

Pursuant to Article 45, Paragraph 1 of the Law on Government (Official Gazette RS, No. 55/05, 71/05 – correction, 101/07, 65/08, 16/11, 68/12 – CC Decision 7/14 – CC Decision and 44/14)

The Government hereby adopts

**THE NATIONAL STRATEGY FOR RESOLVING THE PROBLEMS OF REFUGEES  
AND INTERNALLY DISPLACED PERSONS FOR THE PERIOD 2015-2020**

**I. INTRODUCTION**

During the past twenty years, the Government of the Republic of Serbia has been engaged in resolving the problems of persons who had to leave their homes during the conflicts in former Yugoslavia. The adoption of the National Strategy for Resolving the Problems of Refugees and Internally Displaced Persons in 2002 as well as the National Strategy for Resolving the Problems of Refugees and Internally Displaced Persons for the period 2011-2014 (Official Gazette RS, No. 17/11), confirmed the commitment and political will of all relevant government authorities to work in a comprehensive and transparent manner, to ensure that all refugees and Internally Displaced Persons (IDPs) have access to rights, provide assistance and concrete solutions, so that they can make an independent decision about their future.

The reduction in the number of refugees is mostly due to their integration in the Republic of Serbia. Out of 537,937 refugees and 79,791 war affected persons registered by the 1996 Census, more than 300,000 persons acquired citizenship in the Republic of Serbia, which is the largest process of integration of refugees in modern Europe. The long duration of the refugee crisis in the Republic of Serbia led the United Nations High Commissariat for Refugees (UNHCR) including it in 2008 among five countries in the world with protracted refugee situation, the solution of which requires joint action and cooperation among the countries in the region, which initiated the Regional Process on Durable Solutions. The regional ministerial conference Durable Solutions for Refugees and Internally Displaced Persons – Cooperation among the States of the Region, held in Belgrade on 25 March 2010, on the initiative of the Republic of Serbia, renewed the process of regional cooperation with the aim to address outstanding issues and find solutions to refugees' problems. Within the Regional Process, significant and numerous bilateral and regional activities have been implemented at the political and expert levels. On 7 November 2011 in Belgrade, the comprehensive Ministerial Conference to Address the Issues of Refugees in the Western Balkans was held, during which the Joint Declaration on Ending Displacement and Ensuring Durable Solutions for Vulnerable Refugees and Internally Displaced Persons was adopted and signed by Ministers of Foreign Affairs of Serbia, Croatia, Bosnia and Herzegovina and Montenegro. An integral part of the Declaration is also the Regional Programme to Ensuring Adequate Housing Solutions for Vulnerable Refugees (Regional Housing Programme, RHP) in all signatory countries of the Joint Declaration.

The Republic of Serbia continues providing support and assistance to 43,763 refugees, 32,371 from Croatia and 11,324 from Bosnia and Herzegovina. The Republic of Serbia also grants refugee status to children whose parents have refugee status. The revision of status for refugees whose status has not ceased is conducted once in two years.

In April 2014, UNHCR issued a recommendation to begin the process of status cessation for refugees from Croatia in the 1990s, according to Article 1, C(5) and (6) of the Convention on the Status of Refugees (Official Gazette FNRY – International Treaties and Other Agreements,

No. 7/60) despite expressed dissent by the Republic of Serbia, as the country with the highest number of refugees from the Republic of Croatia. UNHCR made this recommendation before the results of the Regional Housing Programme (RHP), which was agreed by the four countries in the region to address the issues of the most vulnerable refugees, in order to support the initiated local integration or voluntary repatriation processes. This premature decision could affect RHP implementation, especially if we have in mind that the large part of funds for implementation of the Project, which was supposed to be provided by donors, is missing. The Republic of Serbia did not accept to implement this general recommendation, but continued to, the same as before the recommendation was made, to determine the cessation of refugee status individually and according to the provisions proscribed in the Law on Refugees (Official Gazette RS, No. 18/92, Official Gazette SRY, No. 45/02 – FCC Decision and Official Gazette RS, No. 30/10).

During the conflicts of 1999 in the Autonomous Province (AP) Kosovo and Metohija, and after the entry of KFOR, more than 210,000 citizens of the Republic of Serbia were forced to leave their places of residence in AP Kosovo and Metohija, while an additional 20,000 persons were displaced in March 2004. Today, more than 18,000 persons are displaced within the territory of AP Kosovo and Metohija, and there are 204,049 IDPs in other areas of the Republic of Serbia.

The Republic of Serbia has undertaken extensive measures and activities to receive and accommodate IDPs and ensure they have adequate living conditions, in accordance with economic opportunities.<sup>1</sup>

Having in mind that, despite the presence of the international community in AP Kosovo and Metohija, security conditions are not adequate and access to rights is not ensured, only 12,415 persons have returned during the past 15 years, with under 5% of returns being sustainable. If we look at this data in relation to the entire displaced population that was over 220,000, it comes out that only 1.9% of returns have been sustainable.

Although the objectives and measures defined in the Strategy adopted in 2011 are still valid, and activities are implemented in continuity, certain changes have occurred on national and international levels that affect the situation of both refugees and IDPs. Therefore, this Strategy, reaffirms the previously defined objectives in the National Strategy for Resolving the Problems of Refugees and Internally Displaced Persons for the period 2011-2014, and defines new objectives and tasks, develops measures and activities to be undertaken by the Government and other competent government authorities, in line with the current situation, needs and realistic opportunities.

## **II. BACKGROUND**

The National Strategy for Resolving the Problems of Refugees and Internally Displaced Persons for the Period 2015-2020 relates to two main target groups:

- 1) Refugees whose status is defined pursuant to the Law on Refugees and
- 2) Internally Displaced Persons (IDPs) from the territory of AP Kosovo and Metohija.

This Strategy defines two main parallel courses of action related to refugees, enabling them to choose the most favourable durable solution for them – return or integration.

Regarding over 204,000 displaced persons from AP Kosovo and Metohija with a temporary residence on the territory of Serbia proper and over 18,000 displaced persons within AP Kosovo and Metohija, the Republic of Serbia has strategic commitment to provide full support for

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<sup>1</sup> Study: Assessment of the Needs of Internally Displaced Persons in Serbia. The criteria used to define a person in need refer to persons that are multiply vulnerable and that need assistance in resolving existential problems.

sustainable return. However, the durability of displacement and the need to find suitable solutions for improvement of living conditions in displacement is accepted as a realistic fact which represents another strategic course of action.

Exercise of and access to rights in the place of origin and the place of displacement is a precondition for free choice of durable solutions to the problems of refugees and IDPs and precondition for the sustainability of these solutions. The process of return directly depends on the creation of conditions in the country of origin or place of origin for the return of refugees and IDPs.

The necessary conditions for return include: adequate security situation, freedom of movement, existence of an efficient mechanism for the restitution of property and other rights, protection from discrimination, guaranteed access to institutions of the system, support to economic independence of returnees, access to justice, access to documents.

The process of integration and improvement of living conditions of refugees and IDPs includes addressing housing and employment issues, as well as improving their property and legal status. This Strategy, as its main aim, stipulates the provision of support to these persons for an independent and, in relation to other citizens, economically and socially equal life.

Having in mind the importance of the protection and fulfilment of vested rights of refugees and IDPs in their countries of origin and places of origin to a free and sustainable choice of durable solutions, this Strategy defines also the objective of providing support to this population in protecting their interests in country and place of origin.

## **1. Legal Framework**

### **1.1. International Legal Framework**

The Republic of Serbia is signatory to all main international documents in this area, among others, the **Convention on the Status of Refugees with Final Act of the United Nations Conference of Plenipotentiaries on the Status of Refugees and Protocol on the Status of Refugees** (Official Gazette SFRY – International Treaties and other Agreements, No. 15/67), defining the term refugee, legal status, access to rights and other issues of importance for the position of refugees.

The Republic of Serbia has ratified the following international treaties: **International Covenant on Civil and Political Rights** (Official Gazette SFRY – International Treaties, No. 7/71), **International Covenant on Economic, Social and Cultural Rights** (Official Gazette SFRY – International Treaties, No. 7/71), **Convention Relating to the Legal Status of Stateless Persons** (Official Gazette FNRJ – International Treaties and Other Agreements, No. 9/59), **International Convention on the Elimination of All Forms of Racial Discrimination** (Official Gazette SFRY – International Treaties, No. 6/67) and **Convention on the Elimination of All Forms of Discrimination against Women** (Official Gazette SFRY – International Treaties, No. 11/81).

**In order to ensure the fulfilment of the rights of IDPs, the Republic of Serbia abides by the United Nations Guiding Principles on Internal Displacement (1998), which represent the main international framework for the protection of IDPs and define obligations of states and competent authorities in this area, as well as the United Nations Inter-Agency Standing Committee Framework on Durable Solutions for Internally Displaced Persons (2010) presenting human rights standards and principles guiding states in establishing durable solutions for IDPs.**

In relation to the return of refugees and IDPs, the **1997 United Nations Security Council Resolution no. 1120** is relevant, which reaffirms the right of all refugees and displaced persons originating from the former Yugoslavia to return to their homes.

The 1999 **United Nations Security Council Resolution no. 1244** reaffirms the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia as set out in the Helsinki Final Act and Annex 2, Paragraph 13, and encourages all member states and international organizations to contribute to economic and social reconstruction as well as to the safe return of displaced persons to the area of AP Kosovo and Metohija.

The 2005 **United Nations Security Council Resolution No. 2004/2 on Housing and Property Restitution for Refugees and Displaced Persons** and **United Nations Economic and Social Council Principles on Housing and Property Restitution in the Context of the Return of Refugees and Internally Displaced Persons** (known as the Pinheiro Principles) state the right of all refugees and displaced persons to freely return to their countries and to have restored to them any housing and property of which they were deprived during the period of displacement, or to be compensated for the property that is impossible to restore. Also, the said principles explicitly mention the need to ensure that the rights of owners, tenants and social-occupancy rights holders to social housing are recognized.

**European Convention for the Protection of Human Rights and Fundamental Freedoms** (Official Gazette of Serbia and Montenegro, International Treaties, No. 9/03, 5/05 and 7/05 – correction and Official Gazette RS – International Treaties, No. 12/10 and 10/15), represents another among the most important conventions in the area of human rights and fundamental freedoms. The opportunity to address the European Court of Human Rights, established by this Convention, is a very important institutional guarantee for refugees and IDPs in the protection of their human rights.

The Republic of Serbia has ratified the following conventions of importance for refugees and IDPs: **Convention against Torture and Other Acts of Cruel, Inhuman and Degrading Treatment or Punishment** (Official Gazette SFRY – International Treaties, No. 9/91), **Convention on the Rights of the Child** (Official Gazette SFRY – International Treaties, No. 15/90 and Official Gazette SRY – International Treaties, No. 4/96 and 2/97), **International Convention for the Protection of All Persons from Enforced Disappearance** (Official Gazette RS – International Treaties, No. 1/11), **Convention on the Rights of Persons with Disabilities** (Official Gazette RS – International Treaties, No. 42/09).

The **Resolution No. 1708 of the Parliamentary Assembly of the Council of Europe**, adopted in January 2010, establishes standards for solving property issues of refugees and displaced persons.

In addition to the binding and leading general international standards on the protection of refugees and internal displacement, EU Acquis additionally emphasizes the need to efficiently address the issues of refugees and displaced persons as part of a precisely set out timeline of objectives for Serbian accession to the European Union (EU), especially under Chapter 23 Judiciary and Fundamental Rights.

**Council of the European Union Decision No. 2008/213/EC of 18 February 2008, on the Principles, Priorities and Conditions Contained in the European Partnership with Serbia, including Kosovo as defined by UNSC Resolution 1244 of 10 June 1999**, in the part of Annex 2 on regional issues and international obligations of the Republic of Serbia, inter alia, provides “ensure the right to a real choice between sustainable return and integration” (short-term priority) and “facilitate integration of refugees who choose not to return” (medium-term priority).

**The Preamble of the Stabilization and Association Agreement between the European**

**Communities and their Member States, of the one part, and the Republic of Serbia of the other part** (Official Gazette RS, No. 83/08), reaffirms “the right to return of all refugees and internally displaced persons, right to protect their property and other related human rights”

The **General Framework Agreement for Peace in Bosnia and Herzegovina** (Official Gazette of the FRY, International Treaties, No. 12/02), contains a total of 11 annexes, with Annex VII referring to the Agreement on Refugees and Displaced Persons. The stated peace agreement lays down that all refugees and displaced persons have the right to restitution of the property which was seized from them during the conflicts as of 1991 and the obligation was prescribed to immediately abolish domestic legislation and administrative practices with discriminatory intent and effects.

Annex G of the **Agreement on Succession Issues** (Official Gazette FRY – International Treaties, No. 6/02) regulates the recognition, protection and access to private property and acquired rights of citizens and other legal entities of the former Socialist Federal Republic of Yugoslavia (SFRY). The significance of Annex G of the Agreement lies in the fact that it guarantees that the rights to movable and immovable property located in a successor State and to which citizens or other legal persons were entitled on 31 December 1990 shall be recognized, protected and restored by that State in accordance with established standards and norms of international law, and irrespective of nationality, citizenship, residence or domicile of those persons. Article 6 of the Annex G provides that domestic legislation of each of the successor states relating to “occupancy rights” shall apply equally to persons who were SFRY citizens and who had such rights, without discrimination.

Annex E of the **Agreement on Succession Issues** (Official Gazette FRY – International Treaties, No. 6/02) regulates the issues of the protection of rights from the pension insurance fund of former SFRY citizens. The party responsible for the payment of pensions is the signatory state, i.e. former SFRY constituent republic, which funded the payment of legally acquired pensions before the war to a particular citizen. On the territory of the former SFRY, where the citizens were retired, that particular Independent State today has the obligation to finance the payments of pensions to its beneficiaries. Signatories of this Agreement have made a commitment to ensure regular payment of pensions according to the said criteria, irrespective of nationality, citizenship, residence and domicile of the pension beneficiary.

In accordance with the **Agreement between the Council of Ministers of Serbia and Montenegro and the Council of Ministers of Bosnia and Herzegovina on the return of refugees from Serbia and Montenegro and Bosnia and Herzegovina, with the Protocol** (Official Gazette of Serbia and Montenegro – International Treaties, No. 6/04), the parties are under the obligation to help voluntary, organized and mutually agreed return of refugees residing in the territories of these two countries.

The **Agreement on Dual Citizenship between the Federal Republic of Yugoslavia and Bosnia and Herzegovina** (Official Gazette FRY – International Treaties, No. 2/03), made the position of refugees in the process of integration easier, by allowing dual citizenship.

With the **Agreement on Normalization of Relations between the Federal Republic of Yugoslavia and the Republic of Croatia** (Official Gazette FRY – International Treaties, No. 5/96), and the Protocol on the Procedure for Organized Return related to this Agreement, the parties are under the obligation to help voluntary and organized return to the Republic of Croatia.

The **Agreement between the Federal Republic of Yugoslavia and Croatia on Social Insurance** (Official Gazette of the FRY – International Treaties, No. 1/01) and the **Agreement between the Federal Republic of Yugoslavia and Bosnia and Herzegovina on Social**

**Insurance** (Official Gazette RS – International Agreements, No. 7/03) regulate issues related to accessing social insurance rights, particularly pension rights of refugees who have opted for integration in the Republic of Serbia.

**The Sarajevo Declaration** – Declaration of the Regional Ministerial Conference on resolving the problems of refugees and Displaced Persons in the region – was signed by competent Ministers of Bosnia and Herzegovina, Republic of Croatia and Serbia and Montenegro on 31 January 2005. The Declaration reaffirms that all refugees have the full and inalienable right to choose the solution through return and integration and access rights

**The Belgrade Declaration**, signed on 11 November 2011, reaffirms the principles set out in the Sarajevo Declaration. The governments of four countries (Republic of Serbia, Republic of Croatia, Bosnia and Herzegovina and Montenegro) committed to cooperate in order to protect and promote the rights of refugees, returnees and IDPs, including the existing individual rights and ensure all the necessary political, material, legal, social and other support necessary to end their displacement. An integral part of the Declaration is the Joint Regional Multi-annual Programme on Durable Solutions for Refugees and Displaced Persons (Regional Housing Programme, RHP). With the aim to raise the necessary funds, on 24 April 2012, a **Donor Conference** was organised in Sarajevo.

The **Framework Agreement between the Council of Europe Development Bank (CEB) and the Republic of Serbia for the Serbian Country Housing Project under the Regional Housing Programme (RHP)**, signed on 25 October 2013 defines in general terms the conditions for utilization of donor funds for the RHP in the Republic of Serbia, and individual donor agreements are signed for each approved sub-project.

## 1.2. National Legal Framework

The **National Plan for Integration of the Republic of Serbia into the European Union (NPI)** and the **Migration Management Strategy** (Official Gazette RS, No. 59/09) as key inter-sectoral documents, provide an overview of the problems faced by refugees and IDPs and provide guidelines for the development of sector-specific strategies that should solve these problems. The problems of refugees and IDPs are also addressed in the **National Sustainable Development Strategy** (Official Gazette RS, No. 57/08), as well as the strategic document on poverty reduction.

The **National Strategy for Resolving the Problems of Refugees and IDPs** defines the main objectives and courses of action for durable solutions for problems of refugees in the Republic of Serbia. Work on improving the conditions for the return of refugees to the country of origin and ensuring conditions for local integration of refugees who have applied for admittance or have already acquired the citizenship of the Republic of Serbia, are two main, equally treated courses used to find durable solutions to refugee issues in the Republic of Serbia. After four years, there is need to change it in order to adapt it with the aim to adjust foreseen measures to new developments and needs.

The **Strategy for Long-Term Economic Development of the Serbian Community in Kosovo and Metohija** (Official Gazette RS, No. 21/07), was prepared with the aim to improve living standards of the Serbian population in these areas. For the return of IDPs, the **Strategy for Sustainable Survival and Return to Kosovo and Metohija** (Official Gazette RS, No. 32/10) is of particular importance, aiming to provide for the creation of conditions, in cooperation with the international community, for sustainable survival of Serbs and members of national minorities and the return of IDPs and refugees to AP Kosovo and Metohija.

The **Strategy for the Improvement of the Status of Roma in the Republic of Serbia**

(Official Gazette RS, No. 27/09) sets out foundations to improve the position of Roma in the Republic of Serbia and reduce gaps between Roma and the general population. This document provides grounds for the identification and implementation of affirmative action measures, primarily in the areas of education, health, employment and housing. The Strategy gives special attention to Roma IDPs.

The **National Employment Strategy 2011-2020** (Official Gazette RS, No. 37/11) is the main strategic document on employment in the Republic of Serbia. The National Employment Action Plan provides for special measures to encourage the employment of refugees and displaced persons.

The **National Strategy for Improving the Position of Women and Promoting Gender Equality 2009-2015** (Official Gazette RS, No. 15/09) lays down that, compared to the general population, there are significant differences in the level of unemployment of women refugees and IDPs. Therefore, it is necessary to prepare also special programmes aimed at these categories of women and strengthen the programmes and plans targeting these groups, especially at the local level.

The **Strategy for Social Protection Development** (Official Gazette RS, No. 108/05), **National Youth Strategy** (Official Gazette RS, No. 55/08) and **National Strategy on Ageing** (Official Gazette RS, No. 76/06), are sector-specific strategies, which provide specific measures that can have a positive impact on certain issues of refugees and IDPs.

The **Law on Refugees** regulates the status, position and rights of refugees from former SFRY constituent republics in the Republic of Serbia. Pursuant to this Law, refugees are provided with reception, temporary accommodation and food assistance, appropriate health care and certain social protection rights, as well as support in the processes of return and integration by provision of support to their housing needs. People with refugee status have the right to employment and education, in accordance with the law.

The **Law on Citizenship of the Republic of Serbia** (Official Gazette RS, No. 135/04 and 90/07) provides solutions for easier and faster acquisition of Serbian citizenship. The procedure is particularly simplified and made easier for refugees from former SFRY (Article 23).

The **Law on Registry Books** (Official Gazette RS, No. 20/09 and 145/14) regulates the area of registry books in a comprehensive manner and ensures their uniformity and authenticity, in accordance with valid European standards and principles contained in binding international acts. This law lays down the registration of birth, marriage and death in registry books, both those facts that occurred on the territory of the Republic of Serbia and those abroad, related to Republic of Serbia citizens. The law contains some new provisions that ensure considerable progress in fulfilling the rights of citizens, and the general interest, considering that registry books are required for all other official records. Particular advancement in relation to former regulations is the way in which the issue of registration of birth in the Birth Registry is regulated, considering it enables to record this fact regardless if the child's parents are known, unknown, the child is without parental care or the child is adopted. The law prohibits keeping a second copy of registry books applying solely electronic means for data processing and storage, as well as for establishing information systems – transposing registry books to the electronic format, which creates preconditions to issue certificates based on the registry books, regardless of which authority this is requested from, which will considerably facilitate the fulfilment of rights of refugees and IDPs in this area.

The **Law on Personal Identity Cards** (Official Gazette RS, No. 62/06 and 36/11), the **Law on Travel Documents** (Official Gazette RS, No. 90/07, 116/08, 104/09, 76/10 and 62/14) and the **Law on Permanent and Habitual Residence of Citizens** (Official Gazette RS, No.

87/11) also apply to IDPs, as well as the citizens of the Republic of Serbia, and regulate the procedures for the issuance of personal documents to refugees. The Law on Permanent and Habitual Residence of Citizens, inter alia, provides for the manner of registration of residence in cases when there is no evidence of legal grounds for residence. Article 11, Paragraph 2 of the Law on Permanent and Habitual Residence of Citizens provides that in case there is no legal grounds to register permanent residence, the decision of the competent authority shall define permanent address as permanent residence if other defined criteria have been met, followed by parents' address, spouse's or civil partner's address or at the address of the Centre for Social Welfare (CSW). However, to register permanent residence at the address of the CSW required the adoption of the by-law regulating the manner of registering permanent residence (Rulebook on the Form of Registration of Permanent Residence at the Address of the Centre for Social Welfare, Official Gazette RS, No. 113/12).

The moment it was possible to register permanent residence at CSW address, it became obvious that the practical importance of this provision was very high, particularly for IDPs (largely Roma) from informal settlements, who were able to register their permanent residence and obtain personal identity cards for the first time.

The **Labour Law** (Official Gazette RS, No. 24/05, 61/05, 54/09, 32/13 and 75/14), which applies to all citizens (including IDPs) and employed foreign citizens and stateless persons (including refugees) working with an employer on the territory of the Republic of Serbia, and the **Law on Employment and Unemployment Insurance** (Official Gazette RS, No. 36/09, 88/10 and 38/15), which introduced the National Employment Action Plan as the main instrument for planning active labour market policy annually and defined the employment of hard-to-employ categories of the population, including refugees and IDPs as one of its priorities, are frameworks for equal inclusion of refugees and IDPs in the labour market.

The **Law on the Foundations of the Education System** (Official Gazette RS, No. 72/09, 52/11, 55/13 and 35/15 – authentic interpretation), **Law on Pre-School Education** (Official Gazette RS, No. 18/10), **Law on Primary Education** (Official Gazette RS, No. 55/13), **Law on Secondary Education** (Official Gazette RS, No. 55/13), the **Law on High School** (Official Gazette RS, No. 50/92, 53/93, 67/93, 48/94, 24/96, 23/02, 25/02 – corr., 62/03 – other law, 64/03 – other law corr., 101/05 – other law, 72/09 – other law and 55/13 – other law) and the **Law on Higher Education** (Official Gazette of the RS, No. 76/05, 100/07 – authentic interpretation, 97/08, 44/10, 93/12, 89/13, 99/14 and 45/15 – authentic interpretation) regulate issues of importance for the education of citizens of the Republic of Serbia, foreign nationals and stateless persons in the Republic of Serbia.

The **Law on Student Standard** (Official Gazette RS, No. 18/10 and 55/13) regulates access to rights in the area of school and university student standard, pertaining to students who are citizens of the Republic of Serbia (especially members of vulnerable groups), as well as foreign citizens and citizens of countries in the region, as support in their education.

The **Law on Health Care** (Official Gazette RS, No. 107/05, 72/09 – other law, 88/10, 99/10, 57/11, 119/12, 45/13 – other law and 93/14) and the **Law on Health Insurance** (Official Gazette RS, No. 107/05, 109/05 – corr., 57/11, 110/12 – CC Decision, 119/12, 99/14, 123/14 and 126/14 – CC Decision) regulate the issues related to health care rights of refugees and IDPs.

The **Law on Social Housing** (Official Gazette RS, No. 72/09) includes refugees and IDPs in priority vulnerable groups, relating to the fulfilment of their housing needs, respecting their specific situations.

The questions related to refugees' and IDPs' access to rights are also regulated by other laws in the Republic of Serbia, including the **Law on Financial Support to Families with**



**Children** (Official Gazette RS, No. 16/02, 115/05 and 107/09), the **Family Law** (Official Gazette RS, No. 18/05, 72/11 – other law and 6/15), the **Law on Public Health** (Official Gazette RS, No. 72/09), the **Law on Associations** (Official Gazette RS, No. 51/09 and 99/11 – other law), the **Law on Ombudsman** (Official Gazette RS, No. 79/05 and 54/07) and the **Law on Migration Management** (Official Gazette RS, No. 107/12).

## 2. Institutional Framework

The institutional framework is defined in accordance with the competences of government authorities in relation to refugees and IDPs.

The **Commissariat for Refugees and Migration** (SCRM), as special organization established in accordance with the Law on Refugees, is competent to determine the status of refugee and keep records of refugees and IDPs, provide accommodation to refugees and IDPs, coordinate assistance provided by other authorities and organizations in the country and abroad, provide assistance to refugees in the process of return and reintegration, start initiatives to access international assistance from the United Nations (UN) and other international organizations, to provide accommodation to and protect the rights of IDPs.

A number of ministries perform state administration tasks that have a direct impact on the fulfilment of certain rights of importance for refugees and IDPs, in accordance with the Law on Ministries (Official Gazette RS, No. 44/14, 14/15 and 54/15):

The **Ministry of Internal Affairs** performs state administration tasks related to: citizenship, permanent and habitual residence of citizens, personal identification cards, travel documents, international assistance and other forms of international cooperation in the area of internal affairs, second-instance administrative proceedings, based on the regulations on refugees.

The **Ministry of Labour, Employment, Veteran and Social Affairs** performs state administration tasks related to: international agreements on social insurance, population policy, anti-discrimination policy, social protection system, fulfilment of rights and integration of refugees and improving the living conditions of displaced persons.

The **Office for Kosovo and Metohija** performs state administration tasks related to: cooperation with the SCRM related to IDPs from Kosovo and Metohija and maintaining continuous international contacts with the participants in the international negotiation process on the future status of Kosovo and Metohija.

The **Ministry of Health** performs state administration tasks related to: health care system, mandatory health insurance system, other forms of health insurance and payment of contributions for health insurance, more detailed regulation of rights related to health insurance, participation in the preparation and implementation of international agreements on mandatory social insurance.

The **Ministry of Education, Science and Technological Development** performs state administration tasks related to: research, planning and development of pre-school, primary, high-school, higher and university education and student standard, validation and equivalence of official documents acquired abroad, improving societal care about gifted students.

Certain state administration tasks related to the rights of refugees and IDPs include:

The **Office for Human and Minority Rights** performs state administration tasks related to: the protection and promotion of human and minority rights, monitoring the compliance of domestic regulations with international agreements and other international legal acts on human and minority rights, anti-discrimination policy, coordination of government authorities in the area of human rights protection.

The **Ministry of Foreign Affairs** performs state administration tasks related to: protection of rights and interests of the Republic of Serbia and its citizens and legal entities abroad, analysis and forecast of regional and global developments and relations, especially in the area of foreign policy, security, international public and private law, economy, environment, education and culture and human rights situation, promoting the respect of human and minority rights of expatriates, persons of Serbian descent and citizens of the Republic of Serbia abroad.

The **Ministry of Public Administration and Local Self Government** performs state

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Commented [LG2]: zbrinjavanje se ne koristi na zalost u engleskom, a prema mojim informacijama koje potvrđuju kolege iz sektora (IOM, UNHCR) može biti provide assistance, care ili accommodation to... u zavisnosti od konteksta.

administration tasks related to registry books.

The **Ministry of Construction, Transport and Infrastructure** performs state administration tasks related to: spatial and urban planning, determination of conditions for construction, determination of housing relations and management, construction, construction land, utility infrastructure and utility-related activities, engineering geodesy, inspection in the area of urban planning, construction and utility infrastructure.

The **Commission for the Coordination of the Process of Permanent Integration of Refugees**, composed of the representatives of ministries in charge of foreign affairs, finance, social affairs, local self-government, housing, as well as the representatives of SCRM and Office for European Integration. The Commission was established in 2004 by the Government with the task to supervise and coordinate the process of permanent integration of refugees, particularly in the area of housing, and it also has the role of the National Steering Committee for the implementation of the Regional Housing Programme in the Republic of Serbia.

### III. VISION

In cooperation with different stakeholders at international and national levels, the Republic of Serbia has provided refugees with durable, sustainable and appropriate solutions enabling them access to all rights, services and resources on equal grounds as Serbian citizens, and has helped IDPs to effectively improve their living conditions and achieve complete social inclusion during their displacement.

#### **Mission and values**

The Republic of Serbia has actively been creating conditions for a good-quality, dignified and safe life of refugees and IDPs in the Republic of Serbia, and has been actively supporting their return to the places of origin. The Republic of Serbia is committed to finding durable solutions for refugees and s, respecting each individual's right to choose.

Resolving the problems of refugees and IDPs is based on the following principles:

- Respect for human rights;
- Respect for human dignity of each individual;
- Informed and voluntary decisions;
- Partnerships among all relevant stakeholders;
- Access to rights and services on equal grounds for all;
- Well-being of refugees and IDPs;
- Active participation of refugees and IDPs in search for the best solutions.

### IV. STRATEGIC GOALS

#### **STRATEGIC GOAL 1:**

**Create the necessary conditions for a dignified and sustainable return of refugees to the Republic of Croatia and Bosnia and Herzegovina using regulatory, institutional and other mechanisms for them to fulfil their rights in their countries of origin**

**Description of the situation:** Unimpeded access to individual rights in the country of origin, and in particular rights to property, is a condition for sustainable return. Also, the fulfilment of these rights or fair solutions for those who were deprived of property-related rights also affect the socio-economic position of refugees and former refugees in the Republic of Serbia and contribute to their integration through the use of individual resources.

The long duration of the refugee crisis and necessity for cooperation between the countries of origin and destination in ensuring conditions for refugees to freely choose durable solutions and access rights were identified in the Sarajevo Process in 2005. Sarajevo Process was supported by the European Commission (EC), Organization for Security and Co-Operation in Europe (OSCE) and UNHCR. Despite the efforts invested, a solution has not been found because of different attitudes of signatory countries about the ways to address outstanding issues, which would lead to the closure of the refugee issue in the region. The Initiative to solve the problems of refugees and displaced persons through cooperation between countries of origin and countries of destination within the region was renewed in 2008, with the support of UNHCR, because of the necessity to resolve long-lasting refugee crises. The Republic of Serbia has initiated intensive diplomatic activity to find durable solutions through regional cooperation for a large number of refugees from former Yugoslav republics staying in Serbia.

The Ministerial Conference that was held on 25 March 2010 in Belgrade, for the four countries in the region, re-initiated the regional process strongly supported by the EU, OSCE and UNHCR. The Sarajevo Process was supported by the EC, OSCE and UNHCR.

A number of outstanding issues were discussed in working groups (reconstruction of property, lost occupancy rights, civil status, housing solutions, return, outstanding pensions). Progress was achieved on certain matters, such as setting deadlines to access existing programmes in the countries of origin, issues of convalidation of years of service for insurance, but issues related to outstanding pensions still remain open. During the regional process, partner countries developed a proposal for donor funding of a multi-annual regional programme to address housing needs of refugees in the region as support to refugees in the processes of integration and return. RHP is implemented simultaneously in all four partner countries with financial support from the EU, USA and many other countries. The process of return of refugees to their countries of origin, Republic of Croatia and Bosnia and Herzegovina, has been unfolding at various rates of success. According to information provided by the SCRM, 31% of refugees returned to Bosnia and Herzegovina and 18% to the Republic of Croatia. In late 2008, the results of the above-mentioned situation and needs analysis, showed that only 5% of people with refugee status expressed intent to return to their countries of origin.

The share of refugees from Bosnia and Herzegovina in the total refugee population in the Republic of Serbia has dropped from 43.3% (1996) to 26.03% (2014), while the share of refugees from the Republic of Croatia increased from 54.0% (1996) to 73.97% (2014). These data show that the return of refugees from the Republic of Serbia to Bosnia and Herzegovina has progressed with far fewer obstacles and difficulties than the return to the Republic of Croatia.

## **1. Return to the Republic of Croatia**

SCRM data and estimates indicate that around 69,500 people returned from the Republic of Serbia to the Republic of Croatia and around 79,000 people returned to Bosnia and Herzegovina and other former SFRY constituent republics. Around 46,000 people left for third countries and it is estimated that around 40,000 people died.

In 2011, according to UNHCR Croatia, Serbian Democratic Forum and Faculty of

Philosophy in Zagreb (Study: Minority Returns to Croatia, Profs Bagić and Mesić), out of the total number of all returnees to the Republic of Croatia, one-third were over 65 years of age; 8% were employed; 11% were completely dependent on received assistance; 17% had died; 38% remained in the Republic of Croatia.

### ***1.1. Lost Occupancy Rights***

The 1997 UN Security Council Resolution 1120, Annex G of the Succession Agreement and the Sarajevo Declaration reaffirm the right of all refugees to return to the homes they lived in before the conflicts. It is estimated that over 30,000 occupancy rights were taken away from people who had to flee the Republic of Croatia because of the conflicts. These refugees were not given the possibility to return to their pre-conflict homes, occupy or purchase homes under favourable conditions as other Croatian citizens. In 2003, instead of returning occupancy rights, the Government of Croatia offered, as the only solution, a housing programme for returnees to apply for housing units if they wish to return to the Republic of Croatia. The housing programme was regulated differently in different areas of the Republic of Croatia, which resulted in different scopes of rights accessed by the beneficiaries of these programmes.

### ***1.2 Housing Solutions***

Housing solutions outside the Areas of Special State Concern (ASSC)<sup>2</sup> and in ASSC areas are not regulated by the same legislation. Outside the ASSC, there is no right to housing solutions established in the law, but the right is based on the Decision on Housing Solutions for Returnees, Former Occupancy Rights Holders.

The result of such a fragmented legal framework is unequal legal regime for the beneficiaries of housing solutions across the territory of the Republic of Croatia. Croatian citizens are not in an equal legal position regarding the criteria to access housing solutions, content and scope of rights, deadlines, opportunities to use legal remedies and conditions for the privatization of houses and apartments.

Note should be taken of another large obstacle to the provision of housing solutions, namely all the people that have not registered or deregistered their permanent residence can be erased, ex officio, from the records on permanent residence in the Republic of Croatia, which could jeopardize the process related to housing solutions, reconstruction, as well as access to other rights.

### ***1.3 Purchase of Housing Units***

Regarding the purchase of housing units within the housing programme, returnees of Serbian nationality, who lost their occupancy rights, can access housing solutions in the areas in the Republic of Croatia outside the ASSC under unfavourable terms, as well as purchase housing units at the least favourable price at 50% of their market value. Simultaneously, Croatians, and primarily war participants, are given such property for free.

### ***1.4 Convalidation of Years of Service***

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<sup>2</sup> Areas of Special State Concern are areas in the Republic of Croatia that were affected by war.

For many refugees the problem remains of convalidation of years of service acquired on the territory of the Republic of Croatia, which was under the protection or administration of the UN in the period 1991-1995. The offered legal framework for addressing convalidation issues is inadequate for the complexity of the problem, especially because the large demands related to proving the years of service under the procedure set out in Croatian laws regulating pension insurance and general administrative procedure. In relation to this, all the citizens that used to work in war-affected areas should be provided with support to access their rights through a simplified procedure and convalidate their years of service, so they can access their labour and pension relations related rights the same as other citizens of the Republic of Croatia. In practice, there are problems related to the acquisition of documents to prove the years of service, because employment booklets, original school records, health cards and similar documents are not recognized.

### ***1.5 Outstanding pensions***

Pension is a personal, material, unalienable, non-transferrable and unlimited right. Solution to the problem of payment of outstanding pensions acquired in the Republic of Croatia was initiated within the regional process, having in mind the economic importance of the rights deriving from pension insurance and the fact that the payment of pensions was ceased for refugees from the territory of the Republic of Croatia because of the outbreak of armed conflict in 1991. The payment of pensions was introduced in practice as late as 1997/1998 (after going to Croatia and submitting appropriate applications) or after the coming into effect of the Agreement between the Federal Republic of Yugoslavia and the Republic of Croatia on Social Insurance on 1 May 2003, by applying with the competent insurance payer in the Republic of Serbia. However, even then, the Croatian Institute for Pension Insurance did not recognize the right to be paid outstanding pensions without submitting a special request for this, or for the entire duration of ceased payment, but only for the period of 3 years, or 1 year, before the date of the submission of the request. Such treatment resulted in a considerable number of pension holders not receiving all their outstanding pensions during the time of ceased payment until it was re-established. According to information published by the Republic of Croatia Pension Fund, based on official records, over 12,000 pension holders are affected by this problem.

With the aim to find efficient solutions to the problem of outstanding pensions, on the initiative of the representatives of the Republic of Serbia, within the Regional Process for Solving the Problems of Refugees, a special expert working group was formed to solve this problem. The expert working group was established in early 2011, involving representatives of relevant institutions in the Republic of Serbia and the Republic of Croatia. This working group asked for and received a positive opinion of an expert mission funded by the EU, which has not led to the resolution of this issue.

### ***1.6 Property Reconstruction***

The reconstruction of houses is not followed by appropriate investments in the development of predominantly rural areas, which are economically undeveloped and devastated. The reconstruction of houses by itself, without any programmes of economic support to reintegration by creating new jobs, including the reconstruction and construction of the necessary infrastructure, cannot ensure the sustainability of return. Because there are no existential conditions for sustainable return, many owners of reconstructed houses do not live there full-time.

Invoking the circumstance of non-permanent residence in the reconstructed housing unit, the competent state attorney's office in the Republic of Croatia more and more often initiates court proceedings against refugees, owners of reconstructed housing units, so they would return the funds for reconstruction with interest calculated in accordance with the law and pay court expenses, under threat of execution, i.e. loss of property. There are around 2,500 unresolved second-instance claims still pending.

### ***1.7 Participation in the Process of Privatization***

Refugees from the Republic of Croatia, unlike other Croatian citizens, are fully excluded from participation in the privatization of social, state and public companies, in the development of which they equally participated.

### ***1.8 Residence Status and Citizenship of Returnees***

A considerable number of returnees who do not have Croatian citizenship, when they return to the Republic of Croatia are treated as aliens subject to a complicated and expensive procedure for the recognition of the status of foreigner with temporary or permanent residence in the Republic of Croatia. Croatian regulations present a problem here, because when they were adopted they did not respect the fact that these were citizens who, before the break-up of SFRY, used to live in the Republic of Croatia.

### ***1.9 Missing Persons***

The process of exhuming and identifying exhumed bodies should be accelerated, and the families of missing persons spared further agony and enabled to bury their loved ones.

## **2. Return to Bosnia and Herzegovina**

Bosnia and Herzegovina has enabled access to all rights, which has directly influenced the success of the return process, as well as the scope of durable solutions for the problems of refugees from Bosnia and Herzegovina. Programmes for the restitution of confiscated private property and occupancy rights have been successfully implemented.

The international community, through the High Representative for Bosnia and Herzegovina, repealed the laws adopted during the war, which served to confiscate homes from refugee holders of occupancy rights and declared null and void all administrative, court and other acts terminating occupancy rights of the holders and enabling pre-war occupancy rights holders to occupy these homes and purchase them under favourable conditions. Joint efforts of the international community and local authorities created favourable conditions for the return of refugees and for the reconstruction of destroyed property.

Although progress regarding access to rights, particularly with the restitution of property-related rights, is visible, redress mechanisms for destroyed property, within the meaning of the provisions set out in Annex 7a of the Dayton Peace Agreement, have still not been established.

After the war ended in the area of Bosnia and Herzegovina, a number of refugees and war-affected individuals, beneficiaries of housing units from the housing fund of the former Yugoslav People's Army were denied the right to re-occupy these housing units, which made their return to Bosnia and Herzegovina more difficult.

Returnees are faced with problems related to the economic situation, employment opportunities, reconstruction of destroyed property and destroyed infrastructure.

Insurance beneficiaries living as refugees in the Republic of Serbia, who completed their years of service in Bosnia and Herzegovina, are still faced with numerous problems and obstacles (cooperation between authorities is still not satisfactory enough to enable efficient implementation of the Agreement between the Federal Republic of Yugoslavia and Bosnia and Herzegovina on Social Insurance; the majority of insurance beneficiaries have difficulties gathering all the necessary documents to apply for pension; cross-border procedure of decision-making on applications for pension and disability insurance related rights is long) when trying to access their rights to pension and disability insurance.

**Measures:**

- Enhance government support for refugees to access their rights in the countries of origin, with a view to create favourable conditions for sustainable return and reintegration of refugees by monitoring the implementation of all relevant inter-governmental agreements and through enhanced government activity at the international and inter-governmental levels;
- Enhance diplomatic activities with international organizations with a view to receive support to find and implement mechanisms for the protection and fulfilment of rights, in accordance with human rights principles;
- Enhance government programmes of material support to returnees and returnee communities in the Republic of Croatia and Bosnia and Herzegovina.

**STRATEGIC GOAL 2:**

**Ensure the necessary conditions to achieve the equality of refugees who have decided to live in the Republic of Serbia and their integration into the local community**

**Description of the situation:** There are still around 44,000 persons with refugee status in the Republic of Serbia, 24 years after the break-out of the first conflicts in the former SFRY. Out of this number, 73.97% are refugees from the Republic of Croatia. The majority of refugees are staying in AP Vojvodina (49.36%). More than one-quarter of the total number of refugees are staying in Belgrade (26.83%) and 23.51% are staying in Central Serbia.

According to SCRM data from January 2015, there were 312 refugees staying in collective centres.

Although many refugees, expelled and war-affected persons were naturalized, they still need assistance in resolving the problems of employment, housing and assistance to access rights in their country of origin, which would considerably improve the economic aspect of their integration in local communities in the Republic of Serbia.

According to the Law on Refugees, refugees are provided with reception, temporary accommodation and food assistance for the most vulnerable persons that cannot make their own living. Access to adequate health care, certain social protection related rights, such as entitlement to accommodation in social protection institutions and rights in the area of child and family protection, are provided. Also, they have guaranteed right to education and employment, conditions have been created to address their housing needs in the process of integration, and support to returnees has been provided.

Since 1995, UNHCR, and over the past several years also the EU, have provided major



support to refugees in the Republic of Serbia,.

With respect to all efforts made by the Republic of Serbia and international donors, refugees have, investing their own means and resources, contributed the most to their successful integration.

The integration of refugees is a complex process that requires support to refugees on resolving the problems of status, housing needs, employment, fulfilment of pension, health, social insurance related rights, etc.

Having in mind that the integration process has been significantly facilitated, the main obstacle for integration today is lack of funds to address housing needs of refugees and difficulties in relation to employment.

The following priority actions are part of this Strategic Goal:

- 1) Citizenship and issues related to status;
- 2) Employment and the right to work;
- 3) Education;
- 4) Health care;
- 5) Social protection;
- 6) Housing solutions.

The Serbian Housing Programme aims to ensure durable housing solutions for 16,780 refugee families in the Republic of Serbia. In accordance with RHP rules, the beneficiaries of this programme are refugees and former refugees that meet general and vulnerability criteria.

### ***1) Citizenship and issues related to status***

Access to many rights in the country of origin, as well as access to rights and regulating status in the country of destination, depends on the possibility to obtain documents.

The study Situation and Needs Analysis of the Refugee Population shows that the share of respondents that miss some personal document is 44%, 36% of whom have reported missing documents from the country of origin, while 8% reported missing some personal documents in the Republic of Serbia.

It is estimated that more than 300,000 refugees have acquired the citizenship of the Republic of Serbia and thus met the first formal criterion in the process of integration.

Since 2008, with the accelerated implementation of programmes for support to refugees in the process of integration funded out of the Republic of Serbia Budget, local self-government (LSG) budgets, IPA and other donor funds, refugee status annually ceases for around 10,000 refugees. The Law on Citizenship of the Republic of Serbia facilitates and accelerates the procedure for the acquisition of citizenship, and refugees pay lower fees than other applicants, so the costs of the procedure have also been reduced.

The Law on Registry Books establishes the registration of birth, marriage and death occurred on the territories of former SFRY constituent republics in the registry books kept in the Republic of Serbia, for all persons who have acquired citizenship of the Republic of Serbia, based on birth certificates issued by foreign authorities. In addition, this law also regulates the entry of said facts in the registry books in case when a birth certificate cannot be obtained from the foreign authority, by registering it based on the competent court's decision.

Difficulties in obtaining documents, in addition to lack of resources or non-possession of passport or travel paper, are also created by the fact that obtaining documents in the country of origin, through proxies, is not always allowed, but also by refugees' lack of knowledge.

In practice, the mechanism of obtaining documents through international legal assistance is usually not implemented, even though the Federal Republic of Yugoslavia and the Republic of Croatia signed the Agreement on Legal Assistance in Civil and Criminal Matters in 1997 (Official Gazette SRY – International Treaties, No. 1/98), and Serbia and Montenegro signed the same agreement with Bosnia and Herzegovina in 2005. Support in the acquisition of documents is provided, mainly, through legal assistance projects funded by international donors, Instruments for Pre-Accession Assistance and the Republic of Serbia Budget.

The status of refugees who received their decisions on acceptance in the Republic of Serbia citizenship, and who initiated proceedings to register permanent residence and applied for personal identity card, ceases.

There are also considerable problems in the access of status-related rights of refugees and access to other rights, created by different legal solutions and practices in the Republic of Serbia and in the refugees' countries of origin. In case that a refugee from the Republic of Croatia deregisters permanent residence in the Republic of Croatia, it can make their access to programmes for the reconstruction of destroyed property or housing programmes difficult.

One of the problems is different solutions regarding the registration of the Unique Master Citizen Number (JMBG) in the citizens' personal documents. Police directorates in the Republic of Serbia, as a rule, insist on JMBG data from the country of origin or proof that JMBG has not been established. However, if this information is not available, upon request of the party, police directorates shall establish new JMBG for the former refugee.

A number of refugees do not have documents about their education and acquired level of education, which impacts their employment in the Republic of Serbia in line with their education and acquired professional qualifications. Some refugees do not have documents on the years of service from organizations and institutions that used to employ them, because they were destroyed or they disappeared during the conflicts.

In the Republic of Serbia, a person that finds employment in the place of temporary residence, who does not possess an employment booklet, can apply with the competent municipal authority for the place of employment for issuance of an employment booklet. However, regarding the issuance of employment booklets to unemployed refugees, which need to be submitted when they apply for registration with the National Employment Service (NES) as unemployed persons, practices differ across LSG units related to the implementation of the Law on Refugees. Namely, pursuant to the Rulebook on Employment Booklets (Official Gazette RS, No. 17/97), an unemployed person can apply for an employment booklet to the competent municipal administration authority based on their place of permanent residence, and in the Republic of Serbia, pursuant to the Law on Refugees, refugees have the right to access their rights to employment, as well as other rights established in this law, based on their place of temporary residence in the Republic of Serbia.

## ***2) Employment and right to work***

Refugees in the Republic of Serbia have to a great extent equal rights related to employment as citizens. They can obtain an employment booklet based on their refugee ID, register as unemployed person with NES, access all active labour market programmes and apply for jobs, unless citizenship is a criterion of eligibility for the job. This situation was created by implementing the provisions of the Law on Refugees.

According to the study Situation and Needs Analysis of the Refugee Population, unemployment rate among refugees is 33%, which is considerably higher than the domestic

population.

The National Employment Strategy for the period 2011-2020, recognizes that the position of refugees and IDPs on the labour market is unfavourable.

Because they cannot meet the requirements to take out loans (regarding guarantees and mortgage security), refugees cannot participate in some government-supported self-employment programmes. The implementation of donor funded employment assistance programmes encouraging independent economic activity are exacerbated by problems deriving from complex legal regulations.

All affirmative action measures directed at additional and re-training of unemployed, poor refugees, in line with labour market demands, are important for improving the position of refugees on the labour market and leaving the passive position of relying on different forms of assistance .

### **3) Education**

Refugees have equal right to education as Republic of Serbia citizens – primary education is mandatory and free of charge, and high and university education, depending on the candidate's success, are either funded out of the Republic of Serbia Budget, or self-funded.

According to the study Situation and Needs Analysis of the Refugee Population, over one-half of surveyed individuals have completed high school, over 13% have not completed primary school, and almost 9% have completed college or university. Many more women have no education or have only primary school. Average age of persons with university education is 39.6 years, which is less than shown by the registration of 2004/2005.

The problem with availability of education is the difficult financial situation of a large number of refugee families, difficulties with funding high-school and university education for children and youth outside their place of habitual residence, as well as insufficient knowledge about access to support in solving this problem.

The Law on Student Standard provides that school and university students that belong to vulnerable social groups, including refugees, access their rights in the area of student standard by applying looser criteria proscribed by the Minister of Education. Also, each school year, the Ministry of Education, Science and Technological Development publishes regular calls to provide accommodation and food, under preferential conditions, and awards loans and scholarships to school and university students from vulnerable social groups.

### **4) Health insurance**

Refugees are insured and have the right to health care in the same scope, content and under the same conditions as other insured persons.

Refugees coming from former SFRY constituent republics can join the mandatory health insurance scheme even if they do not meet some of the criteria for mandatory health insurance, pursuant to the Law on Health Insurance, if they pay the contributions for mandatory health insurance themselves. Former refugees that have acquired citizenship and permanent residence in the Republic of Serbia, access the rights to health insurance as insurance beneficiaries from the countries with which international agreements on social insurance have been signed. Refugees that have acquired citizenship of the Republic of Serbia, who do not wish to deregister in the Republic of Croatia (Croatian pension holders, by deregistering permanent residence in Croatia lose the rights to minimum pension, and can have only the basic pension, also lose benefits based on legal capacity and protective allowance; permanent residence in the Republic of Croatia is

condition to access the rights to the reconstruction of property, etc.), can access health insurance rights in the Republic of Serbia as citizens of the Republic of Serbia receiving pension or disability compensation from foreign insurance provider only, while staying or permanently residing on the territory of the Republic of Serbia.

### **5) Social protection**

Refugees also have access to some rights in the area of social protection, such as accommodation in social protection institutions and foster families, professional social work services, one-time financial assistance and right to accommodation in social housing in supportive environment, in accordance with LSG unit decisions on broader rights.

A number of refugees that have acquired citizenship of the Republic of Serbia still live in an unfavourable socio-economic situation, even though as Republic of Serbia citizens they have the right to minimum social security of the family. 29% of refugees have monthly income under 48 euro per household member (threshold for the entitlement to social protection services). However, many of them do not have sufficient knowledge about their opportunities and rights.

In accordance with the Strategy for Social Protection Development (2005), social protection in the Republic of Serbia has been undergoing significant reform. LSG units, according to citizens' needs and their possibilities, have developed a number of different community-based social protection services, out of which refugees can use the services for children and youth and persons with disabilities (day care and day centre, open club, home assistance, services for older people and for the victims of domestic violence).

Refugees are also beneficiaries of social housing in supportive environment, which has been introduced in a considerable number of LSG units in the Republic of Serbia. The programme was initiated in 2002 by the SCRM, in cooperation with the Ministry of Labour and Social Policy, Serbian Democratic Centre, UNHCR and certain LSG units. This form of social housing was created in line with the concept of open social protection forms. Projects aim to accommodate families with ill members, single parents and older people and persons with disabilities who are capable of living independently. The model was later on developed also with the assistance of other donors, so with support of EU funds (IPA), the implementation of projects for support to refugees and IDPs in the Republic of Serbia has commenced, which included the construction of a number of buildings for social housing in supportive environment.

### **6) Housing solutions**

Between 1992 and end 2014, the Republic of Serbia, with substantial support of the international community, provided 15,453 different housing solutions, providing accommodation for over 45,000 individuals. The projects addressing housing needs of refugees included the construction of housing units (including models of self-construction, full and semi-construction), assistance in the purchase of village houses, construction material packages and prefabricated houses.

Despite invested efforts and considerable funds to address the housing needs of refugees, a number of refugees still need assistance in finding durable solutions for their housing issues.

The majority of projects for the construction of housing units implemented so far were aiming to address housing issues of persons in collective centres that were closing. At this moment, there are 20 collective centres on the territory of the Republic of Serbia, with 312 refugees and 940 IDPs living in them. The provision of durable housing solutions for collective

centre beneficiaries and their closure is planned by end 2017.

In addition to housing in supportive environment, as a form of social protection, more than one-half of the people accommodated in collective centres opted also for social housing with the possibility to purchase the housing unit.

Because of limited funds, refugees who live in poor conditions in private accommodation and the so-called unofficial collective centres were covered less by the programmes of support in addressing housing issues, and mostly through programmes awarding construction material and purchasing village houses with gardens.

The RHP provides for solutions to the housing needs of 27,000 most vulnerable refugee households in the region. RHP in the Republic of Serbia aims to provide housing solutions for 16,780 families. The regional programme is funded out of the trust fund managed by the Council of Europe Development Bank (CEB) and implemented in accordance with the procedures approved by the CEB and donors. With the aim to raise the necessary funds, a **Donor Conference** was organized in Sarajevo on 24 April 2012, during which donations were announced for the RHP in the amount of 261 million euro in all four partnership countries.

Based on recorded data on housing needs of refugees, as well as donor demands to, by applying UNHCR vulnerability criteria, provide support only to the most vulnerable people, the Republic of Serbia, based on the existing legal regulations and best practices, proposed different models for addressing housing needs. In accordance with RHP rules, the beneficiaries of this programme are persons with the status of refugee or former refugee. Four forms of housing solutions have been provided, including the construction of housing units to rent with the possibility to purchase; prefabricated houses; village houses and construction material packages. The implementation of RHP activities in the Republic of Serbia is done through coordinated efforts of competent organizations, central government and LSG authorities, with the support of the Project Implementation Unit. The programme is implemented in accordance with the procedures approved by donors and the CEB, while monitoring of components related to the selection of beneficiaries and project sustainability is provided by UNHCR and OSCE.

In addition to the trust fund, the funds for housing projects are partly provided from the national budget, partly from the budgets of municipalities and towns which have durable integration programmes for refugees implemented on their territories. National contribution to the programme is largely ensured through infrastructural equipping of land for housing construction, and less from the budget for the implementation of the Programme for Using Funds to Address Housing Needs and Other Integration Programmes, adopted by the Government each year, which is already using budget funds to fund activities identical to those provided by the Programme.

The local self-government is an important pillar and active participant in local integration processes for refugees. LSGs that are included in the housing construction programmes participate by contributing construction land without compensation, providing primary utility infrastructure and waving charges for various local fees and contributions. A large number of LSG units still show motivation for the participation in the local integration projects for refugees. By end 2014, over 137 town and municipal assemblies adopted local action plans (LAPs) to improve the situation of refugees and IDPs and received financial support by the SCRM to implement activities provided for in the objectives of these LAPs. Using best practices in local action planning and programmes implemented by the SCRM using LSG budget funds, they participate actively in RHP implementation.

### **Specific Objective 2.1:**

#### **Improved mechanisms for addressing all refugee status-related issues**

In April 2014, UNHCR recommended starting the cessation process for refugees from Croatia, despite expressed objections by the Republic of Serbia, as the country with the highest number of refugees from Croatia. Such a unilateral decision is without precedent, because expected positive changes had not occurred in Croatia related to the return of refugees and fulfilment of rights. UNHCR made this political recommendation at the moment when four countries in the region had agreed to solve the problem of the most vulnerable refugees through the RHP, and solutions to outstanding issues are still being sought through the regional process. The Republic of Serbia does not accept the UNHCR recommendation and will continue to provide full protection and assistance to all refugees on its territory, making, as it has in the past, its maximum contribution to the creation of durable and sustainable solutions.

#### **Measures:**

- Ensure appropriate free legal aid programmes to refugees so they can access their rights and obtain the necessary documents;
- Enhance diplomatic activities focusing the fulfilment of the rights of the refugee population in their countries of origin;
- Activate mechanisms provided in valid agreements signed between the countries of origin and the Republic of Serbia, and especially continue activities on the implementation of Annexes E and G of the Succession Agreement.

### **Specific Objective 2.2:**

#### **Increase employment of refugees in the Republic of Serbia, particularly considering gender equality and the needs of persons with disabilities**

#### **Measures:**

- Intensify the inclusion of refugees in active labour market policies, through programmes encouraging social entrepreneurship, self-employment and involvement by LSGs in public works;
- Improve continued information-sharing with refugees at the national and local levels on concrete programmes and opportunities for employment through NES, involving also the LSG;
- Increase competitiveness of unemployed refugees, especially youth, through additional training and re-training, in line with the changing labour market demands;
- Facilitate access to loans with the aim to encourage the development of small and medium enterprises and self-employment of refugees;
- Ensure active participation of women in the implementation of all planned measures, with a view to reduce existing prominent gender inequalities in the refugee population;
- Support the development of regulations that would improve social entrepreneurship in the Republic of Serbia.

### **Specific Objective 2.3:**

**Include the most vulnerable categories of refugees in all levels of education, the same as the local population.**

#### **Measures:**

- Monitor the inclusion of the refugee population, especially the most vulnerable categories (beneficiaries of accommodation in collective centres, women) in the educational system;
- Provide support to refugee families to improve education of children and youth by informing students from the refugee population about scholarship programmes for high school and university education and develop additional scholarship programmes for all levels of education for children from materially deprived refugee families.

### **Specific Objective 2.4:**

**Support and promote health care measures for the most vulnerable categories of refugees in the Republic of Serbia with a view to increase the coverage of these groups by health care services in the Republic of Serbia**

#### **Measures:**

- Monitor problems faced by refugees in accessing health care and, based on the results, propose activities to solve them.

### **Specific Objective 2.5:**

**Enable refugees in the situation of social need broader access to social protection rights and services**

#### **Measures:**

- Monitor access to social protection rights and services by refugees, especially the most vulnerable categories, in cooperation with CSWs (children and youth without parental care, victims of domestic violence, victims of trafficking in human beings);
- More actively involve refugees, especially the most vulnerable categories, in the existing forms of social protection by improving their knowledge about social protection rights and services, as well as the conditions and the procedure to fulfil the rights and use the services, and particularly about social protection services for vulnerable groups in the local community – for children and youth, persons with disabilities, older people and the victims of domestic violence;
- Broaden the social housing in supportive environment programme, by promoting new forms of broader social protection rights and support strengthening specific CSW capacities and develop additional social protection services;
- Continue to provide the programme of social housing in supportive environment to vulnerable beneficiaries in collective centres;
- Facilitate accommodation of refugees in suitable social protection institutions and make efforts to ensure adequate solutions for the accommodation of persons with disabilities, people with chronic diseases (psychiatric disorders) and persons with diagnosed mental disorders.

### **Specific Objective 2.6:**

**Continue implementation of the programme for the provision of housing solutions to refugees, especially the most vulnerable categories, based on clearly defined needs, criteria and priorities and coordinated cooperation among national, local and international stakeholders and initiate its application.**

#### **Measures:**

- Continued use of efficient and effective models for addressing housing issues of refugees through RHP implementation in the Republic of Serbia and budgetary programmes identifying best practices, in cooperation with and supported by the LSG;
- Develop and supplement housing programmes with activities of support to economic independence and strengthening and other support services;
- Provide housing solutions to the beneficiaries of collective centres that are closing (assistance with construction material, purchase of houses with gardens, prefabricated houses, social housing, incentivized construction of cheap housing units enabling purchase under favourable loans);
- Continue support to the development and implementation of LAPs to address the issues of refugees and IDPs by providing expert support in the development of the LAPs and monitoring the realization of planned objectives, as well as provide direct financial support at the national and international levels for the implementation of LAPs;
- Develop social housing systems by creating new and strengthening existing financial and institutional mechanisms, especially by strengthening non-profit housing organizations for the construction of non-profit housing units, construction and reconstruction of units in stages, in accordance with the Law on Social Housing;
- Propose measures to facilitate the process of legalizing housing units built by the most vulnerable refugee families and reduce the costs of the process, in cooperation with the competent ministry;
- Apply the provisions of the Law on Refugees related to addressing housing needs of refugees and the Law on Social Housing to all refugees – beneficiaries of social housing;
- Continue to implement and improve fundraising activities for new refugee integration programmes.

### **STRATEGIC GOAL 3:**

**Improve living conditions of the most vulnerable categories of IDPs, individuals and families, so that they can access rights, services and resources, in accordance with the Law, the same as other citizens and address their basic living issues**

### **STRATEGIC GOAL 4:**

**Protect the interests of IDPs in the access and fulfilment of rights in their places of origin**

#### **Description of the situation:**



The Republic of Serbia is committed to comprehensively solving the problems faced by IDPs, in accordance with the Guiding Principles on Internal Displacement and Framework on Durable Solutions, including return and improved living conditions in displacement, as well as support in protecting the interests of this population in accessing and fulfilling rights in their places of origin.

During the past fifteen years, only 12,415 persons returned to AP Kosovo and Metohija, with 5% returns being sustainable, while 97,826 IDPs (22,866 households) are still in need on the territory of the Republic of Serbia outside AP Kosovo and Metohija.

Out of the total of 204,049 IDPs, territorially, the majority are located in the regions of West Serbia and Šumadija, and in municipalities closest to AP Kosovo and Metohija (the least developed parts of Serbia characterized by high unemployment rates), followed by Belgrade (28.74%), while 6.47% of the displaced population is located in AP Vojvodina. Among all the districts in the Republic of Serbia outside AP Kosovo and Metohija, the highest concentration of IDPs is in Raški District (30,472). The majority of IDPs are Serbs, followed by Roma, Montenegrins, Bosniacs and Gorani. As for the age structure of returnees, the majority of the people are in the 15-29 age group (31.76%) and the 30-49 age group (26.61%).<sup>3</sup>

In late 2010, SCRM, UNHCR and the Republic of Serbia Statistical Office (SORS), in cooperation with the Joint IDP Profiling Service (JIPS), conducted a study titled The Assessment of the Needs of IDPs in Serbia, in order to identify the main problems of displaced persons, define vulnerable groups among the entire displaced population and the number of persons in need and provide guidelines on how to improve their situation. Study results have shown that an average displaced household has 4.16 members, household in need has 4.42 members (those that need some form of assistance because of difficult and poor living/accommodation conditions, low income and unemployment), and Roma household has 5.21 members.

All persons registered as IDPs from AP Kosovo and Metohija were issued Displaced Persons' Identification Cards, which serve for registration purposes and are valid with appropriate personal document. IDPs have been provided accommodation in collective centres funded out of the Republic of Serbia Budget, and IDPs, compared to refugees, are the distinct majority. In April 2015, there were 12 collective centres in the Republic of Serbia, with 635 displaced persons, and there were 305 displaced persons in 8 collective centres on the territory of AP Kosovo and Metohija. As the SCRM is intensively working on closing down all collective centres, it is necessary to provide housing solutions for persons staying in these collective centres.

IDPs have access to education, health care and social protection, and according to the Office for Kosovo and Metohija records, 19,436 persons are included in the temporary cash benefit programme. Displaced persons are beneficiaries of all budget projects that are at this moment available to refugees, focusing on improving their living conditions. SCRM, in cooperation with LSG units, is supporting and implementing projects to improve the living conditions of IDPs through LAPs, the implementation of which is financially supported by the SCRM, UNHCR and the EU.

IDPs that are from the Roma, Ashkali and Egyptian communities (RAE population), represent a vulnerable category with difficulties in accessing rights guaranteed to them, access to health, education, employment, social protection and housing services, most often because of the lack of personal documents, poverty, traditional lifestyles and difficulties in accessing institutions of the system. There are around 22,167 Roma registered among IDPs in the database kept by the SCRM.

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<sup>3</sup> Migration Profile of the Republic of Serbia for 2013.

The following priority problems and defined Specific Objectives, are part of this Strategic Goal:

1. Documents and issues related to status;
2. Employment and right to work;
3. Education;
4. Health care;
5. Social protection;
6. Housing solutions.

#### *1) Documents and issues related to status*

The Republic of Serbia is making efforts to ensure facilitated access to documents for all IDPs, by adopting relevant regulations and building the capacities of authorities in charge of issuing documents.

The relocation of civil registry services from AP Kosovo and Metohija enabled IDPs to access documents immediately following June 1999. Thus, in June, registry books containing information on births, marriages, deaths and citizenships were moved from the territory of Kosovo and Metohija to several locations in Central and South Serbia. However, a certain number of registry books, files and other official records of the Republic of Serbia administration authorities were left in AP Kosovo and Metohija or were destroyed, or lost, so a certain number of IDPs are facing problems with obtaining documents.

The Law on Registry Books, refers the tasks of keeping registry books and issuing decisions in the first-instance proceedings for the area of AP Kosovo and Metohija to Niš (for Priština and municipalities: Podujevo, Glogovac, Obilić, Lipljan and Kosovo Polje), Kragujevac (for municipalities: Peć, Istok and Klina), Kraljevo (for municipalities: Kosovska Mitrovica, Srbica, Zubin Potok, Vučitrn, Zvečan and Leposavić), Kruševac (for municipalities: Prizren, Orahovac, Suva Reka and Gora), Jagodina (for municipalities: Đakovica and Dečani), Vranje (for municipalities: Gnjilane, Vitina, Kosovska Kamenica and Novo Brdo) and Leskovac (for municipalities: Uroševac, Kačanik, Štimlje and Štrpce). The said tasks are performed by the Town Administration. However, the remoteness of the competent town administrations and lack of finances, are problems making it difficult for IDPs to obtain different documents. Towards the end of 2013, the Central System for Electronic Processing, Data Storage and Keeping the Second Copy of Registry Books has become functional, and the process of digitalization of relocated registry books from AP Kosovo and Metohija is underway, which will facilitate access to documents.

The Law on Registry Books enables the registration of births and deaths after the deadline for registration, i.e. subsequent registration of birth and death in registry books, as well as the re-registration of birth, marriage and death registered in destroyed or disappeared registry books. Persons that apply for re-registration in registry books need to submit the necessary public documents (birth certificates, marriage certificates, death certificates or other documents proving the specific fact entered into the registry book). In case that the person applying for re-registration cannot provide evidence that they were registered in a certain registry book, and the administration authority cannot obtain these data ex officio pursuant to regulations on registry books, the client is referred to file a complaint with the competent court to establish the required facts, and when they receive the final court decision, they can be registered in the appropriate registry book. The Law on Non-Contentious Proceedings (Official Gazette SRS, No. 25/82 and 48/88 and Official Gazette RS, No. 46/95 – other law, 18/05 – other law, 85/12, 45/13 – other law, 55/14 and 6/15)

lays down the procedure for establishing the time and place of births of persons that have not been registered in registry books. This helps solve the problems of persons that have not been registered in the birth registry and do not have documents. The MoU signed in April 2012 by the Ministry of Justice, Ombudsman and UNHCR, has particularly helped solve problems related to obtaining documents.

Problems faced by IDPs in obtaining documents relate to: obtaining documents from relocated records from the territory of AP Kosovo and Metohija which are now located on the territory of the Republic of Serbia outside AP Kosovo and Metohija; obtaining documents from the records that were left in AP Kosovo and Metohija and their validity; taking into account the fact of habitual residence to access certain rights.

The 2011 IDP Needs Assessment showed that identity cards or birth certificates were not in the possession by 8% of displaced persons, while 2.3% did not possess both documents. This percentage is much higher among Roma. Among the basic documents, persons most often do not have birth certificates, proof of citizenship and employment booklet. Not having documents affects vulnerable RAE IDPs more.

Since 2005, based on appropriate documents proving their status, IDPs have had the opportunity to pay administrative fees reduced by 70% for obtaining civil registry certificates, and the Law on Republic Administrative Fees (Official Gazette RS, No. 43/03, 51/03 – corr., 61/05, 101/05 – other law, 5/09, 54/09, 50/11, 70/11 – corrected RSD amounts, 55/12 – corrected RSD amounts, 93/12, 47/13 – corrected RSD amounts, 65/13 – other Law, 57/14 – corrected RSD amounts, and 45/15 – corrected RSD amounts) provides for the circumstances when they do not have to pay the fee (Article 19 of the Law).

IDP children, even if they do not have birth certificates, are allowed to enrol primary school. Primary school diplomas in this case are received only after the submission of a document proving the child's identity.

The Law on Permanent and Habitual Residence of Citizens provides also that, in case there is no legal grounds to register permanent residence, the decision of the competent authority shall define the permanent address as permanent residence if other defined criteria have been met, followed by parents' address, spouse's or civil partner's address or the address of the Centre for Social Welfare (CSW). However, to register permanent residence at the address of the CSW required the adoption of the by-law regulating the manner of registering permanent residence (Rulebook on the Form of Registration of Permanent Residence at the Address of the Centre for Social Welfare, Official Gazette RS, No. 113/12), as well as instruction regulating the procedure when registering permanent residence at the address of the Centre for Social Welfare. This provided the conditions to establish permanent residence at the address of the Centre for Social Welfare, which is particularly important for IDPs in informal settlements (mainly Roma), who were able to register permanent residence and obtain personal identity cards for the first time.

Unemployed IDPs can apply for employment booklet to the municipal administration authority in their place of permanent but not habitual residence, which makes registering with NES and access to active labour market policy more difficult.

The Republic of Serbia has committed to pay contributions for employees of social enterprises who were not paid mandatory contributions in the period 1991-2003. A special service within the Republic Fund for Pension and Disability Insurance has been established, dealing with IDP issues, and a simplified procedure for proving relevant facts has been introduced.

## ***2) Employment and right to work***

Through continuous implementation of a series of affirmative measures provided in national strategic documents and regulations in the area of labour and employment, as well as the establishment of the National Employment Council and local employment councils (LECs), the Republic of Serbia has invested efforts to provide IDPs with equal access to the labour market. Numerous projects have been realized in the past using donor funds (EU) with the aim to enhance IDP employment.

According to the 2011 study *The Assessment of the Needs of IDPs in Serbia*, activity rates<sup>4</sup> among IDPs were 67.7%, and for persons in need 70.2%. Additionally, employment rate of persons in need was 28.5%, which is considerably lower than the overall IDP population. Within the IDP population, gender discrepancies are pronounced, as well as gaps between Roma and other IDPs. Men were officially employed in 30.1% of the cases, and women in only 18.6%. The situation is almost the same with households in need, in which 13% of women and 25.5% of men were working. Activity rate for Roma IDPs was 14.6%, compared to 22.9% for the non-Roma population. 70% of Roma work occasionally, and only 10% are employed for a limited time. 53.2% of IDP households have employed members, most often only one employed member.

The majority of IDP households in need have temporary cash benefits in the amount of 20,000 RSD, which is below minimum wage. Projections have shown that to improve the economic status through income-generating activities, IDPs would need 6,024 packages for unemployed IDPs in need and 4,361 packages for employed displaced persons in need.

Since 2003, NES has been paying monthly cash benefits to IDPs and persons staying on the territory of AP Kosovo and Metohija, who were until June 1999 employed with some of the state and social organizations and companies on the territory of AP Kosovo and Metohija, and who have not in the meantime had income, entered into a new employment contract, fulfilled the criteria for retirement, or have income on the grounds of unemployment, work or property. The beneficiaries are paid contributions for health, pension and disability insurance. Since the beneficiaries are treated as employed persons, NES programmes are not available to them and they do not have access to active labour market policy measures. These persons may register with NES records perhaps as people looking to change work and have the right to information, counselling and agency in employment, if there are no unemployed persons registered with NES meeting the employer's criteria.

In order to preserve temporary cash benefits, a considerable number of IDPs, occasionally or regularly, enter the informal economy. In 2014, NES issued a Manual on deadlines and manner of the beneficiaries of temporary cash benefits, making it obligatory for beneficiaries to report to NES branch offices once a month, and if they do not, they are automatically erased from the records and payments of benefits are ceased.

According to the National Employment Action Plan, in 2015, persons under 30 years of age, redundant employees and unemployed persons over 50 years of age, unqualified unemployed persons and persons with low qualifications, persons with disabilities and Roma were considered hard-to-employ persons who would be given priority for inclusion in active labour market policies. The Employment Action Plan also provides that active labour market policies should include vulnerable categories of unemployed persons, including, inter alia, refugees and IDPs, and in this way enable their integration in the labour market and improve their quality of life.

The National Employment Service has a special database on unemployed persons that are hard-to-employ, also including IDPs, which is a pre-condition for planning and monitoring effects

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<sup>4</sup> The ratio of the number of dependent to the number of active members of the population.

of active labour market policy. All refugees and IDPs have access to Migration Service Centres (MSCs) within NES branch offices in Belgrade, Novi Sad, Bor, Niš, Kraljevo, Kruševac and Novi Pazar. MSCs, in addition to other interested persons, continuously inform refugees and IDPs on concrete programmes and opportunities for employment via NES, as well as opportunities to access rights with other institutions.

There is an obvious lack of adequate legal framework for encouraging self-employment, social entrepreneurship and micro-crediting, with also relatively restrictive criteria for providing guarantees for loans aimed at the development of entrepreneurial activities.

### ***3) Education***

In accordance with the general principles of the education system, the Law on the Foundations of the Education System provides that children from vulnerable groups can enrol primary school without proof of permanent residence and otherwise necessary documents.

According to the IDP Needs Assessment, 49% of IDPs completed high school, 28% primary school, 10% college or university, while 12% have not completed primary education. The assessment has also shown that Roma are far less educated than other displaced persons. The percentage of Roma children that are not enrolled in primary school is much higher than other displaced children. Most often, the reported reason for school drop-out is lack of funds (46.1%) and lack of interest (21.5%).

Efforts are made to alleviate the financial difficulties related to the education of children and youth from the most vulnerable categories through existing funds – Fund for Young Talents of the Republic of Serbia and Scholarship Fund for Poor High School Students. It is evident that this is not enough and that there is the need to establish new funds, at the national and local levels.

Special efforts have been invested to increase the availability of education for Roma, including Roma IDPs, through affirmative action measures for high school and university enrolment, through programmes and scholarships of the Roma Educational Fund (REF) and Open Society Foundation.

The Law on Student Standard provides that students from vulnerable social groups, including displaced persons, access the rights in the area of student standards by applying looser criteria proscribed by the Minister of Education. Also, each year, the Ministry of Education, Science and Technological Development, publishes regular calls to provide accommodation and meals, under more favourable conditions, to students from vulnerable social groups.

The Law on Foundations of the Education System and the Law on Pre-School Education recognize pedagogical assistants as a new profession of utmost importance for the inclusion of Roma children in the education system. Pedagogical assistants provide help and additional support to children in line with their needs, cooperate with teachers and associated professionals, parents and guardians, and together with the Principal also cooperate with competent institutions, organizations and associations and the LSG unit.

### ***4) Health Care***

IDPs can access rights deriving from mandatory health insurance, in accordance with the Law on Health Insurance. All IDPs that have a proper Displaced Persons' Identity Card can get health cards from the competent branch office of the Republic Institute for Health Insurance, based on their IDP Card.

IDPs are, because of their poor living conditions, exposed to higher risk of falling ill than

the domicile population. The highest percentage of IDPs suffer from a chronic illness and have some difficulty in their everyday life because of their health status. Also, they have difficulties with mobility and eyesight, while a lower percentage of persons fall under the category of persons with disabilities (69% of the population are over 50 years of age and 55% of persons are women).<sup>5</sup>

Since 2008, the Ministry of Health introduced the network of health mediators in order to improve the availability of health care and promote health, especially among women and children, and increase the knowledge of Roma about health. The role of Roma health mediators is to inform health institutions about the situation in Roma settlements and keep records about the health status of the population in informal settlements and raise awareness about health control and necessity to vaccinate children.

The network of Roma health mediators has been identified as a good mechanism for other social inclusion aspects, so the project Technical Assistance for Roma Inclusion (TARI) supported the establishment of mobile teams composed of Roma coordinators, pedagogical assistants, health mediators, NES representatives and CSWs. The project is implemented by the OSCE Mission in Serbia, and it is funded by the EU as part of support to the implementation of the Strategy for Improvement of the Status of Roma in the Republic of Serbia.

#### ***5) Social Protection***

Displaced persons as citizens of Serbia are entitled to all forms of social protection in the Republic of Serbia, in accordance with the Law and other regulations.

Problems related to access to this right still exist due to administrative and material obstacles, primarily because IDPs cannot always obtain all the necessary documents to receive and periodically renew some forms of protection, but also because of the lack of information among IDPs in need about available protection programmes. Roma IDPs need assistance to apply for social protection related rights, which is also shown by the IDP Needs Assessment data that 38% of displaced persons do not know how to apply or feel that the procedure is too complicated.

The right to assistance has been accessed by 30.1% households. 64.2% of Roma households accessed some form of social welfare, compared to 25.9% of non-Roma households, while households in need accessed assistance in 39.1% of the cases. The highest number of households are receiving child allowance and material support for low income households (MOP). Roma IDPs most often access the entitlement to MOP and parental allowance.<sup>6</sup> In addition to the rights to social benefits, all social protection services used by refugees are also available to displaced persons.

IDPs are included in the programmes of social housing in supportive environment. In the period 2004-2014, the EU and other donors, with the participation of LSGs that provided land and infrastructure, funded the construction of social housing in supportive environment, for socially vulnerable IDP families and individuals and families from the local population.

#### ***6) Housing solutions***

Addressing housing needs is one of the most important issues to improve living conditions of IDPs. In addition to the Republic of Serbia Budget, LSG unit budgets and AP Vojvodina Fund for Assistance to Refugees, Expelled and Displaced Persons, which was established in 2006 with

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<sup>5</sup> The Assessment of the Needs of IDPs in Serbia, March 2011.

<sup>6</sup> The Assessment of the Needs of IDPs in Serbia, March 2011.

the aim to provide assistance to people staying in collective centres and tenants who have permanent residence on the territory of AP Vojvodina, the funds for the mentioned projects are also provided out of EU IPA and donor funds.

Projects that aim to address housing needs of IDPs include providing assistance to IDPs while in displacement to purchase village houses with gardens, assistance in the form of construction material to complete the construction of initiated and rehabilitate inadequate houses and providing them with prefabricated houses, social housing and social housing in supportive environment. In the process of gradual closure of collective centres, IDP beneficiaries of collective centres are provided with the above-mentioned housing solutions.

Despite the measures undertaken, more than 635 IDPs still live in official 12 collective centres on the territory of the Republic of Serbia, which are expected to be closed by the end of 2016. The IDP Needs Assessment has shown that the majority of displaced persons live in privately-owned houses (70.6%) and 15.3% live in apartments. IDPs live on average in 59.41 m<sup>2</sup>, while households in need live on average in 47.56 m<sup>2</sup>, or 12.61 m<sup>2</sup> per household member. Roma IDPs live in even poorer conditions in structures that are on average 40.73 m<sup>2</sup> in size, or 10.1 m<sup>2</sup> per household member. In terms of ownership, households in need are mainly paying rent or living with friends or relatives, while only 11.6% have ownership rights on the housing they live in. Roma IDPs own their housing to a lesser extent (34.8%, out of which 65% is legalized or in the process of being legalized), with over 50% living in inadequate housing that are not connected to infrastructural networks. The main obstacle to addressing the housing needs of IDPs is the lack of funds.

### **STRATEGIC GOAL 3:**

**Improve living conditions of the most vulnerable categories of IDPs, individuals and families, so that they can access rights, services and resources, in accordance with the Law, the same as other citizens and address their basic living issues**

UN Inter-Agency Standing Committee Framework on Durable Solutions for Internally Displaced Persons standards define that a precondition to comprehensively review and find durable solutions for IDPs is for them to access all their rights in the place of origin and place of displacement, as well as the provision of socio-economic, legal and security conditions for return. This is why this objective includes intensifying efforts to resolve issues of rights in AP Kosovo and Metohija, in cooperation with the international community.

The existence of adequate mechanisms for accessing rights in the place of origin, and particularly the return of all rights to property, represents a precondition for finding durable solutions to IDPs' problems. Respect of rights is necessary both for return and for dignified life in displacement, and to the extent to which this issue has been addressed, IDPs can use own resources to solve their problems.

During the past fifteen years, only 12,415 people returned to AP Kosovo and Metohija, with less than 5% of returns being sustainable. If we compare this with the entire displaced population, which was over 220,000, it can be derived that only 1.9% of returns are sustainable.

The number of returnees is decreasing each year. Between August 2012 and August 2014, over 230 security-related incidents were recorded, affecting returnee places, while the resistance of receiving communities has led to a halt on possible returns to several locations throughout AP

Kosovo and Metohija.<sup>7</sup>

Upon return, displaced persons should be protected from discrimination and conditions should be created for their unimpeded and equal participation in public life at all levels, by establishing complete safety, freedom of movement, right to work, health care, education, access to public services, free and unhindered expression of culture, religion and customs.

UN Guiding Principles on Internal Displacement additionally obligate competent authorities to assist returnees and resettled IDPs to recover, to the extent possible, their property and possessions which they left behind or were dispossessed of upon their displacement. When recovery of such property and possessions is not possible, competent authorities shall provide or assist these persons in obtaining appropriate compensation or another form of just reparation.

Fifteen years after the establishment of international administration in AP Kosovo and Metohija and of competent authorities mandated to address property-related issues of natural persons<sup>8</sup>, the right to recovery of property has still not been fulfilled. The “competent authority for property in AP Kosovo and Metohija” has received over 42,684 claims and according to this agency, nearly 96% of property-related claims have been resolved. However, there is no efficient mechanism for the execution of these decision, so the highest number of people are in fact unable to occupy their property and dispose of it.

Re-occupation of property, after ejection has already been ordered is a widely-used practice, and there is no efficient mechanism to protect the property from new usurpation, damage or destruction. Sentences are mostly suspended, no perpetrator has been ordered to move out of unlawfully occupied property, nor has any form of restitution been awarded to aggrieved individuals.<sup>9</sup> There are numerous omissions by the actors in the process – “competent authority for property in AP Kosovo and Metohija” and “competent prosecution offices and courts in AP Kosovo and Metohija”. The “competent authority for property in AP Kosovo and Metohija” does not inform the police, nor orders new ejections from premises, which enables the person who usurped the property to keep living in it during the entire court proceedings, which on average last for two years and three months. Also, prosecutors do not file appropriate charges, that is, the charges are based on the removal and damage done to official seals, even though this is also a criminal offence of re-occupation of property.

The IDP Needs Assessment in Serbia has shown that the majority of IDPs who own property which has not been destroyed, cannot dispose of their property because these apartments/houses have been occupied without authorization (42.6%), or are vacant (30/8%).

An additional problem is the non-fulfilment of rights to damages for destroyed or damaged property. Over 18,000 claims for damages for destroyed and damaged property were submitted to courts in AP Kosovo and Metohija, however, the courts proclaimed they were not competent, they rejected claims, so no judgements were made establishing the right to damages.

The most common reason for rejection was the party defendant’s non-existing legal capacity of being sued. Namely, if the party defendant was UNMIK or KFOR, court decisions stated that these entities had immunity from liability for damages, while in the cases when the party defendant were Provisional Institutions of Self-Government, it was stated that at the period their powers had not yet started. In 2004, UNMIK issued an instruction to the courts to not proceed on claims for damages, because of the lack of capacities, which lasted until 2008. The introduction of such an instruction is direct violation of Article 6 of the European Convention for the Protection

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<sup>7</sup> An Assessment of the Voluntary Returns Process in Kosovo, OSCE Mission in Kosovo, 2014.

<sup>8</sup> Kosovo Property Agency was established in 1999 with the mandate to process exclusively claims for the restitution of immovable property.

<sup>9</sup> Review of illegal re-occupation cases in AP Kosovo and Metohija.



of Human Rights and Fundamental Freedoms on the right to a fair trial.

Access to courts in AP Kosovo and Metohija is in many segments hindered for IDPs. For competent judicial institutions to receive a claim, displaced persons need to provide evidence of paid court fees, which should not be charged, according to existing regulations. The specificities of the situation and needs of these persons have not been recognized regarding the use of language and translation of documents either, and often because of limited freedom of movement IDPs cannot access courts or other institutions at all. With the adoption of the new “Law on Legal Profession” by the Provisional Institutions of Self-Government in AP Kosovo and Metohija, which provides that people can be represented before the court only by lawyers registered in the Chamber of Law of Kosovo, which additionally hinders the possibility of adequate representation of displaced persons’ interests.

Regarding the problem of occupied agricultural land in AP Kosovo and Metohija, there are thousands of hectares that cannot be used by their owners, returnees or IDPs. According to the statistics of the competent authority for property in AP Kosovo and Metohija, out of the total number of property claims, 88.4% relate to agricultural land. The highest percentage of land is cultivated illegally by unauthorized persons, and the Kosovo Property Agency itself confirms in its reports that it is difficult to make illegal users pay the lease and transfer the funds to the owners. Additionally, the returnees who mainly returned to rural areas, whose existence depends on social benefits, which makes them rely on agriculture and farming, come across numerous obstacles and obstructions by the majority population in accessing them.

The rights of workers who used to work in social enterprises and the rights of social property owners are violated by the privatization processes implemented by the Kosovo Privatization Agency. A particular issue is the fact that the Kosovo Privatization Agency is selling companies based on the fact that the property of the company is situated on the territory of AP Kosovo and Metohija, neglecting ownership rights.

Although no official census of IDPs on the territory of AP Kosovo and Metohija has been conducted, it is estimated that this number is around 18,000. These individuals, both those in collective accommodation and those in private accommodation in the places of displacement, are not offered any integration programmes, or housing solutions, even though the very fact that they remained on the territory of AP Kosovo and Metohija shows that they have obviously decided to stay in this area. They cannot return to their place of origin, they cannot recover their property, and some of them have been staying for 16 years in collective centres that are often in the vicinity of their homes.

### **Specific Objective 3.1:**

#### **Facilitate IDPs’ access to documents of importance to their status and fulfilment of rights**

##### **Measures:**

- Improve knowledge of IDPs, especially from the vulnerable RAE population, about the procedures for obtaining personal documents and facilitate obtaining personal documents by ensuring they have legal assistance;
- Enhance coordination at the local level, among competent institutions in LSG units, so that they can respond to IDP needs in relation to obtaining personal documents;
- Raise the level of inter-sectoral cooperation at the central level with the aim to review and solve the problems faced by IDPs related to access to documents of importance for

accessing their rights, including also considering practical solutions for the verification of documents issued in the place of origin;

- Facilitate access to formal labour market by changing regulations that will enable the issuance of employment booklets to unemployed IDPs based on the place of habitual residence;
- Support the adoption and implementation of the strategic document on the improvement of the status of Roma, in the part that contains activities that relate to obtaining documents.

### **Specific Objective 3.2:**

**Increase employment rates among IDPs, to the general level of employment in the Republic of Serbia**

#### **Measures:**

- Enhance the inclusion of IDPs in active labour market measures and other programmes implemented by NES encouraging employment;
- Monitor the situation of the most vulnerable categories of IDPs, especially from the RAE population, on the labour market, in order to identify the effects of measures undertaken and plan new affirmative measures focusing on the above-mentioned categories;
- Ensure higher participation of women in the implementation of all planned measures, with a view to reduce existing gender inequalities in the displaced population in terms of unemployment and employment;
- Encourage the development of tailor-made active labour market programmes based on the circumstances in local communities, by extending the programmes for subsidized employment of IDPs, increase expert and consultancy assistance to all beneficiaries of financial incentives for self-employment, encourage the participation of LSG units in calls for public works to enable higher employment of socially vulnerable IDPs through public works programmes and particularly encourage the activities of local employment councils;
- Increase the competitiveness of unemployed IDPs on the labour market by enabling their professional development through re-training and additional training programmes, as well as by informing and encouraging youth to undergo education for occupations that are in higher demand, particularly deficient occupations;
- Encourage the development of measures to facilitate access to the labour market by presenting employers with the possibilities of using corporate social responsibility to economically strengthen IDPs and by developing programmes to encourage social entrepreneurship through different forms of business association of unemployed persons;
- Actively participate in the reformation of the system of temporary cash benefits for IDPs, with the aim to introduce new affirmative measures that will stimulate more active job search and thus reduce the volume of the temporary cash benefit programme;
- Encourage the introduction of measures that will facilitate access to loans aimed at encouraging self-employment and entrepreneurship.

### **Specific objective 3.3:**

**Increase inclusion of IDPs (children and youth) in all levels of the educational system, especially from the RAE population and the most vulnerable categories of IDPs**

**Measures:**

- Monitor social inclusion of IDPs in the educational system using indicators recommended by the Ministry of Education and the Statistical Office of the Republic of Serbia;
- Improve financial capacities of displaced families, especially those from the RAE population, for improved education of children and youth, by continuing the development of loan and scholarship programmes (at the state and local levels) for the education of IDP youth, for all education levels, respecting gender equality principles;
- Support projects on the training of pedagogical assistants and the education of children and youth from Roma displaced communities.

**Specific Objective 3.4:**

**Improve access to health care rights for IDPs, especially the most vulnerable categories, by promoting health care measures and services**

**Measures:**

- Support broader inclusion of Roma IDP communities in the health care system;
- Support education programmes on the necessity of prevention and adequate treatment of diseases, with support of the network of Roma health mediators.

**Specific Objective 3.5:**

**Enable IDPs, especially the most vulnerable categories of IDPs, to access all social protection rights and services**

**Measures:**

- Improve the knowledge of IDPs, especially from the RAE population, about social protection rights and services, as well as about the conditions and procedure to access rights and use services, especially social protection services for the most vulnerable categories (for children, youth, persons with disabilities, older people and victims of domestic violence);
- Promote the programmes of social housing in supportive environment to increase inclusion of identified vulnerable displaced population;
- Provide free expert assistance to persons in need;
- Additionally, strengthen social protection institutions providing assistance to vulnerable categories and enable higher availability of information about the opportunities provided by social welfare programmes.

**Specific Objective 3.6:**

**Improve housing conditions of IDPs, individuals and families, through programmes enhancing the quality of life, giving priority to people in collective centres and the most vulnerable categories of this population**

**Measures:**

- Provide adequate financial resources to implement IDP housing programmes, especially for the most vulnerable categories, from the Republic of Serbia Budget and international donations, through assistance in the form of construction material, purchase of houses with gardens, prefabricated houses and social housing and social housing in supportive environment;
- Continuously monitor the needs and opportunities of IDPs, with the aim to improve their living conditions, applying best practices from housing programmes for refugees and IDPs;
- Create the conditions to close the remaining collective centres by addressing housing needs of IDPs in collective centres;
- As a priority, develop and implement housing programmes supplemented by projects of support to economic empowerment and independence;
- Define measures to facilitate the procedure of legalizing housing built independently by IDP families and reduce the costs of this procedure;
- In cooperation with LSG units, implement utility development projects in informal settlements where IDPs live, in accordance with the laws and other regulations;
- Promote development and implementation of LAPs to address the issues of refugees and IDPs and provide financial and logistical support to the activities aimed at addressing IDP housing issues;
- Create conditions to close informal collective centres and unhygienic settlements by addressing housing needs of IDPs staying in them.

#### **STRATEGIC GOAL 4:**

##### **Protect the interests of IDPs in the access and fulfilment of rights in their places of origin**

##### **Measures:**

- Coordinate with international organizations and competent government authorities, with a view to monitor and analyse the situation regarding IDPs' access to rights, freedom of movement, access to property related rights, right to work, health care, education, access to public services, access to courts, free and unhindered expression of culture, religion and customs;
- Advocate, within all activities related to international organizations and negotiations with the EU and Provisional Institutions in AP Kosovo and Metohija, for the importance of access to and fulfilment of all rights of IDPs, in accordance with international standards, as a precondition for resolving IDPs' problems.
- Propose, within all activities related to international organizations and negotiations with the EU and Provisional Institutions in AP Kosovo and Metohija, to revise existing mechanisms and establish new adequate mechanisms, efficiently address property-related issues, in accordance with international standards;
- Propose, within all activities related to international organizations and negotiations with the EU and Provisional Institutions in AP Kosovo and Metohija, to establish adequate and fair mechanisms for IDPs to access their rights to participate in privatization as well as the ownership status of companies in AP Kosovo and Metohija;
- Support free legal aid programmes for IDPs in the proceedings for the restitution of

property or in the cases related to compensation of damages for damaged or destroyed property in AP Kosovo and Metohija;

- In cooperation with the international community, work on finding solutions for persons staying in collective centres in AP Kosovo and Metohija and improve living conditions of IDPs displaced within AP Kosovo and Metohija.

## **V. CONCLUSION**

This Strategy shall be published in the Official Gazette of the Republic of Serbia.

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## **GOVERNMENT**

Accuracy of transcription certified by  
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