

No End to Six Years' Limbo – The Situation of the Kosovo Roma, Egyptians and Ashkali Refugees in Macedonia¹

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By the end of the war against FRY some 6,000 to 9,000 Kosovo Roma, Ashkali and Egyptians escaped to neighbouring Macedonia. Upon their arrival, they were granted temporary protection on the basis of the "Temporary Humanitarian Assisted Person" status. By the end of 2003, the Macedonian government put an end to this status and invited the refugees to apply for asylum on the basis of the newly created "Law on Asylum and Temporary Protection".

Today, most of the 2,300 applicants have received a first, negative decision with regards to their asylum application. During the month of August 2005, several families totalling 58 persons have received a final, negative decision from the Macedonian Supreme Court. Some of them have been given a deadline to leave Macedonia. One month later, the Macedonian Ministry of Social Affairs agreed with his Kosovo counterpart to speed up the return process and urged the UNHCR to take over the responsibility for the returns.

Roma refugees in Macedonia

After having spent two months in IDP camps in Kosovo some 6,000 to 9,000 Kosovo Roma, Ashkali and Egyptians escaped to Macedonia in September 1999.² As of September 2005, Macedonia hosted 2,135 refugees.³ According to the UNHCR, this figure comprises some 1,600 Roma, 300 Ashkali and 70 Egyptians from Kosovo.⁴ The decline in numbers is due to the fact that a number of refugees have left for third country destinations or have been expelled to Serbia and Montenegro.⁵ A small number have returned to Kosovo on a voluntary basis.⁶ In 2004, 124 such voluntary returns to Serbia and Montenegro including Kosovo have been reported.⁷

Between 2000 and 2003, a small group of people, less than two dozens, have been able to benefit from resettlement possibilities to Norway, Sweden, Canada, Australia, and the Netherlands. As a

¹ The following report is partially based on a previous report by the same author for the Contact Point on Sinti and Roma Issues of the ODIHR as well as information compiled during a field visit to the refugee community in Shuto Orizari in August 2005.

² The first figure is quoted from an interview by Human Rights Watch with Blagoja Stojkovski, Head of the Asylum and Illegal Immigration Department of the Macedonian Ministry of Interior in November 2003 (Human Rights Watch: Out of Limbo? Addressing the Plight of Kosovo Roma Refugees in Macedonia. A Human Rights Watch Briefing Paper, 10 December 2003); the second figure is given by the UNHCR Representative in Macedonia, Amin Awad, in an interview with Southeast European Times, (UNHCR Representative in Macedonia: There is no Going Back to Crisis, Southeast European Times in Skopje, 24.02.03)

³ UNHCR Skopje: UNHCR Statistics for the Former Republic of Macedonia, September 2005

⁴ Email from Catherine Walker, UNHCR Macedonia, 19 September 2005

⁵ The US Department of State reports the case of two refugees from Kosovo who were dropped off at the Serbian border, but not the Kosovo portion in 2003. (U.S. Department of State: Country Reports on Human Rights Practices - 2004, Released by the Bureau of Democracy, Human Rights, and Labor, 28.02.05)

⁶ Human Rights Watch: Out of Limbo? Addressing the Plight of Kosovo Roma Refugees in Macedonia, 10 December 2003. In September 2004, the Macedonian Helsinki Committee reported that 88 people participated in so-called voluntary returns to Serbia and Montenegro. (Macedonian Helsinki Committee: Roma, Ashkali and Egyptian Report 1999 – 2005, 2005)

⁷ U.S. Department of State: Country Reports on Human Rights Practices - 2004, Released by the Bureau of Democracy, Human Rights, and Labor, 28.02.05

consequence of the armed uprising in Macedonia in the previous year 310 people were resettled to the United States between July and September 2002.⁸

Protection Regime

Upon their arrival in Macedonia the Kosovo Roma, Ashkali and Egyptians were granted temporary protection on the basis of the "Temporary Humanitarian Assisted Person" (THAP) status. This status was subject to regular review by the Macedonian authorities, which determined whether the persons concerned were still in need of protection.

In July 2003, a new Law on Asylum and Temporary Protection was adopted, which entered into force on 2 August 2003. It changed the status of "temporary humanitarily protected persons" to "persons under temporary protection".⁹ This change of legislation de facto put an end to the temporary protection Kosovo Roma, Ashkali and Egyptian refugees had been benefiting from, and the refugees were given a one-month deadline to lodge for individual asylum. Failing to do so the refugees were at risk of not being considered as in need of protection any longer.

As of 17 November 2003, 1,281 out of the estimated 2,500 Kosovo Roma, Ashkali and Egyptian refugees had filed an asylum application. The remaining were given a second chance to apply until January 2004. By the end of that month, about 2,300 people had lodged an asylum application under the new law.¹⁰

Already by that time, Human Rights organizations expressed concern as regards to whether the new law would actually provide for a sustainable solution for the Kosovo Roma refugees. Human Rights Watch pointed out that the Macedonian authorities had considered claims of Kosovo Roma of persecution as unfounded.¹¹ Case in point is the fact that out of the 53 asylum applications of mostly Roma, Ashkali or Egyptians from Kosovo, which had been dealt with in 2002, only one received a positive answer.¹²

In September 2004, the Macedonian Helsinki Committee reported that 19 people, of which were only three Roma, have been granted the refugee status so far. As an overall account the Macedonian Helsinki Committee noted that out of 2,321 persons and 47 persons who applied for asylum in 2003 and 2004, 12 applications had been accepted, and 809 persons granted humanitarian protection. The applications of 209 persons had been rejected; the procedure had been 'stayed' for 1999 persons; and the applications of 1097 persons remained to be processed.¹³

⁸ Human Rights Watch: Out of Limbo? Addressing the Plight of Kosovo Roma Refugees in Macedonia, 10 December 2003

⁹ Macedonian Helsinki Committee: Roma, Ashkali and Egyptian Report 1999 – 2005, Skopje

¹⁰ Human Rights Watch: Out of Limbo? Addressing the Plight of Kosovo Roma Refugees in Macedonia, 10 December 2003; IFRC Report from 5 February 2004, according to: NRC: Global IDP Database. Profile of internal displacement: Macedonia, 26 February 2004

¹¹ Human Rights Watch: Out of Limbo? Addressing the Plight of Kosovo Roma Refugees in Macedonia, 10 December 2003

¹² U.S. Committee for Refugees: Macedonia: World Refugee Survey 2003, Country Report, available at: <http://www.refugees.org/world/countryrpt/europe/2003/macedonia.cfm>

¹³ Macedonian Helsinki Committee: Roma, Ashkali and Egyptian Report 1999 – 2005, Skopje

The Macedonian Helsinki Committee furthermore noted that "the new Law on Asylum and Temporary Protection has not been resolved. On the contrary it confirmed a clash of the current position of the Government and the UNHCR concerning the RAE with that of the position of the Supreme Court of the Republic of Macedonia. The legal-judicial interpretation is that the primary responsibility is of the state union of Serbia and Montenegro and therefore these persons cannot be granted asylum. The Government and the UNHCR positions make further 'abstract' the responsibility of Serbia and Montenegro, insisting that these persons apply for asylum in Macedonia regardless of the legal impediment and the fact that this is against their will?!"¹⁴

The Helsinki Committee commented that "[t]he prolonging both of the procedure and of deciding upon the asylum requests puts these persons (after four years) again in a situation of uncertainty, at the same time maintaining the fear that they will be returned to Kosovo although the conditions for this still have still not been resolved."¹⁵

The US State Department likewise noticed the small number of people who were actually granted asylum on the basis of the new law:

"At year's end [2004], there were approximately 1,233 asylum seekers; 957 persons enjoying "humanitarian protection" (a form of asylum under the Law on Asylum and Temporary protection which can last for up to a year and is renewable); 23 recognized refugees; 24 Bosnians permitted to remain in the country under the Aliens Act; and 6 rejected asylum seekers. Approximately 2,311 persons had applied for asylum by October. Few asylum seekers were granted that status, but those who were denied had the opportunity to appeal to the Supreme Court. As of year's end, the Supreme Court had not ruled on any of the appeals it received during the year."¹⁶

The Medzitlija crisis

Entrenched within this is the history of the refugees who had been allocated to the 'suburb camp' of Shuto Orizari in Skopje. Conditions were particularly miserable at this camp which once provided home to more than 1,000 people. By the end of March 2003, the camp was closed in what the Macedonian Helsinki Committee claimed "may be interpreted not only as an attempt for avoidance of part of the obligations towards refugees, but also as an attempt to cover up the responsibility for the hitherto not very efficient investments made in the name of improving the quality of life of refugees."¹⁷

At its definite closure, after the UNHCR cut off water and electricity, some 700 refugees traveled to the Medzitlija border crossing with Greece, on 19 May 2003, and requested their admission to a third country. With the closure of the camp by the UNHCR they had been left without support and unable to renew their THAP status, as this is provisional on a legal registration.

¹⁴ *ibid.*

¹⁵ *ibid.*

¹⁶ U.S. Department of State: Country Reports on Human Rights Practices - 2004, Released by the Bureau of Democracy, Human Rights, and Labor, 28.02.05

¹⁷ Macedonian Helsinki Committee: Roma, Ashkali and Egyptian Report 1999 – 2005, Skopje

After two and a half months of stay in a tent settlement under appalling conditions and with temperature exceeding 30 degrees the refugees accepted the offer of the Macedonian government to apply for asylum in Macedonia on an individual basis in anticipation of the adoption of the new law.

Situation as of September 2005

According to the UNHCR in Macedonia, only three Roma, Ashkali or Egyptian families totalling 19 people have been granted asylum on the basis of the new law.¹⁸ Most of the people have been granted temporary protection on humanitarian grounds, but have seen their asylum application rejected on the grounds that it is unfounded. Many refugees appealed against this decision.

During the month of August the Macedonian Supreme Court, issued final negative decisions in 58 cases.¹⁹ Several families have been given deadlines of between 10 and 20 days to leave Macedonia. Two families repatriated in the beginning of September, but no deportations have taken place so far. The UNHCR has written individual opinions on these cases to the Macedonian Ministry of the Interior requesting a ban on deportation for all Roma and Ashkali. According to the UNHCR this will affect 90 percent of the cases.²⁰

Since the beginning of the year, there have been several visits between representatives of the Macedonian government and the Kosovo authorities (PISG) on the matter of refugee returns. The Kosovo Roma refugees in Macedonia have received the visit of representatives of the PISG who have assured them that they could return to Kosovo safely.

The Macedonian government has also negotiated an agreement of cooperation with UNMIK related to the issue of refugee returns. According to the UNHCR, this agreement, which essentially covers voluntary returns, has not been finalised yet.²¹

During a press conference on 1 June 2005, the Macedonian Secretary of State in the Ministry of Labour and Social Policy, Aco Janevski, declared: "We do not intend to expel Kosovo refugees, but it is normal to exercise pressure regarding their return to the country of their origin, taking into consideration the interest of Macedonian citizens."²²

During a meeting on 20 September 2005, the Macedonian Minister of Labor and Social Policy, Stevco Jakimovski, and his Kosovo colleague Ibrahim Ramadani agreed on speeding up the return of 2,400 Kosovo refugees in Macedonia as well as of 793 Macedonian nationals in Kosovo. Jakimovski announced that both governments share the view that the UNHCR would have to take a greater responsibility towards the refugees, since the Kosovo Government would not have the means to cover the costs for their return.²³

¹⁸ Email from Catherine Walker, UNHCR Macedonia, 19 September 2005

¹⁹ *ibid.*

²⁰ *ibid.*

²¹ Information provided by email by the UNHCR Geneva on 30 August 2005

²² MIA Macedonia: Ministry official denies criticism of treatment of Kosovo refugees, 1 June 2005

²³ Government of The former Yugoslav Republic of Macedonia: FYROM: Discussions for faster return of Kosovo refugees, 21 September 2005

It is important to note that the granting of a temporary protection status on humanitarian grounds does not provide a durable solution of the refugee crisis, since it does not allow the refugees to integrate in Macedonia.²⁴ As the Macedonian Helsinki Committee notices, this type of protection is guaranteed for a period of one year with the possibility of extension depending on the evolution of the situation in the country of origin.²⁵

Hence, the International Helsinki Federation concluded in its World Report 2005: "Roma refugees continued to have undefined status in the country [Macedonia], which put them in a more vulnerable situation than recognized refugees."²⁶

Living conditions in Macedonia

After the closure of the refugee camps and collective centres most of the Kosovo Roma refugees moved to private accommodations. By mid 2004, the UNHCR closed the collective centre in in Katlanovo, near Skopje. There are now a mere dozens of refugees, mainly single persons or couples, staying in the collective centre of Gazi Baba.²⁷

The largest number of the Kosovo Roma refugees, live in Shuto Orizari, a suburb of the Macedonian capital; smaller numbers have been hosted in Kumanovo, Tetovo, Kumanovo, Valando. Single people and couples have been accommodated in the transit centre in Gazi Baba. Several individuals live in other places around the country.²⁸

According to information provided by the Refugee Committee, refugees receive 3,000 Denars (50 Euros) per adult person and 2,500 Denars for each child per month. This money is paid by the UNHCR since the refugees return from Medzitelj and the opening of the asylum procedure. The UNHCR also provides in kind assistance including hygienic items, washing powder, etc..

In Shuto Orizari, refugees pay between 150–200 Euros for accommodation in private houses. Often, accommodation merely consists of one or two rooms shared by all the members of the same family and only basic washing facilities. Costs for electricity, water, waste removal and other communal taxes are at their charge.

The refugees complain that the owners tend to misuse their situation and raise the rent abruptly, forcing them to leave for another place. Especially during the Summer months, many refugees had to vacate their accommodation to leave it free for its owners coming back for holidays.

²⁴ U.S. Department of State: Country Reports on Human Rights Practices - 2004, Released by the Bureau of Democracy, Human Rights, and Labor, 28.02.05

²⁵ Macedonian Helsinki Committee: Roma, Ashkali and Egyptian Report 1999 – 2005, Skopje

²⁶ International Helsinki Federation: Human Rights in the OSCE Region: Europe, Central Asia and North America, Report 2005 (Events of 2004), Macedonia

²⁷ According to the UNHCR a total number of 2,229 refugees stayed in private accommodations and 10 in the collective centre of Gazi Baba by the end of 2004 (UNHCR Representation in The Former Yugoslav Republic of Macedonia, November 2004).

²⁸ According to the UNHCR Macedonia, 1,963 refugees from Kosovo live in Skopje, 60 in Tetovo, 55 in Kumanovo, 15 in Valandovo. UNHCR Skopje: UNHCR Statistics for the Former Republic of Macedonia, September 2005

Medical treatment is paid by the UNHCR, which also reimburses the medical expenses. Refugees complain that this health care is not adequate, resulting in lasting diseases and premature deaths. Refugees also report that they do not receive any medicine from the doctors, but need to buy this themselves and claim reimbursement from the UNHCR or local Red Cross. Accordingly, reimbursement can take several months.

Many adult people, in particular women, are suffering from post-traumatic stress disorder as a result of the deeds they experienced in Kosovo. There is reportedly no treatment for victims of PTSD.

The refugees report that several people have died as a result of inadequate medical treatment and stress. In May 2005, a 28-years old woman died in Shuto Orizari. The refugees see her death as a result of inadequate medical treatment. The same month, on 6th May, the Roma holiday Ederlezi (St. Georges' day) a man committed suicide, reportedly, because he did not see any other 'answer' to his situation.

Social Infrastructure

According to information provided by the refugees there is hardly any NGO working in Shuto Orizari and developing activities for refugees. One exception is a working group for women and a youth initiative, both organised by the UNHCR and supported by other donors.

In particular there are no training possibilities offered to young people such as language courses or catch up classes. There is also no other infrastructure such as an information centre or free access to the internet.

As it has been said there is no adequate medical infrastructure in particular to provide treatment to the victims of Post-Traumatic Stress Disorder.

Education

According to information by the Refugee Committee about 70 percent of the children in Shuto Orizari do not attend school. As a reason the Refugee Committee sites negative conditions and mistreatment of the children at school,²⁹ the poverty of the parents and their inability to provide their children with clothes and books. Accordingly, books provided by the UNICEF arrived too late in the past years resulting in the school directors' refusal to admit the children to school.

The Refugee Committee also pointed out the fact that the refugee children are segregated from the local student population at the two schools in Shuto Orizari. Accordingly, Kosovo Roma children are taught in containers at the Braca Ramiz i Hamidi School and in the cellar of the school as of 26 July. Parents explain that they have stopped sending their children to school after several children became sick, which the parents blame upon the inadequate, unhealthy school premises. Other

²⁹ Already in 2003, Human Rights Watch noticed that the Macedonian authorities did not take appropriate steps to protect Romani children against harassments by their Macedonian peers and to ensure their equal access to school. (Human Rights Watch: Out of Limbo? Addressing the Plight of Kosovo Roma Refugees in Macedonia, 10 December 2003)

parents stopped sending their children to school after the attempted kidnapping of a 10-year old boy in March 2004.

Another case of concern is a group of children and teenagers, about 20 cases, who cannot attend school, because their diploma remained in Kosovo. According to the refugees the children were supposed to attend a test aimed at assessing their knowledge level and determining their grade, but this test was called off and the youngsters asked to start off from the first grade again.

Already in 2003, Human Rights Watch pointed at the problems of the school attendance of the Kosovo Roma refugee children. The organisation stated that, "[t]he fact that most Kosovo Roma children have been unable to attend primary schools attests to the failure of the government of Macedonia to deliver on its obligations."³⁰

Employment

The new Law on Asylum and Temporary Protection authorizes employment for recognized refugees and for persons under temporary protection.³¹ Since most of the Kosovo Roma, Ashkali and Egyptian refugees are still in the asylum procedure they do not benefit from this possibility and rely on humanitarian assistance.

Prevailing Tensions

Their insecure status in Macedonia and the fact that they have been withheld the possibility of either building up their life again in Macedonia or leaving for a third country makes the refugees feel the Kosovo war still continues. In addition, it seems that the conflict has indeed spilled over into neighbouring Macedonia. Two reported attempts of kidnapping of male teenagers in early 2004 and 2005 by ethnic Albanians could indeed be related to acts of reprisal and revenge.

Several refugees reported that they do not feel the freedom to move around, and in particular, to leave the Roma municipality. In addition, several clashes have occurred between groups of males which the refugees report as the result of "normal" tensions in Shuto Orizari.

Conclusion

Today, almost six years after their arrival, the Roma, Ashkali and Egyptian refugees from Kosovo feel under increasing pressure from the Macedonian authorities to leave Macedonia, which, as regards a lack of any other alternatives, means a return to Kosovo where the situation is still not settled and minority peoples continue to live under threat. Particularly those refugees who participated in the Summer 2003 protest feel betrayed by the promises made in Medzitelj that they would be given a fair chance to be granted political asylum in Macedonia. The refugees are also frustrated by the fact that only a small group has been able to benefit from the possibility of a third country resettlement which would have put an end to their six years of limbo in Macedonia.

³⁰ *ibid.*

³¹ *ibid.*

This report has been finalised on 12 September 2005 and updated on 4 October 2005. Questions can be addressed to the author at kwaringo@cg.yu or the Refugee Committee of Roma, Ashkali and Egyptians at refugeek@sonet.com.mk.