



PROFILE OF INTERNAL DISPLACEMENT : SERBIA & MONTENEGRO

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PROFILE SUMMARY

IDPs from Kosovo: stuck between uncertain return prospects and denial of local integration

An estimated 250,000 internally displaced people (IDPs) – mainly ethnic Serbs and Roma who fled within and out of Kosovo when Yugoslav forces withdrew in 1999 – are still unable to go back to their pre-war homes in the now UN-administered province. The overwhelming majority of IDPs live in Serbia, but smaller numbers have also found refuge in Montenegro and parts of Kosovo. An outbreak of ethnic violence in March 2004 newly displaced some 4,200 people, most of them Serbs but also Roma and Ashkaeli, and effectively put a halt to the return momentum which had slowly built up in previous years. The clashes marked a step further in the separation of communities and resulted in a serious loss of confidence in the capacity of local authorities and the international community to rebuild a multi-ethnic Kosovo.

Although most of the displaced are unlikely to be able to go back to their homes in Kosovo in the foreseeable future, little is done by the Serbian and Montenegrin authorities to facilitate integration in their current places of residence until return becomes possible, as required by the Guiding Principles on Internal Displacement. Living conditions and access to rights vary significantly depending on the location of displacement. In Serbia proper, IDPs usually have access to social services if they can provide adequate documentation. However, obtaining some of the necessary documents is severely complicated by burdensome administrative rules, despite recent improvements. In Montenegro, IDPs have access to health services and education but they are not considered citizens, which greatly limits access to employment and certain basic rights, including the right to vote. In Kosovo, Serb IDPs often rely on parallel administrative and legal structures maintained by the Serbian government, as restricted freedom of movement in the province prevents many of them using services provided by local authorities. Generally, the poverty of IDPs in Serbia and Montenegro has increased due to erosion of their assets, the impossibility of disposing of their properties in Kosovo and lack of employment opportunities. An estimated 54 per cent live below the poverty level. Displaced Roma face particular hardships. Often they lack proper documentation and are confronted with widespread discrimination, and most of them live in substandard conditions in informal settlements without water and electricity. Another vulnerable group are the 6,800 IDPs accommodated in collective centres along with Serb refugees from neighbouring countries. While these centres are being closed by the government, IDPs residing there are, unlike refugees, not entitled to assistance for local integration.

The Serbian government, although obliged to ensure the right of IDPs to adequate living conditions, has been reluctant to support local integration, saying that such measures could only be envisaged when the displaced have a genuine opportunity to return to Kosovo. Consequently, the National Strategy for Resolving the Problems of Refugees and IDPs adopted in 2002 focuses on return and considers integration only for refugees. The adoption, in 2004, of a National Strategy for Roma, and in 2005 of national action plans on specific issues which take into account the specific needs of displaced Roma are positive steps which have yet to be backed up by concrete action such as the registration of displaced Roma. The Montenegrin government has published a strategy for resolving the issues of refugees and IDPs in April 2005, but its unclear phrasing leaves doubts about the extent to which the strategy can be expected to guide a more effective response to the difficulties faced by IDPs in this Republic.

In Kosovo, the Provisional Institutions of Self-Government (PISG) have made progress in implementing the “Standards for Kosovo”, established by the UN Mission in Kosovo (UNMIK) to promote the transition towards a democratic and multi-ethnic province where refugees and IDPs wishing to return can do so in safety and dignity. However, crucial challenges remain in areas such as property repossession, security, employment and freedom of movement. Progress on the implementation of the standards is a precondition

for the opening of negotiations on the final status of Kosovo. The political uncertainty surrounding the status question has been a significant source of instability, with Kosovo Albanians fearing the possible return of Serb rule and Serb IDPs hesitating to go back before a final decision is made. Donors are leaving the country, hindering economic development and return prospects. Many analysts saw the March 2004 events as a reaction of frustration in the absence of a clear perspective for the future and an attempt to establish a fait accompli through violence.

In June 2005, the UN Secretary-General appointed a Special Envoy, Kai Eide, with a mandate to carry out a comprehensive review of the current situation and the conditions for launching discussions on final status. Whatever the outcome of this process, any solution will have to be made strictly conditional on full respect for the rights of all communities living in Kosovo to ensure a safe environment conducive to return.

In the meantime, greater efforts are needed to improve the security situation in Kosovo, including through increased inter-ethnic dialogue and the prosecution of perpetrators of ethnic violence. It is also essential to resume systematic monitoring of the human rights situation of returnees as well as populations at risk of displacement, such as minority groups and forcibly returned refugees.

Irrespective of prospects for return, the authorities in Serbia and Montenegro (including Kosovo) should step up efforts, with the support of the international community, to fulfil their responsibility to ensure IDPs' right to adequate living conditions, access to documents, and freedom from discrimination, in line with the Guiding Principles on Internal Displacement.

Key recommendations

Regarding the situation in Serbia and Montenegro:

To the UN agencies, donors, NGOs

- Increase promotion of the IDP Working Group legal gap analysis document and use its recommendations as both an advocacy tool and means to monitor progress (Analysis of the situation of IDPs from Kosovo in Serbia and Montenegro: law and practice, October 2004)
- Support authorities in developing and implementing social housing programmes and income-generating activities in favour of the most vulnerable, including IDPs, Roma and refugees
- Support catch-up class programmes for Roma children to facilitate their integration into the educational system
- Support projects promoting capacity-building of Roma NGOs
- Maintain support and funding to legal aid assistance NGOs

Regarding the situation in Serbia:

To the government and local authorities

- Implement recommendations of the IDP Working Group legal gap analysis document
- Ensure that the programme of closure of collective centres does not affect the right of IDPs to adequate standards of living including shelter
- Provide adequate standards of living to IDPs living in unofficial collective centres
- Develop programmes of social housing for IDPs and other vulnerable categories such as refugees, local residents and Roma
- Develop programmes to improve IDPs' self-reliance such as income-generating activities and micro-credit schemes
- Implement the city of Belgrade's 2003 plan to build social housing for IDPs and other vulnerable groups currently living in informal settlements

- Provide sufficient resources to implement the four action plans of the Roma National Strategy already adopted on housing, education, employment, and health
- Adopt the action plan on Roma IDPs
- Initiate a registration programme of Roma IDPs
- Exempt IDPs from court fees and fees required to obtain documents
- Inform IDPs about the risks of using courts in exile since their decisions are not enforceable in Kosovo

Regarding the situation in Montenegro

To the government

- Reconsider the legal status of displaced persons from Kosovo and recognise their rights as equal to Montenegrin citizens according to the UN Guiding Principles on Internal Displacement
- Ensure that IDPs benefit from the same rights as Montenegrin citizens such as access to employment, social welfare (health, education, unemployment benefits), access to ownership and commercial activity and voting rights
- Implement the recommendations included in the legal gap analysis document of the IDP Inter-Agency Working Group
- Provide adequate standards of living to IDPs in particular with regard to shelter
- Recognise and implement the Serbia and Montenegro Roma National Strategy, or develop a strategy for addressing the problems faced by Roma for Montenegro

To international organisations, donors, the European Commission

- Make funding and assistance to Montenegrin authorities conditional on the government's willingness to grant IDPs the full range of citizens' rights

Regarding the situation in Kosovo

To PISG, Kosovo Assembly and local authorities

- Show public support towards minority communities and return
- Reach consensus and start implementation of the pilot projects on decentralisation
- Condemn and sanction systematically incidents of ethnic violence, illegal occupation and looting of land or other properties
- Develop initiatives and projects to increase inter-ethnic dialogue between various communities
- Continue programmes on the regularisation of informal settlements

To UNMIK

- Increase efforts to obtain mutual recognition of official documents issued by UNMIK and authorities of Serbia and Montenegro
- Extend the mandate of the Housing and Property Directorate to cover land and commercial property
- Expedite the design of a rental scheme mechanism agreement for properties currently administered by the Housing and Property Directorate

To UNMIK, UNHCR, OSCE

- Establish standard operating procedures to monitor return conditions of returnees, in particular forced returnees and assess risk of secondary displacement. Such procedures could be drafted jointly by UNMIK-ORC, UNHCR and OSCE
- Resume publication of human rights assessment reports such as the joint OSCE-UNHCR reports which stopped in 2003. This is particularly important in view of the expected increase of forced returnees and the possible instability accompanying the discussion on final status

- Designate a lead agency on Roma issues and create a working group (international agencies, NGOs, PISG, and Roma representatives) to develop a strategy on Roma issues and related action plan
- Create a human rights court with jurisdiction over UNMIK acts and decisions and competency to examine violations of the European Conventions for Human Rights

To UNMIK

- Maintain a reasonable notification period in case of forced returns to allow for reliable screening of return conditions

To asylum countries

- Take into account limited absorption capacity of the country of origin as well as lack of reintegration possibilities and unstable security situation, prior to forcibly returning asylum-seekers
- Countries forcibly returning people to Kosovo should support their reintegration through action to promote income-generation activities and inter-ethnic dialogue
- Strictly respect the recommendations included in the March 2005 “UNHCR Position on the Continued International Protection needs of Individuals from Kosovo”

Important sets of recommendations regarding IDPs have been included in the following documents and should be considered:

- [The situation of internally displaced persons in Serbia and Montenegro](#), ICRC, 31 May 2005
- [Human rights of refugees, internally displaced persons, returnees and asylum-seekers in Serbia and Montenegro](#), Group 484, April 2005
- [Analysis of the situation of IDPs from Kosovo in Serbia and Montenegro: law and practice](#), IDP Inter-Agency Working Group, October 2004

CAUSES AND BACKGROUND

Background

The conflict in Kosovo (1981-1999): International community finally imposes autonomy of the province to Yugoslav authorities

- Autonomous Republic of Kosovo, populated by a large majority of ethnic Albanians, remained part of Serbia following the dissolution of the Socialist Federal Republic of Yugoslavia in 1991
- The autonomy of the province was further limited by constitutional changes in 1989 and state of emergency declared shortly afterwards
- For some years the Albanian struggle took the form of peaceful resistance that saw the creation of a parallel society
- When Kosovo's status was excluded from the agenda of the Dayton peace talks (1995), the struggle took a violent turn between the Kosovo Liberation Army (UCK) guerrillas and Serb police forces
- Yugoslavia agrees to a cease-fire and a partial pull-out of Yugoslav forces from Kosovo under the pressure of NATO following increased violence against Kosovo Albanians (October 1998)
- Following the resumption of violence during the winter of 1998, the United States sponsors talks in Rambouillet designed to get Yugoslav and Kosovo Albanian leaders to accept a peace plan (January-March 1999)
- Failure of talks in Rambouillet prompts the NATO to launch air strikes against Yugoslavia to end Serb violence in Kosovo (March-June 1999)
- UN Security Council Resolution 1244 (10 June 1999) upholds sovereignty of the Federal Republic of Yugoslavia over Kosovo but places the province under UN authority (UNMIK)

"Prior its dissolution in 1991, the Socialist Federal Republic of Yugoslavia (SFRY) was made up of six constituent republics (Serbia, Montenegro, Macedonia, Croatia, Slovenia and Bosnia and Herzegovina) and two autonomous provinces (Kosovo and Vojvodina). The SFRY Constitution of 1974 granted the two provinces very similar rights to those of the republics, providing them with their own parliamentary assemblies and seats in the collective Federal Parliament and on the Federal Presidency, despite the fact that they were considered as parts of the Republic of Serbia. However, when the SFRY broke up, the international community recognised only the claims to statehood of the republics. Kosovo and Vojvodina thus remained within Serbia, which, with Montenegro, formed a 'rump' federal State, the Federal Republic of Yugoslavia (FRY)." (ICG 2000, p. 48)

"The total population of Kosovo is difficult to assess, as the Kosovo Albanians boycotted the most recent census in 1991. According to the previous census, in 1981, of a total of 1,585,000 inhabitants, 1,227,000 were Kosovo Albanian and 210,000 Kosovo Serb. Prior to the 1998 and 1999 conflicts, it is estimated that the total population was between 1,800,000 and 2,100,000, of which around 85-90% were Kosovo Albanian." (ICG 2000, footnote 74)

"In many ways, the Kosovo conflict represents a classic secessionist struggle. The 1981 uprising of Albanians demanding the separation of the Autonomous Province of Kosovo from the Republic of Serbia was followed in 1989 by constitutional changes that limited the autonomy of the province. Shortly afterwards, the Yugoslav government declared a state of emergency and assumed direct rule. For some

years the Albanian struggle took the form of peaceful resistance that saw the creation of a parallel society, including government structures, an education system and tax collection, which unofficially existed alongside Belgrade's repressive rule.

When Kosovo's status was excluded from the agenda of the Dayton peace talks, the struggle took a violent turn and, two years later, accelerated when anarchy in neighbouring Albania gave Kosovo Albanian militants ready access to arms through a porous mountain border. Communal violence became commonplace in areas of Kosovo that harboured Kosovo Liberation Army (Ushtria Clirimtare e Kosoves – UCK) guerrillas and were targeted by police forces.

Widely publicized massacres of Kosovo Albanians in February-March 1998 led to growing international concern and pressure to regulate the conflict. Following government military operations against the guerrillas and their population base during the summer, the second half of 1998 saw NATO moving down a path of military confrontation with Belgrade. In a policy of graduated threat articulation, NATO issued progressively stronger signals to Belgrade that military force might be used to secure the withdrawal of government forces and promote a political solution.

An increasingly assertive Western policy towards the conflict was above all the result of US initiatives. Following its role in the war in Bosnia and Herzegovina and the Dayton peace process, the USA took the lead in encouraging NATO involvement and in negotiating a cease-fire, with Serb force withdrawals in October 1998 (Holbrooke-Milosevic Accord). When violence resumed during the winter months, the USA orchestrated the Rambouillet peace talks of January-March 1999 designed to get Yugoslav and Kosovo Albanian leaders to accept a peace plan promoted by the State Department. When this failed, the USA provided the core of the NATO force that carried out air strikes against Serb targets throughout Yugoslavia. The forces of NATO member countries that had earlier been deployed to the neighbouring FYR Macedonia were reinforced as the conflict escalated.

The NATO air strikes that began on 24 March 1999 were intended to end Serb violence in Kosovo and make the Yugoslav authorities accept the terms of the Rambouillet peace plan. The expectation was that this would be quickly achieved. Instead, the NATO strikes were accompanied by escalating violence on the ground and a large refugee outflow that included organized expulsions. The sequence of violence and displacement underlined the importance of the Western powers in the events that produced the refugee emergency, and made the same states take a direct interest in the humanitarian operation. At the same time, the allied campaign against Yugoslavia was premised on co-operation from Albania and FYR Macedonia, the two countries that also received most of the refugees. Humanitarian and strategic concerns thereby became further intertwined." (UNHCR February 2000, paras. 25-29)

"Kosovo, came under the authority of the United Nations Interim Administrative Mission in Kosovo (UNMIK) in June following the NATO campaign in Kosovo, which began on March 24. U.N. Security Council Resolution 1244 upheld FRY sovereignty over Kosovo, but it also called for 'substantial autonomy and meaningful self-administration for Kosovo.' Although the peace settlement respects FRY territorial integrity, the Milosevic regime had no authority in the province after June 10. Dr. Bernard Kouchner, the Special Representative of the U.N. Secretary-General, became the chief administrator of UNMIK. Within UNMIK, the OSCE was given the responsibility for institution-building, democracy-building, and human rights. At year's end, there were also two other local ethnic Albanian established shadow governments operating in Kosovo, neither of which were recognized by the U.N. The leader of the 'provisional government' and former political head of the Kosovo Liberation Army was Hashim Thaqi; Dr. Ibrahim Rugova headed the Democratic League of Kosovo (LDK) and was named the 'President' of the self-proclaimed 'Republic of Kosova' after shadow elections in 1991." (U.S. DOS 25 February 2000, "Kosovo")

For a detailed review of the historical and political background of the conflict in Kosovo, see OSCE Kosovo/Kosova: As Seen, As Told, 2000, chapter "[Kosovo: The Historical and Political Background](#)" [Internet]

Ousting of President Milosevic opens new era of democracy (2000-2003)

- Dramatic political change took place in October 2000, with the ousting of Slobodan Milosevic and the election of a new President of the Federal Republic, Vojislav Kostunica
- Elections for the Republic of Serbia Parliament on 23 December 2000 led to an overwhelming victory of the Democratic Opposition of Serbia (DOS)
- The international community began to remove economic sanctions against the Federal Republic of Yugoslavia after Kostunica's election and the transfer of Milosevic to The Hague Tribunal

"The Federal Republic of Yugoslavia (Yugoslavia), a constitutional republic consisting of the Republic of Serbia and the Republic of Montenegro, has a president and a parliamentary system of government based on multiparty elections. The new federal Government, which was formed on November 4, dropped any claim to being the sole successor state of the former Socialist Federal Republic of Yugoslavia (which dissolved in 1992), and was recognized by the international community. Vojislav Kostunica was elected President of the Federal Republic of Yugoslavia on September 24, and took office on October 7, after mass demonstrations by citizens protesting Slobodan Milosevic's attempts to manipulate the Federal Election Commission and force a second election round led Milosevic to concede defeat. Prior to Kostunica's election, former Yugoslav President Milosevic had brought Serbia closer to open dictatorship than ever before. Immediately following the 1999 war in Kosovo, Milosevic moved to consolidate his weakened position in Serbia through a campaign of intimidation and violence against his political opponents, representatives of the independent media, student groups, civil society, and even, in certain cases, members of the regime. Prior to the September elections, Milosevic, who is also President of the Socialist Party of Serbia (SPS), continued to dominate all formal and informal governing institutions in the country. Although the SPS lacked majorities in both the Federal and Serbian Parliaments, it controlled key administrative positions. The SPS also controlled the governing coalition with the Yugoslav Left (JUL), controlled by Milosevic's wife, Mira Markovic, and the Serbian Radical Party (SRS), controlled by Vojislav Seselj, an extreme ultranationalist known for his radical politics during the wars in Croatia and Bosnia, who resigned from his government position in October. Milosevic also controlled the judiciary." (U.S. DOS February 2000, Introduction)

"As a key element of his hold on power, President Milosevic until his electoral defeat effectively controlled the Serbian police, a heavily armed force of some 80,000 officers that is responsible for internal security. Having been forced to withdraw from Kosovo in 1999, the police then repressed opponents of the regime in Serbia. In addition, Milosevic ignored the constitutional role of the Supreme Defense Council, essentially establishing himself as commander in chief of the Yugoslav Army (VJ), which, along with the police, was employed in the brutal campaign against the citizens of Kosovo in 1999. Several times in the past, Milosevic had purged those officers in both the police and military who either failed to follow his orders or who directly challenged his policies in Kosovo, Serbia, or Montenegro. The security forces committed numerous, serious human rights abuses." (U.S. DOS February 2001, Introduction)

"The dramatic political changes in Serbia launched with the ousting of Slobodan Milosevic in October 2000 continued into 2001. Elections for the Republic of Serbia Parliament on 23 December 2000 led to an overwhelming victory of the Democratic Opposition of Serbia (DOS) and removed Milosevic loyalists from control over the last levers of government in the Federal Public of Yugoslavia. In February 2001, DOS formed a government of Serbia." (UN CHR 22 March 2001, para. 20)

"Financial aid for FRY from the US was made specifically conditional upon Milosevic being handed over to the Hague by 31 March. Milosevic was eventually arrested on domestic charges of corruption, fraud and embezzlement in the early hours of April 1. Although no promises were made to extradite Milosevic to the Hague, his arrest was sufficient for the US to release aid of \$50m to FRY. Milosevic was extradited to the Hague on June 28, just one day ahead of an international donors' conference in Brussels, called to raise money for the reconstruction of FRY. Again the importance of pressure from the international community

was a key factor, with the USA threatening to withhold donations unless cooperation with ICTY was forthcoming. The FRY donors' conference generated \$1,280m in pledges for aid. Milosevic was initially indicted with charges relating to his actions in Kosovo, but further charges in respect of activities in Croatia have since been added.

The decision to extradite Milosevic was taken by the Serbian government, despite a ruling by the FRY constitutional court that no such action should be taken. Milosevic's extradition highlighted the growing differences between FRY President Kostunica and Serbia Prime Minister Djindjic. Kostunica's Democratic Party of Serbia (DSS) said that it would separate from the 18 party DOS alliance and press for a reshuffle in federal and republican governments. Zoran Zizic resigned as FRY Prime Minister, and his party (SNP) ended their coalition with DOS. A few thousand Milosevic supporters demonstrated in the streets of Belgrade, but support for the former president was relatively muted, suggesting that public resistance to his extradition had faded as evidence of Serb atrocities emerged over the preceding weeks.

"In September [2001], the United Nations Security Council lifted its embargo on the FRY's purchase of weapons, military equipment, spare parts and ammunition imports. The Security Council established the embargo in March 1998, in response to the Milosevic's regime's military and police repression in the predominately Albanian province of Kosovo. The Security Council explained that the new decision reflected its approval of the increasing cooperation of the new Belgrade authorities with the UN civilian administration in Kosovo (UNMIK). The Yugoslav Defense Ministry welcomed the decision to lift the arms embargo, noting that it provided evidence of the growing trust of the international community in FRY policies." (USAID 30 September 2001)

Djindjic assassination threatens continuation of Serbia's reforms (2003)

- The assassination of Serbian Premier Djindjic in March 2003 led to a burst of reform activities, but the ability and willingness of the government to pursue decisive reforms are questionable
- A number of measures taken by the government in response to the assassination raise concern
- The ultra-nationalist Serbian Radical Party (SRS) led by Vojislav Seselj emerged as strongest party from early parliamentary elections in Serbia held on 28 December 2003

"The reformist zeal displayed by the Serbian government following the 12 March 2003 assassination of Premier Zoran Djindjic appears to have dissipated. A number of important and positive steps were taken while the shock of that political murder was still fresh. Increasingly, however, their impact is being counterbalanced by actions that bring into question the government's ability to press decisive political and economic reforms home so as to achieve the goal of integration with wider European institutions.

In the immediate aftermath of the shooting, public commitments to cooperate with The Hague Tribunal were made; the army began to be put under civilian control; the highest-profile organised crime gang and parts of the Milosevic-era parallel security structures were dismantled; several dozen prominent murders, many dating back to the old dictator's time, were solved; and the new union of Serbia and Montenegro was admitted to the Council of Europe. All this should have happened quickly after Milosevic's fall in October 2000, but the reform agenda had been blocked by nationalist forces around former Yugoslav President Vojislav Kostunica until February 2003.

As welcome as that burst of activity was, however, new troubling signs have appeared. Those who openly criticise the government on ties to organised crime risk arrest, and officials have launched legal actions to silence the media and respected human rights organisations. Serious human rights violations, including torture, have occurred in the prisons to which those rounded up in the post-assassination crackdown have been sent. The government has almost completely destroyed the independence of Serbia's already dysfunctional judiciary, is imposing media censorship and has given the police sweeping powers of extra-

judicial detention. This all clearly violates Council of Europe standards. The government has yet to reveal who ordered a number of high profile political assassinations widely considered to have been associated with State Security. The newly appointed chief of military intelligence has been implicated by testimony at The Hague Tribunal in a massacre of 129 civilians during the 1999 Kosovo crisis, and the new-found commitment to cooperate with The Hague appears dependent on continued strong international pressure.

Under the state of emergency declared in response to the Djindjic killing, the Serbian government did strike a blow against part of the Milosevic-era parallel security structures. Yet this appears increasingly to have been a one-off reaction. The government still appears unable to pursue reforms energetically since it remains excessively dependent on a Milosevic-era financial oligarchy and faces strong obstruction from a largely unreformed state security (BIA) and army sector. The BIA remains a bastion of individuals tainted by war crimes and connected to organised crime. Both it and the financial oligarchy are actively, and largely successfully, obstructing military reform, democratisation, the rule of law, institution building, cooperation with The Hague, and the fight against organised crime and corruption. Indeed, it increasingly appears that the Democratic Party (DS), the power in the ruling DOS coalition, may have used the assassination and state of emergency not to set Serbia on a fast course forward but to settle political scores.

The DS and the new premier, Zoran Zivkovic, received a significant post-assassination boost in their popularity, largely because of their attacks against organised crime. Those ratings have since dropped, due in large part to the public perception that the government is covering up its association with criminal elements and Djindjic's assassins. Public quarrels have erupted between members of the DOS coalition over how far the crackdown on organised and economic crime should go, and some key politicians appear to be blocking investigations out of self-interest. Without a reliable parliamentary majority, the DS is turning increasingly to Milosevic's old allies, his Socialist Party of Serbia (SPS) and its break-away SNS wing, and defectors from other right-wing nationalist parties, a development that bodes poorly for reforms, but it shows reluctance to call elections that might produce a mandate for change before autumn 2004. (ICG, 17 July 2003)

The ultra-nationalist Serbian Radical Party (SRS) led by Vojislav Seselj emerged as strongest party from early parliamentary elections in Serbia held on 28 December 2003, but did not gain enough seats to form a government.

Kosovo under international administration (2003)

- Transfer of responsibilities from international administration to local provisional institutions continues
- UNMIK releases set of standards which need to be met before status talks can begin
- First high level talks between Kosovar and Serb officials end without results

“Kosovo continue[s] to be administered under the civil authority of the U.N. Interim Administrative Mission in Kosovo (UNMIK), pursuant to U.N. Security Council Resolution 1244. This resolution called for "substantial autonomy and meaningful self-administration" for the persons of Kosovo "within the Federal Republic of Yugoslavia." UNMIK and its chief administrator, the Special Representative of the Secretary General (SRSG), established a civil administration in June 1999, following the conclusion of the NATO military campaign that forced the withdrawal of Yugoslav and Serbian forces from the province. Since that time, the SRSG and UNMIK, with the assistance of the international community, have worked with local leaders to build the institutions and expertise necessary for self-government.

In May 2001, UNMIK promulgated the Constitutional Framework for Provisional Self-Government in Kosovo (the "Constitutional Framework"), which defined the Provisional Institutions of Self Government

(PISG). The PISG replaced the UNMIK-imposed Joint Interim Administrative Structure. In accordance with the Constitutional Framework, certain areas of governance, including that of foreign affairs and justice, were retained by the SRSG. The November 2001 general election created a 120-member Assembly with 100 seats filled by elected officials of all ethnicities and 20 reserved specifically for minorities. On December 10, 2001, the Central, or Kosovo Assembly held its inaugural session, with Nexat Daci heading the Assembly Presidency. On March 4, the Assembly, under Daci's leadership, selected Ibrahim Rugova as President of Kosovo and Bajram Rexhepi as Prime Minister. On October 26, municipal elections were held in all 30 municipalities, although Serbs living in Mitrovica effectively boycotted. International and local election observers concluded that the election was well organized, peaceful, and met international standards.

UNMIK Regulation 1999/24 established that applicable law in Kosovo included UNMIK regulations and those laws in effect in Kosovo as of March 22, 1989, the date Slobodan Milosevic abolished Kosovo's political autonomy. This created a complex, and in some cases, incomplete set of codes. Since its establishment, UNMIK periodically has issued regulations to address the civil and legal responsibilities of governmental entities and private individuals. UNMIK regulations bind all public officials, including judges, to respect international human rights law. The Constitutional Framework provides for an independent judiciary; however, both the international and local judiciary continued to be highly inefficient. As a result, defendants were often detained for lengthy periods pending trial.

The U.N.-authorized, NATO-led peacekeeping force for Kosovo, known as the Kosovo Force or KFOR, continued to carry out its mandate to maintain internal security and defend against external threats. [...]

Economic underdevelopment, in terms of employment, investment, manufacturing capabilities, and markets for goods, continued to plague Kosovo, which has approximately 2 million inhabitants. The post-conflict period has seen a dual struggle to repair the massive war damage to infrastructure and enterprises while facilitating the transition from a centrally directed economy to a market-based one. Construction became the strongest economic sector in the post-conflict period; the agrarian sector improved but did not reach prewar levels. Major industries had not reopened and the economy remained stagnant. Unemployment estimates for the predominantly ethnic Albanian population ranged between 40 and 60 percent. Unemployment among Kosovo Serb and other ethnic communities was higher, although some Kosovo Serbs continued to receive stipends or pensions from Yugoslavia. International organizations and donors continued their programs to improve the infrastructure and provide a regulatory climate conducive to enterprise and investment. Significant criminal economic activity took place, particularly in the fuel sector, and smuggling was widespread." (U.S. DOS, 31 March 2003)

"The transfer by UNMIK of non-reserved responsibilities listed in chapter 5 of the Constitutional Framework to the Provisional Institutions of Self-Government continued. Following a decision in May by the Transfer Council - set up by UNMIK and the Provisional Institutions to oversee, monitor and coordinate the transfer process - 19 of those responsibilities have now been transferred, and 17 more have been identified for transfer, in a gradual and controlled manner and in cooperation with the Provincial Institutions. It is anticipated that the remaining eight non-reserved competencies will be completely transferred by the end of 2003." (UN SC, 15 October 2003)

UNMIK transferred the final [set of responsibilities](#) to local provisional institutions as part of its commitment to gradually introduce self-government to Kosovo in December 2003.

On 10 December 2003, UNMIK launched the "[Standards for Kosovo](#)", which set out goals for preparing Kosovo for final status.

For the first time since the war, high-level [talks](#) were held between Kosovar and Serb officials in Vienna on 14 October 2003. The talks ended without concrete results.

“The start of direct talks on practical matters of mutual interest between Pristina and Belgrade has dominated the political agenda in Kosovo. My Special Representative has been actively engaged in preparations for the dialogue since his arrival in August. Following extensive rounds of consultations with the Kosovo Albanians, Kosovo Serbs, and the political leaders of Serbia and Montenegro and the Republic of Serbia, the dialogue was launched on 14 October in Vienna, with the participation of the President of Kosovo and the Speaker of the Kosovo Assembly, and the Prime Minister and Deputy Prime Minister of the Republic of Serbia. Following the dialogue's initial plenary session, working groups of experts are to discuss four key areas on the agenda, namely, energy, the missing, returns, and transport and communications.” (UN SC, 15 October 2003)

Background to the conflict in Southern Serbia (2000-2005)

- Security incident in January 2005 led to new negotiations between Belgrade and ethnic Albanians from South Serbia
- According to these negotiations ethnic Albanians were allowed to participate to the Coordination Group monitoring the implementation of the Covic Plan
- The three municipalities of Presevo, Bujanovac and Medvedja in the south-east of the Republic of Serbia are inhabited by ethnic Serbs, ethnic Albanians, Roma and other groups
- The ethnic Albanian "Liberation Army of Presevo, Medvedja, and Bujanovac" (UCPMB) was formed in January 2000 and operated in the demilitarized Ground Safety Zone between Kosovo and Serbia
- In May 2001 the conflict was settled on the basis of a peace plan promising to end discrimination against ethnic Albanians through a series of confidence-building measures
- Municipal elections held in July 2002 in the three municipalities consolidated Albanian representation
- Tensions continue and a series of violent incidents in 2003 demonstrated that the peace can still unravel

"Representatives from the municipalities in the Presevo valley region in southern Serbia signed an agreement in the offices of the OSCE mission in Belgrade on 3 March to participate in the work of the Serbian government's Coordination Center for Kosovo and southern Serbia, Belgrade's private radio B92 reported. Jonuz Musliu, who heads the ethnic Albanian Movement for Democratic Progress (LPD), said the Presevo valley Albanians have now gained what they have been demanding for some time. In January, ethnic Albanian lawmakers from the Presevo district parliament had demanded that Belgrade demilitarize the region, open additional border crossings to Kosovo and Macedonia, and reduce the size of the border security zone from 5 kilometers to 200 meters as preconditions for their participation in the coordination center (see "RFE/RL Newslines," 20 January 2005 and see "RFE/RL Balkan Report," 14 January 2005). The agreement was mediated by representatives of the United States, the EU, and the OSCE." (RFE/RL, 7 March 2005)

“En mai 2001, grâce à la médiation de l’OTAN, les gouvernements serbe et – à l’époque encore – yougoslave, parvinrent à conclure un accord avec les commandants de l’UCPMB, l’accord de Konculj. Celui-ci mettait fin à dix-sept mois de soulèvement des Albanais ethniques de la Serbie du Sud et permit à l’armée serbe de réintégrer la zone de sécurité. L’UCPMB fut alors dissoute et démobilisée. En contrepartie, les rebelles albanais bénéficiaient tous d’une amnistie. Des mesures d’ouverture allaient également améliorer la situation de la population albanaise (...) [C]es mesures faisaient partie de ce qu’on a appelé le Plan Covic. Son application devait être assurée par un groupe commun de coordination, formé de membres de la Fédération yougoslave et de la République de Serbie, avec à sa tête Nebojsa Covic, adjoint du Premier ministre. A l’origine, ce groupe avait été mis en place pour lutter contre les miliciens de l’UCPMB. Le rôle de l’OTAN et de l’OSCE était par ailleurs de faire office de garants.

Cependant, il s'agissait d'une commission serbe sans aucune participation des Albanais du sud de la Serbie. Leur coopération ne devint possible qu'après un incident de frontière, en janvier 2005. Les représentants des communes de la vallée de Presevo obtinrent le droit d'intégrer le groupe de coordination, sans que leurs fonctions n'aient été pour autant précisées. [...]

L'assassinat d'un Albanais ethnique, âgé de quinze ans, par une patrouille serbe, le 7 janvier 2005, alors qu'il passait la frontière serbe vers la Macédoine, a brutalement dégradé les relations entre Belgrade et la population albanaise du sud de la Serbie. Cet événement a réveillé la revendication d'une réunification avec le Kosovo. Il a également provoqué des menaces à deux niveaux : démission des gouvernements locaux et constitution de structures albanaises parallèles. Il a aussi relancé les demandes de démilitarisation de la région ou l'envoi de troupes internationales. En guise de réponse, les politiques serbes demandèrent la dissolution de l'assemblée municipale de Presevo. Près de 20'000 Albanais prirent part à l'enterrement du jeune homme, 10'000 se rassemblèrent le jour suivant pour protester contre cet assassinat. Celui-ci montra une fois de plus à quel point la situation reste fragile en matière de sécurité dans le sud de la Serbie. Pour sa part, l'OSCE a demandé une enquête approfondie sur ce crime. Enfin, les protestations ne sont pas restées sans effet puisque le gouvernement serbe est maintenant disposé à accepter une participation albanaise au groupe de coordination Covic." (OSAR, 25 July 2005)

"The three municipalities of [Presevo, Bujanovac and Medvedja] in the south-east of the Republic of Serbia are adjacent to the UN administered province of Kosovo and are inhabited by ethnic Serbs, ethnic Albanians, Roma and other groups. A majority ethnic Albanian population exists in the municipalities of Bujanovac and Presevo, whilst in Medvedja it is a minority. Exact population totals are difficult to determine, as ethnic Albanians did not fully participate in the 1991 census. Due to the economic and social dislocation caused by the break-up of the former Yugoslavia, and the policies of the former regime, the region suffers from structural underdevelopment, characterised by poverty and unemployment, poor infrastructure, and a very weak private sector that has affected all communities.

The territories lie within and outside of the current 5km wide demilitarised 'Ground Security Zone' (GSZ) in Serbian Republic territory that was established in accordance with the Military-Technical Agreement (MTA, also known as the Kumanovo Agreement) of June 1999 and which marked the end of the Kosovo war. Following the subsequent creation of the GSZ, ethnic Albanian armed groups began to appear, coalescing into an armed insurgency through the publicly announced self-styled Liberation Army of Presevo, Medvedja, and Bujanovac (UCPMB) in January 2000. Over the past 14 months, the level of insurgency has fluctuated but had recently shown signs of intensifying. This not only has affected human security, but also threatens the stability of the Southeastern Europe region." (UN OCHA 11 April 2001, sect. 1)

"In the months following the change of government in the Federal Republic of Yugoslavia in October 2000, Serb forces were widely praised by the international community for their restraint in the face of regular attacks from the UCPMB. The Deputy Prime Minister of Serbia, Mr Covic, acknowledged that ethnic Albanians in the Presevo area had some genuine grievances in relation to the discrimination they suffered and indicated that the situation could only be resolved by negotiation. Mr Covic put forward a detailed peace plan, which was welcomed by UN Security Council member states and ultimately formed the basis of a negotiated settlement with the ethnic Albanian leaders in the area.

In May 2001, the UCPMB accepted an amnesty from the Serb authorities. The organisation handed over significant quantities of weapons, disbanded and withdrew from the Presevo area. By the end of May, with the agreement of the international community and ethnic Albanian leaders, the Serb armed forces were able to complete their phased return to the GSZ.

The Serb authorities undertook to implement a series of "confidence building measures" in Southern Serbia. These included:

- Making the ethnic balance of those employed in state services, business and social activities reflect that of the population of the area.
- Guaranteeing ethnic Albanians "an appropriate level of representation" in municipal councils and assemblies, as well as Serbia's parliament.
- Making the police force in the area ethnically mixed, with one ethnic Albanian police officer for every Serb.
- Economic regeneration of the area, including the repair of all Albanian houses to accommodate displaced Albanians who wish to return to the area.

Implementation of these measures is underway. In particular, a training centre for the multi-ethnic police force has been established with the assistance of the OSCE. Ethnic Albanians who fled to Kosovo are now returning to the area, with UNHCR assisting returns and organising "go-see" visits for those considering return. A number of other international organisations including UNICEF, OCHA, ICRC, WFP and UNDP are also working in the area. The World Bank has provided a \$1million grant to a programme supporting municipal development, economic recovery and social rehabilitation.

The positive developments in the Presevo area have been hailed by the international community as a great success for the Serb administration and the local ethnic Albanian leaders. Given the recent history of the area, the potential for conflict to flare up again remains. But the willingness of all parties to engage in negotiation and the Serb authorities' commitment to addressing the needs of the local population mark a radical change of approach and give cause for optimism. However, some concern has been expressed by ethnic Albanian leaders that quicker progress needs to be made in implementing the confidence building measures to ensure that certain elements among their community do not revert back to violent tactics." (UK October 2001, paras. 7.17-7.21)

"Elections in southern Serbia, held at the end of July [2002] in three ethnically mixed municipalities, have helped consolidate peace in the region. Ethnic Albanian representatives won in two municipalities, most notably in Bujanovac, where ethnic Albanian representatives won for the first time. The elections in southern Serbia added further credibility to the Serbian Government and its significant efforts in peace building and development, coupled with strong international support in that region." (UN OCHA 30 September 2002)

"The Albanian-majority Presevo Valley in southern Serbia is one of the few conflict resolution success stories in the former Yugoslavia. Yet tensions linger, and a series of violent incidents in August and September 2003 demonstrated that the peace can still unravel. Serbia's stalled reform process is preventing the political and economic changes that are needed to move forward on many critical issues in the area, and there is a general sense among local Albanians that peace has not delivered what it promised: an end to tensions with Serb security forces and prosperity.

In 2001 the international community – NATO, the U.S. and the OSCE in particular – working in close cooperation with Belgrade authorities, successfully negotiated an end to an armed Albanian uprising in the valley. Sporadic incidents still occurred there until March 2003. Then in August 2003 eight separate attacks, many against the army and moderate Albanians, broke five months of relative calm. The following month, Albanian guerrillas a short distance away in neighbouring northern Macedonia – some of whom may have crossed from Presevo – fought two separate actions against Macedonian security forces, while yet another attack was launched against the army inside southern Serbia. Cross-border flows of refugees and possibly also fighters, combined with claims from the shadowy Albanian National Army (AKSH) of responsibility for two of the attacks in Serbia and both incidents in Macedonia, refocused attention on the valley.

The attacks appear to have been carried out by very few people, not all necessarily Albanians. Southern Serbia's Albanian population as a whole does not seem to support either the AKSH or renewed violence. Several factors have been at work. First was the announcement of initial official talks between Belgrade and the Provisional Institutions of Self Government (PISG) in Kosovo, which got off to a halting start on

14 October 2003. In spite of the fact that official contacts have begun, extremists on both sides are already staking out maximum demands: Serbs for a partition of Kosovo, and Albanians for territorial expansion or “compensation” in the Presevo Valley, called “eastern Kosovo”. A second factor was the Belgrade parliament’s August declaration proclaiming Kosovo an integral part of Serbia. Thirdly, Albanians of the area are deeply unhappy at extremely high levels of unemployment and lack of economic prospects. Finally, certain Albanian political factions within the valley appear interested in weakening the hold Presevo Mayor Riza Halimi has on government and the ensuing patronage. The attacks gave impetus to the demand of Presevo’s politicians to be included in the Pristina–Belgrade dialogue. They emphasised the region’s continuing problems, as well as failures in implementing specific portions of the understandings that apparently ended the troubles in 2001 (the Konculj Agreement and the Covic Plan). They sent a clear message that both Belgrade and the international community will have to keep paying attention to the valley in order to maintain peace and reduce tensions.

Local politics have become more nationalistic, with less room for political manoeuvre and cooperation or compromise with Belgrade available to moderate Albanian politicians such as Halimi. Significant progress has been achieved in the past two years, including the formation of new multiethnic local governments according to fairer rules, joint Albanian-Serb police patrols, and improvements in the Albanian language media. At the same time, promised education reform and the integration of Albanians into the judiciary and other public organs remain disappointing. The recent violence suggests that former Albanian rebel commanders, some elements in Belgrade’s army and ministry of interior, organised crime figures, and others may retain interests in keeping southern Serbia a crisis zone.

The incomplete peace in southern Serbia is further weakened by the continuing uncertainty over Kosovo’s final status. The international community will need to remain engaged, pressing both Belgrade and Albanian politicians to fulfil all aspects of the Konculj Agreement, while focusing more attention on economic development. The UN mission in Kosovo (UNMIK), the NATO troops there (KFOR) – particularly the U.S. contingent – and the Serbian government all need to reassess their performance.” (ICG, 9 December 2003)

Uncertainty around final status issue has a negative impact on displacement and return (2005)

- The unresolved status of Kosovo encourages departures from Kosovo and acts as a deterrent to return
- March 2004 violence have been analysed by some as a result of frustration with the unresolved status
- Further to the March events, the PISG made significant efforts to progress on implementation of the Standards for Kosovo
- UN Secretary General appointed a Special Envoy to carry out a comprehensive review for Kosovo

The unresolved status of Kosovo has a negative impact on displacement and return:

“With the United Nations Interim Administration Mission in Kosovo’s (UNMIK) delegation of power and transfer of competencies, Kosovo’s elected Provisional Institutions of Self-Government (PISG) are gradually gaining more responsibility and more accountability. As this trend accelerates, Kosovo’s unresolved status is increasingly becoming an issue that is contributing to general frustration and tension, both in Kosovo and in the region. The complex process leading to the determination of Kosovo’s future status will depend on numerous factors, including how well PISG institutions are performing against the eight benchmarks elaborated in the ["Standards for Kosovo"](#) document adopted in December 2003. Joint Implementation Working Groups focused on achieving these standards have begun to meet following the launching of the Implementation Plan (KSIP)

by the SRSG in April 2004. The first Implementation Review is planned for mid-2005 and its conclusions will condition the start (or not) of final status discussions.

Whereas it is accepted that full implementation of the eight standards is not a realistic expectation, the PISG will have to demonstrate progress and engagement in priority areas – notably, security, law and order, decentralisation, freedom of movement, returns and functioning institutions. UNHCR is a strong participant in the Working Groups on Freedom of Movement and Sustainable Returns and also contributes to the Working Group on Property Rights.” (UNHCR, 15 September 2004)

“Overall, Kosovo is still in a state of political and institutional flux (e.g. in anticipation of the review in 2005 of implementation of the Standards for Kosovo aimed at creating a democratic, law abiding, and multi-ethnic society). Displaced minority populations are therefore unlikely to show much interest in returning in 2005.” (UNHCR, 1 December 2004, p.283)

“The March violence, limited freedom of movement, unresolved property issues, and the persistent lack of economic opportunities were key factors limiting progress on minority return. Furthermore, uncertainty about the final status of the province makes it difficult to argue that IDP communities are able to make an informed choice about their future.” (UNHCR, 1 June 2005)

“Given the continued tensions and hostility between the majority population and ethnic minorities (the Kosovo-Serb minority especially), contingency planning for population displacements resulting from possible renewed violence is necessary. With current levels of volatility and unpredictability in the security and political environment in Kosovo, severe social unrest could develop at any time notably when the results of the Implementation Review are announced or when discussions over the status of Kosovo take place..” (UNHCR, 15 September 2004, p.1)

The March 2004 violence as a sign of frustration with unresolved status

“Given the persistent, latent inter-ethnic and political tensions, coupled with the frustration of Albanians due to the unresolved status of Kosovo for which Albanians generally blame Serbs and Belgrade, the situation became volatile and susceptible to manipulation by extremist Albanian circles. The tensions [in March 2004] erupted in massive protests by Albanians and violent riots against the Kosovo Serb community, which soon swept across Kosovo. (...)

The KHM [Kosovo Helsinki Monitor] noted that the uncertainty over the final political status of Kosovo has continued to undermine the readiness of both Albanians and Serbs to reconcile and look forward toward a common future in Kosovo. While Albanians continued to fear political developments and arrangements that could lead to any form of return of Serb rule, Serbs have continued to cherish hopes and carry out political initiatives aimed at the return of the Serbian state in Kosovo-or alternatively, aimed at the partitioning of at least the northern and even some of the eastern parts, including other Serb enclaves.” (IHF, 25 May 2005)

See also, on partition and decentralisation: The Lausanne Principles: Multiethnicity, Territory and the Future of Kosovo's Serbs, ESI, 7 June 2004

Progress on the Standards:

“Despite positive developments in 2004, a multitude of problems remained in Kosovo. These included the continuation of the de facto partitioning of northern Kosovo across the river Ibar, which was overwhelmingly Serb-populated and remained under the effective control of Belgrade. Another issue was the fate of missing persons, which was still not fully clarified by the end of 2004 despite progress achieved during the year. The lack of security and freedom of movement, primarily for Serbs, persisted as well as the problems related to property rights. Of deep concern were also the latent tensions and occasional waves of inter-ethnic intolerance and violence.” (IHF, 25 May 2005)

“2. My Special Representative, Søren Jessen-Petersen, has provided a technical assessment of progress against the standards for Kosovo, which is contained in annex I to the present report. His findings show continuing progress in the implementation of the standards and a continued commitment by the leaders of Kosovo to standards implementation. While there was a lull in some aspects of the standards implementation process during the change in the Government of Kosovo, the overall forward momentum begun in the prior reporting period was maintained. More remains to be done, however, as none of the eight standards has been entirely fulfilled and deficiencies remain in key priority areas. (...)

21. In my recommendations to the Security Council of 17 November 2004 (S/2004/932, annex II), I stressed that achieving progress on the eight standards remains the basis of our policy and must be carried out in a dynamic and priority based way within the overall framework of a comprehensive and integrated strategy, in order to give momentum and direction to the political process. Progress in all aspects of this strategy is essential for the success and sustainability of any future status process. Bearing this in mind, and having taken into careful consideration the efforts made thus far by the Provisional Institutions in the implementation of the standards, I believe that a comprehensive review should be initiated this summer. It will be carried out in accordance with resolution 1244 (1999) and the relevant presidential statements of the Security Council. I intend to appoint a Special Envoy to conduct this review in the near future.

22. The comprehensive review should consist of consultations with the parties and the international community, and have a broad scope in order to assess the current situation and the conditions for the possible next steps in the process. It should look at the actual political realities as well as the formal preconditions for launching the future status process on the basis of continuing and effective progress towards implementation of the standards.

23. It should be clearly understood that the outcome of the comprehensive review is not a foregone conclusion. During and beyond the comprehensive review, the representatives of the Provisional Institutions and the political leaders of Kosovo will be expected to pursue and strengthen their efforts to implement the standards, and will continue to be assessed on this basis. Ongoing implementation of the standards now and in the future will be a crucial element of a smooth and orderly political process leading to the determination of the future status of Kosovo whenever that process may begin, and will be central to the sustainability of an eventual political settlement. (SG, 23 May 2005)

On June 2005, the Secretary General appointed Ambassador Kai Eide of Norway as his Special Envoy to undertake a comprehensive review of Kosovo

“The comprehensive review, which will be initiated this summer, will be carried out in accordance with resolution 1244 (1999) and the relevant presidential statements of the Security Council. It will consist of consultations with the parties and the international community, and be broad in scope in order to assess the current situation and the conditions for the possible next steps in the process. It will look at the actual political realities, as well as the formal preconditions for launching the future status process on the basis of continuing and effective progress towards implementation of the Standards for Kosovo, which are to be achieved in order to establish in Kosovo a multi-ethnic, stable and democratic society founded on the rule of law” (SG, 3 June 2005)

Causes of displacement

Displacement before and during NATO intervention (1998-1999)

- Violence during 1998 forced about 350,000 persons to internal displacement, including 180,000 Kosovo Albanians

- Only 100,000 internally displaced returned following the signature of the October 1998 Holbrooke-Milosevic agreement (as of end 1998)
- Human rights reports between October 1998 and June 1999 show a pattern of organized and systematic human rights violations perpetrated by Yugoslav and Serb forces against the Kosovo Albanian population
- Violations of human rights and humanitarian law include: summary and arbitrary killing of civilians, arbitrary arrests and detentions, torture, rape and other forms of sexual violence, forced expulsion, extortion, destruction of properties and looting
- Between March and June 1999, several hundred thousand Kosovo Albanians were displaced within the province by the conflict while 863,000 Kosovo Albanian were expelled from the province

Displacement in 1998

"In late February and early March 1998, a wave of violence swept through Kosovo [...]. The early spring violence caused about 44,000 persons to flee their homes, including about 20,000 ethnic Albanians from the Drenica area, which bore the brunt of a Serb police crack down. Fighting and displacement continued to ebb and flow throughout the year." (USCR 1999, p. 247)

"Although the numbers changed rapidly during [1998], and estimates varied widely, UNHCR estimated that some 257,000 people were displaced within Yugoslavia at the end of 1998, of whom 180,000, almost entirely ethnic Albanians, were displaced within Kosovo, 50,000, predominantly ethnic Serbs from Kosovo, were displaced into Serbia, and 27,000, both ethnic Serb and Albanian, were internally displaced from Kosovo into Montenegro. The year-end figure for internal displacement reflected the return of more than 100,000 internally displaced people after the signing of the October 13 agreement between U.S. Special Envoy Richard Holbrooke and Federal Republic of Yugoslavia (FRY) President Slobodan Milosevic and the cease-fire that shakily held through year's end." (USCR 1999, p. 247)

Causes of displacement between October 1998 and June 1999 as identified by the OSCE Kosovo Verification Mission (OSCE-KVM)

"The OSCE-KVM's findings are presented by the OSCE/ODIHR from three perspectives. Approaching this data from any of these perspectives, the analysis reveals clear patterns and strategies of human rights violations.

The first perspective is an analysis of the nature of the human rights and humanitarian law violations that were committed in Kosovo. This reveals that:

- Summary and arbitrary killing of civilian non-combatants occurred at the hands of both parties to the conflict in the period up to 20 March. On the part of the Yugoslav and Serbian forces, their intent to apply mass killing as an instrument of terror, coercion or punishment against Kosovo Albanians was already in evidence in 1998, and was shockingly demonstrated by incidents in January 1999 (including the Racak mass killing) and beyond. Arbitrary killing of civilians was both a tactic in the campaign to expel Kosovo Albanians, and an objective in itself.
- Arbitrary arrest and detention, and the violation of the right to a fair trial, became increasingly the tools of the law enforcement agencies in the suppression of Kosovo Albanian civil and political rights, and - accompanied by torture and ill-treatment - were applied as a means to intimidate the entire Kosovo Albanian society.
- Rape and other forms of sexual violence were applied sometimes as a weapon of war.
- Forced expulsion carried out by Yugoslav and Serbian forces took place on a massive scale, with evident strategic planning and in clear violation of the laws and customs of war. It was often accompanied

by deliberate destruction of property, and looting. Opportunities for extortion of money were a prime motivator for Yugoslav and Serbian perpetrators of human rights and humanitarian law violations.

The second perspective is to look at the specific and different ways in which communities and groups in Kosovo society experienced human rights violations during the conflict. Findings include:

- There was a specific focus - for killings, arbitrary detention and torture - on young Kosovo Albanian men of fighting age, every one of them apparently perceived as a potential "terrorist".
- Women were placed in positions of great vulnerability, and were specific objects of violence targeting their gender.
- There is chilling evidence of the murderous targeting of children, with the aim of terrorizing and punishing adults and communities.
- The Kosovo Serb community were victims of humanitarian law violations committed by the UCK, especially in the matter of the many Serbs missing following abduction. However, many Serb civilians were active participants in human rights violations, alongside the military and security forces, against the Kosovo Albanians. Other national communities and minorities also had specific experiences of the conflict.
- Prominent, educated, wealthy or politically or socially active Kosovo Albanians were a prime target to be killed. Local staff of the OSCE-KVM, and other people associated with the mission were harassed or forcibly expelled, and some were killed, after 20 March.

The third perspective is a geographical human rights 'map' of Kosovo. Proceeding municipality by municipality, the report presents descriptions of events in hundreds of communities across Kosovo. In some cases the descriptions are of events on a single day or within a short time period, and reveal how the most characteristic human rights violations of the entire reporting period - forced expulsion, inevitably accompanied by deliberate property destruction, and often by killings or other violence, or extortion - could be visited on a community with little or no advance indication, with great speed, and with great thoroughness. Such experiences were replicated in rural areas all across Kosovo, and would be repeated if villagers attempted to return to their homes. In other locations, particularly the towns, communities of Kosovo Albanian civilians experienced an onslaught over many days or weeks combining arbitrary violence and abuse with an overall approach that appeared highly organized and systematic. Everywhere, the attacks on communities appear to have been dictated by strategy, not by breakdown in command and control.

[...]

The scale on which human rights violations recur is staggering. It has been estimated that over 90 per cent of the Kosovo Albanian population - over 1.45 million people - were displaced by the conflict by 9 June 1999. The death toll as yet can only be guessed at, but the prevalence of confirmed reports and witness statements about individual and group killings in this report is indicative. The violence meted out to people, as recounted vividly, particularly in the statements of refugees, was extreme and appalling. The accounts of refugees also give compelling examples of the organized and systematic nature of what was being perpetrated by Yugoslav and Serbian forces, and their tolerance for and collusion in acts of extreme lawlessness by paramilitaries and armed civilians." (OSCE 1999, "Executive Summary")

Scope of displacement between March and June 1999

"Between March and June 1999 forces of the FRY and Serbia forcibly expelled some 863,000 Kosovo Albanians from Kosovo. Of these, 783,000 - the vast majority - stayed in the region - in Albania, the former Yugoslav Republic of Macedonia, Montenegro (FRY) or Bosnia-Herzegovina. More detailed figures are given in the table. As of 9 June 80,000 refugees were evacuated to 40 other countries participating in a

Humanitarian Evacuation Programme (HEP), organized by the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM).

In addition, several hundred thousand other Kosovo Albanians were displaced within Kosovo and remained in the province throughout the conflict. [...] Figures for the numbers of internally displaced are less reliable than those for refugees, but it is clear from refugee accounts that many convoys and groups of IDPs, often numbering several tens of thousands, were on the move throughout the conflict. The UCK gave a figure of 650,000 internally displaced hiding in the hills and 100,000 missing, but it now appears that these figures may have been exaggerated. The UNHCR estimated that as of 13 May 1999 there were 590,000 IDPs in Kosovo, although the lack of international personnel on the ground makes these figures difficult to verify." (OSCE 1999, chapter 14)

See also International Crisis group report [Reality Demands, Documenting Violations of International Humanitarian Law in Kosovo 1999, 2000 \[Internet\]](#)

Massive return of Kosovo Albanians since end of NATO intervention (from June 1999)

- By the end of June 1999, some 500,000 displaced had returned, sometimes at a daily rate of 50,000
- By mid- November 1999, 810,000 Kosovo refugees had returned but 350,000 cannot return to their inhabitable homes

"The Military Technical Agreement signed on June 9 between KFOR (a NATO-led international force) and the Yugoslav government ended open military conflict in Kosovo. Serbian forces agreed to withdraw immediately. Some 45,000 KFOR troops entered the province on June 12. UN Security Council Resolution 1244 established the UN Mission in Kosovo (UNMIK) to administer and help rebuild Kosovo. UNHCR, the OSCE, and the European Union became responsible for, respectively, humanitarian affairs, institution building, and reconstruction.

The vast majority of ethnic Albanians who had fled internally or abroad returned to their places of origin within weeks, despite warnings that their safety could not yet be guaranteed. By the end of June, some 500,000 people had returned, sometimes as many as 50,000 per day. By mid-November, 810,000 Kosovo refugees had returned, including about 60 percent of the UNHCR evacuees to third countries. However, because some 100,000 homes remained uninhabitable, many returnees became displaced within the province. About 350,000 returnees remained displaced at year's end." (USCR 2000, pp. 289-290)

Large scale displacement of ethnic minorities following the NATO intervention (1999)

- Desire for revenge among the Kosovo Albanian population against those who are believed to have actively or tacitly collaborated with the Yugoslav and Serbian security forces
- Climate conducive to human rights violations against the Kosovo Serbs, the Roma and the Muslim Slavs, forcing them into continuous exodus
- Many flee to Serbia and Montenegro or towards mono-ethnic enclaves in the province
- Violence against ethnic minorities include: killings, rape, beatings, torture, house-burning and abductions, or threats thereof, as well as denied access to public services, healthcare, education and employment
- During the first half of 2000, members of minority communities continued to be victims of intimidation, assaults and threats throughout Kosovo during first half of 2000

Findings of the OSCE Kosovo Verification Mission (KVM)(June 1998 - October 1999)

"[In the period between June and October 1999] no community has escaped breaches of human rights, including the Kosovo Albanians. Particularly in the Kosovska Mitrovica/Mitrovice area, their freedom of movement and rights of access to education and healthcare have been violated. The [OSCE KVM] report testifies to this and does not minimise the effect on the individuals concerned. However, the overwhelming weight of evidence points to violations against non-Albanians.

One discernible leitmotif emerges from [OSCE KVM] report. Revenge. Throughout the regions the desire for revenge has created a climate in which the vast majority of human rights violations have taken place. Through the assailant's eyes, the victims had either participated, or were believed to have participated, in the large-scale human rights abuses [between October 1998 and June 1999]; or they were believed to have actively or tacitly collaborated with the Yugoslav and Serbian security forces. Within this climate of vindictiveness a third category of victims emerged: those individuals or groups who were persecuted simply because they had not been seen to suffer before.

[...]

The first, obvious, group that suffered revenge attacks are the Kosovo Serbs. Despite the generally accepted premise that many of those who had actively participated in criminal acts left along with the withdrawing Yugoslav and Serbian security forces, the assumption of collective guilt prevailed. The entire remaining Kosovo Serb population was seen as a target for Kosovo Albanians. The [OSCE KVM] report repeatedly catalogues incidents throughout the area where vulnerable, elderly Kosovo Serbs have been the victims of violence. The result of this has been a continuous exodus of Kosovo Serbs to Serbia and Montenegro and an inevitable internal displacement towards mono-ethnic enclaves, adding fuel to Serb calls for cantonisation.

Other particular victims of violence documented in the [OSCE KVM] report are the Roma and Muslim Slavs. Many Kosovo Albanians labeled the Roma as collaborators: accused of carrying out the dirty work, such as disposing of bodies, they were tainted by association with the regime in Belgrade. The [OSCE KVM] report documents the decimation of the Roma community in many parts of Kosovo/Kosova, driven from their homes in fear of their lives. The Muslim Slav community, largely concentrated in the west of Kosovo/Kosova, may share the same faith as the Kosovo Albanians, but they are separated by language. To be a Serbo-Croat speaker in Kosovo/Kosova is to be a suspect and can be enough in itself to incite violence. Other non-Albanians that feature in the report as victims of human rights violations include the Turks and Croats.

A disturbing theme that the [OSCE KVM] report uncovers is the intolerance, unknown before, that has emerged within the Kosovo Albanian community. Rights of Kosovo Albanians to freedom of association, expression, thought and religion have all been challenged by other Kosovo Albanians. The [OSCE KVM] report reveals that opposition to the new order, particularly the (former) UCK's dominance of the self-styled municipal administrations, or simply a perceived lack of commitment to the UCK cause has led to intimidation and harassment. A further aspect of inter-Kosovo Albanian intolerance has been the challenges made in the Pec/Peje area to the rights of Catholic Albanians to express their religion.

Violence has taken many forms: killings, rape, beatings, torture, house-burning and abductions. Not all violence has been physical, however, fear and terror tactics have been used as weapons of revenge. Sustained aggression, even without physical injury, exerts extreme pressure, leaving people not only unable to move outside their home, but unable to live peacefully within their home. In many instances, fear has generated silence, in turn allowing the climate of impunity to go unchecked. The [OSCE KVM] report shows that not only have communities been driven from their homes, but also that the current climate is not conducive to returns. As a result, the spiral of violence has driven a wedge between Kosovo/Kosova's communities, making ever more elusive the international community's envisioned goal of ethnic co-existence.

The [OSCE KVM] report highlights that although many incidents were disparate, individual acts of revenge, others have assumed a more systematic pattern and appear to have been organised. The evidence in part points to a careful targeting of victims and an underlying intention to expel. This leads to one of the more sensitive areas of the report, namely the extent of UCK involvement in the period from June to October 1999. A consistent reporting feature has been assumed UCK presence and control. The [OSCE KVM] report is littered with witness statements testifying to UCK involvement, both before and after the demilitarisation deadline of 19th September ranging from reports of UCK 'police' to more recent accusations of intimidation by self-proclaimed members of the provisional Kosovo Protection Corps (TKM). It is clear that the UCK stepped in to fill a law and order void, but this 'policing' role is unrestrained by law and without legitimacy. The highest levels of the former UCK leadership and current provisional TKM hierarchy have openly distanced themselves from any connection of their members to the violence that has taken place. They highlight the ease with which criminal elements who were never part of the UCK are now exploiting the UCK umbrella for their own nefarious purposes. Close scrutiny by the international community is needed to prove, or disprove, the veracity of these claims.

The [OSCE KVM] report also highlights many instances of other human rights violations, such as denied access to public services, healthcare, education and employment which have also been used as a tool by both the Kosovo Albanians and the Kosovo Serbs to prevent the integration of traditionally mixed institutions. Restricted access to education, with its long-term implications for the life-chances of those affected; poor healthcare; limited employment opportunities – these are the emerging elements that lock segments of the population into a cycle of poverty and divide communities both on ethnic and on economic grounds. They constitute violations of civil, political, economic, social and cultural rights." (OSCE 1999, Part II, Executive Summary)

Displacement caused by the armed conflict between the Serbian forces and ethnic Albanian rebels in the Presevo valley (2000-2001)

- About one third of the Albanian population of Presevo, Bujanovac and Medvedja fled at one times but many of the Albanians who fled during the last 1,5 year have returned
- Internally displaced persons have fled out of fear of being caught between firing lines, and one of a general concern about the build-up of police and military forces in Presevo Valley
- The Federal Republic of Yugoslavia and Serbian authorities have reportedly acted with restraint and there have been no reports of atrocities or property being damaged recently
- Serb communities in Southern Serbia expressed concern about an increasing number of home sales by Serbs to ethnic Albanians after the peace agreement signed in May 2001

"There has been significant population movement in Presevo, Bujanovac, and Medvedja over the last 2 years. While the three municipalities were not heavily affected by the Kosovo war, approximately one third of the ethnic Albanian population fled at that time mostly due to fear of an escalating conflict, as well as in some cases in response to treatment by State forces. Most, however, returned quickly to their homes. A smaller number of ethnic Albanians, mostly from small villages near the boundary with Kosovo, again fled in early 2000 as they feared a Government crackdown on the recently formed UCPMB. The major turning point in the region occurred in November 2000 when the UCPMB attacked several police positions and gained control of the larger villages: Veliki Trnovac, Lucane, and Koculj. It is estimated that over 10,000 ethnic Albanians fled to Kosovo as a result of the fighting and the threat that the Yugoslav Army would in response enter into the GSZ. While many of the ethnic Albanians that fled over the last 1½ years have returned, it is estimated that approximately 15,000 remain in Kosovo." (UN OCHA 11 April 2001, sect. 2)

"The Special Rapporteur remains deeply concerned about the continuing violence in the Presevo Valley region of southern Serbia. Tensions have remained high as units of the ethnic Albanian Liberation Army of Presevo, Medvedja and Bujanovic (UCPMB) have continued to engage the Federal Republic of Yugoslavia

security forces in firefights in and near the Ground Safety Zone (GSZ) along the border with Kosovo. Approximately 40 deaths have now been attributed to the violence in the area since the UCPMB became active in early 2000, including the deaths in early March 2001 of three Federal Republic of Yugoslavia soldiers killed by a landmine near the GSZ. The Federal Republic of Yugoslavia and Serbian authorities have continued to act with restraint, seeking NATO, United Nations and international community assistance for a negotiated settlement to the violence. The authorities have prepared a detailed plan for addressing the structural discrimination affecting the Albanian majority in the Presevo Valley, and Albanian leaders in the region have developed their own proposal for discussion." (UN CHR 22 March 2001, para. 22)

"In mid-November [2000], there was an escalation of armed confrontation between the Serbian security forces and the self-styled Liberation Army of Presevo, Medveda and Bujanovac (UCPMB) in the group safety zone. Initially limited to harassing fire against the static Serbian Ministry of the Interior police (MUP), the attacks increased in size, duration, sophistication and aggressiveness. On 23 November, three MUP officers were killed in attacks some 5 kilometers south-west of Bujanovac. The clashes triggered an influx of almost 5,000 displaced persons from the ground safety zone and other locations into Kosovo. While the number of those displaced was relatively small, the potential implications for peace and stability in the region were quite serious.

After monitoring movements of internally displaced persons into Kosovo and speaking with ethnic Albanians in southern Serbia proper, UNHCR reported that internally displaced persons had fled out of fear of being caught between firing lines, and one of a general concern about the build-up of police and military forces in Presevo Valley. While ethnic Albanian representatives claimed not to be disturbed by local police from southern Serbia proper, they indicated that the presence of security forces previously stationed in Kosovo served as a major source of intimidation. It should be noted that there have been no reports of atrocities committed or of property being damaged recently, although some ethnic Albanians did complain of intimidation and harassment by MUP inside the ground safety zone." (UN SC 15 December 2000, paras. 21-22)

Reports of Serbs leaving the Presevo valley after the May 2001 peace agreement

"Serbs living in Presevo municipality (Southern Serbia) and the Presevo-based Serbian Council for Human Rights expressed concern about an increasing number of home sales by Serbs to ethnic Albanians. According to the Council for Human Rights, limited financial prospects and an uncertain future appear to be the main reasons for the home sales, although there is concern that Serbs feel increasingly unwelcome in the predominately ethnic Albanian municipality." (USAID 30 September 2001)

For return movements to the Presevo Valley, see "[IDPs from Southern Serbia: some have chosen to integrate in Kosovo \(2001-2002\)](#)" [Internal link]

Ethnic Albanians forced to leave Serb enclaves in Kosovo (2000-2002)

- Violence and intimidation by Kosovo Serbs in their enclaves, in particular northern Mitrovica, led to the departure of Kosovo Albanian families from June 1999
- Since March 2001, there has no significant departure of ethnic Albanians but the situation for those still in northern Mitrovica remains precarious
- Ethnic Serbs violently oppose return of ethnic Albanians in the municipality of Strpce (January 2002)

"Serbs and Roma who did not leave when Yugoslav forces withdrew lived primarily in enclaves, except for the Serbs in the north of the province, where Serbs and Albanians effectively partitioned Mitrovica. Serbs lived largely in the northern Kosovo municipalities of Leposavic, Zubin Potok, and Zvecan, and in the

northern part of Mitrovica, and in scattered enclaves under KFOR protection elsewhere. KFOR and UNMIK provided security to these enclaves, settlements, and camps, and escorted minority members who left their residence areas as well as convoys of private Serb vehicles. The UNHCR provided buses to transport Serbs in larger numbers between enclaves and into Serbia to take care of personal business.

In Mitrovica Serb and Albanian Kosovars restricted each other's freedom of movement (see Section 2.d.). After Serbian forces withdrew in 1999, many ethnic Serbs from throughout Kosovo fled to Mitrovica and occupied homes, including those belonging to ethnic Albanians in the northern part of that town. Ethnic Albanians who sought to return to their homes in the north were subject to violence and intimidation by ethnic Serbs, and about 1,500 who live in the northern section of town reported repeated harassment. For example, in April a group of Serbs set fire to 3 Albanian homes and damaged over 20 U.N. vehicles in north Mitrovica. Ethnic Serbs stationed near the bridges monitored persons who crossed the Ibar River from southern Mitrovica into the northern part of the town. Serbs in the northern part of the city continued to seize Albanian property, resulting in over 60 reported illegal house occupations during the summer months. At the same time, ethnic Serbs, including some who owned property there, were unable to move freely in the southern part of the town without similar harassment from ethnic Albanians." (U.S. DOS February 2001, Kosovo, sect. 5)

"Repeated violent flare-ups in Mitrovica have provoked renewed ethnic tension and have led to additional departures of Kosovo Albanian families from the northern side of the city. In July alone, more than 20 ethnic Albanian families from northern Mitrovica registered for assistance with UNHCR on the southern side of the city. Some families have reported being verbally or physically threatened, having their homes attacked or entered by force, receiving phone calls warning them to leave, or being summarily "evicted" from their homes. This renewed displacement appears to have been sparked by fear of reprisals following the arrest by UNMIK police of a Kosovo Serb suspected of arson, theft and assault in the northern part of the city. Displaced Kosovo Albanians have been accommodated either with host families or in a temporary transit centre. UNHCR has daily contact with many ethnic Albanian families still in northern Mitrovica and continues to monitor the situation closely." (UN SC 18 September 2000, para. 34)

"[W]ithout clear orders from legal authorities to evict people, the law enforcement agencies (primarily KFOR and UNMIK Police) are unable to carry out lawful evictions. Again, there appears to be no general policy on how to address eviction issues: with local police drawing up their own policies in this area, practice varies greatly. The lack of clear and consistent policies is demonstrated most clearly by the continuing eviction of minorities (including Kosovo Albanians) from north Mitrovica. While the law enforcement authorities in July 2000 announced a co-ordinated policy for evicting recent occupants, this does not appear to have been widely or uniformly applied, and the evictions and illegal occupations have continued." (OSCE 25 September 2000)

For more information on situation in Mitrovica, see "Yugoslavia: Violence in Mitrovica shows ethnic tension still high in Kosovo", 31 January 2001 [Internet]

"In **Mitrovicë/Mitrovica north** a number of Kosovo Albanians live in isolated apartments in communities where the population is mainly elderly and live in adverse socio-economic conditions dependent on the support of humanitarian organisations. Security is precarious and freedom of movement very limited. For example on 12 January 2002, a hand grenade was thrown at a house belonging to a Kosovo Albanian in the Bosniak Mahala area and in another incident in Mitrovicë/Mitrovica north on 26 March 2002, Kosovo Serbs assaulted a Kosovo Albanian man after he crossed the bridge into the northern part of the city. On December 16 2001, during Ramadan, KFOR and UNMIK Special Police Units had to provide security to ensure that about 150 Kosovo Albanians could travel to the northern part of Mitrovicë/Mitrovica to visit a Muslim cemetery located in a predominantly Kosovo Serb area. Other attempts for displaced Albanians to visit their homes have been effectively obstructed by the Serb population, through roadblocks and protests with strong undercurrents of potential violence, in expression of clear opposition of any Albanian movement perceived as related to attempts to return.

There has been no significant new flight of Kosovo Albanians from the north since March 2001, but the situation of those few Albanian families who still live in northern urban Mitrovicë/Mitrovica remained extremely precarious. The violent upsurge of 8 April 2002 in particular raised the pressure on Albanian minorities considerably. In such a fundamentally unstable and volatile environment, intimidation of non-Serb minorities can intensify very rapidly, with potential for more serious attacks.

In another example, on 22 January 2002, 13 Kosovo Albanian Štrpce/Shtërpçë Municipal Assembly members entered **Štrpce/Shtërpçë** town to assume their duties. However, this was perceived as a provocation by some elements in the Kosovo Serb community who organised a demonstration against their presence. The protest culminated in the blocking of the main access road to the Municipal Assembly Building and the Kosovo Albanian Municipal Assembly members seeking sanctuary from a mob at the Štrpce/Shtërpçë police station. In response, an estimated 150 Kosovo Albanians counter-demonstrated and blocked the main road into the town. To diffuse the situation KFOR and UNMIK police escorted the Kosovo Albanians out of Štrpce/Shtërpçë. The situation was such that the authorities felt compelled to apply stringent freedom of movement restrictions and a stand-off ensued that lasted for several days and led to the suspension of the bus line which runs through Štrpce/Shtërpçë to Zhupa Valley (Prizren) and transports minorities. Such a prohibitive security environment has stymied the prospects of return of displaced Albanians in many locations in the municipality. However, sustained pressure mostly by KFOR has resulted in opening up of access to the municipal building for Kosovo Albanian officials most recently." (UNHCR/OSCE May 2002, paras. 228-230)

Refugees returning to Kosovo face risk of internal displacement (2000-2002)

- Since 1999, more than 900,000 refugees have returned to Kosovo, most ethnic Albanians
- Limited absorption capacity in the province may have forced several returnees to find alternative accommodation
- Minorities returning from Macedonia also risk remaining internally displaced in Kosovo or Serbia

"Ethnic Albanian Kosovar Return After KFOR deployed to Kosovo in June 1999, a majority of ethnic Albanians who had fled abroad returned to their places of origin within weeks. By the end of 1999, about 780,000 Albanian Kosovars had repatriated. During 2000, another 101,000 Kosovars repatriated. In 2001, the number of repatriating Kosovars fell to about 19,500. Since voluntary returns to Kosovo began in 1999, more than 900,000 refugees have returned to Kosovo, including 430,000 from Albania, 224,000 from Macedonia, 90,000 from Germany, 44,000 from Switzerland, and 34,000 from Turkey. UNHCR assisted in about 207,000 returns.

Host countries also deported 8,053 Kosovars during 2001, including 4,501 deported from Germany and 1,334 from Switzerland.

An estimated 98,000 homes destroyed or damaged in 1999 remained uninhabitable in 2001. Assuming an average family size of six per household, this would mean that as many as 600,000 could still be displaced from their original homes. This rough estimate would be qualified by the possibility that some uprooted persons may have found other durable solutions and others could remain displaced because of fear of persecution but have intact homes." (USCR 2002, p. 258)

"Presently, there is a tendency in the host states to make Kosovars return to Kosovo or to other places in the FRY. Some countries, like Switzerland for example, offer financial incentives to returnees. Others return forcibly. From January to June this year, Germany has forcibly returned 1,785 individuals, the UK 648, Switzerland 425, Norway 266, Slovenia 247, Belgium 103, etc.; the total of '*forced returns to Pristina*' registered by UNMIK Border Police for that period of time is 3737 persons. The Norwegian Refugee Council returnee monitoring team has stated that '*79 individual cases of minority returns were recorded of*

which 11 were reported as having been forcibly repatriated to Kosovo' from January to August 2002." (COE 16 October 2002, para. 216)

"Despite the limited absorption capacity and the shattered infrastructure in Kosovo, with few exceptions those who have returned this year have managed to find accommodation, if not in their original homes, with friends and relatives. Given the large number of returns since June 1999, however, shelter possibilities are now largely exhausted. UNHCR continues to advocate that countries of asylum should give preference to voluntary returns and to supporting the funding of community-based reconstruction efforts in Kosovo. As winter once again approaches, it is recommended that forced returns should be avoided to the extent possible and should take place only after due consideration has been given to existing individual vulnerabilities. UNHCR further recommends that persons who are known to lack accommodation upon arrival should not be returned during the winter months." (HIWG 1 September 2000, para. 23)

"The housing issue is far from being resolved. With about 120.000 houses damaged or destroyed during the war, about 83.000 are still in need of renovation or reconstruction. Kosovo has a capacity of constructing approximately 7.000 housing units per year, but no more. The newly installed Housing and Property Directorate does not have the financial means to cope with a large amount of problems, ranging from reconstruction, allocation of houses and reconstruction material to the liberation of illegal occupied houses and apartments. In April 2001, approximately 3.500 persons still lived in temporary community shelters." (COE 23 April 2001, para. 19)

"While it is clear that Kosovo's **Ashkaelia and Egyptian** populations in particular enjoyed more advances in their general situation as compared to Kosovo Serbs and Roma, the return trends do not point to having yet reached the critical turning point vis-à-vis conditions for sustainable return for Albanian-speaking ethnic minorities. Very few spontaneous returns were noted during the year 2001 and during the reporting period. Return of Roma, Ashkaelia and Egyptians was largely limited to UNHCR-facilitated movements from fYROM, which continued with very low numbers, with 327 RAE refugees returning during 2001 to Kosovo. It should be noted that these returns took place mostly to six municipalities only, and that the majority (70%) of the total returns to Kosovo during the year took place during the period April-July, coinciding with the most critical periods of internal armed conflict in fYROM. 'Push factors' rather than significant qualitative improvements in conditions in Kosovo can be considered a compelling factor motivating many returns during this period. This is demonstrated by the fact that during the year, 780 Roma, Ashkaelia and Egyptian refugees in fYROM opted for return to internal displacement in Serbia proper. Thus, approximately 70% of the total number of Kosovar RAE refugees who left fYROM in 2001 actually re-located to Serbia into internal displacement, despite very difficult material conditions there, rather than returning to Kosovo under prevailing circumstances.[108]

At the same time, there were some areas with significant **Roma, Ashkaelia and Egyptian** populations, who did indeed experience notable advances in security and freedom of movement within their municipalities and regions, yet these improvements did not produce significant increases in spontaneous return. Often, one key obstacle to return could be found in the unsustainable living conditions in the potential locations for return, while another key obstacle remained the lack of significant enough Kosovo-wide improvements in security and freedom of movement as well as lack of reconstruction assistance. To cite an example, the Albanian-speaking Egyptian communities of western Kosovo enjoyed a gradual but significant reduction of insecurity, steady improvements of freedom of movement, and increased dialogue and interaction with the majority Albanian community, yet this region did not receive significant numbers of new returns. This can be partially attributed to the fact that material conditions (particularly reconstruction and income generation opportunities) were not widely available, and existing Egyptian communities had exhausted their absorption capacity given already over-burdened host family arrangements.[109] During the period there was a growing realisation within the international community that, without creating material conditions for the return of IDPs within Kosovo through reconstruction and other reintegration assistance, and the ability to reclaim their homes, existing communities will remain too fragile to generate any pull factors for further refugee and IDP return from outside of Kosovo. At the same time, the lack of return of RAE to some communities was not only a function of poor material conditions,

but also often continued to be a matter of security and uncertain inter-ethnic relations. While many existing RAE communities enjoyed improvements in relations with Albanian neighbours, in some locations the majority population continued to express their opposition to return. In some cases, this opposition seemed clearly motivated by majority interests (e.g. occupation of RAE houses or land usurpation), where the return of IDPs of RAE communities would clearly threaten the status quo, creating a risk to returnees' safety. It therefore cannot be said that obstacles to return for RAE are only of a material nature."

[Footnote 108: Many of those RAE refugees who returned to internal displacement in Serbia are from municipalities in Kosovo, for example Suharekë/Suva Reka, where security conditions and the social environment are not conducive to return.]

[Footnote 109: For example, in four municipalities of western Kosovo, over 200 RAE families live in internal displacement in host family arrangements, unable to return to their own neighbourhoods and damaged or destroyed homes. A significant number of these families had previously returned from Montenegro into internal displacement in Kosovo since their own communities remained uninhabited or still destroyed.] (UNHCR/OSCE May 2002, paras. 166-167)

Forced displacement also affects other minority groups in Kosovo (2001-2002)

- Roma, Ashkaelia and Egyptian communities are confined to enclaves, often living in collective centres or camps
- Lack of reconstruction aid have forced Roma IDPs to live temporarily with host families
- Ethnic Bosniacs also face serious limitations to their freedom of movement
- The Gorani community experiences discriminatory practices and harassment even more intensely than Bosniacs

"Like most minorities, Roma, Ashkaelia and Egyptian [RAE] communities also have to face **limits to their freedom of movement** (to a greater or lesser extent which varies by community), which adversely affects their ability to exercise social and economic rights especially with regard to full access to employment opportunities, education, health, social services and utilities. The situation is especially difficult as historically the RAE have relied on freedom of movement to earn a livelihood, making confinement to enclave like locations, collective centres or 'IDP camps' such as those situated in Plemetin/Plemetina, Mitrovicë/Mitrovica, Zhitkoc/Zitkovac and Leposavië/Leposaviq particularly oppressive. The fact that hundreds of Roma, Ashkaelia and Egyptians continue to live in IDP camp situations, most of them unable to return to their own municipalities, points to the fact that insecurity is still a serious problem for RAE who originate from many municipalities in Kosovo. Outside these enclave locations RAE communities in specific municipalities enjoy varying levels of improvement to their situation. In the five municipalities of the Pejë/Pea region, Roma have experienced modest but steady improvements in security and freedom of movement. However, there are substantial differences between the situation of Roma who speak Albanian and those who can only speak Serb, especially with regard to security and access to education, services and employment opportunities, with the latter facing more serious constraints.

The Ashkaelia population seems to have experienced significant improvements in their security situation in the Ferizaj/Uroševac area, but this is not the case with Ashkaelia in the neighbouring municipality of Viti/Vitina where they continue to suffer harassment and intimidation. The distance separating the two municipalities is not vast. At the same time within Ferizaj/Uroševac the security situation of the Roma is precarious in comparison to the Ashkaelia. Similarly, in the Gjilan/Gnjilane area it has been reported that a number of Roma can move around the town while others cannot. Such variations make it very difficult to generalise.

In this context it is important to note that RAE communities in Kosovo are **hosting substantial numbers of IDPs** who have been displaced from their own neighbourhoods/villages. In Pejë/Pea region, for

example, most Roma and Egyptian IDPs live with host families, or under temporary shelter due to the fact that their own houses are damaged or destroyed (categories 4 or 5). Furthermore, the majority of these families meet UNHCR extremely vulnerable individual (EVI) criteria. The situation for the Roma and Egyptian communities in the Pejë/Peæ region is difficult, with IDPs returning into secondary displacement to live with host families who themselves live in very difficult conditions. The principal obstacle to return to their place of origin in dignity has been the inadequate level of reconstruction assistance." (UNHCR/OSCE May 2002, paras. 207-209)

"[...] the fair assessment on the situation of Bosniaks is that the progress on security conditions does not assure reasonable safety for the community, as the root causes of fear, restrictions in the full exercise of freedom of movement and impediments to access social and economic rights continue to prevail as there has not yet been a fundamental change in Kosovo in terms of law and order, inter-ethnic integration, mutual understanding and tolerance. As a result, many minorities, Bosniaks included, feel compelled to go into exile primarily in the former Yugoslavia, mainly Bosnia and Herzegovina or the Sandzak. Some have gone to asylum countries further afield. Indeed, many have fallen victim to human smugglers who charge exorbitant fees to facilitate travel to locations outside the region. Indeed, in some areas in Prizren and Pejë/Peæ such as Nebregoshte, Grncare and Nove Selo a significant portion of the population has left. **Displacement is still an ongoing occurrence** in Kosovo even in those regions, such as Prizren and Pejë/Peæ where Bosniaks appear to have stable conditions. Returns have not been sustainable. In fact, an increase in the number of Bosniaks forcibly returned in the current environment is neither safe nor sustainable and may actually de-stabilise the fragile and delicate coping strategies, thus leading to the re-emergence of serious security incidents for the community." (UNHCR/OSCE May 2002, para. 217)

"The situation of Kosovo Gorani is similar to that faced by the Bosniaks. The majority of the Gorani inhabit a clearly defined geographical area, Goran/Dragash. Kosovo Gorani are also to be found in small groups in Prishtinë/Priština and Mitrovicë/Mitrovica (in Kodra Minatoreve/Micronaselje and Bosniak Mahala). The community experiences discriminatory practices and harassment more intensely than Bosniaks, due to the perception by some sectors in the majority population that it maintains close links with the Serb community and shares the same creed. Indeed, most Gorani have friends, relatives and business contacts in Serbia and Montenegro, which are maintained through regular cross boundary travel. To facilitate commercial and social contacts, persons with these links usually retain motor vehicles with FRY registration plates. During the reporting period, the possession of these license plates became an issue of concern and demonstrated the kind of harassment that Gorani sometimes face as a minority.

[...]

As a result the community continues to experience **a crisis of confidence with regard to its future viability** in Kosovo, as its members have limited freedom of movement outside the enclave like locations where they live. In addition, they face discrimination in accessing economic opportunities and social services on account of their ethnic background and the associated issue of the language limitations which make it difficult for them to easily communicate with the majority population. These factors have compelled many Gorani to leave Kosovo." (UNHCR/OSCE May 2002, paras. 218-220)

March 2004: ethnic violence leads to a new wave of displacement (2004)

- March 2004 ethnic violence spread throughout Kosovo within 3 days displacing all minorities
- Violence targeted minorities who had never left as well as some returnees
- 4100 persons were displaced during the violence
- Kosovo Serbs were the most targeted and represent 82% of the newly displaced
- Law enforcement authorities and political leadership did not manage to stop the violence
- Deliberate targeting of Kosovo Serbs sent strong message of denial of right to return
- Violence halted return of minorities and prompted new departures

- RAE communities also suffered serious incidents leading to their displacement

“A series of severe security incidents commencing on 15 March 2004 sparked the Kosovo-wide inter-ethnic violence and civil unrest. The first identifiable incident in this cycle of violence involved the serious wounding of a 19 year old Kosovo Serb, in a drive-by shooting, on 15 March in the village of Caglavica/Cagllavice, Prishtine/Pristina municipality. This shooting should also be placed in a context where a few weeks before, two Kosovo Serbs were killed in similar circumstances in Lipjan/Lipljan, the neighbouring municipality [...]. On 16 March 2004, the above provoked violent protests by ethnic Serbs who threw stones at KFOR troops and at UN police and who then proceeded to block the main road connecting Prishtine/Pristina to FYR Macedonia.

The same day, Kosovo media carried the story of three ethnic Albanian boys aged 9-12 who had drowned in a fast-moving river running through Mitrovice/a. According to a surviving boy, the children had been driven into the river while trying to escape from Serb youths who were chasing them with dogs.

Reacting to this incident Kosovo Albanians took to the streets in protest, starting in Mitrovice/a but quickly spanning out to mass demonstrations and violent clashes in all regions of Kosovo. Makeshift roadblocks were set up by Kosovo Albanians and Serbs, gunfire was exchanged and hand-grenades thrown, churches, houses, schools and other infrastructure were set on fire; larger groups of Albanians marched on minority enclaves and residential buildings in urban areas provoking panic and substantial displacement of minority groups within Kosovo.” (UNHCR, 1 June 2004)

“Five years after the NATO intervention, the situation in Kosovo continues to be complex, and the security of minority communities remains a serious concern. (...) A further and extremely serious confirmation of the fragile security situation for minority communities came with the March 2004 eruption of mass demonstrations leading to inter-ethnic violence and civil unrest of a scale not witnessed since 1999. The violence rapidly spread to all regions of Kosovo resulting in displacement among all minority communities. Notably, the violence systematically targeted mainly members of minority communities who had not been displaced over the past five years, although returnees also came under direct attack. The Kosovo Serbs were the primary target of this inter-ethnic violence. Equally, various serious security incidents affected Roma, Ashkaelia and Egyptian communities. This particularly concerned Vushtrri/Vucitrn town, where the entire Ashkaelia neighbourhood was systematically attacked, houses burned and looted. Likewise, some Albanian communities and families in a minority situation in the northern municipalities suffered security incidents. Finally, whereas Bosniaks and Gorani were not directly targeted, some felt sufficiently at risk to opt for precautionary self-evacuation, or were evacuated by police to safer places.

The law enforcement authorities and political leadership did not manage to stop the violence early on and the three days of violence left according to initial information 19 civilians killed and more than 950 civilians injured – both killed and injured were of various ethnicities.¹ Approximately 730 houses belonging to minorities were damaged or destroyed, as well as 36 churches, monasteries, religious sites and public buildings catering to minorities.[...] By 23 March, a total of more than 4,100 Serb, Roma, Ashkaelia, Egyptian and Albanian minority community members had been displaced as result of the unrest. (...)

Kosovo Serbs:

“The past year has witnessed an increase in serious ethnically-motivated crimes against the Kosovo Serbs, ranging from shootings, grenade attacks and use of explosives to arson and physical assault. During the inter-ethnic violence of March 2004, Kosovo Serbs were attacked, physically assaulted by aggressive crowds in their homes, from which they were forced out as these houses or flats were set on fire. Many had to be evacuated by KFOR, some from burning houses. Widespread looting and pillaging followed the arson and continued unabated for three days. Eight of the 19 persons killed were Kosovo Serbs, several hundreds of the injured as well, and the vast majority of the destroyed or damaged houses belonged to the Serb community. Over 3,400 persons or 82 per cent of the newly displaced were Kosovo Serbs who sought temporary safety in KFOR camps, public buildings and private accommodation.

8. The continued looting and attempts to destroy houses, churches, monasteries, religious institutions and public services that belonged to the Serb population for days following the departure of the displaced, sends a strong message of denial of the right to return, including and especially for those who had never before felt the need to leave Kosovo. This has adversely affected the Serb communities as a whole, halting or delaying voluntary return to Kosovo and prompting some departures of the remaining population.” (UNHCR, 13 August 2004, par. 2-4, 7-8)

Kosovo Roma, Ashkaelia and Egyptians:

“12. Up until March 2004, security, freedom of movement and access to basic services continued to improve for members of these three communities. It should be stressed, however, that the situation varied and still varies considerably among these three communities, from one location to another and to some extent depending on the language abilities of the particular communities. Generally, the Serbian-speaking Roma are either living with or are perceived to be closer to the Kosovo Serbs and their security situation is thus in many cases similar to that of the Kosovo Serbs. The Albanian-speaking Ashkaelia and Egyptians, on the other hand, appear to be better tolerated and, relatively-speaking, enjoy greater freedom of movement and a more stable security situation.

13. Nevertheless, the fragile position of all three communities was clearly evidenced by the fact that even in locations where minority returns have taken place with the involvement of the majority population, security incidents still occurred before March 2004. All three communities have encountered various forms of harassment over the last five years from serious threats, physical assault and grenade attacks to verbal abuse, stone-throwing, discrimination and marginalization.” (UNHCR, 13 August 2004, par.12-13)

As of 31 May 2005, 1467 persons displaced during the March 2004 violence remain displaced within Kosovo and some 170 are in Serbia (UNHCR Map, March IDP locations, 31 May 2005, USDOS, 28 February 2005, p.10)

See also:

The March violence: KFOR and UNMIK’s failure to protect the rights of the minority communities, Amnesty International, 8 July 2004

Failure to protect: anti-minority violence in Kosovo, March 2004, Human Rights Watch, July 2004

Human Rights Challenges following the March riots, OSCE/UNMIK, 25 May 2004

and

Section “Pattern of displacement”, March 2004 violence consolidates ethnic separation (2004)

Pervasive insecurity continues to force ethnic minorities in Kosovo to leave their home areas (2000-2005)

- Further to the March 2004 violence, further displacement is expected to continue in 2005
- Reducing number of IDPs within Kosovo seem to indicate a slow down in new departures
- The pattern of ongoing displacement has continued to be small scale and low key, yet unremitting
- ‘Low level’ intimidation has become a feature of everyday life for many communities and continues to provoke departure
- Security concerns include not only fear for physical safety but also comprise freedom of movement restrictions and limited access to basic services and employment prospects

“The latest inter-ethnic clashes [March 2004] represent a serious set-back in the return process and have only helped to exacerbate already acute difficulties with security, freedom of movement, unresolved property claims, access to services (especially education) and employment. The willingness of displaced minority populations to return to their home communities is likely to remain low in 2005 while the

sustainability of return will remain fragile until a more secure environment is in place. (...) Secondary displacement to mono-ethnic communities is also a strong possibility if security incidents continue.

In view of the situation, departure of members of minority groups from Kosovo, especially Romas and Ashkaelis, is expected to continue.” (UNHCR, 15 September 2004)

“UNHCR figures for internally displaced persons in displacement since March 2004 went down by 403 (to 1,662) over the same period. Although departure figures cannot be fully captured, they appeared to indicate a reducing number of departures from Kosovo.” (SG, 23 May 2005, par.41)

September 2001-April 2002

"[T]he main challenge for minorities in Kosovo continues to be the threat of physical violence which permeates their lives. This overriding concern continues to influence individual perceptions of security, and therefore the exercise of freedom of movement, which leads to limits on access to a multitude of social and economic rights, particularly health care, social services, education, employment opportunities, reconstruction of residential property and public utilities. This has undermined the ability of a large number of members of minority communities to secure the means by which they can be self-supporting. Insecurity which undermines the viability of minority communities and which corrodes the individual's will to remain not only induces ongoing displacement, but also impedes sustainable return. " (UNHCR/OSCE May 2002, para. 5)

See also:

- ***envelope on protection concerns in Southern Serbia (protection section) [Internal link]***
- ***envelope on figures on movements for displacement towards Serbia [Internal link]***

March - August 2001

"The general security situation for minorities across Kosovo stabilised noticeably during this period. The number of serious security incidents affecting minorities decreased for all minorities in almost all regions of Kosovo. As a result there have also been some improvements in freedom of movement, which may be interpreted as tentative confidence on the part of minorities in response to this relatively prolonged period largely free of serious security incidents resulting in fatalities. Additionally, information gathered on population figures shows that the overall estimated numbers of minority communities in Kosovo have remained fairly constant. Continued fears about security mean that few minorities have returned to Kosovo. At the same time the numbers of minorities leaving has tapered off. The motivation for ongoing departures is frequently linked to quality of life issues, in particular the lack of employment prospects, rather than immediate security concerns. However, such a conclusion should not be drawn in isolation from the reality that past, continuing and anticipated, violence continues to overshadow peoples' lives. What may on the surface appear to be solely socio-economic push factors are invariably influenced by the pervading climate of insecurity that exists within minority communities.

It must be stressed that the perceived improvement in security remains extremely tentative. The negative attitudes and perceptions that continue to drive the post-conflict situation, can come to the fore and lead to a sharp deterioration at any time. A shocking reminder of the fragility of the security situation was the shooting of a family of five Kosovo Albanians in Glllogoc/Glogovac on 22 August 2001 amidst allegations that one family member had collaborated with the previous Serbian regime. Such allegations, which have also been made against members of minority communities, heighten tensions and can easily trigger further violence. While there has been an improvement in the security situation, as measured by reference to the number of fatalities, lesser threats and incidents of intimidation against minorities remain far too common. Whilst provoking insecurity of a degree less obvious and measurable than the impact of recurrent murders, the cumulative effect of suffering daily harassment is extremely debilitating. For many members of minorities who live, or who are forced to live, in agricultural communities, the theft of cattle, often their only livelihood, remains a key, and frequently unresolved, concern. In areas that have been the arena of protracted tensions the negative impact of intolerance is clear. For example, the daily harassment of minorities (including Kosovo Albanians) in north Mitrovice/Mitrovica continues to provoke departures, a

key sign that the situation is far from being satisfactory even when open street violence has been reigned in. 'Low level' intimidation has become such a feature of everyday life for many communities that it is common for minorities to tell OSCE and UNHCR that they no longer report such incidents to the police because, in their view, little has been done to address past incidents." (UNHCR/OSCE October 2001, para. 1-2)

October 2000-February 2001

"The pattern of ongoing displacement as noted during the reporting period has continued to be small scale and low key, yet unremitting. Minority populations are still leaving Kosovo. The primary motivation for such departures is security related. Security concerns manifest themselves not only in fear for physical safety but also in more complex ways including freedom of movement restrictions and limited access to basic services and employment prospects. On this basis recent departures may be attributed as much to the occurrence of individual incidents of violence as to resignation after prolonged periods of lesser forms of intimidation and harassment. Lack of optimism for a longer-term future in Kosovo is a major contributing factor in the decision to leave." (UNHCR/OSCE March 2001, para. 12)

"While crime in Kosovo is generally declining, attacks against individuals from ethnic minorities remain disproportionately high. For example, UNMIK police sources indicate that during the period 2 January-28 October 2000, 122 Albanians (58 per cent of the total) and 78 Serb or other ethnic minorities (37 per cent) were reportedly murdered (in the remaining cases the ethnicity was not recorded), despite the fact that, overall, ethnic minorities constitute just some 10 per cent of the total population in Kosovo." (UN CHR 29 January 2001, para. 116)

June-September 2000

"Security continues to be an issue of overriding concern for minority communities. In many respects it is the issue and is more frequently raised in discussions about minority protection than any other. The degree of security or, as is more often the case, insecurity, experienced by minority groups is the basic yardstick against which the sustainability of their communities is measured.[...] Unless security can be improved, many minority communities will be neither socially nor economically viable, dependant on humanitarian assistance for survival and faced with little option but to leave. Murder, arson and lesser forms of intimidation are still a daily reality for many minority communities whose members figure disproportionately among the victims of crime. As significant as the individual incidents of violence is their cumulative effect and the continued perception among minorities that they are not secure. The lack of security continues to restrict freedom of movement, which, for many minority communities, remains possible only through the provision of special bus lines and escorts. As a result, minorities continue to face difficulties of access to essential services, such as secondary healthcare and education, and face a very poor quality of life.

Levels of security have fluctuated in light of local circumstances. The picture from municipality to municipality, and community to community, is diverse. Some communities have seen an easing in the level of violence while others continue to be subjected to unrelenting violent attacks. It is still not possible to say that any one ethnic group has experienced a lasting improvement in overall security; even after months of calm, violence can re-ignite and minority communities are all too conscious of the fact that the threat of violence is ever present. Indeed a recurrence of violence after periods of calm can send a community into panic, having deep and long-lasting consequences, to the detriment of any progress achieved." (UNHCR/OSCE October 2000, paras. 1-2)

Increasing number of forced return reinforces the risk of secondary displacement (2005)

- UNHCR under increased pressure to remove restrictions on forced return of certain ethnic minorities

- UNMIK concluded a memorandum of understanding with Germany on forced returns
- Assistance to forced returnees is needed to avoid secondary displacement
- UNHCR monitored an increase of forced return in the third quarter of 2004
- UNHCR advocates against forced return to prevent secondary internal displacement
- Internal flight alternative is also a source of secondary displacement
- Forced returnees to places other than their place of origin cannot obtain IDP status and are therefore deprived from access to social and economic rights

UNHCR's position paper from March 2005 on protection needs softens its position with regard to return of RAE communities. While stating that return for Kosovo Serb, Roma and ethnic Albanian in a minority situation should only be on a voluntary basis, UNHCR shows more flexibility with regard to RAE, Bosniak and Gorani communities.

“With regard to Ashkaelia, Egyptian as well as Bosniak and Gorani communities these groups appear to be better tolerated in spite of a single but very serious incident against the Ashkaelian community in Vushtrri/Vucitrn during the March 2004 attacks. In light of that incident, the August 2004 advice from UNHCR included the Ashkaelia and Egyptian communities among those with a continuing general need for international protection. However, in light of the developments since then, UNHCR's position is currently that these groups may have individual valid claims for continued international protection which would need to be assessed in a comprehensive procedure.” (UNHCR, 31 March 2005)

“The March 2005 UNHCR paper states that members of Kosovo Serb and Roma communities as well as ethnic Albanians in a minority situation should not be forcibly returned. Some humanitarian workers told Refugees International that UNHCR was pressured by staff of UNMIK and UNHCR headquarters to say that Bosnians and Gorani could be returned. Governments are also applying pressure. In a letter written in April 2005 to the Special Representative of the Secretary General, Soren Jessen-Petersen, the governments of Denmark, Sweden, Norway, and Iceland expressed their concern that “the present UNHCR guidelines, which ban return of minorities to Kosovo, could unintentionally contribute to ethnic cleansing of minorities in Kosovo.” These governments have urged UNHCR to lift the ban on return and to have all cases decided on an individual basis. Even though a return of minority communities is ideal, considering the level of violence just a little over a year ago, UNHCR's guidelines are reasonable. It is important that return is not rushed by political motivations or the deadlines of UNMIK or other nations.

Press reports in May 2005 indicated that as many as 34,000 RAE refugees were threatened with immediate return from Germany. A German official, however, denied to RI that there was ever an intention to send back more than 1,000 to 1,200 Ashkalis or Egyptians in one year and said that the return process would take at least eight years to complete. Since March 2005 fewer than 20 Ashkali and Egyptian refugees have been forced to return, though the press reports did provoke a number of RAE refugees to leave Germany for other countries to avoid being forced to return home.

Although the number of Kosovars who will be returned from European nations in the next few months is not as high as reported, there is and has been a continued effort throughout Europe to return refugees to Kosovo. Nations such as Germany and Sweden, which provide refugees social assistance, including medical care, would like to reduce the cost of the social services for Kosovars, some of whom have been in their countries since the early 1990s. Based on the terms of an April 2005 Memorandum of Understanding with UNMIK, each month Germany has been submitting a list of 300 possible cases of return (which may rise to 500 returns in August and will be unlimited starting in May 2006). From that list only 20% may be returned and each case is assessed by UNMIK's Office for Return and Communities (ORC).

ORC and the local municipalities remain unprepared to assist with forced returns. In a letter to European governments in March 2005 and again in June 2005, the Ombudsperson, Marek Antoni Nowicki, urged

UNMIK and the local governments to provide more support to people forced to return when they first arrive in Kosovo and social programs to help them integrate. (...)

RI talked with recently returned families from Germany and they were poorly informed of what would happen to them and whether their home was destroyed or occupied. One couple that went to Germany in 1992 after their son was targeted by the Serbian police was picked up one morning in June by the German police and given twenty minutes to pack (and no time to close out bank accounts). German officials did not respond to the husband's concern that he did not know if his house was occupied or destroyed. At the airport they were interviewed by Kosovar police and relied on their cousin for transportation and shelter. His Albanian neighbors had blocked the road to his house and he had to negotiate with the occupiers of his house to leave in one month. He was lucky to have relatives assist with his return and that the occupiers were willing to leave. He told RI, "For those who return, every family has a critical situation --- either they are without a house, their house has been destroyed or occupied, or they have problems...with their neighbors." (Refugees International, 27 June 2005)

"UNHCR established an Inter-Agency Working Group on the forced return from western European countries to Serbia (but not to Kosovo) of minorities originating from Kosovo. UNHCR strongly advocated against the forced return of minorities, in particular Roma and Serbs, in order to prevent secondary internal displacement and in full observance of the right to return to the place of origin. (...)

Despite UNHCR's advocacy of continued international protection of ethnic minorities from Kosovo, and an initial decrease in forced returns from third countries, the trend increased again in the third quarter of 2004 with a total of 383 forced returnees recorded by airport monitoring teams (and followed up by UNHCR field offices)." (UNHCR, 1 June 2005)

Forced return to secondary displacement: the internal flight or relocation alternative

"The possibility of applying the internal flight or relocation alternative to persons originating from the territory of Kosovo, and returning them to another part of Serbia and Montenegro has increasingly been discussed in asylum countries. This possibility concerns especially persons belonging to ethnic minorities in Kosovo, in particular the Roma, Ashkaelia and Egyptians. (...)

"[I]n UNHCR's view, the application of the internal flight or relocation alternative with respect to this caseload from Kosovo may, depending on individual circumstances be neither a relevant nor a reasonable option. The applicants, particularly if they are Roma, Ashkaelia and Egyptians, may not be able to reintegrate legally elsewhere in Serbia or in Montenegro and may face undue hardship as the conditions for legal re-integration and economic survival may not be met. The quality of life of the minority groups would generally fail to meet the basic norms of civil, political and socio-economic human rights and would place them in a situation of destitution and marginalization based on the serious practical obstacles to obtaining legal residence.

17. In addition, the implementation of the internal flight or relocation alternative is likely to lead to further displacement within the territory of Serbia and Montenegro. Not only would the legal status of persons returned under such conditions be unclear, but they would also compete for survival with the IDPs and refugees already in Serbia and Montenegro in dire situations, further exacerbating the already over-stretched absorption capacity in Serbia and Montenegro.

18. Finally, in UNHCR's view, forced returns to Serbia and Montenegro (excluding Kosovo) on the basis of the internal flight or relocation alternative contradict the spirit of the UN Security Council Resolution 1244, which refer to the safe and unimpeded return of all refugees and internally displaced persons to their homes in Kosovo. Meanwhile, refugees from Kosovo should have the right to seek and enjoy asylum in other countries or to remain in the country of asylum, as also emphasised in the

[Guiding Principles on Internal Displacement](#), Principle 2(2). This principle states that the Principles are not to be interpreted as "restricting, modifying or impairing the provisions of any international human rights or

international humanitarian law instrument or rights granted to persons under domestic law” and in particular, they are “without prejudice to the right to seek and enjoy asylum in other countries”. (...)

Legal obstacles faced by forced returnees

In the absence of permanent residency, IDP registration with the Serbian Commissioner for Refugees is a pre-requisite to access all socio-economic rights. It is important to note that, persons originating from Kosovo who are forcibly returned from third countries to Serbia and Montenegro are not permitted to be registered as IDPs either in Serbia or in Montenegro. IDPs who do not hold an IDP identification card are consequently deprived of access to basic rights including but not limited to health, employment benefits,, pensions, social insurance, and accommodation. This triggers a subsequent process of legal and socio-economic marginalization. (...)

In addition to the problems related to access to legal status and attached rights highlighted above, the Roma, Ashkaelia and Egyptian population generally faces a pattern of discrimination from some representatives of the local authorities and some segments of society. This renders access to health care and services particularly difficult. Moreover, racial segregation in schools is a serious problem. Kosovo IDPs belonging to these ethnic communities face an additional obstacle; many of them do not know the Serbian language, speaking Albanian/Roma only. Therefore the drop out rate is very high resulting in additional marginalization, isolation and puts their future prospect for social integration in jeopardy. In the individual case, such treatment could cumulatively rise to the level of persecution or serious harm and this may therefore rule out return to other parts of Serbia or to Montenegro.” (UNHCR, August 2004, par.6,9, 16-18)

The ethnic minorities in Kosovo

The Serbian population in Kosovo: 100,000 persons as of end of 1999 (2004)

- Serbian population in Kosovo was divided into rural and urban areas
- About 190,000 ethnic Serbs were living in Kosovo prior to the conflict, together with some 19,000 Serb refugees from Croatia and Bosnia-Herzegovina
- According to KFOR estimates in September 1999 and to the Kosovo Serb National Council , about 100,000 Serbs have remained in the province
- The majority of the pre-war and the current Serb population is to be found within the Eastern Plateau from Mitrovica/Mitrovice down through Kosovo Polje/Fushe Kosove and Urosevac/Ferizaj and then further up to Gnjilane/Gjilani and Kamenica in the south-east of the province

“Before the 1999 war, there were two distinct communities of Kosovo Serbs, living in very different social and economic conditions. In the rural areas, people lived in small communities, often on lands their families had worked for generations. As with peasant workers throughout the former Yugoslavia, these were politically marginal communities which neither expected nor received much from the state. By contrast, urban Serbs in Pristina and the larger towns held the pick of working positions in government and socially owned enterprises. They enjoyed the status and privileges that came from close association with the state – particularly after 1989, when Albanians were purged from public-sector employment.” (ESI, 7 June 2004)

"According to the 1991 census there were 1,954,747 people living in Kosovo, 195,301 of them Serbs. During the aftermath of the wars in Croatia and Bosnia-Herzegovina a substantial number of Serb refugees

from Krajina and other parts of Croatia and from Bosnia-Herzegovina were forcibly sent to Kosovo. By the summer of 1996, there were some 19,000 Serb refugees living in Kosovo." (OSCE 1999, Part IV, Chapter 19)

Table 1 : Serb Population and Beneficiary Registration Data

Serbs	Pre-Conflict Population (UNHCR)	Remaining Popn, Sep'99 (KFOR)	No. of Beneficiaries Registered, Oct 1999	% Population remaining (based on KFOR data)
North-West (incl. M/Vice)	36,000	29,000	see table footnote[1]	80%
Eastern Plateau & bordering Forests	105,000	60,000	57,000	55%
Strpce/Shterpce	8,000	9,000[2]	9,000	115%
Elsewhere	41,000	6,000	4,000	15%
Totals:	190,000	104,000	-	55%
Totals (excl. North-West)	154,000	75,000	70,000	50%

[1] Beneficiary registration data from the north-west do not provide an indication of total population. In this area WFP currently provides assistance to the following categories of beneficiary:

- a. IDPs from Kosovo,
- b. 10% of the resident population,
- c. Krajina Serbs living in collective centres,
- d. Roma living in collective centres and 2,900 minority Albanians in northern Mitrovica/Mitrovice and Zubin Potok municipalities.

[2] Beneficiary Registration data taken for Strpce/Shterpce, rather than KFOR's estimate of 3,400, which seems rather low.

(UNHCR/WFP 5 February 2000, sect. 5)

"The numbers are disputed. The Kosovo Serb National Council claims that about 100,000 Serbs are still living in Kosovo. By some accounts, up to 25,000 Roma are still living in Kosovo. The sum of Serbs and Roma who reportedly have fled (230,000) and those who reportedly remain (125,000) would be a larger number than the estimated 250,000 Serbs and Roma living in Kosovo before the war, casting doubt on the accuracy either of the past-war count or of the pre-war estimate." (USCR April 2000, pp. 2-3)

"The north-west is an almost exclusively Serb area consisting of Leposavic/ Leposaviq, Zubin Potok, Zvecane and northern Mitrovica/Mitrovice municipalities, bordering Serbia to the north. There is relatively little concrete information on the current population of this area, since KFOR estimates may not include the relatively large number of IDPs from Kosovo.

The majority of the pre-war Serb population, and the bulk of the population now, is to be found within the Eastern Plateau and neighbouring Forests food economy areas (a relatively agriculturally productive corridor running south from Mitrovica/Mitrovice down through Kosovo Polje/Fushe Kosove and Urosevac/Ferizaj and then around and up to Gnjilane/Gjilani and Kamenica in the south-east of the province [...]).

Strpce/Shterpce is a municipality lying to the south of the province in the mountains bordering Macedonia. The exclusively Serb villages in the centre and west of the municipality lie within an enclosed mountain valley; they are now almost completely cut off from surrounding areas.

Outside of these three areas, the few remaining Serbs are to be found mostly within a number of very specific locations, including Prizren and Orahovac/Rahovac towns and the villages of Velica Hoca (Orahovac/Rahovac) and Gorazdevac (Pec/Peje)." (UNHCR/WFP 5 February 2000, sect. 5)

Roma, Ashkaelia and Egyptians in Kosovo

- The acronym RAE (Roma, Ashkaelia and Egyptians) comprise various groups with different linguistic and religious traditions
- The ethnic Roma constitute the main group but other groups include the Ashkaelia and the Egyptians
- In the 1991 Yugoslav census, the number of Roma in Kosovo was calculated at around 45,000 but many did not register as such
- By some accounts, up to 25,000 Roma are still living in Kosovo as of end of 1999
- Roma are concentrated in the Eastern Plateau, in Pec/Peje, Djakovica/Gjakove and Prizren municipalities in the west

"The several groups generically described here as Kosovo 'Gypsies' (Maxhupet) have different allegiances and different linguistic and religious traditions. The groups identify themselves quite distinctly.

The so-called 'ethnic Roma', identify themselves as Roma and use Romani as their mother tongue, and also speak Albanian and Serbian. They have proud cultural traditions and align themselves with Roma communities in other countries (they include a small Catholic Romani community living near the Kosovo Croat communities in Lipljan/Lipjan municipality, as well as one group which has a nomadic lifestyle, known as the Cergari, who follow the Orthodox faith and speak Serbian).

The Ashkaelia are Albanian-speaking and live close to the Kosovo Albanians with whom they have always been identified.

The Egyptians, whom many consider to be Ashkaelia, speak Albanian but claim to have originally come from Egypt. They are perceived by Kosovo Albanians to be Maxhupet for whom a separate identity was created roughly 10 years ago by the Yugoslav regime in order to further the image of a multi-ethnic, rather than an Albanian-dominated Kosovo. It is also believed to be an effort of self-identification in order to escape the derogatory qualification of Maxhupet in Kosovo and to differentiate themselves from the Romani-speaking "ethnic Roma". Both the Ashkaelia and Egyptians follow the Muslim faith.

Kosovo Albanians and Kosovo Serbs alike generally treat the 'Gypsy' (Maxhupi) population and groups as separate from themselves, despite their varying levels of integration. As is the case with majority populations in other central and east European countries, the Kosovo Albanians and Kosovo Serbs consider Maxhupet/Cigani as second-class citizens." (OSCE 2000, chapter 20)

Population numbers

"Although it is difficult to assess the exact numbers of Roma/'Gypsies' living in Kosovo before the conflict and up to early June 1999, it was estimated by some Romani refugees from Kosovo and Serbia living in third countries to be around 100,000-150,000 people. In the 1991 Yugoslav census, the number of Roma/'Gypsies' in Kosovo was calculated at around 45,000. Many did not declare themselves as Roma/'Gypsies' in the census either because of a feeling of being fully integrated in the Kosovo Albanian or Serb communities, or because their registration as Romani/'Gypsy' could prevent their integration within the community and therefore deprive them of their basic rights. Based on data from the 1991 census, Romani/'Gypsy' communities could be found in almost all municipalities of Kosovo." (OSCE 2000, chapter 20)

"The numbers are disputed. The Kosovo Serb National Council claims that about 100,000 Serbs are still living in Kosovo. By some accounts, up to 25,000 Roma are still living in Kosovo. By some accounts, up to 25,000 Roma are still living in Kosovo. The sum of Serbs and Roma who reportedly have fled (230,000) and those who reportedly remain (125,000) would be a larger number than the estimated 250,000 Serbs and Roma living in Kosovo before the war, casting doubt on the accuracy either of the post-war count or of the pre-war estimate." (USCR April 2000, pp. 2-3)

Geographical distribution

"Typically, the Roma have made a living as casual labourers and itinerant market traders. Geographically, they are concentrated in the Eastern Plateau and Mediterranean food economies (Pec/Peje, Djakovica/Gjakove and Prizren municipalities in the west), areas where there has traditionally been a demand for agricultural labour.

For the Roma, questions of identity, which before the war were of relatively little importance, are now paramount. This is because many Roma are believed to have sided with the Serbs during the recent conflict, taking part in the widespread looting and destruction of Albanian property (Roma communities were themselves generally spared the widespread displacement and destruction suffered by other groups).

Most of the Roma remaining within the province are recognised by their immediate neighbours as being innocent of any direct involvement in looting and destruction. However, they are likely to encounter hostility from Albanians that do not know them personally, particularly if they move outside their local area. Most identify themselves with the majority Albanian population, generally referring to themselves as 'Askali' in the east and 'Egyptians' in the west. (UNHCR/WFP 5 February 2000, sect. 6)

Other ethnic minorities in Kosovo

- In addition to the Kosovo Albanians, Kosovo Serbs and Roma, there are a number of other groups in Kosovo which had the status of "national communities" in the FRY
- There were also small ethnic groups not designated as "national communities"

"Kosovo Turks

The 1991 census in Yugoslavia put the number of Kosovo Turks at 10,833, but that figure is not thought to reflect the true size of the population. The Turks in Kosovo continue to use Turkish as their mother tongue (in the 1974 Constitution of Kosovo, repealed in 1989 by the federal government, Turkish was recognized as the third official language of Kosovo),² and there are a number of Turkish schools in the province. The Turks have traditionally taken a neutral stand between the Albanians and the Serbs and they have traditionally had good relations with both.

There are contradictory reports about how Kosovo Turks experienced the conflict up to June 1999. In the predominantly Turkish village of Mamusa/Mamushe (Prizren), which was attacked by Yugoslav and Serbian forces in late March 1999 (this is covered in more detail in the entry for Prizren municipality), people interviewed by the OSCE-KVM reported that the inhabitants of Turkish origin were allowed to stay as the Yugoslav and Serbian forces expelled the Kosovo Albanians.

In other parts of Kosovo, Turks were reportedly attacked and expelled together with Kosovo Albanians, or otherwise left the province. Many found refuge in Turkey.

Kosovo Croats

The Kosovo Croats are also known as Janjevci after the village of Janjevo/Janjeve (Lipljan), where they made up two-thirds of the population. As well as Janjevo, Lipljan/Lijpan town also had a sizeable Croat population, and four villages at the eastern end of Vitina/Viti municipality - Letnica/Letnice, Sasare/Shashare, Vrnakovolo/Vrnakolle and Vrnez/Vernez - had Croat majority populations.

In the data collected by the OSCE-KVM there are no references to human rights violations against Kosovo Croats.

Gorani

This community consists of persons of Slav ethnicity and Islamic faith from Gora/Dragash municipality in the south of Kosovo (the term Goran roughly translates as "Highlander"). They are distinct from the group described as Muslim Slavs (see below). A survey conducted jointly by UNHCR and the OSCE found that "Despite their shared religion, their relationship with [Kosovo] Albanians is not always easy given their ethnic and linguistic links with the Serbs, as well as their political attitudes."
[...]

Muslim Slavs

This group consists of Serbian speaking Slavs who are associated with the "Muslim nationality" as classified within the former Socialist Federal Republic of Yugoslavia. Many of them describe themselves as Bosniac. In the data collected by the OSCE-KVM there are no references to human rights violations against Muslim Slavs. In Ozrim/Ozdrim (Pec/Peja) Muslim Slavs are described as having been spared when Kosovo Albanians were attacked and expelled in May [1999] [...].

Cerkezi

The Cerkezi, who are a tiny minority group not recognized as a national community in the FRY, are of the Cherkess nationality from the north Caucasus region of Russia. The Cerkezi arrived in Kosovo more than 80 years ago and settled in Milosevo/Milloshve in Obilic/Obiliq municipality. They number around 100 persons, are Muslims, and speak Albanian, Serb and Cherkess. None of the data gathered by the OSCE-KVM specifically referred to the Cerkezi of Malisevo, but it is known that at some point during the period between late March and early June 1999 they were expelled and some of their houses were burned by Serbs, and that all of them became refugees in the former Yugoslav Republic of Macedonia.

Roman Catholic Kosovo Albanians

These are a religious, not an ethnic minority, numbering an estimated 70,000 people. They live mainly in the municipalities of Djakovica/Gjakova, Klina/Klina, Prizren/Prizren and Vitina/Viti." (OSCE 1999, chapter 21)

POPULATION FIGURES AND PROFILE

Overview

Background and numbers (Special report, 2005)

- 226.000 persons are displaced in Serbia and Montenegro, with an additional 22.000 in Kosovo
- Most IDP in Serbia and Montenegro are ethnic Serbs from Kosovo who fled in 1999
- A large number of Roma were also displaced accused of collaborating with Serbs
- The official figure for IDPs underestimates the number of displaced Roma who never registered as displaced
- ESI claims that the number of Serb IDPs is less than the official figure

Most of the internally displaced people in Serbia and Montenegro are ethnic Serbs originating from Kosovo. They fled the province for fear of reprisals from the ethnic Albanian population after NATO air strikes in June 1999 had ended years of oppression of the ethnic Albanian majority by the Serbian government and forced Yugoslav and Serb troops to withdraw from Kosovo. A large number of Roma, accused by the Kosovo Albanians of collaborating with the Serbs, also left their homes at the same time and sought refuge in Serbia and Montenegro. Serbia and Montenegro is also home to some 150,000 refugees, mostly Serbs from Bosnia-Herzegovina and Croatia (UNHCR, July 2005).

As of May 2005, the number of IDPs living in Serbia and Montenegro (excluding Kosovo) was 226,000, according to UNHCR. Most of them were in Serbia (208,000), while some 18,000 were living in Montenegro. In addition, Kosovo hosted some 22,000 IDPs (UNHCR, July 2005). While the Montenegro figures are considered reliable since a census was carried out there in 2004, the numbers for Serbia remain a subject of debate. The Serbian Commissariat for Refugees and IDPs estimates 148,000 of the displaced are Serbs. The remaining IDPs belong to some 30 different minorities, of which the Roma are the biggest group with 20,000 registered IDPs, according to the 2000 and 2001 IDP census (ICRC, 31 May 2005, p.5). However, as many Roma have not registered as IDPs for lack of documentation, it is thought that the real number of displaced Roma in Serbia may be much higher, probably between 40,000 and 50,000 (IDP Inter-Agency Working Group, October 2004, p.2). This means that the actual number of IDPs could be higher than the official figure suggests. However, according to a controversial study by the European Stability Initiative, which compares figures from the 1991 census and current estimates of Serbs still living in Kosovo, the number of Serb IDPs could be as low as 65,000, less than half the government figure (ESI, 7 June 2004, p.4). An additional problem regarding the accuracy of numbers is the difficulty of tracking IDPs who commute to Kosovo or return without de-registering.

UNHCR has offered support for the re-registration of IDPs residing in Serbia. However, the Serbian authorities have been reluctant to take up this proposal, apparently fearing that a potential decrease in the official IDP figure could move international attention away from the plight of the displaced and weaken Serbia's position in the upcoming Kosovo status negotiations. The Roma IDP Action Plan envisages the registration of displaced Roma, but the Serbian Commissariat for Refugees and IDPs has been unwilling to carry out a registration of only one category of IDPs (Interview with Serbian Commissioner for Refugees, Belgrade, 27 May 2005).

Serbia and Montenegro (excluding Kosovo)

Serbia and Montenegro hosts some 226,000 persons displaced from Kosovo (2005)

- There are 226,000 IDPs in Serbia and Montenegro, but debate about figures is ongoing
- Significant decrease of IDPs in Montenegro further to a 2004 census
- Overall number of IDPs on a slow decrease but not necessarily linked to return
- Less than 2% of IDPs have returned from Serbia and Montenegro to Kosovo
- Among the registered IDPs are 26,600 Roma, but estimates put the actual number of displaced Roma at as high as 50,000-100,000
- Serbs form the predominant group among IDPs (68%) followed by the Roma (12%)
- Belgrade is the district with the largest number of IDPs (53,000) but not all movements of IDPs within Serbia have been registered

According to UNHCR, there were 225,877 IDPs in Serbia and Montenegro (excluding Kosovo) as of July 2005. However, other organizations indicate different figures. Some claim the actual numbers may be lower while other think they should be much higher as many IDPs, particularly Roma, have not officially registered. Serbian authorities are so far reluctant to organise a new registration exercise of IDPs which would clarify the issue.

"While there are no official population figures in Kosovo, both Serbian and Kosovo government data suggest that there are currently around 130,000 Serbs resident in Kosovo. The Belgrade-based Kosovo Coordination Centre (CCK), which is the Serbian administrative body responsible for Kosovo affairs, published a detailed report in January 2003 which gives a figure of 129,474 Serbs in Kosovo in 2002. This corresponds closely with ESI estimates based on primary school enrolment figures from the Kosovo Ministry for Education. There are 14,368 pupils in Serb-language primary schools in Kosovo in 2004. Using data on the age structure of Kosovo Serbs from a number of post-war surveys, this suggests a total Serb population of 128,000.

According to the last Yugoslav census, there were 194,000 Serbs resident in Kosovo in 1991. During the 1980s, the number of Kosovo Serbs had declined. It is unlikely that the number of Serbs increased again during the 1990s. In fact, during the 1990s, the Serbian government felt compelled to introduce various measures aimed at stemming the emigration of Serbs from Kosovo.

The extent of Serb displacement from Kosovo is therefore likely to be around 65,000. Contrary to a widespread perception, two-thirds of the pre-war Kosovo Serb population actually remain in Kosovo. (...) Contrary to another perception, almost two thirds of the present resident Serb population in Kosovo live south of the river Ibar [*separating northern majority Serbian Kosovo from South Kosovo*](ESI, 7 June 2004)

Contrary to what the ESI report say the Serb population in Kosovo has increased in the 1990s. Between the 1991 census and 1996, some 19.000 Serb refugees from Bosnia and Herzegovina and Croatia have been sent by Milosevic regime to Kosovo. (OSCE, 1 September 1999, Part IV, Chapter 19). However, according to UNHCR Belgrade, most of these refugees have either left Kosovo, been resettled or taken citizenship of Serbia. (UNHCR Belgrade, email correspondence, 7 July 2005)

UNHCR's own documents repeat the results of the Serbian government registration exercise. UNHCR, which operates on the territory of Serbia by invitation of the government, has not carried out an independent investigation. In the fine print of some of its documents, however, it expresses serious doubts about the official figures.

"The sum of the estimated number of minorities living in Kosovo, and the number of currently registered IDPs in Serbia and Montenegro, results in a figure significantly higher than the minority population that has ever lived in Kosovo... An undetermined number of minority returnees who have returned to Kosovo, including those who left during the NATO bombings but returned immediately after, never de-registered. Realistically, therefore, much lower numbers than those non-Albanians currently registered as IDPs in Serbia are truly IDPs, or remain IDPs in search of a durable solution, or await voluntary return." (ESI, 7 June 2004, D.1.Return)

"The numbers are disputed. The Kosovo Serb National Council claims that about 100,000 Serbs are still living in Kosovo. By some accounts, up to 25,000 Roma are still living in Kosovo. The sum of Serbs and Roma who reportedly have fled (230,000) and those who reportedly remain (125,000) would be a larger number than the estimated 250,000 Serbs and Roma living in Kosovo before the war, casting doubt on the accuracy either of the past-war count or of the pre-war estimate." (USCR April 2000, pp. 2-3)

"Displacement in Serbia

In February 2005, the United Nations High Commissioner for Refugees (UNHCR) estimated that there are currently 208,135 IDPs living in Serbia. According to the Serbian Commissariat for Refugees (CfR) approximately 60,000 IDPs are estimated to be non-Serbs. These minority groups are mostly Roma, but also include 5,000 Albanians and the CfR estimates as many as thirty-one other ethnicities. Initially, IDPs remained in southern and central Serbia, close to the border with Kosovo, in anticipation of a quick return. In the six years since they were displaced, and as prospects for return have dimmed, however, many IDPs have moved northwards towards central Serbia and Belgrade where they perceive economic opportunities to be greater.

Displacement in Montenegro

On the basis of a census undertaken in September 2004, UNHCR estimates that there are 18,019 IDPs living in Montenegro, and of these, approximately 26% are Roma. The total number of IDPs is significantly reduced from a 2003 figure of 28,493.

The numbers of both refugees and IDPs in Serbia and Montenegro have reduced somewhat since 2003. This can be attributed to a number of factors, including the following:

- Some refugees have opted for Serbian or Montenegrin citizenship.
- A small number (CfR estimates 0.2%) of Kosovo IDPs in Serbia have 'deregistered' in Serbia and successfully registered as residents (this was made legally possible in 2002).
- Some IDPs in Montenegro have moved to Serbia, or 'registered' themselves in Serbia in order to receive social welfare benefits and to enjoy the marginally greater level of rights available to them there, even if they physically remain in Montenegro.
- A small number of IDPs have received residency in Montenegro (if they were born in Montenegro, were 'fast-tracked' for residency because they possess desired skills, or owned property in Montenegro when they were displaced).
- Less than 2% of IDPs have returned from Serbia and Montenegro to Kosovo, according to UNHCR estimates." (ICRC, 31 May 2005, p.5)

"According to 2002 April census, the total population (including IDPs and refugees) of Serbia is 7,498,001. The Montenegro domicile population is 615,035 persons according to 1991 census. However, the officially used number is 624,115 of domicile population [16]. This number does not include IDPs, refugees and non-residents.

The population figures of Roma IDPs are disputable. Different studies quote different figures. This study used a figure of 26,600 registered Roma IDPs [17]. However, this figure could be much higher because a large number of them is not registered. The number of IDPs in collective centres is 13,100. Out of this number, 8,700 people live in Serbia [18] and 4,400 live in Montenegro [19].

[Footnote16: Montenegrin Commissariat for Displaced Persons

Footnote 17: United Nations High Commissioner for Refugees - Commissioner for Refugees of the Republic of Serbia and Commissariat for Displaced Persons Montenegro

Footnote 18: UNHCR, January 2003

Footnote 19: UNHCR and Commissariat for Displaced Persons Montenegro, March 2003]”

(ICRC, July 2003, pp. 8-9)

“The Commissariat for Refugees in the republics of Serbia and Montenegro, with direct UNHCR support, maintains records of IDPs through a registration process. An initial registration was completed in August 2000 [6], with updated estimates available as of February 2002. The objective of this process is to maintain a record of IDP numbers, population structure and their needs in displacement.

Number of IDPs in displacement

	August 2000	February 2002
Serbia	187,129	201,700
Montenegro	31,967	29,400
FRY Total	219,096	231,100

Source: UNHCR Statistics

Although these figures are official, the actual numbers are probably higher. Unregistered IDPs come from the pool of government, police and army employees who were most often instructed by the former government not to register in order to downplay the true dimension of the IDP tragedy. Another group of unregistered IDPs are found among the Roma, many of whom did not have proper residence documentation when they left Kosovo in 1999, and who have not come forward to be registered. Estimates of the total number of Roma IDPs vary from 26,000 (the number of those registered by UNHCR) to almost 80,000 (Serbian Academy of Arts and Sciences’ *Commission for the Research of Roma Life and Customs* estimate).

Serbs are the predominant *ethnicity* among IDPs (68%), Roma are second (12%), and Montenegrins are third (8%).

IDPs by ethnicity

	Serbs	Montenegrins	Muslims	Roma	Albanians	Egyptians	No Reply	Other
Serbia*	141,396 75.5%	7,748 4.1%	4,265 2.3%	19,551 10.5%	305 0.2%	605 0.3%	9,646 5.1%	3,616 2%
Montenegro**	6,483 22%	9,858 33.5%	4,074 13.8%	6,617 22.5%	1,191 4%	983 3.3%	-	455 1.4%
FRY (ex. Kosovo)	147,879 68%	17,606 8%	8,339 4%	26,168 12%	1,496 0.7%	1,588 0.7%	9,646 4.5%	4,071 2%

* UNHCR registration in 2000

** UNHCR Statistics, January 2002

Geographic Distribution of IDPs — A majority of IDPs in Serbia are accommodated in Central Serbia (80%). By district, Belgrade has the largest number of IDPs (53,000 — 28%), followed by Raska district (Kraljevo) (28,000 — 15%), Sumadijski district (Kragujevac) (16,000 — 8.5%) and Montenegro (30,000 — 13%). [7] The number of IDPs relative to the UN permanent population is an important indicator of the burden exerted on municipalities where IDPs have settled. The highest concentration of IDPs as a percentage of the permanent population is found in the following municipalities in Serbia and Montenegro:

Percentage of IDPs to domicile population

Serbia	Kursulija	Kraljevo	Vrnjacka b.	Bujanovac	Mladenovac	Prokuplje
% of IDPs	24.5%	14.5%	13%	9.6%	8.5%	8.3%
Montenegro	Andrijevica	Berane	Bar	Plav	Budva	Tivat
% of IDPs	17.5%	11.9%	11.8%	8.6%	8.5%	7.5%

Source: UNHCR Statistics

[Footnote 6: Registration of Internally Displaced Persons from Kosovo and Metohija, UNHCR and Commissioner for Refugees of the Republic of Serbia.

[Footnote 7: Although registration is still open, movements of IDPs within Serbia and Montenegro are not recorded. There are strong indications, however, that many IDPs have moved, especially toward urban centres in the last two years. This affects the statistics on geographic distribution.]

(OCHA 26 April 2002, pp. 8-9)

Other figures from the Yugoslav authorities

"The UNHCR figure of 231,000 IDPs in the FRY as of February 2001 (UNHCR, UNHCR Position on the Continued Protection Needs of Individuals from Kosovo, April 2002, para. 27) may underestimate the reality. The Serbian Government figures for registered IDPs put the number at 212,700 IDPs in Serbia proper and 29,500 in Montenegro (CCK, Principles of Program of Returns of IDPs from Kosovo and Metohia, p. 3). The difficulty in arriving at precise figures results from the fact that a number IDPs have entered the FRY, without ever having asked for IDP cards or registered with the authorities or the international agencies in any way. The Serbian Government states that 'it has been estimated that there are nearly 50,000 IDPs living in Serbia and Montenegro, who have not been officially registered' and who would thus have to be added to the above number (CCK, Principles of Program of Returns of IDPs from Kosovo and Metohia, p. 3). Indeed, UNHCR emphasises that in the absence of a complete registration process upon departure from Kosovo, numbers remain estimates. The same applies to the numbers of returnees. Only those who are assisted are properly counted, while many spontaneous returns go unregistered. This is particularly the case for Roma, who move quite easily and can count on the solidarity of their community to quietly shelter them upon return." (COE 16 October 2002, footnote 91)

For more details on statistics put forward by the Coordination Centre of the Federal Republic of Yugoslavia and the Republic of Serbia for Kosovo and Metohija, consult the "[Principles of the Program for Return of Internally Displaced Persons from Kosovo and Metohija](#)", 2002 [Internet]

The displaced Roma

"The number of registered Roma IDPs in Serbia [39] is 19,551, while 6,604 reside in Montenegro [40]. However, the actual number is estimated to be larger (up to 50,000) as reported by the UN OCHA.

[Footnote 39: UNHCR and Commissioner for Refugees of the Republic of Serbia, Registration of Internally Displaced Persons from Kosovo and Metohija

Footnote 40: Commissariat for Displaced Persons, Government of the Republic of Montenegro]"

(ICRC, July 2003, pp. 8-9, 34)

"The actual number of Roma IDPs is not clear. The Commissariat for Refugees/UNHCR registered over 20,000 Roma IDPs in Serbia and close to 8,000 in Montenegro. These numbers also include Gorans, Egyptians and Ashkalias, smaller ethnic groups perceived as similar to Roma, who share the same misery in displacement as Roma. Other estimates on the actual number of Roma IDPs range from 50,000 (Commissariat for Refugees of Serbia) to 80,000–100,000 (Roma associations, Serbian Academy of Arts and Science). A majority (13,000) of all registered Roma IDPs in Serbia live in Belgrade, scattered among

150 Roma settlements and some in CCs. Central and southern Serbian municipalities (Pozarevac, Kragujevac, Nis, Bujanovac and Kursumlija) also host a large number of Roma IDPs. In Montenegro, a large number of Roma IDPs are densely settled in Podgorica suburb camps, and in the municipalities Niksic, Bar, Tivat and Berane. The pattern of settling in and around large towns is a part of a tradition and the conviction that the cities offer better opportunities for acquiring income. Therefore, it is safe to assume that a majority of those unregistered Roma IDPs have also settled in larger towns." (UN OCHA 26 April 2002, p. 22)

Settlement and accommodation patterns (2003)

- The majority of IDPs lives in rented accommodation
- Others stay with host families, in their own houses, or in collective centres
- IDPs move from southern Serbia to the cities of the north in search of job opportunities
- In Montenegro, most IDPs settle in the central part of the Republic; nearly 60% chose to come to Montenegro because they could stay with relatives or friends

“In Serbia, the average household of domicile population is 3 persons [26]. In Montenegro the average household is 3.89 persons [27]. A typical IDP household comprises five members, usually a couple with two children and one elderly person. It is common to find two or three generations living in the same house, thus making up a large family. Even though the Roma IDPs usually report households of 13-15 persons, further probing revealed smaller households, as previously defined in this study.”

“Initially, many IDPs settled in areas near Kosovo in anticipation of an early return home. Another reason was that some IDPs had friends and relatives there. At one point the government obliged IDPs to remain in certain (southern) areas. Over time, after the government relaxed restrictions on movement, there has been some migration of the IDP population in search of employment opportunities, housing or land. Therefore, numbers registered in municipalities near Kosovo have reduced significantly.”

“Factors that influenced settlements patterns are the following:

-Some people had built summer or weekend houses in Serbia and Montenegro before the conflict. When the conflict intensified followed by NATO bombing, this group moved into their houses, some of them not even finished. Most of them now cannot deregister from Kosovo and register in Serbia.

-Another category consists of those who moved to areas where they had relatives. They were assisted to settle by acquiring land and constructing houses. In some cases, NGOs provided them with financial or material support during the construction (e.g. Danish Refugee Council and Norwegian People's Aid provided material for IDP households in Nis, Leskovac, Kraljevo, Raca and Bar municipalities).

-IDPs who joined friends, were accommodated free of charge and in some instances they are occupying houses of their friends working abroad, in exchange for maintaining the house.

-People from rural areas tended to settle in similar municipalities.

-The Roma tended to move to locations where other Roma had already settled.

“Table III: Accommodation of IDPs in Serbia and Montenegro

Accommodation	Serbia	IDPs	Montenegro	IDPs
Host families	25-30%	49,800-59,800	5-10%	1,400-2,900
Own house	10-15%	20,000-30,000	10-15%	2,900-4,300
CC [Collective centres]	3-5%	6,000-10,000	15-20%	4,300-5,700
Renting	55-60%	100,000-120,000	60-65%	17,100-5,700

Host Family (HF) includes all households accommodated by friends, relatives, in abandoned houses and municipal flats.”

The study defines three livelihood zones for Serbia and Montenegro on the basis of factors such as job opportunities and access to grey economy and services. Zone 1 mainly consists of urban centres, zone 2 of smaller towns and zone 3 of areas with the worst livelihood conditions.

“There has been some movement of IDPs since the beginning of Spring 2003. The IDPs have been moving from zones II and III in the southern part of Serbia towards the zones II and I in the northern part. The relocation is triggered by the lack of job opportunities. On the other hand, a few cases of IDPs were reported to have moved from the North towards the South, because they were not able to meet the high costs of living in large cities. Equally, constant movement of IDPs within or between municipalities in search of a cheaper accommodation or better job opportunities was reported. The study confirmed this because many IDPs had moved from addresses held at the RC [Red Cross] branch offices.

For example, in Zemun municipality (Zone I, Belgrade area, northern part) the number of IDPs registered by UNHCR in March 2003 was 6,937, whereas the number of IDPs registered by RC branch offices in May 2003 was 10,392. On the other hand, in Vranje (Zone II) and Kursumlija (Zone III) municipalities (southern part) numbers of registered IDPs by UNHCR were 6,043 and 6,097 in March 2003, whereas in May the updated numbers by RC branch offices were 4,000 and 4,500 respectively.”

In Montenegro reports indicated that there were no significant movements outside the Republic. In all the above-mentioned movements it was noted that some IDP families do not necessarily deregister in RC branch offices, when leaving their previous location. Key informants alleged that some IDPs have gone abroad. This information was difficult to ascertain.

[Footnote 26: Aleksandra Posarac and Goran Krstic, Poverty Profile in Serbia (unpublished), December 2002

Footnote 27: The Institute for Strategic Studies and Prognoses, Household survey, January 2003] (ICRC, July 2003, pp. 18-21)

“Most of the IDPs [...] were in Central Serbia (64 percent), with another 28 percent in Belgrade, and only 6 percent in Vojvodina. As with other displaced populations in the region, the displaced seemed to be concentrated in areas bordering the former conflict zones or the capital city-not evenly across the Republic [17]. This has put enormous pressure on the local economic and social infrastructure, leading to some resentment among the local population. For example, in the municipality of Kursumlija, which borders Kosovo, there were 26 IDPs for every 100 local residents; and 11 percent of Belgrade’s population is composed of IDPs and refugees.” World Bank, 13 November 2003)

“IDPs were evenly scattered throughout Montenegro upon arriving, with approximately one-quarter of displaced persons settling in Coastal (28.73%), and more than one-third settling in Central (37.24%) and Northern (34.03%) Montenegro [30]. The official registration shows that currently most displaced persons are settled in the Central part of Montenegro (42%).

When arriving in Montenegro, many displaced persons had relatives and business connections in the Republic, and a certain number also settled in rest homes that were owned by the companies in which they were employed. Current distribution of IDPs in comparisons to 1998 is completely different due to the changes in the population itself. At the very beginning, the numerous sub-populations of IDPs were Albanians. When entered Montenegro, they decided to settle in either Ulcinj, Bar or Podgorica (Tuzi and Malesija). In 1999 they have massively returned to Kosovo, while additional wave of IDPs was non-Albanian nationality and they preferred other municipalities (Andrijevisa, Bar, Berane, Podgorica).

Nearly six of ten displaced households (58.8%) decided to live in Montenegro because of relatives/friends they have here, while 8.6% came due to the existence of refugee camps, 5.4% because they own assets in Montenegro, 7.8% because of employment possibilities, 7.8% due to the proximity to their former property, 1.9% chose Montenegro because of economic policies of the municipality, and one of ten (9.7%) displaced households had other motives for coming to live in Montenegro.

[Footnote:

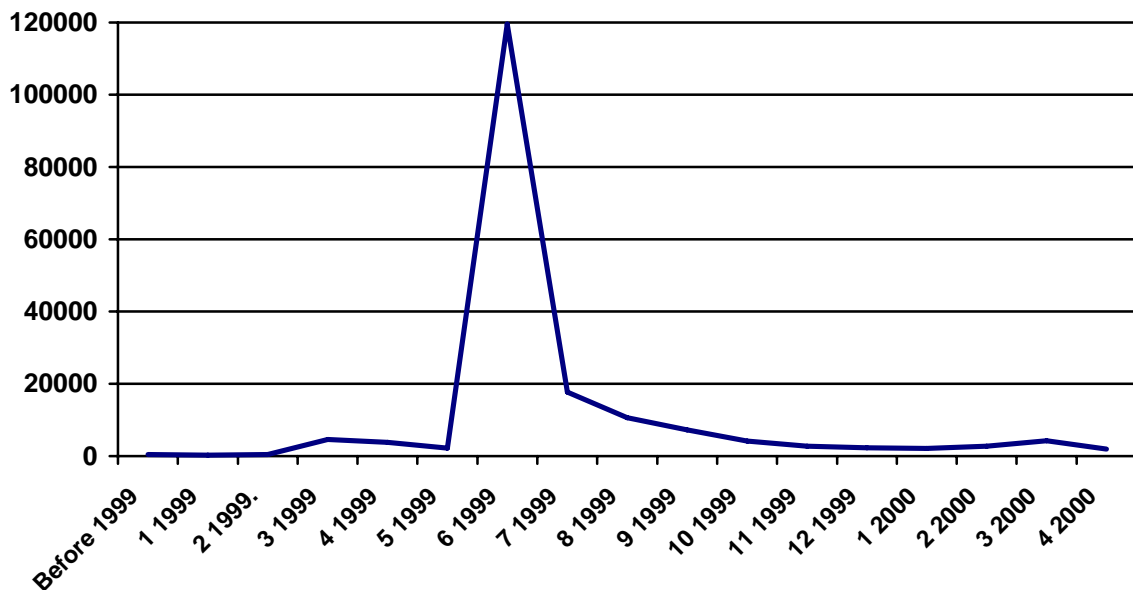
30 The report about refugees and displaced persons in Montenegro, the Commissariat for Displaced Persons and UNHCR, March 2002]" (UNDP, 2003)

Most IDPs moved to Serbia and Montenegro in the second quarter of 1999 (2002)

- More than 10,000 newly displaced non-Albanian minorities registered in Serbia from 2000-2002

"Displacement from Kosovo and Metohija in the period prior to 1999 was sporadic. Only 449 internally displaced persons arrived during that period. Due to the well known events the year 1999 was the most striking, especially the second quarter thereof, when 125,653 persons or 67.2% were registered. The third quarter is very important as well as when 35,532 internally displaced persons or 18.9% were registered. Therefore, it is evident that the most massive displacement of population from Kosovo and Metohija took place in these two quarters of the year. In the fourth quarter, as well as in the year 2000 (until the moment when registration of the internally displaced persons was finished - in April 2000) the movement of population from Kosovo and Metohija started to decrease, although it is still continuing. Namely, in these two intervals 9,119 and 11,115 persons respectively were internally displaced, continuing almost 11%."

Graph. 1 Dynamics of displacement from Kosovo and Metohija



(UNHCR/Commissioner for Refugee of the Republic of Serbia 2001, p. 13)

"Of the 3,600 returnees [who were recorded between 2000 and March 2002], some 2,700 are Kosovo Serbs and some 900 are from the Roma, Ashkaelia or Egyptian communities. Over the same time period as these returns were taking place, more than 10,000 newly displaced non-Albanian minorities registered with the authorities in Serbia." (HIWG 1 June 2002, p. 3)

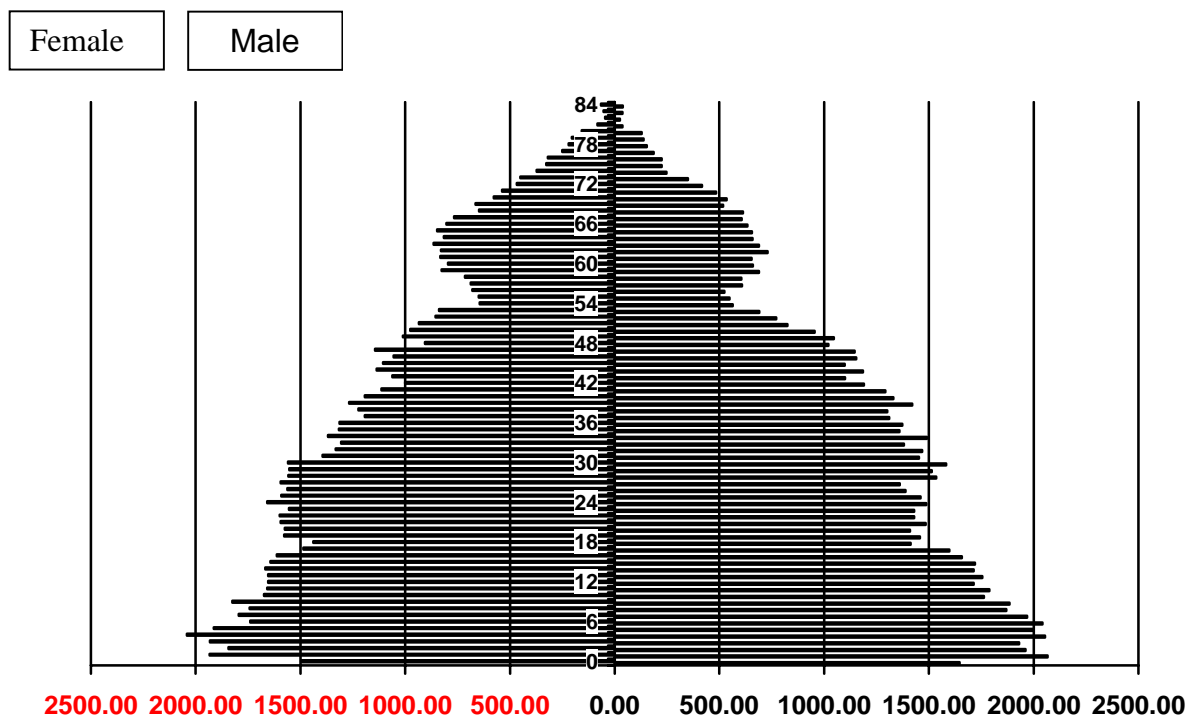
"UNHCR also reported that for various reasons some ethnic minority groups are departing from Kosovo. The departure is more prominent among the K.Serbs and some Roma/Ashkalia families as well. UNHCR reported 313 departure cases this year [2002], though the total figure is not accurately known." (UN OCHA 31 August 2002)

Demographic characteristics of IDPs in Serbia: Gender balance and prevalence of younger age groups (2000)

- The number of internally displaced persons according to gender is almost identical, and the structure according to functional age groups is relatively balanced
- Younger age group prevail in the age structure of the internally displaced population, while the age structure of population in Central Serbia and Vojvodina is much older
- Every tenth internally displaced person is either widowed, divorced or separated

"The gender structure of the internally displaced person is almost balanced. According to the obtained results women constitute 50.6% or 94,320 persons and men 49.4% or 92,809 persons. In comparison to the Central Serbia and Vojvodina gender breakdown this proportion is very similar. The share of women is higher by 0.6% only.

Graph 7. Age-gender pyramid of the internally displaced persons



The age structure of the internally displaced persons is also relatively balanced. Among the internally displaced persons the highest share is that of the middle-aged population (20-59 years of age) accounting for 50.6%, or 94,616 persons. The internally displaced population of school age (7-19 years of age) occupies the second place according to its share of 23.4% or 43,728 persons. Children in the age group 0-6

years constitute 14.2% that is 26,600 persons, while the share of the elderly population (60 and over) is 11.8% or 22,185 persons.

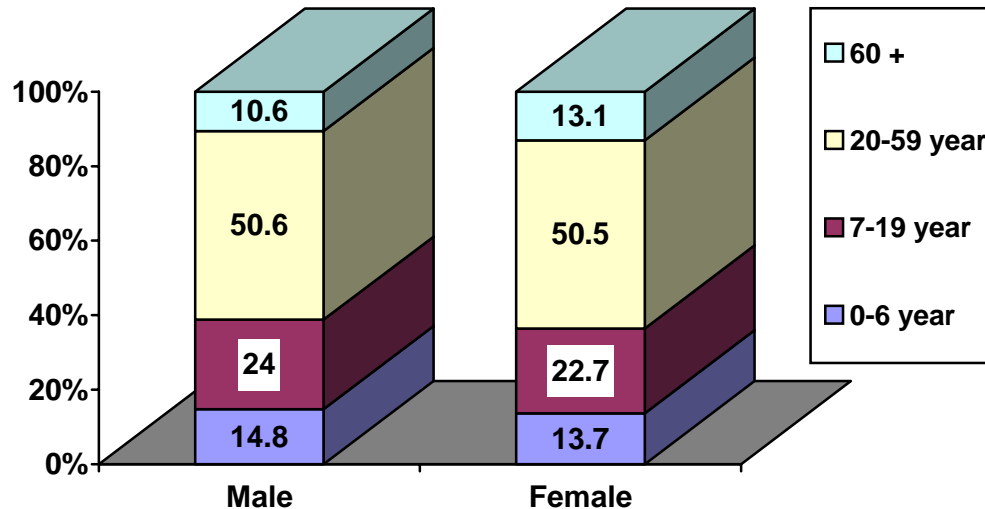
Table 2 - Breakdown of the internally displaced population by functional age group

	Total	Children 0-6 years	7-19 years	20-59 years	60 + years
Total	187129	26600	43728	94616	22185
Central Serbia	176219	24773	40904	89447	21095
Vojvodina	10910	1827	2824	5169	1090

Unlike the gender structure, the age structure of the internally displaced persons differs significantly from the age structure of the population of central Serbia and Vojvodina, since among them younger population prevails. In comparison to the total population of Kosovo and Metohija the difference is somewhat smaller - the population of Kosovo and Metohija is even younger. Namely, the share of children in the structure of the internally displaced population is by 7% higher than their share in the population of Central Serbia and Vojvodina, and only 0.5% lower than the share of children in the total population of Kosovo and Metohija. Similarly, the share of school children in the structure of the internally displaced persons is by 6.5% higher compared to their share in the structure of population in Central Serbia, or by 6.3% higher in comparison with their share in the structure of population of Vojvodina, and 5.2% lower compared to the share of children in the total population of Kosovo and Metohija.

As regards the younger and middle-aged population in the structure of the internally displaced persons, it is by 3.6% lower in comparison to its share in the structure of population in Central Serbia and Vojvodina, and 2.3% higher in comparison with its share in total population of Kosovo and Metohija. The elderly population has a significantly smaller share in the structure of the internally displaced persons - 9.9%, and 10.1% respectively compared to population in Central Serbia and Vojvodina. With respect to total population of Kosovo and Metohija, the share of elderly population share is by 3.4% higher in case of the internally displaced persons.

Graph 8. Breakdown of the internally displaced persons by functional age groups



The average age of the internally displaced persons is 30 (male 28.2, female 30.8), which means that it is by 9 and 10 years respectively lower than the average age of the population of Serbia and Vojvodina, and by 3 years higher than the average age of the total population of Kosovo and Metohija.

[...]

The average age of population, as an indicator of the age structure confirms the fact that the internally displaced persons are relatively young, especially in comparison to the population of Central Serbia and Vojvodina, but still somewhat older if compared to total population of Kosovo and Metohija which is markedly young.

The observed differences in the age structure of the internally displaced population with respect to population of Kosovo and Metohija are the result of displacement of the predominantly non-Albanian population, which, by its basic demographic characteristics differs from the Albanian population, irrespective of the fact of having inhabited the same territories.

Marital status

Almost two thirds of the internally displaced persons over fifteen years of age are married, and every third person is unmarried. Every tenth internally displaced person is either widowed, divorced or separated." (UNHCR/Commissioner for Refugees of the Republic of Serbia 2001, pp. 21-24)

Level of education and employment status of the internally displaced population in Serbia (2000)

- Almost one half of all the internally displaced persons over 15 years old has secondary school education
- One third of the internally displaced persons over 15 years of age were employed prior to leaving Kosovo

Level of education

"According to the definition of ILO (International Labour Organization) the working age population is the population from 15-65 years of age. Almost one half of all the internally displaced persons over 15 years old has secondary school education. Every fifth internally displaced person completed primary education, while one in ten persons has no education. The internally displaced males have somewhat higher level of

education than females, and, from the aspect of ethnic composition, the most educated are the Serbs and Montenegrins." (UNHCR/Commissioner for Refugees of the Republic of Serbia 2001, p. 27)

Detailed figures of the level of education of the internally displaced persons can be found in the report of UNHCR and the Commissioner for Refugees of the Republic of Serbia, p. 27 and 28, and table 8 (appendix)

Employment status

"One third of the internally displaced persons over 15 years of age were employed prior to leaving Kosovo and Metohija, while the share of the unemployed was approximately 15%. In addition to that, more than one third were dependants - children, pupils and students, and the share of pensioners was much lower (7.3%)." (UNHCR/Commissioner for Refugees of the Republic of Serbia 2001, p. 28)

Detailed figures of the employment status of the internally displaced persons can be found in the report of UNHCR and the Commissioner for Refugees of the Republic of Serbia, p. 29 to 30 and Table 10 (appendix)

Geographical origin and distribution of the internally displaced population in Serbia: From Pristina to Belgrade (2000)

- The majority of the displaced originates from the Kosovo County, especially the municipality of Pristina
- Central Serbia host 96% of the internally displaced while the rest has settled in Vojvodina
- In Central Serbia, the county of Serbia has been the most attractive, followed by the counties of Raska, Sumadija, Toplica, Pcinj, Nisava and Podunavlje

Geographical origin of the displaced

"Observed per counties of Kosovo and Metohija, the largest number of the internally displaced persons originates from the Kosovo county - 76,881 persons (41.1%), followed by the county of Pec with 39,563 persons (21.1%), the county of Prizren with 26,304 persons (14%), the Kosovsko-Pomoravska county with 28,179 persons and finally the county of Kosovska Mitrovica with 16,202 persons (8,7%)." (UNHCR/Commissioner for Refugees for the Republic of Serbia 2001, p. 14)

Major directions of movement of the internally displaced persons

"Registration of the internally displaced persons from Kosovo and Metohija covered 187,129 persons out of which 176,219 or 94.2% were registered in Central Serbia, and 10,910 or 5.8% in Vojvodina." (UNHCR/Commissioner for Refugees of the Republic of Serbia 2001, p. 13)

One out of three internally displaced persons from the county of Kosovo and Pec and one out of two internally displaced persons from the Prizren county is temporarily accommodated in the Belgrade county, followed by the county of Raska

The majority (approximately 40% of the internally displaced from Kosovska Mitrovica county is accommodated in the county of Raska, and approximately one third of the internally displaced from Kosovsko-pomoravska county found accommodation in the county of Pcinj.

"The major directions of movement of the internally displaced persons indicate that the majority of persons who fled from the county of Kosovo were accommodated in Central Serbia. According to the results of the

registration, 71,352 or 92.8% persons found shelter in Central Serbia, while in Vojvodina, only 5,529 internally displaced persons were registered. The largest number of these persons was registered in the county of Belgrade (20,936 or 29.4%), followed by the counties of Raska and Toplica where 9,870 and 9,305 persons respectively found accommodation, amounting to approximately 13%. The shares of other counties are below 10%.

Similarly, the majority of the internally displaced persons from the county of Pec, found accommodation in Central Serbia in which 38,037 persons were registered accounting for 96.2%. In Vojvodina only 1,526 internally displaced persons were registered.

The county of Belgrade is still the most attractive one, for 31.1% or 11,821 persons are accommodated in it. It is followed by the county of Raska with 22.5% or 8,564 persons and the county of Sumadija with 14.1% or 5,350 persons, while the shares of other counties are below 10%.

Out of the total number of internally displaced persons from the county of Prizren (24,919 or 94.7%) the majority registered in Central Serbia. 12,360 persons or 49.6% were registered in the Belgrade county; the county of Raska is in the second place with a total of 3,203 or 12.8% internally displaced persons registered. The shares of other counties are considerably below 10%. In Vojvodina only 1,385 persons who came from the above mentioned county were registered.

Generally speaking the internally displaced persons from the county of Prizren found somewhat different places of temporary accommodation from those who fled other counties of Kosovo and Metohija. Namely, although the highest number of them has been registered in Central Serbia, its share is below 90%, or exactly 88.7% or 14,375 persons. Consequently, the share of the internally displaced persons registered in Vojvodina is higher - 11.3% or 1,827 persons. The breakdown per counties of Central Serbia is as follows: the largest number (5,713 persons, or 39.7%) was registered in the county of Raska, followed by the county of Belgrade (3,289 persons or 22.8%), the county of Sumadija (2,319 persons or 16.1%) etc.

Out of the total number of the internally displaced persons from Kosovsko-pomoravska county 97.7% or 27,536 persons were registered in Central Serbia, in the county of Pcinj - 8,343 persons or 30.3%. The county of Belgrade, which, according to the number of the registered persons occupies the second place, has a share of 16.7% or 4,607 persons, followed by the county of Podunavlje with 12.4% or 3,427 persons and the county of Pomoravlje with 11.9% or 3,289 persons. The share of other counties is below 10%. The number of the internally displaced persons originating from the above mentioned county and registered in Vojvodina is small, only 643 persons." (UNHCR/Commissioner for Refugees of the Republic of Serbia 2001, pp. 17-18)

"A comprehensive report outlining the registration process of IDPs from Kosovo and Metohija has recently been made available from UNHCR. The ECHO funded report, compiled and researched jointly by UNHCR and the Commissioner for Refugees of the Republic of Serbia provides statistical information detailing the ethnic, gender, education, age, civil status and employment compositions of the 187,129 IDPs registered in Serbia. Out of total 187,129 persons, 94.2% (176,219) are located in Central Serbia while the remaining 5.8% (10,910) are registered in Vojvodina. The Government of Switzerland provided 6 Observers to independently oversee the regularity of the registration process, which was completed in April 2000." (UN OCHA 6 April 2001)

Detailed statistics on the geographical origin and distribution of the internally displaced population in Serbia can be found in Tables 2, 3 and 4 in the appendix to the report of UNHCR and the Commissioner for Refugees of the Republic of Serbia.

Kosovo

Available figures suggest at least 22,200 persons are internally displaced within Kosovo (2004)

- UNHCR estimates that 22,000 persons are still displaced as a result of ethnic tensions in Kosovo (minority IDPs)
- Overall figures of Kosovo population are unreliable
- 5,000 persons from Southern Serbia remain in Kosovo
- Figures from the Kosovo reconstruction ministry suggest at least thousands of people are still in need of reconstruction assistance

1. Displacement within Kosovo

UNHCR reports a total of 22,000 "minority IDPs", i.e. members of a "community that lives in a situation where they are a numeric minority relative to the communities surrounding them." However, this figure is an estimate and is not based on any registration or census. (UNHCR, Map: Estimate of refugees and displaced persons still seeking solutions in South Eastern Europe, 1st July 2005)

See also, on Serb IDPs in northern Kosovo:

Survey conducted among IDPs in the North of Kosovo, IDP information Center, 24 November 2004 (idpinfocenter@yahoo.com)

"The economy, in transition from a centrally directed to a market -based economy, was built primarily on agriculture, mining-related industries, and construction services, and was heavily dependent on foreign assistance. The estimated population was 2.3 million, although demographic figures were unreliable in the absence of a recent census. Economic growth was approximately 3.5 percent for the year. Unemployment estimates ranged from 30 to 50 percent among ethnic Albanians and higher among Kosovo Serbs and other ethnic communities. Wage increases generally kept pace with inflation." (USDOS, 28 February 2005, Kosovo)

2. Displaced from Southern Serbia

"Between January 2000 and May 2001, conflict between ethnic Albanians and Serb police resulted in the displacement of about 15,000 ethnic Albanians from the Presevo Valley area of southern Serbia into Kosovo. After the Serbian government and the so-called Liberation Army of Presevo, Medvedja, and Bujanovic (UCPMB), an offshoot of the disbanded Kosovo Liberation Army, signed a peace agreement in May, about 10,000 persons who had been displaced into Kosovo returned to their homes in southern Serbia. The number of internally displaced persons from southern Serbia in Kosovo at year's end [2002] was roughly 5,000." (USCR, World Refugee Survey 2003)

See also UNHCR, 1 January 2004, which gives the same estimate.

3. Kosovo Albanians displaced before June 1999

"In some areas of Kosovo where the majority population is Serb, Albanians have not been able to return to their homes. This includes the municipalities of Strpce, and the three northern municipalities plus northern Mitrovica. In other areas of Kosovo, the inability of some communities to receive reconstruction assistance has meant that some families are unable to return." (ICG, December 2002)

There is no reliable figure for the population that has been displaced before June 1999 and has since remained unable to return to their destroyed or heavily damaged houses. However, the Kosovo Ministry of Environment and Spatial Planning estimates that between 8,000 and 9,000 families are still not in position to rebuild their homes by themselves. As a result of limited funds, the Ministry is planning to

submit a proposal for reconstruction/rehabilitation support to a minimum of 3,650 families (Ministry of Environment and Social Planning 25 November 2002). With a ratio of 6 persons per household (as established by IOM in May 2000), the total number of persons still unable to return to their pre-war homes may be of 18,000 persons.

About 4,000 IDPs live in collective centres as of November 2002

- This population comprises ethnic Albanians, Serbs and Roma

A small portion of non-Albanian IDPs are currently living in collective shelters. According to data provided by UNMIK, there are at least 1,744 members of non-Albanian minorities living in collective shelters (or Temporary Collectives Shelter, TCS) as of November 2002, including 796 ethnic Serbs and 651 Romas (UNMIK 15 November 2002).

According to UNMIK figures, there are still about 2,450 ethnic Albanians residing in collective shelter (TCS) as of November 2002 (UNMIK 15 November 2002)

For more details, see also UNMIK statistical information relating to:

[Majority Albanian TCS \[Internal link\]](#)

[Ethnic Minority TCS \[Internal link\]](#)

See also [UNMIK TCS Map, January 2002 \[Internal link\]](#)

About 36,000 persons are internally displaced in Kosovo as the result of human rights violations and conflict (UNHCR - December 2000 - February 2001)

- 10.800 internally displaced from the Presevo Valley are currently in Kosovo according to UNHCR estimates
- UNHCR also reported 25,000 internally displaced persons in Kosovo as of December 2000, mainly members of Kosovo minority groups

Displacement from the Presevo Valley

"UNHCR used an approximate figure of 15,000 persons by the end of 2000, indicating that this figure was in need of verification since due to ongoing movements across the boundary line and lack of de-registration for humanitarian assistance, double registration could not be excluded. This verification exercise took place in February 2001 in the Pristina and Gnjilane areas. Based on this, our current best estimate is some 10.800 IDPs currently in Kosovo. UNHCR highlights that this is an estimate only and it cannot be excluded that more ethnic Albanians from Southern Serbia are in Kosovo who however have not come forward for assistance and therefore are not known to the local NGOs providing assistance and/or UNHCR." (UNHCR 11 April 2001)

Other IDPs

There is no systematic registration of the IDPs in Kosovo while especially the Serb minority communities have boycotted the UNMIK civil registration. For the annual statistics UNHCR had to produce estimates for the IDP population in Kosovo and came up with the following breakdown of the 25,000 reported:

- i) ethnic Serb IDPs in North Mitrovica, Zubin Potok, Zvecan and Leposavic municipalities: 10,000 (originating from municipalities south of the river Ibar)
- ii) ethnic Serb IDPs in Strpce municipality: 2,000 (mainly originating from Prizren and Ferizaj/Urosevac municipality)
- iii) ethnic Serb/Roma IDPs in collective accommodation in various parts of Kosovo: 2,500

iv) ethnic Alb. IDPs mainly in south Mitrovica municipality: 8,000

v) ethnic Serb and Roma IDPs dispersed in various municipalities: 2,500. (UNHCR 11 April 2001)

Geographical distribution

"Kosovo continues to bear the scars of conflict, ethnic hatred and displacement. Across the province there are examples of all ethnic groups still unable to return to their places of origin. For Kosovo Albanians this is particularly the case for those originating from northern Mitrovica and other locations dominated by Kosovo Serbs. Relatively large numbers of Kosovo Serbs and Roma also remain in situations of displacement awaiting the possibility to return to their places of origin. Kosovo Serbs displaced from Prizren and Urosevac/Ferizai for example have concentrated in Strpce/Shterpce. Roma and Ashkaelia from various locations around the province continue to live in semi-permanent collective accommodation in Plemetina/Plementine IDP camp and in three locations north of Mitrovica/Mitrovice. The number of displaced absorbed into host family arrangements is difficult to assess but this is certainly a continuing reality." (UNHCR/OSCE October 2000, para. 114)

Displacement as the result of the Kosovo conflict (March-June 1999): no reliable estimates for the persons still unable to return to destroyed houses (2000-2001)

- 120,000 houses were destroyed or seriously damaged in the conflict
- 42,000 houses still in need of rehabilitation work as of April 2001, which suggests that about 250,000 persons may still be unable to return to their homes

"No reliable estimates of the numbers of internally displaced persons within Kosovo are available. However, given that some 120,000 houses were seriously damaged or destroyed in the conflict, there are presumed to be a significant number of people still to return to their pre-conflict homes." (UN OCHA 6 July 2000, p. 62)

Estimate as of 31 December 1999: "In Kosovo, 350,000 ethnic Albanians remained unable to return to their uninhabitable homes." (USCR 2000, p. 288)

There are no precise figures available on the number of persons who are still unable to return to their houses because of destruction or heavy damages as of April 2001. Most of them rent an accommodation, live with relatives or friends or occupy abandoned properties.

According to UNMIK department for reconstruction, 28,000 houses were rehabilitated in 2000 with the support of the international community while between 35,000 and 40,000 houses were rebuilt privately. UNMIK has also identified 10,000 houses which will be rebuilt with international support during 2001. This leaves about 42,000 houses still in need of rehabilitation work as of April 2001. With a ratio of 6 persons per house (as established by a survey conducted by IOM in May 2000), the total number of persons still unable to return to their pre-war houses may be of 250,000. (UNMIK reconstruction department, 27 April 2001)

PATTERNS OF DISPLACEMENT

Overview

Patterns of displacement (Special report, 2005)

- The main wave of displacement from Kosovo took place in 1999 followed by a smaller movement in 2004
- Departures from Kosovo are still taking place
- Displaced persons in Serbia have progressively moved from Southern Serbia to the North
- In Montenegro the number of IDPs has significantly decreased due to lack of access to social and economic rights
- March 2004 violence targetted non-Albanian populations throughout Kosovo including those who never left and some returnees
- Violence destroyed houses and communal building such as schools and churches
- UNHCR considers that 85.000 persons in Kosovo are currently at risk of displacement
- Rising number of forced returns to Kosovo from abroad increases the risk of destabilisation and secondary displacement

Internal displacement within and from Kosovo took place in two main waves: a first one in 1999 when over 200,000 people left the province, mainly for Serbia, and a second one with a much lower number of displaced (4,200) following an outbreak of ethnic violence in March 2004. In this latter case, the overwhelming majority of the displaced remained in Kosovo but moved to Serb-dominated areas. This situation requires measures to ensure adequate living conditions for the displaced population and development of conditions conducive to return.

There are two additional patterns of displacement in the country: members of minority communities who leave their homes in Kosovo because they do not feel safe any more, and secondary displacement of returning refugees, in particular forced returnees from abroad. In these cases, a preventive approach could contribute to limiting further displacement in the country.

In Serbia proper, people initially displaced from Kosovo in 1999 often stayed in southern Serbia close to their places of origin. With years passing and the prospect of return not improving, many of them have moved to central and northern Serbia in search of better employment opportunities (ICRC, April 2005, p.5). In Montenegro, IDPs are clustered in three municipalities: Podgorica, Bar and Berane. Most of them come from Metohija, the poorest part of Kosovo (IDP Inter-Agency Working Group, October 2004, p.3; ICRC, April 2005, p.5). The Montenegrin authorities explain the reduction in the number of IDPs (from 30,000 in 1999 to 18,000 in 2004) by their departure to Serbia in search of social services they cannot receive in Montenegro or by a decrease in humanitarian aid which renders IDP status less attractive (Government of Montenegro, April 2005, p.14).

In Kosovo, the overwhelming majority of urban Serbs left the towns and the few who had remained after 1999 were driven out by the March 2004 violence, the only exception being the majority Serb enclave of North Mitrovica (ESI, 7 June 2004, p.1). On the other hand, Roma displaced within Kosovo have moved closer to town suburbs, joining local Roma communities.

The March 2004 violence

The March 2004 violence – the most serious ethnically-motivated attacks since 1999 – came as a shock to many non-Albanian communities. Even though the number of people displaced was small compared to the numbers who had fled five years earlier, the riots had a strong impact on IDPs, as well as minority communities remaining in Kosovo, who generally perceived the attacks as an attempt to eliminate the Serb presence from Kosovo and discourage further returns.

Over a period of three days, 33 major riots took place throughout Kosovo involving an estimated 51,000 mainly ethnic Albanian assailants. The displaced came mainly from Pristina and South Mitrovica regions (42 per cent and 40 per cent respectively). Eighty-two per cent were Serbs and the rest consisted of Roma and Ashkaeli (Muslim, Albanian-speaking Roma) (AI, 8 July 2004). As of May 2005, over 1,400 of the 4,200 were still displaced within Kosovo and some 170 remained elsewhere in Serbia (UNHCR, Map March IDP locations, 31 May 2005; USDOS, 28 February 2005, p.10).

Attacks were targeted on minority communities who had never left and were living in mixed areas, as well as returnees (UNHCR, June 2004). Houses, schools, health centres and Christian Orthodox buildings were burnt. The systematic targeting of Serb individual and social properties has generally been seen as an attempt to prevent return, consolidate the separation of the communities and send the message that Serbs were not welcome in Kosovo (UNHCR, 13 August 2004). With a few exceptions such as the then Prime Minister, Bajram Rexhepi, the reaction of Kosovo Albanian politicians, who either supported the violence or waited too long before strongly denouncing it, seemed to confirm that message (HRW, July 2004). The failure of KFOR (the NATO-led military force in Kosovo), CIVPOL (UN Civilian Police) and the Kosovo Police Service (KPS) to protect minority communities seriously undermined the confidence of these groups in agencies responsible for maintaining security. Several reports even mention the involvement of KPS personnel alongside the rioters (Amnesty International, 8 July 2004; UNHCR, June 2004).

The March 2004 events underlined the precarious situation of minority communities in Kosovo and the need to protect them and allow them to live a normal life. UNHCR estimates that up to 85,000 people are at risk of displacement (UNHCR, 1 June 2005). Since March 2004, minority communities have faced even more difficulties than before in their freedom of movement and access to essential services. In reaction, minority communities have increased their reliance on parallel structures established by the Serbian government, thus further isolating these communities from the Kosovo administrative and legal system (UNHCR, June 2004). This situation is likely to encourage more members of minority communities to move to areas where they constitute a majority or leave Kosovo altogether (UNHCR, 1 January 2005; HRW, July 2004). Notwithstanding the fragile security situation in the province, the international community has abandoned an important monitoring tool, the regular OSCE/UNHCR Minority Assessment report whose last publication dates from 2003.

Risk of secondary displacement following forced returns

The rising number of refugees or people previously under temporary protection being sent back to Kosovo by asylum countries increases the risk of secondary displacement of returnees facing continuing threats of violence at their places of origin.

In its “Position on the continued international protection needs of individuals from Kosovo” issued in March 2005, UNHCR defines the ethnic minorities and individuals at risk in Kosovo, including Kosovo Serbs, Roma and ethnic Albanians in a minority situation. UNHCR recommends that these groups should only return on a strictly voluntary basis. The situation is considered better for Ashkaeli, Egyptians, Bosniaks and Gorani, although there may be valid individual claims for continued international protection (UNHCR, March 2005).

International organisations such as UNHCR and the Council of Europe have expressed concern that significant returns from abroad could further destabilise the fragile security environment in Kosovo. In

addition to the security risk, possibilities of reintegration at this stage are seriously limited, with restricted freedom of movement, poor economic prospects for the returnees and lack of access to public services (UNHCR, March 2005; CoE, 3 June 2005).

However, there is strong pressure on UNHCR and UNMIK to soften their return policies. In a joint letter, Denmark, Sweden, Norway and Iceland criticised the UNHCR position paper, saying that the ban on return of minorities to Kosovo “could unintentionally contribute to ethnic cleansing in Kosovo” (Refugees International, 27 June 2005).

In April 2005, UNMIK agreed with Germany, which hosts the largest number of refugees from Kosovo, to begin returning members of the Ashkaeli and Egyptian communities to Kosovo. Under the agreement, Germany has to notify UNMIK of forced returns 40 days in advance upon which UNMIK will carry out a “thorough screening”. UNMIK claims that this agreement is in line with the UNHCR March 2005 position paper. However, it is not clear whether the screening entails the review of each individual case, which may be necessary to guarantee the safety of the returnees but unrealistic in terms of capacity, or just a general assessment of the overall situation in the municipality of return. According to information received by the Global IDP Project, there have been cases of the forcible return of refugees about which UNMIK was notified too late or not at all (Interviews with members of the international community in Kosovo, Pristina, 26 May 2005).

An UNMIK draft policy document currently in use sets out a mechanism for dealing with forced returns for the 18 months from April 2005 to September 2006. The paper includes plans for a thorough security assessment and operational provisions to prepare the reception and accommodation of forced returnees. It envisages to review and adapt the policy to the changes every three months on the assumption that the security situation is likely to improve with the implementation of the Standards for Kosovo (the possibility of deterioration is not envisaged). Consequently, the plan is to shorten the notification period to respond to the increasing number of requests for forced return. This raises serious concerns that, in view of the limited screening capacity, some forced returns might occur without adequate security guarantees and increase the risk of secondary displacement. Ultimately, there will be a need to draw the PISG, which currently does not consider itself responsible for forced returnees since the agreement was signed without its involvement, into the process, in particular in view of the planned downsizing of UNMIK (E-mail correspondence with UNMIK official, 15 July 2005).

Several asylum countries have forcibly returned refugees claiming that even if insecurity prevails in places of origin, refugees could go back safely to other parts of Serbia and Montenegro (“internal flight alternative”). UNHCR condemned this practice, which has resulted in the secondary displacement of returnees from abroad, arguing that it “can appear to condone ethnic cleansing and thus contradict the spirit of Security Council Resolution 1244 of 10 June 1999 which emphasises the safe and unimpeded return of all refugees and displaced persons to their homes” (UNHCR, August 2004, Internal flight alternative).

Current displacement processes

March 2004 violence consolidates ethnic separation (2004)

- March violence were the most serious ethnic violence since 1999
- Kosovo Serbs, Roma and Ashkaelia communities were the main targets of violence
- Violence targeted minorities who had never left
- 4.100 persons were displaced during the violence mostly Serbs
- Majority of the displaced were from Pristina and Mitrovica

- 8% of the victims of violence were returnees
- Kosovo Serbs displaced have moved from mixed to mono-ethnic areas
- RAE communities have moved to KFOR camps, public premises and host families
- Security situation and destruction prevents return
- Parallel structures are developed to address the needs of the newly displaced
- March 2004 violence has reached a new step in the separation of communities

“The gradual improvements to security, freedom of movement and access to basic services for members of minority communities in general, with the exception of the Serb minority community as mentioned above in Part 2, came to a drastic halt in mid-March 2004 with the sudden eruption of civil unrest, continuing for several days. The riots and inter-ethnic violence targeted particularly Kosovo Serbs, Roma and Ashkaelia communities, and was the most intense and widespread cycle of violence experienced since 1999.” (...)

Kosovo Serbs were the primary target of inter-ethnic violence. It is noteworthy that this targeted mainly resident minority communities that had never been displaced over the past five years although returnees also came under direct attack. Equally, various serious security incidents affected Roma, Ashkaelia and Egyptian communities. This particularly concerned the village of Vushtrii/Vucitrn, where an entire Ashkaelia neighbourhood was looted and burnt down, with KFOR evacuating the Ashkaelia community at the last moment to prevent serious injury or loss of life. Vushtrii/Vucitrn had been the focus of a small scale return effort in recent years benefiting a number of Ashkaelia families previously displaced in Serbia. Likewise, some Albanian communities and families in a minority situation in the north suffered various security incidents. Finally, whereas Bosniaks and Gorani did not become a direct target of the violence, in some locations they felt sufficiently at risk that they opted for precautionary movements, or were evacuated by police, to safer places. Three ethnic Turkic families (14 persons) also fled from Mitrovice/a North.

The widespread and systematic nature of the violence took Kosovo’s civil and military authorities by surprise. As a result, during the first waves of attack, KFOR, UNMIK Police and KPS struggled to maintain control. In many locations they failed to protect minorities, their property and municipal infrastructure, and were unable to prevent the large scale displacement of minority communities fearful for their lives. (...)

In less than 48 hours, 4,100 minority community members were displaced – which is quantitatively more than the total number of minorities who had returned to Kosovo throughout 2003 (3,664 persons). The majority of those newly displaced were in the Prishtine/Pristina and southern Mitrovice/a regions, but displacement affected all other regions of Kosovo as well.

Kosovo Serbs represented the highest number of newly displaced followed by Ashkaelia, Roma, Egyptians, Gorani and Bosniaks. Equally, some 350 Kosovo Albanians in areas where they constitute the minority were displaced from the northern section of Mitrovice/a. Among the IDPs, more than 1,000 found temporary refuge in various KFOR bases, while the rest were accommodated in public premises or with private host families. Some minority families have reportedly departed for Serbia/Montenegro or other destinations.

Whereas less than 8 per cent of the minorities targeted were returnees [...] – both voluntary and forced - the fact that resident minority communities who had never left before felt compelled to leave their homes for their security is in itself, a very disturbing factor and a most worrying development within Kosovo’s present and possibly future, inter-ethnic relations. It is also most important to note that this concerns essentially minority communities living in ethnically mixed and urban areas rather than in mono-ethnic villages.

During the events, Roma, Ashkaelia and Egyptian communities had strong fears of becoming targeted on a systematic basis , in view of the violent attack on the Ashkaelia community in Vushtrri/Vucitrn on 18 March 2004 and various other serious security incidents affecting neighborhoods and individual families. In total, some 300 Roma, Ashkaelia and Egyptian were compelled to flee their homes and found refuge in KFOR camps, IDP collective centers or private host families. (UNHCR, 1 June 2004, pp.31-33)

“Most of the recently displaced Serbs have been staying in Serb enclaves. Further security incidents since March 2004 in mixed areas manifest how precarious the security conditions remain. Although KFOR has re-established various fixed check-points and stepped up patrolling, confidence in law-enforcement authorities is very low, particularly in those areas that were the most targeted and subjected to much destruction and violence. Inter-ethnic relations with the majority population are strained, particularly in locations where local population/authorities were either directly engaged in violent acts or failed to intervene. In some locations inter-ethnic relations improved following the personal intervention of municipal authorities and Albanian neighbors who prevented violence against the local Serb community.” (UNHCR, 1 June 2004, p.41)

“Humanitarian organizations have been delivering humanitarian assistance to the IDP temporary shelters and minority enclaves. Parallel structures in education, healthcare and other areas have further augmented in number and scope. (...) In various locations the level of destruction of private accommodation and key infrastructure within minority areas has prevented many of the recently displaced persons from returning to their homes. Other IDPs left for Serbia and Montenegro or other destinations.” (UNHCR, 1 June 2004, p.40)

As of 31 May 2005, 1467 March IDP remain displaced (UNHCR Map, March IDP locations, 31 May 2005)

See also:

The March violence: KFOR and UNMIK's failure to protect the rights of the minority communities, Amnesty International, 8 July 2004

Failure to protect: anti-minority violence in Kosovo, March 2004, Human Rights Watch, July 2004

Human Rights Challenges following the March riots, OSCE/UNMIK, 25 May 2004

and

Section “Causes and background”, March 2004: ethnic violence leads to a new wave of displacement (2004)

Small-scale but steady displacement from and within Kosovo (2000-2001)

- The pattern of departure is more in the nature of a slow trickle rather than the massive outflow seen in 1999
- Roma or Serb minorities in rural areas tend to leave their villages and concentrate in enclaves in urban areas
- The reported increase in inter-ethnic houses sales in 2000 and 2001 may be the result of pressure to sell on ethnic minorities
- Departures of minorities can be both temporary and permanent, with Serbs traveling regularly between Kosovo and Serbia depending on security, the education cycle and agricultural seasons

"[D]iscussion about return must remain grounded in current realities, not overlooking the fact that ongoing displacement of minority communities has not ceased. Kosovo Serbs and Roma continue to leave the province for security related reasons. The current pattern of departure is more in the nature of a slow trickle

rather than the massive outflow seen last summer. For other ethnic groups including Gorani, Muslim Slavs, Turks and Croats individual departures have also been noted. Some departures have been sparked by an isolated incident against members of a given group whereas others would appear to be more related to a perception that there is limited space for minorities in a Kosovo Albanian dominated society." (UNHCR/OSCE October 2000, para. 118)

Serb communities

"The pressure on minority Serb communities to sell their properties is increasing and more and more Kosovar Serbs residing in the isolated enclaves are leaving Kosovo. On February 13, in a meeting in Rahovec/Orahovac with KFOR, OSCE, UNHCR and UNMIK, the Serb leaders announced that 90% of the residents in the area wanted to leave for Serbia proper due to lack of security. KFOR made a commitment to try to improve security conditions. It was agreed that a meeting should be held fortnightly to discuss security issues.

According to local KFOR 40 Serb families in Gjilan/Gnilane are selling their properties; only about 250 Serbs still live in Gjilan/Gnilane. In Obilic town there is a strong pressure for the remaining Serb families living in a building in the centre of the town to sell their apartments following the illegal occupation of empty flats by 18 ethnic Albanian families. On 15 February, the last Serb in Podujevo town, an elderly lady, sold their property and left for Serbia proper as she could no longer cope in such isolated conditions." (UN OCHA 22 February 2001)

"In Obiliq/Obilic municipality, the situation of the Kosovo Serbs remains precarious. Numbers however are relatively stable with the exception of Obiliq/Obilic town, which has experienced a small scale but steady trend of departures, both temporary and permanent. In May four families left for Serbia proper, although one family returned to Obiliq/Obilic, due to the dire economic conditions they face there. In July [2001], another four families left for Serbia proper. Obiliq/Obilic is characterised as a predominantly Kosovo Albanian town, with the relatively small Kosovo Serb community now calculated to total than no more 650 persons comprised of; original residents, (281 families/590 individuals); and Kosovo Serb IDPs, (32 families/60 individuals), most of whom hail from nearby villages. This restricted urban community has extremely limited opportunities to buy or sell basic goods, and limited access to health care. In late 2000, inter-ethnic houses sales began to steadily increase and in early 2001 the illegal occupation of flats temporarily or permanently abandoned by Kosovo Serbs increased dramatically, with the suspicion remaining that the pressure to sell is organised. The difficult conditions of life in town directly contribute to a continuing sense of frustration, isolation and vulnerability among the remaining Kosovo Serbs. " (UNHCR/OSCE October 2001, para. 62)

"In Gjilan/Gnjilane region, minority population levels have generally remained stable. However, considerable variations exist in the statistical information held by different organisations, which makes it difficult to draw clear conclusions. Many Kosovo Serbs travel regularly between Kosovo and Serbia proper and some maintain accommodation in both locations, alternation between one and the other depending on factors such as overall security, the education cycle and agricultural seasons. " (UNHCR/OSCE October 2001, para. 67)

The Roma and other communities

"In Gjilan/Gnjilane town the current Roma population is estimated at 320 persons. Whilst this has not decreased notably since the previous report it should be remembered that the pre-conflict population numbered several thousands and those who remain, feel an ever increasing sense of isolation and desperation. Small-scale return prompted by slight improvements in security has been offset by a roughly equivalent number of departures by those who simply see no long-term future for this decimated community." (UNHCR/OSCE October 2001, para. 111)

"Serbs throughout Kosovo and Roma in some areas reported that they were afraid to leave their enclaves due to fear of intimidation and attack by ethnic Albanians. On November 8, unknown assailants shot and killed four displaced Ashkali who had returned to their village of Dosevac (Dashevc) near Srbica (Skenderaj) to rebuild their houses, which were destroyed during the war. Most minorities--including Bosniaks, Egyptians, Ashkali, Gorani, and some Roma--lived alongside ethnic Albanians and reported that their security situation improved over the course of the year, although incidents of violence and harassment continued to occur and their freedom of movement is restricted in some areas of Kosovo. The Turkish community is more closely integrated with Albanians and is less threatened than other minorities. The remaining Roma in Kosovo largely were settled in enclaves and settlements and were dependent almost wholly on humanitarian aid." (U.S. DOS February 2001, Kosovo, sect. 2)

Volatility of the situation in the Presevo Valley causes repeated displacements (2000-2001)

- Reports of persons moving forth and back between southern Serbia and Kosovo according to security conditions

"Tensions have remained high in southern Serbia, which has been to scene of repeated clashes between armed ethnic Albanian militants and Yugoslav and Serbian security forces. A rise in tension last November led to the exodus of some 5,000 ethnic Albanians from southern Serbia to neighbouring Kosovo. About 4,000 of them have since gone back to their homes in southern Serbia but the situation continues to be very fragile." (UNHCR 31 March 2001, p. 2)

"The Fragile security situation in Southern Serbia deteriorated in the last two weeks of January [2001], with new clashes between Serb security forces and the so-called "Liberation Army of Presevo, Medvedja and Bujanovac" (UCPMB). These incidents follow a fresh outbreak of conflict last November [2000], which resulted in a new wave of more than 3,000 displaced persons into Kosovo. While most of those displaced in November had returned to southern Serbia following a period of relative calm, the latest clashes have caused fresh displacement of the civilian population, with more than 50 people crossing the boundary into Kosovo." (UNHCR January 2001)

Multiple displacement

Displaced in Serbia and Montenegro change accommodation several times (1999-2005)

- Red Cross household economy analysis shows that IDPs have on average changed accommodation 4 times
- In 2000, an earlier Red Cross study showed that Red Cross survey shows that up to 40 % of the internally displaced persons in Serbia and Montenegro have changed accommodation at least twice
- A large proportion of internally displaced now living in collective centers, were first accommodated by friends and relatives who were not able to help them for a longer period of time

"In the HHE [*household economy*] analysis, most households were asked how many residences they had had since leaving Kosovo. The average number of residences occupied since displacement was four, and contrary to the impression contained in stereotypes about Roma being more mobile than non-Roma, did not

vary significantly between ethnic groups. Most people explained that they had changed their residences so often as a result of being evicted for inability to pay rent or utility bills.” (ICRC, 31 May 2005, p.25)

"Collected data clearly show that the residence problem is the most dramatic for refugees as well as for IDPs. In Serbia only 14% of respondents did not change the place where they had first settled. In Montenegro 12%. One quarter, 25% (31% in Montenegro) changed place once, 24% (32% in [Montenegro]) two times and 19% (13% [in Montenegro]) three times. As much as one fifth or 20% (12%) changed place four or more times. This means that 86% of respondents in Serbia and 88% in Montenegro changed the place where they had first settled.

Due to the fact that IDPs left their houses some ten months ago and refugees a number of years ago, there are significant differences among them. While 9% of refugees in Serbia changed placed 6 or more times, none of the IDPs families moved more than 5 times yet.

Most of refugees respondents families in Serbia changed accommodation three (23,2%) or two times (21,4%), and most of the IDPs respondents families changed accommodation once (35,5%) or two times (27,5%). Double percentage of refugees's families changed place three times (23,2%) compared to IDP families (11,9%).

[...]

Upon arrival to Serbia or Montenegro more than one half of [Refugees and IDPs] lived with relatives or friends, one quarter lived in collective centers (13% in Montenegro) and one fifth lived in rented flats or houses in Serbia and Montenegro. Of all IDPs now living in collective centers 47% did not live in centers in the beginning (mostly lived with relatives). As much as 62% of IDPs now living individually lived with relatives or friends at the beginning. This data confirms the conclusion that, due to general poverty, relatives were not able to help them for a longer period." (ICRC/IFRC/YRC May 2000, p.11)

Gloomy economic prospects and lack of access to rights push IDPs into secondary displacement within Serbia and Montenegro (2000-2005)

- People initially displaced from Kosovo went to Southern Serbia close to their homes
- Lack of return prospects pushed these DPs to move to central Serbia in search of better economic perspective
- Number of displaced persons in Montenegro has reduced significantly
- Many displaced persons left Montenegro for Serbia or re-registered there where they have access to social benefits

Displacement in Serbia

In February 2005, the United Nations High Commissioner for Refugees (UNHCR) estimated that there are currently 208,135 IDPs living in Serbia. According to the Serbian Commissariat for Refugees (CfR) approximately 60,000 IDPs are estimated to be non-Serbs. These minority groups are mostly Roma, but also include 5,000 Albanians and the CfR estimates as many as thirty-one other ethnicities. Initially, IDPs remained in southern and central Serbia, close to the border with Kosovo, in anticipation of a quick return. In the six years since they were displaced, and as prospects for return have dimmed, however, many IDPs have moved northwards towards central Serbia and Belgrade where they perceive economic opportunities to be greater.

Displacement in Montenegro

On the basis of a census undertaken in September 2004, UNHCR estimates that there are 18,019 IDPs living in Montenegro, and of these, approximately

26% are Roma. The total number of IDPs is significantly reduced from a 2003 figure of 28,493.

The numbers of both refugees and IDPs in Serbia have reduced somewhat since 2003. This can be attributed to a number of factors, including the following:

- Some refugees have opted for Serbian or Montenegrin citizenship.
- A small number (CfR estimates 0.2%) of Kosovo IDPs in Serbia have 'deregistered' in Serbia and successfully registered as residents (this was made legally possible in 2002).
- Some IDPs in Montenegro have moved to Serbia, or 'registered' themselves in Serbia in order to receive social welfare benefits and to enjoy the marginally greater level of rights available to them there, even if they physically remain in Montenegro.
- A small number of IDPs have received residency in Montenegro (if they were born in Montenegro, were 'fast-tracked' for residency because they possess desired skills, or owned property in Montenegro when they were displaced).
- Less than 2% of IDPs have returned from Serbia and Montenegro to Kosovo, according to UNHCR estimates." (ICRC, 31 May 2005, p.5)

"Most IDPs in Montenegro originate from Metohija, the area of Kosovo closest to the Montenegrin border. Metohija is the poorest part of Kosovo, where many people who were later displaced made their living from agriculture. They settled first in northern Montenegro towns closest to the border, including Berane and Plav." (ICRC, 1 April 2005, p.5)

[UNHCR] FO Belgrade random check of about 100 out of 6,000 IDPs who registered both in Montenegro and in Serbia showed that many are actually based in Serbia, primarily due to lower living costs. All of them are either Montenegrins or of Montenegro origin, all come from Pec, Istok, Klina and Decani area in Kosovo and most of them have spent some time in Montenegro after fleeing Kosovo. (UNHCR 11 June 2000)

Displaced returning from Serbia to Kosovo to situations of internal displacement (1999-2000)

- Security concerns remain the primary factor in the decision made by people to leave or return
- Difficult economic conditions prevailing in Serbia and low level of assistance provided have resulted in the return of displaced Serbs to situations of internal displacement in Kosovo

"The mission considered the possible interaction between the provision of food assistance to minorities and population movements. Does the provision of food aid, by enabling minorities to remain within a given location, increase their exposure to insecurity (because without food aid they would have to move somewhere more secure), or decrease it (because they no longer have to take the risk of travelling to market)? Or, equally importantly, could a shortage of food and a lack of food aid be a reason for leaving?

The finding is that decisions about movements are multi-factoral, with security the primary concern and food very much a secondary issue. Where people have chosen to remain within a relatively insecure location the evidence is that this has more to do with a reluctance to abandon homes and assets than it has to do with any expectation of receiving material assistance. Equally, decisions to move out of an insecure

area have primarily been made for security reasons; there is no evidence that people have so far been forced to move primarily because of a shortage of food.

Where security is less of a concern, then the availability of food seems to play a larger part in decision-making. Some of the movements between Kosovo and Serbia, particularly recent movements of IDPs back into Kosovo, may well be linked to the levels of assistance provided in the different locations. There is, however, no evidence that people are moving back to particularly insecure locations. Rather they are moving to places in Kosovo where they feel relatively safe, even if this means remaining an IDP (as in the case of returns to Strpce/Shterpce, for example)." (UNHCR/WFP 5 February 2000, paras. 10.2)

"Strpce/Shterpce continues to be divided between Kosovo Serb and Kosovo Albanian villages with four purely Kosovo Albanian villages remaining and five previously mixed villages now populated only by Kosovo Serbs, with the exception of Vica/Vice where a few Kosovo Albanians remain in a separate part of the village high on the hillside. The Kosovo Serb population by estimates calculated in November continues to stand at about 9,000 including IDPs. Some 952 IDPs are registered with the Yugoslav Red Cross (YRC) from a highpoint of 1,800 immediately after the conflict. This subsequently went down due to departures to other parts of FRY but current indications are that some people have returned (to conditions of internal displacement) citing difficult economic conditions there. Freedom of movement within the municipality is relatively easy but travel further afield requires a security escort. Regular commercial bus lines linking up with destinations in FRY and FYROM benefit from KFOR security escort. Kosovo Albanians, a minority within this municipality, also face freedom of movement constraints in certain areas." (OSCE/UNHCR February 2000, para. 87)

Refugees from Croatia and Bosnia-Herzegovina who had been settled in Kosovo forced to leave again (1999-2001)

- Serbian authorities settled 15,000 Serb refugees from Croatia and Bosnia Herzegovina in Kosovo beginning of 1998
- The refugees left Kosovo in mid-1998 when the situation of Kosovo deteriorated into armed conflict
- Other refugees left from June 1999 as a result of the human rights abuses perpetrated by ethnic Albanians against members of the minority communities
- Settlements of ethnic Serb refugees in Kosovo were particularly vulnerable to attack by the ethnic Albanian nationalists
- Many of these refugees left Kosovo without documentation supporting their previous refugee status

"Between 1991 and 1995 Serb refugees have flooded into Serbia and Montenegro from Croatia and Bosnia-Herzegovina. Some 15,000 of these people had been settled in Kosovo by the Serbian authorities as at the beginning of 1998 and the total refugee population in the FRY was 550,000. Some of these refugees and part of the indigenous Serb population started to leave Kosovo in mid-1998 when the situation in Kosovo deteriorated into armed conflict. However, from June 1999 thousands more Kosovo Serbs and Roma fled into Serbia and Montenegro as a result of the human rights abuses perpetrated by ethnic Albanians against members of the minority communities. The bulk of the refugees from Croatia and Bosnia were among those fleeing into Serbia. This month the General Assembly urged the international community to support programs which aim to ensure that the humanitarian needs of refugees and internally displaced persons in the FRY are met and that they support durable solutions, including repatriation and reintegration." (AI January 2000)

"Many of the uprooted in Serbia have been displaced multiple times. Among the people recently displaced from Kosovo are thousands who were already refugees from Croatia or Bosnia, known locally as 'double

refugees.' Many had been placed in collective centers in Kosovo, part of Belgrade's effort to alter Kosovo's ethnic demography. Ethnic Albanian nationalists saw the settlement of ethnic Serb refugees in Kosovo as a provocation; they became a target of ethnic Albanian anger. Often Serbian police or military were quartered in these same collective centers, making the refugees living in them even more vulnerable to attack." (USCR April 2000, p. 15)

"Many families have been twice displaced because, between 1992 and 1996, thousands of refugees from Croatia and Bosnia were forced by the Milosevic government to resettle in Kosovo. Their presence was expected to dilute the Albanian majority and reduce pressure for a restoration of Kosovo's autonomy. Both Serb and Roma refugees were part of this forced resettlement. Many of them subsequently fled Kosovo when the NATO bombing ended in Serbia and Kosovar Albanians returned home from their exodus. Many left Kosovo because of a perceived threat of Kosovar Albanian retaliation and others left after their houses had been burned and/or they were threatened with, or experienced, retaliatory violence. When these refugees left Kosovo, many did not come with identification or other official documents because they had burned or there was no time to get them. Without the papers supporting their refugee status, they came to be identified as displaced people and therefore lost some possibilities afforded to them by their previous refugee status." (Women's Commission September 2001, p. 8)

Other factors

"Ethnic concentration" process in Kosovo (2005)

- A large proportion of Serb minority returns are taking place to mono-ethnic enclaves
- Pattern of displacement of ethnic Serbs and other minorities leaving ethnically mixed villages or urban neighbourhood to ethnically "pure" enclaves in Kosovo
- From a UNHCR protection point of view, an "enclave" is a population whose movement is limited by considerations of insecurity
- WFP questions the value of the "enclave" concept in relation to food aid planning since absence of freedom of movement may not necessarily coincide with food insecurity
- Smaller enclaves have tended to disappear, transforming Kosovo into a juxtaposition of ethnically homogeneous zones and societies (2000)

“ [A] relatively large proportion of Serb returns [*to Kosovo*] (each year and for the reporting period) are not to areas requiring significant interaction w/Albanian communities. Overwhelming majority of Serb returns have been to all-Serb communities of varying sizes, where minimal communication with neighbouring communities occurs. The communities include villages (Grace, Priluzje and Velika Hoca), relatively large communities (Gracanica, Laplje Selo, Caglavica, Gorazdevac) and municipality of Strepce.” (UNHCR, Minority return to Kosovo, table 1, 31 April 2005)

"In Gnjilane municipality there is an ongoing 'ethnic concentration process' in which Serbs and Albanians are leaving ethnically mixed villages for ethnically "pure" enclaves, adding to the new group of internally displaced persons. Even within towns, Serbs are retreating to ethnic enclaves. This is similar to the patterns observed in Prizren, Pec, Djakovica and other areas where Serbs, often elderly, are retreating to Orthodox Church institutions after harassment, looting or attempted burning of their property.

In Mitrovica, Serbs are concentrating in the northern part of town and further north towards Serbia proper in the municipality of Leposavic. All Roma are reported to have left the Albanian part of Mitrovica. Continuing tension in Mitrovica, which presents a Mostar-style divided city patrolled by French units of KFOR, has resulted in repeated confrontations between Serbs and Albanians, apparently fueled, at least in part, by excessive media presence." (UN CHR 27 September 1999, paras. 96-97)

In September 1999, WFP and UNHCR established a programme of blanket distribution for ethnic 'enclaves', defined for food aid planning and distribution purposes as 'areas within which people are living very strictly confined, with minimal access to markets or to crop or livestock production due to insecurity.' The mission reviewed the concept of ethnic 'enclaves' and concluded that it was not useful in terms of planning food assistance to minorities, since it does not simplify the process of assessing their food aid needs. It is no easier to determine whether a population is an enclave than it is to assess food needs directly. In fact, the information required (i.e. information on access to food) is the same in both cases, and the step of classifying a population as an enclave is a redundant step in the assessment process.

There are two other points in relation to enclaves. Firstly, there is a problem of definition in that the term 'enclave' is used by different organisations to mean different things. From a UNHCR protection point of view, for example, an enclave is a population whose movement is limited by considerations of insecurity. The difference is important because freedom of movement is clearly not synonymous with food security (if the population concerned has stocks, for example). Such definitional differences could easily give rise to misunderstandings over the levels of assistance that should be provided in different circumstances. This is a potential problem that can most easily be avoided by abandoning the concept of 'enclaves' altogether, at least as far as food security is concerned (this does not, of course, mean that minorities living within 'enclaves' as defined by UNHCR would not be eligible for food assistance, but that the level of assistance would depend upon the food security of the population). The second point is that defining a community as an 'enclave' can have the effect of discouraging further enquiry and analysis of the situation within the 'enclave'. (UNHCR/WFP 5 February 2000, sect. 10)

"Most of those [Gorani] working in the public sector and in the factories are no longer employed, and a number of Gorani businesses are now closed. Many Gorani are internally displaced from other parts of Kosovo to their home villages. Unless security conditions and employment opportunities improve these IDPs are likely to leave Kosovo for other parts of former Yugoslavia or to join relatives abroad. The Gorani communities visited by the mission have an appearance of relative prosperity, and it seems likely that their short-term need for food is relatively small." (UNHCR/WFP 5 February 2000, sect. 7)

"Nor are the Albanians spared who are brave enough to remain in the North of Mitrovica, in the Serbian part of the town. Lying low in their apartments, dependent on humanitarian aid, harassed every day by threats and incessant anonymous phone calls, they hold out as long as they can, live on tranquillisers, and end up by leaving. The exodus continues and the definitive splitting of the town between the north of the Ibar for the Serbs and the south for the Albanians is slowly but surely becoming a reality.

[...]

So it is that increasingly the small enclaves tend to disappear. The Serbs leave the mixed villages and districts to go to Serbia, the north of Kosovo - the Zubin Potock, Zvecan, et Leposavic regions are almost exclusively Serbian - or the big enclaves such as Gracanica. Similarly, the Albanians are increasingly leaving the north of the province. It is the same with the Gypsy populations who are fleeing to Serbia and Montenegro.

Gradually, Kosovo is becoming organised into a juxtaposition of ethnically homogeneous zones. Day after day, two ethnic entities, two parallel societies are being created, brought together in a single province. Each community has its territory, its towns, its markets, its schools, its hospitals. If a member of one community dares to cross the demarcation line, his chances of being insulted, beaten, or even killed are considerable." (MDM 20 December 2000, p. 5)

Displacement furthers migration to urban areas in Kosovo, except for the Serb minority (2004)

- Population of Pristina has at least doubled since June 1999, partly as a result of an influx of refugees and displaced from rural areas
- It was believed that many of the displaced Kosovo Albanians living in urban centres in Kosovo would go back to their rural homes in the spring, however few have returned so far
- Except for northern Mitrovica, there are no more Serbs in Kosovo towns
- Northern Mitrovica owes its economic survival to Serb subsidies which, if stopped could lead to a new exodus
- Serb population in Kosovo remain predominantly rural due to the generally better security prevailing in rural areas
- Before the war, 60% of Kosovo Serbs were living in rural areas

Migration of the Albanian population to urban areas

"A year after war ended in Kosovo, chaos and dislocation continue, manifested in the doubling or even tripling of the population of Pristina, now home to more than half a million people, reports the New York Times. Mostly they are people from the villages, refugees who have abandoned their burned-out homes and sought work and shelter in the capital." (Refugees Daily 7 July 2000)

"Over the last year, IDPs have been one of the main groups of beneficiaries of food aid assistance, particularly throughout the winter when they were among the most vulnerable in Kosovo. In Pristina town, in March 2000, over half of the total number of food aid beneficiaries (some 90,000 people) were IDPs. It was believed that many of the ethnic Albanian IDPs living in urban centres in Kosovo would go back to their rural homes in the spring, however few seem to have returned so far. While some of the IDPs now have employment opportunities in the urban centres, others may apply for assistance provided, as of July 2000, through the UNMIK Social Welfare Scheme. (Up to June 2000, UNHCR, WFP, and Food for Peace funded targeted food assistance programmes for the more vulnerable populations in Kosovo)." (UN OCHA July 2000, p. 64)

Marked shift of the urban-rural balance of the Serb population in Kosovo

"Perhaps the most important fact that emerges from the data is the striking difference between urban and rural Serbs. Today, there is not a single Serb-language primary school in any of the larger urban centres. Of the 63 Serb primary schools in Kosovo, 47 are located in villages with fewer than 5,000 inhabitants. A large majority of Kosovo Serbs are living in small villages scattered widely across Kosovo.

The Kosovo war and the withdrawal of the Serbian state have affected rural and urban Serb communities in very different ways. With the exception of a last outpost in North Mitrovica, the world of urban Serbs has entirely disappeared. There are no more than a handful of Serbs left in Pristina, Pec, Prizren or any of the other larger towns. By contrast, a large majority of rural Serbs never left Kosovo, even during the most turbulent period in 1999/2000. Most are living a life of subsistence agriculture, and though conditions are hard, they are relatively self-sufficient. Only in the Metohija/Dukajini region was there a substantial exodus of both the rural and urban population.

In short, the effect of the 1999 war was that almost all urban Serbs left, leaving North Mitrovica as the last remaining urban outpost. However, the vast majority of rural Serbs stayed.

Kosovo's remaining Serb communities vary considerable in geographical, economic and political conditions. As the last urban enclave, North Mitrovica survives through massive subsidies in the form of public-sector salaries and social transfers, coming from both the Serbian and the Kosovo budgets. Politics in North Mitrovica are directed towards Belgrade, and aimed at securing continuing support. Wage

employment in North Mitrovica comes almost exclusively from its public institutions, in particular the university and hospital. These are funded from Belgrade, with many of the professional staff receiving double salaries as an incentive to remain in Kosovo. There is almost no other economic activity, other than small retailers. This leaves the remaining urban communities in a highly precarious position; if a change in the political climate brought these subsidies to an end, it would trigger a rapid exodus of population. Even if present subsidies continue, the lack of public and private investment makes life increasingly difficult, as infrastructure and public housing decays and employment declines. Gracanica, a village near Pristina surrounding a famous Orthodox monastery, has also emerged since 1999 as a small public service centre for Kosovo Serbs, boasting a university faculty, a secondary school, health facilities and a small private sector. Strpce, the main Serb-majority town in the south, has seen most of its former socially-owned companies cease production.

The municipality of Gnjilane, home to the largest community of Kosovo Serbs south of the Ibar, illustrates dramatically the different fates of rural and urban Serbs in post-war Kosovo. According to the last Yugoslav census, there were 19,370 Serbs in the municipality in 1991, of whom just under 6,000 lived in the town. Today, the urban Serbs have gone; according to local Serb representatives, there were 250 left before March 2004, and only 25 now. However, with 12,123 Serbs still living in the municipality, it is clear that almost all the rural Serbs have stayed. (ESI, 7 June 2004)

"Before the war, 60% of the [Serb] population was rural, now the figure is 80%, reflecting the generally better security prevailing in the rural areas, and the continued access that villagers have to their crop and livestock production." (UNHCR/WFP 5 February 2000, sect. 5)

"Displacement of the majority Kosovo Albanian population has generally been from rural areas to urban centres. This contrasts with the movement of minority population which has been from urban to rural areas, as well as to northern Mitrovica and Serbia proper." (UN OCHA 6 July 2000, p. 63)

PHYSICAL SECURITY & FREEDOM OF MOVEMENT

Overview

Security and freedom of movement after the March 2004 violence (Special report, 2005)

- Security situation in Kosovo has improved since March 2004 although minorities remain targets of attacks
- Authorities from Kosovo made a declaration calling upon the displaced to return
- Freedom of movement is limited
- Overwhelming majority of returns are occurring in rural areas

Following the March 2004 events, the security situation has improved and, as a result, the number of KFOR checkpoints and police escorts has been reduced. However, minorities remain targets of a range of different forms of harassment and attacks, including stoning of buses, destruction of grave sites and occupation, looting or destruction of properties (UNHCR, March 2005, SG, 23 May 2005). Public condemnation of these incidents by local authorities and prosecutions of the perpetrators have been irregular. However, the February 2005 declaration of Prime Minister Bajram Kosumi and 23 municipalities urging the displaced to return and calling for respect of property rights were seen as steps in the right direction (SG, 23 May 2005). The number of serious crimes against members of minority groups decreased since March 2004, although this can partially be attributed to the fact that there is less and less interaction between groups of different ethnicities (UNHCR, March 2005). Notwithstanding the overall improving security situation, it appears that the number of Serbs who do not feel safe in Kosovo has slightly increased since July 2004 (SG, 23 May 2005). The small number of ongoing returns are almost exclusively taking place to Serb majority areas (UNHCR, Minority voluntary returns, table 1, 30 April 2005) and to rural municipalities which are usually considered safer and where access to land promises better opportunities to become self-sufficient.

Freedom of movement remains severely restricted by the volatile security situation and perceptions of insecurity, which were further reinforced by the killing of two young Serbs on the Urosevac-Strepce road on 28 August 2005. Minorities still travel with specially provided transport or under military escort. These movements usually take place between one minority area and another (SG, 23 May 2005). Kosovo Serb children in Obilic and Mitrovica still need military escorts to go to school (SG, 14 February 2005, par. 35). The limited freedom of movement deprives members of minority groups of access to basic public services and has a negative impact on their ability to sustain their livelihoods due to the risks involved in travelling to and from work and the difficulty of accessing their land. This discourages return and increases the risk of further displacement of minorities out of Kosovo or towards mono-ethnic areas within Kosovo.

Serbia and Montenegro (excluding Kosovo)

IDPs in Serbia and Montenegro face restrictions to their freedom of movement (2001-2005)

- IDPs were long refused to transfer their permanent address from Kosovo to Serbia or Montenegro, but this practice has changed since 2003
- Citizenship legislation in Montenegro hampers integration of IDPs
- UNMIK regulation on property sales in ethnically mixed areas also interfere with the freedom of movement

“One of the biggest problems up to 2003, which had obstructed the freedom of movement had been the inability to change residence, i.e. to register residence in the territory of the Republic of Serbia. This practice was changed in 2003, after the Ministry of Interior Affairs had ordered the local services of interior affairs to enable IDPs to register changes of their residence in Serbia. In the course of 2004, there were no cases on record in which displaced persons were prevented from registering change of residence. Nevertheless, a large number of displaced persons, because of property abandoned in Kosovo, still do not wish to change their habitual residence. Therefore, such persons are forced to renew their temporary residence permits in local police stations every three months, and, at the same time, they are not in a position to realise other rights that are associated with the requirement to register residence in Serbia.” (Group 484, April 2005, p51-52)

“According to the Law on Permanent and Temporary Residence of the Republic of Serbia (Official Gazette 42/77 and 25/89) the precondition for changing permanent residence is the de-registration of one’s current permanent residence. The proof of de-registration in one location is required for the registration in another. In the case of IDPs from Kosovo de-registration is performed by the Police Stations dislocated from Kosovo to Southern Serbia. Until July 2003 the Police Stations dislocated from Kosovo have refused to allow de-registration of IDPs’ from Kosovo, and therefore prevented them from registering their permanent residence in Serbia proper without legally founded explanation. However, in the reporting period the Project has noticed changes in the practice, i.e. some IDP clients were allowed to de-register their permanent residence from Kosovo.” (NRC, July 2003).

"IDPs have reported cases in which Kosovo police officers 'in exile' have refused to grant a de-registration document for a transfer of an IDP's permanent address from Kosovo to a location elsewhere in Serbia. In such cases, IDPs who want to change their permanent address to Serbia proper or Montenegro are unable to do so. Such practices violates the *right of IDPs to freely move within their own state* and to *choose their place of residence*, a right internationally recognized by Principle 14 of the *UN Guiding Principles on Internal Displacement*, Article 2 of the Protocol of European Convention of Human Rights and Article 12 of the International Covenants of Civil and Political Rights. Following this principle, Serbian authorities should permit IDPs from Kosovo to de-register and change their permanent residence upon their request.

Some specific aspects of *Montenegrin citizenship* legislation should also be noted. IDPs from Kosovo, being citizens of FRY and the Republic of Serbia, are not permitted to apply for Montenegrin citizenship. Legislation requires a ten-year period of prior permanent residence before being able to become a citizen of Montenegro.

The *UN Guiding principles* emphasize the basic rights of IDPs *to return to their place of origin*. Nevertheless, it is important that such decisions be made *voluntarily* by individual IDPs and not forced by authorities in Serbia/Montenegro or Kosovo. Certain actions undertaken by authorities (UNMIK in some cases, and Serbian and Montenegrin authorities in others) directly or indirectly affect the ability to make this choice and therefore affects freedom of movement. Obstructing the change of permanent residence (Serbian and Montenegrin authorities) and UNMIK regulations pertaining to property sales in ethnically mixed areas, though well-intentioned, are two examples that interfere with this choice making." (UN OCHA 26 April 2002, p. 19)

About UNMIK Policy regarding property sale in Kosovo, see "[UN Representative attempts to prevent forced sale of minorities' property \(2001-2002\)](#)" [Internal link]
See also our Property section

Human rights institutions in Kosovo are not sufficiently accessible to IDPs in Serbia and Montenegro (2001-2002)

- Filing claims for lost properties in Kosovo has been facilitated to IDPs only recently
- IDPs need to be better informed on the institution of the Ombudsperson in Kosovo

"*Effective access to the Housing and Property Directorate (HPD), the UNMIK-established body mandated to deal with Kosovo property repossession, is essential to IDPs. A shortage of funds has prevented the HPD from effectively fulfilling its mandate. HPD opened offices in central (Nis, Kraljevo) and southern Serbia (Kursumlija, Vranje) in November 2001, and in January 2002 HPD offices opened in Belgrade and, recently, in Novi Sad, and plans to open an office in Podgorica. The new offices have enabled IDPs to more easily file claims for repossession of their property in Kosovo. The deadline for filing claims has been prolonged until 1 December 2002. These changes should make the process more efficient compared to the situation when all claims were submitted through a single office in Kosovo. This situation created obvious problems for IDPs, who were unwilling to take the safety risk that traveling to Kosovo presents. [...]*

The *Ombudsperson* of Kosovo is a human rights institution empowered to extend services to Kosovo residents, including IDPs from Kosovo. To have effective access to its services, IDPs need to be informed and become familiar with its mandate. Until now the Ombudsperson Institution's procedures combined with communication difficulties have presented serious obstacles for IDPs. NRC plans to work jointly with the Ombudsperson Institution, IDP organisations and NGOs on facilitating training/information sessions in order to make the work and access to this institution more efficient.

Kosovo IDPs residing outside of Kosovo are not eligible for UNMIK/EU reconstruction assistance unless they are part of an organized and officially approved group return project. This is an important problem that could continue to deter returns even if security conditions improve.

There are *no legal remedies against UNMIK* for damages incurred (use of property, personal injury, etc.) as the result of UNMIK actions. This applies to IDPs as well as all residents of Kosovo.

KFOR established a damage claims process, but there is *no consistent policy* as claims are resolved according to the individual policies of the various national peacekeeping contingents (the French resolve claims in one fashion, Germans in another)." (UN OCHA 26 April 2002, p. 20)

A group of special concern: displaced Roma (2001-2003)

- The Roma community faces a pattern of discrimination aggravated by the difficult economic environment
- Roma IDPs live in deplorable conditions in illegal settlements, facing evictions
- Their marginalisation is exacerbated by the language differences
- The magnitude of the Roma IDP problem is very often hidden as many of them have not registered with the authorities

"On February 13, the federal parliament adopted a Law on the Rights and Freedoms of National Minorities. The law [...] provided for broad protection of minority rights. The treatment of Hungarians, Bosniacs, Croats, and Albanians in Serbia (outside of Kosovo) was satisfactory in 2002, but police brutality against Roma continued to take place, and discrimination against Roma in various fields of public life remained wide-spread. Prosecutors continued to dismiss complaints of discrimination or simply failed to take any

action to address them, and legal provisions against discrimination remained inadequate. Thousands of Roma families, many of them displaced from Kosovo, continued to live in makeshift settlements in the vicinity of towns, without electricity, running water, or sewers, or access to public health and education services. Authorities attempted on several occasions to evict the families from one such settlement in Belgrade, without providing them with adequate alternative accommodation. In September and October [2002], the affected Roma staged large protests in Belgrade, and the authorities postponed the eviction until such time as alternative accommodation could be found, but by mid-November the companies owning the land plots evicted all displaced Kosovo Roma from the settlement, using threats and employing excavators to destroy the Roma shacks." (Human Rights Watch, World Report 2003)

"The [Roma, Ashkaelian, and Egyptian (RAE)] community faces complicated challenges in FRY. They are confronted with a pattern of discrimination and their situation has worsened during the last 10 years of sanctions and economic decline. In the Kosovo conflict RAE were viewed with suspicion by all sides, and accusations of collaboration with one or the other side are multiple. Many RAE IDPs live in truly deplorable conditions, often below the level of human dignity. In and around Belgrade and other towns in Serbia and Montenegro, many RAE IDPs live in illegal settlements, without access to electricity, drinking water and sewage systems. These problems are often exacerbated by communication difficulties due to language differences." (UNHCR April 2002, para. 26)

"Roma IDPs from Kosovo differ very much greatly from other IDP groups in FRY due to their ethnic background and the marginalized position of Roma within FRY society in general. Roma are an especially vulnerable group; thus the issue of Roma IDPs deserves special attention, both from the aspect of displacement and in general.

The influx of Roma IDPs from Kosovo, together with Serbs and other non-ethnic Albanians, has drawn the attention of a number of international humanitarian organisations, which have conducted field assessments documenting the dreadful living conditions of Roma IDPs and local Roma host communities. Unfortunately, the magnitude of the Roma IDP problem is very often "hidden," as many of them have not registered with the authorities, but simply mingle with the locals in Roma settlements. As a result, they are forgotten and marginalized, many living in truly appalling conditions." (UN OCHA 26 April 2002, p. 22)

See also:

- *"Displaced Kosovo Roma in the region: an update", ERRC, 2001 [Internet]*
- *Humanitarian Risk Analysis No. 17 - Assessing the Needs of the Roma Community in the Federal Republic of Yugoslavia (excluding Kosovo), UN OCHA, 26 September 2001 [Internet]*

Armed violence continues in Southern Serbia (2001-2002)

- A new insurgency movement in Southern Serbia revives insecurity and inter-ethnic tensions
- Ethnic Serbs in Presevo have been leaving the area progressively

"Former members of disbanded Albanian guerrilla groups in southern Serbia and Macedonia have regrouped to create a new insurgency movement on the border between Kosovo and Serbia. The group, named the Liberation Army of Eastern Kosovo, UCKL, comprises members of the old Liberation Army of Presevo, Medvedja and Bujanovac, UCPMB, and the National Liberation Army, NLA, from Macedonia.
[...]

Since then, there have been sporadic exchanges of gunfire with the Serbian police from its stronghold in six villages around Kosovska Kamenica, which lies just inside Kosovo, close to the Serbian border.
[...]

The Serbian authorities are confident that the new force will not derail the agreement. Goran Radosavljevic, a police official and member of the government's coordinating team for the region, says the UCKL will never achieve the strength of the old UCPMB.

But tensions among both communities is rising in the meantime. Although around 2,000 Albanian refugees returned this summer to Bujanovac from Kosovo, it would only take a small incident from them to flee back to Kosovo.

The Serbs are even more worried. The number wanting to stay in Presevo is shrinking, says Nemat Mandic, of the local branch of the Democratic Party. 'Around 50 families have stayed in the town but they all want to leave,' he said. 'The Serbian community feels insecure and sales of houses and land are up.'" (IWPR 9 November 2001)

See also:

- *AFP, "Sixteen UN police hurt in clash with Kosovo Serbs", 8 April 2002 [Internet]*
- *AFP, "Southern Serbia: Ethnic Albanian couple seriously wounded by hand grenade", 5 April 2002 [Internet]*
- *AFP, "Mortar attack on police checkpoint in southern Serbia", 18 January 2002 [Internet]*
- *AFP, "Two injured in armed incident in southern Serbia", 12 November 2001 [Internet]*

Mines in Southern Serbia: a risk for children (2001)

"Southern Serbia is regarded as a low risk mine area. There are reported to 920 mines near settlements in the southern Serbia region, of which 70% are anti-tank and 30% are anti personnel. While data on mine incidents are unreliable, up to 70 people, mainly from the Army and Police, have been injured/killed in mine incidents in the last two years. The Yugoslav Army is responsible for mine mapping and clearance. Children are considered to be the most vulnerable to future mine incidents and mine awareness activities are directed mainly to children." (UN November 2001, p. 26)

Kosovo

Despite progress, minority communities still feel insecure in Kosovo (2005)

- Security situation has improved since March 2004 riots
- Kosovo Assembly election in October 2004 were peaceful and judged to be free and fair
- Improved statistics on serious crimes can also be the result of less interaction between communities
- Security situation in Kosovo remains highly fragile and volatile
- Members of ethnic minorities particularly continue to view the situation as insecure and dangerous
- In 2004, return movements decreased by almost 50% from 2003 levels, mainly due to security fears

"Since the inter-ethnic violence in March 2004, and particularly in the second half of the year, the overall situation in Kosovo has improved. Renewed and effective engagement of the Provisional Institutions of Self-Government (PISG) to implement Kosovo Standards, particularly in areas related to the situation of ethnic minorities, has led to the creation of new windows of opportunity for return in various municipalities. The security situation has improved if measured by the declining trend in serious crimes

against members of minority communities. There has been no reported ethnically based killing since a 16-year old Kosovo Serb died on 6 June 2004 in Gracanica in a drive-byshooting.

Furthermore the elections for the Kosovo Assembly on 23 October 2004 took place in a peaceful manner and were judged to be free and fair. Likewise, no security incidents occurred during the visit of the Serb President Tadic to Kosovo on 13 February 2005. There has also been some progress in prosecuting those responsible for the March violence.

It should be noted, however, that the decrease in the number of serious crimes against members of minority communities may also be closely related to the fact that freedom of movement of ethnic minorities and thus contacts with majority populations have significantly dropped after the March 2004 events.

Nonetheless, the security environment in Kosovo remains highly fragile and volatile. Minorities continue to suffer ethnically motivated incidents in which minority transports are stoned; member of minorities attacked (...) harassed (...) or intimidated; property and possessions of minorities looted (...), destroyed or illegally occupied (...); grave sites of minorities vandalized (...); and hate graffiti painted on municipal buildings (...). Many of these incidents remain unreported as the victims fear reprisals from the perpetrators from the majority community.

The risk that the fragility and volatility of the current situation may translate during 2005 into renewed violence cannot be excluded. (...) If serious inter-ethnic violence were to erupt in one area, it could, as was the case in March 2004, have a “snowball effect” and rapidly spread throughout Kosovo.¹¹ Should that occur, violence is likely to affect once again ethnic minorities.

Insecurity – Real and Perceived

Members of ethnic minorities continue to perceive the current situation as insecure and dangerous. This is due to a number of factors, including that the March 2004 events seriously destroyed their confidence in law-enforcement authorities and exacerbated their mistrust of the majority population. Perpetrators are still rarely brought to justice and incidents such as those described above are continuing. Therefore the enhanced security measures and initiatives by UNMIK and KFOR (...) have not been able to significantly alter that perception.

7. The strong feeling of insecurity and the concrete security incidents have had a major impact on voluntary repatriation movements. In 2004, return movements of ethnic minorities decreased by almost 50 per cent as compared to 2003.(...) Most of the (few) return movements took place to mono-ethnic rural areas or areas where returnees belong to the majority population. The constraints in relation to return perspectives are also illustrated by the situation of the ethnic minority communities that were forcibly displaced during the inter-ethnic violence in March 2004: one year later, more than half of the IDPs have still not returned to their home communities on security grounds, although their reconstructed houses offer better living conditions than the provisional IDP shelters.” (UNHCR, March 2005)

For more information on the security situation see also:

Report of the Secretary General on the United Nations Interim Administration in Kosovo, UN Secretary General, S/2005/335, 23 May 2005 and S/2005/88, 14 February 2005

Security concerns: overview by minority and vulnerable group (2005)

- Main communities at risk are Kosovo Serbs, Roma and ethnic Albanians in a minority situation
- Other groups may have a well-founded fear of persecution
- Ethnically-motivated violence affects the Serb community most seriously
- Despite recent improvements, the Roma are still exposed to violence and discrimination
- The situation of ethnic Bosniacs and Gorani is comparatively better but most continue to live in enclaves

“Against the described developments and constraints for ethnic minorities UNHCR is concerned in particular for Kosovo Serb and Roma communities as well as for ethnic Albanians in a minority situation. Therefore, the Office maintains and reiterates its position that members of these groups should continue to benefit from international protection in countries of asylum under the 1951 Convention or complementary forms of protection depending on the circumstances of claims. For these groups and individuals return should only take place on a strictly voluntary basis in safety and dignity in a coordinated and gradual manner. Such return to be sustainable needs to be supported by reintegration assistance.

With regard to Ashkaelia, Egyptian as well as Bosniak and Gorani communities these groups appear to be better tolerated in spite of a single but very serious incident against the Ashkaelian community in Vushtrri/Vucitrn during the March 2004 attacks. In light of that incident, the August 2004 advice from UNHCR included the Ashkaelia and Egyptian communities among those with a continuing general need for international protection. However, in light of the developments since then, UNHCR’s position is currently that these groups may have individual valid claims for continued international protection which would need to be assessed in a comprehensive procedure.

In the current complex situation of Kosovo, others groups not detailed above may have a well-founded fear of being persecuted for Convention related reasons. Under these categories may thus fall Kosovo Albanians belonging to the majority population and members of all ethnic minority groups, including those that UNHCR has not mentioned under the above “ethnic minorities at risk”. Examples for these categories may include but are not limited to the following:

- Persons in ethnically mixed marriages and persons of mixed ethnicity;
 - Persons perceived to have been associated with the Serbian regime after 1990;20
- and
- Victims of trafficking. (...)

Individuals in a particularly vulnerable situation may have special needs that should be taken into account in the context of return and particularly bearing in mind the inadequate standards of health care and social welfare institutions. The following is a non-exhaustive list of persons falling under this category:

- Chronically or otherwise severely-ill persons whose condition requires specialized medical intervention of a type not yet available in Kosovo;
- Persons with severe and chronic mental illness (including post-traumatic stress disorders) whose condition requires specialized medical intervention of a type not yet available or rarely available in Kosovo;
- Severely handicapped persons (including their caregivers) whose well-being depends on a specialized support system not yet available in Kosovo;
- Unaccompanied elderly persons who have no relatives or any other form of community support in Kosovo; and
- Separated children without relatives or caregivers in Kosovo, and for whom it is found not to be in the best interest to return to Kosovo.

In addition, the return of separated children for whom relatives and caregivers have been identified should only take place after appropriate advance notification and arrangements have been made by the repatriating State so that there is no gap in the care and protection provided to the child.” (UNHCR, March 2005)

"Kosovo Serbs

The Kosovo Serb community remains the primary target of ethnically motivated violent attacks, including by grenades, deliberately laid landmines and booby-traps, drive-by shootings and arson. These attacks have been targeted at all members of the community, including the elderly, women and children. Physical security remains the overriding issue of concern for Kosovo Serbs as it not only affects their lives and fundamental freedoms, but also the enjoyment of a multitude of life-sustaining economic and social rights. Many live in enclaves and require 24-hour protection from KFOR, including for any movement outside these areas. Ethnically motivated crime often appears to be directed at ensuring that Kosovo Serbs leave, or do not return to the province. Persistent violations of property rights, which include forced evictions, illegal

occupation of residential property, coercion to sell property, destruction of property and attacks on religious monuments and sites and desecration of cemeteries, have all contributed to the decision of many Kosovo Serbs to leave their homes and places of origin. When taken together, all of these ethnically motivated acts pervasively affect the community's sense of security whether or not actual physical harm occurs, as well as providing a source of intimidation, humiliation and demoralisation. They engender a reasonable perception of constant threat among members of the Kosovo Serb community.

Kosovo Roma, Ashkaelia and Egyptians (RAE)

While there have been some recent improvements in their overall situation, RAE communities continue to face serious protection problems in Kosovo. General inter-ethnic tension and intolerance are compounded by particular discrimination against the RAE by almost all other ethnic groups in Kosovo, exacerbating the degree of hardship they face. Those who have been in exile and who are not familiar with the reality in the various communities where RAE reside are particularly affected.

The physical security of RAE communities remains volatile. While some communities have attained a degree of stability where violent attacks are rare, others continue to face regular violence and intimidation. However, even in areas where inter-ethnic relations appear to have improved, experience has demonstrated that the risk of attack remains, particularly from perpetrators coming from other areas.

Like all minorities, RAE communities live in enclaves or concentrated groups, and their freedom of movement is generally restricted, although this can vary according to geographic location. As RAE communities have historically relied on freedom of movement to earn a livelihood, this situation is particularly oppressive for them. The resulting restrictions on their ability to exercise basic social and economic rights also aggravates their already impoverished situation. Most RAE communities are hosting a substantial number of IDPs, which adds to the difficulty of their living conditions.

While there has been some return of RAE groups, this remains at a very low level. Despite comprehensive and cautious planning for return, incidents such as the stoning of returnee homes continue to take place. Moreover, the few spontaneous and facilitated voluntary returns that have occurred do not necessarily reflect a substantial improvement in the situation for the RAE communities in general. Most of these returns took place to specific locations only after a protracted planning and preparatory process to ensure their security and sustainability. General conclusions regarding the situation of the RAE communities should not be drawn from these returns, or from individual exceptions to the general protection situation of these communities, which remains highly precarious.

Kosovo Bosniaks

When compared to the situation of other minority groups, the security situation for Kosovo Bosniaks is relatively stable. Nonetheless, this community faces various forms of mistreatment, including intimidation, harassment, and discrimination, as well as some isolated incidents of violence. Like other minorities, Bosniaks live in concentrated communities or enclaves, and have limited freedom of movement outside their places of origin, especially into the main urban centres due to fear of attack. As a result, a KFOR security escort is required for travel beyond certain perimeters. Their inability to use their language without risking being considered as ethnic Serbs outside the enclaves and areas contiguous to them, is a source of continuous pressure and hardship. All of these limitations restrict their equal access to social services and effectively undermine the means for the community to remain self-supporting in the province. This situation is a major cause of displacement for Bosniaks.

The apparent advancement in inter-ethnic relations between Bosniaks and ethnic Albanians that has taken place in the last year should not be interpreted as having reached a level indicating a fundamental change in their general situation. Kosovo Bosniaks do not yet have full freedom of movement under secure conditions. It is therefore not possible to conclude that returns to this environment could be considered safe, dignified or sustainable in the longer term. Moreover, further concentration of Bosniaks into enclave like locations would only increase the pressure on the coping mechanisms of the community and perpetuate the causes of displacement. Voluntary returns of individuals of Bosniak ethnicity based on an informed choice, which are properly co-ordinated and supported by re-integration assistance, might result in sustainable

returns. But hasty return movements which are not based on real choice could put those returned at real risk on the ground, as well as potentially destabilizing the whole return process for minorities in Kosovo.

Kosovo Gorani

The Gorani share similar protection concerns with the Bosniaks. Indeed, at times the distinction between the two minorities is blurred. However, certain sectors of the Gorani community are perceived to have closer links with the ethnic Serbs which has created stronger tensions between the Gorani and Kosovo Albanian communities.

The majority of the Gorani inhabit a clearly defined geographical area, Goran/Dragash, which, because of its isolation, is vulnerable to security-related incidents. Relative to other minority communities covered in this paper, Gorani enjoy some degree of freedom of movement within their area of origin and in Prizren. Reports continue to indicate harassment of members of this community if they travel outside this area where they face the additional risk, if they use their own language, to be mistaken for ethnic Serbs. The Gorani face discrimination in accessing economic opportunities and social services because of their ethnic background and the associated issue of the language barrier. A combination of security concerns and uncertainty over the longer-term economic and social viability has compelled many Gorani to leave Kosovo." (UNHCR April 2002, paras. 15-23)

For more detailed information on the security conditions faced by the different minority groups in Kosovo, see [UNHCR-OSCE Ninth Assessment of the Situation of Ethnic Minorities in Kosovo \(Period covering September 2001 to April 2002\), May 2002 \[Internet\]](#)

See DPA, "[Serb seeking to return stoned by ethnic Albanian teenagers](#)", 7 November 2002 [Internet]

For information on the ethnic Albanian minorities in Kosovo, see "[The divided city of Mitrovica: Serb-controlled area resists international control \(1999-2002\)](#)" [Internal link]

March 2004: the most serious outburst of violence since 1999 (2005)

- The violence in March 2004 systematically targeted members of minority communities who had not been displaced over the past five years
- Kosovo Serbs were the primary target of this inter-ethnic violence, but other minority communities also suffered serious incidents
- Law enforcement authorities and political leadership were slow to condemn and stop violence
- Three days of violence left 19 civilians dead and over 950 injured
- Events showed that non-ethnic Albanians are at risk in Kosovo
- Ashkaelia community in Vushtrri/Vucitrn town attacked by aggressive crowds
- Return movements do not necessarily reflect a substantial improvement in the overall security situation

“A further and extremely serious confirmation of the fragile security situation for minority communities came with the March 2004 eruption of mass demonstrations leading to inter-ethnic violence and civil unrest of a scale not witnessed since 1999. The violence rapidly spread to all regions of Kosovo resulting in displacement among all minority communities. Notably, the violence systematically targeted mainly members of minority communities who had not been displaced over the past five years, although returnees also came under direct attack. The Kosovo Serbs were the primary target of this inter-ethnic violence. Equally, various serious security incidents affected Roma, Ashkaelia and Egyptian communities. This particularly concerned Vushtrri/Vucitrn town, where the entire Ashkaelia neighbourhood was systematically attacked, houses burned and looted. Likewise, some Albanian communities and families in a

minority situation in the northern municipalities suffered security incidents. Finally, whereas Bosniaks and Gorani were not directly targeted, some felt sufficiently at risk to opt for precautionary self-evacuation, or were evacuated by police to safer places.

The law enforcement authorities and political leadership did not manage to stop the violence early on and the three days of violence left according to initial information 19 civilians killed and more than 950 civilians injured – both killed and injured were of various ethnicities. (...) Approximately 730 houses belonging to minorities were damaged or destroyed, as well as 36 churches, monasteries, religious sites and public buildings catering to minorities.² By 23 March, a total of more than 4,100 Serb, Roma, Ashkaelia, Egyptian and Albanian minority community members had been displaced as result of the unrest.

These developments clearly demonstrate that non-ethnic Albanians originating from Kosovo continue to face security threats which place their lives and fundamental freedoms at risk. The situation of members of the minority communities, and henceforth the level of risk which may affect them depend on a variety of factors as outlined below and in the more detailed June 2004 Update. (...) Kosovo Serbs and Roma are particularly vulnerable in terms of their security, but Ashkaelia and Egyptians also continue to face very serious security threats. (...)

The past year has witnessed an increase in serious ethnically-motivated crimes against the Kosovo Serbs, ranging from shootings, grenade attacks and use of explosives to arson and physical assault. During the inter-ethnic violence of March 2004, Kosovo Serbs were attacked, physically assaulted by aggressive crowds in their homes, from which they were forced out as these houses or flats were set on fire. Many had to be evacuated by KFOR, some from burning houses. Widespread looting and pillaging followed the arson and continued unabated for three days. Eight of the 19 persons killed were Kosovo Serbs, several hundreds of the injured as well, and the vast majority of the destroyed or damaged houses belonged to the Serb community. Over 3,400 persons or 82 per cent of the newly displaced were Kosovo Serbs who sought temporary safety in KFOR camps, public buildings and private accommodation.

The continued looting and attempts to destroy houses, churches, monasteries, religious institutions and public services that belonged to the Serb population for days following the departure of the displaced, sends a strong message of denial of the right to return, including and especially for those who had never before felt the need to leave Kosovo. This has adversely affected the Serb communities as a whole, halting or delaying voluntary return to Kosovo and prompting some departures of the remaining population. It is noteworthy that at the time of writing this report, vandalism and looting of damaged houses continues in many areas and is a source of serious concern. It underscores and maintains the Kosovo Serbs in a constant state of fear. This is exacerbated by continuing violent incidents targeting individual Kosovo Serbs. In the most serious incident since the March events, a 16-year old Kosovo Serb was killed on 6 June 2004, in a drive-by-shooting. (...)

A number of individual members of the three communities came under attack in March 2004 but, more importantly, one of the most violent and destructive expulsions of a minority community during those days was that of the Ashkaelia community in Vushtrri/Vucitrn town. The entire community with the exception of three families was systematically attacked by aggressive crowds and, in the end, 65 Ashkaelia families had to be evacuated by KFOR troops. Their houses were subsequently systematically looted and burned down and all 65 families (259 persons) remain in displacement. Although this may be seen by some as a unique and isolated incident, the attack against this community is significant as it occurred where the first organized return movement of Ashkaelia IDPs from Serbia took place in 2002, after which a number of individual returns had since taken place. Therefore, the systematic attack on a partly integrated community (some members of the community remained in Vushtrri/Vucitrn town during the past five years) and partly returnee community coupled with the scale of the repeated harassment and crime that affect the Ashkaelia and Egyptian communities strongly point to their continued vulnerability and the possibility that they will be targeted in the future.

The Roma, Ashkaelia and Egyptians continue to seek safety in large communities, in over-crowded, often informal settlements without appropriate infrastructure. Their difficulties are compounded by property-rights-related problems. The March 2004 events demonstrate that, Vushtrri/Vucitrn being a case in point, the existence of return movements (whether spontaneous, facilitated or organized) does not necessarily or immediately reflect a substantial improvement in their security situation in general. In view of this, all three communities continue to feel threatened for well-founded reasons. (...)

Whereas the Bosniaks and Goranis were not directly targeted during the turmoil in March 2004, in some locations they felt insecure and opted for precautionary movements.” (UNHCR, 13 August 2004)

For more information on the March 2004 event see also:

Failure to protect: anti-minority violence in Kosovo: March 2004, Human Rights Watch, July 2004

The March violence: KFOR and UNMIK's failure to protect the rights of minority communities, Amnesty International, 8 July 2004

Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo, S/2004/613, United Nations Secretary General, 30 July 2004

Human rights challenges following the March riots, OSCE Mission in Kosovo/UNMIK, 25 May 2004

March 2004 violence severely affected freedom of movement (2005)

- 25 percent of people displaced by the events of March 2004 are still displaced
- Violence increased the distrust and tension between majority and minority populations
- Security for minorities has improved since March 2004, but freedom of movement remained precarious
- Freedom of movement is better in central Kosovo than in western Kosovo
- Questions as to whether freedom of movement results of real or perceived security threat are open
- Freedom of movement has increased in all part of Kosovo except in the town of Mitrovica
- Opening of the Mitrovica bridge faced with strong opposition from Serb community
- KFOR has gradually and significantly decreased its troop numbers
- Restricted freedom of movement limits access of minorities to basic services

“When talking about Serbs and Roma living in Albanian-dominated areas today, there are still many reminders of the riots that took place there in March 2004, resulting in the deaths of 11 Albanians and 8 Serbs and over 1 000 injured. In the course of these violent events, 36 orthodox churches, monasteries and other cultural and religious sites were damaged or destroyed, as well as some 730 houses belonging to Serbs and members of other minority communities in the area. As a consequence, approximately 4 100 people lost their homes.

After the riots, there were many public reactions, both international and local, although many local Albanian politicians only spoke out against the violence after having been prodded to do so. Unfortunately, many problems that resulted from the violent events of March 2004 still have not been resolved entirely. Approximately one-fourth of the persons driven out of their homes are still displaced. While before the so-called “March events”, the relationship between ethnic Albanians and certain minority groups, in particular Serbs and Roma, was very tense, last year’s violence increased the mistrust and tension between these groups even more. In particular the Serbian and Roma communities experience a heightened sense of insecurity, as the riots last March showed them that such events could happen in a matter of days and that if they ever happened again, their ethnic groups would be primary targets.

In his report on UNMIK to the UN Security Council of 14 February 2005, the UN Secretary-General noted that the Government of Kosovo had made the enhancement of minority rights a priority in its programme and that the Prime Minister had reached out to Kosovo Serbs in many public statements. He also stated that there had been no serious inter-ethnic crime – and no murder of a Kosovo Serb – in Kosovo since June 2004 and that UNMIK and KFOR continued to address minority communities' fears regarding safety and freedom of movement, in particular through cooperation with authorities at the municipal level and community policing initiatives. According to the UN Secretary-General, security for minorities had improved since the violence in March 2004, allowing checkpoints to be removed from most major roads and police escorts minimised. Nevertheless, freedom of movement remained precarious. While Kosovo Serbs on the one hand considered themselves at risk and were thus reluctant to leave their communities or interact with the majority community (and vice versa), the PISG had not yet fully engaged in initiatives for inter-community dialogue. The employment of members of minority communities in the public sector remained at half the stipulated level and the need for an ethnically integrated transport system had not been addressed.

The UN Secretary General also confirmed that the fear of certain minority groups was fed by isolated incidents that were not always condemned or addressed by local leaders involving the stoning of transport services for minorities, hate graffiti on municipal buildings, the looting of unoccupied minority houses and no respect for minority language rights. Signs outside buildings and official documents were often only in the language of the dominant ethnic group. This and other factors led to a situation in which minority communities' trust in Kosovo's political and administrative systems remained low and their involvement in political process and in senior levels of the civil service remained marginal.

Since February 2005, not much has changed. The overall freedom of movement for Serbs and Roma in many Albanian-dominated areas continues to improve slowly, but is still far from satisfactory. There are still many areas where isolated villages inhabited by Serbs and Roma are only accessible through KFOR checkpoints.

While a train commuting between central Kosovo and Leshak in northern Kosovo is being used both by members of the minority communities and by ethnic Albanians, only special buses travel between the various enclaves or between enclaves and Northern Mitrovica, sometimes with Police or KFOR escorts, sometimes not, as public buses pass through enclaves but do not stop there. In some areas in western Kosovo, KFOR buses taking persons outside enclaves only drive once a week. School buses for Serbian and Roma children still drive through certain areas inhabited mainly by Albanians with Kosovo Police Service (KPS) or UNMIK Police escorts. While in central Kosovo, Serbs are commuting freely in their own vehicles with Kosovo license plates, the situation is different for certain Serbian villages in western Kosovo where the local inhabitants do not dare to move outside their villages without KPS or KFOR escorts. In such areas, the freedom of movement of the inhabitants depends very much on the respective KFOR units. According to the ICRC and other institutions, attacks against Serbs and Roma are no longer as grave, but at the same time such incidents have increased in number, so that the victims of such actions are subjected to a regular pattern of harassment and heckling.

There question of whether limits to the above persons' ability to move freely in the whole of Kosovo are real or merely perceived by the respective Serbian and Roma communities is still the subject of many discussions and can thus not be answered in a clear and unambiguous manner. A number of circumstances including the continuing presence of KFOR checkpoints in certain areas and harassment of members of these minority communities on a regular basis show that there is a continuing and mutual lack of trust between the Albanian majority and the Serbian and Roma minority groups. The fact that many perpetrators of criminal acts committed during and after the armed conflict in 1999 have still not been brought to justice and the considerable number of missing on both sides, but predominantly the Albanian one, only enhances this mistrust, while Albanian leaders are not always very outspoken when it comes to condemning attacks against members of minority groups. While for the moment, it has generally become easier for members of the last-mentioned communities to move around more freely, the reality, in particular in certain parts of

central and in western Kosovo is still different. In general, due to different factors, the general situation on the ground, as admitted by UNMIK and KFOR, continues to be volatile. (...)

With regard to most cases where ethnic Albanian enclaves are situated in areas dominated by Serbs, freedom of movement on a daily basis is not so much of an issue. The situation changes drastically when looking at Mitrovica town, which since the armed conflict in 1999 has been split into a Serbian-dominated north and an Albanian-dominated south. In particular after violent attacks against Albanians in February 2000, many of these people have left the northern half, while the Serbian population of this part of town has swelled following the influx of Serbian IDPs from all over Kosovo. Ethnic Albanians wishing to go to Northern Mitrovica or needing to attend hearings in the courts located there are forced to rely on UN transport to get there and back.

In the first half of June 2005, UNMIK decided, for the first time in over a year, to open the bridge over the Ibar River linking both parts of Mitrovica for civilian traffic. The idea was to open the bridge first for one hour a day and then to increase the number of opening hours by one hour each following week. Due to mass protests on the side of the Serbian population of Northern Mitrovica and the stoning of Albanian cars trying to drive into North Mitrovica, as well as of Serbian cars trying to enter Southern Mitrovica, the opening of the bridge for civilian traffic has so far not been able to proceed as planned. (...)

In order to travel to Serbia proper or some other countries in the region, the inhabitants of Kosovo still need to go to parallel institutions that operate in enclaves or in Serbia proper to ask for passports or driving licenses. The KS license plates issued by UNMIK are also not recognised in Serbia proper and some countries in the region and persons wishing to go to Northern Kosovo are forced to change the license plates after having passed the KFOR checkpoints, or take off license plates altogether. The same procedure can often be witnessed at the administrative borders between Kosovo and Serbia proper.

On the other hand, the problem of license plates issued by parallel institutions in the rest of Kosovo now appears to have been resolved. UNMIK has issued a regulation stating in clear terms that license plates issued by institutions unrecognised by UNMIK could be exchanged for Kosovo license plates issued by UNMIK until 1 July 2005 free of charge. Recently, this date was extended until the end of December 2005. Persons wishing to travel to Serbia proper and other countries not accepting license plates and car documents issued by UNMIK will, however, be able to keep the now illegal license plates for further use in those places outside Kosovo. Unfortunately, the contents of this law were not made entirely clear to the officers of the KPS, many of whom began prematurely confiscating license plates and car documents issued by parallel institutions before 1 July 2005. In some cases, they also confiscated license plates legally issued by the normal non-parallel civil administration in Serbia proper, which are still permitted to circulate in Kosovo.

Next to the KPS, certain Serbian-speaking parts of the population also had difficulties understanding the new regulation as by the beginning of June 2005, it had still not been translated into Serbian.” (Ombudsperson, 11 July 2005)

“During past years, KFOR has gradually and in total significantly decreased its troops. It has moved away from fixed positions at entrances or in minority communities towards providing ‘area security’, leaving minority communities more vulnerable to attack. At the same time, the UN Civilian Police has turned over responsibilities to the Kosovo Police Service. With each security-related incident during the past year, the KFOR ‘unfixing’ strategy came temporarily to a halt. But as a result of the civil unrest in March 2004, reinforced security measures have been put in place in many locations. Entrances to mono-ethnic Serb villages are manned by 24-hour KFOR checkpoints in many places, some with stringent checks before allowing entry. The provision of escorts has been re-instated for particularly isolated Serb communities across Kosovo; however, the demand for escorts clearly outnumbers the possibilities of the security agencies, whether provided by KFOR or UN CIVPOL.⁵

Whereas the relative reinforcement of KFOR presence in Kosovo immediately after the riots provided some reassurance to affected communities, the early progressive following the violence, is now fast dissipating this confidence in a safer environment.

The limited freedom of movement has important consequences for the Serbs who face major constraints on their access to basic services including schools, health services, administrative offices and courts, as well as on their enjoyment of their economic, social and cultural rights. Economic sustainability is further hampered by persistent violations of property rights, such as illegal occupation of residential, commercial and agricultural property as well as destruction of property.” (UNHCR, 13 August 2004)

“Improvements in freedom of movement and a diminishing reliance of Kosovo minorities on escorts when travelling across majority areas are encouraging developments. An assessment of the current security situation by the Kosovo Force (KFOR) has led to the continued dismantling of KFOR units providing static protection of designated sites, which has been carried out without incident. The Government and most municipalities have enhanced their official, public support for returns, which has been coupled with an increased readiness on the part of representatives of the Provisional Institutions to condemn violence that might be ethnic in nature. (...)

Freedom of movement improved in every municipality except northern Mitrovica. Escorts were less necessary (*priority*). A questionnaire survey by international police officers in mid-April interviewed 185 minorities, of whom 82% were Kosovo Serbs, 8% Roma, 7% Ashkali and 3% other minorities. Of those interviewed, 92% said that they travelled outside their resident areas to other parts of Kosovo; of them, 8% used escorts and 9% United Nations transport. The remaining 83% used private or public transport. Only 3% (5 persons) said they were the victims of crime while travelling in the previous 6 months; 1 person reported that crime to the police. 32. Perceptions of security also improved. A total of 64% of those surveyed said that they were able to travel safely in Kosovo (up from 41% in March). Incidents particularly threatening perceptions of security were few: two of vandalism against mosques, one attempted burglary of an Orthodox priest’s residence, three of damaged graveyards, and five crimes related to movement by minorities (including one attack against Kosovo Albanians). Condemnations by the Provisional Institutions of violence that could have been inter-ethnic in nature increased significantly. (SG, 23 May 2005)

Insecurity remains a major threat for minorities in Kosovo (2002-2003)

- Series of high-profile murders in August 2003 has chilling effect on potential returns, but general decrease of inter-ethnic violence continues
- Fear of harassment, intimidation and provocation remains part of everyday experience for minorities
- Many incidents are not reported for fear of disturbing delicate relations with majority population and because of lack of trust in law enforcement forces
- Insecurity seriously affects sustainability of return
- General crime rate in Kosovo continues to decrease

“21. Unfortunately, the improving political environment has only served to expose further the extent to which security concerns and limitations on freedom of movement impede more substantial progress in returns. Overall, freedom of movement and security for minority communities showed gradual but tangible improvement in 2003. This conclusion was largely eclipsed, however, by a spate of high-profile murders in August of this year. One of the most challenging aspects of returns work is ensuring that the displaced have an accurate picture of conditions in Kosovo, which reflects the substantial improvements that have occurred, but does not understate the continuing risks. As noted, this task has been made profoundly more difficult by a tendency on the part of the Serbian press – fostered by Serbian and Kosovo Serb politicians – to paint a one-sided picture of Kosovo, with little coverage of positive developments and sensationalistic,

sometimes inaccurate stories regarding crimes with minority victims. The vicious murder to two Kosovo Serb teenagers in Gorazhdec/Gorazdevac on 13 August realized the worst fears of Kosovo Serbs, and constituted a huge setback for efforts to build confidence within the Serb community regarding security conditions in Kosovo. The failure to apprehend the perpetrators of that horrible crime, as well as murders of Kosovo Serbs in Obiliq/Obilic, Lipjan/Lipljan and Cernicë/Cernica, contributed to the perception of many that today's Kosovo is not a fundamentally different place than the one they fled in 1999.

22. The events of August 2003 undoubtedly had a substantial chilling effect on returns this year, an effect that was exacerbated as the murders occurred during the month in which many families set their course in advance of the school year and coming winter. While the heightened level of fear within the Kosovo Serb and other minority communities led to numerous postponements of returns activities, it did not result in the outright cancellation of any projects, an optimistic sign in an otherwise discouraging period. Similarly, anecdotal evidence regarding individual returns points to the fact that many may have delayed deciding whether to return to Kosovo, but few reached an outright negative decision in the wake of the August crime wave. However, given the late stage in the year during which these crimes occurred, delayed decisions ultimately meant that many who were considering returning in 2003, are now going to make their decision in 2004.

23. As stated, the violent crimes that occurred in August exacerbated existing fears within the Serb and other minority communities in Kosovo. In so doing, the murders undoubtedly widened the gulf between perception and reality regarding security conditions in Kosovo. Despite the gravity of the security downturn in August, the crimes each had an individual character that defies their grouping into an overall pattern of intimidation or upsurge in violence against minorities. Instead, at the same time as the level of interaction between communities has significantly increased, the level of inter-ethnic violence remains fairly small, and many of the crimes that are recorded are minor in nature (e.g., a single stone thrown at a bus). For example, in recent months, UNMIK police have recorded fewer than 12 crimes per month in which minority community members are victims that may have an ethnic motive or context.” (UNMIK, 15 December 2003)

“The period since July [2003] has been characterized by a number of violent attacks, including shootings, in which the victims were members of the Kosovo Serb community, as well as UNMIK law enforcement authorities. On 13 August, two Kosovo Serb youths were killed and four injured in a shooting incident at the village of Gorazdevac near Pec. On 18 August, a Kosovo Serb male, who had been shot in the head while fishing on 11 August, died of his wounds, and another Kosovo Serb was seriously injured in a shooting on 26 August near the returns site of Bica near Klina (Pec region). On 31 August, four Kosovo Serbs were injured and one killed in an attack in the village of Cernica (Gnjilane region). No perpetrators have been identified in any of these cases. UNMIK police and KFOR have increased security in these areas following the incidents and are continuing to investigate the crimes. While it cannot be assumed that all these crimes were inter-ethnic in nature, they nevertheless had a significant effect on feelings of insecurity among Kosovo Serbs and led other minorities to keep a low profile. Although protests against the incidents in Kosovo Serb communities have largely been peaceful, there have been instances of intimidation and harassment in Kosovo Albanian, Kosovo Serb and other communities. “

“The increased feeling of insecurity following the violent incidents has taken a toll on the confidence of the minorities. Many are demanding the reinstatement of security escorts in places where, because of improvements in security, they had been previously discontinued. KFOR and UNMIK police have also received increased demands for school escorts. In some locations, parents have refused to send their children to school without escorts. The heightened tension and the related demands by Kosovo Serbs for greater and more efficient security measures have prompted both KFOR and UNMIK to reassess and enhance security in several locations.” (UNSC, 15 October 2003)

“While general crime statistics are encouraging, incidents of violence and crimes against minorities continued to be a cause for concern. Three Kosovo Serb residents in Obilic municipality (Pristina region) were murdered in the early morning of 4 June. UNMIK has taken a number of concrete steps to find and

bring the perpetrators of this crime to justice, including the establishment of a nine-member Special Police Squad to investigate the crime, working with special advisers from the Kosovo Serb and Kosovo Albanian communities. UNMIK Police and KFOR have also put in place additional patrols and other security measures such as vehicle checks and increased community policing. Representatives of the Provisional Institutions and Kosovo Albanian and Kosovo Serb leaders have all condemned the murders. The Kosovo Serb former deputy mayor of Klokot was shot dead on 19 May. Among other incidents in the same area, two elderly Kosovo Serbs were assaulted. Incidents of harassment and intimidation directed against minorities continued throughout Kosovo.” (UN SC 26 June 2003)

Crime rates continue to decrease as the Kosovo Police Service (KPS) becomes more effective. Overall, the crime statistics for the first five months of 2003 showed a continued decrease of serious crimes in Kosovo; however, serious incidents, including murder, continued to take place. The police now receive approximately 1,000 telephone calls per month from people providing information about crimes. However, there have been incidents directed against police and international staff. On 31 May, an explosive device was thrown at Kosovo Force (KFOR) guards in Urosevac; five people, including one KFOR soldier, were injured. On the same day, a KPS vehicle, carrying three Kosovo Serb police officers, was shot at in Novo Brdo; there were no injuries. On 8 May, close to Leposavic, nine shots were fired at an UNMIK Police vehicle; no injuries occurred.

“The reporting period [May – December 2002] saw a continued reduction in the level of ethnically motivated crimes, particularly violent crimes, committed against members of minority communities. These figures should be seen in the context of decreasing levels of serious crime in Kosovo generally.”

“Notwithstanding the stabilisation of the security situation, the fear of harassment, intimidation and provocation remains part of everyday experience for members of minority communities throughout Kosovo. Members of minority groups, whether living in mixed communities or moving outside their own enclaves can become targets for grenade attacks, arson or physical assault in particular against the Kosovo Serbs, Roma, Egyptians and in many cases, the Kosovo Ashkaelia throughout Kosovo. UNHCR surveys have revealed that harassment and assaults in many cases are linked to the issue of property, and are intended either to prevent returns or to force the minority members still living in the respective area to sell their property. Assaults on minority groups may also arise out of competition for already limited economical resources in the surrounding community. With the exception of Kosovo Bosniaks in Mitrovicë/Mitrovica, the general security situation for both Kosovo Bosniak and Kosovo Gorani communities has stabilised with no serious ethnically motivated acts of violence against them reported since 2001. “

“Both minor and serious incidents go unreported, as the victims do not want to upset the delicate relations they have slowly established with the majority population. This reluctance to report incidents is exacerbated by a lack of faith in law enforcement agencies, especially the ability and/or willingness of these agencies to provide protection to the victims in case of reprisals. A survey undertaken by UNHCR in October 2002 on the perception of the Kosovo RAE minorities with regard to their security situation revealed a tendency to not report incidents of harassment and intimidation to the police. Furthermore, even when minorities report security incidents to law enforcement authorities those authorities do not always perform an adequate investigation. As a result of the dynamic noted above, the police’s ability to be a deterrent is impaired.” (UNHCR/OSCE, March 2003, pp. 12-13)

“An analysis of the UNHCR minority return statistics shows that the level of physical security and freedom of movement varies depending on the minority concerned and the location of the minority and are key factors affecting the pace of return. The 2,741 recorded minority returns to place of origin in 2002 exceeded the yearly returns reported thus far. In contrast to the year 2000 when 1,906 persons returned to their place of origin, nearly all of them Kosovo Serbs returning to mono-ethnic enclaves, the returns in 2002 have been more diversified in terms of ethnicity and regions.

However, these statistical data may be somewhat misleading in that they suggest improvements in the environment greater than have actually taken place. The increase in returns for 2002 must be seen within the context of an overall downward trend in returns, most significantly amongst Kosovo Serbs, witnessed in the previous year. Many factors contributed to this decrease, including violent attacks against the minority communities in 2000 and 2001 and the instability created in the region by the conflicts in fYROM and southern Serbia. Another determining factor was the saturation of the mono-ethnic enclaves, where large numbers of IDPs had sought refuge, over and above returnees going back home. Kosovo Serb families displaced from these locations have continued to return. These returns are encouraged by the security provided by such concentrations of Kosovo Serbs. It should be noted that these Kosovo Serb mono-ethnic communities of return were mono-ethnic villages or separate Kosovo Serb parts of ethnically mixed villages or towns in the pre-conflict period. Thus, continued and justified concerns about security, the preference to return to areas with a concentration of Serb families, and the felt need for security surveillance by KFOR, UNMIK Police or KPS explain why the majority of Kosovo Serb returns occur to mono-ethnic areas, rather than to mixed ones. Security conditions therefore can safely be said to determine the location and the pace of return.

Such a pattern was seen in the Pejë/Pec region, where the pre-conflict demographic distribution was one in which most Kosovo Serb communities were relatively separate both physically and in terms of interaction with other ethnic communities. As returns have occurred in the region, the returning Serb population has reproduced the pre-conflict pattern of Serb settlement, by returning to mono-ethnic enclaves or villages. In the well-known return to the Osojan/Osojane valley in Istog/Istok municipality, the returnees have remained isolated, replicating the pre-conflict situation. This isolation also has resulted in heavy reliance on KFOR security and escorts²⁴. Such security arrangements limit the returnees' freedom of movement and access to basic services, as well as employment opportunities outside the village. Security concerns of the returnees were reinforced when pensioners from the village were attacked in Pejë/Pec town in October 2002.

In contrast is the return to the two nearby mono-ethnic villages of Bica/Biqë and Grapc/Grabac in Klinë/Klina municipality. Immediately after the return, the returnees' determination to establish contacts with neighbouring Albanian villages was facilitated by KFOR's less stringent security controls. The initial positive interaction has tended to deteriorate. Not only did contact diminish, but also security-related situations occurred.

Concerning non-Serb returns, Kosovo Roma, Ashkaelia and Egyptians returns have been mostly to mixed communities throughout Kosovo. Examples include the Kosovo Ashkaelia returns to Magura, Mala Dobraja and Prishtinë/Priština town within the Prishtinë/Priština region. Non-Serb returns to ethnically distinct areas within mixed communities have also taken place, as is the case, for instance in all five municipalities of the Pejë/Pec region. Returns to ethnically mixed areas required intensified policing by KPS and UNMIK police. Despite lengthy and intensive preparations, as well as the encouraging involvement of local officials, the returns have faced security incidents targeting both the residing minority community as well as the returnees. A good example of this is the return of Ashkaelia to Vushtrri/Vucitrn town, where a series of serious incidents took place in 2002.

The continued security challenges present in all returns have highlighted the need to prioritise confidence-building and inter-ethnic dialogue in order to create minimum levels of stability before returns take place. In the absence of such dialogue the security conditions and freedom of movement remain problematic. Heavy reliance on KFOR and UNMIK Police is then necessary, as occurred in Osojan/Osojane. Such returns, unless followed by intense reconciliation efforts, leave the community vulnerable to violence or harassment as soon as the international military or police forces are reduced below a certain level.

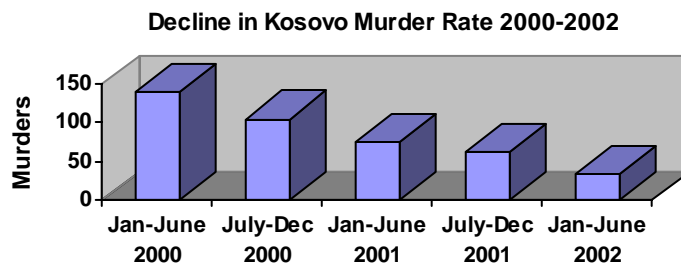
When security issues remain unresolved, then the return movements have little chance of being sustainable. In another example, the spontaneous return of the first group of 26 Kosovo Albanians to their mono-ethnic but deserted village Donja Bitinja/Bitanja e Ultë in the Kosovo Serb majority Štrpce/Shtërpçë municipality met with initially strong opposition by the inhabitants of the neighbouring Serb village of the same name.

Concerns for the security of both communities led the Polish-Ukrainian KFOR to temporarily impose restrictions on movements in and around the village. The international organisations intervened to allow the Kosovo Albanian IDPs to exercise their right to return. As a result KFOR agreed to maintain security arrangements that were effective but less restrictive. Simultaneously the returnees took the initiative to engage in dialogue with the Kosovo Serbs. The close co-operation between civilian and military organisations had two important results. First, it allowed for a ground-breaking return. Second, despite initial concerns regarding the protection of the rights of the spontaneous returnees by KFOR in this case, the situation led to US KFOR's initiative to establish the common KFOR 'Guidelines for Procedures on Return of Refugees and Displaced Persons to the Gjilan/Gnjilane Area of Operations'.

During 2002, some Western European governments determined that security conditions had improved in Kosovo to the extent that large-scale forced returns of non-Serb ethnic minorities could commence in the spring of 2003. In response to these beliefs, UNHCR undertook a survey into the likely impact of such returns on non-Serb minority communities. The survey focused on the absorption capacity of established communities and on relations between minority and majority populations in locations where returns were on-going. In addition it looked at areas likely to undergo threats to the security and freedom of movement of returnees and the residual minority population. The survey concluded that returns to communities which are void of minorities since 1999 and only inhabited by majority groups are not viable return locations unless they are carefully prepared by inter-ethnic dialogue facilitation before the return occurs. The generalisation remains valid though there are exceptions, like the above mentioned return of Kosovo Albanians to Donja Bitinja/Bitanja e Ultë.

In conclusion, unplanned, even small scale returns to deserted areas or to areas inhabited only by the majority population would most likely result in secondary displacement into concentrated areas where already larger numbers of IDPs reside.” (UNHCR/OSCE, March 2003, pp. 26-28)

"While the security situation facing minority communities in Kosovo remains very difficult, Kosovo's crime rate has fallen dramatically since 1999, and ethnically-motivated crime has decreased in similar proportions. The table below illustrates the substantial decrease in the murder rate in Kosovo. While two murders of Kosovo Serbs occurred through July 2002, in one case both the perpetrator and victim were Serbs, ruling out an ethnic motive for the crime. The second case remains unsolved."



Source: UNMIK Police
(UNMIK 5 November 2002)

For detailed information on the security conditions in the different regions, see UNHCR-OSCE, [Tenth Assessment of the Situation of Ethnic Minorities in Kosovo \(Period covering May 2002 to December 2002\)](#), March 2003 [Internet]

See also Amnesty International, [Kosovo/Kosova "Prisoners in our own homes": Amnesty International's concerns for the human rights of minorities in Kosovo/Kosova](#), 29 April 2003 [Internet]

Minorities' freedom of movement still severely restricted (2003)

- Freedom of movement has improved in 2003, but severe limitations persist
- Series of serious security incidents negatively impact on freedom of movement for minorities
- Dedicated transportation services for minorities still necessary
- Minorities call for more security escorts in areas where escorts were discontinued due to previous improvements in security situation
- Serbian authorities refuse to allow Kosovo vehicle license plates in Serbia

“24. Freedom of movement has also improved in the past year [2003], as evidenced by the substantial reduction in police and military escorts for minority communities that occurred without deterioration in security conditions. Humanitarian bus transportation for minority communities is being transitioned to a local company, and escorts have been reduced by approximately 85 percent from 2002 requirements. The level of freedom of movement continues to vary significantly within the regions of Kosovo, with very limited movement in much of the Peje/Pec region, and substantial limitations in the Pristina and Mitrovica regions. In contrast, minority community members are able to travel without substantial restrictions in the Gjilan/Gnjilane region, while freedom of movement in the Prizren region continues to improve. Nonetheless, given continuing harassment faced by minority community members in Kosovo, the possibility of violence and the fear it engenders remains a significant barrier to free movement throughout Kosovo. The failure of the authorities of Serbia and Montenegro to recognize Kosovo license plates continues to impact negatively on the freedom of movement of the Kosovo Serb community.” (UNMIK, 15 December 2003)

“Freedom of movement still remains an issue of great concern to minority residents, particularly after the attacks involving primarily Kosovo Serb victims that occurred during the reporting period. A number of dedicated transportation services for minority community residents remained in place. The civil service bus line, the UNMIK "freedom of movement" train and the humanitarian bus service networks all continued to operate. Discussions are under way between UNMIK and the Ministries of Public Services and Transport and Communications with a view to funding the civil service bus line - which transports Kosovo Serb and other civil servants to their workplace in Pristina - from the Kosovo consolidated budget. The bus line is currently funded from the Special Representative's contingency fund. An estimated 15 per cent of minorities continue to require special transport arrangements to reach their workplace. The UNMIK "freedom of movement" train currently transports a monthly average of 50,000 passengers. Plans are under way to provide connections to Belgrade and Skopje by the end of 2003. Normal service was resumed on 1 August on the segment of railway line where operations were severely disrupted by the explosion under the railway bridge near Zvecan (Mitrovica region) on 12 April.

The increased feeling of insecurity following the violent incidents has taken a toll on the confidence of the minorities. Many are demanding the reinstatement of security escorts in places where, because of improvements in security, they had been previously discontinued. KFOR and UNMIK police have also received increased demands for school escorts. In some locations, parents have refused to send their children to school without escorts. The heightened tension and the related demands by Kosovo Serbs for greater and more efficient security measures have prompted both KFOR and UNMIK to reassess and enhance security in several locations. The escorts of the buses of the humanitarian bus service, which had been lowered to 15 per cent, have been again increased to 26 per cent.

Freedom of movement for minorities was further hindered by the decision of the Serbian government authorities not to sign an agreement allowing the use of Kosovo licence plates in Serbia proper and their public calls for Kosovo Serbs not to register their cars with UNMIK. As at 5 September, only 82 vehicles had been registered in the northern part of Mitrovica since the process began on 29 April. The UNMIK vehicle registration campaign in other minority areas has also recorded unsatisfactory results. Only 1,139 more minority-owned vehicles were registered from the middle of May to the middle of September,

bringing the total to 5,314. While the issuance of free vehicle licence plates has been extended until 31 December 2003, and also applies to non-Serb minorities, no concrete progress in vehicle registration within the Kosovo Serb community can be expected if the Government of Serbia does not adopt a positive approach to the use of Kosovo licence plates and driving licences.” (UNSC 15 October 2003, p.7-8)

KFOR and UNMIK modify security arrangements (2002-2003)

- KFOR continues to remove or reduce static security arrangements in favour of more flexible security operations
- Escorts have also been reduced and replaced with less visible forms of security
- These measures are aimed at gradually transferring security tasks to civil authorities
- Despite protests by Kosovo Serb leaders, general acceptance of this transfer grows among minority communities

“KFOR has continued its “unfixing” strategy whereby the number of KFOR personnel assigned to “fixed” tasks – such as guarding threatened patrimonial sites or providing static vehicle check-points – has been reduced. Throughout the reporting period there has been a continuation of the policy of discharging these “fixed” troops in order to render them available for more flexible, responsive and less intrusive security operations. The “unfixing” strategy also applies to reducing permanent protection for vehicle convoys. Although KFOR bus or convoy escorts continue in certain areas, such as in the Pejë/Pec and Prizren regions respectively, the general trend is for KFOR to reduce its close protection for vehicle convoys, and to provide route security only.¹ The above policy has been developed as part of a security transition strategy mutually agreed and implemented with UNMIK Police. The transition strategy aims to decrease KFOR’s profile in the civilian community, and continues the process of transferring defined KFOR security tasks to the civil authorities. UNMIK Police is gradually reducing its escort service, with Kosovo Police Service (KPS) taking over where escorts are still deemed necessary.

Both KFOR and UNMIK Police are aware that any change in security measures may cause nervousness amongst minority communities. Consequently the changes appear to have been gradual, proportional and have been combined with an effort to increase the involvement of UNMIK Police and the KPS in providing security through effective policing and confidence building. In this context, there has also been increased emphasis on the provision of mixed ethnicity KPS patrols, and the first police station to be run entirely by KPS is now operational in Gračanica/Graçanicë. Decisions on the operational aspects of the implementation of the security strategy have been devolved to the KFOR Multi-National Brigades (MNBs) and UNMIK Police Regional command. The police and KFOR have therefore been able to vary the implementation of the transition strategy in response to localised security conditions, albeit within the overall framework of the move from martial to civil security.

Kosovo Serb political leaders have voiced strong opposition to the removal of KFOR fixed security measures, most recently in the context of the bomb attacks that damaged two Serb Orthodox Churches in Istog/Istok municipality during the night of 17 November, shortly after the removal of the KFOR fixed protection. However, amongst many members of the minority communities themselves, there appears to be a general understanding of the rationale behind the revised security measures, and a developing acceptance that their security is not being compromised by the new approach.” (UNHCR/OSCE March 2003)

SUBSISTENCE NEEDS

Overview

Access to rights in Serbia (Special report 2005)

- IDPs in possession of an IDP card generally have access to health card
- Access to health care is more difficult in southern and eastern Serbia
- Many IDPs do not receive the level of pension they are entitled to because of lack of cooperation between UNMIK and Serbian authorities
- The programme of closure of collective centres does not include measures for IDPs to locally integrate
- 1.700 IDPs live in unofficial collective centres without assistance and under very poor sanitary conditions
- Support to social housing should be promoted by the Government with the help of the international community
- Support to local integration is not incompatible with return

Access to social services

IDPs generally have access to free health care in Serbia, provided they are in possession of an IDP card and a personal identification number (JMBG). However, access to treatment is more difficult in southern and eastern Serbia where certain specialised medical facilities are not available and referral to the capital would incur costs IDPs can rarely afford.

IDPs from Kosovo receive pensions on the basis of work books which indicate their employment record. In the absence of such a document, the Serbian Central Pension Fund uses a form on which such information can be included. However, UNMIK does not recognise this form, which creates difficulties for IDPs to obtain their full benefits (IDP Interagency Working Group, October 2004). As a result, many IDPs in Serbia only receive a provisional pension which is lower than what they would be entitled to.

Access to accommodation

Although obliged to ensure adequate living conditions to its displaced citizens, the Serbian government considers the presence of IDPs temporary and has made little effort to provide them with adequate accommodation. The great majority of IDPs are accommodated privately which means that they have to bear costs related to rent and utilities without any financial support by the state.

Some 6,800 IDPs live in collective centres across Serbia. Initially established to accommodate refugees from Croatia, and Bosnia and Herzegovina, today more than half of the residents in these centres are IDPs. This is the result of a policy of closing collective centres and the lack of integration assistance for IDPs. The number of collective centres fell from 192 in 2003 to 122 in February 2005 and the government was expected to close 52 more by the end of 2005 (UNHCR, 1 June 2004; ICRC, 31 May 2005). While there is a government programme to facilitate the local integration of refugees through rent-free or subsidised housing and cash grants, IDPs do not benefit from such programmes.

Without other options, IDPs are forced to move from one centre to another regularly, which negatively affects the social and economic links they have established in their location of displacement. IDPs generally are not informed when their centre will be closed or where they will be relocated which makes it hard to organise their lives and plan for the future (Interviews with UNHCR and IDPs from a collective centre in Belgrade, 23 May 2005).

In addition to those accommodated in official collective centres, there are also some 1,700 IDPs living in illegally-occupied buildings or in makeshift dwellings, most of them in Belgrade (1,370) and Kraljevo (301). IDPs living in these conditions are clearly among the most vulnerable and only benefit from ad hoc assistance (IDP Inter-Agency Working Group, October 2004).

In view of the heavy burden carried by Serbia, which in addition to playing host to hundreds of thousands of IDPs and refugees is experiencing a major economic crisis, international organisations such as UNHCR and several NGOs have expressed their readiness to support local integration or solutions improving the housing conditions and self-reliance of IDPs through social housing and income-generating activities. UNHCR recently started to extend its programme of assistance for refugees (PIKAP) to IDPs. PIKAP consists of assistance in rent or household items to help refugees move out of collective centres. As underlined by the Representative of the Secretary-General on the Human Rights of IDPs during his visit to the country in June 2005, local integration and return should not be seen as excluding perspectives, in particular since adequate integration in many cases means that the displaced will be better equipped to go back to their homes and rebuild their lives once return is possible.

Access to rights in Montenegro (Special report, 2005)

- Montenegro does not recognise IDPs as citizens which considerably restricts their access to social and economic rights
- Since IDPs are considered as foreigners, it is very difficult for them to acquire permanent residence in Montenegro
- It is not clear to what extent the Strategy for refugees and displaced persons published by the Government will solve these issues

In Montenegro, IDPs do not enjoy the same status as in Serbia. The Montenegrin government does not recognise IDPs from Kosovo as citizens, which restricts their ability to access a wide range of rights. Article 8 of the Constitution of the State Union states that a citizen of a member state is also a citizen of Serbia and Montenegro and has equal rights and duties. However, the Montenegrin authorities do not recognise the federal citizenship law, arguing that it was amended without the participation of Montenegrin representatives, which according to a 2000 parliamentary resolution on the non-recognition of federal decisions renders it invalid (AI, 22 March 2005). Similarly, the State Union's law on protection of rights and freedoms of national minorities, as well as the Roma National Strategy, have not been recognised by Montenegro, which does not have a law on national minorities.

Since IDPs are not recognised as citizens, their rights in Montenegro are limited to those of refugees. IDPs have access to health and education but it remains difficult to refer to Serbia medical cases which cannot be treated in Montenegro. UNHCR has been assisting such cases (IDP Inter-Agency Working Group, October 2004).

Possibilities for integration in Montenegro are limited. Citizenship requires ten years of permanent residence, but IDPs are only entitled to temporary residence which makes it impossible to meet the basic requirement.

The current situation in Montenegro clearly contravenes the UN Guiding Principles on Internal Displacement. Although a strategy for resolving the issues of refugees and internally displaced persons in Montenegro was adopted in April 2005, the unclear phrasing raises doubts as to whether this document will bring about progress with regard to clarifying the legal status of IDPs and removing the resulting obstacles to accessing their basic rights.

Particular vulnerability of displaced Roma (Special report 2005)

- Roma IDPs face the worst conditions regarding housing, access to social welfare and education
- Roma are the poorest of the IDPs, in Montenegro 60% live below the poverty level
- Roma frequently lack personal documents which prevents access to social welfare services
- Implementation of the National Strategy for Roma and its action plans on housing, education, health and employment is essential to integrate Roma
- Lead contamination in Roma IDP camps in Kosovo illustrates social marginalisation of Roma

Among the displaced populations in Serbia and Montenegro (including Kosovo), Roma IDPs generally face the worst conditions, including with regard to housing and access to social welfare and education. Besides the mostly Serbian-speaking Roma, other minority groups, such as the culturally related but generally Albanian-speaking Ashkaeli and Egyptians, are affected in a similar way.

Whether in Serbia, Montenegro or Kosovo, Roma are the poorest of the IDPs. In Montenegro 60 per cent of Roma IDPs live below the poverty level as compared to 48 per cent of non-Roma IDPs (ICRC, 31 May 2005). The social and economic isolation of Roma starts with the absence of basic documents such as birth certificates which are required to get ID cards and are also a proof of citizenship. Without documents, Roma have no access to social welfare services. Many of them did not have documents before they were displaced which increases the difficulty of obtaining new ones. The Serbian Roma IDP Action Plan envisages a registration of Roma in order to help them get personal documentation.

Only a comprehensive programme of registration and integration of Roma, as reflected in the National Strategy for Roma and the four action plans on housing, education, health and employment adopted by the Serbian government, is expected to bring significant results.

Living conditions of Roma IDPs are appalling; many live in illegal settlements or unofficial collective centres without electricity, water and sewage systems. In the absence of legal status, Roma cannot register their place of residence and are at risk of eviction at any time. The absence of a registered address is an additional element preventing them from accessing their rights.

In 2003, the city of Belgrade adopted a plan to construct 5,000 apartments for 25,000 people living in 29 slums and 64 unsanitary settlements. The intended beneficiaries were Roma, non-Roma refugees from Bosnia and Herzegovina, and Croatia and IDPs as well as poor local residents and elderly people. However, two years later, the implementation of the plan had not yet started (AI, 22 March 2005).

The situation in the camps of Zitkovac, Kablare and Cesmin Lug in North Mitrovica has received international attention because of the acute health risks the IDPs in these camps face due to the proximity of a mountain of toxic waste. The contamination risk is further increased by camp inhabitants melting batteries to extract lead as a means of generating income.

The World Health Organisation found in 2004 that many children in these camps suffer from potentially mortal levels of lead contamination and recommended immediate evacuation of pregnant women and children and temporary relocation of other displaced until a sustainable solution is found (WHO, July 2004, WHO, October 2004). However, the Roma in the camps do not seem to be fully aware of the consequences

of lead contamination (Refugees International, 15 June 2005), and so far all attempts to relocate the camp inhabitants have failed. This is partly due to resistance among the Roma themselves, who fear that they would be separated from their group and relocation would prolong their displacement. But there is also little willingness from Kosovo Serbs or Albanians on either side of Mitrovica to accommodate the Roma. To complicate the matter, Roma from Mitrovica are reportedly under pressure from Roma living abroad not to move to the southern part of the city as they fear this would send a message to host countries that it was now safe to return (Interview with UNMIK and OSCE officials in Mitrovica, 24 and 25 May 2005).

As of mid-2005, there were plans to reconstruct the neighbourhood in South Mitrovica where many of the camp inhabitants lived before their displacement, the so-called Roma Mahala. However, there are concerns that the project lacks funding, will take a long time to be implemented, and does not provide a solution to those not originating from the Mahala and who represent 30 per cent of the population in the camps (Interview with UNMIK and OSCE officials, Mitrovica, 24 and 25 May 2005).

This example illustrates the political and social isolation of Roma. Ethnic Serbs and Albanians have organised communities with their own political systems and groups supporting and defending them. They cannot rely on Belgrade or Pristina to speak for them. At worst, they can always move to an area where their system is dominant. Roma do not have such support and they have not yet been able to organise themselves in order to deliver a coherent message and lobby efficiently for their cause.

Serbia and Montenegro (excluding Kosovo)

Despite various special social benefits, IDPs have no adequate access to health care (2001-2005)

- The Governments' ability to provide basic health care to the general population has deteriorated significantly over the past decade
- IDPs feel the effects of this more than the local population, due to their increased vulnerability
- IDPs' access to health services is often restricted by their lack of proper documentation
- Regions with a large IDP population have not been given adequate financial means to face the induced additional costs
- Poor registration of IDPs with the local health authorities prevents adequate medical follow up
- State spending on health care has constantly declined since 1989
- Private medical practices have developed and IDPs are left with no choice but to rely on the dysfunctional public system

“As citizens of Serbia and Montenegro, IDPs have the right to access all health services within the state health care system free of charge. (...) However, over the last decade, the Governments' ability to provide basic health care to the general population has deteriorated significantly. IDPs, who in general suffer greater health problems than the local population, (...) feel the effects of this eroded public system more acutely. In view of the particularly vulnerable socio- economic situation IDPs still face difficulties in accessing existing health care structure in view of the obstacles relating to access of documentation and documents (see paragraph 2). For example, IDPs in Serbia, along with other vulnerable persons such as children, the elderly over 65 and social welfare beneficiaries, do not pay the “contribution fee” for medical services or medicines, which is otherwise obligatory. An IDP is only legally recognised as such once she has been registered as an IDP in the municipality of displacement. Further, to access health services, an IDP head of household must present her IDP card and personal identification number (JMBG) to the local social

welfare centre, which issues a certificate listing all household members. The IDP health certificate is valid for three months, and IDPs must go to the social welfare centre when the certificate expires in order to prolong its validity.

There is no payment or fee for the certificate or its renewal. The foregoing process is thus only open to IDPs who have resolved any documentation issues. In both Serbia and Montenegro, regions with large IDP populations have not been given adequate financial means to face the increased health care costs. There is no specific mechanism in place to meet the additional needs linked to large population movements. Consequently, in those regions with a high influx of IDPs relative to the affects the provision of care to vulnerable groups and contribution payers alike. Further, IDPs are not systematically registered with the local health authorities. Consequently, health institutions do not always keep appropriate medical records on these patients. When this happens, this discriminatory practice prevents adequate health care follow up and ultimately undermines the quality of health care received. It may even add to health costs in the long run, especially in emergency departments, as preventative and regular medical interventions are lacking. IDPs registered in Montenegro face difficulties in obtaining medical services in Serbia for advanced treatments unavailable in Montenegro.

The Serbian Health Insurance Fund will not recognize the cost of medical services given to IDPs from Montenegro. Nor will the Montenegrin Health Insurance Fund reimburse Serbia for costs in treating the individual. Consequently, medical institutions in Serbia will not provide services to patients from Montenegro without first receiving payment. IDPs in Montenegro have access to limited health care services. They have access to basic, life-saving health care; however, they have great difficulty in accessing curative treatments (e.g., spas and specialized institutions for rehabilitation). In many cases, IDPs only have access to curative treatments if they pay for these services themselves.

The Working Groups reminds all Governments of their obligations under domestic and international law with respect to the provision of health care services. Article 45 of the State Union Human Rights Charter recognizes that everyone in Serbia and Montenegro has the right to health protection. Article 12 of the ICESCR describes every person's right to "the enjoyment of the highest attainable standard of physical and mental health". (...)

Findings

In Montenegro, IDPs have access to medical services. However, but they face a number of practical obstacles in the area of refunds for medications, rehabilitation after illness. They face problems in obtaining referrals for medical treatment in Serbia unavailable in Montenegro, although citizens of Montenegro can receive such referrals. Many of these problems stem from lack of documentation. Further, IDPs' medical files are often not as well maintained and followed up.

Recommendation 14

The Working Group recommends that the authorities of Serbia reconsider the system of extra documentation for IDP access to health care services in light of the serious documentation difficulties of this population and in light of international standards and the Constitutional Charter of the State union of Serbia and Montenegro.

Recommendation 15

Government of Montenegro should amend its legislation in order to ensure that IDPs have equal access to health service as citizens and to establish referral system to provide equal treatment of IDPs as citizens." (IDP Inter-Agency Working Group, October 2004)

"IDPs, being citizens of FRY, are given the right to access all health services within the state health care system free of charge. Moreover IDPs, among other categories, which include children, elderly over 65, social welfare beneficiaries, pregnant women, cancer patients and war invalids, do not have to pay a 'contribution fee' for medical services or medicines, which is obligatory for everybody else. The only precondition is that they have been registered as IDPs and have an IDP registration card. In reality access to health care can be severely constrained for several reasons. Some affect IDPs and the rest of the population equally, while others are specific to the IDP status.

As to the latter case, the financial burden for public health care provision to IDPs and refugees has severely affected the capacity of those Health Insurance Fund Regional Offices covering the municipalities where IDPs are registered as temporary residents. As there is no political will to adjust the existing national solidarity (risk pooling) safety net, nor any specific financial mechanism in place to meet the additional needs linked to large population movements, the result has been that in those regions with a high influx of IDPs relative to the resident population (e.g., Kraljevo), per capita public spending on health is severely curtailed. In fact, this affects provision of care to vulnerable groups and contribution payers alike.

Furthermore, registration of IDPs (and refugees) with the local health authorities (e.g., Ambulantas) is not practiced. This leads to lack of appropriate medical records being kept in health institutions. This discriminatory practice prevents adequate follow up in health care and undermines the quality of health care received. Equally, IDPs registered in Montenegro face difficulties in obtaining medical services in Serbia for advanced services that are not available in Montenegro. The Serbian Health Insurance Fund will not recognize the cost of medical services given to IDPs from Montenegro nor will the Montenegrin Health Insurance Fund reimburse expenses to Serbia.

As to the former, reasons that have an impact on the entire population relate to the erosion of the government's ability to provide for basic health care needs. In 1989 state spending for health in Yugoslavia was estimated at USD 240 per capita per year. This has declined to USD 40 in 1999 and USD 59 in 2000. According to the Ministry of Health, 57% of expenditures go for salaries, 15% for drugs, 10% for medical consumables and equipment maintenance, and 18% on food and utilities.

Findings show that more than ten years without any capital investment or adequate level of funding for recurrent costs have resulted in a chronic shortage of essential drugs and consumables as well as more than 60% of the medical equipment being out of order while the one-third still in working condition is mostly obsolete. Basic services such as water and heating need to be repaired in many places, essential drugs and disposables are in short supply and, most importantly, the lack of management and organisational resources create a state of apathy, paralysis and poor resource mobilisation in the public health sector. This has generated a greater shift to private and 'grey' provision of health care services. Private medical practices have flourished in recent years as an alternative to the state health system. Patients at private clinics are entirely responsible for the costs of private health services as well as medications obtained under the table from the public sector through private pharmacies, which are not covered by the state health insurance fund.

This has created a two-tier system, where only those with high incomes can afford effective private health services, while vulnerable locals and IDPs/refugees are left with no choice but to rely on the state system, however dysfunctional. Due to high costs, only a small percentage of IDPs/refugees have reported using the services of the private health care sector.

IDPs use of health services

Use of Private Health Services		IDPs (refugees) in Private Accommodation	IDPs (refugees) in CC
No	96.4%	99.1%	
General Practitioner	Yes	3.5%	0.9%
No	83.2%	93.2%	
Dentist	Yes	16.7%	6.8%
No	94.3%	99.0%	
Gynecologist	Yes	5.7%	1%
No	95.7%	98.5%	
Others	Yes	4.2%	1.5%

Source: IPHS State of Health , Needs and Use of Healthcare by the Population of Serbia

According to the IPHS study, in 46% of cases IDPs obtain medicines through the system of the state health care system (39% for the permanent resident population). Approximately, 50% of IDPs in private accommodation and 36.6% of IDPs from CCs buy medicines in private pharmacies, while only 0.8% of those in PA and 8.5% of those in CCs get medicines from Humanitarian Pharmacies through a project supported since 1999 by ICRC in collaboration with State Pharmacies and the Serbia Red Cross." (UNOCHA 26 April 2002, pp. 16-17)

See also

International Federation for Human Rights, Serbia: discrimination and corruption, the flaws in the health care system, April 2005

Group 484, Human Rights of refugees, Internally displaced persons, returnees and asylum-seekers in Serbia and Montenegro, April 2005

Institute of Public Health of Serbia "Dr. Milan Jovanovic Batut", 31 December 2001, Health Status, Health Needs and Utilisation of Health Services in 2000 - Report on the Analysis for Adult Population in Serbia: Differences Between Domicile Population, Refugees and Internally Displaced Persons [Internal link]

UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 13 November 2000, Humanitarian Risk Analysis No. 14 Federal Republic of Yugoslavia, Health Status in FRY - Part II - Trends in Health Indicators [Internet]

Living conditions and lack of access to health leave Roma with poor health condition (2005)

- There is a lack of adequate data about the health situation of the Roma population
- A common conclusion is that hygiene and health standards are low among Roma IDPs
- Much of the Roma population suffers from “poverty diseases” such as malnutrition, lung and intestinal diseases, skeletal diseases and alcoholism
- Available data show a very limited approach to the health care system
- The lack of basic hygiene in the Roma's settlements gives rise to serious sanitary and epidemiological concerns
- Discrimination discourages Roma from seeking medical assistance

“There is a serious lack of adequate data about the health status of the Roma population. This, in itself, represents a failure in the system. Information outlined below is drawn from reports by Working Group members and based on their work with the Roma community.

A common conclusion is that hygiene and health care standards are low among Roma IDPs. A general knowledge of health and hygiene issues is compounded with limited reliance on the health care system, scant trust in health care providers and little appreciation of their rights in accessing public health care services. For example, Roma children are often not immunized and most Roma women do not visit a gynecologist for regular check ups except for childbirth. In the case of sickness and injury, Roma most often visit primary care physicians, while some treat themselves, and in the majority of cases serious health conditions go untreated when diagnosed. In 80% of cases, a dentist is visited for a tooth extraction only. Serious sanitary and epidemiological concerns arise directly from lack of basic hygiene in the settlements. The inadequate manner of food preservation, unsafe water supply, open sewage and improper waste disposal all create an increased risk for diseases. The presence of rodents, scabies and lice, along with the crowded nature of the communities, facilitates the spread of contagious diseases. Much of the Roma population suffers from so called “poverty diseases” such as malnutrition, lung and intestinal diseases,

skeletal diseases and alcoholism. There has also been a reported rise in Roma children suffering from tuberculosis. (...)

Though Roma IDPs in theory have access to public health care, in practice this access is all but denied. This is because of their lack of information about the system, lack of personal documents, language and cultural barriers and overt and subtle discrimination by health care providers." (IDP Inter-Agency Working Group, October 2004, p.37)

"Similar to education, hygiene and *health care* [38] standards are low among the Roma IDPs. A poor understanding of health and hygiene issues among Roma in general is compounded with a limited approach to the health care system and little or no knowledge of their rights in accessing public health care services. Very often Roma children are not immunized (9% were never vaccinated and for 27% vaccination status is not known while only a small percentage received all three doses of Oral Polio Vaccine (19%) and Di-Te-Per (27%). Most Roma women do not visit a gynecologist for regular check-ups (80%) except for child birth (68%). In the case of sickness or injury, Roma most often visit primary care physicians (62%), while 14% treat themselves, and in the majority of cases some serious health conditions were not treated when diagnosed. In 80% of cases a dentist is visited for a tooth extraction only. Despite a lack of adequate data about the health status of the Roma population, some broad conclusions can be drawn based on the demographic features of the Roma (young/average age, low education level), as well as their overall living conditions, which apply to Roma IDPs too. Serious sanitary and epidemiological concerns directly arise from lack of basic hygiene in the settlements. The inadequate manner of food preservation, an unsafe water supply, open sewage and improper waste disposal all create an increased risk for diseases. The presence of rodents, scabies and lice, along with the crowded nature of the settlements, facilitates the spread of contagious diseases. Much of the population suffers from so-called 'poverty diseases' such as malnutrition, lung and intestinal diseases, skeletal diseases and alcoholism. There has also been a reported rise in Roma children suffering from tuberculosis.[39] In conclusion, it should be indicated that Roma IDPs officially have access to public health care, but due to the lack of information, personal documents, language barrier, a discriminatory attitude in society, and difficulties in the functioning of the public health sector, they are discouraged in seeking medical assistance and are marginalized in this respect as well."

[Footnote 38: Source: *Health Status, Health Needs and Utilisation of Health Services of Roma Population in 2001*, Report on the analysis for Roma children and adult population in Belgrade and Kragujevac, OXFAM GB, Office in Belgrade (The sample encompassed nearly 75% of Roma IDPs from Kosovo).]

[Footnote 39: *Assessing the Needs of the Roma Community in FRY (ex. Kosovo)* HRA 17, UN OCHA Office in Belgrade, September 2001.] (UN OCHA 26 April 2002, pp. 23-24)

Health status of the displaced is deteriorating (2000-2002)

- According to a 2000 survey, 13 percent of the IDPs have serious medical problems
- The main problem is the lack of treatment as a result of lack of funds
- 2001 survey shows high malnutrition among IDPs and refugees in collective centres
- Displacement have seriously affected the mental health of the IDP population

"The data for the *health status* of the IDP population in FRY comes from the *Registration of IDPs from Kosovo* document, and the study *State of Health, Needs and Use of Healthcare by the Population of Serbia* [20] conducted by the Institute of Public Health of Serbia (IPHS), based on WHO methodology, in which a special section is devoted to IDPs and refugees [21]. It should be noted that data in both reports is based on surveys completed in 2000. Meanwhile the health status of the IDP population has probably deteriorated as they have continued to endure difficult living conditions since the time the surveys were conducted.

According to the IDPs registration document, 13% of all IDPs have serious medical problems, among which the majority (74%) suffer from chronic diseases requiring long-term medical treatment, while 13% are invalids and 4.4% suffer from mental health problems.

The IPHS study also presents valuable information on the most common health conditions of IDPs and refugees, which occur at nearly the same rates as in the domicile population (high blood pressure, back pain, rheumatic diseases, heart condition). In the case of IDPs and refugees, however, these conditions are often not treated medically (exact figures are not given in the study). For example, in the case of the most frequent health condition among IDPs and refugees, high blood pressure (25%), 23% of those affected are not under medical treatment or simply do not take medications due to a lack of funds (37%).

IDPs and refugees are additionally threatened by poor nutrition. The WFP/UNHCR Joint Food Need Assessment Mission report [22] concluded 'of greater immediate concern are the rates of malnutrition evident in refugee and IDP children living in collective centres. Among the children measured, 8% were found moderately to severely wasted (3.7% among the general population) and 17.2% were stunted.' This needs to be compared with the WHO/UNHCR/IPH survey in 1998 that did not find protein-energy deficiency among refugee children living in CCs at that time. UNICEF [23] interpreted the startling rise in the prevalence of malnutrition among children in CCs in 2000 as reflecting a change in the population base (IDPs in addition to refugees), characteristic of IDP children from Kosovo, where child welfare indicators are known to be poor in relation to the rest of the country. UNICEF also suggested the provision of food aid should be reviewed to ensure that children and mothers who are breastfeeding are receiving adequate amounts of good quality food.

There is evidence that the consequences of displacement have seriously affected the *mental health* of the IDP population. Humanitarian organisations active in the field report IDPs being depressed and despondent. The IPHS survey revealed that 64% of respondents had psychological stress and that up to 57% of CC residents have emotional problems. There are numerous reasons for the deterioration in psychological well-being, from the actual loss of home and previous routine, to poverty, dire living environment and the resentment of vulnerable locals who see the newly arrived as competitors for scarce job opportunities and assistance. The realisation that return in the near future is unlikely makes them feel 'neither here nor there.' The International Aid Network gathered a team of experts for the survey of IDPs [24] in 2000/2001 to research, among other aspects of IDPs' lives, their current mental health status. Interestingly, IDPs assessed their own mental health as having deteriorated significantly. The study results noted an extremely high level of post-traumatic distress and current psycho-pathological symptoms, especially anxiety, psychosis and paranoid ideas, among those exposed to the cumulative effect of a large number of very stressful life events (in 66% of surveyed IDPs). Mental health problems are known to diminish coping and self-help mechanisms."

[Footnote 20: *State of Health, Needs and Use of Healthcare by the Population of Serbia*, IPHS, issued in January 2002.]

[Footnote 21: Refugees and IDPs are analysed within the same group, thus the given results apply to both groups equally.]

[Footnote 22: *Joint Food Needs Assessment Mission – Final Report – FRY (ex. Kosovo)*, WFP/UNHCR, July 2001.]

[Footnote 23: Multiple Indicator Cluster Survey II — Report for FRY, UNICEF, 2000.]

[Footnote 24: Internally Displaced Persons from the Prizren Area of Kosovo, IAN, Belgrade 2001.] (UN OCHA 26 April 2002, pp. 15-16)

See also:

- ***Institute of Public Health of Serbia "Dr. Milan Jovanovic Batut", 31 December 2001, [Health Status, Health Needs and Utilisation of Health Services in 2000 - Report on the Analysis for Adult](#)***

Population in Serbia: Differences Between Domicile Population, Refugees and Internally Displaced Persons [Internal link]

- *Refugee International, "Yugoslav refugees and internally displaced need continuing aid", 7 August 2001 [Internet]*

Government's plan to close collective centres is not supported as a durable housing solution for IDPs (2005)

- Over 14,000 IDPs live in collective centres in Serbia and Montenegro
- Some 1,700 IDPs live in unofficial collective centres under dire conditions and without government or donor support
- IDPs in unofficial CCs have no legal status or address, a situation which limits their access to basic services
- The number of recognised CCs will be reduced to 70 by the end of 2005
- No alternative durable housing solutions have been put in place by the Government
- IDP Inter-Agency Working Group recalls Government's obligation to provide adequate standard of living and stands ready to examine alternative housing solutions for IDPs

"Like refugees, most IDPs in Serbia and Montenegro reside in private accommodation, while some 14,456 (6,2%) are accommodated in collective centres (CCs) and specialised health care institutions. (...). Over 10,000 IDPs live in CCs in Serbia and 4,193 in Montenegro: 10,852 reside in recognised CCs, 1,753 live in unofficial CCs, which means that they are not officially recognised by the Commissariat and are therefore not eligible to receive government support or humanitarian aid. Indeed, thirteen percent of IDPs do not have a recognised address in Serbia and Montenegro. Most of these IDP are Roma. In order to receive humanitarian assistance, some IDPs have circumvented the problem of not having an official place of residence by using a neighbour, relative, or friend's address as an official address, while the IDP household in question lives at a different location.(...)

CCs were originally designed to house the refugees who arrived in the early 1990's. The arrival of tens of thousands of IDPs in 1999 put more strain on the CC system and unofficial CCs sprung up as IDPs searched for places to live. The Commissariat made accommodation sites available for these IDPs and the sites were then recognized as official CCs. In contrast, many IDPs entered premises on their own, and some of these sites were not later recognised by the Commissariat and became unofficial CCs.

Unofficial CCs are usually privately owned and a large number are occupied without permission of the owners. IDPs in unofficial CCs must often struggle to remain on the premises, and in some cases have no access to electricity and water. On the whole, conditions are appalling and thoroughly unhygienic.⁷⁷ Unofficial CCs are not included in regular assistance programmes and receive aid on an ad hoc basis from UNHCR, ICRC and other organisations; however, this aid is small – mostly non-food items – and infrequent. Only official CCs receive food and some continue to receive three meals daily. A majority of IDPs accommodated in unrecognised CCs are in Belgrade (1,370), Kraljevo (301) and in Montenegro (...). (IDP Inter-Agency Working Group, October 2004)

While the number of collective centres was previously quite high (13,100 people lived in collective centres in 2003) (...), efforts have been increased in recent years to close the centres down, often in order to recoup the buildings for other uses. About half of all collective centres in Serbia have been closed. 122 are still open in Serbia proper, and there is a plan to close another 52 centres in 2005. In Montenegro, only three collective centres remain open. Residents of some collective centres reported that uncertainty about when the centres will be closed has made them reluctant to invest in their own farm or business activities, since they fear that they may have to move to another location.

In both Serbia and Montenegro, the closure of collective centres has in many cases consisted merely of the government withdrawing from the role of service provider.

People continue to live in these ‘unofficial collective centres,’ which are often barracks on the grounds of defunct factories originally constructed for workers. Since the factories are not functional, they are not obliged to pay rent, and in some cases they receive electricity and water supply for free as well. (Reports were collected in both Serbia and Montenegro of municipalities intervening to keep electricity service to these centres even though officially the government does not accept responsibility for providing these services.) However, those who live in unofficial collective centres are not able to register their residence, which can serve as an obstacle to accessing public services. (...)

UNHCR has expressed interest in helping IDPs in both Serbia and Montenegro to obtain access to long-term housing. It reports that the government is reluctant to consider the needs of IDPs, but is willing to have UNHCR get involved in helping refugees and IDPs to move out of collective centres. UNHCR is concerned that the conditions of those refugees and IDPs who have already had to move out of collective centres are precarious. The organisation is considering providing assistance to former collective centre residents, which would include both refugees and IDPs. However, such plans are still being reviewed by UNHCR headquarters in Geneva, and the scale and timeframe have not been worked out, so it is anticipated that it will take some time before these activities can be implemented.

While some collective centre residents are certainly among the poorest of the poor, residence in a collective centre does not automatically mean that one is destitute. Some collective centre residents are among the middle group of poor (see below) because they are relieved of the burden of having to pay rent and utilities. In addition, because they are more visible, they are often recipients of assistance that others living in private accommodation are not able to take advantage of.

It also appears to be the case that some IDP associations in collective centres are able to get preferred treatment from the government by virtue of the fact that they are actively maintaining ties to Kosovo, helping Serbs in Kosovo to remain on their land, or are pursuing the issue of property restitution in the Kosovo Courts. One collective centre visited appears to be receiving free electricity and to have secure claim to continue living in an unrecognized collective centre because of its work in Kosovo. (ICRC, April 2005)

“The working group recalls that the Governments are bound to provide an adequate standard of living for their citizens as set out in article 11 of the ICESCR, and echoed in principle 18 of the UNGP. It refers the Government of Serbia to the articulated main aim of the National Strategy for Resolving the Problems of Refugees and Internally Displaced Persons to reduce and gradually close collective centres providing alternative, durable solutions at the same time.⁷⁹ The Working Group also refers to the Government of Serbia’s policy in the Refugee and IDP Strategy which recommends the adoption of new legislation in order to implement programmes of durable accommodation as CCs are gradually closed.

Findings

In brief, the collective centres originally built for refugees have, inadequately, served as a temporary solution to the accommodation needs of some of the IDP population. The Governments of the Republics of Serbia and Montenegro have proceeded in the closing of CCs without having created and implemented viable long-term solutions to the accommodation needs of IDP citizens.

Recommendation 9

The Working Group recommends that the authorities of Serbia and of Montenegro take into account the long-term accommodation needs of the most vulnerable groups of the IDP population, such as women heads of households and the elderly. It recommends that the authorities submit project proposals to international donors on addressing accommodation needs.” (IDP Inter-Agency Working Group, October 2004)

The overwhelming majority of IDPs live in private accommodation (2005)

- Number of IDPs living in private accommodation has increased with the closure of collective centres (CCs)
- Unlike IDPs living in CCs, those living in private accommodation have to pay utility bills
- Failure to pay utility bills has forced IDPs to move frequently from one accommodation to another
- Less than 8% of IDPs own the accommodation they live in while in displacement
- Specific housing solutions for IDPs are lacking while they do exist for refugees

Over 93% of IDPs from Kosovo live in private accommodation (see above)

“As Collective Centres have closed, the number of IDPs living in private accommodation and paying rent has increased (though specific figures on the total numbers of IDPs paying rent are not available). Some IDPs living in official collective centres have been informed that soon they will also have to pay for rent and/or electricity, e.g. in Bujanovac and Belgrade. Rent fees can range anywhere from €25/month to €200/month, depending on the size, condition, and location of the dwelling. In addition, tenants are expected to pay all utility bills, which can range from €10 to €30 per month. For those living in rented accommodation, the burden on the household budget can be significant, and can restrict the household’s ability to purchase essential food and non-food items. (...)

In the HHE analysis, most households were asked how many residences they had had since leaving Kosovo. The average number of residences occupied since displacement was four, and contrary to the impression contained in stereotypes about Roma being more mobile than non-Roma, did not vary significantly between ethnic groups. Most people explained that they had changed their residences so often as a result of being evicted for inability to pay rent or utility bills. (...)

Free or owned private accommodation

This category of IDPs includes those who owned second houses in Serbia prior to being displaced from Kosovo (in many cases these houses were under construction and only one room was habitable, which the IDP household is now living in), those who live with relatives, those who have been able to purchase accommodation with the proceeds from the sale of their property in Kosovo, and those who have been given access to a house either for free or in exchange for providing labour to the house owner. In 2003, Group 484 reported that less than 8% of IDPs owned the accommodation that they were living in (as compared to 18% of refugees). While definitive current statistics are not available on the numbers of IDPs living in owned accommodation, the rates appear to be higher in and around the central Serbian towns of Kragujevac and Kraljevo, and near the southern town of Bujanovac. This is due to the fact that many households had family members who had moved to Kragujevac and Kraljevo during the 1970s and 1980s to work for the large factories there, and to the proximity of Southern Serbian towns to Kosovo. While the Implementation Plan of the National Strategy for Dealing with the Problems of Refugees and IDPs for Serbia includes provisions for providing affordable housing, loans, and provision of construction materials for refugees, IDPs are largely left out of these provisions. (ICRC, April 2005, p.24-25)

Substandard shelter and health conditions for the Roma displaced (2001-2005)

- Many Roma are living in informal settlements in very poor sanitary conditions and without basic infrastructure
- A plan by the city of Belgrade in 2003 to rebuild 5000 flats for 25,000 residents of informal settlements has still not been implemented
- Montenegrin National Action Plan envisages moving Roma IDPs living in informal settlements to better accommodation

- Residents of Konik IDP camp in Montenegro face very poor conditions

“The sanitary conditions in the collective centres, particularly in those which are not recognised, are extremely bad, and humanitarian aid is irregular and most often does not include food relief. A particularly vulnerable and socially marginalised category in this respect are again the Roma displaced from Kosovo, who are predominantly accommodated in about 150 illegal Roma settlements in the territory of Belgrade, as well as in informal collective centres. In the territory of Serbia, apart from Belgrade, they are mostly concentrated in the municipalities of Pozarevac, Kragujevac, Nis, Bujanovac, and Kurcumlija, while, in Montenegro, they are concentrated in the suburbs of Podgorica, as well as in the municipalities of Niksic, Bar, Tivat, and Berane. They live predominantly in illegal settlements, very unfavourable from the sanitary aspect, without the basic infrastructure. However, it is impossible to get a more accurate insight in the socio-economic position of the Roma displaced from Kosovo, because they slip the official statistics, and specific surveys undertaken by certain NGOs reveal just a part of the picture of the situation and the way those families live.

The authorities in Serbia do not have a defined strategy for solution of the problem of illegal settlements and the so-called informal collective centres. In the case of the 25 Roma families with 170 displaced persons from Block 28 in New Belgrade who had to be removed, the Commissariat for Refugees, in October, offered them accommodation in the collective centre in Bor. Almost all the displaced Roma refused to move to such a distant location, to a community where there are almost no conditions for work and integration, so that they are now under the threat of being thrown out on the street.” (Group 484, April 2005)

“The Council of Europe’s mechanism for monitoring states’ implementation of the Framework Convention (Advisory Committee) issued an [opinion on SCG in November 2003](#) which was made public 2 March 2004. This stated:

“The Advisory Committee considers that both legislative and practical measures are needed to improve the implementation of the principles of non-discrimination and full and effective equality. In this respect, the serious difficulties faced by displaced and other Roma merit urgent attention including in terms of the adoption and implementation of a comprehensive Roma strategy. These difficulties are particularly apparent in such fields as health, housing and employment as well as in education, where the problem of undue placing of Roma children in schools for persons with mental disabilities needs to be addressed as a matter of high priority.” (...)

The November 2003 opinion of the Advisory Committee stated:

“130. The Advisory Committee finds that the authorities have not been able to secure full and effective equality between the majority population and Roma and that the housing and health situation in informal Roma settlements, as described in various reports, is alarming and not compatible with the principles contained in Article 4 of the Framework Convention. The Advisory Committee considers that these problems merit urgent attention and targeted measures, including as regards the legal status of such settlements.”

Although many major problems facing Roma are interrelated, this is especially so for housing and Roma health issues. Roma, who live in substandard unhygienic settlements often literally built on rubbish dumps and with no or limited access to running water and adequate sewage, are unsurprisingly prone to health problems. In the above-mentioned Deponija settlement in Belgrade, hepatitis, pneumonia, skin diseases such as scabies, head and body lice, eye-problems and teeth-problems are common – and this in a settlement which was legally recognized in 2001 and in 2002 managed to obtain electricity and water (before then the inhabitants had to walk some 500 metres to the nearest water supply). Additionally, as noted above, many Roma face problems of accessing health services due to lack of registration.

On a republican level, in Serbia there were as noted in Amnesty International’s 2004 report(...) a number of ambitious plans which sought to address the acute housing problems faced by many Roma (and others, see below) living in severely disadvantaged conditions. These plans included on the republican level a

strategy to address the needs of those living in extreme poverty which includes a law on social housing to replace that of 1976,(...) the ‘General Plan for Belgrade up to 2021’ which includes Roma as a specific category as a disadvantaged group(...) and the July 2003 plan by the city of Belgrade to construct 5,000 apartments housing the estimated 25,000 people living in the 29 slum areas and 64 unsanitary settlements in and around the city. While the Roma constitute the majority of those living in such conditions, others include non-Roma refugees from Bosnia and Herzegovina and Croatia and internally displaced people (IDPs) as well as other categories of people in disadvantaged situations such as the elderly. This latter plan was accepted, and at the time of writing, plans drawing up the actual technical provisions for its implementation were awaiting Belgrade city assembly approval.(...) Amnesty International welcomes these ongoing initiatives. However, the organization notes that as of March 2005 they remained for the most part in draft form or awaiting formal acceptance by the relevant body to be actually implemented. Amnesty International calls on the relevant authorities in Serbia to officially adopt the plans at both republican and Belgrade city level, and make finances available for their realization.

In Montenegro, the Montenegrin National Action Plan, adopted in January 2005, has a section devoted to the housing needs of disadvantaged Roma of which the first envisaged goal was to increase the accessibility to drinking water to Roma, Ashkali and Egyptian (RAE) communities. The plan also envisaged either moving RAE communities situated in illegal settlements often on or in close vicinity to rubbish dumps, or if this was not feasible to renovate the existing dwellings. However, the plan in all of these areas made no concrete recommendations other than the commissioning of further detailed plans and/or strategies. As such Amnesty International believes that the Montenegrin National Action Plan failed to adequately address this crucial issue. Similarly in the section dealing with health issues of the Roma population, the plan makes reference to the need for adequate surveys and analyses of the health conditions of Roma but makes little specific recommendations on how to address the problems.

As noted above, the Montenegrin National Action Plan makes no reference to Roma IDPs from Kosovo who are severely disadvantaged in Montenegro.

Amnesty International calls on the Montenegrin authorities as a matter of urgency to draw up and implement concrete plans to ameliorate the acute housing and health problems faced by Roma in Montenegro and to implement them as quickly as possible.” (AI, 22 March 2005)

“The only camp for IDPs is Konik, situated on the outskirts of Podgorica, the capital of Montenegro. The camp is inhabited entirely by Roma, and is split between two locations: approximately 1300 residents live in Konik I and 400 live in Konik II. Conditions in these camps are extremely poor, with overcrowded, unhygienic dwellings. No land is available outside the camp for kitchen gardens or keeping livestock, so Roma residents are not able to produce food to supplement their incomes or diets. UNHCR has been collaborating with the German NGO, HELP, to construct multi-storey apartment buildings to accommodate selected Roma from Konik. However, even as these residents are moving out of the barrack-style housing, additional Roma IDPs are moving into the camp from the surrounding area, so the population of the camp is expected to remain steady. The allocation of flats to some people and not others has sparked complaint on the part of camp residents. Assistance providers have had a difficult time working in Konik. Periodic disorder, difficulty in targeting beneficiaries, and failure to realize sustainable improvements in living standards have all been reported. Those who work in the camp suggest that a solution would be to separate the camp up into smaller settlements so as to provide

better, more personalized services to IDPs, and to relieve the overcrowded conditions. Although Konik is located within a local Roma community, there are tensions between camp and local residents. Local residents are said to have better reputations as being hard workers, and often are given preference in hiring decisions, even receiving jobs to work inside the camp. This has created resentment within the camp. ICRC was providing cash assistance to 140 vulnerable Roma families living in Konik. UNHCR reports that this assistance was particularly appreciated, as it was the only reliable source of income for most people. Since it ended, UNHCR says that it has received increased numbers of requests for ad hoc assistance. As grim as the conditions at Konik are, Roma IDPs see some benefits in living there. They do not pay for rent or utilities, and the camp is located next to a large metal scrap yard and dump, from which they are able to derive some income collecting items for recycling. Scrap metal dealers regularly buy their supplies from camp residents (at the price of €80-90 per ton, which can take a family up to ten days to collect if they have

a horse and cart for collecting it – thus, this is an option only for the relatively more wealthy Roma, see Wealth Groups section below). The camp is also close enough to the city for people to find work in the construction business (€15/day), or loading and unloading cargo (€2-3/day)." (ICRC, April 2005)

"An unspecified majority of Kosovo Roma are hosted by relatives who are Montenegrin residents. As a result, high numbers of people now share rooms in highly substandard housing. As for Kosovo Roma accommodated in official camps, the living conditions there are also for the most part inadequate: the camps are overcrowded and unsafe, and fire accidents are common. According to the Montenegrin press, a fire broke out in the Konik I camp in the outskirts of Podgorica on June 19, 2001, and completely destroyed three prefabricated houses and rendered homeless as many as one hundred Roma. This was the fourth fire in the camp in the last two years. On July 23, 2001, the Podgorica-based daily Pobjeda reported that the entry to the Konik I camp was fully covered with garbage, disposed of the overfilled garbage containers, as the municipal waste disposal services had not taken away the waste for several days. The daily also noted that the dump, located only a few metres from the closest shacks, constituted a constant threat of disease for the Romani children who play in the immediate vicinity. Additionally, the official camps are outnumbered by unofficial camps, self-made temporary shelters that no agency is providing with any form of assistance. According to the Montenegrin non-governmental organisation MARGO (Association for Help and Support to Marginal Society Groups), several unofficial Kosovo Romani settlements are under threat of having the electricity and water supply cut off, as the communities cannot pay for the bills. The UNHCR office covers only the utilities of the official camps, which are only large enough to accommodate only a very small portion of Kosovo Roma in Montenegro."

[Footnote 35: The Roma from Belgrade Settlements, OXFAM, April 2001]

[Footnote 36: Life of Displaced Kosovo Roma in Montenegro (Podgorica and Niksic) and Possibilities for Integration, Dr. Bozidar Jaksic, SDR/SDC, June 2000] (ERRC 2001)

Elderly IDPs in collective centres: HelpAge report suggests need for humanitarian and developmental assistance (2000-2001)

- A third of the displaced population in collective centers are aged 65 and over
- Many older Serb refugees and displaced people in collective centres are effectively destitute
- HelpAge reports that older people in collective centers live in basic conditions, often with poor food, facilities and inadequate clothing
- Poor sanitation, difficult access to health care and inadequate food in collective centers increase health risks for older displaced
- Suicide rates among older people in collective centres are worryingly high over 200 older people killed themselves in one recent year alone, according to HelpAge research
- The longer-term prospects for older people in collective centres remain confused and uncertain
- The elderly displaced are especially affected by the irregular payments of their meager pension

"Half a million Bosnian, Croatian and Kosovan Serbs were displaced by war over the last decade. Refugees and internally displaced people now make up 7 per cent of the total population of the Federal Republic of Yugoslavia. HelpAge International was told that 100,000 out of a total refugee population of 750,000 still live in collective centres – a third of them aged 65 and over.

The public and voluntary sectors face huge challenges in ensuring adequate living standards for such significant numbers of refugees. The Red Cross, for example, says that a large proportion of those who fled Kosovo live in rented accommodation they simply cannot afford.

HelpAge International's experience worldwide has shown that older refugees are among those who find it hardest to recover from the disruption and trauma of conflict, and as a group tend to suffer from its effects longer. In Serbia, older people typically form a disproportionate share of those in collective centres, and face significant barriers to re-establishing themselves economically and socially.

We visited three collective centres, in Belgrade, Smederevo, and Vrsac. Older people in the centres told us that, without pensions or some other source of income, they could imagine how they would rebuild their lives in Serbia. Those who wished to return home remained profoundly uncertain about their safety and status, and in many cases had lost their homes and villages in the fighting.

The National Commissariat for Refugees, a government body, formally appoints management boards for registered collective centres, but funding and running them to consistent standards is extremely difficult. International agencies have proved an important source of short-term support, supplying food and non-food items, but in longer-term strategies must help older people help themselves.

At HelpAge International's workshop, there was a clear consensus that older refugees form a substantial and highly vulnerable group, requiring both humanitarian and developmental assistance.

Economic issues

HelpAge International found that many older Serb refugees and displaced people in collective centres are effectively destitute. Unable to claim pensions in their country of origin or host country, and with little likelihood of finding work, they face a daily struggle to meet basic costs such as medicines.

[...]

Many older people told us they longed to have a home of their own again – 'Nothing else really matters!' said one. Above all, they want to live independently, be secure, and enjoy a clear legal status. Many said that they would be happy to continue to live within Serbia, rather than return home, if housing or help with loans could be provided.

Their chances of finding work, in the context of high unemployment and few job opportunities even for younger people, are slim. High unemployment levels amongst younger people were a major cause of concern.

In the collective centres we visited, older people appeared to be living in basic conditions, often with poor food, facilities and inadequate clothing. Questions about coping mechanisms were largely irrelevant – it was clear that, for most older people, the issue was basic survival.

Many of the collective centres are industrial or prefabricated buildings remote from centres of population, so that contact with the local community is difficult. They are often unhygienic and in poor repair, due to lack of funds. In one centre, where families or groups sleep and eat together in large rooms, often damp in the winter, some residents told us they had left and moved into private accommodation. But they could not earn enough to pay the rent, and had been forced to come back.

During one visit, older people told us there were often few clothes suitable for them in the care packages they received. One older woman said she did not know the last time she had something new to wear; another pointed to her ill-fitting shoes.

Workshop participants felt that the government needed urgently to identify ways of addressing older refugees' almost complete lack of resources by providing them with clear legal entitlements and status. They should either be made eligible for state pensions, or offered short-term loans to help them get re-established. Those in collective centres should be allocated pieces of land to grow food and generate a source of income.

Health issues

In the collective centres we visited, older people spoke of a high incidence of health problems, coupled with difficulties in accessing adequate healthcare. Chronic conditions associated with age included diabetes and cardiac conditions.

Poor sanitation emerged as a recurrent issue. In one centre, where there were two showers and four lavatories to each 'barrack' of 15 and 20 people, older people told us that the system didn't work properly, and were worried about disease. In the summer, the sewage sits in pools under the buildings – 'We sleep on top of it,' said one. So far, no repairs had been done. There had also been problems with electricity – for example, during the previous winter, had been no heat or lighting for a fortnight.

While older refugees and displaced people are in theory eligible for free healthcare, in practice necessary medications are often not available and difficult to access treatment. At one centre we visited, for example, older people had the right to emergency treatment in hospital, but first had to written referral from the doctor 3km away, then find their way to the town 13km away. They had no money for bus fares, and little contact with anyone outside the centre who could help.

Most of the older people we talked to ate in central canteen facilities, and many said they would like to be able to cook their own food. In one centre, international aid agency provided fresh food and other items, all much appreciated. In another, older people were concerned that the sort of food they were given – for example, fatty foods, with few fresh fruit and vegetables would increase their rates of heart disease.

Workshop participants felt there was an urgent for regular medical check-for older people in refugee camps, to identify diseases such as tuberculosis and cancer, and what kinds of medicines should be supplied on a regular basis. Older people's nutritional needs should be systematically researched and planned for.

Social issues

HelpAge International's visits suggested that older people in collective centers felt isolated and invisible, both within the local community, and to policy makers. They wanted to be seen, heard and understood.

They had few contacts with local people and felt their presence was sometimes resented, given levels of hardship in the wider community. In the district surrounding one of collective centres we visited, for example, many ex-farmers were struggling to make ends meet on low-level pensions, and there were levels of unemployment. In another centre, there was no public telephone, adding to residents' feeling of being cut off from the wider world.

There were few organised social or other activities. Many older refugees from rural areas, where they led active lives as part of the community. In centre, a 75-year-old older woman had managed to get work helping out local farm. In another, residents were beginning to set up individual vegetable gardens, in order to grow their own food, generate income, and get back work. A staff member commented: 'Older people have been very shaken their experiences as refugees. I think the gardens are really important for they help them feel part of a community, and keep them busy. When they active, they are not so sad.'

Older people in one centre said they felt the government didn't really understand their situation or care about it. 'They could ask us more about what we need,' says one. 'Really, we need several different organisations donors and government – to get together and look at our problems.'

Non-government organisations spoke of a culture of disempowerment in collective centres, which can be particularly acute among older people. Some of the older residents we met were worried about being evicted, though was not a real danger. Others feared they would die in the camps.

Suicide rates among older people in collective centres are worryingly high over 200 older people killed themselves in one recent year alone, according research commissioned by HelpAge International from Dr Irena Grozdanic.

Legal and political issues

The longer-term prospects for older people in collective centres remain confused and uncertain.

Non-government organisations working in the centres point out that the exact numbers of those wishing to leave or remain in Serbia has never been established. Without this information, it will be difficult to plan realistic solutions.

Many of the older people we talked to felt they were too old to make a new life, and wanted to be buried in the place they originally came from. But feared they would not be able to claim pensions or property at home, and would not be welcome. Croatian refugees in one collective centre, for example, told us they no longer had rights to benefits or land there, but want to go to a Croatian transit centre because they would not be safe there.

For those who wanted to stay, lack of money was perceived to present an impossible obstacle to setting up a new home. Some older people worried that the centre they were in would close down, and they would be homeless.

In general, older people felt they did not know what the future would bring. Those who wanted to go home were worried about getting the right documents, feared their families would not be able to find work, and said it was difficult to get visas. Others wanted to get Yugoslav citizenship, but knew it was a complex process. The future of family units was a key consideration. 'Our children and grandchildren are what we care most about,' said one person. 'What they do will affect whether we go home.'

HelpAge International's needs assessment found that there was a lack of or legal aid available to older people trying to work out their options. Many did not know if they had a right to reclaim property in their country of origin, or whether they could get their pensions restored on the basis of past contributions. Efforts to provide legal advice are now beginning.

In some collective centres, residents receive money from donors, and can save for the future. Older people told us that they would find this very helpful. They said they did not want gifts, but a way of getting life back to normal. 'We want to work with others to sort things out.'" (HelpAge November 2001, pp. 12-15)

"The elderly are a particularly impoverished sector of society, with their coping mechanisms having been eroded over the past decade. They often live in appalling conditions. While the 1.5 million pensioners of Serbia and Montenegro receive an average DEM 37 a month, payments remain irregular with the elderly refugee and IDP populations more often than not. Receiving nothing at all. The plight of the elderly, combined with a lack of facilities or programmes to assist them, will become more alarming as their numbers increase." (IFRC 20 October 2000)

Kosovo

Access to health care is restricted by limited freedom of movement and urbanisation (2002-2005)

- Minorities continue to face difficulties in accessing healthcare facilities
- Lack of freedom of movement and security remains important impediments
- Urbanisation movement increases demand on health services in town and leads to closure of health facilities in rural areas, thereby limiting access to adequate healthcare

- Minority communities tend to use Serbian parallel structure to access health services
- Improvement could be made through increased participation of minority communities into PISG structures and progress on decentralisation
- Minority communities do not feel confident enough to be treated in health facilities located in majority areas
- Trend continues towards monoethnic solutions rather than integrated healthcare system serving all communities
- New regulations on use of languages in healthcare facilities step forward, but implementation has been inconsistent

“Ethnic minorities continue to face serious obstacles in accessing essential services in the area of health, education, justice and public administration. This is first of all a direct result of the above illustrated limitations to freedom of movement. Second, ethnic minorities continue to suffer from discriminatory behavior of public servants. And, third, the public services sector continues to present serious structural problems that negatively impact on the availability of services. For instance, while numerous donors have engaged in the construction or rehabilitation of infrastructure in the area of health and education, the massive population shift from rural to urban areas over the past years has seriously increased demand on already stretched urban resources. In contrast, in rural areas, the decline in population has seen infrastructure close due to decreased demand, resulting in reduced access for those who remain.

A particular case in point is the mental health sector which remains very inadequate and unable to cope with levels of demand. Despite continued efforts by the Ministry of Health, NGOs and donor support, large numbers of socially dependent and chronically mentally ill people are unable to receive adequate treatment in Kosovo. (UNHCR, March 2005)

“Further sustained effort is required in areas of importance to minority communities, notwithstanding the lack of engagement in the Provisional Institutions at the central level by the majority of Kosovo Serb political entities and leaders. Minority communities’ trust in Kosovo’s political and administrative systems remains low, and their involvement in the political process and in senior levels of the civil service remains marginal. Serbian parallel structures continue to exist in the health and education sectors. The outlook for improvement remains clouded by the Serbian government’s opposition to meaningful Kosovo Serb engagement in Kosovo institutions and processes. I call on the Kosovo Serbs to engage in a constructive way in Kosovo’s institutions and processes, and on the Serbian authorities to encourage this. In particular, I urge Kosovo Serbs to engage in their local government reform process.” (SG, 14 February 2005, par.18). “Significant parallel structures continue to exist in 13 municipalities. Kosovo Serb demand for the services they provide should be reduced by the reform of local Government.” (SG, 23 May 2005, par.16)

“The fact that many members of certain minority communities are afraid to move freely around Kosovo also seriously affects their ability to access various forms of health service. A number of villages have their own medical centres providing basic medical treatment. With regard to secondary health services, however, many members of minority communities, in particular Serbs and Roma, rarely visit those hospitals located in areas inhabited predominantly by the ethnic Albanian majority population. Another reason for these persons’ reluctance to go to these hospitals is the above-mentioned lack of trust between the above ethnic groups, which causes Serbs and Roma living in the vicinity of Pristina to shun the local hospital there, while certain Albanian detainees in Northern Mitrovica refuse to be treated by Serbian doctors and nurses. If possible, members of the Serbian and Roma groups prefer to use the health care systems in enclaves supported in some cases by both UNMIK and the Serbian Ministry of Health, in some cases only by the Serbian Ministry of Health, which supervises the primary health care facilities in enclaves, pays salaries and provides all related operational costs.

In central Kosovo, there is one hospital in the enclave of Gracanica/Graçanicë close to Pristina, which provides basic medical services including a maternity ward. Due to lack of space, however, mothers are usually sent back home immediately after having given birth. For complicated matters such as blood

transfusions, patients are still taken to the hospital in Northern Mitrovica in cars with Kosovo license plates, or to clinics in Belgrade or Niš in Serbia proper. Villages still under KFOR protection rely on KFOR escorts to take serious cases to the hospital in Northern Mitrovica, but the availability and flexibility of such escorts depends very much on the different KFOR units. There is also an internal medicine clinic in Laplje Selo village close to Gracanica/Graçanicë, complete with a pediatric ward for urgent cases, where patients are offered basic health services and then sent on to either the hospital in Gracanica/Graçanicë or the one in Northern Mitrovica. In urgent cases, the clinic in Laplje Selo can also accommodate a few people at a time. (...)

Members of the Gorani and Bosniak groups have no problems accessing health services, but also complain about an unwillingness to help them on the side of the mostly Albanian staff of medical centres and that often, they cannot read what is written on doctor's recipes, as they are only written in Albanian. At the same time, this situation appears to have improved to a certain extent lately." (Ombudsperson, 11 July 2005, p.31-32)

"The right to adequate health care remains a fundamental issue for minorities who continue to experience problems in accessing health care facilities. In isolated villages across Kosovo, access to pharmacies is still limited but the delivery of drugs has relatively improved. As already highlighted in the previous Assessment, low levels of awareness continue to exist about the right to healthcare services and the list of drugs that are provided free of charge by the Ministry of Health.

The recurrent issues of a lack of freedom of movement and security continue to impede access to healthcare for minorities. In northern Mitrovicë/Mitrovica, Kosovo Albanians access healthcare through alternative solutions to the hospital such as an UNMIK ambulanta where a medical technician is available daily and a general practitioner/paediatrician is available to visit patients weekly. KFOR organises transportation for patients who require hospital treatment. In Svinjare/Svinjarë, a mixed village in southern Mitrovicë/Mitrovica, access to healthcare for the Kosovo Serb community is provided through weekly visits of a doctor escorted from northern Mitrovicë/Mitrovica by KFOR and monthly visits by a doctor from Greek KFOR. The proposed establishment of an ambulanta to serve both ethnic communities has been pending for more than a year. In Osojane/Osojan, Crkolez/Cërkolez, and in Istog/Istok, primary healthcare is provided through ambulantas by a general practitioner together with a number of nurses (who are paid by the Ministry of Health in Belgrade). Where secondary healthcare is necessary, patients are escorted to the hospital in northern Mitrovicë/Mitrovica by Spanish KFOR. The medical equipment available in the two ambulantas is basic with a scarce supply of drugs. In Shtime/Štimlje, the remaining 20 Kosovo Serbs prefer to travel to Gracanica/Graçanicë health house rather than refer to the local one.

Since the last Assessment, it has been observed that initiatives continue towards providing monoethnic solutions to the problem of healthcare as opposed to providing an integrated healthcare system in Kosovo capable of serving members of minority communities as recommended. For example, in northern Mitrovicë/Mitrovica healthcare continues to remain under the control of the Ministry of Health in Belgrade despite the presence of UNMIK healthcare facilities (with doctors receiving two salaries if they visit enclaves in the south). A recurrent issue is the perceived lack of safety felt by the Kosovo Albanian population living in northern municipalities, and by Kosovo Serbs living in the southern municipalities, when being treated by doctors of a different ethnic community.

An additional issue, which was not been covered in the previous Assessment, is the access to health care for disabled persons among minority communities. The problems of the rudimentary form of health care facilities already available are compounded by the lack of ramps, elevators and toilettes for disabled persons.⁸⁵ Home visits by doctors are not common practice and disabled persons are required to be accompanied by a family member in case of further referral to a hospital or other healthcare facilities.

An improvement from the previous Assessment is in the use of one's own language to access healthcare. The Ministry of Health has distributed applicable regulations and an informational circular (6/2002) on the use of languages in healthcare facilities to the Directors of Hospitals and Health Houses in Kosovo.⁸⁶

However, the policy on use of languages has been inconsistently implemented, with Directors giving reasons for not posting signs in all languages, such as the possibility of provoking a security risk to healthcare officials or property damage, a lack of resources and a lack of knowledge of the procedures. Primary health care facilities in Prizren, Dragash/Dragaš and Rahovec/Orahovac are examples of inconsistent implementation of the applicable legislation on the use of languages in public services. In Dragash/Dragaš, informational signs are available in Albanian and Serbian, but drafted documents are available only in Albanian. In Rahovec/Orahovac, healthcare officials just commenced implementation of the use of Serbian in primary health care facilities. In Prizren, the Health Director is supporting efforts of the OSCE to implement the use of Serbian and Turkish in Health Houses, in addition to Albanian, but no positive results have yet been achieved. In Prizren Hospital, while most signs are in Albanian and Serbian, pre-printed documents are only in Albanian. The Director stated that the new supply of documents would be printed in Albanian and Serbian, however, little progress has been made in ensuring the use of Turkish. In Mitrovicë/Mitrovica, there has been little progress in the written communication in primary healthcare facilities both in the northern and southern part of the town.” (UNHCR/OSCE March 2003, p. 41-43)

Roma IDP lead poisoning in North Mitrovica illustrates Roma’s disastrous health and shelter conditions (2005)

- Roma communities have particular problems in accessing healthcare due to documentation problems
- Roma IDPs are usually accommodated in unofficial settlements and camps in very poor conditions which impacts the health conditions of residents
- Residents of camps in North Mitrovica suffer from exceptionally high level of lead poisoning aggravated by their living conditions
- WHO recommended evacuation of the residents to a safer location
- Plan to rebuild destroyed houses of IDPs in South Mitrovica will not address the need to evacuate the camps in the short term
- 30% of IDPs in the camps are not from Roma Mahalla where the reconstruction will take place

“Many members of the Roma communities live in dwellings with non-existent or very basic sanitary facilities that often do not even include running water, so that these people are particularly in danger of catching certain diseases and infections. In certain Roma camps situated in Northern Kosovo, the situation is worse than in Plemetina/Plemetin in central Kosovo, in particular as the proximity to the Trepca/Trepça lead mines appears to pose a grave risk to the health of the inhabitants of these camps. Although there have been many plans on how best to evacuate the camps, there are still no concrete evacuation plans. One positive aspect of this matter is the fact that for the first time since 1999, there appears to be a concrete project to rebuild the former houses of a majority of these people in the Roma Mahalla district in Southern Mitrovica. (Ombudsperson, 11 July 2005, p.31)

“Three camps for Roma, Ashkali, and Egyptian (RAE) internally displaced persons in Kosovo are on sites irretrievably polluted with lead and must be evacuated immediately. The World Health Organization and other UN organizations in Kosovo believe that the situation, which affects more than 600 people, constitutes a health emergency and that urgent action is necessary. The leadership of the United Nations Mission in Kosovo (UNMIK) acknowledges that delays and lack of leadership have kept the displaced in a dangerous situation. UNMIK has not acted despite the fact that as early as November 2000 its report, “First Phase of Public Health Project on Lead Pollution in Mitrovica Region,” recommended that the Roma camps be relocated and that their residents receive continuous education and support for the eradication of lead poisoning.

The RAE camps were never intended to become semi-permanent settlements in the midst of an environmental disaster area. The Office of the United Nations High Commissioner for Refugees (UNHCR) constructed the three internal displacement camps of Chesminluk, Kablare and Zitikovac for the RAE populations who fled from South Mitrovica to North Mitrovica during the Kosovo conflict in 1999. UNHCR built these camps as a temporary solution. At the time UNHCR believed that the RAE displaced would remain for 45 to 90 days, after which they would return to South Mitrovica. Continued inter-ethnic conflict prevented return to South Mitrovica by the RAE population and thus the camps have remained occupied since 1999.

Mining and metallurgic economic activities have a long history in Mitrovica and Zvečan municipalities of northern Kosovo. After these activities closed down in 2000, UNMIK, in November of that year, produced an environmental report on the lead situation in Mitrovica. In 2004, WHO, in collaboration with UNMIK and local institutions, conducted a Health Risk Assessment to determine the extent and routes of exposure of children to heavy metals in these municipalities. According to this study, the overall population in Mitrovica has elevated levels of heavy metals, especially lead, but the samples from the three RAE IDP Camps had the most alarming lead levels in the blood. More than four years earlier the 2000 UNMIK report had also noted higher levels among RAE internally displaced persons (IDPs) According to WHO, a blood lead level of 10 micrograms per deciliter or below is acceptable. The measurements from the IDP camps were much higher than in the surrounding population and at levels which exceeded any region WHO had previously studied. Twelve children had exceptionally high blood lead levels, greater than 45 micrograms per deciliter.

Lead can enter the body through the following means: inhalation, ingestion of the soil itself or food grown where the soil is contaminated, and through the placenta of the fetus in the womb. Nutrition, hygiene, ratio of body fat, fiber intake, age and overall physiological makeup all affect the speed at which the body absorbs lead. Children between birth and six years old are the most vulnerable as they are in the primary stages of growth and development. Lead poisoning affects the entire body and has severe and permanent health consequences. Potential symptoms of exposure to lead, even at low levels, include loss of appetite, lethargy, high blood pressure, fertility problems for men and women, premature birth, stunted growth, hearing damage, neurological damage, seizures, pain and/or paralysis in the legs, dropping in and out of consciousness, anemia, increased aggression, stomach cramps, and vomiting. People suffering from lead poisoning can be asymptomatic. According to the WHO reports, the most significant and irreversible effect is on IQ levels. An increase in blood lead level from 10 to 20 micrograms per deciliter has been associated with a decrease of 2.6 IQ points, but any incremental increase above 20 further reduces IQ levels. As one international health worker told Refugees International, "These children who are affected will never reach their optimal mental potential which is a basic right of each child. There is an emergency in these camps."

Since July 2004, WHO has categorized the lead intoxication as a severe health crisis. For the past 12 months, WHO and other international agencies have recommended the immediate evacuation of pregnant women and children up to six years of age and quick relocation of these IDP camps into temporary sites until a final and sustainable solution can be achieved. This has yet to occur despite the clear warning from WHO that inaction would allow for continued exposure to lead and "with these excessive blood levels these children are at a true risk of encephalopathy, [delayed mental development], and possible death." (Refugees international, 15 June 2005)

"The inhabitants of the Žitikovac camp, as well as those persons living in the Kablare and Česmin Lug camps in Northern Mitrovica, are worse off than their counterparts in Leposavić/Leposaviq, mainly because they are situated dangerously close to waste dumps belonging to the remnants of the Trepča/Trepça mining complex which used to be part of the largest lead and zinc producer in Yugoslavia.

Regarding the Žitikovac camp, the last months have seen an increase in media coverage on the conditions there, in particular the fact that the proximity to the Trepča/Trepça waste dumps leads to severe health problems for the inhabitants of the camp. Strangely enough, the media reports have almost exclusively been focused on this camp, although the camps in Northern Mitrovica suffer from the same problems. Even if

many voices, some of them from inside UNMIK itself, have been complaining about the bad health conditions in these camps, there has so far not been any concrete and workable plan to evacuate the people living there.

In 2004, the World Health Organisation (WHO) described the situation in Žitkovac as “urgent” and the ICRC called for the immediate evacuation of the camp, but both calls were so far to no avail. In the middle of last year, the WHO examined twelve children living in the camp and found exceptionally high levels of lead in their blood. Six of these cases were considered to be medical emergencies. These findings only added to a general and growing suspicion that the inhabitants of this camp, but also of the camps in Northern Mitrovica, are being poisoned by toxic waste, which according to many is contaminating the very soil on which the camp is built.

In February 2005, a so-called Risk Management Plan intending to decrease the lead exposure for the inhabitants of the Žitkovac, Kablare and Cesmin Lug camps, was proposed. This plan was eventually implemented in April 2005 and by the beginning of May, mainly the Danish Refugee Council and municipalities had begun distributing hygiene packs, wood stoves and increasing access to clean water, as well as low fat fortified milk and nutritional supplements. This led to a significant improvement of sanitation in and around the camp. Twelve children were taken to Belgrade to be tested and treated, with the aim of relocating them somewhere else permanently. These measures, however, do not do much to take care of the real problem faced by all inhabitants of this camp and the camps in Northern Mitrovica— namely that as long as they continue to live in these camps, their health will keep on deteriorating.

Given the fact that the reconstruction of the Roma Mahalla may take years, it is important that the urgent question of evacuating the people from the Žitkovac, Kablare and Cesmin Lug camps be treated separately. Leaving aside the question of why these camps were built in such a high-risk area in the first place, it is paramount that UNMIK, together with the local authorities and other entities involved take concerted and immediate steps to move these people. According to recent information, the international and local authorities and institutions involved are shuttling back and forth in an attempt to resolve this issue as soon as possible. (...)

However, the rebuilding of the Roma Mahalla, which has already been described as the largest returns project hitherto undertaken in Kosovo, will take time. Even after the details of organising, funding and eventually rebuilding it have been resolved, there are also certain practical issues that will need to be taken care of, for instance, the question of what will happen to those inhabitants of the camps who are not from the Roma Mahalla and who form 30% of the camps’ population. Another question that begs asking is whether the return of people to a reconstructed Mahalla would actually work, namely whether it would be possible for the returnees to live a peaceful and normal life in the midst of a majority of ethnic Albanians. (Ombudsperson, 11 July 2005, p.36-37)

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 and do not have the money to pay for medical treatment in hospitals. Members of the Albanian-speaking Ashkali and Egyptian communities have fewer problems, but complain that they are often insulted or treated badly when going to health centres or hospitals.” (Ombudsperson, 11 July 2005, p.31)

“Particular problems of access to healthcare for Kosovo RAE communities remain an issue. In Mitrovicë/Mitrovica, Kosovo Roma communities reside in camps, which are situated some distance from the nearest ambulanta (...) and even when they do access healthcare, many may not qualify for assistance due to not possessing the required identification documents or medical books. The number of Kosovo RAE referring to hospitals and health houses for assistance continues to be relatively low,⁸¹ even in cases of serious disease. For instance, while conducting a medical examination for the re-schooling of Kosovo Ashkaelia children in Vushtrri/Vucitrn, doctors reported that five (5) out of eight (8) children were suffering from contagious diseases. Regarding the particular situation of the Kosovo RAE community residing in Plementin/Plementina camp, which was previously reported as being unsustainable, the situation

has partially improved with the establishment of an ambulanta in the camp. The ambulanta offers daily primary health care by nurses, and weekly care from a general practitioner and other specialists. For secondary health care, patients are sent to Obiliq/Obilic Health House or to Prishtinë/Pri_tina Hospital, with transport provided by Obiliq/Obilic Health House Ambulances or the American Refugee Committee (ARC). The LCO in Obiliq/Obilic reported that Kosovo RAE members of Plementin/Plementina camp are more confident about approaching Obiliq/Obilic Health House or the ambulanta in the camp. The previous Assessment recommended that the Ministry of Health ensure information about healthcare through an awareness campaign for the RAE community. However, no such campaign has taken place, while a Charter of Patients Rights, sponsored by the Ministry and including a provision on “care without discrimination”, remains still in draft form.” (UNHCR/OSCE March 2003, p. 41-43)

Regarding lead poisoning in Roma IDP camps of Mitrovica, see WHO reports of July and October 2004

For more details on the reconstruction project of Roma Mahalla : Ombudsperson Institution in Kosovo, 5th Annual report, 11 July 2005, p.35-36

Reconstruction needs of IDPs are better taken into account (2005)

- PISG has increased its return funding to 10 million Euros for 2005
- Most beneficiaries are Kosovo Serbs who represent 75% of displaced persons
- This situation hampers the return of minorities displaced within Kosovo
- In 2001, minorities received about 4.2% of the total reconstruction aid in Kosovo.
- Municipal Housing Commissions (MHCs) have failed to provide minorities an allocation of aid proportional to their vulnerability or need
- This may be the result in part from the lack of adequate representation of minorities in the MHCs
- There is a lack of accountability and transparency in the distribution of assistance
- Roma, Ashkaelia and Egyptians cannot take full advantage of reconstruction aid due to their lack of documentation establishing their property rights

“The Provisional Institutions have continued to provide a generous level of funding for returns, with a 50 per cent increase in returns funding from 2003 to 2004 (from €7 million to €10.5 million). While returns funding will remain stable in 2005, Kosovo has now assumed the position of the leading funder of returns. Efforts have continued to ensure that returns funding is distributed according to need and involves all communities. Most of the Kosovo budget has been directed to projects involving Kosovo Serbs (who constitute approximately 75 per cent of the displaced), but projects have also been funded for the return of Gorani families in Dragas, Kosovo Roma, Ashkali and Egyptian families in Dakovica and Mitrovica, and Kosovo Albanian returns to the Serb-majority municipality of Strpce.” (SG, 17 November 2004)

Regarding reconstruction of properties damaged during the March 2004 events see property section, “March 2004 events: widespread destruction and occupation of properties belonging to non-Albanian (2005) [internal link]

"Previous assessments have highlighted various problems that minorities have faced in accessing reconstruction assistance. Minorities have not received reconstruction assistance in proportion to their need or with due attention to their particular predicament of displacement. This situation creates particular hardships for large numbers of minorities displaced within Kosovo who due to lack of reconstruction assistance remain unable to solve their problem of displacement. Minorities' lack of economic resources, freedom of movement, and their under-representation in municipal structures present obstacles to their receiving reconstruction aid, and the first two factors are precisely the ones which make minorities particularly needy when it comes to reconstruction assistance.

In general, minority communities are well-informed about reconstruction assistance, and the mechanisms through which to acquire such assistance, with the notable exception of IDPs outside of Kosovo who have virtually no access to information. The primary source of the problems faced by minorities in Kosovo to access reconstruction is not lack of information. Instead, problems are derived from three main factors: the UNMIK guidelines that govern reconstruction allocation; the functioning of the Municipal Housing Committees; and in some cases the actual implementation by international NGOs. These problems, combined, amount to a systemic deficiency which can produce a discriminatory effect on minority applicants for reconstruction. Moreover, minorities have no effective remedies against discrimination since there is not a sufficient oversight or enforcement mechanism and no effective mechanism to contest their exclusion.

The UNMIK Guidelines for Housing Reconstruction stipulated a set-aside percentage of 5-10% in 2000. In 2001, the guidelines did not stipulate a minority set-aside *per se*, but stated that 10% must be set aside as a contingency fund for vulnerable returnees while another 5% should be set aside for valid claims following the public posting of the beneficiary list (which could benefit any vulnerable person). Results achieved were, however, quite low. In 2000, the actual allocation of available reconstruction assistance to minorities was in the region of 2%. In 2001, minorities received about 4.2% of the total.

Municipal Housing Commissions (MHCs), the ultimate conduit of reconstruction benefits, play a decisive role in the accessibility of such assistance. Six MHCs did provide the mandated 5-10% of aid mandated for minority communities, indeed in all six cases providing more than the target. The remaining fell far short, for example: Ferizaj/Uroševac (where no houses were reconstructed for minorities); Lipjan/Lipljan (where only 1%, constituting 2 families, benefited), and Prizren municipality (where only 1 house out of 142 was reconstructed for a minority). In Rahovec/Orahovac, only 3.4% went to Serbs, Ashkaelia and Egyptian beneficiaries. Where minority houses have been reconstructed, most **MHCs have failed to provide minorities an allocation of aid proportional to their vulnerability or need**. The actual proportion of Category IV and V houses reconstructed within the minority communities is far less than that of the majority communities, who possess better access to and greater financial resources as well as full freedom of movement in the current Kosovo context.

[Houses are categorised by UNHCR according to levels of damages. Category IV corresponds to serious (40–60 %) requiring major repair/reconstruction while category V designates destroyed houses (60–100%), which require full reconstruction.]

Lack of access appears to result in part from the **lack of adequate representation of minorities in the MHCs**. To date, representation of minority interests in many municipalities has largely been left to the UNMIK Local Communities Officer (LCO), who normally sits on the MHC. The advocacy role of the LCO could be strengthened, however, with more strategic co-operation between the LCO and other organisations who work in minority communities. International involvement in the MHCs has not always ensured minority access. For example, in April/May 2001, the Obiliq/Obilic MHC, composed of Kosovo Albanians and UNMIK international staff, refused to increase the number of houses for minorities. Some MHCs, such as those in Pejë/Pec and Klinë/Klina have included minority communities' representatives, as suggested in Article 2.3.1 of the 2001 Housing Reconstruction Guidelines, but this does not appear to have resulted in any improvement of minorities' access to assistance.

Yet indeed, adequate representation and advocacy adds little value when **the mechanism itself is not effective**. Fundamentally, there is a lack of accountability and transparency in the distribution of assistance, which produces discriminatory effects. The lack of accountability and transparency often even prejudices the majority community, since in many cases it has been noted that the designated beneficiaries of housing units are not the most vulnerable applicants, whilst extremely vulnerable Albanian families do not receive assistance. The Housing Reconstruction Guidelines, which are not legally binding, do not mandate an oversight/enforcement mechanism to ensure that municipalities are not discriminating, except the possible withholding and withdrawal of future aid. MHC members may not wish to provide assistance to minorities

unless it is mandated, as is seen in Pejë/Pec. No required allocation for minorities is established by the 2002 Housing Reconstruction Guidelines, and municipalities may designate a quota or target indiscriminately, or may not do so at all. For example, in Pejë/Pec, the MHC Chair has stated that the allocation of aid for minorities will be halved to 3.5% this year, providing no legitimate reason. That some municipalities did not allocate any assistance to minorities in 2001 is also illustrative of this point. Furthermore, no formal appeal mechanism to question these decisions exists for reconstruction aid.

In addition to the MHC, NGOs exercise wide discretion, which can result either in special attention to minorities, or to inattention to or marginalisation of them. If an NGO refuses to include a minority community into their beneficiary assessment, as European Perspective did with the Kosovo Serb community in Fushë Kosovë/Kosovo Polje, then the minority community is not included in the list for consideration by the MHC (unless the LCO puts the applicant forward) and possesses no option for appeal. No formalised mechanism exists for UNMIK to hold NGOs accountable or ensure sufficient transparency.

It also should be noted that other provisions of the Guidelines impede the ability of minorities from equally realising their property rights. **Roma, Ashkaelia and Egyptians have particular difficulty taking advantage of reconstruction aid** due to their lack of documentation establishing their property rights." (UNHCR/OSCE May 2002, paras. 112-119)

High level of destruction and population influx leave many without proper shelter in Kosovo (1999-2000)

- 49,000 houses damaged beyond repair as a result of the conflict
- Shortage of shelter throughout the province triggers migration to urban areas where housing capacities are equally insufficient
- Returning refugees force families occupying their premises to leave for more precarious shelters

"The pre-conflict housing stock of Kosovo was approximately 365,000 dwelling units. Of these, approximately 125,000 houses were damaged, according to estimates from UNHCR and the International Management Group (IMG).

49,000 houses were damaged beyond repair. The remaining 76,000 houses are repairable.

The fact that approximately 49,000 dwellings sustained serious structural damage and are uninhabitable and beyond repair means that 49,000 families - some 294,000 people, given an estimated average family size of six, must have alternate means of shelter this winter." (USAID 9 December 1999)

"A year after war ended in Kosovo, chaos and dislocation continue, manifested in the doubling or even tripling of the population of Pristina, now home to more than half a million people, reports the New York Times. Mostly they are people from the villages, refugees who have abandoned their burned and sought work and shelter in the capital.

As more than 700,000 Kosovo flocked from refugee camps last summer, or came down from the hills, many seized Serbian houses in Pristina, forcing Serbs and Gypsy residents to flee. The Kosovo war forced about two-thirds of the province's two million people from their homes. Hundreds of thousands remain displaced, living in tents and shacks in villages, in drab refugee centres, or doubled up with relatives in the cities, as many as 30 to an apartment. Only a few thousand mostly old and sick refugees remain in Macedonia and Albania.

In Kosovo, people are still returning every day. In front of Pristina airport stand two large white tents where local officials register the hundreds of refugees returning on daily flights from Western Europe or further afield. As many as 140,000 people will be returning to Kosovo this summer.

Despite the enormous building activity obvious in every corner of Kosovo, UN officials are growing concerned that Kosovo simply does not have enough housing. 'Capacity is limited,' said Gottfried Koefner assistant chief of UNHCR in Kosovo. 'People are squeezing, and we are already seeing secondary displacement. People are ending up in tents.' Some of those returning are forcing other families out on the streets." [based on "In the Hundreds of Thousands, Kosovo Homeless Feel Forsaken", The New York Times] (Refugee Daily 7 July 2000)

See also Refugees International "Ensure Shelter for the Most Vulnerable in Kosovo this Winter", 10 July 2000 [Internet]

ACCESS TO EDUCATION

Overview

Access to Education (Special report, 2005)

- Access to education is free for IDPs in Serbia
- IDP enrolment rate is 92% in Serbia
- Enrolment of Roma IDPs is much lower because of their poverty and discrimination at school
- Roma children are abusively placed in educationally handicapped schools

Access to education is free for the displaced population in Serbia. As a result, the enrolment rate of displaced children is 92 per cent, only five per cent below the national average (IDP Interagency Working Group, October 2004). However, the enrolment rate is much lower among Roma children.

The educational level of Roma in general and of displaced Roma in particular is low. Largely excluded from mainstream social life and employment, many Roma who themselves have not benefited from education, do not send their children to school. Other factors such as lack of financial means to buy proper clothing play a role as well. As a result, the majority of displaced Roma children do not receive any formal education (Group 484, April 2005). Often Roma children are faced with segregation: they are put in separate classes or, worse, in schools for “educationally handicapped” children, mainly because their level of understanding of the Serbian language is not sufficient to pass the standard school admission test. Amnesty International reports that 50 to 80 per cent of children in such schools are Roma. Catch-up classes organised for Roma have helped reduce considerably the number who fail the entry test for regular schools (AI, 22 March 2005). However, only a comprehensive programme of registration and integration of Roma, as reflected in the National Strategy for Roma and the four action plans on housing, education, health and employment adopted by the Serbian government, is expected to bring significant results.

Serbia and Montenegro (excluding Kosovo)

Influx of IDPs has put extraordinary pressure on already deteriorated school system (2000-2005)

- Economic hardship has severely affected children in the education system, particularly Roma children
- Due to lack of resources, even top pupils cannot continue their education
- Displaced children are fully enrolled in primary schools
- Attendance rate for children in collective centres in 2002 was 92 percent

“The Government was committed to the rights and welfare of children. The educational system provided 9 years of free, mandatory schooling. However, economic distress affected children adversely in the education system, particularly Romani children, who rarely attended kindergarten. Approximately 99.8 percent of children attended school, according to one Government survey; however, the Government

acknowledged that many transient Roma were missed by the survey. During the year, 48 elementary and secondary schools offered weekly Romani language and culture classes, in which 1,336 students participated.

“Due to the lack of money, even the top pupils cannot continue their education at junior colleges and faculties. Transfer from one collective centre into another also causes problems, because those are often the collective centres in distant places, which reduces the chances for the parents to find employment and, for the children, to attend school.” (Group 484, April 2005)

"In accordance with national legislation in FRY, all children are entitled to primary education. Access to secondary schools and university of one's own choice, due to limited enrollment, is subject to competition.

The FRY educational system, in general, is challenged with many problems as a result of deficient funds for the maintenance of school infrastructure, equipment, teaching aids and teachers' salaries. The entire system, being in an advanced state of deterioration, faces many difficulties in responding to an increased number of pupils. This is especially true in municipalities with a high concentration of IDPs, where some schools were turned in collective centres. In order to accommodate displaced primary school children (12,641 in Central Serbia alone) some schools doubled the number of enrolled pupils, putting extraordinary pressure on already-overcrowded schools. The results have been predictable: an inadequate number of teachers and insufficient schools materials and equipment, which have had a negative impact on the quality of educational results for all pupils, not only IDPs. Displaced school children are even more vulnerable, thus requiring more attention, as a result of the trauma they experienced in the process of displacement. The effects of displacement on children are magnified if they are accommodated in CCs. Despite almost full enrollment of IDP children in primary schools, the attendance rate for children from collective centres in 2000 was 92.3% (national average 97.4%). UNICEF mobile teams' assessment in 2000 was that children in some remote CCs and Roma children did not attend school at all. The main reason identified for lower school attendance is the parents' lack of funds to provide for proper clothes, school materials and sometimes transportation costs in the cases of remote living accommodation.

In addition to these impediments, the NRC/ICVA survey of IDPs in 2001 revealed that 16.5% of respondents stated numerous administrative obstacles in enrolling children to new schools, while 2.6% stated that children were humiliated in various ways, as with attempts, for example, to segregate children displaced from Kosovo into separate classes." (UN OCHA 26 April 2002, p. 13)

Education of Roma displaced children: Cultural, practical and psychological barriers to school attendance (2005)

- The majority of Roma children do not attend school
- Implementation of health education programmes and catch-up classes for Romani children
- Romani children are often abusively placed in so-called "special schools" designed for children with mental disabilities
- Poor Roma attendance to school is due to poverty, language barrier and discrimination
- Roma lack trust in the capacity of school to offer a better future to their children
- Reports of discrimination against displaced Roma children in Montenegro

“The majority of the Roma children do not attend school. The reasons for this are numerous: the above mentioned absence of documents, extreme poverty, language and cultural barriers, prejudices against the Roma in the local community and the like. A survey conducted by the Centre for Minority Rights, established that the Roma children are often the victims of violence in primary schools, as well as being

exposed to ethnic segregation by their segregation in separate classes (as was the case in Subotica) or on separate school benches within a class.” (Group 484, April 2005, p.60)

“Romani education remained a problem. Many Romani children did not attend primary school, either for family reasons, because they were judged to be unqualified, or because of societal prejudice. Due to the lack of primary schooling, many Romani children did not learn to speak Serbian. Some Romani children were placed mistakenly in schools for children with emotional disabilities because Romani language, and cultural norms made it difficult for them to succeed on standardized tests in Serbian. The UNHCR, with government support, began health education programs for Roma and catch-up and head-start programs for Romani children. The SaM Government emphasized increasing enrollment of Romani children in school. During the year, there were 70 Romani children in middle schools and 69 Roma in vocational colleges and universities.” (USDOS, 28 February 2005)

“The **November 2003 opinion of the Advisory Committee** stated:

"154. The Advisory Committee finds that, in Serbia, Roma children are frequently placed in the so-called "special schools" designed for children with mental disabilities, on the basis of tests that do not take into account the needs and culture of Roma. The Advisory Committee finds that the resulting situation is not compatible with Article 12, paragraph 3, of the Framework Convention and considers that the authorities should pursue as a matter of high priority their plans to address this issue.

155. The Advisory Committee finds that in some municipalities specific classes have been established for Roma and considers that the authorities should pursue their efforts in this sphere with a view to enabling and encouraging Roma children to stay in the regular classes.

156. The Advisory Committee finds that low school attendance and high drop-out rates are a problem amongst Roma children, and it considers that the draft strategy for the Integration and Empowerment of Roma contains a number of initiatives that could significantly improve the situation."

The initiatives referred to by the Advisory Committee were detailed by Amnesty International in its 2004 report(...) and it remains to be seen how well they will be implemented. Similarly with the educational strategies detailed in the Montenegrin National Action Plan which had 10 goals.(68) The issue of misdiagnosing Romani children in Serbia as "educationally handicapped" and sending them to special schools - some 50-80 per cent of all pupils at such schools are Roma - as well as the segregation of Romani pupils in some schools was raised in Amnesty International's 2004 report.(...) Amnesty International considers that the testing process unfairly stigmatizes many Romani children as being disabled and is discriminatory against them by severely reducing their educational possibilities. However the same tests for diagnosing children as educationally handicapped remain in use: tests which officials in the Ministry of Education acknowledge are not suitable for many Romani children due to a number of factors including mother tongue and lack of adequate knowledge of the Serbian language. Regarding this latter aspect, NGOs such as Romsko Srce (Romani Heart) and the Society for the Improvement of Local Roma Communities (DURN) have shown in their projects that where pre-school lessons in Serbian language for Roma have been introduced, the numbers of Roma who fail the tests dramatically drops.(...) However, these projects are not run by the Ministry of Education which appears content to leave them to NGOs who have to provide the funds for the teachers and premises. In 2004 the lower age limit for those being tested was raised by three months to six years and six months, and a different approach to the tests was seen in some places in Serbia with pre-training as well as using Roma assistants in the testing process, all of which saw the numbers of those failing decline.(...)

In some places segregation in the education system in Serbia remains, for example in two schools where 70 per cent or more of the pupils are Roma.(...) A large part of this latter problem is due to negative attitudes towards Roma from majority populations. However, as examples show,(...) such attitudes are not insurmountable.

Amnesty International calls on the Serbian Ministry of Education to:

- support pre-school education specifically for Romani children;
- revise the testing process so that it is applied consistently and is non-discriminatory towards Roma;
- wherever possible eliminate segregated schools or classes and integrate Romani children in 'regular' classes.

Amnesty International also calls on both the Serbian and Montenegro authorities to fully implement the educational strategies in their respective national plans aimed at raising the educational level of the Roma as a whole.

Note: (68) These are: increasing the number of Romani children in preschool institutions (Goal 1); increasing the number of Romani children successfully enrolling and completing basic education, high school and university (Galas, 2, 3 and 4); encouraging institutions to implement training programs and preparing Roma for work (Goal 5); elaboration and implementation of the adjusted literacy programs for Romani population and children who have not started their education on time (Goal 6); additional construction and adjustment of infrastructure inhabited by Roma (Goal 7); upgrading public awareness on the need to include Romani population in regular education (Goal 8); providing adequate human resource base for work with Romani children in their mother tongue (Goal 9); and providing reduced-price textbooks for Roma students (Goal 10).” (AI, 22 March 2005)

“In all wealth groups, non-Roma are much more likely to send their children to school than Roma. This reflects a general perception among non-Roma that education can help to improve one’s chances to find employment in the future, and in the importance of education to one’s general upbringing. Roma have yet to experience an appreciable benefit from sending their children to school. Since they are often excluded from employment opportunities, and since the immediate needs of ensuring the family’s survival are more pressing than the long-term prospects, parents usually opt to keep their children out of school. This tendency is reinforced by the fact that schools offer education only in the Serbian language, which many Roma do not speak. Roma children are often targeted for abuse by both fellow students and teachers, and there have been several reports of Roma children being put into separate classes or even separate schools for the mentally disabled because they do not speak Serbian.⁴² Education of Roma is a major challenge that requires a comprehensive strategy directed at all socioeconomic levels of society if any appreciable difference is to be seen.” (ICRC, April 2005)

See also: Serbia Roma action plan on education

"In theory, education is free for all, including refugees and IDPs, but due to lack of resources there is no money for school necessities or a hot meal for children. In some cases, collective centers are far from schools, making it difficult for children to attend. Finally, language is a barrier for Albanian- or Roma-speaking IDPs.

None of the children living in the Roma collective center Stari Aerodrum outside of Kraljevo attend school, and many never have. When interviewed by a Women's Commission delegate, they unanimously stated that they wanted to go to school but could not because they did not have enough clothes or shoes to wear. Later, a UNHCR community services field officer in Kraljevo, revealed that all the children in the settlement had been given clothes, new shoes and book bags by an international NGO, but that there was no sign of these commodities one week later, and no children had entered school. Some agencies are helping to set up some play activities and Save the Children has created a playground for all to share – refugees, IDPs and local children – in this area, and it is the one bright spot in the camp.

It is very hard to get the Roma children to attend school due to chronic illnesses, lack of proper clothing and prejudice from local children. Many of the children's parents are illiterate, especially the women. Traditionally the Roma have not valued education, and most of the IDP children from Kosovo have either never been to school or had dropped out before completing the fourth year. Even when the children show an interest in school, cultural attitudes to education compound the practical and psychological barriers to school attendance.

In the electric company collective center of Kalanic [...], all the approximately 50 primary school-age IDPs are bused six kilometers to the nearest school. The younger ones get out one-and-a-half hours before the older ones but must wait for the same bus that takes them all back to the collective center at 3:00 p.m.

During this 90-minute wait, the younger students are unsupervised while they play outside the school between a railroad track and a busy highway." (Women's Commission September 2001, p. 15)

See also "Assessing the Needs of the Roma Community in the Federal Republic of Yugoslavia (excluding Kosovo)", a Humanitarian Risk Analysis by the UN Office for the Coordination of Humanitarian Affairs, 26 September 2001 [Internet]

"Education of Roma IDPs children is yet another pressing issue of Roma IDPs and the Roma community in general. Aside from the small capacity of scarce resources of the education system, regular school attendance of Roma IDPs children is very low and constrained by overall poverty, lack of clothes, school material, transportation, uneducated parents who give little value to learning and language difficulties. The language problem affects a majority of Roma IDP children who do not speak Serbian, especially those from Ashkalia and Egyptian ethnic group who speak the Albanian language only. (In Montenegro 58% of Roma IDPs speak Albanian.)." (UN OCHA 26 April 2002, p. 23)

"Many members of the local non-Romani population object to the inclusion of Kosovo Romani children into Montenegrin schools. The Belgrade-based non-governmental organisation Humanitarian Law Centre (HLC) reported on 13 September 13, 2002, a case in which ten displaced Romani children from Kosovo who were not allowed enrolment in a primary school in Niksic, despite the fact that the children had successfully completed preparatory classes organised by a local non-governmental organisation. The HLC investigation pointed to racial discrimination on the part of school authorities. As of September 24, 2001, the children were enrolled, but only after the Humanitarian Law Centre and the Open Society Institute, Montenegro publicised the case and appealed with the Ministry of Education. Difficulties with enrolment of Kosovo Romani children into primary schools have also been reported in Podgorica." (ERRC 2001)

Lack of attention given to displaced adolescents (2001)

- Many refugee and IDP adolescents are not in school because secondary school is not compulsory for children who have reached their 15th birthday
- Problems include distance to secondary schools, inadequate clothing or lack of money for school supplies
- In spite of programs that target refugee and IDP youth, adolescents continue to be perceived as particularly underserved

"Adolescents affected by war and displacement are as a group at particular risk for poor adjustment. They are often underserved by humanitarian assistance programs. Many refugee adolescents have been displaced for up to nine years and have spent much of their childhood and teenage years with little autonomy over their lives.

They still have strong memories of their old lives, which can keep them focused on their loss instead of moving forward. Often family roles have disintegrated as a result of long-term displacement, and parents are not able to provide normal boundaries and role models for their adolescent children. When fathers are present, they have lost their roles as family providers and protectors, and this has affected their self-esteem. Often the fathers turn to alcohol, which causes or adds to family violence and dysfunction.

Youth in such situations are understandably angry and have feelings of helplessness. Peers are the most important relations for this age group and with anger and lack of direction, they are prone to turn together to destructive behavior. If they remain without good role models and opportunities to constructively be involved in creating a more positive future for themselves, they are at risk of growing into angry young people who perpetuate the circle of violence and retaliation.

Many refugee and IDP adolescents are not in school because secondary school is not compulsory for children who have reached their 15th birthday. [...]

It is common for those who do to attend classes with over 50 children per classroom. Many areas where refugees and IDPs live are far from secondary schools. Others miss school because they don't have adequate clothing or money for school supplies.

The Women's Commission had a chance to meet such youth living in the electric company collective center of Kalanic. The approximately 50 primary school-aged children are bused six kilometers to primary school, but there is no secondary school in the area and no transportation to any secondary school.

The Women's Commission interviewed several adolescent girls who live at the Roma collective center Stari Aerodrom, near Kraljevo. Ana, 12, and Shameila, 13, are from the Klina area of Kosovo. Shameila completed four years of primary school, but Ana has never been to school. They speak a Roma language with their families and are not fluent in Serbo-Croatian. Both say they would like to go to school but cannot because they do not have appropriate shoes, clothes, books or supplies such as book bags and pencils. Although clean, their clothes look tattered, and their shoes are in such bad condition that they hardly manage to cover their feet.

When asked what they dreamed of for the future, Ana said she would like to be able to buy makeup and pretty clothes. Shameila agreed with Ana and added she also would like to have a boyfriend. When asked if they wanted to get married and have their own children when they grow up, both girls vigorously shook their heads, 'no.' When asked what they would do instead, they said they would like to work. When asked if they would like to work outside of the family or in the family like their mothers do, they replied that they wanted to work like their mothers do.

During the interview, which was conducted by the only running water source, community women were scrubbing clothes by hand with cold water. At this point, one of the women interrupted to say that the girls would be better off working for money outside of the community so that they would be able to buy what they wanted.

The women and an older girl started talking about the fact that it was important to go to school and learn to read and write. 'At least to be able to write your own name,' added a middle-aged woman. One went on to say that the only way that could happen would be if a school was started in their settlement. The Women's Commission delegate asked a 17-year-old girl if she would attend a school if it was in their settlement. She answered that she would not be able to because she had to care for her one-and-a-half-year-old baby.

A few local and international NGOs have programs that specifically target youth. The Novi Sad Humanitarian Center (NSHC), a local implementing partner of UNHCR, has a program providing education to Roma youth. A Women's Commission delegate visited an NSHC class in Novi Sad. Fifteen youth between the ages of 13 and 19 were drawing pictures and sharing stories about the pictures. Because their Roma community does not emphasize activities such as drawing and coloring when children are young, these youth were drawing pictures with images more typical of much younger children. They were enthusiastic about this activity and eager to share their pictures and stories with the psychosocial worker leading the class. These same youth also participate in another NSHC class that is teaching them beginning reading and writing skills which help prepare them to enter a special government school for youth who have not finished primary school. Because these 15 youth are not literate, they need special catch-up activities in order to have a chance of succeeding in the special government school.

The local NGO, Group 484, also has psychosocial workshops for adolescent refugees. These workshops have the stated goal of promoting civil society values by supporting cultural activities and educating youth about principles of democracy and respect for differences. Many more local NGOs have programs promoting the development of civil society through activities with children and youth but do not target refugee and IDP youth. Many international NGOs have psychosocial programs that target refugee and/or IDP children and youth together.

In spite of programs that target refugee and IDP youth, either separately or more commonly as part of a larger children's program, adolescents continue to be perceived as particularly underserved. UNICEF's Project Officer, Svetlana Marojevic, sums it up well: 'Adolescent refugees and IDPs are especially affected by the wars and displacement and remain the most neglected group. They need to feel useful and included and to get some qualifications. They are in need of psychosocial support and interventions, educational encouragement, counseling and clubs where they can talk about their animosity and how they can work through it to help in the process of building civil society.'" (Women's Commission September 2001, pp. 16-17)

Montenegro:

"The Women's Commission found few programs that focused specifically on refugee and internally displaced adolescents. UNICEF noted that the lack of attention to adolescent concerns was a problem. 'Children 15 and older cannot go back to primary school officially,' noted one aid worker. The Montenegrin Ministry for Refugees observed that refugee and internally displaced youth faced similar problems to Montenegrin youth in that there were few employment opportunities.

Among the few agencies targeting adolescents and young adults are the Red Cross, which runs youth clubs with education projects on drug prevention and HIV/AIDS, and the Danish Refugee Council, which has developed a youth partnership program on the coast." (Women's Commission September 2001, p. 25)

Kosovo

Ethnic minority children face difficult schooling conditions (2002-2005)

- There are no schools or schoolbooks that teach in the Roma language
- Other minority groups are not recognised as ethnic groups in the curriculum
- Insecurity prevents some Kosovo Serb children from attending school
- Transportation and physical access to schools remains pressing problem for minorities
- Access to education in one's language continues remains sporadic
- Special educational needs of Roma communities are not systematically met

"While those Serbian children with schools nearby usually attend parallel schools funded and operated by the Serbian Ministry of Education and Sports and Turkish children can visit Turkish-speaking schools, other communities do not have such support and backing.

Roma have the biggest problems in this respect, as there are no schools or even schoolbooks through which their children could be taught in Roma. As with other matters, the Roma community in Kosovo is neither strong enough nor powerful enough to obtain sufficient funding or other support for at least one class in primary school, or books. At the same time, regardless of whether they visit Albanian-speaking schools or Serbian-speaking schools in Kosovo, many Roma pupils complain that they are harassed and insulted by their class mates or teachers, which causes some of them to stop going to school altogether. Roma also often have no financial means to send their children to school or to equip them with basic materials to this end.

While the Albanian-speaking Ashkali and Egyptians attend Albanian-speaking schools, the members of these communities complain that their ethnic groups are not identified as such, nor mentioned at all in lessons at school.

There are some Bosniak language schools following the Kosovo curricular and two branches of Pristina University specifically for Bosniak students located in Pejë/Pec and Prizren. While there were plans to let Bosniak students follow other university courses in Albanian and then let them do their exams in the Bosnian language, this was not pursued by the university, so that it still remains difficult for Bosniak students to pursue their studies in other countries in the region. There is also a lack of school books – while the Ministry of Education, Science and Technology issued some, these have so far not been sufficient.

Gorani pupils continue to have great problems with regard to education in their language. While it would be possible for Gorani children to follow courses in Serbian due to its similarity with the Gorani language, most of the Serbian schools located in central or northern Kosovo are too far away for many members of the Gorani community, who mostly live in Dragash/Dragaš municipality in the southernmost tip of Kosovo. Whereas some Gorani children attend Albanian-speaking schools nearby, others still hope to find a way to educate their children in a language close to Gorani.

The main problem in this respect is the fact that, over the last few years, the Kosovan Ministry of Education, Science and Technology began implementing educational reforms aimed at adapting the school system in Kosovo to the educational standards of most other European countries, reforms which other countries in the region were slower to endorse. Following the Kosovo curricular would thus make it difficult for Gorani pupils to continue their higher education in Slavic language schools and universities in such places as Serbia proper, Montenegro, Bosnia and Herzegovina and the FYROM.

In recent years, the Minister of Education, Science and Technology had agreed to exempt Gorani pupils from following the new curricular as of the ninth grade. Some representatives of the Gorani community ask that this exemption be extended until educational reforms are implemented in some of the surrounding Slavic-speaking countries of the region in 2006. The Ministry of Education, Science and Technology refused to do this and the SRSG apparently also refused to become involved. (Ombudsperson, 11 July 2005)

“Material promoting tolerance and multiculturalism has been incorporated into primary and secondary school curricula (a priority). Textbooks are being drafted for lower grades. (...)

Kosovo Serb children in rural north Pristina and Obilic travel to school under military escort and would otherwise be unlikely to attend. Minority communities still perceive a need for military or police escorts or rely on the specially provided transport services.” (SG, 14 February 2005)

“6 May 2004: The Ombudsperson wrote an urgent fax to the SRSG expressing his concern about the situation of certain Serbian pupils from Pristina attending schools in their language in Gračanica/Gračanicë and other nearby Serbian villages, who had not been able to attend school due to lack of transport. The Ombudsperson underlined that after the violent events of March 2004, these children living in the YU Program in Pristina had been promised an escort and transportation in order to enable them to attend schooling in neighbouring villages inhabited by Serbs. The Ombudsperson asked the SRSG to ensure that the necessary transport to such schools be provided for in a timely manner, in order to grant these children, who for reasons of safety were living behind barbed wire and needed to be constantly protected by KFOR soldiers and international and local police, certain basic needs such as school education.

17 May 2004: The Ombudsperson received a response from the Deputy Director of the UNMIK Office of Returns and Communities explaining that after the violent events of March 2004, the driver who had previously been transporting these children to school refused to continue to do so. She pointed out that her office had contacted the Directorate of Education of Pristina Municipality, asking it to provide for a new driver, who would transport these pupils to their school until the end of the school year, escorted by KPS from Gračanica/Gračanicë. (...)

On 7 May 2004, during a meeting with the Ombudsperson, some representatives of the Serbian community raised the issue of adequate access to the school in the village Crkvena Vodica/Caravadicë. Apparently, children from Serbian families living in the area around this village wished to attend classes in the above-mentioned school, which offered classes in Serbian in the morning and classes in Albanian in the afternoon.

According to the complainants, there was no KFOR escort that could accompany these children to school and the security situation did not permit them to continue attending classes there without such an escort.” (Ombudsperson, 12 July 2004)

“In the area of education, only incremental positive movement (including policy developments) in the creation of an efficient educational system compliant with international human rights standards for minority education has occurred since the last Assessment. Transportation or physical access to schools remains a pressing problem for both students and teachers from minority communities. Despite the recommendations made in the last Assessment, a comprehensive plan to provide secure bus transport for students has still not been produced or implemented by UNMIK and the Ministry of Education, Science and Technology (MEST), in consultation with UNMIK Police, KPS and KFOR. This deficiency means that, due to continued freedom of movement and security obstacles, many minority students remain without secure and reliable physical access to education, with direct impact on segregation of communities as well. With the imminent devolution and decentralisation of the responsibility for such transportation to municipalities, establishing a Kosovo-wide policy/standard may be key to ensuring this provision and assuring potential returnees that their children will enjoy reasonable access to education.

Inadequate secure transportation and general security concerns perpetuate the parallel education system established in many Kosovo Serb areas, and discourage involvement in integrative education initiatives. For example, Kosovo Serb parents in Rahovec/Orahovac refused to enrol their children in a successful mixed school initiative⁵⁰ allegedly due to security concerns. In an attempt to address the parallel education system and identify solutions for common education standards and integration of communities, the MEST and its counterpart in Belgrade have engaged in discussions, but progress, however, is still not apparent.

Only limited and unsystematic improvements in access to education in one’s mother tongue have occurred since the last Assessment and any progress was dependent upon local initiative. Though the right of every person belonging to a minority community to learn in one’s language is clearly enshrined under international human rights instruments as well as in Kosovo’s Constitutional Framework, no central level policy directive on this matter has been issued or implemented. This appears to have contributed to differential access to such education throughout Kosovo. For example, the MEST has yet to reply to a request of 12 September 2002 from the Kosovo Roma community in Prizren for education in Romani language, culture and history in the last year of secondary school. However, Roma children in Mitrovicë/Mitrovica who are in kindergarten and pre-school enjoy the opportunity to learn Romani language as part of programmes sponsored by international NGOs. The Kosovo Turkish minority in Prizren town, moreover, can take classes in their language at both primary and secondary school levels. Yet, for those in the Turkish minority at the higher level of education wishing to become teachers, the new Faculty of Education of the University of Prishtinë/Priština does not offer classes in either Turkish or Serbo-Croatian. By not offering such an option the continued availability of education in the Turkish language at the primary and secondary level will be affected.

Indeed, as the situation experienced by the Kosovo Bosniak community in Gjakovë/Đakovica municipality illustrates, the inability of members of a minority community to access education in their mother tongue may eventually result in forced assimilation. At the time of the last Assessment, Kosovo Bosniak parents were reluctant to place their children who did not speak Albanian proficiently into Albanian speaking schools, arguing that their education would be adversely affected. On the other hand, education in Serbo-Croatian was not available either. No progress has been noted during this reporting period. According to the local Kosovo Bosniak representative, no consensus could be reached in order to demand access to education in Serbo-Croatian language, given resource constraints and the small number of pupils affected. Instead, the parents appear to have accepted education in the Albanian language, reasoning that it will improve their children’s future prospects in the job market.

Overall, access to education in one’s mother tongue remains sporadic throughout Kosovo. The lack of significant improvement at either the policy or practical levels remains and may further hamper minority

community children's ability to access education. Furthermore, it will affect associated issues such as conditions for return.

No comprehensive plan to address the specific educational needs of the RAE communities has been designed by the MEST, as was advocated for in the last Assessment. 53 Instead, meeting the educational needs of the RAE communities remains dependent upon initiatives of international or non-governmental organisations, which only sometimes receive support from the MEST. In the Mitrovicë/Mitrovica region, kindergartens and pre-schools created and operated by international NGOs in Kosovo Roma settlements have increased the number of Kosovo Roma children attending primary school. A two-month summer school for 36 Kosovo Ashkaelia children aged 6- 14 years old held in Vushtrri/Vucitrn elicited similar results. Government authorities are involved in initiating "catch-up" classes for Kosovo RAE children in Prizren town and Suharekë/Suva Reka in order to integrate students into the primary school and the technical secondary school respectively. In addition, after intervention by the OSCE, the UNMIK Office for Development of Education in Prizren placed 17 Kosovo RAE children in school. Despite these commendable efforts, throughout Kosovo, the special education needs of Kosovo RAE children are not being systematically and coherently met by the MEST." (UNHCR/OSCE March 2003, p. 35-37)

Creation of a separate university structure for Kosovo Serb students (2001-2002)

- Pristina university remains inaccessible to the Kosovo Serbs
- UNMIK approved the restoration of faculties in northern Mitrovica for Kosovo Serb students

"**Access to university education** for Serbian-speaking students did improve during the period [September 2001-April 2002], albeit through the establishment of a parallel structure in northern Mitrovicë/Mitrovica, sanctioned by UNMIK. Until October 2001, Kosovo Serb and other minority students using the Serbian language effectively had no access to university education within Kosovo since the sole institution, Prishtinë/Priština University, was inaccessible due to security problems and used almost exclusively by Albanian-speaking students. After June 1999, Kosovo Serb university students, most of them displaced outside of Kosovo or in northern municipalities, resumed classes in 're-located' faculties re-established under the same administration as the pre-conflict Prishtinë/Priština University (1991-1998) in various cities in Serbia proper (e.g. Niš, Krusevac, Vranje). In 2001, UNMIK agreed with the Belgrade authorities on the restoration of these faculties to Kosovo, albeit in northern Mitrovicë/Mitrovica, therefore still representing a separate and parallel structure. In autumn 2001, some students began attending classes in northern Mitrovicë/Mitrovica, and in early 2002, a branch of the northern university system was also opened in Gračanica/Graçanicë, offering Serbian and English language and literature studies. While it is still discouraging that university education for Albanian and Serbian speaking students continues to be divided (with no indications on when it may be possible to bring them together in the future), it is nonetheless very important that Serbian-speaking students do now have access to an institution for higher education within Kosovo. Indeed, the lack of university education opportunities was often cited as one key factors why return of young IDPs was considered to be non-viable. However, the main problems of the Serbian-speaking students (Kosovo Serbs, Bosniaks and others) living in locations other than the northern municipalities [...] continues to be inadequate freedom of movement making access difficult. Discrimination is also an issue that must be addressed with a view to achieving equality in access and integration in the long-term. While the principle obstacles to most non-Albanian speaking students at the moment to the university faculties Prishtinë/Priština remain insecurity and lack of freedom of movement, the few contacts Kosovo Serbs in particular have had with the institution (e.g. in obtaining educational documents) have indicated that discrimination is an issue that must be tackled." (UNHCR/OSCE May 2002, para. 50)

ISSUES OF SELF-RELIANCE AND PUBLIC PARTICIPATION

Overview

Self-reliance and participation (Special report, 2005)

- In Serbia, access to work for IDPs is limited bad unfavourable economic situation
- In Montenegro, the legislation severely limits possibilities for IDP to be hired
- Poverty of IDPs has increased with years passing
- Very few Roma work in the formal sector

The integration of IDPs into the Serbian economy is severely complicated by the ongoing economic crisis and the country's high unemployment rate. As a result, for many IDPs employment is limited to day-to-day work in the grey economy. This has led to increasing poverty among IDPs in Serbia. Reliable data on the level of poverty among IDPs is not available, as the Survey of Living Standards in Serbia conducted in 2003 for the Poverty Reduction Strategy Paper did not consider IDP and refugee populations. An ICRC study published in 2003 estimated that almost 90 per cent of IDPs were living below the poverty level, but this was later found to be inaccurate. Based on figures from Montenegro and assuming that the poverty level is the same, it can be estimated that 54 per cent of IDPs (60 per cent of Roma IDPs) live below the poverty level. Privately accommodated IDPs tend to be poorer than residents of collective centres who do not have to pay rents and utility charges. On average, IDPs have changed residence four times since they were first displaced, often after being evicted for non-payment of bills. Many IDPs are forced to sell their belongings to get by. This is compounded by the fact that IDPs generally do not have any possibility of gaining any income from the properties they left behind in Kosovo (ICRC, April 2005).

Since IDPs are not recognised as citizens, their rights in Montenegro are limited to those of refugees. This also means that IDPs cannot vote. Similarly, they do not have access to social welfare and unemployment benefits, and are not entitled to start a business or own property. With regard to employment, the current legislation strongly discourages employers from hiring non-residents which directly affect IDPs. A decree on employment of non-residents issued in May 2003 imposes a tax of 2.50 Euro per day on employers hiring non-permanent residents (ICRC, 31 May 2005). IDPs' job prospects are therefore limited to the informal sector. The current situation in Montenegro clearly contravenes the UN Guiding Principles on Internal Displacement. Although a strategy for resolving the issues of refugees and internally displaced persons in Montenegro was adopted in April 2005, the unclear phrasing raises doubts as to whether this document will bring about progress with regard to clarifying the legal status of IDPs and removing the resulting obstacles to accessing their basic rights.

Very few Roma work in the formal sector; they suffer from widespread discrimination and their salaries are 50 per cent lower on average than those of other ethnic groups (ICRC, 31 May 2005).

Access to justice (Special report, 2005)

- IDPs' access to justice is limited by the lack of cooperation between the various justice systems
- Decisions issued by Courts in exile in Serbia are not applicable in Kosovo
- Access to justice in Kosovo is limited by restricted freedom of movement

- Some human rights international instruments are not enforceable in Kosovo because of its international status

Since courts in the State Union and in Kosovo are part of two independent judicial systems which do not recognise each others' decisions, IDPs are in effect faced with restrictions to their access to justice. In the absence of agreements between the different justice systems, there is no guarantee that a decision issued by a court on the territory of Serbia and Montenegro will be enforced in Kosovo. For example, property-related adjudications issued by courts in Serbia are not enforced in Kosovo. As a result, there have been cases of IDPs unaware of this practice who have approached courts in exile, spent time and money to obtain reparation in Kosovo and ended up with a decision which will not be enforced there (Group 484, April 2005).

Access to the judicial system of Kosovo, on the other hand, is restricted by the limited freedom of movement which often prevents members of minority groups from travelling to the courts. Serbia has continued to fund a parallel judicial system in Serb enclaves in Kosovo in violation of UN Security Council resolution 1244. These courts hear civil and minor criminal cases but mainly verify civil documentation and handle inheritance procedures (Venice Commission, 11 October 2004). The situation has improved since the end of 2004 with the opening of two new court liaison offices in Prizren and Vitina, and a department of the Pristina municipal court in Gracanica (Serb enclave). The court liaison offices arrange for members of minority communities to be accompanied to court and file documents on their behalf. Kosovo Serbs remain underrepresented among the ranks of judges and prosecutors with 5.2 per cent and 2.3 per cent respectively (SG, 14 February 2005, par.25; USDOS, 28 February 2005).

There have also been concerns that international human rights instruments in force in Serbia and Montenegro do not apply in Kosovo, including with regard to decisions and acts of UNMIK, because of the province's special status as an internationally administered entity. This means that the population of Kosovo, including the displaced, cannot rely on international instruments to remedy violations of their rights once local procedures, which are reported to be plagued by ethnic bias and corruption (USDOS, 28 February 2005), have been exhausted.

To address this situation, UNMIK and the Council of Europe signed two agreements in August 2004 to monitor compliance with the Framework Convention for the Protection of National Minorities, and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. However, no mechanism has been developed so far to monitor compliance with the European Convention for Human Rights. A report of the Venice Commission (Venice Commission, 11 October 2004), followed by resolution 1417 of the Council of Europe on the human rights situation in Kosovo (CoE, 25 January 2005), suggests the establishment of a Human Rights Court in Kosovo which would have jurisdiction to examine complaints alleging violations of the European Convention on Human Rights including decisions and acts by UNMIK.

Serbia and Montenegro (excluding Kosovo)

IDPs face huge difficulties in access to employment in particular in Montenegro (2005)

- IDPs in both Republics face considerable obstacles in accessing legal and gainful employment
- In Montenegro, employers hiring non-permanent residents (such as IDPs) have to pay additional taxes
- As a result, many IDPs are forced to work in the informal "grey" economy
- Employment and residence framework discriminates against IDPs in Montenegro

- Without Montenegrin ID cards or Work Booklets, IDPs may not obtain legal employment
- In Serbia, IDPs have access to jobs in principle, but face strong competition for scarce jobs in practice
- Roma IDPs are more vulnerable in terms of lack of access to employment than Roma residents

“IDPs in both Republics face huge obstacles in obtaining legal and gainful employment. Indeed, a large percentage of IDPs in Serbia and Montenegro work in the “grey economy” or as day labourers. (...) This might allow families to survive day to day, but which leaves them in a vulnerable position. They are subject to the varying demand for labour and, if they work in the grey economy, they are at the mercy of those who hire them outside the scope of legal protection. Society as a whole and Governments, too, suffer when so many persons work in the grey market. Employers who hire IDPs as unregistered workers do not pay pension, social and health insurance and their employees do not contribute to income tax. This weakens the governments’ ability to fund programmes and services for all citizens, including those most in need. There are a variety of reasons why IDPs cannot find work. Three reasons relating to systemic problems are examined in turn below. (...)

Law as a Disincentive

In Montenegro, the Law on Employment (81) governs IDPs’ access to the labour market. In May 2003, the Montenegrin Government issued a decree amending this law, entitled Decree on Employment of Non-resident Physical Persons. (...) Article 1 of the Decree defines a non-resident physical person as a person who “does not have habitual residence or centre of business and livelihood interests on the territory of the Republic of Montenegro”. (83) Since neither IDPs nor refugees are permitted to hold a permanent residence permit in Montenegro, as discussed supra in the section on freedom of movement, they fall within the scope of the Decree. The Decree imposes a special tax on employers who hire non-permanent residents of Montenegro in wage-earning activities. Employers who violate the provision are subject to high fines. (84) In this way, the overall legal scheme surrounding citizenship and residency works together with the employment framework to act as a strong disincentive to Montenegrin employers in the hiring of IDPs and refugees and as a barrier to legal employment for both of these groups.

Recommendation 10

The Working Group recommends that the authorities of the Republic of Montenegro consider amending the Decree on Employment of Non-resident Physical Persons and the Law on Employment. This could simplify procedures for IDPs seeking employment and remove the levy on employers who hire non-residents who are citizens of the State Union of Serbia and Montenegro in order to ensure and promote IDPs’ legal access to employment. Such amends would be in line with the Constitutional Charter of the State Union of Serbia and Montenegro.

Montenegrin Identity Card

The fact that IDPs in Montenegro are considered by the Montenegrin authorities to be citizens of Serbia has negative repercussions on this community’s access to rights, especially the right to work. Indeed, IDPs in Montenegro cannot enjoy the right to full, legal employment. The situation of one IDP family in the municipality of Danilovgrad, near Podgorica, illustrates the problems encountered by IDPs in Montenegro because they could not obtain an ID card.

Case 3. The family is from Kosovo, where the father worked for 30 years at a transportation company. After fleeing their hometown, the family settled in Montenegro and started making a living from selling eggs produced by their 150 hens. Income generated from this family business covered expenses for accommodation, food, children’s transportation to school, and medicine for their disabled child. In June 2003, state inspectors came to their farm and ordered them to stop their egg production on the grounds that the business activity had to be registered. To register a business requires a Montenegrin ID card and as an IDP, the family is not able to obtain a Montenegrin ID card. The family was forced to stop producing eggs and can no longer cover their basic needs.

It is unclear why IDPs cannot obtain Montenegrin ID cards. Some NGOs posit it is because IDPs have not de-registered from their previous permanent places of residence in Kosovo. At the same time, they cannot register at the employment bureau because they do not have an ID card and are often missing a Work Booklet.

However, some IDPs have been able to get work in Montenegro. The problem seems to occur unevenly and arbitrarily.

No Work Booklets

Without Work Booklets, IDPs in both Republics face serious obstacles in obtaining self-sufficiency. A Work Booklet is a personal employment record document, kept by the company of current employment until the termination of employment. It records both education and work experience. This document is important for claiming pensions, obtaining new regular employment (in contrast to unofficial employment), or registering at the Bureau of Unemployment to receive unemployment benefits.⁽⁸⁵⁾ In many cases, Work Booklets have been lost during displacement, destroyed or left behind with former employers in Kosovo.⁽⁸⁶⁾ In Serbia, only those IDPs who were employed in the Kosovo branches of the state companies from Serbia before their displacement have been able to obtain their Work Booklets with valid termination of employment, and thus register at the unemployment bureau and claim unemployment benefits. For the majority of IDPs who were employed in Kosovo-based companies, obtaining Work Booklets has to date proven to be an insurmountable obstacle that has prevented registration at the Unemployment Bureau. This ultimately denies them their right to receive unemployment benefits. To replace a Work Booklet, IDPs require personal documents which have also often been destroyed or lost. In Montenegro the right to register at the unemployment bureau is denied to IDPs from Kosovo in general. This is an important issue of discrimination based on IDP status.⁽⁸⁷⁾ In some instances, IDPs are still officially employed by companies located and registered in Kosovo that are no longer functioning. Workers' employment contracts were never formally terminated when the companies closed, and so the workers are described as employed on paper, though they receive no salary. As a consequence, they are ineligible for assistance from the Unemployment Bureau. Moreover, more often than not, these companies owe workers unpaid salaries for the period before 1999. Another category of IDPs working for "Kosovo-based firms" are those who worked for state-owned companies and still receive a symbolic salary even though they have not been to work in four years. In one case, an IDP group in Mlandenovac (Komgrap barracks) had been employed by "Ramiz Sadiku", a Pristina company. The IDPs enlisted the aid of NGOs to retrieve their Work Booklets. They were advised that the complete archive of the company had been destroyed.

Recommendation 11

The Working Group recommends that the authorities of Serbia and of Montenegro consider amending administrative regulations and administrative procedural laws to develop a procedure which would enable the reconstruction of Work Booklets. This initiative might be combined with consultations and training of municipal employees on inter-municipal cooperation, and would also require cross-border cooperation between Serbia and Montenegro and Kosovo.

Findings

The Working Group reminds the Governments that they are bound, by domestic and international law, to uphold their citizens' right to work. Article 40 of the State Union Charter on Human Rights guarantees the right to work in accordance with the law and places a positive burden on the state to "create the conditions in which everyone can earn a living by his/her own work". Article 52 of the Montenegrin Constitution guarantees everyone the right to work. As the Constitutional Charter of the state Union of Serbia and Montenegro recognizes and gives precedence to international law adopted by the State Union in treaties, it follows that the right to work must be guaranteed in accordance with relevant international law. Article 23 of the Universal Declaration of Human Rights recognizes everyone's "right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment".⁸⁸ The ICESCR recognizes both the right to work and the right to the enjoyment of just and favourable conditions of work.⁸⁹ These provisions are echoed in principles 22 and 23 of the UNGP.

The right to employment is a right of all citizens. The Republic of Montenegro's laws discriminate in their impact against the IDP population by creating financial disincentives for employers to hire IDPs and

blocking access to the employment market. In the Republic of Serbia, IDPs have access to the employment market, but in practice they are disadvantaged in the competition for scarce jobs. Many lack Work Booklets that remained in Kosovo and cannot prove their qualifications and work experience. With few other options, many IDPs resort to “grey market” employment which costs governments in lost revenues. In order for Montenegro to fulfill the relevant international human rights obligations, the Decree must be amended to explicitly exclude IDPs as a category from its application, and Law on Employment must be amended in order to enable IDPs to enjoy their employment rights.

Recommendation 12

The Working Group recommends that the authorities of Serbia and of Montenegro consider adopting “affirmative action” measures in favour of IDPs in order to counteract prevailing discriminatory attitudes and to facilitate IDPs’ access to housing, labor market and education. (IDP Inter-Agency Working Group, October 2004)

Roma

“Because of the lack of education, unemployment among the Roma IDPs is rampant. Many Roma IDPs are getting their income from grey economy, collecting the recyclable material and begging. Some Roma households collect food leftovers from garbage lots to feed their families. This study found that Roma IDPs are more vulnerable than Roma residents.” (ICRC, July 2003, pp. 22-23, 35, 38)

Notes:

83 Moreover, it treats equally persons who come to Montenegro for economic reasons (economic migrants) and IDPs and refugees, who were forced to flee their homes due to persecution or fear of persecution.

84 Per article 3 of the *Decree on Employment of Non-resident Physical Persons*. The *Law on Employment* prescribes a procedure that requires a person seeking employment to present a registration card (temporary or permanent) and a working booklet as proof of qualifications

85 See Global IDP Project (Norwegian Refugee Council), *Profile of Internal Displacement: Yugoslavia (Federal Republic of) – Compilation of the information available in the Global IDP Database of the Norwegian Refugee Council*, December 2002 at p. 115 for discussion on Work Booklets.

86 Companies hold on to an employee’s Work Booklet for safekeeping during the course of employment. The booklet is “closed” when an employee leaves his/her job, the duration of employment is recorded, and the firm returns the booklet to the employee.

87 Per the Global IDP Project (Norwegian Refugee Council), *Profile of Internal Displacement: Yugoslavia (Federal Republic of) – Compilation of the information available in the Global IDP Database of the Norwegian Refugee Council*, December 2002 at p. 115.

88 Deng, Francis M., *Compilation and Analysis of Legal Norms*, Report of the Representative of the Secretary-General submitted pursuant to Commission on Human Rights Resolution 1995/57, Doc. No. E/CN.4/1996/52/Add.2 at para. 15 states that although not a treaty, the *Universal Declaration* might be regarded as an authoritative statement of the content of the human rights provisions of the UN Charter and thus a binding treaty commitment. As a member of the UN, Serbia and Montenegro would thus be bound.

89 *International Covenant for Economic, Social and Cultural Rights at articles 6 and 7.*

See also:

Group 484, *Human rights of refugees, internally displaced persons, returnees and asylum-seekers in Serbia and Montenegro, April 2005, p. 56*

ICRC, The situation of internally displaced persons in Serbia and Montenegro, 31 May 2005, p.9

Poverty status of IDPs has deteriorated since 2003 (2005)

- Extent of poverty among IDPs as assessed by ICRC 2003 study should be reconsidered
- 54% of IDPs live in poverty

- Lack of employment opportunities, erosion of assets and inability to sell property in Kosovo have increased IDPs poverty
- Closure of collective centres has obliged many IDP to rent private accommodation and incur additional expenses
- Authorities do not offer alternative integration or housing solutions to IDPs while refugees are entitled to it
- IDPs are underrepresented on list of social welfare beneficiaries

An ICRC study made in July 2003, “Vulnerability Assessment of Internally Displaced Persons in Serbia and Montenegro” (referred to as NAM II) concluded to very high poverty level among IDPs. A new ICRC study from 2005 nuances NAM II findings.

MSSL is the Minimum Social Security Level

“The authors of NAM II extrapolated from the findings of their household interviews general statistics of the overall number of IDPs in each of the wealth categories in Serbia and Montenegro. On the basis of the findings, it is estimated that approximately 23,100 persons are the most vulnerable among the displaced persons (below the MSSL). The group includes about 6,000 IDPs from Montenegro and 17,100 from Serbia. The withdrawal of the ICRC food parcels will result in an additional 7-8% of the people currently above the MSSL falling below it. This percentage represents the three most vulnerable groups (Roma, collective centres and IDPs with host families). This will be approximately 12,000 in Serbia and 1,500 in Montenegro bringing the total to 36,600 of those below MSSL.¹¹ The study went on to state that based on its findings, “88.6% of the IDPs in Serbia live below the Poverty Line with 8.6% below the MSSL. In Montenegro, 90% of the IDPs live below the Poverty Line with 21% below the MSSL.”(...) Given that the percentage of the local population living below the poverty line is estimated at 10%,(...) NAM II’s statement of the extent of poverty is alarming, to say the least.

Due to the limited sample size and the selective way in which households were selected to be surveyed in the NAM II study, it is not clear that these statistics accurately reflected the overall wealth breakdown of the IDP population in 2003. Households that were included in the survey were not randomly selected, but were selected by local Red Cross Society staff, ICRC staff, and other key informants who had experience working with vulnerable IDPs. This is consistent with HEA recommended methodology when it is to be used to develop profiles of wealth groups, but is not a reliable way of extrapolating vulnerability figures for the displaced population at large. The sample size also included only those IDPs who were officially registered. It is known that there are significant numbers of IDPs (particularly Roma) who are not registered, although little is known about whether their level of vulnerability differs significantly from that of other IDPs.

Other surveys from Serbia and Montenegro using larger sample sizes and random selection of interviewees suggest much lower percentages of IDPs living beneath the poverty level than those indicated by the NAM II report.

Despite its questionable estimation of the magnitude of vulnerability (i.e. the numbers of people in below the Poverty Line and Minimum Social Security Level), NAM II did prove useful in describing the basic quality of that vulnerability. In addition, the recommendations it set forward were extremely valuable.” (ICRC, April 2005, p.9-10)

“Recent data is lacking on the numbers of IDPs living below the Minimum Social Security Level (MSSL) and on the number of IDPs living between the MSSL and the official Poverty Level.

- As well as the lack of recent data, the Survey of Living Standards in Serbia (2003), upon which the Poverty Reduction Strategy Paper is based, did not consider the IDP or refugee populations. Data from Montenegro (also 2003) suggests that 60% of Roma IDPs and 48% of non-Roma IDPs are living below the

Montenegro Poverty Level. This means that 54% (8,945 people) of the displaced population is currently living in poverty. If one takes the same Poverty Line as used in Montenegro, then the total number of IDPs living in poverty would be 103,318. Income and expenditure levels are not found to be markedly different between Serbia and Montenegro. These figures need to be confirmed by a comprehensive survey in Serbia, but there remains no doubt that thousands of IDPs remain extremely vulnerable.

- Despite some improvement in macroeconomic indicators, it seems that conditions for the poorest of the displaced and local populations have become worse. This is influenced by the high unemployment rate and slow progress of the process of privatisation of state-owned companies, which will anyway always be a contributing factor in creating job losses, during the first phases. For the displaced, additional factors include the erosion of assets, the inability to access and to sell off property in Kosovo, difficulties in accessing social services (caused for many by lack of Documentation and bureaucratic intransigence), the closure of collective centres and a scaling back of humanitarian assistance.

- The National Strategies for dealing with the Problems of Refugees and IDPs in both Serbia and Montenegro include measures planned to facilitate return to Kosovo and to provide compensation for property damage or loss. While these plans are welcome, these durable solutions are given priority over local integration of IDPs, although at least in the short to medium term, integration seems to be the only possible solution for most IDPs.

- IDPs in both Serbia and Montenegro are effectively unable to exercise their rights as citizens, which worsens their vulnerability. They are under represented on the lists of social welfare assistance (Materijalno Obezbedjenje Porodice or MOP) as compared to local residents. In Montenegro, IDPs are not eligible for any regular form of government assistance and are effectively excluded from the formal labour market. Many IDPs lack residency, and have difficulty obtaining secure access to housing. These issues need to be urgently addressed.

- There is some evidence that IDPs are more vulnerable than refugees. This is due in part to the fact that refugees (primarily from Bosnia Herzegovina and Croatia) have been living in Serbia and Montenegro for longer than the IDPs, are better educated than IDPs, and are able to secure their rights through obtaining citizenship. However, further research into the comparative vulnerability of refugees and IDPs is needed.

- The closure of official collective centres (which are subsidised) has resulted in a displacement of poverty. IDPs obliged to live in private accommodation may actually have less income available for basic expenses than those living in subsidized centres.

- Detailed analysis of the resource flow dynamics of IDP and resident households reveals that very few households actually live below the MSSL level. However, given the living conditions of the poorest of the poor, they should still be considered to be extremely vulnerable and in need of social welfare support. This is particularly the case with Roma IDPs, although the poorest non-Roma are also at risk.

- Poor IDPs are almost completely dependent upon the 'grey economy' (i.e. unregulated, unreliable, and uninsured employment). Rural-based (mostly non-Roma) IDPs derive some income from farm production, whereas urban-based Roma IDPs support themselves largely through recycling garbage and consumption of discarded items. (...)

There has been a significant reduction in the amount of humanitarian assistance available, as many Non Governmental Organisations (NGOs) have scaled back or withdrawn altogether from assistance to IDPs.

- What assets IDPs had when they were first displaced have been eroded, and little progress has been made in enabling those with property in Kosovo to sell or receive compensation for it.

- Collective centres are in the process of being closed down without addressing the long-term accommodation needs of IDPs. According to CfR data in February 2005, 122 official collective centres are still open in Serbia, out of which the State plans to close down 52 by the end of 2005. While some alternative rent-free or subsidized housing is being constructed for refugees and local residents, IDPs have not benefited as much from these efforts. New house construction is not being carried out on a scale large enough to accommodate all who must vacate the collective centres.

- The under representation of IDPs on social welfare services lists already referred to, excludes them from a range of social welfare provisions. While the level of service is very limited for IDPs as well as for Refugees and resident poor, the IDPs continue to face additional difficulties in qualifying at all. IDPs continue to face difficulties in qualifying for many forms of social support (particularly MOP support and child allowances) due to a lack of documentation.

- There is an additional issue for IDPs in that many forms of social support (such as employment compensation for those who worked in the public service sector in Kosovo) are offered only at a significantly reduced rate to that potentially otherwise available. (...)

The overall implication for IDPs and refugees is that many are unable to access the same status and services as their fellow citizens. This includes issues such as being able to obtain personal documentation, exercise property rights, access health care or social welfare provision. This leads to a multi-dimensional kind of poverty, consisting of both income poverty and lack of access to services and equal treatment under the law.” (ICRC, 31 May 2005, p.7-11)

See also:

ICRC, The Vulnerability Assessment of Internally Displaced Persons in Serbia and Montenegro, July 2003

ICRC cash assistance programme to IDPs: a interesting attempt to increase IDP self-reliance (2005)

- The CAP (cash assistance programme) was launched in 2004 to assist destitute IDPs from Kosovo
- The objective in Serbia was to integrate eligible families into the social welfare system by the end of 2004
- In Montenegro, this was not possible since IDPs are not recognised as citizens of Montenegro
- These schemes protected the most vulnerable IDPs, allowed them to normalise their social relations and participate in the economy

The CAP is a cash assistance programme launched by ICRC for vulnerable IDPs

“The CAP was launched in 2004 to assist the IDPs from Kosovo who are living in destitution with an official monthly income below the Minimum Social Security Level (MSSL).

Serbia

In Serbia, the programme was designed together with the Ministry of Labour and Social Affairs (MoSA), the Commissariat for Refugees (CfR) and the Serbian Red Cross (SRC), in order to find a durable solution to assisting the most vulnerable IDP households. The CAP provided 30 euro per family per month to the 6000 of the most vulnerable IDP families with the caseload being progressively handed over to the MoSA at a forecast rate of 500 families per month over a period of 12 months. The aim was that at the end of 2004, those families who fulfilled the criteria set by the MoSA would be assimilated into the republic's social welfare system receiving regular long-term social protection. Application committees, consisting of representatives of MoSA, CfR and SRC identified the CAP beneficiaries through an application and

screening process. The programme was overseen by a Working Group that met on a monthly basis to identify families to be screened by the centres for social welfare. The Working Group, consisting of representatives of MoSA, CfR, ICRC and SRC also provided technical support to the programme. This included compiling and distributing lists of CAP beneficiaries and families, to be screened by the centres for social welfare, as well as by following up the flow of funds to the final beneficiaries.

The main challenge to the success of the programme lay in the ability of IDPs to meet documentation requirements for inclusion into the State's social welfare system. More precisely, up to 17 documents were needed to prove eligibility for social protection, not easily obtainable by IDPs. Negotiations with the newly established Minister of Social Affairs have attempted to relax the documentation requirements for IDPs. (...)

Montenegro

In Montenegro, 1'500 most vulnerable IDP families were assisted with 30 Euro per month in cooperation with the Ministry of Labour and Social Welfare and Commissariat for Internally Displaced Persons of the Republic of Montenegro. The Ministry is contributing to the Cash Assistance Programme by the matching funds, while payments are being effected through the Commissariat. However, IDPs were not to be included in the social welfare system due to the fact that they are not recognised citizens of Montenegro. The programme ended in December 2004. (ICRC, 31 May 2005, p.14-15)

“According to Article 3 of the Law on Social Welfare of Serbia, the right to social welfare assistance belongs to all to citizens who are disabled and who have no other means of subsistence, as well as citizens and families who are unable to provide resources to satisfy their basic existential needs on the basis of their work, on the basis of their support by relatives, and on the basis of their property or property rights or otherwise. The IDPs from Kosovo in Serbia are entitled to different forms of social welfare assistance (child allowance, family allowance, allowance for medical care), if they meet the criteria and are in a position to submit the required documentation. However, up to now, less than 10% of displaced persons have been included in the programmes of social welfare assistance (...). Moreover, the amount of social welfare assistance is not sufficient to ensure minimum standard of living for the vulnerable categories.

In this respect again, the problems result from the above mentioned problems in obtaining the documents. The International Committee of the Red Cross refers such cases to the services of Praxis and SDC, which are best qualified to assist the displaced in obtaining the documents. Out of 1,200 requests for assistance in obtaining documents in 2004, 400 cases have been successfully settled.

The International Committee of the Red Cross (ICRC) offered its assistance in the period of phasing out of international humanitarian assistance and transfer of the care for socially vulnerable displaced persons exclusively to social welfare assistance from the state. This organisation has earmarked one million EURO that will be distributed to the most vulnerable displaced families through the account of the Commissariat for Refugees of the Republic of Serbia. Financial aid from the International Committee of the Red Cross amounts to 2,000 Dinars per family and represents roughly 30% of the income of the most needy. The agreement was that five hundred families would be transferred each month to social welfare assistance provided by the Ministry of Employment and Social Welfare, and thereby they would cease to be a burden on the ICRC. We are talking about a total of 6,000 families, which include about 30,000 most vulnerable individuals who should be entitled to social welfare. Each month, five hundred families should undergo a procedure at the local social welfare centres so that they continue to receive state assistance from under the category of family allowance. However, this programme has not met the expectations. All the data have not as yet been gathered, but the ICRC estimates that out of 6,000 families, only 15% will be covered by family allowance.

Many have not met the criteria for the family allowance either because they were able to work or because they have higher incomes than the specified limit. In assessing whether families meet the criteria for the family allowance, it is left to the social welfare centres to decide on whether accommodation expenses should be deducted from the overall income or not, which significantly changes and relativises the level of income on the basis of which monthly family allowance is allocated. Additionally, the government refused to include those accommodated in the collective centres in the procedures for allocation of the family allowance, arguing that by providing the accommodation and daily meals, it has actually provided

assistance which exceeds the value of family allowance. The problem of establishing the right to social welfare assistance is particularly evident with displaced persons accommodated in Montenegro. Owing to the non-recognition of their citizenship status, displaced persons are not entitled to social welfare assistance from the Ministry of Social Affairs of the Republic of Montenegro.” (Group 484, April 2005, p.60-61)

“The Cash Assistance, Grants, Micro Credit and Vocational Training Programmes implemented by the ICRC between 2001 and 2004, are found to have not only saved the most vulnerable IDPs from unacceptable hardship, but conversely restored or maintained their dignity, hope and self worth. By allowing the IDPs to emerge from anonymity, to recover their personality and to develop normal human relationships and interactions with the local population, these programmes also served to protect them. Furthermore, the ICRC’s attempts to restore the IDPs self reliance, significantly reduced the need for local assistance, and though modest, the injection into local exchanges of the resources made available by the programmes to the beneficiaries, led the local population to adopt a more mutually supportive attitude and greater solidarity during difficult and uncertain times. (...)

The donor community should consider support to new initiatives using the livelihood approach and to support existing organisations that are already experienced in providing a range of Micro-economic initiatives, including: grants, micro credit and vocational training.” (ICRC, 31 May 2005, p.17)

Marginalisation of Roma in all aspects of life should be addressed through societal efforts to remove discrimination against this group (2005)

- Many Roma IDPs, live in deplorable conditions in unofficial settlements, without decent sanitary conditions
- Programmes designed to help Roma find employment should take into account the discrimination and lack of opportunity they face
- In Serbia, the inter-agency IDP Working Group has developed a comprehensive series of recommendations for reversing legal and practical discrimination against Roma
- There is no Roma-specific strategy in Montenegro and Roma are not officially considered as a national minority
- Displaced Roma have very limited chance to find employment
- Survival strategies include marginal physical labour, collection of materials for recycling, selling of humanitarian assistance

“Certain minority groups within the Kosovo IDP population are more vulnerable than the overall IDP population. These minorities include the Roma, Ashkali, Egyptian and the Gorani communities. In the Kosovo conflict, these communities were viewed with suspicion by all sides, and accusations of collaboration were multiple. Today, many of these IDPs live in truly deplorable conditions, often below the level of human dignity. They frequently live in unofficial settlements, without access to electricity, drinking water and sewage systems. These problems are regularly exacerbated by communication difficulties due to language differences. Further, these communities are frequently confronted with discrimination. Their situation has worsened during the last 10 years of general economic decline.” (IDP Inter-Agency Working Group, October 2004, p.35)

“This Analysis makes clear that Roma IDPs, like Roma local residents, are the victims of systematic and institutionalized discrimination and exclusion. The result of this is that a majority of Roma are living in conditions of poverty, with inadequate access to employment, adequate and secure housing, healthcare, education, and social assistance. The fact that so many Roma are not able to realize (and in many cases are not made aware of) their basic rights is a protection issue that should be of concern to ICRC, the governments of Serbia and Montenegro, and the international community.

While ICRC's efforts to include Roma in their targeted income-generation programmes is commendable, it will take much more than this to help make a difference to Roma IDP and local resident communities. The solutions are to be found in structural, legal, and society-wide efforts to root out discrimination and to put into place legislation and policies which effectively provide greater opportunity for Roma residents. Such efforts must go beyond equal treatment, and must include some measure of affirmative action to ensure that Roma are able to obtain the documentation that they are lacking, that they obtain access to employment and education opportunities, and that the generations-old patterns of discrimination are reversed.

Programme implementation must also go beyond earmarking of funds or targeting of individual beneficiaries. Agencies that work with Roma should make sure that they develop strong ties within the Roma communities, that they employ Roma field workers and translators (in Romani and Albanian, as many Roma IDPs' first language is Albanian), and that they approach their work with a genuine understanding and appreciation for Roma culture. These measures are essential to breaking down the climate of mistrust that surrounds the Roma and that extends both ways between Roma and would-be service providers (the international community and the State). Part of understanding Roma communities has to do with appreciating the impact that generations of exclusion have had on people's psyches. The landscape of opportunity is much more limited for Roma than for non-Roma, so it is understandable that Roma do not see training or a grant as a necessary step to employment. Because Roma have so much more difficulty finding employment or marketing their products or skills in non-Roma settings, it may not be realistic to expect the same level of profitability, or results, from projects as from non-Roma within the same timeframe.

Because of their exclusion, Roma society has developed its own form of "grey economy," which is largely intra-community and often relies on exchanges other than cash (including bartering, subsistence production, recycling, selling of found items, and obtaining consumable items from left-over and discarded market goods). Because of this, household economy analysis conducted with Roma should consider not only increases or decreases in cash income, but also improvements in consumption, dignity, and use of time spent in marginal activities. Similarly, project impact should be measured according to these indicators.

Several initiatives are underway to help improve the lot of Roma, not only in Serbia and Montenegro, but throughout Europe. 2005 is the first year in what has been designated the Decade of Roma Inclusion. This campaign, with backing from the World Bank and the Open Society Institute, aims to end the isolation of Roma by promoting Action Plans and legislation in all countries where Roma are living. Serbia and Montenegro are both taking part in the campaign (for more information, see www.romadecade.org).

Within Serbia, the inter-agency IDP Working Group has developed a comprehensive series of recommendations for reversing legal and practical discrimination against Roma. One of the principle recommendations is for better integration of the Poverty Reduction Strategy Papers, the National Strategies for Dealing with the Problems of Refugees and IDPs, and the as-yet-unratified Strategy for the Integration and Empowerment of Roma (Serbia) at all levels of implementation. In this regard, the assistance of the new National Council of the Roma National Minority in Serbia will be key. Similar steps need to be taken in Montenegro, where there is now no Roma specific strategy, and where the Roma are not officially recognized as a national minority." (ICRC, April 2005, p.43)

"Living in the margins of society, generally with little or no education, Roma IDPs as well as other Roma have almost no chance to find employment, but instead rely on *survival strategies*. Roma IDPs, unlike other IDPs, have managed to integrate well within the resident Roma community and are used to doing marginal physical labor, collecting glass and paper for recycling, even selling the aid they get like hygiene parcels or new beds and stoves, and finding old ones from dumps." (UN OCHA 26 April 2002, p. 23)

"The social welfare system recognizes the right of eligible Roma IDPs to collect *social welfare* benefits according to legal criteria elaborated in chapter 3, Access to Services, of this report. According to the latest survey performed for OXFAM [40], more than 30% of Roma are recipients of Monthly Family Allowance

and 17% receive Child Allowance. There is no figure on the number of Roma IDPs receiving this assistance (*the sample included 75% of Roma IDPs, so we are taking all results as equally representing Roma IDPs*).” (UN OCHA 26 April 2002, p. 24)

[Footnote 40: *The Roma Livelihood in Belgrade Settlements*, OXFAM (performed by ARGUMENT Agency for Applied Sociological and Political Research), Belgrade, December 2001.]

See also:

Action Contre la Faim, "Vulnerability assessment in Serbia (excluding Kosovo) – Identification of vulnerable socio-economic categories with special needs", May 2002 [Internet]

Efforts in Serbia to address the plight of Roma (2004)

- Activities related to the Decade of Roma Inclusion are related to activities begun in 2002-3 aimed at empowering national minorities in Serbia
- A number of general documents and initiatives have led to more specific activities relating to education and employment for Roma

“Decade of Roma Integration activities in Serbia are embedded into a set of activities started in 2002 and 2003, aiming at empowering national minorities in Serbia for the realization of their human rights, and at introducing systemic measures poverty reduction in Serbia. Since both of these aims are pertinent to Roma integration, empowerment and integration of Roma gained visibility from 2002 onwards and preparations have commenced through the following activities:

Draft Strategy for Integration and Empowerment of Roma was prepared in December 2002, by the Ministry of Human and Minority Rights expert team and supported by the OSCE, UNHCR, UN-OCHA, UNDP, UNICEF, OHCHR and the World Bank.

- National Council of the Roma National Minority was established in May 2003 for the purpose of exercising the right of the national minority to self-governance in the fields of the use of language and alphabet, education, media and culture.

- National Council of the Roma National Minority adopted the Strategy for Integration and Empowerment of Roma on April 6, 2004.

- Poverty Reduction Strategy Paper, prepared during 2003 and adopted by the Government early 2004 includes an important chapter on Reducing Poverty of the Roma Population.

Based on these general documents, the elaboration of more specific documents has started:

- Draft Strategy for Improvement of Roma Education was prepared in June 2003 by the Expert Team of the Ministry of Education and Sport

- A new National Employment Strategy (to be implemented until 2008) and a new National Employment Action Plan (for 2005-2006) regulating equal opportunities for Roma has been prepared early 2004.

During 2004, based on all previous activities, the Ministry of Human and Minority Rights, with the support of the Open Society Fund has been coordinating the process of development of the draft action plans in the Decade priority areas (Education, Employment, Health, Housing), but also in the areas of Social Security, Culture, Media and Information, Political Participation and Representation. Measures related to the specific position of IDPs, Returnees from EU Countries, Women as well as anti discrimination measures are cross cutting issues in all respective Action Plans.

All draft action plans were developed by working groups consisting of representatives of relevant ministries, the National Council of the Roma National Minority, Young Roma Leaders Delegation and experts from relevant institutions.” (DRI Serbia, December 2004)

During 2005 the Serbian Government adopted 4 action plans on housing, education, employment and health. Each of this plan includes provisions addressing the specific needs of Roma IDPs. In May 2005 the Roma Council agreed on an IDP action plan which will be submitted to the Serbian Government for approval. This plans proposes a re-registration of Roma IDPs as an essential element to integrate Roma into society and facilitate their access to documentation and rights.

Serbia Roma action plans are accessible at www.romadecade.org

See also:

ICRC, [Household Economy Assessment](#), April 2005, pp.30-34 on characteristics of poverty for Roma

Roma in Montenegro are not recognised as a minority (2005)

- Social isolation of Roma make it difficult for them to access assistance and rights related to their IDP status
- Montenegro has not recognized the Federal minority law, which gives the Roma certain rights as a national minority
- Montenegro has not actively made attempts to end the marginalisation and disempowerment of its Roma minority

“Common threads run through the explanations of why Roma IDPs are vulnerable and marginalized: discrimination, social isolation, and lack of legal protection. Widespread discrimination against Roma in Serbia and Montenegro has been well documented by various organisations and foreign governments over the last number of years. This undoubtedly affects the ability to gather political momentum to protect this group and, when laws are put in place, undoubtedly affects their observance. (...) A shortage of community outreach programmes designed for Roma IDPs (in terms of language, culture, method of communication, etc.) has resulted in an information gap on their rights. Their overall social isolation has made it difficult for them to access humanitarian aid based on their IDP status. Many do not speak Serbian and are uninformed about their rights and the services available to them from governmental, intergovernmental and non-governmental sectors, both local and international. (...)”

As discussed infra, in Montenegro, legislators do not recognise the Roma as a national minority,(119) although Roma have been given legal status of national minority by the State Union Law on Protection of Rights and Freedoms of National Minorities of February 2003. These rights are generally defined as rights to the preservation, development and expression of ethnic, linguistic or other specificities of national minorities.(...) They include: the right of national affiliation, the right to co-operate with co-nationals in the country and abroad, the right to use one's native language, and the right to use national symbols. Also included are all the other rights and solutions which protect national minorities in areas such as language in public bodies, education and public information in the languages of the national minorities, preservation and protection of the cultural heritage, etc. 121 The provisions aim at institutionalizing the participation of minorities in decision making on issues relevant to their identity. The National Council for National Minorities (comprised of the representatives of national councils of national minorities) and the national councils of national minorities are established as partners and consultative bodies of the government with respect to questions of importance to national minorities. The national councils can have certain independent competencies in the fields of education, culture and information.(...)

Montenegro has not recognized the Federal minority law, nor has it adopted measures of its own aimed at incorporating the protection of the Roma and other national minorities into Republican law and institutions. Montenegro has not acted proactively in de-marginalizing and empowering its Roma and other national

minority communities. This, in turn, has a negative affect on the Roma IDP community in Montenegro who are unable to participate in decisions related to their future or contribute to the broader society.

The Working Group reminds the Republican Governments that, under law, they are obliged to ensure access to education for all, and obliged to create conditions for educational opportunities in the respective languages of national minorities. Both Republican constitutions set out that education should be accessible to all persons under the same circumstances and, that basic education is mandatory and free of charge. The constitutions further guarantee the right of national minorities to be educated in their native language. (IDP Inter-Agency Working Group, October 2004)

Notes

119 As mentioned previously, the Montenegrin government does not recognize some State Union laws, further to its adoption of its 2000 resolution, Non-recognition of Federal Decisions.

120 Article 19 and articles 13-15 of Law on Protection of Rights and Freedoms of National Minorities. See also article 52 of the State Union Human Rights Charter.

121 See also art. 1(2) of the Law on Protection of Rights and Freedoms of National Minorities: "This Law also regulates the protection of national minorities from all forms of discrimination in exercising their civil rights and freedoms, creates instruments that guarantee and protect special rights of minorities to minority self-governance in the fields of education, use of language, media and culture, and establishes institutions for fostering the participation of national minorities in government and in the management of public affairs."

Need to improve dissemination of information among the displaced community (2001-2002)

- IDPs lack comprehensive and timely information about their rights as IDPs, the situation in Kosovo, and NGO activities
- There is also a lack of data regarding the intention of the displaced with respect to return
- Several international and local agencies have developed information services, but their impact remains limited
- UNHCR organizes "go and see" and "go and inform visits to disseminate information on areas for potential return
- UNHCR and UNMIK have formed a joint Document and Information Working Group (July 2002)

"There is a consensus among UN agencies, international and national NGOs active in the field that IDPs lack complete and timely information about issues that are important and relate to their lives in displacement, as well as regarding the situation in Kosovo. This lack of information may prevent IDPs from understanding what their options are for return. Several conclusions derived at the recent Conference of the Regional Network of NGOs for Refugee and IDP Assistance [*Refugees and IDPs-Between the Rights and Reality*, Belgrade 21-22 January 2002] also emphasize the need and importance of providing information, especially on significant issues such as property claims, for which a concerted media campaign was suggested.

There is also a lack of information *about* IDPs, especially their intentions with respect to return. A recent American Refugee Committee study showed that 67% of IDPs in Southern Serbia intend to return, but the data may not be representative of the entire IDP population. RC is planning to support an IDP survey to evaluate the views of the displaced toward returns as well as an assessment of IDP skills to help locate professionals and skilled laborers among the IDP population to potential employment-based return initiatives.

In addition, international and national NGOs do not voluntarily report their programme activities to the International Council of Voluntary Agencies, creating yet another information gap. IDPs often call looking for information about programmes or legal services, but often they don't know where to turn.

Serbia's Commissariat for Refugees is planning to open five information centres across Serbia, which will also be open to IDPs, by the end of May, 2002. Still, such a centre will not include information about NGO activities.

In order to compile findings about information services to IDPs, OCHA gathered information from relevant UN agencies and involved NGOs, and assessed that generally there is a lack of coordination and effort in this sector.

Currently, *the following information services are available to IDPs:*

- *Focus Kosovo* published bimonthly by UNMIK Division of Public Information, reporting on Kosovo's daily affairs;
- *Most*, published monthly by Department for Non-Resident Affairs (initiated by UNMIK), with the aim to inform about Kosovo-related issues those currently residing outside of Kosovo;
- *Ad hoc* leaflets aimed at informing IDPs on particular topics, such as a HPD leaflet on the conditions for filing property claims, or the UNMIK/KFOR/OSCE leaflet *Okvir za povratak* ('Framework for Return') on the issues related to return such as the Constitutional Framework, security, the missing and property issues.

National NGOs' efforts to provide information on issues of relevance to IDPs are limited to a few publications including *Informativni bilten* ('Information Bulletin') prepared and issued monthly by HUMANA (financially supported by ECHO, DRC and IRD) and a number of regional publications such as *Informator* or *Vrela* in Montenegro. A bi-weekly magazine entitled *Pravi Odgovor* (*The Right Answer*), is a more professional endeavor as it is published by journalists under the auspices of the national NGO Centre for Information Support and partly financed by UNHCR. The magazine focuses on a wide range of refugee and IDP issues and is not limited to IDPs from Kosovo.

These means of information services to IDPs are usually limited by a small number of copies printed and distributed to a small number of IDPs.

Other means of information activities aimed at IDPs:

- UNHCR organizes 'go and see' visits to selected potential return areas only.
- UNHCR also organizes 'go and inform' visits, whereby officials from Kosovo come to FRY and talk to IDPs directly.
- UNMIK production of TV coverage on different themes is useful, but gaps are noted between offered themes and the priority concerns of IDPs. Another impediment is very limited TV broadcasting.
- A number of shows on electronic media focus attention on IDPs, including: *Putokaz* on B92 (Sundays at 9:30); *Raskrsce Zivota* ('Life Crossroad') on Radio Novosti (Sundays, 9-10), and *Povratak* ('Return') on RTS 1 (Sundays at 11:00). In Montenegro radio 'Svetigora has special programmes for refugees and IDPs.

Expectations are that UNMIK/ORC and the FRY Government/Coordination Centre for Kosovo will take a more active role in identifying and coordinating the information sector aimed at IDPs upon finalisation of the two-year return strategy." (UN OCHA 26 April 2002, pp. 27-28)

"UNHCR and UNMIK have formed a joint Document and Information Working Group which met on July 30 and 31 in Podgorica and Belgrade respectively. A document Information Framework was endorsed by the Working Group. A separate Working Group exists in Prishtina, which is also supposed to adopt the document. Findings include the now well-established fact that information for IDPs does not reach the target groups and that a general lack of coordination mechanisms has lead to an enormous duplication of effort as many agencies are searching translating identical pieces of information. As a result of the first meeting, UNHCR and UNMIK will intensify PI work in and Serbian/Montenegrin media, UNOCHA will

produce a Who's Who of organizations which are active in the field of return information, agencies will make use of this bulletin for information sharing, UNHCR will look into creating a new website that will contain information relevant to IDPs, UNMIK will continue its policy to bring Serb journalists to Kosovo and ethnic-Albanian journalists to Serbia to increase the information flow." (UN OCHA 23 August 2002)

"OCHA's contribution to information efforts is the regular IDP Bulletin (three bulletins have been issued since July 2002) offering information on new and ongoing IDP related activities. The bulletin is distributed in English, Serbian and Albanian language to IDP communities and associations in Serbia, Montenegro and Kosovo and to organizations targeting IDPs in their programmes. OCHA has also committed to produce in November 2002 a Who is Who directory of all organizations offering services to IDPs." (UN OCHA 30 September 2002)

Selected information services for IDPs:

- *Kosovo Info (IAN) [Internet: <http://www.ian.org.yu/kosovo-info/eng/index.asp>]*
- *UN OCHA IDP Bulletins: see issue No. 4, 12 November 2002 [Internet]*

Relocated Courts do not provide adequate access to justice for IDPs from Kosovo (2005)

- Absence of institutional cooperation between Courts compromise recognition and enforcement of decisions
- IDPs lack reliable information about the jurisdiction of the courts in Kosovo and Serbia and Montenegro
- In the relocated courts, IDPs are often misled and incur expenses for adjudications that cannot be enforced in Kosovo

"A specific problem, related to the realisation of the rights of displaced persons to equality before the law, concerns the possibility of access to the judicial system, and it results from the unclear situation concerning the jurisdiction of the courts in settling disputed issues, as well as from the difficulty implementing court adjudications. The courts in the territory of the State Union and the courts of Kosovo are parts of two completely independent judicial systems, which have both failed to establish any permanent or institutionalised cooperation in any area including therefore, the areas of respect, recognition and mutual enforcement of valid court adjudications. This means that there are no guarantees that any adjudication of the courts from the territory of Serbia or Montenegro will be acknowledged and enforced in the territory of Kosovo irrespective of the nature of the legal problem. The institution of the rule of law, which, first of all, implies equal access to the judiciary by the members of ethnic minorities, is one of eight indicators of the democratisation of Kosovo society that the UNMIK administration has defined as the criteria which must be fulfilled prior to the final resolution of the status of Kosovo. However, this criterion has not been fulfilled for the time being. Not even five years after the establishment of the mandate of the UN administration in Kosovo, have the authorities of Serbia (or the State Union) and the international administration in Kosovo reached an agreement on at least temporary and limited judicial cooperation and exchange of information that would help the IDPs learn quicker and more fully all the data required by them in order to realise their rights before the judicial organs of Serbia and Montenegro, as well as of Kosovo.

Where concerns the delimitation of the actual jurisdictions of the courts, the IDPs do not have reliable information about the jurisdiction of the courts in Kosovo, or in Serbia and Montenegro, concerning certain legal problems. Absence of clear rules on the delimitation of jurisdictions gives rise to a serious legal precariousness and infringement of the rights of IDPs related to their access to the judicial system. The practice followed by the courts from Kosovo, when it concerns the recognition and enforcement of court judgements brought by courts in the territory of Serbia (including the relocated courts from Kosovo), is

completely arbitrary and differs from one court to another. According to experiences so far, Kosovo courts provide at most a limited recognition and enforcement of adjudications of courts from the territory of Serbia to status issues only, such as the procedures of determining legal capacity and business capacity, declarations presuming the death of missing persons and proving death for the purpose of enforcement of property inheritance rights. Actually, the courts in Kosovo carry out the procedure of “recognition and enforcement of court adjudications” by the courts from Serbia in such a way that they practically make their own judgement including the operative part and the wording of the adjudication of the Serbian court. Recognition of the adjudications of the courts from Serbia on matters of status is not a rule that applies to the entire territory of Kosovo; it varies from one court to another, which intensifies legal precariousness. The adjudications of the courts in Serbia that are not related to status, but to property issues (the status of immovables, damage compensation) are not, as a rule, enforced in Kosovo. Most often, the displaced persons are not familiar with such practice of the courts in Kosovo and they initiate proceedings in Serbia, mainly before the relocated courts, while the resulting adjudications are not recognised by the courts in Kosovo who refuse to enforce them.

The Republic of Serbia does not, as yet, have a clearly defined attitude towards the relocated courts from Kosovo. The Law on the Seats and Jurisdictions of the Courts and Public Prosecutors’ Offices of the Republic of Serbia lists the courts of general jurisdiction from Kosovo (municipal and district courts), public prosecution services as well as specialised courts (Commercial Court in Priština), although all these courts have been relocated from Kosovo and have very limited jurisdictions (mainly of the first instance), compared to the other courts the jurisdiction of which is provided for by the Law on Courts. Such a situation in the judiciary causes constant distrust of IDPs in the judicial system, and represents a potential source of corruption, capriciousness, and arbitrariness.

The relocated courts from Kosovo charge displaced persons high taxes even for the conduct of proceedings in which adjudications will be ruled that are not recognised by the Kosovo courts. Displaced persons are thereby misled and incur expenses for adjudications that cannot be enforced in Kosovo. Even in the territory of municipalities with a particularly high number of IDPs, the municipal legal aid services, in cooperation with the relocated courts are not able to provide information to the displaced persons, about the method of recognition and enforcement of court adjudications in Kosovo, the method of authentication of documents, jurisdictions of the relocated courts or the like. The municipal legal aid services are not professionally, technically or materially ready to respond to the specific requirements of the displaced persons, when it comes to the provision of legal aid for the realisation of their rights before the courts in Kosovo and even in Serbia. One of the fundamental rights, which should be guaranteed to all without discrimination, is the right to free access to the judiciary, and that right is significantly limited when it comes to IDPs by the fact that, as opposed to the refugees, they are not exempted from paying the costs of a lawsuit (“pauper right”) simply on the basis of the fact that they have the status of internally displaced persons. The refugees are entitled to exemption from paying the costs of lawsuits merely on the basis of the refugee identity cards.” (Group 484, April 2005, pp.61-62)

Right to vote of IDPs varies depending on the Republic they live in (2004)

- In the Republic of Serbia, IDPs generally have access to the voting process
- Criteria for permanent residence in Montenegro severely limits IDPs access to vote
- Voters registered in Kosovo were eligible to participate in elections in Serbia
- The voting rights of displaced persons in Serbia and Montenegro have been primarily contingent upon being allowed to register as absentee voters, or as voters in their place of temporary residence
- IDPs’ electoral participation is usually constrained by difficulties in obtaining identity documentation required for electoral registration

“The ability of IDPs in Serbia and Montenegro as well as in Kosovo to exercise their voting rights varies depending on where they are displaced. In the Republic of Serbia, displaced persons generally have access to the voting process, as they are able to cast their ballots in their places of current residence. Persons displaced to the Republic of Montenegro, however, cannot vote in elections in Serbia, as there are no provisions for absentee voting; nor can they vote in Montenegro, unless they have been registered as a permanent resident for a minimum of 24 months, which IDPs are unable to do. Effectively, then, IDPs in Montenegro are largely disenfranchised. (...)

Numerous elections, at various administrative levels, have been held in Serbia and Montenegro since 1999. These have included federal elections as well as separate elections in the Republic of Serbia and the Republic of Montenegro. Moreover, due to a provision in the electoral laws declaring invalid any elections with a voter turnout of less than 50 percent, a particularly large number of presidential elections were held in the Republic of Serbia as well as in the Republic of Montenegro, until this provision was repealed in both republics in advance of presidential elections in 2004 and 2003 respectively.

Voters registered in Kosovo were eligible to participate in elections in the Republic of Serbia. In addition, separate elections were organized in Kosovo by the OSCE on behalf of UNMIK. Persons displaced from Kosovo, meanwhile, have only in 2003 been allowed to de-register from their places of permanent residence in Kosovo to establish permanent residence in other municipalities within Serbia and Montenegro.³²⁹ As such, their voting rights in both the Republic of Serbia and the Republic of Montenegro have been primarily contingent upon being allowed to register as absentee voters, or as voters in their place of temporary residence.

In general terms, IDPs’ electoral participation is constrained by the obstacles they frequently experience in obtaining identity documents, which are prerequisites for electoral registration. According to the Norwegian Refugee Council (NRC), “complicated, time-consuming and costly procedures prevent many IDPs from obtaining documents necessary to gain access to social services and benefits, and to exercise their political rights.”³³⁰ Applications for identity documents cannot be made in a place of temporary residence, which presents particular complications for IDPs for whom it is unsafe to return to their area of origin.³³¹ These problems are particularly acute for displaced Roma, many of whom have never been officially registered. Figures quoted by the NRC in fact suggest that more than 50 percent of Roma do not possess identity documents.

Republic of Serbia

Republic of Serbia Parliamentary Election, 23 December 2000: According to the OSCE, this election “was conducted well and largely in line with commitments outlined in the 1990 OSCE Copenhagen Document for Democratic Elections.”³³⁶ Voters had to cast their ballots in person at polling stations inside Serbia – this meant that IDPs within Serbia were entitled to register as electors in their place of temporary residence.³³⁷ However, Kosovar IDPs displaced to and temporarily resident in Montenegro were disenfranchised,³³⁸ as the security situation did not allow them to return to Kosovo on polling day and the Republic Election Commission had rejected requests to establish polling stations in Montenegro for them.³³⁹ The OSCE accordingly recommended that the electoral legislation be amended to protect the voting rights of citizens outside of the Republic of Serbia.³⁴⁰

Republic of Serbia Presidential Elections, 29 September and 13 October 2002 and Repeat Presidential Election, 8 December 2002:

Although the OSCE confirmed the overall procedural integrity and democratic credentials of these elections, a low voter turnout meant that they did not lead to the inauguration of a new president.³⁴¹ In terms of voting arrangements, IDPs displaced to Montenegro, who continued to be registered as permanently resident in Kosovo, were again unable to cast their ballot as they were required to cast their ballot in their place of permanent residence.³⁴² IDPs displaced from Kosovo to other parts of Serbia, however, could vote in their places of temporary residence inside Serbia.³⁴³ In its recommendations, the OSCE called for the introduction of legal provisions enabling absentee voting.³⁴⁴

The OSCE also drew attention to weaknesses in electoral registration and noted that in approximately 20 percent of polling stations visited, voter records were incomplete.³⁴⁵ It reported that IDPs were among the groups most seriously concerned by such inaccuracies, and recommended the establishment of a central voter registration body.³⁴⁶

Republic of Serbia Presidential Election, 16 November 2003: According to the OSCE, as in previous elections, voters cast their ballots in polling stations located in their places of registered permanent residence. The OSCE again recommended instituting provisions to enable absentee voting and introducing a central and unified voter register for the entire country.³⁴⁷ However, it remained the case that an exception was made for displaced voters inside Serbia who were allowed to vote in their temporary place of residence.³⁴⁸ Due to low turnout, this election failed to result in the inauguration of a new president.

Republic of Serbia Parliamentary Election, 28 December 2003: With respect to this election, the OSCE concluded that “[i]nternational and domestic non-partisan observers were generally satisfied with the polling procedures, although some minor irregularities were recorded.”(...) However, it remained the case that citizens were only eligible to vote in person in the place where they had registered their permanent residence. The OSCE recalled that it had urged amendment of this provision and again recommended the introduction of provisions for absentee voting. (...) It also reiterated its long-standing recommendation that a single unified voter registration system be introduced. (...) With respect to Roma voters, the OSCE noted that their turnout rate was low relative to their percentage of the electorate, including in areas where Roma represented the dominant ethnic group. According to the OSCE, the reasons for this result might include a lack of voter information provided to Roma voters, or be indicative of their unresolved residency status or insufficient access to identification documents. (...)

Republic of Serbia Presidential Election, 13 June 2004: The OSCE concluded that this most recent election in Serbia was of acceptable standard overall.(...) Prior to polling day, electoral laws had been changed to remove the 50 percent minimum turnout requirement that had made valid presidential elections so rare in the past. Furthermore, absentee voting was now available for large sections of previously disenfranchised voters. The OSCE, however, explicitly pointed out that this change did not apply to eligible voters in the Republic of Montenegro, including IDPs from Kosovo. They still had to vote in their places of permanent residence and therefore remained disenfranchised.(...) The OSCE again recommended legal changes to enfranchise this group.(...)

In addition, the OSCE again drew attention to the difficulties experienced by Roma voters, and particularly Roma IDPs, in participating in this election. While the exact number of this electoral group was unknown, it was noted that their participation was constrained by lack of access to the necessary identification documents.³⁵⁶ In addition, as in previous elections, the OSCE again called for the establishment of a unified voter register.(...)

Republic of Montenegro

Podgorica and Herceg Novi (Republic of Montenegro) Early Municipal Elections, 11 June 2000: According to the OSCE, these elections were “well conducted and generally in line with OSCE commitments.”(...) In order to be able to vote in a particular municipality, voters had to have resided there for at least twelve months prior to polling day and had to have been permanent residents of the Republic of Montenegro for at least 24 months prior to election day. (...) The latter requirement had been increased from 12 to 24 months with the adoption of a new citizenship law in 1999 and clearly excluded persons who had recently been displaced to Montenegro. According to the OSCE, “inter alia, the motivation for this change appears to be to prevent an influx of FRY [Federal Republic of Yugoslavia] citizens previously resident in other parts of the Federation, including internally displaced persons, from qualifying as voters and thereby potentially upsetting the political balance in what is a small electorate.” (...) While the OSCE reported that the changes in effect only disenfranchised a small number of voters who could have otherwise voted, it nevertheless recommended that the Government adopt provisions guaranteeing that no person would lose their right to vote as a result of these changes. (...)

Republic of Montenegro Parliamentary Election, 22 April 2001: While the OSCE determined that this met international election standards generally, concerns were expressed about voter eligibility as, in order to be able to vote, voters had to be registered as permanent residents of Montenegro for 24 months prior to the election. (...) Although there was no explicit mention of displaced voters, it seems probable that this provision would have affected their right to vote, especially as IDPs were unable to de-register from Kosovo to establish permanent residence in the Republic of Montenegro. In addition, the OSCE reported numerous concerns with the voter register, in particular with regard to the procedure to reinstate persons who had wrongly been omitted. (...)

Republic of Montenegro Municipal Elections, 15 May 2002: For these elections, the OSCE noted that “[t]he accuracy of voter registers has continued to improve, but errors still exist in spite of the significant efforts undertaken during the past year to remove inaccuracies.” (...) Moreover, as in previous elections, displaced voters from Kosovo were unable to register permanent residency in the Republic of Montenegro and were therefore unable to vote.

Republic of Montenegro Early Parliamentary Election, 20 October 2002: For this election, the OSCE noted that “[m]ost of the few deficiencies identified in earlier OSCE/ODIHR [Election Observation Mission] reports have now been remedied.” (...) However, this was not the case in the conclusions most directly affecting IDPs. In order to be eligible to vote, it remained the case that citizens had to have been permanent residents of Montenegro for 24 months prior to Election Day. (...) However, it remained the case that displaced voters could not meet this requirement since they were unable to de-register their permanent residence in Kosovo.

Republic of Montenegro Presidential Elections, 22 December 2002 and 9 February 2003: The requirement that voters had to be registered as permanent residents of Montenegro for 24 months prior to the election, a provision IDPs from Kosovo could not satisfy, remained in force for these elections. Peculiarly, however, the residency requirement for running for president was only 12 months, meaning that persons not entitled to vote might theoretically have become presidential candidates.(...) In the end, both rounds of this election did not achieve the required 50 percent minimum turnout figure and therefore did not end with the election of a new president.

Republic of Montenegro Presidential Election, 11 May 2003: Due to the removal of the 50 percent minimum turnout requirement, Montenegro succeeded in electing a new president in 2003.(...) According to the OSCE, this election marked further significant progress in the overall quality of elections in Montenegro.(...) In particular, the OSCE reported that “the authorities have undertaken a systematic effort to produce accurate and transparent voter registers, which now generally enjoy the confidence of political parties.”(...) However, as in previous elections, citizens were only entitled to electoral participation if they had been permanent residents of Montenegro for 24 months prior to the election – a provision which continued to be problematic for IDPs. (...)” (Brookings, 5 November 2004)

Kosovo

Minorities face lack of access to labour markets in public and private sectors (2002-2003)

“The problems with freedom of movement have (...) impacted on the ability of minorities to engage in income generating activities. Apart from an unemployment rate of over 50 percent, access to work places is difficult and risky for minorities, while many owners and/or users of agricultural land are prevented from working on it. (...) These constraints significantly prevent many families from meeting basic subsistence needs.” (UNHCR, March 2005)

“The persistent lack of economic opportunities continues to plague all Kosovo population and particularly affects vulnerable minority communities – this seriously undermines the sustainability of both residents and new arrivals (organised or spontaneous returns). UNMIK estimates unemployment at 60% among Albanians and 95% for minorities. Future prospects for economic growth and development are largely dependent on foreign investment and the successful privatisation of state and publicly owned property.” (UNHCR, 15 September 2004)

“At the same time, Serbian and Roma villages in particular are mainly closed off to the local markets and trade. Often, the people living in these villages are not able to work their land if it is not located in the immediate vicinity of their houses due to security concerns or because it is now occupied and being worked by Albanian neighbours. Even if they are able to work, these people are rarely able to sell their agricultural products on the local market. Theft of livestock and agricultural equipment is a common occurrence, while in forested areas trees are cut down on a massive scale and the soil of pastures is dug up by often heavily armed individuals in search of sand. Most of the victims are helpless to stop such actions and often do not dare to call the police. Even if they do, the chances of such cases being processed and resolved are very low, which only enhances the heightened sense of insecurity of certain parts of the local minority population.” (Ombudsperson, 11 July 2005)

A recommendation of the previous Assessment was the promotion of affirmative action policies in minority hiring practices by the Ministry of Public Services. In late June 2002, an affirmative action programme for the civil service, “Community Proportional Representation,” which was developed by the Advisory Office on Equal Opportunity and Gender within the Office of the Prime Minister, was approved in principle by the SRSG, the Office of the Prime Minister and the ABC. The programme proposes that ‘representational ranges’ should be established for each community to ensure equal access to public sector employment. When calculated, the ‘representational ranges’ establish the acceptable minimum and maximum percentage of civil service employees for each minority community present within the municipality. Utilising these ranges as a guideline, the programme is designed to trigger internal monitoring mechanisms when hiring levels of a minority community either fail to meet the minimum or exceed the maximum established by the ‘representational range’. Obtaining data to determine the ‘representational ranges’, which are acceptable to all communities, however, has proven to be difficult. This situation has contributed to the stalling of the implementation of the programme. Therefore, despite strong central-level support and recognition of the problem, no affirmative action programme is functioning within the PISG.

However, progress toward this end has been made recently through the enactment of Administrative Direction No. 2003/02 implementing UNMIK Regulation 2001/36 on the Kosovo Civil Service. Regulation 2001/36 provides the necessary legal framework to prohibit discrimination by or within the civil service, and the Administrative Direction enables the implementation of Community Proportional Representation. It establishes recruitment procedures and terms of employment, as well as a civil service code of conduct and rules for disciplinary proceedings against civil servants. The Administrative Direction is a large step in promoting equal access to employment for members of minority communities within the public sector. The compliance with guidelines regarding minority employment within the civil service, has increased in some structures of the PISG, such as the MEST (27%) and the Office of the Prime Minister (16.5%). Others, such as the Ministry of Finance and Economy (0% minority staff; 28 of 57 positions filled), are still far from the threshold set in UNMIK Regulation 2001/19 for the minimum acceptable level of minority employment at the central level. The Office of Community Affairs (OCA), operating under UNMIK Pillar II on Civil Administration, notes that out of the 3,775 employees of the PISG, only 199 employees are of Kosovo Serb origin, 80 of Bosniak/Muslim Slav origin, 47 are Kosovo Turk and 22 are from Kosovo RAE communities and seven (7) employees are from other ethnic groups. These figures constitute an unsatisfactory participation rate of minority community members in the public employment sector at the central level. They show that there is little evidence that every Ministry, including the pivotal Ministry of Public Services, has heeded the Prime Minister’s recommendation in 2002 to implement the ‘Community Proportional Representation’ programme, or that measures have been implemented to ensure equal access to employment within municipal administrations.

Although some returning minority community members have found employment within the public sector, security considerations and subsequent restrictions on freedom of movement limits their employment opportunities within both the public sector and, particularly, the private sector. Kosovo Serbs, therefore, have overwhelmingly returned to rural or semi-rural environments where they can do subsistence farming or agriculture, contingent to access to farmland. Those who have found employment did so mostly within the public sector, such as in the local ambulanta, the local school, KPS, UNMIK or through income-generating projects supported by the international community, all of which within the safe parameters of their community or village. In contrast, the Kosovo Roma, Ashkaelia and Egyptian returnees have in many cases returned to urban or semi-urban areas, mostly resorting to their pre-conflict employment sectors, such as in construction and trade. However, neither returnees from these three minority communities, nor Kosovo Serbs have been able to return to publicly-owned enterprises." (UNHCR/OSCE, March 2003, pp. 37-39)

Despite progress minority representation in civil service remains unsatisfactory (2005)

- Minority employment is rising in the civil service, but the overall level remains below the target
- Efforts by the Kosovo Protection Corps to reach required level of minority staff is hampered by Kosovo Serbs reluctance to apply
- Minority communities' employment in the public sector is 55% of the stipulated minimum level
- Minorities continue to be underrepresented, particularly at senior level
- Belgrade-sponsored parallel administrative structures are common in most mixed and ethnically Serb communities

"[M]inority employment is rising in central Provisional Institutions amidst expanded recruitment activity, although the overall level remains below the target. In addition, Kosovo Serbs and other minorities are present in municipal institutions.

Minority community members participating in the Government increased to four (Kosovo Serb and Bosniak Ministers and Kosovo Egyptian and Turk Deputy Ministers). Three further positions (Minister, Deputy Minister and Assembly Presidency) reserved for Kosovo Serbs await nominations from Kosovo Serb political parties. (...)

Municipal minority employment increased: 15 (of 27) met or exceeded their targets; 5 exceeded 70% of target. The railway (15%), water-irrigation (18%), and waste (24%) utilities remained multi-ethnic. The Government initiated a Special Recruitment Campaign (*priority*) that reserves and advertises for minorities 103 central institution positions. (...)

Minority employment in the central institutions was 10.2% (up from 9.6%; 7% of senior positions); the target is 16.6%. The Special Recruitment Campaign needs to succeed (*priority*). Minorities need to be fully integrated across institutions, policy issues and seniorities. More effort is needed by municipalities that have not met their targets, particularly the seven that remain below 70% of target, and by all municipalities with regard to senior-level employment (negligible). More effort is needed by the Banking and Payments Authority (BPK) and some utilities: District Heating (12%), KEK (less than 1.5%), PTK (4%) and the airport (1.8%). Subcomponent budget plans (*priority*) and a Government mechanism for monitoring fair share financing are still needed. (...)

Minority communities were 10.5% of judges and 9.4% of prosecutors. Women were 26.5% and 16.5% respectively. Kosovo Serbs remained underrepresented (5.2% and 2.3%; *priority*). Despite vigorous outreach efforts, including a meeting with the President of the Supreme Court of Serbia to seek encouragement to qualified Kosovo Serb judges and prosecutors, only 4 of 200 applicants were Kosovo

Serbs. Factors discouraging applications include accrued pension and benefit rights in Serbia. (SG, 23 May 2005, par. 2, 5,12, 26)

“The Kosovo Protection Corps (KPC) continued to operate as a civil emergency organization and to perform its mandated tasks well, particularly de-mining, search and rescue, firefighting, humanitarian activities and emergency interventions. Efforts by KPC to fulfil the most challenging element of the standard – recruitment and retention of minority community members - have been hampered by pressure on interested Kosovo Serbs from their own communities. Authorities in Belgrade continued to reject the legitimacy of KPC as an institution and Kosovo Serb participation in it. My Special Representative has asked the Provisional Institutions to better coordinate Kosovo’s emergency services so as to close gaps, eliminate duplication and husband scarce resources. He has also assessed that the Provisional Institutions and the international community have expressed growing confidence in KPC, and has identified further political, material and financial needs for its development. (...)

Participation by minority communities (a priority) increased slightly: 26 members of minority communities were recruited over the quarter (18 Serb, 2 Bosniac, 2 Croat, 2 Ashkali, 2 Turk). Of the 3,024 active KPC members, 157 are from minority communities (33 Ashkali, 17 Bosniac, 8 Egyptian, 1 Goran, 9 Croat, 14 Muslim, 2 Roma, 43 Serb and 30 Turk). A joint KPC/KFOR team conducted a survey of how best to recruit and retain minority community members. (...)

Minority communities’ participation in KPC (a priority) is 5.2 per cent against a target of 10 per cent. The KPC/KFOR team reported that Kosovo Serbs experienced intense pressure from their communities not to join KPC resulting from Belgrade’s rejection of the legitimacy of KPC and of Kosovo Serb participation in it. Eleven Serbs were dismissed over the reporting period for non-attendance. More needs to be done, including by members of their own communities, to support minority members who join KPC, especially Serbs.

Minority communities’ employment in the public sector is 55 per cent of the stipulated minimum level. Direct dialogue between Belgrade and Pristina and the local participation of Kosovo serbs are blocked by Belgrade’s refusal to engage. (...)

Returnees need to be able to compete in the economy and jobs market (a priority) without discrimination or limitations based on freedom of movement. Private sector figures for minority employment are likely to be lower than the 9 per cent (6.2 per cent at decision-making levels) in the public sector. The Government needs to endorse regulations and administrative directions to implement the antidiscrimination law, and to ensure that the law provides effective protection, remedies and sanctions against discrimination (all priorities).” (SG, 14 February 2005)

“Minority employment in the civil service at the central and municipal levels remains unsatisfactory. Kosovo minority community members still constitute less than 10 per cent of the civil servants employed within the structures of the Provisional Institutions at the central level, close to their proportion of the population but far short of the 18 per cent representation target. The greatest disparity persists in senior level positions, less than 2 per cent of minority civil servants holding such positions. Kosovo Serbs constitute on average 12 per cent and non-Serb minorities 3.3 per cent of all municipal employees. The Ministry of Public Services has not, as yet, issued an administrative instruction outlining affirmative action provisions. Despite an outreach programme initiated by the Office of the Prime Minister and the subsequent dramatic increase in the number of applications, no significant increase in the number of minority staff has been observed, mainly because most applicants withdrew their applications and, of those selected, none accepted the post. Feedback from applicants indicates that the main reason for their withdrawal/non-acceptance is allegedly the higher remuneration and long-term job security offered by parallel structures operating in Kosovo.” (UNSC 15 October 2003, para. 13)

“Belgrade-sponsored parallel administrative structures continued to operate in many parts of Kosovo, and are common in most mixed and ethnically Serb municipalities. Kosovo Serbs continue to be employed in

parallel structures through the satellite offices of Serbian utility and communications providers, the Serbian health, education and judicial systems, civil registration offices, and other official bodies. Parallel administrative structures at the municipal level have also recently emerged. In addition, Kosovo Serbs employed by the Provisional Institutions often receive a second salary from Belgrade.“ (UNSC 15 October 2003, para. 12)

Access to justice for minority members is affected by limited freedom of movement, functional problems of the judiciary and lack of trust in Kosovo institutions (2005)

- Kosovo courts are faced with an insufficient number of judges, significant backlog of cases, and lengthy procedures
- Low salary level of judges facilitates corruption
- Representation of minority members in the judiciary is limited by pressure from Belgrade and low salaries and benefits
- Minority communities' lack of trust in Kosovo Courts causes them to turn to parallel courts
- Parallel courts and Kosovo Courts do not recognise and implement each other's decisions, which hampers access to legal remedies
- Restricted freedom of movement limits access to Kosovo Courts
- Opening of two Court liaison offices in majority Serb areas to facilitate their access to Court
- Suspension by UNMIK of the processing of claims related to March 2004 damages mostly affect members of minority groups
- On the contrary suspension of prescription period for certain cases would benefit members of minority groups who could not claim for compensation within the deadlines for security reasons

“Another problem that continues to jeopardise the independence and efficiency of the Kosovo judicial system is the very low level of salaries received by the local judges and prosecutors, as it makes it difficult for them to resist various forms of pressure exercised by parties to the proceedings and others interested in the outcome of certain cases. The frequency with which people now complain about corrupt judges in Kosovo is alarming enough to consider this matter as a serious problem. (...)

Many courts all over Kosovo continue to suffer from a constantly growing caseload while the number of judges still appears to be disproportionately low. This is not true for all courts – during discussions with the Presidents of Municipal Courts and District Courts in Kosovo, some were stressing that certain courts did not have enough cases to keep them busy, while others seemed to suffer from the opposite problem. One positive aspect of this issue is the fact that during this reporting period, the processing of administrative cases before the Supreme Court of Kosovo improved significantly compared to the past. (...)

One problem that has so far still not been addressed by the competent international structures is, however, the continuous lack of an effective legal remedy to obtain compensation or other forms of redress for excessively long court proceedings.

Another issue that has not changed much since the last annual report is the fact that, for various reasons, members of minority communities are still not sufficiently represented in the judiciary. In a Report submitted by UNMIK to the Council of Europe on 2 June 2005 in fulfillment of UNMIK's obligations under the European Framework Convention for the Protection of National Minorities, the total number of ethnic non-majority communities serving in the judiciary was noted to be 10.5%, among prosecutors it is 9,4%. Only 5.2% of judges and 2.3% of prosecutors are Kosovo Serbs. According to the above report, the recruitment of judges and prosecutors from minority groups is seriously compromised by poor salaries, benefits and working conditions, along with a very limited pool of eligible candidates. With regard to Kosovo Serb judges and prosecutors, accrued pensions and benefit rights in Serbia proper appear to

discourage them from applying for posts in courts established by UNMIK. Among court staff, the above-mentioned under-representation of minority communities is described as being even worse, with only 4.4% of all court staff in Kosovo being from minority groups.

At the same time, Serbian parallel courts, administrated and remunerated by the Serbian Ministry of Justice and located in Serbia proper or in Serbian enclaves on the territory of Kosovo, continue to operate as if UNMIK did not exist. Just as their decisions and judgments are not accepted by UNMIK structures, Kosovo courts established by UNMIK are in turn not accepted by the parallel courts and administrative offices, or by the regular courts or administrative offices in Serbia proper. The victims of such a situation are, as usual, the inhabitants of Kosovo, in particular those belonging to the Serbian and Roma minority communities.

According to the above 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. Other factors such as a lack of legal representation, mostly due to insufficient funds on the side of the clients and a reluctance to represent minority claimants, place minority groups at a serious disadvantage, discouraging their participation and undermining their faith in the justice system. These findings reflect very much the conclusions reached by the Ombudsperson following complaints and discussions with members of minority communities.

The above problems and obstacles, coupled with more general doubt as to the legitimacy of UNMIK as a whole, causes many members of minority communities, in particular those of Serbian and Roma origin, to favour parallel courts. There are also practical aspects to this, such as an easier accessibility and the fact that the judges all speak Serbian.

As the Director of the UNMIK Department of Justice put it in an interview for a local newspaper in June 2005 – the better UNMIK and the Kosovo judicial system work, the smaller the need for a parallel system. But unfortunately, we are not there yet. A recent example in which UNMIK tried to improve this situation was the opening of a branch of the Municipal Court in Pristina in the Serbian enclave of Gracanica/Graçanicë in December 2004. In the end of May 2005, following delays occasioned by irregularities in the staffing procedures, institutional conflict between the Municipal Court and the Department of Judicial Administration and the death of a senior judge of minority ethnicity at the Municipal Court, this department of the Municipal Court eventually took up its work, complete with administrative staff and an on-call judge and public prosecutor. At the end of the reporting period, however, there was still no telephone line and the only way to reach the court was by calling the mobile telephone of one of the security guards.

The biggest problem faced by this branch of the Pristina Municipal Court in Gracanica/ Graçanicë is the fact that it may not issue decisions and may not execute judgments. Its only function so far is to accept cases, collect them and then send them on the Municipal Court in Pristina.

It does, however, help certain members of the Serbian community access the Municipal Court in Pristina. In general, access to courts is most difficult for members of the Serbian and Roma community, which are considered the least-integrated parts of Kosovan society. The accessibility of courts varies from municipality to municipality – according to information received from UNMIK in May 2005, members of the Serbian and Roma minority communities living in mainly Albanian-dominated areas 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/Kacanik in south-eastern Kosovo, areas where the 1999 conflict raged relentlessly and memories of it are still fresh, they only access courts with international escorts. The same applies to some extent to ethnic Albanians wishing to access the Mitrovica courts located in the northern, Serbian-dominated part of town, who can only reach this court through a shuttle bus organised by UNMIK that drives back and forth between the

northern and southern parts of this divided town. In areas where a minority ethnic group lives surrounded by a majority of another ethnic group, such as Serbs in a number of areas throughout Kosovo and Albanians in and around Northern Mitrovica, members of the minority community also do not dare to bring cases to court regarding members of the majority community for fear of retaliation.

But even if people of minority groups are able to access courts, there are sometimes other obstacles to an efficient administration of justice in their cases. With regard to certain compensation claims submitted to courts in Kosovo by mostly Serbian claimants with regard to damages caused after KFOR entered Kosovo in 1999 or during the violent events that took place in March 2004, the respective courts were prevented from processing these cases by the UNMIK Department of Justice which, on 26 August 2004, issued a circular to all courts in Kosovo asking the judges not to schedule civil claims related to property damages after 1999 lodged by Serbian claimants until both the Department of Justice and the courts in Kosovo had determined how best to effect the processing of these cases. This request was apparently made due to the large amount of civil claims – over 14,000 – that had been lodged by ethnic Serbian claimants with regard to property damages that had taken place after NATO had entered Kosovo in 1999. Such a huge influx of claims would, according to the Department of Justice, pose problems for the courts, also from a logistical point of view, as claimants would require escorts to travel to the courts, which by itself would already necessitate significant planning and coordination. This practice was apparently also applied to claimants of Roma and Ashkali ethnicity.

At the same time, however, there appear to be plans on the side of UNMIK to suspend the prescription periods for claims submitted to courts by members of certain minority ethnicities immediately after the armed conflict in 1999, which could not be processed due to the fact that first, certain courts were not yet operational at the time and later, the claimants continued to have problems accessing courts. A regulation has been drafted to this end, which has been sent to the UN headquarters in New York for approval.

While there is the possibility that a large amount of lawsuits filed within a short time and the other circumstantial obstacles mentioned in the circular could hamper the administration of justice, such a situation does not dispense the competent authorities from the obligation to provide access to court and to court decisions. At the same time, there does not appear to be any merit in treating all of the above cases in the same manner. Certain judges complained that if it had not been for the above circular, some cases, in particular those involving what happened in March 2004, where due to the availability of witnesses and the fact that not much time had passed since would make it easier to undertake an accurate assessment of the damages, would already have been resolved. The fact that the normal processing of such cases has now been suspended for such a long time by a circular issued by the Department of Justice, leaving no room for the judges' individual assessment of each case, raises serious concerns regarding the claimants' right of access to court." (Ombudsperson, 11 July 2005)

"The Constitutional Framework provides for an independent judiciary; however, the local judiciary was at times subject to bias and outside influence, particularly in interethnic cases, and did not always provide due process. Legal authority is held by UNMIK under U.N. Security Council Resolution 1244. UNMIK police and justice worked with local judges and prosecutors, while maintaining executive responsibility for judicial system planning, policymaking, operations, management, administration, coordination, and monitoring. There were credible reports of corruption within the local judiciary, and allegations that courts, including the Supreme Court, deferred to the Government in some cases.

The court system includes a Supreme Court, 5 District Courts, 24 Municipal Courts, and a Commercial Court. There were 18 international judges and 8 international prosecutors who were appointed by UNMIK to handle interethnic and other sensitive cases. At year's end, there were 21,668 criminal cases unresolved in the municipal courts, and 2,371 criminal cases unresolved in the district courts.

The Government of Serbia continued to fund and manage a parallel judicial system in Serb enclaves in violation of U.N. Security Council Resolution 1244.

UNMIK, through the Organization for Security and Cooperation in Europe (OSCE), maintained several organizations to increase the professionalism of the judicial corps. The Kosovo Judicial Institute continued to train judges and prosecutors. The Judicial Inspection Unit continued to monitor judicial performance and

make recommendations on discipline and training. The Kosovo Judicial and Prosecutorial Council (KJPC) was responsible for the review of cases of judicial misconduct. Since 2001, KJPC opened 458 investigations and found some evidence of misconduct in 41 cases, resulting in 7 reprimands and 10 recommendations for removal.

The Judicial Integration Section, created by the UNMIK Department of Justice in 2003 to promote the ethnic integration of judges and prosecutors into the Kosovo legal system, continued to address access to justice problems affecting minorities, to monitor the treatment of minorities in the justice system, to address instances of discrimination, and to facilitate the integration of court support staff. A special Court Liaison Office (CLO) continued to facilitate access to justice for minority communities in the Serbian enclave of Gracanica, Pristina Municipality. The CLO enhanced access to justice by accompanying minorities to courts, filing documents with courts on behalf of minorities, and providing information regarding court access. During 2004, the CLO in Gracanica dealt with 1,656 requests for assistance. In addition, UNMIK opened a Department of the Pristina Municipal Court in Gracanica staffed by two judges to further increase minority access to the Kosovo justice system.” (USDOS, 28 February 2005)

“A comprehensive needs assessment and resource allocation are required to ensure adequate judicial protection of property rights (a priority). The civil courts are overwhelmed and their backlog of cases is increasing. In the first half of 2004, cases were received at twice the rate they were adjudicated. The criminal courts are underused: police referred six property-related criminal cases to prosecutors over the reporting period. Execution of property-related decisions remains limited: 22 per cent of cases awaiting execution were fully executed in the first half of 2004; over half the remaining cases have been awaiting execution for over a year. (...)par.62)

Local courts have continued to deal fairly and reasonably efficiently with cases related to the March violence: 348 persons have been brought before the courts for riot-related offences. Of these, 98 are under investigation, 74 are indicted awaiting trial, and cases against 176 have been completed. The bulk of these cases has been handled by the local judiciary. ” (SG, 14 February 2005)

“Further efforts are needed to improve cooperation between the police and communities, including building minority confidence in KPS. Minority communities need to be able to communicate with their local police in their own languages.” (SG, 23 May 2005)

Access to public utilities for minorities: reports of discriminatory practices (2001-2002)

- Essential services and utilities are not available to minority communities
- Unsolved disputes between companies deprive minorities in northern Mitrovica from proper access to telephone services
- Minority communities complain about arbitrary disconnections from the phone network and overestimated bills
- Similar problems have been reported regarding access to the electrical network

"Access to public services such as sewage, water, electricity and telephone service still remains as another problem for members of Kosovo's minority communities. Additionally, many minority villages have limited means of public transport, and often no post office. Further, unsanitary living conditions are a problem in some villages where there is no sewage system, and raw sewage is discharged directly into rivers. Also, public waste collection continues to be a problem in minority villages, as well as the quality of the drinking water.

There is often a problem in the areas where minority community members live in **the maintenance of telephone systems**. For example, phone lines and telephone poles are old and often in a state of decay or disrepair, and network coverage for mobile telephones is inadequate. Minority consumers are often caught in the middle of disputes between two companies operating in the same area, due to the parallel systems that exist in some areas for telephone services. In the northern part of Mitrovicë/Mitrovica region, for example, only a few Kosovo Albanian customers are connected to the Kosovar PTK system in Mitrovicë/Mitrovica south. The rest of the network, as of the end of March 2002, is covered by PTT and is therefore run by the telecommunications authority in Serbia proper. It is still unclear if, when and how minority communities living in Mitrovicë/Mitrovica north will have access to the Kosovo telephone service.

In some villages, members of minority communities complain that their phone line has been cut after receiving a warning to pay a bill that they never received. Others in such areas as Gracanica/Gracanice and Obiliq/Obilic complain of overestimated bills, arbitrary cuts in service and the lack of a transparent billing process generally.

The complaints of minority community members on electrical service are similar to those with the telephones. There are frequent complaints that the **billing procedures of KEK, the Kosovo electric company, are arbitrary and lacking in transparency**. A recurrent complaint is that because of security concerns, KEK meter-readers cannot access minority houses and flats to take meter readings. Instead, KEK uses a variety of methods of assessment of electricity consumption, depending on the municipality. For example, in Fushe Kosovë/Kosovo Polje, KEK designated three categories of charges for electrical consumption: 20 Euros for low consumption, 35 Euro for normal consumption, and 50 Euros for high consumption. This was based solely on an estimation of the size of the house or flat, not on actual consumption." (UNHCR/OSCE May 2002, paras. 87-90)

Social services barely function in minority areas (2002-2003)

- Centres for Social Work lack the ability to provide full services in minority areas

" The social services system, which was found to be barely functioning at the time of the last Assessment, continues to operate as previously with few noted changes. The Centres for Social Work (CSWs) have continued to lack the ability to provide full services in minority areas, due to the insufficient number of dedicated social protection officers for these areas and the reluctance of the social workers from majority areas to travel to minority areas. Contacts, however, between CSW staff working in majority areas and those operating in enclaves, have increased. In some cases, UNMIK Local Community Officers (LCOs) have facilitated meetings between CSW directors and social workers from enclaves to clarify queries and exchange experiences with colleagues working in the majority areas. Positive examples of co-operation between CSWs located in majority areas and those located in minority areas rely more on individual initiatives of the CSW officers rather than on a co-ordinated strategy implemented at central or local levels. In Rahovec/Orahovac, for instance, the CSW has a sub-office in the so-called 'Serb quarter'. The person in charge of that office, a Kosovo Serb, and the Director of the CSW in Rahovec/Orahovac, a Kosovo Albanian, have been colleagues for some time and meet several times a week to co-ordinate on issues. Similar co-operation exists between CSW staff working in southern and northern Mitrovicë/Mitrovica.

The role of LCOs in providing equal access to social assistance to minorities continues to be crucial. In some municipalities LCOs are still in charge of social assistance monthly payments, which is an unsustainable solution in the long-term. The OSCE received complaints from social workers operating in minority areas about the need for training in social protection issues, and requested more regular visits to sub-offices in minority areas by the municipal CSW director, which would enhance team building and information sharing mechanisms among CSW employees.

The previous Assessment discussed ensuring adequate resources for mobile outreach services. The situation has only marginally improved, with three Kosovo Albanian villages in Zvecan/Zvečan, three remote Kosovo Albanian villages in Leposavic/Leposaviq and isolated areas in northern Mitrovicë/Mitrovica continuing to be covered by the CSW located in southern Mitrovicë/Mitrovica. Visits by outreach teams to these areas are irregular resulting in Kosovo Albanians being forced to travel to southern Mitrovicë/Mitrovica to re-register for the social assistance scheme or to collect the monthly social allowance. The situation is particularly difficult for the disabled or elderly who may be unable to visit the CSW. An example where scarcity of resources is affecting the performance of the CSWs is the sub-office in Gračanica/Graçanicë, where three Kosovo Serbs employees are assigned one vehicle, consequently being unable to cover both rural and urban areas in the municipality. The situation further deteriorated with the stopping of home visits by a CSW employee to minorities living in Prishtinë/Priština, following the end of escorts by KFOR. Of particular concern is the decreased frequency of visits by CSW mobile teams to Plemetin/Plemetina village and camp. Even in Obiliq/Obilic, where the CSW Director has shown remarkable commitment to supporting minority communities, the CSW employees are reluctant to conduct regular mobile visits, alleging that Kosovo Serb and RAE communities enjoy some freedom of movement compared to a year ago and could, therefore, come themselves to the CSW.

With regard to the re-registration process for the Social Assistance Scheme (SAS), it was previously reported that minorities were effectively exempted from re-application requirements as the CSWs had not yet built capacity to ensure outreach, and minorities were unable to reach the CSW premises due to security issues. The OSCE assessed a general improvement by the CSWs in raising awareness, among beneficiaries, about re-registration requirements. A significant number of minorities appear to be aware of the re-application procedure and CSWs stated that instructions to re-apply are given to those receiving social assistance. However, concern remains over cases of homebound beneficiaries who are unable to rely on home visits by social workers, due to living in minority areas or due to their location being unknown to CSW staff. A positive example where a CSW has developed a well functioning coverage of reregistration cases is in Prizren, where minority members who are unable to visit the CSW premises are visited by mobile teams. Neither of the recommendations in the last Assessment that the Ministry of Labour and Social Welfare (MLSW) monitors the effect of the re-registration requirement or that the indirectly discriminatory practices be removed have been implemented. A development in the area of access to social welfare is the implementation of the right to use one's language in seeking access to social welfare. The MLSW is in the process of preparing a programme to ensure uniform signs for CSWs throughout Kosovo. The availability of signs in the official languages currently differs from office to office. For example, at the CSW in southern Mitrovicë/Mitrovica, signs inside and outside the building are printed in Albanian, Serbo-Croatian, and English. However, in Skenderaj/Srbica the CSW only has signs at the front in Albanian and English, while in Vushtrri/Vucitrn, the Director is reluctant to place any signs on the premises. To allow uniformity in the availability of documents in official languages, all the CSW forms are printed at the central level and then distributed to municipal CSW offices. However, in Prizren, only general informational materials are available in Turkish, and not copies of decisions and other pre-printed documents." (UNHCR/OSCE March 2003, pp. 39-41)

Very low participation of Kosovo Serbs in the Kosovo Assembly elections (2005)

- Some Serb leaders supported the boycott of the election through intimidation and implicit threats of violence and loss of social benefits against Serb voters
- Traditional social arrangements and clan loyalties played an important but unofficial role in Kosovo's social and political organisation
- The success of the parliamentary elections was undercut by the fact that the Kosovo Serbs largely boycotted them
- The low turnout among Serbs meant that there would be no directly elected Kosovo Serb representatives in the Assembly

“UNMIK and the OSCE registered approximately 1.4 million voters for the October Assembly elections. Only residents of Kosovo and those who were residents of Kosovo on January 1, 1998 were eligible to vote. All of Kosovo's ethnic communities participated in the election, although Serb participation was minimal. Some Serb leaders enforced the strategy of election boycott as a political tool in the Assembly elections through intimidation and implicit threats of violence and loss of social benefits against Serb voters, especially in the majority-Serb northern municipalities. The OSCE transferred considerable election administration authority for the first time to a locally staffed Central Election Commission, which conducted the October election while OSCE officials maintained oversight. International and domestic observers determined that the 2004 Assembly elections were generally free and fair. (...)

The nearly complete Serb boycott of the October elections left the two Kosovo Serb parties, the Serbian List for Kosovo and Metohija--successor to the Povratak Coalition--and the Citizens' Initiative of Serbia, with a combined 10 Assembly seats set aside for Serbs by the Constitutional Framework. Party affiliation played an important role in access to government services and social opportunities. Traditional social arrangements and clan loyalties also played an important, though unofficial role in Kosovo's social and political organization.

The Constitutional Framework requires that the Assembly reserve 10 seats for Serbs and 10 for members of Kosovo's other ethnic communities, but ethnic minorities were underrepresented at the municipal level. Following the October elections, there were 21 ethnic minority members in the 120-seat Assembly, including 10 Serbs and 11 members of Kosovo's other ethnic communities, including Turks, Bosniaks, Gorani, Roma, Ashkali, and Egyptians. There were three ethnic minority PISG ministers, two Serb and one Bosniak, and three deputy ministers. One Serb and one Turk held seats on the Assembly Presidency. At year's end, Serbs had not yet claimed their set-aside cabinet posts and continued to boycott the Kosovo Assembly. “ (USDOS, 28 February 2005)

“The stabilization process was demonstrated by the success of the second Kosovo-wide parliamentary elections in October 2004. The elections held under the auspices of the OSCE and closely monitored by international and domestic observers were assessed by all sides to have been free and fair. However, the success of the elections was undercut by the fact that Kosovo Serbs largely boycotted the elections, as recommended by the government in Belgrade, allegedly in response to the March 2004 violence against Kosovo Serbs. A minimal number of some 0.2% of local Serbs nevertheless participated and on this basis two participating Serb coalitions were allocated the proportional number of the granted minimal quota of 10 seats reserved for Serbs irrespective of their participation. The elections resulted in the prompt formation of a new Kosovo parliament and the election of a president and government that eventually also included a Serb minister. In its first 100 days the new government was effective in implementing international standards for Kosovo, especially in the area of providing for multi-ethnicity and security of Serbs and minorities.” (IHF, 25 May 2005)

Kosovo Serb participation in the Assembly elections was negligible. There were conflicting signals from Belgrade regarding whether the Kosovo Serbs should go to the polls. Prime Minister Vojislav Kostunica, speaking on behalf of the Serbian Government, and Serbian Patriarch Kyr Pavle maintained that the conditions were not in place for Kosovo Serbs to vote and urged Kosovo Serbs not to go to the polls. On 5 October, Serbian President Tadic stated that he would support Kosovo Serb participation in the elections, albeit accompanied by a number of conditions which included the establishment of internationally recognized local Serb authorities in the areas populated by Kosovo Serbs. As mentioned above, his announcement led to the certification of a Kosovo Serb entity — the Serbian List for Kosovo and Metohija — which submitted a list of 33 candidates for Kosovo's elections; another Kosovo Serb civic list claiming to represent Kosovo Serb internally displaced persons had also previously been certified. The late stage at which this decision was made allowed for virtually no campaigning by Kosovo Serb politicians, and protests by groups of Kosovo Serbs against participation in the elections took place. Only around 2,000 Kosovo Serbs, or under 1 per cent of the potential Kosovo Serb electorate, voted. The low turnout meant that there will not be any directly elected Kosovo Serb representatives in the Assembly and it remains

uncertain if the 10 seats set aside will be filled. This is a setback from the 2001 Kosovo-wide elections when the Kosovo Serb coalition was the third largest entity in the Assembly with 22 seats, of which 12 were directly elected. (SG, 17 November 2004)

Access of minorities to the electoral process (2005)

- Voter registration represented a key challenge to participation in the electoral process, as identity documentation had in many cases been destroyed during the conflict
- UNMIK made significant efforts to ensure minority participation and continued its drive to register voters, including Serbs and IDPs
- Kosovo Serb participation in the political process remains low because of pressure from Belgrade
- Local Government reform is an opportunity for minorities to participate in decisions affecting their life at municipal level
- Internal divisions among Kosovo Albanian parties affect progress of decentralisation
- Pilot project for decentralisation should involve 5 municipalities including two majority Serb areas
- A Kosovo Serb accepted the position of Minister for Return and Communities
- Kosovo Serb parties participated in the first working group on decentralisation

“In Kosovo, (...), significant efforts have been made to facilitate the inclusion of minorities and persons displaced to Serbia and Montenegro in the electoral process. Moreover, in all of Serbia and Montenegro, the electoral participation of displaced Roma is constrained by difficulties in obtaining the identification documents necessary to vote. (...)

In general terms, IDPs’ electoral participation is constrained by the obstacles they frequently experience in obtaining identity documents, which are prerequisites for electoral registration. According to the Norwegian Refugee Council (NRC), “complicated, time-consuming and costly procedures prevent many IDPs from obtaining documents necessary to gain access to social services and benefits, and to exercise their political rights.” (...) Applications for identity documents cannot be made in a place of temporary residence, which presents particular complications for IDPs for whom it is unsafe to return to their area of origin. (...) These problems are particularly acute for displaced Roma, many of whom have never been officially registered. Figures quoted by the NRC in fact suggest that more than 50 percent of Roma do not possess identity documents. (...)

Kosovo

Kosovo Municipal Elections, 28 October 2000: Following the creation of UNMIK in 1999, the OSCE assumed responsibility for organizing elections under the “Democratization and Institution Building” pillar of the administrative structure established by the UN. Within this framework, Kosovo held municipal elections in 2000. Voter registration represented a key challenge in the preparation for this election, as identity documentation had in many cases been destroyed during the conflict.(...) UNMIK subcontracted the registration of identities of voters residing outside of Kosovo to the International Organization for Migration (IOM), while the registration of IDPs within Kosovo was conducted under the auspices of the Kosovo Central Election Commission, which was set up by the OSCE.

In a general assessment of the election, the Council of Europe concluded that, “[a]ll in all, this election, which was the first in Kosovo to come up to truly democratic standards, can be said to have been a major success.”(...) Despite efforts by the international community to encourage minority voting, however, the Serb minority remaining in Kosovo, as well as Serbs displaced to the Republic of Serbia, almost without exception did not participate in this election.(...) Reportedly, this boycott was primarily intended to protest the lack of security for Serbs in Kosovo, and the fact that large numbers of displaced Serbs outside of Kosovo had been unable to return. The International Helsinki Federation for Human Rights suggested that

it was also the result of Serb nationalist leaders protesting the de facto administrative separation of UNMIK-governed Kosovo from the Republic of Serbia. (...)

On election day, IDPs displaced within Kosovo were entitled to vote in either their municipalities of current or permanent residence. IDPs displaced to other parts of Serbia and Montenegro could vote by mail based on their places of permanent residence inside Kosovo on 1 January 1998. (...)

Kosovo Assembly Election, 17 November 2001: According to the International Crisis Group (ICG), this election marked further progress as compared to the 2000 Municipal Elections.(...) The Council of Europe also drew an overall positive assessment of the election, while noting some concerns regarding the participation of non-Albanian minorities as well as a lower overall turnout rate compared to 2000.(...)

UNMIK made significant efforts to ensure minority participation and continued its drive to register voters, including Serbs and IDPs. The responsibility for voter registration was again sub-contracted to the IOM, which worked in partnership with the Commissariat for Refugees in Serbia and Montenegro. (...)

According to a joint OSCE/UNHCR report, 100,000 IDPs in Serbia and Montenegro had been registered when the final registration deadline expired on 22 September 2001. (...) The final results issued by the OSCE indicated that 57.36 percent of registered voters in Serbia and Montenegro took part in the election. (...) Although a large number of Serbs continued to stay away from the polls, the Serb minority this time did not boycott the proceedings.

Kosovo Municipal Elections, 26 October 2002: Displaced voters could vote in their municipalities of permanent residence on 1 January 1998. Their registration and voting was administered by the OSCE. (...)

According to the UN Office for Coordination of Humanitarian Affairs (OCHA), in addition to 1.2 million voters inside Kosovo, 120,000 IDPs from Kosovo in Serbia and Montenegro were eligible to vote in these elections. However, while OCHA cited an overall turnout of 58 percent within Kosovo, only 14 percent of persons displaced to Serbia and Montenegro participated in the elections. Because of this low figure, the overall turnout rate was only 54 percent.(...)

In preparation for the Assembly of Kosovo election of 23 October 2004, the OSCE began in June 2004 to send ballot applications to voters already registered, and invitations for registration to previously unregistered voters outside of Kosovo, who would be able to cast their ballot by mail. (Brookings, 5 November 2004)

“Kosovo Serb participation in the political process remained low at the central level. The only top central-level government position held by a Kosovo Serb was that of the Minister of Returns and Communities, who belongs to the Citizens Initiative “Serbia” (CIS), which received 2 of the 10 seats set aside for Kosovo Serbs in the Assembly. Despite more frequent statements in favour of participation in the Provisional Institutions, the leaders of the Serbian List for Kosovo and Metohija (SLKM) — the party that holds eight Assembly mandates — are apparently still awaiting a positive signal from Belgrade, and they have not so far occupied the positions within the Provisional Institutions held open for them. The SLKM representatives have pledged to join the working groups on decentralization and have said they would enter the Assembly and Government if those working groups were successful. At the same time, minority employment is rising in central Provisional Institutions amidst expanded recruitment activity, although the overall level remains below the target. In addition, Kosovo Serbs and other minorities are present in municipal institutions. (...)

Local government reform (decentralization) is of key importance to all of the population of Kosovo, including, in particular, its minority communities. This process has, however, seen delays owing to continuing controversy over initiatives in this area. The major opposition parties continue to oppose the Government approved “working programme” on local government reform. This situation resulted in delays in a debate in the Assembly and in the nomination of the co-chairs of the envisaged working groups. Prime Minister Kosumi and the Minister of Local Government Administration have affirmed that pilot projects in five localities, including in two majority Kosovo Serb areas, would be implemented by June 2005. Progress in this respect has been slow, however, and political consensus in the Assembly is still being sought. There is a clear need to move forward rapidly with implementation. Achieving concrete results in the local government reform process will influence prospects for the political process to determine the future status of Kosovo. (...)

Kosovo Albanian leaders and population must strengthen their efforts to reach out to Kosovo Serbs who, in turn, must demonstrate their concrete willingness to integrate into Kosovo society.

I am concerned that efforts to reform local government in Kosovo have seen delays. While not a standard, progress in decentralization is a key measure of the willingness of Kosovo to restructure governance at the local level in a way that is closer and more responsive to the needs of the population, and which accommodates legitimate minority interests. All communities and political factions should unite to achieve this important goal, which should go forward regardless of the future status of Kosovo. (...)

I welcome the offer by President Tadic to meet with President Rugova and I encourage both leaders to initiate a direct dialogue, which is essential to move the process forward. I also welcome the expressed intention of Prime Minister Kostunica and Prime Minister Kosumi to meet with each other. This dialogue should occur in addition to a dialogue between and among the Kosovo Albanian and Kosovo Serb leaders, in order to build an environment of mutual trust and confidence. I am also encouraged by the resumption of direct dialogue on practical matters between Pristina and Belgrade, which must continue to engage constructively for the benefit of all involved. It is important for the leadership of all communities to convey to their constituencies the importance of these initiatives. (SG, 23 May 2005)

“Three new ministries have been established. Once terms of reference have been agreed and the ministries operationalized, the Ministries of Returns and Communities and of Local Government Administration will assume their responsibilities, including for returns of displaced persons and community-related issues. New portfolios of Deputy Prime Minister and 15 deputy ministers have been agreed on. The Government allocated three (of 13) ministerial positions to representatives of minority communities as required by the Constitutional Framework. One non-Serb, non-Albanian deputy minister has been appointed. (...)

Soren Jessen Petersen. Representative of the Secretary General for Kosovo:

“My sense is that (Serbs from Kosovo) are fully able to represent their own interests. And secondly, evidently, they should be allowed to represent their own interests.

We are talking about shaping the future of the society in Kosovo. We are very much focused on a number of minority issues, and it is absolutely key that those minorities, who are very much the focus of most of our efforts, (...) should be part of dialogue because they know better what their interests are, what their concerns are, and how they would like to see those concerns begin addressed.

So I do believe that it is regrettable that Belgrade has not until now been encouraging the Kosovo Serbs to participate in the democratic institutions. They are reserved seats for the Kosovo Serbs in the assembly. There are ministerial portfolios held vacant for them. And also we have just embarked on working groups on decentralization again, where it is key that they participate.

On the latter, the good news is we had the first working group on decentralization yesterday, and the Kosovo Serbs did [participate]. We will have another meeting tomorrow on pilot projects. Again, we expect the Kosovo Serbs to be there, other minorities are there. They have been involved. (...)

I must be very frank here and say that the lack of positive statements from Belgrade allowing them or encouraging them to participate could suggest that there is a concern in Belgrade, at this stage as we move closer to status talks, that an able and constructive participation of the Kosovo Serbs might somehow suggest that we can move forward without Belgrade.

First of all, when it comes to status, it is absolutely clear Belgrade has a key role in status discussions. There is no doubt about it. Secondly, there is no doubt that the dialogue of Pristina-Belgrade is crucial. It is crucial in order to build up confidence before we start on status, and there are a lot of things, issues they have to talk about. But dialogue Pristina-Belgrade cannot be a substitute for an internal dialogue between the Kosovo Albanians and all the minorities, and Kosovo Serbs in particular.

And whereas I welcome recent statements from Belgrade calling for meetings between President Tadic and President Rugova, now Prime Minister Kostunica, prime Minister Kosumi, I welcome that we are working

close. We have been pushing in UNMIK a lot on that and they have now responded. At the same time, I do regret that until now they have not sent a clear signal so that the Kosovo Serbs can participate in institutions, So in order to be convinced about the sincerity about the calls for dialogue, I think we need to see a clear signal also encouraging the Kosovo Serbs. (...) We have invited [Belgrade] to send a participant from Belgrade who can be part of the Kosovo Serb delegations in the decentralization process.” (USCSCE, 26 May 2005)

“Decentralisation is not a Standard in itself but is a key instrument for the implementation of a number of standards and for providing institutional scope for the participation of minorities in the administration and the political process. In February 2005, with the expert advice of the Council of Europe[3], the Kosovo Government approved a decentralisation plan: five pilot-projects would be launched to assess the viability of the plan; in two of the municipalities concerned, Serbs represent the majority of the population (Gracanica and Partesh).

11. Regrettably, there is no political consensus on the reform: the main ethnic Albanian opposition parties oppose it on the grounds that any step towards greater autonomy carries the risk of encouraging Serbs to seek the division of Kosovo along ethnic lines. On the other hand, Kosovo Serbs criticize the government plan for two reasons: 1) it ignores the decentralisation plan approved by Belgrade in 2004 ; 2) it is premature; because of the large number of Kosovo Serbs who are still displaced in Serbia proper, the demographic picture of Kosovo is skewed and decentralisation would not reflect the real ethnic composition of some districts.

12. In my opinion, reaching consensus over the reform of the system of local self-government is a fundamental step towards guaranteeing good governance and empowering minorities and an important indication of the maturity of the political forces. According to Lutfi Haziri, Minister of Local Authorities, provided that the pilot-projects are successful, the reform could be finalised by mid-2006 or 2007. It is important that the Council of Europe continues to provide advice and assistance in this field.” (COE, 3 June 2005)

"The Assembly calls on the Kosovo political leaders and the Provisional Institutions of Self-Government to:

iii. make the reform of local self-government and public administration a priority and explain in a positive manner the importance of this task to the population." (CoE, 29 April 2004)

See also:

OSCE, Details Newsletter, [Local Government reform and decentralization](#), April 2005

DOCUMENTATION NEEDS AND CITIZENSHIP

Overview

Access to documentation and IDP status (special report 2005)

- In order to obtain IDP status, up to 17 documents have to be presented
- Until July 2005, IDPs needed to travel to their "municipality in exile" to request and collect such documents
- Such requests can now be done by mail except for ID card which needs to be picked up in person
- Roma face particular difficulties to obtain personal documentation
- March 2004 IDPs are entitled since 2005 to regular IDP status

In Serbia, IDP status provides access to several social services and benefits such as health care, unemployment benefits and pensions. However, to obtain IDP status, up to 17 different documents have to be presented (ICRC, 31 May 2005). Many IDPs are not in possession of the required documents because they left them behind or lost them during their flight. Until July 2005, in order to have these documents re-issued, IDPs had to travel to the place where their "municipality in exile", including the various municipal registries, files and land records brought from Kosovo in 1999, is now located. Since then the situation has improved with registry offices now accepting requests by mail and sending back personal document the same way. However, IDPs still have to travel to collect their ID card which needs to be picked up in person.

Travel to the municipalities in exile is costly and difficult to afford for the most vulnerable, and their IDP status does not exempt them from paying the fees required to obtain these documents. In addition, no agreement on mutual recognition of documents between Serbia and Montenegro and UNMIK exists. This often results in limiting their access to rights and benefits such as pensions.

Roma IDPs are particularly affected by the requirement to produce personal documents since many of them were not registered prior to their departure from Kosovo (see below).

Since 2003, IDPs have been entitled to register as permanent residents in Serbia, although some municipalities are still reluctant to implement this. Those displaced by the March 2004 violence were initially only given a 45-day temporary status in the hope that they would soon return. But recently the last remaining 170 of them were regularised and they are now entitled to proper IDP status (Group 484, April 2005).

Serbia and Montenegro (excluding Kosovo)

Bureaucratic obstacles complicate issuance of documents to the displaced outside Kosovo (2001-2005)

- IDPs can only obtain official documents from Kosovo municipalities "in exile"; the process is complicated, costly and time-consuming
- Issuance of personal documents affects access to social and economic rights

- Municipalities of temporary residence should be responsible for issuing documents to the displaced
- IDPs previously employed in Kosovo-based companies face problem when claiming pensions or unemployment benefits or obtaining new employment
- UNMIK regulations limit the issuance of identity documents to persons physically present in Kosovo
- IDPs outside Kosovo are in principle not eligible to apply for jobs within the new Kosovo Civil Service as they must be registered as 'habitual resident' in the province

“Problems arise from prohibitive administrative costs, long delays, overly bureaucratic procedures and lack of cooperation between municipalities and the authorities. The lack of personal documentation interferes with the right to education, employment, health and freedom of movement. It also limits IDPs’ access to fundamental social institutions and humanitarian aid. Yet, IDPs are entitled to the same access to documents as all other citizens of Serbia and Montenegro.” (IDP Inter-Agency Working Group, October 2004)

The same report includes detailed description of documentation issues

See also on the same issue [Human Rights of Refugees, Internally Displaced Persons, Returnees and Asylum-Seekers in Serbia and Montenegro, Group 484, April 2005](#)

“I. Background

Many persons internally displaced from Kosovo to Serbia proper face difficulties in obtaining their documents from the registry books (birth, marriage, death and citizenship books) dislocated from Kosovo to different places in Southern Serbia.

These books were removed from Kosovo in June 1999 and brought to numerous locations in central and south Serbia where Kosovo municipalities “in exile” have established themselves.

The following registry offices from Kosovo are now located in different places in south Serbia:

- **Bujanovac** (registry books dislocated from the following Kosovo municipalities: Gnjilane, Vitina, Kosovska Kamenica and Kosovsko Pomoravlje)
- **Leskovac** (registry books dislocated from the following municipalities: Urosevac, Kacanik, Stimlje and Strpce)
- **Nis** (registry books dislocated from the following municipalities: Pristina, Podujevo, Glogovac, Obilic, Lipljan, Kosovo Polje)
- **Kraljevo** (registry books dislocated from the following municipalities: Kosovska Mitrovica, Srbica, Zubin Potok, Vucitrn, Zvecan, Leposavic)
- **Krusevac** (registry books dislocated from the following municipalities: Prizren, Orahovac, Suva Reka, Gora-Dragas)
- **Kragujevac** (registry books dislocated from the following municipalities: Pec, Istok, Klina)
- **Jagodina** (registry books dislocated from the following municipalities: Djakovica, Decani)

IDPs temporarily residing in different parts of Serbia are in need of documents, such as birth certificates, citizenship certificates, etc. that can only be issued by these dislocated registry offices. Many IDPs (especially Roma) have never been registered in these records and now need to become registered for the first time in order to be able to exercise their legal rights.

II. Major problems in obtaining registry books excerpts

IDPs have encountered difficulties in obtaining documents from these offices primarily because they are often located far away from the IDPs' place of temporary residence. IDPs must incur significant costs to travel to the dislocated registry office, including often an overnight stay. The procedure does not permit application in the registry office in the place where IDPs are temporarily accommodated, the application then being transferred *ex officio* to the relevant office. The Government needs to review this procedure in order to act in accordance with Guiding Principles on Internal Displacement. The Guiding Principles emphasize the responsibility of governments to issue IDPs all documents needed to exercise their legal rights without placing unreasonable barriers and obstacles. Contrary to the law [Law on Registry Books, Article 35] some dislocated registry offices are not willing to provide documents via mail and require IDPs to appear before the registry office in person or to issue a power of attorney. Therefore, IDPs frequently rely on legal aid NGOs to assist them in obtaining their documents.

Registry books reconstruction (*obnova upisa ili rekonstrukcija matiènih knjiga*) and subsequent registration into registry books (*naknadni upis u matiène knjige*) Very often IDPs face additional problems in cases of destroyed or missing registry books and incorrect entries. In such cases the procedure of the registry books reconstruction (*obnova upisa ili rekonstrukcija knjiga*) has to be performed. For that purpose IDPs have to submit, among other documents and filled forms, an old document with a photo. IDPs who are not able to provide such a document cannot obtain their registry books excerpts.

The other time-consuming and complicated procedure is a subsequent registration into registry books (*naknadni upis u matiène knjige*), which is performed in cases when someone has never been registered into registry books. This usually happens among Roma population. Since IDPs who need to be subsequently registered very often do not have all the required documents, the dislocated registry offices use it as a justification for delays in completing the procedure and issuing the registry book excerpts. However, if they do accept to complete the procedure of subsequent registration and issue the requested excerpts in spite of the fact that certain required documents are missing, an IDP has to appear personally in a registry office.

Unique Personal Identification Number (JMBG)

IDPs who do not have a Unique Personal Identification Number (JMBG) recorded in the registry books must go to the dislocated police office to obtain a number. The dislocated registry offices in most cases do not obtain JMBG *ex officio* from the dislocated police offices.

This problem could be resolved if police stations located in the place of IDPs' temporary residence were to receive requests for the determination of the unique personal identification number (JMBG) and process them *ex officio*. The other solution is that all the dislocated registry offices obtain these numbers from the dislocated police offices *ex officio*.

Complicated, time consuming and costly procedures eventually prevent many IDPs from obtaining their personal documents. A number of them give up after receiving the information on required documentation for the above-explained procedures." (NRC, April 2003)

"When Serbian authorities left Kosovo in June 1999, they moved status and property registry books, as well as court documents, to numerous locations in central and southern Serbia where administrative offices 'in exile' were established. Current procedures require that IDPs, regardless of their place of temporary residence, submit requests for the issuance of documents, (birth certificates, citizenship certificates, etc.) to their original residence municipality office from Kosovo 'in exile,' wherever it may have been re-located. That creates logistical and financial problems for IDPs who are often temporarily residing in locations far removed from the office 'in exile.' The NRC has advocated that the government change its procedure to allow IDPs to submit requests in the municipalities of their temporary residence, which would then officially transfer the request to the relevant office 'in exile.' Also, the Serbian Commissioner for Refugees has taken steps to suggest an alternative of the procedure to obtain documents through easing burden of proof of previous residence in Kosovo and through the registration of descriptive addresses.

□ *Roma IDPs* have a specific problem related to the access to documents, particularly in the numerous cases of those who have never even been registered in offices in Kosovo and now need to register for the first time. They must register in order to obtain IDP status and thus become eligible for assistance.

□ *Access to 'working booklets'* (personal employment record document, kept in the company of current employment until the termination of employment), where they were left behind in Kosovo companies, presents a problem for many IDPs. This document is important for claiming pensions, obtaining new regular employment (in contrast to unofficial employment), or registering at the Bureau of Unemployment.

□ In Serbia, only those IDPs who were employed in the Kosovo branches of the state companies from Serbia before their displacement have been able to obtain their working booklets with valid termination of employment, and thus register at the unemployment bureau and claim unemployment benefits. For the majority of IDPs who were employed in Kosovo-based companies, obtaining 'working booklets' has proved up to now to be an insurmountable obstacle that has prevented registration at the Unemployment Bureau, and ultimately denies them their right to receive unemployment benefits. In Montenegro the *right to register at the unemployment bureau is denied* to IDPs from Kosovo in general. This is an important issue of discrimination based on IDP status.

□ UNMIK regulations limit the issuance of identity documents to those physically present in Kosovo. IDPs in Serbia and Montenegro are therefore not eligible for UNMIK identity documents. This reflects on IDPs employment opportunities in Kosovo. IDPs in Serbia and Montenegro are in principle eligible to apply for jobs within the new Kosovo Civil Service, but they must be a registered 'habitual resident' in order to become employed in the civil service. Despite UNMIK's stated desire that IDPs return to Kosovo, UNMIK regulations do not allow an IDP to first find employment with Kosovo's government and then move back to Kosovo.

□ Former Serb civil servants have refused to take posts in UNMIK structures or Provisional Institutions of Self Government (PISG) due to Belgrade authorities' alleged threats to cut pension and other entitlement benefits to those individuals who accept an UNMIK post. Such threats have been made in an attempt to maintain parallel Serb government structures; they are not in IDPs' best interests." (UN OCHA 26 April 2002, pp. 18-19)

Displaced Roma face serious difficulties in accessing documents which affect IDP registration and access to rights (2005)

- Many displaced Roma are still without basic documents which severely restricts their access to essential rights such as health, and education
- Most Roma IDPs cannot afford the expenses required to travel to municipalities in exile to obtain documents
- Widespread discrimination against Roma and cumbersome bureaucracy further restrict access to documents
- The Roma National Strategy adopted in April 2004 in Serbia recommends new registration of Roma IDPs
- Problems of access to documents in Montenegro are compounded by the fact that IDPs from Kosovo are not considered citizens
- They also face problems in obtaining birth certificates for their children born during displacement

“The November 2003 opinion of the Council of Europe’s Advisory Committee (...) stated:

"The Advisory Committee finds that problems of Roma are exacerbated by the fact that many of them do not possess personal documents and considers that the authorities should support additional initiatives aimed at improving Roma's access to such documents... notes that limiting the scope of the term national minority to citizens only may have a negative impact for example on the protection of those Roma or other persons whose citizenship status, following the break-up of Yugoslavia and conflict in Kosovo, has not been regularised, including those displaced persons from Kosovo who, in the absence of personal documentation, have had difficulties in obtaining confirmation of their citizenship."

Roma without requisite documentation or evidence of citizenship are routinely denied access to health care and social welfare, and their children face discrimination in the provision of education in both Serbia and Montenegro. As noted in Amnesty International's 2004 report,...) registration of Roma has perennially been a problem as large numbers of Roma have never registered marriages or births, and effectively have lived almost completely outside of the state system in illegal or semi-legal settlements. To obtain personal documents in Serbia, a person must prove that his/her mother was born in Serbia (including Kosovo), a process which is all but impossible if the parents themselves were never registered: this condition has been termed "chronic unregistration".(...)

The majority of the Roma who were internally displaced after fleeing Kosovo after July 1999 faced additional severe problems in obtaining registration due to the 'parallel system' whereby documents and information from local government centres in Kosovo were transferred to parallel registry offices situated in Serbia. This system required displaced people to go to the relevant parallel centre to acquire identity cards: a bureaucratic procedure problematic for many Roma living in extreme poverty on the margins of society....) In other cases, the bureaucracy reportedly actively discriminated against Roma by refusing to issue identity cards to those who had the necessary documentation. However, as noted in Amnesty International's 2004 report in the Subotica area - one of the three areas of high Roma concentration (the other two being Belgrade and Southern Serbia) - Romani internally displaced people (IDPs) from Kosovo who were without documentation were granted official temporary residence status from the police in 2002 just by claiming that they were IDPs from Kosovo, this allowed them access to basic health care." (AI, 22 March 2005)

"Lack of adequate documentation is especially problematic for Roma who live in unofficial CCs. This is because without an address recognised by the municipality, one cannot register for an ID card. Without a general ID card, one cannot obtain an IDP card. Consequently, many Roma IDP do not have access to humanitarian assistance as IDPs.

There are various, inter-related reasons why Roma have so many documentation problems. The Serbian Government's Roma National Strategy lists some, the following of which should be of particular concern to all Governments:

- Complex and cumbersome procedures for obtaining personal documents.
- Conflicting Federal and Republican laws and administrative procedures.
- Lack of trust towards the authorities, and in particular fear of going to a police station to be registered.
- Lack of flexibility of the authorities to adapt to the particular situation of the Roma – partly due to the prejudice that Roma will automatically abuse any measure of administrative clemency." (IDP Inter-Agency Working Group, October 2004)

"An additional obstacle to registration by Roma in Serbia is the cost of requesting an official document. Until June 2003 the average price for a document was 30 dinars, but the June 2003 Law on Administrative Tax raised the average prices to 60 dinars for municipal documents and between 210 and 310 dinars for other documents....)

The Serbian Roma National Strategy specifically recommended a new registration of Roma IDPs be carried out so as to cover those who were not registered. However, this has not happened as yet, and, while local and international NGOs, including Roma organizations, have been active in assisting Roma to obtain documentation within the confines of the current system, there remains no legal mechanism for the "chronically unregistered" to become registered, and the success of NGOs has been limited....)

The problems of Kosovo Roma IDPs in Montenegro are compounded by the Montenegrin government's view that all Kosovo IDPs are citizens of Serbia and not of Montenegro and thus outside the scope of governmental responsibility,(59) despite Article 8 of the February 2003 Constitutional Charter of the State Union of SCG which states:

"A citizen of a member state is also a citizen of Serbia and Montenegro. A citizen of a member state has equal rights and duties in the other member state, as its citizens, except for the electoral right."

Prior to the State Union Constitution, citizenship was determined by the Federal Ministry of the Interior. However, on 8 July 2000 the Montenegro Parliament passed a resolution with the force of law, *Non-recognition of Federal Decision*, which stipulated that:

"The Parliament of the Republic of Montenegro shall not recognize or accept any legal or political act, whatsoever, passed by the legislative, executive and judicial authorities of the Federal State without participation of lawful and legal representatives of Montenegro."

The federal citizenship law was amended without participation of Montenegrin members of the Federal Parliament and thus was not recognized by Montenegro. Similarly, Montenegro did not recognize the February 2002 Federal Law on the Protection of Rights and Freedoms of National Minorities which in the preamble specifically refers to *"the adoption of special measures towards equality, especially with regard to the Roma national community"*, and similarly in Article 4. The Montenegrin Citizenship Law of 1999 remains in force in Montenegro and this gives primacy to Republican citizenship over State Union citizenship. Article 19 of this law requires 10 years' continuous permanent residency to obtain citizenship which is in breach of Article 8 the State Union Constitution. However, even this 10-year period appears insurmountable for IDPs and refugees as the Montenegrin Commissariat for Displaced Persons only issues temporary residence cards making permanent residency impossible. Moreover, it appears that in practice the Montenegrin Ministry of Interior is not implementing any law on citizenship as the 1999 law was never enforced and the federal law was not recognized in Montenegro. In March 2001 the processing of all applications for citizenship, including those filed by refugees and IDPs from former Yugoslav Republics then residing in Montenegro, were stopped." (AI, 22 March 2005)

"There is evidence that a large number of **Roma IDPs lack identity documents**. This situation hampers their access to humanitarian assistance based on their IDP status. NRC [...] is involved in assisting IDPs in solving some of the basic legal problems. In practice, NRC recognized the complexity of Roma IDPs documentation issue and identified the following:

- Many Roma IDPs are still without basic documents (birth certificate, citizenship certificates and ID cards), which they either lost in displacement or have never had. Regardless of the NRC assistance in filing requests for the issuance of documents with the authorities, there is high rate of non response from the offices in charge, particularly in the case of Roma IDPs;
- Roma IDP children born in displacement have problems in obtaining birth certificates if their parents lack personal documents or an official (recognized) address; □ These above-mentioned problems consequently restrict the possibility of Roma IDPs to register as IDPs with the Commissariat for Refugees, obtain IDP cards and become eligible for humanitarian assistance." (UN OCHA 26 April 2002, p. 24)

"I should like to stress the fact that the living conditions and respect for the human of Roma IDPs are generally lower than other IDPs in Montenegro and Serbia. In this context, my attention was drawn to the fact that Roma in several countries of the former Yugoslavia face significant difficulties in obtaining basic documents, such as birth certificates, personal identity documents, local residence permits, documents related to (in most cases, state-provided) health insurance, marriage certificates, work booklets, death certificates, passports, IDP and refugee registration documents. *'Exclusionary obstacles created by a lack of documents can be daunting and in many instances, the lack of one document can lead to a 'chain reaction',*

in which the individual at issue is unable to secure a number of such documents. In the extreme case, a Romani child without a birth certificate may wind up in a situation of complete paralysis with respect to the exercise of basic rights: precluded access to basic health care, effectively hindered freedom of movement (including the right to leave one's own country), denial of the right to vote, exclusion from state housing provided to persons from socially weak groups, as well as the inability to have real access to other rights and services crucial for basic human dignity.' [156]

[Footnote 156: See the information on a workshop that was organised by European Roma Rights Center (ERRC) in Igalo, Montenegro, in September 2002, on the theme of Personal Documents and Threats to the Exercise of Fundamental Rights among Roma in the FRY (<http://www.errc.org>). The MARGO Group reckons that almost half of the Roma in Montenegro do not possess a complete set of the personal documents necessary to live and work in the country. “*Conflicting Federal and Republican laws and administrative procedures*”, “*bureaucratic and unclear policies*” are cited as reasons. MARGO also states that “*the Montenegro authorities have refused to register new settlers who came from different towns within FRY*” (A Survey of the Issues Affecting Roma Documentation and a Call to Action, UNHCR, Belgrade, 1 July 2002, p. 6).] (COE 16 October 2002, para. 209)

*See also: Cameron, Lindsey, [The Right to an Identity](#), in: *Roma Rights, No. 3, 2003**

See also: Group 484, [Human Rights of Refugees, Internally Displaced Persons, Returnees and Asylum-Seekers in Serbia and Montenegro](#), April 2005 (p.53)

See also: IDP Inter-Agency Working Group, [Analysis of the Situation of Internally Displaced Persons from Kosovo in Serbia and Montenegro](#), October 2004, (pp.35-36)

Issues related to IDP status in Serbia (2005)

- Government authorities have not undertaken adequate measures to facilitate the obtainment of essential documents by displaced persons
- A large number of displaced persons do not wish to change their place of habitual residence because they still have abandoned property in Kosovo
- Those who live in illegal or informal settlements also have restricted access to services

“The problem with the citizenship of the displaced persons in Serbia appears only in the cases of Roma displaced from Kosovo who are not entered in the register of citizens and who do not have most of or any identity papers (personal documents). Improperly kept registers and incorrectly-filled in names of Roma, prevent the Roma from resolving their citizenship status. However, other displaced persons also encounter problems in obtaining their identity papers, first of all, due to the regulation of the system of the civil registry offices which are in charge of issuing the documents, as well as their often-inefficient operation in practice. The civil registry offices that have been relocated from Kosovo do not have proper documentation and the displaced persons are forced to incur additional expenses in order to obtain the essential documents. The government authorities have not undertaken adequate measures to facilitate displaced persons obtaining the essential personal documents. Such a practice contravenes Principle 20 of the UN Guiding Principles on Internal Displacement, which imposes the obligation on the State to provide the displaced persons with “a facilitated administrative procedure”. Regrettably, not only has the procedure to obtain identity papers not been facilitated to the IDPs, but it is even more complicated than in the case of the population that is not in the status of displacement.

One of the biggest problems up to 2003, which had obstructed the freedom of movement had been the inability to change residence, i.e. to register residence in the territory of the Republic of Serbia. This practice was changed in 2003, after the Ministry of Interior Affairs had ordered the local services of interior

affairs to enable IDPs to register changes of their residence in Serbia. In the course of 2004, there were no cases on record in which displaced persons were prevented from registering change of residence. Nevertheless, a large number of displaced persons, because of property abandoned in Kosovo, still do not wish to change their habitual residence. Therefore, such persons are forced to renew their temporary residence permits in local police stations every three months, and, at the same time, they are not in a position to realise other rights that are associated with the requirement to register residence in Serbia. In addition to that, persons who do not have a legal basis to use an address, because they live in illegal settlements or informal collective centres, or who cannot obtain evidence of leasehold or ownership, cannot register their residence and formalise the status of a displaced person. This prevents them from realizing other rights, such as the right to free medical care, reception of humanitarian aid, obtaining of new documents, identity cards, passports, etc.

In order to have the legally recognised status of displaced persons, persons displaced from Kosovo must possess the IDP identity cards. The persons who fled from Kosovo after the violence in March 2004, are not issued with the IDP identity cards, but a temporary residence permit valid for 45 days, which can be renewed after its expiry, according to the instructions of the Commissariat for Refugees. The IDP identity card is required for access to different forms of humanitarian aid intended for this category of forced migrants, for accommodation in collective centres, as well as for applying for help programmes of international organisations. But, in order to be able to obtain the IDP identity card, displaced persons must possess other essential documents, such as birth certificates and identity cards. The procedure for obtaining these and other documents required for access to the services of employment, social welfare, disposal of property and the like, is very complicated, and often expensive for the economically deprived categories of displaced persons.” (Group 484, April 2005, p.52)

Since May 2004, March IDPs are entitled to register as “normal” IDPs

See also, [The possibility of Applying the Internal Flight or Relocation Alternative within Serbia and Montenegro...](#), UNHCR, August 2004, par.5-9

Montenegro: 1999 law bars the displaced from citizenship (1999-2005)

- IDPs in Montenegro are not recognised as citizen which deprives them from access to a wide range of rights
- Citizenship requirement prevents internally displaced from obtaining Montenegrin citizenship

“The issue of citizenship should not represent a problem for the process of integration of the IDPs, since they are citizens of the Republic of Serbia, and thereby of SaM as well. Unfortunately, the problem of recognition of citizenship status does appear in the case of the displaced persons from Kosovo who are situated in Montenegro. Namely, the Republic of Montenegro does not concede the citizenship status to IDPs, does not permit them to register their residence in its territory, and also denies them the right to access the formal labour market, i.e. formal employment, the right to state social welfare assistance, as well as the right to possess property legally in the territory of the Republic. Until 2003, the Federal Ministry of Interior Affairs had been in charge of the issues of citizenship. However, with the adoption of the Constitutional Charter of the State Union of SaM in 2003, the authority to grant citizenship was transferred to the Ministries of Interior Affairs. The Citizenship Act, in force in Montenegro (enacted in 1999) gives priority to citizenship of the Republic over the citizenship of the State Union and imposes the requirement of ten years of continuous residence in the Republic as a precondition for citizenship. At the same time, IDPs are only given the opportunity to register temporary residence, which completely prevents them from fulfilling the requirement for citizenship. Such a regulation is not in compliance with Article 8 of the Constitutional Charter of SaM. However, since the Court of the actually State Union, which has the jurisdiction over these issues, does not actually function there is no institutional protection for displaced persons as regards this issue. In this way, the displaced persons have been equalised in status with the

refugees; they are denied political rights, access to the formal labour market, social welfare, and other public institutions which provide their services exclusively to the citizens of the Republic. Owing to the above facts, it may be concluded that the rights of internally displaced persons in Montenegro are particularly encroached upon." (Group 484, April 2005, p.51)

"After protracted debate, the assembly of the Republic of Montenegro adopted a law on Montenegrin citizenship. The law gives primacy to internal republic citizenship over federal Yugoslav citizenship. By requiring 10 years' continuous residence in Montenegro, the law effectively prevents refugees and displaced persons from obtaining Montenegrin citizenship and those who do not, even though all have the citizenship of FRY. Thus, it creates conditions for discriminating against those persons who, although permanent residents of Montenegro and Yugoslav citizens, do not have republican citizenship; potential areas of discrimination are tax obligations, right to work in public enterprises and political rights, such as the right to vote for local political bodies." (UN CHR 28 December 1999, sect. III H)

"[...] IDPs from Kosovo, who retain certain legal rights as citizens of the FRY, have only limited access to important political rights conferred by the Republic of Montenegro [155]. Here, the IDPs are the victims of the difficulties between the Serbian and Montenegrin governments, concerning the question of the relations between the two entities. Perceived by the present Government, which is in favour of independence of Montenegro, as being potentially in favour of Montenegro remaining linked to Serbia, IDPs from Kosovo are not offered the possibility to fully integrate in this part of their country (the FRY). The concern would appear to be to prevent them from formally establishing residence in municipalities in Montenegro and applying for Montenegrin citizenship, and the voting rights that go with it. This is certainly regrettable from a human rights point of view."

[Footnote 155: "While IDPs are being accorded social rights and limited benefits in Montenegro, there is no willingness to extend political rights out of concern for the ethnic balance and political stability of Montenegro. Although it is recognised by nearly all the authorities in Montenegro that the majority of IDPs will likely not return to Kosovo, it is still [felt to be] too early to consider local integration." Briefing Note, UNHCR, 18 July 2002, para. 208] (COE 16 October 2002, para. 208)

See also:

IDP Inter-Agency Working Group, Analysis of the Situation of Internally Displaced Persons from Kosovo in Serbia and Montenegro, October 2004, (pp.15-16)

Amnesty International, A wasted year: The continuing failure to fulfil key human rights commitments made to the Council of Europe, 22 March 2005 (p.40)

Kosovo

Access to civil documents should be made easier for ethnic minorities (2000)

"Even when confined to enclaves, the normal cycle of life events goes on for minorities and needs to be formally documented by the relevant authorities. Birth, marriage and death certificates are required and the service of provision of **civil documents** needs to be sufficiently flexible so that minority populations can avail of them without putting themselves at risk. If such services are centralised in inaccessible locations, minorities will not be able to access them. A more flexible approach, using mobile teams needs to be considered as an alternative means of providing this service." (UNHCR/OSCE June 2000, para. 58)

See also "Social services lack the capacity to reach the minorities (2001-2002)" [Internal link]

ISSUES OF FAMILY UNITY, IDENTITY AND CULTURE

General

The problem of minority languages in Kosovo (2000-2005)

- Although Serbian is an official language in Kosovo, it is often not used in correspondence between central authorities and majority Serbian municipalities
- Language problems restrict freedom of movement, access to essential services and encourage further departures
- A draft law on language is under discussion
- Language units within municipalities are responsible for monitoring respect of language policy
- 1977 Kosovo Language Law guarantees the equality of Albanian and Serbo-Croatian languages, as well as Turkish language in areas populated by Turks
- Inconsistent language usage within the public services throughout the province leads to confusion
- The Turkish minority refused to participate in the registration campaign, demanding the use of Turkish on equal footing with Albanian and Serbian in Turkish-populated areas (August 2000)
- UNMIK Regulation 2000/45 on Municipalities grants the right to communicate in their own language to minorities where they form a "substantial part of the population"
- According to instructions to Kosovo administration (July 2000), official documents issued to the public must be printed in English, Albanian and Serbian

“Even though Serbian remains one of the three official languages in Kosovo, in practice it is almost completely absent from public life. Even though the Constitutional Framework provides for the official use of both Albanian and Serbian, the central government of Kosovo, as well as some municipalities, has so far not followed these provisions at the required level. Communication between the different central governmental bodies and municipalities populated largely or exclusively by Serbs is conducted almost entirely in Albanian, which renders the communication between these bodies difficult if not hopeless. The Ombudsperson raised this issue with the Prime Minister of Kosovo several times in the beginning of March and in May 2004 and urged him to ensure that the respective provisions of the Constitutional Framework be applied without any further delay. The Prime Minister’s Office answered and stressed that both the local and central levels of the PISG respect and implement the relevant provisions of the Constitutional Framework and that despite the low salaries in the public sector, translation units operate on a regular basis. As if to prove the Ombudsperson’s point, however, this letter was only formulated in Albanian.” (Ombudsperson, 12 July 2004, p.19)

“The language factor has continued to restrict freedom of movement throughout Kosovo and hamper equal access to services and self-sufficiency by limiting economic opportunities, This has prompted departures.” (UNHCR, Position, August 2004, par.16)

“A draft law on languages is under discussion. Permanent Secretaries of Ministries and chief executive officers of municipalities were designated as responsible for language policy implementation. Units to oversee central and municipal implementation were established within the Ministries of Public Services and Local Government Administration respectively. Their terms of reference are likely to lead to comprehensive compliance reports and corrective action provisions (*priorities*). Language policy compliance was 100% in Central Assembly plenary sessions and Presidency meetings, and approached

100% in Municipality Assembly meetings (except in the northern municipalities, and occasionally in Prizren). Official signs on municipal buildings were compliant or partially compliant in 65% of municipalities, and street, town and village signs were compliant or partially compliant in 60%. Over 500 road signs in the southern municipalities were replaced with signs in all official languages. [Those] road signs were quickly defaced (by painting over Serbian names) in Malisevo and Gnjilane. (...)

Full compliance with language policy is still needed (*priority*). The central monitoring units (*priority*) need to be operationalized. The new Ministries and eight municipalities need to establish Translation Units. Twenty-five municipalities need to install simultaneous interpretation equipment or specify adequate alternative arrangements. Defaced language compliant signs need to be replaced or repaired." (SG, 23 May 2005, par.7 and 44)

"Full compliance with language policies (a priority) and monitoring and sanctioning systems (priorities) are needed. One ministry and three municipalities (Pristina, Srbica and Prizren) have simultaneous translation equipment. Most municipalities have at least one translator. Two thirds of municipalities need to allocate additional staff and resources to meet the demand for translation and interpretation (a priority); 33 per cent of official documents in the municipalities and ministries are translated into all official languages in a timely manner. Language compliance on official signs outside municipal and ministerial buildings and on signs showing village names is only 9 per cent and 5 per cent, respectively." (SG, 14 February 2005, par.15)

"The question of use of official languages is one example of the complexity of the task facing the international community in terms of guaranteeing mutual respect for the different languages used by minority groups in Kosovo. Public usage of Serbo-Croatian and to a lesser degree other minority languages continues to be a risky venture. UN security officers still advise incoming international staff not to speak Serbo-Croatian or other Slavic languages on the street for their own safety.

At an official level, the 1977 Kosovo **Law on the realisation of the equality of languages and alphabets'** (currently considered as applicable, based on UNMIK Regulations No. 1999/24 and 1999/25), guarantees the equality of Albanian and Serbo-Croatian languages, as well as Turkish language in areas populated by Turks. The law provides that official decisions and announcements, education and public signs should be in Albanian and Serbo-Croatian, and in Turkish in areas of Turkish population. In addition, judgements, decisions, and other written documents of the courts and public prosecutors' offices are to be delivered in the mother tongue of the concerned party. Written requests and complaints to state organs, as well as replies thereto, are to be in the mother tongue of the citizen concerned, be that Albanian, Serbian-Croatian or Turkish.

In practice, however, **language policy is far from uniform**. UNMIK Regulation No. 1999/1 states that all regulations shall be issued in Albanian, Serbian, and English. Within the sphere of education, the policy tends towards the recognition of five languages: Albanian, Serbian, 'Bosniac', Turkish and Roma. The practice within the sphere of public utilities is contradictory: the Post and Telecommunications Section of the Department of Economic Affairs and Natural Resources opts for a trilingual English/Albanian/Serbian system for their official documents, while KEK, the electricity company, favours a separate English/Albanian and English/Serbian billing system. Similar confusion and lack of consistency has cropped up in other areas, with reports received of court documents, including summonses, being issued only in Albanian.

The question of language usage is far from simple. The acceptance of a number of official languages is one tangible means of evidencing the acceptance of the majority population of the rights of minority populations. Moreover, UNMIK has an obligation to endeavour to accept multiple official languages not only under the applicable Kosovo law, but also under the applicable international law. The practicalities of multi-language use, however, are fraught with difficulties. **There is an urgent need for UNMIK to adopt a formal position on the question of official language and to take practical steps to ensure that a standard and workable policy is applied province-wide**. This has cost implications which donors must be made fully aware of and requested to support." (UNHCR/OSCE June 2000, paras. 38-41)

Situation as of March 2001

"The fifth OSCE/UNHCR assessment highlighted problems caused by the lack of uniformity in UNMIK policy on the use of languages. Despite some limited progress in developing and issuing clearer instructions on language use for specific purposes, the lack of a comprehensive policy applied province-wide continues to be detrimental to the needs of non Albanian speaking minorities.

The predominant use of Albanian to the exclusion of other languages, often in contravention of UNMIK instructions that certain public documents must be issued in all three official languages (English, Albanian and Serbian), continues to send a loaded message to minority communities that they had better adapt to the system rather than expect it to be adaptable to their needs. As a result speakers of the lesser-used languages have either opted to keep quiet (quite literally) or alternatively to lobby strenuously for public recognition of their language. This latter approach was clearly evidenced when the majority of the Turkish community refused to participate in the registration, arguing that the applicable law, which they stated requires the use of Turkish on an equal footing with Serbian and Albanian in certain areas populated by Turks, was not being applied. After lengthy negotiation a compromise position was worked out between the Turkish representatives and UNMIK, including for those municipalities where the Turkish community lives, the right to use their own language in relations with municipal authorities, issuing of official documents (birth, death and marriage certificates, etc) in the Turkish language and alphabet, official signs in the Turkish language and alphabet. This compromise is considered by the Turkish political parties as an acceptable interim framework pending a more definitive agreement. In the meantime, comparable progress on the protection of other minority languages has been made by the inclusion in Regulation 2000/45 on Self-Government of Municipalities in Kosovo, of a similar model, granting these rights in areas where an identifiable minority forms a 'substantial part of the population'.

In a welcome, but limited development, the SRSG sent a memorandum on 26 July 2000 to the Co-Heads of the JIAS Departments of Public Utilities, Health and Social Welfare and Justice, stating that official documents (including bills) issued to the public at large must be printed in English, Albanian and Serbian, with all three 'official' languages appearing together on the document. It is clear that the problem of the language used in official documents is not as widespread as previously. However, some problems remain, particularly in Dragas/Gora, with documents being issued only in Albanian or in English and Albanian. The issuing of the 26 July instruction to other JIAS Departments, a reiteration of this policy for UNMIK, and dissemination of the precise requirements of Regulation 2000/45, would be useful to further clarify UNMIK' position on language policy.

Clear policy on other issues with language implications is also needed. For example, for authorities whose function is to serve the entire community, such as the local police service, current deployment focuses on having police of the same ethnicity as those in the communities they serve - Kosovo Albanians in Kosovo Albanian areas, and so on." (UNHCR/OSCE March 2001, paras. 63-66)

[Regulation No. 1999/01, on the authority of the Interim Administration in Kosovo, 23 July 1999 \[Internet\]](#)

[Regulation No. 1999/24, on the law applicable in Kosovo, 12 December 1999 \[Internet\]](#)

[Regulation No. 1999/25, Amending UNMIK regulation No. 1999/1 on the authority of the Interim Administration in Kosovo, 12 December 1999 \[Internet\]](#)

[Regulation No. 2000/45, on Self-Government of Municipalities in Kosovo, 11 August 2000 \[Internet\]](#)

Agreement reached on reconstruction of orthodox religious sites damaged during the riots of March 2004 (2005)

- The Serbian Orthodox Church and the Provisional Institutions signed a memorandum of understanding on the reconstruction of Serbian Orthodox religious sites damaged during the events of March 2004
- An action plan was drafted for cooperation with the Council of Europe on cultural heritage
- A public awareness campaign on the importance of the cultural heritage sites of all Kosovo communities was started

“There is also encouraging progress in the area of direct dialogue on practical matters between Pristina and Belgrade following a hiatus of over 12 months, together with a declared willingness on the part of the political leadership in Belgrade to engage in this important process. A significant step forward on the crucial issue of cultural heritage in Kosovo was made with the signing by representatives of the Serbian Orthodox Church and the Provisional Institutions of a new memorandum of understanding on the reconstruction of Serbian Orthodox religious sites damaged during the riots of March 2004. Efforts by the international community in the area of restoration and reconstruction of cultural heritage in Kosovo, including through a donor conference, held in Paris on 13 May, are moving forward. Following an invitation to meet extended by President Boris Tadic of Serbia to President Ibrahim Rugova of Kosovo, my Special Representative has been working to arrange such a meeting.” (...)

An action plan was drafted for cooperation with the Council of Europe on cultural heritage, including joint elaboration of a Heritage Policy 2006-2010 on preservation of cultural heritage and capacity-building for cultural institutions. A public awareness campaign started on the importance of the cultural heritage sites of all Kosovo communities. The inventory of cultural heritage sites (*priority*) approached completion (90% of fieldwork in all 30 municipalities). Significant progress was made in inclusion of Orthodox sites in all municipalities. Work started to publish a catalogue of all monuments and heritage sites, and continued on a priority intervention list of 25 archaeological and architectural sites (Orthodox and Islamic) for restoration (the sum of €200,000 was allocated from the consolidated budget). An amount of €4.2 million was again allocated from the consolidated budget for initial reconstruction of Serbian Orthodox sites damaged in March 2004 (*priority*). A new memorandum of understanding (including a five-member committee to manage the reconstruction process) was signed by the Patriarch and the Government. A special minority recruitment drive increased minority employment (*priority*) to 14.7% in the Ministry of Culture, Youth and Sports, 22.3% in the Cultural Heritage Department, 3.1% in the central-level cultural institutions, and 11.1% in the regional level cultural institutions.” (SG, 23 May 2005)

Missing persons and the detained: towards a solution (2000-2002)

- Last Kosovo Albanians detainees held in Serbia since 1999 were transferred in Kosovo in March 2002
- Families of missing persons from Kosovo face legal and administrative difficulties regarding property, pension, etc.
- According to the ICRC, about 3,700 persons are still missing in relation to the Kosovo crisis, including 860 non-ethnic Albanians
- Yugoslav-Serbian authorities and the UNMIK administration signed three protocols which provide common rules and procedures relative to the issue
- The Office on Missing Persons and Forensics was created in June 2002 in Kosovo but still needs more financial support

"SRSG Michael Steiner announced today that all Kosovo Albanians remaining in Serbian prisons who so wished have been returned to Kosovo.

These were the last known Kosovo Albanians held in Serbia, since Yugoslav forces in June 1999 moved approximately 2,000 prisoners from Kosovo to other facilities in Serbia following the NATO airstrikes.

Securing the return of the prisoners has been a top priority for UNMIK since the mission began. Since then, most of the Kosovo Albanian detainees had either been amnestied or released following the expiry of sentences or after charges were dropped.

With the Common Document of 5 November, 2001, Yugoslavia and Serbia committed to returning all remaining Kosovo Albanian detainees." (UNMIK 26 March 2002)

"For hundreds of families of missing persons from Kosovo, who often live as displaced persons in Serbia or Montenegro, life has become a permanent nightmare. In addition to the difficulties faced by all IDPs, they have to cope with the drama of absence of their beloved ones, of the traumatic uncertainty about their fate. They also face specific legal and administrative difficulties due to the lack of legal provisions pertaining to the status of a missing person. The question of status then prevents them from resolving issues related to property, inheritance, marriage, adoption, or to receiving the salary or pension of the missing person.

According to ICRC records, 863 non-ethnic-Albanians (Serbs, Romas, Montenegrins, Bosniaks and others) are registered as missing in relation to the Kosovo crisis [42] . According to the Coordination Centre for Kosovo, 1,518 non-ethnic-Albanians are missing. The discrepancy in numbers is because ICRC reports as missing only those persons whose families have approached ICRC for help. Ninety percent of the missing persons are men, who were very often breadwinners in their families.

The lack of access to Kosovo and freedom of movement inside Kosovo exacerbate their frustrations and anger over not being able to deal with their situation themselves. In response, the families have constituted themselves in the Association of Kidnapped and Missing Persons in Kosovo and Metohija, with its main office in Belgrade, and regional branches in Nis and Kraljevo in central Serbia, and Gracanica in Kosovo.

The Office for Refugees, Displaced and Missing Persons, under the President of FRY and the Coordination Centre for Kosovo, have set up structures pertaining to this issue to deal with the UNMIK administration. The Coordination Centre for Kosovo has established the bureau for kidnapped and missing persons, and the bureau for exhumation and identification, working in close co-operation with representatives of the Family Association. After long months of negotiations, the FRY/Serbian authorities and the UNMIK administration signed three protocols which provide common rules and procedures relative to joint identification work, cross-boundary transfers of mortal remains and joint verification of illegal detention places. Under these protocols, two initial joint exhumations have been carried out and several identifications made.

On behalf of the families of the missing, the ICRC has been lobbying at all authority levels for the clarification of the fates of the missing and provision of answers to their families. It has been submitting to them detailed confidential reports about the disappearances, urging them to investigate these cases. In collaboration with the Yugoslav Red Cross, it has also supported the work of the experts in charge of the exhumation/identification process, collecting information from the families, transporting family members for identification purposes, making available books of personal belongings found during exhumations. It has also been supporting the family association morally, financially and logistically. In co-operation with experts from the Belgrade Institute of Mental Health and others throughout Serbia and Montenegro, it has been providing counseling and psycho-social support to those in need among the family members." (UN OCHA 26 April 2002, pp. 25-26)

[Footnote 42: ICRC also registered 2,907 Kosovo Albanians as missing]

"Sensitive to these concerns, the SRSG created a new Office on Missing Persons and Forensics in June this year, with the instruction to carry out the exhumation of all the remaining identified gravesites (some 270) by the end of the year. The full scale of the office's tasks, however, is easily told in figures: since 1999, some 4600 bodies have been exhumed, of which only 2100 have been identified. 2500 remain, therefore, to be DNA tested, leaving a further 1200 still to be located and exhumed. Whilst the full resolution of all these cases will undoubtedly take some time, it is of the utmost importance that progress should begin, and be seen, to be made.

The resources, both human and material, available to the Office on Missing Persons and Forensic are, however, manifestly incommensurate with the task of rapidly resolving all these cases. The Office estimated at 300,000 euros the sum required to complete the task it was set by the SRSG and to continue the process of the identification of the remaining corpses. This sum would contribute to the contracting of the necessary technical personnel and the purchase of basic equipment.

The paucity of the sum in relation to the importance of the issue has encouraged me to appeal to member States of the Council of Europe to contribute urgently to the resolution of this problem. A document entitled 'Missing Persons in Kosovo, Note by the Commissioner for Human Rights' was presented to the Committee of Ministers of the Council of Europe on 18 th September 2002." (COE 16 October 2002, paras. 58-60)

For more information on missing persons in connection with the Kosovo crisis, consult ICRC Family News Network [Internet: <http://www.familylinks.icrc.org/>]

Concerns over the safety of Orthodox priests (2001-2002)

- UNMIK deployed extra security measures at Orthodox religious sites
- Vandalism against religious buildings continues (2002)

"Religion in Kosovo is often inextricably linked to ethnicity. Most ethnic Albanians are Sunni Muslims, but there is a Catholic minority who live mostly in the Southern and Western parts of the province. Serbs are almost exclusively Serbian Orthodox Christians.

Most ethnic Albanians are not strongly identified with their religion and their animosity against Serbs is essentially on the basis of ethnicity, with the difference in religion a coincidental factor. However, Serbian Orthodox churches hold symbolic significance and over 100 have been destroyed in retaliation for the mosques destroyed by the Serbs. UNMIK have taken steps to ensure that all religious communities could worship safely and deployed extra security at Orthodox religious sites. Nevertheless, there have been concerns for the safety of Orthodox priests and many have been forced to relocate." (UK October 2001, paras. 6.24-6.25)

See also: "Visiting damaged Serbian church in Kosovo, UN envoy pledges action against religious vandalism", UN News Service, 17 November 2002 [Internet]

PROPERTY ISSUES

Overview

Property: persistent resistance against the repossession process (Special report, 2005)

- The Housing and Property Directorate was established by UNMIK in 1999 to solve residential property disputes
- There are three categories of property claims corresponding to various types of property violations since 1989
- As of June 2005 HPD has issued 28.000 decisions out of 29.000 claims
- 40% of these decisions have been implemented
- 1/3 of reposessed properties are looted and no appropriate sanctions are taken by authorities
- Owners who do not wish to repossess can ask UNMIK to administer their property
- A rental scheme is under consideration to use unrepossessed property for social housing
- If the rental scheme is adopted, the owner of a property used for social housing would receive a rent
- Repossession of land and commercial property goes through lengthy and often biased judicial procedure
- An extension of the HPD mandate to cover such cases seems to be the best option

After the Yugoslav army left Kosovo in 1999, many of the returning Kosovo Albanians occupied houses and apartments owned by Serb IDPs, often because their own homes had been damaged or destroyed during the conflict which preceded the NATO bombing campaign. Progress in the reconstruction of Albanian homes has not ended the widespread illegal occupation. As the post-conflict period has seen accelerated urbanisation throughout Kosovo, many ethnic Albanians from rural areas now living in larger towns, often in occupied property, find it difficult to return to the countryside (Interview with Civil Rights Programme Kosovo and OSCE, Mitrovica, 24 and 25 May 2005) in particular since local authorities have done little to end the illegal occupation of properties (SG, 14 February 2005). The Ombudsperson of Kosovo has repeatedly reported on the difficulties for members of minority groups, local residents or returnees of accessing their land, either due to illegal occupation or limited freedom of movement preventing the cultivation of land. There are also reports of forced sales of properties belonging to ethnic minorities as a result of intimidation, threats or direct violence (USDOS, 28 February 2005).

In 1999, UNMIK established the Housing and Property Directorate (HPD) and the Housing and Property Claims Commission (HPCC) to resolve disputes over residential properties, including socially-owned properties, and temporarily administer properties at the request of their owners.

The HPD deals with three categories of claims corresponding to the various phases of the long history of violations of property rights in Kosovo. The revocation of Kosovo's status of autonomy in 1989 marked the beginning of widespread discrimination against Kosovo Albanians on property issues. Many ethnic Albanians were dismissed from their positions in public companies and lost their rights to their socially-owned apartments. These flats were mainly given to ethnic Serbs who were entitled to purchase them in 1992. Legislation on limitation of real-estate transactions was passed in 1991 and applied in a discriminatory manner throughout the 1990s to prevent purchase of properties by ethnic Albanians

(Dodson, Heiskanen, 2003). As a result, sales were often made informally without registering the name of the new owner. Also, many property records have been either taken out of Kosovo to municipalities in exile, or destroyed.

The HPD received a total of 29,000 claims before the deadline for the submission of claims expired in July 2003. Of those, some 1,100 are category A claims corresponding to situations where occupancy rights were lost as a result of discriminatory laws. Over 700 claims have been submitted for voluntary transactions which were not legally registered (category B). The bulk of claims, more than 27,000, are category C claims for individuals who lost physical possession of their residential properties after 24 March 1999. As of 18 June 2005, the HPD had issued 28,000 decisions covering 96 per cent of the claims. Almost 40 of the decisions had been implemented, either through repossession (only four per cent), voluntary settlements or by temporary administration of the property by the HPD until the owner expresses his wish to return.

Where evictions of the temporary occupants are carried out by the authorities, they are often followed by looting – in an estimated third of all cases (Group 484, April 2005) – or immediate re-occupation of the properties. In the latter case, the owner cannot turn back to HPD but has to go through local courts to request a new eviction.

In view of the backlog of cases in the courts (nearly 7,000 property-related cases as of May 2005), this rarely leads to a swift repossession of properties (SG, 23 May 2005). This is why HPD advises owners who are not ready to return immediately to hand over their house for HPD administration. The property can then, in the meantime, be used for social housing. With the HPD terminating its mandate at the end of 2005, there is a need for a mechanism to take over administration of properties currently managed by the Directorate.

HPD and UNMIK are currently studying a rental scheme which would be administered by a local institution, the Kosovo Housing Fund. The Fund would provide social housing to persons in need and pay the owner of the property for the use of it. This would allow the displaced to gain an income from their property while keeping options open for the future (Interview and correspondence with UNMIK ORC Director, 26 May 2005).

Estimates of the number of properties sold by members of minority communities vary as there is no mechanism in place to track such transactions. The Council of Europe's Commissioner for Human Rights, Alvaro Gil-Robles, estimated that approximately one third of IDPs had sold their properties by 2002 (CoE, 16 October 2002). The HPD assumes that applicants withdrawing their claims or not requesting implementation of decisions have usually sold their property. As of 1 July 2005, there were about 3,500 such cases (E-mail correspondence with HPD Director, 1 July 2005). To reverse the trend of IDPs being forced to sell their properties because of their financial situation or bleak return prospects, it is essential that the rental scheme be adopted and announced quickly. There is concern that with the end of the HPD mandate approaching, members of minority groups unaware of future plans will decide to sell, anticipating a fall in price when properties formerly administered by HPD enter the market.

A UNMIK discussion paper of April 2005 makes several proposals to improve housing policy in support of return and communities. In addition to the rental scheme mentioned above, the paper proposes a wide range of ambitious solutions to housing problems: reconstruction of temporary accommodation for returnees (forced or spontaneous) pending reconstruction of their property, social housing, establishment of a return database, and legalisation of informal settlements. In the first phase, it is planned to accelerate the implementation of property-related decisions and reinforce the responsibility of the Provisional Institutions of Self-Government (PISG) with regard to evictions and security of empty properties. Another suggestion is to include within the code of conduct of the civil service of Kosovo a clear warning against illegal occupation, emphasising the need for civil servants to be an example for other citizens in respect of the law (UNMIK ORC, 7 April 2005). This also applies to members of the international community, which has not always been immune to violations of property rights. KFOR, for example, has been using 37 apartments without compensating the owner in spite of the fact that ownership of the flats has been confirmed by the

HPD (Group 484, April 2005). UNMIK, unlike the OSCE missions in Bosnia and Herzegovina and Kosovo, still has no staff accommodation policy to prevent such situations (Interview with a UN official, Pristina, 26 May 2005).

Since the HPD only deals with repossession of residential properties, people wanting to repossess land or commercial properties have to go through local courts, which is a lengthy and uncertain process. And even when a ruling is finally issued, execution of property-related decisions usually takes a long time. Only 22 per cent of rulings awaiting execution were fully enforced in the first half of 2004 while half of the remaining cases had been awaiting execution for more than a year (SG, 14 February 2005, par.62). The resolution of land and commercial property issues is essential for the continuation and sustainability of the return process, as IDPs are unlikely to go back to their repossessed houses if they cannot at the same time use their land or business.

A report commissioned by the European Agency for Reconstruction recommends that the HPD's mandate be expanded to take on responsibility for land and commercial properties, arguing that the Directorate's experience and reputation of impartiality give it an advantage compared to local courts or administrative processes. Also, the HPD would have easier access to missing property records currently located in Serbia (EAR, 13 December 2004). There are concerns that this arrangement would not be in line with the local ownership approach, but this could be countered by HPD working in cooperation with courts to build up their capacity.

Although the repossession of property is an essential pre-condition for return, other factors such as security and access to services and employment also play an important role, as illustrated by the large number of reconstructed houses which have remained empty. Although the PISG reconstructed 90 per cent of the 900 houses destroyed or damaged during March 2004, many are still unoccupied (USDOS, 28 February 2005).

Nevertheless, there is a lack of funds for reconstruction in certain areas, and many IDPs are unaware of the existing mechanisms to apply for reconstruction assistance. A study carried out in municipalities of northern Kosovo by a local NGO shows that 83 per cent of IDPs interviewed had never heard of the Municipal Working Group, the main mechanism examining housing and reconstruction projects (IDP Information Centre, 24 November 2004). Certain groups are underrepresented in reconstruction projects, in particular Roma who often are either unaware of the Municipal Working Group structure or less successful than other ethnic groups in defending their rights. Another reason is the lack of ownership documents among Roma who often live in informal settlements, an issue that could be addressed through the planned legalisation of such settlements.

Kosovo

Housing and Property Directorate attempts to resolve a long history of property rights violations (2005)

- There is a major housing shortage in Kosovo due to the destruction of housing units during the conflict and unlawful occupations as a result of this
- Property transactions often took place informally and without adequate documentation
- A Housing and Property Directorate (HPD, run by UN-HABITAT) was created by UNMIK as an interim measure to clarify and restore property rights and resolve long-standing claims
- Lack of funding, cadastre documentation and confusion over applicable law has hampered the work of the HPD
- Property claims are divided in three categories

- Over 28.000 decisions out of 29.000 claims have been issued
- 38.5% of the decisions have been implemented as of 18 June 2005
- HPD is studying a rental scheme according to which owners who cannot return to their property would rent it as social housing
- Eventually the HPD will hand over its responsibilities to the Kosovo authorities

"There is a profound housing problem in Kosovo. Several factors explain the situation. An estimated 100,000 housing units (almost half of the stock) were destroyed during the conflict, plus many more since then. Partly as a result of such destructions and of the departure of many inhabitants of Kosovo, unlawful occupations, by all kinds of persons ranging from IDPs (see below) to international personnel unaware of the identity of the real owners, have occurred in large numbers.

Indeed, the establishment of property rights over real estate is highly problematic in Kosovo. In 1990, the Serbian authorities restricted the autonomy of Kosovo and adopted so-called 'provisional measures'. This led to a general strike by the ethnic Albanians, many of whom were subsequently dismissed from their jobs and lost the apartments that had been allocated to them by their employers. Their apartments were reallocated to Serbian employees and later privatised and bought by these or other Serbs. In addition, in 1991, the Serbian Parliament enacted legislation that restricted the sale of property between ethnic groups. However, sales continued to take place through informal contracts, which were not recorded by a court official, as required by Yugoslav law, and therefore could not be registered in the cadastre records. To complicate things further, documents have been destroyed or removed from Kosovo. As a consequence, there are many contradictory claims pertaining to property in Kosovo. Also, property transactions go on, including sales from Serbs to Albanians, often rapidly and quite informally, without adequate documentation. Which means that future problems are still being created.

At the end of 1999, UNMIK set up the Housing and Property Directorate (HPD, run by UN-HABITAT) and a Housing and Property Claims Commission (HPCC) as an interim measure to clarify and restore property rights and resolve long-standing claims. Both institutions have broadly defined functions, that are bound to be progressively handed over to local authorities. For the time being they have '*exclusive jurisdiction to receive and settle*' three specific categories of claims involving residential property disputes in Kosovo. These are claims by individuals who lost property as a result of discriminatory laws of the Milosevic era ('Category A Claims'), claims by individuals who entered into informal transactions on the basis of free will of the parties during that era and until October 1999 ('Category B') as well as claims by refugees and IDPs who have lost possession of their property after 24 March 1999, as a result of the conflict ('Category C').

However, due to the absence of rules of procedure for a long period, the fact that the applicable law on property has still not been officially compiled and published and an authoritative interpretation of it been made, and also due to its blatant lack of resources, the HPD has never fully functioned since its establishment three years ago. A Contingency Plan adopted by HPD's management in November 2001, in reaction to dwindling resources, even foresaw that the institution would gradually close down programmes and cease all activities by the summer of the current year [2002].

In 2002, the HPD has so far operated with approximately 30 % of the budget it estimates is required to carry out its functions; 2,4 million USD are needed for the remainder of the year, more than 8 million to finish its caseload." (...) This situation undermines both the respect for the right to the enjoyment of private property, and the international presence's declared ambitions with respect to return".(COE 16 October 2002, paras. 109-117)

"With the conclusion of the 30th session of the Housing and Property Claims Commission (HPCC) on 18 June 2005, decisions have been granted in 28,015 out of the 29,000 claims filed with the Housing and Property Directorate (HPD). The HPD envisages that its mandate will be fully implemented by the end of

2005. Over the coming months it will concentrate its efforts on ensuring the implementation of all HPCC decisions" (HPD, 18 June 2005)

"Out of the total number of claims submitted within the established deadline (July 2003), some 1,100 are category A claims corresponding to situations where occupancy rights were lost as a result of discriminatory laws. Over 700 claims have been submitted for voluntary transactions which were not legally registered (category B). The bulk of claims, more than 27,000, are category C claims for individuals who lost physical possession of their residential properties after 24 March 1999.

38.5 percent of the decisions have been implemented as of 18 June 2005. For HPD to progress on implementation, owners of properties who received a decision have to indicate whether they want to repossess the property physically or whether they want to put it under HPD administration which can use it for social housing.

Special attention will be given to implementation of Category A-claims, granting monetary compensation. In line with section 4 of UNMIK regulation 2000/60 a mechanism will be established to calculate and a trust fund set up to administer the compensations granted by the Housing and Property Claims Commission (...)

HPD is actively developing a rental scheme, which will enable successful claimants to place property under HPD-administration with request to let it out. This will generate income from their property while maintaining their property rights thus giving property right holders an option to return to their property as and when they find the overall situation conducive to return, This allows those not prepared to return and alternative to selling their properties and keep options open for the future (...)

HPD will decide on all claims and implement all decisions by the end of 2005. HPD will develop its exit strategy ultimately allowing the mandate to be handed back to local organs as stipulated by UNMIK regulation 1999/23. The main goals are completion of claim processing, implementation of decisions and creation of a sustainable mechanism for administrated properties (...).

At its completion HPD will, as per UNMIK regulation 1999/23, hand over to local courts and registries (such as Kosovo Cadastre Agency) its claim records and any properties under its administration to the identified sustainable mechanism. HPD will in 2004 and 2005 continue its local capacity building through training staff and local authorities to facilitate such hand over. (HPD, January 2004)

See also [Property Rights in Kosovo 2002-2003](#), OSCE, 30 June 2003, a detailed analysis of the issue.

The website of the Housing and Property Directorate can be accessed at <http://www.hpdkosovo.org/>

Repossession of residential properties and illegal occupation: a slow process (2002-2005)

- Funding shortage has prevented HPD from being fully efficient until 2004
- Assistance to return is proposed to claimants
- HPD has a mandate to evict illegal occupants
- Illegal occupation remains widespread and requires positive actions from local authorities
- Some positive declarations of local authorities against illegal occupation should be reinforced with acts and sanction of such acts

The Housing and Property Directorate (HPD) and the Housing and Property Claim Commission (HPCC) have been mandated by UNMIK to solve disputes related to residential properties.

“Progress in returns has also been impeded by three different property-related barriers to return, each of which needs to be confronted more effectively in the coming year. Most importantly, returns involving repossession of property need to move forward in 2004. In prior years, displaced persons who sought to return to property that was illegally occupied had little alternative but to file a claim with the Housing and Property Directorate and wait for its resolution. This year, with full funding finally secured, the HPD has moved expeditiously to begin resolving claims, with thousands of claims already decided, and a total of some 13,000 decisions to be reached by the end of 2003. Unfortunately, potential returnees have not yet felt the impact of this development, as HPD is currently engaged in the laborious process of notifying claimants personally of the decision in their cases. As part of this process, each successful claimant will be asked whether they would like to receive information on return to Kosovo. Claimants who elect to receive further information will be contacted by an NGO that will answer questions and ultimately facilitate the claimant’s return to Kosovo, if so requested. In addition, HPD is able to prioritise its work to focus on geographic areas that have been identified as potential returns sites. Thus, the requisite tools are now in place for returns projects to be built around repossession of homes.

“As one of the prerequisites for a sustainable return of minorities to Kosovo, members of these communities must be able to realise their property rights. The effective realisation of property rights requires positive actions by the State (in Kosovo, such positive actions fall within the obligation of UNMIK and its relevant bodies, as well as of the PISG and its sub-entities), which should therefore have implications both at political and budgetary level. Although insufficient realisation of property rights is triggered by issues related to access to property or to the claims mechanisms thereof, authorities have a positive obligation to ensure such access both by legislative reform and by executive/enforcement actions. “Access” can be defined as encompassing three general areas: awareness of legal rights, physical access to relevant adjudicative and executive bodies, and, finally, once physical access is gained, the ability of the appropriate bodies to provide effective realisation of these rights.”

“One of the key obstacles to the return process and the protection of minorities is access to their residential property, or their “home”. The Housing and Property Claims Commission (HPCC) and Directorate (HPD) were established to facilitate the restoration and the confirmation of residential property rights, which were either lost through discrimination or force or remained unclear due to informal transactions. Under their mandate, the HPD and HPCC possess the authority to evict illegal occupants and restore property to the rightful holders (whether owners, possessors, or occupancy right holders).

HPD’s and HPCC’s mandate in relation to illegal occupation is particularly critical to the sustainable return of minorities. Within urban areas especially, a significant proportion of displaced minorities’ properties, both houses and apartments, are illegally occupied in part preventing their return. A number of these illegal occupants have not vacated the property even though they have received reconstruction assistance. With their mandate, HPD and HPCC play a crucial role in facilitating the return of minority community members to their homes. Thus, as many minorities suffer from illegal occupation of their residential properties, awareness of, physical accessibility to, and effective operation of the HPD and HPCC are key elements for the effective protection of minorities and their property rights as well as to facilitate their sustainable return.

The OSCE acknowledges the progress in the HPD/HPCC activities since the last Assessment, both in expanding operations and allocating appropriate resources. Despite the clear progress, which has been mostly apparent under the new management of the HPD/HPCC, minority communities’ level of awareness of and physical access to the HPD/HPCC mechanism was still inconsistent and in some aspects inadequate. For example, the access of IDPs living outside Kosovo appeared to improve since the last Assessment. A satellite field office and mobile teams have been established in Montenegro to collect claims, and field offices already operating in Belgrade, Niš, and Kraljevo in Serbia proper remained open until December 2002. HPD also undertook a public awareness campaign to inform the public of the extension of the deadline to file claims. Claimants outside Kosovo lodged 15,615 claims (66% of the total claims filed), indicating that those internally displaced outside Kosovo enjoyed improved access and awareness of the mechanism since the last Assessment. Such was the case in Montenegro, where 1,692 of these claims were

filed within the last six months of 2002 after operations were established there. Yet, resource limitations may halt this progress elsewhere. The HPD has yet to open an office in FYROM to collect claims from predominantly Kosovo RAE refugees. Thus, while improvements have been made in physical access and awareness of those displaced outside Kosovo, lack of human and physical resources for the HPD still hamper their effective realisation of residential property rights. Inside Kosovo, the level of awareness of and physical access of minority communities to the HPD/HPCC mechanism did not appear to improve significantly or consistently since the last Assessment. The overall claim intake inside Kosovo represents only 34% (8,053 claims) of the total claims received by HPD/HPCC, indicating that the elements of access remain inadequate and prevent the effective realisation of minority communities', as well as the majority community's, property rights. As for the claims intake mechanisms outside Kosovo, human and physical resources of the HPD/HPCC appears to influence the intake results inside Kosovo as well. Until the very recent opening of the HPD Office in Prizren, the Pejë/Pec HPD regional office was responsible for operations in that region as well as within Pejë/Pec region and Montenegro. While the office was provided more vehicles, its staff was cut in half and its Head of Office changed three times since the last Assessment, thereby hampering continuous and effective operations. Such circumstances prevented both the provisioning of HPD mobile teams for and the implementation of an awareness-raising campaign to minority communities. [...]

With regard to the effectiveness of the HPD and HPCC in processing claims, the expedience of the process and the enforcement of decisions remain inadequate. Of the total 23,668 claims, only 1,856 claims (8 % of the total claims intake) have been resolved by either HPD or HPCC, and only 621 eviction decisions were enforced against illegal occupants (227 HPD administrative evictions, 254 HPCC-enforced eviction decisions, and 140 voluntary vacations of the illegally occupied property).

One aspect of the HPD's operations with a significant impact on the return of minorities is the status of the 4,275 cases of vacant or illegal property, which are still pending for administration by the HPD. Currently, only 2,268 properties are under the HPD administration, and of these, only 771 properties are allocated to displaced or vulnerable families under its temporary humanitarian permit scheme.

Overall, despite progress since the last Assessment, access to and operations of the HPD and HPCC remain inadequate and insufficient to ensure the effective protection of minority's residential property rights and facilitate their return. Yet, it should be noted that not only do the difficulties with the HPD and HPCC mechanisms create problems for those wishing to return to illegally occupied property.

Post-eviction damage and destruction of property as well as harassment are also of concern. Due to a time-lag between when an HPD/CC eviction occurs and the physical repossession of the property by the property right holder, looting and destruction of properties have occurred. In addition, evicted illegal occupants have harassed the returned property right holder. In May 2002 in Vushtrri/Vucitrn, majority community members demanded money for 'protection' while evicted illegal occupants demanded compensation from the returned property right holder for improvements which they had made to the returned properties. Such phenomena highlight the need for increased coordination between HPD and HPCC and the police regarding evictions, as well as increased diligence by law enforcement authorities." (UNHCR/OSCE, March 2003, pp. 44-46)

Widespread illegal occupation and use of property continues. (...). Respect for HPCC decisions, and property rights, remains low: 1,003 of 1,669 of successful category C claims that led to repossession by the rightful owners required enforced evictions. Over 6,000 properties remain under HPD administration. Although the police responded positively to all requests for support for property-related decisions, there is little evidence of proactive enforcement (a priority). Municipalities have not used police support or other powers to prevent or sanction illegal occupation (a priority): only two municipality requests for police support were made during the quarter. Public use of the police for property-related issues is low: 38 property-related complaints were filed with the police over the reporting period, compared to 5,163 property-related cases received by the civil courts in the first half of 2004. Clear policy guidance on addressing illegal occupation and other property-related cases (aside from activity related to the March

2004 violence, on which guidance already exists), and a comprehensive, coordinated approach by municipal authorities, courts and the police are needed (SG, 14 February 2005, par.61).

“Political leadership against illegal occupation and use of property increased markedly through statements by the former and current Prime Ministers, Ministers and municipal leaders. A working group was created to develop a public information campaign on illegal occupation and use, illegal construction and informal settlements (...).

Repossession of property by rightful owners needs to increase. Repossession of HPD-adjudicated properties was 4.15%. (...) More support of the PISG institutions for repossessions and appeals to illegal occupants – including public officials and employees - to release property immediately, are needed” (SG, 23 May 2005, par.60 and 67)

Overburdened courts delay repossession of land and commercial business therefore hindering return (2005)

- Housing and Property Directorate only deals with residential properties
- Property disputes related to land, commercial properties have to be addressed through local Courts
- Repossession of land and commercial properties are essential to ensure sustainable return
- Local Courts are suffering from important backlog on property related cases but no apparent ethnic bias
- Illegal occupation should be systematically condemned and sanctioned

“While HPD is now well-positioned to support the return of displaced persons to their homes, no similar system for reclaiming agricultural or commercial property exists. Municipal courts throughout Kosovo possess large backlogs of cases and property reclamation claims are frequently overlooked or deliberately put off due to their complex nature or the political pressures involved in such cases. Police and municipal authorities also feel hesitant to enforce basic criminal and civil trespass laws and evict illegal occupants of such lands without a court decision confirming property ownership or land rights. As a result, minority-owned agricultural lands continue to be farmed and shops or businesses used by persons other than their rightful owners. It is also not uncommon for illegal occupants to construct residences or other structures on occupied agricultural lands. Many IDPs are thus reluctant to return, even once they regain their occupancy rights to their homes, as they would have no meaningful access to or possibilities for reclaiming these properties that contribute directly to their subsistence and ability remain in Kosovo (UNMIK, 15 December 2003).”

“A comprehensive needs assessment and resource allocation are required to ensure adequate judicial protection of property rights (a priority). The civil courts are overwhelmed and their backlog of cases is increasing. In the first half of 2004, cases were received at twice the rate they were adjudicated. The criminal courts are underused: police referred six property-related criminal cases to prosecutors over the reporting period. Execution of property-related decisions remains limited: 22 per cent of cases awaiting execution were fully executed in the first half of 2004; over half the remaining cases have been awaiting execution for over a year” (SG, 14 February 2005, par.62)

“There was no evidence of ethnic bias in either property-related court decisions or their execution (*priority*). The adjudication rate of claims was 31.4%, with comparable rates for Kosovo Albanians (32.5%) and minorities (26.5%). Over this period, cases were received and adjudicated at the same rate indicating that, although additional resources will be needed for the backlog and stayed cases, the courts handled the new caseload. Court efforts to increase execution rates of their decisions increased: requests for police support rose ninefold, to 78 (74 granted). Municipal requests for police support rose from 2 to 31 (15

granted). Police responded positively to all 115 requests of the Housing and Property Directorate (HPD) for eviction support. (...)

A total of 18,146 property-related cases filed in 2004 (largely to comply with the 5-year statute of limitations on 1999 conflict-related damages) were stayed at the request of the UNMIK Department of Justice and will remain stayed until adequate resources are available to adjudicate them. Taking these into account, the backlog of property-related cases in the courts was 6,932 (6.7% more than in 2004). Court and municipality efforts to increase execution rates need to continue and increase further (34% of required execution procedures were completed).

Systematic municipality efforts are needed to prevent and sanction illegal occupation and use of property (*priority*) including private property, and illegal construction. Public campaigns against both are needed. Municipal courts must not validate illegal sales. Consolidated guidance on approaching cases of suspected illegal occupation would help police. The Cadastral Agency needs to increase efforts to distribute subsidiary instruments, and provide training, to the northern municipalities (*priority*). The northern municipalities need to increase efforts to cooperate with the Cadastral Agency. (SG, 23 may 2005, par.62, 67-68)

Legalising informal settlements: a precondition to social integration and access to rights (2005)

- Roma, Ashkaeli and Egyptians face particular obstacles in gaining access to or reconstruction of their properties due to the informal nature of their property rights
- Informal settlements only provides sub-standards living conditions which marginalise their inhabitants
- The absence of legal residence prevents access to a wide range of basic rights, from social welfare to access to justice
- A regional conference on formalizing informal settlements of Roma took place in June 2004
- Process of formalising informal settlements is currently at a standstill

“Roma, Ashkali and Egyptian communities also face particular difficulties regaining access to their homes due to the sometimes informal nature of their former property rights. Many RAE settlements were constructed without official consent on state-owned lands, including on the properties of State-Owned Enterprises (SOEs). It was also common in the past for RAE private landowners not to register their properties with municipal cadastral offices once they had purchased or inherited private properties. As a result, no records exist of these transactions or of individual ownership/occupancy rights in many cases. Given that so many informal settlements have been destroyed wholly or in part, potential RAE returnees lack the documentation necessary to prove former occupancy rights and obtain reconstruction assistance. Additionally, some municipalities have targeted informal settlements on state lands specifically for public development projects, such as recreational parks and cemeteries.” (UNMIK, 15 December 2003)

“Informal settlements are human settlements that do not enable citizens to enjoy their right to an adequate standard of living, particularly to adequate housing. People who live in informal settlements – especially those belonging to the most vulnerable groups, including Roma, Ashkali and Egyptians – are marginalized from the larger community. They are more prone to suffer violations of their human rights and are not given the opportunity to fully participate in governance. In particular, inhabitants of informal settlements do not enjoy justiciable rights to access and use land and property, providing them protection from human rights violations such as forcible, extra-judicial evictions. The improvement of living standard and infrastructure for all citizens of Kosovo in general, and those living in informal settlement in particular, will make Kosovo a better place to live. As the Prime Minister said, “a democratic Kosovo will have a good prospective only when the freedom, equal rights and opportunities are guaranteed for all citizens.” (...)

The OSCE Mission in Kosovo and the Prime Minister of Kosovo, Bajram Rexhepi, presented the final document of a major regional roundtable on informal settlements of Roma and other vulnerable groups. This document was the product of “Working Regional Roundtable in Formalizing Informal Settlements of Roma and other vulnerable groups,” which was presented by the head of the OSCE Mission in Kosovo, Ambassador Pascal Fieschi and Kosovo’s Prime Minister Rexhepi on 15 June 2004 in Prishtinë / Priština.

The most acute problems inhabitants of informal settlements face are being exposed to informal or insecure tenure, inadequate access or deprivation of access to basic services, inadequate or deprivation of participation in governance and vulnerability to discrimination. Formalizing informal settlements would be very important for the protection of human rights of their inhabitants.

The document carries eight overall findings, pointing out that central and local governments have obligation under international law, particularly of the right to adequate housing, to ensure that the situation of inhabitants in informal settlements is improved. The paper helps to set out a policy framework for the region’s governments to improve the situation of those living in informal settlements. Currently, they do not fully enjoy the right to adequate housing and property; do not always have equal access to services or participation in government. They often live in makeshift houses, in areas lacking proper roads, reliable sources of electricity, clean water and sanitation. “Bearing in mind the importance of informal residences for the existence of ethnic and racial communities, we engage ourselves in considering the possibilities that, when it becomes possible, to officially formalise these settlements,” Prime Minister [Bajram Rexhepi stated]” (OSCE, July 2004).

“Action is needed at all levels to regularize informal settlements (a priority).The central level situational analysis has not started, thereby blocking drafting of an action plan, and all consequent actions. Only Mitrovica and Vucitrn municipal authorities have actively considered alternative spatial planning options to protect and upgrade informal settlements. No short-term measures have been adopted to protect the rights of inhabitants of informal settlements and prevent further displacement.” (SG, 14 February 2005, par.63)

“Informal settlement regularization (*priority*) remained blocked by the absence of a situational analysis (*priority*), and needs to progress. Special efforts are needed to resolve urgent informal settlement issues in the Mitrovica and Pec municipalities. Only Istok considered measures to regularize settlements and create security of tenure for displaced inhabitants (*priority*).” (SG, 23 May 2005)

Forced sale of minorities’ property continues despite UNMIK regulation (2002-2005)

- Strategic sales aiming at reducing Serb presence in Kosovo persists in spite of UNMIK 2001 regulation
- 2001 Regulation aims to prevent forced sale of minority property to the majority in certain areas ("strategic sales")
- There are concerns that the regulation violates the right to freely dispose of one’s property

“Civilians were responsible for the destruction, often through arson, of private property. The reported phenomenon of "strategic sales" of property persisted. There was evidence that Kosovo Albanians in several ethnically mixed areas used violence, intimidation, and offers to purchase property at inflated prices in order to break up and erode Kosovo Serb neighborhoods. For example, on May 26, a 35-year-old Kosovo Serb farmer was seriously wounded from gunfire from an unknown assailant in a neighbouring, predominant Albanian village. Some cases of violence against Serbs may have been attempts to force persons to sell their property. An UNMIK regulation prevents the wholesale buy out of Kosovo Serb communities and seeks to prevent the intimidation of minority property owners in certain geographic areas; however, it was rarely enforced. Some municipalities were excluded from this regulation at their request.

The Kosovo OI and human rights groups criticized the regulation as limiting the ability of Kosovo Serbs to exercise their property rights.” (USDOS, 28 February 2005)

“The systematic sale of real estate belonging to minorities, be it voluntary or under threat or pressure, has a potential detrimental impact on the living conditions of the respective minority communities and, indirectly, on the right of refugees and displaced persons to return to those communities. As response to this phenomenon, UNMIK enacted Regulation 2001/17.116 Before and after its promulgation, the Regulation has aroused criticism and speculation.¹¹⁷ It was feared that it would deter registration of property and therefore lead to clandestine property transactions circumventing the official (court) system. Moreover, it raised concern that the imposed restriction was a violation of the right to freely dispose of ones property, and also that it was discriminatory. The Regulation, however, does not prohibit sales in general. It orders that such sales be reviewed by another institution outside the courts (namely the UNMA) to determine whether the contract was fairly concluded and whether the sale reflects a systematic buy-out of minority-owned property. In this respect, the Regulation does not intend to serve as an instrument to restrict sale of real property owned by minorities, but, on the contrary, as a necessary tool to protect the legitimate interests of minorities.

However, the need to register a sales contract with the UNMA may generate an unnecessary and burdensome interference with property rights under the ECHR. The European Court found a national expropriation law to be inflexible, stating that the complainants were left “in uncertainty as to the fate of their properties”, as the respective law lacked a remedy against the prolonged expropriation procedure and also did not envisage for the possibility to claim compensation. These gaps in the national law were found to subject the applicants to “an individual and excessive burden”.¹¹⁸ Along the line of the European Court’s arguments, the OSCE finds that the Regulation, despite an established reconsideration and appeal process, places an excessive burden on the minority property rights holders, while also lacking any possibility to compensate these individuals for the interference with their rights. Such a burden appears to be individual and disproportionate when balanced with the legitimate aim of the Regulation. [...]

The OSCE has documented cases indicating that the Regulation does not serve the purpose originally envisaged. UNMIK representatives of the Prishtinë/Priština, Obiliq/Obilic and Fushë Kosovë/Kosovo Polje municipalities reported also that the Regulation has no significant impact on sales, since all the critical sales took place before the entry into force of the Regulation. For example, in the village of Devet Jugovica/Nënte Jugoviq, 50% of the residential property had already been sold before the enactment the Regulation. In Fushë Kosovë/Kosovo Polje and Obiliq/Obilic, UNHCR statistics related to the departure of Kosovo Serbs show that more properties were exchanged than contracts submitted for registration, thus indicating the use of informal transactions.

An additional concern related to the Regulation stems from its implementation, and, in particular, from the rejections by the SRSG of requests filed by UNMAs from different municipalities in Kosovo to designate additional Specific Geographic Areas (SGA).¹²⁵ Several municipalities without SGAs have submitted requests to the SRSG to designate SGAs in their area of responsibility. For instance the municipality of Ferizaj/Uroševac has no SGAs. Since August 2001, the municipality submitted three requests to the SRSG. However, all requests have been declined without explanation despite a significant amount of inter-ethnic property sales that occurred in the Ferizaj/Uroševac municipality.¹²⁶ A proposal to include Prishtinë/Priština city under SGA has been submitted three times but all requests have been rejected. The Prizren municipality submitted in September 2001 a proposal but this request was declined as well.

Another phenomenon that is impeding the effective implementation of the Regulation is the lack of available resources for the UNMAs to monitor transactions and to review suspect sales properly. UNMIK’s downsizing has affected the number and kind of employees able to effectively and actively conduct reviews and follow up investigations on rejected property contracts. Moreover, the OSCE is concerned with the poor understanding of the Regulation both by the public and the municipality officials. It is imperative to ensure that the courts, local authorities and the UNMA understand the Regulation fully. Although agricultural land is not included in the scope of the Regulation, patterns of inter-ethnic sales of agricultural

land gave further reasons for concern. The OSCE monitored that not only do such land sales cut off minority farmers from accessing valuable land for agriculture exploitation, but they can also effectively isolate minority communities, as such lands are usually located along the main travel routes in and out of minority communities. As current conditions indicate, some strategic purchasing of minority agricultural lands has already occurred in several areas, suggesting the same pattern and practices that occurred with residential properties. It is noteworthy that agricultural land is an essential economic indicator for the sustainable return of many minority communities, thus scrutiny over inter-ethnic transactions involving such land is of significant importance.

One development in addressing the drawbacks of the Regulation has been the establishment of an ABC Working Group to review it. It has been concluded that there is a need to increase the number of SGAs particularly in urban areas where minority flight has occurred and the returns process has not yet begun. Areas such as Prishtinë/Priština town, which contain a large number of illegally occupied minority residences, present a hostile environment for would-be returnees. Such circumstances create considerable pressure on minority property owners to sell rather than to wait for the HPD process to resolve possession or ownership disputes. The working group also acknowledged that it is vital, in order to ensure proper implementation of the Regulation, that the UNMAs have the ability to monitor, investigate, and follow up on suspect property sales under review or appeal. Therefore, and in light of UNMIK's downsizing, the capabilities of UNMAs to fulfil their responsibilities under this Regulation must not be compromised. The working group also recommended changes that would afford an amendment of the Regulation. This includes a recommendation of an amendment to extend coverage to agricultural land. Such an amendment would serve the same public interests that necessitated the review of residential properties, namely the protection of all communities' property rights, regardless of ethnicity, from coercive or irregular sales tactics.

[Footnotes:

116 For a background on the UNMIK Regulation 2001/17, see also the Ninth Assessment.

117 See also: Norwegian Refugee Council (NRC): UNMIK Regulation 2001/17 – Request for review for compliance with international standards regarding permissible restraints on the voluntary transfer of private residential property, 14 September 2001 and the Ombudsperson Institution in Kosovo – Special Report No. 5, 29 October 2001.

118 See European Court of Human Rights, Sporrang and Lonroth judgement, A Series no. 52, para. 73.

125 See further the analysis made in the Ninth Assessment, para 123.

126 The Office of the Legal Advisor responded three times that the submitted request does not meet the criteria under Section 1.2 lit. (a) and (b). The Ferizaj/Uroševac Municipal Court reported that 536 Kosovo Serb and Montenegrin properties (apartments, land, commercial premises, etc.) have been transferred to Kosovo Albanians - among which 182 were residential properties - since the promulgation of the Regulation.]”

(UNHCR/OSCE, March 2003, pp.49-51)

The full text of Regulation 2001/17 is available on the website of the UN Interim Administrative Mission in Kosovo [Internet]

See also Special Report No. 5 of the Ombudsperson Institution in Kosovo On Certain Aspects of UNMIK Regulation No. 2001/17 on the Registration of Contracts for the Sale of Real Property in Specific Geographical Areas of Kosovo (22 August 2001) dated 29 October 2001 [Internet]

March 2004 events: widespread destruction and occupation of properties belonging to non-Albanians (2005)

- Participants in the March violence systematically targeted properties, religious and social buildings related to minority communities

- Widespread illegal occupations during and after the March 2004 events
- Provisional Institutions for Self-Government (PISG) pledged to repair the damages
- Reconstruction of damaged or destroyed properties is almost completed
- Compensation and cash grants are offered to facilitate return of the displaced

“Numerous serious attacks on Serbian Orthodox churches and cemeteries occurred during the March riots, resulting in extensive property damage, including the destruction or damage of 30 Orthodox religious sites and over 900 houses and businesses of ethnic minorities. Several of the burned churches and monasteries dated from the 14th century and were considered part of the cultural and religious heritage of the region. A Council of Europe mission assessed that approximately \$13.1 million (9.7 million euros) would be required to repair and restore the damaged religious sites. Following the riots, KFOR deployed security contingents at religious sites throughout Kosovo to protect them from further destruction. In some areas KFOR resumed static checkpoints and increased protective measures and improved KFOR visibility. Nevertheless, sporadic attacks against ethnic minority property continued.” (USDOS, 28 February 2005)

“According to the Report on UNMIK issued by the UN Secretary-General on 30 April 2004, this onslaught was an organised, widespread and targeted campaign. Properties and churches were demolished, public facilities such as schools and health clinics were destroyed, communities were surrounded and threatened and residents of these communities were forced to abandon their homes. Minority areas were targeted, sending a message that minorities and returnees were not welcome in Kosovo. The Secretary-General saw this as a targeted effort to drive out Kosovo Serbs and members of the Roma and Ashkali communities and to destroy the social fabric of their existence in Kosovo. It also showed a lack of commitment among large segments of the Kosovo Albanian population to creating a truly multi-ethnic society in Kosovo.” (Ombudsperson, 12 July 2004, p.20)

“The illegal occupation of residential and non-residential property has been widely acknowledged as a continuing and widespread problem throughout Kosovo. During and in the aftermath of the March violence, some partially destroyed or forcibly abandoned properties were newly illegally occupied or illegally re-occupied, while many other properties were left vulnerable to illegal occupation when the occupants fled.” (OSCE, December 2004)

After the events, the PISG pledged to rebuild or repair homes damaged during the March violence

“The reconstruction programme following the March 2004 violence is progressing (a priority). All schools were reconstructed on schedule. Of 897 houses designated for reconstruction, 847 have been completed. Fifty-seven houses in Prizren and 30 in Kosovo Polje and Obilic have been added to the programme. An additional amount of €1.6 million has been requested from the budget. The Central Inter-Ministerial Commission has undertaken to deal with commercial property, and has significantly expanded the policy for secondary building compensation. Of 338 eligible beneficiaries, 116 have accepted compensation under the scheme. Files were completed for 487 of the 632 beneficiaries eligible for Euro 2000 start-up assistance.” (SG, 14 February 2005, par.42)

Arson, looting and occupation of Serb- and Roma-owned properties (June 1999-2000)

- Displacement prevented many owners of damaged properties from claiming compensation within the prescribed period
- The Ombudsperson requested that the SRS take measures to ensure right of access to Courts
- Orthodox religious sites also targeted
- Arson attacks against minority-owned properties include grenade attacks and shooting

- A pattern emerged in some areas of arson and demolition of previously abandoned properties to clear the way for construction of new homes

“[A]pproximately 10 000 Serbs whose property was damaged after the arrival of KFOR and UNMIK since 1999 have brought civil lawsuits for compensation before the courts of Kosovo. Serbian newspapers have estimated that around 20 – 50 000 more such lawsuits will be filed in the foreseeable future. However, in many cases where these persons intend to bring such claims before court, the prescription periods for these claims may now have run out, or may run out in the near future. In these and other civil claims cases, the claimants were often prevented from accessing the competent courts in Kosovo earlier, as they were often forced to flee their homes after the conflict. In this time, the courts in Kosovo had also stopped functioning for a certain period and did not officially resume their work until several months or in some cases even a year later. Since the end of the conflict, the security situation in Kosovo has prevented a large number of the above persons from accessing the competent courts. Bearing this in mind, the Ombudsperson wrote a letter to the Acting SRS in the beginning of June 2004 asking whether there was any solution by which this group of people could still be able to pursue their claims despite the fact that the relevant prescription periods had run out or would soon run out. The Ombudsperson noted that the present situation could raise issues regarding these persons’ right of access to court under Article 6 of the European Convention on Human Rights. To the date of this report, there has been no response to this letter.” (Ombudsperson, 12 July 2004, p.10)

"The extensive destruction of civilian property in Kosovo began with the 1998 spring offensive in the Drenica region, when Serbian security forces deliberately targeted homes, schools, and mosques for destruction. The rampage continued at an accelerated pace following the departure of OSCE verifiers from the province in early 1999. Looting and arson has continued since the withdrawal of Serbian military and police units in early June. However, it is now Serb and Roma homes that are the targets. Orthodox religious sites have also been targeted, with monasteries in Vucitrn and Musutiste destroyed and a church demolished by explosives.

[...]

The takeover of Serb homes by Albanian families, many of whom lost their own homes during the conflict, has also been reported throughout Kosovo. In Prizren, for example, the historically Serb neighborhood of Pantelija is now nearly empty of its previous residents, with many formerly Serb homes currently being occupied by ethnic Albanian returnees.

According to Roma interviewed in Djakovica, about thirty Roma homes in the Brekoc neighborhood were burned within three hours on July 12. Men in KLA uniform told them to leave their homes a few days before the burning took place. Human Rights Watch visited the Roma neighborhood on July 24 and saw the charred remains. Approximately 600 Roma from Brekoc and other areas in Djakovica are currently in a UNHCR camp in the city guarded by Italian KFOR troops. The Roma are free to leave the camp, but told Human Rights Watch that they fear to do so because of retaliatory attacks by the KLA. 'All of the Rom who worked with the Serbs have left,' said one man in the camp.' And we are trapped here even though we did nothing." None of the Roma interviewed wanted their names to be published." (HRW August 1999, "Arson, looting, destruction of property, and takeover of homes")

"In terms of the types of major crimes affecting minority communities during the reporting period, arson was by far the most frequent. Arson attacks committed against minorities were mostly carried out in the Pristina region and to a lesser extent in the Gnjilane region. Serb-owned properties were the hardest hit, representing 46 per cent of victims (83 properties burned out of a total of 179 incidents registered province-wide from 27 February to 20 May). A pattern emerged in some areas of arson and demolition of previously abandoned properties to clear the way for construction of new homes." (UNSC 6 June 2000, para. 40)

"Crime related to property particularly affects minorities. Arson, and the destruction of property, often appears to be directed at ensuring that members of minorities leave, or do not return to, the province. Arsons have taken place across the province, with a series of attacks in Orahovac/Rahovec at the start of

June [2000]. Repeated incidents, including grenade attacks and shootings at Kosovo Serb-owned property took place in Kosovo Polje/Fushe Kosove, a Kosovo Serb community often described as "under siege" by its residents and international actors. Other significant events include destruction of churches, which took place in Vitina/Viti on 30 June, and Kosovo Polje/Fushe Kosove on 16 July 2000." (UNHCR/OSCE October 2000, para. 8)

Interference with property rights impedes return of IDPs (2003)

- Minorities are particularly vulnerable to interference with their property rights, including illegal construction on and use of their land, and destruction
- Administrative appeals mechanism and judicial remedies remain inadequate
- This obstructs sustainable return of IDPs

“As noted in the previous Assessment, minorities’ lack of freedom of movement and exposure to discrimination makes them particularly vulnerable to the problem of illegal construction and use of land, or illegal interference with their property rights. Minorities are especially vulnerable to illegal use of agricultural land. Such illegal use of land obstructs the ability of these property right holders to return in a sustainable fashion. Since the last Assessment, little progress has been made in remedying the identified gaps in the legal framework, such as the inadequate administrative appeals mechanisms at the municipal and central level and the lack of effective judicial remedies to such interference. Nor has notable progress been observed in preventing the illegal use of agricultural land.

The effect of these gaps was seen in the Pejë/Pec municipality, when the Kosovo RAE community displaced from the “Kristali” area of the Pejë/Pec city attempted to access and reconstruct on their land. Not only were Kosovo RAE property right holders denied construction permits to build on their land, but Kosovo Albanian property right holders were granted construction permits in the same area and illegal construction by the majority community, known to the municipality, continued unregulated. The Kosovo RAE property right holders were denied construction permits by the municipality based on the zoning of the area, while the majority community applicants were granted construction permits within the same zoning. The municipality, based on the zoning designation, refused to consider appeals to its decision. Subsequently, based on a September 2000 Municipal Council decision changing the zoning designation, the municipality, through the UN Municipal Administrator, promised remedial action. To date, however, over 100-inventoried illegal constructions remain unregulated. As this case illustrates, the continued ineffectiveness of administrative remedies negatively affects the ability of minority communities to access their property rights and thus exercise their right to return.” (UNHCR/OSCE, March 2003, pp. 48-49)

“[I]llegal occupation inhibits rightful owners from accessing their property and returning. For example, in Gracanica/Graçanicë municipality in Prishtinë/Priština region, Kosovo Serbs are illegally occupying 70 houses over which Kosovo Roma have property rights. In February 2002, the American Refugee Committee reported that two Kosovo Roma properties were occupied in the village of Hogosht/Ogošte, Kamenicë/Kamenica municipality, preventing return of the property right holders. In the village of Dobrevë e Epermë/Gornje Dobrevë in Prishtinë/Priština region, approximately 60 houses of Serb refugees from Croatia and Bosnia and Herzegovina are illegally occupied by Kosovo Albanians, preventing their return and maintaining the refugees’ and IDPs’ displacement in Fushë Kosovë/Kosovo Polje town.

Lack of physical access to property also results from security concerns restricting freedom of movement of those displaced inside or outside Kosovo. Such security concerns severely limit Kosovo Serbs’ ability to return to many municipalities in Kosovo as well as the ability of some RAE. For example in Pejë/Pec, two RAE reconstruction beneficiaries had their reconstruction sites severely vandalised on 18 November 2002 precipitating a decision by the beneficiaries not to return and the implementing partner, CORDAID, to remove its support. In Mitrovicë/Mitrovica, security concerns are likely to hamper efforts to assist RAE

from the “Roma Mahala” to return. The potential implementing partner, ACTED, stated in September 2002 that 50 families must be willing to return together in order for return and reconstruction to be sustainable from a security standpoint.”

“Many potential returnees have no home to return to because it has been destroyed. For instance, in the Prizren region, many rural residential properties of Kosovo Serbs have been destroyed. The RAE property in the Kristali area in the Pejë/Pec municipality and in the “Roma Mahala” in Mitrovicë/Mitrovica municipality was burned and cleared after the conflict ended in 1999. Even when potential returnees do have property rights to land, the lack of temporary or alternative accommodation during the reconstruction period as well as difficulty in securing reconstruction aid acts as a deterrent, especially to spontaneous return. In Prizren region, spontaneous return has occurred only to locations where property is not destroyed (or not occupied). In Pejë/Pec, representatives of the RAE community told OSCE in March 2002 that many RAE wish to return to Mahalla e Bates/Batina Mahala and other areas, but do not because they do not have alternative shelter while they rebuild their houses. In addition, within the Pejë/Pec region, many RAE members are squatting in houses within their enclaves with the knowledge of the owners.” (OSCE, 30 June 2003)

Minorities encounter difficulties in accessing reconstruction assistance

- Minority access to reconstruction appears to improve, but progress often is due to international pressure
- UNMIK Housing Reconstruction Guidelines have positive effect where implemented, but lack of legal authority lead to incoherent application

“The right of the refugees and internally displaced minorities to return and exercise their property rights often depends upon the apportionment of reconstruction assistance. Many minorities’ properties have been destroyed both in urban and rural areas either during the conflict or immediately following it, and in some instances destruction has continued throughout the postconflict period. [...] Indeed, the level of such destruction in villages can be persuasively argued to be inversely linked to the presence of a resident minority community. As previous Assessments have highlighted, minorities, though generally well informed about the existence of reconstruction assistance and the mechanisms through which to obtain it, have encountered difficulties in obtaining it. [...] The actual proportion of houses reconstructed within the minority communities remains far less than that of the majority communities, who normally possess better access to and greater financial resources. For instance, throughout the Mitrovicë/Mitrovica region, the overwhelming majority of houses reconstructed were not those belonging to minority beneficiaries. In Deçan/Decani, prior to this past reconstruction season, 55% of the majority population destroyed houses have been rebuilt compared to 6-7% of those belonging to minority population.

Since the last Assessment, though, minorities access to the reconstruction process appeared to improve. Overall, within the Municipal Housing Committees (MHCs), which approve the distribution of the majority of reconstruction assistance, minority communities’ interests appear to more consistently represented by the presence of at least the UNMIK LCO or Municipal Communities Officer as a voting member. Three notable exceptions were the MHCs in Fushë Kosovë/Kosovo Polje, Obiliq/Obilic, and Ferizaj/Uroševac, where no representation of minority communities’ interests was ensured. The invariable result of this lack of representation was a diminished allocation of assistance to minority communities. In Ferizaj/Uroševac, the only minorities who received assistance were three (3) Kosovo Ashkaelis (less than a 5% allocation to minorities). [...] Sometimes, though, even when representation was present, minorities did not receive assistance. In Glllogovc/Glogovac, no minorities benefited from reconstruction assistance. Furthermore, much of the progress in reconstruction assistance to minorities since the last Assessment can be attributed to international, not local, initiatives. For example, as recommended in the last Assessment, the EAR required that 10% of its donated reconstruction assistance be allocated to minority beneficiaries. It also provided an extra fund for minorities. These initiatives forced many MHCs to select minority beneficiaries

they might not have otherwise considered, either due to political considerations or vulnerability thresholds. [...] The LCOs' active advocacy of minority beneficiaries also helped in the selection process. Another example is the Prizren region, where many minority members were unaware that they could access reconstruction assistance. [...] Minorities in Prizren benefited from reconstruction assistance mainly through a Swiss Caritas programme, which reconstructed 57 houses for Kosovo Roma in the municipality.

Concerns raised in the last Assessment still remain that minority access to reconstruction assistance is also hindered at times by the insufficient co-operation between the implementing international NGO and municipal authorities such as the MHC. For example, in the Pejë/Pec region, the EAR implementing partner CORDAID at one point appeared to be disqualifying beneficiaries due to lack of cadastre proofs, though alternative proofs are acceptable under the UNMIK Housing Reconstruction Guidelines 2002 (the Guidelines). CORDAID also resisted providing assistance to Kosovo RAE families from the Kristali area of the Pejë/Pec municipality based not on vulnerability issues, but on the assertion that the property status of the families was too vague. Despite five beneficiaries from the area, who possessed property documentation, being approved, CORDAID remained resistant and tried to ignore the decision citing unsubstantiated property and security concerns. The two excluded cases were finally included in the programme. [...]"

"In addition to the obstacles highlighted in the last Assessment, minorities attempting to obtain reconstruction assistance and the protection of their property rights encountered obstacles due to the lack of legal weight given to the Guidelines governing the reconstruction process. [...] As written, the Guidelines provide a comprehensive system to protect rights to property, due process, and to return to one's home, but do not possess any legally binding authority.

The system was constructed around a single "recommending, co-ordinating, and approving" body within the municipality, in most cases the MHC. [...] As established in the Guidelines, the MHC's membership includes the relevant Directorates of the municipality, [...] such as Urbanism and Cadastre, required for selecting beneficiaries and implementing the reconstruction itself. The Guidelines outline the procedures and structures through which the MHC, as the central body, ensures that basic vulnerability criteria, as well as the procedural, legal, and technical requirements for reconstruction are met. For example, the Guidelines require the MHC, through a Verification Unit and the MCO, to "verify and ensure" that the selected beneficiaries have legal access to the targeted property. [...] Yet, property rights only are investigated once the vulnerability of the beneficiary is established and the MHC approves the beneficiary as eligible to receive reconstruction aid. Such measures promote property rights and the right to return to one's home. The Guidelines also provide mechanisms to prevent corruption. Not only can the UNMA intervene when s/he deems it necessary, but also the procedures have checks and balances, such as the MHC Verification Unit described above. In addition, the Guidelines require three different verification processes when compiling the final beneficiary list. [...] Appeals mechanisms, protecting rights of due process, also exist. For instance, once the final list is posted, complaints regarding the ineligibility of a beneficiary or appeals to be included as a beneficiary can be lodged and must be responded to.¹³⁸ In addition, the Guidelines efficiently promote the right to return to one's home by rejecting any 'secondary displacement', including transfers of a house from rural to urban areas. The only 'displacement' permitted when receiving reconstruction aid is within the same village/community. [...] Moreover, the procedures mandate that those displaced either within or outside Kosovo be equally considered for reconstruction aid if they express the desire to return to their place of origin. Selection is to be based purely upon vulnerability. When the mechanisms outlined in the Guidelines were utilised, they effectively promoted the right to return to one's home and protected property rights and rights of due process, as well as preventing corruption for all communities because of the clearly defined procedures and structures they established. [...] Still, without an oversight or monitoring mechanism, the potential for misuse or misallocation of reconstruction assistance increases. In Pejë/Pec, where 2002 funding was temporarily withheld due to allegations of corruption and favouritism during the 2001 programme, the UNMIK Municipal Project Officer, who sat on the MHC, indicated to the OSCE that attempts were made again, but thwarted, to include "politically-accepted" beneficiaries. [...]"

When the Guidelines are not utilised, rights of minorities to property and due process, as well as the right to return to their home, were jeopardised or even violated, especially in cases of organised returns or minority-targeted projects. In both the Mitrovicë/Mitrovica and Pejë/Pec regions, by-passing of both the MHC and the Guidelines resulted in such negative inferences. In the Pejë/Pec region, this circumvention resulted in a number of property concerns turning into violations of applicable law and international human rights standards during the implementation of the organised return project for Biqë/Bica and Grapç/Grabac in the Klinë/Klina municipality. As allowed under the Guidelines, the UNMIK Regional Administration decided to utilise a returns and reconciliation structure unique to the region, the Returns Implementation Group (RIG). Established as a subsidiary of the Regional Working Group (RWG), the RIG inherited the implementing function of a Municipal Working Group (MWG) [...], in order to enable the local political aspects of the returns and reconciliation process to be separated from the more technical issues of implementation. A RIG was to be convened for each municipality involved in an organised return project and established five (5) task forces covering technical topics, including one on Reconstruction and Balancing Projects. [...] The incoherence of this structure when implemented precluded the efficient resolution of property issues affecting the return process.” (UNHCR/OSCE, March 2003)

See also [Property Rights in Kosovo 2002-2003](#), OSCE, 30 June 2003, where the framework for reconstruction and its implementation is discussed in detail and [Manual for sustainable return](#), UNMIK/UNHCR, 1 January 2003

Lack of information: a major obstacle to the implementation of property rights (2002)

- Minority communities lack information on the property claim mechanisms
- This situation results mainly from the lack of freedom of movement and the lack of resources available to the housing and property directorate
- The directorate has positioned teams in Serbia proper but has no presence in Montenegro

"Minority communities' level of awareness of the HPD mechanism varies greatly but overall is inadequate. Within the Pejë/Pec region, awareness of HPD amongst the minority communities is severely limited, especially amongst the Roma/Ashkaeli/Egyptian (RAE) and Bosniak communities, the former of which had very little awareness of the mechanism. In Prizren region, where HPD does not have a permanent presence, awareness amongst minority communities is limited.

This lack of knowledge and awareness is connected largely to **the level of physical presence and resources available to offices**. During the reporting period, HPD had four offices in Kosovo: Prishtinë/Priština, Mitrovicë/Mitrovica, Pejë/Pec and Gjilan/Gnjilane. Only one under-resourced office continued during the period to service both the Pejë/Pec and Prizren region as well as internally displaced persons (IDPs) in Montenegro. With a severe lack of resources, HPD mobile teams are extremely rare in the Pejë/Pec region, and no sustained public information campaign or other outreach has occurred. As a result, minority communities do not lodge claims. To cite only one illustrative example of problems created by a lack of information and access during the period, in Pejë/Pec municipality, a Bosniak, unaware of the HPD mechanism, attempted to repossess his house, which was illegally occupied, through informal means. Once he finally repossessed the house he found that the illegal occupant had severely damaged the residence and left large unpaid utility bills, from which he has no clear legal protection. Numerous similar cases have been reported in other regions, such as a recent case of an Ashkaelia in south Mitrovicë/Mitrovica. A greater awareness of HPD exists amongst minorities in Gjilan/Gnjilane, Prishtinë/Priština and Mitrovicë/Mitrovica regions. HPD's presence and attention to the Pejë/Pec and Prizren regions is inadequate, resulting in deprivation of minorities' property rights. It is imperative that appropriate resources are allocated to ensure that this situation is addressed.

Limited resources affect not only awareness of rights, but also **physical access** to realising these rights. Generally, minorities do not enjoy full freedom of movement in Kosovo and the lack of HPD resources severely limits the agency's ability to access minorities living in enclaves, who require servicing by HPD mobile teams as they cannot travel to HPD offices located in major, largely Kosovo Albanian city centres. While Mitrovicë/Mitrovica's HPD office is located in an area accessible by all ethnicities, the Prishtinë/Priština office is not necessarily accessible to all ethnicities. Neither a satellite office nor adequate mobile teams exist to service enclaves in the remaining three regions. Minorities in the Prizren region have no office in the area to access. Thus, unless able to travel to Pejë/Pec town, minorities residing within both Prizren and the Pejë/Pec regions have severely limited physical access to HPD, as the Pejë/Pec office possesses only one vehicle. This office is also designated to service IDPs in Montenegro, but this has been placed on 'hold' indefinitely due to budgetary constraints.

Outside Kosovo, IDPs in Serbia proper appeared to possess only basic knowledge, if any, of the responsibility of HPD to administer occupied property or how to access mechanisms to legally recover and physically repossess property. Some progress was made during the period in enhancing minority IDP and refugee access to HPD, namely through enhanced HPD activities outside of Kosovo. During the period, HPD began to participate in some UNHCR-organised Go-and-see Visits (IDPs visiting Kosovo) and Go-and-Inform Visits (international and local organisations visiting IDPs and refugees in Serbia proper, Montenegro and fYROM), in an attempt to disseminate more information to displaced minorities about property rights in Kosovo. HPD has also positioned teams in Serbia proper. HPD has taken 6950 claims in Kosovo, and 6726 outside of Kosovo. The taking of claims outside Kosovo represents 49% of the total claims, only six months after it began (the first office outside Kosovo opened in November 2002). A large number of claims came from Gračanica/Gračanicë and Mitrovicë/Mitrovica, but other HPD operations in other areas of Kosovo went down dramatically when some of the vehicles were taken for use in Serbia proper.

Although HPD offices within Serbia proper appear to provide reasonable access to displaced Kosovo minorities, the **lack of presence in Montenegro** severely limits the ability of IDPs from Pejë/Pec region especially, to exercise their right to file claims and to return to their homes. HPD also still has not established any presence in fYROM in order to provide access for the refugee caseload, mostly Roma, Ashkaelia and Egyptian, displaced there. Overall, physical access to HPD for minorities inside and outside Kosovo is inadequate and prevents them from filing timely claims, and interferes with minorities' ability to exercise their property rights. It is imperative that appropriate resources are allocated to ensure that this situation is addressed." (UNHCR/OSCE May 2002, paras. 94-98)

Reports of international agencies in Kosovo illegally occupying private property (2001-2005)

- In Prizren, KFOR refuses to pay the owners of the properties they occupy in spite of confirmed identity of owners by the Housing and Property Directorate
- Several international agencies do not systematically check the identity of the person they rent premises from
- As a result people who illegally took possession of properties are receiving a rent instead of the displaced owner

In Kosovo cases have been registered in which certain contingents of KFOR have usurped private property (most often land). In the majority of cases, after an extended period of time, KFOR has agreed to pay compensation to the owners for the use of land. However, an explicit example of violation of property rights is the example of a contingent of the German KFOR in Prizren, which is using 37 apartments and refusing to pay the compensation to the owners for their use. Although the HPD and the HPCC have

verified the ownership of the subject apartments, there has been no progress in resolving this problem (Group 484, April 2005, p.49)

"Illegal occupation of IDP-owned properties by international organizations is especially scandalous. There are, according to the HPD, many cases in which international agencies have either not paid rent to IDP home-owners or paid rent to individuals who claimed to own a property, but did not. This situation was allowed to continue because international agencies did not bother to verify who owned properties which they rented. A regulation in Bosnia, for instance, stipulates that international agencies must pay rent to verified property owners." (UN OCHA 26 April 2002, p. 21)

See also, Council of Europe's Commissioner for Human Rights, "Kosovo: The Human Rights Situation and the Fate of Persons Displaced from Their Homes", 16 October 2002, paras. 120-126 [Internet]

Large-scale destruction and confiscation of Kosovo Albanian property by Serb forces (until June 1999)

- Reports of systematic burning of Albanian-owned houses or villages with predominantly Albanian populations
- Destruction and looting of livestock, barns, tractors and other agricultural equipment
- Confiscation of Albanian properties and possessions by Serb forces
- Destruction of property not solely an act of vandalism but an attempt at wiping out signs of the presence of the Albanian population in Kosovo

Situation prior to the withdrawal of Serb forces from Kosovo on 10 June 1999, as documented through testimonies collected by the UN Office of the High Commissioner for Human Rights from refugees in Albania and Macedonia

"About half of the refugees interviewed reported large-scale destruction of property at the hands of Serb forces, especially burning of Albanian-owned houses. Towns and cities were not heavily affected by the destruction, although Albanian neighbourhoods were in some instances attacked and houses burned down. More often, premises and properties of intellectuals, political activists and suspected KLA collaborators were preferred targets, as well as houses and apartments which had been rented by officers of the OSCE Kosovo Verification Mission.

Following military offensives, villages with predominantly Albanian populations were systematically burnt down by Serb troops. In many cases interviewees observed from hiding places in the hills Serb troops entering villages and setting houses on fire. Along with houses, barns with hay, remaining tractors and agricultural equipment were burnt as well. Villagers who returned after the withdrawal of Serb forces found livestock killed or disappeared, while corpses were sometimes thrown into wells to contaminate drinking water.

Many Kosovo Albanians had their personal documents torn apart by Serb troops during the eviction, at police checkpoints, at the border or elsewhere in the course of searches by police, army or paramilitary forces. It appears that all of these acts of destruction were aimed at preventing Albanians from returning to and resuming life in their places of residence. The destruction of property was apparently not solely an act of vandalism but an attempt at wiping out signs of the presence of the Albanian population in Kosovo, as well as its national and cultural identity.

The majority of interviewees also reported confiscation of property by Serb forces. Confiscation took place during raids into Albanian homes: Serb troops went from house to house in villages and towns, people

present in the houses were searched and deprived of money and other valuables, and cars and tractors were confiscated.

Serb police and paramilitary groups intercepted large groups of IDPs and forced them to surrender money, jewellery, cars, tractors and other valuables at gunpoint. Paramilitary groups occasionally stabbed or shot IDPs who failed to meet their demands and threatened to kill hostages captured on the spot if family members could not pay the demanded amount of money. / IDP convoys targeted by paramilitary groups in Grastica were brutally robbed and many persons allegedly killed or injured because they failed to provide the demanded amount, which in some cases was as high as DM 1,000./

A few cases of extortion of money from Albanians at border crossing points were also reported. Furthermore, IDPs were often ordered to abandon their vehicles before they were allowed across the border. Car documents and license plates were in some cases confiscated. Numerous cars were allegedly stripped and parts transported away in trucks to be sold elsewhere. Personal documents were also confiscated at border crossing points.

Abandoned Albanian houses were systematically and extensively looted for movable property. As the Albanian population fled their villages, Serb infantry systematically loaded goods onto trucks before setting houses on fire. In some instances Roma civilians allegedly assisted Serb forces in transporting confiscated goods." (UN CHR 27 September 1999, paras. 68-74)

Serbia and Montenegro (excluding Kosovo)

Sorting property claims may facilitate resettlement of IDPs in Serbia (2002)

- Many IDPs are attempting to sell their property in Kosovo, both because they need the money to resettle in Serbia and because they have no plans to return to Kosovo, according to Refugees International
- Up to one third of IDPs could have sold their properties

"It is not clear how many of the IDPs want to return. A survey by the International Rescue Committee found that 20% of the IDPs own their own houses in Serbia. Many of the IDPs are attempting to sell their property in Kosovo, both because they need the money to resettle in Serbia and because they have no plans to return to Kosovo." (RI, 24 August 2001)

"Whilst property sales ought not, owing to the possibility of economic duress, to be taken as a definitive indicator of future intentions, it is worth noting that reliable estimates put the proportion of IDPs who have sold their property in Kosovo at about one third." (COE, 16 October 2002)

"Sorting out property claims so that refugees and IDPs can either reclaim or sell houses and farms is a fundamental first step to resolving the displacement problem for both refugees and IDPs. "If people stand a chance of regaining control of their property, they regain control of their lives. It's their equity," explains an official at the U.S. embassy in Belgrade." (RI, 24 August 2001)

See also [IRC/ECHO IDP Shelter Assessment Report, January 2001 \[Internal link\]](#)

Limited access to property rights for IDPs in their place of displacement (2005)

- IDPs face difficulties in accessing property in their place of displacement

“The internally displaced persons (...) have the right to possess immovable in the territory of the Republic of Serbia, but the opportunity to buy real estate, because of the need to provide financial resources, is often dependent on the sale of real estate in Kosovo, which entails the series of problems presented above. However, displaced persons do not have the right to possess immovables in Montenegro, which represents yet another indicator of their discriminatory position in this Republic, which stems from the complete non-recognition of their citizenship status.” (Group 484, April 2005, p.54)

PATTERNS OF RETURN AND RESETTLEMENT

Overview

Limited returns

- 12,700 minority returns have been registered by April 2005
- The security situation and the uncertainty surrounding the final status of Kosovo limits return prospects
- March 2004 events have reversed an increasing trend towards return
- Minority return figures in 2004 represent a 37% decrease compared to 2003
- Most minority return take place to mono-ethnic enclave and rural areas
- Limited returns perspective encouraged a sensitive debate around the issue of assisting return not to the place of origin

Six years after the end of the conflict and out of a total of some 250,000 IDPs, only 12,700 minority returns were registered by April 2005, i.e. returns of IDPs to areas where their ethnic group constitutes a minority or to enclaves where they belong to the majority but are faced with particular protection concerns (UNHCR, Minority voluntary return, table 1, 30 April 2005). The main reasons for this low return figure range from the volatile security situation, whether real or perceived, the limited freedom of movement and access to social services, to the lack of economic prospects and the uncertainty over the final status for Kosovo. Members of ethnic minorities and Serbs in particular cannot be expected to make an informed decision about return without knowing whether the place they will return to will be independent, autonomous or under any other status. It is a widely held view that no substantial returns can be expected before a decision on the status of Kosovo is taken and IDPs have a chance to monitor the political, economic and security developments in the months following the decision.

The March 2004 events dealt a serious blow to the return process and reversed an increasing trend towards return. In 2004 the number of departures from the province was – for the first time since 2000 – superior to the number of returns (SG, 17 November 2004). In 2004, the number of minority returns to Kosovo was around 2,300 which represents a 37 per cent decrease compared to 2003 (UNHCR, June 2005).

Most returns have taken place to rural areas where the majority of the remaining ethnic Serbs are located. This emphasises the need to facilitate access to and repossession of land in order to ensure self-reliance of IDPs. The fact that the first Serb return to a town, Klina, took place in March 2005, and was considered a significant achievement illustrates the obstacles to urban return. UNHCR notes that the overwhelming majority of Serb returns have been to all-Serb communities (enclaves) with minimal interaction with ethnic Albanians. This shows that, not only are the return figures low but they do not indicate real progress towards a multi-ethnic Kosovo, since returnees live almost separately from the rest of Kosovo's society and institutional framework. Such returns have taken place to villages (Grace, Priluzje and Velika Hoca), larger communities (Gracanica, Laplje Selo, Caglavica, Gorazdevac) and the municipality of Strpce (UNHCR, Minority voluntary return to Kosovo, table 1, 31 March 2005).

In terms of ethnic breakdown most returnees are of Serb ethnicity (6,000 returns), followed by Ashkaeli and Egyptians (3,300), Roma (1,400) and Bosniaks (1,150). Almost 600 ethnic Albanians have returned to areas where they represent a minority group (UNHCR, Minority voluntary return, table 2, 31 March 2005).

Return patterns vary greatly between regions, with Mitrovica being the most difficult area while areas such as Gjilan/Gnjilane, Prizren or Peje/Pec have seen significant returns.

In the absence of significant return of minorities to their homes, and in recognition of the fact that most minority returns actually take place to mono-ethnic areas, the current policy of limiting assistance to those going back to their places of origin only has been questioned. Instead, there appears to be increasing support for an expansion of assistance to IDPs who would be willing to return to Kosovo but not necessarily to their homes. This would enable them to begin the return process in the safer environment of mono-ethnic enclaves before they could move on to their places of origin at a later stage. As the Council of Europe's Commissioner on Human Rights, Alvaro Gil-Robles, pointed out, return policies should not lead to a de facto restriction of the freedom of movement. Serb IDPs should be allowed to freely choose their place of residence within Kosovo, as were the Kosovo Albanians who often did not return to the places where they used to live before June 1999 (COE, 16 October 2002, p.25 and 34).

This is a sensitive issue since there is an obvious risk that such support would actually contribute to creating mono-ethnic ghettos instead of promoting mixed areas. Keeping in mind the risk of ethnic engineering, some observers suggest envisaging a certain level of flexibility on a case-by-case basis to support those wishing to return to minority enclaves (Interviews with officials of international organisations in Kosovo, Pristina, 27 May 2005).

Intentions of displaced persons to return are very difficult to assess. In 2002, it was estimated that one third of the displaced would prefer to integrate in Serbia and Montenegro, another third, mostly the elderly and rural populations, were eager to return, while the remainder were undecided (COE, 16 October 2002, p.23). A survey among IDPs in northern Kosovo, where the majority of ethnic Serbs live, showed that local integration was the preferred option for 52 per cent while 22 per cent would like to return to their places of origin in other parts of Kosovo in the long term. Among those who would like to return, 37 per cent were from Mitrovica and 32 per cent from Pristina. This indicates that there is a potential for minority return to South Mitrovica, unless the answers were politically driven. Improved security was indicated by most IDPs as preconditions for return (68 per cent), followed by repossession of property (18 per cent) and employment opportunities (8 per cent). Nearly all IDPs interviewed believed that events similar to the March 2004 riots could occur again (IDP information centre, 24 November 2004).

The future of the return process depends to a large extent on the resolution of the status question, and in particular on the process leading up to the final status decision. While significant improvements have been made with regard to creating an environment more conducive to return in line with the Standards for Kosovo, the imminent final status determination also increases political tensions and instability.

Compared to Bosnia and Herzegovina, which also suffered from ethnic cleansing but managed to return most of its IDPs, Kosovo faces a number of additional obstacles complicating the return process. Although open conflict was relatively short in Kosovo, ethnic Albanians were faced with discrimination following the revocation of Kosovo's autonomy in 1989, leading to a long build-up of frustration and desire for revenge. In addition, there was always relatively little interaction between the different ethnic communities in Kosovo, partly due to language barriers. While in Bosnia and Herzegovina, the objective was to go back, as much as possible, to the pre-war situation, the Standards for Kosovo aim at the creation of a reconciled multi-ethnic Kosovo which did not exist even before the 1999 conflict. This is illustrated by a comparative study which shows that the level of mutual resentment is far higher in Mitrovica (Kosovo) than it is in Mostar (Bosnia and Herzegovina), although both cities have faced similar ethnic divisions (Jelena Anzujaska/British Office Pristina, March 2005).

Return movements

Return movement in 2004 decreased by 40 percent compared to 2003 and prospects for further returns are limited (2005)

- The momentum behind the return process and interest in return was severely eroded by the events of March 2004
- The issue of final status is key to any individual decision to return or not
- The latest inter-ethnic clashes have seriously undermined the return process and exacerbated already heightened tensions
- The departure of members of minority communities is expected to continue
- A total of 12,218 members of ethnic minority communities returned to Kosovo by the end of 2004
- 2,302 members of minority communities returned to Kosovo during 2004, a 39% decrease from the 3,801 minority returns in 2003, marking the first decline since 1999
- The prospect for returns varied considerably according to region and ethnic group
- More minority community members were displaced in 2004 than were able to successfully return to their homes
- The March violence had a particularly negative impact on urban returns
- Minority returns moved up on the domestic political agenda and led to the adoption of municipal returns strategies and the creation of a new Ministry for Communities and Returns
- Most of the Kosovo return budget has been directed to projects involving Kosovo Serbs

“The civil unrest in March dashed hopes of a strengthening in 2004 of the slow and fragile process of return to Kosovo.” (UNHCR, 1 June 2005)

“This sudden escalation of violence has left all minority communities with a heightened sense of fear and isolation. Freedom of movement and access to essential services which were not guaranteed before the current outbreak of violence, have now deteriorated even further. As a result, a certain momentum behind the return process has been lost and interest in return severely eroded - many ethnic minorities in displacement have adopted a cautious “wait and see” position. Resumption of the process will largely depend on the response of the PISG and UNMIK to social frustrations; the restoration of confidence in the security environment; the improvement of living conditions for minorities notably freedom of movement, and; the speed with which reconstruction and systems of compensation can be established. Key to any formulation of an individual decision to return or not, is the issue of final status – most internally displaced persons will not make a decision until they know what they are returning to.

The persistent lack of economic opportunities continues to plague all Kosovo population and particularly affects vulnerable minority communities – this seriously undermines the sustainability of both residents and new arrivals (organised or spontaneous returns). UNMIK estimates unemployment at 60% among Albanians and 95% for minorities. Future prospects for economic growth and development are largely dependent on foreign investment and the successful privatisation of state and publicly owned property. (...)

The latest inter-ethnic clashes represent a serious set-back in the return process and have only helped to exacerbate already acute difficulties with security, freedom of movement, unresolved property claims, access to services (especially education) and employment. The willingness of displaced minority populations to return to their home communities is likely to remain low in 2005 while the sustainability of return will remain fragile until a more secure environment is in place. Secondary displacement to mono-ethnic communities is also a strong possibility if security incidents continue. In view of the situation, departure of members of minority groups from Kosovo, especially Romas and Ashkaelis, is expected to continue. (UNHCR, 15 September 2004)

“Since 1999, just over 910,000 internally displaced persons (IDPs) and refugees have returned or been repatriated, mostly ethnic Albanians; however, few IDPs returned during the year. Some international agencies and NGOs continued to organize small-scale return projects, which experienced setbacks as a result of the March riots. UNHCR estimated that 230,000 members of ethnic minority communities were displaced during the 1999 conflict. A total of 12,218 returned to Kosovo by year's end, it was unclear how many of the 230,000 persons originally displaced had returned or had integrated locally in Serbia by year's end. According to UNHCR, 2,302 minorities returned to Kosovo during the year, a 39 percent decrease from the 3,801 minority returns in 2003. This marked the first decline since 1999, a difference largely attributable to the impact of the March riots. Although the overall number of minority returns decreased during the year, a higher number of Roma, Bosniaks, and Goranis returned during the year compared to 2003. Of the additional 4,000 Serbs and Ashkali displaced during the March riots, 1,864 had not yet returned to their homes by year's end. The PISG reconstructed over 90 percent of the over 900 houses damaged or destroyed during the March riots, but many remained unoccupied at year's end.

The prospect for returns varied considerably according to region and ethnic group. The ability to speak the language of the majority community as well as the level of contact between IDPs and their neighbors prior to the conflict greatly affected the returnees' chances for reintegration. During the March riots, the Ashkali neighborhood in Vushtrri/Vucitrn was burned and looted, and its inhabitants took shelter at a KFOR base. Many refused to return by year's end. Many of those displaced in March, including Ashkali residents and Serbs, were displaced and had their homes burned for the second time.” (USDOS, 28 February 2005)

“More minority community members have been displaced in 2004 than have been able to successfully return to their homes. (...) The March violence had a particularly negative impact on urban returns: the only significant urban returns projects now under way involve the return of Kosovo Roma and Egyptians. Returns projects in urbanized areas are also under way in both the Pec and Klina municipalities. Returns projects are proceeding in two municipalities that had not seen significant organized returns prior to the current year (Urosevac and Dakovica).

While the level of municipal engagement in the returns process has increased during the reporting period, most municipalities still lack both the capacity and political will to assume full responsibility for minority returns.” (SG, 17 November 2004)

“[P]rogress on property rights and sustainable returns has been severely impeded by the absence of effective mechanisms to ensure delivery at the municipal level and to capture municipal-level data, and by growing backlogs in the courts. Some municipalities have impeded returns. Isolated incidents of stoning of minority transport continue, and are not always condemned by local political leaders. Illegal occupation and use of property remain widespread.” (SG, 14 February 2005)

“Incidents continue to occur that undercut the efforts of the Government, municipalities and individuals to support sustainable returns by, and rights of, all communities (both *priorities*). During this period, these incidents included the erection of a banner in Pristina listing alleged suspects in the killing of 122 Kosovo Albanians in 1999. The banner — which was not condemned by public officials — could have been said to comprise hate speech and/or incite to violence against the listed individuals, and was removed by UNMIK. T-shirts were on sale in northern Mitrovica featuring Serbian Special Forces insignia and “Kosovo: We'll be back”. The Municipal Assembly of Kacanik rejected its municipal returns strategy, arguing that Kosovo Serbs from Kacanik had committed crimes prior to their departure.

New language policy compliant road signs were quickly defaced (by painting over Serbian names) in Malisevo and Gnjilane. Serbian media reports that the Government of Serbia discourages returns, and inaccurate media reporting of security incidents, reduce willingness to return and the confidence of Kosovo Serbs living in Kosovo to pursue productive and sustainable lives. Looting and vandalism of unoccupied reconstructed houses, and low levels of inter-ethnic crime, continued. All actors need to help strengthen conditions conducive to returns, the confidence of potential returnees to return, and of returnees to pursue productive and sustainable lives, and a climate where they can.” (SG, 23 May 2005)

On the positive side:

“Protection of communities and minority returns moved up on the domestic political agenda and led to the adoption of municipal returns strategies and the creation of a new Ministry for Communities and Returns. Minority returns have remained low. The overall security situation has improved markedly since the March events, but for minority groups a pervasive collective fear of violence remains, aggravated by periodic security incidents.” (UNHCR, 1 June 2005)

“While returns funding will remain stable in 2005, Kosovo has now assumed the position of the leading funder of returns. Efforts have continued to ensure that returns funding is distributed according to need and involves all communities. Most of the Kosovo budget has been directed to projects involving Kosovo Serbs (who constitute approximately 75 per cent of the displaced), but projects have also been funded for the return of Gorani families in Dragas, Kosovo Roma, Ashkali and Egyptian families in Dakovica and Mitrovica, and Kosovo Albanian returns to the Serb-majority municipality of Strpce.” (SG, 17 November 2004)

“The Government and most municipalities significantly increased official support for returns (*priority*), and undertook a wide ranging outreach programme (*priority*) designed to strengthen and support freedom of movement, returns, dialogue and tolerance building. Data is incomplete but at least 14 municipalities participated in visits to returns sites, visits of internally displaced persons to cemeteries, go-and-see visits or go-and-inform visits. The Prime Minister, Ministers and many municipal leaders actively engaged with internally displaced persons. For the first time, Ministers visited internally displaced persons and refugees in Kosovo, Montenegro and Macedonia, including joint visits by the Minister for Communities and Returns (a Kosovo Serb) and the Minister for Local Government Administration (a Kosovo Albanian). The Prime Minister and 23 municipalities (all Kosovo Albanian majority) adopted on 25 February a joint declaration urging the displaced to return, the majority population to accept and implement its special responsibilities towards minority communities, and the protection of property rights and release of illegally occupied property. (...)The first urban return by Kosovo Serbs took place in Klina with Prime Ministerial and Municipal Assembly President support. Authorities continued to provide timely documentation to all returnees. The Association of Kosovo Municipalities initiated an inter-ethnic dialogue programme with the support of CARE International.(SG, 23 May 2005)

See also map: [Minority returns from internal and external displacement](#), UNHCR, 30 April 2005

Less than 10,000 displaced members of minority communities returned to Kosovo since 1999 (2004)

- Only a very small fraction of IDPs from Kosovo has returned
- Return rate accelerates at low level
- Over 3,370 displaced persons returned from Serbia and Montenegro in 2003
- Return process is hindered by precarious inter-ethnic relations, insecurity, restricted freedom of movement, lack of rule of law, unresolved property issues and the economic situation

According to UNHCR, an estimated 9,779 internally displaced members of minority communities have returned to their homes in Kosovo as of 30 January 2004. For more detailed statistics, see [UNHCR, 30 January 2004](#) [internal link]

During 2003, a total of 3,629 persons returned to communities where they are in the minority, including 1,487 Kosovo Serbs, 1,387 Roma/Ashkali/Egyptians, 377 Bosniaks, 133 Gorani and 245 Kosovo Albanians, according to the UN (UN SC, 26 January 2004).

“Despite setbacks resulting from recent violent incidents involving Kosovo Serb victims, the overall rate of returns continued to accelerate during the reporting period [July-October 2003]. Over 2,200 displaced persons have returned so far this year to areas where they are a minority (including 1,016 Kosovo Serbs, 693 Roma/Ashkali/Egyptians, 242 Bosniaks, 74 Gorani and 239 Kosovo Albanians). This figure represents an increase in the number of Kosovo Serb returns by 68 per cent over the same period in 2002, but this is still a small fraction of the large number of Kosovo Serbs internally displaced in Serbia and Montenegro. The level of returns in the Roma/Ashkali/Egyptian communities has remained relatively stable.” (UNSC, 15 October 2003)

“Although the security situation and efficiency of administration in protecting minority rights have improved considerably since 1999, this has only allowed for the return of a small number of displaced persons. Precarious inter-ethnic relations, insecurity and restricted freedom of movement, lack of confidence in the rule of law and in the enforcement of property rights, and lack of material and economic opportunities in the place of return continue to affect the returns process adversely.

Substantial further improvements are necessary to enable return of displaced persons, irrespective of their place of origin and their ethnicity. The prospects for returns vary considerably according to region, even within each region, and among different ethnic groups. In some locations IDPs/Refugees with a strong desire to return did do so through establishing contacts with the Municipalities and receiving communities. In other locations, such re-establishment of dialogue and obtaining support of receiving communities requires greater efforts and time.

While some Roma, Ashkali and Egyptian (RAE) populations have experienced advances in relations with the majority population, security remains a major concern, especially for Roma who are often grouped by Kosovo Albanians with Kosovo Serbs. In some cases though, opposition to return is motivated by material interests, such as the occupation of houses or land usurpation.

Opposition towards returns of Kosovo Serbs is particularly widespread and deep-seated, and is expressed in a variety of ways, ranging from demonstrations and outright hostility towards attempts to re-establish inter-ethnic relations, to simple reluctance and footdragging. In general, interaction at the grassroots level between different communities has sharply increased during 2002. Although this has helped to build up inter-ethnic tolerance, it does not necessarily mature into a reconciliation process and acceptance of returns without assistance and effort.

In addition to security, minority rights and interethnic relations, housing is a fundamental aspect of the return and integration process. Uninhabitable or illegally occupied housing and damaged or destroyed social infrastructure undermine the ability of IDPs/Refugees to exercise their right to return, as there are important factors facilitating self-sufficiency. Until recently, the issue of housing and reconstruction has often been secondary to IDPs/Refugees' decisions to return since the main obstacle remains security. However, the issue of reconstruction, whether housing, social infrastructure or both, is becoming an increasingly important determinant to the sustainability of return. Moreover, a great number of accommodation belonging to displaced persons is illegally occupied. Lack of housing reconstruction forces IDPs/Refugees to return to situations of internal displacement, usually to overcrowded and unsustainable host family situations.

Some returnees may even go back to their place of displacement if they are unable to access assistance on their return. By the same token, fragile and unstable local communities effectively prohibit return opportunities for a larger number of IDPs/Refugees if attention is not paid to the rehabilitation or reconstruction of social infrastructure and public utilities in the return communities, in addition to housing.” (UNHCR-UNMIK, January 2003)

Return movements tend to strengthen a process of enclavisation of minorities (2001-2002)

- Return of displaced Kosovo Serbs is not necessarily be motivated by a fundamental change in the environment (2000-2002)
- Many ethnic Serb displaced had the opportunity to return to their homes in a select few enclaves in 2000
- In general, there were more departures from the Kosovo Serb Communities than returns in 2001
- This was especially the cases in semi-urban and ethnically mixed, areas or in rural, ethnically-mixed communities
- The population in larger mono-ethnic enclaves tended to stabilize
- The organised return to Osojane (summer 2002) led to the creation of a new Serbian enclave in Kosovo
- A mass return of Kosovo Serbs displaced in Serbia was planned in September 2002 by the Committee for Serb returns to Kosovo, but was averted

"Kosovo Serb spontaneous returns in 2000 numbered a little over 1,800 persons, while spontaneous return of Serbs to Kosovo in 2001 reached only a little more than 500 persons. [106] These downward trends might be explained by several factors. Perhaps most importantly, the *relatively* larger numbers of return in 2000 largely reflected return to large enclaves (such as Gorazdevac) by IDPs who had fled temporarily during the height of violence against minorities in summer and fall of 1999; thus, the returns in 2000 were not necessarily return motivated by a fundamental change in the environment. Thus, those who had the opportunity to return to their homes in a select few enclaves had already returned in 2000. Furthermore, the late winter of 2001 was marked by the Niš Express bombing which resulted in the death of 11 Serbs, dealing a massive blow to minority confidence and marking the height of a period of upsurge in violence against minorities precisely before the opening of spring, [107] the season when refugees and IDPs may be considering the prospects for return. Certain regions, in particular Gjilan/Gnjilane, also experienced instability related to the conflicts in FYROM and Southern Serbia proper during the first half of the year, reducing confidence and return opportunities. But perhaps most significantly, the situation in 2001 increasingly consolidated the reasoned perception amongst IDPs and refugees that, notwithstanding marginal and relative improvements in local security in their immediate places of origin, the overall situation did not warrant the belief that, upon return, their families would enjoy any positive long-term perspective or future in Kosovo. The example of Slivovë/Slivovo in Prishtinë/Priština rural south clearly demonstrates the fact that, notwithstanding a stable and relatively secure local environment for the remaining Serb inhabitants, return of significant numbers will not take place whilst freedom of movement is still highly restricted to circumscribed locations and constrained by special collective transport arrangements, without confidence in rule of law including enforcement of property rights, without economic perspectives, without social, educational and job opportunities for youth, and without full and guaranteed support for reintegration such as reconstruction aid."

[Footnote 106: It should be noted that over half of those spontaneous returns of Kosovo Serbs in 2000 were to fortified enclaves (such as Gracanica, Upper Rahovec/Orahovac, Gorazdevac, etc.) by IDPs who, after a brief period of refuge outside of Kosovo, returned to the largest enclaves. Spontaneous returns in 2001, in contrast, took place to a wider variety of locations but in smaller numbers, pointing to the fact that the generalised situation outside of the fortified enclaves is still largely prohibitive of return for the vast majority of displaced persons.]

[Footnote 107: Trends in ethnically-motivated violence during the period referred to are reviewed in the 7th Minorities Assessment which covers the period October 2000 – February 2001.] (UNHCR/OSCE May 2002, para. 164)

"In **Prishtinë/Priština** region, **Kosovo Serbs** departed Kosovo in larger numbers than they returned. During the period May 2001 to March 2002, more than 500 persons departed, while about 385 persons returned. While Kosovo Serb departures outnumbered returns from a quantitative perspective, the numbers alone do not tell the whole story. Particularly vulnerable Kosovo Serb communities, especially those in semi-urban and ethnically mixed areas such as Lipjan/Lipljan and Fushë Kosovë/Kosovo Polje experienced large outflows and very few if any returns. This phenomenon in specific semi-urban and mixed areas is explained by the fact that Serbs tended to be scattered in mixed neighbourhoods and therefore more exposed to threat and the impact of restricted freedom of movement, combined with the fact that Kosovo Serbs in Fushë Kosovë/Kosovo Polje tended to own strategically important properties on the main thoroughfares (resulting in high levels of property sales to Kosovo Albanians). Return and departure in rural areas varied, depending on the level of isolation and the particular security situation, with the most isolated and rural villages often experiencing more departures, and less isolated and more stable villages receiving more returns. This is simply explained by the fact that the most rural and isolated of Kosovo Serb communities, while often experiencing security threats or low-level intimidation ranging from the occasional to the unremitting, tended to enjoy the least amount of freedom of movement and less access to services and goods than larger and less isolated minority communities, translating into greater push factors to depart than pull factors to return. In contrast to the rural areas, the larger, fortified semi-urban minority enclaves such as Graçanica/Graçanicë received many more spontaneous returns than new departures. **The contrasting return and departure trends in different types of areas inhabited by Kosovo Serbs tended to support the consolidation of the 'enclavisation' of minority life in Kosovo.** Many smaller, rural minority communities or semi-urban communities in more mixed areas tended to experience drops in their minority population ranging from small to highly significant, while the population of larger mono-ethnic enclaves (whether semi-urban or rural) tended to remain more stable." (UNHCR/OSCE May 2002, para. 169)

"The return generating the most political interest and general debate was the return of Kosovo Serbs to the **Osojane Valley** in Istog/Istok municipality. The return of a group of IDPs representing more than 65 families to four hamlets in the Osojane Valley took place during the August/September period, into an area which suffered massive property destruction after the flight of the entire Serb population in the summer of 1999 and had been deserted since then. The return to an empty and destroyed area required a large-scale reconstruction effort; reconstruction assistance was provided for 55 households. KFOR undertook a highly resource-intensive exercise to seal and secure the valley to ensure returnee security. Pre-return discussions were undertaken between the international community, Albanian leadership at the central and municipal levels as well as surrounding communities, but the environment did not exist for dialogue and confidence-building between the Serb returnees and the Albanians prior to the return. Infrastructure and community development projects were implemented in the Albanian communities immediately neighbouring Osojane in order to try to balance attention to majority community needs (for this reason, termed 'balancing projects'). Although one peaceful public demonstration occurred in Istog/k to protest against the return, security remained stable. However, the relations between returnees and the majority population remained virtually 'untested' given the security mechanisms which, while necessary to ensure immediate security during the early phases of return, did have the unfortunate side-effect of entrenching separation between the returnee community and the Albanian population. Reducing barriers by normalising preventive security measures, by ensuring the delivery of municipal services to the returnee community, and by enhancing inter-ethnic contact through dialogue, economic interaction and returnee participation in municipal structures remain perhaps the most important challenges in the consolidation of the return process. The pre-return and immediate post-return phases of the Osojane Valley return were co-ordinated by UNHCR. With the consolidation of the returnee group and attention on the priority issues of reintegration, the UNMIK Regional Office assumed the lead co-ordination function, in particular, overseeing reconstruction, infrastructure recovery and municipal services issues, while UNHCR continued to support the return process with particular attention to humanitarian needs and co-ordination with IDPs in Serbia. During early 2002, UNMIK, UNHCR and KFOR along with a range of partners began planning for a second phase of return to Osojane, given high levels of interest amongst Osojane IDPs in Serbia to return to their community." (UNHCR/OSCE May 2002, para. 177)

"The organised return to Osojane led to the creation of a new Serbian enclave in Kosovo, and there is a general agreement among the international community that future organised return movements should avoid the creation of further enclaves. Future return will have to include elements of reintegration of the returnees into wider communities." (UN OCHA 26 April 2002, p. 29)

"A mass return of K. Serbs displaced in Serbia was planned in September 2002 by Committee for Serb returns to Kosovo, but did not receive UNMIK support and was later postponed. At Merdare border crossing point between Kosovo and Serbia, 40 K. Serb IDPs held a peaceful protest demanding their unconditional return rights to Kosovo." (UN OCHA 31 October 2002)

"A possible mass return, which could have led to serious disruption and violence, from Serbia proper was averted in September 2002 after contacts between UNMIK and the Belgrade activities." (UN SC 9 October 2002, para. 37)

Return of non-Serb displaced remains limited and aggravates the displacement crisis in Kosovo (2002)

- Most Ashkaelia and Egyptian refugees in Macedonia returned to situations of internal displacement in Kosovo or Serbia
- One key obstacle to return remains the unsustainable living conditions even in areas where security has improved
- The limited absorption capacity of hosting communities, inadequate living conditions and occupation of homes by other Roma IDPs resulted in the departure of returnees back to Serbia or Macedonia (2001)
- There are no indications of aspirations amongst Bosniac IDPs and refugees to return to Kosovo in the foreseeable future

"Trends in **Kosovo Roma and Ashkaelia** return and departure in the Prishtinë/Priština region differed substantially from that of the Kosovo Serbs in the same region. During the period May 2001 to March 2002, a total of about 225 persons departed the region while almost 500 returned (of which 63% were Ashkaelia) mostly from FYROM. The ratio between returns and departures heavily favoured return from the quantitative perspective. Qualitatively, returns of RAE to Prishtinë/Priština region from FYROM tended to have one primary characteristic: most Roma and Ashkaelia families tended to return into displacement (usually with hosting relatives in a house, village or town other than the place of origin), due to the fact that their own villages or neighbourhoods were deserted, security conditions did not exist, their properties were destroyed, they could not access reconstruction assistance in the foreseeable future, or their own properties were occupied by displaced Albanians, Serbs or even other displaced RAE families. Return into internal displacement to a very limited number of locations contributed to the further over-burdening of existing communities. Patterns of Roma return differed from Ashkaelia return. Roma tended to return to the Kosovo Serb villages of Prishtinë/Priština rural south only into very overburdened Roma communities. Kosovo Roma return most often occurred into displacement. Ashkaelia return was limited almost entirely to Fushë Kosovë/Kosovo Polje, also usually into displacement in host family arrangements, contributing to further saturation of the community. A second trend seen, most commonly amongst Serb-speaking Roma, was that of refugee families returning for a transitory period and departing again after a period of only a few weeks. In 2001, of 15 Roma families who returned to Gračanica/Gračanicë, only 1 family remained while the other 14 departed again for FYROM or Serbia. The extremely limited absorption capacity of hosting communities, inadequate living conditions and occupation of returnees' homes by other Roma IDPs contributed to this phenomenon. New departures of long-time RAE community members from the Prishtinë/Priština region were not noted.

Virtually no returns of members of the **Kosovo Bosniak** minority to Kosovo were recorded during the period, except for a few individual or exceptional cases (including a few cases of forced return/deportation). Although the overall security situation for Bosniaks has stabilised considerably and mobility and confidence continues to slowly improve, ongoing individual departures continue on a very slow but steady basis from Bosniak communities in many regions. The most significant departures during the period occurred in the Podgor area (Prizren region), where approximately 20 Bosniak families left the village of Grncare/Granqar during a three-month period. Most Bosniaks displaced outside of Kosovo since 1999 have found refuge in Montenegro or Bosnia & Herzegovina, but new departures appear to be largely destined for other European asylum countries. The primary reasons for departure are not direct security threats per se, but rather a function of the inability of Bosniaks to confidently use their own language in public outside their very small communities without facing a security risk, which effectively creates social and economic isolation, pressure to assimilate, and an environment of discrimination. There are no significant indications of aspirations amongst Bosniak IDPs and refugees to return to Kosovo in the foreseeable future." (UNHCR/OSCE May 2002, paras. 171-172)

Very slow return of Albanian displaced to Serb-dominated municipalities (2001-2002)

- Ethnic Albanian displaced persons have asked increasingly the international community for return assistance
- Prospects for a potential return of ethnic Albanians to the northern part of Mitrovica remain extremely remote
- There have been some return movements of ethnic Albanians to other northern municipalities
- More confidence-building work needs to be done to allow more ethnic Albanian to return to Štrpce

September 2001-April 2002

"No significant progress was made on laying the groundwork for returns of displaced Kosovo Albanians where they constitute a minority. There was, however, a notable increase in expression of aspirations to return among Kosovo Albanians displaced from majority Kosovo Serb areas, demonstrated by increasing demands to the international community to facilitate return and reconstruction, requests to visit villages of origin, and attempts to exercise freedom of movement. Realistic potential for return of Albanians to the northern parts of Mitrovicë/Mitrovica municipality remained extremely remote, hindered by the tense political environment and ever-present uncertainty about the security situation. Pointing to this is the fact that none of the Albanian families forcibly evicted from apartments in North Mitrovicë/Mitrovica in 2000 and 2001 (which KFOR and UNMIK Police were unable to prevent) have been able to reclaim or re-inhabit their properties to date. Another indicator is the fact that a few Go-and-See Visits of Kosovo Albanians to their villages of origin within northern Mitrovicë/Mitrovica which were organised by UNMIK and KFOR at the request of the Albanian IDPs generated protests, roadblocks from Serbs in the north, highlighting the potential for violent backlash. The situation in north Mitrovicë/Mitrovica remains fundamentally unstable, and risks to remaining (mostly housebound) non-Serb minorities continue to be ever-present. The scenario is generally less dramatic in the other Serb-dominated municipalities of the north, outside of northern Mitrovicë/Mitrovica. The Kosovo Albanian enclaves in the majority Serb municipalities of Leposavië/Leposaviq, Zubin Potok and Zvečan/Zveçan continued to receive small and incremental spontaneous returns of Albanian IDPs from the south. Indeed, return is expected to increase in part due to the establishment of a new school, ambulanta, shop, UNMIK community office and a mini-bus shuttle which will connect the three principal Albanian villages in Leposavië/Leposaviq. Unlike in north Mitrovicë/Mitrovica, the low-key and gradual small-scale return of non-Serbs in these other northern areas is not as strongly obstructed by the same political obstacles, although conditions for more significant numbers of ethnic Albanian returns are still tenuous.

No tangible progress was made on the return of **Kosovo Albanians** displaced from their homes in majority-Serb municipality of **Štrpce/Shtërpçë**. However, Albanian access to the municipality saw slight improvements toward the end of the period following the highly contentious incidents surrounding the issue of lack of access of the Albanian Municipal Assembly members to the municipal building in Štrpce/Shtërpçë town in January and February. The recent development of Kosovo Albanians accessing and working in the municipal building, if sustained, will mark a first step towards increasing interaction with the Serb population. The situation continues to be quite fragile, and confidence-building measures must bear fruit before the contentious issue of return will realistically be able to be added to the agenda." (UNHCR/OSCE May 2002, paras. 173-174)

IDPs from Southern Serbia: some have chosen to integrate in Kosovo (2001-2002)

- Restoration of Serb control in Southern Serbia and the implementation of confidence building measures have made return possible for at least half of the displaced in Kosovo
- Return of displaced to Southern Serbia eased the pressure on minority communities close to IDP concentrations
- A significant proportion of the returnees has come back to Kosovo for the winter
- IDPs from southern Serbia still in Kosovo in August 2002 have registered as residents with UNMIK (2002)

"A second major population movement relevant to the interests of minority communities commenced during the summer with the **return of ethnic Albanian IDPs** to their homes in southern Serbia. Tensions in southern Serbia over the course of the past year had provoked a sizeable outflow of ethnic Albanians, many of whom sought temporary refuge in Kosovo. These were estimated to number just under 20,000 persons as of early June 2001. The smooth relaxation of the Ground Safety Zone which resulted in the return of Yugoslav forces to the 5 km stretch along the boundary line from which they had previously been excluded, paved the way for the initiation of confidence building measures and the possibility of return. Between those who have opted to return on their own initiative and those who have sought UNHCR assistance to do so, it is estimated that the current IDP population in Kosovo, originating from southern Serbia, has dropped by half. This has eased the pressure on a number of minority communities living in close proximity to concentrations of IDPs. In the longer term, it may even open up return possibilities for displaced minorities as the departing Albanian IDPs vacate minority properties that they had illegally occupied during their stay in Kosovo." (UNHCR/OSCE October 2001, para. 18)

"The return of IDPs to the region has been viewed as a success. Through their statements and actions the authorities and UN and other international agencies and the European Community Monitoring Mission (EUMM) encouraged some 5,300 IDPs in Kosovo to return to South Serbia during the summer. However, some returnees complained of a lack of infrastructure, inadequate assistance to repair houses and too little food aid in many villages. A significant proportion – between one third and one-half – have returned to Kosovo for the winter. There is optimism that the bulk of these will return again and be joined by new returnees in the spring, assuming that the other issues identified in this paper are addressed." (UNOCHA 29 January 2002)

"With its implementing partners, UNHCR Kosovo conducted a sample survey of the ethnic Albanian IDPs from Southern Serbia. The survey covered 681 families with 4,500 members, which represent 50% of the estimated ethnic Albanian IDPs from Southern Serbia, accommodated in Kosovo. The survey results indicated that these IDPs have already integrated with the local communities and registered themselves with UNMIK as residents of Kosovo." (UN OCHA 31 August 2002, p. 3)

As concerns ethnic Albanian IDPs from Southern Serbia in Kosovo, UNHCR estimates that there are about 5,000 in the province (UNHCR, January 2004)

Return prospects

Political climate for minority returns improves (2003-2004)

- Kosovo Albanian leaders publicly call for the return of minority IDPs
- Kosovo governments allocates €7 million to support return in 2003
- Municipal authorities are increasingly engaged in return process
- Resistance remains at community and village levels

“12. In the past year [2003], the returns environment in Kosovo has undergone a substantial change. A year ago, Kosovo Albanian leaders were cautious about being seen to support returns, and their actions reflected that timidity. Over the course of 2003, the political context for returns has undergone a 180-degree shift. While once those who supported returns were afraid of the consequences of expressing such views, now it is those who would oppose returns who are out of step with the accepted line on returns. Valid questions remain about how deep-seated these new positions are, but this change nevertheless constituted an important thawing of the environment for returns. The most obvious indication of this change was the issuance on 3 July of “An Open Letter to the Displaced Residents of Kosova/Kosovo in Serbia, Montenegro and Macedonia” signed by all the major Kosovo Albanian leaders (Prime Minister Bajram Rexhepi, President Ibrahim Rugova, President of the Assembly Nexhat Daci, PDK Leader Hashim Thaci, AAK Leader Ramush Haradinaj, and KPC Commander Agim Ceku). The Open Letter called for the displaced to return to their homes in Kosovo, and committed the signatories to working “to build a democratic, peaceful, secure, multi-ethnic Kosova in which all citizens are treated equally before the law and enjoy equal opportunities in fulfilling their human potential.”

13. While the Open Letter was a crucial step in improvement of Kosovo’s returns environment, it does not stand alone. In fact, growing engagement in returns activities by Kosovo Albanian authorities at the municipal level was already visible in all regions of Kosovo in the months preceding the letter’s release. In particular, the increasing involvement of Kosovo authorities in the work of Municipal Working Groups on returns, and the enhanced effectiveness of those bodies, signalled a fundamental improvement in the political climate for returns in Kosovo. By mid-2003, Municipal Working Groups had been formed in 29 of 30 municipalities (with the exception of Glogovac/Glogovac which before the conflict had virtually no minority population and where there is no current demand for return), and municipal authorities were involved in all of them.

14. Most notably, during 2003, municipal authorities played a supportive role in virtually all locations where returns projects were underway or envisioned in the near future. While the level of engagement and activism on behalf of returns by municipal leaders varies, compelling examples of an improved environment for returns abound, including municipal authorities of different ethnicities working together to support the process. In Obiliq/Obilic, for example, MWG meetings are co-chaired by the Kosovo Serb and Kosovo Albanian Vice Presidents, while in Rahovec/Orahovac, a Sub-Committee on Returns comprised of two Kosovo Albanians, two Kosovo Serbs and one RAE representative has worked actively on returns efforts. As in several municipalities, in Istog/Istok the Municipal Assembly President co-chairs the MWG, and heads of municipal departments regularly attend MWG meetings.

15. These improvements at the municipal level were echoed in more visible support for returns within central government structures. On 10 July, the Kosovo Assembly held a session dedicated to minority returns, during which representatives of each of the major Kosovo Albanian political parties committed themselves to supporting returns of displaced persons. The Assembly adopted a resolution in which the

Assembly pledges to “engage to create an atmosphere of insurance and trust and confidence to assist the process of returns.” That same day, President Ibrahim Rugova and PDK Leader Hashim Thaci travelled with the then-head of the U.S. Office in Pristina, Reno Harnish, to Ferizaj/Urosevac where they met with Kosovo Serb representatives and displaced people, and publicly called on Kosovo Albanians to welcome their neighbours back. Prime Minister Rexhepi has travelled several times to returns sites to demonstrate his commitment to the process, and has spoken in Serbian on numerous occasions with returnees and journalists. Prime Minister Rexhepi, President Rugova, Assembly President Daci, and party leaders Hashim Thaci and Ramush Haradinaj have also spoken out on behalf of returns in public meetings, newspaper interviews and television appearances.

16. Most significantly, the Kosovo government allocated €7 million from the 2002 Kosovo Consolidated Budget (KCB) surplus to support returns. In accordance with the budget proposal submitted by the UNMIK Office of Returns and Communities, €5 million of these funds are being used within returns projects that have been endorsed by Municipal Working Groups and are on the Returns Coordination Group’s List of Priority Projects. This support has allowed most of the gaps on the RCG List of Priority Projects to be filled. Late dispersal of funds has meant that only the first phase of some projects will go forward this year, with reconstruction waiting until next spring (Kosh/Koš, Biti e Eperme/Gornje Bitinja, Rahovac/Orahovac, Radeshe/Radesa and Vranishte/Vraniste). In a number of other projects, KCB funds will be used to complete a project for which partial funding was already available (Dubravë/a, Llukafci i Thatë/Suvi Lukavac, Bellopojë/Belo Polje, and Fushe Kosovo/Kosovo Polje). Finally, KCB funds will be used for most components of one project that had been awaiting funding throughout the year (Bablak/Babljak), and for an inter-ethnic dialogue project that will fill gaps in existing and planned projects, helping to reverse a phenomenon in which this component of a project – which should begin first – is often the last to receive funding. These projects are being implemented by NGOs, with UNDP providing overall management for the fund.

17. The remaining €2 million from the KCB budget forms a Municipal Communities Fund (MCF) that provides support for municipal projects that contribute positively to returns, either directly or by contributing to municipal efforts to build a tolerant and multi-ethnic environment. Twenty-six of thirty municipalities submitted a total of 161 proposals for funding to the MCF, seeking more than €1 million. Notably, the Review Committee charged with dispersing these funds includes representatives of the Prime Minister, President, Assembly President, Inter-Ministerial Coordinator for Returns, Office of Communities within the Prime Minister’s office, and four representatives of the Roma, Ashkali, Egyptian and Bosniak communities. This ground-breaking engagement by the government in returns-related funding is itself an important indicator of the improved returns environment in Kosovo.

18. This support for returns by Kosovo Albanian leaders had several important effects. First, the fact that all major political parties have endorsed returns decreased the potential for this issue to be used for political purposes, thereby helping to avoid politicisation of the returns process, at least at the central level. Second, support from these influential political figures opened the door for a more tolerant climate in Kosovo for returns more generally. Some Kosovo Albanians have pointed to the existence of a “silent majority” of citizens who recognize the right to return and who are willing to focus on Kosovo’s future, rather than the past. By speaking out in favour of returns, Kosovo’s leaders have given encouragement to those who might have been reluctant to express support for returns before, and have set an example for those who may hold different views.

19. While the improvement in the political climate within Kosovo is notable, much remains to be done to provide a hospitable environment for returns. In particular, Kosovo authorities need to take a more active role in working to eliminate barriers to return, and to counter obstructive sentiments expressed from within their ranks or among the population. Even with municipal support for returns, projects often encounter resistance at a community or village level, which must be overcome through the concerted engagement by the responsible authorities. Positive statements must be translated into concrete actions to avoid the impression that today’s support for returns is simply required window-dressing for the broader aspirations of Kosovo’s leaders.

20. During 2003, Serbian authorities have begun to engage more constructively in the Kosovo returns process. As the host government for the majority of the displaced, Serbia and Montenegro has a compelling interest in ensuring that the right to return is respected. Given the political significance of Kosovo, however, Serbian authorities have at times sought to capitalize on the Kosovo situation in a manner that did not contribute helpfully to returns by minimizing positive developments and providing a lopsided view of the security situation. In recent months, however, a more constructive approach has been evident. The Coordination Centre for Kosovo's Returns Coordinator, Vladimir Cucic, meets frequently with UNMIK returns staff and the PISG's Inter-Ministerial Coordinator for Returns to discuss returns activities. CCK representatives have also been involved in a helpful manner within some MWGs and project task forces. Both Deputy Prime Minister Nebojsa Covic and Mr. Cucic have moderated their statements regarding returns to Kosovo recently, noting progress in Kosovo Serb returns and avoiding pejorative comments about security incidents." (UNMIK, 15 December 2003)

More than 40% of IDPs in Montenegro do not intend to return to Kosovo (2003)

- Destroyed property and integration into new place of residence are main factors in decision not to return
- More than a quarter intends to return, and an additional quarter would do so provided security improves

"More than half of the displaced persons currently living in Montenegro plan to stay in this area in the future; one-fifth (19.6%) have submitted papers for Montenegrin citizenship, while nearly half (46.3%) plan to ask for citizenship. The remaining three of ten (31.9%) displaced persons do not plan to ask for Montenegrin citizenship. [...]

In total, two of five displaced persons currently living in Montenegro do not intend to return to Kosovo (43.2%), either because of destroyed property (17.1%), the property is sold (8.9%), or because they are currently infiltrated in the place where they live now (17.2%). However, more than one-quarter of respondents (28.7%) do intend to return to their property and an additional one quarter (27.9%) would do so if it were safe." (UNDP, 2003)

Return policy

UNMIK and the PISG launch Strategic Framework for Communities and return (2005)

- The objective of the Strategic Framework is to energise the return process
- Strategic Framework reinforces the responsibilities of the PISG in particular the Ministry for Communities and Returns with regard to return
- A Programme of Action based on broad consultations with all actors will be defined within a few months after the launch of the Framework

"SRSJ Søren Jessen-Petersen and Prime Minister Bajram Kosumi today launched the 2005 Strategic Framework on Communities and Returns during the first meeting of the High Level Task Force on Returns. Among those present on the occasion were representatives of political parties, Contact Group members, Heads of UNMIK Pillars and representatives of international organizations and NGOs.

Addressing the meeting, the SRSG said, "The issue of returns is clearly a critical one for Kosovo – the priority standard of priority standards in some respects. My hope is that today's launch of the Strategic Framework will help to energise the returns process and thereby lead to significant advances, not necessarily in the number of returnees, but to the quality of life for those that do come back, and for the quality of choice for those that are considering returning."

Prime Minister Bajram Kosumi expressed the Government's readiness to take responsibility for all citizens of Kosovo. "The Strategic Framework on Communities and Returns shows clearly the policy of the Government. It confirms Government's position on returning all refugees in their properties. Furthermore, it confirms our readiness to offer financial help to the returnees. The matter of Communities and Returns shall be treated carefully in our future long term policies," said the Prime Minister.

The Strategic Framework on Communities and Returns outlines the "road ahead" for the returns process, and is articulated around three main priority areas: the promotion of safety and freedom of movement; the creation of sustainable conditions for returns; and the enhancement of institutional support for returns.

The framework will be followed, in the coming months, by the formulation and implementation of specific activities to be included in a "Programme of Action on Communities and Returns". This process will be based on inputs and consultation with all stake holders such as political parties, minority leaders, IDP representatives, donors, NGOs, UNMIK and the PISG." (UNMIK, 19 July 2005)

See also :

["Special press briefing on Strategic Framework on Communities and Returns"](#), UNMIK, 27 July 2005 and ["Strategic Framework on Communities and Returns"](#), UNMIK/PISG, 18 July 2005

UNMIK creates an operational framework to increase return (2002-2003)

- · 2004 return strategy focuses on involvement of provisional authorities, engagement of IDPs, improved information and resolving property issues
- · A "Manual for Sustainable Return" was published by UNMIK in 2003
- · The Office for Returns and Communities (ORC) has been established within UNMIK
- · The Task Force on Returns ensures coordination among international and national actors in Kosovo
- · UNMIK and UNHCR will cooperate closely at the operational level
- · Municipal Working Groups on Returns play a key role in supporting and planning return

"39. One of the greatest strengths of the returns process in Kosovo is the commonality of purpose between those involved. The key elements of returns policy set forth in UNMIK's May 2002 policy paper, and elaborated in the 2003 Returns Strategy as well as the Manual for Sustainable Returns produced by UNHCR and UNMIK, have been accepted by both Kosovo authorities and the CCK. This policy consensus means that very little time is wasted in debating *what* we are trying to jointly accomplish, although the question of *how* we proceed continues to give rise to considerable discussion. The key elements of this agreed policy include:

- **The right to return applies equally to members of all communities** regardless of their ethnicity, cultural, religious or linguistic belonging.
- **All returns must be voluntary** based upon a free and informed choice by the individual.
- The process must respond to the **expressed wishes of IDPs.**
- The priority is to **support returns to the places of origin.**

- Returns must be **sustainable**.
- There can be **no political or other conditionalities** placed on returns by the receiving communities.

Core Principles

40. The core principles that guided the returns process in 2003 remain unchanged. Indeed, experience in the past year has only reinforced the importance of these fundamental principles to the success of the returns effort. The 2004 returns strategy will thus continue to be based upon: 1) a **“bottom-up” methodology** that engages local communities in the returns effort; 2) involving displaced persons directly in the returns process through **cross-boundary and cross-border efforts**; 3) a **multi-sectoral approach** to ensure the sustainability of returns; and 4) **engaging the entire community** through programs facilitating inter-ethnic dialogue and contributing to both the returning and “receiving” communities.

Operational Framework

41. Based on these principles, an operational framework has been established to maximize opportunities for returns. In January 2003, UNMIK and UNHCR published the “Manual for Sustainable Returns,” a step-by-step guide to both the policies and structures of the returns process. The Manual has been widely distributed across Kosovo, and has provided support to all those involved in the returns process. The “engine” for the returns process is the Municipal Working Group, which brings together efforts to support the returns process and endorses concepts for facilitated returns initiatives. Regional Working Groups ensure information sharing and coordination of returns efforts. The central-level Returns Coordination Group meets bi-weekly to address problems that arise in ongoing operations that cannot be resolved in the field, and to allow for continuing review and revision of returns strategies. The Task Force on Returns provides high-level support for returns efforts and helps ensure that the returns process receives the priority and political backing it deserves.” (UNMIK, 15 December 2003)

See UNMIK 2004 Strategy for Sustainable Return, 15 December 2003 [Internal link]

"[...] an operational framework has been established to maximize the opportunities for minority returns in the coming year. The framework clearly delineates roles and responsibilities for the many actors involved in the returns process, in an effort to ensure a coordinated, non-duplicative approach. Key elements in the operational framework include:

Manual for Sustainable Returns

[...] The Manual is designed to clarify the roles and expectations of all the organizations involved in returns efforts. In addition, the Manual will help ensure a consistent and transparent approach to steps such as prioritising returns projects, by providing detailed guidance and criteria for returns-related activities.

Office of Returns and Communities

UNMIK established the Office of Returns and Communities in late 2001 to respond to the growing focus on and opportunities for minority returns in Kosovo. This year, UNMIK has undertaken a restructuring of the ORC to allow it to continue to respond effectively to this burgeoning field of work. In particular, the ORC is in the process of establishing regional teams that will provide additional support and guidance for returns processes at the municipal and regional levels. The enhanced ORC will help ensure a consistent and comprehensive approach to returns, and will increase cross-fertilisation between efforts from region to region. In addition, an expanded Pristina office of the ORC will provide a contact point for donors to facilitate access to information and returns structures, and for information on returns projects priorities. Finally, the ORC will create a more direct link to displaced communities and to relevant authorities in Serbia through placing staff within UNMIK’s Belgrade office.

Returns Coordination Mechanisms

In addition, the **Task Force on Returns** will play a crucial role in ensuring coordination and support for returns efforts among UNMIK, the PISG, UNHCR and KFOR. The Task Force will also provide an important forum for discussion and endorsement of returns policy and processes. Given the many challenges facing minority returns, the Task Force can also be essential in ensuring that the returns process receives the priority and political backing it deserves.

At a more operational level, UNMIK will continue to work closely with UNHCR to support day-to-day returns work. In particular, UNMIK and UNHCR will hold frequent returns coordination meetings with a broad range of returns partners, including KFOR, UNMIK Police, the PISG and relevant Serbian authorities, to address problems that arise in ongoing operations that cannot be resolved in the field, and to allow for continuing review and revision of returns strategies.

Municipal Working Groups

Municipal Working Groups on Returns are the key building block of the returns process. They have a central role in developing and prioritising returns projects, and in supporting ongoing minority returns. Municipal Working Groups have been established in 24 of 30 municipalities, and ensuring that these bodies are established and fully functioning throughout Kosovo during 2003 will be a core UNMIK priority. Municipal Working Groups are composed of many actors, including UNMIK and local municipal authorities, UNHCR, KFOR, members of the displaced community, local (receiving) community representatives, and NGOs.

The Municipal Working Group acts as the main mechanism through which displaced persons can access the returns process and request support to return, and is the principal executive and coordination body for returns projects with primary responsibility for ensuring the sustainability of returns efforts. Municipal Working Groups also provide a forum for displaced and receiving communities to engage in an internationally-facilitated dialogue on returns issues. Municipal Working Groups facilitate development of returns projects, and then prioritise efforts based on a confluence of return opportunities and identified needs of the displaced community." (UNMIK 5 November 2002, paras. 30-36)

See also the following UNMIK documents:

- [Manual for Sustainable Return](#) [Internet]
- [Coordination structure](#) (chart) [Internal link]
- [Coordination mechanisms \(The municipal Working Groups\)](#) (chart) [Internal link]
- [Returns to Kosovo: a New Approach](#) (map) [Internal link]

UNMIK promotes the principle of return to places of origin (2002)

- The political climate seems to be more conducive to promoting inter-ethnic dialogue and the possibility of return
- There are also indications that inter-communal relations are slowly improving at the local level
- In this context, the UNMIK launched its 'concept paper on the right to sustainable returns' based on the principle of the individual right to return to the place of origin
- 30 return projects have been approved by the municipal and regional working groups and have received financing from a number of Member States (October 2002)
- UNMIK opposes the return of minorities to new settlements as advocated by Yugoslavia's Coordination Center for Kosovo (April-May 2002)

"Over the past few months, a climate has been created that, for the first time since the arrival of UNMIK, appeared conducive to promoting inter-ethnic dialogue and the possibility of return. An important development in this regard was the inclusion of both the majority and minority communities as an integral part of the return process. The Government followed up previous statements on its commitment to the return and reconciliation process with concrete action: the Prime Minister, Bajram Rexhep attended the opening of a multi-ethnic youth centre in Kamenica and delivered part of his speech in Serbia; he also attended the Orthodox Easter ceremony at the Pec Patriarchate; and several ministers visited mixed municipalities to meet with representatives of the minority communities. On 28 June, all the municipal assemblies agreed to a Strategy of Joint Principles affirming the right to return. Also in June, the Kosovo Serb Senior Adviser on Returns joined the Office of my Special Representative.

On 4 July, the Assembly adopted a resolution on rights of communities and their members and on the conditions for return of internally displaced persons and refugees proposed by the Government. It underlined the right to return, repossess property and enjoy freedom of movement, and called on the competent institutions to facilitate return. The resolution was subsequently endorsed by Mr. Covic, who called it a very significant, positive step.

[...]

Although progress remained mixed, there are indications that inter-communal relations are slowly improving. Grass-roots reconciliation projects have begun in several areas, such as a milk-sharing project in Novo Brdo, and there have been several multi-ethnic cultural and sporting events. For the time being, it is these smaller-scale, trade-based and cultural projects, which break the enclave mentality and improve freedom of movement, that hold out the best hope for success. More ambitious projects, such as a multiethnic market in Lipljan, have not been so successful, but remain an important target.

An important factor in building inter-communal trust was that Kosovo Albanians began to be sentenced for crimes committed against minority communities following the arrival of the international presence in June 1999. In May 2002, for example, a panel of international judges handed down a 15-year sentence to a Kosovo Albanian male for the murder of an elderly Kosovo Serb woman in Prizren.

UNMIK sought to capitalize on these positive developments, which it also helped to bring about. In May 2002, my Special Representative briefed donors on the financial requirements of the returns process, which amount to over 16 million euros. Shortly thereafter the Mission launched its 'concept paper on the right to sustainable returns' based on the principle of the individual right to return to the place of origin. The key principles were supported by Mr. Covic and the Coordinating Centre at a meeting of the High-Ranking Working Group on 31 May. The aim is to achieve increasing returns this year so as to create the momentum for more significant numbers in 2003 and 2004. UNMIK has increased its grass-roots efforts to support minority returns: there are now 5 regional working groups on return, 24 municipal working groups, and 12 small task forces to address specific aspects of returns in particular locations. In addition, UNMIK continued to address remaining obstacles to return, including freedom of movement, providing internally displaced persons with accurate information about the situation in Kosovo, determining the fate of the missing of all communities, and the question of property." (UNSC 17 July 2002, paras. 32-37)

"Thirty projects have been approved by the municipal and regional working groups and have received financing from a number of Member States. For example, in the Klina municipality, a group of 44 Kosovo Serbs returned to the villages of Bica and Grabac in two stages during July and early September 2002. In the Lipljan municipality, 26 Ashkali families returned to two villages. Signals from government officials at the central political level also continued to be positive on returns. However, more substantial and regular engagement from all local participants is required and the many positive statements have yet to be turned into concrete action. A broad range of activities continued to promote inter-ethnic dialogue and reconciliation. For example, a number of football and boxing clubs representing minority communities joined the respective Kosovo Sports federations and will now participate in Kosovo-wide league matches in the upcoming season- Additionally, a number of cultural events took place in the northern region of Kosovo and brought different ethnic groups together." (UNSC 9 October 2002, para. 39)

"In April and May, the Coordination Center for Kosovo (CCK) and UNMIK released documents which underscore different strategies on return of IDPs to Kosovo. The CCK plan specifies certain towns and 24 localities all over Kosovo suggesting that returns could be most successful if they are organized primarily toward clusters and specified localities. The approach also includes the elements of security, economy, health services and decentralization of local government. The UNMIK concept paper 'The Right to Sustainable Return' outlines a rights based approach to IDP return founded on individual voluntary choice. It includes the goal of creating a multi-ethnic Kosovo, preference for return to place of origin, creation of suitable return conditions in advance of returns and does not support relocation or mono-ethnic clusters. So far in 2002, UNHCR estimates approximately 700 spontaneous returns of IDPs to Kosovo from Serbia and Montenegro." (UN OCHA 31 May 2002)

"The Serbian parliament has endorsed 'Principles of Programme of Returns of IDPs from Kosovo and Metohija', which was prepared by the CCK and completed in April, 2002." (UN OCHA 11 July 2002)

"New papers released by UNMIK and Yugoslavia's Coordination Center for Kosovo show different philosophies on returns, but Kosovo leader makes new overtures"

UNMIK and the Yugoslav/Serb government's Coordination Center for Kosovo (CCK), the two bodies charged with coordinating minority returns to Kosovo, last month outlined their respective views regarding minority returns to Kosovo.

The Office of the SRSG released a concept paper entitled 'The Right to Sustainable Return' in which basic humanitarian principles are outlined, including the goal of creating a multi-ethnic Kosovo . The paper, however, takes exception with the CCK's detailed plan for returns 'in clusters'. The CCK, led by Serbian Deputy Prime Minister Mr. Nebojsa Covic, advocates clustered returns to Kosovo for reasons of safety, economy, and community.

The UNMIK paper notes: 'In general the concept of relocation, including proposals for clusters of new settlements, is not conducive to the long-term goal of promoting a multi-ethnic society in Kosovo.' The difference in philosophy between the two bodies has prompted discussions within the humanitarian community. The issues were discussed at a recent meeting of the UNHCHR (Human Rights) Contact Group on IDPs, which was attended by UN agencies, NGOs and others." (UN OCHA 7 June 2002)

See also:

- [UNMIK, "The right to sustainable return – Concept paper", 17 May 2002 \[Link\]](#)
- [CCK, Principles of the Program for Return of Internally Displaced Persons from Kosovo and Metohija, April 2002 \[Link\]](#)

On the right to return home and its implementation, see "Kosovo: The Human Rights Situation and the Fate of Persons Displaced from their Homes" (16 April 2002), by Mr Alvaro Gil-Robles, Council of Europe Commissioner for Human Rights, paras. 163ff [Internet]

Authorities in Serbia and Montenegro give priority to return to Kosovo (2001-2002)

- The Coordination Centre for Kosovo (CCK) has been created as a joint Yugoslav-Serbian body to promote the return of IDPs to Kosovo
- It also coordinates assistance to IDPs in Serbia and Montenegro
- The Government of Serbia released its "National Strategy" which identifies the return of IDPs to Kosovo as the main solution
- Local integration is mainly considered in regard to refugees

- Authorities in Montenegro are not willing to integrate IDPs out of concern for the ethnic balance and political stability

Serbia

The Coordination Centre for Kosovo (FRY)

"The Coordination Centre for Kosovo, created at the end of 2001 as the joint body of the Yugoslav and Republic of Serbia governments, has the return of IDPs to Kosovo as one of its main goals and functions as the Yugoslav/Serb Governmental interlocutor with the ORC [Office of Return and Communities].

[...]

The Coordination Centre for Kosovo is presently divided into seven sectors of responsibility which include: return; care for the displaced; care for the Serbs who remained in Kosovo; protection of cultural monuments; the judicial system and security; civil administration; economy, reconstruction and development; and a secretariat that oversees the work of all sectors. In addition to focusing on returns, the Coordination Centre for Kosovo within its capacity intends to assist those persons who return to Kosovo as well as IDPs in Serbia and Montenegro while they wait to return, and monitor the humanitarian community's activities with regard to IDPs." (UN OCHA 26 April 2002, pp. 29-30)

"In Serbia, the Government has formulated and published a [National Strategy For Resolving the Problems of Refugees and IDPs](#) [Internal link] (hereafter: National Strategy). The National Strategy addresses the options of both '*repatriation*' and '*local integration*', by identifying difficulties and proposing ways forward. Although, on various occasions, the text underlines that both options are equally open to IDPs, there is a clear tendency to consider local integration to be the likely solution for refugees from the former republics, and return the solution for IDP's from Kosovo (and Metohija) [143].

The Implementation Programme that goes with the National Strategy, follows the same line and its title worryingly makes no mention of IDPs [144]. Indeed, in the substantive parts in which the various programmes for '*Ensuring Conditions for Local Integration*' are set out, only refugees are mentioned as the beneficiaries, not IDPs. As the IDPs from Kosovo, from what I have seen, live in a comparably difficult situation in Serbia, I strongly hope that IDPs will be able to benefit just like refugees from these programmes [145] which are aimed at addressing such vital issues as housing, the gradual closing down of collective centres and employment."

[Footnote 143: *«The main strategic orientation of Serbia in respect of 230,000 IDPs from Kosovo and Metohija is provision of assistance and necessary guarantees for return and life in safety. This situation clearly suggests two main, parallel directions of implementation of the National Strategy, giving the possibility to refugees and the IDPs to choose the most favourable durable solution freely. The first group of activities is aimed at ensuring conditions for repatriation of refugees and IDPs [...] This refers especially to voluntary and safe return of IDPs to Kosovo and Metohija to the places of their habitual residence. The second direction of activities relates to the provision of conditions for local integration, meaning the durable resolution of the essential existential problems of refugees and IDPs as well as their families. The basic aim of local integration is helping refugees achieve self-sufficiency, a financially and socially equal positions as that of the other citizens of the country.»* (National Strategy For Resolving the Problems of Refugees and IDPs, Government of Serbia, Belgrade, 30 May 2002, p. 4.)]

[Footnote 144: Government of the Republic of Serbia, National Strategy For Resolving the Problems of Refugees (!): Implementation Programme, Belgrade, 30 May 2002, (Basic Objectives and Plan of Action): *“The Strategy primarily refers to refugees and other war-affected persons. As regards the nearly 230,000 displaced persons from Kosovo and Metohija, the basic strategic commitment of Serbia and the FRY, supported by encouraging arrangements and the Plan of Returns endorsed by the Republican and Federal Assembly, by the UNMIK-FRY Common Document, as well as by the Serbs’ participation in the elections for the Assembly of Kosovo and Metohija, is to provide each returnee the assistance and necessary guarantees for a safe life in Kosovo. At the same time, IDPs can also benefit the integration programs*

formulated in the National Strategy, as a way for building their self-sustenance and reducing their dependence on humanitarian aid.”]

[Footnote 145: If I understood well the Deputy Prime Minister of Serbia, Dr. Covic, then this will be the case.] (COE 16 October 2002, paras. 198-199)

Montenegro

"[...] IDPs from Kosovo, who retain certain legal rights as citizens of the FRY, have only limited access to important political rights conferred by the Republic of Montenegro [155]. Here, the IDPs are the victims of the difficulties between the Serbian and Montenegrin governments, concerning the question of the relations between the two entities. Perceived by the present Government, which is in favour of independence of Montenegro, as being potentially in favour of Montenegro remaining linked to Serbia, IDPs from Kosovo are not offered the possibility to fully integrate in this part of their country (the FRY). The concern would appear to be to prevent them from formally establishing residence in municipalities in Montenegro and applying for Montenegrin citizenship, and the voting rights that go with it. This is certainly regrettable from a human rights point of view."

[Footnote 155: "While IDPs are being accorded social rights and limited benefits in Montenegro, there is no willingness to extend political rights out of concern for the ethnic balance and political stability of Montenegro. Although it is recognised by nearly all the authorities in Montenegro that the majority of IDPs will likely not return to Kosovo, it is still [felt to be] too early to consider local integration." Briefing Note, UNHCR, 18 July 2002, p. 2.] (COE 16 October 2002, para. 208)

Lack of information on real intention of the displaced (2002)

- A third of the displaced in Serbia would like to return, according to one survey, while the Serbian government claims they may be the majority
- There is a need for more reliable data concerning the true intention of IDPs with respect to return and their level of integration in areas of displacement
- Also more information should be provided to IDPs regarding existing conditions for return

"Clearly, not all the IDPs from Kosovo will eventually decide to return. Taking into account the socio-professional composition of the persons displaced out of Kosovo [107], their rural or urban origins in Kosovo, the length of time they or their families lived there, their age, the fact that a number of them have sold their property in Kosovo as well as the time already elapsed since their departure, a rough estimate might be: roughly one third of the 230,000 IDPs from Kosovo prefer to integrate fully in Serbia or Montenegro (or have already succeeded to do so), another third is desperate to return (mostly the elderly, rural population who cannot not sell their property in Kosovo, who do not have professions that allow them much flexibility and whose attachment to their land is generally strongest), while the last third remains undecided [108]." (COE 16 October 2002, para. 161)

[Footnote 107: See International Council of Voluntary Agencies (Belgrade) and the Norwegian Refugee Council, [The Right to Choose: IDPs in the FRY](#), March 2002.][Internal link]

[Footnote 108: The Government of Serbia thinks that "*the majority of the 230,000 IDPs who have been living in Serbia and Montenegro for three years now wish to return to their homes*" ([National Strategy for Resolving the Problems of Refugees and IDPs, Belgrade](#), 30 May 2002, p. 8).][Internal link]

"[L]ocal and international bodies lack information about IDPs, which hinders them from planning longer-term policies. Among the most pressing questions is: 'How many IDPs from Kosovo truly intend to return to Kosovo as it is today?' Moreover, how many have already successfully integrated into Serbian or Montenegrin society? Arriving at these figures is impossible without a comprehensive study."

There is a need for more reliable data concerning the intention of IDPs with respect to return, and more information should be provided to IDPs that will help them in their decision making. Such information should help the government and relief agencies coordinate and plan policy." (UN OCHA 26 April 2002, p. 37)

"It should be noted that there is no reliable data regarding how many IDPs from Kosovo intend to return. The American Refugee Committee, in a February 2002 study of 1,268 IDP families in Southern Serbia, found that 67% have an interest in return, 17% are unsure and 16% have no interest in returning to Kosovo. The study admits, however, that 'the majority of IDPs who are interested in return currently reside in the south, while those who are interested in local integration are moving toward the larger centres in the north...' The numbers cited, therefore, are likely not representative of the entire IDP population." (UN OCHA 26 April 2002, p. 30)

KFOR releases its policy paper on the feasibility to accommodate returns in Kosovo (May 2002)

- KFOR will move away from overly restrictive security measures in order to facilitate inter-ethnic interaction
- It is also planning to play a less prominent role and to transfer tasks to UNMIK and the Kosovo authorities

"In the light of the improved security situation in certain areas, and the political imperative to stimulate return, KFOR has considered that the correct approach should be flexible and decentralised and follow on a case by case basis, whilst avoiding the creation of new isolated enclaves. This means that KFOR moves away from *'impos[ing] conditions on visits and returns, which were in many instances overly restrictive'* [HQ Policy Paper on the Feasibility to Accommodate Returns in Kosovo, 21 May 2002]. Rather, it is acknowledged that *'[s]ecurity measures need to facilitate and make inter-ethnic interaction possible instead of creating barriers that entrench separation and impact on the chances of realising other rights [...]. Efforts will be undertaken to scale down the level and visibility of area-specific security measures in order to avoid perceptions of continued separation between minority and majority communities.'* In the same vein, KFOR considers that *'[a]s soon as the situation allows [it] should play a less prominent role in Kosovo security matters handing over as many tasks as possible to UNMIK Police and the KPS'*. In other words, KFOR is ready to take some risks, and the ongoing process of removal of escorts and checkpoints is conducive to the idea of removing barriers between the different communities." (COE 16 October 2002, para. 178)

"An important shift in KFOR strategy toward minority return was noted during the reporting period. KFOR's active participation in return planning and implementation, as well as their general experience on the ground in minority communities, prompted analysis of the most appropriate security responses in the context of return. Moving a step beyond an exclusive focus on deployment of military assets to address inadequate security environments, KFOR began to foresee the need to take a more comprehensive, developmental approach to transforming the local environments where inadequate security exists (and not only pursuing the 'containment' of conflict), in order to more fully comply with the mandate to ensure a safe and secure environment under UN Security Council Resolution 1244. In this regard, KFOR increasingly noted the need to ensure that regional security planning is designed to assist minorities and surrounding majority populations to overcome psychological barriers (rather than reinforcing subjective fears and an 'enclave mentality') and complement confidence-building activities. While the majority of contingents in the regions have embraced their responsibilities for enhancing, to the extent possible, freedom of movement, and assisting in the return planning process (by developing security plans and providing support for Go-and-See Visits, for example), there have been some notable exceptions which are also problematic from the human rights perspective. **KFOR MNB (S) [Multinational Brigade South] in**

particular continues to place restrictions on free movement for Kosovo Serbs in the Prizren region which have curtailed a potential increase in normalisation of movement of displaced Serbs to visit their properties and undertake social visits in Zhupa Valley, or to spontaneously return. Often, **MNB (S)'s positions on return issues have been seen as incompatible with the overall KFOR strategy of reducing barriers between ethnic groups**, in fact, often giving the opposite impression that complete restriction of contacts between minority and majority communities is a necessity for preventive security reasons. MNB (S) positions sometimes also give the troubling impression that the majority community should de facto be given a veto on the right to return. However, despite some inconsistencies on the ground, KFOR's overall strategic approach towards return for 2002 and beyond is being developed in a very positive and forward-looking direction. The overarching strategy foresees the need to enhance troop presence in potential areas of return, but also foresees the importance of incrementally reducing presence as confidence is established between communities, in part so as to ensure that security measures do not have a negative impact on inter-ethnic contacts and confidence-building measures. These developments are welcome and it is hoped that this strategic direction will be consistently reflected in the security planning of each Multi-National Brigade." (UNHCR/OSCE May 2002, para. 188)

The support to return: a resource-intensive process (2001-2002)

- Confidence-building projects are underway in mixed municipalities, as part of the planning process for return
- UNMIK has also intensified its outreach to the IDPs in Serbia and to minorities in Kosovo
- Joint UNMIK-Yugoslav campaigns have led to an increasing number of go-and-see visits to possible return sites in Kosovo
- Go-and-inform visits to IDP communities in Serbia proper have also been organised

"The inter-agency planning activities undertaken in 2001 to enable organised minority returns to take place to Osojane Valley, Gornji Makres/Makresh e Ultë, Ljestar/Leshtar and Vranjevac/Kodra e Trimave brought into focus for the principal agencies and organisations involved some key lessons learned. Most importantly, the highly complex, time-consuming, resource-intensive and multi-sectoral nature of facilitating a safe and sustainable return became absolutely evident. It was increasingly understood that, **under prevailing circumstances, which continue for the most part to prohibit spontaneous return, opportunities for replicating return successes are directly proportionate to limited human resources.** Resources and efforts must be mobilised among a multitude of agencies in order to build confidence and create a minimum level of area stability to responsibly allow returns to take place; even the return of a very small number of minority families requires a disproportionately large level of resources, especially human resources. If we compare the social environments of the four organised return locations in 2001, it also becomes evident that, even with a massive commitment of resources, creating an environment which ensures at least some contacts between ethnic groups and no inter-ethnic violence requires a fundamental qualitative change in the political and social relations between Kosovo's ethnic groups. Returns to environments where stringent security measures are required to ensure returnee safety are ultimately much less sustainable. An approach based on ensuring returnee security primarily or exclusively through preventive deployment of military assets ensures that return will only occur in very small numbers as determined by military asset levels. This approach to return also fails to provide guarantees of returnee security when military assets in the region are reduced. For these reasons among others, building tolerance was recognised to be one of the key factors necessary to create safe conditions for returns." (UNHCR/OSCE May 2002, para. 180)

"An important part of the planning process for returns are confidence-building measures aimed at promoting reconciliation and a climate conducive to return. Several reconciliation projects are under way in mixed municipalities, such as Kamenica, where a multi-ethnic youth project has been launched. UNMIK's institution-building pillar has also brought together Kosovo Albanian civil society representatives and non-

governmental organizations from Serbia proper to develop civic dialogue and build trust. A similar exercise was carried out by bringing Kosovo Albanian journalists to visit Belgrade media outlets with a view to promoting understanding and cooperation.

Another important part is demystifying the situation in Kosovo in the minds of many internally displaced persons and those who live in the enclaves and have little contact with the outside world. UNMIK has stepped up its outreach to the internally displaced persons themselves. The Department of Non-Resident Affairs in the Ministry of Culture, Youth and Sports of the provisional institutions of self-government publishes a monthly magazine in Serbian entitled *Most* (Bridge), which keeps internally displaced persons informed of UNMIK policy and the situation on the ground in Kosovo. This, together with joint UNMIK-[Kosovo] Coordination Centre public information campaign, has led to an increase in 'go-and-see' visits to possible return sites in Kosovo. As for the Kosovo Serbs isolated in enclaves, new community information centres are playing a key role in keeping them informed of events. So far, UNMIK has set up three of these centres in Gračanica, Slivovo (both in the Pristina region) and Mitrovica. They distribute UNMIK factsheets and other sources of information. In February, the centres launched a newsletter on developments in neighbouring communities. This newsletter is also distributed to internally displaced persons." (UN SC 22 April 2002, paras. 34-35)

"An important innovation was the beginning of 'go and inform' visits to communities of internally displaced persons in Serbia proper, which included, on at least one occasion, a member of the Kosovo Albanian community. The resulting town meetings with the internally displaced communities are now run jointly by UNMIK and the Coordinating Centre for Kosovo. On 5 July, my Special Representative visited the Smederevo Collective Centre in Serbia proper to exchange information with the internally displaced persons there.

UNMIK also worked to reach internally displaced persons through Internet-based information systems and cross-boundary media projects. The Serbian daily *Danas* began printing supplements on Kosovo issues, for example; and Radio Television Kosovo agreed to air children's programmes in Serbian. UNMIK worked to integrate its outreach approach to the internally displaced community, both with the Coordinating Centre for Kosovo and other actors involved in the process. The use of the media for outreach purposes was facilitated by agreements reached during a conference on bridging the information gap, held at in Pristina at the end of May, with media representatives from Kosovo, Serbia proper, Montenegro and other parts of the region. (UNSC 17 July 2002, paras. 39-40)

UNHCR is in the process of gathering 167 minority village profiles in Kosovo. The village profiles provide valuable and timely information on security issues, infrastructure, housing, health services, economic activities, education services as well as a summary of key problems in the area. The problem is that they are presently only available in English. If translated these profiles could be a valuable asset for IDPs wanting to know more about specific villages. OCHA Belgrade is currently discussing with UNHCR Prishtina/Pristina and Belgrade the possibility of translating the village profiles. (UN OCHA 11 July 2002)

"During the reporting period, **UNMIK also began to develop a more robust information outreach policy** vis-à-vis minority communities and IDPs, also at least in part as a result of the experience of outreach to IDPs mainly in Serbia in the pre-election period. UNMIK Department of Public Information began to intensify consultations with several agency partners, including UNHCR, to discuss strategies for outreach to IDPs through the mass media in FRY, production of written materials about the situation in Kosovo and other initiatives. Implementation will require attention in the coming months. During the period, UNMIK established three Community Information Centres in Gračanica/Gračanicë (Prishtinë/Priština), Silovo/Shillovë (Gjilan/Gnjilane) and north Mitrovicë/Mitrovica. Similar centres are also planned to open in the Prizren and Pejë/Pec regions, in Upper Orahovac/Rahovec and Gorazdevac/Gorazhdevc respectively. These offices were designed in order to increase information flow between UNMIK and minority communities, and as the centres develop, will hopefully engage in information outreach to minorities displaced outside of Kosovo as well. (UNHCR/OSCE May 2002, para. 187)

For more details on international return assistance, see [UNMIK map 2002 return activities \(as of October 2002\)](#) [Internal link]

Return policy: cautious approach of the international community (2000-2002)

- UNHCR was originally tasked with the overall supervision of the safe and voluntary return of all refugees and IDPs to their homes in Kosovo
- The Joint Committee on Returns of Kosovo Serbs (JCR) was established in May 2000 coordinates return policy in consultation with representative of the Kosovo Serb community
- A Framework on Serb Return 2001 (January 2001) defines principles for the return of Kosovo Serbs
- The Principles were endorsed by the Interim Council Administrative Council for Kosovo in June 2001
- An Action Plan for some ten initial return locations was produced by Local and Regional Working Groups and presented to donors in June 2001
- International agencies also supported Go-and-See visits to Kosovo and information initiatives among IDP communities in Serbia
- Following the signing of the Common Document with Belgrade (November 2001), the Special Representative established the Office of Returns and Communities
- The Joint Committee on Returns was discontinued in December 2001, following the transfer of the supervision of return from UNHCR to UNMIK in 2002

"Security Council Resolution 1244 (1999) tasks the UN Mission in Kosovo through its international security presence (KFOR) and its civil presence (UNMIK) to establish a secure environment and to enable all refugees and internally displaced persons (IDP) to return, in safety and unimpeded, to their homes. UNHCR is tasked with the overall supervision of the safe and free voluntary return of all refugees and IDPs to their homes in Kosovo.

In May 2000 the SRSR established a the *Joint Committee on Returns of Kosovo Serbs (JCR)* consisting of the principals of UNMIK, KFOR, OSCE and UNHCR and the Commissioner of Police and the heads of key units of the UNMIK with the task 'to explore ways and means of the safe and sustainable return of Kosovo Serbs'. The JCR pursues its aim through a Steering Committee under the Chairmanship of UNHCR which again includes besides Serb representatives all members of the JCR to ensure coordination between those who are responsible for security or the provision of various public services.

During the last months of 2000 a small planning group with the help of five Regional Working Groups drafted a comprehensive analysis of the obstacles to return and a broad and balanced concept for ways and means by which the conditions could be changed so that they became more conducive to the return of Kosovo Serbs to their homes. The efforts led to the adoption of a *Framework on Serb Return 2001* on 13 January 2001 by the JCR.

The Framework lays out (i) the agreed-upon principles of return for Kosovo Serb IDPs; (ii) the current situation in Kosovo and (iii) analyses as examples 25 potential locations of potential return and identifies (iv) in general and for the concrete locations the measures which would be required to sustain a returns process and contains (v) the agreed on roles and responsibilities of the major actors who would be engaged in the return and reintegration processes.

In early June 2001 the **Principles** of this return concept have been endorsed by the Interim Administrative Council (IAC) for Kosovo which besides international and Serb representatives includes the three main

Kosovo Albanian political leaders. The overriding principle guiding the JCR strategy is the fundamental right of all displaced to return to their places of origin in conditions of safety and dignity which ensures also adequate freedom of movement. The return planning which is carried out through Local and Regional Working Groups foresees return to multiple geographic areas in an incremental, low-profile and orderly fashion. Return planning should be undertaken in a transparent fashion. This includes the maximum consultations with the displaced and with local community representatives and the promotion of inter-ethnic dialogue and confidence-building measures whenever possible. Finally return planning is to be undertaken on the basis of comprehensive assessments of individual potential return locations, in order to identify the necessary measures required to create appropriate conditions for safe and sustainable return.

The required **measures for the creation of minimum conditions of return** concern the areas of security, freedom of movement, property, housing, infrastructure, public utilities, health and social services, education, employment and income generation, and humanitarian assistance. Emphasis is also placed on the importance of tolerance-building and creation of inter-ethnic dialogue on the local community, regional and provincial levels on the issue of Kosovo Serb return and co-existence. The participation of the Serb community in the central and local governing and administrative structures and in the democratic political process in Kosovo has increasingly emerged as an important element for co-existence and the potential improvement of the conditions for sustainable return.

The aim is to facilitate some return as part of a more long term process in a responsible manner without prejudicing the security of the persons concerned and without creating additional tensions in the communities to where return takes place. Return must be voluntary and based on an informed decisions about the conditions prevailing in Kosovo including remaining risks and prevailing substantial shortcomings.

While conditions of minority, including Serb communities in Kosovo are generally difficult, they differ substantially from one location to the other. Therefore, on 11 May 2001 the JCR tasked the Steering Committee to identify those locations within Kosovo as to which the conditions favouring return were relatively more advanced and return was probably possible still in 2001. It was acknowledged that conditions would not allow the return of large numbers at the moment. Conditions facilitated initial returns to rural rather than urban areas. Such progress at a small scale is, however, considered crucial for the mid- and long-term progress on return for the large number of other displaced over time.

With the help of the LWG and RWG, the SC produced an **Action Plan** for some ten initial, most advanced return locations and on 29 June the international donor community was briefed about expected resource requirements by the SRSG and UNHCR to ensure that in case of return appropriate assistance can be made available in support of the re-integration and the stabilisation of the returnee populations in their communities. UNMIK, KFOR, OSCE, UNHCR, UNMIK Police and their regional and local representatives besides representatives of the Serb communities and of the displaced were all part of the preparatory process and will be so for the implementation. Since July 2001 representatives of the FRY Federal Government Committee for Kosovo have been participating in this planning work at all levels side beside with the other members of the JCR and the R/LWG on return. In addition efforts were made together with other UN and NGO partners to improve the information flow on the conditions and activities in the specific locations to the displaced outside Kosovo. A series of Go-and-See visits have been organised to the home communities. On other occasions several representatives of UNMIK, KFOR, UNHCR, OSCE and local Kosovo Serbs went to Serbia and Montenegro and visited IDPs and briefed them and answered questions. The aim is to enable the displaced to take an informed decision about their future. The idea of improving the conditions in the home communities is, to give IDPs a realistic choice, an alternative option to remaining displaced. the final decision about return rests, however, always with the IDPs themselves and for that they need all the information and be fully aware about the prevailing conditions and remaining risks at home." (UNHCR 2001)

See the full text of the [Return Principles](#) [Internal link]

"One of the most important concerns of the Kosovo Serb community and a key objective of UNMIK is the creation of conditions for the sustainable return of internally displaced persons and refugees. Following the signing of the Common Document, the Special Representative established within his own office the Office of Returns and Communities, to coordinate UNMIK's work on community issues, maintain close links with all key stakeholders, including the Governments of the Federal Republic of Yugoslavia and Serbia, and the donor community, and provide strategic advice to the Special Representative on ways to advance the return and reintegration of displaced persons. Work has begun on a framework for 2002/2003, which will combine economic incentives and other measures in order to offer longer-term prospects to returnees and internally displaced persons." (UN SC 15 January 2002, para. 18)

"With the creation of the [Office of Returns and Communities (ORC)], return co-ordination mechanisms were restructured to reflect an enhanced role of UNMIK on the return issue. [...] The Steering Committee of the JCR (chaired by UNHCR) as well as the JCR itself, which existed as the primary central-level fora for return planning in 2000 and 2001, were discontinued in December 2001 and is to be replaced by a Task Force on Return and Reintegration (TFR)." (UNHCR/OSCE May 2002, para. 186)

See "[UNMIK creates an operational framework to maximise return in 2003 \(2002\)](#)" [[Internal link](#)]

Return of Roma communities: wide consultations contribute to the search for joint solutions (2000-2001)

- A Declaration and a Platform for Joint Action were adopted in April 2000 by leaders of the Roma communities and Albanian representatives
- A Statement of Principles relating to return of Roma communities were adopted in May 2001 by all relevant actors in the province

"Concurrent to the joint efforts regarding Serb, activities have also been undertaken to address the specific situation of the Roma/Ashkalija/Egyptian (RAE) communities and to explore ways and means for their sustainable return. A series of Humanitarian Round Tables were initiated by UNHCR in early 2000. These meetings brought together RAE representatives and international actors to discuss the humanitarian needs faced by RAE communities. The discussion process resulted in an April, 2000 meeting between RAE leaders and leading Kosovo Albanian political leaders which endorsed two basic working documents: Declaration from Humanitarian Round Table and Platform for Joint Action. The Platform for Joint Action was subsequently endorsed by both the IAC and the Kosovo Transitional Council (KTC) during a special joint session held on the occasion of the visit of Security Council members to Kosovo in late April 2000.

The Platform for Joint Action identifies the major issues facing RAE communities, both those who remain in Kosovo and those who would like to return, and suggests ways to address these. It serves as a frame of reference for numerous activities such as the two consultative sessions between RAE community leaders and JIAS officials (Sept. 2000 and Jan. 2001). They allowed for open discussions and contributed to a constructive search for joint solutions. On 7 May 2001 RAE community leaders, Kosovo Albanian political leaders and international actors, including the Commander of KFOR and the UNMIK Police Commissioner were brought together in a meeting on return, security and reconstruction. This meeting endorsed the Statement of Principles related to return. It also reviewed the progress made vis-a-vis small scale individual and group return during the course of the preceding year. Also RAE return continues to be hampered by outstanding security concerns and humanitarian need." (UNHCR 2001)

See also:

- [Platform For Joint Action - Regarding Kosovar Roma, Ashkalija and Egyptian Communities](#) [[Internal link](#)]
- [Statement Of Principles](#) [[Internal link](#)]

- [*Declaration From Humanitarian Round Table 12 April 2000, Pristina \[Internal link\]*](#)

HUMANITARIAN ACCESS

Serbia and Montenegro (excluding Kosovo)

Legislation and administrative practices in Serbia and Montenegro complicate the work of humanitarian agencies (2000-2002)

- NGO legislation from the Milosevic era remains in effect
- NGOs are implicitly allowed to operate in Serbia but still encounter day-to-day difficulties which should be addressed in pending NGO legislation
- NGO legislation in Montenegro has not solved all the practical problems facing humanitarian agencies
- Problems encountered by humanitarian agencies include inconsistent practices for registration and issuance of visas, lengthy procedures for import of humanitarian aid, inefficient banking and financial systems, heavy taxation on local staff's salaries, difficult registration of NGO vehicles

"A number of domestic and international human rights groups in general operate without government restriction, investigating and publishing their findings on human rights cases; however, there was one case of police intimidation of an NGO activist. Government officials were somewhat cooperative and responsive to their views; however, with the exception of the transfer of Slobodan Milosevic and a few other war criminals, the Government's cooperation with the ICTY decreased significantly during the year.

[...]

Legislation that governed NGO's under Milosevic remained in effect. A draft law was circulating for comment which, if passed, would subject NGO's to greater scrutiny and some form of taxation; but it had not yet been introduced by year's end." (U.S. DOS 4 March 2002, Serbia, sect. 4)

"[...] NGOs, though implicitly 'allowed' to operate in Serbia (some for as long as 10 years), encounter day-to-day operational difficulties, which make their work difficult and sometimes more costly. Some of the major problems facing NGOs in Serbia are listed below, which the international humanitarian community hopes will be addressed favorably in the pending NGO legislation.

Also in Montenegro, though the NGO legislation does exist, it is generally felt that more practical, operational matters, including some listed below, have not been adequately addressed, raising a need for an additional regulation covering them.

a) Registration -- The previous section [See section 2.1 in original document] described the difficulties in registering international NGOs due to the lack of legislation, pointing out that the establishment of simple and efficient registration procedures would create a supportive environment for NGOs. The ambiguity in NGOs' legal status carries risks. For example, their operations may be arbitrarily banned or terminated, without prior notice or explanation. Another important issue related to registration is the level of the registration fee, which, if set too high, could disable many NGOs from operating in FRY.

b) Visa -- Currently, there are no standard procedures for the issuance of visas and temporary residence, applicable to all humanitarian NGO workers. Many foreign NGO staff enter FRY on a short-term (often tourist and single entry) visa. After expiration, this can mostly be converted into a temporary residence permit for 3-6 months, which needs to be renewed regularly. However, their status (i.e., visa and residence permits) is dependant on the discretion of the FRY Government.

c) Import of humanitarian aid -- There is a concern that import procedures are cumbersome and require layers of intermediaries in the process. A guideline on the import of international humanitarian aid (covering food, clothing, hygiene kits, etc.) was issued in December 1999 by the Federal Ministry for Refugees, Displaced Persons and Humanitarian Assistance. Prior agreement of this Ministry must be obtained, based on an application requiring numerous documents, in order to import goods free of import duties. NGOs (unless independently registered) need to go through intermediaries to receive shipments, such as UNHCR (for its implementing partners) and YRC (for other NGOs). In case of medicines and medical supplies, the Federal Ministry for Labor, Health and Social Policy issued a guideline in November 1999. Upon entering the country, medicines are placed under surveillance in specialized customs storage for a considerable length of time, until necessary procedures are completed for quality certificate and approval for distribution. In addition to being time-consuming, these procedures tend to be subject to frequent revision, making operational planning difficult.

d) Taxation - There are no clear guidelines concerning tax exemption privileges. The Montenegrin Law on NGOs, for example, stipulates that 'the Government shall provide tax and other exemptions and privileges for non-governmental organizations (Article 27),' while providing no further details. In Serbia, though duly-approved humanitarian goods are imported duty-free in principle, the December 1999 guidelines do not specifically mention such privileges.

e) Financial and Banking -- In the environment where sanctions are in place and the banking system is under duress, even a simple transfer of operating funds causes a serious headache for NGOs operating in FRY. The existence of the large disparity between the official and market exchange rates is another difficult factor, which could significantly increase the operating costs of NGOs.

f) Employment of National Staff -- In FRY, employers are required to pay to the Government taxes and other contributions (such as social, retirement, and health benefits). It is estimated that for international NGOs such payments to the Government could amount to as much as 120 percent of the salaries of local employees. This would substantially augment their operating costs and pose a significant financial difficulty to many NGOs.

g) Vehicle - NGOs in FRY, due to ambiguity of their status, are currently not able to register their vehicles on their own. Most of them opted to use UNHCR vehicle registration plates for their vehicles, which UNHCR issues to its partner NGOs, though this has caused difficulties [see also section 2.1 (b) in original document]. Similarly, the procedure for NGOs to import vehicles is also unclear and needs to be regulated in favorable terms." (UN OCHA 20 March 2000)

Humanitarian impact of sanctions and blockades on vulnerable populations in Serbia and Montenegro (2000)

- Concrete humanitarian impact of sanctions against the Federal Republic of Yugoslavia cannot be measured due to lack of information
- Since the political changes in October 2000, the international community has lifted the oil embargo and the flight ban against FR, which has facilitated humanitarian operations
- Remaining international restrictions on foreign investment will continue to have a negative impact on the economy
- Internal blockade between Montenegro and Serbia hampers humanitarian activities in Montenegro

International sanctions against FRY

"Although the flight ban imposed on Serbia has been lifted for a six-month period, sanctions and international isolation continue, creating further hardship to vulnerable people." (IFRC 19 June 2000)

"On 7 July, OCHA issued the Humanitarian Risk Analysis No. 11, focusing on the sanctions against FRY. It aimed to provide background information on the history of the sanctions against FRY, their enforcement and implementation, and an overview of ongoing debate on sanctions. It concluded that currently the humanitarian community lacks information on concrete, measurable impact of sanctions on the humanitarian situation in FRY, which needs to be carried out to further evaluate additional humanitarian needs and vulnerability." (UN OCHA 7 July 2000)

"In response to leadership changes in FRY in October, the international political community has begun to ease FRY's isolation and constraints on international trade and assistance. The international community has lifted the oil embargo and flight ban against FRY, and donors are eager to provide the new government with support for stabilisation and development programmes. These changes bring a very welcome improvement to the climate of humanitarian operations in FRY, and are likely to have a positive impact on humanitarian response. However, international restrictions on foreign investment and other related sanctions still in effect have a negative impact on the economy, and may not be lifted in the near term." (UN November 2000, p. 29)

See OCHA Humanitarian Risk Analysis No. 11, 7 July 2000 [Internet]

Trade blockade between Serbia and Montenegro

"The four month internal trade blockade between Serbia and Montenegro, while easing somewhat, still caused problems. An increase in rhetoric between the Yugoslav Army and Montenegrin government was noted, however tension remained low. (IFRC 19 June 2000)

The Government of FRY's cessation of cross border trade to Montenegro has now begun to impact negatively on NGO activities in Montenegro. Agencies working on improving shelter for IDPs and refugees have had to postpone deadlines due to a lack of construction materials and NGOs are increasingly looking for materials and contractors that are exclusively Montenegrins." (UN OCHA 13 April 2000)

"According to statements of senior Montenegrins officials and media reports, the border between Serbia and Montenegro is now completely blocked. In addition to the previously-imposed ban on food products, the Serbian authorities broadened the range of controlled goods and have even prohibited the export of medicines into Montenegro. As for the Montenegrin-produced goods, only aluminium and steel are allowed into Serbia. While the Montenegrin Government describes the blockade as Belgrade's attempt to destabilize Montenegro, the opposition SNP (pro-Belgrade) claims that the blockade was induced by the introduction of the parallel currency in Montenegro." (UN OCHA 9 March 2000)

Kosovo

Kosovo: international staff members become the targets of criminal activities (2000-2002)

- Violent incidents directed against international staff continues
- Security of UN staff members requires a network of security officers which extends Kosovo wide
- A trend of openly aggressive behaviour towards international law enforcement and security personnel has become common place in 2001

"The reporting period also saw an increase in violent incidents directed against UNMIK law enforcement personnel and property. On 3 August, an UNMIK international police officer was murdered in an attack in

the northern part of Kosovo. On 6 September, an off-duty officer of the Kosovo Police Service (KPS) was murdered near Djakovica (Pec region). On 10 September, another KPS officer was shot at in Pristina. The officer was unhurt but a person accompanying him was killed. An UNMIK police station, UNMIK vehicles and the Pristina district court were damaged in explosions and other attacks. No one has claimed responsibility for any of these attacks. The majority of local politicians and representatives of the Provisional Institutions have made statements condemning the incidents. Some of those attacks came after the conviction, on 16 July, of four former members of the Kosovo Liberation Army (KLA) for war crimes committed during 1998 and 1999. This represented the first conviction of former KLA members for war crimes. Initial protests following the convictions subsided quickly." (UN SG, 15 October 2003)

"Trends show that internationals are becoming the targets of premeditated rather than random criminal activities, especially in the Pristina and Peja/Pec Regions. The majority of incidents involving internationals are crimes against property - mainly theft of safes, computer equipment, radios and vehicles. Residences of international staff members are lucrative targets, especially when empty.

Between 4th and 16th November [2000], three vehicles were stolen from NGOs and one from UNHCR, three vehicles belonging to international organisations were broken into and had documents, equipment and a radio stolen, the windscreen of an NGO's vehicle was smashed; Medecins Sans Frontières offices in Pristina were broken into and a safe, a mobile phone, cash and 420 DM in postage stamps stolen, and various items were stolen from the INTERSOS warehouse in Peja/Pec." (UN OCHA 23 November 2000)

"Over the past three months, there has been a shift in criminal patterns in Kosovo, with a disturbing increase in violence against the international community. While the overall level of crime remains uneven (with 89 incidents in March and 114 in April), the number of incidents against the international community has risen and now accounts for 1.5 per cent of major crime statistics. In addition, a trend of openly aggressive behaviour towards law enforcement and security personnel has become more commonplace. This has resulted in assaults and threats against members of the Kosovo Police Service (KPS), UNMIK police and KFOR, including the fatal shooting of a Russian KFOR soldier in the Kamenica area on 11 April." (UNSC 7 June 2001, para. 7)

"There continue to be numerous attacks against members of the international security presence, including the use of automatic weapons by Kosovo Albanians against UNMIK police in the Pek region in August. The Kosovo Police Service has also been the target of attacks: an officer was murdered in the line of duty at the beginning of September in the Kamenica area (Gnjilane region), and another came under fire in his private car on 15 September, again the Gnjilane area. As a result of this rise in violence, UNMIK police have called on community leaders in Kosovo to actively voice their support for the Kosovo Police Service, and to condemn anyone who threatens these police officers." (UNSC 2 October 2001, para. 10)

"In the period covered by the report, KFOR was the target of several grenade attacks and shots fired on its troops in northern Mitrovica." (UNSC 15 January 2002, para. 23)

"A disturbing new development has been a continued increase in violence against KFOR and UNMIK police, as well as other members of UNMIK, and officers of the Kosovo Police Service. One of the worst incidents of such violence came following the arrest at the end of January of three former members of the Kosovo Liberation Army (KLA) on charges of war crimes against fellow Kosovo Albanians during 1998 and 1999. Angry protests culminated in the injury of several UNMIK police and Kosovo Police Service officers in Pristina on 8 February, as well as in damage to several UNMIK vehicles and an anti-UNMIK media campaign. UNMIK countered the accusations made in the local press, resulting in editorials in local papers that condemned violence and promoted the rule of law." (UNSC 22 April 2002, para. 23)

NATIONAL AND INTERNATIONAL RESPONSES

Overview

Serbia and Montenegro (Special report, 2005)

- The state level institution dealing with IDPs is the Ministry for Human and Minority Rights
- A National Strategy on Roma adopted in April 2004 takes into account specific problems of Roma IDPs
- Montenegro does not consider itself bound by the National Strategy
- Serbia's strategy for IDPs published in 2002 focuses on return rather than integration
- Montenegro adopted a Strategy for refugees and IDPs in April 2005

In Serbia and Montenegro, the most relevant institutions dealing with IDP issues at the State Union level are the Ministry for Human and Minority Rights (MHMR) and the Roma National Council, both established on the basis of the Law on protection of rights and freedoms of national minorities. The MHMR promotes respect for human rights with particular attention to national minorities. The Roma National Council, which represents Roma on issues related to language, education and culture, adopted a National Strategy on Roma in April 2004, which also reflects the specific problems of the displaced.

Although the strategy was adopted by a State Union institution, Montenegro does not consider itself bound to the document in line with the 2000 Resolution on Non-Recognition of Federal Decisions issued by the Montenegrin Parliament. The Roma National Strategy is therefore only applied in Serbia (AI, 22 March 2005, p.40).

Thematic action plans designed to implement the National Strategy for Roma were adopted in February 2005 by the Serbian government on education, housing, health and employment. Seven more, including one specifically dedicated to IDPs, have been drafted and are awaiting adoption by the Serbian government. These action plans have the potential to improve significantly the conditions of IDPs, provided there is sufficient political will and funding to ensure their implementation (Interviews with UNHCR, OSCE, NRC Belgrade and Roma Secretariat, Belgrade, 23 and 27 May 2005).

In Serbia, the Commissariat for Refugees and the Kosovo Coordination Centre are the two key governmental institutions responsible for IDPs from Kosovo. Initially created for refugees, the Commissariat started to assist IDPs in 1999, including by issuing IDP cards and administering collective centres. The Kosovo Coordination Centre, created in 2001, coordinates the activities of state actors and agencies with regard to Kosovo (IDP Inter-Agency Working Group, October 2004).

The National Strategy for Resolving the Problems of Refugees and Internally Displaced Persons, adopted in May 2002, is the main policy document with regard to addressing internal displacement in Serbia. However, the Strategy's main focus is on refugees rather than IDPs, and on return rather than local integration. The few provisions relating to local integration envisage long-term housing support and cash grants only for refugees, not for the displaced from Kosovo. According to the Commissariat for Refugees, the government is not planning to support local integration of IDPs before their return to Kosovo becomes realistic (Interview with Serbian Commissioner for Refugees, Belgrade, 27 May 2005).

With regard to Kosovo, the Serbian government claims to be the only legitimate representative of the interests of the local Serb population. It has discouraged Serbs living in Kosovo from participating in elections and in the institutions of Kosovo. It also maintains its own administrative and judicial structures in Serb enclaves. These so-called parallel structures provide essential services to Serbs living in Kosovo, including to IDPs.

In Montenegro, the Commissariat for Displaced Persons, originally created in 1992 to deal with refugees from Bosnia and Herzegovina and Croatia, has been tasked to cover issues related to persons displaced since 1999. The government adopted a strategy on refugees and IDPs in April 2005 (Government of Montenegro, April 2005), but there are doubts over the extent to which this document will address some of the key problems faced by IDPs in Montenegro, including the fact that the displaced are not recognised as citizens and thus do not have access to a number of rights and services. Montenegro does not recognise a number of IDP-relevant State Union laws and policy documents adopted without Montenegrin participation, such as the Law on protection of rights and freedoms of national minorities and the Roma National Strategy.

The international community established an IDP Working Group in 2002 to coordinate its IDP-related activities. Led by the UN Office for the Coordination of Humanitarian Affairs (OCHA) and UNHCR, the Working Group also includes UNDP, OHCHR and non-UN members such as IFRC, Praxis, Danish Refugee Council, Group 484, and more recently OSCE. The legal gap analysis report published by the Working Group in 2004 has become a key document guiding international efforts to assist the authorities in addressing the situation of IDPs in the country (IDP Interagency Working Group, October 2004).

In Serbia proper, international organisations and NGOs are limited in their projects by the “return only” policy of the government. However, a few projects to improve living conditions and access to rights of the displaced, including with regard to housing, are being implemented, despite the lack of a national framework for social housing and micro-credits (UNHCR, 1 June 2005, Global report). Considering that an open local integration policy is too politically sensitive in the current context, an approach focused on access to rights and respect of adequate standards of living is increasingly seen as the way for the authorities to initiate actions in this direction and request international support. In June 2005, the Special Representative for the Human Rights of IDPs, Walter Kälin visited Serbia and Montenegro, including Kosovo, to monitor the situation and the responses given to the situation of IDPs.

Kosovo (Special report, 2005)

- Current status of Kosovo gives an essential role to the international community
- A Strategic framework for returns and communities has been released in July 2005 and emphasise the role of the PISG
- The Standards for Kosovo set the objectives the PISG needs to fulfill to create conditions for a multi-ethnic Kosovo
- Progress on the standards are a pre-condition to initiate discussion on the final status of Kosovo
- A Special Envoy of the Secretary General is currently reviewing the situation in Kosovo to serve as a basis of status discussion

The current status of Kosovo demands an essential role from the international community. UN Security Council resolution 1244 tasked the UN Mission in Kosovo (UNMIK) with assuming the legal, executive and legislative powers until provisional institutions of Kosovo can take over. The Kosovo Force (KFOR), the NATO-led military force, is in charge of establishing and maintaining “a secure environment in which refugees and displaced persons can return home in safety”. The Organisation for Security and Cooperation in Europe (OSCE) runs programmes to improve the functioning of democratic institutions, the judiciary and respect for human rights. An international Ombudsperson investigates allegations of human rights

abuses in the province. UNHCR is tasked with the supervision of the safe and voluntary return of refugees and displaced persons, and regularly issues position papers on the protection needs of members of minority communities or other vulnerable groups to inform the development of return policies. In view of the current security conditions (and funding limitations), UNHCR only assists individual spontaneous returnees. UNDP has been running since 2003 a return programme, the Rapid Response Returns Facility (RRRF) designed to respond to such returnees through multi-sectoral projects. The RRRF has now been merged with the Government Assistance to Returns to create the Sustainable Partnerships for Assistance to Returns to Kosovo (SPARK) (UNMIK, 4 July 2005).

In addition to the major international organisations mentioned above, UNMIK registered some 2,450 local and 402 international NGOs (USDOS, 28 February 2005), carrying out activities related to reconstruction, legal aid, inter-ethnic dialogue, income-generating activities and micro-credit.

UNMIK has a unit especially devoted to return and minority issues, the Office for Return and Communities (ORC). Since July 2005, the ORC has changed its name to Office of Communities, Returns and Minority Affairs (OCRM) reflecting the merger of ORC with the UNMIK Office for Community Affairs. The current return mechanism, as described in the 2003 Manual for Sustainable Return, is based on municipal and regional working groups which are in charge of assessing the feasibility of returns and screening return projects. The Pristina-based Returns Co-ordination Group (RCG), chaired by the Director of the ORC, then checks the conformity of projects with the return policy set up by UNHCR and UNMIK-ORC. The municipal working groups are the main mechanism through which displaced persons can request assistance for return. The working groups, which provide a forum for all communities to engage in a dialogue on return issues, are comprised of representatives of IDPs, municipal authorities, UNMIK, PISG, UNHCR, and other local and international organisations. As part of the return process, UNHCR organises so-called Go-and-See visits in order to enable IDPs to make an informed decision (UNMIK, 1 January 2003). The security situation and the related small number of returns have prevented the development of significant return projects and many organisations are on their way out because of the lack of interest of donors. But although the number of returnees is limited, there is a need to ensure the sustainability of their return, including through income-generating activities and projects involving both communities to facilitate inter-ethnic dialogue.

A new Strategic Framework on Communities and Returns elaborated jointly by the PISG and the international community was launched on 19 June 2005 to replace in the mid-term the Manual for Sustainable Return. It gives a central role to the (Kosovo) Ministry for Communities and Return (MCR), created in early 2005 and filled by a Kosovo Serb, to assume responsibilities resulting from the progressive transfer of return competencies from UNMIK to the PISG. The MCR's main tasks will be to coordinate its activities with various ministries at central level, to identify multi-sectoral projects facilitating integration of minority communities and enhance the capacity of municipalities to accept and integrate returnees. Overall the new framework emphasises the need for an increased participation of Kosovo society as a whole and IDPs into the development of return activities. The Framework is expected to be followed by a Programme of Action on Communities and Returns to be designed by local and international actors (UNMIK, 19 July 2005, UNMIK/PISG, 18 July 2005).

The "Standards for Kosovo", presented by UNMIK in December 2003, are another framework for improving return conditions. The Standards are aimed at ensuring a democratic and multi-ethnic province where refugees and displaced persons can return in safety and dignity, and Standard 4 is specifically dedicated to sustainable return and rights of communities. Making the transfer of power from UNMIK to the PISG and the opening of final status discussions conditional on progress in implementation of the Standards has given the PISG an incentive to move forward, especially after the setback of the March 2004 events. To avoid the risk of postponing the discussions on the final status, the protection of communities and support for minority return have received more attention from the PISG. Although none of the eight Standards has been fulfilled, significant progress has been made on issues likely to improve the confidence of minority communities and is expected to lead to an increase in returns in the mid-term.

In an effort to show its support for the return process, the Kosovo Prime Minister, Bajram Kosumi, and 23 municipalities adopted a joint declaration in February 2005 “urging the displaced to return, the majority population to accept and implement its special responsibilities towards minority returnees and the protection of property rights and release of illegally-occupied property” (SG, 23 May 2005). In view of the limited condemnations by Kosovo politicians during the March 2004 events, this initiative is seen as a step forward, in particular with regard to the majority population. For 2005, the government maintained the level of its funding for returnees at 10.5 million Euros, making it the largest contributor to the return process (UNMIK, 27 July 2005).

Improvement on security and freedom of movement has to be made in parallel with increased inter-ethnic dialogue and activities. Progress on the issue of decentralisation could be instrumental in this perspective. In addition to improving democratic mechanisms and citizens’ control over institutions governing them, it would contribute to addressing the needs currently met by Serbian parallel structures, and facilitate integration of minority groups into Kosovo society. Although Albanian political parties in the Kosovo Assembly are still slowing the pace of local government reform and decentralisation (SG, 23 May 2005), UNMIK in August 2005 established the territorial delineation of the five pilot municipalities where the new Law on self-government will be tested.

It is crucial now that Kosovo society and its politicians demonstrate that their efforts towards implementation of the standards and return are genuine and not merely a way to obtain a final status agreement on Kosovo. Sporadic security incidents and widespread violations of property and minority rights discourage displaced persons and donors alike. This has negative consequences for the return process, as even in the current situation of limited return, an additional 22 million Euros are required to implement return projects in over 20 municipalities (UNMIK, 27 July 2005). With return being considered one of the key indicators, it will also influence the outcome of the ongoing review carried out by the UN Special Envoy Kai Eide with a view to the opening of final status negotiations. The prospects for the return of the hundreds of thousands of IDPs to Kosovo ultimately depend on the commitment of the Kosovo authorities to improve return conditions, continued donor funding and on the way the results of the final status negotiations are accepted.

Reference to the Guiding Principles on Internal Displacement

Known references to the Guiding Principles (as of March 2004)

Reference to the Guiding Principles in the national legislation

None

Other References to the Guiding Principles (in chronological order)

Empowering internally displaced persons to advocate their rights based on the UN Guiding Principles on Internal Displacement: training workshop organised from February to December 2003 by the NGO Group 484
Source: Group 484
Date: 14 April 2004
Document: Advocacy for the protection of IDPs during displacement in the Republic of Serbia

<p>Training workshop on Guiding Principles in Montenegro: A training workshop on the Guiding Principles was organised by the IDP Unit together with OCHA, OHCHR and UNHCR was organised in Petrovac on 28-30 May 2003.</p>
<p>Source: OCHA-OHCHR-UNHCR</p>
<p>Date: 2003</p>
<p>Documents:</p> <ul style="list-style-type: none"> • Training report [Internet]

<p>Dissemination of the Guiding Principles: UN OCHA reports that Serbian and Albanian translations of the Guiding Principles on Internal Displacement have been distributed to relevant government and non-governmental organizations in FRY.</p>
<p>Source: UN OCHA</p>
<p>Date: 2002</p>
<p>Documents:</p> <ul style="list-style-type: none"> • UNOCHA, Humanitarian situation and issues in South Eastern Europe, Jan-Feb 2002 [Internet]

<p>Training on internal displacement: An IDP training workshop was organized, in collaboration with OCHA Belgrade and OHCHR, in Belgrade on 9-11 September 2002. Participants included federal and republic level (Serbia and Montenegro) government authorities, UNMIK, UN agencies from Serbia, Montenegro and Kosovo, national and international NGOs and IDP associations. Recommendations stemming from the training session were presented at senior policy forum on internal displacement held on 13 September 2002. As a result of this process, authorities agreed on the need for a federal declaration of support of the Guiding Principles as well as the need for policy setting on internal displacement.</p>
<p>Source: UN OCHA - Internal Displacement Unit</p>
<p>Date: September 2002</p>
<p>Documents:</p> <ul style="list-style-type: none"> • IDPs Guiding Principles Workshop Report [Internet]

Availability of the Guiding Principles in local languages

<p>The Guiding Principles have been translated into the Serbian and Albanian.</p>
<p>Date: 2000</p>
<p>Documents:</p> <ul style="list-style-type: none"> • GP in Serbian (not yet available electronically) and Albanian [Internet]

ABBREVIATIONS AND ACRONYMS

AAH	Action Against Hunger
AAR	Association for Aid and Relief
ACT	Action by Churches Together
ADRA	Adventist Development and Relief Agency
ARC	American Refugee Committee
CC	Collective Centre
COOPI	Cooperazione Internazionale
CRS	Catholic Relief Services
DEM	German Mark
DPKO	Department of Peace-Keeping Operations
DRC	Danish Refugee Council
DSRSG HA	Deputy Special Representative of the Secretary General for Humanitarian Affairs
ECHO	European Community Humanitarian Office
ECRE	European Council on Refugees and Exiles
EIU	Economist Intelligence Unit
EMOP	Emergency Operation
EU	European Union
FAO	Food and Agriculture Organization
FFH	Food for the Hungry
FO	Field Office
FRY	Federal Republic of Yugoslavia
FYROM	Former Yugoslav Republic of Macedonia
GDP	Gross Domestic Product
HC	Humanitarian Coordinator
HEP	Humanitarian Evacuation Programme
IAC	Interim Administrative Council
ICRC	International Committee of the Red Cross
ICVA	International Council of Voluntary Agencies
IDP	Internally displaced person
IGO	Inter-Governmental Organisations
IMC	International Medical Corps
IMG	International Management Group
IOM	International Organization for Migration
IRC	International Rescue Committee
JCR	Joint Committee on Return
JIAS	Joint Interim Administrative Structure
KFOR	Kosovo Force
KLA/UCK	Kosovo Liberation Army
KPC	Kosovo Protection Corps
KPS	Kosovo Police Service

KTC	Kosovo Transitional Council
KVM	Kosovo Verification Mission
LDK	Democratic League of Kosovo
MACC	Mine Action Coordination Centre
MCDP	Commissioner for Displaced Persons in Montenegro
MCI	Mercy Corps International
MHIF	Montenegrin Health Insurance Fund
MSF	Médecins Sans Frontières
NATO	North Atlantic Treaty Organisation
NGO	Non-Governmental Organisation
NPA	Norwegian People's Aid
NRC	Norwegian Refugee Council
OCHA	Office for the Coordination of Humanitarian Affairs
ODHIR	Office for Democratic Institutions and Human Rights
OHCHR	Office of the High Commissioner for Human Rights
ORC	Office of Returns and Communities
OSCE	Organization for Security and Co-operation in Europe
PISG	Provisional Institutions of Self-Government
PPDK	Party for Democratic Progress of Kosovo
RC	Resident Coordinator
SC	Save the Children
SDR	Swiss Disaster Relief
SFRY	Socialist Federal Republic of Yugoslavia
SNC	Serb National Council
SO	Sub-Office
SRSG	Special Representative of the Secretary General
SWC	Social Welfare Centres
TCS	Temporary Community Shelter
UCPMB	Liberation Army of Presevo, Medvedja and Bujanovac
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNMIK	United Nations Interim Administration Mission in Kosovo
UNOPS	United Nations Office for Project Services
USCR	U.S. Committee for Refugees
USD	US Dollar
UXO	Unexploded Ordnance
WFP	World Food Programme
WHO	World Health Organisation
WVI	World Vision International
YRC	Yugoslav Red Cross

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