




FIFTH OPINION ON KOSOVO*



Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC)

Adopted on 16 February 2023

*All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

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SUMMARY OF THE FINDINGS

1. Kosovo* has a solid legal and policy framework for the protection of persons belonging to national minorities, which was further refined during the monitoring period. Achievements include the adoption of a regulatory framework on the return of displaced persons, new policies and higher funding for the protection of minority cultures, efforts to integrate the judiciary, and the establishment of a multi-linguistic Balkanistics programme at the University in Prishtinë/Priština.

2. An atmosphere of mutual respect and understanding prevails between the majority and most non-majority communities. Persons belonging to the Roma, Ashkali and Egyptian communities do experience antigypsyism, but authorities take measures to address this specific form of racism. Instances of inter-ethnic violence are rare. Security incidents affecting persons belonging to minority communities are effectively dealt with by the Kosovo Police. However, relations between the Kosovo* Albanian and the Kosovo* Serb communities remain extremely fragile. There is a strong feeling of alienation and frustration among Kosovo* Serbs, which is reflected also in tensions having flared up several times during the monitoring period. The most recent crisis in late 2022 saw a rise in security incidents, erection of road barricades at crossing points with Serbia, and a mass resignation of Kosovo* Serbs from their posts in public institutions. The inter-ethnic and linguistic divide tends to be perpetuated through separated school systems and media spaces.

3. Hardly any progress was made concerning the key contentious issues affecting persons belonging to the Kosovo* Serb community. The non-implementation of a Constitutional Court decision regarding the land ownership by the Serb Orthodox Visoki Dečani monastery, the lack of recognition of leaving certificates from Serbian-curriculum schools, limited progress on freedom of movement, and failure to establish an association/community of Kosovo* Serb majority municipalities, remain enormous stumbling blocks to the effective implementation of minority rights. The authorities' reference to the principle of reciprocity in this context contradicts the intention of the Framework Convention, which is part of Kosovo's* legal order and requires implementation regardless of bilateral considerations.

4. The Advisory Committee observes that the invaluable support provided by the international community in important fields of minority protection has led to a certain lack of feeling of responsibility on the side of the authorities. Practically all initiatives fostering intercultural contacts between Kosovo* Albanians and Kosovo* Serbs in education, for instance, are initiated and funded by international donors and other sectors of minority rights protection also rely heavily on external support. The existence of parallel education and health systems and other administrative structures under the authority of Serbia further prevents the authorities from taking on responsibility for their society as a

whole. The protection of minority rights is a core responsibility of the authorities and should be acknowledged as such.

Roma, Ashkali and Egyptians

5. The "Strategy and Action Plan for the Inclusion of Roma and Ashkali communities in Kosovo Society 2017-2021" provided a solid basis for a wide array of measures taken during the monitoring period. Unfortunately, its impact was not properly evaluated. Where data is available, such as in the field of education, it is apparent that little progress was made, not least due to the Covid-19 pandemic. Comprehensive implementation of the new "Strategy for the Advancement of the Rights of the Roma and Ashkali communities", which was adopted in July 2022 following an inclusive process, is crucial.

Transitional justice

6. Different transitional justice initiatives launched during the monitoring period have not yet resulted in a broadly agreed process. Representatives of the Kosovo* Serb community perceive the current government's approach as not sufficiently inclusive. A more victim-centred approach to war crimes and crimes against humanity perpetrated on the territory before, during and after the war and respect for the losses and suffering of all parties of the war is necessary to move towards reconciliation.

Language rights

7. The implementation of the generous language legislation is still insufficient, which posed problems also during the Covid-19 pandemic. While technical recommendations by the Language Commissioner are usually implemented, there appears to be a lack of political will to fully implement Albanian-Serbian bilingualism in all official contexts. More resources are needed at central and local levels to ensure efficiency and quality of translations.

Education

8. The continued existence of a parallel Serbia-administered school system and the lack of a Serbian language curriculum in the Kosovo* system are highly problematic not only for integration of society, but also for the employment perspectives of children from the Kosovo* Serb community as well as their peers from the Gorani, Roma, Kosovo* Bosniak, Kosovo* Croat and Kosovo* Montenegrin communities attending those schools. The adaptation of Bosnian and Turkish textbooks to the new curriculum of 2018 took several years and is still not completed. The quality of Albanian teaching to pupils who receive instruction in Bosnian or Turkish is insufficient.

RECOMMENDATIONS

9. The Advisory Committee considers that the present concluding remarks and recommendations could serve as the basis for the resolution to be adopted by the Committee of Ministers with respect to the implementation of the Framework Convention by Kosovo*.

10. The authorities are invited to take account of the detailed observations and recommendations contained in the present Opinion of the Advisory Committee. In particular, they should take the following measures to improve further the implementation of the Framework Convention:

Recommendations for immediate action

11. The Advisory Committee urges the authorities to ensure that their messages and measures to foster societal inclusion explicitly address also concerns of persons belonging to the Serb community in Kosovo*. In order to build the basis for interethnic understanding and integration of society as a whole, the authorities are urged to engage in a comprehensive, inclusive, victim-centred and gender-sensitive truth and reconciliation process.

12. The Advisory Committee urges the authorities to prioritise the development of a Kosovo* curriculum in the Serbian language in co-operation with representatives of the communities concerned. As long as the situation with regard to the parallel Serbia-administered education system has not been resolved, diplomas issued by such schools and the University in Mitrovica/Mitrovicë North need to be recognised.

13. The Advisory Committee urges the authorities to take all necessary measures to improve the implementation of the Law on the Use of Languages. This includes in particular the strengthening of translation capacities, the recruitment and training of bi- and multilingual staff, and the allocation of resources and guidance to municipalities to improve their performance in this respect. The institution of the Language Commissioner requires increased political support.

Further recommendations¹

14. The Advisory Committee calls on the authorities to prepare and conduct the population census in close co-operation with representatives of national minorities, in particular with persons belonging to the Serb community in Kosovo*, and with an emphasis on strengthening their confidence in the process and results. The census questionnaire should provide all respondents with the possibility to indicate multiple ethnic affiliations regardless of any personal circumstances.

15. The Advisory Committee calls on the authorities to further strengthen the effectiveness of the legal and institutional framework on non-discrimination by ensuring the Ombudsperson is well resourced, known and trusted by persons belonging to national minorities, including by persons belonging to the Kosovo* Serb community, by duly implementing the institution's recommendations and by considering

the introduction of a further litigation function covering also individual cases.

16. The Advisory Committee calls on the authorities to implement the judgement of the Constitutional Court regarding the property rights of Visoki Dečani monastery and to properly consider aspects of cultural heritage protection in any process of planning road construction in the monastery's vicinity.

17. The Advisory Committee calls on the authorities to ensure that incidents of hate crime and other forms of hostility or violence against persons belonging to national minorities are promptly identified, recorded and effectively investigated and that those responsible are held accountable.

18. The Advisory Committee calls on the authorities to develop comprehensive policies and measures to prevent early marriages and combat domestic and sexual violence and support awareness-raising efforts among parents, in schools, and in communities. The authorities should train officials in social and child welfare services and law enforcement to ensure they react appropriately to reports from persons belonging to the Roma, Ashkali and Egyptian communities without any bias and in a gender-sensitive way. Such policies should be developed in close co-operation with persons belonging to the communities concerned, take an evidence-based approach and address the underlying social and economic drivers of these issues.

19. The Advisory Committee calls on the authorities to undertake all necessary measures to improve the implementation of the Law on the Use of Languages in courts, notably by recruiting and training qualified translators and interpreters and ensuring sufficient budgetary funds to support the implementation of the system of certification of court interpreters and translators. and ensuring sufficient budgetary funds to support the implementation of the system of certification of court interpreters and translators.

20. The Advisory Committee calls on the authorities at central and municipal levels to increase their efforts in improving access of Roma, Ashkali and Egyptian children to education and in particular to close gaps in preschool and upper secondary education and institutionalise sufficient public support for learning centres.

21. The Advisory Committee calls on the authorities to ensure the availability of quality educational materials in the Bosnian and Turkish languages in sufficient quantity for all relevant subjects, including community-specific ones and for the teaching of Albanian as a second language.

22. The Advisory Committee calls on the authorities to provide all necessary support to the newly established Balkanistics programme at the University of Prishtinë/Priština, including as regards obstacles linked to school and university diplomas issued by educational institutions administered by Serbia.

¹ The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

23. The Advisory Committee calls on the authorities to intensify their efforts to enhance the socio-economic inclusion and health care provision for persons belonging to the Roma, Ashkali and Egyptian communities as part of broader moves to develop a sustainable social welfare system and gradually reduce the dependency on international funding in these areas.

Follow-up to these recommendations

24. The Advisory Committee encourages the authorities to organise a follow-up event after the publication of this fifth-cycle Opinion. It considers that a follow-up dialogue to review the observations and recommendations made in this Opinion would be beneficial. Furthermore, the Advisory Committee stands ready to support the authorities in identifying the most efficient ways of implementing the recommendations contained in the present Opinion.

MONITORING PROCEDURE

Follow-up activities related to the recommendations of the Fourth Opinion of the Advisory Committee

25. The Advisory Committee's Fourth Opinion on Kosovo* was translated into Albanian and Serbian and shared with competent institutions within the central authorities. The Office of Good Governance within the Prime Minister's Office has the task of co-ordinating an inter-ministerial committee on the implementation of recommendations resulting from the monitoring process. This is a promising practice worth being maintained and further developed, as when efficient it strengthens the ownership of Kosovo* authorities for the implementation of the Framework Convention.

Preparation and adoption of the Fifth Opinion

26. This fifth-cycle opinion on the implementation of the Framework Convention for the Protection of National Minorities (hereinafter "the Framework Convention") by Kosovo* was adopted in accordance with the "Agreement between the United Nations Interim Administration Mission in Kosovo (UNMIK) and the Council of Europe on technical arrangements related to the Framework Convention for the Protection of National Minorities", signed on 23 August 2004 (hereinafter the Agreement).

27. The findings in this opinion are based on information contained in the Fifth Community Assessment Report prepared by the Organization for Security and Co-operation in Europe (OSCE) and submitted by UNMIK on 15 September 2021 in accordance with the Agreement, as well as other written sources obtained by the Advisory Committee from official and non-governmental contacts. The findings are further based on information received during its visit from 4 to 8 April 2022 to Prishtinë/Priština, Fushë Kosovë/Kosovo Polje, Dragas/Dragaš and Lubovishtë/Ljubovište (Dragas/Dragaš municipality), Prizren, Deçan/Deçane, Goraždevac/Gorazhdec and Pejë/Peć (Pejë/Peć municipality), and Mitrovica/Mitrovicë North. The Advisory Committee appreciates the close co-operation with UNMIK and the OSCE Mission in the preparation of the visit. It expresses its gratitude to the authorities for their excellent co-operation, and to the other persons it met during the visit for their valuable contributions. The draft opinion, as approved by the Advisory Committee on 6 October 2022 was transmitted to UNMIK on 7 October 2022 for observations, according to Rule 37 of Resolution (2019)49. The Advisory Committee welcomes the observations received on 7 December 2022.

* * *

28. In the following part of the opinion, a number of articles of the Framework Convention are not addressed. Based on the information currently at its disposal, the Advisory Committee considers that the implementation of these articles does not give rise to any specific observations. This statement is not to be understood as signalling that adequate measures have now been taken and that efforts in this respect may be diminished or even halted. Rather, the Advisory Committee considers that the obligations of the Framework Convention require a sustained effort by the Kosovo* authorities. Furthermore, a certain state of affairs which may be considered acceptable at this stage may not necessarily be so in further cycles of monitoring. Finally, it may be that issues which appear at this stage to be of relatively minor concern prove over time to have been underestimated.

ARTICLE-BY-ARTICLE FINDINGS

Scope of application (Article 3)

29. The respect for the standards set forth in the Framework Convention for the Protection of National Minorities is enshrined in Kosovo's* Constitution.² The scope of application of the Framework Convention continues to cover all communities³ present on the territory. According to the 2011 amendment to the Law on the Protection and Promotion of the Rights of Communities and their Members, these are "Serb, Turkish, Bosnian,⁴ Roma, Ashkali, Egyptian, Gorani, Montenegrin, Croatian communities and other communities".⁵ The Advisory Committee is not aware of any requests of other than the named communities to be included in the scope of protection of the Framework Convention.

30. The Advisory Committee encourages the authorities to pursue their inclusive and open approach to the personal scope of application of the Framework Convention and to maintain a constructive dialogue with representatives of all communities.

Population census (Article 3)

31. The population census initially scheduled for 2021 was postponed due to the Covid-19 pandemic. In July 2022, a Law on Population and Housing Census was adopted.⁶ Article 4 of the Law provides for the right to indicate more than one ethnic affiliation "in case of naturalization, or parents of different ethnicities" and for the freedom not to declare one's ethnic affiliation. It also provides for the representation of representatives of national minorities in the central and in municipal census commissions.

32. In September 2022, the authorities announced that the census will take place in September and October 2023. In November 2022, the Assembly approved the composition of the census commission and in December 2022, the Agency of Statistics held a first consultative meeting with local level representatives on the census preparations.⁷

33. The last census in 2011 was largely boycotted by K/Serbs.⁸ During the monitoring visit in April 2022, interlocutors expressed concerns about a risk that K/Serbs living in the northern municipalities might again not participate in the census.⁹ K/Serb interlocutors in the South told the Advisory Committee that they see a benefit in participating in the census.

34. The Advisory Committee reaffirms its view that reliable information about the ethnic composition of the population is an essential condition for implementing effective policies and measures to protect minority rights, for helping to preserve and assert minority identities, as well as for addressing their diverse needs. It therefore welcomes the adoption of the census law and a census date for autumn 2023. The Advisory Committee further welcomes that the law mentions the possibility to indicate more than one ethnic affiliation.¹⁰ Following the principle of free self-identification, this possibility should be open to all respondents and it does not need justification such as having parents affiliating with different ethnicities.

35. The Advisory Committee stresses the importance of the effective participation of persons belonging to minority communities in all stages of preparing and conducting the census. It is crucial that all residents, including K/Serbs both in the North and other parts of Kosovo*, have confidence in the process and understand the importance of collecting accurate data via their participation in the census.

36. The Advisory Committee reiterates that persons belonging to national minorities need to be informed of the importance attached of the census and that authorities should "make all information on the methodology and aim of data collection available in the languages of national minorities, and to include persons belonging to national minorities in the organisation and operation of such processes, particularly in areas where national minorities are settled in substantial numbers."¹¹ In that vein, the inclusiveness and credibility of the census exercise are vital, starting with the development

² Article 58 of the Constitution reads "The Republic of Kosovo shall promote a spirit of tolerance, dialogue and support reconciliation among communities and respect the standards set forth in the Council of Europe Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages."

³ In this opinion the terms "persons belonging to national minorities" and "persons belonging to communities" are used interchangeably.

⁴ According to the principle of free self-identification, this opinion refers to the Bosniak community.

⁵ [Law No. 04/L-020](#) on amending and supplementing [Law No. 03/L-047](#) on the Protection and Promotion of the Rights of Communities and their Members, 21 December 2011 defines communities as "national, ethnic, cultural, linguistic or religious groups traditionally present in the Republic of Kosovo that are not in the majority". The law also provides that the same rights shall be protected for members of the community in the majority in the Republic of Kosovo*, that is K/Albanians, where they are not in the majority in a given municipality.

⁶ [Law No. 08/L-114](#) on Population and Housing Census.

⁷ See information on the [government decision of 30 September 2022](#) and the [consultation meeting](#) on the website of the Kosovo Agency of Statistics (7 December 2022).

⁸ The opinion uses "Kosovo*" or the prefix „K/" before each community, with the exception of Roma, Ashkali, Egyptians and Gorani, to differentiate them from the nationals of countries neighbouring Kosovo*.

⁹ The 2011 census was boycotted by K/Serb-majority municipalities in the North and by a significant number of K/Serbs in the South. See Advisory Committee's Fourth Opinion on Kosovo*, adopted on 8 March 2017, paras. 15-16.

¹⁰ See also United Nations Economic Commission for Europe (2015), Conference of European Statisticians Recommendations for the 2020 Censuses of Population and Housing, paras. 708 and 725.

¹¹ [ACFC Thematic Commentary No. 4](#), The Framework Convention: a key tool to managing diversity through minority rights. The scope of application of the Framework Convention for the Protection of National Minorities, adopted on 27 May 2016, para. 17.

of the census questionnaire and ending with the timely publication of the results.

37. The Advisory Committee calls on the authorities to prepare and conduct the population census in close co-operation with representatives of national minorities, in particular with persons belonging to the Serb community in Kosovo*, and with an emphasis on strengthening their confidence in the process and results. The census questionnaire should provide all respondents with the possibility to indicate multiple ethnic affiliations regardless of any personal circumstances.

Legal and institutional framework on non-discrimination (Article 4)

38. Kosovo's* legal and institutional framework on non-discrimination continues to be governed by Law No. 05/L-021 on the Protection from Discrimination and Law 05/L-019 on the Ombudsperson, both adopted in 2015.¹² A government regulation adopted in 2017 defines the competencies of the respective institutions at national and municipal levels in the field of non-discrimination.¹³

39. The Law on the Protection from Discrimination establishes a general framework for preventing and combating discrimination on the grounds of "nationality, or in relation to any community, social origin, race, ethnicity, colour, (...) language, citizenship, religion and religious belief".¹⁴ It applies to both the public and private sectors, provides for a reversed burden of proof, and defines and prohibits direct and indirect discrimination, incitement to discrimination, harassment, victimisation, segregation, as well as multiple discrimination.

40. The Ombudsperson Institution acts both as a National Human Rights Institution and as an Equality Body. It can handle individual requests, can pursue discrimination cases affecting groups of people, act as *amicus curiae* in courts, and initiate *ex officio* reports, has an awareness-raising function, and issues decisions and recommendations. The Ombudsperson cannot, however, issue sanctions. The Office has eight regional offices, including in Serb-majority municipalities of Mitrovica/Mitrovicë North and Gračanica/Gračanicë. The institution's budget has not increased for several years in a row, which is problematic given its wide mandate.

41. During 2021, the Ombudsperson Institution received 151 complaints from persons belonging to national minorities, which is 9% out of all complaints received and less than

in previous years.¹⁵ Complaints concerned, *inter alia*, the right to return and security, excessive use of force by the police, access to personal documents, property rights, education, the use of languages, equitable representation in public administration, and the specific situation of the Roma, Ashkali and Egyptian communities. Several *ex officio* investigations regarding national minorities were opened during the reporting period, for example regarding the safety concerns of the K/Croatian community in Janjevë/Janjevo.¹⁶ The Ombudsperson also conducted a study on the impact of the Covid-19 pandemic on persons belonging to national minorities (see Articles 10 and 15).¹⁷

42. One of the obstacles limiting the effectiveness of the Ombudsperson continues to be the low level of implementation of his recommendations directed to government institutions, even though there has been an improvement. In 2016, only 16% of recommendations directed at central authorities were actually implemented. This rate increased considerably in recent years, also due to the inclusion of this issue among the indicators conditioning the Pre-Accession Assistance of the European Union for the Public Administration Reform. In 2021, the implementation rate was 55%, which however means that almost half of the Ombudsperson's recommendations remain non-implemented.¹⁸

43. A Council of Europe study conducted in 2020 found that 57% of respondents are aware of the Ombudsperson and more than half of respondents that they would be "somewhat" or "very" willing to report cases of discrimination to this institution. However, while almost one third of K/Albanians were aware of the Law on Protection from Discrimination, this was the case for only 3% of K/Serbs and 15% of respondents affiliating with other minorities.¹⁹ This corresponds to the information the Advisory Committee received from interlocutors regarding the limited awareness of persons belonging to national minorities and particularly K/Serbs about their right to be protected from discrimination and the remedies available. Although one of Ombudsperson's five Deputies is usually a K/Serb, some interlocutors raised concerns whether the institution enjoys the full trust by members of the K/Serb community.

44. As the prevalence of discrimination is concerned, about the same share of K/Albanians and K/Serbs (20% and 18%, respectively) find that discrimination is present to a great extent in Kosovo*. However, most K/Serbs (71%) believe that

¹² Law [05/L-021](#) on the Protection from Discrimination, [Law 05/L-019](#) of on Ombudsperson.

¹³ Regulation 03/2017 adopted by Decision No. 02/140 at the 140th meeting of the Government.

¹⁴ Law [05/L-021](#) on the Protection from Discrimination, Article 1.

¹⁵ 54 K/Serbs, 26 K/Turks, 11 Gorani, 18 Ashkali, 11 Roma, 14 Egyptians, 15 K/Bosniaks and 2 others. In his annual report, the Ombudsperson attributes this decrease in numbers to the Covid-19 pandemic. Ombudsperson Institution (2022), Annual Report 2021, pp. 74 and 213.

¹⁶ Ombudsperson Institution (2020), Annual Report 2019, p. 83.

¹⁷ Ombudsperson Institution (2022), Annual Report 2021.

¹⁸ According to the Annual Report of the Ombudsperson for the year 2021 (published in 2022, p. 29), the implementation rate for 2021 increased to 55%. According to the "Annual Report on Protection of Discrimination" of the Office of Good Governance for the year 2021 (published in 2022, p. 16), which includes also positive responses with an intention to implement the respective recommendation, the rate stands at 75%.

¹⁹ Council of Europe (2020), "Study on Promotion of Diversity and Equality in Kosovo*", conducted in the framework of the Joint EU/CoE Project "Promotion of Diversity and Equality in the Western Balkans."

discrimination mainly happens on grounds of ethnicity or nationality, while this figure is as low as 16% for K/Albanians.²⁰

45. In June 2022, an online “National Platform for Protection from Discrimination” was launched, which was developed in co-operation of the Office of Good Governance with international donors. The platform also exists in form of a smartphone application and is primarily targeted at Roma, Ashkali and Egyptians.²¹ The authorities informed the Advisory Committee that within the first month of operating the platform has gathered data on refusal of commercial services, discrimination in education, physical violence and hate speech, as well as discrimination in the provision of health services. According to the authorities, the reported cases will be reviewed by professional staff and referred to relevant institutions.

46. Emphasising the importance of a functioning system protecting persons belonging to national minorities from discrimination, the Advisory Committee welcomes the comprehensive legal and institutional framework and the progress made in the level of implementation of recommendations issued by the Ombudsperson. It hopes that the incentive provided by the EU Pre-Accession Assistance will provide a basis for sustainable improvement in this regard. Strengthening the Ombudsperson’s mandate, for instance through the possibility to issue sanctions, could contribute to further increasing respect for this institution and its recommendations.

47. The Advisory Committee is concerned, however, about the differences in awareness and perception regarding discrimination and available remedies between K/Albanians and members of other minorities, in particular K/Serbs. It considers that the Ombudsperson’s outreach to members of these communities is of crucial importance to make sure the ambitious legal framework on non-discrimination actually reaches its objective of guaranteeing equality regardless of language or ethnic affiliation. The Advisory Committee sees a lot of outreach potential, not least through the Ombudsperson’s strong regional presence. But this presence needs to be used more actively to increase the awareness of and trust in the institution particularly among K/Serbs.

48. The Advisory Committee welcomes the objective of the “Platform for Protection from Discrimination for the Roma, Ashkali and Egyptians Communities” to lower the threshold for gaining help and protection from discrimination, especially using practical and easy-to-use applications. Also providing professional review of the cases with further reference to relevant institutions would be a promising step in securing tangible improvement in protection from discrimination. However, the Advisory Committee considers that in order to meet the expectations of the Platform, reports have to be followed-up carefully and, when applicable, an independent body such as the Ombudsperson Institution should be involved in handling the complaints. Generally, the Advisory Committee is troubled by the heavy reliance on funding by international donors in this field of non-discrimination, which is a core responsibility of the government.

49. The Advisory Committee calls on the authorities to further strengthen the effectiveness of the legal and institu-

tional framework on non-discrimination by ensuring the Ombudsperson is well resourced, known and trusted by persons belonging to national minorities, including by persons belonging to the Kosovo* Serb community, by duly implementing the institution’s recommendations and by considering the introduction of a further litigation function covering also individual cases.

²⁰ Ibid.

²¹ See website of the platform, available at <https://raportodiskriminimin.org/>.

Promotion of effective equality for Roma, Ashkali and Egyptians (Article 4)

50. The “Strategy and Action Plan for the Inclusion of Roma and Ashkali communities in Kosovo Society 2017-2021” was the main policy document to promote equality and inclusion of Roma and Ashkali in Kosovo* during the reporting period.²² The Strategy’s four pillars were education, employment and social welfare, health, and housing. It included an implementation mechanism consisting of working groups for each of the four objectives and municipal action committees in every municipality, which developed local strategies. Co-ordination lies with the Office of Good Governance. The overall budget was set at €8.7 million, with 64% to be covered by donors. However, a considerable part of the budget covered by the government were the social welfare expenses attributed in the framework of the general social assistance schemes. Egyptians opted for not being included in the Strategy, but were included in local action plans.

51. Quantitative indicators were assigned to each objective, but baseline data was available only for some of them. Based on these, annual reports and a mid-term evaluation were prepared. They focus mainly on outputs and provide detailed lists of activities conducted, but have little information on actual impact, also due to the lack of baseline and updated data. No final evaluation of the Strategy’s implementation is publicly available. Also, the outcomes reached through local action plans were not comprehensively evaluated.

52. Representatives of non-governmental organisations working on Roma, Ashkali and Egyptian issues expressed dissatisfaction with the level of implementation of the Strategy. They felt that the little progress made in the area of education in earlier years was destroyed by the consequences of the Covid-19 pandemic (see Article 12). The situation in employment, housing and particularly health has hardly improved and also deteriorated due to the Covid-19 pandemic.

53. A new “Strategy and Action Plan for the Advancement of the Rights of the Roma and Ashkali Communities in Kosovo Society 2022-2026” was adopted in July 2022. It was broadly consulted with community representatives and for this purpose also translated into Romani language. In line with the EU Framework on Roma Integration, the Strategy defines objectives in the areas of education, employment and social protection, health, housing and discrimination. The action plan associated with the Strategy contains target indicators and attributes institutional responsibilities and budget to all actions. Due to a lack of data, baseline indicators are again missing for many specific objectives. The overall budget foreseen for the implementation of the Strategy is approximately € 23 million for the three years of its duration, of which 10% are covered by external donors. At least on paper, this is a considerable increase in domestic funding of the Strategy, both in absolute and relative terms. As in the previous Strategy, social assistance transfers,

health services and other expenditures which are provided to the population in general are included in the budget.

54. The Strategy also sets out co-ordination procedures both within the government and between the government and municipalities, which are supposed to develop local action plans based on the Strategy. The Egyptian community again opted for not being included in the Strategy.

55. The Advisory Committee reiterates that Article 4, paragraph 2 of the Framework Convention provides that the promotion of full and effective equality between persons belonging to a national minority and those belonging to the majority may require the adoption of adequate measures that take into account the specific conditions of the persons concerned. It welcomes therefore that, after a long development and consultation process, a new Strategy was finally adopted in July 2022. This is even more important as much support comes from international donors, whose funding is best channelled through a coherent framework based on priorities defined by the relevant stakeholders at domestic level.

56. The Advisory Committee considers that the existence of an action plan, target and at least some baseline indicators has the potential to strengthen the effectivity of the Strategy’s implementation and its follow-up. It further commends the authorities for the inclusive process in developing the 2022-2026 Strategy and trusts that its implementation over the coming years will also happen in this spirit.

57. The Advisory Committee encourages the authorities at all levels to implement, monitor and regularly evaluate, with the effective participation of the minority representatives concerned, the “Strategy and Action Plan for the Inclusion of Roma and Ashkali Communities 2022-2026”. The authorities should also maintain a dialogue with representatives of the Egyptian community about addressing their respective needs.

Access to justice (Article 4)

58. The authorities have undertaken a range of measures to address the lack of access to justice observed in the Advisory Committee’s Fourth Opinion.²³ They adopted a Rule of Law Strategy and Action Plan, which outlines the main challenges in the rule of law system. Electronic case-management and a central criminal records system have been introduced. There have been some positive developments in terms of length of proceedings and efficiency.²⁴

59. Following an agreement reached in 2015 in the framework of the EU-facilitated dialogue process on a normalisation of relations between Kosovo* and Serbia (Belgrade-Pristina Dialogue), K/Serb judges, prosecutors, and administrative employees who used to operate under parallel Serbian structures have been integrated into a unitary judicial system. In 2017, 40 judges and 13 prosecutors from the

²² The 2017-2021 Strategy as well as annual reports and the mid-term evaluation are available at www.rcc.int/romaintegration2020/participants/3/kosovo.

²³ Advisory Committee’s Fourth Opinion on Kosovo*, paras. 30-32.

²⁴ Ministry of Justice (2022), “Comparative assessment of data on the functioning of the justice system in Kosovo* (2014-2020), Based on the methodology of the European Commission for the Efficiency of Justice (CEPEJ) for the evaluation of judicial systems”.

K/Serb community were appointed and, together with administrative staff, integrated into courts and the prosecutor's office. Most of them were assigned to the Mitrovica/Mitrovicë North Basic Court, the President of which is also from the K/Serb community.²⁵ International observers consider that the integration of the judiciary has improved access to justice, particularly in the northern municipalities, and thus addressed the concerns expressed by the Advisory Committee in the Fourth Opinion to some extent.²⁶

60. However, in early November 2022, K/Serb judges and prosecutors resigned from their posts as part of a co-ordinated protest by K/Serb members of parliament, mayors, police officers and other officials against the Kosovo* authorities' decision to commence enforcement measures against motorists holding Serbia-issued licence plates (see Articles 6 and 17-18).²⁷ On 23 November, Kosovo* and Serbia reached an agreement on the issue, but as of mid-February 2023, judges and other public employees have not returned to their positions.

61. The "First Agreement of Principles Governing the Normalization of Relations" facilitated by the EU in the framework of the Belgrade-Pristina Dialogue in 2013 stipulated, *inter alia*, that K/Serb-majority review panels should adjudicate cases originating from K/Serb-majority municipalities.²⁸ However, so far no such panels have been established in the Court of Appeal.²⁹ According to K/Serb representatives, this provision of the agreement was breached in the case of a former K/Serb member of the Assembly and Minister of Local Government Administration, who was sentenced in December 2019 by an all-K/Albanian panel to two years' imprisonment on account of incitement to ethnic, racial, or religious intolerance for denying the massacre in the village of Reçak/Račak in 1999. In November 2021, the Supreme Court quashed that judgement on the basis of a lack of clarity of charges and remitted the case to the lower court.³⁰ The Supreme Court did not find it problematic that the panel had entirely been composed of K/Albanian judges.³¹ Without prejudice to the merits of this pending case, the Advisory Committee considers that it is important that agreements pertaining to the ethnic composition of judicial panels are respected at all times.

62. The Advisory Committee reiterates that it is "important to promote participation of persons belonging to national minorities in the judiciary and the administration of justice. Measures in this respect should be implemented in a way which fully guarantees the independence and the effective functioning of the judiciary."³² In the light of this principle, the

Advisory Committee commends the authorities on the progress in the integration of K/Serb judges and other court staff into the judiciary. However, the Advisory Committee is deeply concerned by the developments since November 2022, as the withdrawal of K/Serb judges, prosecutors, and other court staff from their positions in the connection of the tensions around license-plates jeopardises not only the integration of the judiciary but also the functioning of and trust in judicial institutions in Kosovo*.

63. The Advisory Committee encourages the authorities to undertake all necessary measures, in close co-operation with relevant stakeholders, to improve access to justice by persons belonging to the K/Serb community.

Preservation and development of minority cultures (Article 5)

64. The Ministry of Culture's Cultural Diversity and Dialogue Sector provides financial support to minority communities through annual public calls. According to the authorities, overall spending has gradually increased, from €157 040 in 2017 to €281 530 in 2021, the latter also including funds from the Covid-19 economic revitalisation package. Support was provided both for so-called "multi-ethnic" projects as well as to all minority communities, including numerically small ones such as K/Croats and K/Montenegrins. Approximately 15% of the funding was usually attributed to projects proposed by the Roma, Ashkali and Egyptian communities.³³

65. In addition, the Prime Minister's Office for Community Affairs launched in 2022 a call providing €1.5 million funding for diverse projects for minority communities in the areas of culture, media, training, employment as well as infrastructural projects for minority communities. A wide array of projects in support of Roma, Ashkali and Egyptian cultures have also been supported during the monitoring period, including the annual celebration of Roma Day – which in 2022 for the first time was extended to a full week – or the establishment of a mini-library of Romani language literature in Prizren. The Advisory Committee welcomes the support for cultural projects of persons belonging to national minorities and the attention given to the culture of numerically smaller minorities, as well as of Roma, Ashkali and Egyptians.

66. During the reporting period the government endorsed the "Strategy for Cultural Heritage Protection (2017 –

²⁵ Balkans Policy Research Group (2020), "[The Brussels Dialogue between Kosovo and Serbia. Achievements and Challenges](#)", pp. 46-49.

²⁶ European Commission (12 October 2022), "Kosovo* 2022 Report accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions", p. 18.

²⁷ KoSSev (7 November 2022), "[K/Serb judges and prosecutors officially resign, their Albanian colleagues take over urgent cases](#)".

²⁸ First Agreement of Principles Governing the Normalization of Relations, available at www.peaceagreements.org/view/2022.

²⁹ United Nations Interim Administration Mission in Kosovo (12 April 2022), "Report of the Secretary-General, S/2022/313, Annex I: Report of the High Representative of the Union for Foreign Affairs and Security Policy to the Secretary-General on the activities of the European Union Rule of Law Mission in Kosovo" from 16 September 2021-15 March 2022.

³⁰ United Nations Interim Administration Mission in Kosovo (12 April 2022), Report of the Secretary-General, S/2022/313, para. 27.

³¹ KoSSev.info (14 January 2022), "[Vlajic: Todosijevic's verdict overturned, a new trial to start in February](#)".

³² [ACFC Thematic Commentary No. 2](#), The effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, adopted on 27 February 2008, para. 122. See also OSCE High Commissioner on National Minorities (14 November 2017), "[The Graz Recommendations on Access to Justice and National Minorities](#)", Recommendation 5.

³³ Information provided by the authorities in April 2022.

2027)",³⁴ which aims to develop an integrated approach to cultural heritage protection by promoting public participation and education in the decision-making process. In 2018, the government further approved the "Concept Document for Cultural Heritage" and established a Cultural Heritage Inspectorate.³⁵ Laws were also adopted on the Historic Centre of Prizren and the Village of Velika Hoča/Hoçë e Madhe. Unlawful demolition of historical heritage and traditional houses continued to occur, but the OSCE mission observes a positive trend in the management of the cultural heritage zones through the respective local councils for cultural heritage protection in Prizren and Velika Hoča/Hoçë e Madhe.

67. There continue to be 24 Serbian Orthodox Church cultural heritage sites, the so-called "Special Protective Zones" (SPZ), under enhanced protection by multi-ethnic police units. Concerning one of them, the Visoki Dečani monastery, the Constitutional Court adopted in 2016 a judgement affirming the monastery's ownership rights over 24 hectares of land in its vicinity. The judgement, however, has not been implemented to date, i.e. the land has not been registered in the cadastre books, despite a non-enforcement decision issued by the Constitutional Court in September 2021. K/Serb representatives strongly criticised the non-implementation of the judgement in their exchanges with the Advisory Committee and said it undermined their trust in Kosovo's* institutions.

68. In 2020, the Implementation and Monitoring Council established by the Law on Special Protective Zones endorsed an arrangement in a long-standing dispute about the planned construction of a road within the area of the Visoki Dečani monastery's SPZ. It foresaw the synchronous development of both an international bypass road external to the SPZ and of a local road within the SPZ. However, to this date, no construction works for a bypass road have taken place and no further meetings of the Implementation and Monitoring Council have been held since. In April 2021, the Visoki Dečani monastery was included in the "7 Most endangered Monuments" by the organisation "Europa Nostra" because of the planned road construction.³⁶

69. Despite the above-mentioned issues, the security situation around the monastery has been rather stable in recent years. In July 2022, the Minister of Culture therefore said that it may no longer need KFOR protection. Representatives of the Serbian Orthodox Church, however, insist that such protection is still needed.³⁷

70. The Advisory Committee wishes to emphasise that, while particular aspects of cultural heritage have special resonance for specific groups, it is critical to enhance the notion of cultural heritage as a shared common good important for all. The Advisory Committee therefore deplores the continued non-implementation of the Constitutional Court's judgement on the property rights of the Visoki Dečani monastery

as well as the lingering risk of an invasive road construction within the SPZ. It is worried about accounts given by K/Serbs that this situation affects their trust in the Kosovo* government's institutions and further disengages them from Kosovo* society. Given the importance of the monastery both as a place of religious worship for K/Serbs and as cultural heritage of Kosovo*, the Advisory Committee finds it unfortunate that the authorities continue to frame this issue in terms of bilateral relations with Belgrade rather than acknowledging it as a domestic problem with high symbolic value to the K/Serb minority. In the view of the Advisory Committee, the Visoki Dečani monastery is a constituent element of Kosovo's* diverse cultural wealth and it requires protection as such, regardless of its property status.

71. The Advisory Committee calls on the authorities to implement the judgement of the Constitutional Court regarding the property rights of Visoki Dečani monastery and to properly consider aspects of cultural heritage protection in any process of planning road construction in the monastery's vicinity.

Intercultural understanding and transitional justice (Article 6)

72. The authorities underlined during the Advisory Committee's visit their commitment to promoting intercultural respect and understanding. At central level, appreciation of ethnic diversity is demonstrated through the presence of representatives of minority communities in government (see Article 15) and some symbolic gestures such as the Prime Minister's personal participation in events of significance to national minorities or video messages in the Serbian language and meetings with K/Serb and other communities' NGOs.

73. Representatives of K/Bosniaks, K/Turks, Gorani, K/Croats and K/Montenegrins did not report major problems with regard to interethnic relations. Roma, Ashkali and Egyptians do experience antigypsyism and prejudice towards their respective communities, but expressed appreciation of the authorities' attention to them, particularly by the current government.

74. Relations between K/Albanians and K/Serbs continue to be fragile and tense. On the positive side, there are increasing social and institutional interactions, particularly at local level and in Southern municipalities inhabited by K/Serbs. In Pejë/Peć municipality, for instance, K/Serbs and K/Albanians co-operate in a pragmatic way on religious issues, or the preparation of local budgets. Moreover, municipal representatives and the "parallel" mayors appointed by Serbia in K/Serb-majority villages are in regular contact, for instance to co-ordinate investments in infrastructure originating from Serbia with those financed by the municipality. A regularly

³⁴ Ministry of Culture, Youth and Sports, "[Strategy for Cultural Heritage 2017–2027](#)".

³⁵ Unless indicated otherwise, information is based on the OSCE Mission in Kosovo (2021), Fifth Community Rights Assessment Report, pp. 30-35 and additional written information submitted in February 2022. The Community Rights Assessment Report is available on the [FCNM Website](#) and at www.osce.org/mission-in-kosovo/493675.

³⁶ See website of Europa Nostra, available at <https://7mostendangered.eu/sites/decani-monastery-kosovo>.

³⁷ Serbian Orthodox Diocese Kosovo-Metohija (July 2022), "[Dečani Monastery does need KFOR protection due to rising security and legal challenges in Kosovo](#)".

conducted survey among K/Serbs shows a continuing decline in indicators of perceived social distance over the past years. K/Serbs interviewed in 2020 tend to interact with K/Albanians more often and to perceive these interactions less negatively than respondents in 2017.³⁸

75. However, these interactions remain at a low level. The fact that education is still separated, and ever fewer people know the respective other language (see Articles 10 and 12) is not conducive to inter-ethnic understanding. On the contrary, it may lead to further alienation and erosion of the multi-ethnic character of society in the long run. Distrust in Kosovo* institutions, media and politicians remains to be the prevailing perception among K/Serbs. Representatives of K/Serbs, but also other civil society representatives, complained about what they perceived as an alienating and non-inclusive narrative by high-level government officials towards K/Serbs and a lack of genuine interest to promote respect and understanding. On the contrary, they had the impression of being held hostage to the politicisation of K/Serb minority issues in the bilateral relations between Kosovo* and Serbia. While pointing out that the EU-facilitated dialogue launched in 2011 had allowed progress on a number of issues and that the lack of progress is not to be blamed on Kosovo* alone, they expressed disappointment about the stagnation in recent years. In their view, too many issues of importance to them have not been resolved for many years as they are used as negotiation chips in bilateral negotiations. These concern, among others, the Constitutional Court judgement on the Visoki Dečani monastery (Article 5), the implementation of the language law (Article 10), the recognition of diplomas (Article 12), the organisation of Serbian elections and referenda, and the recognition of vehicle licence plates (Articles 17-18).

76. The mutual sensitivities crystallise around the topic of transitional justice. An inter-ministerial working group on dealing with the past established in 2012 ceased to exist in 2017 without having achieved its stated objective to produce a Transitional Justice Strategy. In the same year, the then President launched the process to establish a Truth and Reconciliation Commission. The preparatory team held consultations with a broad range of stakeholders, including representatives of minority communities. This resulted in the development of a Draft Normative Act for the Establishment of a Truth and Reconciliation Commission, which was available for public consultation from January to March 2020, but has not been adopted as of mid-February 2023.³⁹

77. In September 2021, the Ministry of Justice appointed a working group to draft a Transitional Justice Strategy, which will be launched for public discussion in fall 2022. Representatives of K/Serbs told the Advisory Committee that they were invited to the working group but decided not to participate because the invitation suggested that the working group would focus on collecting evidence regarding Serbian responsibility for alleged genocide in Kosovo* rather than taking a broad transitional justice approach. The Ministry of Justice has also taken an initiative to re-establish a War Crimes Research Institute, after a previous attempt launched in 2011 was given up in 2018.⁴⁰ In September 2022, a draft “Law on the Institute of Crimes Committed during the War in Kosovo” passed the first reading in the Assembly. The draft law aims to establish the institute as an agency within the Office of the Prime Minister rather than an independent agency.⁴¹

78. In the view of observers, the side-by-side transitional justice initiatives of the last decade have suffered from a lack of co-ordination and been abused by political leaders for party-political goals. Most importantly, they did not always ensure adequate involvement of the affected communities and particularly victims of the conflict from all communities. Domestic and international efforts in prosecuting war crimes such as the Kosovo Specialist Chambers established in 2015 do not seem to enjoy wide societal support and tend to further polarise relations between ethnic communities.⁴² A crucial point of debate are the time frames applied to those processes. The eligibility for compensation for survivors of war-time sexual violence, for instance, ends on 20 June 1999, thus excluding those who were raped after the formal end of the war, including K/Serb and Roma women.⁴³

79. Generally, several of the Advisory Committee’s interlocutors perceived the current discourse by the authorities as being focused on ‘truth’ and ‘justice’ while neglecting the aspect of ‘reconciliation’. Official commemorative practices continue to divide victims according to their ethnicity, while it is mainly civil society or international initiatives that take an inclusive approach, also from a gender perspective.⁴⁴ Both K/Albanian and K/Serb politicians tend to focus on crimes committed by the respective other ethnic group and be silent or even deny crimes committed by members of their own community.

80. The Advisory Committee reiterates that authorities must take effective measures to promote mutual respect, understanding and co-operation among all persons irrespective of

³⁸ Kosovo Foundation for Open Society KFOS (November 2020), “[Trend Analysis. Attitudes of the Serbian Community in Kosovo](#)”, pp. 44-45.

³⁹ See [webpage](#) of the Preparatory Team for the Establishment of the Truth and Reconciliation Commission.

⁴⁰ Balkan Insight (20 May 2020), “[Kosovo tries again to establish war crimes research institute](#)”.

⁴¹ Draft Law No. 08/L-177. According to Article 2(1), the draft law applies to research and documentation of crimes committed from 1 January 1998 to 20 June 1999 (“period of war”). Article 2(2) provides, however, that research and documentation “can be applicable over the crimes occurred after the period of war, related to the war, not later than December 31, 2022.” See also United Nations Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence (2 December 2022), “[Preliminary Observations from the Official Visit to Serbia and Kosovo \(22 November to 2 December 2022\)](#)”, p. 8.

⁴² Gëzim Visoka and Besart Lumi (June 2020), “[Democratizing Transitional Justice. Towards a Deliberative Infrastructure for Dealing with the Past in Kosovo](#)”, pp. 7 and 17-18.

⁴³ Council of Europe Commissioner for Human Rights (April 2017), “[Memorandum following the Commissioner’s mission to Kosovo*](#)” from 5 to 9 February 2017”, para. 26.

⁴⁴ See PAX (October 2020), “[Mapping Inclusive Memory Initiatives in the Western Balkans](#)”; Balkan Insight (27 April 2022), “[Ethnocentric memorials dominate Kosovo’s war remembrance culture](#)”.

their ethnic, cultural, linguistic or religious identities.⁴⁵ It further wishes to emphasise that in a post-conflict setting such understanding can only be achieved through comprehensive efforts in dealing with the past. In such contexts, “[j]ustice, peace and democracy are not mutually exclusive objectives, but rather mutually reinforcing imperatives. Advancing all three in fragile post-conflict settings requires strategic planning, careful integration and sensible sequencing of activities.”⁴⁶

81. While welcoming the authorities’ inclusive approach to other minority communities, the Advisory Committee regrets that relations between K/Albanians and K/Serbs are improving only very slowly. The Advisory Committee is aware that the authorities operate in a difficult domestic and bilateral context at the heart of which is the continued disagreement with Serbia about Kosovo’s* status. However, it considers that despite promises in the pre-election campaign, the current government is not doing enough to counter the effect of this dynamic on the relations between K/Albanians and K/Serbs. Having witnessed the increased readiness for pragmatic interaction and co-operation on the ground, often fostered by international and civil society actors, it seems unfortunate that the authorities do not seize this potential more decisively. The Advisory Committee is worried about a lack of inclusive narratives and explicit symbolic gestures towards K/Serbs. It acknowledges that the lack of pluralism in K/Serb political and media landscape complicates this task but considers that these complexities do not relieve the authorities of the responsibility to continuously reach out to and fulfil their minority rights obligations towards the parts of the population identifying as K/Serbs.

82. In the same vein, the Advisory Committee regrets that the different transitional justice initiatives launched during the past years have not yet resulted in a broadly agreed strategy or process. It is in Kosovo’s* own interest to deal with the conflictual past in a constructive and inclusive manner, which takes a victim-centred and gender-sensitive approach. This should be supported comprehensively, clearly and unconditionally by all political actors. It is important that this process does not discriminate based on ethnicity and looks at war crimes and other human rights violations perpetrated on the territory before, during and after the war, notwithstanding the ethnic background of the alleged perpetrators and victims.

83. The Advisory Committee urges the authorities to ensure that their messages and measures to foster societal inclusion explicitly address also concerns of persons belonging to the Serb community in Kosovo*. In order to build the basis for interethnic understanding and integration of society as a whole, the authorities are urged to engage in a comprehensive, inclusive, victim-centred and gender-sensitive truth and reconciliation process.

⁴⁵ [ACFC Thematic Commentary No. 4](#), para. 51.

⁴⁶ UN Security Council (23 August 2004), “[The rule of law and transitional justice in conflict and post-conflict societies](#)”. Report of the Secretary-General, S/2004/616. See also OSCE High Commissioner on National Minorities (2012), “The Ljubljana Guidelines on Integration of Diverse Societies”, p. 60.

Protection from hostility or violence (Article 6)

84. A new Criminal Code entered into force in 2019. It provides for a general provision on bias motivation as a possible aggravating circumstance (Article 70), as well as explicit references to more severe punishment for a number of offences if they are committed with a bias motivation.⁴⁷ Following the adoption of the Criminal Code, various trainings have been organised and manuals prepared with the support of international donors to raise the capacity of the police, prosecutors and the judiciary in handling cases of alleged hate crime and to improve the recording methodology.

85. Bias motivation has so far not been used by courts as an aggravating circumstance in any court judgement. Several cases of alleged hate crime are pending but their outcome is still unknown due to the systematic problem of length of proceedings. A provision criminalising public incitement and spread of “hatred, discord and intolerance between national, racial, religious, ethnic and other groups” has been used in 11 court cases each in 2018 and 2019, which was not the case in the previous monitoring cycle.⁴⁸ However, systematic data on the number of alleged hate crimes, investigations and convictions is to date not available.

86. In the absence of hate crime data provided by the authorities, the level of protection of persons belonging to national minorities from hostility or violence in Kosovo* can be read from the observations made by international organisations and civil society. Incidents potentially affecting communities’ security or perception thereof continue to be monitored by the OSCE Mission, which registered a continuous downward trend. While 395 such incidents were observed in 2016, the number has decreased to 258 in 2021. The majority of cases throughout the reporting period concerned K/Serbs, most often returnees. They included burglaries of uninhabited K/Serb houses, repeated petty theft of returnees’ moveable property, property damage and illegal logging in forests. Other incidents targeted religious and burial sites, cultural heritage of communities, or constituted incitement through hatred, for instance through graffiti.⁴⁹

87. Although no cases of collective inter-ethnic violence have occurred during the reporting period, inter-community tensions remain a recurring issue, particularly surrounding the return of displaced persons. During the monitoring cycle, receiving communities in various locations continued expressing resistance to returns or inclusion of displaced persons, the latest case being linked to a K/Serb woman returning to Gjakovë/Đakovica in 2021. Receiving communities also resist religious pilgrimage of displaced persons. On Orthodox Christmas Eve 2020, around 100 K/Albanian protest-

ers gathered in front of the Orthodox monastery in Gjakovë/Đakovica and prevented the visit of Orthodox pilgrims.⁵⁰

88. Tensions also flared up during the days leading up to the local elections in October 2021 and in August 2022, both times triggered by the long-standing unresolved issue between Prishtinë/Priština and Belgrade regarding freedom of movement (see Article 17/18). In October 2021, K/Serb resistance to an anti-smuggling operation in Mitrovica/Mitrovicë North and Zvečan/Zveçan, gave rise to altercations, with injuries to police officers, protesters and bystanders. At the end of 2022, the situation escalated into a crisis with thousands of K/Serb public employees leaving their posts in protest over the fining of motorists holding Serbia-issued licence plates. The security situation became very tense, involving road barricades, attacks against municipal election offices in the North, mass protests by K/Serbs and shootings in the North as well as in the South of Kosovo*.⁵¹

89. During the monitoring visit in April 2022, most interlocutors of the Advisory Committee agreed that the perception of security has improved during the reporting period overall. Many interlocutors, including K/Serbs, attributed this improvement not least to the Kosovo Police and their prompt and professional response even in seemingly minor cases which could potentially have an ethnic dimension. The tensions in late 2022 resulted, however, in the withdrawal of K/Serbs from their posts within the Kosovo Police.

90. The Advisory Committee emphasises that authorities have the obligation to undertake appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity. It therefore welcomes the improved legal protection against hate crime in the new Criminal Code and stresses particularly the positive role of the Kosovo Police in responding to potentially ethnically motivated crimes on the ground. It is, however, strongly concerned by the fact that there is still no functioning system of recording hate crimes and that the possibilities provided by law are hardly ever applied in practice.

91. Even though the number of reported incidents potentially affecting the security or perception thereof has decreased over most of the monitoring period, the situation has recently deteriorated and inter-ethnic relations in Kosovo’s* post-conflict society continue to be extremely fragile. The Advisory Committee is specifically worried that the withdrawal of K/Serbs from the Kosovo Police endangers the progress made in ensuring an ethnically diverse police force, which will necessarily negatively affect the trust in the Kosovo Police and the perception of security among K/Serbs. The Advisory Committee acknowledges the importance of

⁴⁷ Criminal Code [No. 06/L-074](#) of 2019, Article 70.2 (2.12) lists, *inter alia*, the following bias motivations: “race, color, (...) language, religion, national or social origin, relation to any community”. Offences where bias motivation is explicitly mentioned as leading to more severe punishment are light and grievous bodily injury, destruction or damage to property, aggravated murder, and assault.

⁴⁸ Council of Europe (2020), Comparative study: [“Strengthening Equality Bodies in the Western Balkan Region in the Field of Hate Speech. Report: Kosovo*”](#).

⁴⁹ Written information provided by the OSCE Mission in Kosovo (March 2022), and Fifth Community Rights Assessment Report (2021), pp. 12-13.

⁵⁰ *Ibid.*

⁵¹ See Balkan Insight (28 December 2022), [“Kosovo-Serbia crisis simmers as new barricade blocks border”](#) and Balkan Insight (6 January 2023), [“Kosovo Police arrest suspect after two Serbs injured by gunshots”](#).

the international presence in preserving security and safety, but wishes to remind that addressing hostility and violence against persons belonging to national minorities is a core responsibility of the authorities themselves.

92. The Advisory Committee calls on the authorities to ensure that incidents of hate crime and other forms of hostility or violence against persons belonging to national minorities are promptly identified, recorded and effectively investigated and that those responsible are held accountable.

Early marriages and protection of Roma, Ashkali and Egyptians from violence (Article 6)

93. The minimum age of marriage in Kosovo* is 18, but courts may allow individuals as young as 16 to wed if they are deemed physically and psychologically mature. The new draft civil code no longer foresees this exception but has not yet been adopted. According to a UNICEF study, 33% of women and 10% of men aged 20–24 belonging to Roma, Ashkali and Egyptian communities were married before age 18. Some 7% of women of that age and up to 15% of women of higher age were married before the age of 15.⁵² Representatives of Roma, Ashkali and Egyptian communities confirmed that the practice was decreasing but is still rather common in their communities, especially in rural areas and in a context of poverty and lack of education. Community NGOs, with the support of international organisations, are active in raising the awareness around the issue of early marriages among the communities.⁵³ The 2022-2026 “Strategy for the Advancement of the Rights of the Roma and Ashkali Communities” includes some activities preventing early marriages as well as on domestic violence, but NGOs argued that the issues do not figure prominently enough.

94. Representatives of Roma, Ashkali and Egyptian communities told the Advisory Committee that social and child protection authorities as well as the Kosovo Police are often too lenient in protecting children against early marriages. As awareness about the risks of early marriages increases, more cases are reported to the authorities, but these do not always respond in an adequate way. Wrongly perceiving early marriages as a ‘tradition’, officers would sometimes simply seek the formal approval of concerned children and their parents and not bother further about the risks this step entails particularly for young women in terms of dropping out of education, exposure to domestic violence or early pregnancy.

95. Domestic violence is reportedly also widespread within the Roma, Ashkali and Egyptian communities. More than half of women and a quarter of men from those communities surveyed for the UN Multiple Indicator Cluster Survey believed a husband was justified in beating his wife, a far higher share than among the general population.⁵⁴ Interloc-

utors from the communities informed the Advisory Committee that very few women report such incidents and, if they do, they are often not taken seriously or face barriers in accessing support services. In their perception, law enforcement authorities are often passive in reacting to cases of intra-community violence, including as regards domestic violence and sexual violence.⁵⁵

96. The Advisory Committee emphasises that public authorities must treat persons belonging to national minorities equally in their efforts to protect them from violence, irrespective of the source of such acts. The Advisory Committee further emphasises its concerns regarding the damaging consequences of early marriage which is widely acknowledged as a harmful practice that violates, abuses or impairs human rights and is linked to other human rights violations.

97. Consequently, the Advisory Committee is concerned about a potentially systematic pattern of neglect and leniency in public institutions with regard to the protection of Roma, Ashkali and Egyptian children from violence and harmful practices such as early marriage, domestic violence or sexual violence. It considers that community-based efforts to raise awareness of these issues require increased support. It is also important that these issues be addressed more openly in schools to ensure that children have the awareness to report any abuse. There is a need for authorities to understand the societal context for such harmful practices, including socio-economic factors. An independent inquiry into the prevalence of stereotypes or antigypsyism among public sector employees appears necessary to potentially address this situation through adequate trainings and guidelines. The close co-operation with representatives of the communities, including women, is essential in this process.

98. The Advisory Committee calls on the authorities to develop comprehensive policies and measures to prevent early marriages and combat domestic and sexual violence and support awareness-raising efforts among parents, in schools, and in communities. The authorities should train officials in social and child welfare services and law enforcement to ensure they react appropriately to reports from persons belonging to the Roma, Ashkali and Egyptian communities without any bias and in a gender-sensitive way. Such policies should be developed in close co-operation with persons belonging to the communities concerned, take an evidence-based approach and address the underlying social and economic drivers of these issues.

⁵² Kosovo Agency of Statistics and UNICEF (2020), “[Multiple Indicator Cluster Survey 2019-2020, Statistical Snapshot](#)”, pp. 37 ff. In the overall population, 4% of women and 2% of men of that age group were married before the age of 18.

⁵³ UN Women (27 July 2018), “[Young men help to fight early marriages in Kosovo’s minority communities](#)”.

⁵⁴ Kosovo Agency of Statistics and UNICEF (2020), “[2019–2020 Kosovo Multiple Indicator Cluster Survey and Roma, Ashkali and Egyptian Communities Multiple Indicator Cluster Survey, Survey Findings Report](#)”, pp. 399-403

⁵⁵ See for instance the case of a 11-year old Ashkali boy, who was repeatedly raped and murdered in 2019. Kosovo 2.0 (8 July 2021), “[Seeking justice for Kujtim](#)”; Advocacy Training and Resource Centre (2021), “Hate speech and hate crime in Kosovo. Role of institutions in prevention”, pp. 29-30, Annual Report of the Ombudsperson 2019, pp. 59-60. On antigypsyism in Kosovo*, see also Think-International and UBO Consulting (May 2022), “National Research on Antigypsyism in Kosovo”.

Media in minority languages (Article 9)

99. The public broadcaster RTK broadcasts on its TV channel RTK1 weekly programmes of 45 minutes each in Bosnian, Romani, Serbian, and Turkish, on weekday afternoons. A 20-minute monthly magazine is broadcast in Gorani language. No such programmes in Bosnian, Gorani and Turkish had been reported in the previous cycle. Community programmes of 15-20 minutes each are broadcast on Saturdays for the Ashkali and Egyptian communities. In addition, daily 15-minute news are broadcast in Bosnian, Romani, Serbian and Turkish.⁵⁶

100. The second public TV channel, RTK2, continues to provide programming predominately in Serbian language but also in languages of other national minorities. This channel has no terrestrial frequency and is transmitted via cable network. Radio Kosova 1 broadcasts programmes in Albanian, Bosnian and Turkish, Radio Kosova 2 in Albanian, Serbian and Turkish. On its website RTKlive, the public broadcaster is publishing its news in Albanian and Serbian and, since April 2022, also in Bosnian, Romani and Turkish.

101. As regards private broadcasting, there are five TV and 22 radio stations in the Serbian language, three radio stations in Bosnian, two in Gorani, one each in Turkish and Romani languages, and one multi-lingual radio station.⁵⁷

102. Printed newspapers in Kosovo* have almost entirely been replaced by online news portals. Exact data on the availability of such portals in minority languages is not available.⁵⁸

103. Though one-off grant schemes existed, no regular public funding for private or community-based media outlets in minority languages is available. In 2022, the Prime Minister's Office for Community Affairs has allocated €100 000 to support media of minority communities. The Independent Media Council had suggested that its licence fees be used as a source of such funding, but this has not been made possible so far. Media in minority languages therefore depend on the limited advertising market or funding by external donors, including from third countries. Serbian-language media outlets, for example, can apply for special grants provided by the Serbian government. According to media representatives, funding from international organisations has decreased, which puts them in a difficult situation.

104. The Advisory Committee is not aware of any bi- or multilingual formats and to what extent information about minority-related issues feature in mainstream K/Albanian broadcasting. Generally, the media space is still divided between outlets in the Albanian and Serbian languages. This rift is reflected in the topics covered and the space provided for members of the respective other community to express opinions.⁵⁹ Surveys confirm that K/Serbs mainly watch TV stations based in Serbia or regional media outlets considered to be financed from Serbia and consider these to be the

most trustworthy. Serbia-based TV is also watched widely among K/Bosniaks and Gorani, while Roma, Ashkali and Egyptians tend to watch Kosovo-based TV.⁶⁰

105. The Advisory Committee reiterates that the possibility to receive information in a minority language is a precondition for equal and effective participation in public, economic, social and cultural life and an emblematic value for national minorities. "In order for public service broadcasting to reflect the cultural and linguistic diversity existing within society, it must guarantee an adequate presence of persons belonging to minorities and their languages (...). This entails granting support to the media and programmes for, by, and about national minorities in minority and majority languages, as well as in bi- or multilingual formats."⁶¹

106. In this vein, the Advisory Committee welcomes that the weekly broadcasts on RTK in minority languages have been extended to Bosnian and Turkish. Given that 45 minutes per week is not sufficient to meet the demand, Bosnian and Turkish speakers have to resort to private or community-based media outlets. It is therefore problematic that such media in minority languages have no access to a regular public funding scheme. The Advisory Committee is aware that public financial support might be seen as challenging the editorial independence of these outlets. Nevertheless, it also notes that the importance of online media has considerably increased, which offers potential to make audiovisual productions and newspaper content available in minority languages at a much lower cost than is incurred by traditional media. Solutions to ensure the editorial independence of media receiving public funding are possible, for example through involving independent experts in decision-making on grants. The authorities may also consider developing, for each minority language and in co-operation with representatives of the communities concerned, a broadcast media plan comprising the existing public and private broadcasts and identifying additional needs.

107. The Advisory Committee strongly encourages the authorities to set up a regular funding scheme for radio and online news portals in minority languages and to alleviate the ethnically based division of the media space by including more bi- and multilingual programming in public broadcasting.

⁵⁶ Written information provided by the OSCE Mission in Kosovo, March 2022.

⁵⁷ Information provided by the authorities. In addition to the listed TV stations with terrestrial frequencies, there are cable TV channels in Serbian, Montenegrin and Turkish languages.

⁵⁸ According to information provided by the OSCE Mission in Kosovo in March 2022, there is an estimated 500 news portals in different languages.

⁵⁹ IREX (2021), "[Vibrant Information Barometer Kosovo](#)", p. 5.

⁶⁰ OSCE Mission in Kosovo (2021), Fifth Community Rights Assessment Report, pp. 32-33.

⁶¹ See [ACFC Thematic Commentary No. 3](#), The language rights of persons belonging to national minorities under the Framework Convention, adopted on 24 May 2012, paras. 40-41.

Use of minority languages in the public sphere (Article 10)

108. Albanian and Serbian continue to be recognised as the two official languages to be used on an equal basis in all Kosovo* institutions. According to the 2006 Law on the Use of Languages, Bosnian, Romani and Turkish shall be recognised at municipal level as 'official language' (5% threshold), or as 'language in official use' with the right to address and receive answers in the minority language both orally and in writing (3% threshold).⁶²

109. The government's "Programme for protection and promotion of human rights and fundamental freedoms 2021-2025" recognises that the implementation of the Law on the Use of Languages is insufficient in many respects.⁶³ A core problem regarding the Serbian language is the insufficient accuracy in translations of legal documents, which leads to a lack of legal clarity. Shortcomings include the lack of capacity, resources and training of existing translators, both within the government and the Assembly.⁶⁴ The action plan accompanying the programme foresees the establishment of a central government translation unit to harmonise multilingual legislation. Enhancing the linguistic quality of legislation is also among the objectives of the draft Law on Legal Acts.⁶⁵

110. A strategy for the promotion and protection of language rights has been prepared by the Language Commissioner, whose office oversees the Law on the Use of Languages, but has not been adopted by the government. The Language Commissioner received 24 complaints concerning alleged violations of language rights in 2021. The complaints concerned, for instance, the failure to provide information in Serbian on websites on grants for small and medium enterprises, missing Serbian-language instructions on the pension plan, or an incomprehensible traffic penalty form designed by the Kosovo Police. The Language Commissioner informed the Advisory Committee that about 90% of his recommendations regarding simply technical issues are implemented. As regards more structural problems requiring high-level political commitment, he meets stronger obstacles and considers that progress is slow. The Office of the Language Commissioner also produces and proofreads translations, which is not part of its mandate and binds resources that are needed elsewhere.

111. The situation pertaining to the use of minority languages in the public sphere was reportedly particularly problematic during the Covid-19 pandemic. Although the Language Commissioner had warned the government at an

early stage about the need to provide health information in minority languages, this was not systematically implemented. For example, there was no centralised process for translating the frequently changing regulations on protection measures into Serbian. Consequently, this was done by the municipalities, which led to parallel and unnecessary work as well as inconsistency in the translations. The Office of the Language Commissioner also translated documents, even though this is not its task. According to information collected by the OSCE Mission in 2020, Serbian-language translations were not always made available during press conferences and government recommendations on Covid-19 related measures were translated and transmitted to Serbian-language media outlets with significant delays. The situation slightly improved in 2021, but media operating in Serbian continue reporting issues in regard to the language compliance of the institutions in communication with them and the general public.⁶⁶

112. Problems with regard to the implementation of the Law on Languages persist also at municipal level. Persons speaking Bosnian, Romani or Turkish do not always have access to information or somebody speaking their language in municipalities where their language is recognised as in official use. In a limited number of cases, and mostly in small municipalities, documentation and services in the two official languages of Kosovo* are not guaranteed in the same way. Indeed, those in Serbian language are not ensured in some Albanian-majority municipalities, while translation in Albanian is not always provided in K/Serb-majority municipalities.⁶⁷ All municipalities have appointed language focal points but some of them lack managerial experience and training and the co-ordination with government-level institutions could be improved. Most municipalities have only one translator, often persons without specific training and just happening to know Albanian and Serbian, and few have proof-readers.⁶⁸

113. In Prizren, for instance, the municipal language focal point is also responsible for co-ordinating gender equality, human rights issues and a number of other portfolios. Representatives of K/Bosniaks, K/Serbs and K/Turks in Prizren said documents were not systematically translated into their languages and they sometimes had difficulties finding interlocutors speaking their respective languages in the local administration. According to them, this was linked to the lack of staff from these communities employed in the municipal administration (see Article 15) and the decreasing bi- and multilingualism of the population in general, which used to be widespread in Prizren. This perception is confirmed by a

⁶² [Law No. 02/L-037](#) on the Use of Languages, 27 July 2006. According to the law, Turkish is recognised as an official language in Prizren. According to information provided by the authorities, it is also recognised as official in Mamushë/Mamuša, and as language in official use in Gjilan/Gnjilane, Mitrovicë/Mitrovica South, Prishtinë/Priština, and Vushtri/Vučitrn. Bosnian is recognised as official language in Dragash/Dragaš, Pejë/Peć and Prizren and as language in official use in Istog/Istok. Romani language is recognised as language in official use in Gračanica/ Gračanicë.

⁶³ "Programme for protection and promotion of human rights and fundamental freedoms 2021-2025", p. 41, and related Action Plan. The programme partially draws on conclusions from the Advisory Committee's Fourth Opinion on Kosovo*.

⁶⁴ OSCE Mission in Kosovo (2021), Fifth Community Rights Assessment Report, pp. 22-23. See also OSCE Mission in Kosovo (September 2018), [Bilingual Legislation in Kosovo](#).

⁶⁵ [Draft Law no. 08/L-107](#) on Legal Acts.

⁶⁶ Written information provided by the OSCE Mission in Kosovo, March 2022.

⁶⁷ *Ibid.*

⁶⁸ Office of Language Commissioner (2019), "Annual report on language compliance in municipalities", p. 25-26.

survey conducted in this municipality, where 35% of respondents indicated facing difficulties in conducting official tasks due to the lack of knowledge of their languages by the employees in the local administration.⁶⁹ On a positive note, Romani was recognised as official language in Prizren in December 2022.

114. On a positive note, the latest OSCE report on language compliance in the Kosovo Police found that the level of language compliance of the Police had significantly improved compared to previous assessments, not least thanks to actively recruiting persons belonging to national minorities to the Kosovo Police. Some challenges remain, however, notably regarding the communication between the regional directorate of the Kosovo Police in Mitrovica/Mitrovicë North, which is predominantly staffed with Serbian-speaking officers, and the general directorate in Prishtinë/Priština staffed mainly with Albanian-speaking officers.⁷⁰

115. The Advisory Committee reiterates that “language rights are effective only if they can be enjoyed in the public sphere”.⁷¹ It encourages maximum implementation of the possibilities provided by law to allow the use of minority languages in contacts with administrative authorities. “Authorities should support and actively encourage such measures by creating an environment that is conducive to the use of minority languages, including through the allocation of necessary financial and human resources.”⁷² The Advisory Committee further wishes to emphasise the cross-cutting relevance of language learning and proficiency to achieve an inclusive society.⁷³

116. A deeper underlying reason for the above-mentioned problems in the implementation of the legislation is the language divide in society, which is increasing rather than decreasing. K/Serbs and K/Albanians of 30 years and younger usually have to resort to English to understand each other. The Advisory Committee regrets that the authorities make little efforts to advance bilingualism and considers that a lack of opportunity to learn both official languages simultaneously at school and only rudimentary possibilities to do so at university level (see Article 14) constitutes a burden for the future societal integration and coherence (see Article 6).

117. In light of the above, the Advisory Committee considers that the level of implementation of the far-reaching language legislation remains unsatisfactory. It welcomes the progress made, for example in the Kosovo Police, and that Language Commissioner’s recommendations of a more technical nature are usually implemented. However, in addition to operational deficiencies there appears to be a lack of political will to systematically improve the implementation of the Law on the Use of Languages, in particular as concerns the Serbian

language. In this context, the Advisory Committee is concerned that there is little progress in implementing the Language Commissioner’s structural recommendations.

118. The concrete plans to enhance the quality of legal translations through a central government translation unit and a Law on Legal Acts are praiseworthy but have yet to take effect and the office needs to be duly staffed. The situation during the Covid-19 pandemic demonstrated the flaws of the system, with information related to the pandemic not being systematically available in Serbian and other minority languages, a lack of guidance to municipalities, and the Language Commissioner having to step in to complement the translation facilities of the government. This put persons not speaking Albanian in a disadvantaged situation as regards the protection of their health and decreased trust in official information during a time that was anyhow characterised by high levels of insecurity.

119. The Advisory Committee urges the authorities to take all necessary measures to improve the implementation of the Law on the Use of Languages. This includes in particular the strengthening of translation capacities, the recruitment and training of bi- and multilingual staff, and the allocation of resources and guidance to municipalities to improve their performance in this respect. The institution of the Language Commissioner requires increased political support.

Use of minority languages in courts (Article 10)

120. According to the Law on the Use of Languages, both official languages shall be used on an equal basis in judicial proceedings. Courts shall conduct proceedings in the official language or languages chosen by parties to the proceedings. At the request of any party to the proceedings, facilities shall be made available for simultaneous interpretation. Documents shall be issued in the official language(s) chosen for the proceedings.

121. However, due to the lack of qualified translators and interpreters, insufficient and poor translation of case files and inadequate interpretation in court hearings still remain issues of concern.⁷⁴ Translation and interpretation continues to be co-funded by international organisations, though this funding is decreasing. Since 2019, the Judicial Council is developing a system of certification of court interpreters and translators to ensure quality standards. The first call for interpreters according to this system was issued in March 2022.

122. The Advisory Committee reiterates that it has consistently encouraged authorities to take all necessary measures to ensure that minority language rights in the judicial system

⁶⁹ Jasmin Jusufu (2021), “Multilingualism in Prizren, Language Use and Language Policy”, in: *European Journal of Language and Literature Studies*, vol. 7, issue 2, p. 66.

⁷⁰ OSCE Mission in Kosovo (September 2018), “[Language Compliance in Kosovo Police](#)”, p. 12.

⁷¹ [ACFC Thematic Commentary No. 3](#), para 51.

⁷² See [ACFC Thematic Commentary No. 3](#), paras. 51 and 58.

⁷³ See Advisory Committee’s Fourth Opinion on Kosovo*, para. 74.

⁷⁴ Written information provided by the OSCE Mission in Kosovo, March 2022, and European Commission (19 October 2021), “Kosovo* 2021 Report accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions”, p. 18.

are fully safeguarded.⁷⁵ It therefore regrets that translation and interpretation capacities remain a problem, which results in the insufficient implementation of the bilingualism demanded by the Law on the Use of Languages.

123. The Advisory Committee calls on the authorities to undertake all necessary measures to improve the implementation of the Law on the Use of Languages in courts, notably by recruiting and training qualified translators and interpreters and ensuring sufficient budgetary funds to support the implementation of the system of certification of court interpreters and translators.

Use of minority languages in topographical indications (Article 11)

124. According to the Law on the Use of Languages, official signs indicating names of municipalities, villages, roads, streets and other public places shall be displayed in both official languages and in the languages that have the status of official language in the respective municipality. No changes have been reported as compared to the Fourth Opinion, which stated that the majority of municipalities complied with the legal obligations.⁷⁶

125. The Advisory Committee observed that signs indicating names of municipalities are often targets of defacing. In majority K/Albanian municipalities, Serbian-language inscriptions of road signs are often defaced, and the situation is similar with road signs in Albanian language in K/Serb-majority municipalities. In addition, there are examples that road signs are completely destroyed such as the road sign leading to the Serbian Orthodox monastery Draganac/Dragancë in Novo Brdo/Novo Berdë municipality, which has been destroyed four times since January 2020.⁷⁷ The Advisory Committee is not aware to what extent the authorities monitor such instances and if any perpetrators have been convicted.

126. The Advisory Committee reiterates the important symbolic value of bilingual topographical indications as affirmation that the presence of linguistic diversity is appreciated and that a given territory is shared in harmony by various linguistic groups. It therefore regrets the damaging of bilingual signs and considers it important that such instances are followed up by the authorities.

127. The Advisory Committee encourages the authorities to continue to display public signage in all relevant official languages in line with domestic obligations. Damages to signs should be officially condemned, adequately sanctioned and should be repaired without delay.

Access to education in the Serbian language (Article 12)

128. Education continues to be provided in two parallel education structures, which function separately from each other: preschools, schools and universities operated by Kosovo* and following the curriculum developed by the Ministry of Education, Science, Technology and Innovation (hereafter: Ministry of Education), and those operated by Serbia and following the Serbian curriculum (hereafter: Serbian-curriculum schools).

129. According to the 2008 Law on the Protection and Promotion of the Rights of Communities and their Members, schools teaching in the Serbian language may apply the curriculum or textbooks developed by the authorities of Serbia upon notification to the Ministry of Education and following a review process.⁷⁸ These provisions have still not been implemented in practice. The Ministry of Education has thus far not received a request from the Serbian-curriculum schools regarding the usage of their curriculum or textbooks. Kosovo* institutions have also not worked to develop a separate Serbian language curriculum in Kosovo*. With the exception of the mutual recognition of diplomas (see below), the issue of a dual provision of education in Kosovo* has not been included under the framework of the EU-facilitated Belgrade-Pristina Dialogue.

130. According to information provided by the authorities, only 369 K/Serb pupils are enrolled in primary and secondary schools operating under the Ministry of Education of Kosovo*. At the same time, approximately 131 Serbian-curriculum schools operate in Kosovo*. An additional nine schools operate in the same premises as Kosovo* curriculum schools as “two schools under one roof”. Co-operation between the two education systems is limited to the local level and mainly informal, or of a technical nature. For instance, an increasing number of municipalities have in recent years started to provide some form of support to the operation of Serbian-curriculum schools, such as covering maintenance or repairs of school buildings, payment of public utilities, provision of firewood, or support to the transportation of pupils.⁷⁹

131. Serbian-curriculum schools are not only attended by K/Serb children, but also by pupils from Gorani, K/Croat, and K/Montenegrin communities, as well as Roma children living in predominantly K/Serb-inhabited areas.⁸⁰ Members of the K/Bosniak community in some Serb-majority municipalities also opt for the Serbian-curriculum education. The Advisory Committee learned from representatives of several of these communities that their main motivation for doing so is that this is the only possibility for their children to study in their first language.

132. The authorities do not undertake any systematic initiatives promoting interaction and inter-cultural learning among pupils following the two separate curricula in those schools. Extra-curricular activities bringing pupils from the two systems together are mainly initiated and funded by civil society

⁷⁵ ACFC Thematic Commentary No. 3, para. 59.

⁷⁶ Advisory Committee's Fourth Opinion on Kosovo*, para. 77.

⁷⁷ Written information provided by the OSCE Mission in Kosovo, March 2022.

⁷⁸ Law No. 03/L-047 on the Protection and Promotion of the Rights of Communities and their Members, 21 December 2011, Article 8(5).

⁷⁹ OSCE Mission in Kosovo (December 2018), “Communities’ access to pre-university education in Kosovo”, pp. 20-23.

⁸⁰ On segregation of Roma and Ashkali children in the Serbia-administered school system, see Dafina Halili (16 May 2022), [Ghost schools, ghetto schools and segregated shifts. Segregation of Roma and Ashkali children in the Serbian parallel education system.](#)

and international donors. The Serbian language is not taught in Kosovo* curriculum schools and, to the knowledge of the Advisory Committee, Albanian is not taught in Serbian-curriculum schools.

133. As a rule, diplomas from Serbian-curriculum schools are still not recognised in Kosovo*, which means that graduates of these schools cannot study in higher education institutions of Kosovo* with the exception of the University in Mitrovica/Mitrovicë North, which is operated by Serbia. In 2016, the initial technical agreement reached within the framework of the EU-facilitated dialogue on mutual recognition of university diplomas was expanded to include primary, secondary and vocational training diplomas. However, to date no action has been taken in this regard. Similarly, a Concept Document of 2019, envisaging the verification of diplomas issued by Serbian-curriculum schools in Kosovo*, has so far not been translated into a required regulation.⁸¹ This situation affects also persons belonging to non-Serb minority communities. For instance, representatives of Roma complained to the Advisory Committee that Roma graduates from Serbian-curriculum schools are not eligible to the university scholarship programme provided by the government for Roma, Ashkali and Egyptian graduates. The non-recognition of diplomas also created problems for K/Serb applicants for the newly established Balkanistics Study Programme at the University in Prishtinë/Priština (see Article 14). At the same time, the Kosovo Police does accept graduates from all school systems into its workforce.⁸²

134. Recognition of diplomas from Serbian universities also continues to be problematic, even though the initial agreement dates back to 2011. In this context, it is questionable whether candidates with university degrees from Serbia will be eligible for contracts as professors at the new Balkanistics Study Programme. Independently from the EU-facilitated dialogue, in 2015 the authorities and the international community set up a mechanism for the verification of diplomas released by the University in Mitrovica/Mitrovicë North. During its visit, the Advisory Committee was informed that the mechanism's mandate ended at the end of 2021. The authorities stated, however, that the process would be resumed early 2023.

135. The Advisory Committee reaffirms its view that "parallel" or separated education systems are not conducive to the establishment of integrated and cohesive societies but, on the contrary, perpetuate divisions between communities. When children do not meet and know little of each other, do not learn each other's language, and get taught different aspects and interpretations of history, there is a risk of raising a generation that views those others with suspicion and resentment.

136. Having regard to the above findings, the Advisory Committee deplores that no progress has been made as regards the establishment of an integrated education system. Having learned that for many K/Serb, Gorani or Roma parents, especially in the Southern regions, the choice of Serbian-curriculum schools is primarily a pragmatic one based on the wish for their children be educated in their first language, the Advisory Committee finds it hard to understand why the authorities have still not developed a Serbian-language curriculum. Even if it was only to start with local pilot projects, it would be important to have such a curriculum ready and start preparing the necessary teaching materials. This should be done in co-operation with representatives of the communities where Serbian is spoken, including the Gorani and the Roma communities, making clear to them that taking steps towards an integrated education system is not meant as a measure to reduce their rights, but to guarantee their right to and in education within the Kosovo* institutions.

137. The Advisory Committee also deplores the lack of efforts by the authorities to foster contacts between pupils in Kosovo* curriculum and Serbian-curriculum schools, even when they are located in the same or adjacent buildings. The growing distance between these communities is reinforced by the fact that textbooks for Kosovo's secondary schools continue to contain misinformation and discriminatory language and descriptions of ethnic minorities, in particular K/Serbs (see Article 6).⁸³ In addition, it is important that children from both communities have a chance to learn the respective other official language, as widespread bi- and multilingualism is not only a precondition for the implementation of the respective legislation (Article 10), but it will ultimately benefit socio-economic development and societal cohesion.

138. The Advisory Committee finds, furthermore, that the non-recognition of diplomas from Serbian-curriculum schools for access to higher education institutions, scholarships or employment amounts to discrimination and constitutes an obstacle to future social integration. It limits the perspectives of citizens of Kosovo* for full integration into various economic and professional activities and makes identification with Kosovo* society for them more difficult. This situation does not only affect K/Serbs, but also K/Bosniaks, Gorani or Roma, who do not necessarily have ties with Serbia and thus a possibility or the wish to continue their education or career there.

139. As on other issues (see Article 17-18), the Kosovo* authorities refer to the concept of reciprocity to justify this situation. Depending on the circumstances, this implies that the granting of rights to K/Serbs is made conditional on Serbia's authorities granting analogue rights to either the citizens of Kosovo*, or to the members of the Albanian minority in Ser-

⁸¹ Concept document "On application for jobs from members of non-majority communities, who possess diplomas issued by parallel educational institutions in the Republic of Kosovo, where teaching takes place in the Serbian language", which requires the amendment of Regulation (QRK) No. 21/2015 "On the procedures and criteria for issuing certificates to citizens of the Republic of Kosovo who have received degrees from the University of North Mitrovica, for the purpose of applying for jobs and obtaining professional licenses and exams in public institutions".

⁸² Information provided orally to the Advisory Committee in March 2022. See also Ombudsperson Institution (2020), Annual Report 2019, pp. 89-90.

⁸³ Youth Initiative for Human Rights (2017), "Discriminatory Language in School Textbooks"; see also European Parliament resolution of 6 July 2022 on the 2021 Commission Report on Kosovo ([2021/2246\(INI\)](#)).

bia. In both cases, the Advisory Committee finds such practices not in line with the Framework Convention. It reiterates that the protection of minority rights cannot be made conditional on issues of bilateral relations with other countries, however difficult and historically charged they may be.⁸⁴ Hence, it does not accept the argument raised by the Kosovo* authorities that the principle of reciprocity prevents them from fulfilling the obligations based on the Framework Convention.

140. The Advisory Committee urges the authorities to prioritise the development of a Kosovo* curriculum in the Serbian language in co-operation with representatives of the communities concerned. As long as the situation with regard to the parallel Serbia-administered education system has not been resolved, diplomas issued by such schools and the University in Mitrovica/Mitrovicë North need to be recognised.

Access to education for Roma, Ashkali and Egyptian communities (Article 12)

141. With a view to addressing the insufficient access of children from Roma, Ashkali and Egyptian communities to education, the government adopted in 2017 the “Kosovo Education Strategic Plan 2017-2021”.⁸⁵ An evaluation of the implementation of the strategic plan shows that the measures undertaken have not been sufficient to reach most of the objectives.⁸⁶

142. While the objective was to significantly increase inclusion of Roma, Ashkali and Egyptian children in pre-primary education, it actually fell from 54% in 2014/15 to 45% five years later. This means that more than half of Roma, Ashkali and Egyptian children (as opposed to only 16% of children overall) start primary school without any preparation through organised learning. Preschooling is provided free of charge, but it is not mandatory. Also, places are limited especially in municipalities with a fast-growing population such as Fushë Kosovë/Kosovo Polje.

143. Attendance of primary education, which is almost universal for the majority population, remained at 84% for Roma, Ashkali and Egyptians and thus at the same level as five years earlier. Their attendance of lower secondary and upper secondary education has also hardly changed and is still considerably lower than in the population overall. Despite a slight decrease in dropouts, the gap is still particularly large in upper secondary education, which is attended by 84% of young people overall, but only by 31% of Roma, Ashkali and Egyptians. While primary schools are attended by about as many girls as boys, gender disparity increases for lower and even more for upper secondary education. Particularly in rural settlements, girls from Roma, Ashkali and

Egyptian communities are more often out of school than boys.⁸⁷ Enrolment in universities is increasing, but at low levels.⁸⁸ While the differences based on ethnic affiliation are significant, there is also a strong correlation with poverty, meaning that Roma, Ashkali and Egyptian children from wealthier families are two times more likely to attend lower secondary school than those living in the poorest households.

144. As financial capacities are an important obstacle to attending upper secondary school and many families need their children to contribute to the household income, scholarships play an important role. Partly with the support of donors, the Ministry of Education annually disburses 500 scholarships for Roma, Ashkali and Egyptian pupils who perform well at school to advance to upper secondary education. These scholarships are, however, not accessible for the significant number of Roma children who attend the Serbian-curriculum schools.

145. During the Covid-19 pandemic, education functioned primarily through distance learning between March and September 2020. Many Roma, Ashkali and Egyptian children faced significant barriers in accessing these due to lack of equipment, internet connectivity and even electricity. Lack of physical space in overcrowded homes as well as insufficient ability of parents to provide support constituted additional challenges.

146. An important element in the education of Roma, Ashkali and Egyptian children are the more than 70 learning centres throughout Kosovo*, which were initially established by non-governmental actors and funded by various donors. Their role is to provide additional educational support in order to improve learning performance and prevent dropouts. In 2017, the Ministry of Education determined the criteria and procedures for establishment and functioning of learning centres as school-based or community-based centres aimed to provide ancillary learning support and other educational activities for preschool and primary school pupils, in particular those belonging to the Roma, Ashkali and Egyptian communities.⁸⁹ The institutionalisation efforts by the Kosovo* authorities have aimed to stabilise the services of learning centres and bring them closer to the educational system, including by gradually providing sustainable public funding at the central and municipal levels. However, this process has been hampered by a number of problems, including in the co-ordination between the Ministry of Education, municipalities, and donors, which resulted in a decrease of funding and threat of closure for some of them.⁹⁰ Only about a half of them have been registered with the Ministry of Education by 2022, which is a requirement for access to public finances. Some have not been registered as they

⁸⁴ OSCE High Commissioner on National Minorities (2 October 2008), [The Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations](#), Recommendation 15.

⁸⁵ Ministry of Education, Science and Technology (2017), “[Kosovo Education Strategic Plan 2017-2021](#)”.

⁸⁶ Unless indicated otherwise, data in this chapter is from Kosovo Education Center (2022), “[Evaluation of the Implementation of Kosovo Education Strategic Plan 2017-2021. Insufficient Achievement](#)” and UNICEF (2020), “[Multiple Indicator Cluster Survey 2019-2020, Statistical Snapshot](#)”, pp. 37 ff. Percentages have been rounded.

⁸⁷ Roma Versitas Kosovo and Roma Education Fund (2021), “[Country Assessment Research Kosovo](#)”, pp. 11-12.

⁸⁸ OSCE Mission in Kosovo (2020), “[Overview of Roma, Ashkali and Egyptian Communities in Kosovo](#)”, p. 4.

⁸⁹ Administrative Instruction 12/2017 “on Establishment and Functioning of Learning Centres”, revised by Administrative Instruction 19/2018. See also INCLUDE – Building Capacity for Inclusion in Education (2020), [Mapping Study. Analysis of interventions and achievements of various projects supporting inclusion in education of Roma, Ashkali and Egyptian boys and girls](#).

⁹⁰ Prishtinainsight.com (20 October 2021), “[Threat to Additional Learning Centres risks harming non-majority communities](#)”.

do not meet the criteria, including on the qualifications of the teaching staff.

147. The Advisory Committee reiterates that ensuring access of all persons belonging to national minorities to good quality education means that authorities need to act resolutely to, *inter alia*, ensure that all children (including Roma) are duly enrolled in schools and to monitor school attainments, including absenteeism and drop-out rates, literacy, completion of studies, grades, gender disparities, access to higher educational levels and subsequently access to employment.⁹¹

148. Against this backdrop, the Advisory Committee deeply regrets that the objectives set by the “Kosovo Education Strategic Plan 2017-2021” have not been attained. It is particularly worried about the low attendance among Roma, Ashkali and Egyptian children in preschool education, which is an important prerequisite for adequate performance in primary school. In addition, it is necessary to close the significant gap between the majority and the minority communities in attendance of upper secondary education in a structural way, beyond the praiseworthy provision of merit-based scholarships. Finally, it is paramount to find a durable solution for the Learning Centres that combines the advantages of civil-society based informal education with the necessary security of stable and sufficiently high public funding be it at the national or the municipal level.

149. The Advisory Committee calls on the authorities at central and municipal levels to increase their efforts in improving access of Roma, Ashkali and Egyptian children to education and in particular to close gaps in preschool and upper secondary education and institutionalise sufficient public support for learning centres.

Teaching, educational materials and teacher training in minority languages (Article 14)

150. Within the Kosovo* curriculum, instruction in minority languages continues to be available in Bosnian and Turkish. A new curriculum for grades 1 to 9 was launched in 2018. However, there were delays in the translation of the adapted textbooks for general subjects into Bosnian and Turkish. A total of 27 books had been locked until early 2022 in a disagreement over the legal basis of payment to authors. According to the authorities, those general subject textbooks have now been distributed in schools for grades 1 to 8. Some textbooks for community-specific (“national”) subjects, including Music, Art, Native Language and History in the Bosnian and Turkish languages are still in the process of being developed. A new call for the production of such textbooks was issued in November 2022. In their exchanges with the Advisory Committee, the lack of educational materials was the main concern expressed by representatives of both the Bosniak and Turkish communities.

151. Languages of communities (Serbian, Turkish and Bosnian languages) can be taught as optional subjects from the third grade, based on request, but authorities informed the

Advisory Committee that until now there was no such request and that the Ministry of Education has not yet drawn up programmes/curricula for these languages as optional subjects.

152. The Advisory Committee reiterates that access to teaching and learning materials of good quality is an essential precondition for ensuring good quality education for all pupils.⁹² In this light, it deplores that the adaptation of textbooks in the Bosnian and Turkish languages to the new curriculum took so long and that no textbooks exist at all for the important community-specific subjects intended to familiarise pupils with their national minority cultures.

153. Apart from complaints about the lack of textbooks, representatives of the Bosniak and Turkish minorities raised their discontent with the insufficient quality of Albanian teaching in their schools. Stressing the importance of the children learning Albanian, they regretted that Albanian teachers were insufficiently trained for teaching the language to non-Albanian speakers and lacked appropriate textbooks. In November 2022, the Ministry of Education announced a public call for Albanian-language textbooks aimed at teaching children from minority communities. A curriculum for Albanian exists and Albanian taught as a compulsory course for two hours per week.

154. The Advisory Committee reiterates that lack of knowledge of the official language can limit possibilities of equal participation in society, which is why minority language schools must provide an adequate development of the speakers’ proficiency in the official language.⁹³ In this light and also in the context of decreasing bi- and trilingualism in Kosovo* (see Articles 10 and 12), it shares the view of minority representatives that more attention should be paid to the quality of Albanian teaching to pupils whose first languages are Bosnian or Turkish and that an appropriate curriculum and good quality educational materials are indispensable. It therefore welcomes that a public call for the production of such textbooks was launched. It may also be advisable to assess whether pupils of these minority language schools acquire a sufficiently high level of Albanian in order to be able to fully participate in Kosovo* society.

155. Teacher training in Bosnian and Turkish is provided at the University of Prizren, though there was some instability during the monitoring period as the university temporarily lost its accreditation. So far, minority representatives did not report a lack of teachers qualified to teach in the Bosnian and Turkish languages, respectively.

156. In 2021, a B.A. programme in Balkanistics was launched at the University of Prishtinë/Priština. It is the only study programme within the Kosovo* education system where the Serbian language is taught and even used as a medium of instruction. The aim of the programme, which resulted from an OSCE-led initiative, is to improve cross-cultural communication in Kosovo* and the Western Balkans region, by training students and professionals in the official languages and in Balkan languages including Croatian and

⁹¹ [ACFC Thematic commentary No. 1](#), Education under the Framework Convention for the Protection of National Minorities, adopted on 2 March 2006, p. 21.

⁹² [ACFC Thematic commentary No. 1](#), p. 18.

⁹³ [ACFC Thematic Commentary No. 3](#), para. 68.

Bosnian. Graduates are supposed to be qualified to work as translators, language teachers or in intercultural communication.⁹⁴

157. For the first year of the programme, 11 students, including ten K/Albanians and one K/Serb, were admitted. According to a survey conducted by the OSCE Mission with the applicants, at least two of those candidates who did not enrol cited the non-acceptance of their Serbian-curriculum school certificates issued in Kosovo* as a reason for not taking the admissions test. The only admitted K/Serb had an UNMIK-issued certificate from 2002. It is also not clear at this stage whether teaching staff with diplomas from Serbia or the University in Mitrovica/Mitrovicë North will be granted employment contracts with the University of Prishtinë/Priština.⁹⁵

158. The Advisory Committee welcomes the establishment of the Balkanistics programme and considers it an important first step to establish teaching in and of Serbian in Kosovo's* education system (see Article 12). The study programme is direly needed to satisfy the demand for translators and other professionals speaking both official languages (see Article 10). It regrets, however, that relatively few students applied and were admitted, including only one person from the K/Serb community. Continuing obstacles to the recognition of school and university diplomas from Serb curriculum or Serb schools and universities may negatively affect this programme.

159. The Advisory Committee calls on the authorities to ensure the availability of quality educational materials in the Bosnian and Turkish languages in sufficient quantity for all relevant subjects, including community-specific ones and for the teaching of Albanian as a second language.

160. The Advisory Committee calls on the authorities to provide all necessary support to the newly established Balkanistics programme at the University of Prishtinë/Priština, including as regards obstacles linked to school and university diplomas issued by educational institutions administered by Serbia

Representation in elected bodies and the civil service (Article 15)

161. Representation of persons belonging to national minorities in the Assembly remains ensured by the 20 seats granted in the constitution. No such seats are reserved for K/Croats and K/Montenegrins, who have not officially renewed their demand to that end.

162. During the early elections held in February 2021, K/Serbs put forward candidates exclusively on the list of

Srpska Lista (Serbian list). The other national minorities participated in the elections putting forward competitive candidates for the seats. Compared to previous elections, there was a significant increase in turnout among Roma and K/Bosniaks as well as among citizens from K/Serb majority municipalities. The election results concerning several seats reserved for the K/Bosniak and Roma communities were appealed by competing non-majority parties, who alleged interferences by representatives of *Srpska Lista*. The Electoral Complaints and Appeals Panel partially accepted the complaints and annulled a number of votes from K/Serb-majority areas, arguing that the principle of guaranteed seats for the representation of each non-majority community had not been respected. These decisions, confirmed by the Supreme Court, resulted in two of the accused political entities losing one seat each.⁹⁶

163. Minority issues continue to be dealt with by the Assembly's Committee on Rights and Interests of Communities and Return.⁹⁷ Its effectiveness is, however, hampered by the boycott of the K/Serb members. This boycott reportedly blocks also legislation that requires a double majority. Examples mentioned include amendments to the Law on Local Self Government, the Education Law and the legal provision for an Egyptian day.

164. Four members in the government composed in March 2021 represent national minorities, including one woman, namely the Deputy Prime Minister for Minority Issues and Human Rights Rights (K/Bosniak), the Minister for Communities and Returns (K/Serb), the Minister of Local Government Administration (Egyptian), and the Minister of Rural Development (K/Turk). Furthermore, there is a Roma Deputy Minister of Culture and an Ashkali Deputy Minister of Finance.

165. A frequent complaint to the Advisory Committee by minority representatives pertained to the fact that the 10% quota regarding employment in the public sector as stipulated by the Law on Civil Service is not implemented in practice. A government report on central level administration found, however, that in 2018 the percentage of civil servants identifying as a member of a national minority stood at 9.2%.⁹⁸ Though stating that the share of minority staff was uneven among government institutions, an OSCE survey from 2017 found that the situation improved and that K/Serbs and K/Turks are even overrepresented compared to their proportion in the population.⁹⁹ More recent disaggregated data on the ethnic composition of the public administration is unfortunately not available. With an internship programme targeting young people from minority communi-

⁹⁴ Balkan Insight (26 October 2021), "[Kosovo University Teaches Serbian Again, Two Decades After War](#)". According to the [programme's website](#), the languages to choose from are "Albanian, Serbian, Bosnian, Croatian, Macedonian, Bulgarian, Romanian, Greek, etc." and courses are held "in Albanian and one of the Balkan languages, such as Serbian, Croatian, Bosnian, Macedonian, Bulgarian, Romanian, Greek, etc to be chosen by students themselves".

⁹⁵ Written information provided by the OSCE Mission in Kosovo, March 2022.

⁹⁶ Unless otherwise indicated, information in this chapter is from OSCE Mission in Kosovo (2021), Fifth Community Rights Assessment Report, pp. 17-21 and additional written information submitted in February 2022.

⁹⁷ The Committee is mandated with reviewing draft legislation to ensure that community rights and interests are adequately addressed. It is composed of one third K/Serb, one third K/Albanian, and one third members of parliament representing other communities.

⁹⁸ Ministry of Public Administration (2019), "[Report on the situation of civil service of the Republic of Kosovo for 2018](#)", p. 21.

⁹⁹ OSCE Mission in Kosovo (2017), "[Representation of Communities in the Civil Service in Kosovo](#)", p. 38.

ties as well as a dedicated institutional mechanism for encouraging and promoting the employment of persons belonging to the Roma, Ashkali and Egyptian communities in Kosovo* institutions,¹⁰⁰ the authorities try to increase the representation of persons from minority communities in civil service.

166. At municipal level, according to secondary legislation, the number of positions for each community in the municipal civil service should be proportionate to the total number of members of that community residing in the respective municipality. According to a report of 2017, ten out of the 24 municipalities assessed fail to meet the overall proportion of posts for persons belonging to national minorities when they are combined into one percentage. When the representation of each community was assessed separately, out of the 24 municipalities where at least one community in numerical minority had a population large enough to warrant at least one civil service post, only two municipalities achieved proportional representation of each community in numerical minority residing in the municipality. While K/Serbs and K/Bosniaks were proportionally or overrepresented in several municipalities, Roma, Ashkali and Egyptians were consistently and disproportionately under-represented and more likely to be employed in lower-level (technical and administrative) positions.¹⁰¹ More recent research is not available, but interlocutors of the Advisory Committee confirmed that the situation remains unsatisfactory.

167. During the crisis over the licence plate issue in November 2022, thousands of K/Serbs quit their posts in public institutions including the parliament, central and local government, police and courts (see Article 6). In December 2022, the Kosovo* authorities announced that local elections would be held in four municipalities in the North to fill the resulting vacancies. After renewed tensions around these elections, they were postponed to April 2023.¹⁰²

168. The Advisory Committee reiterates that public administration should, to the extent possible, reflect the diversity of society, which implies that authorities are encouraged "to identify ways of promoting the recruitment of persons belonging to national minorities in the public sector (...). Participation of persons belonging to national minorities in public administration can also help the latter better respond to the needs of national minorities."¹⁰³ The Advisory Committee congratulates the authorities on the representation of persons belonging to minorities in the government and appreciates the efforts in implementing the obligation to ensure representation of minority representatives in the public administration. It deeply regrets, however, that persons belonging to the Roma, Ashkali and Egyptian communities are still by far underrepresented. The Advisory Committee is also deeply concerned about the mass withdrawal of K/Serbs from positions in public institutions, which runs counter all

efforts to ensure representation and participation of K/Serbs in elected bodies and the civil service.

169. The Advisory Committee strongly encourages the authorities to implement the legally foreseen representation of persons belonging to national minorities in elected bodies and the public administration both at central and municipal levels, paying particular attention to increasing the share of civil servants affiliating with the Roma, Ashkali and Egyptian communities.

Socio-economic participation of Roma, Ashkali and Egyptians (Article 15)

170. Roma, Ashkali and Egyptians continue to be the most excluded group in every aspect of socio-economic participation, including housing, employment and healthcare. Given the overall low economic standard in Kosovo*, inequality as compared to the majority population is less significant than in other countries of the region, though.¹⁰⁴

171. During the Covid-19 pandemic, the government took a range of measures aimed at mitigating the economic and other consequences of the pandemic on communities in a marginalised situation. In the framework of the Emergency Fiscal Package approved in April 2020, €2 million were allocated to initiatives and projects aimed at improving the situation of non-majority communities affected by the health emergency. In his annual report, the Ombudsperson made an overall positive assessment of the administration of the aid package by the Ministry of Communities and Returns.¹⁰⁵

172. Despite these measures, the pandemic has severely affected Roma, Ashkali, and Egyptians. Employment opportunities have become even fewer, both in the formal and informal economy, which is where most Roma, Ashkali and Egyptians get their income from. The loss of income has made it more difficult for families to meet their basic food and hygiene needs, such as masks and disinfectant. Overcrowded housing with lack of access to running water remains common, which proved to be another obstacle in complying with hygiene rules. The reliance on internet-based services in many areas put Roma, Ashkali and Egyptians who lacked electricity, devices and e-literacy in a disadvantaged situation.

173. A general health risk for Roma, Ashkali and Egyptians is linked to the fact that many rely on informal waste collection work for their income. Apart from low and instable income and the social stigma linked to this work, it also bears health risks for the scrap collectors and their children.¹⁰⁶ Many informal waste collectors work in harsh conditions without proper safety equipment and tools and have been

¹⁰⁰ Government decision of 1 June 2022 on the "Institutional mechanism for encouraging and promoting employment for the Roma, Ashkali and Egyptian communities in the Republic of Kosovo".

¹⁰¹ Ibid.

¹⁰² DW (12 October 2022), [Kosovo delays local election in Serbian majority areas](#).

¹⁰³ ACFC Thematic Commentary No. 2, para. 120.

¹⁰⁴ World Bank Group (2019), [„Breaking the Cycle of Roma Exclusion in the Western Balkans”](#), p. 154.

¹⁰⁵ Ombudsperson Institution (2022), Annual Report 2021, pp. 113-114.

¹⁰⁶ RFE/RL, 9 October 2019, [„A Dire Need To Survive’ Drives Kosovo Roma To Risky Recycling”](#).

exposed to hazardous materials for many years.¹⁰⁷ The “Strategy and Action Plan for the Inclusion of Roma and Ashkali communities in Kosovo Society 2017-2021” (see Article 4) explicitly mentions improved waste management and elimination of scattered and unplanned dump areas to reduce exposure to harmful chemical and physical materials. The new Strategy no longer mentions this issue even though little tangible improvement of the situation can be observed.

174. In the context of Kosovo’s* overall weak health care system, also due to the non-implementation of the law on health insurance of 2014¹⁰⁸, Roma, Ashkali and Egyptians face even higher challenges than the rest of the population. For instance, they make less use of preventive health care services and gynaecological check-ups than the average population, which is also closely correlated with poverty, lack of education and a lack of trust in the health care system prevailing in these communities.¹⁰⁹

175. The Advisory Committee reiterates that effective participation in social and economic life requires, *inter alia*, that authorities remove barriers which prevent persons belonging to national minorities from having equal access to various spheres of economic life and social services.¹¹⁰ The Advisory Committee therefore welcomes the social, economic and healthcare support the authorities provided to Roma, Ashkali and Egyptian communities during the Covid-19 pandemic. It observes, furthermore, that the large presence of international organisations and donors in Kosovo* helped to address the needs of the most marginalised groups of the population. Given the lack of compulsory health insurance and the coverage of only basic needs by the public healthcare system, it is concerned about the sustainability of the system on the long-term. While ethnic differences are relatively low at the moment due to widespread poverty in the population overall, it is important to closely monitor how this develops in the future. The Advisory Committee warns against a too large dependence from international donors and short-lived projects, also as regards the collection of data on socio-economic inclusion and health indicators. The general health risks for many persons belonging to the Roma, Ashkali and Egyptian communities due to their work in waste collection is also of concern to the Advisory Committee.

176. A frequent complaint reported to the Advisory Committee was the lack of employment opportunities for young Roma, Ashkali and Egyptians, including those with secondary or even university education. Many young people from these communities remain unemployed regardless of their degrees. Representatives attributed this not only to the generally high unemployment but also to prevailing discriminatory attitudes. As a result, migration remains a frequent objective for qualified young Roma, Ashkali and Egyptians as

many do not see a viable future in Kosovo*. The Advisory Committee deplores this ‘brain drain’, which means the economy will continue to be dependent on remittances from abroad.

177. The Advisory Committee calls on the authorities to intensify their efforts to enhance the socio-economic inclusion and health care provision for persons belonging to the Roma, Ashkali and Egyptian communities as part of broader moves to develop a sustainable social welfare system and gradually reduce the dependency on international funding in these areas

Sustainability of return (Article 16)

178. The rate of return of persons displaced by the conflict is further slowing down. While there were 802 voluntary returns in 2015 the annual figure has gradually decreased to 306 returnees from non-majority communities in 2021. The last collective shelters for displaced persons are scheduled to be closed in 2022.¹¹¹ In total, there remain 15 683 displaced persons within Kosovo*.¹¹²

179. At regulatory level, the situation regarding rights of returnees has improved during the monitoring period. In 2018, the government adopted Regulation No. 01/2018, which provides a binding legal framework and consolidates the procedures and co-ordination between different mechanisms active in the returns process. It strengthened the oversight role and accountability of the Ministry for Communities and Return, instated Municipal Commissions on Returns as the main recommending body at municipal level and introduced the obligation to provide assistance to returnees based on clear eligibility criteria.¹¹³

180. The authorities also advanced on points agreed within the framework of the “Inter-institutional Initiative on Displaced Persons from Kosovo”, known as the Skopje Process, a regional initiative facilitated by UNHCR and OSCE to promote durable solutions for displaced persons from Kosovo*. Technical working groups composed of representatives from Belgrade, Podgorica, Prishtinë/Priština and Skopje worked, *inter alia*, on proposals to prioritise the processing of displaced persons’ property cases by courts, as well the establishment of database for registering and managing the applications for return.¹¹⁴

181. A Strategy for Property Rights was adopted in 2017 and outlines institutional obligations with regard to displaced persons’ property rights. The Law on Immovable Property

¹⁰⁷ ECMI Kosovo (2019), “Informal waste collection and recycling”, p. 17.

¹⁰⁸ Law No. 04/L-249 on Health Insurance.

¹⁰⁹ World Bank Group (2019), „[Breaking the Cycle of Roma Exclusion in the Western Balkans](#)”, p.54.

¹¹⁰ ACFC Thematic Commentary No. 2, para. 26.

¹¹¹ Ombudsperson Institution (2021), Annual Report 2020, p. 76.

¹¹² United Nations Interim Administration Mission in Kosovo (12 April 2022), Report of the Secretary-General, S/2022/313, para. 36. For the data for 2016, see Advisory Committee’s Fourth Opinion on Kosovo*, para. 112.

¹¹³ OSCE (November 2019), “Assessment of voluntary returns in Kosovo”, p. 14.

¹¹⁴ Written information provided by the OSCE Mission in Kosovo (March 2022).

Tax adopted in 2018 stipulates that displaced persons are exempt from property tax liability for the period that their property was illegally occupied. The Law on Treatment of Constructions of 2018 provides property rights safeguards for displaced persons. The work on a follow-up to the 2014-2018 Strategy for Communities and Returns has so far not been finalised, though.

182. At practical level, many problems described in the Fourth Opinion persist, however. In addition to continued exposure to acts of hostility (see Article 6), returnees continue to be confronted with their property being illegally occupied, delayed legal proceedings, non-inclusion in social housing programmes and social assistance, as well as challenges with identity documents and civil registration. The Ombudsperson observed that returnees are often faced with unemployment and housing problems, which are not adequately addressed due to an insufficient budget. The Ombudsperson also criticised that the situation of Roma, Ashkali and Egyptian returnee families from North Macedonia in Plemetin/Plementina village (Obiliq/Obilić municipality), which the Advisory Committee criticised as an example of un-co-ordinated forced return policy in its Fourth Opinion, continues to be very problematic.¹¹⁵

183. The Advisory Committee welcomes progress made in regulating the return of displaced persons and property rights, also thanks to the consistent involvement of international organisations. The proper implementation of those laws and regulations, however, requires constant efforts also in budgetary terms as well as a clear commitment by the authorities at all levels. The finalisation of a Strategy for Communities and Returns would certainly help to analyse the remaining challenges, prioritise the necessary measures and allocate domestic as well as international resources in an efficient way.

184. The Advisory Committee strongly encourages the authorities to ensure access of returnees to property, housing, social services and employment and adopt a new Strategy for Communities and Return.

Regional co-operation (Articles 17 and 18)

185. The EU-facilitated Belgrade-Pristina Dialogue launched in 2011 with the objective of a comprehensive normalisation of relations resumed in 2020 after an interruption of almost two years. Overall, progress has been limited. From the perspective of the K/Serb minority in Kosovo*, a significant step during the monitoring period was the integration of the judiciary (see Article 4). Negotiations also lead to the establishment of border crossing points and, in August 2022, an agreement on free movement under which Serbia has agreed to abolish the entry/exit documents for Kosovo*

ID holders and Kosovo* agreed not to introduce them for Serbian ID holders. No tangible progress has been made, however, on most of the issues affecting the everyday lives of K/Serbs, namely the integration of the health and education systems, recognition of diplomas, and the association/community of K/Serb majority municipalities.¹¹⁶

186. In September 2021, the Kosovo* authorities decided not to extend a provision in the EU-facilitated freedom of movement agreement and instead required Serbian licence plates to be replaced or covered with temporary Kosovo*-issued plates. This raised objections in K/Serb-populated areas, especially in the North, where residents blocked the transit roads. Kosovo Police special units were deployed near the crossing points. Following international pressure, the parties agreed to implement a temporary regime of using stickers on both Kosovo*-issued and Serbian licence plates. A special working group, consisting of both parties and European Union representatives, was established and tasked with agreeing on a more permanent solution.

187. In July/August 2022, tensions flared up again around this issue as well as entry/exit documents and blockades by K/Serbs were dismantled overseen by NATO peacekeepers. An agreement was reached at the end of August on the issue of entry/exit documents, but tensions escalated in November 2022 in response to Kosovo's* plan to begin fining motorists holding Serbia-issued licence plates. This led to thousands of K/Serbs working in Kosovo* public institutions, including the judiciary and police, to resign from their posts in early November. On 23 November, Kosovo* and Serbia reached an agreement on the issue of licence plates, but tensions remain high.

188. The Advisory Committee acknowledges that Kosovo* operates, in its relations with Serbia, in a highly complex environment which ultimately revolves around the question of recognition. It also notes the role played by Serbia in the difficulties in achieving a normalisation of relations, including in the most recent crisis in late 2022. In this context, the Kosovo* authorities have increasingly been referring to the principle of reciprocity when taking policy decisions such as the above-mentioned non-extension of the freedom of movement agreement or the use of car licence plates. From the perspective of minority rights, however, the Advisory Committee finds the reference to reciprocity irrelevant. The implementation of the Framework Convention, which is part of Kosovo's* legal order, must not depend on bilateral considerations.

189. The Advisory Committee encourages the authorities to strengthen their efforts with respect to regional co-operation and the promotion of lasting peace and stability in the region.

¹¹⁵ Ombudsperson Institution (2021), Annual Report 2020, p. 77, and Advisory Committee's Fourth Opinion on Kosovo*, para. 116.

¹¹⁶ Advisory Committee's Fourth Opinion on Kosovo*, paras. 20-21.

The Advisory Committee on the Framework Convention for the Protection of National Minorities is an independent body that assists the Committee of Ministers of the Council of Europe in evaluating the adequacy of the measures taken by the Parties to the Framework Convention to give effect to the principles set out therein.

The Framework Convention for the Protection of National Minorities, adopted by the Committee of Ministers of the Council of Europe on 10 November 1994 and entered into force on 1 February 1998, sets out principles to be respected as well as goals to be achieved by the states, in order to ensure the protection of national minorities. The text of the Framework Convention is available, among other languages, in Albanian and Serbian, Bosnian, Romani, Turkish, and many other languages.

This opinion contains the evaluation of the Advisory Committee following its 5th visit to Kosovo*.

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