

Pursuant to Article 45. Paragraph 1 Law on Government ("Official Gazette of the RS" No.55/05, 71/05-correction, 101/07 and 65/08),

The Government has adopted the

**NATIONAL STRATEGY
FOR RESOLVING PROBLEMS OF REFUGEES AND INTERNALLY DISPLACED PERSONS
FOR THE PERIOD FROM 2011 TO 2014**

- Unofficial Translation –

I. INTRODUCTION

By adopting the National Strategy for Refugees and Internally Displaced Persons (Resolution of the Government No. 05: 02-7778/2002-01 from May 30th, 2002), the Government confirmed the commitment and political will to work together with other state agencies, in a comprehensive and transparent manner, and to offer help and concrete solutions to all the refugees and internally displaced persons in order for them to be able to independently decide on their future.

Since the enactment of the National Strategy in 2002, the problems of persons who had to flee their homes during the conflict in former Yugoslavia have not yet been resolved. The Republic of Serbia continues to provide support and assistance to 86,154 refugees, of whom 64,615 are from the Republic of Croatia and 21,458 from Bosnia and Herzegovina. In 2008, UNHCR ranked the Republic of Serbia among the five countries in the world with protracted refugee situation whose solution requires joint action and cooperation of the countries in the region.

The reduction of the number of refugees is largely due to their integration in the Republic of Serbia. From 537,937 refugees and 79,791 war-affected persons registered in 1996, more than 250,000 persons have acquired the citizenship of the Republic of Serbia which makes it the largest integration process of refugees in Europe today. Although the number of persons with recognized refugee status is significantly reduced, it is still necessary to provide support in the process of integration for 300,000 persons who had a refugee status in Serbia.

During the 1999 conflict and following the arrival of KFOR, more than 230,000 citizens of the Republic of Serbia have left their homes in Kosovo and Metohija. Today on the territory of Kosovo and Metohija there are more than 20,000 displaced persons, and in other areas of the Republic of Serbia, 210,146 internally displaced persons are residing.

The Republic of Serbia has taken extensive measures and activities in order to accept and care for internally displaced persons and provide adequate living conditions, in accordance with the existing economic opportunities. However, the majority of these persons remained displaced, and many people still need support. Problems related to security and lack of access to the corresponding rights, decrease the prospects of return.

In comparison with 2002, the demographic characteristics have changed as well as living conditions and prospects of the remaining refugees and internally displaced persons, which in turn affect the change of options for resolving outstanding issues.

Structural changes have occurred at the national and international level which affects the status of refugees and internally displaced persons. Therefore, this Strategy, compared to the previous National Strategy for Refugees and Internally Displaced Persons from 2002, sets new goals and objectives, develops measures and actions that the Government and other competent authorities will take, in accordance with current conditions, needs and real possibilities.

II. BACKGROUND

The National Strategy for Resolving Issues of Refugees and Internally Displaced Persons for the period from 2011 to 2014 relates to two target groups:

- 1) Refugees whose status is defined in accordance with the Law on Refugees ("Official Gazette of the RS" no. 18/92, 45/02-SUS and 30/10) and
- 2) Internally displaced persons from the territory of Kosovo and Metohija, which reside in the Republic of Serbia outside Kosovo and Metohija.

In relation to refugees, this Strategy established two main, parallel courses of action, which allow refugees to freely choose the most favorable long-term solution - return or integration.

When it comes to more than 210,000 displaced persons from Kosovo and Metohija, the main strategic orientation of the Republic of Serbia is to give everyone full support for sustainable return to Kosovo and Metohija. However, the lengthiness of the displacement and the need to find appropriate solutions to improve living conditions in displacement are accepted as a real fact, and represents second direction of strategic action.

Exercise and access to rights in the place of origin and place of displacement is a prerequisite for free choice of a durable solution to the problem of refugees and internally displaced persons, and a condition of sustainability of these solutions.

The return process depends directly on creating conditions in the country of origin or place of origin for the return of refugees and internally displaced persons. These conditions refer to providing safety and legal security of potential returnees, a creation of effective mechanisms for restitution of property and other related rights and support to the economic independence. The integration process and improvement of living conditions of refugees and internally displaced persons is related to housing and employment issues, as well as the improvement of their property and legal status. The main objective of this strategy is the support to these persons for an independent living, and an economically and socially equitable life as all other citizens.

1. Legal Framework

1.1. International legal framework

The Republic of Serbia is a signatory to all major international documents in this field, among others the **Convention on the Status of Refugees, with a final act of the Conference of Plenipotentiary of the United Nations on the Status of Refugees** ("Official Gazette of the FNTY-International Treaties", No. 7 / 60) and the **Protocol on the Status of Refugees** ("Official Gazette of the SFRY-International Treaties and Other Agreements", No. 15/67) which define the term refugee, their legal status, access to rights and other matters of importance for the position of refugees.

The Republic of Serbia confirmed the following international treaties: **International Covenant on Civil and Political Rights** ("Official Gazette of the FRY - International Agreements" No. 4/01), **the International Covenant on Economic, Social and Cultural Rights** ("Official Gazette of the FRY - International Agreements," No. 7/71), the **Convention Relating to the Status of Stateless Persons** ("Official Gazette of the FRY - International Treaties", No. 9/59), **the International Convention on the Elimination of All Forms of Racial discrimination** ("Official Gazette of the SFRY - International Treaties", No. 6/67) and **the Convention on the Elimination of All Forms of Discrimination against Women** ("Official Gazette of the SFRY - International treaties", No. 11/81).

Although the document **"Guiding Principles of the United Nations Conference on Internal Displacement"** (1998) does not create an obligation of its implementation, it represents the document that the Republic of Serbia abides to in order to provide IDPs with the proclaimed level of protection and realization of human rights.

In relation with the return of refugees and internally displaced persons, the relevant **UN Security Council Resolution no.1120 from 1997** confirmed the right of all refugees and displaced persons originating from former Yugoslavia to return to their homes.

UN Security Council Resolution no. 1244 from in 1999, confirms the commitment of all member states to the sovereignty and territorial integrity of the Republic of Serbia, as envisaged in the Helsinki Final Act and Annex No. 2, in article no. 13, it 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 territory of Kosovo and Metohija.

The UN Security Council Resolution No. 2004/2 on Housing and Property Restitution for Refugees and Displaced Persons and **Principles of the Economic and Social UN Council on Housing and Property Restitution for Refugees and Internally Displaced Persons** (known as the Pinheiro Principles) from 2005, stipulates that all refugees and displaced persons have the right to return freely to their countries and to obtain their housing and property seized during the period of displacement, or to be compensated for the property that cannot be returned. Also, in above mentioned principles, the need to secure the recognition of the owner rights, tenants and users of tenancy rights to socially owned apartments is explicitly mentioned.

The Convention for the Protection of Human Rights and Fundamental Freedoms ("Official Gazette of Serbia and Montenegro, International Agreements," no. 9/03, 5/05 and "Official Gazette of the RS - International Treaties", No. 12/10), is one of the most important conventions in the field of human rights and fundamental freedoms. The possibility of appeal to the European Court of Human Rights, established by this Convention, is an important institutional guarantee for the protection of human rights for refugees and internally displaced persons.

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

In addition to general binding and leading international standards in the protection of refugees and internal displacement, the strategic framework of the EU further emphasizes the need for effective resolution of issues of refugees and internally displaced population in order to achieve well-defined goals of the Republic of Serbia for joining the European Union.

The decision of the Council of the European Union no.2008/213/EK from February 18th 2008, on the Principles, Priorities and Conditions Contained in the European Partnership (EP) with the Republic of Serbia, including Kosovo as defined in the UN Security Council Resolution No. 1244, dated June 10th 1999, in the part of Annex No. 2 on regional issues and international obligations of the Republic of Serbia, among other things, provides "securing the rights to real choice between sustainable return and integration" (short-term goal) and "facilitating the integration of refugees who choose not to return" (medium-term objective).

In 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 of the RS No. 83/08), the preamble affirms "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 Agreements", No. 12/02), features a total of 11 annexes of which Annex VII refers to the Agreement on Refugees and Displaced Persons. This Peace Agreement stipulates that all refugees and displaced persons have the right to any property that was seized from them during the conflict since 1991 and there is an obligation to immediately abolish the laws and administrative practices with discriminatory intent and effect.

Annex G of the Agreement on Succession Issues ("Official Gazette of the FRY, International Agreements", 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. The significance of Annex G of the Agreement lies in the fact that it guarantees that the rights to movable and immovable property situated in the territory of the successor State and to which citizens and other legal persons had the right at 31 December 1990, will be recognized, protected and restored by that State in accordance with established standards, norms of international law, and regardless of nationality, citizenship, residence or domicile of such persons. Article 6 of the Annex G of the Agreement provides that the domestic legislation of each of the successor states relating to the "occupancy rights" will apply equally to persons who were citizens of the Socialist Federal Republic of Yugoslavia and who have had such rights, without discrimination.

Within the framework of the regional process initiated by the European Commission, the Organization for Security and Co-operation in Europe (OSCE), UN High Commissioner for Refugees, Serbia and Montenegro, Bosnia and Herzegovina and Croatia, a regional ministerial conference was held on January 31st 2005 on the resolution of the refugee-IDP issues which adopted the **Declaration of the Regional Ministerial Conference on the resolution of the refugee-IDP issues** (Sarajevo Declaration). The Declaration affirmed that all refugees have an undeniable right to individual decisions regarding the country of residence and access to the attendant rights and expressed a determination to take all necessary governmental and

administrative measures to facilitate implementation of their decisions and ensure a just solution to the refugee issue.

Despite considerable efforts, and due to different views of the Parties, a solution on how to resolve outstanding issues that would lead to the closure of the refugee chapter in the region, was not found.

The regional cooperation has been restored by the organization of the 25th Ministerial Conference on March 25th 2010 in Belgrade, under the title "Durable Solutions for Refugee Problems - Cooperation between countries in the region." The Ministers of Foreign Affairs of the Republic of Serbia, Croatia, Bosnia and Herzegovina and Montenegro, agreed in a joint statement on the need for further cooperation between countries in the region in the process of solving the problem of refugees, and supported the principles contained in the Sarajevo Declaration and freedom to choose the return or integration, as well as the importance of access to their rights. In the framework of this cooperation, consultations with the international community concerning organization of **an international donors'** conference which would consider the establishment of a multi donor fund to assist in the return and integration of refugees and internally displaced persons, to shut down collective centers and to help the most vulnerable, will continue.

International organizations EU, UNHCR, OSCE and the Council of Europe have supported the process through a joint document that stressed the importance of resolving outstanding issues (tenancy rights, reconstruction, co-validation of service) in order to achieve durable solutions.

In the Agreement between the Council of Ministers of Serbia, Montenegro and 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 committed themselves to help the voluntary, organized and mutually agreed return of refugees residing in the territory of these two countries.

The agreement on dual citizenship between the Federal Republic of Yugoslavia and Bosnia and Herzegovina ("Official Gazette of the FRY - International Treaties", No. 2/03), facilitated the situation of refugees in the integration process, allowing dual citizenship.

With the Agreement on normalization of relations between the Federal Republic of Yugoslavia and the Republic of Croatia ("FRY Official Gazette, International Treaties", No. 5/96), and the **Protocol on the procedure for organized return** in regard to this Agreement, the parties have committed to help the 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** ("RS Official Gazette-International Agreements" , No.7/03) regulate issues related to the rights of social security, particularly pension rights of refugees who have opted for integration into the Republic of Serbia.

1.2. National legal framework

The National Plan for Integration of Serbia into the European Union (Government Resolution no. 05-021-8524/09 of December 24th 2009, **Poverty Reduction Strategy** (2003) and the **Migration Management Strategy** ("Official Gazette of the RS", No. 59/09) as key cross-sectoral documents, perceive the problems refugees and internally displaced persons are faced with, and provide appropriate guidelines for the development of sector strategies for solving their problems. The **National strategy for Sustainable Development** also deals with problems of refugees and internally displaced persons ("Official Gazette of the RS" No. 57/08)

The National Strategy for Resolving the Problems of Refugees and Internally Displaced Persons (2002) confirmed, in a comprehensive and transparent manner, strong commitment and political will of the Government along with other state agencies, to offer help to all the refugees and internally displaced persons and concrete solutions so they can make decisions about their future on their own in the best possible way. After nine years, there is a need for its amendment in order to adapt the envisaged measures to the new situation and needs.

The Long-term Economic Development Strategy of the Serbian community in Kosovo and Metohija ("Official Gazette of the RS" No. 21/07) was prepared with the aim of improving the living standards of the Serbian population in those areas, and the **Strategy of sustainable survival and return to Kosovo and Metohija** is also of great importance for the return of IDPs ("Official Gazette of the RS" No. 32/10).

The Strategy for Improvement of the Status of Roma in the Republic of Serbia ("Official Gazette of the RS" No. 27/09) establishes the foundations for the improvement of the status of Roma in the Republic of Serbia and the reduction of differences between the Roma population and other citizens. This document creates a basis for the identification and implementation of affirmative action, especially in the areas of education, health, employment and housing. The Strategy puts a special emphasis on internally displaced Roma population.

The National Employment Strategy 2005-2010 (Government Conclusion 05 No.:11-2291 / 2005 dated April 14th 2005) and the **National Employment Action Plan for 2010** are the main strategic documents related to employment in the Republic of Serbia. The Employment Action Plan envisages special measures to encourage employment of refugees and displaced persons through: creating an appropriate database on unemployed refugees and displaced persons, allocating subsidies to employers for new employment of refugees and internally displaced persons as well as inclusion of refugees and internally displaced persons in public works.

National Strategy for Improving the Position of Women and Promoting Gender Equality (Conclusion of the Government 05 No. 110-488/2009 dated February 13th 2009) declares that in relation to the general population, there are significant differences in the percentage of unemployment of women refugees and internally displaced persons. Therefore, it is necessary to prepare special programs designed for these categories of women and strengthen the programs and plans related to these groups, especially in local communities.

Strategy for Social Protection Development ("Official Gazette of the RS" no. 108/05), the **National Youth Strategy** ("Official Gazette of the RS" no. 55/08) and the **National Strategy on Ageing** ("Official Gazette of the RS" no. 76/06) are sector strategies the implementation of which envisages certain measures that can have positive impact on solving certain problems of refugees and internally displaced persons.

The Law on Refugees ("Official Gazette of the RS" no. 18/92, 45/02 - SUS and 30/10) regulates the status, position and rights of refugees from the territory of the former SFRY in the Republic of Serbia. This law envisages the admittance of refugees, temporary accommodation and assistance in nutrition, adequate health care and certain rights to social protection as well as the support in the return and integration process through support in resolving housing needs. Refugees have the right to employment and education, in accordance with the law.

The Law on Citizenship of the Republic of Serbia ("RS Official Gazette" no. 135/04 and 90/07) provides solutions that include easier and faster acquisition of Serbian citizenship. The procedure is particularly simplified and made easier for refugees from the former republics of the Socialist Federal Republic of Yugoslavia (Article 23).

Law on Registry Books ("Official Gazette of the RS" No. 20/09) regulates, in a comprehensive manner the area of registry books and ensures their uniformity and authenticity, in accordance with applicable European standards and principles enshrined in binding international acts. This law regulates the registration of the facts of birth, marriage and death into registry books, occurred on the territory of the Republic of Serbia, as well as those that occurred abroad, referring to the Serbian citizens. The law contains a number of innovations that provide significant progress in meeting citizens' rights, while also providing general interest, considering that the registry books are a precondition of all other official records. A particular improvement over the previously existing regulations is the way the birth registration is regulated in the registry books, since it allows the entry of the birth fact whether it is a child whose parents are known, the child whose parents are unknown, the child without parental care or an adopted child. The law envisages a conduct of the copy of registry books using exclusively electronic means for processing and storage, as well as the establishment of an information system – by putting registry books in electronic form, thereby creating the preconditions for issuing birth and death certificates, regardless of the authority which requires it. From the aspect of exercising the rights of refugees and internally displaced persons, this will significantly facilitate the exercise of rights in this field.

The Law on Personal Identity Cards ("Official Gazette of the RS" No. 62/06), **the Law on Travel Documents** ("Official Gazette of the RS" no. 90/07, 116/08, 104/09 and 76/10) and the **Law on Permanent and Habitual Residence of Citizens** ("Official Gazette of the SRS", No. 42/77) are the laws which apply to internally displaced persons, as citizens of Serbia and which regulate the procedure of ID cards issuance for refugees.

The framework for equal participation of refugees and internally displaced persons in the labor market, are **The Labor Law** ("RS Official Gazette" no. 24/05, 61/05 and 54/09), which applies to all citizens (including IDPs) and to employed foreign nationals and stateless persons (including refugees) who work for the employer in the territory of Serbia as well as the **Law on Employment and Unemployment Insurance** ("Official Gazette of the RS" No. 36/09) which introduced the National employment Action Plan as the primary planning instrument of active

employment policy on an annual basis and where the categories of people with issues concerning employment, including refugees and internally displaced persons, are given priority.

Law on the Foundations of the Education system ("Official Gazette of the RS" No. 72/09), **Law on Primary Education** ("Official Gazette of the RS" no. 50/92 and 22/02), **Law on Secondary Education** ("Official Gazette of the RS" no. 50/92, 24/96, 23/02 and 25/02) and the **Law on Higher Education** ("Official Gazette of the RS" no. 76/05, 97/08 and 44/10) define important issues in education of citizens of the Republic of Serbia and foreign nationals and stateless persons in the Republic of Serbia.

The Law on the Pupil and Student Standard "Official Gazette of the RS" No. 18/10) which regulates the exercise of rights in the area of pupil and student standards, namely pupils and students with Serbian citizenship (especially those coming from vulnerable social groups), foreign nationals and nationals of countries in the region, as a support to the education attainment.

The Law on Health Care ("Official Gazette of the RS", No. 107/05) and the **Law on Health Insurance** ("Official Gazette of the RS" no. 107/05 and 109/05) regulates issues related to exercising the right to health care of refugees and internally displaced persons

The Law on Social Welfare and Social Security of Citizens ("Official Gazette of the RS" no. 36/91, 33/93, 67/93, 46/94, 52/96, 29/01, 84/04 and 115/05) determines the social security provided to citizens who are unable to work and have no means of subsistence, as well as to citizens and families who, based on property and property rights, cannot provide sufficient funds to meet the basic needs. Refugees are not entitled to material security, but are eligible for placement in foster care institutions in accordance with this Law. The law applies fully to the internally displaced persons.

The Law on Social Housing ("Official Gazette of the RS " No. 72/09) refers to refugees and internally displaced persons as a priority vulnerable group in terms of meeting their housing needs and taking into account their specific situation.

Issues related to access to rights of refugees and internally displaced persons are regulated by other laws of the Republic of Serbia, such as the **Law on Financial Support to Families with Children** ("Official Gazette of the RS " no. 16/02, 115/05 and 107/09), **the Family Law** ("Official Gazette of the RS " No. 18/05), **the Public Health Law** ("Official Gazette of the RS ", No. 72/209), **the Law on Associations** ("Official Gazette of the RS" No. 51/09) and **Law on the Protector of Citizens** ("Official Gazette of the RS " no. 79/05 and 54/07).

2. Institutional framework

Institutional framework is defined in accordance with the competencies that state authorities have in relation to refugees and internally displaced persons.

The **Commissariat for Refugees**, as a special institution established by the Law on Refugees, is responsible for determining the refugees status and keeping records of refugees and internally displaced persons, caring for refugees and internally displaced persons, coordinating the assistance from other agencies and organizations at home and abroad, providing aid to refugees

in the return and reintegration process, taking initiatives to seek international assistance from the UN and other international organizations, care and protection of rights of internally displaced persons. The Commissioner for Refugees chairs **the Commission for Coordination of Permanent Refugee Integration Process**

A certain number of ministries conduct tasks of state which directly affect the realization of certain rights significant for refugees and internally displaced persons, as follows:

Ministry of Interior is responsible for state administration tasks related to: citizenship, domicile and residence of citizens, identity cards, passports, international assistance and other forms of international cooperation in the field of internal affairs, second instance administrative proceedings on the basis of legislation on refugees.

Ministry of Labor and Social Affairs is responsible state administration tasks related to: conclusion of international agreements on social security, population policy, anti-discrimination policy, welfare system, rights and integration of refugees and displaced persons.

Ministry for Kosovo and Metohija is responsible for state administration tasks related to: cooperation with the Commissariat for Refugees in the area related to internally displaced persons from Kosovo and Metohija and keeping with international actors in international negotiations on the future status of Kosovo and Metohija.

Ministry of Health is responsible for state administration tasks related to: the health care system, a system of compulsory health insurance, other forms of health insurance and health insurance contributions, close regulation of health insurance, participation in the preparation and implementation of international agreements on compulsory social insurance.

Ministry of Education is responsible for state administration tasks related to: research, planning and development of preschool, primary, secondary, higher education and pupil and student welfare, validation of public certificates acquired abroad, promotion of social care of talented pupils and students. Certain tasks of public administration related to the rights of refugees and internally displaced persons are within the scope of:

Ministry of Economy and Regional Development – is responsible for state administration tasks related to: monitoring the situation of the labor market in the country, records of employment, employment improvement and actuation, strategies, programs and measures of active and passive employment policies.

Ministry of Human and Minority Rights – performs state administration related to the protection and promotion of human and minority rights, monitoring compliance of national legislation with international treaties and other international legal acts on human and minority rights, anti-discrimination policies and the coordination in the area of state administration in the protection of human rights.

Ministry of Foreign Affairs is responsible for state administration related to the protection of the interests of the Republic of Serbia, its citizens and legal entities abroad.

Ministry of State Administration and Local Government – performs state administration related to the registry books.

Ministry of Environment and Spatial Planning – performs state administration related to: spatial and urban planning, establishment of conditions for the construction, establishment of residential housing and business, civil engineering, land, utility infrastructure and public utilities, business engineering surveying, inspection supervision in the field of urban planning, buildings and utility infrastructure.

III. STRATEGY VISION

The Republic of Serbia in cooperation with various actors in the international and national levels, has provided the refugees permanent, sustainable and appropriate solutions through access to all the rights, services and resources on equal basis as citizens of the Republic of Serbia. The Republic of Serbia provided effective improvement of the living conditions during displacement as well as full social inclusion to the internally displaced persons.

Mission and Values

The Republic of Serbia is actively working on creating conditions for high quality, safe and dignified life for refugees and internally displaced persons in Serbia and actively helps their return to the place of origin. The Republic of Serbia is committed to finding durable solutions for refugees and internally displaced persons, respecting the rights of every individual to choose. Resolving the issue of refugees and internally displaced persons is based on the following principles:

- respect for human rights;
- respect the human dignity of every individual;
- information and voluntary decision;
- partnership of all relevant stakeholders;
- access to rights and services on an equal basis for all;
- well-being of refugees and internally displaced persons;
- active participation of refugees and internally displaced persons in finding best solutions.

IV. OBJECTIVES OF THE STRATEGY

STRATEGIC GOAL 1: To promote the conditions necessary for the safe and dignified return of refugees to the Republic of Croatia and the Republic of Bosnia and Herzegovina, as well as institutional mechanisms for full and timely implementation of acquired rights in countries of origin

The situation: Unhindered access to the acquired individual rights in the country of origin and, particularly, the exercise of property rights is a prerequisite for a sustainable return. Also, the exercise of these rights or fair solutions for confiscated property rights affects the socio-economic status of refugees in the Republic of Serbia and contributes to their integration through the use of individual resources.

The process of return of refugees to countries of origin, the Republic of Croatia and Bosnia and Herzegovina, was carried out with varying success. According to the Commissariat for Refugees, 31% of the refugees returned to Bosnia and Herzegovina, and 18% in Croatia. In late 2008,

according to the above situation analysis and needs only 5% of persons with refugee status have expressed an intention to return to the country of origin.

The number of refugees from Bosnia and Herzegovina in the total refugee population in Serbia decreased from 43.3% (in 1996) to 26.4% (in 2005), while the share of refugees from Croatia increased from 54.0% (in 1996) to 73.4% (in 2005). These data indicate that the return of refugees from Serbia to Bosnia and Herzegovina took place and continues to function with significantly fewer obstacles and difficulties than the return of refugees to the Republic of Croatia.

1. Return to the Republic of Croatia

From the total number of returnees to Croatia, according to the UNHCR office in Croatia, the Serbian Democratic Forum and the Faculty of Philosophy in Zagreb in 2006: one-third of this population is older than 65 years, 8% is employed, 11% completely dependent on the aid they receive, 11% died, 43% remain in the Republic of Croatia.

1.1. Return of tenancy rights

The UN Security Council Resolution 1120 from 1997 and the Sarajevo Declaration confirmed the right of all refugees to return to homes they occupied before the war. It is estimated that Croatia deprived of their tenancy rights more than 30 000 persons who have fled the conflict from the territory of the Republic of Croatia. The return of the refugees to their prewar homes and the use and purchase of apartments under favorable conditions is not allowed to them as to other Croatian citizens. Instead of returning tenancy rights, in 2003, the government of the Republic of Croatia offered to them, as the only solution, a housing program through which returnees can require the allocation of housing units if they want to return to Croatia. The housing care program is regulated differently in different areas of the Republic of Croatia, which results in a different scope of rights that users of these programs realize.

1.2. Convalidation of years of service

Although the Republic of Croatia abolished the deadlines for submitting applications for validation of service in 2008, there still are administrative hold ups and complicated procedures for obtaining the recognition of service to persons who were employed in areas that were not under the control of the Croatian government from August 1991 until August 1995.

1.3. Outstanding pensions

During the nineties, a large number of beneficiaries (estimated 40,000) who remained to live in the territories under the UN administration, or have fled, remained without pensions because their allowance was suspended by the unilateral act of the pension fund of the Republic of Croatia. The problem of unpaid but due pensions (for the period 1991-1998), was created as a result of the fact that the Republic of Croatia applies the Law on pension insurance, which stipulates that the beneficiary caused the circumstances that led to payment suspension, although the payments actually stopped on August 1st 1991 due to the interrupted payment system between the Republic of Croatia and the areas under the protection of the United Nations, which at that time were not under its sovereignty.

1.4. Property reconstruction

The Commissariat for Refugees in the Republic of Serbia, as of the September 2004, collected 17,500 requests for reconstruction of war-damaged property in Croatia, which were forwarded to the Croatian authorities through UNHCR for more than 57,000 persons. In Croatia there are still about 7,000 pending appeals in the second instance, and the reconstruction of houses is not followed by the appropriate investment in development of the area of return, job creation and infrastructure development, which further hinders the sustainable return.

1.5. Participation in the privatization process

Refugees from the Republic of Croatia, unlike other Croatian citizens, are completely excluded from participation in the privatization of social, state and public companies, even though they equally contributed to their development.

1.6. Residence status and citizenship for returnees

A significant number of returnees who do not have Croatian citizenship, when returning to the Republic of Croatia are treated as foreign nationals, and are subjected to a complicated and expensive procedure of recognition of the foreigner status with temporary or permanent residence in Croatia. The problem lies in the laws of the Republic of Croatia which, in the process of drafting, did not acknowledge the fact that these are the citizens who had lived in Croatia before the disintegration of the Socialist Federal Republic of Yugoslavia.

1.7. The security situation

The process of return to Croatia is affected by the security situation of returnees. Through the cooperation of the authorities of the Republic of Serbia and the Republic of Croatia, both countries exchanged information about the persons against whom an investigation or criminal proceedings are initiated, or who are convicted of war crimes. These information are available at the Ministry of Justice of Serbia as well as in diplomatic and consular missions of the Republic of Croatia and the Republic of Serbia.

2. Return to Bosnia and Herzegovina

Bosnia and Herzegovina provided access to all acquired rights which directly influenced the success of the return process as well as the extent of permanent resolution of the problem of refugees from Bosnia and Herzegovina. Successful restitution programs of confiscated private property and tenancy rights have been implemented.

Through the High Representative in Bosnia and Herzegovina, the international community set aside laws passed during the war, which confiscated apartments from refugee tenants and annulled all administrative, judicial and other acts by which the occupancy rights were terminated and allowed to pre-war occupancy tenants to enter into possession of these apartments and to buy them under favorable conditions. The joint efforts of the international community and local authorities have created favorable conditions for the return of refugees and the reconstruction of damaged property.

Although there is a noticeable progress in terms of rights, especially in the restitution of property rights, a mechanism for compensation for destroyed property, pursuant to the provisions of Annex 7 of the Dayton Peace Agreement, is still not established. After the war in Bosnia and Herzegovina, a number of refugees and war-affected persons that were users of housing flats from the housing fund of the former Yugoslav People's Army were denied the right to regain possession of these apartments which made it difficult for them to return to Bosnia and Herzegovina. The returnees are faced with problems related to economic situation, employment opportunities, restoration of damaged property and destroyed infrastructure.

The insured persons who live as refugees in the Republic of Serbia, and which realized their insurance in Bosnia and Herzegovina are still facing numerous problems and obstacles in the realization of benefits from pension and disability insurance, (the cooperation of authorities is not always on satisfactory level in order to allow effective implementation of the Agreement between the Federal Republic of Yugoslavia and Bosnia and Herzegovina on social insurance. Most of the insured persons have the problem of obtaining all necessary documentation to apply for pension entitlements; the cross-border procedure for the settlement on the claim to exercise the right to pension and disability insurance is a very long one).

Measures:

- **strengthening the state support for the realization of rights of** refugees in the countries of their origin in order to create favorable conditions for sustainable return and reintegration of refugees. Monitoring the implementation of all relevant international agreements, increased state activity on international and interstate levels;
- **strengthening of the diplomatic activity focused on international organizations in order to** obtain support for finding and applying mechanisms for the protection and exercise of related rights, in accordance with the principles of protection of human rights;
- **strengthening national programs of financial assistance to returnees and returnee communities** in the Republic of Croatia and Bosnia and Herzegovina.

STRATEGIC GOAL 2:

Creating necessary conditions for the refugees, particularly the most vulnerable categories of refugees - individuals and families who have chosen to live in the Republic of Serbia, in order to provide equal opportunities for them and all other citizens, to solve their basic problems and integrate into the local community

Description of the situation: In the Republic of Serbia, 18 years after the first outbreak of the war in former Yugoslavia, there still are about 86,000 persons with refugee status. 75% of these people are refugees from Croatia. The largest number of refugees is in Vojvodina (48.37%). More than a quarter of the total number of refugees is in Belgrade (28.67%), and in central Serbia, there are 22.70% of refugees.

According to the data from the Commissariat for refugees from September 2010, 967 refugees resided in collective centers.

Although a large number of refugees, displaced and war-affected persons has adapted to the new conditions, those persons are still in need of assistance when it comes to dealing with employment issues, housing and assistance in exercising their rights in the country of origin, which would greatly facilitate many aspects of economic integration processes in local communities in the Republic of Serbia.

According to the Law on Refugees, refugees are provided with admittance, temporary accommodation and aid in food for the most vulnerable people who cannot provide alone the means for living. The access to adequate health care and to certain rights in the field of social protection - such as the right to accommodation within the institutions for social protection and children and family rights, is provided. Also their right to education and employment is guaranteed, and preconditions for solving housing needs in the integration process as well as the support to returnees are created.

Since 1995, the biggest support to refugees in Serbia has been given by the UNHCR and, in recent years, by the European Union. Taking into consideration all the efforts of the Republic of Serbia and international donors, by investing their means and resources, the refugees themselves have contributed most to the success of their integration.

The integration of refugees is a complex process that requires support in solving refugee status issues, housing needs, employment, realization of rights to retirement, health, social security, etc. A part of the funds for housing projects is provided from the national budget and a part from budgets of municipalities and cities in the territory of which the programs of the permanent integration of the refugees are implemented.

Bearing in mind that the integration process is significantly eased, today the main obstacle to integration is the lack of funds for solving the housing needs of refugees and the difficulties related to employment.

Within this strategic goal, the priorities are:

- 1) citizenship and status issues;
- 2) employment and the right to work;
- 3) education;
- 4) health care;
- 5) social welfare
- 6) resolving housing problems

1) The citizenship and status issues

The access to many rights in the country of origin, as well as the access to rights and regulation of the status of refugees in the country of asylum, depends on the possibility of obtaining documents.

According to the conducted "Refugee Needs assessment in the Republic of Serbia, it was found that the percentage of respondents who lack some of the personal documents is 44%. Out of them 36% stated that they lack some of the personal documents from the country of origin, while 8% said that they lack some of the personal documents of the Republic of Serbia. It is estimated that more than 250,000 refugees acquired citizenship of the Republic of Serbia and fulfilled the first formal condition of the integration process.

The Law on Citizenship of the Republic of Serbia facilitated and accelerated the procedure of acquiring citizenship, and in comparison with other applicants, refugees pay lower taxes, so the procedure costs are reduced.

The Law on Birth Registers determines the registration of birth, marriage and death data in the territory of the former republics of the Socialist Federal Republic of Yugoslavia in the registers kept in the Republic of Serbia, and applies to all the persons who have acquired citizenship of the Republic of Serbia, on the basis of birth certificate from a foreign authority. In addition, this

law regulates the registration of the facts stated in the register when the birth certificate cannot be obtained from a foreign body. The registration is done by the decision of the competent court.

Difficulties in obtaining documents, in addition to financial issues or lack of a passport or travel document, are also due to the fact that obtaining documents in the country of origin, by a procurator, is not always allowed, as well as to the fact that refugees are not well informed.

In practice, the mechanism of obtaining documents through international legal assistance does not apply, although in 1997, the Federal Republic of Yugoslavia signed an agreement on legal assistance in civil and criminal matters with the Republic of Croatia, and in 2005, Serbia and Montenegro signed the same agreement with Bosnia and Herzegovina. The support in obtaining documents is provided mainly through projects of legal aid funded from international donors and instruments for pre-accession assistance.

The refugee status ceases for the refugees who received the decision on citizenship of the Republic of Serbia and who started the process for permanent residence and for obtaining identity cards.

In exercising their status rights and other rights, refugees face significant problems which are caused by different legal solutions and practices in the Republic of Serbia and the countries of origin of refugees. In the case of refugees from Croatia, if they abandon their permanent residence in Croatia, it can lead to difficult access to programs of reconstruction of damaged property or housing programs.

One of the problems is different solutions regarding registration of the unique identity number of citizens (JMBG) into personal identification documents of citizens. Police departments in the Republic of Serbia, as a rule, insist on the unique identity number of citizens from the country of origin or a certificate that the unique identity number of citizens has not been determined. However, if this information is not available, upon the request of the client, the police department issues a former refugee a new unique identity number of citizens.

A number of refugees does not have documentation about their education and qualifications acquired, which influences their employment in the Republic of Serbia in accordance with the education and qualifications gained in the profession. A number of refugees does not have the documentation of the work records of organizations and institutions in which they were employed because they were destroyed during the war or they are missing.

In Serbia, a person who has been employed in the place of residence, and does not have an employment booklet, may apply for the issuance of a work booklet at the competent municipal body according to their place of employment. However, regarding the issuance of employment booklets to unemployed refugees, which they have to submit when applying to the records of unemployed persons in the National Employment Service, there is a different practice in local governments in terms of implementing the Law on Refugees. Namely, under the Regulation on the employment booklet ("RS Official Gazette" No. 17/97), the unemployed person should submit the application for the issuance of the working booklet to the competent authority of the local administration depending on his place of residence, and refugees in Serbia, in accordance with the Law on Refugees realize their right to employment, as well as other rights stipulated in this Law, according to their permanent residence in the Republic of Serbia.

2) Employment and the right to work

Regarding the right to work, refugees in Serbia are largely equated with citizens in the Republic of Serbia. They can obtain an employment booklet on the basis of the refugee identity cards, register as unemployed at the NES, access all active labor market programs, and apply for open positions, except when the precondition is the citizenship. Such situation is created by applying the provisions of the Law on Refugees.

According to the "Analysis of the situation and needs of the refugee population", the unemployment rate among refugees is 33%, which is considerably higher than among the local population.

The National Employment Strategy for the period from 2005 to 2010 recognizes the disadvantage of refugees in the labor market, and the Employment Action Plan (2010) lays down measures to encourage employment of refugees, including improvement of records, financial support to employers for opening new positions and employment of refugees, as well as their involvement in public works.

Due to the impossibility of fulfilling conditions for getting (in terms of guarantees and guarantors of the mortgage security) refugees cannot participate in some state programs of self-employment support. The implementation of donor programs aimed at employment facilitation and at encouragement of independent business activities are difficult to reach due to problems arising from the complex regulatory requirements.

All the steps of affirmative action aimed at education and re-education of the unemployed refugees in accordance with market needs are significant for the improvement of the situation of refugees in the labor market and for their abandonment of passive position of relying on various forms of assistance. However, refugees are not so well informed and are included in the implementation of these measures to a lesser extent than unemployed persons. Also, the unemployment structure is unfavorable because a large number of refugees fall into the category of persons who have trouble finding employment, such as women, persons older than 40 years and persons with low education.

3) Education

Refugees have the same right to education as nationals of the Republic of Serbia – the elementary education is compulsory and free, whereas secondary and high education, depending on the success of candidates, is funded from the budget of the Republic of Serbia, or through self-financing.

According to the "Analysis of the situation and needs of the refugee population", more than half of the surveyed have completed secondary school, more than 13% of people have not completed primary school, and nearly 9% have completed college or high school. There are much more women who are not education or finished primary school only.

The average age of persons with higher education is 39.6 years, which is less than the registration year 2004/2005.

The problem of access to education is a difficult financial position of many refugee families, difficulties in financing the education of children in secondary schools and colleges outside their places of residence, as well as insufficient information on possibilities of support to solve this problem.

Law on pupil and student standard states that students from vulnerable social groups that include refugees, exercise their rights in pupils and students standards using milder criteria set

by the Minister of Education. Each school year, the Ministry of Education provides accommodation and food and grants loans and scholarships for the socially vulnerable pupils and students.

4) Health insurance

The refugees with health insurance are entitled to health care to the same extent and under the same conditions as other insured persons. In accordance with the Law on Health Insurance, refugees from former Socialist Federal Republic of Yugoslavia can be included in compulsory health insurance program if they do not fulfill some of the conditions for compulsory health insurance, so that they themselves pay partially for compulsory health insurance. Former refugees, who have gained citizenship and residency in the Republic of Serbia, exercise their rights to health insurance as insurance beneficiaries from countries with which the international agreement on social security was signed. Refugees who have acquired citizenship of the Republic of Serbia, and do not want to unregister their residency in the Republic of Croatia (by unregistering their residency from Croatia, Croatian pensioners lose the lowest retirement and receive only the basic pension, they lose their benefits arising from the remaining work capacity and protection, the residence in the Republic of Croatia is a condition to achieve the restoration of property rights, etc.), can achieve their rights from the health insurance in the Republic of Serbia as citizens of Serbia who are receiving retirement or disability benefits solely from the foreign insurance carrier while having permanent residence in the Republic of Serbia. One of the general objectives of the Strategy of Public Health of the Republic of Serbia for the period 2009 - 2013, is aimed at improving the health status of socially vulnerable groups.

5) Social welfare

Refugees are entitled to a part of social security, such as accommodation within social care institution and foster care services, professional social work services, one-time aid grants and the right to housing in social housing buildings in protected conditions, in accordance with decisions of the local self-government units about extended rights.

A number of refugees who have acquired citizenship of the Republic of Serbia still live in underprivileged socio-economic conditions, even though, as citizens of Serbia, they are entitled to minimal family social security. 29% of refugees have a monthly income of less than 48 Euros per a household member (level for the realization of rights of social security). However, many of them are not well-informed about their options and rights. In accordance with the Social Welfare Development Strategy (2005), social welfare in Serbia has been reformed to a great extent. Local self-governments, according to their capacities and the needs of citizens, have developed a variety of social services in the community. These services are intended for children, young people and persons with disabilities (day-care center, an open club, home help for elderly and for victims of domestic violence) and refugees can use them.

Refugees are also the beneficiaries of social housing within supportive environment, which was developed in a significant number in units of the local self-governments in the Republic of Serbia. The Commissariat for Refugees, in cooperation with the Ministry of Labor and Social Policy, Serbian Democratic Centre, the UNHCR and certain units of local self-governments, started to develop the Program in 2002. This form of social housing is developed in accordance with the concept of open forms of social protection. The Projects are designed to accommodate families with ill members, single parents, elderly persons and persons with disabilities capable of

independent life. The model was later developed and supported by other donors, so in the second half of 2009, the implementation of projects of supporting refugees and internally displaced persons in Serbia started. Within this framework, more buildings for social housing in supportive environment, financed from donor funds of the European Union (IPA 2007) will be build. Also, within the budget for the implementation of the National Investment Plan in 2009, the funding for the construction of a building for social housing in protected conditions is approved.

6) Solving housing problems

Despite the efforts and significant resources put into meeting the housing needs of refugees, the largest number of refugees still has no permanent solution to their housing issues. According to the data analysis from the project "Situation and needs of refugee population in the Republic of Serbia " (2008), **61% of refugees rent or live at a relative's/friend's, less than a third of persons with refugee status (29.50%) owns a housing unit, but 73% of these persons require building material to complete construction or renovation of their housing, 7% of total households live in an area not intended for housing.** Also, from the collected data, it can be concluded that some 15,000 refugee households are willing to solve their housing by means of loans. In addition to social housing in protected conditions, as a form of social protection, more than half of persons accommodated in collective centers opted for social housing with the possibility of buying the flat. In addition, it is important to take into account that more than half of households living in collective centers are single-person households and the least number of programs were primarily designed for single people.

The biggest obstacles in securing a larger number of residential housing units for refugees were insufficient funds in relation to the number of households and their needs.

Most of the projects for the construction of housing units so far implemented were designed for solving the housing problems of people in collective centers and for their closure. There are 58 collective centers in which 967 refugees and 3617 internally displaced persons live at this moment in the Republic of Serbia. Due to limited resources, refugees living in poor conditions, within a private accommodation and in the so-called unofficial collective centers were partially included in the support programs for housing, mainly through granting of building materials and purchase of village household.

From 1992 until the end of 2010, the Republic of Serbia, with the strong support of the international community, has provided 7844 different housing solutions/arrangements for accommodation of 30,400 persons. Projects of solving housing needs of refugees included the construction of housing units (on the model of self-help, semi-finished and finished construction), the purchase of rural households and the allocation of packages of construction material and prefabricated houses. A local self-government is an important support and active participant in the process of local integration of refugees. The units of the local self-governments involved in housing construction projects, participated with the allocation of construction land without compensation by providing primary utility infrastructure and remission of the various local taxes and contributions. A large number of local self-governments still show enthusiasm to participate in projects of local integration of refugees. Until the end of 2010, more than a hundred city and municipality assemblies adopted local action plans for improvement of the status of refugees and internally displaced persons. For the realization of the activities envisaged in the abovementioned plans, they received financial support from the Commissariat for Refugees of the Republic of Serbia.

**Specific Objective 2.1:
Improve mechanisms for solving status issues of all the refugees**

Measures:

- provide appropriate programs of free legal aid to refugees in terms of exercising rights and obtaining the necessary documents;
- intensify diplomatic activities aimed at the fact that the integration of refugees in Serbia does not hinder access to rights in the country of origin;
- trigger mechanisms in the relevant agreements between the countries of origin of refugees and the Republic of Serbia in order to facilitate acquisition of different types of documents.

**Specific Objective 2.2:
Increase the employment rate of refugees in Serbia, especially taking gender equality and the needs of people with disabilities into account**

Measures:

- enable more intense participation of refugees in the procedures of active employment policies through programs which encourages social entrepreneurship, self employment and involvement of local self-government in the implementation of public works;
- improvement of continuous information of refugees on national and local level on specific programs and employment opportunities through the National Employment Service, with the involvement of local self-government;
- increase the competitiveness of unemployed refugees, particularly young people, through additional training and retraining programs, in accordance with the changing needs of the labor market;
- facilitate access to the labor market by changing the practice of the National Employment Service and applying directly the Law on Refugees;
- facilitate access to loans in order to encourage the development of small and medium enterprises and self-employment of refugees;
- ensure the active involvement of women in the implementation of planned measures to reduce existing gender inequalities in the refugee population;
- support the development of regulations that would promote the development of social entrepreneurship in Serbia.

**Specific Objective 2.3:
Include the most vulnerable categories of refugees in all levels of education as well as the local population**

Measures:

- monitoring the involvement of the refugee population in the educational system, especially the most vulnerable categories (residents in collective centers, women);
- support for refugee families to improve education for children and young people by informing students of the refugee population of scholarship programs for secondary and university education and developing additional scholarship programs for all levels of education for economically disadvantaged children from families of refugees.

Specific Objective 2.4:

Support and promote health care measures to the most vulnerable categories of refugees in Serbia in order to increase the inclusion of these groups into health services programs in the Republic of Serbia

Measures:

- supervising the problems refugees are faced with in terms of accessing health care and proposing the actions for their solving, according to the results of supervision;
- inclusion of the most vulnerable refugees in the implementation of the Action Plan of Public Health of the Republic of Serbia from 2009 to 2013

Specific Objective 2.5:

Enable the refugees who are in need of social services to realize their rights to the full extent

Measures:

- monitoring exercise of rights and social welfare services of refugees, especially the most vulnerable categories, in cooperation with Centers for Social Welfare (children and young people without family care, victims of domestic violence and human trafficking);
- enabling active involvement of refugees, especially the most vulnerable categories in the existing forms of social welfare by improving their awareness of rights and social services, as well as conditions and procedure for exercising their rights and use of services, especially social services for vulnerable groups of the community - for children and the youth, persons with disabilities, elderly persons and victims of domestic violence;
- expanding the development of social housing in protected conditions, notably by promoting new forms of extended rights in social protection and by supporting the strengthening of specific capacities of centers for social welfare and the development of related social services;
- Further provision of social housing in protected conditions to the vulnerable beneficiaries of collective centers;
- facilitating the implementation of appropriate accommodation of refugees in institutions of social care and striving to provide adequate solutions to accommodate persons with disabilities, persons with serious chronic illness (psychiatric illness) and persons with diagnosed mental disorders.

Specific Objective 2.6:

Improve the system of solving housing problems of refugees, especially the most vulnerable categories, based on clearly defined needs, criteria, priorities and coordinated cooperation of national, local and international entities and initiate its implementation

Measures:

- further implementation and development of good practice, efficient and effective models of solving housing problems of refugees by creating projects, in cooperation with and support of local self-government;
- Development and improvement of housing programs with activities which support economic independence and empowerment as well as other kinds of support services;
- providing housing solutions for users of collective centers which are in the process of shutting

down (assistance in building materials, buying households with a garden, prefabricated houses, social housing, stimulating construction of cheap housing and granting of purchase on favorable credit terms);

- **support the development and implementation of local action plans for solving issues of** refugees and internally displaced persons by providing professional support in developing local action plans and monitoring realization of planned objectives, as well as providing direct financial support from the national and international funds for implementation of local action plans;
- **development of social housing** system by creating new and strengthening the existing financial and institutional mechanisms, especially by empowering the nonprofit housing organizations to build nonprofit housing, phased construction and reconstruction of flats, in accordance with the Law on Social Housing;
- **Application of the Law on Refugees concerning the housing need of refugees, and the Law on Social Housing** for all refugees-users of social housing;
- **initiating forming of a national budget fund aimed at raising funds for new programs of** integration of refugees.

STRATEGIC GOAL 3:

Improvement of the living conditions of the most vulnerable categories of internally displaced persons, including individuals and families, so they can, in accordance with the law, access their rights, services and resources like other citizens, and solve their basic existential issues

Description of the situation: Most of the IDPs are Serbian nationals (75.14%), and about 25% are other ethnic groups, Roma being the largest population among them (10.80%). UNHCR figures show that only 18,000 persons from minority groups have returned to their homes, but according to the Ministry for Kosovo and Metohija, only about 2,000 returns are sustainable.

The largest number of internally displaced persons live in the central and southern Serbia (65.34%) and the smallest percent in Vojvodina (6.36%). More than a quarter of the total number of internally displaced persons lives in Belgrade (28.30%). Of all the counties in the Republic of Serbia outside Kosovo and Metohija, the largest concentration of internally displaced persons is in the Raska district. The highest percentage of internally displaced persons is between the age of 19 and 65 (65.09%), which includes the largest number of working-age population.

All those registered as internally displaced persons from Kosovo and Metohija obtained ID cards for displaced persons, which have an evidential character and is valid with an appropriate identity document. A small number of internally displaced persons has been provided with accommodation in collective centers that are financed from the budget of the Republic of Serbia, and among them the internally displaced persons, with regard to refugees, now make a distinct majority. There are currently 58 collective centers in the Republic of Serbia, with 3,617 displaced persons. There are 17 collective centers in the territory of Kosovo and Metohija with more than 550 persons. Internally displaced persons have access to education, health and social care, and a number of internally displaced persons are included in the program of temporary financial compensation.

Internally displaced persons are beneficiaries of all projects that are currently available to refugees, and are aimed at improving living conditions.

The Commissariat for Refugees of the Republic of Serbia, in cooperation with local self-governments, supports and implements projects for improving the living conditions of refugees and internally displaced persons. This is also done through the adoption of local action plans, implemented by the financial support of the Commissariat for Refugees and UNHCR.

Internally displaced persons belonging to the Roma, Ashkali and Egyptian communities (hereafter: RAE), are particularly vulnerable and have difficulties exercising their guaranteed right under civil status, access to health care, education, employment, social protection and housing, usually because of the lack of personal documents, poverty, traditional lifestyles and hampered access to system institutions. In the IDP data base of the Commissariat for Refugees of the Republic of Serbia, there are about 22,500 internally displaced Roma persons, out of which 1,200 are accommodated within collective centers.

A large number of RAE population lives in poor conditions in unhygienic settlements and informal collective centers.

One of the aims of the Republic of Serbia is to solve issues of the internally displaced persons in accordance with the basic standards of human rights and the principles of durable solutions concerning displacement, by assisting their return and improving their living conditions in displacement. The goal of this strategy is the improvement of living conditions of internally displaced persons in displacement.

Under this strategic objective, the following priority problems were selected:

- 1) documentation and status issues;
- 2) employment and the right to work;
- 3) education;
- 4) health care;
- 5) social security;
- 6) housing.

1) Documentation and status issues

Internally displaced persons, who have fled their homes in the territory of AP Kosovo and Metohija due to armed conflicts, are guaranteed all the rights and freedoms, as it is the case with all the citizens of Serbia. In order to facilitate access of all internally displaced persons to their rights, in the past ten years, with the help of international donors and by our own means, significant activities have been carried out to improve the capacity of the authorities responsible for issuing documents. Since 2005, internally displaced persons have had the option of paying a 70% reduced republic administrative fee for obtaining excerpts from birth certificates, and the Law on Republic Administrative Fees ("Official Gazette of the RS" no. 43/03, 51/03, 61/05, 5 / 09 and 54/09) stipulates the conditions when taxes should not be paid. The problems internally displaced persons face when it comes to obtaining documents are related to: obtaining documents from the dislocated registry books from the territory of Kosovo and Metohija which are now in the Republic of Serbia, outside the territory of Kosovo and Metohija; obtaining documents from the registry books which remained in the Autonomous Province of Kosovo and Metohija and their validity; submitting the application for residency in displacement; recognizing residency for access to certain rights.

Internally displaced persons from the most vulnerable RAE population are more affected by the

lack of documents. Due to more difficulties in obtaining basic identity documents, a number of internally displaced RAE has no access to the exercise of their rights.

Registry books containing data on birth, marriage, death, and citizenship were transferred from the territory of Kosovo and Metohija to several locations in central and southern Serbia in June 1999.

With the Law on Registers the tasks related to keeping registers and deciding in the first instance administrative proceedings for the territory of AP Kosovo and Metohija have been delegated to the city of Nis (for the city of Pristina and the municipalities of Podujevo, Glogovac, Obilic, Lipljan and Kosovo Polje), the city of Kragujevac (for the municipalities of Pec, Istok and Klina), the city of Kraljevo (for the municipalities of Kosovska Mitrovica, Srbica, Zubin Potok, Vucitrn, Zvecan and Leposavic), the city of Krusevac (for the municipalities of Prizren, Orahovac, Suva Reka and Gora), the town of Jagodina (for the municipalities of Djakovica and Decani), the city of Vranje (for the municipalities of Gnjilane, Vitina, Kosovska Kamenica and Novo Brdo) and the city of Leskovac (for municipalities: Urosevac, Kacanik, Stimlje and Strpce). These tasks are executed by the city administration. However, the distance to the competent local administration and the lack of financial resources are problems which make it difficult for internally displaced persons to obtain various documents. There is an ongoing process of establishing a central system for electronic processing and data saving and the second copies of registry book records as well as continual download of data of all municipalities and cities in Serbia, including the AP Kosovo and Metohija.

A number of registry books, records and other official records of the administrative authority of the Republic of Serbia remained in Kosovo and Metohija, or were destroyed, or lost, in June 1999. The Law on Registry books allows the registration of the fact of birth and death even after the due date for applying, namely the subsequent registration of the facts of birth and death in registry books, as well as the re-registration of birth, marriage and death which were registered in the damaged or missing registry books. Persons who apply for re-registration in registry books should submit the necessary official documents (birth certificate, marriage certificate, death certificates or other documents that show facts which is entered in the registry book). If the person requesting re-registration is not able to submit evidence that he/she was registered in the registry book, and if the administrative authority cannot obtain this information in the line of duty by the regulations concerning civil registers, the person is directed to file a complaint to the competent court to determine the appropriate facts, and when they receive the final court order, the data are entered in the appropriate register.

Although children from the population of internally displaced persons do not possess a birth certificate, they are allowed to enter primary school. In this case, certificates of primary school are obtained only by submitting documents which prove the identity of the child. The registration of temporary residence in displacement is the basis for access to many rights which internally displaced persons exercise in the local communities in which they reside. The registration of temporary residence is difficult to obtain when IDPs do not possess evidence of the legal basis of residence at the address where they register to (statement by the landlord about the accommodation, contracts on the use or lease, deed, the decision on allocation of the apartment). The residence may not be registered in informal collective centers and unhygienic settlements. This particularly affects IDPs from the RAE population, which live in informal settlements. Unemployed IDPs apply for an employment booklet to the local authorities depending on the area of permanent, not temporary residence, which protracts the registration

in the National Employment Service and the access to active labor market programs.

The Republic of Serbia has taken over the obligation to pay contributions for employees of social enterprises which did not receive compulsory contributions from 1991 to 2003. A special service was founded in the Republic Fund for Pension and Disability Insurance and it deals with issues of IDPs and a simplified procedure of proving relevant facts was introduced.

With the current number of internally displaced persons, the Republic of Serbia has committed to also accept the returnees on the basis of the Readmission agreement that the Republic of Serbia signed with other European countries, including the significant number of persons who have left Kosovo and Metohija.

2) Employment and the right to work

Through continuous implementation of a series of affirmative measures envisaged in the national strategic documents and regulations on labor and employment, as well as through the establishment of the Republican Council for employment and local employment councils, the Republic of Serbia is making efforts to facilitate the internally displaced persons equal access to the labor market.

According to the "Survey on Living Standards of Internally Displaced Persons" from 2007, the rate of unemployed internally displaced persons was 36%, which is significantly higher compared to the rate of 21% for the resident population.

Among those who have the status of employees (working for employers), 30% work without formal contracts, while among the self-employed population, 94% are persons engaged in unregistered work. Informal employment entails a series of negative consequences in terms of an income below the average, a lack of safety at work, too long working hours, inability to exercise social labor rights, etc.

Within the population of internally displaced persons there are very strong gender differences, as well as differences between the Roma population and other internally displaced persons. The employment rates for women in this population are significantly lower. Among internally displaced persons, RAE have significantly lesser possibility for formal employment, thus the most common form of employment among them is the informal self-employment.

More than 90% of unemployed internally displaced persons are in a situation of long-term unemployment (over two years). Among non-Roma IDPs ethnicity, almost a third of households has no employed member, while there is 71% of such households among Roma IDPs.

Since 2003, the Republic of Serbia pays monthly fees for more than 23,500 internally displaced persons and persons residing in the territory of Kosovo and Metohija, who, up to June 1999 were employed in one of the state and social organizations or companies in the area of Kosovo and Metohija, and who have not received salaries in the meantime, or found an employment, have no conditions for retirement, do not earn income on the basis of unemployment, labor or property. Despite their actual non-working status, these internally displaced persons are treated as if they are gainfully employed so they do not have full access to the measures in the field of active employment policies in order to improve their competitiveness in the labor market, gain real employment and achieve self-sustainability.

Receiving compensation often discourages internally displaced persons to actively orient themselves towards formal employment and self-employment. To save the temporary compensation, a large number of internally displaced persons are occasionally or regularly engaged in the informal economy zone.

The lack of an adequate legal framework is evident in terms of encouraging self-employment, social entrepreneurship and micro-credit, and there are relatively restrictive conditions of securing guarantees for loans aimed at developing entrepreneurial activity.

3) Education

Children and young people in displacement that should be included in primary and secondary education (ages from 7 to 18) account for 20% of the displaced population.

According to the analysis performed on the basis of "Survey on Living Standards of Internally Displaced Persons", 7% of internally displaced persons and 66% of internally displaced Roma have no primary education. 22% of internally displaced persons and 27% of internally displaced Roma have only elementary education. 57% of internally displaced and 7% of Roma have high school education, and 14% of internally displaced and 0.4% of Roma have a university degree.

The analysis showed that children from the displaced population are well integrated into the educational system of the Republic of Serbia, except in the field of higher education. Compared with the general population of the Republic of Serbia, they are less likely to participate in higher education - 45% to 61% - a consequence probably of the lack of funds.

Children and young people from Roma displaced communities are less represented on all levels of education, as well as in relation to non-Roma children from displaced communities. Even regarding the mandatory pre-school program, the percentage of Roma children from displaced communities is lower than the percentage of children from non-Roma displaced communities and children from the domicile population. It is alarming that at the age from 15 to 19, only 16% of internally displaced Roma are attending school, and among the internally displaced Roma from the age of 19 to 25 years there is a small number of students.

Financial difficulties in achieving education for children and young people from the most vulnerable groups are alleviated through existing funds - the Fund for Young Talents of the Republic of Serbia and the Scholarship Fund for poor high school students. Evidently these efforts are not sufficient and there is a need to establish additional funding at the national and local levels.

Special efforts have been made in increasing access to education for Roma population, including internally displaced Roma, with affirmative action in enrollment to high schools and colleges, development of Roma mediators program in the classroom, through scholarship programs and Roma educational fund (REF) and the Fund for Open Society.

The Law on the Pupil and Student Standards envisages that pupils and students from vulnerable social groups that include displaced persons are entitled to realize their rights in terms of pupils and students standards by applying under more relaxed criteria set by the Minister of Education. Also, each school year, the Ministry of Education provides accommodation and food under favorable conditions, as well as grant of loans and scholarships to pupils and students from vulnerable social groups.

4) Health insurance

Internally displaced persons exercise their rights deriving from mandatory health insurance, according to the Law on Health Insurance. All internally displaced persons who have a proper identification card of displaced persons receive a medical card based on that identification.

According to the analysis performed on the basis of "Survey on Living Standards of Internally Displaced Persons" only 1.6% of non-Roma population and 16.1% of internally displaced Roma

population did not have health insurance. Although the majority of internally displaced persons assessed their health as fair, good or very good, one quarter suffers from chronic diseases (26% of internally displaced persons, but only 18% of internally displaced Roma). In Roma displaced communities, aside from lack of documents and financial resources, there is an evident need for disease prevention and better awareness about the health care system.

One of the general objectives of the Strategy for Public Health of the Republic of Serbia is aimed at improving the health status of socially vulnerable groups. Accordingly, the Ministry of Health is implementing a program entitled "Improving the health of specific population groups."

5) Social security

Internally displaced persons have the right to all forms of social protection in the Republic of Serbia, in accordance with the laws and other regulations.

Problems in the exercise of this right still exist due to administrative and material obstacles, primarily because of the fact that internally displaced persons cannot always obtain all the necessary documents needed for obtaining certain forms of protection and their renewal, but also because of lack of information of vulnerable internally displaced persons on the availability of welfare schemes. Internally displaced Roma need help in submitting the application for exercising the right to social protection.

When it comes to social benefits, the analysis based on the "Survey on Living Standards of **Internally Displaced Persons**" identified **three main pillars of social assistance to families of internally displaced persons**. Namely: **children's allowance, material support for family** (hereinafter referred to as MOP) and allowance for care and assistance of another person. Roma families show a higher incidence of receiving all three allowances, especially when it comes to **children's allowance (42.1%) and MOP (18.9%)**. In relation to the resident population, the difference is especially noticeable in children's allowance, where internally displaced persons, due to a large number of children, show greater overall dependence on this kind of assistance.

According to this survey, the poverty rate among the displaced population is 14.5%. Of the total number of internally displaced persons, the competent authority confirmed disability in 3% of this population, and Roma population in 1.9%. These persons are not integrated at all: only 10% of them are members of an organization of people with disabilities, and none of these persons is of Roma origin.

In addition to rights to social benefits, all services of social protection which are available to refugees, are also available to displaced persons.

Internally displaced persons are included in programs of social housing in supportive environment. From 2004 to 2009, the European Union and other donors, with the participation of local self-governments that have provided land and infrastructure, financed the construction of housing units for social housing in supportive environment for vulnerable families of internally displaced persons as well as for persons and families from the local population.

6) Resolving housing problems

The Republic of Serbia supports projects for solving housing needs of internally displaced persons. In addition to funds from the budget of the Republic of Serbia, the budget of local self-governments and the Vojvodina Fund for Aid to Refugees, Expelled and Displaced Persons, the funds for these projects are provided from pre-accession instruments of the European Union and

from other donors. Housing needs is one of the most important issue for improving the living conditions of internally displaced persons.

Projects for solving housing needs of internally displaced persons include the purchase of village households, as well as the donation of construction materials and prefabricated houses.

In the process of gradual closure of collective centers, IDPs from these collective centers are provided with the above mentioned housing solutions.

In addition to the measures undertaken, more than 3,600 internally displaced persons are still living in official collective centers, while approximately 2,000 persons live in unofficial collective centers and informal settlements. These persons are not able to resolve independently their housing problems.

According to "Survey on Living Standards of Internally Displaced Persons", from the total number of internally displaced persons, 53% have ownership or co-ownership rights to housing, in which they live (compared to 90.4% of the resident population) and 21.8% are renting housing (compared to 3.3% of local population). It has been established that 10.2% of IDPs live in buildings not intended for housing, compared to only 0.5% of the local population. Also, the average size of a housing unit of a non-Roma household is 18.43 m² per household member, and the average size of a housing unit of a Roma household is 8.14 m² per member. 16.4 % of non-Roma population and 66.4 % of Roma population do not have toilets in the house, and 2.3% of non-Roma population, and 40.2% Roma population, do not have running water in their households.

The main obstacle in resolving the housing needs of IDPs is the lack of financial means

Specific goal 3.1:

To facilitate the IDPs access to documentation relevant to the exercise of their status and rights

Measures:

- **improve informing of internally** displaced persons on procedures of obtaining identity documents and facilitate obtaining documents through the provision of legal aid;
- **raise the capacity of units of local self-**governments in order to meet the needs of internally displaced persons in terms of obtaining personal documents;
- **raise the level of inter-**sector cooperation in order to examine and resolve the problem of internally displaced persons regarding access to documentation relevant to the exercise of their rights, including practical solutions for the verification of documents issued in the place of origin;
- **facilitating access to formal labor market by changing rules to allow issuance of employment** booklet to unemployed internally displaced persons according to their place of residence;
- **support the implementation of the Strategy for improving the situation of Roma regarding the** section which includes activities with aim to facilitate the registration of residence.

Specific Objective 3.2:

Increase the employment rate of internally displaced persons, to the level of the general employment rate in Serbia

Measures:

- increase the involvement of internally displaced persons in active employment policy measures

and other employment programs to encourage employment conducted by the National Employment Service;

- **monitor the status of the most vulnerable groups of internally displaced persons in the labor market** in order to understand the effects of the measures taken and plan new affirmative measures aimed at these groups;
- **ensure increased** participation of women in the implementation of planned measures to reduce existing gender inequalities regarding employment and unemployment of the displaced;
- **encourage the development of active employment measures adapted to the conditions of local communities** by expanding subsidized employment programs of IDPs, strengthen expert and counseling support to all the users of financial assistance for self-employment, encourage participation of local self-governments in public calls for the implementation of public works in order to provide bigger employment rate in the group of vulnerable internally displaced persons through public works programs, especially to encourage activities of local employment councils;
- increase the competitiveness of unemployed internally displaced persons by providing professional education through vocational training programs and by informing young people and encouraging them to build up their competence in occupations of higher demand, especially deficit occupations;
- encourage the progress of measures for facilitating access to the labor market. This should be done by introducing the possibility of economic empowerment of IDPs through socially responsible business practices to the employers and encouraging the development of social entrepreneurship through various forms of business association of the unemployed;
- actively participate in reforming the system of temporary cash benefits for internally displaced persons in order to introduce new affirmative measures which will stimulate more active search for employment and thus lead to a reduction in scope of temporary cash benefits;
- encourage the introduction of measures to facilitate access to loans for encouraging self-employment and entrepreneurship.

Specific Objective 3.3:

Increase involvement of all internally displaced persons (children and young people) in all levels of the education system, especially the RAE and the most vulnerable IDPs

Measures:

- **monitor social participation of internally displaced persons in the educational system** through indicators recommended by the Ministry of Education and the National Office for Statistics;
- **strengthen the financial capacities of displaced families, especially those from RAE population**, in order to improve the education of children and youth, through continued development of scholarship and loan programs (at national and local level), through education of young people from the population of internally displaced persons, for all levels of education, while respecting the principle of gender equality;
- **implement projects on the importance and positive effects of education of children and young people from Roma displaced communities.**

Specific Objective 3.4:

Improve the right to health protection of IDPs, particularly the most vulnerable categories, through the affirmation of health care measures and services

Measures:

- improve the availability and quality of health services provided to internally displaced persons through information ;
- support the wider involvement of Roma communities of internally displaced persons in the health care system;
- **Support** education programs on the necessity of prevention and adequate treatment of disease through a network of Roma health mediators.

Specific Objective 3.5:

Allow internally displaced persons, especially the most vulnerable groups of internally displaced persons to exercise all rights and access to social services

Measures:

- improve awareness of IDPs of their rights to social services, as well as conditions and procedure for exercising the rights and use of services, particularly on social services for the most vulnerable groups (children, young people, disabled, elderly and victims of domestic violence);
- promote social housing in a supportive environment for increased inclusion of defined vulnerable groups from the displaced population.

Specific objective 3.6.:

Improve living conditions of internally displaced persons and families through programs of improving the quality of living conditions, with priority given to persons in collective centers and the most vulnerable categories of population

Measures:

- provide adequate financial resources for the realization of program of housing for internally displaced persons, especially the most vulnerable groups, from the budget of the Republic of Serbia and international grants, through programs of assistance in construction material, purchase of household, prefabricated houses and social housing;
- **continuously monitor the needs and possibilities of internally displaced persons** with the aim of improving their living conditions and with the application of good experiences in residential programs aimed at refugees and internally displaced persons;
- **create conditions for closing collective** centers through resolving the needs of internally displaced persons from collective centers;
- **set up priority to develop and implement housing programs that are complemented by projects** of supporting economic empowerment and independence;
- **define measures that will facilitate the process of legalization** of residential buildings that are self-built by IDP families and reduce the cost of that procedure;
- **in cooperation with units** of local self-governments, implement projects of municipal development of informal settlements inhabited by internally displaced persons, in accordance with the laws and regulations;

- encourage the development and implementation of local action plans for resolving the issues of refugees and internally displaced persons and provide financial and logistical support to activities for solving housing needs of internally displaced persons.

V. IMPLEMENTATION AND COORDINATION

Resolving the issue of refugees and internally displaced persons is a complex and comprehensive work for which is responsible almost every public institution at national and local levels, within its competence,. Competent authorities of public administration, as holders of the activities, will carry out certain measures within their competence and will be accountable for their implementation.

In order to improve the process of the durable integration of refugees, the Government adopted a Decision on the Establishment of the Commission for Coordination of Permanent Refugee Integration Process ("Official Gazette of the RS", No. 108/04).

The tasks of the Commission for Coordination of Permanent Refugee Integration Process are: to monitor and coordinate the process of permanent integration of refugees in particular the housing issues of refugees and their family members, cooperate with the competent international, foreign and domestic organizations, especially financial institutions on the implementation of certain projects related to permanent integration of refugees, with a priority on a cooperation with the Council of Europe Development Bank, considering, proposing and initiating measures to the competent authorities and organizations in order to achieve the implementation of refugees permanent integration process, and to cooperate with the competent authorities of municipalities, towns and city of Belgrade in the implementation of refugees permanent integration process, especially in solving housing problems of refugees and their families.

The mandate of the Commission is primarily related to issues of permanent integration of refugees, so there is a need to expand the jurisdiction of the Commission on monitoring the implementation of this strategy.

The Commissariat for Refugees is in charge of the implementation of this Strategy, and cooperates with the Commission. The Commissariat prepares an annual monitoring report on the implementation of the Strategy and delivers it to the Commission, and if necessary, to all interested parties. Every two years the Commissariat for Refugees organizes and conducts an internal evaluation of the implementation of the Strategy.

The Commissariat for Refugees, through trustees for refugees in local self-government collects data on the implementation of local action plans for refugees and internally displaced persons and this is the way the vertical coordination in the national - local level is conducted. Trustees for refugees, according to the pre-arranged schedule and with the help of appropriate monitoring tools and reporting, submit reports on the implementation of local action plans. The collected data will contribute to monitoring the implementation of the Strategy, because they will show how the Strategy is implemented through local action plans in communities where refugees and internally displaced persons live.

VI. MONITORING AND EVALUATION OF STRATEGY IMPLEMENTATION

The objective of monitoring and evaluating the success of implementation of the Strategy is to systematically collect data, to monitor and oversee the implementation process and to assess

the success of the implementation of the Strategy in order to suggest changes in prescribed measures, based on the findings and evaluations.

The monitoring, as a systematic process of data collection, is carried out continuously and in long term for the period from 2011 to 2014. The evaluation (data analysis and performance assessments) will be conducted every six months. Based on individual reports from all relevant government authorities which will be prepared by a specific contact person and agreed at the Commission level, and based on reports received from the trustees for refugees in local self-government, the Commissariat for Refugees will prepare a joint report on monitoring of the implementation of the Strategy and submit it to the Commission. Every two years, the Commissariat shall conduct internal evaluation of the implementation of the Strategy by working with all these subjects. The evaluation report will also be submitted to the Commission. The final evaluation will be conducted in 2014.

Subject to monitoring and evaluation are: realization of activities, results and specific objectives, attainment of strategic goals, achievement of sustainable impact on the quality of life of target groups.

Key impact indicators for monitoring and evaluating the implementation are:

- Number of services, measures, programs and projects carried out for refugees and internally displaced persons, especially for the most vulnerable categories, from 2011 to 2014, at the national and local levels;
- Number of refugees and internally displaced persons covered by services and measures;
- Number and structure of users - refugees and internally displaced persons who have been provided with durable solutions;
- Scope of funds allocated for services within individual projects for refugees and internally displaced persons;
- Structure of financial means allocated for services to refugees and internally displaced persons (national budget, budgets of local self-governments, donors and other funding sources).

The Commissariat for Refugees is responsible for monitoring and evaluating the success of the implementation of the Strategy through monitoring the implementation of the Strategy, preparing the joint report on the monitoring and implementation of performance assessment (periodic – every two years and final - after the end of strategic period). The Commissariat will, in consultation with all stakeholders, define the manner of organization of monitoring and evaluation of the implementation success of the Strategy.

VII. MEANS FOR STRATEGY IMPLEMENTATION

The funding for the implementation of the National Strategy will be provided from various sources: the regular budget of the Commissariat for Refugees, the budgets of units of local self-government, the donor funds, or by using the programs and projects that will be made on the basis of this Strategy and its Action plan.

VIII. ACTION PLAN

The action plan for implementation of the Strategy, will be drafted by the Government within six months after the publication of the Strategy.

IX. FINAL PROVISION

This strategy is to be published in "Official Gazette of the Republic of Serbia".

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THE GOVERNMENT

DEPUTY PRIME MINISTER
Ivica Dacic