

UPR Universal Periodic Review 29th Session of the UPR Working Group

Joint Submission on the Republic of Serbia

6/29/2017

About the submitting organizations

1. On the occasion of the Universal Periodic Review of Serbia, submitting organizations prepared the present report with the assessment of the Serbia's compliance with the recommendations from the previous UPR cycle. The present report deals only with the existing obstacles for the protection, promotion and fulfilment of Roma rights in Serbia.

2. The Lawyers' Committee For Human Rights – YUCOM (contact details: Serbia, 11000 Belgrade, Kneza Miloša 4, tel: (381 11) 3344235, 3344425, office@yucom.org.rs, www.yucom.org.rs) was founded in November 1997 (then called Yugoslav Lawyers Committee for Human Rights) as an expert, voluntary, non-governmental organization whose members are legal experts engaged in promoting and advocating the idea of the rule of law to uphold human rights, raising public awareness, conceiving, designing and leading civic initiatives, rendering legal assistance to victims of human rights violation, as well as developing cooperation with national and international organizations involved in human rights protection and promotion. YUCOM is recognized as an organization advocating human rights and promoting active participation of citizens in legal initiatives. It has profiled itself and gained much recognition as human rights defenders' organization.

3. Network of the Committees for Human Rights in Serbia - CHRIS (contact details: Serbia, 18000 Nis, Obrenoviceva bb, TPC "Kalca", lamela B, II floor, local 42, tel: (+381 18) 526232, 526234, fax: (+381 18) 526233, e-mail: office@chris-network.org, www.chris-network.org). CHRIS Network was founded on 1 September 2000 as a unique human rights advocacy initiative in Serbia, formed first and foremost to provide free legal aid to citizens whose human rights have been violated. Today, the Network's programmes are carried out across Serbia by its five members: Committee for Human Rights Negotin, Civic Forum Novi Pazar, Committee for Human Rights Niš, Committee for Human Rights Valjevo and Committee for Human Rights Bujanovac. CHRIS Network provides a direct free legal aid to citizens, makes analyses of existing data, and monitors specific cases of non-respect of human rights, with an objective to alter and amend the existing legal and sub legal regulations in cooperation with national and international organisations and institutions on the territory of Serbia.

4. Human Rights Organization Equality (Jednakost) (contat details: Serbia, 1100 Beograd, Višnjićeva 11, local 3, tel: (+38111) 4087039, fax: (+38111) 3286235, info@jednakost.org, www.jednakost.org) strives against all forms of discrimination, rights violation and exclusion of minorities and marginalized groups and advocates for more just society founded on principles of equality, solidarity and respect of human dignity.

Introduction

5. In the second UPR cycle Serbia had received seven recommendations related to the position of Roma in the Republic of Serbia and different aspects of Roma rights. In a response, all of the recommendations were accepted during the process. Recommendations related to racial prejudices, xenophobia, hate speeches and other forms of discrimination, in particular against Roma, women, persons with disabilities, effective integration of Roma in Serbian society, birth registration of Roma, in particular registration of Roma children. Furthermore, a number of recommendations were given in relation to the non-discrimination, and the improvement in providing Roma with good education, adequate housing, employment and government services, as well as the protection from arbitrary, forcible evictions and displacement from their homes or temporary residences. Finally, a specific recommendation was given in relation to ensuring the greater security of tenure for Roma, especially those living in informal settlements.

Racial prejudices, xenophobia, hate speeches, violence and other forms of discrimination

6. Republic of Serbia adopted the Anti-discrimination Strategy and the Action Plan for its implementation. In this strategic document, a number of measures and activities are envisaged for the non-discrimination of Roma in Serbia. However, it has been reported that Roma are still often discriminated and subjected to discriminatory practices, mostly in cases related to employment, education and housing.¹ Also, there are cases when Roma were subjected to discrimination conducted by public authorities or officials.

7. On 14 October 2016, Romani NGO 'Romani Center for Development, Strategy and Democracy' filed a complaint to the Ombudsman informing about the attempt to build a concrete wall around Romani settlement 'Marko Orlović' in City of Kruševac, Central Serbia. The wall was placed on November 8, 2016.² The length of the wall is 150 meters; the height of the wall is 2 meters. The authorities of City of Kruševac claimed that the only reason for placing the wall is so-called 'sound barrier'. The installation of the wall caused huge public outrage and reaction of NGO. Even though all legal regulation were fulfilled, the wall has as consequence ghettoisation as manifestation of segregation which is a conclusion of the Special

¹ Commissioner for the Protection of Equality, 2016 Regular Annual Report of the Commissioner for the protection of Equality, online, available at: <http://ravnopravnost.gov.rs/en/reports/>

² Online, available at: <http://rs.n1info.com/a206917/Vesti/Vesti/Zid-okolo-romskog-naselja-u-Krusevcu.html>

Report of the Ombudsman.³ In addition, another complaint was submitted to the Commissioner for the Protection of Equality on the same occasion. However, there is still no outcome of this case and Roma in the abovementioned settlement still live in the segregated, walled-off settlement.⁴

8. Furthermore, it has been noted that in a number of cases, local non-Roma residents protest against the resettlements where Roma would be settled as their neighbors in a number of cases, the protesters were not prosecuted.

9. Residents of village Prekodolce, South Serbia protested on November 3rd 2016 against the beginning of construction of new houses for nine Romani families whose houses were damaged during the floods in May 2014. The construction of the new houses was financially supported by European Union. The families are waiting their new homes in containers as temporary accommodation. The residents are protesting against them claiming that the land belongs to the residents and that these people are bad and problematic people coming to live here.⁵

10. Same type of discrimination against Roma by protesting against construction of new homes for Romani families who lost their homes during the May 2014 floods were in two Belgrade Municipalities, Lazarevac and Obrenovac. 37 Romani families (21 family in Obrenovac and 16 in Lazarevac) among them lot of elderly and children still don't have their new homes being undesirable as neighbors. The funds although were provided and the municipalities gave their contribution by providing the land the residents of Lazarevac protested and the beginning of the construction was delayed for five times.⁶ Thirty residents of Obrenovac and 200 members of the association of citizens "Šljivice" protested for the same reason as in Lazarevac. After series of meetings with the president of Obrenovac Municipality, finally the construction started in late December 2015. In Lazarevac the construction started in March 2017.⁷

11. 10 year Romany boy who played the accordion in front of City Hall of Valjevo was physically attacked by an employee of the City Administration on 21 July 2016. The boy was often playing on his accordion in front of the City Hall. On that occasion, the employee first threatened to the boy that he will bend both him and his accordion. The boy complained to

³ Online, available at: <http://www.ombudsman.rs/index.php/izvestaji/posebnii-izvestaji/5230-p-s-b-n-izv-sh-u-v-zi-s-p-diz-nj-b-ns-g-zid-r-s-g-n-s-lj-r-rl-vic-u-rush-vcu>

⁴ WRITTEN COMMENTS of the European Roma Rights Centre Concerning Serbia For Consideration by the Human Rights Committee of the Concluding Observations of the 119 Session (6 – 29 March 2017), p. 4.

⁵ Online, available at: <http://rs.n1info.com/a205734/Vesti/Vesti/Mestani-sprecavaju-izgradnju-kuca-za-ugrozene-porodice.html>

⁶ Online, available at: <http://www.gemrtv.rs/?vesti2015%2Foktobar%2Flazarevac-mesna-zajednica-gornji-grad-miran-protest-mestana-zbog-izgradnje-stambenog-objekta.html>

⁷ Online, available at: <http://www.autonomija.info/rasizam-dovodi-do-humanitarne-katastrofe.html>

his mother who was nearby and continued to play and then the employee returned, grabbed him with one hand and with the other hand slapped him on his right cheek. Following the public outcry, the abovementioned employee was criminally prosecuted later on.⁸

Birth registration of Roma and the registration of Roma children immediately at the birth

12. Republic of Serbia had implemented a number of measures for the enhanced access to identity documents for Roma minority (birth registration and the ID cards). In 2012, with the adoption of the Amendments to the Law on Non Contentious Procedure⁹, Serbia had improved legal framework and provided legally invisible Roma with the additional and flexible procedure that could be initiated in cases where they cannot be registered in administrative procedure. However, these procedures are often lengthy¹⁰ and even after the Court determine the date and time of a birth, Roma still need to initiate additional procedure – the one for the determination of citizenship. This precludes a number of Roma from accessing a number of human rights, even though they are registered in birth registry books (but not in citizenship registry). Finally, there is still no legally binding instrument that would provide Roma children born from undocumented mother to be registered in birth registry books immediately after the birth.

Good quality education for Roma children – enrolment in the 'special education' schools and segregation of Roma students

13. A significant number of Roma children are still enrolled in the schools for children with special needs on no justifiable grounds. This clearly demonstrates that there is a lack of capacity of the State to meet the educational needs of Roma children.

14. Although in the past period some progress has been achieved, the share of Roma children in special education schools is still far too high (about 30% of children in special schools are Roma, while their representation in the general population is about 3-4%).¹¹ In addition, there is still a very widely implemented practice of transferring Roma children from ordinary schools to special education schools. Finally, the "special education schools" still exist where 70% of pupils are from the Roma community.

⁸ Online, available at: <http://www.blic.rs/vesti/hronika/incident-u-valjevu-sluzbenik-gradske-uprave-osamario-decaka-jer-je-svirao-harmoniku/rzrrlyb>

⁹ Official Gazette of RS, no. 85/2012

¹⁰ Praxis, Analysis of the Procedures for Determining the Date and Place of Birth and for the Exercise of Rights to Citizenship and Registration of Permanent Residence, Belgrade, December 2016, p. 2.

¹¹ Government of Serbia, The Strategy of Social Inclusion of Roma for the Period from 2016 to 2025, p. 25, online, available at: <http://socijalnoukljucivanje.gov.rs/en/roma-inclusion-strategy-adopted/>

15. Exposure to various forms of discrimination has a very negative impact on the education of Roma children, youth and adults. Discrimination is one of the main reasons for the lower availability and affordability of education for members of Roma communities, for the lack of preparedness and lack of capacity of schools to adapt to their educational needs, and for the low acceptance of education among the Roma if they are not allowed to learn Romani language and culture in school, or in another dignified manner express and affirm their identity within the education system. Thus, various forms of discrimination in education are the main factor that threatens the rights of members of the Roma community in the field of education.

16. An increased inclusion of Roma in education in some cases leads to the formation of segregated preschool groups, and schools/home classes where the majority are Roma, particularly in schools near Roma settlements. In cases like this, segregation is increased by a tendency among other parents to avoid enrolling their children in "Roma schools". In addition to than lower quality education, segregated schools with high number of Roma children have also to deal with the poor working conditions, other students leaving the school, low status the teaching staff in these schools enjoy among their colleagues and members of the local community, lack of support from other schools and local governments, all of which significantly reduces the quality of education for Roma children.¹²

17. Additionally, Roma children are often subjected to bullying and other forms of violence, and the adopted policy measures and bylaws often not implemented or cannot provide Roma children with safe and free environment in the schools.

18. On 12 June 2017, Romani boy, pupil of the seventh grade of Primary school 'Karadjordje' in Belgrade, was beaten up in the schoolyard by a group of non-Roma boys pupils of the eight grade of the same school because he was holding the flag of Serbia. The boys approached to him and told him that he does not have the right to hold the flag because he is 'Gypsy' and they hit him and kicked him and even strangled him with a bar. The case was reported to the school authorities and the police and a complaint was submitted to the Commissioner for Protection of Equality.¹³ However, minister of Education stated, when asked about the response of the ministry, that 'it would not be fair to hold the school accountable for this incident'.¹⁴

Access to adequate housing for Roma

19. Access to housing remains one of the most pressing issues Roma are facing in Serbia. There is a huge number of informal Roma settlements with dire living conditions and with

¹² Ibid.

¹³ Online, available at: <http://www.blic.rs/vesti/hronika/rom-ne-moze-da-nosi-srpsku-zastavu-sedmaka-iz-beograda-vrsnjaci-davili-i-tukli-uz/3j61e58>

¹⁴ Online, available at: <http://www.tanjug.rs/mobile/full-view.aspx?izb=336992>

no or little support of the local or central governments. Most Roma living in informal settlements are in a constant threat from forced evictions. Furthermore, the social housing stock is not sufficient for the housing crisis Serbia has to deal with.¹⁵

20. Even though the new Law on Housing and Maintenance of Buildings¹⁶ introduced the procedure for collective resettlements (cases of resettlements of informal Roma settlements), this law is still not in line with international human rights standards.¹⁷ There are several reasons for that. First of all, the law does not guarantee that the forced evictions are conducted solely as a last resort, in cases when all other alternatives are not feasible.

21. Furthermore, the law does not provide affected communities with sufficient opportunities for consultations with the authorities, nor ensures that alternative accommodation, in cases when eviction needs to be conducted, is of the same quality as social housing. This opens up the space for the authorities to provide Roma in these cases with the poor accommodation, segregated and isolated from the rest of the population, as it is the case in Belgrade, after forced evictions of Roma settlements 'Gazela' and 'Belvil'.¹⁸

22. Additionally, in some cases Roma living in informal settlements are being subjected to the lack of infrastructure and basic services, such as electricity and access to potable water and sanitation, on a discriminatory basis. For example, on 22 August 2016, Romani settlement 'Crvena Zvezda' in Southeastern Serbia City of Niš which comprises of 100 dwellings was cut off from electricity due to a debt to the electricity company. The settlement exists from 1960 and it has substandard infrastructure. The electricity was provided by two collective electrical meters. Previously the electricity was disconnected in 2014, for four months. As a result of the 2014 disconnection, the Serbian Equality Commissioner issued a recommendation on the case, deeming the disconnection discriminatory, and recommending that electricity be provided to the inhabitants of the settlement "on an equal basis with other persons in Serbia", i.e. with individual meters and individuated billing. The residents of the settlement claimed that both electricity disconnections are part of abusive pressure to force the community to abandon the settlement since part of the land where the settlement is placed belongs to the State, part is owned by private company. NGO planned a protest called 'Light up Zvezda'¹⁹ as a result of the fact that the settlement is without electricity. The settlement got the electricity on 26

¹⁵ Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context on her mission to Serbia and Kosovo, 26 February 2016, UN Doc A/HRC/31/54/Add.2

¹⁶ Official Gazette of RS, no. 104/2016

¹⁷ Amnesty International, Proposed Law on Housing Would Violate Human Rights, <http://www.minoritycentre.org/news/serbia-proposed-law-housing-would-violate-human-rights>

¹⁸ Amnesty International, Serbia: Two Years After Belvil Forced Eviction, Roma Still Wait for Adequate Housing, 25 April 2014, online, <https://www.amnesty.org/en/documents/eur70/010/2014/en/>

¹⁹ Online, available at: <http://chris-network.org/2016/12/press-konferencija-osvetlimo-zvezdu/>

December 2016 as a result of negotiations between the representatives of Roma and the electricity company.²⁰

Recommendations for Serbia Regarding the Roma Population in the Second Cycle of the UPR Process

Issue	Specific Recommendation	Fulfillment of the specific recommendation
Addressing Discrimination	“Expand its intervention with the aim of better addressing racial prejudices, xenophobia, hate speeches and other forms of discrimination, in particular against Roma...”	Despite positive steps with the adoption of Anti-discrimination Strategy, not fully implemented.
Addressing Discrimination: Right to Nationality	“Take appropriate measures to ensure that the basic civil and political rights of Roma are being assured and that birth registration is available and accessible for all children without discrimination	Not fully implemented. Roma children are still not universally registered at birth. In addition, there is still outstanding issue of citizenship of Serbia, in cases when Roma are provided with the Court decision on the date and place of birth.
Addressing Discrimination: Right to Education Right to Housing	“Increase measures to guarantee non-discrimination, to improve the conditions of Roma regarding the realization of good education, adequate housing, and to make available all basic services to them.	Not implemented. Roma children still face segregation in education, while access to housing presents one of the major obstacles for Roma in Serbia. Additionally, most Roma are unemployed and State policies for Roma employment fail to address this issue.
Right to Housing Right to Education	“Enforce legal safeguard to ensure fair and equal access to housing, education, employment and government services for Romani individuals and protection	Not implemented. Roma children still face segregation in education, while access to housing presents one of the major obstacles for Roma in Serbia. Additionally, most

²⁰ Online, available at: <https://www.youtube.com/watch?v=7yJyvDpUYZk>

	against arbitrary, forcible evictions and displacement from their homes or temporary residences.”	Roma are unemployed and State policies for Roma employment fail to address this issue.
Right to Education	“Eliminate racial segregation in schools so that all children, regardless of their ethnic origin, have access to education.”	Not implemented. Roma children still face segregation in education and the desegregation policies and measures are not put in place.
Social Integration	“Take steps to more effectively integrate Roma into Serbian society”	Not fully implemented. Roma children still face segregation in education, while access to housing presents one of the major obstacles for Roma in Serbia. Additionally, most Roma are unemployed and State policies for Roma employment fail to address this issue.
Economic Integration	“Undertake effective legal and administrative measures to ensure greater security of tenure for Roma, especially for those living in informal setting.	Not implemented. Despite some positive steps, such as the introduction of the procedure for the resettlements of informal Roma settlements, this procedure is still not in line with international human rights standards and Roma still face forced evictions, while their security of tenure is not ensured.

Recommendations to the Government of Serbia

23. YUCOM, CHRIS and Equality call on the Government of Serbia to create and maintain, in law and in practice that Roma could fully exercise their human rights, guaranteed by the international human rights law. In particular, YUCOM, CHRIS and Equality call on the Government of Serbia to:

Roma integration into Serbian society

Enhance the inclusion of Roma community and Roma civil society organizations in the process of the implementation and monitoring of the Strategy for the Social Inclusion of Roma in the Republic of Serbia 2016-2025;

Provide sufficient technical and financial resources for the implementation of the Strategy;

Proactively seek international assistance and cooperation in relation to measures and activities aimed at enhanced inclusion of Roma in Serbian society;

Access to personal documents for Roma

Ensure that Roma are registered and provided with personal documents without discrimination and that every Roma child is registered immediately at birth;

Immediately provide Roma registered in birth registry books with access to citizenship and residence registration;

Access to good quality education

Immediately introduce measures aimed at desegregation of Roma children from schools and provide them with the good quality education, on non-discriminatory basis;

Assess the situation of Roma enrolled in so-called “special education” schools and provide them with the immediate transfer to regular schools, additional educational support and ensure that there is no further segregation in educational system in Serbia;

Access to adequate housing

Provide Roma in informal settlements with access to basic infrastructure and services, on non-discriminatory basis and introduce additional measures and activities aimed at improving housing situation in informal Roma settlements in Serbia;

Immediately stop segregation in Roma housing and tackle existing segregation policies, reported in the present document;

Provide Roma with the security of tenure in all cases, particularly those related to Roma in informal settlements;

Ensure that evictions of informal Roma settlements are not conducted before all other alternatives are being exhausted and the affected community consulted and provided with alternative;

Ensure that sufficient social housing is provided for particularly vulnerable Roma from informal settlements, Roma refugees and internally displaced from Kosovo;

Ensure that social housing is affordable for vulnerable population, particularly Roma from informal settlements, Roma refugees and internally displaced persons.