



LOCAL INTEGRATION OF REFUGEES IN SERBIA

Law–Practice–Recommendations

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Kaluđerica - Partial Self-Help Programme beneficiaries (2007)

Introduction

Although many years have elapsed from the cessation of armed conflict on the territory of former Yugoslavia, the process of finding durable solutions for many refugees and displaced persons in the region has not yet been completed. The Republic of Serbia still hosts some 100,000 persons holding refugee status. Over the past decade, a significant number of them decided to return to their places of origin and restart normal life on their own or with the assistance of donors. Even though the process of voluntary repatriation has not yet been completed, it is assumed that the majority of refugees will nevertheless opt for local integration.

Starting from the fact that finding a durable solution for refugees and displaced persons is a *conditio sine qua non* for consolidation of lasting stability in the region, the governments of Bosnia and Herzegovina, Croatia and the then State Union of Serbia and Montenegro signed, in January 2005, the Sarajevo Declaration committing themselves to resolve the remaining problems of the displaced population in the region by end 2006. The states took it upon themselves to facilitate voluntary repatriation or local integration of refugees and internally displaced persons while observing their right to choose the preferred durable solution themselves. Signing the Sarajevo Declaration each Government committed itself to design its road map i.e. the list of outstanding issues in the process of resolution of refugee problems and the suggested measures for their execution.

Notwithstanding the expressed political will to close the refugee file, none of the projected two processes – repatriation or integration – is proceeding easily and without problems. Wishing to assist the Government of Serbia and the Commissioner for Refugees in the process of local integration of refugees, UNHCR Representation and the OSCE Mission to the Republic of Serbia have organised a series of round tables at the local level in the

first half of 2007. In cooperation with their partners from the civil sector – the Group 484 and the Humanitarian Centre for Integration and Tolerance (HCIT), the organisations that have been dealing with problems of refugees from former SFRY territories for years, eleven round tables were organised dedicated to various aspects of refugee integration. Among the participants were the representatives of all institutions dealing with refugee integration at the local level. The round tables were attended by representatives of different bodies of local self-governments, trustees of the Serbian Commissioner for Refugees, staff of the Ministry of Interior dealing with status issues, representatives of pension and health insurance funds, National Employment Service, Red Cross, civil sector and of the refugees themselves. On the basis of their own experience, they helped us analyse the practice and identify problems related to both the legal framework and its implementation, and also to identify best practices that may serve as a model for resolution of problems.

This document represents an attempt at concise and comprehensive review of the process of local integration of refugees in Serbia and a suggestion of concrete steps to be taken towards expediting and facilitating this process. The document is based on the outcomes of the discussions held at round tables on integration in spring 2007 as well as on additional analyses of regulations and the current practice. We hope that it will serve its purpose and help the competent institutions of the Republic of Serbia in the process of finding concrete solutions for refugee integration.



Niš - Income-Generating Programme beneficiary (2005)

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Petrovac - Social Housing Construction Project beneficiaries (2007)

1. Statistics

Several mass movements of refugees from other republics of former SFRY arrived in Serbia during the armed conflicts of the first half of the 1990s. At the time of passing of the Law on Refugees in 1992, Serbia already hosted 161,554 refugees. Following the cessation of the armed conflict and signing of the Dayton Peace Accords in 1995, the Commissioner for Refugees of the Republic of Serbia and UNHCR initiated the first joint registration of refugees in Serbia in June 1996. A total of 537,937 refugees were registered (232,974 thereof from BiH, 290,667 from Croatia and 14,296 from other republics of the former SFRY) as well as 79,791 other war affected persons (33,305 thereof from BiH, 39,456 from Croatia, and 7,030 from other republics),¹ 617,728 persons in total.

Five years later, in April 2001 a new registration of refugees was conducted. 377,131 refugees were registered (133,853 from BiH, 242,624 from Croatia and 654 from other republics) as well as 74,849 war affected persons (31,958 from BiH, 41,712 from Croatia and 1,179 from other republics).

At the last registration of refugees in Serbia, conducted jointly by the Commissioner for Refugees and UNHCR in the period December 2004 – January 2005, a total of 141,685 persons registered. Since the exercise was also a revision of refugee status, some 40,000 refugees were sent decisions on revocation of refugee status. Refugee status was confirmed to 104,087 refugees from the Republic of Croatia and Bosnia and Herzegovina (thereof 27,541 from BiH and 76,546 from Croatia). However, although the results of this registration exercise were published in late 2006 after the completion of second-instance proceedings for the majority of cases, it reflects the situation as at January 2005.

In the period since the last registration to date, the number of refugees in Serbia continues to decrease. According to UNHCR data from July 2007, Serbia today hosts 97,701 refugees from Croatia and Bosnia and Herzegovina. This number is based on the results of the last

¹Further to persons holding the status of refugees formally, the Census covered also war-affected persons i.e. all the persons who had permanent residence in the republics of former SFRY but who were not recognised refugee status.

refugee registration as well as on the information about the refugees who have returned to their countries of origin in the meantime. An accurate and updated information could be obtained by comparing this figure with the number of the remaining refugees who have, in the meantime, acquired citizenship of the Republic of Serbia and obtained an identity card.

The decrease of the number of persons holding refugee status in Serbia is a continuous process taking place since the termination of war on the territory of former SFRY. The table below represents an overview of durable solutions to refugee status. The majority of refugees obtained citizenship of the Republic of Serbia and found a durable solution in the form of local integration. According to UNHCR data from 2005, up to that moment 143,200 refugees had acquired Serbian citizenship, had their refugee status withdrawn and obtained an identity card. Some 140,000 persons returned to their countries of origin, while 22,400 found a durable solution through resettlement to third countries. Almost 117,000 persons who held refugee status and were registered in 1996 did not come forward at the last registration of refugees in 2004/2005. It is assumed that the majority of this group has also locally integrated or is well on the way to do so, and therefore decided not to register.

Refugees in Serbia as of 1st July 2007

Refugees from Bosnia and Herzegovina	27,327
Refugees from Croatia	70,580
Total number of Refugees:	97,701

Refugees from BiH and Croatia in Serbia: Durable solutions 1996–2007 (approximate numbers)

	Country of Origin						Total:
	Bosnia and Herzegovina			Croatia			
1996	233,000			291,000			524,000
Durable Solution	Voluntary Repatriation	UNHCR Assisted	6,100	Voluntary Repatriation	UNHCR Assisted	13,700	19,800
		Spontaneous	65,000		Spontaneous	59,200	124,200
	Resettlement through UNHCR		8,800	Resettlement through UNHCR		13,600	22,400
	Citizenship/ID card		50,100	Državljanstvo i lična karta Rep. Srbije		93,100	143,200
	Did not register at 2004/2005. registration exercise*		75,700	Did not register at 2004/2005. registration exercise		41,000	116,700
2007	27,300			70,400			97,700

*This figure includes person for whom UNHCR no longer had data (deceased, persons moved to third countries directly through embassies)

The data from the last refugee registration suggest changes in the structure of refugees per country of origin: the share of refugees from Bosnia and Herzegovina in Serbia has dropped from 43.3% as per 1996 Census to 26.4% in 2005. The number of refugees from Croatia increased from 54% in 1996 to 73.4% in 2005. These data also prove that repatriation of refugees from Serbia to BiH happened and is still happening with fewer obstacles than that to the Republic of Croatia.

The data on territorial distribution of refugees suggest that the main directions of movement of refugees to Serbia depended on family or friendship ties, i.e. earlier paths of population movements from other republics of former SFRY in traditional colonial i.e. migratory parts of Serbia – southern and western parts of Vojvodina and Belgrade. This is further evidenced by the territorial distribution of refugees in Vojvodina. The share of refugees in the total population of Vojvodina is considerably lower in the municipalities with higher representation of ethnic minorities. According to the data from 2002 Census of Population, 34 municipalities in Vojvodina with majority Serb and Montenegrin inhabitants had 10.1% refugees and war affected persons. At the same time there were 5.2% refugees and war affected persons in the 11 municipalities where ethnic minorities and others constitute more than 50% of the population.

A relative increase of the number of refugees in Belgrade and Vojvodina as compared to the first census of refugees in 1996 may be explained by the silent movement of refugees from southern parts of Serbia into a somewhat more promising Belgrade and Vojvodina environment, and partly by a larger influx of refugees from Croatia into Serbia following the reintegration of former UNTAES zone into the constitutional and legal system of the Republic of Croatia in 1998 (the majority of 20,000 persons who fled that region for Serbia found refuge in Vojvodina).

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Čajetina - Social Housing Project beneficiaries (2007)

2. Background Information

The Republic of Serbia as one of the state successors of former SFRY, is a state party to the 1951 Convention Relating to the Status of Refugees. Article 34 of the Convention stipulates the responsibility of the state parties to facilitate “as far as possible the assimilation and naturalisation of refugees”, and, in particular, to make every effort “to expedite naturalisation proceedings and to reduce as far as possible the charges and costs of such proceedings”.

UNHCR adopted several documents with a view to enabling, expediting and facilitating integration of refugees in the receiving countries.² Local integration is defined as the end result of a multifaceted process whereby stimulation of sustainability and capacity building of refugees represent a way of finding durable solutions to their problems and is but a part of the multifaceted process. It means that refugees are strengthened and capable of providing basic livelihood – food, accommodation, health services and education – for themselves and the members of their families. It also means that they can cope with unexpected events and that they no longer depend on the assistance of others. As a process, integration implies readiness of refugees to adapt to the new surroundings but without giving up their own cultural identity. The local community is expected to receive and show full understanding for refugees, while the state institutions are expected to be able to fulfill the needs of this specific population.

Local integration, as a process leading to durable solutions for refugees in the country of asylum, has three inter-connected and very specific dimensions. First of all, it is a *legal process*, whereby refugees acquire an ever expanding scope of rights in the country of asylum, proportionate to a large extent to the scope of rights of its citizens. These rights include freedom of movement, access to education and labour market, access to state assistance and support, possibility of purchase and enjoyment of property and the possibility of travelling with valid travel and personal documents. In time, this process should result in the right to permanent residence, and in some cases after a specific period, naturalisation in the country of asylum. Second, local integration

²ExCom Conclusions about Local Integration no. 104 (LVI) from 2005; Document on local integration adopted at the 4th Global Consultations on International Protection, EC/GC/02/6, 25 April 2002, etc.

is certainly an *economic process*. In time refugees should grow less dependent on the state or humanitarian assistance, while becoming capable to rely on their own resources and to ensure livelihood contributing thus to the economic life of the host country. Third, local integration is a *social and cultural process* of adjustment and acclimatisation of refugees and local communities alike, which enables them to live among domicile population without discrimination or exploitation, actively contributing to the social life of the country of asylum. It is an interactive process involving both refugees and citizens of the host country as well as its institutions. The process should result in a society – varied and open – in which the people can live together irrespective of their differences.

By signing the Sarajevo Declaration, adopted at the Regional Ministerial Conference on Resolving the Problems of Refugees and Internally Displaced Persons on 31 January 2005, the ministers in charge of refugees and displaced populations in Bosnia and Herzegovina, Croatia, Serbia and Montenegro committed themselves to inter alia facilitating the process of return or local integration of refugees and internally displaced populations, on the basis of their respective programmes and in cooperation with UNHCR, the European Union and OSCE. The Declaration asserts the full and inalienable right of all refugees to individual choice of the country of permanent residence, and expresses the decisiveness to take all the necessary legal and administrative steps to enable realisation of these individual decisions and ensure a just solution to the refugee problems. At the same time it confirms that the host country would offer the possibility of local integration in line with the national legislation to refugees who opt to take up permanent residence in the country of their current residence. The Declaration offers guarantees that refugees would, upon their repatriation or local integration, enjoy the same rights and responsibilities as all the other inhabitants/citizens, without discrimination. UNHCR, the European Union and OSCE were invited to assist the governments of these countries in the process of return and local integration, engaging to that effect financial and other forms of assistance and support of the international community.

The key document regulating the status and the rights of refugees from the republics of former SFRY in the Republic of Serbia is the 1992 Law on Refugees.³ Article 19 thereof establishes

³Official Gazette of the Republic of Serbia, nos. 18/92 and 45/2002.

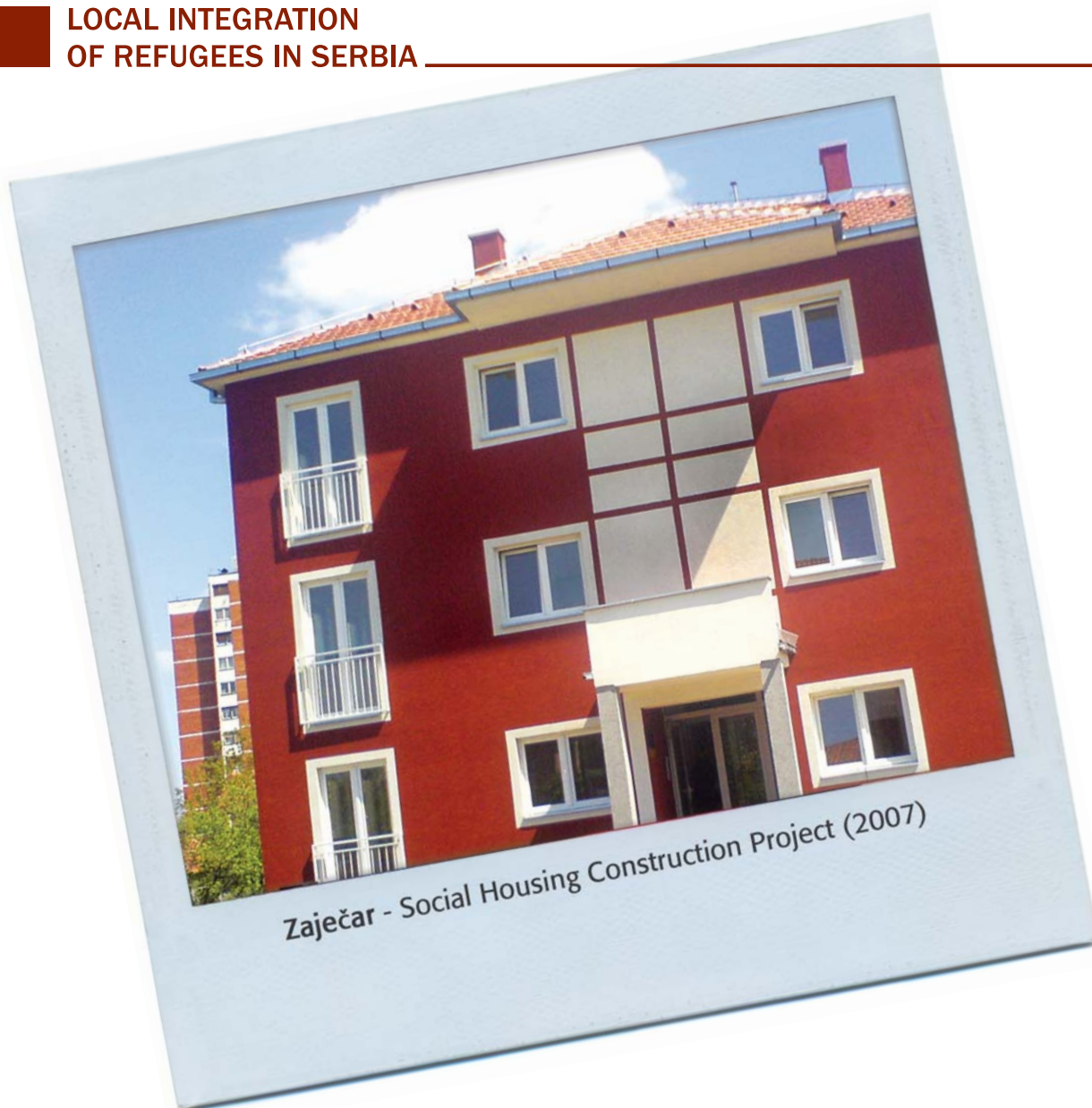
the responsibility of the state to offer assistance in settling or finding employment in a certain place to refugees who cannot return to the areas they fled from. The Law poses high standards of the right to employment and education which equalise the refugees from the former SFRY republics with the citizens of Serbia, except in respect of the work in state administration since citizenship is required in this respect. The scope of these rights exceeds minimum standards established by the 1951 Convention Relating to the Status of Refugees.

Of particular significance to integration of refugees in Serbia is the National Strategy for Resolving the Problems of Refugees and Internally Displaced Persons adopted by the Government in 2002. The main objective of local integration as defined in the National Strategy is capacitating refugees for independent, and relative to other citizens, economically and socially equal life. According to the National Strategy, the prerequisites of a successful local integration are resolution of housing and employment issues, finding solution for refugees accommodated in collective centres and improvement of the property and legal status of refugees. The Strategy, *inter alia*, defines the aims related to provision of conditions for local integration and develops measures and activities that the Government of the Republic of Serbia and other competent state institutions should undertake with respect to different aspects of integration of refugees in Serbia. Regretfully, five years after its adoption, fulfillment of the objectives of the National Strategy continues to stand more as an ideal to be aspired to than the list of activities the realization of which is coming to an end.

Further to the National Strategy for Resolution of the Problems of Refugees and Internally Displaced Persons, other strategies deal, directly or indirectly, with different aspects of refugee integration, particularly the strategies related to social policy. Without a doubt the most significant of them is the Poverty Reduction Strategy, but others are worth mentioning as well: National Employment Strategy 2005–2010, Social Welfare Development Strategy, National Strategy of Economic Development 2006–2012 and others.

Numerous documents addressing various aspects of refugee integration suggest the complexity and comprehensiveness of the process which calls for involvement of almost all state and other public organisations and institutions within their respective mandates.

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3. Legal Framework for Integration of Refugees and Practice

In order to facilitate and accelerate the process of local integration of refugees in Serbia, the problems and impediments to it must be removed, access to rights facilitated and affirmative actions taken towards opening up possibilities for improvement of the social status of this vulnerable population.

Local integration covers many areas of law: status issues, property and legal relations, employment and work and legal relations, pension, health and social insurance and protection, education and many others. Thus the extreme complexity of the legal framework of refugee local integration. However, legal problems related to local integration emerge partly due the nature of the current legislation at times contradictory and not harmonised, vague and incomplete. This document represents an attempt to encompass and analyse the most frequent and typical problems occurring in the process of integration and to formulate recommendations that could assist in resolution of at least some of the identified problems.

3.1 Issues Related to Status (Citizenship and Documentation)

All the state signatories of the Convention Relating to the Status of Refugees are responsible to facilitate and expedite the process of their naturalisation (acquisition of citizenship) and to reduce as far as possible the charges and costs of such proceedings. However, the refugees from the former SFRY states did not have the possibility to acquire the citizenship of the Republic of Serbia, i.e. the then Federal Republic of Yugoslavia, until the promulgation of the Law on Yugoslav Citizenship on 1 January 1997. Opening up the possibility of naturalisation of refugees, this Law nevertheless conditioned acquisition of citizenship by revocation of the citizenship of the home country. Although only formal and without legal effect in home countries, this revocation created insecurity among refugees on its actual legal effects and consequently, a psychological barrier to naturalisation. Only after the

changes and amendments of this Law came into effect in 2001, removing revocation of former citizenship as a prerequisite of naturalisation, was the legislation fully harmonised with the provisions of the Convention related to facilitation of refugee naturalisation.

The new Law on Citizenship of the Republic of Serbia,⁴ which came into effect in March 2005 continues along the same lines. A refugee, expellee or a displaced person residing on the territory of the Republic of Serbia or a person who fled abroad may acquire citizenship under substantially easier conditions as compared to the other foreigners.⁵ The Law provides for urgency of processing the applications for acquisition of citizenship of the Republic of Serbia. The taxes for these persons total only RSD 590.00 as compared to taxes payable by other foreigners totalling RSD 10,430.00. Furthermore, if a so called family application had been submitted involving members of the family (spouses, minor and unemployed children up to the age of 26) only one tax is payable i.e. RSD 590.00 for the entire family.

Many refugees availed themselves of this legal possibility and acquired Serbian citizenship. According to the information available for 2005, some 143,000 identity cards were issued to former refugees: approximately 50,000 to refugees from BiH and some 93,000 to refugees from Croatia. The number of persons who acquired the citizenship of the Republic of Serbia is assumed to be much higher.

The analysis of regulations and practice points to the obstacles which, in certain cases, hinder and slow down the process of acceptance of refugees into the citizenship of the Republic of Serbia thus increasing the costs of this procedure.

⁴*Official Gazette of the Republic of Serbia*, no. 135/2004.

⁵Pursuant to para 2 Art. 23 of the Law on Citizenship of the Republic of Serbia conditions for naturalisation of refugees from former Yugoslav republics are that they are of age (children acquire citizenship of the Republic of Serbia on naturalisation of their parents, Art. 20 of the Law), that they have not been deprived of legal capacity and that they file a written statement to the effect that they consider the Republic of Serbia their own state.

3.1.1 Problems related to issuance of documents supporting the application for citizenship of the Republic of Serbia

The application for citizenship of the Republic of Serbia submitted by a refugee must be supported by documents from the country of origin: excerpt from birth registries, a citizenship certificate, and if married, also an excerpt from marriage registries. Travelling to the country of origin as well as the administrative taxes represent an expenditure few can afford. There are also persons who for different reasons cannot or do not wish to go back to the place of their former residence. There is a possibility of acquiring documents through the consulate of Croatia or Bosnia and Herzegovina in Serbia, but this is a very long procedure. Therefore, the only option for many people is to obtain documents by proxy.

However, even obtaining documents by proxy may be complicated, sometimes even impossible. The frequent problem experienced by refugees from Croatia is the practice of administrative bodies in Croatia which, contrary to the Law,⁶ do not allow for this possibility in certain counties. On the other hand, the decrease of donor funds allocated to refugees from former Yugoslavia diminished the possibility of acquisition of documents through non-governmental organisations. Finally, registries from certain registry offices in the Republic of Croatia are still in Serbia, so the persons from these places in Croatia find it practically impossible to obtain the key documents.

In some areas even the issuance of marriage certificates poses a problem. Contrary to the current regulations of the Republic of Croatia related to convalidation of individual acts and decisions in administrative issues made or issued in the areas of the Republic of Croatia that were under United Nations protection or administration,⁷ the competent Croatian agencies fail to convalidate entry of the fact of marriage in the UN protected or administered areas.

⁶Pursuant to para 1, Art. 57 of the Law on General Administrative Proceedings of the Republic of Croatia (*Official Gazette of the Republic of Croatia*, nos. 53/91 and 103/96) a client or his legal representative may, through proxy, take actions in administrative proceedings, except actions where it is necessary for the client to give statements personally.

⁷Law on Convalidation (*Official Gazette of the Republic of Croatia*, no. 104/97) and the Decision for Implementation of the Law on Convalidation of Acts Issued in Administrative Cases (*Official Gazette of the Republic of Croatia*, no. 51/98).

Therefore, the people have either to prove in court proceedings that they had concluded a marriage or to get married again. This practice seems to have begun to change in certain areas of Croatia over the past several months i.e. the registry offices started issuing marriage certificates for such marriages.

Validity of personal documents – excerpts from registry books is yet another obstacle that refugees face in the course of the naturalisation procedure and acquisition of documents of the Republic of Serbia. No requirement has been posed that these documents be less than six months old for the very procedure of naturalisation although this practice has been observed in some regional police departments. The requirement that the excerpts from registry books of the country of origin not be more than six months old causes problems to refugees due to the length of procedures of naturalisation in the Republic of Serbia, revocation of refugee status, registration of permanent residence, obtaining of an identity card and registration of the fact of birth and marriage into the registry books as per place of their permanent residence. Over a relatively short period of time, refugees have to obtain documents from the country of origin, thus incurring expenses which, taken into account the precarious financial situation of the majority of them, represent substantial amounts to them.

3.1.2 Length of procedure of citizenship acquisition

Even though the Law prescribes that the procedure per applications for acquisition of citizenship of the Republic of Serbia be urgent, in practice it takes a longn time – often more than 12 months. Further to the above mentioned problems related to obtaining of documents, the frequent reason therefore is lack of information by refugees themselves as to the documents they need to submit. An additional problem lies in inefficient communication and inadequate coordination in resolving the applications for acquisition of Serbian citizenship between the Republican Ministry and the regional police departments and police stations resulting in applicants being deprived of timely information on the course of the proceedings. The delay in resolving the applications for acquisition of citizenship is frequently also a consequence

of limitations of human and technical capacities of the Department for Administrative Issues of the MOI Serbia, as well as of the increasing number of applications for acquisition of citizenship of the Republic of Serbia, particularly since the dissolution of the State Union of Serbia and Montenegro.

3.1.3 Granting of citizenship to former refugees

The persons whose refugee status was revoked prior to acquiring the citizenship of the Republic of Serbia,⁸ but who continue to reside in Serbia, face additional impediments related to naturalisation. Further to all the above described problems, they are required to pay an administrative taxes amounting to RSD 10,430.00. This population is often old, ill, poor and living in legal and existential vacuum.⁹

The Law on Citizenship of the Republic of Serbia stipulates simplified conditions for acquisition of citizenship for “a citizen of another state emerging on the territory of former SFRY, who as a refugee, expellee or a displaced person resides on the territory of the Republic of Serbia or has fled abroad”¹⁰. The competent authorities interpret this provision narrowly and fail to include under it persons whose refugee status terminated, consequently failing to accord them preferential treatment. As a result, the administrative taxes are almost 18 times higher and many people cannot afford them. Irrespective of the fact that these are the persons who no longer enjoy refugee status, it is a relatively high number of people who have not yet integrated and found a durable solution to their status and who will not be able or do not want to return to their country of origin.

⁸Most often the persons who failed to register at the last refugee registration or the persons who received decisions on revocation of refugee status.

⁹In July 2007 HCIT was approached by a four-member refugee family whose refugee status was revoked during the last refugee registration. They had appealed against the decision without success and, due to passive and strenuous living conditions, had missed the deadline for filing a complaint against the second-instance decision. Consequently, all four of them must travel to Croatia to obtain valid personal documents. The need approximately EUR 520 for documentation only in addition to transportation costs and costs of a month-long stay of a four member family in Croatia. None of them is employed, they live in rented apartment and are barely surviving.

¹⁰Para 2, Art. 23 of the Law on Citizenship of the Republic of Serbia.

3.1.4 Issuance of an Identity Card of the Republic of Serbia

The next step to full formal integration after acquisition of citizenship is obtaining of an identity card of the Republic of Serbia. It is preceded by **registration of residence**¹¹, when refugees face new problems.

Many refugees live in rented apartments and a significant number of them with family/friends.¹² The owners are rarely willing to give them the necessary approval which is a legal prerequisite for registration of residence.¹³ The problem of registration of residence is shared also by the population living in various forms of collective accommodation – collective centres, elderly homes, etc. Some regional police departments do not accept the address of collective accommodation for registration of residence.

Conditioning registration of residence by proof of ownership or other legal basis of residence constitutes discrimination of socially vulnerable groups, for they cannot register residence in the place they intend to live permanently in. This practice restricts the constitutional right to free movement and taking up residence.¹⁴ A similar legal provision existed in Croatia, but the Constitutional Court of Croatia proclaimed it unconstitutional.

A practical problem occurs also on entry of a **unique identity number of citizens** (JMBG) into new documents of the Republic of Serbia. Although two countries are involved – the country of origin and the Republic of Serbia, being the state into the citizenship of which refugees are accepted, the competent regional police departments request information on

¹¹Art. 3 of the Law on Identity Card (*Official Gazette of the Republic of Serbia*, no. 62/06).

¹²According to the data from the 2004/2005 Registration of Refugees, 46,851 or 45% lived in rented apartments, and 29,768 or 28.6% with family/friends. The practice shows that only a part of them are formally registered with family/friends but actually live in rented housing.

¹³Para 3, Art. 5 of the Law on Permanent and Temporary Residence of Citizens (*Official Gazette of FRY*, nos. 42/77 – abridged text, 24/85, 25/89; *Official Gazette of the Republic of Serbia*, nos. 53/93, 67/93, 48/94, 17/99, 33/99, 101/05).

¹⁴Art. 39 of the Constitution of the Republic of Serbia guarantees everyone the right to free movement and taking up residence in the Republic of Serbia. Restriction of the freedom of movement and taking up residence is allowed only if required for the purpose of criminal proceedings, safeguarding public peace and order, prevention of spreading contagious diseases or defence of the Republic of Serbia.

JMBG from the country of origin or a certificate to the effect that it was not allocated in the country of origin. In view of the fact that the identity number is not entered into the documents of citizens in Croatia and that confirmation of it is issued exclusively at personal request, and sometimes on mandatory personal presence, this is yet another obstacle and expense for refugees.

Finally, obtaining of an identity card of the Republic of Serbia is preceded by revocation of refugee status. In practice this procedure may take long, the most frequent reasons being incorrect data on a person seeking revocation of status, as well as sloppy and incomplete registries kept by certain refugee trustees. Furthermore, registries on recognition of refugee status for the group who acquired it during residence in Kosovo and Metohija have been destroyed.

3.1.5 Registration of facts into the registry books in the Republic of Serbia

The facts of birth, marriage and death of citizens of another republic of former SFRY, who acquired Serbian citizenship are entered into registries according to the place of their residence.¹⁵ They may be entered on the basis of excerpts from registries of the country of origin. If an excerpt from registries of agencies of another state cannot be obtained, the registration of facts may be made on the basis of a decision of a competent court, i.e. decision of a competent municipal body. Enabling former refugees to register data into registry books in Serbia according to the place of new habitual residence resolves permanently their problems related to acquisition of documents from the country of origin.



¹⁵Para 3, Art. 23 of the Law on Registry Books (*Official Gazette of the FRY*, no. 15/90 and *Official Gazette of the Republic of Serbia*, nos. 57/03 and 101/05).

3.1.6 Refugees citizens – duality of status

Although the National Strategy for Resolving the Problems of Refugees and IDPs ascertained back in 2002 that “adequate mechanisms need to be established to prevent refugees from retaining refugee status after acquisition of Yugoslav citizenship”, this was not done to date. Current regulations allow for this duality of status. According to the Law on Identity Card¹⁶ a citizen over 16 years of age with permanent residence on the territory of the Republic of Serbia is to have an identity card. Consequently, refugees who acquired citizenship of the Republic of Serbia, if their habitual residence is in the countries of origin, are not obliged to have an identity card.

A large number of refugees still avail themselves of this possibility, probably weighing the options offered to them, be it for local integration or for return into the country of origin. This dilemma is founded in case of refugees from Croatia in exercise of certain rights denied to them in their country of origin. Exercise of rights to reconstruction and the possibility of housing care within the framework of the program of the Government of the Republic of Croatia are conditioned by return to Croatia i.e. indirectly by refugee status in the Republic of Serbia. However, in respect of local integration, refugee status does no longer facilitate access to different programmes. Prerequisite of all local integration programmes implemented by the Commissioner for Refugees of the Republic of Serbia and donors is that refugees have acquired or are in the process of acquisition of Serbian citizenship. Positive discrimination of refugees is not applied even in the area of health insurance, while access to majority of rights from the area of social welfare is reserved for the citizens of Serbia with identity cards, as will be evident from below analysis.

Additional confusion in this respect is created by the fact that following 2004/2005 refugee registration the group whose refugee status was confirmed had new, blue refugee IDs issued, while the old – white ones – have not expired yet.

¹⁶Art. 3 of the Law on Identity Card (*Official Gazette of the Republic of Serbia*, no. 62/06).

Recommendations

1. Assist refugees in acquisition of documents from the country of origin, needed in the process of acquisition of citizenship of the Republic of Serbia

- The Government of the Republic of Serbia should, in diplomatic contacts with the governments of Bosnia and Herzegovina and the Republic of Croatia, initiate establishment of direct cooperation between local agencies with a view to simplified and free of charge issuance of documents for refugees;
- All the stakeholders – Government of the Republic of Serbia and its agencies, international organisations and bilateral donors – should, within their respective capacities, provide support to projects aimed at facilitation and removal of charges for issuance of documents from Bosnia and Herzegovina and Croatia, indispensable to refugees in the process of naturalisation in the Republic of Serbia;
- The Government of the Republic of Serbia should, in its diplomatic contacts with the Government of the Republic of Croatia, emphasize the need for the competent agencies of the Republic of Croatia in Areas of Special State Concern to fully apply regulations on convalidation in administrative issues;
- The competent bodies of the Republic of Serbia should return the registry books from the Republic of Croatia still in Serbia.

2. Accelerate and facilitate the procedure of naturalisation of refugees in the Republic of Serbia

- The Ministry of Interior of the Republic of Serbia should, during the process of resolution of applications for acquisition of citizenship, give priority to refugees relative to other persons;
- The Ministry of Interior should consolidate the practice of regional police departments in respect of reception of applications for citizenship as well as to improve communication with them with a view to expediting resolution of applications;
- The competent agencies of the Republic of Serbia – Ministry of Interior, Ministry

of Finance and the Commissioner for Refugees should, either through more flexible interpretation of regulations, or initiation of changes to the Law, allow for acquisition of citizenship under the same preferential conditions effective for refugees to all those persons who held that status in Serbia and it had expired prior to their acquisition of citizenship;

■ The Commissioner for Refugees, other competent state agencies, all non-governmental and other organisations providing legal assistance to refugees should intensify their activities related to informing refugees on the possibilities, procedure and documents needed for naturalisation and revocation of refugee status.

3. Simplify the procedure of acquisition of identity cards of the Republic of Serbia

■ The competent agencies of the Republic of Serbia should review legal solutions related to conditions of registration of citizens habitual residence in order to fully harmonise them with the freedom of movement and taking up residence as guaranteed in the Constitution;

■ The Government of the Republic of Serbia should, in line with the National Strategy for Resolving the Problems of Refugees and IDPs, establish adequate mechanisms preventing refugees to retain refugee status upon acquisition of citizenship;

■ The Ministry of Interior of the Republic of Serbia should unify the practice of regional police departments so as to enable registration of habitual residence at the address of some form of collective housing in the entire territory of the Republic of Serbia;

■ The Ministry of Interior of the Republic of Serbia should establish an integrated electronic database on refugee ID cards issued and refugees naturalized, and duly forward these data to the Commissioner for Refugees of the Republic of Serbia;

■ The Commissioner for Refugees of the Republic of Serbia should expedite the procedure of revocation of refugee status, establish an electronic data base that would make this possible, improve coordination with local trustees for refugees, as well as cooperation with non-governmental organisations providing free legal assistance to refugees in the process of their naturalisation;

- The Commissioner for Refugees should establish mechanisms to harmonise personal documents on the basis of which refugees exercise their rights with the registry established following the latest refugee registration;
- All refugees who wish to integrate in Serbia are hereby urged to collect all the documents and information related to their status and thus facilitate the procedure of regulation of their status and issuance of documents of the Republic of Serbia to the competent agencies.



4. Facilitate access to documents and rights after local integration

- All the competent agencies of the Republic of Serbia, non-governmental organisations providing assistance to refugees in the process of naturalisation should inform them of the possibility of registration of facts from registry books of their countries of origin into the registry books in Serbia according to the place of their new habitual residence.

3.2 Employment and Right to Work

The process of economic integration presents most probably the key element of refugee integration whereby they should become capable of providing regular income by themselves. The legal regulations in the Republic of Serbia related to guaranteeing the right to work and employment of refugees from the territories of former SFRY go a step further from the Refugee Convention. According to the Law on Refugees, refugees in Serbia have the right to employment equal to that of the citizens of Serbia, except employment in state agencies and certain institutions founded by the state or local self-governments. Although data from the 2002 Census of Population are not representative and accurate in respect of refugees,¹⁷ they may serve as basis for analysing the position of domicile population and refugees on the labour market. Among the persons who declared themselves as refugees in the 2002 Census, irrespective of their actual legal status, the share of labour active persons is 73.4%, with the share of labour active population in the total population of the Republic of Serbia (excluding refugee corps) is 66.8%. A higher share of labour active persons among refugees and a somewhat better educational structure as compared to other population in the Republic are demographic and economic factors which may contribute to a faster integration into the new environment.

According to the data obtained at the 1996 Census of Refugees 68.3% of refugees were unemployed, while at the 2001 Registration of Refugees the unemployment rate among labour active refugees (over 15 years of age) amounted to 54.8%. The information from the 2005 Registration of Refugees suggest an increase of the unemployment rate which now totals 58% among the labour active refugee population.

A relative increase of unemployment among refugees may be explained by the fact that a considerable number of them have already integrated and particularly those who managed to find jobs, which is one of the most significant elements of local integration. On the other

¹⁷2002 Census ("The key contingents of population", www.statserb.sr.gov.yu). In order for a person to be treated as a refugee in the census of population, his statement sufficed, independent of his legal status; thus the disparity of data from the census of population and census of refugees.

hand, this figure warns of an increased vulnerability of the population remaining in refugee status. Therefore, it is necessary that all the stakeholders turn their attention and direct their funds to strengthening this corps and helping them find a durable solution for their status.

Group 484 conducted a research on the position of refugees on the labour market in Serbia covering both refugees and former refugees who have integrated formally.¹⁸ The research pointed that refugee population is extremely active. In the total sample, the share of labour active persons exceeds 75%. The rate of unemployment of respondents is higher relative to the general population totalling 30.6%, which indicates that it is more difficult for refugees to find employment. Among the employed respondents 27.6% are self-employed, 70.2% are employed workers and 2.2% are household help. According to the sectors, most of the refugees are employed in trade, catering and tourism – 32%, in construction, utility services, personal services and trades – 29.4%, with the smallest percent employed in financial services – 3.6%. However, a considerable number of respondents is employed on jobs they are too qualified for, in the private sector and without formal contracts (87%).

Among the unemployed persons, those with secondary education are the most numerous (42.5%). More than one third of the unemployed was never employed. As many as 63.6% respondents are trying to find jobs through relatives and friends, while the National Employment Service is contacted by 47.7%. The research showed women in the refugee population to be in a less favourable position than men, but exhibit a higher level of activity than women pertaining to general population (71% compared to 57.9%). This indicates that refugee women do not choose jobs and often, due to unfavourable financial situation, hold several jobs at the same time. As compared to the general population it is evident that refugee households are in a less favourable financial position and are more exposed to risk of slipping into poverty. The main advantage of these households is the pronounced engagement on the labour market which is the trend worth supporting by adequate employment policy measures.

¹⁸The Position of Refugees on the Labour Market and Participation in Active Employment Measures, Group 484, Belgrade, May 2007; the sample covered 500 respondents aged 15 – 65, of whom 53.6% former refugees who possess an identity card of the Republic of Serbia.

Employment mechanisms

Finding employment represents an enormous problem for refugees and domicile population alike. The still fragile Serbian economy, exhausted by the '90s crisis caused by armed conflicts and sanctions, now in the process of transition, is not an environment where jobs are easy to find, especially not by vulnerable groups. That is why it is of paramount importance to promote all possibilities of employment, self-employment, requalification and attaining additional qualifications, so that refugees could get involved into the mainstream along with other vulnerable population more easily.

Contrary to the general belief, refugees are relatively well informed about the institutional mechanisms of mediation and support to employment with the assistance of the National Employment Service (NES). The programs of self-employment, active employment measures and job fairs represent a good possibility for some to find jobs. Some programmes even make positive discrimination in respect of refugees and attach additional value to the fact that a person is a refugee. However, the budget of NES is limited and consequently the active employment measures cannot play a more significant role in employment of refugee population. Furthermore, there are not mechanisms for measurement of impact of active employment measures among the vulnerable population which is considered to be a grave shortfall.

An additional obstacle is the practice of certain municipal administrations related to issuance of working booklets. Possession of a working booklet is a prerequisite for registration with



the NES. Some municipal administrations do not issue working booklets to the unemployed invoking Art. 5 of the Rules of Procedure about the Working Booklet¹⁹, whereby the unemployed may open a working booklet in the place of their habitual residence. At the same time, they fail to apply para. 3 Art. 2 of the Law on Refugees whereby refugees exercise the right to employment as well as all other laws stipulated therein, according to their temporary residence in the Republic of Serbia as they cannot register habitual residence for as long as they hold refugee status.

The fact that many refugees lack documents to prove their educational level represents a separate problem. While the attitude of the NES had been benevolent throughout the past and they had accepted even statements on educational level as sufficient proof, the market cannot be expected to be understanding of this.

Establishment of local employment councils, currently only in several municipalities, represents a new incentive to employment in local communities. Importantly, refugees have been included there as a particularly vulnerable group the employment of which needs to be supported and facilitated by active employment measures.

In absence of the best employment mechanism – a developed market, and in the situation where the state budget does not provide enough possibilities for active measures, various donor programmes represent a significant opportunity for employment of refugees. Over the past decade of funding different refugee local integration projects, UNHCR, European Agency for Reconstruction and other bilateral donors have, in cooperation with their partners, developed several models of projects aimed at employment of refugees. Several thousand refugees have been assisted through various programmes of micro-crediting, various forms of income generating cash grants, programmes of vocational training and re-qualification.

Still, no matter how successful these projects may be (and judging by UNHCR experience the projects in the sphere of refugee employment are among the most successful), the needs of the

¹⁹Official Gazette of the Republic of Serbia, no. 17/97.

refugee population exceed by far the budgets of the existing donors. The above mentioned projects should serve as models that the state and the development agencies could further develop and fund within the framework of implementation of national strategies in the social sector.

Systemic measures

National strategies of the Government of the Republic of Serbia, and primarily, the Poverty Reduction Strategy and the National Employment Strategy 2005–2010 set down additional programmes, measures and activities for extremely vulnerable groups including refugees. Their aim is to create chances for equal access to employment, health care, education and communal services of the poor. These strategies, inter alia, provide for:

- Subsidising part of labour costs, whereby enterprises would be stimulated to employ refugees and internally displaced persons;
- Individual and group self-employment on the basis of interest-free loans with favourable repayment period;
- Employment of unemployed refugees and IDPs with low educational level or without education on public works;
- Employment in agriculture, particularly for refugees and IDPs from rural areas, with the allocation of arable land for durable use or into ownership and provision of favourable loans for agricultural equipment and production raw materials;²⁰
- More significant involvement of these persons into active employment measures, especially persons pertaining to the group of extremely vulnerable refugee families (persons without adequate accommodation, who did not manage to exercise their right to property in the country of origin, single mothers, households without an employed member).

²⁰The Guarantee Fund of AP Vojvodina earmarked a total of RSD 50 million for purchase of tractors for refugees, expellees and displaced persons in Vojvodina (procurement of 50 tractors of which 11 were already purchased for 11 refugee families in as many Vojvodina municipalities is expected in 2007). The main objective of issuance of guarantees of the Guarantee Fund of AP Vojvodina is establishment of preconditions for easier access to credit lines of business banks intended for crediting procurement on new agricultural machinery – tractors with a view to replacing the old agricultural machinery.

However, data and research about refugee employment indicated that the above activities have not been implemented to a large extent.

Recommendations

- In view of the significance of employment for full integration of refugees, all the stakeholders – the Government and the competent ministries of the Republic of Serbia, Commissioner for Refugees, National Employment Service, international organisations, bilateral developmental organisations and the civil sector, should establish mechanisms of permanent and detailed informing of refugees about the programs for employment or capacity building of refugees towards an equal participation on the labour market;
- The international, bilateral and developmental organisations are urged to pay more attention to employment and capacity building of refugees and other socially vulnerable groups in their programmes, and to allocate more funds for these within their respective capabilities;
- The National Employment Service should establish a system for monitoring the position of vulnerable groups, including refugees, on the labour market so as to enable monitoring the effects of affirmative actions;
- In view of the provisions of the Law on Refugees, the competent local administration bodies are urged to issue working booklets to refugees according to the place of their residence thereby ensuring their access to the labour market.



Obrenovac
Meeting with future beneficiaries of the Social Housing Project (2007)

3.3 Right to Education

At first sight, education seems to be an area in which refugees have integrated to a large extent. They are entitled to education under the same conditions as the citizens of Serbia. Primary and secondary education are free, while university education is financed from the budget or through self-financing, depending on the candidates' success.

With respect to psycho-social integration in the sector of education a lot has been done. Experts in primary schools (pedagogues and psychologists) have paid special attention to adaptation of refugee children to the new surroundings. Primary education reform and introduction of civic education courses have also contributed to the easier integration.

The Republic of Serbia has provided for some measures of affirmative action in its regulations so as to facilitate access of refugees to the right to education. Thus, the Decision of the Republic of Serbia²¹ on Care and Accommodation of Refugees²² set down that refugee pupils and students be offered, in as much as possible, professional assistance in preparation of entry, additional and other examinations with a view to involving them into the mainstream education in the Republic; that it be offered in schools i.e. universities, and that refugee pupils and students regularly attending schools may be offered financial assistance for food and accommodation in student hostels, for purchase of school books, supplies and other teaching aids, as well as for commuting costs.²³

However, the reality differs. The difficult financial position of many refugee families, especially those living in remote rural areas, emerges as an obstacle to access to the right to education. The assistance of the state is also often missing due to limited budgets at central and local levels. Many parents are unable to send their children to high schools and universities located outside their places of residence, and so the process of education is forcefully interrupted. The negative impact of this on strengthening this vulnerable population and their capacity to

²¹Official Gazette of the Republic of Serbia, nos. 20/92, 70/93, 105/93, 8/94, 22/94, 34/95 and 36/04.

²²Art. 17(1) of the Decision.

²³Art. 18 of the Decision.

become equal players in the market cannot be overly stressed. Furthermore, some refugee families have problems with obtaining documents, required for entry of children into schools and faculties, from their countries of origin.

One of the measures stipulated by the National Employment Strategy with a view to ensuring equal access to employment to refugees is granting scholarships for secondary and tertiary education to children from poor refugee and IDP families. The Ministry of Education and Sports²⁴ was put in charge of implementing this measure, but this has not happened in practice. The Ministry publishes annual competitions for student scholarships where the key criteria is success during schooling.²⁵ Refugees are not specifically mentioned as candidates, and all candidates must have permanent residence on the territory of the Republic of Serbia. A student–refugee cannot apply for this scholarship on the basis of his refugee status but only as a member of the Serb national minority from neighbouring countries whose schooling is financed from the budget. As already mentioned, additional measures conducive to granting scholarships to children from poor refugee families irrespective of their ethnic affiliation were not taken.²⁶

A positive example is the Fund for Young Talents of the Republic of Serbia, established by the Republican Government in 2005. The general eligibility criteria particularly mention that refugees may have the status of young talents.

Additional training and re-qualification of unemployed refugees in line with the needs of the labour market are also significant for improvement of the position of refugees on the labour market and for them abandoning the passive state of dependance on different forms of assistance. The Round Tables on Refugee Integration organised by UNHCR and OSCE in

²⁴Some local self-governments take various steps to assist pupils and students from deprived families such as granting scholarships to successful students and students from socially vulnerable families including refugees, payment of monthly transportation passes and distribution of free of charge snacks, organising student actions to purchase school books, payment of snacks and one-day trips for vulnerable children and thus also refugee children, etc.

²⁵The criterium being that a candidate has passed all the examinations from previous years with a minimum average mark of 8.50 (www.mps.sr.gov.yu).

²⁶Not all refugees from other republics of former SFRY that found refuge in Serbia are Serbs – according to the 2001 Census of Refugees, more than 10% were of other ethnicity and according to 2005 Registration 4.3% were of other ethnicity.

the first half of 2007 pointed to the problem of incongruity of secondary education to the needs of the labour market. This is the problem affecting the entire population in Serbia, but certainly has the gravest impact on the vulnerable groups such as refugees particularly those in remote areas where the employment opportunities are even more sparse.

Recommendations

- The Ministry of Education of the Republic of Serbia should involve refugee children into the existing programmes of granting scholarships for secondary and tertiary education and develop additional scholarship programmes for children from poor refugee families in order to implement the measures provided for by the Poverty Reduction Strategy and the National Employment Strategy;
- Local self-governments should provide for budgets for granting scholarships to children from vulnerable groups including refugees, within their capacities;
- The implementation of the secondary education reform should be fully supported in order to respond to the altered demands of the labour market. The reform should provide for development of new, licenced schools for re-qualification of the unemployed in line with the needs of the labour market. Such institutions should be subsidized by the state which should also develop a system for granting scholarships to vulnerable groups including refugees;
- Non-governmental sector should be involved into the development of programmes of professional education and re-qualification of refugees, IDPs and other vulnerable groups, for a number of NGOs in Serbia has significant experience in this area having implemented similar programmes for years with funding primarily from UNHCR and EAR, but from other international and bilateral agencies as well.

3.4 Right to Health Care

Exercise of the constitutional right to health care in Serbia was considerably hindered due to the difficult economic situation which particularly affects vulnerable categories of population including refugees. The drop of expenditures from the budget for health care per capita was compensated by increased participation of patients in the cost of medical treatment, making the access of poor population to health care more difficult.

With a view to reducing inequalities in the access to health care, the Poverty Reduction Strategy stipulates development and implementation of national programmes especially designed for vulnerable groups including the programmes for health care of women, children, Roma, refugees and IDPs, rural population, etc. The measures for protection of vulnerable groups should have been integrated into the regular health care programmes. The deadlines provided for by the Strategy have already expired but the measures have not been implemented.

Change of legal framework

According to the Law on Refugees, care and accommodation of refugees includes adequate health care.²⁷ The scope and ways of exercising health care and the mechanisms for provision of funds for these purposes have been defined by the Decision on Care and Accommodation of Refugees.²⁸ The new Law on Health Insurance²⁹ regulates the issue of health insurance i.e. of exercise of the right to health care by refugees irrespective of the Law on Refugees.³⁰ Refugee status, per se, does no longer suffice for a refugee to have health insurance. He also needs to be in the category of socially vulnerable persons whose

²⁷Para. 1, Art 2 of the Law on Refugees (*Official Gazette of the Republic of Serbia*, nos. 18/92 and 45/02).

²⁸*Official Gazette of the Republic of Serbia*, nos. 20/92, 70/93, 105/93, 8/94, 22/94, 34/95 and 36/04.

²⁹*Official Gazette of the Republic of Serbia*, nos. 107/05 and 109/05.

³⁰The new Law on Health Insurance does not contain the sunset provision for the regulations of Art. 2 of the Law on Refugees and Chapter 2 of the Decision on Care and Accommodation of Refugees as at the date of this Law coming into effect. This leaves space for different interpretations. In practice, provisions of the two mentioned legal documents on refugees are no longer applied in the part related to health insurance.

monthly income does not exceed a prescribed ceiling for acquisition of the attribute of an insured person.

However, a change of regulations was not accompanied by an appropriate information campaign. Therefore, the new situation took by surprise the refugees, but also the Commissioner for Refugees and the health care institutions. In practice, legal provisions and by-laws were applied differently particularly so over the first six months causing grave problems to refugees in the process of their inclusion in the system of mandatory health insurance and acquisition of new health care booklets in Serbia.

A separate problem is faced by the group of former refugees whose refugee status was withdrawn or who did not come forward to the registration of refugees but have not acquired citizenship or the documents of the Republic of Serbia. They have neither health insurance nor health care. The established practice for the group who filed an appeal on the decision on revocation of the status is that a health care booklet is issued on presentation of a confirmation issued by a refugee trustee that the appeal had been filed until such time that the decision on revocation of refugee status becomes legally effective. Thereafter, this category of former refugees is left without health insurance and health care. Many of these people are elderly and of poor health and the procedure of acceptance into citizenship lasts long, often exceeding one year. They have no health insurance throughout that period.

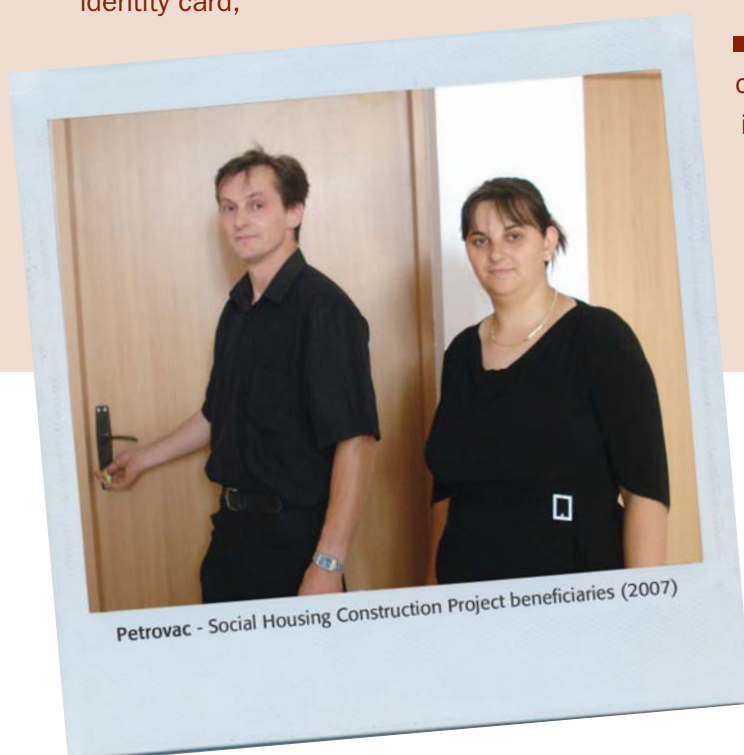
Confusion related to application of new provisions was removed partly by the Ministry of Health through its letter to the Commissioner for Refugees in the first half of 2007.³¹ The solution found for refugees and former refugees who have not secured any of the bases for mandatory health insurance³² is to become part of it and pay by contributions thereto by themselves.

³¹The Ministry of Health clarified these new regulations in their letters to the Office of the Commissioner of 27 March 2007 and to HCIT on 09 May 2007 at the initiative of the Commissioner for Refugees of the Republic of Serbia and HCIT.

³²Art. 17 and 22 of the Law on Health Insurance.

Recommendations

- It is necessary that the Ministry of Health, Republican Institute for Health Insurance and the Health Council of Serbia in cooperation with the Commissioner for Refugees undertake an analysis of the Law on Health Insurance and the Law on Health Care relative to the refugee population in order to harmonize practices and resolve the identified problems;
- It is recommended that the Ministry of Health, Republican Institute for Health Insurance and the Commissioner for Refugees propose mechanisms for overcoming problems related to access to health insurance and health care enjoyed by refugees in the transition from loss of refugee status to acquisition of Serbian citizenship and identity card;



- It is necessary that the competent agencies adequately inform refugees on the new regulations in the sectors of health insurance and health care and the possibilities for them exercising their rights in this area.

3.5 Rights Emanating from Pension and Disability Insurance

Integration of refugees in Serbia largely depends on the access to acquired rights in the countries of origin. The rights from pension and disability insurance are among the most significant of these, both in view of their scope as well as the fact that they represent practically the only source of livelihood of the oldest refugees. A protracted vacuum in establishment of relations in the area of social insurance between Serbia and Bosnia and Herzegovina, and Croatia, further deepened the existential agony of many refugees during the armed conflicts of the 1990s.³³

Refugees from Bosnia and Herzegovina and refugees from Croatia face the problems related to exercise of the right to pension and disability insurance.

The most frequent problems that persons who fled Bosnia and Herzegovina who accrued the years of insurance in the country of origin³⁴ face when trying to exercise the rights from pension and disability insurance are:

- Cooperation of liaison agencies is not always at a level ensuring efficient implementation of the Agreement of Social Insurance signed between FRY and BiH. The requests for establishment of pension years accrued in BiH remain unanswered;
- The majority of insured persons faces problems in obtaining documents needed for exercise of rights to pension, many of these being destroyed or gone missing during the war in BiH.³⁵

³³The Agreement between the Republic of Croatia and the then Federal Republic of Yugoslavia on Social Insurance was signed on 15 September 1997 was ratified by the FRY Assembly only in May 2001 (*Official Gazette* – “International Agreements”, no. 1/01), and by the Croatian Parliament even later – at the end of November that same year (*Official Gazette of the Republic of Croatia* – “International Agreements”, no. 14/01). It came into effect only in April 2002 and its implementation began almost a year later. The Agreement between FRY and BiH on Social Insurance (*Official Gazette of Serbia and Montenegro* – “International Agreements”, no. 7/03) was signed on 29 October 2002. The Administrative Agreement for implementation thereof was signed in April 2004.

³⁴Approximately 4,000 pensioners in Serbia are from BiH. Almost as many who earned their pensions in Serbia now live in BiH.

³⁵Years of accrued pension may be, at least formally, proved by the following documents: working booklet, legally valid decision on years of accrued pension, decision on contracting employment, decision on deployment at a certain post and decision on termination of employment relationship, information on salary and years of accrued insurance, transcript of a personal card on health insurance or some other document. In practice, acquisition of these documents is not always sufficient for exercise of the rights emanating from pension and disability insurance.

Furthermore, it is a widespread practice of the competent bodies at the level of BiH entities to ask the citizens to obtain different proof of facts which these or other bodies i.e. departments keep official records on and are *ex lege* responsible to obtain them;

- Cross-border procedure of deciding on requests for exercise of rights from pension and disability insurance is extremely protracted;
- Although the law imposes an obligation on the competent agencies to ensure assistance to clients in the procedure and prescribes accurate timeframes for their actions in the procedure, this assistance is often missing in practice and the legal timeframes tend to be exceeded many times over;
- There are instances that after the filed appeal, the first-instance bodies deciding in a certain case keep the documents for an illegally long time, instead of forwarding them without undue delay to the competent second-instance body as explicitly provided for in the law.



In practice the most frequent problems faced by the refugees from Croatia³⁶ in this area are:

- Part of registries of years of accrued pension insurance in Croatian Pension Insurance Institute is lacking. Problems and obstacles related to proof of existence of years of pension are numerous. It happens that there is no proof in the registries of more than one third of accrued years of pension, even for the period pre-1991, when, according to then effective law, salaries could not be paid without prior payment of contributions;

³⁶According to the data of the Republican Commissioner for Refugees, 20,000 requests for exercise of the right to pensions in Croatia had been submitted.

- The procedure of deciding on the right to pension is slow, the waiting period for the calculation of years of pension and decisions on pension exceeds one year as a rule;
- The accrued but not paid pensions remain an enormous problem. Croatian bodies apply the legal provision that the beneficiary of proceeds (a refugee) caused by himself the circumstances due to which suspension of pension payments occurred although payments were actually suspended on 01 August 1991 due to an interruption of payment operations between the Republic of Croatia and the region of the Republic of Croatia that was under the protection or administration of the United Nations. The Croatian Pension Insurance Institute also fails to pay accrued pensions for the period 1991–1995, explaining it by the fact that the pensioners in the area of the then Republika Srpska Krajina received pensions during the armed conflict from the so called “parafund”. Croatia recognised all individual acts and decisions on payment of pensions of the so called “parafund” on the basis of the Law on Convalidation³⁷, in order to make applicable the legal provision according to which insured persons who acquire the right to two or more pensions may avail themselves of only one. However, this is a case of double standards because they recognise the acts of the so called “parafund” on the basis of which pensions were paid in the UN protected or administered areas of the Republic of Croatia in order to avoid payment of accrued but not paid pensions. On the other hand, different restrictions and obstacles are posed on recognition of the years of work accrued in these areas during the same period;
- Many refugees cannot resolve the problem of convalidation of years of insurance accrued in the UN protected or administered areas of the Republic of Croatia in the period 1991–1995. Although a timeframe for submission of requests for convalidation is not stipulated by the Law on Convalidation, the Decision on Implementation of the Law on Convalidation for the Administrative Areas of Labour, Employment Pension and Disability Insurance³⁸ stipulate a one year timeframe for submission of these requests. This deadline expired on 10 April 1999. In order to file a request for convalidation, applicants needed to register habitual residence, obtain Croatian citizenship

³⁷ *Official Gazette of the Republic of Croatia*, no. 104/97.

³⁸ *Official Gazette of the Republic of Croatia*, no. 51/98.

certificates and identity cards, which was impossible for many refugees.³⁹ The few who managed to file requests for convalidation within the prescribed timeframe face the problem of having to prove the years of insurance accrued in cases when the written documents thereon are inaccessible or have been destroyed, for the legally prescribed list of evidence for establishment of the factual state of affairs is restricted in practice. The frequent negative decisions passed on the requests for convalidation invoke lack of relevant written evidence, non-recognition of verity of the contents of working booklets, participation in paramilitary formations although that period is not subject of request for convalidation or missing of deadline.

Recommendations

- The agencies of the Republic of Serbia and BiH in charge of ensuring efficient implementation of the Agreement between FRY and BiH on Social Insurance should invest additional efforts and take additional measures to facilitate and expedite access to rights from pension and disability insurance to refugees;
- The agencies of the Republic of Serbia and the Republic of Croatia in charge of ensuring efficient implementation of the Agreement on Social Insurance should invest additional efforts to resolve as soon as possible the identified problems related to access of refugees to the rights from pension and disability insurance in the Republic of Croatia;
- The process of informing refugees on conditions and procedures of exercise of their rights from pension and disability insurance should be improved through a media campaign that would involve the Commissioner for Refugees, Republican Pension and Disability Insurance Fund and non-governmental organisations.

³⁹The issue of extending the deadline for submission of requests for convalidation is one of the open issues discussed within the framework of the Sarajevo process and has been identified as a short-term priority in the process of Accession Partnership of the Republic of Croatia with the European Union – *Official Journal of the European Union*: Council Decision of 20 February 2006 on the principles, priorities and conditions contained in the Accession Partnership with Croatia and repealing Decision 2004/648/EC (2006/145/EC); 3.1 Short term priorities, Political Criteria, Regional Issues and International Obligations, 25 February 2006.

3.6 Right to Social Welfare

According to the data presented in the Poverty Reduction Strategy, 800,000 persons or 10.6% of the population in Serbia were poor in 2002. If poverty line were to be raised from USD 2.4 to USD 2.9 of consumption (per consumer unit)/day/capita, the number of the poor in Serbia would reach 1,600,000 or 20% of the population. Approximately 25% of refugees and IDPs are estimated to fall into the category of poor, a figure considerably higher if comparisons to the local population are made. The social and economic position of refugees is even more vulnerable in view of the fact that 45% of them live in rented apartments and that the unemployment rate among the remaining refugees in labour active population is 58% and having an upward trend.

The Poverty Reduction Strategy sets down measures not only for provision of the subsistence minimum to the poorest and socially vulnerable groups, refugees included, but also for opening a window of opportunity for their equal access to employment, health, education and communal services. A particular problem emphasized by the Strategy is that, due to their status, many vulnerable groups (refugees, IDPs, Roma) do not fulfill the criteria for social welfare be it because they do not have citizenship or because they are not in possession of adequate personal documents (e.g. registration of habitual residence). Therefore, one of the aims is to ensure access to social welfare to all the persons who are currently not beneficiaries of social protection but are in the situation of social need.

Aiming to reduce poverty among refugees and IDPs the Strategy provides for direct monetary assistance to refugee households fulfilling conditions for MOP (financial assistance of families), child allowance for children up to 14, compensation for care and assistance of third persons and compensation for orthopaedic and similar aids for disabled refugees. Furthermore, special action plans need to be developed in municipalities or regions with high concentration of refugees and IDPs.

However, since the endorsement of the Strategy in 2002 to date, the proposed measures or at least those related to refugee population have not been adopted. Naturalisation and

acquisition of an identity card are therefore the only ways for refugees to access their rights in this area. The persons who have not acquired citizenship and whose refugee status terminated find themselves in grave problems. Many have no other option at the moment but to stay in Serbia, and the procedure of naturalisation is not only long but very expensive for them. They are deprived on the right to any form of social welfare from the moment of withdrawal of refugee status to the time of acquisition of Serbian citizenship. A large number of them cannot afford the taxes amounting to RSD 10,430.00 for acceptance into citizenship. They turn to social welfare centres for help, but these cannot help them as they are not citizens of Serbia. And so a *circulum viciosus* is created which they cannot escape from without the assistance of others and change of regulations.

Responding to the dire existential position of refugees, the social welfare system at the local level has, within legal and budgetary limitations, partly opened up to refugees. Thus, refugees in some municipalities receive cash grants and are equalized to local population in respect of accommodation into social welfare institutions (elderly homes, reception centres for children without parental care, reception centres for adults). Local self-governments bear a considerable burden of social care for integrating refugees and even more so those local self-governments that have done the most in accommodating and integrating them. Numerous refugees who have integrated and reside in these municipalities additionally burdened the local social assistance budgets while the central level failed to provide assistance.

Other problems additionally complicate the access to rights from social welfare for those (former) refugees who have formally integrated and acquired identity cards of the Republic of Serbia or intend to do so. First, a large number of documents is required, including those from the countries of origin, which sometimes poses an enormous problem. A confirmation that the property in the country of origin cannot be used and why (it was not restituted, it is damaged or destroyed, it is located in mined zones, etc) is particularly difficult to obtain. Furthermore, contrary to the law, certain social welfare centres require that a former refugee have a registered habitual residence for minimum six months on the territory of that

municipality as a precondition for exercising rights from social welfare.⁴⁰

One must note that refugees are neither well informed of the rights and programmes of social welfare, nor about the conditions and procedures for exercising them. Better information would certainly result in faster integration.

Recommendations

- Simplify to the maximum extent possible the procedure of exercise of the rights to various forms of social assistance to refugees who opt for local integration. It is particularly important that during the exercise of rights to MOP, property of refugees in the country of origin is not taken into account if they cannot use it, as is the case with internally displaced persons who cannot repossess their property in Kosovo and Metohija;
- Local self-governments that are capable of funding their own cash grant programmes should fully open them up for refugees in order to fill in the gap emerging from reduction of foreign humanitarian assistance;
- Persons whose refugee status was withdrawn prior to them being accepted into the citizenship of the Republic of Serbia and who wish to integrate, should be enabled access to all forms of social welfare;
- It is necessary that all the stakeholders – Ministry of Labour and Social Policy, Commissioner for Refugees, local self-governments and non-governmental organisations invest efforts into better informing refugees about the rights and social welfare programmes as well as about the conditions and procedures for exercise thereof.

⁴⁰Art. 49 of the Law stipulates that the requests for exercise of the right therefrom be resolved in the first instance by the centre for social welfare on the territory where the applicant has habitual residence (*Official Gazette of the Republic of Serbia*, nos. 36/91, 79/91, 33/93, 53/93, 67/93, 46/94, 48/94, 52/96, 29/01, 84/04, 101/05 and 115/05).

3.7 Resolution of Housing Issues

The National Strategy for Resolving the Problems of Refugees and Internally Displaced Persons identifies housing as one of the key prerequisites for integration of refugees and IDPs and their families. Regretfully, private housing continues to be elusive for the majority of refugees. According to the data obtained at 2004/2005 Registration of Refugees only 19,791 or 19% of refugees in the Republic of Serbia have their own housing. The majority live as tenants in rented apartments and houses (46,851 or 45%), paying a large portion of their monthly incomes for rent. A total of 29,768 or 28.6% live with family/friends. The remaining collective centres accommodate 4,406 or 4.2% refugees, social welfare institutions 2,098 or 2%, and 1,173 or 1.1% live in other forms of accommodation.

The protracted nature of the refugee crisis in Serbia and the slow process of finding durable solutions also provoked changes in the type of refugee accommodation that further aggravated the already precarious social and economic situation of the affected population. The share of refugee families accommodated with family/friends or in collective centres decreased in time while the number of them living in private accommodation increased, which made this problem ever more difficult.

In an environment in which unemployment in the labour active refugee population totals 58%, covering the costs of living is an enormous burden on a privately accommodated refugee family. Costs of rent often exceed costs for food which in turn creates new problems – many refugees are forced to find low-quality and inadequate housing, reduce expenditures for food, clothing and footwear, hygiene, medications, education, etc. The assistance of the state and international organisations is mostly directed at resolution of housing problems for refugees living in collective centres planned for closing.

According to the data of the Commissioner for Refugees of the Republic of Serbia as at 01 June 2007, there are 2,379 refugees accommodated in collective centres. With the implementation of the plan of gradual closure of collective centres the number of collective

centres dropped from some 700 in 1996 to 67 in mid-2007 which remain on the territory of Serbia proper and 18 on the territory of Kosovo and Metohija. The Commissioner for Refugees continues the planned closure of collective centres, offering refugees solutions that depend on current capacities and available projects.

Although offering relative security and a roof over their heads, collective centres as a way of temporary reception and accommodation of refugees grew into a more permanent form of accommodation with numerous negative secondary consequences. These are dependency on the assistance of others, lack of initiative, decisiveness, self-sustainability and self-confidence as well as mental exhaustion in the circumstances of constant awaiting of final decisions.

The life of refugees in unrecognized collective centres is even more demanding and complicated. Due to the unrecognized status of these centres many measures and organised assistance programmes pass them by. Also, it is not certain how much longer would the refugees be able to reside in them, for the owners of the facilities wish to have them vacated as soon as possible and do not allow refugees to register temporary residence at these addresses.

The issue of durable housing of refugees was thus far resolved through international donations, with participation of the state and local community, but mostly through the efforts and funds of the refugees themselves. The majority of housing projects were realized in the period 1997 – end 2004 through cooperation of the Republican Commissioner for Refugees, UNHCR and the Swiss Agency for Development and Cooperation. Many of the models of housing developed in that period were later taken over by other donors, notably the European Agency for Reconstruction but also many other international and bilateral organisations.⁴¹ In the process of implementation of housing projects over the past decade, considerable funds were earmarked also by the state both at the republican level and at the level of local self-governments - either through financing the construction itself or by providing the infrastructure and construction land.

⁴¹Attached is the list of the most significant housing projects on the territory of Serbia 1993–2007.

The approach of local self-governments to the problems of resolving refugee housing needs varied. A number of them made significant efforts to ensure financial participation up to 30% of the total value of housing construction projects and through cost-free allocation of construction land, provision of primary infrastructure and giving up collection of local taxes and contributions. However, some local self-governments are not sensitive to these problems and fail to take actions to facilitate local integration of refugee population, leaving the care and responsibility for durable solutions to the state agencies at the central level.

Local Integration – UNHCR Programmes

To date, UNHCR has invested USD 103,147,700 into the refugee local integration programs, USD 24,129,499 of which into the housing programmes.

Year	UNHCR refugee integration budget	UNHCR refugee housing programme budget
1997		USD 4,759,731
1998	USD 50,794,057	USD 3,472,570
1999	USD 25,654,228	USD 3,375,234
2000	USD 5,675,755	USD 1,897,028
2001	USD 6,303,246	USD 3,421,703
2002	USD 5,472,665	USD 3,199,819
2003	USD 4,102,136	USD 2,323,837
2004	USD 2,107,467	USD 446,066
2005	USD 1,411,139	USD 248,885
2006	USD 1,627,007	USD 984,626
	Total: USD 103,147,700	Total: USD 24,129,499

3.7.1 Models of resolution of housing needs of refugees

Of the multitude of housing models developed through diverse pilot projects funded by international and bilateral organisations in Serbia, several proved to be very effective, i.e. an expedient and relatively low-cost way of resolving refugee housing problems. We mention but a few of them here as best practices and roadsigns for all parties that intend to invest in this area in the future.

Donor programmes – projects of full construction, partial construction and self-help construction

Most of the houses for refugees in Serbia were built through these three models. In line with the current regulations, the state owns most of the obtained real estate, with the Commissioner for Refugees or municipalities being the holders of the right to use. More than 85% value of the housing real estate was acquired on the basis of donor programmes for permanent refugee housing. In the programmes of self-help or partial construction, the refugees – beneficiaries themselves invested their labour into construction of houses. The explicit will of donors of all these programmes was to have the real estate built for refugees, that became state ownership, transferred into the ownership of refugees under favourable conditions. This was stipulated in the agreements concluded between donors, Office of the Commissioner and each of the municipalities where the houses were built.

Purchase of rural households

This type of projects proved very efficientfor, along with houses, potential is secured for development of limited agricultural activity which may additionally strengthen the economic position of families moving into the purchased facilities. Recongising the scope of problems and the necessity for wider solidarity, some municipalities have, within their modest capacities, invested additional efforts and secured budget proceeds for these purposes. Others

have taken initiative and, in cooperation with refugees, compiled lists of houses on sale and of refugee families interested in this programme and are trying to identify donors.

To date several different types of purchase of rural households have been developed either to credit schemes or through cash grants. Stated below are some of the best practice examples:

- Pilot project of purchase of rural households through credit lines was implemented in 2003 with a local bank on the territory of the municipality of Bač. Refugee families who lived in private accommodation purchased 42 households valued at EUR 4,000–10,000 per household with the repayment period ranging from 5 to 13 years, 8% interest rate and a one year grace period;
- The Swiss Agency for Development and Cooperation ensured funds in 2004 enabling purchase through loans⁴² of 22 rural households on the territory of the municipality of Nova Crnja for refugee families;
- Two hundred rural household for local integration of refugee families on the territory of the Republic of Serbia were purchased with the funds of the European Agency for Reconstruction in 2005 and 2006. The purchase was completed with refugees participating up to 50% in the total value of households;
- In March 2007, Fund for Aid to Refugees, Expelled and Displaced Persons of the Executive Council of the Autonomous Province of Vojvodina published the first public call for housing of refugees, expellees and IDPs through purchase of rural households and gardens in certain local communities located in 18 municipalities on the territory of AP Vojvodina. The maximum sum of assistance is EUR 6,000 EUR in dinar countervalue, 50% thereof in the form of grants and the remaining 50% to be repaid to the Fund within 10 years from the date of allocation of funds. So far, funds for purchase of 45 rural households with yards were approved.

⁴²Very favourable loans, with no interest and the so called “hard currency” clause.

Programme of assistance – construction materials kits for completion of initiated construction

This very simple way of assisting refugees ensures aid to the families who decided to resolve their housing problems themselves through building their own housing. Eligible to take part in competitions, periodically announced by donors and or recently by some local self-government institutions, are the refugees who commenced legal construction on their own land but have not managed to complete the works and move into the houses due to social and economic hardship.

This form of assistance was first provided back in 1999. Up to May 2007, foreign donors have distributed several thousand construction materials kits as assistance to completion of a commenced residential building.



The Fund for Aid to Refugees, Expelled and Displaced Persons of the Executive Council of the Autonomous Province of Vojvodina has in late June 2007 published two public calls for housing accommodation of refugees, expellees and IDPs through allocation of construction material kits for completion of commenced construction on the territory of 11 Vojvodina municipalities and kits for rehabilitation of housing in 22 Vojvodina municipalities. The maximum sum of proceeds earmarked for this form of assistance is EUR 5,000 in dinar countervalue, 50% thereof in the

form of grants and the remaining 50% to be repaid to the Fund within 8 years from the date of allocation of funds. The maximum amount for housing through distribution of construction materials kits for rehabilitation of housing is EUR 1,500 in the form of a grant. All public calls of the Fund will be open until the end of 2007 i.e. until all the earmarked funds are spent.

Social housing in protective environment

Construction of facilities under the project “Social Housing in Protective Environment” began in 2002 as a joint cooperation of the Commissioner for Refugees, the republican agency in charge of social affairs, UNHCR, UNDP, SDC and the municipalities. According to this project, the housing units in the constructed buildings are allocated in the ratio 80%

for socially vulnerable refugee families and 20% for socially vulnerable local population. The programme is aimed at accommodation of the elderly, single parents and disabled persons capable of fending for themselves. The distinctive characteristic of this project is the institute of a host family who is also a beneficiary of a housing unit but responsible for taking care of day-to-day maintenance, handling equipment and appliances, quality of social life as well as assisting other (elderly) beneficiaries.



Development of social housing through development of municipal housing agencies

Programme of the United Nations for Human Settlements (UN HABITAT), with EUR 15 million of support from the Government of Italy and in partnership with the Republican Ministry for Infrastructure (previously Ministry of Capital Investments) and local self-governments in the municipalities of Čačak, Kraljevo, Pančevo, Stara Pazova and Valjevo, and the cities of Kragujevac and Niš, has been implementing the Program of Housing and Local Interaction of Refugees (SIRP) since March 2005. The Programme is to be completed in October 2007. SIRP provides support to sustainable resolution of housing problems and social and economic integration of refugees and local socially vulnerable population alike. The Programme aims to build local capacities through assistance in establishment and operation of municipal housing agencies. The plan is also to provide 670 sustainable housing solutions in the above mentioned 7 municipalities and cities for low-income refugees and other vulnerable households. Of the total number of housing units, 530 (80%) are new and built by municipal housing agencies. The remaining 140 (20%) housing solutions will be alternative, either new construction and/or solutions whereby partnerships are established. Two basic models of repayment and subsidies have been developed: model of subsidised rented housing in public sector ("municipal" apartments) and the model of purchase of apartments.

Credit lines for construction of apartments for refugees

The beginning of implementation of the loan of the Council of Europe Development Bank (CEB) amounting to EUR 20 million is expected in 2007. The proceeds will mainly be used for construction of refugee housing units with a part thereof for purchase of rural households. In April 2005, the Government of the Republic of Serbia adopted a Feasibility Study of the Project of Local Integration of Refugees in Serbia through the CEB credit line. In September 2005, the Administrative Council of the Bank endorsed this study. The process of selection

of municipalities, definition of criteria and work on announcement of the competition is ongoing. All refugees who have naturalised or have submitted an application for acquisition of Serbian citizenship and who have been residing on the territory of the municipality where they are applying in will be eligible.



Petrovac - Social Housing Construction Project (2007)

Overview of housing assistance programmes for refugees up to 2007

Donor	Programme	No. of beneficiaries	Location
Republic of Serbia	636 housing units	1.261 refugees	Throught Serbia
Varius donors	5 housing units	14 persons	Throught Serbia
FRY and municipality of Sombor	10 pre-fab houses		Sombor
USAID/ACDI-VOCA/ municipality of Mladenovac	20 housing units	112 persons	Mladenovac
Hilfswerk	Rehabilitation of collective centers	125 persons	Brus and Požega
DRC	Rehabilitation of collective centers	125 persons	Blace and Vrbas
NRC	Rehabilitation of collective centers	150 persons	Šabac, Smederevo, Bečej and Kanjiža
Government of Germany (THW)	110 housing units		Niš, Kruševac and Titel
Government of Germany (HELP)	70 housing units		Aleksinac and Pančevo
UNHCR/SDC/NRC/SCR	1,655 housing units	7,332 refugees	Throught Serbia
NRC	530 housing units		Vojvodina
Government of Germany (ASB)	64 housing units		Leskovac, Medveđa and Bujanovac
UNHCR/UNDP/SDC/SCR	Foster Homes - 285 housing units	699 persons	Irig, Stara Pazova, Pirot, Rakovica, Valjevo, Crna Trava, Kragujevac, Leskovac, Paraćin, Apatin and Požega
Foreign donors	Construction material kits	2,699 families	Throught Serbia
UNHCR/SDC/ municipality of Kučevo	21 housing units	80 refugees	Kučevo
UNHCR/SDC/ municipality of Užice	Rehabilitation of collective centers "Zabuče"		Užice

	Purchase of rural households	42 refugee families	Bač
SDC	Purchase of farms	22 refugee families	Nova Crnja
EAR	132 housing units		
EAR	Purchase of rural households	90 families	
EAR	Construction material kits	151 families	
EAR	Purchase of farms	200 refugee families	
UN HABITAT/ Government of Italy	670 housing units	536 refugee families and 134 socially vulnerable families	Čačak, Kraljevo, Pančevo, Stara Pazova and Valjevo, Kragujevac and Niš
EAR	316 housing units		
EAR	Purchase of rural households	110 families	
EAR	Rconstruction of 5 collective centers		
UNHCR	Construction material kits	110 families	Throught Serbia
UNHCR	Social housing in protective environment – 20 housing units	20 IRL families	Vranje
UNHCR	Households Merging Pilot Initiative	20 families	Vladičin Han, Leskovac, Crna Trava, Vladimirci, Šabac, Kuršumlja, Prokuplje, Niš
Executive Council of AP Vojvodina	Purchase of rural households	45 families	18 municipalities on the territory of Vojvodina

3.7.2 Problems related to resolution of housing needs of refugees

Notwithstanding the efforts made and significant funds invested in resolution of the housing needs of refugees, most of them have not yet resolved their main existential problem. Numerous problems still beset the resolution thereof. Lack of funds for responding to refugee housing needs thus remains one of the key obstacles to the resolution of this problem.

Another important problem is absence of a legal framework defining conditions and criteria of assistance in fulfilling housing needs not only of refugees but of socially vulnerable population as well. The system of social housing such as it existed in SFRY times ceased to exist with the purchase of the existing social housing fund and the abolishment of contributions for housing from salaries of employees. A new model of social housing has not been established.

Problems occur also due to absence of regulations related to use, rent and acquisition of ownership on refugee housing units and houses built from the budget or donations. The Government of the Republic of Serbia approved the Draft Changes and Amendments of the Law on Refugees and forwarded it to the National Assembly for review and endorsement back in April 2006. One of the objectives of the proposed measures is to fill in the legal vacuum in assisting refugees to resolve their housing problems and to solve the issue of ownership of the houses built with donor funds. However, even if adopted it would not resolve the problem of legal framework that would comprehensively regulate the area of social housing and clarify ambiguities related to the models of allocation and conditions of use of social apartments i.e. conditions of use of subsidized housing loans for vulnerable categories including refugees.

The absence of a legal framework resulted in part of apartments built for refugees remaining vacant for as long as several years. The Government of the Republic of Serbia tried to overcome this legal gap with the Decisions on Standards and Criteria for Provision of Temporary Accommodation in Housing Units to Persons whose Refugee Status was Confirmed and who

Originate from the Territories of Former SFRY,⁴³ but the Constitutional Court proclaimed it unconstitutional and illegal⁴⁴ for it contains norms which, originally and without basis in the law, define relations related to status, property and housing issues of one group of persons.

The problems of housing care of refugees in poor municipalities are even greater. The poor municipalities are unable to provide lots for housing construction or to purchase land from owners to that effect and equip with necessary infrastructure. Some of the apartments were built in communities unable to offer employment to refugees and thus the problem of full local integration remains unresolved.

It has been observed that the assistance for responding to refugee housing needs is not equally distributed. Small municipalities with large number of refugees relative to the number of inhabitants have often been bypassed by the assistance programmes.

As stated in the National Poverty Reduction Strategy, access of the poor among them a significant number of refugees, to legal housing construction is very expensive and much too difficult. Furthermore, local self-governments have mostly not been prepared for large refugee movements and have not adapted their spacial and urban plans to the increased needs of the population in. All this results in piling up of infrastructural problems and causes problems related to legalisation of housing the refugees have built.

Finally, the difficult or impossible access to property rights in the countries of origin, especially of the deprived holders of tenancy rights in Croatia, represents an enormous barrier to resolution of housing problems of refugees and consequently, to their local integration. The solution that would entail a comprehensive and fair mechanism of compensation for the tenancy rights they were deprived of would contribute to a large extent to the durable solutions for many refugees from Croatia.

⁴³Official Gazette of the Republic of Serbia, no. 121/03.

⁴⁴Official Gazette of the Republic of Serbia, no. 90/04.

Another phenomenon was noted in respect of the local integration programmes through housing care. Namely, a certain number of persons continues to hold refugee status even after having received some form of housing assistance. All the local integration programmes, and thus the housing programmes too, aim at providing durable solution and withdrawing of refugee status. Remaining in refugee status discredits the very idea behind these projects to a large extent and lessens the legitimacy for new fundraising with the donors.

Recommendations

- Analyse the experiences gained thus far in responding to the housing needs of refugees, benefit from the best ideas of the existing models and develop new ones that would be the most effective for the state and the most attractive for donors, guided by the criteria and standards proposed in the National Strategy for Resolution of the Problems of Refugees and IDPs and the National Poverty Reduction Strategy.
- Put in place, as soon as possible and in line with the Poverty Reduction Strategy, the legal, financial and institutional mechanisms in the area of social housing, establish institutions offering small loans for construction/rehabilitation of apartments in phases and design and implement pilot programmes for improvement of spontaneous settlements.
- Take special account of the difficult situation of refugees accommodated for many years in unrecognised collective centres and the privately accommodated refugees in the course of selection of beneficiaries for programmes of housing care.
- Promotion of elderly homes among the elderly refugees should be an ongoing effort, visits should be organised to these homes so as to inform the potential beneficiaries of the way of life in them since this is one of the forms of durable solution for housing and the status of these persons alike.
- Take into account the realistic employment opportunities in a certain region when planning refugee housing construction.
- Transfer as soon as possible ownership on constructed refugee housing onto their beneficiaries in observance of the will of donors and needs of all stakeholders.

- Put the existing vacant refugee housing units into function as soon as possible.
- Establish mechanisms whereby the persons who received integration assistance in the form of any of the housing programmes could fully exercise the rights emanating from these programmes only with full formal integration – naturalisation, withdrawal of refugee status and acquisition of identity cards.
- Republic of Serbia should seek to assist in particular the municipalities which have borne the heaviest burden in integration of refugees and their housing care.
- All the stakeholders – the state, local self-governments and international donors – should seek opportunities, through joint cooperation, to support more vigorously the programmes of resolving the housing needs of refugees taking into consideration specific problems and needs of target groups at the local level.
- Diplomatic activities at international and bilateral level should be strengthened in order to provide refugees with unimpeded access to property rights in the countries of origin and find a comprehensive and fair solution for the tenancy rights issue in the Republic of Croatia, which is largely the element of social and economic status of refugees in the Republic of Serbia and of the possibility of their successful integration.



**LOCAL INTEGRATION
OF REFUGEES IN SERBIA**



4. Conclusion

The process of local integration of refugees is long and complex. The present analysis showed, partly at least, how complex and manifold this task is. Almost every state institution or other organisation with public authority, within their respective mandates, is responsible for it. Therefore, the responsibility for the process of local integration cannot be institutionally addressed to the Commissioner for Refugees of the Republic of Serbia only. The volume of the task affirms that it can only be successfully completed through inter-ministerial cooperation, the ministries taking full responsibility and with the active engagement of the entire Government.

It would be necessary to improve coordination of all competent agencies and organisations responsible for realisation of particular aspects of local integration. The round tables on local integration have proved that systemic solutions are often there, but not all the stakeholders have adequate information on them.

The National Strategy for Resolving the Problems of Refugees and Internally Displaced Persons could be revisited and possibly adjusted to the current situation, needs and realistic capacities.

Durable solutions for many refugees in the region and thus in Serbia, remain elusive despite the fact that, by signing the Sarajevo Declaration back in January 2005, the Governments of the countries in the region have committed themselves to resolving the problems of displaced populations and facilitating returns and integration of refugees and internally displaced persons without discrimination, and observing their freely expressed wish by end of 2006.

Many refugees have not yet decided to locally integrate although they do not show any intention of returning to their countries of origin. The analysis has presented several reasons for this.

Firstly, the widespread fear that they would be deprived of the possibility to exercise their rights in the country of origin on withdrawal of refugee status and acquisition of identity cards of the Republic of Serbia. This fear is partly founded and it is upon the participants of the Sarajevo process to ensure resolution of the remaining issues without discrimination thus ensuring all refugees and IDPs equal access to rights or fair compensation for their loss, irrespective of whether they opted for repatriation into the country of origin or not. On the other hand, a clear message of the Serbian Government as to what awaits refugees upon withdrawal of refugee status and full formal integration is still missing. The conviction that continuing to hold refugee status provides more possibilities for local

integration programmes, primarily housing programmes is widespread among refugees. In view of the international commitments of states to refugees, the refugee status gives many the feeling of greater social security.

In order to facilitate the process of making a final decision on local integration, it is necessary that the Government of the Republic of Serbia, through its ministries and the Commissioner for Refugees as the specialised institution, in cooperation with the international and non-governmental organisations, organise a public campaign to inform as many refugees as possible about all the key aspects of integration and access to rights in the process of integration and thus, providing full information, remove the remaining dilemmas, fears and doubts.



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Of particular importance is to interlink the existing different databases of refugees, upgrade and centralise registries on the status as well as on projects of assistance in the process of integration. It would also be beneficial to establish an enhanced regional data exchange, particularly exchange of data conducive to exercise of property and other acquired rights (pensions, health insurance, etc.), in order to obtain updated and reliable information of social and economic status of refugee families and durable solutions achieved. This would ensure that the most needy benefit the already limited assistance in the process of local integration.

Local integration of refugees in Serbia is not only a formidable but an expensive process as well, the nature and financial dimensions of which surpass the context of humanitarian programmes. The primary responsibility for integration lies on the Government of the Republic of Serbia. However, the still fragile economy and high level of poverty among the general population in Serbia create an environment where it is difficult to put aside funds for various integration programmes. Therefore, attention of international and bilateral donors who support development programmes in the Republic of Serbia needs to be attracted. In order to do so, a proper niche for integration of refugees must be found in the wider system of social and developmental policy and the refugees and former refugees should be treated as one of the vulnerable categories of population with their specific characteristics.