



Assessment of the Status of Rights of Non-Majority Communities in Kosovo:

The Roadmap for improvement of the Rights of Non-Majority Communities



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ASSESSMENT OF THE STATUS OF RIGHTS OF NON-MAJORITY COMMUNITIES IN KOSOVO: THE ROADMAP FOR IMPROVEMENT OF THE RIGHTS OF NON-MAJORITY COMMUNITIES

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INTRODUCTION

Although the consequences of the Covid-19 pandemic can be considered to have partially faded during 2022 on a global scale, Russia's invasion of Ukraine has significantly contributed to deepening of the political and economic crisis across all lines. The rise of right-wing and populist political forces in Western Europe has shifted the narratives from humanitarian to those that are leaning towards ethno-centered and isolationist tendencies in terms of ideological spectrum. In such circumstances, the perspective of regional Euro-Atlantic integrative processes have been pushed away from the political mainstream scene, which ultimately gave path to rise of autocratic and illiberal discourses characterized by populist rhetoric that did not contribute to increase of inter-state and inter-ethnic normalization of relations.

On top of this, the stalemate in the normalization process between Pristina and Belgrade which was marred by constant prolongations in the continuation of a facilitated dialogue has been perceived by regional and international stakeholders as a potential threat to the already fragile political and security stability in the Western Balkans. Despite the dynamic shuttle diplomacy led by the European Union, the United States and several Western European countries with the aim of reducing potential security risks in the light of the aforementioned factors, it seems that it did not bore fruit. The constant cycles of political crises in Kosovo, partially catalyzed by the absence of progress in the normalization process, has decreased the potential of a sustainable platform for a post-conflict regulation of inter-ethnic relations and addressing the issues that stemmed from post-war traumas. As a result of a lack of long and short term solutions for various problems for which the previously signed technical agreements were designed to tackle, issues such as re-registration of license plates, security dilemmas and integration of the energy system in Northern Kosovo, formation of the Association/Community of Serb-majority municipalities, have backlashed in the form of a crisis symbolized by abandonment of Kosovo institutions by members of the Kosovo Serb community and the erection of barricades in the North.

This year's report, which covers January to December 2022, will differ slightly in form and content from previous reports of a similar nature published by NGO AKTIV. Although AKTIV continued to keep abreast of developments that affect non-majority communities in Kosovo, and reflected this in its reporting, as it is of crucial importance and indeed a cornerstone of organizational life, the deterioration of inter-ethnic relations, namely the institutional relationship (or rather, lack thereof) between

Kosovo Serbs and central-level governing institutions demanded a shift in focus and approach. While prior research focused on collecting and articulating information gathered through intensive work with local communities, it became clear that there was a distinct lack of interest from political actors to take into consideration the needs of Kosovo's non-majority communities, and that furthermore little-to-no improvement could be noted in the willingness and readiness of institutions to improve the implementation of legislation that governs the rights of non-majority communities.

It could be argued that, and putting larger and more opaque political questions related to the dialogue process aside, that one of the root causes of the problem described above is in fact the notable lack of tangible progress made in terms of the respect for community rights that is otherwise a cornerstone of Kosovo's constitutional and legal frameworks. Simply put, the crises experienced throughout 2022, particularly in the north of Kosovo, are a question of the rule of law, and a direct reflection of the high level of discomfort experienced by non-majority community members when reflecting on their overall position in Kosovo's socio-political ecosystem. Although many of that year's events can be interpreted in a variety of ways, they served to significantly worsen the relationship between Kosovo Serbs and the central government, and indeed led many to question the long-term viability of their future in Kosovo. Given the urgency of the past and current situation, it was determined that there should be greater focus placed on recommendations aimed at addressing the current impasse that began during the spring and summer of 2022.

The crises that will be described in greater detail in ensuing passages in this report are not the cause but rather a symptom of wider and deeper systematic issues that have plagued Kosovo over the past decade, and that, as of the publication of this report, do not show any clear signs of abating.

The year 2022 unfolded, for the most part, clouded by tension, shrouded in uncertainty and marked by eruptions of sporadic unrest, particularly in the four northern municipalities. These events would very much color the political developments that were to take place in 2023, and would serve to overshadow discussions and efforts relating to the rights and position of non-majority communities in Kosovo. This was particularly felt in the civil society sector, as work on issues such as language rights was brushed aside in order to respond to a series of rapidly emerging crises. These crises, while perhaps rooted in the lack of progress seen in the Belgrade-Pristina dialogue process, had a devastating effect on the day-to-day lives of residents of the four northern municipalities, not just because they exerted a great deal of psychological pressure on local communities but because they also, in many cases, posed a threat that for a great number of people was very much existential.

The end of January and the beginning of February 2022 saw the gradual entrance of special forces units in the north, as well as the beginning of construction on a special forces base near the Brnjak crossing.¹ The ensuing months saw a string of disagreements relating to threats made by central-level authorities related to the use of identification documents when entering/leaving Kosovo, and the use of number plates with 'KM' markings.^{2,3} This provoked considerable consternation among local communities, as many were either in possession of vehicles with Serbian-issued number plates or identity documents, and feared for either their livelihood or long-term ability to remain in Kosovo.⁴ The summer months of 2022 proved to be particularly tense, with Pristina continuing to insist on a reciprocal ID-card regime for crossings between Kosovo and Serbia, a continued failure to make progress in dialogue talks, and Pristina's ongoing reiteration of its opposition to the formation of the Association/Community of Kosovo Serb-Majority Municipalities.^{5,6}

The situation reached a nadir in November and December of 2022, when Kosovo Serbs announced their withdrawal from Kosovo institutions over the suspension of Nenad Djurić as Police Commander in the north. This included the resignation of the mayors of the four northern municipalities, mass resignations of Kosovo Police officers in that same area, the judicial sectors and the Kosovo Assembly and the erection of barricades at various locations throughout the north. Although the decision was widely criticized, and heavy pressure exerted on political actors from the Kosovo Serb community as well as on Belgrade, the measures

¹ KosSev, Betonski blokovi kod Brnjaka, Kosovska policija postavlja bazu pogranične policije, 2022, available at: <https://kossev.info/betonski-blokovi-kod-brnjaka-kosovka-policija-postavlja-bazu-pogranicne/>

² KosSev, Svećlja: Odluke o reciprocitetu se primenjuju od 1. septembra, o tome se neće razgovarati u Briselu, 2022, available at: <https://kossev.info/sveclja-odluke-o-reciprocitetu-se-primenjuju-od-1-septembra-o-tome-se-neece-razgovarati-u-briselu/>

³ The disagreement arose in relation to the widespread use of Serbian-issued license plates with markings of cities in Kosovo, which are considered by the Kosovo authorities to be illegal.

⁴ Based on focus groups and interviews conducted between May and June of 2023 in the four northern municipalities.

⁵ KosSev, Priština ponavlja da je protiv ZSO, kritikuju SL da se ne bavi svakodnevним problemima Srba na Kosovu, 2022, available at: <https://kossev.info/pristina-ponavlja-da-je-protiv-zso-kritikuju-sl-da-se-ne-bavi-svakodnevним-problemima-srba-na-kosovu/>

⁶ KosSev, U Briselu danas bez ikakvog dogovora, razgovori se nastavljaju do 1. septembra, 2022, available at: <https://kossev.info/borelj-uoci-sastanka-u-briselu-obe-strane-da-budu-otvorene-vucic-nadam-se-resenju-ali-u-to-ne-verujem/>

enjoyed a fairly large degree of support from local communities, who felt increasingly pressured and intimidated by the rapidly deteriorating socio-political environment which they inhabited.⁷ In the last days of 2022, on the 29th of December, Serbian President Aleksandar Vučić announced that the barricades would be dismantled, at least temporarily deescalating the situation. That having been said, the events of 2022 very much set the stage for 2023, which otherwise saw a continuation of the unceasing undulation of tensions that had characterized the previous year.

It could be argued that, among others, one of the greatest casualties of the events that took place was the distinct lack of progress, or even public discussion of, the rights of non-majority communities in Kosovo's institutional structures (local or central.) Serbs in the north were left bereft of adequate political representation, while other non-majority communities were consigned to the sidelines as media headlines and political priorities were swiftly re-oriented to a 'crisis management' mode, as was the attention of the international community. This was very much reflected during the process of conducting research for this paper, as most discussions were dominated by events such as the barricades, withdrawal of Serbs of institutions and other similar events rather than on the day-to-day needs and problems of non-majority communities.

⁷ Based on focus groups and interviews conducted between May and June of 2023 in the four northern municipalities.

MAPPING OF KEY PROBLEMS

Key problems, issues, grievances and interests of non-majority communities that were mapped and elaborated in detail in NGO AKTIV's Assessment of the *Status of the Rights of Non-Majority Communities in Kosovo* that covered 2020⁸ and 2021⁹ have offered the academic and wider public with an overview of issues that haven't been addressed or resolved throughout the last two post-conflict decades. Since vast majority of matter in question haven't changed its essential nature, i.e. the unresolvedness of crucial problems have been victims of absence of institutional and practical responses by relevant stakeholders, this report will not delve into scrutinizing the already analyzed barriers to improving the rights of non-majority communities in Kosovo. Therefore, the purpose of this publication will be to outline the key takeaways deduced from the in-depth and comprehensive research activities implemented by NGO AKTIV and other CSOs¹⁰ that dealt with problems of non-majority communities.

Participants in interviews and focus groups conducted during the second quarter of 2023 demonstrated a tendency to focus on their immediate physical security, as well as an overriding concern connected to the political dynamics between Belgrade and Pristina. In a sense, and speaking very generally, problems and discussions surrounding questions of language rights, access to services, cultural heritage and the like have been largely subsumed by that spate of crises that began during the second half of 2022. One interviewee, from a small and isolated village in western Kosovo, described an atmosphere of fear and precariousness that pervades their community, and even went so far as to describe an ad-hoc plan to flee the area (made in August of 2022) should the situation in the north deteriorate (and spill over to other parts of Kosovo) to the extent that their continued presence in that area become untenable.¹¹ While that particular scenario did not come to fruition, it is perhaps the most extreme example of a pattern that was noted when speaking with interlocutors for the purposes of this research: Day-to-day difficulties experienced in previous years continued, largely unchanged, but greater urgency was placed on the looming threat of escalation, which is, in essence, is seen as a problem of existential nature.¹² Others stressed that the crises had a serious knock-on effect in terms of inter-ethnic relations and interactions, particularly in the greater Mitrovica region, where a combination of fear and increased reticence to 'cross to the other side' contributed to a reduction in the scope and depth of contact between the two main communities in that area.

Many residents of areas inhabited by Kosovo Serbs, particularly but not

⁸ NGO AKTIV, Assessment of the Status of the Rights of Non-Majority Communities in Kosovo (2020), 2021, available at: <https://ngoaktiv.org/wp-content/uploads/2023/01/KosovoEngweb1.pdf>

⁹ NGO AKTIV, Assessment of the Status of the Rights of Non-Majority Communities in Kosovo (2021), 2022, available at: <https://ngoaktiv.org/wp-content/uploads/2023/03/Final-ENG-Annual-Report.pdf>

¹⁰ For the purpose of this publication the research analyses published by *Communication for Social Development, Humani centar Mitrovica, Advocacy Center for Democratic Culture, Voice of Roma, Ashkali and Egyptians in Kosovo and Youth Initiative for Human Rights Kosovo* were consulted.

¹¹ Based on interviews and focus groups conducted for the purposes of this research between March and June of 2023.

¹² Ibid.

only in the north, cited concerns of interactions with police and other authorities, noting that their general behavior and attitude towards them had worsened over the past year.¹³ While members of other non-majority communities did not have the same complaints, some noted that the overall atmosphere for minorities, particularly in terms of institutional challenges and the implementation of legislation (especially pertaining to language rights), had become more challenging over the course of 2022. Some attributed this to rhetoric stemming from the ruling party, that is often nationalistic in nature, and often employs language that is exclusionary towards non-Albanian citizens of Kosovo.¹⁴ In fact, concern over nationalistic narratives promoted by central-level political actors was a common thread in focus groups and interviews, as was the concern that ongoing issues were being left by the wayside as the gravity of the crisis continued to worsen throughout the second half of 2022. Although the Kosovo government attempted to improve the scope and depth of its outreach to non-majority communities, particularly through the Office of Community Affairs¹⁵, often in the form of grants, subsidies and meetings with civil society organizations, this had only a very limited effect on the extent to which the institutional relationship was improved: Many members of, for example, the Roma, Ashkali and Egyptian communities reported continued challenges, particularly when accessing public services. This is despite, what the Kosovo government insisted was, increased investment and efforts to bring members of non-majority communities into Kosovo's institutional fold and strengthen their participation in political life. If anything, 2022 saw an aggravation of a sense of isolation from political processes, something that reached a low point with the withdrawal of Kosovo Serbs from institutions in the north.

When it comes to other non-majority communities, many expressed concern that the dialogue process had consumed attention, not just from an institutional perspective but also within civil society and the international community.¹⁶ Members of Kosovo's Bosniak community reported continued issues when it comes to the application/implementation of the Law on the Use of Languages, while similar sentiments and concerns were noted by the Roma, Ashkali, and Egyptian community in Gračanica/Graçanicë who noted ongoing problems when it comes to accessing services in the Romani language, which enjoys official status in that municipality.¹⁷ Furthermore, and particularly for Bosniaks in the north of Kosovo, the crises that marked much of 2022 also constituted an exacerbation of pre-existing problems connected to both their relationship with Serbs, as well as with the Albanian minority. This is not a mere question of 'loyalty', but rather one that one of a political and institutional nature - although they face many of the same problems, particularly in regards to language rights, Bosniaks have been more inclined to accept integration into the Kosovo system, and therefore found themselves in an especially precarious and challenging position when Serbs withdrew from institutions.

It also appears that access to documents continued to be an issue for members of the Kosovo Serb community, particularly for returnees, and those born after 1999. NGO AKTIV, through the course of this research, identified a number of cases¹⁸ of residents being unable to obtain citizenship/identity documents due to bureaucratic hurdles encountered. In a number of cases, citizenship was refused on the grounds that the

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ NGO AKTIV, Assessment of the Status of the Rights of Non-Majority Communities, 2022, pp. 27, available at: <https://ngoaktiv.org/wp-content/uploads/2023/03/Final-ENG-Annual-Report.pdf>

individual in question was unable to provide documentation issued by Kosovo institutions that they were born on Kosovo territory and/or to parents who possess Kosovo citizenship. This allegedly can be traced to administrative instructions which require, for a person requesting citizenship based on the principle of jus sanguinis, that the signature of both parents on the application form. This is an unusual procedure, as it has been applied (at least in practice) to adults as well as children. It is exceedingly difficult to determine the exact number of residents in Kosovo of Serb nationality who face this issue, as denials of citizenship requests are often not accompanied with a full explanation nor are they made publicly available.

Below are five crucial problems and needs per non-majority community that seek immediate attention of and intervention on the side of local and central level governing institutions, based on the comprehensive research conducted by NGO AKTIV in the last three years among following communities¹⁹:

¹⁹ The numbering does not indicate that it is presented as a prioritized list.

Bosniaks:

- 1 Enhancing the **quality of education** in the Bosnian language is essential. This can be achieved by ensuring a consistent availability of textbooks and expanding the range of courses offered at high schools and universities in areas where Bosniaks constitute a significant portion of the population. These efforts are vital for bolstering the growing potential within the Bosniak community in Kosovo. Additionally, there's a need to elevate the quality of services delivered in Bosnian language through both local and central level institutions.
- 2 In line with previous interest is the need for more transparent financial and logistical investments in projects, events and initiatives whose aim is to **protect and preserve the language and cultural identity** of Kosovo Bosniaks by means of financial granting offered more frequently and substantially by local and central level authorities.
- 3 The community's capacity to **access services and information in native Bosnian language** faces substantial hindrances due to persistent structural issues related to the adherence of multilingual regulations. These circumstances underline the need for systemic reforms and the implementation of oversight mechanisms targeting local authorities, which can be driven by central-level institutions and facilitated by the Office of the Language Commissioner. In that regard, the lack of consecutive or simultaneous translation into Bosnian language during judicial procedures is one of the issues that needs to be addressed urgently.
- 4 Political parties that represent the interests of the Bosniak Community in Kosovo should strive to establish a **shared sense of interests that go beyond particular political programs**. This needs to involve a process which will be catalyzed by and consist of identifying and prioritizing the core concerns that need to be advocated for jointly both on local and central levels of governance.

Gorani:

- 5 To enhance the economic potential and freedom of movement for individuals belonging to the Bosniak community, it is imperative for the government and local authorities to allocate increased funds towards **improving road infrastructure** in the remote areas where community members reside.
- 1 Similar to other Slavic-speaking ethnic communities in Kosovo, it's essential for both local and central authorities to enhance their commitment to effectively enforcing the Language Usage Law. Additionally, the Dragash/š municipality should consider appointing at least one individual fluent in the **Gorani language**, facilitating improved access to municipal services for those for whom this language is native. Despite the fact that the Gorani language is still not standardized, it should not be a barrier towards enhancing inclusion of the Gorani community in the processes of offering services in their native language.
- 2 **Enhancing the economic conditions and addressing unemployment** among the Gorani community members are top priorities, primarily achieved by overcoming language barriers. This is crucial for improving competitiveness within the labor market in Kosovo, as well as ensuring better access to institutional services and effective communication with officials in their native language.
- 3 Relevant institutions should **address the persistent issue of robbery and property theft along the border regions of Dragash/š municipality**. Despite being a recurring problem in previous years, the local authorities have yet to effectively resolve it. Due to their lack of confidence in the timely response of competent institutions, many instances of theft go unreported among the local population. This lack of reporting can be attributed to a combination of factors including distrust in law enforcement agencies and the porous border with Albania. Implementing responsive and visible law enforcement measures (by means of recruiting members of the Gorani community for the Kosovo Police), along with enhanced border patrols, could serve as a deterrent to potential threats and encourage the reporting of theft incidents.
- 4 Creating a sustainable environment to **prevent the overwhelming migration** of (especially younger) members of the Gorani community and their departure from the Gora region (situated in southern part Kosovo). This should be done in a manner that takes into account the potentials of this region, particularly concerning the tourist attractions it can and could provide for both local and international visitors.
- 5 Improving the **access to adequate education** for the younger members of the Gorani community, as a prerequisite for their complete integration into Kosovo society.

Roma, Ashkali and Egyptians:

- 1 Access to services:** Achieving parity and comprehensive integration of members from the Roma, Ashkali, and Egyptian communities in the employment process, coupled with facilitating their equitable entry to healthcare, education, and various public services remained highly problematic. Members of these communities reported rampant discrimination at all institutional levels, particularly in the fields of healthcare and the provision of other basic social services.
- 2 Enhancing the operational mechanisms of institutions to combat discrimination,** a critical challenge faced by members of the Roma, Ashkali, and Egyptian communities in their pursuit of fundamental human rights that was also noted throughout 2022 were difficulties in defending basic legal rights, as poverty and lack of knowledge continued to act as stumbling blocks in the advancement of their rights.
- 3 Promoting the inclusion of Romani language** studies in educational institutions as an elective subject, with a substantial participation of community members. This also entails the usage of Romani language as an official language in use on local levels in municipalities of Prizren and Gračanica/Graçanicë.
- 4 A considerable number of individuals within these communities lack appropriate legal documentation,** limiting their ability to access education, social benefits, and employment opportunities, which needs to be addressed holistically, since this problem has persisted for an extended period of time.
- 5 Finding a comprehensive remedy for the insufficient housing and living conditions** is essential to improving overall living conditions. Numerous members of Roma, Ashkali and Egyptian communities reside in informal settlements characterized by substandard housing, lacking proper infrastructure and essential amenities.

Serbs:

- 1 Security Concerns:** This is perhaps the most pressing and immediate concerns for Kosovo Serb communities both south and north of the river Ibar. Although the scope and nature of the problem does differ, in the sense that such worries in the north stem from the presence of special forces, dispersed throughout the area, while in the south there has been, for several years now, a generalized sense of vulnerability that is closely linked to feelings of impunity and a lack of interest from relevant institutional actors. Have this in mind, it is imperative for both central and local establishments to enhance safety provisions for Kosovo Serbs, particularly for those residing south of the Ibër/Ibar River. This involves addressing legal cases involving threats to personal and property security, and the clear denouncement of such occurrences by officials at both central and local levels. Furthermore, and particularly in the north, this would involve a complete withdrawal of special forces, and a halt to the illegal construction of police bases.
- 2 Property and the returns process:** The question of the return of usurped properties to their rightful owners is a matter that is especially pressing in areas south of the river Ibar, particularly in areas in and around the Vushtrri/Vučitrn municipality and in western Kosovo. There are continued reports of harassment of returnees, and the court system throughout 2022 continued to be backlogged with cases, with even more extreme examples of usurpation remaining unpunished and unanswered by relevant institutions and legal organs. Residents of more isolated and vulnerable communities, that is, those living outside of Kosovo-Serb majority municipalities, felt particularly unprotected in this regard, with many claiming that part of their land had been taken from them, but that either local authorities did not provide appropriate legal remedies to address their cases or that they made a conscious decision to not report the usurpation out of fear of retaliation (perhaps the most common reasoning), or a lack of confidence in the willingness of judicial authorities to take the steps necessary to return their land to them.
- 3 Equal access to services:** Research participants also reported, particularly those living in rural areas, difficulties in accessing public services, especially those resident in Albanian-majority municipalities. These difficulties stem from issues connected to the lack of implementation of official bilingualism, as well as claimed by some interlocutors, a lack of willingness to engage with the Serb community. It should be also noted that this issue extended to questions of infrastructure (i.e. roads), which something that is frequently subject to neglect. Furthermore, Kosovo Serbs also reported issues in regards to obtaining Kosovo identity documents, leaving many in administrative limbo.
- 4 Cultural and religious heritage:** There were continued incidents of property policy to the Serbian Orthodox Church (SOC) being damaged, or moveable property being stolen from them. Despite a relatively strong legal framework that provides considerable protection to cultural heritage sites, many from the Kosovo Albanian community remain hostile to it,

and the desecration of churches and monasteries remained commonplace. Furthermore, many reported being disturbed by claims stemming from the political representatives of Kosovo Albanians, as well as academics and other public figures, attempting to impose the idea that heritage sites such as the Gračanica/Graçanicë Monastery, Peć/Peja Patriarchy, and the Dečani/Deçan Monastery are actually Albanian.

5 Language rights: Issues surrounding the implementation of bilingual legislation is ongoing, and remains largely unaddressed at the political level. Violations are numerous, particularly in citizens' day-to-day interactions with institutions²⁰. Furthermore, and throughout 2022, those employed in the judicial sector continued to note problems, for example, in receiving court decisions in the Serbian language, hampering lawyers' ability to provide adequate and effective legal representation to their clients. Another issue of note that came up on numerous occasions when conducting research for this paper was the use of language in certain areas of the private sector, namely banking and telecommunications, who are otherwise bound to adhere to the provisions of the Law on the Use of Languages. Research participants noted receiving contracts and other official documents in Albanian, in the total absence of any translation into the Serbian language.

²⁰ According to research conducted in 2023 by Communication for Social Development (from Gračanica/Graçanicë) among members of the Kosovo Serb Community, 95% of respondents believe that the right to use Serbian language in communicating with institutions is not respected: *Policy Brief: Rights and Interests of the Serb Community*, pp. 26.

Turks:

1 Due to a notable absence of official communication materials presented in the Turkish language in municipalities where members of the Turkish community constitute a significant portion of population, it is advised that immediate steps be taken to address this issue, by **ensuring the availability of interpreters and by providing official information and documents in the Turkish language**, which should be translated and offered to members of this non-majority community in a timely manner.

2 Central level institutions, in particular the Ministry of Education, should **address the deficiency of Turkish-language books** in both primary and secondary schools for the Turkish community members. This can be achieved through establishment of a more closer cooperation with educational institutions based in Türkiye.

3 Relevant central level institutions, including those dealing with issues of non-majority communities, should invest more in **finding sustainable and systematic solutions for the issue of unemployment** among the younger members of the Turkish community, which could ultimately tackle the increasing outward migration among this social category.

4 Non-governmental organizations and associations that come from the Turkish community should be more active in the community by means of activities which will further promote the **Turkish language, cultural heritage and identity** in a way that is more visible and dynamic. In that regard, these organizations should strive to apply for grants offered by local and central level institutions in Kosovo, as well as international donors, so as to increase the scope, quality and outreach of implemented activities throughout Kosovo.

5 The **rising number of websites and fake social media profiles that disseminate offensive messages** targeting Kosovo Turks has raised significant concern among members of this community seeks immediate intervention and attention on the side of institutions which deal with online hate speech and verbal harassment.

RECOMMENDATIONS

Political Participation and Representation of Non-Majority Communities

- Political parties that represent the interests of non-majority communities must ensure the regular organization of consultative gatherings with their constituents. This will enable them to effectively and promptly advocate for the improvement of the rights of these communities, addressing matters both in broad terms and on specific levels, ranging from minor to major issues.
- Regardless of ideological or programmatic variances within individual non-majority communities, it is of crucial importance for them to enhance communication among themselves on a regular basis. This will enable a more cohesive and unified approach when addressing and advocating for issues that require resolution from the broader perspective of their constituencies.
- Due to the shared nature of challenges faced by members of non-majority communities, it is essential for political parties advocating for these interests to collaborate more closely. By seeking common ground, these parties can effectively address shared issues and work towards their resolution collectively, thus ultimately putting more pressure on decision-making stakeholders to take the joint proposed solutions into account.
- In light of the controversy during the 2019 elections over voting rights for citizens who live outside of Kosovo, particularly displaced individuals temporarily residing in Serbia, it is advisable for the Central Electoral Commission to reconsider its decision requiring only those who have Kosovo institution-issued documents to have the right to vote. Collaborating with relevant international stakeholders, including non-majority community political parties, to develop a more inclusive verification process could help prevent disqualification of certain categories of people to take part in the electoral processes, while simultaneously maintaining the integrity of the electoral system.
- In order to achieve greater impact on policy making on the central level, the Consultative Council for Communities (CCC) needs, as an important institutional mechanism for protection of rights of non-majority communities, be reformed in a way to be able to increase the potentials for finding institutional solutions for problems faced by members of non-majority communities. For this to be achieved, the legal framework needs to be changed in a way to strengthen CCC's decision-making authority and the respect of its binding recommendations, thus ensuring effective promotion of non-majority community rights. On top of that, more resources (both financial and staffing-wise) needs to be allocated to CCC, while simultaneously increasing efforts to involve non-majority communities through public events and partnerships with local civil society organizations.²¹ Similar structural changes need to be seen as well

²¹ Advocacy Center for Democratic Culture, *EFFECTIVENESS OF CONSULTATIVE GOVERNMENT MECHANISMS IN KOSOVO: Consultative Council for Communities*, 2023

Freedom of Speech/Media

in other institutional mechanisms that are at non-majority communities' disposal: Ministry of Community and Returns and Office for Community Affairs.

→ Provide conditions for fair and democratic elections in the municipalities in the north of Kosovo, with reputable observers and more serious observer engagement of civil society. Such a mechanism presupposes reducing the pressure on voters and their free will when making decisions and creates conditions for the establishment of municipal administrations that serve as a service to citizens.²²

→ A more proactive engagement of the Kosovo Police and the judicial system is crucial in addressing incidents involving journalists from non-majority communities who face verbal or physical attacks or threats. Failure to make significant progress in holding those accountable for such actions could potentially undermine both the well-being of the affected individuals and the credibility of the media outlets they represent.

→ The Association of Journalists of Kosovo should make efforts to incorporate journalists from non-majority communities and actively engage with media organizations that haven't been previously partnered with. This is particularly important for fostering collaborations with media outlets within the Bosniak, Serb and Gorani communities.

→ Decision-makers on both local and central level should refrain from coercive and/or pressuring measures imposed on representatives of media in general, and those coming from non-majority communities in particular.

→ Non-governmental organizations and associations coming from non-majority communities should strive to be more active in seeking opportunities for funding projects whose aim is to preserve their particular linguistic and cultural identities. On the other hand, they must also be actively engaged in monitoring the process of grant-making done by local and central levels reserved for non-majority communities so that they are in line with relevant laws and that information about public calls and subsequent distribution of funds are transparent, a process which should be made public in languages of non-majority communities.

→ When offering members of non-majority communities opportunities for funding of activities which aim are to preserve and promote their particular identities the Government of Kosovo and the international donor community should take into consideration their actual needs, rather than setting their own agendas based on strategies that were not designed in close coordination with local non-majority communities.

→ In order to make political representatives of political parties coming from non-majority communities more transparent and accountable, non-governmental organizations should invest more in conducting monitoring and evaluation of their activities within the Government and Assembly. A pivotal role in this process can have media reporting in languages of non-majority communities, which can be a crucial ally of CSOs in their efforts to hold political representatives more accountable to their constituencies.

Civil Society Organizations from Non-Majority Communities

Access to Services

- Address systematic discrepancies in the implementation of the Law on the Use of Languages that pertains to the use of Serbian, Bosnian, Romani and Turkish at the local and/or the central level. This would involve ensuring access to information, the timely and efficient translation of information into languages other than Albanian.
- In order to ensure that greater access to services is achieved, to provide trainings for staff at local and/or central level institutions to better understand and cater to the needs of Kosovo's non-majority communities. This sort of training should not only focus on the Kosovo Serb community, but on the Bosniak, Gorani, Turkish and Roma, Ashkali and Egyptian communities as well. This should be targeted at municipal employees, healthcare workers and social service providers.
- Provide cross-cultural training for public employees working in regions with diverse ethnic and religious structures. This training should focus on developing intercultural communication skills and a deeper understanding of the historical and cultural context of both communities. It can help mitigate biases and stereotypes.
- Appoint community liaison officers who can act as intermediaries between the public service providers and the communities they serve. These officers can facilitate communication, address concerns, and bridge the gap between the communities and service providers.
- Prioritize infrastructure development and maintenance in rural areas, including roads and other essential facilities. Neglect of infrastructure can exacerbate inequalities and hinder access to basic services. Ensure that resources are allocated fairly to improve living conditions for all residents.
- Conduct regular needs assessments in both Albanian-majority and Serb-majority municipalities. This can help identify specific challenges faced by each community and guide the allocation of resources and services accordingly.
- Establish mechanisms for transparency and accountability in resource allocation and service delivery. Regularly share information with the communities about projects, timelines, and budgets. This can help build trust and ensure that services are provided fairly.
- Collaborate with civil society organizations that work on promoting community rights and social inclusion. These organizations can provide valuable insights, advocate for equitable services, and contribute to effective policy implementation.
- Organize intercommunity dialogue sessions to foster understanding and collaboration between the Albanian and Serb communities. These discussions can help address misconceptions, build relationships, and identify common goals.
- Ensure that these recommendations are integrated into long-term policies and strategies. Consistent commitment from government bodies and relevant stakeholders is essential for sustainable change and continuous improvement in service access and community relations.

Language rights

- Establishment of a database of legal acts to be harmonized with the Law on the Use of Languages and other regulations protecting language rights in Kosovo, due to existence of numerous errors in the translation of laws and other legally binding documents, which ultimately lead to different interpretations of legal norms that have the same meaning.
- Hiring of additional translators at the central and local levels, which would bring closer the institutional services to members of non-majority communities by means of communication in their native language. This process will also entail professional trainings and additional courses for newly hired translators, so that they would be fully equipped and ready to respond to the needs of members of non-majority communities.
- Establishment of an institutional translation quality assurance mechanism at both central and municipal levels in the form of a systemic (coordination) mechanism of translation, proofreading and editing of legal acts. The mechanism would make it impossible to publish a legal act without the prior verification and confirmation of the quality of translation.
- Creation of the Rulebook on official communication within Kosovo institutions. Inter-institutional communication must be done in official languages, which means that all letters, requests or complaints that support inter-institutional communication must be written in the official languages. Institutions must respond in the language in which they received the letter, request or complaint as required by the positive legal regulations in Kosovo and good international practice in bilingual systems.
- Translation of the content of websites of central institutions and municipalities into Serbian and other languages of non-majority communities in official use in municipalities.
- Creation of a systematic and detailed plan in the form of administrative instruction or a separate sub-law related to the Law on Use of Languages for solving issues around the use of non-majority languages in court proceedings.
- The current legislation stipulates the obligation of Kosovo institutions to mark and place topographical signs in all official languages, respecting thereby the linguistic equality. A multilingual dictionary of toponyms would list and provide a brief description of toponyms in Kosovo, which would ultimately be used in all official documents issued by local and central level institutions when published in languages of non-majority communities.²³
- The international community should focus more efforts and financial support on vulnerable communities in Kosovo, particularly in returnee areas and other isolated/vulnerable communities. This should involve close work with civil society organizations that work in those areas and provide humanitarian assistance to people living in those areas.
- To tackle the high rates of unemployment within non-majority communities, the Government should put forth a comprehensive and tailor-made official strategy for combating joblessness on national level, specifically emphasizing the economic empowerment of women and persons with disabilities within these communities.

²³ A more detailed and comprehensive list of recommendations pertaining to implementation of the Law on Use of Languages can be found in NGO AKTIV's publication *Recommendations for a Policy Framework on the Implementation of the Law on Use of Languages*, 2022, available at: <https://ngoaktiv.org/wp-content/uploads/2022/12/2022-05-06-Preporuke-engleski1.pdf>

Socio-Economic Issues

Security and Freedom of Movement

- The international community should apply pressure on the government of Kosovo to clarify its policies when it comes to the use of Serbian documents in Kosovo, and to ensure that access to citizenship and Kosovo documents is eased by working with the Ministry of Internal Affairs to issue new administrative instructions that will clarify procedures for obtaining documents, particularly for returnees and those born after the year 1999.
- It is imperative to make joint efforts in addressing the concerns raised by the international community regarding reported criminal offenses that specifically target members of non-majority communities, particularly the Serb Community, as well as other marginalized groups. In that regard, The Kosovo Police, the Judiciary, and the Prosecution should work closely on cooperating with the aim of systematic synchronization of activities which will ultimately lead to an increase in solving cases (of incidents) in a timely and legally adequate manner.
- Local and central-level decision-makers should be more vocal in condemning acts of violence in multiethnic areas, thus contributing to a positive feeling of security and adequate protection by relevant institutions.
- Relevant local and central level institutions should make serious steps towards protection of cultural and religious heritage of non-majority communities in a way that it's detached from the malignant influence of politics. Numerous unresolved cases of attacks on property of the Serbian Orthodox Church (SOC) in the last two decades have proven that systematic solutions for a sustainable and adequate protection of cultural and religious heritage sites need to be put in motion and seek immediate attention of all relevant institutions, including the international organizations and missions present in Kosovo.

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