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SERBIA:

Ten years after displacement, returns remain stalled but integration prospects improving

A profile of the internal displacement situation

22 December, 2010

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Through its work, the Centre contributes to improving national and international capacities to protect and assist the millions of people around the globe who have been displaced within their own country as a result of conflicts or human rights violations.

At the request of the United Nations, the Geneva-based Centre runs an online database providing comprehensive information and analysis on internal displacement in some 50 countries.

Based on its monitoring and data collection activities, the Centre advocates for durable solutions to the plight of the internally displaced in line with international standards.

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OVERVIEW

Serbia: Ten years after displacement, returns remain stalled but integration prospects improving

NOTE: In 2008 Kosovo adopted a unilateral declaration of independence (UDI) from Serbia. The United Nations General Assembly subsequently referred the UDI to the International Court of Justice, which issued a July 2010 advisory opinion affirming that it was “in accordance with international law.” As of November 2010, 72 countries had recognised Kosovo. Serbia has not recognised Kosovo, continuing to regard it as a United Nations-governed entity within its sovereign territory. For the purpose of this overview, references to the situation in “Serbia” since 2008 do not include Kosovo.

In 1999, over 245,000 members of local minorities fled from or within Kosovo in fear of reprisals from the majority Albanian population after NATO air strikes forced the withdrawal of Yugoslav troops and ended years of oppression of ethnic Albanians.

As of December 2010, there were an estimated 230,000 internally displaced people (IDPs) from Kosovo within Serbia, including an estimated 20,000 displaced Roma people who were never registered as displaced. In addition, 19,000 people remain displaced within Kosovo. The most vulnerable IDPs are Roma people, who tend to lack documentation and frequently endure extreme poverty in squalid informal settlements.

Prospects for return in Kosovo remain limited due to security concerns, discrimination and difficulties in repossessing property and obtaining legal documentation. The rate of return increased slightly in 2010 from a very low level. According to estimates by Serb IDP associations, as few as three per cent of those displaced may have actually achieved sustainable return in the decade since 1999.

The Serbian government’s position on local integration continues to improve. It has augmented projects supporting permanent housing solutions for IDPs in recent years, notably for the 4,100 displaced people still accommodated in collective centres. However these efforts still do not represent a comprehensive strategy. Meanwhile, greater efforts will be required in order to maintain donor attention to IDPs’ needs as programmes to assist refugee integration reach their end.

Political developments in the course of 2010 have the potential to either galvanise return to Kosovo or, in the worst case, generate new displacement. In September 2010, Serbia acquiesced to a UN General Assembly Resolution that acknowledged the advisory opinion of the International Court of Justice on Kosovo’s unilateral declaration of independence and promoted dialogue between the parties. While this Resolution opens the prospect of enhanced technical cooperation on return issues, more recent reports that the Serbian government continues to push for the partition of Kosovo underscore the ongoing volatility of the situation there.

Background

In 1999, over 245,000 people fled from or within Kosovo in fear of reprisals from the majority Albanian population, after NATO air strikes had forced the withdrawal of Yugoslav troops and

ended years of oppression of ethnic Albanians. UN Security Council Resolution 1244 established the United Nations Interim Administration Mission in Kosovo (UNMIK), but deferred the issue of the final status of the Serbian province. UNMIK's mandate was to provide a transitional administration pending a final settlement, support the development of provisional democratic self-government institutions (known as Provisional Institutions of Self-Government or PISG) and create an environment in which refugees and internally displaced people could return home.

In October 2005, the UN Secretary-General appointed Martti Ahtisaari to lead negotiations between Kosovo and Serbia over the final status of Kosovo. The resulting "Ahtisaari plan" proposed Kosovo's independence under international supervision. The Serbian government rejected the plan and the Security Council did not adopt it, but Kosovo issued a unilateral declaration of independence (UDI) in February 2008. In accordance with the Ahtisaari plan, an International Civilian Office and the European Union Rule of Law Mission (EULEX) were established, and UNMIK's role was greatly reduced. The International Court of Justice (ICJ) issued an advisory opinion affirming that the UDI was "in accordance with international law" in July 2010, and as of December 2010, 72 countries have recognised Kosovo's independence.

Serbia initially insisted on the exclusive authority of UNMIK as mandated under UN Security Council Resolution 1244, but more recently welcomed the EU's role in facilitating a dialogue with the Kosovo authorities in a UN General Assembly resolution acknowledging the ICJ's opinion (UNGA, 9 September 2010). However, Serbia also remains in control of parts of northern Kosovo including the city of Mitrovica, where nationalist Serbian parties have created and reinforced parallel municipal institutions directly competing with those of the Republic of Kosovo (ICG, 12 May 2009). This situation has led to repeated outbreaks of violence and unrest in the north, discouraging both return and political stability (UN HRC, 11 December 2009).

However, the government of pro-European Serbian President Boris Tadic is generally seen as willing to allow Serbs in what it calls "Kosovo and Metohija" to decide where their best interests lie (ICG, 12 May 2009). Although the Serbian government called on Kosovo Serbs to boycott municipal elections in Kosovo in November 2009, the Serbian Minister for Kosovo and Metohija did not condemn those who participated (Ministry for Kosovo and Metohija, 29 November 2009). The participation of Kosovo Serbs in the municipal elections enabled them to establish decentralised municipalities with wider responsibilities and decision-making capacity.

Serbia's new commitment to engage in a dialogue with the Kosovo authorities is thought to have been a factor in the October 2010 decision by the Council of the European Union to unfreeze Serbia's EU candidacy despite its failure to comply fully with the demands of the International Criminal Tribunal for the former Yugoslavia (ICTY). Nevertheless, the recent disclosure of US diplomatic cables has provided evidence that the Serbian authorities have conceded the loss of Kosovo but may be determined to partition the territory in order to retain control of the north (EU Observer, 10 December 2010). Whether true or not, these reports underline the continued threat to stability posed by the ongoing political stalemate.

Current displacement figures and location of IDPs

The main wave of displacement took place in 1999, with the overwhelming majority of those internally displaced fleeing Kosovo to central and northern Serbia. In 2004, ethnic violence against non-Albanians (mainly Kosovo Serbs and Roma) displaced another 4,200 people, who mostly sought refuge in mono-ethnic areas within Kosovo.

For some time now, the main concentration of IDPs in Serbia has been in the south of the country in cities such as Kraljevo and Nis, and around Belgrade. There are also smaller internally displaced populations in the northern towns of Novi Sad and Subotica (UNDP, 2008; UNHCR,

February 2009). According to the Serbian Commissariat for Refugees (SCR) there were in 2009 around 210,000 IDPs from Kosovo in Serbia and a further 19,000 displaced within Kosovo (Government of the Republic of Serbia, 23 July 2009). Approximately three-quarters of the combined total were Serbs and 11 per cent Roma, Ashkali and Egyptian (RAE) people in 2007 (ECRI, December 2007). However, there had been no re-registration of IDPs in Serbia since 2000, and return figures had not been deducted from the total (IDMC interview with SCR, May 2009). Indeed, the current figures also fail to reflect the extent to which some IDPs may have achieved sustainable local integration in the decade since their displacement.

Official estimates also exclude many internally displaced Roma people (and also Ashkali and Egyptians, who speak Albanian, whereas Roma people in Serbia and Kosovo speak Serbian) who have been unable to obtain IDP status due to their lack of documentation and inability to access registration procedures. Some organisations have estimated that the total number of Roma people in Serbia is between 40,000 and 45,000 (USDoS, February 2009), half of whom have been displaced from Kosovo but are not registered as IDPs. If this were so, the total number of people displaced from Kosovo to Serbia would therefore be closer to 230,000.

In light of the lack of clarity surrounding numbers, the UN Representative to the Secretary General on the human rights of IDPs called in 2009 for a needs-based registration drive to inform the planning of an appropriate response for IDPs with outstanding vulnerabilities (UN HRC, 11 December 2009). The SCR and UNHCR have developed a survey on IDPs' needs that will not identify all those displaced but determine IDPs' socio-economic situation in order to support activities to encourage their self-reliance (RoS SCR, 18 November 2010). In addition, UNHCR has proposed a survey of people at risk of statelessness in Serbia, the majority of whom are Roma people (interview with UNHCR, August 2010).

A decade after their displacement, most IDPs from Kosovo live in private accommodation. Around two per cent of them still live in collective centres, and many displaced RAE people in informal settlements. Along with those IDPs without a social support network who have depleted their resources paying for private accommodation, it is these groups which have the most significant protection needs (IDMC interview with a municipal official, Nis, 31 August 2010).

As of January 2010, almost 3,800 IDPs were still accommodated in 43 official collective centres in Serbia and 17 in Kosovo (RoS SCR, January 2010). Residents of these centres, which the SCR is responsible for, receive very limited assistance. Since 2005 the SCR and UNHCR have worked together to close collective centres and move their residents into new supported social housing. This process is complicated by the fact that most remaining residents of collective centres are extremely vulnerable (many are elderly people or have disabilities or post-traumatic stress disorders) and require specific assistance (UNHCR, 21 August 2009; UN HRC, 7 July 2009).

In addition, around 1,000 IDPs, mainly of Roma ethnicity, are living in unrecognised collective centres (USDoS, February 2009), makeshift huts, corrugated metal containers and other sub-standard shelters (UNHCR, 9 November 2009). Some of the non-recognised collective centres were formerly official centres which were closed but continue to be occupied by people unable to move elsewhere. Some of these centres, such as one which IDMC visited in Grocka near Belgrade, are never visited by social welfare officials or other authorities (IDMC interviews, May 2009).

A significant but undetermined number of Roma IDPs also live in approximately 600 Roma informal settlements in Serbia alongside other Roma people (Praxis, email correspondence, 15 December 2009). The inhabitants of these informal settlements face ongoing risk of eviction and relocation. In August 2009, more than 130 Roma families were evicted from a settlement under the Gazela Bridge in central Belgrade (AI, April 2009; HRW, April 2009; AFP, August 2009). Commitments to sustainably resettle the people evicted are currently being monitored (CEE BN,

May 2010 *and* 6-8 October 2009). However, in the meantime, other Roma have faced forced evictions without proper safeguards (AI, 7 October 2010 *and* 9 June 2010).

IDPs' difficulties in accessing documentation

Ten years after their displacement, a significant number of IDPs either live without personal documents or face extreme difficulties getting them renewed. This greatly curtails their access to various political, civil, economic, social and cultural rights.

The major constraint is the need to obtain personal documentation in the place of displacement. During the conflict, many civil and property registries from Kosovo were relocated in Serbia. They are now administered by seven municipalities in southern Serbia. In the past, IDPs were forced to travel to these municipalities to access documentation. However, computerisation of the registries is currently underway, with funding by the United States' Bureau of Population, Refugees and Migration (BPRM) as well as UN agencies in southern Serbia (IDMC interview with UNDP Bujanovac, September 2010). Because of insecurity and distance, access to the property and civil registries still held in Kosovo is limited.

To obtain documentation, many IDPs whose documents were destroyed or went missing in the conflict have to prove their identity, civil status or citizenship. Bureaucratic complexities and inconsistencies make it very difficult for IDPs to obtain civil documents (Praxis, March 2009). If, as often happens, their applications are turned down, they can only appeal through the courts.

Access to documentation is further limited by the fact that the Serbian authorities do not recognise documents issued by the authorities in Kosovo, either during the period of the PISG or since the declaration of independence. This restricts entitlements such as pensions; many internally displaced pensioners received restricted pensions as documents attesting to their years of work in Kosovo are not recognised. This non-recognition of documents also affects access to education and employment, as Kosovo-issued certificates of educational attainment are not recognised (Praxis, March 2009).

Serbian authorities require an officially-registered place of residence attested by an ownership title or tenancy contract in order to issue personal documents including identity cards. This excludes IDPs living in informal settlements, those who do not have an official tenancy contract or those unable to de-register from their previous address in Kosovo (Praxis, March 2009). Such IDPs have limited access to assistance and social benefits. Roma people living in informal settlements are particularly affected, but the impacts are also felt by Kosovo Serb IDPs in unrecognised collective centres (IDMC field visit, May 2009). The situation has improved somewhat since July 2010, when procedural rules on health insurance were amended to conform with a provision in the Law on Health Insurance meant to allow issuance of health booklets to Roma even when they do not have a fixed address (Praxis, July 2010).

Roma IDPs are most affected by lack of documentation. In some cases, people have not been registered for several generations, and establishing identity is difficult as most births and marriages are not registered, and parents and their children lack precise information about dates and places of birth. Highly complex procedures to identify and verify parentage, and the prejudice and inflexibility of officials charged with issuing documents, make it virtually impossible for Roma people to obtain basic personal documentation without legal assistance. As a result, a significant number of IDPs are not regarded as legal persons and cannot legitimately interact with the authorities to assert their rights or even to establish their identity. However there are no clear estimates of the number of IDPs this affects. A report by Praxis, a Serbian NGO providing legal assistance, shows that courts routinely require applicants for identity documents to undertake DNA tests which cost over \$700 (Praxis, October 2008). This is far beyond the means of most

internally displaced Roma families. Even when legislation and procedures do leave room for flexibility in dealing with people with a “chronic lack of documentation”, these provisions are often ignored by civil servants (Praxis, March 2009 *and* October 2008). Serbia has adopted a Roma National Strategy aimed at reducing the vulnerability of displaced and non-displaced Roma people, but it includes no provisions to ensure their legal recognition.

Added vulnerability of displaced Roma, Ashkali and Egyptian (RAE) communities

IDPs belonging to Roma, Ashkali and Egyptian (RAE) communities, who are thought to make up around 20 per cent of people in Serbia who were displaced from Kosovo, are particularly vulnerable. The challenges they share with other IDPs are compounded by deep-rooted discrimination and marginalisation (UN HRC, 11 December 2009). While reports tend to refer to Roma communities, the same marginalisation of people of Ashkali and Egyptian ethnicity is likely to be heightened by their added linguistic and religious differences.

While other internally displaced children generally access education, most Roma children face obstacles to public education and many who can enrol subsequently drop out (UN CRC, June 2008; Praxis, March 2009). Lack of personal documentation prevents many from enrolling (Praxis, March 2009). The education system does not encourage multiculturalism or welcome the use of the Romany language in schools, further reducing their access to education and their prospects of integration (UN CRC, 2008). Roma school children face prejudice, verbal abuse and violence. Education authorities have failed to protect their rights and have often reinforced discrimination by separating Roma children from their peers or referring them to schools for children with special needs (Praxis, March 2009; UN CRC, 2008; ECRI, December 2007).

Roma IDPs also face greater difficulties accessing employment (EC, 5 November 2008). While all IDPs are affected by high unemployment rates (UNDP, 2008), the situation is worse for Roma IDPs who are often informally self-employed, working as street traders, lacking basic welfare rights and unable to access the formal labour market. Since many lack personal documentation and live in informal settlements without registered residence, they cannot access the National Employment Service and are thus denied their right to unemployment benefits, further contributing to their poor living conditions (UNDP 2008).

Moves toward greater regulation of waste disposal in Serbia have threatened to undermine the livelihoods of many Roma people involved in informal waste collection and sorting (IDMC interview with UNDP Bujanovac, September 2010). The World Health Organization has accordingly initiated a programme entitled Sustainable Waste Initiative for a Healthier Tomorrow (SWIFT) meant to preserve the role of Roma people in waste disposal but under more safe and sustainable circumstances (WHO, 2009).

Durable solutions

Return and settlement elsewhere

At the end of 2009, precisely a decade after the conflict, some 15,500 IDPs had returned to their place of origin in Kosovo, including about 12,200 from Serbia and some 2,800 from other areas within Kosovo (UNHCR, November 2009). Between January and October 2010, nearly 1,500 returns were registered, primarily from Serbia, bringing the total to around 17,000 (UNSG, 29 October 2010, 29 July 2010 *and* 6 March 2010). Around half of all returnees are Serbs. Supporting initiatives have mainly focused on helping people return to rural areas, with very few returns to urban areas (Ombudsperson Institution, July 2008).

After a series of riots targeting minority communities in March 2004, rates of return of IDPs and refugees to Kosovo continued to fall until 2009 (COE, 2 July 2009). The rate of returns reached its lowest level in 2008, after Kosovo's declaration of independence, when they fell to 680 from 1,800 the previous year (UNHCR, June 2007; UNHCR, 31 October 2009; UNSC, June 2009). Return numbers have since rebounded slightly with around 1,150 returns registered in 2009 and almost 1,500 in the first nine months of 2010 (UNSG, 06 March 2010). However, many of the 2010 returns are thought to have taken place in situations where poor integration conditions in Serbia left little choice (IDMC interview with UNHCR Serbia, August 2010).

The sustainability of returns, and hence the validity of the overall return figures to date, have been contested (OSCE, June 2009). Although that the return of Roma, Ashkali and Egyptian people has reportedly proven more sustainable than that of Serbs, the Government of Serbia and the IDP umbrella organisation Unija claimed that the total number of IDPs who have sustainably returned amounted to around 5,000 as of mid-2009 (IDMC interview with Unija and Ministry for Kosovo and Metohija, May 2009). By this measure, even if all the returns that have taken place in 2010 prove to be viable, the total number of sustainable returns in the decade since the conflict would still amount to less than three per cent of the internally displaced population.

The main reasons behind this low return figure include the volatile security situation in Kosovo, the limited freedom of movement there, the restricted access of minorities to public services and school facilities, the lack of economic prospects in the area of return and difficulties they face in repossessing property or rebuilding houses (UN HRC, 11 December 2009, UN HRC, 7 July 2009; OSCE 19 June 2009; UNSC, 10 June 2009; Balkan Insight, 14 January 2009). Donors have often been reluctant to provide funds for return and reconstruction due to prolonged non-occupation and the sale of reconstructed houses by beneficiaries (IDMC interviews with UNDP and UNHCR Kosovo, May 2009). Meanwhile local authorities meant to coordinate return in Kosovo have been poorly resourced and coordinated (OSCE Mission to Kosovo, November 2010). Another reason for the limited number of returns is that some internally displaced families would rather integrate in their place of displacement.

In 2009, the Ministry for Kosovo and Metohija and UNHCR Serbia conducted a return registration exercise in order to assist IDPs in collective centres who would like to return to Kosovo. Some 1,200 families (approximately 3,200 IDPs) were registered. The UNHCR offices in Serbia and Kosovo will deliver assistance packages to returnees and UNDP will assist with reconstruction. For return to be feasible, around 850 housing units need to be rebuilt while 240 occupied flats need to be vacated (Government of Serbia, 4 September 2009). Field sources indicate that registered families who are offered places in collective centres in Kosovo pending such assistance usually decline (IDMC interview with a municipal official in Nis, August 2010). This programme also supports return to locations in Kosovo other than the former place of residence, as provided for in the Protocol for Sustainable Return to Kosovo signed by the PISG, UNMIK and the Government of Serbia in June 2006. In many cases, Kosovo Serbs previously living in areas where they constituted a minority expressed a preference for return to Kosovo but only to areas mainly inhabited by Serbs (IDMC interviews with Kosovo Serb IDPs, May 2009).

Local integration

Although the Serbian government policy has been to principally promote return, it has made progress in supporting local integration, through several initiatives involving the international community and municipal authorities. It has focused on closing collective centres and providing alternative housing through the extension of programmes initially designed for the integration of refugees from Croatia and Bosnia. Collective centre residents can get help to buy homes in villages which they have identified, assistance in completing the construction of houses and support to establish livelihoods (UNHCR, 1 December 2010; SCR, January 2010; UN HRC, 11 December 2009; COE, 26 October 2009).

The government has also worked with UN-HABITAT, the Italian government and the European Union to provide social housing for refugees, IDPs and vulnerable non-displaced people. Beneficiaries of these projects are exempted from paying rent for an initial period of three years, after which they have to pay a social rent based on their income. The government, in collaboration with Housing Centre (a Serbian NGO) and a number of international organisations, has also offered particularly vulnerable residents, such as elderly people or those with disabilities, protected social housing in which a designated family maintains the building and helps its residents liaise with social and public service providers (Ministry of Labor and Social Affairs, accessed on SCR website 14 December 2010; Housing Centre, 6 October 2008). Given that programmes to assist refugee integration are likely to end in 2011, advocacy will be necessary to ensure they continue to meet the needs of IDPs.

Property issues

One of the major obstacles to durable solutions is the difficulty displaced people face in repossessing their property. There has been widespread illegal occupation and expropriation of houses and land left behind by (mainly Kosovo Serb) displaced people. The restitution process has been slow and is far from complete. The Kosovo Property Agency (KPA) took over from the Housing and Property Directorate (HPD) in 2006 as the main body mandated to address property claims dating back to the 1999 conflict and before. While the HPD previously decided some 29,000 claims related to residential property, the KPA has decided about one quarter of the 41,000 claims for agricultural and business properties submitted to date (KPA website, accessed 15 December 2010; UN HRC, 11 December 2009).

In many cases authorised evictions of occupants are not carried out. According to the KPA, there were 850 evictions pending as of May 2009, of which 630 were in Mitrovica. Properties are often looted by departing occupants, making them uninhabitable. Very few of those who have looted property have been prosecuted, creating a perception of impunity and thus perpetuating the situation (IDMC interviews, May 2009). In other cases, properties have been re-occupied, forcing the owner to embark on time-consuming litigation (Praxis, 10 June 2009).

Lack of access to property registries moved from Kosovo to Serbia in 1999 has slowed down the processes of the KPA, particularly since the closure of KPA offices in Serbia in response to the UDI. These closures prevented the KPA from verifying the ownership status of disputed properties whose title deeds are now located in the Republic of Serbia and complicated the process of informing internally displaced claimants about the status of their cases. However, in 2009, KPA employees started to work in Serbia under the umbrella of UNHCR (IDMC interviews with DRC and UNHCR, August 2010).

Monitoring of property cases in Kosovo courts has revealed numerous procedural weaknesses, which have threatened the property rights of IDPs. Ethnic bias against Kosovo Serbs, the limited access of judicial officials to property registries in Serbia, and the destruction of some registries held in Kosovo have resulted in multiple abuses. Individuals have used falsified documents such as power of attorney agreements or contracts of sale to claim in court that they are the legitimate owners of properties belonging to displaced people (OSCE, 6 April 2009 *and* August 2009). Courts are often insufficiently diligent in trying to locate the alleged sellers of properties (OSCE, 6 April 2009; Praxis, March 2009; Ombudsperson Institution, July 2008). Thus IDPs may not be informed of claims against their property, and so may be unable to defend their rights. In the absence of a written contract, courts have been using the doctrine of positive prescription, whereby an individual can acquire rights to property after a certain number of years of occupation (OSCE, 6 April 2009). Some courts tend to attach more value to witness testimonies than to written documents.

Other property violations which particularly affect displaced people in their absence from Kosovo are illegal expropriations and construction (Ombudsperson Institution, July 2008, Praxis, 10 June

2009). There are numerous reports of IDPs finding on visits to their places of former residence that their house has been demolished and replaced by a new building. One family found their home had been converted into a memorial for deceased soldiers from the Kosovo Liberation Army (KLA), the militia group which fought for Kosovo's independence against Yugoslav rule (IDMC interview with DRC Serbia, May 2009).

For more information on property issues in Kosovo, see the [Kosovo overview](#).

National and international responses

Support for durable solutions

Serbia's response to IDPs exclusively focused on return for several years. Return was the objective behind the 2002 National Strategy for the Resolution of Issues of Refugees and IDPs. The situation evolved in 2006 with the signing of a Protocol for the Voluntary and Sustainable Return of IDPs to Kosovo. Signed by the PISG, UNMIK and the Government of Serbia, the Protocol also envisaged support for resettlement in areas within Kosovo other than original places of residence. However, the Protocol had little impact on returns in view of the uncertainty surrounding Kosovo's final status. Since independence, it has not been implemented and the Kosovo authorities no longer consider themselves bound by the agreement.

Meanwhile, the Kosovo institutions are in general nominally committed to facilitating return, but have not devoted the attention and resources that would be required to enable durable solutions through return or resettlement within Kosovo (OSCE Mission to Kosovo, November 2010).

The Serbian Commissariat for Refugees (SCR) and the Ministry for Kosovo and Metohija are the two Serbian government institutions responsible for IDPs from Kosovo. The Ministry is currently drafting a Strategy for Sustainable Return and Subsistence, which would support return to places of origin but also resettlement elsewhere in Kosovo, and provide for a monthly cash allowance and social assistance.

The SCR is being restructured to meet requirements for Serbian accession to the European Union, as the Commissariat on Migration with an expanded mandate to cover economic and conflict-induced migration. A new Migration Management Strategy was adopted in July 2009, and the 2002 National Strategy is being revised.

The local authorities and the international community are now more supportive of local integration, but there is no open and comprehensive strategy to achieve this. Indeed, integration has generally been referred to in official documents as "improvement of living conditions" (SCR, January 2010). This terminology may obscure important distinctions, for example between the urgent need for permanent local integration of particularly vulnerable IDPs who are unlikely to return under any circumstances, and interim measures to increase the self-reliance of other IDPs, increasing the likelihood of their viable return should the circumstances later permit (UN HRC, 11 December 2009).

Support for RAE inclusion

Both national authorities and the international community have pledged to facilitate the social inclusion of Roma, Ashkali and Egyptian people, in particular their access to documentation. In April 2009, a Roma National Strategy (RNS) was adopted as Serbia chaired a meeting of the Decade for Roma Inclusion, a commitment by European governments to improve the socio-economic status and social inclusion of Roma people. The document includes recommendations on Roma IDPs, forced returnees and personal documentation. However, the section on legal recognition has been removed from the RNS, seriously undermining efforts to address the difficulties faced by Roma people in obtaining documentation. An initial budget of some \$17 million has been significantly reduced because of the financial crisis. Some analysts believe the

document lacks a clear time-frame and benchmarks (IDMC interviews, May 2009). While the adoption of the RNS is a positive development, reports of ongoing forced evictions of Roma people from informal settlements in Belgrade (AI, 07 October 2010 and April 2009; HRW April 2009; AFP, August 2009) highlight the persistence of widespread discrimination against members of RAE communities.

International organisations and NGOs run a variety of projects promoting the social inclusion of members of RAE communities and other marginalised groups through access to documentation. Beginning in May 2008, UNHCR, UNICEF and Praxis conducted campaigns in 20 municipalities to raise awareness among RAE communities and local and central authorities of the importance of birth registration and issuing of personal identification documents (Praxis, January 2009). Praxis has also provided free legal assistance, information and counselling to members of RAE communities (Praxis, 10 October 2010 and January 2009). In 2008, the Centre for Advanced Legal Studies and Praxis supported by UNHCR, the Organization for Security and Co-operation in Europe and the Ministry for Human Rights drafted a law on procedures for legal recognition which included facilitated procedures for people without any documentation. The draft legislation has been accepted by the Ministry of Human and Minority Rights, but not by the Ministry of Public Administration and Local Self Government, which has argued that facilitating a lower evidentiary threshold for issuing documents would violate European Union requirements on migration control and personal documentation. However, the European Commission has criticised Serbia for failing to adopt the law (European Commission, 14 October 2009). In the meantime, UNHCR is preparing a survey to identify both displaced and non-displaced Roma at risk of statelessness in Serbia as a result of their lack of registration and documentation (UNHCR, 01 December 2010).

CAUSES AND BACKGROUND

Background

Kosovo's unilateral declaration of independence (2009)

- On 3 April 2007, the UN SG submitted the Comprehensive Proposal for the Kosovo Status Settlement (CSP), elaborated by Marri Ahtisaari, to the Security Council, which did not endorse it.
- In August 2007, the UN SG took a new initiative and proposed direct negotiations, mediated by a "Troika" formed by the European Union, the United States and the Russian Federation. However, by the end of the year, Serbia and Kosovo were unable to reach an agreement on the status of Kosovo.
- On 18 February 2008, the Kosovo Assembly declared unilaterally the independence of Kosovo
- The Security Council took no position following the declaration of independence. The Security Council resolution 1244 is still in force.
- On 9 April 2008, the Kosovo Assembly passed a constitution which entered into force on 15 June 2008. The Constitution envisages a significant role of the European Union and provides for the international civilian representative as ultimate supervisory authority regarding the interpretation of the civilian aspects of the CSP.
- With the entrance into force of the constitution, the UNMIK role in the administration was supplanted by other international mechanisms as established in the Ahtisaari Plan (International Civilian Office and EULEX). The UN and the EU agreed on a reconfiguration of the international presence, which involves a reduced UNMIK presence and an increased EU role. UNMIK no longer has the executive power it once exercised.
- Belgrade and the Kosovo Serbs insist that UNMIK remains the authority under UN SC resolution 1244 and refuse to recognize the ICR and EULEX.
- Since the adoption of the Constitution, the Kosovo authorities have asserted control on an increasing number of state structures and functions

AI, May 2009:

"In the absence of a decision by the UN Security Council on the Comprehensive Proposal for the Kosovo Status Settlement (Ahtisaari Plan), Kosovo unilaterally declared independence from Serbia in February [...]"

In June, the Kosovo Assembly adopted a constitution which fails to establish effective human rights institutions or guarantee the rights of women and non-Serb minorities. It also passed legislation assuming legal control over competencies previously reserved to UNMIK, as set out in the Ahtisaari Plan. UNMIK remained in Kosovo under UN Security Council Resolution 1244/99, although it was unable to discharge its administrative functions.

In November, following negotiations with Pristina and Belgrade, the UN Security Council approved a "status-neutral" plan to reconfigure UNMIK. This enabled a European Security and Defence Policy mission (EULEX), envisaged by the Ahtisaari Plan and authorized by the EU in February, to take over in December responsibilities for international policing and the investigation

and prosecution of outstanding war crimes. In northern municipalities, where Serbia had opposed the EU mission's authority, police, justice and customs remained in theory under UNMIK jurisdiction. There were fears that this would result in the de facto partition of Kosovo."

ICG, February 2009:

"On 17 February 2008 the new state pledged complete implementation of the [Ahtisaari plan](#), inviting the International Civilian Representative ([ICR](#)), [EULEX](#) and NATO ([KFOR](#)) to assume their responsibilities under the plan. Although not all 27 EU states recognised Kosovo, all did support the deployment of EULEX. On 18 February it took common note of the independence declaration and committed to play a leading role in helping the new state. Several EU states and the U.S. later took the lead in establishing an International Steering Committee to supervise independence.

In April Kosovo's parliament adopted a new constitution, which came into force on 15 June. Kosovo authorities have been quick to assert control over an increasing number of state structures and functions. While a much reduced UN Mission (UNMIK) remains, it no longer has the executive powers it once exercised. The UN and the EU concluded technical talks on reconfiguration of the international presence in July 2008, which enabled the deployment of EULEX.[...]

Kosovo declared independence on 17 February, confirming its acceptance of the Ahtisaari plan, its agreement to the deployment of new missions and to the continuation of NATO 's force. In Serbia, there were mass demonstrations and street violence. Independence has been vigorously opposed by Serbia, supported by Russia. [...]

In addition to EULEX, the EU approved the appointment of EU special representative (EUSR), appointing Dutch diplomat Pieter Feith, double-hatted as the ICR. The UN and EU agreed a reconfiguration of the international presence, involving a drawdown of UNMIK and an increased EU role. Italian Lamberto Zannier was appointed as UN Special Representative in June 2008. As a result of the reconfiguration of international missions in Kosovo, UNMIK retains a limited political role. The reconfiguration was complicated by the fact that, on the one hand, Belgrade and the Kosovo Serbs insisted that UNMIK remained the key international factor, under UN Security Council resolution 1244, while Prishtina wanted to downplay UNMIK, seeing it as part of the pre-independence international set-up that had been superseded by the Ahtisaari plan. For their part, Belgrade and the Kosovo Serbs refused to deal with the ICR/ EUSR, seeing that office as tainted by association with Ahtisaari, and the Kosovo Serbs, especially in the north, regarded EULEX with deep suspicion."

U.S. DoS, February 2009:

"Kosovo declared independence from Serbia on February 17. The country has a population of approximately 2.2 million. The UN Interim Administrative Mission in Kosovo (UNMIK) administered Kosovo under the authority of UN Security Council (UNSC) Resolution 1244 of 1999 until June 15, when the country's constitution entered into effect. The constitution establishes a parliamentary democracy and incorporates international human rights conventions and treaties. Multiparty elections in November 2007 for the Assembly generally reflected the will of the voters. Prior to February 17, Kosovo was administered under the civil authority of UNMIK, led by a special representative of the UN secretary-general (SRSG). The government gradually assumed authority and responsibilities in most areas during the year. With the promulgation of the constitution in June, the UNMIK role in the administration of Kosovo was supplanted by other internationally-sponsored mechanisms envisioned under the Ahtisaari plan, including the International Civilian Office and the EU Rule of Law Mission (EULEX), which replaced UNMIK police on December 9. The government, UNMIK international civilian authorities, and the UN-

authorized North Atlantic Treaty Organization peacekeeping force for Kosovo (KFOR) generally maintained effective control over security forces. [...]"

EC (Kosovo), November 2008:

"In March 2007, the UNSG forwarded the Comprehensive Proposal for the Kosovo Status Settlement (CSP) prepared by his special envoy, Martti Ahtisaari, to the United Nations Security Council (UNSC). The CSP envisaged an international civilian representative (ICR) with a dual mandate as EU Special Representative and an ESDP rule of law mission. The UNSG fully supported Mr Ahtisaari's recommendation for the supervised independence of Kosovo.

In August 2007, and in the absence of UNSC agreement on the CSP, the UNSG endorsed a new initiative to determine Kosovo's future status. He proposed direct negotiations, to be mediated by an EU-US-Russia troika. Direct talks between Priština/Prishtinë and Belgrade started in New York in September 2007. On 10 December 2007, the UNSG forwarded the troika report to the UNSC, confirming that the two parties had been unable to reach an agreement. It confirmed that the negotiating process had been exhausted.

On 17 February 2008, the assembly of Kosovo declared Kosovo an independent and sovereign state. To date, Kosovo's independence has been recognized by a total of 51 countries, of which 22 are EU Member States. The assembly also adopted a flag and an anthem. Following the declaration, the security situation remained relatively calm, with the exception of two serious incidents in northern Kosovo. [...]

On 9 April, the assembly adopted the Constitution of the Republic of Kosovo, which entered into force on 15 June 2008. The constitution is based on the CSP and envisages a significant role of the European Union in Kosovo. It also provides for the international civilian representative as ultimate supervisory authority as set out in the CSP. In his June report to the UNSC, the UNSG acknowledged that the declaration of independence and the entry into force of the constitution had created a new reality in Kosovo. This reality posed significant challenges to UNMIK's ability to exercise its administrative authority and perform the majority of its tasks, and necessitated the reconfiguration of the international civil presence in Kosovo. In July, the UNSG instructed UNMIK to cooperate with the EU in order for it to assume an enhanced operational role in Kosovo in the area of the rule of law under a 'UN umbrella'.

The constitution is based on the Comprehensive Proposal for the Kosovo Status Settlement (CSP) prepared by UNSG special envoy, Martti Ahtisaari. The constitution explicitly confirms that the provisions of the CSP take precedence over all other legal provisions in Kosovo. It also confirms the CSP as the key reference to verify compliance of the constitution itself and other laws and legal acts. It confirms the ICR as the final authority in Kosovo regarding the interpretation of the civilian aspects of the CSP. The constitution does not include references to the UN or UNMIK other than in the context of the termination of its mission in Kosovo.[...]"

UNSC, 24 November 2008:

"With the entry into force of the "Constitution of the Republic of Kosovo" on 15 June, the Kosovo authorities have continued to take steps towards asserting Kosovo's statehood. Following the establishment of a Ministry of Foreign Affairs, the Kosovo authorities announced the opening of diplomatic missions and the appointment of mission heads to 10 countries. As at 31 October, Kosovo had been recognized as an independent state by 52 countries. In its ongoing efforts to assume the prerogatives and responsibilities of a sovereign state, Kosovo applied for membership in the International Monetary Fund and the World Bank Group, decided to undertake a census of the population, established a Ministry for Security Forces and appointed a new, 11-member Central Election Commission. The Assembly of Kosovo continues to pass legislation,

which is now adopted without reference to the powers of my Special Representative under resolution 1244 (1999) or the Constitutional Framework.

The Government of Serbia and a majority of Kosovo Serbs continue to recognize UNMIK as their sole and legitimate civilian international interlocutor under resolution 1244 (1999). This has had significant implications, including in the police, customs and judicial sectors, where UNMIK continues to play a prominent role. [...]

The Kosovo Serb political leadership in northern Kosovo continued to express opposition to the deployment to the north of the International Civilian Office, foreseen in the Comprehensive Proposal for the Kosovo Status Settlement (S/2007/168/Add.1), which was not endorsed by the Security Council. It also continued to oppose the deployment of the European Union Rule of Law Mission in

Kosovo (EULEX). The northern Kosovo Serb leaders claim that they will not change their stance, regardless of Belgrade's approach. "

OSAR, août 2008:

"Conformément au plan Ahtisaari, la nouvelle Constitution n'accorde plus aucun rôle à l'administration des Nations Unies (MINUK) au Kosovo depuis 1999. Elle prévoit que les pouvoirs de cette mission seront transmis aux autorités de l'Etat nouvellement créé, agissant lui-même de concert avec une mission de l'Union européenne. Considérant la Constitution comme illégale et sans bien-fondé, la Serbie et la Russie font leur possible pour empêcher cette mise en place. Même après la déclaration d'indépendance et l'entrée en vigueur de la Constitution, on ne sait pas vraiment comment interagissent la Constitution et la résolution du Conseil de Sécurité de l'ONU. L'art. 84 de la Constitution prévoit que toute loi adoptée par le Parlement entre en vigueur dès sa proclamation par le Président. Mais selon le plan Ahtisaari, accepté par le gouvernement de Pristina, le haut représentant des Nations Unies pour le Kosovo est la seule instance disposant de cette prérogative. Enfin, la résolution 1244 du Conseil de Sécurité de l'ONU, qui définit le Kosovo comme faisant partie de la Serbie, est actuellement encore en vigueur."

UN SC, June 2008:

"On 3 April 2007, I submitted to the Security Council the Comprehensive Proposal for the Kosovo Status Settlement (S/2007/168/Add.1), prepared by my Special Envoy for the Future Status Process for Kosovo, Martti Ahtisaari. The Council did not, however, endorse the proposal. Thereafter a "Troika", comprising the European Union, the United States of America and the Russian Federation, facilitated additional intensive negotiations between the parties at the end of 2007. Those talks also ended without a consensual resolution of the status of Kosovo. On 17 February 2008, the Assembly of Kosovo held a session during which it adopted a declaration of independence in which it declared Kosovo an independent and sovereign State. The declaration received the support of 109 of the 120 members of the Assembly; the 10 Kosovo Serb members did not attend.

I immediately drew this development to the attention of the Security Council for its consideration. In doing so, I reaffirmed that, pending guidance from the Council, the United Nations would continue to operate on the understanding that resolution 1244 (1999) remained in force and that UNMIK would continue to implement its mandate in the light of the evolving circumstances. The Council took no position following the 17 February declaration. To date, 42 States Members of the United Nations have recognized the independence of Kosovo [...]

A new reality and challenges to UNMIK authority are also emerging on the ground in Kosovo Albanian majority areas. On 9 April, the Assembly of Kosovo passed a constitution for Kosovo that is scheduled to come into force on 15 June. The constitution is designed in such a way that it would effectively remove from UNMIK its current powers as an interim civil administration. In this

regard, the government of Kosovo has indicated that it would welcome a continued United Nations presence in Kosovo provided that it carries out only limited residual tasks."

ICG. March 2008:

"On Sunday 17 February 2008 Pristina produced a smooth and joyful independence celebration. It was preceded the day before by the EU's decision to dispatch a special representative (EUSR) and a rule-of-law mission (EULEX) and was followed a day later by a supportive statement of the EU foreign ministers. These paved the way for France and the UK, as well as the U.S. to recognise the new state. The celebrations and diplomatic moves were well choreographed. The independence declaration included positive words to the Serb minority expressed in Serbian by the prime minister and president, a pledge to implement the Ahtisaari plan and an invitation to the Europeans to deploy an International Civilian Representative (ICR) to oversee that implementation. Albanian flags were everywhere; so too were those of the EU and countries supportive of independence."

Recognition of Kosovo's unilateral declaration of independence (as of November 2009)

- The Kosovo unilateral declaration of independence was quickly recognized by the United States and most European Union Countries
- As of November 2009, 63 States have recognized Kosovo's independence
- However, Serbia, backed by Russia and China, refuse to recognize the independence stating that it is violating UN SC resolution 1244
- The resistance by Russia and China ensures that Kosovo will not gain membership in the UN or other international organizations
- The Security Council has taken no position following the declaration of independence. The Security Council resolution 1244 is still in force.
- The lack of UN Security Council resolution means that Kosovo independence lacks international legal standing and it hinders the functioning of the International Civilian Office, which was meant to be the ultimate supervisory authority regarding the interpretation of the civilian aspects of the Comprehensive Proposal for the Kosovo Status Settlement (CSP).
- On 8 October 2008, the UN General Assembly passed a resolution submitted by Serbia requesting the advisory opinion of the International Court of Justice on the legality of the declaration of independence. The opinion is still pending.
- As of September 2009, Pristina and Belgrade continue to maintain opposing views on the status of Kosovo

New Kosova Report, 9 November 2009:

New Zealand becomes the 63rd country that recognizes Kosovo's independence.

UN SC, 30 September 2009:

"My Special Representative, Lamberto Zannier, has operated against a political background in which decision-making by the authorities in Pristina and Belgrade is influenced by concerns over how the International Court of Justice might interpret their actions in its consideration of the request of the General Assembly to the Court for an advisory opinion on whether Kosovo's declaration of independence is in

accordance with international law. Belgrade and Pristina continued to maintain and present opposing views on the status of Kosovo. [...] Since my last report to the Security Council of 10 June 2009 (S/2009/300), two additional States have recognized Kosovo, bringing the total to 62."

EC Commissioner for Human Rights, 2 July 2009:

"60 States have to date recognised Kosovo, of which 33 are Council of Europe Member States. On 8 October 2008, the General Assembly of the United Nations adopted Resolution 63/3 which requested the International Court of Justice to render an advisory opinion on the following question: "Is the declaration of independence by the Provisional Institutions of Self-Government of Kosovo in accordance with international law?". The opinion is still pending."

Freedom House (Kosovo), 16 July 2009:

"The Assembly formally declared Kosovo's independence from Serbia on February 17, 2008. It was quickly recognized by the United States and most European Union (EU) countries. However, important countries including Russia, China, Brazil, India, and Indonesia refused to follow suit. By the year's end, Kosovo had been recognized by less than 30 percent of the international community. Moreover, the resistance by Russia and China ensured that Kosovo would not gain membership in the UN or other international organizations, and UNSCR 1244, which recognized Serbia's sovereignty in Kosovo, had not been superseded. "

UN SC, June 2009:

"Kosovo authorities continued to act on the basis of the "Constitution of the Republic of Kosovo" and made a series of public statements requesting UNMIK to conclude its mission, asserting that Security Council resolution 1244 (1999) is no longer relevant and that they had no legal obligation to abide by it. Since my last report to the Security Council (S/2009/149), four additional States have recognized Kosovo, bringing the total to 60.

The International Court of Justice received written statements by 36 Members of the United Nations, as well as by the Kosovo authorities, on the question "Is the unilateral declaration of independence by the Provisional Institutions of Self-Government of Kosovo in accordance with international law?". On 8 October 2008, by General Assembly resolution 63/3, the Court was requested to issue an advisory opinion on this question."

UN SC, March 2009:

"During the reporting period, the Kosovo authorities continued to act on the basis of the "Constitution of the Republic of Kosovo". The Assembly of Kosovo, in plenary sessions held on 15 and 16 December, passed laws on the Constitutional Court, on the Foreign Service and on the Consular Service of Diplomatic and Consular Missions in Kosovo. These laws make no reference to the powers of my Special Representative under resolution 1244 (1999) or to the Constitutional Framework. Since my last report to the Security Council, of 24 November 2008 (S/2008/692), four additional States have recognized Kosovo, bringing the total to 56."

ICG, February 2009:

"However, difficulties remain. The lack of a UN Security Council resolution has handicapped the International Civilian Office (ICO) which was meant to be the pre-eminent international organization in Kosovo following independence. While the plan of former UN envoy Martti Ahtisaari represents the Kosovo government's program for implementing independence, the lack of a Security Council resolution means that it lacks international legal standing. The number of states recognizing the new republic has been disappointingly low for Prishtina."

UN SC, 24 November 2008:

"As at 31 October, Kosovo had been recognized as an independent state by 52 countries. In its ongoing efforts to assume the prerogatives and responsibilities of a sovereign state, Kosovo

applied for membership in the International Monetary Fund and the World Bank Group, decided to undertake a census of the population, established a Ministry for Security Forces and appointed a new, 11-member Central Election Commission. [...]

On 8 October, the General Assembly adopted a resolution submitted by Serbia requesting the International Court of Justice to issue an advisory opinion on the following question: "Is the unilateral declaration of independence by the Provisional Institutions of Self-Government in Kosovo in accordance with international law?". The Kosovo authorities expressed regret over the adoption of the resolution, stressing that Kosovo's independence was irreversible and that the review by the International Court of Justice of the legality of the declaration of independence would not prevent other countries from appreciating the constant progress in Kosovo or recognizing it as an independent state."

EU (Kosovo), November 2008:

On 8 October, the UN General Assembly passed a resolution requesting the advisory opinion of the International Court of Justice on the legality of the declaration of independence of Kosovo.[...]

OSAR, août 2008:

"Après la déclaration d'indépendance, la Russie qui s'était toujours prononcée contre un Etat du Kosovo, bloqua toutes les dispositions en cours. Un de ses reproches les plus importants à l'égard du Kosovo est d'avoir déclaré unilatéralement son indépendance, sans l'accord de la partie serbe, ce qui, selon elle, viole la résolution 1244. De plus, les Nations Unies n'auraient pas donné leur feu vert. La Russie n'a pas de voix, ni au sein de l'OTAN ni de l'UE, mais elle peut exercer une certaine pression sur le Conseil de sécurité. C'est ainsi qu'elle a pu se déclarer en faveur de la poursuite de la mission de l'ONU au Kosovo et qu'elle menace aujourd'hui le Conseil de sécurité de son veto à une mission européenne adoptée par l'ONU. De son côté, le gouvernement kosovar revendique la fin de la mission onusienne, considérant qu'elle ne correspond plus à une structure adéquate dans un Etat indépendant et que par ailleurs, le plan Ahtisaari qu'il avait adopté prévoyait de toute façon la fin de cette mission. Il est actuellement encore impossible de dire comment ce blocage pourrait être surmonté. On peut craindre qu'en raison de l'incompatibilité des intérêts des différents acteurs en présence, le Kosovo ne devienne le théâtre des rivalités entre missions internationales concurrentes."

UN SC, 12 June 2008:

Following the declaration of independence, Serbia adopted a decision stating that the declaration represented a forceful and unilateral secession of a part of its territory. [...]

ICG, 18 March 2008:

A month later 28 states have recognised independent Kosovo, including sixteen of the 27 EU member states, and six of the UN Security Council's fifteen members. The dignified demeanour of the government and the Albanian majority of citizens persuaded states such as Sweden and the Netherlands, which initially had planned to withhold recognition until Kosovo adopted its constitution, to act quickly. More recognitions are still needed, especially from neighbours, of whom only Albania and Slovenia have taken the step (Croatia may do so this month). One of the most problematic may be Macedonia. It insists on a definitive demarcation of the common border as a precondition, its president has made negative statements, and it has only a minority government after the walkout of its Albanian junior coalition partner. Montenegro and Bosnia and Herzegovina are also unlikely to recognise soon. Recognitions are coming in from further afield but not as fast as expected. Pristina has sent requests to all UN member states and on 12 March belatedly dispatched a junior delegation to the Organisation of the Islamic Conference (OIC) summit in Senegal. Lobbying of influential countries such as Canada, Brazil and India, however, has yet to begin.[...]

Kosovo's independence has split the international community. The Ahtisaari plan, the ICO and the EULEX mission lack UN Security Council backing due mainly to Russian opposition. The UN Secretariat, UNMIK and NATO feel that they cannot advance far beyond a "status neutral" position. The U.S. and a growing number of EU states are Kosovo's main support, the core of the International Steering Group formed on 28 February, and of the 28 countries that have so far recognised the young republic. But they are struggling to agree on the strategies and operations needed to ensure Kosovo's stability in an unsettled and partly hostile neighbourhood.

Russia is not backing down from its opposition to Kosovo independence, implementation of the Ahtisaari plan and deployment of the EU missions. President Putin has chided EU states for applying "double standards in settling one and the same issue in different parts of the world [in different ways]". But Moscow has not honoured threats to recognise Abkhazia, South Ossetia and Transdniestria as independent states. It also has not taken any express action against a country that has recognised Kosovo. By continually arguing that Kosovo independence is against international law and that recognition will set an international precedent, however, it has caused numerous states to back away from recognition and has encouraged Serbia's hard line. Its de facto Security Council veto on the Ahtisaari plan has also hampered the UN's ability to coordinate effectively with the EU. Holding the Security Council presidency in March, Russia is maintaining pressure on the Secretary-General to keep UNMIK well budgeted and staffed and resist UNMIK-EULEX transition.

Asil Insight, 29 February 2008:

"On February 17, Kosovo's parliament declared Kosovo's independence from Serbia. Following that declaration, the U.S. and several European states officially recognized the independence of Kosovo. An examination of Security Council Resolution 1244, which set forth the international oversight of Kosovo following the 1999 NATO intervention, and the international law of self-determination, secession, and recognition demonstrates that while Kosovo's declaration of independence and its recognition by various states can be justified under existing international law, it is not a clear case. Rather, Kosovo presents a quintessential "tough case," demonstrating the ways in which political interests of states affect how the international law is given effect. How and whether it will be considered a unique case in international law or a precedent for other secessionist movements may depend on how various states interpret the law and facts that gave rise to the declaration. [...]

Serbia and Russia have argued that Resolution 1244 would not allow the secession of Kosovo without the agreement of Serbia. In particular, they refer to the resolution's preambular language "[r]eaffirming the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia ."

The EU has taken the position that Resolution 1244 is not a bar to Kosovo's independence. In a memorandum written prior to approving the EULEX legal assistance mission to Kosovo, it found that "[a]cting to implement the final status outcome in such a situation is more compatible with the intentions of 1244 than continuing to work to block any outcome in a situation where everyone agrees that the status quo is unsustainable." Moreover, the EU contends that 1244 did not predetermine the outcome of final status talks.

On balance, it appears that Resolution 1244 neither promotes nor prevents Kosovo's secession. Although operative paragraph 1 of Resolution 1244 states that a political solution shall be based on the principles of Annexes 1 and 2, those annexes are silent as to the governmental form of the final status. The annexes only state that an "interim political framework" shall afford substantial self-governance for Kosovo and take into account the territorial integrity of Federal Republic of Yugoslavia. Paragraph 11(a), states that the international civil presence will promote "the establishment, *pending a final settlement*, of substantial autonomy and self-government in Kosovo..." The substantial autonomy language is thus addressed to the interim status of Kosovo.

Moreover, the references to the territorial integrity of Serbia are only in the preambular language and not in the operational language. The document is therefore silent as to what form the final status of Kosovo takes."

Belgrade's strategy to assert control over Kosovo Serb majority municipalities (2009)

- Following the declaration of independence, Belgrade has further developed its framework of parallel structures in the Kosovo Serb - majority municipalities, funding fields such as education, healthcare, welfare and infrastructure.
- This strategy serves a number of purposes: to provide evidences of Serbia's continued presence, to encourage Kosovo Serbs to remain in Kosovo and to maintain control over the area.
- In May 2008, Kosovo Serbs held elections in enclaves and Kosovo Serb-majority municipalities to establish parallel municipal government. UNMIK and the Kosovo government declared these elections to be illegal and invalid, but the new parallel authorities are operational.
- As of September 2009, the three Kosovo-Serb majority municipalities in the north continue to function with few links to the authorities in Pristina and to cooperate only with UNMIK

UN SC, September 2009:

The three Kosovo Serb-majority municipalities in the north continued to function with few links to the authorities in Pristina, with whom they interact rarely and almost exclusively through UNMIK. The political leadership in northern Kosovo continues to consider UNMIK and the Kosovo Force (KFOR) as the only legitimate international presence under Security Council resolution 1244 (1999), and maintains its firm non-acceptance of any institutions or symbols, real or perceived, of the Kosovo authorities. The deployment or operations in the north of any structures affiliated with Pristina, including customs, courts and railways, continued to be met with Kosovo Serb opposition.

ICG, May 2009:

The rejection of Kosovo's independence by the vast majority of its Serb inhabitants has been encouraged by Belgrade, which has developed and, since February 2008, extended a framework of parallel structures that provide Serbs with tangible evidence of the continued presence of the Serbian state and hope that one day Kosovo's independence may be overturned. This hope is also kept alive by Belgrade's diplomatic activities, above all through the case it brought at the International Court of Justice in October 2008 seeking to have the independence declaration ruled illegal. It is encouraged by the support of Russia and by five EU member states that have not recognised Kosovo.

By supporting Serbian institutions, Belgrade has sought to provide for the needs of the Kosovo Serbs in fields such as education, healthcare, welfare and infrastructure. Its aim has been to improve Serbs' prospects in Kosovo and so to encourage them to remain there, despite the many difficulties they have faced. This report examines the effectiveness and wisdom of the policy.

The picture is complicated, and varies considerably among the scattered Serb communities in different parts of the country. In four northern municipalities, adjacent to Serbia itself, the Kosovo state is barely present. In the north, Serbian parallel municipalities elected after the independence declaration function much as municipalities in Serbia. They are recognised neither by most of the international community in Kosovo nor by the Kosovo government. In the southern Serb enclaves, the picture is different. In general, the parallel municipalities function to a much more limited extent. Surrounded by Albanians, Serbs in the south have, to a greater or lesser extent, had to find ways of

reaching a pragmatic accommodation with the Kosovo state.[...]

Belgrade's funding for the Kosovo Serbs serves a number of purposes: to encourage them to remain in Kosovo; to provide visible evidence of the Serbian state's continued presence; and for politicians to maintain control through patronage networks. Key services funded are healthcare, education, social welfare and local governance, as well as infrastructure investment. Most of this comes from the budget of the relevant ministries in Belgrade. Kosovo Serbs see such support as tangible evidence of the Serbian state's continuing presence and that Serbia has not abandoned them. They often assert that these services are essential to their remaining in Kosovo. They trust Serb doctors and teachers and are suspicious that Albanians want to take over "our hospitals and schools". The large majority of Kosovo Serbs, from pensioners to educated professionals, directly benefit from Belgrade's largesse. Kosovo Serbs have long been highly dependent on the Serbian state. Under communism, full employment was kept up in inefficient factories, and under Milosevic, almost all state jobs went to Serbs. That dependency has been further entrenched since 1999, ensuring that Kosovo Serbs look to Belgrade for political guidance.

ICG, February 2009:

The Belgrade government identified as its two greatest priorities retaining Kosovo and integration with the EU. It demonstrated its commitment to a more pro-EU path by arresting former Bosnian Serb leader and war criminal Radovan Karadzic. It also reinstated ambassadors previously withdrawn from EU states recognizing Kosovo's independence. On the other hand, Serbia continues its policy of undermining Kosovo's statehood through supporting parallel institutions, such as hospitals and schools in Kosovo Serb areas. In a new departure, Serbian local elections in May 2008 were held also in Serb areas of Kosovo. Although UNMIK declared this to be illegal, no steps were taken to prevent it. Serbs withdrew from Kosovo institutions following anti-Serb riots in March 2004, and since 2006 Kosovo Serbs have been forbidden to accept funding or salaries from Prishtina.

US DOS, February 2009:

On May 11, Kosovo Serbs held elections in enclaves and in Kosovo Serb-majority municipalities to establish parallel municipal governments, and began to establish these parallel authorities in June. On April 9, UNMIK stated that organizing elections for these parallel structures was a violation of UNSC Resolution 1244. On May 14, UNMIK declared that the parallel municipal structures arising from these elections were illegitimate, and that UNMIK would not cooperate with them. The government also declared that parallel institutions to be illegal and invalid.

OSAR, Août 2008:

Les institutions parallèles mises en place en 1999 au nord du Kosovo sont indépendantes de Pristina. Elles sont subventionnées par les caisses de l'Etat serbe. Ces organismes implantés dans les régions habitées par des Serbes du Kosovo existent depuis la fin de la guerre. Et depuis la déclaration d'indépendance, la Serbie y a encore renforcé son influence, en particulier dans le nord et dans la ville coupée en deux de Mitrovica. Deux tiers de la population serbe vit au sud du fleuve Ibar, dans des enclaves isolées. Là aussi la vie quotidienne est réglée au rythme de Belgrade, qu'il s'agisse des écoles, des plaques minéralogiques, du système de santé ou en-core des fournisseurs d'accès à la téléphonie mobile. Néanmoins, on constate que les représentants serbes dans les enclaves sont de plus en plus enclins à collaborer avec le gouvernement kosovar. Depuis les élections législatives et communales du 11 mai 2008, le gouvernement serbe tente de former unilatéralement de nouvelles communes serbes en territoire kosovar et de créer ainsi un fait accompli. Elles ne sont cependant reconnues ni par le gouvernement kosovar ni par la MINUK. Les nouveaux élus de la ligne dure ont écarté leurs prédécesseurs, provoquant ainsi des conflits, des occupations de lo-caux par la force et même des déplacements de population, notamment en juin 2008, à Klina et à Strpce.

Le 28 juin 2008, les Serbes du Kosovo ont créé leur propre Parlement au nord de Mitrovica, en présence du Ministre en charges des Affaires du Kosovo de l'époque, M. Samardzic. Ce Parlement se veut représentatif des vingt-six communes serbes sur territoire kosovar. Il est dominé par les membres des radicaux serbes (SRS) et du DSS, dirigé par l'ancien Premier ministre Vojislav Kostunica. Il ne compte en revanche aucun membre du parti démocrate qui forme entre-temps une coalition avec les socialistes au nouveau gouvernement de Belgrade.[...]

La position immuable du gouvernement de Belgrade et de la plupart des partis politiques serbes, qu'ils soient nationalistes ou pro-européens, est et reste que le Koso-vo est une province serbe. Pendant l'ère Kostunica, toute attitude qui ressemblait de près ou de loin à un compromis était considérée comme une trahison. Le nord du pays et les enclaves serbes sont pratiquement entièrement administrés par Belgrade, ce qui signifie de facto une partition du Kosovo. Celle-ci correspond de toute façon à la réalité puisque les communes du nord ne sont pas véritablement séparées de la Serbie et en revendiquent l'appartenance."

UN News Service, 25 July 2008:

"Meanwhile, the Kosovo Serbs have continued to oppose cooperation with the authorities in Pristina, stressing that they will only cooperate with UNMIK, said the Special Representative. As a result of the Serbian local elections held on 11 May, new parallel municipal authorities are now operating in all Serb-majority municipalities in Kosovo. "

ICG, 18 March 2008:

"Serbia is implementing a sophisticated policy to undermine Kosovo statehood by strengthening parallel institutions in Kosovo Serb areas, intimidating or buying off any inclined to cooperate with Pristina. Nationalist politicians in Belgrade hope at a minimum to secure partition into Albanian and Serbian entities, or to incite Kosovo Albanians to react violently and so do great damage to the international standing of their statebuilding project. The situation is made more complicated by Russia's continued firm support of Serbia, efforts to discourage recognitions and resistance to UNMIK downsizing.[...]

Belgrade continues to consider Kosovo part of Serbia. Prime Minister Kostunica and the DSS determine Kosovo policy at least until a new government is formed, which could be several months after the May elections, and have a clear if unvoiced desire to partition Kosovo in order to retain full control of Serb areas. Belgrade is entrenching its parallel local administrations, schools and healthcare in Serb areas, both in the north and in the scattered patchwork of enclaves south of the Ibar where the majority of Kosovo's Serbs live. The aim is to enforce loyalty and obedience in return for the state resources it provides.[...]

Belgrade's strategy appears to have two thrusts: first to beef up the parallel institutions and ultimately to gain a free hand at least in the north by preventing the EU from deploying and replacing the UN administration with a Serb administration. The end-goal is to regain international recognition of Kosovo as sovereign Serbian territory and then carry out an internal partition of that territory into Serb and Albanian entities. Nationalist politicians seem to believe that as long as Russian support is forthcoming, such a policy can succeed. They assert that the higher wages and superior organisation of the parallel institutions and additional investment from Serbia will eclipse the Kosovo institutions and bring Albanians to realise that the salaries and services they can offer are too paltry, and that independence is blocking their access to international institutions, regional cooperation and the benefits of the Serbian state, such as good passports, pensions, education and healthcare."

Decentralisation: an increasing number of Kosovo Serbs south of the river Ibar engage with the Kosovo authorities (2009)

- Many Kosovo Serbs, especially in the Northern Serb enclaves, continue to reject the authority of Kosovo institutions, placing in question the decentralisation process planned in the Athisaari plan, which foresees the creation of Kosovo Serb-majority municipalities with enhanced competencies in education, healthcare and culture.
- Although the participation of Kosovo Serbs in the decentralization process and the elections planned for mid-November remains uncertain, an increasing number of Kosovo Serbs engage pragmatically with the Kosovo authorities in order to facilitate their daily life
- Out of the 325 Kosovo Serb police officers who had stopped working after the declaration of independence, 317 returned to work by the 30 June deadline set by the authorities.
- The isolationist strategy put in place by Belgrade has limited success south of the Ibar River, where parallel Serbian municipalities operate only to a limited extent and have been unable to meet the needs of Serb communities
- However many Serbs hesitate to participate in the decentralisation process because they fear this would implicitly acknowledge Kosovo's independence
- Kosovo Serbs make up one third of candidates participating to the Kosovo elections
- Some Kosovo Serbs rejected Belgrade's call for a boycott
- Turnout among Serb municipalities was higher than many predicted

UN SC, 30 September 2009:

"The three Kosovo Serb-majority municipalities in the north continued to function with few links to the authorities in Pristina, with whom they interact rarely and almost exclusively through UNMIK. The political leadership in northern Kosovo continues to consider UNMIK and the Kosovo Force (KFOR) as the only legitimate international presence under Security Council resolution 1244 (1999), and maintains its firm non-acceptance of any institutions or symbols, real or perceived, of the Kosovo authorities. The deployment or operations in the north of any structures affiliated with Pristina, including customs, courts and railways, continued to be met with Kosovo Serb opposition. [...]

On 16 June, the Kosovo authorities announced that municipal elections would be held on 15 November, and called on the Central Election Commission to begin the necessary preparations for their organization. The refusal of Kosovo Serbs in the north to recognize or accept the forthcoming elections will make it difficult for the Commission to organize elections there, except in the few non-Serb enclaves in the north. The Commission is prepared to hold elections in all other areas populated by Kosovo Serbs and other communities.[...]

So far, of the 76 political entities that have applied to participate in the elections, 35 are Kosovo Albanian entities, 23 Kosovo Serb, 7 Kosovo Bosniak, 4 Kosovo Turkish, 2 Kosovo Montenegrin, 2 Kosovo Ashkali and 1 entity each from the Kosovo Roma, Kosovo Egyptian and Kosovo Gorani communities.[...]

The Assembly of the Association of Serbian Municipalities unanimously approved on 28 June in Gračanica/Graëanica the Vidovdan [Saint Vitus day] Charter, which called on all political parties in Serbia to oppose the participation of Kosovo Serbs in these elections and appealed to all Serbian institutions and the Serbian Orthodox church to boycott the elections. In July, the Government of Serbia

officially declared that conditions for the participation of Kosovo Serbs in the elections did not exist and that the elections were not in line with resolution 1244 (1999).

However, the level of participation of Kosovo Serbs in the decentralization process, and in the upcoming elections, is far from certain and there is no decision yet whether elections will be held for the envisaged municipal assemblies in the five municipalities mentioned above plus in an "enlarged" Novobërdë/Novo Brdo municipality. The "Vetëvendosje" movement has launched a campaign against the establishment of the new municipalities, which may also negatively affect the support of the Kosovo Albanian population for the local governance reform process.

[...] Of the 325 Kosovo Serb police officers who had stopped reporting to their duty stations after Kosovo declared independence on 17 February 2008, 317 returned to work by the 30 June deadline set by the Kosovo authorities in coordination with EULEX."

UN SC, 10 June 2009:

"Although many Kosovo Serbs reject the authority of Kosovo institutions derived from the "Constitution of the Republic of Kosovo", as does the Government in Belgrade, increasing numbers continue to apply for Kosovo identity cards, driver's licences and other Kosovo documentation, and sign contracts with the Kosovo Energy Corporation in order to facilitate their daily lives in Kosovo.(...)

The reluctance of the Kosovo Serbs to engage with the Kosovo authorities continues to place in question the creation of the new Kosovo Serb-majority municipalities planned by the Kosovo authorities. In March 2009, the Kosovo authorities initiated a process of establishing municipal preparatory teams that would carry out preliminary work on the creation of new municipalities and opened job vacancies for these bodies. Some Kosovo Serbs have expressed interest in applying for the jobs, primarily attracted by the salaries which are three times higher than the average salary in the Kosovo civil service. In the light of the upcoming municipal elections, the Kosovo authorities intensified their exhortations to Kosovo Serbs to take part in the decentralization process."

ICG, 12 May 2009:

"More than a year after Kosovo declared independence, integration of its Serb minority remains a key challenge. For Belgrade, isolating Serbs from Kosovo institutions is a main plank in its policy of undermining the independence of its former province. A further crucial goal is to stem the Serb exodus, by providing for their needs there. Belgrade has devoted significant resources to this end, but with only limited success, especially south of the Ibar River, where the majority of Kosovo Serbs live. Parallel Serbian municipalities there operate only to a limited extent and have largely been unable to meet the needs of Serb communities. The Kosovo government and international bodies are pressing ahead with decentralisation as the best way to engage Serbs in the institutions of the new state and persuade them they have a future in it. They need to show sensitivity towards Serb concerns.(...)

Contrary to Belgrade's boycott calls, Serbs have in increasing numbers found ways of engaging pragmatically with Kosovo institutions, relying on them for services, applying for Kosovo official documents and accepting Kosovo (as well as Serbian) salaries. Belgrade's policy of opposing all engagement has proved unrealistic for Serbs in the south, who, living among Albanians, have found there is no choice but to deal with the society around them.(...)

The planned decentralisation offers the best way to integrate Serbs in Kosovo, while enabling them to retain cherished links with Serbia. According to the blueprint laid out in the Ahtisaari plan, new Serb-majority municipalities should be created, with enhanced competencies in education, healthcare and culture. Belgrade would continue to provide technical and financial support to the Kosovo Serbs, but this should be transparent and coordinated with the Kosovo authorities. The Serbian government should not hinder decentralisation and should, at least tacitly, encourage Kosovo Serbs to engage in the process.

There is considerable Serb interest in decentralisation, especially south of the Ibar. However, many hesitate to participate in a process they fear would implicitly acknowledge Kosovo's independence. Belgrade's stance is critical, as most Serbs would be reluctant to take part in the face of its opposition. It is unrealistic to demand that decentralisation be neutral regarding Kosovo's status, as Belgrade would wish. Pristina's Ministry of Local Government Administration (MLGA) will have to be involved. But there is scope for meeting Serb concerns, while playing down the status issue.

The picture is complicated, and varies considerably among the scattered Serb communities in different parts of the country. In four northern municipalities, adjacent to Serbia itself, the Kosovo state is barely present. In the north, Serbian parallel municipalities elected after the independence declaration function much as municipalities in Serbia. They are recognised neither by most of the international community in Kosovo nor by the Kosovo government. In the southern Serb enclaves, the picture is different. In general, the parallel municipalities function to a much more limited extent. Surrounded by Albanians, Serbs in the south have, to a greater or lesser extent, had to find ways of reaching a pragmatic accommodation with the Kosovostate. Many have hedged their bets. Officials often accept salaries from both Belgrade and Prishtina/Pristina."

UN SC. 17 March 2009:

"In line with Belgrade's official policy, many Kosovo Serbs continue to reject the authority of Kosovo institutions derived from the "Constitution of the Republic of Kosovo", although increasing numbers are applying for Kosovo identity cards, driver's licences and other Kosovo documentation that facilitates their ability to live, work and move about freely in Kosovo. In the north, four municipal structures in Kosovo Serb-majority areas continue to function on the basis of Serbia's law on local self-governance. However, those northern municipalities have not objected to UNMIK's good offices in providing a link to Pristina and to municipal authorities in the southern part of Mitrovicë/Mitrovica. It is expected that municipal elections will be held in Kosovo towards the end of 2009. (...)

The reluctance of the Kosovo Serb community to participate in the implementation of the new framework on local governance adopted by the Kosovo authorities continues to hinder the creation of Kosovo Serb-majority municipalities and progress in decentralization throughout Kosovo. At this stage, the number of Kosovo Serb civil servants on the municipal payrolls remains low in most cases, despite variations by sector. The exceptions are in the three northern municipalities, where all local officials and almost all civil servants are from the Kosovo Serb community."

November 2009 municipal elections and Kosovo Serb participation
Radio Free Europe, 13 November 2009:

"Novo Brdo -- or Artana, as it is known in Albanian -- still has a special distinction. It is one of the few regions in Kosovo where Albanians and Serbs have historically lived peacefully together, even during the ethnic bloodshed of the 1998-99 war.

Velibor Trajkovic is an elderly Serb living in Novo Brdo. For him, the city's long history is one of peaceful coexistence.

"Up until now, we haven't had any problems. Not even during the most difficult times, after the war," he says. "The situation now is getting better and better."

That harmony is being put to the test during today's municipal elections as two Serbian and two Albanian candidates compete for the Novo Brdo mayoral post.

Throughout Kosovo, Serbs make up nearly one-third of the 74 candidates participating in the elections, the first since Pristina declared independence from Serbia in February 2008.

The presence of Serbian names on the ballots, it is hoped, will help persuade Kosovo Serbs to engage in the republic's political process, and override calls from Belgrade for a boycott. Kosovar President Fatmir Sejdiu this week called on ethnic Serbs to "exercise their constitutional and human rights" by participating in the vote.

Belgrade Urges Boycott

In Novo Brdo, at least some of the Serbian residents said they were ready to cast ballots. Twenty-year-old Marko Markovic said the vote is the best way to ensure that the lives of Kosovo Serbs change for the better." [...]

"Pushing local government

An Albanian candidate like Imeri in an Albanian-majority republic might appear to be a sure bet. Even Novo Brdo, once majority-Serb, is now roughly two-thirds Albanian. (Roma make up a tiny fraction of the town's estimated 4,000 residents as well.)

That, however, is about to change. The Novo Brdo municipality is set to expand its borders, a step meant to deliberately absorb the populations of nearby Serbian communities. Similar expansions are taking place in several Serb-populated regions of Kosovo.

At the same time, greater responsibility for governing the newly expanded municipalities is being handed to local officials. This decentralization initiative is a critical part of the independence road map drafted for Kosovo by Finnish diplomat Martti Ahtisaari.

It's hoped the shift, like the November 15 election itself, will encourage Kosovo Serbs to integrate with Kosovo's official government institutions, rather than constructing "parallel" courtrooms and civil offices with ties to Serbia, as is currently the case.

It is hoped that the presence of Serbian candidates on the ballots will finally tempt reluctant Serbs to see local governments as their own. U.S. Ambassador to Kosovo Christopher Dell said decentralization is "vital to the future" of Kosovo.

"Decentralization will provide the vehicle for fully integrating all of Kosovo's communities into the country. That's not only good for Kosovo, that's good for the minority communities themselves," Dell said.

"I believe the November elections are a critical opportunity for the Kosovo Serb community to assume much greater control for the day-to-day running of their lives, in ways that really matter."

Decentralization has won grudging approval from some Serbs, even those in hard-line northern Kosovo.

Rada Trajkovic has urged fellow Kosovo Serbs to vote. Rada Trajkovic, a member of the Serbian National Council, has appealed to fellow Kosovo Serbs to ignore Belgrade's call for a boycott, saying that "when it comes to improving the living conditions of Serbs in Kosovo, Serbia's action is deeply irresponsible and disingenuous."

Trajkovic said that Kosovo's Serbs "can now choose the lesser of two evils. For me, it's normal to choose the option that offers Serbs a chance to survive in this territory, through the process of decentralization."

Balkan Insight, 16 November 2009: *On results of Kosovo's first municipal elections since independence*

"Turnout among Serb municipalities was higher than many predicted with 24 per cent voting in Gracanica, 31 per cent in Strpce, 14 per cent in Ranilug and 25 per cent in Kllokot."

For more information see, ICG, 15 October 2009: Kosovo, Strpce, a Model Serb Enclave?

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)

ICG 2000, p. 48:

"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, footnote 74:

"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."

UNHCR February 2000, paras. 25-29:

"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."

U.S. DOS 25 February 2000, "Kosovo":

"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."

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

U.S. DOS, February 2000, Introduction:

"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 2001, 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."

UN CHR, 22 March 2001, para. 20:

"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."

USAID, 30 September 2001:

"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."

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

ICG, 17 July 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."

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

U.S. DOS, 31 March 2003:

"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.”

UN SC, 15 October 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.”

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.

UN SC, 15 October 2003:

“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.”

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

RFE/RL, 7 March 2005:

"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 Kosova 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 Kosova 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 Newsline," 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."

OSAR, 25 July 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 Nebosja 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."

UN OCHA 11 April 2001, sect. 1:

"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."

UK October 2001, paras. 7.17-7.21:

"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."

UN OCHA, 30 September 2002:

"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."

ICG, 9 December 2003:

"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.”

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

UNHCR, 15 September 2004:

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, 1 June 2005:

"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, 15 September 2004, p.1:

"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.."

IHF, 25 May 2005:

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."

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

IHF, 25 May 2005:

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.”

SG, 23 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, 3 June 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”

Ahtisaari's comprehensive proposal for Kosovo status settlement and displacement-related issues (2007)

- UN SG's Envoy Martti Ahtisaari declared independence with international supervision as the only viable option
- The return of internally displaced persons, protection of property and rights of communities were among major provisions foreseen by this settlement proposal

UN SG's Envoy, Martti Ahtisaari, found that the reintegration of Kosovo into Serbia is not a viable option, nor is the continued international administration of Kosovo sustainable. The uniqueness of Kosovo's situation, he concluded, called for a unique solution, that is independence with international supervision:

UN SC, S/2007/168, 26 March 2007, paragraph 5:

“The time has come to resolve Kosovo's status. Upon careful consideration of Kosovo's recent history, the realities of Kosovo today and taking into account the negotiations with the parties, I have come to the conclusion that the only viable option for Kosovo is independence, to be supervised for an initial period by the international community. My Comprehensive Proposal for the Kosovo Status Settlement, which sets forth these international supervisory structures, provides the foundations for a future independent Kosovo that is viable, sustainable and stable, and in which all communities and their members can live a peaceful and dignified existence.”

The main provisions of the Settlement Proposal concerned governance, rights of communities, decentralization, justice system, protection and promotion of religious and cultural heritage, economy, security, future international presence as well as returns and protection of property. In the context of the latter returns and property protection, the Proposal stated:

UN SC, S/2007/168, 26 March 2007, Annex, paragraph 7:

“All refugees and internally displaced persons from Kosovo shall have the right to return and reclaim their property and personal possessions based upon a voluntary and informed decision. The Settlement reaffirms the principle that displaced persons shall be able to return to a place of their choice in Kosovo, and not only to their original place of residence. The Settlement also calls upon Kosovo and Serbia to cooperate fully with each other and the International Committee of the Red Cross to resolve the fate of missing persons.”

The detailed comprehensive proposal for the Kosovo Status Settlement provided for the rights of refugees and IDPs:

UN SC, S/2007/168/Add.1, 26 March 2007:

“Article 4 Rights of Refugees and Internally Displaced Persons

4.1 All refugees and internally displaced persons from Kosovo shall have the right to return and reclaim their property and personal possessions in accordance with domestic and international law. Each individual shall have the right to make a free and informed decision on his/her place of return.

4.2 Kosovo shall take all measures necessary to facilitate and to create an atmosphere conducive to the safe and dignified return of refugees and displaced persons, based upon ' their free and

informed decisions, including efforts to promote and protect their freedom of movement and freedom from intimidation.

4.3 Kosovo shall cooperate fully with the United Nations High Commissioner for Refugees, who will assist the competent authorities in extending protection and assistance to returnees, and who will, *inferred alia*, undertake periodic assessments and issue public reports on the conditions of return and the situation of the internally displaced within Kosovo, and shall also extend the cooperation to other organizations involved in the return process.”

For more on the developments leading to Ahtisaari's supervised independence plan and on the plan itself see ICG's [Kosovo: No Good Alternatives to the Ahtisaari Plan of 14 March 2007](#)

Decentralisation: building confidence and self-governance for minority groups while avoiding segregation (2007)

- Decentralisation remains a contentious political issue and faces practical difficulties
- Decentralisation as proposed by Ahtisaari focuses in particular on the specific concerns of Kosovo Serbs and gives them a high degree of control over their own affairs
- The provisions include the creation of more and expanded Serb-majority municipalities, with extended competencies and the right to link with one another and benefit from Serbian government assistance
- Within a year of approval of the Settlement, decentralisation provisions are to be reviewed and a population census is to be carried out in Serbia and other neighbouring countries to estimate the number of refugees and IDPs wishing to return to Kosovo
- While it aims at accommodating minority communities in Kosovo, decentralisation can have negative effects and, contribute to segregation rather than multi-ethnic society

UN SC, 9 March 2007, paragraphs 11 and 12:

“Decentralization continues to be a contentious issue in the context of the status process. Although the Kosovo negotiating team has improved outreach to municipalities to explain their proposals for new municipalities, it has faced criticism from those living in affected areas and others who perceive decentralization as a means of establishing the territorial control of Belgrade over Kosovo Serb-majority areas. Decentralization is not only problematic politically. Practical difficulties have also become evident in the establishment of Pilot Municipal Units foreseen at present, including the recruitment and training of qualified staff and obtaining necessary funding. In a recent assessment of their performance, the Government decided that, owing to challenges faced by the Units in the exercise of additional competencies, their conversion to fully fledged municipalities should be postponed until July 2007.

In addition, the establishment of new municipalities should be synchronized with the holding of new municipal elections, which were postponed because of the status process. The Government is carefully monitoring the performance of Pilot Municipal Units in the exercise of newly acquired competencies with a view to preparing them for additional transfer of competencies. The difficulties encountered by the Government and host municipalities in establishing the Units indicate that further decentralization, such as that proposed in the Settlement Proposal, will require considerable time and resources, as well as much international support, to be implemented.”

UN SC, S72007/168, 26 March 2007, Annex, paragraph 4:

“Decentralization. The extensive decentralization provisions are intended to promote good governance, transparency, effectiveness and fiscal sustainability in public service. The proposal

focuses in particular on the specific needs and concerns of the Kosovo Serb community, which shall have a high degree of control over its own affairs. The decentralization elements include, among other things: enhanced municipal competencies for Kosovo Serb majority municipalities (such as in the areas of secondary health care and higher education); extensive municipal autonomy in financial matters, including the ability to receive transparent funding from Serbia; provisions on inter-municipal partnerships and cross-border cooperation with Serbian institutions; and the establishment of six new or significantly expanded Kosovo Serb majority municipalities.”

UN SC, S/2007/168/Add.1, 26 March 2007, Annex III:

“To address the legitimate concerns of the Kosovo Serb and other Communities that are not in the majority in Kosovo and their members, encourage and ensure their active participation in public life, and strengthen good governance and the effectiveness and efficiency of public services throughout Kosovo, an enhanced and sustainable system of local self-government in Kosovo shall be established...”

The provisions underlying decentralisation process as foreseen by Ahtisaari are to be reviewed and a population census is to take place, including in the Republic of Serbia, to register IDPs wishing to return to Kosovo:

“Article 14 Population Census and Review of Decentralization Provisions

14.1 One year after the entry into force of this Settlement, Kosovo, in consultation with the ICR [international civilian representative], shall call a population census, which shall be carried out in accordance with international standards and subject to international observation. In this context, the Republic of Serbia and other neighboring countries should authorize the registration by an international agency of refugees and internally displaced persons (IDPs) wishing to return to Kosovo.

14.2 The provisions of this Annex related to the establishment of new municipalities, including their boundaries, may be reviewed, and revised as necessary, by the ICR, in close coordination with the Government of Kosovo and the Community Consultative Council, within six months of the submission of final results of the Kosovo census. The review shall consider demographic developments in, and, in particular, refugee and IDP returns to municipalities, as well as the functionality and sustainability of municipal authorities and their activities.”

ICG, 14 May 2007, pp.8-9:

“Ahtisaari’s Proposal provides minority rights for Kosovo Serbs which go far beyond European standards. [] They include the creation of more and expanded Serb-majority municipalities, with extended competencies and the right to link with one another and benefit from Serbian government assistance; special protection zones and prerogatives for the Serbian Orthodox Church; and additional parliamentary seats and double-majority rules to prevent Serbs from being outvoted on vital interest questions. The provision of even more rights would clearly undermine the functionality and survival of a future state, and create a highly unusual environment in which a small minority would have significantly greater rights than the majority.

Decentralisation is the main tool suggested to guarantee multi-ethnicity. Ahtisaari’s Proposal brings most of Kosovo’s remaining Serbs under the roof of Serb-majority municipalities. It formalises the decentralisation of a host of governing powers to Kosovo’s municipalities. There are currently 30, plus three pilot municipalities. Ahtisaari adds five new Serb-majority municipalities (and expands another), bringing the projected total to 38. Consistent with decentralisation’s first airing in 2002, its principal rationale is “to address the legitimate concerns of the Kosovo Serb and other Communities that are not in the majority in Kosovo and their members, encourage and ensure their active participation in public life”. A more general aim of “strengthen[ing] good governance and the effectiveness and efficiency of public services throughout Kosovo” is secondary.”

However, decentralisation can have negative effects and, leading to segregation, can be counterproductive to attempts at creating multi-ethnic society:

MRG, 6 July 2006, pp.29-30:

“• Decentralization should not be seen as the main way of protecting minority rights, nor should it lead to segregation. The rights of all people and all communities in Kosovo to practise and use their language should be fully protected in every municipality. Decentralization should be legally subject to the constitutional and legal prohibition on discrimination and segregation.

- Artificially designed municipalities, intended to create local ethnic majorities, should be avoided.
- There should be fully integrated police and justice systems, and public services. Decentralization must not lead to *de facto* segregation of these. Discrimination in the public services, and particularly the idea that a community can only be served by members of its own community, should be vigorously tackled.
- The public education system in Kosovo, including all schools and institutes of tertiary education, should be fully integrated. There should be no ‘ethnic’ schools or universities. Provision of education in all the languages of Kosovo should be guaranteed in law and in practice. All languages, religions and cultures should be taught. There should be a common curriculum across Kosovo, particularly in the teaching of history, in different languages where necessary.”

Final status of Kosovo may have a destabilizing effect in Southern Serbia and neighbouring areas (October 2007)

- The developments in Kosovo are likely to have a direct impact on the situation in the whole region, in particular in Presevo Valley in Southern Serbia
- The majority of the population in Presevo Valley is Albanian
- Further to the Ahtisaari plan, many Kosovo Albanian politicians accepted the idea that following Kosovo’s independence the valley would remain in Serbia
- However, in case partition of Kosovo, the Presevo Valley could become a negotiating element
- Unification of Presevo to Kosovo would compensate for the loss of Northern Kosovo
- The risk of displacement following a unilateral declaration of independence by Kosovo and possible conflict will increase if Kosovo receives no international support
- NATO increases control in north Kosovo to prevent incidents

ICG, Europe Report No. 186, 16 October 2007, p.i:

“Southern Serbia’s Albanian-majority Presevo Valley is one of the rare conflict resolution success stories in the former Yugoslavia. Outwardly, it is increasingly normal, with no major incidents in over three years. Yet, tensions linger: massive unemployment is still the single largest problem but the shadow of Kosovo’s future status darkens the political landscape. How Kosovo’s final status is determined in the next months will have a profound impact. If formal partition or large-scale violence accompanies independence, the peace could unravel; in a worst case scenario, ethnic cleansing in southern Serbia would be accompanied by significant, cross-boundary, two-way refugee flows.”

p.10:

“The southern Serbia question involves more than the fate of three small municipalities. There is a potential for wider regional instability stemming from events in and around Presevo. Spillover from the southern Serbia conflict was a key factor in the outbreak of the 2001 crisis in Macedonia and again in the brief September 2003 clash in the northern Macedonian town of Vaksince.[] In 2001 the then UN Special Envoy for the Balkans, Carl Bildt, warned that any escalation of fighting

in the valley could lead to renewed ethnic cleansing of non-Albanians from Kosovo and drag in the ethnic Albanian regions of northern Macedonia[]...

...After the Kosovo Assembly members unanimously adopted the Ahtisaari plan on 5 April 2007,[] many Kosovo Albanian politicians tended to agree that the valley would have to remain in Serbia. Yet, many of them see it as a chess piece in the larger game. If formal partition occurs, Presevo could become a national cause for Kosovo Albanians. Their parties would likely then compete with each other to champion compensation for the loss, while Presevo Albanian politicians would likely respond by asserting unification with Kosovo[]."

For more on Ahtisaari plan, see "Comprehensive proposal for Kosovo status settlement and displacement-related issues" also in this section.

p.12:

"Should there be a formal partition of Kosovo following a declaration of independence, or if the small Albanian communities in north Mitrovica and the three Kosovo municipalities above it are expelled, it is possible Kosovo Albanians may try to drive inhabitants of the Serbian enclaves south of the Ibar out of Kosovo. In February 2007 the influential Serbian Academy of Arts and Sciences released a book entitled *Kosovo and Metohija: Past, Present and Future*.[] It contains a large article with maps discussing partition and desired population flows, including the movement of the Serb enclaves' inhabitants to the Presevo Valley.[] A senior figure close to Premier Kostunica told Crisis Group "a humanitarian exchange of populations" was desirable.[] Very few Kosovo Serbs would wish to move to Presevo but such an artificially directed movement would face the valley's Albanians with a new, radicalised and far larger Serb population."

ICG, Europe Report No. 185, 21 August 2007, p.i:

"The preferred strategy of the European Union (EU) and the U.S. to bring Kosovo to supervised independence through the United Nations Security Council has failed, following Russia's declared intention to veto. With Kosovo Albanians increasingly restive and likely soon to declare unilateral independence in the absence of a credible alternative, Europe risks a new bloody and destabilizing conflict. To avoid chaos on its doorstep, the EU and its member states must now accept the primary responsibility for bringing Kosovo to supervised independence.

The risks to Europe of inaction are substantial. Before the end of the year, Kosovo Albanian leaders will be under what is likely to be irresistible internal pressure to declare independence, with or without external support. If they act and are not supported, Kosovo would fracture: Serbia reclaiming the land pocket north of the Ibar River, Serbs elsewhere in Kosovo fleeing, and eight years of internationally guided institution-building lost. The implosion would destabilise neighbouring countries, increasing pressure for further fractures along ethnic lines. The EU would quickly experience refugee flows and feel the impact of the boost that disorder would give to organised crime networks in the Balkans that already distribute most of Europe's heroin, facilitate illegal migration and are responsible for nearly 30 per cent of women victims of the sex trade worldwide."

BIRN, 19 November 2007:

"NATO and the UN police in Kosovo are reportedly planning to tighten their control over the predominantly-Serb north, if Kosovo declares its independence after talks on its future end next month.

The action would be aimed at preventing Serb-run areas from joining Serbia, in case Kosovo's ethnic Albanian-dominated parliament proclaims independence, once the current phase of talks on the UN-administered territory's status are concluded on December 10, an international diplomat told Balkan Insight on Monday.

The UN police and the NATO-led KFOR peacekeepers "are planning to take over Serb-run Kosovo police stations" in the ethnically-divided city of Mitrovica, the neighbouring municipality of

Zvecan and the towns of Zubin Potok and Leposavic, the Belgrade-based diplomat said on condition of anonymity.

"KFOR will also gradually seal the border between Kosovo's north and Serbia. After completing that action, KFOR will mount a series of raids aimed at discovering weapons caches in Serb communities and at arresting potential troublemakers," the source said.

Referring to the planned moves, the diplomat said that that "through this action, KFOR will also send a message to Serbia's leadership to stay out of meddling in Kosovo's affairs."

According to the diplomatic source, UNMIK and KFOR believe that "the pacification of northern Kosovo will also serve as a warning to Serbia not to try to flex its muscles" in its southern, predominantly-ethnic Albanian municipalities along the boundary with Macedonia and Kosovo.

[...]

The volatile region comprising the municipalities of Presevo, Bujanovac and Medvedja is still recovering from a year-long ethnic-Albanian insurgency that ended in 2001 with a NATO-brokered peace deal that secured the rebels' disarmament and their integration into society.

The situation in Serbia's south remains, at times, tense, marked by occasional flare-ups in violence.

Dragan Sutanovac, Serbia's Defence Minister, recently pledged swift action in case of a spill-over of potential violence from Kosovo or from Macedonia where police and armed ethnic Albanians clashed earlier this month."

Reactions to the Ahtisaari plan of status settlement (2007)

- Approximately 96% of Kosovo Albanians opt for independence while 77% of Kosovo Serbs opt for Kosovo being an autonomous province within Serbia
- Approximately 68% of other minorities support independence within present borders
- Some 50% of K-Albanians and other minorities are favourable to the Ahtisaari plan (57 and 47% respectively) whereas the majority of K-Serbs have a negative attitude to this proposal, to an extent due to influence by Belgrade
- In case of the approval of the Ahtisaari plan by the UN SC, 12% of K-Serbs said they would leave Kosovo
- Further extension of negotiations over the status of Kosovo might begin a new period of uncertainty and aggravate interethnic relations
- Following the resolution of Kosovo's final status mass migration among K-Serbs may occur as a sign of protest, most probably orchestrated by extreme opponents of the status resolution based in Belgrade

UNDP, April-June 2007, pp.18-19:

"Approximately 89% of total respondents⁵ (Table 1.3) indicated that independence for Kosovo would be the best option for Kosovo's political status. As in March 2007, some 5% of respondents indicated that an autonomous province within Serbia would be the best solution and approximately 3% said that unification with Albania would be the best solution. Looking at the responses by ethnicity, 96% of K-Albanians consider independence as the best choice for Kosovo. Approximately 77% of K-Serbs consider the status of an autonomous province within Serbia to be the best option which is a decrease of some 12 % compared to March 2007. The majority (68%) of other minorities have indicated that the best option for the future of Kosovo would be its independence within present borders, which also represents a decrease of some 12 percentage points compared to March 2007.

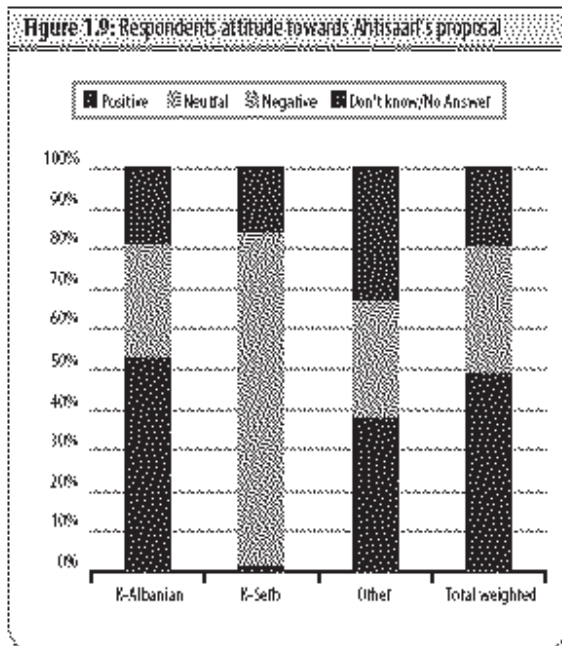
Table 1.1: Best solutions for Kosovo based on Ethnicity

Which solution do you think is the best for the future political status of Kosovo?	K-Albanian	K-Serb	Other
In dependence of Kosovo within present borders	95.3%	1.0%	68.0%
Partition of Kosovo	0.1%	0.5%	0.2%
Same as now (International protectorate)	0.1%	5.9%	11%
Unification with Albania	3.5%		0.6%
Confederate state within Serbia, such as Montenegro	0.2%	0.5%	0.6%
Autonomous province within Serbia		76.8%	1.1%
Don't Know	0.3%	4.4%	14.0%
No Answer	0.3%	9.9%	4.4%
Total (%)	100%	100%	100%

Respondent's attitude towards Ahtisaari's proposal

"While in March 2007 some 57% of K-Albanian respondents and 47% of respondents from other minorities (except K-Serb) respondents stated that they have a positive attitude towards Ahtisaari's proposal, in the June 2007 just 49% of K-Albanians and 37% other non-Serb respondents reported having a positive attitude towards the proposal. The strongest support for Ahtisaari's proposal among K-Albanians comes from the Prizren/Prizren region, where 77% of respondents view the proposal positively, whereas the least support for the proposal comes from Mitrovicë/Mitrovica where some 59% of K-Albanians do not support or strongly oppose this movement.

The majority of K-Serb respondent's (41%) have a "negative" attitude towards Ahtisaari's proposal, with another 52% stating to have a "very negative" attitude towards the plan, the remainder are unsure of their stance towards the proposal. The attitude of K-Serbs towards the plan has thus become more negative since March 2007, when some 82% of K-Serbs had a negative attitude with respondents from Mitrovicë/Mitrovica having the worst attitude towards the plan. Some 16% of K-Serb respondents stated that they cannot assess the plan, which represents an increase of some seven percentage points compared to March 2007 in this regard (Figure 1.9)."



Reaction scenarios to decisions on Ahtisaari's proposal

p.21:

"For the majority of survey respondents, the eventual approval of Ahtisaari's proposal by the United Nations Security Council (UNSC) would be considered a positive event, worth celebrating. Some 53% of K-Albanians said they would celebrate the approval of Ahtisaari's proposal, and the rest stated that they would not do anything, or didn't know how they would react. Most K-Serbs stated that they are unsure of their reaction or they would not do anything, whereas some 17% declared that they would protest peacefully and another 12% said they would leave Kosovo if Ahtisaari's proposal is approved by the UNSC."

Possible alarming scenarios

p.25:

"With the further extension of negotiations over the status of Kosovo, a new period of uncertainty might begin. According to experts this may aggravate interethnic relations and negatively affect stability in Mitrovicë/Mitrovica region and other areas of Kosovo that are affected by the Ahtisaari proposal and have been identified as possible hot-spots."

p.43:

"Expert group participants have identified the potential massive migration of the K-Serb population after Kosovo's final status has been determined as an alarming scenario. Although opinion poll results show that only some 10% have declared that they may leave Kosovo if it becomes independent, Experts consider that mass migration among K-Serbs may occur as a sign of protest, most probably orchestrated by extreme opponents of the status resolution based in Belgrade."

UN SC, 9 March 2007, paragraph 7:

"To a large extent, reaction by Kosovo Serbs to the status proposal depends on the reaction of Belgrade. The political leadership of the three Kosovo Serb municipalities in the north of Kosovo continued to boycott most contacts with Prishtinë/Priština. After cutting off political links, they are

now fully dependant on Serbian state financial support, with minor exceptions for Kosovo Albanian staff and projects, funded by the Provisional Institutions."

For other reactions and possible scenarios following the resolution of Kosovo's final status, see "Final status of Kosovo may have a destabilizing effect in Southern Serbia and neighbouring areas" in this section as well as "Unresolved status of Kosovo a cause of security incidents" in Physical Security & Freedom of Movement section of the profile.

Failure of negotiations over final status of Kosovo may lead Kosovo Albanians to declare unilateral independence (2007)

- Lack of consensus on Kosovo's internationally supervised independence is likely to have serious consequences
- On the one hand, it may directly trigger violence and, on the other hand, the lack of solution leaves no room for economic development
- The developments which have followed Ahtisaari Proposal have brought no constructive results in securing a deal on final status
- Both Serbs and Albanians pledged to the mediators to refrain from violence, threats or intimidation
- It almost certain the ethnic Albanian majority in breakaway Kosovo will go ahead with plans to declare independence early next year
- As the outbreak of violence cannot be excluded, NATO nations pledged troops to put it down if necessary

The resolution of Kosovo status different from the one proposed by Ahtisaari or the lack of final status settlement would have diverse effects, including on neighbouring regions (see also Final status of Kosovo may have a destabilizing effect in Southern Serbia and neighbouring areas in the same section)

ICG, 14 May 2007, p.1:

"The alternative is bleak. Forcing Kosovo Albanians back into a constitutional relationship with Serbia would reignite violence. Belgrade has offered little beyond proposing that Kosovo remain an integral part of the Serbian state. It has done nothing over the past eight years to try to integrate Kosovo Albanians or to offer them meaningful and concrete autonomy arrangements. Instead it has tried to establish the basis for an ethnic division of Kosovo and partition along the Ibar River, which runs through the northern city of Mitrovica. It has done so by trying to delay the adoption of a Security Council resolution in the expectation that this would trigger a Kosovo Albanian overreaction, including violence, and so create the conditions for such partition. Partition, however, would not only destroy the prospect of multi-ethnicity in Kosovo but also destabilise neighbouring states."

RFE/RL, 23 July 2007:

"RFE/RL: On the ground in Kosovo, do you think that patience is running a little thin?"

Moore: It certainly is. This is one reason why Kai Eide and Ahtisaari made the recommendation that it's time to move forward. This doesn't have only to do with fulfilling nationalist aspirations, but until they have a clear future, a clear status set down, there's no legal framework, there's no framework for people to know what to do about investments -- and until you get the economy working a little better than it is now, or a lot better than it is now, including through investments from Albanians living and working in Switzerland, Germany, and the United States, you're going

to have this high unemployment rate, particularly among young males, and that's a recipe for disaster anywhere."

See also "[Top UN Envoy in Kosovo says clarity on status is vital for future stability](#)" of 15 November 2007.

Ahtisaari plan was approved by Kosovo political institutions, disputed by Serbian authorities. At the international level, it was presented to the UN Security Council which failed to approve the text mainly due to Russia's opposition. Further to this a series of multilateral negotiations - led by the Contact Group - followed and were due to report to the Security Council on the 10th December. The Contact Group announced on 28 November 2007 that negotiations had not succeeded. The new Kosovo Prime Minister, Hashim Thaci, whose party won the November 2007 elections, announced he was willing to declare independence of Kosovo should negotiations failed.

UN SC, 29 June 2007, paragraphs 2-5 and 33:

"Martti Ahtisaari, submitted a draft comprehensive proposal for the Kosovo status settlement to the political leaderships in Belgrade and Prishtinë/Priština. My Special Envoy and his team then held further, intensive consultations with Belgrade and Prishtinë/Priština from 21 February to 2 March. A meeting of the Serbian and Kosovo leaders was held on 10 March in Vienna to discuss the settlement proposal, at which the parties were unable to make any additional progress. Following this meeting, my Special Envoy presented me with his report on Kosovo's future status (S/2007/168), containing his recommendation of independence for Kosovo supervised initially by the international community, and his settlement proposal (S/2007/168/Add.1). On 26 March, I conveyed both his future status report and his settlement proposal to the Security Council, with my full support.

Following my Special Envoy's briefing to the Security Council on his future status report and settlement proposal on 3 April, the Council undertook a mission to Kosovo and Belgrade from 25 to 28 April. The objective of the mission was to gain first-hand information on progress made in Kosovo since the adoption of resolution 1244 (1999). The Council met with the leaders of Serbia and of Kosovo's Provisional Institutions of Self-Government, with representatives of Kosovo's ethnic minority communities and with my Special Representative, Joachim Rucker, and UNMIK staff. A comprehensive and balanced programme enabled the Security Council to further its understanding of the political, social and economic situation in Kosovo, as reflected in the report of the mission (S/2007/256).

The future status of Kosovo continued to be the main political issue for Kosovo's political establishment and for representatives of all of its communities throughout the reporting period. Expectations remained high among Kosovo Albanians that Kosovo would become independent in the near future. The Kosovo unity team, which represents Kosovo Albanian political parties from both the Government and the opposition, continued its work in three priority areas. It participated in the negotiations held in Vienna with the Belgrade negotiating team; it continued its outreach activities to all of Kosovo's communities to explain the settlement proposal; and it undertook efforts aimed at garnering international support for Kosovo's independence.

On 5 April, the Assembly of Kosovo met in an extraordinary session and approved a declaration in support of my Special Envoy's future status report and settlement proposal. No Kosovo Serb member of the Assembly was present at the session. The declaration welcomed the report's recommendation on status, stating that it represented "a fair and balanced solution in accordance with the will of the people of Kosovo". The Assembly also committed itself to full implementation of the settlement proposal, adding that, if endorsed by the Security Council, it would be considered "legally binding" for Kosovo. Assembly members also welcomed, and pledged

cooperation with, the future international civilian and security presences envisaged in the settlement proposal. On 14 April, unity team members signed a "declaration" in which they agreed to remain united during the 120-day transition period envisaged in the settlement proposal.

While Kosovo's overall progress is encouraging, if its future status remains undefined there is a real risk that the progress achieved by the United Nations and the Provisional Institutions in Kosovo can begin to unravel. Sustaining and consolidating the progress made by Kosovo will require concrete prospects for the conclusion of the future status process and the active and constructive cooperation of all involved."

ICG, 21 August 2007, p.1:

"The preferred strategy of the European Union (EU) and the U.S. to bring Kosovo to supervised independence through the United Nations Security Council has failed, following Russia's declared intention to veto. With Kosovo Albanians increasingly restive and likely soon to declare unilateral independence in the absence of a credible alternative, Europe risks a new bloody and destabilizing conflict. To avoid chaos on its doorstep, the EU and its member states must now accept the primary responsibility for bringing Kosovo to supervised independence."

pp.1-2:

"UN Secretary-General Ban Ki-moon has requested that the Contact Group report back to him on the Belgrade-Pristina talks in four months, by 10 December. This is the point at which, assuming, as seems overwhelmingly likely, that no agreed solution emerges from those talks, the EU, U.S. and NATO need to be ready to start coordinated action with the Kosovo government to implement the essence of the Ahtisaari plan, including the 120-day transition period it envisages. That transition period should be used to accumulate statements of recognition of the conditionally independent state from as many governments as possible; to adopt and set in place the state-forming legislation and related institutions foreseen by the Ahtisaari plan; for the Kosovo government (the present one or, depending on the date of elections, its successor) to invite the EU and NATO to take up their responsibilities and for those organisations to do so; and for the UN Interim Administration Mission in Kosovo (UNMIK) to withdraw in an orderly fashion. At the end of this period – in April/May 2008 – Kosovo would be conditionally independent, under EU and NATO supervision."

UN, 7 December 2007:

"Secretary-General Ban Ki-moon has received the report of the 'Contact Group' of countries working to address the status of Kosovo, the Serbian province which has been run by the United Nations since 1999.

A spokesperson for Mr. Ban said the Secretary-General would transmit the report to the Security Council on Sunday.

The Contact Group, comprised of France, Germany, Italy, Russia, the United Kingdom and the United States, had promised to report by 10 December on the progress of negotiations between Pristina and Belgrade.

The Group's report is expected to cover talks led by the so-called Troika of the European Union, Russia and the US, which began after a stalemate emerged over a proposal by Mr. Ban's Special Envoy, Martti Ahtisaari, for a phased process of independence for the province, where ethnic Albanians outnumber Serbs and others by nine to one.

Kosovo's Albanian leadership supports independence but Serbia is opposed."

However, the negotiations brought no desired result and no deal on the final status of Kosovo was secured

Reuters, 7 December 2007:

"Mediators on Kosovo's future dumped the problem on a divided international community on Friday, saying that rigid positions on sovereignty over the Serbian province had foiled agreement in four months of talks.

Their report to U.N. Secretary-General Ban Ki-moon made no recommendations on a way forward, making it almost certain the ethnic Albanian majority in breakaway Kosovo will go ahead with plans to declare independence early next year.

Key Western countries are expected to accept that move, but it is vigorously opposed by Serbia and by its ally Russia, which holds a veto in the Security Council. The council will discuss the mediators' report on Dec. 19.

In their report, made available to Reuters by diplomats, the so-called "troika" of mediators from the United States, Russia and the European Union said the talks between the Kosovo Albanians and Serbia's government had been useful. Both sides had pledged to refrain from violence, threats or intimidation."

See also ["Kosovo report says sides didn't cede on sovereignty"](#) and ["NATO nations pledge tough force for Kosovo"](#)

Increasing role of the EU in Kosovo (2007)

- The 2004 Kosovo Standards Implementation Plan has been replaced by the European Partnership Action Plan, approved by the Government in 2006
- All 109 standard goals, updated and revised, have been incorporated into the Action Plan and will be preserved and promoted beyond the life of UNMIK
- The European Partnership Action Plan has thus become the main guiding tool for Kosovo's European integration process
- Kosovo's independence as foreseen by the Ahtisaari plan fits within the EU's project for the Western Balkans
- Kosovo is and will remain until resolved a European issue and problem
- The EU is the largest donor in Kosovo and plans to assume a significant role in the post-status Kosovo civilian mission

UN SC, 9 March 2007, paragraph 10:

"During the reporting period, the Government has continued to make progress on standards implementation. The basic reference document on standards implementation, the 2004 Kosovo Standards Implementation Plan, has been replaced by the European Partnership Action Plan, approved by the Government in August 2006. The 109 standards goals contained in the original Implementation Plan are all incorporated into the Action Plan, but the actions agreed in 2004 have been updated and revised to reflect current challenges and to respond to both the standards goals and the European partnership priorities. As a result, the Agency for European Integration is now the main coordination mechanism within the Provisional Institutions on standards, and the European Partnership Action Plan is the main guiding tool for Kosovo's European integration process. It is expected that the European integration process will remain a Kosovo Government priority for the foreseeable future, which will ensure that the principles underlying the standards programme will be preserved and promoted beyond the life of UNMIK."

UN SC, 29 June 2007, paragraph 18:

"Work on standards implementation continued to progress within the framework of the European Partnership Action Plan. A technical assessment on progress in the implementation of the standards for Kosovo, prepared by my Special Representative, is contained in the annex to the present report. Standards implementation continues to strengthen Kosovo's institutions and helps to improve the delivery of public services to the people of Kosovo. It is particularly important that the principles underlying the standards have been incorporated into the Action Plan. Fulfilling the requirements of the Action Plan remains a priority for the Kosovo institutions."

In terms of provisions related to internal displacement, [Kosovo Action Plan for the Implementation of European Partnership 2006](#) foresees, inter alia, creating a climate for inter-ethnic tolerance and sustainable multi-ethnicity which is conducive to returns (European Partnership Priority No 4), enabling internally displaced persons and refugees to participate in elections even if their ability to return to Kosovo is curtailed (EPP No13) or regularising informal settlements and finding sustainable repatriation solutions for the integration of Roma minority communities that are living in hazardous living conditions in camps and for IDP groups living in informal centres (EPP No31).

ICG, 14 May 2007, p.1:

"The Ahtisaari plan is a compromise that offers Kosovo Albanians the prospect of independence, Kosovo Serbs extensive rights, security and privileged relations with Serbia, and Serbia the chance to put the past behind it once and for all and realise its European future. It is the best recipe for the creation of a multi-ethnic, democratic and decentralised society and fits within the European Union's multi-ethnic project for the Western Balkans, which ultimately offers the prospect of accession. The EU is already the largest donor in Kosovo and plans to assume the lion's share of responsibility for the post-status Kosovo civilian mission. Ultimately, Kosovo is, and will remain until resolved, a European problem."

ICG, 21 August 2007, p.1:

"The preferred strategy of the European Union (EU) and the U.S. to bring Kosovo to supervised independence through the United Nations Security Council has failed, following Russia's declared intention to veto. With Kosovo Albanians increasingly restive and likely soon to declare unilateral independence in the absence of a credible alternative, Europe risks a new bloody and destabilising conflict. To avoid chaos on its doorstep, the EU and its member states must now accept the primary responsibility for bringing Kosovo to supervised independence."

On the EU's need for engagement in the resolution of the stalemate and supervision of the situation following possible unilateral declaration of independence by Kosovo see "[L'Europe n'a plus d'autre choix que l'indépendance du Kosovo](#)" and on Europe's ambiguous policy towards Serbia see "[Serbia: 'Double Trouble'](#)."

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

USCR, 1999, p. 247:

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."

OSCE 1999, "Executive Summary":

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, chapter 14:

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."

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

USCR, 2000, pp. 289-290:

"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."

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

OSCE 1999, Part II, Executive Summary:

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/Mitrovica 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 (TMK). 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 TMK 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."

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

UN OCHA, 11 April 2001, sect. 2:

"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 CHR, 22 March 2001, para. 22:

"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 SC, 15 December 2000, paras. 21-22:

"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."

USAID, 30 September 2001:

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."

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 been 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)

U.S. DOS, February 2001, Kosovo, sect. 5:

"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."

UN SC, 18 September 2000, para. 34:

"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."

OSCE, 25 September 2000:

"[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."

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

UNHCR/OSCE, May 2002, paras. 228-230:

"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."

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

USCR, 2002, p. 258:

"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."

COE, 16 October 2002, para. 216:

"Presently, there is a tendency in the host states to make Kosovans 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."

HIWG, 1 September 2000, para. 23:

"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."

COE, 23 April 2001, para. 19:

"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."

UNHCR/OSCE, May 2002, paras. 166-167:

"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.]

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

UNHCR/OSCE, May 2002, paras. 207-209:

"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/Peë 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/Peë 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/Peë 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, para. 217:

"[...] 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, paras. 218-220:

"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."

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

UNHCR, 1 June 2004:

"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/Caglavice, 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 Mitrovica/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 Mitrovica/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, 13 August 2004, par. 2-4, 7-8:

“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.12-13:

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.”

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

UNHCR, 15 September 2004:

“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."

SG, 23 May 2005, par.41:

"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."

UNHCR/OSCE, May 2002, para. 5:

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. "

See also:

envelope on protection concerns in Southern Serbia (protection section) [Internal link]

envelope on figures on movements for displacement towards Serbia [Internal link]

UNHCR/OSCE, October 2001, para. 1-2:

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 Gillogoc/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, March 2001, para. 12:
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."

UN CHR, 29 January 2001, para. 116:

"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."

UNHCR/OSCE, October 2000, paras. 1-2:
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."

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.

UNHCR, 31 March 2005:

“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.”

Refugees International, 27 June 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."

UNHCR, 1 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, August 2004, par.6,9, 16-18:

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."

The ethnic minorities in Kosovo

The Serbian population in Kosovo: up to 300,000 persons by 1999

- Serbs have lived in Kosovo for centuries and, by 1999, it is estimated that there were up to 300,000 Serbs in the province

- Serbian population in Kosovo was divided between rural and urban areas
- They formed majority in some parts of Kosovo and made up approximately 25% of the population of Prishtine/Pristina
- 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
- According to KFOR estimates in September 1999 and to the Kosovo Serb National Council , about 100,000 Serbs remained in the province after the conflict in 1999

MRG, 6 July 2006, p.8:

“As stated above, Serbs have lived in Kosovo for centuries. Kosovo has a particular importance to Serbs because of the monasteries and the legends around the 1389 battle. The Patriarch of the Serbian Orthodox Church is the Archbishop of Peje/Pec, one of the major cities of Kosovo and the site of one of the main monasteries. Despite the years of secularism under communism, the Serb identity in Kosovo is still largely tied to the Serbian Orthodox Church.

Serbs, however, have long been a numerical minority in Kosovo. According to Serbian history, their minority status began with the flight of many Serbs after the Ottoman Empire reconquered the province in 1690. The province was conquered by Serbia in 1912 and attempts were made to ‘recolonize’ the province with Serbs; these largely failed. As increasing power was devolved to Kosovo’s (largely Albanian) authorities by Yugoslavia, Serbs complained about discrimination and some left the province. Milosevic’s rise to power brought a revocation of Kosovo’s autonomy and discrimination in favour of Serbs throughout the 1990s. By 1999, it is estimated that there were up to 300,000 Serbs in Kosovo. In some parts of Kosovo they formed the majority, including three municipalities in the north, the municipality of Strpce/Shterpce in the south and the town of Kosovo Polje/Fushe Kosove near Prishtine/Pristina in the centre. Many Serbs lived in the major towns and cities, forming approximately 25 per cent of the population of Prishtine/Pristina. Until the NATO bombing began they were clearly the dominant group in Kosovo.”

ESI, 7 June 2004:

“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.”

OSCE, 1999, Part IV, Chapter 19:

"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."

UNHCR/WFP, 5 February 2000, sect. 5:

Table 1 : Serb Population and Beneficiary Registration Data

Serbs	Pre-Conflict Population	Remaining Popn, Sep'99	No. of Beneficiaries	% Population remaining (based on

	(UNHCR)	(KFOR)	Registered, Oct 1999	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.

USCR, April 2000, pp. 2-3:

"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."

UNHCR/WFP, 5 February 2000, sect. 5:

"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)."

Roma, Ashkaelia and Egyptians in Kosovo (2006)

- The acronym RAE (Roma, Ashkaelia and Egyptians) comprises various groups with different linguistic and religious traditions and the clear division among these groups can be observed from the 1990s
- Roma speaking Albanian as their first language identified themselves as Ashkalia (sometimes spelt Ashkaelia) or Egyptians, the Egyptians trace back their ancestry to Egypt
- Those who consider themselves Roma in Kosovo today generally speak either Romany or Serbian as their first language
- The three groups have been recognized by UNMIK, for example with regard to representation under the electoral system
- In the 1991 Yugoslav census, the number of Roma in Kosovo was calculated at around 43-45,000 but many did not register as such
- By some accounts, up to 25,000 Roma were 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

MRG, 6 July 2006, pp.8-9:

“The Roma are believed to have entered the Balkans in the 13th century CE and have remained there ever since []. They were found across Kosovo, many becoming sedentary early on. Some adopted Islam, some became Orthodox Christians. Some (largely Muslims) adopted Albanian as a first language, some Serbo-Croatian, with others retaining Romany as a first language. However, as in the rest of Europe, all other communities generally treated the Roma with ‘social contempt’ []. At least 1,000 Roma from Kosovo were killed during the Second World War, as part of the Porajmos, the genocide of the Roma.

Roma, however, have often expressed loyalty to the post-Second World War Yugoslavia that they saw as giving them more freedom than ever before. The number identifying themselves as Roma increased from 11,000 post-war to 43,000 in the 1991 census. The latter is certainly a major underestimate, as Roma have often identified themselves officially as Albanian, Serb or Turk. With the mass dismissal of Albanians from state employment in Kosovo at the start of the 1990s, some of their positions were taken by Roma. Roma were used by Serb authorities during the ethnic cleansing in 1999 to bury the dead []. Among some Albanians, there was an image that Roma had been ‘collaborators’ with the Serb authorities.

From the 1990s onwards, there has been a clear division of the Roma into three self-identifying groups. Those who largely spoke Albanian as a first language identified themselves as Ashkalia (sometimes spelt Ashkaelia) or Egyptians. The Egyptians consider themselves a group whose ancestry is traced back to Egypt []. Both groups have a close affinity with Albanians, but have been largely rejected by Albanians []. Those who consider themselves Roma in Kosovo today, however, generally speak either Romany or Serbian as their first language.

After some disputes, the right to self-identification has been acknowledged and the three groups have been recognized by UNMIK, for example with regard to representation under the electoral system. Sometimes the term RAE is used to refer to all three groups together. All three groups can be said to be in the worst position in Kosovo, with the worst education, highest levels of discrimination in the workplace and almost certainly the highest unemployment rates. Within the three communities, the Roma are in the worst position of all.”

OSCE, 2000, chapter 20:

"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."

Population numbers

OSCE, 2000, chapter 20:

"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."

USCR, April 2000, pp. 2-3:

"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 past-war count or of the pre-war estimate."

Geographical distribution

UNHCR/WFP, 5 February 2000, sect. 6:

"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."

Other ethnic minorities in Kosovo (2006)

- In addition to the Kosovo Albanians, Kosovo Serbs and Roma, there are a number of other minority groups in Kosovo
- Some of these groups had the status of "national communities" in the FRY, others did not
- Ethnic identification in Kosovo has been closely related to religious affiliation
- In addition to ethnic minorities, there are also religious minorities, such as Roman Catholic Kosovo Albanians or Jews

Bosniaks or Muslim Slavs

MRG, 6 July 2006, p.9:

"Under the Ottoman Empire a large number of speakers of Slavic languages (predominantly the language known as Serbo-Croatian) adopted Islam. They formed a majority of the republic of Bosnia and Herzegovina, and of the Sandzak region of Serbia and Montenegro immediately to the north of Kosovo. The group was only recognized as a national identification in Yugoslavia in 1961, with a census category of 'Muslims in the ethnic sense'. During the Bosnian war in the 1990s, the term 'Bosniak' was adopted for this group, and the Bosnian language promoted as distinct from Serbian and Croatian.

The term 'Bosniak' was also largely adopted after 1999 by the Muslims in Kosovo whose first language was Bosnian. Bosniak has become the accepted term for those who were sometimes referred to as 'Slavic Muslims' and sometimes self-identifying as 'Torbesh'.[] They are particularly concerned to protect the Bosnian language as distinct from Serbian.[] The community is predominantly Muslim and numbered at least 35,000 in 1999.[] Bosniaks themselves state that their community in Kosovo numbered at least 100,000 in 1991 and is approximately 57,000 today.[]"

OSCE, 1999, chapter 21:

"This group (Muslim Slavs) 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] [...]."

Gorani

MRG, 6 July 2006, p.9:

"Also Muslim and Slav, but distinct from the Bosniaks, is the Gorani community based in the mountain region of Gora in the south-west, probably the most remote region in Kosovo. The Gora numbered approximately 12,000 in their home region in 1999, with smaller communities in the major cities of Kosovo. Their numbers are estimated at 6,000 today."

OSCE, 1999, chapter 21:

"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 (...). 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.[]"

Kosovo Turks

MRG, 6 July 2006, p.9:

"From the 1450s until 1912, Kosovo was ruled by the Ottoman Empire and the language of government was Turkish. Turkish was named as one of the official languages in Kosovo in the 1974 Constitution.

By 1999, the population of those identifying as Turkish had been reduced to somewhere between 12,000 and 50,000. The majority are in the Prizren region, with smaller communities elsewhere. Many Turks fled to Turkey to escape either the war or unemployment.[] The critical issue for them has largely been recognition and protection of their language."

OSCE, 1999, chapter 21:

"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),[] 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

MRG, 6 July 2006, p.9:

"There are two small communities of Croats in Kosovo, Janjevo (near Prishtine/Pristina) and Letnica (in the south). Religious identification as Catholic was very important to Croat identity and Letnica is a destination for pilgrimage."

OSCE, 1999, chapter 21:

"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."

Cerkezi or Circassians

MRG, 6 July 2006, p.10:

"In the 1860s, the Ottoman Empire settled thousands of Circassian (Cerkezi) refugees (from the Caucasus) in Kosovo and other parts of the Balkans. Many fled Kosovo when the Ottomans were driven out in 1912. By 1999 a few hundred remained in two villages in Kosovo, and have subsequently wished to keep themselves very quiet."

OSCE, 1999, chapter 21:

"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/Millosheve 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

OSCE, 1999, chapter 21:

"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."

Jews, Vlachs

MRG, 6 July 2006, p.10:

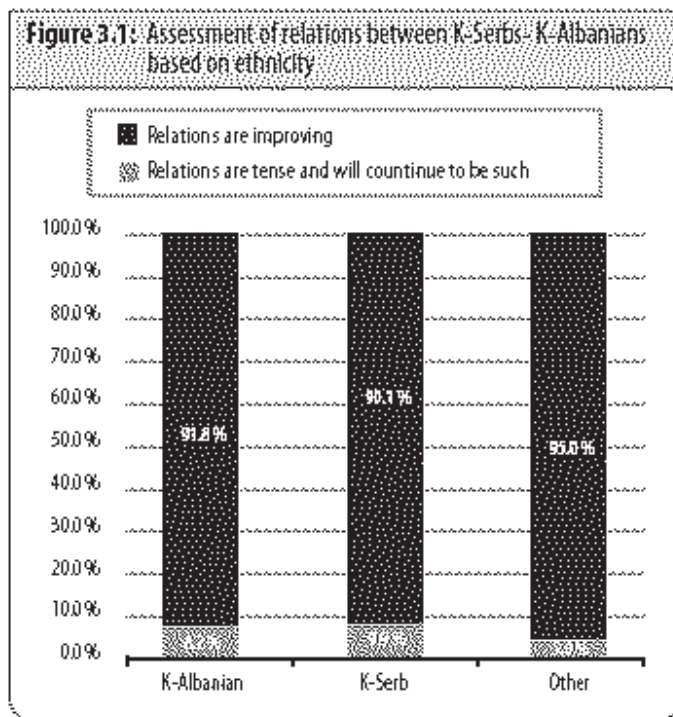
"The Jewish community of Kosovo numbered a few hundred in 1941. Half were transported to their deaths in the Holocaust and the majority of the rest left for Israel after 1945. The population today of Jews is minuscule.[] A vanished group in Kosovo are the Vlachs, an Orthodox people who once numbered in the thousands. However, since the Serbian conquest of 1912 they have been completely assimilated into the Serbs and no one in Kosovo today identifies themselves as Vlach."

Interethnic relations (2007)

- At the community level, there is a positive trend to be observed for all ethnicities, with no more than 10% of respondents declaring interethnic relations 'tense'
- Kosovo Serbs attribute the responsibility for tense interethnic relations to Kosovo Albanian leaders and their lack of efforts to integrate K-Serbs
- 55% of Kosovo Albanians hold Belgrade responsible for tense interethnic relations, with some citing also the lack of readiness of K-Serbs to integrate into Kosovo society

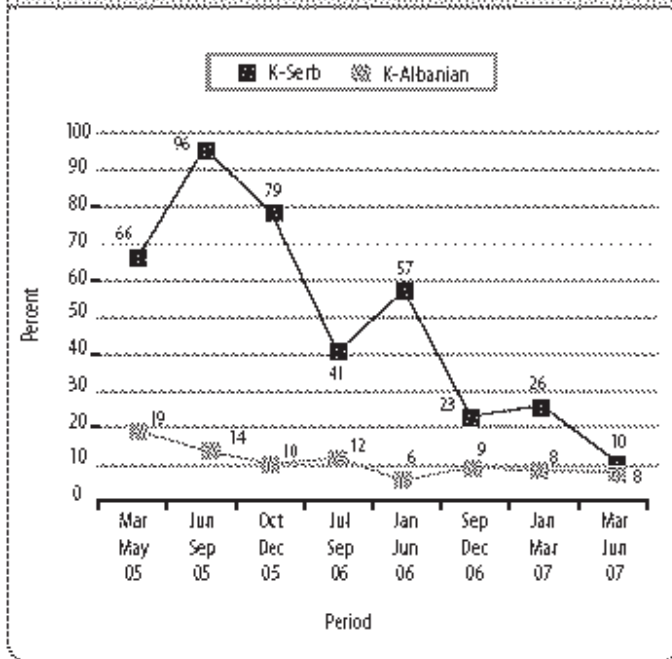
UNDP, 1 July 2007, pp.39-40:

“Asked about the interethnic relations between K-Serbs and K-Albanians at community level, there is an overall positive trend for all ethnicities. Only 10% of K-Serbs, 8 % of K-Albanians and 5 % of Other minorities think that “relations are tense and will continue to be such in future” while others think that there has been some improvements, considerable improvements or that relations are not tense. As compared to 2005 the percentage of K-Serbs who believe that relations are tense has dropped significantly and at present it is at the lowest level ever (10 percent) while the percentage of K-Albanians who believe relations are tense has stabilized and since December 2005 tends to fluctuate between 6% and 12% (see figure 3.1). On the other hand, Other communities have the most positive view of Serb-Albanian relations and at present only five percent think that these relations are tense.

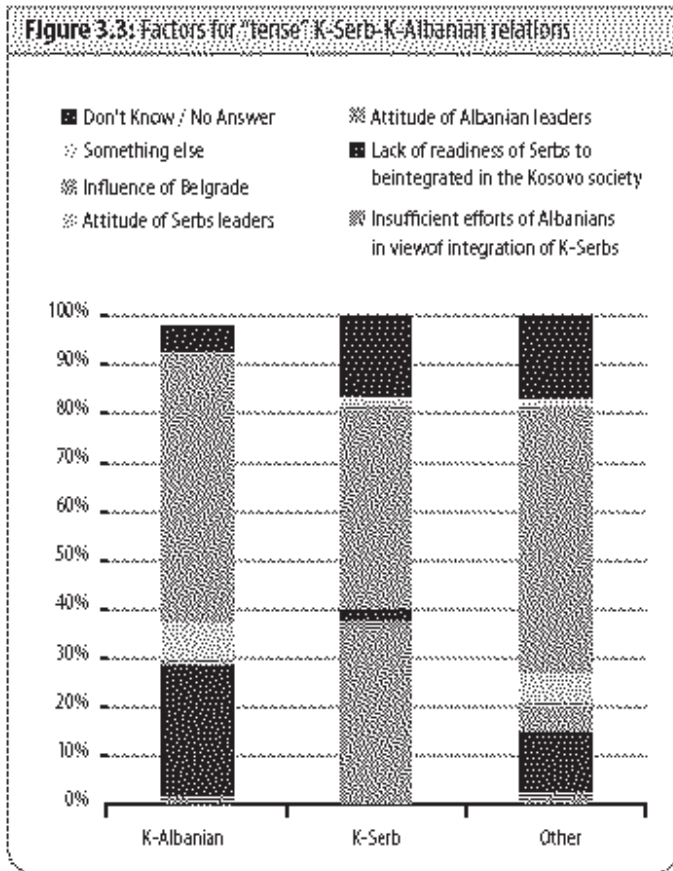


As can be seen in Figure 3.2, the trend of improvement (since September 2005) in the assessment of interethnic relations among K-Serbs continues after a short stagnation. In June 2007 some 9% of K-Serbs considered their relations with K-Albanians to be tense with no hope for improvement which represents a considerable decline of 17 percentage points compared to March 2007 (Figure 3.2). The vast majority of K-Albanians consider interethnic relations to be improving with only 8% of respondents stating that interethnic relations are tense without hope for improvements in the future.

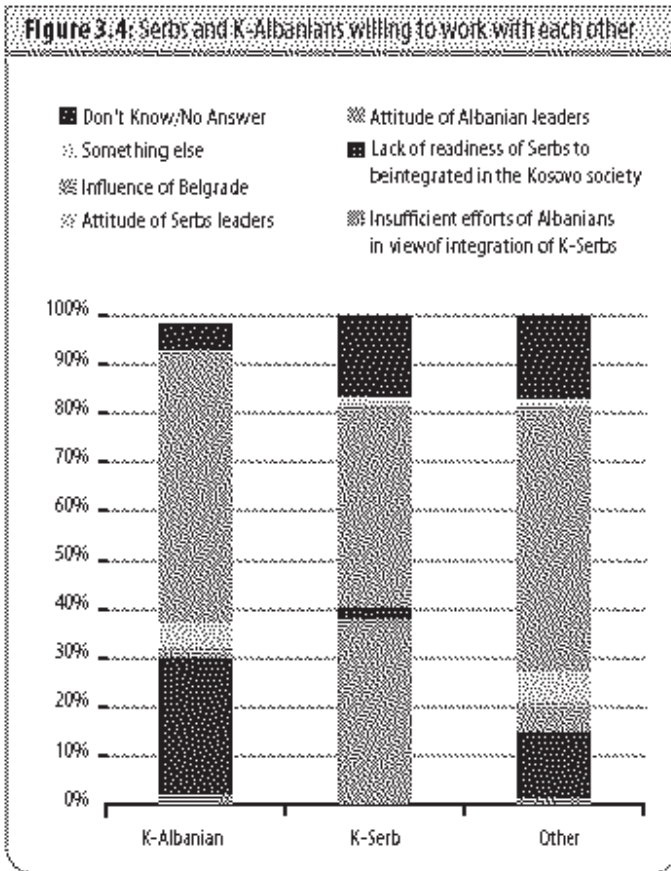
Figure 3.2: Trend of respondents considering that relations between K-Serbs and K-Albanians to be tense and not improving



When asked about the responsibility for tense interethnic relations, K-Serb respondents cite the attitude of K-Albanian leaders and the insufficient efforts of K-Albanians for the integration of K-Serbs as reasons for tense relations. The opposite opinion is held by K-Albanian and Other minorities on this question. Some 55% of K-Albanians and Other minorities hold Belgrade responsible for tense interethnic relations in Kosovo, and some 30% of K-Albanian and 15% of Other minority respondents believe that the lack of readiness of K-Serbs to be integrated into Kosovo society is the responsible factor for tense interethnic relations (see Figure 3.3).



The latest poll shows that the number of K-Serbs willing to work with K-Albanians has dropped to 50%, some 16 percentage points lower than in March 2007. Approximately 37% of K-Albanian respondents agree to work with K-Serbs which represents a slight decrease in this willingness compared to March 2007 poll.”



For more information, data and conclusions on inter-ethnic relations in Kosovo see chapter 3 in the UNDP report.

POPULATION FIGURES AND PROFILE

Overview

Available figures suggest that there are between 205,200 and 210,000 IDPs living in Serbia proper (as of December 2009) with an additional 20,000 unregistered Roma IDPs

- Figures of IDPs from Kosovo in Serbia vary between 205,211 (UNHCR) and 210,000 (Government of Serbia)
- Serbs form the predominant group among IDPs, followed by members of RAE communities
- The overall number of IDPs is on a slow decrease due to a very low pace of returns
- The official figure for IDPs does not take into account an estimated 20,000 displaced Roma who never registered as IDPs
- Among the registered IDPs are approximately 22,000 members of RAE communities, but estimates put the actual number of displaced RAE at as high as 40,000-50,000

UNHCR, December 2009: 205,211 internally displaced persons

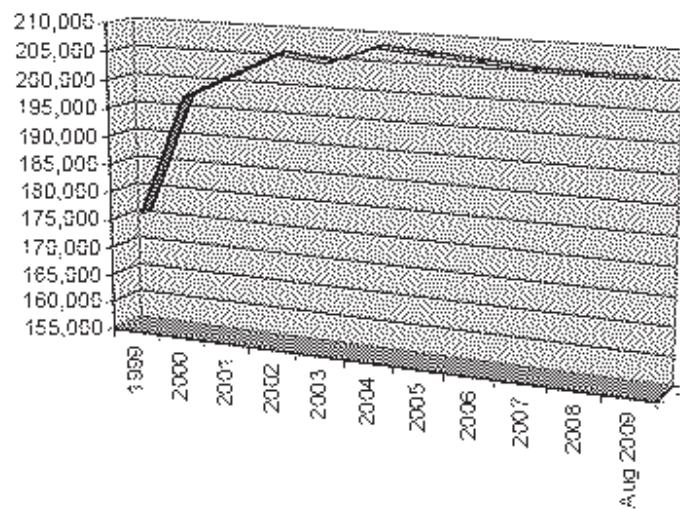
UNHCR Belgrade, August 2009:

Population of concern as of 1st August 2009

Refugees from Bosnia and Herzegovina	24,124
Refugees from Croatia	62,030
Mandate refugees and asylum seekers	182
Total number of Refugees in Serbia (excl. Kosovo)	86,336
IDPs from Kosovo in Serbia (excl. Kosovo)	205,835
Stateless (estimated)	17,000
Total (Refugees and IDPs)	309,171

IDPs from Kosovo in Serbia (excluding Kosovo) 1999-Current (end-year figures)

Year	No. of IDPs
1999	176,014
2000	197,500
2001	201,700
2002	206,000
2003	205,000
2004	208,135
2005	207,448
2006	206,859
2007	206,071
2008	205,842
Aug 2009	205,835



Serbia overview, december 2009 :

“According to the Serbian Commissariat for Refugees (SCR) there were around 210,000 IDPs from Kosovo in Serbia and a further 19,700 are displaced within Kosovo (Government of the Republic of Serbia, 23 July 2009; UNHCR, November 2009). [...]

Some organisations have estimated that the total number of Roma people in Serbia is between 40,000 and 45,000 (USDoS, February 2009), half of whom are not registered as IDPs. If this were so, the total number of Kosovo IDPs in Serbia would therefore be closer to 230,000.”

U.S. DoS, February 2009, (Kosovo):

"According to the UNHCR, 205,855 persons from Kosovo remained displaced in Serbia and 16,077 in Montenegro as a consequence of the 1998-99 conflict."

Balkaninsight, January 2009:

"According to data cited by the European Commission, there are some 206,000 former residents of Kosovo now living as displaced persons in Serbia. The majority of them are ethnic Serbs who fled after the 1999 NATO bombing that expelled Serb forces accused of ethnic cleansing while fighting an ethnic Albanian guerilla insurgency".

EC, November 2008, (Serbia 2008 progress report):

"According to UNHCR, there are around (...) 206,000 internally displaced persons (IDPs) in Serbia."

UNDP, Slobodan Cvejic, Marija Babovic, 2008:

"The first registration of internally displaced persons (IDPs) from Kosovo in Serbia was conducted in 2000. The two largest groups out of ten different ethnicities among 207,270 registered IDPs were Serbs (approximately 160,000) and Roma (22,409).

COE ECRI, December 2007, p. 17:

"The Serbian authorities have informed ECRI that there are approximately 207,000 internally displaced persons in Serbia who come from Kosovo. According to the authorities, 75% of internally displaced persons are Serbs, the rest being made up of 31 different ethnic or national groups, including 11% of Roma, Ashkalis and Egyptians, i.e. 23,000 people."

IDP figures are higher than official ones since many IDPs, particularly Roma, Egyptians and Askhali are not officially registered as IDPs.

Praxis, January 2009:

"According to official data, a total of 108,000 Roma live in the Republic of Serbia, even though some estimates suggest that that number is as high as 500,000. At the same time, there are 22,965 RAE officially registered as IDPs, even though it is assumed that that number is much higher, since many of them were unable to register their status upon leaving Kosovo due to lack of documents."

UNHCR, Realizing Roma Rights, 2008 :

"There are approximately 45,000 internally displaced persons (IDPs) of Roma nationality from Kosovo, while only about a half are officially registered as IDPs."

"The size of the Roma population is a subject of controversy. According to official figures (drawn from the last census conducted by the Republic of Serbia), the Roma population numbers approximately 108,000 persons; however, this is widely accepted to be a significant underestimate of its true size. The primary reasons for this lack of certainty are lack of documentation, unregistered housing and a general mistrust between the authorities and the Roma. Estimates of the true number of Roma vary; recent surveys have shown at least 270,000 Roma live in settlements across the country. However, a commonly quoted estimate is that up to 450 - 500,000 Roma live in Serbia. This very dispute over the exact number of Roma, and the significant deviation between the official and the widely accepted numbers, serves as a good example of the extent of marginalization and alienation of the Roma population in Serbia."

UNHCR, Roma Internally Displaced persons in Serbia - brief summary, July 2008, p. 1:

"A significant number of Roma fled from Kosovo during the 1999 conflict. Today there are 23,164 registered Roma Internally Displaced Persons from Kosovo residing in Serbia (IDPs). However, there are estimates that there are actually another 25,000 Roma IDPs that have not been able to register themselves due to a lack of documentation and are residing in Serbia without an IDP card or have migrated from displacement in Serbia to seek asylum in western European countries."

U.S. DoS, February 2009, (Serbia):

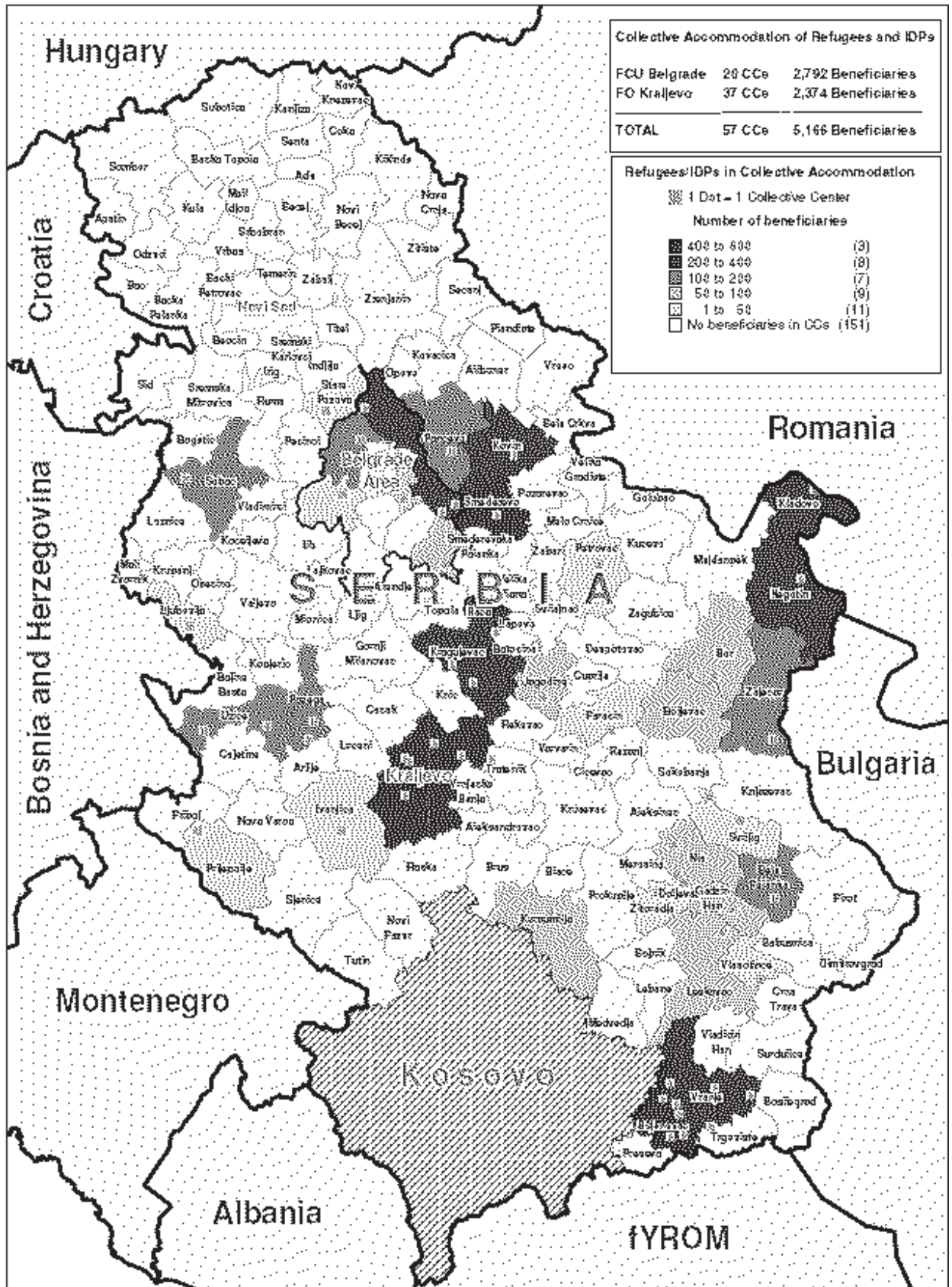
"According to UNHCR figures, approximately 205,842 IDPs resided in the country, mainly Serbs, Roma, Ashkali (an Albanian-speaking ethnic group considered by outsiders as similar to Roma but self-identifying as a separate group with cultural distinctions from Roma), Gorani, and Bosniaks (Slavic Muslims) who left Kosovo as a result of the 1998-99 conflict. (...) There were 22,104 officially registered Romani IDPs in the country. However, the UNHCR estimated that there were a total of 40,000 to 45,000 internally displaced Roma living in the country, many of whom presumably lacked personal documents necessary to register as IDPs. "

Some 4,000 IDPs still living in collective centres (2009)

U.S. DoS, February 2009, (Serbia):

Approximately 4,041 IDPs remained in 57 official collective centers and 998 in 31 unrecognized collective centers. Although the government continued to close collective centers, many IDPs remained in minimally habitable facilities that had been constructed as temporary accommodations rather than for long-term occupancy.

UNHCR, "Collective accomodation of Refugees and IDPs in Serbia (except Kosovo) as of 1 February 2009"



DRC, website accessed on 4 November 2009:

Out of the 300,000 refugees and IDPs in Serbia, approximately 205,940 are IDPs from Kosovo. The high majority of IDPs (97%) live in private accommodation and approximately 3% are still living in collective centres.

EC, November 2008 (Serbia), p.20:

"The number of centres has been reduced. However, some 2100 refugees and 5500 IDPs are still accommodated in 60 centres and 99 specialized institutions. The conditions in those centres are very poor. "

Government of Serbia, 30 October 2008:

Deputy Prime Minister Jovan Krkobabic [...] said that currently 6,311 people live in 75 collective centres, of which 17 are in Kosovo-Metohija. According to him, 40 centres provide three meals a day, seven centres provide only one meal, whereas 15 centres offer none.

UNHCR, 21 August 2008:

"[...]the Serbian Commissioner for Refugees (SCR) and UNHCR, who have been working with donors to close Serbia's remaining 60 collective centres housing some 6,000 refugees and internally displaced people (IDPs) - down from 26,000 in some 340 centres in January 2002.

[...] The SCR, in line with government policy, began five years ago the process of closing collective centres and moving the displaced into acceptable accommodation with the help of UNHCR and other international partners. UNHCR has since assisted in the closure, or conversion into homes for the elderly, of more than 280 collective centres and helped find durable solutions for thousands of refugees and IDPs. In a bid to reinvigorate the process, UNHCR and the SCR last October set up a special task force, which has identified 30 small collective centres for closure and proposed solutions with donor help for the people living there. The recent opening of the 20-apartment building in Vranje is part of this new drive. Despite the construction of hundreds of apartments to date and the launch of a range of assistance programmes for former collective centres residents, completion of the project is still some way off. One major reason is that a large proportion of residents in the remaining collective centres are extremely vulnerable and are not eligible for assistance programmes. They include the elderly and the chronically ill. "

UNDP, Slobodan Cvejic, Marija Babovic, 2008:

"Currently there are some 205,940 IDPs in Serbia, some 4,323 (2&) living in the remaining 59 collective centres."

Ombudsperson Institution, July 2008:

"Most of the displaced persons belonging to minority communities still live with family or friends in Serbia, while a small number of them, especially from the Roma community, continue residing in collective centres under disastrous living conditions."

Location of IDPs in Serbia (2009)

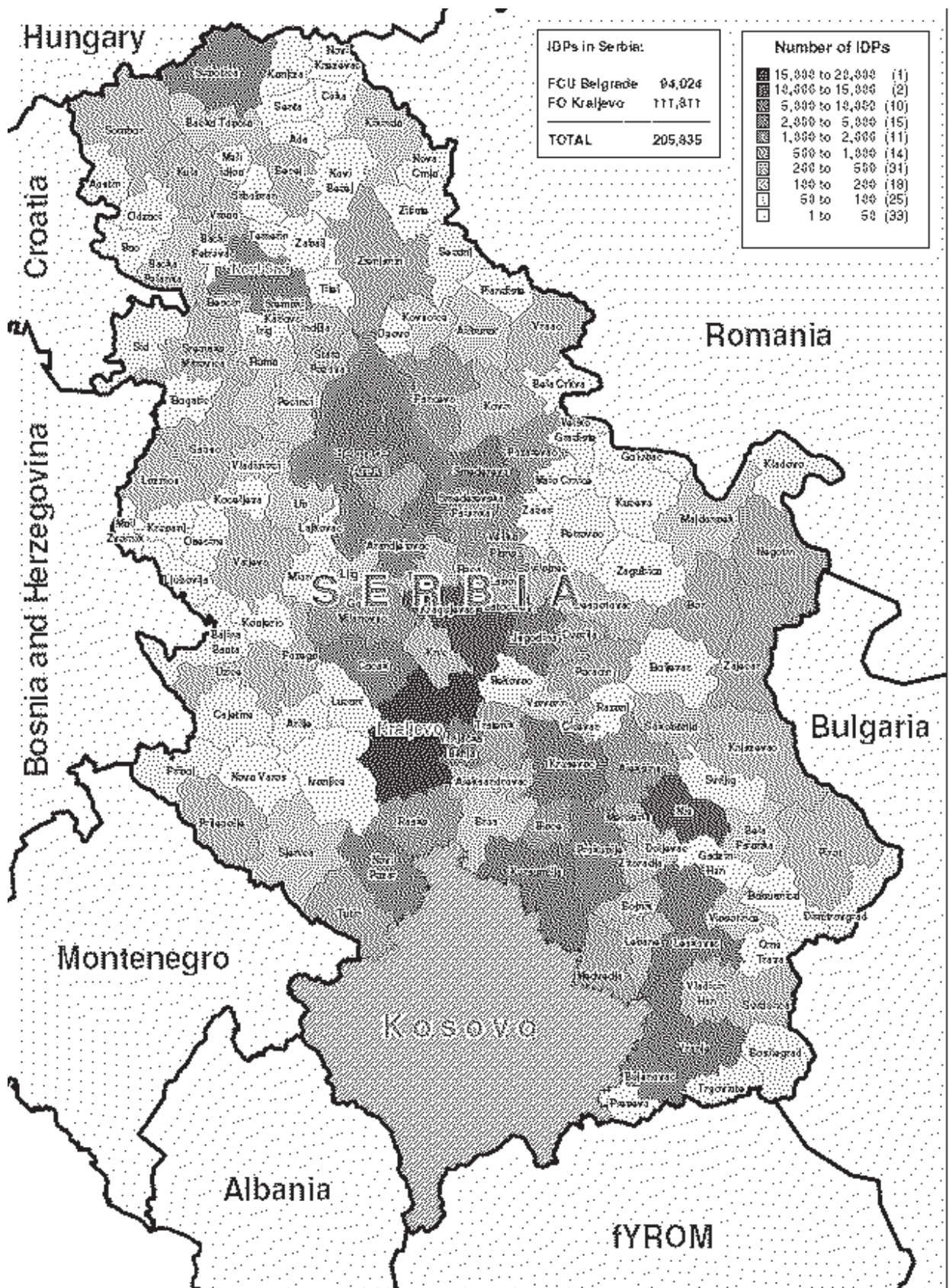
- According to UNHCR, the main concentrations of IDPs are in the Kraljevo and Belgrade areas, in south-east Serbia and in the northern cities of Novi Sad and Subotica
- According to Government figures, in the Belgrade area there are almost 60,000 IDPs

Government of Serbia, October 2009, (email communication):

According to the Government of Serbia, 12,252 IDPs are located in Vojvodina region, 59,534 in Belgrade and 138,360 in the other regions of Serbia.

S R B I J A U K U P N O	187129
VOJVODINA UKUPNO	10
UŽA SRBIJA UKUPNO	12
BEOGRAD UKUPNO	53

UNHCR, "IDPs in Serbia (except Kosovo) as of February 2009":



Location of Roma IDPs in Serbia

UNHCR, Roma internally displaced persons in Serbia- Brief summary, July 2008 , p. 3

"Roma IDPs families are much more concentrated in larger cities in Serbia. Differently from the other IDPs they have moved to the Serbian Province of Vojvodina in larger numbers. At the same time they have tried to find new opportunities in more developed environments such as Belgrade and the larger centres of Central and Southern Serbia, where they have more possibilities to perform their typical form of work with the collection of secondary raw materials. (...) There are 150 illegal/informal Roma settlements located in Belgrade and approximately 600 throughout Serbia. They host many of the Roma IDPs."

Background and Numbers (2009)

- According to UNHCR, 205, 935 persons are displaced in Serbia (as of August 2009), and 19,724 are displaced within Kosovo (as of October 2009)
- Most IDP in Serbia are ethnic Serbs from Kosovo who fled in 1999
- A large number of Roma were also displaced accused of collaborating with Serbs
- Figures have to be taken carefully since:
- The official figure for IDPs underestimates the number of displaced Roma who never registered as displaced
- The first registration of internally displaced persons (IDPs) from Kosovo in Serbia was conducted in 2000, since then the only update has been in the deregistration of returnees to Kosovo based on the data provided by UNHCR Pristina, with no reporting or analysis of IDP movement within Serbia

UNHCR Belgrade, August 2009:

Population of concern as of 1st August 2009

Refugees from Bosnia and Herzegovina	24,124
Refugees from Croatia	62,030
Mandate refugees and asylum seekers	182
Total number of Refugees in Serbia (excl. Kosovo)	86,336
IDPs from Kosovo in Serbia (excl. Kosovo)	205,835
Stateless (estimated)	17,000
Total (Refugees and IDPs)	309,171

UNHCR Statistical Overview, October 2009:

IDPs in Kosovo: 19,724

January 2009 (Source UNHCR):

IDPs in Serbia (incl. Kosovo): 225,879

September 2008 (Source UNHCR):

IDPs in Serbia: 205,861

IDPs in Kosovo: 20,218

July 2008 (Source UNHCR):

IDPs from Kosovo in Serbia (excl. Kosovo): 205,940

March 2008 (Source UNHCR):

IDPs in Serbia : 206,019

IDPs in Kosovo: 20,262

December 2007 (Source UNHCR):

IDPs in Serbia (excluding Kosovo): 206,071

July 2007 (Source UNHCR):

IDPs in Serbia: 206,500

IDPs in Kosovo: 21,000

COE, 2 July 2009, p. 26:

"Approximately 235,000 Serbs, Roma, and members of other minority communities fled Kosovo at the end of the July 1999 conflict. The majority fled to Serbia, while others went further afield in Europe. In 2004, another 4,200 persons, including Serbs, Roma and Ashkali were displaced. There are currently some 20,000 internally displaced persons (IDPs) in Kosovo, and according to Serbian government sources, 206,000 inhabitants of Kosovo are displaced in Serbia. "

Praxis, January 2009:

"According to official data, a total of 108,000 Roma live in the Republic of Serbia, even though some estimates suggest that that number is as high as 500,000. At the same time, there are 22,965 RAE officially registered as IDPs, even though it is assumed that that number is much higher, since many of them were unable to register their status upon leaving Kosovo due to lack of documents."

Ombudsperson Institution, July 2008:

"According to UNHCR's estimates, 245,353 displaced persons from the Serbian, Roma, Ashkali and Egyptian communities were displaced after the end of hostilities in 1999; 207,069 fled to Serbian, 16,284 went to Montenegro, and 22,000 remained in Kosovo. UNHCR's statistics show that only 18,114 displaced persons and refugees belonging to minority communities returned voluntarily to their place of origin in Kosovo between 2000 and the end of April 2008."

UNDP, 2008:

"The first registration of internally displaced persons (IDPs) from Kosovo in Serbia was conducted in 2000. The two largest groups out of ten different ethnicities among 207,270 registered IDPs were Serbs (approximately 160,000) and Roma (22,409). 5,318 IDPs (2,84%) out of these groups were accommodated in 90 collective centres throughout the country.

Since then, the only update has been in the deregistration of returnees to Kosovo based on the data provided by UNHCR Pristina, with no reporting or analysis of IDP movement within Serbia. Furthermore, hardly any of the records on vulnerable populations contained disaggregated data on IDPs. The prevailing perception was that IDPs were worse off than refugees, with their living

conditions rapidly deteriorating. However, neither reliable data nor measurable indicators existed to substantiate this assumption."

UN Commission on Human Rights, 9 January 2006:

"The events in Kosovo lead to massive displacement. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), a total of 848,100 ethnic Albanians fled or were expelled, including 444,600 to Albania, 244,500 to Macedonia and 69,900 to Montenegro after NATO troops started air attacks on 24 March 1999. The adoption of Security Council Resolution 1244 (1999) on 10 June 1999 ensued in the withdrawal of Yugoslav forces which was followed by the arrival of NATO Kosovo Force (KFOR). Large numbers of Kosovo Albanians returned spontaneously, causing in their wake a massive exodus of the ethnic minorities, particularly Serbs and different categories of persons of Roma origin, namely the Romany-speaking orthodox Roma, the Albanian-speaking Muslim Ashkali and Egyptians who claim to originate from Egypt. They left Kosovo for the other territories of the Republic of Serbia and the Republic of Montenegro. Smaller numbers left during the following years, bringing the total of IDPs up to 204,900 in the Republics of Serbia and of Montenegro; 30,000 were displaced inside Kosovo. According to UNHCR statistics, the number of IDPs reached its peak in Kosovo in the year 2000 with 40,000 IDPs, and in the Republics of Serbia and of Montenegro in 2002 with 234,826 affected persons. In March 2004, after minority return started to gain momentum, ethnic violence between Albanians and Serbs as well as Roma, Ashkali and Egyptians displaced a further 4,100 persons, mainly Serbs. In April 2005, UNHCR reported 226,106 IDPs in the Republics of Serbia and of Montenegro, and 22,000 in Kosovo. During the first 11 months of 2005, less than 2,000 persons were able to return, thus bringing returns almost to a halt."

UNHCR, July 2005:

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.

IDPs from and within Kosovo: 206,000 in Serbia and 21,000 within Kosovo (2007)

- There are 221,000 IDPs in Serbia, 21,000 within Kosovo and 16,000 in Montenegro
- Debate about figures is ongoing
- IDP figures is based on registration but it is estimated that some 20,000 Roma IDPs in Serbia are not registered
- Since no registration of IDPs has taken place in Kosovo, the figure is a UNHCR estimate
- Significant decrease of IDPs in Montenegro further to a 2004 census
- Overall number number of IDP on a slow decrease but not necessarily linked to return
- Less than 7% 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

UNHCR, 1 October 2007:

IDPs in Serbia (excluding Kosovo): 221,000

IDPs within Kosovo: 21,000

IDP in Montenegro: 16,000

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.

UNHCR/Praxis, March 2007, p.35, note 1:

"According to UNHCR statistics, 10,80% of the IDP population are Roma, while Egyptians represent 0.36% and Ashkaeli 0,04% of the IDP population in Serbia. However, there are estimates that another 20,000 predominantly Roma IDPs remained unregistered during the IDP registration organised i Serbia in 2000."

According to the above information, the number of de facto IDPs in Serbia is more likely to be around 241,000

ESI, 7 June 2004:

"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*]

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)

ICRC, 31 May 2005, p.5:

"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)."

OCHA 26 April 2002, 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

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

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	Andrijevisa	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.]

UN OCHA, 26 April 2002, p. 22:

"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."

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 (Andrijevic, 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:

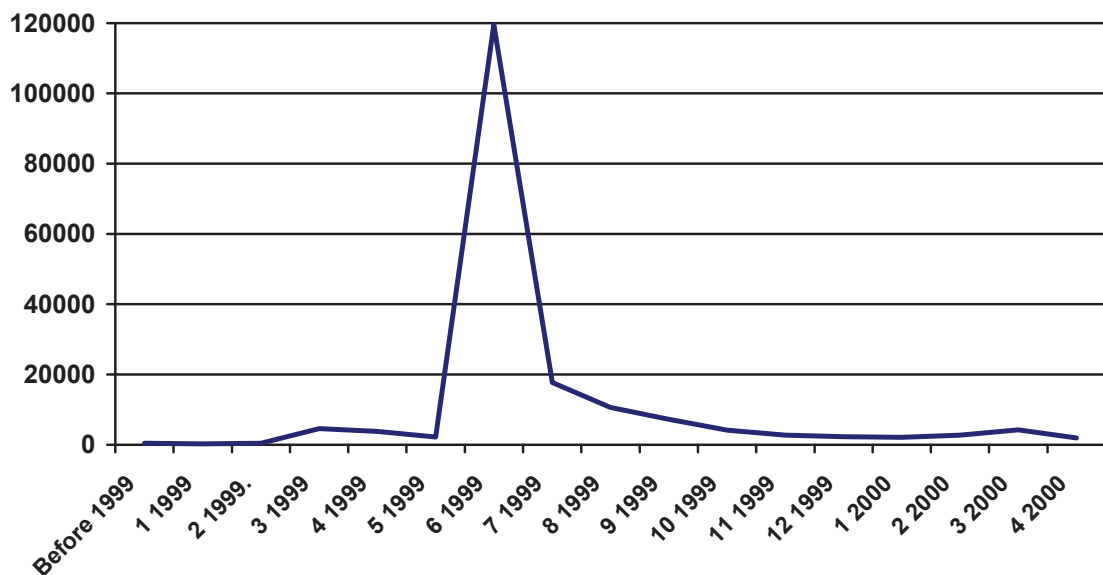
30 The report about refugees and displaced persons in Montenegro, the Commissariat for Displaced Persons and UNHCR, March 2002]" (UNDP, 2003)

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)

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)

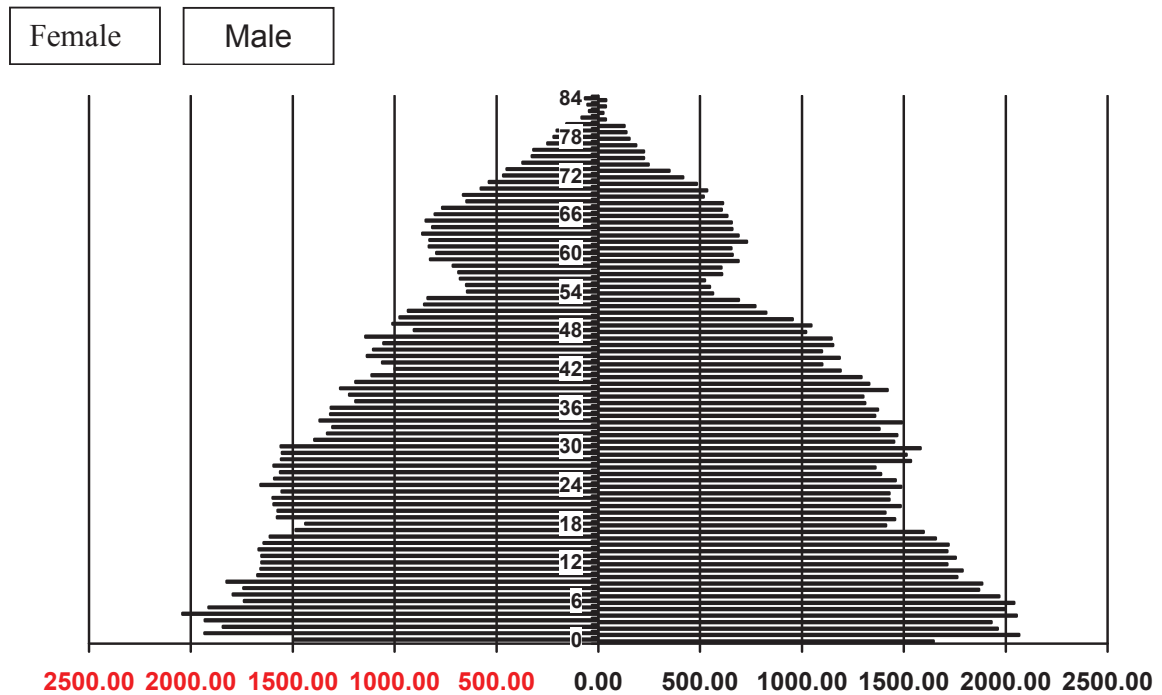
Detailed figures of the employment status of the internally displaced persons can be found in the report of UNHCR and the Commissioner for Refugees of the Republic of Serbia, p. 29 to 30 and Table 10 (appendix)

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 groups 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.

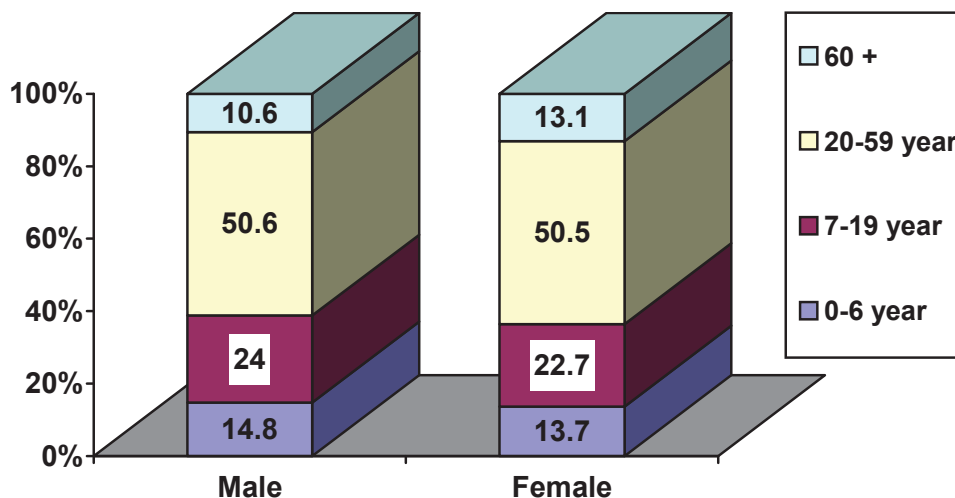
Table 2 - Breakdown of the internally displaced population by functional age group

	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)

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.

PATTERNS OF DISPLACEMENT

Current displacement processes

Serb Authorities evict Roma people from illegal settlement (2009)

- Serbian authorities continue to evict Roma families who are living in informal settlements
- On 3 April 2009, 47 Roma families were evicted in Belgrade. Temporary alternative accommodation, in the form of containers, was provided in another neighbourhood of Belgrade but local residents attempted to set them on fire in order to prevent the Roma from moving in.
- The Mayor of Belgrade said that he would try to provide the Roma with alternative accommodation, but this would apply only to those who were legally resident in Belgrade
- Many of those who were evicted from the settlement are Roma internally displaced people and do not possess the necessary documentation to access residence rights
- In August 2009, more than 130 Roma families have been evicted from their settlement, located under the Gazela Bridge. More than a thousand people were moved to various parts of Belgrade while 53 families were transported back to their village of origin in Southern Serbia.

HRW, April 2009:

"The Serbian authorities should provide alternative homes and compensation for 47 Roma families forcibly evicted in Belgrade on April 3, 2009, from housing considered substandard, Human Rights Watch and the European Roma Rights Centre said today in a [letter](#) to the Serbian government.

Police forcibly evicted 128 Romani individuals living in Novi Beograd's Block 67, a poor neighborhood populated by the displaced, including women and children, and destroyed much of their personal property. Residents were told the day before the eviction that they had 15 days' notice before being forced out. The police came with bulldozers the next day, leaving the families homeless.(...)

Although the evicted persons were told that alternative accommodation in containers was available in the Boljevci settlement in the Municipality of Surcin, residents in Boljevci forcibly prevented the evicted individuals from making use of this housing. As a result, the evicted Roma, including children, were forced to sleep outside without any shelter on the night of the eviction. At least 12 families remain homeless. Further evictions are planned for an unspecified date."

Amnesty International, April 2009:

"Around 250 Romani people, including small children and the elderly and infirm, were evicted from a temporary settlement in New Belgrade on 3 April 2009. Two women were reportedly taken to hospital suffering from stress. Bulldozers accompanied by police officers arrived to clear the site early in the morning before the formal eviction notice was presented to the community. At least 50 of the makeshift dwellings were torn apart while their former occupants could do little more than watch.(...)Temporary alternative accommodation, in the form of containers, was provided in another neighbourhood of Belgrade but local residents attempted to set them on fire in order to prevent the Roma from moving in. (...)The Mayor of Belgrade, Dragan Đilas, responsible for the eviction, told local media that he would try to provide the Roma with alternative accommodation, but reportedly stated that this would apply only to those who were legally resident in Belgrade. Amnesty International is concerned that many of those who were evicted from the settlement are

among the 22,000 Roma from Kosovo registered in Serbia as internally displaced people. Few Roma displaced people possess the necessary documentation to allow them to access basic rights, including the right to residency or the right to adequate housing. "

AFP, August 2009:

"Belgrade authorities on Monday relocated a large gypsy ghetto from under a bridge in the Serbian capital in order to enable reconstruction of a key international road, Beta news agency reported.

The settlement under the Gazela bridge, part of a major highway linking Greece and Turkey with western Europe, has for a long time been a headache for Belgrade authorities and an obstacle to repairing the bridge. Plans to relocate the settlement, a squalid camp sheltering more than 130 Gypsy families, have for years been opposed by residents in several Belgrade municipalities who did not want to have them as new neighbours. More than a thousand Romas were moved to various parts of Belgrade, while 53 families were transported back to their villages of origin in southern Serbia, the report said. Their relocation has been backed by rights watchdog the Organisation for Security and Cooperation in Europe (OSCE), which described the camp's living conditions as "shocking." Most of the shanty town's residents arrived in Belgrade in the 1990s, either fleeing wars in other parts of the former Yugoslavia or seeking a better future in the city, Serbia's economic centre. "

For more information on Gazela settlement see also [Serbie : les Roms du bidonville de Gazela relogés, Radio France Internationale, 09/09/09](#)

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

UNHCR, 1 June 2004, pp.31-33:

"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 Vushtrii/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, p.41:

“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.40:

"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."

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

UNHCR/OSCE, October 2000, para. 118:

"[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."

UN OCHA, 22 February 2001:

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."

UNHCR/OSCE, October 2001, para. 62:

"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 no more than 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. 67:

"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. 111:

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."

U.S. DOS, February 2001, Kosovo, sect. 2:

"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."

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

UNHCR, 31 March 2001, p. 2:

"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, January 2001:

"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."

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

ICRC, 31 May 2005, p.25:

"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/IFRC/YRC, May 2000, p.11:

"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."

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-gistered there where they have access to social benefits

ICRC, 31 May 2005, p.5:

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, 1 April 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 Montenegrin towns closest to the border, including Berane and Plav."

UNHCR, 11 June 2000:

"[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."

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

UNHCR/WFP, 5 February 2000, paras. 10.2:

"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)."

OSCE/UNHCR, February 2000, para. 87:

"Strpce/Shtrepce 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."

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

AI, January 2000:

"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."

USCR, April 2000, p. 15:

"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."

Women's Commission, September 2001, p. 8:

"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."

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)

UNHCR, Minority return to Kosovo, table 1, 31 April 2005:

" [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 (Gračanica, Laplje Selo, Caglavica, Gorazdevac) and municipality of Strepce."

UNHCR/WFP, 5 February 2000, sect. 10:

"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. 7:

"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."

MDM, 20 December 2000, p. 5:

"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."

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

Refugees Daily, 7 July 2000:

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."

UN OCHA, July 2000, p. 64:

"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)."

ESI, 7 June 2004:

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 considerably 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.

UNHCR/WFP, 5 February 2000, sect. 5:

"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."

UN OCHA, 6 July 2000, p. 63:

"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."

PHYSICAL SECURITY & FREEDOM OF MOVEMENT

Overview

Security incidents against minorities since Kosovo's declaration of independence (2009)

- Following Kosovo's declaration of independence, mass demonstration and street violence took place across Serbia
- Over 200 attacks on ethnic Albanian property were reported, mainly in Vojvodina.
- There continued to be incidents of vandalism and some physical attacks against minorities in Vojvodina
- The situation in Southern Serbia has remained stable but tense
- A climate of hostility towards ethnic minorities persists in Serbia
- Roma is the most vulnerable minority community and continues to be target of verbal and physical harassment

AI, 28 May 2009:

"Following Kosovo's declaration of independence, protests took place across Serbia. Zoran Vujovic, a Kosovo Serb, died in a fire at the US embassy in Belgrade that had been set alight during a mass demonstration. Over 200 attacks on ethnic Albanian property were reported, mainly in Vojvodina. Shops run by members of the Gorani community were vandalized. Few perpetrators were brought to justice. "

ICG, February 2009:

"In Serbia, Kosovo independence was met with mass demonstrations and street violence. The [Serbian coalition government fell on 10 March](#) – largely over differences on how to respond to recognitions of Kosovo and the deployment of EU missions."

U.S. DoS, February 2009:

"An April 29 European Commission against Racism and Intolerance (ECRI) report on the country noted the existence of a climate of hostility toward national and ethnic minorities, who constituted 25 to 30 percent of the country's population and included ethnic Hungarians, Bosniaks, Roma, Slovaks, Romanians, Vlachs, Bulgarians, Croats, Albanians, and others.

Roma, who constituted 1.4 percent of the population, continued to be the most vulnerable minority community. Roma were targets of verbal and physical harassment from ordinary citizens, police violence, and societal discrimination.

Although not widespread, there continued to be incidents of vandalism and some physical attacks against minorities in Vojvodina, including ethnic Hungarians.

Following Kosovo's independence declaration in February, a group in Sombor distributed free bread to citizens in front of Albanian- and Gorani-owned bakeries to dissuade citizens from buying in those shops. The windows of several bakeries were broken. The district prosecutor filed

a request for investigation into acts that fueled racial, religious, and national hatred, but there was no further information available."

UN CAT, 19 January 2009:

"The Committee, while noting the measures undertaken by the State party, including bringing criminal charges against persons on charges of ethnically motivated violence towards ethnic minorities and the Action Plan for Roma Education Improvement (2005), expresses concern at the failure to protect minorities, especially when political events indicate that they may be at heightened risk of violence (arts. 10, 12 and 16). The State party should take all appropriate preventive measures to protect individuals belonging to minority communities from attacks especially when political events indicate that they may be at heightened risk of violence and ensure that the relevant existing legal and administrative measures are strictly observed. The State party should also ensure greater ethnic diversity in the police force to facilitate communication and contacts with all communities in Serbia and ensure that training curricula and information campaigns constantly communicate the message that violence will not be tolerated and will be sanctioned accordingly. "

EC, November 2008:

"The political climate deteriorated in the period immediately following the Kosovo declaration of independence, resulting in a number of incidents in towns in Vojvodina, in particular against the Albanian national minority. Incidents involving extremist groups were also reported. The State and provincial ombudsmen condemned the events and urged the relevant institutions to act. The 2007 annual report by the provincial ombudsman noted that 25 out of the 605 complaints were in connection with minority rights. The situation in Southern Serbia has remained stable but tense."

Safety is given as one of the main reasons for IDPs not to return in Kosovo (2008)

- UNDP survey indicates that 49,6% of IDPs who want to return did not do so primarily for security reasons.

UNDP, Social and Economic position of IDPs in Serbia, 2008:

The respondents who said they would like to return to Kosovo were asked about their reasons for not returning already, and those who said they did not want to return were asked why they preferred to stay. Both groups could have selected any of the offered reasons. Those who wanted to return did not do so primarily for reasons of safety. The answers are ordered by frequency in the following table.

Table 2.6: Reasons for not returning to Kosovo, respondents who wanted to return, in %

	Reason	%
1	Poor safety conditions	49.6
2	Fear of violence	42.3
3	Fear of ethnic discrimination	39.7
4	Lack of mobility freedom	39.5
5	Distrust in Kosovo authorities	32.6
6	Unstable political situation	32.2
7	Lack of basic human rights and freedom	30.6
8	No possibility to make income	25.1
9	House destroyed	19.6
10	Unfavourable ethnic structure in the settlement	19.6
11	Lack of health care	18.2
12	Inadequate condition for education	17.1
13	Complicated return procedure	12.6
14	House possessed by unauthorized person	10.3
15	Infrastructure destroyed	9.6
16	Other	4.5

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

Group 484, April 2005, p51-52:

“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.”

NRC, July 2003:

“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."

UN OCHA, 26 April 2002, p. 19:

"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."

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

UN OCHA, 26 April 2002, p. 20:

"*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)."

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

Human Rights Watch, World Report, 2003:

"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."

UNHCR, April 2002, para. 26:

"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."

UN OCHA, 26 April 2002, p. 22:

"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."

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

IWPR, 9 November 2001:

"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 Nemad 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.'

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)

UN, November 2001, p. 26:

"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."

SUBSISTENCE NEEDS

Overview

IDPs without a registered residence should now be able to enjoy the right to health care (2010)

- In cases in which IDPs living in informal settlements do not have a registered permanent or temporary residence, this should not prevent them from enjoying health insurance, in accordance with Article 22 on the Law on Health Insurance,
- The Rules of Procedure for implementing the right to health insurance contradicted this rule, by requiring applicants for health insurance to provide registration of their temporary residence.
- On 9 July 2010, the rules of procedure were amended so as to remove this requirement.

Praxis, July 2010

Amendments of the Rules of Procedure for Exercising Right from Obligatory Health Insurance, which were adopted by the Republic Institute for Health Insurance on 9th July 2010, brought changes which significantly facilitate access to health care by the persons of Roma ethnicity. Article 7, Paragraph 11 of the Rules of Procedure was changed, on the grounds of which the Roma will from now on be able to obtain health booklet even if they do not have temporary residence registered.

What preceded the change of the Article 7, Paragraph 11 was the Praxis Initiative for Legislative Review of the aforementioned Article before the Constitutional Court of Serbia. The Initiative pointed to the fact that the disputable article was contrary to a provision of the Law on Health Insurance, whose aim was to enable issuance of health booklets to the Roma who, due to their traditional way of life, do not have permanent/temporary residence. During the validity of the previous (not amended) Article 7, Paragraph 11 of the Rules of Procedure, they could not obtain health booklet since, contrary to the Law, the Rules of Procedure obliged them to register temporary residence. Thus, an entire group of population, which is one of the most socially vulnerable groups in Serbia, was denied access to health care.

A few months after launching the Initiative, through communication with the Directorate for Health Insurance and Legal Affairs of the Republic Institute for Health Insurance, Praxis found out that this body had received a directive from the Constitutional Court requesting opinion on the launched Initiative, and that the amendments should be adopted which would harmonize the Rules of Procedure with the Law. Such solution was adopted through amendments of the Rules of Procedure in July 2010. Illegal condition related to registration of temporary residence for the Roma who, due their traditional way of life, do not have permanent or temporary residence was abolished.

The outcome of Praxis Initiative and adopted amendment of the disputable Article of the Rules of procedure is simplified exercise of right to health care by all persons of Roma ethnicity who cannot provide evidence on their place of residence. Instead of the certificate on temporary residence which had been requested earlier and which they could not obtain, in the future, they

will prove their address of residence through a personal statement, which is a significant improvement in exercising right to health care by the Roma.

There are thousands of Roma in Serbia without permanent place of residence, who are constantly looking for opportunities for earning to provide for survival. Even in case they stay in one place, finding accommodation in illegal settlements, they still do not have the possibility to register permanent or temporary residence. Thanks to Praxis initiative, Roma without permanent address are finally given the possibility to obtain health booklet.

Even though the procedure related to Praxis Initiative before the Constitutional Court has not been formally completed yet and Praxis, as the party which launched the Initiative, was not informed by the Court about the amendments of the Rules of Procedure, the amendments came into force on 17 July 2010. In spite of that, it has been noticed that the news about change of conditions for exercising right to health care by persons of Roma ethnicity has only recently started reaching branches of the Republic Institute for Health Insurance. Some branches refuse to apply the amended Article 7, Paragraph 11 of the Rules of Procedure. However, Praxis experience confirms that some branches have started applying the amended Rules of Procedure and issuing health booklets to the Roma on the basis of personal statement on place of residence. Thus, a client of Praxis of Roma ethnicity obtained a health booklet for the first time after ten years of exclusion from the health insurance system.

Praxis, 22 March 2010

Praxis launched an [Initiative for Legislative Review of the Article 6, Paragraph 11 of the Rules of Procedure for Exercising Right from Obligatory Health Insurance](#) before the Constitutional Court of the Republic of Serbia. The Initiative points to the fact that the aforementioned provision of the Rules of Procedure is contrary to the Law on Health Insurance.

Namely, the Article 22 of the Law on Health Insurance explicitly states that persons of Roma ethnicity who due to their traditional way of life, do not have permanent/temporary residence, may be beneficiaries of health care. There is no doubt that the legislator intended to ensure access of this category of persons to health care. This regulation of the Law may also, without a doubt, be applied to Roma IDPs who do not have permanent/ temporary residence.

On the other hand, Article 6 of the Rules of Procedure, however, derogates the application of this legal rule by stating that the insured must provide a personal statement that he/she is a person of Roma ethnicity, as well as his/her registration of temporary residence. In this way, persons who do not have their residence registered, for instance due to the fact that they live in an illegal Roma settlement - which is often the case with Roma IDPs - are actually deprived of the rights from health insurance, and exercise of the legal right to using health care services.

In its reply dated 18th March 2010, Constitutional Court informed Praxis that the aforementioned Rules of Procedure were no longer in force as of 10th March 2010 on the grounds of provision of Article 152 of the new Rules of Procedure for Exercising Right from Obligatory Health Insurance, adopted by the Administrative Board of the Republic Institute for Health Insurance on 11th December 2009. On that occasion, the Constitutional Court invited Praxis to inform them whether the Initiative was still in force and whether Praxis would change it in accordance with changed circumstances.

Therefore, Praxis [changed the Initiative](#) in accordance with the [new Rules of Procedure](#) which, in fact, took over the same solution in relation to disputable Article 6, but it is mentioned in the new Rules of Procedure in Article 7.

IDPs without a registered residence are deprived of the legal right to using health care services (2009)

- Since February 2009, the Republic Institute for Health Insurance issue health booklets instead of "Certificate for accessing health care" to IDPs with temporary residence registered
- IDPs with registered residence are now able to exercise their rights from health insurance on an equal basis with other citizens of Serbia
- However, IDPs who do not have registered temporary residence, like IDPs living in an illegal settlement, are deprived of the rights from health insurance, which is contrary to Article 22 of the Law on Health Insurance.

Praxis, May 2009:

As of 15 February 2009, a document on the grounds of which internally displaced persons from Kosovo exercise their rights from health insurance is a health booklet. This means that the branches of the Republic Institute for Health Insurance, on the territory of which IDPs have temporary residence registered, issue health booklets instead of "Certificates for accessing health care and other rights from health insurance for temporarily displaced persons from the Autonomous Province of Kosovo and Metohija." The competent branch verifies health booklets for a period of 6 months, while the certificates were verified every 3 months.

After 10 years in displacement, internally displaced persons will be able to exercise their rights from health insurance on the grounds of a health booklet, on an equal basis with other citizens of Serbia.

Two months after the Instruction of the Ministry of Health came into force, the instruction which granted IDPs the above-mentioned right, branches of the Republic Institute for Health Insurance started issuing health booklets. According to information obtained from the Republic Institute, certificate for accessing health care and other rights from health insurance for temporarily displaced persons from the Autonomous Province of Kosovo and Metohija, or IDP card if one does not possess this certificate, then confirmation on registered temporary residence and ID card should all be enclosed with the request for issuance of health booklet. In the procedure for issuance of a health booklet, even though an insured person possesses the aforementioned evidence, the competent branch of the Republic Institute is authorised to ask for other evidence, in case one fulfils conditions to be insured on their own in accordance with the Article 17 of the Law on Health Insurance (e.g. on the grounds of employment, independent work, acquiring pension after displacement, etc).

Persons who do not have registered temporary residence

Article 22 of the Law on Health Insurance explicitly prescribes that persons of Roma nationality who do not have permanent or temporary residence registered due their traditional way of life may be beneficiaries of health protection. The legislator had undoubtedly had the intention to enable this category of persons to access health care. This provision of the Law can without doubt be applied to internally displaced persons of Roma nationality who do not have registered permanent or temporary residence.

Article 6 of the Rules of Procedure on way and procedure of exercise of rights from mandatory health insurance, however, derogates the application of this legal rule by stating that the insured must provide a personal statement that he/she is a person of Roma nationality, as well as his/her registration of temporary residence. In this way, persons who do not have their residence registered, for instance due to the fact that they live in an illegal Roma settlement - which is often

the case with Roma IDPs - are actually deprived of the rights from health insurance, and exercise of the legal right to using health care services.

Many Roma IDPs in Serbia live in illegal settlement in precarious conditions (2009)

- Roma IDPs are the most vulnerable segment of the internally displaced population
- A vast majority of them is forced to live in illegal settlements in deplorable conditions
- Many illegal Roma settlements are located in Belgrade
- Often, they do not have access to electricity, drinking water and sanitation facilities and live in makeshift huts, metal containers or other sub-standards shelters.
- IDPs living in illegal settlement cannot register their residence and therefore obtain an IDP card. Consequently they do not have access to social and economic rights.
- The ongoing privatization process increases the risk of evictions from these settlements. The existing legal framework does not provide any alternative housing solution.

UNHCR, 9 November 2009, p. 22:

"Serbia (excluding Kosovo) is currently hosting some 206,000 mainly Serbian IDPs from Kosovo and some 86,000 refugees from Croatia, in a socio-economic context characterized by high unemployment and a severely strained social welfare system. Living conditions are particularly difficult for the Roma, Ashkali and Egyptian population. Many Kosovo Roma, Ashkali and Egyptians in Serbia live in illegal settlements and slums made of makeshift huts, corrugated metal containers and other sub-standard shelters, often without electricity, running water, sanitation, or other services. The ongoing privatization process has triggered a series of evictions from Roma settlements, although the legal framework does not require the provision of alternative housing solutions. This results inter alia in homelessness, health problems, insecurity, the removal of children from school, and the loss of livelihoods."

COE, 25 June 2009, p. 17:

"Although nation-wide data on the housing situation of the Roma is not available, some studies have indicated that out of the 593 existing Roma settlements in Serbia, 72% have not been legalised. Many of the Roma, Ashkali and Egyptian IDPs who do not have access to collective accommodation, live in those informal settlements, sharing the same precarious situation as the local Roma population. In addition, the Advisory Committee was informed that Roma are still faced with forced eviction without being offered any alternative accommodation.[...]

The Advisory Committee is deeply concerned by the fact that in many regards, the hygienic and sanitary conditions in many of these settlements have not improved since its first Opinion in 2003. Roma organisations, including Romani women organisations, describe the health situation of Roma, in particular Roma women, children and elderly as particularly alarming and highlight the difficulty to access health care in the absence of the necessary medical registration. The Advisory Committee finds that such a situation is not compatible with Article 4 of the Framework Convention. Against this background, the Advisory Committee regrets the fact that the National Action Plan on Health, which provided for the introduction of a system of health mediators, has been implemented too slowly to address adequately the urgency of the situation."

UNHCR, Roma internally displaced persons in Serbia, brief summary, July 2008, p.3:

"Roma IDPs represent the most vulnerable segment of the IDP population and are in a very precarious situation, often encountering practices of discrimination. they are marginalized and

vulnerable frequently lacking access to basic rights and are exposed to the further risk of discriminatory treatment by local authorities and other parts of society. a vast majority of them have no access to collective accommodation and are forced to live in illegal settlements. they live in truly deplorable conditions, often below the level of human dignity, in squalid illegal settlements, without access to electricity, drinking water and sanitation facilities. These slums consist of shacks made of metal and cardboard remains, dilapidated and abandoned warehouses, containers and abandoned car wrecks in dumps, under bridges or open fields. although they face many challenges similar to the other IDPs (lack of access to documentation, health, employment, housing, etc), the underlying reasons are often more complex and a result of antagonism and deep-rooted discrimination against the Roma. (...) There are some 150 illegal/informal Roma settlements located in Belgrade and approximately 600 throughout Serbia. (...) Due to the fact that Roma IDPs living in illegal settlements cannot register their residence in them, they cannot obtain an identity card. If they do not have a registered residence and an IDP card, they also do not have access to social and economic rights (health and social care, education and employment) and become persons that are not recognized before the law."

Limited access to health care for Roma, IDPs and refugees (2006)

- Financial hardships affect the health of vulnerable groups in Serbia
- Realization of the right to health care is one of the most common problems of IDPs/refugees
- Survey shows that 12% of refugees and IDPs and 10% of Roma were denied medical services due to lack of personal documents
- IDPs are entitled to state medical care, but deterioration of the state health system rendered services offered to a minimum
- Alarming majority of 60% of refugees and IDPs are not vaccinated, mainly due to lack of documentation
- Substandard housing conditions contribute to the deterioration of the vulnerable groups' health

UNDP, June 2006, pp.24-26:

"A number of members of vulnerable groups do not seek or do not receive proper treatment, and access to health care appears limited to the surveyed groups. Out of those who had been affected by an illness, only 57 percent of Roma, and 64 percent of refugees/IDPs and the domicile non-Roma sought the help of a doctor. Twelve percent of all refugees and IDPs, and 10 percent of Roma, compared to only 2 percent of the domicile non-Roma, experienced a situation where they were denied medical services because they did not have proper personal documents. In the case of Roma, there are also indications that sometimes there is not enough trust in state institutions and medical professionals, which causes that some Roma do not seek medical assistance.

The financial situation of vulnerable groups definitely affects their health as well: In the past year, over a half of the Romani respondents (55 percent), slightly less refugees and IDPs (45 percent) and roughly a fifth of the domicile non-Roma population (22 percent) could not afford to buy the medicines prescribed for a family member. Generally, expenditures related to healthcare weigh more heavily on Roma and IDPs/refugees, representing 5 percent of monthly expenditures of Romani households and 7 percent for refugee and IDP households, compared to the domicile non-Romani average of 4 percent. NGO activists have noted that the realization of the right to health care is one of the most common problems of IDPs/refugees.[] In theory, all IDPs are entitled to health care services provided by the state, as they are citizens of Serbia, yet the deterioration of the health system in Serbia rendered the services offered to a minimum.

Among the children aged 14 and under, only 55 percent of Roma, 62 percent of refugees/IDPs and 63 percent of the domicile non-Roma were confirmed to having been immunized against polio, diphtheria, tetanus and whooping cough. Comparatively, national averages for one-year-olds immunized against polio were 96 percent in 2004, and for those immunized against diphtheria, tetanus and whooping cough 96 and 97 percent respectively for the DPT1 vaccine and the following DPT3 re-vaccine against diphtheria, tetanus and whooping cough.⁸¹ The Centre for Prevention and Control of Infectious Diseases of the Public Health Institute of Serbia conducted a 2002-2005 programme on the immunization of marginalized group, supported by UNICEF. In the programme implementation, they realised that 10-15 percent of children under the age of 14 they encountered – 36,611 children – had not been immunized; only a half of these children could be belatedly immunized.

According to the UNDP survey, among those who were not vaccinated, an alarming majority of 60 percent refugees and IDPs, compared to zero cases among the domicile non-Roma, stated that it was the case due to their lack of documents. In the Romani community, the lack of valid documents was the reason why 23 percent of children were not vaccinated; others were prevented by a lack of medical assistance (15 percent) or adequate information (8 percent), while 12 percent did not consider vaccination important. It is interesting to note that high percentages of interviewees refused or did not know the answer to this question – 40 percent of Roma, and 33 percent of the IDP/refugee and the domicile non-Romani population respectively, showing the need for awareness raising among these communities on this particular issue of child health care. In relation to that, many sources also highlight the need for stronger awareness raising on health concerns among Roma."

p.27:

"The substandard housing conditions contribute to the deterioration of the vulnerable groups' health: Almost a half of the surveyed Romani population in Serbia (49 percent) live in ruined houses or slums, which is the case with 15 percent of refugees and IDPs, and only 5 percent of the domicile non-Roma respondents. Access to water is another factor that influences the health situation: while 98 percent of the domicile non-Roma respondents had piped potable water in their dwellings, this was the case with only 82 percent refugees and IDPs, and with the Roma population 77 percent. A third of the Roma (32 percent) and a quarter of the refugee/IDP respondents households did not have proper inside sewerage for waste water disposal, compared to only 3 percent of the domicile non-Roma in such circumstances. Consequently, diseases caused by poor sanitation constitute a considerable threat to Romani population (3.2), compared to refugees and IDPs (2.9), and the domicile non-Roma (1.7), on a scale from the lowest level of threat equal to 1, to the highest level of 5."

Note! In the UNDP vulnerability survey the results of which are presented here, 17 percent of the surveyed IDPs were of Romani origin,[] and in the report they are regarded as belonging to the IDP category alone. Therefore, there is no distinction between Roma IDPs and other IDPs. Similarly there is usually no distinction between refugees and IDPs.

Despite various social benefits, IDPs have no adequate access to health care (2001-2007)

- The Government's ability to provide basic health care to general population has deteriorated significantly over the past decade
- IDPs feel the effects of this more than the local population, due to their particularly vulnerable socio-economic situation and obstacles related to access to documentation
- Regions with a large IDP population have not been given adequate financial means to face 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

UNHCR Belgrade/Praxis, March 2007, pp.29:

"In view of the particularly vulnerable socio-economic situation, IDPs still face difficulties in accessing existing health care structures in view of the obstacles related to access of documentation.

For example, IDPs in Serbia, along with other vulnerable persons such as children, elderly (..) and social welfare beneficiaries, are not obliged to pay the "contribution fee" for medical services or medicines, which is otherwise required. An IDP is only legally recognised as such once she/he has been registered as an IDP in the municipality of displacement, which may differ from their actual place of residence. Furthermore, to access health services, an IDP head of household must present her/his IDP card and 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 extend 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 all documentation issues [].

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 resident population, per capita spending on health has been severely curtailed. This affects the provision of care to vulnerable groups and contribution payers alike [].

At the same time, 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, such 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.

Access to health care is a serious problem for many RAE IDPs who cannot access the health care system due to lack of documentation, and discrimination."

IDP Inter-Agency Working Group, October 2004:

"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."

UNOCHA 26 April 2002, pp. 16-17:

"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."

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 care leave Roma with poor health condition (2005-2007)

- A majority of registered RAE IDPs live in Belgrade and are dispersed in 150 settlements, most of which are informal/illegal
- Lack of adequate accommodation and poor living conditions are identified as the most pressing needs for a majority of RAE
- There is a lack of reliable information about the health condition of the RAE population, but a common conclusion is that hygiene and health standards are low among Roma IDPs
- Members of Roma population are known to suffer from “poverty diseases” such as malnutrition, lung and intestinal diseases, skeletal diseases and alcoholism
- The lack of basic hygiene in Roma settlements gives rise to serious sanitary and epidemiological concerns
- Available data show that discrimination discourages Roma from seeking medical assistance

UNHCR Belgrade/Praxis, March 2007, pp.37-8:

“A majority of all registered RAE IDPs in Serbia live in Belgrade and are dispersed among 150 RAE settlements, most of them informal/illegal. The central and southern Serbian municipalities of Pozarevac, Kragujevac, Nis, Bujanovac and Kursumlija also host a large number of Roma IDPs, as well as the town of Subotica in Vojvodina.

Finding adequate accommodation and living conditions are identified as the most pressing needs for a majority of RAE IDPs. Few RAE IDPs are accommodated in recognized CCs. Many Roma IDPs have moved into existing local Roma communities often already in a precarious state. These communities are built from makeshift scrap-metal and cardboard shacks, run-down and deserted barracks or storage houses, containers and junk car bodies. The shelters usually lack sanitation facilities, water supply, electricity and heating. The entire communities are usually located within or next to garbage dumps, under bridges or in open fields. Often they occupy premises illegally and therefore exist outside the reach of basic social infrastructure and humanitarian assistance¹³. Roma and RAE IDPs frequently experience forced eviction and/or the threat of forced eviction. Some RAE families have been victims of several forced evictions in succession¹⁴. Many families threatened by forced evictions are left prey to pressure and threats by local investors, without any form of protection, except the *ad hoc* interventions of international organizations and NGOs. When evictions occur reasonable alternative solutions are rarely provided by the relevant authorities.”

p.38:

“There is a serious lack of reliable information about the health condition of the RAE population. This, in itself, represents a failure in the system. A common conclusion is that hygiene and health care standards are low among RAE IDPs. A general lack of knowledge of health and hygiene issues is compounded by 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, RAE children are often not immunized and most of their women do not visit a gynaecologist for regular check-ups except for childbirth. In the case of sickness and injury, RAE most often visit primary care physicians, while some treat themselves, and in the majority of

cases serious health conditions go untreated when diagnosed. At the same time, the conditions in which socially imperilled RAE live are suitable for development of contagious diseases¹⁵. In the realization of the right to health care, Roma encounter both direct and indirect discrimination¹⁶. According to a recent Study conducted on the basis of a sample by the Minority Rights Centre it was established that 51.3% of Roma IDPs do not have a health card, while 74% of Roma IDP children covered by the Study lacked health cards¹⁷.

Though RAE 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:

“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.”

UN OCHA, 26 April 2002, pp. 23-24:

“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."

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

UN OCHA, 26 April 2002, pp. 15-16:

"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.]

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

IDP Inter-Agency Working Group, October 2004:

"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 IDPs 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 (...).

ICRC, April 2005:

"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."

IDP Inter-Agency Working Group, October 2004:

"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."

Thousands of IDPs continue to live in difficult conditions in collective centres and informal-illegal settlements (2005-2007)

- The chief concern of IDPs is inadequate housing
- 5,142 IDPs are accommodated in government-run collective centres while 1,765 in "unofficial" collective centres where they are not eligible for government assistance
- In addition, an unknown number of RAE IDPs live in illegal settlements in inhuman and deplorable conditions
- Number of IDPs living in private accommodation has increased with the closure of collective centres (CCs)
- IDPs living in unofficial CCs face danger of eviction and often have limited access to electricity or water
- Unlike IDPs living in CCs, those living in private accommodation have to pay utility bills and the failure to pay forces 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

UNHCR Belgrade/Praxis, March 2007, pp.27-8:

"Thousands of IDPs continue to live in very difficult conditions in collective centres and informal-illegal settlements without a permanent housing solution, among them many vulnerable individuals and families. 5,142 IDPs are accommodated in government-run collective centres, whilst another 1,765 IDPs live in so-called "unofficial" collective centres where they are not eligible to receive government support or humanitarian aid. Of grave concern are the unknown number of RAE IDPs living in illegal settlements throughout Serbia[] in truly inhuman and deplorable conditions. As these IDPs do not have a legally recognised address in Serbia they are ineligible for assistance and experience considerable problems accessing basic rights."

On the link between the lack of residence and access to assistance and services see also "Kosovo IDPs in Serbia unable to integrate locally or return" in Return policy sub-section of Patterns of return and resettlement section.

"Collective centres (CC) were originally designed to accommodate a large number of refugees from the territory of ex-Socialist Federal Republic of Yugoslavia. 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 have remained unofficial CCs without recognition of the Commissariat.

Unofficial CCs are usually privately owned. A large number are occupied without permission of the owners. IDPs in unofficial CCs are frequently faced with the danger of eviction and struggle to remain on the premises. In some cases they have no access to electricity and water. On the whole, conditions are appalling and thoroughly unhygienic. Some IDPs living in unofficial CCs have been able to circumvent the problem of not having a legal address by using the address of friends, neighbours or relatives for the purposes of registration and are thus able to receive welfare support and assistance.

The results of UNHCR's recent participatory assessment exercise to identify the concerns of different Age, Gender and Diversity groups in refugee and IDP communities show that the chief concern of IDPs is inadequate housing. This encompasses their concerns with current living conditions in collective centres, as well as in private accommodation. Conditions are often below the level of human dignity prescribed by Article 11 of the International Covenant on Economic, Social and Cultural rights. Harsh and inhumane living conditions, as well as the lack of basic infrastructure were cited by a large number of RAE IDPs living in illegal settlements (...)."

ICRC, April 2005, p.24-25:

"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.

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

Group 484, April 2005:

“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.”

AI, 22 March 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.”

ICRC, April 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).”

ERRC, 2001:

“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 plays 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 accommodated 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]

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

HelpAge, November 2001, pp. 12-15:

"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 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 to 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.'

IFRC, 20 October 2000:

"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 facilitates or programmes to assist them, will become more alarming as their numbers increase."

ACCESS TO EDUCATION

Overview

Roma children and other ethnic minorities face difficult schooling conditions (2009)

- The majority of Roma IDPs children face obstacles in the process of integration into the national education system: often they are not enrolled in schools due to the lack of documentation or are affected by high drop-out rate
- The educational system does not provide sufficient support in the creation of a welcoming multicultural environment for Roma children, including learning in the Roma language.
- At school, children of minority communities are exposed to various forms of discrimination, verbal abuse, violence on racial grounds, prejudice and language barriers
- School authorities and staff fail to protect their rights and sometimes take direct part in discrimination by separating them from the other children or referring them to schools for children with special needs
- Despite the fact that the Law on National Minorities includes the provision of free textbooks for Roma children in primary education and the facilitated access to secondary schools through lower admission standards, in reality, the majority of Roma children are neither able to purchase text books, nor are they provided with them for their elementary education.

COE, 25 June 2009, p. 7:

"In the area of education, the undue placing of Roma pupils in special schools for persons with mental disabilities is still reported to occur. This needs to be stopped urgently. Undue administrative and other obstacles to the enrolment of Roma pupils to schools needs to be vigorously addressed. Roma teaching assistants need to better integrate into the general education structure."

COE, 25 June 2009, p.37:

"Information received from various sources confirms that drop-out rates of Roma children are still high, especially in the second and third grades as well as a high rate of absenteeism among this group. In addition, the quality of education in classes with a high percentage of Roma children is markedly lower than in classes with a lower percentage of Roma. Discriminatory attitudes from the teaching staff and school administration persist, with a regrettably low awareness of the school inspectorate on the need to address discrimination of Roma pupils (see also Article 4 above). The Advisory Committee regrets the fact that while local authorities are given greater competences in school management under the Law on the Foundation of the Education system, there are hardly any Roma parents participating on school boards.[...]

The Advisory Committee is deeply concerned to note that Roma children displaced from Kosovo and Roma repatriated from countries of Western Europe are still reported to be sent to Serbian language schools without any language learning support, even though they lack basic Serbian linguistic skills. As a consequence, they are unable to follow classes and the drop-out rate is reportedly high among these children. The Advisory Committee finds that such a situation needs to be remedied urgently."

Praxis, March 2009:

As opposed to other children, the majority of Roma IDP children do not attend schools. The reasons for this negative practice are manifold. On the one hand, these persons traditionally face different obstacles in the process of integration into the national education system – from open or covert discrimination in access to educational institutions, through prejudices about them in the local community and language barriers that they face in daily life, to enormous poverty they live in and exposure to numerous chronic diseases.

A special problem in the field of education of Roma children, and also of children members of Ashkali and Egyptian communities, is evident within the regular school system where these children are also exposed to various forms of discriminatory practices. In the first place, these children are most often victims of verbal abuse and violence on racial or ethnic grounds, primarily by their peers. The reaction of school authorities to these forms of discrimination is very feeble and, as a rule, they fail to protect these children.

Furthermore, teaching and other staff in schools take direct part in discrimination of these children by ordering them to sit at separate desks or by separating them from the other children in special classes, even referring them to schools for children with special needs. The following facts often contribute to these forms of discrimination: their insufficient knowledge of the language of teaching, frequent absence from classes due to chronic illnesses they are exposed to, as well as their poverty resulting in the lack of adequate clothing and footwear and distinctive appearance.

UN CRC, June 2008:

"(...) The Committee remains concerned at: (...)

d) The incomplete enrolment, the high levels of drop-outs and the comparatively lower achievement of children belonging to vulnerable groups, including children from rural areas, children living in economic hardship and deprivation, Roma children from other minority groups, refugees and internally displaced children (...)

The Committee recommends that the State party:

a) take all necessary measures to ensure that the right to education is fully implemented so that children belonging to vulnerable groups, including rural children, children living in economic hardship and deprivation, Roma children and children from other minority groups, refugee and internally displaced children, fully enjoy their right to education.

(...) The Committee remains deeply concerned at the negative attitudes and prejudices of the general public and at the overall situation of children of minorities and in particular Roma children. The Committee is concerned at the effect this has with regard to discrimination and disparity, poverty and denial of their equal access to health; education; housing, employment; non-enrolment in schools; (...) The Committee is also concerned at the very low levels of participation in early childhood development programmes and day care and the deprivation of education.

UNHCR, Realizing Roma Rights, December 2008:

"As in other priority areas, official data is lacking on the plight of the Roma in the Serbian education system. Nevertheless, individual surveys present a troubling, although incomplete, picture. Namely, only about 2% of children attend mandatory pre-school education, while estimates say that anywhere between 35% and 60% of Roma children of school age are not enrolled in school at all, with more than 60% not completing primary school. The educational system does not provide sufficient support in the creation of a welcoming multicultural environment for Roma children, including learning in the Roma language.

Recent surveys indicate that segregation is a common practice across primary school in Serbia. Primary school children are often segregated from the majority population or even placed in special schools for children with learning disabilities. There are even instances of physical

segregation in primary schools, whereby Roma children are not allowed to use the toilets intended for non-Roma children. Another form of educational segregation stems from their isolation, and schools attended mostly by Roma children are perceived as providing a lower quality of education. The same befalls for returnee children, due to their frequent inability to communicate in Serbian. These children also face great difficulties in continuing their education as they are unable to verify their school diplomas from abroad. (...)

While the Government formed a working group mandated to direct and monitor the implementation of the National Action Plan on Education, this has not yet affected any change on the ground. (...) Affirmative action measures promoting Roma enrolment, which are in conformity with the Law on National Minorities, include the provision of free textbooks for Roma children in primary education and the facilitated access to secondary schools through lower admission standards. Unfortunately, in reality, the majority of Roma children are neither able to purchase text books, nor are they provided with them for their elementary education.

Under the recently promulgated Regulation on Enrolment of Students in High Schools, a Roma student is eligible for admission if the total number of points gained in the course of the application process is up to 30 points lower than the average. Still, only one Roma student per school can be admitted in this manner; thus, in the academic year 2007-2008, only 185 Roma students were enrolled in secondary schools through this process of affirmative action. Clearly, much more needs to be done through affirmative action beyond these measures in order to address the lack of access to education by Roma children.

COE ECRI, December 2007, p. 23:

Among the problems encountered by the Roma community in the education sector is a high drop-out rate. For example, 62% of Roma children have either dropped out of school or not gone to school at all and only 9.6% have completed post-primary education. Moreover, a large number of Roma children are not enrolled in school, research having shown that the main reasons for this are financial problems (49.8%) and the lack of the necessary documents such as birth certificates and proof of residence. Roma children are also overrepresented in schools for children with special needs, often because of their insufficient knowledge of the Serbian language and because there are financial incentives which incite Roma parents, who are largely poor, to enroll their children in such schools. It has been observed that in some of these schools, 50 to 80% of the children are Roma. NGOs have also identified primary schools where, in the 2005/2006 school year, Roma children were placed in separate classes, notably in Horgoš, Senta and Bujanovac

Schools in certain areas refuse to enrol children without personal documents (2009)

- In certain areas, primary schools refuse to enrol children if parents do not have personal documents
- Ethnic minority children, especially RAE, often lack personal documentation
- The Ministry of Education took affirmative measures but in practice, some schools failed to act in line with these measures.

COE, 25 June 2009, p. 37-38:

"Pre-school education was made compulsory in 2006 in Serbia. While it could provide a

useful tool for a better inclusion of Roma into the school system, its introduction during the school year 2007/2008 revealed new problems in terms of required documents which many Roma parents are unable to provide and segregation in separate classes. Preliminary data show that in the school year 2007/2008, 60% of those attending primary schools did not attend the pre-school preparatory programme or they only did so for a limited period."

Praxis, March 2009:

Most primary schools in Serbia are willing to enrol IDP children although they do not have all necessary documents. The parents of these children are mostly required to submit a confirmation of having initiated a procedure for issuance of personal documents before the competent authorities, or that they have submitted a request for re-registration in cases of destroyed or missing registry books in Kosovo. Notwithstanding this positive practice, the school managements in certain areas refused to enrol children whose parents failed to secure personal documents.

Roma, Ashkali and Egyptian children face this problem often. An attempt of the Ministry of Education in March 2007 to enable access to education to Roma children who do not possess the necessary documents for enrolment (birth certificate, etc) through affirmative measures, did not solve this problem altogether. In practice, there were schools that failed to act in line with this measure. Best practice examples are cases when the Ministry of Education issued temporary personal identification number to children at a request of school management, to ensure their enrolment.

IDPs problems related to recognition of school certificates and diplomas (2009)

- IDPs cannot prove their level of education since a significant number of student files were destroyed during the conflict
- The decision of the Serbian authorities not to recognize the validity of schools certificates delivered by educational institutions in Kosovo further aggravates the situation
- However in October 2008, the Serbian Government passed a decision recognising diplomas of the Pristina University with UNMIK stamp
- IDPs have to prove their level of education in dislocated and often distant courts in Serbia, which involves high costs that they cannot support

COE, 25 June 2009:

Recognition of diplomas in Serbia is reportedly still subject to lengthy and unnecessary complex procedures. This has caused obstacles for persons belonging to national minorities to access higher education institutions as well as access employment. Steps should be taken to find comprehensive solutions regarding the recognition of diplomas by educational establishments in Kosovo. There is also a need to ensure that the competent Serbian educational authorities are issuing their decisions on the recognition of diplomas of other institutional establishments of the region within a reasonable time-limit.

Praxis, March 2009:

"A particular problem to IDPs refers to proving the level of education, as a significant number of school and student files was destroyed or went missing during the conflict in Kosovo. To further aggravate the situation, the Serbian authorities do not recognize the validity of school certificates and diplomas available in Kosovo, and issued by the Kosovo educational

institutions. In such cases, IDPs are instructed to prove their level of education in dislocated courts throughout Serbia, so they are additionally burdened by collecting evidence for court procedures and consequently exposed to unnecessary and high costs, and particularly to costs of travel to, often remote, dislocated courts.

There have been certain attempts to resolve the problem of recognition of duplicate diplomas with UNMIK stamp. Thus in October 2008, the Government passed a decision whereby diplomas of the Pristina University with UNMIK stamp are to be recognized on the entire territory of Serbia. However, there are still no information about whether concrete progress has been made in this respect in practice. With respect to the diplomas from the Pristina University displaying an inscription "Kosovo Republika", they are not recognized as proof of the university education degree acquired. No attempts have been made to resolve the issue of recognition of certificates and diplomas on acquired secondary school education.

Education and literacy levels among vulnerable groups such as IDPs, refugees and Roma below national average (2007)

- Access to education for displaced children in Serbia is free and their enrolment rate ranges from 85 to 92%, depending on whether the source differentiates between Roma IDP children and non-Roma IDP children
- The enrolment and literacy levels are lower for Roma children, both displaced and non-displaced, due to their poverty and discrimination at school
- Literacy level for refugee and IDP children (Roma and non-Roma) is 91% and for Roma children 84% while for domicile non-Roma 97%
- Women's literacy and education levels are generally lower in the three population groups
- Access to education is primarily hampered by financial hardships, for 45% of Roma and 38% of refugees and IDPs the cost of education poses an unsurmountable obstacle
- There is little external financial support in the field of education, with only 1% of Roma, refugees and IDPs receiving stipends or scholarship assistance

COE, PACE, 12 July 2007, paragraph 45:

"Access to education is free for the displaced population in Serbia. As a result, the enrolment rate of displaced children is 92 per cent. However, the enrolment rate is much lower among Roma children because of their poverty and discrimination at school. Roma children are to a large extent excluded from preschool and have limited chances to be successful in primary education. The latest Multi Indicative Cluster Survey (UNICEF 2006) shows that the coverage of children with organized early childhood education in Serbia is low: 33.6 %, dropping to 6.4% for the poorest children and a mere 3.9% for Roma children. The official gross enrolment rate in primary education is 94.5%. There are significant disparities: Only 66.2 % of Roma and 86.7% of children in severe poverty enrol the primary education. Only 13% of Roma children who enrol are able to complete primary education. Continuation in secondary education of those who finish primary education is 66.5% among the poorest and only 10.1% of the few Roma children who start secondary education. Roma children are abusively placed in educationally handicapped schools, mainly because their understanding of the Serbian language is not sufficient to pass the standard school admission test. Catch-up classes organized for Roma helped considerably the number who failed the entry test for regular schools. Good quality and inclusive preschools are the best investment for increasing possibilities for these children to be successful in primary education. A person without even primary education will most probably face a life in poverty. There is an urgent need for a child centered, national strategy on inclusive education based on capacity development of all children with different backgrounds."

UNHCR Belgrade/Praxis, March 2007, pp.38-9:

"The majority of RAE IDP children in Serbia do not attend school. According to the recent Study conducted on the basis of a sample by the Minority Rights Centre 74.6% of RAE IDP parents do not enroll their children in school. RAE IDP children face a wide range of obstacles in their access to education including chronic illnesses, discrimination, suffocating poverty[], prejudice from local communities, and language and cultural barriers. Further, many parents have not attended school. Most of the IDP children from Kosovo have either never been to school or drop out before completing the fourth year.

In Serbia, RAE frequently suffer discrimination and racial segregation in education, despite legal provisions for national minorities. Research conducted by the Minority Rights Centre found that Roma children in many primary schools in Serbia are victims of violence and insults based on ethnicity. Teachers in many schools put Roma children at separate desks, or even in separate classes. Chronic illnesses, lack of proper clothing and intolerance from local children further add to existing difficulties. Though Roma children sometimes suffer harassment by non-Roma peers, including violence and racial slurs, teachers and other schooling authorities reportedly do not always react adequately against this racism. Roma children are frequently excluded from the mainstream education system due to language and cultural barriers. In some cases, schools have refused to enrol Roma IDP children for their deficient Serbian, and often instead place them in separate classes, and even sometimes in schools for children with learning disabilities."

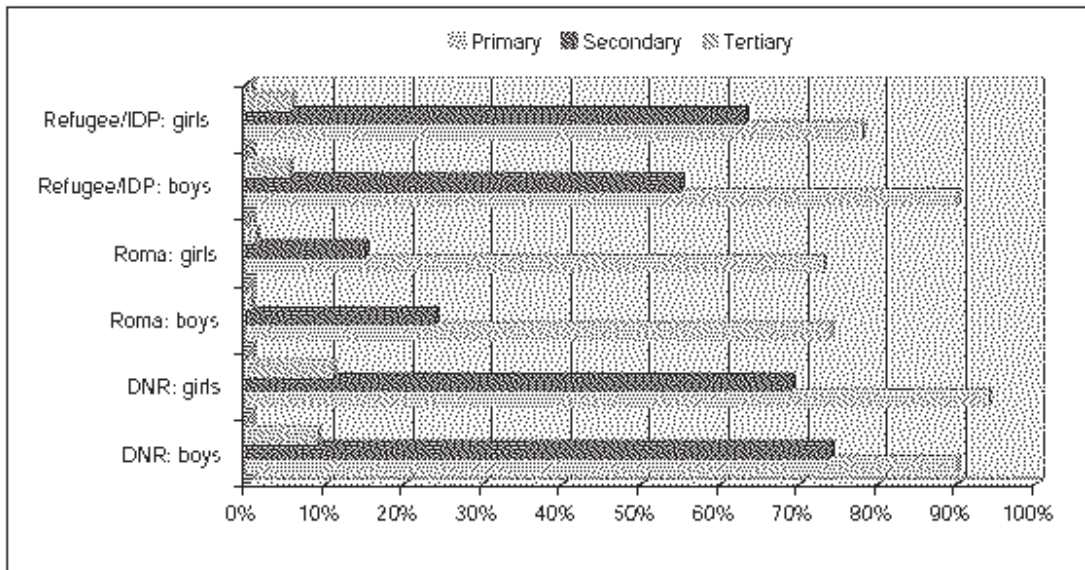
UNDP, June 2006, pp.18-20:

"The results of the UNDP vulnerability survey showed that the education and literacy levels among some vulnerable groups in Serbia fall well behind national averages.[] While the average literacy rate of the domicile non-Roma is 97 percent, among refugees and displaced persons it is 91 percent, and among Roma 84 percent. Data disaggregated by sex for all three groups shows lower literacy rates among women: 80 percent among Roma, and 90 percent among women refugees and IDPs; women above the age of 45 from both groups have the lowest literacy rates in their communities. Evidently, it would therefore be important to pursue literacy programmes for women in these vulnerable groups, especially targeting adult groups.

The Roma in particular largely miss on formal education: out of the population surveyed, about a third had either no education, or had attended just several grades of elementary school (31 percent), followed by 23 percent of those who managed to complete primary school only.[] Only 11 percent Roma graduate from secondary schools, and 1 percent graduate from college. Comparatively, 34 percent of the refugee/IDP population had secondary school education, and a further 10 percent graduated from colleges or universities, while the national averages from the year 2002 show 41 percent of secondary school graduates, and 11 percent of college or university graduates. On the average, women in all three groups have lower educational levels than men, with the exception of tertiary level-educated women from the domicile non-Romani respondents group.

This bleak picture of educational underachievement appears to be reflected in the current enrolment rates of school children. While 92 percent of children of primary school age from domicile non-Romani communities living in close proximity to Roma are actually enrolled, this is the case with only 85 percent refugees and IDPs, and 74 percent Roma. On the secondary school level, this discrepancy becomes drastic: whereas 71 percent of eligible domicile non-Romani population attends secondary school, the percentage for the same category among refugees and IDPs drops to 58 percent, and among Roma it is only 19 percent. At the college and university level, the domicile non-Romani average enrolment is 10 percent, followed by 6 percent among refugees and IDPs and only 1 percent among Roma. At the time the survey was conducted, 8 respondents had an associate college degree and 7 had incomplete university education, out of 1,580 Romani persons interviewed.

Chart 11: School enrolment



The data disaggregated by sex shows that primary school enrolment of Romani girls is 1 percent lower than that of Romani boys, and in secondary schools it is 4 percent lower. Among the domicile non-Romani population, girls lead in primary school enrolment, fall behind in secondary schools, but gain statistical advantage again on tertiary level. Girls from refugee and IDP communities enrol primary school less commonly than boys of their age, and on secondary and tertiary level there is higher enrolment of girls compared to that of the boys (for instance, 63 percent female enrolment to 55 percent male enrolment in secondary schools). The general ratio of girls to boys on tertiary level (1.75 for Roma, 1.22 for the domicile non-Romani population, and 1.05 among refugees and IDPs) is unfortunately not a product of gender equality, but rather a decline in the quality of education, underestimation of academic degrees in the labour market, and the decrease of social importance given to education.

A great deal of obstacles faced by pupils and students stem from financial hardship: as many as 45 percent of Roma and 38 percent of refugees and IDPs aged 6 to 22 named the cost of education an insurmountable obstacle. Chances of external financial support are low: only 1 percent of Romani and refugee/IDP households receive stipend or scholarship assistance. This phenomenon illustrates the vicious circle of poverty: as poverty affects education, the consequent lack of education perpetuates future poverty. Some cultural practices also impede education: 11 percent of Romani girls and 3 percent of Romani boys left school due to marriage, which was the case with less than 1 percent of the domicile non-Romani respondents, and practically no refugee/IDP persons surveyed. Though this group was not a particular target of the UNDP vulnerability study, it should be noted that Romani street children are also largely absent from schools. There are no studies detailing their situation, as it appears that they are missing from a vast majority of surveys, however it seems that most of them come from deeply impoverished families and are involved in begging to support themselves. Any attempts to integrate street children into the educational system would have to take into account the need for economic support as well."

Note! In the UNDP vulnerability survey the results of which are presented here, 17 percent of the surveyed IDPs were of Romani origin, and in the report they are regarded as belonging to the IDP category alone. Therefore, there is no distinction between Roma IDPs and other IDPs. Similarly there is usually no distinction between refugees and IDPs.

U.S. DOS, 6 March 2007:

"Romani education remained a problem. Many Romani children did not attend primary school, either for family reasons, because they were judged by school administrators 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 the Romani language and cultural norms made it difficult for them to succeed on standardized tests in Serbian. The UNHCR, with government support, conducted health education programs for Roma and pre-school programs for Romani children."

Influx of IDPs has put extraordinary pressure on already deteriorated school system (2000-2007)

- Despite the pressure on the school system in Serbia, a high number of IDP children are enrolled
- Most primary schools are willing to facilitate enrolment despite missing documentation
- However, limited access to school files and diplomas left in Kosovo still complicates access to secondary and higher education
- Despite positive developments, access to education of RAE IDP children remains limited
- In addition, economic hardships and lack of resources significantly impact access to education
- Sometimes even top pupils cannot continue their education

UNHCR Belgrade/Praxis, March 2007, p.30:

"The considerable IDP population has put extraordinary pressure on the already-strained school system in Serbia. Notwithstanding this pressure, a very high number of IDP children are fully enrolled in primary schools and the attendance rate for children in CCs in 2002 was 92% – only 5% lower than the national average. This is a remarkable achievement []."

In addition, the problem of missing documentation of school children is frequently resolved. Most primary schools in Serbia are willing to enrol children without proper documentation if parents show evidence that a request to obtain birth certification is submitted.

However, limited access to school files and diplomas left in Kosovo still complicates access to secondary and higher education. In cases of missing or destroyed diplomas and school certificates, IDPs are not able to prove their level of education and qualifications. Persons facing problems relating to educational documentation are often referred to court procedures for proving qualifications⁴². The practise of courts in this respect varies and often courts refuse to deal with these cases. This is again a problem of missing documentation. The mutual recognition of documents between UNMIK and the Serbian authorities would enable unimpeded access to secondary and higher education.

Despite many positive results in regards to the general access of IDPs to education, RAE IDPs are faced with considerable problems in accessing education, especially RAE IDPs (...)."

Group 484, April 2005:

"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."

UN OCHA 26 April 2002, p. 13:

"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."

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

Group 484, April 2005, p.60:

"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.”

USDOS, 28 February 2005:

“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.”

AI, 22 March 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)."

ICRC, April 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."

See also: [*Serbia Roma action plan on education*](#)

Women's Commission, September 2001, p. 15:

"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."

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]*

UN OCHA, 26 April 2002, p. 23:

"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)."

ERRC, 2001:

"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."

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

Women's Commission, September 2001, pp. 16-17:

"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 Aerodrum, 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, p. 25:

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."

ISSUES OF SELF-RELIANCE AND PUBLIC PARTICIPATION

Overview

Economic position of IDPs remains fragile (2009)

- The unemployment rate among IDPs is much higher than in the general population
- Unemployed IDPs in a majority of cases lost their jobs in 1999 because of war and displacement
- IDPs tend to work more in the informal sector and more with short-term contracts or on occasional jobs. Their employers sometimes fail to register them as employees and do not cover insurance costs.
- To be able to exercise labour rights and receive related benefits, employees must possess an employment booklet and other documents such as diplomas. Often, IDPs do not possess these documents, that have been lost or destroyed during the war.
- The employment booklet is one of the prerequisite to register with the National Employment Service and exercise the right of unemployment benefits, but IDPs must also submit a diploma on educational level and identity card proving their IDP status.
- In the same way, Roma IDPs living in informal settlement without registered residence cannot access the National Employment Service.
- Roma IDPs are mostly informally self-employed in street trade business without any basic welfare rights, whereas non-Roma IDPs in the majority of the cases work for another employer
- IDPs women are even more marginalized on the labour market
- IDPs who were employed in Kosovo prior to the displacement receive temporary cash benefits through NES, but can lose this right if they contract an employment in Serbia. Since they receive cash benefits, they are considered as employed and therefore are not eligible for NES programmes for unemployed.

Praxis, March 2009:

The area of employment and labour relations represents one of the areas in which IDPs face a number of problems. Although efficient exercise of all rights guaranteed by the Constitution relative to their employment should be ensured by the State equally as to other citizens, the position of IDPs in this sector is extremely disadvantageous. They are most often engaged on short-term and occasional jobs; the employers sometimes fail to register them as employees and do not cover their health and social insurance costs.

a) Problems related to the employment booklet and other documents

In order to be able to exercise the rights from labour relations, an employee must hold an employee booklet as well as other documents: diploma on the level of education and the form M-46. Some IDPs do not have these documents as the archives have been destroyed or lost during the Kosovo conflict. If this is not the case, these documents are available, but on the territory of Kosovo. There is a special problem related to issuance of new employment booklets, for according to the Rules of Procedure on Employment Booklets, unemployed persons are instructed to submit a requests for issuance of an employment booklet to the competent municipal administration authority in the place of permanent residence, and the employed

persons in the place of employment. Since issuance of an employment booklet according to the place of temporary residence is not envisaged, IDPs may do it only according to the place of employment, the prerequisite of which is a confirmation of an employer on future employment. In cases when they are unable to apply for an employment booklet according to the place of employment, they are prevented from registering at the National Employment Service with a view to obtaining unemployment benefits. In this way, the practice of authorities puts some IDPs in an inequitable position compared to other persons.

b) Problems with the National Employment Service

An employment booklet is a prerequisite for registration with the National Employment Service (NES) and exercise of rights to unemployment benefits. In addition to an employment booklet, in order to register with the NES, one should also submit a diploma on educational level and, in case of IDPs, also an identity card proving their IDP status. In some cases, the NES branch offices accept the verified statements of two witnesses on the level of education of IDPs instead of a diploma. Others, however, require a document issued in non-contentious procedure establishing the level of education. Since there is no consistent and legally established practice, different treatment of IDPs has been observed. Furthermore, NES received a prominent place in the 2006 – 2008 National Action Plan of the Government of the Republic of Serbia. According to this document, which explicitly pronounces IDPs as one of the most vulnerable categories in the employment sector, the NES was tasked with increased involvement of these persons in the scholarship end of 2008 this programme is believed to have remained at the level of proclaimed objectives that were not fulfilled at all in practice.

c) Problems in the area of labour relations

Two groups of problems of IDPs are particularly evident in the area of labour relations. The first group refers to the above-described problems related to personal documents. As already mentioned, IDPs lacking employment booklets and other labour-related documents are often unable to exercise the rights from labour relations pertaining to them on the basis of the previously acquired years of service. Also, IDPs who do not have proof of the educational level are forced to accept any job they are offered, even to work as unskilled labourers. The second group of problems relate to IDPs who were employed in Kosovo prior to their displacement. Their legal and labour status is quite unclear. On the one hand, these persons receive temporary cash benefits through NES. The legal basis for payment of these benefits is a Decision of the Government of the Republic of Serbia, which therefore seems disputable to the employees of NES themselves.

On the other hand, the Government Decision stipulates that these persons may lose the right to cash benefit should they contract employment in Serbia. Also, since this group of IDPs are at the same time considered employed, they are not eligible for NES programmes targeting the unemployed.

UNDP, Slobodan Cvejic and Marija Babovic, 2008:

The economic position of IDPs' households seems to be fragile. Their income structure is based on social assistance as much as on employment related income, and all of their income components are weak. Their consumption reveals serious inequality between Roma and non-Roma households, and an uneven distribution between regions and cities. Large families are the most jeopardized by poverty. However, it is interesting to note that the incidence of poverty is smaller in Southern Serbia than in other regions, which is opposite to the trend among the domicile population.(...)

The position of IDPs on the labour market is particularly unfavourable, and represents one of the crucial obstacles to their social inclusion. Their employment rate is significantly lower and unemployment rate much higher than in the general population in Serbia. They work more in the informal sector and more with short-term contracts, and on seasonal occasional jobs. Both non-Roma and Roma are mostly paid below average, or even below minimum salaries.

Unemployment among IDPs is marked by an extremely high share of long-term unemployment. Compared with the national sample, IDPs rely less on NES and more on social networks and other channels than other unemployed people when searching for work. (...)

Within the IDP sample non-Roma and Roma IDPs differ markedly according to many aspects of labour market position. Non-Roma IDPs in the majority of cases work for another employer while Roma IDPs are mostly self-employed. Non-Roma employment involves a significant share of informal work and obstacles to exercising basic welfare rights. The majority of them work in enterprises, with long-term labour contracts. However, a significant number of non-Roma IDPs work in occupations below their education level. Additional work is not engaged in significantly by this population, probably because of insufficient resources identified as important for the development of an 'additional job' coping strategy.

The employed Roma are typically informally self-employed in street trade business, without basic welfare rights in the majority of cases. Bearing in mind the features of their employment, we can conclude that they are coping to provide an economic position mostly outside the formal labour market.

Women from both groups are significantly marginalized in the labour market. They have significantly lower activity rates, employment rates and much higher unemployment rates than men. When employed, they exercise welfare rights more than men, but on average they are paid less. Roma women are in a particularly bad position, as they enter the labour market only in small numbers, mostly as unqualified labour, and when employed they mostly work informally in small-scale street economy, without any labour or welfare rights. Unemployed women from both ethnic groups rely more on the NES when seeking employment, rather than on social networks or by approaching employers directly.

Unemployed IDPs in a majority of cases lost their jobs in 1999 because of war and displacement. The majority of them had employment in manufacturing and trade. All of them have been actively looking for a job, and the most important channels for both subsamples are NES, social networks, direct approach to employers and advertisements.(...)"

EC, November 2008, (progress report on Serbia), p. 19:

"One particular cause of concern was the situation of Roma and Bosniak minorities. There is a disproportionately high level of unemployment among minorities"

UNHCR, July 2008 (ask of ok to use it):

"Obstacles in accessing employment and necessary documentation result in a low rate of IDP employment (UN Guiding principle 22)."

IDPs unable to deregister from their previous Kosovo address do not have access to social welfare in Serbia (2009)

- To have access to social welfare, IDPs must have a local address in Serbia and must deregister from their previous address in Kosovo
- However, IDPs often lack personal or residency documents from Kosovo and are unable to deregister from their previous place of residence

USDOS, February 2009:

"The law requires residents to record changes of residency and to appear in person at the place of prior registration to remove themselves from the registry. IDPs from Kosovo who lacked personal or residency documents from Kosovo were unable to deregister from their Kosovo addresses and register at a new address in Serbia. Without an authorized local address in the country, individuals were ineligible for health insurance, social welfare, and public schools. "

Access to justice for IDPs remains limited (2009)

- Although the right to legal assistance is guaranteed in the Constitution, State Authorities have not put in place legal regulations to ensure this right and only a limited number of municipalities ensure legal assistance free of charges
- Vulnerable groups and IDPs in particular cannot seek legal assistance
- Courts and other public institution dislocated from Kosovo after 1999, which have the jurisdiction to decide on the rights of IDPs, are far from the places of residence of IDPs and do not have sufficient resources to conduct proceedings
- The employees in public institutions frequently find legal excuses to reject IDPs' requests and are not interested in resolving the problems of this category of persons

Praxis, March 2009:

In the new Constitution of Serbia from 2006, the right to legal assistance has, for the first time, been raised to the level of a fundamental human right guaranteed by the Constitution. Article 67 of the Constitution states that everyone shall be guaranteed right to legal assistance and that the law shall stipulate conditions for exercising this right. Regretfully, to date the legislator has not taken the order of the Constitutional provision seriously, so Serbia remains one of the few European countries without legal regulations in this very important area. Deficiencies of the legal system cause extremely negative consequences for all the citizens, and especially for the vulnerable groups. Among them are IDPs as a particular category of population, but also groups within IDP population whose rights are particularly threatened such as children, women, the elderly, the ill, persons with disabilities and internally displaced members of ethnic minorities. At the same time, other aspects of access to justice, for instance access to courts and other authorities or competence of state employees to face the problems of IDPs, do not secure unimpeded enjoyment and protection of rights of this category of persons either. The deficiencies of the legal system will be analyzed below.

a) Lack of legal regulations

Although the non-governmental sector has developed model laws in the area of legal assistance several years ago, the competent state authorities still do not have the text of the Law on Legal Assistance. The State is thus turning a deaf ear on the responsibilities directly resulting from the Constitutional guarantee of the right to legal assistance, as well as on the needs of the majority of population.

With respect to the position of IDPs, the deficiencies of the legal system directly reflect on the possibility to enjoy and protect their rights. First of all, IDPs cannot request the institutions to ensure various forms of legal assistance. IDPs cannot seek legal assistance from the authorities they are addressing in an attempt to exercise or protect their rights, except incidentally or if the institution conducting the proceedings decides arbitrarily to provide the client with legal assistance. Therefore, the Constitutional guarantee of the right to legal assistance remains but a legal declaration for the majority.

Also, the Constitution puts a direct obligation on the local authorities to organise their own legal aid services and stipulates that the eligibility for free legal assistance of these services

will be provided for in the law. To date, only a limited number of municipalities in Serbia acted upon this obligation, and the criteria for ensuring legal assistance free of charge differ from one municipality to the other. This has left IDPs and other categories of population without qualified legal assistance at municipal level. At the same time, the unjustified, differing treatments of the same categories of persons with respect to payment of legal assistance depending on the municipality, constitute acts of direct discrimination. When speaking of legal assistance provided by the NGO sector, it should be noted that non-governmental and other organisations ensure certain forms of legal assistance, from providing legal counselling to representation, without support of a corresponding legal regulation. So, first and foremost they lack legal basis for carrying legal assistance services. Furthermore, the operation of their legal assistance services, as well as municipal legal assistance services, suffers from significant shortcomings related to rules of organisation of work, human resources and material equipping for provision of services, protection of data on beneficiaries of services, financing of the service and other regulations relevant for efficient and qualified provision of services.

b) Inaccessibility of courts and other public institutions

Courts and other public institutions dislocated from Kosovo after 1999 have the jurisdiction to decide on the rights of IDPs in a majority of cases. With respect to access to these, two categories of problems are particularly evident. On the one hand, the majority of IDPs live in places very far from the dislocated institutions. As a rule, they are unable to respond to the summons of courts and other institutions that are not located in their places of residence due to poverty and other obstacles.

On the other hand, the dislocated courts and other institutions themselves do not have sufficient staffing and financial capacities to conduct proceedings. The employees in these institutions mostly reside in very modest conditions as „subtenants“ with other similar institutions. They often have only several offices at their disposal and are without basic financial conditions for work. Some of the dislocated courts do not function at all, while other do not schedule hearings.

c) Inappropriate attitude of employees in public institutions

The employees in the institutions conducting proceedings or making decisions related to exercise or protection of IDP rights are not, as per all the available information, sufficiently nor systematically trained to respond to the problems of this category of persons. They do not have sufficient information on their legal status, nor are they sensitised to their specific problems.

The employees frequently find formal and legal excuses to reject jurisdiction or refute requests for other reasons. Most generally, their attitude to IDPs may be characterised as inadequate motivation to resolve the problems of this category of persons.

IDPs face obstacles to access their pension rights (2009)

- IDPs face difficulties in accessing pension rights for 3 main reasons:
- They do not possess the documents to prove the length of their service and their contribution to the pension insurance since employment registers are often in the archives of IDPs' former employers in Kosovo or have been destroyed during the conflict.
- During the period from 1991 to 2003, the employers often did not pay the contribution to the pension fund and many of the companies have dissolved or changed status
- The invalidity insurance funds were dislocated from Kosovo in 1999 to Serbia. There is no communication between the Serbian authorities and the Kosovo authorities and the

Praxis, March 2009:

"There is a considerable number of persons among IDPs whose survival is directly linked to regular pensions. Unfortunately, the IDPs often face almost insurmountable obstacles in exercise of their rights from pension insurance in this area as well. These rights are guaranteed in a general way by the Law on Pension and Disability Insurance. The rights of certain categories of the insured are defined also by the Law on War Veterans and the Disabled Protection. Finally, aiming to overcome the problems related to unpaid contributions for pension insurance, that mainly occurred in the 90s Law on Payment of Contributions for Pension and Disability Insurance for Certain Categories of the Insured was passed in 2005. In light of these legal regulations, the particular problems faced by IDPs will be enumerated below.

a) Impossibility to prove years of service

There are two distinct categories of IDP beneficiaries of the right from pension insurance. IDPs who have acquired the right to pension in the period preceding 1999 and those who have duly informed the Republican Fund for Pension and Invalidity Insurance of the Republic of Serbia on the change of their permanent residence, have almost no problems with respect to regular income from pension insurance. However, IDPs who have acquired the right to pension after displacement in 1999 face first the problem of proving the length of their years of service and qualifications, as well as fulfilment of obligation of payment of contributions for pension insurance. These facts are, as a rule, entered into employment booklets and other documents, among which the form M-4 is particularly significant as it contains information of the years of insurance, salary and allowance, i.e. basis of insurance and amount of paid contributions. A considerable number of employment registers remained in the archives of IDPs' former employers in Kosovo, IDPs were employed with. A certain number of employment booklets were destroyed or lost during the conflict in Kosovo. In practice, the impossibility of accessing original documents, i.e. impossibility to obtain them from the territory where they lived previously, results in IDPs not being recognised the rights from pension insurance, i.e. their benefits are reduced without justification.

b) Deficiencies of employers related to payment of contributions for employees

A large number of IDPs face difficulties in exercising the rights from pension insurance, because of the fact that their previous employers from the territory of Kosovo did not regularly fulfil their obligation to pay contributions into pension funds. In truth, by passing the Law on Connecting Years of Service in 2005, that is the Law on Payment of Contributions for Pension and Disability Insurance for Certain Categories of the Insured – as reads the full title of this legal text – Serbia has taken over responsibilities of the unconscientious employers who did not pay mandatory contributions for their employees in the period 1991 - 2003. However, there are no records on whether IDPs managed to exercise their right to pension or to increase their pensions on the basis of the provisions of this Law. Thus, in cases in which the amount of pensions was established by provisional decisions, there are no data on whether anyone managed to finally resolve this issue and receive a higher pension on the basis of the Law on Connecting Years of Service. As a rule, the rights of these persons could not be protected even before a competent court. Such cases are mostly under the jurisdiction of the district court dislocated from the territory of Kosovo. Practice has shown that these courts only sporadically schedule and hold hearings, resulting in endless procedures i.e. actual impossibility to protect rights efficiently. An additional problem is the fact that many companies in Kosovo dissolved in the meantime while others continued to operate albeit with the changed status and seat. Consequently, IDPs are not able to exercise their rights from labour relations even through courts.

c) Problems related to functioning of state administration

The registries of pension and invalidity insurance funds were dislocated from Kosovo in 1999 and are now located at the Republic Pension and Invalidity Insurance Fund. These registries on beneficiaries are incomplete for the most part. In this situation, one could expect the competent authorities to try and simplify exercise of rights of IDPs in the area of pension insurance. However, they seem to have missed out on it. Namely, the Serbian authorities themselves are not prepared to obtain the missing documents ex officio to complete their own registries. Communication with the Kosovo authorities has been interrupted altogether. There is not a single mechanism of exchange of documents between the Kosovo and the Serbian authorities. Second, the Republic Pension and Invalidity Insurance Fund continues to maintain an extremely rigid attitude on the necessity to submit original and complete proof on years of service and other facts key to exercise of rights by the insured. The documents issued by the Kosovo authorities at the request of IDPs are not accepted as valid evidence by the Fund. With respect to that, one of the greatest practical problems in the procedure of exercising rights to pension seems to be the refusal to recognize the M-4 form issued by the Kosovo Pension Administration. In view of this problem, the Ministry of Labour and Social Policy adopted a recommendation whereby the Republic Pension and Invalidity Insurance Fund is requested to take a more flexible approach regarding mandatory documents for exercise of the right to pension. The Ministry has also proposed that alternative evidence of employment be accepted in the procedure of exercise of rights from pension insurance, but there is no information as to whether this proposal is observed."

Minority communities are underrepresented in law enforcement structures and in the judiciary (2009)

- Minority communities, in particular Bosniac and Albanian minorities, are underrepresented in law enforcement structures and in the judiciary

COE, 25 June 2009:

"Shortcomings remain regarding the representation of certain national minorities in law enforcement structures and in the judiciary, in particular for persons belonging to the Bosniac and Albanian minorities. The existing information on the representation of national minorities in public administration is incomplete. It is important that the authorities try to obtain a complete overview on the situation in this field, while paying due attention to international standards in the field of personal data protection."

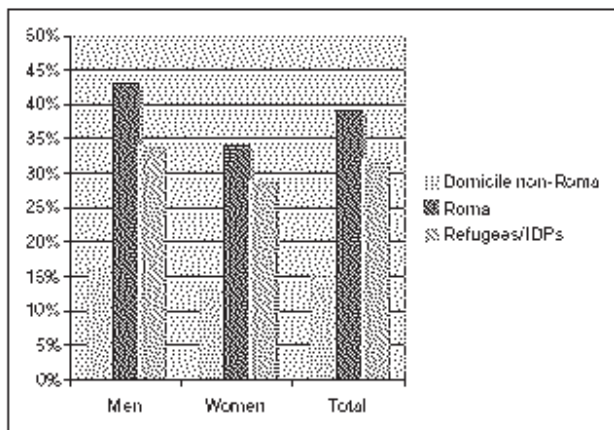
High unemployment rates among vulnerable groups such as IDPs (2006)

- Unemployment rates among refugees and IDPs reach 32%, among Roma 39% while among the domicile non-Roma 15%
- Creating employment opportunities for members of vulnerable groups would support the process of their poverty eradication
- In all three population groups, women's income was lower than that of the men
- The percentage of children between 6 and 15 years making an income ranged from over 9% of the total population among the domicile non-Roma, to 14 % among Roma
- Refugees and IDPs mostly make a living working for the state (25 %), receiving pensions (17 %), and working for private companies (13 %)

UNDP, June 2006, p.6-8:

“When it comes to the causes of poverty, with all three groups there is a discernible close link between poverty and unemployment.[] Poverty rates are highest among those who are inactive,[] yet this is followed by high poverty rates among unemployed persons from vulnerable groups, and this is especially the case with refugees and IDPs where slightly over 41 percent of both unemployed and inactive live under the absolute PRSP 2003 poverty line, expenditure-based. The unemployment rates among the vulnerable groups significantly differ from those of the domicile non-Romani population: while 15 percent of the domicile non-Roma population is unemployed, the rate reaches 32 percent among refugees and IDPs and 39 percent among Roma. Evidently, creating employment opportunities for vulnerable groups’ members would strongly support the process of their poverty eradication. ...

Chart 1: Unemployment rates



The length of unemployment provides another indicator of concern: With all three population categories, very high percentages of those out of work force have never had a job – 49 percent of unemployed refugees and IDPs, and as much as 67 percent of unemployed Roma. Additionally, the percentage of domicile non-Romani respondents that have never been employed is also quite considerable (40 percent). Demographically, Roma make a very young group, and 54 percent of the population is aged 15-49, the age when they could be making a strong working contribution, nevertheless 70 percent of Roma in this age category have never had a job.

In terms of monthly income regardless of the source, 50 percent of the domicile non-Romani respondents and 30 percent of refugees/IDPs belonged to the group earning over 150 EUR per month.[] Only 15 percent of surveyed Roma fall within this income category, while the largest category of Roma (25 percent), however, live on less than 30 EUR per month. In all three population groups, women’s income was lower than that of the men. It is also worth noting that high percentages of respondents reported not having earned any income in the previous month: 43 percent among domicile non-Roma population, 66 percent among Roma, and 61 percent among refugees and IDPs. Additionally, in some cases, the persons making an income were actually children: the percentage of children over 6 and under 15 making an income ranged from over 9 percent of the total population among the domicile non-Roma, to 14 percent among Roma. Particularly among Roma, because of the difficult economic situation in their families, children engage in contributing to the household budgets in various ways, from taking care of younger siblings while parents are working, to begging, working in trade, etc.

Sources of income are very diverse for all three groups. The domicile non-Romani respondents mostly earn their income in regular state jobs (41 percent), followed by pensions and disability, sickness or veteran’s benefits (19 percent), whereas 15 percent earn regular wages in private

firms. Following the same pattern, refugees and IDPs mostly make a living working for the state (25 percent), receiving pensions (17 percent), and working for private companies (13 percent). The income sources of Roma differ to a large extent, as the main sources of income are: paid work performed informally for friends and neighbours (21 percent), regular state jobs (12 percent) and selling goods at markets (10 percent). Ten percent of all Romani persons investigated live in households in which child support or maternity benefits are a primary source of income,[] compared to 1 percent domicile non-Romani respondents and 3 percent refugees and IDPs.”

Note! In the UNDP vulnerability survey the results of which are presented here, 17 percent of the surveyed IDPs were of Romani origin,[] and in the report they are regarded as belonging to the IDP category alone. Therefore, there is no distinction between Roma IDPs and other IDPs. Similarly there is usually no distinction between refugees and IDPs.

IDPs in Serbia continue to face difficulties in access to employment (2005-2007)

- IDPs continue to face considerable obstacles in accessing legal and gainful employment as well as access to pension rights
- Consequently a large percentage of IDPs work in “grey” economy or as day labourers which, in the long run, leaves them in vulnerable position
- Unregistered workers do not contribute to pension funds, do not have social and health insurance, and their employees do not contribute to income tax
- Most of these problems originate from missing work booklets and other work-related documentation
- Obtaining a work booklet or having it replaced poses many challenges
- Unemployed IDPs whose permanent residence is registered in Kosovo cannot fulfil criteria for obtaining work booklets

UNHCR Belgrade/Praxis, March 2007, p.31:

“IDPs in Serbia are faced with numerous obstacles in obtaining legal and gainful employment. Subsequently, a large percentage of IDPs work in “grey economy” or as day labourers []. This might allow families to survive day to day, but leaves them in a vulnerable position. Often they are at the mercy of the employers and outside of the scope of any legal protection. Employers do not pay any pension, social or health insurance, as well as do not contribute to the income tax. Most of these problems originate from missing work booklets and other work related documentation (diplomas, M4 forms, etc).

IDPs whose working booklets are missing must undergo a lengthy procedure for the issuance of a new working booklet. Due to the lack of other working-related documentation (diplomas or M4 forms), they are often not in a position to prove the necessary facts in this procedure. The non recognition of the UNMIK stamped documents by the Serbian authorities creates an obstacle even for those who managed to obtain some document from Kosovo.

Those never employed before and who need to get a working booklet for the first time also face many problems. Due to requirements stipulated by the *Rulebook on Work Booklets*: an unemployed person submits the request for issuing a work booklet to the responsible municipality office according to his/her permanent residence, and an employed person according to the place of his/her employment.

Thus, unemployed IDPs whose permanent residence is registered in Kosovo cannot fulfil this criterion. Therefore, they try to obtain a work booklet as being employed in the place of temporary

residence, by presenting a written statement from the anticipated employer. In this respect the practice of the competent authorities varies from one municipality to another. Some municipalities have simplified their procedures and some are still very restrictive. This lack of a unified practice regarding the issuance of working booklets, leads to unequal treatment of IDPs residing in different municipalities.

The missing work booklets and the complicated procedure of issuance of work booklets in some municipalities, hinder the possibility to register with the National Employment Bureau (NEB) and to access existing unemployment benefits. To register with the NEB, IDPs have to present diploma/s, work booklet and an IDP card. If a person lacks one of these documents, he/she will not be able to register with the NEB. However, the practice varies case by case. In case of missing diplomas, for example, the NEB is sometimes (randomly) willing to accept a statement by two witnesses verified by the competent municipal organ. Again, a lack of unified procedure leads to legal insecurity and unequal treatment of unemployed IDPs.

The Ministry for Education and Sport is the only Serbian government institution that accepts UNMIK stamped documents for employment related purposes and enables qualified IDPs to access employment in this field. At the same time, the National Action Plan on Employment of the Government of the Republic of Serbia, for the period of 2006-2008, recognizes IDPs as one of the most vulnerable groups in society and provides the following measures for the integration of refugees and IDPs: increased inclusion of these groups in the services of the NEB securing scholarships for children and measures for stimulating employment and self-employment. The above-mentioned steps are crucial to the improvement of the economic position of IDPs. However, much of this remains declaratory and IDPs still face numerous problems in trying to access the labour market and existing employment opportunities. The result is their unequal position in comparison to other citizens of Serbia.”

Praxis, 28 February 2007:

The failure to provide employment-related documents has a particular impact upon elderly and disabled IDPs. They are often denied their pension rights, and face material hardships due to their diminished pensions calculated on the basis of insufficient data or lack access to pensions due to missing/unavailable records. Those IDPs who had received pension benefits before 1999 have not had major problems in obtaining their pensions, provided they duly informed the Serbian Pension Fund⁸ of their new temporary residence. However, those IDPs who met the retirement criteria and applied for pensions after displacement have often faced problems when asked to provide relevant evidence, such as a copy of their ID card, birth certificate (for those who do not possess an ID card) and work and insurance-related evidence (work booklet, original M-4 forms or other relevant evidence).

There is obviously a lack of political will among the administrative bodies, both in Kosovo and in Serbia, to solve this issue. They often deny responsibility and blame it on the other side. For example, in 2005, one of Praxis’ clients requested the issuance of M-4 form from the Kosovo Pension Administration and received a written response that they did not dispose of any pension insurance records for the period until December 31, 1998, but the Serbian Pension Fund did. Upon Praxis’ inquiry on this subject, the Serbian Pension Fund denied this allegation in writing. However, when these findings were presented to the Kosovo Pension Administration, they started issuing the requested documents (M-4 forms). Such practice shows the necessity of dialogue that can result in cooperation between the above-mentioned administrative bodies.

Another example is the recent trend towards negative practice noted in the Kosovo Pension Administration. Specifically, those IDPs who submitted their pension requests in Kosovo before 1999 and now wish to withdraw their documentation in order to submit pension request in Serbia, can do it only in person.⁹ Before October IDPs were able to withdraw their documentation

through a person they authorized by a court verified power of attorney. It is clear that in this way IDPs are prevented from exercising their rights by imposing unreasonable obstacles.

IDP Inter-Agency Working Group, October 2004:

"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. (...)

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."

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.

ICRC, April 2005, p.9-10:

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, 31 May 2005, p.7-11:

“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.”

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

ICRC, 31 May 2005, p.14-15:

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.

Group 484, April 2005, p.60-61:

“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.”

ICRC, 31 May 2005, p.17:

“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.”

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

IDP Inter-Agency Working Group, October 2004, p.35:

“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.”

ICRC, April 2005, p.43:

“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."

UN OCHA, 26 April 2002, p. 23:

"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. 24:

"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*)."

[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

DRI Serbia, December 2004:

"Decade of Roma Integration activities are in Serbia 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.”

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

IDP Inter-Agency Working Group, October 2004:

“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."

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)

UN OCHA, 26 April 2002, pp. 27-28:

"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, 23 August 2002:

"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, 30 September 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."

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

Group 484, April 2005, pp.61-62:

“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."

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

Brookings, 5 November 2004:

"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. (...)

DOCUMENTATION NEEDS AND CITIZENSHIP

Overview

IDPs face obstacles to access documentation (2009)

- 9 years after displacement, number of IDPs still live without personal documents and cannot access basic rights
- Various problems arise when trying to access personal documentation:
- Registries on personal status, which were displaced in different municipalities in Serbia, are far from IDPs' places of residence and travels involve costs that few IDPs are able to pay
- When registries have been destroyed during the war, IDPs face difficulties in proving their identity for re-registration
- Unequal practices of the competent authorities result in long procedures, with uncertain outcomes
- The complexity of the procedures often requires expert legal assistance
- IDPs are not exempted from payment of fees for the procedure and, in order to prove their maternity or paternity, can be asked to make a DNA analysis which costs 500 euros
- IDPs living in informal or illegal settlement cannot register their temporary residence in Serbia, and can therefore not access the health system, which since February 2009 requires a permanent residence in Kosovo
- Without an authorized local address in the country, IDPs are ineligible for social welfare and cannot access public schools
- Roma IDPs are particularly vulnerable and are at risk of statelessness

COE, 25 June 2009:

"The lack of personal documents of both local and internally displaced persons has still not been tackled in an adequate manner, which has resulted in obstacles to access a number of social rights. More resolute action is needed in the context of the future National Strategy on Roma to tackle these problems.[...]"

The Advisory Committee is deeply concerned about the situation of the many Roma who still lack personal documents. This concerns local Roma and internally displaced Roma, Ashkali and Egyptians from Kosovo, who many years after their displacement, find themselves without the basic documentation needed to access a number of social rights (see also Article 15 below). The Advisory Committee is aware that some valuable initiatives have been taken by some local NGOs with the support of the international community, such as the provision of free legal aid. However, it regrets the fact that no decisive measures have been taken so far by the Serbian authorities to tackle effectively this situation. As a result, it is estimated that 30% of the approximately 206 000 internally displaced persons (IDPs)¹⁶ recorded in Serbia are still without personal documents. Procedures for obtaining personal documents remain lengthy, unnecessarily bureaucratic and they place an unreasonable burden on IDPs to acquire documentation.¹⁷ In addition, it has been reported that IDPs often lack adequate information about their rights and that the registry offices have failed to devote sufficient attention to this."

UNHCR, 9 November 2009, p. 22:

"In addition, in Serbia, effective access to certain citizenship rights and services, such as medical care, unemployment benefits, pensions and education, is dependent on registration of residence, which is a pre-condition to obtaining a national identification (ID) card. Mere possession of Serbian citizenship – as evidenced by a passport or citizenship certificate – is insufficient.¹⁰⁹ Although persons from Kosovo are formally permitted to register their residence in Serbia, many – particularly the Kosovo Roma, Ashkali and Egyptians – are unable to do so as they cannot provide proof of a place of residence in Serbia. If the individual holds an ID card which does not contain a locally-registered address, the holder will be referred to the municipality identified on the card for health care, enrolment in school, and various other basic public services."

Praxis, March 2009:

"Despite numerous legal texts referring to personal documents, it should be noted that, nine years after displacement, a considerable number of IDPs live without personal documents.

a) Problems related to access to personal documents

Internally displaced persons face serious obstacles in accessing personal documents in Kosovo and Serbia alike. One of the consequences of the 1999 conflict in Kosovo is that part of registries on personal and property status of citizens was destroyed or has gone missing, a considerable part thereof has been dislocated and is administered at different locations in central and south Serbia, while the remaining registries are administered in Kosovo. With respect to obtaining documents from Kosovo (employment booklets, employment records, various certificates and diplomas on the level of education, etc.), the options of IDPs are extremely limited. The volatile security situation prevents many from travelling to Kosovo and personally filing for documents with different institutions and companies. Furthermore, there are very few non-governmental organisations providing free legal assistance in obtaining documents, and services of lawyers in Kosovo are extremely expensive. The competent authorities in Serbia who administer the part of dislocated registries from Kosovo (birth registries, cadastre, Pension and Insurance Fund registries, Ministry of Interior registries, etc.) are often located far from the place of residence of IDPs, so they need to travel across Serbia in order to obtain their documents. This constitutes a serious impediment to access to personal documents, and particularly so for socially vulnerable categories as it involves enormous costs for often long journeys. Sometimes these persons have to travel several times in order to acquire certain documents.

An additional problem emerges when registries have been destroyed or lost during the Kosovo conflict, and especially registries pertaining to the personal status of citizens. In that case, IDPs face numerous obstacles in an effort to re-register into birth registries i.e. prove the previous entry of facts such as birth, marriage, citizenship, etc. Namely, the unequal practice of the competent authorities in handling the cases of re-registration, as well as erratic interpretation of current regulations result in conflict of jurisdiction (subject matter and territorial) and thereafter, different assessments of legal validity of evidence for conducting the procedure – which results in unwarranted and overt prolongation of procedures, often with uncertain outcomes. Furthermore, the competent authorities in these cases mostly avoid the responsibility of obtaining the required evidence ex officio, so that the entire burden of providing evidence lies with the applicants. In many cases it is almost impossible to conduct the procedure of proving one's identity without engaging expert legal assistance.

Among the displaced population, the most vulnerable are Roma who are not registered in birth registry books, sometimes for generations. They usually live in illegal settlements in deplorable conditions, without any possibility of proving their identity. Since they are not recognized before the law, they are "legally invisible" to the authorities and thereby prevented from enjoying their basic human rights. They are unable to prove their identity due to lack of evidence required to conduct a procedure of subsequent registration in birth registry books in accordance with the general legal provisions. In practice, there are numerous examples of "legally invisible" persons

wandering through the labyrinths of passive and unyielding bureaucracy due to absence of adequate legal solutions, as well as due to the employees showing no sensitivity to their needs and problems.

b) Procedural costs

[...] Unlike refugees, who are exempted from payment of fees for verification of powers of attorney for issuance of personal documents or for representation in the procedure of subsequent registration of certain facts into birth registries, IDPs do not enjoy this privilege. A special case of encumbrance of the procedure with costs relates to court procedure of establishment of maternity and paternity where judges often order conduct of DNA analysis amounting to some RSD 40,000.00. Taking into account that these are socially and economically most vulnerable categories of persons, a clear picture of the disadvantageous position in which IDPs may practically find themselves is obtained.

c) Impossibility of registration of temporary residence in Serbia

Applying a restrictive interpretation of a provision of Article 5 of the Law on Permanent and Temporary Residence of Citizens, certain internally displaced persons are prevented from registering temporary residence in Serbia because they live in facilities without address and do not own documents to prove the legal basis of residence. This particularly refers to persons who live in settlements that are not legally recognized (unrecognized collective centres, „cardboard cities“ etc.) and therefore the relevant authorities refuse to accept registration of residence related to these settlements. In certain cases, even if they have a basis for legal residence, they still do not hold proof of their identity so they are unable to register residence. Even the persons living in rented apartments or houses sometimes lack documents proving legal basis of residence, because owners of real estate, seeking to avoid possible payment of taxes to the state, do not wish to register them as tenants. In certain cases, real estate owners request a fee in exchange to allowing IDPs to register residence at the address they, most often, do not even live at.

Praxis, May 2009:

""Persons who do not have registered temporary residence

[...] Article 6 of the Rules of Procedure on way and procedure of exercise of rights from mandatory health insurance, however, derogates the application of this legal rule by stating that the insured must provide a personal statement that he/she is a person of Roma nationality, as well as his/her registration of temporary residence. In this way, persons who do not have their residence registered, for instance due to the fact that they live in an illegal Roma settlement - which is often the case with Roma IDPs - are actually deprived of the rights from health insurance, and exercise of the legal right to using health care services."

See also section on Lack of access to documentation hinders Roma IDPs access to health care (2009), under Subsistence Needs.

USDOS, February 2009:

"The law requires residents to record changes of residency and to appear in person at the place of prior registration to remove themselves from the registry. IDPs from Kosovo who lacked personal or residency documents from Kosovo were unable to deregister from their Kosovo addresses and register at a new address in Serbia. Without an authorized local address in the country, individuals were ineligible for health insurance, social welfare, and public schools. NGOs provided legal assistance to IDPs to register residency.

There were 22,104 officially registered Romani IDPs in the country. However, the UNHCR estimated that there were a total of 40,000 to 45,000 internally displaced Roma living in the

country, many of whom presumably lacked personal documents necessary to register as IDPs. [...]

The UNHCR estimated that there were up to 17,000 de facto stateless persons in the country, mostly due to a cumbersome and lengthy citizenship registration process. Lack of information, administrative fees, difficulty obtaining documents, the lack of an official recognized residence, and sometimes the need to go to court to prove origin and identity made it difficult or impossible for some to register. These problems disproportionately impacted Romani, Ashkali, and Egyptian communities, particularly IDPs, although they also affected others who were destitute and living in isolated areas."

Praxis, October 2008:

"The estimates suggest that there are several thousands of persons living in Serbia today, predominantly Roma (IDPs and domicile), who are not recognized as persons before the law, even though the right to be recognized as a persons before the law is a basic human right, guaranteed

by international regulations and the Constitutions of the Republic of Serbia. We are often witnesses of a vicious circle of the invisible, in which each generation leaves behind a generation of offspring who are nor legally recognized. (...)

In order to solve their problem and become recognized before the law, these persons need to initiate the administrative procedure of subsequent registration into birth registry book. In case they do not possess evidence on their identity, they need to initiate a court procedure. In practice, these procedures are complicated, long-lasting and often with uncertain outcome. Practice of courts and administrative bodies in this field is unequal. Unfortunately, persons who initiate these procedures need legal assistance in order to exercise this basic human right. Evaluation of the same type of evidence by the competent administrative bodies varies from case to case. The fact that certain courts insist on DNA analysis, which costs approximately 500 EUR, in the procedure of establishing maternity/paternity, presents an additional problem. These costs are unbearable for persons who live in unsanitary, illegal settlements, who are unemployed and live below the poverty line.

Upon successfully completed subsequent registration into birth registry book, the issues of the procedure for determining citizenship and registering permanent or temporary evidence will also be raised, for which there are no efficient solutions in the existing legal framework. Persons living in unsanitary, illegal settlements, as well as homeless persons living in the streets, are those facing difficulties in registering permanent or temporary residence. "

For more stories see "Legally invisible persons in seven stories, Why should the Law on the Procedures for Recognition of Persons before the Law be adopted", Praxis, October 2008:

UNHCR, Realizing Roma Rights, September 2008:

"Despite its inclusion as one of the central areas of focus in the Draft Roma National Strategy, the question of access to personal documentation of the Roma population remains open. This lack of documentation often creates a de facto situation of statelessness and is a major hindrance to the ability of Roma to exercise their rights as citizens.

There are many root causes of this problem, such as: lack of civil registration, the lack of a registered residence due to a lack of a legally-recognized address, a lack of financial means to pay required fees, a lack of information on procedures, destroyed Registry Books from Kosovo, institutional discrimination against the Roma, and lengthy and complicated administrative procedures. The most complex problems in this respect are the lack of a uniform practice by administrative bodies and courts regarding the procedures for subsequent registration and their

differing interpretations of existing laws and competences. Consequently, persons wishing to subsequently register face great obstacles in doing so, while, for some, the legal system does not provide any solutions. "

Ombudsperson Institution, July 2008, p. 48:

Furthermore, the lack of documentation is widespread among the Roma, Ashkali and Egyptian displaced persons in Serbia and in Montenegro, where the situation of displaced persons is generally hardly better than in Serbia. Many of these people have no civil documentation at all as they were never registered in Kosovo or they lost their documentation when they fled their homes. They thus find it impossible to obtain a citizenship certificate in these countries. They also face the risk to be stateless and to be denied from the enjoyment of their basic civil, economic, social and political rights.

UNDP, Slobodan Cvejic, Maria Babovic, 2008:

"After the first wave of displacement of Serbs from Kosovo, at the beginning of the current decade, the lack of different documents was often mentioned in public, especially by different NGOs, as a major problem for the integration of IDPs in Serbian society. Up to now, as registered in the LSMS, the number of IDPs who face this problem has decreased. Today 10.6% of our respondents said they lack some personal documents, 8.1% of non- Roma and 26.6% of Roma. The following table shows which documents are most often lacking.

Table 2.8: Personal documents which IDPs are missing, in %:

Type of document	Non-Roma	Roma
Labour market document	2.6	5.4
Passport	2.5	10.4
Driving licence	1.6	2.7
Diploma	1.5	2.7
Birth registration document	1.2	20.1
Personal ID	1.1	18.5
Citizenship registration document	1.0	15.4
Documents related to possession	1.0	1.9
Healthcare document	.9	12.7
IDP ID	.6	10.8
Marriage registration document	.6	4.6
Other documents	.8	5.8

It is worth noting an obvious difference between non-Roma and Roma: Roma lack basic documents that prove their personal identification and citizenship and documents which guarantee their basic freedom and rights, while non-Roma lack documents which restrict their freedoms and rights only partially (restrict their mobility to Serbia only, and optionally push them onto the informal labour market). When asked if they had everyday problems because of the lack of personal documents, only 2.6% of non-Roma and 15.8% of Roma said they did. The major problems are distributed by frequency as follows.

Table 2.9: Everyday problems of IDPs due to lack of personal documents, non-Roma and Roma, in %

Problems	Non-Roma	Roma
Residence registration	4	10.0
Medical care	1.1	9.7
Employment	1.5	5.0
Education	3	5.0
Housing	2	4.6
Mobility freedom	5	4.2
Other	4	5.4

While the percentage of non-Roma facing different problems is almost negligible, one could say that the problems that Roma IDPs are facing are the same ones faced by Roma in Serbia in general. Many of them are related to Roma cultural habits and their comprehension of integration, and not only to obstacles made by institutions in Serbia. In a way, this is proved by the fact that 11.2% of Roma IDPs did not even try to acquire missing documents, while 15.4% did. These figures for non-Roma IDPs are 3.6% and 4.5% respectively. While 40% of non-Roma said they have not had problems in obtaining missing documents, only 10% of Roma stated the same. The major problem that Roma faced in attempting to obtain missing documents was a lack of other relevant documents (2/3 of those who had problems). For non-Roma, it was the lack of hospitality in administration and the lack of other relevant documents (48% and 33% respectively). Over 80% of both subgroups of IDPs did not receive assistance in requesting personal documents. However, if they had, the two subgroups differ significantly in the sense that non-Roma IDPs who had assistance, relied upon both state institutions and NGOs, while Roma relied almost exclusively on NGOs. This might be because Roma need more training in administrative procedures than non-Roma and NGOs are much more prone than state institutions to approach them and provide necessary assistance 'in the field'."

Efforts to address the problem of access to documentation (2009)

- Two projects, funded by the EU through UNHCR and UNICEF have been implemented in May 2008 to fight social exclusion of Roma, Ashkali and Egyptian communities. The NGO Praxis is the chief implementing partner of UNHCR and UNICEF.
- UNHCR, UNICEF and Praxis conduct information campaign in 20 municipalities in Serbia in order to raise awareness and inform RAE communities on the importance of registration and possession of personal documents
- Praxis also provides free legal assistance and counselling to obtain documents and initiate procedures of re-registration
- By mid-January 2009, Praxis visited 56 Roma settlements in 13 municipalities and identified a total of 347 persons not registered into registry books.
- The Centre for Advances Legal Studies drafted a Model Law on the Procedure for Recognition of Persons before the Law to enable recognition of persons in a more simple, less bureaucratic and efficient way.

Praxis, January 2009:

"[...] Press conference, organized in May 2008 in Media Center, Belgrade, officially marked the beginning of implementation of projects "Social Inclusion and Access to Human Rights for Roma, Ashkali and Egyptian Communities in the Western Balkans" and "Combating Social Exclusion:

Universal Birth Registration in Serbia”, funded by the EU through UNHCR and UNICEF respectively. Non-governmental organization Praxis is the chief implementing partner of UNHCR and UNICEF in both projects.

The aim of the projects is to enable social inclusion of Roma, Ashkali and Egyptian Communities (RAE), as well as other marginalized groups, and, thus, enable them to access their basic civil rights. The focus is on the most vulnerable members of RAE population, especially children, women and the elderly.

As an integral part of project activities, UNHCR, UNICEF and Praxis conduct information campaign with the aim to raise awareness, educate and inform members of RAE communities, as well as to point to the local and central authorities and domestic population to the need and importance of registration into birth registry book and possession of personal documents. The campaign is conducted in 20 selected municipalities in Serbia, and the teams composed of representatives of UNICEF, UNHCR, Praxis, the Secretariat for Roma National Strategy and the Ministry of Labour and Social Policy visit these municipalities and have meetings with local Roma organizations, Roma coordinators, representatives of municipal authorities and local institutions.

In addition, Praxis provides free legal assistance, information and counselling to members of RAE population in the field in relation to obtaining documents and initiating procedures of re-registration and subsequent registration into registry books, which has been identified as a problem particularly affecting RAE population.

Out of the planned 20 municipalities, the Project has so far been implemented in Sabac, Kragujevac, Kraljevo, Vranje, Lebane, Vladicin Han, Krusevac, Prokuplje, Novi Sad, Zrenjanin, Pozarevac, Obrenovac and Subotica. By June 2009, Praxis legal mobile teams will also visit Roma settlements in Smederevo, Stara Pazova, Zvezdara, Kursumlija, Bujanovac, Aleksinac and Novi Beograd.

By mid-January 2009, Praxis legal mobile teams visited 56 Roma settlements in 13 municipalities. Praxis identified a total of 347 persons who are not registered into birth registry books, while 182 requests for subsequent registration have been submitted. A total of 1,538 requests for personal documents have also been submitted, out of which 1300 requests have been solved already.

Activities performed so far and the situation that we have come across in the field once again confirms that the problem of these persons needs to be solved systematically, and all the relevant stakeholders engaged in the matter immediately. Together with the UNHCR, OSCE Mission in Serbia, the Centre for Advanced Legal Studies and the Ministry of Human and Minority Rights, Praxis has been putting efforts towards finding a systemic solution for the problems of “legally invisible” persons. For that purpose, upon initiative and with the support from Praxis, UNHCR and BPRM, the Centre for Advanced Legal Studies drafted a Model Law on the Procedure for Recognition of Persons before the Law, using Praxis experience in working on individual cases and encountered obstacles in accessing right to be recognized as a person before the law. The aim of the Model Law is to enable recognition of persons before the law in a simple and efficient procedure, which would not be burdened by numerous formal legal conditions, which the present legal framework does not provide.”

UNHCR, 6 May 2008:

“In Belgrade today, we are launching the first comprehensive free legal aid project for the Roma communities in Serbia and the region as part of an EU-funded regional programme “Social Inclusion and Access to Human Rights of Roma, Ashkali and Egyptians in the Western Balkans”. The project covers Bosnia and Herzegovina, Montenegro, the Former Yugoslav Republic of Macedonia and Serbia including Kosovo.

The main aim is helping Roma communities gain free registration in birth registers leading to issuance of personal documents and resulting in better access to social, health, education and employment. The programme will be implemented over the next 18 months by our mobile teams and our partners, including other UN agencies, NGOs and government counterparts.

In Serbia, 20 municipalities will be covered by the project. In these areas, UNHCR, through its regular field work over years with refugees and internally displaced persons, has found the largest number of Roma without identity papers. These communities include those displaced from Kosovo, Roma returned from the Western Europe on the basis of readmission agreements, and the local Roma population.[...]

According to the estimates, between 100,000 to 500,000 Roma live in Serbia. Out of this figure, 23,000 are officially registered internally displaced persons from Kosovo. Most of these people are unable to exercise their basic rights due to the lack of personal documents.

CRP/K, April 2008:

"Another component of UNHCR/ BPRM Project provides for the provision of various personal documents for the displaced persons in Serbia and Montenegro. These people are very often in need of documentation that cannot be obtained in Serbia, but only in Kosovo. The most often requested documents are: working booklets, school and university certificates, workers files, pension files, driver's files, ownership certificates from cadastres and courts, court decisions, certificates (birth, marriage, death), that remained in Registries in Kosovo. Through the activities in provision of assistance in respect to obtaining documentation, it was planned to obtain 800 documents for IDPs from Kosovo, displaced in Serbia and Montenegro. The project started in January 2007 and was completed by the end of 2007. As of 31st of December 2007, 970 requests were received from (I)DPs in Serbia and Montenegro for obtaining of various documents and totally 792 documents were provided under this component of the project."

Displaced Roma face serious difficulties in accessing documents which affect IDP registration and access to rights (2007)

- Roma IDPs living in illegal settlements are unable to register their residence, restricting their access to free health care services
- Roma, Ashkali and Egyptian communities continue to face difficulties for civil registration in Kosovo
- 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

Praxis, 28 February 2007:

In order to access free health care services, an IDP must possess a Health Care Certificate, issued by a municipal branch of the Republic Health Care Institute in Serbia. To request issue of such documents for the first time IDPs must submit IDP card, Personal Identification Number (JMBG) and Green card (if the temporary residence is different from the one recorded in the IDP card). The Certificate is valid for 60 days and then it has to be extended by presenting relevant documents. Problems are especially apparent in cases of RAE IDPs who live in illegal settlements and are not able to register their residence. Their lack of personal documents is particularly acute. Also, there has been a lack of sensitivity among health care centres. This led to the phenomenon that some women among RAE IDPs who were about to give birth used to present someone else's health card in the attempt to access hospital services. The mother's false identity causes a series of administrative problems in proving the child's real identity. Apart from the aforementioned instances, a number of IDPs face obstacles in accessing health care where they live, since they registered their temporary residence elsewhere, often at the friends' or relatives' residence.

The authorities of Serbia should secure the registration of residence for RAE IDPs living in illegal settlements, thus enabling them to access free health services. Health care centres should be more sensitive when addressed by RAE IDPs who lack documentation.

OSCE, 25 June 2007:

From December 2006 to January 2007, the OSCE Mission in Kosovo (OMiK) monitored municipal practices related to the registration of undocumented applicants belonging to the Roma, Ashkali and Egyptian communities.

The implementation of the Recommendations has been negatively affected by the fact that they have no legal force, their distribution to relevant municipal offices has not been adequate, and they were not later supported by written instructions, detailing specific obligations of conduct and implementation for central PISG and municipalities. In some cases, municipal officials appeared not even aware of the existence of the Recommendations, while others claimed not to be aware of their content. Few municipalities have taken concrete measures to facilitate the civil registration of Roma, Ashkali and Egyptian applicants, and only six were exempting Roma, Ashkali and Egyptian applicants from civil status registration fees. The lack of subsequent written instructions has resulted in most municipalities not taking a flexible approach regarding the civil registration of Roma, Ashkali and Egyptian applicants.

AI, 22 March 2005:

"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."

IDP Inter-Agency Working Group, October 2004:

"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."

AI, 22 March 2005:

"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."

UN OCHA, 26 April 2002, p. 24:

"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."

COE, 16 October 2002, para. 209:

"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).]

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 (2007)

- Access to rights and status is based on residence, inhibiting IDP access to social welfare
- Government authorities have not undertaken adequate measures to facilitate the obtainment of essential documents by displaced persons
- Lack of documentation negatively affects freedom of movement
- IDPs face hurdles in registering temporary residencies and are thus prevented from obtaining IDP status
- 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

COE PACE, 24 May 2007, par. 55-56:

The major impediment to the integration of refugees and IDPs in Serbia is the fact that the acquisition of rights is currently based on the right to reside in a certain territory (status of residence). Freedom of movement is tied to property ownership under current laws. The legal framework does not take into account the specific vulnerable situation of refugees and IDPs. People who do not have a legal basis to possess or rent property are not able to register permanent or temporary residence.

Some local authorities try to use such regulations to hinder the access of refugees and IDPs to social welfare. According to the OSCE, certain municipalities request a six-month residence prior to accepting applications for social welfare assistance. The living conditions and access to rights of refugees and IDPs therefore vary significantly depending on the location of displacement. Compared to municipalities in southern and south-eastern Serbia which are heavily affected by poverty, wealthiest municipalities in Vojvodina have shown the most positive results for integration and support for refugees and IDPs.

Praxis, February 2007:

Recognition of Status of Internally Displaced Persons, p. 10

"A number of displaced persons have not yet achieved recognition of their IDP status. This especially affects newborn IDP children whose parents do not possess personal documents, although they might have IDP status. Moreover, in October Praxis noticed a negative trend towards depriving IDPs of temporary residence registration. Some police stations in Serbia refuse to register temporary residence of IDPs from Kosovo, allegedly on the basis of an internal instruction issued by the Ministry of Interior of the Republic of Serbia in 2003. Instead of registering IDPs' temporary residence they instruct them to submit requests for registering permanent residence in Serbia. Such is the case with the Police Station in Bujanovac. IDPs accommodated in the officially registered Collective Centre "Salvatore" in Bujanovac are denied registration of temporary residence and thus prevented from obtaining IDP status. Those parents who do have IDP status are not allowed to register temporary residence of their children born in Serbia. Such practices of the competent bodies contravene both domestic and international regulations, and deprive IDPs from exercising their fundamental human rights."

Freedom of Movement, p. 16

"One of the most conspicuous consequences of missing documents is the restriction of freedom of movement. Persons who do not possess an ID card may not travel within the country without facing the possibility of paying fines if they are unable to produce their ID card to the authorities. Lack of documents such as birth certificates, citizenship certificates and/or ID cards also means that IDPs are unable to obtain passports."

Payment of Administrative Fees, p. 19

"As a result of persistent advocacy efforts by the inter-governmental and non-governmental sector, the 2005 amendments to the Law on Republic Administrative Fees¹⁵ were adopted. It stipulated a 70% reduction in republic fees for IDPs who request the issuance of documents from registry books. However, once at the registry office and filing a request for a document, IDPs are not duly informed about their right to be exempted from 70% of the republic administrative fee. The registry offices fail to announce it on their notice boards or otherwise inform IDPs on this possibility."

Lack of Residence Registration, p. 20

"A significant number of IDPs have never been registered in birth and citizenship registers nor have they ever registered their permanent residence in Kosovo. Among the general IDP population, the lack of residence registration mostly affects RAE IDPs. Consequently, they do not possess relevant personal documents and cannot prove their identity and status before state organs. At present, a great number of RAE from Kosovo live in illegal settlements and do not have a registered temporary address which prevents them from obtaining IDP card."

Unequal Practice in Conduct of Administrative and Judicial Procedures. p. 23

"When registry books are destroyed/missing, IDPs face a serious problem when submitting requests to re-register relevant facts. Similarly, when there are no entries registered in registry books, there are significant problems in processing submitted requests for subsequent registration. The most significant issue arising out of this situation has been that conflicting interpretations that exist regarding jurisdiction and evidence needed to prove relevant facts."

Group 484, April 2005, p. 52:

"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.”

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

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

IDP Inter-Agency Working Group, October 2004:

“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.”

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](#)

NRC, April 2003:

“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, Laposavic)
- **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."

UN OCHA, 26 April 2002, pp. 18-19:

"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."

ISSUES OF FAMILY UNITY, IDENTITY AND CULTURE

General

Uneven implementation of the Law on the Use of Languages in Kosovo (2007)

- Albanian and Serbian languages and alphabet remain the official languages in Kosovo and have equal status in all institutions
- Bosnian, Turkish and Roma are official languages where they are spoken by more than 5% of the population
- A number of the law's provisions are not adequately respected in practice
- Translation of laws, regulations and other documents still not done or of low quality
- Not all municipalities have translation units or they lack experience and training
- No municipal language policies seem to exist to fulfill the obligations set by the Law on the Use of Languages
- Ministry of Public Services issued administrative instructions defining rules and procedures of the central-level monitoring of the use of official languages; enforcement of the Law needs to develop further

Ombudsperson Institution in Kosovo, 11 July 2007, pp.39-40:

“Regarding the use of languages of minority communities in Kosovo, this reporting period saw the promulgation on 20 October 2006 of the Kosovo Assembly’s Law on the Use of Languages in Kosovo, which aimed to create an environment where all communities could enjoy their language identity. The Albanian and Serbian languages and alphabet remain the official languages in Kosovo and have an equal status in all institutions. The Bosnian, Turkish and Roma languages have the status of official languages in the institutions of those municipalities where more than 5% of the population speaks those languages. The Turkish language was even established as an official language in the Municipality of Prizren, where many members of the Turkish community live. Some members of the Turkish community would like to have Turkish as an official language in other parts of Kosovo as well.

The Kosovo Assembly’s Law on the Use of Languages prohibits any form of discrimination based on language and clearly provides for the public and private use of all languages. However, a number of its legal provisions are still not being respected adequately in practice. Practical cases demonstrate that with regard to the use of a number of minority languages (mainly the Serbian language and alphabet), not much has changed following the passing of the law. A report issued by the OSCE Mission in Kosovo on the implementation of the Law on the Use of Languages in December 2006 confirmed that the translation of laws, regulations and other documents is still not adequate and often of very poor quality; not all municipalities have translation units and the existing ones often lack experience and training. Following complaints received by the Ombudsperson Institution, it appears that many documents including bills and municipal decisions continue not to be translated, and it is rare for municipalities to respect the spelling of names in the Serbian, Bosnian or Turkish languages. In general, there appear to be no municipal language policies to fulfill the obligations set by the Law on the Use of Languages and little or no attempt to conduct any outreach activities (such as awareness-raising or training for municipal staff) for the respective communities, to ensure compliance with the law.”

UN Security Council, 9 March 2007, paragraphs 10 and 23:

"On 1 September, the Ministry of Public Services issued an administrative instruction defining rules and procedures of the central-level monitoring of the use of official languages. The Government also compiled the first CD-ROM containing all government decisions and regulations in the official languages, which was distributed to ministries and municipalities.

Compliance with the Law on Languages is important and necessary. While monitoring of language compliance has improved, enforcement needs to develop further. The Language Commission needs to be established."

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

Ombudsperson, 12 July 2004, p.19:

"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."

UNHCR, Position, August 2004, par.16:

"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."

SG, 23 May 2005, paragraphs 7 and 44:

"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, 14 February 2005, paragraph 15:

"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."

UNHCR/OSCE, June 2000, paragraphs 38-41:

"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."

Situation as of March 2001

UNHCR/OSCE, March 2001, paragraphs 63-66:

"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."

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

SG, 23 May 2005:

"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.”

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

UNMIK, 26 March 2002:

"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."

UN OCHA, 26 April 2002, pp. 25-26:

"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."

[Footnote 42: ICRC also registered 2,907 Kosovo Albanians as missing]

COE 16 October 2002, paras. 58-60:

"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."

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)

UK October 2001, paras. 6.24-6.25:

"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."

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 issues in Serbia and Kosovo (2009)

For information on property issues see Kosovo profile, Property Issues.

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

RI, 24 August 2001:

"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."

COE, 16 October 2002:

"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."

RI, 24 August 2001:

"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."

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

Praxis, 28 February 2007:

Amongst IDPs there is a significant need for various property-related documents, including ownership certificates and cadastral records. Possession of these documents makes possible the initiation of administrative and court procedures with the aim of exercising property rights in Kosovo. A lack of records also makes it impossible to participate in administrative and court procedures for repossessing property in Kosovo.

In order to initiate and participate in inheritance procedure, in addition to the property-related documents, a person must possess the death certificate of the deceased owner and personal identification documents of all heirs. Lacking documentation needed for inheritance, it is almost impossible for IDPs to access their property rights.

Moreover, the access is rendered even more difficult by the fact that the excerpts from the registry books dislocated from Kosovo to Serbia are not recognized in the inheritance procedure before Kosovo courts. For these reasons, IDPs are forced into completing a subsequent registration procedure in Kosovo in order to be registered into registry books in Kosovo, which is a feasible option only if they have excerpts issued in Kosovo before 1999.

Group 484, April 2005, p.54:

“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.”

PATTERNS OF RETURN AND RESETTLEMENT

Return movements

Number of minority returns remains low (as of October 2009)

- The number of returns from Serbia to Kosovo and within Kosovo has remained very low
- However, compared to the same period in 2008, there has been a slight increase in the number of IDP returns.
- Following the Declaration of Independence in February 2008, the pace of returns slowed down because of real or perceived insecurity
- According to UNHCR, there have been 12,145 minority returns from Serbia to Kosovo and 2,793 minority returns within Kosovo in the period from 2000 to 2009.
- Figures are contested since sustainable returns seem to be very limited.
- The majority of IDPs returned to Pristina region.
- The initiatives taken by the Ministry for Community and Returns and other organizations have mainly focused on returning people to rural areas.
- 5,000 IDPs have expressed an interest in returning to Kosovo in 2009.
- The Kosovo Ministry of Communities and Returns deals with the applications for return thanks to a new returnee database
- Preparations for the assistance of the applicants are under way at municipal level

UNHCR Pristina, October 2009:

"This chart contains Minority returns figures for the period 2000 – up to date, divided per ethnicity and the previous places of displacements (PPOD).

Voluntary minority returns from the previous displacements for the period 2000-2009							
Ethnicity of the returnees	Serbia	Montenegro	FYROM	Bosnia Herzegovina	Within Kosovo	**Third countries	Total
Serb	7991	102	19	8	220	18	8358
Albanian*	0	0	0	0	796	0	796
Roma	1333	522	196	33	574	75	2733
Egyptian & Ashkali	1594	1432	531	67	1162	239	5025
Bosniak	439	702	17	107	20	300	1585
Gorani	788	41	14	25	21	139	1028
TOTAL	12145	2799	777	240	2793	771	19525

! There have been 12,145 voluntary returns of IDPs from Serbia + 2'793 voluntary returns of IDPs within Kosovo: which brings the total figure to 14,938.

This chart contains Minority returns figures for the period 2000 – up to date, divided per Regions of returns and the previous places of displacements (PPOD)

Voluntary minority returns from the previous displacements for the period 2000-2009							
Region of return	Serbia	Montenegro	FYROM	Bosnia Herzegovina	Within Kosovo	**Third countries	Total
Mitrovica/a	894	73	6	8	812	23	181
Prizren	1902	233	84	65	77	462	282
Gjilan/Gnjilane	2662	7	315	4	546	18	355
Peje/Pec	2281	2187	18	154	70	258	496
Pristina	4406	299	354	9	1288	10	636
TOTAL	12145	2799	777	240	2793	771	1952

UN SC, 30 September 2009:

"The number of returns in the reporting period remained very low. However, compared to the same period last year, there was a modest increase in the number of IDPs that have returned. According to estimates of the United Nations High Commissioner for Refugees (UNHCR), 236 displaced minority community members, including 7 Kosovo Albanians, 31 Kosovo Serbs and 177 Kosovo Roma, Ashkali and Egyptians, voluntarily returned to Kosovo between June and July this year.[...]

[...] At the same time, 1,295 families comprising some 5,000 individuals have expressed an interest in returning to Kosovo during 2009. The Ministry of Communities and Returns is now proactively dealing with applications for return and is better able to manage return requests thanks to a new returnee database. According to the Ministry of Communities and Return, preparations for assistance to the above families are under way, and task forces at municipal levels are reviewing applications in line with the current criteria for assistance.

UNHCR Pristina, September 2009:

"This chart contains Minority returns figures for the period 2000 – up to date, divided per ethnicity and the previous places of displacements (PPOD)."

Voluntary minority returns from the previous displacements for the period 2000-2009							
Ethnicity of the returnees	Serbia	Montenegro	FYROM	Bosnia Herzegovina	Within Kosovo	**Third countries	Total
Serb	7934	96	19	8	219	18	8294
Albanian*	0	0	0	0	796	0	796
Roma	1333	522	196	33	574	75	2733
Egyptian & Ashkali	1591	1432	529	67	1155	239	5013
Bosniak	439	702	17	107	20	300	1585
Gorani	788	41	14	25	21	139	1028
TOTAL	12085	2793	775	240	2785	771	19449

! There have been 12,085 voluntary returns of IDPs from Serbia + 2'785 voluntary returns of IDPs within Kosovo: which brings the total figure to 14,870.

"This chart contains Minority returns figures for the period 2000 – up to date, divided per Regions of returns and the previous places of displacements (PPOD)."

Voluntary minority returns from the previous displacements for the period 2000-2009							
Region of return	Serbia	Montenegro	FYROM	Bosnia Herzegovina	Within Kosovo	**Third countries	TOTAL
Mitrovicë/a	894	73	6	8	812	23	1713
Prizren	1902	233	84	65	77	462	2763
Gjilan/Gnjilane	2649	7	315	4	546	18	3539
Pejë/Pec	2256	2181	18	154	62	258	4879
Pristina	4384	299	352	9	1288	10	6332
TOTAL	12085	2793	775	240	2785	771	19759

[...] Kosovo wide monthly return figures for 2009: The return trend from returns within the Region in 2008 indicates 62.61 % decrease compared with 2007. The return trend for the period January - September in 2009 indicates an increase of 32 % compared with the same period in 2008.

COE, Commissioner for Human Rights, 2 July 2009:

In general terms, the return process to Kosovo has been very slow. As of April 2009, only 7 490 Roma, Ashkali and Egyptians returned to Kosovo since January 2000 according to UNHCR data. A number have subsequently left Kosovo due to economic reasons.⁷³ There has been a continuously declining trend of returns per year since 2003.⁷⁴ While municipalities are developing more returns projects, lack of funding and administrative/managerial capacity remain important obstacles. Nevertheless, following renewed joint efforts by the international community and the authorities in Belgrade and Prishtinë/Priština, 2009 may see an increased expression of interest in return by IDPs and refugees in the region.

UNSC, June 2009:

The number of voluntary returns in 2009 is gradually increasing, even though it remains disappointingly low and continues to lag behind the 2008 figures. According to UNHCR estimates, 137 displaced community members, including 24 Kosovo Albanians, 30 Kosovo Serbs and 54 Roma, Ashkali and Egyptians, voluntarily returned to Kosovo between January and April. During the same period, 936 individuals were involuntarily returned to Kosovo from Western Europe, an increase of 27.3 per cent compared to the corresponding period in 2008. Of these, 40 persons belong to minority communities.[...]

. Over 660 families, totalling 3,100 persons, have expressed interest in returning in 2009. The Ministry is currently more responsive to applications for return and better placed to manage return requests owing to the finalization of its returnee database.

AI, May 2009 (Serbia):

"Serbs and other non-Albanians did not flee Kosovo after the declaration of independence as feared, but few returns took place during the year. Some 445 internally displaced people returned to their homes, of whom 107 were Kosovo Serbs. "

UNSC, March 2009:

The returns statistics for 2008 show a dramatic decline in the number of voluntary minority returns to Kosovo compared to earlier years. According to estimates by the Office of the United Nations High Commissioner for Refugees (UNHCR), only 582 minority community members returned to Kosovo in 2008, as compared to 1,816 in 2007 and 1,669 in 2006.

USDOS, February 2009 (Serbia):

"While government officials continued to make public statements that IDPs should return to Kosovo, senior government officials also claimed that it was unsafe for many to return. IDP returns to Kosovo slowed; [...]"

USDOS, February 2009, (Kosovo):

"Due to the country's declaration of independence, relatively few persons returned during the year. Between January and November, UNHCR registered only 533 returnees, considerably fewer than the 1,815 who returned in 2007 or the 1,669 who returned in 2006. The greatest number of returnees came from Serbia (323 returnees), followed by Montenegro (85) and Macedonia (36), with 15 returnees from all other countries. Seventy-four persons returned from displacement inside Kosovo. Most returns were concentrated in Peje/Pec and Pristina regions. While municipal governments generally supported returns, obstacles remained for Kosovo Serb returnees.

As of November, overall minority returns since 2000 stood at 18,527 persons. Kosovo Serbs comprised approximately 28 percent of returnees during the year, compared with 32 percent in 2007. Roma (including Ashkali and Egyptians) continued to return, comprising 48 percent of the overall number of returns compared to 49 percent in 2007. In Mitrovice/Mitrovica, Kosovo Serbs in the north and Kosovo Albanians in the south continued to illegally occupy each others' properties, hindering potential returns."

BalkanInsight, 14 January 2009:

"The Serbs' return is not the difficult part," Sasa Rasic, one of a handful of ethnic Serbs to participate in the Albanian-dominated government, told Radio Free Europe. "Their integration is a problem. Economic and political insecurity pose the greatest obstacles rather than return per se." [...]

He conceded that "after the declaration of independence in February 17 there has been a decrease of returns", but the ministry was trying to change that. Some 60 flats were being built in Llapna Sella and there were ongoing projects to woo people back to Novobrdo and Istog.

But the pace of the returns is currently very slow -- since October 2007, about 700 people returned voluntarily, and about 2,000 were forcibly repatriated from asylum countries. Structures created in 2005 to encourage a direct dialogue between Pristina and Belgrade on the return process is no longer operational. The last technical group on returns was held in 2007 and there is no talk of reviving the process following Kosovo's declaration of independence.

EC, November 2008, (Kosovo):

Despite some incidents targeting returnees, the overall security situation in Kosovo during the reporting period remained relatively calm. However, the pace of the returns process is very low and slowed down further following the declaration of independence. Since October 2007, about 700 individuals returned voluntarily, and about 2000 individuals were forcibly repatriated from asylum countries.[...]

OSCE, September 2008:

[...] there were also no significant returns, although Kosovo authorities officially encouraged returns.

Ombudsperson Institution, July 2008:

According to UNHCR's estimates, a small number of displaced persons and refugees who left Kosovo following the NATO military intervention in 1999, returned to their place of origin during the reporting period. The biggest challenge remains the return of minority communities, above all the Serbian, Roma, Ashkali and Egyptian communities, but the forced returns of potentially thousand of people, in majority Albanians, to Kosovo might also start to attract more attention in the coming years.[....]

UNHCR's statistics show that only 18 114 displaced persons and refugees belonging to minority communities returned voluntarily to their places of origin in Kosovo between 2000 and the end of April 2008. Last year, only 1 453 people returned, which is the smallest number of returnees in one year over the last four years. [...]

So far, there has not been much return to urban areas in Kosovo and the initiatives taken by MCR and various organizations involved in the return process have mainly been focused on returning people of minority communities to rural areas, despite the fact that some displaced persons have expressed interest to return in urban areas. Returns to urban areas are indeed much more delicate to organize due to the higher tensions that they are likely to generate. According to the MCR, the return to certain urban areas is often obstructed by the competent municipal authorities. For example, last year the MCR took the initiative to return 46 Serbian families from Pejë/Pec, whom had been living in Montenegro for nine years. These families had expressed their wish to return to their homes, but the municipal authorities in Pejë/Pec still refuse to cooperate with the Ministry of Communities and Returns on this issue. The MCR faces the same problem when it comes to returning people to the city of Prishtinë/Priština.

For more information on the reasons of the slow number of returns see "obstacles to return (2009)".

Returnees from abroad do not have access to IDP status and can therefore not access some socio-economic rights (2009)

UNHCR, 9 November 2009, p. 22:

"A detailed analytical framework for assessing the availability of an internal flight alternative or internal relocation alternative (IFA/IRA), is contained in UNHCR's 2003 "Guidelines on International Protection: the "Internal Flight or Relocation Alternative" within the context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees".¹⁰⁶ As provided in the guidelines, in order to assess the possibility of applying an IFA/IRA, two main sets of analyses should be undertaken, namely whether internal relocation is (i) relevant and, if so, whether it is (ii) reasonable.

The relevance test examines whether the area of relocation is practically, safely, and legally accessible to the individual; whether the agent of persecution is the State or a non-State agent; and whether the claimant would be exposed to a risk of being persecuted or other serious harm upon relocation. The reasonableness test includes an assessment of general safety and security in the area of potential relocation, human rights standards and options for economic survival, in

order to evaluate if the individual would be able to live without undue hardship given his or her situation. [...]

Although physical and legal access to Serbia is possible and persons from Kosovo Serb, Roma, Ashkali and Egyptian communities do not normally face a risk of persecution in Serbia, their relocation to Serbia may not meet the reasonableness test, in particular in the case of Roma, Ashkali and Egyptians, as outlined below. Serbia (excluding Kosovo) is currently hosting some 206,000 mainly Serbian IDPs from Kosovo and some 86,000 refugees from Croatia, in a socio-economic context characterized by high unemployment and a severely strained social welfare system. Living conditions are particularly difficult for the Roma, Ashkali and Egyptian population. Many Kosovo Roma, Ashkali and Egyptians in Serbia live in illegal settlements and slums made of makeshift huts, corrugated metal containers and other sub-standard shelters, often without electricity, running water, sanitation, or other services. The ongoing privatization process has triggered a series of evictions from Roma settlements, although the legal framework does not require the provision of alternative housing solutions. This results inter alia in homelessness, health problems, insecurity, the removal of children from school, and the loss of livelihoods.

In addition, in Serbia, effective access to certain citizenship rights and services, such as medical care, unemployment benefits, pensions and education, is dependent on registration of residence, which is a pre-condition to obtaining a national identification (ID) card. Mere possession of Serbian citizenship – as evidenced by a passport or citizenship certificate – is insufficient.¹⁰⁹ Although persons from Kosovo are formally permitted to register their residence in Serbia, many – particularly the Kosovo Roma, Ashkali and Egyptians – are unable to do so as they cannot provide proof of a place of residence in Serbia.¹¹⁰ If the individual holds an ID card which does not contain a locally-registered address, the holder will be referred to the municipality identified on the card for health care, enrolment in school, and various other basic public services.

While registration as an internally displaced person (IDP) can provide an alternative means of access to some socio-economic rights, the Serbian Commissioner for Refugees (SCR) has asserted that IDP registration is available only to those who enter Serbia directly from Kosovo, thereby denying IDP status to those who would seek refuge in Serbia after a period spent in another State. Although the SCR has signalled a more flexible approach since the May 2008 elections, field reports indicate that many IDPs remain without documents and/or access to socio-economic rights.

Relocation to Serbia of Kosovo Serbs may meet the reasonableness test in some cases, depending on their individual circumstances. This would be the case if they are able to secure housing and officially to register their residence, have family members in Serbia who can assist or support them, and/or have skills and qualifications which would enable them to find employment in the present market."

Return movements continue to decrease and reach its lowest number in the first months of 2007 (2006-2007)

- Only 16,661 IDPs and refugees of minority communities returned voluntarily to their places of origin in Kosovo between 2000 and the end of May 2007, which is only 6.76% of the 245,353 displaced persons overall
- The number of returns reached an all-time high in 2003 and it has been decreasing since to reach its lowest in the first months of 2007
- The biggest challenge is the return of members of minority communities, in particular the Serbian and Roma, but also the Ashkali and Egyptian

- These IDPs still generally cite economic and security factors, difficulties accessing their agricultural land and property as well as uncertainty regarding the future status outcome as the primary reasons for their reluctance to return

Ombudsperson Institution in Kosovo, 11 July 2007, p.43:

“Despite these good intentions, however, UNHCR statistics show that only 16 661 IDPs and refugees of minority communities returned voluntarily to their places of origin in Kosovo between 2000 and the end of May 2007. This number includes 7 288 Serbs, 4 428 Ashkali and Egyptians, 2 113 Roma, 1 447 Bosniaks and 708 Gorani. This is only 6, 76% of 245 353 displaced persons overall. While the number of returns reached an all-time high in 2003 with 3 556 people choosing to return, numbers have decreased since the targeted inter-ethnic violence of the March 2004 riots. The lowest return rate was noted during 2006 and January–May 2007, when only 2 098 persons returned over a year-and-a-half time period, most of them from the Roma, Ashkali and Egyptian communities.”

UN SC, 9 March 2007, Annex, paragraph 51:

“According to the Office of the United Nations High Commissioner for Refugees, 1,608 minorities (593 Serbs) returned voluntarily in 2006, the lowest minority returns figures since 2001 and the lowest Kosovo Serb returns figures since proper monitoring was established in 2000. The low figures are partly due to the improper management of the budget of the Ministry of Communities and Returns in the previous years.”

Ombudsperson Institution in Kosovo, 11 July 2007, pp.41-42:

“When talking about returns in Kosovo, the focus is usually on voluntary returns. Many internationally funded projects have been initiated over the last few years to ensure that people who were displaced before, during or after spring 1999 could return to their homes. The biggest challenge in this respect is the return of members of minority communities, in particular the Serbian and Roma, but also the Ashkali and Egyptian communities. According to UNHCR estimates, 245 353 IDPs from these communities were displaced after the end of hostilities in 1999; 207 069 fled to Serbia proper, 16 284 went to Montenegro, and 22 000 remained in Kosovo. Due to the breakdown of their relationship with the Albanian majority population in Kosovo before and during the fighting in 1998-99, these IDPs still generally suffer from a real or perceived fear for their safety when considering return. The current political situation, marked by constant discussions on the future status of Kosovo, only adds to the general tension and makes it very difficult for displaced members of minority communities to assess whether or not sustainable return to their homes is at all possible. Another issue that must be considered is Kosovo’s difficult economic situation.

Reports filtering back from those who have returned only add to the concerns of potential returnees. In June 2006, a Serbian returnee was murdered in his house in Klinë/Klina, and in September 2006 two Serbian returnees’ houses suffered a bomb attack that injured four people. These incidents were widely condemned in Kosovo by both international and Kosovan politicians and have thus far not reoccurred; nevertheless, potential returnees often fear that such events could happen again. Many returnees continue to suffer from an irregular pattern of harassment including intimidation, attacks on life and property and the stoning of buses. Such incidents lead many returnees to doubt whether it is at all possible for them to enjoy total security. Nevertheless, it should be noted that the overall security situation has continued to improve over the last few years and that the number of attacks on returnees has fallen.

Returnees and displaced persons of mainly Serbian origin are still having difficulties accessing their agricultural land property, either because it is occupied by others or because it is not located in the direct vicinity of their areas of residence. The Kosovo Property Agency (KPA) is now

responsible for the repossession of such land, and once it has started evicting illegal occupants from these areas, the issue of access to land for some of these people may improve.

Returnees of mostly Serb and Roma communities still harbour real or perceived fears for their security. These fears generally prevent them from moving around Kosovo freely and impede access to the employment market and public services. As a protective measure, the Kosovo Police Service (KPS) conducts frequent and intensive patrols in areas inhabited by returnees. So-called humanitarian bus lines funded by the Kosovo Consolidated Budget connect returnee villages with larger Serbian enclaves where the returnees can buy groceries and other necessary items or visit health care centres.”

UNHCR, November 2006, pp. 8-9:

“... after the 2003 peak of 3,801, returns dropped to 2,463 in 2004 and to 2,126 in 2005. In total, 15,280 minority returns took place from 2000 to June 2006, or just over 6% out of a population displaced within Kosovo and elsewhere in the sub-region currently estimated at around 250,000 persons (207,100 IDPs in Serbia, 16,500 in Montenegro, 21,000 within Kosovo, 2,000 refugees in The former Yugoslav Republic of Macedonia and 3,000 in BiH). This continuing decline in minority returns is also a sign of the continuation of low-intensity harassment, coupled by sporadic violent crimes against minorities. Unresolved property issues (residential, commercial and agricultural) as well as lack of freedom of movement affecting their access to basic services are other major impediments to the sustainable return of minorities even though the majority of the 4,200 persons displaced by the March 2004 events returned after a reconstruction programme implemented by the PISG.”

UN SC, 1 September 2006, paragraph 23:

“While remaining steady, the number of minority returns to Kosovo is not satisfactory; the Office of the United Nations High Commissioner for Refugees estimates that only 770 minority community members returned from January to June 2006. Internally displaced persons continue to cite economic and security factors as the primary reasons for their reluctance to return, as well as uncertainty regarding the future status outcome.”

COE PACE, 21 June 2006:

“Serbs outside their compact areas of settlement face threats to their basic rights, such as freedom of movement and freedom of expression, and discrimination and intolerance towards persons belonging to minority communities continue. Related security concerns, coupled with limited employment opportunities and problems with repossession of property and other factors, are a real obstacle to sustainable return. Security concerns also affect the implementation of the Framework Convention in such fields as education, use of languages and participation. This concerns the Serbs and also persons belonging to certain other communities, especially the Roma.”

Apart from voluntary returns, a significant number of forced retruns have been noted. For more on this issue see "As forced returns continue more and more people face secondary displacement (2006-2007)" also in this section.

As forced returns continue, more and more people face secondary displacement (2006-2007)

- Over 47,000 people had been forcibly returned to Kosovo by the end of March 2007
- An estimated 90,000 are subject to deportation and return as readmission agreements continue to be signed

- Forcibly returned, and especially Roma and members of other minority communities, face particularly difficult situation upon return
- Forced returns of Roma to Serbia, including to Kosovo, and to Montenegro stepped up in 2006, causing serious concerns as to the safety of these returns and the capacity of the authorities to absorb the returnees
- Most of the forcibly returned face secondary displacement and receive limited assistance
- UNHCR and IOM provide initial support and advice to forced returnees, but the issue of how to integrate thousands of people repatriated every year has not been given due attention
- As of May 2007, UNMIK was developing a Reintegration Strategy to ensure access to information, civil documentation, assistance and social services and enable reintegration of forced returnees

Ombudsperson Institution in Kosovo, 11 July 2007, p.41:

“...several years after the end of hostilities, many of their host countries began returning them [IDPs and refugees] by force (repatriation). Some of these countries signed agreements to this effect with UNMIK and now, based on UNMIK statistics from the end of March 2007, 47 738 people have been returned to Kosovo in this manner. UNMIK continues not to accept forced returnees from the Serbian and Roma communities and of ethnic Albanians to places where they are a minority. Members of the Ashkali and Egyptian communities are only accepted if a prior screening has shown that returning to their place of origin will not violate their human rights. In addition, UNMIK urges that the repatriation of the elderly, the ill, and separated children for whom relatives and care-givers have been identified may only be effected if the care and protection provided for these people is not diminished as a result.”

UN SC, 9 March 2007, paragraph 17:

“In 2006, the overall number of persons involuntarily repatriated from host countries reached 3,598. Repatriation functions are in the process of being transferred to the Provisional Institutions. Another 90,000 Kosovans are subject to deportation and return to Kosovo, adding urgency to the Government/UNMIK plan to address reintegration needs.”

UN SC, 20 November 2006, Annex I, paragraph 55:

“The repatriation of Kosovans returning from third countries after being denied legal status presents a huge potential problem of resources and organization. An estimated 90,000 are subject to deportation and return to Kosovo. UNMIK and the Provisional Institutions have developed a joint plan to address their needs and to manage the transfer of repatriation functions to the Provisional Institutions.”

Displaced and forcibly returned members of minority communities, especially Roma, face a particularly difficult situation:

COE PACE, 24 May 2007 :

“11. The situation of displaced Roma remains a particular concern, especially in the light of many readmission agreements which have been signed recently with European Union member states. Most returnees face the situation of secondary displacement upon return. The Assembly therefore reiterates its concern that the readmission agreements do not clearly define the conditions for the reception of returned persons; they do not put any responsibility on the receiving state with regard to the reintegration of returnees; and they lack accompanying assistance programmes or funding towards durable integration.

67. It is of concern that a large number [] of asylum seekers who fled Kosovo and sought refuge in other European countries are today being returned to Serbia (forced or voluntary returns) directly into a situation of secondary displacement. The Rapporteur recalls the position of the

Parliamentary Assembly in its Recommendation 1633(2003) on forced returns of Roma from the Council of Europe member states [], particularly related to the conditions in which forced returns take place and the situation in which rejected asylum seekers (mainly Roma) find themselves upon their return. Regrettably, readmission agreements do not clearly define the conditions for the reception of returned persons; they do not put any responsibility on the receiving state with regard to the reintegration of returnees; and they lack any accompanying assistance programmes or funding towards reintegration.

87. Nonetheless, any large scale return of Roma, Ashkali and Egyptians to Kosovo without proper preparation of the infrastructure to receive them and a proper programme to support their reintegration would only exacerbate the very fragile political and economic situation in Kosovo. The MG-S-ROM report cautions against a large scale forced return from Western European countries in line with the concerns expressed by UNHCR"

COE PACE, 30 March 2007, paragraph 21:

"Forced returns of Roma to Serbia, including to Kosovo as well as to Montenegro stepped up in 2006, with serious concerns being raised by civil society members and UNHCR as to the safety of these returns and the capacity of the authorities to absorb these returns."

UNHCR, November 2006, p.8-9:

"...UNHCR is therefore still advocating that Serbs, Roma and Albanians in a minority situation (i.e. from northern Mitrovica) should continue to benefit from international protection, or at least complementary forms of protection. They should not be forced back to Kosovo against their will where they could still face persecution or insecurity, nor should they be sent back to Serbia and Montenegro other than Kosovo on the basis of the so-called "internal flight alternative" where they would end up in secondary displacement in collective centres (...)."

Displaced and forcibly returned receive only limited assistance:

Ombudsperson Institution in Kosovo, 11 July 2007, p. 48:

"... assistance and support for people returned to Kosovo forcibly has been rudimentary at best. While UNHCR and IOM continue to provide initial support and advice to forced returnees, the issue of how to integrate thousands of people repatriated every year continues to be sidelined by both UNMIK and the PISG. So far, neither UNMIK nor the PISG have allocated funds to enable these people to lead sustainable lives. Many children of forced returns continue to encounter difficulties with regard to school education in Kosovo because they speak the language of their former host country better than they speak Albanian or Serbian.

Inexplicably, the issue of forced returns or forced repatriation has, from the beginning, been treated separately from voluntary returns. So separately, in fact, that none of the organs usually competent for returns feels responsible for this large group of returned people. In cases where forced returnees have come to the Ombudsperson Institution, staff found that UNMIK considered the question of integration and support to these people as falling under the sole competences of the municipalities. The municipalities, on the other hand, still suffer from a chronic lack of funds and complain that they are often not informed about repatriations beforehand. As a result, the municipalities have also not done much to help these people. The Ministry of Returns and Communities does not consider the issue of forced returnees as falling under its competences.

In many cases, the houses belonging to forced returnees are still in ruins. They remain displaced and have so far had no other choice but to turn to relatives, acquaintances or other forms of assistance. In many cases, those who could did try to return to their former host countries by whichever means possible, usually illegally. While UNMIK has meanwhile set up a Repatriation Working Group to support and advise the PISG on future migration policies and practices, this still does not resolve the problems faced by persons who have already been repatriated to Kosovo. A

Steering Group consisting of UNMIK and various Ministries has been formed to draft a Strategy for Reintegration of Repatriated Persons, which will help ensure that forced returnees will have adequate access to information, civil documentation, assistance and social services, so that they can reintegrate in their places of origin and rebuild their lives. Unfortunately, this strategy is still in the drafting stages and until it is completed, the dire situation of most repatriated Kosovans is unlikely to improve. There has also been no support from former host countries to improve living conditions for forced returnees in Kosovo, possibly because they only want to “reward” voluntary returnees.”

AI, May 2007, pp.14-15:

“According to UNMIK, as of March 2007, “The issue of social assistance to the vulnerable sections of returnees is being accorded utmost priority by UNMIK as well as the Provisional Institutions of Self Government, who for some months now have been engaged in an effort to organize adequate responses to the social needs of the deportees in the framework of a comprehensive Migration Policy, which will also address issues of Repatriation.”

UNMIK is currently developing a Reintegration Strategy in close cooperation with the Ministry of Local Government and Administration, the Ministry of Internal Affairs, the Ministry for Labour and Social Welfare, Ministry of Education, Ministry of Health, Ministry of Environment and Spatial Planning, Municipalities, representatives of civil society and international actors, including UNHCR and the International Organisation for Migration. The Strategy will seek to ensure that persons forcibly repatriated to Kosovo should have adequate access to information, civil documentation, assistance and social services, in order to be able to reintegrate in their places of origin and to rebuild their lives.”

Lack of funding for return projects remains a major obstacle to returns (2006-2007)

- Organised return projects continue to be developed at the municipal level
- 5 organised return projects were launched in Kosovo in the first half of 2007 and further 47 community development and stabilisation projects were approved by the Ministry of Communities and Returns
- Still, lack of reconstruction plans in western Kosovo impedes Serbian returns, while there continues to be no progress for ethnic Albanians displaced from northern Mitrovica.
- Municipalities are increasingly demonstrating the capacity to directly implement components of returns projects, making them more sustainable and less expensive
- However, the lack of funding, including for already approved projects, remains the most important obstacle to returns

UN SC, 29 June 2007, Annex, paragraph 43:

“Five organized return projects, costing €3.2 million, for the return of 120 minority families have been launched in 2007 in Lipjan/Lipljan, Gjilan/Gnjilane, Vushtrri/Vucitrn, Klinë/a and Fushë Kosovë/Kosovo Polje. While additional projects continue to be developed at the municipal level, funding remains the most important obstacle to returns. The Ministry of Communities and Returns has approved 47 community development and stabilization projects worth €2.08 million to facilitate integration of all communities in Kosovo.”

International Crisis Group, 14 May 2007, p. 24:

“The new Serb-majority municipalities might be able to encourage return, attracting Kosovo government, Serbian and international funding for constructing homes. But there are no reconstruction plans in other areas such as in western Kosovo where thousands of destroyed Serb homes remain. The relatively compact and vocal 500 or more displaced Albanian families

from north Mitrovica are also left out in the cold, their continuing predicament stoking possible conflict in the city."

UN SC, 9 March 2007, paragraph 16:

"...The funding shortfall of €15.4 million also negatively affects the return rate. Municipalities are increasingly demonstrating the capacity to directly implement components of returns projects, making them more sustainable and less expensive. After the change of leadership, the Ministry of Communities and Returns needs to continue restructuring, paying particular attention to implementing the recommendations of the audits performed in 2006. The funding shortfall affects 18 approved return projects at present, all of which have been either re-evaluated with stakeholders or are in the process of re-evaluation to bring down projected costs. Cooperation on returns between the Provisional Institutions and the Government of Serbia continued at the local level, particularly on matters of humanitarian concern."

UN SC, 9 March 2007, Annex:

"19. Despite an administrative instruction of the Ministry of Finance and the Economy on the implementation of fair-share financing issued on 10 August 2006, only 16 of the 27 reporting municipalities had prepared the Annual Plan for Minority Projects and Expenditure for the 2007 budget (as at 19 January). The Ministry of Finance and the Economy has threatened the non-compliant municipalities with sanctions. The third-quarter report on fair-share financing in 2006 shows that 20 of the 27 municipalities reached or exceeded their target, which was slightly better than the second quarter, in which 17 did. Zvecan/Zvečan has still not submitted any fair-share financing reports for 2006 despite receiving funds from the Kosovo consolidated budget.

52. The current funding gap of €15,400,000 for 18 organized multisectoral returns projects remains the single most important obstacle to returns. An amount of €5,200,000 have been allocated in the 2007 budget for returns projects. The Ministry of Communities and Returns has indicated that it will focus on individual returns — a more cost-effective and economically viable approach to displacement.

53. During the reporting period, returns projects were completed in Siga/Sigë, Brestovik, and Ljevoša/Levosha (Pejë/Pec) and Babush i Serbëve/Srpski Babuš (Ferizaj/Uroševac) for 40 and 74 Kosovo Serb families, respectively. However, some of them postponed their return until spring. Another project for 27 families was completed in Klinafc/Klinavac thus making Klinë/Klina the first municipality in Kosovo to fully implement a returns project."

UN SC, 20 November 2006, paragraph 18:

"...Municipalities are also demonstrating the capacity to directly implement components of returns projects, making them more sustainable and less expensive. The Office of the Prime Minister took corrective action to allocate remaining funds to support returns of internally displaced persons to Kosovo. However, a funding shortfall of €20 million affects 22 approved return projects, all of which have been recently re-evaluated with stakeholders to bring down projected costs. Cooperation on returns between the Provisional Institutions and the Government of Serbia continued at the local level, particularly on matters of humanitarian concern. From January to September 2006, the overall number of persons involuntarily repatriated from host countries reached 2,697. Repatriation functions are in the process of being transferred to the Provisional Institutions."

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

UNHCR, 1 June 2005:

“The civil unrest in March dashed hopes of a strengthening in 2004 of the slow and fragile process of return to Kosovo.”

UNHCR, 15 September 2004:

“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.

USDOS, 28 February 2005:

“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.”

SG, 17 November 2004:

“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, 14 February 2005:

“[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, 23 May 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.”

On the positive side:

UNHCR, 1 June 2005:

“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.”

SG, 17 November 2004:

“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, 23 May 2005:

“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.

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).

UNSC, 15 October 2003:

“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.”

UNHCR-UNMIK, January 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.”

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

UNHCR/OSCE, May 2002, para. 164:

"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 Gračanica, 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. 169:

"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 Gračanica/Gračanicë 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. 177:

"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."

UN OCHA, 26 April 2002, p. 29:

"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, 31 October 2002:

"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 SC, 9 October 2002, para. 37:

"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."

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

UNHCR/OSCE, May 2002, paras. 171-172:

"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 overburdening 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 Gracanica/Graçanicë, 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."

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

**UNHCR/OSCE, May 2002, paras. 173-174:
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."

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)

UNHCR/OSCE, October 2001, para. 18:

"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."

UNOCHA, 29 January 2002:

"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."

UN OCHA 31 August 2002, p. 3:

"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."

As concerns ethnic Albanian IDPs from Southern Serbia in Kosovo, UNHCR estimates that there are about 5,000 in the province (UNHCR, January 2004)

Integration

Increasing efforts to improve the living conditions of IDPs in Serbia (2010)

- IDPs and vulnerable non-displaced persons are now included in programs originally designed to meet the housing needs of integrating refugees from Bosnia and Croatia, with beneficiaries selected from all three of these groups by municipal migration committees in accordance with criteria agreed in local action plans.

- Observers have called for the development of a policy on durable solutions in Serbia
- UNHCR is to begin phasing out its work on integration of refugees in Serbia and is working together with SCR on identifying the needs of the most vulnerable IDPs in order to

UNHCR, 1 December 2010 (GLOBAL APPEAL 2011 – UPDATE)

Among the neediest persons of concern to UNHCR are approximately 4,100 individuals (900 refugees from Croatia and Bosnia and 3,200 persons displaced from Kosovo) who still live in 42 collective centres. Tens of thousands of other refugees and IDPs live in substandard temporary housing or in illegal settlements, with little more than basic shelter, often without access to water and electricity. Durable housing solutions are necessary in order to close the existing collective centres and significantly improve the marginal living conditions of this vulnerable population.

State Commissariat for Refugees, 18 November 2010 (PRESS RELEASE)

The Commissariat for Refugees of the Republic of Serbia together with the UNHCR and Republic's Organization for Statistics have conducted a survey regarding the needs of internally displaced persons in the Republic of Serbia. The aim of the survey was the determination of the socio-economic situations of the families of internally displaced persons so as to provide for the conceptualization of adequate programs which would be directed at providing solutions to their housing concerns and economically strengthening this section of the population. ... Following the revision and analysis of the gathered information the Commissariat for Refugees will have at its disposal a concrete understanding as to the current situation and needs of the IDP population, which will further contribute not only to the development of future programs designed towards designing lasting and sustainable solutions, but, as is our hope will also aid the process of collecting additional resources from potential donors.

State Commissariat for Refugees, January 2010

The National Strategy for Resolving the Issues of Refugees and Internally Displaced Persons envisages that all collective centres are to be closed down gradually. The planned closure of the collective centres commenced immediately following the adoption of the Strategy, i.e. in 2002. Given the fact that the majority of those accommodated in collective centres are internally displaced persons, the shutting down of collective centres requires that adequate solutions be found for these people. Resolving the problems of internally displaced persons remains one of the priorities for the Government of the Republic of Serbia. The leading principles in resolving the issues of IDPs foresee the right of IDPs to return. Considering that security conditions in KiM, already for a prolonged time, do not permit a more substantial return of internally displaced persons to their previous place of residence, the Republic of Serbia, within its capacities, carries out projects with the goal to improve the living conditions of the most vulnerable categories of IDPs until the conditions for their return have been established

UN Human Rights Council, 11 December 2009 (RSG FOLLOWUP MISSION REPORT)

9. Following his 2005 Mission, the Representative recommended that Serbia should facilitate and proactively support IDPs who want to participate in society and its economic life. It is therefore very positive that various Government institutions have established programmes to help IDPs improve their living conditions and escape situations of dependency. ... Particularly interesting is a scheme by the Serbian Commissioner for Refugees to provide matching grants to municipalities that devise and fund local action plans to improve the living conditions of IDPs and refugees. By July 2009, 58 municipalities had already received a total of 80 millions RSD to implement the plans; 40 more local action plans were in planning.

10. The Representative was also impressed by a UNHCR-administered programme that provides IDPs with a grant to purchase a village house of their own as well as training and supplies to start livelihood activities, such as small-scale farming or food processing. From 2008 to August 2009, 100 families had already benefitted from the programme, which has received

substantial support from the Divac Foundation and various governmental authorities. It would be important to expand this very successful programme to start similar initiatives to improve the situations of IDPs in Serbia.

11 Recalling his recommendation to find dignified solutions for IDPs in collective centers as a matter of priority, the Representative notes that IDPs living in collective centers continue to be among the most vulnerable IDPs. According to official figures, there were still 4419 IDPs in Government-supported collective centers in June 2009, compared to 7408 persons in 2005. Even more problematic, there are a number of former collective centers, where IDPs have stayed on even though the centre is no longer receiving Government support. Most collective centres are in a terrible physical state. Having lived for often more than a decade an institutionalized dependency situation, many tenants are unable to take care of their own life, Social problems are rife in the centers. In this context, the Representative underscores that IDPs have the right to an adequate standard of living according to the Guiding Principles as well as the International Covenant on Social and Economic Rights to which Serbia is a party. The Representative applauds the fact that the Serbian Commissioner for Refugees has initiated a program to help IDPs who would like to leave collective centers with a program to build their own homes but considers that many may be too vulnerable to benefit from this initiative.

12. The Representative would like to re-emphasize his conviction that efforts to help improve living conditions at the site of their displacement do not undermine return perspectives. Allowing IDPs to rebuild a normal life empowers IDPs, gives them the energy to envisage a new life and the capital to invest upon return. The accuracy of this argument is borne out by the facts: although tenants of collective centers would seem to have the greatest incentive to leave their dreadful situations and return to Kosovo, they make up only a small minority of those who signed up in 2009 for the envisaged organized voluntary return programme to Kosovo. Instead, the majority of declared return candidates appear to be persons who have managed to resume a normal life and now feel prepared to attempt a return to Kosovo.

71. On the basis of his follow-up visit, the Representative concludes that the Government of Serbia has made some notable progress in the implementation of his recommendations. ... It is very positive that several initiatives have been launched to improve the living conditions of IDPs. This will also enhance their ability to carry out a sustainable return, if they so choose. The Representative recommends that this approach will be formally reflected and strengthened in the various IDP-related policy instruments that are currently being finalized. The Representative also strongly encourages the authorities to strengthen their existing efforts to provide inhabitants of collective centers with dignified alternative solutions.

UN Commission on Human Rights, 9 January 2006 (RSG FIRST MISSION REPORT)

17. In the Republic of Serbia, a Law on Refugees as well as a National Strategy for Resolving the Problems of Refugees and IDPs were adopted in 2002. The Implementation Programme for the National Strategy deals with refugees only, while the Strategy focuses primarily on return as the preferred solution for IDPs. Both the Law and the Strategy fail to address the rights of IDPs during displacement, such as housing, employment, regularization of status or access to pensions and health insurance for the displaced.

67. The efforts of the international community and national authorities have been almost exclusively focused on return as the only solution. Consequently, local integration has been discouraged: integration of persons displaced since many years should not be ruled out, and in fact, many internally displaced persons (IDPs) have already done so. To allow IDPs to live a

normal life and return are not mutually exclusive but reinforce each other. People leading productive lives are more likely to have the strength and impetus to return to their places of origin, once the time is right. ...

69. Thousands of IDPs continue to live in very difficult conditions in collective centres and irregular settlements, among them elderly, ill, disabled, severely traumatized individuals, witnesses in war crimes investigations and trial, female-headed households and families of missing persons, i.e., the most vulnerable among IDPs whose situations have not been satisfactorily resolved. The international community is in the process of withdrawing its support from these centres and many buildings are ramschackle and no longer offer acceptable living conditions. Irregular settlements have sprung up where displaced Roma, Ashkali and Egyptians are living in misery. Many of them are especially vulnerable. No durable solutions are available to these IDPs. The time has come to find a dignified solution for these extremely vulnerable populations as a matter of priority, since they are unlikely to return to their places of origin even in the event of dramatic changes or be able to live on their own.

70. The Representative recommends that national and local authorities, in coordination with international agencies and donors, urgently seek durable solutions for these persons, including alternative housing and appropriate institutional arrangements such as social housing, foster families or homes respecting their right to human dignity and develop a comprehensive action plan in this regard.

Government of Serbia, 30 May 2002 (NATIONAL POLICY)

This situation clearly suggests two main, parallel directions of implementation of the National Strategy, giving the most possibility to refugees and the internally displaced persons to choose the most favourable durable solution freely.

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 internally displaced persons as well as their families. The basic aim of local integration is helping refugees to achieve self-sufficiency, a financially and socially equal position as that of other citizens of the country.

Return prospects

Government of Serbia's initiatives to close the remaining collective centres (2009)

- In 2005 the Serbian Commissioner for Refugees began the process of closing collective centres and moving displaced people into appropriate accommodation with the help of UNHCR and other international organizations
- Since then, more than 280 collective centres have been closed
- As of August 2009, there remained some 60 collective centres in Serbia housing some 6,000 refugees and IDPs
- The remaining collective centres are planned to be closed by the end of the government's term

- For 2009, the Serbian Government has set aside between 2 and 3 million dollars for the construction of new public housing for the refugees and IDPs living in the remaining collective centres
- In October 2008, UNHCR and the Serbian Commissioner for Refugees set up a special task force which has identified 30 small collective centres for closure and proposed solutions.
- Despite these efforts, and the construction of hundreds of apartments, the projects is still some way off, since a large proportion of residents in the remaining CC are not eligible for assistance programmes.
- Following his visit to Serbia, the RSG on IDPs underscored that many IDPs living in informal settlement still face extremely difficult conditions and, due to bureaucratic obstacles, cannot access public and social services.

UNHCR, 28 August 2009:

Speaking from Belgrade on his last leg of a four day visit that also took him to Zagreb, Sarajevo, Banja Luka, and a number of towns where refugees and displaced are housed, Guterres said there remained an "unacceptable situation for refugees and IDPs," including thousands displaced from Kosovo, for which urgent solutions needed to be found.

After years residing in single room housing barracks called 'collective centres', those most traumatized or physically and mentally fragile pose the greatest challenge, as they await conditions for return to improve, or for the option to integrate locally to materialize. "It is not enough to rebuild a house, they need to rebuild our confidence," one refugee from Croatia told Guterres during his visit to the collective centre "PIM" near Belgrade. "Our neighbours need to want us back."

UNHCR, 21 August 2009:

Almost a decade after fleeing their village in Kosovo and living in a succession of soulless and dilapidated collective centres, the five members of the Blagojevic family have moved into their own apartment in the southern Serbia town of Vranje [...] The family's fortune is also good news for the Serbian Commissioner for Refugees (SCR) and UNHCR, who have been working with donors to close Serbia's remaining 60 collective centres housing some 6,000 refugees and internally displaced people (IDPs) – down from 26,000 in some 340 centres in January 2002.

UNHCR contributed US\$440,000 towards the construction of the apartment block that the Blagojevic now live in, along with 15 other refugee families from Kosovo and four vulnerable local families. They will only have to pay for utilities and will receive additional support from local social welfare centres.

The actual building work – on land donated by the municipal authorities – was conducted by UNHCR partner, Intersos of Italy, which also provided kitchen appliances and furnished the units.

A similar project has just started in the eastern Serbian town of Zaječar. The finished residential block will provide accommodation for 16 families currently living in Zaječar's two collective centres.

These two projects will put a small, but important dent in the number of people, including refugees from Croatia and Bosnia and Herzegovina and internally displaced people from Kosovo, still in collective centres and without jobs.

The SCR, in line with government policy, began five years ago the process of closing collective centres and moving the displaced into acceptable accommodation with the help of UNHCR and other international partners.

UNHCR has since assisted in the closure, or conversion into homes for the elderly, of more than 280 collective centres and helped find durable solutions for thousands of refugees and IDPs.

In a bid to reinvigorate the process, UNHCR and the SCR last October set up a special task force, which has identified 30 small collective centres for closure and proposed solutions with donor help for the people living there. The recent opening of the 20-apartment building in Vranje is part of this new drive.

But despite the construction of hundreds of apartments to date and the launch of a range of assistance programmes for former collective centre residents, completion of the project is still some way off.

One major reason is that a large proportion of residents in the remaining collective centres are extremely vulnerable and not eligible for assistance programmes. They include the elderly and the chronically ill.

And most of those in the collective centres cannot return to Kosovo or to their homes in Croatia and Bosnia and Herzegovina. But closure of the last collective centres will remain high on UNHCR's agenda for the rest of the year and beyond.

Serbia hosts some 97,000 refugees from Croatia and Bosnia and Herzegovina and slightly more than 205,000 IDPs from Kosovo. There are also an estimated 17,000 stateless people in the country.

UN HRC, 7 July 2009:Mr. Kaelin noted some improvements in the local integration of internally displaced persons: "It is positive, and a clear step forward since my last visit, that authorities like the Serbian Commissioner for Refugees have started programmes to help internally displaced persons leave dreadful collective centres, move to their own houses or flats and build livelihoods." The United Nations Representative expressed concern, however, that bureaucratic obstacles, in particular cumbersome procedures to get documents, continued to make it unnecessarily difficult for many displaced persons to access public services. "If you want to give internally displaced persons a realistic chance to return one day, you have to first allow them to re-establish a normal life", Mr. Kaelin pointed out, noting that few of those still stranded in collective centres had registered for the planned return programme.

Brookings, 30 June 2009:

It is positive, and a clear step forward since my last visit, that authorities like the Serbian Commissioner for Refugees have started programmes to help IDPs leave collective centres, move to their own houses and regain their livelihoods. Yet, bureaucratic obstacles, in particular cumbersome procedures relating to documents and even problems for some in obtaining birth certificates, continue to make it unnecessarily difficult for many IDPs to access public services. Yesterday, I visited a group of Roma IDPs who for ten years have lived in abject poverty in a muddy informal settlement on the outskirts of Belgrade in shacks without running water, and electricity. Their children cannot go to school, they cannot find regular employment and since a few months they no longer can access free health care - and all of this simply because they have no registered residence. [...]"

Government of Serbia, 31 October 2008:

Serbian Minister of Labour and Social Policy Rasim Ljajic handed over today in Kragujevac keys to 25 flats for 20 internally displaced families from Kosovo-Metohija and five socially vulnerable families from Kragujevac.

Ljajic said that IDPs from Kosovo-Metohija are the most vulnerable category of people in Serbia, comprising more than 300,000, 60% of which are unemployed and 45% live in refugee centres or have an inadequate private accommodation.

The EU set aside €440,000 for the construction of flats.

Charge d'affaires of the European Commission delegation Jacques Stakenborg and Kragujevac Mayor Veroljub Stevanovic were present at the ceremony of handing over the keys.

The building of 25 flats is located in the settlement of Aerodrom and it was built as part of the project named "Social Housing in Protected Conditions for IDPs".

The investor was the City of Kragujevac, while the European Agency for Reconstruction, the International Organisation for Migrations, the Refugee Commission and the Ministry of Labour and Social Policy financed the project.

Government of Serbia, 30 October 2008:

Deputy Prime Minister Jovan Krkobabic stated that between RSD 150 and RSD 200 million will be set aside in 2009 for new public housing for refugees and IDPs in Serbia currently living in collective centres which will have to be closed.

Krkobabic told the Beta news agency that additional funds will be set aside from foreign sources and announced that by the end of the government's term people will have been moved from collective centres to proper homes.

He said that currently 6,311 people live in 75 collective centres, of which 17 are in Kosovo-Metohija.

According to him, 40 centres provide three meals a day, seven centres provide only one, whereas 15 centres offer none.

We will gradually move these people into proper housing or build new houses and social flats, stressed Krkobabic, adding that the government must take care of the needs of these people and offer them accommodation in the vicinity of schools and health centres."

For more information on social housing programmes see:

[Social housing in supportive environments](#) and www.housingcentre.org.rs

Government of Serbia's initiatives to support IDPs' return to Kosovo (2009)

- The Serbian Government and his Ministry for Kosovo-Metohija support IDPs who want to return to Kosovo financially or by helping to build and repair houses in Kosovo.
- The Serbian Government, in coordination with UNHCR, has agreed to initiate a survey of IDPs from Kosovo living in Serbia to identify those who want to return to their place of origin.
- Between March and August 2009, 1,212 families (3,200 IDPs) from 55 collective centres have applied to return to Kosovo. However, the registration did not include IDPs who have private accommodation or those Serbs and non-Albanians who were driven out of their homes but remained in the province.
- Through the project "Social Housing in Protected Conditions for IDPs", financed by different international organizations and the Government of Serbia, IDPs from Kosovo-Metohija who do not want to return can find another type of housing solution in Serbia

Government of Serbia, 4 September 2009:

"Serbian Assistant Minister for Kosovo-Metohija Bojan Andjelkovic said today that 1,212 families or 3,200 Internally Displaced Persons (IDPs) have applied to return to Kosovo.

Speaking at a press conference about the completion of the return application registration and the problems of IDPs in Djakovica, Anjelkovic said that the registration process was completed between March and the middle of August and was limited to IDPs in 55 refugee centers and those who expressed a wish to return to Kosovo.

He said that the registration did not include IDPs who have private accommodation or those Serbs and non-Albanians who were driven out of their homes but remained in the province.

He said that of the total of the IDPs registered, nearly 10% or more, more than 400 individuals, belong to ethnic minorities, Roma, Muslim, etc.

Andjelkovic said that 848 housing units need to be reconstructed or rebuilt for the return of those registered this year, noting that 340 houses were completely destroyed while others can be reconstructed.

According to Andjelkovic, 240 apartments owned by Serbs and now illegally occupied by Albanians need there present occupiers evicting.

Most of these apartments are in Djakovica, he said noting, that 228 families from Djakovica have applied to return.

Another 100 apartments should be built to house the displaced there, Andjelkovic said."

Government of Serbia, 20 June 2009:

"State Secretary at the Serbian Ministry for Kosovo-Metohija Oliver Ivanovic today visited Kosovo returnees and said that the Ministry must continue to build and repair houses for those returning to the province. "

Government of Serbia, 9 June 2009:

"State Secretary at the Serbian Ministry for Kosovo-Metohija Oliver Ivanovic said today that the Serbian government and his Ministry will support all returnees to Kosovo by helping them financially and otherwise.

During a visit to the village of Sinaj, near Istok, Ivanovic said that he is pleased to see that eight families have returned.

The Ministry for Kosovo-Metohija can help construct houses for returnees and I am certain that by improving living conditions we will encourage more people to return, said Ivanovic.

On May 12, eight Serb families returned to Sinaj, where 18 houses are being built for Serb returnees."

UNSC, March 2009:

"The authorities in Serbia, in coordination with UNHCR, have agreed to initiate a thorough survey of internally displaced persons from Kosovo to identify those interested in returning to Kosovo. The information collected will be transferred by UNHCR offices in Belgrade and Pristina for incorporation into the Ministry of Communities and Returns database for further action."

Main obstacles to return and reintegration (2009)

- Many obstacles continue to hinder minority returns and their reintegration in Kosovo
- Lack of economic prospects due to Kosovo's difficult economic situation; real or perceived insecurity; restrictions of freedom of movement; ineffective system of property restitution and backlog of cases before the courts; difficult access to occupied agricultural land; lack of schools facilities for minority communities; restricted access to rights and services, such as health care, courts or public transportation are among the main obstacles to return and reintegration.
- Not all the Kosovo Municipalities have developed strategies for the return and integration of IDPs, and few of the one who did so have implemented them. Municipalities often lack funds and administrative capacity to develop and implement returns projects.
- Moreover, there is a lack of coordination between actors responsible for returns.
- The protocol for the voluntary and sustainable return of IDPs to Kosovo, signed between the then PISG, UNMIK and the Government of Serbia in June 2006 has not been implemented at all after Kosovo's declaration of independence, since the cooperation between Serbia and Kosovo has been discontinued.
- The Kosovo Ministry of Communities and Returns intends to place greater emphasis on promoting economic development and sustainability of minority communities to encourage returns.

UN SC, 30 September 2009:

"However, reintegration of minority communities, especially the Kosovo Serb community, continues to be a challenge, primarily owing to lack of employment opportunities, a fragile economic situation, access to services, and, to a certain extent, security. By allocating €3,000,000 for community development projects this year, the Ministry of

Communities and Return intends to place greater focus on economic development and sustainability of minority communities to encourage more returns."

UN HRC, 7 July 2009:

"Persons who were internally displaced from and within Kosovo still face serious obstacles to return and local integration", said Walter Kaelin, Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons, after concluding a visit (28 June-4 July) to Belgrade, Pristina and other cities. [...]

The Secretary-General's Representative noted with appreciation that the relevant authorities expressed commitment to facilitate return of all internally displaced persons, regardless of their ethnicity. At the same time, Mr. Kaelin found that entrenched patterns of discrimination, lack of access to employment and livelihoods, too few schools for minorities and difficulties in repossessing property and having houses reconstructed are among the chief obstacles to return.

COE, Commissioner for Human Rights, 2 July 2009:

"There has been a continuously declining trend of returns per year since 2003. While municipalities are developing more returns projects, lack of funding and administrative/managerial capacity remain important obstacles. "

UNSC, June 2009:

"According to the Ministry of Communities and Returns, reintegration of minority communities, especially the Kosovo Serb community, continues to be a challenge. As the primary factors affecting reintegration include lack of employment opportunities, a fragile economic situation and limited access to public services and security, the Ministry intends to place greater focus on promoting economic development and sustainability of minority communities in order to encourage more returns. "

OSCE, 19 June 2009:

"The sustainable return and reintegration of displaced persons from Kosovo continues to be a major human rights challenge despite the efforts undertaken by the Kosovo authorities and the international community, the OSCE Head of Mission in Kosovo, Ambassador Werner Almhofer said today. In a statement released to mark World Refugee Day on 20 June, Almhofer called for more concerted action to promote returns.

"The return and reintegration of displaced persons must be treated as a matter of priority," he said in the statement.

"The OSCE Mission in Kosovo monitors human rights and rule of law issues in areas affecting the right to return, such as housing and property rights, non-discriminatory access to public services, and employment opportunities, civil registration of communities' members, security and freedom of movement, and access to justice.

Central and local authorities must create an environment conducive to sustainable return of all displaced persons through increased commitment and implementation of return-related projects. The fact that so many people remain displaced in the region or within Kosovo, without adequate protection of their rights, highlights the need for greater involvement of all parties and dialogue to find a sustainable solution.

I welcome the willingness of Kosovo authorities to engage in the closure of the lead-contaminated camps in northern Kosovo, and to provide for the return of about 700 displaced Roma to the Roma Mahala in the southern part of Mitrovica/Mitrovica or any other place of origin."

AI, May 2009:

Serbs and other non-Albanians did not flee Kosovo after the declaration of independence as feared, but few returns took place during the year. Some 445 internally displaced people returned to their homes; of whom 107 were Kosovo Serbs. [...]

Many other people were unable to return to their homes due to the backlog of 29,000 cases and 11,000 unimplemented decisions related to property claims originating from the 1999 war.

USDOS, February 2009 (Serbia):

"While government officials continued to make public statements that IDPs should return to Kosovo, senior government officials also claimed that it was unsafe for many to return. IDP returns to Kosovo slowed; [...]"

BalkanInsight, 14 January 2009:

"The long, difficult and expensive practical process of convincing thousands of Serbs to return to their homes in Kosovo will be nothing compared to the struggle it will take to get them to integrate in the newly independent state and feel comfortable living with its Albanian majority, said Kosovo's Minister for Return and Communities. [...]"

The Serbs' return is not the difficult part," Sasa Rasic, one of a handful of ethnic Serbs to participate in the Albanian-dominated government, told Radio Free Europe. "Their integration is a problem. Economic and political insecurity pose the greatest obstacles rather than return per se."

UN Committee on Economic, Social and Cultural Rights, 19 November 2008:

"The Committee is concerned about the low number of internally displaced persons and refugees, in particular those belonging to minority communities, who have returned to their pre-armed conflict homes in recent years, despite the efforts undertaken to facilitate sustainable returns. (article 11)

The Committee recommends that UNMIK, in cooperation with the Kosovo authorities, intensify efforts to ensure the repossession of property, physical safety and sustainable return of internally displaced persons and refugees, in particular those belonging to minority communities, to their pre-armed conflict places of residence, e.g. by increasing income generation assistance for returnees, ensuring that the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2) are fully taken into account during the revision of the Revised Manual for Sustainable Returns (2006), and directly involving affected IDPs at all stages of adoption and implementation of Municipal Return Strategies."

UN ESC, 10 November 2008:

"Statement by Serbia:[...]"

The lack of stronger security guarantees affected minority communities, whose freedom of movement was restricted, Mr. Stracevic said. The atmosphere of insecurity contributed significantly to the extremely slow process of the return of internally displaced persons to Kosovo and Metohija, which had virtually come to a halt. Freedom of movement remained precarious, and the overall situation remained disconcerting, involving a large number of displaced persons unable to return to their homes, as well as serious obstacles in terms of access to various services, ranging from health services to courts and public transportation. Of the 230,000 persons, predominantly Serbs, Roma, and other non-Albanians, who were forced to leave the Province after June 1999, and despite the nine years of international presence, only a few thousand had returned to Kosovo and Metohija. Needless to say that the basic human rights, such as the right to life, liberty and security of person and freedom of movement were crucial for the sustainability of the return of the internally displaced persons as well as for a peaceful and decent life of all inhabitants in the Province, and minority ethnic communities in particular."

Ombudsperson Institution, July 2008:

"Indeed, displaced persons generally suffer from a real or perceived fear for their safety when considering return and their decision to return remains largely affected by the lack of economic prospect due to Kosovo's difficult economic situation. The recent political developments and the Kosovo Declaration of Independence only add to the general tension and make it very difficult for displaced persons to assess whether or not sustainable return to their homes is possible and whether they can foresee their future in Kosovo. Despite these considerations, many internationally funded projects continue to be initiated to ensure that people, if they choose to do so, can return not only to their homes but also to places other than their homes where they feel more comfortable to live, often because they are then living among members of their community....]"

Ombudsperson Institution, July 2008:

"A protocol on the voluntary and sustainable returns of IDPs to Kosovo, signed between the then PISG, UNMIK and the Government of Serbia on 6 June 2006, have had so far a very limited impact. Even if this protocol helped to establish contacts and cooperation between the authorities in Serbia and the authorities in Kosovo, it did not manage to increase returns from Serbia to Kosovo and has not been implemented at all after Kosovo's Declaration of Independence in February 2008. Due to Serbia's decision not to recognize Kosovo as an independent country, displaced persons in Serbia remain the hostage of the current political situation. For the moment, there are little to no perspective for their return, while the cooperation between Serbia and the central and local institutions in Kosovo has been discontinued, without any indication that it would resume in the near future, at least concerning this issue.

The destroyed properties of displaced persons of minority communities who fled their homes during the March riots in 2004 have now for the most part been reconstructed by the Kosovo Government or by International Organizations and NGOs. However, many displaced persons do not feel safe enough to return to their homes and therefore they either visit their houses occasionally or try to sell them. Likewise, many displaced persons and refugees who fled in 1999 decide to sell their property after it has been reconstructed or after they managed to regain their usurped property. They usually go back to Serbia and sometimes to other enclaves in Kosovo where they feel more comfortable to live and where they have access to services entirely dedicated to Serbian speakers.

At the same time, four years after the violent events, some of the victims of the March 2004 violence are still waiting for the reconstruction of their houses and apartments or for the completion of the compensation proceedings for their damaged and destroyed furniture and other movable properties. Such cases involve citizens whose property is in the municipalities of Fushë Kosovë/Kosovo Polje, Prishtinë/Priština and Obiliq/Obilic. These people, although included in the list for reconstruction and compensation of damages, have not received compensation yet despite the fact that the Ombudsperson Institution has been asking for more expeditious compensation proceedings in four such cases. Indeed, since 2005, the Ombudsperson Institution has been requesting that the competent central and local authorities compensate these people or reconstruct their properties, but so far, the authorities have not taken any action nor provided adequate responses to these requests....]

[...] the sustainability of the voluntary returns in locations where Serbian displaced persons are a minority living among the ethnically Albanian majority remain problematic due to the overall lack of employment opportunities, primary health care institutions and education facilities, the difficult access to occupied agricultural land and the occasional provocations and intimidations. Such incidents lead many returnees to doubt whether it is possible for them to enjoy security, and they only occasionally come to visit their reconstructed houses. This is for example the case of returnees in the village Srpski Babuš/Babushi in the Municipality of Ferizaj/Uroševac. As mentioned earlier, returnees, Serbs and Roma in particular, generally feel more comfortable to return in

places where they can live with people from their community because they have families, social network and better access to services in their own language. However, it should be underlined that the general security situation and freedom of movement has improved over the past years, despite the continuous occurrence of sporadic, and sometimes dramatic, incidents that then have a very strong impact on displaced persons and returnees belonging to minority communities.

The OSCE Mission in Kosovo published a report in October 2007 assessing that municipalities in Kosovo had so far not done enough to adequately implement the existing Manual for the Sustainable Return of IDPs adopted in July 2006. In this report, the OSCE concluded that a lack of funds, access to public services and lack of coordination between the actors responsible for returns are the main factors that interrupt the process of returns. In addition to this, the report also stated that not all municipalities have developed strategies for the return of displaced persons, while those who already developed such strategies have only partially implemented them."

UNIJA, December 2008:

Moreover, to this everchanging framework never corresponded a real level of financial commitment and important return projects which survived the kafkian Jesque selection process, remained blocked by lack of funding. And the very fact that costs associated to return projects to Kosovo remain amongst the highest worldwide raises important issues regarding the transparency and effective use of available resources and the accountability of the decision making structures. In addition to being financed, and in order to implement the obligation of results of the Covenant, returns structures should be backed by political willingness. Together with money, genuine support to return projects have always been missing.

IDPs' return hampered by lack of economic opportunities in Kosovo (2009)

- Lack of access to employment opportunities in Kosovo is one of the main obstacles for the sustainable return of IDP

BalkanInsight, 14 January 2009:

"The Serbs' return is not the difficult part, "Sasa Rasic, one of a handful of ethnic Serbs to participate in the Albanian-dominated government, told Radio Free Europe. "Their integration is a problem. Economic and political insecurity pose the greatest obstacles rather than return per se".

UN HRC, 7 July 2009:

"Persons who were internally displaced from and within Kosovo still face serious obstacles to return and local integration" said Walter Kaelin, Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons [...]. Mr. Kaelin found that entrenched patterns of discrimination, lack of access to employment and livelihoods, too few schools for minorities and difficulties in repossessing property and having houses reconstructed are among the chief obstacles to return."

OSCE, 19 June 2009:

"The sustainable return and reintegration of displaced persons from Kosovo continues to be a major human rights challenge despite the efforts undertaken by the authorities and the international community. [...] The OSCE Mission in Kosovo monitors human rights and rule of law issues in areas affecting the rights to return, such as housing and property rights, non-discriminatory access to public services, and employment opportunities, [...]"

UNSC, 10 June 2009, p.7:

"According to the Ministry of Communities and Returns, reintegration of minority communities, especially the Kosovo Serb community, continues to be a challenge. As the primary factors affecting reintegration include lack of employment opportunities, a fragile economic situation and limited access to public services and security, the Ministry intends to place greater focus on promoting economic development and sustainability of minority communities in order to encourage more returns."

UNHCR, December 2008, p.5, p. 8:

"Apart from the expected housing assistance, the RAE displaced persons expressed their concern on their future living conditions when returning. [...] Displaced persons were concerned because they didn't get any positive reflection from the other returnees and saw a large number of vulnerable families. They said that in displacement they have some possibilities of employment and of receiving children allowance."

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

UNMIK, 15 December 2003:

"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 Glllogovc/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 €11 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 groundbreaking 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."

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

UNDP, 2003:

“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.”

Return policy

Protocol on the Voluntary and Sustainable Return of IDPs to Kosovo not implemented after Kosovo's declaration of independence (2009)

- The protocol on the voluntary and sustainable returns of IDPs to Kosovo, signed in 2006 by PISG, UNMIK and the Government of Serbia has had a very limited impact
- The protocol did not manage to increase returns from Serbia to Kosovo
- After Kosovo's declaration of independence, the protocol has not been implemented at all due to Serbia's decision not to recognize Kosovo as an independent country

Ombudsperson Institution, July 2008:

A protocol on the voluntary and sustainable returns of IDPs to Kosovo, signed between the then PISG, UNMIK and the Government of Serbia on 6 June 2006, have had so far a very limited impact. Even if this protocol helped to establish contacts and cooperation between the authorities in Serbia and the authorities in Kosovo, it did not manage to increase returns from Serbia to Kosovo and has not been implemented at all after Kosovo's Declaration of Independence in February 2008. Due to Serbia's decision not to recognize Kosovo as an independent country, displaced persons in Serbia remain the hostage of the current political situation. For the moment, there are little to no perspective for their return, while the cooperation between Serbia and the central and local institutions in Kosovo has been discontinued, without any indication that it would resume in the near future, at least concerning this issue.

UNIJA, December 2008:

Still in 2006, the tripartite Protocol of Cooperation on Voluntary and Sustainable Returns was signed and [contrary to what stated in the UNMIK report . was never implemented.

Initiatives to secure the right to voluntary return to Kosovo (2006-2007)

- Securing the right to return came to undelie a number of initiatives in 2006-2007
- Protocol on Voluntary and Sustainable Returns was signed in June 2006 by SRSG and the Belgrade and Pristina representatives on the Working Group on Returns
- This policy guide, however, failed to increase returns, one of the reasons for it being its policy nature and lack of approval by the Kosovo Assembly
- In July 2006 UNMIK prepared revised Manual for Sustainable Return, which stresses the sustainability of returns and consultation with the internally displaced persons, and foresees a greater involvement of the PISG in the returns process, both at a central and municipal level

- The right to voluntary return and the right to choose one's residence were also envisaged among the main provisions of the Comprehensive Proposal for the Kosovo Status Settlement and stressed by CoE's Parliamentary Assembly Rapporteur

UN SC, 1 September 2006, paragraph 23:

"A welcome development was the signing of the Protocol on Voluntary and Sustainable Returns in Pristina on 6 June by my Special Representative and the Belgrade and Pristina representatives on the Working Group on Returns. The Protocol signals the operational and technical cooperation of Belgrade and Pristina to improve the conditions for, and facilitate the returns of, internally displaced persons to Kosovo. It had an immediate impact: more than 70 families agreed to return to one Serb-majority village."

Ombudsperson Institution in Kosovo, 11 July 2007, p.44:

"A protocol on the voluntary and sustainable return of IDPs to Kosovo signed between the PISG, UNMIK and the Government of Serbia on 6 June 2006 has so far not managed to increase returns from Serbia proper to Kosovo. This protocol acknowledges the obligation of all parties to provide the safe and free return of IDPs to their places of origin in a safe and dignified manner, as well as the return of their property rights. It also includes the obligation to create proper conditions for the freedom of movement and establishes mechanisms enabling cooperation between the receiving municipalities in Kosovo and the current host municipalities in Serbia proper.

In part, this protocol's lack of success is probably due to the nature of the document – as a policy guide issued by UNMIK and the Office of the Prime Minister, it has not been approved by the Kosovo Assembly. Thus, many municipalities do not consider it to be legally binding and have not included it into their returns strategies."

To enable returns, the Committee of Ministers of the Council of Europe urged the removal of obstacles to return and better guarantees of the freedom to choose one's residence:

COE CMN, 21 June 2006, p.3:

"Take vigorous practical measures to remove the obstacles to sustainable return by seriously addressing security concerns of Serbs and others concerned and also by ensuring, including in the implementation of the recently adopted legislation, repossession of, and unhindered access to, agricultural and other property and by designing further targeted income generating activities.

Pursue plans to make the assistance schemes more flexible so as to better guarantee the freedom of choice of place of residence in Kosovo for persons belonging to minority communities."

UNMIK drafted and redrafted many strategies and projects to ensure the return of members of minority communities to Kosovo:

Ombudsperson Institution in Kosovo, 11 July 2007, pp. 42-43:

"The most recent strategy and guideline in this respect is UNMIK's revised Manual for Sustainable Return of July 2006. It is based on the principles that returns must be sustainable and that this is only possible if returnees are able to take a free and informed decision on whether they wish to return or not, and on where they want to return to (preferably their place of origin). The IDPs themselves should be the driving force behind such return, although it is also important that the entire community of the place to where they wish to return is engaged in the process. There is a great focus on preparing the environment before returns take place, as well as on outreach activities, inter-ethnic dialogue and so-called "go and inform visits" and "go and see visits", where people wishing to return can visit the municipalities to where they wish to return and assess the situation themselves.

The Manual foresees a greater involvement of the PISG in the returns process, both at a central and municipal level. Municipal working groups manage the return of people to their municipalities. These working groups are made up of representatives of the respective municipality, as well as IDPs, the KPS, the international community and civil society. At a central level, voluntary return projects and related initiatives are reviewed by the Central Review Mechanism chaired by the Ministry of Returns and Communities, while a Steering Group co-chaired by the SRSG and the Prime Minister and consisting of several Ministries, international community representatives, the KPS and the KPA reviews the work of the Central Review Mechanism as well as the returns process and related policy as a whole.”

The right to voluntary return and the right to choose one’s residence were also envisaged among the main provisions of the Comprehensive Proposal for the Kosovo Status Settlement:

UN SC, 26 March 2007, S/2007/168, Annex, paragraph 7:

“All refugees and internally displaced persons from Kosovo shall have the right to return and reclaim their property and personal possessions based upon a voluntary and informed decision. The Settlement reaffirms the principle that displaced persons shall be able to return to a place of their choice in Kosovo, and not only to their original place of residence.”

It has also been stressed by the Rapporteur of the Committee on Migration, Refugees and Population of the Parliamentary Assembly of the Council of Europe:

COE PACE, 24 May 2007, paragraph 88:

“The Rapporteur reiterates the position of UNHCR that all rights of IDPs including the right to life and personal security and to freely and voluntarily choose their place of residence must be safeguarded. Options for a durable solution – whether in the form of return or integration in a place of displacement – should be provided to internally displaced persons based on the following considerations:

- uphold the right to return: it is important to highlight that the right to return constitutes a right, not an obligation.
- voluntary and individual choice : the decision to settle in a place other than home (including internal displacement within Kosovo) must be truly voluntary, free from any manipulation or coercion; the decision must be also individual, and must not derive from undue forms of pressure, manipulation or push factors including financial and other incentives.
- access to full and objective information : IDPs from Kosovo must be able to access objective information on local conditions for return in order to make a free and informed choice.
- alternative durable solutions : achieving durable solution in place of displacement should not infringe on the property rights of IDPs in their place of origin.”

Kosovo IDPs in Serbia unable to integrate locally or return (2007)

- The fact that the acquisition of rights is based on the status of residence is the major impediment to the integration of IDPs and refugees in Serbia
- These regulations are at times used by local authorities to hinder the access of refugees and IDPs to social welfare
- Thus the living conditions and access to rights of refugees and IDPs vary, depending on the location of displacement
- Local integration of IDPs from Kosovo remains a highly sensitive political issue in the course of the political negotiation talks on the Kosovo status
- In the 2002 National Strategy the only option envisaged for IDPs is the return to Kosovo

- As the conditions for the return to Kosovo are not solved, IDPs have been waiting for over 8 years without any possibility to permanently resolve their status and unable to return or integrate
- As their presence is considered temporary, little effort has been made to provide them with adequate conditions
- Thanks to UNHCR efforts, refugees and IDPs were included as particularly vulnerable groups in the 2003 PRS

COE, PACE, 24 May 2007:

“55. The major impediment to the integration of refugees and IDPs in Serbia is the fact that the acquisition of rights is currently based on the right to reside in a certain territory (status of residence). Freedom of movement is tied to property ownership under current laws. The legal framework does not take into account the specific vulnerable situation of refugees and IDPs. People who do not have a legal basis to possess or rent property are not able to register permanent or temporary residence.

56. Some local authorities try to use such regulations to hinder the access of refugees and IDPs to social welfare. According to the OSCE, certain municipalities request a six-month residence prior to accepting applications for social welfare assistance. The living conditions and access to rights of refugees and IDPs therefore vary significantly depending on the location of displacement. Compared to municipalities in southern and south-eastern Serbia which are heavily affected by poverty, wealthiest municipalities in Vojvodina have shown the most positive results for integration and support for refugees and IDPs.

60. In addition, local integration of internally displaced persons from Kosovo remains a highly sensitive political issue in the course of the political negotiation talks on the Kosovo status. The Implementation Programme for the National Strategy for Resolving Problems of Refugees and Internally Displaced Persons of 2002 focuses only on refugees, whereas the only option envisaged for IDPs is the return to Kosovo. The Coordination Centre for Kosovo and Metohija has a clear mandate for returns. Institutionally, the Serbian Commissariat for Refugees, established by the 1992 Law on Refugees, is responsible for refugees and has no general mandate to address the situation of IDPs in a comprehensive manner.

61. Due to the position of the Serbian government that the freedom to choose between return and integration may only become an option after conditions for the return to Kosovo are created and not before, IDPs have been waiting for more than eight years without any possibility to permanently resolve their status. They can neither return nor integrate.

62. Since the Serbian government considers the presence of IDPs temporary, little effort has been made to provide them with adequate accommodation. The collective centres originally built for refugees have, inadequately, served as a temporary solution to the accommodation needs of some of the IDP population.

65. In contrast to the government programme which facilitates local integration of refugees through rent-free or subsidised housing or cash grants, IDPs do not benefit from such programmes and are usually simply relocated to collective centres which still remain open. There are also some 1 700 IDPs living in illegally-occupied buildings or in makeshift dwellings, most of them in Belgrade and Kraljevo. IDPs living in these conditions are clearly among the most vulnerable and only benefit from ad hoc assistance.

66. Thanks to the efforts of UNHCR, refugees and IDPs are included as particularly vulnerable groups in the Poverty Reduction Strategy, which the Government of Serbia adopted in October

2003 with a view to seek specific loans from the World Bank and the international financing institutions (IFIs)."

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

UNMIK, 19 July 2005:

"SRSG 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."

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

UNMIK, 15 December 2003:

“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.”

See [UNMIK 2004 Strategy for Sustainable Return, 15 December 2003 \[Internal link\]](#)

UNMIK, 5 November 2002, paras. 30-36:

"[...] 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."

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)

UNSC, 17 July 2002, paras. 32-37:

"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 Mrc. 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, 9 October 2002, para. 39:

"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 Lipjan 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."

UN OCHA, 31 May 2002:

"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, 11 July 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, 7 June 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."

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

UN OCHA, 26 April 2002, pp. 29-30:

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."

COE 16 October 2002, paras. 198-199:

"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 IDPs 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, para. 208:

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.]

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

COE, 16 October 2002, para. 161:

"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]."

[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]

UN OCHA, 26 April 2002, p. 37:

"[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. 30:

"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."

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

COE, 16 October 2002, para. 178:

"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."

UNHCR/OSCE, May 2002, para. 188:

"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."

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

UNHCR/OSCE, May 2002, para. 180:

"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."

UN SC, 22 April 2002, paras. 34-35:

"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 Gracanica, 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 OCHA, 11 July 2002:

"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.

UNHCR/OSCE, May 2002, para. 187:

"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.

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

UNHCR, 2001:

"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 SRSG 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."

See the full text of the [Return Principles \[Internal link\]](#)

UN SC, 15 January 2002, para. 18:

"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. "

UNHCR/OSCE, May 2002, para. 186:

"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)."

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

UNHCR, 2001:

"Concurrent to the joint efforts regarding Serb, activities have also been undertaken to address the specific situation of the Roma/Ashkaliya/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."

See also:

- [Platform For Joint Action - Regarding Kosovar Roma, Ashkaliya and Egyptian Communities \[Internal link\]](#)
- [Statement Of Principles \[Internal link\]](#)
- [Declaration From Humanitarian Round Table 12 April 2000, Pristina \[Internal link\]](#)

NATIONAL AND INTERNATIONAL RESPONSES

Overview

National and International response: Serbia

Serbia's response to IDPs remains focused on return and discourages local integration programmes which could help improve living conditions. The Serbian Commissariat for Refugees (SCR) and the Ministry for Kosovo and Metohija are the two key government institutions responsible for IDPs from Kosovo. Initially established to deal with refugee issues, the SCR took on responsibility for IDPs in 1999. The Commissariat administers collective centres and issues IDP cards. However there is still no legally binding document confirming the SCR's IDP mandate, or regulating the status of IDPs and their protection or assistance (UNHCR/Praxis, March 2007, p.14). The Ministry for Kosovo and Metohija coordinates activities of state agencies with regard to Kosovo (IDP Inter-Agency Working Group, October 2004). Established within the Office for Human and Minority Rights, the Roma Secretariat has developed several Roma National Action Plans.

The Serbian government adopted four thematic action plans on housing, employment, education and health in 2005. Another eight thematic plans, including one on Roma IDPs and one on returnees from Western Europe, are awaiting government adoption. The impact of those plans remains marginal and the non-adoption by the government of the National Strategy for the Integration and Empowerment of Roma drafted in 2002 questions its commitment to addressing Roma issues (UNHCR/Praxis, March 2007, p.15).

The National Strategy for Resolving the Problems of Refugees and Internally Displaced Persons, adopted in May 2002, is the main policy document addressing internal displacement in Serbia. However, the strategy's main focus is on refugees rather than IDPs and on return rather than local integration. With regard to Kosovo, the Serbian government claims to be the only legitimate representative of the interests of the local Serb population. Consequently, it has discouraged Serbs living in Kosovo from participating in elections and in the institutions of Kosovo. Serbia also maintains its own administrative and judicial structures in Serb enclaves to respond to needs and maintain its links across Kosovo.

The international agencies in Serbia set up an IDP Working Group in 2002. Led by the Office for Humanitarian Affairs (OCHA) and UNHCR, the working group also includes UNDP, OHCHR and non-UN members such as Praxis, Group 484 and the OSCE. The Working Group brings together international, regional and local organisations providing assistance and protection to IDPs from Kosovo. It provides a forum for sharing experiences and coordinating strategies and programmes for beneficiaries and focuses on return, restitution of property and access to documentation. The legal gap analysis report published by the Working Group in 2004 and its revised version prepared by UNHCR and Praxis in 2007 are key documents guiding international efforts to help national authorities address the situation of IDPs in the country (UNHCR/Praxis, March 2007).

National and international response: Kosovo

The PISG is increasingly taking on new responsibilities in line with UNMIK's mandate to encourage provisional democratic self-government institutions until a final settlement is found.

The PISG has assumed more responsibilities in the area of documentation, return, freedom of movement (for example by taking on the management of humanitarian buses transporting minority returnees) and repatriation. Despite positive statements and outreach initiatives towards minority communities much more needs to be done to convince minorities in Kosovo that the PISG is sincere in its declarations. As long as the difficult living conditions and limited access to rights persist, minority communities are unlikely to develop confidence in Kosovo institutions.

The international community has played an essential role in stabilising Kosovo after the 1999 conflict. However, after years of international administration, the progress made is endangered by the uncertainty surrounding Kosovo's final status. Worries grow in minority communities while impatience dominates among Albanians. Regardless of the outcome of the final status negotiations, UNMIK is being phased out to allow the European Union to increase its involvement in Kosovo. The Kosovo standards have been integrated into the European Partnership Action Plan which will ensure continuity and consistency of principles against which the PISG policies will be assessed (SC, 29 June 2007, para.18).

Numerous organisations conduct activities in Kosovo related to reconstruction, legal aid, inter-ethnic dialogue, income-generating activities and micro-credit. In addition to UNMIK, the OSCE monitors the situation and runs programmes to improve the functioning of democratic institutions, the judiciary and human rights mechanisms. UNHCR is tasked with the supervision of the safe and voluntary return of refugees and displaced people, and issues guidance on the protection needs of minority communities or other vulnerable groups to inform the development of return policies. UNHCR plans to reduce its direct assistance to returnees and instead build the capacity of local and central authorities to provide adequate assistance (UNHCR, 1 December 2006). As mentioned above UNHCR has also been active in supporting civil registration of vulnerable groups to prevent the risk of statelessness.

The Ombudsperson institution was set up in 2000 to investigate allegation of human rights violation. Initially an international institution, it became national in 2006. The same year, its power to investigate UNMIK was removed and given to a new institution. Although most international instruments are theoretically applicable in Kosovo, the unusual situation created by the fact that the country is run by an international administration raises issues of accountability with regard to human rights. UNMIK took responsibility for reporting to the Human Rights Committee on those rights covered by the International Covenant on Political and Civil Rights. A report was submitted in 2006. An agreement with the Council of Europe's Framework Convention on the Protection of National Minorities was also signed in 2004 and a report submitted in 2005.

A main focus of organisations in Kosovo is assisting returns. In 2001, UNMIK took over from UNHCR responsibility for the coordination of return policies and set up the UNMIK Office of Return and Communities. In 2005, the PISG appointed a Kosovo Serb as Minister for Returns and Communities (MRG, 17 July 2006, p.13). A Protocol on Voluntary and Sustainable Return was signed between Belgrade, Pristina and UNMIK in June 2006 but is unlikely to have a major impact until the political situation is clarified.

The return framework and strategy is contained in the UNMIK revised Manual for Sustainable Return published in July 2006. The revised manual was amended on the basis of recommendations adopted further to a wide consultation involving IDP representatives in 2006, and entitled Updating Return Policies and Procedures (OSCE/PR, 29 October 2007). The recommendations emphasise the need for the PISG to take specific measures in the areas of freedom of movement, registration of Roma, Ashkali and Egyptians, property and inter-ethnic dialogue. According to the manual, municipal return strategies addressing the infrastructure needs of returnees should be drawn up and integrated into municipal development plans (UNMIK/PISG, July 2006, Annex 1).

Although reaffirming that return is the preferred durable solution, the manual and the recommendations propose assistance to IDPs who would like to return to places other than original homes in order to respect their right to free choice of residence. This is a noteworthy development in the Balkans where the desire to restore multi-ethnicity has often led to focus all assistance on return programmes to the exclusion of other durable solutions such as local integration or reinstallation. The focus on return has penalised those who did not want to return or were unable to do so. In view of the slow pace of return and the number of years spent in displacement this solution seems the most reasonable and respectful of the rights of the displaced. The Council of Europe supports the rights to free choice of residents while emphasising that the choice should be individual and free “from any form of pressure, manipulation or push factors including financial or other incentives” (COE, 24 May 2005, para.88).

The revised manual reflects a greater involvement of the PISG in the return process at central and municipal levels. Municipal working groups representing municipal authorities, IDPs, international and civil society agencies examine proposed return projects, which are sent for revision to a Central Review Mechanism chaired by the Ministry of Returns and Communities. A Steering Group co-chaired by the Special Representative of the Secretary-General and the Prime Minister then review the work of the Central Review Mechanism and developments in terms of return process and policy (Ombudsperson, 11 July 2007, p.43).

UNDP has been the main agency implementing return projects since 1999. In addition to rebuilding houses, return projects are usually accompanied by measures aiming at creating a sustainable environment for return through income-generating schemes and support to infrastructure which benefits both returnees and the domiciled population, including roads, schools and medical facilities. UNDP estimates that 8,000 returnees and 4,000 indirect beneficiaries have benefited from their programmes (UNDP website, 5 July 2007). UNDP has also facilitated capacity-building for IDP associations to increase their knowledge regarding return mechanisms and legal issues and facilitated their dealings with authorities upon return and integration. However, the implementation of the 21 return projects approved for 2007 suffers from a funding gap of €16.5 million (\$24.3 million) (SG, 28 September 2007, annex para.46). While donor’s doubts regarding return are understandable, this situation creates an additional obstacle to return and penalises the few IDPs who do decide to return.

Reference to the Guiding Principles on Internal Displacement

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None

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Source: Group 484
Date: 14 April 2004

Document: Advocacy for the protection of IDPs during displacement in the Republic of Serbia

~~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.~~

Source: OCHA-OHCHR-UNHCR

Date: 2003

Documents:

· Training report [Internet]

~~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.~~

Source: UN OCHA

Date: 2002

Documents:

· UNOCHA, Humanitarian situation and issues in South Eastern Europe, Jan-Feb 2002 [Internet]

~~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.~~

Source: UN OCHA - Internal Displacement Unit

Date: September 2002

Documents:

· IDPs Guiding Principles Workshop Report [Internet]

Availability of the Guiding Principles in local languages

~~The Guiding Principles have been translated into the Serbian and Albanian.~~

Date: 2000

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