

**Submission from the Internal Displacement Monitoring Centre (IDMC)
of the Norwegian Refugee Council (NRC) for consideration at the
55th session of the Committee on the Elimination of
Discrimination against Women
(8-26 July 2013)**

Serbia

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Internal Displacement Monitoring Centre

The Internal Displacement Monitoring Centre (IDMC) is a world leader in the monitoring and analysis of the causes, effects and responses to internal displacement. Through its monitoring and analysis of people internally displaced by conflict, generalised violence, human rights violations, and natural or human-made disasters, IDMC raises awareness and advocates for respect of the rights of at-risk and uprooted peoples. IDMC is part of the Norwegian Refugee Council (NRC). All of the information contained in this submission can be found online 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 the increasing number of states that have recognised its claim to independence. Negotiations continue between Kosovo and Serbia as chaired by the European Union.

2. As of December 2012, there were an estimated 225,000 internally displaced people (IDPs) from Kosovo within Serbia, including at least 15,000 internally displaced Roma who have never been registered as displaced. Returnee figures and those who have achieved durable solutions have not been deducted from the total. Approximately three-quarters of IDPs are ethnic Serbs and 11 per cent Roma, Ashkali and Egyptian – collectively known as RAE.

3. In 2011, an assessment of the needs of IDPs conducted by the Serbian Commissariat for Refugees with the support of UNHCR identified over 97,000 IDPs, 45 per cent of all registered IDPs residing in Serbia, as having on-going needs related to their displacement. Roma were deemed the most vulnerable. The assessment indicated an equal representation of men and women amongst IDPs, but did not identify specific needs or protection issues of women.

4. Though the majority of IDPs have remained where they were initially displaced a significant number have moved on from smaller to large urban areas. IDPs have largely settled in the regions of Sumadija and western Serbia in cities such as Kraljevo and Niš and around Belgrade. A majority of the most vulnerable IDPs live in rural areas and require assistance with housing, employment and access to documentation.

II. National policies and programmes for displaced women

5. The Government of Serbia has adopted the following laws, policies and programmes that identify displaced women as a particularly vulnerable group to be prioritised:

- a. National Strategy for Refugees and Internally Displaced Persons, 30 May 2002
- b. National Strategy for Resolving Problems of Refugees and Internally Displaced Persons (2011-2014), 3 March 2011
- c. National Strategy for Improving the Position of Women and Promoting Gender Equality, 13 February 2009

Implementation of the National Strategy for Resolving Problems of Refugees and Internally Displaced Persons (2011-2014) has been delayed, despite the fact that development of an action plan was supposed to be undertaken within six months of its adoption.

6. In its 2nd- 3rd Periodic State report issued on 16 March 2011, the Government of Serbia reported that since 2008 the Serbian Commissariat for Refugees, in cooperation with the International Organization for Migration (IOM), has worked on local action plans in 125 municipalities to resolve the issues of refugees and internally displaced persons. Particular attention is placed on the most vulnerable groups of this population, including single-headed families and victims of domestic violence.

7. The Committee requested in its Concluding Observations issued on 11 June 2007 that the State party provide a “comprehensive picture of the de facto situation of vulnerable groups of women, including...internally displaced women”. In its 2nd – 3rd Periodic State report, the Government of Serbia acknowledged that “the basic problem in the establishment of the rights of women who are refugees and displaced persons is the lack of systematic state monitoring of their status in various fields of social life” and “there is little data on the specific status of women who are refugees and internally displaced persons”. In the absence of baseline data relating to internally displaced women and without their systematic involvement, it is unlikely that government policies and activities will be planned and implemented in accordance with the actual needs of internally displaced women.

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

Article 1, 2 and 5 and General Recommendation No. 12 and 19 – Violence against women

8. Violence against women remains a significant concern in Serbia. UNDP reported in 2011 that approximately 54 per cent of women in Serbia had experienced some form of violence and the reported incidence had tripled in the three years prior to 2011. The Government of Serbia reported in its 2nd-3rd Periodic State report issued on 16 March 2011 that there is no information on violence against internally displaced women but this population is at risk of violence because of poverty, living conditions and patriarchal relationships. There is also a high risk of violence in collective centres due to overpopulation and lack of privacy.

9. Domestic violence is a criminal act according to the Criminal Code in Serbia. The Law on Gender Equality (2009), the National Strategy for Prevention and Combating Domestic and Partner Violence against Women (2011), and the National Strategy for Resolving the Problems of Refugees and Internally Displaced Persons (2011) all state that violence against women is a social problem that requires a coordinated community intervention. Furthermore, internally displaced women who are victims of domestic violence should be aware of their entitlements and ensured access to social services. The Government of Serbia also adopted an Action Plan for the Implementation of UN Security Council Resolution 1325 in the Republic of Serbia in 2011 and a National Strategy for the Advancement of Women and the Promotion of Gender Equality with a related action plan.

10. Internally displaced women who are victims of domestic violence face a particularly difficult situation. In addition to having been forced to flee their homes because of conflict and then deal with specific problems arising from their forced displacement, economic vulnerability significantly affects their decision to leave the perpetrator. According to Serbian law victims of domestic violence can stay in a safe house for a maximum of three months. But due to their economic situation and vulnerabilities, most internally displaced women cannot secure alternate housing in this period of time. In such cases, the survivor often has no other option but to go back to the perpetrator after leaving the safe house.

11. Domestic violence survivors in Serbia report numerous obstacles to reporting the facts, lodging a complaint and seeking assistance. These include prejudices ranging

from doubts about the existence of the violence and perceptions that survivors deserve violence, a significant delay between filing criminal charges and a court decision, as well as for the issuance of a protective restraining order, and survivors did not have systematic access to psychosocial support or compensation where the state failed to protect them. These obstacles cause survivors to lose trust in institutions that exist for their protection and as a result domestic violence often goes unreported, perpetuating impunity.

12. In its 2nd-3rd Periodic State report issued on 16 March 2011, the Government of Serbia reported that the Commissariat for Refugees office cooperates with safe houses for women and ensures that they receive assistance during and after their stay. A telephone helpline for victims of domestic violence was established in November 2011, and a new shelter for up to 20 victims of domestic violence was opened in Pancevo in January 2012, bringing the number of such centres to 13.

13. While Serbia has established a legislative framework for the realisation of gender equality and protection from gender-based violence, insufficient attention has been paid to the implementation of this legal framework in practice. As of late 2012, action plans had largely not been put in place for the national policies listed above, and funds for development of programmes were insufficient.

Article 2- Elimination of discrimination of women in the field of housing

14. The 2010 assessment of IDPs conducted by the Serbian Commissariat for Refugees with the support of UNHCR found that nearly 80 per cent of all internally displaced households claim the need for improved housing conditions citing lack of space, excessive humidity, damaged joinery and air pollution. The assessment estimated that 21,420 IDP households require assistance to solve their housing problems. They mainly prefer construction material kits and social housing programme apartments. The assessment did not provide information on the specific housing needs of internally displaced women.

15. The Government of Serbia reported in its 2nd-3rd Periodic State report that the Serbian Commissariat for Refugees aims to prioritise provision of adequate accommodation for vulnerable groups. These include elderly persons, families with ill wage-earners, women-headed families and female victims of domestic violence. It has stressed participation of women in its projects, primarily of self-supporting mothers. These women have benefited from construction and self-construction of houses, completion of construction, placement in social dwelling houses under protected conditions and profitable activities.

Article 10 - Elimination of discrimination against women in education

16. In its list of issues presented on 27 March 2012, the Committee requested that the State party provide updated data, disaggregated by sex, age, ethnic origin and regions, on the drop-out rates of girls at all levels of education, in particular primary education. It also requested information about access to education for disadvantaged groups of women and girls, such as the internally displaced.

17. In its 2nd-3rd Periodic State report submitted on 16 March 2011, the Government of Serbia reported that a smaller number of pupils from the families of IDPs participate in

activities after school, and more boys than girls. The State failed to comply with the Committee's request and its obligation under CEDAW to provide disaggregated data on drop-out rates of girls, including internally displaced girls, or information about access to education for internally displaced girls and women.

Article 11- Eliminate discrimination against women in the field of employment

18. An assessment of IDPs conducted in 2010 by the Serbian Commissariat for Refugees with the support of UNHCR concluded that internally displaced men are more often employed than women with 30.1 per cent and 18.6 per cent employed respectively. Women head a total of 30.6 per cent of the households in need of targeted assistance to reach durable solutions, as compared to men, who head 6.7 per cent of households in need. Suffering more from unemployment than men, internally displaced female head of household have more difficulties in providing for their families.

19. This data is in line with the results of a 2008 study on the living standards of IDPs reported by the Government of Serbia in its 2nd-3rd Periodic State report submitted on 16 March 2011. The Government also reported that internally displaced women particularly struggle to access information on vacancies and employment opportunities, have limited social networks to use to find employment, and face prejudices of employers and employees regarding displaced persons. As a result of these obstacles internally displaced women often work in poorly paid jobs below their qualifications, often in the informal sector without social benefits.

20. The National Strategy for Resolving Problems of Refugees and Internally Displaced Persons (2011 to 2014) acknowledges that the employment rates for internally displaced women are lower than for internally displaced men, and that among internally displaced persons, RAE have a significantly lower possibility for formal employment. Objective 3.2 of the strategy is to "increase the employment rate of internally displaced persons, to the level of the general employment rate in Serbia," including through measures for the most vulnerable groups and participation of women. The National Strategy for Improving the Position of Women and Promoting Gender Equality also declares that internally displaced women and refugees are more often unemployed than non-displaced women, and calls for special programmes for internally displaced women.

21. In its 2nd-3rd Periodic State report issued on 16 March 2011, the Government of Serbia reported that at the end of June 2009 there were 6,528 internally displaced persons registered as unemployed at the National Employment Agency. Also, in 2007 the National Employment Agency issued a special public announcement for employment of vulnerable categories of refugees and displaced persons and Roma. Forty-five programmes in total were financed providing employment for 58 persons (43 Roma, 9 displaced persons and 6 refugees).

Article 15 - Equality between women and men before the law

22. Internally displaced people often find themselves without documents after they flee their homes. In Kosovo, documents, registry books, birth records and archives were destroyed or went missing during the conflict. As a result, many IDPs have had to re-register births, marriages and citizenship. The lack of necessary documents, inconsistent appraisal of legal validity of evidence, and avoidance of the competent authorities to collect evidence *ex officio* impede this re-registration. Roma women have encountered

particular problems because they were often never registered. This puts them, and their children, at a higher risk of becoming victims of violence, exploitation and human trafficking. Without proper documentation they also face difficulties in accessing school and regular and official jobs perpetuating discrimination in the field of education and employment.

23. There was some progress on this issue in 2012. On 31 August 2012, Serbia adopted the Law on Amendments to the Law on Non-Contentious Procedure, which prescribed a court procedure for the determination of the date and place of birth of persons who cannot register through the administrative procedure for subsequent registration in birth registry books. The Law came into the force at the beginning of September 2012. There has been no full evaluation of its implementation.

IV. Recommendations

IDMC invites the Committee to consider the following recommendations for the Government of Serbia at the 55th Session:

Article 1, 2 and 5: Domestic Violence

- Ensure full implementation of the law and policies adopted to prevent and combat domestic violence with sufficient allocation of resources;
- Expand provision of alternate or transition housing as well as self-reliance programmes including vocational training, micro credit etc. to internally displaced women who have reached the end of their three-month stay at the safe house and do not wish to return to their partner.

Article 2: Housing

- Adopt an action plan for the implementation of the National Strategy on Resolving the Problems of Refugees and Internally Displaced Persons with sufficient resources allocated for measures to address of all internally displaced families in need of improved housing.

Article 10: Education

- Provide the schooling and drop-out rate of girls at all levels of education, including internally displaced girls;
- Ensure that all internally displaced children attend school in line with legislation and encourage IDP girls and their families not to discontinue their education;
- Organize educational or vocational programmes and literacy classes for girls and women who have left school prematurely.

Article 11: Employment

- Adopt an action plan for the implementation of the *National Strategy for Resolving the Issues of Refugees and Internally Displaced Persons*, with prioritisation of measures to improve the self-reliance of internally displaced women;
- Ensure internally displaced women can access information on job vacancies and employment opportunities;

- Conduct an information campaign to eliminate the prejudices of employers and employees regarding displaced persons, including discrepancies in terms of salaries and social benefits.

Article 15: Equality before the law

- Ensure full implementation of the amendments to the *Law on Non-Contentious Procedure* so that internally displaced women, including Roma, can regain documents required to access their rights in a simplified, accessible and free manner;
- Sensitize the most vulnerable women, including IDP women, to register their birth as well as their children's and get identification documents issued.