



## MONTHLY NEWSLETTER – December 2011 & January 2012

### Political Developments:

#### Kosovo's trade reciprocity measures on Serbia

On 8 December, under the proposal of the opposition Vetëvendosje! Movement, Kosovo's parliament adopted a decision obliging the Government to apply 'political, economic and trade reciprocity' in relations with Serbia. This was a response to Serbia's reluctance to lift the ban on Kosovo's exports even after the July, EU-mediated trade deal. On 18 December, the Vetëvendosje! opposition Movement gave the Government 1 January as a deadline to enforce this decision. In early-January, they announced they will organize a protest, on 14 January, at the Merdarë/Merdare and Dheu i Bardhë/Bela Zemlja border-crossing points with Serbia, to 'enforce the reciprocity decision. They claimed that the Government had no willingness to enforce it. Vetëvendosje!'s move was condemned by international actors (mainly the International Civilian Representative in Kosovo and the so-called 'Quint states'. In a joint press release, Embassies of the U.S. Germany, U.K., France and Italy in Prishtina expressed their concerns over the protest announced, urging Vetëvendosje! to refrain from any provocation or violence against Kosovo Police personnel. In the protest near the two border-crossing points, Kosovo Police clashed with protesters. Some 50 people were injured and 146 arrested. In their reactions, the opposition, civil society and Amnesty International, *inter alia*, accused the police for having exercised excessive force against protesters. On 21 January, the Kosovo's parliament passed another decision, proposed by the ruling PDK, overruling the December decision and giving the Government full responsibility to implement the trade deal with Serbia, including by taking into account the principle of reciprocity. The second protest, of 23 January, near the same border-crossing points, ended peacefully. Vetëvendosje! found the 21 January decision anti-constitutional, and referred it to the Constitutional Court.

#### Kosovo – Serbia Talks

During the reporting period, talks focused on implementing the agreements already reached.

Implementation of the freedom of movement deal started on 26 December. Citizens of Kosovo are now allowed to enter Serbia with Kosovo IDs. On 21 December, pursuant to the respective deal, Kosovo received first copies of the civil registry books, out of over 14.000 in total. Copies of documents returned, mainly birth certificates, belong to the Lipjan/Lipljan Municipality. Nevertheless, implementation of the free movement deal faces problems, as Kosovo vehicle plates are replaced with temporary Serbian ones and passports of Kosovo citizens are to remain at the border-crossing point, to be retrieved on the way back. Moreover, until 10 January, serious delays were occurring at the Serbian side of the Merdarë/Merdare border-crossing point, due to, according to Serbian officials, 'technical problems'. Kosovo Serbs also complained that the vehicle insurance fees were unaffordable too high. On the other hand, although Serbia agreed to the IBM deal in hope of gaining EU candidate status, the European Council announced on 9 December it postponed its decision on this for March 2012, demanding that Serbia withdraws the presence of its institutions in Kosovo and convinces local Serbs to remove all the barricades. In response to this, President Tadić of Serbia said he had a 'four point' plan to solve the issue. On 26 January, Kosovo Serbs dismissed such a plan as copy-paste version of the Ahtisaari plan. The Mitrovica parallel Mayor, Krstimir Pantić, indicated that it is unacceptable and will not help to remove the remaining barricades.

#### The Referendum of Kosovo Serbs

On 26 December, the northern Kosovo parallel Mayors decided to hold a referendum for citizens in this area to decide whether to accept the Kosovo institutions. In mid-January, Serbia's 'Kosovo' Minister, Bogdanović, tried to persuade them not to hold it, yet they decided to hold it, also using a statement of Jelko Kacin, European Parliament's Rapporteur for Serbia, that it would not affect Serbia's EU candidacy. The Kosovo Government and ICR stated such a referendum is illegal.

#### Visa Liberalisation

The EU Home Affairs Commissioner, Malmström, visited Prishtina on 19 January, also launching the visa liberalisation dialogue, with a view to finalizing the roadmap by March, in cooperation with Kosovan authorities. The Prime Minister Thaçi said he expected that this would realize the long waited visa-free travel to the EU countries for Kosovo citizens.

#### HRW: Kosovan Roma, Ashkali and Egyptian Communities Remain Discriminated

The 2012 Human Rights Watch report states that Kosovan Roma, Ashkali, and Egyptian communities remain marginalized and vulnerable to discrimination, particularly when it comes to housing and access to public services. The report claims that they still face the highest unemployment, school dropout, and mortality rates in Kosovo.

#### ISG to Conclude Supervised Independence

On 24 January, the International Steering Group set end-2012 as a time to conclude Kosovo's supervised independence. The ISG concluded that the country is in the final stage of implementing the Ahtisaari Plan, and that preparations for ending supervised independence, including the closure of ICO, will start, with a detailed timetable to be finalized by June.

#### Students Protest against Limaj Trial

On 30 January, dozens of Pristina University students took to the streets of the city, demanding an end to the trial of former KLA commander, Fatmir Limaj, and other defendants, calling it 'discrimination against liberators'. The same day, Limaj's defence team asked the court to order a detailed analysis of the diary left by the late witness Agim Zogaj (known as 'Witness X').

#### Ghana and Haiti Recognize Kosovo

On 24 January, the Government of Kosovo confirmed that the Republic of Ghana has recognized the Republic of Kosovo. Another recognition came on 10 February, from the Republic of Haiti, thus bringing the number of UN Member States recognizing it to 87.





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### ECMI Kosovo Project Updates:

#### Legal Aid to Vulnerable and Marginalised Groups

During the reporting period, ECMI Kosovo continued with the implementation of the project: *'Enhancing the Positive Impact of the Law for Vulnerable and Marginalised Groups in Kosovo'*, funded by the European Union and managed by the European Commission Liaison Office to Kosovo.

In January, ECMI Kosovo organised an information campaign to promote its new clinic in Malishevë/Malishevo. Also, ECMI Kosovo has started to use a new database to keep even better track of all cases legal aid cases received.

In December 2011, ECMI Kosovo signed a cooperation agreement with the NGO 'Youth Initiative for Human Right' (YIHR). Based on this agreement, two local legal trainees, under the supervision of the YIHR project coordinator, will support ECMI Kosovo on pursuing strategic litigation on violations of the *Law on Use of Language*.

During the December 2011 and January 2012, legal aid lawyers provided free legal assistance to 379 beneficiaries. A large proportion of the beneficiaries in January 2012 were former employees of a privatised company, whose case is currently in the Supreme Court.

ECMI Kosovo continued with a project funded by the Office of The United Nations High Commissioner for Human Rights (OHCHR).

For more information on this project please visit [www.kosovo-legalaid.com](http://www.kosovo-legalaid.com).

#### Support to Minority Communities during and after the Decentralisation Process

During the reporting period, ECMI Kosovo continued with the implementation of the project extension 'Support to Minority

Communities during and after the Decentralisation Process', funded by the Finnish Ministry of Foreign Affairs.



Under the first component, during this period, we continued with field research, focusing on data and information collection from surveys of municipal administrations and local businesses. As far as the former is concerned, during the second half of December 2011, a final round of working meetings with the relevant staff of the five beneficiary Municipalities, in which the process of the collection of data and information from Municipal administrations was completed. On the other hand, we continued with the survey for local businesses, and so far data and information from more than 120 businesses have been collected. Although we are proceeding with the business survey until mid-February, we have already developed an outline of the report of the findings, with a view of finalizing the whole report by the end of March 2012.

Under the second component, by mid-December 2011 ECMI Kosovo finalized Terms of Reference (ToR) for a Community Outreach Expert for the North. The recruitment process is already concluded, and it is planned to start with project activities as of 1st February. Such activities will focus on community outreach and are aimed at bringing together various stakeholders to discuss community concerns and the needs in various sectors and segments of life, with a view to contributing to the future decentralisation process in northern Kosovo by facilitating the creation of better prospects for confidence-building among the communities living there. Furthermore, during this period we also supported the

of life Municipal Preparatory Team (MPT) to organize four focus group meetings, as well as with the production and distribution of the regular MPT Newsletter to the public. These focus groups included four categories of citizens (youngsters, IDPs, unemployed and people dependent on social security) dealing with issues such as living conditions and return of IDPs. We will continue with similar activities during February.

#### Building Sensitivity for Roma, Ashkali, Egyptian Communities in Schools

In December, ECMI Kosovo concluded its project aimed at increasing the inclusion of Roma, Ashkali and Egyptian children in schools with the publication and dissemination of an informational booklet, containing the outcomes and the recommendations from the workshops on Building Sensitivity and Building Cooperation which were organized earlier in 2011, to teachers within the target schools. This project has been funded by the OSCE High Commissioner on National Minorities.

#### Improving the Delivery of Roma, Ashkali and Egyptian Education

ECMI Kosovo, through its project funded by UNICEF on *'Improving the Delivery of Roma, Ashkali and Egyptian Education in the Municipality of Fushë Kosovë/Kosovo Polje'*, continued to offer support to municipal officials of this municipality.

During the reporting period, municipal officials were assisted in finalizing the operationalisation of the Municipal Action Plan through development of realistic timelines, specification of budgets and revision of responsibilities for the actions of the education component. In addition to this, ECMI Kosovo assisted the Municipality in establishing a Task Force and organizing its first meeting, with the purpose of coordinating the activities in the Municipal





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Action Plan. As a result of the meeting, the Task Force agreed on the following four priority actions to be undertaken during the first quarter of 2012: identifying cases of drop-outs and non-attendance, emphasizing the importance to teachers of reporting such cases, identifying preschool and preprimary education needs and, identifying children with special needs. ECMI Kosovo has been providing continuous on-the-job training to municipal officials for the implementation of these activities, most notably on collection issues. In the meantime, the Municipal Education Director reminded schools to report drop-out and non-attendance cases, warning that failure of which to do so may have legal consequences for individual employees.

ECMI Kosovo also finalized the baseline study about the current state of the delivery of education to Roma, Ashkali and Egyptian communities in the municipality of Fushë Kosovë/Kosovo Polje, as well as the needs assessment of the capacities of municipal officials to implement the Municipal Action Plan's education component. The baseline study will be published in the course of next month.

### Institutional Support to the Kosovo Consultative Council for Communities



In December, ECMI Kosovo together with the CCC Secretariat organized a three days workshop for the CCC members and representatives of accredited Community Representative Organizations in Durrës, Albania. Representatives from the Finance and Budget Office of the Office of the President of Republic of Kosovo, the Finance Office of the Office of the Prime Minister, Office for Community Affairs and other relevant institutions/organisations also took part in this workshop. The workshop addressed the following issues: managing the future Nomination Process procedure for the election of new members of the CCC; developing a budget proposal and planning annual expenditure; the CCC Communication Strategy; and informing participants about the developments relating to the reform of the Election process in Kosovo. The International Civilian Office (ICO) and in particular the Office of the President have also supported this idea.

The legal officers started to work in the CCC Secretariat on 1st December 2011. ECMI Kosovo offered one week training to the new Secretariat employees at ECMI Kosovo's premises.

On 15 December 2011, ECMI Kosovo presented a discussion paper on "Protecting Community Rights in Kosovo's Electoral Reform" at Hotel Sirius, Prishtinë/Priština. Discussions took place after the presentation, and particular attention was paid to the importance for minority communities of ensuring that displaced people are able to vote in Kosovo elections.

A meeting between the CCC legal officers and the Director of the Legal Office in the Office of the Prime Minister was organized in December 2011. At the meeting the opportunity to build a mechanism to improve cooperation between the Secretariat and the Legal Office was discussed.

The mandate of the CCC members ends in March 2012. Therefore, ECMI Kosovo, the ICO

Secretariat and the Working Group on Legislation had a meeting in December 2011 with the purpose of coming to a decision on how the process of nomination is going to be organized. In the meetings it was decided to develop an *Instruction* which is to be implemented together with the CCC Statute, with regards to the membership of the CCC for the next mandate.

During the month of January, several meetings were held among ECMI Kosovo, the ICO and the Legal Office of the President and Secretariat on drafting the instructions on selection of the community members to the CCC. The previous two elections have been organized based on special agreement between the Office of the President and the ECMI Kosovo.

After several discussions, towards the end of January it was decided that the best way to address the selection process to the CCC is by amending the Statute of the CCC, through a Presidential Decree.

These activities were funded by the UK Foreign and Commonwealth Office and the Norwegian Ministry of Foreign Affairs.

