



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

**Communities Rights Assessment Report  
Second Edition**

December 2010

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## **LIST OF ABBREVIATIONS AND ACRONYMS**

**Advisory Committee's Opinion:** Advisory Committee on the Framework Convention for the Protection of National Minorities, Opinion on the Implementation of the Framework Convention for the Protection of National Minorities in Kosovo, ACFC/OP/I(2005)004, Strasbourg, 2 March 2006.

**Council of Europe Recommendation:** Council of Europe's Committee of Ministers recommendation regarding the implementation of the Framework Convention in Kosovo

**ECLO:** European Commission Liaison Office

**EULEX:** European Union Rule of Law Mission

**Framework Convention:** Council of Europe's Framework Convention for the Protection of National Minorities

**MCYS:** Ministry of Culture, Youth and Sports

**MEST:** Ministry of Education, Science and Technology

**MESP:** Ministry of Environment and Spatial Planning

**MCR:** Ministry for Communities and Returns

**OSCE:** Organization for Security and Co-operation in Europe - Mission in Kosovo

**PISG:** Provisional Institutions of Self-Government

**Reconstruction Commission:** Reconstruction Implementation Commission for Serbian Orthodox Religious Sites

**UNDP:** United Nations Development Programme

**UNESCO:** United Nations Educational, Scientific and Cultural Organization

**UNHCR:** United Nations High Commissioner for Refugees

**UNICEF:** United Nations Children's Fund

**UNMIK:** United Nations Interim Administration Mission in Kosovo

**USAID:** United States Agency for International Development

## EXECUTIVE SUMMARY

In December 2009, the Organization for Security and Co-operation in Europe Mission in Kosovo (OSCE) published the Communities Rights Assessment Report<sup>1</sup> analyzing progress made by Kosovo institutions to implement specific standards of the Council of Europe's Framework Convention for the Protection of National Minorities<sup>2</sup> (Framework Convention). Since the publication of the first assessment report, the OSCE has monitored the efforts of Kosovo institutions to implement the recommendations provided in the Advisory Committee's Opinion<sup>3</sup> and those provided in the first OSCE assessment report.

This report, which covers the period July 2009 to June 2010<sup>4</sup> and focuses on the areas of culture, education, languages, participation in public life and return and reintegration, finds that Kosovo institutions have taken some steps in order to enhance the protection and promotion of non-majority community rights in all of these thematic areas.<sup>5</sup> These steps include the provision of free textbooks for pupils attending compulsory education, the development of the Romani curriculum, the establishment of participation mechanisms at the local level, the commitment towards the closure of the lead-contaminated camps in northern Mitrovica/Mitrovicë, the adoption of the "Revised Strategy for the Reintegration of Repatriated Persons"<sup>6</sup>, the reconstruction of several Serbian Orthodox Churches and the translation of official documents into languages in official use. All these initiatives show commitment towards the implementation of the Advisory Committee's recommendations on the Framework Convention.

Many of the problems and challenges already highlighted in the previous report, however, continue to affect non-majority communities in the enjoyment of their cultural, educational and linguistic rights, as well as in their right to participation and return and reintegration. The report makes a number of findings in this regard on each of the thematic areas listed. In relation to cultural rights, the report finds that the legal framework on cultural heritage lacks implementation and that a list of protected cultural heritage sites has not been developed, severely endangering numerous cultural and religious monuments. In relation to educational rights, there are no significant improvements regarding interactions between pupils from the Kosovo Albanian and Kosovo Serb communities. Moreover, there are no opportunities for

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<sup>1</sup> OSCE Report *Communities Rights Assessment* (December 2009). [http://www.osce.org/documents/mik/2009/12/41986\\_en.pdf](http://www.osce.org/documents/mik/2009/12/41986_en.pdf).

<sup>2</sup> Council of Europe, "Framework Convention for the Protection of National Minorities", Strasbourg, 1 February 1995.

<sup>3</sup> Advisory Committee on the Framework Convention for the Protection of National Minorities, Opinion on the Implementation of the Framework Convention for the Protection of National Minorities in Kosovo (Advisory Committee's Opinion), ACFP/OP/I(2005)004, Strasbourg, 2 March 2006. During the reporting period, the Advisory Committee issued its Second Opinion on the implementation of the Framework Convention in Kosovo (Second Opinion), ACFP/OP/II(2009)004, Strasbourg, 31 May 2010.

<sup>4</sup> Updates on some of the most relevant events that happened outside the reporting period have also been provided.

<sup>5</sup> For the purpose of this report, non-majority communities are all those communities who constitute a numerical minority at the municipal level in Kosovo.

<sup>6</sup> In April 2010, the Kosovo government adopted the "Revised Strategy for the Reintegration of Repatriated Persons" and the "Strategy for Communities and Returns 2009-2013".

pupils to learn in the Serbian language under the Kosovo curriculum.<sup>7</sup> In the field of linguistic rights, the inadequate allocation of resources to ensure quality translation of official documents and interpretation during meetings has not been addressed, affecting the linguistic rights of non-majority communities. Concerning participation in public life, the access to public services and the right to participation in public affairs remain limited, and representation of non-majority communities in the civil service is still insufficient.

The report concludes that few steps have been taken to regularize informal settlements, and that the level of implementation of the “Strategy for the Integration of Roma, Ashkali and Egyptian Communities”<sup>8</sup> is low. Additionally, in the area of return, it appears that sustainability of returns remains a challenge due to a number of factors, such as limited access to property, economic integration and real or perceived physical security of the returnees; lack of funds and co-ordination in regard to the issue of repatriation leaves forced returnees without the necessary degree of protection and assistance.

## 1. INTRODUCTION

Following the adoption of a comprehensive legal framework, Kosovo institutions have had adequate time to establish the necessary mechanisms to ensure promotion and protection of non-majority community rights. During the reporting period, only a few legislative acts with a clear and direct effect on non-majority communities have been promulgated within the scope of this report. Namely, there have been laws passed on the protection of personal data,<sup>9</sup> the civil service,<sup>10</sup> and readmission of repatriated persons.<sup>11</sup> The Kosovo government has also endorsed a number of related policy documents, including an action plan,<sup>12</sup> strategies and an operational plan.<sup>13</sup>

This second assessment report covers the thematic areas of culture, education, languages, participation in public life, and return and reintegration. These five topics were selected due to their crucial importance in the protection of community rights. Education is one of the main vehicles for protecting and promoting such rights. The rights to return and to freely participate in public life encompass fundamental community and human rights, while cultural heritage and the use of languages are essential elements for the expression of a community’s identity.

The report is based on the regular monitoring activities of the OSCE at the central and local level during the period July 2009 - June 2010, interviews with central and local-level officials and field research conducted by the OSCE Field Teams in the municipalities. Each chapter includes an overview of the findings of the 2009 OSCE

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<sup>7</sup> Education in the Serbian language is available in Serbia-run schools.

<sup>8</sup> On 24 December 2008, the Kosovo government adopted the “Strategy for the Integration of the Roma, Ashkali and Egyptian Communities 2009 – 2015”.

<sup>9</sup> Law No.03/L-172 on the Protection of Personal Data, 13 May 2010.

<sup>10</sup> Law No.03/L-149 on the Civil Service, 14 June 2010.

<sup>11</sup> Law No.03/L-208 on Readmission, 12 July 2010.

<sup>12</sup> On 25 December 2009, the Kosovo government adopted the Action Plan for the implementation of the “Strategy for the Integration of the Roma, Ashkali and Egyptian Communities 2009 – 2015”.

<sup>13</sup> On 26 May 2010 the Kosovo government endorsed the “Operational plan for displacement of Roma, Ashkali and Egyptian families displaced within a country, from lead-contaminated camps, Osterode and Česmin Lug”.

Communities Rights Assessment Report and the relevant recommendations of the first Advisory Committee's opinion. The chapter then goes on to analyse the situation on the ground, highlighting progress and relevant events during the reporting period as compared with the previous report, and an assessment of the challenges that Kosovo institutions still face.

## 2. CULTURAL AND RELIGIOUS HERITAGE

*Council of Europe, Framework Convention Recommendation No. 13: Expand efforts to protect religious sites from any incidents, while pursuing the crucial process of reconstructing the damaged Serbian Orthodox sites.<sup>14</sup>*

### Findings of 2009 report

The protection and conservation of cultural heritage sites belonging to all communities from vandalism, damage, destruction, and legal or illegal construction remains of particular concern. Similarly, the low level of implementation of the relevant legal framework as well as the insufficient co-operation among municipal officials, the Ministry of Culture, Youth and Sports (MCYS), the Kosovo Institute for the Protection of Monuments, and the Kosovo Council for Cultural Heritage expose cultural and religious heritage sites to vulnerability.

### Situation on the Ground

On 12 February 2009, Kosovo police issued an operational order to provide security to 17 religious and cultural heritage sites and gave instructions regarding respective responsibilities of Kosovo police regional directorates, police stations and units.<sup>15</sup> On 18 March 2010, the KFOR-guarded Gazimestan monument in the Obiliq/Obilić municipality was placed under security monitoring by Kosovo police. At the request of the Serbian Orthodox Church some religious sites remain under KFOR protection.<sup>16</sup> On 23 August, Kosovo police took over security responsibilities for the Gračanica/Gračanicë monastery from KFOR and the security assessment for these months can be considered as satisfactory. Although incidents targeting churches and graveyards continue to occur, Serbian Orthodox Church representatives describe the overall security situation at those sites under police protection as acceptable. KFOR raised some objections to the further handover of sites and even though the procedures for the transfer of responsibilities of the remaining sites have been completed, KFOR

<sup>14</sup> The recommendations at the beginning of each chapter refer to those provided by the Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities in its first Opinion on the Implementation of the Framework Convention for the Protection of National Minorities in Kosovo, ACFC/OP/I(2005)004, Strasbourg, 2 March 2006, and in the Council of Europe Committee of Ministers Resolution ResCMN(2006)9, adopted on 21 June 2006.

<sup>15</sup> In the Prizren region: the Church of the Holy Virgin Ljeviška; the Episcopal Church and the complex of the Cathedral of Saint George; the Church of Saint Nicholas; the Old Church of Saint George; the Orthodox Religious High School; and the Church of Saint Kyriake; In the Prishtinë/Priština region: Saint Nicholas Church; Saint Michael Church; Saint Andreas Church; Saint Michael Church. In the Pejë/Peć region: Saints Peter and Paul Church; Saint John the Baptist Church; Mother of God Church site - old Church. In the Mitrovicë/Mitrovica region: Saint Elija Church and Saint Sava Church. In the Gjilan/Gnjilane region: the Holy King Uroš Church. More details available at the website of the Reconstruction Implementation Commission for Serbian Orthodox Religious Sites: <http://www.rickosovo.org/RIC%20-english/index.htm>.

<sup>16</sup> KFOR continues to provide security to Visoki Dečani Monastery, the Patriarchate in Pejë/Peć, Gorioč Monastery in Istog/Istok, Budisalc/Budisavci Monastery in Klinë/Klina, Saint Archangel and Saint Cyriac in Prizren, Deviç Monastery in Skenderaj/Srbica and Sokolica Monastery in Zvečan/Zveçan.

prefers not to make public the arrangements and the names of sites in the process of being transferred to the police.

The Reconstruction Implementation Commission (Reconstruction Commission)<sup>17</sup> resumed its activities and completed reconstruction works on two sites, namely the Saint Nicolas Church in Prishtinë/Priština and the Leviška Church in the Prizren region. In addition, works on the Saint Elija Church in Vushtrri/Vučitrn, the Assumption of the Holy Virgin Church in Gjakovë/Đakovica and the complex of the Cathedral of Saint George in Prizren will soon be completed. Furthermore, the repairing of the bell tower and cleaning of the well at the Devič Monastery in Skenderaj/Srbica, landscaping works at the Episcopal Church of Saint George in Prizren and repairing of the Saint John the Baptist Church in Pejë/Peć as well as reconstruction of its guest reception building and perimeter wall are expected to be completed by the end of 2010. On 8 April 2009, the United Nations Educational, Scientific and Cultural Organization (UNESCO) issued a tender for the reconstruction and restoration of the Saint Sava Church in southern Mitrovicë/Mitrovica and the Church of Saint Archangel Michael in Shtime/Štimlje. Following the completion of works, on 5 April 2010, Raska–Prizren Eparchy representatives Bishops Atanasije and Teodosije held the Eastern liturgy at the Saint Sava Church with approximately 250 Kosovo Serbs participating.

Some municipalities<sup>18</sup> took concrete actions to preserve the Orthodox graveyards on their territories and allocated funds for maintenance. Often the cleaning has been followed by the fencing of the graveyards to avoid possible acts of vandalism. However, municipalities took these initiatives without prior consultation with the representatives of the Serbian Orthodox Church.

### **Outstanding issues**

The continued non-compliance by Kosovo institutions to principles and provisions aimed at the protection and promotion of cultural and religious rights has remained an issue of concern during the reporting period. A list of protected cultural heritage sites has not been developed and submitted to the Kosovo Council for Cultural Heritage for approval.<sup>19</sup> So far only 11 municipalities<sup>20</sup> have approved municipal spatial plans, which are essential for regulating construction and development around special protective zones and other cultural heritage sites. The Assembly of Kosovo has still not established the Implementation Monitoring Council, mandated to monitor and facilitate the implementation of the applied law on Special Protective Zones.<sup>21</sup> A law

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<sup>17</sup> Following the signing of a Memorandum of Understanding in June 2004, the United Nations Interim Administration Mission in Kosovo (UNMIK) and the representative of the Serbian Orthodox Church established the Reconstruction Commission to manage and supervise the performance of urgent reconstruction works on 11 Serbian Orthodox churches heavily damaged during the March 2004 riots. Currently the Reconstruction Commission has under its responsibility 34 sites. The Serbian Orthodox Church ceased co-operation with Kosovo institutions in 2008 and resumed technical co-operation in mid-2009. As a result, on 8 June 2009 the Reconstruction Commission was able to publish a new tender for reconstruction.

<sup>18</sup> Ferizaj/Uroševac, Gjilan/Gnjilane, Kamenicë/Kamenica, Mitrovicë/Mitrovica, Shtime/Štimlje and Lipjan/Lipljan.

<sup>19</sup> Art. 4(3), Law No. 02/L-88 on Cultural Heritage, as promulgated by UNMIK Regulation 2006/52, 6 November 2006.

<sup>20</sup> Ferizaj/Uroševac, Gjakovë/Đakovica, Gjilan/Gnjilane, Pejë/Peć, Istog/Istok, Mitrovicë/Mitrovica, Glogovc/Glogovac, Deçan/Deçane, Shtime/Štimlje, Obiliq/Obilić, Vushtrri/Vučitrn.

<sup>21</sup> Art. 4, Law No.03/L-39 on Special Protective Zones, 20 February 2008.

on the Prizren historical centre special protective zone remains in the drafting process since late 2009.

The lack of effective implementation of the Law on Cultural Heritage left cultural sites vulnerable on several occasions. On 26 June 2009, the Kosovo Institute for the Protection of Monuments approved Vushtrri/Vučitrn municipality's project to construct a restaurant within the special protective zone surrounding the Vojnović medieval old bridge. Such activity is restricted in the special protective zones and can only be approved by the Implementation Monitoring Council, but the Implementation Monitoring Council is not yet established. Consequently, on 30 July 2009, the municipality granted the land for construction within the special protective zone, issued a tender and signed a contract with the successful bidder on 30 November 2009. Construction at the site is near completion.<sup>22</sup> The absence of appropriate measures ensuring adequate protection and maintenance of cultural heritage sites led to the almost complete destruction of the Hotel Union building in Prishtinë/Priština on 22 August 2009. Police determined that a homeless man started a fire inside the building which then became uncontrollable. On 17 May 2010, following the issuance of a reconstruction permit to the Islamic community, the Ottoman-era Hatunije mosque in Prishtinë/Priština was completely demolished. The Islamic community intended to build a new mosque at the location of the old one. On 10 June 2010, Prishtinë/Priština municipality announced its intention to demolish the Yugoslav-era "Brotherhood and Unity" monument, located nearby the government building, and erect a memorial to the Kosovo Liberation Army fighter Adem Jashari.

On 4 June 2010, upon request from Kosovo Turks in Dobërçan/Dobrčane<sup>23</sup>, the personal intervention of the Turkish ambassador initially avoided the complete destruction of the Ottoman-era mosque in the village. Consequently, on 8 June 2010, the MCYS instructed local and central level institutions to suspend issuance of demolition and reconstruction permits for cultural heritage objects.<sup>24</sup> Despite the ban, the mosque in Dobërçan/Dobrčane was eventually completely demolished on 30 June 2010. Therefore, in the absence of an approved list of legally protected objects and co-ordination between the Kosovo Institute for the Protection of Monuments central and regional offices, it appears that the MCYS decision will not be enforced.

During the reporting period, a number of incidents occurred affecting cultural and religious sites, particularly Serbian Orthodox churches and graveyards. In November 2009, the Orthodox Church in the village of Donja Budriga/Budrikë e Poshtme<sup>25</sup> was burglarized and a considerable amount of copper from two of the church's domes and windows, a baptising copper pot and several steel scaffolds were stolen. On 18 March 2010, a window of the Saint Elija Church in Vushtrri/Vučitrn<sup>26</sup> was broken and some graffiti were written on the wall. Eventually perpetrators were identified. Both churches are monitored for security by Kosovo police. In November 2009, graffiti

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<sup>22</sup> Notably, the justification given by the municipality and the MCYS for supporting the project was to improve the protection, accessibility and enjoyment of the Vojnović medieval old bridge itself, since the surrounding area had long been used as a public dump site, parking lot and market area.

<sup>23</sup> In the Gjilan/Gnjilane municipality.

<sup>24</sup> The MCYS signed the decision and sent it to the Ministry for Environment and Spatial Planning, regional offices of the Institute, mayors, directors of urbanism and construction departments of Kosovo of all the Kosovo municipalities.

<sup>25</sup> In the Gjilan/Gnjilane region.

<sup>26</sup> In the Mitrovicë/Mitrovica region.

with the acronym AKSH<sup>27</sup> was found on the wall of the Zočište Monastery.<sup>28</sup> In March 2010, unknown perpetrators desecrated the church in Gornji Strmac/Sternac i Epërm.<sup>29</sup> In April 2010 the Kosovo police managed to recover, in Fushë Kosovë/Kosovo Polje, the stolen bell of the “Sveto Vrace” Church in Novake/Novak village,<sup>30</sup> although it was smashed into pieces and no longer usable. Consequently, on 20 May 2010, the municipal court in Prizren convicted three Kosovo Albanians perpetrators to four months imprisonment. However, in a separate incident in Podujevë/Podujevo, the individuals who stained the walls of the Church “Saint Andrea” with motor oil on 27 June remain unidentified. One of the most deplorable incidents during the reporting period occurred on 18 February 2010 in Gjilan/Gnjilane, where for the first time after 1999 a Kosovo Serb elderly woman was buried in the Serbian Orthodox cemetery in town. The following morning the grave was found desecrated and the coffin dug up and severely damaged. Upon the family’s request, the body was exhumed and transferred to a Serbian Orthodox cemetery in the nearby village of Koretište/Koretishtë. Other incidents, mainly desecration and vandalizing of graves, occurred throughout Kosovo.<sup>31</sup>

### 3. EDUCATION

*Council of Europe, Framework Convention Recommendation No. 19: Consider ways to create opportunities for interaction between pupils from Serbian and Albanian communities and design a comprehensive plan that would progressively remove barriers, including linguistic ones, between pupils from different communities.*

*Council of Europe, Framework Convention Recommendation No. 20: Accommodate concerns of persons belonging to minority communities and introduce measures that could reduce the demand for maintaining a parallel educational system.*

*Council of Europe, Framework Convention Recommendation No. 23: Ensure that decisive steps are taken to address the educational needs of Roma, Ashkali and Egyptian communities, including by ensuring the sustainability of the programmes designed to help pupils from these communities to integrate and stay in the education system.*

*Council of Europe, Framework Convention Recommendation No. 24: Allow for flexibility in the implementation of the educational reforms in relation to those pupils from the Gorani community who have not yet integrated into the new education system.*

#### Findings of the 2009 report

The existence of two separate educational systems, Kosovo-curriculum and Serbian-curriculum, hinders integration of and interaction among students and teachers belonging to different communities. The lack of learning opportunities under the

<sup>27</sup> A group calling itself the Albanian National Army (Armata Kombëtare Shqiptare, AKSH) has claimed responsibility for a number of bomb attacks in Kosovo and the former Yugoslav Republic of Macedonia since 2003. In its communiqués, the group advocates for the unification of all Albanian-inhabited territories.

<sup>28</sup> In the Rahovec/Orahovac municipality, Prizren region.

<sup>29</sup> In the Zubin Potok municipality, Mitrovicë/Mitrovica region.

<sup>30</sup> In the Prizren region.

<sup>31</sup> In August 2009, graveyards were targeted twice in Binçë/Binač (Viti/Vitina), and in Talinoc i Muhaxherëve/Muhadžer Talinovac (Ferizaj/Uroševac); in September 2009, in Vrellë/Vrelo village (Lipjan/Lipljan); in October, in Mushtisht/Mušutište (Suharekë/Suva Reka); in November 2009, in Videjë/Vidanje (Klinë/Klina) and Gornja Brnjica/Bërnice e Epërme (Prishtinë/Priština). In January 2010, two Orthodox cemeteries were vandalized in Llapnasellë/Laplje Selo village (Gračanica/Gračanicë), and in Lismir/Dobri Dub village (Fushë Kosovë/Kosovo Polje municipality), where the same tombstone was damaged twice; in March in Rubovc/Rubovce village (Lipjan/Lipljan municipality) a cemetery was also damaged. In July 2010, the Kosovo Croat Catholic graveyard in Šašare/Shashar (Viti/Vitina municipality) was desecrated and the chapel’s windows were broken. Marble crosses and photos were damaged on several graves, presumably during the same incident. Some gravestones were completely destroyed, while on others cattle waste was visible.

Kosovo curriculum in both official languages is a further obstacle in relations between the communities. Shortcomings remain in the development of curricula in non-Albanian community languages, in the availability of quality textbooks and the lack of opportunities for graduate training for community teachers. Poor integration into the education system of Roma, Ashkali and Egyptian students raises further concerns. The lack of political agreement to ensure that Gorani children in Dragash/Dragaš return to common multi-curricula school premises and enjoy adequate education in the chosen official language affected their right to education. In addition, the disagreement between Kosovo and Serbian curriculum stakeholders that led to physical separation of the two groups of students further hampered communication between Gorani pupils and pupils from other communities.

### **Situation on the ground**

Even in those schools where the Kosovo and the Serbian curricula co-exist under the same roof, the level of interaction among students and teachers from the Kosovo Albanian and Kosovo Serb communities has not improved. However, better relations between students are visible in schools attended by other communities. In two primary schools in Gjilan/Gnjilane and Dobërçan/Dobrčane, where education is available in the Turkish language, Kosovo Turk students interact with Kosovo Albanians, although they do not share classrooms but only the school premises and yard. Kosovo Albanian, Kosovo Bosniak, Kosovo Turk, Roma, Ashkali and Egyptian students interact with each other in the Kosovo-curriculum schools throughout Kosovo.<sup>32</sup> Similarly, good relationships are evident among Kosovo Serb, Kosovo Bosniak, Kosovo Croat, Kosovo Montenegrin, Roma and Ashkali students following the Serbian curriculum.<sup>33</sup>

Opportunities to learn the official languages exist in some municipalities, where Kosovo Turks and Kosovo Bosniaks are able to access education in their mother tongue and also receive instruction in one of the two official languages. In Pejë/Peć, for instance, Kosovo Bosniaks receive classes in the Albanian language for two hours a week, while education in the Turkish language is available in a number of municipalities.<sup>34</sup> In June 2010, the Ministry of Education, Science and Technology (MEST) approved a curriculum in Romani language. Grammar, culture and history are expected to become optional subjects from the second to the ninth grade for all students enrolled in the Kosovo educational system.<sup>35</sup>

At the beginning of this school year, the MEST distributed free textbooks for all subjects for children enrolled in primary education following the Kosovo curriculum

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<sup>32</sup> In Prizren, Mamuša/Mamushë/Mamuša, Prishtinë/Priština, Lipjan/Lipljan, Fushë Kosovë/Kosovo Polje, Obiliq/Obilić, Shtime/Štimlje, Podujevë/Podujevo, Skenderaj/Srbica, Vushtrri/Vučitrn, southern Mitrovicë/Mitrovica, Deçan/Dečane, Gjakova/Đakovica, Istog/Istok, Klinë/Klina, and Pejë/Peć municipalities.

<sup>33</sup> In Gjilan/Gnjilane, Kamenicë/Kamenica, Vushtrri/Vučitrn, northern Mitrovica/Mitrovicë, Zubin Potok, Leposavić/Leposaviq, Zvečan/Zveçan, Dragash/Dragaš, Rahovec/Orahovac Gračanica/Gračanicë.

<sup>34</sup> Education in Turkish language is available in Gjilan/Gnjilane, Vushtrri/Vučitrn, Mitrovicë/Mitrovica, Prizren, Mamuša/Mamushë/Mamuša, and Prishtinë/Priština. In Janjevë/Janjevo, Lipjan/Lipljan municipality, Turkish KFOR provides Kosovo Turk primary school pupils with classes in Turkish language twice per week.

<sup>35</sup> From the 2010-2011 academic year, MEST intends to introduce the Romani curriculum for the second grade and gradually during the following years for the other grades.

in the Albanian language. Kosovo Albanian children in the Serb-majority municipalities of Leposavić/Leposaviq, Zubin Potok and Zvečan/Zvečan have also received free textbooks. The Ministry of Education of Serbia provides free textbooks to pupils attending Serbian curriculum only for the first grade, while students above the first grade are required to purchase their own books. In the Mitrovicë/Mitrovica region a number of international organizations have sought to alleviate this lack of free school books. For instance, the Danish Refugee Council has provided textbooks in all subjects for second and third grade Roma and Ashkali girls, while the OSCE has provided textbooks in all subjects from fourth to eighth grade for the same group of recipients. The United Nations Children's Fund (UNICEF) has provided textbooks for all subjects for grades two to nine of primary school for Kosovo Serb pupils.

With regard to opportunities for graduate training for teachers of non-Albanian communities, the MEST organized a small number of initiatives. In the Prizren region, in co-operation with the NGO "Centre for Education of Teachers", the MEST provided trainings on "Psycho-social development of children" to Kosovo Bosniak and Kosovo Turk teachers. As for Gorani and Kosovo Serb communities, there are no official contacts between the municipalities and teachers under the Serbian-curriculum system. In March 2010, the OSCE, in co-operation with the non-governmental organization Kosovo Education Center, implemented a project aimed at assisting history teachers to use multi-perspective, participative teaching methods and materials in their history classes.

In relation to the implementation of the "Strategy for Integration of Roma, Ashkali and Egyptian Communities in Kosovo", activities undertaken in the field of education mainly refer to awareness-raising campaigns on the importance of education, targeting parents and involving municipal departments of education and municipal community offices. In Klinë/Klina and Istog/Istok, school directors and teachers established committees with the aim of targeting pupils that drop out of school. As a result, children of two Ashkali families and seven Egyptian families returned to school. Only Ferizaj/Uroševac municipality organized catch-up classes for children who had dropped out of school, or were displaced or forcibly repatriated. In several other municipalities, these activities are covered by local or international organizations without a serious engagement or support by municipal institutions. In Ferizaj/Uroševac, the Ashkali Community Centre organizes catch-up classes for 37 children, while Caritas Kosovo, UNICEF and the local organization PADEM provide support in the field of education to the Roma and Ashkali children residing in the camps in northern Mitrovica/Mitrovicë and in Leposavić/Leposaviq. The non-governmental organization Balkan Sunflowers, through its learning centers,<sup>36</sup> promotes education among Roma, Ashkali and Egyptian pupils.

Gorani pupils in Dragash/Dragaš, studying under the Serbian educational system, managed to complete the academic year in a satellite schools seven kilometers away from Dragash/Dragaš.<sup>37</sup> At the beginning of the 2009/2010 school year there was a

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<sup>36</sup> In Fushë Kosovë/Kosovo Polje, Obiliq/Obilić, Shtime/Štimlje and Gračanica/Gračanicë.

<sup>37</sup> Kosovo and Serbian curriculums coexisted in the same premises for several years. Following the refusal by the Gorani teachers to sign their contracts with MEST instead of being employed by the Serbian Ministry of Education, in September 2008 the municipality banned Gorani teachers from entering a municipality-run primary school in Dragash/Dragaš. As a result, from September to December, 135 Gorani children were unable to access school premises and education in Serbian

three week period when the bus, funded by Serbian institutions, did not possess appropriate documentation for operating in Dragash/Dragaš municipality. Therefore, students were once more affected in their right to education, having to walk long distances in order to attend classes.

### **Outstanding issues**

With the exception of the Mitrovicë/Mitrovica region, all the other regions have some schools in which the Kosovo and the Serbian educational systems co-exist under the same roof. Nevertheless, Kosovo Albanian and Kosovo Serb students rarely interact. Usually, classes are organized in two separate shifts and their communication is kept to a minimum.<sup>38</sup> In the Gjilan/Gnjilane municipality<sup>39</sup> there is a 45 minute period between the two shifts, while in Novo Brdo/Novobërdë municipality<sup>40</sup> the break between the two shifts is 30 to 60 minutes. Thus, students of the two communities do not meet. In the mixed villages of Mogillë/Mogila<sup>41</sup> and Binçë/Binaç<sup>42</sup> pupils from these two communities attend classes in the same building at the same time. However, there are no organized activities to increase the interaction among students and teachers belonging to different communities.

The major obstacle to real integration remains the lack of opportunities to receive education in both official languages, since there are neither schools nor alternative bodies providing education in both Albanian and Serbian languages. The immediate effect is that the distance between Albanian and Serbian speakers remains considerable, while the long term effect is that young generations will not be able to communicate with each other.

Problems remain also in relation to compulsory education textbooks in Turkish and Bosnian languages. Kosovo Bosniak children following the Kosovo educational system in the Bosniak language in the Prishtinë/Priština municipality did not receive books free of charge from the MEST. In total, 17 out of 69 textbooks in the Bosnian language and 16 out of 70 in the Turkish language are not available within Kosovo. The number of available textbooks for secondary school education is even lower.<sup>43</sup> Thus, Kosovo Bosniaks and Kosovo Turks need to purchase supplementary books in Turkey and Bosnia and Herzegovina. The textbooks provided by the MEST in the Turkish and Bosnian language are of a low quality. This is due to the fact that often those in charge for developing and translating them into Bosnian and Turkish

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language and in January 2009 Gorani students and teachers moved to satellite schools in neighbouring villages. Some of the consequences related to problems with transportation, especially during the winter period, and quality of education. Although the OSCE High Commissioner on National Minorities and the OSCE Mission in Kosovo mediated to find an agreement, a sustainable solution has not been found yet.

<sup>38</sup> In the schools in Brod/Brod, Dragash/Dragaš municipality; Caravodice/Crkvena Vodica in Obiliq/Obilić municipality; Rubovc/Rabovce in Lipjan/Lipljan municipality; and Sigë/Siga in Pejë/Peć municipality.

<sup>39</sup> In the mixed village of Ponesh/Poneš, Kosovo Albanians and Kosovo Serbs use the school building jointly. For the Kosovo Serb students, the school is a satellite school of the primary school in the village of Parallovë/Paralovo that operates under the Serbian system.

<sup>40</sup> In the mixed village of Jasenovik/Jasenovik, Kosovo Albanians and Kosovo Serbs jointly use the school building, which is located in the geographical centre of the village.

<sup>41</sup> Klokot /Kllokot municipality.

<sup>42</sup> Viti/Vitina municipality.

<sup>43</sup> For example, only one textbook for higher secondary school students, namely the Reader's Book for the 8th grade, is available in the Bosnian language.

languages are not native speakers of these languages. Therefore, translations have often been of a low standard, both from a linguistic and content point of view.

On 2 July 2010, the MEST launched a three month tender for the development of textbooks in the Romani language, which therefore were not available at the beginning of the school year. There is an insufficient number of trained teachers, and families have not received sufficient information to decide whether to enrol their children in the Romani curriculum. Concrete and more systematic efforts should be undertaken in order to implement the education component of the “Strategy for the Integration of the Roma, Ashkali and Egyptian communities”.

Finally, despite the OSCE High Commissioner on National Minorities and the OSCE Mission in Kosovo interventions to solve this long lasting issue, Gorani students still undergo political interferences affecting their possibilities to fully enjoy their right to education and continue to suffer from the lack of a recognized curriculum in their mother tongue.

#### 4. USE OF LANGUAGES

*Council of Europe, Framework Convention Recommendation No. 16: Adopt new language legislation in order to improve clarity and legal certainty as regards the use of languages, including in relations with administrative authorities, topographical indications, and registration of personal names, and closely monitor compliance with language requirements in the relevant sectors, including in the judiciary.*

##### **Findings of the 2009 report**

Although the legal framework meets the international requirements in relation to linguistic rights, its implementation remains inadequate. The lack of sufficient human and financial resources jeopardizes the access to multi-lingual public services and also to effective participation in public life. Similarly, the situation prevents the Language Commission<sup>44</sup> from becoming an effective monitoring and policy development mechanism.

##### **Situation on the ground**

Non-majority communities in Kosovo generally feel free to use their languages in public places and address municipal officials in official languages throughout most of Kosovo. Some municipalities provide interpretation at municipal meetings and translate documents into official languages. In the municipalities where the Bosnian language is an official language<sup>45</sup> most official documents are available in their mother tongue, while interpretation in the Bosnian language is provided during official meetings of the municipal assembly. Discussions are still ongoing in the Prizren municipality about the possibility of adopting the Romani language as a language in official use, since it is a language traditionally spoken in the municipality. Although the community has not presented an official request, municipal officials have discussed the issue on several occasions.

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<sup>44</sup> The Language Commission was established in 2007, within the Prime Minister’s Office, as an independent institution mandated to preserve, promote, protect and monitor the use of the official languages and to ensure their equal status in Kosovo. It also ensures protection of the languages of communities whose mother tongue is not an official language, but which are in official use in particular municipalities.

<sup>45</sup> In Pejë/Peć, Prizren and Dragash/Dragaš.

A common pattern throughout Kosovo is that the municipal translation units, where established<sup>46</sup>, are generally understaffed due to financial restrictions. In addition, municipal translators generally lack professional skills in translating legal documents and thus the translations are often inaccurate. Moreover, the lack of resources affects the availability of necessary materials such as dictionaries and, at the same time, does not allow for the outsourcing of translation services in the most urgent cases. Reportedly, some municipalities inhabited only by Kosovo Albanians<sup>47</sup> see the obligation of translating documents into the official languages as an unnecessary financial burden imposed by Kosovo institutions.

On 22 April 2009, the Prizren deputy chairperson of the municipal assembly for communities filed a complaint with the constitutional court, raising the concerns of the Kosovo Turkish and Kosovo Bosniak communities on the content and the adoption procedures of the Prizren municipal logo. The communities complained about the fact that the municipal logo reads “1878 Prizren”, making a reference to the League of Prizren<sup>48</sup>, which does not reflect the principles of co-existence, multi-ethnicity, multiculturalism and multilingualism. The fact that the logo did not include the word “municipality” in all of the official languages in Prizren was an additional concern. On 18 March 2010, the constitutional court assessed that the logo violates the rights of non-majority communities in terms of preservation and promotion of their identity and instructed Prizren municipality to change the logo within three months.<sup>49</sup> However, on 16 June 2010, two days prior to the expiration of the deadline, the constitutional court responded positively to the request made by the municipality to extend the deadline for the implementation of the decision for an additional period of 90 days.<sup>50</sup> Currently the municipal logo remains unchanged.

### **Outstanding issues**

Although the situation in relation to the use of official languages in Kosovo has to some extent improved, there are still a number of challenges that should be addressed in order to comply with the relevant legislation.

At the central level, the Language Commission remains inefficient and unknown to most of the people in Kosovo. During the last year the Language Commission did not receive any complaints since the public is generally unaware of its existence and of the complaint mechanisms and procedures. The Kosovo government has, moreover, not undertaken any public information campaign in order to clarify the obligations of central and municipal institutions and the rights of users of official and other community languages.<sup>51</sup> One of the main obstacles to the proper functioning of this

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<sup>46</sup> The municipalities of Junik/Junik, Malishevë/Mališevo, Leposavić/Leposaviq, Zvečan/Zvečan, Zubin Potok, Glllogoc/Glogovac, Obiliq/Obilić, and Shtime/Štimlje do not have a translation unit.

<sup>47</sup> For instance, in Malishevë/Mališevo and Suharekë/Suva Reka municipalities, where Kosovo Serbs were driven out in 1999 and no return has taken place so far.

<sup>48</sup> The League of Prizren was an Albanian political organization founded on 10 June 1878, in Prizren.

<sup>49</sup> Constitutional court, Case No. KO 01/09, “Ćemailj Kurtiši and the Municipal Assembly of Prizren”, 21 June 2010.

<sup>50</sup> On 18 June 2010, the constitutional court unanimously decided to extend the time limit given to Prizren municipality to implement the court’s ruling until 18 September 2010, and requested the municipality to report on progress made in the implementation of the court’s order before the deadline expires.

<sup>51</sup> Art 36(2), Law No. 02/L-37 on the Use of Languages, as promulgated by UNMIK Regulation No. 2006/51, 20 October 2006.

body is the lack of resources. Furthermore, the fact that the members serve under different ministries with other functions and are not remunerated for the time spent working for the Language Commission results in a lack of commitment. Finally, there is an absence of political support from the Kosovo government, which sometimes fails to comply with the Law on the Use of Languages. For example, in January 2010, the Office of the Prime Minister published a report on human rights<sup>52</sup> which was inconsistent with the Law on the Use of Languages since it uses names of municipalities only in the Albanian language and, in addition, it refers to the unofficial names of towns.

Publicly owned companies were also non-compliant with the provisions of the language law. In February 2010, the Kosovo Energy Corporation disconnected several villages and settlements mainly inhabited by non-majority communities, issuing disconnection notices in the Albanian language only.<sup>53</sup> Similarly, the Kosovo Serb residents of Obiliq/Obilić municipality in the Prishtinë/Priština region claim to have received bills only in the Albanian language containing the unofficial name of the municipality, “Kastriot”, a term commonly used by the Kosovo Albanian community.

At the local level, Kosovo Serbs and Kosovo Albanians still face difficulties in expressing themselves publicly in their respective languages in those areas where they constitute a non-majority community.<sup>54</sup> Kosovo Croats in Viti/Vitina municipality have a perceived fear associated with certain public areas in which the community is reluctant to speak Croatian openly. Roma do not feel free to use the Serbian language in areas inhabited mainly by Kosovo Albanians and, when possible, tend to communicate in the Albanian language.

Problems remain in relation to the provision of translation into official languages during meetings in the municipalities, the availability of official documents in all official languages, the quality of translation, and the correct spelling of personal names and topographical signs. Several municipalities fail to provide translation during municipal assembly or communities committee meetings.<sup>55</sup> In addition, when translation is provided, it is often delayed and is of low quality. Municipalities commonly attribute failings to overburdened language assistants and a lack of personnel. Serbian speakers are the most affected by the lack of translation, followed by Kosovo Turks in the municipalities where Turkish is a language in official use. Kosovo Albanians experience difficulties in the newly established municipality of Gračanica/Gračanicë since the municipality lacks a language unit, the municipal regulation on the use of languages has not yet been developed, and minutes of the municipal assembly are provided only in the Cyrillic script of the Serbian language.

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<sup>52</sup> Office of the Prime Minister, *Report on Activities on the Areas of Human Rights, Equal Opportunities, Minority Rights, the Rights of the Child, the Rights of Persons With Disabilities, Antidiscrimination and Anti-Corruption*, January 2010.

<sup>53</sup> Disconnection notices in the Albanian language were received by the Dević monastery in Skenderaj/Srbica municipality, Grace/Gracë in Vushtrri/Vučitrn, Brestovik/Brestovik in Pejë/Peć and Fushë Kosovë/Kosovo Polje in Prishtinë/Priština.

<sup>54</sup> Kosovo Serbs do not feel comfortable in expressing themselves in their own language because of security concerns in some municipalities, such as Ferizaj/Uroševac, Viti/Vitina, Glogoc/Glogovac and Skenderaj/Srbica. Kosovo Albanians do not use their mother tongue in public in the northern municipalities of Leposavić/Leposaviq, Zubin Potok and Zvečan/Zveçan.

<sup>55</sup> In Ferizaj/Uroševac, Viti/Vitina, Deçan/Deçane, Malishevë/Mališevo, Fushë Kosovë/Kosovo Polje, Gračanica/Gračanicë, Obiliq/Obilić, Podujevë/Podujevo and Prishtinë/Priština.

However, in March 2010, the municipality hired a Kosovo Albanian translator, which has somewhat alleviated the situation. In Pejë/Peć, Kosovo Bosniak teachers received their contracts in the Albanian language only and in July 2010 filed a complaint with the communities committee.<sup>56</sup>

Issues also arise in regard to the spelling of personal data in official and personal documents as well as the names of villages on topographical signs. Incompliance is particularly evident in regards to the Serbian and Turkish languages since municipalities allegedly lack technical software programmes in those languages. Therefore, some letters of the Turkish and Serbian alphabets are wrongly transcribed into the Albanian language and so appear incorrectly on identity cards, birth certificates, property titles and any other official documents. Serbian names in Kosovo documents are generally inscribed in the Latin alphabet instead of Cyrillic which is the official script of the Serbian language. Similarly, topographical signs carry various mistakes, such as in Vushtrri/Vučitrn where the signs on the main road have four different versions in the Serbian language, or are not compliant since they do not contain all of the official languages. For example, in Skenderaj/Srbica the new signs read “Skenderaj/Skenderaj”, and in Mamuša/Mamushë/Mamuša the signs are only in the Albanian and Turkish languages. Frequently, signs in official languages are defaced, while in other locations signs do not exist in the villages where non-majority communities live.<sup>57</sup>

## 5. PARTICIPATION

*Council of Europe, Framework Convention Recommendation No. 26: Pursue further efforts to ensure improved participation of persons belonging to minority communities in the PISG structures and processes.*

*Council of Europe, Framework Convention Recommendation No. 28: Consider ways to improve the representativeness and effectiveness of the communities committees in municipalities.*

### Findings of the 2009 report

Equitable community participation in the municipal and central-level civil service and in the decision-making process remains a challenge. The number of initiatives aimed at guaranteeing the implementation of the “Strategy for the Integration of the Roma, Ashkali and Egyptian communities in Kosovo” is insufficient.

### Situation on the ground

The applied law on the civil service foresees a ten per cent minimum representation of non-Albanian communities at the central level and a proportional representation based on the number of people belonging to non-majority communities at the local level.<sup>58</sup> According to official statistics, the level of representation of non-Albanian communities in the Assembly of Kosovo is at 12.93 per cent, in the Office of the President at 10.35 per cent, and at 7.89 per cent in the government.<sup>59</sup>

<sup>56</sup> At the time of writing, Kosovo Bosniak teachers have not received an official response.

<sup>57</sup> For example, this is the case for Prelluzhë/Priluzhje in Vushtrri/Vučitrn municipality, which is inhabited by Kosovo Serbs and Roma.

<sup>58</sup> Art.11, Law No.03/L-149 on the Civil Service, 14 June 2010. Following the adoption of different criteria included in this law, the representation of non-majority communities decreased from 16.6 per cent to 10 per cent.

<sup>59</sup> Office of the Prime Minister, report *Employment of Members of Non-majority Communities within Kosovo Civil Service and Publicly Owned Enterprises*, March 2010, pp. 36-37.

In the absence of a population census, exact data on the proportionality of non-majority representation in the municipal civil service can not be provided. However, data on the participation of non-majority communities at the municipal level is available. Out of 1,034 municipal assembly members, there are 53 non-majority community representatives, of whom 13 are women.<sup>60</sup> The most represented non-majority community is that of the Kosovo Albanians in the locations where they are a non-majority, with 27 municipal assembly members<sup>61</sup>, followed by Kosovo Bosniaks who have nine assembly members<sup>62</sup>, Kosovo Turks have seven,<sup>63</sup> Egyptians have four<sup>64</sup>, Ashkali have three,<sup>65</sup> Gorani have two<sup>66</sup>, and Kosovo Montenegrins<sup>67</sup> and Roma<sup>68</sup> have one each. Kosovo Serbs and Kosovo Croats have no representatives in the municipalities where they constitute a non-majority community. In addition, the process of decentralization and the subsequent establishment of four new municipalities inhabited mainly by Kosovo Serbs have reduced the number of Kosovo Serbs in the municipalities which they used to inhabit. As a result, their representation in the original municipal assemblies has decreased.<sup>69</sup>

In relation to participation mechanisms at the municipal level, eleven municipalities<sup>70</sup> have appointed a deputy mayor for communities. In total, five Kosovo Albanians, two Kosovo Serbs, two Kosovo Turks, one Kosovo Bosniak and one Egyptian hold this post. The law requires a ten per cent threshold<sup>71</sup> for the establishment of this position. However, four municipalities<sup>72</sup> decided to appoint a deputy mayor for communities although they are not legally obliged to do so, while two municipalities<sup>73</sup> have not complied with their legal obligations.

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<sup>60</sup> The data provided does not include figures from the newly established municipalities of Parteš/Partesh and Junik/Junik.

<sup>61</sup> There is one Kosovo Albanian municipal assembly member in Mamuša/Mamushë/Mamuša, one in Gračanica/Graçanicë, five in Klokot/Kllokot, ten in Novo Brdo/Novobërdë and ten in Štrpce/Shtërpçë.

<sup>62</sup> Kosovo Bosniaks have three representatives in each of the municipal assemblies in Prizren, Dragash/Dragaš and Pejë/Peć.

<sup>63</sup> Kosovo Turks have three representatives in Prizren, one each in Gjilan/Gnjilane, Vushtri/ Vuçitër Mitrovicë/Mitrovica and Prishtinë/Priština.

<sup>64</sup> Egyptians have one representative in the municipal assemblies of Fushë Kosovë/Kosovo Polje, Pejë/Peć, Gjakovë/Đakovica and Istog/Istok.

<sup>65</sup> Two Ashkali are represented in the municipal assembly of Ferizaj/Uroševac and one in Fushë Kosovë/Kosovo Polje.

<sup>66</sup> There are two Gorani assembly members in Dragash/Dragaš.

<sup>67</sup> One Kosovo Montenegrin is a member of the Fushë Kosovë/Kosovo Polje municipal assembly.

<sup>68</sup> One Roma is in the municipal assembly in Prizren.

<sup>69</sup> Klokot/Kllokot and Ranilug/Ranillug, in the Gjilan/Gnjilane region, and Gračanica/Graçanicë in the Prishtinë/Priština region became new municipalities after the November 2009 elections. In June 2010, elections were also held in the newly created municipality of Parteš/Partesh, in the Gjilan/Gnjilane region.

<sup>70</sup> Mitrovicë/Mitrovica, Gjilan/Gnjilane, Klokot/Kllokot, Novo Brdo/Novobërdë, Ranilug/Ranillug, Štrpce/Shtërpçë, Obiliq/Obilić, Dragash/Dragaš, Mamuša/Mamushë/Mamuša, Lipjan/Lipljan and Pejë/Peć. Pejë/Peć had appointed two deputy mayors for communities, a Kosovo Serb and an Egyptian. However, following an Administrative Instruction from the Ministry of Local Government Administration, the Kosovo Serb deputy mayor for communities has been dismissed, because the post cannot be funded out of the municipal budget.

<sup>71</sup> Art. 61, Law No. 03/L-040 on Local Self Government, 15 June 2008.

<sup>72</sup> Gjilan/Gnjilane, Mamuša/Mamushë/Mamuša, Mitrovicë/Mitrovica and Lipjan/Lipljan.

<sup>73</sup> Fushë Kosovë/Kosovo Polje and Gračanica/Graçanicë.

Thirteen municipalities<sup>74</sup> have appointed a deputy chairperson of the municipal assembly. In total, there are three representatives of the Kosovo Albanian, Kosovo Turk and Egyptian communities, two Kosovo Serbs and one Kosovo Bosniak. As with the deputy mayor, the position requires a ten per cent threshold.<sup>75</sup> Seven municipalities<sup>76</sup> appointed a deputy chairperson although below the threshold, while Obiliq/Obilić has not complied with this legal requirement.

Other mechanisms, such as communities committees, municipal communities offices and municipal returns officers are generally established and functional throughout Kosovo. Some problems persist in relation to the representation of some non-majority communities, such as the Roma, Ashkali and Egyptians, which remain unrepresented in several municipalities. Municipal communities safety councils have been established in 26 municipalities but representation of all communities still remains a challenge. The Roma community is the most affected since they are not represented in several municipal communities safety councils.<sup>77</sup> Finally, only 18 municipalities have established municipal working groups on returns. Their overall efficiency remains questionable.

In December 2009, the Assembly of Kosovo approved the action plan for the implementation of the “Strategy for the Integration of Roma, Ashkali and Egyptian Communities”. On 26 May 2010, the Kosovo government established the “Inter-Institutional Steering Committee for the Implementation of the Action Plan” (Steering Committee) mandated to oversee the implementation of the strategy and offer political support and guidance to it. Due to its composition, the Steering Committee is also expected to ensure co-ordination among the relevant Ministries and to ensure adequate financial resources are allocated by the Kosovo consolidated budget.<sup>78</sup> One representative for each of the Roma, Ashkali and Egyptian communities participates in the Steering Committee representing the interests of their respective communities. The Steering Committee met for the first time on 8 July 2010.

### **Outstanding issues**

The low level of employment of non-Albanians in the civil service continues to be a concern. The law on the civil service lowers the minimum level for participation of non-Albanian communities in the civil service from 16.6 per cent to 10 per cent.<sup>79</sup> Instead of encouraging employment from all communities, especially those who are

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<sup>74</sup> Gjilan/Gnjilane, Kamenicë/Kamenica, Klokot/Kllokot, Novo Brdo/Novobërdë, Štrpce/Shtërpçë, Mitrovicë/Mitrovica, Gjakovë/Đakovica, Istog/Istok, Pejë/Peć, Gračanica/Graçanicë, Lipjan/Lipljan, Prishtinë/Priština and Dragash/Dragaš.

<sup>75</sup> Art. 54, Law No. 03/L-040 on Local Self Government, 15 June 2008.

<sup>76</sup> Gjilan/Gnjilane, Kamenicë/Kamenica, Gjakovë/Đakovica, Istog/Istok, Mitrovicë/Mitrovica, Prishtinë/Priština and Lipjan/Lipljan.

<sup>77</sup> Gjakovë/Đakovica, Deçan/Deçane, Vushtrri/Vučitrn, Prishtinë/Priština and Lipjan/Lipljan.

<sup>78</sup> According to the action plan the Steering Committee is chaired by the Deputy Prime Minister and is composed of the Minister of Education, the Minister of the Environment and Spatial Planning, the Minister of Health, director of the Office of Good Governance (who acts also as the deputy head of the committee), director of the Office of Community Affairs, one member from the communities’ consultative council, the Ombudsperson, and one representative each from the Roma, Ashkali and Egyptian communities.

<sup>79</sup> Previously the representation of non-majority communities in the civil service reflected the percentage of non-majority community representation in the Assembly of Kosovo according to the Art. 4(2) of UNMIK Reg. 2001/19 on the Executive Branch of the Provisional institutions of Self-Government in Kosovo, 13 September 2001, as amended.

severely unrepresented, the lower percentage requirement further reduces the possibilities for non-Albanian communities to participate in Kosovo public life. At the local level, an insufficient representation of non-majority communities in the municipal assemblies jeopardizes their opportunity to become an active part of Kosovo society and thus also to efficiently protect and promote their rights. More efforts should be taken in order to establish and ensure that all of the legally foreseen participation mechanisms are in place and offer a forum for all communities, especially in those municipalities where the ten per cent legal criteria is met.

The level of implementation of the Strategy for the Integration of Roma, Ashkali and Egyptian Communities in Kosovo is still insufficient. The Kosovo government adopted the action plan a full year after the adoption of the strategy<sup>80</sup>, thus precluding any allocation of money from the Kosovo consolidated budget and municipal budgets. The establishment of the Steering Committee mandated to implement and ensure financial coverage to the activities included in the action plan took five months from its approval. The allocation of financial resources for 2011 remains undetermined.

## 6. RETURN AND REINTEGRATION

*Council of Europe, Framework Convention Recommendation No. 9: Take vigorous practical measures to remove the obstacles to sustainable return by seriously addressing security concerns of Serbs and others concerned and also by ensuring, including in the implementation of the recently adopted legislation, repossession of, and unhindered access to, agricultural and other property and by designing further targeted income generating activities.*

*Council of Europe, Framework Convention Recommendation No. 11: Introduce assistance measures, and clearer allocation of institutional responsibilities, to ensure improved integration of those persons belonging to minority communities who have been forcibly returned to Kosovo.*

*Council of Europe, Framework Convention Recommendation No. 12: Take further urgent measures to address the alarming health situation of Roma in the lead-contaminated camps in Northern Kosovo, keeping the well-being and health of the Roma at issue as the primary consideration, and take additional measures to accommodate the return of the Roma and to prevent such health crises in the future.*

### Findings of the 2009 report

Limited or delayed access to property restitution, inadequate housing conditions in collective centres and informal settlements, and lack of socio-economic opportunities and educational concerns continue to be the main obstacles to the sustainable return and reintegration of refugees and displaced persons. The Roma, Ashkali and Egyptian communities are among the most disadvantaged groups. There is no sustainable solution or adequate health treatment in place for the Roma and Ashkali displaced persons living in the lead contaminated camps in northern Mitrovica/Mitrovicë. In addition, the lack of adequate funding for the implementation of the Strategy for the Reintegration of Repatriated Persons and insufficient inter-institutional co-ordination greatly affect those who are forcibly returned to Kosovo.

### Situation on the ground

During 2009 and the first months of 2010, the number of displaced persons who returned to Kosovo has increased in comparison with the previous year.<sup>81</sup> A total of 1,153 non-majority community members returned from displacement to Kosovo in

<sup>80</sup> The Kosovo government adopted the “Strategy for the Integration of Roma, Ashkali and Egyptian Communities” on 24 December 2008 and its action plan on 23 December 2009.

<sup>81</sup> In total, 1,669 displaced persons returned in 2006, 1,816 in 2007 and 679 in 2008. UNHCR, “Statistical Overview”, December 2009. Figures include voluntary returns of displaced non-majority communities and spontaneous returns from third countries.

2009 and 884 since January 2010.<sup>82</sup> For the first time since 1999, 15 Kosovo Albanian families returned to their newly constructed homes in northern Kosovo and currently live in Brdjani/Kroi i Vitakut, in northern Mitrovica/Mitrovicë.

At the same time, a total of 1,509 persons were forcibly repatriated to Kosovo from Western European countries, during the first six months of 2010. In total, 271 belong to communities considered at risk and in need of continued international protection by the United Nations High Commissioner for Refugees (UNHCR).<sup>83</sup> With a total of 2,962 individuals, the year 2009 saw an increased number of forced returnees in comparison with the previous year.<sup>84</sup> Among the non-majority communities, most belong to the Roma community<sup>85</sup>, although the UNHCR eligibility guidelines of November 2009 invite host countries to carefully assess the protection needs of this vulnerable community.<sup>86</sup> On 25 June, Kosovo government adopted a law on readmission which is broadly in line with the requirements of the European Union.

To simplify and streamline returns policies, the Ministry for Communities and Returns initiated the revision of the 2006 “Revised Manual for Sustainable Return” in October 2008. The revision is still ongoing. The Ministry for Communities and Return finalized its Strategy for Communities and Return 2009-2013, which the Kosovo government approved in February 2010. Within this policy framework, the Ministry for Communities and Return, in close co-operation with local authorities and relevant international actors, continues to support displaced persons and returnees under several programmes, including a follow-up to the ongoing “Return and Reintegration to Kosovo” project jointly funded with the European Commission Liaison Office (ECLLO).

On 16 December 2009, the ECLLO approved a five million Euro project to facilitate the resettlement and reintegration of up to 90 Roma and Ashkali families residing in the lead contaminated camps in northern Mitrovica/Mitrovicë. The project complements the United States Agency for International Development (USAID) programme launched in 2008 which successfully achieved the closure of the Česmin Lug camp on 1 October. This project aims at the complete closure of the lead contaminated camps.<sup>87</sup> On 11 March 2010, a team of specialists from Aberystwyth

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<sup>82</sup> UNHCR, “Statistical Overview”, update as of end of June 2010.

<sup>83</sup> Ibid.

<sup>84</sup> Ibid. In total, 3,569 people forcibly returned in 2006, 3,219 in 2007 and 2,550 in 2008.

<sup>85</sup> Out of 769 forced returnees between 2009 and June 2010, 301 belong to the Roma community. In addition, 236 belong to the Ashkali community and 10 to the Egyptian community. UNHCR, “Statistical Overview”, June 2010, p. 7.

<sup>86</sup> “UNHCR’s eligibility guidelines for assessing the international protection needs of individuals from Kosovo”, November 2009. The eligibility guidelines state that: “Kosovo Serbs and Kosovo Albanians inhabiting areas where they are in the minority, and Kosovo Roma inhabiting any part of Kosovo, continue to face serious restrictions to their freedom of movement and the exercise of fundamental human rights. [...] The Ashkali and Egyptian minorities, due to their racial and ethnic characteristics, may be confused with Kosovo Roma. [...] Asylum applications of members from these communities should be assessed carefully in order to evaluate whether there is a need for international protection, based on a risk of persecution grounded on actual or perceived race or nationality”, pp. 17–18.

<sup>87</sup> The ECLLO programme foresees the construction of row houses on the municipal land allocated in southern Mitrovicë/Mitrovica in the Roma Mahalla or in other places of choice. The programme, officially launched on 1 February 2010, include components for relocation, and economically

University presented the results of a comprehensive testing of soil, water and dust particles in the Roma Mahalla. Results showed that the Roma Mahalla is considerably less lead contaminated than the camps.<sup>88</sup> The closure of all the lead contaminated camps in northern Mitrovica/Mitrovicë is foreseen by the end of 2010.<sup>89</sup>

In February 2010, the Ministry of Internal Affairs established a task force to review existing central and local mechanisms for repatriated persons, with the aim of identifying gaps and challenges in relation to their readmission and reintegration. The results were published in April 2010.<sup>90</sup> Meanwhile, the Kosovo government endorsed the “Revised Strategy for the Reintegration of Repatriated Persons”, with minimal consultation from relevant stakeholders. The Kosovo government also endorsed a revised action plan for the implementation of the strategy, including identifying priority tasks and resources necessary for its implementation.

### **Outstanding issues**

Overall, the rate of voluntary returns is still low. Only nine municipalities<sup>91</sup> in Kosovo have so far approved a 2010 municipal returns strategy in comparison with the 19 strategies approved in 2009. However, effective implementation of these strategies continues in many cases to be hampered by lack of funding for return activities and projects, lack of political commitment, structural problems, and challenges to return on the ground. Such challenges include the real or perceived lack of security, access to public services, housing and property rights related issues, and socio-economic opportunities. Ensuring appropriate conditions for safe and dignified returns continues to represent a major challenge. The spontaneous returns of Kosovo Albanians to Brdjani/Kroi i Vitakut in northern Mitrovica/Mitrovicë and Kosovo Serbs to Zallq/Žać in the Pejë/Peć region are examples of these difficulties. In both cases violent attacks against the spontaneous returnees attempted to halt the implementation of the returns. This was particularly the case in Brdjani/Kroi i Vitakut, where clashes between Kosovo Serbs and Kosovo Albanians, sometimes requiring the intervention of the Kosovo and EULEX police and the use of tear gas, took place during the reporting period. A serious incident happened on 4 January 2010, when a group of about 40 Kosovo Serbs assaulted some Kosovo Albanian workers and set their vehicle on fire. Between February and June 2010, Kosovo Albanian residents of the ethnically mixed village of Zallq/Žać stoned and shot at the tents of Kosovo Serb spontaneous returnees who are waiting for the reconstruction of their houses. At the beginning of July the reconstruction project started but in mid August some of the partially erected walls were destroyed and fires were set in fields nearby the campsite of the returnees. Following these events, the Kosovo police developed an operational plan to increase the security for the Kosovo Serb returnees in the area, and incorporated additional

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productive, secure and healthy reintegration of the inhabitants of the Osterode camp and the former camp Česmin Lug.

<sup>88</sup> University of Wales, “Geochemical assessment of soils in Roma Mahalla, Mitrovica, Kosovo: implications for the proposed resettlement of families presently living in the Osterode and Česmin Lug Camps”, Institute of Geography and Earth Sciences, Aberystwyth, March 2010. Available at: <http://ukinkosovo.fco.gov.uk/resources/en/pdf/report>.

<sup>89</sup> After the reporting period, on 1 October 2010, the Česmin Lug Camp was officially closed.

<sup>90</sup> Ministry of Internal Affairs, “Assessment of the mechanisms for reintegration of repatriated persons - Ensuring best possible treatment and respect for human rights to all repatriated persons”, April 2010.

<sup>91</sup> Novo Brdo/Novobërdë, Vushtrri/Vučitrn, Fushë Kosovë/Kosovo Polje, Lipjan/Lipljan, Podujevë/Podujevo, Prishtinë/Priština, Shtime/Štimlje, Dragash/Dragaš, Suharekë/Suva Reka.

activities for the prevention of incidents by increasing control measures. KFOR maintains a constant presence on the construction sites. Ever since, there are no further incidents reported.

Kosovo institutions took only a few steps to implement the objectives of the “Strategy for the Reintegration of Repatriated Persons” at the local level.<sup>92</sup> Concrete measures to facilitate the reintegration of repatriated persons in the key areas of health, education, employment and housing are still lacking, and no costs associated with the reintegration of repatriated persons have been included in the respective municipal budgets. As a result, repatriated persons do not receive any meaningful assistance upon their arrival in Kosovo.

The lead contaminated camps in northern Mitrovica/Mitrovicë remained open despite many international and local stakeholders advocating for their closure.<sup>93</sup> In fact, only on 1 October the Česmin Lug camp was completely closed down. The ECLO and USAID programmes target only the Osterode and Česmin Lug camps in northern Mitrovica/Mitrovicë, while there is no envisaged solution for the residents of the camp in Leposavić/Leposaviq. A number of shortcomings remain to be addressed in relation to the sustainable relocation, including: community leaders and potential beneficiaries are not sufficiently involved in the decision-making process; the Mitrovicë/Mitrovica municipal urban plan for implementing the relocation project does not meet the legal requirements; the regularization of the entire informal settlement is still not discussed; the community claims that the size of some of the constructed row houses is too small to ensure appropriate living conditions; and community members have not received information on other project components, such as medical treatment, economic empowerment and education. All these elements impact on the already fragile relationships between Kosovo institutions and displaced persons and potentially jeopardize the successful resettlement of the lead contaminated Roma and Ashkali residents of the camps.

## 7. CONCLUSIONS

Between July 2009 and June 2010, Kosovo institutions showed some progress regarding the implementation of the comprehensive and sophisticated legislation adopted for the protection and promotion of non-majority community rights. However, a stronger institutional commitment is necessary to achieve full respect for the rights of non-majority communities and a sufficient implementation of the Council of Europe Advisory Committee’s recommendations and the OSCE recommendations in relation to the Framework Convention.

The legal framework for the protection of cultural and religious heritage sites remains largely unimplemented. Competent institutions continue to fail in developing and approving a comprehensive list of cultural and religious heritage sites. Essential mechanisms for the implementation of the legal framework and necessary municipal

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<sup>92</sup> OSCE Report *Implementation of the Strategy for Reintegration of Repatriated Persons in Kosovo’s municipalities*, November 2009. Available at: [http://intranet/n/s/documents/monitoring/4/09120403\\_1357\\_en.pdf](http://intranet/n/s/documents/monitoring/4/09120403_1357_en.pdf).

<sup>93</sup> For example, on 15 February 2010, the Council of Europe Commissioner for Human Rights reiterated the necessity for an immediate evacuation of the families residing in the camps. [http://www.coe.int/t/commissioner/news/2010/100215kosovo\\_EN.asp](http://www.coe.int/t/commissioner/news/2010/100215kosovo_EN.asp).

legislation have not been established nor adopted. Incidents targeting cultural and religious heritage sites continue to happen against those sites that are currently monitored for security by Kosovo police.

Lack of interaction among pupils and teachers from different communities, and especially between those from the Kosovo Albanian and Kosovo Serb communities, remains one of the biggest challenges to ensure a stable and tolerant society. The absence of opportunities to study both official languages in Kosovo is a serious contributing factor in hampering such interaction. The lack of textbooks in non-Albanian languages as well as the poor level of translation prevents the full access of many pupils and students from non-majority communities to education. Similarly, the implementation of the Strategy for the Integration of the Roma, Ashkali and Egyptian communities requires more concrete efforts and adequate financial resources.

The scarce monitoring of the linguistic legislation by central and local institutions, inadequate allocation of financial and human resources and the poor quality of translation into the official languages remain major issues of concern. The Language Commission requires further political and financial support in order to increase its visibility, effectiveness and eventually implement its mandate.

The level of employment of non-majority communities within the Kosovo civil service remains insufficient. Lowering the percentage requirement by law cannot bring about any positive development. Employment of non-majority communities in municipal bodies is still largely unsatisfactory since they are generally excluded from public life and decision-making mechanisms. Significant efforts have to be made to promote, encourage and ensure participation of the affected non-majority communities, particularly the Roma, Ashkali and Egyptians.

Ensuring appropriate conditions for the safe and dignified return of refugees and displaced persons continues to represent a major challenge. Lack of funding and political commitment, limited access to public services, housing and property rights as well as socio-economic opportunities and real or perceived security concerns are still decisive elements in the decision to return. Measures adopted to assist forcibly repatriated persons are insufficient. Roma and Ashkali residents of the lead-contaminated camps in northern Mitrovica/Mitrovicë and Leposavić/Leposaviq have to be consulted in the process of closing down the remaining camps and have to be offered a rights-based solution, as well as urgent medical treatment.

## **8. RECOMMENDATIONS**

In view of the above, the OSCE recommends Kosovo institutions to consider the following:

- Compile a comprehensive list of cultural and religious heritage sites and other sites representing diverse historical legacy in Kosovo in a transparent and inclusive manner, incorporating the items of importance to non-majority communities, displaced persons and other vulnerable groups;

- Ensure that any handover of security at Serbian Orthodox Church sites from KFOR to Kosovo police does not undermine the security, functioning and accessibility of these sites;
- Continue to provide education in non-Albanian languages and increase efforts to offer education in all the official languages of Kosovo;
- Ensure appropriate funding and political support for the effective implementation of all the thematic areas of the strategy for the integration of the Roma, Ashkali and Egyptian communities and in particular of its education component;
- Increase the visibility of the Language Commission and empower it as the main monitoring body and complaint mechanism in relation to the implementation of the Law on the Use of Languages;
- Take steps to ensure that non-majority communities receive personal documents without spelling mistakes and have the opportunity to access public services in the official languages through enhancement of translation units within institutions;
- Take resolute measures to encourage and promote employment of non-majority communities in the civil service and decision-making mechanisms, such as by implementing information campaigns and increasing outreach activities, education and training opportunities for non-majority communities;
- Ensure appropriate conditions for the safe and dignified return of those non-majority communities who still live in displacement through concrete measures to facilitate access to property, housing and socio-economic opportunities;
- Allocate adequate financial resources and maximize the efforts to ensure coordination among all the institutions responsible for the implementation of the framework for the protection and assistance of forcibly repatriated persons;
- Implement, as a matter of priority, a sustainable and rights-based solution for the Roma and Ashkali still residing in the lead-contaminated camps, including them in the dialogue and decision-making process.