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Refugees and IDPs in Serbia

Description of Methodology and the consultation process followed

1) Prior to preparation of information provided under the UPR, Group 484, leading the Civil Society Focal Point cluster for refugees and IDPs, has organised consultation process using three methods:

- a) focus groups with refugees and IDPs;
- b) consultative meetings with civil society organisations (i.e. NGOs working for refugees and IDPs and IDP and refugee associations); and
- c) panel discussions with government representatives and representatives of CSOs.

2) Five focus groups have been organised with 65 persons – 28 refugees and 37 IDPs. Consultative meetings gathered 90 persons from 54 local CSOs (including 10 refugee and 15 IDP associations) and 8 international organisations, and the panel discussions had 143 participants in total, one third being from governmental (national and local) sector.

3) In addition, on June 20, 2008, Group 484 organised national conference *How to accomplish more: refugees and IDPs in poverty reduction processes* with 137 participants: 49 from CSOs, 30 from ministries and other government and state bodies, 15 from provincial and local institutions, and 41 from international organisations and embassies.

Normative and institutional framework for the rights of refugees and IDPs

4) Serbia has Law on Refugees adopted in 1992. Commissariat for Refugees is the main governmental institution in the area of refugees and IDPs issues. Also, there are two national strategies most relevant for the issues of refugees and IDPs: National Strategy for resolving issues of Refugees and IDPs (2002) and Poverty Reduction Strategy (2003).

5) Thirteen years after the maintaining the peace in Bosnia and Herzegovina and Croatia and nine years after the ending of the conflict in Kosovo, Serbia still hosts the large number of refugees and IDPs. According to the ratio of refugee population to the total population in 2007, Serbia was in the 13th place in the world (1:97). According to the number of IDPs, with 206,000 internally displaced persons from Kosovo, Serbia was among the first 20 countries.

Key national priorities to improve human rights situation of refugees and IDPs

Status and Institutional Framework

6) The revision of the National Strategy for Resolving the Problems of Refugees and IDPs should be made. On the regional level, in accordance with obligations undertaken by signing the Sarajevo declaration, Serbia, Croatia and Bosnia and Herzegovina should make the road maps, trying to abolish all regional differences, primarily related to question of former holders of occupancy/tenancy rights in Croatia. (Commissariat for refugees, and Ministry of Foreign Affairs in cooperation with UNHCR, OSCE and European Commission)

7) The significant number of refugees could solve their problems only by the procedures before courts in Croatia. Therefore, the establishing of legal support and representation is needed for all refugees to conduct the procedures before courts in Croatia. The state authorities of the Republic of Serbia should be involved in establishing a legal team or agency that will provide this kind of help. The establishment and functioning of the team could be secured through the cooperation between governmental and non-governmental sectors.

(Ministry of Justice, Ministry of Human and Minority Rights, State Agent of the Republic of Serbia before the European Court for Human Rights)

8) The problem of competencies and authorities toward IDPs should be resolved on national and local level. The legal and institutional framework should be fully defined. The appointment of the institutional responsibility and the specification of the status of IDPs should be done in accordance with the UN Guiding Principles of Internal Displacement. (Ministry for Kosovo and Metohija, Commissariat for Refugees)

9) Serbian institutions, together with international and nongovernmental organisations, should put joint efforts that the controversial and criticized concept of Internal Flight Alternative is no longer implemented on the people from Kosovo in the readmission process. The minority members from Kosovo who have been already returned to Serbia proper, as to a safe part of the country, should be given special protection as internally displaced persons. (Ministry for Kosovo and Metohija, Commissariat for Refugees, Ministry of Human and Minority Rights)

Housing

10) Recommendations related to housing are addressed primarily to the Commissariat for Refugees, the Ministry for Infrastructure, and the Ministry for Labour and Social Welfare. The part related to IDPs is addressed to the Ministry for Kosovo and Metohija as well.

11) The legal framework for non-profit housing should be regulated by the Law on Social Housing. The housing programmes should be made available primarily to socially vulnerable families in both collective and private accommodation (severely ill, extremely poor, and people with disabilities, especially when they live alone and have limited network of social connections).

12) Housing construction and entrepreneurship of refugees and IDPs have to be stimulated by favourable loans with lower interest and longer grace period.

13) Refugees and IDPs who have bought the land for construction or old house should be granted construction materials in order to finish or reconstruct their housing facilities. The local authorities could make the exemption in the taxation of the construction land.

14) The possibilities for employment in areas where housing programmes are going to be implemented should be taken into account when deciding where the housing programmes are going to be implemented.

15) The process of closing collective centres should be done in a manner that is in service of the IDP rights, above all the right to adequate accommodation. Like refugees, IDPs also should have access to housing programmes.

16) IDPs who do not possess or have not inherited property in Kosovo should have prime access to housing programmes.

17) Taking steps to facilitate process of legalisation of the illegally constructed houses for refugees and IDPs

18) Institutions of the Republic of Serbia should take the responsibilities over unrecognised collective centres. They should enable decent life conditions for the people in those centres and they should include them in housing care programmes.

Property rights in places of origin

19) Diplomatic activities at international and bilateral level should be strengthened in order to provide refugees and IDPs with unimpeded access to property rights in the countries or places of origin (Ministry of Foreign Affairs, Ministry for Kosovo, State Agent of the Republic of Serbia)

20) Comprehensive and fair solution should be found for the tenancy rights issue in the Republic of Croatia as well as for the repossession and reconstruction of property in Kosovo. (Ministry of Foreign Affairs, Ministry for Kosovo, State Agent of the Republic of Serbia)

21) Effective model for the protection of the IDPs rights as shareholders in the process of the privatisation of state and public companies in Kosovo should be developed through the Kosovo Property Agency, in coordination with Serbian authorities and provisional authorities in Kosovo.

Labour and employment

22) The National Employment Service should establish a system for monitoring the position of vulnerable groups on the labour market (including refugees) so as to enable monitoring the participation rates and effects of the affirmative actions.

23) Beneficiaries of income generation programmes need the professional consultative support. It would be also useful to establish and maintain the broad network of contacts between beneficiaries in order to provide peer consultation and exchange of experience and good practice examples (National Employment Service)

24) The issuing of work booklets for IDPs is conditioned by the proof of employment. This practice has to be abolished. The Rulebook on Work Booklets should be amended because the provision saying that the issuing requires permanent residence permit is not applicable when it comes to refugees and IDPs (Ministry of Labour and Social Policy, Ministry of Public Administration and Local Self-Government)

25) The procedure for the reconstruction of work booklets should be developed, which includes the cooperation between competent authorities in Serbia and Kosovo. (Ministry for Kosovo)

Education

26) On the national level, it is necessary to establish the funds for the scholarships and tuition costs for children and youth from vulnerable social groups, including refugees and IDPs. (Ministry of Education)

27) The free public transport to schools for all pupils should be prescribed on national level. (Ministry of Education)

28) In order to improve the education of Roma, including Roma IDPs, the variety of measures should be established: (a) expanding the programmes of Roma assistants in regular public schools; (b) increasing the capacities of evening schools for education of adults; (c) the school books and kits should be procured for all socially threatened children; (d) regardless of the school success, the scholarship should be appointed to all Roma children in high schools and universities. (Ministry of Education, Ministry of Human and Minority Rights)

29) The two-year pre-school education will be advisable as additional classes for children who are lagging behind in education as a result of their growing up in poverty (Ministry of Education)

30) All children without documents should be enrolled in schools and given all support for registering into birth registers and/or obtaining missing documents. (Ministry of Education)

Documents

31) The competent authorities in Serbia should review the procedures for obtaining personal documentation at the municipal level and introduce simplified, flexible and transparent procedures for IDPs by removing all unnecessary bureaucratic and administrative obstacles. The administration procedures should be simplified to respond to the special difficulties faced by persons with no documents, including Roma IDPs and members of the other marginalised communities. The procedure for subsequent registration, re-registration and reconstruction of birth certificate should be alleviated for IDPs by adopting relevant regulations. In this context, the list of documents needed as a proof of birth should be extended and statutory terms respected. Data contained in the dislocated registry books should be digitalised. (Ministry of Public Administration and Local Self-Government, Ministry for Kosovo, Ministry of Human and Minority Rights)

32) The authorities of Serbia, UNMIK and the local authority in Kosovo should at least exchange documents and files. (Ministry for Kosovo and Metohija)

33) The relevant ministry should issue an appropriate, legally binding instruction to relocated registry services from Kosovo and Metohija, in order to ensure the issuance of registry book certificates without the presence of an internally displaced person. (Ministry of Public Administration and Local Self-Government)

34) The competent authorities in Serbia should amend the existing laws on administrative proceedings and/or establish a new non-contentious procedure for determining the fact of birth. (Ministry of Public Administration and Local Self-Government)

35) The law of residence should be reviewed and other relevant laws and by-law acts should be changed in order to solve the issues of people who do not have a legal basis for residence. (Ministry of Interior)

36) The Government of the Republic of Serbia, in diplomatic contacts with the governments of Bosnia and Herzegovina and the Republic of Croatia, should initiate establishment of direct cooperation between local self-governments in three countries, with a view to simplified and free of charge issuance of documents for all refugees. (Ministry of Foreign Affairs, Commissariat for Refugees)

37) The Ministry of Interior, during the process of resolution of applications for acquisition of citizenship, should give priority to refugees. (Ministry of Interior)

38) The competent agencies of the Republic of Serbia, either through more flexible interpretation of regulations, or initiation of changes to the Law, should allow for acquisition of citizenship under the same preferential conditions effective for refugees to all those persons who held refugee status in Serbia and it had expired prior to their acquisition of citizenship. (Commissariat for Refugees, Ministry of Finance, Ministry of Interior)

39) The Commissariat for Refugees, other competent state agencies, all non-governmental and other organisations providing legal assistance to refugees should intensify their activities related to informing refugees on the possibilities, procedure and documents needed for naturalisation and revocation of refugee status. (Commissariat for Refugees, Ministry of Labour and Social Welfare)

Health insurance

40) It is recommended that the Ministry of Health, Republic Institute for Health Insurance and the Commissariat for Refugees propose mechanisms for overcoming problems related to access to health insurance and health care enjoyed by refugees in the transition from loss of refugee status to acquisition of Serbian citizenship and identity card (Ministry of Health, Commissariat for Refugees)

41) The Serbian authorities should undertake measures to enable full access to health services for IDPs facing problems with documentation, which include equal treatment to local population when it comes to renewing of health care certificates. Roma without a registered place of residence should be enabled access to health care in accordance with article 22 of the Law on Health Insurance. (Ministry of Health, Ministry for Human and Minority Rights, Ministry of Labour and Social Welfare)

42) In urgent medical situations, socially vulnerable families, including refugees and IDPs should be exempted from paying medicines. These people often cannot afford to buy or pay participation fees for the prescribed medicines after they have been diagnosed with a certain illness. A special, extended list of free medicines should be established for ensuring real accessibility to health care of socially vulnerable individuals. (Ministry of Health)

43) IDPs should have the same health booklets as all other Serbian citizens.

Pension insurance

44) The institutions of the Republic of Serbia, Croatia and Bosnia and Herzegovina in charge of ensuring efficient implementation of the agreements on social insurance should invest additional efforts to resolve as soon as possible the identified problems related to access of refugees to the rights from pension and disability insurance, including the "convalidation" of years of service (Ministry of Foreign Affairs, PIO Fund)

45) The procedure for the issuance of temporary decisions on pensions of IDPs should be simplified. Furthermore, the need for the temporary decisions should be abolished as soon as possible and the status of "new" pensioners from Kosovo and Metohija should be equal to that of other pensioners in the Republic of Serbia. Consequently, cooperation among pension funds in Kosovo and Serbia proper should be established. (PIO Fund)

Social care

46) It is necessary to form a unique methodology and expert local teams that would create complete and realistic social cards of refugee and IDP population. (Ministry of Labour and Social Affairs, Commissariat for Refugees)

47) Simplify to the maximum possible extent the procedure of realisation of rights to various forms of social assistance. It is particularly important that during the exercise of rights to family allowance (MOP), property of refugees in the country of origin is not taken into account if they cannot use it. (Ministry of Labour and Social Welfare, Ministry for Kosovo and Metohija)

48) Socially vulnerable persons whose refugee status was withdrawn prior to them being accepted into the citizenship of the Republic of Serbia, and who wish to integrate, should be enabled access to all forms of social welfare. (Ministry of Labour and Social Welfare)

49) Refugees (in the same manner as Serbian nationals) should be enabling the realisation of the right to one-time financial support for a newly born child, and socially vulnerable families should be provided with free baby accessories. (Ministry of Labour and Social Affairs, Ministry of Health)

50) The centres for social work in the territory with large Roma population should realise programmes for the employment of Roma assistants who will be engaged in activities related to realisation of social care for Roma. (Ministry of Labour and Social Affairs, Ministry for Human and Minority Rights)