

**Submission from the Internal Displacement Monitoring Centre
(IDMC) of the Norwegian Refugee Council (NRC) for consideration at
the 52nd Session of the Committee on the International Covenant on
Economic, Social and Cultural Rights
(28 April – 23 May 2014), Geneva**

SERBIA

14 March 2014

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Submission from the Internal Displacement Monitoring Centre (IDMC) of the Norwegian Refugee Council (NRC) for consideration at the 52nd pre-session of the Committee for Economic, Social and Cultural Rights, 30 September 2013

Internal Displacement Monitoring Centre

The Internal Displacement Monitoring Centre (IDMC) was established in 1998 by the Norwegian Refugee Council (NRC) and monitors conflict-induced internal displacement worldwide. The Geneva-based Centre runs an online database providing comprehensive and regularly updated information and analysis on internal displacement in more than 50 countries. Through its work, the Centre contributes to improving national and international capacities to protect and assist the millions of people around the globe who have been displaced within their own country as a result of conflicts or human rights violations. All of the information contained in this submission can be found in the online IDMC database, which can be accessed at www.internal-displacement.org

I. Background to internal displacement in Serbia

1. In 1999, over 245,000 people fled from or within Kosovo in fear of reprisals from the majority Albanian population. This was as a result of NATO air strikes that had forced the withdrawal of Yugoslav troops and ended years of oppression of ethnic Albanians. Kosovo's current political status remains ambiguous despite over 95 states having recognised its 2008 claim to independence. Negotiations continue between Kosovo and Serbia as chaired by the European Union.
2. At the end of 2013 there were an estimated 209,000 people registered by the government as internally displaced from Kosovo within Serbia proper. Approximately 75 per cent are ethnic Serbs while around 10 per cent are Roma, Ashkali and Egyptian. In 2011, an assessment of the needs of internally displaced persons (IDP) conducted by the Serbian government with the support of UNHCR and the Joint IDP Profiling Service found that around 97,000 of registered IDPs still had needs related to their displacement.
3. The majority of IDPs have remained in the area to which they were initially displaced. However, a significant number have moved from smaller towns to large cities in search of better job opportunities and access to services. IDPs have largely settled in the regions of Sumadija and western Serbia in cities such as Kraljevo and Niš as well as around Belgrade. A majority of the IDPs that still have needs related to their displacement live in rural areas.
4. This submission aims to inform the Committee on Economic, Social and Cultural Rights of recent events in Serbia since the pre-sessional examination in December 2013 and their effect on IDPs ahead of its upcoming examination of Serbia's compliance with the International Covenant on Economic, Social and Cultural Rights. It builds on the IDMC/NRC submission made to the Committee for the pre-sessional examination (see Annex), highlighting additional areas of concern.

II. Main issues of concern and questions for the Government of Serbia

Article 1 – Self-determination

6. In November 2013, the first ever Kosovo-wide municipal and mayoral elections under Kosovo law were held. The elections represented a confirmation that Serbia and Kosovo are willing to uphold and implement the *First Agreement of Principles Governing the Normalisation of Relations*, signed by both parties in April 2013, as the agreement called for such elections. The elections were also significant in that they brought into power freely elected local municipal officials who are recognised by both Belgrade and Pristina, ending a 15-year stalemate.
7. Events in Mitrovica, a region in northern Kosovo where many ethnic Serbs live and that hosts more than 80 per cent of IDPs in Kosovo, proved that the situation remains tense.¹ Candidates in Mitrovica were physically attacked before and after the election, and one municipal assembly member was

¹ According to the Statistical Overview: Update at the end of January 2014, *UNHCR Office of the Chief of Mission*, Pristina, Kosovo, 14'132 IDPs are located in Mitrovica, 81.58 per cent of total IDPs in Kosovo.

murdered². On election day, masked men stormed three polling stations and attacked and intimidated polling officials in north Mitrovica. Overall, however, the elections passed “calmly and peacefully” according to the EU Election Observation Mission statement.³ A new mayor of north Mitrovica was finally elected on 24 February 2014.

8. Both the government of Serbia and Kosovo authorities positively affected IDP participation in the elections. The government of Serbia arranged transportation for IDPs living in Serbia who had registered to vote in Kosovo, while the authorities of Kosovo took measures to ensure the displaced population living outside of Kosovo could register and vote by mail.
9. Despite these measures, electoral participation was underwhelming. IDPs and those living outside of Kosovo who voted by mail, had to present a long list of documents proving their residency, such as old Kosovo identification and even utility bills. This presented a significant obstacle to voter registration, as only 33 per cent of applications were approved.⁴
10. The average voter turnout in northern Kosovo was over 20 per cent, which is relatively high given that previous elections were completely boycotted. According to Article 1.1 of the Covenant, people should be able to ‘freely determine their political status’. While the Serbian and Kosovo governments did encourage IDP voter participation, the efforts were limited and could be strengthened for the next elections.

IDMC invites the Committee to consider the following recommendations to the Government of Serbia in relation to Article 1:

- Ensure that all IDPs who are eligible to vote are able to exercise their vote in Kosovo in the future by taking proactive measures to facilitate all possible mechanisms for mobile and absentee voting.

Article 2 – Progressive realisation of rights

11. Serbia’s *National Strategy for Resolving Problems of Refugees and Internally Displaced Persons for the period from 2011 to 2014* aims to improve the lives of the most vulnerable IDPs from Kosovo living outside of Kosovo.⁵ The

² OSCE, 2 November 2013, available from : <http://www.osce.org/kosovo/107764>; OSCE, 16 January 2014, available from : <http://www.osce.org/kosovo/110331>

³ Preliminary Statement: A Positive Step Forward for Democracy in Kosovo, *European Union Election Observation Mission*, Pristina, Kosovo, 5 November 2013.

⁴ Ibid.

⁵ *The National Strategy for Resolving Problems of Refugees and Internally Displaced Persons for the period from 2011 to 2014*, <http://www.kirs.gov.rs/docs/National%20Strategy%20For%20Resolving%20Problems%20Of%20Refugees%20And%20Internally%20Displaced%20Persons%20For%20the%20Period%20From%202011%20To%202014.pdf>

strategy has specific goals and objectives on issues of documentation and status, employment, education, health insurance, social security and housing as they relate to IDPs.

12. While the strategy was to run from 2011 to 2014, an action plan has yet to be adopted. According to point VIII in the strategy, this was to be done within six months after publication of the strategy. In an unrelated initiative, municipalities have prepared local action plans to assist IDPs with local integration at their current residence.
13. According to Article 2.1 of the Covenant, each State Party ‘undertakes to take steps ... with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.’

IDMC invites the Committee to consider the following recommendations to the Government of Serbia in relation to Article 2:

- Adopt a national action plan for the implementation of the *National Strategy* that takes into account the existence of local municipal action plans.
- Consider updating the National Strategy’s goals and extending the time period.

Article 10 – Protection of children

14. According to Article 10.3 of the Covenant, “Children and young persons should be protected from economic and social exploitation.” Of specific concern is the recent Group of Experts on Action against Trafficking in Human Beings report that highlights the plight of children of vulnerable groups such as the internally displaced. Between 2009 and 2011 almost half of all identified trafficking victims were children, and children of RAE and internally displaced are ‘particularly vulnerable’.⁶
15. Serbia’s response to trafficking problems has been framed by the Strategy for Prevention and Protection from Discrimination, adopted in June 2013. Children undergoing multiple forms of discrimination, such as members of RAE or displaced communities, are given specific attention. The drafting of an action plan for the strategy is ‘ongoing’.⁷

⁶ Group of Experts on Action against Trafficking in Human Beings, *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Serbia, First evaluation round*, 16 January 2014.

⁷ Ibid.

IDMC invites the Committee to consider the following recommendations to the Government of Serbia in relation to Article 10:

- Ensure that children of the internally displaced are adequately protected from human trafficking.
- Ensure that the action plan for the Strategy for Prevention and Protection from Discrimination is drafted and adopted as a matter of priority, and its implementation begins as soon as possible.
- Consider developing an official agency to combat trafficking, such as a National Rapporteur and/or a national office with an official mandate of implementing the Strategy.