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Asylum procedures in “the former Yugoslav Republic of Macedonia” and forced return of Roma to Serbia and Kosovo

Written question No 512 to the Chairman of the Committee of Ministers
presented by Mr Cilevičs

The European Roma Rights Center (ERRC) and UNHCR have alerted us that the authorities of “the former Yugoslav Republic of Macedonia” have begun earlier this month forcible expulsion of the first of approximately 400 rejected asylum seekers from Kosovo.

The adoption of the Law on Asylum and Temporary Protection in 2003, made it possible for Roma, Ashkaelia and Egyptian who fled Kosovo in 1999 and had temporary protection status in “the former Yugoslav Republic of Macedonia” to apply for asylum. According to UNHCR, only 28 persons are currently recognized under the provision of the 1951 Geneva Convention, 1186 persons received Humanitarian Protection status, while 395 persons received the negative decision of the Supreme Court, as the third and last instance of appeal.

The execution of the Refugee Status Determination procedure in “the former Yugoslav Republic of Macedonia” is of concern. It appears that neither the Governmental Appeals Commission nor the Supreme Court has overturned one single decision by the first instance; and that the appeals procedure is not transparent and fails to evaluate the merits of the appeals. It seems that most of these negative decisions were based on a misguided application of the notion of internal flight alternative where the asylum officers argued that many of the asylum seekers from Kosovo can effectively find refuge either elsewhere than their home in Kosovo or in Serbia.

In a wider European context, the Assembly has already expressed its concern with regard to forced returns of Roma from the Council of Europe member states in its *Recommendation 1633 (2003)*, namely relating to legitimacy of certain decisions of expulsion; conditions in which forced returns take place; and the situation in which returned Roma, Ashkaelia and Egyptian find themselves upon their return to Serbia, Montenegro and Kosovo.

The return process under the readmission agreements generally lacks transparency and sufficient funding for durable integration of returnees, who find themselves most often in the situation of secondary displacement.

The final concern lies with the negotiation of the Kosovo status, the enforcement of minority rights and minority protection in Kosovo and future prospects for minority returns.

In the light of the above, Mr Cilevičs asks the Chairman of the Committee of Ministers,

What kind of steps will the Committee of Ministers take within its competence in order to :

- make the authorities of “the former Yugoslav Republic of Macedonia” fully respect the asylum procedures according to the international standards;

- exert pressure on member states that have signed readmission agreements with Serbia, Montenegro and UNMIK, to implement paragraph 9i. of the Assembly *Recommendation 1633 (2003)*;
- follow up its *Resolution ResCMN(2006)9* on the implementation of the Framework Convention for the Protection of National Minorities in Kosovo.

*Signed*¹:

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¹ SOC: Socialist Group
EPP/CD: Group of the European People's Party
ALDE: Alliance of Liberals and Democrats for Europe
EDG: European Democratic Group
UEL: Group of the Unified European Left
NR: not registered in a group