

**REALISATION  
OF ECONOMIC  
AND SOCIAL  
RIGHTS FOR  
INTERNALLY  
DISPLACED  
PERSONS  
IN SERBIA**

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## IMPRESSUM

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## ABOUT THE PROJECT

This Report was prepared within the project “Local Integration of Internally Displaced Persons in Serbia”, implemented by the A 11 – Initiative for Economic and Social Rights, with the support by the UN High Commissioner for Refugees (hereinafter: UNHCR). The Project was designed and is being implemented with the aim of providing answers to some of the key challenges faced by internally displaced persons (hereinafter: IDPs) who are trying to integrate into local communities in Serbia. These challenges primarily include hindered access to social rights, lack of programmes of support to the most vulnerable IDPs in local communities and non-existence of a comprehensive and functional legal framework applicable in these cases.

A certain number of IDPs in Serbia are still in a state of protracted displacement, preventing them from achieving durable solutions, such as local integration or return to Kosovo. Bearing this in mind, the Project attempted to provide answers to the current challenges in enabling local integration of IDPs through improved and promoted access to economic and social rights. In this respect, economic and social rights are an important instrument for overcoming some of the longterm problems in this area and enabling a comprehensive and sustainable approach to the issue of IDPs’ local integration.

The activities we implemented in this Project were interrelated and focused on the issues of key importance for IDPs’ local integration in Serbia. They were divided into five parts:

- PROTECTION OF RIGHTS – providing counseling and information to IDPs on the exercise of their rights, representation before authorities, courts and independent bodies for the protection of human rights and strategic representation in cases of general importance for the exercise of IDP rights;
- PROMOTION OF RIGHTS – establishment of an informal network of activists, individuals and organisations dealing with IDP access to social rights, drafting documents for advocacy and improvement of the current situation in IDP rights;
- REQUESTING RIGHTS – meetings aimed at empowering the most vulnerable IDP communities and providing legal and other assistance in cases when these communities request that some specific issues of importance for their situation at local level be addressed;
- RAISING AWARENESS ABOUT RIGHTS – organising training for local Roma activists, organisations, individuals and representatives of public authorities dealing with the integration of IDPs and other vulnerable categories of the population;
- FURTHER DEVELOPMENT OF RIGHTS – analysis of the existing issues in areas of significance for local integration of IDPs, proposing measures for the improvement of the current situation and implementing a campaign for the improvement of the legal and strategic frameworks to improve the situation of IDPs.

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<sup>1</sup> Any terms used in this Report to denote a position, profession or occupation in masculine gender shall be interpreted as a form for both men and women.

# INTRODUCTION

Ever since the internal displacement from Kosovo took place, numerous strategic and project measures have been implemented to improve the situation of internally displaced persons. They included humanitarian aid as well as amendments to the legislation affecting access to rights and the adoption of the National Strategy for Resolving the Issue of Refugees and Internally Displaced Persons.<sup>2</sup> Still, the data available indicate that notwithstanding these measures, a large number of IDPs are still facing problems in accessing basic human rights. Given that it has been a long time since the displacement, there is a general feeling that the IDPs have already received assistance and that their needs should have been adequately provided for by now, including that these problems will have been resolved once the collective centres are closed. Most of the currently implemented projects are focused on the closing of collective centres, addressing the needs through housing support mechanisms established earlier and providing legal aid for resolving property matters in Kosovo. On the other hand, the rest of IDP-focused projects are mostly funded by the UNHCR, resulting in the fact that research and data are sparse and depend on priorities or funds that this international organisation can allocate. Likewise, support to organisations working on IDP issues provided by the Commissariat for Refugees and Migration of the Republic of Serbia (hereinafter: CRMS) is rather limited and largely focuses on providing information to IDPs.<sup>3</sup> Finally, larger human rights organisations with more influence in advocating changes in public policies rarely address IDP issues, also rarely pointing to their specific problems.

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<sup>2</sup> Official Gazette of the Republic of Serbia, no. 62/2015.

<sup>3</sup> See: example of an open call for funding IDP-focused organisations by the CRMS <http://www.kirs.gov.rs/docs/aktuelno/ODLUKA-JUN%202018.pdf>

## DATA ON IDPS IN SERBIA, THEIR NUMBER AND STRUCTURE

The latest data on the number of internally displaced persons in Serbia were published in July 2018 in the Migration Profile of the RS<sup>4</sup> for 2017. According to this data, there are 201,047 displaced persons still living in Serbia, of whom 58,137 reside in the territory of Belgrade. The largest number of IDPs live in the districts of Raška, Šumadija, Toplica, Nišava, Pčinj and Podunavlje. As for their ethnic structure, the largest number of IDPs are Serbs, followed by Roma, while Goranci, Bosniaks/Muslims, Montenegrins and others make up the minority part of this population.<sup>5</sup>

The groups of IDPs belonging to the Roma, Ashkali and Egyptian communities (hereinafter: RAE), were identified as particularly vulnerable, with more difficulties in exercising the guaranteed rights, from health care to education, employment, social protection and housing. There are about 22,167 Roma registered in the database maintained by the CRMS. It is estimated, however, as is the case with general data on the Roma population in Serbia, that the number of internally displaced Roma is considerably larger. According to the OSCE, there are between 20,000 and 25,000 unregistered internally displaced Roma.

In addition to the aforementioned general data on internally displaced persons, there are also data on IDPs in need.<sup>6</sup> They are based on the survey "Situation and Needs of Internally Displaced Persons" and the criteria defined for the purpose of this survey. According to the data gathered by the CRMS, there are 16,644 internally displaced households in Serbia or 68,514 individuals in need.

With regard to Roma households, it was estimated that 1,435 of them were in need, a total of 10,188 individuals.<sup>7</sup> All this data clearly points to the difficult situation of internally displaced Roma, most of whom are more vulnerable than the general IDP population and the domicile Roma population as well. The report also states that "the share of internally displaced Roma households receiving some kind of social assistance is twice the number of the share of non-Roma internally displaced families in need," while the social vulnerability of internally displaced Roma is extremely high

<sup>4</sup> Accessible at <http://www.kirs.gov.rs/articles/navigate.php?type=3&lang=SER&id=3496&date=0>

<sup>5</sup> Ibid.

<sup>6</sup> These are records were made by the Commissariat for Refugees and Migration and municipal commissioners for refugees based on the data collected by the commissioners in surveys of families in their municipalities, in accordance with UNHCR's criteria for vulnerability. They are included in the annex to the report accessible at: [www.kirs.gov.rs/docs/.../Stanje%20i%20potrebe%20IRL%202018%20-%20EN.pdf](http://www.kirs.gov.rs/docs/.../Stanje%20i%20potrebe%20IRL%202018%20-%20EN.pdf). The records contain basic data on households and their members, social vulnerability and declared needs for the improvement of living conditions.

<sup>7</sup> Ibid, p. 53.

– 87%.<sup>8</sup> Finally, over 90% of internally displaced Roma households in need live in structures lacking elementary conditions for normal life, without water, sanitation or in those not intended for housing.<sup>9</sup>

There are not many reports specifically focusing on the situation and needs of internally displaced persons in Serbia and most of them resulted from activities implemented or supported by the UNHCR. Reports by non-governmental organisations on IDPs' access to rights and obstacles encountered by them in local integration in Serbia are even rarer. Finally, reports by independent human rights institutions do not go into detail with regard to the situation of IDPs and their access to rights in Serbia. For example, the latest annual report by the Ombudsman for 2017, noted that the process of closing collective centres was not completed, stressing that the Ombudsman repeatedly informed the authorities that it was necessary to take measures for providing housing assistance to internally displaced Roma living in informal settlements without infrastructure.<sup>10</sup> The annual report by the Commissioner for the Protection of Equality does not specifically deal with the situation of internally displaced persons, but notes that in 2017, one complaint referring to IDP matters was filed with this authority.<sup>11</sup>

<sup>8</sup> Ibid, p. 59.

<sup>9</sup> Ibid, p. 59.

<sup>10</sup> Ombudsman, Regular Annual Report of the Ombudsman for 2017, accessible at: <http://www.ombudsman.rs/attachments/article/5671/Regular%20Annual%20Report%20of%20the%20Protector%20of%20Citizens%20for%202017.pdf>.

<sup>11</sup> Commissioner for the Protection of Equality, Abridged Annual Report of the Commissioner for the Protection of Equality for 2017 accessible at: <http://ravnopravnost.gov.rs/en/reports/>.

## OUTLINE OF THE STRATEGIC AND INSTITUTIONAL FRAMEWORK OF RELEVANCE FOR IDPS

Bearing in mind that the status of internally displaced persons is equal to the status of Serbian nationals and that there are no specific regulations protecting the rights of internally displaced persons, access to rights and their implementation are regulated by the general legislation and specific strategies and policies targeting IDPs. In accordance with the Guiding Principles on Internal Displacement,<sup>12</sup> as the main and fundamental document governing the protection of IDP rights, they are entitled to the same rights and freedoms pursuant to international and national law in full and as any other individual in the country. Internally displaced persons are not to be discriminated against in the enjoyment of any rights and freedoms due to their displacement.<sup>13</sup>

The framework strategic document of importance for the status of IDPs and the proposed measures for the promotion of protection is the National Strategy for Resolving the Issues of Refugees and Internally Displaced Persons for the period from 2015 to 2020.<sup>14</sup> Other key documents include the Strategy for the Social Inclusion of Roma Men and Women in the Republic of Serbia from 2016 to 2025<sup>15</sup> and the Migration Management Strategy of the Republic of Serbia. These documents provide guidelines for the development of other sectoral strategies that need to contribute to resolving refugee and IDP issues.<sup>16</sup>

Sectoral strategies of relevance for these issues include the National Employment Strategy,<sup>17</sup> Strategy for the Development of Social Protection,<sup>18</sup> National Strategy for Social Housing<sup>19</sup> and the National Strategy of Sustainable Development.<sup>20</sup>

The National Strategy for Resolving the Issues of Refugees and IDPs was adopted with the aim of providing support to independent and equal economic and social life, as all other

12 United Nations, Guiding Principles on Internal Displacement, accessible at: <https://www.unhcr.org/protection/idps/43ce1cff2/guiding-principles-internal-displacement.html>

13 Principle 1 of the Guiding Principles on Internal Displacement.

14 Accessible at: <http://www.kirs.gov.rs/articles/navigate.php?type=14&lang=SER&id=2277&date=0>

15 Accessible at: [http://www.ljudskaprava.gov.rs/sites/default/files/dokument\\_file/nacional\\_strategija\\_for\\_roma\\_inclusion\\_2016-2025\\_0.pdf](http://www.ljudskaprava.gov.rs/sites/default/files/dokument_file/nacional_strategija_for_roma_inclusion_2016-2025_0.pdf)

16 Official Gazette of the RS, no. 59/09.

17 Official Gazette of the RS, no. 37/2011.

18 Official Gazette of the RS, no. 37/2005.

19 Official Gazette of the RS, no. 12/2012. The adoption of the National Housing Strategy is expected to follow the adoption of the new Law on Housing and Building Maintenance. It will provide the main guidelines for the development of the housing sector in Serbia.

20 Official Gazette of the RS, no. 57/2008.

citizens. It is based on the Guiding Principles on Internal Displacement and frameworks for durable solutions. Two specific strategic aims were defined with regard to IDPs: strategic aim 3 – to improve the living conditions of the most vulnerable categories of IDPs, individuals and families, so that they have access to rights, services and resources, and strategic aim 4 – protection of internally displaced persons in access to and enjoyment of rights in their places of origin. Since the latter refers to IDPs return, it will not be analysed further.

The most serious shortcoming of the Strategy is the non-existence of an action plan to define funding for the implementation of the Strategy, even within such generally defined measures, and to subsequently define priorities in future programmes. Likewise, there are no monitoring reports on the implementation of the Strategy, and neither is the responsibility for its implementation and results defined in detail. In practice, the National Strategy exists as a framework for defining local action plans for the improvement of the situation of refugees, internally displaced persons and returnees pursuant to the readmission agreements.

Although some local action plans contain monitoring and evaluation systems implemented through periodic reports to local assemblies, consolidated information on the success of measures in local self-governments and their contribution to the implementation of the national strategy are non-existent. This further means that there are no mechanisms for reviewing national priorities in accordance with identified needs and based on experience.

The Strategy for the Social Inclusion of Roma Men and Women does not directly refer to the Strategy for the Improvement of the Situation of Refugees and IDPs, but does provide information on internally displaced Roma when describing the situation in different areas. Measures directly targeting internally displaced Roma are included in the area of housing, within operational aim no. 6, which is to implement the program of constructing apartments for social housing, including the measure according to which local housing agencies will provide housing for internally displaced Roma in cooperation with the CRMS, with the final aim of resolving their housing by 2025. In addition to these, the strategy includes measures and activities focusing on residence registration at the addresses of social work centres and access to health care and social protection.

The institutional framework for IDP matters is defined by the Law on Migration Management,<sup>21</sup> mandating the Commissariat for Refugees and Migration to deal with matters concerning migration. With regard to internally displaced persons, the specific responsibilities of the Commissariat are registration, reception and accommodation in collective centres, and provision of humanitarian assistance to individual IDPs and their associations. Bearing in mind the specific status of the Commissariat and its somewhat limited influence on relevant ministries, any consideration of the institutional framework also includes the activities of all ministries responsible for social and economic rights and local integration of internally displaced persons.

21 Official Gazette of the RS, no. 107/2012.

The following part of the Report will outline some of the key obstacles encountered by internally displaced persons in exercising their social and economic rights, which are necessary to enable their local integration. They include issues of registering residence and access to personal documents as preconditions for access to socio-economic rights, and issues concerning access to health care, social protection and exercising the right to adequate housing.

## PERMANENT RESIDENCE AND IDENTIFICATION DOCUMENTS

For many years, undocumented internally displaced persons have faced obstacles in access to rights caused by the inadequate legal framework for delayed birth registration, lengthy procedures for acquiring citizenship and inability to register residence for persons living in informal settlements or informal collective centres.<sup>22</sup> In addition to these difficulties affecting both domicile and internally displaced Roma, people from Kosovo suffer the consequences of destroyed or missing registers. Specifically, after 1999, register books in some places in Kosovo were destroyed, went missing or became unavailable to Serbian authorities and the people who had been registered in them were forced to initiate procedures for registering into renewed register books.<sup>23</sup> Depending on the availability of evidence of earlier registration, these procedures may be lengthy, complicated and with uncertain results.

A new procedure for determining the date and place of birth introduced by the Law on Amendments to the Law on Non-Contentious Proceedings<sup>24</sup> enabled a large number of people who had previously not been able to enter their data in the birth register to finally exercise this right and obtain a birth certificate.<sup>25</sup> However, although the number

22 For more details on the problems relating to procedures of reentry into birth registers and citizenship acquisition, see e.g. Praxis, *People at Risk of Statelessness – Case Studies*, Belgrade, December 2011. For details on residence registration, see e.g. Praxis, *No Residence, No Rights*, December 2012.

23 For more details, see European Network on Statelessness, *Difficulties in Establishing Nationality as a Consequence of Lost Evidence*, 2 September 2013, accessible at <https://www.statelessness.eu/blog/difficulties-establishing-nationality-consequence-lost-evidence>

24 Official Gazette of the Republic of Serbia, no. 85/2012.

25 Articles 71a through 71j stipulate the procedure for determining the date and place of birth of persons who had not been able to be entered in the birth register in an alternative manner, through an administrative procedure. For more details, see Praxis, *Analysis of the Implementation of the Law on Non-Contentious Procedure – Determining the Date and Place of Birth*, December 2013, available at [https://www.praxis.org.rs/images/praxis\\_downloads/Analiza\\_primena\\_Zakona\\_o\\_vanparnicnom\\_postupku\\_-\\_utvrdjivanje\\_vremena\\_i\\_mesta\\_rodenja\\_u\\_praksi.pdf](https://www.praxis.org.rs/images/praxis_downloads/Analiza_primena_Zakona_o_vanparnicnom_postupku_-_utvrdjivanje_vremena_i_mesta_rodenja_u_praksi.pdf).

See also: European Network on Statelessness, *New Birth Registration Procedure – Impact on the Prevention of Statelessness in Serbia*, 21 February 2014, accessible at <https://www.statelessness.eu/blog/new-birth-registration-procedure-%E2%80%93-impact-prevention-statelessness-serbia>.

of undocumented persons has decreased, there are still people who have not been able to obtain the necessary documents or register a place of residence.<sup>26</sup> Moreover, this number could rise again, bearing in mind that children whose parents are undocumented still cannot be registered and given a name at birth.<sup>27</sup> Roma displaced from Kosovo are at a greater risk of statelessness.<sup>28</sup>

Also, difficulties in residence registration present one of the most difficult of the remaining obstacles to accessing socio-economic rights. Access to services and social rights in Serbia requires proof of permanent residence. The procedure for residence registration can be complex, disproportionately affecting the poor, Roma and IDPs from Kosovo, whose formal residence is still registered in places they left many years ago and where they do not intend or cannot return to.<sup>29</sup> In the opinion of the Special Rapporteur for housing, when internally displaced persons are concerned, in addition to hindering the exercise of human rights, the mechanism of registered residence also increases social exclusion, stigma and discrimination.<sup>30</sup>

The option for people without legal grounds for residence, to register permanent residence at the social work centre, introduced by Article 11 of the Law on Permanent and Temporary Residence in 2011, was one of the most significant improvements in legislation for exercising status rights.<sup>31</sup> However, according to the data and analyses available,<sup>32</sup> as well as the A 11's practice in providing free legal aid to internally displaced persons, problems and irregularities in the exercise of this right are still quite frequent.

26 According to a survey conducted by the UNHCR in 2015, 1% of Roma living in Roma settlements (or 700 individuals) are not in the birth register and the same survey showed that 8% of children under the age of four living in these settlements are not registered. UNHCR, *Persons at Risk of Statelessness – Progress report 2010–2015*, accessible at: <http://www.unhcr.rs/en/dokumenti/istrazivanja/lica-u-opasnosti-od-apatridije-u-srbiji.html>, 19 and 21. Likewise, Praxis, an NGO providing free legal aid to persons at risk of statelessness identified more than 400 new cases of persons at risk of statelessness, i.e. those who are not entered in the birth register or who do not have a name or citizenship, in 2016 and the first four months of 2017. See: Praxis, *Institute on Statelessness and Inclusion, European Network on Statelessness and European Roma Rights Centre, Joint Submission to the Human Rights Council at the 29th Session of the Universal Periodic Review*, 29 June 2017, accessible at [https://www.praxis.org.rs/images/praxis\\_downloads/UPR\\_Submission\\_Serbia.pdf](https://www.praxis.org.rs/images/praxis_downloads/UPR_Submission_Serbia.pdf), p. 4, para 13, note 18.

27 For more details, see e.g. Praxis, *Institute on Statelessness and Inclusion, European Network on Statelessness and European Roma Rights Centre, Joint Submission to the Human Rights Council at the 29th Session of the Universal Periodic Review*, op. cit., p. 6, paras 18–19.

28 UNHCR, *Persons at Risk of Statelessness – Progress report 2010–2015*, op. cit., 6.

29 Human Rights Council, 31st Session, *Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development*, Report of the Special Rapporteur on adequate housing as a component to an adequate standard of living and on the right to non-discrimination in this context on her mission to Serbia and Kosovo, advance edited report, Unofficial translation based on the advance edited version of the report, 26 February 2016, accessible at [https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session31/Documents/A.HRC.31.54.Add.2\\_AEV.docx](https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session31/Documents/A.HRC.31.54.Add.2_AEV.docx), 40.

30 Ibid, p 9, paras 40–41.

31 Article 11, paragraph 2 of the Law on Permanent and Temporary Residence stipulates that if a person cannot register their residence on the basis of property rights, property lease agreement or any other legal ground, the authority responsible can register their residence at the permanent or temporary address of their spouse or commonlaw spouse, parent's residence or the social work centre in the territory where they live.

32 See e.g.: Committee on Economic, Social and Cultural Rights, *Concluding observations on the second periodic report of Serbia*, 10 July 2014, accessible at [http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmIBEDzFEovLCuW54MWm13\\_CZ4%2bVq1kU7YRw1%2bWWofdt2tBOLmHCPVP18p98WsDiiW2OUQ17gvpJvVpoFywJLvYimxKtrPdaw9JwPrBrBaLOKZNQhvlbfoZUK](http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmIBEDzFEovLCuW54MWm13_CZ4%2bVq1kU7YRw1%2bWWofdt2tBOLmHCPVP18p98WsDiiW2OUQ17gvpJvVpoFywJLvYimxKtrPdaw9JwPrBrBaLOKZNQhvlbfoZUK), para 13.



Besides the difficulties affecting all persons who do not have legal grounds for residence, such as unlawful treatment by authorities involved in the procedure of determining residence (police stations and social work centres), internally displaced persons have also encountered some specific difficulties. Initially, the problem was that the internally displaced persons who lived in informal settlements and had a registered residence in Kosovo, in places where they had not lived for a long time, could not register residence in their actual places of residence with an explanation that this possibility was intended only for persons who had no residence.<sup>33</sup> The consequence of such restrictive interpretation of the legislation was that despite the positive innovations introduced by the Law on Permanent and Temporary Residence, a large number of internally displaced persons, sometimes even entire settlements predominantly populated by IDPs, were unable to register residence and obtain personal identity cards in places where they had lived for years.<sup>34</sup> Even the Human Rights Committee, when reviewing the third periodic report by the Republic of Serbia on the Implementation of the International Covenant on Civil and Political Rights expressed concerns regarding the continual difficulties encountered by internally displaced Roma when attempting to register births and residence, caused by, inter alia, restrictive interpretation of the law regulating permanent and temporary residence.<sup>35</sup> Eventually, this rigid attitude was abandoned and the internally displaced from Kosovo were able to finally change residence and register in their places of residence.

Still, some irregularities persist in the implementation of these laws. One of the difficulties for internally displaced persons who have never had a registered residence occurs when police stations in their places of residence groundlessly require that they first register and obtain a personal identity card in the police station responsible for their place of birth in Kosovo, regardless of the fact that they do not intend to live in these places or that they do not have the required evidence for residence registration.<sup>36</sup>

During a visit to Veliki Rit, a Roma settlement in Novi Sad with about 3,000 residents,<sup>37</sup> predominantly IDPs, it was noted that many of them still had no official residence. In most cases, this is because the police station in charge, rather than accepting requests and contacting the social work centre through official channels, unjustifiably refers them to the social work centre to first obtain approval to be registered at the address of

33 See e.g.: Praxis, Determining the Date and Place of Birth, Right to Citizenship and Permanent Residence Registration - Analysis of Remaining Obstacles, December 2017, accessible at [https://www.praxis.org.rs/images/praxis\\_downloads/UNHCR\\_izvestaj\\_2017.pdf](https://www.praxis.org.rs/images/praxis_downloads/UNHCR_izvestaj_2017.pdf), 30.

34 Ibid.

35 Human Rights Committee, Concluding observations on the third periodic report of Serbia, 10 April 2017, accessible at <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRICAqhKb7yhm0B-TKouDPNIMXWauPwondHjTzsOQV02EwZeEshWLi69PrKjtF2bDIMsRD6rBTnerbTKRH1D%2bXh8kzoQHZ-kFSHOzqJxqwt1TIKmnNeFS6P>, para 14.

36 This information was provided by Roma activists at a training on local integration for internally displaced persons, held by the A 11 Initiative on 26-27 November in Belgrade. Praxis has also noted these irregularities. See Determining the Date and Place of Birth, Right to Citizenship and Permanent Residence Registration - Analysis of Remaining Obstacles, op. cit., 28.

37 See e.g., Ombudsman, Activities of the Ombudsman in the Veliki Rit Roma Settlement in Novi Sad, 5 August 2011, available only in Serbian, accessible at [https://www.ombudsman.rs/attachments/1455\\_izve%C5%A1taj%20o%20radu%20Zastitnika%20gradjana%20u%20romskom%20naselju%20Novi%20Sad.doc](https://www.ombudsman.rs/attachments/1455_izve%C5%A1taj%20o%20radu%20Zastitnika%20gradjana%20u%20romskom%20naselju%20Novi%20Sad.doc)

the centre.<sup>38</sup> In practice, social work centres, however, are not under the obligation to issue such approvals until officially contacted by the police station,<sup>39</sup> so these citizens encounter yet another rejection. After they have been repeatedly referred from one authority to another, these citizens abandon their attempts, believing it impossible to register permanent residence.

The A 11 Initiative's experience from field visits and work with marginalised groups also shows that some individuals have not been informed of the possibility of basing their residence at the address of the social work centres or that they do not know how to write requests for determining residence and the supporting statement as grounds for this request.

Additionally, difficulties pertaining to residence registration also affect users of social housing or apartments intended for internally displaced persons. Specifically, only tenants and/or users and members of their households listed in the lease agreement may register residence in these apartments. New household members cannot register residence without an annex to the basic lease agreement. During our field visit to the Kostolac settlement with 12 internally displaced families, who were given leases to pre-fabricated houses through a housing programme, three families were identified where the users of social housing started new commonlaw families, but their common-law wives and their children, including one infant, were not able to register residence because they had not been listed in the lease agreement as family members. The City of Požarevac, which leased the apartments to these families, has not responded to their requests for lease agreement annexes or for issuing approvals for registering the residence of new household members. IDPs living in Uzun Mirkova settlement in Požarevac are encountering similar difficulties. Persons who fail to resolve this problem are denied the right to health and social protection.

Due to all of the above, the problem of residence registration is still ongoing and so is the need to continue to include the issues of residence and timely entering into birth registers and renewed registers, into the initiatives advocating improvement of access to rights for internally displaced persons.

The difficulties arising in practice for citizens without residence or documents will be further illustrated below in analyses of the conditions and obstacles to accessing rights to housing and social and health protection.

38 Interviews with residents of the Veliki Rit settlement in Novi Sad on 9 June 2018 and 15 November 2018.

39 Explanation of the Interior Ministry on the manner of processing citizens' requests for residence registration at the address of the institution where they reside permanently or of the social work centre, dated 20 July 2013. Cited according to Praxis, Determining the Date and Place of Birth, Right to Citizenship and Permanent Residence Registration - Analysis of Remaining Obstacles, op. cit., 32, note 24 and the accompanying text.

## SOCIO-ECONOMIC RIGHTS

Securing support for unhindered access to socio-economic rights for internally displaced persons is of key importance for achieving durable solutions. In the context of the situation of IDPs in Serbia, for the full 18 years since their displacement, local integration, and thus the solution to the issue of internally displaced persons, has been conditioned upon the improvement of their access to socio-economic rights, specifically, on the one hand, improving the legal framework and eliminating administrative obstacles to accessing rights and, on the other, creating policies and support programmes based on respect for human rights and holistic approach to the realisation of all socio-economic rights.

In 2014, in its concluding observations, the Committee for Economic, Social and Cultural rights recommended that Serbia “establish a functional system of integration (...) for internally displaced persons in areas such as education, social assistance, housing, and adopt and implement a national strategy for resolving problems of refugees and internally displaced persons beyond 2014, together with an action plan which should include clear time frames as well as an adequate budget.”

## HEALTH CARE

The Law on Health Insurance does not contain specific provisions defining the insurance of internally displaced persons or how it is regulated, but the National Strategy for Resolving the Issues of Refugees and Internally Displaced Persons for the period from 2015 to 2020 specifies that persons who possess an IDP identification card can be issued with a health insurance card on the basis of this ID.<sup>40</sup> Also, Rules Governing the Health Insurance Card and a Special Certificate Allowing the Use of Health Care specify that internally displaced persons are issued with a health insurance card by the local branch office in their temporary place of residence.<sup>41</sup> To qualify for health insurance as internally displaced persons, in addition to the IDP identification card, they need to have a temporary residence registration.

40 National Strategy for Resolving the Issues of Refugees and Internally Displaced Persons for the period from 2015 to 2020, available only in Serbian, accessible at <http://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/reg/viewAct/3338cd56-cd09-4d4d-939b-a03b4424f5f0>.

41 Rules Governing the Health Insurance Document and a Specific Document for Using Health Care, Official Gazette of the RS, nos. 68/2006, 49/2007, 50/2007, 95/2007, 127/2007, 37/2008, 54/2008, 61/2008, 1/2009, 25/2009, 42/2010, 45/2010, 103/2010-I, 103/2010-II, 89/2011, 91/2011, 4/2012, 78/2012, 81/2012, 96/2012, 114/2012, 110/2013, 71/2014, 17/2015 – Decision by the Constitutional Court of the RS, 91/2015, 98/2016 and 44/2018 – other regulation.

Internally displaced persons exercise the rights stemming from the compulsory health insurance pursuant to the Law on Health Insurance and the Law on Health Care.

The latest analysis of the situation and needs of IDPs completed in 2017<sup>42</sup> does not contain information on the health of internally displaced persons. However, an analysis from 2011 did include health, noting that due to the poor living conditions, displaced persons were exposed to higher risks of disease than the domicile population. This analysis stated that a largest percentage of IDPs suffered from chronic illnesses and had difficulties in daily functioning due to their health conditions. According to the research “Needs Assessment of Internally Displaced Roma” conducted in November 2014,<sup>43</sup> in about 15% of internally displaced Roma households, there was at least one member without health insurance. Their biggest problem are identification documents required for exercising the right to health care – 85% of those who do not have health insurance said so. Other desirable forms of support were identified as providing information on rights and procedures (free legal aid) and the presence of people who are experienced in administrative procedures.

Health care is also included in the Strategy for the Improvement of the Situation of Refugees and Internally Displaced Persons, particularly identifying problems with regard to the exercise of rights of internally displaced Roma. One of the specific aims is to promote the right to health by affirming measures and services in health care, specifically, by supporting a wider inclusion of internally displaced Roma communities in the health care system and supporting education programmes focused on prevention and adequate treatment, with the assistance of a network of Roma health mediators.

When access to health care is concerned, we can see that internally displaced persons encounter obstacles similar to those in access to other rights. The right to health care is conditioned upon identification documents and therefore anyone who has not regulated their status has limited access to health services. People without citizenship of the Republic of Serbia or who do not have identification documents can only access emergency medical services.<sup>44</sup> Also, prior to applying for health insurance, those without a registered permanent or temporary residence or legal grounds for residence, must undergo long procedures for determining residence. The Law Amending the Law on Non-Contentious Proceedings has simplified the delayed birth register entry,<sup>45</sup> and the number of legally invisible people has reduced, while the Law on Permanent and Temporary Residence

42 Commissariat for Refugees and Migration of the Republic of Serbia, Situation and Needs of Internally Displaced Persons, accessible at [www.kirs.gov.rs/docs/.../Stanje%20i%20potrebe%20IRL%202018%20-%20EN.pdf](http://www.kirs.gov.rs/docs/.../Stanje%20i%20potrebe%20IRL%202018%20-%20EN.pdf).

43 The research is accessible at <http://www.unhcr.rs/en/dokumenti/istrazivanja/procena-potreba-interno-raseljenih-roma-srbiji.html>.

44 Pursuant to Article 18, para 1, item 7 of the Law on Health Care, in the general interest of health care, the Republic of Serbia provides emergency medical services to persons whose residence is unknown and other persons who do not exercise the right to emergency medical services in any other manner in accordance with the law. Funds for the realisation of the general interest in health care are provided in the budget of the Republic.

45 Articles 71a through 71lj stipulate the procedure for determining the date and place of birth of persons who had not been able to be entered in the birth register in an alternative manner, through an administrative procedure. For more details, see Praxis, Analysis of the Implementation of the Law on Non-Contentious Procedure – Determining the Date and Place of Birth, December 2013, available only in Serbian, accessible at [https://www.praxis.org.rs/images/praxis\\_downloads/Analiza\\_primena\\_Zakona\\_o\\_vanparnicnom\\_postupku\\_-\\_utvrdivanje\\_vremena\\_i\\_mesta\\_rodenja\\_u\\_praksi.pdf](https://www.praxis.org.rs/images/praxis_downloads/Analiza_primena_Zakona_o_vanparnicnom_postupku_-_utvrdivanje_vremena_i_mesta_rodenja_u_praksi.pdf).

defined the procedure for determining permanent residence for people living in informal settlements and other persons without legal grounds for residence,<sup>46</sup> resulting in a reduced number of persons without residence.<sup>47</sup> Still, there are cases of Roma not exercising their right to health insurance because they are not in the birth register or have no registered residence, as emphasised by the Ombudsman: "Although the number of such cases has been reduced (...), it is not negligible and it particularly affects Roma women and children. In most cases, Roma can register residence at the address of the social work centre, but there are exceptions."<sup>48</sup>

It is important to note Article 22, para 1, item 11 of the Law on Health Insurance, according to which members of the Roma population without permanent or temporary residence in Serbia are also considered insurance beneficiaries. In the past, internally displaced Roma without permanent or temporary residence benefited considerably from this provision. Namely, before the Law on Permanent and Temporary Residence and the necessary bylaws were adopted in November 2011, this had been the only option for the internally displaced Roma without legal grounds for residence to apply for health insurance. Without registered residence, the status of internally displaced persons was insufficient for becoming insurance beneficiaries and accessing health care. Pursuant to Article 22, para 1, item 11 of the Law on Health Insurance, they could apply for health insurance with a birth certificate, citizenship certificate and a statement declaring Roma ethnicity and their actual temporary residence.<sup>49</sup> However, as a result of the almost constant discord between bylaws and the Law on Health Insurance, Article 22, para 1, item 11 was applied only in a brief period – from July 2010 to March 2012.<sup>50</sup> Due to the absurd conditions set in bylaws, in order to apply for health insurance, Roma people without permanent or temporary residence must have proof of registered residence (at the address of the social work centre). This is the reason why Article 22, para 1, item 11 has lost its importance with regard to internally displaced Roma without permanent or temporary residence. This also means that internally displaced persons who have not managed to register residence still do not have access to health care.

Additional obstacles to exercising health care rights solely affecting internally displaced Roma are discrimination, difficulties in communication, unfamiliarity with the system and procedures, and lack of funds for prescribed medications.

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46 Article 11, paragraph 2 of the Law on Permanent and Temporary Residence stipulates that if a person cannot register their residence on the basis of property rights, property lease agreement or any other legal ground, the authority responsible can register their residence at the permanent or temporary address of their spouse or commonlaw spouse, parent's residence or the social work centre in the territory where they live.

47 See e.g., Praxis, Residence Registration in the Republic of Serbia – A Brief Analysis of the Remaining Challenges, December 2014, available only in Serbian, accessible at [https://www.praxis.org.rs/images/praxis\\_downloads/Prijava\\_prebivalista\\_u\\_RS\\_-\\_kratka\\_analiza\\_preostalih\\_izazova.pdf](https://www.praxis.org.rs/images/praxis_downloads/Prijava_prebivalista_u_RS_-_kratka_analiza_preostalih_izazova.pdf).

48 Ombudsman, Special Report on the Reproductive Health of Roma Women, available only in Serbian, accessible at <https://www.ombudsman.rs/attachments/article/5536/Posebna%20izvestaj%20ZG%20Rep%20zdravlje%20Romkinja%2011.pdf>, 11.

49 See Praxis, Contribution to Social Inclusion and Combat Against Discrimination of the Marginalised Population in Serbia, Belgrade, 2013, available only in Serbian, accessible at [https://www.praxis.org.rs/images/praxis\\_downloads/Doprinos\\_socijalnoj\\_inkluziji\\_i\\_borbi\\_protiv\\_diskriminacije\\_marginalizovane\\_populacije\\_u\\_Srbiji.pdf](https://www.praxis.org.rs/images/praxis_downloads/Doprinos_socijalnoj_inkluziji_i_borbi_protiv_diskriminacije_marginalizovane_populacije_u_Srbiji.pdf), 21–23.

50 Ibid, 22.

The difficulties encountered by internally displaced persons also include unjustified and discriminatory denial of services that are available to other citizens. Article 41 of the Law on Health Insurance prescribes free dental care for, inter alia, socially vulnerable people insured pursuant to Article 22 of the Law on Health Insurance<sup>51</sup> provided that they meet the requirements of the property threshold. However, in the case of one internally displaced person who tried to exercise this right, the NHIF (National Health Insurance Fund) branch office refused to issue a certificate, with an explanation that he was not insured pursuant to Article 22 of the Law on Health Insurance as an unemployed person, but rather as an internally displaced person from Kosovo. In this case, a complaint was filed with the Commissioner for the Protection of Equality, who concluded that by denying the complainant the right to free dental care on account of his IDP status, the National Health Insurance Fund violated the Law on the Prohibition of Discrimination. In the statement of reasons, the Commissioner stressed that "Namely, this right can be exercised by any citizen of Serbia who is unemployed and whose monthly income is below the established threshold, but it was denied to Ž. L., solely based on the fact that he has the status of an internally displaced person, disregarding the fact that he is also a citizen of the Republic of Serbia, who is unemployed and whose income is below the established threshold. Accordingly, Ž. L. was denied this right on the basis of a personal characteristic, i.e. of being an internally displaced person from the territory of the Autonomous Province of Kosovo and Metohija."<sup>52</sup> A recommendation was made to the National Health Insurance Fund to enable the complainant and all internally displaced persons to exercise their right to free dental care under the conditions and in the same manner as applicable to other insurance beneficiaries, and to stop violating regulations on the prohibition of discrimination in the future. However, the NHIF did not act in accordance with the recommendation and the Commissioner for the Protection of Equality accordingly notified the public, pursuant to the Law on the Prohibition of Discrimination.<sup>53</sup>

Finally, regardless of the fact that problems in the area of health care are mainly perceived through access of internally displaced Roma to the right to health care, economic and social determinants of health in the context of the status of internally displaced persons are also important. The Public Health Strategy confirms that diseases with the largest incidence are disproportionately more present in the poorer population and one of the specific aims of the Strategy for the Continuous Improvement of Health Care Quality and Patients' Safety is to promote cooperation between the Ministry of Health and the Ministry of Labour, Employment, War Veteran and Social Affairs in order to improve availability and accessibility of health care to particularly vulnerable groups.

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51 According to this article, insurance beneficiaries can include categories of citizens who are either particularly vulnerable or exposed to an increased risk of disease.

52 Commissioner for the Protection of Equality, Opinion no. 07-00-409/2013-02 of 23 September 2013, available only in Serbian, accessible at <http://ravnopravnost.gov.rs/rs/prituzba-z-l-protiv-rfo-zbog-diskriminacije-na-osnovu-statusa-interno-raseljenog-lica/>.

53 Commissioner for the Protection of Equality, Public Notice – The National Health Insurance Fund Discriminated against an Internally Displaced Person from Kosovo, 26 June 2014, available only in Serbian, accessible at <http://ravnopravnost.gov.rs/rs/obavestenje-javnosti-republicki-fond-za-zdravstveno-osiguranje-diskriminasi-o-raseljeno-lice-sa-kosova-i-metohije/>.

## SOCIAL PROTECTION

Having access to guaranteed rights in social protection has a strong impact on the daily lives of internally displaced people, particularly internally displaced Roma. The poverty risk is very high in the Roma population in Serbia. It is estimated that almost all internally displaced Roma households are at risk of poverty. According to the report "Situation and Needs of Internally Displaced Persons" of September 2017, social vulnerability of internally displaced Roma is extremely high because as much as 87% of them have a monthly income lower than 20,000 dinars and almost 50% are below the poverty line, with less than 10,000 dinars per month.<sup>54</sup> When income, the size of households and the number of dependents are taken into consideration, it is evident that the number of households unable to meet the basic needs is extremely high. The report states that the percentage of internally displaced Roma families using some form of social assistance is 66, while 30% of internally displaced non-Roma households are deprived and cannot meet some of their basic needs.

Concerns are raised by data showing that the percentage of internally displaced Roma households using some form of social protection is actually decreasing.<sup>55</sup>

As to the requirements for access to the right of social protection, internally displaced persons generally encounter the same barriers as other citizens of the Republic of Serbia. Still, in the last remaining collective centre for internally displaced persons, there are problems affecting only the internally displaced.

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54 Commissariat for Refugees and Migration of the Republic of Serbia, Situation and Needs of Internally Displaced Persons, September 2017, accessible at [www.kirs.gov.rs/docs/.../Stanje%20i%20potrebe%20IRL%202018%20-%20EN.pdf](http://www.kirs.gov.rs/docs/.../Stanje%20i%20potrebe%20IRL%202018%20-%20EN.pdf), 34.

55 In the period from 2010 to 2013 the number of households on family allowance (called financial social assistance since 2011) increased significantly. This number rose by more than 50% - from 65,816 households in 2010, to 101,656 households in 2013. Nevertheless, a comparison of two surveys of internally displaced persons showed that the percentage of internally displaced Roma households using social assistance decreased by one third. Also, with regard to child benefits, the total percentage of households in Serbia receiving child benefits remained stable (decreased by 0.6%), but the number of internally displaced Roma households receiving child benefits decreased by 27%. Given that internally displaced Roma are most likely the poorest category of the population in Serbia at the moment, it seems that the decrease in the number of social assistance recipients is contrary to what would be expected and that additional research is needed. See R. Allen, Support to IDPs in Serbia – Consolidated Report and Programme Strategy, April 2016, accessible at [http://www.unhcr.rs/media/docs/Support\\_for\\_IDPs\\_in\\_Serbia\\_ENG\\_S-01-IZMENE-01-11-2016.pdf](http://www.unhcr.rs/media/docs/Support_for_IDPs_in_Serbia_ENG_S-01-IZMENE-01-11-2016.pdf), 60.

## COLLECTIVE CENTRE "SALVATORE"

Some of the specific problems encountered by internally displaced persons were identified in Bujanovac, in the last remaining collective centre for internally displaced persons in Serbia – "Salvatore", with 22 internally displaced Roma families, or about 80 people, living in dire conditions.<sup>56</sup> The residents of the centre are predominantly unemployed and without any income, but despite this deprivation, they are not using the right to financial social assistance. Namely, the Bujanovac Social Work Centre refuses to accept their requests, explaining that they do not meet the requirements for financial social assistance and that they do not need it because they are provided with housing and meals at the soup kitchen. Still, besides food and shelter, they need money to pay for clothes, footwear, medicines and other basic needs. Moreover, rather than meals, as usually provided to soup kitchen users, the internally displaced persons living in this collective centre are entitled to one loaf of bread per household member only, which is far from sufficient to fulfil the right to adequate nutrition. Above all, bearing in mind that the Law on Social Protection does not exclude the possibility of people in collective centres using the right to financial social assistance, it is evident that the Bujanovac Social Work Centre arbitrarily denies this right to the residents of the "Salvatore" Collective Centre.

Since their requests were rejected orally, that is, they were not even able to submit the requests for financial social assistance, they had no option of resorting to legal remedies or of being informed of the reason why they cannot live in the collective centre and use financial social assistance.<sup>57</sup>

Another problem encountered by residents in "Salvatore" concerns soup kitchen services. As already mentioned, rather than meals as otherwise provided to other beneficiaries, the IDPs in this collective centre get bread alone and are not entitled to any other foodstuffs. The quantity of bread depends on the number of household members formally registered as IDPs. Those who did not register after leaving Kosovo in 1999, and sometimes children born to internally displaced families after 1999, do not have IDP status and cannot register residence at the collective centre, which hinders their access to a number of rights. In this particular case, they do not even meet the requirements to get bread intended for residents of the collective centre with registered residence and IDP status.

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56 For IDPs living conditions in the Collective Centre "Salvatore", see Still far from realizing the right to a dignified life", A 11 - Initiative for Economic and Social Rights, Newsletter, Second issue, available at <http://www.a11initiative.org/wp-content/uploads/2018/10/a11-initiative-newsletter-second-issue.pdf>.

57 With regard to this problem, a request has been sent to the Ministry of Labour, Employment, War Veterans and Social Affairs for an expert opinion on the possibility for residents of this collective centre to exercise the right to social assistance. Once the response arrives, the residents of the collective centre will retry to submit requests for financial social assistance with the help of the A 11 Initiative.



Apart from these problems, which are specific to the internally displaced, this group of people is entitled to social protection under the same conditions as citizenship holders. Accordingly, they encounter the same barriers as does the majority population in need of social protection. The Law on Social Protection, including the relevant bylaws, contains certain limitations which impede access to rights. Experience from the field and in providing free legal aid to IDPs, as well as monitoring regulations and practice in the area of social protection, point to a host of problems impeding access to rights in that area.<sup>58</sup> The latest Draft Law on Amendments to the Law on Social Protection, proposed by the Ministry of Labour, Employment, War Veteran and Social Affairs in July 2018,<sup>59</sup> has not re-solved the issues that have been present in the area of social protection for years. On the contrary, the adoption of the proposed solutions would lead to new violations of rights in the area of social protection and aggravate the already difficult situation of marginalised groups.

The following part will deal with the most frequent problems in access to the right to social protection, also reviewing the solutions proposed by the Draft Law on Amendments to the Law on Social Protection.

## LAWSUITS FOR SUPPORT

The obligation to file a lawsuit for support against next of kin, introduced by Article 84 of the Law on Social Protection as a requirement for exercising the right to financial social assistance, additionally encumbers the procedure for exercising this right. Besides posing a large burden on the socially deprived and the courts, the outcomes of these proceedings do not justify keeping the obligation in force, either because the relatives whose obligation is to provide support are themselves socially deprived or because it is impossible

58 In the period from 1 February to 30 November 2018, the A 11 Initiative team visited the following 26 IDP settlements in 16 municipalities and/or towns: Adice (Novi Sad), Makiš I and Makiš II (Čukarica, Belgrade), Bela Palanka, Blaževo (Novi Pazar), Bor, Jaćima Došića (Bujanovac), Čukarička šuma (Čukarica), Jabučki rit (Palilula), Kamendin (Zemun), Karađordeva, Sutjeska and Hajduk Veljkova (Kostolac), Čegarska (Kragujevac), Grdica (Kraljevo), Ledine and Bežanijska kosa (Novi Beograd), Ovčepoljska – Beograd mala (Niš), Veliki rit (Novi Sad), OMV (Čukarica), Uzun Mirkova (Požarevac), Reva (Palilula), Stara škola (Čukarica), Zorka and Bajmok (Subotica), Mali rit (Vršac), Surdučka (Zrenjanin), Orlovsko naselje (Zvezdara), including the “Salvatore” Collective Centre in Bujanovac. In the period from 1 February to 31 October, during the visits to settlements and at the office, the A 11 Initiative provided advice and information on access to socio-economic rights to 539 internally displaced persons.

59 The Draft Law on Amendments to the Law on Social Protection is accessible at <https://www.paragraf.rs/dnevnevesti/100718/100718-vest15.html>. In response to the non-transparent process of amending the Law on Social Protection and inadequate solutions proposed by the Draft Law, many civil society organisations and individuals requested its withdrawal and opening of a public debate on priorities in the reform of social protection. See Initiative to Withdraw the Draft Law on Amendments to the Law on Social Protection, accessible at <https://ukljucise.tragfondacija.org/>. Both are available only in Serbian.

to secure the parties' presence during the proceedings.<sup>60</sup> The Draft Law on Amendments to the Law on Social Protection now adds that in addition to a court ruling on support, a court settlement or proof that the procedure for determining the obligation to provide support has been initiated, evidence may be submitted that an administrative settlement has been reached at the social work centre in charge. However, an administrative settlement will not be applicable in a large number of cases where relatives who are under the obligation to provide support do not live in the country or if the beneficiaries even do not know their address. This will not simplify the procedure for exercising the right to financial social assistance. For the same reason, it is not possible to expect that the burden on courts will be relieved. Fearing that filing a lawsuit for support will damage family relations, socially deprived people remain deprived of the right to financial social assistance. This is particularly the case with elderly people who hesitate to sue their children in spite of being unfit for work and having no other income. Rather than cutting costs, this obligation only increases the burden on courts, makes the exercise of the right to financial social assistance more difficult and exposes individuals to extreme poverty, particularly those who lack knowledge, or who fear or avoid lawsuits for support for ethical reasons.

## TIME LIMIT ON FINANCIAL SOCIAL ASSISTANCE

According to Article 85, para 3 of the current Law on Social Protection, a person fit for work or a family with most members who are fit for work are entitled to financial social assistance of up to nine months within a calendar year provided that they meet all the legal requirements. Thus, individuals and families whose members cannot find work remain without income and without the possibility of meeting their basic needs. Interruptions in financial social assistance push the beneficiaries into even deeper poverty and threaten them with drastically aggravated living conditions, often exposing them to the risk of becoming homeless because they cannot pay utility services and rent. The latter particularly affects beneficiaries of social housing. The Draft Law did not abolish the time limit on financial social assistance, despite the fact that the UN Committee for Economic, Social and Cultural Rights, in its review of Serbia's last report on the implementation of the International Covenant on Economic, Social and Cultural Rights, noted the interruption of financial social assistance as one of the key objections and stressed that this was in contravention of responsibilities pursuant to Article 9 of the Covenant.<sup>61</sup>

60 N. Bodiřoga, The Right to Financial Social Assistance of the Beneficiary Who is Entitled to Support – A legal analysis of Article 84 of the Law on Social Protection, p 10, accessible at [http://praxis.org.rs/images/praxis\\_downloads/Pravo%20na%20novcanu%20socijalnu%20pomoc%20korisnika%20koji%20ima%20pravo%20na%20izdrzavanje.pdf](http://praxis.org.rs/images/praxis_downloads/Pravo%20na%20novcanu%20socijalnu%20pomoc%20korisnika%20koji%20ima%20pravo%20na%20izdrzavanje.pdf).

61 Committee on Economic, Social and Cultural Rights, Concluding observations on the second periodic report of Serbia, 10 July 2014, op. cit.



## MISSED EARNINGS

The category of missed earnings is another form of unjustified limitation of rights in the area of social protection due to which deprived individuals get financial social assistance in decreased amounts or are denied assistance altogether. Namely, pursuant to Article 102 of the Law on Social Protection and the Rules of Forms in the Procedure for Exercising the Right to Financial Social Assistance,<sup>62</sup> social work centres determine the missed earnings that the individual has not made, but could have made in the opinion of the social work centre. Thus, the already insufficient amount of the financial social assistance is reduced by the (fictitious) amount of missed earnings. With determining such unreasonably large amounts of missed earnings, individuals and families may be left without any financial social support. The authority of social work centres is too wide in determining earnings that an individual could have made, although he/she actually did not. Determining whether someone was able to earn additional income depends on many factors and must primarily be reviewed on the basis of each individual case, respecting the specifics of each beneficiary. Given that it is impossible to expect from social work centres to assess these circumstances in each individual case, the most reasonable option would be to expunge these provisions on missed earnings, as well as the three-month interruption in providing financial social assistance. This is certainly more reasonable than the assumption that all individuals have equal opportunities to generate income and that the people who were not successful consciously chose to live in deprivation. This is one of the shortcomings of the current Law on Social Protection that were not resolved by the Draft Law on Amendments to the Law on Social Protection.

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62 Official Gazette of the RS, no. 39/2011.

## DECREE ON SOCIAL INCLUSION MEASURES FOR RECIPIENTS OF FINANCIAL SOCIAL ASSISTANCE

In October 2014, the Republic of Serbia Government adopted a Decree on Social Inclusion Measures for Recipients of Financial Social Assistance. The Decree, inter alia, prescribes that the recipients of financial social assistance who are fit for work be included in community service, or service in local communities, and if they refuse this type of “engagement” they may lose the right to social assistance they are entitled to by law or it could be reduced.<sup>63</sup> A research conducted by the A11 Initiative revealed that in the past four years, in order to exercise their right to financial social assistance, thousands of the most vulnerable citizens have been forced to do types of work that in no way improve their situation in the labour market, or their skills or chances of finding employment.<sup>64</sup> In response to the introduction of these obligations that discriminate against recipients of financial social assistance and violate their dignity, in late 2014, several initiatives were filed with the Constitutional Court to assess the constitutionality and legality of this contentious Decree, including a proposal by the Ombudsman. The request sent to the Republic of Serbia Government to urgently suspend the implementation of the Decree was supported by 57 civil society organisations. Instead of suspending the implementation and withdrawing the Decree, its provisions were included in the Draft Law on Amendments to the Law on Social Protection, made public in July 2018. If these provisions are actually adopted, all the consultations that the ministry in charge ostensibly had with the public and civil society organisations will become pointless.

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63 For more details on this and the impact of the implementation of the Decree in the past four years, see A 11 Initiative for Economic and Social Rights, In Focus: Four Years of Forced Labour in Serbia – Results of the Implementation of the Decree on Social Inclusion Measures for Recipients of Financial Welfare Assistance, accessible at [http://www.A11initiative.org/wp-content/uploads/2018/10/Uredba\\_ENG.pdf](http://www.A11initiative.org/wp-content/uploads/2018/10/Uredba_ENG.pdf)

64 Ibid.

## VIOLATION OF THE PRINCIPLES OF GOOD GOVERNANCE

Noncompliance with the principles of good governance, verbal rejection of requests, failure to comply with the obligation to collect evidence ex officio and unprofessional treatment by social work centres' staff are frequent obstacles in marginalized groups' access to the right social protection. All these irregularities and serious violations of the principles of good governance were identified in two settlements in the territory of Požarevac - one in the city of Požarevac and the other in Kostolac. The residents in both settlements are internally displaced Roma, who were given leases for prefabricated houses through IDP housing programmes. In both cases, however, their housing solution may prove unsustainable, largely due to the unlawful activity of the Požarevac Social Work Centre and its department in Kostolac. While in Kostolac, half of the residents are not recipients of financial social assistance, in Požarevac almost no one is, despite the poverty they live in. They have no income and their debts for utility bills are growing. Some families in Požarevac have been living without electricity or water for months. They are all unemployed and almost each family has at least two underage children. A large number of residents of the settlement in Požarevac complained that their social worker, as soon as she sees them, says that they cannot submit requests for financial social assistance. Some of them have told the A 11's team that they are stopped at the very entrance to the building by security guards, who will not allow them to see the designated social worker. The A 11 Initiative has lodged a complaint with the Ombudsman for unlawful treatment and violation of the principles of good governance by the Požarevac Social Work Centre. Also, given that this practice by the Požarevac Social Work Centre affects a group of people with common personal characteristics (internally displaced Roma), a complaint was also filed with the Commissioner for the Protection of Equality.

This situation is further aggravated by the City of Požarevac ignoring the requests by Kostolac residents to be allowed to register residence for new household members.<sup>65</sup> Besides residence registration, they are also denied access to social protection and health care.

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<sup>65</sup> All requests were submitted by the residents who have contracts and pay for their utility bills regularly.

## LAW ON FINANCIAL SUPPORT TO FAMILIES WITH CHILDREN

Although rather than reducing poverty, the aim of the Law on Financial Support to Families with Children<sup>66</sup> is to boost the birth rate, such measures may temporarily contribute to the improvement of the situation of vulnerable families and children. However, the adopted solutions actually tend to exclude the most vulnerable people. The Law on Amendments to the Law on Financial Support to Families with Children introduced a host of negative and discriminatory changes, limiting or altogether excluding access to some forms of financial aid to marginalised groups.

One of the negative changes is Article 25, paras 1-6 of the Law on Financial Support to Families with Children, which introduced new requirements for exercising the right to parental allowance, discriminating Roma children and excluding them from this right. Namely, this article defines new requirements for parental allowance, including that children must be fully and timely vaccinated and regularly attending compulsory pre-school and primary education. Although seemingly neutral, the impact of these requirements disproportionately affects vulnerable Roma children. This is evident on the basis of data on pre-school and primary school enrolment and immunisation coverage. According to the data provided by the Statistical Office of the Republic of Serbia and UNICEF, only 12.7% of 24-35-month-old children from Roma settlements received all vaccines prescribed by the national calendar, compared to the 70.5% of the general population.<sup>68</sup> The situation with school attendance is similar. Only 63% of children from Roma settlements attend the compulsory preparatory preschool programme at the appropriate age (compared to 98% of preschool age children from the general population who have attended or are attending the pre-school preparatory programme at the appropriate age).<sup>69</sup> Only 69% of children from Roma settlements are enrolled in the first grade at the right age,<sup>70</sup> compared to the 97% of children in the general population.<sup>71</sup> In Roma settlements, 77%

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<sup>66</sup> The Law on Financial Support to Families with Children (Official Gazette of the RS, nos. 113/2017 and 50/2018) was adopted in December 2017 and entered into force 1 July 2018. Less than a month prior the prescribed date of implementation, it was amended in urgent procedure.

<sup>67</sup> Statistical Office of the Republic of Serbia and UNICEF, 2014 Multiple Indicator Cluster Survey of the Situation of Women and Children in Serbia and 2014 Multiple Indicator Cluster Survey of the Situation of Women and Children in Roma Settlements in Serbia, Final Report. Belgrade, Serbia: Statistical Office of the Republic of Serbia and UNICEF, iv, xvii, xix, 61.

<sup>68</sup> Statistical Office of the Republic of Serbia and UNICEF, 2014 Multiple Indicator Cluster Survey of the Situation of Women and Children in Serbia and 2014 Multiple Indicator Cluster Survey of the Situation of Women and Children in Roma Settlements in Serbia, Final Report. Belgrade, Serbia: Statistical Office of the Republic of Serbia and UNICEF, p. 173.

<sup>69</sup> Ibid, p. 167.

<sup>70</sup> Ibid, p. 189.

<sup>71</sup> Ibid, p. 180.

of children manage to complete the last grade of primary school, while in the general population this percentage is 97.9.<sup>72</sup>

According to the long-established practice of the European Court for Human Rights and the Committee on the Elimination of All Forms of Racial Discrimination, policies or general measures which disproportionately affect one group of people, indicate a possible existence of discrimination, even if not directly focused on this group. The A 11 Initiative filed an initiative with the Constitutional Court for the assessment of constitutionality of Article 25, paras 1-6 of this Law, pointing out that this pro-vision is in contravention of:

- Prohibition of discrimination (because it disproportionately affects Roma children);
- Principle of social justice (because it denies parental allowance to the people who are already disadvantaged);
- Unity of legal order (because this Law introduces new sanctions for behaviours already sanctioned by relevant laws in the area of education and protection of the population from contagious diseases);
- Principle of the best interest of the child (because instead of support, it introduces sanctions, not only for children who were not vaccinated or who remained outside of the system of compulsory education, but also for all children in one family).

The contested provisions undoubtedly affect internally displaced Roma, as a particularly vulnerable group of Roma, facing obstacles in education and access to health care.<sup>73</sup>

Although initiatives have been launched to address many of the aforementioned problems with the aim of improving the legal framework, final or positive outcomes are still missing. Quite the contrary, the proposed solutions for amendments to the Law on Social Protection only confirm that the problems pointed out to authorities so far are ignored<sup>74</sup> and that there is a need for stronger advocacy and using all communication channels available in resolving the existing issues, as well as those that will emerge with the proposed amendments to the law.

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72 Ibid, v-vi.

73 There are also considerable differences between domicile and internally displaced Roma in compulsory health care insurance coverage. While in 95% of domicile Roma households all members have health insurance, the corresponding percentage in internally displaced Roma households is 85. Also, about 6% of internally displaced households with children under 15 years of age have at least one child who was not vaccinated. UNHCR, S. Cvejic, Assessment of the Needs of Internally Displaced Roma in Serbia, 44. Internally displaced persons in general, and particularly internally displaced Roma, have smaller chances of attending and completing primary school. R. Allen, Support to IDPs in Serbia – Consolidated Report and Programme Strategy, op. cit., 67.

74 See Draft Law on Amendments to the Law on Social Protection, July 2018, available only in Serbian, accessible at <https://www.paragraf.rs/dnevne-vesti/100718/100718-vest15.html>.

## HOUSING

Exercising the right to adequate housing is one of the most important issues for improving the living conditions and local integration of internally displaced persons in Serbia.<sup>75</sup> According to the data provided by the Commissariat for Refugees and Migration, a largest number of IDPs – as much as 85% – live with their relatives, friends or in rented apartments.<sup>76</sup> On the other hand, 5.11% of the total households in need live in structures that are not intended for housing.<sup>77</sup> Only one collective centre for IDPs remains open in Serbia – “Salvatore” in Bujanovac, with 52 residents according to the Commissariat for Refugees. All residents of this collective centre are of Roma ethnicity and are facing problems in exercising their rights to social protection as well as problems with inadequate living conditions in this collective centre.<sup>78</sup>

Data on the housing situation of internally displaced Roma are even more disheartening. An analysis of the situation and needs of internally displaced persons in Serbia revealed that more than 90% of internally displaced Roma households live in structures lacking elementary conditions for normal life – water supply, sanitation or other utilities.<sup>79</sup> In addition, the Commissariat for Refugees and Migration’s analysis also states that a majority of internally displaced Roma own structures that were built illegally and without the necessary permits and documents required for receiving assistance in construction material packages.<sup>80</sup> One of the possible solutions to this problem are social housing programmes targeting particularly vulnerable categories of the population.

The issue of IDP housing was specifically mentioned in reports by UN treaty bodies and the Special Rapporteur for the right to adequate housing. In its final concluding observations, the Committee for the Elimination of Racial Discrimination recommended that Serbia secure and allocate sufficient funds for implementing durable housing solutions for the Roma, Ashkali and Egyptians,<sup>81</sup> while the Human Rights Committee noted that it is necessary for Serbia to “work with internally displaced Roma communities to develop durable solutions that are suitable to them, including their local integration.”<sup>82</sup> In addition,

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75 A similar statement is acknowledged in Strategic Aim 4, item 6 of the National Strategy for Resolving the Issue of Refugees and Internally Displaced Persons for the period from 2015 to 2020.

76 Supra n. 6, p. 32.

77 Ibid.

78 For more information on the problems encountered by residents of this collective centre in exercising social protection rights, see the section of this Report below, dealing with this issue.

79 Supra n. 6, p. 58.

80 Ibid.

81 Committee for Eliminating Racial Discrimination, Concluding observation in the compiled II – V reports by Serbia CERD/C/SRB/CO/2-5, 3, January 2018, para 23.

82 Committee for Human Rights, Concluding observation on the third periodic report of Serbia, CCPR/C/SRB/CO/3, 10 April 2017, para 15.



the report by the Special Rapporteur for the right to adequate housing, written after her visit to Serbia, describes IDPs' problems in exercising the right to housing, as well as the particularly difficult situation of internally displaced Roma living in informal settlements and without the legal security stemming from the tenant status.<sup>83</sup>

Three key problems may be identified in relation to the exercise of the right to suitable housing by internally displaced persons. The first problem refers to the lack of funds for programmes focused on addressing the housing needs of internally displaced persons. This was noted in the National Strategy for Resolving the Issues of Refugees and Internally Displaced Persons for the period from 2015 to 2020, specifying that "the main obstacle in resolving the housing needs of internally displaced persons [...] lack of funds." As a result, one of the recommendations for the improvement of IDP rights issued by the Commissariat for Refugees calls for the creation of programmes of durable solutions to IDPs' housing and economic needs, in accordance with the model of the regional housing programme for refugees in the territory of the former Yugoslavia.<sup>84</sup>

Although the lack of funds is one of the key issues that need to be addressed in the process of finding a solution to the remaining problems faced by internally displaced persons in access to adequate housing, it is a fact that the system of protection of economic and social rights requires that priorities be set in conditions with limited resources for exercising the rights guaranteed by the International Covenant on Economic, Social and Cultural Rights.<sup>85</sup> Here, insufficient funds for addressing these issues require, on the other hand, the responsibility of the state to assume an active role in finding the lacking resources through international aid and cooperation, pursuant to Article 2, para 1 of the International Covenant on Economic, Social and Cultural Rights. Furthermore, the standards of interpreting the Covenant on Economic, Social and Cultural Rights require that in determining whether countries are taking adequate measures for the realisation of the rights recognised by the Covenant, attention be paid to equitable and effective use of and access to the available resources.<sup>86</sup>

The way IDP housing projects have been implemented so far needs to be reconsidered with regard to these obligations. The example of the settlement in Uzun Mirkova Street in Požarevac can be used to illustrate the problems caused by inefficient use of resources and failing to provide additional guarantees to the people in need for exercise of other rights, primarily those concerning access to social protection, health care, education and employment.

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83 For more details, see the report by the Special Rapporteur submitted to the Human Rights Council, A/HRC/31/54/Add.2, 26 February 2016.

84 *Supra* n. 6, p. 59.

85 Law Ratifying the International Covenant on Economic, Social and Cultural Rights, Official Gazette of the SFRY, no. 7/71.

86 Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights, para 27. It is also important to note that an inefficient use of resources may lead to violations of the States' obligations pursuant to the Covenant. For more details, see: Special Rapporteur on the Right to Health, Romania Mission Report, E/CN.4/2005/51/Add.4, 21., February 2005, para 8.

## SETTLEMENT IN UZUN MIRKOVA STREET, POŽAREVAC

Social housing facilities were built in Uzun Mirkova Street, Požarevac, to provide housing for the most vulnerable internally displaced persons who have no other options of resolving their housing needs. However, years after the project ended, it transpired that the sustainability of this and similar initiatives, as well as the efficiency of using public resources were not fully resolved.

Namely, 21 families were placed in the settlement built for the socially vulnerable internally displaced persons. Of this number, only four housing units have electricity, while 11 families have not had water since August 2017.<sup>87</sup> The problems with access to utilities arose when the unemployed and socially vulnerable internally displaced Roma were unable to pay housing expenses. In addition, the issue of their access to other economic and social rights of importance for integrating into the local environment remained unresolved, primarily by local authorities' failure to improve Roma access to these rights after they had assumed the implementation of this project. This primarily refers to the activities of the social work centre and its unlawful application of regulations and introduction of administrative practices in contravention of the principles of good governance, which prevents some residents of this settlement from exercising their rights in social protection.<sup>88</sup> Due to these circumstances, the project of building and allocating social housing to internally displaced Roma did not have the expected results for the very reason that the authorities in charge did not adequately address the issues of local integration and exercise of social rights for the beneficiaries. In May 2018, the A 11 Initiative held a series of meetings with the local community of internally displaced Roma residing in this settlement, with the aim of consulting with them and setting priority steps towards resolving their problems. Following the meetings, an initiative was submitted to the local authorities to address the problem of piledup utility bills, water and electricity supply cut offs, and other issues influencing the local integration of internally displaced Roma in this settlement. However, after meetings with representatives of the City of Požarevac services, this issue was still not resolved.<sup>89</sup> As a result, the internally displaced Roma in this settlement live in constant fear of being evicted and lacking basic utilities, i.e. access to potable water and electricity.

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87 A 11 – Initiative for Economic and Social Rights, Field Report, 12 April 2018.

88 For more details on this issue, see the section "Violation of the Principles of Good Governance" herein.

89 Initiative for resolving the social and utility-related problems of users of social housing in Uzun Mirkova, 1 August 2018.

## AFFORDABILITY OF SOCIAL HOUSING FOR INTERNALLY DISPLACED PERSONS

The affordability of social housing for internally displaced persons is an additional problem in this area. Given that the internally displaced persons living in social apartments are also socially vulnerable, the amounts required for rent and other housing expenses play a crucial role in sustainability of the solution and possibilities for exercising other rights of importance for local integration of internally displaced persons.

The amendments to the Law on Property Tax<sup>90</sup> introduced in July 2014, prescribed taxes on rent in social apartments and those intended for refugees and internally displaced persons, thus practically imposing a “poverty tax” on socially vulnerable people without permanent housing solutions, as the very consequence of being socially vulnerable and not having permanent housing solutions.<sup>91</sup> On many occasions, the A 11 Initiative witnessed the fact that the costs of this tax overburden the budgets of households who were given leases to social apartments.<sup>92</sup> In her report from the mission to Serbia, the Special Rapporteur for adequate housing identified taxes on social housing as one of the problems faced by people in the category of vulnerable population.<sup>93</sup>

In addition, in a certain number of cases, internally displaced persons who registered residence outside Kosovo and were given leases to social apartments built in local communities, often find it difficult to pay the housing expenses because they are not affordable for the most vulnerable categories of the population. This is particularly the case in Belgrade, where the costs of social apartment leases and utilities may be as high as the average financial social assistance.

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90 Official Gazette of the RS, nos. 26/2001, 42/2002 – Decision by the Federal Constitutional Court, 80/2002, 80/2002 – other law, 135/2004, 61/2007, 5/2009, 101/2010, 24/2011, 78/2011, 57/2012 – Decision by the Constitutional Court of the RS, 47/2013, 68/2014 – other law and 95/2018.

91 In May 2015, YUCOM – Lawyers’ Committee for Human Rights, filed an initiative to assess the constitutionality of the aforementioned provisions of the Law on Property Tax, but the Constitutional Court has not ruled on this matter yet. See <http://www.yucom.org.rs/podneta-inicijativa-za-ocenu-ustavnosti-odredbe-zakona-o-porezi-ma-na-imovinu-koji-uvodi-porez-na-siromastvo/>. Text available only in Serbian.

92 In one of the cases of taxing social housing for refugees, the A 11 Initiative filed a constitutional appeal for discrimination in the tax procedure. No ruling has been issued to date.

93 Special Rapporteur for the right to adequate housing, Serbia Mission Report, A/HRC/31/54/Add.2, 26 February, 2016, paras 32 and 36.

## THE PROBLEM OF EXERCISING THE RIGHT TO ADEQUATE HOUSING BY INTERNALLY DISPLACED ROMA LIVING IN INFORMAL SETTLEMENTS AND COLLECTIVE CENTRES

Finally, as mentioned on several occasions above, the housing issue of internally displaced Roma who mostly live in informal settlements and/or the so-called *informal collective centres* remains unresolved, without any indication that it will be resolved in the following period. According to the Commissariat for Refugees and Migration, more than 90% of Roma households in need either live in buildings without basic living requirements – water supply, sanitation – or in structures not intended for housing.<sup>94</sup> In many cases, Roma live in informal settlements and are often threatened to be forcibly evicted by the implementation of infrastructural or other projects. In practice, these projects have caused violations of the right to adequate housing. Most of the housing solutions implemented by the CRMS are inadequate and insufficiently meet the needs of Roma. This is primarily because a majority of housing solutions<sup>95</sup> actually consist of providing construction materials for finishing the buildings that are already in construction, and this requires that property and legal relations are sorted out, including the property right over the land on the construction site.<sup>96</sup> In most cases these are not the requirements that the internally displaced Roma are able to meet. The other programmes that are implemented are insufficient and cannot meet the housing needs of the internally displaced Roma.

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94 Supra n. 9, p. 58.

95 Most of the remaining housing needs, as much as 8,300, will be addressed by providing construction materials, compared to 3,250 solutions of purchasing homesteads and 3,350 of building housing units. For more details, see the report by Commissariat for Refugees and Migration, Situation and Needs of Internally Displaced Persons, p. 60, May 2018.

96 In contrast to these solutions, research has shown that “[T]aking into account preferences with respect to housing solutions for households of the internally displaced Roma in urgent need, it is evident that several options would be possible: village houses with gardens (for 45% of them), prefabricated houses (for 37% of them), construction materials for new housing construction (for 29% of them), construction material for rehabilitation of the existing houses (for 28% of them), and even social housing (for 40% of them). Still, when asked to choose one of the options that would suit them best, the respondents most readily chose a village house, followed by social housing.” S. Cvejić, Assessment of the Needs of Internally Displaced Persons in Serbia, p. 58, UNHCR, JIPS, Commissariat for Refugees, November 2014.

## CONCLUSION

In conclusion, an analysis of the available data and public policies with action plans for their implementation, along with the analysis of the application of regulations, showed that the problems encountered by internally displaced persons in exercising their economic and social rights have not been resolved. Internally displaced Roma are particularly vulnerable in this respect because most often, they have no access to basic human rights to enable their local integration in their environments. Additional steps are therefore required towards analysing the existing capacities, mechanisms and regulations for local integration of IDPs and internally displaced Roma in particular, and, with the participation of this community, improving them in a manner that will bring them into line with all human rights standards binding the Republic of Serbia.

Finally, we believe that the existing situation can be improved by addressing the following four priority areas of importance for the exercise of rights of internally displaced persons:<sup>97</sup>

- Participation
- National policies and legislation
- Data and analyses on internal displacement
- Addressing protracted internal displacement and facilitating durable solutions.

Recommendations for improvements in each of these areas are as follows:

- Provide correct and consistent application of the Law on Permanent and Temporary Residence regarding determination of permanent residence for individuals lacking legal grounds for residence;
- Abolish the obligation of filing a lawsuit for support as a requirement for exercising the right to financial social assistance;
- Abolish the limitation stipulating that individuals fit for work are eligible for financial social assistance for up to nine months in a calendar year;
- Repeal the Decree on Social Inclusion Measures for Recipients of Financial Social Assistance;
- Ensure correct application of the Law on Housing and Maintenance of Apartment Buildings and timely inform the stakeholders of new solutions and procedures stipulated by the said Law;

<sup>97</sup> Recommendations are grouped in accordance with the areas defined by the Action Plan for Advancing Prevention, Protection and Solutions for Internally Displaced People 2018-2020, which was produced within the mandate and under the auspices of the UN Special Rapporteur for Human Rights of Internally Displaced Persons, in consultations with stakeholders and experts in IDP issues. For more detail, see [http://www.globalprotectioncluster.org/\\_assets/files/20180523-gp20-plan-of-action-final.pdf](http://www.globalprotectioncluster.org/_assets/files/20180523-gp20-plan-of-action-final.pdf)

- Abolish the tax on social housing and housing of internally displaced persons;
- Include the internally displaced persons into planning and implementation of solutions offered to them, which entails guaranteed process of consulting and obtaining adequate and timely information on all aspects of the solutions offered;
- Offer support and strengthen IDP organisations to get involved to a higher extent in the processes relevant for the provision of permanent solutions, including monitoring local policies targeting the improvement of internally displaced persons' situation;
- Improve the knowledge and raise capacities of local self-government units on the rights and specific needs of internally displaced persons as well as on the measures aimed at achieving equality and prohibition of discrimination;
- Provide equal conditions and fair treatment for all internally displaced persons in the process of allocating social apartments and finding permanent housing solutions;
- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;
- Improve cooperation between the Commissariat for Refugees and Migration and institutional mechanisms for improving the situation of internally displaced persons with sectorial Ministries and mechanisms addressing Roma inclusion;
- Improve cooperation of local commissioners for refugees and migrations with mobile teams for Roma inclusion where these mechanisms have been established;
- Improve the system of data collection on internally displaced persons and ensure higher comparability, particularly in relation to the general population;
- Prepare separate monitoring reports on the situation of internally displaced persons – by national institutions for human rights;
- Prepare and publish a report on implementation of the Strategy for Resolving Problems of Refugees and Internally Displaced Persons;
- Prepare a sustainable programme of durable housing solutions in accordance with the model used by the Regional Housing Programme;
- Ensure that the problems faced by internally displaced persons remain visible;
- Enable unhindered access for internally displaced persons to other economic and social rights, alongside housing programmes;
- Link policies and programmes focused on improving the situation of internally displaced persons with national development strategies, in particular with those aimed at realising UN Sustainable Development Goals, and programmes for implementing policies focused on improving of situation of Roma;
- Collect, analyse and publish innovative and efficient models for achieving durable solutions.



**REALISATION  
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