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THE NON-MAJORITY COMMUNITIES' RIGHTS IN KOSOVO: IMPLEMENTATION OF THE RIGHT TO EMPLOYMENT AND EDUCATION

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Abstract: *International and national legislation guarantees the right to employment and education for every citizen, including members of non-majority communities. As a multi-ethnic state, Kosovo has very advanced legislation to guarantee access to employment and education for members of its non-majority communities. This study aimed to examine the actual level of enforcement of these two rights by members of non-majority communities. Relevant scientific works, local and international legislation, and statistical data on the level of access to the labor market and the education system of non-majority communities in Kosovo were consulted for this study. The research results show that access to the labor market and the education system varies across communities and has not continuously increased in 2015-2021. The situation has particularly affected the RAE community, which has the highest percentage of unemployment (over 90%) and the lowest access to pre-university education (below 5%). Therefore, this article recommends that relevant stakeholders take measures to ensure the proper enforcement of access to employment and education rights for non-majority communities in Kosovo.*

Keywords: *Education; Employment; Rights; Non-Majority Community; Kosovo*

INTRODUCTION

Kosovo's population comprises 93% Albanians and 7% Bosnian, Serbian, Turkish, Roma, Ashkali, Egyptian, and other communities, as reported in 2011 by the Kosovo Agency of Statistics (KAS). The Constitution of the Republic of Kosovo places significant emphasis on the rights of non-majority communities, ensuring that they can live under equal conditions with other citizens of Kosovo (2008, Chapter 2.3; Myrtezani and Kamberi 2022). The Constitution of Kosovo recognizes the Framework Convention for the Protection of National Minorities (1994), the European Charter for Regional or Minority Languages (1992), and the European Convention for the Protection of Fundamental Human Rights and Freedoms (1950) as integral parts of Kosovo's legislation. These conventions outline the rights of non-majority communities in Kosovo, including the rights to employment and education. This paper aims to describe the guaranteed rights to employment and education for non-majority communities in Kosovo and assess the level of implementation of these rights. The level of participation of non-majority communities in Kosovo's labor market and education system supports the hypothesis that Kosovo's legislation provides comprehensive rights for the employment and education of non-majority communities in the country. However, the level of implementation of these rights

remains very low. The significance of this study lies in the comprehensive approach to understanding the employment and education rate of non-majority communities in Kosovo for 2015-2021.

The historical, interpretive, analytical, and empirical research methods were applied. The historical method enabled the description of the historical development of the legislation on the rights of non-majority communities in Kosovo. As part of the analytical approach, the existing scientific researches in this field were used as a source for grounded critical examination. Through empirical methods, relevant quantitative and qualitative data were collected, focusing on secondary data, information collected from research, and official information from Kosovo institutions.

LITERATURE REVIEW

Historical Development of Kosovo's Non-Majority Communities' Rights

Throughout history, wars have caused the division of nations, especially after world wars (Walter and Emmenegger 2022; Romain 2007; Kaufmann 1996). As a result, the new states had to guarantee the rights of non-majority communities and establish institutional protection mechanisms (Daci 2017). The United Nations and other international organizations took care of the protection of non-majority communities' rights by adopting the conventions listed above and others, such as the Convention on the Elimination of All Forms of Racial Discrimination (1965) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1987). All these conventions aim at prohibiting discrimination against non-majority communities and obliging states to ensure the implementation of their rights, including the right to employment and education (Macklem 2008; Pejic 1996; Wippman 1998; Thornberry 1989).

For Cokoşatu (2012), a country is democratic if the non-majority community rights are guaranteed and implemented. Kosovo is one of these countries that guarantees these rights, including the right to employment and education (Constitution 2008, Articles 57, 59, 61; Landau 2018). Non-majority communities in Kosovo are entitled to participate in private and public education and employment in all public institutions (Bajrami 2011, 545). Of course, they can have access to employment in the private sector as well. These constitutional provisions were developed based on the so-called "Ahtisaari Package" (2007), a document that concluded the negotiation process for pre-status standards (Security Council 2003). The plan envisaged rights for non-majority communities in Kosovo beyond minimum international standards (Beha 2014, 87). To this end, following its declaration of independence, Kosovo adopted 40 laws to guarantee high standards of protection of non-majority communities in Kosovo (Bajrami 2011).

Non-Majority Communities in Kosovo

International conventions have not so far defined the concept of a "non-majority community", leaving it at the discretion of individual states to do this based on international jurisprudence (Blazhevskaja 2022, 253). Scholars have also presented their thoughts and views on

this concept. Thus, Bajrami (2011) states that: “A community is usually considered a social unit (a group of people) having something in common, such as norms, values, and identity” (p. 223). Further, comparing different notions, he adds that “non-majority communities are groups of people living within a certain territory who have common elements such as language and customs” (Bajrami 2011, 223). As for the legal concept in Kosovo, the Law on the Protection and Promotion of the Rights of Communities and their Members in the Republic of Kosovo (2008, Article 3, para. 1.4) states that: “communities are defined as national, ethnic, cultural, linguistic, or religious groups traditionally present in the Republic of Kosovo that are not in the majority” The present study adopts this definition.

The Constitution (2008, Article 3) defines Kosovo as a multi-ethnic society consisting of the majority Albanian and non-majority communities (Vejseli and Kamberi 2021; Krasniqi and Bajraktari 2021). As a country that recognized the existence of non-majority communities within its territory immediately after the declaration of independence (Halili 2019), Kosovo appreciated its approach to ethnic diversity within a society emerging from the war (Baliqi 2018).

Throughout history, Kosovo has been under different rulers and regimes, and a part of the non-majority community remained from those times but also immigrated later. Figure 1 presents the composition of the population of Kosovo in percentage and by ethnicity. As depicted in the data, the population of Kosovo consists of 93% Albanians, while the remaining 7% is comprised of other non-majority communities, including 2% Bosniaks, 1% Serbs, 1% Turks, 1% Egyptians, 1% Gorani, and 1% Ashkali. Geographically, these communities are distributed throughout Kosovo (Council of Europe 2012), with the Serbian community primarily concentrated in the northern part, the Turkish, Bosnian, and Goran communities in the southern part, and the Ashkali community in Fushë Kosovë (Baldwin 2006, 9-10).

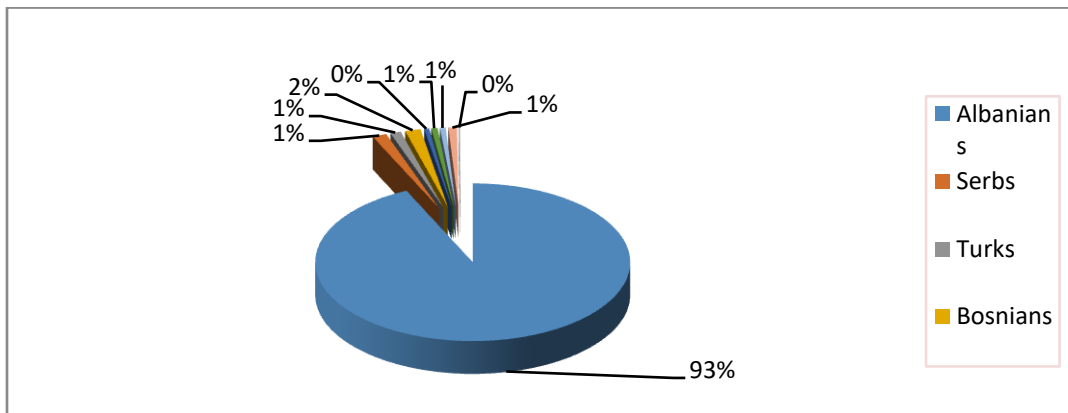


Figure 1: Percentage of Population in Kosovo by Ethnicity
(Source: Authors' depiction based on data from KAS 2011 and Berisha 2020)

Institutional Mechanisms for Protecting Rights of Non-Majority Communities in Kosovo

To ensure the implementation of their rights, members of non-majority communities as equal citizens of Kosovo have recourse to state institutions such as the court, the prosecution office, the police, the security forces, and the Ombudsman. In addition, special institutional

mechanisms established at the national and municipal levels can also be utilized, as presented in the following table (Table 1). The effectiveness of these mechanisms lies in the genuine integration of these communities into Kosovo institutions (Fernandez 2011).

Table 1: National and Local Institutional Mechanisms for Protection and Promotion of Non-Majority Communities' Rights in Kosovo (Source: Authors' depiction based on data from Kosovo Government; Kosovo Assembly 2023; Constitution 2008; Law on Local Self-Government 2008; Regulation No. 02/2010)

National Level/Institution	Mechanism
Kosovo Presidency	Consultative Council for Communities
Kosovo Assembly	20 seats reserved; Committee for the Rights and Interests of Communities and Return; Vice-President
Kosovo Government	Deputy Prime Minister; ministers, deputy ministers; Office for Good Governance, Office for Community Affairs, and Office of the Language Commissioner
Supreme Court	15% of the judges should be from non-majority communities, but not less than three
Municipal Level/Institution	Mechanism
Municipal Assembly	Deputy Mayor
Municipal Administration	Municipal Office for Communities and Return

RESEARCH RESULTS AND DISCUSSION

The legal and institutional framework is a strong basis for ensuring the non-majority communities' rights in Kosovo, including rights to equal access to the labor market and the education system (Hajraj 2020). However, this legal and institutional security is not enough if the practical implementation of these rights is not at a satisfactory level to enable full integration and well-being of the non-majority communities in Kosovo.

What is the percentage of non-majority communities' participation in the labor market in Kosovo?

KAS (2023a) publishes data on the level of employment on a quarterly and annual basis. According to Figure 2, the percentage of Kosovo citizens' employment rate from 2012 to 2021 increased from 25.5% to 31%. KAS has not yet published the data for 2022. However, these data are not disaggregated by ethnicity (KAS 2023b).

Due to the lack of data disaggregated by ethnicity, the research is based on several reports of the Government of Kosovo (2015; 2017; 2018), which show that the percentage of registered unemployed persons from 2015 to 2018 is as follows: i) 88.4% Albanian, 3.9 % Serbian, and 7.7% other non-majority communities - in 2015; ii) 85.6% Albanians, 2.5% Serbian, and 11.9% other non-majority communities - in 2017; iii) 83.6% Albanian, 7.7% Serbian, 1.7% Bosnian, 1.8% Roma, 2.8% Ashkali, 0.9% Egyptian, 0.5% Turkish and 1.1% others - in 2018. According to Sadiku (2019), the unemployment rate for 2019 was 40%-90% for Serbs; 35% to 90% for Turks; 75%- 95% for Bosnians; 95%-100% for the Roma, Ashkali, and Egyptian communities; and 90%-95% for Gorani.

The European Commission has found in the last six years (2017, 60; 2018, 60; 2019, 67; 2020, 79; 2021, 88; 2022, 89) that the unemployment rate for the RAE community remains worrisome, with a rate of over 90%. The International Labor Organization (2018, 15) also found that the RAE and Gorani communities have the lowest access rate to the labor market.

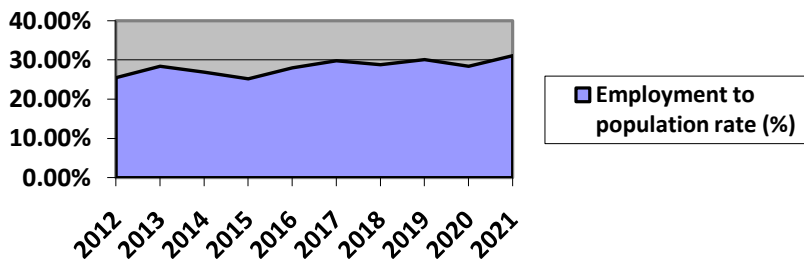


Figure 2: Employment to Population Rate (%) 2012-2021
(Source: Authors' depiction based on data from KAS 2023a)

What is the percentage of non-majority communities' participation in the education system in Kosovo?

Pre-university education in Kosovo is implemented following the Kosovo Curriculum Framework (2016) developed by the Ministry of Education, Science and Technology (MEST) in Kosovo. Schools can provide education in the Serbian language based on the curriculum and textbooks prepared by the MEST of Serbia (Stevens 2008, 9), subject to the approval of Kosovo's MEST. Education in the Albanian language is provided at the pre-university level throughout the territory of Kosovo, with some exceptions in municipalities inhabited mainly by the Serbian community, where some levels of education are provided in other languages spoken by non-majority communities (Organization for Security and Cooperation in Europe 2018). Bigagli (2019) questions whether this decentralized education system in Kosovo that enables learning in the Serbian language using the curriculum of Serbia is strengthening the integration of these communities in society or deepening the division among communities.

However, the international community has supported the development of an inclusive education system in Kosovo that enables the integration of these communities (Bajrami 2017; Beka 2015) and has financed education programs for years, such as the Young Cell Scheme (2023; European Commission 2022). EU Member States have contributed a lot to the modernization of the education system in Kosovo after the war (Selenica 2018; Sommers and Buckland 2004; Tahirsylaj and Wahlström 2019), with the incorporation of different concepts (Bache and Taylor 2003), such as learner-centered education (Zabeli et al. 2018), digital transformation (Gjelaj et al. 2020; Limani et al. 2019) and the teacher's role (Saqipi et al. 2014; Rama 2011). However, the European Commission (2022) and François (2014) estimate that Kosovo is still in the early stages of development in education and that its quality needs further improvement.

Figures 3-8 depict the percentage (%) of non-majority communities' participation in public pre-university education from 2015 to 2021. Consequently, the overall participation of non-majority communities during this period ranged between 4% and 5%. However, the Serbian, Roma, Egyptian, and Gorani communities experienced significantly lower access levels below 5%.

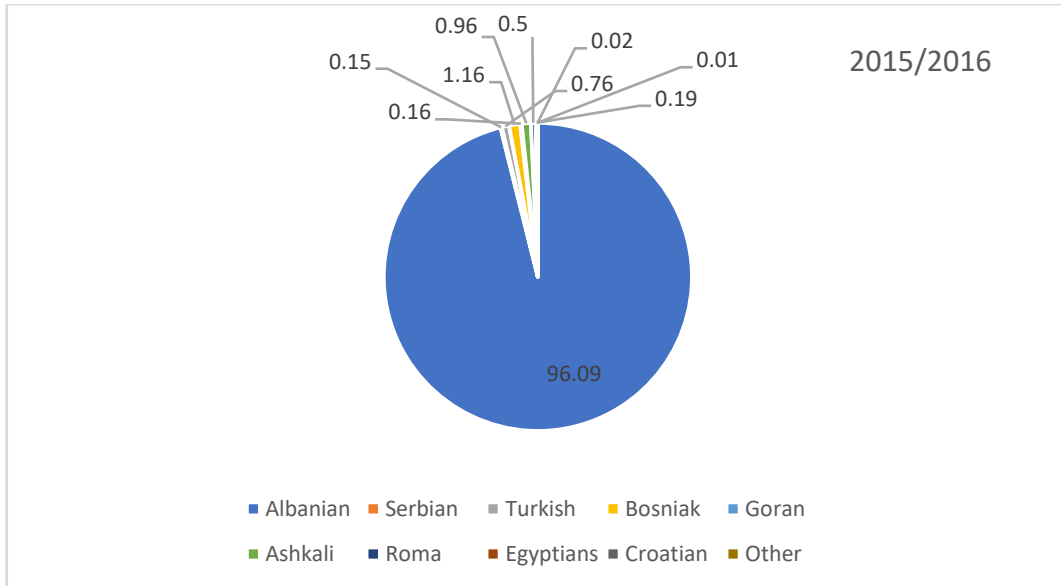


Figure 3: Percentage of Non-Majority Communities' Participation in Public Pre-University Education 2015-2016 (Source: Authors' depiction based on data KAS 2023c)

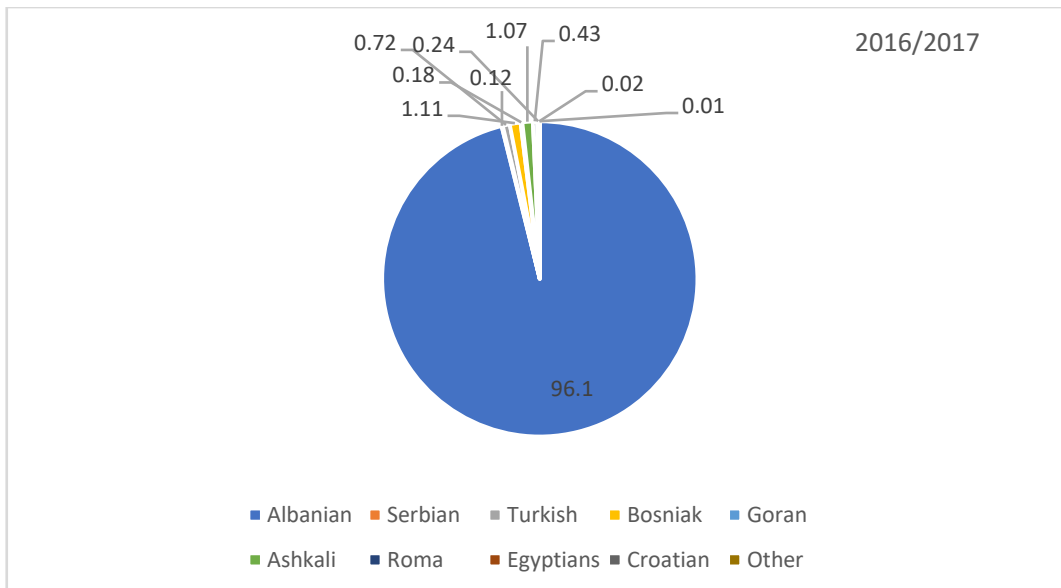


Figure 4: Percentage of Non-Majority Communities' Participation in Public Pre-University Education 2016-2017 (Source: Authors' depiction based on data KAS 2023c)

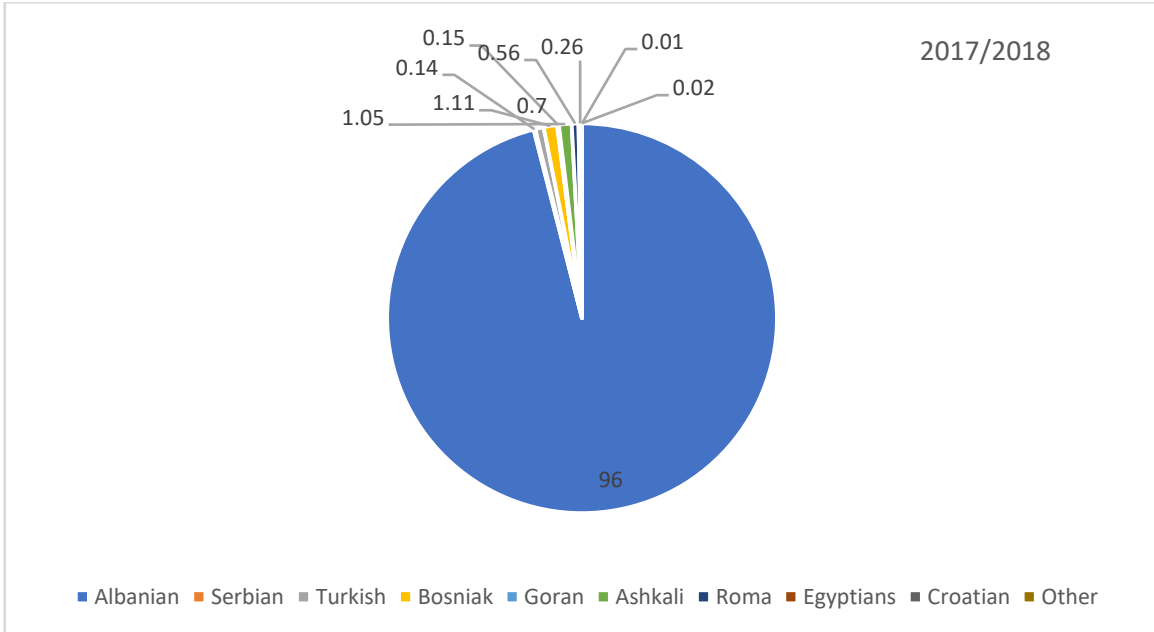


Figure 5: Percentage of Non-Majority Communities' Participation in Public Pre-University Education 2017-2018 (Source: Authors' depiction based on data KAS 2023c)

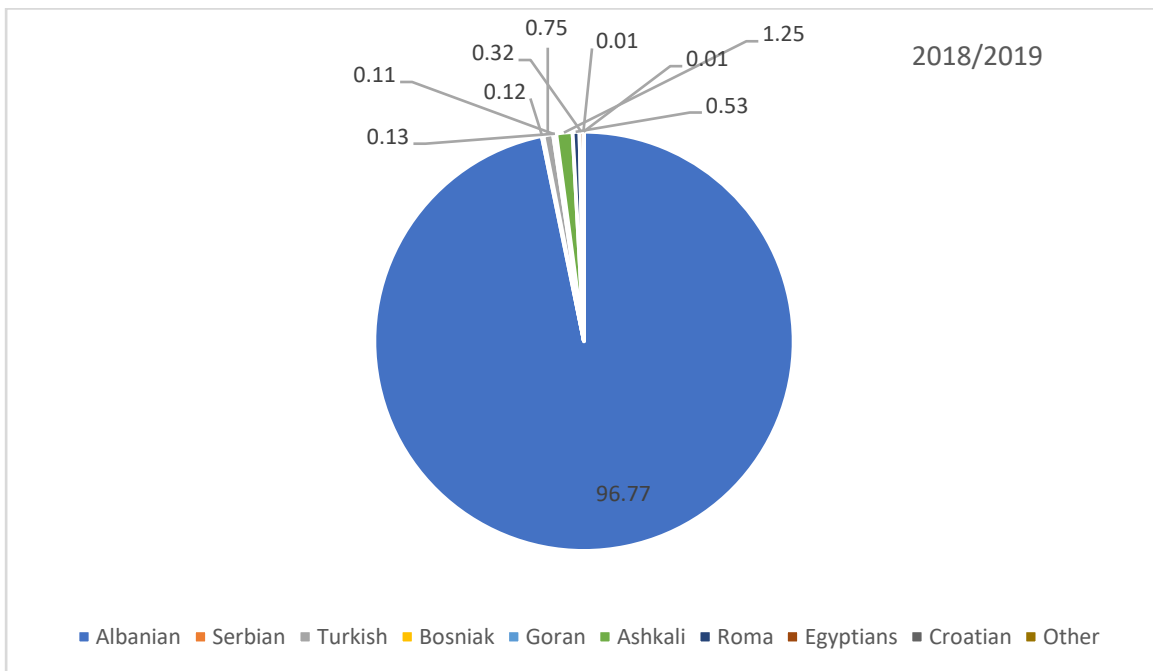


Figure 6: Percentage of Non-Majority Communities' Participation in Public Pre-University Education 2018-2019 (Source: Authors' depiction based on data KAS 2023c)

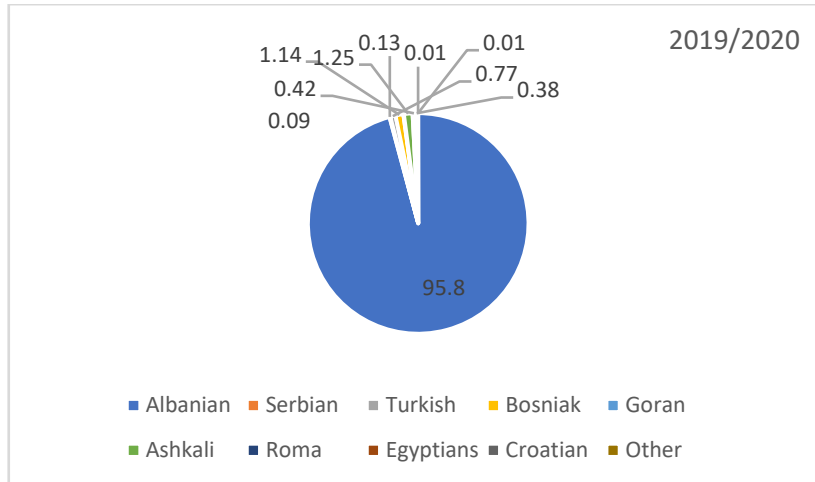


Figure 7: Percentage of Non-Majority Communities' Participation in Public Pre-University Education 2019-2020 (Source: Authors' depiction based on data KAS 2023c)

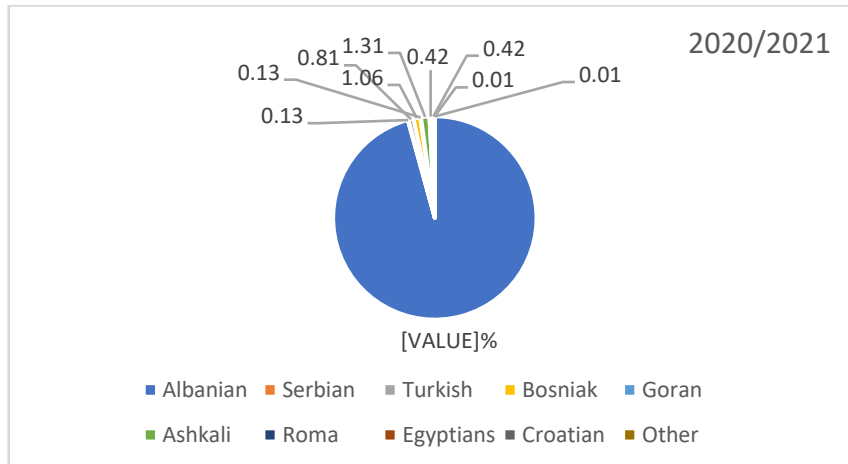


Figure 8: Percentage of Non-Majority Communities' Participation in Public Pre-University Education 2020-2021 (Source: Authors' depiction based on data KAS 2023c)

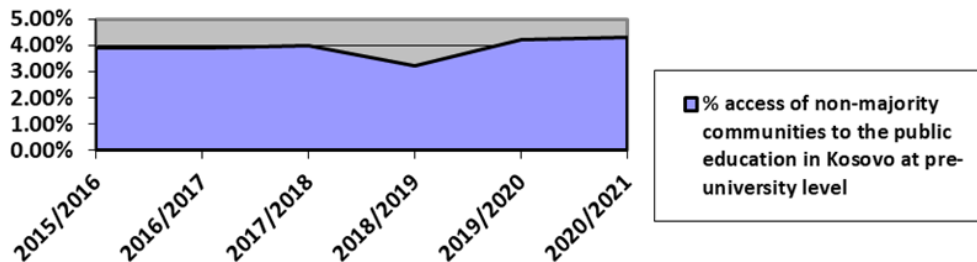


Figure 9: Trend of Non-Majority Communities' Participation in Public Pre-University Education 2015-2021 (Source: Authors' depiction based on Figures 3-8)

As depicted in Figure 9, the trend of participation remained constant from 2015 to 2018, followed by a decrease in 2019 and a marginal increase from 2019 to 2021.

The data presented in Figures 10-15 indicate that the access of non-majority communities to private pre-university educational institutions was low during the years 2015-2021. Therefore, participation in private pre-university education is also unsatisfactory.

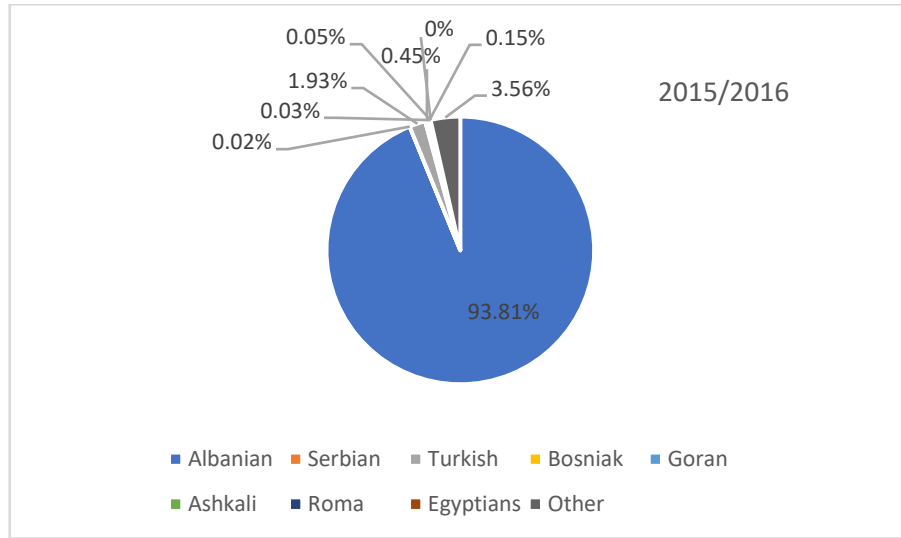


Figure 10: Percentage of Non-Majority Communities' Participation in Private Pre-University Education 2015-2016 (Source: Authors' depiction based on data from KAS 2023)

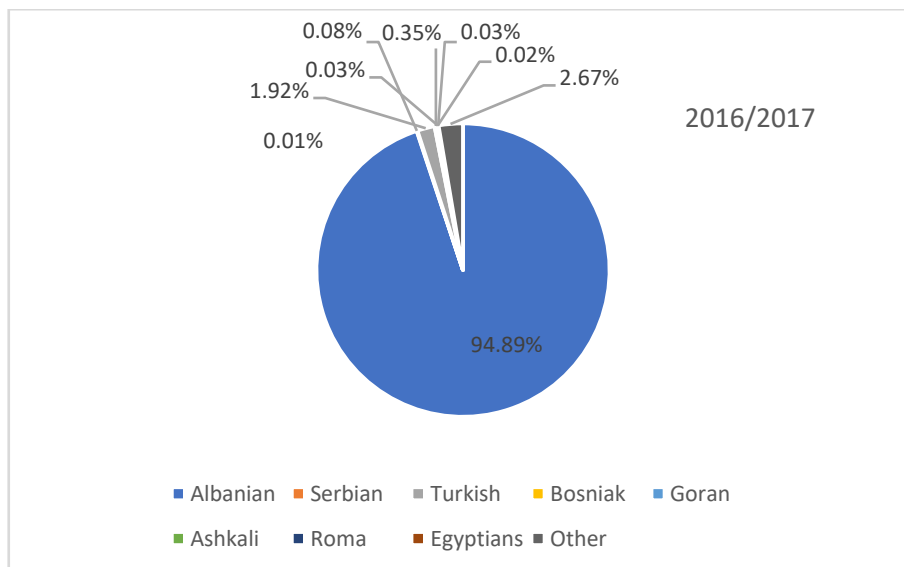


Figure 11: Percentage of Non-Majority Communities' Participation in Private Pre-University Education 2016-2017 (Source: Authors' depiction based on data from KAS 2023)

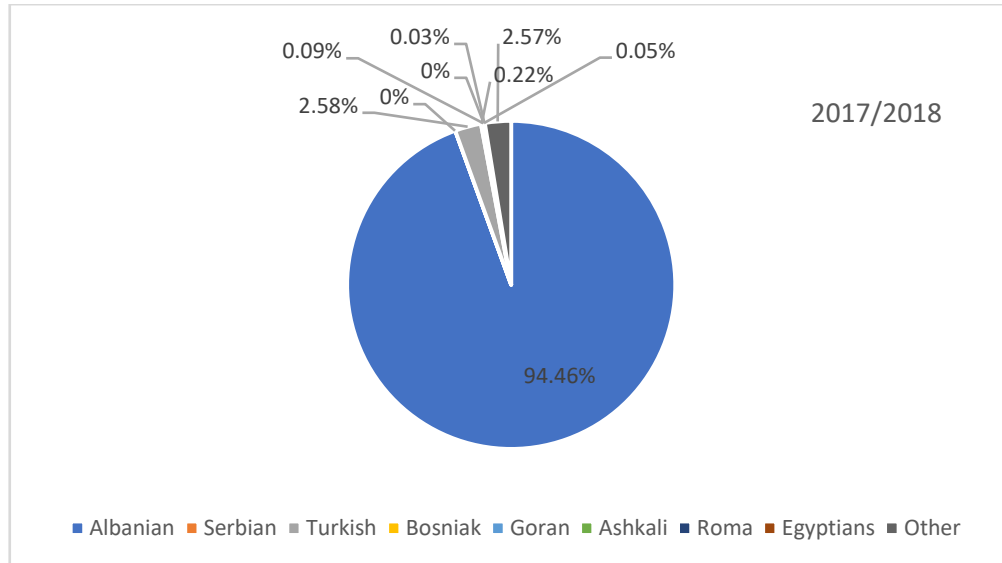


Figure 12: Percentage of Non-Majority Communities' Participation in Private Pre-University Education 2017-2018 (Source: Authors' depiction based on data from KAS 2023)

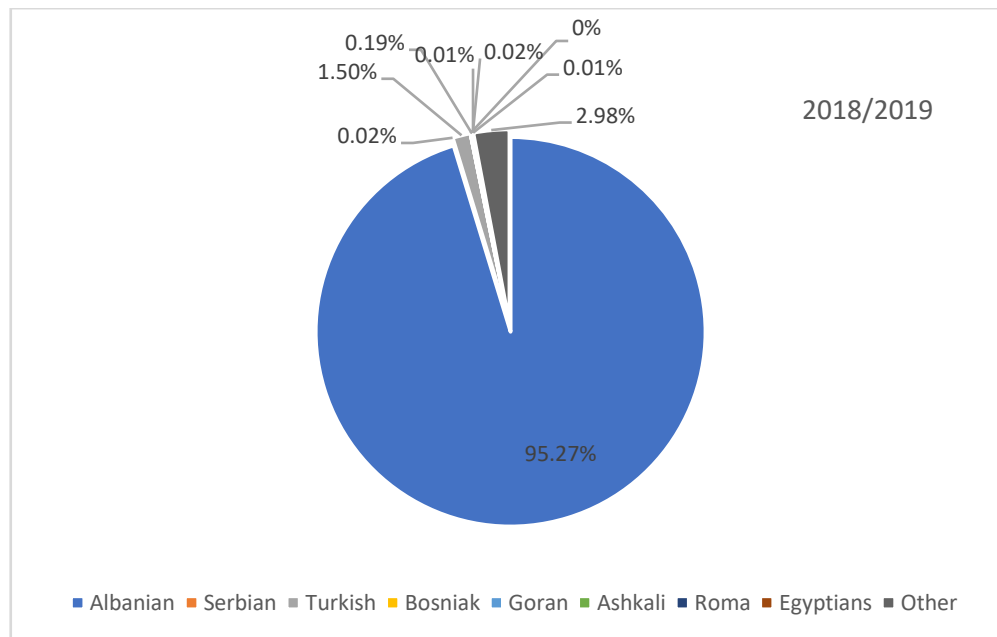


Figure 13: Percentage of Non-Majority Communities' Participation in Private Pre-University Education 2018-2019 (Source: Authors' depiction based on data from KAS 2023)

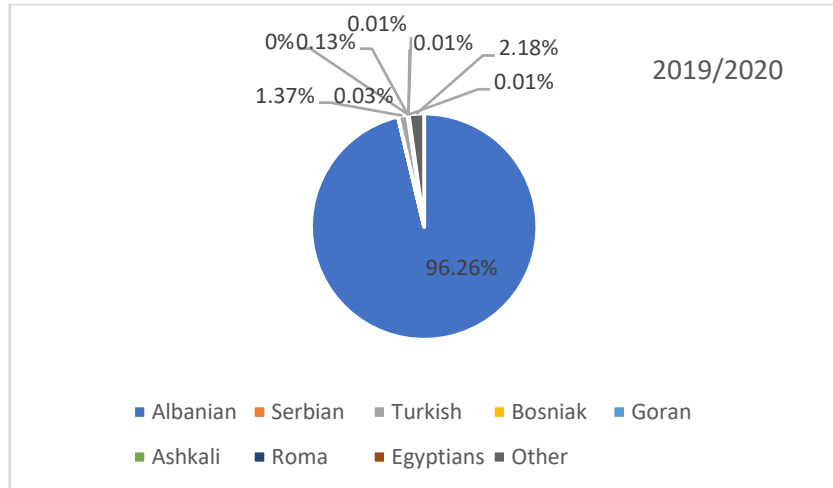


Figure 14: Percentage of Non-Majority Communities' Participation in Private Pre-University Education 2019-2020 (Source: Authors' depiction based on data from KAS 2023)

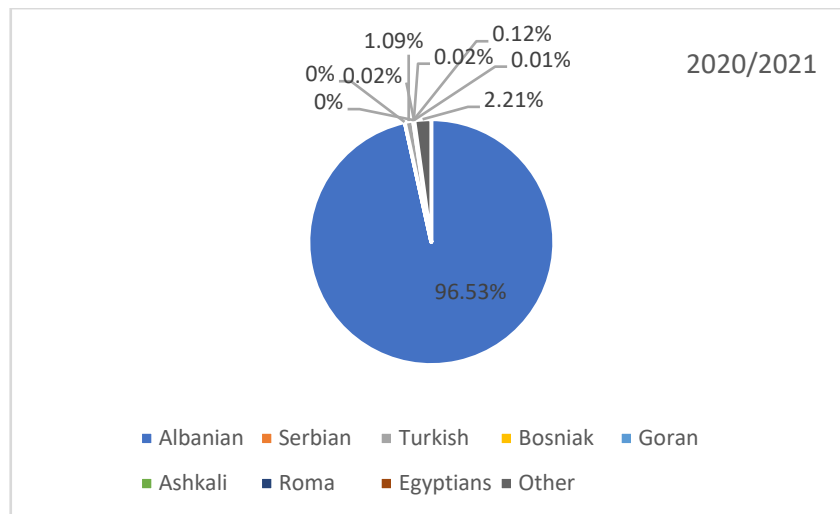


Figure 15: Percentage of Non-Majority Communities' Participation in Private Pre-University Education 2020-2021 (Source: Authors' depiction based on data from KAS 2023)

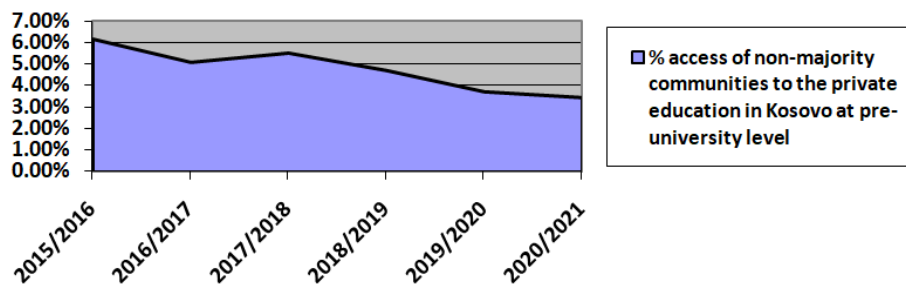


Figure 16: Trend of Non-Majority Communities' Participation in Private Pre-University Education 2015-2021 (Source: Authors' depiction based on Figures 10-15)

As shown in Figure 16, the trend of their participation declined from 2015 to 2021.

Regarding access to higher education in Kosovo, KAS (2023c) does not publish official data disaggregated by ethnicity. Consequently, this study does not include data on this level of education. However, it is worth noting that some of the public universities in Kosovo provide study programs in the Bosnian, Serbian, and Turkish languages (Jusufi 2021; Hüseyin et al. 2019; Arraiza 2015).

Why is the level of implementation of these two rights by the non-majority communities in Kosovo so low?

Various studies (Sadiku 2019; Williams 2017, 13) explain this situation, attributing it to several factors that have had a negative impact. The Roma and other non-majority communities in Kosovo encounter challenges accessing the labor market and education. Some factors hindering the realization of employment and education rights for non-majority communities in Kosovo are outlined below.

Why is there unsatisfactory participation in employment by non-majority communities in Kosovo?

Fernandez (2011) sees a need to develop a specific strategy for marginalized communities such as the RAE community. This approach could also be suitable for other non-majority communities in Kosovo. However, official and accurate data on the employment rate for each non-majority community in Kosovo would be a prerequisite.

The KAS does not keep data on employment rates by ethnicity. In addition, there is a lack of reliable data on employed members of non-majority communities in Kosovo, rendering Fernandez's approach ineffective and challenging. Developing a strategy without official data on the unemployment rate for non-majority communities would be unrealistic.

In addition to these factors, the level of education of these communities is also a primary prerequisite for their employment. To Elsayed (2020), education is one of the determinant factors for labor market efficiency. The data above prove that members of the non-majority communities in Kosovo have a low level of education. At the same time, they have limited access to the labor market.

Why is there unsatisfactory participation in education by non-majority communities in Kosovo?

The data above show that non-majority communities in Kosovo have limited access to education and do not fully enjoy their right to education, particularly in terms of education in their mother tongue. Regarding the latter, the Serbian community has greater opportunities than the other communities (Rrahmani 2020). Members of the Turkish and Bosnian communities also have the opportunity to attend education in their mother tongue in some schools. The situation is worse with the RAE community. They have to choose an education in one of the languages spoken by other communities in Kosovo. However, although Serbs can pursue education in their mother tongue, their access to pre-university education is low.

The factors influencing the implementation of the right to education in these communities vary, while common factors listed as determinants by international and local organizations are: i) the small number and uneven distribution of preschool institutions in Kosovo; ii) lack of adequate infrastructure, transport, and didactic materials; iii) high school dropout rate; iv) the insufficient number of qualified teaching personnel in the languages of the communities; v) early marriage and lack of support from the family; vi) low level of education of parents and cultural mentality of families; and vii) poverty, insufficient level of inter-institutional and community cooperation (EC 2022; OSCE 2018, 10-14; Kosovo Integration Initiative 2020, 14).

CONCLUSION

The data presented above confirm the hypothesis that there is a discrepancy between the rights to employment and education guaranteed in Kosovo legislation for non-majority communities and their implementation in practice (Bexulli et al. 2020; Mulolli 2020). Besides the Serbian community, which has a slightly higher employment rate (45%-90% depending on the Kosovo municipality where they live), over 90% of members of other non-majority communities are unemployed. This percentage could be even higher if the official data on employment rates for all ethnic communities were available.

Regarding access to education, participation is too limited at the university level. In the absence of official data, the percentage of participation of non-majority communities at this level of education can be assumed based on data on pre-university education. Access to pre-university education is crucial for enrollment in higher education studies. This correlation highlights that lower access to pre-university education results in lower participation of these communities in university education. The limited participation in education can be attributed to occasional transportation shortages, low socio-economic status, inadequate availability of high-quality schools, insufficient educational infrastructure, and a lack of quality textbooks. Additionally, some non-majority communities face difficulties attending classes conducted in their mother tongue.

The institutions of Kosovo are responsible for including these communities in the labor market and the education system and should thus take measures to address these challenges. Some such measures are listed below:

- Advance the active platform for registration of unemployed persons in Kosovo according to ethnicity;
- The Kosovo Agency of Statistics should publish data on employment by ethnicity;
- The Kosovo Agency of Statistics should publish data on access to higher education disaggregated by the ethnic community;
- There should be cooperation with donors, NGOs, and non-majority communities in Kosovo to address infrastructural, social, and cultural challenges;
- Identify short-term and long-term solutions for ensuring professional staff that could provide education in the mother tongue of non-majority communities;
- Develop a pilot project for online learning in cooperation with countries with professional staff teaching in the mother tongue of non-majority communities in Kosovo.

COMPLIANCE WITH ETHICAL STANDARDS

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This article does not contain any studies with human participants performed by any authors.

Statement on the Welfare of Animals:

This article does not contain any studies with animals performed by any authors.

Informed Consent:

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