



## Recommendation 1633 (2003)<sup>1</sup>

# Forced returns of Roma from the former Federal Republic of Yugoslavia, including Kosovo, to Serbia and Montenegro from Council of Europe member states

Parliamentary Assembly

1. The Parliamentary Assembly refers to its Recommendation 1569 (2002) on the situation of refugees and internally displaced persons in the Federal Republic of Yugoslavia; Recommendation 1588 (2003) on population displacement in South-eastern Europe: trends, problems, solutions; Recommendation 1348 (1997) on the temporary protection of persons forced to flee their country; Recommendation 1547 (2002) on expulsion procedures in conformity with human rights and enforced with respect for safety and dignity; and Recommendation 1504 (2001) on non-expulsion of long-term immigrants.
2. The Assembly notes with concern that the problem of displacement in the Balkans still remains unresolved. At the moment, there are still more than one million displaced persons seeking durable solutions in the region. Of these, half a million are living in Serbia and Montenegro, including Kosovo. This general context of displacement should be taken into account when examining any specific questions concerning returns.
3. Roma constitute a particularly vulnerable group of the displaced population. In Kosovo, their security cannot be guaranteed. In Serbia and Montenegro, their economic and social situation, as well as living conditions, are very precarious. Everywhere in the region the Roma are confronted with a pattern of subtle discrimination on the part of both the local population and the local authorities, who are often reluctant to accept them.
4. According to estimates, between 50 000 and 100 000 Roma from Serbia and Montenegro, including Kosovo, who had fled the region during the conflict in the Balkans, are still living in various European countries, with no permanent status. The majority live in Germany (25 000-30 000), the Netherlands (12 000), Belgium (3 000), Switzerland (3 000) and Luxembourg (2 000-3 000). They fall into the category of candidates for return.
5. Forced returns are carried out on the basis of bilateral return agreements concluded between Serbia and Montenegro on the one hand, and various European countries who wish to repatriate the Roma on the other. They started shortly after the democratic changes following the presidential elections in the Federal Republic of Yugoslavia in September 2000. So far, approximately 1 000 Roma have been forcibly returned, mainly from Germany.
6. The main concerns relating to forced returns of Roma can be divided into three areas. The first group of issues calls into question the legitimacy of certain decisions on expulsion taken by the host countries. The second group relates to the conditions in which forced returns take place, and the third to the situation in which forcibly returned Roma find themselves upon their return to Serbia and Montenegro.
7. It is particularly worrying that readmission agreements do not clearly define the conditions for the reception of returned persons and do not put any responsibility on the receiving state with regard to the reintegration of returnees.

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1. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 25 November 2003 (see [Doc. 9990](#), report of the Committee on Migration, Refugees and Population, rapporteur: Mr Einarsson).



8. The Assembly is also concerned by so-called “voluntary returns” which in some cases are so strongly encouraged that they may amount to disguised forced returns.
9. Therefore, the Assembly recommends that the Committee of Ministers:
  - 9.1. urge the member states of the Council of Europe who are hosting Roma from Serbia and Montenegro, including Kosovo, to ensure:
    - a. that any decision on a forced return of Roma to Serbia and Montenegro is taken on a case-by-case basis taking into account all relevant circumstances; in particular, humanitarian grounds should be considered as a sufficient justification for granting a residence permit;
    - b. that every Roma who seeks international protection is given access to fair and effective asylum procedures;
    - c. that there are no forced returns of Roma originating from Kosovo either to Kosovo or to Serbia and Montenegro, as long as the security situation in Kosovo does not allow for their return;
    - d. that Roma representatives are given an opportunity to be involved, in an advisory capacity, at an early stage of preparation for a possible forced return of Roma;
    - e. that forcibly returned Roma are in possession of appropriate documents which will enable them to be recognised as full citizens upon their return;
    - f. that the procedures for deportation comply with international law and take into account recommendations included in Recommendation 1547;
    - g. that they contribute financially to the setting-up and implementation of effective reintegration programmes for returning Roma. These programmes should also be supported by funding for the new wider Roma strategy;
  - 9.2. urge the Serb and Montenegrin authorities:
    - a. to actively seek support and international funding for the setting-up and implementation of reintegration programmes for returning Roma, including financing from the Council of Europe Development Bank;
    - b. to ensure that Roma representatives are consulted and involved in the setting-up of any reintegration programme concerning the Roma population;
    - c. to give particular attention to Roma, who constitute the poorest category in the vulnerable population groups in the forthcoming governmental Poverty Reduction Strategy that is assisted by the World Bank;
    - d. to ensure that relevant ministries in charge of education, housing, employment, social and health care, and most particularly the local and municipal authorities, are properly informed about the readmission process; that relevant authorities should provide targeted plans to ensure that Roma are able to exercise their fundamental rights in these areas, starting with access to appropriate registration and personal documentation;
    - e. to adopt, in co-operation with non-governmental organisations representing the Roma population, a comprehensive policy to address all aspects of the human rights situation of Roma returned to Serbia and Montenegro and to provide funding to ensure full implementation of the strategy;
    - f. to adopt and implement, as a matter of priority, binding legal measures with the aim of preventing statelessness of Roma returnees, in particular to ensure that local authorities carry out the procedures necessary to provide them with identity documents. Urgent measures should be taken to improve the access of Roma returnees to public services necessary for the full exercise of their human rights;
    - g. to facilitate the speedy provision of school attendance certificates to Romani children educated abroad so that they can continue their education in Serbia and Montenegro;
    - h. to stop the practice of making returning Romani children attend classes they have already successfully completed abroad;
    - i. to provide extra classes for Romani children to learn the Serbian language;
    - j. to ensure that no ethnic segregation arises in the provision of schooling for returnee children.

10. The Parliamentary Assembly further recommends that the Committee of Ministers:
  - 10.1. strengthen its programmes involving the returning Roma population in Serbia and Montenegro;
  - 10.2. promote and support activities of Roma civil society;
  - 10.3. continue its work on the development of the code of good conduct for expulsion procedures.
11. The Assembly calls on the Council of Europe Development Bank to step up its co-operation with the Serb and Montenegrin authorities, with a view to financing projects for returning Roma.
12. The Assembly invites the Congress of Local and Regional Authorities of the Council of Europe to step up its programme for the twinning of the municipalities in the regions which are hosting Roma with municipalities in other Council of Europe member states.