STP REPORT

Lost in Transition >>>

THE FORCED MIGRATION CIRCLE OF ROMA, ASHKALI AND BALKAN EGYPTIANS FROM KOSOVO

SOCIETY FOR THREATENED PEOPLES

EXECUTIVE SUMMARY

In the last years the situation of Roma, Ashkali and Balkan Egyptians in Kosovo – and in particular the situation of members of these communities who have been forcibly returned from Western Europe – has been the topic of several publications. The report at hand sheds light on a neglected feature of their situation: that both the return policies of Western Europe and the reintegration policy of Kosovo force thousands of Roma, Ashkali and Balkan Egyptians from Kosovo into an ongoing circle of migration. They literally have no place to stay in Europe.

Tens of thousands of Roma, Ashkali and Balkan Egyptians who were forced to leave Kosovo prior, during or in the aftermath of the conflict in 1998/1999 found temporary refuge in Western Europe. Those people who lost their temporary protection status and were forced to return to Kosovo either never arrived in Kosovo or left Kosovo again within a short period after their repatriation. The people who never returned to Kosovo are either moving to other Western European countries where they try to make a living or have opted to go underground in their current host country. The German government estimates that 75% of the persons who received a deportation order go into hiding before their actual repatriation. Those people who have been repatriated usually decide to leave Kosovo again by either moving into one of the slums in Serbia or making their way back to Western Europe.

Only in Germany around 28,000 Roma, Ashkali and Balkan Egyptians lost their temporary protection status and were obliged to leave Germany in the period between 2004 and 2013. A couple of thousand Roma, Ashkali and Balkan Egyptians had to face the same situation in other Western European countries such as Austria, Belgium, France, Switzerland and Sweden. In addition, Roma, Ashkali and Balkan Egyptians returned voluntarily to Kosovo from Western Europe.

Around 7,400 Roma, Ashkali and Balkan Egyptians were officially registered as having returned from the neighbouring countries (Bosnia and Herzegovina, Macedonia, Montenegro and Serbia) to Kosovo.

However, since 2000 the number of Roma, Ashkali and Balkan Egyptians living in Kosovo has not increased by an equivalent amount. Obviously then, most of the people who lost their temporary protection in Western Europe never actually returned to Kosovo or left it again after being repatriated. Most seem to continue to live in Western Europe without legal status, some might have received a legal status after losing their protection status.

To obtain more detailed information about the ongoing circle of migration, the STP conducted in winter 2014/2015 a survey among Roma, Ashkali and Balkan Egyptian returnees in Kosovo (40 households) and among returnees who moved further to Serbia after their repatriation to Kosovo (30 households). Our research showed that only 7% (five of the 70 households) stated that they would like to remain in Kosovo. The interviews in Serbia produced similar results. 8.6% (six of the households) stated that they would like to live in Serbia. More than half of the households in Serbia had in the meantime a permanent address in Serbia and the respective travel documents that they can make use of for visa-free travel to Western Europe.

Several interviewees stated that they would not try to enter the asylum procedure in Western Europe again, but would attempt to stay in the host country as informal immigrants. The main target country for a return to Western Europe remains Germany. 52.5% of the households that intend to return to Western Europe would migrate to Germany and 13.5% to Sweden.

When the STP contacted the interviewed households again at the end of July/ beginning of August 2015, many of them had left again. In Kosovo, only seven out of the 40 households (17.5%) were still in Kosovo, the remaining 33 having left the country again. In Serbia, 15 out of the 30 households (50%) had in the meantime left again for Western Europe.

According to official data from the German government, between January and March 2015, 1,827 Roma from Kosovo submitted new asylum applications.

The Ministry of Internal Affairs (MIA) of Kosovo does not have overall data on the number of people leaving Kosovo, but it does have information regarding how many forced returnees – who were supported in the framework of the Reintegration Fund administered by the MIA – have left Kosovo again: in the period between January 2014 and June 2015, 218 Roma, Ashkali and Balkan Egyptians returnees who were beneficiaries of the Reintegration Fund had left Kosovo again.

The employment situation among Roma, Ashkali and Balkan Egyptians in Kosovo and in particular among the returnees is bleak. Among the returnees staying in Kosovo, not a single household participating in the STP survey had a family member in formal employment, while 16 of the households (40%) were able to earn some income from informal work. Among the returnees who moved further to Serbia more than half had informal employment (60%), primarily collecting waste for recycling and one person was formally employed. While staying in Western Europe, in many families at least one member had formal or informal employment.

The survey revealed interesting differences with regard to remittances and social welfare. Roma, Ashkali and Balkan Egyptian returnees staying in Kosovo depend much more on remittances from relatives in Western Europe than returnees who moved further to Serbia. Only seven out of the 30 families (23.3%) in Serbia received remittances while 31 out of the 40 families in Kosovo (77.5%) mentioned remittances as a source of income.

On the other hand, only six of the families in Kosovo (15%), but fifteen of the families in Serbia (50%) mentioned social welfare as a source of income. The STP survey indicates that Roma, Ashkali and Balkan Egyptians who have support from relatives in Western Europe try to stay in Kosovo, whereas those returnees who do not have this support and would need social welfare benefits in order to survive move to Serbia. Easier access to the social protection system of Serbia thus seems to constitute one of the main reasons for leaving Kosovo for Serbia.

Although the housing conditions of the interviewed persons in Serbia are worse than among the interviewees in Kosovo, returnees prefer to move to Serbia. It seems that access to housing in Kosovo played an important role for moving to Serbia, since 50% of the interviewees who migrated to Serbia stated that their houses in Kosovo were either destroyed or occupied by Kosovo Albanians (or a combination thereof).

Issues such as discrimination and exclusion, impunity for crimes against Roma, Ashkali and Balkan Egyptians in Kosovo, and a lack of Albanian language skills etc. are further reasons for leaving Kosovo. While all of the households interviewed in Kosovo stated that they felt safe in Kosovo, 70% of the households that had moved to Serbia stated that they feel or felt unsafe in Kosovo.

The forced return of Roma, Ashkali and Balkan Egyptians to Kosovo has a further negative economic impact: with relatives being returned, their families who had stayed in Kosovo are deprived of their main sources of income, namely the remittances they received from these relatives in Western Europe. This forces even more people to leave who would otherwise have stayed, if their family members in Western Europe would have been in a position to support them.

The data already indicate that sustainable return requires creating preconditions that allow the returnees to stay. This means first and foremost providing accommodation and basic means to make a living. Neither of these preconditions is provided for in Kosovo.

THE FAILED POLICIES

The findings of our survey demonstrate that Western Europe is knowingly implementing an unsustainable, costly, discriminatory and contradictory return policy based on the following three interconnected pillars: (i) ignoring the actual situation of the three communities in Kosovo, i.e. the structural and cumulative discrimination they are exposed to which deprives them of the right to live in dignity, (ii) denying them the right to legally stay in Western Europe and (iii) accepting an unsuitable reintegration policy of the authorities in Kosovo.

The reasoning for this policy might be that Western European governments want to accommodate the anti-immigrant and anti-Roma sentiments in their countries and want to prove that they are tough on migrants or Roma. Further, they know that the so-called abuse of the asylum system by "Balkan Gypsies" can easily be used in public to justify a tougher stance on migration from the Western Balkans. And the Western European authorities ignore the actual situation and refuse to undertake a serious analysis of the reasons why Roma, Ashkali and Balkan Egyptians are forced to leave Kosovo, since otherwise they would not be in a position to deny them the right to stay in Western Europe.

The Kosovo government must be aware that its own citizens – Roma, Ashkali and Balkan Egyptians – are leaving because of its failed integration policy. However, the Kosovo authorities are aware that Western Europe will not seriously criticise them for their failed integration policy towards Roma, Ashkali and Balkan Egyptians. The intention of the Kosovo government is primarily to fulfil – on paper – the requirements needed for visa liberalisation and access to the European Union. And the European Union seems to be satisfied if these requests are met on paper. Further, the Kosovo government has declared on several occasions in the past that the return of all expelled Roma, Ashkali and Balkan Egyptians in a short period of time would exceed the capacities of the country.

On the other hand, there prevails an overall understanding that discrimination against Roma, Ashkali and Balkan Egyptians in Kosovo exists, that the vast majority of these communities are extremely vulnerable and have to live in extreme poverty, and that Roma, Ashkali and Balkan Egyptians who are forcibly returned from Western Europe are even more vulnerable. All relevant actors further agree that existing policies and laws that would promote the inclusion of Roma, Ashkali and Balkan Egyptians in general and of returnees from these communities in particular, are hardly implemented.

The authorities in Kosovo developed policies for the reintegration of returnees from Western Europe with the aim of accommodating the European Union's requests so as to continue on the path to visa liberalisation. However, these policies are mainly based on an analysis of the situation of Kosovo Albanian returnees and neglect therefore to a considerable extent the specific situation and needs of Roma, Ashkali and Balkan Egyptians. They do not include any measures on how to tackle the ethnic discrimination experienced by the three communities in Kosovo with regard to housing, on the labour market, access to health services or in education. Furthermore, they do not refer to the fact that many of them fled an armed conflict or human rights violations, that many of their settlements have been totally destroyed or are illegally occupied, and that since the end of the conflict in 1999 none of the perpetrators of the numerous crimes committed against Roma, Ashkali and Balkan Egyptians have been brought to justice yet. Though the discrimination and the impunity for crimes committed against them constitute serious obstacles for return, they are not addressed in the reintegration policy of Kosovo.

RETURN IS NOT RETURN

Implicitly the reintegration policy for returnees from Western Europe is based on the assumption that these people left Kosovo for economic reasons and can easily return, and that they are not in need of a comprehensive assistance programme.

That a different policy is possible is demonstrated by the reintegration policy for people who were displaced to countries in the region (Serbia, Macedonia, Montenegro, Bosnia and Herzegovina, Croatia). The majority of the displaced persons in the region are Kosovo Serbs though a considerable number are Roma, Ashkali and Balkan Egyptians. This policy is based on totally different assumptions. The Government Strategy for Communities and Return 2014–2018 defines displaced persons as people "who have been forced or obliged to flee or leave their places of permanent residence in Kosovo between January 1998 and the end of March 2004, in particular as a result of or in order to avoid the effects of armed conflict, the situation of generalised violence, (or) violations of human rights". The return policy in place offers potential returnees a comprehensive package, including reconstruction of houses and infrastructure, and income generating assistance.

Such a comprehensive offer is not available for Roma, Ashkali and Balkan Egyptian returnees from Western Europe though many of them did flee an armed conflict or human rights violations and have to face in additional discrimination upon return.

The unequal approach means that persons who fled to Montenegro, Serbia or Macedonia, are considered to be refugees and could as a rule receive comprehensive reintegration support (including the reconstruction of dwellings) upon return, while persons who fled the same day for the same reasons from the same village, but made it to Western Europe instead, are not considered refugees and cannot enjoy the comprehensive integration support.

In this context it is important to point out another contradiction of the Western European policy. While it promotes the forced return of Roma, Ashkali and Balkan Egyptian refugees from Western Europe to Kosovo, the European Union for a long time has called upon the governments of the accession countries in the Western Balkans to "ensure the right to a real choice between sustainable return and integration" for IDPs and refugees from Kosovo (inter alia in the European Partnership with both Serbia and Montenegro).

The ill-designed (re)integration policy for returnees, the non-implementation of the general integration policy for Roma, Ashkali and Balkan Egyptians in Kosovo as well as ongoing discrimination and exclusion force members of these communities to leave the country (again). They are being forced into a circle of permanent migration and into an insecure life of illegality, leaving them exposed to human trafficking with all its negative consequences. Furthermore, it creates lost generations of children and young adults who are marginalised and have no have access to quality education and professional development. There is no place for them in Europe: neither in Kosovo, Western Europe nor elsewhere in the region.

The recent decision of the German government and the intention of the European Commission to declare Kosovo a safe country of origin will not contribute to improving the situation of the three communities, but might even lead to a deterioration of the situation.

In this so-called safe country, approximately 4,600 international protection force soldiers still have to guarantee security. The facts presented in this report clearly demonstrate that Kosovo is not a safe country for Roma, Ashkali and Balkan Egyptians, but that they are exposed to structural and cumulative discrimination, which amounts to the inhumane and degrading treatment of these ethnic groups. All relevant actors – the European Commission, the government of Kosovo and the governments of Western European countries – must be aware of the disastrous consequences of their failed policies and should change them immediately instead of hiding behind a declaration on Kosovo being a safe country of origin.

RECOMMENDATIONS

The Society For Threatened Peoples therefore urges the European Union, the respective governments in Western Europe and the government of Kosovo to stop forcing Roma, Ashkali and Balkan Egyptians into a circle of permanent migration and a life of illegality and uncertainty.

General:

• All stakeholders should base their policies on evidence and acknowledge the actual situation of the three communities on the ground where discrimination and exclusion deprive the majority of them of a life in dignity in Kosovo.

To the European Union and Western European governments:

• The European Union and Western European governments should reconsider the decision to declare Kosovo as a safe country of origin.

• The European Union and Western European governments should stop this circle of migration by providing opportunities for well-integrated families to obtain a right to stay.

• The Western European governments should stop sending well-integrated children to Kosovo who never lived there and do not even speak the language.
Western European governments should provide for (temporary and permanent) work and training opportunities for Roma, Ashkali and Balkan Egyptians from Kosovo in Western Europe. With the remittances from these persons, further migration could be curbed.

• The European Union and Western European governments should increase their efforts to assist the government of Kosovo in the sustainable integration of the three communities in Kosovo with financial resources, incentives and expertise.
In particular all stakeholders should improve access to adequate housing, employment and quality education.

To the government of Kosovo:

• The government of Kosovo should acknowledge the actual discrimination and exclusion of the three communities in Kosovo, including the human rights violations and crimes committed against them in particular in the aftermath of the conflict. In this context, the government in cooperation with civil society should initiate a reconciliation process. Both initiatives are indispensable for a sustainable integration of the three communities in Kosovo.

- The government should actually implement the existing policies for the integration of the three communities and adapt the return policies in such a way that they accommodate the needs and rights of Roma, Ashkali and Balkan Egyptians.

More detailed recommendations can be found at the end of the report.

> *Methodology*

METHODOLOGY

The report at hand looks at the cycle of migration between Western Europe, Kosovo and Serbia that Roma, Ashkali and Balkan Egyptians from Kosovo are locked into.

For this purpose the STP conducted extensive research, analysing available reports and data sets on Roma, Ashkali and Balkan Egyptians in Kosovo, Serbia and Western Europe.

Specific questionnaires were developed for the interviews in Kosovo and Serbia respectively. They contained both open and closed questions on various subjects such as migration history, household income sources, initial services received, health situation, perceived security, education, housing situation, language abilities and future intentions.

Between November 2014 and February 2015, 40 households in Kosovo and 30 in Serbia – who in the meantime had moved further to Serbia after being repatriated to Kosovo – were interviewed. These interviews required careful preparation in order to build mutual trust. Interviews were conducted by members of the communities in order to ensure a Roma-to-Roma approach.

The main focus of the report remains on the reintegration policy in Kosovo and on the return policies in Western Europe, but also refers to the situation in Serbia wherever deemed necessary.

In July 2015, questionnaires were submitted to the relevant institutions in Kosovo, organisations in Kosovo working with returnees and to the embassies of six Western European countries (Austria, Belgium, France, Germany, Sweden and Switzerland).

In July and August 2015, the interviewed families were visited again in order to identify whether they were still living in Kosovo or Serbia.

1>
Socio-economic situation of Roma, Ashkali and Balkan Egyptians in Kosovo

1. SOCIO-ECONOMIC SITUATION OF ROMA, ASHKALI & BALKAN EGYPTIANS IN KOSOVO

The exact number of Roma, Ashkali and Balkan Egyptians living in Kosovo is difficult to determine. According to the 2011 population census, 35,784 Roma, Ashkali and Balkan Egyptians (8,824 Roma, 15,436 Ashkali and 11,524 Balkan Egyptians) reside in Kosovo. However, as experience shows many Roma, Ashkali and Balkan Egyptians do not disclose their identity in census taking. Many others might also have left Kosovo since 2011 because of ongoing migration.

Large communities with a few thousand persons can be found in Gjakovë/Djakovica (primarily Balkan Egyptians), Fushë Kosovë/Kosovo Polje (primarily Ashkali), Ferizaj/Urosevac (primarily Ashkali), Prizren (primarily Roma), Gracanica/Gracanicë (primarily Roma) and Pejë/Pec (primarily Balkan Egyptians and Roma).

In larger towns such as Prishtinë/Priština, Gjilan/Gnjilane or Mitrovicë/Mitrovica, which had large communities prior to the conflict, only a very small percentage of the pre-conflict population has remained.

Kosovo is the poorest country in the Balkans and one of the poorest in Europe in terms of GDP and GNI per capita.[1] The UNDP estimates the unemployment rate to be 35% and youth unemployment (15–24 year olds) is around 60.2%.[2] According to TradingEconomics, the GDP per capita of Kosovo is only USD 8,461 (EUR 7,944).[3] To put this number in context, the GDP per capita of the EU is USD 34,500 and the GDP of its lowest ranked member (Romania) is USD 14,400.

Exact and reliable data on the unemployment rate in Kosovo in general and among the three communities in particular do not exist. However, even the government estimates that the unemployment rate among Roma, Ashkali and Balkan Egyptians is between 95% and 100% in certain areas.

Limited access to the labour market for Roma, Ashkali and Balkan Egyptians cannot be compensated with an adequate social welfare system. The social welfare system in Kosovo provides, for example, a **monthly maximum of EUR 85** for a family with three children (but only if one child is younger than five years old), which is by far not enough to make a living.

1 Central Intelligence Agency: The World Fact Book: https://www.cia.gov/library/publications/the-world-factbook/geos/kv.html (10.4.2015); World Bank: GNI per capita, Atlas method (current US$): http://data.worldbank.org/indicator/NY.GNP.PCAP.CD/countries/Z7-KV-7E?display=graph (10.4.2015).
2 UNDP: About Kosovo: http://www.ks.undp.org/content/kosovo/en/home/countryinfo/ (19.3.2015)
3 Adjusted for purchasing power parity (PPP): TradingEconomics: http://www.tradingeconomics.com/Kosovo/indicators (19.3.2015).

There prevails the overall understanding that discrimination against Roma, Ashkali and Balkan Egyptians in Kosovo exists and that the vast majority of these communities have to live in extreme poverty. Their disastrous socio-economic situation is linked to discrimination based on their ethnicities and makes them even more vulnerable than poor families belonging to the other ethnicities. Returnees from Western Europe are in an even worse situation since in many cases they have neither accommodation nor a network that could help them to generate some form of income (see the findings of the STP survey below).[4]

4 See inter alia Alle Bleiben, Abgeschobene Roma im Kosovo, Journalistische, juristische und medizinische Recherchen (2014): http://www.alle-bleiben.info/wp-content/uploads/2014/12/kosovo_web.pdf

2>
The policy of no place to stay

2. THE POLICY OF NO PLACE TO STAY

2.1. CURRENT MIGRATION FROM KOSOVO TO WESTERN EUROPE

Between summer 2014 and spring 2015 an unprecedented number of people left Kosovo for Western Europe. For people outside of Kosovo, this was for no obvious reason such as a conflict or war or a natural disaster. From the very beginning they were labelled economic migrants without any differentiation and without looking into the reasons why they had actually fled Kosovo. Politicians in Western Europe responded with the request to speed up asylum procedures for applicants from Kosovo (and other Western Balkan countries), to designate Kosovo as a safe country and with calls to close the border.[5]

Among the migrants who have left since summer 2014 are thousands of Roma, Ashkali and Balkan Egyptians who have fled discrimination and the fact that they have no prospects for a life of dignity in Kosovo because of their ethnicity. According to official data from the German government, between January and March 2015, 1,827 Roma from Kosovo submitted new asylum applications (with follow-up applications from 2,101 persons).[6] The STP estimates that in total around 4,000 Roma, Ashkali and Balkan Egyptians left Kosovo between summer 2014 and spring 2015. In many cases people sold their property in order to finance their trip to Western Europe. Based on the official census results of 2011, this would mean that more then 10% of the Roma, Ashkali and Balkan Egyptian communities have left Kosovo since summer 2014.

Already in 2013, the number of asylum applications by citizens of Kosovo doubled in Western Europe.[7] In 2014, the number continued to rise and a few thousand people started to leave Kosovo every month in early summer 2014. In 2014, in total 37,895 persons from Kosovo applied for asylum in a European Union member state.[8] Dynamics, however, grew further and in January and February 2015, tens of thousands arrived in Western Europe, primarily via Serbia and Hungary. People are fleeing the lack of any prospects to improve their lives as well as the prevalence of corruption and nepotism in all spheres of public life. Minorities also flee discri-

5 The government of Hungary even decided in June 2015 to build a 4m-high fence between Hungary and Serbia in order to stop the migration.

6 Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Ulla Jelpke, Jan Korte, Sevim Dagdelen, weiterer Abgeordneter und der Fraktion DIE LINKE – Drucksache 18/4643 – Ergänzende Informationen zur Asylstatistik für das erste Quartal 2015, Deutscher Bundestag, Drucksache 18/4980, 18. Wahlperiode, 21.05.2015: http://koelner-fluechtlingsrat.de/neu/userfiles/pdfs/2015-05-21Asylstatistik.pdf. The document mentions only Roma and does not refer to Ashkali and Egyptians.

7 European Commission: Commission Staff Working Document: Kosovo Progress Report 2014, October 2014, p. 48: http://eeas.europa.eu/delegations/kosovo/documents/eu_kosovo/20141008_kosovo_progress_report_2014_en.pdf

8 EUROSTAT, countries of origin of non-EU asylum seekers in the EU-28 Member States: http://ec.europa.eu/eurostat/statistics-explained/index.php/File:Countries_of_origin_of_%28non-EU%29_asylum_seekers_in_the_EU-28_Member_States,_2013_and_2014_YB15_III.png

mination. In addition, some refugees stated that they are forced to flee because of a considerable increase in the cancer rate in Kosovo, which is attributed to the uranium-depleted ammunition used by NATO forces during the conflict in Kosovo.[9]

After Hungary and Serbia established tighter border control in spring 2015, the number of asylum seekers from Kosovo decreased again. However, it seems that by early summer 2015, the migration route had changed and people started to migrate from Kosovo to Italy via Albania.[10]

The people leaving now are the latest groups of Roma, Ashkali and Balkan Egyptians who have been forced to leave their homes in Kosovo. More than 100,000 Roma, Ashkali and Balkan Egyptians have been forced out of Kosovo, in particular in the aftermath of the conflict in 1999.

2.2. TRAPPED BETWEEN THE LINES – CONFLICT AND POST-CONFLICT DEVELOPMENTS

It is estimated that prior to the conflict in 1998/1999 around 150,000 Roma, Ashkali and Balkan Egyptians lived in Kosovo, making up around 7–8% of the overall population. They had the reputation of being the most advanced Roma, Ashkali and Balkan Egyptian communities in the region with a high number of highly educated and professionally successful people.

However, they were also caught in the trap of having to take sides in the conflict between the Serb regime and community on the one side, and the Albanian community on the other. Both conflict parties used their power to either force the Roma, Ashkali and Balkan Egyptians to take side or to exclude them. The only possibility for the three communities to keep out of the conflict, which was not theirs, was to leave Kosovo.[11]

Thus, many fled already prior to and during the conflict, but in particular, in the aftermath of the conflict from early summer 1999 on when tens of thousands of Roma, Ashkali and Balkan Egyptians were expelled from Kosovo by members of the Albanian majority population under the eyes of the international military forces.

9 See website of the TV and radio station RTV MIR for a report on the 50% increase of the number of patients with cancer: http://rtvmir.com/strana/arhiva/broj_obolelih_od_karcinoma_povecan_za_50_odsto/28776
10 Information received from the STP Kosovo
11 For a short description of the dilemma see European Roma Rights Centre, Abandoned Minority, Roma Rights in Kosovo, Budapest 2011 (in particular chapter 4.4 The Early Nineties: Worlds Apart); Stephan Müller, Zur Situation der Roma in Kosovo in: Südosteuropa 9-10/1999

Whole neighbourhoods disappeared such as in Pristina, home to more than 15,000–20,000 Roma, Ashkali and Balkan Egyptians before the conflict. Only 200–300 Ashkali were able to stay immediately after the conflict.

The most infamous neighbourhood of Roma, Ashkali and Balkan Egyptians is the Fabricka Mahalla in (southern) Mitrovica, home to around 8,000 persons. In summer 1999 it was ransacked and burned down by an organised mob made up of Kosovo Albanians. The international peacekeeping forces watched the mob violence without intervening. All inhabitants were expelled, many people were killed and the Fabricka Mahalla became the largest destroyed residential area in Kosovo. 6,000–8,000 Roma, Ashkali and Balkan Egyptians lived in Gjilan/Gnjilane, a town in eastern Kosovo, prior to the conflict. Only 300 were able to remain at the end of the conflict and the number has barely increased since then.

After the conflict, large neighbourhoods with burned down and destroyed houses could be found all over Kosovo. The inhabitants were expelled and remain so to this day.[12]

Already in the first weeks after their expulsion from Kosovo, Western European governments made it clear that they did not welcome Roma, Ashkali and Balkan Egyptians from Kosovo.[13] In July 1999, the Italian government stopped receiving Kosovar refugees for humanitarian reasons after around 2,000 Roma, Ashkali and Balkan Egyptians arrived by boat at the Italian coastal towns.[14]

The mob violence in March 2004 which also directly targeted Roma and Ashkali communities led to more Roma, Ashkali and Balkan Egyptians fleeing Kosovo and made return even more difficult. In the town of Vushtrri/Vucitrn alone, 69 houses belonging to Ashkali were burned down and several persons who had just returned to Kosovo were attacked.[15]

12 See inter alia OSCE Mission in Kosovo, Human Rights in Kosovo – As seen as told. Volume II. http://www.osce.org/kosovo/17781; Gesellschaft für bedrohte Völker, Unter den Augen der KFOR: Massenvertreibung der Roma, Aschkali und Kosovo-Ägypter. Menschenrechtsreport der Gesellschaft für bedrohte Völker Nr. 23, Februar 2001;
13 See inter alia Stephan Müller, Zur Situation der Roma in Kosovo in: Südosteuropa 9-10/1999
14 The Italian Prime Minister Massimo D`Alema justified this decision as follows: "Today there is an international contingent that has the task of protecting all the minorities that live in Kosovo. If we recognise someone`s status as a refugee I am legitimising the possibility that a minority can be driven out of a country where there is an international contingent present. And that would be a mistake." See GUARDIAN, 22 July 1999.
15 See inter alia Human Rights Watch, Failure to Protect: https://www.hrw.org/report/2004/07/25/failure-protect/anti-minority-violence-kosovo-march-2004; Gesellschaft für bedrohte Völker, Albanischen Brandstiftern schutzlos ausgeliefert. Roma und Aschkali aus Kosovo evakuieren! – Eine Dokumentation der GfbV, 30. März 2004: http://www.gfbv.de

The justice system in Kosovo has yet to bring a single perpetrator of crimes committed against Roma, Ashkali and Balkan Egyptians during or in the aftermath of the conflict to justice.

2.3. TOLERATED BUT NOT ACCEPTED: ROMA, ASHKALI AND BALKAN EGYPTIANS IN ASYLUM PROCEDURES

Despite this situation in Kosovo, most countries in Western Europe have declined to grant asylum to Roma, Ashkali and Balkan Egyptian refugees from Kosovo although some countries such as France, the United Kingdom, Austria and Hungary have recognised a few persons as refugees.

Most of the refugees stayed under a temporary protection regime in Western Europe or in neighbouring countries that did not allow for equal access to the labour market or housing, thereby preventing the possibility for integration and self-determination.

In the first years after the conflict, Roma, Ashkali and Balkan Egyptians were not returned to Kosovo due to security reasons; only voluntary returns took place. From early 2003, Western European countries started to return more Ashkali and Balkan Egyptians and from 2009, Roma were also deported back to Kosovo.

In 2007, Germany, the main host country for refugees from Kosovo, introduced a law which – under certain conditions – could allow persons with "toleration status" ("Duldung") to receive temporary residence and working permits. The Netherlands adopted a similar policy. However, it is estimated that not many Roma, Ashkali and Balkan Egyptians from Kosovo could benefit from these changes.

3>
Lost in transition: Where are the Roma, Ashkali and Balkan Egyptians now?

3. LOST IN TRANSITION: WHERE ARE THE ROMA, ASHKALI AND BALKAN EGYPTIANS NOW?

Prior to the conflict around 150,000 Roma, Ashkali and Balkan Egyptians lived in Kosovo. In 2000, the number of Roma, Ashkali and Balkan Egyptians in Kosovo decreased to around 30,000. At the time of writing this report in 2015 their number in Kosovo is estimated to be around 40,000–50,000.[16] To this day, 16 years after the end of the conflict in Kosovo and seven years after Kosovo declared its independence, more than 100,000 Roma, Ashkali and Balkan Egyptians remain expelled from their homes.

In Western Europe, the number of Roma, Ashkali and Balkan Egyptians from Kosovo under temporary protection status has decreased considerably over the last 15 years by a few tens of thousands, but the number of members of the three communities in Kosovo has not increased by the same amount.

Where are the more than 100,000 Roma, Ashkali and Balkan Egyptians who do not live in Kosovo anymore?

3.1. ROMA, ASHKALI AND BALKAN EGYPTIAN REFUGEES IN WESTERN EUROPE

After the conflict more than 50,000 Roma, Ashkali and Balkan Egyptians found refuge in Western European countries. This number includes people who left prior, during and immediately after the conflict and asked for asylum or temporary protection.

Official data from Germany, which hosted the largest group of Roma, Ashkali and Balkan Egyptian refugees from Kosovo show that in autumn 2013, 6,337 Roma, Ashkali and Balkan Egyptians with the obligation to leave the country were still registered in Germany.[17] At the end of 2004, there were around 35,000 Roma, Ashkali and Balkan Egyptians from Kosovo residing under "toleration status" with the obligation to leave the country.[18]

16 According to the 2011 population census, 35,784 Roma, Ashkali and Egyptians (8,824 Roma, 15,436 Ashkali and 11,524 Egyptians) reside in Kosovo.
17 Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Ulla Jelpke, Sevim Dagdelen, Annette Groth, weiterer Abgeordneter und der Fraktion DIE LINKE – Drucksache 18/197 – Stand der Abschiebungen von Roma in den Kosovo im Herbst 2013, Deutscher Bundestag, Drucksache 18/316, 18. Wahlperiode, 20.01.2014: http://dip21.bundestag.de/dip21/btd/18/003/1800316.pdf
18 According to data as at 31 December 2004, the following number of persons from Kosovo were obliged to leave Germany (ausreisepflichtige Personen): Roma (24.351), Albanians (16.151), Ashkali (8.197), Egyptians (1.883), Bosniaks (1.305), Serbs (670), Gorani/Torbeshi (285), Turks (41) and 1.628 Others. Bundesamt für Migration und Flüchtlinge Deutschland, Informationszentrum Asyl und Migration, Serbien und Montenegro/Kosovo. Erkenntnisse des Bundesamtes Berichtsraum Dezember 2004 – März 2005. Stand März 2005.

This would mean that between the end of 2004 and autumn 2013, around 28,000 Roma, Ashkali and Balkan Egyptians must have left Germany – either voluntarily or by force – since their temporary protection had expired and they were supposed to leave the country. When looking at the number of Roma, Ashkali and Balkan Egyptians in Kosovo however, it is obvious that the overwhelming majority of those supposed to return do not actually live in Kosovo anymore, or never even reached Kosovo in the first place. Some might have received a residence permit, but according to the German government, around 75% of people informed about their date of deportation go into hiding before the actual deportation takes place.[19]

Roma, Ashkali and Balkan Egyptians from Kosovo with "toleration status" in Germany

	ROMA	ASHKALI	BALKAN EGYPTIANS	TOTAL
December 2004[a]	24,351	8,197	1,883	34,431
June 2009[b]	9,842	1,755	173	11,770
December 2011[c]	?	?	?	ca. 8,000
Autumn 2013	5,514	738	85	6,337

a Bundesamt für Migration und Flüchtlinge Deutschland, Informationszentrum Asyl und Migration, Serbien und Montenegro/Kosovo. Erkenntnisse des Bundesamtes Berichtsraum Dezember 2004 – März 2005. Stand März 2005

b Helplessness, Roma, Ashkalia and Egyptian Forced Returnees in Kosovo, by Milena Tmava and Adem Beha. A publication of the Roma, Ashkali Documentation Centre. Pristina 2009c

c Kleine Anfrage der Abgeordneten Ulla Jelpke, Sevim Dagdelen, Annette Groth, Inge Höger, Andrej Hunko, Katrin Kunert, Niema Movassat, Harald Petzold (Havelland), Kathrin Vogler, Katrin Werner, Jörn Wunderlich und der Fraktion DIE LINKE. Stand der Abschiebungen von Roma in den Kosovo im Herbst 2013, Deutscher Bundestag Drucksache 18/197, 18. Wahlperiode, 17.12.2013: http://dip21.bundestag.de/dip21/btd/18/001/1800197.pdf

Data for Switzerland show that only a small part of the Roma, Ashkali and Balkan Egyptian communities (in Switzerland there is also the "Maxhupi" group) are actually repatriated or go back voluntarily to Kosovo. In 2013, out of the 336 persons who received a negative decision obliging them to leave Switzerland, only 16 (4.7%) were deported back to Kosovo; 128 persons decided to leave Switzerland on their own without stating the country of destination; four were returned to a third country ("Rückführung Drittstaat") and 32 were returned to another Dublin state ("Rückführung Dublinstaat"). However, 126 (37.5%) left Switzerland in an uncontrolled manner and 30 left in "other ways" ("Andere Abgänge").
Overall, from 2008 to 31 July 2014, 61 persons were deported back to Kosovo

19 Kleine Anfrage der Abgeordneten Ulla Jelpke, Sevim Dagdelen, Annette Groth, Inge Höger, Andrej Hunko, Katrin Kunert, Niema Movassat, Harald Petzold (Havelland), Kathrin Vogler, Katrin Werner, Jörn Wunderlich und der Fraktion DIE LINKE. Stand der Abschiebungen von Roma in den Kosovo im Herbst 2013, Deutscher Bundestag Drucksache 18/197, 18. Wahlperiode, 17.12.2013: http://dip21.bundestag.de/dip21/btd/18/001/1800197.pdf

("Rückführung Heimatstaat"), 318 left Switzerland on their own but in a supervised manner ("Kontrollierte selbständige Ausreise") and 404 left Switzerland in an uncontrolled manner ("Unkontrollierte Abreise").[20]

3.2. ROMA, ASHKALI AND BALKAN EGYPTIANS DISPLACED IN NEIGHBOURING COUNTRIES

Another 50,000 persons found refuge in the countries neighbouring Kosovo, in particular in Serbia. In 2007, around 23,000 Roma, Ashkali and Balkan Egyptians were registered as internally displaced persons (IDPs). In 2014, the UN Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani, stated that around 20,000 Roma, Ashkali and Balkan Egyptian IDPs were in Serbia.[21]

Together with the people who did not register as IDPs or who left Kosovo prior to the conflict, Serbia hosted in the aftermath of the conflict more than 46,000 Roma, Ashkali and Balkan Egyptians from Kosovo.[22] Bosnia and Herzegovina, Macedonia and Montenegro together host(ed) around 10,000 Roma, Ashkali and Balkan Egyptians from Kosovo.

According to UNHCR, 7,400 Roma, Ashkali and Balkan Egyptians returned to Kosovo voluntarily from Serbia, Montenegro, Macedonia and Bosnia and Herzegovina in the period between January 2000 and April 2015 (2,534 Roma and 4,846 Ashkali and Balkan Egyptians). Another 2,800 returned from internal displacement within Kosovo in this period. At the end of April 2015, 242 Ashkali, 280 Roma and 188 Balkan Egyptians were still officially registered as internally displaced within Kosovo.[23]

20 Asylstatistik Kosovo-Ethnien – Stand ZEMIS vom 31.07.2014
21 Human Rights Council, 26th session, UN Special Rapporteur on the human rights of Internally Displaced Persons Chaloka Beyani, Follow-up mission to Serbia, including Kosovo', A/HRC/26/33/Add. 5 June 2014
22 Jaksic, Bozidar/Basic, Goran (2002) Roma settlements, living conditions and possibilities of integration of Roma in Serbia. Belgrade: Ethnicity Research Centre. The research was conducted in 593 Roma settlements with a minimum size of 15 households, identifying 46,238 Roma, Ashkali and Egyptian IDPs; for an overall analysis of the situation of the Roma, Ashkali and Egyptian IDPs in Serbia see: UNHCR/Praxis, Analysis of the Situation of Internally Displaced Persons from Kosovo in Serbia, Belgrade March 2007.
23 UNHCR, Office of the Chief of Mission Pristina, Kosovo, STATISTICAL OVERVIEW, Update at end April 2015

Voluntary minority returns to Kosovo between January 2000 and April 2015 (Western Balkans primarily)[d]

ETHNICITY/ COUNTRY	SERBIA	MONTENEGRO	MACEDONIA	BOSNIA AND HERZEGOVINA	WITHIN KOSOVO	OTHER COUNTRIES	**TOTAL**
Serb	9,651	167	19	7	1,096	23	10,963
Albanian (in a minority situation)	1	0	1	0	1,164	0	1,166
Roma	1,469	639	373	53	968	76	**3,578**
Ashkali & Balkan Egyptians	2,021	1,866	870	89	1,839	257	**6,942**
Bosniaks	532	796	17	162	31	301	1,839
Gorani	1,185	41	14	41	21	143	1,445
Turk, Croat, Montenegrin	8	2	4	0	3	2	19
Total	**14,867**	**3,511**	**1,298**	**352**	**5122**	**802**	**25,952**

d UNHCR, Office of the Chief of Mission Pristina, Kosovo, STATISTICAL OVERVIEW, Update at end April 2015,

The data reveal that also from the Balkan region only a small percentage returned. Official data on the number of returnees who left Kosovo again are not available.

4>
Governance of return policies in Kosovo: return is not return

4. GOVERNANCE OF RETURN POLICIES IN KOSOVO: RETURN IS NOT RETURN

"The Republic of Kosovo shall promote and facilitate the safe and dignified return of refugees (...) and assist them in recovering their property and possessions."
(Constitution of the Republic of Kosovo, Art. 156)

In the first years after the end of the conflict, the UN administration was responsible for governing return policies in Kosovo. With the independence of Kosovo, the authorities of Kosovo assumed full responsibility for governing return policies. It is important to differentiate when talking about return to Kosovo. The major differences are forced and voluntary return, and return from the region (from within Kosovo, from Serbia, Montenegro, Macedonia, Bosnia and Herzegovina or Croatia) or from Western Europe.

While people who return voluntarily (in particular from the region) can in general access return assistance, this is not or only rarely available to persons who were forcibly returned from Western Europe.

Return from the region falls under the competence of the Ministry of Communities and Return while the responsibility for receiving forced returnees from Western Europe was assigned to the Ministry of Interior.

The most important policy document governing return from the region is the revised Strategy for Communities and Return (2013).

The Strategy for Communities and Return (2013) defines its target groups as "persons or groups of persons who have been forced or obliged to flee or to leave their places of permanent residence in Kosovo between January 1998 and the end of March 2004, in particular as a result of or in order to avoid the effects of armed conflict, the situation of generalised violence, (or) violations of human rights". Further it differentiates between IDPs who remained within the territory of Kosovo and displaced persons in the region (DPRs) who found refuge in Serbia, Montenegro, Macedonia, Bosnia and Herzegovina, and Croatia.

Furthermore, the Strategy for Communities and Return (2013) aims to achieve "sustainable return of internally displaced persons and displaced persons". In order to realise this, returnees receive assistance that will include "full and partial construction of their residential space, assistance with food packages - hygiene packages, furniture, firewood, helping to generate income, employment and infrastructure projects".[24]

The main activity is to facilitate the return of Kosovo Serbs who sought refuge in Serbia and Montenegro in particular. The majority of the financial resources for minority return projects were earmarked for the return of Kosovo Serbs, but Roma, Ashkali and Balkan Egyptians who returned from Serbia and other countries in the region were also able to benefit from the assistance.

A definition and an approach – which is very different to the approach applied to returnees from Western Europe – irrespective of whether they experienced the same hardships forcing them to leave Kosovo.

Returns from Western Europe are governed by the revised **National Strategy for the Reintegration of Repatriated Persons** (2013; first version in 2007), which had been designed with the main goal of returning Albanians to Kosovo. The overwhelming majority of persons returned from Western Europe are Kosovo Albanians who face a totally different situation upon return than Roma, Ashkali and Balkan Egyptians. They are not subject to discrimination and exclusion due to their ethnicity but are, on the other hand, often included in a family network which provides them with assistance and accommodation.

This division of policies and responsibilities implies that different budgets are available for the reintegration measures for returnees. Furthermore, it implicitly harbours another important differentiation: that the persons who found refuge within the region fled fighting and violence between January 1998 and March 2004 while the persons who found refuge in Western Europe fled primarily because of the economic conditions.

The mission of the Strategy for the Reintegration of the Repatriated Persons is "to provide conditions through the establishment of a fully functioning and professional mechanism for the successful and sustainable reintegration of repatriated persons and guaranteeing full socio-economic integration" for persons returned to Kosovo.

24 Government of Kosovo, Strategy for Communities and Return 2014 – 2018, adopted December 2013, page 19f. http://www.mkk-ks.org/repository/docs/Strategy_-January_2014.pdf

This different approach creates a paradoxical situation whereby Roma, Ashkali and Balkan Egyptians who fled atrocities during or immediately after the conflict and went to Western Europe seem not to be considered as refugees who fled the "effects of armed conflict, the situation of generalised violence, or violations of human rights" and are not entitled to reintegration support as a rule, while persons who fled the same day for the same reasons from the same village, but made it to Montenegro, Serbia or Macedonia, are considered to be refugees and could, as a rule, receive reintegration support including the reconstruction of dwellings upon return.

One can only speculate how this paradoxical policy is justified. Obviously, both policies were not designed to serve the needs and interests of Roma, Ashkali and Balkan Egyptians. The majority of the displaced persons are Kosovo Serbs and both Kosovo and Western Europe wanted to promote the sustainable return of Kosovo Serbs (at least on paper) in order to show that Kosovo was multi-ethnic. Thus they adopted this more favourable return policy – from which also Roma, Ashkali and Balkan Egyptians could benefit.

On the other hand the majority of Kosovo citizens who are still under temporary protection in Western Europe are Kosovo Albanians who do not face discrimination and exclusion upon return and are not, therefore, in such great need of comprehensive assistance programmes upon return. However, this also means that Roma, Ashkali and Balkan Egyptians forcibly returned from Western Europe do neither receive comprehensive assistance upon return.

Another important differentiation affects Roma, Ashkali and Balkan Egyptians. In the first years after the conflict the rules for accessing reconstruction assistance which facilitated return were less strict and more financial resources were available. However, the security situation during this time prevented large-scale return and the return of Roma, Ashkali and Balkan Egyptians was not a priority for the international community.

Late returns thus entailed another negative impact: The former dwellings of the refugees in many cases had been illegally occupied for years or even destroyed in the meantime, depriving them of accommodation upon return.

5>
Return from Western Europe

5. RETURN FROM WESTERN EUROPE

Return from Western Europe is governed by bilateral readmission agreements that the Kosovo government has signed with a number of Western European countries and domestic policy documents, in particular the Strategy for the Reintegration of Repatriated Persons with all related documents. The Western European countries returning persons back to Kosovo are further bound by international obligations and all of them are signatories to the 1951 Convention on the Status of Refugees.[25] EU member states are further legally bound by the relevant council directives (Council Directive 2005/85/EC; Council Directive 2008/115/EC and Council Directive 2011/95/EU).[26]

The exact numbers of returnees and the percentage of Roma, Ashkali and Balkan Egyptians cannot be fully established and the available numbers are sometimes even contradictory.

The Ministry of Internal Affairs of Kosovo (MIA) has provided data on returnees for the period from January 2014 to June 2015. [27] Overall, between January 2014 and June 2015, 15,110 persons returned to Kosovo, but in the Case Management System (CMS) of the MIA only 5,601 returnees from Western Europe were registered.[28] Only 977 of the registered returnees were Roma, Ashkali and Balkan Egyptians (17.4%).

In **2014**, in total 4,610 persons returned to Kosovo: 2,986 by force (64.7%) and 1,064 voluntarily (35.2%). The MIA's CMS registered 2,857 persons. A total of 2,006 were forcibly returned (70.2%) and 851 voluntarily (29.7%).
Of the persons registered in the MIA's CMS, 1,928 persons were Kosovo Albanians (67.4%), 424 Roma (14.8%), 203 Ashkali (7.1%) and 23 Balkan Egyptian (0.8%). The main sending countries were: Germany with 643 persons, Hungary with 472, Switzerland with 379, France with 304, Austria with 229, Sweden with 212, Belgium with 166 and 451 from other countries.

25 UNHCR: Convention and Protocol relating to the Status of Refugees, 1951: http://www.unhcr.org/3b66c2aa10.html (3.12.2014).
26 Council Directive 2005/85/EC (Art. 38): "precise and up-to-date information from various sources, such as, where appropriate, from the UNHCR, as to the general situation prevailing in the countries of origin of the persons concerned". Council Directive 2008/115/EC (Art. 5): in decisions on repatriation and during the repatriation process itself, member states take into account the best interests of the child, family life and the state of health of the third-country national concerned. Council Directive 2011/95/EU (Art. 4, Para. 1): all applications for international protection assessed on an individual basis considering factors such as background, gender and age and accounting for "all relevant facts as they relate to the country of origin at the time of taking a decision on the application, including laws and regulations of the country of origin and the manner in which they are applied."; Art. 6: Refugees can equally be seeking protection from non-state actors or state actors. Acts of persecution include both serious individual acts as well as an accumulation of various measures; Art. 10, Paras. 1 and 2: (perceived) ethnic differences to be considered when assessing the likelihood of a returnee facing persecution.
27 Email from the Ministry of Internal Affairs of the Republic of Kosovo from 11. September 2015
28 The Case Management System registers returnees who apply for assistance and are eligible to assistance.

In the period from **January to June 2015**, the number of returned persons considerably increased. In total 10,500 returned; out of them 6,059 returned voluntarily (57.7%) while 4,441 were forcibly returned (42.3%), which represents a considerable change compared to 2014.

Only a relatively small number were registered upon return in the MIA's CMS: 2,744 returnees were registered in total. Up to 2,463 were forcibly returned (89.7%) and 281 voluntarily (10.2%). Of these, 2,360 persons were Kosovo Albanians (86%), 172 Roma (6.2%), 137 Ashkali (5%) and 18 Balkan Egyptian (0.6%).

More than half of the returnees came from Germany, amounting to 1,660 (60.5%). Other sending countries were Austria with 462, Hungary with 166, Switzerland with 98, Sweden with 92, France with 78, Belgium with 40 and 148 from other countries.

According to the Government Strategy for the Reintegration of Repatriated Persons (2013), **between 2010 and mid-2103**, 2,056 Roma, 787 Ashkali and 42 Balkan Egyptians (2,885 in total) were returned from Western Europe. The majority of returnees were, however, Kosovo Albanians with 11,635 persons out of the 15,934 returnees in total.[29]

Based on available government resources, 3,962 Roma, Ashkali and Balkan Egyptians have been registered as returnees from Western Europe since 2010 (excluding the second half of 2013), constituting 18.4% of the registered returnees from Western Europe in this period.

29 ECMI reported, referring to UNHCR, that between 2008 and 2012, 1,046 Kosovo Roma, 332 Kosovo Ashkali, 15 Balkan-Egyptians (in total 1,393 persons) were forcibly returned. See European Centre for Minority Issues (ECMI), The repatriation process in Kosovo, Pristina 2013. IOM provided data for 2013 on "assisted voluntary return and reintegration". According to this information 496 returnees participated in the programme; 28% were Roma, Ashkali and Balkan Egyptians (139 persons). The main countries of origin were Austria and Belgium with 125 and 121 persons respectively (information on file with the STP).

Available official data on returns from Western Europe to Kosovo[e]				
ETHNICITY/YEAR	01-06/2015	2014	2010-06/2013	TOTAL
Albanians	2,360	1,928	11,635	15,923
Roma	172	424	2,056	2,652
Ashkali	137	203	787	1,127
Balkan Egyptians	18	23	142	183
Other	57	279	1,314	1,650
Total	**2,744**	**2,857**	**15,934**	**21,535**

e Different sources see above

Clearly, the number of Roma, Ashkali and Balkan Egyptians deported back to Kosovo who actually registered themselves upon return is relatively small in comparison with the number of persons who were supposed to leave their temporary host country.

5.1. READMISSION AGREEMENTS AND MIGRATION PARTNERSHIP

In order to manage the return process from Western Europe, 16 Western European countries signed so-called readmission agreements with the Republic of Kosovo during the course of 2010 and 2011 (in case of Switzerland a "migration partnership").[30] All of these agreements are very similar and govern both voluntary and forcible returns. They focus specifically on the technical aspects of the transfer of returnees, referring to human rights only to the extent that the agreements cannot contradict any international agreements.

30 Bundeskanzleramt (BKA): Abkommen zwischen der Österreichischen Bundesregierung und der Regierung der Republik Kosovo über die Übernahme und Durchbeförderung von Personen (Rückübernahmeabkommen), January 2011: http://www.ris.bka.gv.at/GeltendeFassung/Bundesnormen/20007175/R%C3%BCck%C3%BCbernahmeabkommen%20samt%20Durchf%C3%BChrungsprotokoll%20%28Kosovo%29%2c%20Fassung%20vom%2019.01.2015.pdf (19.1.2015); Bundesministerium des Innern (BMI): Bekanntmachung des Abkommens zwischen der Bundesrepublik Deutschland und der Regierung der Republik Kosovo über die Übernahme und Durchbeförderung von Personen (Rückübernahmeabkommen), April 2010: http://www.bgbl.de/banzxaver/bgbl/start.xav?start=//*%5B@attr_id='bgbl210s0259.pdf'%5D#__bgbl__%2F%2F*%5B%40attr_id%3D%27bgbl210s0259.pdf%27%5D__1420465159066 (10.12.2015); Republic of Kosovo, Office of the President: Agreement between the Kingdom of Belgium, The Grand Duchy of Luxembourg and the Kingdom of the Netherlands (The States of the Benelux) and the Republic of Kosovo concerning the readmission of persons who have entered and/or are residing without Authorisation (Readmission Agreement), July 2011: http://www.mfa-ks.net/repository/docs/Marr._Ks-Belgjike,_Luxemburg,_Holande_(anglisht).pdf (10.12.2014); Republic of Kosovo, Office of the President: Agreement between the Government of the Republic of Kosovo and the Government of the French Republic on the readmission of persons residing without authorisation, January 2010: http://www.mfa-ks.net/repository/docs/Marrveshja_Ks.Fr_(anglisht).pdf (10.12.2014); Republic of Kosovo, Office of the President: Agreement between the Government of the Republic of Kosovo and the Government of the Kingdom of Sweden on Readmission of Persons, October 2011: http://www.mfa-ks.net/repository/docs/Marr._Ks-Suedi_%28mbi_ripranimin_e_personave%29_anglisht.pdf (19.1.2015); Schweizerische Bundesrat: Abkommen zwischen dem Schweizerischen Bundesrat und der Regierung der Republik Kosovo über die Rückübernahme von Personen mit unbefugtem Aufenthalt, February 2010: http://www.admin.ch/opc/de/official-compilation/2010/2107.pdf (10.12.2014).

The migration partnership between Switzerland and Kosovo is a memorandum of understanding between the two states in which the parties seek to improve co-operation and dialogue to maintain an efficient, sustainable and humane repatriation regime. The conditions for minorities are explicitly mentioned as an important factor in this partnership.[31] One of the main goals of Switzerland's migration partnership policy is to link the areas of migration and development.[32]

5.2. LEGAL AND POLICY FRAMEWORK IN KOSOVO FOR FORCIBLE RETURNS

In 2007, the UNMIK administration in Kosovo in cooperation with the Provisional Interim Self-Government of Kosovo (PISG) developed a Strategy for the Reintegration of Repatriated Persons and an action plan for its implementation in order to cope with the forcible return of persons from Kosovo under temporary protection in Western Europe.[33] Although a considerable number to be returned and governed by the strategy were Roma, Ashkali and Balkan Egyptians, the strategy did not address their particular needs.

Since then, the authorities of the independent Kosovo revised the strategy twice – in 2010 and 2013 – without fully taking into account the specific needs of the returning Roma, Ashkali and Balkan Egyptians (see below for more details).[34]

5.2.1. THE NATIONAL STRATEGY FOR THE REINTEGRATION OF REPATRIATED PERSONS

The 2013 document constitutes progress in comparison to the former versions insofar as it acknowledges that Roma, Ashkali and Balkan Egyptian returnees are vulnerable groups who are in need of assistance with regard to civil registration, including them in education and resolving their housing issue.[35]

31 Federal Department for Foreign Affairs (EDA): Memorandum of Understanding between the Swiss Federal Council and the Government of Kosovo Establishing a Migration Partnership between Swiss Confederation and the Republic of Kosovo, February 2010: https://www.eda.admin.ch/content/dam/eda/en/documents/topics/memorandum-of-understanding-kosovo-migration_en.pdf (12.1.2015); BFM: Strategie Migrationspartnerschaften Schweiz-Westbalkan 2012-2015, February 2012: https://www.bfm.admin.ch/dam/data/bfm/internationales/internat-zusarbeit/bilaterales/keine-sr-nr/2012-2015-strategie-migpartner-WBALKAN-d.pdf (8.1.2015); Die Bundesversammlung – Das Schweizer Parlament: 13.3472 – Interpellation - Reintegration der Roma-Minderheit. Mangelhafte Umsetzung der Migrationspartnerschaft zwischen der Schweiz und Kosovo, 19 June 2013: http://www.parlament.ch/d/suche/seiten/geschaefte.aspx?gesch_id=20133472# (1.4.2015).

32 EDA: Migration partnerships: https://www.eda.admin.ch/eda/en/home/aussenpolitik/menschenrechte-menschliche-sicherheit/migration/migrationspartnerschaften.html (27.04.2015).

33 Strategy for Reintegration of Repatriated Persons, October 2007: http://kosovoroma.files.wordpress.com/2008/02/reintegration-strategy_eng.pdf (5.11.2014); Action Plan: Implementing the Strategy for Reintegration of Repatriated Persons, 2008 (last updated in 2010): http://www.mpb-ks.org/repository/docs/PLANI_I_VEPRIMIT_I_MODIFIKUAR_final%2027%20shtator%202010.pdf (10.11.2014).

34 Government of Kosovo: National Strategy for Reintegration of Repatriated Persons in Kosovo, October 2013: http://www.mpb-ks.org/repository/docs/National_Strategy_for_Reintegration_of_Repatriated_Persons.pdf (5.11.2014).

35 Government of Kosovo: National Strategy for Reintegration of Repatriated Persons in Kosovo, October 2013, p. 7: http://www.mpb-ks.org/repository/docs/National_Strategy_for_Reintegration_of_Repatriated_Persons.pdf (5.11.2014).

On the other hand, both the 2010 and the 2013 version omit an important issue of the 2007 version. The 2007 version of the Strategy for the Reintegration of Repatriated Persons recommended that returnees "be provided with the possibility of regularising their property status through the registration of previous informal transfers, the allocation of property title and/or other existing measures to confer legal security of tenure to persons lacking it, in line with international human rights standards."[36]

Furthermore, the revised strategy does not address relevant issues such as discrimination or impunity for perpetrators who committed crimes against Roma, Ashkali and Balkan Egyptians.

The purpose of the strategy is to set out the services and assistance that should be available to repatriated persons on arrival in Kosovo, to define the organisations and governmental departments responsible for each particular service and goal, and to plan new legislation to improve the situation faced by returnees. The overarching goal is to have a coordinated and measurable system for the reception and reintegration of the large numbers of former refugees returning to the country, which had previously been lacking.[37] However it is important to know that the strategy also aims at achieving a visa-liberalisation agreement with the EU.[38]

The strategy foresees several bodies to govern and oversee the reintegration policy. **The Department for the Reintegration of Repatriated People (DRRP)** within the Ministry of Internal Affairs is the main operative institution at central level, implementing and coordinating the reintegration policy. It is responsible for the coordination and training of municipal officials, processing reintegration funding requests prior to the executive board and maintaining contact with the repatriated. In addition, the office is also responsible for the airport monitoring team that collects the relevant data of arriving repatriates and provides them with basic assistance in case it is needed upon arrival. The department publishes regular activity reports with disaggregated data on the beneficiaries of assistance programmes available for returnees.

36 United Nations Administration in Kosovo/Provisional Interim Self-Government, Strategy for Reintegration of Repatriated Persons. Approved by the Government of Kosovo on 10 October 2007
37 Government of Kosovo: Revised Strategy for Reintegration of Repatriated Persons, May 2010, pp.5-6: http://www.mpb-ks.org/repository/docs/Strategjia%20per%20Riintegrimin%20e%20personave%20te%20Riatdhesuarenglish.pdf (5.11.2014).
38 Government of Kosovo: Revised Strategy for Reintegration of Repatriated Persons, May 2010, pp. 5 and 8: http://www.mpb-ks.org/repository/docs/Strategjia%20per%20Riintegrimin%20e%20personave%20te%20Riatdhesuarenglish.pdf (5.11.2014).

The Central Commission for Reintegration (CCR) is the decision-making body at the central level, which is comprised of representatives from several ministries (Ministry of Internal Affairs, Ministry of Labour and Social Welfare, Ministry of Environment and Spatial Planning (MESP), Ministry of Health, Ministry of Agriculture, Forestry and Rural Development). It decides if repatriated persons requesting assistance are eligible for the reintegration programme such as approval of housing (re)construction and income generation requests, as well as requests for medical assistance.

Among its activities, the MESP is not tasked with facilitating the legalisation of informal settlements – an indispensable requirement for the return of Roma, Ashkali and Balkan Egyptians – nor does its task description refer to their specific situation at all.[39] This demonstrates how limited the specific situation of Roma, Ashkali and Balkan Egyptians has been taken into account when defining the return process.

5.2.2. ACTION PLAN

With the 2013 strategy a new action plan has been published, superseding the original version. The action plan provides for objectives, activities, results, indicators, defines the responsible and supporting institutions, the timeframes of the activities and the approximate costs. The action plan has the following three main components:[40]

- Strengthening institutional capacities, installing a monitoring and evaluation system, and decentralising competences
- Drafting and implementing comprehensive policies at the local level aimed at achieving sustainable reintegration
- Public awareness and social mobilisation

39 Reintegration Strategy (2013), Chapter "VII.2.1. Central Level - Ministries involved in the process of reintegration at central level", page 14.
40 Republic of Kosovo, Government, Action Plan Implementing the Strategy for the Reintegration of Repatriated Persons

5.2.3. REINTEGRATION FUND

In May 2010, the **Reintegration Fund** was established. It is intended to allocate the budgetary funds to support the implementation of the measures outlined by the revised strategy. The fund is aimed at providing repatriated persons in need with direct humanitarian assistance (e.g. transport, temporary shelter, and food and hygiene items) and assisting them with regard to accommodation and (sustainable) socio-economic reintegration.

While in 2010, a total of €500,000 was pledged for the implementation of the strategy, the annual amount increased to €3,420,150 in 2011 and to €3,170,150 from 2012–2015.[41]

5.2.4. REGULATION ON THE REINTEGRATION OF REPATRIATED PERSONS AND MANAGEMENT OF THE REINTEGRATION PROGRAMME

The regulation was adopted by the government in September 2013.[42] It is structured in six chapters and determines the rights and types of assistance for repatriated persons with regard to: assistance upon arrival, assistance packages, health, education, employment and housing.

Further, it defines the responsibilities of the central and municipal bodies involved, the establishment of basic eligibility criteria for the reintegration programme, and the description of the management programme for the Reintegration Fund. The 2013 regulation on the implementation of the 2013 strategy confirms that the strategy is applicable only to persons who left Kosovo before 28 July 2010.[43]

5.2.5. OVERVIEW OF BENEFICIARIES FROM THE ROMA, ASHKALI AND BALKAN EGYPTIAN COMMUNITIES[44]

The Ministry of Internal Affairs compiled the following information on Roma, Ashkali and Balkan Egyptians benefiting from the available services according to the reintegration strategy. Beneficiaries might be eligible for more than one service.

41 Reintegration Strategy (2013), Chapter IV.3., p. 10 and Chapter VIII.2.1., p. 22.
42 Republic of Kosovo: Regulation GRK No. 20/2013 on Reintegration of Repatriated Persons and Management of the Reintegration Program, 13 August 2013: https://kk.rks-gov.net/lipjan/getattachment/Home/RREGULLORE_QRK_NR_202013_PER_RIINTEGRIMIN_E_PERSONAVE_TE_RIATDHESUAR_DHE___100920121_(3)_13032014.pdf.aspx (27.4.2015)
43 Government of Kosovo, Regulation GRK No. 20/2013 on Reintegration of Repatriated Persons and Management of the Reintegration Program: http://www.kryeministri-ks.net/repository/docs/RREGULLORE_QRK_NR_202013_PER_RIINTEGRIMIN_E_PERSONAVE_TE_RIATDHESUAR_DHE...10092012.pdf
44 Based on information provided by the Ministry of Internal Affairs. Email of 11. September 2015

Services offered by the Reintegration Department of the Ministry of Internal Affairs for the period January 2013 to June 2015		Ashkali	Egyptian	Roma
Transport to municipality of origin	persons	134	6	349
Temporary accommodation (7 days) in the accommodation centre and prepared food (served)	persons	25	5	155
Food and hygiene packages	persons	140	85	388
Rental accommodation up to 12 months	persons	77	13	248
Medical health package	persons	4	1	4
Winter package (firewood)	families/ individuals	24	35	71
Construction/reconstruction of houses	families/ individuals	8	2	9
House renovation	families/ individuals	1	0	0
House furniture/inventory	families/ individuals	4	5	4
Financing of business plan	families/ individuals	42	19	30
Vocational training – preparation for labour market	persons	22	9	20
Employment	persons	5	1	3
Organising language lessons (subsidy classes)	students	40	33	48

According to data from the Ministry of Internal Affairs 218 Roma, Ashkali and Balkan-Egyptians who were beneficiaries of the Reintegration Fund left Kosovo (41 families with 195 persons and 23 individuals) between January 2014 and June 2015. The vast majority of them (194 persons) had been forcibly returned to Kosovo from Western Europe. The majority were Roma (164 persons); in addition, 38 Ashkali and 16 Balkan Egyptians left Kosovo again.[45]

45 Email from Ministry of Internal Affairs of 11. September 2015

6>
Challenges for return – Results of the STP survey

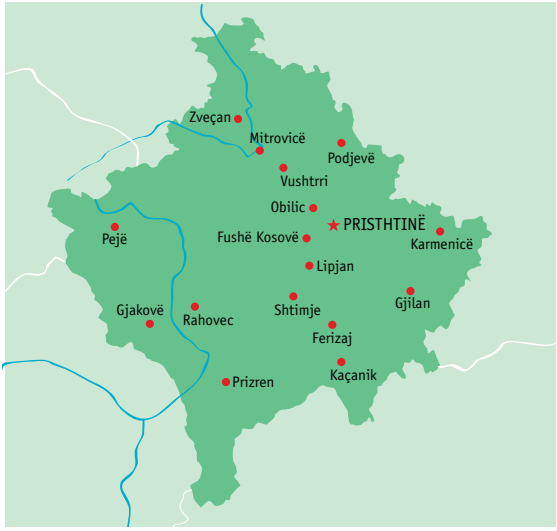
6. CHALLENGES FOR RETURN – RESULTS OF THE STP SURVEY

"The European Court of Human Rights has long held that discrimination may constitute degrading treatment in violation of Article 3 of the European Convention on Human Rights. In particular, the Court has established that if a population was condemned to live under debasing conditions which violated the very notion of respect for the human dignity of its members, such discriminatory treatment amounts to degrading treatment and therefore a violation of Article 3 of the Convention."[46]

As the numbers demonstrate the actual return rate or rate of returned persons staying in Kosovo is very low. The government's Strategy for the Reintegration of Repatriated Persons identified a number of challenges for returnees, including for Roma, Ashkali and Balkan Egyptians, such as access to documents, to education, to health service, to housing and to the labour market. Roma, Ashkali and Balkan Egyptians, however, often face upon return discrimination, the non-prosecution of crimes committed against them and the non-implementation of relevant policies and laws.

6.1. RESULTS OF THE STP SURVEY

6.1.1. PROFILE OF THE SURVEY PARTICIPANTS



46 Reliefweb, European states regularly force Roma to return to Kosovo, where they face widespread discrimination: http://reliefweb.int/report/serbia/european-states-regularly-force-roma-return-kosovo-where-they-face-widespread

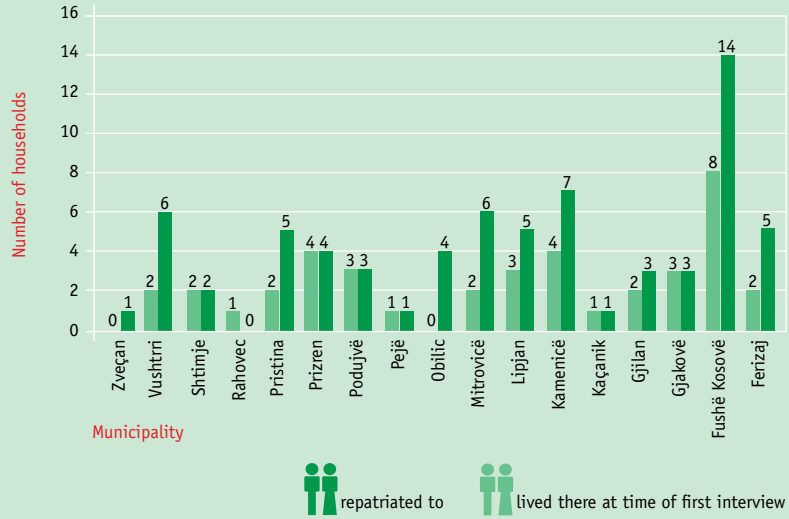
In total, the survey covers 70 households made up of 215 persons, 106 of whom live in Kosovo and 109 in Serbia. In total, 86 were children born after 1996; the majority were born in Western Europe. This means that for the majority of the children the terms "return" and "repatriation" are not adequate to describe their actual situation. Rather, these children have been sent to live in a totally foreign country.
The households from the sample who were residing in Kosovo at the time of the interviews were predominantly from the Ashkali community (28 households out of 40), while those who had migrated further to Serbia were predominantly from the Roma community (27 out of 30).

Figure 1 shows the municipalities the interviewees were returned to and how many of them stayed there at the time of the first interview in winter 2014/2015. In particular, households that were returned to towns in central Kosovo moved to another municipality in Kosovo or to Serbia. In Fushë Kosovë, eight out of 14 households stayed; in Vushtrri and Mitrovicë each, two out of six households; in Pristina, two out five, and in Obiliq, not one single household out of the five decided to remain.

The main area where interviews took place with returnees who had moved further from Kosovo to Serbia was the South Backa region (seven households) and the Sumadija region (six households).

Fig.1

Where people were returned to and how many are left



6.1.2. MIGRATION HISTORY AND INTENTION

Fig.2

Countries households were repatriated from

35 Germany

11 Sweden

8 France

4 Belgium

4 Austria

3 Switzerland

3 Norway

1 Denmark

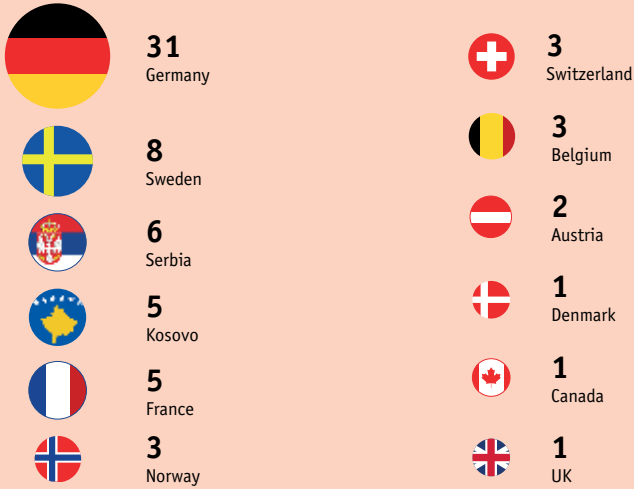
1 Canada

Fig.3

Years spent in host country before repatriation

Fig.4

Countries where households prefer to move to



A total of 35 households (50%) were returned from Germany, while 11 came from Sweden and eight from France (Figure 2). The average time they had lived in their respective host countries was eight years. Figure 3 shows the length of time spent by each household in the sample in the host countries.

The overwhelming majority of the interviewed households intend to return to Western Europe. The main destination remains Germany (31 families), followed by Sweden with eight families (Figure 4).

Only five households, or 7%, stated that they would like to stay in Kosovo. Six families, or 8.6%, in Serbia said that they would like to continue to live in Serbia.

When the STP tried to contact the households again in July/August 2015, it transpired that out of the 40 households interviewed in Kosovo only seven (17.5%) were still living in Kosovo. A total of 33 of the households had left the country again. From Serbia, 50% of the households previously interviewed had left for Western Europe.

6.1.3. INFORMATION RECEIVED UPON RETURN

According to the reintegration strategy, forced returnees are, upon arrival in Kosovo, eligible to the following services:

Services to be provided on arrival in Kosovo[47]

- Publish information leaflets for repatriated persons
- Provide assistance at the moment of arrival at Pristina Airport and at the border crossing points
- Provision of transportation services and of temporary shelter and emergency medical assistance

The Municipal Committee for Reintegration (MCR) reviews and takes decisions on the applications of repatriated persons on the following:

- Supply with food and hygiene items
- Sheltering/housing (up to 7 days)
- Provision of medical assistance
- Additional (ad hoc) assistance as needed
- Package of material assistance
- Package of furniture assistance
- Package of winter assistance (firewood)

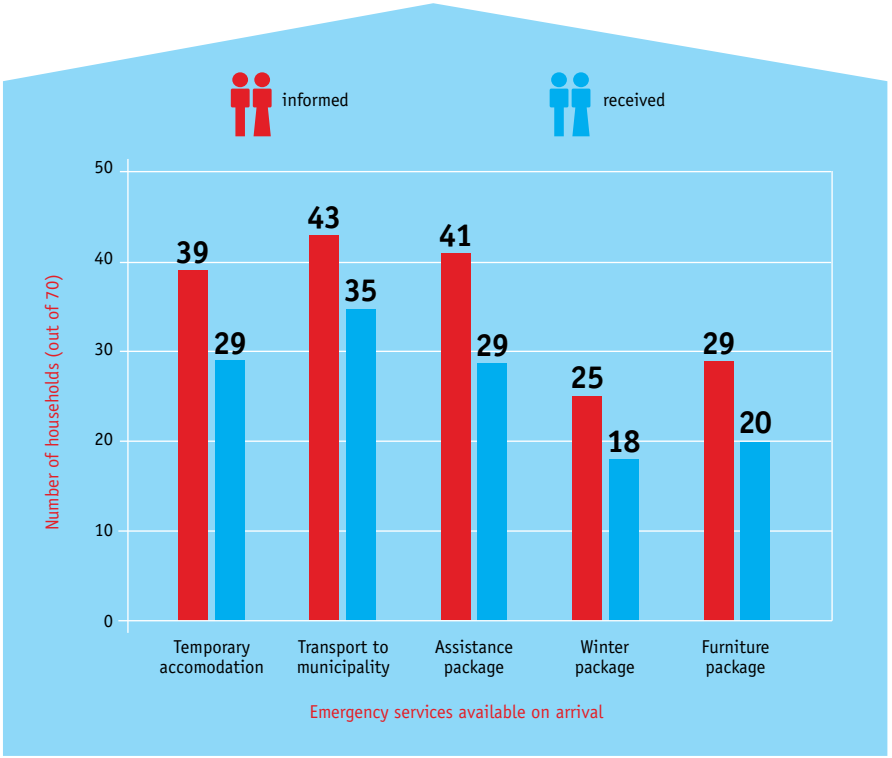
Despite these obligations of the government of Kosovo, 19 households (27.1%), including both those residing in Kosovo and those who had moved to Serbia in the meantime, claim not to have received information on arrival in Kosovo.

The services listed on the horizontal axis of the figure 5 depict the emergency benefits. It is the responsibility of the MCR to decide if a family should be granted these services, therefore it is not a right per se of the family.

47 Revised Reintegration Strategy (2010), pp. 9-10 and 15; Action Plan (2008), pp. 12-13; Republic of Kosovo: Regulation Nr. 10/2012 on Management of the Programme, Competent Bodies, Procedures and Criteria for Benefit for Reintegration of Repatriated Persons, Art. 4: http://www.kryeministri-ks.net/repository/docs/Rregullore_Nr_10_2012_per_Menaxhimin_e_Programit_Organet_Kompetente_Procedurat_dhe_Kriteret_e_Perfitimit_per_Riintegrimin_e_Personave_te_Riatd.pdf (20.4.2015).

Fig.5

Households informed vs. households receiving services



However, Article 35 of Regulation NR. 20/2013 on the Reintegration of Repatriated Persons and Management of the Reintegration Programme states that anyone refused these benefits has 15 days to appeal against the decision.[48]

For this to occur, a member of the household must be informed about their rights. As the red bars in Figure 5 show, this was often not the case. This regulation has only been in place since September 2013, so in several cases there was no

48 Republic of Kosovo: Regulation NR. 20/2013 on Reintegration of Repatriated Persons and Management of the Reintegration Program, Art. 35: http://www.kryeministri-ks.net/repository/docs/RREGULLORE_QRK_NR_202013_PER_RIINTEGRIMIN_E_PERSONAVE_TE_RIATDHESUAR_DHE...10092012.pdf (20.4.2015).

obligation to inform the households about their rights. However, there was a commitment to provide these services in the revised reintegration strategy, the action plan and Regulation Nr. 10/2012 on the Management of the Programme, Competent Bodies, Procedures and Criteria for Benefit for the Reintegration of Repatriated Persons.

6.2. KOSOVO: CHALLENGES TO RETURN AND REINTEGRATION

6.2.1. DISCRIMINATION

Discrimination can be considered as a cross-cutting issue determining or at least contributing to the other obstacles. Even the European Commission admitted in its latest progress report (autumn 2014) that discrimination prevails in Kosovo. "In general, Roma, Ashkali and Egyptian communities continue to face major challenges, notably difficult socio-economic circumstances, a lack of education, weak healthcare and discrimination."[49]

The access to the labour market illustrates the importance of discrimination: unemployment and nepotism is a problem all over Kosovo; however, Roma, Ashkali and Balkan Egyptians are even more affected than members of other communities. In both the public and the private labour market, employers prefer to employ members of their communities (in Albanian majority areas Albanians; in the so-called Serb municipalities Serbs). Taking into account the scarce resources and the lack of political will to change this situation, Roma, Ashkali and Balkan Egyptians remain last in the queue (and the forced returnees from Western Europe are the very last in this queue) without any prospects for earning a living.

The STP survey confirms this situation. Among the returnees interviewed in Kosovo, not a single household had a member in formal employment and only 16 households (40%) were able to earn some money from informal work.

It is important to note that in the survey none of the respondents stated directly that they had experienced discrimination. However, when the respondents who stated that their children do not attend school were asked why, they mentioned the negative attitude of teachers and schoolmates towards the Roma, Ashkali and Balkan Egyptian children.

49 European Commission: Commission Staff Working Document: Kosovo Progress Report 2014, October 2014, p. 21: http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-kosovo-progress-report_en.pdf

Reports detail that Roma, Ashkali and Balkan Egyptian returnees are discriminated against when trying to access support from the government and that returning Albanians have easier access to assistance.[50] The non-implementation of laws and policies relevant in particular for these three communities, that were originally aimed at improving employment or housing, serves as another indicator of their discrimination by state authorities (see below chapter 6.2.2., 6.2.5. and 6.2.6.).

6.2.2. NON-APPLICATION OF EXISTING LAWS AND POLICIES

The government of Kosovo has adopted several laws and policies which should have direct or indirect impact on the integration of returnees from Western Europe; however, it hardly implements these laws and policies (e.g., Law on the Protection and Promotion of the Rights of Communities, Law amending the Law on Spatial Planning, National Strategy for the Integration of Roma, Ashkali and Egyptians).

Chapter 6.2.5 refers to the non-application of the Law amending the Law on Spatial Planning; Chapter 6.2.6 refers to the non-application of the Law on the Protection and Promotion of the Rights of Communities.

For Western European governments as well as the European Union, the mere existence of these laws and policies are sufficient to justify forcible returns, regardless of whether they are implemented.

6.2.3. NON-PROSECUTION OF CRIMES AND LACK OF SECURITY

Another challenge is the **non-prosecution of crimes** committed against members of the three communities in particular during and after the conflict, and the lack of willingness among politicians and society in Kosovo to accept or even to talk about crimes committed against Roma, Ashkali and Balkan Egyptians. Roma, Ashkali and Balkan Egyptians are collectively labelled as "collaborators" with the Serb regime, which is used as a justification for their unequal treatment to this day. In general, this "collective guilt" is extended to all Roma, Ashkali and Balkan Egyptians, even if they were not in Kosovo at the time of the atrocities or they were also targeted by the Serb regime.

50 http://www.balkaninsight.com/en/article/roma-deported-by-eu-face-harsh-reality-in-kosovo

This attitude clearly constitutes an obstacle to the return and to the integration of Roma, Ashkali and Balkan Egyptians on an equal footing in general.

Due to impunity for persons who committed crimes against Roma, Ashkali and Balkan Egyptians, returnees might be forced to live with persons who participated in crimes against their communities in the aftermath of the conflict without being brought to justice.[51]

In 2011, the EU Special Investigative Task Force (SITF) was established. Its mandate is to conduct an independent criminal investigation into the allegations of war crimes and organised crime contained in the Council of Europe (CoE) report of January 2011 by Senator Dick Marty, as well as other possible crimes connected to those allegations.[52] In the meantime, the parliament in Pristina adopted the necessary constitutional amendments that allow for the establishment of a war crimes court outside of Kosovo dealing with these issues.[53] The SITF and the war crimes court might be in more of a position to address crimes committed against Roma, Ashkali and Balkan Egyptians and to stop the climate of impunity that continues to prevail

FINDINGS OF THE STP SURVEY

While all households interviewed in Kosovo stated that they felt safe there, 70% of the households that had moved to Serbia stated feeling or having felt unsafe in Kosovo.

51 Jelena Grujic Zindovic, Unaddressed Roma War Traumas: http://balkanist.net/unaddressed-roma-war-traumas/
52 See the website of SITF for more information: http://sitf.eu/index.php/en/
53 http://balkans.aljazeera.net/vijesti/skupstina-kosova-podrzala-formiranje-specijalnog-suda

6.2.4. ACCESS TO CIVIL DOCUMENTS

The strategy identified acquiring documents as a major problem for returnees, in particular for Roma, Ashkali and Balkan Egyptians. Without these documents they often cannot access public services or exercise their civil and political rights.[54]

Rights affected

- Right to nationality[55]

Relevant reintegration strategy commitments

- Multilingual information brochure on registering civil status and acquiring documents distributed in sending countries. Further information on arrival in Kosovo.[56]

Responsible authorities

- Until 2013: Ministry of Internal Affairs (MIA);
- Since 2013: In addition to the MIA, the Municipal Reintegration Commission (MRC) and Municipal Office for Communities and Return (MOCR)[57]

Several recent reports by international governmental bodies and institutions have described access to civil documents as being a major problem for members of the Roma, Ashkali and Balkan Egyptian communities returning to Kosovo from Western Europe.[58]

In September 2013, a Council of Europe advisory committee criticised the persistence of problems faced by Roma, Ashkali and Balkan Egyptian communities when having to provide the proofs necessary to register children at birth.[59] Human

54 Reintegration Strategy (2013), Chapter IV.3.1. (Personal documentation and certification issues), p.11.
55 UDHR (Art. 15, Paras. 1 and 2).
56 Reintegration Strategy (2010), Chapter 2, pp. 11-12; Reintegration Strategy (2013), p. 21.
57 Reintegration Strategy (2013), p. 19.
58 For example: European Commission: Commission Staff Working Document: Kosovo Progress Report 2014, October 2014, pp. 20-21: http://eeas.europa.eu/delegations/kosovo/documents/eu_kosovo/20141008_kosovo_progress_report_2014_en.pdf. (14.11.2014); Council of Europe: Advisory Committee on the Framework Convention for the Protection of National Minorities, September 2013, paras. 13 and 59: http://www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/PDF_3rd_OP_Kosovo_en.pdf (14.11.2014); OSCE: Implementation of the Action Plan on the Strategy for the Integration of the Roma, Ashkali and Egyptian Communities in Kosovo, May 2011, p.9: http://www.osce.org/kosovo/77413?download=true (12.11.2014); United Nations General Assembly: Human Rights Council: Report of the Special Rapporteur on the Human Rights of Internally Displaced Persons, Chaloka Beyani (A/HRC/26/33/Add.2), June 2014, Para. 11: http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G14/042/17/PDF/G1404217.pdf?OpenElement (12.11.2014).
59 Council of Europe: Advisory Committee on the Framework Convention for the Protection of National Minorities, September 2013: http://www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/PDF_3rd_OP_Kosovo_en.pdf (14.11.2014).

Rights Watch in their World Report 2015, describe the situation in which "Roma, Ashkali and Egyptian communities continued to face problems in obtaining personal documents, which hamper their access to health care, social assistance, and education"[60], while Terre des hommes in their August 2014 report describe how the lack of birth registrations and statelessness continue to be problematic in Kosovo.[61]

The problem also has a knock-on effect on the rights of access to housing, education, healthcare and employment.[62] Roma, Ashkali and Balkan Egyptians often have difficulties acquiring documents because of a lack of awareness of its importance, a lack of will on the part of the authorities to enable them to do so, and the fact that most of their neighbourhoods are informal settlements. So they do not have the necessary proof of residency that enables them to reclaim or move into their former dwellings or to get other forms of documents.[63]

Many returnees do not have birth certificates at all. Either their birth was not legally registered, or they lost the document when they fled, or they left their birth certificate in the country from which they returned.[64] In some cases, documents provided by the pre-war Serbian authorities can only be renewed in Serbia, which requires a long and expensive journey and renewal procedure.[65] Without a birth certificate, it is virtually impossible to get an identification card, which is necessary to gain access to public services.[66] Even worse, without such documents a person is de facto stateless.

The Kosovo government undertook some initiatives to address this problem. In October 2011, as part of the effort to improve the legal framework relating to the rights of repatriated persons, the Law on Citizenship of Kosovo (Law No. 04/L-215) was amended to ensure that babies could be registered at birth and acquire citizenship regardless of the status of their parents ("A child born or found in the territory of the Republic of Kosovo whose parents are unknown or stateless shall

60 Human Rights Watch: World Report 2015: Events of 2014, January 2015, p. 473: http://www.hrw.org/world-report/2015 (30.1.2015).
61 Terre des hommes: Half way home: Monitoring the Reintegration of Children Returned from EU Countries to South-East European Countries, August 2014, p. 36: http://childhub.org/sites/default/files/library/attachments/half_way_home_tdh_en_web_uj.pdf (30.1.2015).
62 Council of Europe (2013), Para. 13; Terre des hommes: Half way home: Monitoring the Reintegration of Children Returned from EU Countries to South-East European Countries, August 2014, p. 36: http://childhub.org/sites/default/files/library/attachments/half_way_home_tdh_en_web_uj.pdf (30.1.2015).
63 Council of Europe (2013), Para. 59; Human Rights Watch (2015), p. 473; United Nations General Assembly (UNGA): Human Rights Council: Report of the Special Rapporteur on the Human Rights of Internally Displaced Persons, Chaloka Beyani (A/HRC/26/33/Add.2), June 2014, Summary and Para. 21: http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G14/042/17/PDF/G1404217.pdf?OpenElement (12.11.2014).
64 Schweizerische Flüchtlingshilfe: Kosovo: Rückführung von Roma, Ashkali und Ägyptern, March 2012, p. 12: http://www.fluechtlingshilfe.ch/assets/herkunftslaender/europa/kosovo/kosovo-rueckfuehrung-von-roma-ashkali-und-aegyptern.pdf (23.1.2015).
65 FXB Center in Kosovo: Kosovo Day 1: Obelic and Gracanica communities, June 2013: https://harvardfxbcenter.wordpress.com/2013/06/25/kosovo-day-1-obelic-and-gracanica-communities/ (26.2.2015).
66 Council of Europe (2013), Para. 59; UNGA (2014), Para. 21.

acquire the citizenship of the Republic of Kosovo on the day of his/her birth").[67] However, despite the improved legal framework, which also included the passing of the Law on Readmission and the Law on Civil Status, and the fact that the action plan explicitly gives the MIA the responsibility for "legal reintegration through equipping repatriated persons with personal documents"[68], access to documents remains a problem.

In addition to lacking birth certificates, returnees from Western Europe often have no other important documents from their host countries in Western Europe when being deported back to Kosovo (diplomas, school attendance records, etc.).

FINDINGS OF THE STP SURVEY

All interviewees in Kosovo had Kosovo identification documents. This positive result might be related to the fact that Western European governments primarily returned persons whose identity was confirmed, inter alia through their ID documents.

67 Assembly of the Republic of Kosovo, Law on amending and supplementing the law no.03/L-034 on citizenship of Kosovo (Law No. 04/L-059), October 2011, Art. 4 Para. 1: http://www.kuvendikosoves.org/common/docs/ligjet/Law%20on%20amend%20law%20for%20citizenship%20of%20Kosovo.pdf (15.12.2014).
68 Action Plan (2008), p. 14.

6.2.5. ACCESS TO HOUSING

With regard to Roma, Ashkali and Balkan Egyptians from Kosovo, access to housing has to include reconstruction of destroyed houses, formalisation of informal settlements, restoration of property rights, access to infrastructure and access to temporary housing solutions in particular for returnees.

Rights affected[69]

- Right to an adequate standard of living

Relevant reintegration strategy commitments

One of three possibilities should be made available to repatriated people:

- Centres of social housing (small apartments built to house repatriated persons for short periods following arrival)
- Construction of small houses on the land of repatriated persons, meeting basic living standards
- A renting scheme, whereby repatriated persons would be provided with subsidised housing by the independent Kosovo Property Agency (KPA)

Responsible authorities

- Centres of social housing: Ministry of Environmental and Spatial Planning (MESP), the Ministry of Local Government Administration (MLGA), the MIA and the Ministry of Economy and Finance (MEF);
- House construction: Ministry for Communities and Returns (MCR)
- Renting scheme: KPA and municipalities (oversight by Inter-Ministerial Coordination Board, MCR, relevant municipalities, MESP, MLGA, MIA and MEF.

69 Action Plan, 5.14-5.16, pp. 17-18; Reintegration Strategy (2013), p. 17.

Whole Romani, Ashkali and Balkan Egyptian neighbourhoods disappeared as a result of the conflict. Houses were destroyed or illegally occupied and many Roma, Ashkali and Balkan Egyptians do not have the documents to prove their ownership of the land (documents containing the name of an ancestor, handshake deals instead of written contracts, houses constructed on municipal property with verbal permission only, documents left behind as they fled, property sold to pay for the move out of Kosovo).[70]

Many properties are occupied illegally and, due to insufficient resources and a lack of will on the part of the authorities, the process of reacquiring houses that belong to returnees lasts a long time and the decisions made by the Kosovo Property Agency (KPA) are often not enforced.[71] As a result, Roma, Ashkali and Balkan Egyptians regularly end up living with relatives or in houses of persons currently living in Western Europe.

In September 2013, a Council of Europe advisory committee complained about the high number of court cases on the restoration of property rights that are still pending.[72] On the other hand, the OSCE Mission in Kosovo reports that 96% of claims have now been resolved; however, the OSCE and other organisations criticise that the decisions often remain unenforced, that progress is held up by indirect discrimination and fraud, and courts mostly declare that they are not competent to rule on property issues, which may account for the apparent progress in clearing the case backlog.[73] The 2014 progress report of the European Commission states that legal mechanisms need to be introduced to strengthen the KPA, and that funding of the KPA remains unsustainable.[74]

Despite the possibility to legalise informal settlements, the Kosovo authorities hardly make use of it when it comes to Roma, Ashkali and Balkan Egyptian communities.

70 M. Tmava and A. Beha: Helplessness: Roma, Ashkali and Egyptian Forced Returnees in Kosovo, August 2009: http://roma-center.de/wp-content/uploads/2013/05/Helplessness-RAE-Forced-Returnees-RADC.pdf. Accessed 26 January 2015, p. 15; Schweizerische Flüchtlingshilfe (2012), pp. 13-14.
71 Council of Europe (2013), Para. 49; European Commission: Commission Staff Working Document: Kosovo Progress Report 2014, October 2014, p. 19: http://eeas.europa.eu/delegations/kosovo/documents/eu_kosovo/20141008_kosovo_progress_report_2014_en.pdf (14.11.2014); UNGA (2014), Paras. 12 and 27.
72 Council of Europe (2013), para. 49.
73 OSCE: An Assessment of the Voluntary Returns Process in Kosovo, October 2014, p.14: http://www.osce.org/kosovo/129321?download=true (14.1.2015); Council of Europe (2013), para. 12 and para 13; OSCE (2014), p. 14; United Nations General Assembly: Human Rights Council: Report of the Special Rapporteur on the Human Rights of Internally Displaced Persons, Chaloka Beyani (A/HRC/26/33/Add.2), June 2014, Paras. 12 and 13 (see also: Summary and Para. 20): http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G14/042/17/PDF/G1404217.pdf?OpenElement (12.11.2014).
74 European Commission: Commission Staff Working Document: Kosovo Progress Report 2014, October 2014, http://eeas.europa.eu/delegations/kosovo/documents/eu_kosovo/20141008_kosovo_progress_report_2014_en.pdf (14.11.2014).

Already in 2003, the "Standards for Kosovo" (a roadmap towards independence) requested a formalisation of these settlements.[75] Policies and laws later adopted in Kosovo (e.g., the Law amending the Law on Spatial Planning of November 2008, the Action Plan for the Implementation of the Strategy for the Integration of Romani, Ashkali and Egyptian Communities, adopted in 2010) requested the formalisation or regularisation of informal settlements, also with regard to forced returnees from Western Europe (2007 Government Strategy for the Reintegration of Repatriated Persons).

According to the OSCE, even by late 2014 there had been little progress made on the regularisation of informal settlements, where many Roma, Ashkali and Balkan Egyptians lived prior to their displacement. The Strategy for the Regularisation of Informal Settlements 2011–2015 has not been signed off by the Prime Minister's Office at the time of writing, meaning that those intending to return to their original settlements have problems gaining building permits and other documents.[76]

In this context it is important to note that the Strategy for the Reintegration of Repatriated Persons of 2007 recommends that returnees "be provided with the possibility of regularising their property status through the registration of previous informal transfers, the allocation of property title and/or other existing measures to confer legal security of tenure to persons lacking it, in line with international human rights standards."[77] The revised versions of the strategy of 2010 and 2013 do not contain this recommendation anymore, which is an obstacle to sustainable return.

The fact that Roma, Ashkali and Balkan Egyptians could not return in the first years after the end of the conflict has had serious negative implications. When significant amounts of financial resources were available and access to reconstruction assistance was very flexible, they could either not return or persons who requested assistance experienced open discrimination.

Though the international reconstruction assistance should also be available to minority communities, the set quota were not met and Kosovo Albanians (as well as Kosovo Serbs) received preferential treatment.[78]

75 The 'Standards for Kosovo' were a set of UN-endorsed benchmarks for the democratic development covering eight key areas.
76 OSCE (2014), pp. 15-16.
77 United Nations Administration in Kosovo/Provisional Interim Self-Government, Strategy for Reintegration of Repatriated Persons. Approved by the Government of Kosovo on 10 October 2007
78 See European Roma Rights Centre, Abandoned Minority, Roma Rights in Kosovo, Budapest 2011 (in particular chapter 6.1.4 Housing and Return);

The UNMIK Housing Reconstruction Guidelines of 2002 established a procedure for accessing reconstruction assistance whereby forms of verification aside from property documents, such as witness statements, electricity bills, etc. could be accepted.[79]

In general, authorities followed these guidelines. However, municipalities set much higher standards when it came to Roma, Ashkali and Balkan Egyptians, e.g. potential returnees to the Fabricka Mahalla in Mitrovica had to fulfil stricter regulations and the reconstruction of the houses was only possible by providing documents from the land register proving their ownership. At the same time that Roma, Ashkali and Balkan Egyptians were not allowed to reconstruct their houses, Kosovo Albanians could construct illegal buildings in the same zoning areas unhindered by the authorities. [80]

The importance of access to housing for returnees was highlighted in the assessment of the UN Special Rapporteur on the Human Rights of Internally Displaced Persons; though it refers to internally displaced persons, it is equally valid for forced returnees from Western Europe.

"Two of the main challenges in terms of housing rights for Roma, Ashkali and Egyptian returnees are the insufficient allocation of land by municipalities and the lack of recognition of occupancy rights in informal settlements prior to the conflict. Although most Roma, Ashkali and Egyptian IDPs had a private house, their land occupancy rights were never registered and they lack personal documentation and title records for their homes. The vast majority of property-less returnees belong to the Roma, Ashkali and Egyptian communities, and they find it increasingly difficult to be included in house reconstruction projects. About 30 per cent of Roma, Ashkali and Egyptian returnees end up in secondary displacement."[81]

The reintegration strategy foresees different support possibilities with regard to housing: In the period from January 2014 to June 2015, 18 houses were approved for (re-)construction, among them five Roma and two Ashkali-owned houses (38.9%). However, in 2015 not a single request has yet been approved. The trend over the last few years demonstrates a considerable decrease in housing assistance. In 2012, the authorities approved 47 house (re-)constructions; in 2013 they approved 46, and in 2014, only 18.

79 Transitional Administrative Department of Health, Environment and Spatial Planning, Housing and Reconstruction Division, Housing Reconstruction Guidelines, Kosovo 2002. In particular Chapter 2.3.3.
80 See European Roma Rights Centre, Abandoned Minority, Roma Rights in Kosovo, Budapest 2011 (in particular chapter 6.1.4 Housing and Return);
81 Human Rights Council, 26th session, UN Special Rapporteur on the human rights of Internally Displaced Persons Chaloka Beyani, Follow-up mission to Serbia, including Kosovo*. A/HRC/26/33/Add. 5 June 2014

In this period, eight Albanian families received renovation assistance, but not one single family from the Roma, Ashkahli and Balkan Egyptian communities. A total of 43 families, including two Roma, two Ashkali and one Balkan Egyptian family received furniture. Temporary accommodation for seven days, including food, has been provided to 160 persons; 122 were Roma, five Balkan Egyptian and four Ashkali (81.8%). Temporary rental flats were provided in 2014 to 85 new families while 192 families continued to receive this assistance from the previous year. In total, 842 persons were beneficiaries in 2014, 312 of whom were Roma, 105 Ashkali and 35 Balkan Egyptian (53.6%).
In 2015, 24 new families were included in the scheme while 150 families were transferred from 2014. In total, 538 persons benefited from the scheme, with 163 Roma, nine Ashkali and four Balkan-Egyptians (32.7%). The trend over the last few years demonstrates the continuous lack of housing for returnees and the need for accommodation assistance. In 2012, 232 families lived in apartments under the rental scheme; in 2013 it was 322 families.

In particular the data on temporary accommodation for seven days, but also the large share of Roma, Ashkali and Balkan Egyptians among the beneficiaries of the renting scheme, demonstrate the lack of housing options for returnees from the three communities and the need for more sustainable long-term solutions.

FINDINGS OF THE STP SURVEY

Up to 47.5% of the interviewees living in Kosovo live in their own houses; 27.5% live with relatives (in general paying for the accommodation) while 25% rent their accommodation from non-relatives; in many cases from other Roma, Ashkali or Balkan Egyptians living abroad. Only two families (5%) out of the interviewees living in their own houses have no documents. These two families claim not to have the financial resources for the process of acquiring the documents.

Six households (15%) stated explicitly that their houses has been destroyed or burned down. Three households (7.5%) said they sold their houses before leaving Kosovo. Among the interviewees in Serbia, 50% stated that their houses had been destroyed or burned down.

Before the conflict, 52.5% lived in private houses with documents. Around 20% lived on municipal land or in company-owned houses to which they could not return, and another 17.5% lived in private houses without possessing documents (without stating who was the owner of the property). Some 10% rented accom-

modation. In comparison, in Serbia, 26.6% said they lived in private houses with documents prior to the conflict; 20% lived in private houses without proper documentation. Around 10% lived on municipal land and 6.6% either rented accommodation, stated that they didn't have a house or didn't answer the question in each case. 23.3% didn't know the property status before the conflict (in most cases they had lived with their parents prior to the conflict).

A total of 37 of the households living in Kosovo (92.5%) were informed about the possibility of a six-month subsidised renting scheme. From this number, 21 (52.5%) had received the rent and five had refused it. Regarding the possibility of moving into a centre for social housing, six households claim that they were informed but none could actually make use of the opportunity. Ten households were told about reconstruction/renovation assistance but only three of the households (7.5%) received this assistance and two more are waiting for a decision.

Among the returnees who moved further to Serbia there is a totally different picture. Only two households claim to have received information on the subsidised rent scheme, but not a single household stated that they actually received any of the three assistance possibilities.

All of the households in our sample lived in accommodation with electricity and heating. All had access to a bathroom, toilet and running water. However, two households did not have running water inside their house, only outside, and three families only had outside toilet facilities.

6.2.6. ACCESS TO EMPLOYMENT AND SOCIAL WELFARE

Current statistics on employment and welfare are difficult to find in Kosovo.[82] It is clear though that even in the poor economic environment in Kosovo, the Roma, Ashkali and Balkan Egyptian communities are disproportionately affected.

Rights affected

- Right to work; [83]
- Right to equal pay for equal work; [84]
- Right to protection from unemployment; [85]
- Right of women to social security including for unemployment and retirement. [86]

Relevant reintegration strategy commitments [87]

- Following services to be provided: (i) registration, (ii) support for employment, (iii) information and advice on the labour market, (iv) vocational training and development.
- Repatriated persons should be included in all available benefit schemes where applicable and adequately informed of their rights to access them.
- Basic pension amount raised to meet the cost of minimum living standard.

Responsible authorities

- Ministry for Labour and Social Welfare (MLSW); Ministry of Agriculture, Forestry and Rural Development (MAFRD), MOCR and Municipalities.

A study by the Gesellschaft für Versicherungswissenschaft und –gestaltung (GVG) suggested in 2012 that while the average monthly income in Kosovo was €262, 20% of Roma, Ashkali and Balkan Egyptian families had an average monthly income of around €50.[88]

82 Exact statistics are not available due to a lack of contractual information and the potential for seasonal fluctuations. See: Kosovo Agency of Statistics, Social Statistics Department Labour Market Sector: Results of the Kosovo 2012 Labour Force Survey, September 2013, p. 26.
83 UDHR, Art. 23, Para. 1.
84 UDHR, Art. 23, Para. 2.
85 UDHR, Art. 23, Para. 1.
86 Convention on the Elimination of All Forms of Discrimination against Women, Art. 11.
87 Reintegration Strategy (2010), Chapter 3.3, pp. 16-17 and Chapter 3.5, pp. 21-24; Reintegration Strategy (2013), pp. 18, 19 and 20.
88 A. Gashi and A. Haxhikadrija: Social Impact of Emigration and Rural Urban Migration in Central and Eastern Europe: Executive Summary, Gesellschaft für Versicherungswissenschaft und –gestaltung a.V. (GVG), Cologne, April 2012, p. 3.

Access to the public and private labour market remained extremely limited and constitutes a major challenge since the scarce resources are primarily available for the majority communities only.

Both the Constitution and the legal framework in Kosovo stipulate the equitable representation of communities regarding employment in the civil service and/or publicly owned enterprises.[89] The Law on the Protection and Promotion of the Rights of Communities even requires "special consideration" for Roma, Ashkali and Balkan Egyptians.[90]

Despite the legal obligations, Roma, Ashkali and Balkan Egyptians are underrepresented in the public service workforce. A survey commissioned by the government in 2010 demonstrates the underrepresentation of Roma, Ashkali and Balkan Egyptians: In 2010, the government of the Republic of Kosovo (excluding the Office of the Prime Minister) employed 5,489 civil servants of which eight were Roma (0.15%), seven Ashkali (0.14%) and two Balkan Egyptian (0.03%). The municipalities included in the government study employed a total of 9,197 civil servants of which 31 were Ashkali (0.34%), thirteen Roma (0.14%) and seven Balkan Egyptian (0.08%).[91]

The Kosovo government stated that in some areas, the unemployment rate among Roma, Ashkali and Balkan Egyptians lay between **95 and 100%**.[92]

The Council of Europe advisory committee has pointed out that the speed of the private sector economy's development is slower in areas where minority communities reside, and that members of these communities are not suitably informed of employment opportunities, and that the employment of Roma, Ashkali and Balkan Egyptian community members has been difficult because of a lack of qualified candidates, despite the ability of some members of these communities to speak both of the official languages of Kosovo.[93] The European Commission's Kosovo Progress Report of 2014 describes the need to take measures granting vulnerable groups access to the labour market and to decentralise social services.[94]

89 Constitution of the Republic of Kosovo, Article 61; Anti-Discrimination Law, Article 2.
90 Law on the Protection and Promotion of the Rights of Communities, Article 9.2
91 Republic of Kosovo, Office for Community Affairs/Office of the Prime Minister, Employment of Members of Non-majority Communities Within Kosovo Civil Service and Publicly Owned Enterprises (March 2010)
92 Republic of Kosovo, Office of the Prime Minister: Roma community: http://www.kryeministri-ks.net/zck/?page=2,68 (27.1.2015); Republic of Kosovo, Office of the Prime Minister: Ashkali community: http://www.kryeministri-ks.net/zck/?page=2,69 (27.1.2015); Republic of Kosovo, Office of the Prime Minister: Egyptian community: http://www.kryeministri-ks.net/zck/?page=2,70 (27.1.2015).
93 Council of Europe (2013), paras. 21, 41, 135 and 147.
94 European Commission (2014), p. 36.

With regard to employment, reintegration demonstrates that the situation and needs of the three communities have hardly been taken into account when designing the strategy. Unlike previous versions, the reintegration strategy document of 2013 designates Roma, Ashkali and Balkan Egyptians as a vulnerable group stating that "special attention will be paid also to Roma, Ashkali and Balkan Egyptian communities, particularly in supporting and assistance in civil registration, inclusion in education and resolving of the housing issue". However, there seems to be no need to pay special attention to employment. Further, the strategy document stresses the important role of the MAFRD in ensuring that repatriated people from rural areas benefit from its policies; however, while Kosovo Albanians might return to rural areas, hardly any Roma, Ashkali and Balkan Egyptians do.[95]

According to the Ministry of Internal Affairs, in the period from January 2014 to June 2015, the following numbers of returnees participated in employment-related government programmes:[96]

A total of 169 persons benefited from vocational training activities, among them six Ashkali and six Roma (7.1%). Thirty persons benefited from employment measures, including five Ashkali and two Roma (23.3%). Up to 242 families or individuals (in total for 396 persons) received financial assistance for self-employment. Among them were 17 Ashkali, 15 Roma and ten Balkan Egyptian beneficiaries (17.3%).[97]

The Swiss NGO Schweizerische Flüchtlingshilfe, which provides support to refugees, concluded in a 2012 report that the majority of repatriated Roma, Ashkali and Balkan Egyptians remain dependent on social welfare and on remittances. Social assistance in Kosovo does not provide enough to sustain even minimum living costs. It is limited to a monthly maximum of €85 for a family with three children but only as long as one child is younger than five years old. Thus, many families do not qualify for social assistance. Claims for social assistance may take months to process, while those lacking the necessary documents may not have the means to claim at all.[98]

95 Reintegration Strategy (2013), Chapter IV.3.4. (Methodology), p. 7., Chapter VII.2.1. (Legal and Institutional Framework), p.18.
96 Email from the Ministry of Internal Affairs of 11. September 2015.
97 This includes at least two beneficiaries who received assistance in 2014 and 2015.
98 F. Kuthan: Kosovo: Rückführung von Roma, Ashkali und Ägyptern, March 2012, Bern: Schweizerische Flüchlingshilfe, p. 15: www.fluechtlingshilfe.ch/assets/herkunftslaender/europa/kosovo/kosovo-rueckfuehrung-von-roma-ashkali-und-aegyptern.pdf (5.3.2015).

The (forcible) return of Roma, Ashkali and Balkan Egyptians from Western Europe has a detrimental impact on the socio-economic situation of their communities. Due to the discrimination on the labour market and a social assistance scheme which neither considers their specific situation nor is enough to make ends meet, Roma, Ashkali and Balkan Egyptians living in Kosovo very much depend on remittances from family members working (formally or informally) in Western Europe. With people being sent back, an important source of income for families in Kosovo ceases to exist and leads to a situation whereby more Roma, Ashkali and Balkan Egyptians have to live off less money, thus forcing them to leave Kosovo to live in other places.

According to a study in 2009, 52% of Roma, Ashkali and Balkan Egyptian families with relatives abroad depend on remittances as their main source of income.[99] Another study from 2014 revealed that 18.3% of Roma, Ashkali and Balkan Egyptians have migrant family members and 11% receive remittances from them at an average of €1,158 per year.[100]

The STP survey revealed further interesting differences with regard to remittances and social welfare. Roma, Ashkali and Balkan Egyptian returnees staying in Kosovo depend much more on remittances from relatives in Western Europe than returnees who moved further to Serbia, while in Serbia social welfare constitutes a more important source of income. The STP survey indicates that many Roma, Ashkali and Balkan Egyptians who have less support from relatives in Western Europe, but would need social welfare benefits in order to survive, seem to move to Serbia due to the country's better social protection system.

The reintegration strategy action plan proposes that €600,000 be made available to the Ministry for Labour and Social Welfare to enroll "repatriated persons on social schemes and family payment schemes in accordance with the applicable legislation."[101]

In the period from 2014 to June 2015, 67 vulnerable families were supported in different forms in the framework of returnee assistance; among them were 15 Roma, 13 Balkan Egyptian and five Ashkali beneficiaries.[102]

99 The Position of Roma, Ashkali and Egyptian Communities in Kosovo. Survey conducted upon the request and with funding from the Kosovo Foundation for Open Society (KFOS – SOROS). Survey conducted by: COMPASS Research & Consulting Company. Pristina 2009: http://kfos.org/pdf/The%20Position%20of%20RAE%20Communities%20in%20Kosovo%20Baseline%20Survey_ENG.pdf
100 UNDP Kosovo, Human Development Report 2014, Migration Is A Force For Development. Pristina 2014, page 42: http://hdr.undp.org/sites/default/files/khdr2014english.pdf
101 Action plan (2008), p. 16.
102 Email from Ministry of Internal Affairs of 11. September 2015

The World Bank suggested in 2011 a consumption poverty line for Kosovo of €1.72 per person per day and an extreme poverty line of €1.20 per day, which are the most recent figures available.[103]

FINDINGS OF THE STP SURVEY

The main sources of income are remittances from family members living abroad and informal work. Irrespective of the source of income, the average monthly family income is €203.[104] The average daily amount available for the members of our sample residing in Kosovo is €2.39.[105]

However, a total of seven of the households (17.5%) lived on less than €1.72 and four of the households were below the extreme poverty threshold of €1.20 per day. One household of four persons claimed to live on €0.45 per person per day, another household with four members on €0.66.

The vast majority of the households (89.7%) stated that they could not sustain their basic living costs from their current income. This was true for families, couples and single persons.

EMPLOYMENT

Among the returnees staying in Kosovo, not a single household participating in the STP survey had a member in formal employment, while 40% of the households were able to earn some money from informal work. (Among the returnees who had moved further to Serbia, 60% had informal employment and one person was formally employed).

However, out of the 18 households earning income from informal employment, only four mentioned the amount they are able to generate on a monthly basis (€200, €250, €300 and €400 respectively).

During their time in Western Europe, 22.5% stated that one person in the household had had regular permanent employment, and 15% had been employed informally on either a regular or irregular basis in each case.[106] Among the households in Serbia, only 6.6% had had regular permanent employment in Western Europe, with 3.3% having had regular informal employment and 10% irregular informal employment.

103 World Bank and Statistical Office of Kosovo Social Statistics Department: Living Standards Sector: Consumption Poverty in the Republic of Kosovo in 2011, May 2013, p. iii http://www.worldbank.org/en/topic/poverty/research/all?qterm=&teratopic_exact=Macroeconomics+and+Economic+Growth&lang_exact=English&count_exact=Kosovo (17.4.2015).
104 This number serves as an indicator only since the income from informal work cannot be calculated exactly and remittances can also vary.
105 Median monthly income per person = 100 divided by average number of days in a month = 30.42
106 In two households, the father who has not been repatriated has been employed.

The reintegration strategy stipulates that returnees receive information and can participate in vocational and language training activities. Up to 40% received this information but not a single person received such training.

The strategy further foresees active employment measures and although 52.5% were informed about this, not a single person participated in such measures.

At least 50% (20 of the households) received financial assistance for income-generating activities (as provided for in the reintegration strategy); at the time of the interviews only 12 of these households were still claiming to earn income through (informal) work.

REMITTANCES

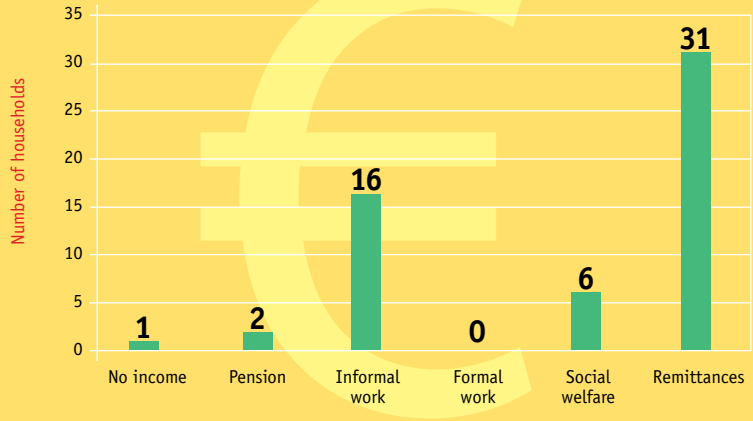
A total of 77.5% of the households in Kosovo and only 23.3% in Serbia mentioned remittances as a source of income. The 15 households who stated the monthly amount receive on average €192 per month.

SOCIAL WELFARE

Only 15% in Kosovo (but 50% in Serbia) mentioned social welfare as a source of income. Two further households in Kosovo lived from pensions received by grandparents.

Fig.6

Income sources in Kosovo (multiple answers possible)



6.2.7. ACCESS TO EDUCATION

In general, mandatory education is enshrined in the Kosovo Constitution[107] and Kosovo has ratified international human rights agreements that stipulate access to education for everybody. Further, the strategy recognises the specific needs of returnee children with regard to access to education.

Rights affected

- Right to free, compulsory education at primary level and right to equal access to secondary and higher level education; [108]
- Education to promote tolerance between national and ethnic groups;[109]
- Right to access to teaching of minority languages at pre-school level, as well as primary and secondary education level where there exists a need for it.[110]

107 Republic of Kosovo: Constitution of the Republic of Kosovo (with amendments I-XXIII), 2008, Article 47, Para. 1: http://www.kuvendikosoves.org/?cid=2,100,48 (5.11.2014); see also: Assembly of the Republic of Kosovo: Law on Pre-university Education in the Republic of Kosovo (Law No.04/L–032), 2011, Art. 15, Para. 2: http://www.erisee.org/sites/default/files/Law%20on%20Pre-University%20Education%20in%20the%20Republic%20of%20Kosovo%20No.04-L%20%E2%80%93032.pdf (17.4.2015).
108 UDHR (Art. 26, Para.1) and Convention on the Rights of the Child (Art. 28).
109 UDHR (Art. 26, Para. 2).
110 European Charter for Regional or Minority Languages (Art. 8, Para. 1).

Relevant reintegration strategy commitments[111]

- Increase infrastructure and opportunities for repatriated children throughout the educational system
- Repatriated children at primary level provided with school materials free of charge;
- Segregation prohibited;
- Primary education made compulsory and attendance monitored;
- Transport to and from rural areas provided so that school is accessible to every student;
- Brochures with information on the opportunities and services available to repatriated persons provided.

Responsible authorities

- Ministry of Education and Science and Technology (MEST); MOCR.

There are, in effect, two separate education systems for the Serbian and Albanian communities in Kosovo. In both of these systems, segregation of Roma, Ashkali and Balkan Egyptians has been identified.[112] In both education systems, textbooks contained "elements of nationalism and prejudice that are harmful towards other communities."[113] Finally, incidents of violence against pupils from minorities have been reported, in which buses have been stoned and children physically harmed.[114]

The 2014 progress report of the European Commission highlights the low registration rates and high dropout rates among Roma, Ashkali and Balkan Egyptian pupils, as well as the fact that dropouts are not reliably recorded.[115] The report credits the Kosovo government with taking some action to reduce the dropout rates – such as workshops with parents, students and communities – as well as financial support aimed at students from minority communities. Nevertheless, the report concludes that "children from Roma, Ashkali and Balkan Egyptian communities and children with disabilities continue to face limited access to quality education."[116]

111 Reintegration strategy (2010), Chapter 3.5, p. 20; reintegration strategy (2013), pp. 12 and 17-18; action plan, pp. 14-15.
112 Council of Europe (2013), para. 120.
113 Council of Europe (2013), paras. 19 and 113.
114 Council of Europe (2013), para. 76.
115 European Commission (2014), pp. 20-21.
116 European Commission (2014), p. 37.

Overall, the proportion of Roma, Ashkali and Balkan Egyptian children not attending school is much higher than the wider population. According to a 2011 UNICEF report, Joined Hands: Better Childhood, only 2.5% of Kosovo Albanians do not attend primary school; for Kosovo Serbs it is 1% but for Bosniaks, Roma, Ashkali and Balkan Egyptians the rate is about 23%.[117]

Returnees face additional specific obstacles with regard to education: Many returnees from Western Europe either have no diplomas to prove their academic achievements or their diplomas are not recognised.[118] In addition, head teachers often request documents only available in the former host countries in Western Europe, which again leads to the situation that children cannot attend school. Roma, Ashkali and Balkan Egyptian children often face specific difficulties in the education system due, among other things, to language and the poverty in which they are forced to live. Having spent the majority of their lives in Western Europe, they often lack proficiency in either the Albanian or Serbian languages in comparison to their peers who have grown up in Kosovo, or who speak Albanian or Serbian at home.[119] Combined with the overall discrimination in the school system, children who were forced to return often have to stop their schooling, which many of them had pursued successfully in Western Europe.

The former versions of the strategy as well as the action plan of 2008 referred to access to education as a crucial problem for returning children.[120] The 2013 reintegration strategy refers to the lack of documents (e.g. certificates and diplomas) and the lack of proficiency in Albanian or Serbian among many repatriated children as major problems, but does not refer to bullying or discrimination in the education system. [121]

117 Unicef: Joined Hands: Better Childhood, August 2011, p. 5: http://www.unicef.org/kosovoprogramme/Joined_Hands_ENG_web.pdf (15.4.2015).
118 Schweizerische Flüchtlingshilfe (2012), p. 18.
119 OSCE: Reassessing the Progress in the Development and Implementation of the Legal and Policy Framework for the Reintegration of Repatriated Persons, January 2014, p. 4: http://www.osce.org/kosovo/110147?download=true (20.1.2015); Terre des hommes (2014), pp. 35-36.
120 Action Plan (2008), pp. 14-16.
121 Reintegration Strategy (2013), Chapter IV.3.4. (Background), p. 12.

FINDINGS OF THE STP SURVEY

According to the STP survey among the returnees, six out of 24 children (born between 1998 and 2009) living in Kosovo at the time of the interviews were attending school or pre-school (25%). In addition, two children born in 1996 and 1997 were attending school. The main reasons given for not going to school were that the children did not like the schools or did not feel happy there. All the children had attended school while living in host countries in Western Europe.

Concerning the official languages of Kosovo, all children spoke Albanian except one who spoke only Serbian; however, 13 could only do so with difficulty.[122] No children attended language courses though they were offered for 21 children.

A different picture prevails in Serbia where 20 of the 22 school-age children were going to school.

6.2.8. ACCESS TO HEALTHCARE

Access to healthcare as well as unhealthy living conditions and an unhealthy lifestyle are in general problems for Roma, Ashkali and Balkan Egyptians. For returnees additional problems could arise, since access to healthcare is based on registration with the relevant authorities.

Rights affected

- Right to healthcare;[123]
- Right to access to healthcare for minority language speakers. [124]

Relevant reintegration strategy commitments[125]

- Special institutions for people with mental health problems established
- Access to healthcare services for minority groups (especially Roma, Ashkali and Balkan Egyptians) improved (including registration of repatriated persons in the healthcare system for obtaining health cards)
- Repatriated persons are released from co-payments in the first year after repatriation

122 Question asked which languages participants could "use easily" or "use with difficulty".
123 UDHR (Art. 25, Para. 1); Specifically for women and children: Convention on the Elimination of All Forms of Discrimination against Women (Art. 14).
124 UDHR (Arts. 21 and 22); European Charter for Regional or Minority Languages (Art. 10).
125 Reintegration Strategy (2010), Chapter 3.2, pp. 15-16; Reintegration Strategy (2013), pp. 11 and 17; Action Plan p. 14.

Responsible authorities

- Ministry of Health (MH); MOCR and the municipalities.

The main problem in the health service is not discrimination but the widespread corruption or the generally accepted custom of bribing doctors and nurses for their services, and the need to pay for many of the medicines that are prescribed. Due to their economic situation, many Roma, Ashkali and Balkan Egyptians can neither pay the doctors nor afford the required medicine.

The European Commission's 2014 Kosovo progress report suggests little progress with regard to healthcare. A lack of adequate medical facilities has been described as problematic particularly for the poorest members of society as well as for elderly and disabled persons.[126] The same report praises the existence of house-to-house vaccination campaigns, treatment for lead contamination and information campaigns aimed at the Roma, Ashkali and Balkan Egyptian communities, but primary healthcare, healthcare for mothers and their children and cancer screening need to be further improved.[127]

The Council of Europe advisory committee describes major linguistic barriers to healthcare for minority communities. As with education, there exist parallel healthcare systems for Kosovo Serbs and Kosovo Albanians. The result is that there are very few Serbian speakers working in the majority Albanian areas, and very few Albanian speakers in the majority Serbian areas, meaning that those speaking only Serbian in Albanian-majority areas, or only Albanian in Serb-majority areas, are hindered in their access to healthcare or must travel long distances.[128]

In their August 2014 report, Terre des hommes suggested that the lack of civil documents still poses a hindrance to accessing healthcare, while the special treatment that repatriated children may need is often not available and medication is too expensive.[129]

126 European Commission (2014), pp. 18-19.
127 European Commission (2014), p. 37.
128 Council of Europe (2013), paras. 149 and 170.
129 Terre des hommes (2014), pp. 36, 37 and 38.

Health issues, in particular the high cancer rate – which is considered to be related to the use of depleted uranium during the NATO bombing campaign, the so-called "Balkan syndrome" – have also been mentioned as major reasons for leaving Kosovo.[130]

With regard to returnees, lack of capacity and infrastructure were identified as the main problem areas for the healthcare system of Kosovo and, with this in mind, the action plan granted the MH €440,000 for "facilitating access to healthcare services."[131] In 2013, the problems identified with healthcare were the quality of the care that returnees can expect for serious illnesses in comparison with the countries from which they have returned, and the problem of access to documents as described in the previous paragraphs of this report. There is no mention of capacity problems in the 2013 document, suggesting that the government is satisfied with the progress being made on this.[132]

Feedback from international stakeholders is less positive. A UNICEF report from 2012 entitled Silent Harm: A report assessing the situation of repatriated children's psycho-social health states that, despite the action plan allocating €440,000 to the MH in 2011 for "facilitating access to healthcare services", by December 2011, the total amount spent was just €119.[133]

FINDINGS OF THE STP SURVEY

No one in our sample had ever been refused healthcare in Kosovo. Nevertheless, the potential for this to occur seems to exist, since 7 adults and 3 children were not insured.

130 See: Zeri of 26 April 2015, "Shqetësuese: Brenda tre muajve, 190 raste të reja me kancer në Kosovë": http://www.zeri.info/aktuale/30053/shqetesuese-brenda-tre-muajve-190-raste-te-reja-me-kancer-ne-kosove; A. Alic: Depleted uranium, depleted health concerns, International Relations and Security Network (ISN), ETH, October 2007: http://www.isn.ethz.ch/Digital-Library/Articles/Detail//?id=53886&lng=en(24.2.2015); N. Tabak: Uranium risks haunt Kosovo survivors, Deutsche Welle, 13 November 2012: http://www.dw.de/uranium-risks-haunt-kosovo-survivors/a-16366645 (24.2.2015); L. Vujadinovic: Depleted Uranium Radiation resulting from NATO Bombings in Serbia : High Incidence of Cancer, Centre for Research on Globalization (CRG), March 2010: http://www.globalresearch.ca/depleted-uranium-radiation-resulting-from-nato-bombings-in-serbia-high-incidence-of-cancer/18432 (24.2.2015).
131 Action Plan (2008), p. 14.
132 Reintegration Strategy (2013), Chapter IV.3.2. (Background), p.11
133 UNICEF (2012), p. 31.

6.3. SUMMARY OF THE SURVEY RESULTS IN SERBIA

The following chapter summarises the results of the survey among the returnees who after being repatriated to Kosovo migrated to Serbia, including a brief description of their respective situation.

6.3.1. ACCESS TO CIVIL DOCUMENTS

Serbia does not recognise Kosovo as an independent state, but a part of Serbia. This means that nothing in the Serbian Constitution[134] nor the Law on Citizenship[135] reflects Kosovo's declaration of independence in February 2008. In theory at least, the rights and responsibilities outlined by this in the Constitution and Law on Citizenship apply equally to people residing in Kosovo (of all ethnic communities) as to those living in Serbia.[136]

Kosovo passports are not recognised as legitimate by Serbian officials but all Kosovo citizens are considered by Serbia to be Serbian nationals and have the right to a Serbian passport. Nevertheless the granting of visa-liberalisation between Serbia and the Schengen regime has added a further layer of complexity. The majority of the EU member states except five recognise Serbia and Kosovo as two independent states. Serbia has been granted visa-liberalisation, while Kosovo was explicitly excluded from the visa-liberalisation regime, despite the fact that citizens of both territories are entitled to a Serbian passport.

Serbia's solution to this is to have a separate passport-issuing authority (the Coordination Directorate of the Ministry of Interior[137]) for people with official permanent residence in the territory of Kosovo. Those with passports issued by the Coordination Directorate are not entitled to visa-free travel to the EU.[138]

134 "Considering also that the Province of Kosovo and Metohija is an integral part of the territory of Serbia, that it has the status of substantial autonomy within the sovereign state of Serbia and that from such status of the Province of Kosovo and Metohija follow constitutional obligations of all state bodies to uphold and protect the state interests of Serbia in Kosovo and Metohija in all internal and foreign political relations." See: Republic of Serbia: The Constitution of the Republic of Serbia, September 2006, Preamble: http://www.wipo.int/wipolex/en/text.jsp?file_id=191258 (16.1.2015).

135 Republic of Serbia, Ministry of the Interior (MUP): Law on Citizenship of the Republic of Serbia (No. 135/04), 2008: http://www.mup.gov.rs/domino/zakoni.nsf/Law%20on%20Citizenship.pdf (13.2.2015).

136 Constitution of the Republic of Serbia (2006), Art. 38.

137 Republic of Serbia, Ministry of Interior: http://www.mup.gov.rs/cms_lat/sadrzaj.nsf/biometrijska-dokumenta-KiM.h (16.2.2015).

138 Praxis: No Residence, No Rights, March 2013, p. 28: http://www.praxis.org.rs/images/praxis_downloads/No_residence_no_rights.pdf (27.04.2015); N.Rava: Serbia: Elusive Citizenship in an Elusive Nation-State, Edinburgh: The Europeanisation of Citizenship of the Former Yugoslavia (CITSEE), 2010, pp. 29-30: http://www.citsee.ed.ac.uk/__data/assets/pdf_file/0006/108870/284_serbiaelusivecitizenshipinanelusivenationstate.pdf (24.4.2015); J. Vasiljević: Citizenship and belonging in Serbia: in the crossfire of changing nationhood narratives, Edinburgh: The Europeanisation of Citizenship of the Former Yugoslavia (CITSEE), 2011, pp. 24-26

In order to gain permanent resident status in Serbia, the authorities must establish that the person applying intends to permanently reside in Serbia. The process may include spot checks (unannounced visits by police officers) of the property of the applicant for permanent residence as well as the provision of title deeds or rental agreements.[139]

A report by the NGO Praxis states that in 2010, 1.5% of Roma, Ashkali and Balkan Egyptian people surveyed in Serbia were not registered in birth registries and 2.3% were not registered in citizenship records meaning they are de facto stateless.[140] The procedure for acquiring an identification card takes an average of six months as one must first register the fact of birth and then citizenship before one can acquire an identification card.[141] Praxis reports cases of social welfare centres refusing to register the birth of children if the mother does not possess an identification card.[142]

FINDINGS OF THE STP SURVEY

In 86.6% of the households residing in Serbia all family members had a Serbian identification card or passport. This was not the case for four of the households. This renders them vulnerable to being denied services relating to their human rights (right to healthcare, right to education, right to equal access to employment etc.).

The majority of those with Serbian identification have it registered to an address in Kosovo.

Just over half of the households in the study had permanent residency in Serbia, meaning that they have the right to apply for a Serbian passport with visa-free access to the EU and Schengen-zone.

139 Praxis: No Residence, No Rights, March 2013, pp. 21, 28 and 29: http://www.praxis.org.rs/images/praxis_downloads/No_residence_no_rights.pdf (27.04.2015)
140 Praxis: The Right to Citizenship in the Republic of Serbia: a brief analysis of the remaining challenges, December 2014a: http://www.praxis.org.rs/images/praxis_downloads/The_Right_to_citizenship_in_the_Republic_of_Serbia_-_a_brief_analysis_of_the_remaining_challenges.pdf (25.3.2015).
141 Praxis (2014a), pp. 3-4.
142 Praxis (2014a), p. 9; See also: European Network on Statelessness: Preventing Childhood Statelessness in Europe: Issues Gaps and Good Practices, p. 22: http://www.praxis.org.rs/images/praxis_downloads/Preventing%20Childhood%20Statelessness%20in%20Europe%20-%20issues%20gaps%20and%20good%20practices_online%20version.pdf (25.3.2015).

6.3.2. ACCESS TO HOUSING

Housing conditions for Roma, Ashkali and Balkan Egyptians have been described as inadequate in a number of reports.[143] At the same time, the Serbian authorities have been criticised for conducting forced evictions of informal settlements without first finding alternative settlements for the residents on several occaisions.[144] Recently however, an eviction of the Grmec settlement in Zemun, planned by the local authorities, was stopped after an intervention by civil society which has now been taken up by the government.[145]

FINDINGS OF THE STP SURVEY

Housing conditions in Serbia were judged by the field researchers to be very poor. Up to 10% of the households in the sample did not even have access to a running water supply, while 30% only had running water outside. At least 10% of the households had no access to bathroom facilities (bath or shower), while 13% had to use outside facilities. Another 10% of the households had no toilet facilities at their residency, while 33.3% only had outside facilities. Finally, 23.3% of the households had no electricity in their residency.

A total of 26.6% stated having lived in private houses with documents prior to the conflict; 20% lived in private houses without proper documentation. Some 10% lived on municipal land and 6.6% either rented accommodation, stated that they didn't have a house or didn't answer the question in each case. Up to 23.3% didn't know the property status before the conflict (in most cases they had lived with their parents prior to the conflict).

Half of the interviewed persons stated that their houses in Kosovo have been destroyed or occupied after the conflict or that new houses had been built by Kosovo Albanians, or a combination of both had taken place. A total of 13.3% stated that they had sold their house; 10% stated that the houses are still inhabited by family members, and the remaining said that they either did not have property or did not provide an answer.

143 Amnesty International: Amnesty International Report 2014/15 – Serbia, February 2015: http://www.refworld.org/country,,,,SRB,,54f-07da115,0.html (25.3.2015); Decade of Roma Inclusion (2014), pp. 15-16; Praxis (2014b), pp. 6-7.
144 Decade of Roma Inclusion (2014), pp.16 and 74; European Roma Rights Centre: Serbia: Romani Families Face Uncertain Future One Year After Forced Eviction of Belvil Informal Settlement, April 2013: http://www.errc.org/article/serbia-romani-families-face-uncertain-future-one-year-after-forced-eviction-of-belvil-informal-settlement/4135 (25.3.2015); Praxis (2014b), p. 7.
145 See the press release of YUCOM: http://ua.amnesty.ch/urgent-actions/2015/07/161-15/161-15-2http://ua.amnesty.ch/urgent-actions/2015/07/161-15/161-15-2http://en.yucom.org.rs/press-release-city-municipality-zemun-halted-forced-eviction-of-informal-roma-settlement-grmec/

The reintegration strategy foresees three assistance possibilities (temporary subsidised renting scheme, social housing and reconstruction assistance); however only two households claim to have received information on the subsidised rent scheme. Not a single household said they had received information on the two other possibilities and not a single household stated that they had actually received any of the three assistance possibilities.

6.3.3. ACCESS TO EDUCATION

In general, the progress made in Serbia regarding the inclusion of Roma in the education system is recognised. The overall legal framework is praised, as well as the use of teaching assistants as an integral part of the education system. Furthermore, in many cases, courses in Romani language and national culture are available.[146] The NGO Praxis is also mostly complimentary about the education of Roma in Serbia but state that on some occasions officials have had to be informed of the regulations in place for the benefit of Roma, Ashkali and Balkan Egyptian children.[147]

However, a UNICEF survey from 2014 shows marked differences in school attendance between Roma children and children from other ethnic groups. Primary school attendance of Roma children was 84.9% compared to 98.5% for all of Serbia, while Roma attendance at secondary school was just 21.6% compared to 89.1% for all of Serbia.[148]

FINDINGS OF THE STP SURVEY

Our sample of households in Serbia included 22 children of school age. Of these, 20 of them attended school.

Of the children in the survey, the majority were able to speak Serbian. Only four children were unable to speak Serbian.

146 Decade of Roma Inclusion (2014), pp. 12-14.
147 Praxis (2014b), p. 4.
148 Unicef: Serbia Multiple Indicator Cluster Survey 2014 / Serbia Roma Settlements Multiple Indicator Cluster Survey 2014, July 2014, p. 18: http://www.unicef.org/ceecis/MICS_5_-_Key_Findings.pdf (25.3.2015).

6.3.4. ACCESS TO EMPLOYMENT AND SOCIAL WELFARE

A lack of documents that confirm temporary or permanent residency makes finding formal employment extremely difficult, as such documents are generally required to enter into an employment contract. It is estimated that unemployment among Roma was around 49% in 2014, with the figure for internally displaced Roma even higher due to the greater likelihood that they lack the necessary documents.[149]

IDPs require either a permanent or temporary residence in Serbia or a working booklet from the municipality of their permanent residence in order to register with the National Employment Service, which assists people in finding employment. Romani IDPs who have their permament residence in Kosovo, therefore, have to return to Kosovo in order to obtain a working booklet. In collective centres where Praxis interviewed Romani IDPs, only one in four people had a working booklet and almost all were unemployed.[150]

FINDINGS OF THE STP SURVEY

Thirteen households interviewed in the survey have members without permanent residency status and four even lack identification cards, which creates obstacles in accessing the official labour market.

Unlike the households interviewed in Kosovo, the majority of the households living in Serbia did not receive remittances from abroad (only 23.3% receive remittances). The main sources of income were informal employment (60%), social welfare (50%) and/or remittances (23.3%). One person was formally employed.

While being in Western Europe, 6.6% had regular permanent employment, 3.3% regular informal employment and 10% irregular informal employment.

Irrespective of the source of income, the average monthly household income in Serbian Dinar is RSD 17,602 (ca. €146) and the average daily amount available for the members of our sample residing in Serbia is RSD 153,95 (€1.28).[151] Consequently, only one of the households in the sample for Serbia felt that it was able to maintain their family.

The Kosovo reintegration strategy stipulates that the returnees receive information and can participate in vocational and language training activities. One household received the respective information, but not a single person has received such training.

149 Decade of Roma Inclusion (2014), p. 14.
150 Praxis (2014b), pp. 5-6.
151 This number serves as an indicator only since the income from informal work cannot be calculated exactly and also the remittances can vary.

The strategy further foresees active employment measures, but not a single household was informed and consequently not a single person has participated.

Three households (10%) received the information on financial assistance for income-generating activities, but not a single person has received this assistance.

6.3.5. ACCESS TO HEALTHCARE

A registered permanent or temporary residence is necessary to acquire a healthcare booklet, without which only emergency healthcare is accessible.[152] For people whose registered residency is in Kosovo, the Serbian authorities can argue that it is the responsibility of the municipality of their residence to provide them with healthcare, not the place where they are actually residing. The cost and time involved in accessing this healthcare may be too high, making it unrealistic.[153] Access to healthcare for Roma, Ashkali and Balkan Egyptians has been improved somewhat by the introduction in 2008 of healthcare mediators whose job it is to assist Roma, Ashkali and Balkan Egyptian families in their contact with healthcare services, reducing linguistic and bureaucratic barriers.[154]

FINDINGS OF THE STP SURVEY

Despite the fact that all of the people in the survey are Kosovo citizens, recognised by Serbia as Serbian citizens, five adults and ten children did not have health insurance. And others reported that they were refused treatment or had to pay, since they did not have the necessary papers.

152 Praxis: Position of internally displaced persons: a brief analysis of the remaining challenges, December 2014b, pp. 2-3: http://www.praxis.org.rs/images/praxis_downloads/Position_of_internally_displaced_persons_-_a_brief_analysis_of_remaining_challenges.pdf (25.3.2015).
153 Praxis (2014b), p. 3.
154 Decade of Roma Inclusion: Civil Society Monitoring on the Implementation of the National Roma Integration Strategy and Decade Action Plan in Serbia in 2012 and 2013, 2014, p. 15: http://www.praxis.org.rs/images/9773_file13_sr_civil-society-monitoring-report_en-1.pdf. (25.3.2015); Open Society Foundation: Roma Health Mediators Successes and Challenges, October 2011, p. 53: http://www.opensocietyfoundations.org/sites/default/files/roma-health-mediators-20111022.pdf (25.3.2015); Unicef: Life in a day: connecting Roma communities to health services (and more): http://www.unicef.org/serbia/media_18785.html (25.3.2015).

6.4. OVERVIEW: COMPARISON OF THE SURVEY RESULTS

With regard to access to housing, employment and education opportunities it is important to compare the results of the interviews conducted among returnees who stayed in Kosovo and those who moved further to Serbia, since they could serve as indications as to the reasons why households decided to move further to Serbia.

Housing

The results indicate that in particular people whose dwellings had been destroyed during or after the war or who did not own property (with documents) decided to move to Serbia.

While 15% of the respondents in Kosovo stated that their dwelling has been destroyed and/or occupied, 50% of the respondents who moved to Serbia had experienced the destruction or occupation of their dwelling. In Kosovo, nearly half of the respondents live in their own house, but not a single household that moved to Serbia lived in their own house. However, already before the war, a small number of the latter households lived in their own houses and they experienced the destruction or the occupation of their pre-war dwellings more often.

Further, households that moved to Serbia claimed to have received less information on existing support schemes with regard to accommodation, which might have contributed to their leaving Kosovo again.

Fig.7

Housing situation now

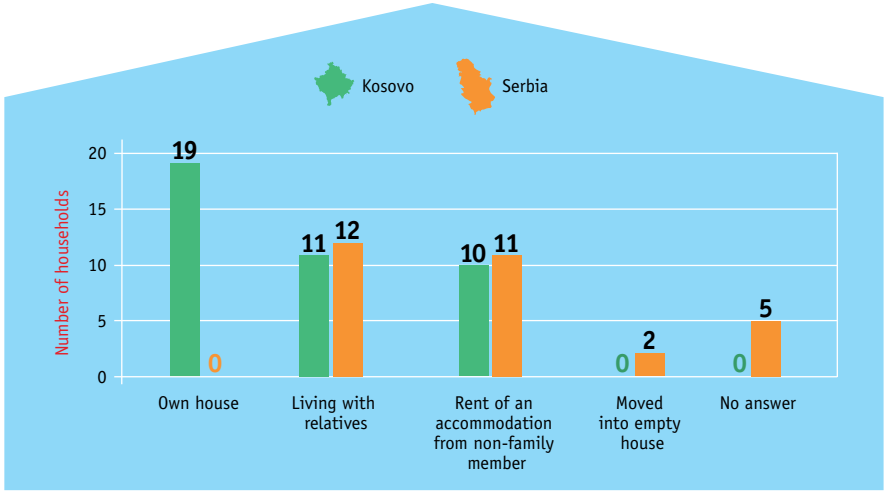


Fig.8

Property status before conflict

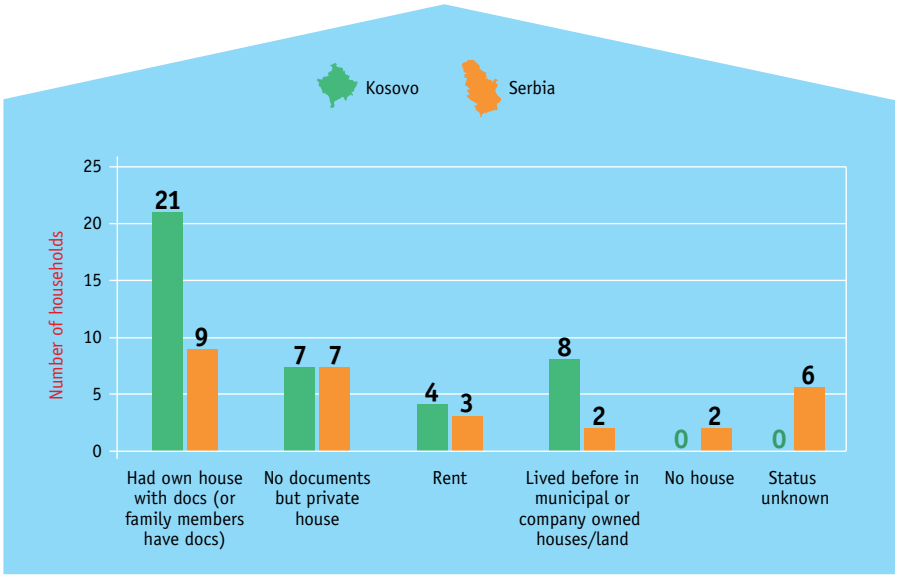


Fig.9

Information on and access to housing assistance

Employment/source of income

There are fundamental differences between the returnees who moved to Serbia and the ones who remained in Kosovo with regard to main sources of income, but also with regard to information and assistance they received upon return.

Remittances are the major source of income for the households staying in Kosovo while in Serbia informal employment (in particular collecting recyclable materials) and social assistance are the major sources of income. A lack of remittances might therefore force households to move to Serbia, since access to social assistance and informal employment opportunities are better than in Kosovo.

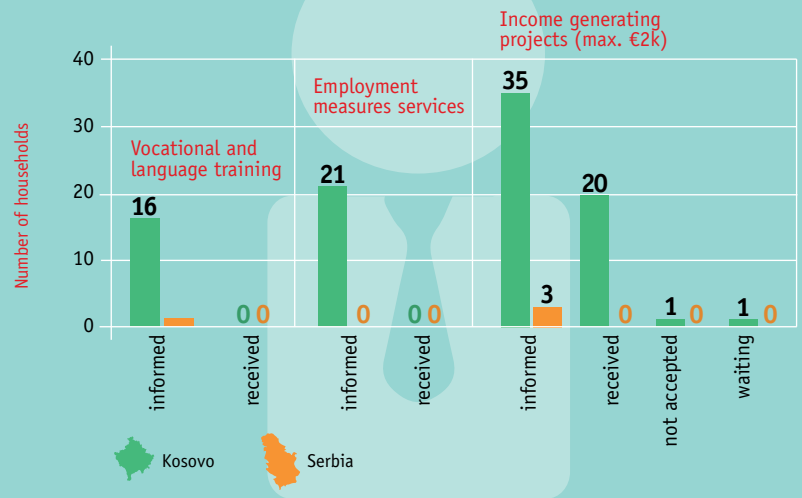
The reintegration strategy of Kosovo foresees access to employment opportunities, in particular self-employment. However, hardly any of the households who moved further to Serbia stated that they had received the respective information and not a single household had received this assistance while still living in Kosovo. Also among the respondents staying in Kosovo only a small share had received the information and an even smaller share had actually received assistance. Not knowing about the available assistance in combination with the knowledge of extreme difficulties in accessing the labour market might have contributed to their decision to move further to Serbia.

Fig.10

Sources of income

Fig.11

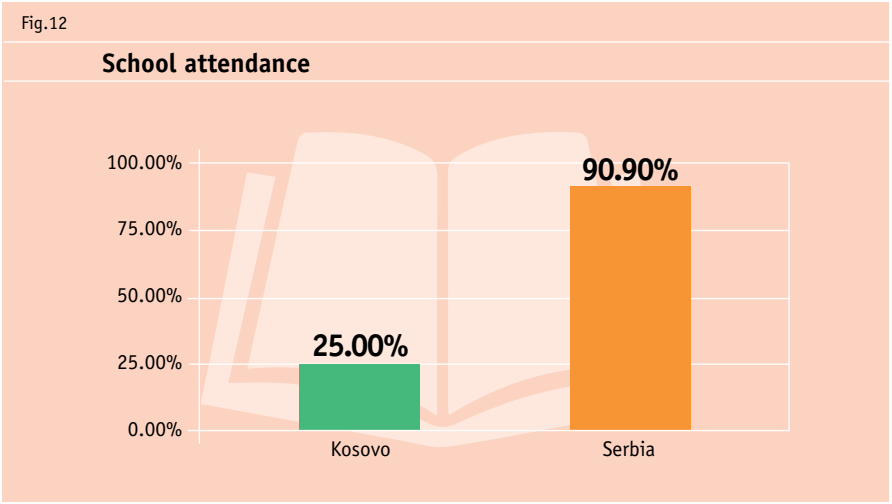
Information on employment opportunities



Education

The respondents claimed that all school-age children had attended schools during their time as refugees in Western Europe. However, after being returned to Kosovo only 25% of the children continued going to school, while in Serbia the rate was 91%. The situation in the education system in Kosovo might therefore also have contributed to the decision to leave Kosovo again.

Fig.12



7>
Conclusions

7. CONCLUSIONS

Both the Western European governments and the government of Kosovo refuse to base their policy-making on evidence, which is a fundamental prerequisite for a successful policy. Instead of acknowledging the actual situation, they reduce the situation of Roma, Ashkali and Balkan Egyptians to a solely economic problem, refusing to acknowledge the structural and cumulative discrimination. However, it is not the overall poverty in Kosovo which forces them to leave Kosovo (again), but the structural and cumulative discrimination and exclusion due to their ethnicities, an exclusion which does not only refer to the labour market or housing sector, but to society in general.

In this context, the decision to declare Kosovo a safe country of origin does not reflect the actual situation. The Commissioner of Human Rights of the Council of Europe pointed out that "discrimination may for instance be so serious as to constitute inhuman or degrading treatment within the meaning of Article 3 of the European Convention on Human Rights, particularly when directed against members of minority groups or lesbian, gay, bisexual or transgender communities. Moreover, discrimination and other measures taken cumulatively may constitute an "act of persecution" in the sense of the 1951 Convention relating to the Status of Refugees".

The Kosovo government must know that its own citizens – Roma, Ashkali and Balkan Egyptians – are still leaving their home country because they are subject to ethnic discrimination and exclusion that makes it impossible for them to survive and to live in dignity in their home country. This failed integration policy extends in particular to forced returnees from Western Europe who upon return find themselves without accommodation and without any possibility to gain enough money to make a living.

So far Western Europe has not seriously criticised the government of Kosovo for their failed integration policy on Roma, Ashkali and Balkan Egyptians, and Kosovo has not increased its efforts to provide conditions enabling them to live in Kosovo. The intention of the Kosovo government is primarily to fulfil – on paper – requests paving the way to visa liberalisation and access to the European Union. And the European Union is satisfied as long as these requests are written on paper.

Implicitly the reintegration policy for returnees from Western Europe is based on the assumption that these people left Kosovo for economic reasons, denying the fact that many of them fled Kosovo due to the conflict and to serious human rights violations and discrimination. Therefore, Western European governments

and the Kosovo government argue that they can easily return and are not in need of a comprehensive assistance programme.

The Western European authorities ignore the actual situation and refuse to undertake a serious analysis of the reasons why Roma, Ashkali and Balkan Egyptians are forced to leave Kosovo, since otherwise they would not be in a position to deny them the right to stay in Western Europe.

A further reasoning for this policy is that Western European governments want to accommodate the anti-immigrant and anti-Roma sentiments in their countries and want to prove that they are tough on migrants or Roma.

These failed policies have left thousands of Roma, Ashkali and Balkan Egyptians caught in a circle of migration since they have literally no place to stay.

8>
Recommendations

8. RECOMMENDATIONS

Considering the violations of human rights and the numerous failings in the repatriation process, the Society for Threatened Peoples calls upon the government of Kosovo, the governments of the Western European countries concerned and the European Union to stop their discriminatory practices and to introduce an evidence-based policy that aims at ending the migration cycle of Roma, Ashkali and Balkan Egyptians. In particular, the Society for Threatened Peoples urges the following:

TO THE GOVERNMENT OF KOSOVO

- The government of Kosovo should revise the Reintegration Strategy for Repatriated Persons in such a way that it addresses the needs and concerns of returnees from the Roma, Ashkali and Balkan Egyptian communities, in particular with regard to discrimination, housing, employment and education.

- The government of Kosovo should recognise with regard to reintegration that many Roma, Ashkali and Balkan Egyptians who looked for refuge in Western Europe fled the conflict in Kosovo or because of human rights violations.

- The government of Kosovo should urgently improve access to adequate housing for returnees and Roma, Ashkali and Balkan Egyptians in general. In this context it should make use of the existing possibilities to legalise informal settlements and build quality housing units.

- The Ministry for Education, Science and Technology should ensure that children of the three communities and the returnees have access to non-segregated quality education and that the respective commitments made in the reintegration strategy documents are implemented.

- The municipalities and the Ministry of Health (MH) must ensure that all repatriated Roma, Ashkali and Balkan Egyptians have health insurance.

- The government of Kosovo and the municipal authorities should fulfil its obligations and promote the employment of Roma, Ashkali and Balkan Egyptians in the public service and in publicly owned enterprises and should thereby consider employing repatriated persons from these communities.

- The government of Kosovo should ensure that affirmative action is increased to improve access to employment in the private sector for members of the three communities.

- The government of Kosovo should initiate or support a reconciliation process in Kosovo as a prerequisite for the (re)integration of Roma, Ashkali and Balkan Egyptians.

- The government of Kosovo should acknowledge the crimes committed against members of the three communities and bring the perpetrators to justice.

TO THE GOVERNMENT OF SERBIA

- The government of Serbia should make the process of acquiring Serbian identification documents for Roma, Ashkali and Balkan Egyptians from Kosovo faster and simpler.

- The government of Serbia should increase its efforts to include Roma, Ashkali and Balkan Egyptians originally from Kosovo in housing and income-generating projects for internally displaced persons financed by both external donors and the national budget.

- The government of Serbia and the respective municipal authorities should formalise informal settlements, providing inhabitants with residency permits whenever possible.

- The Ministry for Education should ensure that IDP children of the three communities have access to non-segregated quality education.

- The Law on the Fundamentals of the Education System, Article 98 should be changed in order to remove all of the bureaucratic requirements that can potentially be used to deny children their fundamental right to education. All children must be allowed access to quality education regardless of their possession of civil or residency documents.

TO WESTERN EUROPEAN GOVERNMENTS

- The Western European countries should reconsider their decision to declare Kosovo a safe country of origin and should apply asylum procedures allowing for an individual assessment of asylum applicants.

- The member states of the European Union should adhere to the Council Directive 2011/95/EU, governing international protection and ensure that all applications for international protection are assessed on an individual basis and to consider (perceived) ethnic differences.

- The member states of the European Union should adhere to the Council Directive 2008/115/EC that states that member states take into account the best interests of the child, family life and the state of health of the third-country national concerned in decisions on repatriation.

- The asylum authorities should take into account the case law of the European Court of Human Rights that if a population has to live under conditions which violate the respect for the human dignity of its members, that this could amount to degrading treatment and therefore constitute a violation of Article 3 of the European Convention for Human Rights and should respect the principle of non-refoulement.

- The Western European governments should issue (temporary) residence permits to Kosovo Roma, Ashkali and Balkan Egyptians currently living in Western Europe and who are in the process of becoming integrated in their host countries.

- The Western European governments should offer children who were born in Western Europe and are well integrated the opportunities to build a life in Western Europe and not return them to a country where they have never lived.

- The Western European governments should develop programmes that would provide for employment and training opportunities for Roma, Ashkali and Balkan Egyptians.

- The Western European governments in close cooperation with the European Union and the governments in Kosovo and Serbia should install a monitoring system on returned persons.

- Switzerland should utilise its migration partnership with Kosovo to demand that Kosovo fulfils its commitments with regards to the National Strategy for Reintegration and Repatriation, as well as its obligations based on ratified human rights agreements.

TO THE EUROPEAN UNION

- The European Commission should reconsider its decision to declare Kosovo a safe country of origin.

- The European Union should seriously scrutinise the activities of both Serbia and Kosovo with regard to Roma, Ashkali and Balkan Egyptians in general and returnees and IDPs from these three communities in particular and publish annual monitoring reports.

- The European Union should ensure that the implementation of measures targeting the integration of the three communities and of returnees and IDPs in regard to accessing adequate housing, enforcement of mandatory education and access at all levels to quality education, access to healthcare coverage, and suitable levels of social security is made an explicit condition for accession to the European Union.

- The European Union should increase its funding for a sustainable (re)integration of returnees from the three communities and should develop long-term programmes in close cooperation with the communities concerned and the governments of Kosovo and Serbia.

9> *Glossary*

AVRR programmes: Assisted voluntary return and repatriation programmes. Assistance provided to returnees who have chosen to return voluntarily within a short period following a negative decision on asylum.

ERF: European Refugee Fund. EU funds that are used to ensure that the financial burden of dealing with migration is spread among all member states. Some funds may be used for AVRR programmes.

European Council Directive: Decision made by the European Council that is legally binding on EU member states.

IDP: Internally displaced person. A person who has fled some kind of hardship but has not crossed an international border and, therefore, remains under the protection of the same government. As Serbia does not recognise Kosovo as an independent state, those fleeing hardships in Kosovo for Serbia are considered to be IDPs by the Serbian government.

IOM: International Organization for Migration. An inter-governmental organisation with 157 member states which is responsible for developing humane and practical migration solutions. The IOM plays some role in the AVRR programmes of all of the countries in this study.

KPA: Kosovo Property Agency. Independent organisation created under the mandate of the UNMIK mission to resolve housing claims following the war in the 1990s. Responsible for distributing subsidised rental housing to repatriated persons.

MCR: Kosovo Ministry for Communities and Returns. Ministry responsible for developing inter-community relations within Kosovo and ensuring that all communities are considered in government policy. Responsible for managing reconstruction or renovation of properties on the land owned by repatriated persons.

MEF: Kosovo Ministry of Economy and Finance.

MESP: Kosovo Ministry of Environmental and Spatial Planning. Responsible for developing and implementing legislation in the fields of environment, water, spatial planning and housing construction.

MEST: Kosovo Ministry of Education, Science and Technology.

MH: Kosovo Ministry of Health.

MIA: Kosovo Ministry of Internal Affairs

MIGRATION PARTNERSHIP: Memorandum of understanding between Switzerland and the Republic of Kosovo aimed at maintaining constant dialogue regarding migration between the two countries. Goals are: management of migration flows; solving visa, consular and administrative issues; readmission of nationals, stateless persons and third-party nationals; return assistance; prevention against irregular migration and fighting against smuggling of migrants and human trafficking. Not a legally binding document.

MLGA: Kosovo Ministry of Local Government Administration. Acts as a link between national and municipal levels of government.

MLSW: Kosovo Ministry for Labour and Social Welfare.

MOCR: Kosovo Municipal Office for Communities and Returns. Office set up as part of the National Strategy for the Reintegration of Repatriated Persons in Kosovo (2013) as the main body for reintegrating repatriated persons. Responsible for informing, assisting and advising returnees of the available services and the criteria for receiving them; receiving and assessing requests from returnees; monitoring the situation of repatriated people and keeping records on returnees.

MRC: Kosovo Municipal Reintegration Commission. Makes decisions on requests by returnees for emergency benefits. Assesses needs of repatriated persons regarding access to civil status registers, acquisition of civil documents, education and enrolment in school.

OSCE: Organization for Security and Co-operation in Europe. Security-related inter-governmental organisation with 57 member states.

READMISSION AGREEMENTS: Agreements signed between Kosovo and various Western European states which expressly set out the process of repatriation of nationals of either country to the home country. The goal is to make the process quicker and more efficient.

RF: European Return Fund. Fund contributed to by all EU member states (except Denmark), which is to be used to improve return management and to encourage development cooperation between sending and receiving states.

UDHR: Universal Declaration of Human Rights.

UNDP: United Nations Development Programme. United Nations body mandated to tackle poverty, inequality and exclusion.

UNMIK: United Nations Interim Administration Mission in Kosovo. Established by Security Council Resolution 1244 (1999). Mandated to ensure conditions for a peaceful and normal life for all inhabitants of Kosovo and advance regional stability in the Western Balkans.

UNHCR: United Nations High Commissioner for Refugees. UN body mandated to safeguard the rights and well-being of refugees.

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WITH THE STP FOR HUMAN RIGHTS

The Society of Threatened Peoples (STP) is an international human rights organisation that supports minorities and indigenous peoples. It documents human rights abuses, informs and sensitises the public, and represents the interests of victims against authorities and decision makers. It supports local efforts to improve the human rights situation for minorities and indigenous peoples, and works together, both nationally and internationally, with organisations and people that are pursuing similar goals. The STP has advisory status both at the Economic and Social Council (ECOSOC) of the UN and at the Council of Europe.

WANT TO GET INVOLVED? PLEASE SUPPORT US!

Our engagement is only possible with your support. With your membership or donation, we support minorities and indigenous peoples throughout the world.

Register at: **www.gfbv.ch/aktiv_werden**
Thank you very much!

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