



## KOSOVO<sup>1</sup>

### A safe country ?

No country can be deemed « safe ». That is the spirit of the Convention relating to the Status of Refugees which provides for the individual examination of each asylum claim: each personal situation is unique. To label a country as a “safe country of origin” suggests that there is no general risk of persecution and that the state of law is respected. A “safe” country can also be categorised as a “safe third country” where asylum-seekers who have transited through the said country may be returned there because their asylum procedures is in line with international and European refugee law standards. Many examples show that human rights standards are often not met.

The notion of safety as an examination tool can have dire consequences on asylum-seekers’ rights (see analysis): accelerated procedures, non suspensive appeals i.e. removal before a final decision is made, claim likely to be rejected if not inadmissible in the case of “safe third” countries.

The European Union is discussing a draft Regulation establishing an EU common list of safe countries of origin comprising, inter alia, Kosovo, which, to date, is only listed by 6 Member states out of the 12 existing national lists of safe countries of origin (Austria, Belgium, the Czech Republic, Denmark, Luxembourg and the United-Kingdom). It is important to recall that Kosovo did not ratify the European Convention on Human Rights and that it is only a “potential” – and not official- EU candidate. Thus, claiming that this country is fulfilling the “Copenhagen criteria” seems to be a wishful thinking.

**The AEDH, EuroMed Rights and the FIDH are opposed to the notion of « safety » which is usually used as a means to remove people in a country where they, allegedly, would not be at risk: is that really the case?**

#### FREEDOM OF EXPRESSION AND OPINION

- **Hostile environment for the media** and threats against freedom of the press
- **Physical or virtual attacks** against the media
- **Judicial harassment** against journalists

#### RULE OF LAW AND INDEPENDENCE OF THE JUDICIARY

- **Impunity and lack of independence** of the judiciary system.

#### MINORITIES AND VULNERABLE GROUPS

- **Little progress has been made in the implementation of integration strategies for the Roma, Ashkali and Egyptians minorities as well as for people returned from Western Europe**
- **Threats and intimidation against LGBTI persons**
- **Ongoing violence against women linked in particular to domestic violence and human trafficking**

1. Name in conformity with the 1244 (99) Resolution of Security Council of the United Nations and the International Court of Justice Advisory Opinion on Kosovo’s declaration of independence.

*Further information*

AEDH, EuroMed Rights, FIDH "Safe countries: a denial of the right of asylum", May 2016  
<http://euromedrights.org/analysis-safecountries-en/>

Human Rights Watch report (2016)  
[\[ENG\]](#)

Human Rights Watch on freedom of the press in the Western Balkans (2015)  
[\[ENG\]](#) [\[FR\]](#)

Human Rights Watch report on a new Human Rights agenda for Kosovo (2008)  
[\[ENG\]](#)



EuroMed Rights  
EuroMed Droits  
الأورو-متوسطية للحقوق

