

Communities in Kosovo: ***A guidebook for professionals working with communities in Kosovo***

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ECMI Kosovo is the principal non-governmental organisation engaged with minority issues in Kosovo, with the overarching aim to develop inclusive, representative, community-sensitive institutions that support a stable multi-ethnic Kosovo.

ECMI Kosovo contributes to the developing, strengthening and implementation of relevant legislation, supports the institutionalisation of communities-related governmental bodies, and enhances the capacity of civil society actors and the government to engage with one another in a constructive and sustainable way.

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LIST OF ACRONYMS AND ABBREVIATIONS

CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CCC	Consultative Council for Communities
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child
CRO	Community Representative Organisations
CRICR	Committee on the Rights and Interests of Communities and Returns
CSO	Civil Society Organisations
DCC	Deputy Chairperson for Communities
DMC	Deputy Mayor for Communities
ECMI Kosovo	European Centre for Minority Issues Kosovo
ECRML	European Charter for Regional or Minority Languages
EOPS	Equal Opportunity Policy Statement
EU	European Union
FCNM	Framework Convention for the Protection of National Minorities
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
IaMC	Implementation and Monitoring Council
ILO	International Labour Organisation
IMC	Independent Media Commission
IOB	Independent Oversight Board
KJC	Kosovo Judicial Council
KPC	Kosovo Prosecutorial Council
MEST	Ministry of Education, Science and Technology
MHRU	Municipal Human Rights Unit
MOCR	Municipal Office for Communities and Returns
OLC	Office of the Language Commissioner
OSCE	Organisation for Security and Co-operation in Europe
POE	Publicly Owned Enterprise
RTK	Radio Television of Kosovo
SPZ	Special Protective Zones
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDP	United Nations Development Programme
UNMIK	United Nations Interim Administration Mission in Kosovo

PREFACE

The European Centre for Minority Issues (ECMI) Kosovo is a project-based non-governmental organisation, operating in Kosovo since 2000, with offices in Prishtinë/Priština and Mitrovica/Mitrovicë North. It is the only local organisation dedicated exclusively to the goal of advancing majority-minority relations in Kosovo through the protection and promotion of communities and their interests. To this end, it has developed strong and durable relations with both government and community representatives, and has extensive experience in designing and strengthening relevant legislation and best practice in governance, and in enhancing and sustaining engagement between government representatives and civil society actors.

One of the most important aims of the organisation has been to address the shortfall of accurate, complete, up-to-date and readily accessible information on communities in Kosovo. To this end, it has drawn on over ten years of experience, as well as on a host of primary data, to develop a comprehensive guidebook on communities in Kosovo. This second edition of the guidebook published in 2009, with updated information on communities in Kosovo and their rights, aims to serve as a starting point for anyone working on communities in Kosovo, both to increase knowledge and awareness on communities, and as a practical handbook for government and other organisations working on communities in Kosovo.

Designed to be both comprehensive and pragmatic, the guidebook contains background information on communities in Kosovo and a breakdown of the major issues faced by those communities. This analysis is supported by statistics relating to geography, demographics, employment and economics. The guidebook also contains information on political representation and legislation. Reflecting ECMI Kosovo's first-hand experience in the development and implementation of community rights standards in Kosovo, the guidebook also provides a comprehensive overview of the legal foundations of community rights in Kosovo, and of the institutions available to communities for the protection and promotion of their rights.

Adrian Zeqiri
Executive Director
ECMI Kosovo

I INTRODUCTION

On 17 February 2008, Kosovo declared its independence, ending nine years of unresolved status since the collapse of Yugoslavia and the conflict in Kosovo in 1999. Kosovo is now fully engaged in a period of significant transition, as the new government works to solidify its independence, build democratic institutions and guarantee a stable, inclusive, multi-ethnic society. Central to this process has been the introduction of an elaborate system of community protection, rooted in a multi-ethnic constitutional order, which aims to integrate all the citizens of Kosovo, regardless of ethnic identity, into the political structures of the new state.

However, each community has a different position within Kosovo society and specific needs. Section II of this guidebook provides a short introduction to minority rights, their history and relevance. Section III is designed to provide professionals working with or on communities in Kosovo – as well as communities themselves – with a comprehensive overview of the respective situation of each of these groups, and of the particular problems they face. However, it is also intended to provide the reader with a pragmatic tool for addressing these community needs; for this reason, section IV outlines the complex and advanced legal and institutional infrastructure for community protection in Kosovo, while section V provides detailed information on the remedies available to members of communities whose rights have been violated. Throughout the guidebook, the emphasis is on pragmatic, factual information rather than analysis or historical perspective.

The information and statistics presented in this guidebook were gathered by the European Centre for Minority Issues (ECMI) Kosovo over many years, and can be found in raw form on the organisation's website, at www.ecmi-map.com, while information on the most important community NGOs can be found at www.ecmikosovo.org/?page_id=1380.

II MINORITY RIGHTS: A SHORT INTRODUCTION

2.1 Minority rights: History in a nutshell

Minority rights protection was for the first time formally included within the international legal framework following World War I, through the League of Nations' *Minority Treaties*. However, the League of Nations was dissolved in 1946. After World War II, minority rights received significantly less attention,¹ with the notable exceptions of the *United Nations Convention on the Prevention and Punishment of the Crime of Genocide* (the Genocide Convention),² and the *International Covenant on Civil and Political Rights*(ICCPR),³ which includes minority rights protection under Article 27.

The collapse of the communist regimes in Central and Eastern Europe and the rise of ethnic nationalism, followed by the violent conflict in former Yugoslavia, changed the situation.⁴ From the early 1990s onwards, several international and regional human rights instruments⁵ that included minority rights provisions were adopted. Some of the most relevant ones are:

- the *United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities* (1992);
- the two Council of Europe treaties, the *Framework Convention for the Protection of National Minorities*(1995) and the *European Charter for Regional or Minority Languages* (1992);
- and, the Organisation for Security and Co-operation in Europe's (OSCE) *Copenhagen Document*⁶ (Art. 31-35) (1990).

Relevant related mechanisms are, *inter alia*, the OSCE High Commissioner on National Minorities,⁷ the Office of the United Nations of the High Commissioner of Human Rights,⁸ the UN Independent Expert on Minority Issues⁹ and the UN Forum on Minority Issues¹⁰ (former Working Group on Minorities).

¹ Ringelheim .J, 'Minority Rights in a time of multiculturalism-the evolving scope of the framework convention on the protection of national minorities', in Human Rights Law Review, vol. 10, Issue 1, 2010, p. 1.

² The Convention on the Prevention and Punishment of the Crime of Genocide was adopted by the United Nations General Assembly on 9 December 1948 as General Assembly Resolution 260. The Convention entered into force on 12 January 1951.

³ The International Covenant on Civil and Political Rights was adopted by the United Nations General Assembly on 16 December 1966. The convention entered into force on 23 March 1976.

⁴ Ringelheim. J, 2010, p. 1.

⁵ [European Centre for Minority Issues, European Standards](#). 2012.

⁶ The Copenhagen Document is the resultant text of the Conference on the human dimension of the Conference on Security and Co-operation in Europe (CSCE), held in Copenhagen from 5 to 29 June 1990.

⁷ The OSCE High Commissioner on National Minority's mandate was endorsed at the third CSCE Summit in Helsinki on 9-10 July 1992.

⁸ The Office of the United Nations of the High Commissioner of Human Rights was established by the UN General Assembly on 20 December 1993.

⁹ The mandate of the Independent Expert on minority issues was established through the resolution 2005/79 of the Commission on Human Rights on 21 April 2005. The mandate was subsequently renewed by the Human Rights Council in its resolutions 7/6 of 27 March 2008, and 16/6 of 24 March 2011.

¹⁰ The UN Forum on Minority Issues was adopted through the Human Rights Council resolution 6/15 of 28 September 2007 renewed by resolution 19/23 of 23 March 2012.

At the national level, a significant number of states, including Kosovo, have adopted legislation that addresses the protection of minority communities and/or established institutions with minority protection included in their mandates.

2.2 What are minorities and minority rights?

As established by Kurt Hamer, minorities are “all national cultural, ethnic, religious and linguistic minorities whose minority status has been recognised by national legislation or by internationally binding declarations as well as minorities that define and organise themselves as such.”¹¹

Accordingly, minority rights are individual and collective rights through which people belonging to national minority groups are entitled to enjoy their own culture, to use their own language,¹² to profess and practice their own religion, to have the right to freedom of expression and assembly, to have equal opportunities to education and employment, and to enjoy full participation in public life.¹³

Minority rights are part of the general human rights framework and must be protected through national legislation, appropriate government policies, and the support of the civil society.

2.3 Minority rights protection

Minority rights are based on the recognition that minorities are in a vulnerable situation in comparison to other groups in society, namely the majority population,¹⁴ and aim to protect members of minority groups from discrimination, assimilation, prosecution, hostility or violence, as a consequence of their status.

It should be highlighted that minority rights do not constitute privileges, but act to ensure equal respect for members of different communities. These rights serve to accommodate vulnerable groups (meaning ethnic minorities, but also women, children and people with disabilities) and to bring all members of society to a minimum level of equality in the exercise of their human and fundamental rights.¹⁵ Furthermore, it is important to stress that members of national minorities must also respect the rights of the majority, and that a national minority can represent a majority within a specific area, region or state.¹⁶

Three main categories of fundamental rights central to ensuring the effective protection of minority rights can be established:¹⁷

¹¹ Kurt Hamer (1926-1991). Appointee for borderland issues (Grenzlandbeauftragter) Land Schleswig-Holstein, former Vice-President, Landtag S-H, and one of ECMI’s founding fathers.

¹² Kempin Reuter .T, ‘Including Minority Rights in Peace Agreements: A Benefit or Obstacle to Peace Processes after Ethnic Conflicts?’, in *International Journal on Minority and Group Rights*, vol. 19, 2012, p. 363.

¹³ Minority Rights Group International, ‘[Minority Rights Protection](#)’, 2007.

¹⁴ ECMI Kosovo. *Communities in Kosovo. A Guidebook for Professionals working with communities in Kosovo*. 2009, p. 172.

¹⁵ Vollebaek .K, ‘Address on Minority Rights in Kosovo’. Organization for Security and Co-operation in Europe High Commissioner on national minorities, 11 September 2008, p. 3.

¹⁶ Council of Europe, Framework [Convention for the Protection of National Minorities and Explanatory Report](#), 1 February 1995, Section III, art. 20, p. 24.

¹⁷ Kempin Reuter .T, 2012, p. 364.

- The rights aiming to **protect minorities from extinction and discrimination**.¹⁸ As far as compatible with the fundamental rights and freedoms of others, minority communities shall not be denied the right to be recognised as a group, enjoy their own culture and religion, use their own language, establish their schools, and receive teaching in the language of their choice.
- The rights designed to **preserve and safeguard the ethnic and cultural identity of the group**.¹⁹ A pluralist and genuinely democratic society should not only respect the ethnic, cultural, linguistic and religious identity of each person belonging to a national minority, but also create appropriate conditions enabling them to express, preserve and develop their identity.
- The rights aimed to **empower minority communities**.²⁰ Minority communities need to have the authority to determine their own affairs and to be able to actively participate in state affairs. To put it simply, the state needs to create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social, economic and public affairs, particularly on issues directly affecting them. This includes achieving proportional representation in government positions, and active and equal participation in public affairs.

2.4 The importance of minority rights: Key arguments

The following arguments illustrate the importance of minority rights:²¹

1. **Minority rights and the principle of equality:** Minorities are often in a disadvantaged, marginalised and vulnerable position. Consequently, they require special measures to ensure that they benefit from the same rights as the rest of the population. Hence, minority rights serve to bring all members of society to a balanced enjoyment of their human rights. In other words, their aim is to ensure that persons belonging to a national minority enjoy effective equality with those persons belonging to the majority.²² In this context, the promotion of equal opportunities in access to education at all levels for people belonging to a national minority is particularly important, since education brings valuable development benefits, empowers communities and promotes the exercise of individual freedoms.²³
2. **Minority rights strengthen inter-ethnic relations:**²⁴ The protection of minority rights is an exercise of tolerance and intercultural dialogue. By encouraging mutual respect and understanding, the different groups that comprise a society should be able to engage and cooperate with one another, while preserving their own identity. The basic elements required for the realisation of this goal are to promote knowledge of minorities' culture, history, language and religion in an intercultural perspective. In other words, the protection

¹⁸ *ibid*

¹⁹ *ibid*

²⁰ *ibid*

²¹ Vollebaek .K, 11 September 2008, pp. 1-7.

²² Council of Europe, [Framework Convention for the Protection of National Minorities and Explanatory Report](#), 1 February 1995, Section II, art. 4, p. 16.

²³ UNESCO, [Right to education](#). 2013.

²⁴ Ringelheim .J, 2010, p. 11.

of minority rights can promote an inclusive, peaceful and cohesive society, with respect for diversity.

3. **Minority rights' impact on conflict prevention and resolution:** Inter-ethnic tensions, divisions and exclusion that remain unaddressed can easily become a source of instability and conflict.²⁵ Dealing efficiently with minority-majority relations in the aftermath of ethnic conflict is central to achieving durable peace. In this regard, the protection of national minorities is not only fundamental to enhance social cohesion in diverse societies, but also essential to achieve democratic security, sustainable development and peace in a context of instability.
4. **Minority rights protect and promote a diverse and prosperous society:**²⁶ All societies in the modern world are multi-ethnic and multi-national. Ethnic diversity can enrich a society as it makes it more attractive, competitive and prosperous. As such, it is important to create a climate of tolerance and inter-ethnic dialogue, not only to achieve peace and stability, but to enable cultural diversity to be a factor of enrichment and social strength.
5. **Minority rights as an essential element of the international human rights legal framework:**²⁷ States assume obligations and duties under international law to respect, to protect and to fulfil human rights, including minority rights. Minority rights, considered under the International Human Rights framework, are universal, inalienable, independent and indivisible. States, being the principal actors of the international community, have the legal and moral obligation to defend such standards.
6. **Minority rights are European standards:** European history has shown that the protection of national minorities is essential to stability, democratic security and peace in the continent. The **European Union (EU) promotes** and insists upon respect for human and minority rights amongst its current and prospective members.

National minorities are entitled to and should be able to maintain and develop their culture and identity. Accordingly, minority rights aim to ensure that disadvantaged minorities maintain '*their rightful place in society*'.²⁸

²⁵ Minority Rights Group International, [Minority Rights protection](#). 2007.

²⁶ Vollebaek .K, 11 September 2008, p. 2.

²⁷ United Nations Office of the High Commissioner for Human Rights, [International Human Rights](#). 2013.

²⁸ Minority Rights Group International, [Minority Rights Protection](#), 2007.

III COMMUNITIES IN KOSOVO

The Republic of Kosovo has a population of around 1.8 million inhabitants. As noted in the introduction above, the majority of these inhabitants are ethnic Albanian (around 87%), while the Serb population makes up about 8%, equally divided between southern and northern Kosovo. The remaining 5% of the population is made up of other communities, including Turkish, Bosniak, Gorani, Roma, Ashkali, Egyptian, Croat and Montenegrin communities.

The term ‘community’ operates on two levels in Kosovo. In the first place, it has the standard meaning of a group of people who share common characteristics, for example, ethnicity, language or religion. In this sense it can be used to refer to *all* groups in Kosovo, regardless of whether they are in the numerical minority or majority in a given area. However, it is also used to refer to Kosovo’s minority groups, which includes members of the majority (Albanian) community who are in a minority in a given municipality.

This section will examine each of these communities in turn, providing information on their geographical distribution across the country, their culture and religion, and the particular problems they face in relation to access to education, language rights, municipal political representation, etc.

First, however, a brief note on the figures presented below. Population statistics in Kosovo, particularly with regard to communities, are highly sensitive and political. The lack of accurate research into population statistics leaves the size of different communities open to continuous dispute. The 2011 official Kosovo census has provided a wealth of information and rectified this situation to certain extent. However, the 2011 census had its limits; it did not cover northern Kosovo (Mitrovicë/Mitrovica South; Leposavić/Leposaviq; Zvečan/Zveçan; and, Zubin Potok), did not provide any disaggregated data on Montenegrins and Croats, and was partially boycotted by the Serb and Roma communities in southern Kosovo.²⁹

In order to cover the gaps left by the 2011 census, ECMI Kosovo took the following approach:

- All data for all communities in northern Kosovo is based on the 2013 OSCE Municipal Profiles;
- All data for the Albanian, Turkish, Bosniak, Gorani, Egyptian, and Ashkali communities in southern Kosovo is based on the official 2011 Kosovo census;
- For Serb, Roma, Montenegrin and Croat communities: For municipalities not affected by the decentralisation process the OSCE field team estimates of the 2010 OSCE Community Profiles were used. All data on municipalities affected by the 2009 decentralisation process are based on the MOCR estimates provided in the 2013 OSCE Municipal Profiles, as the 2010 OSCE data did not account for the changes in municipal boundaries. If the OSCE reports did not contain MOCR estimates (e.g. Gjilan/Gnjilane and Klllokot/Klokot), ECMI Kosovo

²⁹ For more information on minority community participation in the 2011 Kosovo census, see: [‘Minority Communities in the 2011 Kosovo Census Results: Analysis and Recommendations’](#), ECMI Kosovo, 18 December 2012.

conducted their own interviews of the relevant MOCs and community representatives. The municipalities affected by the decentralisation process are:

- New Serb-majority municipalities: Gračanica/Gračanica; Klokot/Klokot; Ranilug/Ranilug; Partesh/Parteš; Novobërdë/Novo Brdo.
- Old municipalities affected by the creation of new municipalities: Gjilan/Gnjilane; Kamenicë/Kamenica; Fushë Kosovë/Kosovo Polje; Lipjan/Lipljan; Prishtinë/Priština; Viti/Vitina.

Moreover, it is not only statistics on demographics that are lacking. Numbers on community employment and education are often inaccurate and incomplete. This is due in part to a lack of official registration among community members, particularly Roma, Ashkali and Egyptian communities, and the fact that Kosovo is de facto governed by two administrative systems, the official Kosovo and the Serbian institutions, running in parallel to the official institutions.

Therefore, because of this lack of accurate data on communities in all aspects of life, the figures presented in this study should be understood as approximate estimates.

Albanian Community

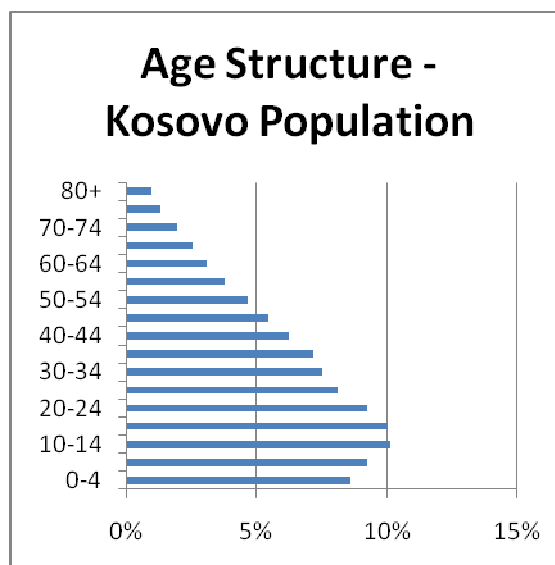
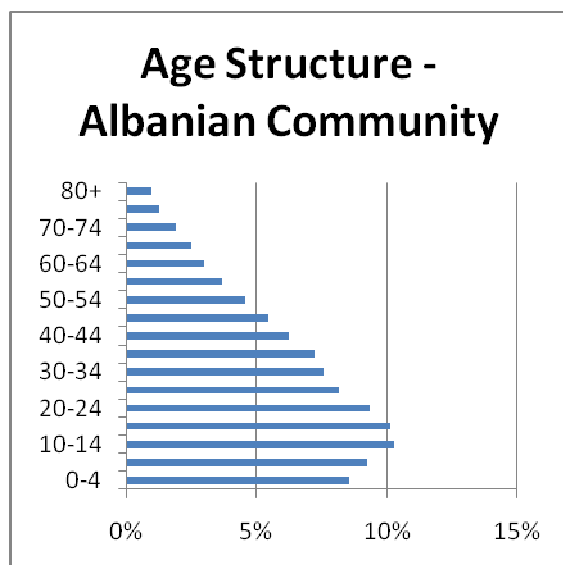
1. Population Size and Location

Based on the 2011 Kosovo census results, supplemented with OSCE data for northern Kosovo, ECMI Kosovo estimates that there are around 1,623,419 Albanians living in Kosovo, making up roughly 86.63% of the total population. Although Kosovo Albanians constitute a majority Kosovo-wide, they are considered a numerical minority in nine municipalities, with the largest Albanian minority communities located in: Mitrovica/Mitrovicë North, Štrpce/Shtërpçë, Novo Brdo/Novobërdë, and Gračanica/Graçanicë.

Albanian minority municipalities in Kosovo according to the 2011 Census*		
Municipality	Percentage	Number of community members
Mitrovica/Mitrovicë North	16.63%	4,900
Štrpce/Shtërpçë	29.14%	3,757
Novo Brdo/Novobërdë	37.33%	3,542
Gračanica/Graçanicë	9.44%	2,474
Klokot/Kllokot	27.72%	1,362
Zubin Potok	6.61%	1,000
Zvečan/Zveçan	2.06%	350
Leposavić/Leposaviq	1.59%	300
Mamuša/Mamushë/Mamuša	5.89%	327
Ranilug/Ranillug	2.79%	164
Total in municipalities listed	12.08%	18,176
Total in Kosovo	86.63%	1,623,419

* The 2011 Kosovo census did not cover northern Kosovo. Therefore the 2013 OSCE Municipal Profiles were used as source for the data on the northern municipalities with Albanian communities. For all southern municipalities, the official 2011 Kosovo census was used as a source.

The average age among the Albanian population is almost the same as the population as a whole, with an average age of 29.4, compared to the Kosovo average of 29.5.



2. Culture and religion

The Albanians in Kosovo consider themselves descendants from the Illyrian tribes that inhabited the region in Roman times.³⁰ The majority of Kosovo Albanians are Sunni Muslim, although there are some adherents to the Islamic dervish sect known as Bektashism. There is also a considerable minority of Roman Catholic Albanians. The 2011 census estimates the total number of Catholics at 38,438, or approximately 2.37% of all Kosovo Albanians.³¹ Albania's Independence Day, 28 November, is recognised as the day of the Albanians in Kosovo and as an official Memorial Day.

3. Language

Albanian is a unique Indo-European language, with no close relation to any other modern language. Albanians in Kosovo speak a variant of the Gheg dialect of Albanian, typical of northern Albania and Kosovo. However, schools teach Standard Albanian, which closely reflects the Tosk dialect spoken in southern Albania. As a consequence, standard Albanian is also used for formal written communication. The Albanian language is spoken in Albania, by Albanian communities throughout former Yugoslavia and by the large Albanian diaspora. Historic Albanian dialects can be found in a number of places, such as Italy and Greece, with Albanian descendant communities.

Albanian is one of the two official languages of Kosovo, along with Serbian. Older generations of Albanians educated under the Yugoslav education system speak Serbian as a second language and some Albanian community members also speak Turkish, particularly in the Prizren region.

4. Political representation

Given that Albanians constitute a majority in Kosovo, most political parties cater to their needs. The 'Partia Demokratike e Kosovës' (PDK), 'Lidhja Demokratike e Kosovës' (LDK), 'Vetëvendosje', 'Aleanca Kosova e Re' (AKR), and 'Aleanca për Ardhmërinë e Kosovës' (AAK) have been some of the most dominant political subjects in Kosovo elections in recent years.

In municipalities where Albanians constitute a numerical minority, they generally remain fairly well represented in the political process, and are usually represented in the Municipal Assembly.

5. Returns

Although the 1999 conflict caused a huge number of Albanians, UNHCR estimates around 848,100,³² to flee Kosovo to neighbouring countries and Western Europe, the vast majority of Albanian refugees returned to their places of origins within a year. However, the Mitrovica /Mitrovicë North region forms an exception. UNHCR estimates that around 7,182 Albanians remain displaced within Kosovo,³³ primarily from North Mitrovica /Mitrovicë, where security concerns and active resistance

³⁰ Malcolm, Noel, 'Kosovo: A Short History', London: Pan Macmillan Ltd, 1998, p. 28.

³¹ This number covers all communities. However, taking into account the small of Croats in Kosovo and the low number of Catholics among other communities, it can be considered a reliable approximation of the number of Albanian Catholics in Kosovo.

³² UNHCR 1999, Refugees 3, (116), retrieved at: <http://www.unhcr.org/3c6914bc5.pdf>.

³³ UNHCR Office of the Chief of the Mission, Pristina, Kosovo, 'Statistical Overview: Update at end of June 2013'.

from local communities have prevented any significant returns. From January 2000 until June 2013, 1,062 Albanians returned voluntarily.

Voluntary and forced returns within the Albanian community, Jan. 2000 – June 2013 (UNHCR)

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Voluntary	0	27	294	245	8	49	53	15	43	86	99	27	67	49

6. Security and freedom of movement

According to a United Nations Development Programme (UNDP) survey (2013), 62% of Albanians are satisfied with Kosovo's security institutions. The Albanian community feels safe to travel throughout southern Kosovo both with private vehicles and public transport. Albanian communities living in Serb-majority municipalities in southern Kosovo largely share these positive security perceptions.

Security and freedom of movement concerns exist primarily in relation to northern Kosovo. Albanians from southern Kosovo generally do not feel safe to travel to or through this part of Kosovo. Moreover, Albanian communities in northern Kosovo report considerable security concerns and obstacles to their freedom of movement.

7. Economy

The unemployment rate for the Albanian community is 47.02%, slightly higher than the overall 45% unemployment rate in Kosovo,³⁴ and only 6% of the Albanian community is satisfied with Kosovo's economic direction.³⁵ Employment opportunities remain an issue for Albanians throughout Kosovo, particularly in rural areas, which includes most of the municipalities where Albanians are a minority community. The Albanian community is relatively well represented in public institutions in municipalities where they are a numerical minority.

8. Education

The Albanian community makes use of the Kosovo education system and faces no particular difficulties in accessing education. However, they face a number of issues related to the quality of education offered:

- A lack of qualified teachers;
- An absence of high-quality school infrastructure;
- A lack of equipment (school books, computers, etc).

9. Access to public institutions

In general, the Albanian community faces no serious obstacles to accessing public institutions and services. However, Serb-majority municipalities do not always comply with their obligations under the *Law on the Use of Languages*, leading to communication difficulties between Albanians and municipal institutions that predominantly operate in the Serbian language.

³⁴ UNDP, '[Kosovo Human Development Report 2012: Private sector and employment](#).'

³⁵ UNDP, '[Public Pulse Report 6](#)', August 2013.

In northern Kosovo, the access of the Albanian community to public institutions is considerably hampered due to the tense security situation, related restrictions in freedom of movement and the limited presence of Kosovo institutions.

Serb community

1. Population Size and Location

The Serbs comprise the largest minority community in Kosovo. The 2011 Kosovo census did not take place in northern Kosovo, and was boycotted by considerable numbers of Serbs in southern Kosovo. Therefore, estimates of the Serb community in Kosovo have to be based on alternative sources. Based on OSCE 2010 Community Profiles and 2013 OSCE Municipal Profiles, around 146,128 Serbs are estimated to reside in Kosovo, making up around 7.8% of the total population.

The Serb community is approximately equally divided between northern Kosovo (70,430 Serb residents) and southern Kosovo (75,698 Serb residents). There are a total of ten municipalities where the Serb community constitutes a numerical majority. The largest Serb communities reside in the four northern municipalities, and in the southern municipalities of Gračanica/Graçanicë and Štrpce/Shtërpçë.

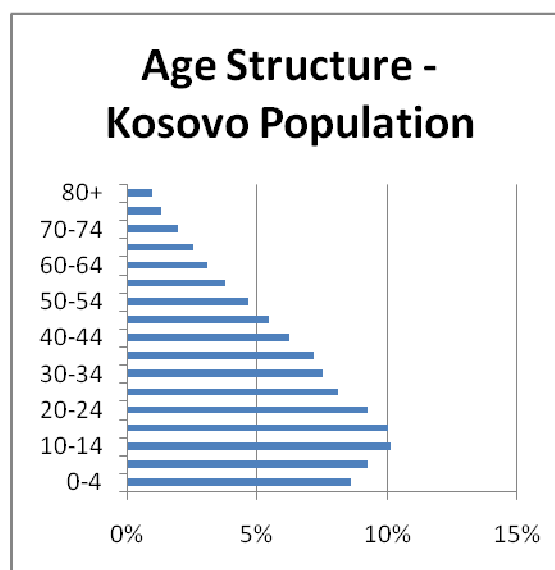
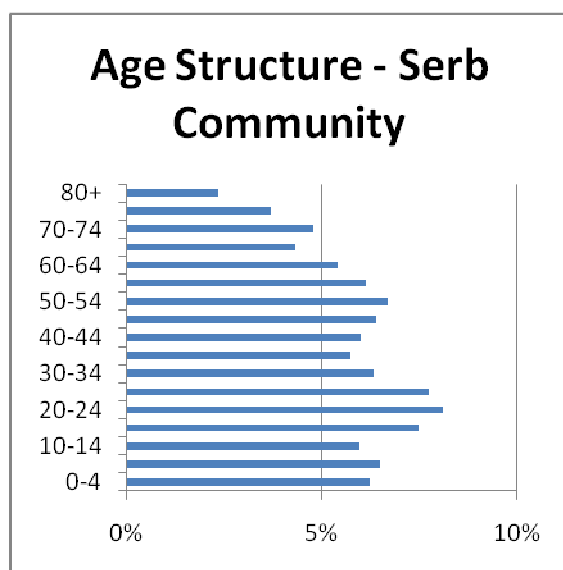
Smaller Serb communities can also be found throughout Kosovo below the Ibar River, particularly in Central and Eastern Kosovo.

Serb community in Kosovo according to OSCE Reports*		
Municipality	Percentage	Number of community members
Mitrovicë/Mitovica North	76.48%	22,530
Gračanica/Graçanicë	82.15%	21,534
Leposavić/Leposaviq	96%	18,000
Zvečan/Zveçan	96.1%	16,000
Zubin Potok	93.29%	13,900
Štrpce/Shtërpçë	70.58%	9,100
Novo Brdo/Novobërdë	61.46%	5,802
Ranilug/Ranillug	97.15%	5,718
Parteš/Partesh	99.96%	5,300
Gjilan/Gnjilane	5.29%	5,000
Kllokot/Klokot	71.23%	3,500
Vushtrri/Vučitrn	4.79%	3,500
Kamenicë/Kamenica	8.01%	3,019
Obiliq/Obilić	12.37%	3,000
Lipjan/Lipljan	3.37%	2,000
Prishtinë/Priština	1%	2,000
Istog/Istok	4.16%	1,700
Rahovec/Orahovac	1.76%	1,000
Pejë/Peć	1.03%	1,000
Fushë Kosovë/Kosovo Polje	2.51%	900
Klinë/Klina	1.53%	600
Skenderaj/Srbica	0.59%	300

Viti/Vitina	0.59%	280
Prizren	0.13%	237
Ferizaj/Uroševac	0.06%	60
Shtime/Štimlje	0.18%	49
Deçan/Deçane	0.11%	46
Gjakovë/Đakovica	0.02%	17
Mitrovicë/Mitovica South	0.02%	14
Podujevë/Podujevo	0.01%	12
Dragash/Dragaš	0.02%	7
Suharekë/Suva Reka	<0.01%	2
Kaçanik/Kaçanik	<0.01%	1
Total	7.8%	146,128

*Sources: Data on municipalities not affected by the decentralisation are based on the 2010 OSCE Community Profiles (OSCE field teams estimations), while the data on municipalities affected by the decentralisation process and municipalities in northern Kosovo are based on the 2013 OSCE Municipal Profiles.

The average age among the Serb population is notably higher than the Kosovo average. Based on the 2011 census data, the mean age of the Serb community is 37.6 years old, while the Kosovo average is 29.5 years old.



2. Culture and religion

The Serb community is believed have settled in South-Eastern Europe around the sixth and seventh century AD, as part the migration of Slav tribes to this region in that period.³⁶ The Serb community in Kosovo is Orthodox Christian, and the Serbian Orthodox Church continues to play a central role in Serb identity today. Great value is attached to the large number of important monasteries and churches built in Kosovo in the thirteenth and fourteenth centuries and particularly to the relocation

³⁶ Malcolm, Noel, 'Kosovo: A Short History', London: Pan Macmillan Ltd, 1998, pp. 22-24.

of the seat of the Archbishop of the Serbian Orthodox Church to Pejë/Peć at the end of the thirteenth century. Many of these churches and monasteries remain in Kosovo today and are considered an important part of Serb cultural heritage.

Kosovo was also the location of the 'Battle of Kosovo', fought in 1389 against Ottoman forces. This battle continues to play an important part in Serb history and myth today and is still commemorated annually on 28 June through the celebration of 'Vidovdan'.

3. Language

The political break-up of Yugoslavia was accompanied by a linguistic split within what was previously known as 'Serbo-Croatian' and four new languages emerged: Serbian, Bosnian, Croatian and Montenegrin. Speakers of any of these four languages can understand the other three languages without serious difficulties.

The Serb community in Kosovo speaks Serbian which, alongside Albanian, is one of the two official languages of Kosovo. Both the Latin and Cyrillic scripts are used by the Serb community in Kosovo. Serbian language schools in Kosovo do not teach the Albanian language and only a minority of Serbs in Kosovo speak Albanian.

4. Political representation

The Serb community has a minimum of ten (10) seats guaranteed in the Kosovo Assembly,³⁷ and five (5) representatives in the Community Consultative Council (CCC).³⁸

In the 2009 municipal and 2010 general elections, the Serb community in southern Kosovo, despite calls for a boycott by the Serbian government, cautiously participated. However, both elections were boycotted by the Serb community residing in northern Kosovo. In the 2013 municipal elections, the Serbian government encouraged the Serb community in Kosovo to vote. This resulted in high turnout rates for the Serb community in southern Kosovo; in all Serb-majority municipalities in southern Kosovo the turnout was higher than the Kosovo average of approximately 47%. In northern Kosovo, participation rates also increased considerably, but remained comparatively low at just over 20%.

Recent elections have seen large numbers of Serb political subjects competing in Kosovo elections, with, for example, 27 Serb political subjects competing in the 2013 municipal elections. However, only a small number of parties have been able to sustain a presence in Kosovo politics. Currently, the main Serb political subjects are 'Samostalna Liberalna Stranka' (SLS), a Kosovo based political party competing in Kosovo elections since 2007, and G.I.SRPSKA, which is a political subject established in 2013 and backed by the Government of Serbia.

³⁷ Constitution, Article 64.

³⁸ Law on Communities (03/L-047), Article 12.6.

Total number of votes for main Serb political parties in Kosovo elections since 2007 (local and general)

	2007 (Gen.)	2007 (Mun.)	2009 (Mun.)	2010 (Gen.)	2013 (Mun.)
SLS	855	500	4,331	14,352	8,284
G.I.SRPSKA					21,761
JSL				6,004	
SDSKiM	939	329	303	1,008	
S.SDS				829	
SNS	224	26		749	

5. Returns

According to UNHCR estimates, around 200,000 Serbs were displaced within and outside of Kosovo during and immediately after the 1999 conflict,³⁹ and the majority of this displaced population remains outside of Kosovo, mostly in Serbia. In addition, UNHCR estimates that around 9,556 Serb community members remain displaced within Kosovo, with the majority residing in northern Kosovo. Issues such as the lack of economic opportunities, property issues and security concerns continue to adversely affect the returns process for the Serb community.

From January 2000 until June 2013, 10,236 Serbs returned voluntarily and 114 were forcibly returned between January 2011 and June 2013.⁴⁰

Voluntary and forced returns of the Serb community, Jan. 2000 – June 2013 (UNHCR, June 2013)

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Voluntary	1826	679	966	1550	818	740	615	585	231	439	895	464	359	69
Forced	No data available											64	41	9

6. Security and freedom of movement

Overall, the security situation for the Serb community in Kosovo is perceived to have improved over the past few years, but feelings of insecurity persist. In particular, Mitrovicë/Mitrovica remains a major flashpoint of inter-ethnic violence and security incidents also continue to affect return sites.⁴¹

The main institutions responsible for the security of the Serb community in Kosovo, as for all other communities, are the Kosovo Police, EULEX and KFOR. However, satisfaction with security institutions among Serbs is low, at 16%, as opposed to 62% among Kosovo Albanians.⁴²

The Serb community generally feels free to travel through Kosovo with private vehicles, although they remain hesitant to use Kosovo public transport. Moreover, Serbs living in larger communities, particularly in Serb-majority municipalities, mostly feel safe in their neighbourhoods of residence.

³⁹ UNHCR Refugees Magazine Issue 116, '[Kosovo: One last chance](#)', 1999.

⁴⁰ UNHCR Office of the Chief of the Mission, Pristina, Kosovo, 'Statistical Overview: Update at end of June 2013'.

⁴¹ OSCE Kosovo, '[An Assessment of the Voluntary Returns Process in Kosovo](#)', October 2012.

⁴² UNDP, '[Public Pulse Report 6](#)', August 2013.

Whether Serbs feel safe to travel to and move freely in Albanian-majority areas differs considerably by region; Serbs feel significantly less safe to travel to and move freely in areas that were particularly affected by the 1999 conflict.

7. Economy

According to UNDP (2012), the Serb unemployment rate is 38.35%, which is lower than the general unemployment rate of 45% in Kosovo, but nevertheless, remains substantial.⁴³ The Serb community is relatively well represented in the Kosovo civil service, with 973 Serb civil servants, making up 5.5% of all Kosovo civil servants.⁴⁴ These numbers roughly reflect the Serbs' share of the Kosovo population (excluding northern Kosovo, where Serbs have, until present, largely boycotted Kosovo institutions). However, it deserves mentioning that Serbs are more likely to be represented at professional and administrative positions than at the managerial level.⁴⁵ Moreover, within publically owned enterprises, some of the biggest employers in Kosovo, the community is significantly underrepresented, making up only 0.8% of all employees.⁴⁶

Perceptions among the Serb community in relation to the economic direction of Kosovo are extremely negative. In August 2013, 0.9% of Serbs in Kosovo were satisfied with Kosovo's economic direction, as opposed to 6.0% of Kosovo Albanians.⁴⁷

Many of the economic and employment obstacles faced by the Serbs are a consequence of Kosovo's overall poor economic situation. The community, however, faces additional difficulties due to language barriers and the community's general lack of integration into Kosovo socio-economic networks. The Serb community in northern Kosovo is generally wealthier than the more rural Serb population in southern Kosovo.

8. Education

As of yet, the Kosovo government does not offer a Serbian language curriculum, and as a consequence cannot offer Serbian language education. The Serb community in Kosovo attends schools and follows a curriculum managed by the Serbian Ministry of Education. While pre-school, primary and secondary education is offered in most areas with significant Serb communities, tertiary education in the Serbian language is primarily offered by the University of Prishtinë/Priština, located in North Mitrovica/Mitrovicë, with faculties of this university also located in Gračanica/Graçanicë and Leposavic/Leposaviq. Large numbers of Serb students also follow their university education in Serbia.

The main issues that face the Serb community in the context of education are listed as follows:

- A lack of qualified teachers;
- An absence of high-quality school infrastructure;

⁴³ UNDP, '[Kosovo Human Development Report 2012: Private sector and employment.](#)'

⁴⁴ Office of Community Affairs, '[Assessment on the employment of members of non-majority communities in the Kosovo civil service and publicly owned enterprises](#)', May 2013.

⁴⁵ Office of Community Affairs, 'Assessment on the employment of members of non-majority communities in the Kosovo civil service and publicly owned enterprises' 2013.

⁴⁶ *ibid*

⁴⁷ UNDP, '[Public Pulse Report 6](#)', August 2013.

- A lack of equipment (school books, computers, etc).

9. Access to Public Institutions

Access to Kosovo public institutions differs considerably between the majority of Serbs that reside in Serb-majority municipalities and the minority that reside in Albanian-majority municipalities. While the former can generally access Kosovo municipal services without significant difficulties, the latter still reports obstacles in accessing municipal services, particularly due to perceived discrimination and language barriers, caused by a lack of compliance by institutions with the *Law on the Use of Languages*. These same obstacles are also often reported in relation to access to central level government services.

Many aspects of Serb public life, especially in the north of Kosovo where Kosovo institutions are less present, are still largely administered by the Serbian government; Serbia continues to fund public services in parallel to the services provided by the Kosovo Government, including health care, education and a social welfare system.

However, since the establishment of new Serb-majority municipalities in 2009, a trend has been visible in southern Kosovo, with increasing numbers of Serb community members making use of the services provided by these new municipalities. This trend is likely to intensify, following the 2013 municipal elections, which saw a high participation rates among the Serb community, as described above. Additionally, it is likely that this trend will also slowly expand to northern Kosovo in the upcoming years.

Bosniak community

1. Population Size and Location

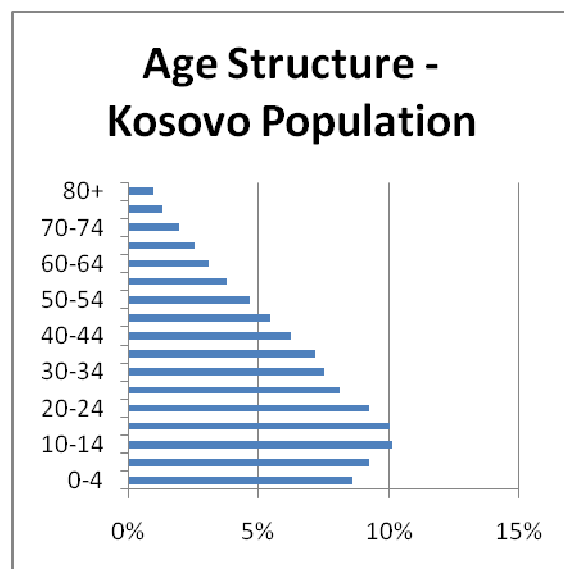
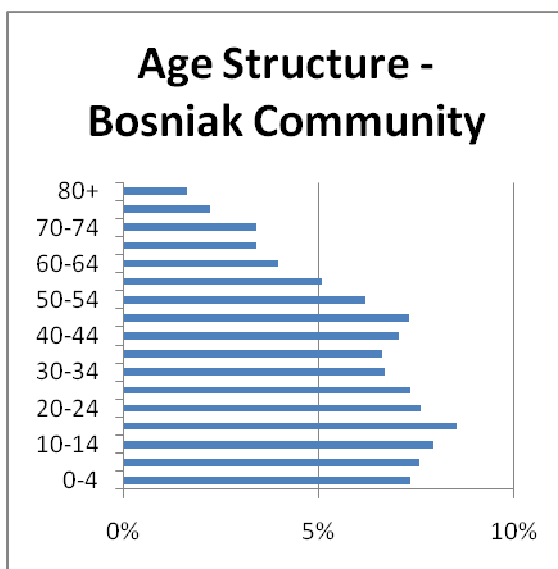
The Bosniak community is the second largest minority community in Kosovo. Based on the 2011 Kosovo census results, supplemented with OSCE data for northern Kosovo, ECMI Kosovo estimates that there are around 28,933 Bosniaks living in Kosovo, making up around 1.54% of the total population. The majority of Bosniaks live in the Prizren municipality, while considerable Bosniak communities are also located in Dragash/Dragaš, Pejë/Peć, Istog/Istok and North Mitrovicë/Mitovica.

Bosniak community in Kosovo according to the 2011 Census*		
Municipality	Percentage	Number of community members
Prizren	9.4%	16,896
Dragash/Dragaš	12.11%	4,100
Pejë/Peć	3.89%	3,786
Istog/Istok	2.8%	1,142
Mitrovicë/Mitovica North	3.39%	1,000
Mitrovicë/Mitovica South	0.57%	416
Prishtinë/Priština	0.2%	400
Leposavić/Leposaviq	1.6%	300
Gjilan/Gnjilane	0.13%	121
Ferizaj/Uroševac	0.08%	83
Gjakovë/Đakovica	0.08%	73
Deçan/Deçane	0.15%	60
Obiliq/Obilić	0.02%	58
Hani i Elezit/Elez Han	0.45%	42
Lipjan/Lipljan	0.07%	42
Skenderaj/Srbica	0.08%	42
Fushë Kosovë/Kosovo Polje	0.09%	34
Podujevë/Podujevo	0.04%	33
Vushtrri/Vučitrn	0.05%	33
Viti/Vitina	0.05%	25
Kaçanik/Kaçanik	0.06%	20
Klinë/Klina	0.05%	20
Shtime/Štimlje	0.07%	20
Suharekë/Suva Reka	0.02%	15
Malishevë/Mališevo	0.03%	15
Gračanica/Gračanicë	0.06%	15
Glllogovc/Glogovac	0.02%	14
Rahovec/Orahovac	0.02%	10
Kamenicë/Kamenica	0.02%	9

Novo Brdo/Novobërdë	0.05%	5
Štrpce/Shtërpçë	0.02%	2
Mamuša/Mamushë/Mamuša	0.02%	1
Ranilug/Ranillug	0.02%	1
Total	1.54%	28,933

* The 2011 Kosovo census did not cover northern Kosovo. Therefore the 2013 OSCE Municipal Profiles were used as source for the data on the northern municipalities with Bosniak communities. For all southern municipalities, the official 2011 Kosovo census was used as a source.

Based on the 2011 Kosovo census data, the Bosniak community has an average age slightly higher than the general population. The mean age of the Bosniak community is 34 years old, while the Kosovo average is 29.5 years old.



2. Culture and religion

Bosniaks are a predominantly Muslim Slav community, descendent from the Slav tribes that migrated to South-Eastern Europe in the sixth and seventh century AD. Generally, like the Albanian community, they practice Sunni Islam, the largest branch of Islam. In Kosovo today, Bosniaks can be divided into two groups. The first consists of those who migrated to Kosovo at various times from Bosnia, Montenegro and, mostly, from Sandzak, especially after the end of Ottoman rule in the region. This group is concentrated around the Pejë/Peć, Istog/Istok and Mitrovicë/Mitrovica regions and, to a lesser extent, in Prishtinë/Priština. The second group comprises those who traditionally lived predominantly in the regions of Prizren, Dragash/Dragaš and Zupa.

Kosovo recognises the International Day of Bosniaks, 28 November, as an official Memorial Day.

3. Language

The Bosniak community in Kosovo uses the Latin script and speaks the Bosnian language; a Slavic language closely related to Serbian, Croatian and Montenegrin. Out of the two official languages of

Kosovo, Bosniaks speak Serbian fluently, and often also speak Albanian. The Kosovo public education system offers education in the Bosnian languages in several municipalities. The Bosnian language is recognised as an official language in the municipalities of Dragash/Dragaš, Pejë/Peć and Prizren and as a language in official use in the municipality of Istog/Istok.

4. Political representation

The Bosniak community has three (3) seats guaranteed in the Kosovo Assembly,⁴⁸ and nominates three (3) members of the CCC.⁴⁹

Bosniaks are politically well organised. They are regularly a member of the governing coalition at the central level, and in the four municipalities with the largest number Bosniaks (Prizren, Dragash/Dragaš, Pejë/Peć, and Istog/Istok) the community is regularly represented in the Municipal Assembly.

Over the past few years, 'Koalicija Vakat' has been the largest political subject representing the interests of Bosniaks. Other parties, such as 'Nova Demokratska Stranka' (NDS), 'Stranka Demokratske Akcije' (SDA), and 'Bosnjacka Stranka Demokratske Akcije Kosova' (BSDAK), also serve the Bosniak community. In 2010, with the establishment of the NDS and BSDAK, there was an increase in Bosniak political parties, resulting in a split of the Bosniak vote.

Total number of votes for main Bosniak political parties in Kosovo elections since 2007 (local and general)

	2007 (Gen.)	2007 (Mun.)	2009 (Mun.)	2010 (Gen.)	2013 (Mun.)
VAKAT	5,428	5,269	4,168	5,296	4,833
NDS	/	/	/	2,478	2,949
BSDAK	/	/	400	1,818	534
SDA	3,661	2,468	1,973	1,602	1,177

Total number of votes for Bosniak political parties per municipality since 2007 (local elections only, covering the five municipalities with the largest Bosniak communities)

	2007 (Mun.)	2009 (Mun.)	2013 (Mun.)
Dragash / Dragaš	1,982	2,046	1,722
Istog / Istok	333	440	252
Mitrovicë/Mitovica South	71	/	200
Pejë / Peć	803	1,322	1,409
Prizren	4,548	2,533	5,593
Leposavić/Leposaviq	/	80	70

⁴⁸ Constitution, Article 64.2.

⁴⁹ Law on Communities (03/L – 047), Article 12.6.

Priština/Prishtine	/	120	77
Mitrovicë/Mitrovica North	/	/	170

5. Returns

Exact numbers on the Bosniak community before the 1999 conflict are unavailable, as previous censuses did not include Bosniaks as a group, but instead referred to ‘Muslims’, a typification which would have also included the Gorani community (but not Albanians). The 1991 Yugoslav census estimated there to be 66,189 Muslims, the majority of who would now identify as Bosniaks.

During and after the 1999 conflict, many Bosniaks fled Kosovo for security reasons. Returns within the Bosniak community have been limited, and Bosniaks continue to leave Kosovo for economic reasons.

From January 2000 until June 2013, 1,793 Bosniaks returned voluntarily and 91 were forcibly returned between January 2011 and June 2013.⁵⁰ Only 8 Bosniaks are displaced within Kosovo.⁵¹

Voluntary and forced returns of the Bosniak community, Jan. 2000 – June 2013 (UNHCR, June 2013)

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Voluntary	57	0	149	393	479	250	93	89	39	43	49	60	84	8
Forced	No Data Available											37	44	10

6. Security and freedom of movement

Generally, the Bosniak community does not face serious security concerns or restrictions in freedom of movement. Although there are incidental reports of inter-ethnic incidents, the community, by and large, feels safe within their area of residence and feels free to travel through Kosovo with private vehicles, as well as public transport.

Some security concerns exist within the Bosniak community in Mitovica/Mitrovicë North, reflecting the overall tense security situation.

7. Economy

According to UNDP (2012), the Bosniak unemployment rate is 37.68%, which is lower than the general unemployment rate of 45% in Kosovo, but is nonetheless substantial.⁵²

According to the OCA, the percentage of Bosniaks in the Kosovo civil service (1.5%) approximately reflects their proportion of the Kosovo population (1.54%),⁵³ although this number hides

⁵⁰ UNHCR Office of the Chief of the Mission, Pristina, Kosovo, ‘Statistical Overview: Update at end of June 2013’.

⁵¹ *ibid*

⁵² UNDP, ‘Kosovo Human Development Report 2012: Private sector and employment’.

⁵³ Office of Community Affairs, ‘Assessment on the employment of members of non-majority communities in the Kosovo civil service and publicly owned enterprises’, May 2013.

underrepresentation within central government institutions, where Bosniaks make up only 0.9% of civil servants. Moreover, within publically owned enterprises, some of the biggest employers in Kosovo, the community makes up only 0.4% of employees.⁵⁴

Besides linguistic barriers, the Bosniak community faces many of the same problems in relation to employment and economic opportunities as the majority community.

8. Education

The Bosniak community mostly makes use of the Kosovo education system. Municipalities with larger Bosniak communities offer public education in the Bosnian language at the pre-school, elementary and high-school levels. Some tertiary public education in the Bosnian language is also available in Kosovo, but many Bosnian students attend universities in outside of Kosovo.

In general terms, the main issues facing community members in accessing education are:

- Limited availability of textbooks for upper-secondary education;
- A shortage of good school books at all levels of education;
- A lack of proper transport, and;
- Poor educational infrastructure.

9. Access to other public institutions

In general, the Bosniak community faces no substantial obstacles in accessing public institutions, and concerns regarding public services (e.g. regarding the quality of health care and expense of medication) largely reflect those of the majority population. However, the lack of compliance with the *Law on the Use of Languages*, both with regard to the use of Serbian at all levels and Bosnian at the municipal level, creates difficulties in communication, although, the good command of the Albanian language of many Bosniaks ameliorates the situation.

⁵⁴ *ibid*

Turkish community

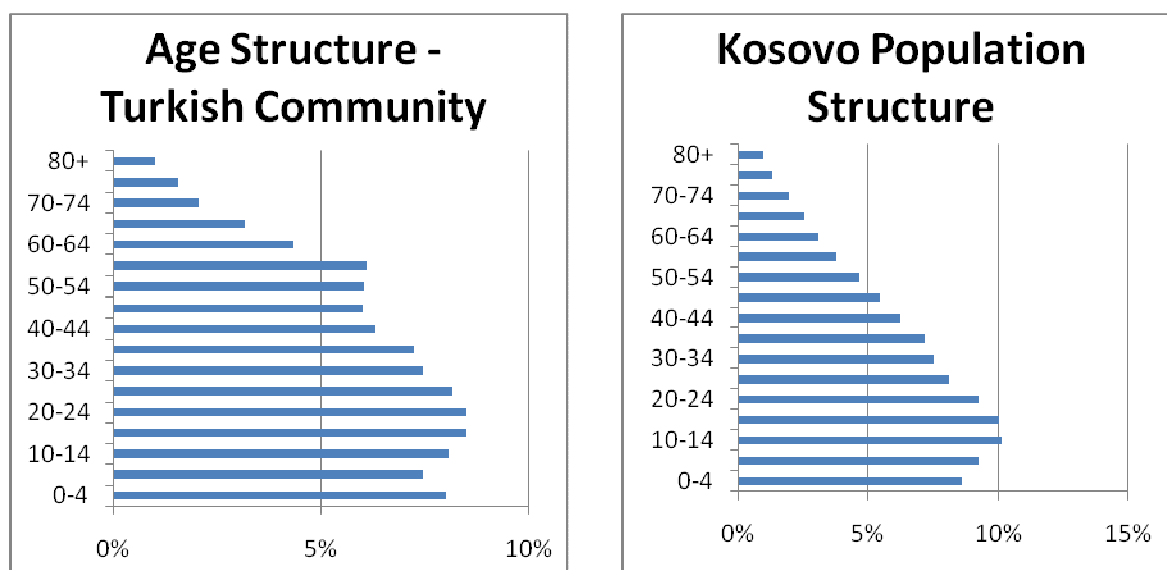
1. Population Size and Location

Based on the 2011 Kosovo census results, supplemented with OSCE data for northern Kosovo, ECMI Kosovo estimates that there are around 18,948 Turks living in Kosovo, making up about 1.01% of the total population. There is one municipality, Mamuša/Mamushë/Mamuša, where the Turkish community is the numerical majority. However, the largest numbers of Turks reside in the Prizren municipality. The Prishtinë/Priština municipality also has a considerable Turkish population. Smaller Turkish communities can be found throughout the rest of Kosovo.

Turkish community in Kosovo according to the 2011 Census*		
Municipality	Percentage	Number of community members
Prizren	5.06%	9,091
Mamuša/Mamushë/Mamuša	92.35%	5,128
Prishtinë/Priština	1.08%	2,156
Gjilan/Gnjilane	1.03%	978
Mitrovicë/Mitovica South	0.72%	518
Vushtrri/Vučitrn	0.38%	278
Mitrovicë/Mitovica North	0.71%	210
Dragash/Dragaš	0.6%	202
Lipjan/Lipljan	0.22%	128
Fushë Kosovë/Kosovo Polje	0.17%	62
Pejë/Peć	0.06%	59
Ferizaj/Uroševac	0.05%	55
Gjakovë/Đakovica	0.02%	16
Gračanica/Graçanicë	0.06%	15
Istog/Istok	0.02%	10
Novo Brdo/Novobërdë	0.07%	7
Glllogovc/Glogovac	0.01%	5
Kamenicë/Kamenica	0.01%	5
Podujevë/Podujevo	0.01%	5
Suharekë/Suva Reka	0.01%	4
Viti/Vitina	0.01%	4
Klinë/Klina	0.01%	3
Kaçanik/Kaçanik	0.01%	2
Obiliq/Obilić	0.01%	2
Rahovec/Orahovac	<0.01%	2
Skenderaj/Srbica	<0.01%	1
Shtime/Štimlje	<0.01%	1
Klllokot/Klokot	0.02%	1
Total	1.01%	18,948

* The 2011 Kosovo census did not cover northern Kosovo. Therefore the 2013 OSCE Municipal Profiles were used as source for the data on the northern municipalities with Turkish communities. For all southern municipalities, the official 2011 Kosovo census was used as a source.

The Turkish population is slightly older than the general population, with an average age of 32.6 years old, while the Kosovo mean age is 29.5.



2. Culture and religion

There has been a significant Turkish community in Kosovo ever since Ottoman rule was established in Kosovo in the fourteenth century. Generally, like the Albanian community, they practice Sunni Islam, the largest branch of Islam. So-called *tarikats*, Sufi brotherhoods – a religious branch originally deriving from Sunni Islam – are also active in Kosovo and foster strong relations with their counterparts in Turkey.

For the most part, this community has been stable, integrated within Kosovar society, and active in all aspects of cultural, social and political life. Ottoman contributions to cultural and religious diversity in Kosovo are significant, and are embraced by both the Turkish and other communities in Kosovo. There remain a considerable number of Ottoman heritage sites in Kosovo, particularly mosques and bath houses.

The protection and conservation of these sites remains challenge. They are exposed to vandalism, damage and destruction due to construction in their vicinity. There is a lack of co-operation among the interested municipal authorities and the responsible governmental bodies to protect the sites, while there is also a lack of public awareness on the importance of their preservation.

Turkey’s National Sovereignty Day, 23 April, is recognised in Kosovo as the Day of the Turks and as an official Memorial Day.

3. Language

Turks in Kosovo speak a local dialect of the Turkish language and use Standard Turkish for formal communication, but usually also speak Albanian and/or Serbian as a second language. During the Ottoman rule, the Turkish language was spoken by much of Kosovo's elite and today some members of non-Turkish communities (e.g. Albanian, Roma and Bosniak communities) still speak the Turkish language, particularly in the Prizren region.

In the 1974 Yugoslav Constitution, which granted Kosovo an autonomous status, Turkish was named one of the official languages in the province. However, in the first year of the UNMIK administration this official status was not recognised. Today, Turkish is recognised as an official language in the municipalities of Prizren and Mamuşa/Mamushë/Mamuša and has the status of a language in official use in the municipalities of Gjilan/Gnjilane, Prishtinë/Priština, Vushtrri/Vučitrn and Mitrovicë/Mitrovica. However, compliance by municipal authorities with the corresponding legal obligations is often limited.

4. Political representation

The Turkish community has two (2) seats guaranteed in the Kosovo Assembly,⁵⁵ and nominates three (3) members of the CCC.⁵⁶

The Turkish community is well organised politically, with the Turkish-majority municipality Mamuşa/Mamushë/Mamuša regularly seeing some of the highest turn-out rates in Kosovo (over 60%). Moreover, Turkish political parties usually gain seats in the Municipal Assemblies in municipalities with significant Turkish communities (Prizren; Mamuşa/Mamushë/Mamuša; Prishtinë/Priština; Gjilan/Gnjilane; Mitrovicë/Mitrovica South; and, Vushtrri/Vučitrn).

The main political subjects representing the Turkish population in Kosovo are the 'Kosova Demokratik Türk Partisi' (KDTP), the 'Türk Adalet Partisi' (KTAB) and the 'Kosova Turk Birliği' (KTB). The KTB was established during the 2010 elections and has not been able to accumulate as much support as KDTP, as is shown in the chart below.

KDTP remains well supported in the Prizren and Mamuşa/Mamushë/Mamuša localities. Since its establishment in 2005 up to the 2013 municipal elections, the municipal administration of Mamuşa/Mamushë/Mamuša was led by the KDTP. In Prizren, the KDTP is regularly represented in the Municipal Assembly and a part of the governing coalition.

However, in the 2013 municipal elections this status quo was challenged by a newly established KTAB, which received a considerable number of votes in a number of municipalities, with their candidate winning the Mayoral elections in Mamuşa/Mamushë/Mamuša and the party gaining the majority in the Municipal Assembly.

⁵⁵ Constitution, Article 64.2.

⁵⁶ Law on Communities (03/L-047), Article 12.6.

At the central level, until the present, the KDTP has dominated Turkish community politics, with the KTB failing to gain any seats in the Kosovo assembly through the 2010 elections and the KTAB not yet having participated in any general elections.

Total number of votes for the main Turkish political parties in Kosovo elections since 2007 (local and general)

	2007 (Gen.)	2007 (Mun.)	2009 (Mun.)	2010 (Gen.)	2013 (Mun.)
KDTP	4,999	5,184	7,497	8,548	7,004
KTB	/	/	/	1,364	281
KTAP	/	/	/		3,764

Total number of votes for Turkish political parties per municipality since 2007 (local elections only)

	2007 (Mun.)	2009 (Mun.)	2013 (Mun.)
Gjilan / Gnjilane	404	565	1,432
Lipjan / Lipljan	114	202	316
Mamuša/Mamushë/ Mamuša	/	1,134	2,070
Mitrovicë/Mitovica South	154	373	398
Prishtinë / Priština	624	772	1,430
Prizren	3,756	4,022	4,941
Vushtrri / Vučitrn	132	429	599

5. Returns

Unlike other minority communities, there are few reports of Turks migrating due to the 1999 conflict. However, there has been some emigration following the conflict for economic reasons. Due to the low number of displaced Turks, the issue of returns is generally not a concern for the Turkish community.

From January 2000 until June 2013, 3 Turks returned voluntarily and 25 were forcibly returned between January 2011 and June 2013.⁵⁷ There are no Turks displaced within Kosovo.

⁵⁷ UNHCR Office of the Chief of the Mission, Pristina, Kosovo, 'Statistical Overview: Update at end of June 2013'.

Voluntary and forced returns of the Turkish community, Jan. 2000 – June 2013 (UNHCR, June 2013)

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Voluntary	0	0	0	0	0	0	0	0	0	0	1	1	0	1
Forced	No data available											9	10	6

6. Security and freedom of movement

No major security concerns have been reported by the Turkish community. In general, the community feels safe to travel with private vehicles and public transport throughout Kosovo. Members of the Turkish community feel safe in their neighbourhoods of residence and are satisfied with the performance of Kosovo security institutions.

Mitrovica/Mitrovicë North is an exception to this positive picture; the tense security situation in this municipality adversely affects the small Turkish community living there.

7. Economy

According to UNDP (2012), the Turkish unemployment rate is 37.98%, which is lower than the general unemployment rate of 45% in Kosovo, but remains substantial.⁵⁸ The Turkish community makes up 1.2% of all civil servants in Kosovo, which means that the Turkish community is proportionally represented within the Kosovo civil service. However, Turks are more likely to be represented at professional and administrative positions than at the managerial level.⁵⁹ Within publically owned enterprises, some of the biggest employers in Kosovo, the Turkish community makes up only 0.5% of employees and is underrepresented when compared to their share of the overall population.⁶⁰

Besides linguistic barriers, the Turkish community faces many of the same problems in relation to employment and economic development as the majority community.

8. Education

The Turkish community makes use of the Kosovo education system. Municipalities with a larger Turkish community offer public education in the Turkish language at the pre-school, elementary and high-school levels. Some private schools also offer Turkish language education. Some tertiary public education in the Turkish language is also available in Kosovo, but many Turkish students attend universities in Turkey.

In general terms, the main issues facing community members in accessing education are:

- Limited availability of textbooks for upper-secondary education;
- A shortage of good school books at all levels of education;
- A lack of proper transport, and;

⁵⁸ UNDP, '[Kosovo Human Development Report 2012: Private sector and employment](#)'.

⁵⁹ Office of Community Affairs, '[Assessment on the employment of members of non-majority communities in the Kosovo civil service and publicly owned enterprises](#)', May 2013.

⁶⁰ *ibid*

- Poor educational infrastructure.

9. Access to public institutions

In general, the Turkish community faces no substantial obstacles in accessing public institutions. However, municipalities where the Turkish language has an official status regularly fail to comply with their obligations under the *Law on the Use of Languages*, creating difficulties in communication with municipal institutions, although the good command of the Albanian language of many Turks ameliorates the situation.

Roma community

1. Population Size and Location

The 2011 Kosovo census was partially boycotted by the Roma community; the census estimates the Roma population at almost half the level of other reliable estimates, such as the OSCE.⁶¹ Therefore, estimates of the Roma community in Kosovo have to be based on alternative sources. Based on OSCE 2010 Community Profiles and 2013 Municipal Profiles, around 15,696 Roma are estimated to reside in Kosovo, making up roughly 0.84% of the total population.

The largest Roma community is concentrated in Prizren, while sizable Roma communities are also located in Gračanica/Graçanicë, Pejë/Peć and Mitrovica/Mitrovicë South. Smaller Roma communities are located throughout the rest of Kosovo.

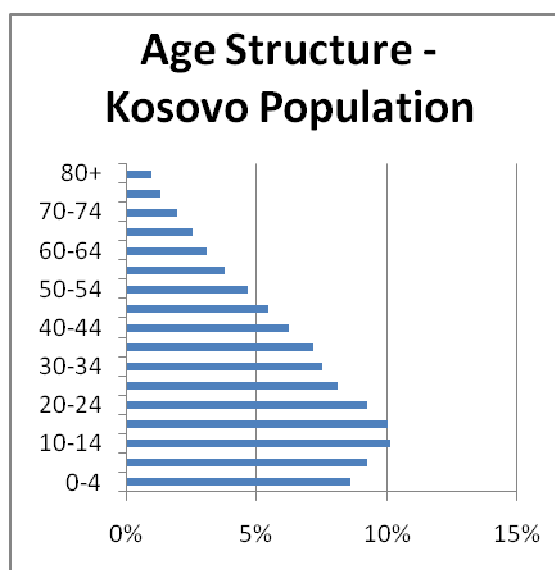
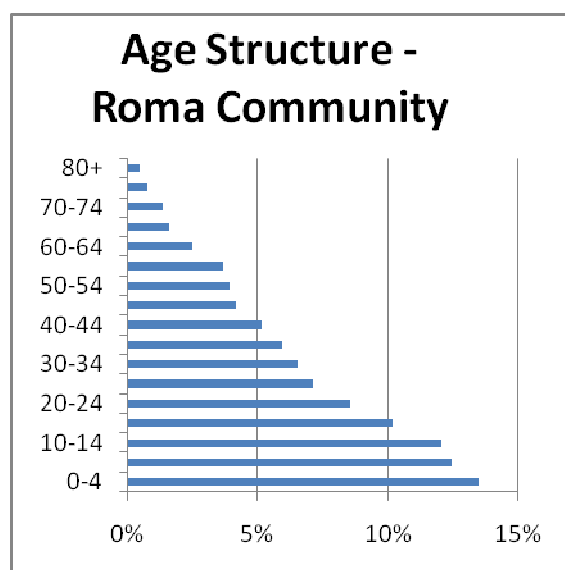
Roma community in Kosovo according to OSCE Reports*		
Municipality	Percentage	Number of community members
Prizren/Prizren	2.95%	5,300
Gračanica/Graçanicë	7.63%	2,000
Pejë/Peć	1.34%	1,300
Mitrovica/Mitrovicë South	1.7%	1,230
Fushë Kosovë/Kosovo Polje	2.19%	783
Gjakovë/Dakovica	0.78%	738
Obiliq/Obilic	2.82%	684
Suharekë/Suva Reka	1.08%	651
Kamenicë/Kamenica	1.11%	417
Gjilan/Gnjilane	0.43%	410
Lipjan/Lipljan	0.64%	380
Ferizaj/Uroševac	0.24%	260
Vushtrri/Vucitrn	0.36%	260
Klinë/Klina	0.56%	220
Mitrovica/Mitrovicë North	0.68%	200
Podujevë/Podujevo	0.12%	108
Zvečan/Zvečan	0.6%	100
Novobërdë/Novo Brdo	1.03%	97
Mamuşa/Mamushë/Mamuşa	1.53%	85
Rahovec/Orahovac	0.15%	84
Leposavić/Leposaviq	0.43%	80
Malishevë/Mališevo	0.12%	65

⁶¹ For more information on minority community participation in the 2011 Kosovo census, see: [‘Minority Communities in the 2011 Kosovo Census Results: Analysis and Recommendations’](#), ECMI Kosovo, 18 December 2012.

Prishtinë/Priština	0.03%	56
Istog/Istok	0.1%	39
Deçan/Deqani	0.09%	35
Štrpce/Shtërpçë	0.2%	26
Shtime/Štimlje	0.08%	23
Viti/Vitina	0.03%	12
Kaçanik/Kacanik	0.01%	5
Dragash/Dragaš	0.01%	3
TOTAL	0.84%	15,696

**Sources: Data on municipalities not affected by the decentralisation are based on the 2010 OSCE Community Profiles (OSCE field teams estimations), while the data on municipalities affected by the decentralisation process and municipalities in northern Kosovo are based on the 2013 OSCE Municipal Profiles.*

Sufficient Roma participation in the 2011 Kosovo census provides a reliable overview of the community's age structure. The Roma population is considerably younger than Kosovo's general population, with an estimated average age of 25.2 years old, as opposed to the Kosovo average of 29.5 years old. It is the second youngest community after the Ashkali community.



2. Culture and religion

The Roma community is believed to be descendents from migrants from Central India. Although small numbers of Roma are thought to have arrived in South-Eastern Europe before the 14th century, the bulk of the migration of Roma to this region took place in the 14th and 15th centuries AD.⁶²

The Roma community shares cultural similarities and socio-economic issues with the Egyptian and Ashkali communities in Kosovo. However, Kosovo, through its institutions and legislation, recognises

⁶² For more information on Roma history please consult: http://www.coe.int/t/dg4/education/roma/histoculture_EN.asp

the Roma as a distinct and separate community and treats them as such. Roma communities can be found throughout the region and the rest of Europe, as well as in smaller numbers in other regions of the world. The Roma community in Kosovo is nominally Sunni Muslim, sedentary and urban. The International Romani Day, 8 April, is recognised as an official Kosovo Memorial Day.⁶³

3. Language

Most Roma speak Romani as their native tongue. Romani belongs to the Indo-European language family, and it is related to languages spoken in northern India. Kosovo’s public education system offers no education in the Romani language. Depending on where they live, Roma speak either Serbian and/or Albanian as a second language. Although, in Gračanica/Graçanicë the size of the Roma community meets the legal requirements for its recognition as an official language at the municipal level, until present, this status has not been awarded to the Romani language. Currently, no standardised version of the Kosovo Romani dialect has been officially agreed on, contributing to the lack of official recognition for the Romani language.

4. Political representation

The Roma community has one (1) seat guaranteed in the Kosovo Assembly,⁶⁴ and one (1) additional seat is awarded to the Roma, the Ashkali or the Egyptian community with the highest overall votes. The community also nominates two (2) members of the CCC.⁶⁵

Over the past few years, the main Roma political party, and the only one participating in the general elections, has been ‘Partia Rome e Bashkuar e Kosovës’ (PREBK), which has participated in all general and municipal elections since 2007. In the 2013 municipal elections in Gračanica/Graçanicë, a new Roma political subject participated called ‘Savez Roma Kosova’.

The Roma community has, until present, largely failed to organise itself well politically. Its political parties have only been able to gain a small minority of the Roma vote in both municipal and general elections. In the 2009 municipal elections, only one Roma was elected to the Municipal Assembly (in Prizren), while in 2013 no Roma was elected to a Municipal Assembly. Moreover, voter support for Romani parties in general elections has also been extremely low. This lack of community support for Roma political parties is caused by the fact that a considerable number of Roma vote for Albanian and Serbian political parties or do not vote at all, as a result of the lack of trust in the Roma political parties.

Total number of votes for main Roma political parties in Kosovo elections since 2007 (local and general)

	2007 (Gen.)	2007 (Mun.)	2009 (Mun.)	2010 (Gen.)	2013 (Mun.)
Partia Rome e Bashkuar e Kosovës (PREBK)	600	442	596	690	406

⁶³ Law on Official Holidays in the Republic of Kosovo, No. 03/L-064

⁶⁴ Constitution of the Republic of Kosovo, article 64.

⁶⁵ Law on Communities, article 12.6

Total number of votes for Roma political parties per municipality since 2007 (local elections only)

	2007	2009	2013
Ferizaj/Uroševac	52	44	0
Fushë Kosovë/Kosovo Polje	36	46	19
Gračanica/Gračanicë	/	/	132**
Lipjan/Lipljan	4	/	/
Obiliq/Obilic	1	0	47
Pejë/Peć	57	123	117
Prizren	292	383	279

** All votes for Savez Roma Kosova

5. Returns

The 1991 Yugoslav census estimated the total number of Roma in Kosovo at 45,760. Following the 1999 conflict, many Roma fled Kosovo. The majority of Roma refugees fled to Serbia and other regional countries, with large numbers of Roma also going to Western Europe, particularly Germany. Since 1999, there remains a steady outflux of Roma to regional countries and Western Europe, mostly for economic reasons.

From January 2000 until June 2013, 3,383 Roma returned voluntarily and 1,078 were forcibly returned between January 2011 and June 2013.⁶⁶ There remain 363 Roma community members displaced within Kosovo.⁶⁷

Voluntary and forced returns of the Roma community, Jan. 2000 – June 2013 (UNHCR, June 2013)

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Voluntary	20	210	390	287	430	235	303	581	86	214	371	120	127	5
Forced	No Data Available											300	462	316

6. Security and freedom of movement

Most Roma speaking Albanian as a second language report no significant security concerns or obstacles to their freedom of movement. However, the Roma speaking Serbian as a second language, up to a certain extent, share the security concerns of the Serb community, and while

⁶⁶ UNHCR Office of the Chief of the Mission, Pristina, Kosovo, 'Statistical Overview: Update at end of June 2013'.

⁶⁷ *ibid*

feeling safe in their neighbourhoods of residence, do not always feel safe to travel to or through certain Albanian-majority municipalities.

7. Economy

Together with members of the Egyptian and Ashkali communities, Kosovo Roma are strongly hit by Kosovo's overall difficult economic situation, suffering from some of the lowest levels of income in Kosovo and limited employment opportunities. Significantly, comparisons of the average incomes and unemployment rates among communities reveal their particularly vulnerable position:⁶⁸ according to UNDP, the Roma community, at around 60.22%, has one of the highest rates of unemployment in Kosovo. Furthermore, despite the lack of reliable data and the widespread participation of Roma in unregistered income generating activities and informal commerce, Roma families' average total income is estimated at around €119.41 a month.⁶⁹

Poor levels of education and insufficient professional skills are commonly worsened by widespread exclusion policies and entrenched inequalities in the working environment, directly and often overtly linked to community members' ethnic belonging.⁷⁰

Besides the scarce employment opportunities in the private sector, the Roma community also faces considerable obstacles in accessing employment in the public sector. The 2013 OCA's assessment of employment of non-majority communities within the Kosovo Civil Service reveals the considerable underrepresentation of Roma in the Kosovo civil service, with Roma making up 0.2% of all civil servants, while the community makes up 0.84% of the total Kosovo population.⁷¹ This trend of underrepresentation is present throughout the civil service, both at the central and local level, and is worse at the managerial levels. The same source reports that there are only 3 Roma employed in Publicly Owned Enterprises.⁷²

Roma also suffer from a continuing historical discrimination which makes private companies and local institutions reluctant to hire them. Roma women are among the most disadvantaged groups in Kosovo and only few are engaged in the labor market.

8. Education

The majority of Roma children attend education institutions funded and managed by the Republic of Serbia, where they have access to education in the Serbian language and curriculum. Roma children face serious barriers to accessing education in Romani, their mother tongue. Although a curriculum on Romani language, history and culture for grades 2-9 of the primary schools has been developed

⁶⁸ UNDP, '[Kosovo Human Development Report 2012: Private sector and employment](#)'. – As terms for comparison in the framework of Kosovo, consider: average monthly salary per person in Kosovo in general is 260€, the lowest in the region after Albania; unemployment among Albanians is rated 47.02%

⁶⁹ Kosovo Foundation for Open Society (KFOS–SOROS), '[The Position of Roma, Ashkali and Egyptian Communities in Kosovo](#)', 2009, p. 20.

⁷⁰ European Roma Rights Centre, '[The Glass Box: Exclusion of Roma from Employment](#)', February 2007.

⁷¹ Office of Community Affairs, '[Assessment on the employment of members of non-majority communities in the Kosovo civil service and publicly owned enterprises](#)', May 2013, p. 22.

⁷² *ibid*, p. 30

and adopted by the Ministry of Education (MEST) in June 2010, it has only been implemented as part of a pilot phase in four schools in Prizren, and textbooks and trained teachers are still lacking.

In general terms, in the existing Kosovo education system, the adopted curricula and materials insufficiently reflect the specific histories, cultures and other attributes of all communities within Kosovo, and strikingly fails in promoting common values and encouraging respect and understanding of the country's cultural diversity.⁷³

Regardless of which educational system Roma children attend, they continue to face many of the same challenges faced by the Ashkali and Egyptian communities. Therefore, the challenges described in the 'Education' section under the Ashkali profile can also be considered as representative for the Roma community.

9. Access to Public Institutions

Depending on their area of residence, Roma make use of either Kosovo or Serbian public services. Roma who do not speak Albanian, can face language barriers in accessing Kosovo services, due to the inadequate implementation of the *Law on the Use of Languages*.

However, regardless of which system of public services is used, Roma share many of the challenges faced by Egyptian and Ashkali communities. Therefore, the challenges described in the 'Access to Public Institutions' section under the Ashkali profile can also be considered as representative for the Roma community.

⁷³ OSCE Mission in Kosovo, '[Community Rights Assessment Report, Third Edition](#),' July 2012, p. 24-28; ECMI Kosovo, '[Improving the Delivery of Education for Roma, Ashkali and Egyptian Communities: Good Practices and Recommendations – Manual for Municipal Officials](#)', October 2012; European Commission, '[Kosovo* 2013 Progress Report](#),' October 2013; SWD(2013) 416 final, Brussels, 16 October 2013.

Ashkali community

1. Population Size and Location

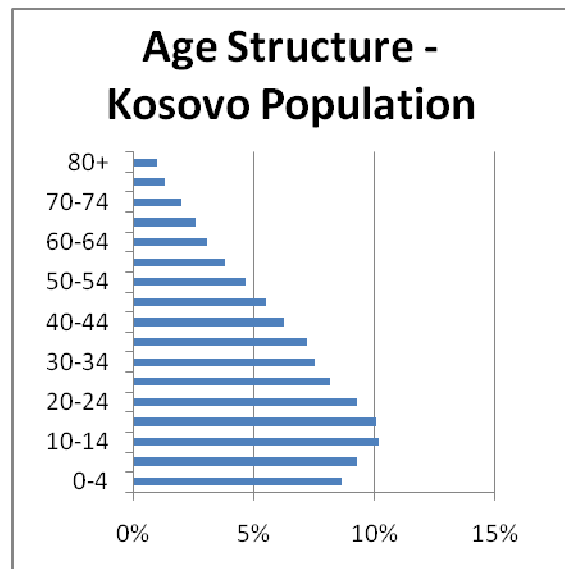
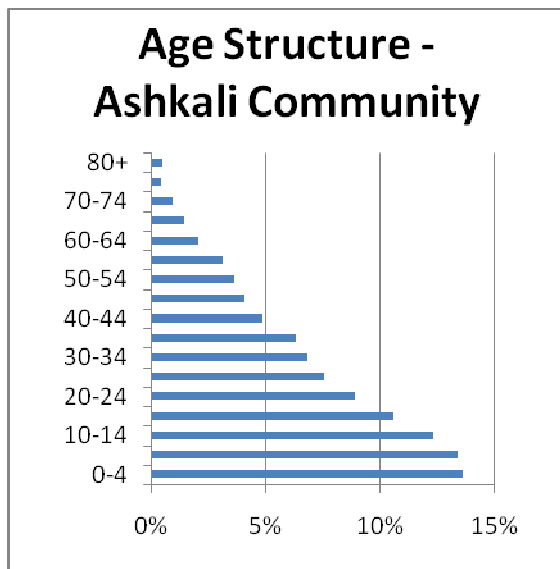
Based on the 2011 Kosovo census results, supplemented with OSCE data for northern Kosovo, ECMI Kosovo estimates that there are around 15,546 Ashkali living in Kosovo, making up around 0.83% of the total population. The largest Ashkali communities are located in five municipalities: Ferizaj/Uroševac; Fushë Kosovë/Kosovo Polje; Lipjan/Lipljan; Prizren/Prizren; and, Shtime/Štimlje. Smaller communities can be found throughout the rest of Kosovo, although there are only a small number of Ashkali living in Eastern Kosovo.

Ashkali community in Kosovo according to the 2011 Census*		
Municipality	Percentage	Number of community members
Ferizaj/Uroševac	3.35%	3,629
Fushë Kosovë/Kosovo Polje	9.02%	3,230
Lipjan/Lipljan	3.05%	1,812
Prizren/Prizren	0.75%	1,350
Shtime/Štimlje	2.75%	750
Podujevë/Podujevo	0.77%	680
Mitrovicë/Mitrovica South	0.89%	647
Gjakovë/Dakovica	0.65%	613
Obiliq/Obilic	2.28%	578
Prishtinë/Priština	0.28%	557
Suharekë/Suva Reka	0.82%	493
Rahovec/Orahovac	0.71%	404
Pejë/Pej	0.15%	143
Vushtrri/Vucitrn	0.2%	143
Istog/Istoq	0.27%	111
Gračanica/Graçanicë	0.4%	104
Klinë/Klina	0.22%	85
Leposavić/Leposaviq	0.37%	70
Deçan/Deqani	0.1%	42
Mitrovicë/Mitrovica North	0.14%	40
Gjilan/Gnjilane	0.02%	15
Viti/Vitina	0.03%	14
Mamuşa/Mamushë/Mamuša	0.22%	12
Skenderaj/Srbica	0.02%	10
Malishevë/Mališevo	0.01%	5
Dragash/Dragaš	0.01%	4
Novo Brdo/Novobërdë	0.03%	3

Kaçanik/Kaçanik	<0.01%	1
Štrpce/Shtërpçë	0.01%	1
TOTAL	0.83%	15,546

* The 2011 Kosovo census did not cover northern Kosovo. Therefore the 2013 OSCE Municipal Profiles were used as source for the data on the northern municipalities with Ashkali communities. For all southern municipalities, the official 2011 Kosovo census was used as a source.

Based on the 2011 Kosovo census, the Ashkali population is the youngest community in Kosovo, with an average age considerably lower than the Kosovo average; the mean age of the Ashkali community is 24 years old, as opposed to the Kosovo average of 29.5 years old.



2. Culture and religion

Ashkali consider themselves an ethnic group whose ancestry can be traced back to ancient Persia. The Ashkali community started to organise itself into political and civil society organizations in the 1990s. They are concentrated mainly, but not exclusively, in Kosovo and Albania. They are nominally Sunni Muslim, sedentary and urban.

The Ashkali community shares cultural similarities and socio-economic issues with the Roma and Egyptian communities in Kosovo, but considers itself a distinct and separate community. Correspondingly, Kosovo, through its institutions and legislation, recognizes the Ashkali community's distinct identity and treats them as such. The Day of the Ashkali, 15 February, is official recognised as a Kosovo Memorial Day.

3. Language

Ashkali are native Albanian speakers. Ashkali, particularly older generations educated under the Yugoslav system, occasionally also speak Serbian as a second language.

4. Political representation

The Ashkali community has one (1) seat guaranteed in the Kosovo Assembly,⁷⁴ and one (1) additional seat is awarded to the Roma, the Ashkali or the Egyptian community with the highest overall number of votes. As the largest of the Roma, Ashkali and Egyptian communities, the Ashkali political parties usually win this contested seat. The community also nominates two (2) members of the CCC.⁷⁵

The community is relatively well organised politically. The 'Partia Demokratike e Ashkanlive të Kosovës' (PDAK) was the only party representing the Ashkali community until the emergence of a second Ashkali party in 2010: 'Partia Ashkalinjëve për Integrim' (PAI). The presence of two Ashkali political parties has essentially split the Ashkali vote and weakened its political voice.

In the 2009 municipal elections, three Ashkali were elected to the Municipal Assemblies (in Ferizaj/Uroševac and Fushë Kosovë/Kosovo Polje). In 2013, only two Ashkali were elected to the Municipal Assemblies (in Ferizaj/Uroševac and Fushë Kosovë/Kosovo Polje).

Total number of votes for main Ashkali political parties in Kosovo elections since 2007 (local and general)

	2007 (Gen.)	2007 (Mun.)	2009 (Mun.)	2010 (Gen.)	2013 (Mun.)
The Partia Demokratike e Ashkanlive të Kosovës (PDAK)	3,443	2,645	1,337	2,871	1,958
Partia Ashkalinjëve për Integrim (PAI)	No participation	No participation	No participation	1,386	1,391

Total number of votes for Ashkali political parties per municipality since 2007 (local elections only)

	2007	2009	2013
Gjakovë/Dakovica	/	51	/
Ferizaj/Uroševac	838	576	1,264
Fushë Kosovë/Kosovo Polje	232	107	561
Lipjan/Lipljan	563	290	539
Mitrovicë/Mitrovica South	123	/	256
Obiliq/Obiliç	/	26	52
Podujevë/Podujevo	270	103	243

⁷⁴ Constitution, Article 64.

⁷⁵ Law on Communities (03/L-047), Article 12.6.

Prishtinë/Priština	121	57	/
Prizren	156	59	60
Shtime/Štimlje	190	/	197
Suharekë/Suva Reka	152	68	158

5. Returns

Official data on the pre-1999 Ashkali population in Kosovo is hard to come by, as the Yugoslav censuses did not include Ashkali as a separate ethnic group. The 2010 OSCE Communities Profile estimates the pre-war population of Roma, Ashkali and Egyptian communities at 150,000 people. Other sources estimate these three communities at more than 200,000 before the 1999 conflict.⁷⁶

There is no disaggregated data regarding voluntary returns of the Ashkali community, but according to UNHCR estimates, around 6,633 Egyptian and Ashkali have voluntarily returned to Kosovo from 2000 to June 2013, 378 Ashkali were forcibly returned between January 2011 and June 2013, and there remain 243 Ashkali community members displaced within Kosovo.⁷⁷

Voluntary returns of the Egyptian and Ashkali communities, Jan. 2000 – June 2013 (UNHCR, June 2013)

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Voluntary	0	533	882	1182	593	727	466	312	195	281	718	395	305	44

Ashkali forced returns, Jan. 2011 – June 2013 (UNHCR, June 2013)

	2011	2012	2013
Forced	121	163	94

6. Security and freedom

Ashkali community members generally do not report significant security concerns or obstacles to their freedom of movement.

7. Economy

The Ashkali community is strongly hit by Kosovo's overall economic difficulties, suffering from low levels of income and insufficient employment opportunities. Significantly, a comparison of the average incomes and unemployment rates among communities reveals their persistent particularly vulnerable position:⁷⁸ according to UNDP's most recent figures, 60.46% of Ashkali in Kosovo are unemployed. Furthermore, despite the lack of reliable data and the widespread participation of

⁷⁶ Human Rights Watch, '[Rights Displaced: Forced Returns of Roma, Ashkali and Egyptians from Western Europe to Kosovo](#)', 2010.

⁷⁷ UNHCR Office of the Chief of the Mission, Pristina, Kosovo, 'Statistical Overview: Update at end of June 2013'.

⁷⁸ UNDP, '[Kosovo Human Development Report 2012: Private sector and employment](#)'. – As terms for comparison in the framework of Kosovo, consider: average monthly salary per person in Kosovo in general is 260€, the lowest in the region after Albania; unemployment among Albanians is rated 47.02%.

Ashkali in unregistered income generating activities and informal commerce, the Ashkali families' average total income is estimated at around €115.68 a month.⁷⁹

Ashkali are among the most underrepresented groups in the Kosovo civil service, with the OCA reporting that 0.2% of all civil servants in Kosovo are Ashkali, while the community makes up 0.89% of the total Kosovo population.⁸⁰ Moreover, within publically owned enterprises, some of the biggest employers in Kosovo, only 7 Ashkali (0.1% of employees) are employed.⁸¹

The only exception to this trend of underrepresentation is to be found in the municipality of Ferizaj/Uroševac, where Ashkali occupy 4.15% of positions of civil servants, while constituting 3.34% of the local population.⁸²

The high unemployment rate is due to multiple mutually-reinforcing factors shared with the Roma and Egyptian communities, including lower levels of education and professional qualifications, physical separation of the areas of residence, and a lack of identification documents. Moreover, this situation is commonly worsened by widespread exclusion policies and entrenched discrimination in the working environment, often based on ethnic considerations.

8. Education

Most Ashkali children are native Albanian speakers and attend the Kosovo education system. As opposed to other minority communities, therefore, language does not constitute a barrier for Ashkali pupils. However, at the same time, they have no access to community-specific educational subjects enabling the preservation or promotion of their identity and the teaching of their culture, history and language.⁸³

Low and irregular attendance in compulsory education, widespread late school enrolment and high drop-out rates are commonly observed among this community.⁸⁴ Girls are particularly hit by these trends, primarily as a result of early marriages and deeply-entrenched discriminatory perceptions of gender roles.

Several factors contribute to the current situation, first among them the community's socio-economic situation and marginalization, the families' difficulties in facing the costs related to education, and widespread inclusion of children in income-generating activities. Moreover, a lack of understanding of the importance and value of formal education, insufficient awareness on the necessary enrolment procedures, as well as a lack of official documentation required for registration, further hinder Ashkali children's regular enrolment.

⁷⁹ Kosovo Foundation for Open Society (KFOS–SOROS), '[The Position of Roma, Ashkali and Egyptian Communities in Kosovo](#)', 2009, p. 20.

⁸⁰ Office of Community Affairs, '[Assessment on the employment of members of non-majority communities in the Kosovo civil service and publicly owned enterprises](#)', May 2013, p.22.

⁸¹ *ibid*

⁸² OSCE Mission in Kosovo, '[Representation of Communities in the Civil Service in Kosovo](#)', February 2013, p. 11.

⁸³ European Roma Rights Centre (ERRC), '[Abandoned Minority: Roma Rights History in Kosovo](#)', December 2011, p. 92.

⁸⁴ *ibid*

Irregular attendance and late enrolment, together with cases of segregated education, inevitably impact negatively onto the pupils' performance and on the opportunities of inter-ethnic exchange and integration. Indeed, the level of interaction among students, teachers and academics coming from different ethnic groups is overall extremely low and strictly depends on individual initiatives rather than on a general trend.

9. Access to public institutions

Due to the community's fluency in the Albanian language, no language barriers exist in accessing public institutions. However, their vulnerable and marginalised status negatively impacts their equal access to public services.

Health conditions of the Ashkali community are commonly poor, especially with regard to women's reproductive health and children's care. This is primarily due to harsh living conditions, unsustainable housing solutions, limited enjoyment of social assistance, and difficulties in covering the costs of treatments and medication.⁸⁵ Moreover, insufficient levels of awareness among community members with regard to the offered support schemes and medical services further hamper their access to public services and facilities.

The Ashkali community's housing conditions are frequently inadequate. Most neighbourhoods (Mahalas) are separated from the surrounding areas and often lack basic infrastructure, with overcrowded homes in poor conditions.⁸⁶

The issue of civil registration constitutes a widespread problem in Kosovo, affecting Ashkali in particular, together with members of the Roma and Egyptian communities.⁸⁷ Despite the fact that some active measures have been undertaken in the last years, barriers to the actual access to registration persist. Moreover, unregistered births remain a persistent problem among the concerned communities.⁸⁸ This situation affects the community considerably in several domains, such as the non-enrolment of children in school, the failure to benefit from social welfare programs, healthcare services, employment opportunities, pension entitlements, etc.

⁸⁵ European Roma Rights Centre (ERRC), '[Abandoned Minority: Roma Rights History in Kosovo](#)', December 2011.

⁸⁶ OSCE Mission in Kosovo, '[Community Rights Assessment Report Third Edition](#)', July 2012; European Commission, '[Kosovo* 2013 Progress Report](#)', October 2013; SWD(2013) 416 final, Brussels, 16 October 2013.

⁸⁷ OSCE, '[Access to Civil Registration in Kosovo](#)', July 2012 ; OSCE, '[Civil Registration of the Roma, Ashkali and Egyptian Communities](#)', January 2007.

⁸⁸ UNICEF, '[Every Child Counts: Birth Registration in Kosovo](#)', 2009.

Egyptian community

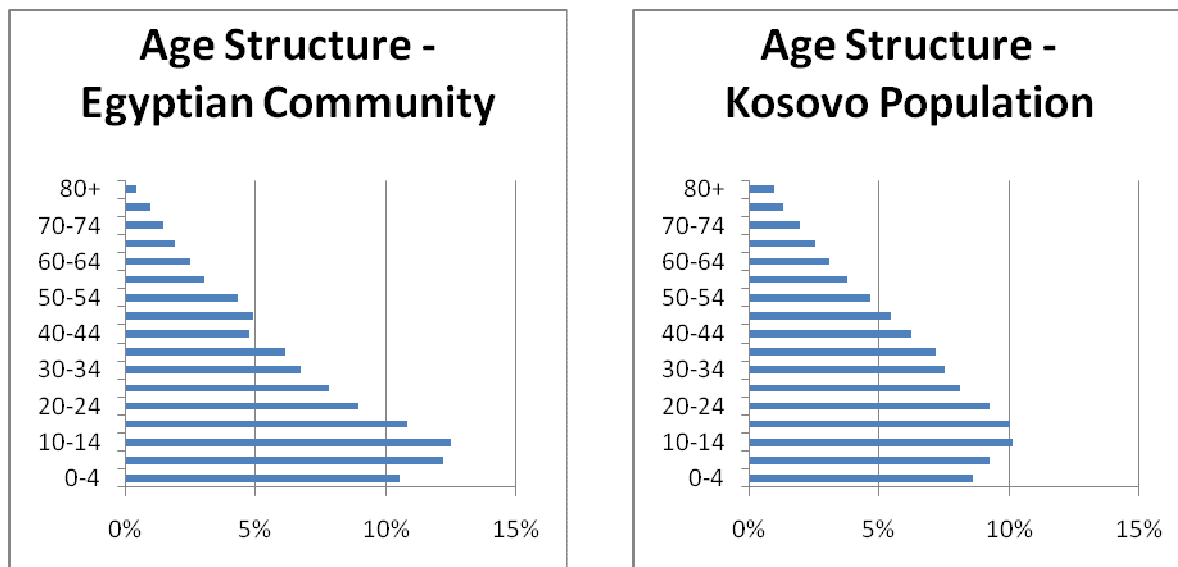
1. Population Size and Location

Based on the 2011 Kosovo census results, supplemented with OSCE data for northern Kosovo, ECMI Kosovo estimates that there are around 11,524 Egyptians living in Kosovo, making up around 0.61% of the total population. Over 90% of Egyptians live in Western Kosovo; almost half of all Egyptians live in Gjakovë/Dakovica, and there are sizable Egyptian communities in the municipalities of Pejë/Peć, Istog/Istok, and Klinë/Klina. Smaller Egyptian communities can be found in other regions of Kosovo, with the exception of northern Kosovo and Eastern Kosovo where there are no significant Egyptian communities.

Egyptian community in Kosovo according to the 2011 Census*		
Municipality	Percentage	Number of community members
Gjakovë/Dakovica	5.42%	5,117
Pejë/Peć	2.77%	2,700
Istog/Istok	3.78%	1,544
Klinë/Klina	2.39%	934
Deçan/Deqani	0.98%	393
Rahovec/Orahovac	0.52%	299
Fushë Kosovë/Kosovo Polje	0.79%	282
Prizren	0.09%	168
Obiliq/Obilić	0.11%	27
Ferizaj/Uroševac	0.02%	24
Prishtinë/Priština	<0.01%	8
Mitrovicë/Mitrovica South	<0.01%	6
Suharekë/Suva Reka	<0.01%	5
Lipjan/Lipljan	<0.01%	4
Dragash/Dragaš	<0.01%	3
Gračanica/Graçanicë	<0.01%	3
Glllogoc/Glogovac	<0.01%	2
Podujevë/Podujevo	<0.01%	2
Vushtrri/Vucitrn	<0.01%	1
Skenderaj/Srbrica	<0.01%	1
Gjilan/Gnjilane	<0.01%	1
TOTAL	0.61%	11,524

* The official 2011 Kosovo census was used as source for data on the southern municipalities. Other sources indicate that there are no Egyptians living in northern Kosovo.

Based on the 2011 Kosovo census, the Egyptian population is considerably younger than Kosovo's general population, with an average age of 26.1, compared to the Kosovo average of 29.5. It is the third youngest community, after the Ashkali and Roma communities.



2. Culture and religion

The Egyptians consider themselves an ethnic group whose ancestry can be traced back to ancient Egypt. In the Yugoslav census of 1991 the Egyptians were, for the first time, recognized as a separate ethnic group, although the results for Egyptians in Kosovo were never published. Also, it was in the 1990s that the Egyptian community started to organize itself into political and civil society organisations.

The Egyptian community shares cultural similarities and socio-economic issues with the Roma and Ashkali communities in Kosovo, but consider themselves a distinct and separate community. Correspondingly, Kosovo, through its institutions and legislation, recognises the Egyptian community's distinct identity and treats them as such. They are concentrated mainly, but not exclusively, in Kosovo, Albania and Macedonia. They are nominally Sunni Muslim, sedentary and urban, and often enjoy a relatively high standard of living in comparison to the Roma and Ashkali communities.

3. Language

Egyptians are native Albanian speakers. Egyptians, particularly older generations educated under the Yugoslav system, occasionally also speak Serbian as a second language.

4. Political representation

The Egyptian community has one (1) seat guaranteed in the Kosovo Assembly,⁸⁹ and one (1) additional seat is awarded to the Roma, the Ashkali or the Egyptian community with the highest overall votes. The community also nominates two (2) members of the CCC.⁹⁰

⁸⁹ Constitution, Article 64.

The 'Iniciativa e re Demokratike e Kosovës' (IRDK) was the only political party representing the Egyptians until the 2010 general elections, when the 'Lidhja e Egjiptianëve të Kosovës' (LEK) participated for the first time in the elections. The competition resulted in a split of the vote between the two parties, but the IRDK managed to retain its hold on the Egyptian community's guaranteed seat in the Assembly.

In the 2009 municipal elections, four Egyptians were elected to Municipal Assemblies (in Gjakovë/Dakovica; Pejë/Peć; Fushë Kosovë/Kosovo Polje; and, Istog/Istok), while in 2013 only one Egyptian was elected to the Municipal Assembly of Pejë/Peć.

Total number of votes for main Egyptian political parties in Kosovo elections since 2007 (local and general)

	2007 (Gen.)	2007 (Mun.)	2009 (Mun.)	2010 (Gen.)	2013 (Mun.)
Iniciativa e re Demokratike e Kosovës (IRDK)	2,121	2,135	2,306	1,690	1,830
Lidhja e Egjiptianëve të Kosovës (LEK)	/	/	/	1,010	/

Total number of votes for Egyptian political parties per municipality since 2007 (local elections only)

	2007	2009	2013
Gjakovë/Dakovica	739	940	461
Istog/Istok	283	310	330
Klinë/Klina	146	82	88
Fushë Kosovë/Kosovo Polje	165	381	159
Rahovec/Orahovac	101	73	45
Pejë/Peć	586	490	734
Prizren	115	30	13

5. Returns

Official data on the pre-1999 Egyptian population in Kosovo is hard to come by. Yugoslav censuses before 1981 did not include Egyptians as a separate ethnic group, and although the 1991 census did include 'Egyptian' as a separate category, the results for Egyptians in Kosovo were never published. The 2010 OSCE Communities Profile estimates the pre-war population of Roma, Ashkali and Egyptian

⁹⁰ Law on Communities (03/L-047), Article 12.6.

communities at 150,000 people. Other sources estimate these three communities at more than 200,000 before the 1999 conflict.⁹¹

There is no disaggregated data regarding voluntary returns of the Egyptian community, but according to UNHCR (June, 2013) estimations, around 6,633 Egyptian and Ashkali have voluntarily returned to Kosovo from 2000 to June 2013, 17 Egyptians were forcibly returned between January 2011 and June 2013, and there remain 206 Egyptian community members displaced within Kosovo.⁹²

Voluntary returns of the Egyptian and Ashkali communities, Jan. 2000 – June 2013 (UNHCR, June 2013)

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Voluntary	0	533	882	1182	593	727	466	312	195	281	718	395	305	44

Egyptian forced returns, Jan. 2011 – June 2013 (UNHCR, June 2013)

	2011	2012	2013
Forced	9	3	5

6. Security and freedom of movement

The Egyptian community generally does not report significant security concerns or obstacles to their freedom of movement.

7. Economy

Together with members of the Roma and Ashkali communities, Kosovo Egyptians are strongly hit by Kosovo's overall difficult economic situation, suffering from low levels of income and limited employment opportunities. Significantly, comparisons of the average incomes and unemployment rates among communities reveal their particularly vulnerable position:⁹³ according to UNDP, the Egyptian community has the highest rates of unemployment in Kosovo, peaking at 80%. Furthermore, despite the lack of reliable data and the widespread participation of Egyptians in unregistered income generating activities and informal commerce, the Egyptian families' average total income is estimated at around €128.31 a month.⁹⁴

Poor levels of education and insufficient professional skills are commonly worsened by widespread exclusion policies and entrenched inequalities in the working environment, directly and often overtly linked to community members' ethnic belonging.⁹⁵

Besides the scarce employment opportunities in the private sector, the Egyptian community also faces considerable obstacles in accessing employment in the public sector. The 2013 OCA's

⁹¹ Human Rights Watch, '[Rights Displaced: Forced Returns of Roma, Ashkali and Egyptians from Western Europe to Kosovo](#)', 2010.

⁹² UNHCR Office of the Chief of the Mission, Pristina, Kosovo, 'Statistical Overview: Update at end of June 2013'.

⁹³ UNDP, '[Kosovo Human Development Report 2012: Private sector and employment](#)'. – As terms for comparison in the framework of Kosovo, consider: average monthly salary per person in Kosovo in general is 260€, the lowest in the region after Albania; unemployment among Albanians is rated 47.02%

⁹⁴ Kosovo Foundation for Open Society (KFOS–SOROS), '[The Position of Roma, Ashkali and Egyptian Communities in Kosovo](#)', 2009, p. 20.

⁹⁵ European Roma Rights Centre, '[The Glass Box: Exclusion of Roma from Employment](#)', February 2007.

assessment of employment of non-majority communities within the Kosovo Civil Service reveals the almost complete absence of Egyptians in the Kosovo civil service, with Egyptians making up 0.1% of all civil servants, while the community makes up 0.66% of the total Kosovo population.⁹⁶ The same source reports that there are no Egyptians employed in Publicly Owned Enterprises.⁹⁷

8. Education

The education situation facing the Egyptian community largely reflects the situation of the Ashkali community, and the 'Education' section under the Ashkali community's profile can therefore also be considered as representative for the Egyptian community.

9. Access to Public Institutions

With regards to issues in accessing public institutions, the situation facing the Egyptian community largely reflects the situation of the Ashkali community, and the 'Access to Public Institutions' section under the Ashkali community's profile can therefore also be considered as representative for the Egyptian community.

⁹⁶ Office of Community Affairs, '[Assessment on the employment of members of non-majority communities in the Kosovo civil service and publicly owned enterprises](#)', May 2013, p. 22.

⁹⁷ *ibid*, p. 30

Gorani community

1. Population Size and Location

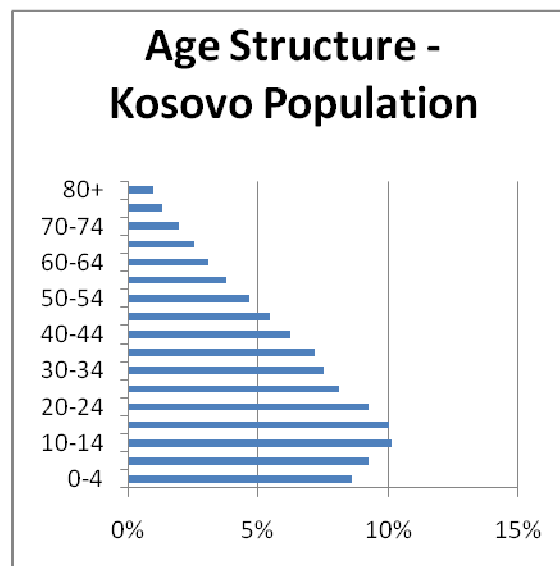
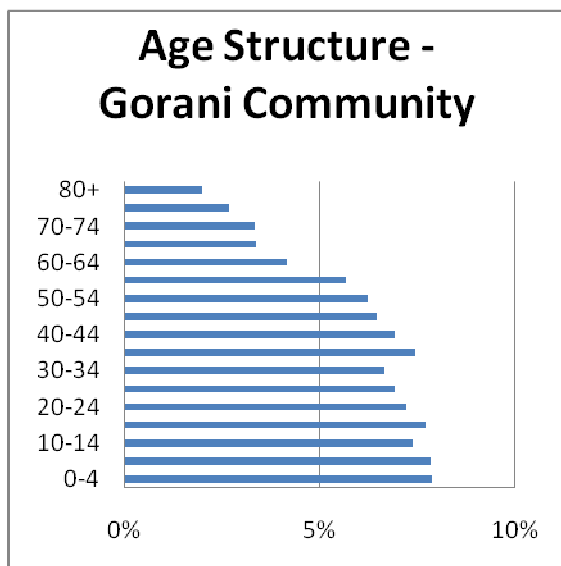
The Gorani community in Kosovo is one of the smaller communities in Kosovo. Based on the 2011 Kosovo census results, supplemented with OSCE data for northern Kosovo, ECMI Kosovo estimates that there are around 10,945 Gorani living in Kosovo, making up around 0.58% of the total population. The community is concentrated primarily in the municipality of Dragash/Dragaš, where it makes up about 26% of the municipal residents, living mainly in the town of Dragash/Dragaš and surrounding villages.

Smaller Gorani communities can also be found scattered across Kosovo, primarily in the municipalities of Prizren, Mitrovica/Mitrovicë North, Prishtinë/Priština, and Pejë/Peć.

Gorani community in Kosovo according to the 2011 Census*		
Municipality	Percentage	Number of community members
Dragash/Dragaš	26.46%	8,957
Prizren	0.36%	655
Mitrovica/Mitrovicë North	1.97%	580
Prishtinë/Priština	0.1%	205
Pejë/Peć	0.19%	189
Gjilan/Gnjilane	0.07%	69
Ferizaj/Uroševac	0.06%	64
Kamenicë/Kamenica	0.08%	29
Mitrovicë/Mitrovica South	0.03%	23
Gračanica/Graçanicë	0.08%	22
Fushë Kosovë/Kosovo Polje	0.04%	15
Gjakovë/Đakovica	0.01%	13
Viti/Vitina	0.01%	7
Lipjan/Lipljan	0.01%	6
Obiliq/Obilić	0.02%	5
Vushtrri/Vučitrn	<0.01%	3
Shtime/Štimlje	0.01%	2
Deçan/Deçane	<0.00%	1
Total	0.58%	10,945

* The 2011 Kosovo census did not cover northern Kosovo. Therefore the 2013 OSCE Municipal Profiles were used as source for the data on the northern municipalities with Ashkali communities. For all southern municipalities, the official 2011 Kosovo census was used as a source.

Based on the 2011 census, the Gorani population is considerably older than Kosovo's general population, with an average age of 34.6 years old, as opposed to the Kosovo average of 29.5 years old.



2. Culture and religion

The Gorani community is a Slav-speaking, predominantly Islamic group which, while sharing cultural similarities with Bosniaks, considers itself a separate ethnic group. The Gorani community originates from the Gora region, which covers southern Kosovo and borders parts of Macedonia and Albania. The Gorani community celebrates the beginning of the spring which is known as Đurevdan (St. George day), which is also recognised by law as the official day of the Gorani community (6 May).⁹⁸

Traditional Gorani Folk music includes a two-beat dance called “kolo” (circle), which is a circle dance focused on foot movements. It is often accompanied by instrumental music made with a Zurlë or Kavan called “nebet” or “nibet” depending on the village.

Currently the majority of the Gorani population resides outside of the Gora region, in other areas of Kosovo, Macedonia, and Albania, as well as in Serbia and Western Europe and the United States of America.

3. Language

The Gorani language, referred to as Našuski (roughly meaning ‘ours’), is closely related to the language spoken in the western part of Macedonia and, although it is different to other Slav dialects spoken in Kosovo, it can be understood by Serbian, Croatian and Bosnian speakers.

The language has not been standardised and no descriptive scholarly work on the Gorani language is available. This, together with continuous fights between two political factions, one supporting the use of Serbian and the other the use of Bosnian, prevents the Gorani community from advancing a coherent demand for language rights. As a consequence, although in Dragash/Dragaš the size of the Gorani community meets the legal requirements for it to be recognised as an official language at the municipal level, until present, this status has not been awarded to the Gorani language.

⁹⁸ Law on Official Holidays in Republic of Kosovo (No. 2008/03-L064), accessible at: <http://www.kuvendikosoves.org/?cid=2,191,266>

Most Gorani community members speak Serbian/Bosnian as a second language and many Gorani, particularly those living outside of Dragash/Dragaš, also speak Albanian.

4. Political representation

The Gorani community has one (1) seat guaranteed in the Kosovo Assembly,⁹⁹ and nominates two (2) members of the CCC.¹⁰⁰

Over the past few years, the main Gorani political party has been ‘Gradanska inicijativa Gore’ (GIG), which has participated in both the general elections and the municipal elections of Dragash/Dragaš. The support for this party, which has not operated outside of Dragash/Dragaš, has been low. However, Gorani have also actively participated in and have been represented by Bosniak parties such as the ‘VAKAT’ coalition and the ‘Stranka Demokratske Akcije’ (SDA).

Total number of votes for the main Gorani political party in Kosovo elections since 2007 (local and general)

	2007 (Gen.)	2007 (Mun.)	2009 (Mun.)	2010 (Gen.)	2013 (Mun.)
Gradanska inicijativa Gore (GIG)	1,227	989	454	787	319

Total number of votes for Gorani political parties per municipality since 2007 (local elections only)

	2007	2009	2013
Dragash/Dragaš	989	454	319

5. Returns

Exact numbers on the Gorani community before the 1999 conflict are unavailable, as previous censuses did not include Gorani as a group, but instead referred to ‘Muslims’, a typification which would have also included the Bosniak community (but not Albanians). Following the 1999 conflict, a considerable number of Gorani community members fled Kosovo for Serbia, Macedonia and Western European countries. Migration out of Kosovo continues, particularly for economic reasons.

From January 2000 until June 2013, 1,412 Gorani returned voluntarily, 131 were forcibly returned between January 2011 and June 2013, and there remain 15 Gorani community members displaced within Kosovo.¹⁰¹

⁹⁹ Constitution, Article 64.

¹⁰⁰ Law on Communities (03/L-047), Article 12.6.

¹⁰¹ UNHCR Office of the Chief of the Mission, Pristina, Kosovo, ‘Statistical Overview: Update at end of June 2013’.

Voluntary and forced returns of the Gorani community, Jan. 2000 – June 2013 (UNHCR, June 2013)

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Voluntary	3	0	73	145	141	125	139	234	85	90	182	106	89	0
Forced												40	65	26

6. Security and freedom of movement

Although occasional small incidents have been reported, particularly in Dragash/Dragaš, the security situation and freedom of movement of the Gorani community is predominantly positively perceived; most Gorani report feeling safe to travel throughout Kosovo with both public and private transport. Numerous Gorani community members operate small businesses in Albanian-majority areas, reflecting the positive security situation.

However, in Mitrovicë/Mitrovica the general security situation can have an adverse affect on the freedom of movement of community members.

7. Economy

According to UNDP (2012), the Gorani unemployment rate is 50%, higher than the general unemployment rate of 45% in Kosovo.¹⁰² Reports seem to indicate that this unemployment figure largely reflects the situation of the Gorani community in the Dragash/Dragaš municipality, where the community faces many of the same economic difficulties that other communities face in this remote, rural and underdeveloped municipality. In other areas of Kosovo Gorani are in a better socio-economic state, often engaging in small enterprises.

Gorani are among the most underrepresented groups in the Kosovo civil service, with the OCA reporting that 0.1% of all civil servants in Kosovo are Gorani, while the community makes up 0.58% of the total Kosovo population.¹⁰³ Moreover, within publically owned enterprises, some of the biggest employers in Kosovo, there are no Gorani employed.¹⁰⁴

8. Education

Due to the issues discussed above, no education in the Našuski language exists in Kosovo. Gorani children in the Dragash/Dragaš and Mitrovica/Mitrovicë North municipalities predominantly attend the education system of the Republic of Serbia, while Gorani in other parts of Kosovo often attend Bosnian language, and sometimes Albanian language, education provided by the Kosovo Government. In Dragash/Dragaš there has been considerable pressure by Kosovo authorities for students to switch to the Kosovo state system.

Most Gorani follow tertiary education at the university in Mitrovica/Mitrovicë North or at other universities within the region. The 2010 OSCE Community Profiles report low numbers of Gorani women continuing their education beyond the compulsory level.

¹⁰² UNDP, '[Kosovo Human Development Report 2012: Private sector and employment](#)'.

¹⁰³ Office of Community Affairs, '[Assessment on the employment of members of non-majority communities in the Kosovo civil service and publicly owned enterprises](#)', May 2013, p. 22.

¹⁰⁴ *ibid*

9. Access to public institutions

The Gorani community makes use of the public services provided by the Republic of Serbia and Kosovo, depending on their area of residence. Where available, the Gorani community makes use of the health care services provided by the Republic of Serbia. Generally, the Gorani community experiences no significant obstacles in accessing public services. However, the lack of implementation of the *Law on the Use of Languages* can create communication problems, although, the good command of the Albanian language of many Gorani outside of Dragash/Dragaš ameliorates the situation.

Montenegrin community

1. Population Size and Location

The Montenegrin community is the second smallest community in Kosovo, after the Croat community. There are no exact numbers on the Montenegrin community, as they were not included as a separate ethnic group during the 2011 census. From all communities in Kosovo, numbers on the Montenegrin community are perhaps the most uncertain, with Montenegrin community representatives themselves having no clear estimates. ECMI Kosovo estimates, based on OSCE reports and estimates by community representatives, places the total number of Montenegrins in Kosovo around 265, or 0.01% of the Kosovo population,¹⁰⁵ with the largest Gorani communities in Istog/Istok and Fushë Kosovë/Kosovo Polje. However, due to the lack of reliable data, these numbers should be seen as rough estimates, even more than with other communities.

Montenegrin community in Kosovo according to OSCE Reports		
Municipality	Percentage	Number of community members
Istog / Istok	0.27%	110
Fushë Kosovë/Kosovo Polje	0.28%	100
Pejë/Peć	0.03%	30
Prishtinë / Priština	0.01%	20
Deçan/Deçane	0.01%	3
Klinë / Klina	0.01%	2
Total	0.01%	265

**Sources: Data on municipalities not affected by the decentralisation are based on the 2010 OSCE Community Profiles (OSCE field teams estimations), while the data on municipalities affected by the decentralisation process and municipalities in northern Kosovo are based on the 2013 OSCE Municipal Profiles.*

Due to the lack of disaggregated data on the Montenegrin community, no exact data is available on the age structure of the community. However, reports indicate that the Montenegrins have a higher average age than the Kosovo average.

2. Culture and religion

The Montenegrin community is an ethnically Slav group, descending from the Slav tribes that migrated to South-Eastern Europe in the sixth and seventh century AD. The community is culturally closely related to the Serb community; they are predominantly Christian Orthodox and share many of the same cultural heritage sites. The community was officially recognised by the Kosovo Government in 2011 through the amendment of the *Law on the Protection and Promotion of the Rights of Communities and Their Members in the Republic of Kosovo*.

¹⁰⁵ For more information on the methods used for data selection please check section III. Communities in Kosovo, p.12.

3. Language

The Montenegrin community speaks the Montenegrin language, closely related to the Serbian language and other Slavic languages spoken in Kosovo. Out of the two official languages of Kosovo, Montenegrins speak Serbian fluently, but only occasionally speak Albanian. Due to the small size of the community, the Montenegrin language has not achieved an official status in any of Kosovo's municipalities, nor is education offered through Kosovo's public education system in the Montenegrin language. As a consequence, the Montenegrin community faces many of the same challenges in communicating with public institutions as the Serb community.

4. Political representation

The Montenegrin community does not have any assigned seats in the Assembly of Kosovo, but is entitled to nominate two (2) members of the CCC.¹⁰⁶ The lack of guaranteed seats is a consequence of the lack of recognition for the community when the Constitution of Kosovo was adopted in 2008. The amendment to the *Law on the on the Protection and Promotion of the Rights of Communities and Their Members in the Republic of Kosovo* in 2011 provided the community with representation in the CCC, but did not change the situation in the Assembly. The amendment of this law was achieved through strong advocacy by the community in Kosovo, supported by the Montenegrin State.

The Montenegrin community has been represented by community-specific political parties since 2009. The main political parties representing the interests of the Montenegrin community are the 'Crnogorska Demokratska Stranka' (CDS), the 'Narodna Crnogorska Partija Kosova' (NCPK), and the 'Crnogorska Liberalna Stranka' (CLS).

The Montenegrin community is represented in the Municipal Community Committees in a number of municipalities and the CDS gained one seat in the Municipal Assembly of Fushë Kosovë/Kosovo Polje through the 2009 elections, however, in 2013 no Montenegrins were elected in any Municipal Assemblies.

Total number of votes for the main Montenegrin political parties in Kosovo elections since 2007 (local and general)

	2007 (Gen.)	2007 (Mun.)	2009 (Mun.)	2010 (Gen.)	2013 (Mun.)
CDS	/	/	470	771	/
NCPK	/	/	92	/	166
CLS	/	/	/	/	439

Total number of votes for Montenegrin political parties per municipality since 2007 (local elections only)

	2007 (Mun.)	2009 (Mun.)	2013 (Mun.)
Deçan/Deçane	/	15	/

¹⁰⁶ Council Statute, Article 6(e).

Gjakovë / Đakovica	/	6	/
Gračanica/Gračanicë	/	28	171
Fushë Kosovë / Kosovo Polje	/	377	150
Lipjan / Lipljan	/	55	92
Obiliq / Obilić	/	/	83
Pejë / Peć	/	22	109
Prishtinë / Priština	/	59	/

5. Returns

According to the 1991 Yugoslav census there were 20,365 Montenegrins residing in Kosovo. The vast majority of Montenegrins fled Kosovo during and following the 1999 conflict, particularly to Montenegro and other regional countries, and most community members have not returned since. According to the UNHCR, 12 members of the Montenegrin community voluntarily returned to Kosovo between 2000 and 2013, and no data is available on forced returns.

Voluntary returns of the Montenegrin community, Jan. 2000 – June 2013 (UNHCR, June 2013)

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Voluntary	0	0	0	0	0	0	0	0	0	0	2	9	1	0

6. Security and freedom of movement

The Montenegrin community shares many of the security concerns with the Serb community. Generally, community members feel safe to travel through Kosovo with private vehicles, but do not use Kosovo public transport. They feel safe in their areas of residence, but do not always feel safe to move freely in Albanian-majority areas.

7. Economy

There is limited information available on the economic situation of the Montenegrin community; economic and employment data is usually not disaggregated to cover the Montenegrin community. However, as a whole, the Montenegrin community frequently encounters similar problems to the Serb community, which are listed as follows:

- Lack of employment opportunities;
- Limited knowledge of Albanian language;
- Limited freedom of movement.

8. Education

There is no education available in Kosovo in the Montenegrin language. The Montenegrin community predominantly attends the education system financed and managed by the Serbian Ministry of Education. As a consequence, they face many of the same issues as the Serb community in relation to education, including:

- A lack of qualified teachers;
- An absence of high-quality school infrastructure;
- A lack of equipment (school books, computers, etc).

9. Access to public institutions

The Montenegrin community continues to make use of many of the public services provided by the Serbian state in Kosovo, particularly for health care. No significant barriers exist in accessing these services.

Since the Montenegrin community predominantly uses the Serbian language in communication with Kosovo public institutions, they face many of the same difficulties in accessing Kosovo public services as the Serb community, particularly linguistic barriers, due to a lack of compliance of public institutions with the *Law on the Use of Languages*. Due to the fact that the Montenegrin community mostly resides in Albanian-majority municipalities, they are in some ways more affected by these linguistic barriers.

Croat community

1. Population Size and Location

The Croat community is the smallest community in Kosovo. There are no exact numbers on the Croat community, as they were not included as a separate ethnic group during the 2011 census. However, ECMI Kosovo estimates, based on OSCE reports, places the total number of Croats in Kosovo around 259, or 0.01% of the Kosovo population.¹⁰⁷ The State Office for Croats Abroad from the Republic of Croatia estimates them at around 350 people.¹⁰⁸

Croat community in Kosovo according to the OSCE Reports*		
Municipality	Percentage	Number of community members
Lipjan/Lipljan	0.37%	219
Viti/Vitina	0.08%	40
Total Kosovo Population	0.01%	259

**Sources: Data on municipalities not affected by the decentralisation are based on the 2010 OSCE Community Profiles (OSCE field teams estimations), while the data on municipalities affected by the decentralisation process and municipalities in northern Kosovo are based on the 2013 OSCE Municipal Profiles.*

Due to the lack of disaggregated data on the Croat community, no exact data is available on the age structure of the community. However, reports indicate that the Croats have an aging population, considerably older than the Kosovo average, due to a significant outflux of young Croats since the 1990s.

2. Culture and religion

The Croat community is an ethnically Slav group, descending from the Slav tribes that migrated to South-Eastern Europe in the sixth and seventh century AD. The community is predominantly Roman Catholic and maintains strong connections with the Church, which plays an important part in sustaining the community in Kosovo. A few Croat cultural heritage sites, mainly churches, remain in Kosovo, including the Church of Saint Nicolas in Janjevë/Janjevo. The community was officially recognised by the Kosovo Government in 2011 through the amendment of the *Law on the on the Protection and Promotion of the Rights of Communities and Their Members in the Republic of Kosovo*.

3. Language

The Croat community in Kosovo uses the Latin script and speaks the Croatian language, a Slavic language closely related to Serbian, Bosnian and Montenegrin. Out of the two official languages of

¹⁰⁷ For more information on the methods used for data selection please check section III. Communities in Kosovo, p.12

¹⁰⁸ Republic of Croatia, State Office for Croats Abroad (SOCA), [‘Status of Croatian minorities abroad’](#), 2013.

Kosovo, Croats speak Serbian fluently, but only occasionally speak Albanian. The Kosovo public education system does not offer any education in the Croatian language.

4. Political representation

The Croat community does not have any guaranteed seats in the Assembly of Kosovo, but is entitled to nominate two (2) members of the CCC.¹⁰⁹ The lack of guaranteed seats is a consequence of a lack of recognition for the community when the Constitution of Kosovo was adopted in 2008. The amendment to the *Law on the on the Protection and Promotion of the Rights of Communities and Their Members in the Republic of Kosovo* in 2011 provided the community with representation in the CCC, but did not change the situation in the Assembly.

‘Hrvatska Stranka Kosova’ (HSK) is the only political party representing Croats’ interests. It participated for the first time in Kosovo elections in the 2013 municipal elections (in Viti/Vitina and Lipjan/Lipljan), but did not gain any Municipal Assembly seats. Before these elections, the Croat Community did not have any political party representing them.

Total number of votes for main Croat political parties in Kosovo elections since 2007 (local and general)

	2007 (Gen.)	2007 (Mun.)	2009 (Mun.)	2010 (Gen.)	2013 (Mun.)
Hrvatska Stranka Kosova (HSK)	/	/	/	/	313

Total number of votes for Croat political parties per municipality since 2007 (local elections only)

	2007	2009	2013
Viti/Vitina	/	/	253
Lipjan/Lipljan	/	/	60

5. Returns

According to the 1991 Yugoslav Census, there were estimated to be 8,062 Croats residing in Kosovo. The majority of the Croat community left Kosovo, mainly for Croatia, already prior to the 1999 conflict, following the wars of the early 90s in former Yugoslavia, with additional refugee movements during and after the 1999 conflict. Although there is no exact disaggregated data on the number of returnees from the Croat community, the current size of the Croat community points to extremely low numbers of returnees. This reflects the fact that most Croat refugees from Kosovo have settled in Croatia permanently.

6. Security and freedom of movement

The Croat community generally feels safe in their places of residence, although some security incidents particularly in the Viti/Vitina municipality have been reported. They, however, often do not

¹⁰⁹ Council Statute, Article 6(e).

feel safe to use the Croatian language in other Albanian-majority areas and experience difficulties in exercising their freedom of movement, largely do to the isolated locations of the community.

7. Economy

There is no disaggregated data on the rates of unemployment of the Croat community, nor is their data available on their employment in the civil service or the POEs. However, reports indicate that the employment and socio-economic situation of the Kosovo Croats is precarious. A large proportion of the aging community is dependent on social assistance from Kosovo, Serbia and/or Croatia, supplemented with small scale income generating activities, including agricultural and farming activities, crafts and trading.¹¹⁰

The economic and employment problems faced by the Croat community largely reflects the wider economic problems Kosovo encounters as a whole, exacerbated by the isolated location of the community, its old age structure and linguistic barriers.

8. Education

Kosovo's public education system offers no education in the Croatian language. Croat children follow the curriculum of the Republic of Serbia. As a consequence, they face many of the same issues as the Serb community in relation to education, including:

- A lack of qualified teachers,
- An absence of high-quality school infrastructure,
- A lack of equipment (school books, computers, etc).

9. Access to public institutions

The Croat community continues to make use of the health system of the republic of Serbia. However, the Croat community often makes use of Kosovo system for other public services. In accessing these services communication problems are sometimes experienced, due to a lack of implementation of the *Law on the Use of Languages*.

¹¹⁰ For more information on the Croat community in Viti/Vitina, please consult: OSCE Kosovo, '[The Kosovo Croats of Viti/Vitina Municipality: A Vulnerable Community](#)', October 2011.

IV INTERNATIONAL AND EUROPEAN FRAMEWORK FOR THE PROTECTION OF MINORITY RIGHTS

The respect and protection of minorities is enshrined in both European and international law. The United Nations Universal Declaration of Human Rights (UDHR) and International Covenant on Civil and Political Rights (ICCPR), two basic texts on international human rights, all mention the right to one's cultural, religious and linguistic identity, free from discrimination.¹¹¹

4.1 Equality and Non-Discrimination

The European Convention on Human Rights¹¹² (ECHR) and its Protocols, directly applicable in Kosovo, though Article 22 of the Constitution, addresses anti-discrimination through Article 14, which prohibits discrimination on grounds of, among others, sex, race, national or social origin, association with a national minority or other status.

However, it is important to note that Article 14 provides an 'accessory right' to equality in the enjoyment of the substantive rights and freedoms guaranteed by the ECHR. Therefore, Article 14 cannot be invoked on its own, only 'in conjunction with' substantive rights.¹¹³ This has been reaffirmed by the European Court of Human Rights (ECHR) in *D.H. and Others v the Czech Republic*,¹¹⁴ where the court found a violation of Article 14 of the Convention (discrimination on the basis of ethnic origin) in conjunction with Article 2 of Protocol No. 1 (the right to education), where statistical evidence showed that a disproportionate number of Roma children were placed in special schools. The Constitution further obliges national courts to interpret human rights provisions consistent with the decisions of the ECHR.¹¹⁵

In recognition of the need for an 'independent' right to strengthen the ECHR's protection of equality, Protocol No. 12 was signed on November 2000 and entered into force on 1 April 2005.¹¹⁶ Article 1 of Protocol no. 12 is thus a 'free standing' provision prohibiting discrimination in the enjoyment of any right or benefit under national law ('any right set forth by law'), in addition to the rights set forth in the ECHR.

Similarly, directives as the secondary source of the EU legislation promote equality and prohibit discrimination on various grounds.¹¹⁷ Among them, The Racial Equality Directive (2000/43/EC),¹¹⁸

¹¹¹ Among others: Article 22 of the *Charter of Fundamental Rights of the European Union*; Article 2 of the *Universal Declaration of Human Rights*; Article 27 of the *International Covenant on Civil and Political Rights*.

¹¹² [European Convention on Human Rights](#).

¹¹³ Interights. [Non-Discrimination in International Law – A Handbook for Practitioners](#). 2011, p. 22, 40.

¹¹⁴ ECHR Grand Chamber. [D.H. and Others v the Czech Republic](#) (Application Nr. 57325/00), 13 November 2007.

¹¹⁵ The Constitution, Article 53.

¹¹⁶ [Protocol No. 12](#).

¹¹⁷ Evelyn Ellis, [EU Anti-Discrimination Law](#), 2005, Oxford University Press, p. 14.

<http://fds.oup.com/www.oup.co.uk/pdf/0-19-926683-2.pdf> p.18.

¹¹⁸ [Directive 2000/43](#), OJ [2000] L180/22.

and the Employment Equality Framework Directive (2000/78/EC),¹¹⁹ although not legally binding in Kosovo, have served as the main reference for drafting Kosovo's Anti-Discrimination Law.¹²⁰

Besides the ECHR, Article 22 of the Constitution provides for the direct applicability of a number of other international agreements and instruments which contain equality and non-discrimination provisions, namely, Universal Declaration of Human Rights,¹²¹ International Covenant on Civil and Political Rights and its Protocols,¹²² Council of Europe Framework Convention for the Protection of National Minorities (FCNM),¹²³ Convention on the Elimination of All Forms of Racial Discrimination (ICERD),¹²⁴ Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW),¹²⁵ Convention on the Rights of the Child (CRC)¹²⁶ and Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment (CAT).¹²⁷

Framework Convention for the Protection of National Minorities

The Council of Europe's FCNM is one of the most important international legally-binding instruments designed to protect the rights of people belonging to national minorities. The Convention entered into force on 1 February 1998 and aims to promote the full and effective equality of people belonging to national minorities in all areas of economic, social, political and cultural life; together with conditions that will allow them to express, preserve and develop their culture and identity. It covers the following areas: the right to a distinct identity; effective equality; preservation and development of distinct identity; non-discrimination; political rights; freedom of religion; media rights; linguistic rights; educational rights; participatory rights; free trans-boundary contacts. The rights and freedoms as set out in the FCNM are directly applicable to Kosovo (see the Constitution of the Republic of Kosovo, Art. 22).

Although Kosovo is not a signatory to the Convention, it is subject to a specific monitoring arrangement in conformity with a 2004 Agreement between UNMIK and the Council of Europe. Currently, reporting to the Council of Europe is carried out by UNMIK, through the OSCE Kosovo. The monitoring arrangement takes place every five years and involves three main phases. First, UNMIK prepares a report on Kosovo compliance with the FCNM to the Council of Europe; second, an independent commission (the Advisory Commission) provides an expert opinion on the report issued by UNMIK, which is also given a chance to comment on this opinion. Finally, a resolution is adopted containing conclusions and recommendations to Kosovo concerning the implementation of the Framework Convention.

¹¹⁹ [Directive 2000/78](#), OJ [2000] L303/16.

¹²⁰ OSCE brochure, [Implementing the Anti-Discrimination Law: A Challenge for Kosovo](#), June 2007, p. 27.

¹²¹ [Universal Declaration of Human Rights](#). Articles 1, 7, 10, 16.1, 21.2, 23.2, 26.1.

¹²² [International Covenant on Civil and Political Rights](#), Articles 3, 4.1, 14.1, 20.2, 23.4, 24.1, 25(c), 26.

¹²³ [Council of Europe Framework Convention for the Protection of National Minorities](#), Articles 4.1, 4.3, 6.2, 9.1, 9.2, 12.3.

¹²⁴ [Convention on the Elimination of All Forms of Racial Discrimination](#), Articles 1.1, 1.3, 1.4, 2.1(a), 2.1 (b), 2.1(c), (d), 2.2, 4(a), 4(b), 4(c), 5(a), 5(c), 5(e)(i), 5(e)(vi), 6, 7.

¹²⁵ [Convention on the Elimination of All Forms of Discrimination Against Women](#), Articles 1, 2(a), 2(b), 2(c), 2(d), 2(e), 2(f), 2(g), 3, 4.1, 4.2, 7, 8, 9.1, 9.2, 10(a), 11.1(d), 11.2(a), 12.1, 13, 14.2(e), 14.2(g), 15.1, 15.2, 16.1, 23.

¹²⁶ [Convention on the Rights of the Child](#), Articles 2.1, 2.2, 28, 29.1(d), 31.2, 40(2)(b)(iv).

¹²⁷ [Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment](#), Articles 1.1.

4.2 Language Rights in Society: in Education, the Workplace, Media and Administration

The rights of Kosovo's minority communities to use their own language, as well as to education and freedom of expression are closely related, a fact recognised by international and European law. According to Article 58.2 of the Constitution, Kosovo is obliged to respect the standards set forth in the European Charter for Regional or Minority Languages (ECRML), which declares that states should adopt policies that ensure "the provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages."¹²⁸

However, this promotion of minority languages and cultures should not be understood as a one-sided defence of minorities against an encroaching majority, but rather as a tool for promoting mutual understanding among communities, both majority and minority. Hence, states should also "make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language,"¹²⁹ also for non-speakers of the concerned languages.

The Charter further requires the state to take "resolute action to promote regional or minority languages in order to safeguard them."¹³⁰ Most importantly, these steps are taken against the backdrop 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."¹³¹ Thus, the right to education in one's minority language, and the use thereof, can be seen as a springboard towards a fuller, more meaningful participation of *both* majority and minority communities. As a logical continuation, the European Charter also goes further in establishing that "persons belonging to national minorities are granted the possibility of creating and using their own media."¹³²

Finally, it should be mentioned that the Kosovo authorities' responsibilities are not merely a vague promotion of minority languages in society. Institutions are required to respect minority languages in their relations with the population, namely, "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."¹³³

The OSCE has designed some of the most comprehensive standards for the protection of language rights. Two OSCE documents have important significance in the domain of language rights. The first, the 'Copenhagen Document', includes detailed provisions on the use of languages as well as on non-discrimination and education.¹³⁴ Although it is not legally binding, it does have important soft law

¹²⁸ European Charter for Regional or Minority Languages, Article 7.1(f).

¹²⁹ European Charter for Regional or Minority Languages, Article 8.1(g).

¹³⁰ *ibid*, Article 7.1(d)

¹³¹ *ibid*, Article 10.1

¹³² *ibid*, Article 9.3

¹³³ *ibid*, Article 10.2

¹³⁴ [Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE](#), adopted at Copenhagen, 29 June 1990.

and political implications and many consider it to be more advanced than other instruments.¹³⁵ The second document, the 'Oslo Recommendations', is a practical policy tool that provides states and other actors with a detailed reference point in the development of effective minority language policies, including in relation to the use of languages in education, religion, media, community life, and non-governmental organisations (NGOs), as well as in communications with public authorities, in judicial proceedings, and in the operation of private businesses.¹³⁶

4.3 Property

Although there is no international convention focusing specifically on property and housing rights of minorities, several international treaties have acknowledged this group's vulnerability. The Universal Declaration of Human Rights recognises the right to "own property" and the right to "a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing ..."¹³⁷ Furthermore, the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) guarantees "the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of [...]: the right to own property alone as well as in association with others; [...] the right to housing."¹³⁸ It is also explicitly stipulated in international law that "no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence."¹³⁹ The right to property is also recognised in Article 1 Protocol 1 of the European Convention on Human Rights.

4.4 Health and Social Benefits

Ensuring equality of well-being for everyone is at the core of international human rights instruments. The UDHR lays down the right of all people to social security,¹⁴⁰ while the International Covenant on Economic, Social and Cultural Rights (ICESCR) (not legally binding in Kosovo) guarantees the right "to the enjoyment of the highest attainable standard of physical and mental health."¹⁴¹ As a consequence, the state is also responsible for "the creation of conditions which would assure to all medical service and medical attention in the event of sickness."¹⁴² Furthermore, the International Labour Organisation (ILO), in its *Invalidity, Old-Age and Survivors' Benefits Convention* (not legally binding in Kosovo), requires the state to take measures to "secure to the persons protected the provision of old-age benefit."¹⁴³

4.5 Labour Rights

Given the importance of a person's working conditions in securing their own rights, including the right to a decent standard of living, particular attention should also be paid to labour rights. The ICESCR is the main international legal instrument on this issue, and although not legally binding in

¹³⁵ Brett, Rachel, 'Human Rights and the OSCE', *Human Rights Quarterly*, Vol. 18, No. 3, 1996, p. 668-693.

¹³⁶ The Oslo Recommendations Regarding the Linguistic Rights of National Minorities (the 'Oslo Recommendations'), prepared in February 1998 by the Foundation on Inter-Ethnic Relations at the request of the OSCE High Commissioner on National Minorities (The Hague: OSCE, 1998).

¹³⁷ Universal Declaration of Human Rights, Articles 17.1 and 25.1.

¹³⁸ International Convention on the Elimination of All Forms of Racial Discrimination, Art. 5d(v, iii)

¹³⁹ International Covenant on Civil and Political Rights, Article 17.1.

¹⁴⁰ Universal Declaration of Human Rights, Article 22.

¹⁴¹ *ibid*, Article 12.1

¹⁴² International Covenant on Economic, Social and Cultural Rights, Article 12.1(d).

¹⁴³ Invalidity, Old-Age and Survivors' Benefits Convention, Article 14.

Kosovo, has important soft law implications. In accordance with the ICESCR, everyone has the right to “fair wages and equal remuneration for work of equal value without distinction of any kind”¹⁴⁴ and to “safe and healthy working conditions.”¹⁴⁵ Although members of minorities are not specifically granted special protections according to international labour law, states are indeed requested, when necessary, to include anti-discrimination measures in their national policy, “designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof.”¹⁴⁶

In this perspective, “special measures designed to meet the particular requirements of persons who, for reasons such as sex, age, disablement, family responsibilities or social or cultural status, are generally recognised to require special protection or assistance, shall not be deemed to be discrimination.”¹⁴⁷ It is therefore acknowledged that minorities can, and when necessary, should benefit from special treatment in order to fully enjoy their rights. This also includes the right to form, join and organise freely into trade unions,¹⁴⁸ and to strike if they consider their labour rights are not respected.¹⁴⁹

¹⁴⁴ International Covenant on Economic, Social and Cultural Rights, Article 7(i.a).

¹⁴⁵ International Covenant on Economic, Social and Cultural Rights, Article 7(ii.b).

¹⁴⁶ Discrimination (Employment and Occupation) Convention, Article 2.

¹⁴⁷ Discrimination (Employment and Occupation) Convention, Article 5.2.

¹⁴⁸ International Covenant on Economic, Social and Cultural Rights, Article 8.1(a).

¹⁴⁹ International Covenant on Economic, Social and Cultural Rights, Article 8.1(d).

V THE RIGHTS OF COMMUNITIES IN KOSOVO

5.1 What are ‘communities’ in Kosovo and who is a member?

The term ‘community’ operates on two levels in Kosovo. In the first place, it has the standard meaning of a group of people who share common characteristics, for example, ethnicity, language or religion. In this sense it can be used to refer to *all* groups in Kosovo, regardless of whether they are in a minority or a majority.

However, in a legal sense, it is also used to refer to Kosovo’s minority groups.¹⁵⁰ In Kosovo law, ‘communities’ are defined as “national, ethnic, cultural, linguistic or religious groups traditionally present in Kosovo that are not in the majority”.¹⁵¹ These include, explicitly:

- Serbs
- Turkish
- Bosnian
- Roma
- Ashkali
- Egyptian
- Gorani
- Croats
- Montenegrins

However, this list is not exhaustive and “other communities” can also benefit from these rights.

It is important to note that members of the majority (Albanian) community who are in a minority in a given municipality also fall under the definition of “community”, and are therefore entitled to community rights.

Note that community rights can never be exercised in violation of the laws of Kosovo or international legal standards.

5.2 Anti-discrimination: on what grounds?

All people in Kosovo are guaranteed State protection from discrimination. Where such discrimination prevents community members from enjoying their fundamental rights, the State must take special measures to redress this.

Prohibited grounds of discrimination

Discrimination is prohibited on a number of grounds. Of particular relevance to communities are those of national, ethnic, cultural, linguistic or religious identity.¹⁵²

¹⁵⁰ European Centre for Minority Issues (ECMI) Kosovo, [“Strengthening the Institutional Framework for Communities in Post-Independence Kosovo”](#), Report, January 2009, p. 11.

¹⁵¹ Law on Amending and Supplementing of the Law No.03/L-047 on the Protection and Promotion of the Rights of Communities and Their Members in Republic of Kosovo, Article 1.

Direct and indirect discrimination

Discrimination includes both 'direct' and 'indirect' discrimination.

- 'direct' discrimination occurs where one person is treated less favourably than another in a comparable situation.
- 'indirect' discrimination occurs where a seemingly neutral provision or practice actually disadvantages a particular group of people due to their national, ethnic, cultural, linguistic or religious identity.¹⁵³

Examples of direct discrimination:

- An employer refuses to hire women to management positions. This constitutes direct discrimination based on gender.
- A shop refuses entry to people of a certain ethnicity. This constitutes direct discrimination based on ethnicity.

Example of indirect discrimination:

- A cleaning company requires their cleaning personnel to have a high school diploma and ten years of working experience. A simple cleaning job requires neither a high school diploma nor ten years of working experience. Thus, this might constitute indirect discrimination against young people (who cannot yet have ten years of working experience), as well as against communities who on average are less likely to finish high school.

If community members are subject to threats or acts of discrimination – including intimidation, hostility or violence – as a result of membership of, or association with, a particular community, the State is obliged to take all necessary measures to protect the community members.¹⁵⁴ Similarly, if members of communities are unable to exercise their fundamental rights for the same reasons, the State must take “special measures” to remedy this.

Note that these measures are not themselves considered to be discriminatory, but should only be applied until their purpose has been fulfilled.¹⁵⁵

5.3 Security and Freedom of Movement

Community members are guaranteed both freedom of movement, and safety and security throughout Kosovo. The State is obliged to protect these rights on their behalf.¹⁵⁶ This is in addition to their right as a citizen/legal resident of Kosovo to free choice of their location of residence.¹⁵⁷

¹⁵² Constitution, Article 24.2; Law on Communities (03/L-047), Article 3.3. It should be noted that the general prohibition against discrimination contained in the Anti-discrimination Law (2004/3) 2004 lists other grounds such as gender, etc (Article 2.a).

¹⁵³ Law on Communities (03/L-047), Article 3.3; Anti-discrimination Law (2004/3), Article 2.a, 3.a, 3.b.

¹⁵⁴ Constitution, Article 48.3; Law on Communities (03/L-047), Article 3.2.

¹⁵⁵ Law on Communities (03/L-047), Articles 3.3, 1.2.

¹⁵⁶ Law on Communities (03/L-047), Article 3.5.

¹⁵⁷ Constitution, Articles 29.1, 35.

5.4 Identity Rights

This section focuses on broad identity rights, such as the right to voluntarily associate with a particular community, and the prohibition of forced assimilation.

Right of voluntary association

Community members are free to choose whether or not to be treated as a member of that community, and whether or not to exercise their community rights. Any disadvantage or discrimination they face as a result of that choice is illegal.¹⁵⁸

Prohibition of forced assimilation

Members of communities cannot be subjected to policies or practices that try to assimilate them against their will.¹⁵⁹ If this occurs, they are entitled to State protection.

5.5 Culture and religion

Community rights in Kosovo place a lot of emphasis on the right to protect and promote community culture, on assurances of religious freedom, and the protection of their religious and cultural heritage. In this context, the Serb community benefits from a particular set of rights. These rights are listed in more detail below.

Culture

Communities have the constitutional right to express, maintain and develop their culture and traditions. They also have the right to administer their own cultural affairs.¹⁶⁰ The State is under an obligation to create the conditions for communities and their members to achieve this.¹⁶¹

Communities have the right to establish community representative organisations (CROs). These are encouraged to help manage the resources made available for the advancement of community cultural life.¹⁶² These must comply with a code of conduct regarding representativeness, democratic functioning, efficiency and financial transparency, which should be adopted by the community representative organisation through the Consultative Council for Communities (CCC).¹⁶³ For more information on the CCC, see section 2.11.

Communities and their members also have the right to establish citizens' associations for culture, art, science and education and other associations.¹⁶⁴

Note that community organisations or associations are eligible for support and financial assistance, including from the Government.¹⁶⁵

¹⁵⁸ Constitution, Article 57.2; Law on Communities (03/L-047), Article 1.5.

¹⁵⁹ Constitution, Article 58.6; Law on Communities (03/L-047), Article 2.3.

¹⁶⁰ Constitution, Article 59.1; Law on Communities (03/L-047), Article 5.1.

¹⁶¹ Constitution, Article 58.1; Law on Communities (03/L-047), Article 2.2.

¹⁶² Law on Communities (03/L-047), Article 11.5.

¹⁶³ Law on Communities (03/L-047), Article 5.3.

¹⁶⁴ Law on Communities (03/L-047), Article 5.2.

¹⁶⁵ Law on Communities (03/L-047), Article 5.4.

Symbols

Every community has the right to use and display their own symbols.¹⁶⁶

Free contact

Each community and its CRO have the right to maintain contacts with people – either in Kosovo or in another State – on the basis of common ethnic, cultural, religious or linguistic identity, or cultural heritage.¹⁶⁷

Religion

The Republic of Kosovo is a secular State, has no official religion, and is neutral on questions of religious beliefs.¹⁶⁸

As all people in Kosovo, community members are entitled to freedom of belief, conscience and religion.¹⁶⁹ This includes the freedom to have, not to have, to retain or to change religion or belief. It also includes the freedom to manifest religion or beliefs (in worship, teaching, practice and observance), either alone or in community with others, in public or in private.¹⁷⁰

Both communities and their members are entitled to religious freedom. The State is not only expressly prevented from interfering with this right,¹⁷¹ but is obliged to protect the practice of religious rites, traditional forms of religious life, including monastic life, and religious education, along with church property.¹⁷²

Communities and community members also have the right to establish community religious organisations and institutions.¹⁷³

Limitations to freedom of religion:

The right to freedom of religion – as with all human rights – is not absolute; the State can put limits on the right to freedom of religion, but only when there is a compelling interest to do so, most notably when exercising this right leads to serious violations of other fundamental rights.

Traditional and religious holidays

Members of communities have the right to celebrate their traditional and religious holidays freely and publicly, in accordance with the law.¹⁷⁴

¹⁶⁶ Constitution, Article 59.7; Law on Communities (03/L-047), Article 5.6.

¹⁶⁷ Constitution, Article 59.12; Law on Communities (03/L-047), Article 5.7.

¹⁶⁸ Constitution, Article 8; Law on Communities (03/L-047), Article 7.1.

¹⁶⁹ Constitution, Article 38.1; Law on Communities (03/L-047), Article 7.2.

¹⁷⁰ Law on Communities (03/L-047), Article 7.2.

¹⁷¹ Law on Communities (03/L-047), Article 7.3.

¹⁷² Law on Communities (03/L-047), Article 7.4.

¹⁷³ Law on Communities (03/L-047), Article 7.7.

¹⁷⁴ Law on Communities (03/L-047), Article 5.5.

Religious and cultural heritage

General

The Republic of Kosovo is under a legal obligation to preserve the cultural and religious heritage of all communities. If a community believes certain sites or monuments to be of cultural and religious significance, the State is obliged to protect them.

The Government can delegate the task of maintaining such sites to the CRO, providing that organisation is both willing and capable. Funding may be provided for this purpose.¹⁷⁵

Enhanced municipal competencies

All Serb-majority municipalities¹⁷⁶ can exercise responsibility for cultural affairs, including protection and promotion of Serbian and other religious and cultural heritage within the municipal territory, as well as support for local religious communities.¹⁷⁷

Serbian Orthodox Church

Members of the Serb community in Kosovo are entitled to additional protection of their religious, historical and cultural sites, notably the Serbian Orthodox monasteries.¹⁷⁸

“Special Protective Zones” (SPZ) have been established around monuments, groups of buildings, villages or historic town centres of special significance to the Serb community. If an area has been designated a SPZ, it must be safeguarded from any development or activity which could damage its historical, cultural, architectural or archaeological context, natural environment or aesthetic setting.¹⁷⁹

This process is monitored and facilitated by an Implementation and Monitoring Council (IaMC). If a dispute arises between the Serbian Orthodox Church and the Kosovo central or local authorities, the IaMC can mediate between the two.¹⁸⁰

Prizren

The historic centre of the municipality of Prizren, which includes cultural heritage of various communities, has a special status in Kosovo and is recognised as a property of cultural and historic heritage under permanent protection.¹⁸¹ As such, it is subject to a number of protective measures, including in relation to construction activities. The ‘Council for Cultural Heritage of Historic Centre of Prizren’ is responsible for observing and advising on activities related to the preservation of the protected cultural heritage. This council is composed of seven members, including one representative of the Municipal Office for Communities and Returns (MOCR), and one

¹⁷⁵ Law on Communities (03/L-047), Article 5.12.

¹⁷⁶ As of October 2013, Kosovo had 10 Serb-majority municipalities: Leposavić/Leposaviq; Zvečan/Zveçan; Mitrovica/Mitrovicë North; Zubin Potok; Gračanica/Gračanicë; Ranilug/Ranillug; Parteš/Partesh; Novo Brdo/Novobërdë; Štrpce/Shtërpçë; Klokot/Kllokot.

¹⁷⁷ Law on Local Self-government (03/L-040), Article 22.1.

¹⁷⁸ Law on Communities (03/L-047), Article 7.6; Law on Special Protective Zones, Article 1.

¹⁷⁹ Law on Special Protective Zones (2008/03-L039), Article 2.

¹⁸⁰ Law on Special Protective Zones (2008/03-L039), Article 4.

¹⁸¹ Law on Historic Centre of Prizren (2011/04-L-066), Article 1.

representative each, respectively, of the Serbian Orthodox Church, the Catholic Church and the Islamic Community.¹⁸²

5.6 Language

The issue of language is absolutely central to the protection and promotion of community rights in Kosovo, as it impacts many other areas of particular importance for communities, such as education, political participation, media, and equal access to employment opportunities, among others.

This section will examine provisions relating to the use of languages in the public sphere, both at the central and municipal levels; in public services; within the justice system; and in the private sphere. The issue of language in the context of education and the media will be dealt with separately below.

Use of languages at the state level

Official languages of the Republic of Kosovo

The official languages of the Republic of Kosovo are the Albanian and Serbian languages, along with their respective alphabets.

Every person in Kosovo has the right to communicate with the central institutions, and to receive available services and public documents, in either of these official languages. All central institutions must ensure that this is possible.¹⁸³

Meetings and work of the central institutions

In the central institutions, the official languages of Kosovo enjoy equal status.¹⁸⁴

All laws adopted by the Assembly of Kosovo must be issued and published in the official languages. Each version bears equal authority.¹⁸⁵ All promulgated laws (laws that have been formally proclaimed through a decree of the President of Kosovo) must also be published in the Bosnian and Turkish languages.¹⁸⁶

Official records and documents must be kept and issued in the official languages.¹⁸⁷

Officers and employees in any of the central institutions have the right to use either of the official languages (i.e. Albanian or Serbian) in their work. This right must be accommodated by the institution, notably in their debates, proceedings and meetings, as well as any public meetings they organise.¹⁸⁸ Upon request, the institution must make interpretation available in all meetings from one official language into another.¹⁸⁹

¹⁸² Law on Historic Centre of Prizren (2011/04-L-066), Article 14.

¹⁸³ Law on the Use of Languages (02/L-37), Article 4.2.

¹⁸⁴ Law on Communities (03/L-047), Article 4.1.

¹⁸⁵ Law on the Use of Languages (02/L-37), Article 5.4.

¹⁸⁶ Law on the Use of Languages (02/L-37), Article 5.4.

¹⁸⁷ Law on the Use of Languages (02/L-37), Article 4.5.

¹⁸⁸ Law on the Use of Languages (02/L-37), Article 4.7.

¹⁸⁹ Law on the Use of Languages (02/L-37), Articles 4.3, 5.1.

If a community member's mother tongue is *not* one of the official languages of Kosovo, special provisions apply to him/her in the context of the central institutions:

- *Government.* If a community member is a member of the Government and his/her mother tongue is not one of the official languages, s/he has the right to use his/her mother tongue in the meetings of the central institutions, as well as in any public meetings they organise. Upon request, the central institutions must provide interpretation.¹⁹⁰
- *Assembly of Kosovo.* If a community member is also an Assembly member and his/her mother tongue is not an official language, s/he has the right to use his/her mother tongue in the work, debates or other proceedings of the Assembly and its Committees, as well as in any public meetings it organises. Upon request, facilities will be made available to ensure interpretation from and into his/her mother tongue. Any document submitted in his/her mother tongue must be translated into the official languages, and all responses must be made in the community member's mother tongue.¹⁹¹
- *Ombudsperson.* If a community member's mother tongue is not one of the official languages of Kosovo and s/he wishes to lodge a complaint with the office of the Ombudsperson, s/he has the right to present his/her oral or written submissions to the Ombudsperson in his/her mother tongue. The community member is also entitled to receive a reply in his/her mother tongue.¹⁹² For more details on submitting a complaint to the Ombudsperson, see section 6.1 below.

Use of languages at the municipal level

As noted above, the Albanian and Serbian languages enjoy official status throughout Kosovo and at all levels of Government. However, other community languages can also be elevated to the status of official languages at the municipal level, providing certain demographic conditions are fulfilled.

Languages with official status at the municipal level

For community members whose language is not an official language, *and if their community constitutes at least 5% of the municipal population*, their language can be accorded the status of an official language at the municipal level.

Turkish in Prizren:

The Law on the Use of Languages (Article 2.3) awards the Turkish language the status of official languages in the municipality of Prizren, regardless of demographic factors. This article recognises the historic importance of the Turkish language in Prizren.

In municipal institutions, the official languages of the municipality enjoy equal status.¹⁹³ Note that 'official languages' here refers to both the Albanian and Serbian languages, and any other community language which is elevated to official status at the municipal level.

¹⁹⁰ Law on the Use of Languages (02/L-37), Article 4.4.

¹⁹¹ Law on the Use of Languages (02/L-37), Article 5.2.

¹⁹² Law on the Use of Languages (02/L-37), Article 6.

¹⁹³ Law on the Use of Languages (02/L-37), Article 7.1.

If a community's language enjoys official status at the municipal level, they have the right to communicate with municipal institutions and officials in that language. This includes the right to receive available services and public documents in that language. Every municipal representative and executive body has a duty to ensure that this is possible.¹⁹⁴

All official municipal languages are accorded equal status in the meetings and work of the municipal institutions. Upon request, municipal institutions must make interpretation available from one official language into another for municipal meetings, as well as for public meetings organised by the municipality.¹⁹⁵

Regulations and subsidiary acts must be printed and published in the official languages of the municipality. All versions are equally authoritative.¹⁹⁶

Official documents must be kept and issued in all official languages of the municipality. These include records of meetings, the official records of municipal representative and executive bodies, public registers and so on.

The official names of municipal institutions and organs must be displayed in the official languages of the municipality, as must official signs indicating the names of municipalities, villages, roads, streets and other public places.¹⁹⁷

Languages in official use at the municipal level

For members of a community whose language is not an official language, *and if their community constitutes between 3% and 5% of the municipal population*, their language can become a language "in official use" at the municipal level.

In addition, if a community's language has traditionally been spoken in a municipality, it will also be considered a language in official use within that municipality.¹⁹⁸

If a community language is a language in official use at the municipal level, community members have the right to present municipal institutions and officials with oral or written submissions and documents in that language. Upon request, the institutions must reply in that language.¹⁹⁹ Similarly, when requested, the municipal representative and/or executive body must ensure that municipal regulations and subsidiary acts are issued and published in that language.²⁰⁰

Use of languages in public services

In enterprises performing public services, the official languages of Kosovo enjoy equal status.²⁰¹

¹⁹⁴ Law on the Use of Languages (02/L-37), Article 7.2.

¹⁹⁵ Law on the Use of Languages (02/L-37), Article 7.3.

¹⁹⁶ Law on the Use of Languages (02/L-37), Articles 7.6.

¹⁹⁷ Law on the Use of Languages (02/L-37), Article 9.

¹⁹⁸ Law on the Use of Languages (02/L-37), Article 2.4.

¹⁹⁹ Law on the Use of Languages (02/L-37), Article 8.1.

²⁰⁰ Law on the Use of Languages (02/L-37), Articles 8.2 and 8.3.

²⁰¹ Law on the Use of Languages (02/L-37), Article, 30.1.

Members of communities have the right to communicate with enterprises performing public services in any of the official languages of Kosovo, including official municipal languages and languages in official use in a given municipality. This extends to services and documents received from such enterprises. Every such enterprise has a duty to ensure that this is possible.²⁰²

Use of languages in the justice system

Arrest or criminal charges

If a community member is arrested or charged with a criminal offence, s/he has the right to be informed promptly and in a language s/he understands of the reasons for the arrest and of any charges brought against him/her.²⁰³ If s/he is a member of a community whose mother tongue is not one of the official languages, that language will be his/her mother tongue.²⁰⁴

Judicial proceedings: Use of official languages

Official languages must be used on an equal basis in judicial proceedings.²⁰⁵

If a community member is participating in criminal or other judicial procedures, the authorities involved (courts, prosecution bodies, etc.) must ensure that s/he can use the official language of his/her choice.²⁰⁶ The community member can also request that the proceedings be simultaneously interpreted from one official language into another.²⁰⁷

Judicial proceedings: Use of other languages

If a community member is participating in judicial proceedings and does not speak and understand the language(s) being used, s/he has the right to use his/her own language. If s/he belongs to a community whose mother tongue is not one of the official languages, that language will be his/her mother tongue.²⁰⁸ This right extends, in particular, to the right to make submissions, testify and hear the facts of the case and any evidence.²⁰⁹ To this end, the judicial authorities involved are obliged to provide an interpreter free of charge.²¹⁰

Courts must issue documents related to proceedings in the official language(s) chosen for the proceedings. However, the parties to the proceedings can also request that the documents be issued in other official languages.²¹¹

Detention

Penal and detention institutions should ensure that their staff speaks the language(s) spoken or understood by the greatest number of those incarcerated.

²⁰² Law on the Use of Languages (02/L-37), Articles 30.2, 30.3.

²⁰³ Law on the Use of Languages (02/L-37), Article 15.1.

²⁰⁴ Law on the Use of Languages (02/L-37), Article 15.2.

²⁰⁵ Law on the Use of Languages (02/L-37), Article 12.1.

²⁰⁶ Law on the Use of Languages (02/L-37), Article 12.2.

²⁰⁷ Law on the Use of Languages (02/L-37), Article 13.1.

²⁰⁸ Law on the Use of Languages (02/L-37), Articles 16.2, 17.2.

²⁰⁹ Law on the Use of Languages (02/L-37), Articles 16.1, 17.1.

²¹⁰ Law on the Use of Languages (02/L-37), Article 16.3.

²¹¹ Law on the Use of Languages (02/L-37), Article 14.

If a community member is incarcerated, and can show that there is a need, s/he has a right to be provided with interpretation into a language s/he understands.²¹²

Personal names

Name and surname must be entered into official documents (public registers, personal identification, etc.) in the official language of the community member's choice. Any such entry must be in the script, and in accordance with the tradition and linguistic system of the chosen language. The form chosen must be used by public officials.²¹³

Use of languages in the private sphere

In private enterprises, private institutions, association or organisations, or in self-employed activities, community members have the right to employ the language(s) of their choice.²¹⁴

However, where that language is not an official language and the activities in question affect legitimate public interests (public order, public safety, health or the rights of other persons) the Kosovo institutions will require that community members also use one of the official languages.²¹⁵

5.7 Media

An open and independent media is of central importance to any democratic and diverse society. The importance of information and its accessibility to a wide audience is vital for the related rights of freedom of expression and political participation.

The media rights of communities in Kosovo are primarily concerned with State obligations in public broadcasting, which seeks to mainstream communities' perspectives within domestic news broadcasting, and special provisions for Serbian-language television.

General

Community members are guaranteed access to information without discrimination.²¹⁶ They are entitled to create and use their own language media. This includes daily newspapers and wire services. They are also entitled to a reserved number of frequencies for electronic media.²¹⁷ Additionally, community members are guaranteed free reception of cross-border broadcasts, whether direct or by means of transmission or re-broadcasting.²¹⁸

However, note that all these rights are subject to regulations prohibiting incitement or spreading of racial, ethnic or religious hatred or intolerance.²¹⁹

²¹² Law on the Use of Languages (02/L-37), Article 18.

²¹³ Law on the Use of Languages (02/L-37), Articles 27.1, 27.2.

²¹⁴ Law on the Use of Languages (02/L-37), Article 29.1.

²¹⁵ Law on the Use of Languages (02/L-37), Article 29.2.

²¹⁶ Law on Communities (03/L-047), Article 6.1.

²¹⁷ Law on Communities (03/L-047), Article 6.1.

²¹⁸ Law on Communities (03/L-047), Article 6.6.

²¹⁹ Law on Communities (03/L-047), Article 6.8.

Public broadcast media

All communities in Kosovo are entitled to equitable representation in public broadcast media, and are allocated time for community programming on public broadcasting channels.²²⁰ In relation to the Serb minority, the Government is under an obligation to take “all measures within its powers” to secure an international frequency plan that will provide the Serb community with access to a licensed, independent, Kosovo-wide, Serbian-language television channel, to operate effectively and without discrimination.²²¹ Radio Television of Kosovo (RTK), the public broadcasting institution, is required by law and has established one Albanian and one Serbian language TV channel.²²² Moreover, 10% of the overall RTK budget is allocated on an annual basis to the Serbian language RTK channel.²²³

In relation to non-Serb communities, both RTK TV channels must dedicate no less than 15% of their broadcast time to programming in the languages of other communities.²²⁴ Communities and their members are to have a leading role in generating and presenting such programmes.²²⁵

Public broadcasting policy in Kosovo is designed to promote local media production, as well as a diverse range of quality broadcasting services. It is also to encourage the widest possible geographic distribution, with the aim of serving all communities in Kosovo. The allocation of broadcasting frequencies must take account of community needs and market capacity, and all programming must reflect the equality of citizens and communities.²²⁶

The Independent Media Commission (IMC) is a politically neutral body responsible for implementing this policy. It is composed of three separate bodies:

- the Council,
- the Office of the Executive Chief, and
- the Media Appeals Board.

The composition of the Council is relevant to communities. At least two (2) members of the IMC shall be appointed from among the minority communities and at least two (2) members shall be of female sex.²²⁷ All members of the IMC are appointed by the Assembly of Kosovo.²²⁸ For details of the appointments procedure, please refer to the Law on the Independent Media Commission (Law No (4/L-044), Article 11.

If a community wishes to lodge a complaint with in the IMC, please follow the procedure laid out in section 6.3 below.

²²⁰ Law on Communities (03/L-047), Article 6.2.

²²¹ Law on Communities (03/L-047), Article 6.5.

²²² Law on Radio Television of Kosovo (2011/04-L-046), Article 8.2

²²³ Law on Radio Television of Kosovo (2011/04-L-046), Article 21.4.1

²²⁴ Law on Radio Television of Kosovo (2011/04-L-046), Article 8.3

²²⁵ Law on Communities (03/L-047), Article 6.3.

²²⁶ Law on the Independent Media Commission (04/L-044), Article 9.4.

²²⁷ Law on the Independent Media Commission (04/L-044), Article 10.5.

²²⁸ Law on the Independent Media Commission (04/L-044), Article 11.1.

5.8 Education

Education is crucially important to communities in Kosovo, not only because it constitutes the primary source of knowledge and ideas for a new generation, but because it has major practical implications for equal access to employment, social opportunities and political participation.

In addition to provisions relating to the national curriculum, community education rights in Kosovo are inextricably tied to language rights, and notably with the language of instruction.

Curriculum

The national educational curriculum of Kosovo must cover “the history, culture and other attributes of communities traditionally present in the country, with the aim of fostering a spirit of respect, understanding and tolerance among all communities in Kosovo.”²²⁹ In line with this aim, the stated goal of the Ministry of Education, Science and Technology (MEST) is “a unified education system in Kosovo which respects the differences in language, culture, history, art and traditions through which national identity is cultivated.”²³⁰ The MEST is currently in the process of developing a new national educational curriculum which is planned to be finished by 2018.

It should be noted, however, that the Serb community has been reluctant to participate in the development and drafting of new teaching programs, and as of 21 March 2013, still continues to work within the framework of the old Serbian education programmes. Special provisions apply for schools teaching in the Serbian language (see below).

Language of instruction

As noted above, the education rights of communities are closely linked to language rights. While the right to basic free education is universal throughout Kosovo,²³¹ communities whose mother tongue is not a national language of instruction will not be able to take full advantage of this fundamental right. This would constitute indirect discrimination, as described in section 5.2 above.

Therefore, Kosovo's legislative framework includes a number of provisions to ensure that all students have access to education in their mother tongue at pre-school, primary and secondary school levels. Furthermore, all students who are educated in a language that is not one of the official languages of Kosovo are obliged to learn an official language of Kosovo, so that they have equal opportunities to progress to higher education.

Right to education in one of the official languages of Kosovo

At all levels of education, community members have the right to choose, and to choose for their children, their preferred official language of instruction.²³²

²²⁹ Law on Communities (03/L-047), Article 8.12.

²³⁰ Kosovo Ministry of Science, Education and Technology (MEST), [‘Education and the Integration of Communities’](#), official website of the MEST.

²³¹ Constitution, Article 47.

²³² Law on Communities (03/L-047), Article 8.1; Law on the Use of Languages (02/L-37), Article 19.2.

If a community member is a pupil, s/he can decide, together with his/her parents, in which official language his/her school records are to be kept.²³³

Teaching in the Serbian language

There are special provisions for teaching in the Serbian language, and municipalities are permitted to create the conditions for providing such education.²³⁴ In doing so, they are also entitled to cooperate with municipalities and institutions in the Republic of Serbia, including government agencies.²³⁵

If a school wants to provide education in the Serbian language, it can – under certain conditions – apply the curricula or use the textbooks developed by the Ministry of Education of the Republic of Serbia.²³⁶

Enhanced competencies in higher education

The municipality of Mitrovicë/Mitrovica North has enhanced competencies in the area of higher education, and the University of Mitrovicë/Mitrovica North is declared an autonomous public institution of higher learning in the Serbian language.²³⁷

The municipality of Mitrovicë/Mitrovica North exercises responsibility for the university.²³⁸ It must ensure that it receives adequate premises and funding for its operations from the Kosovo budget and other institutional sources. The university may also receive funding from the Government of the Republic of Serbia, provided this is transparent, public, and in accordance with the laws of Kosovo.²³⁹

However, as of April 2013, due to political obstacles, the municipality of Mitrovicë/Mitrovica North has not yet been formally established and the University of Mitrovicë/Mitrovica North continues to function within the Serbian system of education.

Education in community languages that are not an official language

Pre-school, primary and secondary public education

Members of communities whose language is not an official language are entitled to pre-school, primary and secondary public education in their mother tongue.²⁴⁰ However, they must also study an official language of their choice.²⁴¹ If they are receiving education in a community language that is not an official language, they are entitled to have their reports and certificates issued, and records kept, in their mother tongue.²⁴²

²³³ Law on the Use of Languages (02/L-37), Article 24.1.

²³⁴ Law on Education in the Municipalities of the Republic of Kosovo (03/L-068), Article 12.1.

²³⁵ Law on Education in the Municipalities of the Republic of Kosovo (03/L-068), Article 4.3.

²³⁶ Law on Education in the Municipalities of the Republic of Kosovo (03/L-068), Article 12.4.

²³⁷ Law on Education in the Municipalities of the Republic of Kosovo (03/L-068), Article 14.

²³⁸ Law on Education in the Municipalities of the Republic of Kosovo (03/L-068), Articles 14(d).

²³⁹ Law on Education in the Municipalities of the Republic of Kosovo (03/L-068), Articles 14(e).

²⁴⁰ Law on Communities (03/L-047), Article 8.1; Law on the Use of Languages (02/L-37), Article 20.1.

²⁴¹ Law on Communities (03/L-047), Article 8.10; Law on the Use of Languages (02/L-37), Article 21.

²⁴² Law on the Use of Languages (02/L-37), Article 24.3.

These community language classes or schools are to be established according to reasonable and viable thresholds, determined by the Government. However, where these thresholds are not met, the Government has an obligation to offer alternatives. These include:

- Subsidized transport to an area where such schooling is being offered,
- Distance learning,
- Roving teaching arrangements, or
- Offers of boarding.²⁴³

Where education occurs in a community language that is not an official language, the Government is responsible for establishing integrated curricula, and for monitoring and enforcing the quality of education delivered.²⁴⁴

Establishments providing education in a community language that is not an official language can design their own school programmes. However, these must comply with the integrated curriculum established by the Government and must meet its stated standards of achievement. Similarly, communities are entitled to generate educational modules concerning their own culture, history and traditions, in cooperation with the Government.²⁴⁵

The Government is responsible for ensuring that sufficient qualified personnel are available. Teacher training must be conducted in the relevant languages for those seeking to teach in community language schools.²⁴⁶

The Government must ensure that heads and teachers of public educational institutions operating in community languages are mainly representatives of such communities and are fully familiar with their identity.²⁴⁷

Higher education and training

For community members whose language is not an official language, the State has an obligation to guarantee *existing* facilities for professional training and higher education in that language. Furthermore, if a community expresses a need, the State must provide additional higher education and professional training programmes in the language of the community, providing it is considered financially viable to do so.²⁴⁸

Members of communities are guaranteed equal access to higher education by the Government, which is under an obligation to establish “special measures” to ensure the admission of candidates from community schools to higher and university educational institutions.²⁴⁹ Each academic year, the Ministry of Education, Science and Technology (MEST) sets aside a number of places at public universities for students from minority communities.

²⁴³ Law on Communities (03/L-047), Article 8.2

²⁴⁴ Law on Communities (03/L-047), Article 8.7.

²⁴⁵ Law on Communities (03/L-047), Article 8.7.

²⁴⁶ Law on Communities (03/L-047), Article 8.8.

²⁴⁷ Law on Communities (03/L-047), Article 8.9.

²⁴⁸ Law on Communities (03/L-047), Article 8.3.

²⁴⁹ Law on Communities (03/L-047), Article 8.11.

Private educational and training facilities in community languages

Communities and their members have the right to establish and manage their own private educational and training establishments, for which they may be granted public financial assistance.

Such establishments can apply for accreditation by the MEST, providing they comply with the general educational standards of the Kosovo general curriculum. The MEST is then responsible for monitoring the quality of education delivered.²⁵⁰

5.9 Economic and Social Opportunities

Although direct and indirect discrimination against persons belonging to communities persists in economic and social life, the legislative provisions on economic and social opportunities remain comparatively underdeveloped. Aside from general obligations on the State to promote full and effective equality, attention is focused primarily on employment.

General

In general terms, the State must adopt “adequate measures” to promote full and effective equality in economic and social life.²⁵¹ Access to employment, social protection and housing are highlighted as areas of particular importance.²⁵²

Members of communities have a specific right to enjoy their property, and to work for just and equitable compensation, without discrimination.²⁵³

Female community members should also be aware of the risk of ‘double discrimination’ on the dual grounds of gender and association with a community. The State is under an obligation to adopt special measures to counter such discrimination.²⁵⁴

Employment

The principle of non-discrimination on the grounds of association with a national community is a governing principle of the civil service.²⁵⁵

The State must develop public employment programmes and other specially targeted employment measures. Members of the Roma, Ashkali and Egyptian communities are entitled to special consideration in this respect.²⁵⁶

Community members are entitled to equitable representation in employment at all levels in Publicly Owned Enterprises (POEs) and public institutions (including the security sector, the judiciary, the prosecution service, government agencies relating to the administration of justice and correctional

²⁵⁰ Law on Communities (03/L-047), Article 8.4; Law on the Use of Languages (02/L-37), Article 22.

²⁵¹ Constitution, Article 58.4.

²⁵² Anti-discrimination Law (2004/3), Articles 4(a), 4(c), 4(e), 4(h).

²⁵³ Law on Communities (03/L-047), Article 9.1.

²⁵⁴ Law on Communities (03/L-047), Article 9.4.

²⁵⁵ Regulation No 2001/36 on the Kosovo Civil Service, Article 2.1(g).

²⁵⁶ Law on Communities (03/L-047), Article 9.2.

facilities, defence, security, and intelligence).²⁵⁷ Furthermore, the enhancement of community access to economic and employment opportunities must be undertaken with the full participation and consultation of CROs.²⁵⁸

With regard to recruitment, available positions must be widely advertised in the Albanian and Serbian languages. Employing authorities must establish panels of three (3) or more persons, with equitable representation of communities in Kosovo, to review applications for positions, and short-list, interview and select candidates.²⁵⁹

An Independent Oversight Board (IOB) has been created to deal with situations where employers have (allegedly) breached the principle of non-discrimination on the grounds of association with a national minority. For details of how to make such a complaint, please refer to section 6.3 below.

If community members find it difficult to meet the standards of admission to positions in public services, and to higher-level positions in particular, they might be entitled to certain special measures.²⁶⁰ For example, all employing authorities can use the following affirmative action measures, as needed:

- *Active recruitment.* The employer can make a special effort to identify and solicit job applications from under-represented populations, especially internally displaced persons and refugees.
- *Addressing the results of long-term discrimination.* The employer can develop on-the-job training programmes for commonly disadvantaged populations, to enhance their ability to apply and compete for promotions. Training must be offered equally to civil servants of all ethnicity and both genders.
- *Addressing discrimination through training and proper mechanisms for redress.* The employer should ensure that personnel understand anti-discrimination policies and have access to adequate grievance procedures.²⁶¹

In addition, municipalities and executive agencies are required to prepare equal opportunity policy statements (EOPs) and implementation strategies. The EOPs should achieve certain objectives, for example:

- Encouraging applications from under-represented sections of Kosovo society, including members of minority communities;
- Promoting understanding and the use by employees of both the official languages of Kosovo; and
- Ensuring that all citizens are offered the same high quality of civil services.²⁶²

²⁵⁷ Law on Communities (03/L-047), Article 9.5.

²⁵⁸ Law on Communities (03/L-047), Article 9.3.

²⁵⁹ Regulation No 2001/36 on the Kosovo Civil Service, Articles 3.1 (a-b).

²⁶⁰ Law on Communities (03/L-047), Article 9.6.

²⁶¹ Administrative Direction No 2003/2 implementing UNMIK Regulation No 2001/36 on the Kosovo Civil Service, Articles 10.1(a)-(c).

²⁶² MPS DCSA AI 2003/12 on Equal Opportunity Procedures, available at <http://www.ks-gov.net/mshp/Documents/No.MPS-DCSA-2003-12.pdf>.

5.10 Health

Health care rights for communities and their members are mainly concerned with recognition of medical qualifications and the translation of medical information into community languages, as well as equal access to health care. More advanced rights also exist in the assignment of enhanced competencies to certain municipalities in the provision of secondary health care.

General

Community members are entitled to equal access to health care, without discrimination. The State must take the “necessary measures” to ensure this.²⁶³ In particular, it must establish effective, transparent, participatory and accessible procedures for monitoring access to and delivery of health care services for members of communities.²⁶⁴ Particular attention must be paid to ensuring that satisfactory health care services are provided for persons belonging to socially and economically vulnerable communities.²⁶⁵

Members of communities have the right for information related to health care education, including information about their rights and obligations, to be provided and displayed in their community language.²⁶⁶ Medical safety instructions must also be made available in their language.²⁶⁷

The Republic of Kosovo must recognise medical qualifications attained abroad, notably those of persons speaking community languages, provided that these are in conformity with international standards of accreditation.²⁶⁸

Enhanced municipal competencies

The municipalities of Mitrovica/ Mitrovicë North, Gračanica/ Graçanicë, Štrpce/ Shtërpçë are awarded enhanced competencies in and consequently are responsible for secondary health care. This includes registration and licensing of health care institutions, recruitment, payment of salaries and training of health care personnel and administrators.²⁶⁹

5.11 Political Participation

Provisions for the effective political participation of communities are central to the proper functioning of a multi-ethnic society. Only through effective political representation can the diverse interests of different communities be given proper consideration in political decision-making and in the development of laws and government programmes.

Consequently, the legislative framework in Kosovo has sought to invest communities and their members with advanced rights for effective participation. These include the right to form political parties, and guaranteed representation at all levels of government.

²⁶³ Law on Communities (03/L-047), Article 10.1.

²⁶⁴ Law on Communities (03/L-047), Article 10.6.

²⁶⁵ Law on Communities (03/L-047), Article 10.2.

²⁶⁶ Law on Communities (03/L-047), Article 10.5.

²⁶⁷ Law on Communities (03/L-047), Article 10.3.

²⁶⁸ Law on Communities (03/L-047), Article 10.4.

²⁶⁹ Law on Local Self-government (03/L-040), Article 20.

In the institutions of Kosovo, community participation extends both ‘vertically’ and ‘horizontally’:

- Vertically, from the highest level of central government to the lower municipal and local levels; and
- Horizontally, across all policy areas of particular relevance to communities (e.g. education, language, religious and cultural heritage, etc).

In the central government, community participation is assured through guaranteed representation in the Kosovo Assembly, the Government, the judiciary and other bodies.²⁷⁰

At the municipal level, communities are entitled to representation in the legislative and executive municipal bodies.

Finally, CROs are encouraged to assist their respective communities in representing their interests in a consolidated way, primarily to the Consultative Council for Communities.²⁷¹

Political parties

Community members have the right to form political parties and to run for elected seats and positions at all levels of government.²⁷²

As a general rule, political parties may not exclude persons on the grounds of their belonging to communities. However, an important exception exists for members of communities who wish to establish a party with the aim of representing their community.²⁷³

Central level

Legislative branch

Assembly of Kosovo

Twenty (20) out of the one hundred and twenty (120) seats of the Assembly of Kosovo are guaranteed for representation of communities that are not in the majority in Kosovo. These are distributed as follows:

- The Kosovo Serb community is entitled to a minimum of ten (10) guaranteed seats (even if the number of seats won in an open election is less than ten (10));
- Other communities are also entitled to a minimum number of seats, as follows:
 - Three (3) seats for the Bosnian community,
 - Two (2) seats for the Turkish community,
 - One (1) seat for the Gorani community,
 - One (1) seat for the Roma community,
 - One (1) seat for the Ashkali community,
 - One (1) seat for the Egyptian community, and

²⁷⁰ Law on Communities (03/L-047), Article 11.1.

²⁷¹ Law on Communities (03/L-047), Article 11.5.

²⁷² Law on Communities (03/L-047), Article 11.3.

²⁷³ Law on Communities (03/L-047), Article 11.4.

- One (1) additional seat for the Roma, the Ashkali or the Egyptian community with the highest overall votes.²⁷⁴

Croatian and Montenegrin Representation in the Assembly:

The Croat and Montenegrin communities were only explicitly recognised through the amendment of the Law on Communities on 8 December 2011, and as a consequence are not entitled to a minimum number of seats.

The Constitution can only be amended by a vote of two thirds (2/3) of all its deputies. This includes two thirds (2/3) of all deputies holding seats reserved and guaranteed for representatives of minority communities.²⁷⁵

Two (2) of the deputy presidents of the Assembly must represent non-majority communities. Elected by a majority vote of all deputies of the Assembly, one (1) must be an Assembly deputy holding a seat reserved for the Serb community, while one (1) must be an Assembly deputy holding a seat reserved for other non-majority communities.²⁷⁶

Committee on the Rights and Interests of Communities and Returns (CRICR)

CRICR is a permanent committee of the Assembly, charged with assessing the compatibility of proposed legislation with the rights and interests of communities.

Its composition is as follows:

- One third (1/3) of members holding seats reserved for the Serbian community,
- One third (1/3) of members holding seats reserved for other minority communities, and
- One third (1/3) of members from the majority community.²⁷⁷

Its procedure is as follows:

- Any proposed law can be submitted to CRICR for an advisory opinion by any member of the Presidency of the Assembly, another committee, or a group comprising at least ten (10) Assembly deputies. The Committee may also propose laws and such other measures on its own initiative, within the remit of the Assembly.²⁷⁸
- The Committee can make recommendations regarding the proposed law, to ensure that community rights and interests are adequately addressed.²⁷⁹ Members may also issue individual opinions.²⁸⁰ It must decide whether or not to issue a recommendation within two weeks, by a majority vote of its members.²⁸¹
- Recommendations can be submitted to another relevant committee or to the Assembly.²⁸²

²⁷⁴ Constitution, Article 64.2.

²⁷⁵ Constitution, Article 65.2.

²⁷⁶ Constitution, Article 67.4.

²⁷⁷ Constitution, Article 78.1.

²⁷⁸ Constitution, Article 78.4.

²⁷⁹ Constitution, Article 78.3.

²⁸⁰ Constitution, Article 78.4.

²⁸¹ Constitution, Article 78.2.

²⁸² Constitution, Article 78.3.

Contact Information

Government Building, Floor VI, No.605A

Coordinator of the Commission: Nataša Prica

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Email: natasa.prica@assembly-kosova.org

Legislation of vital interest

Certain issue areas are considered to be of “vital interest” to communities and their members. For this reason, laws in relation to these areas require a ‘double majority’ for their adoption, amendment or repeal. This means:

- The majority of votes of all Assembly deputies (present and voting), *in addition to*
- The majority of votes of Assembly deputies holding seats reserved for minority community representatives (present and voting).²⁸³

These areas of vital interest are specified as follows:

- Laws changing municipal boundaries, establishing or abolishing municipalities, defining the scope of powers of municipalities,
- Laws implementing the rights of communities and their members, other than those set forth in the Constitution,
- Laws on the use of languages,
- Laws on local elections,
- Laws on protection of cultural heritage,
- Laws on religious freedom or on agreements with religious communities,
- Laws on education, and
- Laws on the use of symbols, including community symbols and on public holidays.²⁸⁴

Government of Kosovo

Within the Government, there must be:

- At least one (1) minister from the Kosovo Serb community and one (1) minister from another non-majority community (if there are more than twelve (12) ministers, the Government must have a third minister representing a non-majority community),²⁸⁵
- At least two (2) deputy ministers from the Kosovo Serb community and two (2) deputy ministers from other non-majority communities (if there are more than twelve (12) Ministers, the Government must have a third Deputy Minister representing the Kosovo Serb community and a third deputy minister representing another non-majority community).²⁸⁶

The selection of these ministers and deputy ministers must be determined after consultation with parties, coalitions or groups representing non-majority communities. If appointed from outside the

²⁸³ Constitution, Article 81.1.

²⁸⁴ Constitution, Article 81.1.

²⁸⁵ Constitution, Article 96.3.

²⁸⁶ Constitution, Article 96.4.

Kosovo Assembly, they require formal endorsement by the majority of Assembly deputies declaring to represent the community concerned.²⁸⁷

Consultative Council for Communities

The CCC, a constitutionally mandated body located within the Office of the President,²⁸⁸ is intended to be a key mechanism to facilitate the political participation of communities at the central level. The CCC is primarily made up of representatives of all minority communities and of representatives of the Kosovo Government and other relevant public institutions. Community representatives are nominated by the CROs and appointed by the President of Kosovo. The functions of the CCC include:

- To afford the communities the opportunity to participate at an early stage on legislative or policy initiatives prepared by the Government or the Assembly, to suggest such initiatives and to have their views incorporated in the relevant projects and programmes, including the annual strategy and report;
- To enable communities to participate in the needs assessments, design, monitoring and evaluation of programmes that are aimed at their members or are of special relevance to them;
- To make recommendations during the decision-making process concerning the apportionment of funds for projects for Communities from both international funds and the domestic budget; and
- To raise awareness of community concerns within Kosovo and contribute to harmonious relations between all communities.

Become part of the CCC:

Any minority community representative can potentially become a member of the CCC. The process requires the representative to be nominated by a community CSO accredited by the CCC secretariat, a so-called Community Representative Organisation (CRO). Following such a nomination, the President of Kosovo appoints the nominated candidate to the CCC for a two year term. Any CSO representing the interests of a non-majority community can be accredited by the CCC secretariat, if they comply with the criteria set out in the CCC Statute. This will allow the CSO to nominate candidates to the CCC. For more information please check the CCC website: <http://www.ccc-president-ksgov.net>.

Contact Information

Secretary: Avni Bahtijari
Tel: +377 44 747064
Email: avnija.bahtijari@president-ksgov.net

²⁸⁷ Constitution, Article 96.5.

²⁸⁸ The CCC's mandate is based on Article 60 of the Constitution, Article 12 of the Law on Communities (03/L-047) and the Statute of the CCC, adopted by Presidential Decree on 18 April 2012.

Judiciary

Supreme Court and courts of appeal

In the Supreme Court, at least 15% of judges must be from non-majority communities (no fewer than three (3)).²⁸⁹

In any other court with appeal jurisdiction, at least 15% of judges must be from non-majority communities (no fewer than two (2)).²⁹⁰

Constitutional Court

The proposal of two (2) out of the nine (9) Constitutional Court judges requires a two thirds (2/3) majority of Assembly deputies (present and voting) and the additional consent of the majority of Assembly deputies holding seats reserved for non-majority community representatives.²⁹¹

Kosovo Judicial Council

The Kosovo Judicial Council (KJC) is responsible for recruiting candidates for appointment to the Judiciary. It is mandated to “give preference in the appointment of judges to members of communities that are underrepresented in the judiciary as provided by law.”²⁹²

Its composition is as follows:

- Two (2) of its thirteen (13) members must be elected by Assembly deputies holding seats reserved for the Kosovo Serb community, and
- Two (2) other members must be elected by Assembly deputies holding seats reserved for other non-majority communities.²⁹³

Its appointment procedure is as follows:

- Appointments to judicial positions reserved for non-majority community members can only be recommended by the majority of Council members elected by Assembly deputies holding seats reserved for non-majority community members. However, if this group does not recommend a candidate for a particular position over two consecutive sessions, any Council member may do so.²⁹⁴
- There are special procedures for basic courts that have exclusive jurisdiction over one or more municipalities in which the Serb community is in the majority. Appointment of judicial candidates in these areas can only be recommended by the two (2) members of the Council elected by Assembly deputies holding seats reserved for the Serb community (acting jointly and unanimously). However, if these members fail to recommend a candidate over two consecutive sessions, any Council member may do so.²⁹⁵

²⁸⁹ Constitution, Article 103.3.

²⁹⁰ Constitution, Article 103.6.

²⁹¹ Constitution, Article 114.3.

²⁹² Constitution, Article 108.1-108.3.

²⁹³ Constitution, Articles 6.3, 6.44.

²⁹⁴ Constitution, Article 108.9.

²⁹⁵ Constitution, Article 108.10.

Kosovo Prosecutorial Council

The Kosovo Prosecutorial Council (KPC) is a body designed to recruit, propose, promote, transfer, reappoint and discipline State prosecutors. In its recruitment policy, the Council is bound to give preference to appointment of members of under-represented communities.²⁹⁶

Municipal level

Below are outlined some of the most important municipal mechanisms for the protection and promotion of the rights and interests of minority communities at the municipal level.

Deputy Chairperson for Communities (DCC)

See also section 2.13 below.

In municipalities where at least 10% of municipal citizens belong to communities not in the majority in that municipality, a post of Deputy Chairperson for Communities (DCC) will be reserved in the Municipal Assembly for a representative of those communities.²⁹⁷

The post will be held by the non-majority community candidate who receives the most votes on the open list of candidates for the Municipal Assembly.²⁹⁸ S/he will be charged with promoting inter-community dialogue, and will serve as the formal focal point for addressing the concerns and interests of non-majority communities in the work and meetings of the Municipal Assembly.²⁹⁹

Moreover, s/he is mandated to review all complaints by community members regarding violations of their rights through acts or decisions of the municipal assembly. The Deputy Chairperson, under specific circumstances, may submit acts or decisions considered to violate a constitutionally guaranteed right to the Constitutional Court.³⁰⁰

Municipal Communities Committee

The Communities Committee is a permanent committee of each Municipal Assembly in Kosovo and is composed of representatives from communities living in the municipality and members of the Municipal Assembly. Any community residing in a given municipality should be represented by at least one representative in the Communities Committees, and representatives of minority communities should make up the majority of the members of the Committee.

The Committee is responsible to review compliance of municipal authorities with legislation and municipal policies, practices, and activities, in order to ensure that the rights and interests of communities are fully respected. The Committee also recommends measures to the Municipal Assembly to ensure the implementation of directives aiming to promote, preserve and develop ethnic, cultural, religious and linguistic identity and to ensure adequate protection of community rights in the municipality.³⁰¹

²⁹⁶ Constitution, Article 110.2.

²⁹⁷ Law on Local Self-government (03/L-040), Article 54.1.

²⁹⁸ Constitution, Article 54.2.

²⁹⁹ Constitution, Article 55.1.

³⁰⁰ Constitution, Article 62.

³⁰¹ Law on Local Self-government (03/L-040), Article 53.

Deputy Mayor for Communities (DMC)

In those municipalities where at least 10% of municipal citizens belong to communities not in the majority in that municipality, there must be a Deputy Mayor for Communities (DMC),³⁰² elected for the same term of office as the Mayor.³⁰³ S/he is charged with assisting the Mayor and providing him/her with advice and guidance on issues related to non-majority communities.³⁰⁴

The Mayor must consult the DMC on matters related to non-majority communities.³⁰⁵

The appointment and dismissal of the DMC must be proposed by the Mayor and approved by a double majority of Municipal Assembly members (present and voting) and of members belonging to the non-majority communities (present and voting).³⁰⁶

When the post becomes vacant, the Mayor must appoint a new Deputy Mayor no later than 30 days after the vacancy arises.³⁰⁷

Municipal Office for Communities and Return (MOCR)

Every municipality in Kosovo has a Municipal Office for Communities and Return (MOCR). These offices are mandated to “protect and promote the rights of communities, the equal access of all communities to public services and the creation of conditions for sustainable return of refugees, displaced persons and repatriated persons.”³⁰⁸ Consequently, they carry the responsibility of assisting returnees/repatriates and members of minority communities.

Municipal Human Rights Unit (MHRU)

Each municipality is required by law to establish a Municipal Human Rights Unit (MHRU). These units are mandated to monitor compliance with human rights at the municipal level, specifically concerning discrimination, gender equality, children, disabled persons, the rights of communities, use of languages and human trafficking.³⁰⁹ They are also responsible for addressing the requests of residents of the relevant municipality in relation to human rights.

Enhanced competencies for municipalities

Certain Serb-majority municipalities enjoy enhanced competencies in the areas deemed of particular importance to non-majority communities. In addition to the enhanced competencies discussed above (secondary health care, university education, and culture) Serb majority-municipalities also have enhanced participatory rights in the selection of local station police commanders.³¹⁰

³⁰² Constitution, Article 61.1

³⁰³ Constitution, Article 61.2.

³⁰⁴ Constitution, Article 61.4.

³⁰⁵ Constitution, Article 58.1.

³⁰⁶ Constitution, Article 61.3.

³⁰⁷ Constitution, Article 61.5.

³⁰⁸ Government Regulation No. 02/2010.

³⁰⁹ Administrative Instruction –MLGA- No.2008/02.

³¹⁰ Law on Local Self-government (03/L-040), Article 23.

VI REDRESS MECHANISMS

If community members believe that their individual or community rights have been violated, it is of course possible for them to pursue their claim before the courts. However, this can be expensive and time consuming, and there are a number of other options that they can try first.

6.1 Ombudsperson

If community members feel that their human or community rights have been violated or abused by a public institution or authority, they are strongly encouraged to lodge a complaint with the office of the Ombudsperson.

Established in June 2000, the Ombudsperson is an independent body mandated to address alleged human rights violations or abuses of authority by public institutions in Kosovo. The Ombudsperson can investigate complaints from anyone in Kosovo.

To lodge a complaint with the Ombudsperson, community members can either:

- Meet the Ombudsperson or a representative in person, at an 'Open Day' (see below), or
- Complete and send in a complaints form to one of the Ombudsperson offices.
- During Open Days, community members can meet the Ombudsperson or a Deputy Ombudsperson in person, by appointment. These appointments can be made by contacting one of the offices of the Ombudsperson (full details listed at the end of this section) or by sending an email to: ombudspersonkosovo@ombudspersonkosovo.org or info@ombudspersonkosovo.org.
- Open Days are held twice per month at the Prishtinë/Priština Headquarters, and every month at the Gjilan/Gnjilane, Mitrovicë/Mitrovica, Pejë/Peć, Gračanica/Graçanicë and Prizren regional offices. Open Days are also organised in other municipalities, as required.

They can also lodge a complaint remotely, by filling in a complaints form and delivering it (by mail or in person) to one of the offices of the Ombudsperson. This form can either be requested from one of the offices of the Ombudsperson, or downloaded at:

<http://ombudspersonkosovo.org/repository/docs/ComplaintFormPDF.pdf>

If a community member's mother tongue is not one of the official languages, s/he has the right to present oral or written submissions to the Ombudsperson Institution in his/her mother tongue. S/he is also entitled to receive a reply in his/her mother tongue.

Contact Information

Prishtinë/Priština Headquarters

Address: Str. Enver Maloku 28 (Sunny Hill Neighbourhood)

Tel: +381 (0) 38 501 401, 545 303

Fax: +381 (0) 38 545 302

Email: ombudspersonkosovo@ombudspersonkosovo.org

Gjilan/Gnjilane Field Office

Address: Str. Adem Jashari, Municipal Building II

Tel: +381 (0)280 320 843

Visiting hours: Monday and Thursday, 10.00 - 14.00

Gracanica/Gracanicë Field Office

Tel: +381 (0) 38 65 118, +377 (0) 44 367 719, +381 (0) 64 37 11 137

Visiting hours: Monday and Thursday, 10.00 - 14.00

Prizren Field Office

Address: Str. Remzi Ademi nn

Tel: +381 (0)29 222 138

Visiting hours: Monday and Wednesday, 10.00 - 14.00

Mitrovicë/Mitrovica Field Office

Address: Agim Hajrizi Square, nn, Regional Tax Administration Building

Tel: +381 (0)28 530 138

Visiting hours: Monday and Thursday, 10.00 - 14.00

Mitrovicë/Mitrovica Sub-Office

Address: Str. Filipa Višnjića 4, Trepca Annex,

Tel: + 377 (0)45 455 319, +381 (0)63 817 44 79

Visiting hours: Monday and Thursday, 10.00 - 14.00

Pejë/Peć Field Office

Address: Str. Mbretëresha Teutë 59, Municipal Building, 3rd Floor, No. 3

Tel: +381 (0)39 432 931

Visiting hours: Monday and Thursday, 10.00 - 14.00

6.2 Claims against a Municipal Decision

If community members wish to make a claim against a municipal decision, they can do this either directly, through mechanisms such as the right of petition or citizens' initiative, or indirectly, by bringing their claim before the Deputy Chairperson for Communities or relevant municipal bodies.

Direct mechanisms

Right of petition

Any person or organisation with an interest in the municipality can present a petition to the Municipal Assembly concerning matters related to the responsibilities and powers of that municipality.

The Municipal Assembly must consider the petition in accordance with its particular statute and rules of procedure.³¹¹

Right to citizens' initiative

Citizens may take the initiative to propose regulations, within the competencies of the municipality, for adoption by the assembly or by a vote of the citizens in accordance with the applicable law.³¹²

The proponents must submit a draft of the proposed regulation to the Chairperson of the Municipal Assembly.³¹³

To qualify for consideration by the Municipal Assembly, the draft must be signed by 15% of registered voters.³¹⁴

The Municipal Assembly is obliged to consider the proposed regulation, and to take action upon it, within 60 days of receipt.³¹⁵

Right to referendum

The citizens of a municipality can request that a regulation adopted by the Municipal Assembly be submitted to a referendum.³¹⁶

The request must be submitted to the Chairperson of the Municipal Assembly within 30 days of the adoption of the regulation, and must be signed by 10% of registered voters.³¹⁷

The Municipal Assembly must consider and act upon a valid request within 30 days of its receipt.³¹⁸

Citizen complaints

Citizen complaints against an administrative act of the municipal organs must be reviewed in accordance with the Law on Administrative Procedure (Law No 02/L-28).³¹⁹ The full text of this law is available for download at:

http://www.assembly-kosova.org/common/docs/ligjet/2005_02-L28_en.pdf.

Indirect mechanisms

Deputy Chairperson for Communities

In municipalities where non-majority communities make up 10% of the municipal population, as well as a number of other municipalities, individuals can have recourse to their representative in the Municipal Assembly, the Deputy Chairperson for Communities.³²⁰

³¹¹ Law on Local Self-government (03/L-040), Article 69.

³¹² Law on Local Self-government (03/L-040), Article 70.1.

³¹³ Law on Local Self-government (03/L-040), Article 70.2.

³¹⁴ Law on Local Self-government (03/L-040), Article 70.3.

³¹⁵ Law on Local Self-government (03/L-040), Article 70.4.

³¹⁶ Law on Local Self-government (03/L-040), Article 71.1.

³¹⁷ Law on Local Self-government (03/L-040), Article 71.2.

³¹⁸ Law on Local Self-government (03/L-040), Article 71.3.

³¹⁹ Law on Local Self-government (03/L-040), Article 8.

³²⁰ See also section 2.11 above.

If community members believe that an act or a decision of their Municipal Assembly has violated their community rights, they can lodge a complaint with the Deputy Chairperson for Communities, who is then obliged to review it.³²¹ The Deputy Chairperson is responsible for referring the matter to the municipal assembly for consideration.³²² If the assembly chooses not to reconsider its act or decision, or if the Deputy Chairperson deems that, even after reconsideration, the act or decision still violates a constitutionally guaranteed right, s/he may submit the matter directly to the Constitutional Court, which can decide whether to accept the matter for review.³²³

Other Municipal Mechanisms

Community members can also make a complaint to the Municipal Communities Committee or Municipal Office for Communities and Returns present in each municipality. In municipalities where non-majority communities make up 10% of the municipal population, as well as a number of other municipalities, there is also nothing to prevent them from making their complaint known to the office of the Deputy Mayor for Communities. However, no formal mechanism is currently in place for doing so.

6.3 Issue-based Mechanisms

Office of the Language Commissioner

The Office of the Language Commissioner (OLC) – replacing the former Language Commission – was established in April 2012 with the purpose of preserving, promoting and protecting the official languages (i.e. Albanian and Serbian) and their equal status in the Republic of Kosovo and its municipalities, while ensuring language rights to the Bosnian, Turk, Gorani, Roma, Ashkali and Egyptian communities, whose mother tongues are not an official language.

The OLC is in charge of supervising the implementation of the Law on the Use of Languages.

It is entitled to carry out investigations either:

- Following a complaint,³²⁴ or
- On its own initiative.³²⁵

Community members can make a complaint to the OLC on the grounds that, either by act or omission:

- The equal status of the official languages is not being recognised, or
- Any law or regulation relating to the use of the official languages, or languages of communities whose mother tongue is not an official language, is not being complied with.³²⁶

³²¹ Constitution, Article 55.2.

³²² Constitution, Article 55.3.

³²³ Constitution, Article 55.4.

³²⁴ Law on the Use of Languages (02/L-37), Article 32.3.

³²⁵ Law on the Use of Languages (02/L-37), Article 32.4.

³²⁶ Law on the Use of Languages (02/L-37), Article 32.3.

Community members should make the complaint/request in writing, sign it and deliver it to the OLC at the Government Building,³²⁷ where it will be archived. They should receive a copy of their request that bears the government stamp and the date.

On conclusion of an investigation, the OLC can issue recommendations on:

- Remedies required, and
- Possibilities for redress.³²⁸

Where its recommendations have not been implemented within a reasonable period, as determined by the OLC, it can issue a written warning.

If the OLC's recommendations have still not been implemented within a reasonable period after it has issued a written warning, this is to be cited in its annual report to the Government and Assembly of Kosovo.³²⁹

Contact Information

Government Building, Floor VI, No.605A
Str. Mother Theresa n.n. 10 000, Prishtinë/Priština, Kosovo
Tel: +381 38 200 14 448
Email: info-zkgj-kpj@rks-gov.net
Web: <http://www.commissioner-ks.org/>

Independent Oversight Board (IOB) for the Kosovo Civil Service

If community members feel that a public employer has breached the principle of non-discrimination on the grounds of association with a national minority, either in its recruitment procedure or in a decision it has made, they may lodge an appeal with the Independent Oversight Board (IOB).³³⁰

Before the Board can hear their case, community members must first exhaust the internal appeals procedure of the employing authority concerned. However, this initial procedure may be bypassed if the Board finds evidence of:

- Reasonable fear of retaliation,
- Failure by the employing authority to resolve such internal appeal within thirty (30) days, or
- Other good cause.

Each such appeal will be heard by a panel of three (3) Board members. When presenting their case to the Board, both the community and the employing authority concerned will have the opportunity to present their positions in writing, and these documents will be made available to the opposing parties.

³²⁷ See address below.

³²⁸ Law on the Use of Languages (02/L-37), Article 32.6.

³²⁹ Law on the Use of Languages (02/L-37), Article 32.8.

³³⁰ Law on Independent Oversight Board for Civil Service (2010/03-L-192)

In cases involving disputes of material fact, both parties must have the opportunity to appear together at a hearing before the Board, at which they may present evidence and witnesses for direct and cross-examination.

Within sixty (60) days of the end of proceedings for each appeal brought before it, the Board must issue a written decision setting forth its decision, containing the legal and factual basis therefore.

Where the Board finds the employing authority to be in breach, it must order an appropriate remedy by written decision to the senior managing officer or the chief executive officer of the respective employing authority. S/he will then be responsible for ensuring the compliance of the employing authority within fifteen (15) days from the receipt of the decision. However, where the employing authority does not comply, the Board will report this to the Prime Minister and the immediate supervisor of the person responsible for execution.

Independent Media Commission (IMC)

If community members believe that a media outlet has violated its obligations towards communities, they may file a complaint with the Independent Media Commission (IMC). However, note that many complaints can be settled without involving the IMC and it is worth trying to contact the relevant media outlet first.

Contact Information

Office of the Independent Media Commission
Str. Gazmend Zajmi 1, 10 000 / Prishtinë/Priština
Tel: +381 (0)38 245 031
Fax: +381 (0)38 245 034
Email: info@kpm-ks.org
Web: <http://kpm-ks.org/>

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Str. Nëna Terezë Nr. 41, Apt. 29
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