

SHADOW REPORT

On the Implementation of the Framework Convention for the
Protection of National Minorities
in Kosovo

Kosovo, Pristina
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The Coordinators of the Working Groups, Prishtine/Pristina, 17.08.2005

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Executive Summary

Building upon the commitment made to the principles and provisions of the Council of Europe (CoE) Framework Convention for the Protection of National Minorities (Framework Convention), the United Nations Interim Administrative Mission in Kosovo (UNMIK) entered into and signed an agreement on 23 August 2004 with the CoE on the *Technical Arrangements related to the Framework Convention for the Protection of National Minorities*. The Framework Convention offers objective standards and norms that seek to promote the full and effective equality of national minorities, including by creating conditions enabling them to preserve and develop their culture and to retain their identity.

This is a Shadow Report to the Official Report on the Framework Convention, the latter which was submitted by UNMIK to the CoE in early June 2005. This Shadow Report is the result of a collaborative effort, guided by a participatory methodology, included the participation of persons from the following minority groups in Kosovo: Serbs, Bosniacs, Gorani, Turkish, Roma and Ashkalia/Egyptien communities. The participants formed a joint Working Group, where each minority group has provided their respective input and formulate recommendations with regard to the implementation of the Framework Convention, on an article-by-article basis. The OSCE supported this process by recruiting a consultant, who was coordinating and facilitating the project and Working Group. The completion of this report also demonstrates in itself an innovative process of bringing together minority representatives from civil society, enabling them to identify common experiences and aims, and thus to promote inter-ethnic communication and understanding.

The report is divided into four parts. The first part outlines the participatory methodology developed for compiling this shadow report. The second part provides a historical and contextual overview of the current situation in Kosovo. The third part is the bulk of the report, and contains detailed information and substantive recommendation on the implementation of the Framework Convention, disaggregated on an article-by-article basis and as formulated by the representatives of each respective minority group. The fourth part presents comments made by the Working Group participants on the Official Report.

The report identifies the challenges common to many or all minority groups, especially in the fields of use of language, education in the mother tongue, access to media, discrimination in social service delivery and participation in economic, social and public life. The Serb community express major human rights concerns, including their use of the Serbian language, freedom of movement and freedom of expression, and experience intolerance. The Roma, Ashkalia and Egyptian communities face major economical and social problems, including wide-spread exclusion and discrimination at all levels in the society, especially in the area of employment, education and housing. In addition, some of these communities remain living in unacceptable conditions in temporary camps on contaminated areas in the northern part of Mitrovica, which constitutes a serious health disaster with reported deaths. The Turkish community is stressing problems regarding the use of Turkish language, and access to media as school books in the Turkish language. The major problems that Bosniak as well as Gorani community is facing are access to higher education in their language, access to media as well as use of language (due to the similarity with the Serbian language). In addition, all minority communities in Kosovo stress their dissatisfaction and feeling of disconnection from the negotiation of final status talks on Kosovo. They also expressed disappointment of the remaining lack of knowledge and insufficient understanding and engagement on the part of the international community concerning their situation.

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PART ONE

1. METHODOLOGY

The methodology part of the Shadow Report was written by the Coordinator of the Minority Working Groups, Ms. Halida Nasić, OSCE Consultant.

1. 1 Background

The Council of Europe's (CoE) Framework Convention for the Protection of National Minorities, (hereinafter, the Framework Convention), is the first legally binding, multilateral instrument devoted to the protection of minorities within CoE member States. The Framework Convention offers an objective, apolitical way of responding to the needs of minorities by agreeing to minimal norms that must be met – norms that seek to promote the full and effective equality of national minorities by creating conditions enabling them to preserve and develop their culture and to retain their identity. Such provisions include, but are not limited to, the right to: self-identification; freedom of association; religious belief and practice; access to the media; use of minority languages; use of minority names; learning of and in minority languages; effective participation in cultural, social and economic life and in public affairs; safeguards against altering population proportions in minority areas, and cross-frontier intra-communal contacts.

Building upon the commitment made to the principles of the Framework Convention in Chapter 3 of the Constitutional Framework for Provisional Self-Government, the United Nations Interim Administrative Mission in Kosovo (UNMIK) entered into and signed an agreement with the Council of Europe on the *Technical Arrangements related to the Framework Convention for the Protection of National Minorities*. 23 August 2004 is the date when the agreement was signed by both parties. The 'institutionalization' of these provisions through their incorporation into legislation and social policy has clear significance for Kosovo. Further, the commitment made to respect the principles of the Framework Convention represents an important step towards harmonization and future integration with wider European standards.

1. 2 Monitoring procedure

Central to any implementation process is the effectiveness of evaluation mechanisms to monitor the progress and degree of compliance achieved. The implementation of the Framework Convention is monitored by the CoE Committee of Ministers, which is assisted by its Advisory Committee and the CoE Committee of Ministers. The Advisory Committee of the Framework Convention is an independent expert body, that makes an expert assessment (in the form of an "Opinion") on the basis of periodically submitted *State Reports* (in Kosovo such a report is called the "Official Report", and is referred to such hereinafter) and information from other sources, such as so-called "Shadow Reports" submitted by civil society organisations. Based on this assessment, the Committee of Ministers adopts resolutions regarding a State party's implementation of the principles contained in the Framework Convention. These resolutions contain conclusions and recommendations, which highlight the measures that the relevant country is expected to undertake. The Advisory Committee monitors the implementation of these measures in ensuing reporting cycles. A practice has also been established to take stock of

developments regarding the implementation of the results of the monitoring *between* periodic reporting cycles, including through the organisation of in-country follow-up meetings.³

The Advisory Committee's Opinions are made public upon the adoption of the Committee of Ministers' conclusions and recommendations. However, countries have the possibility to make the Opinion public at an earlier stage.

In the Kosovo context, the responsibility for implementation of the Framework Convention and the submission of the Official Report rests in the first instance with UNMiK as the signatory; as specified in the *Technical Agreement*. UNMiK was obligated to submit full information on the legislative and other measures taken to address the Framework Convention's principles within six months of the entry into force of the Agreement i.e. 23 February 2005. The Official report was received in early June 2005 by the Council of Europe.⁴

There is a tendency, however, for such State Reports to treat the evaluation process as a technical exercise. Few State Reports have reflected openly or adequately on problematic issues experienced by minority communities, the impact of social and economic policies, or how the Convention is implemented in practice.

Thus, a Shadow Report has particular significance as a parallel and complementary mechanism of an independent and impartial civil society assessment, and can, for example, be submitted by civil society representatives of the minority communities in question. The intrinsic value of a Shadow Report is that it provides additional information to the official report. Further, and as demonstrated in the case of this Shadow Report, it can enable a process of bringing minority members of civil society together to discuss the issues involved, to identify common aims and to elaborate strategies. Such participation strengthens relationships and understanding between minority community activists and, in more practical terms, develops essential advocacy skills.

1.3 The purpose of a Shadow Report

Concerning a "Shadow Report", there is not any special drafting procedure of such a report. There are only good practices. Usually Shadow Reports are submitted after the respective State Report, i.e. 'shadowing' the official one. Such 'alternative' reports can also be submitted on an *ad hoc* basis, especially when serious violations of minority rights have taken place.

The purpose of this Shadow Report is to stress the participation of minorities themselves and to enable them to present their situation from their own point of view. The most common practice elsewhere has been that a single NGO (not necessary comprised of minority members) drafts and submits an alternative or shadow report. Certainly it has been advantageous for civil society members to participate in the process. However, there is often a gap in the adequate representation of the minority situation without specifically including the members of minority communities, consulting them or considering their real needs. Therefore recent emphasis has been on increasing the direct participation of minority NGO representatives in the drafting process. This is the participatory methodology that was used in drafting the Shadow Report in Kosovo.

³ Further information on the work of these CoE bodies may be found on the following web-site: <http://www.coe.int/minorities>.

⁴ See press release: www.coe.int/minorities.

1.4 Participatory Methodology

1.4.1 The Working Group composition

Concerning the composition of the working group involved in the drafting process of a shadow report, it is appropriate that such a working group is composed of representatives from all minority groups in the country, preferably from civil society. Political party representatives should be excluded from the work on the report (even though political party representatives can also make their own version of shadow report) that in order to create an environment free of political interest, thereby enabling the minority members to describe, from their own point of view, the situation in the country. Ideally, group members should be from different professions, i.e. lawyers, journalists and teachers, etc.

In the case of Kosovo, the first step was to identify and assemble representatives of all Kosovo minority communities. The participants formed sectoral working groups to consider the degree of implementation achieved in respect to each of the specific Articles of the Convention.

For example, the Working Groups engaged in the drafting process of this Shadow Report on Kosovo were composed of 23 participants representing seven Minority communities: four ethnic Serbs, four Bosniacs, three Turks, four Romas, three Ashkalias, one Egyptian and three Goranis. All Minority Communities were represented except the Croat community⁵ because there were no active Croat NGOs in Kosovo or civil society members that showed interest in participating.

The list of the participants i.e. the members of the Working group in Kosovo was made in cooperation with Minority Rights Group International (MRG), (CoE was not involved in the selection process, it only had a supportive role in the process with capacity building activities), and was based on the coordinator's impression when meeting them, as well as with consultation with the OSCE Officials who have been working on minority issues. Thus, most of the participants were known for being very active from having already participated in different trainings organized by the CoE and MRG.

In the selection process, consideration was also given to the willingness, commitment as well as the capacity of each person to contribute to the drafting process meaningfully. Gender balance and geographic representation throughout Kosovo were considered as well.

In order to cover all of the area of Kosovo, each Minority Working group member was encouraged to network with other members of his/her community and in that way to receive information and increase the level of networking within each of the Minority communities.

⁵ The remaining 370 Croats are mainly living in Janievo, Lipljan/Lipjan municipality, Kosovo. Although invited, the representative from the Croat community did not attend the initial training on the Framework Convention that was held in December 2004. There was thereafter still possibilities for this Minority Community to be included, and an additionally organized training on the Framework Convention could have been organised by the coordinator of the working groups, had this been of interest. A visit to the Croat Community village Janievo was made on Wednesday, 22 December, which included a meeting with Mr. Don Matej (the priest in the village). This meeting was held with a view to involve some other member of the Croat Community. The last letter with the information about convention was sent in January 2005, but no reply from the priest. Here is important to mention that it is a minority group's own choice whether to participate or not in the Shadow Report drafting procedure.

The second step was to stimulate the interest and capacity of minority NGO participants to draft the Shadow Report. This began with a training session held on 9-10 December 2004 in cooperation with MRG and facilitated by the CoE, at which participants learned about the provisions of the Framework Convention and different drafting strategies of submitting Shadow Reports (see below).

Additional Training on the Framework Convention for the Protection of National Minorities was organized on 23-30 February 2005. The training was organized by MRG in cooperation with the Framework Convention Secretariat of the CoE. The training was for minority and interethnic human rights NGOs from countries whose state reports are due in 2005. The training was open to NGOs from Albania, Armenia, Austria, Cyprus, Finland, Germany, Ireland, Malta, Poland, Romania, Russian Federation, Serbia and Montenegro, Slovak Republic, Sweden, Switzerland, Ukraine and United Kingdom. The training was also open to NGOs from Kosovo. MRG invited representatives of 25 NGOs from the target countries listed above. Five persons from the Working Group from Kosovo were selected, two from the Serb community, one Bosniac, one Roma, and one from the Ashkalia community. This was exceptional, usually only two to three candidates from each of the CoE member states are selected for such training. Due to the specific situation of Kosovo, and due to the sincere commitment and the engagement of the Minority group members, five of them were accepted to the training in Strasbourg.

1.4.2 Working process

The training on the Framework Convention was held for 18 Minority NGO representatives and was focused on the content of the Framework Convention, article by article overview, different monitoring procedures as well as the function to be played by civil society in assessing the progress of implementation, and different strategies as well as approaches to the Shadow Report drafting process itself.

The main purpose of the training was to raise awareness and provide the Minority NGO representatives with the necessary knowledge about the Framework Convention, about the rights that persons belonging to Minority groups are entitled to according the Framework Convention and to prepare the participants for the Shadow Report drafting procedure.

Each of the Minority working group, by our first Joint meeting on 26 December 2004, was supposed to present their preliminary information gathered from the field and the methods they used for gathering the information - whether it was received by networking i.e. information received from the other group member somewhere else in the region, personal visit to the place or another way as contacting the officials at local or central level. In the Shadow Report drafting procedure different contacts were made with officials (at both local and central levels) in order to seek data. Impressions from the majority of the working group members were that the response and the reactions from these officials were satisfactory.

In order to increase participation in the Shadow Report drafting procedure, it was necessary to organize regular meetings with the chosen minority working group. In the case of Kosovo regular meetings were organized during a four month period: January to April 2005.

The purpose of regular meeting with the Working groups, separately as well as in joint group meetings, was to engage and vigorously stimulate the Working groups into active preparation in the drafting process. Even more important than the production of a single Shadow Report is the development of a cohesive, motivated group of minority members, who are willing to actively participate in building a multicultural society, and making their own long term contribution to the implementation of the Framework Convention.

1.4.3 Working Group sessions

During January-April 2005, the working methodology was developed and around 20 meetings were held in total, including regularised joint working group sessions. In the first period, i.e. from December 2004 until April 2005 six joint working group sessions were held, continuously after every two weeks. There were regular weekly meetings with each of the Minority Working groups separately, visiting different areas of Kosovo. The joint and separate meetings with each of the Minority Working group were scheduled two weeks in advance.

For example, during 13-17 December 2004 separate meetings were held with the Roma, Ashkalia and Turkish Minority Working groups. During 20–24 December 2004 meetings with the Serb, Bosniac, Gorani, and Egyptians Minority Working groups were held. The purpose of separate group meetings was to get deeper information about each of the Minority Group's particular situation and giving them guidelines in how to work with the gathered information and how to formulate that information in the relation to the Articles of the Framework Convention and in the appropriate form for the Shadow Report.

1.4.4 The purpose of Joint Working Group sessions

The joint group sessions should be especially encouraged in order to increase inter-ethnic cooperation of the minority groups, also to make them informed about each of minority group's particular situation. On these meeting minority members are supposed to gain the knowledge not only about the articles of the Framework Convention but also deeper insight into each of the Minority groups particular situation and interests.

Joint group meetings were devoted to the specific articles of the Convention and each of the minority groups were encouraged to present their situation in accordance to the specific article and thereby practising their advocacy skills.

Due to the very different situations of each of the Minority groups in Kosovo, group work was community-based (i.e., concentrated on presenting each community's situation to the other groups).

1.4.5 The Subject-based Working Group sessions

In order to increase the inter-ethnic communication, subject-based group break-out sessions were held during the joint group working sessions. There the persons belonging to different ethnic groups – and interested in the same subject - were asked to share their experience in order to learn from each other, as well as to give each other inputs concerning, for instance, the recommendation part of the Shadow report on the particular subject that interested them.

For example, the working sessions were usually devoted to groups of articles, for instance article on language use, Article 10 and 11 comprised one working session, or articles on education, Article 12, 13 and 14, etc.

1.4.6 The purpose of individual Working Group sessions

The purpose of these sessions was to get deeper information about each of the Minority Group's particular situation and to give them specific support concerning specific articles, how to gather

information and how to formulate it in relation to the specific Article of the Framework Convention and in the appropriate form of the Shadow Report.

When gathering information - each of the Minority Working group presented their first information i.e. impressions concerning situation in the field and the way they worked and gathered the information - whether it was done by networking i.e. information received from the other group member somewhere else in the region, personal visit to the place or any other way.

1.5 Example of a Working Group session – Article 15 of the Framework Convention

On 6 February 2005, the joint Minority Working Group meeting was held in the north part of Mitrovica/Mitrovice, at the office of a Serb community NGO whose two members are involved in the Shadow Report Drafting Procedure as representatives from the Serb community. This joint group meeting was devoted exclusively to Article 15 of the Framework Convention that states that the parties are obliged to enable minorities to participate effectively in Cultural, Social and Economic life and in Public Affairs, in particular those affecting them. Article 15 is very broad and needs clarification and interpretation in relation to its practical implications. At this meeting the working group members were trained on the article, on its interpretation and what to consider when gathering information from the field.

It was explained to the participants what it means for persons belonging to minority groups to have effective participation in economic life. The employment situation is very relevant in this regard. Unemployment, especially in today's Kosovo, is a problem that is affecting the society at large, but it appears that it affects disproportionately the small minority groups. Minorities are often concentrated in border regions that face considerable economic difficulties, often being far from the capital and the centre of economic development. Roma, for instance, are mostly concentrated in settlements. In some areas, lack of registration, or even worse, freedom of movement, is causing restrictions on the access of minorities to the labour market. The other problems that minority communities are facing in the regard of employment are problems caused by the language proficiency that is usually required in certain areas, and which negatively affects the employment situation of minorities (especially Roma, whose knowledge of the Albanian language may usually be much lower compared to the other groups, due to the lack of education).

One example in this regard is the Turkish community in Mamuša/Mamushë, a village in Prizren region with predominately Turkish population. 80% of population is living from agriculture and, according to Rifat Krasnici (Kosovo Assembly Member) almost 100% of youth is unemployed. This year 300 of them finished high school and 10 of them university education, none of them is employed or believe that they will get employment in the near future. Some 45 young persons from Mamuša/Mamushë, after being encouraged by Kosovo Police School Service (KPSS),⁶ applied to the Police school. The entrance examination was either in Albanian or in Serbian language. Therefore, even if these applicants had some knowledge in these languages, due to the lack of professional terminology, none of those 45 Turkish applicants passed the entrance exam and therefore could not enrol at the Police school. There are several primaries and one secondary school in Mamuša/Mamushë, all in Turkish language. Sometimes, depending of the field, even university education can be received in Turkish language in Kosovo. This may cause problems for Turkish community (and other communities in similar situation) with regard to employment possibilities and integration into wider Kosovo society. The interviewed people in Mamuša/Mamushë stated that the entrance examination should be either in Turkish (since these police officers when educated would work in the areas with Turkish population, or that applicants

⁶ The KPSS has not confirmed this data.

should receive some preparation course before the entrance examination. (An additional problem mentioned regarding the employment situation of minorities, has been also that majority of vacancy notices are issued only in Albanian language).

Employment of minorities within this sector of public services should be encouraged and in that way help to ensure that service delivery is sensitive to the linguistic and cultural needs of that community, and at the same time show shared ownership of education, health care, social services etc. It is also particularly important for confidence between communities, to assess the degree to which minorities participate effectively in the rule of law and are employed at all levels of the judiciary and police etc.

The participation of minorities in the civil service can also show a practical engagement in the formulation and implementation of policies and programmes that are determined by politicians. Therefore, employment of minorities within the public service and in particular as civil servants is important, and is also usually the area over which the government has direct control in managing and monitoring as well.

Participation in Public affairs can be expressed in the form of political participation, which includes the right to freely establish political parties. Similar to members of the majority group, the Minority members also have the right to vote in elections as well as the right to stand for the elections. The members of the minority groups should hold ministerial posts and positions in different governmental departments.

With regard to Minority Participation in Cultural life, it means that based on the government, in this case Kosovo's funding i.e. the minority cultures survive there they have foundations, institutions etc. there they can maintain their cultures or, even better, make them flourish.

1.6 The Role of the Coordinator

Much of the value, credibility and legitimacy of a Shadow Report are derived from its independence and impartiality. Its purpose is to provide a more realistic and complete assessment on the situation of minority communities and minority rights, from the perspective of the affected communities themselves – as such, the role of the coordinator in the drafting process requires careful delineation. It was not the role of the coordinator to draft the envisaged Report, nor to impose undue external influence. In case of Kosovo it should be emphasized that the Minority working group retained full ownership throughout the drafting process.

The role of the Coordinator was rather to identify the working group members, stimulate the interest and capacity of participants to draft a constructive, concrete and ultimately 'useful' Shadow Report, equipping them with the knowledge of the Convention and the skills necessary to realise this. The coordinator was to assist the Working Groups in formulating clear and realistic recommendations to further implementation of the Framework Convention to Kosovo's legislators and policy-makers.

However, in order to increase participation of all of the minority group members in the drafting procedure the coordinator developed this methodology.

1.7 Compilation of the Shadow Report

The structure of the Shadow Report - mirrors the articles of the Framework Convention. Each response to an article is organised in the following manner: The article of the Framework Convention, Domestic legislation, General information relating to the relevant article, the Serb community, the Bosniac community, the Gorani community, the Turkish community, the Roma community, the Ashkalia community and the Egyptian community.

The time frame of Shadow Report – the Report was drafted from December 2004 until May 2005. The members of the working groups were identified during period from end of November until 8 December. (The training on the Framework Convention was held on 9-10 December 2004). The Shadow report was compiled during the period of April and May, and finalised in June. The shadow report was sent to the AC the first week in September.

Translation - from Serbian into English (done by the OSCE's translation cell) was conducted from the beginning of June until the end of August 2005. Editing and proof-reading was not included. Thus, any inconsistencies of the translation into other languages are unintentional.

The working language used in Kosovo when drafting Shadow report was Serbian/Bosnian/Croatian since all of the Working group members, as well as the coordinator speak it. Having a common language enabled the most direct and interactive form of communication.

The budget - Here it should be noted that none of the working members received any financial compensation for his or her contribution, and all the work was based exclusively on their individual commitment. In the coordination of the work, the OSCE contributed the transport and venue of the meetings and the translation from Serbian into English of the report.

The problems with the methodology - one of the problems that was present during the entire drafting process was the minimal contribution of the Gorani community due to the division of the opinions of the working group members and the issue of self-identification. One of the Working group members would state that the mother tongue of the Gorani community is Serbian while another member insisted that it is Bosnian. In addition, this minority group had difficulties in travelling to the meetings, partly due to limited access to transport but also difficulties during the winter time on the mountains in Gora. This community is very isolated and is still facing problems related to access to media, and the conflict within the community about which curricula to use in education. Those who identify as Bosniacs are following the education in Bosnian language and those identifying as Gorani are following the curriculum in Serbian i.e. from the Republic of Serbia. An additional problem that the Gorani community is facing is economic underdevelopment and unemployment. Due to the size of the working group, the working hours, and the voluntary nature of their work, keeping deadline was sometimes difficult.

Positive sides of the methodology - The overall goal of this report was: to raise awareness on the implementation of the Council of Europe Framework Convention in Kosovo, and to build the capacity of minority community representatives to draft an envisaged Shadow Report on the progress of implementation.

Objectives achieved:

- Provided information on and raised awareness on the purpose, provisions and modalities of implementation of the Framework Convention among minority community civil society.

- Provided the Minority Working Groups with best practices and lessons learnt from the experience of the drafting processes of the Shadow Reports on the Framework Convention elsewhere in the region.
- Provided guidance to the Working Groups on how to highlight issues of concern within the Shadow Report and how to formulate concrete recommendations to policy-makers.
- Facilitated the creation and development of an active multi-ethnic Minority Working Groups comprising a broad cross-section of minority civil society.
- Prompted the Minority group members' engagement in the Shadow Report drafting procedure and its completion.

1.8 The Official Report - Additional comments concerning the Methodology

The drafting of State Reports (in case of Kosovo, called the Official report) often involves a process of consultation with minority and non-governmental organisations, who are also encouraged to submit alternative reports or information. These reports are examined by the Advisory Committee, who makes use of a wide variety of written sources of information from State and non-State actors. The Advisory Committee has also developed the practice of carrying out country visits where it meets with Government officials, parliamentarians, representatives of minorities, NGOs, Specialised Bodies and other relevant interlocutors.

Here it is important to underline that UNMIK, specifically the Department of Human Rights and Rule of Law of the OSCE mission to Kosovo, together with Provisional Institutions of Self Government (PISG) contributed to the Official Report. UNMIK was the UN appointed authority who submitted it to the Council of Europe.

However, simultaneously, the OSCE Democratisation Department supported an independent process through which the members of all minority groups were invited to compile the Shadow report.

Technically, the ideal practice during the drafting procedure of the Official Report would include consultations with minority members. Nevertheless in case of Kosovo that practice has not been followed. Thus, minority members could give their comments on the Official Report only after the Official report was submitted to the Advisory Committee.

It is important to mention that there was one meeting organised only by the PISG in order to consult the Minority groups concerning specific articles that PISG was reporting on. The meeting was organised in February 2005.

The coordinator of the Shadow Report organised a meeting on 1 July 2005, in order to distribute the Official report to the Minority working group and ask for their comments on the Official Report and to be included to the Shadow Report.

More detailed comments on the Official Report are presented in Part Four of this report.

The following part of the Shadow Report presents chronology of the development of the situation in Kosovo from 1990 until today.

PART TWO

2. Historical background

The Autonomous Province of Kosovo and Metohija is located in the south part of the Republic of Serbia, constituent Republic of Federal Republic of Yugoslavia (hereinafter referred to as 'FRY'). The territory that today contains FRY was once part of the Socialist Federal Republic of Yugoslavia (hereinafter referred to as 'SFRY'). In 1990 the Socialist Republic of Serbia announced a new Constitution through which, among other things, the name of Republic and autonomous provinces were changed. The name Socialist Republic of Serbia changed into Republic of Serbia (in further text instead of both names, Serbia) while the Socialist Autonomous Province of Kosovo changed into the Autonomous Province of Kosovo and Metohija (hereinafter referred to as 'Kosovo').⁷

Kosovo borders with the Republic of Montenegro in the north and northwest, the second constituent republic of FRY. In the southwest, Kosovo borders with the Republic of Albania, and in the south with the Former Yugoslav Republic of Macedonia (FYROM). Pristine/Priština is the capital of Kosovo.

The new constitution of SFRY, from 1974, ensured the transfer of competencies from central government into six constitutive republics of the country.⁸ Within Serbia, a substantial autonomy was granted to Kosovo and Vojvodina, including the control over the educational system, judiciary and police. Kosovo and Vojvodina also got provincial assemblies and were represented in the SFRY Assembly, Presidency and Constitutional Court.

During the 1980s, Serbs (who at that time constituted approximately 13 % of the population) were expressing their concerns of the discrimination directed towards them by the Kosovo leadership, which were Albanians. At the same time, Kosovo Albanians (who at that time constituted approximately 77% of the population) were expressing their concerns of economic underdevelopment, and demanded political liberalisation and the status of a Republic of Kosovo. Since 1981, Kosovo Albanians organised demonstrations which the military and police forces of SFRY and Serbia quelled by force.

In April 1987, Slobodan Milosevic (who in 1986 was elected as President of the Central Committee of the Serbian Communist League) visited Kosovo and held meetings with the Serbian leadership. In his speeches to the Serb masses, he supported and promoted a Serb nationalistic program. With this he deviated from the (communist) party and state policy, which since the establishment of Yugoslavia, under the leadership of Josip Broz Tito, was against any expression of nationalistic sentiments.⁹

From July 1988 until March 1989, several demonstrations and gatherings took place in Vojvodina and Montenegro in support of Milosevic and the so-called "Anti-bureaucracy revolution". These

⁷ In the same manner the name Socialist Autonomous Province of Vojvodina was changed into Autonomous Province of Vojvodina. In the same period Socialist Republic of Montenegro changed the name into Republic of Montenegro.

⁸ Yugoslavia's republics were: Slovenia, Croatia, Bosnia and Herzegovina, Serbia, Montenegro and Macedonia. Two autonomous provinces were Kosovo and Vojvodina.

⁹ <http://www.b92.net/doc/tribunal/01.php> International Crime Tribunal for ex-Yugoslavia, also; <http://www.b92.net/doc/tribunal/kosovo.php>.

protests led to the dismissal of the Provincial and Republic leaderships. At the same time in Serbia, there were growing demands to place Kosovo under stronger Serb control. On 17 November 1988, senior Albanian leaders in Kosovo were removed from their positions, and replaced by persons loyal to Milosevic.

In the beginning of 1989, the Assembly of Serbia proposed amendments to the Constitution of Serbia through which Kosovo would be left without most of its autonomous competencies, including control over the police, education and economic policy, the choice of the official language, as well as ending the right to veto any further changes to the Constitution of Serbia. Kosovo Albanians protested against these proposed amendments.

On 3 March 1989 the Presidency of SFRY announced that the situation in the Province had worsened and that it represents a threat to the sovereignty of the country. The government imposed "special measures" through which it transferred competencies of the public security from the Government of Serbia to the Federal Government. Kosovo's Assembly, reconstituted with legislators loyal to Milosevic, met on 23 March 1989 in Prishtine/Priština and voted for the proposed amendments. Most of the Kosovo Albanian delegates to the Assembly were restrained from voting.

On 23 March 1989, the Assembly of Serbia approved constitutional changes, revoking the autonomy granted to Kosovo by the Constitution of 1974. In May 1989, Milosevic was again elected as the president of Serbia.

From the beginning of 1990, Kosovo Albanians organised mass protests requesting the removal of the "special measures". In April the same year, the Presidency of SFRY annulled the "special measures" and removed most of the Federal police force, while Serbia took over the policing responsibility in Kosovo.

In July 1990, the Assembly of Serbia adopted the decision to *dissolve* the Assembly of Kosovo, after which 114 out of 123 Kosovo Albanians, MPs of the Assembly, approved the unofficial resolution through which they proclaimed Kosovo as an equal, independent, state-political unit within SFRY. In September 1990, many of the same delegates of Kosovo Albanians, proclaimed the constitution of the "Republic of Kosovo". In September 1991, Kosovo Albanians held an unofficial referendum where the vast majority voted for Kosovo's independence.

In July 1990, the Serbian Communist League and the Serbian People's League of Labour joined together with the Serbian Socialist Party (SPS), and Milosevic was, again, elected as President of the party. SPS became the most powerful political party in Serbia and Milosevic as President had outstanding power and influence on many branches of government.¹⁰

When Kosovo's autonomy was revoked in 1989, new political divergences continued to develop. By the end of 1990 and during 1991, thousands of Kosovo Albanians – doctors, teachers, professors, workers, police officers, judges and government officials – were expelled from their jobs. Police violence against Albanians increased. In this period, Albanian leadership was following the policy of peaceful civil resistance and started to establish a system of unofficial, parallel institutions in the area of health care and education.

¹⁰ Milan Milutinovic was elected for the President of Serbia in 1997 as a SPS candidate. After the new Constitution of Serbia in September of 1990, Milosevic was elected President of Serbia after elections held on 9th and 26th of December 1990 and also in 1992.

By the end of June 1991, SFRY started to break down in the series of wars that followed one after another; Republic of Slovenia, Republic of Croatia and then the Republic of Bosnia and Herzegovina.¹¹ Although Milosevic was President of Serbia during these wars, as the leading political figure he had control not only over the government of the Republic of Serbia, but also over the SFRY Government.

While the wars were going on, the situation in Kosovo did not escalate into violence. However, during the 1990s, one fraction of Kosovo Albanians organised a group called *Ushtria Çlirimtare e Kosovës (UÇK)*, in English known as the *Kosovo Liberation Army (KLA)*. In mid-1996 KLA organised attacks against FRY and Serbian police force. From that time and through 1997, FRY and Serbian police forces together fired back with tremendous force focusing on locations that were suspected of being KLA bases.¹²

From February 1998, the conflict between these two sides became stronger. During this period many Kosovo Albanians and Serbs were killed or injured. FRY forces initiated a shelling operation of mainly Albanian towns and villages in Kosovo, destroying property and evicting civil inhabitants. The United Nations (UN) estimates that by October of 1998 over 298.000 persons (an estimated 15 % of the population) were displaced internally in Kosovo or had left the province.

As a response to the intensification of the conflict, the Security Council (SC) of the UN in March 1998 approved resolution 1160 through which "Serb police is condemned because of exaggerated use of force against civilians and peaceful demonstrations in Kosovo", and imposed an embargo on importation of arms to FRY. Six months later the SC approved resolution 1199 (1998), which concluded that "the situation has worsened in Kosovo and FRY, and it presents a threat to peace and security in the region", and demanded that all sides cease hostilities and withdraw "security forces that are being used for the oppression of civilians".

Striving to reduce tensions in Kosovo, talks were held in October 1998 between Milosevic and representatives of NATO and OSCE. On 16 October 1998 the "Agreement of Verification Mission in Kosovo of OSCE" was signed. With this and the "Clark-Newman" agreement a partial withdrawal of FRY and Serbia forces from Kosovo was foreseen, as well as the restriction of the deployment of additional forces and weapons to the region, and the establishment of an unarmed OSCE Verification Mission.

Although members of the OSCE verification Mission were deployed all over Kosovo, hostilities continued. On 7 February 1999, an International Peace Conference was organised in Rambouillet, France.¹³ In mid-March these peace talks failed and violence continued in Kosovo.

¹¹ Slovenia claimed independence from SFRY on 25 June 1991, initiating potential war; peaceful agreement was reached on 8th of July 1991. Croatia proclaimed independence on 25 June 1991, which initiated armed conflict between the Croatian military forces on one side, and the Yugoslavian Peoples Army (JNA), paramilitary forces and 'The Army of Republic of Srpska Krajina' on the other side. Bosnia and Herzegovina proclaimed independence on 6 March 1992; this resulted in a full-scale war starting 6 April 1992. On 27 April 1992, SFRY reconstituted itself into FRY. At that time JNA was reorganised into the Army of Federal Republic of Yugoslavia (hereinafter referred to as VJ).

¹² After his mandate as the President of Serbian was over, in July 1997 Milosevic was elected as the President of FRY. On 21 December 1997 Milan Milutinovic was elected as President of Serbia.

¹³ Nikola Sainovic, Deputy Prime minister of FRY, was the member of Serb delegation in these peace talks, while these talks were lead by Milan Milutinovic, President of Serbia. Kosovo Albanians were represented by a delegation of KLA and a delegation of political and citizens' leaders.

In the beginning of March, FRY and Serbian forces initiated a couple of joint offensives against Albanian villages and towns in Kosovo. Towns and villages were shelled, houses burned and violent acts conducted against Kosovo Albanian civilians.

On 24 March 1999, NATO started air attacks on targets in FRY, which proclaimed state of war. From the beginning of the air strikes, FRY and Serb forces increased their systematic campaign and forcibly evicted hundreds of thousands of Kosovo Albanians. By 20 May 1999, over 740.000 Kosovo Albanians, or about one third of all Albanian inhabitants of Kosovo, were evicted, while thousands were displaced internally. An unknown number of Kosovo Albanians were killed from the actions of FRY and Serb forces.¹⁴

2.1 Kosovo Administration

In Kosovo in 1999, after NATO military intervention and withdrawal of FRY and Serbian military and police forces, the civil administration of the United Nations Interim Administrative Mission in Kosovo (UNMIK) - based on Resolution 1244 of Security Council of UN - was established. The post of the Special Representative of the Secretary General (SRSG) of the UN was created. In 2001 UNMIK established a Constitutional Framework for Self-government in Kosovo (constitutional framework) through which it defines Provisional Institutions of Self-government (PISG).¹⁵ UNMIK approved laws that define civic and legal responsibilities of state institutions, as well as those of private persons, and prepared laws approved by the Kosovo Assembly.

UNMIK took over the role of drafting the laws, with exceptional competencies in the area of security, rule of law and property issues. Provisional administration was handed control over the Ministries of Health, Finance and Economy, Education, Labour and Social Welfare, and Public Services.¹⁶

2.2 Human and Minority Rights instruments applicable in Kosovo

Human Rights Instruments that are applicable in Kosovo are:

- International contracts and UNMIK regulations based on Resolution 1244 of the SC.
- Laws that were applicable until 22 March 1989 in the territory of Kosovo, on the condition of being non-discriminatory and on the basis of new standards and principles (UNMIK Regulation 1999/24).
- Domestic laws if compatible with human rights standards, requiring all persons undertaking public duties or holding public office to observe internationally recognized human rights standards in the course of their functions.

¹⁴ See <http://www.b92.net/doc/tribunal/01.php> International Crime Tribunal for ex Yugoslavia: see also, <http://www.b92.net/doc/tribunal/kosovo.php>.

¹⁵ Kosovo has a multi-party system where also parties of minority communities of Kosovo are represented. In October 2004, an election for the Assembly of Kosovo was held. See the text to the article 15 of this report.

¹⁶ In the cabinet of SRSG, offices that deal with the question for promotion and protection of minority rights are: *The office of legal advisor* (responsible for the development of the legal policy and preparation of draft laws), and the *Office for Community affairs* (promotes development of minority communities, including the freedom of movement, fair allocation of finances, employment, etc). Within the latter office, the *Municipal Services for Communities* directs the process of integration of communities in municipal structures and society. Another office to be mentioned is the *Office for the Return and Communities*. This office is responsible for the creation of policy, coordination and oversight of the return of refugees in Kosovo.

The Constitutional Framework, Paragraph 3.1, reads:

“All persons in Kosovo shall enjoy, without discrimination on any ground and in full equality, human rights and fundamental freedoms.

3.2 The Provisional Institutions of Self-Government shall observe and ensure internationally recognized human rights and fundamental freedoms, including those rights and freedoms set forth in:

- *The Universal Declaration on Human Rights;*
- *The European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols;*
- *The International Covenant on Civil and Political Rights, and the Protocols thereto;*
- *The Convention on the Elimination of All Forms of Racial Discrimination;*
- *The Convention on the Elimination of All Forms of Discrimination Against Women;*
- *The Convention on the Rights of the Child;*
- *The European Charter for Regional and Minority Languages; and*
- *The Council of Europe's Framework Convention for the Protection of National Minorities.”*

Because of the complicated legal framework, the hierarchy of laws in place provided that if there were contradictions between legal regulations, laws and rules of UNMIK overruled the laws that were applicable before 22 March 1989, while laws from the 1990's were on the lowest level of the hierarchy. The judicial system in Kosovo has a dual judicial and prosecution structure, where domestic and international courts are not responsible to each other. International judges have competencies to intervene in any phase of domestic judicial processes.

The rights of Kosovo communities and their members are mentioned in Chapter 4 of the Constitutional Framework. The Provisional Institutions of Self-Government (PISG) must ensure that all Communities and their members may exercise these rights, while the SRSG has the responsibility, under Resolution 1244, to protect and promote human rights and to support peace-building activities. The SRSG retains the authority to intervene as necessary in the exercise of self-government for the purpose of protecting the rights of Communities and their members.

Aiming at the same goal of ensuring full equality of human rights and basic freedoms, without discrimination on any basis, for all persons in Kosovo, the Assembly of Kosovo approved the Antidiscrimination Law on 19 February 2004.¹⁷

2.3 The legal remedies for the protection of Human (and Minority) rights

Article 23 of the UNMIK Regulation 2000/45 on “Municipal Self-government in Kosovo” establishes the Committee for Communities, the Mediation Committee and the Municipal Office, as well as the way they function within all existing communities in Kosovo.

The Committee for Communities and the Mediation Committee are necessary mechanisms for the facilitation of the participation of (all) ethnic communities in political, cultural, social, and economical life in the municipality. The Committees, in this way, assure respect for rights and interests of communities living in the municipality, and at the same time aim to improve the mutual trust among communities and support them to be included in the division of power with the ethnic majority. Concerning the claims and the procedure see the Article 23 of UNMIK Regulation 2000/45 on Municipal self-government.

¹⁷ http://www.unmikonline.org/regulations/index_reg_2004.htm, the text of Antidiscrimination Law.

Unfortunately, the existence and work of the Committees varies from municipality to municipality, mostly because of a 'decentralised' interpretation of this Regulation. In the places where there is good cooperation between local and their international partners, the Committees function properly. However, very often these Committees are dysfunctional and do not represent or advocate for the problems of the minority communities in the proper manner.

The Institution of Ombudsman in Kosovo (established with UNMIK Regulation 2000/38, on 20 June 2000) is an institution to whom one can also turn for help and whose working principles are based on the independence, confidentiality and free of charge provision of legal aid.¹⁸ The goal of establishing this institution was the promotion and protection of rights of legal and physical entities, as well as ensuring the rights to all citizens of Kosovo so that they can fully enjoy human rights and basic freedoms guaranteed with international instruments. Functions of the Ombudsman pertain to accepting the complaints, reviewing and investigating cases, and providing suggestions and advice in all areas from the competence determined by Regulation 2000/38.

Other than mechanisms of protection of human rights, UNMIK's 'Standards for Kosovo' also foresee systems for the protection of minority rights. The standards promote the rule of law through a 'healthy' legal framework, efficient protection of the law as well as establishment of strong measures for fighting against ethnic motivated crimes.¹⁹

2.4 Minority communities in Kosovo

It can be argued that UNMIK and PISG have done quite a lot on the issues of protection of the rights of minorities and responsibilities laid down in the Framework Convention, and this is best portrayed in the provision of laws.

However, riots in March 2004 were the most serious burst of violence and destruction since the conflict in 1999 until now.²⁰ During 2004, 62 persons were killed, including 20 persons during the March riots. The reason of outbreak of the March riots was the drowning of Albanian children from the village of Cabra in Zubin Potok/Zubinpotok in the river Iber 16th of March; the child that survived was claiming that Serbs were chasing them with a dog towards the Ibar/Iber river. Before police and court investigation were concluded, media had published the story. At the same time, Serbs blocked the local road Prishtine/Pristina-Skopje, because of the gunshots from a car on a 19 year old Serb from the Serbian village of Caglavica/Cagllavice on 15 March 2004. Some 18.000 Albanians were participating on 16 March 2004 in (previously notified) demonstrations against the arrestment of ex-KLA members by UNMIK police. Albanians started demonstrations in Mitrovica/Mitrovice on 17 March 2004, protesting against the drowning of the children, and in Pristina/Prishtine against the blocking of the road in Caglavica/Cagllavice and Gracanica/Gracanice. Riots soon spread to other parts of Kosovo and became more violent. It is assumed that there were plans to destroy Serbian property and evict Serb inhabitants from enclaves in south Kosovo. 20 persons were killed during these riots, (8 Serbs and 12 Albanians from Kosovo), 900 persons were wounded, and over 900 houses of Kosovo Serb, Roma and

¹⁸ See www.ombudspersonkosovo.org.

¹⁹ UNMIK, Standards for Kosovo, Prishtine/Pristina, December 2003.

²⁰ According to the data from UNMIK Office for Community issues, incidents directed against minorities are not reported by the members of minority communities, due to distrust towards KPS and towards legal system in Kosovo.

Ashkalia and 30 orthodox churches and monasteries were burned or seriously damaged, and over 4,000 Serbs, Ashkalia and Roma were left without a roof over their heads.²¹

Since then, UNMIK police and KFOR have started operations of arresting persons responsible for riots. By June 2004, over 270 persons were arrested for different violations during riots, including murder, murder attempt, setting fire and burglary. At the end of the year PISG has rebuilt some 90% of the damaged houses and there is an agreement signed with Serb Orthodox Church and PISG for the reconstruction of churches.

Problems that minority communities in Kosovo face relate to the use of language, freedom of movement, the right to return, education, employment, etc. Violence towards property is still a serious problem for the members of minority communities. Kosovo Serbs face the problem of discrimination in education and health care; however, the government of Serbia and Montenegro continue to finance and fulfil these services, through the Coordination Centre for Kosovo and parallel institutions. The Turkish community is better integrated in Kosovo society and faces less social discrimination than other minority communities. Most of the Roma population live in extreme poverty. Since many Kosovo Albanians consider them as collaborators with the Serbs, they are faced with total social and economical discrimination. Very often the Roma cannot obtain even basic hygienic or medical services or education, and in many cases they are dependant on humanitarian aid. Although there were some successful attempts to re-inhabit Roma, Ashkalia and Egyptian into their old homes, security remains a big problem. Bosniac leaders still complain that thousands of their community members left Kosovo because of discrimination and non-existence of economic opportunities.²²

Kosovo's economy is in transition from a centrally planed economy towards a market economy, based mainly on agriculture, mining and construction, and mainly depending on the foreign aid. The number of inhabitants is estimated to be some 2.3 million, although demographic data is unreliable since there has been no census lately. The economy grows with some 3.5 % annually. Unemployment is estimated between 30 to 50% for ethnic Albanians, while the figure for ethnic Serbs is even higher. See the text from Article 3 of this report.

The situation of each minority group is presented in greater detail in the following part of this report.

²¹ Report on Human Rights for the year 2004, Kosovo. Published by US Office for Democracy, Human Rights and Labour, 28th February 2005.

²² Ibid.

PART THREE

3. Implementation of the Framework Convention for the Protection of National Minorities

Overview of the situation according to the articles of the convention and the Minority Communities

Article 3

1. *Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.*
2. *Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention individually as well as in community with others.*

Domestic legislation

The Constitutional Framework for Self-government in Kosovo (Constitutional Framework) guarantees in Chapter 4, The Rights of the Communities and their Members, paragraph 4.2, that no person is obliged to declare to which community he/she belongs, or to declare herself /himself as a member of any community. As stipulated by the Framework Convention, no disadvantage shall result from an individual's exercise of the right to declare himself/herself as a member of a certain Community.

The Constitutional Framework (and laws) of Kosovo does not define national minorities, but proclaims "communities" as inhabitants belonging to the same ethnic, cultural, religious or linguistic group (4.4.1). Apart from Kosovo Albanians, the other communities are: Kosovo Serbs, Bosniacs, Goranis, Turks, Roma, Ashkalia, Egyptians and Croats. All these communities are represented in the Assembly of Kosovo.

Chapter 9 of the Constitutional Framework states that the Assembly (as the highest representative and legislative Provisional Institution of Self-Government of Kosovo) shall have 120 members²³. Twenty (20) of the 120 seats shall be reserved for the additional representation of non-Albanian Kosovo Communities; ten (10) seats shall be allocated to the Kosovo **Serb** Community and ten (10) seats shall be allocated to other Communities as follows: the **Roma, Ashkalia and Egyptian** Communities four (4), the **Bosniac** Community three (3), the **Turkish** Community two (2) and the **Gorani** Community one (1).

Chapter 4, of the Constitutional Framework, Rights of Communities and Their Members, reads:

²³ One hundred (100) of 120 seats of the Assembly shall be distributed amongst all parties, coalitions, citizens' initiatives, and independent candidates in proportion to the number of valid votes received by them in the election to the Assembly (9.1.2).

4.1. *Communities of inhabitants belonging to the same ethnic or religious or linguistic group (Communities) shall have the rights set forth in this Chapter in order to preserve, protect and express their ethnic, cultural, religious, and linguistic identities.*

4.2. *No person shall be obliged to declare to which Community he belongs, or to declare himself a member of any Community. No disadvantage shall result from an individual's exercise of the right to declare or not declare himself a member of a Community.*

4.3. *The Provisional Institutions of Self-Government shall be guided in their policy and practice by the need to promote coexistence and support reconciliation between Communities and to create appropriate conditions enabling Communities to preserve, protect and develop their identities. The Institutions also shall promote the preservation of Kosovo's cultural heritage of all the Communities without discrimination.*

In December 2004, the Assembly of Kosovo approved a Law on Census for Kosovo (UNMIK Regulation 2004/53). Article 8 of this law states that information collected during the census shall be compiled out of two categories of data. The first category of data will include information related to the individual identity (surname, first name, father's name, mother's name, date of birth, place of birth, nationality and sex, as well as the address and place of residence). The second category will include information related to the structure and characteristics of buildings and houses, households and individuals, information collected solely for statistical purposes in accordance with international standards. A new census of population is planned for 2006 when all individuals will be able to declare and express their ethnic origin.

Minority communities and implementation of the article in practise

The question of national identification in ex-Yugoslavia was addressed every time the state organised a census.²⁴ According to the 1981 census, the last valid census, where almost the whole population participated, Kosovo had approximately 1.585.000 inhabitants, out of which 1.226.736 (77 %) were Albanians and 214.555 (13%) were Serbs. About 58,662 were Muslims (Bosniacs), 12,513 were Turks, 34,126 were Roma, and there were 8,718 Croats.

The latest census in Serbia and Montenegro, including Kosovo, was conducted in 1991, but this is merely estimations of the number of the inhabitants (Kosovo had approximately 1.956.000 inhabitants) because Kosovo Albanians boycotted that census. It is very difficult to estimate the correct number of the population and members of these communities in Kosovo because of significant emigration and missing persons. However, according to overall current estimations, there are some 2.000.000 inhabitants, out of which most are Kosovo Albanians. The second largest group is the Serb community, with some 140.000 inhabitants. After Kosovo Serbs, the second biggest minority group is Bosniacs, followed by the Roma community, the Turkish and others.²⁵

²⁴ In April 2002, a new population census was undertaken in Serbia and Montenegro, but not in Kosovo.

²⁵ See <http://www.yurope.com/kosovo/arhiva/kosovo-4/0087.html>. According to the 1961 census, 646.605 Albanians were living in Kosovo (amounting to 67,1% of the overall population of Kosovo), while there were some 264.604 ethnic Serbs (amounting to 27.4% of overall population of Kosovo). Figures from 1971 indicated that 916.168 ethnic Albanians lived in Kosovo (which then amounted to 73.7% of Kosovo's total population).

The Croat Community

Janjevë/Janjevo and Letnicë/Letnica are the only places where Croat community members live in Kosovo. It is estimated that in Janjevo live about 370 Croats, while in Letnica the population dropped to only 50 individuals. Members of this community are Catholics and speak Croatian language.

The wave of Albanian refugees from the Former Yugoslav Republic of Macedonia has caused great concern due to possible temporary or permanent appropriation of empty ethnic Croats' houses in Letnicë/Letnici. Illegal occupation of the property has become a constant problem ever since the greater number of Croats emigrated in 1999, and even before that.²⁶ Ethnic Croats, the owners of the houses, were worried about possible appropriation from their neighbours, catholic Albanians. In the meantime, the situation has improved, but members of this community are still complaining because of the lack of freedom of movement that is connected to the use of language (which is similar to Serbian) and sometimes the lack of freedom of movement derives out of a personal feeling of insecurity. Lately, there has been a big number of burglaries of the houses in Janjevë/Janjevo, however it could not be confirmed whether these acts were ethnically motivated. Members of the Croat community have been complaining about the lack of police force efficiency in resolving this problem and thus requested more frequent patrols or resetting the police station in their area. Inhabitants of Janjevo have been also complaining of the lack of support from local and international actors in solving the problems of Croat community in Kosovo.

It is important to mention that elementary problems of this community are similar to those of other communities: unemployment, access to education (especially to secondary and higher education), use of language, limited freedom of movement, access to the media in the mother tongue etc. According to testimony of habitants, there is almost no possibility that ethnic Croats, who have largely left to Croatia, will return in the near future to their homes, claiming that there is a risk that the rest of the community will leave as well.

The Serb community

Members of the Serb community that lived in urban areas until the 1999 war were forced out of Priština, Gnjilane/Gjilan, Peć/Pejë, Uroševac/Ferizaj, Prizren and other cities during and after the war. The number of the Serb community members after the war has become symbolic, even though before the war, they inhabited these areas in tens of thousands, i.e. there were around 40.000 the Serb community members in Priština, 20.000 in Peć/Pejë, 10.000 in Gnjilane/Gjilan etc. Today, the highest numbers of the members of this community live in the Northern part of Mitrovica/Mitrovice, whereas the municipalities almost entirely inhabited by the members of the Serb community include Leposavić/Leposaviq, Zvečan (around 15.000) and Zubin Potok (around 11.000). The place with the highest number of the Serb members in the central part of Kosovo is Gračanica/Ulpijana (Priština Municipality), which is currently populated by as much as 10.000 ethnic Serbs, whereas around 12.000 ethnic Serbs live in Šar Mountain enclave - Štrpce.

Currently, several hundreds of the members of the Serb community live in the heart of Priština city. Since 1999, the number of members of the Serb community constantly decreased. Before the war around 30.000 ethnic Serbs lived in the central parts of Priština. The majority thereof were forced to leave during June, July and August 1999.

²⁶ UNHCR, 8th Report on the Situation of Ethnic Minorities in Kosovo, (Period March - August 2001).

Currently, there are around 40.000 members of the Serb community living in Priština Region, of which the majority lives in villages and settlements around Priština. In Podujevo/Podujevë, a municipality traditionally inhabited by Albanians, there are today only 5 members of the Serb community under constant KFOR protection. A few of them are dispersed in neighbouring villages. In the city itself, only 400 ethnic Serbs remained, out of the 6.000 who lived there before the war; also these were largely forced out after the March 17–18 events. Since then, around 100 ethnic Serbs have returned. The only three families that lived in Glogovac Municipality before the war were forced to leave their houses and go to Central Serbia. Today, Glogovac is a municipality with close to 100 % ethnic Albanian population. According to some estimation, around 9.000 Serbs lived in Obilić/Obiliq Municipality, whereas today there are only 2.000.

Around 7.000 ethnic Serbs lived in Kosovo Polje before the 1999 war, and after 17 March 2004 there are only several families living in this town together with around 20 internally displaced persons who are presently sheltered in the Collective Centre “Klaničke barake”, in the immediate vicinity of Kosovo Polje Municipality building.

The Northern part of Kosovska Mitrovica/Mitrovice is predominantly inhabited by the Serb community, out of which around 30.000 originated from the area whereas almost 20.000 are displaced ethnic Serbs from other parts of Kosovo, including also 2.000 displaced persons from the Southern part of Mitrovica/Mitrovice itself. Around 6.000 members of the Albanian community are displaced from the Northern to the Southern part of Mitrovica/Mitrovice. The Serb community makes up the majority in 3 municipalities. Leposavić/Leposaviq Municipality is almost completely inhabited by a Serb population. Almost all inhabitants of Zvečan Municipality are members of the Serb community and it is estimated that there are around 14.500 Serbs, including the ones that have moved in from other parts of Kosovo. Zubin Potok Municipality is predominantly inhabited by Serb population that presently has around 11.000 people, although this municipality also includes several Albanian villages such as for instance village Čabra inhabited exclusively by members of the Albanian community.

In contrast, the Serb community in Srbica was traditionally very small and in 1999, Serb population was present in a very small percentage in the town itself, and only in 2 villages, Suvo Grlo (142 villagers) and Banje (with 232, predominantly elders) and Devič Monastery (eight Serb community inhabitants). The Serb population in Vučitrn/Vushtrri was forced to flee this town under pressure, threats, physical assaults etc. Several dozens of Serb community members live in villages Gojbulja and Slatina (previously there were 155 of them). Around 550 Serb community members live in Gracko village whereas the population in Priluzhje remained at the number of 1.900 persons. In village Banjska in Vučitrn/Vushtrri Municipality, Albanian and Serb populations still live together side by side, with 900 Albanians and 300 Serbs.

There are significant numbers of Serb enclaves in the Gnjilane/Gjilan Municipality. Around 10.000 members of the Serb community lived in the town itself before the war, whereas after the war only 280 remained. After the March 2004 violence, only 60 Serbs remained in Gnjilane/Gjilan. The main villages inhabited exclusively by the members of this community include Donja Budriga, Parteš, Pasjane, Šilovo, Poneš, Veliko Ropotovo.

Out of the total population of 4.800, in the municipality Novo Brdo/Novo Berde around 2.700 were Serbs. It is estimated that in the municipality Kamenica, out of 17.000, only 11.000 Serbs remained in this Municipality after 1999. In Vitina/Viti, in the town of 4.500 Serbs, only 195 remained, and since 17 March 2004 this number decreased to 165. It is estimated that barely

3.501 Serb community members remained in Vitina/Viti municipality and surrounding Serb villages, in comparison to 13.325 who lived therein until June 1999. The town Uroševac/Ferizaj is today predominantly inhabited by Albanians, whereas around 11.000 Serb community members were forced out of the Uroševac/Ferizaj Municipality, of which 7.000 from the old part of the town. Currently, only eight elder Serb community members live in this town, and they are under 24 hour KFOR supervision. Also the members of Gorani and Roma communities were driven out of their apartments. In Lipljan, there is a part of the town inhabited by Serbs, and there are also several Serb villages belonging to Lipljan Municipality, such as: Vrelo, Radevo, Lepina, Skulanevo, Suvi Do, Staro Gracko, Livade, Donja Gušterica, Gornja Gušterica, Rabovce and Dobrotin. All 500 Serbs from Suharekë/Suva Reka were forced to leave this town, which is also the case in Štimlje, small town in the vicinity of Lipljan.

In the Northern part of the city Orahovac/Rahovec, around 500 Serb community members remained, with their freedom of movement limited to several hundred meters only, and also the Serb community numbering around 1.000 people living in the village Velika Hoča has been concentrated in one vicinity of this town. Before the war, several thousands of members of this community lived in this municipality as well.

It is estimated that before the war around 8.000 Serb community members inhabited the town of Prizren, whereas after June 1999 only 300 of them remained. Since the March 2004 violence there is not a single Serb community member living in this town. Several dozens of Serbs have been living in KFOR Headquarters in Prizren since March 2004. The whole Prizren Municipality, before the war, comprised around 11.000 Serb community members.

There are no Serbs in Đakovica/Gjakovë Municipality since 1999. In the town itself, several elderly and/or handicapped Serbs lived in the church under KFOR protection between 1999 and 17 March 2004. But on 17 March 2004, they were attacked and evacuated to the Dečani Monastery, taking into account that KFOR didn't succeed to protect them, whereas the house and church in Đakovica/Gjakovë in which they lived up to that moment were burnt at that occasion. There is nothing today at the site on which their house and church used to be, while the Municipality plans to build a park thereon!

Serb community members who lived in Peć/Pejë Municipality, left this area before the 1999 conflict, because of permanent pressures, death threats, physical and psychological abuse, and only 500-600 Serbs remained in this municipality. The majority thereof is located in the Serb village Goraždevac. The majority of Serb community members from Klina and Istog/Istok Municipalities were forced to leave their homes in 1999. Village Crkolez in Istog/Istok Municipality has 40 Serb community families who continued living in this village, under permanent KFOR protection. Around 50.000 Serb community members used to live in Peć/Pejë region (Peć/Pejë, Istog/Istok, Klina and Dečani Municipalities) before the 1999 war.

The Bosniac community

Among Yugoslavia's nations and nationalities, 'Muslims' according to the data from year 1971 were third by numbers. The term 'Muslims' assumes Yugoslavian citizens of Slavic heritage raised or merely born in the Islamic tradition, who identified themselves as Muslims in national

sense at a certain point of time. Meanwhile it is not of any importance whether they are practising Islam or not.²⁷

The possibility to self-identification is the elementary criteria of their national determination. History holds that Muslims, mainly since Ottoman Empire era, when most of the tradition of their national identity was shaped, were designated as 'Bosniacs' in official documents and literature.

Looking through the history, in the area of ex-Yugoslavia, Bosniacs are not only the inhabitants of today's Bosnia and Herzegovina, Sandžak, Kosovo, but also inhabitants of some parts of Montenegro (Nikšić, Podgorica, Kolašin, Plav and Gusinje). In the Ottoman archive and literature, all Muslims from north and central Balkans that speak Slavic are called 'Bosniacs'. The boundary goes until the far-off south region of Kosovo, where Bosniacs are also today's Goranis, that is, the Muslim inhabitants of Gora, and other Muslim inhabitants of Zupa in Prizren region.²⁸

Most of those who during the existence of the former Yugoslavia declared themselves as Muslims came to the decision, after the Convention in Sarajevo held in September 1993, to bring to an end the use of the term 'Muslim' for self identification in a national sense, and accepted the old historic name 'Bosniac'²⁹ instead. Beyond Bosnia, this name was accepted by a majority in Serbia (mainly in Sandžak) so that in the last census in Serbia, some 136.000 identified themselves as Bosniacs, 19.000 as Muslims and a couple of thousands as Goranis. In Montenegro 63.000 persons identify themselves as Bosniac, 29.000 as Muslims and very few of them some other accepted terms.

Today in Kosovo, Bosniacs (Muslims) consists of originally two streams of Bosniacs. Firstly, they are composed out of those that migrated during various times from Bosnia, Montenegro and mostly from Sandžak, especially after the Ottoman Empire. They are concentrated around Peć/Peja, Istok/Istog and Mitrovica/Mitrovice region and of a smaller part in Priština/Prishtinë. The second group is composed out of those who traditionally lived mostly in the region of Prizren; Gora, Župa and in the city of Prizren³⁰ itself.

²⁷ Dr. Smail Balić: "BOSNIAN MUSLIMS; Incomprehensibility of Bosniacs and their language". *Most* No. 98, Mostar 1997.

²⁸ For information of the cultural and political position of Bosniacs from 1945 to 1992, see www.bosnjacki-front.com. It can be said that after World War II, there was a tendency of so called *de-nationalisation* of Bosniacs as Muslims, in the sense of deciding their "national determination". During the census after the war in Yugoslavia, Bosniacs on these territories had the possibility to choose to identify themselves as representatives of some other nation (Serbs, Croats or others) or to remain "undetermined". In 1948 in Yugoslavia, there were 810.126 Bosniacs (mostly located in BiH - 778.403) who chose to identify as "undetermined", while more than one fifth of them (22 %) chose to identify themselves as Serbs, Croats, Montenegrins etc. In the census from 1953, for all persons of Yugoslavian background and whose nationally was "undetermined" (which mainly was the case with Bosniacs), a new category and option for identification was introduced: "undetermined Yugoslav". Such undetermined "Yugoslavs", mainly Bosniacs were altogether approximately 998.697 (out of which 891.800 in BiH). In 1961 for the first time the possibility for national identification as "Muslim" was introduced, in Yugoslavia lived 972.960 Muslims (mostly in BiH 842.248).

²⁹ Dr. Smail Balić: "BOSNIA MUSLIMS; Incomprehensibility of Bosniacs and their language", *Most* No. 98, Mostar, 1997.

³⁰ The biggest number of Bosniacs in the Prizren region live in the villages of Zupa and Podgora, Jablanica, Donje and Gornje Ljubinje, Manastirica, Nebregoste, Musnikovo, Pousko, Planjane, Recane, and also in the villages of Lubizda, Grnčare, Škorobishte and villages of Gora: Rapča, Radesa, Orčuse, Vraniste, Globočica, Mlike, Ljuboviste, Kukulane, Zlipotok, Brod and Reštalica, which are inhabited near exclusively with members of this community, and also in the town of Prizren.

According to the census from 1981, Kosovo had altogether 1.584.440 inhabitants, out of which 38.562 were Bosniacs (then named 'Muslims'). In the next census in 1991, which was boycotted by the Kosovo Albanians, according to the evaluations of the Institute of Statistics of SFRY in Kosovo there were some 1.954.747 inhabitants, among which 57.408 were Bosniacs-Muslims or 2.9% of the entire population of Kosovo.³¹

The highest concentration of Bosniacs in Kosovo is in the Prizren region (the town of Prizren, Dragaš/Drageš, Župa, Gora and Podgor). According to the census from 1991, there lived 19.423 Bosniacs in Prizren. According to their number they were the second largest group of the entire population. In the area of the ex municipality of Gora, Dragaš/Drageš, which borders to Prizren, there still live some 16.088 Bosniacs, while 35.746 live in the Prizren region.

Beyond the Prizren region, some 5.000 members of this community are inhabited in the Peć/Pejë region (primarily in the town of Peja/Peć and the villages of Vitimirica, Banja and Zlopek). In Istog/Istok (Dobruša-Dobrushe and some other villages) live less than 1.150 Bosniacs. In Mitrovica/Mitrovice live some 2.000 and in Pristina/Prishtinë (including the village Mazgit) live some 1.000 Bosniacs. There is a small number of Bosniacs in almost all Kosovo towns.³²

From the census of 1991 some 67.000 Bosniacs lived in Kosovo.³³ According to some estimations, there lived up to 50.000. The Bosniac community does not accept these data, saying that these numbers are much higher and that in Kosovo there are somewhere between 100.000-120.000 Bosniacs. They also claim that after the war more than half of the population has migrated, first because of the security reasons, and later due to the lack of economic opportunities. It also happened that some of them are now identifying themselves as Albanians or Turks instead.³⁴ One unofficial estimation states that some 57.000 Bosniacs currently live in Kosovo.

After the war in Kosovo, as a consequence of insufficient knowledge of the history from the side of international community, there was a tendency to use other terms for Kosovo Bosniacs, such as 'Muslim Slavs', 'Muslims', or 'Torbeš' (which is perceived as an insult). In the talks in Rambouillet, under the supervision of the international community, unfortunately without the agreement of Bosniacs, there were presented two separate communities; 'Muslim' and 'Gorani' community. However, representatives of this community (although not all from Gora), identify themselves as

³¹ Source: Institute for Statistics of Serbia (SZS), national component of the population in the municipalities, census of the population, households and apartments from the year 1981, Belgrade-May 1982. Population, No.1-2/1991, Belgrade 1992.

³² See OSCE Assessment of the Situation of Ethnic Minorities in Kosovo (period covering June through September 2000), which reads: "In Prizren and surrounding villages live some 25.000 Muslim Slavs concentrated." In this report it is emphasised that it is hard to determine the exact number of the "Muslim Slavs and Gorani". In the report, among other things it is said that: "They have problems with cooperation with the local municipal structures and with service provision, mainly because of language barrier. Still it is estimated that their slow emigration is continuing. Some of them still fear to use their language openly, since they are frightened that someone might take them for Serbs. Hence their freedom of movement has marked improvement and there are more and more of those that freely communicate in their mother tongue. In some rural areas Muslim Slavs live in the mixed environment with Serbs and this fact has an impact in their security".

³³ These divisions could have decisive effect on the rights they are entitled to based on their national belonging (right on education, media, employment, participation and representation in the institutions etc.).

³⁴ Dr. Pushka Asllan "Historical & Geographical Atlas of Kosovo Information centre, Prishtinë/Priština, 1997", page 37.

Bosniacs, emphasising that they traditionally inhabit their areas, having their own mother tongue and national name, and with their language being the Bosnian language.

One can say that within this community there is some division in identification, where one part says that they are Bosniacs while the other part of Gorani does not accept Bosnian language and instead organise the education in their schools in the Serbian language. Among Bosniacs that are Muslims in Gora (Gorani) and those in Župa and Podgora (Bosniacs) there are some minor differences. Gorani speak a dialect very similar to the Macedonian, while Bosniacs speak Bosnian. Their customs and traditions are a bit different, while marriages between them are rare.³⁵ A big number of Gorani lives in Belgrade. The current president of the association of Gorani in Belgrade claims that their number in Belgrad has increased after the establishment of KFOR in Kosovo, 'when some part of Gorani became victims of attacks and pressure of Albanian extremists'. According to the evaluation in Belgrade there are some 8.000-10.000 Gorani living there.³⁶ It is considered that the intention of the separation of this group started with the project 'GOS' (Gora-Opolje-Sredska) prepared by the Serb Academy of Science in the 1992³⁷, where among other things it is stated: "... Having in mind all this, we believe that it is time to make the Gorani ethnic group an officially recognised ethno-national and ethno-cultural category, by which the Gorani ethnic group, no matter of all previous determinations, is brought to the level of a primary identification community... (page.46).³⁸ In the current textbook of Geography for the 8th grade, issued by the Ministry of Education of Serbia, there is a photo with a panoramic view of the village Brod with the supporting text: "Brod – village of the compact type in a small valley in Šara (Shar Mountain), in the Municipality of Gora. The vast majority of inhabitants is composed of Gorani that are of Serb origin, and converted to Islam during the 15th to the 19th centuries. They have preserved the memory of their own nationality national heritage - Serb origin."³⁹

³⁵ Concerning the Gorani in Gora (and the area of Dragaš/Drageš) there is a tendency of division in self-identification. For instance, according to the 1961 census, a small number of this community used to identify also as ethnic Turks: some 5.260 or some 45,8 % identified as Turks, 28,9 % as Muslims and 22,1 % as others. In the following censuses (1971, 1981 and 1991) the citizens of Gora were mainly identifying as Muslims, 81,9 % in 1971 and 95,8% in 1991. See Sadik Idrizi: "Gora through centuries" 16th July 2003 (www.bosnjaci.net).

³⁶ From an interview conducted in April 2005, at the Fond for Humanitarian Law.

³⁷ Project Gora-Opolje-Sredska (GOS) prepared by Serbian Academy of Science from 1992.

³⁸ Macedonian political movements showed interest for Gora too. Hence the Macedonian World Congress, with its Headquarters in Skopje, came out with "Information on the rights of Gorani (and partly Torbeši) in the area of Gora and Kosovo with the suggestion for the consolidation and sanitation". In the beginning of the section on "information" from page 25, it says: "The area of Gora is situated today in the territory of FRY, Kosovo, in the triangle between Republic of Macedonia, Federal Republic of Yugoslavia and Republic of Albania. It is inhabited by the autochthon ethnic Macedonians of Islam religion, known as Gorani... It is a question about approximately 40.000 Macedonians of Islamic origin living in 20 villages in Kosovo (Restelica, Globočica, Kruševo, Zli Potok, Brod...". In this example for Bosniacs from Župa is said: "U Prizren Župa, also autochthon ethnic Macedonians of Islamic religion live, known as Torbeši, although UNMIK treats them as 'Muslim Slavs'...".

³⁹ In the same book when it comes to Sandžak it says: "In most of the Raška region and Stari Vlah (meaning Sandžak - S.I.) live local Serbs and Muslims. Muslims are majority in the municipalities of Tutin, Sjenica and Novi Pazar, and in sufficient numbers in municipalities of Prijepolje (43 %) and Priboj (30%), and there are some in the municipality of Nova Varoš (8 %). They are of Serb origin, who during the time of Ottoman Empire, in order to protect their lives and gain certain privileges with Turkish authorities, accepted Islam."

The Gorani community

Kosovo Goranci (original name Gorani is used in English translation) inhabit the Prizren region and are mainly concentrated in Dragaš/Dragash municipality. The Gorani community lives in the southern part of this municipality, called “Gora” – from which this population got their name. According to the latest valid census, from 1981, only in Gora lived ca 18.500 inhabitants. Today it is very difficult to speak about the exact number of the Gorani community because a considerable part left Kosovo and one part is identifying themselves as members of the Bosniac community. Today this community numbers only ca 6.000 members. Dragaš/Dragash municipality is inhabited by a mixed population of ethnic Goranians and Albanians. In the rural areas it is common that these two communities live along ethnic lines, Opolje is inhabited by mainly Albanians and the Gora area mainly by Goranians.

The Turkish community

The Turkish community has been and remains stable and integrated within the Kosovo society. At the same time, one can say that it is homogenous and active in all aspects of cultural, social and political life.

The essential problem of this community is that Turkish language is still not recognized as an official language, as was the case in the period from 1970 to 1992, at least in the municipalities inhabited by Turks as majority⁴⁰. The members of the Turkish community in Kosovo boycotted the first local elections in 2000, protesting against the abolition of Turkish as an official language and against the fact that the Turkish language was not used in official documents and applications.⁴¹

According to the latest data from 1981, there are over 12.000 members of Turkish community in Kosovo⁴²: 5.000 living in Mamuša/Mamushë, 1.500 in the Gnjilane/Gjilan region, 600 in Mitrovica/Mitrovice, 300 in Vučitrn/Vushtri, while there is not precise numbers of the hundreds of those living in other locations such are Priština/Prishtinë or Kosovo Polje/Fushë Kosovë.

Members of this community do not agree with those figures, claiming that the number is higher; especially in the Priština/Prishtinë region (usually there is no data on the size of this group in Priština/Prishtinë). For example, in the latest post-war parliamentary elections, there were 900 votes for the Turkish Democratic Party (despite the fact that the turn out was only 52%⁴³). Besides, there are lots of Turks that are members of other parties. That means that at least 900 members of the Turkish community voted for this party, and moreover it means that they are registered as Priština/Prishtinë residents. By this it is assumed that members of other communities did not vote for the Turkish party. The numbers of students in primary, secondary schools and universities confirm this fact. Besides, it should be stressed that a certain number of Turkish children were attending lessons in the Albanian language. This information confirms the estimation that the number of members of Turkish community varies between 2.500 and 4.000. This number is very often neglected both by majority population and international organizations which are usually not precise in estimating the populations in Kosovo, especially non-Albanians and non-Serbs.

⁴⁰ “The Official Gazette” of SAP Kosovo No 34, page 1, 30th December 1970.

⁴¹ See text to the Article 10 of this report.

⁴² German KFOR data, daily of this KFOR “Ditet e shpreses” from 2000; there are approximately 17.800 members of Turkish community in Prizren/Prizreni.

⁴³ <http://www.osce.org/kosovo>.

According to statistics from 1953, in Kosovo lived 34.950 members of the Turkish community (4, 3% from the total Kosovo population). According to the 1961 consensus, that number was 25.764 i.e. 2,7 %, while in 1971 there were 12.244 members of Turkish community i.e. 1 %. Based on the latest regular elections in 1981, there were 12.513 members of Turkish community i.e. 0,8.⁴⁴

Separate identification of Roma, Ashkalia and Egyptian communities

The challenges of identities in Kosovo is particularly visible with regard to the Roma, Ashkalia and Egyptian communities. Even though each of these three communities identifies itself as a separate one, in the reports of international and regional organizations all three ethnical groups are usually classified as one single group, mostly because of common characteristics and the position they are in.

The similarities of these three communities are far more visible regarding their culture and the position in the society, than the differences. One can hardly call the Roma population in Kosovo homogenous. Other groups, such as Ashkalia and Egyptians for example, which share certain basic common distinctions with Roma, actually insist on their separate “ethnic identity”.

The majority and other minority communities in Kosovo consider all these three communities as identical and usually identify them as Roma, i.e. pejorative as ‘Gypsies’. By international organisations these three communities are mostly named by a single term ‘RAE’, which refers to all the three populations; Roma, Ashkalia and Egyptians. Currently, the international community has such an approach to develop a program for integration which should include Roma, Ashkalia and Egyptians in a single citizen’s group, given that they encounter the same challenges. Such an approach, however, is guided by practical reasons and does not reflect any derogation of any member from above mentioned communities identity, and still striving to generally pay respect to the liking of each community regarding ethnic determination.

This topic should be tackled with more sensitivity and caution since the issue of self-identification has, after the 1999 conflict, became particularly emphasized among these communities due to political and security reasons. It is however important to bear in mind this issue and at the same time to recognize their individual and collective right to self-identification.⁴⁵

There was no intention to claim that under any circumstances one should neglect the right to self-identification, therefore in this report we have accepted ethnical identity which any respective above-mentioned communities preferred to adopt. Due to larger similarities of problems (comparing to Roma community’s problems caused by the Roma language) members of Ashkalia and Egyptian communities have chosen to present the report jointly, as the Ashkalia/Egyptian community.

⁴⁴ Source: Statistical data of Yugoslavia.

⁴⁵ It can however be stressed out that the recognition of the members of any of the three community could not be based simply on obvious external characteristics or cultural attributes, (e.g. religion, traditional clothing etc.); identification is based on self-affiliation. It is not unusual that a person changes their national belonging” due to requests and pressures imposed by local circumstances. It is assigned to specific communities in order to differentiate between them and other recognized population groups. The factor primarily influencing the above mentioned occurrence of change of identification is the security, although the change of national identity can also be induced by the personal wish, political interests or a presumption that in that way one can achieve better prospects in the society. UNHCR, 8 Report on the situation of ethnical minorities in Kosovo, (period March - August 2001).

The Roma community

The term 'Rom', meaning 'human' is mostly used referring to communities of 'ethnic Roma', who also clearly identify themselves in such a way. The mother tongue of Roma is the Roma language, notwithstanding that the majority of them uses or even fluently speaks Serbian and/or the Albanian language. Multilingualism is a common phenomenon in this region and sometimes it is difficult to ascertain the mother tongue of certain ethnical groups. At the same time, a mother tongue is not a reliable indicator of ethnical belonging. However, Roma are proud of their tradition and language and they try, as much as possible, to maintain the links with Roma outside of Kosovo, and in the entire Balkan region.

The religion of Kosovo Roma is mostly Islam, and there is a smaller number of them who have adopted the orthodox religion. However, before the conflict in Kosovo, Roma usually respected the institution of that time and participated in all the governance bodies, and for this reason they were regarded as the community that had maintained close relations with the former Serb regime.

The movement between the different municipalities has significantly increased, however Roma still usually live within enclaves and depend on specially provided transport. Roma manifest a certain extent of fear when it comes to the freedom of movement in urban areas, which for many Roma is 'off the limit' area.

Unfortunately, because of the colour of the skin that characterizes the members of this community, racism is a factor that is negatively affecting their security situation, regardless of the language they speak and other cultural affinities. Due to a darker complexion that singles them out, very frequently they are subject of harassment and intimidation, and not only by the majority community, but also by other minority communities in Kosovo.

According to unofficial data, there are about 35.000 Roma living in Kosovo. Members of Roma communities are generally widespread over the whole Kosovo territory, while the biggest number of the members of this community lives in: Prizren, Mitrovica/Mitrovice, Gračanica/Ulpiana, Kamenica, Pec/Peja, Uroševac/Ferizaj, Djkova/Djakovica, and Gnjilane/Gjilan.

The Roma in Pristina/Prishtine region, live mostly in enclaves close to Kosovo Serbs: in Gračanica/Ulpiana, Čaglavica/Çagllavicë, Preoce/Preoc, Laplje Selo/Fshati Llap and elsewhere. There are about 4.000 Roma living in Priština/Prishtinë that is in Gračanica/Ulpiana with the surrounding villages. After the war, almost all of Roma moved out of Priština/Prishtine (where there used to live about 7.000 Roma), and today a large number is living in Gračanica/Ulpiana, whereas others left Kosovo. A small part has remained in the refugee camp of Plemetina. Beside this camp, the members of these community also live in camps in Mitrovica/Mitrovice North i.e. Žitkovac, Česmin Lug, Kablare, and Leposavić/Leposaviq). Roma face the same security problems as Serbs, so their freedom of movement is equally restricted.

In the town of Podujevo/Podujevë and its suburbia, as well as in surrounding villages, only some 10 families of members of Roma community live.

There are about 35 Roma families in Kosovo Polje/Fushë Kosovë. A number of Roma live in Serb villages surrounding Kosovo Polje/Fushë Kosovë. There are no problems related to freedom of movement in this town.

There are no Roma in the town of Obilić/Obiliq. A number of them have settled in Plemetina/Plemetine camp, i.e. settlement for temporarily displaced persons. About 200 members of Roma and Ashkalia communities are living there. Moreover, in Plemetina/Plemetine village there are some 80 Roma families. A number of displaced people are having their houses presently reconstructed, however there are still no concrete plans for the return of all the displaced from Obilić/Obiliq and other adjacent places.

There are only some 200 members of Roma communities in Lipljan/Lipjan, while there are about 80 of them in the town itself. In Janjevo/Janjeve there are about 200-300 Roma living in proximity of ethnic Croats and Albanians.

In Mitrovica/Mitrovice North there are four camps accommodating internally displaced Roma; Žitkovac, Česmin Lug, Kablare, and Leposavić/Leposaviq. In these collective centres, there are some 300 families. In each of the camps live a certain number of both Ashkalia and Egyptians. There is no evident progress regarding their return to the completely destroyed Roma settlement 'Roma Mahala' that used to be located in Mitrovica/Mitrovice South.

There are estimations that in the town of Uroševac/Ferizaj live about 40 Roma families that are fully integrated and a number is employed in the Municipality, the courts and other institutions.

In Gnjilane/Gjilan live about 320 Roma, while before the conflict this population numbered several thousands.

Regarding the Eastern Kosovo region, it is estimated that in the entire Vitina/Viti municipality live no more than 100 Roma. There are also very few of them in Novo Brdo/Novo Berde and also in Štrpce/Shtërpçë, as well as in the urban part of Kamenica/Kamenicë.

The Roma population in Prizren/Prizren is integrated and has remained free of negative influences of violence and displacements. Current estimates hold that the members of this community live scattered in different parts of the town, and that they number 8.000. As early as August 2001 the foundation for the construction of a new Roma House of Culture was laid. Roma from all parts of Kosovo, together with the prominent Kosovo Albanian persons, including Minister Adem Demaqi and the Bishop of the Roma-Catholic Church, attended this ceremony.

There are both Roma and Egyptians in Orahovac/Rahovec. Some signs of improvement of the living conditions have been noted, in particular regarding freedom of movement. There are estimations that this population currently numbers about 340. In the Municipality of Dečane/Deçani there is a mixed population of Roma and Egyptians, amounting to about 350-400 persons in total. Within the municipality of Đakovica/Djakovë there are about 15 Roma families. In the municipality of Peć/Pejë there are about 30 Roma families.

The total number of Roma and Egyptians used to be approximately 2.550 for both municipalities of Klina/Klinë and Istok/Istog. At present there are about 1.600 persons in Istok/Istog and about 950 in Klina/Klinë. In these municipalities, some Roma declared themselves as Madjupes, which has a direct influence to the credibility of the statistics, given that meanwhile some individuals have changed their identification concerning the ethnic belonging.

The Ashkalia and Egyptian communities

The mother tongue of Ashkalia and Egyptian is the Albanian language, although the majority is also fluent in Serb language. Members of both communities have always tried to live close to Kosovo Albanians, thus a part of them declare themselves as members of the majority community. However, regardless of their personal wish for self-identification as Kosovo Albanians, they are by Kosovo Albanians nevertheless regarded as a separate ethnic group and have never been accepted as members of the Kosovo Albanian community.

The Egyptians distinguish themselves both from Kosovo Roma and from Kosovo Ashkalia; although many think that the members of this community should not distinguish themselves from Ashkalia, mostly because of the fact that both ethnic groups consider Albanian as their mother tongue. However, Egyptians demand to be regarded as the separate ethnic group originating from Egypt. Similar to Ashkalia, the members of the Egyptian community usually live close to ethnic Albanian communities and claim that they have the right to the same legacy and culture, since both speak Albanian language. The former regime in Belgrade insisted on separation of Egyptians and Roma, in order to present Kosovo as a multiethnic society. However, the reason was mainly to diminish the importance that Kosovo Albanians had due to their number.

Even though Egyptians as well as Ashkalia enjoy a larger degree tolerance and acceptance, ethnic Albanians do not regard them as belonging to the same ethnic group. Ashkalia and Egyptians (as well as Roma), similarly to many other ethnic groups in Balkans, have experienced the assimilation process. This led to a situation where their life became complicated by the complex historical, political and cultural factors. Truth is, that each of these communities to a certain degree expressed a tendency to adopt basic characteristics of the dominant population living in their proximity. Thus Ashkalia and Egyptians generally take Islam for their religion and almost all of them regard Albanian language as their mother tongue.

Both Kosovo Government and International organizations take very little action regarding the protection and promotion of the tradition and culture of these communities. Both parties, moreover, identify these communities with Roma community. Other than the language, Ashkalia and Egyptian communities also have traditions and lifestyles that are different from the culture and tradition of Roma. In addition, the music, because of the language they speak, is closer to the music of Kosovo Albanians than to music of ethnic Roma.

Members of these communities (as well as Roma) are scattered all over Kosovo. However, the largest number of Ashkalia/Egyptian live in Kosovo Polje/Fushë Kosovë (4.500), Ferizaj/Uroševac (5.000), Podujevo/Podujevë (3.500), Djakovica/Gjakova (5.500), Prizren (4.000) and Pec/Peja (1.000). Those who identify themselves as Egyptians live mostly in Prizren, Djakovica/Gjakova and Pec/Peja. Usually the division between Ashkalia and Egyptian is geographic, i.e. in western Kosovo called 'Dugagjini/Metohia' live Egyptians while in the Eastern part called 'Kosovo' live Ashkalia.

The problem with the quantitative assessment of the members of these communities should be emphasized, since it is very common that one member of a family declare him or herself as Ashkalia, while another as Egyptians. Large number of members of these communities is supporting the idea of unification of these two communities. However, the political leadership, fearing for their positions, insists on their separation.

In Priština/Prishtinë there are about 700 persons whom are mostly identified as members of the Ashkalia community (and a smaller number of Egyptians). The members of these communities today freely move in the area of the town Priština/Prishtinë, commonly looking for short-term employment on construction sites. The workers of this community accept lower wages compared with the Kosovo Albanians, therefore their presence is tolerated for economic reasons. They usually survive on their own, using every opportunity to find any short-term job and adapting to the security situation. Ashkalia who are temporarily displaced persons currently accommodated in camps such as in Plemetina had during the summer a chance to visit and repair their homes. Apart from these camps, the members of this community are also settled in camps in Mitrovica/Mitrovice North i.e. Zitkovac, Cesmin Lug, Kablare, and Leposavić/Leposaviq.

In some parts of Kosovo, it is impossible to determine the exact number of Ashkalia and Egyptian because many of them insist to be identified as Kosovo Albanians. In the town of Podujevo/Podujevë, its suburbia as well as in surrounding villages, there are about 1.000 Ashkalia. Most of them live in urban parts, while a smaller number is scattered in surrounding villages. Most of the members of these communities have returned to their houses in the village of Batlava and other villages of this municipality. There are about 4.000 members of the Ashkalia community in Kosovo Polje/Fushë Kosovë concentrated in four "mahala"; 'Ulica 28', 'Ulica 29', 'Mahala kod Crkve' and 'Mahala kod Raskrsnice'. Employment opportunities are limited to season jobs and work at plantations or in stonework, which still gives an opportunity to men of these communities to earn smaller wages, although for a short time of period. On the other hand, many families depend on social assistance and different forms of humanitarian assistance.

It is estimated that a group of 100 Ashkalia is living in the town Obilić/Obiliq. However, some of them are now settled in the Plemetina/Plemetine camp, i.e. settlement for temporarily displaced persons made of fitting cabins, and it is estimated that there live about 700 members of these communities there. They are mostly members of Ashkalia/Egyptian communities (and a small number of Roma) who left their homes in summer 1999. There is still no solution for the return of residents to their home town of Obilić/Obiliq and other neighbouring places.

In Lipljan/Lipjan and the surrounding places live about 1.700 members of Roma and Ashkalia communities, and in the town itself between 400 and 500 members of Ashkalia community. The rest of this population is scattered in the surrounding villages. In the village of Medvec as well as in Vrelo there are about 480 Ashkalia, including a smaller number of Ashkalia temporarily displaced from the Magura village, while in Gadimje village there are mostly Ashkalia and in the village Mali Alas/Hallaq i Vogel there are about 180 Ashkalia.

In Mitrovica/Mitrovice North, i.e. the collective center in Leposavić/Leposaviq, there are about 190 persons displaced from different parts of Kosovo. According to earlier reports, this group was comprised of Egyptians and Ashkalia and they are now virtually identifying themselves as Roma, believing that in this way they would be better accepted by the Kosovo Serbs who live in the vicinity. In Vučitrn/Vushtri live only about 30 Ashkalia while before the conflict there lived about 700 of them. In the municipality of Srbica/Skenderaj, most of Ashkalia insist to be identified as ethnic Albanians. According to some estimations in Uroševac/Ferizaj and in the Dubrava village live about 5.000 persons, so it is considered the biggest town of Ashkalia in Kosovo. Displaced persons have returned to their houses and Ferizaj has always been the most secure place for Ashkalia community in Kosovo, which is fully integrated and its members are employed within the Municipality, Courts and other institutions. This is the President of Ashkalia political party 'Partije Demokratike Askalinjëve të Kosovës (PDAK), Sabit Rahmani's hometown.

In Štimlje/Shtime live about 400 members of these community and they are integrated within the society. In Gnjilane/Gjilan live about 2 families; one person is employed in GPS as a clerk.

About 4.000, mostly members of Egyptian community, live in Prizren/Prizren and they are well integrated in the society. Both Roma and Egyptians live in Orahovac/Rahovec. Some signs of improvement of life conditions have been noted, especially regarding freedom of movement. It is estimated that this population currently has 340 persons, although this figure is lower comparing to the previous one, 450 persons. It is estimated that in Deçane/Deçani municipality live about 350 Egyptians who report a slow improvement of life conditions, especially regarding freedom of movement. However, many houses are damaged and the reconstruction process has not started yet, which may speed up the return of owners to these houses.

In the municipality of Đakovica/Djakovë live about 5.300 Egyptians (largest place with Egyptian community, which is significantly less comparing to previously determined number which was 6.700. A larger number of members of Egyptian community took refuge to Monte Negro. Đakovica/Djakovë is the hometown of the President Egyptian political party, 'Iniciative e Re Demokratike e Kosovës' (IRDK), Bislim Hoti. About 2.000 Egyptians live in the municipality of Peć/Pejë. A majority thereof declare themselves as Egyptians and they are concentrated in the urban part. The total number of Egyptians, living in both municipalities of Klina/Klinë and Istok/Istog, is about 1.500 to 2.000 with the surrounding villages. There are about 1.000 persons in Istok/Istog, while in Klina/Klinë there are about 950.

Article 4

1. *The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.*
2. *The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.*
3. *The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.*

Domestic legislation

Constitutional framework for Provisional Self-government in Kosovo, Chapter 3 on human rights, foresees that all persons in Kosovo shall enjoy, without discrimination on any grounds and in full equality, human rights and fundamental freedoms. In addition, this article obliges Provisional Institutions of Self-government to observe and ensure internationally recognized standards on human rights and fundamental freedoms, as well as Framework Convention for the Protection of National Minorities.⁴⁶

In February 2004, The Assembly of Kosovo has adopted Antidiscrimination Law.⁴⁷ The purpose of this Law (Article 1) is prevention and combating discrimination, promotion of effective equality and putting into effect the principle of equal treatment of the citizens of Kosovo under the rule of Law.⁴⁸ This law covers discrimination in all major areas of social life: employment, education, social welfare, accommodation, personal security or access to public places and public life.

Article 2, the regulation of the issues dealing with non-discrimination is based on these principles:

- a) *The principle of equal treatment shall mean that there shall be no direct or indirect discrimination against any person or persons, based on sex, gender, age, marital status, language, mental or physical disability, sexual orientation, political affiliation or conviction, ethnic origin, nationality, religion or belief, race, social origin, property, birth or any other status;*
- b) *The principle of fair representation of all persons and all the members of communities to employment in the frame of public bodies of all levels.*

⁴⁶ See: Constitutional Framework for Provisional Self-government in Kosovo, Chapter 3 (3.2).

⁴⁷ UNMIK Regulation 2004/3, the working group for drafting this law was composed of the representatives of central and local institutions, OSCE, UN, Institution of Ombudsperson, Trade and Lawyer Chamber of Kosovo, as well as representatives of different minority NGOs. See: http://www.unmikonline.org/regulations/index_reg_2004.htm

⁴⁸ The law has three key functions: (i) to consolidate and strengthen existing legislation in the area of discrimination so as to harmonize it with the current international and European law and standards; (ii) to promote equalization in solving cases of almost all forms of discrimination; and (iii) to provide efficient legal remedies for victims of the worst kind of discrimination, as well as efficient, proportional, and adequate penalties for the perpetrators of these offences.

This law forbids direct and indirect discrimination, and also defines all forms of harassment, victimization and segregation.⁴⁹ The Law is applicable not only for Kosovo Government bodies, but also for private companies and private persons. Hence, by this law it is clearly set out that the respect for the rights of the others is a responsibility of both ‘holders of the rights’ and ‘holders of responsibilities’. The most important novelty introduced by this law is that the burden of proof lies at the party which is accused for discrimination. It means that the person accused of discriminatory behaviour must prove that discrimination did not happen, which is important in cases of individual complains against, usually stronger, institution. According to this law, every person in Kosovo that feels discriminated, regardless on what basis, can submit a complaint. During the complaint process, the victim can also acquire support from different organizations or legal entities. Moreover, this law authorizes courts to determine compensation for damage to the victims of discrimination, introduces fines for the institutions which violate directions for prevention of discrimination, and in addition, authorizes the Institution of Ombudsperson in Kosovo to receive and investigate appeals in the cases of discrimination.⁵⁰ However, as with other laws, the law itself is one thing and its implementation in practice can be something different and this depends on cooperation of PISG, UNMIK, private sector and civil society itself.

Implementation of this article in practice

Direct or indirect,⁵¹ discrimination towards members of minority communities is still significantly present in Kosovo and aggravates their access to key services, employment, education, health, social protection, municipal services and hinders creation of conditions for choice to return.⁵²

Access to the elementary and high education for the students of minority communities is still difficult. During March 2004 events some of the schools were burned, damaged or were even occupied by IDPs, which prevents or aggravates physical access to schools, especially for the students of minority communities. Schools in the northern part of Mitrovica/Mitrovice had to accept additional internally displaced students and hence they now need additional space and equipment. Problem of school transport for the students of minority communities also limits their physical access to education.

As far as equal *access to employment* is concerned, it can be said that the vast majority of the members of minority communities are unemployed. Regarding public sector, there are cases when vacancies are mainly published in Albanian newspapers, while the same vacancies generally are not published in minority media. Furthermore, the interviews, particularly, related to the jobs located and paid from central administrative units for instance in different ministries, are conducted in Prishtinë/Priština, which significantly restricts members of the minority communities to receive information about job vacancies and at the same time, due to freedom of movement, to conduct interviews. Particular problem with employment is that the members of

⁴⁹ UNMIK Regulation 2004/3, see Article 3: Direct discrimination shall be taken to have occurred where one person is treated less favourably than another is, has been or would be treated in a comparable situation based on one or more grounds such as those stated in Article 2(a); Segregation shall be taken to have occurred when a person or persons are separated from others; Victimisation is when any person suffers any adverse treatment or adverse consequence as a reaction to a complaint, or to proceedings, which are aimed at enforcing compliance with the principle of equal treatment.

⁵⁰ Text of the Anti-discrimination Law, see the Internet site of the Assembly of Kosovo: <http://www.kuvendikosoves.org>.

⁵¹ In this context, direct discrimination is when a person or group is treated less favorably based on his/her ethnic background, while the indirect discrimination is when policy and practice are created to be neutral, but it *actually* still hinders or unproportionally affects certain persons or groups belonging to an ethnic community, due, maybe to the failures to anticipate specific circumstances in which a group is living in.

⁵² Tenth Report on the position of ethnic minorities in Kosovo, (May 2002 - December 2002).

minority communities do not have access to senior positions for instance in municipal administration and consequently they express their doubts regarding recruitment procedure of persons employed in senior positions.⁵³ Employment of minority community members in public services is still not adequate to the proportional numbers of these groups.

As far as access to *public services* is concerned, the most emphasized discrimination is done towards the members of Roma, Ashkalia, and Egyptian community, and in particular to those still living in camps. Municipalities must take over their responsibilities⁵⁴ in order to ensure access of IDPs to public services. It shall be noted that municipal practice in fair distribution of financial aid to minority communities is not functioning so well. Some of the municipal community officers requested a special UNMIK budget, separated from the municipal one. Hence, the heads of municipal local offices in municipalities of Fushë Kosovë/Kosovo Polje, Lipjan/Lipljan and Obiliq/Obilić expressed their need for a special budget. Yet, there are no measures undertaken regarding their request.

Access to social protection is limited, for lots of reasons. For instance Centers for Social Work (CSW) which must operate in field and to provide minority communities with social assistance are not always located at the right place. For example, because of limited freedom of movement, access to CSW, the only office in the Municipality of Viti/Vitina, is limited to Kosovo Serbs and Roma that are living in the other parts of municipality. Similar situation is in Kuscë i Epërm/Gornjem Kuscu, Municipality of Gjilan/Gnjilane. It is important to point out that, mobile teams of CSW visit village and the camp of Plemetina/Plemetine less frequently, although they desperately need social protection. It is noted that officers of CSW unwillingly pay visits to the mobile teams, saying that members of the minority communities are enjoying higher level of freedom of movement and that they can come to CSW on their own.⁵⁵ Also lack of funds in CSW office in Gračanici/Graçanicë is making its work hard given that three Kosovo Serb officers have only one vehicle, so they are not able to cover urban and rural areas in Municipality.

Access to healthcare institutions after March events has significantly worsened either due to the lack of safe transport or because members of minority communities still do not feel safe. In some parts health institutions do not exist anymore for example the hospital in Fushë Kosovë/Kosovo Polje was burned during March events so now Kosovo Serbs and Roma in the region of Prishtinë/Priština have limited options as far as healthcare is concerned. Institutions where members of The Serb community are seeking help and which offer secondary health care are in Graçanicë/Gračanica, Laplje Selo/Llapje Sellë, and northern part of Mitrovicë/Mitrovica. In northern part of Mitrovica/Mitrovicë health care is controlled by Serbian Ministry of Health, and if these doctors visit the Serb community enclaves in south they receive two salaries. In northern part of Mitrovica/Mitrovicë, Kosovo Albanians have access to health care through alternative solutions such as UNMIK's ambulance. In Svinjarima/Svinjarë, mixed village in southern part of Mitrovica/Mitrovicë, healthcare for the community of Kosovo Serbs is provided through weekly visits of the doctors from the northern part.⁵⁶

⁵³ Members of the minority communities in Kosovo's public administration in some municipalities did not go back to their jobs after March events.

⁵⁴ See Art. 3.1 of UNMIK Regulation 2000/45 on Self-government of Municipalities in Kosovo.

⁵⁵ Officials of sub municipal units (OSU) of UNMIK work on the provision of equal access to social assistance for the members of minority communities and in some municipalities they are still responsible for monthly payment of social assistance.

⁵⁶ Tenth Report on the Position of Ethnic Minorities in Kosovo, (period May 2002 - December 2002), from March 2003.

One of the main problems regarding *access to judiciary* is physical access to courts. For instance in Municipality of Mitrovica/Mitrovicë courts are in the northern part of the Municipality, and while Kosovo Serbs do not have problems to access these premises, Kosovo Albanians do, since they have to use transport provided by the UNMIK police, however, the situation is particularly hard for the members of the Bosniac community. In other Municipalities visits to courts are conducted as needed. In Vushtrri/Vučitrnu, transport from the Kosovo Serbs enclaves is conducted upon request and in cooperation with the police. There, court officials go in the Kosovo Serb enclaves and conduct administrative court activities in city, such as conduct of initial court formalities etc. As far as Peja/Peć region is concerned, Kosovo Roma, Ashkalia, Egyptians and Bosniacs in this region do not have problems to access courts, however for Kosovo Serbs KFOR escort is necessary. Kosovo Serbs living in Osojan/Osojane enclave, Municipality of Istok/Istog, can submit their requests to the court through UNMIK office. In the Prizren region, minorities from the municipalities of Prizren and Dragash/Dragaš, including Kosovo Gorani, Turks, Roma, Bosniacs and a small number of Serbs, usually do not have problems to access courts. Kosovo Serbs in the Municipality of Orahovac/Rahovec do not move out of their enclaves without escort. However, Kosovo Serbs from this Municipality are submitting requests more and more to the municipal court. In the region of Gjilan/Gnjilan, the Municipality of Shtërpçë/Štrpce mainly inhabited with Kosovo Serbs is under the jurisdiction of municipal court in Ferizaj/Uroševcu. Due to the limited freedom of movement, Kosovo Serbs do not have access to the court so there is very small number of cases in process. As well, access to the detention houses remains a big problem for the family members of minority detainees.

Limited freedom of movement has a negative impact in the right of detainees to have access out to the world, which is guaranteed with the local applicable law and international standards of human rights. Protected sustainable transport is not organized for the families of Kosovo Serbs visiting their relatives detained in the areas inhabited by Kosovo Albanians so vast majority of them must provide transport on their own.

The Serb Community

Direct and indirect discrimination and intolerance are, more than obviously present in Kosovo. Open direct discrimination and intolerance towards the Serb community are expressed by the majority Albanian community, whereas indirect discrimination is expressed by the system of local self-governance. Discrimination is a huge hindrance making it impossible for Serb community members to live a reasonable and normal life in Kosovo. No matter whether the discrimination is direct or indirect, intentional or unintentional, it prevents the Serb community to access key services, employment and education, and it makes impossible the creation of conditions for the return of internally displaced persons.

The use of Serbian language represents another special act of discrimination, not only in private but also in official usage. As a concrete example of language discrimination, we can list the request of Mr. B.G. (the trial was held in Priština Municipal Court, September 2004, under No. 222/03) who received the verdict of the above mentioned court only in Albanian, which he doesn't understand at all, even though the Serb language is one of the official languages and therefore equal with Albanian language in Kosovo.

Economic and life conditions, i.e. life standard of the Serb community in Kosovo is on a very low level. This can be concluded from the fact that more than 80% of the Serb population in Kosovo is unemployed and without any possibility to resolve existential problems. In returnee villages (Belo Polje, Siga, Brestovik, Goraždevac, Osojane in Peć/Peja Region, than village Novake in

Prizren Municipality, village Cernica in Gnjilane Region, etc.) there are no elementary conditions for normal life, and unemployment in these villages reaches even 99%.

Discrimination is also present in numerous cases where members of the Serb community try to prove that their rights were violated through courts (for instance in courts in Lipljan, Vitina/Viti, Uroševac/Ferizaj, Peć/Peja, Prizren, Vuchitrn/Vučitrn, etc.) that employ Albanians, or in relation to property rights realization. In such situations, Serb community members very often face closed doors and lack of understanding.

Because of the violent March 2004 events more than 700 houses, religious and public buildings were destroyed or damaged and more than 4,000 people were displaced. Many persons displaced from their homes cannot return because of the security problems, destroyed housing property or illegal occupation of their property. Forced displacement of people and damaging and destroying of housing property shows that authorities did not succeed to protect the rights of those most vulnerable, which represents current and permanent violations of human rights in relation to property, among others, right to home and adequate housing. In accordance with international standards, authorities have an obligation to ensure legal remedies for such violations. Apart from this, March violence calls upon the authorities to respect and protect the rights of the displaced, right to return and the right to their property.

The members of the Serb community complain on the unequal treatment by the Police, than on access to public services, for instance in the public transport where there is always a risk that the person, if noticed (usually on the basis of the language he or she speaks) as a member of the Serb community, ends up being thrown out from the public transport. This type of discrimination is very often in Vitina/Viti Municipality. Apart from this, it should be emphasized that there is lack of access to local transport in large parts of Kosovo and Metohija, because the local transport does not stop on the bus stations in villages or places inhabited by ethnic Serbs, which in essence represents a special act of discrimination stipulated by Article 4 of the Framework Convention.

Gračanica/Ulpijana can also be listed as a specific example, as a Serb village that is presently the biggest village in central Kosovo, with around 8,000 inhabitants (according some 10.000 and before the war around 4.000), located 7 kilometres from Priština. The only transport for the ethnic Serb population from Gračanica/Ulpijana, apart from private vehicles, are buses provided by UNHCR that bring and drive away Serb community members coming from other more remote villages to Gračanica/Ulpijana. Unfortunately, these busses operate only 4 days a week and also only once a day. Ethnic Serbs employed in Priština or in other places inhabited by the Albanian majority population, use solely the organized transport provided by the organizations that employ them. This problem is not only linked with discrimination against Serb community members but also with the freedom i.e. possibility of movement of these people.

Limited freedom of movement hinders also access to courts so the Serb community members are forced to use the transport provided by UNMIK Police, which is not the most ideal solution because the transport is provided only several times a day. In some Serb enclaves, such as Vučitrn/Vushtrri for instance, if Kosovo Serbs want to address the court they do it by submitting a request in co-operation with the Police Department or maybe Court clerks themselves go to Kosovo Serbs and finish the necessary work (what is possible) at the spot.

Even when freedom of movement is possible, the members of this community face direct discrimination in regard to the access to public services and institutions. Discrimination is usually based on ethnic affiliation, and on the use of mother tongue.

Freedom of movement

Freedom of movement is one of the elementary rights and freedoms guaranteed by the European Convention for the Protection of Human Rights in Article 2 of Protocol Number 4 that establishes the following: “Everyone lawfully within the territory of a State shall, within that territory, have the right to freedom of movement and freedom to choose his residence and no restrictions shall be placed on the exercise of these rights other than such that are in accordance with law and are necessary in a democratic society in the interests of national security or public safety, for the maintenance of order public, for the prevention of crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.” These rights can be subject to restrictions in certain areas, but only in accordance with the law and public interest in a democratic society. Competent UN and KFOR institutions and Provisional Kosovo Institutions need to guarantee these rights and have an explicit obligation to enable Kosovo citizens the safety of freedom of movement and also other rights that will be exercised by citizens in practice, without any discrimination and restrictions. This means that competent Kosovo institutions have an obligation to undertake rational steps in order to protect individuals from the damage that they were aware of or they were supposed to be aware of.

Freedom of movement of all Kosovo and Metohija citizens is guaranteed also by Security Council Resolution 1244 (1999) through the establishment of secure environment for all citizens, without any discrimination, that at the same time is a basis of the UNMIK Mission established in this region. Constitutional Framework for Provisional Self-Government in Kosovo guarantees all basic human rights without discrimination and in full equality, by the immediate application of international human rights’ instruments. Military-Political Agreement between KFOR and Federal Republic of Yugoslavia (FRY) Government and Republic of Serbia, provided for the retreat of FRY forces and the undertaking of responsibility in the area of security by KFOR.

However, in practice the factual state differs from what is guaranteed in the above-mentioned legal instruments. There is no freedom of movement for all citizens in Kosovo and Metohija; there is no organized free city and inter-city transport for all citizens. Transport organized for minority communities is not safe, because the attacks on convoys are very often, and they range from stone to bomb throwing, and the most drastic case is the planting of explosive under Niš Express bus that transported Serb returnees to their homes in central Kosovo (2001).

There is no freedom of movement even within ethnic enclaves on properties in the vicinity of village, on work places, religious orthodox sites, health, educational and other institutions, which means that the lack of freedom of movement endangers the exercise of almost all guaranteed human rights and freedoms. In these enclaves, property owners are forced to cultivate their land with police security so that they do not experience the faith of 14 Serbs from the village Staro Gradsko who were killed while cultivating their agricultural land in August 1999. When they go for the supply of basic life groceries, they need police protection that is allowed mostly once a week. Children also go to school under police escort.

Of course, the situation is not the same in all the areas in Kosovo, but the fact is that the freedom of movement is endangered in many cities and ethnically clean areas. This is witnessed by: murder of a boy in Gračanica/Ulpijana while buying hamburger (along the Priština – Gnjilane/Gjilan road) in June 2004, and severe injuring of a Serb boy on the same road a day before, murder of Zlatomir Kostić and Milijana Marković on the transit road in Lipljan, massacre of Serb children in Goraždevac while bathing in the vicinity of the village, i.e. enclave in a river, torturing and severe injuring of Vučić family from Crkolez that happened in April 2005 on their property, planting of a bomb in the vicinity of enclaves Banje, Suvo Grlo and Crkolez on the only

road towards the first larger place inhabited by Serb population Zubin Potok and at that occasion murder and injuring of several citizens. The drastic examples come from villages Priluzje and Plemetina in central Kosovo and surrounding villages, where Serbs are prevented to go at work in Obilić/Obiliq supremacies because of the lack of freedom of movement, and cannot even cultivate their land from which they could secure decent income, and therefore depend on the humanitarian aid. Ethnic Serbs live without electricity for months (in village Batuse, Kosovo Polje Municipality, Novo Naselje, Lipljan/Lipjan Municipality since December 2004 until the end of March 2005), because they are expected “to fulfil their civic duty” i.e. to pay for the electricity consumed. This implies the new form of expelling, which should not to be the aim of Kosovo institutions.

During six years of UN Mission in Kosovo, approximately 1.000 ethnic Serbs were killed and that many were kidnapped. Since the beginning of the war until March 17th 2004, 118 churches and monasteries were destroyed. On March 17th and 18th 2004 another 34 churches and monasteries were destroyed to the ground and more than 18.000 housing facilities destroyed. March 17th and 18th events when the persecution and ethnic cleansing of Serb people from the enclaves was conducted in the vicinity of Gnjilane/Gjilan, Lipljan, Vučitrn/Vushtrri, Obilić/Obiliq, Kosovo Polje, Kosovska Mitrovica, left permanent traces on the relationship between the minority communities and Albanian majority community. Where it existed at all (for instance in Spanish Battalion area of responsibility) the trust in international institutions responsible for the security, which knew and did not want to sacrifice their soldiers in order to protect human lives, their houses and sacred facilities, was completely lost.

There are also some most recent severe incidents in the last two months, i.e. bomb placement in the surrounding area of Serb houses, incident in Klokot when a house whose owner was killed last year was set on fire and other acts of violence motivated by ethnic hatred. In the same time a very small number of perpetrators was accused and processed in court. All this sends a message of hatred and threat and creates a feeling of fear of those to whom this message was intended. Very often Police spokespersons, and also Senior UN officials (in case of Vučić family the statement was given by Mr. Petersen) declare that there are no indications of ethnic motivation behind these crimes. KPS and UN Police did not have enough capacity and knowledge to investigate these crimes properly, so that criminals remain free to continue their acts, whereas the victims continue to live in greater fear and insecurity.

As long such environment gives a feeling of insecurity, lack of uncovering and punishing criminals, we cannot speak about the freedom of movement. This is also supported by occasional statements of international Police officials that “they are not capable to guarantee security“, that they cannot provide police escort to humanitarian transport and convoys because the lack of security for police officers and similar. At the same time, these police forces remove security check-points (Miroč near Vučitrn/Vushtrri, Velika Hoča, and Orahovac/Rahovec) because of the alleged improvement of security, which results in massive moving of ethnic Serbs out from these places. In village Gojbulja, the land owners do not cultivate their land because of the fear from violence, and there were also instances of illegal forest cutting, cattle rustling and theft of agricultural machinery. Red line of security zone was removed by the moving out from Miroč and taking into account this development there is a risk that Gojbulja villagers will move out completely during the forthcoming couple of years.

All this states that realisation of basic human rights in Kosovo is neither easy nor simple. In accordance with their nature, human rights are not exclusively a legal issue, but also moral and above all political. Human right on freedom of movement is, as other human rights, an essential

part in our lives, the same as health. It arises from the fact of human existence in relation to institutions.

RECOMMENDATIONS:

Therefore, we can conclude that freedom of movement as an elementary human right, is in Kosovo dramatically endangered and responsible institutions such as KFOR and UN and Provisional Kosovo Institutions have an obligation to undertake specific, obvious protection measures that will give visible and measurable results, including first of all:

- *Bringing to light ethnically motivated crimes;*
- *Return of KFOR security check-points where requested by minority communities because of the feeling of fear;*
- *Provision of police escort for regular traffic lines on all routes where citizens do not feel safe;*
- *Police escort for individuals when talking about urgent health and other problems of citizens who live in isolated enclaves, and are in need of health institutions and of other institutions and bodies which should serve the purpose of realization and protection of civic rights;*
- *Media need to spread tolerance and good neighbour relations and affirm events or personalities who act peacefully;*
- *Kosovo political leaders must publicly, sincerely and persuasively call upon the citizens to participate in the carrying out of justice, through co-operation with UN and KPS, Prosecutor's Office and judicial bodies, in order to uncover ethnically motivated crimes and punish the criminals in accordance with the law. This is the only way to gain the trust of the minority communities in majority Albanian community, and also the trust of all citizens in institutions for the protection of peace, security and justice system. Otherwise, the criminals are motivated to continue to commit crimes.*
- *Conduct necessary processes of decentralization in Kosovo society at all levels and in all areas by complying with the requests and needs of all communities so that the minority communities get a chance to decide on essential life issues and find common solutions together with the majority Albanian community;*
- *Prolong transition in the areas of judiciary and security forces because these international institutions are a warranty of trust and security for minority communities, up to the level when these institutions can be considered multiethnic, independent and neutral and with a specific level of awareness and knowledge that will guarantee the prevalence of rule of law, democracy and tolerance, taking into account that this requires more time. In such conditions only, it would be possible to realise human rights and also the right on freedom of movement, residence, survival and return of all persons forced out.*

The Bosniac Community

Members of this community are mostly discriminated on the area of language use, education, employment, media and in the area of property related rights.

The use of Bosnian language is one of the areas where discrimination is especially visible. Although lately there have been some positive examples on the freedom of the use of Bosnian language in private and public, but the situation is still far from satisfactory. There should be mentioned that there are cases when members of the Bosniac community, when addressing public institutions, while requesting the issuance of the documents, in communication with officials and

they themselves hesitate to use the mother tongue, believing that this way the issue will be treated better and on that way avoid risk of discrimination.

Special problem that members of minority communities in Kosovo come across is the 'turning of the tables' of official languages. Before the war in these areas the official languages were 'Serbo-Croatian' and 'Albanian', however when Milosevic came to power, exactly from 1989, official language in Kosovo becomes 'Serbian'. After the war, the situation changed again and 'Albanian language' becomes official language and begins to dominate in the use in Kosovo. Which means that members of other language communities started to face a situation where they not only have to know the basics Albanian language but become very fluent in it, which is especially important when it comes to the question of employment. As an example, we can mention the case of 42 Bosniac professors from Prishtinë/Priština University according their main reasons for leaving Prishtinë/Priština University (and Kosovo) were their insufficient knowledge of Albanian language and therefore no possibility for them to stay and continue working.

Because of the similarity of Bosnian language with Serbian, Bosniacs in Kosovo were very often attacked, deprived from their property, and some even killed. Kosovo institutions did not do anything that would promote use of Bosnian language as one of many in the mosaic of languages in Kosovo. There is also a negative tendency with the representatives of local and UNMIK institutions to call the mother tongue of the Bosniacs as 'Bosniac' (Bošnjčki) instead of 'Bosnian' (Bosanski).⁵⁷

Education is another area where discrimination is visible against members of this community. That is especially case when talking about higher education. There are no sufficient places and neither faculties for Bosniac students. For instance the Educational faculty in Prizren has only 25 places reserved for Bosniac students while the 'Faculty for Business' in Peja has only 50 places.

Although the problem of *unemployment* is a general problem in Kosovo, it is a especially problem for minority communities. Number of employed Bosniacs in the public institutions is minimal. In the Executive Comities and other public institutions, there are almost no Bosniacs employed. That is the case especially in case of higher positions. Kosovo Police Service is the only institution where the representation of the Bosniacs is sufficient. Number of Bosniacs working in RTK is insufficient. Discrimination is especially visible when talking about access to media, because there is no coverage of the RTK signal in the areas where Bosniacs live (Župa and Gora).

Number of ethnic Bosniacs employed in the international organisations in Kosovo is very low. In these organisations are mainly employed ethnic Albanians and Serbs, which can be one of the reasons why international organisations posses minimal knowledge about other minority communities in Kosovo.

Discrimination is especially present when talking about employment of Bosniac professors at the schools and faculties. For instance at the faculty in Bosnian language at 'Faculty of Business' in Peć/Pejë, according to the Dean of the faculty, 60% of lessons in Bosnian language are taught by ethnic Albanian professors. There is an obvious possibility for discrimination of ethnic Bosniacs who are applying to this faculty, since it can not be the case that all the professors from the Bosniac community that apply for these posts are unqualified. Especially when talking about teaching in Bosnian language, there most of the Albanian professors are unqualified due to their limited knowledge of Bosnian language. At the same faculty, 3 Bosniac professors have applied

⁵⁷ The problem is described in the text to the Article 10 of this Report.

for jobs and although they were fulfilling the criteria, they were not accepted to work at the faculty, but professors from Albanian community were accepted. The reason for that, according to the dean of the faculty who is ethnic Albanian, is non fulfilment of the criteria.

One of the professors (M.M.) who applied did fulfil the criteria since he is temporary employed as a professor in University in Novi Pazar (Sandžak, Srbija). The same professor was not accepted to work at the Faculty of Business in Peja/Pec. The reason given is that his diploma is from Ukraine, that is validated in Belgrade, and as such is unacceptable in Kosovo and from the same person it was requested to validate his diploma also in Kosovo. This person refused to do that, claiming that all document from the area of ex-Yugoslavia should be, according to the UNMIK regulation No 2000/45, valid also in Kosovo.

Two other applicants had MA, but the reason for non acceptance to work at the faculty was that they did not have PhD in Economy. At the Educational Faculty in Prizren lecturers are employed based on their MA, that in order to insuring ethnic Bosniac staff at the Faculties in Bosnian language. One of these professors, with the diploma of MA in Economy, has now for years being waiting for the job in the faculty of business in Peć/Peja.

The second case of discrimination that can be mentioned here is the case of the factory 'Drateks' and Kosovo Trust Agency (KTA), the authority in charge for privatisation of public and social enterprises, did not do anything to reserve a quota enabling Bosniac community to participate during the tendering⁵⁸.

The "Drateks" factory was established in 1981, where out of 700 employed, 400 were from the Bosniac community. This factory was sold during the tendering process from KTA⁵⁹ for only 312.000 euro, while it covers the area of 7, 5 ha and the amount given based on evaluation is not sufficient to purchase a single private house. KTA has organised this tender very unprofessionally since it did not inform Municipal authorities in Dragaš/Dragash neither the ex workers which were practically shareholders of this firm. The Municipal Assembly President, who was not informed about this tender, believes that the KTA should, during the initiation of tendering, think of the interest of workers that now remain without work and find themselves in a very difficult situation. He also thinks that the tender should have been organised with a special social program for employees, especially bearing in mind that Municipality of Dragaš/Dragash is one of the most underdeveloped municipalities in Kosovo and with the highest number of unemployed.

The Local Community Office Director in Dragaš/Dragash believes that during the privatisation the protection of the interests of minorities should be more emphasised since most of them in this factory use to be from the minority communities. He also states that they learnt about the tender by chance through the Internet and claims that nobody from the side of KTA had informed or contacted them.

The Drateks Factory is a shareholders firm and according to the UNMIK regulation on privatisation workers that have worked for more than three years in the Factory should get 20 % from the total price. Therefore, 20% is divided by the number of eligible workers. In this case they should get only 200 euro per worker.

Recommendations:

⁵⁸ The text is published in bosniac magazine Alem, No. 144, from 11.12.2004.

⁵⁹ Kosovo Trust Agency (KTA) is an institution created from the side of UNMIK, and under its competency are all social property and state enterprises of Kosovo.

Language: It is desirable that Kosovo Government through adequate Ministries establishes Institute for Protection and Care for Minority languages in Kosovo.

Education: There should be more secured places for Bosniac students at the existing faculties in Prizren and Peć/Peja (and if possible to open two more faculties) that are in Bosnian language. On this way, the flow of Bosniac students leaving Kosovo in order to study somewhere else in their mother tongue, would be stopped.

Employment: it is necessary to draw attention to positive discrimination on employment towards other communities in the Kosovo institutions as well as at international organisation.

The Gorani community

Gorani community is facing discrimination in the area of employment, education, access to media, use of language and etc.

Situation in Dragaš/Dragash area is very difficult and according some estimations, around 90% of the Goranians between the ages of 20 and 65 in this area are unemployed. This situation has been aggravated by the outflow of the most skilled and educated people, the limited freedom of movement, unstable security situation, and the poor resources of the region.

The situation concerning possibility of Gorani community to move within Kosovo is similar to the members of Bosniac community in Župa, i.e. those ones who speak Albanian move and travel freely in Kosovo, while that possibility is rather limited for the members who speak exclusively Serbian or Bosnian language. There is a Police unit that is patrolling in the area, and it is positive to stress that approximately half of the employed staff of Kosovo Police forces placed in Dragaš/Dragash are from the local minority population.

The Turkish community

Even though the Article of the Convention is fully implemented in the current legal regulation in Kosovo, this is not the case in practice, especially when taking into account use of Turkish language and other minority languages.

More precisely, there are no court procedures in Turkish language, from the simple reason there are no qualified court interpreters in Turkish language. Invitations, court decisions and other documents are not issued in Turkish language. Turkish language is not used in administrative services neither in local nor in central level.

Similar situation is in public services, legislature, police and social and public institutions (hospitals, ambulances, post offices and telephone companies, Kosovo Energetic Corporation etc) in which documents, applications and other documents and official communication of employees are not available in Turkish language.

Recommendations:

Different campaigns should be organised in order to promote use of Turkish language, as well as use of other minority languages in Kosovo. Promotion of equality and use of all minority

languages should be pointed as guaranteed by the Framework Convention and domestic legislation.

The Roma community

Roma mostly have been facing the problem of discrimination, harassment and exclusion from public life both before the war and after the arrival of international community. Frequency and gravity of incidents varies from one location to another. The situation since 1999 became worse in aspect of freedom of movement and freedom of expression. Unfortunately, the situation of members of Roma community in Kosovo has not improved. Even though all the rights of members of this as well as other minority communities are considerably guaranteed by domestic legislation, serious incidents, such as attacks of physical nature and cases of intimidation, still occur. Most of the cases are inspired by motives of clearly ethnic nature. In this way, the discrimination of Roma is especially present in the field of: freedom of movement, access to public services, education, employment, health, and social assistance as well as the freedom to use Roma language in public places.

The issue of **registration** of members of Roma community is a problem which calls for special attention. Many are not aware that due to unsolved issue of registration, Roma cannot achieve their other basic human rights – the right to education, work, health or social welfare, housing etc. Because of very low level of awareness, especially about their rights, members of Roma community often have no opportunities inquire and obtain appropriate advice and assistance from the Municipal Officers, who usually have no patience with individuals from Roma community, when they for instance, ask for advice in relation with the procedure of registration.⁶⁰

Discrimination in **employment** of Roma is regularly based on ethnic background, on stereotype about the members of this community in a sense that they are not adequately educated. In cases where the participation of members of minority communities is guaranteed by quota (e.g. with the ministries), those positions are already filled with members of other communities and never by Roma (always with the same justification that Roma have no adequate education – which is always false). Discrimination in employment is a significant obstacle for return process of Roma, as well as other minority communities, and thereby, for the rebuilding of multiethnic society. The lack of opportunity for employment is one of the principal forms of discrimination. Unemployment in Kosovo is high; however unemployment is much higher within the Roma community. Before the conflict, a large number of Roma was employed in state factories and companies which in meanwhile closed down. About 50% of Roma used to be employed in state institutions even though they were not always in managerial positions, large number was in trade so that the member of this community could be economically independent. Today, the number of employed Roma, in public institutions Kosovo and in international organizations, is less than ten.

During and after the conflict, most of the members of Roma community have lost everything they possessed. Their prospects to get jobs and to compensate their loss is very much diminished, almost impossible. Today majority of Roma households have incomes through seasonal temporary jobs in agriculture and masonry (and for very low salaries), in informal sector (flea markets, small size trade, black market), financial assistance provided by relatives living abroad, social benefits as well as ‘search through the garbage’ for articles which can be recycled. There

⁶⁰ The only help, which has proven efficient in practice so far, is the presence of the Local Office for Minorities, which in most of the cases would find possibility to assist these individuals and solve their requests for issuance of documents.

are a certain number of Roma families whose only source of income is the social assistance which unfortunately is not always regularly paid. Moreover, Roma are facing difficulties when applying for social assistance, that because of inadequate knowledge about their rights, complicated administrative procedure, prejudice and lack of required personal documents.

Discrimination is especially present in the **education** sector. Inadequate knowledge of Albanian or Serbian language (if they live in ethnic Serb enclaves) and different economic, cultural and social conditions additionally restrain the access to education of these children. Large number of children live in settlements which are far away from schools and have not secured public transport, their parents cannot afford to buy textbooks and school material and beside this, they do not understand the importance of education. Because of these reasons Roma children at large drop out of education because they have to contribute to family incomes, most of them do not have adequate cloths for school, while their hygienic conditions are under the standard. Language barriers are frequent reasons because Roma use their mother i.e. Roma language at home; most of them before the school age can not speak Albanian language, parents of Roma children (due to their lack of education) are not able to help their children with homework. Only few Roma children go to preschool. Poor results with enrolment to primary school (caused by lack of language skills), makes large number of families to give up to education for their children. In cases when these children are accepted in regular educational institutions, it is likely that they would face discrimination, harassment etc. The only positive point in all these is that Roma children (as it is the case in some places out of Kosovo) are not redirected to "special schools". A large percentage of Roma children either do not go to school or are dropouts from third or fourth grade which is particularly the case with Roma girls because of early marriages or taking over the household chores.

Discrimination towards Roma is especially present in the sector of **health services**, where the access to health institutions is limited especially after the conflict, due to bigotry of the majority population towards Roma (because they were considered for followers of Milošević' regime). This was the case especially if a patient was referred to Priština/Prishtinë for treatment. The number of Roma in Priština/Prishtinë was (by unofficial data) 7.000, and after the conflict it dropped to only ten or twenty families. Having that in mind, it is understandable that there is still a certain amount of fear and caution when approaching health services. Recently the situation in Priština/Prishtinë has improved and the medical services improved.

However, the access to health care institutions (especially in ethnic Serb enclaves, where most of the members of Roma community is living today) is still problematic, mostly due to prejudice among health workers but also lack of economical possibility that would help them to provide a better health protection. High costs of health services force ethnic Romas to give up on the further health treatment. Also, there is a irresponsible attitude by Roma themselves towards own health, mainly due to low level of education, poor economic conditions etc. Problems related to health especially affect Roma women who, in large number of cases, begin with the biological reproduction at a very early stage and mostly unaware of the need for preventive checks.

A special problem affecting Roma and closely related to their general poverty and the lack of adequate nutrition are also poor hygienic conditions. Many children do not have adequate food and hygienic conditions and because of that are vulnerable to various infections and diseases. Most common place for play for Roma children is just next to garbage places which are usually close to Roma settlements. It is evident that the mortality of children is significantly higher among members of Roma community comparing to other communities in Kosovo. A large number of Roma are living in settlements with minimal housing standards where the quality of

houses is very poor, water supplies are minimal, absence of sewage, lack of nearby health institutions and the illegally overcrowded houses and deprived status result in the lack of access to the primary social services.

Discrimination concerning **property rights** is especially damaging for this community. It is a fact that Roma do not possess proper documentation about the ownership of their property, which often result in eviction and destruction of their homes. The existing laws do not provide protection for 'illegally' accommodated individuals; therefore the final resolution of the issue is depending on the benevolence of the local authorities. In addition, a large number of Roma live in unofficial settlements (i.e. the settlements which are not registered in urban plans for those locations) so in that way Roma families remain without legal housing status, in settlements where they have been living for years. Forceful evictions keep Roma in a state of uncertainty, health problems, physical injuries, isolation, dislocations, confiscation or destruction of property, homelessness, pulling children out of schools and loss of property. The lack of secured housing also presents a barrier for Roma who are displaced or refugees and wish to go back to their homes and integrate into society.

As an example we can mention ca ten Roma families that are displaced from Pristina/Prishtine and currently settled in Gračanica/Ulpijana. The issue of their property status has not been resolved yet and they have no place to go back to, because their houses or apartments are occupied by Albanian community. Most of them are not able to prove that they are owners since they have no proper documentation.

Life of Roma in Kosovo camps (in Mitrovica, Leposavić/Leposaviq and Plemetina), who are there since July 1999, is extremely difficult. Conditions in which these people live are out of all limits and norms. The members of Roma community face the lack of food, water, heating; electricity, information and they are out of all the developments in life. In North Kosovo there are four camps where Roma refugees live (Žitkovac, Česmin Lug, Kablar and Leposavić/Leposaviq). According to World Health Organization, a large number of them have a higher level of lead in blood than permissible. The Kosovo Government gave a proposal to shut down Roma camps while their homes would be reconstructed in Roma Mahala in South Mitrovica/Mitrovice. However, so far nothing has been done about this. See Article 17.

RECOMENDATIONS for the issue of Roma and Employment:

- *PISG should develop a training program to prepare Roma for civil services in local public administration and develop policies for encouragement of employment of graduates of such programs as public servants.*
- *Ministry of Labour and social welfare should develop policies and programs, including vocational education, for improvement of useful skills and employability of Roma, and especially youth and women.*
- *It is necessary to identify ways to inform Roma about the criteria for social assistance.*
- *Kosovo municipalities should create their social policy which would strengthen encouraging to look for jobs, as a sustainable way to prevent dependence on social assistance.*
- *Donors to increasingly support programs for micro crediting and income generation for Roma, while giving priority to initiatives resulting in employment.*
- *By various projects of legal assistance for minorities to facilitate access, especially for Roma, to justice system, for example legal assistance in civil cases which would enable members of this community to file a lawsuit for example in cases including labour.*

- *Related to restricted freedom of movement and therefore access to employment, UNMIK should take special measures in order to ensure not only that court and other institutions employ minorities, but to make this possible, including special security measures in terms of escort or similar.*

RECOMENDATIONS for the issue of Roma and Health:

- *Ministry of health should provide that Roma have access to health services without discrimination, that the existing qualified Roma get employment in health services without discrimination, which would be a way to increase trust of the community in this services, to rise awareness of specific needs of Roma among health workers.*
- *To facilitate access of Roma in Kosovo to health care services in early stage, informing Roma on availability of such services and strengthening their trust in health care services.*
- *Special attention should be given to the health of Roma girls and women developing programs aiming to provide information on health care and improving the access to gynaecological services, including prenatal, labour and postnatal service providing information about appropriate services.*
- *PISG should gradually close the parallel health service system and take into account patients' interests in the process of integration into the Kosovo health care system.*
- *To appeal to the international community and its specialized offices to increase their support for the programs intended for the resolution of the issue of large incidence of diseases and malnutrition among Roma in Kosovo.*

RECOMENDATIONS for the issue of Roma and Housing and Property Rights:

- *PISG should make efforts to clarify property rights of Kosovo Roma, in cooperation with Kosovo Roma in order to facilitate settlement of the issue of ownership.*
- *After assistance provided by Kosovo Government for regulation of legal status of illegal Roma settlements, to invite municipalities to concretely implement appropriate measures in this direction.*
- *Ministry for urbanism and spatial planning and municipalities should consider opinions and needs of Roma when developing housing policy, as well as about construction, rehabilitation and/or maintenance of housing projects intended for them.*

The Ashkalia/Egyptian community

Ashkalia and Egyptians mostly face the problem of discrimination and exclusion from the public life. While generally it can be said that the Ashkalia and Egyptians communities experience a period of improvement of the life conditions comparing to the situation which use to be present in 1999, the degree of the freedom of movement has significantly increased and is approaching the degree of acceptance by the majority community in Kosovo. Basically, given that they are fluent in Albanian language, Ashkalia and Egyptians have more freedom of movement. The security situation when using public transport has significantly improved after 1999.

Regarding the Ashkalia and Egyptian communities, the biggest problem is related to the issue of education, housing, employment and health. Discrimination is particularly present in the sphere of employment where the percentage of unemployment among this community is about 98%.

Unfortunately, neither the Government of Kosovo nor the international organizations have done much about this issue and there are no legal provisions that would secure the representation of members of these communities in public and state institutions.

A huge problem with Ashkalia and Egyptian communities is a complete lack of information (both about the general situation in Kosovo and region and about the issues regarding the life of these members in other parts Kosovo. Illiteracy among large number of members of these communities severely aggravates this problem.

Regarding the social policy in Kosovo, the members Ashkalia and Egyptian communities are directly discriminated⁶¹. When applying for social assistance, the social workers in Municipality consider if any of members of their family and relatives live abroad, and if that is the case, that individual is automatically denied the right to social assistance. Also, if an individual possesses any kind of car, regardless its estimated value, he or she is refused the social assistance.

Regarding education, Ashkalia and Egyptian children go to schools along with the children of Albanian community and in Albanian language. These children se mostly face with intimidation in some areas where Albanians are majority. The biggest problem is that these children are disadvantaged by destitution of their community, which leads to situation whereas many of them are forced to work in order to contribute to incomes of their families.

Insufficient health care and inadequate living conditions particularly affect members of these communities. The lack of basic drugs, safe settlements, utilities and water supplies is very common problem in settlements populated by the members of these communities. Most of this population live segregated from the majority population, often in lager groups, settlement away from towns. A number is living in settlements which are not legalized and which are not in any urban plans and because of that, these settlements are lacking basic access to utilities, clean water, roads, and the temporary character of these settlements results in a very insecure and uncertain position of these people. A part of the members of these community has not been registered and has no personal and required documentation and therefore a large number still do not have any primary social and health insurance.

In Kosovo Polje/Fushë Kosovë, due to the restricted freedom of movement, members of Ashkalia community were at the beginning provided with the basic needs e.g. construction of improvised health station with two fitting facilities. At first, this station was supported by donations from UNHCR, and today it is supplied by the Municipality and it operates under the Ministry of Health. There are two persons employed in the station; the doctor is a member of Egyptian

⁶¹ There are two criteria for eligibility to social benefits, financial and non-financial and one is common for both criteria, requiring that members of families reside in Kosovo. Non-financial criteria for eligibility to social benefits are classified into two categories: (and) the first category are families with all members dependant, i.e. persons identified as unable to work where no member is employed and (ii) second category requiring that all the members of the family either are dependant or are registered as unemployed in offices for employment with the Ministry of Labor and social welfare in Kosovo with an exception that the persons detained in institutions such as psychiatric clinic, shelters for elderly, religious institutions and prisons are not eligible for social benefits. The financial criteria: the applicant must meet the following requirements: (a) if he or she has resources under allowed limits (these limits are to be specified later on by an administrative instruction), (b) if a person has total income below total monthly standard family level (after foreseen deduction stipulated by the law).

community and a nurse is a member of the Serb community. Many members of Ashkalia community were not able and/or did not want to go to nearby medical station, where the staff is exclusively Kosovo Serbs and on the other side, they were inhibited by fear to go to Priština/Prishtinë for medical assistance. Today the situation is significantly improved and for medical assistance in severe cases the members of this community turn to health institutions in Priština/Prishtinë.

A large part of destroyed houses has not been renewed therefore many still live in collective camps. In March riots, directed toward Serbs, hundreds of houses were burned down, 4.000 people displaced, and 19 lost their lives. Out of 69 Ashkalia families in Vučitrn/Vushtrri that lost their homes in these riots, only 8 accepted to return to the houses that were reconstructed so far.

RECOMENDATIONS:

- *To develop programs for assistance for the members of all communities for improvement of social, economic and political conditions. Access to education is improving however there is still much to be done.*
- *To ensure access to clean water, sewage and housing,*
- *Access to health services (to organize health campaigns and to inform the members of these groups about their basic rights and where to turn to the related to these).*
- *Access to social assistance*
- *Displaced persons, refugees and returnees need special assistance in all aspects*
- *To facilitate registration of persons without personal documents, to provide kind of legal assistance, on issues of child rights, women rights etc.*
- *Information campaigns which would help inform the members of Ashkalia/Egyptian communities about the life of members of these communities throughout Kosovo, e.g. on the freedom of movement, economic situation, health etc.*
- *All these issues are urgent and require great assistance both from Kosovo Government and international organizations.*
- *Ministry of Labour and Social Welfare should address the issue of registration of members of this community in the program for social welfare.*
- *UNMIK should increase the transparency in work and availability of social care to these minority groups.*

Article 5

Culture, preserving identity and refraining from assimilation

1. *The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.*
2. *Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.*

UNMIK Regulation 2001/9, on a Constitutional Framework for Provisional Self-Government in Kosovo, in Chapter 4, devoted to Rights of Communities, states: *4.1 Communities of inhabitants belonging to the same ethnic or religious or linguistic group (Communities) shall have the rights set forth in this Chapter in order to preserve, protect and express their ethnic, cultural, religious, and linguistic identities.*

4.3 The Provisional Institutions of Self-Government shall be guided in their policy and practice by the need to promote coexistence and support reconciliation between Communities and to create appropriate conditions enabling Communities to preserve, protect and develop their identities. The Institutions also shall promote the preservation of Kosovo's cultural heritage of all Communities without discrimination.

4.4 Rights of Communities and Their Members, Communities and their members shall have the right to:

- j) Provide for education and establish educational institutions, in particular for schooling in their own language and alphabet and in Community culture and history, for which financial assistance may be provided, including from public funds in accordance with applicable law; provided that, curricula shall respect the applicable law and shall reflect a spirit of tolerance among Communities and respect for human rights and the cultural traditions of all Communities;*
- k) Promote respect for Community traditions;*
- l) Preserve sites of religious, historical, or cultural importance to the Community, in cooperation with relevant public authorities;*

Responsible Institutions

The Ministry of Culture, Youth and Sports is the only institution in charge of this matter. This Ministry has the mandate to, among other things, develop policies and implement legislation and promotion of the cultural sector, including programs of protection of cultural heritage, establishment of clubs, groups and cultural societies; to promote cultural, sports and youth activities and establish relationships with the members of ethnic communities, including with those living temporarily or permanently out of Kosovo (“persons whose permanent habitual residence is not Kosovo”); and to also maintaining the relations of people that have no permanent residence with the aim to fulfil the needs of cultural character of people that come to live or return to Kosovo”.⁶²

⁶² UNMIK Regulation No. 2000/19, annex 5.

This Ministry is composed of: cabinet of the Minister (in charge of political and technical and administration issues); Office of the Permanent Secretary, including: The Legal Office, Revision Office and Public Information Office; Department of Culture (Division of Heritage; Division of Applied and Visual Arts); Department of Youth (Division of Promotion and Information; Division of Health and Integration; Division of Informal Education and Employment); Department of Sports (Division of Federations and Infrastructure); Department of Non-residential Issues (Department of Information and Diaspora) and Department of Central Administration (Human Resources, Administration and Procurement).

Minority communities and the implementation of this article in practise

The Ministry of Culture, Youth and Sports has organised this year a donor's conference with the goal of supporting the development of minority cultures in Kosovo. In 2005, the Department of Culture allocated 15 % of Kosovo's Consolidated Budget to support various minority cultural projects. At the same time in June 2004, the Ministry of Culture, Youth and Sport and the Orthodox Church signed a Memorandum of Understanding on urgent interventions and measures to be undertaken regarding the churches and other orthodox establishments and buildings in Kosovo that were damaged during March 2004 event. While in March 2005 the Ministry of Culture, Youth and Sports and the Patriarchy of the Serb Orthodox Church have signed a Memorandum of Understanding on the general principles for reconstruction of the Serb Orthodox Churches and Monasteries destroyed in March 2004.

The Serb community

The Serb community preserves its own identity only through its "autonomous" educational system (which includes elementary and high school education based on the Republic of Serbia curricula that are also accepted by UNMIK in Kosovo) and the Orthodox Church together with the support of the Republic of Serbia.

The problem of preserving and maintaining both the national and religious identity of the Serb community in Kosovo is obvious when discussing the maintenance of landmarks of religious, historical and cultural importance, taking into account that the provisions of Constitutional Framework in this regard (Chapter 4, Section 4.4.1.) and of Framework Convention are openly violated. The facts that over 100 orthodox churches and monasteries were torn down and destroyed between 1999 and 2004, and 34 orthodox temples were damaged or destroyed Kosovo-wide only during the March 2004 violence, contribute to this conclusion. Some of the most important religious and cultural orthodox sites of worship that are of great significance for the Serb national community are Cathedral of Ljeviška Mother of God (14th century) in Prizren, Church of Saint Salvation (14th century) in Prizren, Saint Archangel Monastery (14th century) in Prizren, Church of Saint Jovan in Peja/Peć, Church of Saint Nikola in Prishtinë/Priština, Devič Monastery (14th century) in Skenderaj/Srbica, Saint Kirilo and Metodije Seminary building in Prizren, Church of Saint Nikola (19th century) in village Belo Polje/Bellopojë near Peja/Peć, Church of Saint Ilija (19th century) in Vushtrii/Vučitrn, Church of Saint Petka in village Mušnikovo/Mushinkovë near Prizren, etc. Only those orthodox temples that were guarded 24 hours a day by KFOR forces remained undamaged.

Regarding the issue of protection of national identity in general and in all spheres, there is no cooperation between the Albanian and Serb communities and competent public authorities.

When talking about the issue of assimilation, there are no attempted cases of political or any other sort of assimilation aimed at the Serb community in Kosovo.

RECOMMENDATIONS

- *It is necessary that the Ministry of Culture, Youth and Sports and Kosovo Government helps preserve Serb orthodox temples as a part of cultural heritage of this region, and support and promote this through educational institutions, media etc.*

The Bosniac Community

Today⁶³ in Kosovo there are no notable examples of direct assimilation of the Bosniac community from the majority community. The reason why today a lot of Bosniacs identify themselves as Kosovo 'Albanians' is because of their personal interest, which leads to 'interest-based assimilation', and the belief that they will be more successful in their careers.

As a particular example of assimilation we can mention a case of the Bosniac community in Đakovica/Gjakovë, where members of this community more than often speak Albanian among themselves and self identify as Albanians. Due to lacking access to education in Bosnian language they send their children for education in Albanian language. Except for the newspaper-magazine 'Alem', these Bosniacs have no other means of information in Bosnian language. There

⁶³ Between World War I and World War II, big number of Bosniacs started to inhabit valleys of Prizren such as village of Ljubižde, Retimlje or Donja Srbica. Those times Bosniacs had properties there, but today there are no data which shows that Bosniacs ever lived there. Most of them working abroad, had a possibility and bought properties in these valleys of Prizren but this land became 'nationalised', in fact it became state property, hence almost all data that this land has ever belonged to the Bosniacs of Prizren has been lost.

In the beginning, more as stock-farmers, these Bosniacs, because of long and cold winters in the Sharri/Šar mountain, time after time inhabited these villages and establishing temporary cottages. Hence the inhabitants of Donje Retimlje got the name 'Kolibari' (Cottagers), or the example of those called Torbeš (the name comes from nomad lifestyle with frequent movements, because of hard living conditions). The name 'Torbeš' ("torba", Slavic name for bag) is association for the person that keeps all of his belongings in his bag. Torbeš today identify themselves as Albanians and their children study in Albanian, while at home they speak Bosnian, more exact local "Našinski" dialect. In the same time they preserved their traditional costumes that are very much different from Kosovo-Albanian, such as: weddings, traditional clothes, etc. They do not marry a lot with Albanians, so the number of such marriages is very low, but young men and women marry Bosniacs from Prizren and the region of Župa. While in Donja Srbica for example, Bosniacs have almost completely mainstreamed with the Albanians costumes and this way got assimilated, mostly through mixed marriages with Albanians. Village Ljubižda is very characteristic, because of big number of Bosniacs that after the World War II came down from mountain villages Skorobište and Grnčare. These Bosniac's children still attend school in Bosnian language. However, after 70's of the last century, inhabitants of the village Skorobište and Mušnikovo from the region of Župa identify themselves as Albanians and educate their children in Albanian language.

After World War II a big number of Bosniacs from Novo Selo and Grnčare coming down in the town of Prizren accepted Turkish language so that the next generation was attending schools in Turkish. At that time Turkish was the language of the area, so the majority of Albanians and Bosniacs learned Turkish and accepted the costumes and traditions of Turks. While Albanian community members preserved their identity, and this way evaded assimilation, or at least the assimilation was not full, it is not the case of Bosniacs. After the war in Kosovo, in the villages Skorobište and Mušnikovo, education is ongoing in the Albanian language, and therefore most of Bosniacs in the village Ljubižde indirectly are forced to educate their children in Albanian. However in villages Planjane and Drajčice and region of Župa it is not the case, since there are schools available in Bosnian up to secondary high school, after which education could continue in Prishtinë/Priština University and Prizren or Peja/Peć, so the situation is satisfactory. Small number of pupils that attend education in Albanian remained in the village Grnčare, which is in the original elementary school. Number of pupils attending education in Bosniac in Ljubizda arouse during pro-active engagement of the local (political) representatives.

are ten Bosniac families in Gjakovë/Đakovica, of which four identify themselves as members of the Albanian community. There are many cases of Bosniac women, who marry Albanians and accept the customs and culture of the Albanian community.

It is increasingly common for the names of private enterprises of Bosniacs in Prizren to be written only in Albanian. It is the same case with Bosniac restaurants and motels, where these days it is more common to hear Albanian radio-stations.

Simultaneously, it can be said that with the arrival of the international community⁶⁴, Kosovo Bosniacs have the possibility for the first time to exercise their right to self-identification. The first Bosniac institutions, NGO's, cultural associations, political parties etc., are being established. The establishment of media in Bosnian language played a key role, also education in Bosnian language (outside of Bosnia and Herzegovina) was introduced for the first time – both had a decisive role in the establishment and preservation of this community's identity.

The Kosovo Bosniacs have kinship with Bosniacs from Bosnia and Herzegovina, but since Bosnia and Herzegovina is home to two other ethnic groups (Serbs and Croats), Bosniacs in Kosovo have not had any possibility to build stronger ties with their 'motherland' Bosnia and Herzegovina. However Bosnia and Herzegovina has contributed to the preservation of Bosniac identity by providing text books in Bosnian language, and cooperation on the cultural and educational levels is increasing.

RECOMANDATIONS:

- *Since Bosniac community has demonstrated, also through elections, that they want more active participation in Kosovo Institutions and have shown will for integration, it is necessary to have support and adequate place for this community in this society and that Kosovo authorities should open the door for the integration of this community.*
- *Other than the connection with Bosnia and Herzegovina in the establishment of Bosniac identity, this community needs essential help from Kosovo institutions to support all areas of life, especially from Ministry of Culture, Youth and Sport.*
- *It is therefore necessary that the government of Kosovo supports the existing cultural associations, NGO's, educational institutions, media, and establishment of a cultural educational institute for Bosniacs.*

The Gorani Community

There is no information submitted by the Gorani working group concerning this article of the convention.

The Turkish community

Considering the last six years of the post war period in Kosovo, there have been no visible improvements with the aim of organizing qualitative cultural events, festivals, meetings etc. The quality of cultural life has declined in this region, although it can be said that different cultural associations are trying to preserve the previous level of quality.

⁶⁴ One can say that in Kosovo, after Milosevic in power, there was a tendency of indirect pressure for assimilation in order for this community to identify themselves as Muslims not as Bosniacs, since identity of 'Muslim' could be related with the term 'Serb Muslims' (just like in Sandzak in some occasions).

As nothing has been done to support the preservation of language, customs, cultural heritage and tradition of the Turkish community, there has been a considerable decrease in these values following the establishment of the UNMIK administration in Kosovo.

For example, 'The Turkish orchestra' within the Radio Television Prishtinë/Priština, (currently Radio Television Kosovo) was active from 1951 until the beginning of the last conflict in Kosovo. In 1951, the Turkish community in Kosovo had for the first time the opportunity to identify itself as Turkish. The same year, two cultural-art associations were established (today they are the oldest ones) "Gerceg" and "Dogrijol", the radio station started functioning, as well as education in Turkish language. Besides Turkish authentic songs from these regions of the Balkans, 'The Turkish orchestra' performed hundreds of ethno songs, their TV programs were recorded in Radio Television Prishtinë/Priština, and they participated in many folk and pop festivals in Kosovo and abroad. Although the number of its members was small (consisting of 8 to 10 members), this orchestra was very important and influential for preserving cultural heritage and the identity of Turkish community in Kosovo.

As per the preservation of cultural identity of this community is concerned, one should mention the role of Turkish amateur theatre that celebrated its 70th anniversary. Its performances, in the three amateur theatres in Prizren, achieved a high level of professionalism in all elements of stage art.

Recommendations:

- *Toward the preservation and enrichment of cultural heritage of the Turkish community: the Ministry of Culture, Youth and Sports should provide or at least support the establishment of professional Turkish Theatre in Prizren.*
- *This Ministry should also support and help re-establish the Turkish orchestra within Radio Television of Kosovo.*

The Roma community

Out of some 46 registered Roma cultural-art associations, many became Non-governmental Organizations (NGOs) due to donations in Kosovo, today only one is working on the preservation of Roma culture and tradition, i.e. the culture and art association "Durmiš Aslano" in Prizren. Other Roma Organizations mostly engage in various areas of civil society, but their influence and contribution is rather limited. The reason for this is that many NGOs after the conflict were established in order to provide or allocate mainly humanitarian assistance. A very small number of Roma were able to become familiar with and to understand the actual purpose of civil society. Due to a very low level of information, Roma usually mix the purpose and work of an NGO with the purpose and work of a political party. A large number of NGOs have stopped working because of lack of internal structure and skills, and the reason for this is poor information and expertise, as well as the lack of interest by the majority society to support such a work.

Roma, especially after the conflict, usually were not in a position to freely use their mother tongue, because in public, directly or indirectly, this community was identified as sympathizers with the Milosevic regime. Even today, six years after the conflict, Roma do not feel free to use their mother tongue in public and private.

Due to their external appearance, language, centuries old struggle for survival, and difficult historical moments that these people experienced, a large number of Roma refrain from using their own language, which has resulted in a generation of assimilation. Now it is common that in

private conversation Roma do not use their mother tongue, but use the language of the majority population instead i.e. Serb or Albanian.

Members of the Roma community are usually described as 'people who only sing, steal or beg', which led to a situation where many Roma deny their own identity, background and seek to assimilate into the majority community. This can be confirmed by all official censuses conducted in this region. The number of Roma in Kosovo, according to official data, has always been very low, although everyone living in this region knew very well that the number of Roma living in these areas was always higher than the official figures show. Today the number of Roma living in Kosovo is low and one of the reasons is that an important part of the group identifies with the members of other communities or as 'newly emerged' minority groups, which obviously minimizes the size of Roma community, and in that way makes the group weaker and easier to manipulate.

RECOMENDATIONS:

- *Because of extraordinary beauty of Roma music, tradition and culture, it is necessary to support talented Roma students and intellectuals with scholarships and donations which could contribute to preservation of Roma music and dance, language and culture in this region. In the region of ex-Yugoslavia there are only few Roma singers (such as Šaban Bajramovic, Vida Pavlovic etc.) who still manage to present the Roma music in the best light, even throughout Europe.*
- *To enable the Roma groups, culture-artistic associations, particularly the Chamber Orchestra 'Tereza' from Prishtinë/Priština/Prishtinë (currently in Belgrade), to return to Kosovo and by donations support its continued existence and work in Kosovo.*
- *Ministry of Culture, Youth and Sports should allocate a part of the budget, allocated for minorities, in order to support the work of Roma cultural and artistic associations in order to preserve Roma culture, tradition and music.*

The Ashkalia/Egyptian community

A certain number of members of these communities, who want to live side by side with Kosovo Albanians, insist on being identified as Albanians. This is the case even though the prominent factors imply the opposite, such as: lower standard of housing, separate education and the like. Many communities think that identifying with the neighbouring majority community contributes to maintenance of good relationships, that is, to the maintenance of co-existence without violence, which naturally leads to the assimilation process. Furthermore it indubitably results in reducing the number of Ashkalia and Egyptians in Kosovo, since a portion of the members of these communities often prefers to identify as Albanian. The primary factor that causes this change of identification is based on security, personal wish, political interests or the presumption that by changing identity one can have a better future in the society. Before the war, Ashkalia members self-identified mainly as ethnic Albanians. However, in order to split the group and decrease the number of ethnic Albanians, Milosevic's regime promoted the identification of Egyptians, therefore one part of the Ashkalia community, as early as 1992, started to identify themselves as Egyptians.

Both the Kosovo Government and corresponding international institutions did nothing for the preservation of the culture and history of Ashkalia and Egyptian communities. During religious holidays for example, greetings are sent through the media only to the members of the majority community and never to Ashkalia and Egyptian communities, regardless of the common religion and language. Displaying the national flag of Albania also in religious institutions, in principle does not create a welcoming feeling for minority groups. Also, in textbooks it is written: 'Islam

and this book helps Kosovo Albanians to easier overcome the traumas of the war', while not mentioning any other community of the same religion.

For example RTK did not allocate a single minute of programming for Ashkalia/Egyptian communities (and there are no other sources of information), so the members of these communities have no opportunity to inform their members about their cultural-educational events. Of all the municipalities in Kosovo, only the Fushë Kosovë/Kosovo Polje has a coordinator for culture of the members of Ashkalia/Egyptian communities.

Article 6

1. *The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.*
2. *The parties undertake to take appropriate measures to protect persons who may be subject to threats or act of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.*
- 3.

Domestic legislation

UNMIK Regulation No. 2001/9 on a Constitutional Framework for provisional Self-Government in Kosovo, Chapter 4, Rights of Communities and Their Members, 4.3:

The Provisional Institutions of Self-Government shall be guided in their policy and practice by the need to promote coexistence and support reconciliation between Communities and to create appropriate conditions enabling Communities to preserve, protect and develop their identities. The Institutions also shall promote the preservation of Kosovo's cultural heritage of all Communities without discrimination.

UNMIK regulation (nr. 2000/4), on the prohibition against inciting to national, racial, religious or ethnic hatred, discord or intolerance, section 1:

1.1 Whoever publicly incites or publicly spreads hatred, discord or intolerance between national, racial, religious, ethnic or other such groups living in Kosovo which acts are likely to disturb public order shall be punished by a fine or by imprisonment not exceeding five years or both.

1.2 If the acts referred to in section 1.1 of the present regulation were committed systematically or by taking advantage of one's position or authority or if disorder, violence or other grave consequences resulted from those acts, the period of imprisonment may be extended to a term not exceeding eight years.

1.3 Whoever publicly incites or publicly spreads hatred, discord or intolerance between national, racial, religious, ethnic or other such groups living in Kosovo which acts are likely to disturb public order through coercion, jeopardizing of safety, exposing to derision of national, racial, ethnic or religious symbols, damaging belongings of another, or desecrating monuments or graves, shall be punished by imprisonment for a term not exceeding eight years.

1.4 If the acts referred to in section 1.3 of the present regulation were committed systematically or by taking advantage of one's position or authority or if disorder, violence or other grave consequences resulted from those acts, the period of imprisonment may be extended to a term not exceeding ten years.

Section 2, applicable law: The provisions of the applicable criminal law and criminal procedural law shall apply subject to the provisions of the present regulation.⁶⁵

UNMIK regulation of the Promulgation of the Anti-Discrimination Law (UNMIK Regulation nr. 2004/32) protects minority groups with Anti-discrimination law. The implementation of the standards has also a major roll or the protection of minority communities in Kosovo.

⁶⁵ See Article 15, UNMIK Regulation, nr. 2003/25.

Responsible institutions

Ministry for Culture, Youth, Sport and Non-residential issues, is working on issue of inter-cultural dialog, preserving and stimulate cultural cooperation.

Advisory office of good governance, human rights, equal opportunities and gender issues is in charge to help development and implementation of campaigns of public information and other programs to inform public with international standards and minority rights.

Temporary Media Commissioner, who is responsible to develop independent and professional media on Kosovo, has rights to use (above mentioned) sanctions towards licensees, broadcast company owners, as to operators, publishers and main directors of publications in Kosovo.

KFOR, UNMIK police and KPS are responsible to maintain a safe environment for all people on Kosovo.

Minority communities and implementation of the article in practice

Inter-ethnic cooperation, especially between the majority and minority communities in Kosovo, is dissatisfactory, even though the efforts, especially by international organizations, were big. Parallel structures are still functioning in Kosovo, even though they are in contradiction to UNSC Resolution 1244, and they disrupt work on promoting tolerance, understanding and cooperation between Albanians and other minorities in Kosovo.

The situation about Inter-ethnic dialog considerably worsened after incidents in March 2004, when the media influenced kindling of hostility and intolerance.⁶⁶ Incidents aggravated and restricted possibilities for minority members to live, travel, and work in Kosovo and also contributed to the loss of trust in the ability of KFOR, UNMIK police and KPS to create and maintain a safe environment and be efficient in their police duties. This is especially the case of Serb minority community.

There is evident improvement of the possibilities for dialogue between leaders of majority and minority communities. International community at all times points on importance of public statements of PISG members', who should clearly stress the issues of inter-ethnic relationships. From the establishment of PISG in Kosovo, authorities give statements in support of return and integration of minority communities in Kosovo society, as well as the international organizations, especially the OSCE,⁶⁷ is supporting civic sector, stimulating different projects in the spirit of inter-ethnic tolerance, and inter-cultural dialog. However, in spite of their efforts and wishes for integration, minority communities stress their dissatisfaction and feeling of disconnection from all the discussions about the future and the status of Kosovo.

⁶⁶ After March events Temporary Media Commissioner issued report for Kosovo media behaviour and concluded that all three stations violated Broadcast medias Codex PKM and suggested taking disciplinary actions and took some suggestions for corrective measures.

See the report is on: http://osce.org/documents/mik/2004/2765_en.pdf.

⁶⁷ For example, OSCE supported several projects, with supporting leaders of new generation mostly from civilian society all Kosovo communities, reintegration, and promotion democratic values in all ethnic communities in order to increase bigger involvement of civil sector in reconciliation process and involvement in political life.

It is positive to mention that there are round tables organised periodically aiming to improve inter-ethnic relationship and integration. Participants are usually leaders of communities, NGO activists, youth, women's organizations and politicians who talk about their views about the situation concerning displaced persons in different municipalities. Prizren is a place where the local Radio stations are periodically organising discussions or roundtables with the aim to improve the inter-ethnic communication. Prizren is also known as a multiethnic centre in Kosovo, and also as a town of free media, with several local radio stations for minority communities and as a place where everyone can use their own language freely in private and in public and without any risk for personal security.⁶⁸

Also the level of dialog and cooperation between community members in the central and municipality's governmental structure improved and can be used as an indicator of reconciliation and work toward a common goal. The role of the Municipal Assembly members should be emphasised when discussing returnee process. However, some more positive statements of the political leaders, followed with concrete efforts on municipality level, would have big influence on the understanding and acceptance minority communities from the majority one.

The Serb community

Intolerance in Kosovo exists in all segments of every day life, and the number of returnees among the internally displaced persons, and the resistance of the Albanian community toward return process of Serb community in the areas in which such return is possible is showing this. The example of this resistance and opposition is Brestovik village in which, apart from the burnt houses of which some are being reconstructed, the wells were filled with not only with barren and soil, but also with garbage, whereas one part of this village was converted into public garbage disposal point.

The examples of religious intolerance can be mentioned removal of the cross from the orthodox Church of Saint Nikola in Prishtinë/Priština that was set on fire on March 17th 2004, and also transformation of the unfinished orthodox temple of Christ's Salvation in downtown Prishtinë/Priština into a public toilet - which was broadcasted on BK television in 2004. Then, the monastery in Zočište where the monks restored the dormitory premises and put up a roof on that occasion; however the roof was removed by KFOR after two days because the Albanian population in that village opposed the idea of restoration of the shelter for the monks of this monastery. There are also numerous verbal and physical assaults (stone throwing) on the nuns of Deviç Monastery (which happened on several occasions) in the cases when they dared to go outside of monastery walls.

Very often it happened that in some monasteries, nuns and monks could not use parts of monastery property because of security reasons. In the same spirit, Serb families that had relatives in Kosovo or in Serbia could not travel for visits to their relatives during religious holidays or ceremonies, including weddings and funerals, due to security reasons. The head of the Serb Orthodox Church in Kosovo, Bishop Artemije Radosavljević, stayed in a monastery in Kosovo in

⁶⁸ The Bosniac community magazine *ALEM* as well as the Kosovo Turks newspaper *YENI DONEM* cover all the events and aspects in municipal, central and local structures. These magazines focus on educational, cultural and scientific topics intended for students of primary and secondary schools. Three local radio stations are located in Prizren region, and the Kosovo Turks' station *YENI DONEM* and the two of Kosovo Bosniacs - *OMEGA-3* and *ASTRA* – broadcast their programs in their respective mother tongues. It is worth to mention that radio *PRIZREN* and *TV Station STP (including also the Turkish Yeni Donem)* are multilingual stations that broadcast programs in Albanian, Serbo-Croatian and Turkish language.

Serb enclave of Gračanica/Ulpijana and UNMIK and KFOR provide security services throughout the year in order to secure movement of these people.

RECOMMENDATIONS:

- *Kosovo political leaders, NGO activists as well as prominent public cultural officials should show with their own example (by visiting Serb and other minority enclaves, by public, open and genuine speech of tolerance, promoting freedom and equality for all without discrimination) show and invite their compatriots who, like majority of citizens, bear the responsibility for democratization of the society.*
- *Kosovo political leaders, media, educational institutions, NGOs, should get together and take a part of responsibility for the promotion of tolerance towards all communities in Kosovo, their free participation in all life spheres in Kosovo, but first of all to secure basic human rights; freedom of the use of language and script, freedom of movement, etc.*
- *At the same time it is necessary to take active measures for the protection of persons of the Serb community that are exposed to threats or discrimination, hostility or violence, as well as to bring the responsible persons to justice.*

The Bosniac community

The Bosniac community in Kosovo, drew some lessons from the Bosnia experience, and during the conflicts, insisted that the problems in Kosovo should be resolved in a democratic manner, stating that it is against any violence regardless from which side it comes from. We should emphasise that Bosniac community was against Milosevic regime, especially against the tendency to involve this community in the conflict with Albanian or other communities. With this attitude Bosniacs before and during the time of conflict were emphasising their neutral position. Before the war this was expressed with the act of young Bosniacs refused to respond to the military invitation of (ex) Yugoslavia, and not accepting the offers for employment in at that time state institutions, out of which the Albanians were previously evicted by force. The Bosniacs insist in neutrality even today, and in most of the cases have marriages within their community, attend schools in their own language, and constantly demanding the rights that are guaranteed by applicable laws in Kosovo, which enables this community to survive here.

It should also be stressed that in order to avoid segregation of the communities in Kosovo, it is necessary to identify and isolate the perpetrators of crimes and killings, and put them in front of the institutions of justice so that hate and intolerance could be defeated.

It is important to mention that Bosniac community, as the second large minority community in Kosovo, in most of the cases is already feeling marginalised when the future of Kosovo, standards and the status is discussed. The situation is similar with other minority communities.

RECOMANDATIONS:

- *After the war in Kosovo, 66 of Kosovo Bosniacs were killed and more than 30 are missing. It would be desirable that Kosovo institutions, with the help of international community, do their best to bring the perpetrators in front of the justice, and determine why these killings happened. This way PISG of Kosovo would give signal of cooperation and acceptance of this community in Kosovo society. If crimes are not resolved and if the responsible ones are not brought before justice, a possibility of tolerance towards crime is created and indirectly, it is further stimulated.*

- *At the same time it is necessary to undertake proactive measures of protection of minority community members who are subjected to threats or discrimination, hostility or violence because of their ethnic identity.*
- *The Kosovo government, through the media, educational institutions, cultural events etc. should, in order to preserve the spirit, tolerance and intercultural dialogue, undertake efficient measures for improvement of cooperation between all Kosovo communities.*
- *When we speak about tolerance and the future of Kosovo, it is necessary to include other communities in the discussion, else than Albanian and Serb Communities in Kosovo. Unfortunately, it is common, especially from the side of international organisations (and Kosovo government itself), that when discussing the future status of Kosovo, Bosniacs (just like most of the other minority communities) remain marginalised.*

The Gorani Community

Many of Gorani community members are very concerned for their future, because many of them have lost their property and jobs. After the conflict several incidents and attacks acquired targeting mainly members of this community. For instance three bombs exploded, one was discovered shortly before the explosion and five personal mines were shortly before a celebration close to the Gorani village Vranište/Vranic. Most of such explosive incidents happened in the center of Dragaš/Dragash community. The persons behind these 49 attacks were never identified. In the post conflict period 11 Goranians lost their lives and, neither in this case, the perpetrators were never identified. Members of Gorani community are unsatisfied with UNMIK Police in identifying the perpetrators and resolving the cases of crimes that happened in this area during and after the conflict.⁶⁹

The Turkish community

One of the possible ways to encourage spirit of tolerance and intercultural dialogue is signing a Protocol on Cultural and Sport Cooperation between Kosovo and countries in the region and with countries that Kosovo minority communities consider as their motherland.

Education in general, but especially process of preparing textbooks in mother tongue, history, music and fine arts, dedicated to national minorities, should be approached from 'healthy' scientific base i.e. free from extreme historicisms and glorification of national history, creating fictional heroes and myths that support antagonisms within members of different communities in Kosovo.

Recommendations:

Protocol on Cultural and Sport Cooperation between Kosovo and Turkey would help mutual exchange of cultural and art exhibitions, theatre companies, literature manifestation and other cultural and sports events. Besides supporting intercultural cooperation between Turkey and Kosovo, it would at the same time help more efficient integration of Turkish community into all-inclusive cultural and public life in Kosovo.

⁶⁹ After a weapon robbery from 24. December 2002 and murder of a Gorani member on 31. December 2002, political representatives of this community in Dragaš/Dragash organised several protests in order to express their concerns about their security situation.

The Roma community

One of the biggest problems that members of the Roma community in Kosovo are facing is lack of tolerance. Even before the armed conflict in Kosovo, most of Roma lived in very difficult living conditions, struggling daily for their life and survival. Both by majority Albanian community, by the Serbs and other ethnic communities, the Roma were treated as lower citizens. Albanians called them 'Maxhup' and Serbs 'Cigani', and both of the names are very pejorative. A part of Roma who lived nomad way of living, were called 'Čergars' or 'Gabel'. These terms are also pejorative and were used as an expression of derogation of this community. Those names would usually be used and they would associate to persons who were doing 'dirty jobs', i.e. people who tend to steal, cheat, lie, who are untidy, uneducated and who would therefore do lowest and most difficult jobs.

One has to keep in mind that, both before and after the conflict, the members of this community were groundlessly accused of collaborating with the former Milosevic's regime and taking part in crimes perpetrated by Serb forces in Kosovo. For this reason, a number of Roma has disappeared or was killed. Many Roma houses were burnt down and the property destroyed or usurped. This forced a large number of Roma to seek resort in collective camps in or out of Kosovo, i.e. in Serbia, Montenegro, Macedonia or, if they had luck, in Western European countries. Those who remained in Kosovo have been living in a constant fear of reprisal. Also, we should stress that Roma did not want to take part or witness the conflict that took place in the territory of ex-Yugoslavia, since the history has taught them that they were always victims put in between the alienated parties in all the conflicts in this region.

As an example of intolerance and discrimination we can bring up the case in Đakovica/Gjakovë, there use to be a Roma and Serb graveyard; however, in the part where members of Roma communities are buried, a residential facility has been built. Although many members of this community clearly objected the demolition of the graveyard, their requests with the local authorities remained unsuccessful.

Roma, who remained to live in their homes have been targeted by the extremists. However, after the conflict the situation has slowly stabilized and the period of treats, beatings, kidnapping and murders gradually ended. The number of cases of harassment is decreasing even though cases of ill-treatment of the members of this community still occur.

RECOMENDATIONS:

- *To organize media campaigns publicizing positive actions of inter-ethnic cooperation among leaders of all minority communities on both central and municipal level, and thereby promote tolerance on all the levels of this society.*
- *To provide support to Kosovo Roma civil society in promotion of human rights, and, through media promote interethnic dialogue and tolerance.*

The Ashkalia/Egyptian community

During riots that took place 17-20 March 2004, not only members of Serb minority community were under attack, but also the members Ashkalia and Egyptian communities. In the town of Vushtrri/Vučitrn, no UNMIK, KFOR or community police could adequately guarantee security to these persons during this time. Instead, all Ashkalia and Egyptian families, with the 'assistance' of the very KPS and KFOR, were forced to leave their homes and their property was looted and burnt. Thus, these people were moved from the Police stations (where they spent the night) to the French KFOR base where they remained for 3 months. Afterwards, these families moved out of

Kosovo, mostly to the countries of Western Europe. These families are now threatened with the risk of deportation i.e. forceful return to Kosovo. Seven families moved from French KFOR base to motel Vicianum where they remained for several months and only recently returned back to their homes.

Now, a year after the violence, the general security situation is significantly improved although in Vushtrri/Vučitrn there is still fear and many of these families do not wish to go back as they fear that for the third time they would be forced to leave their homes (first time at the beginning of the war i.e. 1999). According the Secretary General's Report on Interim Administration of United Nation in Kosovo S/2005/88 from 14. February 2005, the fears of minority community are sustained by separate incidents, which were not condemned by the local political leadership, where the transport service for minorities is being stoned; hate graffiti are written on Municipal Buildings; unoccupied houses of minority community are looted; and freedom of use of minority languages is not respected.

RECOMENDATIONS:

- *Government of Kosovo and other institutions should take action to sanction ethnically based crimes, to set up a system of monitoring and censoring the violation of human rights and promote the culture of human rights and tolerance.*

Article 7

The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.

Domestic legislation

According to the Constitutional framework, freedom of association, peaceful assembly, freedom of expression and freedom of thought, conscience and religion are guaranteed by the Universal Declaration on Human rights, International Covenant on Civil and political rights, International Covenant on the elimination of all forms of Discrimination, Convention of the protection of Child and European Convention for the Protection of Human Rights and Fundamental Freedoms - all directly applicable in domestic legislation of Kosovo.

UNMIK Regulation nr. 2001/9 on a Constitutional Framework for Provisional Self-Government in Kosovo, in Chapter 4.4 states that the members of communities have right to:

- e) Enjoy unhindered contacts among themselves and with members of their respective Communities within and outside of Kosovo;*
- g) Establish associations to promote the interests of their Community;*
- h) Enjoy unhindered contacts with, and participate in, local, regional and international non-governmental organizations in accordance with the procedures of such organizations;*

The applicable laws that regulate freedom of assembly in Kosovo are Law on Public Peace and Order of the SAP of Kosovo from 1981 and Law on Public Assembly of the SAP of Kosovo, from 1981.

Law on Public Assembly (Official Gazette of the SAP of Kosovo (no. 8/81), 27. February 1981.g.),

Article 2: The freedom to convoke and hold a public assembly may be restricted only in circumstances prescribed by this Law, Article 5:

5 (2) Convoker and organizer of a public assembly are obliged to ensure peace and order during the public assembly; for this purpose they are obliged to organize a guardianship service.

5 (3) Convoker and organizer of a public assembly are obliged to restrain the continuation of public assembly if there are irregularities by which is endangered the safety of people and property.

5 (4) In cases as in paragraph 3 of this article the convoker and organizer are obliged to inform about the holding of a public assembly the competent municipal body for internal affairs.

(...)

Article 7: The holding of a public assembly shall be banned upon request by the competent administrative authorities for the protection of health, subject to their competences as provided for by law.

Article 8: The holding of a public assembly may be restricted if there are grounds to expect that the public peace and order will be disturbed during the public assembly and that safety will be endangered, or if the holding of such an assembly may pose an insurmountable obstruction to the regular public traffic - where the organiser and the coordinator or the municipal law enforcement agency are unable to ensure public peace and order and regular public traffic.

UNMIK Regulation on Provisional Criminal Code of Kosovo (nr. 2003/25), Article 173, Preventing or Hindering a Public Meeting, Article 173: *(1) Whoever, by use of force, serious threat, deception or in any other way, prevents or hinders the convening or holding of a public*

meeting to which persons are entitled by law shall be punished by a fine or by imprisonment up to one year. (2) When the offence provided for in paragraph 1 of the present article is committed by an official person abusing his or her position or authorisations, the perpetrator shall be punished by imprisonment of up to two years.

As per the limitation of the freedom to assemble, none of the UNMIK regulation that regulate the freedom to assemble does not contain special limitations, but only mention reasons for refusal of the registration of certain organisation.

UNMIK Regulation on the Registration and operation of NON-governmental Organisations in Kosovo (nr. 1999/22), Section, 4:

4.1 An NGO shall apply for registration with UNMIK in order to operate as a legal entity in Kosovo.

Grounds for denying registration, Section 5:

5.1 UNMIK may deny an application if (...) (b) if the statutes of the NGO would violate the provisions of the United Nations Security Council resolution 1244 (1999), or of any UNMIK regulation;

4.6 UNMIK shall issue to an NGO a registration certificate or a written decision denying registration within sixty (60) business days of receiving an application to register, unless UNMIK requests in writing further information or clarification. If registration is denied, UNMIK shall include an explanation of the grounds upon which registration was denied.

UNMIK Regulation on the registration and operation of political Parties in Kosovo (NO. 2004/11): *Registration of Political Parties, Section 2:*

2.1 The Office shall maintain a Register of Political Parties identifying the name, addresses and telephone numbers of all offices of each registered Political Party, and the names and addresses of the President and the members of the highest executive body of each registered Political Party.

2.2 A Political Party that is entered in the Register of Political Parties thereby acquires the status of a legal person with the capacity to own property, enter into contracts and sue and be sued in its own name.

Grounds for Denying Registration, Section 4, The Office shall deny an application for registration by a Political Party if:

(a) the registration documents, including the Party Statute, do not comply with the requirements of this Regulation or are contrary to the applicable law (...) (c) the Party is applying for registration under a name, acronym, or symbol that is likely, in the judgment of the Office, to incite inter-communal, ethnic or religious hatred or violence;

UNMIK Regulation on Essential labour law in Kosovo (nr. 2001/27):

5.1 Employees and employers shall be entitled to establish and, subject only to the rules of the organization(s) concerned, join organization(s) of their own choosing without previous authorization. Employees' organizations shall include unions.

5.2 *Employees' and employers' organization(s) shall be entitled to establish and join federation(s) and confederation(s). Such organization(s), federation(s) or confederation(s) shall be entitled to affiliate with international organization(s) of employees and employers.*

5.3 *Employees' and employers' organization(s) and their respective federation(s) and confederation(s) shall be entitled to draft their constitution and rules, elect their representatives, organise their administration and activities and formulate their programmes.*

The SAP Kosovo Law on the Legal Status of Religious Communities of SAP of Kosovo (Official Gazette No. 5/77):

Article 3: It is prohibited to abuse religious institutions, activities, religious ceremonies, religious press, and religious education, including other forms of expressing religious feelings for political purposes. Provocations and incitement of hate and religious intolerance are prohibited. It is prohibited to hinder religious gatherings (congregations), education, and other forms of expression of religious feelings, which are not against this Law.

Article 7: Within overall measures undertaken by municipal authorities competent for public communication or peace and order, or for other needs in the field of peoples protection (civil protection), such an authority can cease holding religious assembling during the time wile circumstances exist based on which such measures have been undertaken .

Article 10: Religious ceremonies in assemblies, including other religious activities, besides clergy members and persons with Yugoslav citizenship, can be held by foreign citizens and/or persons without citizenship, provided that religious community has obtained permit for such activity by municipal administrative authority for internal affairs.

Concerning freedom of expression see the regulations referred in the Shadow report and the text on article 9 (also 10.1) of the Convention.

The conditions, limitations and sanctions, applicable on the issues of freedom of expression, are described on the *UNMIK Regulation 2000/36 On The Licensing And Regulation of the Broadcast Media in Kosovo* and its associated Code of Conduct for the Broadcast Media in Kosovo as well as *UNMIK Regulation 2000/37 on the Conduct of the Print Media in Kosovo* and its associated Temporary Code of Conduct for the Print Media in Kosovo. All are proscribing the broadcast and publication of information, which endangers the reputation or rights of others, and reserving the powers of the SRSG to impose restrictions, which serve the interests of public safety and the prevention of disorder or crime.

Inciting ethnic, religious hatred or violence and hate and violence among communities is prohibited by UNMIK Regulations and Administrative instructions that regulate establishment of NGO's and political parties and the freedom to assemble. Limitations in freedom of expression of religious beliefs in the interest of public safety, public order and the rights and freedom of others are described with *The Law on Legal Status of Religious Groups* of SAP of Kosovo from the year 1977.

Institutions in charge

Kosovo Police Service functions under the competencies of SRSG and under the supervision of UNMIK police and works on the prevention of the criminal actions and protection of public safety.

Minority communities and the implementation of the article in practise

As the freedom of peaceful assemble and freedom of association is concerned, Constitutional Framework and UNMIK regulations foresee this right, and also PISG, UNMIK and KFOR have been respecting this in practise.

In cases of the assembly that were not based on the peaceful principles, like in March riots 2004, when UNMIK police, in order to stop the riots, was using firearms in protection. Organisers of March demonstrations were obliged to inform police 48 hours beforehand on this issue. UNMIK police has estimated that the same year hundreds of thousand of people took part in the protests, demonstrations and blocking of the roads, including 59 of such events in March and over hundred of similar events during the other part of the year. For instance, on the *Day of missing persons*, 30th of August 2004, UNMIK police removed by force some 50 members of the families of the missing persons that were blocking the road in the centre of Prishtine/Pristina protesting against the slow process of resolving the cases of the missing persons that have disappeared during the conflict in 1999.⁷⁰

Concerning organisation of political parties, UNMIK is competent to approve registration of political parties and NGO's. Until now UNMIK has registered over 2.871 NGO's, including ca 2.500 domestic (out of which some 400 represent minority communities) and ca 400 international NGO's.

As the right to organise and the right to collective negotiations is concerned, UNMIK regulation allow different Union associations to implement their activities without the involvement of others, and so UNMIK was respecting this right in practice. UNMIK regulations also foresee the right to organise and negotiate collectively without another party being involved. The government in practice did not limit this right; however, collective negotiations were not common. UNMIK regulations do not recognise the right to strike; however this rights is neither prohibited and some have been occurring.

As the rights of assembly and gathering, the freedom of expression opinions and religious beliefs are concerned, there are no cases of direct violation of the right guaranteed with this article of Framework Convention. Now days, one can say that these rights are indirectly limited, especially for the members of the Serb minority due to security problems and limited freedom of movement, and this omits organising as well.

The Serb Community

So far there were no cases registered of members of the Serb community trying to exercise the right guaranteed by this Article of the Framework Convention. Therefore there is no violation of that right, provided that everything was promptly reported to competent bodies within legally established deadline.

Because of the lack of the freedom of movement, representatives of the Serb community can not exercise their freedom of expression and association in cities (especially in Pristina/Prishtine where headquarters of all the institutions are located), but only in the enclaves inhabited by the members of this community.

RECOMMENDATIONS:

Organize public debates, meetings which would have freedom of expression as the subject on the agenda (but not spreading of hatred), freedom of use of language, as well as freedom of movement for all people in Kosovo.

The Bosniac Community

There are no reported cases of violation concerning this right of the Framework Convention and therefore the Bosniac community has no remark on the issue.

⁷⁰ Report on Human Rights for the year 2004, Kosovo. Published by US Office for Democracy, Human Rights and Labour, 28th February of the year 2005.

The Gorani community

There are no reported cases of violations regarding this right of the Framework Convention.

The Turkish community

As far as the Turkish minority in Kosovo is considered, there are no violations or hindrances reported related to the rights guaranteed by this Article of the Framework Convention.

The Roma community

Due to restricted freedom of movement, the right of members of the Roma community to freely gather and the right to freedom of thought, conscience and religion is in a way limited. There are no reported cases where this right was directly and deliberately violated. Members of the Roma community still do not enjoy this right fully and freely, sometimes due to the fear of a possible incident.

In addition, there is no active political organisation of the Roma community in Kosovo. There is only one Roma political party and one Citizen Initiative, however the representatives of these parties, obviously in recent parliamentary elections, did not take the reserved seat in the Parliament, and thereby proved to be very unorganized and inefficient in representing members of the Roma community in Kosovo. One should also point out that there is no sufficient number of Roma in Kosovo who would vote, even if they were well informed about this political party programme, so that the party would get a seat according to the number of votes.

The Ashkalia/Egyptian community

There is only one known case of restriction of freedom of peaceful assembly in public places, allegedly out of fear of outbreak of interethnic incident. It happened when the president of the Egyptian political party (IRDK) booked a conference room in the culture house in Fushë Kosovë/ Kosovo Polje in order to organise a political campaign of this party. However, local authorities did not allow such a gathering, so the IRDK had to move and hold the political campaign in the nearby settlement populated mainly by the Ashkalia/Egyptian population. In this case, it was not explained how such a campaign would result in an interethnic incident. There were no any other cases reported concerning restricting freedom of assembly of members of these communities.

Article 8

Parties to the contract are obliged to recognise to all members of national minorities the right to freedom of expression of faith or religious beliefs and to establish religious institutions, organisations and associations.

Domestic legal instruments

The freedom of expression of the religious beliefs is guaranteed with the Constitutional Framework for the Provisional Self-government in Kosovo (UNMIK Regulation No. 2001/9),

4.1 Communities of the citizens belonging to the same ethnic, religious and language group (community) can have the rights described in this chapter, in order to preserve, protect and express their ethnic, cultural, religious and language identity.

4.4 Communities and their members have the right to:

(k) Enhance the respect of the tradition of the communities;

(l) Preserve religious, historical or cultural values for the community, in cooperation with the responsible public authorities;

(n) Run religious institutions;

(p) Finance their activities through voluntary donations of their members or organisations out of Kosovo, or through finance that can be ensured by the PISG or local public authorities, provided that financing is done in public manner.

Law that regulates the freedom of opinion, consciousness and religion in Kosovo is the Law on the Legal Status of the Religious Communities (Official Gazette of the Socialistic Autonomous Province of Kosovo No. 5/77) that is still in force in Kosovo. While the Law on Freedom of Religion has not been approved yet.

Article 3: of the law says: 'It is forbidden to misuse religious institutions, activities, religious celebrations, religious press and religious education, including other forms of expression of religious beliefs for political purposes. Provocations and incitement of hate and religious intolerance is forbidden. It is forbidden to hinder religious gatherings, education and other forms of expression of religious feelings that are not against this law.

Article 7: Within the overall measures that municipal authorities which have the competency to undertake for public communication or law and order, or because of other needs in the area of civil protection, this authority can stop the religious gathering in the period of time while this situation lasts, for which the measures have already been undertaken.

Article 10: Religious celebrations in the form of gathering, including other religious activities, apart from the priesthood and individuals of Yugoslav citizenship, can be held also by foreign citizens and/or individuals without citizenship, in which case the religious community has to obtain the licence for particular activity from municipal administration authority for the internal affairs.

Article 11: As per regulation of the religious publications and religious press, the provisions of the Law of the Publishing Activities and Law on Public Information are applicable. In the position of the editor in chief and/or editor in charge for religious publication and press can be nominated only a person with SFRY citizenship, who is fit and competent to do the job, who has no previous record sentencing without parole for criminal activities against the people and state, including the fact that particular individual is not sentenced for any other criminal act penalised by the unconditional jail sentence of less than three years. Editor of religious press is obliged to fill in a request for registration with the administrative body that is in charge for informational affairs in the Province latest 15 days of first edition.

As per religious institutions, it is important to mention that Kosovo Consolidated Budget does not finance any of the religious institutions in Kosovo and that religious institutions are independent from other institutions of Kosovo. There are no special provisions for the registration of the religious communities in Kosovo. In order for the religious community to be able to buy property⁷¹ or receive financial aid from international donors, they have to be registered as NGO's.⁷²

It is important to mention that the Law on Religion is still being prepared and that there is a working group in place, where the international community is also involved. 15 individuals are engaged in drafting the law; however the Serb Orthodox Church is not participating in the group. The WG has been working on this law for a year now; however there are no tangible results as far as drafting this law is concerned.⁷³ UNMIK regulations and Constitutional Framework envisage freedom of expression of the religious beliefs and freedom of religious organising.

Institutions in charge: Officer for the religious diversity, Senior Legal Officer and Kosovo Assembly. Officer for Religious Diversity works on the development of the directives that offer same rights to all religious communities and freedom of religion. High Legal Officer and Assembly are responsible for drafting laws in accord with international and human rights standards.

Minority communities and implementation of the article in practise

Most of the Kosovo population are muslims, including majority community (out of which some percentage are catholics and belonging to Roman-Catholic church), most of the Turkish, Bosniac, Roma, Ashkalia, Egyptian and Gorani communities belong to the Muslim religion, members of the Serb community belong to the Serb Orthodox Church, while there is a negligible number of protestants living in Kosovo.

It can be said that in Kosovo religious and ethnic identity are very closely related, and it is especially the case of Serb community in Kosovo that identifies itself with Serb Orthodox Church, which has a very big influence in their religious, cultural, historical and political and mental construction. This close relation of ethnic and religious identity has had an impact in the freedom of Serb community. Therefore, a substantial part of Kosovo Albanians has a hostile attitude towards Serb Orthodox Church, especial because of political alignment with the policy of the Government of Serbia towards Kosovo. This way during the March riots of 2004 some 36 orthodox churches and 900 houses and business facilities that were belonging to the ethnic minorities were demolished. Mission of Council of Europe has estimated that for the reconstruction and restorations some 13, 1 million USD (9, 7 million euro) will be needed.

⁷¹ In 2003 there was a case of one schoolgirl (it has not been noted which community did she belong), who was not allowed to enter the classroom, or the school because she was wearing 'hij-ab' (muslim scarf). Ministry of Education has announced that the Law prohibits activities that propagate any religion in public education institutions. Ombudsman of Kosovo has published his opinion that the interpretation that Ministry is using can only be applicable on teachers and school officials, but not students. Source: Report on Human Rights for the year 2004 of the US Office for Democracy, Human Rights and Labour, 28th February 2005.

⁷² *UNMIK Regulation on the work of the NGO's in Kosovo (1999/22)*. The right protected by this article of the Convention is also regulated with similar provisions like in the case of Article 7 of this Convention also related to the freedom of expression.

⁷³ 'Law on religious freedom with no church or mosque', Koha Ditore reports that Kosovo conservatives do not agree with the current draft law on religious freedom and judicial position of religious communities that has passed on by the Kosovo Assembly. According to them, the law has merely been translated from an OSCE text and it denies the right to religious classes in public and private schools in Kosovo.

PISG have already allocated some 4, 2 million euro for the first phase of reconstruction 30 orthodox churches that have been damaged during the March riots.⁷⁴

The Serb community

Apart from other religious communities, in Kosovo and Metohija there is also the Serb Orthodox Church, which has been present in that region for 10 centuries. The residence of the Serb Orthodox Church is placed in the monastery Peja/Peć Patriarchy, near Peja/Peć town in Kosovo and Metohija. Until 1999, there were several hundreds monasteries and churches in Kosovo and Metohija, many of which are medieval cultural monuments of priceless historical and artistic value. With the arrival of international community in Kosovo and Metohija in the form of UNMIK and KFOR, and with overtaking the control on that territory, drastic violation of human right occurs, both individual and collective rights of non-Albanian population. Serb Orthodox churches, its temples, clergy, monkhood, and believers became the target of the extremists. In the first several months of UNMIK and KFOR international mission in Kosovo and Metohija, hundreds of monasteries and churches, from which many medieval cultural and religious monuments have been destroyed or damaged.

Based on the records received from the representative of the Serb Orthodox Church, father Petar, prior to the monastery Zočište near Orahovac/Rahovec, in June and July 1999, the monastery Zočište from 14th century was burned and then mined, and the monkhood expatriated. The Convent of Holy Trinity near the village of Mušutište, Suharekë/Suva Reka Municipality, was attacked by Albanian extremists in June 1999, after the arrival of NATO in Kosovo and Metohija, mined and overthrown completely, and the sisterhood expatriated. The following are the churches and monasteries which were burned, mined or damaged based on the records gathered and documented in the publication of Serb Orthodox Church "Crucified Kosovo" ("Raspeto Kosovo"):

Ferizaj/Uroševac Municipality: Church of Saint Uroš in the town of Ferizaj/Uroševac, 2 churches in the village of Nerodime e epërm/Gornje Nerodimlje- Saint Mother of God and Saint Archangel, Monastery Saint Uros from 14th century in the village of Nerodime e epërm/Gornje Nerodimlje, Church of Saint Apostles Petar and Paul in the village of Talinovac, Church of Saint Ilija in the village of Nekodim, Church of Holy Trinity in the village of Srpski Babuš/Babush i serbëve, Church of Saint Mother of God in the village of Softovic, Church of Saint Petka in the village of Zaskok, Church of Saint Nikola in the village of Gatnje, Church of Saint Ilija in Kačanik/Kaçanik, Church of Saint Nikola and the Church of Saint Stefan in the village of Nerodime e ulët/Donje Nerodimlje.

The situation is similar in almost all other Kosovo-Metohija municipalities. During the following 5 years of UNMIK authority in Kosovo, more than 50 churches and monasteries were burned, mined or damaged. Just on 17th and 18th March 2004, during the eruption of violence in Kosovo, 34 churches and monasteries were burned, from which 9 only in the town of Prizren. The church of Ljeviska Mother of God in Prizren, from 14th century, Prizren Seminary, Monastery Deviç near Skenderaj/Srbica, Monastery Saint Archangel from 14th century near Prizren, Church of Saint Sava in the southern part of Kosovska Mitrovica/Mitrovice, etc.

In the publication "Crucified Kosovo" it is noted that during the international mission in Kosovo, the overall number of burned, mined, damaged or unhallowed churches and monasteries is 150. In the meantime, none of these churches or monasteries was reconstructed. The remaining churches and monasteries are under day-and-night KFOR

⁷⁴ Source: Report on Human Rights for 2004, Kosovo. Published by the US Office for Democracy, Human Rights and Labour, 28th February 2005.

protection, and the monkhood that lives therein is in some sort of ghetto. Because of the fully limited freedom of movement, Serb Orthodox Church believers mostly do not have an opportunity to visit remaining monasteries and churches.

Kosovo and Metohija Government recently presented the draft law on religious freedoms, in the drafting of which Serb Orthodox Church representatives did not participate. The President of Washington Institute for religious and political issues Jozef Griboski expressed concerns for the draft law and evaluated that this law could be used for the creation of the "state" religion in Kosovo. He called upon UNMIK to intervene in order to protect democratic right of all citizens of Kosovo, in case the document is forwarded to Kosovo Assembly for consideration. He noted for the radio Voice of America few disputable articles of the proposed law, as well as Article 9 that foresees that all religious leaders should be also the citizens of Kosovo, as well as the proposal that the word Kosovo is used in all religious determinants.

Although Article 8 recognises the right of religious communities to choose their own leaders, Article 9 part 2 declares: "The religious community leader should be a citizen of Kosovo." It remains unclear what constitutes a "citizen of Kosovo". Given that both the Serb bishops were born outside Kosovo (both Bishop Artemije and Bishop Teodosije were born in central Serbia), would that bar them from leading the Orthodox Raska and Prizren diocese?

RECOMMENDATIONS:

- *To start with the reconstruction of churches and monasteries as soon as possible, as well with the promotion of freedom of expression of all religions and religious beliefs in Kosovo.*
- *Abolish Article 9 paragraph 2 that states that all religious leaders should be citizens of Kosovo, as well as the proposal that the word Kosovo is used in all religious determinants.*

The Bosniac Community

There were no cases of violation of the rights guaranteed by this Article of convention and the Bosniac community. In most of the places where Bosniacs live, there are mosques with religious teaching in Bosnian language.

However we need to mention that during the first session of the after-war assembly, when the law on education was approved, the subject in religion was not allowed to be introduced in the schools. Majority of MP's, ignoring mainly the requests of Serb and Bosniac MP's, when the law on education was being approved, was against the teaching of the religion in the schools.

The attitude concerning religious teaching, as a school subject for some years is a matter of discussion between religious institutions and some Kosovo political subjects.

Some consider that introducing the religious teaching in the Kosovo education system, harms Kosovo society, determined on the basis of secularism and laicism, claiming that: "religious teaching is the harmful part of the educational system in the existing establishment".

It is a fact that the religious teaching (no matter of religious aspect) is a part of the educational process in all known democratic societies. The question is whether with un-fulfilment of the introduction of the religious teaching as an educational subject, the right of all parents to elementary religious education of their children within the framework of school education is not fulfilled. Religious teaching can only be an equal subject in schools defined to respect advisory functions of the school as an fundamental human need, that in democratic society it

preserves the link with religious culture and tradition, as one of the most important segments of cultural identity.

In most of the countries religious teaching exists in school educational system and it is taught as a religious subject and in most of the cases it is compulsory for those students that elect it. For example in Austria, Belgium (in catholic schools, and other schools it is elective), Denmark, France, Greece, Germany – depending on the land, Malta, Ireland, Norway, Holland (in religious schools), Great Britain (with possibility of exclusion), Sweden, Swiss (depending on canton), religion is compulsory, while as elective it exists only in Luxemburg and Portugal. It is facultative in France, Italy and Spain. Some European countries such as Luxemburg and Norway instead of religious teaching have an alternative subject of Ethics.⁷⁵

RECOMANDATIONS:

- *Kosovo government, through PISG and religious factor (Islamic, Catholic and Orthodox), should organise round tables where this problem could be resolved or to consult the expert from e.g. Bosnia and Herzegovina that has resolved this problem with making possible the option of choosing.*

The Gorani community

The members of this community do not have any comments regarding the freedom of religion.

The Turkish community

As far as freedom of manifesting religion and freedom of religious assembling of Turkish community in Kosovo is concerned, it should be stated that there are no recorded restrictions or limitations related to fulfilling of this right.

It can be mentioned that the Turkish community submitted a certain amount of requests for organizing religious lectures in Turkish language in mosques, at least in those places with majority of Turkish members. However, Kosovo Islamic Community did not show understanding for this request.

The only good example can be the village of Mamuša/Mamusha (Prizren municipality) with 98% of Turks. There is a mosque in this village and religious lectures have been given in Turkish language. In downtown Prizren there is only one mosque where there are religious lectures in Turkish language.

Suggestions:

- *Islamic Religious Community in Kosovo should provide employment too few imams (Islamic religious leaders) and that should have religious ceremonies and lectures given in Turkish. Such a need implies to those places inhabited with members of Turkish community i.e. Prizren, Prishtinë/Priština/Prishtinë, Mitrovica/Mitrovice and Gnjilane/Gjilan.*

⁷⁵ That religious teaching is seriously considered, is best shown on the example of Germany, the country whose tradition in education is one of the most developed in the world. In this country religious teaching is guaranteed in public schools with constitution and legal acts of lands and provinces, which also makes state to cooperate with churches and other religious communities in achieving this goal “in order to fulfil the goals and content of religious teaching guaranteed by the constitutions”.

The Roma community

Although most of the members of the Roma community are of Islam religion, before the conflict in Kosovo there was also a smaller number of Catholic and Orthodox Christian Roma. After the conflict almost all the Orthodox Roma moved out of Kosovo.

Roma currently living in this area are Muslims and until the conflict in 1999 they used the same religious facilities alongside with the members of majority and other Muslim communities. It is important to point out that there are violations of this right against Muslim Roma in places populated by Serb community. It often happens that, for example in Gračanica/Ulpijana, when visiting religious places and fulfilling their religious duties or celebrating religious holidays, members of the Roma community are exposed to harassment by the Serb community. Threats generally based on religious grounds are frequent where the member of Roma community are, because of the same religion, regarded as sympathizers of majority i.e. Albanian side.

The Ashkalia/Egyptian community

Since the members of Ashkalia/Egyptian communities belong to the same religion as the members of majority community, religious institutions are used alongside. There are no reported cases where members of these communities experienced any kind of animosity when visiting religious places. Also, children of these communities are able to learn about religion in religious places with members of majority community.

Article 9

1. *The Parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems that persons belonging to a national minority are not discriminated against in their access to the media.*
2. *Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.*
3. *The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.*
4. *In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.*

Domestic legislation

Access to information and information in Minority languages in Kosovo is assured by UNMIK Regulation on a Constitutional Framework for Provisional Self-Government in Kosovo (No. 2001/9)

Rights of Communities and Their Members, Chapter 4

- c) *Enjoy access to information in their own language;*
- i) *Provide information in the language and alphabet of their Community, including by establishing and maintaining their own media;*
- o) *Be guaranteed access to and representation in, public broadcast media, as well as programming in relevant languages;*

5.4 The Provisional Institutions of Self-Government shall also have the following responsibilities in the field of mass media:

Adopting laws and enforcement mechanisms in accordance with international human rights and freedom of expression standards as contained in Articles 19 and 29 of the Universal Declaration of Human Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols to prevent defamation or hate speech in the Kosovo systems of mass media;

Regulating broadcast media consistent with these international legal constraints and the best European practices through an independent media commission, whose members will be appointed by the Provisional Institutions of Self-Government from nominations submitted by non-governmental and non-political organizations in Kosovo; these members will include both genders and will reflect the ethnic and regional diversity of Kosovo society;

Guaranteeing the editorial independence of the public broadcaster by safeguarding the independence of its Board, whose members will be appointed by the Provisional Institutions of Self-Government from nominations submitted by non-governmental and non-political organizations in Kosovo; these members will include both genders and will reflect the ethnic and regional diversity of Kosovo society; and

Establishing an office or offices of public information to present the Institutions' deliberations and decisions to the international and local media.

Chapter 8, Powers and Responsibilities Reserved to the SRSG

8.1 The powers and responsibilities of the Provisional Institutions of Self-Government shall not include certain reserved powers and responsibilities, which will remain exclusively in the hands of the SRSG. These reserved powers shall include:

- a) Full authority to ensure that the rights and interests of Communities are fully protected;
- ...
- y) Appointing international experts to the managing boards or commissions of the public broadcaster, the independent media regulatory body and other institutions involved in regulating the mass media, with the proviso that the number of such SRSG nominations will not constitute the majority of any such managing board or commission;

UNMIK Regulations nr. 2000/36 i 2000/37 established Temporary Media Commissioner and (PMT) and Media Appeals board.⁷⁶

UNMIK Regulation on the Licensing and Regulation of the Broadcast media in Kosovo (nr. 2000/36):

Temporary Media Commissioner, Section 1:

1.1 The Temporary Media Commissioner is responsible for the development and promotion of an independent and professional media in Kosovo and the implementation of a temporary regulatory regime for all media in Kosovo, pending the establishment of an Interim Media Commission, and shall be independent in the performance of these responsibilities.

1.2 The Temporary Media Commissioner is appointed by the Special Representative of the Secretary-General.

Media Appeals board, Section 4

4.1 The Media Appeals Board (hereinafter called "the Board") is hereby established.

4.2 The Board is an independent body which shall hear and decide on appeals by a person or an entity against any of the following decisions by the Temporary Media Commissioner:

- (a) Refusal to issue a broadcast license;*
- (b) The condition(s) attached to a broadcast license; or*
- (c) Sanctions imposed by the Temporary Media Commissioner.*

4.6 The Board shall determine its own rules of procedure, which rules shall guarantee fair and impartial proceedings in accordance with internationally recognized human rights standards. In particular, such rules shall include provisions on reconsideration of decisions of the Board. The said rules of procedure shall be adopted at the first meeting of the Board.

Requirements on Radio and Television operators, Section 2

2.1 Radio and television operators shall not broadcast in Kosovo without a broadcast license issued by the Temporary Media Commissioner.

2.2 Applications by radio and television operators for a broadcast license shall be made to the Temporary Media Commissioner in accordance with the procedures set out in the Application and Registration Form issued by the Temporary Media Commissioner. Applicants for a broadcast license shall agree to abide by the Broadcast Code of Conduct

⁷⁶ Both these Committees operate as independent institutions under the authority of the Special Representative of Secretary General (SRSG). Based on the draft law currently in the Assembly process, PKM is going to be replaced by the Independent Media Commission.

issued by the Temporary Media Commissioner and attached to the Application and Registration Form.

2.3 The Temporary Media Commissioner shall, in accordance with the criteria set out in a document attached to the Application and Registration Form, and taking into account the public interest, evaluate the applications for broadcast licenses. If a broadcast license is denied, the Temporary Media Commissioner shall include an explanation of the grounds upon which such license was denied.

Special Provisions, Section 5

5.1 Radio and television operators shall refrain from broadcasting personal details of any person, including name, address or place of work, if the broadcast of such details would pose a serious threat to the life, safety or security of any such person through vigilante violence or otherwise.

5.2 Nothing in the present regulation shall in any way limit or restrict the authority of the Special Representative of the Secretary-General to take such action as he may deem necessary for security reasons, to protect life, or to maintain civil law and order.

Sanctions, Section 3:

3.1 The Temporary Media Commissioner may impose one or more of the following sanctions on broadcast licensees who fail to adhere to the Broadcast Code of Conduct: (a) The requirement to broadcast a correction or apology; (b) A warning; (c) A fine of not less than DM 1,000 and not exceeding DM 100,000; (d) Suspension of the broadcast license; (e) Denial of entry into premises; (f) Seizure of equipment; (g) Closedown of broadcast operations; or (h) Termination of the broadcast license.

UNMIK regulation on the Conduct of the Print Media in Kosovo (nr. 2000/37),

Special Provisions, Section 4:

4.1 Owners, operators, publishers and editors shall refrain from publishing personal details of any person, including name, address or place of work, if the publication of such details would pose a serious threat to the life, safety or security of any such person through vigilante violence or otherwise.

4.2 Nothing in the present regulation in any way limits or restricts the authority of the Special Representative of the Secretary-General to take such action as he may deem necessary for security reasons, to protect life, or to maintain civil law and order.

Sanctions, Section 2:

2.1 The Temporary Media Commissioner may impose one or more of the following sanctions on owners, operators, publishers, editors-in-chief, and/or those with ultimate and final editorial control of publications published and/or distributed within Kosovo, who operate in violation of the applicable law, or such code or codes of conduct as may be promulgated under section 1.2 hereof, or section 4.1:

(a) A warning; (b) The requirement to publish a reply, correction or apology; (c) A fine of not less than DM 1,000 and not exceeding DM 100,000; (d) Seizure of equipment and/or printed material; and (e) Suspension or close down of operations.

2.2 The imposition of any sanctions pursuant to the present regulation shall be without prejudice to any applicable criminal sanctions and civil causes of action.

2.3 The Temporary Media Commissioner shall give written notice of a violation and provide a reasonable opportunity for reply prior to the imposition of any sanction.

2.4 The Temporary Media Commissioner may request the assistance of the relevant law enforcement authorities in Kosovo and appropriate public officials in the enforcement of an imposed sanction.

Minority communities and use of article in practice

As already mentioned, the Framework Convention point one UNMIK regulation 1999/24 demands state clerks to comply with international laws on human rights and conventions, including the Universal Declaration on Human Rights which recognizes freedom of the press and freedom of the speech. UNMIK has also published the regulation 2000/4 which forbids the hate speech and language which incites ethnical violence. During incidents in March 2004 the Association of Professional Journalists of Kosovo claimed that UNMIK visit to three TV stations, which broadcast programme over the whole territory of Kosovo, was intervening with the interests of the press, as well UNMIK police and KFOR interlocking the signal of TV Mitrovica/Mitrovice. A local TV station 'MEN' from Gjilan/Gnjilane accused UNMIK police of besieging the station on 15th of April and confiscating the materials recorded during incidents in March. Temporary Media Commissioner (TMC) stated that interference of the police and prosecution in the work of the press, and in particular the confiscation of the recorded tapes, jeopardize the freedom of the press and freedom of the speech. However, UNMIK regulations that forbid hate speech and speech which incites ethnical violence, as well as newspaper articles that incite criminal activity and violence. After international observers had criticized the press and electronic media in several reports because of partial reporting and incitement of violence during incidents in March, the Provisional Commissioner for media had made the three TV Stations in Kosovo (RTK, KTV, TV21) accept to spend more than 500.000 Euro on additional education of reporters and editors.⁷⁷

As regards to minority communities and their access to the media, in February 2005 the editor of Kosovo daily 'Koha Ditore' published an article which says that the UN Security Counsel should be informed that media in Kosovo have not done much for implementation of the Standards and that something has to be done on the question of enabling broadcasting the programs in minority languages in Kosovo. In the article a report on Standards' implementation evaluation follows that alleges that private TV stations and daily newspaper do not have programmes in minority languages. In the clause 17 of the same document, (presented to the UN Security Counsel on the 24th of February 2005), says that such lack conditions the necessity of strategy plan development for broadcasting programs in minority languages, through what at least one of the standards would be implemented.

This claim is backed with the fact that the members of minority communities of Bosniacs and Gorani in the area of Gora and Župa have been cut from the access to public information for six years what brings into question their integration in Kosovo society.

There have been a large number of requests from the minority communities in Kosovo to licence local private radio (or TV) stations. Bosniacs and Gorani in Prizren region have submitted dozens of requests (according to the UNHCR report there were up to 40) for broadcasting licences and radio broadcasting frequencies after the war. Apart from the Serb community (which has eleven private local TV stations) none of rest of minority communities in Kosovo has their own TV stations.

Regarding the radio stations, Serb community has several radio stations: 'Radio KIM' (Čaglavica, Priština municipality), 'Radio Max' (Šilovo), 'Radio Gračanica' Priština municipality), 'Kontakt radio' (Mitrovica/Mitrovice), etc. Bosniac community has three ('Radio Hayat' in Peja/Peć, 'Radio Astra' in Gornje Ljubinje and 'Radio Omega 3' in Prizren). Turkish community has two radio stations ('Yeni Donem' in Prizren and 'Kent FM' in Prishtina). All those radio stations are of local character and they do not cover the needs of minority communities throughout Kosovo. Gorani, Roma, Ashkali, and Egyptian communities do not have their own radio stations.

⁷⁷ Report on Human Rights 2004, Kosovo. Published on 28th of February 2005 by the American Office for Democracy, Human Rights and Labour.

Regarding the print media, only the Serb community has two monthly editions 'Jedinstvo' (Mitrovica/Mitrovice) and 'Glas juga' (Laplje Selo/Fshati Llap), which are the only papers in Serbian language in Kosovo (the rest of the print media comes from Republic Serbia). Bosniac community has just the weekly 'Alem' (Prizren region), Turkish community has 'Yeni Donem'. Goran, Roma, Ashkali, and Egyptian community do not have their own print media.

Public media with programs on minority languages are 'Radio Kosovo' and Radio 'Blue Sky' which broadcast programs in Albanian, Serbian, Turkish, and Bosnian languages. Regarding the Goran community, only the 'Radio Shar' has programs for Bosniacs and Gorani in Bosnian language, however, this radio station does not cover the entire region of Dragaš. RTK broadcast programs in Serbian, Turkish, Roma, and Bosnian languages, where for example Bosniacs have 10 minutes news daily (except on Saturdays) and the only TV program "Magazin Mostovi" which is on air on Fridays in duration of 45 minutes (the repeated edition of this program is broadcasted on Tuesdays). Turkish and Roma communities also have 10 minute daily news as well as 45 and 30 minute programs broadcasted twice a week.

Ashkali and Egyptian communities do not have their own media at all, and none of the public media broadcast programs for this community. The situation is similar with the Goran community.

Responsible institutions:

TMC is competent for publication of the rules and issuing licences, issuing temporary code of conduct for print media, and punishment of those media which transgress the rules, including their closing in case of breaching the UNMIK regulations or published rules of management.

The Media Complaints Commission is responsible for hearing and resolving complaints of private and legal persons against any of the following decisions of the Interim Commissioner for media.

Kosovo's public media house, RTK is obliged to commit at least 15% of broadcasting time to programs in minority languages.⁷⁸

The Serb community

Considering the access to public information outlets and the usage of own public information means, members of the Serb community in Kosovo have not complained about the violation of this right to date.

Serb community at the moment has three private TV local stations in its own language, TV „Most“(Mitrovica/Mitrovice), „DTV“(Šilovo, Gnjilane/Gjilan municipality) and "TV Herc" (Štrpce).

Also, RTV Kosovo (RTK) broadcasts daily news in Serbian language, which cannot be considered sufficient having in mind that RTK is a TV house which covers the whole territory of Kosovo.

Considering radio stations which broadcast programme in Serbian language, the number of represented radio stations is good: "Radio KIM" (Čaglavica, Priština municipality), "Radio Max" (Šilovo), "Radio Gračanica"(Gračanica, Priština municipality), "Kontakt radio" (Mitrovica/Mitrovice), etc.

⁷⁸ See UNMIK Regulation No. 2001/13.

Apart from the above listed information outlets, print media in Serbian language should be mentioned as well. "Jedinstvo" (monthly newspaper – northern part of Mitrovica/Mitrovice) and "Glas juga" (monthly newspaper – Laplje Selo), are the only print media in Serbian language in Kosovo today. Other print public information outlets come from the Republic Serbia.

The only problem which members of the Serb community in Kosovo face is that the majority of the print media in Albanian language are intolerant towards the Serb community. Most of these print media publicly support different political parties. Print media often act irresponsibly, publishing provocative articles and personal information such as names and addresses of suspects for war crimes or treason, regardless of whether they are really suspects or not, and inciting violence over political figures. For example, the daily newspaper "Dita" published an article on Petar Topoljski, a Serb employed by UNMIK who afterwards got killed. In response to that UNMIK published the Regulations 2000/36 and 2000/37, which prohibit publishing of personal information in electronic and print media, which publishing could endanger life, property or security of a person.⁷⁹

This intolerant and discriminatory behaviour of the media contributed considerably to the violence which occurred in March 2004.

RECOMMENDATIONS:

- *Media are the first which should start with the active work and campaigns on the promotion of tolerance as well as integration of the Serb community in Kosovo.*

The Bosniac community

It is now some 6 years since Bosniac community, especially in the area of Župa near Prizren and Gora near Dragaš (where some 70% of all members of this community live), do not have access to public information, that is, it has been cut off from Kosovo radio and TV signals. The inhabitants of this area have no access to any sort of information, neither to Kosovo TV and radio stations nor to information in their mother tongue (except for semi-monthly periodical Alem). Although the media of this community that existed until now appealed to the international and local factors to install suitable transmitters, there have been no results in respect.

The most common aspect of media communication is the satellite program (the inhabitants of these regions can watch Bosnian satellite program OBN, Turkish channels, Serbian BK and RTS). Most of them are not able to follow the satellite programme because of the cost of the necessary equipment.⁸⁰

All this makes up to the members of this community feeling excluded from Kosovo society, since following only satellite programs from Serbia, Bosnia or Turkey, for the members of these communities the possibility of integration in Kosovo society is therefore minimised.

There has not been any terrestrial signal in Župa and Gora after NATO bombings of Serb military targets in Kosovo. International community as well as local institutions have not done anything to install transmitters in these areas.

⁷⁹ <http://pristina.usmission.gov/serbs/hrs.htm>, Report on Human Rights in Kosovo - 2000, Extracts from the Report on the respect of human rights - 2000, Kosovo, February 2001.

⁸⁰ Published in the Bosniac Magazine 'Alem', No 135, in October 2004, however same article was published in Kosovo daily news paper Express in March 2005. Same information was published in couple of occasions in private radio stations in Prizren, however there is no change or reaction from the government or TMC or other international institution.

During the pre-elections campaign RTK had, on the request of the citizens of Bosniac and other communities, after all made the transmission of minority programs possible via satellite. However, there were no signs of steps taken towards permanently resolving this problem. Led by the dissatisfaction of the citizens of Župa and Gora because of inability to watch Kosovo TV and radio stations, the Prizren branch of the Assembly of the Bosniac Intellectuals Congress (SKBI) recently started a project 'Coverage of TV and radio signals in Župa and Gora', with the help of FDI, USAID, and East West Institute, to launch the initiative of gathering the signatures which will be that sent to the local and international institutions, so that than in these areas radio and TV transmitters could be installed. Responsible individuals from KTNN that are in charge for technical support of transmission of radio and TV signal in Kosovo were contacted on this issue.⁸¹ Experts from KTNN supported this project and requested from the authorities in Kosovo financial support for building the radio and TV transmitter in Župa and Gora.

A TMC representative during his visit to Prizren had said that their office through the cabinet of previous PM Bajram Rexhepi had sent a 1 million euro worth request to the European Agency for Reconstruction for the financial aid for installing the equipment for transmission of radio and TV signal. The TMC representative declared that the people responsible in EAR had said that this request will be met during the year 2005, however up until now (May 2005) nothing had been done in this matter.⁸²

As for electronic media in Bosnian language, since November 1999 until August 2000, UNMIK had been broadcasting twice a week, 5 minute news in Bosnian. Since 9th of July 2001 public broadcaster RTK has been broadcasting 8-10 minute 'Vijest' in Bosnian. Since June 2002 this service has been broadcasting a 45 minutes long TV magazine 'Mostovi' (Bridges). Also, within RTK from March 2004 from 12:30 to 14:30 hours there has been a radio show in Bosnian. Since September 16th 2001 in Prizren there have been 10 minutes long news broadcasted daily until the middle of year 2003. Since March 2003 within a multiethnic programme of the Turkish radio Yeni Donem an informative one hour long show has been broadcasted daily.

As for the Peć/Peja, except for RTK and municipal radio that broadcasts only 5 minute informative program in Bosnian language, there is no other access to electronic media for those Bosniacs. In addition, according to the Bosniacs from Peć/Peja and Istog/Istok, in the access to the only radio station in Bosnian language (radio Hayat) is limited only to those who are not members of Kosovo Bosniac political party SDA.

There are only three private radio stations in Bosnian in Kosovo: Radio Astra (Župa-Prizren), Omega 3 (Prizren) and Hayat (Peć/Peja) that mainly broadcast music and less contact programs and commercials and ads and none of these radio stations has any informative content.

As for the print media, during the establishment of the UN Mission in Kosovo, the only media in the language of Bosniacs, Magazine for culture, religion and society 'Selam', that Serb authority prohibited one year prior to withdrawal from Kosovo. In December 1999 in Prizren "Kosovski Avaz" – independent weekly magazine in Bosnian had been set up with the help of a donation from USAID. There were 39 issues of this magazine printed, until it had started being published under the name "Alem" – independent biweekly magazine in Bosnian language⁸³ on March the 2nd 2001. This paper is published within the Association of Bosniacs

⁸¹ Mejdin Saliji, president of the Assembly Congress of Bosniac Intellectuals as well as the member of the Bosniac Working group on this report.

⁸² Declaration of the representative of TMC during the visit in Prizren, in September 2004.

⁸³ Bosniac magazine 'Alem' is a part of the association NGO Association of Bosniacs "Kosovski avaz" and mainly treats political problems, culture, history and actualities of the Bosniac community in

“*Kosovski Avaz*“ and with its well developed network of reporters is now being published since 7 years.

There is also a monthly magazine called “*Djulistan*” in Prizren- paper of the elementary school pupils taught in Bosnian language. For almost two years crosswords and entertainment paper “*Skandi-Relax*” had been published. Youth magazine “Broken heart” had only three editions.

There has been a large number of requests made from the side of Bosniac community for the allocation of the radio broadcast frequencies for the mother tongue broadcasting with complete content including quality information programme. As long ago as 16th of May 2003 Bosniac community had submitted a request for the allocation of Radio and TV frequency for broadcasting of quality information program in Bosnian language. To day there has been no response from the TMC. Let us mention that TMC has allocated some radio frequencies to certain unqualified persons from that area, so that due to the lack of professional staff they do not have a good quality program.

However, consequences for the population due to the lack of radio and TV signal are catastrophic. In spite the fact that in the areas such as Gora and Župa there is neither access to TV and radio signals in Albanian as well as in mother tongue, nor there are TV sets, the members of this community (including Gorani) are forced for the third year in a row to pay alongside with the electricity bill additional 3.5 Euro to RTK on grounds of following their program, *ergo* a non existent programme in this area.

According to the preliminary research there are more than 3, 500 electrical meters in the region of Župa and multiplying this with 3,5 euro and further, with 12 months, some 144, 000 euro are being collected annually. While for the reconstruction of the transmitter 120.000 euro is needed. There were suggestions that these citizens should boycott the TV subscription in the course of one year and in this way to collect money needed for the transmitters.

RECOMENDATIONS:

- *Coverage with Radio and TV signal – there is a need for more pressure for the allocation of resources for building the media infrastructure (transmitters in the area of Prizren that is, Župa and Gora), so that the money would be allocated to KTTN, an organisation responsible for setting up the media infrastructure, this problem would have been resolved if KFOR could offer their logistics support as well. As for the printed media, there is a need for financial aid for regular publishing of one weekly in Bosnian language.*
- *Staff - International community and local institution, could do a lot for the organisation of courses, seminars for training the young journalists from Bosniac community.*
- *Representation in media - Bosniac community is insufficiently represented in public electronic media. Public service RTK although opened to all communities living in*

Kosovo. It was started with integration with “*Kosovski avaz*”. With the decision of the redaction board, on 2nd of March 2001 the name of “*Kosovski avaz*” was changed to “*Alem*” with tendency to become of Kosovo wide importance. In the centre of the *Alem*'s attention is the fight for the affirmation of the Bosnian language and its place in educational system, media, political communication and areas of life. The paper deals with the issue of introducing the Bosnian mother tongue in all levels of education, especially in the areas where Bosniacs are of sufficient number. Magazine *Alem* affirms positive examples and criticises authorities and international community in Kosovo for showing so much non-comprehension for the specific needs of Bosniacs. Especially it emphasises discriminatory attitude of extremists towards Bosniacs because of Bosnian language (because of its similarity with Serbian). With special attention, *Alem* also follows the events in the neighbourhood, especially in BiH, Serbia, Montenegro, Croatia, Macedonia, with special attention on the position of Bosniacs, especially in Sandžak and Montenegro.

Kosovo should consider a possibility of expanding the program for Bosniacs. Setting up a second channel of RTK would make for this lack.

- *Participation in the board of RTK and the Office for the media - Bosniacs have after the war in the Board of public service RTK been represented, while this year that place is filled with a representative of the Serb community. In the office of TMC, Robert Gillette, there are no representatives of Bosniac community⁸⁴.*
- *Frequency –resolving the problem of coverage with radio and TV signal would enable opening of new radio or TV stations. The allocation of the frequencies for Bosniacs and other minority communities should not undergo the same regime as for the majority community, for the sake of integration processes in Kosovo society and survival of these communities, based on the principle of positive discrimination. (Župa and Gora)*
- *Payment of 3.5 euro to RTK - since Bosniacs (but also members of other communities who live in this area) pay 3,5 euro for the program they can not watch, members of this community ask for the reimbursement from the moment this fee was introduced retroactively. Citizens of Dragaš/Dragash and their municipal representatives are of the opinion that TV should not be paid through the electricity bill.*
- *Appealing to all institutions to help Bosniac community so the it could be included more thoroughly in the integration processes in Kosovo and get its own TV in its mother tongue as guaranteed by the Framework Convention and other legal acts in force in Kosovo.⁸⁵*

The Gorani community

The Gorani community in Dragaš/Dragash area do not have access to any Public media. That even though the members of Gorani community are paying 3, 5 euros for the TV. The entire TV infrastructure in that area is destroyed (and after the bombing nothing has been repaired) and the entire area left without any access to Kosovo Public media. The only access to information that these people have is the local Radio station called “Radio Šar” that broadcasts programmes in Albanian language and two hours daily in Bosnian. However neither that radio station is covering the entire area of Gora. The only printed media (that is in a language that this community speaks) is «Alem», a weekly paper in Bosnian language.

The only possible way of TV information is via Land Link RTK, but unfortunately only some of places of Dragas/Dragash Municipality are covered, mainly the area inhabited by the ethnic Albanian population. There are the satellite programmes but broadcasting programmes only from Serbia, Bosnia or Turkey. However, the people in this area do not have possibility to afford the satellite equipment for access to TV signal, so that they are completely isolated from everything that is happening in the world and in Kosovo. Basically they are living in the media-darkness and many of the houses do not have either a TV apparatus. This Isolation from information is affecting the integration process of this community into this society and makes it impossible.

⁸⁴ In the constitutional framework, Chapter 5, Responsibilities of PISG in the point 5.4 it states that the PISG also have certain responsibilities in the area of media, and these responsibilities are:
b) regulation of radio-diffusive media in compliance with international limitations and best practise through independent commission for media, which members are elected by PISG from nominations submitted by NGO's and non-political organisations in Kosovo; these members should include both genders and represent ethnic structure and regional divergence of Kosovo society.

⁸⁵ Remark: Gathered data is from direct sources that are representatives of NGO's, representatives in municipal bodies and contact with Bosniacs themselves.

The Turkish community

Although this Article of the Framework Convention is implemented under the current regulation, Kosovo authorities do not have an appropriate mechanism for regulating the implementation of this right in practice, neither do they have some special measures that would encourage or perhaps financially support minority communities in realisation of this important right.

Radio Television of Kosovo is the only media institution which status is regulated by UNMIK Regulation and which work is financed through various donations and supported by the Kosovo Consolidated Budget. There is also a legal regulation on obligatory prepaid fee of 3, 50 Euro along an invoice for electric power expenditure for all private consumers in favour of RTK as a public institution. Besides programs in Albanian language, RTK prepares and broadcasts TV and radio programs in Serbian, Bosniac, and Turkish and Roma languages.

As far as RTK, radio and TV programs in Turkish language are concerned, there are two relevant facts extinguished: (i) length of broadcasting of radio and TV programs in Turkish language has been significantly reduced compared with the period before 1999, and (ii) due to inclusion of minimal number of journalists, editors and technicians, the quantity and quality of programs in this language have decreased.

Prior to year 1999, the Turkish language editorial office in TV Priština had 30 the Turkish employees; journalists, editors and other technical staff who prepared programmes of a relatively high quality, (Daily news in Turkish language in duration from 20 - 25 minutes; half an hour programs for youth; mosaic of cultural, educational and children programs etc.) but today only three journalists and one correspondent prepare 5 minutes daily news in Turkish language and a half hour weekly mosaic. That is far from satisfying the needs of Turkish community in Kosovo and does not show its real problems, which is the reason for its small audience.

Radio Priština– Editorial office in Turkish language is the first and the oldest media and the source of information in Kosovo that started its work in 1951 and still functions. In this media house there were 28 journalists and technical staff employed before 1999, and they were broadcasting 7 hours of radio program in Turkish language, had its own orchestra which played Turkish music of highest quality played outside Turkey, recorded authentic Turkish songs from this region, and arranged hundreds of songs performed in concerts and various festivals and contributed a lot to preservation of the Turkish sound, folk dance and cultural heritage of this people. Today, the famous Turkish orchestra in Radio Priština does not exist any more, and only six employees (four journalists, one correspondent and one typist) prepare just one-hour news program which does not make up even 15 % of the previous program broadcasted in Turkish language.

As a positive example, it can be stated that in 1999 in Kosovo, 2 private local radio stations in Turkish language 'Yeni Dönem' and 'Kent FM' were set up, with 24 hour of everyday program. Radio 'Yeni Dönem' is a local radio station that broadcasts program that can be heard in Prizren and in the valley from Metohija/Dukadjin to Peć/Peja (Prizren/Prizren, Mamuša/Mamushë, Orahovac/Rahovec, Suharekë/Suva Reka, Mališevo/Malishevë, Đakovica/Gjakovë, Klina/Klinë, Dečani/Deçan and in higher regions of Peć/Peja) with 95% original broadcasting. Radio 'Yeni Dönem' broadcasts program in 4 languages of which 21 hours in Turkish, 1 hour in Bosnian, 1 hour in Albanian and 1 hour in Roma language. Radio 'Kent FM' has the same local character, but it covers the Priština/Prishtinë region.

Around the middle of year 2004, radio and press publishing house, 'Yeni Dönem' from Prizren, had submitted a request for a TV frequency and 24 hour of broadcasting qualitative

informative program in minority languages i.e. Turkish, Bosnian, Serbian, and Roma. The reply from the TMC was positive and arrived in August 2005.

The greatest breach of this right towards Turkish community is obviously the usurpation of the premises (1.050 sqm in total) 1800 square meters of the successful News and Press Company (NPC) "TAN" which was thus abolished after 35 years of fruitful work and creating, the only professional institution of Turks in Kosovo i.e. News and Press Company TAN (TAN – newspaper in Turkish language) in Priština/Prishtinë. Those premises were in the Press House in Priština/Prishtinë where this publishing house had been placed for 22 full years.

The publishing house TAN was established in 1969 and started by publishing TAN. In 1974, it started printing a magazine for science and society 'Čevren', illustrated magazine for children 'Kus', and a magazine for arts and literature 'Cig'. More than 160 books of poetry, novels, fictions, dramas, anthologies mostly authors in Turkish language from Kosovo and Metohija, and great number of translations from Albanian, Serbo-Croatian, Macedonian and Slovenian languages were all printed within TAN's publishing activity.

It should be pointed out that until 1992 this publishing house was financed from the budget of the contemporary Socialist Autonomous Province of Kosovo. When Milosevic came into power, the autonomy of Kosovo was abolished, the program in Albanian language in Radio Television Priština as well as Albanian newspaper Rilindja were forbidden. A law on abolishing the law on equal usage of language and scripts in Kosovo was promulgated (today this law is treated as discriminatory and thus is invalid). The newspaper TAN had two possibilities: either to stop functioning or to keep on working as an editorial office that was deprived of the right of representing as a private entity and having a giro-account. All ingerencies of Kosovo were taken over by Serbia. In the newly established situation TAN had become just an editorial office within the "newly" established NPC "Panorama", which was proclaimed by the Assembly of Serbia an institution, and was financed by Serbia as all other institutions in Kosovo at that time.

In the first meeting after the war in Kosovo and after the UNMIK administration had been established, TAN employees had reached the following decisions: 1) Starting from the March 24th 1999 (the first day of NATO bombing) the TAN editorial office is not to be considered an institution of the Assembly of Serbia any more; 2) The new name of this office is the 'New TAN', which was represented by three newly elected leaders. These new leaders started contacting all stakeholders, institutions and donors in order to obtain funds, and they requested that this institution should become a body of Kosovo Assembly once it would have been established and should be financed by the Kosovo budget.

Since 1999 i.e. after UNMIK administration was established, financing and publishing of TAN stopped. The management of this company commenced requesting support from UNMIK administration, OSCE, and other international donors in writing and in person. However, all this attempts have been unsuccessful. The responses that the officials of this company received said that the company was at that time state, i.e. public institution, and the status of public and state enterprises were not defined. Besides, at that time international donors mostly financed independent media.

The problem started when TAN's premises including all inventory were 'borrowed' i.e. taken away and given to the private Radio Television 'RTV 21'. All archive, library and documents belonging to 'TAN' were simply taken out from those premises and moved to a lower floor, i.e. to the 14th floor of the Press House. After many addresses made in attempt to get support, OSCE Department of Media Affairs allocated premises 175 square meters to this editorial

office on the 25th February 2000.⁸⁶ These premises were not appropriate as they represented only 1/6 of the previous premises of 1050 square meters.

However, in February 2002 the editorial office of 'TAN' received a letter from UNMIK, as well as Kosovo Albanian publishing enterprise 'Rilindija' did, (RTV 21 already moved to different premises) demanding this institution to be evacuated from those premises i.e. building. Two letters were sent on two different occasions. In the first letter dating from January 2001 it was written that the editorial office of 'TAN' should be evacuated until September 2001 due to the fact that the building was not safe and a possible fire hazard. In the second letter it was written that the house should be evacuated by December 2002. The Ombudsperson of Kosovo then sent a letter to the UNMIK administrator (the letter addressed to Michael Steiner, dates from March 19th 1992) stating that representatives of Kosovo-Albanian publishing house 'Rilindija' and editorial office of 'TAN' have requested support from Ombudsperson. Following that, the Ombudsperson requested from UNMIK that these two media houses either should stay in their premises or get provided with other space where they could continue with their work.⁸⁷

In April 2002, they received a response, stating that UNMIK had already offered an alternative lodging to these houses and that the Turkish community had accepted that. However, that was only a false promise as all documents and archive of weekly 'TAN' was moved to the basement of the same building. Unfortunately, most of the documents and archive had been destroyed due to humidity in that basement. Everything is still in the same basement and nothing has been done to resolve this issue.

Today, conspicuously decreased, informative resources of Kosovo Turks can come down basically to following: 'Yeni Dönem' as a media house; besides the radio station 'Yeni Dönem', started with publishing the first independent 24 pages weekly newspaper in 1999, under the same name.⁸⁸ This newspaper has been edited by Mr. Esin Muzbeg⁸⁹, who has a master degree in journalism. This is currently the only newspaper that is being published on a regular base, every Thursday in Prizren. The newspaper 'Yeni Dönem' has an addition on four pages that is called 'Yeni Balkan' and is dedicated to the readers from Macedonia, covering issues about position of Turks in Kosovo, Macedonia and other parts of the Balkans. Currently there are 24 employees in 'Yeni Donem, media house. There are also programs in Turkish broadcasted on Radio Television Kosovo and Radio Kent FM from Priština/Prishtinë.

RECOMMENDATION:

- *To extent the duration of broadcasting in Turkish language and improve quality (and coverage Kosovo wide) of broadcasted radio and TV programs in Turkish language in RTK and to provide additional staff and conditions for this.*
- *Provisional Institutions of Self-government in Kosovo should find institutional solutions for re-establishing 'TAN' and should ensure sustainable functioning of such a professional information house. They should also find solutions for the sustainable budgetary funding with participation of stakeholders, ministries, institutions etc. At the same time, along with the process of continuation of privatisation and regulation of this issue, a base for providing high quality information and publishing activity in this language would be set up.*

⁸⁶ Attachment sent to CoE: Document by the OSCE from 25th February 2000.

⁸⁷ Attachment sent to CoE: The letter from Kosovo Ombudsperson.

⁸⁸ 'Yeni Donem' is an independent newspaper proclaimed by OSCE as the third source of information (after Albanian and Serbian) in Kosovo.

⁸⁹ Employees of this house are professional staff and each of them has relevant university degree.

- *That is why there is support needed for solving this issue and for enabling this house to function again i.e. providing an appropriate replacement for the premises that were taken away and, if possible a compensation of what has been lost.*⁹⁰
- *To allocate premises permanently to the oldest culture, arts and sports society 'Gercek' as well as the Association for Tolerance and Integration "Yunus Emre" from Prishtine/Pristina in order to carry out normal work and provide resources to support such work.*

The Roma community

As for the issue of access to the media in Roma language, the situation of Roma community is very unsatisfactory. There are no radio or TV stations for Roma in Roma language in Kosovo. Roma have almost no information press at all, newspaper or illustrated magazine in Roma language. One can say that this sort of situation is very unsatisfactory, knowing that today (according to the unofficial data) there are about 40 000 Roma living in Kosovo, not including the number of Roma residing out of Kosovo.

Among printed media, in the whole territory of Kosovo, there is only one illustrated magazine in Prizren, called 'Yekhipe' (in English 'Unity'). This magazine focuses on issues related to life of Roma, issues of language and culture of Roma and there is one entertaining part. There are no other printed media for Roma community.

When it comes to electronic media, (in Kosovo there are some 120 radio and 23 TV stations, out of which 20 local and 3 public services). Roma community has a very short allocated time in Radio stations, having this time mostly allocated in the media ran by the minorities themselves.

Thus in Prizren there are two radio stations transmitting program within minorities' programs. One is 'Radio Prizren' and the other is within the multiethnic program of the Turkish radio 'Yeni Donem' which since March 2003 is broadcasting daily an hour long information program in Roma language.

While in other places, such as Čaglavica/Çagllavicë, there is a weekly hour long program, which is more of an entertaining character, radio Gračanica/Gračanicë is also broadcasting an hour long show in Roma language once a week, and this show is also of entertaining character.

Within the public service of Television of Kosovo, in the framework of minorities' programs, there is a half an hour program in Roma language. Other TV stations have not found it appropriate to broadcast any program in Roma language. This situation in electronic media is explained allegedly by saying that Roma have no professional staff in Kosovo, which in this case is not true at all. OSCE among others has organised trainings for Roma journalists, while in RTK there are 3 Roma employees, in Prizren there is also a Roma professional staff employed, that is Roma journalists employed in 'Yeni Donem'radio. All these journalists would like and could run any program in Roma language, and could improve the situation for information of Roma in Kosovo.

Roma community has expressed the need for the allocation of a radio frequency and establishment of one radio station in Prizren, with a whole day program with entertaining and informative content in Roma language. The request for the allocation of the radio frequency in Roma language has been submitted as long as in February 2004, to the TMC, who is

⁹⁰ Rilindija (press publishing house that is the previous owner of the building) had started a legal procedure against UNMIK's decision.

competent to allocate frequencies. However TMC has not responded to this request until now, neither did he inform the party that submitted the request whether the request is being reviewed, or how long such review could take. (Copy of the request can be produced if needed).

Recommendations:

- *In order to be updated with everyday events, Roma community expresses the need to access information in Roma language and for the needs of this community, in print and electronic form.*
- *There is also a need for the pre-service training of the professional Roma staff. This request is presented to responsible media and other institutions in Kosovo. Media have the determining role in the reconstruction of multiethnic society in Kosovo, and as such should be involved as a space for interethnic dialog.*
- *TMC should more efficiently respond to the needs of the minority communities and should allocate frequencies for Roma radio or TV-station – in Roma language.*
- *To pay more attention for the improvement of quality of already existing written media, radio and TV programs for Roma community, that is to expand and enrich information and entertaining programs.*
- *To meet and support the request to establish the network of Roma journalists for print and electronic media.*
- *Kosovo government should initiate information campaigns for raising awareness in order to realize the fight against prejudice, negative stereotypes and misinformation about Roma.*
- *Without limitation to the freedom of media, to prevent tensions between different ethnic groups, to appeal in all print and electronic media that work in Kosovo that the information about Roma should be treated with the same professional level as any other subject, in order to show positive aspects and present a moderate image of life of Roma, and to refrain from any stereotypic image about Roma.*

The Ashkalia/Egyptian community

Although the mother tongue of Ashkali and Egyptian community is Albanian, their access to the media is limited. In Kosovo Radio and Television, there is not a single program which would focus on information about the situation, i.e. culture, tradition and religion and similar of Ashkali and Egyptian communities in Kosovo. Regarding the access to media of this community, there are only one hour weekly programs in Kosovo Polje/Fushë Kosovë, Podujevo/Podujevë and in Ferizaj/Uroševac. In Kosovo Polje/Fushë Kosovë there is a local station within the Kosovo Radio: “Radio K”, which broadcasts weekly program in duration of only one hour. Also in Podujevo/Podujevë and in Uroševac/Ferizaj there is the same hour long radio program. All these programs are mainly with musical content, and the biggest share is the commercial part ‘Congratulations, wishes and greetings’. This radio program does not offer absolutely any informative program related to life and culture of these communities in Kosovo.

A training for Ashkali youth took place in Ferizaj/Uroševac, offering a course for journalists, in terms of how to run a radio/TV program, take interviews and develop a plan for such an hour long radio program. It is a positive thing that the speakers of these hour lasting programs should be members of Ashkali or Egyptian communities. However these journalists are not paid and the only compensation they get for their work is drawn from the profit from the program ‘Congratulations, wishes and greetings’.

In Podujevo/Podujevë there is an hour long radio program for members of Ashkali community funded by the municipality because a private radio station has to have a multiethnic content in order to obtain funds for such a station. However, journalists from

Ashkali community work there without any compensation, i.e. they work fully on voluntary bases which pushes these journalists to make their programs more of musical type so that they would be funded by fees earned from the program 'Congratulations, wishes and greetings'.

In Kosovo there is not a single TV program in RTK which would offer half an hour or an hour long program dealing with issues of these communities. RTK broadcasts programs for other communities in Kosovo, i.e. for Bosniacs in Bosnian language, for Turks in Turkish, for Serbs in Serbian etc. However no programs whatsoever are broadcasted for Ashkali and Egyptian communities in Kosovo.

In 2001 a meeting was held with the officer from OSCE Media Department, where the issue of possibilities to obtain a frequency for a private (self-financing) radio station for Ashkalia community in Kosovo Polje/Fushë Kosovë was raised, and which would cover Ferizaj/Uroševac and Podujevo/Podujevë. Unfortunately, no assistance was provided by OSCE.

Since the mother tongue of members of these communities is Albanian, the majority regards a radio station or a TV program for these minority communities unnecessary, forgetting that majority media never give information about issues exclusively concerning these communities. Unfortunately it is common that, especially international organizations as well as Temporary Commissar for Media should classify these communities together with Roma community and therefore they consider problems of all three communities solved by providing programs in Roma language (which the members of Ashkalia and Egyptians are not familiar with).

RECOMENDATIONS:

- *Kosovo television should offer the same treatment as to other communities. An hour long weekly television broadcast would be satisfactory that is, of a large importance for this community.*
- *To allow this community to found a private radio station and to allocate frequencies for areas populated by the members of Ashkalia/Egyptian communities.*
- *To support setting up of a radio station of a high quality informative character which would offer high quality programs dealing with cultural, educational and social issues of Ashkalia/Egyptian communities in Kosovo.*
- *To support professional training for Ashkalia/Egyptian staff, i.e. media staff so that they could ensure better for the information to meet the needs of their communities.*
- *The employees from this community who work on RTK programs should be, like other journalists, paid by RTK.*

Article 10

1. *The Parties undertake to recognize that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.*
2. *In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities .*
3. *The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly , in a language which he or she understands , of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of an interpreter.*

Domestic Legislation

UNMIK Regulation No. 2001/19 on a Constitutional Framework for Provisional Self-government in Kosovo, Chapter 4, Rights of Communities and their members:

4.4 Communities and their members shall have the right to:

(a) Freely use their language and writing, in Courts, Departments and other public bodies in Kosovo;

(b) Education in their own language;

(c) Have access to information in their own language;

...

(i) Offer information in the language and writing of their Communities, including establishment and running of own media;

(j) Offer education and establish educational institution, especially for instruction in the own language and writing and the instruction on Culture and History of Communities, for which a financial support could be provided, including the one from public resources in accordance with the applicable law; having this in mind, the curricula should respect the applicable law and reflect the spirit of tolerance among communities and the respect for human rights and cultural traditions of all the communities...."

Constitutional Framework for Provisional Self-Government, Chapter 9 on Languages of the Assembly

9.1 .49 Meetings of the Assembly and its Committees shall be conducted in both the Albanian and Serbian languages. All official documents of the Assembly shall be printed in both the Albanian and Serbian languages. The Assembly shall endeavour to make official documents which concern a specific Community available in the language of that Community.

9.1 .50 Assembly members from Communities other than the Kosovo Albanian and Kosovo Serb Communities shall be permitted to address the Assembly or its Committees in their own language and to submit documents for consideration by the Assembly in their own language . In such cases, interpretation or translation into the Albanian and Serbian languages shall be provided for the other members of the Assembly or Committee.

9.1 .51 All promulgated laws shall be published in the Albanian, Bosnian, English, Serbian and Turkish languages.

UNMIK Regulation No. 2000/45 on Self-Government of Municipalities in Kosovo Section 9, Languages:

9.1 Members of communities shall have the right to communicate in their own language with all municipal bodies and all municipal civil servants.

9.2 Meetings of the Municipal Assembly and its committees and public meetings shall be conducted in both the Albanian and Serbian languages. In municipalities where a community lives whose language is neither Albanian nor Serbian, the proceedings shall also be translated, when necessary, into the language of that community.

9.3 All official documents of a municipality shall be printed in both the Albanian and Serbian languages. In municipalities where a community lives whose language is neither Albanian nor Serbian, all official documents of the municipality shall also be made available in the language of that community.

9.5 The Statute of the municipality shall make detailed provisions for the use of languages of communities as set out in this section, taking into consideration the composition of communities in the municipality.

Law on Realization of Equality of Languages and Alphabets in the SAP Kosovo (Official Gazette of the SAP Kosovo", no. 48/77) Chapter 1 on basic provisions:

1. In the Socialist Autonomous Province of Kosovo the equality of the Albanian, Serbo-Croatian and Turkish languages and their alphabets shall be ensured.

2. The Albanian and Serbo-Croatian languages and their alphabets shall be equally used in the Socialist Autonomous Province of Kosovo. The Albanian, Serbo-Croatian and Turkish languages and their alphabets shall be equally used in the territories where the members of Turkish minority also live.

3. The governmental agencies and other agencies, organizations of associated labour, and other self-managing organizations and communities of SAP Kosovo, as well as their agencies of authority, in a communication and official procedure shall realize the principle of equality of languages and alphabets determined with the article I of this law.

4. Everybody shall be guaranteed the right to use his/her own language in the procedure before the court or other governmental agencies, organization of associated labour and other self-managing organizations and communities, which in exercising the public authorizations decide on rights and obligations of the citizens, and to be informed about facts in his/her own language .

...

Chapter 2, Appropriate use and application of language and writing

10. 1 In the work of the Assembly of the SAP of Kosovo, Presidency of the SAP of Kosovo, Council of the Province, Executive Council of the Assembly of Kosovo, Administration of the Province, Constitution Court of Kosovo (Organs of Province) and their forums, shall equally use and apply Albanian and Serbo-Croatian languages and their alphabets.

10.2 The members of Turkish nationality have the right, according to the law in realisation of their rights and obligations, before the authorities of the Province, to use their own language and alphabet.

10.3 Members of the Turkish nationality are entitled, in the way determined by this Law, to use their own language and alphabet in realisation of their duties before the Provincial Authorities and their forums.

Chapter 3, Implementation and use of the language and writing in Municipalities

17. Municipal Assemblies and Municipal administrative bodies shall use and apply equally Albanian and Serbo-Croatian language and their writings in their work, communication and official activities, while in Municipalities where members of Turkish nationality live, the Turkish language and writing shall be equally used.

....

21. Statute and other general acts of the Municipal Assembly and municipal administrative bodies shall set out in detail the equal use of Albanian and Serbo-Croatian language and their writings, while in Municipalities where members of Turkish nationality live, the Turkish language and writings shall be equally used.

Law on Realization of Equality of Languages and Alphabets in the SAP of Kosovo (Official Gazette, no. 48/77) Article (9) In the Socialist Autonomous Province of Kosovo every act

which violates the principle of equality of the Albanian, Serbo-Croatian and Turkish language and their alphabets shall be unlawful and punishable. Article (44) provides that an official person, respectively responsible person, shall be punished by fine up to 3000 Dinars for minor offence, who, in violation of this law: denies a party the right to use his/her mother tongue and script in the procedure or, who, during the procedure does not inform him/her about this fact, does not issue to a citizen the public document, special act or other document in his/her mother tongue, or who (3) refuse to receive transcript or other act written in his/her mother tongue. "

The Provisional Criminal Procedure Code regulates the language rights of minorities in the criminal justice system. Art 11. says that at the first examination the defendant shall be promptly informed, in a language that he or she understands and in detail, of the nature and reasons for the charges against him or her. Art. 14 provides that any person deprived of liberty shall be informed promptly, in a language he or she understands, of: the reasons for his or her arrest, the right to legal assistance of his or her own choice; and the right to notify or to have notified a family member or another appropriate person of his or her choice about the arrest.

Minority Communities and Implementation of the Article in Practice

Under the UNSC Resolution 1244 dated June 1999, and Constitutional Framework for the Provisional Self-Government in Kosovo, multilingualism is prescribed (in aspect that Kosovo has three official languages: Albanian, Serbian and English) as one of the cornerstones for the functioning of the Provisional Institutions of Self-Government (PISG). Multilingualism is statutory obligation, which means that these languages are used (equally) in all aspects of the governance and administration. Also, there are legal provisions for the official use of other (minority) languages in the municipalities where considerable number of the members of other language communities live.

Recently, a considerable progress is made in the aspect of the work of municipalities in accordance with the conditions of Art. 9 of UNMIK Regulation 2000/45. However, Kosovo minority communities still can not completely realize all the guaranteed rights.⁹¹ Particular problem is use of the minority languages, in the sense that members of the Serb community, but also members of other minorities due to the similarity of their languages with the Serbian, dare not use their native language in public places fearing for their safety. Members of the Serb community are still facing the security problems, such as verbal harassment, discrimination and even physical assaults.

Most of the other problems relate to the delays in the issuance of the official documents in all languages, as well as politically sensitive question of placing the official signs in all needed languages. Inadequate technical possibilities for translation, insufficient number of the (qualified) workers in translation services and insufficient financial means are of particular concern. There are huge difficulties with the legal translations in Albanian, Serbian and English language and that is why translation of legal texts in the legislative processes of Kosovo institutions should improve urgently.⁹² One of the key problems related to the language use, that occur in legislative process, and that is considered to be rather technical than political in nature, is lack of qualified translators and interpreters in PISG. There are very few qualified and professional interpreters. Because of small salaries most of qualified interpreters, in particular for English language, work for international organizations, and not

⁹¹ Even though the Kosovo standard III on freedom of movement foresees the status of "ability of all people in Kosovo to use their mother tongue freely, everywhere in Kosovo, including public places."

⁹² It is a fact that translations of draft laws, amendments and other legal texts composed by Assembly of Kosovo during the first mandate (2001-2004) have lot of deficiencies. For instances, it is estimated that 60-80% of amendments for draft laws proposed in the Assembly are not dealing with important items of the law because of the inadequacies related to language.

for PISG/Assembly.⁹³ However, it can be said that the problem of insufficient means to an extent is related to the fact that local officials do not correctly understand legislation in effect and there is not enough political will to give the priority to the issue of language rights.

In addition, legal uncertainties are to be blamed that these communities rarely receive the services in accordance with the Paragraphs 9.2 and 9.3 and as results it is often mentioned that these language communities are numerically small, that there is no particular need, that municipal statutes do not determine for which language communities these provisions are prescribed and that there is not enough technical means. Also, the Constitutional Framework foresees that all the official documents of the Assembly are published in Albanian and Serbian language, and that Assembly shall make efforts that official documents relevant for certain community are available in languages of that community. Based on this, all the promulgated laws must be published in Serbian, Albanian, and English, but also in Bosnian, Turkish, and Roma language, which unfortunately is not the case.

It must be noted that draft law on the use of languages in Kosovo is in the process of approval by the Assembly. This law contains clear, consistent provisions on the languages and circumstances when they can be used. Members of the Turkish community expressed their dissatisfaction with this draft law as well, referring to the status of their language in the Law on Equal Implementation of the Languages and Alphabets in SAP Kosovo (Official Gazette of SAP Kosovo No. 48/77).

Responsible Institutions

PISG, Office of the Prime Minister, Ministry of Public Services, Ministry of Finance and Economy, Ministry of Health, Ministry for Communities and Return, and Ministry for Local Self-Government are currently responsible for the inclusion of provision for promotion and protection of the rights of minority communities members to use their languages, freedom of expression and movement and the right to public participation, health, work, and education in central and local level. Similarly, minor offences courts and district courts are responsible to deal with the cases involving unlawful denial of the rights to freely use their languages, both in private and public.

However, in Kosovo there is no clearly defined mechanism and institution ensuring that the laws on languages are effectively understood, used and implemented. Thus, it is necessary to establish certain independent institution, such as a high commissioner for languages which would have the role of a supervisor between the public and state institutions, which would contribute to achieve higher degree of impartiality and at the same time provide support to the citizens who have any complaints and thus contribute to the improvement of this still sensitive issue in Kosovo.

Recommendations:

- *At the local level it is necessary to ensure that municipal officials understand basic principles of applicable laws, so they can elaborate provisions in their municipal statutes.*
- *In order to efficiently use mechanisms of language protection, community members shall know their language rights and that is why international institutions shall assist development and support for the campaigns related to the information about language rights at the members of communities themselves.*

⁹³ Translation from the original texts written in English often is not of high quality and contains linguistic mistakes, since many of the draft laws are written in English and they have to be translated into Albanian and Serbian by translation services in PISG. Some of the mistakes are even transferred in the translation to the other official languages, which happens, for instance, when translators using Albanian text as original, transfer an incorrect part of it into Serbian.

- *It is necessary to improve translation services in Assembly of Kosovo and other PISG as soon as possible, for instance by introducing mechanism of quality control, respectively proof reading and implementation of standardized actions.*⁹⁴
- *PISG could also encourage all civil servants to attend language classes: not only classes of Serbian and English language for Albanian civil servants, but as well classes of Albanian language for Serb civil servants. Also, there is a need to provide translation into English, and it is an additional effort for PISG, since there are not enough English interpreters and also translation for the other minority languages in areas where they make majority of population.*
- *Departments for languages and translation shall be established in philological faculty, and establishment of institute – for instance Kosovo Institute for Translation and Interpretation that would have the task to promote the knowledge of professional interpreters and civil servants.*

More detailed overview of the situation in each of the minority communities is shown in the further text.

The Serb Community

In spite of all legal regulations, the problem of language usage in accordance with the Article 10 of the Framework Convention still persists in Kosovo. Members of the Serb community still cannot use, *freely and without interference, their language privately and in public, orally or in written.*

Private language usage

Serb population is free to use its own language only in enclaves where they live, and in the north of Kosovo, while outside the enclaves, if they need to go out, they do not dare to communicate in their language publicly because they can become potential targets of attacks by ethnic Albanians. With that in mind, a recent incident in Priština can be mentioned, when a Serb journalist⁹⁵ was beaten up by a group of Albanians just because he requested a service in Priština café bar in Serbian language. Therefore, there is still insecurity and risk among the members of Serb community when using the Serbian language in public places.

Public language usage

In the mixed areas with the majority Albanian population (except in Kosovska Kamenica, which we note as a positive example) it is still very difficult, sometimes impossible, in public institutions for the members of the Serb community to get a written or oral information in their native language. That presents a special case in mixed municipalities: Priština, Prizren, Vitina/Viti, Lipljan, Gnjilane/Gjilan, Vučitrn/Vushtri, etc. Although the Serbian language is one of the official languages in Kosovo, in daily practise that language is totally absent from public life. Despite the fact that the Constitutional Framework ensures the official usage and equality of both languages, certain municipalities, to date, did not comply with these provisions in the prescribed manner.

Communication between different central government bodies and municipalities inhabited with the majority or exclusively Serb population is conducted completely in Albanian language. The example of that practice is Strpce Municipality, Novo Brdo/Novo Berde

⁹⁴ A lot of confusion is done when, for example, English term for Member of the Assembly is sometimes translated as Member, sometimes as Deputy, etc. OMIK (Central Government Support Team) has therefore produced legal dictionary in order to standardize legal terms in English, Albanian and Serbian language.

⁹⁵ Nikola Bešević has not left Kosovo and still works as a correspondent from Kosovo. See: <http://www.mail-archive.com/balkannews@yahoo.com/msg01130.html>. See also: BKTV Belgrade from 24th December 2004.

Municipality, Obilić/Obiliq Municipality, etc. Also, most of the official documentation and decisions (especially court decisions) which are delivered to the citizens of Serb community are written in the Albanian language; specific examples of that practice come from Lipljan and Vitina/Viti municipalities.

Other example that is worth mentioning is the disrespect of the party and his/her right to follow the court procedure on his/her mother tongue. In this case, Article 15 of the Kosovo Criminal Procedure Code has been violated. Mrs. S.K.⁹⁶ was a party in the procedure before the Municipal Court in Lipljan, where the whole procedure was conducted in Albanian language which Mrs. S.K. nor speaks nor understands at all. Furthermore, Mrs. S.K. was delivered a decision to sign, which was also written in the Albanian language.

Only after the intervention and the request of Ombudsperson Institution in Kosovo, Mrs. K. was granted a translator and all documentation, minutes and court decision were translated into the Serbian language.

RECOMMENDATIONS:

- *Organize public campaigns (by disseminating posters Kosovo wide for the free usage of native language, freedom of movement for all people in Kosovo).*
- *Exert pressure on the municipal authorities in all municipalities in Kosovo to strictly follow the statutes, i.e. provide equality in the usage of Serbian and Albanian languages.*

The Bosniac community

This right to use Bosnian language privately and publicly, the Bosniacs have mainly accomplished in the municipality of Prizren, Dragash/Dragaš, and to a certain extent in Peja/Peć. In other municipalities of Kosovo the use of the Bosnian language is still hampered, which is closely related to the freedom of movement. In some areas, in particular in Prishtinë/Priština, there is still fear among the members of national minorities and among the Bosnians as well, because of the similarity of Bosnian and Serbian language, to use their own native language. This problem was especially emphasized after the war. Before and after the war about one hundred Bosnians had to, due to the lack of knowledge of Albanian language, to leave Prishtinë/Priština and some other towns of Kosovo, mainly for security reasons i.e. risks from assaults and threats.

Even in the places where Bosnian language can be freely used publicly and privately (for instance in Prizren), it often happens that Bosniacs themselves, during preparation of their documents, choose to use Albanian instead of the Bosnian language believing that on that way they will accomplish their job more easily. However, one can notice that municipal staff is willing to address the minority members in their language without any objections and prejudices.

In the Assembly of Kosovo sessions are conducted in Albanian and Serbian languages. All of the official documents are printed in Albanian and Serbian languages. Members of the Kosovo Assembly belonging to the other minority communities can address the Assembly and its Committees and to submit the documents for revision in their own language. Meetings of the Kosovo Government and its bodies are conducted in Albanian and Serbian language. Members of the Government belonging to the other communities are also allowed to use their own language.⁹⁷

⁹⁶ S.K. case was processed in Ombudsperson Institution in 2004.

⁹⁷ After studying the document Standards for Kosovo, 21.01.2004, Democratic Party of Bosniacs, Democratic Party Vatan and Turkish Democratic Party of Kosovo expressed their deprecation to SRSJ Harry Holkeri regarding document "Standards for Kosovo" in page 7, Standard III freedom of movement, in the title free expression in different languages, in paragraph 4 (official denomination and

UNMIK Regulation 2000/45 and the Statute of Prizren Municipal Assembly warrants official usage of the Bosnian language, where it is one of the official languages. Members of the minority communities who are members of the Assembly can freely speak in their language in the sessions and meetings of the municipal committees, and with the introduction of modern equipment in the meeting room, simultaneous translation is provided as well.

In the Municipal Herald only the decisions of the Assembly are translated into the minority languages and conclusions of the board of directors are printed only in Albanian. Since 2005 all public information, municipal documents and decisions of the Prizren government (board of directors) are issued in all three languages. Vehicle registration and other traffic documents are not issued in minority languages. Most of the medical documentation is issued only in Albanian language, although Ministry of Health announced that public health institutions will write these documents in the minority languages as well. Different forms, dismissal lists, medical referrals, medical findings, diagnosis are not written in the Bosnian language.⁹⁸

Except for the procurement and cadastre office, the other municipal services and offices present public information and notifications in official languages. A lot of documents are issued by municipal authorities in all three languages, but this is still not enough. All the other municipal services and offices present information and notifications in official languages. All the inspectorate bodies issue records and verdicts only in Albanian. Many documents are issued by municipal authorities in all three languages, but this is still not enough. Certain officers are still issuing statements and similar information to the Bosnians only in Albanian language. In the bodies of judiciary, prosecution offices, police and international offices, minorities are able to use their own language.

In 'Kumtar' (Herald) of Prizren MA only the decisions of the Assembly are translated in Bosnian/Serbian and Turkish, and the decisions of the board of directors, i.e. Municipal Government are written in Albanian. The largest number of complaints of the Bosnians relate to the deliveries and correspondence of Central Fiscal Agency, Customs Service, PTK, hygiene, city water-system and sewerage system, Centre for Social Work, employment office, and Islamic Community and health institutions. Their language is not being used in tax verdicts, different forms, dismissal lists, medical directions, medical findings, diagnosis.

One of the problems members of this community are facing with is that their language by majority population and international organizations is called "Bosniac" instead of "Bosnian". Bosnian language (with Bosancica letter) emerged on 29th of August 1189, when the Charter of Kulin Ban and Humacka Record were written – the first written monument in Bosancica. Bosnian is very similar to Croatian and Serbian language, with some phonetic, lexical, and stylistic differences. Based on the law of 1974, of former Socialist Autonomous Province of Kosovo (SAPK), the official languages of the Assembly were: "Albanian, Serbo-Croat, and Turkish language". Since Serbs in 1991 from 'Serbo-Croat' made official use of 'Serbian',

out of municipal and ministerial facilities are written in all official languages), respectively paragraph 5 (denomination of streets, cities, villages, roads and public places are written in Albanian, Serbian or in any other language of substantial communities living there), saying that they are in contradiction with UNMIK Regulation No. 2000/45, section 9, paragraph 9.3 and 9.4.

They demanded from SRSG not to additionally limit that document in relation with UNMIK laws and Regulations. "Following a lot of approved laws in Assembly of Kosovo and 26 promulgated laws by you, we are regretfully informing you that none of the approved laws was published in Turkish and Bosnian language, which is in opposition with Constitutional Framework, section 9, Art. 9.1.51 state that all of the approved laws will be published in Albanian, Bosnian, English, Serbian, and Turkish language. We see this as a first standard accomplished towards us", written in the letter signed by Džezair Murati, Sadik Idrizi and Mahir Yagcilar.

⁹⁸ Since January to March 2003 in health institutions in Prizren issued recipes in Albanian, Bosnian and Turkish language.

Croats 'Croatian', Bosniacs made official use of 'Bosnian' language in the areas of former Yugoslavia.

Even in the unofficial law on languages the term "Bosniac" instead of Bosnian was mentioned. In almost all the documents, legal regulations, in particular in documents which were written by the international organizations, even in the draft law on the use of the languages that should be approved soon, the term 'Bosniac' is used instead of Bosnian language.

RECOMMENDATIONS:

- *Pressure shall be exercised on the municipal governments in Prizren, Dragash/Dragaš to strictly respect statutes, in particular regarding usage of minority languages. Encourages the fact that in the newly opened and modern municipal conference hall, "White Palace" in Prizren, where the government will be located, technical improvements are made so that each representative can follow the simultaneous translation in Albanian, Turkish, Bosnian or English language. On the other hand, Bosnians and other members of minority communities must be determined and have more courage when dealing with the usage of language in private or communication with public authorities.*
- *That both local authorities and international representatives respect and use real name for the language of Bosniac community that is Bosnian (and not Bosniac).*
- *Since one of the Standards is participation of minority communities in Kosovo Protection Corps, authorities from this institution shall use their languages in correspondence and letters in places where these members of minority communities live.*
- *It is desirable that job advertisements in the areas where minorities live are announced in those languages as well, and to pay attention that new workers know languages of minorities.*
- *All the verdicts, information and documents in municipal "Herald" where the Bosniacs live in considerable number shall be printed in their language as well.*
- *Negative practice is noted with the representatives of local institutions and UNMIK that the language of Bosniacs is called Bosniac instead of Bosnian.*

The Gorani Community

In the private communication members of the Gorani community uses 'Našinski' dialect and some of them call it as 'Gorani dialect' and this dialect has never been used as an official language. Before 1999, the official language was Serbo-Croatian, so the Serbian language is continuing to be in use as an official language by this community until even today. Today, one part of the Gorani community states that their mother tongue is 'Našinski' and Serbian language is the official language, while other state that their mother tongue is Bosnian.

In the area inhabited with members of Gorani community there are no problems regarding freedom of use of Gorani dialect i.e. Serbian or Bosnian language, but that only in the areas where they live. However, freedom of use of their dialect or the official language of this community is rather limited outside their own area i.e. in the areas with mixed population or the areas inhabited by member of the majority community.

In communication with the public institutions, the Gorani community is mainly using Serbian and one fraction of this community is using Bosnian language. However even there are sometimes problems because some of the public institutions in Dragaš/Dragaš are releasing and issuing documents mainly in Albanian language, which is causing problems for this community and their communication with the official bodies.

The Turkish community

After the war in Kosovo, members of the Turkish minority were afraid to use freely Turkish language in streets and public places. In different places around Kosovo there were few minor verbal incidents that did not have any tragic consequences. It should be also stressed that there were cases in which members of the majority community stood up against those who harassed people who spoke Turkish. Today, the use of Turkish language, freely and without disturbances, privately and publicly, in written form or orally, is fair and satisfactory.

Right of community members to freely use their mother tongue in Kosovo administration is regulated by complex law articles (Constitutional Framework of Kosovo, laws promulgated by Kosovo Assembly, some of UNMIK regulations and administrative directives and certain parts of law from ex SFRY) that do not only make general confusion but contain solutions that sometimes contravene one another. In addition, inconsistency and lack of precision cause not only arbitrary interpretations but also bad decision making in civil administration. It causes variety of problems in the field of equal use of minority languages. Namely, the Municipal Assemblies should in the statutes regulate the way, form and implementation of the national languages in their municipalities.

There is a lack of Turkish staff, such as lawyers and interpreters in courts and institutions for human rights, i.e. Ombudsperson Institution, Council for Human Rights and freedoms of Kosovo etc. Situation is similar in international organizations, in different departments that are dealing with minorities in Kosovo, where there is not enough professional and qualified Turkish staff. This has a rather a negative impact especially when informing or preparing reports concerning position of members of Turkish community (as well as the other communities) in Kosovo. These reports often do not represent a complete and real situation of minority communities here.

UNMIK Resolution 2000/45 is not precise considering use of language in municipalities with non-Albanian and non-Serb communities, so it leaves space for making arbitrary solutions. It is not defined in the Resolution (neither in Constitutional Framework) how big in its number should these communities be so their language could be in official use, nor it gives names of those communities to whom these provisions are implied. For example, according to the Statute of Priština/Prishtinë Municipal Assembly, the use of language of a national minority is mandatory if the percentage of the national minority is higher than 15 %, while UNMIK Resolution 2000/45 does not specify any percentage.

As far as official and public signs are concerned, in Albanian translation of the Article 9.4, there is a restriction to at least 10 % members of one community. What is worrying is that in English and Serbian versions there is no such a figure.⁹⁹ The negative side of setting those percentage limits, for example 10 %, is that such a number is high, especially taking Roma community into account, as this community is spread Kosovo wide and does not fulfil the percentage requirement in any of the municipalities.

As a result of this confusion, those municipalities rarely get services in compliance with the Articles 9.2. and 9.3. The exceptions are only Prizren/Prizren and Mamuša/Mamushë. Usually following reason is given as an explanation: these language communities are small in number; there is no strong need for services and these communities can easily adjust to one of two official languages; that language communities to which those provisions could be implied are not defined in municipality statutes and there is a lack of technical and human resources.¹⁰⁰

⁹⁹ http://www.unmikonline.org/albanian/regulations/2000/ra2000_45.htm.

¹⁰⁰ Problems from this field can be treated as of technical rather than as of political nature, although in the context of Kosovo Standards Implementation Plan, the obligations from this field of municipal level should be fulfilled.

Members of the Turkish community mainly live in the following five municipalities: Prizren/Prizren, Priština/Prishtinë, Gnjilane/Gjilan, Mitrovica/Mitrovice and Vučitrn/Vushtri. Language rights of this community are best protected in Prizren municipality due to the high number of Turks that live there. However, the situation is not fully satisfactory either there, and an example of the violation of this right is setting up the marble stone in newly renovated building of Prizren Municipal Assembly, with only Albanian and English text on it, and not in Turkish and Bosnian language.

It is found as well that none of the documents can be obtained in Turkish in the institutions of Priština/Prishtinë region and no translators have been provided to fulfil this obligation.

Second of the problems that Turkish community is facing is the official use of Turkish language. A positive step is a meeting between former Prime Minister of Kosovo, Ramush Haradinaj, and Mahir Jagdjilar and other representatives of the Turkish Democratic Party of Kosovo (KDTP). The former Prime Minister promised that Turkish language will be recognized as official on the same level as it was regulated by the Law from 1974, on Equal Use of Languages and Alphabets in Kosovo. According to the law from 1977, of the Socialist Autonomous Province of Kosovo at that time (SAPK), official languages in the Assembly were: 'Albanian, Serb-Croat and Turkish language'. The new Prime Minister of Kosovo, Bajram Kosumi, promised that he would try to do his best in trying to make Turkish language one of the official languages, but only in those places there significant number of members of Turkish community live, meaning in Prizren only - what would abolish the right guaranteed by the Law from 1977.

Recommendations:

- *All percentage restrictions for using minorities languages should promptly be withdrawn from the Law on the Use of languages that is too be adopted these days in the Kosovo Assembly. Based on this law, Turks would not have the right that was guaranteed by the Law from 1977, i.e. equal use of language and alphabets in Kosovo.*
- *Concerning the needs of Turkish community the most important issue that should be stressed in the new Law on the Language Use is that Turkish language should have the same position that it had in the law from 1977. This means that, beside Serbian and Albanian as official languages, Turkish language should be added as well. In the Law that is to be passed these days, Turkish, Bosnian or Roma language have not been mentioned at all, which is a way of discrimination.*

The Roma Community

Roma in Kosovo could not use freely their mother tongue, both before and after the war, out of the fear of discrimination, intimidations etc. Members of this community could use their mother tongue only for private purposes and this only in areas populated exclusively by the members of Roma community. Serbian or Albanian languages, and in some places even Turkish, are the only languages that were and are used in all public institutions, which is, considering the entire territory of Kosovo, in a way discriminatory since the number of Roma in Kosovo is significantly larger comparing to the number of Turkish community.

Even after the war, the Roma in Kosovo do not feel free to use their mother tongue, mostly for security reasons. When using Roma language in public places, the Roma are recognizable and thus become a target of possible attack and harassment. It is often the case that Roma use even English language (those who can speak it) in public, as they do not feel safe when speaking their mother tongue.

As an example of violation of this right, one can point out the case when a member of Roma community returning back from Italy, while taking a taxi on the Slatina Airport, was talking

via cell phone in Roma language. He asked the taxi-driver to drive him to Gracanica, but the taxi driver (who was ethnic Albanian) drove him into unknown direction and bitten him up. The assumption is that this happened because the person was a member of Roma community and because he spoke Roma language. The same person, due to severe injuries, stayed for a month in a hospital.¹⁰¹

Unfortunately, the members of Roma community are not organized to such an extent so as to push and exert pressure to the authorities to use Roma language privately and publicly, orally and in writing, and there is a risk that the Roma language will be fully forgotten and will disappear from use.

There are no recorded cases that it was ever provided for members of Roma community when being arrested, to be informed about the reasons of their arrest as well as about the court procedure in Roma language. There are also no recorded requests by Roma community for such a provision.

RECOMENDATIONS:

- *The Ministry of Culture and Sport should allocate a grant for preservation of Roma language and culture,*
- *In areas populated by Roma, the Roma language should be used publicly and privately,*
- *There should be Radio and TV programme broadcasted in Roma language, which should help Roma language and culture sustain among the Roma population in Kosovo.*
- *To facilitate teaching of Roma language and Roma history which would help Roma to preserve their identity and not to forget their own language,*
- *To restore the course for education of Roma language, culture and history teachers, to offer the opportunity and to provide scholarships to those who wish to study Romalogy at the University in Paris. Raising awareness about Roma language and Roma culture among members of communities, so that Roma would not be assimilated and would not forget their language.*

The Ashkali/Egyptian community

Since the mother tongue of members of Ashkalia/Egyptian community is Albanian, there are no violations of rights guaranteed by this Article of Framework Convention. However, when members of this community use the Albanian i.e. their own language, it sometimes happens that the members of Albanian community react negatively, mostly because of incorrect grammar.

¹⁰¹ Interview with a member of Roma community in Gracanica, 10 January 2005.

Article 11

1. *The Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronymics) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system*
2. *The Parties undertake to recognise that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public*
3. *In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.*

Domestic legislation

Concerning the first paragraph of this Article of the Framework Convention, it is important to stress that there is no specific legislation that stipulates that personal names of minority members shall be recorded in their original language and/or alphabet.

UNMIK regulation 2000/45 and regulation 2001/9 regulate the way that names of municipalities need to use names in Kosovo. UNMIK Regulation 2000/45 on the Self-Government of Municipalities in Kosovo, Article 9 regarding language foresees:

9.4 Official signs indicating or including the names of cities, towns, villages, roads, streets and other public places shall give those names in both the Albanian and Serbian languages. In municipalities where a community lives whose language is neither Albanian nor Serbian, those names shall also be given in the language of that community

9.5 The Statute of the municipality shall make detailed provisions for the use of languages of communities as set out in this section, taking into consideration the composition of communities in the municipality.

UNMIK Regulation 2000/43 on Number, Names and Borders of the Municipalities, Article 1, Number and Names of Municipality

1.1 Kosovo shall have thirty municipalities as set out in Schedule A, annexed to the present regulation.

1.2 Official communications shall not contain any name for a municipality that is not a name set out in Schedule A to the present regulation, except that in those municipalities where ethnic or linguistic communities other than Serb or Albanian form a substantial part of the population, the names of the municipalities shall also be given in the languages of those communities.

Constitutional Framework for the Provisional Self-Government in Kosovo, Chapter 4, the Rights of Communities and their Members:

4.1 Communities of citizens that belong to the same ethnical, religious or language group (society) have the rights established in this chapter, to secure, protect and render their ethnical, cultural, religious and linguistic identity.

4.4 Communities and their members have the right to:

F) Use and place the community symbols according to the law.

Minority Communities and Implementation of the Article in Practice

Regarding the first clause of the Framework Convention members of the minority communities in general complain that various institutions are too indifference when spelling their names and surnames.

As for Article 9.4 of the UNMIK Regulation 2000/45 (Signs with names of cities, places, villages, roads, streets, and others public places should be written in Albanian as well as in Serbian, and in the municipalities where other communities live, where neither Albanian nor Serbian language is their mother tongue, those signs should be written in the language of that community) it is still sensitive question. In spite of this clause, names of streets, places, towns, and similar, are often written inconsistent and there are many cases where Serb names are incorrectly written, scraped or overwritten which undermines the intention to have signs written in two languages. It often occurs that names at the signs are scrambled or erased, usually those are the names written in Serbian. Also, there is often the case where names of the streets are written in one or three versions and since there is no administrative directive for this issue then at the same time are used two names from the period after 1999 and one from 1991 year. In Prishtina the names of the streets are mostly written on Albanian and English language, what makes difficulties for the functioning of the Post office and communal department. In addition to the above mentioned problems, official names of towns, villages and places are frequently renamed, which unofficially results in the "Albanization" of those names.

In the same way, the institutions such as ambulances, hospitals, schools, and offices for social care often have signs and names written only in one language. Situation is similar in the municipalities populated with the members of Serb community. The following part presents a more elaborated description of the situation about each of the minority communities.

Responsible institutions:

The Ministry of Transport and Communication is responsible (administrative instruction No. 2002/G1, which regulates the placement of road signs in official languages) for placing traffic signs on the Main and Regional Roads and on the Local Roads, as well as for placing relevant traffic signs on the road-side part at the intersections of Public Roads with the railway lines, as well as for the maintenance of the traffic signs and roads.

The municipalities are responsible for placing the signs on the roads and in settlements, for maintaining the roads, for the signalization on local roads, and signalization on the crossroads of roads and railways.

The Serb community

Considering the implementation of Article 11 of the Framework Convention there are numerous difficulties, mainly regarding the will of majority Albanian population to comply with this provision. Although this article is guaranteed by relevant legislative documents, unfortunately the law is one thing, and the situation on the field another. First of all, non-compliance with this law by administrative, judiciary and executive bodies of local governance should be emphasized.

If a party receives summons or judgment, decision or verdict from the court, names and last names are written in Albanian alphabet regardless of the community to which receiver belongs, which is among other things, disrespect of the Serbian language as one of the official languages in Kosovo. One of the examples is the case of Mr. Z.K.¹⁰² who received court

¹⁰² Z.K. is employed in Local Communities' Office in Vitina/Viti.

judgment not only in Albanian language, but his name and last name and address were written in Albanian alphabet, and by this act not only that the Article 11 was violated, but also Article 10 of the Framework Convention. As the second case, we can mention the case of Mrs. R.S. from Lipljan, who regularly received an invitation to attend the meeting scheduled by Municipal Assembly Lipljan, but the invitation with the attached agenda, as well as her name and the last name were written only in Albanian alphabet, which does not have any similarity with the Serbian language alphabet. Unfortunately, there is large number of similar examples, which can be seen from the attachments to this report.

Considering paragraph 2, signs, inscriptions and information of private character written in the mother tongue, there are no problems in the areas inhabited by the Serb population. Nevertheless, in the areas inhabited by the Albanian population there are no private inscriptions in Serbian language, except in Kosovska Kamenica. Although it is a rare case that the Serb population who live in these areas, do not feel free to display any kind of such inscriptions from the fear of possible harassment.

Considering paragraph 3 of this Article, signs, inscriptions on public institutions are very often written only in Albanian and English languages, for example the inscription on Priština National Library, National Theatre, certain public offices, etc.

There are numerous examples of disrespect of spelling towards the members of Serb community. In the larger part of Kosovo signs are written both in Serbian and Albanian languages. But, very often in the official documents appear names of the places which are not officially recognized, for example: 'Artana' for Novo Brdo/Novo Berde which appears on the phone bills in Novo Brdo/Novo Berde Municipality, 'Kastriot' for Obilić/Obiliq, 'Dardane' for Kamenica, 'Sharr' for Dragas, 'Burim' for Istok, and more than imposing name 'Teranda' for Suharekë/Suva Reka, and many other examples.

Apart from that, the incapability of local authorities to fight with the problem of vandalism i.e. covering of Serbian inscriptions with the black sprays should be highlighted. There is no end to this discriminatory practice, and it can be noticed almost on all signs on the roads around Kosovo.

RECOMMENDATIONS:

- *Organize campaigns on free use of Serbian language and (cirilica) alphabet in Kosovo, until the equality of Serbian language finally starts to be implemented and going to the right direction.*
- *Tendency on changing names of the places, the street names, etc. should be stopped around Kosovo, and the existing names of settlements, streets, stores, etc. should be protected.*
- *Commissions that work on the renaming of the streets should take care and give names which are traditionally connected to other communities as well.*
- *Initiate the special measures in order to stop the covering of names of streets, places, etc. written in Serbian language.*

The Bosniac community

During the voter registration in 2001, there were instances where the election registrars by mistake wrote down names and surnames of Bosniacs in Albanian language and alphabet. There was also neglect among the Bosniac election registrars, which resulted in errors. It is nevertheless possible to redress those errors and to eliminate impediment for official use of Bosnian language and alphabet.

The sign for the Prizren municipality (the municipality with the largest number of Bosniac as well as Turkish community members) is written in Albanian and English only. This negative practice also occurs with the new Municipal Building, which recently opened. The Municipality logo in the lobby is written only in Albanian and English language. The administrator of the Prizren Community Office requested that the municipality sign should be put both in the Bosnian and Turkish languages. A special committee was created recently to review whether the use of minority languages is equal in all municipal and public bodies as it is required by the Municipal Statute. The results of this Committee work have not been published yet.

In areas extensively populated by Bosniacs, such as Prizren, Dragaš/Dragash, Peć/Pejë, Mitrovica/Mitrovicë, there are still no displayed signs in their language. For example, in some health care institutions and family centres in the Župa region, it has been reported that there are no signs written in Bosnian, even though this is a region with almost 100 percent Bosniac population.

Meanwhile, the road signs in Prizren Municipality are now written in three official languages, Albanian, Bosnian and Turkish. However, it was noted that in some places the signs in Serbian or Bosnian language have been covered or sprayed over with black paint. In Dragaš/Dragash, some public crossroads and traffic signs are written only in the Albanian and English languages, while there are also signs in the Bosnian. However, in general they are misspelled. In areas where the Bosnian is one of the official languages, i.e. Prizren and Dragaš/Dragash, no institution displays [any verbal or pictorial] symbols of this community.

The signs in public institutions, hospitals, post offices, courts, municipal directorates and other institutions in Prizren, Dragaš/Dragash, Peć/Pejë, Mitrovica/Mitrovicë, are not in the appropriate languages for Bosniacs or are not spelt correctly. It is very problematic that for five years, the populated rural areas in the regions with significant number of Bosniacs who are living there are still without any signs. The examples include Ljubizda, Skorobište, and Grnčare in Podgora, most of the settlements in Župa, Reštelica and many other villages in Gora. In some settlements, even though the signs are in place, they are written incorrectly.

In Vitimirica near Peć/Pejë, predominantly populated by Bosniacs, with the exception of the new post-war name, there is no visible sign symbolizing this settlement. The sign of the national park 'Shar Mountain' in Prizren is written in Albanian, Bosnian/Serbian and English language. However, Turkish, one of the official languages in Prizren, is missing.

According to the population but also to the requests of Bosniacs, traditional local names, names of the streets and other topographical signs are not written in their language and writing. In settlements where Bosniacs make significant part of population, there is not a single street name which refers to their national heritage and culture. However, the municipal committee for naming streets, squares and settlements in Prizren is working on this issue and it is comprised of representatives from all communities. The members of this community are actively included and they work on this issue within the commission which in charge for the Standards implementation, and it is expected that there will be positive results in future.

RECOMENADCTIONS:

- *Names and surnames written in ones own language – During registration, the members of Bosniac community have to be careful when reporting their names and surnames, since most of the time misspelling occur due to neglect, while the offices performing registration should have the computer fonts with letters: 'Ć', 'Č', 'Đ', 'DŽ', 'Š' and 'Ž' and they must observe this right in practice.*
- *Visible public signs, insignia and information of a private nature – There should be no restrictions on the right of members of the Bosniac community to use their own*

language when placing private signs (businesses, billboards, ads, etc.) However there is a fear in some places that if they do so, it would have a negative effect, i.e. that customers from other communities would not come. For that reason it is necessary to raise awareness and encourage the members of Bosniac community to freely use their own language when it comes to putting up signs and other information.

- *Changing names of towns, streets and similar amendments.* – It is necessary to put an end to the tendency of changing names in the areas where Bosniacs live and to protect the names of the settlements, streets, squares, etc. by the law. It has been reported that the Bosniac village Grnčare near Prizren, is written as Shpatë, Ljubižda as Lugishtë etc in many documents, electricity bills, utility bills. The names of the settlements, streets, squares, that are traditionally populated by Bosniacs should keep their original form and they should not be translated.
- *The Committees which are mandated to give names to the streets in the municipalities of Prizren, Dragaš/Dragash, Mitrovica/Mitrovicë, Peć/Pejë, should ensure that they assign names which are traditionally attached to Bosniacs, and that positive discrimination should also be applied when giving names.*

The Gorani community

The members of Gorani community write their own names and surnames in the official language, because "Našinski" dialect is not in official use. However there are large problems in spelling these names and surnames from the side of the public institutions and it often happens that their names and surnames are written with Albanian alphabet.

The situation is similar with the signs and names of the streets and places in the area inhabited by the Gorani community. Usually are those signs are written only in Albanian language and if they are written in Serbian then it is often the case that they are misspelled. The names of the public institutions in Dragaš/Dragash municipality are written mainly in Albanian language.

The Turkish community

Members of Turkish community have refused to participate in the first civil registration in Kosovo, as forms for registration were available in Albanian and Serbian and not in Turkish language. UNMIK, being in charge for the civil registration at the municipal level, did not fulfil its promise to implement obligations in line with this article of the Framework Convention. The first international UNMIK administrator in Kosovo, Mr. B. Kouchner, in order to solve this issue, had asked for the intervention of the Turkish diplomacy. During his visit to Ankara in Turkey, he promised (but never fulfilled) that forms for civil registration in Turkish language would be provided, that the Turkish names and surnames will be written in Turkish alphabet, as well as other rights regarding use of the Turkish language. After his visit to Turkey, civil registration for members of Turkish community was later organized, fulfilling those linguistically set rules. However, the respect of this right was only temporary, as today this problem is still present and names of Turkish members are not being written in their mother tongue.

Names and surnames of members of Turkish community were written in Turkish alphabet only in few cases and if somebody insisted. However, personal identity cards and other personal documents are still being written in Albanian alphabet, which is obvious example of violating the provisions of this Article in the Framework Convention.

The situation is the same with issuing birth certificates, wedding certificates and other personal documents in which names and surnames are not written in Turkish alphabet, with an explanation that UNMIK IT service has not provided computers for these services with typical letters and signs from Turkish alphabet.

There are no violations of rights regarding signs and other information of private character written in mother tongue. In Prizren/Prizren, in the building of Municipal Assembly (MA) Gnjilane/Gjilan, in Priština/Prishtinë and in Turkish village Mamuša/Mamusha, there are few separate cases that companies' had advertised them in Turkish language, and there are few cases of posters in Turkish.

Here the example from Priština/Prishtinë Municipal Assembly should be given. When Municipal Assembly had a campaign of writing newly appointed names of streets in the town. However, signs are written only in Albanian and English language. There is a great diversity in this field too, so in some municipalities there are signs only in one language (in Albanian or in Serbian), in some places there are bilingual signs but in most cases one of the languages is spattered with sprayed colour). Lot of places do not have any signs, and tables with all three languages are very rare to see.

Recommendations:

This issue can be solved temporarily by adopting the amendment to constitutional Framework on provisional Institutions of Self-government in Kosovo that would regulate use of language and letters or by preparing a unique law on use of language and alphabet in Kosovo. In May 2005, the Government of Kosovo had adopted the draft law on language and alphabet use in Kosovo and forwarded it to Kosovo Assembly for adoption. In the procedure of drafting this law, representatives of all minority groups have not been contacted.

The Roma Community

During Civilian registration of population in Kosovo Roma population was discriminated by UNMIK because of indifference of the employees, members of the majority community, who were working in the Civilian Registration Department, because they were writing Roma names and surnames in the Albanian language and alphabet.

Beside that, when visiting public institutions, Roma were discriminated because of their names. Roma always tended to accept the names and surnames of the major community, no matter which one, in order to avoid discrimination. But, it is a problem sometimes because if Roma community member has a name which looks like the name of Serb community member the same person would be discriminated by the Albanian community member, if a person has the name typical for the Albanian community member that person would be treated like the Albanian community member and would be discriminated by the Serb community, regardless of his/her true ethnicity. This kind of discrimination creates big problems with this community; unfortunately it is a consequence of perennial of assimilation, where Roma population made attempts to avoid discrimination by changing their names. That is why today, unfortunately, there are less and less persons who have typical Roma names.

In all settlements in Kosovo where Roma population makes majority, there are no signs written in Roma language. Ever since, it is considered and accepted as a rule that Roma community members simply must accept everything that every other community decide. When making decisions the consultations with the Roma population was usually ignored by all communities. Writing of any kind of information in the Roma language is considered unnecessary, because large majority of Roma population recognize and learn the dominating language of the surrounding. Even signs of private nature are not written in Roma language.

In general, in Kosovo today all official documents are written in English, Albanian and Serbian language. In most of the cases Roma do not know completely any of these languages and usually they need help to understand the text when reading and or filing different kind of applications.

Today as well as before the war there are big settlements, i.e. Roma camps with approximately 15.000 members of Roma community. These camps have never had titles in the Roma language and usually all of them are written in the Serbian or Albanian language. The situation is the same in Kosovo today.

Recommendations:

- *To educate several Roma to be in charge for translating official documents in or from Roma language in one of the official languages, i.e. to train translators who could translate different documents from Roma to Serbian, Albanian or English language or vice versa.*
- *To send several of members of Roma community who would be interested to study in Roma language at the University of Paris, in order to educate Roma staff for translations.*

The Ashkalia/Egyptian Community

The mother tongue of members of these communities is Albanian and names and surnames of members of these communities are the same as the names and surnames of the members of the majority community, therefore there are no violations of this right. Similar problems (indifference when writing the names and surnames) exist when writing names and surnames of members of the majority community.

Article 12

1. *The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.*
2. *In this context the Parties shall inter-alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.*
3. *The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.*

Domestic legislation

The following are the existing legal regulations in Kosovo related to the education issues: UNMIK Regulation 2000/45 on Municipal Self-Government in Kosovo, Constitutional Framework for Provisional Self-Government in Kosovo (Chapter 4: Rights of communities and their members, and the part related to the General Provisions), UNMIK Regulation 2002/19, promulgated on 31st of October 2002, implementing the Law on Primary and Secondary Education in Kosovo and UNMIK Regulation 2003/14, promulgated on 12th of May 2003, implementing the Law on Higher Education in Kosovo.¹

Constitutional Framework for the Provisional Self-government in Kosovo,

Article 4.1: *Communities of the citizens belonging to the same ethnic, religious and language group (community) can exercise the rights stipulated in this chapter, in order to preserve, protect and express their ethnic, cultural, religious and language identity.*

The Law on Primary and Secondary Education, the Right on Education stipulates:

- 3.1 *It shall be the general duty of the Ministry of Education, Science and Technology (MEST) subject to the provisions of this Law and the applicable law to promote the education of the people of Kosovo and to make available an adequate and efficient programme of primary and secondary education accessible to all.*
- 3.2 *No child shall be denied the right to education. In furtherance of this right, the following principles shall apply:*
 - a) *Education in the publicly financed educational institution in grades 1, 2 and 3 shall be free of charge;*
 - b) *Learning materials (e.g. textbooks) in the publicly financed schools in grades 1 and 2 shall be provided free of charge; and*
 - c) *Every child has the right to education in his /her mother tongue in elementary and secondary schools.*

5.1 *Access to and progression through all Levels of primary and secondary education in Kosovo shall be without direct or indirect discrimination on any real or presumed ground such as sex, race, sexual orientation, physical, intellectual or other impairment, marital status, colour, language, religion, political or other opinion, national, ethnic or social origin, association with a national community, property, birth or other status of the pupil or the pupil's family.*

- 17.1 *In carrying out their functions and responsibilities under this Law and the applicable law with respect to educational provision for children and adults within the municipality, each municipality shall:*
 - a) *Promote equal opportunity in access to primary and secondary education in the municipality, in staff development and training and in all other aspects of education; and*

- b) *Respect and promote the rights of communities and their members established in Chapter 4 of the Constitutional Framework for Provisional Self-Government.*

Law on Higher Education in Kosovo envisages:

13.5

- a) *Equality of opportunity in employment and equal access to study and research, regardless of sex, race, sexual orientation, marital status, colour, language, belonging to an ethnic or national minority, political or religious belief and, so far as is reasonably practicable, age, physical or mental impairment; and*
- b) *That all persons and bodies conduct themselves in accordance with the highest standards of selflessness, integrity, objectivity, accountability, openness, honesty and leadership: in carrying out his or her official duties no person shall act as a delegate of any group of any composition and shall neither seek nor accept any mandate: all persons must act at all times solely in the interests of the provider as a whole.*

Minority communities and the implementation of this article in practice

Educational questions are still key unresolved issues for minority communities in Kosovo. One may say that general education in Kosovo is facing huge problems, such as unqualified and low paid teaching staff that use outdated teaching methods and materials and function with inadequate resources. The issue of infrastructure is one of the many unresolved problems. In some schools the lessons are conducted in four shifts, and some classrooms have over 40 pupils.

However, the pupils of minority communities often face additional problems. The physical access to educational institutions is still one of the problems that have to be dealt with not only for the sake of pupils but for the teachers of minority communities as well. Physical access to schools has been hindered mainly because of the long distance to the schools. In some cases children (for instance in Dragaš/Dragash region) have to walk for hours to their schools, and sometimes due to security reasons they have to be escorted by security officers.

Once physically in the schools, children face other problems, e.g. lack of textbooks or lack of professional staff. Apart for this, avoidance and intimidation is very much present, especially among Roma, Ashkalia and Egyptian community. A large number of children still remain away from the educational system. Sometimes it happens that children of Ashkalia community are bullied in school because of their ethnic origin, therefore it can not be said that those children, just because their mother tongue is Albanian, are actually integrated in the Kosovo society.

This situation is similar to that of Roma, Ashkalia and Egyptian children, who because of the colour of their skin face discrimination and intimidation.

UNMIK and the Ministry of Education, Science and Technology (MEST) has not yet prepared an all inclusive plan for the provision of adequate bus transport for pupils. Many pupils of minority communities still lack physically safe access to schools, which has the direct impact of segregating communities¹⁰³ and in maintaining the parallel systems of education in many areas inhabited by Kosovo Serbs, and which discourages initiatives for the inclusion and integration in education.

However, much has been done on that issue and some positive initiatives were undertaken by MEST, OSCE and UNMIK, by NGO's, including the organisation of catch-up classes for the children of Kosovo Roma, Ashkalia and Egyptian communities all over Kosovo, which altogether has had a positive impact in the field of education. In the region of

¹⁰³ In the region of Prizren this measure brought more segregation than integration. Because of the lack of transportat, officials in Župa region and Gora region are thinking about establishing secondary schools for Kosovo Bosniac and Kosovo Gorani pupils.

Mitrovicë/Mitrovica, kindergardens and other preschool institutions that have been established and that are run by international NGO's in the areas populated by Kosovo Roma have influenced an increase of the numbers of Kosovo Roma children in elementary schools. Despite these efforts, MEST did still not fulfill systematically and in good faith, the special needs of Kosovo Roma, Ashkali and Egyptians Kosovo-wide.¹⁰⁴ Great challenges rests in the establishing sustainable mechanisms that will ensure access to education and enable these children to stay in schools, which would in fact create an educational system that reflects the multiethnic character of Kosovo.

Responsible institutions

MEST, along with its *Unit for Communities and Gender Equality*, works on the creation of an equal educational system in Kosovo and on the provision of inclusive education on all levels and for all.

Apart from MEST at the central level, there are also seven *Regional Educational Offices* in place. These offices are located in Prishtinë/Priština, Prizren, Pejë/Peć, Gjakovë/Dakovica, Ferizaj/Uroševac, Mitrovicë/Mitrovica, Gjiilan/Gnjilane; each office has an officer for the communities of respective region.

Aside from these offices, in each municipality there is a *Municipal Directorate for Education*, responsible for the employment of teaching staff and other staff in the schools, for providing these schools with textbooks and other teaching material, for maintenance of school infrastructure, hygiene etc.

The Serb community

Concerning the Serb community and education, the security situation as well as the limited freedom of movement are still the reasons for the limited access to the educational system, especially for Kosovo Serbs that live in isolated areas.

Several schools that organize teaching in Serbian language complain for the lack of school equipment and instructional resources. Also, inadequate school space is still one of the constant problems and known by different international organizations and NGOs. For example, in Štrpce KFOR, in cooperation with Polish Non-Governmental Organizations and International Organization of Migration (IOM), helped in repairing the school for the pupils of the Serb community. However, offering help can sometimes be a problem. As it was noted that in Lipljan, for example, offering help in education for pupils from Kosovo Serb community was obstructed by the Kosovo Serb leadership due to a dispute on the determination of the school location.

Schools that are located in the communities of Kosovo Serbs still organize teaching according to the curriculum and the program established in the Serbia proper. There were many attempts to include the Serb community in Kosovo in the work on establishing a unique curriculum and the program, but these attempts remained unsuccessful because of the resistance of Kosovo Serbs representatives to take part in it. Nevertheless, on the local level there are examples of multi-ethnic cooperation. For example in Kamenica, Kosovo Serb and Kosovo Albanian children attend education in the same area of school bilding, which can be seen as a very positive example, although these children attend education in different buildings and in different shifts.

RECOMMENDATIONS:

¹⁰⁴ 10th Report on the situation of ethnic minorities in Kosovo, March 2003 (situation in the period from May 2002 to December 2002).

- *Provide adequate school space and inventory for the pupils who attend education in Serbian language.*
- *Provide safe and functional transportation for Serb pupils to their schools.*
- *Undertake a more serious approach towards the issue of recognition of diplomas in the entire region.*

The Bosniac community

The major problems that this community expresses in the field of education are: problem of physical access to the schools, lack of textbooks in Bosnian language, lack of adequate pedagogical staff and lack of diversity of suitable faculties/branches in Bosnian language concerning higher education. All these problems prevent children of the Bosniac community from receiving a qualitative education.

Concerning physical access to schools, transport for the pupils from this community is generally provided and at all levels of education. However there are still exceptions, as for example in the village Gornje Ljubinje (with approximately 2.700 of ethnic Bosniacs) where there is still no pre-primary education within the existing primary schools which has more than 400 students. The pre-school education for about 60 Bosniac children is conducted in a private kindergarten. The same situation is in Manastirica, the village with the second largest Bosniac population in the Župa region, where Bosniac children do not have possibility for preschool education in the Bosnian language. Out of the 50 schools where instructions are delivered in Bosnian, only 7 to 8 schools also have pre-school education in the Bosnian language. Pre-school education in the mother tongue is a precondition for an adequate knowledge of one's own language, a safeguard of identity and a preparation for further education and learning of other languages.

The authorities in Prizren Municipality are still refusing to facilitate transport for Bosniac pupils in the village of Drajčići; and these children have to walk up to 30 minutes through the forest in order to reach the school in the village Gornje Ljubinje. A similar situation also exists in the Bosniac village Reštelica and some other places in the Gora region.

Regarding access to high schools in the Bosnian language, the children in the neighbouring villages of Zupa and Podgora (Gornje Selo, Planjane, Drajčice, Rečane, Manastirica, Jablanica, Lokvica, Novo Selo, Grnčare, Ljubizda), do not have transport to the schools, and unfortunately have to try and arrange transport privately.

With regards to Peć/Peja and Istok/Istog region, ten Bosniac students who attend education in Bosnian language in Obrage and Verica villages, have to travel by private transport and up to 10km in one direction, because the municipal authorities in Istok/Istog have not provided adequate transport for them. There are some ten Bosniac families in Papračan village (Dečane/Dečan municipality), and some 10 Bosniac pupils attend primary school in Bosnian language and the transport is facilitated by help of an international NGO that provided the community with a vehicle.

Three schools in Peć/Pejë are offering instruction in the Bosnian language. These schools are the school of Economics, Technical and Higher Medical schools. However, at the High Medical school, there are no Bosniac teachers working, all the teachers are the members of the Albanian community.

The Bosniac community is facing also a problem with the lack of sufficient numbers of qualified teachers for instruction in Bosnian language, particularly in primary schools. In order to try to meet this need, MEST organizes throughout Kosovo teacher-training seminars as well as training programmes about new teaching methodology. The Municipal Government

of Prizren adopted a resolution on allocating funds and help with school equipment; geographical maps, globes and alike, for education in Bosnian language. However, there are still problems of recruiting a sufficient number of qualified teachers.¹⁰⁵

An additional problem that this community is facing is the lack of textbooks in Bosnian language that are consistent with the new Kosovo curriculum. So far, MEST has not provided the textbooks for education in Bosnian language with the explanation that, since only a small number of books is needed, there are not sufficient financial means to print such textbooks. The textbooks, especially those for national subjects (such as history, literature, and etc.), have not yet been printed, and the textbooks for general subjects are neither translated into Bosnian language nor into the languages of other minority communities, which severely limits access to education of and in the ethnic communities' mother tongue.

Concerning higher education in the mother tongue, there are only two faculties in Kosovo that provide education in Bosnian language. Apart from the *Faculty of Education* in Prizren, (that has some difficulties because the teachers and professors from Sandzak do not come regularly) there is also the *Business School* in Peć/Pejë; both of these faculties operate as branches of Priština/Prishtinë University. The problem concerning higher education in mother tongue is that MEST has not yet provided funds for the salaries of the teachers, they are still working and hoping that the payment of their salaries will eventually happen. In addition to this problem, it would be desirable to open several satellite faculties in Bosnian language as a branch of the Faculty in Priština.

While the Kosovo Government facilitated, through MEST, the establishment of two faculties for Bosniacs in Kosovo, in Prizren and Peć/Pejë, the problem with payments of salaries for the registered professors from Sarajevo and Novi Pazar has not yet been resolved, which leads to their frequent absence from and cancellations of lectures. The officials from the Rectorate of Prština/Prishtinë University acknowledged that there are similar problems with education in Albanian language. There have been announcements that this problem will be solved this year.

The Gorani community

Physical access to education is one of the major obstacles in the area of education for the Gorani community. The children in Dragaša/Drageš region have to walk to their schools, sometimes up to one hour, which is a particularly significant problem during the wintertime. That is also one of the major reasons that parents (especially from the conservative families) decide to not send their daughters to the schools. Therefore the limited access to schools is actually especially affecting Gorani female pupils, who mainly to this reason lose opportunities for education. The responsible institutions are inefficient in resolving this problem and they have not done enough in order to provide these pupils with adequate transport to their schools.

Members of the Gorani community are facing large problems concerning education in Serbian (for some in Bosnian) language, because MEST has not provided textbooks that are in accordance with Kosovo curriculum. The teachers from this community do not have access to the regular school equipment (different kind of note books, books for keeping the evidence,

¹⁰⁵ The Ministry of Education, Science and Technology and the Kosovo Education Development Project, organised in primary school '17 November' in Prizren on 14 January 2004 a five day seminar on the methodology "Student ventered education", in accordance with the experiences of the Canadian Calgary University. 33 attendants in education in Bosniac from Prizren, Mitrovica/e and Priština/e had an opportunity to learn about methods and styles of learning, critical thinking, problem solving, evaluation and etc.

different kind of application forms and etc) so it should not be surprising that the members of this community are urged to follow curriculum from the parallel structures from Republic of Serbia.

Also there is no possibility for higher education for the students from this community, except from Prizren and Peja/Pec, but at each of these faculties have only 40 places reserved for the members of Minority communities, 20 in each of them. In addition, the education for these 20 students is conducted in Bosnian language, so students from other communities cannot study there due to the language problems.

Concerning the parallel structures of Higher education, the Gorani community does not in general prefer to send their children to such institutions because the diplomas from these universities are not recognised. Therefore a conclusion that can be drawn in this situation is that there is no adequate higher education institutions for this community in Kosovo, and the students are forced to leave Kosovo and look for education somewhere else in the region. It is also common that the parents decide to leave Kosovo and follow their children there they have the possibility to continue their education.

The Turkish community

There are no major problems regarding children of Turkish community and their physical access to education.

In Priština/Prishtinë region there is a problem of physical access only to the primary school in Turkish language (Elena Gjika). In this case, parents have to take their children to the school. This is the case with pupils of lower classes that live in different parts, and therefore organized transport would make their access to the schools easier. This situation implies that children, who would like to attend education in their mother tongue, are due limited access to schools forced to attend classes in Albanian language.

One of the major problems that the Turkish community is facing in the area of education is the lack of textbooks in Turkish language. It should be said that since establishing the civil UN Mission in Kosovo, not a single textbook has been published in any of minority languages, including in Turkish. In all these years, nothing has been done to solve this issue. Thus, students from Turkish community usually use textbooks from Turkey, although those textbooks are not in compliance with the Kosovo curriculum (but are used more as additional textbooks).

The second problem that Turkish community is facing with is lack of professional staff. Many teachers from primary and secondary schools are not full time employed because of the small number of classes they have (full time makes 20 school hours) and thus, they do not have the full salaries. These difficult conditions make it more difficult to provide teachers for education in Turkish language in primary and secondary schools. Besides, many teachers, especially those who do not have the possibility to teach full time, have to work in more than one school, and with more teaching programs in order to provide full working hours.

For example, in the gymnasium 'Xhon Buzuku' in Mamuša/ Mamushë (the village 19 kilometres away from Prizren/Prizreni) there are three satellite classes with teaching in Turkish language, for 80 students. The teachers working in this school are mostly from Prizren. These teachers are traveling every day from Prizren to Mamuša/Mamushë, and in the last three years none of them have received salary for their work. Besides that, the previous transport between those schools have stopped so the teachers have to pay for the transport to those schools from their own pockets.

As a positive fact it should be mentioned that two years ago the Faculty for Higher Education started education in Turkish language.

An additional problem should be mentioned and that is that Turkish teachers are usually excluded from decision processes and from all the others educational contents in almost all the mixed schools where they work. It is common that the members of the Albanian community are holding the leading positions. In many of the schools, where education is conducted in two or more languages, there is no deputy director or coordinator for education that is from Turkish community. Directors and their deputies are, in most of the cases, only Kosovo Albanians.

Besides, in schools where teaching is conducted in two or three languages (Albanian, Turkish and Bosnian) names of schools and other signs within the schools are written only in Albanian language. Different kind of information, announcements and different advertisements are written only in Albanian language, without translation to any other language. In halls of these schools there are pictures only of Albanian writers, artists and famous persons, but no prominent individuals from any of minority communities. To some point, schools are due to the students from different communities multiethnic, but not multicultural.

Recommendations:

- *All discriminatory restrictions should be abolished and equal conditions for education for all the minority communities in mother tongue should be provided.*
- *MEST should provide the teachers for education in Turkish language, especially in all the primary schools in Priština/Prishtinë*
- *MEST should provide conditions for establishing teaching in Turkish language in Vuçitrn/Vushtrri.*
- *Regular salaries to the teachers should be provided.*

The Roma Community

The educational system of Kosovo does not recognize Roma's traditions and culture as a part or contribution to the overall culture.

The number of children who attend the classes, and who are involved in Kosovo educational system is very low. There are several of reasons for it; the situation after the 1999 conflict, due to high ethnical tensions, caused parents to not send their children to school because of security reasons. Since 2000 the situation has changed, and many children have returned to school.

According to MEST statistics for 2003/2004, the total number of pupils & students (including pre-school institutions, elementary, secondary and special schools.) was 437,265. The number of Roma children involved in Kosovo Educational system was only 895. If one compares this figure with politicians' statements that 40,000 Roma community members lives in Kosovo (or 45,000 according to the World Bank/Education Management Information system) and majority of that i.e. 50% are young community members, i.e. from 5 to 18 years, than the number of Roma pupils and students is very low.

According to information received from "Inicijativa 6", an NGO, there lives 5.148 Roma in Prizren municipality, with the number of children from 0 till 18 years being 1.950, from 0 till 5 being 768, and the number of children in school age from 6 till 18 being 1.181. From this group in Prizren, the total number of Roma children which is involved in education is only 548, only 250 attend elementary school, 20 attend secondary school, 2 are in college and 1 in

faculty (University). The number 1.181 is very low and it is 23.11% of the total number of the Roma children who are of school age and which should be attending school.

Compared with the number of children from the previous year, the number of Roma children in school year 2004/2005 has doubled, but still this number is small and it is below 50 % of total number of children who should attend school.

Project “Intensive, catch-up classes” contributed to the improvement of this situation. It is dedicated to Roma children who missed/dropped out from elementary school. This intensive learning enables pupils to attend two levels for one school year, and as well it supports additional training and doing homework.

As positive examples, one can mention that Intensive learning will be organized in Peja/Peć, Gjakove/Đakovica, Shtime/Štimlje, Ferizaj/Uroševac, Suharekë/Suva Reka, Prizren, Istog/Istok, Leposavić-Leposaviq. During 2004/2005, the second phase of Intensive learning programs started to function in Peja/Peć, Gjakove/Đakovica, Shtime/Štimlje, Ferizaj/Uroševac, Istog/Istok, Prishtine/Priština, Suharekë/Suva Reka, and Lipjan/Lipljan. In 2004, MEST, in cooperation with OSCE, UNICEF and SOROS foundation organized a one month summer school for education of Roma teachers, where 48 teachers have been trained.

More than 280 scholarships have been distributed to the Roma community students and pupils of high school during the school year 2004/2005 by the KCSF foundation on Kosovo level. This project results were very productive, and as consequence, it was a considerable increase of number of Roma children attending secondary school.

Children between 9 and 16 who quit their education due to different reasons have been involved in catch up classes. Catch up classes started on 1999 and were conducted by International NGOs and other organizations, but as of 2002 this project is under the competences of MEST.

Regretfully, the quality of these classes is not the best, the number of girls is too low and a considerable number of Roma children are leaving even these classes. Greater attention needs to be dedicated to these classes; teaching staff should increase their capacities in both qualitative teaching and motivating and encouraging children to attend classes. Teachers should have an impact in involving parents as well, and this too needs the support of all stakeholders as well. Work of teachers needs special support and monitoring, both by MEST and international organizations, in order to meet the project goals adequately.

Another huge problem that Roma children face is the lack of books free of charge. Though the Law on Elementary and Secondary education (Education right, Article 3.2 on b) claims that the textbooks for the first level (from 1st to 4th grade) are free of charge, the distribution of school texts for all Roma children in Prizren region has not been completed yet. Though MEST promised free distribution of books for the 2003/04 and 2004/05; this still has not happened. Several promises were made by MEST that school texts shall be distributed to Roma children, but regretfully no such promise has been fulfilled until now.

MEST, in cooperation with University of Prishtinë, decided to approve the enrolment of 23 students in the school year 2004/2005. Directorate of schools in Prizren made concession to enrol 7 Roma children in secondary schools in Prizren for the school year 2004/2005.

Maybe one of biggest difficulties for education of Roma children is very bad socio-economical situation their families. So the education conditions for Roma children are minimal or do not exist.

Roma community is facing special problem of education of female Roma children and their positions in Kosovo. Mostly female Roma children are not attending school, especially

secondary school. This is closely connected with a mentality which like an unwritten law rules these areas, with most part of members of all communities in Kosovo, upon which male children have more privileges than female.

Students from Roma community are also affected with security problems. In contrary to students from the Kosovo Serb community who attend the classes in areas which they considered as theirs, pupils and students from Roma community mostly attend mixed schools. There are still complains of intimidation of children of Roma community who are travelling to school in Mitrovica/Mitrovice, Gjilan/Gnjilane, Prishtine/Pristina. In some cases parents themselves refused provision of easier transport for their children to the schools and with this refrained from benefiting from their right to education. It is known that measures foreseen by law for the parents who refuse to send their children to school were not taken, even in the places where there are no concerns for their safety.

Recommendations:

- *Educational policy, which has a goal to completely integrate all Kosovo Roma children in Kosovo educational system, should be improved.*
- *To provide complete and equal access to all level schools, and during that to take care about cultural specifics of Roma.*
- *To take concrete steps in order to overcome barriers between Roma children and pupils from other communities on Kosovo.*
- *To undertake some actions what will nourish and promote education to Roma parents and to call Roma to attend the education in order to decrease illiteracy rates within Roma community.*
- *During implementation of program policy, the Ministry of Labour and Social Welfare (MLSW) should convey to help the families with small income that have school age children and to take care that Roma children enjoy same rights as other without discrimination.*
- *To remind the parents that it is their obligation to assure their children to attend the school, especially for the girls who should have equal access to education.*
- *To develop programs for helping Roma children to accomplish curriculum, preferably by Roma teachers.*
- *To work on gradual cancellation of parallel educational system and to transfer Roma children in Kosovo educational system, and to develop supportive school programs in order to make this transfer to normal education easier.*
- *Especially regarding additional education, Ministry of Education, science and technology should develop programs which will:*
 - *Assure a quota of Roma students to enrol Prishtina University*
 - *To insist on equal opportunities for boys and girls in educational system and to develop programs for decreasing the high number of Roma girls leaving the school.*

The Ashkalia/Egyptian community

The Ashkalia/Egyptian community is facing similar problems related to access to education as do the Roma community children.

The children of Ashkalia/Egyptian community attend the classes in the language of the majority community, save that these communities are not been mentioned in the national subjects (history, language, art and literature). The curriculum does not foresee the teaching of history and cultural heritage of Ashkalia/Egyptian community. The Ashkalia/Egyptian community is not mentioned as a minor community in Kosovo society even in a single textbook of the new syllabus and curriculum, neither as a group with similar culture and tradition.

The problem of physical access to schools, i.e. transport to school facilities is not present, as the schools where classes are in Albanian language are provided are located near settlements where the students live. Their main problem with the access to education is restricted access in terms of poor enrolment of children in school, as well as very poor socio-economic conditions of parents and lack of possibilities to send their children to school, i.e. to buy textbooks, clothes and other equipment necessary for school.

Regarding education, Ashkalia/Egyptian members are in a more regressive position than any other minority community on Kosovo. According to the unofficial estimations, the population of this community in Kosovo used to be around 100.000, however it has dropped down to 45 000. The number of children involved in education system has also been decreasing. Some of the reasons for educational regression of these children are: degrading and discriminatory treatment comparing to children of other communities, Responsibility of parents, their low awareness of the importance of education of their children.

A particularly important problem which is affecting the bad situation in education is the socio-economical conditions of these communities. Many of these community families live in very poor conditions. Because of the lack of clothes and their appearance, these children are discriminated and intimidated by other children. This results in a very bad effect to their feeling about their security and belonging, which is further affecting their motivation to continue with the education. In addition, the poor financial situation forces a lot of children in their early ages to start working at home or outside of it, and quit the education.

Another problem is the education of girls, who are facing pressure of their parents to get married at very young age. The girls drop out of the primary school, thus there is very limited possibilities to continue education or to join the school after the break. This situation is isolating girls from the community, and since there is no possibility for professional advancement, this is indicating the need for additional actions in order to stimulate the inclusion of girls within the educational system. A big number of children do not attend classes; a part abandoned education during the war and they never resumed.

As a positive action a project should be mentioned that was implemented in 2003 in Prizren called "Catch-up classes" for Ashkalia/Egyptian and Roma drop outs from the primary school. These catch-up classes enable the students to complete two grades during one academic year, and it offers a support for additional training and doing the homework.

Recommendations:

- *The most important suggestions are that the MEST must provide to Ashkalia/Egyptian community children the access to education, high-quality teachers, and free textbooks, and also grants earmarked for the educational system.*
- *The transport services should be organized for areas with no school in their proximity.*
- *This minority community culture should be included in the textbooks.*
- *To stop discrimination and intimidation of Ashkali and Egyptian children in schools.*
- *The Government should prepare a law on textbooks and financing, to provide the textbooks for all pupils for free.*
- *To arrange a quota for Ashkali and Egyptian children to join different faculties also on university level.*

Article 13

1. *Within the framework of their education systems, the Parties shall recognize that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.*
2. *The exercise of this right shall not entail any financial obligation for the Parties.*

Domestic Legislation

The Constitutional Framework for the Provisional Self-government in Kosovo, in the part where the rights of the communities and their members are described, chapter 4, article 4.4 envisages the following:

4.4 Communities and their members shall have the right to:

j) Provide for education and establish educational institutions, in particular for schooling in their own language and alphabet and on the community culture and history, for which financial assistance may be provided, including from public funds in accordance with applicable law; provided that, curricula shall respect the applicable law and shall reflect a spirit of tolerance among communities and respect for human rights and the cultural traditions of all communities;

Minority communities and the application of this article in practise

There is no private institution for minorities in Kosovo, and there are no recorded requests from the side of minority communities for such institutions. However, in Kosovo there are separate, parallel educational institutions for Serb community at all the levels of education that follow curriculum of Republic of Serbia. Primary and secondary schools are located in the areas inhabited by the members of Serb community, while the university is located in the Mitrovica/Mitrovice North. Mainly Serb community members can study at this university, however, others who understand and speak Serbian language, meaning Gorani, Bosniac, Roma, etc. can also study at this institution. Though, these institutions are also recognised as public educational institutions (they are financed by both UNMIK and government of Republic of Serbia?).

The Serb community

Considering the Serb population, there are no recorded violations of the right guaranteed by this Article of the Framework Convention.

It can be noted that in Kosovo Polje, during the March 2004 violence, the school building, which had been used by the Serb community for the education in its own language, was burned. This shows that the majority, Albanian community, is not willing to accept and respect the implementation of the Convention article and the right of Serb children to attend education in their mother tongue.

The Bosniac community

There are no reports of requests by the Bosniac community to establish separate private educational institutions that would provide education exclusively in Bosniacs' mother tongue. Therefore, there are no reports of violations of this right of the Framework Convention.

The Gorani Community

There are no registered requests for establishment of private educational institutions, therefore there are no violations registered concerning this article of the convention.

The Turkish community

Regarding this Article of the Framework Convention (which is also applicable under the local legislation) and the Turkish community there are no violations. There are no private educational institutions in Kosovo in Turkish language; there has been no requests from the Turkish community to establish such educational institutions.

There are some private schools in Kosovo, but none of them is providing education exclusively for students of minority communities. In Priština/Prishtinë, there is a four year college; however it is an American-Turkish college 'Mehmed Akif', where education is conducted in the English and Albanian languages, while only one subject is delivered in Turkish (the Turkish language and literature). Most of the students at this college are members of the Albanian community, and only a small number of students are members of Turkish and Bosnian communities.

The Roma community

Regarding the Roma community, there are no violations of this right of the Framework Convention.

In April 2005 Koha Ditore, the Kosovo daily newspaper published an article wherein it was stated: "On behalf of Roma community a Roma teacher in Gjilan/Gnjilane, Sami Qerimi, demanded establishment of an independent school. The Roma School in Gjilan/Gnjilane is a branch of Šilovo-based "Vuk Karadžić" school. According to Qerimi, students who complete primary education are forced to attend the secondary education in schools where the instruction is delivered in Serbian language, such as in Šilovo or Kusce. The Roma community has been offered the option to attend Thimi Mitko School in Gjilan/Gnjilane town, but they refused citing security concerns, municipal officials said". However, it is unknown how serious this request is and whether it is supported by the Roma community in this area.

The Ashkalia/Egyptian community

There have been no requests from these communities to establish private educational institutions for education of Ashkalia/Egyptian community members, thus there were no violations of the rights guaranteed by this article of Framework Convention.

Article 14

1. *The Parties undertake to recognize that every person belonging to a national minority has the right to learn his or her minority language.*
2. *In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.*
3. *Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.*

Domestic Legislation

In the Constitutional Framework for the Provisional Self-government in Kosovo, in the part where the rights of the communities and their members are described, chapter 4, article 4.4 envisages that communities and their members have the right to:

- a) *Receive education in their own language;*
- j) *Provide for education and establish educational institutions, in particular for schooling in their own language and writing, and on community culture and history, for which financial assistance may be provided, including from public funds in accordance with applicable law; provided that, curricula shall respect the applicable law and shall reflect a spirit of tolerance among Communities and respect for human rights and the cultural traditions of all Communities;*

The Law on Primary and Secondary Education in Kosovo, Article 3.2(c) guarantees the right to education in own language:

Every child has the right to education in his /her language in primary and secondary schools.

Official translation of this law is not available in the Official Gazette, while the other version of the translation from MEST of the given article 3.2 (c) has a completely different meaning and guarantees a different right, that is, the right to learn own language: *Every child has the right to learn his/her mother tongue in primary and secondary school, provided that the stipulated requirements by the Ministry are met.*

Minority communities and the application of this article in practice

One of the preconditions for a multiethnic and multicultural society in Kosovo is to provide education for children of minority groups in their mother tongue, and to establish an environment where such children can freely enjoy their basic human rights. Applicable regulations guarantee the access to education for every child in their mother tongue in Kosovo. However, there are still problems with the implementation of these legal provisions in practice.

PISG of Kosovo is currently working on the enhancement of coexistence and on the establishment of the conditions for the preservation, protection and development of the identity of national minorities. As far as minority communities are concerned, it can be said that a lot was done to make sure that all children of Kosovo are provided with education in their mother tongue and in this line the classes are being continuously offered in their mother tongues, Serbian, Bosnian and Turkish. The Turkish children living in areas populated with Turks are able to receive the entire instruction in Turkish language. Children of Bosniacs and Turkish communities learn an additional 2 classes of Albanian language as a foreign language, whereas other subjects are held in their mother tongue. The children of Ashkali and

Egyptians are having their entire education in Albanian language, which is their mother tongue. This all proves that multiethnic education in Kosovo is possible and feasible.

Unfortunately, a lot remains to be done so that all guaranteed rights are implemented in practice, so that multiethnic society will come to be in Kosovo. Regarding the Bosniac community, there is still limited access of Bosniac children to the preschool and University education in their mother tongue. For example, the situation of members of Bosniac community in Municipality of Gjakovë/Đakovica is especially difficult, where the lack of possibility for this minority community to have access to education in own language can lead to a forced assimilation.

The Serb community is not integrated in the Kosovo education system, and is using the curriculum of Republic of Serbia. The MEST has still not resolved the issue of Gorani community children in Dragaš/Dragash, and could not make a decision on whether these children should follow the Kosovo curriculum for 9th grade or possibly still carry on with the Serbian curriculum for 8th grade of primary school.

Roma are the only community in Kosovo, who in no level of education have the possibility to study in own language and rarely have the chance to actually learn their mother tongue. Roma children in Mitrovicë/Mitrovica that attend kindergarten and preschool institutions have a chance to learn Roma language as a part of a program under umbrella of international NGOs. Nevertheless, these children are usually forced to attend education in the language that is in use in the region where they live. Most of them attend classes in Albanian and a smaller number in Serbian or Bosnian language. The MEST has not responded to the request of Roma Kosovo community of Prizren made on 12 September 2002 for the education in Roma language and teaching of Roma culture and history be provided at the final year of secondary school.

There is still a shortage of textbooks in compliance with the new curricula for languages of minority communities and for all levels, for Bosniacs and Turkish community which are still using textbooks from Bosnia and Herzegovina and from Turkey. In general, the access to education in mother tongue (lack of staff and textbooks) is still sporadically present throughout Kosovo, and this problem has an impact on other issues, such as the conditions for the return.¹⁰⁶

RECOMMENDATIONS for the education of minority communities related to articles 12, 13 and 14:

The Education of children of minority groups is not satisfactory in neither of the levels, at preschool, primary and secondary level of education, and also at the high level of education.

- *The most important recommendations are to ensure the access to education, quality of professional staff, free of charge textbooks and financing and these to be set as priorities in the educational system.*
- *In order for all children to have access to education, laws have to be implemented at both central and local level.*
- *Municipalities should be responsible to ensure transport for all pupils, including minority pupils. This would also be important for the fulfilment of standards, in general, and for sending positive signals to the returnees that their children will have secured access to education, in particular.*
- *To undertake measures in the area of education for the sake of cultivating culture, history, language and religion of minority communities.*
- *The Government should apply the law stipulating that all textbooks for primary school should be available to all students free of charge.*

¹⁰⁶ For information of the institutions in charge, see the text about article 12 in this Report.

- *To undertake measures against discrimination or intimidation of minority children in schools.*
- *To make attendance to both primary and secondary education compulsory since there is a large number of children who subsequent to primary school do not continue with the secondary education.*
- *Faculties in minority languages – to establish either faculties or departments within existing universities in minority languages.*
- *To introduce a quota for students who want to study in Albanian language.*
- *Government should allow the members of Gorani community to use the old curriculum for a certain period of time (until the standards are met), in order to circumvent indirect discrimination.*
- *The problem of higher education in minority languages should be solved through regional approach that is by putting Bologna declaration system in place simultaneously in Kosovo and in the region, especially in Serbia.*

The Serb community

There are no violations of the Serb community rights with regard to this Article, Serb children have the right to attend schools in their own language and to learn their mother tongue, because the Serbian, in addition to Albanian language, is also one of the official languages in Kosovo.

The Bosniac community

The Bosnian language, which the Bosniacs in Kosovo adopted as their mother tongue (since 1999, i.e. following the establishment of UNMIK administration in Kosovo), is sufficiently taught throughout the entire regular education from pre-primary education up to the higher education level.

However, in Zlopek near Istok/Istog and neighbouring villages of Ložan and Dubočak, which are located close to Peć/Pejë, the establishment of higher grade classes conducted in Bosnian language - i.e. from the fifth to ninth grade of primary school - has not occurred, due to the low number of students coming from the Bosniac community. The established policy, which requires a minimum of 15 students in order to create a class, makes worse the situation in places where a lower number of Bosniacs exist. In such places, the Bosniac children are forced to attend further education in Albanian language.

Comparable problems are also present in other regions. For example, in Gornje Selo (Zupa region), due to the low number of Bosniac pupils - 13 in all - instruction in the Bosnian language is conducted in one classroom. This means that all Bosniac children between the 1st and 4th grades attend a composite class together. The parents of these children complain almost every year to the Municipal Directory for Education and demand that these children are provided with at least two teachers in order to increase the quality of education for the pupils. However, their requests remain unmet.

In some regions there are reports of successes regarding education in the mother tongue, i.e. Bosnian language. In Prizren, for example, in 10 to 12 primary schools instruction is offered in Bosnian language. With reference to the high school level, instruction in all 5 schools in Prizren is facilitated in Bosnian language, while a school bus for children of the Bosniac community from some rural areas has commenced with shuttle services (from Gornje and Donje Ljubinje).

However, in some schools some topics/classes conducted in Bosniac have been cancelled. For example the High Musical School *Lorenc Antoni* in the town of Prizren, where education used to be conducted in Bosnian language, was suspended back in 2003 with the justification that “there were not enough students”. The members of this community complain against this

decision asserting that there are interested students and also that requirement for quota should not apply to art schools where it should be permitted to maintain a Bosnian language class even with just a single student. In the Technical school in Prizren also, the Machine, Leather and Textile classes in Bosnian language have been cancelled. As a positive example we can mention the High Medical school which opened (during the academic year 20004/2005) two Bosnian language classes for Dental Technician training.

In order to facilitate the enrolment of Bosniac students into Priština University, a request was recently submitted for them to have tuition in the Albanian language and to take exams in Bosnian. The request, although approved by MEST, was nonetheless rejected, allegedly due to the small number of students who would follow this kind of education. One positive example of such practice is found in Priština University in the City Hospital, where the doctors of Bosniac community were allowed to follow classes during their specialization in the Albanian language and to take professional exams in Bosnian.

There are several cases where students from the Bosniac community enrolled in Priština/Prishtinë faculty, yet, due to insufficient knowledge of the Albanian language, had to leave the faculty. That is the reason why a great number of those students have chosen to study in Serbian language at the Mitrovica/Mitrovicë University (because of the lingual similarity), whereas this can cause a problem for them upon the completion of their education and brings about the risk that they would not be able to find employment in the mixed areas (because the education in that University is considered for a product of parallel institutions and therefore undesirable).

The lack of staff at high school institutions is still an issue, so that the quality of education being conducted in the high school education domain is contested. The options of bringing University teaching staff from Bosnia and Novi Pazar for the time being is not suitable since they require significant financial support.

Regarding scholarships, there are positive examples in Peć/Pejë where Municipal authorities have allotted studentships for studies out of Kosovo; also, Prizren Municipality has allocated 23 higher education scholarships to students of minority communities, which is a sufficient percentage compared to the number of members of these communities in Prizren Municipality.¹⁰⁷ The only problem is in Dragaš/Dragash, where scholarships for the previous year have not been allocated yet.

The Bosniac parents in the village of Reštelice, filed a petition with approximately 600 signatures (on 22 September 2003) with the Municipal Directorate for Education in Dragaš/Dragash requesting from this authority help in enabling their children to continue their education in the Bosnian language. However, due to the self initiative of the teachers of the Gorani Community, who are paid by the parallel structure of the Serbian Government, the tuition in the major part of Gora is being conducted using the Serbian curricula.

¹⁰⁷ For example in the village of Ljubižde, Prizren Municipality, where there were 1297 Bosniacs before the war (out of the total of 2.658 residents), and now after the war there are approximately 1.260 Bosniacs living there. There is a primary school in the village, where 31 teachers, members of Albanian and Bosniac community, deliver tuition to the 1st to 9th grade, where 292 Bosniacs and 439 Albanian pupils attend the classes. Education is delivered separately and the Bosniac children have education in their own language.

There is no high school in Ljubižda, hence 136 Albanians students and 97 Bosniac, travel to Prizren, and these children have to travel daily by bus or private transport in order to continue with the high school education in their mother tongues.

The frequent change of the language of tuition results in a great outflow of students who used to follow the instruction in Bosnian language. Some 1500 of them are forced to attend tuition in Albanian or Serbian language and lately also in Turkish language. Such a situation is found particularly in Skorobište, a village entirely populated by Bosniacs, Ljubizda, where approximately 95 percent are Bosniacs, Grnča (Podgora region) as well as in Musnikovo, Dražica, Planjane and Zupa, but also in Donje Retimlje and the Orahovac/Rahovec municipality.

In Skorobište, up to June 1999, the instruction was delivered partly in Serbian and partly in the Albanian language. During the academic year 1999/2000, the enrolment of students requiring tuition in Bosnian language was not permitted. All of some 100 students “shifted” to the instruction in Albanian language. Even though 176.000 Euro were appropriated from the Municipal Budget to minority communities for construction of a new school building, the tuition is being conducted exclusively in Albanian, despite the fact that the mother tongue of these persons is Bosniac. On the occasion of laying the foundation and celebrating the new school opening, Albanian, German or English were the only languages spoken. At the opening occasion, officials present included the German general Richard Rossmanith and the Minister for Education, Science and Technology of Kosovo, who, among else, stated (only in Albanian) that this was “an example of implementation of Standards”.

In the primary school u Ljubižda, some 650 students attend education, out of which only some 40 do so in their own language, Bosnian. In the year 1999/2000, the school management did not facilitate the commencement of classes in Bosnian. There were examples of intimidation, where the students were told “Bosniacs raus”, “Bosniacs to Bosnia”. After a while, classes in Bosnian for barely around 40 students were permitted. In the ninth grade, these children could only have tuition in Bosnian in Grnčare, a satellite class of this school. Despite the fact that in Grnčare, out of about 170 students, there are some 40 students coming from Bosniac community, all the announcements, schedule of classes and all the documents coming from the main school in Ljubižda, are exclusively in Albanian language. On the occasion of the School Day, the Bosniac pupils were allowed to recite only a couple of poems in Bosnian.

In June 2004, a request of about 190 parents from village of Grnčar to detach from the main school in Ljubižda, where out of 810 students, 170 are Bosniacs, and to create a separate school, was refused, because, as both the local education authorities in Prizren and MEST point out, the minimal number of students has to be 250.

In public institutions in Prizren, where there is preschool education, also including kindergartens, the Bosniac children were not provided with classes conducted in Bosnian. There is usually no staff from the Bosniac community there, which leads to the unequal position of Bosniac children in the educational process compared to those from the majority. Out of 50 schools in Kosovo where classes are being conducted in Bosnian, only 7 or 8 schools deliver preschool education in the Bosnian language.

The Gorani community

The educational reforms on Kosovo are not regulated and in harmonisation with the region and due to the fact that Gorani students do not have the possibility to higher education in Kosovo, they are urged to continue higher education somewhere else in the region. This is directly affecting flow of the ones who are leaving Kosovo and those who are returning back, meaning that the number of those who are leaving is much higher than of those who are returning back.

Until the last year, the curriculum in elementary and secondary education was according to the curriculum that existed in Kosovo until 1999, i.e. curriculum from SRY (and is still in use, despite the reforms in Serbia have taken place). So in order to protest, the parents of the pupils who finished 8th class wrote a petition to the international and local institutions requesting that their children should have the possibility to enroll in secondary school according the old curriculum. In 2003/2004 that possibility was provided, with big delay, and the same problem is relevant even for this year.

This year, despite of the petition of the parents, students from the Gorani community (majority of those who wanted to continue their education) have been left outside of the school benches for this school year. Large number of parents are desperately trying to find a solution for their problem by immigrating to other countries.

Recommendations to MONT:

- *To secure access of the Gorani community students to Higher education.*
- *To open faculties in Prizren region in the official language of this community.*
- *To open faculties in official language in Prishtine/Pristina university, which could halt the big number of Goranies leaving Kosovo.*
- *To build the schools for elementary and secondary education or to provide the pupils with adequate transport.*
- *Provide school books for the pupils of this community (in their official language).*

The Turkish community

The primary school education in Turkish language is available in Priština/Prishtinë, Prizren, Mamuša/Mamusha, Dobričan/Dobrichanë and Mitrovica/Mitrovice.

The instruction in Turkish language at the secondary school level is available in Priština/Prishtinë, Prizren, Mamuša/Mamusha and Gnjilane/Gjilan. The Turkish community students, both in primary and secondary school, study the majority community language, i.e. Albanian, 2 classes per week.

In Priština/Prishtinë and Prizren, students of the Turkish Community have access to higher education in the Turkish language, although only in some departments: in Priština/Prishtinë at the Faculty of Philology there is a department for Turkish language and Literature that has initiated this year postgraduate studies in Turkish language. Currently there are ten students studying at this level; in Prizren at the Faculty of Education there are also Turkish language classes. Every year, both of these Faculties admit new 25 students. It is important to mention that both of these Faculties are being financed by MEST, i.e. from the Consolidated Kosovo Budget.

The Turkish high school students (except in the case of the above mentioned faculties where the instruction is delivered in Turkish language) have an opportunity to continue with their University education at other Faculties of Priština/Prishtinë University in Albanian language. One portion of students chooses to continue with their education in Turkey (with the grants received from Republic of Turkey).

There was a Special Needs School for children with hearing and speech impairments in Turkish language in Prizren. However, the school has been closed without any explanation.

The Turkish community teachers in Kosovo have embraced and work according to the new Kosovo curriculum. What needs to be mentioned is that at the Ministry for Education, Science and Technology there are expert commissions working on curriculum for Turkish language

for the following subjects – Turkish Language and Literature, History, Music and Arts (this is also the case with the Bosniac community).

The Turkish community teachers have also formed an association called “An Association of Turkish Teachers in Kosovo” that is seated in Prizren and with the department in Priština/Prishtinë that covers all of Kosovo. The association has 190 members and is dealing exclusively with educational issues related to members of Turkish community.

Another issue also has to be raised - the problem of primary schools where it is still insisted that a class has to have a certain number of students in order to commence with the instruction in the pupils’ mother tongue.

Yet another crucial thing to be stressed are the examples of positive discrimination at the Priština/Prishtinë University. An example of such positive discrimination was that in the last academic year there were 20 places reserved for Bosniac and Gorani students, 12 for Turkish and 6 for Roma, Ashkali, Egyptian students. They were offered an opportunity to enrol in various Faculties. Things would end up on even more positive side if the students, who truly need assistance, were provided with scholarships.

SUGGESTIONS:

- *There should be a secured quota for Turkish community students who wish to study in Albanian language, if possible with scholarships. In this way, the number of students of Turkish ethnic background, studying in Priština/Prishtinë University would be increased.*
- *If possible, more faculties of Law and Economics in Turkish language should be opened, preventing thereby, a large number of students to leave Kosovo for Turkey and to continue their education there. In this way, the professional staff would be retained in Kosovo and the integration of those students into Kosovo society would be made easier.*

The Roma Community

The children of Roma community do not have any opportunity for education in their own language and sometimes not even to learn their own language. Roma children enrol at the schools where the instruction is offered in languages of other communities (Albanian, Serbian, Bosnian, and Turkish). Considering that the level of education of the majority of Roma parents is very low, they are not able to help their children about teaching, especially if this teaching is in Albanian or Serbian language. The Roma children, usually unprepared for school and learning, without any assistance coming from teachers, lose the continuity of learning, and soon (usually between 3rd and 5th grade of primary school) abandon further education.

If we add the ethnically motivated teasing and harassment, always present in school hallways, schoolyards and on the streets, this furthermore causes Roma children to feel rejected and less appreciated, not welcome in the society. Parents, school teachers and the education institutions rarely act in response to such incidents, especially when they involve Roma girls.

A big problem for Roma community is the lack of possibilities for education in Roma language. From 1989 until the conflict in Kosovo, this possibility was available in this region as an optional education. In the meantime, Roma NGO’s and activists suggested to Kosovo MEST some concrete actions to resolve this situation. The MEST gathered Roma community NGO activists from Kosovo only in 2003, and held several consultations between March 2003 and the Round Table held in June 2003. These resulted in a request addressed to the MEST for Roma history and culture to be included in the Kosovo education program. In this way, the children from other communities could familiarize themselves with the history and culture of

this community, and that would be the primary starting point in eliminating stereotypes and prejudices against this community's members, which are currently present.

Preparing candidates for Roma language studies can be mentioned as a positive example. According to data obtained from the region, there are 21 teachers from Roma community employed in primary and secondary education. However, these teachers are not lecturing in Roma language, instead they teach in other languages, i.e. Albanian, Serbian, Bosnian even Turkish. 20 additional candidates, who attended OSCE and MEST Roma language summer course, can be added to this number.

One of the suggestions for MEST and OSCE was to select the two best candidates among those who attended Roma language summer course, to join Roma language studies on lectureship of Romanology at the Inalco faculty in Paris. During 2003 and 2004, the OSCE, MEST and KEDP (Canadian Education Development Program) lot of Roma teachers took a part in this course. Unfortunately MEST still did not identify a donor who would solve the issue about sending the two students for Roma language studies in Paris.

Aggravated by the poor financial situation of Roma parents, the challenges of ensuring education remains significant, and the institutions are excusing themselves by unfounded arguments stating that dropping out of school of Roma children is Roma community "tradition" and "culture". By saying this they put the responsibility on poor and uneducated parents who are not able to educate the children by themselves and to fight the poverty and overall harassment of Roma children because of the colour of their skin and torn clothes.

RECOMENDATIONS

- *The Ministry of Labour and Social Welfare (MLSW) should facilitate the provision of Roma language in preschool institutions, and step by step also in primary and secondary school.*
- *MEST should provide experts for drafting curriculum for Roma language as mother tongue for primary school and also as an optional school subject.*
- *Both the MEST and Municipalities should provide access for Roma students to primary schools, secondary schools and faculties, and should set the objective of getting Roma minority involved in educational system on Kosovo.*
- *Assimilation of Roma should be avoided by introducing Roma language into the system of education. Given that through gradual loss of knowledge of language, roots and tradition a group tends to assimilate, i.e. to change the identification of its ethnicity.*
- *To respect, protect and promote the Roma culture, Roma language by publishing textbooks in and on Roma language, history and culture, as well as to facilitate supplementary activities such as educational games, music education, painting, learning traditional crafts, etc.*
- *To promote the Roma history and culture throughout entire education for all students.*
- *To organize additional trainings about Roma identity, history and culture for teachers from all ethnic groups and through this to rise awareness about tolerance and multiculturalism.*
- *To prepare preschool syllables for preschool institutions, in order to prepare Roma children for primary education.*
- *For the preschool children to advocate introducing Roma language, history and culture as the one of the subjects which will be studied in preschool institutions. It is suggested to have a couple of classes per week for learning language of majority and in the same time to prepare them for further education. It can contribute for these children not to get behind other children and to lose the wish for education.*

- *To organize certain programs for Roma children who have not completed the primary education or are entirely uneducated.*
- *To establish scholarship program for Roma students, which will become competent for different areas which are useful for this community. These scholarships should be awarded to the Roma students who would study at some of the universities with the complete curriculum on Roma language, in order to establish a group for Roma studies which will meet the European standards.*

The Ashkalia/Egyptian community

Since the mother tongue of Ashkali/Egyptian children is Albanian, same as of the majority Kosovo Albanians, the children coming from these communities access their education together with the children of the majority community.

However, there are still cases of discrimination of members of these communities, comparable to Roma members.

For instance, children of this community in Fushë Kosovë/ Kosovo Polje are educated together with children of majority. The Principal of the Primary school in Kosovo Polje/Fushë Kosovë and the Ministry of Education wanted to move the Ashkali children to 'Sveti Sava' School where Serb children get their education. The main rationale of this initiative was that by this measure, the management of the school i.e. members of the Albanian community would get access into the 'Sveti Sava' school. However, this plan has failed because parents and children from Ashkali community did not allow it hence the children continued with the education in their regular school.

Article 15

*The parties shall **create necessary conditions for efficient participation** of members of national minorities in cultural, social and economic life and public affairs, especially those affecting them.*

Domestic legislation

UNMIK Regulation (nr. 2001/9) on a Constitutional Framework for Provisional Self-government in Kosovo, Chapter 4, Rights of Communities and Their Members:

(d) Enjoy equal opportunity with respect to employment in public bodies at all levels and with respect to access to public services at all levels;

(m) Receive and provide public health and social services, on a non-discriminatory basis, in accordance with applicable standards;

(...)

4.5 The Provisional Institutions of Self-Government shall ensure that all Communities and their members may exercise the rights specified above. The Provisional Institutions also shall ensure fair representation of Communities in employment in public bodies at all levels.

UNMIK Regulation nr. 2001/19¹, On the executive branch of the Provisional Institutions of self government in Kosovo

Section 4, General Principles of the Civil Service:

4.2 Members of the Civil Service shall be recruited from all the communities of Kosovo on the grounds of professional qualification, competence and merit after fair and open competition. The non-majority community representation in the composition of the Civil Service at all levels shall be closely proportionate to the representation of non-majority communities in the Assembly.

In order to increase participation of minority members in Public services and employment, Administrative Direction nr. 2003/2¹⁰⁸ was adopted (implementing UNMIK Regulation nr. 2001/36, on The Kosovo Civil Service):

Chapter 2, Recruitment:

3.3 Recruitment to the Civil Service shall be done after fair and open competition, on the basis of merit and in conformity with the principle of equitable representation of communities in Kosovo, and equitable gender representation all areas and levels according to section 5.4 of UNMIK Regulation No. 2001/19 and section 2.1(f), (g) and (h) of UNMIK Regulation No. 2001/36. This should be done in accordance with specific community representational ranges that may apply to different parts of the Civil Service, as promulgated from time to time by the Special Representative of the Secretary-General (SRSG).

UNMIK Regulation No. 2001/36 (g), Chapter 2, Section 2.1 Governing Principles prescribes the required legal framework which prohibits discrimination by or within the public service while the Administrative Instruction provides for implementation of proportional representation of communities. It establishes general procedures and Rules of procedure, as well as Code of Conduct for members of public service and Disciplinary rules for public servants. The Administrative Instruction is a big step in promoting equal approach to employment of minority communities in public sector.

Chapter 2, article 2 of the UNMIK Regulation nr. 2001/36 states:

¹⁰⁸ Signed by the SRSG on 25th January 2003.

(h) Inclusiveness: recruitment at all levels in the Civil Service shall reflect the multi-ethnic character of Kosovo and the need for equitable representation of all the communities in Kosovo.

Regarding the culture life, the involvement of minority groups is partially given in the Annex to the Article 5 of the Framework Convention.

Implementation of the Article into Practice

Access to employment - Though some returnees, members of minority communities managed to find their jobs within the public sector¹⁰⁹, the security issues and the restricted freedom of movement still affect the opportunity to choose jobs, especially in the private sector. Kosovo Serbs, therefore, mostly return to the rural or semi-rural areas where they can engage in basic agricultural activities, provided that they have access to arable land. Those who found jobs, are mostly employed in public sector, such as in local medical station, local school, KPS, UNMIK or they found employment through income generating projects supported by the international community. Conversely, Kosovo Roma, Ashkali and Egyptians returnees in most of the cases returned to urban or semi-urban areas, and to the occupations they held before the conflict, such as masonry and trade. However, neither returnees coming from these three communities nor the Kosovo Serbs, have managed to return to their previous jobs in public enterprises.¹¹⁰

Access of minority communities to the election procedure - There are a large number of minority political parties in Kosovo. There are no recorded cases of denying registration to any minority political parties. As far as the Serb community and political groups are concerned, two main types can be distinguished: those registered and active in Serbia and Kosovo (Citizen Initiative and Serb List for Kosovo and Metohija), and those registered and active in Kosovo only (Coalition Return in which all parties represented in Kosovo are included).

Major examples of successfully cohesive minority political parties are the Coalition of Kosovo Bosniacs, 'Vakat'¹¹¹ which holds seven seats Kosovo wide; and the Turkish party (TDPK), which have five seats. Comparable are the Party of Kosovo Egyptians (IRDK), which won four seats and one of the parties of Kosovo Ashkali (DPKA), which won three seats. The Gorani Citizens Initiative (GIG), won two seats in Dragaš/Drageash.

The problems of minority political groups are of a financial nature and/or of weak organization. In some cases, a community was simply too small by numbers to support a political group. The financial problems, for example, affected the election activities of the Croat Citizen Initiative/Janjevo. Having in mind that the Croat community is primarily represented in Janjevo (Lipljan/Lipjan municipality), most probably there were not enough Croat voters in Lipljan/Lipjan (where only a few hundreds ethnical Croats are living), who would guarantee representation in the Municipal Assembly, and the party did not have financial means to mobilise the support among Internally Displaced Persons in Croatia.¹¹²

Some of the present challenges are also internal struggles and the question of organizing minority groups. The problems related to internal dispute are noticed in the cases of two

¹⁰⁹ According to the "Secretary-General Report on the Mission of Interim Administration of United Nations in Kosovo", only 1 percentage of those employed in the public sector are minorities (even though this sector in Kosovo is the primary employer for minorities). See SG Report on UNMIK of 13 January 2003, item 33.

¹¹⁰ UNHCR and OSCE, Minority Assessment No. 10 (period between May 2002 and December 2002), published in January 2003.

¹¹¹ Party of Democratic Action (SDA), plus Bosniac Democratic Party (BDS).

¹¹² UNHCR and OSCE, Minority Assessment No. 10 (period between May 2002 and December 2002), published in January 2003.

parties of Kosovo Ashkali (PDASH, DPAK), established after the clash between political leaders of this community.¹¹³

The election campaign and the position of Kosovo Serbs groups were not so active. The only party that had organized political parties in the region of Priština/Prishtinë was the party for Kosovo and Metohija (PKM). Political parties of Kosovo Serbs in the region of Priština/Prishtinë did not have difficulties while registering as political parties. They said that they did not have difficulties because OSCE provided support by facilitating transport to the meetings in Election Department of OSCE Mission in Kosovo for political leaders.

Political processes

Central structures – the Kosovo Central Assembly has 120 members, including 20 reserved seats for minority communities. In the current Assembly, there are 10 seats for representatives of Kosovo Serbs, four seats for Bosniacs, three for Turks, three for Roma/Ashkalia/Egyptians and one for Roma.

The representation of ethnic minorities in the Committees of Kosovo Assembly is not satisfactory. Two main Committees of the Assembly are the Budgetary Committee and Committee for Rights and Interests of the Communities. The Committee on Rights and Interests of the Communities has the right to review all legal motions in the Assembly and to ensure that no law violates the rights and interests of ethnical communities. Representatives of minority communities chair few of the other Committees, for example the Committee on Finance and Economy, Committee on Agriculture, Forestry and Rural Development, Committee on Health, Committee on Labour and Social Welfare.

Municipal structures - Currently there are 13 mono-ethnic Assemblies in Kosovo Local Self-government, including also the two mono-ethnic Assemblies of Serbs in North Kosovo.¹¹⁴ In the remaining 17 Kosovo Municipalities, in most of the Assemblies there was a reduction in representation of minority communities. The most important instrument which gives the right to these communities to voice their concerns and defend their respective legitimate rights is the UNMIK Resolution 2000/45 on “Municipal self governance in Kosovo” which stipulates that there shall be two mandatory Committees in each Municipal Assembly: Committee for Communities and Committee for Mediation. These Committees are necessary mechanisms for facilitation of participation of ethnical communities in political, cultural, societal and economy life in a Municipality.

However, the capacity of Committees to perform their role efficiently is still unsatisfactory. One among several problems with the political structures at the Municipal level is also the quality and legitimacy of representatives of minority communities, which do not have full support of their communities. Since many of local leaders are self-appointed, they lack a democratic mandate originating from the will of their electorate. This problem is also present with the Committees for Communities and the Committees for Mediation.¹¹⁵ For that reason, without an opportunity to express their specific interests and to demand justice, the minority communities remain alienated and out of main processes and they do not believe that they can influence the outcome of events.

¹¹³ Instead of taking second place within the party, a separate political party was formed and assumed leadership.

¹¹⁴ Leposavić/Leposaviq and Zvečan/Zveçan.

¹¹⁵ According to the Regulation UNMIK 2000/45, Municipal Assembly (Article 21) shall appoint the Committee membership. The consultations with the electorate base, thus, have not been clearly foreseen.

Special Recruitment Campaign: “The Communication Week”

The Priority Standards document, Standard I – Functioning Democratic Institutions –, action 6.5, requires from all Provisional Institutions of Self Government (PISG) to undertake: “*Special recruitment drives organized for removing backlog of communities’ vacancies at central and local levels.*” Moreover, action 6.5 is directly interrelated with action 6.3: “*Development and implementation of plans designed to increase and encourage participation of the communities in the civil service esp. at senior levels...*” and 6.4: “*Enhancing access to employment information by all communities, including IDPs...*”.

The main goal of this activity was to increase minority representation at all of the PISG levels and reach a minimum of representation which at the moment is set at 16.6%¹¹⁶. In UNMIK’s last technical assessment (February 2005), it was reported that minority representation is at 9.6% (average) across central government ministries and 6.2% at decision-making level. At the municipality level, according to the technical assessment, minority employment was adequate in 14 out of 27 mixed municipalities.¹¹⁷

PISG at the central level were required to identify all the vacant positions reserved for minorities at the senior level and lower levels. So that all the ministries had the possibility that by “The Communication Week” organized in April 2005 announce all the positions available for the minority members. There were approximately 103 positions within different ministries secured for the minority members. The vacant positions were advertised in minority media¹¹⁸ and the terms of reference were drafted in Serbian, Bosnian, and Turkish. The whole process was run and managed by the Office of the Prime Minister (Office of the Standard Coordinator), Ministry of Labour in cooperation with OSCE and UNMIK.

In one of the comments from the Office of the Standard Coordinator was stressed that the idea with the campaign was not to only increase the minority representation at the targeted level of 16.6% but also to improve the situation and help build the mutual trust between communities in Kosovo and encourage the minorities to apply for jobs. Once communication links are established the PISG will continue to encourage minorities to return to Kosovo and to apply for the vacant positions reserved for them.

Therefore, considering minority integration as one of the main challenges for the PISG and for the Kosovo society as a whole, as well as bearing in mind the importance of “Standards for Kosovo”, the Office of the Prime Minister (OPM) has drafted a strategy for a public campaign named “Communications Week,” aimed at improving minority representation throughout the PISG.

¹¹⁶ UNMIK Regulation on the Kosovo Civil Service, 2001/36, does not provide an exact figure as to what the minority representation in PISG should be nor does any other regulation or administrative direction.

¹¹⁷ There is no minimum representation quota set for minorities in the municipalities.

¹¹⁸ Serbian media was TV Herc (Shtërpçë/Štrpce), Radio Max (Shilovo-Šilovo), Danas, Jedinstvo (weekly-MI) and Radio KIM (PR). Bosniac in Alem. Turkish: Yeni Donem radio (PZ), Kent FM (PR) and etc.

The following are results provided by the Office of the Standard Coordinator:

INSTITUTION	NO. OF ISSUED VACANCIES	NO. OF APPLICANTS	No. of recruited staff				
			Serb	Turk	Other	Total	
Prime Minister Office	8	27	2	1	1	4	Recruitment ongoing
Ministry of Public Services	9	51	1	1		2	The applicants did not fulfil the criteria
Ministry of Transport	9	17	3		1	4	The recruitment is ongoing
Ministry of Trade & Industry	8	33	3	1	4	8	
Ministry of Labour & Social Welfare	9		5	1	3	9	There where no applications for 2 positions
Ministry of Education	17	9				0	Recruitment is ongoing
Ministry of Local Government Administration	3	12				0	The recruitment will be completed with arrival of a minority Deputy Minister
Ministry of Health	12	37		5	7	12	
Ministry of Economy	12	12	7	1		8	Of 12 recruited 5 have resigned
Ministry of Environment & Spatial Planning	8	3				0	Of 3 applicants nobody fulfilled the criteria
Ministry of Energy & Mining	12	0	0	0	0	0	The vacancies where advertised twice but there where no applicants
Ministry of Culture	14					14	
Ministry of Agriculture	4	9				0	The recruitment is not Completed. The ministry is waiting for approval of funds by MEF
Total	125					61	

Unfortunately, this table does not show the figures of employed members of other minority communities e.g. Bosniacs, Roma, Ashkalia even though some of them are numerically larger communities than the Turkish community.

The success of the Campaign will depend on how many minorities applied, how many were employed, how many applications were received from those displaced out of Kosovo and how many from those living in Kosovo, did this campaign facilitate and/or help the return of displaced persons, etc.

The Serb community

With regard to the implementation of Article 15 of the Framework Convention as it concerns the Serb community in Kosovo, it should be noted that there has been only a minimal shift from a standstill. On participation and integration, generally speaking, there are no indications that anything will improve in the near future, taking into consideration the fact that there is almost no Serb population in the cities, i.e. urban areas, with the exception of Kosovska Mitrovica/Mitrovica (north part of town) and Kosovska Kamenica only.

Some believe that the participation of Serbs at the central and local levels does not meet the standards of the effective participation, for as long as an ethnic Albanian person factually holds the position of the UNMIK expert for the return of internally displaced persons (predominantly Serbs and Roma)! In a negative context there is a fact that all vacancy notices are advertised mostly in the print media in Albanian language which are otherwise inaccessible to the Serb community, partly because of ignorance of the language, and partly because it is impossible to find a newspaper in Albanian language within the Serb enclaves. However, on a positive note, recently more vacancies are advertised in Serb media as well. The most recent vacancy notice for minorities on advertised job vacancies within the Ministries was published in the newspaper "Jedinstvo", and also vacancies are advertised on the KiM Radio and Radio Gračanica.

The participation of Serb community in the judiciary is minimal, and there is not one judge coming from the Serb community in the Kosovo Supreme Court. With regard to the municipalities and the representation of the Serb community therein, there are 30 municipalities in Kosovo, and only six of these are mono-ethnic (Albanian), however Regulation 2000/45 is rarely respected, especially Section 9 thereof. Few municipal meetings are held in both languages, and when there is the translation provided usually that it is late. When there are municipal officials belonging to Serb community, as already established custom, those persons are obtaining positions which practically do not have any importance in the improvement of the position of the non-Albanian communities.

In Regulation 2000/45 On Self-Government of Municipalities in Kosovo, Section 23 establishes the work of Communities Committee, Mediation Committee and Community Office, as well as the manner of their work within all existing communities in Kosovo. This Section foresees that two standing Committees, i.e. Communities Committee and Mediation Committee should be established in every Municipal Assembly in Kosovo. These Committees are necessary mechanisms in order to facilitate the participation of ethnic communities in political, cultural, social and economic life of the municipality. In such a way, Committees provide for the respect of rights and interests of the communities that live in municipalities, and at the same time, their aim is to promote trust among communities and to encourage those communities to take part in the distribution of power with ethnic majority.

However, normative solutions are one thing and the situation on the ground is another. Provisions of this Regulation are partially applicable because of a decentralized approach, so that the existence and work of these Committees varied from municipality to municipality. Where the intensive cooperation between local authorities and their international counterparts existed, Committees have functioned well and concerns of ethnic communities were effectively put into the first plan. Where these preconditions did not exist, Committees have been *de facto* non-functional and prevented reasonable participation of minority communities in the work of municipality.

The situation with returnees is as follows: some of them managed to find employment within the public sector, but the security issues and restricted freedom of movement have an impact on opportunity to choose a job in both public and private sector. Because of that, members of certain minority communities return primarily to rural or semi-rural areas where they can

carry out basic rural and agricultural works, provided that they have access to arable land. As an example we can mention returnees from village Belo Polje/Bellopojë near Peje/Peć, none of whom are employed and who mostly live on social welfare! Serbs, who live in rural areas, and who either gain or only supplement their income through agriculture, are in the same way deprived of the right to work on the grounds that there is no freedom of movement. They are not able to trade in the green markets they used to visit before the war, and they are not able to maintain connections with other communities dealing with agriculture. Those dealing with agriculture for their own existential needs face security problem when they go out to their farms. Those who found employment, are mostly employed in the public sector, e.g. in local clinics (funded by Republic of Serbia Government) schools, Kosovo Police Service, UNMIK, or they have jobs owing to projects for the development of small business funded by the international community, though always within the secure environment provided by their community or village. However, the fact is that not all of these people managed to go back to their jobs in public enterprises, where they worked until June 1999, nor were they informed, in any manner, whether that will ever happen.

With regard to social welfare system and the operation of the Centres, the situation is still very difficult for the employees who work in the Centres and also for the recipients of social welfare coming from the Serb community. Namely, the Centres for Social Welfare still have no capacity to provide full services in the areas inhabited by minorities, because of the inadequate number of the employees dealing with social welfare willing to work in these areas. Also there is a lack of willingness among social workers to travel from areas inhabited with majority population to the areas with minority population. Above all, the situation is very difficult in instances where workers of certain Centres cannot visit the elderly or disabled beneficiaries both in rural and urban areas because of the shortage of available vehicles. They have only one available vehicle or no vehicle at all, and at the same time, the above mentioned beneficiaries are not able to come on their own to the social welfare centres. The situation is even worse in cases where Centre employees used to pay house visits in the past, to the isolated areas inhabited by Serbs, and now this practice is suspended because KFOR refuses to provide escort to the workers who would visit the socially vulnerable beneficiaries. In relation to the *UNMIK Regulation 2000/66 On Benefits for War Invalids of Kosovo and for the Next of Kin of Those Who Died as Result of the Armed Conflict in Kosovo* should be stated, that from 6000 persons of Serb community who submitted documented claims for this kind of social support, only one person received a positive answer. Others faced some harassments while trying to achieve their rights!

Participation of the Serb community in political life

The Serb community is represented on the political scene by three political streams:

- Coalition “Return”, where almost all Serb political parties in Kosovo are represented,
- Serb List for Kosovo and Metohija,
- Citizens’ Initiative – Slaviša Petković,

Representation of Serb community in Kosovo Assembly: Under the Constitutional Framework for Provisional Self-Government in Kosovo, there are 10 set-aside seats (on grounds of positive discrimination) in the Kosovo Assembly, and seats are also allocated on the bases of votes won in the elections. Nevertheless, at the last election in Kosovo, which were held on 23rd of October 2004, and were boycotted by the Serb community, only one percent of the members of this community participated in the elections, and therefore only two seats were verified in the Kosovo Assembly (Citizens’ Initiative), and one Ministry seat was allocated to the newly established Minister for Returns. There are several reasons why the Serb community boycotted Kosovo elections; one of the reasons is the inefficiency of the Assembly members who participated in the previous Assembly composition, and the other is

the message from political stream from Belgrade and the Kosovo North to boycott the elections.

Until recently, the head of UNMIK Office had an Advisor for Returns (Nenad Radosavljević) who, according to his own words, resigned because of the inefficient work of UNMIK on this issue. Mr. Slaviša Kostić has recently started to serve in this capacity. There are still no information on the representation of the Serb community within the Ministries. However, the Ministry for Returns has the highest number of employed Serbs.

Local authorities

The table below describes the representation of Serb community within the local authorities by municipalities where they live or have lived before 1999.¹¹⁹

Municipality	Serb population in % (along with internally displaced persons)	Municipal Assembly	Heads of Executive Boards, Boards of Directors, and Municipal Departments	Municipal Assembly Committees
Lipljan/Lipjan	Around 20%	2 seats out of 31	1 seat (Department for Agriculture and Forestry) out of 12	No Serb community members
Orahovac/Rahovec	Around 15%	1 seat out of 31	a) <u>Board of Directors</u> : 1 seat (Head of Communities' Office in Velika Hoča) out of 14 b) <u>Communities' Office</u> : 5 seats	<u>Policy and finances</u> : 1 seat (of 9 in total), <u>Communities' Committee</u> 4 (of 10 in total), and <u>Mediation Committee</u> 3 seats for Serbs out of 8 in total
Priština/Pristine	Around 12%	2 seats out of 51	<u>Board of Directors</u> : 1 seat out of 16	
Vitina/Viti	Around 10%	1 seat out of 31	<u>Board of Directors</u> : 12 seats – no Serbs	2 seats out of 3
Gnjilane/Gjilan	Around 20% of Serbs	2 seats out of 41	<u>Board of Directors</u> : 2 seats out of 13	41 seats – no Serb community members
Kamenica/Kamenicë	Around 17% of Serbs	4 seats out of 31	<u>Board of Directors</u> : 3 seats out of 12	1 seat for Serbs, out of 9
Peć/Pejë	Out of around 35%, 1,2% are Serbs, (before 1999 about 34%)	1 seat out of 41	Out of 14 seats in total, there is not a single member of Serb community	Out of 4 seats in total, there is none from Serb community.
Obilić/Obiliq	17%	3 seats out of 21	<u>Municipality</u> : 1 seat out of 9 (Local Community Office)	No members of Serb Community
Kosovo Polje	30%	1 seat out of 21	<u>Board of Directors</u> : 2 seats out of 13	6 seats – no members of Serb Community
Mitrovica/Mitrovicë- No Serb representatives within the local authorities, as they refused to participate therein.				

¹¹⁹ Information taken from OSCE Mission in Kosovo that drafted Municipality profiles and representation of minorities in municipalities Kosovo-wide. There are no obtained data on municipalities of Uroševac/Ferizaj, Prizren and Vučitrn/Vushtrri.

Positive examples:

<i>Municipality</i>	Serb population in % (along with internally displaced persons)	Municipal Assembly	Heads of Executive Boards, Boards of Directors, and Municipal Departments	Municipal Assembly Committees
Zvečan	72%	17 seats out of 17	5 seats out of 5	4 seats out of 5
Zubin Potok	93,3%	15 seats out of 17	6 seats out of 9	2 seats out of 4
Leposavić/Leposaviq	99%	16 seats out of 17	7 seats out of 7	3 seats out of 3
Novo Brdo/Novo Berde	Around 38%	10 seats out of 17	8 seats out of 10	3 seats out of 4

Judiciary system

<i>Municipality</i>	District Court and District Prosecutor's Office	Municipal Court and Municipal Prosecutor's Office	Magistrate's Court
Priština/Prishtinë (79 seats)	No judge or prosecutor from Serb community	Municipal Court: 2 judges, 1 prosecutor ethnic Serb.	No judge of Serb ethnicity
Mitrovica/Mitrovice (27 seats)	District Court: 2 judges Prosecutor's Office: 0	No judge/ prosecutor of Serb community	No confirmed information
Zubin Potok (2 seats)	No judge or prosecutor of Serb ethnicity	Municipal Court: 1 judge	1 judge
Orahovac/Rahovec (11 seats)	No judge or prosecutor of Serb ethnicity	No judge or prosecutor of Serb ethnicity	—
Lipljan/Lipjan (9 seats)	No judge or prosecutor of Serb ethnicity	No judge or prosecutor of Serb ethnicity	—
Kamenica (from 7 seats)	No judge or prosecutor of Serb ethnicity	No judge or prosecutor of Serb ethnicity	—
Vitina/Viti (7 seats)	No judge or prosecutor of Serb ethnicity	No judge or prosecutor of Serb ethnicity	—
Gnjilane/Gjilan (from 16 seats)	District Court: 1 judge	Municipal Court: 2 Prosecutor's Office: 1 prosecutor	—
Leposavić/Leposaviq	No judge or prosecutor of Serb ethnicity	Municipal Court: 1 judge Prosecutor's Office: 1 prosecutor	—

There are no data for Peć/Pejë Municipality.

It should be mentioned that vacancies in judiciary are opened for members of Serb community but there are no sufficient candidates who would apply for these positions. Talking about professional staff within the Serb community after 1999, there is a big deficit in the area of judiciary. In Kosovo Supreme and Economic Courts there is not a single judge coming from the Serb community.

Representation of Serb community in Kosovo Police Service (KPS) is good, but as a negative fact we can mention that there is no KPS member of Serb community in municipalities where the return could be achieved, but also in those places where the resistance to the return of the displaced Serbs is greater. Regarding the commanding structure within the Police, there is one colonel belonging to Serb community employed with KPS.

With regard to the participation of Serb community in economic life, the percentage of employed persons is 20%. Out of those 20% employed, a bigger number is working in the so called 'parallel structures' funded by Republic of Serbia and international organisations, whereas maximum 5% out of total of 20% work with the central and local authorities in Kosovo. Regarding public and private businesses the number of employed is insignificant.

When we talk about the representation of Serb community at the cultural level, in addition to all previous, it should be emphasised that the Serb community, within Kosovo institutions, has neither Department nor any Institution in charge of culture. There are no theatres in Serbian language, except one cinema in Leposavić/Leposaviq and three Cultural-Artistic Associations (in Zvečan, Laplje Selo/Fshati Llap and Donje Korminjane) that are funded from the Republic of Serbia Budget.

RECOMMENDATIONS:

With regard to standards and the participation of the minority communities in Kosovo, first of all Serb community, there is a fact that the situation regarding integration and effective participation is not appropriately evaluated and this evaluation does not give the genuine picture of the state of affairs on the ground!

First of all, and before considering any standards, one should consider the security issues, freedom of movement, right to return, right to possess property, but first of all right to a dignified human life, whereas the disrespect of all these results in a direct infringement of the Article 15 of the Framework Convention, which is the reason why it is impossible to talk about any application, not to mention progress in its application!

The Bosniac community

Although not to a sufficient extent, the Bosniac community does participate in most spheres of public life. Regarding the Bosniacs and their participation in political life, the situation is satisfactory. Following the introduction of the multiparty system in late 1990's the political organization of Kosovo Bosniacs started and the following political parties were formed: Party Democratic Action (SDA) was established on 14th October 1990 in Peć/Pejë with the branches in Priština/Prishtinë, Prizren, Dragaš/Dragash and other places. The Democratic Reform Party of Muslims (DRSM), was established on 27th July 1990 in Prizren as an authentic Bosniac-Muslim party, which has a significant influence among scholars. Following the arrival of international forces in Kosovo, two additional parties were formed: Kosovo Bosniac Democratic Action Party (BSDAK) with the seat HQ Prizren and (Gorani party) the Gora Citizens Initiative (GIG) in Dragaš/Dragash. In the latest parliamentary elections, two news parties, former members of Coalition Vakaf, formed after excluding from the policy of Kosovo SDA leaders, named Democratic Party Vatan in Dragaš/Dragash and Kosovo Bosniac Party in Peć/Pejë took part in the latest parliamentary elections.

The Bosniac political parties supported the political requests of Albanian people for a proper resolution of the status of Kosovo. They advocate for the expansion of education in Bosnian language, for employment of Bosniacs, social and health protection, for the return of the temporarily dispossessed property, regulation of rights of employees and retirement benefits, for the achievement of their cultural rights and they proactively engage themselves to be adequately represented within authorities and other sectors of public life. Also, they believe

that their community can have an important role and could serve as a bridge in establishing links between the Albanian and Serb communities in Kosovo.¹²⁰

On 28 October 2000, the Bosniac community participated in the first local elections in Kosovo with four political parties: Party Democratic Action (SDA), Bosniac SDA Kosova, (BSDAK) Democratic Reform Party of Muslims (DRSM) and Gorani Citizen Initiative of Gora (GIG). The Prizren branch of SDA did not run for elections. According to the results of the elections, the BSDAK won 5% votes in Prizren while DRSM 3% and accordingly they are going to have 3 MPs in the Assembly. In Dragaš/Dragash, GIG won 13 %, and SDA 11 % of votes In Peć/Pejë SDA won 3%, and in Istok/Istog 2%.¹²¹

The Bosniacs had their representative within the interim Kosovo Government. However, the representatives of that political party point out that they are inadequately represented because they believe that they should also have an additional representative within the Interim Government, and that he/she should be from the Prizren region where the largest population of Bosniacs in Kosovo resides.

The current Bosniac political parties in Kosovo are: the Coalition VAKAT, SDA, BSDAK, Initiative PDI (Prizren Dragaš Initiative). The case in each Municipality is as follows: in the Municipal Assembly of Prizren out of total of 41 MP seats, Bosniacs have three; in the Municipal Assembly Dragaš out of the total of 21 MP seats, the Bosniacs have five, (11 from municipality directorate); in the Municipal Assembly Peć/Pejë out of 38 seats, Bosniacs have again three, in the Municipal Assembly Istok/Istog, the Bosniacs have one seat. In the Municipal Assembly of Priština/Prishtinë, Đakovica/Gjakovë, Mitrovica/Mitrovicë and Gnjilane/Gjilanë there are no MP seats reserved for Bosniacs. The Kosovo Assembly has 120 MPs. According to the Constitutional Framework, the Bosniacs should have four seats, although three are reserved for Bosniacs and one for a Gorani. At present, they have four representatives and they participate in all activities, excluding one seat reserved for a GIG member.

Out of nine members of the Kosovo Government Presidency, one member is Bosniac. In the Kosovo Government, only one out of 10 Minister seats is designated for non-Serb minority communities. Upon creation of the parliamentary group '6+', comprised of Coalition Vakati and the Turkish Democratic Party of Kosovo, the agreement was made that the seat for the ministry of Health shall be reserved for a Bosniac. Since 2004, the Kosovo Government also made the Deputy Minister position opened to the non-Albanian communities in Kosovo.

¹²⁰ In Dragaš/Dragash, immediately after the KFOR arrival in Kosovo, a Roundtable was held attended by representatives of all the villages where Bosniacs live. After the debate, unanimous conclusions were reached whereas it was among else stated:

“We condemn present politics and political leadership as its bearer, since they have not had the support of Bosniacs’ majority in the region of MA Dragaš/Dragash. Their politics was equally devastating both for Albanians and Bosniacs of this region. We do not accept collective guilt and the legal responsibility is individual. Let everyone be held responsible for their committed (faulty) acts. We express our empathy for Albanian people for longstanding discrimination and violations of human rights, for exodus and suffering, for material destructions and everything else already condemned by the International community. Mobilization was conducted intentionally, poorly managed, unsystematically and selectively with the intention to stain the Bosniac people. The mobilization could not be avoided as well as it was not possible to prevent the exodus of Albanians. The life with Albanians in not only possible, but also inevitable, based on the principles of mutual tolerance, respect and dialogue. We want to live in a new democratic, multiethnic and multicultural society...” Source: Recommendations from the Roundtable held in Dragaš/Dragash on 21 July 1999.

¹²¹ Source: “Bosniacs also contributed to the democratization of Kosovo”, independent Bosniac weekly “Kosovo Avaz” from 14 November 2000.

Positive discrimination is employed in all the municipal committees for the return to places where Bosniacs live.

There are almost no representatives of Bosniac community employed within UNMIK and the OSCE offices.

Regarding the presence of Bosniacs in the management bodies, within the structure of UNMIK Municipal Board, since 20th July 2000 the Bosniacs have not been represented even though one of four vice-president positions was reserved for them, and within the interim authority structure in 8 Directorates, not a single position was allocated to them. The Bosniacs in Prizren region are not satisfied with their current representation within the Management bodies, judiciary, education and health.¹²²

With regard to the efficient participation of Bosniacs in economic life, one can say that the percentage of participation, that is, the employment rate of the Bosniac population within Municipalities is very low. In Prizren Municipality, out of the total of 30.000 people, about 15 percent are members of Bosniac community; the total number of local government employees is 325 out of which 26 Bosniacs, which means that only 8 percent are members of Bosniac community. It is obvious that Bosniacs, in relation to the population percentage in this municipality, are inadequately represented. A high percentage of Bosniacs are unemployed, especially young people. The majority of factories have closed down, and those who are employed in the remaining factories have very low incomes, a high number has no retirement benefits, and they live under extremely difficult circumstances.

In the Peć/Pejë Municipality, where more than 10 percent of population are members of Bosniac community, only 1,4 percent of employed individuals are Bosniacs. In Priština/Prishtinë Municipality, there are only 0,03 percent Bosniacs, while there are no Bosniac employees within the local government structures. In Mitrovica/Mitrovicë Municipality, out of the total population, 1.76 percent are members of Bosniac community, and out of this figure, only 0.02 are employed. In the Istok/Istog Municipality, the Bosniacs comprise 3 percent of the entire population, out of which, only 0,01 percent are employed. The representation/participation of members of Bosniac and Gorani community in Dragaš/Dragash municipality is good.

Regarding participation in cultural life and cultural/artistic associations, there are three active Bosniac culture/artistic associations in Prizren and one in Peć/Pejë. There are no such associations in other places. While there is little support coming from the Ministry of Culture and Sport, as well as from international donors, the number of NGOs involved with culture is, unfortunately, insufficient. The major problem these associations are facing is the issue of funding.

Within Prizren Municipality there are no employed members of Bosniac community in the Supreme and District Court. Within the Municipal Court, there are two judges who are members of the Bosniac community. In the minor offence court, there is one employee who is a member of the Bosniac community. During the post-war period in Peć/Pejë Municipality, there was only one judge employed within the Municipal Court (who was unfortunately killed in March 2004). There is not a single judge who is a member of the Bosniac community in the Municipalities of Priština/Prishtinë, Mitrovica/Mitrovicë, Gnjilane/Gjilan, Đakovica/Gjakovë and Istok/Istog.

Regarding the health sector – in the entire Kosovo region, 280 members of Bosniac community are employed in the health sector. Approximately 11% of the minority population

¹²² Source: a witness' testimony.

are employed in this sector. The expecting percentage is 15%. With regard to the police service, it is necessary to mention that actually positive discrimination is employed here; the presence of Bosniacs in the police service is higher than the population percentage, and is 8 percent. PTK has 28 Bosniac employees, while the TMK has only one member of the Bosniac community. The Kosovo Cadastre has nine employees who are members of the Bosniac community.

The Gorani community

In Political life, Gorani community is represented by political party the Citizens' Initiative of Gora (GIG) and the coalition Vakrat. These two political subjects have, in 1999, been together in the Coalition "Vatan". On the last election these two blocs were running separately. Today Vakrat consists of Democratic party of Bosniacs (DSB) from Prizren, democratic party Vatan from Dragaša/Drageash and Bosniac Party (BSK) from Peja/Pec.

In the Kosovo Parliament the Gorani community has one reserved seat, while the Bosniac community has three under the Constitutional Framework reserved seats and an additional seat won according to the election outcomes. The Coalition Vakrat won in the last Parliamentary elections in the Municipality Dragaš/Drageash, with around 1.883 votes whereas GIG got 1.165 votes (SDA had 128 votes, Kosovo Bosniac Democratic Action Party (BSDAK) had 122 and the Prizren, Drageash Initiative won 25 votes). All these political actors, except GIG advocated in their program the interests of Bosniacs and 'Bosniacship' while GIG applied for the Gorani seat.¹²³ This means that a number of Gorani members have changed their self-identification and declare themselves for members of Bosniac community, though there was no official census in Kosovo yet.

For instance, the Minister of the Kosovo Government, i.e. Minister for Health, won the seat according to the agreement of the Parliamentary group 6+ comprised of KDTP and Coalition Vakrat, and he represents the Bosniac community. The Vice-President of Dragaš/Drageash Municipality also declare himself for a Bosniac.

The MA Dragaš/Drageash has 21 deputy seats, out of which two are members of Gorani community and they got mandates according to elections results.

The Directorate for Education in MEST and for the Ministry for Culture in Dragaš/Drageash Municipality has no Gorani employees, except for the librarian who is a Gorani community member. There are no Gorani in institutions in central level also.

Four representatives from the area of Gora represent the Bosniac community in Local Government in Dragaš/Drageash Municipality. Out of five representatives in MA Dragaš/Drageash, 2 are Gorani and 3 are Bosniacs from the Coalition Vakrat. In the Municipal Government Dragaš/Drageash, 4 directors declare themselves for Bosniacs. Naturally, there are no Gorani in the Government.

In public Institutions the Gorani community is not represented. In Municipal court for instance, there is one Bosniac and one Gorani judge employed. In police there are many members of the Gorani community employed. Representation of Goranians in the district courts does not exist. There is one person in District court but identifying her self as member of the Bosniac community.

Discrimination and lack of knowledge of Albanian language, have for many of them, been one of the main reasons for these bad socio-economic conditions that this community has been facing with.

¹²³ The GIG want the Gorani to be called simply "Gorans", not Bosniacs, stating that they are a unique small ethnic group with its own specific history and dialect.

The Turkish community

Active and efficient participation of Turkish community in overall **cultural life** is characterized by periods of success and failures. These are the consequences of the conditions in which this community was, as well as other historic, political and social circumstances which Kosovo went through.

The Turkish community has been living in Kosovo for more than six hundred years. Though the number of this community is not big, the community has persistently paid a lot of attention to development and preserving rich cultural heritage as a significant segment of the authentic identity. The preservation of the mother tongue, culture and tradition, and at the same time provision of education in Turkish language since 1951, also enabled the development and enrichment of activities of culture associations, amateur theatres, and information systems in Turkish language, radio and TV programme, and later on, also the publishing of newspaper and other activities related to press in Turkish language.

Currently, there are following Turkish NGOs in Kosovo: In Prizren there are 15 NGOs, among which are three theatrical associations ('Nafiz Gürcüali', 'Rumeli Tiyatrosu' and 'Kabare'), two culture associations 'Turk Konservatuari', Businessman Association 'Esnafl', Association of Authors, Association of Turkish language experts, Association of Balkan intellectuals, Teachers Associations, two NGOs are dealing with issues of women rights whereas the remaining NGOs focus on preservation of natural environment, children rights and other sectors of civil society). There are 3 active NGOs in Priština/Prishtinë (cultural and sport association 'Gerçek', Women association 'Hanimeli' and organisation for tolerance and integration 'Yunus Emre'). There are two Turkish Associations in Gnjilane/Gjilan: NGO 'Yarin' and NGO 'Ataturk Duşunde Dernegi'. There are also two associations in Mamuşa/Mamusha: 'Aşık Ferki' and 'Alperenler'. NGO 'Birlik' is active in Mitrovica/Mitrovice. A Turkish NGO, created in Vuçitrn/Vushtrri, was named 'Çeşme'.

Regarding the members of Turkish community and their involvement in **public offices**, the state of affairs is very much similar to the situation of other non-Albanian and non-Serb communities. Out of 120 seats in Kosovo Assembly, 20 were intended for the member of minority communities. There is currently one Turkish political party - Turkish Democratic Party of Kosovo (KDTP) that is represented with three members in the Kosovo Assembly (two places were allotted and one mandate was won based on 8.679 votes gained in the latest Parliamentary elections.

The Deputy Minister for Culture and Sports of Kosovo is a Turkish community member. At the moment, a member of Bosniac community from coalition VAKAT is a member of Kosovo Assembly Presidency with a rotating mandate which would last 1 year. Next year, it will be the Turkish community turn to occupy this position.

KDTP is in a coalition with the Bosnian party VAKAT and they together form the coalition '6+' meaning that the doors are opened for other communities. This coalition is also a coalition partner in Kosovo Government. The Minister of Health is a Bosniac, member of the '6+' coalition, the President of the Assembly Committee for Kosovo's Agriculture is also coming from the Turkish community. The Turkish party KDTP won 10 percent of votes in the last local Assembly elections in Prizren Municipality. The Deputy President as well as 4 Directors of Directorates of MA Prizren together with the deputy president, are all members of Turkish community. Out of 41 seats in MA Prizren, KDTP reserved 4 for its members.

In Municipal Assembly Priština/Prishtinë, the Turkish community has one Assembly member. In Prizren, Gnjilane/Gjilan and Vuçitrn/Vushtrri, the Presidents of the Committees for Communities are of Turkish nationality as well as the President of the Mediation Committee

in Priština/Prishtinë. There are several members of Turkish community employed in various Directorates, Boards and Municipal Assemblies in towns and places populated by Turks.

As far as the social life of Turkish community is concerned, it should be stressed that Turks actively participate in social and public life and are present in all self-government institutions, starting with the local level and up to the central level (public administration, judiciary, police, Kosovo Protection Corps etc...), however the number aren't satisfactory.

Concerning the Turkish community representation in Kosovo Police Service and Kosovo Protection Corps the situation is not on a satisfactory level. As a particular problem one case should be mentioned – 40 young inhabitants of Mamuša/Mamusha village (where 98% of population is Turkish) have applied to register with the Police Academy, however none of them was admitted. So far, four times large numbers of young people have applied for the Police Service but none of the candidates passed the entrance exam for Police Academy. Reason for such poor result is the fact that the candidates attended primary and secondary school in Turkish language and for that reason, they were not familiar with Albanian language terminology necessary for the exam. Apart from that, the entrance exams were about issues related to Kosovo Albanian and Kosovo Serb history and past.

Regarding the involvement of Turkish community in the economic life, state of affairs does not match the real needs. It is necessary to stress here that without a true equality on economic grounds it is impossible to talk about successful integration into cultural life and general integration of the communities in Kosovo. Furthermore this imply the necessity to employ adequate measures in order to secure the equal conditions for employment and representation of national communities in all spheres of economic and public life in Kosovo.

RECOMENDATIONS:

- *To make it possible for the group of young Mamuša/Mamusha residents to enrol the Police Academy without any further delay. It is also necessary to resolve the issues related to the entrance exams – they should be in Turkish language.*
- *To introduce positive discrimination for recruitment, in order to secure the representation of minority communities members in various departments.*

The Roma community

Involvement of Roma in cultural life, before the conflict 1999 in Kosovo was satisfactory. In most of Kosovo towns where Roma citizens were living in substantial numbers, they commonly organized cultural and art clubs (CAC). Most of them suspended their activities after the conflict, except a few clubs in Gnjilane/Gjilan, Mitrovica/Mitrovice, Gračanica/Ulpijana and Prizren, which continued with folklore and drama activities.

After the conflict in 1999, the Roma community received trainings and support to create NGOs, which provided various activities in social society. From the very beginning, the purpose of the work of NGO sector by Roma community was misunderstood because they were compared with political parties, and the NGO activists were frequently assumed to be political activists. Even Roma who are not familiar with this type of community organizing had wrong concept about NGOs who believed that their role is to deal with political questions of the community, which resulted in difficulties with their functionality and efficiency.

There are many NGOs around in Kosovo that have different profiles and deal with: education, humanitarian relief, human rights, return, social matters, Roma woman issues, publishing, etc. Nevertheless, the majority of NGOs are still in beginning of their activities, because most of their members lack knowledge and information and therefore without any concrete strategy or capacity to work. Sometimes other minority community take advantage of, especially when it comes to different projects, and state that they will implement them on behalf of Roma

community. There are four NGOs in Prizren, one Roma NGO in Uroševac/Ferizaj, Mitrovica/Mitrovica two, Đakovica/Gjakovë two, Kosovo Polje/Fushë Kosovë none, Peć/Pejë none, Istok/Istog none, Obilić/Obiliq none, village Plemetina one NGO, Priština/Prishtinë none, Orahovac/Rahovec one NGO, Gnjilane/Gjilan one NGO, Gračanica/Ulpijana one NGO, Laplje Selo/Fshati Llap one NGO.

Regarding the participation of the Roma community in societal life in Kosovo, according to the OSCE report from July 2004, wherein the numbers of members of Roma community are compared to total numbers of residents living in respective Kosovo municipalities, these are ranging from 0.1% in Priština/Prishtinë to 2.4 % in Klina municipality. This information can not be relevant given that only community members who live on Kosovo were counted, excluding the persons who are displaced from their homes.

Beside that, according to the statistics from 1991, all members of this community declared themselves as members of the Roma community, but after the conflict in 1999, the number of persons declaring as Roma has rapidly decreased, mostly because they started identifying themselves as Ashkali and Egyptians. So the accurate number of members of this community is unknown, taking into consideration that some Roma community members are declaring themselves as members of Ashkali or Egyptian community, especially in rural areas, justifying this by security problems, as in the life of people in Kosovo, the name Roma is closely associated with Milosević.

This argument is understandable, however it must be stressed that the identification of Ashkali and Egyptian community in the public life of Kosovo has been very much enhanced and supported by all the relevant institutions. This in itself, unfortunately, has a negative impact related to mutual differences among these groups and at the same time it disunites and weakens both in terms of numbers, organization and joint impact of this group as a single unit. The last parliamentary elections in 2004 is an example, where the political party of the Egyptian community won somewhat more votes comparing to political parties of the other two communities i.e. Ashkali and Roma, which for this reason did not achieve the required quota of votes. Instead they hold reserved seats in the Kosovo Parliament.

If we consider the numbers of Roma community members by municipalities and their percentage ratio, none of the municipalities have any political representatives from this community, which additionally deteriorates the position of this community and their members. They have no chance to represent their interests and concerns in Municipal Assemblies, or to be involved in decision-making on the central issues for this community.

Regarding the **involvement of Roma in public life** we should stress that this community is facing particular problems concerning participation especially in political life. Low levels of education and discrimination contribute to their poor presentation and for this reason Roma are not able to fully contribute to public and political life, especially on the municipal level.

The participation in political life, of the Roma community is represented by one political party: “Partija e Re E Bashkuar e Romve e Kosoves” (PREBK) or “the New United Party of Roma from Kosovo”. In previous and recent elections, this party had one reserved place in the Kosovo Parliament. Unfortunately there are no political representatives from this party in any of the Municipal Assemblies.

The current situation of political involvement of Roma community is as follows: just one member of Kosovo Parliament, and none in other types of institutional organizations (the Government, Ministries, Parliament Presidency, Advisors in the Prime Minister’s Cabinet and ministries). At the local level, in the Municipal Assemblies where there are 869 members there are no Roma representatives. The situation is similar at the level of local government: there are no Roma community representatives in the Municipal President Office staffs, as

Board members or board assistants. Only in the Municipal Committees on Communities and the Committee on Mediation, there is one independent candidate in each of these two Committees.

Regarding involvement in Judicial system, there is only one judge in Municipal Court and one Minor Offence Court judge in Prizren. In Peć/Pejë there is one Roma judge. However he is not unemployed. The judicial system in other municipalities has no Roma.

In public institutions, such as general Post office, Electricity Company, Water supply, Police, fire brigade, TMC, schools, hospitals, media, the number of Roma workers is not satisfactory. There are just a few working in the power company or the water supply, with the general post office (Prizren has seven workers) with medias (three employees at RTK, the only TV station broadcasting on occasion in Roma language). The Kosovo Police Service has a small number Roma members (in Prizren, three officers are from the Roma Community). The fire department has no Roma employees. In Prizren hospital there are eight employees, Priština/Prishtinë none, Gračanica/Ulpijana seven, Gnjilane/Gjilan two, Uroševac/Ferizaj. TMK has no Roma members. Teaching staff: in Prizren seven Roma community members, Gračanica/Ulpijana none, Uroševac/Ferizaj none, and Gnjilane/Gjilan one.

The unemployment situation is affecting all communities on Kosovo. Nevertheless, Roma are affected disproportionately given that they do not have equal opportunities for employment, and this is the reason why they cannot contribute to building a strong economy in Kosovo, no matter how much they are willing. Discrimination in employment is a violation of the right to efficient involvement in economical, cultural life and public institutions. That kind of discrimination that Roma experience is based on ethnic origin, political opinion, affiliation (or lack of affiliation), involvement in worker union activities, and gender issues. The Roma community, especially returnees, is often subjected to discrimination.

There is a very small number of Roma employed in public institutions as well as in international organizations (UNMIK, OSCE, and UNHCR) despite the fact that each of them is dealing with minority issues, and with the issues of Roma as well. Regarding employment in local institutions, within municipal structures, according to the available information, in many municipalities Roma are not involved in a proper manner. The only department within the municipalities which has provided conditions for Roma community to work with Roma is the Community office for minorities, though even in these offices there are certain unacceptable occurrences. Podujevo/Podujevë is one of the places where UNMIK Local administrator stated: “that Roma are completely integrated in society and they don’t need this kind of integration” whereas this municipality has not one Roma member in the Municipal Assembly.

Recommendations:

- *Kosovo municipalities should undertake strong measures to integrate Roma into decision-making process especially regarding issues that affect them as citizens of Kosovo by securing their participation in the official workshops.*
- *Municipalities should apply strong measures to provide efficient functioning of Communities and Mediation Council, educating chosen members for stronger involvement of appointed Roma members.*
- *To deliver programs and suggestions sufficiently and timely prior to deadlines for decision making so as to have enough time for relevant analysis and comments from Roma political leaders and civil society.*
- *To establish close business cooperation with Roma communities and enable cooperation between local authorities and Roma.*
- *To invite Roma to take more active role in public life and to promote such involvement there.*

- *To support involvement of Roma women in public and political life equally with men in consultative and other mechanisms.*
- *To put pressure on Local and Central Authorities to show good will to support employment of this community members through positive discrimination.*
- *To involve one member of this community as a political representative in each municipality in order for the efficient municipal work be closer to this community.*
- *Also, this kind of positive discrimination would be necessary on central authority level as well, that is, in offices of some of the ministries (Ministry for return, Ministry for social welfare...) to include one Roma community member per each ministry as an advisory assistant who would have concrete tasks concerning this community in the frame of this ministry.*
- *Members of central and local level institutions, political representatives of all communities, media and education system should start taking concrete steps towards clear support to Roma community to leave behind negative stereotypes, which affect the lives of ordinary people.*
- *International organizations and institutions should clearly define aid dedicated to Roma community and which is been used for Ashkali and Egyptian communities as well. If members of these communities (Ashkali and Egyptian) go on declaring they have nothing in common with Roma community then the aid sent for Roma should be used only for Roma.*
- *International institutions and organizations in Kosovo should increase involvement in developing capacities, role and goals of NGOs in civil society. This would give the chance to Roma themselves to deal with issues important for their community*
- *Kosovo government should invite and support educated Roma to take a part in public services*
- *PISG should create training programs to prepare Roma for service in local administration, and to develop political lines to encourage employment of graduate students in this program as public officers.*
- *The Ministry of labour and social welfare should develop political lines and programs, including vocational trainings, for improving of useful skills and employment of Roma, especially youth and women. It is necessary to explain Roma in simple terms the criteria for obtaining social help.*
- *Kosovo municipalities should adopt social policy which supports employment and sustainable ways of avoiding dependence on social care.*
- *Donors should support more micro credit and income acquisition programs for Roma, giving priority to initiatives that have employment as an end.*
- *Besides the above mentioned, networking of different types of Roma organizational structures, such as Roma radio, political parties, and NGOs should be supported. Roma community must be united in defining priorities, and to provide the international community with concrete requests which would directly help Roma community, and to establish the partnership with the government.*

The Ashkalia/Egyptian community

The Ashkalia community has two political parties: Partia Demokratike Ashkalinje e Kosoves (PDAK) and Partia Demokratike Ashkalinje Shqiptare te Kosoves PDASHK. Egyptian Community has one Political party, Inicijativa e Re Demokratike e Kosoves (IRDK). In Kosovo parliament Ashkalia community members has one and Egyptian community two Assembly Members.

Fushë Kosovë/Kosovo Polje has 5.6% Ashkalia/Egyptian population. The Municipal Deputy President is from Ashkalia community. Prishtinë Priština has 0.1% of Ashkalia/Egyptian Community, and no representatives in Municipal Assembly. Pejë/Peć has 4.9% Ashkalia/Egyptian Community members, and it has a representative in Municipal Assembly.

Lipjan/Lipljan has 2.6% members of Ashkalia/Egyptian Community and it has a representative in Municipal Assembly. Shtime/Štimlje has 2.4% Ashkali/ Egyptian Community members and no representative in the Municipal Assembly, but the head of the Minority Office is Ashkalia. Gjakovë/Đakovica has 4% Ashkalia/Egyptian Community members and there is a representative in Municipal Assembly. The head of Minority Office is from the Egyptian community.

The Dečan/Dečane municipality has 0.8% Ashkalia/Egyptian Community members, and no representative within the Municipal Assembly. In the Central Elections Commission there is a female employee coming from Egyptian community.

Ashkalia/Egyptian community members had several cultural groups which unfortunately had to because financial problems. They do not have own Culture centre, and sometimes (rarely) are using Cultural centre of majority, which were build by international donors. Ashkali /Egyptian community has local NGOs in all the municipalities in Kosovo.

Article 16

The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.

Domestic Legislation

The Framework Convention for the Protection of National minorities is guaranteed by the Constitutional Framework for Provisional Self-Government in Kosovo (UNMIK Regulation 2001/9), there in its Preamble is stating: *"Taking into account the Charter of the United Nations; the Universal Declaration on Human Rights; the International Covenant on Civil and Political Rights and the Protocols thereto; the Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination Against Women; the Convention on the Rights of the Child; the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Protocols thereto; the European Charter for Regional or Minority Languages; the Council of Europe's Framework Convention for the Protection of National Minorities; and other relevant principles reflected in internationally recognized legal instruments; Recognizing the need to fully protect and uphold the rights of all Communities of Kosovo and their members; Reaffirming the commitment to facilitating the safe return of refugees and displaced persons to their homes and their exercise of the right to recover their property and possessions, and the commitment to creating conditions for freedom of movement for all persons..."*

UNMIK Regulation 2001/17 on the Registration of Contracts for the Sale of real Property in Specific Geographical Areas of Kosovo: The Special Representative of the Secretary-General [...]for the purpose of ensuring a safe and secure environment, sustainable living conditions for all communities in Kosovo, and the right to return of all refugees and displaced persons to their home in Kosovo, for the purpose of monitoring the sale of residential property in specific geographical areas of Kosovo, hereby promulgates the following: Section 1. Designation of Specific Geographical Areas

1.1 The Special Representative of the Secretary-General (hereinafter "the SRSG") may, after consultations with the Municipal Administrator, designate specific geographical areas within Kosovo where all contracts for the sale of residential property located in the designated area shall be registered with the Municipal Administrator prior to court verification.

1.2 In designating the specific geographical areas, the SRSG shall take into consideration the recommendation of the Municipal Administrator which shall be based on the following criteria:

- (a) security concerns arising from the sale of minority-owned property*
- (b) evidence of an existing pattern of systematic sales of minority-owned property at prices which are unrealistic;*
- (c) sale of residential property in areas where property rights of minority communities are of special concern.*

Section 2 Registration of Contracts for the Sale of Residential Property:

2.1 Contracts for the sale of residential property located in areas designated pursuant to section 1.1 shall be registered with the relevant Municipal Administrator

2.3 The Municipal Administrator shall review the property-related documentation and may demand an explanation regarding the sale of the property and its intended future use. The Municipal Administrator is authorized to request the purchaser to establish the source of the funds for the purchase of the property in question.

Section 3. Refusal of Registration

3.1 Following examination of the documentation and explanations provided pursuant to section 2.3, the Municipal Administrator may, within the same time limits referred to in sections 2.4 and 2.6, refuse to register the contract for the sale of the residential property if he/she has reasonable grounds to believe that:

- a) the transaction is directly or indirectly carried out or fostered by an organization or structure with the aim to systematically buy minority-owned properties in order to change the ethnic balance within the designated area;
- b) the transaction was carried out under duress;
- c) the sale price of the property in question is unrealistic
- d) that the source of the funds for the purchase of the property is questionable and the bona fide nature of the transaction is not established; or
- e) the transaction is objectively deemed, on the basis of reports of law enforcement authorities, to affect the security situation in a designated area in a way that would be of serious detriment to other minority owners of residential property in that area

One can say that UNMIK regulation No. 2001/17 on registration of contracts on the sale of the real-estate in certain areas of Kosovo is not compatible with the right to choose the place of residence, guaranteed by Article 2 of Protocol No. 4 of European Convention on Human Rights. This regulation to a certain extent presents a imposition from the side of government institutions which is limiting the rights of the individual to sell their residential property.

Minority communities and implementation of the article in practice

The war in Kosovo has caused a big number of minority communities to be evicted from their homes, and this was the case particularly after the arrival of international peacekeeping forces in Kosovo, after 1999. Main obstacles to the process of return in Kosovo are the issue of the security, repossession of property. Today, in comparison to the state of affairs that was there before 1999, the ethnic structure of Kosovo municipalities has entirely changed.¹²⁴

Since 1999 there have been recorded some 910.000 internally displaced persons (IDPs) and refugees from Kosovo, out of which majority were Albanian, that returned or was repatriated to Kosovo. UNHCR has evaluated that some 230.000 members of minority communities were displaced during the conflict of 1999. Based on UNHCR report in Prishtinë/Priština, in the period between the year 2000 and December 2004, 12218 persons returned to Kosovo. Most of the returnees, some 9, 916 returned during the period from 2000 to 2003. In this period, more than 5.000 Serbs, 2,600 Ashkali, 900 Roma, 600 Bosniacs, 561 Gorani returned. After the March events of 2004, when additional 4.000 ethnic Serbs and Ashkali got displaced, the return, especially concerning Serb community almost instantly stopped. Hence, PISG did the reconstruction of 90% of houses out of 900 building damaged or torn down during March events, big number of these houses remain empty.

The phenomenon of systematic sale of real estate belonging to the minority communities, no matter whether it happens on volunteer basis or under threats and pressures, has an impact on the right of the displaced in the return and the *change of relation of the inhabitants in the areas inhabited with minority communities*. As an answer to this phenomenon, UNMIK approved the Regulation 2001/17 on registration of the contracts on the sale of real-estate in specific geographical areas of Kosovo (and Administrative direction 2001/16 and 2002/4). However, this regulation caused worries that the intrusion limitation presents the violation of the right to disposition with own property. One say that this regulation does not forbid the sale at all, but consider that such sale should undergo a revision from the side of other institution, (else than the court) in order to determine that the contract has been concluded in the regular manner and to determine whether the sale presents the systematic purchase of the property

¹²⁴ Human Rights Report for the year 2004, Kosovo. Published from US Office for Democracy, Human Rights and Labour, 28th February 2005.

own by minorities. However, others claim that the Regulation overburdens minority owners of property rights.

Although farming land is not included within the scope of Regulation, still the trend of sale of minority farming land is giving additional reasons for concerns. As a result, not only that the sale of land like this is cutting across the villagers access roads to their land and by that stopping them from working in their fields, but it also isolates minority communities, since usually this land is situated beside the main roads used by minorities.

Access of minorities and the implementation of basic instructions of UNMIK for reconstruction of houses (and return)

As one of the precondition for the sustainable return of minorities to Kosovo is that their members have the possibility to enjoy their property rights¹²⁵, although this right is dependable on the allocation of the support for reconstruction. Many houses have been destroyed during the conflict¹²⁶ and the number of the houses reconstructed in the minority areas is principally smaller comparing with the number of houses reconstructed in majority areas.¹²⁷

In Mitrovicë/Mitrovica the lack of efficient central system for the analysis of property information related to the return, is hindering Kosovo Roma, displaced from “Roma Mahala” and situated in the south part of Mitrovicë/Mitrovica, in getting support for reconstruction and achieving their rights and the right to return to their homes. This community was displaced by force and their houses have been robbed and burned down in June 1999, so the Roma Mahala is still the biggest demolished area in Kosovo. Over 650 houses were destroyed, so that only foundations remained.

For the time being, only 6 (out of 645 potential ethnic Roma users who are living in camps in Kosovo North) are identified by the Local Working Group (LWG) as having necessary documentation on the property rights, so that they could get support for the reconstruction of their houses and achieve their right to return. However, LWG has a list of 354 houses of which there are data on cadastral books in Serbia that could be used and compared with the list in possession of HPD.

There have been efforts made to identify the holders of property rights, displaced from Mahala, who are living out of Serbia or Monte Negro, as well as the families living in the camps in Kosovo North and who are willing to return and reconstruct their property. Even when they have no cadastral documentation, the documents they possess could serve as a proof on the ownership that would qualify them for support for reconstruction based on the actions described in Directions.¹²⁸

Responsible institutions:

In order to make return possible, actually for the achievement of property rights, UNMIK and its relevant institutions should undertake concrete measures, and PISG with their mechanisms.¹²⁹

¹²⁵ Property rights that cover the scope to own, manage used the property. They are recognised by the international right through the instruments of HR and are directly applicable in Kosovo, also through domestic law which is valid in Kosovo also.

¹²⁶ 10th Report on the situation of ethnic minorities in Kosovo, (period from May 2002 to December 2002), March 2003, page 34-36.

¹²⁷ A positive element that should be mentioned is that EAR requested that 10% of donations for help should be given to minorities. EAR has also ensured special fund for minorities.

¹²⁸ Article 2.3.3, UNMIK Direction for lodging and reconstruction in 2002 give the directions about how individuals who do not own cadastral or court document could prove ownership.

¹²⁹ Group for the coordination of return, Working Group for return, Technical Advisory Board (established in December 2002) composed out of international stakeholders and PISG, Coordination

WG for the return is composed of members of all four pillars of UNMIK, Office of returns of communities, HPD, UNHCR, KFOR and PISG, chaired by SRSG.¹³⁰

The Serb Community

War in Kosovo caused a high number of members to move out from their homes. After the arrival of international peacekeeping forces in Kosovo, members of Serb community were forced to leave their houses. Many cases ended fatefully for the people who did not want to leave their apartments or houses. High number of the members of other minority communities, especially Roma and Gorani, was exposed to different types of attacks and even murders, because of the accusations on the participation and cooperation with Serbian regime and participation in crimes committed over Albanian population. The main obstacles for the return are issues of security, return of property i.e. liberation of occupied houses and apartments as well as employment.

Due to violence in March 2004 more than 700 houses, religious and public buildings were destroyed or damaged and more than 4,000 people displaced. Many persons who have been displaced from their own homes still cannot return because of the security problems, destroyed housing property, or illegal occupation of their property.

According to the UNHCR records, there were 225.738 internally displaced persons from Kosovo and Metohija in Serbia and Monte Negro in 2004. After attacks on the members of Serb community in Kosovo and Metohija in March 2004, when 19 persons (eight Serbs and 11 Albanians) were killed, and 950 people injured, and 750 houses and apartments of minorities' members destroyed, as well as 36 Churches and monasteries, the number of internally displaced persons increased. The riots have brought about a new displacement of more than 4.000 people, mostly within province, and five months later, 2.300 of these people are still in displacement. According to ethnic structure, among internally displaced persons Serbs are prevailing (68%). The biggest number of internally displaced persons is sheltered in the area of Belgrade. According to UNHCR information, around 11.000 Serbs, Roma and members of other non-Albanian ethnicity returned until 2004.

The forced displacement of people, and damaging and destroying of their property show that authorities failed to protect the rights of the most vulnerable people, and this is a case of current and permanent violation of human rights regarding, among the others, property issues, right to home and adequate housing. Particular problems that returnees face relate to property rights are illegal occupation of apartments, reconstruction of houses and other problems.

RECOMMENDATIONS:

- *According to international standards, authorities are obliged to provide effective legal remedies for these violations.*
- *Furthermore, March violence requires from the authorities to respect and protect the rights of displaced persons, as well as their right to return to their homes.*
- *Competent authorities should provide all preconditions for safe return and stay of the Serb community members i.e. in order for these persons to have access to public and social services, and to have equal access to education (on their own mother tongue), health care and medical institutions, social care and financial assistance and public services.*
- *In order to have a more efficient integration during their return, it is necessary to pay special attention to the field of employment.*

Group, under the leadership of the Office for Returns and Communities, deal with the operational issues and ensure coordination between stakeholders.

¹³⁰ UNHCR and OSCE, Minority Assessment No. 10 (period between May 2002 and December 2002), published in January 2003.

The Bosniac Community

In the village of Bačka near Dragaš, for example, there used to live about 800 members of Bosniac community, now only ten families (about 40 persons) remained. The village is predominately populated by elderly persons, and the four-grade primary school has only one student left. According to the statements of villagers, approximately 100 people have left the village during last two years. The situation is comparable to that of the villages of Mlike and Orčuša. There are only some 50 persons remaining in the village of Orčuša, and two years back in the village of Mlike the school was also closed down. Talking with the villagers who are the most severely affected by the migration, the reason for leaving their homes is unemployment, while in the bordering villages, also security:

*We are aware of situation that has come upon our community and I think that we are not capable to solve it by ourselves. Without a significant financial support from the Kosovo Government and International agencies, it is difficult to talk about any possibility to survive. All the societal activities should be directed to creating new jobs. It is impossible to retain these people otherwise. If we don't succeed in opening new jobs as soon as this year, at least a few in every village, I am afraid that the next year will be too late».*¹³¹

The Director for development in Municipal Assembly of Dragaš/Dragash, I.I. stressed that based only on building infrastructure, the members of Bosniac community could not be retained, while without the infrastructure, one cannot consider employment. It is a fact that in last two years, a lot of resources were invested in infrastructure, however our activities in the upcoming period should be directed towards creating conditions for employment. We must employ, first of all those who have remained, in order to discourage them from leaving their villages. To date, the support is being provided only to those who return which will motivate those who remained to leave, so that subsequently they may come back and receive financial support.¹³²

RECOMENDATIONS:

- *The Kosovo Government with the assistance of International organizations, should implement projects through which would facilitate the creation of conditions for survival of this community in all the regions, and later on for unforced returnees.*
- *According to information received from the NGO Equality, out of 17 projects dealing with agriculture, none were approved for Bosniacs, although it is recognized that such projects are welcome in areas where Bosniacs are in the farming, stock breeding, bee keeping and other businesses (Peć/Peja, Prizren, Dragaš). Such projects can encourage the members of Bosniac community to commit themselves more and have a wish to remain as well as encourage possible return of IDPs.*
- *For instance, the level of land cultivation in Gornje Ljubinje in Župa (comprised solely of Bosniacs), has suffered in contrast to its pre-war level when members of the Bosniac community cultivated up to 120 hectares of land, while the average now is approximately 70 hectares. This decrease is due to decreased sales and competition in the wholesale markets in the area. There are no agricultural co-operatives operational in the village and most livestock breeding and agricultural production is private, informal, small-scale, and mainly for subsistence.*¹³³

¹³¹ Interview conducted with a representative in MA Dragaš/Dragash, A.O. Interview taken on 5th of March 2005.

¹³² Ibid.

¹³³ Its pre-war population of approximately 2800 inhabitants has decreased by 127 due to the poor economic situation and now stands at 2673. Information confirmed by report: UNHCR AGENCY PROGRAM, 15 November 2002.

The Gorani community

Return process of displaced persons is closely related to the issue of freedom of movement, socio-economic conditions, education as well as with the process of decentralisation in Kosovo. Therefore, the overriding guiding principle continues to be the promotion of the creation of conditions conducive to return as opposed to promoting return itself. Currently return of Gorani does not exist.

Since many Gorani used to have jobs in Diaspora or they were private entrepreneurs, they were particularly affected by the conflict in Kosovo since the most of them lost their commercial property which is still in possession of the usurpers, and they had it in each place in Kosovo, most of it in Priština/Prishtinë. In addition, the Gorani houses are also usurped, Kosovo wide. In Dragaš/Dragash, the seat of the Municipal Assembly, 51 housing units are usurped. UNMIK for instance, has never seriously considered this issue. Burglaries and robberies of Gorani property are very frequent, especially in the villages near the border, and upon reporting the cases, the citizens do not receive any copy of the records of proceedings from UNMIK or KPS. The result of all this is that not a single case was not resolved up until now, which particularly stimulates the Gora residents to move out of Kosovo.

The Turkish Community

Regarding Turkish community, there are no alarming violations of rights guaranteed by this Article of the Framework Convention. Still one should underline the cases from North Mitrovica/Mitrovice, when a certain number of the family members of Turkish community were by ethnic Serbs expelled from their homes, and their return has not yet been allowed and possible.

The Roma Community

As a consequence of Kosovo crises, 100 000 Roma from Kosovo (2/3 of Roma population on Kosovo) were displaced: 40-50 000 moved inside the region i.e. to Serbia, Monte Negro or Macedonia (but not all of them were registered in Serbia, 19 000 displaced persons) and the rest moved to other regions and west Europe. Roma were forced to leave Kosovo because they were frightened with charge that they were supporters of Milosevic' regime. Facts are showing that Roma were affected with conflicts more than any other community, because of their weak position in the society.

Within the Roma community, the most disadvantaged and marginalized group is the group of interim displaced persons, who are not informed about rights and services available for displaced persons. Often problems regarding submitting relevant evidences for status regulation have a negative influence on their possibilities to access education, social welfare and employment.

In 1999, the UNHCR built camps in Žitkovac, Česmin Lug and Kablar where members of Roma, Ahkalia and Egyptian community were expelled from their homes in Kosovo, and they settled in north part of Mitrovica/Mitrovice. The camps were built as an ad hoc response to the influx of Roma refugees and they were supposed to be there only for 45 days. Six years have passed and the camps are still there and there inhabitants are poorer and their children have serious health problems. Around 300-500 families live in this three camps, most part is from Roma camp on South side, which was burned down in 1999.

The living conditions of temporary displaced Roma are very poor: they are living in illegal residences and collective centres, without electricity, drinking water and sewage. Some municipalities are not accepting them because they are getting low or even not any support from the state, and the support is based on NGO and international humanitarian relief. As an urgent problem which needs urgent solving is the situation in Roma camps in North part of Mitrovica/Mitrovice.

Žitkovac is one of the camps in Northern part of Mitrovica/Mitrovice, 2 kilometres away from Trepča mine which used to be a dumpsite for toxic waste. The Roma children living in the camp are exposed to toxins and because of high level of lead in blood they suffer memory losses, nausea and problems with walking; at the moment several are hospitalized in Belgrade for treatment and one girl died (beginning of 2003) while at the age of three her sister has the same symptoms.

Pol Polanski from Kosovo Roma refugee found in capacity of the president of disadvantaged peoples association, in November 1999 warned the chief of the mission, the High Commissioner for refugees in Priština/Prishtinë, that the place for the camps is a dumpsite for toxic waste, Trepča mine areas. But the Commission proceeded with the construction saying that they will be used just for 45 days. One of the reasons of failures to solve this problem is handing over of administrative responsibilities in Kosovo. Since Roma in Žitkovac are treated as displaced persons and not refugees, the UN agency for refugees, UNHCR, is not in charge, but the local structures.

The World Health Organization (WHO) was one of the first who drew attention to these camps and in July 2004 made evaluation of the danger for environment and health regarding lead and heavy metal pollution in Mitrovica/Mitrovice region. According to WHO report, the land contamination is the biggest source of Roma population intoxication. Pregnant women and children are most endangered group because they are more vulnerable to lead. Lead poisoning may result in health devastation. According to WHO, the lead chronically creates multi system consequences in a human body, but it has the biggest influence on the IQ level, where the findings of numerous researches showed that for the increase of lead in blood of 10 to 20 micrograms/dl results in a decrease of 2.6 units of IQ. These consequences are irreversible. According to WHO results, out of total 58 sampled children, 34 had the lead in blood above normal values, and 12 of them had very high levels. United Nations agency for registration of toxic material and deviations, has identified six of them as urgent medical case.

The second report made by WHO in October 2004, warned that Roma case is urgent because the results of lead in blood from RIMV have confirmed the WHO results from July. According to this report, the soil in Žitkovac camp is containing amounts which are 100.5 times higher than normal. The situation in Česmin Lug camp is even worse, with amounts 359.5 times bigger than safety limits.

According to this report, European Roma Rights Centre in Budapest (ERRC) in November sent a letter to UNHCR, UNMIK and competent authorities in Zvečan, in which it expressed concern about the fact that even the information about possible health hazards in the location of camps was known, UNHCR, UNMIK or Local Authorities did not undertake any steps in terms of ensuring safety of the affected families. At the beginning Municipal Authorities stated that there is no available land on the north that could be used for camp dislocation on the safer ground. Even though WHO and ICRC demanded urgent evacuation of the camps due to the health reasons, UNMIK office for return and communities decided to relate lead poisoning with the return in “Romska Mahala” which heavily slowed down the whole process.

Their proposal to the SRSB office is to convince Roma population to return voluntarily on a plot near “Romska Mahala”. *Locals did not accept it (offered containers) and rather asked for*

reconstruction of their houses in “Romska Mahala”. Danish Refugee Council (DRC) gave a project proposal for the reconstruction of all houses according to their appearance before the war, without any changes in location. However, one of the problems is that many of Roma people have no documents proving property over the land or houses and municipality asks for those in order to rebuild a house.

Second problem in resolving this issue pertains to security situation, because in June 1999 members of Roma, Ashkali and Egyptians communities were exiled by the Albanian majority and there are concerns for safety and freedom of movement if they return to South Mitrovica/Mitrovice. After weeks of negotiations on 18th of April, UNMIK, UNHCR, OSCE and Chairman of Municipal Assembly of Mitrovica/Mitrovice signed an agreement that creates preconditions for the return of former residents of “Romska Mahala” to their home hearths.¹³⁴

Unfortunately, UNMIK and PISG structures see this issue rather as an important one in relation to the return of Roma in “Romska Mahala” in South part of Mitrovica/Mitrovice than as an urgent health hazard issue. Even beside recommendations of WHO on urgent evacuation from October last year, this problem is neglected and no official considers it as alarming.

As an example of an urgent health case is Robert Salihi, four Month old baby that looks like new-born because of the increasing disruption and his mother thinks that she got affected by lead poisoning during the pregnancy and transferred it to her baby. These days Robert frequently falls in coma and at present considers an urgent health case in camp. ICRC offered to cover all the costs of his medical treatment in Belgrade because neither UNMIK, PISG nor Mitrovica/Mitrovice municipal structures can respond to these Ad-Hoc measures.

UGENT RECOMANDATIONS:

- *UNMIK, PISG and Mitrovica/Mitrovice municipal structures should undertake measures to evacuate children to a safe location; offer medical treatment and accommodation until the time when Roma would have their homes ready for the return. The authorities are responsible to act toward the preservation of lives, and if necessary against the will of the affected population.*¹³⁵
- *Humanitarian Law Centre demands urgent evacuation of camps, as well as provision of urgent medical treatment to the children affected by lead poisoning. Reconstruction of “Romska Mahala” will take time and, on the other hand, the agreement does not relieve the competent authorities from the obligation to solve the problem of lead poisoning.*¹³⁶

¹³⁴ Municipality structures has agreed with the changes in their project. ‘As a municipality we agree to rebuild the houses on the exact place were they been before, even if this project is not in accordance with urban plans. Houses will be on the edge of the river where always exist a danger of overflow’, announced Fejzulah Hadzani, new director of Mitrovica municipality Urban service department.

¹³⁵ Gary Mcqeen, head of the program for healthy environment WHO in the letter addressed to UNMIK in Mitrovica region, stated: ‘In this report we announce that lead in vein blood like a consequence of RIVM (according to analytic laboratory in Holland) confirming local results about lead in capillary blood from June and July 2004 with the percentage of error +/- 14.5%. Roma children constantly have the highest level of lead among all sampled inhabitants. In both camps, 88.83% of soil is not safe for living or working. It is obvious that the land contamination is the biggest source of Roma inhabitants’ exposure to contamination. A child with the level of 74.4ug/dl in venous blood is an urgent medical case, where an urgent hospitalisation is necessary for further medical treatment. Treatment by a physician experienced in halation treatment is required. The Roma issue is urgent. Lives of children and their development are at risk. Their future is in danger. Urgent and coordinated action is necessary.’ A letter sent in April 2005.

¹³⁶ HLC (Humanitarian Law Centre) –Kosovo, in cooperation with European Roma Rights centre, on 4th of May 2005 in the Training, Advocating & Resource Centre in Priština/Priştinë held a debate

The Ashkali and Egyptian community

Return of these communities will be possible only if duties originating from the following documents are fulfilled: Constitutional Framework of Kosovo, Article 4, Paragraph 3.4 describing Rights to return of displaced persons, Standards for Kosovo, in particular points 3, 4, and 6 (freedom of movement, property rights), UNMIK Document: 'Right to sustainable returns', drafted in May 2002, and Basic Principles of UN related to internally displaced persons.

Five years after the end of the Kosovo war there is still a great number of the before mentioned communities members who tend towards return to their home-hearths. Even though the security situation has improved, there is still a small number of returnees from these communities. According to UNHCR data, in August 2004, number of Roma, Ashkalia and Egyptians who returned to their homes was 1129, which is nothing closer to the number of those who previously lived there.

The following had an negative impact on the return of displaced persons: The escalation of ethnic violence on 17th and 18th of March last year, unstable interethnic relations, restricted freedom of movement in some regions, deregulated use of property, slow reconstruction of the destroyed houses and other facilities, lack of financial and business opportunities, usurpations of apartments and houses, unemployment, etc.

To the end of efficient and timely satisfaction of needs of displaced persons, International Organizations and International Humanitarian Organizations do provide greater support and more adequate reaction than the local authorities. They are engaged in the protection of returnees, organization of returns, funding the reconstruction and renovation of houses and handing out humanitarian aid.

However, no considerable progress is made in the case of interethnic relations - there are very few contacts between different communities. In many locations, the ethnic majority does not show readiness to accept returnees and to take responsibility for their security because they consider it as a responsibility of KFOR, KPS and UNMIK. Even if some contacts are made, those are official ones, arranged by the international community.

It is good to point out that, in recent period, particularly after the escalation of ethnic violence in March last year, there was evident engagement of PISG in implementation of standards for Kosovo and in that context greater engagement on the return of displaced persons. Activities are also intensified by local authorities, which provided, thorough the Kosovo budget, funds for renovation and reconstruction of houses. There are more and more contacts of returnees with local authorities (registrar, cadastre, welfare service, etc) which is encouraging.

about this problem. HLC Kosovo secured support from the Training, Advocating & Resource Centre, Human rights Youth initiative, Kosovo fund for Roma refugees and International Reporting About War and Peace. Centre for humanitarian right - Kosovo and European Roma Rights Centre worked over a month on this issue and represented their findings on the debate. This debate was a part of a HLC-Kosovo project, named 'Promotion of Minority Rights Achievement in Kosovo', co-financed by **King Bedouin Foundation**. Source of information: Centre for humanitarian rights, <http://www.hlc.org.yu>.

Article 17

The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.

The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organisations, both at the national and international levels.

Domestic legislation

The right of the members of minority communities to establish and develop cross border relations such as it is guaranteed with this article of convention and foreseen in UNMIK Regulation 2001/9, on a Constitutional Framework for Provisional Self-Government in Kosovo, Chapter 4, Rights of Communities and Their Members, 4.4:

e) Enjoy unhindered contacts among themselves and with members of their respective Communities within and outside of Kosovo;

...

h) Enjoy unhindered contacts with, and participate in, local, regional and international non-governmental organizations in accordance with the procedures of such organizations;

...

(p) Finance their activities by collecting voluntary contributions from their members or from organizations outside Kosovo, or by receiving such funding as may be provided by the Provisional Institutions of Self-Government or by local public authorities, so long as such financing is conducted in a fully transparent manner.

4.5 The Provisional Institutions of Self-Government shall ensure that all Communities and their members may exercise the rights specified above.

Minority communities and implementation of this article in practise

As far as this article is concerned there are no recorded cases of violations of the rights of the members of minority groups in Kosovo on unobstructed cross border relations. Central citizen's register issues travel documents to every person who is an inhabitant of Kosovo. From 2000 UNMIK has issued over a million of ID-s, and over half a million travel documents and somewhat fewer driving licenses. Kosovo Serbs have both Serbian IDs and UNMIK documents. However it happened that a lot of Kosovo Albanians, and also members of other minority communities also took Serbian national documents so that they could travel also to the countries that do not recognise UNMIK IDs.¹³⁷

The Serb Community

With regard to the Serb community and the rights to establish cross-boundary contacts, there are no violations or respectively limitations of this right.¹³⁸

¹ Tenth Report on the Situation of Ethnic Minorities in Kosovo, (report from May 2002 to December 2002), March 2003.

¹³⁷ Ibid.

¹³⁸ Because of the unresolved status, it is considered herein that Kosovo is still an integral part of Republic of Serbia and Monte Negro.

However, with regard to the freedom of movement and establishment of mutual contacts within Kosovo, the situation is different and has been shown in the text to Article 4 of the Framework Convention and this report.

The Bosniac community

It is difficult for Bosniac community to maintain contacts with people in Bosnia and Herzegovina (BiH) because of the lack of possibility for ordinary travel from Kosovo to BiH.

In the last few years, especially after the arrival of international community to Kosovo, BiH authorities have not regarded UNMIK documents as valid, so persons who wish to travel to BiH and maintain cultural, sport or any other way of communication, have to go to Macedonia to get visas in their UNMIK passports. It is not rare that students are being badly treated if they do not have travel documents of Serbia and Montenegro, although it is known that only UNMIK documents are being issued in Kosovo. From that reason, members of Bosniac community are forced to go to u Kruševac in Serbia and get their documents there.

Recommendations: Kosovo Government should together with UNMIK try to take all necessary measures concerning unhindered travel with UNMIK documents to BiH and on that way stop this very discriminatory behaviour of the BiH authority toward this community that belongs to the Bosniac community in BiH as a whole.

The Gorani Community

Regarding the Gorani community, there are no violations of rights guaranteed by this Article of the Framework Convention.

The Turkish community

Regarding the Turkish community, there are no violations of rights guaranteed by this Article of the Framework Convention.

The Roma community

Regarding this community, there are no violations of rights guaranteed by this Article of the Framework Convention

The Ashkalia/Egyptian community

Regarding these communities, there are no violations of rights guaranteed by this Article of the Framework Convention.

PART FOUR

4. Comments on Kosovo's Official Report on the Framework Convention

Contributing parts to the Official Report on the Implementation of the Framework Convention for the Protection of National Minorities in Kosovo are: UNMIK, the OSCE's Department of Human Rights and Rule of Law and Provisional Institutions of Self Government (PISG).

Introduction:

This paper is a consolidated commentary on the Official Report on the Implementation of the Framework Convention for the Protection of National Minorities in Kosovo. The paper is based on:

- the opinion of the Serb, Bosniac, Turkish, Roma and Asklaia/Egyptian working groups with start at its 16th meeting, 01. July 2005. The comments were made during July 2005.
- the comments were compiled by help of the Coordinator of the Working groups on the Shadow Report.

C O M M E N T S

It is important to mention that the goal of this 'Comments on the Official Report' is not to criticize the official report in its strict sense. The Shadow Report can rather, due to the information it contains, be in itself used as a main 'comment'. The Shadow Report describes the situation in Kosovo based on the information that Minority group members gained from local NGO's, responsible institutions in the area of education, media, health institutions on all levels, institutions for social work, bureau for employment and other institutions on the local and central level, as well as information based on the experience of the members of minority Working Groups. Most of the institutions, the officials, civil servants etc. were very helpful in giving the information and data from their areas of responsibility.

The information that the Official Report contains does not represent the complete situation of minorities in Kosovo. The data is incomplete and sometimes incorrect. Some of the issues related to the minority communities are presented in more detail while some other important parts are completely left out. The implementation of the Framework Convention into domestic legislation is well presented, and can be understood as concrete results of the International community's presence in Kosovo. However, concerning the implementation of the Framework Convention, the laws exist but in practice, the situation is different.

The following part of text presents in more detail the comments on the Official Report, divided according to the articles of the Framework Convention.

Article 3:

General comment: Term 'minority community' in this report is used as a temporary term until the future status of Kosovo is resolved and these communities obtain the status of national minorities or the right to be one of the constituent peoples.

On the territory of the former Yugoslavia lived six 'constituent peoples' ('State-building peoples', or in Serbian 'konstitutivni narodi') and 25 "national groups" (nacionalnosti). All the constituent peoples had the same status and rights across the entire territory of Yugoslavia. Former Yugoslavia's six constituent peoples were: Serbs, Croats, Muslims (now Bosniacs), Slovenians, Macedonians and Montenegrins. Minorities in the former Yugoslavia were known as under the name of 'nationalities' (or in Serbian 'nacionalnosti'. The closest English translation of the term "nacionalnosti" would be "national groups"). The

“nationalities” were Albanians, Hungarians, Slovaks, Turks, Bulgarians, Romanians, Germans, and Italians etc. Members of these nationalities (or minority groups) lived in small numbers over all the territory of ex-Yugoslavia.

For example, the Bosniac community in Kosovo was never treated as a nationality (or minority group), but as a constituent people on the entire territory of Yugoslavia, including Kosovo. Kosovo Albanians, on the other hand, despite the fact that they were a numerical majority in Kosovo, were nationality and therefore had the diminished legal rights as a national group, rather than those of a full constituent people. The Roma population, however, was not even considered as a national group, but only as an “ethnic group”.

According to Article 3 of the Framework Convention and the information presented in the Official Report, it is obvious that the knowledge about identity of different ethnic groups and their problems in Kosovo is, especially from the of the international organisation officials, very limited. The situation presented under Article 3 shows that those involved in the drafting process of the Official Report did not consult minority communities concerning the data that the Official Report contains. The situation is similar concerning the other reports published by the international community who contain and circulate the same errors.

Article 4:

In the Official Report it is written that “Equality before the courts in the criminal cases is based on the statement that all criminal acts are being investigated thoroughly, no matter of the ethnic origin of the victim or the perpetrator”.

However, discrimination especially against the members of the Roma community is present in today’s Kosovo. As an example of discrimination is the case of R.A.¹³⁹ a member of Roma community. In the case of R.A, the Municipal Court in Kamenica brought a verdict that the ownership of the driving licence issued by “parallel” Serb institutions, was qualified as falsification of the document and therefore considered as a criminal act. The Municipal court sentenced Mr. R.A. to 30 days imprisonment. This, although the defendant has submitted the circulation letter of UNMIK’s Department of Justice about the validity of the driving licences issued by the institutions of Republic of Serbia or Federal Republic of Yugoslavia”. According to unofficial data, although UNMIK’s Department of Justice has undertaken disciplinary measures against the responsible judges, Kosovo Judicial and Prosecutorial Council of Kosovo found that there was no misconduct by the judge in question.

The mentioned member of Roma community has served the sentence. It can be claimed that this case is an obvious case of discrimination, not only based on fact that the person is a Roma community member, but also since this person was using the services of the parallel structures and therefore became a victim of not only ethnic but also of political discrimination.

Article 5:

Ministry of Culture, Youth and Sport is making efforts in the area of culture of minority communities, however some concrete measures should be undertaken in order to fulfil the needs of the minority communities in this regard. For instance support for the cultural clubs and centres of minority communities are some of the concrete steps that could be undertaken in order to preserve the cultural heritage of minority communities (see the Shadow Report).

Article 6:

On the page 86 of the Official Report it is written that Pillar I has undertaken many initiatives in preventing ethnic motivated crimes and discrimination of non-majority communities. Here is important to stress that there is no resolved case of those 66 Bosniacs who were killed

¹³⁹ R.A. a case against three judges of the County Court in Gjilan/Gnjilane, the decision of KJPC (Kosovo Judicial and Prosecutorial Council) from 2004.

during and after the conflict. The situation concerning investigation of ethnic motivated cases is similar with the other minority groups. For instance, nobody is talking about cases of members of Roma community that were killed during and after the conflict in Kosovo.

Article 7:

The situation under Article 7 of the Official Report (pages 87–103); presents detail information about the implementation of this Article in the domestic legislation. However, there is no information concerning the implementation of this Article in practice. It also contains information that is relevant to Article 15 of the Framework convention, which is in the Official Report, is left out by referring, among others, to the Article 7. However, Article 15 of the Framework Convention and participation of minority communities in the cultural, economic and public life is very important and needs special attention.

Article 8:

The information presented in the Official report (pages 103-104) about the situation concerning Article 8 of the Framework Convention is very poor and does not present a complete situation of Minority groups. Here 'smaller' religious communities are mentioned with a statement about how 28 protestant religious communities exist in Kosovo, but the report does not mention the situation of other traditional religious communities in Kosovo, i.e. the Muslim religious community, Serb Orthodox Church or Catholic Church, to which belong largest number of persons in Kosovo.

The tragic situation of Serb Orthodox Church is in the Official Report and Article 8 completely neglected. Due to limited freedom of movement, also freedom of expression of religion and establishment of the religious institutions and assemblies is limited. That is especially case when members of the Serb community face very regular incidents during their visits to the cemeteries. The last case of stoning was reported 11th of June 2005 when during the religious celebration called 'Zaduznica' (the day of dead persons) and during visit to the cemeteries in south part of Mitrovica/Mitrovice, the bus with members of Serb community were stoned. Examples of such incidents are many.

The cemeteries in Kosovo are divided as either Muslim or Orthodox, i.e. they are not divided along ethnic lines. In Kosovo exist 250 Orthodox cemeteries, many of them have been damaged and 50 of them destroyed. The visits of the Serb community members to these cemeteries are always organized by help of the security forces (KFOR or UNMIK police). A more detailed description of situation of each of the minority communities is presented in the Shadow Report, in the text to the Article 8 of the Framework Convention.

Article 9:

On the page 105 of the Official report it is written that according to the UNMIK regulation 2001/13, Radio Television of Kosovo is obliged, from its 24 hours programme, to give 15% of total amount to the programmes in Minority languages or for minority communities. However, the total amount of time of programmes devoted to the minority communities in period of one week contains only 8 hours (it does not contain 24 hours i.e. 15 %).

If we, for instance, look on Mondays, the programmes in Roma language lasts 30 minutes, plus the news in Turkish, Serbian and Bosnian language last for period of 10 minutes, the amount of time in total is only 1 hour, of 3, 5 hours, i.e. 15% as regulated with UNMIK regulation 2001/13. On Sundays, the amount of time devoted to Minority communities is the longest, but still contain only 1, 45 minutes programmes in Minority languages.

On page 106, Article 9.2, it is written: there are 13 stations in Albanian language and five minority stations that broadcast programmes also in minority languages including in Roma, Ashkalia, Gorani, Turkish and Bosniac language“. Here is important to mention that there is no language in Kosovo that is called 'Ashkalia' language or 'Gorani' language. The mother

tongue of Ashkalia community is Albanian, also the members of Gorani community are for official purposes using Serbian (or Bosnian) language, but in private, they use the 'Gorani dialect, which is not an officially recognised language. This latter means that these two communities (including the Egyptian) are the only communities that do not have programmes broadcasted at RTK and that would be devoted for the purposes of these communities. It should be noted also that the programmes are broadcasted in Bosnian language and not in 'Bosniac' as it is written in the Official report.

As it was mentioned on the page 106, the only public media service in Kosovo that broadcasts in minority languages is RTK. There is larger number of private media services, KTV and RTV21, which broadcast programmes only in Albanian language. Here the recommendation is to open one additional channel RTK that would employ additional number of members of the minority communities, and that would considerably improve quantity as well as the quality of the programmes in minority languages.

In addition, the number of minority children's programmes is very small and therefore it is desirable to increase the number of programmes of scientific or educational and cultural character as well as the other programmes for children from minority communities in their own languages.

Concerning the media licences in Minority languages, the situation is very unsatisfactory. Members of the Bosniac community in the middle of 2003 submitted an application to Temporary Media Commissioner (TMC) for the licence for the frequency for the Bosniac TV that would transmit programs in Bosnian language in the Prizren Region (region of Prizren, Zupa, Gora and Podgora). The same application was resubmitted 7th January of 2004 and in April 2005, the issue for the frequency for the Bosniac TV was raised again. Here it should be mentioned that all the necessary technical equipment and capacity for broadcasting of such a programme has been allocated already in 2003. Unfortunately, due to the delay on response from TMC, this equipment is still standing around unused.

Unfortunately, there is no response from TMC about this application. In the Official Report, it stands that TMC has had suspension for the licensing of minority and/or multiethnic public media, from December 2003 to July 2004. This means that one year has passed since this suspension and that the response on this request is long overdue.

Also in February 2004, members of Roma community have submitted the application and request for the radio frequency for the Roma language radio channel. However, none of these communities has received any reply from the TMC.

Article 9 states that parties are obliged to insure, as much as possible provisions of paragraph 1, which states that individuals that are members of national minorities should be able to publish, run and use own media. Unfortunately, this is not the case with the members of Gorani and Bosniac community in Zupa and Dragaš/Dragash. Six years have passed since the members of these communities have not had access to media in Kosovo. The only source of information is the Bosniac weekly magazine 'Alem'. However, because of the lack of financial sources, two months have passed since this magazine has not been produced. This is the first delay after six years of its existence. Therefore, the attention should be given to this only magazine for Bosniac and Gorani community, which is the only source of information in Zupa and Dragaš/Dragash. This magazine needs a more stable source of financial support.

One positive note is that the Turkish Radio station «Yeni Donem» in the middle of 2004 submitted an application for the licence for the private TV station that would broadcast 24 hours programs in the language of the minorities; Serbian, Bosnian, Turkish and Roma language. The reply from TMC arrived in July 2005 and the licence for the TV station– Radio Television Yeni Donem was approved.

Article 10:

Concerning the Turkish community and the Official Report the statement (in the text about Article 3 of the Convention) that “Turkish language is a combination of dialects of Albanian and Turkish” is not only incorrect, but also offensive. Such statements should be based on appropriate linguistic studies, thus careless commentary should not be included in the Official Reports. Turkish and Albanian language belongs to completely different families of languages. While some words are used in both languages, no one can claim that the language used by Turks in Kosovo is a mixture of Albanian and Turkish based on a few cognates. Members of Turkish community call for the attention towards this incorrect statement.

The Bosniac community once again stresses that there is no 'Bosniac' language and the language that this community speaks is 'Bosnian'. Such a mistake should not be repeated, by local nor international actors. Even in the draft Law on the Language Use, as well as in the Constitutional Framework the language of the Bosniac community is not identified properly. Another comment to add is that when writing the names of the Serb or Bosniac, Gorani communities, very often are the letters č, ć, ž, dž, š etc, left out.

Concerning page 129 of the Official Report, it should be mentioned that there were not only cases of ‘threats’ but also of executions of persons when talking about freedom of use of Serbian language.

As a comment to Article 10 (9.1.51) on page 130, it is important to stress that the laws in Kosovo are not published in other minority languages as promulgated in Constitutional Framework, 9.1.51. No law has been translated into Bosnian, Turkish (except the Nondiscrimination law that has been translated into Turkish language) or Roma language.

Article 11:

The situation concerning the Article 11 and use of the official languages is well presented. More detailed presented situation of the use of the languages of other minority communities, Roma and Turkish is presented in the Shadow Report.

Article 12:

Serbs teach curriculum from Republic of Serbia and do not accept the curriculum of Kosovo. It is important to stress that there is neither initiation for compilation of the curriculum in Serbian in Kosovo. Education of the Serb community is in the Official Report left completely out. The situation of the Serb community and the education issue is mentioned only on page 145 when talking about the number of pupils of the Serb community in Kosovo, although the data is outdated from 2003).

Page 142 of the Official report refers to ‘Catch up classes’ and it stands that some 2.740 pupils attended, however out of this number only 760 were integrated in the ordinary schools – which is an obvious failure when we speak about full integration of the children of Roma, Ashkali and Egyptian into the schools. According to this data, only 25% of these pupils continued their education.

Concerning preschool education, the Official Report does not describe the situation of Roma, Ashkali and Egyptian communities. Usually these children have no access to the preschool education, and sometimes when there is space available, there is lack of qualified teachers and children are in the rooms without heating and under very bad hygienic conditions.

The law on the elementary education foresees textbooks free of charge for the first level of education. However, it should be stated that textbooks have not been delivered to all of the children and in all the parts of Kosovo. For example in Prizren, textbooks are given only to

the children that are considered as 'social cases', while other children still wait for the textbooks to be distributed. These textbooks are still in the 'Didactic centre' in Prizren.

The Official Report does not mention the issue of scholarships for Roma students. Local authorities are responsible for the distribution of scholarships and do it in a selective manner. Here it is important to mention that 18 scholarships, which were meant for students of Bosniac community in Dragaš/Dragash, were never distributed. In Prizren, according to the percentage of the population of minorities, 22% of the budget for the scholarships was allocated to minority communities. However, except with this fund, other than the 18 scholarships that should be distributed, nothing else was done for the minority communities. There is no percentage division in the distribution of the scholarship between the different minority communities, despite of the number of the population.

In the Official Report, the issue of lack of inclusion of the minority staff in the administrations of the mixed schools is not mentioned at all. Therefore, we need to stress the issue of the need for more members of the minority communities to be included in education institutions, as staff, deputy directors, coordinators, etc.

Article 13:

Concerning Article 13, the Official Report does not present the situation of the Serb community at all. The data in the Official Report is usually incomplete, incorrect, and does not show the complete picture of the situation of the Serb community. For example, on the page 149 of the Official Report is written: "The World Bank has delivered resources for elementary and secondary schools, from which many minority schools also benefited. Serb schools also often apply for these resources". In this concrete example, there is not mention what kind of help this is and whether these means were ever granted to the Serb community.

Article 14:

Where this Article is concerned, the situation on education of Serb minority is not presented in the Official Report. The Official Report does not mention the Roma language classes. Although guaranteed by the domestic law, right to learn and study in their mother tongue is still impossible for the Roma community in Kosovo. Although there is a great demand for it, still nothing is being done in this direction. For example, 20 Roma teachers were trained to teach Roma language. Unfortunately, they are still unemployed, and the lectures in Roma language are still not being conducted. This means further that this training of Roma teachers was a waste of resources. In the round table discussion held 12th of February 2005 (present were also MEST representatives, Roma community representatives, as well as local authority for education), Members of Roma community again requested to organise education in Roma language, justifying that in this way those 20 trained Roma teachers would have been employed. The reason for this delay that they gave was, 'because the Roma community can still not decide on which of the Roma language dialects to use'. However this can not be the real reason, since in the preparation of the curriculum of the classes for Roma language and training of teaching staff, there were experts from Paris University participating, and since then there was an agreement on the dialect which will be used when teaching Roma language in the classes.

On the page 147, Article 14 it says that 50 students from Bosniac and 50 from Turkish community will be included in the Faculty of education. This information is not correct, since there are only 20 of students from these groups that are studying at this faculty. In addition, it should be mentioned that MEST still did not prepare the curriculum for classes in Albanian language, as a non-mother tongue option. Usually these classes consist only two hours of Albanian language per week, however textbooks as well as curriculum of the plan and program for these classes are not yet provided.

Article 15:

The following Kosovo political parties that represent the minority communities are registered:

- Serb community represents the Coalition for Return (where all Serb political parties present in Kosovo do participate), Serb List for Kosovo and Metohija and Citizens Initiative.
- Political party of Turkish community: Turkish Democratic Party of Kosovo (KDTP).
- Bosniac political parties are: Bosniac Party of Democratic Action (BSDAK), Party of Democratic Action (SDA) – both parties represent Bosniacs and Gorani, Prizren and Dragaš/Dragash Initiative (PDI) and Coalition Vakrat. Coalition Vakrat is used to be called Coalition Vatan. Coalition Vatan was established during the parliamentary elections 2001 (and consisted of Democratic Reformist Party of Muslims DRSM, SDA and Gorani party GIG). In the second parliamentary elections held in October 2004, this Coalition participated as Coalition Vakrat, with different content, Party of Democratic Bosniacs (DSB), SDA Gora (without GIG party).
- Citizens Initiative of Gora (GIG) is political party representing Gorani community.
- Roma community has one political party: United Party of Roma of Kosovo (PREBK).
- Community of Ashkalia has two political parties: Democratic Ashkali Party of Kosovo (PDAK) and Democratic Albanian Ashkali Party of Kosovo (PDASHK).
- Political party of Egyptian community is: New Democratic Initiative for Kosovo (IRDK).

The Official Report presents incorrect representation concerning Roma, Ashkalia and Egyptian political parties. The Official Report does not differentiate these communities and their separate political parties. According to the Official Report each of the political parties represents all the three communities together (RAE community) which is not the case.