crime affects Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities in particular, or any specific needs of the three communities in relation to addressing crime-related problems, a basis for data analysis does exist. Kosovo police record information on crimes using a database which

communities' awareness of the use of security forums and encouragement of their participation in such platforms.

¹²⁹ Issued in December 2011, available at <http://www.osce.org/kosovo/86766> (in English, accessed 24 August 2012).

¹³⁰ For example, of a series of violent attacks and incidents affecting Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities in 2010, in only one case did the municipality adopt a proactive response, primarily through official condemnation and outreach activities targeting the affected communities. In another case, the municipality funded the repair of broken windows of returnee houses after the first incident; however no such action was taken after the second and third repeated incidents. On 23 January 2010 a juvenile Kosovo Ashkali male from the Sallahane/Salahane neighbourhood in Ferizaj/Uroševac town was stabbed. Two attacks against Kosovo Egyptians were reported in Pejë/Peć and Gjakovë/Đakovica towns on 1 March and 8 May 2010 respectively; two Kosovo Egyptian men were assaulted in the village of Novosellë/Novo Selo in Pejë/Peć municipality, a Kosovo Roma was assaulted on 26 February 2010 in Pejë/Peć town. A series of incidents targeting the homes of Kosovo Ashkali (the third largest community in the municipality) were reported in Nakaradë/Nakarade village in Fushë Kosovë/Kosovo Polje municipality on 3 and 26 March and on 10 April 2010 (windows of four returnee houses were damaged during and after their reconstruction, with families also reporting intimidation and pressure by Kosovo Albanian neighbours to sell their properties at low prices). See OSCE Report *Municipal Responses to Security Incidents Affecting Communities in Kosovo and the Role of Municipal Community Safety Councils* (December 2011) <http://www.osce.org/kosovo/86766> (accessed 24 August 2012).

¹³¹ AI No. 08/2009 MIA-02/2009 Ministry of Local Government Administration for Municipal Community Safety Councils, 20 March 2009.

¹³² For example, in some cases public statements by municipal officials were not translated to the language of the affected community and thus were not accessible to them. Additionally, where municipal officials did condemn a security incident affecting a community that is a numerical minority in the municipality, this action was regarded as largely symbolic by the affected community unless accompanied by outreach and dialogue activities.

allows for disaggregation by community (both of perpetrator and victim) and by crime (e.g. the selection of records on hate crimes or crimes with an inter-ethnic dimension). The Department for Crime Analysis leads on undertaking assessments¹³³.

In 2011, the Kosovo police began implementation of a new community policing concept. The new approach sees each police station area divided into geographical sectors, each assigned its own police patrol and officers, with the aim of building relationships with local communities through continuous contact, thus improving security at the local level. These moves should bring the police closer to communities as police officers regularly visit their assigned areas and have greater and more consistent contact with communities while working with them to improve their safety and improve crime prevention. For vulnerable groups, including Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities, the new approach should be particularly helpful, and should increase the effectiveness of Kosovo police through crime prevention with the assistance of local communities.

In respect to achievement of this Action Plan objective, the response of the Kosovo police to hate crimes is particularly important and requires particular prioritization. Hate crimes are crimes motivated by intolerance towards certain groups in society, including ethnic communities, and occur throughout Kosovo, impacting negatively on the security perceptions of the affected community. The failure to properly identify, investigate and respond to hate crimes may have serious repercussions, including further crimes, aggravation of the security situation and human rights violations. In order to help strengthen Kosovo police capacities to investigate and respond to hate crimes, the OSCE implemented several activities in 2011 and 2012, including a training of trainers, as well as specialised training for police investigators and community policing officers¹³⁴.

Objective 2: Kosovo police treats the three communities, Roma, Ashkali and Egyptian, without discrimination, free of violence and prejudgement

The OSCE is not aware of any systematic information collection assessing discrimination against, or the use disproportionate use of force against, members of Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities.

Information provided to the OSCE by the Department of Public Safety within Kosovo police confirmed that the police are aware of their responsibilities in relation to implementation of the Action Plan and Strategy. The Department of Public Safety referred to the regular meetings held with representatives of Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities to discuss their particular concerns. Additionally, reference was made to outreach efforts: to the regular patrols conducted in areas inhabited by the three communities, and to the practice, followed wherever possible, of delegating Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian members of the police force to address problems concerning those communities. The Department also highlighted Kosovo police encouragement of Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities' participation in security

¹³³ OSCE meeting with the Department for Public Safety, police Directorate of Community Policing and Crime Prevention, Kosovo police, 22 August 2012.

¹³⁴ In total, 138 police officers were trained on how to identify, investigate and properly respond to hate crimes.

forums such as the Local Public Safety Committees¹³⁵, where participants are supported and advised in raising their communities' concerns.¹³⁶

Objective 3: The three communities, Roma, Ashkali and Egyptian, are represented in the Kosovo police and at all levels without discrimination

The number of police officers from Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities in Kosovo police is extremely low. According to the data available to the OSCE, Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian police officers represent less than one per cent of the total number of Kosovo police officers. Although there are no police officers from the three communities at the highest levels, the Department of Public Safety informed the OSCE that there are a number of sergeants, a few lieutenants and one captain from the three communities currently in the Kosovo police¹³⁷.

Certain efforts have been undertaken to address this disproportionately low representation. During the last recruitment cycle, in October 2011 the Kosovo police organized a meeting with candidates of the Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities in order to explain the recruitment process, with the aim of increasing the chances of candidates from the three communities to join the police. However, despite these efforts there has been little success in recruiting Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian candidates. According to the Kosovo police, the main reason for such a low number of officers from the three communities is the lack of candidates who have graduated from secondary school¹³⁸, one of the basic requirements for the position.

The Department for Public Safety noted the Kosovo police's desire to increase current levels of Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities' representation to the desired level, which the Department noted as between two and three per cent. While not being able to waive the entry examination requirement, the police stated they are currently exploring alternative options for addressing the problem.¹³⁹

Objective 4: Ensure access to judiciary for Roma, Ashkali and Egyptian communities through the implementation of legislation, monitoring of institutional practices and consciousness

There is a significant absence of detailed data and information available on the issue of Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities' access to the judicial system and their access to key support services such as legal aid: it is therefore difficult to provide an overall objective and informed assessment of the situation, or to highlight key areas for improved practice.

Although discussions and documents from the May 2011 conference on the implementation of the Action Plan highlighted the importance of the provision of legal aid as a key factor in ensuring the three communities' access justice without discrimination, the OSCE is not aware

¹³⁵ Regulated by Article 7(3) of Law No. 03/L-035 on police, 4 June 2008.

¹³⁶ OSCE meeting with the Department for Public Safety, police Directorate of Community Policing and Crime Prevention, Kosovo police, 22 August 2012

¹³⁷ Ibid.

¹³⁸ Requiring the completion of 11 or 12 years of study.

¹³⁹ OSCE meeting with the Department for Public Safety, police Directorate of Community Policing and Crime Prevention, Kosovo police, 22 August 2012

of any co-ordinated activities in the last year aimed at improving access to legal aid available at the local level.

To a certain extent, representation in the staff of the judicial system in Kosovo is also a relevant factor for the three communities' access to judiciary. In general, the almost complete absence of non-Albanians from the staff of the Kosovo judiciary has long affected the credibility of the judicial system in the eyes of communities. At the higher level, at present there is only one judge engaged from the Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities, and at administrative level, only one court support staff person working in the judicial system, namely in the District Court in Pejë/Peć.

4. CONCLUSION

The 2011 OSCE report reviewing progress on implementation of the Action Plan, found that, although some sector-specific work has been done, in general Kosovo institutions had fallen short of fulfilling their commitments, and the action of many municipalities remained marginal. While there was evidence of modest progress in the areas of return, regularization of informal settlements, culture and education, there were no significant developments in the areas of employment and economic empowerment, participation and representation, or in security, police service and justice. Calling for increased efforts, the 2011 review highlighted several key problems: the lack of full political engagement, insufficient resource allocation, and inadequate communication and co-ordination between central and local levels.¹⁴⁰

While not offering a comprehensive review of all sectors, the information compiled and presented in this 2012 paper leads to similar conclusions a year later: while positive steps have been undertaken in several areas, a large number of the actions outlined in the Action Plan have not been implemented. Given that it is nearly three years since the Action Plan's official endorsement in December 2009, with just over three years remaining for its implementation, this is concerning. Such limited progress indicates continuing problems of political will and under-engagement of high-level bodies, ministries and municipalities in the full integration of Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities in society.

Of relevance are the particular problems apparent with regards to monitoring of the Action Plan. Most of the general implementation monitoring for the Action Plan, namely the quarterly, semi-annual and annual reports, has not been produced. Furthermore, in addition to prescribing specialised data collection and monitoring activities on a number of sectors (e.g. the creation of a database on Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities returns/repatriations, regular assessments of employment data, etc.), the Plan foresees fifteen issue-specific assessments and studies¹⁴¹, which would thereafter allow for

¹⁴⁰ See OSCE Report *Implementation of the Action Plan on the Strategy for the Integration of the Roma, Ashkali and Egyptian Communities in Kosovo* (May 2011), pages 1 and 3. <http://www.osce.org/kosovo/77413> (accessed 24 August 2012).

¹⁴¹ Specific studies or assessments envisaged by the Action Plan are listed as follows: four under the Education sector (Actions 1.1.1, 1.1.2, 1.9.1, 2.1.1); three under Employment and Economic Empowerment (1.1.1, 1.2.11, 3.1.2); one under Health and Social Affairs (1.1.6); one under Housing and Informal Settlements (1.2.5); none under Returns and Reintegration or Registration; one under Culture, Media and Information (2.1.1); one under Participation and Representation (1.3.2); four under Security, police Service and Justice (1.1.1, 1.3.4, 3.1.5, 4.2.2).

policy improvement or development, for more targeted measures to be taken, and for follow-up monitoring of improvements. From the information available to the OSCE, none of these studies or assessments have been undertaken or shared with the relevant institutions. This lack of information impedes both the tackling of problems through tailored remedies, as well as the assessment of progress made and results.

Without doubt, increased political commitment at all levels, alongside increased human and financial resources, will be needed if Action Plan commitments are to be met.

5. RECOMMENDATIONS TO THE GOVERNMENT OF KOSOVO

The recommendations below build on earlier calls and the 2011 recommendations of the OSCE in relation to the improved implementation of the Strategy and Action Plan for the Integration of Roma, Ashkali and Egyptian communities, and echo the Forty Actions proposed at the May 2011 high-level EC-Government of Kosovo conference. The recommendations are intended as constructive inputs to decision-making and prioritization of the implementation of the Action Plan, with the goal of achieving concrete improvements for Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities and their genuine integration into society.

- i. **Full implementation.** The Government of Kosovo should renew its commitment to the full implementation of the Strategy and Action Plan, ensuring that all the necessary and foreseen, human and financial resources are available, including timely and continuing budget allocations and effective co-ordination of resource allocation across ministries and at municipal level. Ensure effective participation of the Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities in decision-making and implementation.
Echoed in the 2011 OSCE recommendations and the Forty Actions cross-cutting issues, no.s 1, 2, 5
- ii. **Co-ordination and communication.** The institutions and mechanisms tasked with specific responsibilities for Action Plan implementation, in particular the Action Plan Technical Working Group and the Steering Committee, should make greater efforts to fulfil these responsibilities, taking a proactive approach that includes regular meetings and improved co-ordination. Identifying and addressing any capacity-building and fund-raising needs of the co-ordinating mechanisms established should be prioritised. Communication should be improved among all institutions and stakeholders involved, with particular attention paid to information flow between central and local levels, as well as among institutions, relevant civil society and Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities.
Echoed in the 2011 OSCE recommendations and the Forty Actions cross-cutting issues, no.s 2, 3, 5
- iii. **Information and reporting.** Ensure effective monitoring of Action Plan implementation and the publication of reports. Prioritise implementation of the information gathering and assessment actions detailed in the Action Plan, thereby informing practical, tailored measures to address problems, and supporting effective monitoring of results. Additionally, ensure thorough public data collection in all relevant sectors, which allows for disaggregation by community and gender and analysis of different needs.
Echoed in the 2011 OSCE recommendations and the Forty Actions cross-cutting issues, no.s 7, 8, 9

- iv. **Awareness raising.** Continue and expand awareness raising on the commitments of the Strategy and Action Plan, as well as on key civil, political, economic, social and cultural rights, among all government actors responsible for implementation, among Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities and the general public.

Echoed in the 2011 OSCE recommendations and the Forty Actions cross-cutting issues, no. 5

Annex I - List of relevant OSCE reports

Access to civil registration in Kosovo, July 2012

<http://www.osce.org/kosovo/92331>

Community Rights Assessment Report, Third edition, July 2012

<http://www.osce.org/kosovo/92244>

Humanitarian Bus Transportation in Kosovo after Transfer to Kosovo Institutions Monitoring Findings, Report No. 5, May 2012

<http://www.osce.org/kosovo/90904>

Multilingual Legislation in Kosovo and its Challenges, February 2012

<http://www.osce.org/kosovo/87704>

Assessment of municipal responses to informal settlements in Kosovo, December 2011

<http://www.osce.org/kosovo/86273>

Municipal responses to security incidents affecting communities in Kosovo and the role of Municipal Community Safety Councils, December 2011

<http://www.osce.org/kosovo/86766>

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