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Sendt til: Folketingets Oplysning
Samtale: klage over Knud Larsen vedr Holocaust Dag
Emne: klage over Knud Larsen vedr Holocaust Dag

att.. Folketingets Undervisningsudvalg
Folketingets Integrationsudvalg
Undervisningsminister Bertel Haarder

Hermed fremsendes en klage over formanden for Repræsentantskabet for Auschwitz-dag, hr Knud Larsen, udpeget af undervisningsministeriet.

Formanden nægtede behandling af et emne fremsendt i god tid og med rigelig dokumentation, til punktet "eventuelt".

Det er sædvanlig praksis i foreninger, udvalg, nævn, virksomheds bestyrelser m.v., at alle emner kan behandles under dette punkt, idet der kan være afstemningsmæssige forhold at iagttage.

Forslagets emne var desuden direkte relaterbart til det foreslåede tema for Auschwitz-dag 2007

Formanden nægtede også at behandle orienteringen om en Mindedag for Roma, som vi havde modtaget dagen før og straks videresendt til alle Repræsentantskabets medlemmer. Mindedagen 16. maj 2006 forholder sig ligeledes til Holocaust og til dagsaktuelle emner omkring afviste Kosovo Roma asyl ansøgere, der udsættes for en horribel behandling i flere EU lande.

Vi skal hermed anmode om, at formanden udskiftes.

Det bør være et minimum, at de berørte offer-gruppers begrundede forslag optages til behandling

Vi skal samtidig opfordre undervisningsministeriet til at indgå i en dialog med offer-grupperne om ændring af kommissoriet for Repræsentantskabet, så offer grupperne får en direkte indflydelse på indhold og økonomi.

Vi er opmærksomme på, at ministeren kan være inhabil i dele af spørgsmålet, og føler os overbeviste om, at regeringen vil kunne håndtere dette og lade spørgsmålet behandle i andre ministerier.

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Undervisningsminister Bertel Haarder

Folketingets Undervisningsudvalg

Vi vil gerne hermed indgive en klage over formanden for "Repræsentantskabet for Auschwitz-Dag" hr Knud Larsen.

Klagen vedrører hans afvisning af at behandle nedenstående forslag til udtalelse under dagsordenens punkt "eventuelt" på repræsentantskabets møde 11. maj 2006 kl 13-15.

Undertegnede var 20 minutter forsinket til mødet, og det blev oplyst, at forslaget var blevet behandlet indledningsvist og ikke under punktet "eventuelt".

Normanden argumenterede med, at forslaget lå uden for repræsentantskabets kommissorium.

Dette synspunkt deler vi ikke. Det hedder i kommissoriet:

"Auschwitz-dagen er både en erindringsdag for ofrene for Holocaust og andre folkedrab, og samtidig er det en dag, der lægger op til refleksion over den lære, der kan drages af Holocaust og andre folkedrab som middel til at forstå og imødegå lignende hændelser i fremtiden"

(Undervisningsministeriet 2. december 2003 jnr 2003-1130-8425.a)

Det, der er foregået omkring Kosovo Roma asyl ansøgere rundt omkring i Europa, er ikke langt fra det, der foregik med Roma før og under 2. Verdenskrig.

I Danmark har en deputation af afviste Kosovo Roma asyl ansøgere 4. maj 2006 fået foretræde for Folketingets Integrationsudvalg og fremlagt sine synspunkter vedr:

- Ønske om foretræde for udvalg og ansvarlig minister direkte, og udenom Dansk Røde Kors, der driver de lejre hvor de er indsat jfr Grundlovens §71, stk 6
- Anmodning om en uafhængig undersøgelse af asylsags behandlingen, fordi der er påvist fejl og problemer, brud på konventioner, sat skøn under en regel, manglende anerkendelse af ofrene mens forbryderne står til regnskab
- Forslag om en konference om Kosovo så de forskellige problemer og mulige fremtids scenarier kan blive belyst
- Begæring om midlertidigt ophold efter Udlændingelovens §9,2,4 jfr de gældende bestemmelser

- Krav om kvalitetssvarende undervisning af Roma børn og unge, efteruddannelse af voksne, der har siddet ny fem år i lejrene med ussel skolegang
- Krav om genopretning af de psykiske og fysiske skader, tilbageholdelsen i lejre med "bespisningsordning" og "motivations fremmende foranstaltninger", har medført i form af ca. 40 procent af de indsatte der lider af psykiske problemer og en fordobling af selvmordsprocenten.

Den behandling, Dansk Røde Kors har udsat de afviste Roma asylansøgere for, svarer ikke til de værdier, Internationalt Røde Kors arbejder under.

"The mission

The International Committee of the Red Cross (ICRC) is an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of war and internal violence and to provide them with assistance. It directs and coordinates the international relief activities conducted by the Movement in situations of conflict. It also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles.

Established in 1863, the ICRC is at the origin of the International Red Cross and Red Crescent Movement."

(kilde:

<http://www.icrc.org/HOME.NSF/060a34982cae624ec12566fe00326312/125ffe2d4c7f68acc1256ae300394f6e?OpenDocument>)

Det er vigtigt at pege på et par ord i mission statement for Internationalt Røde Kors:

"impartial, neutral and independent"

"exclusively humanitarian"

"protect the lives and dignity"

"international relief activities"

"to prevent suffering"

"promoting and strengthening humanitarian law"

"universal humanitarian principles"

Dansk Røde Kors har fjernet sit "værdi papir" fra hjemmesiden, sidste gang vi kiggede.

Uanset at behandlingen i disse Dansk Røde Kors lejre måske er den danske regeringspolitik, er det væsentligt at relatere behandlingen til "Auschwitz-dag", hvis denne dag skal være andet end tom facade og make-up.

Når vi siger, det "måske" er regeringens politik, er det fordi dette skal afklares nu foran domstol. Det er nemlig ikke entydigt og klart fra den kontrakt og de bilag til kontrakt, som Dansk Røde Kors har med Udlændingestyrelsen, at de psykiske skader og den kvalitetsmæssigt manglende undervisning er udført som instruks fra Udlændingestyrelsen eller om det er Dansk Røde Kors egen fortolkning af kontrakten.

Såfremt der idømmes et erstatningsansvar, kan man erfaringsmæssigt forvente, at sådanne to kontraktsparter vil forsøge at skyde skylden over på hinanden. Vi sagsøger i første omgang Dansk Røde Kors, fordi det er denne organisation, der har det direkte

ansvar i første omgang – som ”operatør” på en kontrakt om at huse de afviste Kosovo Roma under tvangsmæssige foranstaltninger underfor strafferetsplejen, jfr. Grundlovens §71, stk. 6

Det er vort udgangspunkt, baseret på læge journaler for nogle af de tvangsmæssigt tilbageholdte, hvor Dansk Røde Kors cheflæge allerede i 2003 skriver i journal, at såfremt dette fortsætter, vil det føre til langtidsskadevirkninger for patienten, at der er udøvet tortur i forståelsen i FNs Tortur Konvention.

Samtidig har der manglet det i Grundlovens §71, stk. 7 foreskrevne tilsyn.

Det er uinteressant for retsvirkningerne, hvor stor en del af den danske befolkning, der har stået bag denne behandling. Også Hitler havde en overgang et flertal af den tyske befolkning bag sig.

Det er vores opgave at få Repræsentantskabet for Auschwitz-dag til at forstå, hvordan hændelserne i Danmark i dag relaterer til ”Holocaust”.

Vi er ikke uenige i, at konklusionerne er forfærdende.

Vi er ikke et øjeblik i tvivl om, at erkendelsen vil blive forsøgt fornægtet og fortrængt.

Det er vores følelse, at formanden Knud Larsen – udpeget af undervisningsministeriet – handler i regeringens bedste interesse, og forsøger at beskytte sin undervisningsminister, der hvor uhyggeligt den end måtte være jo er den samme person, der som integrationsminister i sidste ende er ansvarlig for den behandling, de afviste Kosovo Roma asyl ansøgere har fået.

Han kaldte dem 19. februar 2004 for ”asyl turister” – knap en måned før slagteriet i Kosovo 17-19 marts 2004.

Vi har til Repræsentantskabets medlemmer fremsendt fyldigt dokumentationsmateriale, så der var baggrund for en informeret debat om forslaget. Repræsentantskabet er således nu informeret om den politik, der er ført af Dansk Røde Kors i regeringens navn mod Kosovo Roma asyl ansøgere.

Medlemmerne har en demokratisk ret til at fremsætte forslag og få dem debatteret.

Repræsentantskabet har et demokratisk krav på at få lov at debattere forslag, fra Undervisningsministeriet, fra medlemmer og fra andre.

Formanden har knægtet denne demokratiske ret.

Det er vores opfattelse, at formanden bør afgå.

Vi vil desuden fremsætte forslag om, at Repræsentantskabets beføjelser udvides.

I dag har Repræsentantskabet ingen formel indflydelse på aktiviteter og økonomi. Repræsentantskabet kan ikke blande sig i budgettet eller dets fordeling og skal ikke godkende regnskab.

Hele magten ligger hos Undervisningsministeriet og en gruppe af personer, som ministeriet har udpeget som særligt kyndige, og hvor de fleste offer grupper ikke er præsenteret.

Det er det ikke-berørte flertal, som er ansat til at fortælle ofrenes historie. De berørte offer grupper har ingen formel indflydelse.

Dette er magthavernes historie skrivning, akkurat samme læst som i Østblokken før Murens Fald.

Formanden Knud Larsen forhindrede en debat og forhindrede den refleksion, som Holocaust dagen går ud på.

Nedenfor er vort forslag til dagsordenen, og som det klart fremgår, er der ikke tale om en på forhånd fastlåst tekst, hvorfor der intet belæg var for at forhindre behandlingen af punktet.

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Tekst af 3 maj 2006 til Holocaust Repræsentantskabet:

"vi vil gerne under eventuelt foreslå en resolution med flg. indholdt sat til afstemning:

"Repræsentantskabet for Auschwitz-dag
tager afstand fra den behandling, som Dansk Røde Kors
og de danske udlændingemyndigheder udsætter afviste
Kosovo roma asylansøgere børn for i lejre med
"bespisningsordning" Avnstrup og Sandholm.
Repræsentantskabet opfordrer "operatøren" og
myndighederne til at sikre, at de internationale konventioner,

herunder FNs Børnekonvention og FNs Torturkonvention overholdes.

Repræsentantskabet tager afstand fra anvendelsen af straf mod børn ("konsekvens" ved at nægte at følge en afgørelse fra et domstols-lignende organ i integrationsministerens terminologi jfr åbent samråd i folketingets socialudvalg 2. maj 2006 kl 14.15) for de voksnes dispositioner.

De afviste Kosovo Roma gør gældende, det ville være ansvarsløst af dem at tage "frivilligt" tilbage til Kosovo i en situation, hvor UNMIK ikke kan beskytte dem.

Repræsentantskabet henviser til, at andre organisationer før og under 2. Verdenskrig drev lejre til opbevaring, nedbrydning - og til sidst udryddelse - af Romaer, også under et banner med et kors på. De kaldte den sågar "Ziguener Familien Lager"

Vi er naturligvis villige til at forhandle om teksten.

Med venlig hilsen

Eric Støttrup Thomsen

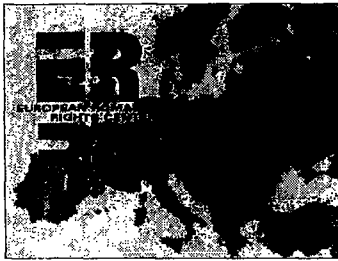
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20 February 2006

**WRITTEN COMMENTS
OF THE EUROPEAN ROMA RIGHTS CENTRE**

CONCERNING KOSOVO

**FOR CONSIDERATION BY THE
UNITED NATIONS HUMAN RIGHTS COMMITTEE**

**ON THE OCCASION OF REVIEW OF THE COUNTRY REPORT OF TASK FORCES ON
UNMIK**

In accordance with Security Council Resolution 1244 (1999), Kosovo remains a part of Serbia and Montenegro and continues to be bound by the International Covenant on Civil and Political Rights ("ICCPR" or "Covenant").¹ The Human Rights Committee has, however, noted that although Kosovo remains a part of Serbia and Montenegro, "the protection and promotion of human rights" is the responsibility of the United Nations Interim Administration Mission in Kosovo ("UNMIK"),² which constitutes the primary international civilian presence in the province.

In its Concluding Observations on Serbia and Montenegro at its 81st session, the Human Rights Committee noted the responsibility of UNMIK for the protection of human rights on the territory of Kosovo and encouraged UNMIK, in cooperation with the Provisional Institutions of Self-Government ("PISG"),³ to submit a report on the human rights situation in Kosovo since 1999.⁴ The Committee also noted that it would address the situation in Kosovo at its subsequent (82nd) session.⁵ The Committee has not yet done so. According to an agenda posted on the UN High Commissioner for Human Rights as accessed on 6 January 2006, the Committee has indicated that it will hold

¹ (S/RES/1244 (1999), UN Security Council Resolution 1244, adopted by the Security Council at its 4011th meeting on 10 June 1999; Concluding Observations of the Human Rights Committee: Serbia and Montenegro, 12/08/2004CCPR/CO/81/SEMO. (Concluding Observations/Comments) (2004), para 1. Yugoslavia ratified the ICCPR on 2 June 1971. Serbia and Montenegro succeeded to the Covenant on 12 March 2001.

² Concluding Observations of the Human Rights Committee: Serbia and Montenegro, 12/08/2004CCPR/CO/81/SEMO. (Concluding Observations/Comments) (2004), para. 3.

³ Additionally, by virtue of article 3.2 (c) of UNMIK Regulation No. 2001/9, the Provisional Interim Governments in Kosovo are also bound by the Covenant.

⁴ *Supra* note 2, para 3.

⁵ *Supra* note 2, para 1.

closed discussion on the "Country Report" of "Task Forces on UNMIK" during its 86th session, 13-31 March 2006.

With a view to the Committee's request for information during its 81st session and in light of up coming discussion currently scheduled for the 86th session, the European Roma Rights Centre (ERRC)⁶ respectfully submits observations concerning the human rights situation of Roma and others regarded as "Gypsies" in Kosovo.

The ERRC is concerned that for a number of reasons, compliance with the ICCPR by the competent authorities in Kosovo is called into question due to the very problematic situation of the Roma, Ashkali and Egyptian ("RAE") communities in Kosovo. In the pages that follow, the ERRC has summarised a number of its concerns with respect to the treatment of the RAE community in Kosovo in areas of relevance to the Covenant. Following a short introduction on the RAE in Kosovo this submission includes subsections on:

- Violence and Other Cruel and Degrading Treatment of RAE, in violation of **Article 6, Article 7 and Article 9**
- Failure to Prevent Exposure to Extremely Hazardous Conditions, in violation of **Article 6 and Article 7**
- Failure to Provide Remedy for Gross Violations of Human Rights, in violation of **Article 2**
- Denial of the Right to Return to Place of Origin in Safety and Dignity, in violation of **Article 12**
- Systemic Discrimination, in violation of **Article 2 and Article 26**
- Denial of Personal Documentation, in violation of **Article 16**

A number of recommendations follow at the end of this document, based on materials provided here.

The ERRC further notes that the establishment of United Nations administration over Kosovo may have changed the character of the international human rights law protections available to individuals in Kosovo, the statement by the Committee that it "considers that the Covenant continues to remain applicable in Kosovo"⁷ notwithstanding.

In the first place, under present arrangements, the authorities of Serbia and Montenegro, the State Party responsible for ensuring that Covenant rights are realized in practice in Kosovo, effectively has no access to most of the territory of Kosovo. This fact changes the character of accountability for human rights and human rights violations on the territory of Kosovo. The Committee tacitly recognized the complex issues of

⁶ The European Roma Rights Centre (ERRC) is an international public interest law organisation that monitors the situation of Roma in Europe and provides legal defence in cases of human rights abuse. Since its establishment in 1996, the ERRC has undertaken first-hand field research in more than a dozen European countries including Germany, and has disseminated numerous publications, from book-length studies to advocacy letters and public statements. *ERRC* publications about the situation of Roma in Germany, as well as additional information about the organisation, are available on the Internet at <http://www.errc.org>.

⁷ *Supra* note 2, para 3.

accountability in Kosovo in paragraph 3 of its 2004 Concluding Observations on Serbia and Montenegro.⁸

Secondly, under current arrangements, individuals in Kosovo may now face very significantly heightened difficulties in accessing the protections set out under the Covenant, due to the fact that the accountability of UNMIK and its staff is problematic and that procedures for bringing action against UNMIK personnel, where such persons may be culpable for human rights abuses, are either not widely known or do not in fact exist. The ERRC notes in this context that the corpus of international law establishing the international human rights regime and the related field of refugee law, has responded to the threats arising from administrative arrangements of this kind by building into the 1951 Convention Relating to the Status of Refugees ("1951 Refugee Convention") Article 1(D), establishing separate conditions for persons under "protection or assistance" of United Nations agencies, as well as for situations in which "such protection or assistance has ceased for any reason, without the position of such persons being definitively settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations."⁹ Insofar as such persons would "ipso facto" benefit from the 1951 Refugee Convention, the vulnerability of persons who are no longer on territories enjoying effective state protection is resoundingly affirmed. The heightened complexity of accountability in places under United Nations administration such as Kosovo significantly raises the bar of standards by which UN administrators in places such as Kosovo are to be held. In light of these circumstances, the Human Rights Committee is urged to view with the utmost possible gravity the very serious situation of RAE individuals and communities currently prevailing in Kosovo, as well as the vacuum of effective human rights protections in Kosovo today.

The written comments that follow do not purport to constitute a comprehensive survey of the human rights situation of RAE living in Kosovo, nor does the present submission aim to provide comment on all issues arising in Kosovo of relevance to the rights secured under the Covenant. This document is intended solely to provide the Committee with information arising from some areas of documentation undertaken by the European

⁸ This states, in full, "3. The State party explained its inability to report on the discharge of its own responsibilities with regard to the human rights situation in Kosovo, and suggested that, owing to the fact that civil authority is exercised in Kosovo by the United Nations Interim Administration Mission in Kosovo (UNMIK), the Committee may invite UNMIK to submit to it a supplementary report on the human rights situation in Kosovo. The Committee notes that, in accordance with Security Council resolution 1244 (1999), Kosovo currently remains a part of Serbia and Montenegro as successor State to the Federal Republic of Yugoslavia, albeit under interim international administration, and the protection and promotion of human rights is one of the main responsibilities of the international civil presence (para. 11 (j) of the resolution). It also notes the existence of provisional institutions of self-government in Kosovo that are bound by the Covenant by virtue of article 3.2 (c) of UNMIK Regulation No. 2001/9 on a Constitutional Framework for Provisional Self-Government in Kosovo. The Committee considers that the Covenant continues to remain applicable in Kosovo. It welcomes the offer made by the State party to facilitate the consideration of the situation of human rights in Kosovo and encourages UNMIK, in cooperation with the Provisional Institutions of Self-Government (PISG), to provide, without prejudice to the legal status of Kosovo, a report on the situation of human rights in Kosovo since June 1999." (Ibid.)

⁹ Article 1(D) of the Refugee Convention states, in full, "This Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance. When such protection or assistance has ceased for any reason, without the position of such persons being definitively settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, these persons shall *ipso facto* be entitled to the benefits of this Convention." 1951 Convention on the Status of Refugees, para. 1(D).

Roma Rights Centre as concerns the RAE community in Kosovo and the ability of RAE individuals in Kosovo to realise rights secured under the Covenant. The materials provided here are based on ERRC monitoring and field research into the situation of Roma in Kosovo. These include media monitoring during the period 1997-present, intensive field missions in 1999, 2000, 2002, 2004 and 2005, as well as six months of durable field presence in 2000.

The Roma, Ashkali and Egyptian ("RAE") community in Kosovo

Beginning in June 1999, following the end of the NATO bombing of the former Yugoslavia and the establishment of United Nations administration over Kosovo, Roma, Ashkalis, Egyptians and others regarded as "Gypsies" ("RAE") were violently expelled from their homes in Kosovo by means including killings; targeted "disappearances" in which in many cases the persons concerned remain missing and are presumed dead; threats of killings; rape – including gang rape in the presence of family members; mass arson; wholesale destruction of houses, whole neighbourhoods and/or community infrastructure; wholesale appropriation of property; and general threats of violence carried out in the context of ethnic cleansing.¹⁰ As is well-known, these events followed decades of repression in Kosovo by Yugoslav authorities, and were immediately preceded by several years of effective civil war between a guerrilla movement known as the "Kosovo Liberation Army" and Yugoslav forces. Today, persecution of the members of these communities continues, manifested in their systematic exclusion from access to fundamental human rights. Racial discrimination against RAE communities in Kosovo is pervasive, depriving tens of thousands from even a bare minimum of dignity. Anti-Gypsy sentiment among the majority is widespread, ranging from assaults on RAE individuals to verbal abuse and dissemination of defamatory images, including images stigmatising RAE as perpetrators of crimes against Albanians, in the media.

Living in an atmosphere of persistent threats to their security, unprotected against massive exclusion from employment and denial of access to alternate sources of income, exposed to extremely substandard and hazardous living conditions, marginalised in the public sphere, RAE communities and individuals today experience extreme levels of rights deprivation and/or infringement. Oppression of RAE is further aggravated by

¹⁰ The first indication of the single biggest catastrophe to befall the Romani community since World War II came on 5 June 1999, when a group of ethnic Albanian refugees from Kosovo in a refugee camp in Skopje, Macedonia, set upon a number of Roma in the camp and made a concerted effort to beat them to death, before camp authorities intervened. The expulsion of tens of thousands of RAE individuals from their homes began in the following weeks. As noted, these were not the first major human rights abuses against RAE in Kosovo. During the period 1997-2006, via methods including monitoring of the media as well as direct, first-hand field research and regular communication with a number of RAE persons in and from Kosovo, the ERRC has documented systemic human rights abuses against RAE. A non-exhaustive list of municipalities in which the ERRC has documented evidence of violent attacks and/or threats of attacks includes: Brekovac/Brekovc, Burim/Jović, Crkvena Vodica, Dasehc/Doševac, Djakovica/Gjakovë, Dosevac/Dashevc, Ferizaj/Uroševac, Fushe Kosove/Kosovo Polje, Gjakovë/Djakovica, Gjilan/Gnjilane, Gllavicë/Glavica, Gnjilane/Gjilan, Gorna Brnjica, Hallac i Vogel/Mali Alas, Istok, Janjevo, Kačanik/Kaçanik, Kosovo Polje/Fushë Kosovë, Obiliq/Obilić, Klinë/Klina, Kosovska Kamenica, Kosovka Mitrovica/Mitrovica, Lipjan/Lipljane, Mitrovicë/Mitrovica, Obiliq/Obilić, Ogoshtë/Ogošte, Orahovac/Rahovec, Pejë/Pec, Plemetina, Podujevo, Priluzje, Priština/Prishtinë, Prizren/Prizren, Rrahovec/Orahovac, Shtime/Štimlje, Srbica/Skenderaj, Suharekë/Suva Reka, Uroševac/Ferizaj, Velika Kruša, Viti/Vitina, Vushtrri/Vučitrn, Žitkovac/Zhikoc, and Zvezdara.

failure of the Kosovo international civil administration to bring to justice the perpetrators of even the most egregious crimes committed against RAE since June 1999.

Article 6, Article 7 and Article 9: Violence and Other Cruel and Degrading Treatment of Roma

Article 7 of the ICCPR requires that "no one shall be subjected to torture or to cruel, inhumane or degrading treatment or punishment." Article 6 of the ICCPR guarantees every human being the "right to life". Article 9 of the ICCPR guarantees the "right to liberty and security of person". These guarantees notwithstanding, RAE and others considered "Gypsies" in Kosovo today live in a state of pervasive fear, nourished by routine intimidation and verbal harassment, as well as by periodic racist assaults.¹¹ The RAE community has been the target of massive, systemic, racially-targeted violence in Kosovo since 1999. Following systemic violence in 1999, under UNMIK administration, persistent threats and impunity for perpetrators are the norm. Many if not most incidents of violence have gone unreported to the authorities, due to lack of trust and fear of retaliation, especially in the wake of periodic outbursts of anti-minority violence, most recently in March 2004.

Following the cessation of NATO action against the Federal Republic of Yugoslavia in June 1999 and the subsequent return of predominantly ethnic Albanians from abroad, ethnic Albanians violently expelled approximately four fifths of Kosovo's pre-1999 Romani population -- estimated to have been around 120,000 -- from their homes. The ERRC conducted field research in Kosovo during the summer of 1999, in the course of which the ERRC documented numerous abuses, primarily by ethnic Albanians evidently intent on purging Kosovo of RAE individuals and communities, along with other minorities, after the withdrawal of Yugoslav forces from the region in early June 1999. Abuses documented include killings of Roma by ethnic Albanians; abduction and illegal detention of Roma by ethnic Albanians; torture, beating and other physical abuse; rape; expulsions of Roma from homes and communities; house burnings; forced labour; forced entry into Romani houses; and confiscation of houses and other property.¹²

Whole Romani settlements were burned to the ground by ethnic Albanians, in many cases while NATO troops looked on. A number of Romani individuals who disappeared during the summer months of 1999 remain to date missing and are presumed dead.

The massive, systemic, race-based crimes of the ethnic cleansing were not immediately quelled or redressed by any authority in Kosovo, or elsewhere. Indeed, they have persisted in the years following 1999. For example, in the town of Dosevac/Dashevc, four Romani men, Mr Hajzer Mehmeti, Mr Istref Bajrami, Mr Isuf Ahmeti, and 15-year-old Agron Mehmeti were found slain in November 2000. The men comprised an advance party of a group of RAE families who were ready to return to the village of Dosevac/Dashevc from Kosovo Polje, where they had been living as displaced persons for more than one year.. According to a UN spokesperson, three of the victims had

¹¹ For example, on the night of 14 May 2004, Kosovo police officers beat Mr. Irfan Kurtesi, a Romani man living in a mixed Serb-Romani neighbourhood, in the eastern Kosovar town of Kosovska Kamenica, according to the Belgrade radio station B92 on 14 May 2004. B92 reported that the attack was unprovoked. See www.errc.org for details.

¹² Cahn, Claude and Deyan Kiuranov, "ERRC in Kosovo; Pogrom Situation," in *Roma in the Kosovo Conflict*, European Roma Rights Center, 1999, pg. 14.

bullet wounds in the forehead. The same UN spokesperson stated that the crime was likely ethnically motivated. To date, no one has been brought to justice in connection with the Dashevc killings.

In March 2004, hundreds of RAE were targeted for violent attacks during anti-minority riots by ethnic Albanians. On 17 March 2004, Serbian and RAE communities in the town of Gjilan/Gnjilane, about 35 km south of Prishtinë/Priština, were attacked by a mob of ethnic Albanians, reportedly predominantly persons in their teens. According to eyewitnesses with whom the ERRC spoke, twenty-three houses belonging to Serbs were burnt. Also on 17 March 2004, in the town of Obiliq/Obilic, a number of Romani persons with whom the ERRC spoke recounted how they fled their homes and sought refuge in the nearby Plemetina refugee camp when they saw a mob of people approaching their neighbourhood. At least three Romani families were reportedly forced to flee from their homes in Obiliq/Obilic in advance of rioters there. Also on 17 and 21 March 2004, in the town of Lipjan/Lipljan, three houses belonging to Ashkali and Romani families were burnt to the ground.

On 18 March 2004, in the town of Vushtrri/Vučitrn, approximately 70 houses belonging to Ashkalis were burned and destroyed.¹³ In the aftermath of the violence the houses were rebuilt but the previous owners have not returned for fear of renewed violence. Over 50 newly built houses are reportedly currently empty and only six Ashkali families have returned. One of the returnees described his life in Vushtrri/Vučitrn after the pogroms as "home-prison".¹⁴

Although since March 2004 there has reportedly been a general decline in the number of violent racist attacks taking place, barriers to effective safety continue to exist throughout Kosovo, calling into question whether in fact Article 9 of the ICCPR is fully secured in Kosovo. Many RAE who fled the area and are suspected of having collaborated with the Serbs during "Operation Horseshoe"¹⁵ and/or in the period preceding it, are severely limited in their freedom of movement and fear renewed violence by Albanians.¹⁶ Many RAE do not leave their neighbourhoods after dark, do not travel alone, and fear retaliation, which deters many from reporting human rights violations to police and/or other authorities. Verbal harassment and intimidation are routine. The following are a few – though by no means all -- of the reported incidents of violence against RAE in Kosovo in the recent period¹⁷:

- In May 2005, Ramiz Šabani, a 16-year old boy from the Plemetina IDP camp was reportedly attacked by Kosovo Albanians outside the camp. The boy, who was riding a bicycle, was reportedly knocked down by several people and beaten. About a week later another youth from the camp was allegedly threatened and intimidated by Kosovo Albanians in the vicinity of the camp.

¹³ "Ethnic Cleansing of 'Gypsies' in Kosovo." News Roundup: Snapshots from Around Europe. <http://www.errc.org/cikk.php?cikk=1873&archiv=1>.

¹⁴ ERRC interviews, 29 May 2005 in Vushtrri/Vučitrn.

¹⁵ "Operation Horseshoe" was a large-scale operation in Kosovo by Serbian forces, purportedly for the purposes of taking military action against ethnic Albanian insurgents in Kosovo, but in practice resulting in the flight of many hundreds of thousands of persons from Kosovo to Albania and Macedonia. The NATO action against the former Yugoslavia in early 1999 was a response to "Operation Horseshoe".

¹⁶ "Refugees International Kosovo: Roma Returns Stalled by Security Concerns, Politics and Discrimination," Refugees International, 27 June 2005.

¹⁷ Further details are available on the ERRC website at www.errc.org.

- In May 2005 in the town of Prizren, Ramo Mandinki, 17, was attacked by ethnic Albanians, one of whom was wielding a shovel. Mr Mandinki reported the case to the police and was allegedly told that if he had more problems with the individuals who attacked him, they would be prosecuted.
- In April 2005 in Prishtinë/Priština twenty-year old Mexhit Stolla was reportedly attacked and beaten by a group of 15-16 Kosovo Albanians, following previous threats. The incident was reported to the police, but Mr Stolla told the ERRC that since he knew the parents of some of the attackers, he did not want to press charges.

There is now a permanent, persistent and pervasive threat of anti-minority, including anti-RAE violence in Kosovo in the context of possible independence or altered status for Kosovo. Despite more than six and a half years of UN administration, there has been no major, effective effort by any authority in Kosovo to disarm extremists.

Because of a durable climate of violence and intimidation prevailing in Kosovo now for many years, as well as a result of the comprehensive ethnic cleansing implemented beginning in June 1999, the RAE community in Kosovo is currently in a state of extreme distress. The events of March 2004 reaffirmed the proximity of mass violence, and RAE are aware that if similar violence were to erupt again, they would likely be primary targets. Many humanitarian workers on the ground, as well as representatives of the United Nations High Commissioner for Refugees (UNHCR) have noted that they suspect violence that could erupt again, and have expressed concern regarding safety of the RAE community following the possible planned withdrawal of international personnel.¹⁸ This concern has been echoed by the Kosovo Ombudsperson, who noted in his latest Annual Report that those members of the RAE communities living in rural areas are literally not protected at all.¹⁹

Article 6 and Article 7: Failure to Prevent Exposure to Extremely Hazardous Conditions

Article 6 of the ICCPR provides that "every human being has the inherent right to life", and Article 7 guarantees freedom from "inhuman or degrading treatment." In violation of Articles 6 and 7, RAE have been placed by UN authorities in camps for internally displaced persons ("IDP") in the towns of Zitkovac/Zhikoc, Cesmin Lug/Cesminlukë and Kablare, approximately two kilometers from the Trepca Mines factory complex and situated on highly contaminated land. The World Health Organization ("WHO") has declared a health emergency on the camp grounds. Although the camps were reportedly intended as temporary housing for victims of the 1999 looting and burning of the Romani Mahala settlement in the town of Mitrovica, these camps continue to exist today under UNMIK supervision, despite known and documented health hazards arising from

¹⁸ "In the current volatile context, a serious ethnically motivated crime against an ethnic community may spark, like in March 2004, a downward spiral towards inter-ethnic violence and civil unrest and lead to other serious ethnically motivated crimes. Kosovo Serbs, Roma, as well as Albanians in a minority situation would be the communities most likely to be affected." "UNHCR position on the continued international protection needs of individuals from Kosovo (March 2005)" available at www.unhcr.ch.

¹⁹ Kosovo Ombudsperson Institution, "Fifth Annual report 2004-2005 addressed to the Special representative of the Secretary-General of the United Nations," 12 July 2004, at pg. 45.

toxic lead contamination.²⁰ In the more than six years since the camps were established, dozens of inhabitants have fallen ill from lead-related illnesses, and two people, including at least one young child, have died.

It is probable that UNMIK knew of the scale of the health emergency as early as 2000, when the WHO issued its first report analyzing the effect of lead pollution on the Mitrovicë/Mitrovica region. The report found that all children and most adults living around the industrial site had blood lead concentrations exceeding the permitted limits.²¹ Specifically, the researchers found a higher than average lead concentration among the RAE communities as compared with the non-RAE population.²² By October 2004, the WHO had declared the area in and around the IDP camps uninhabitable, issuing a report that revealed that the soil in Zitkovac/Zhikoc camp was 100.5 times above recommended levels, while in Cesmin Lug/Cesminlukë, the levels exceeded 359.5 times those considered dangerous to human health.²³ The ERRC knows of no effective plan implemented to date to evacuate the people living there to areas safer to any significant degree than the highly toxic areas they currently inhabit.

Meanwhile, the RAE community continues to live on contaminated land, with detrimental implications for their health and well-being. The most significant effect of lead poisoning on the human body is its irreversible effect on IQ levels. A WHO analysis of numerous studies has shown that increases of lead in the bloodstream from 10 to 20 micrograms ("µg")/dl has been associated with a decrease of 2.6 IQ points.²⁴ The WHO sampled 58 children living in the IDP camps, of whom 34 were found to have above acceptable blood lead levels. None of the children sampled had a blood lead level below 10 µg/dl. Twelve of the children were found to have exceptionally high levels of lead in their bloodstreams, with six of them possibly falling within the range described by the United States Agency for Toxic Substances and Disease Registry ("ATSDR") as constituting a medical emergency ($\geq 70\mu\text{g}/\text{dl}$). At the time of the report, in the summer of 2004, the WHO recommended urgent action for the twelve children in the camps, including immediate diagnostic testing, aggressive environmental interventions and ongoing evaluation according to ATSDR guidelines.²⁵ By October 2004, the WHO recommended the immediate removal from the camps of children and pregnant women and called the case "urgent".²⁶

²⁰ Adverse health effects of lead exposure include: damage to the brain and nervous system; reproductive abnormalities in males and females; high blood pressure; memory and concentration problems; muscle and joint pain; and digestive irregularities. In children, the effects can be even more detrimental and include; behavior and learning problems; slowed growth, hearing problems; headaches, and damage to the brain and nervous system. *See, e.g.* Finkelstein Y, Markowitz ME, Rosen JF. "Low-level lead-induced neurotoxicity in children: an update on central nervous system effects." *Brain Res Brain Res Rev.* 1998 Jul;27(2):168-76; *See, also* Winneke G, Kramer U. "Neurobehavioral aspects of lead neurotoxicity in children." *Cent Eur J Public Health.* 1997 Jun;5(2):65-9.

²¹ Molano, Sandra and Andrej Andrejew, "First Phase of Public Health Project on Lead Pollution in Mitrovica Region," November 2000, pg.17.

²² *Id.* at pgs.13, 19, 18.

²³ Memorandum of the World Health Organization, "Capillary Blood Lead Confirmation and Critical Lead-Related Health Situation of the Roma Camps Children," 22 October 2004, p. 3.

²⁴ World Health Organization, Preliminary Report on Blood Lead Levels in North Mitrovica and Zvecan, July 2004, together with Memorandum by Gerry McWeeney, Health Environment Programme Manger, WHO, 11 July 2004, Pristina, Kosovo (July 2004 WHO Report).

²⁵ World Health Organization, Preliminary Report on Blood Lead Levels in North Mitrovica and Zvecan, July 2004.

²⁶ Memorandum of the World Health Organization, "Capillary Blood Lead Confirmation and Critical Lead-Related Health Situation of the Roma Camps Children," 22 October 2004, p. 3.

More than one year later, the IDP camps remain on contaminated land considered to constitute an environmental and health emergency.²⁷ Jenita Mehmeti, a four-year-old Ashkali girl died in Žitkovac/Zhikoc in July 2004, after being treated for two months in a Serbian hospital for symptoms very likely related to lead poisoning. Her two-year-old sister, Nikolina, shows similar symptoms and has been in and out of hospital in Belgrade for treatment. However, without immediate evacuation, medical treatment will likely have little effect.

Of particular concern is the situation of pregnant women at these sites. Lead poisoning in pregnant women is associated with an increased risk of spontaneous abortion and stillbirth. ERRC first hand documentation in the camps indicates that there have been a high number of still births and miscarriages in recent years. Further, many women know their children will be born mentally disabled and thus have undertaken self-induced abortions by drinking anti-lice shampoo or pesticides. Some have reportedly mixed yeast with beer to cause miscarriages.²⁸

The initial placement and subsequent failure to remove the RAE from the camps raises serious concerns that individuals in Kosovo are not benefiting from the protections guaranteed by Covenant Articles 6 and 7. These concerns are magnified by the fact that although UNMIK is authorized by UN Security Council Resolution 1244²⁹ to act as the civilian administration in Kosovo, there is effectively no domestic remedy available for human rights violations committed by it or any other UN organ operating in Kosovo.³⁰

In July 2005, the ERRC sent a letter to UN Secretary General Kofi Annan urging him to lift immunity for any persons responsible for crimes as a result of the negligent or

²⁷ In February 2005, Dr. Rokho Kim, a WHO expert, visited the camps and described the situation there "as one of the most serious lead-related (Environmental Health) EH disasters in the world and in history." Appendix 1, Background Paper, "The Way Forward Regarding the Roma, Ashkaeli and Egyptians (RAE) and the Lead Contamination," forwarded to the ERRC on 31 May 2005 by Laurie Wiseberg, Minority Rights Advisor and Executive Officer for Return to Roma Mahala Project, UNMIK.

²⁸ In addition to these concerns, extremely poor housing conditions may heighten the impact of environmental toxicity. In Žitkovac/Zhikoc, for example, the "buildings" consist of scavenged used boards, tin, sticks and plastic. Most houses have dirt floors covered with layers of rugs. Often rugs are also used on the walls to keep out the cold. Blue plastic sheeting is used to create some semblance of privacy. The "furniture" is often folded and piled up carpets arranged to make a couch. The cooking area in most homes is outside so heat and smoke can escape. This means the women must go outside in heat or cold, rain or snow to prepare meals. Many of the women complained it was impossible to keep such places clean. There is no proper place for bathing resulting in many illnesses due to lack of hygiene. The women also complained that the winter is the worst because it is so cold and they have insufficient heat. At the same time, they have no warm water. Since the women do the washing and bathing of children, they frequently have their hands in cold water resulting in rheumatism for many of them. The women also tend to have higher blood lead levels than the men because they are in the camps all day. The men leave during the day to work, look for work, or look for food. The women are in the camps, on the contaminated land, with the children. Thus their absorption rates are higher and the resulting health damage higher.

²⁹ S/RES/1244 (1999), UN Security Council Resolution 1244, adopted by the Security Council at its 4011th meeting on 10 June 1999.

³⁰ The UN Charter grants broad-based immunities to the UN and its employees. Charter of the United Nations, 26 June 1945, Can. T.S. 1945 No. 7 (entered into force 24 October 1945), Article 105(1)(2), as well as Convention on the Privileges and Immunities of the United Nations ("CPIUN") (adopted by G.A.13 February 1946).

malicious failure to move RAE persons from the contaminated areas.³¹ In September 2005, the ERRC requested criminal investigation into the matter with the Kosovo Public Prosecutor's office. In November 2005, Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations, responded to the request to waive immunity, stating that UNMIK was "doing its utmost to solve" the problem and requesting further detailed information in order to make the determination whether to waive immunity. Further information was sent to the Office of the Secretary General in November 2005. Although months have passed, inhabitants of the IDP camps continue to suffer from lead poisoning while the UN has not demonstrated a real will to lift immunity or to remove the threatened persons from the contaminated areas.

During 2005, UNMIK was finally moved to act to begin efforts to relocate the persons concerned. Current plans as available to the ERRC, envision a two-stage location. During the first phase, camp inhabitants are to be moved to a series of barracks previously inhabited by French KFOR soldiers. This location is too close to the current sites to constitute an improvement; it is exposed to the same environmental conditions which render the current IDP camps unsafe. It is unclear what issues are hindering the identification of a location which might actually be safe for human habitation.

During a second phase, it is envisioned that camp inhabitants will move to new housing on the territory of the area of the former mahalla, next to where their houses previously stood. There are widespread fears that this second phase will never happen, particularly given the proximity of talks for independence and the presumed bad faith of ethnic Albanian authorities.

On 3 February 2006, the inhabitants of the camps issued a public appeal stating, *inter alia*, "We ask to be relocated to a safe place for survival and medical treatment. We ask for safe and humane living conditions for those in all IDP camps."

Article 2: Failure to Provide Remedy for Gross Violations of Human Rights

Article 2 of the ICCPR requires implementation of the Covenant rights, including through "existing legislative or other measures", to guarantee that the rights set out in the ICCPR are given effect. Article 2(3) further sets out that:

Each State Party to the present Covenant undertakes:

- (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;
- (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;
- (c) To ensure that the competent authorities shall enforce such remedies when granted.

³¹ Letter from Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations to Claude Cahn, Acting Executive Director of the European Roma Rights Centre, 9 November 2005. On file at the ERRC.

In contravention of these guarantees, RAE are denied the right to compensation for the violent crimes committed against them beginning in June 1999 after the end of the NATO bombing, and continuing in the following years. In addition to massive destruction of property and continuous verbal intimidation, as noted above, numerous RAE individuals and communities have been targeted for violent assault in the period since 1999. Efforts to bring the perpetrators of gross human rights abuses against RAE and others have begun late and for the most part have met with little success. In all or most of the cases at issue, the perpetrators of these crimes have not been brought to justice to date. The European Commission for Democracy through Law ("Venice Commission") has also found that progress in bringing to justice those responsible for the abduction of around 1,200 Serbs, Roma and other ethnic minorities has to date been extremely slow.³² In general, the ethnic cleansing of the RAE remains totally unremedied, with the result that RAE are afraid to report renewed incidents of violence because they have plausible reasons to believe they will not be protected against retaliation. Additionally, the court system in Kosovo remains at best only somewhat accessible to the RAE minority. RAE individuals and communities living in mainly Albanian-dominated areas can only access courts if they are accompanied by members of the local Court Liaison Office. In the municipalities of Skenderaj/Srbica and Malishevë/Mališevo in central Kosovo and in the municipality of Kaçanik/Kaçanik in south-eastern Kosovo -- areas where violence during "Operation Horseshoe" in 1999 was particularly vicious -- RAE individuals can reportedly only access courts if they are accompanied by international escort.³³

Article 12: Denial of the Right to Return to Place of Origin in Safety and Dignity

Article 12 requires that everyone have the "right to liberty of movement and freedom to choose his residence." To date, however, authorities in Kosovo have failed to comply with these Covenant guarantees, nor with UN Security Council Resolution 1244, to ensure the safe and unimpeded return of RAE refugees and displaced persons to their homes in Kosovo. As of June 2005, numerous persons belonging to RAE communities remain in internal displacement inside Kosovo, while many tens of thousands of Roma from Kosovo are displaced in rest-Serbia and Montenegro, or are outside these international borders and are refugees (de facto or recognised) in other countries. Some of these persons have reported to the ERRC that return to their old neighbourhoods would be unsafe and consequently many of these are currently completely deserted. Others are unable to return to their previous homes which have been destroyed and not rebuilt or are now illegally occupied by other persons. Persons belonging to RAE minorities currently in internal displacement live in extremely substandard conditions, including in prefabricated houses inside IDP camps and crowded into houses living with many relatives. RAE individuals and communities are denied the right to return as a result of numerous factors:

³² European Commission for Democracy through Law (Venice Commission), "Opinion on Human Rights in Kosovo" (11 October 2004), CDL-AD (2004)033, par. 44.

³³ *Supra* note 19, at pg. 21. "According to [...] UNMIK Report of 2 June 2005, access to justice for members of non-majority communities in Kosovo is impeded by tangible barriers arising from lack of security, physical safety, transportation, language, poverty and court fees. It is also obstructed by intangibles like delay, uncertainty in the law, lack of confidence in the fair application of the law, and the non-majority communities' limited knowledge of law and legal rights." *Id.*

- Individuals are unwilling to return to their old places of residence because they believe them to be unsafe. Some of these – such as the Dalmatinska neighbourhood in Prishtinë/Priština, for example – were as of June 2005 completely deserted by their former RAE inhabitants and occupied by Kosovo Albanians – but housing in other parts of Kosovo is reportedly unavailable;
- Proceedings for reinstating the legal owners of houses which have been illegally occupied are slow and enforcement is ineffective;
- Reconstruction of houses is unduly delayed and in some instances altogether stalled;
- Individuals cannot prove title to the land on which their houses stood, due to lost or invalid property ownership documents, or because ownership has never been formally recognised for housing in certain areas, despite years, decades or even centuries of factual, tolerated occupation;
- Municipalities have failed to allocate land for the construction or reconstruction of housing; and/or
- Municipalities intend to use land where RAE houses were located for more lucrative purposes and propose unacceptable alternate solutions to housing, or otherwise obstruct returns.

The ERRC is not aware of an existing estimate of the number of displaced RAE in Kosovo which would be reliable to any significant degree. However, in several municipalities visited by the ERRC, the numbers of displaced RAE reported by local community leaders ranged between 2-3 families to several dozens of families. The following non-comprehensive review of the current placement of some RAE persons displaced within the borders of Kosovo provides some indication of the larger failure in this area:

- The IDP camp Plemetina, near Obiliq/Obilic, built in 1999, was, as of May 2005, home to 116 families or about 464 persons originating from five Kosovo municipalities. Only two out of the five municipalities have so far allocated land to build houses for the RAE concerned. According to local RAE, in the Obiliq/Obilic municipality there are around 50 reconstructed houses of RAE out of about 1,000 houses destroyed in 1999-2000.³⁴
- In the Fushë Kosovë/Kosovo Polje municipality there were an estimated 70 internally displaced RAE families, including 20 families of voluntary returnees assisted by UNHCR in returning to Kosovo from outside the province, but not yet brought to their original places of residence. Out of an estimated nearly 350 houses, only 144 have been rebuilt thus far.³⁵
- An estimated 15 RAE families in Montenegro as of June 2005 could not return to their homes in Gjakovë/Đakovica which were destroyed and had not been rebuilt as of that date. The municipality has claimed the land as municipal property, and because the RAE families do not possess property ownership documents, they cannot prove their ownership of the land.³⁶
- The population of the Abdullah Presheva neighbourhood of Gjilan/Gnjilane decreased from approximately 4,000 Roma before 1999 to about 250 today. Out of 360 Romani houses, some 290 were destroyed. As of June 2005, approximately 20 out of 30 Romani families had returned to Gjilan/Gnjilane and

³⁴ ERRC interviews, 26 May 2005, Plemetina camp.

³⁵ ERRC interviews, 28 May 2005, Fushë Kosovë/Kosovo Polje.

³⁶ ERRC interviews, 2 June 2005, Gjakovë/Đakovica.

lived in rented accommodation.³⁷ The construction of 30 houses for Roma families from Abdullah Presheva neighbourhood in Gjilan/Gnjilane was reportedly suspended with only 9 houses rebuilt or reconstructed. The rebuilding of the houses, which started in mid-2004 and for which reportedly a total of 1,500,000 EUR had been donated by the Dutch government and the municipality, stopped, reportedly due to lack of funds.³⁸ Roma from Abdullah Presheva also reported thefts of building material for the reconstruction of Romani houses and a reluctance by the Kosovo Police Service ("KPS") to investigate these thefts.³⁹

- Before 1999, the Crystal neighbourhood in the town of in Pejë/Pec was home to more than 100 RAE families. Currently only 2-3 families live in the neighbourhood. According to a local official, in 2002, the then-UNMIK administrator of the municipality had promised to clean the area and start rebuilding the houses, but ultimately failed to fulfil the promise. According to the same source, donors have been reluctant to fund projects for rebuilding houses, fearing that the houses would be vandalised. In 2003, for example, two RAE houses were reportedly rebuilt and immediately after burned down. At least 10 RAE families currently live with relatives in Pejë/Pec while waiting for the municipality to act on their request to rebuild their houses.⁴⁰

Ineffective Procedures for Reclaiming Illegally Occupied Houses

Many RAE reported to the ERRC that they are denied access to their houses, which in many cases have been occupied by Kosovo Albanians. According to RAE, proceedings before the UN Housing and Property Directorate ("HPD") Claims Commission – the organ which has jurisdiction over claims raised by persons who were the owners or occupancy rights-holders of residential real estate and who are not in possession of the property, are reportedly lengthy, and sometimes decisions are not effectively executed. For example, according to ERRC field research in 2005, Alihajdar Krekaqe and his family were forced out of their house in Prizren in 1999 by ethnic Albanians, purportedly members of the Kosovo Liberation Army ("KLA"). As of June 2005, the house was still occupied by ethnic Albanians, despite claims filed with the HDP, the Ombudsperson's Institution and the municipality of Prizren.⁴¹ In another case, a RAE woman who lived in the Dalmatinska neighbourhood of Prishtinë/Priština was unable to regain possession of her house after two eviction attempts following a decision by the HDP. As of June 2005, the house was reportedly still occupied and the rightful owner was therefore unable either to occupy or to sell it.⁴²

In many instances, owners of occupied residential property are afraid to reclaim their property due to intimidation by the occupiers. According to RAE representatives in the town of Gjakovë/Đakovica, as of June 2005, there were at least 10 occupied houses formerly belonging to RAE in the town.⁴³

³⁷ ERRC interviews, 4 June 2005, Gjilan/Gnjilane.

³⁸ ERRC interviews, 4 June 2005, Gjilan/Gnjilane.

³⁹ ERRC interviews, 4 June 2005, Gjilan/Gnjilane.

⁴⁰ ERRC interviews, 1 June 2005, Pejë/Pec.

⁴¹ ERRC interviews, 31 May 2005, Prizren.

⁴² ERRC interviews, 1 June 2005, Pejë/Pec.

⁴³ ERRC interviews, 1 June 2005, Gjakovë/Đakovica.

In general, where individuals deriving from or perceived as deriving from the RAE communities return to locations surrounded by areas inhabited by the majority population, they face a series of difficulties. They come home to occupied houses, limited mobility due to security concerns and high levels of unemployment, making it difficult for families to sustain themselves without outside humanitarian aid.

Article 26 and Article 2: Systemic Discrimination

Under Article 2, each State Party “undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights” within the Covenant, “without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” Article 26 of the ICCPR guarantees all people “equal protection of the law”. Despite these guarantees, RAE in Kosovo face systematic discrimination as a result of widespread antipathy toward persons regarded as “Gypsies” and related forces giving rise to systematic exclusion of RAE individuals and communities.

Discrimination in Access to Employment

Discrimination apparently plays a very significant role in the systemic exclusion of RAE from employment throughout Kosovo. Although unemployment in Kosovo is generally high, it is close to 100% in many places for RAE minorities. Apart from an insignificant number of individuals who work in civil service and the municipal offices, very few others have permanent employment. Many RAE individuals lack any form of work at all. The Ombudsperson noted in a recent press release that in a meeting with community minority leaders, all agreed that their citizens are routinely overlooked when employment vacancies were posted.⁴⁴ According to testimonies of RAE in all municipalities visited by the ERRC, RAE (as well as minorities in general) were entirely or nearly entirely excluded from the workforce after privatisation of Kosovo enterprises.

For example, Mr Gani Elshani, 45, who worked in a pharmaceutical factory in Prizren for 18 years, was laid off, together with other RAE, after privatisation in 2004. When the factory began operating again, Mr Elshani was not offered employment with the explanation that there had been a reduction in the workforce. According to him, other RAE workers were similarly not offered employment after the privatisation of the factory.⁴⁵ In Shtimje/Stimlje municipality, as of June 2005, there were reportedly 7 individuals who have permanent employment – 2 worked in the municipal office, 2 were teachers and 3 were janitors. Around 50-60 RAE from Shtimje/Stimlje municipality worked in factories before 1999. None of them have reportedly been re-hired after the privatisation of the factories.⁴⁶

Roma are denied both high-skilled and low-skilled jobs. For example, a professional operator of a milling machine in Gjakovë/Đakovica found it impossible to secure gainful employment after 2000, despite being qualified and having a good reputation in the community. According to ERRC information, approximately 30 RAE applied for a job

⁴⁴ Ombudsperson Institution in Kosovo Press Release, 7 July 2004, “Non-Serbian Minority Representatives Discuss Ongoing Human Rights Issues with Ombudsperson Institution.” The Ombudsperson also reported that, as an urgent solution, several community leaders described situations in which citizens were forced to sell their property and homes as an emergency source of income

⁴⁵ ERRC interviews, 31 May 2005, Fushe Kosove/Kosovo Polje.

⁴⁶ ERRC interviews, 2 June 2005, Shtime/Štimlje.

as a driver at Prishtinë/Priština airport in 2004. Although many of the RAE applicants had finished high school, and in one case a university education, none were hired.⁴⁷

According to a number of RAE community leaders, as in other areas, Kosovo authorities have not responded adequately to the evident crisis of massive unemployment among RAE, as well as indications that employers in Kosovo discriminate on the basis of race. For example, an activist from Gjilan/Gnjilane told the ERRC that, according to unofficial information given to her by a municipal official, positions announced for minorities are usually meant to be filled by Kosovo Serbs.

High levels of unemployment and lack of access to social benefits have resulted in severe deprivation for many RAE families. Most of the returnee community are unemployed and often do not have money to buy food. These persons must therefore resort to scavenging from garbage containers. Unconfirmed reports reveal several cases in which individuals have fallen ill as a result of consuming food found in the garbage. In light of the extreme poverty faced by many RAE in Kosovo, some returnees expressed frustration with KFOR and UNMIK for arranging for their return amidst guarantees of a better life and social services to aid in their recovery. Mr. Berisha Hajrush, who returned in December 2004 from Macedonia to Fushë Kosovë/Kosovo Polje, told the ERRC that his decision to return was a mistake and that he planned to move to Croatia.

Extremely Substandard Housing Conditions

Numerous RAE families in Kosovo are confined to inhumane housing conditions in marked contrast to housing conditions in the rest of the province. Such for example is the Bata neighbourhood in Pejë/Pec, home to approximately 120 families. The houses in this settlement are tiny, dilapidated and in many cases cramped, housing family members from several generations. At the time of an ERRC visit to the community in May 2005 there was no sewage removal or running water, and some parts of the neighbourhood had no roads. Although the RAE have lived in Pejë/Pec for several decades, they have no proof of ownership allowing the municipality to claim ownership of the land or the structures built on it. According to local RAE leaders, the municipality refuses to build infrastructure insisting that the families should be moved to social housing.

Similarly, in the Colonia neighbourhood of Gjakovë/Djakovica approximately 117 RAE families did not have property ownership documents as of February 2006, although they had been living there for several decades. The families in this neighbourhood, located near the city dump site, live in dilapidated houses with extremely substandard conditions. Typically, houses have one or two rooms and are home to 10 or more individuals crammed into one room with no sewage, electricity or running water. The children played on a nearby dumpsite, while their elderly siblings and parents collected food scraps, as well as tin cans and other garbage to sell in order to buy food. The municipality reportedly refuses to build infrastructure in the neighbourhood because it was planning to remove the RAE families from there.

Substandard housing conditions, including lack of sewage removal and clean water also leads to a greater incident of diseases and infections among RAE communities.⁴⁸ However, Roma are usually only able to access the most basic health services, as the vast majority of them are not covered by any form of health insurance, do not have the

⁴⁷ ERRC interviews, 28 May 2005, Fushe Kosove/Kosovo Polje.

⁴⁸ Kosovo Ombudsperson Institution, "Fourth Annual report 2003-2004 addressed to the Special representative of the Secretary-General of the United Nations," 12 July 2004, at pg. 31

money to pay for medical treatment in hospitals and in many instances are denied access to medical centers because of a lack of proper state documentation.⁴⁹

Ineffective Anti-Discrimination Law

Kosovo currently has among the most comprehensive and detailed domestic laws banning discrimination – including racial discrimination – to be found anywhere in the world. The Anti-Discrimination Law (ADL) entered into effect on 19 September 2004, as a result of UNMIK Regulation No. 2004/32 of 20 August 2004 On the Promulgation of the Anti Discrimination Law adopted by the Assembly of Kosovo. The Law substantially complies with the European Union's Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (RED), and Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation prohibiting discrimination on the grounds of religion or belief, disability, age or sexual orientation (FED). Kosovo's ADL goes significantly beyond the protections set out in these two European Union directives. For example, while the RED prohibits direct or indirect discrimination based on racial or ethnic origin, Article 2 of the ADL prohibits direct or indirect discrimination based on any ground. Second, while the RED is limited in the scope of the rights which are protected, Article 4 of the ADL prohibits direct or indirect discrimination in access to and enjoyment of any right set forth by law. Additional rights specified under Article 4 include fair treatment before tribunals and all other organs administering justice, personal security, participation in public affairs including the right to vote and be voted for, and access to public places. The ADL also provides that segregation as defined in Article 3(f) shall be deemed to be discrimination in violation of the principle of equal treatment as defined in Article 2(a) of that law. In addition, ADL provides in Article 9.4 that all monies collected through the imposition of penalties on those who have violated its provisions shall be placed in a fund for the purposes of supplying free legal assistance to any natural or legal person whose right to equal treatment is violated.

While Kosovo authorities must be commended for adopting the Anti-Discrimination Law of September 2004, similar praise is not merited with respect to efforts at implementation of that law: as of late 2005, there were no known efforts to apply the ADL, and no one had been brought to justice under it.

In addition, according to Mr. Gregory Fabian, a former employee of the Organization for Security and Co-operation in Europe (OSCE) closely involved in preparation of the ADA, as of late 2005, "... the Office of the Prime Minister is working on a draft Administrative Instruction to provide a structure for implementation of the Anti-Discrimination Law. The Instruction is intended to provide practical rules, and physical facilities for dealing with discrimination complaints, to provide independent legal assistance during case review, to collect information and create independent surveys regarding discrimination, to publish independent reports and provide recommendations on any matter related to discrimination, and generally to provide protection for any complainant regarding any form of discrimination."⁵⁰ It remains to be seen what impact these efforts may ultimately have.

⁴⁹ Ibid., at pg. 32.

⁵⁰ See Fabian, Gregory, "Implementation of the Anti-discrimination Law in Kosovo: A Plan in Need of Execution", in Roma Rights 3 and 4/2005 *Justice for Kosovo*, at: <http://www.errc.org/cikk.php?cikk=2459>

Article 16: Denial of Personal Documents

Article 16 requires that "everyone shall have the right to recognition everywhere as a person before the law." These guarantees notwithstanding, a number of Roma in Kosovo today lack important personal documents and are therefore unable to take advantage of public services necessary for the realization of fundamental human rights, and/or are *de facto* stateless. Documents at issue include personal identity cards, passports, documents required in order to access the public health system, drivers' licenses, as well as other personal documents.⁵¹ This issue is, if anything, even more extreme among displaced RAE from Kosovo in rest-Serbia and Montenegro.⁵² In addition, in many cases RAE also lack registration documents for their now-destroyed housing or documents of title for land on which they may have factually lived for years or decades, or for housing they may continue to inhabit. Many RAE have never obtained birth certificates, a fact which may trigger failure to secure any form of personal documentation and lead to a phenomenon whereby persons may have literally no administrative existence.

Of the displaced RAE living in the three IDP camps of Žitkovac/Zhikoc, Cesmin Lug/Cesminlukë and Kablare, very few have documentation to prove ownership of their destroyed houses in the Mahala. Although many of the families have lived in the multi-story houses for several generations, the municipality has asserted a claim to the land which compromised the former Mahala as municipal land.

In addition to the lack of property ownership documents, RAE IDPs in Kosovo also lack personal documentation necessary to access many social services. One especially troubling example of a lack of personal documentation is that of the Roma IDPs living in Žitkovac/Zhikoc, Cesmin Lug/Cesminlukë and Kablare who are unable to obtain medical services, despite suffering from the very serious effects of lead poisoning. Many of the RAE living in the camps have UNMIK-issued IDP cards, however those are not recognized in the Serb-operated hospitals in Northern Mitrovica, where the camps are located.

Research on the situation of lack of personal documentation of displaced RAE in Kosovo is scant. However, ERRC research in the IDP camps of Žitkovac/Zhikoc, Cesmin Lug/Cesminlukë and Kablare offer indications of some of the difficulties with which RAE in Kosovo contend. The international community is reportedly planning a census in Kosovo for 2006.⁵³ The census would serve as an opportunity to simultaneously register undocumented IDPs and refugees living in Kosovo. However, in order for the census to be valuable, particular attention must be paid to the situation of the RAE, many of whom are living as IDPs or with family members because it is not yet safe to return to their homes.

⁵¹ During "Operation Horseshoe" as well as before it, Serbian authorities frequently destroyed the personal documents of non-Serbs in Kosovo. Remedying these issues has been rendered complex by the fact that as Serbian forces withdrew from Kosovo in June 1999, in many instances, they took with them the administrative records of a number of municipalities and established "shadow" municipal authorities in Serbia proper for towns in Kosovo.

⁵² See Cameron, Lindsay, "The Right to an Identity", in Roma Rights 3/2003, at: <http://www.errc.org/cikk.php?cikk=1066>.

⁵³ Müller, Stephan, "Civil Registration of Roma-Background Paper", Regional Conference on Civil Registration of Roma in South Eastern Europe. Belgrade, 28 November 2005, pg. 10.

Conclusion and Recommendations

Mr. Marek Antoni Nowicki, then-Kosovo Ombudsman, has expressed concerns that in the "upcoming status discussions the bi-polar frame of competing political forces, Albanian versus Serb, will force the Roma off the road of greater inclusion."⁵⁴

Under the "standards before status" policy, PISG were supposed to achieve certain standards before the final status of Kosovo could be addressed. The eight standards under the policy are: functioning democratic institutions; rule of law; freedom of movement; returns and reintegration; economy; property rights; dialogue with Belgrade; and the Kosovo Protection Corps.⁵⁵ The cruel and degrading treatment; the failure to prevent exposure to extremely hazardous conditions; the failure to provide effective remedy for gross violations of human rights; the denial of the right to return to the place of origin; and the systemic discrimination in access to goods and services indicate that the eight standards have remained unfulfilled with respect to the RAE minorities.

The ERRC urges the Committee to undertake all actions available under its mandate to address the extreme situation of RAE in Kosovo. In light of the above, the ERRC urges the Committee to recommend that UNMIK undertake the following measures:

- Without delay, remove the inhabitants of Žitkovac/Zhikoc, Cesmin Lug/Cesminlukë and Kablare from the heavy metal-contaminated grounds of the current IDP camps and provide them with immediate medical care and treatment; plans to move the individuals concerned to a former French KFOR barracks should be abandoned; camp inhabitants should be moved, without any further delay, to areas which are actually safe.
- Without delay, provide real, effective and durable protection to all RAE individuals and communities.
- Investigate and bring to justice those responsible for violence against RAE individuals and communities; establish procedures for providing comprehensive justice in the matter of the ethnic cleansing of minorities, including persons regarded as "Gypsies", implemented in the period since June 1999 and as yet unchecked by any competent authority, such that all culpable parties are brought to justice, and victims and/or surviving members of their families have access to due remedy.
- Ensure that, in compliance with UN Security Council Resolution 1244, refugees and displaced RAE enjoy unimpeded, safe and secure return to their homes in Kosovo.
- Adopt measures to ensure that Kosovo's comprehensive anti-discrimination law is implemented in practice, such that discriminators are swiftly and adequately punished, and victims have access to due remedy.
- Without delay, adopt and implement measures to address the extreme exclusion of members of RAE communities from access to gainful employment, taking particular account of the need for such policies to reach all relevant individuals, and to be adequately gender-sensitive.

⁵⁴ "Pariah's Fate" Off the Record, Marek Antoni Nowicki, Kosovo Ombudsperson Institution, 4 November 2005.

⁵⁵ UN Press Release SC/7951. "Security Council, in Presidential Statement, Expresses Support for 'Standards for Kosovo', Welcomes Launch of Review Mechanism." Security Council 4880th Meeting (PM), 12 December 2003.

- Take measures to ensure that the extremely substandard slum conditions prevailing in many RAE settlements in Kosovo are swiftly improved through comprehensive policy measures by Kosovo authorities aimed at eliminating massive inequalities in the area of housing currently prevailing in Kosovo.
- Adopt and implement procedures to rectify the current systemic deprivation of RAE in Kosovo of personal and other documents crucial for the realisation of fundamental human rights; ensure that policies adopted in this field result in practice in all RAE individuals in Kosovo being provided in practice to all relevant documentation.

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4. maj 2006
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Deputation af Kosovo Roma med foretræde for Folketingets Integrationsudvalg

På baggrund af henvendelse fra demonstrationen 25. april 2006

- Ønske om foretræde for integrationsudvalget og ministeren

Deputationen takker for lejligheden til at fremsætte sine synspunkter
og stiller sig beredvilligt til rådighed for spørgsmål

Deputationens sammensætning

Adnan Jasaraj udl 1-28-272.787 (sag 110/2005 H)
Zuljfi Ramadani udl 1-28-293.864 (ventede udenfor)
Murat Haliti udl 1-28-210.608 (14812/03 ECHR)
Elvira Diljaj udl 1-28-344.686 (74/2005 H)
Camili Selver udl 1-28-279.825
Kurtes Rizi udl 1-28-283.093
Redepi Selami 1-28-278-020
Eric Støttrup Thomsen (formand Romano)

Særligt til hr John Dyrby: check politiets register, ingen af de pågældende har begået
kriminalitet, alle har gået i skole, Murat Haliti har gået på universitetet

- Uafhængig undersøgelse af asylsagsbehandlingen

Ankommet indtil 30. april 1999 ville de have fået ophold:

Udl.

§ 9 e. Der kan gives opholdstilladelse til en udlænding fra Kosovoprovinen i Forbundsrepublikken Jugoslavien, der har eller har haft opholdstilladelse i medfør af lov om midlertidig opholdstilladelse til nødstedte fra Kosovoprovinen i Forbundsrepublikken Jugoslavien (Kosovonødloven), eller som på grundlag af en ansøgning om opholdstilladelse efter § 7 indgivet inden den 30. april 1999 er eller har været registreret som asylansøger efter reglerne i § 48 e, stk. 1, såfremt udlændingen må antages at have behov for midlertidig beskyttelse her i landet.

Men de har samme asyl motiv, også efter 30. april 1999

Adnan Jasaraj udl 1-28-272.787 (sag 110/2005 H)

- KLA mistænker ham for deltagelse i paramilitære aktiviteter under NATO bombningerne

Zuljfi Ramadani udl 1-28-293.864 (ventede udenfor)

- på "hævnliste" fordi hans far var politimand i den serbiske administration og derfor underlagt tjenestebefaling (tilsvarende i dansk straffelov)

Murat Haliti udl 1-28-210.608 (14812/03 ECHR)

- Flygtningenævnet nægter at forbinde hans problemer i 1999 med hans problemer i 2001, hvor han var tilbagesendt fra naboland, hans onkel var med til at brokke Dayton-aftalen, Murat kommer således fra en politisk familie

Elvira Diljaj udl 1-28-344.686 (74/2005 H)

- hendes far var i militæret hos serberne under NATO bombardementerne

Camili Selver udl 1-28-279.825

- serbisk militær beordrede ham til at deltage/udføre plyndringer af albanske hjem

Kurtes Rizi udl 1-28-283.093

- har problemer med sine albanske naboer, der vil skyde ham, fordi han blev tvunget til at hjælpe serbisk militær mod albanerne

Redepi Selami 1-28-278-020

- har fået "negativ" uden høring i Flygtningenævnet. Var udkrevet til serbisk militær hvorfor albanerne vil slå ham ihjel, sin familie, der alle boede i samme hus og med samme hændelser, men hvor nogle fik asyl og andre afslag som "åbenbart grundløs"

Eric Støttrup Thomsen (formand Romano)

Udlændingestyrelsen har sat skøn under en regel

Afslagene er standard breve med enslydende begrundelser

Kan se, at Udlændingestyrelsen har fået word med copy-paste

Det kan vi dokumentere med afslag, der er standard breve med enslydende formulering af begrundelser uanset forskellige sager (afleveret til Ole Ødegaard Christiansen for kopiering)

Der er ikke sket en individuel sagsbehandling

Der er ikke foretaget et individuelt skøn, som loven kræver

Det fremgår f.eks. af familien, der boede i samme hus og med samme hændelser, men hvor nogle har fået asyl og andre har fået afslag som "åbenbart grundløs"

Det gøres gældende, der er tale om Kollektiv Udvisning, Hvilket er i strid med ECHR Protokol 4 Artikel 4, jfr også Conka v. Belgien no 51564/99 og Sulejmanovic v. Italien, No 57574/00, 57575/00

Der er et juridisk problem, at KLA albanerne står tiltalt nu i Haag for krigsforbrydelser Men ofrene anerkendes ikke i Danmark som ofre

Vi henviser til en række anklageskrifter vi har fremsendt til integrationsministeriet og Udlændingestyrelsen, bl.a. sagen mod hr Ramush Haradinaj (Udenrigsministeriets pressemeddelelse 9 april 2005 m.m.)

Der henvises til liste over Roma ofre (afleveret til Ole Ødegaard Christiansen for kopiering) fremsendt af den serbiske regering til krigsforbryderdomstolen i Haag

Efter dansk straffelov kan du ikke dømmes for f.eks. mord, hvis der ikke er et offer

Det er politiske afgørelser – Bertel Haarder kaldte dem for "asylturister" 19 februar 2004 da han fik afviste Hida v Danmark no 38025/02 og Haliti v. Danmark no 14712/03 sagerne for ECHR

Det var kun en måned før slagteriet 17-19 marts 2004 Dokumentation for Roma ofre fremsendt til integrationsministeriet, Flygtningenævnet, integrationsministeriet bl.a. modtaget fra European Roma Rights Center (ERRC)

Det gøres gældende, der er tale om klar brud på dette tidspunkt af reglerne i Udl.:

§ 32 b. En afgørelse om, at en udlænding, der er meddelt afslag på en ansøgning om opholdstilladelse efter § 7 eller § 8, stk. 1 eller 2, ikke kan udsendes af landet, jf. § 31, skal ændres, hvis det grundlag, som er angivet i afgørelsen, ikke længere er til stede.

§ 49 a. Forud for udsendelse af en udlænding, som har haft opholdstilladelse efter § 7 eller § 8, stk. 1 eller 2, og som er udvist ved dom, jf. § 49, stk. 1, træffer Udlændingestyrelsen afgørelse om, hvorvidt udlændingen kan udsendes, jf. § 31, medmindre udlændingen samtykker i udsendelsen. En afgørelse om, at udlændingen ikke kan udsendes, jf. § 31, skal tillige indeholde afgørelse om meddelelse eller nægtelse af opholdstilladelse efter § 7

Kosovo Romaerne burde have fået deres sager genoptaget på dette tidspunkt, som "Romano" ved skriftlig fuldmagt begærede, og være meddelt ophold.

Det gøres gældende, der foreligger overtrædelse af Strfl §§146, 150-152, særligt fordi der herefter iværksættes plageforanstaltninger – eufemistisk af Bertel Haarder kaldet "motivationsfremmende foranstaltninger".

I lørdags blev 2 Romaer dræbte af en bombe i det sydlige Mitrovica, Hvor der hovedsageligt bor Romaer – men ikke omtalt i dansk presse
Oplysningerne kan utvivlsomt bekræftes hos den danske KFOR styrke i Mitrovica
Og hos politichef Hans Vittrup i Pristina.

Vi vil gerne have en uafhængig undersøgelse af asylsags proceduren i disse sager

Vi foreslår Krigsforbryderdomstolen i Haag, da den har en masse relevant bevismateriale

- Delegationsrejse til og Konference om Kosovo

"Romano" og vore Roma NGO forbindelser i Kosovo tilbyder at bistå med at arrangere et besøg af Folketingets Integrationsudvalg i Kosovo

"Romano" vil være taknemmelig for at få lov at deltage i en sådan rejse, særligt til møder med Roma repræsentanter

Der er f.eks. stor utilfredshed blandt Romaerne med projekter under Dansk Flygtningehjælp: Dansk Flygtningehjælp hævder at være i gang med at genopbygge "Roma Mahalla" i Mitrovica – med et projekt med 50 huse – men Romaerne er meget utilfredse med, at det slet ikke er den gamle "Mahalla", der genopbygges, men at der er tale om et byggeprojekt et helt andet sted, efter albanernes anvisning. Der er således tale om et byggeprojekt, der anvender "Roma" som legitimitet, men hvor der til sin tid kan tænkes at komme til at bo helt andre mennesker, eller det kan anvendes til andre formål – feriehuse eller opdræt af høns og svin osv. "Romano" tager afstand fra "praktiske løsninger" der ikke respekterer Roma, ikke er i overensstemmelse med deres ønsker og ikke betyder de får deres gamle huse tilbage.

Vi vil meget gerne have udvalgets hjælp til at afholde en konference om Kosovo

Det kan måske også være med bistand fra Udenrigspolitisk Nævn, Dansk Institut for Internationale Studier, Københavns Universitet, Forsvarsakademiet m.fl.

Konferencen skal bl.a. se på sikkerhedssituationen i Kosovo

Den skal se på de mulige fremtider, de mulige scenarier

Hvorledes kan Roma minoriteten deltage i et frit Kosovo

Standards for Kosovo er jo ikke tilnærmelsesvist gennemført

Kan det overhovedet lade sig gøre

De afviste Kosovo Roma i Danmark er meget bekymrede for, om den danske regering skal benytte sin formandspost i FN's Sikkerhedsråd til at gennemføre en studiehandel med albanerne om, at de mod at få et selvstændigt Kosovo skal modtage de afviste Kosovo Roma asylansøgere – ikke bare i Danmark men i hele Vesteuropa

Kosovo Romaerne frygter slutspillet om Kosovo

Hvad sker der, hvis Tyskland sender 30.000 Kosovo Roma tilbage?

Det vil destabilisere hele regionen

De vil efter "Romanos" oplysninger næppe blive i Kosovo, men flygte til de omkringliggende lande, først og fremmest Makedonien og Serbien

Her sidder der i forvejen mange internt fordrevne Romaer under forfærdelige forhold og uden dokumenter eller indkomstmuligheder, skole etc.

"Romano" har fremsendt en række rapporter til integrationsministeriet, Flygtningenævnet og Udlændingestyrelsen om situationen for de internt fordrevne.

"Romano" har fremsendt ERRC's rapport til UNHCR om situationen for Roma i Kosovo dateret 20. februar 2006.

Kosovo Roma i Danmark nægter at blive en handelsvare, og vil gøre straffelovens bestemmelser om menneskehandel gældende.

- Midlertidigt ophold Udl. §9,2,4 straks efter gældende regler (alle været udsendelses hindrede i over 18 måneder)

efter 18 mdr med forgæves udsendelse skulle de have haft ophold

eks. 1-28-310.813 Berat Aliju familie, ikke med i dag

denne familie er p.t. udsat for chikane fra Allerød Kommune, socialforvaltningen, fordi Røde Kors har ulovligt videregivet oplysninger om familiens private forhold så den kan blive yderligere forfulgt

årsagen er angiveligt, at faderen har skældt sin store datter ud fordi hun ikke ville tage sit overtøj på når hun gik ud i vinterkulden – men i stedet skal være ”teenage smart” – og i stedet for at støtte faderen som forældreagnet og forældreansvarlig benytter socialforvaltningen lejligheden til at plage familien og forsøge at splitte den

dette kender vi i ”Romano” kun alt for godt bl.a. familien Mirhana og Mena Nika i Helsingør, hvor Mena blev bortført fra lejrskole, skulle sove med en dansk dreng selvom de begge kun var 14 år, blev bortført til ungdomspension i Hillerød og dernæst til et nyt ”værested” for unge kvinder af anden etnisk baggrund end dansk i Lyngby – hvilket kostede kommunen næsten 50.000 kr for godt en uge – og hvor hun fik forbud mod at ringe hjem til sin mor. ”Tvangsfjernelsesindustrien” står på spring til at udnytte de problemer, som Dansk Røde Kors og udlændingemyndighederne har skabt.

Årsagen til at Kosovo Roma ikke får midlertidigt ophold er efter vores opfattelse, at Rigspolitiet sammen med Udlændingestyrelsen snyder dem for midlertidigt ophold

Rigspolitiet udtaler de ”ønsker” de kunne udsendes

Dette bruger Udlændingestyrelsen som begrundelse for ikke at give midlertidigt ophold

Herefter bliver de straffet ved tvangsmæssig tilbageholdelse i Kongelunde, Avnstrup og Sandholm

Under forhold hvor de bliver gjort psykisk syge og hvor børnene straffes for forældrenes forældreansvar

Dette har vi dokumenteret med lægejournaler afleveret til Ole Ødegaard Christinasen til kopiering bl.a. underskrevet af Røde Kors cheflæge Ebbe Munk Andersen tilbage i 2003, hvor han udtaler, at dette ikke kan fortsætte uden at give langtidsskadevirkninger

Rigspolitiets lande rapporter for Kosovo er usaglig, misvisende og mangler risiko vurdering for minoriteterne

Desuden skal udlændingemyndighederne jfr ovenfor selv tage sagerne op igen, hvis der er sket ændringer i forholdene, hvilket vi har dokumenteret med stabler af rapporter, en udvikling der førte frem til at UNMIK erklærede ikke at kunne beskytte Romaerne og UNHCR forbød deres tvangsmæssige tilbagesendelse – men dette førte ikke til den lovbestemte genoptagelse af sagerne: snyd, påstår ”Romano”

Det er ikke nok for Rigspolitiet at henvise til asylsagsbehandlingen, for der er jo gået 18 mdr siden sidste behandling, som kan have taget lang tid – og der kan være gået flere gange 18 mdr

Oplysningerne kan være – og er – uaktuelle i forhold til den oprindelige afgørelse
Jfr den afleverede dokumentation

Usagligt at Rispolitiets (og regeringens) julegaveønsker skal afgøre asylansøgernes skæbne, usaglig sagsbehandling, diskrimination fordi de er Roma

Sagsbehandling må bero på objektive facts og lovlig anvendelse af reglerne

Stærkt kritisabelt, at regeringens julegaveønsker kan suspendere asylansøgernes retssikkerhed og retsgarantier

Regeringen kæmper med næb og klør imod, at vi får sagerne for domstol eks. H74/05, H110/05, ECHR 38025/02, ECHR 14712/03 m.fl.

Endnu værre, at regeringen iværksætter plageforanstaltninger – ”konsekvens” i integrationsministerens terminologi, jfr samråd i socialudvalget 2. maj 2006 kl 14.15

De ”afviste” Kosovo Roma asylansøgere er ikke kriminelle, og deres ansøgning om beskyttelse er ikke kriminalitet – det er Bertel Haarder, der krænker loven ved at kalde dem ”asyl turister”

Der skal være en lovhjemmel til at plage liv og helbred af folk,
Også Romaer

Romaerne er et europæisk folk i 1000 år, det er EU's største minoritet med 10-12 mio.

Det er ikke lovligt, og ikke konventionsmedholdeligt, at plage livet af indsatte i fængslerne – vi gør her Rhode v. Denmark ECHR 69332/01 gældende – hvor også Højesteret faldt staten erstatningspligtig

Vi gør gældende der er et skærpet ansvar for staten, herunder i det svigtende tilsyn med Dansk Røde Kors som operatør, det følger af ECHR retspraksis vedr Artikel 3, i fortsættelse af Grundlovens §71, stk 7

Vi gør tilsvarende arbejdsmiljøbeskyttelsesreglerne gældende

Hvorfor er det så ok at plage liv og sundhed af Romaer i Sandholm, Avnstrup og Kongelunden?

Hvordan kan det overhovedet være lovligt at straffe børnene?

Statsminister Anders Fogh Rasmussen siger de bare kan rejse hjem – men det kan de jo ikke, når UNMIK ikke kan garantere deres sikkerhed

Sådan har det jo været, meget stærkt, siden 2002

Også statsministeren opfordrer her til at sætte skøn under en regel

Ingen forældre – som er forældreegnede og er deres forældreansvar voksent – vil rejse til et sted, hvor deres børns liv er i fare og deres eget liv – som forældre og forsøgere for deres børn – er i fare

Det må være ulovligt at forsøge at presse forældrene til at tage så risikable beslutninger?

Man kan ikke bede forældre tage deres børn i hånden og hoppe ud fra 20. sal – ”frivilligt”

Man kan ikke skubbe forældrene til at hoppe ud ”frivilligt”

Der er stadig en lille Roma minoritet i Kosovo, men konferencen skal belyse, hvad sker der, hvis den bliver stor – igen

Vi henviser igen til ERRC's rapport til UNHCR 20. februar 2006, fremsendt til udvalget

- Ordentlig skole, højere uddannelse, efteruddannelse af voksne

Udl

§ 42 g. Børn i den undervisningspligtige alder, der opholder sig her i landet og er omfattet af § 42 a, stk. 1 eller 2, jf. stk. 3, skal deltage i særskilt tilrettelagt undervisning eller i en undervisning, der står mål med, hvad der almindeligvis kræves efter den særskilt tilrettelagte undervisning. Ministeren for flygtninge, indvandrere og integration kan fastsætte nærmere regler for, hvilke uddannelser og aktiviteter der tilbydes, og kan herunder efter forhandling med undervisningsministeren bestemme, i hvilket omfang de nævnte børn kan deltage i folkeskolens undervisning. Ministeren for flygtninge, indvandrere og integration kan bestemme, at regler, der fastsættes i medfør af 2. pkt., kun skal gælde for visse indkvarteringssteder. Ministeren for flygtninge, indvandrere og integration kan ved fastsættelsen af regler i medfør af 2. pkt. fravige § 46.

Ministeriet har det direkte ansvar for den ringe kvalitet som præger den undervisning Roma børnene har fået i Dansk Røde Kors varetægt

Dansk Røde Kors har fået penge per barn for at lave et undervisnings ”tilbud”

Akkurat som i Helsingør Kommune er dette særlige undervisningstilbud for Roma ikke kvalitetssvarende

Børn der er kommet som 5-årige er i dag 10 år, og kan ikke læse, skrive eller regne og de kan ikke fortælle dig klokken på et ur

Børn, der er kommet som 10-årige, er i dag 15 år, og skulle have haft en 9. klasse afgangseksamen, så de kunne få en uddannelse

Børn, der var 15 år, da de kom, skulle have haft en erhvervsuddannelse eller være på universitetet, så de kan klare sig – uanset om det måtte være i Kosovo eller et andet sted

Voksne, som i fem år har været udenfor arbejdsmarkedet, har mistet deres erhvervsevne – det ved vi jo fra den hjemlige integrationsdebat

I Helsingør var problemet, at der nu engang for 25 år siden var indført en segregeret undervisning af – en del af – Roma børnene. Børnene blev visiteret til de særlige ”Roma” special klasser ud fra deres kapacitet og ikke ud fra deres behov iht en psyko-social evaluering som loven om specialundervisning kræver. Dette viste klagesagen 730.7 hos klagekomité for etnisk ligebehandling.

Ud over at organisationer nemt får deres eget liv, og deres overlevelse bliver deres formål, så var problemet at det var danske lærere, som ikke forstod Romanes, der forestod undervisningen i Helsingør. Desuden var børnene blandet fra alle alderstrin i en klasse med 8-10 elever, hvorved de ældste fik utrolig stor indflydelse. Dette magtede de danske lærere hverken pædagogisk eller disciplinært

”Romano” arrangerer gerne et besøg hos de berørte Roma familier for integrationsudvalget, såfremt dette måtte have interesse

Roma børnene i Helsingør fik en elending skole oplevelse og skole gang, og deres afgangsniveau svarede generelt til 3. klasses trin – hvilket sætter dem ude af stand til at bestå dansk statsborger prøve

Deres forældre har til dels været i de samme klasser og var meget stærkt modstander af disse klasser, men kommunen forsøgte med ulovlige tvangsforanstaltninger at gennemtvinge denne kvalitetsmæssige elendinge undervisning

Tilsvarende er Kosovo Romaerne helt underlagt de danske myndigheders ansvarsløshed og forgodtbefindende

Regeringen, Udlændingestyrelsen og Dansk Røde Kors har frarøvet disse mennersker, der er i deres varetægt, en værdig fremtid

Hvorfor?

Fordi der skal være en ”konsekvens” dvs det er jo en straf, det er bevidst at de er blevet reduceret?

”Romano” hævder, det bunder i en foragt for Roma – som en slags 2.klasses mennesker, med hvem den danske regering kan gøre hvad den vil. Det er klar diskrimination efter Rådets Direktiv 43/2000/EEC

Vi gør omvendt bevisbyrde gældende, Direktivets Artikel 8

Vi afviser regeringens påstand om at kunne anvende Direktivets Artikel 8, stk 5, idet vi gøre gældende, at Danmark nu trækkes for EF-Domstolen for sin utilstrækkelige implementering af dette direktiv.

Det er culpa efter dansk ret, det bør give anledning til erstatningsansvar og straf forfølgning

- Genopretning af psykiske og sociale skader

Dansk Røde Kors har taget en kontrakt som ”operatør”

Det var helt frivilligt for Dansk Røde Kors

Dansk Røde Kors har som såkaldt humanitær organisation kastet sig ud i noget griseri

Dansk Røde Kors har for ussel mammon, organisatorisk volumensyge og beskæftigelse ændret sig til en fængselsoperatør, en koncentrationslejr operatør, en plageånd

Dansk Røde Kors både som organisation og de ansvarlige i ledelsen bør stilles for krigsforbryderdomstolen i Haag og efter dansk ret

Som medansvarlig for forbrydelserne mod Roma i Kosovo, for at fortsætte disse og for at forsøge at gennemtvinge en fortsættelse af forfølgelserne i Kosovo, ved udsendelse dertil

Dansk Røde Kors har påtaget sig at gøre regeringens ”beskidte” arbejde

Hvordan kan de humanitært indstillede frivillige i Dansk Røde Kors overhovedet tillade, at ledelsen kører den slags politik?

Andre organisationer har før og under 2. verdenskrig kørt tilsvarende lejre for Romaer, hvor de blev tvangs tilbageholdt, slidt ned – og til sidst de fleste udryddet

I disse lejre blev Romaerne også anvendt til medicinske forsøg

Der henvises bl.a. til Fritz Pedersen: Skyd Ziguenerne, Carnet 1990, og Guenter Lewy: The Nazi Persecution of the Gypsies, Oxford University Press 2000

Den ansvarlige overlæge i Dansk Røde Kors Ebbe Munk Andersen har i patient journaler allerede i 2003 skrevet, at dette ikke er holdbart, og vil få langtidsskadevirkninger

Kopier af patientjournaler afleveret til Ole Ødegaard Christiansen til kopiering

Men holdt Dansk Røde Kors op af den grund med at plage Romaerne?

Frasagde den ansvarlige overlæge sig ansvaret på det tidspunkt?

Sagde han sit job op?

Vi mener der kan gøres en objektivt ansvar gældende

Vi mener lægen har brudt lægelovens §6

Vi mener lægen og mange i Dansk Røde Kors har brudt straffelovens bestemmelse om at komme nødstedte til undsætning

Straffelovens

§ 185. Med bøde eller fængsel indtil 2 år straffes den, som, uagtet det var ham muligt uden særlig fare eller opofrelse for sig selv eller andre, undlader gennem betimelig anmeldelse eller på anden efter omstændighederne tjenlig måde efter evne at afværge ildsvåde, sprængning, spredning af skadevoldende luftarter, oversvømmelse, søskade, jernbaneulykke eller lignende ulykke, der medfører fare for menneskeliv.

Om andre bestemmelser bl.a. Straffelovens §§146, 150-152

§ 146. Begår nogen, der har domsmyndighed, eller hvem der tilkommer offentlig myndighed til at træffe afgørelse i retsforhold, der vedrører private, uretfærdighed ved sagens afgørelse eller behandling, straffes han med fængsel indtil 6 år.

Stk. 2. Begås handlingen med forsæt til velfærdsfortabelse for nogen, er straffen fængsel indtil 16 år.

§ 151. Den, som tilskynder eller medvirker til, at nogen, der er underordnet vedkommende i offentlig tjeneste eller hverv, forbryder sig i denne tjeneste, straffes, uden hensyn til om den underordnede kan straffes eller på grund af vildfarelse eller af andre grunde er straffri, efter den for den pågældende forbrydelse gældende bestemmelse.

§ 152. Den, som virker eller har virket i offentlig tjeneste eller hverv, og som uberettiget videregiver eller udnytter fortrolige oplysninger, hvortil den pågældende i den forbindelse har fået kendskab, straffes med bøde eller fængsel indtil 6 måneder.

Stk. 2. Begås det i stk. 1 nævnte forhold med forsæt til at skaffe sig eller andre uberettiget vinding, eller foreligger der i øvrigt særligt skærpene omstændigheder, kan straffen stige til fængsel indtil 2 år. Som særligt skærpene omstændighed anses navnlig tilfælde, hvor videregivelsen eller udnyttelsen er sket under sådanne omstændigheder, at det påfører andre en betydelig skade eller indebærer en særlig risiko herfor.

Stk. 3. En oplysning er fortrolig, når den ved lov eller anden gyldig bestemmelse er betegnet som sådan, eller når det i øvrigt er nødvendigt at hemmeligholde den for at varetage væsentlige hensyn til offentlige eller private interesser.

Enhver burde kunne forstå, at der foreligger velbegrundet frygt for at vende tilbage til Kosovo, hvis de "afviste" Kosovo Roma asylansøgere prøver at udholde disse lidelser frem for at rejse "frivilligt" tilbage

En påstand om, at målet er at blive i Danmark længe nok til at de tilsidst får ophold, jfr integrationsministeren i åbent samråd i Folketingets Socialudvalg 2. maj 2006. kl.

14.15 er en grov krænkelser og viser en umenneskelig nådesløshed for personlig magts og profits skyld føler vi.

Vi har aflæst til Ole Ødegaard Christiansen en nylig sag om en Roma, der blev skudt i hovedet for at klage til domstol over en albaner, sagsakter januar 2006.

Vi agter at stævne Dansk Røde Kors for erstatning for det, organisationen og de ansvarlige har gjort mod Romaerne og deres børn

Fogh Rasmussen har fået sit eget Guantanamo – i Kongelunden, Avnstrup og Sandholm

Tak for Deres opmærksomhed

Overlæge: Asylcentre gør folk syge
10-05-06: 06:52 | opd. 10-05-06: 06:55 | af: stse
TV2

Folk bliver syge af at bo på landets asylcentre. Sådan advarer overlæge i Røde Kors' asylafdeling, Ebbe Munk-Andersen, i dagbladet Information.

"Opholdstiderne i centersystemet er stigende. Antallet af selvmordsforsøg er stigende.

Medicinudgifterne til antidepressive midler er stigende", oplyser Munk-Andersen.

"Sammenfattende er det en meget stress-belastet gruppe, der bor på vores cen-tre, og udviklingen går den forkerte vej," forklarer han videre.

I 2000 forsøgte 43 asylansøgere at tage deres eget liv. I 2004 var det 72.

Fogh står fast i sag om asylbørn

'Danmark krænker Børnekonvention'

R: Asylcentre skal undersøges

Politikere rystet over asylforhold

Tiltag på vej over for asylbørn

I samme periode er antallet af asylansøgere på centrene faldet markant fra 8.145 i 2000 til 4.361 i 2004.

Skyld i egen situation

Regeringen har afvist at bedre forholdene på asylcentre. Statsminister Anders Fogh Rasmussen (V) slog i forbindelse med debatten om forholdene for børnene på asylcentre fast, at asylansøgere selv var skyld i egen situation:

"Jeg mener ikke, at det skal være sådan, at jo længere man opholder sig på et asylcenter, jo bedre forhold skal man have", sagde statsministeren blandt andet.

Integrationsminister Rikke Hvilshøj (V) erkendte, at forholdene på asylcentre var "barske".

Meningen er heller ikke, at folk skal blive boende på centrene i årevis; de skal i stedet rejse hjem, lod ministeren forstå.

Oppositionen rystet

Socialdemokratiets integrationsordfører John Dyrby er rystet og taler om "kynisme" fra regeringens side.

"Tallene taler for sig selv. Forholdene på landets asylcentre er simpelthen ikke gode nok", mener han.

"Det besynderlige er jo, at regeringen er så iskold og kynisk i det her spørgsmål. Den har den indstilling, at jo hårdere folk har det, jo mere får de lyst til at rejse hjem. Men det er jo ikke tilfældet."

Nordisk Råd har i flere analyser af dansk, norsk og svensk udlændingepolitik over for bosniske flygtninge også fundet, at dårlige forhold på asylcentre nærmere får flygtningene til at blive.

"Vi har lavet et system, hvor folk bliver syge. Folk bliver syge af at leve i centrene, at flere prøver på at tage deres eget liv. Det kan vi simpelthen ikke acceptere," siger udlændingeordfører Elsebeth Gerner Nielsen (R) til dagbladet.

Integrationsministeren henviser gennem sin pressesekretær til, at asylansøgerne allerede i dag har de rammer, der skal til for at give dem en ordentlig hverdag.

Fogh står fast i sag om asylbørn

03-05-06: 15:09 | af: olst

Ti gange gentog statsminister Anders Fogh Rasmussen (V) i folketingssalen, at børns ophold i asylcentre er forældrenes ansvar, fordi de afviste asylsøgere ikke vil rejse hjem.

Afviste asylsøgere afvises

Asyl-lovgivningen i Danmark

Fornemmelse for en flygtningefamilie

S og R: Højest et år i asylcenter

K afviser asylforslag fra S og R

Forbereder tvangshjemsendelser

Syge flygtninge koster dyrt

R: Asylcentre skal undersøges

Asylbørn fjernes fra familien

'Danmark krænker Børnekonvention'

"Et væsentligt problem er, at vi taler om sager, hvor der er givet afslag. Det betyder, at så har forældrene ans-varet for at vende tilbage, så børnene kan vokse op under andre forhold," sagde statsministeren ifølge Ritzau.

Børnenes forhold på asylcentre er blevet kritiseret efter at Folketingets integrationsudvalg har besøgt et asylcenter.

Men det kan ikke nytte at give efter, bare fordi asylsøgere og deres børn har været længe i centrene, påpegede Anders Fogh Rasmussen:

"Jeg mener ikke, at det skal være sådan, at jo længere man opholder sig på asylcentre, jo bedre forhold skal man have. Og det vil være undergravende for hele asylsystemet," sagde statsministeren.

Socialdemokraternes Karen Hækkerup påpegede, at børnene ikke har noget at skulle have sagt i asylsager og derfor er uskyldige ofre.

De Radikales Morten Østergaard vil nu stille et spørgsmål skriftligt til statsministeren.

"Jeg vil spørge, om statsministeren synes, det er rimeligt, hvis danske børn lever med deres psykisk syge forældre på et værelse på 12 kvadratmeter uden mulighed for at lave mad og i årevis. Hvis han svarer nej, så hænger han på den, for ifølge Børnekonventionen gælder de samme regler for asylbørn," siger Morten Østergaard til Ritzau.

Afviste asylsøgere afvises

18-04-06: 20:45 | af: olst

Afviste asylansøgere kan glemme alt om at få bedre forhold under deres åre-lange ophold i Danmark, fastslår stats-minister Anders Fogh Rasmussen (V).

Politik.tv2.dk: Fogh vil ikke diskutere asylforhold

Ingen forbedring i integrations-lejre

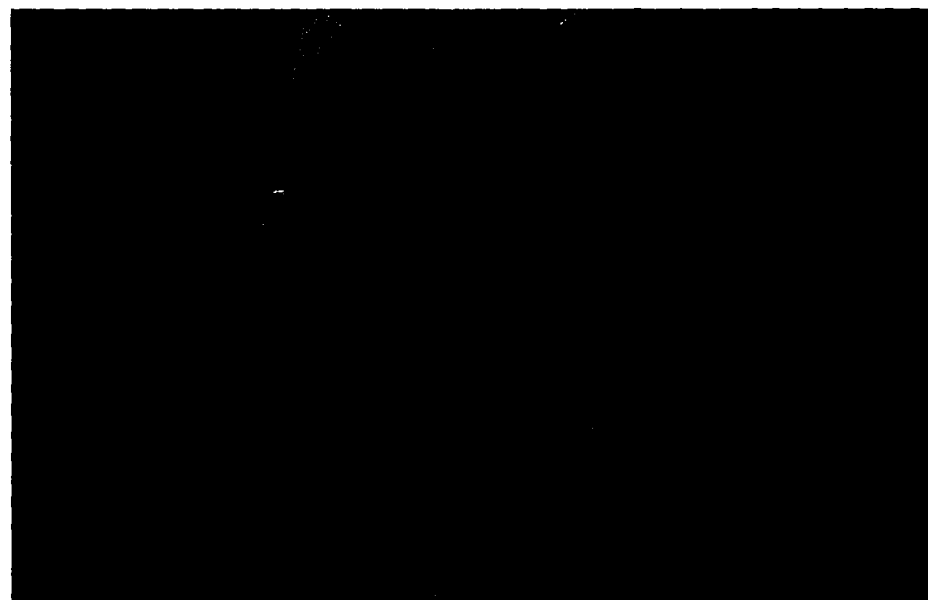
K afviser asylforslag fra S og R

S og R: Højest et år i asylcenter

Politikere rystet over asylforhold

Både Venstres medlem af Udvalget for Udlændinge- og Integrationspolitik, Eyvind Vesselbo, og De Konservatives integrationsordfører, Henriette Kjær, har krævet bedre forhold for de afviste asylsøgere, som ikke kan vende hjem.

Fogh mener, at problemerne skyldes mangel på vilje blandt de afviste flygtninge til at rejse hjem. Asyl-lovgivningen i Danmark



19-04-06: 14:00 | af: maga

Foto: Scanpix

Hvad er asyl?

Populært sagt betyder "asyl" beskyttelse.

statistik om asylansøgninger

Udlændingestyrelsens hjemmeside

Fornemmelse for en flygtningefamilie

For at få asyl skal man opfylde de betingelser, der er nævnt i FN's Flygtningekonvention, eller de betingelser, der er nævnt i udlændingeloven om beskyttelsesstatus. Betingelserne står i udlændingelovens § 7.

Konventionsflygtninge og andre med behov for beskyttelse

Ifølge FN's Flygtningekonvention er en flygtning en person, som nærer en velbegrundet frygt for at blive forfulgt pga. sin race, religion, nationalitet, sit tilhørsforhold til en social gruppe eller sine politiske anskuelser, og som befinder sig uden for det land, hvor personen er statsborger. Der gives således opholdstilladelse til de asylansøgere, der risikerer dødsstraf, tortur, umenneskelig eller nedværdigende behandling eller straf, hvis de vender tilbage til deres hjemland.

Hvem søger om asyl?

I 2004 var de største grupper asylansøgere fra Serbien-Montenegro, Afghanistan, Irak og Rusland. En asylansøger, som rejser ind i Danmark og herefter søger om asyl, kaldes en spontan asylansøger.

Før en asylansøgning bliver behandlet

Når spontane asylansøgere er rejst ind i Danmark, skal de henvende sig til politiet. Det er Rigspolitiets opgave at finde ud af, hvem asylansøgeren er (nationalitet og identitet). Politiet tager fingeraftryk og foto af asylansøgeren og afhører bl.a. asylansøgeren om, hvordan han eller hun er rejst til Danmark.

Behandling af asylansøgning

Under asylsagens behandling bor asylansøgeren som udgangspunkt i et asylcenter. Asylcentrene ligger spredt ud over Danmark. De fleste asylcentre drives af Dansk Røde Kors og Beredskabsstyrelsen. I visse tilfælde kan asylansøgeren også bo privat. Asylansøgeren skal udfylde et asylansøgningsskema og dér fortælle nærmere om, hvorfor han eller hun søger asyl i Danmark. Derefter afholder Udlændingestyrelsen en samtale med asylansøgeren. Under samtalen er der en tolk til stede. Asylansøgeren får hér lejlighed til at uddybe, hvorfor han eller hun søger om asyl i Danmark.

Efter samtalen træffer styrelsen afgørelse i sagen. Det sker ud fra en samlet vurdering af alle sagens oplysninger - på baggrund af en konkret og individuel vurdering af sagen.

Når asylansøgeren får tilladelse

Får en asylansøger asyl, skal han eller hun bo et sted i Danmark. Det er Udlændingestyrelsen, der bestemmer, hvor i Danmark man skal bo, hvis man bliver anerkendt som flygtning.

I 2004 modtog Danmark et rekordlavt antal flygtninge. Ud af de 3235 asylansøgere der ansøgte, opnåede kun 446 asyl. Det svarer til 9 procent af ansøgerne.

Det gør 2004 til det år, hvor færrest asylansøgere - nogensinde - fik asyl i Danmark.

Når asylansøgeren får afslag

Hvis asylansøgeren får afslag, sendes sagen automatisk til Flygtningenævnet, hvor asylansøgeren får beskikket en advokat.

Flygtningenævnet kan fastholde afgørelsen om afslag, og asylansøgere skal således udrejse straks. Nævnet kan også ændre den og meddele asyl.

Flygtningenævnets afgørelser er endelige. Det betyder, at ansøgeren ikke kan klage over afgørelsen.

Får en asylansøger et endeligt afslag, skal han eller hun udrejse af Danmark straks. Asylansøgeren vil dog få mulighed for at forberede sig på udrejsen. Der vil i blive taget hensyn til, om ansøgeren lider af en akut sygdom, er højgravid eller om ansøgeren har født inden for en kort periode forud for afgørelsen. Et endeligt afslag betyder, at asylansøgeren ikke har flere muligheder for at klage over sin afgørelse.

Når udrejse ikke er muligt

Når en udlænding får endeligt afslag på asyl i Danmark, skal han eller hun rejse ud af landet straks. Hvis udlændingen ikke frivilligt rejser, kan politiet udsende udlændingen med tvang. Nogle gange er det dog ikke muligt at udsende en udlænding, fx fordi det ikke kan lade sig gøre at få udstedt et pas til ham eller hende. En udlænding, der skal udrejse, SKAL imidlertid medvirke til sin udsendelse, herunder medvirke til at fremskaffe pas og rejsedokumenter og i øvrigt samarbejde med politiet.

Når politiet i mindst 18 måneder har forsøgt at udsende en udlænding, og udlændingen har samarbejdet med politiet om det, og udsendelse fortsat er udsigtsløs, kan Udlændingestyrelsen give en midlertidig opholdstilladelse til udlændingen.

En opholdstilladelse, der bliver givet på grund af udsendelseshindringer, gælder i første omgang for 6 måneder. Herefter kan udlændingen søge om at få tilladelsen forlænget. Det forudsætter, at det fortsat ikke er muligt for udlændingen at udrejse frivilligt eller for politiet at udsende den pågældende.

I den pågældende periode modtager asylansøgeren ingen økonomisk støtte fra Danmark. I stedet kommer de under den såkaldte "madkasseordning," hvor de spiser på asylcentre, og ellers ikke modtager lommepenge fra staten.

Opholdstilladelse af andre grunde

Hvis væsentlige humanitære grunde taler for det, kan Integrationsministeriet i visse tilfælde give en korte, midlertidige opholdstilladelse til en asylansøger, der har fået afslag på asyl. Der bliver dog kun givet ganske få tilladelser af denne art.

Antallet af personer, der de senere år har fået humanitær opholdstilladelse:

År 2000: 31 personer

År 2001: 83 personer

År 2002: 45 personer

År 2003: 203 personer

År 2004: 351 personer

År 2005: 352 personer

Kilde: Udlændingestyrelsen, april 2006

Fornemmelse for en flygtningefamilie

21-04-06: 16:06 | opd. 24-04-06: 08:21 | af: maga

Af Malene Gade

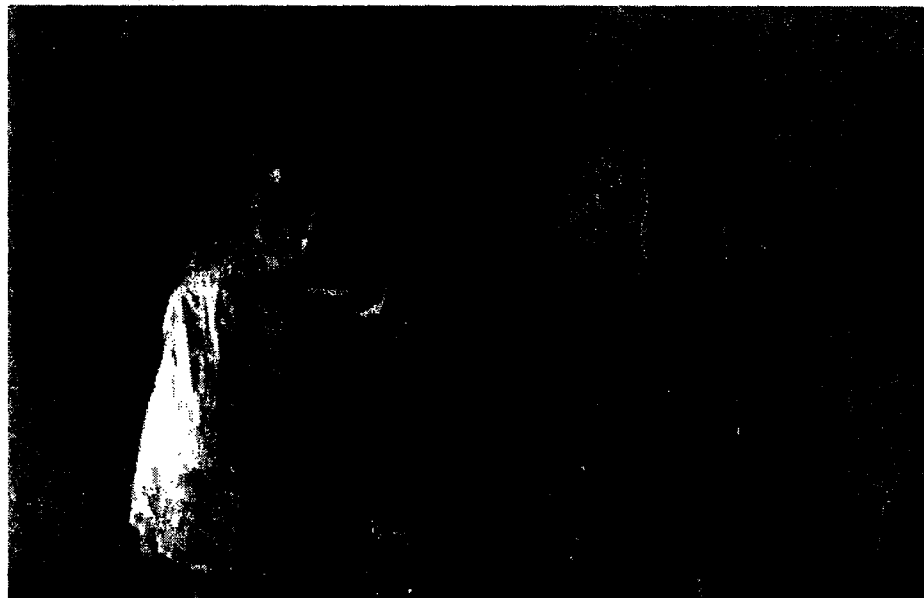


Foto: TV 2

Asylansøgere - og deres levevilkår er blevet sat på dagsordenen i Danmark. Ansøgerne lever ofte i en monoton hverdag, fuld af uvished. Tit får det svære psykiske konsekvenser. Vi har mødt én af asylfamilierne bag statistikkerne.

Kongelunden oktober 2005

Thang vågner. Det er mørkt udenfor, faktisk er det sen oktobernat 2005. Hans mor Ngoc græder igen, hun er angst, og vil bare væk. Dette scenario har gentaget sig et utal af gange over en årrække.

Thang er 14 år, de seneste ni år har han boet i Danmark på ni forskellige asylcentre. De seneste år har et værelse på Kongelunden huset familien, der består af faren Manh, moren og lillesøsteren Hien på otte år.

På familiens værelse står en køjeseng, en dobbeltseng, et bord og et skab med tøj og lidt legesager. På Kongelunden har familien været heldige. I modsætning til de andre asylcentre, er her nemlig eget toilet.

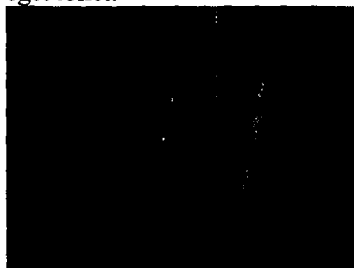


Foto: TV 2

Ud over den indlysende luksus, er dette center også specielt på et andet - og afgørende område. Her huser man nemlig de allersvageste asylansøgere Danmark modtager. Dem, som lider af de sværeste psykiske lidelser og andre alvorlige sygdomme.

Thang og hans vietnamesiske familie bor her, fordi hans mor er blevet alvorligt syg. Efter fems års ventetid på opholdstilladelse i Danmark udviklede Ngoc en svær psykose og tegn på post traumatisk stresssyndrom. Hun er siden kun blevet dårligere. Dagen tilbringer hun i sengen, hun kommunikerer ikke med sine børn - og de kan ikke for alvor tale med hende. De eneste der bekymrer hende, er hendes myrer der lever i en colaflaske. Dem betegner hun som sine børn, og hvis nogen kommer dem nær forsvarer hun dem korporligt.

Udgifterne til behandling af asylansøgere er eksploderet

Asyl-lovgivningen i Danmark

Et nyt liv i Danmark

Udlændigestyrelsens hjemmeside

Asylpolitikken kan give negative sundhedsmæssige konsekvenser.

Den vietnamesiske families historie er ikke enestående. Blandt en gruppe nyankomne flygtninge fra flere forskellige lande viste en dansk undersøgelse, at 64 procent havde en eller flere fysiske sygdomme. En anden undersøgelse, foretaget i Holland, sammenlignede antallet af psykiske lidelser i to grupper af asylansøgere. Den ene gruppe havde ventet mindre end seks måneder på en afgørelse i deres asylsag, og den anden havde ventet mere end to år. Man fandt, at 42 procent havde psykiske lidelser i den første gruppe mod 66 procent i den anden, og konkluderede, at længden af ventetiden er en risikofaktor for udvikling af psykisk sygdom.

Asylansøgere er - som alle andre - omfattet af FN's menneskerettighedskonvention, og ifølge denne er adgangen til sundhedsydelse en menneskeret. Ideelt burde der altså være lige adgang ved lige behov. Men ét er menneskerettigheder, noget helt andet er politiske retningslinjer.

I EU har man en vedtaget, at asylansøgere behandling skal være begrænset. Begrænsninger skyldes især, at der kun er adgang til sundhedsydelser i tilfælde af akut sygdom. Det gælder også i Danmark, hvor asylansøgere ikke er omfattet af sygesikringen, og derfor kun har umiddelbar ret til hjælp ved akut sygdom (gravide og børn er undtaget).

Røde Kors' læger kan dog derudover, når der er tale om »nødvendig, smertelindrende eller livstruende behandling, ansøge Udlændigestyrelsen om at få godkendt udgiften til behandling.

Kongelunden november 2005

Mens efteråret anno 2005 går på hæld, prøver familien på Kongelunden at få en dagligdag til at



hænge sammen.

Foto: TV 2

Børnene fra centret får fællesundervisning i dansk i dagtimerne, og Manh har et fuldtidsjob med at sørge for sin familie samtidig med, at han varetager sin partners pleje.

Pladsen på værelset er trang, men det er familiens hjem, så mens moren tilbringer dagen i sengen, med ryggen mod hverdagens aktiviteter, sidder hendes børn på gulvet og leger med deres kammerater. Dem er der nemlig nok af på de danske asylcentre. Der er også bare megen udskiftning i dem. For ligesom familien Nguyen bliver familierne sendt rundt på forskellige centre i landet, og hver gang betyder det opbrud for børnene. Deres faste hverdag, kendte omgivelser og gode kammerater bliver fjernet fra dem.

Bente Rich er børnepsykiater og har fulgt den vietnamesiske familie i fem år. Hun er yderst utilfreds med den måde vi i Danmark behandler asylbørn på:

"Børn på asyl i Danmark er udsat for en umenneskelig og grusom behandling som ødelægger deres udvikling. Formentligt varigt," siger hun til TV 2.

"Man ville aldrig tillade at danske børns tilværelse foregik på samme måde, som asylbørnenes gør. Børnekonventionen siger vi skal drage omsorg for alle børn. Det sker ikke i dag."

Rick er også overbevidst om, at Ngoc ikke var syg, da familien ankom til Danmark.

"Det er ventetiden på opholdstilladelsen, der har knækket hende. Hun er blevet svært psykotisk og meget angst. Hun er nu ude af stand til at tage varer på sine børn eller sig selv."

De praktiserende læger kræver handling

Hvis man som Ngoc lider af posttraumatisk stresssyndrom har man som regel brug for kortere eller længere perioder med professionel bistand i en eller anden form. At gå hvileløst omkring i et asylcenter uden tilstrækkelige muligheder for at genetablere et familieliv og uden meningsfuld beskæftigelse, kan det meget let betyde forværring af traumatiseringen. Hvis man ikke igangsætter en behandling går det ud over alle - især børnene. Det mener en gruppe af over 1600 læger i Danmark, der alle har skrevet under på et sige fra overfor asylpolitikken.

"Traumer smitter. Og en traumatisering der er 'arvet' nedbryder ethvert såkaldt 'integrationspotentiale' både hos den traumatiserede og hos andre i familien. For personer der lider af posttraumatisk stresssyndrom er der brug for at etablere et sted, hvor man føler sig tryk og i sikkerhed, derudover har man brug for tid, rum og mulighed for at mindes og sørge over tab. Endelig har man behov for at kunne etablere kontakt til omverdenen og til et almindeligt hverdagsliv, som for en asylansøger blandt andet inkluderer at kunne tage vare på sin familie. Disse tre forhold er absolut afgørende for at komme sig efter traumatiske begivenheder," det forklarer gruppen, de praktiserende lægers organisation.

Kongelunden december 2005

Mens Ngoc opholder sig på Kongelunden modtager hun ikke behandling for sine psykiske lidelser. De eneste der plejer og passer hende i det daglige er hendes egen familie, og i særdeleshed Manh. Børnene bliver tilset af børnepsykiateren Bente Rich, men egentlig terapibehandling er der ikke tale om.

Familien har ikke opholdstilladelse i Danmark. Derfor må de ikke gå på arbejde eller i skole uden for centret. Det betyder, at familiens eneste fristed uden for murene, er den ugentlige indkøbstur til shoppingcentret Fields på Amager. Børnene er dog ikke ovenud begejstrede for ordningen. For med tiden bliver Ngocs sygdom mere og mere tydelig - også for udenforstående. Og børnene er pinligt berørte over at ses med deres mor i offentligheden.

I årevis har familien kæmpet i mod uvisheden. Udlændingestyrelsen vil ikke give familien asyl, men Vietnam vil ikke vedkende sig Ngoc og børnene. Derfor kan Danmark altså ikke sende dem ud af landet. Til gengæld skal Manh flere gange møde op hos politiet. Ham vil Vietnam nemlig godt anerkende som borger, og derfor vil Udlændingestyrelsen skille ham ad fra hans familie. Når Manh tager turen ind mod politigården er sønnen Thang ofte med. De ved aldrig om det bliver sidste gang de ser hinanden, hvis politiet sætter Manh på et fly. Indtil nu er de hver gang kommet tilbage sammen, men usikkerheden tærer på psyken.

Status på centrene

I Februar 2006 boede der ifølge Udlændingestyrelsen 2500 på landets asylcentre. Cirka 690 er børn under 18 år, og af dem formodes det, at halvdelen har opholdt sig mere end tre år i Danmark på centrene.



Kongelunden årskiftet 2005-2006

Før jul 2005 er der ingen bedring i Ngocs tilstand. Men så får familien et pusterum. De har fået en midlertidig humanitær opholdstilladelse, gældende til november 2006. Så fra 1. januar rykker de fra Amager til Fyn, hvor de bosætter sig i Ringe.

Thang og Hien starter i folkeskolen. De første par uger går de i modtagerklassen, men hurtigt bliver de sluset ind i de rigtige klasser. Hien i 2. kl. mens skal Thang i 7. kl. Børnene er glade for deres nye hverdag.

"Her får vi kammerater, som vi ikke bare skal sige farvel til igen," forklarer Thang.

"Det var det sværeste på centret. At knytte sig til nogen, der hele tiden bare forsvandt lige så pludseligt igen."

Hien er mest glad for sit nye værelse - og alt den plads hendes største passion, barbie dukkerne, nu har fået. Det er nemlig første gang både hende og broren har egen dør, seng, skrivebord og skab. Lejligheden i Ringe ligger i et boligkompleks. Den er stor, nyistandsat og lys.

Manh har fået et indgangsbeløb på 20.000 af staten til at indrette det nye hjem for. Og pengene har rakt langt. Skriveborde, sofabord, spisebord, fjernsyn, computer, musikanlæg, service og meget, meget mere. Familien havde intet - nu kan de klare sig. Væggene i lejligheden er dog stadig tomme. De nærmest skriger efter et personligt præg fra lejerne. Her er ingen malerier, plakater eller familiefotos. Kun de kolde, rå vægge.

Det ser nu ikke ud til at genere nogen. Der er kommet ro og struktur på hverdagen, det er det vigtigste.

Ngoc lever stadig i sin egen verden. Hun tilbringer det meste af dagen i soveværelset. En gang i mellem kan Manh lokke hende med ud på en gåtur rundt om blokkene ved lejligheden. Men hun deltager stadig ikke i familielivet - eller i sine børns hverdag. Hun er dog ikke angst mere, og hun har opgivet legen med sine myrer. Så det går fremad. Selv om hverken hun eller resten af familien modtager nogen former for psykologbistand endnu.



Foto: TV 2

Manh har derimod fået nye udfordringer. Tre gange om ugen bestiger han bussen for at begive sig til sprogskolen i Fåborg. Her modtager han undervisning sammen med andre dansk-begyndere. Det er det, Manh er allermest glad for efter flytningen fra asylcentret, næstefter familiens egen lejlighed selvfølgelig. For på sprogskolen har han nemlig fået skabt sig et netværk, og for hver dag hans danskunderskaber bliver bedre, er han lidt tættere på at opfylde sin drøm om at leve, bo og arbejde resten af sit liv her i landet.

De sværeste verber og anderledes konsonanter driller dog stadig den ihærdige elev lidt. Derfor øver sprogskolen eleverne med billedlotteri med verber. Øvelsen bringer smilet frem hos alle, og kursisterne skiftes til at råbe verberne op.

"De liber," forklarer Manh et billede af en mand i bevægelse.

"Nej Manh. Prøv igen," siger den tålmodige lærer, Yvonne.

"De løber," replicere nu hele Manhs ansigt - det er vanskeligt for en vietnameser at få tungen rigtigt på gled med det nye sprog..

Og dansk er også svært. Men han og familien er på vej til at få det lært. Nu håber de bare, myndighederne vil forlænge opholdstilladelsen når de når til november.

De føler, de hører til her nu.

S og R: Højst et år i asylcenter
16-04-06: 07:55 | af: pmol

Fejl! Ukendt argument for parameter. Mener du at asylansøgere skal tilbydes en bolig efter et år på asylcen
Fejl! Ukendt argument for Ja

parameter.

Fejl! Ukendt argument for parameter. Nej

Fejl! Ukendt argument for parameter. Ved ikke

Fejl! Ukendt argument for parameter.

Efter flere borgerlige politikeres udsagn om "rystende forhold" på asyl-centrene, kommer R og S med et udspil til en handlingsplan på asylområdet.

I et brev til integrationsminister Rikke Hvilshøj (V) foreslår partierne, at ingen asylansøger må sidde mere end et år i en flygtningelejr, og at intet barn må sidde mere end et halvt år.

Når den tid er gået, skal børnene og deres familie have tilbud om en ordinær bolig. Enten i tilknytning til et asylcenter eller en almindelig bolig i en kommune, skriver Politiken.

"For øjeblikket har op mod 40 procent af asylcentrenes cirka 2.500 beboere boet på et asylcenter i mere end tre år. Mange børn tilbringer en stor del af deres barndom på et asylcenter, afskåret fra at tage del i det normale samfund. Samtidig advares der fra lægeside om, at flygtninge først slipper væk fra asylcentrene, når de er blevet så syge, at de kan få en humanitær opholdstilladelse. Det er først og fremmest menneskeligt uforsvarligt - men også økonomisk er det en tåbelig disposition," skriver de to partier i brevet til ministeren.

[Relaterede historier](#)

Annonce:

[09-05 07:36: Jobkompetence-database bruges ikke](#)[07-05 08:34: Flygtninge flygter fra Nordjylland](#)[05-05 06:05: SF: Fængsel for tvangsægteskaber](#)[04-05 07:15: Amtsrådsmedlem opgiver giftermål](#)[03-05 08:03: Børne-egnet asylcenter lukket](#)[03-05 06:57: FN-kritik af udvisningsregler](#)[02-05 06:58: Asylbørns sundhed skal undersøges](#)[01-05 12:52: Politiker risikerer eksklusion](#)[28-04 13:51: Dom: Syge asyl-ansøgere skal hjem](#)[27-04 11:39: Indvandrerbørn lever for usundt](#)

Mener du at asylansøgere skal tilbydes en bolig efter et år på asylcenter?

Ja

Nej

Ved ikke

Stemmer ialt: 620

K afviser asylforslag fra S og R

16-04-06: 14:20 | af: pmol

Mener du at asylansøgere skal tilbydes en bolig efter et år på asylcenter?

Ja

Nej

Ved ikke

Stemmer ialt: 620

Selv om forholdene på asylcentrene har rystet den konservative integrations-ordfører Henriette Kjær, giver hun en kold skulder til et forslag fra De Radikale og Socialdemokraterne om for-bedringer for flygtninge, så de ikke skal sidde så længe i lejre. Hun fore-trækker at holde møde om sagen med det andet regeringsparti Venstre og støtte-partiet Dansk Folkeparti.

"Det er dem, vi har lavet udlændinge-politik med, og det er dem, jeg regner med, at vi fortsat skal lave det med," siger Henriette Kjær.

Hun påpeger, at Socialdemokraterne og De Radikale ikke har været med i regeringens udlændingeforlig.

S og R: Højest et år i asylcenter

"Nu har de stået uden for, og jeg synes bare, at de lukrerer. Vi har lavet en række stramninger, som har været nødvendige. Nu taler vi om, at jeg mener, at forholdene på asylcentre kunne være bedre."

Socialdemokraterne og De Radikale foreslår, at ingen asylansøger skal sidde mere end et år i et center. For børn skal grænsen være et halvt år.

Det har de to partier foreslået i et brev til integrationsminister Rikke Hvilshøj (V), skriver Politiken.

Forbereder tvangshjemsendelser

21-04-06: 06:11 | af: doli

Tiltag på vej over for asylbørn

Tvangshjemsendelse af asylansøgere

Rigspolitiet forbereder netop nu en massiv tvangshjemsendelse af afviste asylansøgere. Det skriver Berlingske Tidende.

I løbet af de kommende uger vil dansk politi sende sagsakter på flere end 100 afviste kosovo-albanske asylansøgere til FN's administration i Kosovo for at få accept af tvangshjemsendelserne. "Jeg forventer da, at vi får en række tilladelser, og så sender vi dem selvfølgelig ud," siger vicerigspolitichef Hans-Viggo Jensen. Hjemsendelserne kommer midt i debatten om forholdene i asylcentre.

Integrationsminister Rikke Hvilshøj (V) i går måtte bøje sig for de seneste dages kritik af behandlingen af de afviste asylansøgere og deres børn, der har siddet på asylcentre i årevis.

Syge flygtninge koster dyrt

22-04-06: 10:16 | af: olst

Ni flygtninge eller flygtningefamilier i asylsystemet har så massive problemer, at de har modtaget behandling for over en million kroner per familie.

En enkelt mor med tre børn fra Sierra Leone har på 13 måneder fået hjælp for over 5 millioner kroner, skriver Politiken.

12 familier står for lidt over en fjerdedel af de samlede udgifter til asylansøgernes sundhedsbehandling, selv om familierne kun udgør 0,7 procent af asylansøgerne.

Det er ikke tandlægehjælp og behandling af fysiske symptomer, der sprænger budgettet. Det er massive sociale og psykiske problemer, som kræver døgnanbringelser, psykologsamtaler og psykiatrisk behandling.

Det fremgår af en analyse, Udlændingestyrelsen har foretaget over udviklingen i udgifterne til sundhedsbehandling.

R: Asylcentre skal undersøges

19-04-06: 07:50 | af: stse

Overvejer selvmord

En uvildig instans skal undersøge forholdene på landets asylcentre.

Sådan lyder kravet fra Det Radikale Venstre, efter at integrationsminister Rikke Hvilshøj (V) oplyste, at fem børn lige nu har boet mere end fire år på asylcenter. Dansk Røde Kors kan dog berette, at 27 børn på asylcenter Kongelunden har været mere end fire år i asylsystemet.

"Det er simpelthen for langt ude, at vi åbenbart ikke kan have tillid til de oplysninger, integrationsministeren giver i folketingsalen", siger integrationsordfører Morten Østergaard (R).

"Hvordan skal vi turde stole på, at en minister, der er så ringe orienteret, har styr på forholdene i asylcentre, når både vi selv og kolleger fra regeringspartierne ved selvsyn konstaterer, at den er helt gal," fortsætter den radikale ordfører.

Rikke Hvilshøj erkender, at der er opstået tvivl om, hvor længe børn har opholdt sig på centrene.

"Uanset politisk ståsted skal der være tillid til de fakta, vi diskuterer ud fra, og derfor skal jeg være den første til at beklage, at der nu er skabt tvivl om børnenes opholdstider. Jeg vil sørge for en hurtig afklaring," siger integrationsministeren.

Relaterede historier

Annonce:

Asylbørn fjernes fra familien

20-04-06: 06:02 | af: doli

220 børn på asylcentre i over 4 år

I fire tilfælde har Dragør Kommune måttet fjerne børn fra deres familier på asylcentret Kongelunden på Amager i løbet af de seneste fem år. Det skriver Berlingske Tidende på baggrund af tal fra kommunen.

Forholdene på centret har været så belastende, at kommunen ved såkaldte frivillige anbringelser har fjernet børnene fra familierne, der ikke længere har magtet at tage vare på dem. "Det er tale om ofte meget traumatiserede forældre og svært belastede børn", siger Pia Osbæck (L), udvalgsformand i Dragør Kommune.

"I virkeligheden burde vi måske fjerne endnu flere børn, men vurderingen er, at de trods alt i langt de fleste tilfælde har det bedre hos deres forældre", udtaler hun til avisen.

'Danmark krænker Børnekonvention'

20-04-06: 07:54 | af: stse



Familien Shala har været i landet siden 2000. Familien bor med syv-årige Arfonit og 19-årige Ariana (i baggrunden) i asylcenter Kongelunden på Amager

Foto: Scanpix

Statsminister Anders Fogh Rasmussen (V) og integrationsminister Rikke Hvilshøj (V) er på kant med Børnekonventionen: Begge fastholder, at det er forældrenes ansvar, at børn lever på asylcentre under kritisable forhold.

I Børnekonventionens artikel 39 hedder det:

"Deltagerstaterne skal træffe alle passende forholdsregler til at fremme fysisk og psykisk helbredelse af et barn, der er offer for enhver form for grusom, umenneskelig eller nedværdigende behandling eller straf eller væbnede konflikter. Sådant helbredelse og resocialisering skal finde sted i omgivelser, der fremmer barnets sundhed, selvrespekt og værdighed."

Det siger Tue Magnussen, kommunikationskoordinator ved Rehabiliterings- og Forskningscenter for Torturofre, til Politiken:

"Det er Danmark, der ifølge Børnekonventionen har en forpligtelse," understreger han.

Også Red Barnet mener, at hensynet til barnet står over dansk udlændingelov.

"Det gælder både udenlandske børn i Danmark og børn født af forældre med dansk statsborgerskab", siger Bente Ingvarsen, national programchef, Red Barnet, til avisen.

Danmarks forpligtelse

Konventionens paragraf 39 forpligter Danmark til at træffe forholdsregler til fremme af børns fysiske og psykiske helbredelse samt resocialisering af børnene.

"Der er bred politisk enighed om, at forholdene ikke er i orden. Når de så har boet mere end et halvt år i centrene, finder helbredelse og resocialisering jo ikke sted i omgivelser, der fremmer barnets sundhed, selvrespekt og værdighed. Så er det indlysende, at man overtræder konventionen. Man burde give familierne og deres børn midlertidig opholdstilladelse, indtil de kan sendes hjem," anfører Tue Magnussen.

FNs Børnekonvention (Konventionen om Barnets Rettigheder)

220 børn på asylcentre i over 4 år

R: Asylcentre skal undersøges

Politikere rystet over asylforhold

S og R: Højest et år i asylcenter

Erkender rod i tal

Det er efter dages forvirring lykkedes Udlændingestyrelsen at finde ud af, hvor mange børn, der bor på landets asylcentre. Først oplyste integrationsministeren i Folketinget et antal på i alt fem. Dette antal kunne Dansk Røde Kors tilbagevise ved at oplyse, at man alene i asylcenter Kongelunden havde 27 børn, der havde været i asylsystemet i fire år eller længere tid.

"Det er ikke fem børn, der har opholdt sig på centrene i mere end fire år - det rigtige tal er 220 børn. Det er ikke 11 børn, der har opholdt sig på centrene i mellem tre og fire år - det rigtige tal er 97 børn. Udlændingestyrelsen har endnu en gang beklaget de i første omgang forkert afgivne tal", hed det i aften fra Integrationsministeriet.

Minister: Forældrenes pligt

Politiken har spurgt integrationsminister Rikke Hvilshøj (V) om, hvorvidt Danmark rent principielt kan lade børn leve i asylcentre i op til seks år. Dertil svarer ministeren:

"Der er ikke nogen, der ikke kan rejse frivilligt hjem, og hvis man har fået et afslag på asyl, så har man altså pligt til at rejse hjem".

Konfronteret med, at børnene ikke selv har det valg, da de ikke kan rejse uden deres forældre, svarer ministeren:

"Nej. Og jeg synes også, det er ærgerligt, at der er forældre, der sætter deres og deres børns liv på standby i stedet for at acceptere den afgørelse, de har fået, og få startet op på deres tilværelse i hjemlandet".

Det er dette, Tue Magnussen og Bente Ingvarsen går i rette med med henvisning til Børnekonventionen.

Mishto arakhav tumen, pharalale thaj phenjale!
Rugisarav tumen te arakhen phangli jekh paticija ando anav e anglune deportacijako le
Romengi thaj le Sinturengi andar o Germanija ande Koncentracijake Kampuri e
Nazisturenge.

Kodola kaj kamen te den tumaro suportu pe kadaja peticija, magas tumen te bichalen jekh
mesadzo ko knudsen@web.de thaj keren kopija vi mande.

Najs tumenge andar tumaro dzutimos!
Devlesa!

Dear all,
Please find enclosed a petition in the remembrance of the first deportation of Roma and
Sinti from Germany into the Nazi Concentration Camps. Those of you who would like to
support this Petition are kindly asked to send a message to knudsen@web.de and copy it
to me.

Thank you very much for your attention!
Regards,
Mihaela

Petition

... Prevent Guilt -Crime the Second Time!

16th of May, 1940 - 16th of May, 2006

IN REMEMBRANCE OF THE FIRST DEPORTATION OF THE Roma und Sinti
FROM GERMANY INTO THE NAZI CONCENTRATION CAMPS

Remembrance Locations : Hamburg, „Hannoverscher Bahnhof“

Looseplatz (Hafencity)

On: 16th of May, 2006 - 12:00 noon

On the 16th of May, 1940, the Nazis began with the systematic 'relocation' of the 'Gypsies'
from Germany into the Nazi concentration camps. In 1940, Himmler decreed that 2,500
Sinti and Roma from the western part of Germany would be deported into the 'General
Ministry'. The Roma and Sinti were to be collected into Fruit Quonset number 10 in the
Hamburg harbour before their actual deportation began. In the early morning of May 16th,
1940, commandos of the criminal police arrested approximately 550 Sinti and Roma in
Hamburg and interred them along with Sinti and Roma from Bremen, Winsen an der Aller,
Bremervörde, Wesermünde and from communities in Schleswig-Holstein such as
Flensburg, Kiel, Neumünster and Schleswig into such Fruit Quonsets. All the men, women
and children in custody were recorded systematically by name and number; were freed of
supposed lice and searched for items of value. After four days of custody in Hamburg, a

deportation train from the Hannoverscher Bahnhof brought them through Warschau and Lublin to Belzec. After the Roma and Sinti had been made to construct the 'Gypsy Camp', they were condemned to forced labour in the area. Many of them died after a short time of cold, hunger typhoid or dysentery.

Just how many Roma and Sinti in total fell victim to the German Nazi's race-craze remains unknown to this day; estimates range from half a million to one million people.

Today, after 66 years, hundreds of thousands of Roma have had to flee from the wars in the former Yugoslavia. Since the begin of the Balkan Wars, thousands of Roma have become victims of ethnically-motivated violence. More than a hundred thousand Roma from Kosovo have either fled from they cruelties of the Kosovo-Albanian militia and NATO military activities or have been forced to leave their homeland. They are victims of a war they had nothing to do with. Those who could save their lives from ethnically-motivated violence, NATO bombs and 'ethnic cleansing', vegetate in inhumane 'refugee camps' in Mazedonia, Serbia and Montenegro, or, as in Germany, are threatened by deportation. No 'International Community' feels responsible for these people; no western 'democratic constitutional state' – which until recently was prepared to bomb for 'human rights'- is open to the victims of human rights crimes, violence and ethnic cleansing. Yet - every international human rights organization (incl. COE, UNHCR, OSCE,) agrees that for the Roma, there is no return possible to their home countries.

The war against Yugoslavia was legitimized by the moral slogan 'Never Again Auschwitz' by the government at that time. After almost seven years of activity by the Germany army in Kosovo, under the supervision of the International Community - and in full sight of the German army- Albanian separatists have managed to ethnically cleanse Kosovo and turn it into a second Albanian 'country' in which the safety of minorities can no longer be guaranteed. This attempted genocide and the ethnic cleansing on the Roma in the former Yugoslavia has neither been taken up by the media nor has it been acknowledged by those who wanted to bomb the human rights into the Balkans just a few years ago!

For over six years, those who represent the refugees and the exiled have tried to speak to the German government as well as the International Community about the future of the Roma from the former Yugoslavia. So far, neither has been prepared to deal seriously with the fate of the Roma. Instead, despite the international human rights organizations agreement, that the Roma cannot be returned, plans are being made - not only for their return – but for them to return through the creation of special 'Collective Camps' in Kosovo under the direction of the IOM, in which Roma should be placed after their deportation. The 'International Organisation for Migration', or IOM, is considered in many parts of the world to be the 'Henchman Organisation'“ for deportations and dealers in de-fakto internment camps for refugees.

Nearly 20,000 Roma have managed to make their escape to Germany or have been made welcome as 'Kosovo-Albanians'. Deeply traumatized, pursued and exiled, these people wait daily for their deportation 'back' to a country which no longer exists. Back to a homeland which was robbed from them; deported to an environment in which there is no protection from abuse.

Many of the men, women and children who live here, have integrated here, and work and go to school, are forced to live their lives as tolerated foreigners who must await their deportation -some for over 25 years.

Their Homeland is Germany!

Who could be considered as more appropriate than Germany to carry the particular fears of the Roma and Sinti and to face the historical responsibility? Which European country could be more suitable to engage itself with the upholding of the human rights of Roma and Sinti in Europe?

We appeal therefore to the German Government to recognize its responsibility stemming from both the common history of the Nazi Holocaust and as a consequence of their participation in the Balkan War.

- # Right of Residency for Roma from the former Yugoslavia!
- # Participation of the Roma in the negotiations on Kosovo's status!
- # No 'Collective Camp' for Roma!
- # Support for Roma in Europa!

... It concerns preventing Guilt-Crime a Second Time.

Initial Petitioners:

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