

## GP 20 –Plan of Action - KOSOVO<sup>1</sup>

*20th Anniversary of the Guiding Principles on Internal Displacement: A Plan of Action for Advancing Prevention, Protection and Solutions for Internally Displaced People 2018-2020<sup>2</sup>*

<b>Thematic Priorities</b>	Data, Law and Policy, Durable Solutions
<b>Timeframe</b>	2019 - 2020
<b>Stakeholders</b>	Government, Municipalities, Donors, UN Agencies, UNMIK (OHCHR), OSCE, World Bank, EUOK, INGOs, NGOs, IDPs, receiving and host communities, Ombudsperson institution, Kosovo Statistics Agency

<b>Problem statement</b>	<p>Almost twenty years after, the potential for durable solutions, namely sustainable return and reintegration as well as local integration depends on a number of factors linked to conducive conditions in the preferred location of return in terms of income generation opportunities, available public services, access to property rights, housing and infrastructure, security and freedom of movement, and inter-ethnic relations. The availability of funds is another crucial factor in making durable solutions sustainable.</p> <p>Annexes I-III provide (i) conclusions and recommendations from the mission reports of the UN Special Rapporteur on the Human Rights of Internally Displaced Persons based on the gaps and findings; (ii) the IDP needs assessments report and (iii) the IDP profiling in Kosovo.</p>
<b>Objective</b>	Use the occasion of the 20th anniversary of the UN Guiding Principles to re-revitalise actions through advocacy for a government-led process of promoting sustainable durable solutions and effective access to rights and services within a reasonable timeframe.

<b>Thematic Priority</b>	<b>Problem assessment</b>	<b>Activities</b>
<b>Data</b>	<p>No individual data on IDPs and Voluntary Returnees</p> <p>Available information: <i>IDP needs assessments conducted by UNHCR (2016)</i><sup>3</sup></p> <p><i>IDP Profiling Report (2016)</i><sup>4</sup></p>	<p>Promote coordination between all stakeholders and jointly advocate to avail accurate data/information on all IDP households/individuals at the central and municipal levels.</p> <p>Advocate for inclusion of IDP related questions into the 2021 Census Questionnaire</p>

<sup>1</sup> Kosovo shall be understood to be in the context of the Security Council Resolution 1244 (1999).

<sup>2</sup> <http://www.globalprotectioncluster.org/news-and-events/gp20-activities-and-initiatives/>

<sup>3</sup> <https://drive.google.com/open?id=1862S7YQWjBSsiPlvI66eTYtTww1ivXAJ>

<sup>4</sup> [http://www.jips.org/system/cms/attachments/1409/original/Kosovo\\_Report\\_IDP\\_Profiling\\_EN.pdf](http://www.jips.org/system/cms/attachments/1409/original/Kosovo_Report_IDP_Profiling_EN.pdf)

<p><b>Law and Policy</b></p>	<p>Regulation (GRK) – no. 02/2018 on the Return of Displaced Persons and Durable Solutions - adopted in January 2018 by the Government. Has yet to be implemented.</p> <p>Guidelines - Instruction for Implementation of Regulation (GRK) – no. 02/2018 on the Return of Displaced Persons and Durable Solutions (finalised in October, official announcement pending)</p> <p>Strategy for Communities and Returns (2014-2018) – pending revision by the end of 2018 (new Strategy for the period) 2019 – 2023</p>	<p>Awareness raising on UN GPID through capacity building events/trainings with MCR, MOCRs, and other institutions responsible for the implementation of the Regulation.</p> <p>Joint advocacy to mainstream GP20 thematic priorities in particular strong need to emphasize the need to apply holistic and multi-faceted approach and an increased attention toward sustainability and socio-economic conditions, including vulnerabilities aspect.</p> <p>Advocacy - include gaps/problem assessments are addressed by the new Strategy for Communities and Returns 2019 – 2023.</p>
<p><b>Durable Solutions</b></p>	<p>Inter-Ministerial Commission (established but not operational)<sup>5</sup></p> <p>Regional inter-institutional co-operation on durable solutions for displaced persons from Kosovo – the “Skopje Process”<sup>6</sup> established in November 2014 requires increased commitment by relevant actors.</p> <p>Lack of strategic approach towards durable solutions</p> <p>Limited focus on the most vulnerable IDPs, namely Roma, Ashkali and Egyptian communities</p> <p>Limited public attention</p>	<p>Advocate for functionalisation of the inter-ministerial commission</p> <p>Mainstream GP20 within a regional dimension i.e. ‘Skopje Process’ platform on durable solutions.</p> <p>Facilitate one conference led by government to present GP20 action plan (<i>to be initiated by DC on behalf of UNKT</i>)</p> <p>Potential donors coordination meeting - engage in dialogue, partnership and resource mobilisation process led by government in close coordination with stakeholders and donors to address protracted situation of displacement in Kosovo.</p> <p>Ensure inclusion, synergies and develop links with any governmental programme, policy and project including initiatives to bring forward</p>

<sup>5</sup> The government established an Inter-Ministerial Commission on 15th May 2015 to deal with return issues, bringing all the relevant ministries under one-umbrella body for better coordination (Minister of Communities and Returns – Chairman, in a member capacity are Deputy Prime Minister, Minister of Internal Affairs, Minister of Environment and Spatial Planning, Minister of Justice, Minister of Economic Development, Minister of Finance, Minister of Local Government Administration, Minister of Labour and Social Welfare and international organizations (UNHCR, EU, OSCE, IOM, and DRC) in an observer capacity. The objective of this Commission is coordination and creation of conditions for returns. Of three in total, last meeting was held on 25 May 2016.

<sup>6</sup> The 2017 Communiqués from the High Level Forum, held in Podgorica <https://www.osce.org/mission-in-kosovo/358901>

	Donor fatigue	<p>the needs and solutions for the benefit of the IDPs. All crosscutting themes shall be considered throughout the process i.e. gender, youth, elderly, children, SGBV, health, education, vulnerabilities, etc.</p> <p>Ensure inclusive approach towards sustainable environmental management throughout solutions planning and project implementation.</p> <p>Support the sustainable solutions, in particular for the most vulnerable population, including IDPs residing in collective centres, through specific quick impact projects.</p> <p>Include IDP/Returnee population category as a specific target group within the 2019 UNKT/SDG Work plan, hence strengthen partnerships within the UNKT and beyond that can be leveraged to support projects funded by the Joint SDG Fund as well as other potential donors.</p> <p>Strengthen communication and increase the visibility of the GP20 Plan of Action – close coordination with the GP20 Global Coordinator</p> <p>Encourage public engagement with GP20 initiatives and events</p> <p>Photo exhibition -- IDPs in collective centres</p> <p>Explore the option of inviting Special Rapporteur on the Human Rights of IDPs</p> <p>Ensure inclusion of the IDP issues within the CDP/UNDAF in line with Agenda 2030.</p>
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## **ANNEX I - Excerpts from the mission reports of the UN Special Rapporteur on the Human Rights of Internally Displaced Persons, Chaloka Beyani**

Report of the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani, Follow-up mission to Serbia, including Kosovo, 5 June 2014<sup>7</sup>

### **X. Conclusions and recommendations**

Kosovo to:

(a) Provide special protection, security and safety for returning IDPs in their places of origin as well as in places of integration or resettlement, as the case may be;

(b) Address effectively the issue of property in the context of resolving disputes involving the properties of IDPs, providing effective remedies in relation to such properties, and preventing illegal occupation of the properties of IDPs;

(c) Continue to provide political will and leadership to attain durable solutions for all IDPs in Kosovo;

(d) Emphasize the humanitarian character of durable solutions and the need for protection after displacement;

(e) Implement constitutional provisions on IDPs by passing legislation and policy for protecting and assisting IDPs;

(f) Include IDPs in the Government Strategy for 2014–2019 as well as in chapters 23 and 24 of the European Union–Kosovo framework discussion;

(g) Obtain support for the durable housing project to facilitate the implementation of durable solutions;

(h) Create a mechanism for coordinating central government and municipal authorities and for the effective implementation of government policy by relevant line ministries, in order to improve the protection of all IDPs and in the context of durable solutions for the protection of all IDPs;

(i) Conduct a needs assessment and profiling/documentation exercise for all IDPs;

(j) Promote special protection for Roma, Ashkali and Egyptian IDPs over a sustained period of time in order to enable them to participate in public affairs, improve their living conditions and livelihoods, and achieve durable solutions;

(k) Pay special attention to the protection of Roma, Ashkali and Egyptian IDPs to address their acute vulnerability related to documentation, which involves birth registration, residence, housing, social services, child education, employment, and political, social and economic inclusion, among other matters;

(l) Take special measures for the protection of internally displaced women generally and for the implementation of durable solutions for them;

(m) Implement legislation, policies and decisions made by the government authorities, the courts, adjudicative panels and other relevant bodies generally and in relation to IDPs.

63. The Special Rapporteur recommends to the international community to:

(a) Effectively coordinate with UNHCR — the lead agency for the protection of IDPs in Serbia — and other relevant United Nations agencies that play an effective role in supporting solutions for IDPs as part of the United Nations strategy aimed at addressing the situation of IDPs;

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<sup>7</sup> <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/042/17/PDF/G1404217.pdf?OpenElement>

(b) Make continuous efforts to strengthen the judicial system of Kosovo, including the implementation of decisions;

(c) Support the durable housing project aimed at facilitating durable solutions for IDPs in Serbia and Kosovo;

(d) Support the Government of Serbia and the authorities in Kosovo in implementing all of the recommendations of the present report.

*Serbia and Kosovo*<sup>8</sup> Report of the Special Rapporteur on the human rights of internally displaced persons 18 April 2017

19. The former Special Rapporteur conducted a working visit to Serbia and Kosovo from 11 to 15 September 2016 to follow up on recommendations that he had made in 2013. He urged the intensification of efforts to achieve durable solutions for persons who had been in protracted internal displacement for some 17 years. He emphasised that all durable solution options for internally displaced persons should remain open, and must be delinked from political processes. Many internally displaced persons live in squalid conditions, especially members of the Roma, Ashkali and Egyptian communities, many of whom have specific protection needs and experience challenges in realizing their rights to housing, employment, health care and education. Adequate housing is a key component of durable solutions and should be linked to livelihood opportunities. Other issues of concern to internally displaced persons include illegal occupation of properties, and compensation where properties cannot be recovered.

Serbia and Kosovo\*: UN rights expert calls for bold efforts to unlock protracted displacement<sup>9</sup>

GENEVA / BELGRADE / PRISTINA (16 September 2016) – The United Nations Special Rapporteur on the human rights of internally displaced persons (IDPs), Chaloka Beyani, today urged the Government of Serbia and the authorities in Kosovo to show leadership and intensify their efforts to achieve durable solutions for those who have been living in protracted displacement for some 17 years.

Speaking at the end of his five-day visit to Serbia and Kosovo, Mr. Beyani described the IDPs' situation as a deadlock and stressed that considerable work remains to be done to effectively solve the displacement issue. There are still some 88,000 vulnerable IDPs in Serbia and over 16,000 in Kosovo who remain with displacement related needs and lack durable solutions, according to the UN Refugee Agency.

“There is a need to verify the actual numbers of persons still in need of a solution and which solutions should be applied,” the human rights expert noted. “I urge the authorities to carry out profiling and needs assessment exercises, and survey of the wishes or intentions of internally displaced persons.”

The Special Rapporteur, who assessed progress made on his previous recommendations\*\*, recognised that some positive steps have been taken by the Serbian Government and the authorities in Kosovo, including in terms of housing, land and property issues, as well as in terms of documentation. Progress has also been made in terms of institutional arrangements and legal and policy frameworks to respond to the situation of IDPs.

“All durable solutions for IDPs should remain as options open to them, and must be delinked from political processes”, the Special Rapporteur said, noting that the emphasis has too often been put on return. “IDPs must be consulted on what is the best solution for them.” In this context, he also called

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<sup>8</sup> <https://www.ohchr.org/Documents/Issues/IDPersons/A-HRC-35-27.pdf>

<sup>9</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20514&LangID=E>

on the Government in Serbia and authorities in Kosovo, with the help of the international community, to carry out a survey of intent to identify IDPs' workable durable solutions option for them.

Mr. Beyani noted with concerns that many IDPs are still living in squalid conditions, especially those belonging to the Roma, Ashkali and Egyptian communities. He also deplored the living conditions of the most vulnerable IDPs still housed in collective centres. "These IDPs have specific protection needs, especially in terms of accessing their rights to housing, employment, health care and education, which should be addressed as a matter of urgency," the Rapporteur stressed.

"Durable housing is a key element of sustainable solutions, and it should be linked to livelihood opportunities," he said reiterating his recommendation made during his previous visit. He also highlighted a number of other issues that require attention, such as implementing the rule of law, dealing with illegal occupation of properties and effective compensation where the properties involved cannot be recovered. The Rapporteur further urged that solutions be achieved with a view to inclusion, and noted that segregated arrangements are in violation of international law.

The expert emphasised that the international community must not forget the issue of IDPs in Serbia and Kosovo, and that this should be addressed as a key component in the context of the European Union accession framework and in the framework of the Brussels dialogue between Belgrade and Pristina.

During his visit, the Special Rapporteur met with relevant Government officials from Serbia and authorities from Kosovo, UN agencies and civil society organizations. He also visited a number of IDPs in the vicinity of Belgrade and Kragujevac, as well as in the municipalities of Prishtinë/Pristina, Mitrovica/ë North, Zvečan/Zveçan, Obiliq/ć and Gračanica/Graçanicë, to hear directly from them about their situation and their preferred solutions.

"I call upon the international community not to turn a blind eye to IDPs in Serbia and Kosovo, and to continue supporting the Government and authorities in Serbia and Kosovo respectively in their efforts to achieve durable solutions to IDPs, and close the internal displacement chapter once and for all," the expert said.

"Reconciliation and healing is needed more than ever before to ensure the success of durable solutions in Serbia and Kosovo", concluded Mr. Beyani.

The Special Rapporteur thanked the Government of Serbia and the authorities in Kosovo for their cooperation with his mandate during both of his visits.

## **ANNEX II - The 2016 Needs Assessments<sup>10</sup> Displaced Persons from Kosovo in the Region, A reassessment of interest to return” Report published by UNHCR on 19th April 2018**

### **CONCLUSIONS AND RECOMMENDATIONS**

#### **VOLUNTARY RETURNS TO KOSOVO**

The findings of the assessment confirmed that 1,268 families or 4,184 individuals displaced in the region (corresponding to 90% of the total 1,414 surveyed families) continue to be interested in return to Kosovo. They should hence be considered as potential caseload for return based on the conditions in their preferred return locations and existing/forthcoming funding opportunities to support returns. The evidence collected is expected to ensure the timely mobilisation of support by Kosovo authorities, donors and civil society that would establish conditions for an effective sustainable return and reintegration planning process. Findings also provide the grounds for UNHCR’s future programming as well as a strong advocacy basis under its supervisory mandate.

The potential for return depends on a number of factors linked to conducive conditions in the preferred return locations in terms of available public services, income generating opportunities, access to property rights, housing and infrastructure, security and freedom of movement, and inter-ethnic relations. The availability of funds is another crucial factor in determining return dynamics and the number of displaced individuals who will benefit in the coming period.

In relation to the conditions that are considered conducive for sustainable return, the surveyed population displaced in Serbia attached great importance to housing construction (according to 29% of the total 1,223 families wishing to return), income-generation opportunities, namely through grants (according to 19%), and an improvement in the security level in the preferred area of return (according to 18%). While no specific conditions were indicated by the caseload wishing to return from Montenegro and the former Yugoslav Republic of Macedonia, based on UNHCR’s experience the priorities might be rather similar, particularly in relation to land allocation given that most of the displaced in these two countries are landless.

A general recommendation is that Kosovo authorities and the donor community should prioritise the return of 4,184 with specific action plans for property repossession, reconciliation with the receiving communities, access to services, including securing personal documentation, and projects aiming for sustainable reintegration.

**SECURITY AND FREEDOM OF MOVEMENT** -It is evident that security and freedom of movement remain determining factors in the decision-making process underlying voluntary returns. Approximately 1,130 surveyed families (89% of the total caseload wishing to return) would return to locations that are not considered challenging. Of note, a certain degree of opposition to returns still exists in 22 locations within 11 municipalities in Kosovo. In some of these locations, the initiation of discussions related to return or the visits of the displaced communities led to protests and incidents. In total, 138 families or 446 individuals (20% of the total) are affected by this situation, an improvement of which would be in line with the preconditions indicated by displaced persons during the assessments.

Recommendation: Renewed efforts for reconciliation, peaceful coexistence and inter-ethnic dialogue are required in the locations where a majority of displaced families wish to return to. It is of utmost importance that responsible institutions address these limitations by ensuring go and see visits by displaced population to assess the conditions in their return locations and as a result enable them to make an informed decision on their preferred durable solution including actual return to Kosovo in safety and with dignity. Besides concrete actions taken by responsible authorities at all levels, small-scale community-based projects targeting different ethnic communities, and entailing the direct

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<sup>10</sup> <https://drive.google.com/open?id=1862S7YQWjBSsjPlvI66eTYtTww1ivXAJ> “DISPLACED PERSONS FROM KOSOVO IN THE REGION A REASSESSMENT OF INTEREST TO RETURN” published on 19th April 2018

engagement of both the displaced population and the receiving community, would certainly promote interaction, improve communication and restore confidence – an essential first step towards enhancing the conditions conducive to durable stability and peace.

**ACCESS TO PERSONAL DOCUMENTS** - The possession of birth certificates and personal identity documents does not appear particularly challenging for the surveyed population, considering that 19 persons in total declared to be unregistered. This can be attributed to the considerable efforts made by UNHCR in the region in coordination with responsible institutions to address the lack of birth registration among the displaced population. In fact, beside provision of legal aid, UNHCR office in Kosovo pursued pragmatic approaches to the challenges faced by undocumented and unregistered persons including direct support to institutions in progressive development of law and practice. Nevertheless, in practice complex situations include but are not limited to applicants who cannot provide any kind of evidence, in particular, registered but have no Federal Republic of Yugoslavia (pre-1999) documentation that would serve as proof of their place of birth or parentage, those that possess documents issued by dislocated Kosovo registries in Serbia after June 1999 that are not accepted by Kosovo institutions, single persons with disabilities and individuals with no information on whereabouts of parents whose registration is a precondition for registration/entry into the central civil registry records.

Recommendation: Responsible authorities in the region shall reinforce measures ensuring access to personal documents including through acceptance and recognition of the civil status documents issued to displaced population, in order to give effect to their right to recognition before the law and overall enjoyment and exercise of rights. The possession of a birth certificate from the place of displacement remains a precondition for late registration in Kosovo, therefore all actors engaged in the process of voluntary returns must ensure proper birth registration while in displacement. Due to the inability to benefit legal aid provided by Legal Aid Agency without Kosovo ID card, actors engaged should consider that vulnerable displaced population would be in need of legal aid to re-register or conduct late registration procedures in civil status registry books upon return.

**EDUCATION** - The assessment revealed overall good level of access to education in displacement however high illiteracy rates among the displaced population have been observed. A total of 361 individuals, among whom are 50 children aged six and above, declared to be illiterate. Most of them are displaced in Serbia (79%), with smaller percentages in Montenegro (15%) and the former Yugoslav Republic of Macedonia (6%); however, considering the total number of the displaced populations in each country, the incidence is higher in Montenegro and the former Yugoslav Republic of Macedonia.

In addition, particularly low school attendance rates were observed among the group wishing to locally integrate in Montenegro, namely in relation to secondary school.

Recommendation: The impact of low education levels and illiteracy on accessing rights and opportunities, including in terms of access to income generation, is well established. Regardless of whether in displacement or upon return, illiteracy results in a strong educational disadvantage that requires immediate attention. Authorities shall support and facilitate access to quality education through immediate school enrolment in language of the returnees' choice as well as ensure that effective literacy and education programming becomes an integral part of return and reintegration support packages.

**SPECIAL NEEDS AND VULNERABILITIES** - A total of 9% of the surveyed households reported members suffering from medical (mental or physical) conditions. In addition, 44% of the households in Montenegro and the former Yugoslav Republic of Macedonia, as well as 5% of those in Serbia, can be classified as socially vulnerable due to their belonging to one or more of the following categories: single parent, elderly at risk, woman at risk and/or child at risk.

Recommendation: The efficient application of vulnerability criteria during the beneficiary selection process is crucial in order to ensure the effective inclusion and prioritisation of these categories.

**HOUSING CONDITIONS** - Housing conditions among the surveyed displaced population differ. Most displaced in Serbia and in the former Yugoslav Republic of Macedonia reported living in average, good or excellent conditions (63%), while 37% in poor conditions or very poor conditions. In Montenegro, on the other hand, 10% of the displaced rated their living conditions as good, while the majority (90%) as poor or very poor.

The families are accommodated in different arrangements. In Serbia, 47% of the respondents indicated to own some type property in the place of displacement, while 35% reported either renting their current accommodation or being hosted by friends. Some individuals are living in informal settlements and a few families benefited from social housing. It is important to note that eligibility and prioritisation criteria for assistance, as per the Ministry for Communities and Return Guidelines, are based on displacement status, vulnerabilities and property ownership, among other factors. For example, one of the eligibility/prioritisation criteria for assistance is ownership of property in the place of displacement, and 33% of the displaced (all in Serbia) own housing in the place of displacement). As a consequence, the 465 families that own property in the place of displacement out of the 1,278 wishing to return will not be prioritised for housing assistance.

Recommendation: Poor housing/shelter conditions confirm the urgent need to prioritise the return of vulnerable displaced from Montenegro and the former Yugoslav Republic of Macedonia, including the most vulnerable families/individuals displaced in Serbia. Strict application of vulnerability criteria, prioritization and inclusion of the most vulnerable in any assistance projects should guide the entire process led by authorities at central and local levels.

**ASSISTANCE NEEDS** - In total, 1,003 families are in need of housing construction/repair; of them, 743 families displaced in Serbia indicated housing assistance as a condition for their return. Moreover, the need for humanitarian assistance including livelihood support was indicated by 783 families, 430 of whom made it a condition for returning. Finally, 325 families reported being in need of legal assistance, and 123 of them conditioned their return to receiving legal assistance.

In the coming period several assistance projects on supporting return will be available to assist 579 families displaced outside and within Kosovo. The fourth phase of the EU-funded Return and Reintegration in Kosovo (RRK 4) will enable 30 families to achieve their preferred durable solution by mid-summer 2017, while the fifth phase (RRK 5) starting from September 2017 will assist around 400 families by 2020. In addition, the British Embassy is supporting 26 families in finding their durable solution in 2017/2018, the U.S. Bureau of Population, Refugees and Migration is supporting 15 returnee families, Ministry for Communities and Returns will support 58 families and UNHCR will support the return of up to 50 families in 2017.

Recommendation: A clear gap in funding for assisted return exists. More funds are hence required to support the displaced families that confirmed their willingness to return since 2009. Projecting and reviewing housing solutions based on individual family needs and property status would enable widening options in provision of housing solutions instead of standard construction of individual houses only.

**LIVELIHOODS** - Economic sustainability and receiving assistance in the shape of income-generating grants is a precondition for economic reintegration. Professions and skills indicated by the displaced population show a certain self-sustainability capacity. In Serbia, for instance, the skills listed by the highest proportion of respondents (51%) and in the fields of agriculture and farming. Almost all the displaced families declared to have access to some kind of income from different sources (salaries, pensions, social assistance, child allowances, minimum salaries, revenues from self-employment), while 5% on average reported to have no income. Considering that Kosovo is currently struggling with a very poor economic situation and high unemployment rates, the livelihood component of return and reintegration programmes should aim at supporting the creation of small-size businesses, which in the

long run will boost the local economy. Standard income-generation projects per household (~EUR 2,000) did not yield the desired impact.

Recommendation: Increased emphasis on the livelihood component is required in any support programming targeting the displaced caseload; these should include skills development and income-generation initiatives or community-based grants planned and designed based on existing professions and skills, and accounting for needs and capacities.

**AWARENESS OF CONDITIONS IN THE PREFERRED RETURN LOCATION** - The findings reveal that most displaced families are well informed of the conditions of their preferred return location. They reported having become informed through different means, such as go and see visits, private visits, media, IDP associations. Some 30% of the families indicated availing of partial or no information.

Recommendation: Access to information on the conditions of one's preferred return location should remain an integral part of all pre-return activities.

**ACCESS TO PROPERTY IN KOSOVO** - The insufficient protection of property rights of displaced persons and the lack of effective restoration mechanisms represent two of the main obstacles in the return process that have not been properly addressed so far. The issue of access and repossession of properties was mentioned by a considerable number of interviewed families. As already noted, 85% of the displaced in Serbia own property/ies in Kosovo, while 80% of the displaced in Montenegro and 70% of those in the former Yugoslav Republic of Macedonia are property-less.

In total, 1,001 properties in the place of residence prior to displacement were reported as not accessible by the owners displaced in Serbia. Moreover, 43% of the properties were reported as destroyed, 28% as occupied, 13% as free, 7% of houses as damaged and not habitable, 2% as damaged but habitable, 0.36% as not damaged, while the status of 5% of the properties was unknown to the owners. With regards to property restoration, claims were submitted to the relevant institutions for 84% of the properties. About half of the claimants stated not to be aware of the status of their claim. In addition, the owners of 453 out of 1,938 properties declared not to be in possession of relevant ownership documentation. The situation regarding the displaced families in the former Yugoslav Republic of Macedonia and in Montenegro who reported owning property in Kosovo (11 in total) reflects continued illegal occupation or destruction of the buildings.

Recommendation: After almost two decades in displacement, property and housing issues affecting the rights of displaced populations have not been properly addressed and continue being one of the main obstacles to durable solutions. Even if displaced population have access to housing resources during displacement, they are entitled to housing, land and property restitution from which they were arbitrary or unlawfully deprived. Displaced population should have access to mechanism for property restitution, including compensation as an integral component of the restitution process, therefore responsible authorities should undertake meaningful steps in ensuring the protection and enabling the restoration of property rights in the way that is conducive to return. Authorities at local level shall undertake measures to facilitate access to adequate housing, including through land allocation to the most vulnerable property-less returnee families.

Legal aid remains crucial to support access to property rights. Considering the vulnerability of the caseload and the complex requirements to access property rights, regional coordination among legal aid partners in the pre-return assistance phase could facilitate the process of obtaining property-related documentation. As a result, the displaced would be relieved from the additional burden and cost of travelling and staying in Kosovo during the procedures.

## **ANNEX III - PROFILING OF INTERNALLY DISPLACED PERSONS IN KOSOVO**

### **Assessing the route to durable solutions for IDPs in Kosovo**

#### **RECOMMENDATIONS**

The profiling of IDPs in Kosovo constituted the first major attempt to systematically address the challenges stemming from internal displacement. The commitment that led to its implementation should continue, and the momentum built through the participatory approach adopted by all involved stakeholders should be capitalised on. It should hence be a priority for all relevant duty-bearers – including government authorities, the donor community and international nongovernmental organisations active in supporting the achievement of durable solutions – to plan a concerted effort to resolve the situation of protracted displacement faced by IDPs in Kosovo.

This should entail the following:

**1. Making accurate information on all IDP households available at the central and municipal levels**, so that interventions can be designed in a tailored fashion based on actual needs, vulnerabilities, individual preferences and the specific context. This first step is essential to the development of a sound, evidence-based programmatic platform that will allow optimising resources, vulnerability based prioritising, efficiency and effectiveness – all of which are key to the sustainability of durable solutions and related policies. Such comprehensive data on Kosovo IDPs will need to go beyond the general estimates established prior to the implementation of the profiling, and the trends that the exercise highlighted, so as to delve into the specific traits of each household and tailor the necessary support based on these as well as on the location chosen as permanent place of residence. As a result, central and local authorities will avail of the basis to create a data management system.

**2. MCR's timely drafting of their Strategy for Communities and Return for the period 2019—2023**, and incorporating sections specifically focussed on internal displacement. These sections should include:

- The options of returning to the place of origin, integrating in the place of displacement, and resettling in a place other than the place of displacement in Kosovo;
- Measures to ensure access to property for all IDPs, including those wishing to integrate in the place of displacement;
- Measures to ensure the creation of an environment conducive to the return, local integration, or resettlement of IDPs;
- Measures to support closing any educational or livelihood-related challenges faced by IDPs as a consequence of protracted displacement;
- Measures to support the most vulnerable IDP families and individuals.

**3. Adopting a holistic and participatory process to approaching the topic of durable solutions** (in said Strategy and any other relevant official documents) to fully account for the intentions and needs of the displaced, for the inclinations of receiving/host communities, as well as for the current political and socio-economic context, including a risk analysis of possible relevant developments. Besides facilitating access to a suitable accommodation solution linked to the choice of return or local integration, support related to livelihoods, access to services and rights, health care and education should factor in the design of a flexible system. This will allow tailoring assistance to the existing needs and context, ensuring the maximisation of results and preventing the improper allocation of resources.

**4. Strengthening the capacity of relevant institutions to adequately and timely support the achievement of durable solutions.** This should include adopting a pro-active approach to providing information on the opportunities available for return, local integration and resettlement, both at the central and at the municipal level. Namely, the capacity of Municipal Offices for Communities and Return (MOCRS) should be enhanced so that they can cope with an additional group of persons of concern, in terms of both their awareness of their mandate and role vis à vis the internally displaced in their respective geographical area of responsibility, and their outreach capacity. Targeted briefings,

training and coaching will need to be provided based on the procedures deriving from the above-mentioned strategic and operational framework. Other relevant municipal directorates will need to enhance the level of cooperation will need to be focussed on is increasing the level of access to property by the internally displaced. Information on the existing repossession mechanism should be available online and at municipal offices in both Kosovo's official languages; local authorities mandated with addressing the internal displacement situation should pro-actively disseminate such information. In addition, the capacity of the Agency should be strengthened to enable it to deal with the significant backlog of cases and the new caseload, and cooperation among the different institutions involved should be enhanced.

**5. Allocating adequate financial resources.** As mentioned above and throughout the chapters dedicated to the findings and conclusions, housing support, including full (re)construction, is the main condition considered by IDPs as conducive to the achievement of their preferred durable solution. In addition, other areas of vulnerability, such as income-generation and education, will need to be targeted in order to ensure access to adequate and sustainable opportunities. Once accurate information is gathered based on the individual needs of the different IDP households, funds should be identified and earmarked for these purposes, which will include:

- Activities related to pre-return assistance, such as the provision of information and the creation of a conducive environment among receiving communities;
- Activities related to return/resettlement assistance, including land allocation, housing construction or repair;
- Activities related to reintegration in the place of origin, or integration in the place of displacement / in the place of resettlement, including educational and socio-economic support.

**6. Implementing tailored interventions to allow the achievement of their preferred durable solution by all IDPs in Kosovo.** The three durable solution options (return to the place of origin, integration in the place of displacement and resettlement in a place other than the place of origin in Kosovo) must all be available to IDPs, who will need to be in a position to make an informed decision among them. Measures will need to be based on such right of choice and include:

- In relation to housing support: from the allocation of municipal land, to the allocation or construction of social housing or equivalent accommodation solutions, to the construction of housing on households' own land and reconstruction/repair of damaged properties.
- As for livelihoods, the capacity to generate income of the working-age displaced population should be enhanced through vocational training and grants, with specific focus on linking them to the local market and on long-term sustainability.
- Access to education opportunities should be ensured for the entire population, including by aiming at eradicating illiteracy and by creating the conditions for all individuals of compulsory education age to attend schooling in their native language.
- Fostering an inclusive environment both for those wishing to return and for those wishing to integrate in the place of displacement or resettle within Kosovo should be placed at the core of all interventions. This should include building reciprocal trust and confidence between the receiving/host communities and the internally displaced, by creating or strengthening the linkages between them.

In parallel to these steps, the most vulnerable internally displaced households among those surveyed by the profiling should be targeted with immediate assistance so as to relieve their particularly pressing needs. They include:

- The population residing in collective centres, makeshift shelters and informal settlements. The precariousness of their accommodation solution should be addressed in the very near future.
- The households within this caseload whose income generation capacity is particularly low (e.g. they include no employed members and/or rely primarily on social benefits). Better livelihood opportunities should be made available to them.
- The households within the population neither owning nor renting their current accommodation whose income-generation capacity is particularly low (e.g. they include no employed members,

and/or rely primarily on social benefits, and/or the employed members earn less than EUR 300 per month).

- The households with elderly and disabled persons who cannot afford to cover for the specific needs related to their disabilities. Capacities should be made available for identification, assessment and assistance of persons with specific needs. //