



**Organization for Security and Co-operation in Europe
MISSION IN KOSOVO**

Department of Human Rights and Communities

**In Pursuit of Durable Solutions for those Displaced in
the Collective Centres in Štrpce/Shtërpçë
Municipality**

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EXECUTIVE SUMMARY

Approximately 700 Kosovo Serbs and Serb refugees from Croatia are displaced in the municipality of Štrpce/Shtërpçë. Most displaced persons have sought refuge there from the neighbouring municipalities of Ferizaj/Uroševac and Prizren during the conflict in 1999, while some were displaced as a result of the March 2004 riots. Five collective centres, socially owned weekend houses and private forms of housing, provide accommodation to this vulnerable community, which in many cases continues to live under appalling conditions.

Local and international actors in Kosovo as well as authorities in Belgrade have, till now, taken few steps to provide durable solutions for the displaced persons in Štrpce/Shtërpçë. Only recently have authorities pledged funds for a social housing complex aimed to accommodate the more vulnerable families, which should ideally come to include displaced families accommodated in the collective centres in the municipality. The municipal bodies deriving from the 11 May 2008 Serbian local elections have taken the lead by adopting a local action plan, under the auspices of the Serbian Commissariat for Refugees (SCR), which foresees the construction of 24 apartments for the more vulnerable displaced/refugee families. The SCR provides food for the residents of the collective centres. Other *ad-hoc* assistance has been primarily provided by the United Nations High Commissioner for Refugees (UNHCR), but also by non-governmental organizations.

Efforts to improve the living conditions of the displaced persons and refugees in their location of displacement need not necessarily be considered as an abandonment of the returns process. It will, however, in the least provide more dignified living standards for the displaced persons during their displacement, or provide displaced persons with a choice to better integrate locally. Exercising the right to choose a durable solution requires that different options (return, local integration, settlement elsewhere) are made available.¹ Ultimately, displaced persons need a common platform from which to promote their interests, while authorities need to begin taking the displaced persons' predicament to heart in improving their living conditions and assisting those that wish to integrate locally, return to their places of origin or settle elsewhere.

¹ Principle 28(1) of the Guiding Principles on Internal Displacement (UN Doc. E/CN.4/1998/53/Add.2,Annex). The Principles are based upon, reflect and are consistent with international human rights and humanitarian law.

1. OVERVIEW

Štrpce/Shtërpçë, a municipality inhabited by a Kosovo Serb majority, shelters most displaced persons in the region of Gjilan/Gnjilane.² A little over 700 Kosovo Serbs³ and Serb refugees from Croatia⁴ are estimated to be displaced in the municipality of Štrpce/Shtërpçë. Five collective centres, socially owned weekend houses and private forms of housing provide accommodation to this vulnerable community. In all, 253 of the displaced reside in collective centres, financed by the SCR.⁵ In addition, 35 displaced persons find themselves accommodated in socially owned weekend houses. Others, in all 491, are either accommodated as tenants, reside with relatives or friends, or are afforded with secondary private accommodation.

Displaced persons accommodated in the municipality of Štrpce/Shtërpçë⁶

Accommodation	Kosovo Serb displaced persons ⁷
Collective Centre Tresnja	15
Collective Centre Elektrokosovo	29
Collective Centre Lahor	119
Collective Centre Junior	84
Collective Centre Elektrokosovo 2	6
Socially Owned Weekend Houses ⁸ in Brezovica/Brezovicë & other solutions	35
Tenants	203
Residing with relatives/friends	76
Private (secondary) accommodation	156
Total	723

² There are 1442 displaced persons in the region of Gjilan/Gnjilane (Statistical Overview UNHCR, OCM Prishtinë/Priština, February 2009). The region is comprised of the municipalities of Ferizaj/Uroševac, Gjilan/Gnjilane, Hani i Elezit/Đeneral Janković, Kačanik/Kaçanik, Kamenicë/Kamenica, Novobërdë/Novo Brdo, Štrpce/Shtërpçë, Viti/Vitina, and the recently established municipalities of Klokot/Klllokot and Ranilug/Ranillug.

³ ‘Analysis of the Situation of K-IDPs within Gjilan/Gnjilane AOR,’ UNHCR, September 2007. The SCR (2009), on the other hand, states that there are 785 displaced persons in Štrpce/Shtërpçë municipality.

⁴ Serb refugees from Croatia have been residing in Štrpce/Shtërpçë municipality since 1995.

⁵ The collective centres and socially owned houses mentioned in the report are situated in Brezovica/Brezovicë.

⁶ ‘Analysis of the Situation of Kosovo Internally Displaced Persons (K-IDPs) within Gjilan/Gnjilane Area of Responsibility (AOR),’ UNHCR, September 2007.

⁷ The data include 11 Serb refugees from Croatia.

⁸ UNHCR refers to these as “abandoned houses” and “occupied” premises. ‘Analysis of the Situation of K-IDPs within Gjilan/Gnjilane AOR,’ UNHCR, September 2007.

Most displaced persons have sought refuge in Štrpce/Shtërpçë from the neighbouring municipalities of Ferizaj/Uroševac and Prizren during the conflict in 1999.⁹ Some were displaced as a result of the March 2004 riots.

Living conditions in the collective centres are, in general, cramped and lacking in sanitary conditions appropriate to accommodate people for prolonged periods of time. In Lahor, the largest collective centre, it is not unusual that up to eight families share one bathroom. Moreover, many displaced persons, albeit primarily those accommodated in collective centres, remain unemployed and live under relatively poor conditions, subsisting on social assistance or meagre pensions. Many others face unemployment, this is particularly the case for those employed by socially owned enterprises due to be privatized. The SCR provides food for the residents of the collective centres and the socially owned weekend houses.¹⁰

Displaced persons rely mainly on public services provided by the 11 May 2008 Serbian locally elected municipal bodies, and less on those provided by the Kosovo municipal authorities. They also have access to the downtown health centre. However, those living in collective centres, primarily, find it difficult to access these services due to the remoteness of the collective centres and a lack of public transport.

Breakdown of displaced persons and refugees in Štrpce/Shtërpçë municipality according to occupation¹¹	
Pre-school age children	0 %
School aged children (ages 7-18)	12 %
Students (post secondary)	9 %
Employed	32 %
Unemployed	35 %
Pensioners	12 %

By now, many of the displaced have sold their properties in their places of origin after having lost hope of a sustainable return.¹² Many others assert to the Organization for Security and Co-operation in Europe Mission in Kosovo (OSCE) that they still cannot access their homes. They attribute this to a lack of diligent enforcement of the law by the Kosovo police when it comes to removing unlawful occupants in cases of re-

⁹ A few others are displaced from the municipalities of Prishtinë/Priština and Suharekë/Suva Reka.

¹⁰ Displaced persons have, however, reported a considerable decrease in assistance to collective centres since January 2009.

¹¹ Data provided by Štrpce/Shtërpçë municipal bodies deriving from the 11 May 2008 Serbian local elections.

¹² Estimates reveal that nearly half of the Kosovo Serbs that used to live in the town of Ferizaj/Uroševac have now formally sold their homes. A little over 5,000 Kosovo Serbs used to live in the town of Ferizaj/Uroševac (according to UNHCR data). Figures from the municipal court in Ferizaj/Uroševac alone, reveal that 433 Kosovo Serbs sold their homes in town between 2001 and 2007. Therefore, it is reasonable to infer that about half had already formally sold their homes in town by that time (according to the Yugoslav census of 1991 each household in Ferizaj/Uroševac was composed of 6.68 members). There are, however, no figures that reflect the magnitude of informal sale contracts, of which transactions are also known to be commonplace.

occupation of homes after an eviction (in these cases the legislation allows for an action *ex officio* by the police to remove the illegal occupant).¹³ Many others, including returnees, maintain that their farmable land is usurped or that they are afraid to venture out to their fields when these are not directly adjacent to their homes.¹⁴

2. IN PURSUIT OF DURABLE SOLUTIONS

“Competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country.”¹⁵

Local authorities have done little to encourage displaced persons to return. Only a small number of displaced Kosovo Serb families in Štrpce/Shtërpçë have expressed a desire to return to their municipalities of origin.¹⁶ Many hoped to sell their property and leave Kosovo, while 21 per cent expressed a wish to be integrated with the local community at the place of displacement.¹⁷ Although the Guiding Principles on Internal Displacement “take the view that efforts to secure return-based restitution must be exhaustively explored [...]”, they also recognize that displaced persons “may rely on compensation-based durable solutions to displacement” should they “express a clear preference” for such an option.¹⁸ Moreover, “[...] a very long period of time [may] have passed since the displacement, and the displaced have rebuilt their lives elsewhere in such a way that they would not want to relocate even if the conditions for return were safe.”¹⁹ Despite this, to date only one displaced family has been locally integrated in Štrpce/Shtërpçë municipality through housing assistance. This particular Kosovo Serb displaced family, originating from the neighbouring municipality of Ferizaj/Uroševac, received assistance in 2009 owing to the fact that the family owned land in Štrpce/Shtërpçë and that their children could attend a Serbian curricula school in Štrpce/Shtërpçë.²⁰

¹³ See OSCE Mission in Kosovo report: “*Eight years after. Minority returns and housing and property restitution in Kosovo*”, June 2007. Furthermore, the International Center for Transitional Justice holds that the police “has been lax on re-evictions” (Edward Tawil, “Property Rights in Kosovo: A Haunting Legacy of a Society in Transition”, International Center for Transitional Justice, February 2009, p. 35-37).

¹⁴ Still most, if not all, would not be in possession of the agricultural implements required to till their lands. Income generation components for returnees have rarely incorporated such all-encompassing schemes.

¹⁵ Principle 28(1) of the Guiding Principles on Internal Displacement (UN Doc. E/CN.4/1998/53/Add.2, Annex).

¹⁶ The findings are based on interviews of 100 Kosovo Serb displaced families in Štrpce/Shtërpçë conducted by the municipal returns officer in 2006. The Štrpce/Shtërpçë Displaced Persons Forums (jointly organised by the OSCE and UNHCR) and held during the second half of 2009 reflect these findings in that very few believe in a sustainable return.

¹⁷ *Ibid.*

¹⁸ Handbook on Housing and Property Restitution for Refugees and Displaced Persons: Implementing the “Pinheiro Principles”, UN, March 2007, p. 27.

¹⁹ *Ibid.*

²⁰ The particular family settled in the village Gornja Bitinja/Biti Epërme in 2009. Funding was approved by the MCR, UNDP and UNHCR.

Moreover very little has been done to improve the living conditions of the displaced persons and refugees in Štrpce/Shtërpçë. The Kosovo municipal authorities have, till now, in fact taken no steps to provide assistance of any kind pleading a lack of funds and deferring the issue to the Ministry for Communities and Returns (MCR). In 2009 MCR showed tentative signs of support for the displaced persons stranded at the collective centres. It was not until 2010, however, that plans began to emerge and funds were eventually approved for the construction of a social housing complex in Štrpce/Shtërpçë. The housing complex is meant to accommodate the more vulnerable families; including persons on social welfare, displaced persons and young couples (the exact selection criteria will be set once construction begins). The initiative is funded by the Prime Minister's Office for Community Affairs. Construction should, according to plan, begin by the second half of the year.²¹

The bodies deriving from the 11 May 2008 Serbian local elections have taken the lead by adopting a local action plan on 20 October 2009, under the auspices of the SCR, aimed at improving the living conditions for the most vulnerable cases.²² The plan foresees the construction of two buildings with 24 apartments in Štrpce/Shtërpçë, which will be given for use to the most vulnerable displaced and refugee families.²³ A tender for the construction of the buildings is expected to start in April or May 2010.²⁴ A land parcel has already been purchased for the purpose of implementing the project.²⁵

Immediate issues and concerns

Impending privatization of socially and publicly owned enterprises

The collective centres along with the weekend houses in Štrpce/Shtërpçë where displaced persons and refugees live are all socially owned enterprises and are, reportedly, due to be privatized. To this end, authorities must make special provisions to re-house those displaced persons sheltered in socially owned enterprises prior to any form of privatization. The newly elected mayor of Štrpce/Shtërpçë has, nevertheless, assured that a privatisation of the collective centres is not expected to take place before 2012/13.

Provision of electricity

The collective centres in Štrpce/Shtërpçë were presented with their first electricity bill in November 2009. Until now, the collective centres have been unable to pay or individuate alternative sources to make those payments, despite suggestions that the Ministry for Labour and Social Welfare and/or MCR may step in to assist. Any prolonged power outage, particularly during the winter, could pose severe health risks

²¹ The mayor of Štrpce/Shtërpçë confirmed the decision to the OSCE on 10 March 2010. The housing complex should, according to the mayor, provide about 60 to 70 apartments.

²² The local action plan endorsed by the municipal assembly deriving from the 11 May 2008 Serbian local elections foresees several basic criteria for the selection of beneficiaries. Priority will be given to: single parents, families with ailing children, families with members who are able to work but are unemployed, the elderly, persons with special needs, and large families with members from several generations. According to the 11 May Serbian locally elected municipal president, the funding of these projects is supported by the European Union through the SCR.

²³ According to information relayed to OSCE by the 11 May Serbian locally elected municipal President on 26 March 2010.

²⁴ *Ibid.*

²⁵ *Ibid.*

to the displaced persons. On 20 February 2010 the Kosovo Energy Corporation (KEK) notified all collective centers in the Gjilan/Gnjilane region that they need to begin paying for electricity by 1 April 2010.²⁶ The KEK advised that the collective centre residents seek sponsors with relevant ministries and international organizations. The notifications also call upon the residents to urge the collective centre managers to work together with the Kosovo Centres for Social Welfare to include as many families as possible into social welfare schemes which would enable payment for a portion of the monthly bills. However, very few displaced families are eligible for social assistance. The social assistance scheme is not sufficiently comprehensive to encompass all the really needy families due to very steep criteria which leave many without support.

Utility bills and property tax during the time of displacement

Many returnees and displaced persons complain that they are presented with property tax or electricity bills from their place of origin for the time during which they are/were displaced.²⁷ The Ministry for Communities and Returns pledged to issue affidavits which would free returnees from paying utility bills for the period during which they were displaced. However, the aforementioned Ministry has yet to act on this.²⁸

Eligibility criteria for social housing

Very few displaced persons in Štrpce/Shtërpçë would be eligible for social housing if the set criteria only encompassed those entitled to social assistance.²⁹ According to the Štrpce/Shtërpçë branch of the Serbian Red Cross not more than 10 per cent of the displaced families in collective centres would qualify for social assistance.³⁰ Many Kosovo Serbs also fear that a social housing initiative would serve as vehicle by which to settle vulnerable majority community members, such as Kosovo Liberation Army (KLA) veterans and/or relatives which would alter the demographic structure in the municipality. In any event, a comprehensive and transparent needs assessment should, ideally, have preceded a decision to establish a housing complex.

Maintenance of collective centres

The poor condition of the collective centres is an outcome of many years of neglect. This is particularly the case for the Lahor collective centre. Due to a lack of financial resources, the roof has not been maintained or repaired in the past ten years. As a result, there are gaping holes in the roof which allow cold air, rain, and even snow to

²⁶ There was no mention of accrued debts and whether the collective centres would be held accountable for these. The regional KEK manager informed the OSCE in November 2009 that the collective centers need not be concerned about the accrued debt.

²⁷ Assuming that the displaced persons did not have access to their property and did not extract any rent under their time of displacement.

²⁸ U.S. Agency for International Development (USAID), UNHCR, KEK, the MCR and the Ministry for Labour and Social Welfare met and decided on this on July 2009.

²⁹ A family with one able (albeit unemployed) member to work with at least one child under the age of five is eligible for support (Art. 4.1 UNMIK Regulation 2003/28 on the Social Assistance Scheme in Kosovo, 18 August 2003.) Families on social assistance are also eligible for a subsidy of up to EUR 20 per month for payment of electricity (the KEK signs an agreement with the Ministry for Labour and Social Welfare on an annual basis which stipulates who is eligible for a subsidy and to what extent).

³⁰ The assessment was conducted by the Red Cross in collaboration with the Štrpce/Shtërpçë collective centre directors beginning of March 2010.

permeate the collective centre, thereby endangering not only the comfort but also the health of collective centre residents.³¹

3. THE ROLE OF THE INTERNATIONAL COMMUNITY

The OSCE has consistently sought to strengthen its focus on communities in non-majority position with an aim at promoting and protecting community rights and their effective participation, provide recommendations, promote dialogue and facilitate corrective actions.³² In adhering to UNHCR's 2009 World Refugee Day motto "Real People, Real Needs", the OSCE Regional Centre Gjilan/Gnjilane decided together with UNHCR to establish Displaced Persons Forums at the two larger collective centres, Lahor and Junior.³³ The initial forums served as a good opportunity to raise the problems which the displaced persons face on a daily basis. Aside from the pressing issue of sustainable returns, provision of better housing conditions, and provision of electricity, the displaced persons were very vocal in seeking to have transportation from the centres to town, to enable them access to the medical facilities or provide them visits by medical staff to the centre. With no solution in sight, the OSCE sought to find ways of providing transport as a means of also catering to the needs of those displaced persons that need to access the health centre and municipal services. The OSCE brokered a solution by which, in exchange for all-weather bus tires, the secondary school "Jovan Cvijić" agreed to make a bus, driver and fuel available for the displaced persons. The bus commenced its services on 29 October 2009 affording displaced persons with better access to various vital services, such as access to the municipality, judiciary, health centre or shopping. The forums now meet on a quarterly basis and provide a platform from which displaced persons can effectively articulate their interests in pursuit of real solutions.

In an effort to bring a semblance of normalcy to the Kosovo Serb displaced persons in collective centres the OSCE has, in close co-operation with UNHCR, also provided them with recreational equipment, tennis tables, billiard tables, table soccer game, TV, and DVD players.³⁴ The OSCE has also refurbished the lobby of one of the larger collective centres, providing displaced persons with a place to gather, socialize, discuss common concerns and, not least, provide a suitable setting for displaced persons forums. Other *ad-hoc* assistance such as fuel for heating, food, hygienic items, clothes, legal services, and individual income generation have been provided primarily by UNHCR, but also by non-governmental organizations and individuals.³⁵ The Štrpce/Shtërpçë branch of the Serbian Red Cross coordinates the distribution of humanitarian aid and keeps up-to-date records on the most vulnerable cases. UNHCR

³¹ Potential donors seem to be adopting a "wait and see" policy, knowing full well that the collective centres may be due to be privatized and that a sizeable number of displaced persons await to be accommodated in the envisioned building complex through the above mentioned local action plan. The estimated cost of repairing the roof is projected at EUR 16,356.

³² For the purpose of the report, non-majority communities are all those communities who constitute a numerical minority at the municipal level in Kosovo.

³³ The first Displaced Persons Forums were held in June/July 2009.

³⁴ The OSCE is not a donor organization. The OSCE does, however, implement quick impact projects on a low budgetary scale to fill an immediate need or to make an immediate impact on an identified need in support of the Mission's activities.

³⁵ UNHCR provides legal services through the NGO Civil Rights Program, Kosovo (CRP/K). UNHCR also provides Self Reliance and Income Generation projects.

has, in pursuit of durable solutions, organized several UN high-level visits to the collective centres throughout 2009.

4. CONCLUSION

Current efforts to improve the living conditions of the displaced persons and refugees in their location of displacement, including the construction of a housing project to accommodate displaced persons, there is no need to be seen as an abandonment of the returns process.³⁶ A housing project will provide more dignified living standards to the displaced persons during their time in displacement, or provide displaced persons with the choice to better integrate locally. The eventual decision to return or integrate locally should be left to each displaced person individually. In the meantime, displaced persons need a common and fully functioning forum from which to determine and promote their interests and to ultimately garner support for their plight. What is more, displaced persons need to be fully informed of all return options (organized, individual and spontaneous) and the advantages and disadvantages of each option and of what awaits them if they return. Competent authorities also need, on the other hand, to begin taking the predicament of displaced persons seriously in improving their living conditions and assisting those that wish to integrate locally while retaining the prospect of return.

5. RECOMMENDATIONS

For the competent authorities, the international community and the return-related organizations:

- The needs of displaced persons should be prioritised in order to improve their living conditions and assist those that wish to integrate locally;
- Ensure that transparent selection criteria are used to decide eligibility for social housing, and that the more vulnerable displaced persons are granted priority (entitlement to social assistance alone should not preclude a displaced family from being provided social housing);
- Relevant authorities need to ensure that displaced persons in collective centres are provided with uninterrupted electricity, taking into account that social assistance alone will not suffice;
- Ensure that returnees and displaced persons are not presented with property tax or electricity bills from their place of origin for the time during which they were displaced;

³⁶ “Supporting IDPs in normalizing their living situation at the site of displacement (helping them to find employment, their own home etc.) does not exclude the right to return”, report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin, Addendum, Framework on Durable Solutions for Internally Displaced Persons, A/HRC/13/21/Add.4, 29 December, p. 17.

- Assess the extent to which there is, as claimed by many displaced persons, a lack of diligent enforcement of the law by the Kosovo police when it comes to removing unlawful occupants in cases of re-occupation of homes after an eviction;
- Ensure that displaced persons can, if they chose so, return in clusters to particular neighbourhoods in their towns/cities of origin, since many claim to have been expected to return to scattered locations, contrary to their demands.