

**Submission by the United Nations High Commissioner for Refugees**  
**For the Office of the High Commissioner for Human Rights' Compilation Report -**  
**Universal Periodic Review:**

**THE REPUBLIC OF SERBIA**

**I. BACKGROUND INFORMATION**

Since 2001, Serbia has been a party to the *1951 Convention Relating to the Status of Refugees* and its *1967 Protocol*, as well as to the *1954 Convention on the Status of Stateless Persons*. In December 2011, Serbia acceded to the *1961 Convention on the Reduction of Statelessness*.

Serbia hosts 70,550 refugees from Bosnia and Herzegovina and Croatia, 210,146 internally displaced persons from Kosovo, and 270 asylum-seekers, according to the latest statistics provided to UNHCR as of the end of March 2012.<sup>1</sup> The number of registered asylum-seekers correlates with the capacity of accommodation in Serbia's two asylum reception centers. However, the broader picture shows that the number of persons seeking asylum in Serbia (by initiating the first step of the process as prescribed by law) has sharply increased over the last several years from a total of 275 persons seeking asylum in 2009, to 522 in 2010, and 3,132 in 2011.

Certain minority groups within the displaced population are particularly vulnerable to human rights violations. These minorities include Roma, Ashkali, and Egyptian (RAE) communities, as well as displaced persons from Kosovo. Most RAE live in informal settlements in deplorable conditions, often below the level of human dignity, without basic infrastructure, legally recognized residence status, civil registration or personal documents. In addition to being unable to enjoy basic human rights, many of these persons are at risk of becoming stateless, primarily due to inadequate access to birth registration procedures, and cumbersome administrative obstacles in obtaining documentation.

**II. ACHIEVEMENTS AND BEST PRACTICES**

UNHCR welcomes the Government's achievements in the following areas:

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<sup>1</sup>These statistics are based upon the official data provided by the Government.

## **1. Prevention and Reduction of Statelessness**

UNHCR welcomes Serbia's accession to the *1961 Convention on the Reduction of Statelessness* at the Ministerial Conference held in Geneva in December 2011.

In addition, UNHCR notes a series of positive developments related to acknowledging and resolving problems related to the risk of statelessness among the domestic and displaced Roma in Serbia.

UNHCR acknowledges the efforts of the Government to work together with UNHCR in resolving the problems of persons at risk of statelessness by signing a three year tripartite Memorandum of Understanding with the Minister for Human and Minority Rights, Public Administration and Local Self-Government, and the Ombudsman of the Republic of Serbia in April 2012. The MoU provides a framework for joint cooperation and coordination in the field and at all levels in order to resolve the problems of the "undocumented" and "legally invisible" Roma.

The removal of administrative taxes related to procedures of subsequent birth registration, (registration any time after the proscribed 30 days has elapsed) represents a step forward, but other costs (such as municipal taxes, travel costs, etc.) remain a significant obstacle in the area of birth registration, citizenship and documentation for poor and marginalized Roma.

UNHCR welcomes the adoption of the *Law on Permanent and Temporary Residence* which provides an opportunity for those who do not have registered residence to register residence with social welfare centres. Having a registered temporary or permanent residence is a legal requirement for obtaining a Serbian Identity Card, a document crucial for exercising citizenship rights. Therefore, this new law addresses a gap which has prevented thousands of Roma living in informal settlements without a legal address from applying for an ID card.

## **2. Durable Solutions for Protracted Displacement in Serbia**

UNHCR welcomes the fact that Serbia conducted an IDP Needs Assessment in 2011, identifying 97,000 IDPs still remaining from Kosovo with displacement related needs and without access to a durable solution.

UNHCR notes the fact that the Government of Serbia has adopted a new National Strategy for Resolving the Situation of Refugees and IDPs for the period from 2011 to 2014. This new Strategy revises the policy framework for addressing the problems of IDPs from Kosovo and of refugees from the 1991-95 conflict.

UNHCR welcomes the constructive and active approach of Serbian authorities in the regional process to end the 1991-95 displacement chapter in the Western Balkans. Since

the Ministerial Conference held in Belgrade, Serbia in March 2010, a number of issues preventing refugees from achieving durable solutions have been or are being resolved through intensified cooperation among four countries of the region. In addition, Serbia, Croatia, Bosnia and Herzegovina, and Montenegro jointly prepared a *Regional Housing Programme* aimed at provision of durable housing solutions for some 74,000 vulnerable persons displaced in 1991-95 conflicts. This programme drew significant attention and support of the international donor community at the donor's conference held in Sarajevo in April 2012. Successful implementation of the national component of this programme should enable some 45,000 vulnerable refugees to find a durable solution in Serbia.

### III. KEY PROTECTION CHALLENGES AND RECOMMENDATIONS

#### **Issue 1: Preventing and Reducing Statelessness:**

The problem of the “legally invisible” and “undocumented” Roma remains without a solution due to existing legislative gaps in the area of subsequent birth registration. Persons not registered in a birth registry within the 30 day birth registration deadline, (often due to their parents lacking necessary documents, including i.e. proof of their own birth registration), must have their birth subsequently registered to resolve their lack of legal status. However, the procedure for late birth registration is not clearly regulated in the Law on Registry Books and the Law on General Administrative Procedure. It is therefore inconsistently applied, often creating long and complicated procedures, and in some cases, rendering subsequent registration of birth impossible.

UNHCR welcomes the fact that the Government of Serbia has approved a draft *Law on Amending the Law on Non-Contentious Procedures*, in 2011, aimed at resolving the problems of the legally invisible. The law would provide simplified and effective court procedures in cases where procedures for late birth registration are not completed within a period of three months. However, the Law has still not been adopted in Parliament.

Roma, Ashkali, and Egyptians in Serbia often face obstacles in meeting the requirements for obtaining national identity cards, primarily because they lack proof of birth registration together with proof of citizenship and registration of residence. (While the adoption of the *Law on Permanent and Temporary Residence* enables those who do not have registered residence to register with social welfare centres, by-laws are still needed for implementation.)

There are two key reasons why many Roma, Ashkali, and Egyptians in Serbia lack or are unable to provide proof of their birth: (1) they were never registered in the birth registries or (2) they are internally displaced persons from Kosovo who were registered at birth, but the registry book was lost/ destroyed as a result of the 1999 conflict.

The reason for the lower rate of birth registration may be linked to the vulnerability of Roma, Ashkali and Egyptians in Serbia due to inadequate education and deep-rooted and

institutionalized discrimination. Furthermore, home births also contribute to insufficient registration. Many Roma families prefer to give birth to their child at home for reasons of tradition, lack of documents, fear of discrimination, lack of funds, and a lack of available health care services close by. Unfortunately, the result is that often they do not adhere to the obligation of registering their child within a period of 30 days. However, even some Roma women who give birth in a hospital lack documents and are thus not able to register their children, or instead register them under the name of one of their cousins or neighbours, creating problems for the child in the future.

Preliminary results of the UNHCR “Survey on Persons at Risk of Statelessness in Serbia”<sup>2</sup> conducted in October 2010 indicate that 6.8% of the people living in Roma settlements in Serbia are at risk of statelessness due to the lack of civil registration and/or personal documentation. Among them, an estimated 1.5% lack birth registration and 3% of RAE do not have a temporary or permanent residence. The survey also indicates that lack of valid documents predominantly affects Roma who fled Kosovo. Without a registered residence RAE are neither able to obtain personal documents, nor access basic citizenship rights. The exact number of RAE in Serbia is not known, but the 2011 Population Census is expected to yield more precise statistical data.

#### **Recommendations:**

- Adopt the draft *Law on Amending the Law on Non-Contentious Procedures* urgently, as this represents a crucial piece of legislation for resolving the problems of the “legally invisible” and “undocumented” Roma.
- Adopt the by-laws necessary to implement the *Law on Permanent and Temporary Residence* as soon as possible.
- Ensure full implementation of the Memorandum of Understanding signed by the Minister for Human and Minority Rights, Public Administration and Local Self-Government, the Ombudsman of the Republic of Serbia, and UNHCR.

#### **Issue 2: Durable Solutions for Protracted Displacement of Refugees and IDPs in Serbia**

The number of returns to Kosovo remains low due to the lack of reintegration funds and capacities in Kosovo, as well as the fact that the Serbian authorities do not have a comprehensive durable solutions strategy for IDPs. As a result, the vast majority of IDPs remain without durable solutions. The Government of Serbia has adopted a National Strategy for Resolving the Situation of Refugees and IDPs, but has not adopted an Action Plan for the implementation of the Strategy, although it was supposed to do so within a period of six months after the adoption of the Strategy (2011). For the implementation of the strategy more funding is required.

Among the most vulnerable IDPs, the situation of the Roma IDPs remains of particular concern, as they lack access to basic rights and durable solutions, due to their

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<sup>2</sup> The survey is available at: <http://www.unhcr.org/refworld/docid/4fd1bb408.html>

marginalization and vulnerability. Many also lack access to documentation and face threats of eviction. An Action Plan for this strategy has yet to be adopted.

### **Recommendations:**

- Fully implement the *National Strategy for Resolving the Situation of Refugees and IDPs*, and the *Strategy on the Improvement of the Status of Roma in the Republic of Serbia* and urgently adopt Action Plans for their implementation.
- Undertake concrete steps, plans and projects to facilitate local integration of IDPs and refugees in protracted displacement situations. International fundraising by the Government should also be promoted to enhance the assistance of victims of forced displacement in their search for durable solutions.
- Focus on the specific problems of Roma, Ashkali and Egyptian IDPs in Serbia, and work on the creation of mechanisms for the protection of IDPs from eviction or for the provision of compensation, and an alternative and suitable access to housing.

### **Issue 3: Developing a Fair and Efficient Asylum System in Serbia:<sup>3</sup>**

In the context of mixed migration flows into and through Serbia towards the European Union, Serbia has faced a sharp increase of persons in need of international protection since 2008. In 2008, the Serbian Authorities registered 77 persons as asylum-seekers. In 2009, the number rose to 275, and in 2010, a total of 522 asylum-seekers were registered. In 2011, there were more than 3,100 persons who entered Serbia seeking protection.

Despite this sharp increase in persons asking for asylum, protection rates are extremely low.<sup>4</sup> Since adopting the Law on Asylum and taking over refugee status determination from UNHCR in 2008, the Government has yet to recognize a single refugee under the new Law. Out of the 55 decisions of the asylum office in 2011, 53 were rejected on the bases of the ‘safe third country’ concept, and two cases were rejected on the merits of the claim. Since 2008, five persons have been granted subsidiary protection.

Due in part to the increased number of asylum-seekers, key areas of concern include: access to the territory and effective protection against *refoulement*, current shortcomings in the processing of asylum applications and in ensuring fair and efficient asylum procedures. In addition, the long-term integration of refugees and persons granted subsidiary protection remains a concern, as the legal framework for the integration of recognized refugees is not in place.

Specific recommendations on each of these areas are outlined below under Issues 4-6.

### **Issue 4: Access to Territory and Effective Protection against *Refoulement***

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<sup>3</sup> See further the UNHCR paper “Serbia as a Country of Asylum” (which will be issued later in 2012).

<sup>4</sup> The “protection rate” is the percentage of positive decisions for both refugee status and subsidiary protection against the total number of substantive first instance decisions for a given period.

UNHCR has received reliable reports that asylum-seekers at the land border with the Former Yugoslav Republic of Macedonia have been denied entrance to Serbia, and that others have been intercepted by the police and taken back to the Former Yugoslav Republic of Macedonia, despite having asked to apply for asylum in Serbia. This denial of access to territory places asylum-seekers at risk of chain deportations to various countries without adequate asylum systems in place, and might pose a risk of chain *refoulement* to a country where people fled danger or persecution and thus risks breaching Serbia's obligations under the *1951 Convention*.

**Recommendation:**

- In accordance with international human rights and refugee law standards, all persons applying for asylum in Serbia should be provided access to the territory and to the refugee status determination (RSD) procedure.

**Issue 5: Fair and efficient asylum procedures**

The recent increase in the number of asylum-seekers in Serbia has exposed a number of gaps in the fairness and efficiency of the asylum system, affecting the processing of asylum applications. At present there are several challenges:

One of the key problems with the current asylum system in Serbia is the fact that access to RSD procedures of the Asylum Office within the Ministry of Interior is linked to accommodation in one of Serbia's two asylum centres managed by the Serbian Commissariat for Refugees. When these centres are at full capacity, asylum-seekers who cannot obtain shelter are effectively denied access to the asylum process. Due to the limited capacity of these centres, many asylum-seekers leave Serbia and move onward towards EU countries.

Another problem is linked to the capacity and size of the Asylum Office, and the resulting long waiting times between the five steps of the first instance procedure – from the expression of intention to seek asylum to the final decision issued by the Asylum Office. The process generally exceeds the prescribed deadlines.

The vast majority of asylum decisions do not include an assessment of the merits of the asylum claim. In 2009, the Serbian Government has adopted a list of 'safe third countries', which includes all neighbouring countries and others.<sup>5</sup> The Asylum Office applies the 'safe third country' notion to all asylum-seekers who have transited through countries on their list, without ensuring adequate safeguards or considering the quality of access to the asylum process in the so-called 'safe third country'. In 2011, out of the 55 decisions issued by the Asylum Office, 53 were rejected based upon the fact that the applicant came through a 'safe third country' on the list.

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<sup>5</sup> Decision on Determining the List of Safe Countries of Origin and Safe Third Countries (*Official Gazette of RS*, 67/2009).



The Asylum Commission, which is the second instance body for appealing decisions of the Asylum Office, lacks impartiality and independence, and has never overturned a negative decision of the Asylum Office.

**Recommendations:**

- Formally establish and improve the capacity and efficiency of the Asylum Office through increased staffing and training.
- Ensure access to the asylum system for persons who are not accommodated in the asylum centres.
- Stop rejecting asylum claims solely on the grounds of an applicant's travel through a 'safe third country' and instead consider asylum applications on their merits.
- Improve the possibility for judicial review by the Asylum Commission at the second instance.

**Issue 6: Integration of Refugees and Persons Granted Subsidiary Protection**

While Serbia has a Law on Refugees (2002), last amended in 2010, this law only applies to refugees from the former Yugoslav republics during the period: 1991-1998. Currently, there is no specific legislation in place providing for the legal integration of recognized refugees in Serbia who are granted refugees status under the Law on Asylum. The 2007 Law on Asylum foresees recognized refugees as having the rights to permanent residence and a path to naturalization, among others, but does not designate which government body should assist them in this process. As a result, refugees recognized under UNHCR's mandate prior to the adoption of the new Law on Asylum, persons granted subsidiary protection, and any future persons granted refugee status in Serbia, live without a governmental entity to turn to for assistance with their legal integration.

**Recommendation:**

Adopt legislation relating to the local integration of all recognized refugees in Serbia as envisaged in the 2007 Law on Asylum. Specifically, this should include designating a government body, such as the Serbian Commissioner for Refugees, to assist recognized refugees and persons granted subsidiary protection in their integration process.

## ANNEX

### Excerpts of Concluding Observations and Recommendations from UN Treaty Monitoring Bodies and Special Procedures' reports

#### Universal Periodic Review:

#### SERBIA

We would like to bring your attention to the following excerpts from UN Treaty Monitoring Bodies' Concluding Observations and Recommendations and from reports by Special Procedures mandate holders relating to issues of interest and persons of concern to UNHCR with regards to Serbia.

#### **1. Treaty Body Concluding Observations and Recommendations**

##### **Human Rights Committee**

CCPR/C/SRB/CO/2, 101<sup>st</sup> session

20 May 2011

##### **Principal matters of concern and recommendations**

16. While taking note of the progress made with regard to combating trafficking in persons, the Committee is concerned at information indicating that more than half of the victims of trafficking and sexual exploitation are minors. It is also concerned about the uncertain situation of witnesses who are foreign nationals in trafficking trials, and the fact that they are only granted temporary residence permits for the duration of the trial (art. 8).

**The State party should continue its efforts to raise awareness and to combat trafficking in persons, including at the regional level and in cooperation with neighbouring countries. It should ensure that all individuals responsible for trafficking in persons are prosecuted and punished commensurate with the crimes committed, and that victims of trafficking are rehabilitated. The State party should vigorously pursue its public policy to combat trafficking, in particular in minors for sexual exploitation, through the adoption of specific targeted measures and action plans on the issue, bearing in mind that the best interests of the child must be a primary consideration in all such actions. Child victims of trafficking should be provided with appropriate assistance and protection, and full account should be taken of their special vulnerabilities, rights and needs. The State party should also ensure that the situation of foreign nationals acting as official witnesses in trafficking trials is reviewed individually at the end of such trials, with the aim of assessing whether they would be at risk if they returned to their country of origin.**

19. Despite the action taken so far by the State party to address the problem of individuals without identification documents, including displaced persons, as a result of



the past conflicts, a large number of persons under the State party's jurisdiction, mainly Roma, live without any identification documents, and their births were never registered with the authorities. The Committee considers that this situation creates an impediment for members of the State party's most vulnerable group, namely the Roma, to enjoy a range of human rights, including those under the Covenant, and prevents them from benefiting, inter alia, from social services, social benefits and adequate housing, as well as limits their access to employment (arts. 12, 24 and 26).

**The State party should continue its efforts to provide all persons under its jurisdiction with identification documents, in particular those who were never registered or issued such documents. The State party should increase its efforts to ensure effective access to adequate housing, social benefits and services for all victims of past conflicts under its jurisdiction, including the Roma.**

**Committee on the Elimination of Racial Discrimination**

CERD/C/SRB/CO/1, 78<sup>th</sup> session

13 April 2011

15. The Committee expresses its concern that members of the Roma minority continue to experience segregation with regard to access to education. It is also concerned at the fact that Roma children returnees, upon readmission agreements from Western European countries, face additional difficulties in entering the Serbian educational system, due to, inter alia, enrolment and placement procedures (arts. 3 and 5 (e)(v)).

**Bearing in mind its general recommendations No. 27, paragraphs 17-26 and No. 32 o, the Committee strongly urges the State party to address de facto public school segregation, and carry out the necessary measures to facilitate access to quality education including through anti-discrimination training for school staff and awareness-raising for parents, increasing the number of Roma teaching assistants, preventing de facto segregation of Roma pupils, and other measures for the promotion of inclusive education. It also encourages the State party to develop specialized and appropriate procedures for the reception, assessment and placement of children returnees and to increase the awareness of school teachers of the importance of such procedures.**

19. The Committee expresses its concern about the problem of legally invisible persons, who are according to reports, mostly Roma, Ashkali and Egyptian, and it is also concerned about the enduring vulnerability faced by returnees and internally displaced persons. In particular, it is concerned that members of the Roma minority face difficulties and discrimination due to their lack of personal identification documents and birth certificates which puts them at risk of statelessness and affects the exercise of their rights (art.. 5 (b) and (d) (i), (ii), and (iii)).

**The Committee urges the State party to carry out the necessary measures, including legal amendments, to ensure that all persons lacking the required personal documents have access to registration and the necessary documents to exercise their rights. In particular, it recommends that the State party carry out campaigns to increase awareness of the importance of registration among the Roma, Ashkali and Egyptian population. In addition, the Committee recommends that the State party increase the safeguards against statelessness, and that it ratify the 1961 Convention on the Reduction of Statelessness.**

**Committee on the Rights of the Child**

CRC/C/OPSC/SRB/CO/1, 54<sup>th</sup> session

22 June 2010

Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

**General Principles of the Convention on the Rights of the Child (arts. 2, 3, 6 and 12)**

9. The Committee notes that the general principles of the Convention on the Rights of the Child have been considered to some extent in implementing the Optional Protocol especially in efforts to address the situation of children who are particularly vulnerable, notably Roma children. However, the Committee is concerned at persistent discriminatory attitudes faced by children, especially Roma children, children with disabilities and refugee and internally displaced children, which may affect their protection and prevent their full enjoyment of the rights enshrined in the Optional Protocol. Furthermore, the Committee is concerned that children's views are not given due consideration in all matters affecting them, including the development of policies and programmes.

**10. The Committee recommends that the general principles on the Convention of the Rights of the Child, in particular the principles of non-discrimination and respect for the views of the child be included in all measures taken by the State party to implement the provisions of the Optional Protocol, especially with regard to children who are particularly vulnerable to the offences of the Optional Protocol. Furthermore, it urges the State party to ensure that children's views are taken into consideration in all judicial or administrative proceedings.**

**Dissemination and awareness raising**

15. The Committee appreciates the numerous dissemination and awareness-raising activities carried out by the State party in collaboration with international, intergovernmental and non-governmental organizations on the issue of trafficking in human beings. However, the Committee remains concerned that efforts to raise awareness on the Optional Protocol are not systematic, do not include all areas covered by the Optional Protocol and that children, including children of minority communities, children in institutions, refugee and internally displaced children and parents do not have

adequate knowledge of the risks of the violation of the rights of children as enshrined in the Optional Protocol or of strategies to protect children against these violations.

**16. The Committee urges the State party:(a) To continue to make the provisions of the Optional Protocol widely known to the public, particularly to children and their families, through, inter alia, integrating the provisions of the Optional Protocol in school curricula at all levels of the education system and appropriate material created specifically for children; and**

**(b) In cooperation with civil society, and in line with article 9, paragraph 2, of the Optional Protocol, to intensify and promote awareness-raising among the public at large, including children, through information by all appropriate means, education about the harmful effects of all the offences referred to in the Optional Protocol and to encourage the participation of the community and, in particular, children and child victims of both sexes, in such awareness raising and information and education programmes.**

#### **Programmes targeting particular groups**

31. While noting some efforts undertaken to protect children from abuse and neglect, the Committee regrets that there are no specific programmes in place targeting particular groups of children, such as Roma children, refugee and internally displaced children, children in care institutions, children in street situations and the girl child, with the aim of preventing practices prohibited under the Optional Protocol. It also reiterates its concern expressed upon consideration of the initial report of the Republic of Serbia under the Convention in 2008 at the fact that children in street situations are especially vulnerable to economic and sexual exploitation.

**32. The Committee encourages the State party to strengthen systematic prevention activities, including birth registration, targeting the particular groups of children listed above, who are especially vulnerable or at risk, in order to protect them from the offences covered under the Optional Protocol.**

#### **Measures adopted to protect the rights and interests of child victims of offences prohibited under the Optional Protocol**

41. While noting the existence of some services for children who are victims of the offences covered under the Optional Protocol, the Committee is concerned that there is no comprehensive social protection system covering all child victims of all offences under the Optional Protocol in the State party. The Committee is further concerned at the paucity of information about specific efforts to protect children who are most vulnerable, notably Roma children and refugee and internally displaced children.

**42. The Committee recommends the State party:**

**(a) To strengthen efforts to establish a comprehensive social protection system that will extend to all child victims of all the offences covered by the Optional Protocol; and (b) To ensure holistic and proactive efforts to protect children who are most vulnerable, notably Roma children and refugee and internally displaced children, from becoming victims of offences covered by the Optional Protocol.**

### **Committee on the Rights of the Child**

Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

CRC/C/OPAC/SRB/CO/

54<sup>th</sup> session

21 June 2010

#### **IV. Protection, recovery and reintegration**

##### **Assistance for physical and psychological recovery**

24. The Committee regrets the paucity of information on measures taken to identify children entering Serbia who may have been involved in armed conflict abroad.

**25. The Committee recommends that the State party establish an identification mechanism for children, including asylum-seeking, refugee children and unaccompanied children, who may have been involved in armed conflict abroad. The Committee further recommends that the State party take measures to provide these children with appropriate assistance for their physical and psychological recovery and their social reintegration.**

### **Committee on the Rights of the Child**

CRC/C/SRB/CO/1, 48<sup>th</sup> session

20 June 2008

#### **Non-discrimination**

**25.** The Committee commends the State party for the inclusion of special provisions on protection from discrimination in its legislation, such as the Law on Protection of Disabled Persons against Discrimination and the Law on the Protection of the Rights and Freedoms of National Minorities, as well as initiatives targeted at the inclusion of minorities. The Committee notes that the draft law on prohibiting discrimination is awaiting adoption and is concerned that certain groups of children, including Roma children, children of returnees, children without birth certificate, children belonging to minorities and children with disabilities, face de facto discrimination, most importantly with regard to access to education and health care. The Committee is also concerned at the lack of a comprehensive strategy to combat discrimination and the negative portrayal of these groups in the media.

**26. In accordance with article 2, the Committee recommends that the State party make greater efforts to ensure that all children within its jurisdiction enjoy all the rights enshrined in the Convention without discrimination and pay particular attention to the most vulnerable groups. The Committee recommends that the State party use all measures to overcome the stigmatization of children belonging to vulnerable groups. The Committee also recommends that the State party take effective immediate action to favour children belonging to vulnerable groups, to enable them to effectively enjoy full access to education and any other rights, including by expediting the adoption of a law on the prohibition of discrimination, and increase awareness-raising of the role of the media.**

### **Birth registration**

33. The Committee notes that the State party has achieved close to universal birth registration in most areas, but is concerned at gaps and disparities among the rural population, in particular among the Roma and the internally displaced persons. The Committee is concerned that birth registration procedures are overly complicated and that children are at times not registered due to the lack of identification documents of parents. The Committee is concerned that this may place Roma and internally displaced children in a vulnerable position as undocumented citizens and consequently excluded from access to basic services.

**34. In the light of article 7 of the Convention, the Committee urges the State party to continue and strengthen, as a matter of priority, its efforts to establish a system ensuring the registration of all children born within its territory - irrespective of the nationality and status of the parents. The Committee further recommends that the State party take specific steps to remove existing gaps and obstacles to universal civil registration and to ensure registration of the children of Roma and internally displaced persons, in order to enable these groups to exercise the full range of rights recognized in the Convention.**

### **Education, including vocational training and guidance**

60. [...] Nevertheless, the Committee remains concerned at:

- (d) The incomplete enrolment, the high levels of drop-outs and the comparatively lower achievement of children belonging to vulnerable groups, including children from rural areas, children living in economic hardship and deprivation, Roma children and children from other minority groups, refugee and internally displaced children;
- (e) **The Committee recommends that the State party:**
  - a. **Take all necessary measures to ensure that the right to education is fully implemented so that children belonging to vulnerable groups, including rural children, children living in economic hardship and deprivation, Roma children and children from other minority groups, refugee and internally displaced children, fully enjoy their right to education;**

### **Refugee children**

65. The Committee welcomes the progress made in establishing a clear legal framework governing the treatment of refugees by way of adopting the Law on Asylum in December 2007. The Committee is concerned that a large percentage of the returned children remain unregistered and therefore do not have access to all basic services.

**66. The Committee recommends that the State party take all necessary measures to ensure that all children, including child returnees, are fully registered and effectively benefit from the social protection systems.**

### **Sexual exploitation and trafficking**

71. The Committee welcomes the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child pornography and child prostitution as well as the establishment of a National Team for the Prevention and Suppression of Trafficking of Human Beings. However, the Committee is concerned at the lack of data and the lack of a comprehensive national strategy to prevent trafficking and sexual exploitation of children. The Committee is furthermore concerned at the lack of reintegration and rehabilitation programmes and services exclusively for child victims and at reports of sexual abuse by law enforcement officials.

**72. The Committee recommends that the State party:**

- (a) Strengthen its efforts to reduce and prevent the occurrence of sexual exploitation, sale of children and trafficking, through, inter alia, undertaking a comprehensive study and data collection of the occurrence and the dimension of the problem and implement comprehensive strategies and policies;**
- (b) Strengthen cooperation with the authorities of countries from or to which children are trafficked in order to combat the phenomenon;**
- (c) Continue to sensitize professionals, parents, children and the general public to the problems of sexual abuse of children and trafficking through education, including media campaigns;**
- (d) Develop a comprehensive national strategy to prevent trafficking and sexual exploitation of children;**
- (e) Increase protection provided to sexually exploited and trafficked children, who should be treated as victims and not criminalized. The Committee recommends that this take place including through prevention, witness protection, social reintegration, access to health care and psychological assistance in a coordinated manner, including by enhancing cooperation with NGOs. In this respect, account should be taken of the Declaration and Agenda for Action and the Yokohama Global Commitment adopted at the First and Second World Congresses against Commercial Sexual Exploitation of Children, held in 1996 and 2001 respectively;**
- (f) Ensure that a confidential, accessible and child-sensitive mechanism is established to receive and effectively address individual complaints of all children, including those in the 14 to 18 age group in addition to the existing toll-free national helpline;**
- (g) Ensure the prosecution of perpetrators;**
- (h) Train law enforcement officials, social workers and prosecutors on how to receive, monitor, investigate complaints and prosecute perpetrators, in a child-sensitive manner;**
- (i) Seek assistance, if necessary, from UNICEF, among others.**

### **Roma children**

75. The Committee, while noting the efforts made by the State party, such as the adoption of the Law on Protection of Rights and Freedoms of National Minorities, the Committee remains deeply concerned at the negative attitudes and prejudices of the general public and at the overall situation of children of minorities and in particular Roma children. The Committee is concerned at the effect this has with regard to discrimination and disparity, poverty and denial of their equal access to health; education; housing,



employment; non-enrolment in schools; cases of early marriage; and decent standard of living. The Committee is also concerned at the very low levels of participation in early childhood development programmes and day care and the deprivation of education.

**76. The Committee urges the State party to:**

- (a) Initiate campaigns, including throughout the media at all levels and regions, aimed at addressing the negative attitudes towards the Roma in society at large, including among police and other professionals;**
- (b) Strengthen its efforts to remove discrimination and to continue developing and implementing - in close collaboration with the Roma community itself - policies and programmes aimed at ensuring equal access to culturally appropriate services, including early childhood development and education;**
- (c) Take all necessary measures to systematically register Roma children so as to provide equal access to health services and to avoid statelessness;**
- (d) Develop curricula units for children at school level, including in relation to Roma history and culture, in order to promote understanding, tolerance and respect for the rights of Roma in Serbian society as well as to enhance their Serbian language skills;**
- (e) Raise awareness in the Roma communities of the value of the girl child, her right to access education without discrimination as well as her right to be protected from early marriage and its harmful impact.**

**Committee against Torture**

CAT/C/SRB/CO/1, 41<sup>st</sup> session

19 January 2009

**B. Positive aspects**

3. The Committee welcomes the many legislative changes, including the adoption of:

- (f) The Law on Asylum, which establishes the principle of prohibition of non-refoulement, which was adopted in 2007 and entered into force in 2008.

**C. Main issues of concern and recommendations**

**Refugees**

9. The Committee notes the new Law on Asylum (2008), which establishes the principle of prohibition of non-refoulement, but remains concerned at the rules that interpret the application of the law with respect to the treatment of asylum-seekers (art. 3).

**The State party should urgently adopt the necessary measures, especially of a legal nature, to put in practice the new Law on Asylum to protect the rights of asylum-seekers and persons seeking refugee status. The State party should also put in place measures to protect asylum-seekers and other foreigners in need of humanitarian protection.**

### **Trafficking in persons**

21. The Committee takes note of the inclusion of trafficking in the new Criminal Code (art. 389), which defines human trafficking and includes it as a criminal offence. However, the Committee is concerned about the reports of cross-border trafficking in women for sexual and other exploitative purposes and it regrets the low number of prosecutions in this respect. The Committee also regrets that the State party does not have an effective system in place to monitor and assess the extent and impact to address this phenomenon effectively. The Committee is concerned at the decrease in the minimum penalties from five to three years of imprisonment and that redress and reintegration services are insufficient for victims of trafficking (art. 16).

#### **The State party should:**

**(a) Continue to prosecute and punish perpetrators of trafficking in persons, especially women and children;**

**(b) Intensify its efforts to provide redress and reintegration services to victims;**

**(c) Conduct nationwide awareness-raising campaigns and conduct training for law-enforcement officials, migration officials and border police on the causes, consequences and incidences of trafficking and other forms of exploitation;**

**(d) Adopt a National Action Plan for combating human trafficking and ensure that programs and measures are put in place for treating children victims of trafficking; and**

**(e) Increase cooperation by the police and the Agency for Coordination of Protection of Human Trafficking Victims with NGOs working against human trafficking.**

### **Committee on Economic, Social, and Cultural Rights**

E/C.12/UNK/CO/1, 41<sup>st</sup> session

1 December 2008

Document submitted by the United Nations Interim Administration Mission in Kosovo (UNMIK)

#### **D. Principal subjects of concern and recommendations**

13. The Committee notes with concern that 20 to 30 percent of the Roma, Ashkali and Egyptian communities are not registered as habitual residents or lack personal documents such as birth and marriage certificates, in the absence of civil status registration, both of which are necessary to access employment, social security, housing, health care and education. (art. 2, para. 2)

**The Committee recommends that UNMIK, in cooperation with the Kosovo authorities, further intensify efforts to (a) facilitate the registration of members of Roma, Ashkali and Egyptian communities as habitual residents, by promoting a flexible approach to fee exemptions and residence documentation in all**

**municipalities; (b) simplify civil status registration procedures, especially with regard to “subsequent/late” registration and home births; (c) educate Roma families on the importance of registration for the enjoyment of economic, social and cultural rights; and (d) promote the adoption of the Integration Strategy for the Kosovo Roma, Ashkali and Egyptian communities.**

17. The Committee notes with concern that 30 to 40 percent of Kosovans are unemployed, in particular women, young persons, non-Albanian communities, returnees and internally displaced persons, and that there are no specific measures to regularize the situation of persons working in the informal economy. (art. 6)

**The Committee recommends that UNMIK, in cooperation with the Kosovo authorities, intensify efforts to promote employment opportunities, especially in the formal sector, including for women, young persons, non-Albanian communities, returnees and internally displaced persons, e.g. through job training, the adoption of the Active Labour Market Programme for youth employment and increased incentives and subsidies for private businesses. It also recommends that UNMIK, in cooperation with the Kosovo authorities, regularize the situation of workers in the informal economy by progressively including them in social security schemes and by adopting a plan of action for the informal economy.**

18. The Committee notes with concern reports that UNMIK has failed to provide adequate safeguards during the privatization of former Socially Owned Enterprises aimed at preserving the pre-armed conflict ethnic composition of the workforce, and that it has set discriminatory deadlines precluding many internally displaced persons and returnees from applying for inclusion in the list of former employees eligible to participate in the distribution of the proceeds from the sale of such enterprises, and from appealing to the Special Chamber of the Supreme Court in case of their non-inclusion. (art. 6)

**The Committee recommends that UNMIK consider reviewing its Regulations 2005/48 and 2004/45 in order not to perpetuate the effects of forced migrations during and after the armed conflict in 1998/1999 on the ethnic composition of the workforce of former Socially Owned Enterprises and to provide internally displaced persons and refugees with adequate time and information to obtain the documents required for applying for inclusion in the list of eligible employees entitled to payments from the sales proceeds of former Socially Owned Enterprises, or otherwise to appeal to the Special Chamber of the Supreme Court.**

21. The Committee is concerned that the minimum levels of basic and contribution-based old-age pension benefits, disability pension benefits, war invalidity and survivor benefits and social assistance payments are insufficient to ensure an adequate standard of living to recipients and their families. The Committee is also concerned that the exclusion from such benefits of, inter alia, persons who own more than 0.5 hectares of arable land may have a discriminatory effect on returnees who are unable to repossess their lands because of illegal occupation or security concerns. (art. 9)

**The Committee recommends that UNMIK, in cooperation with the Kosovo authorities, ensure that the minimum levels of basic and contribution-based old-age**

**pension benefits, disability benefits, war invalidity and survivor benefits and social assistance payments are sufficient to ensure an adequate standard of living to recipients and their families. It also recommends that it review any discriminatory eligibility requirement for such benefits based on, inter alia, land ownership.**

24. The Committee notes with concern that prosecutors and judges in Kosovo often resort to the minimal charges of, and conviction for, the facilitation of prostitution in cases of trafficking in persons, and that abused and exploited children without parental care or street children are often categorized as “anti-social” children by social service officers and deprived of the special protection available for children who are victims of trafficking. (art. 10)

**The Committee recommends that UNMIK, in cooperation with the Kosovo authorities, ensure (a) that the police, prosecutors and judges receive mandatory training on the strict application of article 139 of UNMIK Regulation 2003/26 and other criminal law provisions against trafficking in persons; (b) that sentencing policies are reviewed; (c) that the concept of “anti-social” children is immediately repealed and special protection provided, without discrimination, to all children who are victims of trafficking; and (d) that the next report on the implementation of the Covenant in Kosovo includes updated data on the (estimated) number of persons trafficked to, from, within and through Kosovo, as well as on the number of prosecutions, convictions and on the sentences imposed on traffickers.**

27. The Committee is concerned about the low number of internally displaced persons and refugees, in particular those belonging to minority communities, who have returned to their pre-armed conflict homes in recent years, despite the efforts undertaken to facilitate sustainable returns. (art. 11)

**The Committee recommends that UNMIK, in cooperation with the Kosovo authorities, intensify efforts to ensure the repossession of property, physical safety and sustainable return of internally displaced persons and refugees, in particular those belonging to minority communities, to their pre-armed conflict places of residence, e.g. by increasing income generation assistance for returnees, ensuring that the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2) are fully taken into account during the revision of the Revised Manual for Sustainable Returns (2006), and directly involving affected IDPs at all stages of adoption and implementation of Municipal Return Strategies.**

28. The Committee notes with concern that the deadline for the submission of immovable property claims to the Kosovo Property Agency reportedly precluded many internally displaced persons with limited access to information about that deadline from filing their claims. It is also concerned about the backlog of some 18,000 civil claims for compensation of property damage allegedly caused by the lack of protection from KFOR, UNMIK, the Provisional Institutions of Self-Government or the municipalities during civil unrest, which have not been processed by the courts pursuant to an instruction by the UNMIK Department of Justice in August 2004. (art. 11)

**The Committee recommends that UNMIK review Section 8 of its Regulation 2007/8, with a view to making transitional arrangements for displaced claimants who were unable to comply with the December 2007 deadline for submitting immovable property claims to the Kosovo Property Agency due to limited access to information about such deadline. It also recommends that UNMIK, in cooperation with the Kosovo authorities, strengthen the human resources of and instruct courts to process all civil claims for compensation of property damage allegedly caused by KFOR, UNMIK, the Provisional Institutions of Self-Government or the municipalities during civil unrest and to prioritize cases involving discrimination.**

29. The Committee notes with concern that a number of Roma, Ashkali and Egyptian families, who were relocated to the IDP camp at Cesmin Lug/Çesmin Llug after the demolition in 1999 of the “Roma Mahalla” in Mitrovicë/Mitrovica, prefer to remain in Cesmin Lug/Çesmin Llug, despite high levels of lead contamination, due to their lack of trust in a durable housing solution and because they fear that the IDP camp at Osterode, to which most Roma, Ashkali and Egyptian families have been relocated from lead contaminated IDP camps, is itself located near a lead contaminated site. It is also concerned that, according to some sources, children at the Osterode camp show high blood-lead levels and that the medical treatment for lead poisoning was discontinued in 2007. (art. 11)

**The Committee recommends that UNMIK, in cooperation with the Kosovo authorities, ensure (a) that Roma, Ashkali and Egyptian families who prefer to stay at the IDP camp at Cesmin Lug/Çesmin Llug are adequately informed about the health risks involved and offered adequate alternative housing solutions which are culturally acceptable; (b) that the blood-lead levels of persons, especially children, living in the IDP camps at Cesmin Lug/Çesmin Llug, Osterode and Leposavić/Leposaviq are continuously monitored and that follow-up medical treatment is available in all three camps; (c) that phase 2 of the reconstruction of the “Roma Mahalla” is implemented and completed as soon as possible; and (d) that all Roma, Ashkali and Egyptian families who were relocated to IDP camps are progressively reintegrated into the “Roma Mahalla” and provided with adequate housing with legal security of tenure.**

### **Committee on the Elimination of Discrimination against Women**

CEDAW/C/SCG/CO/1, 38<sup>th</sup> session

11 June 2007

13. The Committee has noted the State party’s acknowledgment that, within the complex process of political, economic and social transition in the post-conflict period, its main priority has been the accession to the European Union as soon as possible. It is concerned that this position indicates that the Convention on the Elimination of All Forms of Discrimination against Women has yet to be given central importance as a legally binding human rights instrument for the elimination of all forms of discrimination against

women and the promotion of gender equality, despite the fact that it is part of the domestic legal order.

**14. The Committee urges the State party to base its legislation, policies, plans and programmes to achieve gender equality and the advancement of women on the Convention on the Elimination of All Forms of Discrimination against Women, as a comprehensive, legally binding human rights instrument within the domestic legal order. It therefore urges the State party to bring all domestic legislation in line with the Convention and to take clear and specific results-oriented measures to reflect the scope of the Convention in all Government actions across all sectors and levels. The Committee recommends that the draft National Action Plan for the Empowerment of Women and the Advancement of Gender Equality (2007-2010) address the needs of war victims and, in particular, women refugees and internally displaced women. The Committee also urges the State party to raise awareness about the Convention and its Optional Protocol, including in the media, and in particular among government officials, politicians and other decision makers, including parliamentarians, and to provide training to the judiciary and the legal profession.**

25. While welcoming measures taken by the State party to combat human trafficking, including its accession to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, the adoption of the Strategy against Human Trafficking in December 2006 and the creation, in 2004, of the Service for the Coordination of Assistance to Victims of Human Trafficking, the Committee is concerned that Serbia remains a country of transit, origin and destination for trafficked women and girls.

**26. The Committee calls on the State party to adopt the draft National Plan against Human Trafficking without delay and to establish a mechanism to monitor and evaluate its effectiveness. The Committee further calls on the State party to effectively apply its anti-trafficking legislation and programmes and to enhance international, regional and bilateral cooperation in order to further curb the phenomenon. The Committee also requests the State party to establish human rights-based protection and long-term reintegration programmes for victims.**

31. The Committee is concerned about systemic indirect discrimination against women in employment, which is pervasive in the public and private sectors and the informal sector, and is characterized by: horizontal and vertical job segregation, with women predominating in lower paid jobs in the public sector; a significant pay gap; higher unemployment rates of women, including older women, refugees, first-time job seekers and minority women; a larger number of women working as unpaid family helpers; limited access to the military for women; older women with lower incomes than older men; and some protective legislation being applied to women, including outdated notions of women's capabilities resulting in comprehensive protective legislation being applied to women.



**32. The Committee requests the State party to use the Convention as the human rights framework and to apply a holistic approach to modify and eliminate systemic, indirect discrimination against women in employment, supported by temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25. The Committee requests the State party to provide training and retraining to unemployed women, including marginalized groups of women, credit to women entrepreneurs and to those who wish to set up their own business and social security benefits for unpaid family helpers. The Committee further requests the State party to enhance the income-generating capacity, in particular of women who are single heads of household and rural women. The Committee also requests the State party to review protective labour legislation with a view to eliminating provisions that perpetuate women's de facto inequality.**

37. The Committee notes that the report was lacking in information and statistics about particularly vulnerable groups of women, including rural women, Roma women, women without civil registration and documentation, disabled women, refugee women and internally displaced women, who often suffer from multiple forms of discrimination.

**38. The Committee requests the State party to provide, in its next report, a comprehensive picture of the de facto situation of these vulnerable groups of women in all areas covered by the Convention and of governmental policies and programmes to eliminate discrimination against them.**

## **2. Special Procedures**

### **Report of the Special Representative of the Secretary General on the human rights of internally displaced persons, Walter Kälin**

Addendum: Follow-up visit of 28 June to 4 July 2009 to the mission to Serbia and Montenegro (including Kosovo) in 2005

Human Rights Council, 13<sup>th</sup> session

A/HRC/13/21/Add.1

11 December 2009

### **Conclusions and recommendations**

71. On the basis of his follow-up visit, the Representative concludes that the Government of Serbia has made some notable progress in the implementation of his recommendations. The institutional framework to address questions relating to internal displacement, in particular the Office of the Serbian Commissioner for Refugees, has been strengthened and responsibilities clarified; nevertheless additional support is needed. It is very positive that several initiatives have been launched to improve the living conditions of IDPs. This will also enhance their ability to carry out a sustainable return if they so choose. The Representative recommends that this approach will be formally reflected and strengthened in the various IDP-related policy instruments that are currently being finalized. The Representative strongly encourages the authorities to

strengthen their existing efforts to provide inhabitants of collective centers with dignified alternative solutions. The Representative also recommends that the Serbian authorities, in close cooperation with UNHCR, carry out a needs-based registration drive to find out, for operational purposes, how many of the more than 200,000 persons who were internally displaced have yet to find a durable solution and retain specific assistance needs.

72. The Representative notes that the number of returns to and within Kosovo has been disappointingly low, even though a considerable part of the IDP population still seems willing to return. The vast majority of potential returnees are IDPs of Serb ethnicity, but there are also some Kosovo Albanians still hoping to return to Northern Kosovo. Security and freedom of movement for minority communities in Kosovo has improved, although challenges remain. Entrenched patterns of discrimination, lack of access to employment and livelihoods and too few schools for minorities are today the chief obstacles to sustainable returns.

73. The Representative appreciates the consistently stated commitment of the Kosovo authorities to allow returns regardless of ethnicity. At the same time, the Kosovo authorities need to take more action to comply with their obligations as also reflected in the Guiding Principles and ensure that the authorities on the ground, especially municipal authorities, actively facilitate the reintegration of returnees. The successful implementation of the programme, under which IDPs (and refugees) from outside Kosovo interested in return have been registered, should become a priority for the authorities at all levels as it is a test case for returns to Kosovo. In addition, the Kosovo Ministry of Communities and Returns needs to be urgently strengthened and provided with the resources and competences necessary to implement its brief. It is important that efforts to facilitate returns fully include the large number of persons still displaced within Kosovo.

74. The Representative calls on the Government of Serbia to find ways to engage with the Kosovo authorities at a technical level to resolve displacement-related challenges. The solution found to enable the KPA to continue its work outside Serbia is an excellent example that it is possible with the necessary political will to find pragmatic solutions without having to forego positions of principle. The international community should assist return efforts by ensuring that existing livelihood and employment projects prioritize returnees as well as communities willing to receive them.

75. The restitution of housing, land and property left behind by IDPs or at least the provision of appropriate compensation remains a challenge. The restitution mechanisms set up by the international community have shielded the restitution process to some extent from the serious deficiencies of the Kosovo justice system and administrative apparatus. However, many other cases relating to IDP property are pending before Kosovo's courts, which do not yet have the capacity to handle this caseload and need to be strengthened as a matter of priority. The police and municipal authorities in Kosovo also have to increase their efforts to protect IDP property in line with their international obligations. The Representative calls on EULEX and other actors with a relevant

mandate to pay particular attention to how housing, land and property cases involving displaced parties are handled by the courts, police and other authorities to prevent further miscarriages of justice and protect the human rights of IDPs.

76. Internally displaced Roma, Ashkali and Egyptians continue to be in a very vulnerable position both in and outside Kosovo. The Representative is concerned that a lack of personal identification and other documents prevents these IDP groups from enjoying their rights on an equal basis. The Representative welcomes efforts in Serbia to draft a Law on the Recognition of the Person before the Law and to amend the Law on Residence. The Representative encourages Government and Parliament to prioritize both legislative projects and adopt and implement them without further delay so as to end the legal invisibility of a significant section of the country's citizens, including many IDPs. There are similar problems in Kosovo and the Representative encourages the Kosovo authorities to make a serious effort to provide this population with documents and regularize their situation, including with regard to land titles.

77. The Representative is very concerned that the situation of Roma IDPs exposed to toxic lead waste in Northern Mitrovica/Mitrovicë has still not been resolved and that children in particular are still exposed to grave risks to their health and physical integrity. All stakeholders have to cooperate in a pragmatic manner and in close consultation with the IDP community concerned to organize the community's immediate humanitarian evacuation, close the Osterode/ Česmin Lug/Çesmin Llugë site and provide durable solutions and all necessary medical treatment to the evacuees without further delay.

78. The Representative notes that members of minority community who are being forcibly returned to Kosovo from third countries face the same obstacles to reintegration in Kosovo as other returnees. While the security situation has improved, inter-ethnic relationships remain tense. Due to pervasive patterns of discrimination coupled with a lack of reintegration support, many risk becoming internally displaced persons upon their return. This sets in motion a harmful cycle of irregular migration and forcible return. The Representative recommends that the Kosovo authorities with the support of states returning rejected asylum seekers and other persons from Kosovo belonging to minority communities take robust measures to provide such persons with real reintegration perspectives. As long as they are not in place and discrimination remains pervasive, governments should avoid forced returns of minorities to Kosovo and to regulate the status of those in their host country until conditions in Kosovo permit their safe return.

**Report of the Special Rapporteur on freedom of religion or belief, Asma Jahangir**

Addendum: Mission to the Republic of Serbia, including visit to Kosovo

Human Rights Council, 13<sup>th</sup> session

A/HRC/13/40/Add.3

28 December 2009

**Violence and incitement to racial or religious hatred**

58. The Special Rapporteur remains concerned about the situation of internally displaced persons who are members of religious minorities. A recent UNHCR report indicates that most of the 210,000 internally displaced persons from Kosovo are from minority communities (Serbs, Roma, Ashkali and Egyptians) and in addition almost 20,000 people are still displaced within Kosovo itself, with some 2,200 living in collective centres. In this context, the Special Rapporteur would also like to refer to the follow-up mission from 28 June to 4 July 2009 by the Representative of the Secretary-General on the human rights of internally displaced persons. In his report (A/HRC/13/21/Add.1), the Representative of the Secretary-General notes that the number of returns to, and within, Kosovo has been disappointingly low, even though a considerable section of the internally displaced persons population still seems willing to exercise their right to return. While security and freedom of movement for minority communities in Kosovo has improved, today's chief obstacles to sustainable returns are the entrenched patterns of discrimination, lack of access to employment and livelihoods and too few schools for minorities.

### **Conclusions and recommendations**

#### **Recommendations for the consideration of the United Nations Interim Administration Mission in Kosovo and the international presence in Kosovo**

68. Furthermore, it is vital to continue efforts in order to ensure safe conditions for the sustainable return of displaced persons, in particular those belonging to religious minorities. The Special Rapporteur would like to refer to the conclusions of the Representative of the Secretary-General on the human rights of internally displaced persons (A/HRC/13/21/Add.1) and she joins his recommendations addressed to the European Union Rule of Law Mission (EULEX) to pay particular attention to housing, land and property cases involving displaced parties to prevent miscarriages of justice.