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**GOVERNMENT OF THE REPUBLIC OF SERBIA  
OFFICE FOR HUMAN AND MINORITY RIGHTS**

**ANSWERS**

**CONCERNING THE IMPLEMENTATION OF RECOMMENDATIONS FROM  
THE CONCLUDING OBSERVATIONS OF THE HUMAN RIGHTS  
COMMITTEE RELATING TO THE SECOND PERIODIC REPORT ON THE  
IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON CIVIL AND  
POLITICAL RIGHTS CONTAINED IN PARAGRAPHS 12, 17 and 22**

Belgrade, August 2014

## ANSWERS

### CONCERNING THE IMPLEMENTATION OF RECOMMENDATIONS FROM THE CONCLUDING OBSERVATIONS OF THE HUMAN RIGHTS COMMITTEE RELATING TO THE SECOND PERIODIC REPORT ON THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS CONTAINED IN PARAGRAPHS 12, 17 and 22

In its 101<sup>st</sup> session, on 18<sup>th</sup> – 19<sup>th</sup> March 2011 in New York, the Human Rights Committee considered the Second Periodic Report on the Implementation of the International Covenant on Civil and Political Rights in the presence of the delegation of the Republic of Serbia. In that respect, on March 29, 2011 the Committee adopted Concluding Observations with recommendations for the Republic of Serbia to implement (CCPR/C/SRB/CO/2). According to paragraph 25 of the Concluding Observations, the Human Rights Committee requested the Republic of Serbia to provide information about the implementation of the recommendations relating to the mass grave in Batajnica, the operation of judicial organs and the position of Roma people as referred to in paragraphs 12, 17 and 22, and do so with a time limit of one year of the consideration of the Report.

In July 2012, the Government of the Republic of Serbia adopted the Answers Concerning the Concluding Observations of the Human Rights Committee in relation to the Second Periodic Report on the Implementation of the International Covenant on Civil and Political Rights (paragraphs 12, 17 and 22) which were delivered to the United Nations through the Ministry of Interior. As part of the conducting of supervision of the implementation of the Concluding Observations, in April 2014, the Human Rights Committee Special Rapporteur requested additional information regarding the implementation of the recommendations contained in paragraphs 12, 17 and 22.

#### Mass grave in Batajnica

##### Paragraph 12

**The State party should urgently take action to establish the exact circumstances, which led to the burial of hundreds of people in Batajnica region, and to make sure that all individuals responsible are prosecuted and adequately sanctioned under the criminal law. The State party should also ensure that relatives of the victims are provided with adequate compensation.**

#### Batajnica

1. The case concerning the criminal offence of war crimes against civilian population, as defined in the 142<sup>nd</sup> Criminal Code of the Federal Republic of Yugoslavia, which occurred in Suva Reka in March 1999, has been adjudicated. The perpetrators were tried and convicted for murdering 64 persons of Albanian

ethnicity who were found in a mass grave in Batajnica - it being secondary to the primary burial ground of the military training compound around Prizren.

2. In the second instance, the case for the murder of at least 52 Albanian civilians (36 bodies found in the mass grave in Batajnica) during an event that took place in a place called Ljubenić on April 1, 1999, is in the closing arguments stage.

3. Several preliminary investigations are currently being conducted and they concern the responsibility of potential perpetrators of criminal offences to the detriment of the other victims found in the mass grave in Batajnica.

#### Radojko Repanović

4. The former commander of Suva Reka Municipal Police Department, Radojko Repanović, was convicted before the War Crimes Department of the High Court in Belgrade to 20 years of imprisonment for the criminal offence of war crime against civilian population.

5. This verdict was pronounced in a re-trial after the Court of Appeals in Belgrade, deciding on the appeals against a conviction pronounced against 7 accused for the crime committed on April 23, 2009, annulled the first-instance conviction on October 12, 2010 in relation to Radojko Repanović and ordered a re-trial. The Court of Appeals found the reasons given for the conviction of Repanović to be unclear and significantly contradictory. The reasons for which the Court of Appeals annulled the verdict relating to Radojko Repanović were given in the rationale of judgement.

#### Measures taken to speed-up the investigations

6. With respect to measures being undertaken to speed-up the investigations, the new Criminal Procedure Code<sup>1</sup>, adopted in 2011 and applied by the Office of War Crimes Prosecutor since January 15, 2012, has been of great importance.

7. The Code allows greater control of the prosecutor's offices over the preliminary investigation procedure. The role of the prosecutor and the conduct of prosecutor's offices towards other participants in the proceedings have been drastically re-defined in comparison to the previous Code. The role of the prosecutor in gathering evidence has increased, including the liability for the legality of evidence collected. On the basis of such changed role of the prosecutor's office, greater efficiency in the conducting of investigations has been noted, particularly in the case of preliminary investigations.

8. In relation to war crimes, a Protocol on Cooperation in Prosecution of Perpetrators of War Crimes, Crimes against Humanity and Genocide was signed with the Prosecutor's Office of Bosnia&Herzegovina.

9. The Protocol with the Prosecutor's Office of Bosnia&Herzegovina, with the already established cooperation with the State Attorney's Office of the Republic of Croatia, enables evidence and

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<sup>1</sup> Official Gazette of the Republic of Serbia, Nos. 72/11, 101/11, 121/12, 32/13, 45/13 and 55/14.

perpetrators of war crimes, often located on the territories of several former Yugoslav republics, to be found. Evidence located in other countries was not available until now, but the cooperation with the former Yugoslav republics is enabling the conducting of investigations with the exchange of information and evidence which prevents impunity for war crimes.

10. Due to the application of the Criminal Procedure Act and the establishment of regional cooperation, results in the number of investigations conducted have been achieved. Since the beginning of the Code's enforcement, investigations against 73 individuals in 14 cases have been run and 25 persons have been indicted (2 indictments against 8 persons which the court of law has not yet decided on in the indictment control procedure).

#### Measures taken to encourage witnesses to testify in court

11. The Criminal Procedure Code prescribes for court and extra-judicial support to and protection of witnesses and injured parties. The Code stipulates that in case of a witness who is especially vulnerable in view of his/her age, life experience, lifestyle, gender, state of health, nature, the manner or the consequences of the criminal offence committed or other circumstances, the authority conducting the respective proceedings may *ex officio*, at the request of the parties in the proceedings or the witness himself/herself designate that witness as an especially vulnerable one. If it deems it necessary for the purpose of protecting the interests of an especially vulnerable witness, the authority conducting the respective proceedings shall issue a ruling appointing a proxy for the witness, and the public prosecutor or the president of the court shall appoint a proxy according to the order on the roster of barristers submitted to the court by the competent bar associations.

12. If there are circumstances which indicate that a witness would be exposing himself/herself or people close to him/her to a greater threat to life, health, freedom or property by giving a testimony or answering certain questions, the court may issue a ruling on the status of a protected witness approving one or more special protection measures.

13. In addition to these general measures of support and protection to witnesses and injured parties, there are also special services in war crimes proceedings and special laws suitable to the needs of war crime proceedings which are simultaneously applied.

14. On the basis of the Organisation and Competence of Government Authorities in War Crimes Proceedings Act<sup>2</sup>, a service for the help and support of witnesses and injured parties in relation to criminal offences defined under this Act was established in the High Court in Belgrade.

15. In accordance with its internal procedures, the Service for the help and support of witnesses and injured parties performs the task of evaluating emotional and logistic needs of witness in various stages of the testimony (before, during and after). The Service is obliged to provide the necessary information

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<sup>2</sup> Official Gazette of the Republic of Serbia, Nos. 67/03, 135/04, 61/05, 101/07 and 104/09.

about the witnesses with regard to their participation in the procedure, as well as identify and remove potential obstacles for the giving of testimonies. The Service discusses protection measures with the witnesses and, should a witness initiate any of the measures, it also explains what the format of the request for such measures would be. In cases of especially vulnerable witnesses, employees of the Service may find it necessary to welcome them upon their arrival to Belgrade. After the testimony is given with a prior consent of the witness, the Service may subsequently contact the witness in order to discuss potential consequences of his/her testimony.

16. In proceedings for criminal offences which special laws prescribe that prosecutor's office of special competence shall conduct, the public prosecutor may examine the witness/injured party even without calling the accused and his/her defence counsel to attend the examination should he/she find that their presence might influence the witness.

17. In terms of extra-judicial protection of participants in the proceedings, the Protection Program for Participants in Criminal Proceedings Act<sup>3</sup> applies. The Act regulates the conditions and the procedure for offering protection and help to participants in criminal proceedings (suspects, accused, key witness, witness, injured party, expert witness and professional consultant) and persons close to them who, by giving testimony or information relevant for evidence in criminal proceedings, have been exposed to threat to life, health, physical integrity, freedom or property.

18. The Program of Protection for the stated individuals may be conducted before, during or after the finalisation of the criminal proceedings. The decision on the inclusion in, extension, cancellation and termination of the Protection Program is made by the Committee Running the Protection Program, at the proposal of the public prosecutor, judge who sat in the previous proceedings or the presiding judge who, *ex officio* or at the proposal of the participants in the criminal proceedings, submits the respective requests to the Committee. As a specialised unit of the Ministry of Interior, the Protection Unit conducts the Protection Program and provides the protected person with the required economical, psychological, social and legal help. In case of immediate danger to life, health, physical integrity, freedom or property of the persons entitled to protection, the Head of the Unit may order the implementation of urgent measures with the consent of the participants, i.e. persons close to those entitled to protection, which shall last until the Committee has reached a decision on the inclusion of these persons in the Protection Program. If the request for the inclusion in the Protection Program is granted, the Head of the Protection Unit shall conclude an agreement on the inclusion in the Protection Program with the person who has been granted protection.

19. According to the Protection Program for Participants in Criminal Proceedings Act, a number of measures may be imposed in proceedings against constitutional order and security, against humanity and other goods protected under international law and proceedings for criminal offences of organised crime. These measures are: physical protection of one's person and property, change of residence or transfer to another prison, hiding of identity and property information, change of identity.

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<sup>3</sup> Official Gazette of the Republic of Serbia, No. 85/05.

20. The combination of the general measures of protection of and support to witnesses and injured parties which are prescribed under the Criminal Procedure Code and special laws, has allowed for the war crimes proceedings to be entirely in line with the EU directives, primarily EU Directive 2012/29 which regulates the rights, support to and protection of injured parties.

21. In addition to all the above mentioned measures, the Office of War Crimes Prosecutor and the Special Jurisdiction Prosecutor's Office has been offering support to witnesses during several case-related proceedings conducted in the region, as part of the cooperation established with the State Attorney's Office of the Republic of Croatia (SAO), effectively ensuring witnesses went before the courts in Croatia. This was achieved by the contacting of the witnesses' employers in order for them to give leave to their employees/witnesses of and thus enable them to testify before the courts. This action also encouraged several witnesses to appear before the courts after having declined to do so times before.

### **Judges' independence and efficient operation of judicial organs**

#### Paragraph 17

**The State party should ensure strict observance of the independence of the judiciary. It should also ensure that judges who failed to be re-elected in the 2009 process are given access to full legal review of the process. The State Party should also consider undertaking comprehensive legal and other reforms to make the functioning of its courts and general administration of justice more efficient.**

#### Judicial reform

22. The National Judicial Reform Strategy for the period 2013 – 2018 was adopted on July 1, 2013. The Strategy represents a continuation of the reformative activities set by the previous Strategy for the period 2006 – 2011 and the accompanying Action Plan. The aim of the new Strategy is to allow for the preparation of the judicial system for new challenges in line with European standards and values. The reform of the judicial system of the Republic of Serbia is based on 5 key principles: independence, impartiality and quality of justice, competence, accountability and efficiency. These principles will provide a framework for the establishment of development and organisation of judicial institutions for the purpose of creating a judicial system entirely capable of protecting the rights of all citizens.

23. Strategic objectives for the implementation of the principle of independence include: a transparent and independent full-capacity operation of organs guaranteeing independence of courts and judges, and public prosecutors and deputy public prosecutors (High Judicial Council and State Prosecutorial Council); a full independence and transparency of the judiciary in budgetary authorisations; the strengthening of analytical capacity for strategic planning in the High Judicial Council and the State Prosecutorial Council, the setting of clear objective and in-advance determined criteria for the selection, promotion and accountability of those holding judicial offices.

24. Strategic objectives of the principle of efficiency are: the creation of an effective and an efficient network of courts and public prosecutor's offices; the promotion of internal procedures for the work of the ministry, courts and public prosecutor's offices and the improvement of infrastructure and the setting up of e-judiciary; the resolution of cases within reasonable time limits and the setting up of an efficient and sustainable system for the resolution of old cases on the basis of principle of priority; the setting-up of an efficient and sustainable public notary system; setting-up of an efficient and sustainable system of court judgements' execution; further promotion of international cooperation in the field of judiciary.

25. The analysis of the summarised results achieved with the previously implemented reform has identified several problems of the judiciary which are most urgently in need of solving: reintegration into the system of judges and public prosecutors who were returned to office pursuant to the judgement of the Constitutional Court and reviewing of the judicial network; resolving the back-log of cases; resolving cases within reasonable time limits; improving the status of the High Judicial Council and the State Prosecutorial Council and a normative regulation of the accountability of these two bodies; unifying case law; setting-up a unique e-judicial system.

26. Action Plan for the Implementation of the National Strategy was adopted on July 31, 2013. The Committee in charge of Strategy implementation was formed on August 25, 2013.

27. In the process of the 2012 Constitutional Court judgement implementation, the judgement having effectively upheld the appeals of the non-elected judges, the High Judicial Council elected 594 judges to permanent office. The High Judicial Council publishes all of its decisions and other information related to its work on its official website. The website is regularly updated.

28. For the purpose of transparency and predictability of its actions, as well as the possibility of controlling the validity of its decisions relating to the assessment of judges' performances, the High Judicial Council adopted Rules on the Application of Decisions on Setting Criteria for the Assessment of Judges' Competence, Qualifications and Worthiness on May 23, 2011 during a procedure where it reviewed the decisions of the first composition of the High Judicial Council. The Council is currently drafting Regulations on the Criteria for the Judges' and Court Presidents' Performance Evaluation Procedure.

#### Trying in reasonable time limits

29. Amendments to the Organisation of Courts Act<sup>4</sup> prescribe the possibility for parties to exercise their right to damages before the competent court, due to their right to have trials within a reasonable time limit violated. The Act stipulates that a party in court proceedings that believes its right to a trial within a reasonable time limit has been violated may submit a request for the protection of this right directly to the higher court. With this request, the party may also seek damages for the violation of its right to a trial within a reasonable time limit. If the request is in relation to ongoing proceedings before the

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<sup>4</sup> *Official Gazette of the Republic of Serbia*, Nos. 116/08, 104/09, 101/10, 31/11 - State law, 78/11 – State law, 101/11 and 101/13.

Commercial Court of Appeals, the Magistrates' Court of Appeals or the Administrative Court, it is the Supreme Court of Cassation that will decide on that request. The proceedings on deciding on the request for the protection of the right to a trial within a reasonable time limit are urgent. If it finds the party's request to be well founded, the directly higher court may order appropriate damages for the violation of the right a trial within a reasonable time limit and it may set a time limit within which the lower court should finalise the proceedings in which the respective violation occurred. Damages for the violation of the right to a trial within a reasonable time limit are paid from the budgetary funds of the Republic of Serbia allocated for the work of the courts, and within a time limit of three months of the party submitting its request for payment. Decisions on the requests for the protection of the right to a trial within a reasonable time limit may be appealed to the Supreme Court of Cassation within 15 days.

### **Improvement of the situation of the Roma**

#### Paragraph 22

**The State party should strengthen its efforts to eradicate stereotypes and widespread abuse against Roma by, among others, increasing awareness-raising campaigns that promote tolerance and respect for diversity. The State party should also adopt measures to promote access of Roma to various opportunities and services at all levels, including, if necessary, through appropriate temporary special measures.**

30. According to the census conducted in the Republic of Serbia during October 2011, the total number of citizens who declared themselves as Romani were 147,604, or 2.05% of the total number of citizens (7,186,862). 60% of the Roma people live in city areas, while the remaining 40% live in other areas. Men comprise 51% of the population, while the women comprise 49% of the population.

31. Strategy for the Improvement of the Position of the Roma in the Republic of Serbia was adopted in 2009<sup>5</sup>. This is a development strategy which is changing and developing in light of the results of the improvement of the position of the Roma in the Republic of Serbia and thus offering adequate solutions. The Strategy is a social process which entirely includes the Roma community as an equal partner in resolving the situation of the Roma in the Republic of Serbia. Two action plans have been adopted for the implementation of the Strategy. The first Action Plan was adopted on July 2, 2009 for the period 2009 – 2011 and the second was adopted on June 10, 2013 for the period ending on January 1, 2015. The measures, or rather activities, defined in the Action Plan operationalise the recommendations and the priorities defined in the Strategy for each of the 13 areas important for the improvement of the position of the Roma (education, housing conditions, employment, displaced persons, return under the Readmission Agreement, personal documents, social protection, health care, women's status, informing, culture, political involvement and representation and anti-discrimination).

32. Strategy for the Prevention of and Protection against Discrimination (or Anti-Discrimination Strategy) that was adopted in June 2013, distinguishes the Roma as a special vulnerable population group. The Strategy stipulates measures concerning the adoption of general acts which closely regulate the

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<sup>5</sup> *Official Gazette of the Republic of Serbia*, No. 27/09.



application of affirmative measures for the inscription of Roma school children to secondary schools and universities. It also stipulates measures concerning the resolution of the issue of relocation of Roma from illegal Roma settlements, the securing of active Roma participation in the planning of their housing, while respecting their needs and the right to be involved in the decision-making for all the issues which concern them, particularly in the units of local government, the relocation and the way in which they are being socially integrated, and the provision of social housing conditions, in accordance with international standards and guidelines for the relocation of the population residing in illegal settlements. In May 2013, Council for the Improvement of the Position of the Roma and the Implementation of the Decade of Roma Inclusion was formed.

33. With the adoption of laws and with the implementation of public policies, the Government authorities contributed toward the improvement of the position of the Roma, especially in the following areas:

- **Legal issues**

34. The problem of persons without legal identity is typical for those who were never registered with a birth register or who, when the official birth registers have been destroyed or have gone missing, do not own any other document or evidence of birth registration. This effectively makes it harder for them to exercise their civil and other rights. This is most often a problem faced by people of Romani origin.

35. The Republic of Serbia has done plenty to resolve the issue of legally invisible persons. New laws have been passed, the way one can exercise his/her right to enter a birth register has been improved, the judicial procedure for determining the time and place of one's birth, which cannot be determined in administrative proceedings, has been defined, administrative fees for the issuance of records and the acts of registration of the fact of birth with birth registers in administrative and judicial proceedings have been waived, and the costs of expert testimonies have been covered by the courts' budgets.

36. The Birth Registers Act<sup>6</sup> ensures an easier and faster exercise of the rights of citizens with the respect for the due process of law and legal certainty when it comes to registration with birth registers, or the issuance of certificates from birth registers. What has particularly been improved is one's possibility to exercise his/her right to have the fact of his/her birth entered into the birth register, especially in case the registration is being done after the legally prescribed time limit has expired (subsequent registration). Procedures for the exercise of this right are clearly and precisely defined in the Running Birth Registers and Birth Register Forms Manual<sup>7</sup>. In addition to solving the matter of a subsequent registration of the fact of one's birth with the birth register, the Birth Registers Act regulates the procedure on the renewal of destroyed or missing birth registers which are being run for the territory of the Autonomous Province of Kosovo and Metohija.

37. In conducting procedures on subsequent registration of the fact of one's birth, the competent administration authorities performing the entrusted tasks of first-instance administrative proceedings concerning birth registers passed 784 decisions in 2013 approving subsequent registration of the fact of one's birth in the basic official records on the personal status of citizens in the Republic of Serbia. Moreover, 3,649 decisions were reached granting the renewal of registration of specific facts of one's

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<sup>6</sup> *Official Gazette of the Republic of Serbia*, No. 20/09.

<sup>7</sup> *Official Gazette of the Republic of Serbia*, Nos. 109/09, 4/10 - revised, 10/10 and 25/11.

birth with a birth register in procedures for the renewal of registration of births with birth register which keep records of births on the territory of AP of Kosovo and Metohija.

38. The Act on Supplements to the Extra-Judicial Proceedings Act<sup>8</sup> enabled a simpler and more effective procedure for the resolution of cases of individuals whose legal subjectivity was not recognised. In other words, the Act created the necessary preconditions for the resolution of the problem of legally invisible persons who are now given the possibility of registering with birth registers. Procedure for determining the time and place of the birth of a person who was not previously registered with a birth register has been defined in a manner prescribed in the laws governing the running birth registers. Aside persons whose birth is being proved, the procedure for determination of the time and place may be initiated by any individual with a direct legal interest, as well as by custody authorities. Since the beginning of the application of the Act (from September 8, 2012 to October 15, 2013), 247 motions for determination of one's time and place of birth have been filed with the competent courts in accordance with the provisions of the Act. 157 of those cases have been solved.

39. On the basis of the proposal for the amendment of laws for the purpose of waiving administrative fees for the issuance of records and for the acts relating to one exercising his/her right to a subsequent registration of the fact of his/her birth with a birth register, a new law was passed: The Act on the Amendments to the Republic Administration Fees Act<sup>9</sup>.

40. In addition to the promotion of the legislative framework for the purpose of enabling the exercise of the right to a subsequent registration of the fact of one's birth, active efforts were being made towards the unification of practice among authorities performing the entrusted tasks of running birth registers. The Ministry of Public Administration and Local Government issued several opinions on the application of the provisions of the Birth Registers Act and of the bylaws passed on the basis of this Act. The Ministry also gave opinions related to birth registers in response to requests for subsequent registrations of the facts of one's birth with birth registers (examples of the opinions would be, *inter alia*, that organs were obliged to act in response to submissions regarding these requests without delay; that the procedure ought to be conducted without delay and at as little expense on the party and other participants in the procedure as possible; that the organ must, throughout the entire course of the procedure, ensure that the lack of any respective knowledge of the party or other participants in the procure are not to the detriment of the rights they are entitled to under law; that the act of proving or individual proof may also be presented before the requested organ if the party and/or witnesses in question have no temporary or permanent residence on the territory of the local government covering the place of birth of the person for whom the procedure is being conducted).

41. Furthermore, activities relating to the establishment of international cooperation between competent government authorities and relevant international organisations and associations in the Republic of Serbia have been finalised. With the Ministry of Human and Minority Rights, Public Administration and Local Government (the competence of which was subsequently transferred to the Ministry of Justice and Public Administration, and later to the Ministry of Public Administration and Local Government), the Ombudsman and the UN High Commissioner on Refugees – Office in Serbia having signed a Memorandum of Understanding on April 9, 2012, foundations for a closer cooperation, coordination, planning and implementation of measures aimed at providing direct help to members of

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<sup>8</sup> Official Gazette of the Republic of Serbia, No. 85/12.

<sup>9</sup> Official Gazette of the Republic of Serbia, Nos. 50/11, 70/11 – harmonised dinar amount, 55/12 - harmonised dinar amount and 93/12.

the Roma national minority in the procedure of registration with birth registers, were set up on a national level for the first time.

42. As part of this Memorandum of Understanding, important activities have been implemented thus far: improved judges training on the topic of "Application of the Act on the Supplements to the Extra-Judicial Proceedings Act – determination of the time and place of birth" has been conducted; completed training of registrars and deputy registrars who run civil registers, as well as of those employed in social welfare centres and police departments of the Ministry of Interior whose work is related to the registration of facts and data with birth registers; visits to informal settlements populated by the Roma were organised for the purpose of familiarising them with the way in which their rights could be exercised and their needs viewed, the way in which identification of persons whose births are not registered is done and how free aid in procedures for the entering into these records conducted before registrars or courts of law can be provided to them, media campaign for the purpose of educating and including the wider community in the resolution of this problem, as well as direct campaigning and introduction of the activities being implemented towards the resolution of this problem to civil society organisations, representatives of the Roma community and other interested subjects.

43. Bearing in mind that legislative presumptions (in administrative and court proceedings) have been provided for the exercise of the right to enter birth registers records, as well as the thus far achieved results, all future measures and activities for the resolution of the problem shall predominantly be directed towards the continued implementation of the Memorandum of Understanding and the utilisation of the established cooperation mechanism's capacities. Special attention will be given to the provision of free aid to members of the Roma national minority in procedures for the exercise of the mentioned right and for the identification of persons who have not been registered with birth registers, so to initiate appropriate procedures. Additionally, continued efforts will be made towards the building of competent organs' capacities and the monitoring of the implementation of the law regulating this subject-matter.

44. The Permanent and Temporary Residence of Citizens Act<sup>10</sup> defines a simplified procedure for one to register his/her permanent residence which is necessary for the issuance of personal documents to all citizens, especially members of the Roma community which holds the highest number of persons without personal documents. The Act prescribes that in case a citizen cannot register his/her permanent residence on the basis of the right to ownership of an apartment, a lease agreement or other legal basis, the competent authority shall pass a decision determining that person's permanent residence at the address of the institution in which he/she is permanently housed or the address of the social welfare centre on the territory of which he/she is located, with the person's registration addressed to the respective institution or centre stating that his/her address will be the one of the institution or centre. Accordingly, persons without a permanent residence who are registered at the address of the social welfare centre are ensured the exercise of various rights and services in the area of social protection, including other guaranteed rights.

45. Taking into consideration that permanent residence is a precondition for the issuance of personal documents, the adoption of the Act and the above mentioned procedure have created an opportunity for members of the Roma minority in the Republic of Serbia, who previously could not have their permanent residences registered or personal documents issued due to the lack of any corresponding legal basis, to register their permanent residence at the address of the institution or social welfare centre

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<sup>10</sup> *Official Gazette of the Republic of Serbia*, No. 87/2011.

and have their personal documents issued to them while meeting the prescribed legal conditions. For the purpose of applying the Act, the Minister of Interior, with a prior consent of the Minister of Labour, Employment and Social Policy, adopted Rules on the Permanent Residence at the Address of an Institution or Social Welfare Centre Registration Application Form. The Rules became effective on December 8, 2012 and it enabled members of Roma nationality to, without any other legal basis, register at the address of the respective institution or social welfare centre on the territory of which they resided.

46. In June 2013, the Ministry of Labour, Employment and Social Policy passed mandatory User Housing Instructions for Social Welfare Centres and Social Care Institutions with regards to the procedure on registration of permanent residence at the address of a social welfare centre or social care institution. This created conditions for an unhindered and full application of the relevant provisions of the Permanent and Temporary Residence of Citizens Act. There is a special record on the issued registration application forms for permanent residences at address of institutions or social welfare centres. The records contain the name and surname, personal identification number, date of the application form issuance and time period within which the person should report to the institution or the social welfare centre so to collect mail and other documents sent to the registered address.

47. In February 2014, the Ministry of Labour, Employment and Social Policy requested the social welfare centres to deliver information on the total number of granted consents to the registration of permanent residences on their addresses, i.e. the total number of people with the addresses of the centres registered as their own. The processing of the reports delivered indicated that by end of February 2014, the total of 471 persons had been registered at the addresses of the social welfare centres on the territory of the Republic of Serbia. The highest number of consents given and residence registrations processed refers to the territory of the City of Belgrade - the total of 178.

48. The Act on the Amendments to the Identification Card Act<sup>11</sup>, prescribes that a citizens who has the right to an identification card, but has no permanent residence registered on the territory of the Republic of Serbia shall be issued one on the basis of a determined residence, with a two-year validity period. The Roma people are issued personal documents as matters of priority and urgency. Further, documents which are necessary for the issuance of personal documents in exercise of one's right to them, can also, if possible, be issued *ex officio*. These citizens may submit requests for the issuance of identification cards on the basis of their place of residence and thus avoid having to go to the local police administration authorities which are the institutions competent for the issuance of identification cards on this basis.

#### Campaign for the informing of the Roma people about the procedures on the regulation of legal matters

49. The existence of a normative framework has been completed with the campaign for the informing of the Roma people about the procedures on registration, as well as the provision of legal aid in procedures on the regulation of legal matters. During 2013/2014, the following were conducted: media campaign for the members of the Roma national minority to become familiar with the way in which they can exercise their right to enter birth registers, as a part of which a pilot show was filmed and sent to all national and local TV stations for broadcast; direct campaign for introducing the achieved results and planned

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<sup>11</sup> Official Gazette of the Republic of Serbia, Nos. 62/2006 and 36/2011.

activities in relation to the regulation of legal matters to civil society organisations, representatives of the Roma community and other interested subjects; round tables were held in Belgrade, Novi Sad, Niš and Kruševac; visits to informal settlements populated by the Roma were organised for the purpose of familiarising them with the way in which their rights could be exercised and their needs viewed, the way in which identification of persons whose births are not registered is done and how free aid in procedures for the entering into these records conducted before registrars or courts of law can be provided to them.

- **Education**

50. The Foundations of the Education System Act<sup>12</sup> created opportunities for inclusive education, including the hiring of pedagogical assistants and cancellation of categorisations. With the development of inclusive education, educational obstacles previously faced by the Roma have now been removed.

51. The Act has introduced pedagogical assistants to pre-school and elementary school education. A pedagogical assistant provides assistance and additional support to children and pupils according to the needs of these children and pupils, and to teachers and professional associates, for the purpose of improving their work with children and pupils who require additional educational support. In his/her work, a pedagogical assistant establishes cooperation with the parents or guardians, and together with the head principle he/she also establishes cooperation with the competent institutions, organisations, associations and the unit of local government.

52. 175 pedagogical assistants were introduced to elementary and pre-school institutions (in January 2012, a pedagogical assistants' training program was accredited at the University of Kragujevac on the basis of the Rules on the Pedagogical Assistants' Training Program). Jobs for pedagogical assistants were systemised by the relevant Government Regulation<sup>13</sup>.

53. Currently undergoing implementation is a 2012 IPA Project (Measure 3) activity which relates to the forming of local mobile teams also consisting of pedagogical assistants. This ought to strengthen the previous activities of assistants and the respective institutions they work in, which refer to the regular and timely enrolment of Roma children into the preparatory pre-school program and to elementary school. On the basis of the latest MICS study, the number of enrolled Roma children increases by 10% every school year.

54. As part of the cooperation established between the Ministry of Education, Science and Technological Development, the Institute for the Evaluation of the Quality of Education, educational institutions, UNICEF and the civil sector, the first phase of *Kindergartens without Borders* Project was completed in October 2013. The continuation of the Project is being prepared for and it shall include: on national level – amendments and supplements to bylaws for special and specific programs for children of 3 to 5 years of age (especially for children from vulnerable social groups), an analysis of the level of inclusion of pre-school education for children of 3 to 5 years of age, the creation of a program accreditation system on the basis of an analysis of other countries' experience in creating such systems; local level – checking whether the previous 4-hour programs could be set up as experiments in the future and their effects

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<sup>12</sup> Official Gazette of the Republic of Serbia, Nos.72/09 and 52/11.

<sup>13</sup> Official Gazette of the Republic of Serbia, No. 20/2011.

monitored, the development of new programs (by topic and services in the family), and - through all this - an increased inclusion of children of 3 to 5 years of age, inclusion of parents, adaptation of facilities.

55. The third phase of the "Joint Project" is currently undergoing. This project is being implemented with the support of the Swiss Agency for Development and Cooperation, UNICEF and the Red Cross. It is due to last until 2017 and its basic objective is to improve the accessibility of pre-school education and the inclusion of children from vulnerable groups, particularly of the Roma children.

56. The drafting of a 2013 IPA Project on social inclusion and reduction of poverty of socially vulnerable groups is undergoing. The poverty reduction team, in cooperation with UNICEF, conducted an Analysis on the Status of Measures of Support to Poor Children and defined a set of measures which may contribute to a greater support to the education of the Roma children on local government and school level. Pilot of measures is planned to commence soon, with particular focus on children from Romani families.

#### Activities of the Ministry of Education, Science and Technological Development towards the development of the Roma's levels of education during the period of 2011-2013

57. In the final stage of the IPA IMPRES Project, which referred to the increase of accessibility of pre-school education of children from marginalised groups – which cover village areas, the poor, the Roma - the free preparatory pre-school program is lasting 9, rather than 6 months, children from vulnerable social groups are given priority when it comes to school enrolment, researches on and a comprehensive analysis of pre-school education in 15 pilot municipalities are being organised in cooperation with UNICEF and the Standing Conference of Towns and Municipalities, mobile kindergartens or transport for children who cannot reach the existing pre-school institutions have been acquired for 9 municipalities.

58. Through the DILS (*Delivery of Improved Local Services*) Project that was completed on December 31, 2013, funds have been awarded to schools and pre-school institutions for the support of the inclusion of children from marginalised groups and the securing of quality of education for these children (with the support of the Romani Education Fund, the Ministry of Education, Science and Technological Development developed a program "Educational Inclusion of the Roma" and it awarded funds from a World Bank loan to 55 municipalities).

59. On municipal level or, rather, in 55 municipalities, inter-departmental municipal teams comprised of representatives of local government, pre-schools, schools and Roma civil society organisations were formed. The total of 305 local partners and 9,816 of Roma children participated in the implementation of the Project. All municipalities saw an increase in the number of children included in education. In some municipalities (Apatin, Valjevo, Pećinci and Knjaževac) the numbers almost doubled those envisaged by the Project).

60. An anti-discriminatory enrolment and program policy is being implemented – instead of "categorisation", an opportunity for education with additional support-preparation of individual educational program is being created.

61. Thus far, more than 18,000 head masters, pedagogues, psychologists and teachers participated in the training; 360 schools and pre-schools underwent special training on the introduction of inclusive education - 10 sets of trainings, 334 trainings, around 11,500 of employees.

62. All Romani children enrolled to special schools are joining regular curriculum without the decision of the Inter-Departmental Committee, and programs of additional education support are being made for them with a regular monitoring of their progress – special schools have to come up with special support programs with additional contents for senior students so to prepare them for sitting the finals and enrolling to regular secondary schools.

63. Certain local governments have invested additional funds for specific activities which include the Roma children – training for the employees and workshops for parents have been organised, free snacks, textbooks, writing and other school sets, library books, clothes and foot-wear, hygienic packages, funds for school trips and transportation of children have been provided.

64. With IPA *Second Chance* Project, a system of functional elementary education for adults has been set up and running (49.2% of project participants are Roma adults with only 4 years of primary school education; those older than 15 was given “a second chance” to complete their primary education for free and gain vocational qualifications for one of the 50 vocations offered.

65. A system of lifelong learning is being set up by way of opening regional centres for a continuous education of adults. There are 5 such centres at the moment, with an additional one in the plans.

#### Affirmative action measures

66. Affirmative action measures relating to members of the Roma national minority have been applied in the Republic of Serbia since the school year 2003/2004, in accordance with the Protection of the Rights and Freedoms of National Minorities Act<sup>14</sup> which prescribes an obligation on government bodies to take measures towards the improvement of the position of members of Roma national minority. In school year 2012/2013, the application of an affirmative action measure resulted in 367 students of Roma nationality enrolling to secondary schools and 238 of them being university and college candidates.

67. Due to the affirmative action in the school year 2013/2014, 369 students enrolled to secondary schools and vocations of their choice. This school year, scholarships funded from the Budget of the Republic of Serbia were provided for students who were members of Roma national minority – scholarships for 324 pupils, 84 students and 36 student loans. A pupil’s scholarship amounted to 5,400 dinars and a student’s amounted to 8,400 dinars. The monitoring of students’ success was made possible through the work of school inclusion teams whose work is monitored by school administrations. The total of 73 pupils received an opportunity to stay in student dorms in the second selection round under special conditions reserved for pupils from vulnerable groups. Around 20 pupils received accommodation in student dorms. The mentoring system is being developed as part of the 2012 IPA Project.

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<sup>14</sup> *Official Journal of the Federal Republic of Yugoslavia*, No. 11/02, *Official Journal of Serbia and Montenegro*, No. 1/03 – Constitutional Charter and *Official Gazette of the Republic of Serbia*, Nos. 72/09 – State law and 97/13 – Decision of the Constitutional Court.

68. As part of the TEMPUS EQUI-ED Project – *Equal Access to All: Strengthening the Social Dimensions for a Stronger European Higher Education Area* for 50 secondary school students in the Republic of Serbia and members of under-represented groups (students from rural areas, students of Roma nationality, students without parental care, students raised by a single-parent and students from a household of a lower socio-economic status) were enabled to attend free preparatory classes and with the support of their mentors, they were able to enrol to University of Belgrade, University of Novi Sad, University of Niš and University of Novi Pazar.

- **Employment**

69. The employment policy strategic framework is the National Employment Strategy for the period 2011 - 2020<sup>15</sup> which was adopted in May 2011. The basic aim of the employment policy is to set an efficient, stable and sustainable trend of employment growth in the Republic of Serbia by the end of 2020 and to fully harmonise the employment policy, as well as the labour market institutions, with EU *acquis*. Priority activities will concern the increase of employment and by way of investing into the human capital and a larger social inclusion.

70. The National Employment Strategy defines the particularly vulnerable groups in the labour market. In other words, the national employment action plans passed annually define categories of persons more difficult to employ (persons who, due to health reasons, insufficient or inadequate education, socio-demographic traits, regional or professional inconsistency between available job offers and what is actually being sought in the labour market, or other objective circumstances, have more difficulties finding employment), as well as active employment policy measures directed at the promotion of these persons' employability. Unemployed persons from this category (with Roma among them) have priority when being included in active employment policy measures. At the same time, special employment programs are also being run for other specific categories.

71. Registration of persons with the National Employment Bureau or the way in which employment records and the content of these persons' data are being kept is defined in the Employment and Unemployment Insurance Act<sup>16</sup> and the Rules on More Detailed Contents of Data and the Keeping of Employment Records<sup>17</sup>. Nationality or ethnicity is one type of personal information prescribed in Article 5 of the Rules. This data is recorded on the basis of one's declaration, but a statement is not mandatory taking into consideration the existence of legal provisions on anti-discrimination in job searching and employment.

72. If one is to observe the change in the number of unemployed Roma people registered with the National Employment Bureau starting from 2009 (when the Bureau created a record on unemployed Roma for the first time), it would notice a constant increase. This increase indicates an increase in the motivation of the Roma to be included in the world of employment, as a result of an activity aimed at the promotion of employment and the raising of awareness of the importance and the advantages of employment and work.

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<sup>15</sup> Official Gazette of the Republic of Serbia, No. 37/11.

<sup>16</sup> Official Gazette of the Republic of Serbia, Nos. 36/09 and 88/10.

<sup>17</sup> Official Gazette of the Republic of Serbia, No. 15/10.



The number of unemployed Roma registered with the National Employment Bureau

Year	2009	2010	2011	2012	2013
	State on December 31				
Total	13,416	15,867	19,398	20,342	22,102
Women	6,571	7,637	9,180	9,513	10,150

Source: National Employment Bureau

73. At the end of 2013, 22,102 Roma people were registered with the National Employment Bureau. 10,150 or 45.92% of them were women, making it 2.87% of the total number of unemployed persons registered with the Bureau. Looking at their ages, 7,441 person was in the 15 – 30 age category and 11,008 persons were in the 31 – 50 age group. In other words, over 3,653 individuals registered with the Bureau were over 50 years old.

74. When looking at their levels of education, 19,850 persons of Roma nationality is unqualified (with only I and II level of education), 2,167 people has a completed secondary vocational education (III-V), while merely 85 people was high or higher education. The poor structure of education in the Roma population continues to be a great obstacle in activities aimed at increasing employability, i.e. employment.

75. For the purpose of improving the position of the Roma in the labour market in the Republic of Serbia, activities have been directed towards the improvement of the structure of education, adding into a program of active measures in the labour market, with additional education and training, public works and support to self-employment being the most important of the activities.

76. In addition to the priority which the Roma enjoy as a category of people more difficult to employ when being included in active employment policy measures, special programs and measures aimed at increasing employability and encouraging employers to hire people of Roma nationality (public calls for the distribution of subsidies for self-employment of unemployed persons of Roma nationality and a public call for the allocation of subsidies to employers for creating new job opportunities for the employment of unemployed people of Roma nationality) have been implemented since 2010.

An overview of Roma inclusion in active employment policy measures in 2013

ACTIVE EMPLOYMENT POLICY MEASURES	2013	
	Total	Women
Training on active job searching – Active job searching 1	280	122
Job searching clubs	13	6
Self-efficiency training – Active job searching 2	18	10
Employment fairs	531	162
Internship/traineeship program	2	1
Acquiring of practical knowledge	5	4
Labour market training	10	3
Employer-requested training	5	4

Functional elementary education	789	386
Self-employment subsidies	28	11
Subsidies to employers for creating new job opportunities	8	5
Public works	82	16
Total number of people who participated in the EAP measures	1,771	730

Source: Report on the Implementation of the Agreement on the Effects of the National Employment Bureau for 2013

77. During 2013, a motivational activating training for Roma people was attended by 1,171 persons (519 were women). After being included in the measure, 25 people got jobs (3 were women or 12%). In Career Guidance and Counselling Centres 9 individuals of Roma nationality received direct information. The counselling on career development possibilities included 51 Roma person. The selection and classification included 52 Roma people. As part of the additional education program and training, 84 individuals of Roma nationality took 20 different trainings. Of these, 17 trainings were conducted as part of the *Second Chance* Project and they covered 79 Roma people. The remaining 3 trainings were run at the request of employers and these included 5 individuals. Also, the 2-day training "Way to Becoming a Successful Entrepreneur" was attended by 152 Roma people (46 being women).

78. Funding the active employment policy comes from the Budget of the Republic of Serbia, the budget of the territorial autonomy and the budget of the units of local governments, donations, loans, as well as contributions for cases of unemployment and other sources.

79. The 2014 National Employment Action Plan<sup>18</sup> which was adopted on December 25, 2013 envisages for the year 2014 the implementation of measures directed at stimulating the Roma to find employment: organisation of motivational training for the purpose of activating the Roma, inclusion of Roma in additional education and training programs, encouraging entrepreneurship and self-employment (including the special public call announcements).

80. The Ministry of Labour, Employment, Veteran and Social Matters and the National Employment Bureau have been running a continuous cooperation with the Roma civil society organisations with the aim of promoting participation in the labour market and inclusion of members of Roma national minority in active employment policy measures.

81. The Ministry of Labour, Employment, Veteran and Social Matters has continuously been supporting both project and program activities aimed at improving the positions of the Roma (including the labour market) and funded from the system of international development aid.

82. The question of Roma inclusion in the labour market is an integral one of the program activities, too: Project "Technical Support to Roma Inclusion" which is funded by the European Union and implemented by OSCE Mission to Serbia (IPA 2012, Measure 5). Component 6 of this Project is aimed at securing technical and professional support to commercial entities with potential to sustain the employment of Roma people, for the purpose of creating new sustainable jobs for the Roma; Twinning Project "Preparation of Labour Market Institutions of the Republic of Serbia for European Employment Policy" (IPA 2011) and Project "Increasing Employment Policy Efficiency for Vulnerable Groups" (IPA 2012).

<sup>18</sup> Official Gazette of the Republic of Serbia, No. 118/13

83. Provisions of the Police Act<sup>19</sup> which regulate employment with the Ministry of Interior do not tackle issues of discrimination when it comes to employment procedure or security check phase which, due to the specifics of the jobs in the Ministry, are mandatory for the majority of positions within the Ministry. Therefore, this state of the matter does not allow for the possibility of national minorities to be discriminated against.

84. Incentive measures which the Ministry of Interior takes to include members of national minorities in their ranks entail the following: addressing potential candidates in both Serbian and languages of national minorities<sup>20</sup>, including the Roma language; multi-lingual information about the specific profession, conditions for applying for the specific job, conditions offered to students by the Centre of Basic Police Training, as well as the actual qualification test in the areas populated by the Roma and members of other national minorities, through discussion held in media conferences, informative shows, electronic and printed media; multi-lingual campaign for the registration with the Centre of Basic Police Training (flyers, posters, competitions for enrolling to training and radio advertisements) which are run in circulation daily newspapers, such as *Politika* and *Dnevnik*, electronic media with national frequency, such as Radio-Television Serbia and Radio-Television Vojvodina, and local electronic media and journals for national minorities; Internet page of the Centre of Basic Police Training<sup>21</sup> containing information about police training reform, ways to apply and help with entry test preparation, especially the Serbian language test - all available in several languages; testing the psychological condition of candidates – members of national minorities in their native language in the qualification test at the Centre of Basic Police Training; study visits “Open Door Days” (visits to potential candidates are organised so to motivate young people, with a particular focus on the inclusion of Roma girls, promotion of police profession around their communities and their inclusion in the system of police training).

85. Regarding a competition announced on March 15, 2014, the Centre of Basic Police Training, y in cooperation with OSCE Mission to Serbia, held 6 promotional discussions during the period March 18 – 22, 2014 on the enrolment of potential candidates to the Centre of Basic Police Training. These were held in Police Department in Vranje – Bujanovac and Preševo police stations, Police Department in Užice, Police Department in Valjevo, Police Department in Požarevac and Police Department in Kikinda and attended by 650 young people, with Roma among them. A police official of the Ministry of Interior, at the same time authorised to represent the interests of the Roma in the Ministry, was also involved in the discussions.

### **Housing**

86. In 2012, the Republic of Serbia adopted the National Social Housing Strategy which defined special measures relating to the improvement of sub-standard settlements, the majority of which are informal Roma settlements. In addition to the Ministry of Construction, Transportation and Infrastructure, the Republic Housing Agency, formed by the Government in 2011 for the purpose of providing conditions for a sustainable development of social housing in the Republic of Serbia, has the widest competence in housing matters.

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<sup>19</sup> *Official Gazette of the Republic of Serbia*, Nos. 101/05, 63/09 – Decision of the Constitutional Court and 92/11 (Articles 110 - 115).

<sup>20</sup> In Albanian, Bulgarian, Hungarian, Slovak, Romani, Rysin, Ukrainian and Croatian.

<sup>21</sup> [www.copo.edu.rs](http://www.copo.edu.rs)

87. The Social Housing Act<sup>22</sup> identifies the Roma as a particularly vulnerable social group with the right of priority in having their housing problems resolved. This represents a very clear affirmative action measure for members of the Roma community as part of having their housing needs met.

88. In March 2013, the Government passed a Regulation on the Standards and Norms of Planning, Designing and Construction and the Conditions for the Use and Maintenance of Social Housing Apartments. This Regulation defines appropriate spatial standards, the necessary infrastructure for the construction of social housing apartments, as well as the rights and obligations of tenants in social housing apartments which remain in the ownership of the State, the content of lease agreements and the way in which they are concluded, households entitled to exercise the right to a housing allowance towards the paying of the rent, elements of rent and the way rent is calculated, and other important matters which regulate the relationship between the user of social housing and the social housing service provider.

89. The construction of social housing apartments program that was adopted by the Government in December 2012 has been implemented in 6 cities in Serbia. The total value of the investment is 412,880,000 dinars, 200,000,000 of which comes from the Budget of the Republic of Serbia for the construction of around 8,000 m<sup>2</sup> of net-usable housing surface for social housing. The agreement has been signed and the construction deadline is December 21, 2014.

90. The Ministry of Construction, Transportation and Infrastructure is conducting activities towards the setting-up of a Geographical Information System for sub-standard (Roma) settlements that will: observe the condition of Roma settlements located on the territory of the Republic of Serbia for the purpose of better prioritising of activities aimed at improving the living conditions in these settlements and a greater transparency of Roma housing project and program implementations; spatial planning and infrastructural improvement of sub-standard settlements which are capable of being kept at the same location, their integration into the wider community, as well as improvement and legalisation of housing objects in them; taking account of spatial capacities for the relocation of objects from the settlements impossible to be legalised.

91. In the period of 2009-2012, the Ministry used resources from the Budget of the Republic of Serbia to fund the construction of urban plans for the regularisation of informal Roma settlements. In this way, 5 urban plans for Roma settlements have thus far been made in the following cities: Knjaževac, Srbobran, Opovo, Niš and Prokuplje. Additional 3 urban plans have been drafted and are in the process of being adopted: for two settlements in Mladenovac and one in Apatin. The activity was preceded by the drafting of the Guidelines for the Legalisation of Informal Roma Settlements which was made in cooperation with OSCE. The Guidelines defined a mandatory inclusion of the Roma population in the planning process and other activities related to the regularisation and the improvement of informal Roma settlements, which is also a legal obligation under the Planning and Construction Act<sup>23</sup> relating to the public having an insight into draft plans and being allowed to comment on them.

92. The City of Belgrade began implementing the Strategy on the Improvement of the Position of Roma in 2009 after the adoption of the Action Plan for the relocation of unhygienic settlements found on its

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<sup>22</sup> *Official Gazette of the Republic of Serbia*, No. 72/09.

<sup>23</sup> *Official Gazette of the Republic of Serbia*, Nos. 72/09, 81/09 - revised, 64/10 – Decision of the Constitutional Court, 24/11, 121/12, 42/13 – Decision of the Constitutional Court, 50/13 – Decision of the Constitutional Court and 98/13 – Decision of the Constitutional Court.

territory and the housing of displaced families, which set foundations for a continuous and sustainable improvement of the Roma position. The Action Plan aims to improve the overall living conditions and to strengthen Roma families in 4 different areas: housing, education, health and employment.

93. Since 2009 to this day, the City of Belgrade has relocated several unhygienic settlements and housed 303 Roma families, i.e. 1,389 people. The relocated families were provided with two types of accommodation: temporary and permanent.

94. Temporary housing is housing in mobile housing units or, the so-called newly-formed settlements, and it meets all the standards of adequate housing according to the UN Habitat action program. The City/Secretariat of Social Welfare bears all the housing costs in the newly-founded settlements: costs of electricity, water, grass mowing, repairs, regular cleaning of the settlements and its surroundings, which also includes disinfection, disinfestation and deratisation, sterilisation of animals living in the settlements and treatment of sick animals.

95. Permanent housing is housing of families in social housing apartments. Since 2007 and the implementation of the social housing program, 191 social housing apartment of the total of 626 built by the City of Belgrade has gone to Roma families. Out of this 191, 60 Roma families came from a newly-formed settlement. Affirmative measures implemented by the City also consist of adjustment to the scoring system for the selection of users of social housing apartments, or adjustment of criteria to the benefit of the Roma population – increase of points for social vulnerability and reduction of points for employment record, help with writing applications for social housing apartments, help with the move (furniture shopping, social aid, enrolment of children to kindergartens and schools, employment). It is also possible for people living in social housing apartments who are in the category of the socially vulnerable to pay reduced utility bills.

96. For 2014, the City of Belgrade is planning to relocate the unhygienic settlement called *Belville-Route*, home to 50 families which are to be placed in social housing apartments. The consultation process with these families has been going since 2010. During 2014, the City will provide apartments for Roma families owing to partnership with the European Union. As its contribution, the European Union has allocated 3.6 million Euros from IPA funds through UNOPS, for the permanent housing of 202 families currently living in the 5 newly-formed settlements which were erected as a result of the relocation of the unhygienic *Gazela* and *Belville* settlements. These families shall be permanently housed in a) social housing apartments which are to be built on the territory of the City of Belgrade, b) existing houses owned by them, but in need of adaptation and c) purchased country houses.

- **Health care**

97. As a specific objective, the Strategy for the Permanent Enhancement of Health Care Quality and Patients' Safety defines an obligation of improvement of cooperation between the ministries competent for health and social policy in improving the availability and accessibility to health care by vulnerable population groups, including the Roma, as well as identification of particularly vulnerable groups in units of local government.

98. The Health Care Act<sup>24</sup> prescribes that health care should include people of Roma nationality who, due to their traditional way of life, have no permanent or temporary residence in the Republic of Serbia.

99. The Health Insurance Act<sup>25</sup> enforces the application of an affirmative measure which allows Roma citizens, who do not have permanent or temporary residence in the Republic of Serbia as a result of their traditional ways, to exercise the right to health insurance.

100. In addition to securing funds for the health insurance of the Roma population, the Ministry of Health is running projects which contribute to the improvement of Roma people's health. Since 2006, a Project called the *Implementation of Roma Health Care Plan* has been undergoing implementation. Special funding is provided for its implementation and the Project is fully in line with the adopted Action Plan for the Improvement of Roma Health.

101. Since 2008, a project on the introduction of Roma health mediators into the health system of the Republic of Serbia called *Health Mediator* has been implemented. The Ministry of Health organised 75 women health mediators in 50 local governments who had done important work in relation to health enlightenment and exercise of the right to Roma health care.

102. The final results of the women health mediators' work by November 30, 2013 have been as follows: 137,800 Roma persons were covered and registered during the first visits -45,474 women,42,339 men and 49,987 children; 36,241 first visits to Roma families were made; 16,376 adult Roma people chose their GP; 10,343 women chose their gynaecologist and parents of 9,115 children (aged: newborns to 18) chose paediatricians with the help of the women health mediators; also with their help, 25,759 children between the ages of 0 – 15 were vaccinated, and the plan was exceeded by 132.33% (out of 7,535 registered expectant mothers, only 7.52% (613) had their health checked. With the help of women health mediators 3,374 or 44.78% of expectant mothers are now controlling their health. Out of 3,899 new mothers, only 2.77% were checking their health, but with the help of the women health mediators, now 16.57% of them are having their health checked); with the support of the women health mediators who are members of primary health care institutes' screening teams, Roma women have also been included in organised screening. As a result, 546 mammograms were performed in 2013; 13.69% of Roma women had regular gynaecologist appointments, and 9,802 women or 33.16% of Roma women were seen, with the help of women health mediators; from 2009 to 2013, women health mediators distributed 50,756 condoms and health educational pamphlets; workshops for 21,720 Roma people were ran; lectures for 5,365 Roma people were held and the women health mediators made the total of 150,347 visits to families so to educate them about health by way of scheduled conversation.

- **Social welfare**

103. The improvement of varying services strongly encouraged in the Social Welfare Act<sup>26</sup> enables a better social integration of the Roma into the community. It enables them to actively participate in the

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<sup>24</sup> Official Gazette of the Republic of Serbia, Nos. 107/05, 72/09 – State law, 88/10, 99/10, 57/11, 119/12 and 45/13 – State law.

<sup>25</sup> Official Gazette of the Republic of Serbia, Nos. 107/05, 109/05 - revised, 57/11, 110/12 · Decision of the Constitutional Court and 119/12.

<sup>26</sup> Official Gazette of the Republic of Serbia, No. 24/11.

society and reduces discrimination against them and further subjection to marginalisation. Community services have thus far been largely funded through projects, i.e. donors, and they would usually be terminated upon the completion of the respective project because the local community did not have the money to keep funding them. A novelty introduced by the new Social Welfare Act is support to the funding of these services from the Budget of the Republic of Serbia through transfers made to this specific end for all the municipalities with the degree of development falling below the state average.

104. The Rules on the Organisation, Norms and Work Standards of Social Welfare Centres<sup>27</sup> stipulate that a social welfare centre is obliged to represent the interests and the rights of its users and to secure even access to services it is competent for to all citizens, irrespective of their ethnicity, cultural, religious, gender or socio-economic differences, disabilities and sexual orientation.

105. The entire territory of the Republic of Serbia is covered by a network of social welfare centres. During 2013, 140 social welfare centres were in operation in the country, i.e. 173 departments of social welfare centres (there is a total of 174 cities and municipalities in the Republic of Serbia). In performing public authority, a social welfare centre conducts activities which are predominantly defined in the Social Welfare Act, as well as the Family Act<sup>28</sup> and other related laws and regulations.

106. A social welfare centre has to organise its work in a manner that would allow a 24h availability of services to all who need them, with special attention being paid to vulnerable groups (children, the elderly, people with disabilities, the Roma and members of other national minorities). The availability of centre's services is ensured by coordination of activities with other public services, humanitarian organisations, associations of citizens and other local organisations; by informing the citizens about the programs, rights and services offered by the centre, as well as other rights and obligations stemming from the law, and doing so through the use of media, public lectures, presentations, pamphlets and similar; by posting its contact details (address and phone number) on appropriate public places and in community service buildings (building of the local government unit, health centre, employment services, local media and so on); by opening an office in remote places; all in a proper manner.

107. In 2012, social welfare centres reported that there were 51,128 registered users in the Republic of Serbia who were members of Roma national minority (compared to 45,050 in 2011). These users of social welfare centres are often adults (43.8%) or children (36.5%). In comparison to 2011 and 2012, there are more users who are of Roma nationality living in rural areas (55.4%). Among the registered Roma users, more than half have full legal capacity (51.7%). The number of Roma users covered by one or several family-legal protection and protection against violence measures in 2012, was 902 or 1.8% of the total number of Roma users. The gender structure of these users is nearly even, with a slightly higher number of men being the users than women.

108. The Roma, as other marginalised groups, have already been actively a part of the public ranks. Through social welfare centres, noted results have been made in this area, too. In other words, there has been an increase in the number of Roma people being an active part of the public ranks. In this way, they are being included in the activation process (also contained in the new Social Welfare Act) and have an opportunity to engage themselves in the community where they live as equal citizens. The adaptation process will be additionally initiated in the upcoming period through cooperation between the Ministry of Labour, Employment, Veteran and Social Matters and the National Employment Bureau, with the

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<sup>27</sup> *Official Gazette of the Republic of Serbia*, Nos. 59/08, 37/10, 39/22 and 1/12.

<sup>28</sup> *Official Gazette of the Republic of Serbia*, Nos. 18/05 and 72/11 – State law.

Ministry also preparing a Regulation on Social Inclusion Measures on the basis of Article 80 of the Social Welfare Act.

109. With the application of new legal solutions directed at those who are socially vulnerable – exercise of the right to social welfare – a wider grasp of households of multiple family members (the Roma most often being representative of those) could be achieved, or the application of the so-called Equivalence Scale which makes better value of the presence of every additional member of the household and makes a finer distinction between the adults and the children inside the same household.

110. When it comes to family legal protection measures, in 82.1% of Roma cases guardianships and custodies are the two measures which are most often applied, while others are being applied far less. Protection against domestic violence is a measure that was imposed in the case of 85 users, adoption measures in the case of 10 users and parenting rights monitoring measures in the case of 6 users. The Roma user structure according to the type of accommodation used in 2012, indicates that they rarely use accommodation in the public sector of social welfare.

111. The accommodation service is mostly used by Roma children - 70.3%, or Roma children who are most often placed in foster families (to which they are related and others) in over 2/3 of the cases (79.4%). Family accommodation used by Roma users is much higher in the total usage percentage (59.6%) than institutional accommodation (home or shelter) - there has been a report of 829 such cases.

112. In relation to the exercise of the right to financial support in 2012, 30,883 of Roma users exercised their right to financial social aid (right to monetary social aid- 15,470 users, right to an increased financial social aid- 5,272 users, right to a time-limited financial social aid- 10,141 users of Roma national minority), 748 users exercised their right to an allowance towards the help and care of another person, and 17,027 users exercised their right to a one-time financial help. As far as the exercise of the right to other types of financial support, 5,828 Roma people received a free meal, 8,094 Roma people received a payment in-kind and 2,800 Roma people received subsidies, in accordance with the Social Welfare Act.

- ***Freedom of movement***

#### Returnees under the Readmission Agreement

113. Legal framework for the implementation of the Readmission Agreement in the Republic of Serbia comprises of the ratified Readmission Agreement, i.e. laws on the ratification of the Readmission Agreement and the accompanying Protocols which the Republic of Serbia signed internationally, as well as the Amendments and Supplements to the Refugees Act<sup>29</sup>, Migration Management Act<sup>30</sup>, the Strategy for the Reintegration of Returnees under the 2009 Readmission Agreement and the Strategy for Combating Illegal Migration to the Republic of Serbia for the period 2009 – 2014.

114. Data indicate that the highest number of returnees in 2012 and 2013 came from the Federal Republic of Germany. In 2013, a drastic rise in the number of people returned from Denmark was noted. Countries such as Sweden and Switzerland returned a significantly lower number of persons in 2013

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<sup>29</sup> Official Gazette of the Republic of Serbia, No. 30/10.

<sup>30</sup> Official Gazette of the Republic of Serbia, No. 107/12.



compared to the year before. When it comes to the national structure of returnees, the majority of them are Roma people. In 2012, they made up 62% of the total number of returnees and 80% in 2013.

Statistical data on the returnees under the Readmission Agreement									
2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
1,109	721	568	814	1,164	1,606	2,107	2,128	624	10,841

Data refer to persons who upon arriving to the Republic of Serbia reported to the Readmission Office located at the *Nikola Tesla* airport

115. The Commissariat for Refugees and Migration coordinates and organises the first and urgent reception of returnees under the Readmission Agreement. It also creates conditions for a successful reintegration of returnees and it is responsible for activities concerning the first reception of returnees in the Readmission Office located in the *Nikola Tesla* airport building. Upon their arrival to the *Nikola Tesla* airport, the Commissariat provides the returnees with the necessary information. In addition to providing information, in 2013 it also had an information brochure printed for returnees in four languages, in cooperation with the Swiss Agency for Development and Cooperation as part of the Project *Support to the Implementation of the Strategy for the Reintegration of Returnees under the Readmission Agreement*.

116. A study about the needs of returnees was conducted in 2011 as part of the Project called *Capacity Building of Institutions Involved in Migration Management and Reintegration of Returnees in the Republic of Serbia - CBMM Project*, which was implemented by the International Organisation for Migration and the Commissariat for Refugees and Migration, together as partners. According to this study, 97% of returnees was not receiving an income that would suffice and cover the basic needs of their families, the percentage of unemployment was 82%, over 54% of them owned some form of property/land, 34% lived in spaces not owned by them, but for which they did not have to pay, while 11% was living as a tenant.

117. In the process of ensuring sustainable reintegration of returnees under the Readmission Agreement, the role of Migration Councils<sup>31</sup> in a high number of local governments was seen as key. Local action plans were seen as basic tools for defining the needs of the returnees and planning adequate measures. The Commissariat for Refugees and Migration held training for members of the local Migration Councils, for representatives of 100 municipalities in Serbia where, according to the airport Readmission Office data, the highest number of returnees are located. In 2013, 61 revised local action plan was adopted which, in addition to refugees and internally displaced persons, covers returnees

<sup>31</sup> In accordance with Article 12(1),(2) of the Migration Management Act, and for the purpose of performing advisory work in relation to migration management on the territory of an autonomous province and a unit of local government, the competent authority in the autonomous province and unit of local government shall form a municipal, i.e. local migration council. The Migration Council shall perform tasks relating to: the monitoring of migrations on the territory of the autonomous province and unit of local government and the reporting on such migrations to the Commissariat for Refugees and Migration, the proposal of programs, measures and action plans in need of implementation towards better migration management on their territories, and other tasks in the area of migration management in accordance with the law.

under the Readmission Agreement, which means that all municipal Migration Councils recorded those who were returnees in their community and determined what their needs were and proposed measures accordingly. This largely opened doors for economic empowerment and improvement of returnees' living conditions.

118. As for funding the implementation of projects which were proposed on the basis of local action plans, the *Support to the Implementation of Strategy for Internally Displaced Persons, Refugees and Returnees under the Readmission Agreement* Project valued at 1.7 million Euros and funded from IPA program, is undergoing implementation. Through these projects, housing and economic empowerment of the named categories of persons are being funded as part of the support to local action plans. Out of the total of 16 municipalities which received funding for the implementation of this activity, the Municipality of Tutin, Novi Pazar, Zrenjanin, Vršac and Čukarica applied for funding for the improvement of the living conditions of returnees under the Readmission Agreement. These projects are in their final stages of implementation.

119. On the basis of a public call published on June 3, 2013, the Commissariat for Refugees and Migration granted funds for projects concerning the reintegration of returnees under the Readmission Agreement to the following Roma associations: Program called *Help to Roma Children, Returnees under the Readmission Agreement and Displaced Persons from Kosovo and Metohija in the Educational System* (applicant: Roma Association *Guiding Star*, allocated funds: 210,000 dinars – the implementation of program activities will provide support to the children of those internally displaced and Roma returnees under the Readmission Agreement, in the process of being integrated into the school system by way of helping them break language barriers), Program *My Chance* (applicant: Roma Association Braničevsko District, allocated funds: 250,000 dinars – the implementation of this program's activities will improve the potential of refugees, internally displaced and Roma returnees under the Readmission Agreement to engage in legal trends of the labour market through the provision of support in the employment process and the process of applying to other types of jobs.

#### Internally displaced persons

120. The Commissariat for Refugees and Migration provides first reception and housing of refugees and internally displaced persons in collective centres. There are 23 collective centres currently in operation in the Republic of Serbia, 9 of which are in the Autonomous Province of Kosovo and Metohija which are housing a total of 1,641 persons - 341 refugees and 1,300 internally displaced persons. It is estimated that 20% of all IDPs who are in collective centres are Roma. The planned closing of collective centres is being run according to the availability of funds for the implementation of projects planning their closure. The closing down of the remaining collective centres is planned for the next three years with the implementation of IPA program, valued at 15 million Euros.

121. In line with the availability of funds, the Commissariat for Refugees and Migration is implementing programs for the improvement of living conditions and housing for IDPs who have not been placed in collective centres. It is estimated that Roma make up approximately 10% of IDPs, bearing in mind that they often meet several vulnerability criteria and make up around 20% of participation in aid programs implemented by the Commissariat for Refugees and Migration.

122. During the July – December 2013 period, the Commissariat for Refugees and Migration published three public calls for the improvement of the living conditions of IDPs. It funded these calls from its budget and the following was allocated: help in construction material in the amount of 72,610,000 dinars, income-generated activities valued at 18,498,000 dinars, purchase of country houses with gardens in the amount of 118,825,500 dinars.

123. A social housing under protected conditions project in the Municipality of Bujanovac is being implemented at this moment. Users of at least 15 housing units will be Roma IDPs. Moreover, 210,000 Euros have been secured for the purchase of country houses with gardens for 30 internally displaced Roma families which left the *Salvatore* collective centre in Bujanovac.

124. In terms of access to services of social welfare and family-legal protection, internally displaced persons have equal rights to these services which are guaranteed under the Social Welfare Act and the Family Act.

#### Raising awareness with the aim of promoting tolerance and respect of diversity

125. As part of the CBMM Project, trainings were held in 140 municipalities across the Republic of Serbia for the purpose of raising awareness about the position and the rights of migrants in the country. The aim of these trainings was to introduce migration management to representatives of local governments who within their scope of work meet with migrants, in order to allow the migrants the most practical access to all the rights that they are entitled to, as well as to familiarise them with examples of good practice through dialogue.

126. Additionally, through the component of the CBMM Project referring to the civil society institutions raising their awareness about the rights and needs of migrants, the Commissariat for Refugees and Migration participated in the organisation of round tables aimed at informing and educating journalists and the academic community in the Republic of Serbia, as well as representatives of the civil sector, refugee associations, IDP and Roma associations, and professional and wider public about migration management problems, including emphasising the need and problems faced by different migrant groups. 30-minute films and short videos about refugees, IDPs, returnees under the Readmission Agreement and asylum-seekers were made and aired on TV and radio stations, and 5 one-hour long radio shows went on air with guest speakers who were migration experts, representatives of competent government institutions, international organisations and civil society organisations.