

Statement of Charles English
Director for Southeast European Affairs,
Bureau for Europe and Eurasia
U.S. Department of State
Hearing of the Helsinki Commission
May 25, 2005

“The Future of Human Rights in Kosovo”

Thank you for inviting me to testify before the Helsinki Commission today, Mr. Chairman. I am pleased to be here to discuss the future of human rights in Kosovo.

As Under Secretary Burns shared with your colleagues on the House Committee on International Relations last week, the Administration believes that 2005 is a year of decision for Kosovo. In the next few months, we expect the United Nations to launch a Comprehensive Review of Kosovo's progress towards Standards Implementation; if that review is positive, as we hope it will be, we will launch a process to determine Kosovo's future status. In his remarks, Under Secretary Burns laid out our strategy to move swiftly to the start of that process. In 2005 we will at the same time commemorate the tenth anniversary of the Srebrenica massacre and celebrate the peace brought to Bosnia and Herzegovina by the signing of the Dayton Peace Accords.

In Kosovo, as we work to enter this new phase, the promotion of human rights and fundamental freedoms will remain at the forefront of our policy as it has been under our policy of “Standards before Status.” We cannot achieve a lasting settlement in Kosovo until structures, institutions and habits that protect the rights and liberties of all of the people of Kosovo are in place. Principles of democracy and multi-ethnicity -- the cornerstones of our overall Balkans policy for over a decade -- will continue to guide us. Today I will discuss these issues as they relate to protecting the human rights and freedoms of all people of Kosovo, and present our plans for ensuring that the fundamental principles of human rights remain central during discussions of Kosovo's future status.

The human rights challenges in Kosovo are significant. The people of Kosovo have suffered a legacy of dictatorship and conflict, which culminated in mass murders, rapes, political oppression and the forced displacement of hundreds of thousands of people. Approximately 3,000 people from all sides of the Kosovo conflict remain missing. We are still learning of atrocities that were committed six years ago; just this month another mass grave was discovered in Kosovo that contained the remains of 13 people. To bring hope for the future to people who have suffered under a climate of fear and hatred for so long will not be easy.

Yet Kosovo has already made tangible progress since the United States led efforts in 1999 to halt egregious human rights abuses. Under the stewardship and guidance of the United Nations Interim Administration Mission in Kosovo (UNMIK), Kosovo has now held four successful and democratic elections, established a constitutional framework, developed provisional governing institutions, and built a professional and multi-ethnic police force. We also continue to see improvements in Kosovo's ability to ensure its citizens have equal access to the rule of law and that justice is administered equally, transparently and credibly. All of these developments have resulted in major improvements for the protection of human rights in Kosovo. We also support ongoing efforts, such as an initiative from the Kosovo Prime Minister's Office of Good Governance to draft a comprehensive human rights strategy.

But in spite of these significant accomplishments, there remains a major challenge in the protection of human rights in Kosovo: the precarious situation of Kosovo's minority communities. These minorities, especially ethnic Serbs and Roma, along with Ashkalia and Egyptian communities, continue to face extraordinary obstacles to creating a sustainable life for themselves in Kosovo. Discrimination is a serious problem. Access to public services is uneven. Incidents of harassment occur. Freedom of movement is limited. Most minorities feel unsafe in Kosovo.

The violence that erupted in March of last year, when groups of Kosovo Albanians destroyed or damaged some 986 homes and some 29 churches, demonstrated that more remains to be done to solidify a meaningful multi-ethnic and pluralistic society. Recovering from this violence has been difficult, although we are pleased that over 90% of homes that were damaged have been reconstructed. We are also heartened to note that Kosovo courts have secured prison sentences against some of the perpetrators of the violence, including six Kosovo Albanians convicted last week of the murder of two Kosovo Serbs during the March rioting.

The March riots showed how much work Kosovo has to do to develop into a free and pluralistic society. The primary responsibility for this lies with Kosovo's majority Albanian community. Until that community adequately protects and guarantees the rights of its minority communities, the pace of Kosovo's Euro-Atlantic integration will suffer. This is why the United States and the international community, together with UNMIK, have highlighted the achievement of Standards relating to multi-ethnicity and the protection of minority rights as a priority.

In particular, we have placed greater emphasis on the development of a plan to reform local governance. We believe that by giving more authority to local government, we can help bring government closer to all citizens, give minority communities greater say in issues that affect their lives, and generally facilitate the coexistence of different communities. Kosovo Albanian political leaders have agreed that this step is necessary and are planning to launch pilot projects that will involve local communities in health care, education, and eventually, we hope in law enforcement and justice as well.

We also are working to address the large number of people who fled in 1999 and who remain displaced and unable or unwilling to return to their homes. Estimates on the number of those who remain displaced from Kosovo vary widely—from just 65,000 to 225,000 (UNHCR uses this latter number)—but all agree any number is too many. Approximately 85% of these internally displaced persons (IDPs) are ethnic Serb. Since 2000, only 12,500 minority IDPs (some 5% using UNHCR estimates) have returned, but many continue to express an interest in doing so. While 2003 saw a 30% increase in returns, the March 2004 violence negatively affected this trend, and an additional 1,573 (out of 4,200 who fled their homes at that time) remain displaced as a result of that violence.

We believe the right of people to be able to return to their homes is a basic human right and a necessary element to ensure regional stability. Therefore, we continue to focus assistance on facilitating returns for those who wish to do so. Our Bureau for Population, Refugees and Migration plans to provide over \$15 million for protection, return and local integration of displaced persons in the region in FY05, including approximately \$3.5 million for Kosovo and Serbia and Montenegro. Through Support for East European Democracy (SEED) funding, we also support economic and democratic development necessary for sustainable returns, and assist municipalities where local government and minority communities work together to foster returns and build a multiethnic society.

Although much attention is focused on Kosovo's Serb minority, there are other non-Albanian ethnic groups that live in disadvantaged circumstances in Kosovo. The Roma population, including derivative groups like the Ashkali and Egyptian communities, is especially vulnerable. As in other parts of Europe, Roma face discrimination. Like Serbs, many have been forced from their homes.

We are focused now on a particularly severe humanitarian situation involving Roma who have lived in temporary camps in northern Kosovo since they were displaced in 1999. Due to their proximity to a local mine and the Roma's own lead smelting activities, four of these camps have soil lead levels that are dangerously high: up to 360 times that which the World Health Organization considers acceptable. We are working with UNMIK, municipal and Roma leaders to find an immediate, sustainable solution to this problem.

The fight against trafficking in persons is yet another focus of our human rights efforts in Kosovo. The police in Kosovo, both local and UN Civilian Police, are becoming more effective at identifying trafficking victims and infiltrating trafficking rings. Our priority is to continue to build up local law enforcement and investigative capacity to fight this problem. We are also concerned, however, that the local media -- despite training -- continues to report on trafficking issues irresponsibly. The Kosovo Government has recently approved an action plan for the fight against trafficking in persons, and we hope this will spur additional progress on this issue.

As Under Secretary Burns said last week to the House International Relations Committee, we are now entering a new, more dynamic phase of our Balkans engagement. By the end of this year, the Administration hopes that a process to determine Kosovo's future political status will be underway, assuming a positive review of the Standards. The United States will be a central participant in that process. Although many details about that process remain to be elaborated, we have already said that the protection of human rights must be at the core of any status settlement. We have said that this settlement must be based on multi-ethnicity and respect the rights of all citizens. We also envision effective constitutional guarantees to ensure the protection of minorities, as well as safeguards for the protection of cultural and religious heritage.

We will continue to work with Kosovo authorities to ensure freedom of movement, assembly, speech and association, and continued democratic elections. We continually urge Kosovo authorities to take steps to condemn violence, discrimination and abuse whenever it occurs, and to work to head off such abuses before they take place. These principles of democracy and multi-ethnicity -- already enshrined in the Standards for Kosovo -- will guide us as Kosovo advances on the path to Europe.

Kosovo's cultural monuments have also suffered from deliberately targeted destruction during the oppression, wars and retribution of the past ten years. Kosovo has a rich culture whose heritage and monuments deserve preservation so that the diverse heritage of that region can survive for its people and be passed on to their descendants. To further that goal, the United States, at a UNESCO and UN-sponsored conference May 13, pledged one million dollars for the reconstruction and preservation of cultural monuments of all Kosovo's communities.

Ten years ago the Balkans region saw massive violations of the ultimate human right. As the horrors of the 1990s recede from memory, the region must now take steps to move beyond that dark era. By solving the Kosovo status question, we can fix the most serious issue still outstanding from the Balkan wars.

Solving Kosovo's status, however, does not mean that the work to defend human rights and democracy will end. To the contrary, this work must continue and accelerate, particularly if Kosovo is to meet the European Union's high standards for membership. In a larger sense, this work is never finished in a free, democratic society. The people of Kosovo -- minority and majority alike -- must never stop working to ensure that institutions are transparent, that the political culture is inclusive and that laws are just. This ongoing commitment to democracy, based on the rule of law, is the most basic criterion for joining the Euro-Atlantic community and calling oneself a free, just society. The United States will continue to support Kosovo's efforts to achieve this objective.