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

**Community Rights Assessment Report  
Third Edition**

**July, 2012**

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## **LIST OF ABBREVIATIONS AND ACRONYMS**

**Action Plan:** Action Plan for the Implementation of the Strategy for the Integration of Roma, Ashkali and Egyptian Communities, 2009–2015

**Committee of Ministers first recommendations:** Council of Europe, Committee of Ministers first recommendations regarding the implementation of the Framework Convention in Kosovo

**Committee of Ministers second recommendations:** Council of Europe, Committee of Ministers second recommendations regarding the implementation of the Framework Convention in Kosovo

**DRC:** Danish Refugee Council

**ECLO:** European Commission Liaison Office

**EU-MRSI:** The European Union – Mitrovicë/Mitrovica Roma, Ashkali, Egyptian Support Initiative Project

**First Opinion:** Council of Europe, Advisory Committee on the Framework Convention for the Protection of National Minorities “Opinion on the Implementation of the Framework Convention for the Protection of National Minorities in Kosovo”

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

**HCNM:** OSCE High Commissioner on National Minorities

**IMC:** Implementation and Monitoring Council

**KCCH:** Kosovo Council for Cultural Heritage

**MCR:** Ministry of Communities and Return

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

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

**MMF:** Committee for Managing the Fund for Support to Minority and Multiethnic Media and Other Disadvantaged Groups, Office of the Prime Minister

**MOCR:** municipal office for communities and return

**NGO:** non-governmental organization

**OCA:** Office of Community Affairs within the Office of the Prime Minister

**OPM:** Office of the Prime Minister

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

**Reintegration Strategy and Action Plan:** Revised Strategy for Reintegration of Repatriated Persons and Action Plan Implementing the Strategy for Reintegration of Repatriated Persons

**RTK:** Radio Television of Kosovo

**Second Opinion:** Council of Europe, Advisory Committee on the Framework Convention for the Protection of National Minorities “Second Opinion on Kosovo”

**SOEs:** socially-owned enterprises

**SPZs:** special protective zones

**Strategy:** Strategy for the Integration of the Roma, Ashkali and Egyptian Communities, 2009–2015

**UAM:** UNMIK Administration in Mitrovica

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

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

## EXECUTIVE SUMMARY

Almost six years after the Council of Europe issued its first opinion on the level of implementation of the Framework Convention for the Protection of National Minorities by Kosovo institutions, shortcomings in the protection and promotion of the rights of communities in Kosovo remain. The *Community Rights Assessment Report Third Edition*, as with the two previous reports published by the Organization for Security and Co-operation in Europe Mission in Kosovo (OSCE), examines the progress and effectiveness of Kosovo institutions in protecting and promoting the rights of communities in Kosovo through their implementation of the specific standards of the Framework Convention for the Protection of National Minorities.

A number of issues highlighted by the Council of Europe, and addressed in the previous OSCE *Communities Rights Assessment* reports as areas of concern, are examined. The report considers progress in relation to the integration of the Roma, Ashkali and Egyptian communities; returns and reintegration; culture and media; inter-community dialogue; education; language; and socio-economic rights and participation. It finds that despite a comprehensive and sophisticated legislative framework in place to protect and promote the rights of communities in Kosovo, much remains to be achieved in order to provide real and meaningful protection of communities' rights.

Although minimal progress has been made in some of the areas of concern highlighted in the report, many areas require stronger commitments by the central- and local-level institutions in order to meet the relevant domestic and international standards for the protection and promotion of community rights. Key recommendations include the allocation of funds at the central and local levels for the implementation of the Strategy for the Integration of the Roma, Ashkali and Egyptian Communities; strengthening efforts to create the conditions for the sustainable return and reintegration of displaced and repatriated persons by providing effective access to services at the municipal level; and recognizing the fundamental importance of interethnic dialogue as a means to ensure tolerance and mutual understanding between communities in Kosovo.

## 1. INTRODUCTION

The Framework Convention for the Protection of National Minorities (Framework Convention)<sup>1</sup> is designed to protect the rights of persons belonging to national minorities and to promote the full and effective equality of those persons in all areas of economic, social, political and cultural life. As such, it affords communities in Kosovo<sup>2</sup> with substantial protection, as a result of which it is one of the principal benchmarks against which to measure progress by the Kosovo institutions in respecting and promoting the rights of communities. The legal framework in Kosovo affords specific rights to persons belonging to communities, including legislation on the promotion and protection of the rights of communities, the use of languages, education, cultural heritage and participation in public affairs.<sup>3</sup>

As part of its mandate to, *inter alia*, promote and protect the rights of communities, the OSCE regularly monitors and reports on the activities taken by Kosovo institutions to ensure that their rights are upheld. This report is the third edition of the *Communities Rights Assessment* to be published by the OSCE. The previous two reports, published in December 2009 and December 2010<sup>4</sup>, detailed progress made by the Kosovo institutions in implementing the specific standards of the Framework Convention during the periods from January 2008 to June 2009 and July 2009 to June 2010, respectively. Both reports examined progress in relation to the first set of recommendations made by the Council of Europe's Committee of Ministers, following the first opinion of the Advisory Committee.<sup>5</sup>

The Council of Europe issued its second Advisory Committee opinion (Second Opinion) in May 2010, followed by the publication of the second set of

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<sup>1</sup> The Council of Europe Framework Convention for the Protection of National Minorities, Strasbourg, 1 February 1995, Council of Europe Treaty Series, N. 157.

<sup>2</sup> The Framework Convention is referenced in the constitution alongside other international human rights treaties and conventions.

<sup>3</sup> Law No. 04/L-020 on amending and supplementing of the Law No. 03/L-047 on the Protection and Promotion of the Rights of Communities and their Members in Kosovo, 21 December 2011. Article 1.4 of this law explicitly recognizes Kosovo Serbs, Kosovo Turks, Kosovo Bosniaks, Roma, Ashkali, Egyptians, Goranis, Kosovo Montenegrins and Kosovo Croats as communities that are to be afforded the protection of this law. Communities who are in a majority in Kosovo as a whole are also to be afforded the protection of this law where they are in a numerical minority in a particular municipality. Law No. 02/L-37 on the Use of Languages, promulgated by UNMIK Regulation No. 2006/51, 20 October 2006; Law on Primary and Secondary Education in Kosovo, promulgated by UNMIK Regulation 2002/19, 31 October 2002 and Law on the Higher Education in Kosovo, promulgated by UNMIK Regulation 2003/14, 12 May 2003; Law on Cultural Heritage, promulgated by UNMIK Regulation 2006/52, 6 November 2006.

<sup>4</sup> See OSCE, *Communities Rights Assessment Report*, December 2009, <http://www.osce.org/kosovo/40779> (accessed 25 November 2011) and OSCE Report *Communities Rights Assessment Report Second Edition*, December 2010, <http://www.osce.org/kosovo/74597> (accessed 25 November 2011).

<sup>5</sup> Council of Europe, Advisory Committee on the Framework Convention for the Protection of National Minorities "Opinion on the Implementation of the Framework Convention for the Protection of National Minorities in Kosovo" (adopted on 25 November 2005) ACFC/OP/I(2005)004, Strasbourg, 2 March 2006 (First Opinion). Council of Europe, Committee of Ministers first recommendations regarding the implementation of the Framework Convention in Kosovo, adopted by the Committee of Ministers on 21 June 2006 at the 969<sup>th</sup> meeting of the Ministers' Deputies, Strasbourg (the Committee of Ministers first recommendations).

recommendations by the Committee of Ministers in July 2011.<sup>6</sup> This report, which is based on the regular monitoring activities of the OSCE during the period from July 2010 to December 2011, and on interviews conducted with municipal officials and community representatives from July to August 2011<sup>7</sup>, examines progress made by Kosovo institutions in implementing the standards of the Framework Convention with reference to the Committee of Ministers second recommendations.<sup>8</sup> Analysing a combination of quantitative and qualitative data, the report reviews progress made in the protection and promotion of the rights of the Roma, Ashkali and Egyptian communities; returns and reintegration; culture and media; inter-community dialogue; education; language; and socio-economic rights and participation. In common with the previous two OSCE *Communities Rights Assessment* reports, each area of concern will be the topic of a separate chapter. At the beginning of each chapter the relevant Committee of Ministers recommendation will be recalled, followed by an examination of the current situation, including progress attained and any positive developments; an assessment of the remaining challenges is then provided. Both sub-sections review the situation in relation to the recommendations made by the Council of Europe; however, they also consider other issues within the subject that are of particular concern to the OSCE. The report concludes with recommendations to improve the implementation of the standards of the Framework Convention for the protection and promotion of community rights.

## 2. ROMA, ASHKALI AND EGYPTIAN COMMUNITIES

“Identify and implement, as a matter of urgency, an adequate and sustainable solution for the Roma, Ashkali and Egyptians living in the remaining lead-contaminated camps in Northern Kosovo, in close consultation with the representatives of the communities concerned; ensure that adequate financial and human resources are allocated and utilised for the effective implementation of the Strategy for the Roma, Ashkali and Egyptian communities.”<sup>9</sup>

<sup>6</sup> Council of Europe, Advisory Committee on the Framework Convention for the Protection of National Minorities “Second Opinion on Kosovo” (adopted on 5 November 2009) ACFC/OP/II(2009)004, Strasbourg, 31 May 2010 Council of Europe, Committee of Ministers, second recommendations regarding the implementation of the Framework Convention in Kosovo, adopted by the Committee of Ministers on 6 July 2011 at the 1118<sup>th</sup> meeting of the Ministers’ Deputies, Strasbourg (the Committee of Ministers second recommendations).

<sup>7</sup> During the interviewing period, the OSCE field presence conducted interviews with a number of local counterparts, including municipal officials, community representatives, local non-governmental organizations and other organizations, where relevant. Interviews with municipal officials were conducted in municipalities across Kosovo and included directors of departments (budget; finance; cadastre; public services; culture, youth and sport; education; administration; personnel); municipal translators; staff within the municipal offices for communities and return; municipal officers for gender equality; deputy mayors for communities; deputy chairpersons of the municipal assembly for communities; chairpersons of the communities committees; chairpersons of the municipal assemblies; school directors and teachers. In addition, local non-governmental organizations and individuals representing the United Nations High Commissioner for Refugees were also interviewed, where appropriate. Community representatives and village leaders were also interviewed. Some key developments falling outside this initial July 2011 – December 2011 reporting period have been included as updates to the report as of July 2012.

<sup>8</sup> Although only made public in July 2011, the Committee of Ministers second recommendations closely follow the recommendations made by the Advisory Committee in the Second Opinion, which was made public in November 2009.

<sup>9</sup> Committee of Ministers second recommendations, note 6, *supra*.



### ***Current situation***

In October 2010, Česmin Lug, one of the lead-contaminated camps inhabited by Roma and Ashkali community members in northern Mitrovica/Mitrovicë, was closed and razed to the ground. Its inhabitants were relocated either to the settlement of “Roma Mahala” in southern Mitrovicë/Mitrovica, as part of a project by the non-governmental organization (NGO) Mercy Corps<sup>10</sup>, or temporarily moved to Osterode camp in northern Mitrovica/Mitrovicë. Mercy Corps has completed nearly all construction work in “Roma Mahala” that was envisaged within its original relocation projects; however, Mercy Corps has now reached an initial agreement with Mitrovicë/Mitrovica municipality to build a small number of additional row houses to accommodate some of the final families remaining in Osterode camp.<sup>11</sup> The total number of families relocated into row housing in “Roma Mahala” stands at 104 at the end of December 2011, although this is expected to rise when the additional houses are constructed.

Despite the intention to close all lead-contaminated camps inhabited by the Roma and Ashkali communities by the end of 2010, Osterode camp is expected to remain open until at least December 2012.<sup>12</sup> As of the end of December 2011, there are 17 families remaining in Osterode camp. Eleven of those families, some of whom originally refused to move to “Roma Mahala” for various reasons, have now agreed to move when housing is made available to them.<sup>13</sup> Two families have been identified by the United Nations High Commissioner for Refugees (UNHCR) as in need of continuing protection and therefore cannot be expected to safely return to southern Mitrovicë/Mitrovica. As part of its resettlement project Mercy Corps is responsible for finding an alternative solution for these families.<sup>14</sup> Two families moved in early 2012, having had their claims before the Kosovo Property Agency successfully resolved, and two families remain with complex property claims which will take some time to resolve. Once the 11 families are relocated, only four families (including the two protection cases) will remain in the camp with an unsettled status; however, negotiations with them are ongoing and Mercy Corps hopes that they will eventually benefit from the project to resettle.

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<sup>10</sup> Mercy Corps is the NGO responsible for the implementation of two projects to close down the lead-contaminated Česmin Lug and Osterode camps in northern Mitrovica/Mitrovicë and relocate the inhabitants to safer locations, mainly the “Roma Mahala” in southern Mitrovicë/Mitrovica. The projects, the Kosovo Partnership for Sustainable Resettlement of Roma, Ashkali, and Egyptian Communities Program (RESTART) and the European Union – Mitrovicë/Mitrovica Roma, Ashkali, Egyptian Support Initiative Project (EU-MRSI), have been funded by USAID and the European Commission Liaison office (ECLO), respectively.

<sup>11</sup> The municipality has voiced its support for the construction of these additional houses, which will be built by Mercy Corps within the existing relocation projects.

<sup>12</sup> Mercy Corps had been managing the camp with funds from the Ministry of Communities and Return and as part of its EU-MRSI project. Those funds ended in August 2011, at which stage Mercy Corps applied to a Ministry of Communities and Return call for proposals, providing funding for managing the camp until June 2012. Mercy Corps will continue to manage the camp until the end of December 2012 (through project savings) when it aims to close it.

<sup>13</sup> One family is expected to relocate in northern Mitrovica/Mitrovicë.

<sup>14</sup> Originally there were seven families whom UNHCR had identified as in need of continuing protection, and who therefore could not be expected to return safely to the south of Mitrovicë/Mitrovica. In December 2011, five of those families announced that despite their categorization as “protection cases”, they would relocate to “Roma Mahala”.

The *Strategy for the Integration of Roma, Ashkali and Egyptian Communities, 2009–2015* (Strategy) and its accompanying *Action Plan for the Implementation of the Strategy for the Integration of Roma, Ashkali and Egyptian Communities, 2009–2015* (Action Plan), detail the challenges faced by the Roma, Ashkali and Egyptian communities in Kosovo. The Action Plan proposes concrete measures to be taken by relevant central- and local-level institutions in order to address those challenges, coupled with a timeline and budgetary estimates for the implementation of appropriate measures to combat discrimination and support integration. Despite these far-ranging policy documents, Kosovo institutions fall short in fulfilling their commitments to create appropriate conditions for the integration of Roma, Ashkali and Egyptian communities in Kosovo. According to a May 2011 OSCE report on the implementation of the Strategy and Action Plan, there is a lack of political will; a dearth of co-ordination between central-level institutions, and between central- and local-level institutions; and there is insufficient budget to ensure effective implementation.<sup>15</sup> However, the report does note modest progress in the areas of return, regularization of informal settlements, culture and education, which have since been improved upon further.<sup>16</sup>

In common with the central level, no funding was allocated by municipalities for implementation activities during 2011, partly due to a general lack of awareness of the Strategy and its Action Plan at the municipal level.<sup>17</sup> OSCE is aware of only one municipality which allocated funding during the mid-year budget review: the municipality of Pejë/Peć has assigned funds within the office of the mayor for allocation to the relevant communities, when requested are submitted on the topic of participation. However, the OSCE is not aware of a single municipality that has allocated funding for the implementation of the Action Plan for 2012, although the municipal office for communities and return (MOCR) in Fushë Kosovë/Kosovo Polje has reminded each municipal department, in writing, of the need to include budgeted activities when planning for 2012.<sup>18</sup>

Although not specifically regulated, a small number of municipalities have taken the decision to draft local action plans for the implementation of the Strategy.<sup>19</sup> In other municipalities there have been activities conducted, or supported by the municipality, aimed at improving the situation of the Roma, Ashkali and Egyptian communities. For instance, during the reporting period a number of municipalities have allocated municipal land for Roma, Ashkali or Egyptians who are displaced, returnees or

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<sup>15</sup> See OSCE Report *Implementation of the Action Plan on the Strategy for the Integration of the Roma, Ashkali and Egyptian Communities in Kosovo*, May 2011, <http://www.osce.org/kosovo/77413> (accessed 25 November 2011).

<sup>16</sup> Ibid. p. 3.

<sup>17</sup> Ibid. p. 7.

<sup>18</sup> MOCR Fushë Kosovë/Kosovo Polje municipality, in-person interview conducted during the data-gathering period for the purposes of this report.

<sup>19</sup> Municipal action plans have been approved by the municipal assemblies of Ferizaj/Uroševac, Mitrovicë/Mitrovica, Gjakovë/Đakovica and Fushë Kosovë/Kosovo Polje. In Prizren the action plan was approved on 27 April 2012. In Gračanica/Graçanicë municipality a local action plan is being drafted. In Podujevë/Podujevo the Ashkali representative of the communities committee has initiated the process of drafting a local plan, while in Pejë/Peć the NGO “Syri i Vizionit” drafted a local action plan for 2009–2011, but the plan has never been endorsed by the municipality, despite its involvement during the drafting phase.

landless.<sup>20</sup> Some municipalities have conducted initiatives aimed at increasing school attendance, for instance by organizing meetings between parents and municipal officials to discuss non-attendance, by providing supplies to those in particular need, or by providing catch-up/intensive classes.<sup>21</sup> In other municipalities, short-term employment opportunities have been earmarked for members of the Roma, Ashkali and Egyptian communities.<sup>22</sup> In most circumstances, the activity conducted by the municipality was supported by a third party, either an NGO or an international organization or funded by the central level. There are very few examples of initiatives to promote and protect the rights of the Roma, Ashkali and Egyptian communities that are initiated by the municipality alone.

### ***Remaining Challenges***

Relocating some of the final families from Osterode camp, in order to remove them from land that is highly contaminated with lead, remains challenging. In particular, the two families requiring protection present a problem for Mercy Corps. This is due to the fact that there is no agreed solution as to where they should live, and whether the UNMIK Administration in Mitrovica (UAM) can allocate land for them in northern Mitrovica/Mitrovicë. Discussions over where they should be relocated have been carried out with minimal consultation with the affected individuals. The intended return to “Roma Mahala” of the five families who are considered to be in need of continuing protection by UNHCR is not welcomed by some of the settlements’ community leaders, who are concerned that this might endanger the safety of the other inhabitants of “Roma Mahala”.<sup>23</sup> A lack of community involvement during the planning stages of the projects has also been one of the issues of concern for the 104 families who have relocated to “Roma Mahala”.<sup>24</sup> However, it must be noted that

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<sup>20</sup> In Viti/Vitina, municipal land was allocated for the construction of two houses for two Roma families. In Podujevë/Podujevo, municipal land was allocated for a returning Ashkali family. In Klinë/Klina the municipality has allocated land for the construction of seven houses for landless Ashkali and Egyptian families. The municipalities of Mitrovicë/Mitrovica and Gjakovë/Đakovica have allocated large plots of municipal land in “Roma Mahala” (inhabited by Roma and Ashkali) and the “Ali Ibra” settlement (inhabited by Egyptians), respectively. In Ferizaj/Uroševac municipality land was allocated for the building of an Ashkali Cultural and Social Centre, to be used as a training centre, healthcare centre and kindergarten.

<sup>21</sup> In Ferizaj/Uroševac municipality, the MOCR co-operated with the OSCE and a local NGO, the Ashkali Community Centre, to distribute school books to Roma, Ashkali and Egyptian secondary school children. In the same municipality the MOCR, supported by the OSCE, organized roundtable discussions between parents and children to tackle the subject of school dropouts. In Podujevë/Podujevo the municipality offers literacy classes for members of the Ashkali community. It also accepts the enrolment into school of returnee children without the necessary civil registration documents. Similar initiatives are undertaken by the municipalities of Gjakovë/Đakovica, Pejë/Peć and Prizren.

<sup>22</sup> For instance, Roma were hired on short-term contracts under an environmental cleaning project supported by the Ministry of Labour and Social Welfare in Štrpce/Shtërpçë during August 2011. Roma and Egyptian community members were similarly employed in Pejë/Peć municipality, whilst members from all three communities were hired by Fushë Kosovë/Kosovo Polje municipality. Gračanica/Gračanicë has employed 12 Roma individuals within the department of public services during 2011.

<sup>23</sup> In a meeting with the OSCE on 27 December 2011, a number of the Roma leaders in southern Mitrovicë/Mitrovica claimed that some members of the Kosovo Albanian community believe that some of the UNHCR-defined protection cases are connected with crimes committed against Kosovo Albanians during and before the conflict, although this has not been substantiated.

<sup>24</sup> See OSCE Report *Kosovo Communities Profiles* 2010, “Kosovo Roma Communities Profile” <http://www.osce.org/kosovo/75450> (accessed 25 November 2011) and OSCE Report *Communities Rights Assessment Report Second Edition*, p. 19, note 4 *supra*.

where consultation mechanisms have been available they have not always been fully utilized by the communities.<sup>25</sup>

For the families who are now residing in “Roma Mahala”, a number of human rights issues remain that question the adequacy and sustainability of the relocation projects. There have been problems with the standard of the housing units, which originally suffered from inadequate insulation and high levels of humidity, apparently causing health issues for some of the inhabitants. Mercy Corps attempted to address this problem by engaging a company to install thermal insulation into the worst affected row houses; however, not all houses are fixed since funds are only available in one of the two relocation projects. Another health concern arises due to the frequent non-collection of rubbish in “Roma Mahala”, which is the responsibility of the municipality but is not regularly collected due to the non-payment of bills. Of more pressing concern is the lead-contamination issue, which although alleviated, has not been resolved by moving the families from the camps to “Roma Mahala”. Some of the children in “Roma Mahala” continue to receive medical treatment because of the increased level of lead in their blood. During the reporting period the condition of some of those children deteriorated.<sup>26</sup> There are also allegations, made by Mercy Corps, that some of the families in “Roma Mahala” continue to engage in smelting activities in northern Mitrovica/Mitrovicë, thus continuing to expose their children to the dangers of lead contamination.<sup>27</sup>

For the Roma and Ashkali communities living in “Roma Mahala”, other human rights concerns affecting the sustainability of their return include the lack of employment opportunities available in the area, which is compounded by the general discrimination faced by Roma, Ashkali and Egyptian communities in Kosovo.<sup>28</sup> The public waste company, “Uniteti”, employs seven Roma and Ashkali on short-term contracts, as a result of vocational training programmes conducted by the Danish Refugee Council (DRC) for inhabitants of “Roma Mahala”, some of which were supported by the OSCE. However, this is only a very small percentage of the Roma and Ashkali of working age residing in “Roma Mahala”. Security of tenure for the inhabitants of the row houses, coupled with confusion as to whether or not the

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<sup>25</sup> The Local Steering Committee, initiated by OSCE and UNMIK at the request of the municipality in early 2010, was designed to provide technical support and guidance to Mitrovicë/Mitrovica municipality, Mercy Corps, other partner organizations and stakeholders involved in the implementation of the projects. It also served as a co-ordination mechanism between the municipality and central institutions due to the attendance of the deputy minister for communities and return. However, the body lacked representation by the Roma and Ashkali community in the camps, who never attended the meetings, despite being invited to do so.

<sup>26</sup> Between July and August 2011, out of six children who received medical treatment, three are reported by Mercy Corps to have deteriorated in health. As of the end of December 2011, two children were receiving medical treatment. In total nine children were diagnosed as having elevated levels of lead in their blood.

<sup>27</sup> For further information on the issue of lead-contamination amongst the Roma and Ashkali community in Mitrovicë/Mitrovica, including the possible links between smelting activities and lead poisoning, see OSCE Report *Background Report Lead contamination in Mitrovicë/Mitrovica affecting the Roma community*, February 2009, <http://www.osce.org/kosovo/36234> (accessed 25 November 2011).

<sup>28</sup> See OSCE Report *Kosovo Communities Profiles 2010*, “Kosovo Roma Communities Profile”, “Kosovo Ashkali Communities Profile” and “Kosovo Egyptian Communities Profile”, note 24 *supra*.

municipality has properly allocated the land for the projects, and if so, for how long, are additional concerns.<sup>29</sup>

As previously noted, the implementation of the Action Plan and Strategy are seriously hampered by lack of funds, insufficient co-ordination and guidance from the central level to the local level and lack of political will. No funds were allocated in the Kosovo Consolidated Budget for 2010 or 2011. Although small achievements were observed in a few of the policy areas, no significant developments were noted with regard to employment and economic empowerment, participation and representation, security, police service or justice.<sup>30</sup> Similarly, at the municipal level, the majority of municipalities have not allocated funds and do not carry out any targeted activities aimed at implementing the Action Plan or Strategy. In Lipjan/Lipljan municipality, for instance, the mayor has expressed his dissatisfaction with the lack of allocated funds in the Kosovo Consolidated Budget and has stated that the municipality will not create a local action plan because there are no funds to allow for its implementation.

### 3. RETURNS AND REINTEGRATION

“Ensure that the conditions for safe and sustainable returns of persons belonging to minority communities, especially IDPs, notably in areas such as security, housing, social protection, education and access to property, are put in place without delay.”<sup>31</sup>

#### ***Current situation***

During 2011, a total of 1,143 individuals categorized as minorities by UNHCR voluntarily returned to their homes from displacement, including 457 Kosovo Serbs, 118 Roma, 364 Ashkali and Egyptians, 60 Bosniaks, 106 Gorani, and 28 Kosovo Albanians.<sup>32</sup> To raise awareness among displaced populations, the Ministry of Communities and Returns (MCR), UNHCR and DRC have continued to support municipalities in conducting outreach activities in Kosovo and the region, primarily through go-and-inform and go-and-see visits. Within the existing returns framework<sup>33</sup> the MCR, in co-operation with local institutions and relevant international partners, continued to support displaced persons and returnees through a number of assistance

<sup>29</sup> Beneficiaries of the projects signed tripartite agreements with the municipality and Mercy Corps for an initial 18 month period, with the option for renewal for an additional 97.5 years. The Mitrovicë/Mitrovica municipal assembly has voted to allocate land for the projects, but the official documents required to secure that land do not exist. There is also disagreement as to whether the municipal assembly voted for a 99-year use, or “long term” use. This is further confused by a recent law allowing municipalities to allocate land for no longer than 40 years: Law No.03/L-226 on Allocation for use and Exchange of Immovable Property of Municipality, 9 November 2010.

<sup>30</sup> OSCE Report *Implementation of the Action Plan on the Strategy for the Integration of the Roma, Ashkali and Egyptian Communities in Kosovo*, p. 3, note 15 *supra*.

<sup>31</sup> Committee of Ministers second recommendations, note 6, *supra*.

<sup>32</sup> This is in contrast to 2010, during which 2,314 individuals categorized as minorities by UNHCR voluntarily returned. UNHCR Office of the Chief of Mission Prishtinë/Priština, Statistical Overview – update at end of December 2011.

<sup>33</sup> Ministry of Communities and Returns, Strategy for Communities and Return 2009–2013; and UNMIK/Provisional Institutions of Self-Government (PISG), Revised Manual on Sustainable Return, July 2006; Government Regulation No. 02/2010 for the Municipal Offices for Communities and Return adopted 12 August 2010 and entered into force on 27 August 2010.

programmes.<sup>34</sup> The government has underlined its commitment to facilitating safe and sustainable return by mandating the establishment of MOCRs in all municipalities.<sup>35</sup> These offices are responsible for promoting and protecting the rights of non-majority communities<sup>36</sup>, displaced persons and returnees, including repatriated persons; ensuring equal access to public services; and co-ordinating and promoting the returns process. MOCRs are currently being established in most municipalities.<sup>37</sup>

During 2011, a total of 2,435 persons were repatriated from host countries (mainly from Western Europe) based on readmission agreements. This included 605 members of communities categorized as minorities by UNHCR, 519 of whom were classified as belonging to groups considered at risk and in need of protection by UNHCR.<sup>38</sup> In 2010, the government approved the Revised Strategy for Reintegration of Repatriated Persons and its Action Plan Implementing the Strategy for Reintegration of Repatriated Persons (together, Reintegration Strategy and Action Plan). From April 2011 central-level institutions, notably the Ministry of Internal Affairs, intensified their efforts to raise awareness of this new policy and institutional framework among municipal institutions, and to build capacity among relevant officials. These preliminary steps were broadly successful: a large proportion of municipalities reported receiving written guidelines on implementation of the Reintegration Strategy and Action Plan and access to central-level reintegration funds; and over half attended training sessions on repatriations organized by the central institutions.<sup>39</sup> Furthermore, in a promising development, the government allocated 3.4 million Euro to a central-level reintegration fund, aimed at providing both direct assistance to repatriated persons and financing longer-term projects to enhance their sustainable reintegration.

During the reporting period representatives from the Ministry for European Integration also undertook regular visits to municipalities across Kosovo, to

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<sup>34</sup> For instance, through the ECLO/MCR funded Return and Reintegration in Kosovo (RRK) project, which has benefited Kosovo Serbs, Roma, Ashkali and Egyptians, as well as other non-majority communities. The RRK III, which began in November 2011, foresees multi-sectoral activities, including housing reconstruction and income generation components to support the dignified and sustainable return and reintegration of 210 displaced families to their homes in four selected municipalities (Ferizaj/Uroševac, Klinë/Klina, Obiliq/Obilić and Rahovec/Orahovac) over a 24-month implementation period.

<sup>35</sup> Office of Prime Minister Regulation No. 02/2010 for the Municipal Offices for Communities and Return, adopted 12 August 2010 and entered into force on 27 August 2010. UNMIK Regulation 2007/30 on Self-Government of Municipalities in Kosovo amending UNMIK Regulation 2000/45, Section 23, provided for communities committees, mediation committees and community offices. The MOCRs replace and reform their predecessors, the municipal community offices and the municipal return officers.

<sup>36</sup> For the purpose of this report, non-majority refers to any community that is in a numerical minority at the municipal level.

<sup>37</sup> However, no steps have been taken to establish MOCRs in the municipalities of Han i Elezit/Đeneral Janković, Kačanik/Kaçanik, Junik, Malishevë/Mališevo, Mamuşa/Mamushë/Mamuša and Prishtinë/Priština. Of these, only Prishtinë/Priština municipality previously had a municipal community office. MOCRs are not in place in the municipalities of Leposavić/Leposaviq, Zubin Potok/Zubin Potok and Zvečan/Zveçan due to the fact that these municipalities apply Serbian law.

<sup>38</sup> During 2010, the total number of repatriations was 2,910, including 593 individuals categorized as minorities by UNHCR and 511 classified as belonging to groups considered at risk and in need of protection by UNHCR.

<sup>39</sup> See OSCE Report *Assessing Progress in the Implementation of the Policy Framework for the Reintegration of Repatriated Persons in Kosovo's municipalities*, September 2011, pp. 10–11, <http://www.osce.org/kosovo/82416> (accessed 25 November 2011).

emphasize the importance of the sustainable reintegration of repatriated persons for the visa liberalization process. In some municipalities this prompted the establishment of supplementary co-ordination structures beyond the scope of the legislative/policy framework, including ad hoc repatriations commissions in Gjilan/Gnjilane, Kamenicë/Kamenica and Rahovec/Orahovac municipalities, working groups in Ferizaj/Uroševac and Viti/Vitina municipalities, and a repatriations board in Vushtrri/Vučitrn municipality. Podujevë/Podujevo, Gjakovë/Đakovica and Viti/Vitina municipalities undertook awareness-raising campaigns aimed at reaching out to repatriated persons. However, these initiatives were exceptional and in most municipalities the visits yielded little in the way of tangible results.

### ***Remaining Challenges***

Overall, the return and reintegration process remains a major challenge, in particular for municipalities. Where municipal returns strategies have been adopted they are often only partially implemented, and during the implementation of relevant policies, strategies and projects, municipalities are confronted with persistent problems relating to budgetary constraints, lack of political will or commitment by the municipal leadership, lack of capacity among relevant municipal officials, and problems of co-ordination and information sharing among stakeholders at both the central and local levels.<sup>40</sup> The low number of voluntary returns in the first half of 2011 can also be partially attributed to the late approval of the annual budget of the MCR in spring of 2011, while funds for housing reconstruction and other assistance programmes are limited due to the MCR budget being substantially cut in the 2011 mid-term budget review.

Similarly, despite increased attention from international actors and the government, effective implementation of the Reintegration Strategy and Action Plan has remained problematic, especially at the municipal level. Although efforts have been made by central-level institutions to raise awareness and strengthen capacity among municipal officials, this has yet to yield tangible results on the ground, where most municipalities have made only limited efforts to develop, implement or promote concrete initiatives. Progress is consequently lacking in many important areas, including civil registration, education, health, employment and social welfare, and housing and accommodation. In almost all cases, a lack of sustainable municipal funding and/or low awareness of procedures for accessing central funding options, coupled with a lack of high-level political will, has also hampered effective implementation. Persistent problems in the effective and timely disbursement of reintegration funds are of particular concern, with only a small percentage trickling down to repatriated persons in the form of direct assistance.<sup>41</sup>

Limited access to property and housing, the lack of economic opportunities, and restrictions on access to basic services such as education, health care and social assistance continue to be major obstacles to sustainable return and reintegration, for both voluntary and forced returnees, that need to be more vigorously addressed in co-operation with all relevant stakeholders. Roma, Ashkali and Egyptian communities remain among the most vulnerable groups in Kosovo. Although the security situation remained relatively calm, the reporting period was marked by persistent small-scale

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<sup>40</sup> See OSCE Report *Municipal responses to displacement and returns in Kosovo*, November 2010, <http://www.osce.org/kosovo/73854> (accessed 13 September 2011).

<sup>41</sup> Ibid.

incidents against persons, private property (including theft, vandalism, burglaries and looting of empty returnee houses) and sites of cultural and religious significance for communities. Such incidents, and the frequent lack of response or municipal outreach, not only affect returning communities' perceptions of security but ultimately the sustainability of their return.<sup>42</sup>

#### 4. CULTURE AND MEDIA

“Provide further support to the preservation of cultural and religious sites and the cultural heritage of all minority communities, including those belonging to the Serbian Orthodox Church.”<sup>43</sup>

“Protect and develop the cultures of minority communities, including in the field of the media; pay specific attention to the needs of numerically smaller minorities; ensure adequate consultation of the communities' representatives on the allocation of relevant funds.”

“Take steps to ensure equal access of persons belonging to all communities to public service broadcasting.”

##### ***Current situation***

The preservation of cultural and religious sites and the promotion of the cultural heritage of all communities continue to be issues of concern. However, some progress in relation to the implementation of legislation relevant to the field of cultural heritage has been noted during the reporting period. The Ministry of Culture, Youth and Sport (MCYS) announced on 30 September 2011 that it had drawn up a temporary inventory list of 930 cultural heritage sites requiring protection.<sup>44</sup> However, this list is only provisional and has not yet been submitted to the Kosovo Council for Cultural Heritage (KCCH) for review, adoption and/or rejection, as is required by law.<sup>45</sup> At the end of 2011, the draft law on the village of Velika Hoča/Hoçë e Madhe and the draft law on the historic centre of Prizren<sup>46</sup> had both received their first reading in the Assembly of Kosovo, and were under review by the relevant Assembly committees. Both draft laws face strong opposition by municipal officials and Kosovo Albanian civil society organizations in Rahovec/Orahovac and Prizren municipality, who claim

<sup>42</sup> For more details see OSCE Report *Municipal Responses to Security Incidents Affecting Communities in Kosovo and the role of Municipal Community Safety Councils*, December 2011, <http://www.osce.org/kosovo/86766> (accessed 11 January 2012).

<sup>43</sup> Committee of Ministers second recommendations, note 6, *supra*.

<sup>44</sup> The MCYS, “Kosova për herë të parë pas lufte ka një listë të trashëgimisë kulturore për mbrojtje të përkohshme”, <http://www.mkrs-ks.org/?page=1.6.23> (accessed 21 November 2011). The news article is available only in the Albanian language.

<sup>45</sup> Art.4(3), Law No. 02/L-88 on Cultural Heritage, as promulgated by UNMIK Regulation 2006/52, 6 November 2006.

<sup>46</sup> The proposed laws have been drafted by the Kosovo government with the purpose of protecting the traditional characteristics of Velika Hoča/Hoçë e Madhe village and the historic centre of Prizren as foreseen in Art. 8 and 9 of the Law No. 03/L-039 on Special Protective Zones, 15 June 2008.



that the provisions give too much influence to the Kosovo Serb community and the Serbian Orthodox Church.<sup>47</sup>

As of December 2011, 16 municipalities have approved municipal spatial plans. These plans are essential for regulating construction and development around special protective zones (SPZs) and other cultural heritage sites. An additional three municipalities have submitted their spatial plans to the Ministry of Environment and Spatial Planning. Another 14 municipalities have started drafting spatial plans, while Prishtinë/Priština municipality has not begun the drafting process.<sup>48</sup> Forty-five SPZs have been established to protect Serbian Orthodox cultural and religious heritage sites; however concerns regarding the inspection and enforcement of foreseen protective regulations remain. The Implementation and Monitoring Council (IMC)<sup>49</sup> was established during the reporting period to monitor and facilitate the implementation of these SPZs<sup>50</sup>; however, so far the mechanism functions only on the basis of member consultations through an exchange of letters.

Kosovo police have continued to provide 24-hour protection to 17 Serbian religious and cultural heritage sites that were handed over to their responsibility in February 2009.<sup>51</sup> They have additionally taken over responsibility for six other Serbian religious and cultural heritage sites from KFOR since then, which are also provided with 24-hour protection. Two Serbian religious and cultural heritage sites remain under the protection of KFOR.<sup>52</sup> During the reporting period, two criminal acts were reported at the sites under 24-hour Kosovo police protection.<sup>53</sup>

There has been some small progress to promote and protect religious and cultural heritage belonging to the Kosovo Serb community. For instance, the Orthodox Seminary, Bogoslovija Svetih Ćirila i Metodija in Prizren, which was damaged during the 2004 riots, was reopened by the Bishop of Raška Prizren Diocese Teodosije on 21 September 2011, when he held the first liturgy for the ten students who have begun to study at the seminary in the Serbian Orthodox Church of Sveti Đorđe in Prizren. A number of projects have also been carried out to repair or maintain Serbian Orthodox

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<sup>47</sup> Although falling outside of the reporting period it is relevant to note that both laws were adopted by the Kosovo assembly on 20 April 2012.

<sup>48</sup> The municipalities of Leposavić/Leposaviq, Zubin Potok and Zvečan/Zvečan did not draft spatial plans because they apply Serbian law.

<sup>49</sup> The IMC members include the MCYS, the Kosovo Institute for the Protection of Monuments, the Institute for the Protection of Monuments based in Leposavić/Leposaviq, the Serbian Orthodox Church and international stakeholders.

<sup>50</sup> See Art. 4 of the Law No. 03/L-039 on Special Protective Zones, 15 June 2008.

<sup>51</sup> See OSCE Report *Communities Rights Assessment Report Second Edition*, pp. 3–6, note 4 *supra* for further details of the operational order to provide security to Serbian Orthodox religious and cultural heritage sites.

<sup>52</sup> Visoki Dečani Monastery in Deçan/Dečani municipality and the Patriarchate in Pejë/Peć municipality.

<sup>53</sup> During 2011 there were two thefts from Serbian Orthodox churches under Kosovo police protection. The thefts occurred at the Church of Bogorodica Ljeviška in Prizren in April 2011 and Sveti Arhandel Monastery in Prizren in May 2011. Both cases are unresolved. Furthermore, although Kosovo police do not dispute that the lead roofing which disappeared from the Church of Bogorodica Ljeviška appears to have been stolen, they say that photos show that the lead roofing was missing when they took over protection of the site in February 2009. During August 2011, there were also two incidents of theft at Devič Monastery in Skenderaj/Srbica municipality, which was under the protection of KFOR at the time.

graveyards, predominantly at the initiative of the international community.<sup>54</sup> While municipalities are responsible for maintaining graveyards on municipal land, very few have allocated any funds for such activities.<sup>55</sup> However, there are a few positive examples. In November 2011, Fushë Kosovë/Kosovo Polje municipality cleaned the Serbian Orthodox graveyards located in the town and in the villages of Bresje and Lismir/Dobri Dub. In an initiative financed by the Ministry of Labour and Social Welfare, the Orthodox graveyard in Pejë/Peć town was cleaned during September 2011. Furthermore, on 9 November 2011, the mayor of Lipjan/Lipljan municipality told the municipal working group on returns that the municipality will invest in the rehabilitation of Serbian Orthodox graveyards and repair damaged grave stones in 2012.

Despite the activities noted above, there are very few municipalities which actively promote the cultures of non-majority communities, particularly the numerically smaller communities such as the Ashkali, Egyptians or Kosovo Montenegrins. In Ferizaj/Uroševac the municipality provided funds to support the celebration of Ashkali Flag Day, on 15 February 2011. The Vushtrri/Vučitrn municipality also supported Ashkali Flag Day, but only following the initiative of the community to organize the event. Likewise, in Prizren municipality, activities promoting the culture of the smaller communities have been initiated by the communities themselves. In Istog/Istok the municipality has provided support to a local NGO representing Kosovo Bosniaks, who held a gathering in the village of Vitomiricë/Vitomirica in Pejë/Peć municipality for more than 2,000 people, celebrating the Kosovo Bosniak culture. Some municipalities provide funding for International Roma Day<sup>56</sup>, but activities are supported on an ad hoc basis, and rarely with any concerted plan to promote non-majority community cultures.

At the central level, the Office of Community Affairs (OCA) within the Office of the Prime Minister (OPM) funded a six-month project aimed at improving the living conditions of Kosovo Montenegrins and promoting their culture. The OCA also has an annual amount of 100,000 Euros for projects supporting the integration of communities in a numerical minority at the municipal level. Project proposals are accepted from civil society and are then selected by a commission set up by the OCA. The commission is made up of various executive and legislative officials, some of whom are selected as representative of their particular community. Various international organizations attend in an observer capacity, including the OSCE. At the municipal level, the allocation of any funds for projects supporting the promotion of non-majority community cultures is done by the municipality, usually with no explicit participation by, or consultation with, non-majority communities themselves, unless they happen to be represented in the municipal administration.

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<sup>54</sup> For example, the OSCE has carried out a number of such projects as part of its mandate to protect and promote the rights of communities, including in the field of cultural heritage, including at some Serbian Orthodox graveyards in Istog/Istok, Prizren and Prishtinë/Priština municipalities.

<sup>55</sup> For example, in 2010 only seven municipalities allocated any funds for graveyard maintenance. For further details see OSCE Report *Maintenance of Orthodox Graveyards in Kosovo*, September 2011, pp. 10–12, <http://www.osce.org/kosovo/84399> (accessed 23 November 2011).

<sup>56</sup> Including Mitrovicë/Mitrovica, Pejë/Peć, Fushë Kosovë/Kosovo Polje, Gračanica/Gračanicë, Ferizaj/Uroševac, Gjilan/Gnjilane, Kamenicë/Kamenica and Štrpce/Shtërpçë municipalities. In Deçan/Deçane municipality the MOCR has earmarked funds for the celebration of International Roma Day in 2012.

In relation to the promotion of communities' cultural heritage in the media, there are few concerted actions to improve representation or to promote understanding between the communities. At the local level, one of the few positive examples is in Gjilan/Gnjilane municipality, where a monthly bilingual newspaper in Albanian and Serbian is currently being published.<sup>57</sup> The aim of the project is to promote interethnic tolerance between the communities and to create a more democratic society. In Mitrovicë/Mitrovica municipality, the local television station "TV Mitrovica" occasionally covers cultural activities by non-majority communities. Likewise in northern Mitrovica/Mitrovicë, "Radio Kontakt Plus" and "TV Most" sometimes feature non-majority community guests or stories on their shows. Although Kosovo Bosniaks and Kosovo Serbs have radio stations in their own language in Pejë/Peć municipality, they mainly provide entertainment and news, rather than promoting culture. However, "Radio Peja" (a Kosovo Bosniak station) has a weekly 30-minute programme on Sundays which discusses social and cultural activities in Pejë/Peć municipality for the community. In Gračanica/Graçanicë municipality, the radio stations "KiM Radio" and "Vitez Radio" have programming for one hour per week in the Romani language.

The public service broadcaster, Radio Television of Kosovo (RTK), is obliged to dedicate no less than 15 per cent of its programming time to non-Albanian communities, in their respective languages.<sup>58</sup> No independent statistics on whether this commitment is met have been published since the first *Communities Rights Assessment* report, at which time RTK was attaining only 12 per cent of programming in non-Albanian languages.<sup>59</sup> However, RTK has reported to the OSCE that it has since improved its programming in non-Albanian languages and asserts that it now meets this legal provision.<sup>60</sup> In this regard, on 14 November 2011, RTK launched a daily (Monday to Friday) ten-minute newscast in the Romani language, which was greatly welcomed by representatives of the Roma community. According to the legal provisions, public service broadcasting should cover the area where at least 90 per cent of people live in Kosovo, including 90 per cent of the area where non-Albanian communities live.<sup>61</sup> Nonetheless, terrestrial coverage remains at about 80 per cent and the lack of coverage mainly affects areas where non-Albanian communities are living. The widespread availability of cable television, which is now available in all areas of Kosovo, goes some way towards alleviating the lack of terrestrial coverage as cable providers are required by law to carry public service broadcasting. However, there are subscription fees for receiving cable television, meaning that public service broadcasting remains unavailable for some.

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<sup>57</sup> The newspaper, which is published by the municipality and funded by the Embassy of the United States in Prishtinë/Priština, is written by the local NGO "Reforma".

<sup>58</sup> Art.6(6) of Law No. 02/L-47 on Radio Television of Kosovo, promulgated by UNMIK Regulation 2006/14, 11 April 2006.

<sup>59</sup> See OSCE Report *Communities Rights Assessment Report*, pp. 24–27, note 4 *supra*.

<sup>60</sup> Meeting conducted by the OSCE with RTK on 27 January 2011, during which the broadcaster pointed to additional programming in the Serbian language that had been commissioned during 2010 and 2011, helping it to attain the 15 per cent threshold. RTK also has more programming in non-Albanian languages available through a project implemented by the OSCE in 2011, which supported local TV production companies across Kosovo to produce short features stories in the Serbian, Turkish, Bosnian and Romani languages.

<sup>61</sup> Art.8(1) of Law No. 02/L-47 on Radio Television of Kosovo.

At the central level, some positive progress has been noticed in relation to the protection and promotion of community cultures in the media. On 12 August 2011, the first constitutive meeting of the committee for managing the Fund for Support to Minority and Multiethnic Media and Other Disadvantaged Groups (MMF)<sup>62</sup> was held following the decision of the prime minister appointing the members of the committee, which was issued on 20 July 2011.<sup>63</sup> At the meeting on 12 August, the committee worked on the application criteria for grants, published a call for applications and consequently, on 18 November 2011, approved a list of 14 beneficiaries to receive funding. The list was recommended to the government for its final approval<sup>64</sup> and the funds were transferred to the beneficiaries during December 2011. On 20 and 21 June 2012, during a workshop supported by the OSCE, the MMF reviewed and selected 18 beneficiaries out of 56 media grant applications to receive funding. The list of beneficiaries was approved by the government on 27 June and consequently agreements between the beneficiaries and the Committee were signed.

### ***Remaining Challenges***

Compliance with the legislative framework in the field of cultural and religious heritage is still incomplete. As noted above, although the MCYS has announced a temporary inventory list of 930 sites of cultural heritage that require preservation and protection, this list is only provisional. Before the list can become definitive, the ministry must draw up guidelines on what requires protection and how that protection should be provided. The list must then be submitted to the KCCH. The KCCH intends to launch a website to enable it to inform the public of its activities and thus increase its transparency. Other issues of concern in relation to cultural and religious heritage include the fact that the IMC is not yet fully functional. In addition, with regard to spatial plans, around half of the municipalities have yet to adopt one.

There continue to be incidents of vandalism and theft against cultural and religious heritage sites, particularly Kosovo Serb religious and cultural sites. A number of such incidents have been reported to the OSCE. For example, ten gravestones were reported damaged in the graveyard of Vitomiricë/Vitomirica village in Pejë/Peć municipality during November 2011 (reported to the police on separate occasions by a Kosovo Serb and a Kosovo Montenegrin). On 28 July 2011, unknown persons damaged the religious premises of Sveti Petar Church in the village of Brod in Štrpce/Shtërpçë municipality. Two metal crosses valued at 150 Euro were taken from the roof of the church, but later recovered by the police. There are also numerous reports of fires breaking out in Serbian Orthodox graveyards.<sup>65</sup> A Kosovo Croat from Letnicë/Letnica in Viti/Vitina municipality reported in June 2011 that headstones in

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<sup>62</sup> The committee managing the MMF had been dysfunctional since December 2008, when it was first regulated by the prime minister. For more details see OSCE Report *Communities Rights Assessment Report*, p. 25, note 4 *supra*.

<sup>63</sup> Members of the committee are the Independent Media Commission, the Press Council of Kosovo, the Association of Independent Electronic Media of Kosovo, RTK non-Albanian language programming, the MCR, and a representative of OPM, who chairs the committee. The OSCE monitors and advises the committee.

<sup>64</sup> On the consensual agreement of the committee another beneficiary was added to the list before it was sent to the government, making 15 beneficiaries in total. The approval was received by the committee managing the MMF on 2 December 2011.

<sup>65</sup> In the Serbian Orthodox graveyards in Rahovec/Orahovac town, Svinjarë/Svinjare (Mitrovicë/Mitrovica municipality), Lugbunar/Ljugbunare (Gjakovë/Đakovica municipality) and Bablak/Babljak (Ferizaj/Uroševac municipality) fires have been reported, all during 2011.

the Catholic graveyard in Shasharë/Šašare village had been vandalized. Despite the examples provided in the previous section of maintenance works and rehabilitation of Serbian Orthodox sites, the vast majority of graveyards remain in a poor or very poor condition.<sup>66</sup>

In its Second Opinion the Council of Europe expresses concern over the impact of SPZs on some members of the Roma, Ashkali and Egyptian communities.<sup>67</sup> For example, in Rudesh/Rudeš in Istog/Istok municipality members of the Egyptian and Roma community were unable to return to their former homes due to the creation of a SPZ around the Serbian Orthodox Monastery of Gorioč<sup>68</sup>; however, the OSCE is not aware of any other similar situations. The Second Opinion also refers to the case of a dispute over construction of a park on land containing a destroyed Serbian Orthodox church in Gjakovë/Đakovica.<sup>69</sup> The park has now been constructed and is open to the public. According to the MOCR of Gjakovë/Đakovica municipality, the municipality did not make any contact with the Serbian Orthodox Church over this matter. The municipality simply proceeded with the construction, due to the fact that the area was derelict and being used by homeless people and drug addicts.<sup>70</sup> This case highlights how the lack of dialogue between Kosovo institutions and the Serbian Orthodox Church can result in the inadequate protection of the cultural heritage of the Kosovo Serb community.

As stated above, very few municipalities provide support to the numerically smaller communities to protect or promote their cultures. There are some exceptions; however, the majority cite lack of funds for such activities. For example, in northern Mitrovica/Mitrovicë, the UAM reports that it receives requests for funds from non-majority communities, but that it can only support a limited number of those requests due to lack of resources. In municipalities such as Pejë/Peć and Fushë Kosovë/Kosovo Polje, no funds have been allocated to support the numerically smaller communities. In the municipalities of Prishtinë/Priština region there are no positive examples of the cultural activities of the numerically smaller communities being supported by the municipalities. Even for the larger non-majority communities, such as Kosovo Serbs or Roma, promotion of their cultures by the municipalities in Prishtinë/Priština region is unusual. In Vushtrri/Vučitrn municipality, Kosovo Serb representatives interviewed for the purposes of this report stated that support by the municipality for their initiatives was lacking.

According to the information gathered by the OSCE through interviews with municipal officials and community representatives for the purposes of this report, non-majority community consultation during the process of allocating funds for the promotion of their cultures does not appear to occur at the municipal level, unless a

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<sup>66</sup> See OSCE Report *Maintenance of Orthodox Graveyards in Kosovo*, note 55 *supra* and OSCE Publication *Photo Catalogue – Orthodox Graveyards in Kosovo*, September 2011, <http://www.osce.org/kosovo/84413> (accessed 23 November 2011).

<sup>67</sup> In paragraph 109 of the Second Opinion, note 6 *supra*.

<sup>68</sup> The affected families were eventually offered an alternative location in the village of Serbobran/Srbobran. For more details of the municipal response to the issue see OSCE Report *Kosovo Communities Profiles 2010* “Kosovo Egyptian Communities Profile”, pp. 10–11, note 24 *supra*.

<sup>69</sup> In paragraph 110 of the Second Opinion, note 6 *supra*.

<sup>70</sup> Interview conducted by the OSCE with the MOCR of Gjakovë/Đakovica municipality between July–August 2011 for the purposes of this report.

non-majority community member happens to be employed in the relevant decision-making body of the municipality. Representatives of the community are generally not consulted, and it is usually the community representatives who have made the request for allocation of funds. The situation at the central level is a little more encouraging, given that the commission established by the OCA to examine applications for funding for projects targeting communities in a numerical minority at the municipal level includes individuals who are members of those communities. However, much remains to be done to engage all communities in the process of allocating resources to activities aimed at promoting their identities and culture.

As noted above, at the central level there has been little progress by the institutions to improve the representation of all communities in the media or to provide equitable access for all communities to quality media representing their interests and promoting their cultures. Despite the legal requirement for RTK to dedicate 15 per cent of its programming to services for non-Albanian communities in their respective languages, community leaders and NGO representatives in Prishtinë/Priština region have pointed out several times that the smaller communities such as the Ashkali, Egyptians and Kosovo Montenegrins are not adequately represented. On 15 February 2011, Ashkali and Egyptian civil society representatives submitted a written request to the RTK management for the establishment of a dedicated programme for their communities. By July 2012, RTK had not replied to the request.

At the municipal level, although there are a small number of examples of good practice, in most cases non-Albanian communities do not feel themselves to be fairly represented by the media. For instance, in the municipalities of Gjilan/Gnjilane and Prizren region, community representatives do not feel that they are sufficiently represented on mainstream television, which they perceive to be biased towards the Kosovo Albanian community audience. According to the interviews conducted with community representatives, some communities, such as Kosovo Turks or Ashkali in Mitrovicë/Mitrovica municipality, feel integrated with Kosovo Albanians and as such do not have particular concerns about their representation in the media.<sup>71</sup> However, some non-Albanian community representatives expressed the opinion that their culture and traditions are not sufficiently represented.<sup>72</sup> According to information provided to the OSCE by representatives of the Kosovo Bosniak community in Pejë/Peć municipality and the Gorani community in Dragash/Dragaš municipality, they are not satisfied with the level of representation they have in the public service broadcaster. Likewise, according to community representatives interviewed for the purposes of this report, Kosovo Turks in Prizren are unhappy with their representation in the mainstream media. On the other hand, Kosovo Serb community representatives interviewed for the purposes of this report stated that they do not generally watch, read or listen to media sources from Kosovo, and therefore claim not to be concerned by their representation therein.

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<sup>71</sup> Interviews conducted by the OSCE with Kosovo Turk and Ashkali community representatives in Mitrovicë/Mitrovica municipality between July-August 2011 for the purposes of this report

<sup>72</sup> Ashkali representatives in Mitrovicë/Mitrovica municipality. Egyptian representatives in Pejë/Peć municipality voiced similar concerns, as did the Roma community in Gjakovë/Đakovica municipality and the Ashkali and Egyptian communities in Obiliq/Obilić municipality.

## 5. INTER-COMMUNITY DIALOGUE

“Take resolute measures to strengthen interethnic dialogue and mutual understanding, especially between Albanian and Serb communities; elaborate and implement a comprehensive strategy for reconciliation and interethnic dialogue.”<sup>73</sup>

### *Current situation*

Encouraging inter-community dialogue, tolerance and mutual understanding between communities is crucial to ensuring peace and stability in Kosovo. Despite this, Kosovo institutions do not appear to have any concerted activities or plans in place to strengthen such measures. At the central level the OSCE is not aware of any specific measures undertaken by the institutions to improve inter-community dialogue, or to implement any kind of strategy for reconciliation. Any actions taken to improve inter-community relations usually occur on an ad hoc basis, and in response to particular incidents. For instance, following the killing of a Kosovo Serb in Dobrushë/Dobruša village in Istog/Istok municipality, the president and the prime minister’s offices issued press releases condemning the incident and calling for calm.<sup>74</sup> These statements, although reactive, do go some way towards providing reassurance to the affected communities and to decreasing any potential tension, thus allowing for more fruitful dialogue. This incident was also condemned by the mayor of Istog/Istok municipality, and was discussed in the municipal community safety council.<sup>75</sup>

At the municipal level there are a number of individual activities to encourage dialogue between communities, particularly between Kosovo Albanians and Kosovo Serbs. This can be seen for example in the field of return and reintegration, in which the usual approach when initiating returns projects is to conduct go-and-inform and go-and-see visits as one of the components aiming to ensure that the return will be sustainable. During go-and-see visits, the potential returnees usually visit their previous homes, meet with their former neighbours and have briefings with local municipal officials. The importance of this aspect of any return and reintegration project can be seen through the negative example of Deçan/Deçane municipality, in which officials failed during 2011 to conduct productive inter-community dialogue activities for Kosovo Serbs displaced outside of Kosovo, wishing to return to the village of Lloqan/Loçane. The lack of productive dialogue between the returning and receiving communities resulted in the failure of a go-and-see visit, which was unable to take place due to the unaddressed concerns of the receiving community, thereby preventing the returns process from moving forward.

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<sup>73</sup> Committee of Ministers second recommendations, note 6, *supra*.

<sup>74</sup> The incident took place on 20 October 2011, in the ethnically mixed village of Dobrushë/Dobruša. The Kosovo Serb male was allegedly shot by a Kosovo Albanian male over a property dispute. The press releases occurred on the same day, and were welcomed by the Kosovo Serb community in the village.

<sup>75</sup> The establishment of municipal community safety councils (MCSCs) in Kosovo was based on UNMIK Regulation No. 2005/54, amended by AI 02/2009, which aimed to ensure a greater community involvement in police-municipality interactions at the local level. The MCSCs are a mandatory municipal forum, chaired by the mayor that should include representatives from all communities present in each municipality. Participants also include religious and civil society representatives. The MCSCs have an important role to play in raising inter-community issues and providing a forum in which they can be discussed and resolved.

Activities conducted by municipalities to encourage mutual understanding and improve inter-community relations also tend to be of an ad hoc nature, and very much rely upon the enthusiasm and commitment of individuals within the municipality. They are often initiated by international and local NGOs, international organizations and civil society. For instance, in Kamenicë/Kamenica the OSCE has co-operated with the municipality and a local NGO to implement a project promoting dialogue and reconciliation through sporting activities; and in Novo Brdo/Novobërdë municipality, a multiethnic library serving Kosovo Albanian, Kosovo Serb and Roma students was opened on municipal premises in February 2011, funded by the Swiss and Norwegian governments. No known dialogue or reconciliation activities have been initiated by any of the municipalities in Mitrovicë/Mitrovica region, although municipal officials have been active in dialogue activities conducted by the OSCE and others.<sup>76</sup> In Pejë/Peć region, any dialogue activities conducted have taken place due to the commitment of individuals, such as the Kosovo Bosniak deputy chairperson of the municipal assembly for communities in Pejë/Peć municipality, who initiated mediation between the mayor of the municipality and the Kosovo Bosniak community after a security incident affecting a member of the Kosovo Bosniak community in Kllapek/Klopek.<sup>77</sup> Other positive examples include the mayors of Istog/Istok and Klinë/Klina municipalities, who have been instrumental in ensuring outreach visits and strengthening inter-community dialogue between Kosovo Albanians and returning Kosovo Serbs in the villages of Zallq/Žaç, Budisallc/Budisavci, Drenoc/Drenovac and Dresnik/Drnsnik. In both municipalities the MOCRs are also very active.

In Prizren region, municipalities have funded and conducted a number of inter-community dialogue initiatives, predominantly through sporting activities and education initiatives that target a number of communities.<sup>78</sup> The municipality of Rahovec/Orahovac, for instance, carries out an annual project, which revolves around the theme of understanding traffic rules, to increase interaction between youth from the Kosovo Albanian, Kosovo Serb, Roma, Ashkali and Egyptian communities. A similar positive example can be seen in Obiliq/Obilić municipality, which has financially contributed to an annual multi-ethnic camp which takes place in Brezovica/Brezovicë for children from the Kosovo Albanian, Kosovo Serb, Roma, Ashkali and Egyptian communities residing in the municipality.<sup>79</sup> Also in Obiliq/Obilić, dialogue between communities has occurred due to the initiatives of the communities themselves, and has been driven by mutual interest in accessing services such as water supply, electricity and garbage collection.<sup>80</sup> In Prishtinë/Priština

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<sup>76</sup> For instance, a project supporting opportunities for inter-community dialogue and public participation for Kosovo Serbs in Vushtrri/Vučitrn and Skenderaj/Srbica included communities committee members and other municipal officials.

<sup>77</sup> The Kosovo Bosniak individual was verbally and physically threatened by Kosovo Albanians outside his home in October 2010.

<sup>78</sup> Municipal officials are also involved in OSCE organized activities to encourage inter-community dialogue. For instance, in a project to increase interaction between Kosovo Bosniak, Gorani and Kosovo Albanian youth in Dragash/Dragaš; and in a multi-ethnic camp for children from all communities in the Prizren region.

<sup>79</sup> However the camp, which originated in 2007 with support by OSCE, did not take place this year for financial reasons.

<sup>80</sup> A village council has been established in Plementin/Plementina village composed of Kosovo Albanians, Kosovo Serbs, Roma and Ashkali. It has held meetings with local and central level institutions to address the issues of mutual concern.



municipality the municipal returns officer has been active in conducting small-scale dialogue activities with non-majority communities in several areas of the municipality.

### ***Remaining Challenges***

Although non-governmental actors<sup>81</sup> are involved in inter-community dialogue at the central level, these activities do not appear to be initiated by the central-level institutions. The OSCE is also not aware of any plans to implement a strategy for reconciliation in the future. At the local level, the examples of good practice undertaken by municipalities rely very heavily on individual municipal officials, and activities are therefore ad hoc and not conducted with any sort of planning to improve inter-community relations. In addition, activities conducted by municipalities are usually supported by civil society and international organizations. As with many other areas of communities' rights within Kosovo, there is a lack of resources and funding to undertake concerted activities. However, in the field of dialogue, municipalities could be conducting many more outreach activities at very little additional cost. The challenge remains to encourage municipalities, and the central-level institutions, to view inter-community dialogue as a crucial component to building a safe and secure society and to encouraging better relations between communities, particularly Kosovo Albanians and Kosovo Serbs.

## **6. EDUCATION**

“Continue to provide education in minority languages and increase efforts to ensure equal access to education for all persons belonging to minority communities; take measures to provide a balanced and pluralistic approach to the teaching of history with due attention paid to the adequate and effective involvement of minority representatives in the preparation of textbooks.”<sup>82</sup>

### ***Current situation***

The situation in relation to education in Kosovo remains similar to that reported in 2010. The level of interaction among pupils and teachers from different communities is somewhat limited and, in some municipalities, such interaction is non-existent.<sup>83</sup> In other municipalities, activities to increase interaction are mostly in an extra-curricular form, and predominantly initiated and organized by international and local NGOs, international organizations and civil society. Furthermore, they are usually designed to mark internationally recognized or local holidays, rather than to provide opportunities for pupils from different communities to interact. Schools and municipal stakeholders very rarely show any initiative to conduct such activities and mainly rely upon the individual efforts of municipal employees to promote inter-community

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<sup>81</sup> Such as the “Project on Ethnic Relations”, which is funded by a number of donors including USAID. See [http://www.per-usa.org/Reports/PER\\_Kosovo\\_2010.pdf](http://www.per-usa.org/Reports/PER_Kosovo_2010.pdf) for details of the project (accessed 9 November 2011).

<sup>82</sup> Committee of Ministers second recommendations, note 6, *supra*.

<sup>83</sup> Glllogoc/Glogovac, Gračanica/Gračanicë, Deçan/Deçane, Klinë/Klina, Leposavić/Leposaviq, Skenderaj/Srbica, Zubin Potok and Zvečan/Zveçan municipalities.

dialogue among pupils.<sup>84</sup> Even where pupils following the Kosovo and the Serbian curricula co-exist under the same roof, there is minimum communication or interaction between students.<sup>85</sup>

Opportunities to learn the official languages of Kosovo depend entirely on the education system/curricula being followed. Albanian language classes are available as part of the education provided in the Bosnian and Turkish languages under the Kosovo education system. Of the schools operating under the Serbian education system in Kosovo, only in Dragash/Dragaš municipality do three (out of six) primary schools serving the Kosovo Gorani community offer Albanian language classes. The Ministry of Education, Science and Technology (MEST), assisted by the OSCE High Commissioner on National Minorities (HCNM), designed a textbook *Albanian as a second language* which was published at the end of 2011. MEST has not announced any similar plans for the Serbian language. The curriculum covering the Romani language and Roma culture and history for grades 2–9 of the primary schools has been adopted by MEST, although it still lacks textbooks and trained teachers. Despite this, a pilot project in three primary schools<sup>86</sup> in Prizren town was launched at the beginning of the 2011–2012 school year. By October 2011, a total number of 41 Roma pupils from grade 2 of these schools had started to attend two-hour Romani language classes each week.

The existing Kosovo curriculum and textbooks insufficiently reflect the specific histories, cultures and other attributes of all communities within Kosovo. The pupils in the primary and secondary schools under the Kosovo education system learn basic and general information regarding other communities from the civic education classes and textbooks. Only a few schools<sup>87</sup> focus on cultural diversity, tolerance, non-discrimination, community and human rights as part of these classes. In Serbian curriculum schools, pupils have the option to receive teaching either on civic or religious education, starting from grade 1 of the primary school. Similar to the civic education classes under the Kosovo curriculum, the subject promotes understanding of all communities, but it is not exclusively focused on communities in Kosovo. During 2011, MEST completed the design phase of a “Framework Curricula” and must now begin drafting of the subject curricula. When adopted and implemented, the “Framework Curricula” will introduce new approaches in education that will pay attention to, among other topics, identity and intercultural understanding.<sup>88</sup> The HCNM is supporting MEST through the drafting of a civic and inter-cultural education textbook in conjunction with the “Framework Curricula”.

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<sup>84</sup> In Gjakovë/Đakovica for instance, the MOCR, in co-operation with the school “Zef Lush Marku” in Brekoc/Brekovac, organized a youth camp for different communities, to promote the right to education particularly among the Roma, Ashkali and Egyptian communities. Likewise, in Prishtinë/Priština, the director and teachers of the school “Elena Gjika” organized a “school day” which included programmes in both the Albanian and Turkish languages.

<sup>85</sup> For example, in Dragash/Dragaš, Gorani pupils that follow the Serbian curriculum do not participate in the annual Youth Festival which is traditionally organized by the municipal directorate of culture, youth and sports.

<sup>86</sup> “Aziz Tolaj”, “Mati Logoreci”, and “Lekë Dukagjini” schools.

<sup>87</sup> For instance, “Zekerija Rexha” and “Mustafa Bakia” schools in Gjakovë/Đakovica municipality.

<sup>88</sup> MEST has informed the OSCE that the consultation phase of any new textbook development involves members of the relevant communities.

Problems in Dragash/Dragaš municipality between the two school systems have continued and increasingly spread from schools in town to those in the countryside that provide schooling in both educational systems.<sup>89</sup> Gorani teachers and pupils following the Serbian curriculum have encountered obstacles in accessing school facilities shared with teachers and pupils following the Kosovo curriculum.<sup>90</sup> The establishment of new classes in the Bosnian language under the Kosovo education system in a rural school in Ljubovište/Lubevishtë village<sup>91</sup> resulted in further disagreement over the sharing of classrooms and led to strained relations between the different education systems' staff. Disconnection from the electricity grid, mainly due to outstanding debts, also continues to affect both access to and the quality of education in some schools attended by non-majority community pupils.<sup>92</sup> A letter circulated to a number of Gorani parents in the village of Rapča/Rapqë by the director of the Kosovo curriculum school in August 2011, alleges that they may be held criminally responsible if they do not enrol their children in a Kosovo curriculum school.<sup>93</sup> Tensions grew particularly when the municipality of Dragash/Dragaš refused to authenticate Serbian curriculum secondary school diplomas<sup>94</sup>, thus hampering the access of Gorani young graduates to job opportunities, particularly in the public sector. A few Gorani students of the Serbian curriculum secondary school in the village of Mlikë/Mlike were not allowed to sit for the Kosovo curriculum end of year (*matura*) final exam in late August 2011, although a similar opportunity had previously been offered by the municipality. Furthermore, the provision of textbooks for the 2011–2012 school year, which are provided free of charge by the Serbian Ministry of Education and Science, for Gorani pupils attending grades 1–3 at the two Serbia-curriculum schools in Restelica/Restelicë and Ljubovište/Lubevishtë villages, was delayed by two-and-a-half months. According to the school directors interviewed for the purpose of this report, the delay was due to the temporary confiscation of the school books by customs officials in Mitrovicë/Mitrovica during the summer of 2011.

There are still many ongoing issues related to the access to education of the Roma, Ashkali and Egyptian communities, particularly discrimination, low school attendance, high dropout rates especially among girls, and late school enrolment after the usual initial enrolment age of 6. However, there are some positive examples of the engagement of the institutions in addressing issues of concern. For example, Fushë Kosovë/Kosovo Polje town the issues of non-attendance and late enrolment were successfully tackled when 53 Roma, Ashkali and Egyptian children were enrolled in

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<sup>89</sup> For background information, see OSCE Report *Communities Rights Assessment Report Second Edition*, pp. 8–9, note 4 *supra* and OSCE Report *Kosovo Communities Profiles 2010*, “Kosovo Gorani Communities Profile”, note 24 *supra* for further details.

<sup>90</sup> In Restelica/Restelicë village, the issue has particularly arisen during the winter and spring holidays of the Kosovo education system, when the Kosovo curriculum school director would close the school, restricting access to the Serbian education system staff, as the practice of sharing the school keys had stopped. This led the Serbian education system staff to enter the premises through the basement, which resulted in police intervention.

<sup>91</sup> “Nezim Berati/Nebojša Jerković” school.

<sup>92</sup> In the villages of Rapča/Rapqë, Restelica/Restelicë, Kruševë/Krushevë and Vranište/Vranishtë.

<sup>93</sup> The Serbian education system requires one year less compulsory education than the Kosovo education system. However, legal provisions in Kosovo do not foresee criminal liability arising in situations where parents do not ensure attendance for the number of years required in the Kosovo education system, though they do provide for fines. A similar letter was also sent to parents in Restelica/Restelicë village.

<sup>94</sup> These diplomas are accepted and authenticated in municipalities in which Kosovo Serbs comprise a majority, i.e., Štrpce/Shtërpçë and Gračanica/Gračanicë.

the 2011–2012 academic school year in the multiethnic school “Selman Riza”, following intervention by the international community, and with the assistance of the municipality and MEST.<sup>95</sup> In another example, two mono-ethnic classes were disbanded after intervention by actors including municipal officials, MEST and the international community.<sup>96</sup> A further positive example can be seen in Ferizaj/Uroševac municipality, where the problem of Roma and Ashkali children not attending compulsory education has been addressed through various activities initiated by the municipal communities office, local NGOs and international agencies. The results are now visible, as there has been an overall increase of 12.2 per cent in enrollment in secondary education by the Roma, Ashkali and Egyptian communities from the 2010–2011 academic year to 2011–2012.<sup>97</sup> In some municipalities where Roma, Ashkali and Egyptian mediators are engaged to promote school attendance among these communities through culturally-sensitive initiatives, some progress has been noticed.<sup>98</sup> For instance, by the end of the 2010–2011 school year, the mediators carried out a house-to-house campaign to register children in the first grade, identified those who had dropped out of school and informed parents about the importance of timely registration. As a result of their activities more than 100 Roma, Ashkali and Egyptian children who had previously dropped out of school were re-enrolled and attended classes.

### ***Remaining challenges***

The Serbian language, which is one of the two official languages in Kosovo<sup>99</sup>, still remains unavailable as a second language in any school operating under the Kosovo education system. In the very few schools where Albanian is taught as a second language, no pupil-centred or tailored school textbooks, or trained teachers, are available. The lack of school textbooks in the Bosnian, Turkish and Romani languages continues to hamper education in the mother tongue for these communities. The availability of school textbooks is problematic due to the inability of MEST to provide sufficient funds for printing the relatively small number of textbooks

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<sup>95</sup> The 53 children were identified by an international NGO as being unable to attend school because they had not passed the test to enter the education system. They were provided with intensive classes by the NGO, which then enabled them to pass the enrolment test so that they could attend school from the beginning of this academic year. Out of the 53 children who attended the NGO’s lessons, 42 are now regularly attending regular school.

<sup>96</sup> A mono-ethnic first grade classroom in the primary school “Tefik Çanga” in Ferizaj/Uroševac town was established at the beginning of the current school year, consisting only of Ashkali pupils. The class was disbanded in October 2011 after the OSCE intervened with the school director and the department of education in the municipality. In the other case, a mono-ethnic class of Egyptian students was established in “Mustafa Bakija” school in Gjakovë/Đakovica. The class was disbanded in October 2011 after intervention by the MOCR, the education inspectorate and MEST, as well as the OSCE and other international actors and after the issue was discussed in the local communities committee and the communities consultative council.

<sup>97</sup> According to figures provided to the OSCE by the Ferizaj/Uroševac MOCR in October 2011.

<sup>98</sup> Mediators are engaged in Ferizaj/Uroševac, Fushë Kosovë/Kosovo Polje, Gjakovë/Đakovica, Gračanica/Gračanicë, Lipjan/Lipljane, Obiliq/Obilić, Pejë/Peć, Prizren and Shtime/Štimlje. The NGO “Balkan Sunflowers” is implementing a project, supported by the OSCE, to enhance the capacities of Roma, Ashkali and Egyptian mediators. The initiative complements the project “Interculturalism and the Bologna Process” implemented by the Council of Europe, in co-operation with MEST, funded by the European Union and managed by ECLO. The project purpose is to support primary, secondary and higher education reforms in Kosovo conducive to intercultural awareness and understanding, taking account of European standards and best practices.

<sup>99</sup> Article 2 of the Law No. 02/L-37 on the Use of Languages, promulgated by UNMIK Regulation No. 2006/51, 20 October 2006.

required. The access of Kosovo Turk and Kosovo Bosniak pupils to secondary mother-tongue education is further hampered by the lack of curricula translated into their own language, and the low quality of textbook translations. MEST, with the OSCE's support, developed a tenth grade vocational secondary curricula in the Turkish and Bosnian languages in the 2010–2011 academic year; however, the same curricula for grades 11 and 12 are only available in the Albanian language. In addition, the Romani curricula, despite MEST's pilot implementation in Prizren town, still lack textbooks and trained teachers.

There are no concerted activities initiated by local or central institutions to increase the level of interaction and dialogue among pupils and teachers from different communities. Local initiatives do not go beyond the efforts of individual municipal officials or school staff, and mostly rely on international and local organizations for support. The proposed new multi-ethnic and inclusive teaching methods, which are aimed at contributing to mutual understanding, tolerance and dialogue among pupils, are not yet in place. The teaching of history therefore continues to be biased and incomplete. Gorani children following the Serbian curriculum continue to face problems in accessing education. Roma, Ashkali and Egyptian pupils continue to be affected by high dropout rates, low school attendance and belated school enrolment; however, these shortcomings have not yet been effectively tackled by the relevant stakeholders. For instance, none of the municipalities, even those who have drafted a local action plan for the Roma, Ashkali and Egyptian Strategy, have envisaged budgetary resources for improvement of the communities' access to schooling. The efforts that are in existence largely depend on projects supported by the international community rather than a continuous and sustainable approach implemented by the Kosovo institutions.

## 7. USE OF LANGUAGES

“Increase and strengthen opportunities for persons belonging to minority communities to learn the official languages in order to promote their integration into society.”<sup>100</sup>

### ***Current situation***

The recommendation of the Council of Europe, encouraging the provision of opportunities for all communities to learn the official languages in Kosovo<sup>101</sup>, has not been addressed, as can be seen in the section above on education. A number of other

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<sup>100</sup> Committee of Ministers second recommendations, note 6, *supra*.

<sup>101</sup> Article 2 of the Law No. 02/L-37 on the Use of Languages, promulgated by UNMIK Regulation No. 2006/51, 20 October 2006, defines the official languages of Kosovo and also the status to be given to other languages in municipalities where a percentage of communities are residing. These languages are given the status of “languages in official use”. Community languages can, by law, be recognized and used in municipalities where the involved linguistic community represents 3 to 5 per cent of the population or where the language has been traditionally spoken. Languages traditionally spoken or spoken by at least 3 per cent and up to 5 per cent of the population can be recognized as languages in official use. Users of such languages can receive municipal services and obtain documents in their language only through individual requests. Languages spoken by 5 per cent or more of the population can be recognized as additional official languages of the municipality. Users of these languages have the same rights as users of the Albanian and the Serbian languages.

issues also continue to present challenges when it comes to the implementation of the law on the use of languages. For example, on 18 March 2010 the constitutional court issued a decision requiring Prizren municipality to amend its emblem, and render it inclusive of the official languages of the municipality<sup>102</sup> and in conformity with the law. The court found that the emblem should not have appeared in just one, but rather the three languages and that the symbol should have been one that represented all communities in Prizren.<sup>103</sup> A municipal revision committee was established to look at suitable amendments to the emblem. This commission has been meeting regularly but has yet to settle on a proposal.

At the central level, the effectiveness of the language commission remains problematic. The language commission was established to ensure an efficient implementation of the law on the use of languages in 2007. However, almost five years after its establishment, the public is generally unaware of its existence and of the complaints mechanism. As a result, very few complaints have been submitted to the commission. The Kosovo government has, moreover, not undertaken any public information campaign in order to clarify the obligations of central and municipal institutions and the rights of users of official and other community languages.<sup>104</sup> On 9 November 2011, the government established a working group for the reform of the language commission and for the creation of policies on the use of languages. This step followed a workshop organized by the OSCE that aimed at strengthening the capacities of the language commission. Also following the workshop, the language commission conducted an outreach visit to Pejë/Peć municipality, after which the mayor established a municipal language compliance commission led by the Kosovo Bosniak deputy chairperson of the municipal assembly for communities. This body had the task to evaluate the use of languages in official use in the municipality<sup>105</sup> and report accordingly. The Pejë/Peć commission also gave recommendations and indicated the necessary steps to improve the situation.

At the municipal level there are a number of issues of concern. For instance, access to interpretation for non-majority communities at the municipal level remains problematic. Although the majority of municipalities have established translation units, a number of common problems such as an overload of work, insufficient number of translators and lack of relevant qualifications has inevitably led to poor-quality translations being provided.<sup>106</sup> In some cases municipalities fail to provide any translation or interpretation at all during meetings<sup>107</sup>, in others translation has been provided by municipal officials whose responsibility it should not be to provide such

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<sup>102</sup> The official languages in Prizren municipality include Turkish, as well as Albanian and Serbian.

<sup>103</sup> Čemalj Kurtiši v Municipal Assembly of Prizren, constitutional court judgment of 18 March 2010, paragraph 54–56, Case No. Ko 01/09, Ref. No. AGJ 07/10.

<sup>104</sup> Article 36(2), Law No. 02/L-37 on the Use of Languages, note 101 *supra*.

<sup>105</sup> Albanian, Serbian and Bosnian.

<sup>106</sup> For example, in Mamuša/Mamushë/Mamuša municipality, there is one translator from Albanian to Turkish and vice-versa. Reportedly the interpretation/translation is of low quality due to a lack of proper qualifications and training of the municipal translator. A similar situation can be found in Vushtrri/Vučitrn municipality for translation between Serbian and Albanian.

<sup>107</sup> For instance, in Pejë/Peć, Gjakovë/Đakovica and Deçan/ Deçane municipalities.

services.<sup>108</sup> Despite these shortcomings, neither the central institutions nor any of the municipalities offer training opportunities for interpreters/translators.<sup>109</sup>

The level of access to services in official languages or languages in official use for non-majority communities varies from municipality to municipality. Several municipalities consistently issue official documents in both official languages, and no major problems to access services in official languages are reported.<sup>110</sup> In Lipjan/Lipljan municipality, non-majority communities whose mother tongue is not an official language report that they experience no difficulties in accessing services as they are willing and able to speak and read either Albanian or Serbian. Nevertheless, there are also examples where non-majority communities are still hampered from accessing services in official languages or languages in official use. Some of the more common problems are missing text in documents or poor-quality translations.<sup>111</sup> There are also many instances where municipalities are clearly not in compliance with the legal provisions. For example, in Deçan/Deçane municipality, non-majority communities generally express dissatisfaction in accessing services in official languages, particularly in the Serbian language. All documents and regulations drafted and provided by the municipality are in the Albanian language only, which causes major obstacles for Serbian-speaking communities to effectively access services from the municipality. A similar situation exists in Prishtinë/Priština municipality where, although Turkish is a language in official use, information on services, municipal forms or any other documents issued by the municipality are not provided in the Turkish language.

The display of signs on public buildings in official languages and languages in official use remains problematic. While a number of municipalities have made improvements, such as Gjilan/Gnjilane, where all municipal buildings have entrance signs in more than one of the official languages, other municipalities are far less compliant. For example, in Malishevë/Mališevo municipality all public buildings have signs only in the Albanian language. Likewise, in most municipalities road signs do not display names in the official languages and in the languages in official use in the municipality. However, there have been some improvements. For example, in Dragash/Dragaš municipality all road signs are provided in official languages. Furthermore, in Podujevë/Podujevo municipality newly posted road signs in the municipality are in both the Albanian and Serbian languages.

### ***Remaining Challenges***

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<sup>108</sup> In Skenderaj/Srbica municipality the municipal co-ordinator for return often provides translation. In Shtime/Štimlje municipality the head of the MOCR provides translation when required into Serbian.

<sup>109</sup> Some training for translators at the municipal level is being provided with the support of the OSCE, in consultation with the Kosovo Institute for Public Administration. Similar training was also supported at the central level during November – December 2010. The NGO European Centre for Minority Issues, supported by the HCNM, is providing language training for civil servants in Štrpce/Shtërpçë municipality.

<sup>110</sup> For instance, no problems of note were reported in the municipalities in Prizren region, neither in the municipalities of Vushtri/Vučitrn or Skenderaj/Srbica.

<sup>111</sup> For example, Kosovo Bosniaks in Pejë/Peć municipality report that when accessing documents in Bosnian the translation of written documents is often missing and/or the quality is low. Similar complaints are made by the Kosovo Serb community in Mitrovicë/Mitrovica municipality.

As previously noted, there are very few opportunities for all communities to learn the official languages of Kosovo other than their native tongue. At the central level, the language commission remains largely ineffectual, despite concerted efforts by the international community. At the municipal level, some non-majority communities still fear using their mother tongue in certain public places due to perceived security concerns.

Another remaining challenge is the access to interpretation for non-majority communities during meetings of representatives and executive bodies of the municipality. For example, Prizren municipality has not been able to hire an interpreter for the Serbian language since the post became vacant in 2010.<sup>112</sup> Similarly, access to services in official languages or languages in official use for non-majority communities remains a challenge. In many municipalities, such as Gjakovë/Đakovica, Fushë Kosovë/Kosovo Polje or Suharekë/Suva Reka, official documents are provided in Albanian language only. As highlighted above, the government has not provided any training for translators, which inevitably has contributed to poor-quality translations.

A number of issues regarding signs on public buildings remain a challenge for most municipalities. For example, in the municipality of Mamuša/Mamushë/Mamuša official signs are not displayed in the Serbian language. A similar case exists in Malishevë/Mališevo municipality. The municipality argues that since there are no Kosovo Serbs in the municipality they do not feel obliged to include the Serbian language in the official signs, despite the position of Serbian as an official language. The fact that in most municipalities road signs are not compliant with the law on the use of languages remains a challenge that needs to be addressed. Furthermore, where road signs are language-compliant but have been defaced to obscure the place names in one of the official languages or languages in official use, no initiatives have been undertaken to replace or clean those damaged signs, such as is the case in the municipalities of Mitrovicë/Mitrovica, Skenderaj/Srbica and Glogoc/Glogovac. Furthermore, no initiatives have been undertaken in the municipalities of Skenderaj/Srbica or Vushtrri/Vučitrn to replace signs with incorrect spellings.

## 8. SOCIO-ECONOMIC RIGHTS AND PARTICIPATION

“Take measures to ensure that persons belonging to minority communities can effectively take part in economic and social life, including by drawing up a strategy on economic development and by ensuring their unhindered access to the privatisation processes and to property; pursue further efforts to ensure participation of persons belonging to minority communities in public administration.”<sup>113</sup>

### *Current situation*

<sup>112</sup> The post remained vacant for some time but was advertised in late 2011. However, according to the municipal official interviewed for the purposes of this report, due to the low remuneration, the quality of candidates that applied was not sufficient to fill the post.

<sup>113</sup> Committee of Ministers second recommendations, note 6, *supra*. No issues of concern were noted in relation to access to the privatization process during the reporting period.



Protecting and promoting the socio-economic rights of all communities in Kosovo is an area where much remains to be done. Since the Committee of Ministers issued its second recommendations, the OPM has published a three-year strategy on economic development.<sup>114</sup> However, there is no mention in the document of individual communities within Kosovo, how their economic opportunities can be developed or how they can be utilized to improve the economic situation of Kosovo. At the local level, the OSCE examined whether municipalities provide any job training or targeted support to promote the recruitment of non-majority communities into either the public or the private sector. In almost all municipalities, the answer was that there are no such activities or initiatives. In Podujevë/Podujevo, the municipality supports literacy classes for the Ashkali community, thereby providing them with an improved opportunity to find employment. In Mitrovicë/Mitrovica, the municipality was instrumental in encouraging the town's waste disposal company to employ seven Roma and Ashkali individuals. In Fushë Kosovë/Kosovo Polje municipality, in partnership with the Ministry of Labour and Social Welfare, the municipality has held training on completing job applications, targeted at non-majority communities and returnees. The MOCR also provided details of training sessions that have been held by the municipal employment office in co-operation with the United Nations Development Programme, aimed at providing non-majority community members with better opportunities to enter the workforce.

The fair and equitable representation of all community members, including women, in the public administration in Kosovo has not improved since the second edition of the *Communities Rights Assessment* report.<sup>115</sup> Looking specifically at the management levels of the civil service at the municipal level, there is no municipality in Kosovo where a member of the Roma, Kosovo Croat or Gorani community is employed in a senior position.<sup>116</sup> Among non-majority communities, other than Kosovo Serbs or Kosovo Albanians in a minority situation at the municipal level, there are only two Kosovo Montenegrins, one Ashkali and one Egyptian in senior posts.<sup>117</sup> In several municipalities there are no non-majority community members in a senior post.<sup>118</sup> Women from non-majority communities are particularly disadvantaged; there are only seven in senior posts in the municipalities.<sup>119</sup> At the central level no gender-disaggregated figures are available that also show the employee's ethnicity.

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<sup>114</sup> Office of the Prime Minister, *Action Plan of the Economic Vision of Kosovo 2011–2014*, July 2011, [http://kryeministriks.net/repository/docs/Action\\_Plan\\_of\\_the\\_Economic\\_Vision\\_of\\_Kosovo\\_2011-2014.pdf](http://kryeministriks.net/repository/docs/Action_Plan_of_the_Economic_Vision_of_Kosovo_2011-2014.pdf) (accessed 1 February 2012).

<sup>115</sup> For more details see OSCE Report *Communities Rights Assessment Report Second Edition*, pp. 13–16, note 4 *supra*.

<sup>116</sup> Senior posts include the directors of the departments, heads of offices, such as the MOCR, and the post of the deputy mayor for communities.

<sup>117</sup> Kosovo Montenegrin community members are employed as deputy mayor of communities in Obiliq/Obilić and Fushë Kosovë/Kosovo Polje municipalities; An Egyptian is employed as head of the MOCR in Gjakovë/Đakovica municipality; an Ashkali is employed as head of the MOCR in Ferizaj/Uroševac municipality.

<sup>118</sup> Including the municipalities of Viti/Vitina, Ferizaj/Uroševac, Deçan/Dečane, Gjakovë/Đakovica, Prishtinë/Priština, Gračanica/Graçanicë, Malishevë/Mališevo, Suharekë/Suva Reka, Gillogoc/Glogovac, Hani i Elezit/Đeneral Janković, Kaçanik/Kaçanik, Parteš/Partesh, Zubin Potok, Leposavić/Leposaviq and Zvečan/Zveçan.

<sup>119</sup> Head of MOCR, Novo Brdo/Novobërdë municipality; Head of MOCR in Vushtrri/Vucitrn municipality; Head of MOCR, Mitrovicë/Mitrovica municipality; Head of MOCR, Fushë Kosovë/Kosovo Polje municipality; Head of MOCR, Lipjan/Lipljan municipality; Internal Auditor and Head of Budget and Finance Sector, Mamuşa/Mamushë/Mamuşa municipality. These seven

In order to encourage the recruitment of community members into the civil service, it is important that advertisements for new posts are accessible to all communities. At the municipal level, most municipalities advertise posts in Kosovo-wide (Kosovo Albanian) media in both Albanian and Serbian, on municipal notice boards and on municipality web pages. Whilst the majority of municipalities are language compliant in relation to the requirement to advertise in both Albanian and Serbian, their advertisements are not equally accessible for all communities. This is the case in southern Mitrovicë/Mitrovica region, where advertisements are language compliant, but are not readily accessible to non-majority communities as they are posted only in the Albanian-language media.<sup>120</sup> The situation is similar in Prishtinë/Priština region. In Gjilan/Gnjilane region, the municipalities of Kaçanik/Kaçanik, Hani i Elezit/Đeneral Janković and Ferizaj/Uroševac advertise posts only in the Albanian language, while in Parteš/Partesh posts are advertised only in Serbian. In the municipalities of Deçan/Deçane and Malishevë/Mališevo, advertisements are only in Albanian.

Although not specifically mentioned as a concern in the Committee of Ministers second recommendations, the OSCE continues to monitor the effectiveness of community participation through mandatory municipal protection mechanisms including the municipal communities committees, the deputy chairperson of the municipal assembly for communities and the deputy mayor for communities.<sup>121</sup> In 2010 the government further underlined its commitment to promoting and protecting community rights with the creation of the MOCRs.<sup>122</sup> Communities committees and MOCRs have been established in nearly all municipalities.<sup>123</sup> The posts of deputy mayor for communities and deputy chairperson of the municipal assembly for communities have been established in a significant number of municipalities<sup>124</sup>, half

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women are out of 55 senior posts held by non-majority community members, according to the figures provided to OSCE by the municipalities during the collection of data for this report.

<sup>120</sup> In Vushtri/Vučitrn municipality, posts are usually advertised in the village of Priluzhje/Prelluzhë where the premises of the MOCR are located, thus allowing access by the Kosovo Serb community, but mainly to those residing in this village.

<sup>121</sup> Law No. 03/L-040 on Local Self-Government, 20 February 2008, provides for non-majority community participation in public affairs and safeguards the rights and interests of non-majority communities with the establishment of mandatory municipal assembly communities committees and the creation of two posts, the deputy chairperson of the municipal assembly for communities and the deputy mayor for communities, for those municipalities that have a substantial number of non-majority communities, exceeding 10 per cent of the overall population in the municipality. See Articles 51, 54–55 and 61.

<sup>122</sup> MOCRs are a key mandatory non-majority community protection mechanism, launched in 2010 to replace and reform its predecessor, the municipal community office. Office of Prime Minister, Regulation No. 02/2010 for the Municipal Offices for Communities and Return, 27 August 2010. UNMIK Regulation 2007/30 on Self-Government of Municipalities in Kosovo, Section 23, 16 October 2007, provided for communities committees, mediation committees and community offices.

<sup>123</sup> Communities committees have been established in 34 municipalities in Kosovo. MOCRs have also been established in 30 municipalities.

<sup>124</sup> The position of deputy mayor for communities has been established in 12 municipalities: Dragash/Dragaš, Fushë Kosovë/Kosovo Polje, Gjilan/Gnjilane, Lipjan/Lipljan, Klokot-Vrbovac/Kllkot-Vërbovc, Mamuşa/Mamushë/Mamuşa, Mitrovicë/Mitrovica, Novobërdë/Novo Brdo, Obiliq/Obilić, Prizren, Ranilug/Ranillug and Štrpce/Shtërpçë. The post of deputy chairperson of the municipal assembly for communities has been established in 16 municipalities: Dragash/Dragaš, Ferizaj/Uroševac, Fushë Kosovë/Kosovo Polje, Gjakovë/Đakovica, Gjilan/Gnjilane, Gračanica/Gračanicë, Istog/Istok, Kamenicë/Kamenica, Klokot-Vrbovac/Kllkot-

of which have done so despite the fact that non-majority community inhabitants do not reach the ten per cent threshold set by law.<sup>125</sup> However, a small number of municipalities have not appointed the posts, despite meeting this threshold.<sup>126</sup>

### ***Remaining Challenges***

The international community and civil society play an important role in providing communities with opportunities to effectively take part in economic life. For example, the OSCE funded a project during 2011 to provide vocational training for eight persons from the Roma, Ashkali and Egyptian communities in Fushë Kosovë/Kosovo Polje. The training resulted in all eight of the individuals either finding employment, or having been promised a job at the end of the training. In Mitrovicë/Mitrovica, the Roma and Ashkali communities in “Roma Mahala” are predominantly supported in terms of economic opportunities by NGOs such as DRC and Mercy Corps, who offer a variety of initiatives including vocational training. Although there are some small examples of the central-level institutions, in particular the Ministry of Labour and Social Welfare, providing funding for municipalities to provide short-term employment to non-majority communities within their area of responsibility, these efforts are not concerted or sustainable.

As noted above, the fair and equitable representation of all communities in the civil service at the local and central levels remains low. In March 2010, the OPM published a comprehensive study on the representation of the different communities in the civil service at the central and local levels.<sup>127</sup> The report shows that, “the overall representation of members of non-majority communities [in the civil service] cannot be considered as representing the multi-ethnic character of Kosovo”.<sup>128</sup> Furthermore, equal opportunities measures are not complied with.<sup>129</sup> To this end the report recommends that the prime minister should issue a decision implementing a system of quotas for the employment of all communities into the civil service. However, this has not been realized and despite the publication of the report, and the recommendations emanating from that report, there has been very little progress made. At the local level the OSCE is not aware of any actions taken by the municipalities to improve access to senior public administration positions for non-majority community members. Nor is it aware of any specific actions to encourage the employment of women in the public administration, from any community.

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Vërbovc, Mitrovicë/Mitrovica, Novo Brdo/Novobërdë, Pejë/Peć, Prishtinë/Priština, Prizren, Štrpce/Shtërpcë and Ranilug/Ranillug.

<sup>125</sup> Six out of 12 municipalities have appointed the post of deputy mayor for communities and seven out of 16 municipalities have appointed the post of deputy chairperson of the municipal assembly for communities (municipalities of Ferizaj/Uroševac, Gjilan/Gnjilane, Istog/Istok, Kamenicë/Kamenica, Mitrovicë/Mitrovica, Prishtinë/Priština and Ranilug/Ranillug) through not required to do so by legal provisions.

<sup>126</sup> In the municipalities of Obiliq/Obilić and Štrpce/Shtërpcë, no one has been appointed to the post of deputy chairperson of the municipal assembly for communities, while in the municipality of Gračanica/Gračanicë, the municipality is yet to appoint an individual to the post of deputy mayor for communities. This is despite the fact that non-majority communities are deemed to make up more than 10 per cent of the population in those locations.

<sup>127</sup> Office of the Prime Minister, *Employment of Members of Non-majority Communities within Kosovo Civil Service and Publicly Owned Enterprises Policy Study No 1*, March 2010.

<sup>128</sup> Ibid. p. 98.

<sup>129</sup> Ibid. p. 102.

While there are a number of local-level mechanisms in place in Kosovo to protect and promote the rights and interests of non-majority communities, in practical terms these mechanisms do not always prove effective. In general, MOCRs either lack the financial and logistical resources required to fulfil their mandates or have in many cases not been fully established. Communities committees are rarely provided with municipal legal drafts, plans or budgets for review, which is a core committee function. More than half of all communities committees fail to meet on a monthly basis, as they are required to do. However, they are also lacking guidance and support from municipalities. Deputy mayors for communities and deputy chairpersons of the municipal assembly for communities commonly complain of a lack of financial and logistical support for the non-majority communities they are supposed to promote and protect. Moreover, the vagueness of the mandates of the MOCRs, deputy mayors for communities and deputy chairperson of the municipal assembly for communities has left these offices or posts with little or no guidance and minimal accountability. Overall, municipal support to local non-majority community protection mechanisms has been largely lacking.

## **9. CONCLUSION**

The Framework Convention provides communities with substantive protection of their rights in all areas of economic, social, political and cultural life and promotes the conditions to allow them to express and preserve their culture and identity. As such it is an important tool against which to measure progress by Kosovo institutions in protecting and promoting the rights of communities. However, while there is a comprehensive legislative framework in place to protect and promote the rights of communities in Kosovo, implementation of the relevant laws is not sufficient to provide real and meaningful protection to all communities. In many areas, stronger commitments by the central- and local-level institutions are required in order to meet the relevant local and international standards.

Although some steps have been taken by the Kosovo institutions, the implementation of the Strategy and Action Plan for the Integration of the Roma, Ashkali and Egyptian Communities remains weak, largely hampered by the lack of funding that has been allocated to its implementation at the local and central levels. At the central level there is a lack of political engagement and insufficient communication between relevant bodies. At the local level, despite some positive examples, most municipalities have taken very little action to implement the Strategy and in many cases it is civil society that has taken the lead in engaging the community and attempting to fulfil the goals outlined in the Action Plan. Twelve years after the Roma and Ashkali communities in Mitrovicë/Mitrovica fled their homes in “Roma Mahala”, despite the efforts of the international community, there are still a number of families remaining in the lead-contaminated Osterode camp in northern Mitrovica/Mitrovicë. For some of these remaining families a resolution to their situation does not appear to be imminent; for those who have relocated or returned to “Roma Mahala” lead contamination, particularly among the children, continues to be problematic.

Much remains to be done to support the return and reintegration of displaced and repatriated persons. Of particular concern is the lack of funding, political will and commitment, lack of capacity of the municipal institutions and the lack of co-

ordination between the central and local levels. Despite strong public statements by Kosovo institutions in support of reintegration, and renewed efforts to identify and register displaced persons who wish to return, major obstacles persist. These include, *inter alia*: high rates of unemployment and an absence of socio-economic opportunities; a lack of access to public services; unresolved housing and property rights issues; and, to some extent, security concerns and limited freedom of movement.

The protection of cultural and religious heritage and the promotion of the cultural heritage of all communities is an area of particular concern. Despite some small progress in the implementation of the relevant legislative framework, compliance is still incomplete. The list of sites requiring protection is only provisional and has not been submitted to the KCCH; almost half of the municipalities do not have an approved spatial plan for the protection of SPZs or other cultural heritage sites; and the IMC is not fully functional.

Although municipalities provide some support to the activities of non-majority communities, very little is allocated in the way of funding to promote the cultures of the smaller communities. The situation is similar in terms of the media representation of non-Albanian communities, where not enough is being done to promote their cultures, or to encourage tolerance and understanding through the mainstream media. Inter-community dialogue in Kosovo often occurs as a result of a security incident, in reaction to a situation instead of as part of a concerted effort to improve relations between communities, particularly the Kosovo Serb and Kosovo Albanian communities. Current activities to promote tolerance and understanding predominantly rely on civil society, international organizations and individuals at the municipal level.

The situation in relation to language rights and education remains largely unchanged since the second edition of the *Communities Rights Assessment*, despite some small progress noted particularly in the field of access to education for the Roma, Ashkali and Egyptian communities. A lack of interaction between communities attending different school systems remains and opportunities to learn the official languages as second languages are severely limited. Lack of progress in the drafting of curricula in non-Albanian languages and lack of access to textbooks in non-Albanian languages continue to impact access to mother-tongue education for some communities. Additionally, the language commission remains largely ineffectual and there continue to be problems with interpretation and the provision of documentation in all official languages at the municipal level.

In the field of socio-economic rights, much remains to be achieved. Non-Albanian communities continue to be under-represented in the civil service at the central level, while non-majority communities, especially smaller communities, are generally under-represented at the local level. Initiatives to encourage or support the representation and promotion of those communities in both the public and the private workforce are largely non-existent. Community participation in public life, although mandated by law, is often not effective; while municipal support to local non-majority community protection mechanisms is largely lacking.

## **10. RECOMMENDATIONS**

### **To all relevant institutions:**

- Allocate a specific budget line within the Kosovo Consolidated Budget for activities to implement the Strategy and Action Plan for the Integration of Roma, Ashkali and Egyptian Communities;
- Ensure a meaningful dialogue between the Kosovo institutions and the Serbian Orthodox Church, including relevant community members, takes place when the preservation and protection of Kosovo Serb cultural and religious heritage is at stake;
- Draw up a concerted plan to engage communities, especially the Kosovo Albanian and Kosovo Serb communities, in meaningful dialogue with each other;
- Empower the language commission to effectively monitor the implementation of the law on the use of languages and to address complaints made to it;
- Ensure the full implementation of the regulation on representation of communities in the civil service<sup>130</sup> in order to increase the fair and equitable representation of all community members, giving particular attention to the employment of women, in the civil service at the central level.

### **To the Ministry of Communities and Return:**

- Ensure the timely preparation of the annual budget of the MCR, and take action to ensure the allocation of adequate funding for housing reconstruction and other assistance programmes directed at returnees;
- Provide meaningful guidance and advice to municipalities in relation to policy development, returns strategies and projects, and ensure effective communication between central and municipal structures to enable all actors to contribute to the process.

### **To the Ministry of Internal Affairs:**

- Take all necessary action to ensure that requests for central-level reintegration funds are processed efficiently and disbursed without delay to the requesting parties;
- Continue to undertake regular activities to raise awareness of the Revised Strategy for Reintegration of Repatriated Persons and Action Plan Implementing the Strategy for Reintegration of Repatriated Persons at the

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<sup>130</sup> Ministry of Public Administration, Regulation No.04/2010 on procedures for the fair and proportional representation of communities not in the majority in the civil service, 20 September 2010.

local level, and to strengthen municipal capacity with regard to its effective and timely implementation.

**To the Ministry of Culture, Youth and Sport:**

- Effectively implement the legislative framework for the protection and promotion of cultural and religious heritage by drawing up a comprehensive list of cultural and religious heritage sites in co-operation with the relevant stakeholders and submitting the list to the Kosovo Council for Cultural Heritage, as required by law.

**To the Ministry of Education, Science and Technology:**

- Promote opportunities for interaction and contacts among pupils and teachers of all different communities and both educational systems;
- Offer, on a voluntary basis, additional classes on the official languages as a second language open to all students;
- Ensure that Romani curriculum textbooks are commissioned and printed, teachers are trained, and that the Romani curriculum is made available to all interested students;
- Ensure that textbooks in Bosnian, Turkish and Romani languages are printed and distributed, improve the quality of textbook translations, and ensure the translation of vocational secondary curricula for grades 11 and 12 in Turkish and Bosnian;
- Prioritize efforts to implement and use the new multi-ethnic and inclusive teaching methods and promote intercultural education, in order to promote mutual understanding, tolerance and dialogue;
- Take concrete measures to tackle school dropouts and non-enrolment among the most vulnerable communities, particularly the Roma, Ashkali and Egyptian communities.

**To the Ministry of Labour and Social Welfare:**

- Increase opportunities for all communities to engage in job training and other initiatives to ensure their fair representation in private employment.

**To municipalities:**

- Allocate specific funds for activities to implement the Strategy and Action Plan for the Integration of Roma, Ashkali and Egyptian Communities within the municipality;
- Draft, approve and implement municipal returns strategies, and implement the Action Plan for the Strategy for Reintegration of Repatriated Persons, in order

to ensure that returnees and displaced persons are guaranteed access to services such as civil registration, education, health, employment and social welfare, housing and accommodation;

- Take action to ensure that funding for repatriated persons and returnees is guaranteed through a separate line in the annual municipal budget;
- Ensure an appropriate and timely response to all reported security incidents affecting returnee communities, including through statements of condemnation and outreach visits to the affected community;
- Ensure the full establishment of municipal offices for communities and return, and their functioning by providing sufficient staff, financial, and logistical resources;
- Effectively implement the legislative framework for the protection and promotion of cultural and religious heritage by drafting and submitting spatial plans for approval by the Ministry of Environment and Spatial Planning;
- Take meaningful actions to promote non-majority community cultures within the municipality by increasing funding for such activities for all non-majority communities;
- Ensure that community representatives are consulted when allocating funding for activities or projects intended to benefit those communities;
- Recognize the fundamental importance of inter-community dialogue between communities as a means to ensuring tolerance and mutual understanding, and implement regular activities at the municipal level;
- Provide opportunities for children from different communities to interact in a school environment;
- Provide adequate translation services wherever legally obliged to do so;
- Ensure all municipal signs and notices are displayed in all official languages or languages in official use, as required by law;
- Increase the representation of non-majority community members in the civil service at the local level; take specific measures to encourage the representation of non-majority community women in the civil service;
- Ensure that all municipal posts are advertised in places that are accessible for non-majority community members.
- Ensure the full establishment of municipal offices for communities and return and their proper functioning by providing sufficient staff, financial, and logistical resources;



- Ensure that municipal assemblies regularly submit draft regulations, plans, strategies and budgets for review to the communities committees.

**To Mitrovicë/Mitrovica municipality:**

- Take all necessary measures, in a timely manner, to approve Mercy Corps plans to build additional housing in “Roma Mahala” for those families willing to relocate to the settlement;
- Provide a sustainable solution for the small number of Roma and Ashkali families for whom return to “Roma Mahala” is not a viable option. Engage the affected families in the decision-making process in order to remove them from the lead-contaminated camp of Osterode as soon as possible.

**To Kosovo police:**

- Provide adequate levels of policing in areas where returnees are living to ensure their safety and that of their property, and respond in an appropriate and timely manner to any security incidents;
- Provide effective protection to all cultural heritage sites and respond in a timely and appropriate manner to any reported incidents occurring on such sites.

**To Radio Television of Kosovo:**

- Respond to the written request made by representatives of the Ashkali and Egyptian communities for programming dedicated to their communities.