



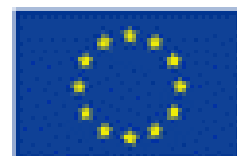
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E-mail: return@vluchtelingenwerk.be

COUNTRY SHEET

SERBIA

**August
2007**

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Further information can be obtained at return@vluchtelingenwerk.be.

The Country Sheet Serbia is a product of the CRI project.

CRI-country sheets are prepared mainly on the basis of publicly available information, completed with data gathered by local partners in the specific countries, and will be updated periodically.

Our local partners in Serbia are:

- Grupa 484: based in Belgrade, Grupa is a non-profit, nongovernmental organisation engaged in the field of protection and providing help to forced migrants (refugees, internally displaced and returnees) and promoting human rights and values of civil society: equality, diversity and tolerance.
- CDS (Centre of Development Services): An NGO in Belgrade, focusing on the development and activation of local communities, the support to vulnerable and marginalized groups, especially IDPs, refugees and migrants, and cross border cooperation.

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1. Access to territory (from country of asylum to return area)

1.1 Documentation

The National Assembly of the Republic of Serbia on 14 December 2004 adopted the Republic of Serbia Citizenship Law ("Official Gazette of the Republic of Serbia", number 135/04) that came into force on 29 December 2004 and is applicable as of 27 February 2005.

From the very beginning of the application of the Republic of Serbia Citizenship Law, the former Yugoslav Citizenship Law is revoked ("Official Gazette SRJ", number 33/96 and 9/01) and the Socialist Republic of Serbia Citizenship Law ("Official Gazette SRS, number 45/79 and 13/83).

Republic of Serbia Citizenship Law (hereinafter: the Law) provides: acquisition and renunciation of citizenship from the Republic of Serbia; another acquirement of citizenship; fortification of citizenship; acquirement process of citizenship; and jurisdiction, as well as citizenship files management.¹

All official personal documents of the Republic of Serbia are issued on the basis of Citizenship Certificate of the Republic of Serbia. Citizenship of the Republic of Serbia is automatically grounded if a person is born in the Republic of Serbia.

Citizenship of the Republic of Serbia for children born abroad is obtained on the grounds of origin, naturalization, and on the basis of international agreements:

1. By origin: Citizenship of the Republic of Serbia is obtained by origin if a child is born abroad and where both parents are citizens of the Republic of Serbia at birth; where one parent is a citizen of the Republic of Serbia and the other parent is not known or is of unknown citizenship or does not have any citizenship; where one parent is a citizen of the Republic of Serbia and the other parent is the citizen of one of the Union Republics (Serbia or Montenegro); and where one parent is the citizen of the Republic of Serbia and the other parent is a foreign citizen and the Serbian citizenship parent registers the child by the age of 18 with the authorized diplomatic or consular department of Serbia and Montenegro as a citizen of the Republic of Serbia.

Also, persons born abroad, older than 18 years where one parent is the citizen of the Republic of Serbia at birth and the other parent is a foreign citizen can obtain citizenship of the Republic of Serbia by origin if he/she applies for the Serbian citizenship with the respective authority in the Republic of Serbia prior to age 23.

Under the conditions prescribed by sections 7 to 10 of the Citizenship Law of the Republic of Serbia, adopted persons of foreign origin, (i.e. without any citizenship) can obtain citizenship of the Republic of Serbia if fully adopted. The application for citizenship of the Republic of Serbia in this case is submitted by the adopting person - the citizen of the Republic of Serbia, or the application is submitted by the adopted person older than 18 year by the age of 23.

2: By naturalization: under specific conditions, foreigners authorized for permanent residence in the Republic of Serbia, governed by regulations about movement and temporary residence of foreigners, can obtain citizenship in the Republic of Serbia ; or if they are married to a citizen of the Republic of Serbia for a period of three years, and

¹ "Official Gazette of the Republic of Serbia", number 135/04; The Republic of Serbia citizenship law, adopted 14 December 2004 - translation by Centre for Development Services 2007;

their permanent residence in the Republic of Serbia is authorized ; or whose naturalization for the citizenship of the Republic of Serbia is of interest for the Republic of Serbia.

Naturalization of emigrants for the citizenship of the Republic of Serbia:

An emigrant is a person who left the Republic of Serbia with the intention of living abroad permanently. An emigrant and his/her dependents can be approved for citizenship in the Republic of Serbia if they are age 18 and if they are capable of working and if they submit a written statement that they consider the Republic of Serbia to be their state.

A spouse of the citizen of the Republic of Serbia who completes the preconditions for obtaining the citizenship of the Republic of Serbia can be accepted to the citizenship of the Republic of Serbia if they submit a written statement that they consider the Republic of Serbia to be their state.

Emigrants who want to receive the citizenship of the Republic of Serbia do not need to give up their foreign citizenship, meaning that they are entitled to dual citizenship. They do not need to live in the Republic of Serbia and they do not need authorization for permanent residence.

Persons born in former SFRY Republics can receive citizenship in the Republic of Serbia, if they are citizens of the respective former republic or they are citizens of another state created by the territory of the former SFRY and if they are refugees, internally displaced, or forced migrants from those states, residing on the territory of the Republic of Serbia or they are refugees abroad.

TERMINATION OF CITIZENSHIP

1. Termination of citizenship by release

A citizen of the Republic of Serbia can terminate his/her citizenship if they apply for release from citizenship of the Republic of Serbia and if they fulfil the following preconditions:

- be 18 years of age.
- they have no obstacles regarding the military service
- they have completed their tax and other legal obligations in Serbia and Montenegro
- they have settled any property rights, marriage, parent, children related obligations with persons residing in Serbia or Montenegro
- there are no criminal proceedings pending against them in Serbia and Montenegro for criminal acts that are mandatory prosecuted and they have been sentenced to prison and have served their prison term.
- they are entitled to a foreign citizenship or they can prove they will be entitled to one

The applicant for the release from citizenship also should submit:

- * a birth certificate (and one for a child if it is included in the application)
- * evidence of citizenship of the Republic of Serbia - a citizenship certificate not older than 6 months; or a Yugoslav citizenship certificate registered previously with the Federal Ministry of Interior, issued according to the Law; or a birth certificate that states the fact of Serbian citizenship according to the Law(not older than 6 months) ; or a valid passport.
- * a certificate of military service completion issued by the authorized military institution or an authorization from the Ministry of Defence stating there are no obstacles for release from Serbian citizenship regarding their military service

- * evidence of a foreign citizenship or guarantee that he/she will be entitled to a foreign citizenship (for a child also, if included in the application)
- * written authorization from the second parent, if the application for release from citizenship includes children under the age of 18 (parent signature proving their consent must be notarized by the authorized court or a municipal administration institution or the Department of Consular Affairs)
- * a recommendation from the authorized institution of social services/guardian affairs in the Republic of Serbia or an opinion from the Department of Consular Affairs when the applicant and his/her children reside abroad (this is in the case of a marriage dispute)
- * written consent of a child older than 14 years (if parents are divorced) or a copy notarized by the authorized institution in the Republic of Serbia or by the Department of Consular Affairs (this in case the application is submitted by the parent legally authorized for child care and raising of the child)
- * Recommendation from the authorized institution of social services/guardians affairs in the Republic of Serbia, or an opinion from the Department of Consular Affairs if the second parent does not approve the child's release from Serbian citizenship, or his/her residence is unknown, or he/she is working or parental rights have been terminated.
- * decision on full adoption of a child if released from citizenship is requested for an adopted child under age of 18 (if the applicant for Serbian citizenship release is a foreigner and he/she submits evidence of his/her citizenship)

B2. Termination of citizenship by renouncement

Citizens of the Republic of Serbia older than 18 years with a foreign citizenship have a right to renounce Serbian citizenship until they are 25 years old. ²

1.1.1 Travel documents needed for returnees

The Law on Travel Documents of Yugoslav Nationals³ came into force on July 26, 1996 and was published in the Official Gazette of FRY, No. 33/96 of July 19, 1996.

The following travel documents are issued to nationals of Serbia and Montenegro in accordance with Section 4 of the Law: passport, collective passport, diplomatic passport, official passport and emergency travel document. A seaman's book is also considered a travel document if supplied with a valid visa.

Section 5 of the Law stipulates that Serbia and Montenegro nationals are entitled to only one travel document of the same type.

Diplomatic-consular missions of Serbia and Montenegro may issue to Serbia and Montenegro nationals, staying abroad, under the conditions set by the Law, the following documents:

- Passport,
- Emergency travel document, and
- Inclusion of children on parent's passport

² Act on citizenship of the republic of Serbia, translation by the Centre for Development Services, January 2007 ; Republic of Serbia - Ministry of Foreign Affairs, Consular Department <http://www.mfa.gov.yu/Visas/travel.htm>, accessed in August 2007.

³ There is currently no Act on travelling documents for the Republic of Serbia alone and the mentioned Act is used instead

Travelling documents are issued for the citizens of the Republic of Serbia for the purpose of travel abroad or return to Serbia: these are passport and the Emergency Travel Document (Putni list, laissez-passer):

An Emergency Travel Document (Putni List) is a document similar to passport but with less pages and no hard covers. An Emergency Travel Document is issued those citizens of Serbia whom are temporarily travelling abroad and lose their passport. It permits them to return to the country.

In order to apply for an Emergency Travel Document, the following should be submitted: evidence of lost passport, 3 photos, citizenship certificate (not older than 6 months) and evidence of identity.

If any of the above mentioned documents are missing and a person is not able to obtain them, the Department of Consular Affairs will initiate a series of steps in order to verify the necessary information with the respective Ministry of Internal Affairs.

The personal documents needed for issuance of the Travel Certificate can be obtained in the Republic of Serbia by a third person who holds a letter granting them power of attorney which has been notarised by the appropriate Serbian Department of Consular Affairs in the foreign country in question.⁴

2) Passports issued for Serbian citizens residing abroad have the same requirements as those of the Emergency Travel Certificate: evidence of citizenship and identity, with the addition of evidence of legal residence abroad. Applicants must apply to the Consular Department which is in charge of the territory on which they live.⁵

1.1.2 Documents needed in the country of return (e.g. residence permit, obligatory ID)

All citizens of the Republic of Serbia returning to the county should contact the closest office of the Ministry of Interior to get their residence registration in order to exercise their rights in the Republic of Serbia. All necessary forms are issued by the respective Office of the Ministry of Internal Affairs.⁶

Registration of the temporary residence abroad that is longer than 60 days, temporary arrival or return to country.

A. For temporary residence abroad registration that is longer than 60 days, temporary arrival or return to the country needed:

1. To fill in a form for registration (form number 3.);
2. Valid identity card and passport;
3. Proof of 130 dinars payment for republic administrative tax.

B. For replacement of an identity card needed:

⁴ Interview with the Balkan Centre for Migration, Belgrade - Legal aid department for refugees, 27 January 2007

⁵ Republic of Serbia - Ministry of Foreign Affairs, Consular Department <http://www.mfa.gov.yu/Visas/travel.htm> , last accessed August 2007; Official Gazette of FRY, No. 33/96 of 19 July 1996

⁶ Balkan Centre for Migrations, Legal aid for refugees, 2007: Red Cross Belgrade guidebook for returnees, 2007.

1. To fill in a application form for issuing a identity card with legible handwriting (application form number 2);
2. Two photos 3,5 x 3 cm dimensions (without a hat or scarf);
3. A document with a photo (passport, driver's license etc.);
4. Proof of 270 dinars payment for republic administrative tax for identity card form.

Note: For the identity cards that have been expired more than 3 months it is necessary to provide a proof of actual residence in Serbia (steady job certificate, verified health insurance card, formal education certificate, verified testimony from two witnesses etc.).

Tax: 200 dinars for the issuance form or replacement form regarding an expired identity card

Note: The numbers of account numbers where one can make a payment are different depending on the Municipality one wishes to register with.

C. For residence registration needed:

1. To fill in application form to register or cancel residence or to change the address of residence (form number 2);
2. Proof of the registered address (contract for the use of residence place, property documentation, resolution of the residence place);
3. Identity card for the adults and birth certificate for any under age persons;
4. Personal presence of the applicant;
5. Proof of 130 dinars payment for republic administrative tax.

D. For residence cancelling needed:

1. To fill in application form to cancel residence (form number 1);
2. Personal presence of the applicant;
3. Proof of 130 dinars payment for republic administrative tax.

E. For temporary residence registration needed:

1. To fill in a form for temporary residence registration with legible handwriting;
2. An identity card for inspection;
3. Proof that the applicant will actually reside at the address that the registration is done for (statement of the apartment owner);
4. Proof of 130 dinars payment for republic administrative tax.

F. To issue the first identity card needed:

1. To fill in the application form for issuing the identity card with legible handwriting (form number 2);
2. A birth certificate;
3. Proof of citizenship;
4. Two photographs 3,5 x 3 cm dimensions (without a hat or scarf);
5. Proof of residence (residence registration certificate);
6. Proof of 270 dinars payment for republic administrative tax for identity card form.

A person who didn't apply for an identity card three months after he/she turned 18. years, has to provide proof of actual residence in Serbia (formal education certificate or another proof).⁷

⁷ Ministry of Interior of the Republic of Serbia, Personal Documents, Guidebook for Returnees issued by the Belgrade Red Cross, translation by Centre for Development Services, 2007; Interview with the Office for Readmission of the Republic of Serbia with the Ministry of Human and Minority Rights, 24 January 2007

1.2 Travel to country of origin (means, approximate prices, duration, luggage limits, contacts, etc.)

1.2.1 By air

There are three international airports in Serbia. "Nikola Tesla" Belgrade Airport and Airport Nis - "Constantine the Great" are opened for international traffic. Airport "Pristine International Airport" is located in Serbian Province Kosovo and Metohija which is under UNMIK and KFOR protection. All three Airports can be reached from many international destinations. Approximate travel time from Western Europe Capitals is from 2 to 4 hours. Approximate prices, depending on the airline company providing the services are from EUR 400. Baggage allowance varies between airlines and travel classes. Usual allowance is:

30 kg for business class

20 kg for economy class

10 kg for children up to two years of age⁸

Jat Airways, as a national air carrier, carries out scheduled and charter flights for passengers, cargo and mail, on domestic and international lines. Numerous foreign airline companies are serving scheduled flights to Belgrade.

The "Nikola Tesla" Belgrade Airport is located some 18 km from the business centre of Belgrade. It lies in the very centre of the Serbian network of air routes. The airport road network connects the airport with the network of international roads E-75 and E-70 (Zagreb, Nis, Novi Sad, Subotica, etc.), thus ensuring exceptionally fast and efficient links between the airport and its wider gravitational region

Airport "Nikola Tesla"

11180 Belgrade 59

+381 11 209-4444, 209-4000

webmaster@airport-belgrade.co.yu

www.Airport-beograd.co.yu

Office for Readmission of the Agency of Human and Minority Rights of the Serbian government is located at the « Nikola Tesla » Belgrade Airport. All returnees to Serbia returning under the readmission policy should contact this office. It is located next to the luggage office, left from the Customs terminal and it is visibly marked.

Readmission Office phone number:

+ 381 11 209 78 79

The Office staff will provide all necessary information for the returnees relevant to regulating their status upon return.⁹

Airport Nis - "Constantine the Great"

Vazduhoplovaca 24, PF 175

18000 Nis, Serbia and Montenegro

Telephone: +381 (0)18 580 023

Fax: +381 (0)18 583 003

⁸ Belgrade airport, 2007, <http://www.airport-belgrade.co.yu/code/navigate.php?Id=103> , accessed in August 2007.

⁹ Office for readmission of the government of Serbia, Belgrade Red Cross guidebook for returnees to Serbia 2005, 2005

Web site: www.airportnis.co.yu
www.airportnis.co.yu
E-mail: iniport@airportnis.co.yu

Prishtinë/Priština International Airport is located 18 km south west of Prishtinë/Priština and 3 km south of Slatina and not farther than 80 km from the other cities in Kosovo. The time of the journey to the airport is approximately 30 minutes from Prishtinë/Priština.

Prishtinë/Priština International Airport contact information:

Airport Information Desk Arrival: + 381 38 5958 159,

Airport Information Desk Departure: + 381 38 5958 169,

Airport Information: + 381 38 5958 147 or at www.airportpristina.com

1.2.2 By land (if relevant)

Border crossings

All border crossings are opened round the clock. At this website one can find the official land state border crossings of Serbia per a neighbouring country: Tourist Organization of Serbia, www.serbia-tourism.org.

AMSS information on road and traffic in Serbia are forwarded daily to European automobile clubs. Also, traffic information and other information on touring for motorists can be obtained from AMSS International Alarm and Information Centre by phone, daily from 0-24 hours on +381 11 9800.

Railway

Numerous international railway lines link Serbia with all parts of Europe.

Serbia has a well developed network of bus connections for international and national travels.

Bus Stations in Serbia contact information: posta@yurail.co.yu, www.yurail.co.yu

Railway station in Belgrade:

+381 11/ 2641-488, 2645-822

Railway station in Subotica:

+381 24/ 555 606

Railway station in Novi Sad:

+381 21/ 443 178

Railway station in Nis:

+381 18/ 364 625, 369-78

1.2.3 By sea (if relevant)

Not relevant

1.3 Entry procedure (proceeding authority, interrogation, control, detention, bribes, etc.)

1.3.1 By air

The first proceeding authority in the country of return is the border police at the very entrance to the territory of the Republic of Serbia i.e. “Nikola Tesla” Belgrade Airport.. The proceeding persons are the staff of the border police i.e. Ministry of Interior of the Republic of Serbia, inspecting the travelling documents of all passengers entering Serbia. The procedure consists of a verification of travelling documents in possession and stamping. This is the official procedure that represents the registration of a fact of return to the Republic of Serbia. There is no other registration of entry procedure implemented. Interrogation of returnees by the border police staff is a short procedure lasting from 5 to 10 minutes on case by case basis. Some difficulties might be expected in terms of language used during interrogation. All returnees travelling on the Emergency Travelling Documents (Putni List) must report to their respective Ministry of Interior Offices in the place of last residence in the Republic of Serbia as soon as possible. In this way they are able to renew their personal documents and obtain relevant documents for their children.¹⁰

Kosovo: Prishtinë/Priština airport is now controlled mainly by the local Kosovo Police Service, although UNMIK still monitors the situation there.¹¹

1.3.2 By land (if relevant)

We did not include any information about this since the government office for readmission does not have any track record of returnees returning by land to Serbia.

1.3.3 By sea (if relevant)

Not relevant

1.4 Impacts of former acts and statuses upon entry¹²

Prior to arrival of all returnees covered by the re-admission agreements between the Republic of Serbia and other countries, security clearance is performed between the Ministries of Interior of the countries involved. If a person returning to Serbia is subject to a criminal proceedings ongoing in Serbia or pending imprisonment sentence, the Ministry of Interior of the Republic of Serbia will detain the person at the entry of Serbia and continue

¹⁰ According to the Agency for Human and minority rights, (Interview with the government official for readmission before the government Agency for Human and minority rights, conducted by Centre of Development Services, Belgrade, January 2007).

¹¹ Alice Thomas, OSCE Special Advisor at the Ombudsperson Institution in Kosovo, Unpublished Report, 7 February 2007.

¹² Concentrating on specific examples (such as the special effect of drug-related crimes outside the country of origin) and emphasising that all cases should be considered on an individual basis

the legal process accordingly depending on jurisdiction and communication with other respective institutions of the judicial system of the Republic of Serbia.

1.4.1 Impacts of former refugee or subsidiary protection status

Returnees entering Serbia as former refugees in a foreign country follow the same procedure as any other returnee under a re-admission agreement between their respective country of return and the Republic of Serbia.¹³

Dragojlovic, 2007¹⁴ provides examples; reasons for leaving Serbia and emigrating to EU are, of course, their matter and it is very difficult to precisely know their real reason, or reasons. Yet, these reasons are relevant if one wants to make an assessment of security risks. If one wants to estimate whether a risk for their security still exist, the person should know his/her reasons for leaving Serbia. For example, one group of returnees fled from Serbia in the nineties for political reasons, i.e., because of fear of facing prosecution under the regime of Slobodan Milosevic. Regarding this group, it can be said that there is no fear of political prosecution. In that respect, their security is not jeopardized. But, it is very difficult to predict whether they will be exposed to other security risks, like other citizens. It should strongly be emphasized that an answer to this question cannot be made generally... There are also other groups among returnees. Some people entered EU-countries illegally, and they were engaged in criminal activities while they stayed there. If they return, and continue with criminal activities...well, their security might be endangered by their partners in crime - as widely known, the crime is a risky business... They might face criminal prosecution by our police. On this point, it will be important to have collaboration between our police and the police of the particular country these people are returned from. Further, Roma people who fled due to other reasons (to escape from extreme poverty in Roma settlements) would encounter entirely different set of problems upon their return. The point here is that it is not possible to make a general assessment of security risks. Furthermore, it is probably senseless or misleading.

1.4.2 Impacts of former unsuccessful asylum claim

There is no information available concerning any eventual problem caused by a former unsuccessful asylum claim.

1.4.3 Impacts of former illegal exit from country of origin

Returnees who left the Republic of Serbia illegally and are now returning to Serbia under the re-admission procedure are not subject to any legal proceedings.¹⁵

¹³ According to the Agency for Human and minority rights, (Interview with the government official for readmission before the government Agency for Human and minority rights, conducted by Centre of Development Services, Belgrade, January 2007).

¹⁴ According to the European Movement in Serbia, Natasa Dragojlovic (Interview with European Movement in Serbia, conducted by Centre of Development Services, Belgrade, February 2007)

¹⁵ According to the Agency for Human and minority rights, (Interview with the government official for readmission before the government Agency for Human and minority rights, conducted by Centre of Development Services, Belgrade, January 2007).

1.4.4 Impacts of crime committed outside the country of origin (risk of double jeopardy)

In case of any criminal or misdemeanour act committed outside of the Republic of Serbia, the country where the act has been committed is the processing authority. If a person has been charged with any imprisonment sentence and the sentence has been served or revoked there are no legal consequences implemented in the Republic of Serbia against such person.¹⁶

1.5 Customs regulation (how the relevant regulation be obtained)

It is the obligation of each traveller to show on crossing the customs line, at the request of the customs officer, all articles that he/she is bringing into the country. If on the occasion of declaring or showing of goods to the customs officers' contraband goods are found, the import there will not be allowed. The person importing such goods will be ordered to return them abroad, and warned that the goods will be confiscated unless returned abroad within a fixed period of time.

Failure to declare goods to the customs officer on crossing the customs line constitutes a breach of customs regulations. In addition to a fine, the protective measure of confiscation of goods may be pronounced by the Customs Offences Commission if the offender has not met the requirements for importing these goods or if they are imported for another person.

Import of goods

Foreign visitors are entitled to import into Serbia, without payment of customs duty and other charges, articles for their personal use while on a trip (personal luggage) regardless of whether these items are carried with them or transported by a carrier.

Articles which are considered to serve for the personal use of travellers coming from abroad are clothes, shoes, toiletries, etc., in quantities needed by the traveller in conjunction with his/her occupation, season, purpose of trip, duration and other circumstances of the trip and stay in Serbia.

In accordance with the Convention on Customs Privileges in Tourism, the personal luggage being brought in by the traveller may include one litre of wine, 3/4 litre of a strong alcoholic drink and 200 cigarettes or 50 cigars or 250 grams of tobacco, 1/4 litre of eau de cologne or a smaller quantity of perfume as well as the usual quantity of medicine provided that the traveller declared that such a medicine is needed for his/her personal use. The usual quantity means as a rule, one to three containers of medicine, or the quantity deemed to be adequate for personal use.

Bringing money into and taking it out of the country

1. Taking Dinar (RSD) in and out of the country

Foreign nationals may take in or out of the country Dinar in the maximum amount of 120 000 per person, in 1 000 bank notes or smaller denominations.

Exceptionally, larger amounts of Dinar may be brought in the country if they are purchased in a foreign bank. The bank receipt produced to the customs authorities must correspond to the amount brought in the country.

2. Taking foreign currency, checks and securities in and out of the country

Foreign nationals may take out of the country currency, checks or securities in the amount not exceeding EUR 2 000. They are also permitted foreign exchange in the amount

¹⁶ According to the Agency for Human and minority rights, (Interview with the government official for readmission before the government Agency for Human and minority rights (Centre for Integration of returnees), conducted by Centre of Development Services, Belgrade, 22 January 2007); Office for readmission at the "Nikola Tesla" Belgrade Airport; 22 January 2007, Balkan Centre for Migrations - Refugee legal aid, Belgrade, 22 January 2007

reported upon entering the country as well as any currency or checks withdrawn from a foreign account, i.e. foreign exchange savings account.

Animals

Individuals, both domestic and foreign, may import animals into Serbia in quantities intended for resale subject to the payment of customs duty and other charges, provided that they have proof of the health of the animal; and provided they have obtained at the relevant Serbian border crossing a document issued by the proper Yugoslav authorities confirming that a veterinary checkups has been made.

Cats and dogs must have a veterinary certificate confirming that they are healthy. It must be certified by the veterinary service from the place where they are travelling from.¹⁷

Basic customs regulations for returnees:

1. Customs officers have the rights to perform inspection of goods as well as a transportation vehicle.

In justified cases the search of travellers is authorized and is performed in a separate premise by the customs office of the same sex as the passenger. On this occasion the minutes on the search is made.

Undeclared items discovered on the occasion of person or vehicle search are temporarily confiscated until the misdemeanour or criminal proceedings are complete.

2. A traveller has a right to compensation of damage caused during the search of a vehicle or person except in cases when hidden items were recovered or the damage was caused during the search by the traveller.

The request for compensation of damage is filed with the respective Customs Service Office that has performed the action and caused the damage. The request is being decided on by the Republic Customs Administration within the period of 30 days upon request is being filed.

National and foreign travellers can import items i.e. receive them from abroad, export or send them aboard if those items for personal use, items for domestic use or for the use by their families (medicines and medical equipment, items for educational and entertainment purposes), spare parts, including animals in quantities that are not aimed at further trade as well as a personal motor vehicle.

National travellers who are temporarily employed aboard for a period of a minimum 2 years constantly, or those nationals who stayed abroad on any other ground as well as all foreigners who received the citizenship of the Republic of Serbia including foreigners who received asylum or permanent residence permit in the Republic of Serbia, can within a period of 1 year upon arrival from abroad, i.e. receipt of citizenship, asylum or permanent residence permit, freely import items from the previous point, items for their household use including equipment, boats and motor vehicles. The vehicles should serve the purpose of personal use or employment. This equipment and vehicles can not be sold for a period of 2 years since the day of import.

Customs taxation

All items imported into the country are custom cleared according to a short procedure or in a regular customs procedure.

¹⁷ Visit Serbia Reservation Service, <http://www.visitserbia.org/Predolaska-59-7-2>, last accessed August 2007.

A short customs procedure implies customs clearance for items aimed at household use, whose value does not exceed EUR 3.000 declared in dinars. These items are subject to a regular custom tax of 10%.

Besides the custom tax, the traveller must pay VAT taxes. The basic amount that the VAT is paid for is determined by the customs value of the items plus customs taxes and other import taxes.

If items are imported through a short customs procedure, the customs officer should fill in a Calculation of importing items for travellers (form 6.). It contains information about name and surname of the traveller, values of the items, customs tax, other import tax, VAT as well as time and place of issuance. If needed additional information related to the name of the items (example: technical equipment valued at more than 500.000 dinars) and information needed for identification of an item (brand, type, manufacturing number etc)

During the regular customs procedure items whose quantity, value and type can not be determined during the short customs procedure i.e. items whose value exceeds EUR 3.000. This also applies in cases where a traveller does not agree with the findings of the customs officer and the stipulated amounts for customs and other import taxes.¹⁸

1.6 Access to return area

1.6.1 Limitations on internal travel

There are no limitations on internal travel in Serbia besides Kosovo.

The travel to Kosovo by car with the Serbian registration plates is not recommended due to security reasons. Montenegro registration plates or UNMIK issued registration plates (issued for Kosovo residents) are well accepted¹⁹

UNMIK and KFOR provide daily security bulletins via the Internet. In the event of a crisis, information will be provided by KFOR radio (96.6FM) and at: <http://www.nato.int/kfor/welcome.html>

1.6.1.1 Administrative restrictions

The status of Kosovo remains as it has been since June 1999, when, in accordance with UN Security Council Resolution 1244, it was placed under the administrative control of the United Nations Interim Administration Mission in Kosovo (UNMIK). NATO's Kosovo Force (KFOR) continues to be deployed across all of Kosovo.

For citizens of Serbia the identification document used is an official ID card and it is checked by the Serbia traffic police and Kosovo Police Force

1.6.1.2 Practical obstacles

Delays at the administrative crossing with Kosovo are frequent and should be taken in consideration by all travellers.

¹⁸ Customs Law of the Republic of Serbia dated 18 July 2003; Official Gazette of RS 73/2003;

¹⁹ Alice Thomas, OSCE Special Advisor at the Ombudsperson Institution in Kosovo, Unpublished Report, 7 February 2007.

1.6.2 Territories impossible or dangerous to approach (landmines, natural degradation, etc.)

Despite the presence of Kosovo Force (KFOR), there are still significant dangers in Kosovo, including residual mines and other unexploded ordnance in some areas. The main areas of contamination are on the border with Albania, in the Dulje Pass area close to Prizren and in the west and south of the province. Most of the remaining dangerous areas are in high mountainous regions covered with dense vegetation.²⁰

1.6.3 Means of internal travel (contact and practical information, price list, etc.)

For information about internal travel in Serbia please see section 2.2.

For travel to Kosovo the following information is considered useful:

- Travel to Kosovo is considered internal since the administrative line is the only one separating Kosovo from Serbia and it is not recognized as a border by the Serbian government
- There are four administrative crossings between Serbia and Kosovo: Končulj - Municipality Bujanovac, Merdare - Municipality Kuršumlija, Debce - Municipality Preševo and Mutivode - Municipality Medveđa.
- Bus lines connecting Serbia and Kosovo contact details can be found on the following links:
<http://www.nis.org.yu/privreda/economy/saobracaje.html>
www.bas.co.yu

1.6.4 Internal Flight - Alternative of internal protection²¹

Minority ethnic returnees originally from Kosovo, in particular Roma, who are being returned to Serbia according to the readmission agreement are the most vulnerable group requiring the special concern of the state. Many of them have never had any cultural, social and economic connections with Serbia, or their connections have been torn apart long ago. When returned to a social and cultural context that they experience as unfamiliar, returnees experience complete social and cultural isolation and economic poverty. The language barrier and the lack of personal documents hamper access to

²⁰ Ibid.

²¹ It is assumed that the asylum seeker can receive protection in another part of his/her country (Internal Flight) and therefore do not require international protection.

education, the official labour market, and health and social care. Returnees cannot lean on a network of family and other social ties that would help them. Opposite to refugees and internally displaced persons, the local population does not accept them whatsoever. Without institutional assistance the prospects for these people to adjust to the new environment and to economically, socially and culturally integrate are extremely slim.

Although initially displaced from Kosovo and subsequently displaced from Western Europe, returnees to Serbia do not enjoy the status of internally displaced persons and the restricted benefits ensured by this status. The position of the State is that they do not guarantee the IDP status to the persons whose claims for asylum were rejected or whose temporary protection was terminated in the signatory countries of the readmission agreement. The returnees originated from Kosovo are in a complete legal vacuum in Serbia.²²

In August 2004, UNHCR recommended that the countries of Western Europe continue to provide protection to asylum seekers, members of minorities from Kosovo, and people from mixed marriages. These people should not be returned to Kosovo out of the safety reasons nor to other parts of Serbia where they will be in the position of internal displacement and not be able to realise the basic human rights.²³ These people may face undue hardship if returned, as the conditions for legal re-integration and economic survival may not be met. Forced return and secondary displacement cause undue suffering, renewed hardship for the families, lack of status and access to rights, legal problems (documentation) and possible stateless situations.

2 Physical Security in return area

2.1 *On Going Armed conflicts*

There are no on-going armed conflicts in Serbia.

2.2 *Regions with a high security risk*

Kosovo

It is still very difficult for persons of certain minority groups, mainly Serbs and Roma, to move around freely in Kosovo. It is also difficult for Albanians to even enter Northern Mitrovica, which is why there have not been many, if any, Albanian returnees to that part of Kosovo. Since Serbs and Roma are usually not returned to Kosovo by force, it is mainly voluntary returnees that are being talked about here. Whether they are secure or not depends very much on the area - in areas where during the war, many ethnic Albanians were maltreated or killed or had their homes dispossessed or destroyed, it is still not safe for Serbs and Roma (who consider to have helped the Serbs during the conflict) to move

²² Group 484, Human Rights of Refugees, Internally Displaced Persons, Returnees, Asylum Seekers and Victims of Trafficking in Serbia and Montenegro: Report for 2005, May 2006.

²³ UNHCR, The possibility of applying the internal flight or relocation alternative within Serbia and Montenegro to certain persons originating from Kosovo and belonging to ethnic minorities there, August 2004.

around freely. In other areas, it is easier. Certain returnee villages in western Kosovo are still being protected by the police and there are also police escorts for buses.²⁴

2.3 Crime

Vulnerable groups: Roma

In different reports on human rights violations, examples of harassment and mistreatment of Roma are often identified. Examples of beatings and harassment of Roma by groups of extremists (e.g., skinheads) are sometimes on front pages. The recent example is (even more) scary, since it was not committed by extremists, but by a few (apparently) ordinary children. Notably, one 17-year-old Roma boy was recently killed, in a very cruel manner, by a group of non-Roma minors (15 to 17-year-olds). One should be reminded that investigation is underway; further, a fact that both the victim and perpetrators are minors requires caution and avoidance of jumping to conclusions. Yet, a question must be raised whether the crime was ethnically motivated. A family of the murdered boy repeatedly asserted, in a very emotional way, that the killing was committed in extremely cruel manner; so it implied that the crime was motivated by ethnic hatred, and not by other reasons (“a wish to steal the mobile phone the boy had”, as it was announced in official statements and media). The public was shocked by this story. The story, however, does not imply that Roma returnees will be surrounded by ethnic hatred and threats to their physical security; yet, it should be mentioned that crimes of this kind do happen.

2.3.1 Region with an extremely high level of crime

Kosovo

According to unofficial sources, the crime rate in Kosovo is highest in the municipalities of Pejë/Peć, Prizren and Prishtinë/Priština. In Pejë/Peć, this is due to “gang wars” between rivalling criminal organisations, while in Prizren the main reason is the high level of prostitution probably deriving from its proximity to the border with Albania. Finally, the main reason for the high crime rate in Prishtinë/Priština is simply because Prishtinë/Priština is Kosovo’s capital. However, the crime rate in these three municipalities is not significantly higher than in other parts of Kosovo.²⁵

2.3.2 Trafficking as a specific security risk

Different studies show that Roma and refugees, due to poor economic conditions in which they live, are exposed to a risk of being trafficked.

Legal provisions on trafficking have changed recently (as mentioned before, changes in Criminal Code came into force at the beginning of 2006

²⁴ Ibid.

²⁵ Ibid.

Currently, trafficking in human beings is regulated by the Criminal Code of Serbia²⁶, which came into effect on 1st of January 2006. Section 388 of the Criminal Code - Trafficking in human beings, prescribes:

- Para. 1: Whoever by use of force or means of threat, by deception or perpetuation of deception, the abuse of authority, trust or of a position of subordination or difficult position/vulnerability of another person, by detaining personal documents or giving and taking money or other gain: recruits, transports, transfers, surrenders, sells, buys, acts as an intermediary in transfer or sale, conceals or keeps another person for the purpose of exploitation of labour, forced labour, criminal activities, prostitution or other forms of sexual exploitation, begging, use for pornographic purposes, establishment of a slavery-like or similar relationship, removal of organs or bodily parts or exploitation in armed conflicts, shall be punished with imprisonment from two to ten years.

(Note: there are also aggravated forms of this crime, and prescribed sentences are higher).

Relevant bodies engaged in combating trafficking will be described briefly. A special body was formed at the federal level in May 2001 (Yugoslav Team for Combating Trafficking in Human Beings), which included all relevant National and Federal Ministries, reps. of NGOs and international organizations. In April 2002, National Team for Combating Trafficking in Human Beings was established (at the level of the Republic of Serbia), with more or less similar list of participants. It involves all relevant ministries of Serbia, Supreme Court, Public Prosecutor's Office of Serbia, and other state institutions, then, international organizations, as well as the following NGOs: ASTRA, Counseling Center against Family Violence (which operates the Shelter for Trafficked Victims), Victimology Society of Serbia, Beosupport, Child Rights Center. The National Team is divided into four working groups, covering the following areas: prevention and education (coordinator: NGO ASTRA), assistance and support to victims, through developing mechanisms for victims' protection (coordinator: Ministry of Labour, Employment and Social Policy), combating trafficking in children (coordinator: NGO Beosupport), and law enforcement (coordinator: Ministry of Justice). In February 2004, National Coordinator set up an Advisory Body for combating human trafficking, which includes National Coordinator and his staff, coordinators of all working groups, representatives of OSCE Mission, IOM and UNICEF. A key role of the Advisory Body is to assist in and support efforts of the National Coordinator in the coordination and implementation of anti-trafficking measures and activities (the Body is connected, through Working Group Coordinators, with other members of the National Team, for the purpose of better communication and regular exchange of information among actors; ASTRA website). In October 2004, govt. of Serbia established a ministerial-level Anti-Trafficking Council (Decision of the Government of Serbia, 2004)²⁷, comprising Ministers in charge of the 6 following sectors: Interior, Justice, Labor, Employment and Social Policy, Health, Education and Sport, as well as Finance. The Council's role is to define national anti-trafficking policy²⁸. The Council is expected to be a state body that approves and gives official power to the ultimate products of the National Team.

The problem of re-traumatisation of victims of trafficking is listed as a critical issue in the recent analysis of NGOs "Investigation period and legal procedure are still very re-traumatizing (victim has to tell the story many times, in many cases to confront the perpetrator directly, there is an opportunity for perpetrator to investigate the victim,

²⁶ Criminal Code of Serbia, Official Gazette of RS 115/05, <http://www.legislationline.org/upload/legislations/dc/a9/576c23dc41967e427086bf4c2b45.pdf> last accessed August 2007

²⁷ Decision of the Government of Serbia, (2004) 02-6783/2004-I, published in Official Gazette No. 113 on 15 October 2004, page 2

²⁸ *ibid.*

there is special interest of the police to investigate victims of sexual violence as a resource for other information like criminal activities of the perpetrators etc.)” (ASTRA, 2006).²⁹

The current assessment (provided by NGO ASTRA, 2006) of the cooperation between state bodies and NGOs in the field of combating trafficking is the following: “In Serbia, establishment of mechanisms for identification and direction of victims of sex-trafficking started in 2003. In March 2004, Service for Coordination of Assistance to Victims of Trafficking in Human Beings (within Ministry for Labour, Employment and Social Policy) was established. Until now, there are no clear mechanisms and procedures developed for identification of victims, and the process is going backwards comparing to the period 2002-2003. NGOs are excluded from the process of victims identification, which has been operated mostly by the police and the Service for Coordination makes confirmations of the identification. The procedure is a ground for numerous omissions, abuses and secondary victimization. Contrary to UN Convention on transnational organized crime which stresses the necessity of cooperation of the state and NGOs in all phases of the treatment of victims, in Serbia the accommodation of the victims in the shelter, after the identification was done, has been used as a cover for non-cooperation. (The Shelter has been coordinated by an NGO, and it is the only shelter for victims of sex trafficking in Serbia). In reality, NGOs are not treated as partners.” (ASTRA, 2006³⁰).

A list of NGOs that provide help to victims of trafficking is provided in the chapter on health care, including their contact details.

Kosovo

According to a survey published in 2007 on trafficking in human beings commissioned by Catholic Relief Service and the Kosovo Population Foundation under the Partnership Against Trafficking in Human Beings supported by USAID, domestic victims of trafficking come from large and poor uneducated families from rural and semi-rural areas. Many victims have dropped out of school and have encountered domestic violence at home. So in cases where families return to rural and semi-rural areas and have no great means of sustaining themselves, their offspring, usually young girls aged 14 to 18, are potentially at great risk of becoming victims of human trafficking.

Since returnees are usually in a very bad economic situation upon returning to Kosovo and have difficulties sustaining their livelihood, a representative of Catholic Relief Services considered that the fact that any such people were being returned to Kosovo in a short amount of time and that the economic situation here was already very bad, the large numbers of returnees would lead to a rise in the number of victims of trafficking all over Kosovo.³¹

2.3.3 Effectiveness of protection (capacities, proficiency, corruption, etc.)

²⁹ List of Critical Issues prepared by NGOs in Serbia for pre-session working group of the UN Committee CEDAW, 2006 : [http://www.iwraw-ap.org/resources/pdf/Serbia%20SR%20\(general%20-%20updated\).pdf](http://www.iwraw-ap.org/resources/pdf/Serbia%20SR%20(general%20-%20updated).pdf), last accessed in August 2007

³⁰ *ibid.*

³¹ Alice Thomas, OSCE Special Advisor at the Ombudsperson Institution in Kosovo, Unpublished Report, 7 February 2007.

2.3.3.1 Police forces

A treatment of the particular group of Roma people by law enforcement bodies is a relevant issue. The treatment of victims of domestic violence might be used as an example. Well-known activists of Roma women's groups from Belgrade recently assessed (Brankovic, in preparation)³² that the police has made the greatest improvement (among other state institutions for victims' protection) in comparison to the period when domestic violence was not criminalized as a specific act in Criminal Code. As estimated by activists, the police significantly improved treatment of Roma victims, approach to the problem and efficiency of intervention. On the other hand, activist of SOS hotline in Roma language in Nis, Southern Serbia (Sacipovic, 2007³³) stresses that the police officers there still treat Roma victims differently when they complain alone, in comparison to the situation when they are accompanied by educated Roma - activists, who are (naturally) more familiar with the law and the rights of victims.

Kosovo

The Kosovo Police Service was only created after 1999 and the candidates for joining the police force usually had no experience in policing, since the police force before June 1999 had consisted mainly of Serbs. The KPS is thus still very young and professionally in the phase of being developed. So far, it has had little chance of success in the face of widespread organised crime, corruption and nepotism going up to the highest branches of the local administration. At the same time, Kosovo is a very small society and within the police force, family ties and old ways are often stronger than the oath to protect the law. UNMIK police officers have been monitoring and advising the KPS officers the whole time, but the high turnover in the UN mission and the various different backgrounds of the policemen involved have been a big obstacle to completing this mission successfully.³⁴

2.3.3.2 Judiciary

Roma and especially Roma IDPs face violence and discrimination on the grounds of their ethnicity or current status, both from state agencies and local population. Displaced Roma from Kosovo are particularly exposed to open discrimination and violence, since they are of darker complexion, often have Muslim names and do not speak Serbian language. Perpetrators of violent acts against them are often members of rightist movements. In many cases the police and judiciary do not provide adequate protection for Roma and IDPs, often taking a passive stand and not instigating criminal prosecution even when the evidence on the committed offences is undisputed. In cases when criminal proceedings were instigated against the perpetrators, their criminal offences would not be qualified as acts of discrimination or ethnically motivated violence, resulting in their prosecution only for ethnically/racially neutral offences.³⁵

³² Biljana Brankovic, Domestic violence in Serbia, in preparation, NGO Voice of Difference, Vlackoviceva 15 Belgrade [http://www.iwraw-ap.org/resources/pdf/Serbia%20statement%20\(written\).doc](http://www.iwraw-ap.org/resources/pdf/Serbia%20statement%20(written).doc), last accessed August 2007

³³ According to the organization NGO Osvit, Ana Sacipovic (Interview with Osvit, conducted by Grupa 484, Belgrade, February 2007)

³⁴ Alice Thomas, OSCE Special Advisor at the Ombudsperson Institution in Kosovo, Unpublished Report, 7 February 2007.

³⁵ ERRC and UNOHCHR, Memorandum on Protection of Roma Rights in Serbia and Montenegro, April 2003.

The March 2004, violence in Kosovo against the local Serbian community gave rise to attacks on members of the Muslim national minorities in Serbia, destruction of their property, and sacred objects. The displaced Roma were particularly the target of the attacks because the majority population identifies them with the Albanians. In Novi Sad, on March 17 and 18, organized groups of bullies attacked Roma settlements, such as Veliki Rit, showering the houses with rocks, whereby they cursed the inhabitants “damn Albanians”. Police did not file criminal charges against a single rioter. (Documentation of the Humanitarian Law Center, 2004).

Kosovo

The situation of the judiciary is marginally better than that of the police, at least in terms of experience among the judges, as most judges who are now working for the courts used to work as judges before the mass dismissals of Albanians executed under the Milošević regime. The main problem of the judiciary is the difficulties the judges are experiencing in applying new legislation passed by UNMIK after the 1999 conflict and the gigantic backlog of cases that has swelled since 1999. Judges are notoriously underpaid and thus very susceptible to corruption or to “caving in” under threats. They constantly complain that they are not enough in number to deal with the considerable case load. Also, there appears to be a case management problem as well - when investigating into length of proceedings complaints, OIK lawyers have noted that cases such as child custody cases or employment cases are not given the priority status they deserve.³⁶

3 Social security and reintegration

Introduction

Interviewed experts³⁷ (who have worked in the field of repatriation, integration into European Union and security) analysed a problem of security risks for returnees in the following manner. The analysis might be made on two levels:

Making a distinction between general security risks (threats to the entire local population) and specific security risks (particular problems/threats returnees might be exposed to, as a vulnerable group of people, i.e., more vulnerable than a general population of citizens).

Providing a distinction between physical security per se (which can be assessed based on prevalence of crime, possibility of large-scale ethnic/civic conflicts, possibility of human rights violations, torture, illegal arrest, etc.), and perception of physical security by returnees (the latter cannot be assessed/measured “objectively”, since it represents a psychological dimension, which cannot be “translated” into statistical terms).

³⁶ Alice Thomas, OSCE Special Advisor at the Ombudsperson Institution in Kosovo, Unpublished Report, 7 February 2007.

³⁷ Some of the interviewed experts are quoted (See: a list of persons interviewed for the purpose of this report, in the end of Chapter related to health care), while some required to remain anonymous.

In order to provide an answer to a difficult (but, the most important) question whether returnees' security might be jeopardized, analysis should take into account numerous factors. Moreover, as notion of "security risk" involves psychological dimension, it is probably the most important how returnees perceive security risks. It can be reasonably expected that some returnees would be overwhelmed by security concerns - some of them have been traumatized by war-related experiences and/or problems of adaptation/integration to countries of EU. Further, a forceful repatriation is traumatic experience per se, and, finally, they would face different problems of adaptation upon return. In any case, it is important to provide a possibility of psychological care upon return (for this reason, the issue of psychological support is discussed in detail in the chapter on health care, with a focus on health care centres, which offer this kind of service, as well as free-of-charge psychological counselling provided by NGOs and church-based organizations).

Based on responses of interviewed persons, several factors should be taken into account:

Reasons for leaving Serbia and emigrating to EU (war conflicts, ethnic/religious discrimination, economic/social reasons, a wish to ask for political asylum due to severe human rights violations, a wish to ask for political asylum due to unjustified reasons, etc.).

* A level of previous traumatization prior to entering EU-countries, and experiences during stay in EU-countries (a level of adaptation and integration into society). It can be assumed that the most traumatized among these people will be more anxious about their safety in Serbia; that is why the above-mentioned problem of psychological support and counselling (by professionals) is particularly emphasized. Traumatized people might need more than just a friendly encouragement, "You are safe; you have nothing to fear". On the other hand, their anxiety would be also dependent on barriers they will face in a process of solving essential problems (providing documents, regulating employment, housing, health care, etc.), and a treatment by representatives of state institutions. There are no reliable data on either of these two problems (a survey/assessment about the traumatization or the survey about the treatment by reps. of institutions). One intriguing idea how the latter problem (treatment by reps. of institutions) might be analyzed/examined (in absence of reliable surveys) is provided below.

* Current ethnic, religious, social/economic, educational/occupational background of returnees. Data on this are only partially available, or better to say - vague. There are no available research surveys on social/economic and educational background of returnees. Regarding ethnic and religious background of returnees, representative of Centre for Integration of Repatriates (Zoric, 2007³⁸), explains that data are *unofficial and incomplete*. Approximately 60-65% of returnees are Roma (based on incomplete information collected so far), while the remaining 35-40% are "of all possible nationalities", including Albanians, Bosnians - Muslims from Sandzak³⁹, refugees from Croatia and Bosnia-Herzegovina (who belong to various ethnic groups), people from Kosovo (who also belong to different ethnic groups). In relation to other specific characteristics of

³⁸ According to the organization Agency for Human and Minority Rights of the Republic of Serbia, Djurdjica Zoric, (Interview with Agency for Human and Minority Rights of the Republic of Serbia, conducted by GRUPA 484, Belgrade, February 2007)

³⁹ A part of Serbia with predominantly Bosniak population; the city of Novi Pazar is the regional centre of this geographical area.

returnees, she also stresses that some returnees have a criminal record in countries of European Union from which they are forcibly returned.

Having in mind that returnees are a heterogeneous group of people, a general assessment of potential security risks cannot be made (as explained by interviewed experts⁴⁰). Rather, certain assessment might be possibly made taking into account inter-section of factors reasons for leaving, a level of previous traumatization and current status.

3.1 Regions with no reintegration and return opportunities (e.g. natural disasters, famine, etc.)

Not applicable

3.2 Housing, accommodation

3.2.1 Property restitution and/or compensation (in former zones of conflict or disaster)

Private property restitution applies only to property taken through confiscation, nationalization, agrarian reform, sequestration, expropriation and other regulations that became effective after March 9, 1945. It has not begun pending passage and implementation of necessary laws. The deadline for submission of restitution claims was closed on 30 June 2006. Communal property restitution in Serbia also awaits legislation.

Other claims for reconstruction of property damaged by natural disasters is dealt by local Municipalities and their communal departments in coordination with the Ministry of capital investments.

For the full list of NGOs active in the area of return to Kosovo and available housing reconstruction support per a region please visit:

<http://mirror.undp.org/kosovo/projects/GAR/gar.htm>

Kosovo

The restitution of property went very slowly, the UN Housing and Property Directorate intended to resolve all claims by the end of 2005 - at the moment, almost all of them have been resolved with the exception of a small number of reconsideration requests, which may have been decided in December 2006 but there is still no information available. The rate at which owners of property could return to their houses or apartments and in which illegal occupants were evicted from these properties has so far been far from satisfactory.

Serbs in rural areas still face problems when trying to work their land if it is not located in the immediate vicinity of their houses, either for security reasons or because their land is occupied and being cultivated by Albanians. This is a big problem, mainly for Serbs and Roma who live in returnee villages in the regions of Pejë/Peć, Gjilan/Gnjilane or in

⁴⁰ Some of the interviewed experts are quoted (See: a list of persons interviewed for the purpose of this report, in Chapter related to health care), while some required to remain anonymous.

Serbian or Roma villages in central Kosovo, where the disputed land is located in or near Albanian villages or in areas such as Lipjan/Lipljan, Priluzhë/Priluzhje or Miloshevë/Miloševo in central and north Kosovo. These communities also complain of the repeated theft of livestock and agricultural machines. The police have not been able to resolve most of these disputes and alleged crimes.

With regard to the restitution of such landed property, the Kosovo Property Agency was recently established by UNMIK. Same as the Housing and Property Directorate before it, the Kosovo Property Agency will investigate restitution claims for landed property and it will remain to be seen how soon these often very difficult and complicated claims will be resolved.⁴¹

3.2.2 Housing programmes by return areas

Legislation

There is no mention of the right to housing in either the HR Charter or the constitutions of the member states. Minimum housing standards are not fixed in either Serbia or Montenegro. Thus housing can be anything from shacks without running water, toilets and sometimes not even electricity, to luxuriously appointed mansions with swimming pools and tennis courts. This creates insurmountable problems in statistically determining the number of substandard dwellings.⁴²

Municipal funds for building houses for indigent families are scarce. No systematic record neither exists of the number of such apartments or their quality, nor are there fixed criteria for their allocation and use. In a recent ruling, the Constitutional Court designated the City Assembly as the body empowered to lay down uniformed criteria for the allocation of these “solidarity” apartments, and companies, through their by-laws, to set the criteria under which the apartments are rented.⁴³

The Serbian Ministry of Urban Planning and Construction and The Serbian Geodetic Institute are currently working in conjunction with the World Bank to implement a country wide real estate cadastre and registration project which will bring an end to the uncertainty over title deed registration and property ownership. Due to a huge amount of work in this field the end of this process can be hardly defined.

Municipal Housing Agencies

The reform of the housing sector in Serbia has been initialized through the transformation of Solidarity Funds for Housing Construction into Municipal Housing Agencies, as the basic implementing instruments of a new social housing system in the country.

The model of MHAs is introduced at wider national level through the draft Social Housing Law, which is being prepared by the Ministry for Capital Investments. MHA is considered as

⁴¹ Alice Thomas, OSCE Special Advisor at the Ombudsperson Institution in Kosovo, Unpublished Report, 7 February 2007.

⁴² The Housing Act defines a dwelling as “A dwelling within the meaning of the present Act is one or more rooms intended and suitable for habitation which, as a rule, makes up a single unit with a separate entrance” (Art. 3). The definition in official statistics is: “a built unit consisting of one or more rooms with ancillary rooms (kitchen, pantry, entranceway, bathroom etc., or without ancillary rooms and with one or more entrances” (italics added).

⁴³ Official Gazette of the Republic of Serbia RS, No. 1/01

the first basic form of non-profit housing organization which is assigned for implementation / development and management of social housing programmes. Municipal housing agencies are formed within each local administration and are in charge of allocating public/municipal property for lease. They are also in charge of coordinating any social housing projects providing accommodation for vulnerable groups. Potential beneficiaries should contact their respective Municipalities for more information on application eligibility or application process.

Kosovo

In return areas, international organisations or non-governmental organisations have built houses for returnees in cases where these returnees expressed their desire to return beforehand and in cases where the inhabitants of an entire village decided to return collectively. If the returnees are of minority ethnicity (mainly in the cases of Serbs and Roma), the permission to return is not always given by UNHCR or UNDP if the place of origin is in the middle of an area where the majority is ethnic Albanian, due to security concerns. Except in individual and exceptional cases, individual families wishing to return to a certain place do not benefit from reconstruction aid.

Unfortunately, many returnees of minority ethnicity have started selling their recently reconstructed houses - mainly due to the volatile security situation and lack of sustainable living. UNMIK and other administrative authorities have attempted to put an end to this phenomenon, but so far have encountered little success⁴⁴.

3.2.3 Opportunities of building a house

For the exact procedure and steps in construction procedure of a private or commercial property please visit the site of the Ministry for Capital Investments: www.mki.sr.gov.yu

There are three major ways of obtaining construction land in Serbia:

- Leasing land - municipality owned (upon leasing agreement with the Municipal Administration)
- Buying private building with the right of use the land for building new structure according to Urban plan (purchase contract must be presented to the Ministry of Urban Planning for approval)
- Buying agricultural land with the possibility of conversion (most frequent way of obtaining construction land. Upon purchasing agricultural land, the above-mentioned construction steps and procedures must be followed. Please see 4.2.3)

Land classification

The Law on Planning and Construction classifies all land into two categories:
Construction land;
Agricultural land.

⁴⁴ Alice Thomas, OSCE Special Advisor at the Ombudsperson Institution in Kosovo, Unpublished Report, 7 February 2007.

Construction land is the land on which structures have been built and the land that serves for the regular use of these structures, as well as the land that, in accordance with the Law, is designated by the corresponding plan for the construction of structures and their regular use.

Construction land can be:

Public construction land;
Other construction land⁴⁵.

Agricultural land is subdivided into:

Cultivable;
Uncultivable.

3.2.3.1 Conditions of obtaining land property

Any property in Serbia can be freely purchased by its citizens based on market availability. The property prices are also subject to constant change in a developing real estate market.

3.2.3.2 Price of construction land

The prices vary largely throughout Serbia depending on location, available infrastructure and purpose of the construction land. The size of a construction land is usually expressed in m² or in ar (100 m²). In general a piece of construction land for a house of about 100m² is from 10 000 to 100 000 euro. Some areas of Serbia such a Novi Pazar in the south require investments as high as 150 000 euro for 100 m². In Novi Sad and Belgrade suburb areas prices of construction land are from 35 to 90 euro per a square meter.

Prices of basic construction materials expressed in dinars (1 Euro/ 81, dinar) are as following:

Cement: 380.00 for 50 kg
Block brick: 32.00 a piece
Construction wire: 88.00 per a meter
Construction iron net 4: 1.250
Construction iron net 5: 1.800
Construction iron net 6: 2.200
Construction iron net 8: 4.000
Nails (5,6,7,8,10,12,20) 74.00 ⁴⁶

Kosovo

⁴⁵ Other construction land is construction land not classified as public construction land - it is not intended for the construction of public structures of common interest and public areas. As such, it is designated for the construction of other structures - residential, offices, industrial facilities, etc. Other construction land is transferable and can be found in all types of ownership

⁴⁶ http://www.logistic.co.yu/LOGISTIC_cenovnik.xls, Accessed in August 2007.

Varies widely depending on the area, difficult to assess. Building material is not very expensive, meaning at the same level as the rest of the region. Labour, on the other hand, is cheap compared to other places in the region.⁴⁷

3.2.3.3 Available credit, subsidies and other forms of help

Social housing in Serbia

Overall social housing initiatives in Serbia are awaiting adoption of the Law on social housing. There is no information about the deadlines for adoption.

Local opportunities

Returnees in the process of readmission as any other citizen of Serbia have the right to apply to their Municipalities for subsidies in social housing. This is also available with the Centres for Social Welfare. All preconditions are defined by the social status of the family applying and are evaluated by the Centre for Social Welfare. The eligibility criteria mostly refers to the number of family members, monthly income, health conditions, number of minor children, invalids in the family etc. For more information local Centres for Social Welfare should be contacted.

Settlement and Integration of Refugees and Internally Displaced Persons programme (SIRP)

A good number of institutional reforms have been catalyzed by the Settlement and Integration of Refugees Programme (SIRP) supported by the Italian government and UN-Habitat, and carried out under the auspices of the Ministry for Capital Investments. At the national level the programme has helped to develop the instruments needed to create housing policies. At the local level SIRP has played a key role in developing the aforementioned Municipal Housing Agencies. The project is ongoing in 5 Municipalities and two Towns in Serbia. Those are Nis and Kragujevac, Stara Pazova, Pancevo, Cacak, Kraljevo and Valjevo. There will be 670 housing units for refugees and local vulnerable people built under this programme.

The process of selecting beneficiaries of the housing programmes has started in Kragujevac, while draft ordinances are prepared in Nis, Kraljevo, Stara Pazova and Valjevo. Potential candidates are low income households and will apply for municipal rental housing schemes

only. Eligibility criteria comprise civil status (refugees, former refugees apply for 80% and local population for 20% of housing), residence in the municipality (3 years) and household income range. Returnees in the readmission process would fall into category local population. Ranking criteria include present type of accommodation, living conditions, composition of the family and health vulnerability. Call for applications is announced at different times by different Municipalities and should be followed by those interested. There is no open call for application at this moment.

Kosovo

⁴⁷ Alice Thomas, OSCE Special Advisor at the Ombudsperson Institution in Kosovo, Unpublished Report, 7 February 2007.

Private credits give out banks if the persons asking for credit leave a certain security sum. The loans are only short-term (5-10 years). Public subsidies do not exist. In certain cases, depending on the host country and the circumstances, the IOM may give subsidies to returnees, mainly those of minority ethnicity. There may be individual projects from other NGOs, but nothing wide-scale or organised.⁴⁸

3.2.4 Opportunities of buying real estate

Housing market and bank credits

Private and non-governmental institutions. There are many construction companies in Serbia with the capacity and expertise to undertake housing projects, including large firms currently building apartment blocks. The maintenance sector now includes private companies as well as public enterprises, but the proportion of apartment blocks maintained by each varies greatly between areas. The country has 46 banks and less than 10 of them are owned by foreigners, mainly Austrian banking groups. Real estate agents and other market intermediaries have become established, although most of them operate in the informal sector and are not professionally licensed.

Mortgage lending is just emerging in Serbia with initial offerings mainly by foreign banks. A typical loan-to-value ratio is 70 %; the interest rate is approximately 10-12 % and maturity is up to 20 years. The absence of mortgage law and other important legal provisions related to land registration, foreclosure and bankruptcy is a major constraint for the development of housing finance. Furthermore, banks don't have access to long-term resources for mortgage lending.

3.2.4.1 Legal conditions

The following information is related to purchase of any form of property in Serbia.

Upon signing the preliminary contract and paying a non-refundable deposit the buyer should instruct his solicitor to examine the title deed of the property and also the property's history as well as the rights of the vendor to dispose of the property. Once all is found to be in order with the sale it can be completed. A completion date will be written into the original contract and the whole process can take around 6 weeks from start to finish.

The final contract is signed in the presence of a public notary and an overseas investor can expect to pay the following taxes and charges when buying investment property in Serbia:

5% property transfer tax

Annual real estate tax of between 0.4 and 2% of the property's assessed value - payable quarterly and in advance

Real Estate Agency fee (if managing the purchase) usually around 3% of the property's value - occasionally these are paid by the vendor but mainly by the buyer

Capital gains tax of 14% can become payable upon disposal of a non-primary residence
Income tax is due on any income derived from renting or letting property and the rate is 20%
Lawyer's fees which are usually negotiable in advance.⁴⁹

⁴⁸ Ibid.

⁴⁹ Serbia investment and export promotion agency, Foreign investment Legislation, 2007, http://www.siepa.sr.gov.yu/investment/investor_guide/foreign_investment/realestate.htm, Accessed August 2007.

Property tax⁵⁰

The rate of the property tax depends on whether the taxpayer maintains business accounts. For taxpayers who maintain business accounts, the rate is 0.40%. For taxpayers who do not maintain business accounts, the rate is progressive and depends on the tax base.

Property tax applies to immovable property where an individual has rights of ownership, usufruct, residence, utilization, time sharing right, a long term lease holding (for a period of longer than one year), and utilization of city, public or other state owned building land with an area of more than 10 acres. In this case, immovable property is considered to be land, residential and commercial buildings, office space, garages, buildings and recreational space.

Individuals or legal entities which hold any of the above mentioned rights on immovable property in Serbia are subject to the property tax.

Tax base	Tax rate
up to RSD 6,000,000	0.40%
from RSD 6,000,000 up to RSD 15,000,000	RSD 24,000 + 0.8% for the amount above RSD 6,000,000
from RSD 15,000,000 up to RSD 30,000,000	RSD 96,000 + 1.5% for the amount above RSD 15,000,000
above RSD 30,000,000	RSD 321,000 + 3% for the amount above RSD 30,000,000

3.2.4.2 Eventual obstacles for certain groups

There are no obstacles for anyone to obtain property in Serbia if citizen.

Kosovo

Usually, single women are financially not in a position to buy land. The same is true for members of minority communities - in cases where Serbs or Roma would have the money to buy land, their limited freedom of movement and inter-ethnic tensions would limit them to specific areas in Kosovo.⁵¹

3.2.4.3 Relevant approximate prices

Despite the absence of a primary market for housing finance, housing transactions have increased considerably, and in Belgrade alone have reached 100 000 in 2004. Purchase prices in the secondary market vary widely depending on location and the condition of the property. Interviews with real estate agencies in November 2004 indicate that the purchase price of a typical 80 m² flat in Belgrade could be between EUR 125 000 and 250 000, while in Novi Beograd (suburban location) it ranges between EUR 50 000 and 75 000. In Niš or Novi Sad the prices are around EUR/m² 900-1 000.

⁵⁰Serbia investment and export promotion agency, http://www.siepa.sr.gov.yu/investment/investor_guide/operational.htm, Operation Costs, Accessed August 2007.

⁵¹ Alice Thomas, OSCE Special Advisor at the Ombudsperson Institution in Kosovo, Unpublished Report, 7 February 2007.

Estimate prices of real estates in Serbia in January 2007

City	Price € / kvm
Belgrade	1283
Nis	828
Pancevo	652
Zlatibor	1290
Vrnjacka Banja	686
Soko Banja	704

Housing costs have increased in Serbia during the transition. Owners and public sector tenants spend approximately 10 % of their income on housing, while in the private rental sector the share is as high as 27 %.

3.2.4.4 Available credits, subsidies and other forms of help

State subsidized housing loans

A new policy instrument - a state insurance of mortgage credits provided by the National Corporation for Insurance of Housing Credits (NKOSK)⁵² - has been launched in 2005.

The Programme of the NKOSK foresees the state-subsidised loans be approved to citizens below 45 years of age, with a 25-year repayment period, with a down payment of 30%, of which 20% is provided by the state from the budget, and 10% by the loan holder. The remaining 70% of the loan's value will be financed by the bank, with a 4.76% interest rate.

A number of Banks have signed the contract for these state subsidized loans. For the full list of banks please see the NKOSK web site.

3.2.5 Opportunities of renting a house or apartment

Due to large number of forced migrants in Serbia, refugees and IDPS as well constant rural-urban migrations the prices of property renting are changing. There are usually no renting contracts but verbal agreements about the terms and conditions of renting between the owner and the tenant. The owner usually takes responsibility for any mall functioning of infrastructure while the tenant has full obligation for bill payments and evidences of payment to the owner.

3.2.5.1 Eventual obstacles for certain groups

⁵² National Corporation for Insurance of Housing Credits, www.nkosk.co.yu, Accessed August 2007.

There are no obstacles for any groups to rent property in Serbia.

Kosovo

We are not aware of specific obstacles for single women, apart from the fact that they usually have little money at their disposal. As regards members of the minority communities, they also do not have problems unless they are from the Serbian and Roma communities, in which case they would be limited to certain areas in Kosovo (see above).⁵³

3.2.5.2 Relevant approximate prices

Rent prices vary largely depending on the type, location and duration of rent. It can be anywhere between 100 Euro to several thousands of Euros.

In rural areas property usually houses can be rented for about EUR 100 a month, while in urban areas minimum prices are from 150 Euro a month⁵⁴.

Kosovo

In Prishtinë/Priština, the rent for apartments is approximately 300 - 500 EUR, often regardless of size. For houses, it is 2 000 - 4 000 EUR. Outside Prishtinë/Priština, the prices are approximately 30% cheaper.⁵⁵

3.2.5.3 Available credits and subsidies

Please see section 4.2.3.3 for Municipal subsidies in renting municipal housing property. Note that any subsidies are subject to evaluation of the Centre for Social Welfare and are considered on individual basis.

3.2.6 Other middle-term accommodation possibilities (shelters, NGOs, church, etc)

Persons returning to Serbia in the process of readmission are not entitled to any benefits or housing assistance. They can apply as any citizen of Serbia under category of socially vulnerable people for housing subsidies with their respective Municipality. As mentioned in the above sections this kind of assistance is subject to approval and evaluation of the local Centres for Social Welfare. Returnees can approach their respective Municipalities for temporary accommodation in the municipal housing property (flats or houses) that are again subject to Centre for Social Welfare evaluation and approval. For more information returnees should approach local Centres for Social Welfare and municipal administration - housing agencies.

⁵³ Alice Thomas, OSCE Special Advisor at the Ombudsperson Institution in Kosovo, Unpublished Report, 7 February 2007.

⁵⁴ In January 2007;

⁵⁵ Alice Thomas, OSCE Special Advisor at the Ombudsperson Institution in Kosovo, Unpublished Report, 7 February 2007.

Persons with special needs are placed in special institutions for social protection, as well as children deprived of parental care. The entire process of accommodation these categories in such institutions is under the local Centres for Social Welfare.

There are 23 institutions in Serbia: 15 for placement of children and youth without parental care, 5 for children and youth with disabilities and 3 for children with behaviour disturbances. Many years of economical crisis brought all these institutions to a very bad situation which resulted in deprivation of elementary child rights, especially of those children with disabilities.⁵⁶

Situation of Roma returnees under Readmission Agreement

A large number of returnees do not have permanent accommodation. Upon arriving to Serbia, they live mainly with their relatives and friends or stay homeless. There are different cases, from sleeping on benches in parks or abandoned cars, to moving into so-called Roma “cardboard settlements” or moving from one relative to another. In case the returnees have some money saved, they most often decide to build residences that are mainly illegal, and without running water or electricity.⁵⁷

Kosovo

At the end of the armed conflict in 1999, many displaced persons, mainly of Serbian and Roma ethnicity, were placed in make-shift camps all over Kosovo. Three big Roma camps where people were living in extremely bad conditions under considerable risk to their health have almost completely been evacuated to a nearby former KFOR camp until their houses in Mitrovicë/Mitrovica have been reconstructed. People living in a Plemetina/Plemetin camp in central Kosovo were for the most part moved to apartments in the Municipality of Obiliq/Obilić in central Kosovo but still complain about an insufficient water supply. Many displaced persons still live in containers provided by UNMIK and the local authorities, waiting to return to their homes.

In general, there are so-called shelters in municipalities, but they often limited to providing containers for families to live in, which, although only temporary accommodations, are being used in lieu of houses for many years now. However, most municipalities have reached a point now where they reject all requests for shelter with the argument that there is no more space to accommodate social cases, be they persons who lived in Kosovo throughout the conflict and after or persons returning to Kosovo. Certain NGOs provide shelters, but mainly to specific vulnerable groups, e.g. women and children.⁵⁸

⁵⁶ An alternative Report on the implementation of the International Covenant on economic, social and cultural rights in Serbia and Montenegro , by the NGO Coalition of Serbia, available at: <http://www.omct.org/index.php?id=&lang=eng&articleSet=Press&articleId=4992> last accessed August 2007

⁵⁷ An alternative Report on the implementation of the International Covenant on economic, social and cultural rights in Serbia and Montenegro , by the NGO Coalition of Serbia, available at: <http://www.omct.org/index.php?id=&lang=eng&articleSet=Press&articleId=4992>

⁵⁸ Alice Thomas, OSCE Special Advisor at the Ombudsperson Institution in Kosovo, Unpublished Report, 7 February 2007.

3.2.7 Temporary shelters available until being able to ensure long-term accommodation

There are no official temporary shelters available to the returnees in the process of readmission. For other information please see section 4.2.3.3. on social housing.

Kosovo

Until the end of May 2006, UNHCR was providing short-term shelter (two to three days) for asylum seekers. Since there were not many asylum seekers in Kosovo, these shelters were also used to house returnees, mainly forced returnees of minority ethnicity (Roma and Ashkalia) who did not have time to prepare their return to Kosovo. In the end of May 2006, this shelter closed and returnees were advised to go to a former hotel near the town of Vushtrri/Vučitrn which was run by IOM with funds from the Kosovo Consolidated Budget. Since the hotel was so big and there were never many persons using it, as it was a temporary shelter, the competent government authorities decided to close it in December 2006. Now, there is a memorandum of understanding between the Government and the shelter formerly used by UNHCR to temporarily accommodate certain returnees for several days.⁵⁹

3.3 Livelihood - basic "survival"

3.3.1 Employment

3.3.1.1 Unemployment (formal and informal, in specific sectors and social groups)

Highlights on unemployment in Serbia:

- High long-term unemployment.
- Youth (especially young women) have particularly adverse labour market outcomes.
- Roma communities, one of the most marginalized groups in Serbia.
- High unemployment and underemployment in Serbia is estimated to be 30 - 50 % of the size of the official economy⁶⁰

The most vulnerable people are among refugees and IDPs. Other vulnerable groups:

- The elderly households
- Single parents with children who are minors
- Families without regular or sufficient income with members who have various
- Disabilities, members who are chronically ill, with three or more children who are minors or still at school families of kidnapped or disappeared persons
- Families with incidences of abuse and neglect
- Roma families are considered most vulnerable⁶¹

⁵⁹ Ibid.

⁶⁰ Serbia investment and export promotion agency, http://www.siepa.sr.gov.yu/investment/investor_guide/operational.htm, Operation Costs, Accessed August 2007.

⁶¹ Presentation of Nadežda Satarić, Amity, "Najčešći socijalni problemi posebno ugroženih izbeglica i raseljenih lica," available at: <http://www.undp.org.yu/tareas/policy/vulnerability%20report%20eng.pdf> last accessed August 2007.

The working status of Roma women⁶²

Unemployment rate for Roma men is higher than the rate for Roma women
Roma women who are housekeepers (29 percent), performing unpaid work
The data ratio of employed women to men is 10:12 and 10:18
Among domicile non-Roma respondents and refugees/IDPs data ratio is one employed woman for every four employed men in the Roma community
49 percent of unemployed refugees and IDPs, and as much as 67 percent of unemployed Roma, have never had a job.

Kosovo

The economical situation and related high unemployment (approximately 40%) in Kosovo is still difficult for all inhabitants. Returnees' thus experience difficulties once they return, especially if they belong to certain vulnerable groups including minorities. Mainly Serbs and Roma are still not part of the normal job market. The rate of unemployment among the Serbian community is in some areas more than 80%. Particularly in the returnee villages, it reaches almost 100%. For members of the Roma community, the unemployment rate lies at 98%.⁶³

3.3.1.2 Labour market programmes (and access to them)

Currently active labour market programmes (ALMPs) in Serbia are extremely limited. NES⁶⁴ is facing a number of several problems: it lacks funds; is understaffed and is heavily constrained by a fragmented network of employment offices, an old-fashioned system of employment services of limited menu and scope; does not have access to labour market information and the wide range of potential modern labour market measures and techniques.

Self-employment programmes offered by the Republican Employment Agency (twice per year) and Additional requirements are obligatory. Other services provided by National Employment Services are vacancies and job fairs as well as virtual enterprises.

Additional education and training⁶⁵ Programmes of re-training and additional training which are realized in cooperation with high skilled schools and providing the certificates for skilled level of competence. Programme is running in period of 6 months and is for unemployed persons with high school education at least.

3.3.1.3 .Labour conditions (minimum/average salary, working hours, security, ect.)

⁶² United Nations Development Programme (UNDP) Serbia At Risk: The Social Vulnerability of Roma, Refugees and Internally Displaced Persons in Serbia, Belgrade, June 2006

⁶³ Alice Thomas, OSCE Special Advisor at the Ombudsperson Institution in Kosovo, Unpublished Report, 7 February 2007.

⁶⁴ NES- National Employment Services;

⁶⁵ National Employment Service, Republic of Serbia, <http://www.rztr.co.yu/english/services.html>, Accessed 30 August 2007.

AVERAGE SALARIES AND WAGES BY EMPLOYEE PAID IN JANUARY 2007⁶⁶

The average salaries and wages paid in January 2007 in the Republic of Serbia amounted to *dinars* 33,770. The average salaries and wages, tax and contributions deducted, paid in January 2007 in the Republic of Serbia totalled *dinars* 24,122.

General employment pre-conditions and conditions:

Employment may be established with a person who is in good general health. The person must be 15 years of age and meet other criteria for the position established in relevant enactment of the employer. The working week has 40 working hours.

A “Book of Rules” signed between the employer and the employee may conclude a reduction in the number of working hours, which cannot be lower than 36 hours per week.⁶⁷

For each calendar year, an employee has the right to at least 20 working days of annual leave for a period to be determined by general act or contract of employment.

During absence on public holidays, annual leave and paid leave the employee is entitled to a 100% of his actual salary.

The employee is entitled to the following forms of earnings compensation during absence from work due to a temporary inability to work, lasting up to 30 days:

- Minimum 65% of the salary if the inability was caused outside the work;
- The amount equalling 100% of the salary if the inability is work related. The employee is entitled to an increase in salaries, in accordance with the bylaw or “Book of Rules,” for overtime work, works during public holidays, work at night and work in shifts, with a minimum of:
 - For work during public holidays: 110%;
 - For night work and work in shifts (if not stipulated in the basic salary calculation): 26%;
 - For overtime work: 26%.⁶⁸

Social security for working mother:

A woman employee shall be entitled to a 365 days of maternity leave and leave for nursing a child. During the maternity leave the employee is entitled to the *full time salary*. The salary is paid by the employer but is fully refunded by the National health insurance fund. The new amendment to the Law prescribes the right of paid maternity leave lasting two years for giving birth to a third and every subsequent child.⁶⁹

Programme:	Maternity and child care benefits
Description:	Maternity leave for formal sector employees and self-employed workers.
Duration of	
Benefits and	Amount: 1 year 30% of the previous gross wage (with up to 3 months work history prior to maternity), 60% (3-6 months), or 100% (6 months >).
Eligibility	Employed on maternity leave/child care.

⁶⁶ Republic of Serbia, Statistical Office of the Republic of Serbia, <http://webzrzs.statserb.sr.gov.yu/axd/en/index1.php?SifraV=165&Link=>, Accessed 30 August 2007.

⁶⁷ Investing in Serbia, Serbia Investment and Export Promotion Agency, <http://www.siepa.sr.gov.yu/attach/FAQ.pdf>, Accessed 30 August 2007.

⁶⁸ Ibid.

⁶⁹ Ibid.

Foreigners employed

Work permits are required for foreigners employed in Serbia, Issued with a validity of 3 to 12 months.

An application for a work permit is submitted in person or by mail to the Labour market office in Belgrade.

The average time for obtaining the work permit is two days.

Work permit can be renewed without obstacles and the procedure is identical with the first application.⁷⁰

PERSONAL INCOME TAX

The personal income tax rate is 12% for salaries

The taxable base is the gross salary, which includes the net salary and social security contributions.

Personal income is predominantly taxed at the rate of 20%

The taxable income includes salaries, income from agriculture and forestry, income from self-employment, income from royalties and industrial property rights, income from capital, income from real estate and other income.

Residents pay personal income tax on income earned both in the country and abroad, while non-residents are taxed with respect to their income generated in Serbia only.⁷¹

ANNUAL INCOME TAX

The annual income is subject to a 10% tax. The annual income tax is levied on the income earned by residents. Such income includes income received in Serbia and income earned worldwide. The annual income tax applies on the income exceeding the amount of 3 times the average annual salary for Serbian citizens.

For non-Serbian citizens, the annual income is taxed if exceeding the amount of 5 times average annual salary in Serbia. The tax rate is 10% for the annual income below the amount of 8 times average annual salary, and 15% for the annual income above the amount of 8 times average annual salary.⁷²

Kosovo

The average salary for people working for public administration is 150 EUR, working hours are 8 hours a day and there is not often the certainty to keep the job permanently.

In the private market, salaries vary greatly depending on the job and on the employer.

In Serbian areas, the minimum salaries in private businesses are at 70-100 EUR per month for 8 working hrs. Serbs working in the parallel system funded by the Serbian government (and not recognised by the local government structures in Kosovo) usually receive higher salaries.⁷³

⁷⁰ Ibid.

⁷¹ A resident is a natural person who has a residence or business premises and personal interests in Serbia or spends at least 183 days over a period of 12 months in Serbia.

⁷² Investing in Serbia, Serbia Investment and Export Promotion Agency, http://www.siepa.sr.gov.yu/investment/investor_guide/foreign_investment/tax_legislation.htm#AI, Accessed 30 August 2007.

⁷³ Alice Thomas, OSCE Special Advisor at the Ombudsperson Institution in Kosovo, Unpublished Report, 7 February 2007.

3.3.1.4 Accessibility of short-term / occasional jobs

Temporary and periodical jobs, employment through students and youth society and part time job.

The labour contract may be concluded for part-time work, for definite or indefinite period of time. The employee is entitled to social insurance and to all the rights stemming from the employment contract in proportion to the time spent at work.⁷⁴

According to the Labour Law temporary and periodical jobs in Serbia, can last up to the 120 working days during the year.

Employers can hire people from student and youth group with the top limit of 26 years, through students and youth societies.

Part time job is limited up to one third of full time job and for all forms of part time job; social security payment is an obligation. Unfortunately with that payment the health insurance is not covered.

Flexible forms of employment (part-time and temporary work) are almost non-existent. Flexibility is achieved through informal employment. One of the most striking findings reported in the Poverty Assessment (World Bank, 2003) is the high incidence of poverty among workers employed in the informal sector.⁷⁵

3.3.1.5 Lack (high demand) in specific professions

There is a high demand for the following professions:⁷⁶

- certified welders
- bookkeepers
- barmen
- tram drivers
- psychology deviation specialists

3.3.1.6 Practical and contact information (employment agencies, newspapers, etc.)

As in most other countries, National Employment Service is Government's agency in charge of implementing labour market programmes. Law on Employment and Insurance in Case of Unemployment (2003) allows the establishment of private employment agencies, but their role is mostly limited to job matching services.

EMPLOYMENT AGENCIES IN SERBIA

⁷⁴ Investing in Serbia, Serbia Investment and Export Promotion Agency, <http://www.siepa.sr.gov.yu/attach/FAQ.pdf>, Accessed 30 August 2007.

⁷⁵ Serbia Social Assistance and Child Protection Note, 20 June 2006, Human Development Sector Unit Europe and Central Asia Region, Document of the World Bank (2006), Report No. 35954-YU

⁷⁶ <http://www.bgsvetionik.biz/index.php?main=arhivaVesti&&mesecBaza=-10-&&arhiva=445> ,

Women's Entrepreneurship centre regional Chamber of Commerce Nis website:

www.teodora.org.yu, Accessed in 24 August 2007, Business and Employment News website:

www.poslovi.infostud.com, Accessed in 24 August 2007, Chamber of Commerce of Serbia web site:

<http://pks.komora.net/> last accessed 30 August 2007

ADECCO EMPLOYMENT AGENCY d.o.o. Beograd

Terazije 611000, Beograd
Email: info@adecco.co.yu
www.adecco.co.yu

Selena - HR consulting

www.selenayu.co.yu

Employment Agency SOZ - plus

www.soz-plus.com

info@soz-plus.com

Municipalities Nis and Vranje

Union of the Blind of Serbia and Montenegro

Knez Mihailova 42, 11000 Beograd, Serbia and Montenegro.

Email: ssyu@eunet.yu

Web: www.sssro.org.yu

Activities: Contributes to the education and employment of visually handicapped people, enabling them to enjoy certain benefits and take part in the country's economic and cultural life, on an equal footing.

Association of Organisations of Blind and Partially Sighted in Vojvodina

Mileticeva 28, 21000 Novi Sad, Serbia and Montenegro.

Email: sossv@nspoint.net

Activities: The association of organizations of blind and partially sighted of Vojvodina was founded in 1949 and has 3500 members. The main tasks of the Association are to detect blind persons and, depending on their ages, send them to primary, secondary or special schools, or to gain special skills, mobility training including white cane, teaching Braille for newly blinded. The Association takes care of employment for the blind, and their retirement.

Other jobs and education search for Serbia use the internet site:

www.poslovi/infostud.com

3.3.2 Contact information relevant to the issue of recognition of degrees obtained elsewhere

Ministry of Education and Sports Republic of Serbia⁷⁷

Nemanjina 22-26

11000 Belgrade

Phone: +381 11 3616-357

+381 11 3616-489

Fax: +381 11 3616-491

email: min.edu.sr@yubc.net

3.3.3 Education and retraining programmes (access to them, costs)

⁷⁷ Government of the Republic of Serbia, Ministry of Education,
<http://www.mps.sr.gov.yu/code/navigate.php?ld=188>, last accessed 25 august 2007.

There are 4,051 elementary schools, 536 secondary schools and 216 Faculties and two-year colleges in Serbia.

There are five university centres in Serbia: Belgrade, Novi Sad, Nis, Kragujevac and Subotica, with a total number of 130 faculties and 76 two-year colleges. More than 200 000 students were enrolled in the academic year 2004/2005. As a country with highly educated workforce universities in Serbia are highly competitive and linked with global academic network.⁷⁸

For search about available trainings, seminars, education and scholarships visit:

www.infostud.com/obrazovanje

3.3.3.1 By government

Community College "Bozidar Adzija"

One of the leaders in field of informal education in Serbia which thru the five programme centres offer a possibility for acquirement of new knowledge, education, learning and adoption of new knowledge, for learning foreign languages and for uncover thru aptitude and talent.

Radoslava Grujića 3, 11000 Beograd

011/34-43-446

<http://www.bozidaradzija.com/>

Community College "Braca Stamenkovic"

Educational institution with long tradition in organization of programmes for people of all ages, from pre-school to so call "third age", which in practice realize idea of lifetime education.

Mitropolita Petra 8, 11108 Beograd

011/2764-866, 2764-686

<http://www.nubs.co.yu/>

School Veljko Ramadanovic

for Visually Impaired Children

Cara Dusana 143, Zemun 11080, Serbia and Montenegro.

Email: denik@www.yu

Activities: Boarding school offering elementary and high school education to blind children.

3.3.3.2 By private firms

Serbian as a Foreign Language.

Zadužbina Ilija Milosavljević Kolarac

Studentski trg 5

11000 Beograd, Srbija i Crna Gora

Tel. +381 11 2636991, 2639502

✉ skola@kolarac.co.yu

<http://www.kolarac.co.yu/html/jezici.html>

For the beginners course it is necessary to have some knowledge of English, since the explanations are in English. The courses last for 4 months, 3 hours (2 x 90min) tuition per week, which covers 70 classes in total.

⁷⁸ Statistical office of the Republic of Serbia, <http://webzrs.statserb.sr.gov.yu/axd/en/index.php>, last accessed 22 August 2007.

Price (around 26.000 dinars)

Institute for foreigner languages

Gospodar Jovanova 35, Belgrade

<http://www.isj.co.yu/nastava/nastavaZaStrance.htm>

(011) 2625-427. 8:30 do 19:00

office@isj.co.yu office@isj.co.yu

"Equilibrio"

23 Brace Jugovica St., 1st floor

(across the "Balkan" cinema)

Tel . : + 381 11 / 33 73 595, 33 73 596

e- mail: equilibrio@sbb.co.yu

<http://www.equilibrio.org.yu/serbian01.htm>

And others at: <http://dir.vizio.biz/nauka-i-obrazovanje/institucije/kursevi-stranih-jezika/>

3.3.3.3 By international organizations or NGOs

The IOCC or International Orthodox Christian Charities ⁷⁹ in Serbia provides the following services:

Education and Training programmes that equip beneficiaries with transferable lifelong skills.

In cooperation with the Technical University "BA" and an extensive network of local partners, IOCC is working to educate people of all ethnic backgrounds, thus increasing their employment opportunities and making them less dependant on social welfare and humanitarian assistance.⁸⁰

http://www.iocc.org/countries_serbia.shtml

"Forum Syd" Vojvodina Project ; This project aims to promote information education (NFE), information, increased sensibility and networking - both of the youth and all the other actors and interest groups - on future promotion, recognition and social acceptance of the value of NFE and life-long learning in Vojvodina.⁸¹

Regional office

Simina 10a

11000 Belgrade ; Serbia

+ 381 11 3036 399

+ 381 11 3036 193

<http://www.balkan.forumsyd.org/>

IAN Telecentar:

"Free IT education for vulnerable groups"

"Free education for unemployed women"

⁷⁹ International Orthodox Christian Charities, Worldwide Programs, 2007, http://www.iocc.org/countries_serbia.shtml, Accessed 26 August 2007

⁸⁰ Ibid.

⁸¹ Oneworld Southeast Europe, Informal Education in Vojvodina, <http://see.oneworld.net/article/view/134982/1/>, Accessed 7 september 2007.

In cooperation with UNESCO and National employment services in Serbia , IAN Telecentar , Belgrade conduct courses in following fields: computers , English language and social skills .⁸²

Admirala Geprata 10
11000 Beograd
Tel + 381 11 3617 197
Fax + 381 11 3617 243
<http://www.telecentar.co.yu>

American's Developments Foundation (ADF) implements⁸³ , two training projects were implemented : international standardization training and certification project and a regional training, consulting and mentoring project for entrepreneurs and SME managers. Additionally, equipment was provided to an entrepreneurs' cooperative.⁸⁴

ADF Belgrade Office
America's Development Foundation
Knjeginje Zorke 96
11000 Belgrade; Serbia
Telephone: + 381 11 344 02 26
Telephone: + 381 11 344 04 64
Fax: + 381 11 344 02 27

American's Developments Foundation (ADF) supports employment programmes in Vojvodina⁸⁵ by the following projects:

1. Six Job Clubs in Vojvodina are established and equipped

Job search trainings familiarize participants with resources available for information about potential employers and job openings and instruct them in presenting themselves to potential employers through CV development, interviews, and other forms of communication.

Mobile teams of the Employment Agency offer the necessary trainings to the unemployed in communities where Employment Agency branch offices do not exist, thus providing assistance to citizens in smaller and poorer communities.

2. JOB CLUB in Valjevo⁸⁶

National Employment Agency - Valjevo Branch Office equipped Job Club, who is available to unemployed persons, students, pupils in training for active job search. Within the Valjevo branch office of the Employment Agency, the internet club and several workshops are operating, and educative lectures have been conducted by 100 employees out of which 30 are consultants. Kolubara district has 17 000 unemployed persons, and it is anticipated that this training will reduce this figure.

Mercy Corps International⁸⁷ is responsible for South-Western Serbia. Their regional office has been established in Krusevac and satellite offices set up in Novi Pazar and Prokuplje.

⁸² IAN Telecentar, Free education for unemployed women, <http://www.telecentar.co.yu/eng/projects/UNESCO.htm>, accessed 5 August 2007.

⁸³ America's Development Foundation, ADF implementing CRDA-E performance report ; 2006

⁸⁴ Ibid.

⁸⁵ Usaid Serbia and Montenegro, support to employment programs in Vojvodina, <http://serbia-montenegro.usaid.gov/code/navigate.php?id=104>, Accessed 30 August 2007.

⁸⁶ International relief and development, <http://www.ird-bg.org.yu/english/index.php?mainid=103&ID=711>, Accessed 30 August 2007.

More at: <http://www.mercycorps.org/countries/serbia/637>

International Relief and Development⁸⁸, Inc. (IRD) is working in Western Serbia. The regional office is located in Uzice with satellite offices in Sabac and Valjevo.

Belgrade office: Takovska 45/IV
11000 Belgrade, Serbia and Montenegro
Telephone: +381-11-3290-567 or 568

CHF SERBIA SCOPES Programme⁸⁹ CHF Serbia is implementing Serbia Contingency Planning and Economic Security Programme (SCOPES), designed with aim of helping local communities with planning and preparedness for natural and man-made disasters and to work with business to help create jobs among vulnerable population and population at risk, such as youth, poor and IDP and Refugees.

Belgrade office
Phone: + 381 11 367 2809; 367 25 97

An EU-funded project managed by the European Agency for Reconstruction⁹⁰

Centre for Democracy Foundation in partnership with organization Equal Opportunities implementing the project “Women Return to Labour Market - Fostering Women Self Confidence” Basic Business Training are:

Programme 1: Training for providing social services
Programme 2: Training for agents and brokers in tourism

Centre for Democracy Foundation

3/2 Terazije St. Belgrade, Serbia
E mail: info@centaronline.org
www.centaronline.org

Gradjanske inicijative;⁹¹ Within project “Capacity strengthening of young people through development of skills and motivation for employment seeking”, 800 young people from Belgrade will be educated for active employment seeking by the end of 2007.

Gradjanske inicijative

9a Simina St, Belgrade, Serbia
E-mail: tanjas@gradjanske.org
www.gradjanske.org

Integra Partner⁹² has started a new project called: HELPING WOMEN GAIN EMPLOYMENT. The project will be implemented in Belgrade region and will include unemployed women and women from marginalized groups. The condition to get into the programme is to be unemployed and registered with the National Employment Service (NES).

The women who are interested in starting their own business will be given an opportunity to apply for a micro-loan of up to EUR 2.000.

Integra Partner

Hilandarska 6, Beograd, Serbia

⁸⁷ USAID, the community revitalisation through democratic action program, <http://www.sada.usaid.org.yu/en/about.cfm>, accessed 20 August 2007.

⁸⁸ Ibid.

⁸⁹ CHF International, Building a better world, Scopes Program, http://www.chfserbia.org/web/index.php?option=com_content&task=section&id=11&Itemid=53&language=en, accessed 30 August 2007.

⁹⁰ European Agency for Reconstruction, <http://www.ear.eu.int>, Accessed 30 August 2007

⁹¹ Ibid.

⁹² Ibid.

E-mail: integraoffice@integraserbia.co.yu
www.integra.sk

NGO Lastavica and Group Most from Belgrade realize project “ Active In Job Searching “
Within the project three clubs for unemployed will be at function - placed in Belgrade downtown, Surčin municipality and Busije refugee settlement located near Batajnica - providing conditions and services aimed at increasing the level of skills, knowledge and self-esteem of long-term unemployed.

Lastavica address: 2 Obilićev venac St. Surčin,

Email: lastavic@eunet.yu, website: www.lastavica.org.yu

MOST, 23 Karađorđeva St. Belgrade,

Email: most@most.org.yu, website: www.most.org.yu

Busije (refugee settlement near to Batajnica) 29 III Nova St.

Serbian Democratic Forum⁹³ implements “Enhancing the employability of young unemployed refugees and IDPs in Belgrade area” programme .

Project target group are young unemployed refugees and internally displaced persons, age from 18 to 35 years old that hold at least secondary school diploma and who want to integrate but face significant obstacles that prevent their integration. *The condition to get into the programme is to be unemployed and registered with the National Employment Service.*

Address: Kraljice Marije 123/2, Belgrade

Email: beograd@sdf.org.yu

<http://www.sdf.org.yu>

Kosovo

There are some international organisations or NGOs that do educate and retrain returnees (eg. the German AGEF (Arbeitsgruppe Entwicklung und Fachkräfte im Bereich der Migration und der Entwicklungszusammenarbeit), but not many.⁹⁴

3.3.4 Starting a new business⁹⁵

Kosovo

Returnees can only start a new business if they have the funds to do so. If not, starting a new business is almost impossible.

Starting new businesses is very difficult for members of minority communities, especially for Serbs and Roma. They usually do not have the funds to start businesses and even if they do, the sustainability of such businesses is hampered by the limited freedom of movement. The IOM used to provide start-up help to such minorities by providing beneficiaries of a special programme with the necessary equipment. This programme ended in December 2006, however.

In the absence of a general strategy, returnees can only benefit from individual projects of NGOs in Kosovo or in the host country that they came from. Usually, such projects are only for voluntary returnees.⁹⁶

⁹³ Ibid.

⁹⁴ Alice Thomas, OSCE Special Advisor at the Ombudsperson Institution in Kosovo, Unpublished Report, 7 February 2007.

⁹⁵ The World Bank Group 2007, <http://www.doingbusiness.org/>, Accessed 23 August 2007.

3.3.4.1 Legal conditions (registration, corporate forms, minimum capital, etc.)

Starting a Business in Serbia (2006)⁹⁷

Registration Requirements:

<u>Procedure 1.</u>	Buy registration forms, form RJR-1, form OP, forms M1 and M4 at the paper shop
Cost to complete:	Up to 100 CSD
<u>Procedure 2.</u>	Notarize the Memorandum of Association and lease contract at the Basic Court
Comment:	Cost depends on the amount of capital and the value of the lease.
<u>Procedure 3.</u>	Open a temporary bank account; pay founding deposit or its part and all other fees
Cost to complete:	no charge
<u>Procedure 4.</u>	Obtain the registration certificate Business Registers Agency (SBRA)
Cost to complete:	CSD 4,090

For the full list of documents and procedures for obtaining the registration number and code of Republic Statistical Agency please visit web site: [The World Bank Group; http://www.doingbusiness.org/](http://www.doingbusiness.org/)

<u>Procedure 5.</u>	Make Stamp and seal
Cost to complete:	It costs between RSD 1500 to 4 000, depending on the number of words, design, etc.
<u>Procedure 6.</u>	Obtain PIB - tax identification number at the Municipal Hall; Certify the signatures (3 copies) for opening bank account
Cost to complete:	no charge (included in the following procedure)
<u>Procedure 7.</u>	Open a permanent business account with the commercial bank
Cost to complete:	CSD 400 (signature certification and republic tax)
List of the general documents required are posted at http://www.doingbusiness.org/	
<u>Procedure 8.</u>	Register the employment contracts with the Employment Organization/Fund
Cost to complete:	no charge
<u>Procedure 9.</u>	Obtain certificate from the PIO Fund (pension fund)
Cost to complete:	no charge
<u>Procedure 10.</u>	Obtain certificate from the Health Fund
Cost to complete:	no charge

Dealing with Licenses (2006)⁹⁸

Procedures, time, and costs, including obtaining necessary licenses and permits, completing required notifications and inspections, and obtaining utility connections are posted at [http://www.doingbusiness.org.](http://www.doingbusiness.org/)

Enforcing Contracts in Serbia⁹⁹

⁹⁶ Alice Thomas, OSCE Special Advisor at the Ombudsperson Institution in Kosovo, Unpublished Report, 7 February 2007.

⁹⁷ The World Bank Group, 2007, <http://www.doingbusiness.org/>, Accessed 22 August 2007. Ministry of Economy and Regional Development, <http://www.mpriv.sr.gov.yu/>, Accessed 22 August 2007.

⁹⁸ Ibid.

Detailed list of procedural steps necessary to enforce a contract might be found at www.doingbusiness.org

Kosovo

The legal conditions for establishing a business are favourable - the registration procedure is simple and can be completed within three days after paying a fee of 5-20 EUR. No minimum capital is required. Approximately 43 000 private businesses have been registered since 1999. Most private companies are limited liability companies, there are also some joint stock companies. There are still nearly 500 former Socially-owned Enterprises waiting to be privatised.

A banking and payment authority regulates the banking and insurance sectors - there are 6 banks, 10 savings and credit associations, 12 micro finance institutions and 8 insurance companies (some of these are foreign-owned).

Value added tax is at 15%, but there is a reduced rate of 0% for agricultural production inputs. Exporters receive a VAT reimbursement (rebate). Tariffs (custom duties) are at 10% on imports except in cases where there are free-trade agreements (e.g. the Former Yugoslav Republic of Macedonia, Albania, Bosnia-Herzegovina), in those cases the customs duties are at 1%. Personal income tax rates vary from 0 - 20%. There is free access to the EU market. The corporate income tax is 20% and there is 0% tax on exported goods.¹⁰⁰

3.3.4.2 Credits and subsidies and access to them (interest rates, creditors, etc.)

More details might be found at:

<http://portal.komora.net/infodesk/servlet/infodesk>¹⁰¹
<http://www.mfin.sr.gov.yu/>¹⁰²
<http://www.mpriv.sr.gov.yu/>
<http://www.ekonomist.co.yu/>

Please see the most recent bank presentations at:

Komercijalna banka

Web site: <http://www.kombank.com/>

ProCredit Bank

Web site: <http://www.procreditbank.co.yu/>

Opportunity International

Web site: <http://www.oiserbia.co.yu/>

Delta banka

Web site: <http://www.deltabanka.co.yu>

Nacionalna štedionica - banka a.d.

Web site: <http://www.nsb.co.yu>

Raiffeisen BANK

Web site: <http://www.raiffeisenbank.co.yu>

⁹⁹ Ibid.

¹⁰⁰ Alice Thomas, OSCE Special Advisor at the Ombudsperson Institution in Kosovo, Unpublished Report, 7 February 2007.

¹⁰¹ Serbian Chamber of Commerce, Portal of Serbian Economy, <http://www.ps.komora.net>, Accessed 30 August 2007.

¹⁰² Monopollist, <http://www.monopollist.ekof.bg.ac.yu/linkovi.htm>, Accessed 5 August 2007.

The sources of credits and loans for vulnerable persons

Commercial bank requires the possession of valid personal documents, which some Roma, refugees and IDPs do not have access to. Local administrative systems show tendencies towards having too often “cumbersome and complex requirements,” where members of vulnerable groups encountering difficulties in dealing with these institutions in result feel “aggravated helplessness, disorientation and disempowerment”, and renders obstacles for their exercise of various economic and social rights “easily insurmountable.”¹⁰³

3.3.5 Social security

Serbia has a fully developed social protection system including insurance-based pensions and unemployment benefits, social assistance and child protection benefits, and an increasingly diverse array of social services.

Social Insurance Contributions¹⁰⁴

Rates for mandatory social security contributions are:

11% for pension and disability insurance,

6.15% for health insurance, and

0.75% for unemployment insurance.

Social security contributions are paid by both the employer and the employee. The base for calculation of social security contributions is the gross salary. The minimum base for contributions is 40% of the average monthly salary in Serbia, while the maximum base is five times the average monthly salary.

Kosovo

In Kosovo, there are no such benefits. In Serbian enclaves, the above benefits are provided by the Republic of Serbia (parallel structures not recognised by UNMIK or the local Kosovo government).¹⁰⁵

3.3.5.1 Unemployment benefit and access to them

MONEY SUBVENTION¹⁰⁶

Unemployed people have the right to money subvention if it was insured for the case of unemployment for at least 12 months continuously or 18 months with discontinuity.

Disconnected insurance is also a less than 30 days disconnected insurance.

Insurance length of service is completed 12 months, only if employed person and employer paid for insurance fees for unemployment.

Unemployed people have the right to money subvention in case of:¹⁰⁷

¹⁰³ Kälin, Walter. “Report of the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons.” General Assembly of the United Nations, 7 Sept 2005, p. 11

¹⁰⁴ Investing in Serbia, Serbia Investment and Export Promotion Agency, http://www.siepa.sr.gov.yu/investment/investor_guide/foreign_investment/tax_legislation.htm#AI, Accessed 30 August 2007.

¹⁰⁵ Alice Thomas, OSCE Special Advisor at the Ombudsperson Institution in Kosovo, Unpublished Report, 7 February 2007.

¹⁰⁶ Republic of Serbia, National Employment Service, www.rztr.co.yu, National Biro for the employment, Accessed 15 August 2007.

¹⁰⁷ Ibid.

- Termination of employment in compliance with the law;
- Bankruptcy, liquidation and other cases of employer work termination in compliance with the law;
- Unrealizable expected work results, in other words, established work incapacities in compliance with the law;
- Movement of marital partner in compliance with special rules;
- If it was working abroad in compliance with the law;
- Termination of employment for definite time;
- Termination of jobs with temporary and part time jobs contracts.

An employee, whose employment contract is terminated due to unsatisfactory performance at work or lack of required qualifications, is entitled to a severance pay. The amount of the severance pay is determined in relation to a number of years spent within the company:

- Up to two years: the amount of one monthly earnings;
- Between two and ten years: the amount of two monthly earnings;
- Between ten and twenty years: the amount of three monthly earnings;
- For over twenty years: the amount of four monthly earnings.

The base for calculation of personal income tax and contributions is the gross salary. Here is an example of total staff cost in relation to the adequate net salary.¹⁰⁸

Full time pupil, student of higher education and basic studies, retired person and a farmer who is working in agricultural field of work and is insured according to the land registry income, if they were working based on the temporary and part time jobs contracts, aren't obligated insured persons for the case of unemployment and so they don't have the rights to money subvention for their temporary unemployed period.

3.3.5.2 Sicknes benefits and access to them

Caregiver's allowance is monthly cash benefit for persons with disabilities to finance personal care. Like the MOP granted by the Law on Social Care and Provision of Social Security of Citizens, the caregiver's allowance is financed by MLESP and managed by the municipal CSWs.

Programme:	<i>Caregiver's allowance</i>
Description:	Assistance for those who cannot take care of themselves.
Duration/Amount:	Permanent; Nominal amount determined by the law; indexed to the monthly cost of living.
Eligibility:	Determined by the PIO ¹⁰⁹ commission; Not means-tested.
More information at:	http://www.rzzo.sr.gov.yu/

3.3.5.3 Family allowances and access to them

In the area of social assistance and child protection, Serbia has over 20 social assistance programmes covering population groups considered vulnerable or at high risk of poverty: disabled, families with children, single parents, children without parental care, refugee mothers, war veterans, civilian war-victims, children and elderly with special needs.

¹⁰⁸ Investing in Serbia, Serbia Investment and Export Promotion Agency, <http://www.siepa.sr.gov.yu/attach/FAQ.pdf>, Accessed 30 August 2007.

¹⁰⁹ Pension and invalidity Fund of the Republic of Serbia;

The main cash benefit programmes are the means-tested cash benefit programme, Material Support (MOP), child and carer's allowances.¹¹⁰

The **MOP social assistance** benefit is the means-tested social assistance benefit for poor households in Serbia. Financed and delivered by MLESP through Centres for Social Work (CSWs), it is aimed at individuals and households with an income below the minimum social welfare threshold, filling the gap between the household's income and the threshold equal to a share of the average wage, adjusted for household size.

Material support (MOP):

Material support (MOP) Monthly cash benefit covering the gap between household income and the eligibility threshold.

Duration/Amount: 1 year; then review. 9 months (within 12 months) for those who are able to work. The gap between own income (average monthly income of individual/family in the previous three months) and the eligibility threshold ("minimum social security level" which is determined by law for Serbia and indexed to the monthly cost of living.)

Eligibility: Individuals and families with average income below the "minimum social security level"(income/asset test).

Birth grant (parental allowance)

Description: Lump sum benefit for 1st-4th child.

Duration/Amount: 1st child - paid in one instalment 2nd-4th child - paid in 24 Instalments
Nominal amount determined by the law; indexed to the cost of living twice a year February 2006 amounts: 1st - 20 000 dinars 2nd - 76,981 dinars 3rd - 138,560 dinars 4th - 184,745dinars.

Eligibility: Residents of the Republic of Serbia

Parental allowance

A mother is entitled to a **parental allowance** for her second, third and fourth child born after June 1st 2002 under the following condition:

- she is a citizens of Republic of Serbia
- has permanent residence in the Republic of Serbia
- is entitled to health insurance provided by the Republic Health Insurance Bureau

The application for **parental allowance** can be submitted by the first year of a child's life. A right to parental allowance is granted based on the mother's application submitted to the relevant Municipal - Town Child protection service in the place of residence and the following documents are needed:

- Original Birth Certificates for all children, not older than 6 months
- ID card photo copies of children age 18 and above and photo copies of permanent residence registry for minor children
- Original Citizenship Certificate of the Republic of Serbia for the mother, not older than 6 months
- Mother's ID card photo copy
- Certificate issued by the Social Welfare Centre in the mother's place of residence confirming that she is caring for the children, that they are not cared for by an

¹¹⁰ Report No. 35954-YU; Serbia Social Assistance and Child Protection Note ; 20 June 2006 ; Human Development Sector Unit Europe and Central Asia Region ; Document of the World Bank

institution of social welfare, foster family or in the process of adoption i.e. that the mother is not revoked her parental rights

- Two photo copies of bank account or savings account with the following Banks: Postanska Stedionica, Nacionalna Stedionica, Novosadska Banka, Delta Banka or Komercijalna Banka.

Child allowance is granted to one of the parents that is in charge of child care. This parent must be a Citizen of the Republic of Serbia with a permanent residence in Serbia and is entitled to health insurance provided by the Republic Health Insurance Bureau for his/her first, second, third and fourth child in chronological order from the day of the application.

Child allowances are financed and managed by the MLESP and run by the municipalities.

Description: Monthly benefit for the first 4 children age 0-19 (if in school, after age 7).

Duration/Amount: One year; then review. Nominal amount is, determined by the law; indexed to the cost of living twice a year. Same amount granted for each child.

January 2006 amount: 1,399 dinars.

Eligibility: Income/asset test; threshold set in nominal terms by the law - indexed to the cost of living.

The application for **child allowance** is submitted to the Municipal - Town Child Protection service in the place of permanent residence of the parent with the following supplementing documents:

- Photo copy of Birth Certificates for all children in the family
- Photo copy of the Serbian Citizenship Certificate of the applicant
- Photo copies of all ID cards of adult household members and photo copies of residence registry for the minor children
- Photo copies of a valid Health card of the applicant
- Income statement for the last three months for all household members
- Real estate income statement for the previous year for all household members (from the Municipality of birth and residence Municipality)
- Taxation statement from the residence Municipality about the property status of the household
- Proof of unemployment (Certificate from the Republic Employment Bureau and photo copy of the work booklet)
- Schooling certificate for primary and secondary school age children or an authorized health institution certificate stating the reasons for school non-attendance
- Proof of real estate status and housing (land registry certificate, ownership certificate, real estate purchase contract, real estate taxation proof, rent contract)
- Photo copy of a bank account card

In cases when a special status must be proven the following documents are submitted:

- Decision on categorization for children with mental disabilities
- Decision on parental rights extension,
- Proof of single parent status (death certificate for the second parent, divorce verdict, military institution certificate, prison-misdemeanour institution certificate)
- Proof of child care rights, foster care (decision by the authorized foster care institution).

Payment of the child allowance is by bank transfer exclusively to a bank account with Postanska Stedionica, Nacionalna Stedionica, Novosadsak Banka, Delta Banka or Komercijalna Banka.

Application for renewal of the right to children allowance is submitted 30 days before expiration date of the previous decision granting children allowance earliest.

Together with the form for application a proof of household income gained in the previous three months must be submitted including any other relevant document that could affect the decision on right to children allowance renewal.

Other programmes:

Programme: Supplementary child allowance
Description: Supplement to the child allowance.
Duration/Amount: 30% increase to the child allowance
Eligibility: Single parents, foster parents, and children with disabilities.

Programme: Compensation to foster parents
Description: Compensation for foster care.
Duration/Amount: Between 20% and 100% of the average net wage. Current amounts: - Foster care for one child - 7,176 dinars -Foster care of more than 2 children - 4,416 dinars.
Eligibility: Foster parents

Programme: Assistance to refugee mothers
Description: Social assistance to refugee mothers with children
Duration/Amount: 1 year 7.5% of the average gross wage in Serbia Current amount: 2,418 dinars
Eligibility: Refugee mothers with children under 1 year.

3.3.5.4 Other benefits in the social welfare system

SOCIAL INSURANCE CONTRIBUTIONS¹¹¹

The employer is exempt from paying social insurance contributions in the following period:
3 years: for apprentices aged under 30 who have been declared as unemployed by the National Agency for Employment; for disabled persons;
2 years: for persons aged under 30 who have been declared as unemployed by the National Agency for Employment for no less than 3 months; for persons aged 50 or older who have been declared as unemployed by the National Agency for Employment for no less than 6 months and received compensation for unemployment; for employees aged between 45 and 50 (an 80% exemption).

3.3.5.5 Special benefits for returnees

There are no special benefits or privileges for returnees in Serbia.

¹¹¹ SIEPA; Serbia investment and export promotion agency, http://www.siepa.sr.gov.yu/investment/investor_guide/foreign_investment/tax_legislation.htm#AIT , Accessed 22 August 2007.

Treatment of returnees

Some interviewed persons (e.g., Krstic, 2007) mentioned that particular group of returnees, who fled during wars, regardless of nationality, might face problems within their own community, or might be rejected, as the community members could take an attitude, “You fled to Europe while we suffered, now you returned, and expect our compassion and sympathy...”. It is difficult to assess, however, whether this rejection/hostility might take a life-threatening form. Yet, the interviewed activist mentioned examples of Albanians who returned to region of Serbia with predominantly Albanian population (Presevo, Bujanovac) whose houses were set on fire.

- Following the above-mentioned guidelines about different factors that should be taken into account in providing assessments (a, b, and c group of factors listed above), and
- taking into account that Roma people make up a majority of returnees so far (based on incomplete and unofficial data), and
- accepting an idea that general assessment of security risks could be misleading a few remarks about this group of people will be made.

Dragojlovic, 2007¹¹² claims that it would be very important to analyse treatment of returnees (not only of Roma returnees, but also of other above-mentioned groups) by state officials, representatives of local government bodies in municipalities, social workers, and the like, and to identify barriers these people are faced with. Consequently, since a survey on this issue is non-existent, simpler method could be used as replacement:

In relation to the problem of treatment, yet another relevant comment was made (not only in relation to Roma). Providing a “security check” of returnees might be legitimate from the perspective of the state and security of all citizens (“At the moment, it is not known how many of them committed crimes while they were in EU, but neither whether such checks will be conducted”). Such examination might be also important in order to avoid stigmatization of this group in public. Returnees’ issues are rarely discussed in public and media, yet, among ordinary people, comments such as “These asylum-seekers are a bunch of criminals” could be sometimes heard. However, taking into account the above-mentioned problem of traumatization, it is highly relevant whether such checks will be made, and how (so, the issue here is how to avoid re-traumatization, i.e., secondary traumatization).

The issue of integration into society and its relations to security risks was also discussed. Roma represent a marginalized group of people, negative stereotypes and prejudices against them are widespread among general population (different studies show a high ethnic distance towards Roma). As many of them often live in ghetto-like settlements, their marginalization becomes even more pronounced. Integration of those Roma returnees who do not possess formal education will be difficult, as their possibilities for finding employment will be very restricted. Therefore, they might be engaged in the grey economy. This term in Serbia, as in other transitional countries, (unofficially) covers a wide range of activities, from selling goods at the market, without paying taxes, to clearly

¹¹² According to European Movement Serbia, Natasa Dragojlovic (Interview with Natasa Dragojlovic, European Movement Serbia, conducted by Grupa484, Belgrade, February 2007)

criminal ones. Consequently, engagement in this sector, depending on the type of activity, might represent a security risk, as mentioned above.

3.3.6 Charity organizations with a general scope (services, contact information)¹¹³

The **Centre for Social Work** is the institution of social welfare, which exercises public authorities in the area of social and legal family protection. The activity of the Centre is social care, social work, and legal family protection, and it is regulated by the Law on Social Welfare and Provision of Social Security of the Citizens, the Law on Matrimony and Family Relations, Criminal Law - the stipulations that are related to juvenile offenders and the Decision on Social Welfare Rights.

The Centre follows the social welfare eligibility procedure in accordance with the stipulations of the Law on General Administrative Procedure. The basic forms of care that are offered to the beneficiaries are: adoption, guardianship, placement in a social welfare institution or substitute family placement, allowance for home help and assistance, home help, day care, family allowance, assistance in vocational training, and other services of social work.

The Centers for Social Work in Belgrade area:

- CSR Barajevo, Svetosavska 87b
011/ **8300-401**
- CSR Čukarica, Mihaila Valtrovića 36a
011/ **2506-289, 505-237, 2505-018**
- CSR Grocka, Bulevar oslobođenja 51
011/ **8501-064**
- CSR Lazarevac, Janka Stajčića 2a
8123-298
- CSR Mladenovac, Živomira Savkovića 13
011/ **8233-714, 8231-014**
- CSR Novi Beograd, Tošin bunar 148
011/ **3190-191, 3190-252**
- CSR Obrenovac, Kralja Aleksandra 8b
011/ **8721-340, 8721-616**
- CSR Palilula, Cvijićeve 110
011/ **2752-224, 2753-696**
- CSR Rakovica, Miška Kranjca 12
011/ **3583-491, 3051-894**
- CSR Savski venac, Lomina 17
011/ **3614-332, 2643-538**
- CSR Sopot, Kosmajaska 8
011/ **8251-314**
- CSR Stari grad, Gospodar Jevremova 17a
011/ **625-593, 2623-740**
- CSR Voždovac, Admirala Vukovića 14
011/ **2465-034, 2461-644, 2461-757**

¹¹³ Autonomous Women Centre Belgrade, [http://www. www.womenngo.org.yu](http://www.www.womenngo.org.yu), Accessed 5 August 2007.

- CSR Vračar, Maksima Gorkog 17a
011/ **456-546, 456-649**
- CSR Zemun, Aleksandra Dubčeka 2
011/ **2193-979, 2193-999**
- CSR Zvezdara, Krfska 7
011/ **2401-750, 2410-863, 2401-124**

The project “To the Elderly with Love” in various ways included 1417 local and displaced people (refugees, internally displaced persons) older than 65, members of all nationalities (Serbs, Slovaks, Croats, Roma) that live in Stara Pazova. By getting informed, around 13 000 people benefited indirectly from the project activities.

The project “To the Elderly with Love” ...
Contact info Municipality Stara Pazova
Svetosavska 11, 22300 Stara Pazova
022 310 170
022 310 000
mail@stara-pazova.org.yu
<http://www.stara-pazova.org.yu>

SOS Centres in western Serbia's municipalities of Uzice, Arilje, Pozega, and Bajina Basta included workshops and seminars to educate the public about domestic violence. SOS Centers have telephones and trained volunteers to respond to domestic violence crises. Local donors and the Swiss Agency for Development and Cooperation (SDC) joined USAID's efforts and helped establish a safe house for domestic violence victims in Uzice in 2004.

- SOS Centers for women and children in Belgrade
- NGO AZC- SOS centre for sexual abuse **011/2645-328**
 - NGO ASTRA - SOS centre for women trafficking **011/3347 817**
 - NGO Children Roma centre **011/3613-450**
 - Incest trauma centre **011/344-1737**
 - „Out of the circle...” - Group for women invalids support **011/3448-045**
 - Counseling against domestic violence **011/2769-466**
 - Women/Child Shelter **064/165-20-15**
 - SOS Centre for crime victims **011/3282-294**
 - SOS centre for women victims of work place discrimination **011/2520-020**
 - SOS phone - Grocka **011/85-00-335**

SOS support for women and children in Serbia

- Arilje -SOS phone and shelter **031/891-704**
- Bajina Bašta-SOS phone and shelter **031/869-023**
- Kikinda-SOS phone **0230/22-934**
- Kragujevac-SOS phone and safe house **034/305-641**
- Kosjerić-SOS phone **031/783-919**
- Leskovac-SOS phone **016/234-111**
- Loznica-SOS phone **015/882-107**
- Novi Pazar-SOS phone **020/332-755**
- Novi Sad-SOS phone **021/422-740**
- Niš-SOS phone **018/42-075**
- Niš-SOS phone for Romani women and children victims of domestic violence **018/515-318**
- Pančevo-SOS phone **013/519-966**
- Požega-SOS phone and shelter **031/816-475**

- Smederevo-SOS phone **026/617-480**
- Smederevska Palanka-SOS phone **026/322-841**
- Sombor-SOS phone **025/27-321**
- Svilajnac-SOS phone **026/312-681**
- Subotica-SOS phone **024/553-000**
- Užice-Centre for girls SOS phone **031/510-517**
- Užice-SOS phone and shelter **031/521-441**
- Valjevo-SOS phone **014/9040**
- Velika Plana-SOS phone **026/514-614**
- Vranje-SOS phone **017/410-822**
- Vlasotince-SOS phone **016/874-744**
- Vršac-SOS phone **013/822-795**
- Zaječar-SOS phone and shelter **019/426-625**

Other Charity organizations present in Serbia are

ADRA

House for the elderly people in Temerin, Vojvodina.

Shelter house in Kragujevac .

ADRA SCG

Radoslava Grujića 4, 11000 Belgrade , Serbia

E-mail: kontakt@adra.org.yu

CARITAS Srbije i Crne Gore

Visegradska 23

11000 Belgrade

Tel.: + 38111 36 10 438

Fax: + 38111 36 16 941

<http://www.caritas.org.yu>

CRS -CATHOLIC RELIEF SERVICES¹¹⁴

http://www.crs.org/our_work/where_we_work/overseas/eastern_europe_and_the_caucasus/serbia_and_montenegro/index.cfm

HOCS - Hilfswerk der orthodoxen Christen in der Schweiz¹¹⁵

Trg Nikole Pasica 4 Street , 11000 Belgrade

Tel: +381 11/3240 285

Fax: +381 11/3243 675

E-mail: hocs@beotel.yu

JOHANNITER International Assistance

<http://www.johanniter.de/org/juh/leistungen/international/projekte/joineuropa/joinserbien/enindex.htm>

CWS (Church World Service)

cwsyu@yubc.net

NCA (Norwegian Church Aid)

ncapristina@yahoo.com - supporting also projects in Serbia

¹¹⁴ Catholic Relief Services, Giving hope to a world of need, <http://www.crs.org>, Accessed 30 August 2007.

¹¹⁵ Projuris, http://www.projuris.org/nevladine_organizacije.htm, Accessed 11 August 2007.

3.3.7 Useful data to calculate the cost of living (price of petrol, basic food, ect.)

In 2005 in the Republic of Serbia the average available monthly budget per household amounted to Dinars 26952. The highest monthly income acquired the households of the City of Belgrade (DIN 33091) and the lowest income had the households of the Central Serbia without the City of Belgrade (DIN 24924).

The average monthly expenditures by household in the Republic of Serbia in 2005 amounted to Dinars 27915 and they ranged from Dinars 25159 in Vojvodina, Dinars 26321 in the central Serbia without the City of Belgrade, to Dinars 34555 in the City of Belgrade.

For further information about budget distribution and cost of living as well as for prices overview¹¹⁶ please visit the following links:

<http://webrzs.statserb.sr.gov.yu/axd/en/index1.php?SifraV=155andLink>
<http://www.stips.minpolj.sr.gov.yu/stipsnews.htm>

Kosovo

According to the Consumer Price Index for December 2006 issued by the Statistical Office of Kosovo, the price for 1 litre of petrol was 0.93 EUR, while prices for basic foods were as follows: 1 kg of wheat flour - 0.28 EUR, 500 g white bread - 0.27 EUR, 1 litre of milk (Tetrapak) - 0.63 EUR, 30 eggs - 2.73 EUR, 1 litre of oil for cooking - 0.93 EUR, 1 kg potatoes - 0.37 EUR, 1 kg beans - 1.63 EUR, 1 kg sugar - 0.57 EUR. Electricity cost 0.05 EUR for 1 kw. 1 m³ of firewood cost 29.66 EUR.¹¹⁷

¹¹⁶ Republic of Serbia, Statistic Office of the Republic of Serbia, <http://webrzs.statserb.sr.gov.yu/axd/en/index1.php?SifraV=155&Link>, Accessed 10 August 2007.

¹¹⁷ Alice Thomas, OSCE Special Advisor at the Ombudsperson Institution in Kosovo, Unpublished Report, 7 February 2007.

3.4 Health

3.4.1 General Health situation by regions

Not any specific regional health situation is being treated apart, except for Kosovo.

Kosovo

Overall, the health situation in Kosovo is not up to standard. The WHO has reported several times that especially in areas in northern Kosovo, lead contamination from industrial waste has led to grave health problems. While the situation of some Roma living in camps in that area has slightly improved after they have been moved to another camp, the problem of the waste and the lead contamination remains. It is also not clear how much of an after-effect weapons used in the 1999 armed conflict and waste from existing factories have on the air and drinking water in Kosovo. At least in Prishtinë/Priština, the air is polluted with exhaust fumes - their effect on the body is also not the best.

Between 1 July and 13 September 2006, 878 cases of meningitis, mostly involving children or older people, were reported to the National Health Institute of Kosovo. Following containment measures of the Government and information to the population, the number of such cases has gone down.¹¹⁸

3.4.2 Drinking water and sanitation by regions; heating systems (if relevant)

The Act on Water Resources regulates the protection, use, supply and management of water resources, as well as organization and financing of water management activities (The Official Gazette of the Republic of Serbia, 46/91, 53/93, 67/93, 48/94, 26/96). This Act covers all surface and underground water resources, including drinking water and wells, thermal and mineral water. Also, the Code on Hazardous Materials in Waters is still in force in Serbia, as per the Republic of Serbia Official Gazette, 31/82. Serbia also has brought into force The Code on Drinking Water Quality (The Official Gazette of the Republic of Serbia 42/98 and 44/99). Existing legislation regarding water quality for swimming and recreational use, however, is not in accordance within EU regulations. Waste disposal also does not follow international standards. Also, jurisdiction is divided between different state management organs and their cooperation is limited which has slowed down effective water management and the protection of water resources in Serbia.

There are significant differences in drinking water quality between central Serbia and Vojvodina. The main problem in central Serbia was that almost 40% of drinking water samples were contaminated with bacteria and did not satisfy criteria for safe human consumption. In Vojvodina, the main water quality problems are cloudiness and high levels of iron, manganese, nitrates and arsenic. Only Belgrade has high water quality, with more than 90% of samples meeting standards. It should be mentioned that extra-legal, improvised Roma settlements in Belgrade are not connected to running water or sanitation systems.¹¹⁹

¹¹⁸ Alice Thomas, OSCE Special Advisor at the Ombudsperson Institution in Kosovo, Unpublished Report, 7 February 2007.

¹¹⁹ "Vreme" No.633, research: Serbia among waters, 20 February 2003.

Kosovo

According to the National Institute for Public Health, the situation of drinking water is generally up to standard. However, in certain rural areas and small towns, the water is unhygienic and not potable. The National Institute for Public Health conducts regular controls of drinking water all over Kosovo.¹²⁰

3.4.3 Health care system (including psychological care)

General legal regulations: A Medical Insurance Law (The Official Gazette of Serbia Republic, 17/05) and a new Health Protection Act (The Official Gazette of Serbia Republic, 107/05) were passed in Serbia in 2005. The new Serbian Medical Insurance Act regulates compulsory and voluntary health insurance. The Republican Health Insurance Fund (HIF) is charged with managing and ensuring compulsory health insurance, while voluntary health insurance may be provided by private insurance and special medical insurance investment funds whose organisation and activities will be regulated by a separate law.¹²¹

Insured persons and members of their families are beneficiaries of compulsory health insurance. Under the law, **the following categories are insured:**

- Employees (notwithstanding the legal grounds of employment, type of the employer or form of employment; including part-time employed and temporarily employed),
- Farmers, entrepreneurs, share-holders, members and founders of companies, self-employed persons, free lance professionals, pensioners, citizens of Serbia who receive pension or disability coverage solely from foreign companies (while residing in Serbia - under temporary or permanent residence), athletes, priests of registered religious communities. Law provides a list of all beneficiaries of compulsory health insurance (in total, 25 categories of citizens are listed in Section 17 of Medical Insurance Act, 2005)¹²². Unemployed persons receiving benefits also have medical, pension and disability coverage (Art. 8 (6), Serbian Medical Insurance Act).¹²³
- Law also affords medical insurance to persons serving prison sentences. Medical insurance is also granted to vulnerable groups, persons exposed to higher risk of disease, and/or socially vulnerable persons, even if they do not fulfil the general insurance requirements. Note: regulations related to these vulnerable categories, defined in Art. 22 of Medical Insurance Act came into force only recently - on 1st of January 2007. Therefore, it might be expected that these regulations have not been properly implemented in practice yet¹²⁴. According to the Law, in Serbia these vulnerable groups include, inter alia:

¹²⁰ Alice Thomas, OSCE Special Advisor at the Ombudsperson Institution in Kosovo, Unpublished Report, 7 February 2007.

¹²¹ Belgrade Centre for Human Rights, Human Rights in Serbia and Montenegro, 2005, 2006.

¹²² Medical Insurance Law; www.parlament.sr.gov.yu (Website of National Parliament, Assessed: January 2007)

¹²³ Belgrade Centre for Human Rights, Human Rights in Serbia and Montenegro, 2005, 2006.

¹²⁴ It should be added on this point that parliamentary elections were held by the end of January, and the new government of Serbia has not been established yet. Negotiations regarding forming the new government have been ongoing. At the moment, it is not clear whether the negotiations will end up by the end of May (as expected) or the new elections will be organized (the latter is possible, although not very likely). Officials - reps. of the government, define the current government as "technical".

- a) children under 15, school-children and university students until the end of schooling (i.e., until the age of 26 at the latest),
- b) women (in terms of maternity care, i.e., related to family planning, pregnancy, delivery and 12 months upon delivery),
- c) persons older than 65 and persons with disabilities; refugees and IDPs who reside in Serbia
- d) persons treated for HIV as well as those suffering from some other diseases/disturbances: infectious diseases, cancer, haemophilia, diabetes, severe psychological disturbances (psychosis), epilepsy, multiple sclerosis, auto-immune diseases, rheumatic fever, persons in terminal phase of chronic kidney insufficiency and those suffering from addictions, persons treated in a process of giving or receiving body/tissue transplants, as well as ill/injured persons in need of emergency medical care
- e) socially vulnerable persons (persons in social need) - users of permanent social welfare benefits or other material benefits in accordance with social insurance regulations, unemployed persons and those with personal income below the certain level (census of personal income necessary for obtaining these rights has been changeable; Minister of Health and Minister of Social Policy are authorized to define the census)

Roma people without permanent or temporary residence in the Republic of Serbia due to “their traditional way of life” (Section 22, Medical Insurance Act).

The latter provision was further clarified in government documents. Ministry of Health¹²⁵ released the following explanation related to regulation of the right to health insurance by Roma people, based on Art. 22 of Medical Insurance Act (the instruction is general, i.e., there is no specific reference to Roma - returnees). Roma persons, who are citizen/residents of Serbia in order to obtain their rights regarding health insurance protection should personally apply to the office of State Health Protection Fund office branch in the municipality where they have temporary or permanent residence; they need to provide the following documents: identity card, birth certificate or other proof of Serbian citizenship. Beside these documents, also the personal statement of ethnic belonging to Roma people could be required.

Explanation provided by official of Centre for Integration of Repatriates (Zoric, 2007¹²⁶) is that, in a draft manual for state officials, prescribed procedures for obtaining documents related to healthcare and other rights are not specified according to nationality. National Action Plan for Integration of Roma developed mechanisms for overcoming barriers to achieving rights by Roma people, but it has not been adopted (Roma NGOs plan to lobby the new government, which has not been formed yet, to adopt and implement the proposed mechanisms).

Some other experts¹²⁷ recommended returnees to turn to Centres for Social Work for obtaining information on this point.

Regarding the general health insurance provisions, it should be also added that the Medical Insurance Act introduced novelties related to costs of different types of medical treatments (See: 4.4.3.3. Costs of healthcare).

Availability of medical services to returnees immediately upon arrival to Serbia

¹²⁵ Ministry of Health, Instruction for Application of Medical Insurance Law, 2006; Website of the Ministry of Health, www.zdravlje.sr.gov.yu (Accessed on 15 February 2007)

¹²⁶ According to the Agency for Human and Minority Rights of the Republic of Serbia, Djurdjica Zoric, (Interview with Agency for Human and minority Rights, conducted February 2007 by Centre of Development Services, Belgrade, February 2007)

¹²⁷ Some of the interviewed experts are quoted (See: a list of persons interviewed for the purpose of this report, in Chapter related to health care), while some required to remain anonymous.

Legal provisions listed above pertain to regular medical insurance holders. Assuming that returnees might need medical help soon upon their arrival to Serbia (prior to applying for a status of regular holder), the following guidelines are relevant (Service for Human and Minority Rights of the Republic of Serbia - Centre for Integration of Repatriates, 2007¹²⁸). On the initiative of the Centre for Integration of Repatriates, the Ministry of Health issued the instruction, i.e., regulation of emergency medical aid for readmitted persons in a period of the first 30 days (60 days at the maximum).

Until returnees become regular holders of health insurance in Serbia, the provision of emergency medical services will be paid by the administrator of the health institution. In accordance with Section 162 of the Act on Health Protection, this may be the Republic of Serbia, the Autonomous Province of Vojvodina, a municipality or town.

Health protection will be provided to returnees under the following conditions:

1) After returning to the Republic of Serbia, these persons can receive health protection in medical institutions included in the Network of medical institutions plan (medical institutions founded by the Republic, Autonomous Province, municipality or city) with a document proving the status of a person in readmission (**travel document/paper or certificate of a lost travel document/paper**) which is valid 30, at the longest 60 days.

2) These persons, according to that certificate, **can receive urgent medical aid**, without paying the participation fee. Within the urgent medical aid to these persons, urgent health protection will be provided on the primary, secondary and tertiary level, including necessary medications and medical-technical tools included in giving urgent medical aid (e.g. urgent medical aid in a health center, in a hospital, giving medications in case of urgent medical aid, accommodation in psychiatric hospitals, taking over hospitalized patients, etc.).

The Ministry of Health will inform all health institutions on the territory of the Republic, as well as the Republic Institute for Health Insurance, by delivering a circular memo about the ways and procedures of implementing the right of health protection for these persons.

‘Readmitted’ persons are obligated to apply for health insurance within 30 days upon their arrival in the country, or 60 days at the longest, in accordance with Sections 17 or 22 of the Law on Health Insurance.

After obtaining health insurance, health care is provided to them and members of their family to the same extent and under the same conditions as any other person in the Republic of Serbia. Upon the regulation of the status of health-care policy holder, persons are issued health cards by the relevant unit of the Republic Institute for Health Insurance, according to their place of residence. The latter implies that readmitted person, after the specified period (i.e., after his/her travel document is no longer valid), should possess health card or should be in a process of obtaining it.

With this health card, regular access to health care in the Republic of Serbia is possible.

¹²⁸ This publication is actually the plan of action. It serves as a manual for state officials/administrators, as it provides instructions/guidelines for easier integration of returnees. It has been prepared by Centre for Reintegration of Returnees. In addition to this state body, some other ministries/organizations also contribute to the manual: seven relevant government ministries, six NGOs, a Team for Implementation of Poverty Reduction Strategy, and international organizations/agencies (UNHCR, UNDP, and OSCE). It should be notified that this is a DRAFT document, which is still in a process of development/revising.

In addition to the above, it should be added that returnees are advised to take necessary steps, as soon as possible upon their arrival to Serbia, to obtain a personal ID card (personal identification card), since the latter is the pre-condition for achieving other relevant rights (a right to health-care, a right to employment). Once a person gets the personal ID card, his/her status of a returnee expires, and he/she should be treated by state bodies as any other citizen of Serbia - a member of a vulnerable group. Procedures for obtaining personal ID are described elsewhere.

A procedure for applying for health insurance

As mentioned above, regulations related to vulnerable categories of citizens, defined in Art. 22 of Medical Insurance Act came into force only recently - on 1st of January 2007. Consequently, it is possible that implementation of these regulations in practice might be faced with obstacles. Instructions issued by Republic Institute for Health Insurance in 2006¹²⁹ provide detailed explanations of procedures (there is no specific reference to returnees). On the basis of these general regulations, it is not easy to provide a valid legal interpretation - which specific steps should be taken by a returnee and to which institutions he/she should apply.

We, therefore, asked for additional clarification. Officials of the Centre for Integration of Repatriates (Zoric, 2007¹³⁰) explained that the procedure described below has been new (and - not yet a routine). Applicants could obtain the health insurance on two grounds:

1. A person gains a right to health insurance through regular employment (temporary or permanent), in which case an employer (a firm/company) is obliged to certify a health card, unless prescribed differently¹³¹
2. Unemployed persons should follow these steps: firstly, they should obtain a working booklet (in Serbian: radna knjizica), further, they should register at National Employment Service (which has local branches in different cities).

Steps to be taken in a process of registering as unemployed (“job-seeking person”):

Step 1: A person wishing to have a working booklet submits a request to the authorized service of the municipality (Department for General Administration) on the territory of the municipality where his/her place of residence is.

The submitted documentation should include:

- a personal ID (personal identification card)
- a form and an unfilled working booklet (it could be bought at the municipality or in bookstores)
- diploma of the obtained professional education (local or foreign; the latter implies that a process of nostrification has been completed). If the person does not have a diploma, he/she will be registered as a person without occupation. If the person had a working booklet before, he/she should be issued a duplicate.

Step 2: The next step is registering as unemployed at the National Employment Service.¹³²

¹²⁹ Republic Institute for Health Insurance, Regulation on the manner and procedure of inclusion into compulsory health insurance of the persons without previous compulsory health insurance, 2006
Republic Institute for Health Insurance, Regulation on the manner and procedure of achieving rights to compulsory health insurance, 2006

¹³⁰ According to the Agency for Human and Minority Rights of the Republic of Serbia, Djurdjica Zoric, (Interview with Agency for Human and minority Rights, conducted by Grupa 484, Belgrade, February 2007)

¹³¹ Other interviewed experts explained that during this year, a system of certification will become centralized, i.e., it will not be provided by firms/companies, but relevant state bodies. Some of the interviewed experts are quoted (See: a list of persons interviewed for the purpose of this report, in Chapter related to health care), while some required to remain anonymous.

With the working booklet, personal ID card and diploma (if he/she has it), the person registers at the appropriate local branch/department of the National Employment Service as a person looking for employment (“job-seeking person”), according to the place of residence. As prescribed by the Service (detailed guidelines are available at the National Employment Service Website¹³³), citizens should apply according to their place of residence, with the exception of Belgrade (in which 12 branches/departments exist). In Belgrade, persons residing in central municipalities are applying according to occupation, in the following municipal branches/departments: Stari grad, Novi Beograd, Zemun, Cukarica, Vozdovac, and Zvezdara (each branch is “responsible” for specific occupations; the list is provided in the above-mentioned instruction). Residents of suburban municipalities are applying according to the place of residence (regardless of the occupation), in the following municipal branches/departments: Lazarevac, Obrenovac, Grocka, Mladenovac, Sopot, and Barajevo.

Upon reporting to the Service, the job-seeking person will also obtain so-called “the form for obtaining group information” - this is an official invitation to a meeting, during which newly-registered job seekers will be informed about their rights and obligations, as well as services provided by the National Employment Service. These procedures will not be described in detail herein, however, it should be noted that registered job seekers should follow procedures prescribed by the Service in order to maintain their status (e.g., to report every 3 months).

Step 3: The next step is applying to Republic Institute for Health Insurance¹³⁴ in the municipality where they have a residence (this institution has local branches in different cities¹³⁵).

The following documents are required:

- a copy of the personal ID (personal identification card)
- a copy of the working booklet
- an unfilled health card
- a statement of two witnesses - the witnesses should provide information on returnee’s monthly personal income (the statement should be also sealed/certified by the authorized body - the latter procedure is conducted in the municipality)

Upon submitting the documentation, local branch of health insurance office will seal/certify the health card. The next time the health card is to be sealed/certified, the original documents (the personal ID, the working booklet) are also required to be shown upon request.

It should be emphasized once more that the personal ID is a pre-condition for gaining other rights.

Structure of the health care system

The health care system is organised on three levels. The primary sector covers 161 health centres of varying sizes, 83 of which are independent and 78 linked to secondary level institutions). The hospital sector - the second level - includes 102 institutions. The tertiary

¹³² The official Website of this institution is: <http://www.rztr.co.yu/> (Accessed on: 24 February 2007).

¹³³ Note: the instruction is available in Cyrillic script, See: National Employment Service, http://www.rztr.co.yu/cirilica/posredovanjenez_c.html , Accessed 30 August 2007.

¹³⁴ More information about this institution could be obtained on <http://www.rzso.sr.gov.yu/> (Accessed on 20 February 2007)

¹³⁵ Belgrade, Novi Sad, Zrenjanin, Kikinda, Pancevo, Sombor, Sremska Mitrovica, Sabac, Valjevo, Smederevo, Pozarevac, Kragujevac, Jagodina, Bor, Zajecar, Uzice, Cacak, Kraljevo, Krusevac, Nis, Prokuplje, Pirot, Leskovac, Vranje, Gracanica, Kosovska Mitrovica, Ranilug

sector covers specialist institutions. The secondary and tertiary sectors total 147 organisations (42 general hospitals, 15 specialist hospitals, 23 independent institutes and clinics, 5 hospital centres and clinics, 3 clinical centres, and 59 other institutions). The hospital system is both over-dimensioned and under-financed. The health system is not clearly structured according to the three separate levels of health coverage. The main problem is that there are too many specialists and not enough general practitioners. This means that in practice part of the secondary and tertiary levels provide primary level services.

The evolution of the number of those contributing to the health insurance system is of great concern: between 1989 and 2003 the number decreased by nearly 30%. This situation reflects a general bypassing in the financing of the public health system in Serbia. It appears that the issue is not so much that of the level of health expenditure, as of its allocation. Expenditure is principally at the secondary and tertiary health care levels, whilst the needs are mainly at primary level, in other words in the local health centres (clinics). There are not enough general practitioners and too many specialists (83 % of doctors are specialists).¹³⁶

A list of medical institutions in Serbia, with contacts (addresses, phone numbers) is provided

<http://metabaza.batut.org.yu/metabaza/PublicPage.aspx?Jezik=en-US>

(The site is very slow)

Reasons for development of private sector: the private sector, which emerged in the 1990s, has never been properly regulated or supervised. The private sector has developed on the basis of the weaknesses in the public sector, making use of the infrastructure of the latter. Doctors who have a private surgery are all also public sector doctors. As explained by Minister of Health of Serbia, “the private sector has emerged, developed and gained a significant role, as it filled the gaps left by the public sector. Simply, private clinics are mobile, efficient, and flexible. Therefore, both public and private sector should be re-analyzed and questioned, and a healthy competition should be developed... According to our data, 17% of the population use services of the private sector” (Milosavljevic, 2007).¹³⁷ Almost none of the treatment, surgery and examinations carried out by the private sector are refunded. The more or less official links between the private and public sectors have provided a major breeding ground for corruption and misappropriation of funds.

In general, private medical services are largely available. A list of private medical institutions could be obtained on the Website <http://www.doctor.co.yu> . This site also provides medical advices, written by experts¹³⁸ in a popular and user-friendly manner (in Serbian only). Similarly, the list could be also obtained on <http://www.krstarica.com/lat/katalog/Zdravstvo/Medicina/> and many other Websites.

Medical counselling: Free-of-charge *medical advice* could be obtained on the following hiplines: 011 36 15 008, 36 14 350 (note: it is not possible to set an appointment with a doctor, but only to get advice related to various medical problems/conditions)

¹³⁶ FIDH, Serbia: Discrimination and Corruption, the Flaws in the Health Care System, International Fact-finding Mission, April 2005.

¹³⁷ Tomica Milosavljevic (Minister of Health of Serbia), Economist, No. 116, 2007

¹³⁸ Some of the interviewed experts are quoted (See: a list of persons interviewed for the purpose of this report, in Chapter related to health care), while some required to remain anonymous.

Psychological care: Since returnees would face adaptation problems, they might need psychological counselling, which could be obtained outside the healthcare system - in Centre for Social Work in their place of temporary residence upon return. In Belgrade, the contact details of the City Centre for Social Work are as follows:

City Centre for Social Work, Ruska 4, 011/265-02-58, 265-00-93, Contact person: Dragana Nedeljkovic

As specified in the above-mentioned manual for officials, “After the returnee comes to the Centre for Social Work, he/she should be informed about the existence of a psychologist and offered a possibility to, if they feel the need, talk to a professional. During the first days after their arrival, such a possibility of consultation can be very important for these people, because it may prevent the acute conditions from becoming chronic illnesses.” (Service for Human and Minority Rights of the Republic of Serbia - Centre for Integration of Repatriates, 2007). Professional employees in the Centre for Social Work could also offer other services, described in relation to social rights. For instance, professional employees of the Centre for Social Work (social workers, psychologists, pedagogues and lawyers) can help returnees by giving them advice or mediating in different institutions, for the purpose of implementing their rights in a faster and more efficient way.” (ibid.)

Upon obtaining a health card, according to the procedures described above, returnees could also obtain psychological care (a help of psychologist or psychiatrist) in primary healthcare centres and other specialized institutions, e.g., Institute for Mental Health in Belgrade, Clinic for Neurology and Psychiatry for Children and Youth in Belgrade, etc.). Other centres for mental health are listed in a general inventory of medical institutions (Annex 1). Procedure for obtaining this type of medical care is the same as for other services (a referral by a general practitioner is needed; for more detail about this process, See: 4.4.3.1. Health care infrastructure by regions).

Psychological care could be obtained in the private sector, too.

Free-of-charge psychological counselling is provided by some NGOs and church-based organizations (See: 4.4.3.5 Services of non-state agents in health care (international, NGO, church)).

3.4.3.1 Health care infrastructure by regions (hospitals, equipment, etc.)

The Belgrade Human Rights Centre noted that the “basic criterion for setting up medical centres, clinics, pharmacies etc. depends on the district’s demography. The law does not provide for mobile medical teams to make care more accessible to inhabitants of remote villages and areas of mixed population; on the contrary, all systems are centred on the towns and the needs of densely populated areas.” Health awareness is at a low level, particularly in the provinces. The majority of patients adopts a high-risk conduct, and do not seek treatment early enough. Health-awareness programmes are neglected.

Problems related to number and structure of available medical profiles are discussed elsewhere (See: 4.4.3.2 Eligibility criteria and access to health care services).

In comparison to the nineties, when the general situation of public health care sector was disturbing (medical centres/facilities were deteriorating, and even the basic supplies were lacking), an improvement has been made within the last 5-6 years, due to large donations (provided by, for instance, govt. of Norway, Greece, European Agency for Reconstruction, etc.) or loans. Various donors also provided equipment or aid directly to medical institutions. Different sources (e.g., Government Report to the UN-body - the CEDAW

Committee; 2006¹³⁹; Ministry of Health of Serbia Website) provide lists of health-reform projects, including the list of hospitals/primary health-care centres that were repaired, renovated or provided with the new equipment. Some smaller cities obtained help through these projects/donations. For instance, International Committee of the Red Cross implemented a project in Primary Health Centre in Kraljevo (estimated value was 2.65 million USD); while Bujanovac Health Centre received aid provided by USAID, Mediciens du monde - Greece, Doctors without borders - Belgium, Embassy of Great Britain, Austria, and Norway, CARE International, Serbian Red Cross, International Committee of Red Cross, Group 484, Her Royal Highness Crown Princess Katherine Karadjordjevic Humanitarian Fund, etc.

It is difficult to assess whether the aid obtained through different projects and/or donations was sufficient to bring a substantial improvement of medical institutions' conditions in Serbia. Medical professionals¹⁴⁰ who work in practice estimate that the improvement has become visible in comparison to the nineties - many institutions have been repaired, and/or obtained equipment. The conditions of work in medical institutions (e.g., availability of equipment, supplies) still vary across regions. However, medical professionals identify other problems as more critical in the recent period (See: 4.4.3.2 Eligibility criteria and access to health care services). A registry/list of medical institutions by regions (distribution of medical centres/facilities, in Serbian) is too long to be reproduced here, but it is available on the Ministry of Health Website¹⁴¹.

Regional differences in services provided in primary medical care centres and general hospitals: Ministry of Health in Serbia published¹⁴² a list of medical institutions, ranked on the basis of the quality of services provided to patients. In spite of the fact that some medical professionals questioned the criteria for ranking, this could serve as an indication of differences in the quality of services (in primary health care) across various regions of Serbia. In order to obtain any medical service, patients should first turn to general practitioner in the primary health care centre in their place of residence. He/she further decides about the necessity of examination by specialist and refers a patient to such examination(s). Without a referral by a general practitioner, a patient could not be admitted by a specialist (for gynaecological examination, the referral is not needed, as this is considered as a part of primary health care). Further, as explained by interviewed medical professionals, treatment in medical institutions outside the primary health care centre is also made on the basis of the referral by a general practitioner. There are prescribed procedures to which centres patients might be sent for further diagnosing or treatment, as well as a list of relevant regional centres. A Commission of doctors provides an approval regarding a decision whether a patient should be sent outside the regional centres. The latter implies that a patient could not choose to be treated in Belgrade, Novi Sad, Nis or any other large city with a high number of medical institutions, regardless of his/her place of residence and referrals made by doctors (therefore, it is not possible to simply recommend to a returnee to go to Belgrade in case that he/she is advised by other patients that "doctors are better there").

As travel to other cities for medical reasons implies travel costs, it should be also added that the Medical Insurance Act (Section 104) introduced a provision related to reimbursement of travel costs. Patients who are referred to medical facility/centre

¹³⁹ Consideration of reports submitted by State parties under Article 18 of the Convention of Elimination of All Forms of Discrimination against Women (CEDAW), Initial report of State party - Serbia, 2006

¹⁴⁰ According to the Clinic for Neurology and Psychiatry for Children and Youth, E.g., Gordana Mijalkovic (Interview with Gordana Mijalkovic, Conducted by Grupa 484, Belgrade, February 2007)

¹⁴¹ Ministry of Health Website, <http://www.zdravlje.sr.gov.yu/default.asp?lang=1&poe=20> (Accessed on 19 February 2007)

¹⁴² Ministry of Health Website, <http://www.zdravlje.sr.gov.yu/> (Accessed on 19 February 2007)

outside their place of residence are entitled to refund of travel costs, under condition that the facility/centre is at least 50 km away of their place of residence.

Table: Primary health centres in Serbia with the best rank:

Primary medical care centers in Serbia in municipalities with less than 50 000 inhabitants	Primary medical care centers in Serbia in municipalities with over 50 000 inhabitants
1. Savski venac (municipality in the center of Belgrade)	1. Vracar (municipality in Belgrade)
2. Sopot	2. Zvezdara (municipality in Belgrade)
3. Bela Palanka	3. Grocka
4. Doljevac	4. Jagodina
5. Velika Plana	5. Obrenovac
6. "Milorad Mika Pavlovic" in Indjija	6. Kraljevo
7. Opovo	7. Mladenovac
8. Golubac	8. Ruma
9. Veliko Gradiste	9. Lazarevac
10. Cicevac	10. Vozdovac (municipality in Belgrade)

Table: Rankings of general hospitals (the entire list is provided here, as published by the Ministry of Health)

General hospitals in Serbia in municipalities with less than 50 000 inhabitants (outside Belgrade)	General hospitals in Serbia in municipalities with over 50 000 inhabitants (outside Belgrade)
1. Jagodina	1. Kraljevo
2. Paracin	2. Sremska Mitrovica
3. Vrsac	3. Loznica
4. Zajecar	4. Krusevac
5. Aleksinac	5. Leskovac
6. Petrovac	6. Zrenjanin
7. Arandjelovac	7. Pancevo
8. Priboj	8. Sombor
9. Majdanpek	9. Subotica
10. Smederevska Palanka	10. Pirot
11. Vrbas	11. Smederevo
12. Prijepolje	12. Prokuplje
13. Cuprija	13. Valjevo
14. Bor	14. Vranje
15. Kikinda	15. Uzice
16. Senta	16. Novi Pazar
17. Surdulica	17. Pozarevac
18. Negotin	18. Cacak
19. Knjazevac	19. Sabac
20. Kladovo	
21. Gornji Milanovac	

Kosovo

In general, there are hospitals in every larger town in Kosovo and a University Clinic in Prishtinë/Priština. In smaller towns and rural areas, there are health centres or mobile teams. In Serbian enclaves, there is a parallel health care system which is funded and

operated from the Ministry of Health in Belgrade. Generally, it is difficult for staff to always provide patients with the necessary pharmaceuticals or medicines due to a lack of budget.

The mental health care system has been reformed with the help of the international community. New mental health regional centres were built in seven regions in Kosovo to treat mental health patients.

For people with chronic mental disabilities in need of long-term treatment, seven homes have been built with a view to reintegrating these people into society. Given protests of people living in the vicinity and the lack of continuous funding, it is doubtful whether this goal will be reached.

In general, the above established centres are not functioning as they should due to constant budget cuts. Since there is not enough money to pay staff, some centres cannot even open.¹⁴³

3.4.3.2 Eligibility criteria and access to health care services

According to World Health Organization data, the average number of doctors is 213 per 100 000 inhabitants. However, the above-mentioned imbalance between general practitioners and specialists represents a problem. As clarified by the Minister of Health of Serbia, unregulated/unplanned system of specializations led to imbalance in medical profiles - specialists became prevalent in comparison to general practitioners. Further, certain specialist profiles are lacking (e.g., radiologists, anaesthesiologists, pathologists), and doctors prefer to work in large urban centres, while some job offers for doctors remain open (e.g., in smaller cities in Southern Serbia, and even in smaller places near Belgrade, such as Pazova, Pancevo). The latter problem leads to unequal access to health care in different parts of Serbia (Milosavljevic, 2007¹⁴⁴).

As statistical data of World Health Organization show, incidence of some illnesses in Serbia is among the highest in Europe (e.g cervical cancer, breast cancer). A problem could be partially attributed to a lack of health awareness, but probably also to problems in access to health care, and a lack of prevention programmes (as the above-mentioned diseases could be efficiently treated, under condition that they are diagnosed early).

Interviewed medical professionals¹⁴⁵ and other experts¹⁴⁶ stress another problem that has an impact on access to health care. Healthcare in the case of an impoverished state in the process of transition presents expensive social property. Due to transitional reforms in the health care system, the number of doctors/medical personnel was lowered, while the number of patients stayed the same or increased, which led to a problem that medical experts have been exposed to a high pressure (in addition to a fact that they are under-paid). In Belgrade, primary health care centres have the same number of doctors, whereas

¹⁴³ Alice Thomas, OSCE Special Advisor at the Ombudsperson Institution in Kosovo, Unpublished Report, 7 February 2007.

¹⁴⁴ Tomica Milosavljevic (Minister of Health of Serbia), Economist, No. 116, 2007

¹⁴⁵ According to the Clinic for Neurology and Psychiatry for Children and Youth, E.g., Gordana Mijalkovic (Interview with Gordana Mijalkovic, Conducted by Grupa 484, Belgrade, February 2007); According to the Ethic Commission of the Serbian Association of Medical Doctors, Jaukovic, secretary, (Interview with Jaukovic, Conducted by Centre of Development Services, Belgrade, February 2007)

¹⁴⁶ Some of the interviewed experts are quoted (See: a list of persons interviewed for the purpose of this report, in Chapter related to health care), while some required to remain anonymous.

the number of patients is not equal, but vary across municipalities (the highest number is in suburban areas in which refugee and IDP population reside). A decline in the total number of health-care professional leads also to long waiting lists¹⁴⁷ for sophisticated procedures/examinations (this is a rather general and wide-spread problem). Patients also could wait for 2-3 months for some specialists' examinations or complex diagnosing procedures (a doctor who refers a patient could also assess the particular procedure as urgent, in which case a patient is given a priority). Therefore, patients who are not willing to wait for access to required services in a public health care system, often decide to go to private doctors (and pay whatever price they have to pay).

Problem of under-staffed public sector and under-paid medical workers have different impact on various categories of citizens. Many groups of citizens face problems regarding access to health care - e.g. a rather large group of citizens who work in grey economy, temporary workers (including some of the staff in NGOs who are not full-time employed), workers in small family businesses, etc. In practice, they solve a problem of access to health care by: a) reporting as unemployed (although they *do work*), and using public health care system, b) relying solely on the services of private sector (which is rather costly!). Not surprisingly, those who cannot afford to pay private health care services are the most vulnerable. Previous analyses (Group 484), based on practical experiences of refugees from Bosnia-Herzegovina and Croatia, IDPs from Kosovo and other vulnerable groups in the health care system, indicated that the most vulnerable people with regard to health were precisely those who were the most poor. Very often, they are not able to follow the whole course of the medical treatment prescribed to them because of a lack of money. Regular controls are possible, there are all types of medical institutions, infrastructure and services, but for most of the diagnostic procedures there is a long period of waiting because of the long list of patients and organizational problems inside institutions (damages of machines, not enough experts), so if there is a need for often EEG, or nuclear magnetic resonance (NMR) or different intrinsic examination in public hospital it is partially available or private ordination can be used, without refund of money. Some examinations and interventions are not available (most of the molecular and genetic laboratories examination, some complicated chirurgical or orthopaedic interventions, because of lack of materials and equipment). As was already mentioned, a system of health insurance supply free of charge treatment if parents are employed, if they have regulated registration of place of residence and some specific conditions of social status (to be registered in the Employment Service and fulfil their obligations and so on...) which is very insecure for their family if they are going to be back. But even in this situation, possibilities for financing all medical needs are restricted (due to policy of institutions and technical limitations).¹⁴⁸

Having in mind the above-mentioned problems, and a fact that a clear assessment of returnees' economic power is not available (so, it is doubtful whether they could use services in private sector), it could be only repeated that returnees are advised to initiate a process of obtaining personal documents soon upon return (before their travel document expire!) and proceed according to the steps described above. Since documents serve as the basis for recording and collection of payments for rendered services, a lack of such documents excludes a possibility to access the healthcare system (except in emergency or extraordinary cases). Undoubtedly, returnees not having their status settled and without

¹⁴⁷ Some of these waiting lists are available at Republic Institute for Health Insurance, http://www.rzzo.sr.gov.yu/index.php?option=com_content&task=view&id=85&Itemid=124 (Accessed on: 21 February 2007)

¹⁴⁸ Assessment of Health Situation in Serbia made by Group 484 for the Swiss Refugee Council, 2005. (The parts of the Report are available in German on the website of the Swiss Refugee Council http://www.osar.ch/2005/10/19/serbien050829_handicap Accessed on: 7 September 2007)

having necessary personal documents might encounter difficulties in the sphere of healthcare. Similar problems are often faced by those local Roma people who live in settlements and do not have personal documents.

One of the returnees' problems could be the discontinuity in their medical treatment. If a treatment commenced in a foreign country may not be continued adequately in Serbia (due to the lack of the same or equivalent medicines, problems in transferring medical documents and other material evidencing the patient's status, change of doctors, but also due to the conditions in which the patient finds himself/herself), this can result in certain cases in severe violation of the right to health care and the physical integrity of such persons.

Analysis of available draft document of the government and other regulations imply that returnees per se have not been defined (so far) as a specific vulnerable category, so specific measures of positive discrimination in the field of health care have not been predicted (so it seems, at the moment). On the other hand, it should be kept in mind that vulnerable groups are already numerous, e. g., those identified in Poverty Reduction Strategy, such as: refugees/IDPs, single mothers, disabled, Roma, and others.

Kosovo

According to the public health strategy, primary health services may not be further away from living areas than five kilometres or two-three hours' walk and shall be provided equally to all. There are, however, many complaints regarding the attitude and behaviour of hospital personnel, which is worst for people who have no connections, are of minority ethnicity or women. For minority ethnicities who do not speak Albanian, there have been language problems in the past with staff who speak only Albanian (either because they cannot speak Serbian or because they refuse to do so).

But in general, most ethnic groups have access to health care - the Serbs and to a certain extent the Roma to the parallel health system run from Serbia, the remaining ethnicities to the health system run by the provisional authorities in Kosovo. A large number of Roma, however, have great problems accessing health care due to poverty, lack of transport and lack of health insurance.¹⁴⁹

3.4.3.3 Costs of healthcare (costs of treatment, medicaments, bribes for doctors)

Because the public health care system in Serbia is essentially financed through an employee contribution system, the Health Insurance Fund (HIF) must, on paper, provide universal insurance cover for all citizens. These contributions are made to a HIF which covers the majority of expenditure (over 80% of total public expenditure). In the 90's at the same time as the population's health worsened, the quality of health care deteriorated significantly. There was a rapid decrease in the number of contributors. Patients began to have to pay for certain medicines and medical examinations that were in theory covered by social security. Discrimination and corruption developed. Now refunds are made on a "subsidised" basis, but the real cost of medical treatment is far in excess of this level (60 to 80% of HIF expenditure goes to pay the salaries of the health system employees). Patient expenditure also includes payments made directly to doctors who often work

¹⁴⁹ Alice Thomas, OSCE Special Advisor at the Ombudsperson Institution in Kosovo, Unpublished Report, 7 February 2007.

cashing hand and are not refunded through the health insurance system. The UNDP estimated this expenditure at 1.7% of GDP in 2001. It has probably doubled since then.¹⁵⁰

Novelties in legal regulations - which medical services are covered by medical insurance, and which are only partially covered

The above-mentioned Medical Insurance Act also introduces some restrictions in comparison to previous legal regulations.

- Funeral benefits (coverage for costs of the funeral) are no longer available, i.e., the Health Insurance Fund (HIF) will not cover these costs to the family members of the dead deceased

- Medical services are divided into four groups/types. Services which belong to the first group are fully covered (100%) by medical insurance, whereas other groups of services are covered by 95%, 80% and 65%, respectively (Section 45 of Medical Insurance Act). The latter implies that patients are expected to cover themselves the difference in price for services which belong to group 2, 3 and 4 (for example, treatment for sterility is covered by 65%, while a patient should cover the remaining 35%). The following services are fully covered by Health Insurance Fund (group 1):

- > prevention and early diagnosis of diseases;
- > check-ups and treatment during family planning, pregnancy, delivery, post-delivery health care (including abortion for medical reasons);
- > check-ups, treatment and rehabilitation of school children, university students (until the age of 26 years at the latest), and the elderly who are severely mentally or physically disabled (the latter group of persons, as well as children under age of 18, pregnant women and women 12 months upon delivery, and those with facial/jaws deformity are also entitled to full coverage of dental care, unlike other categories of population!);
- > treatment for HIV and other infectious diseases;
- > treatment for cancer, haemophilia, diabetes, psychosis, epilepsy, multiple sclerosis, neuromuscular diseases, paraplegia, tetraplegia, chronic kidney insufficiency (including kidney transplantation and dialysis), auto-immune diseases;
- > treatment related to transplantation of body parts/tissues, treatment and rehabilitation related to professional diseases and injuries at work; emergency medical and dental care, emergency transport in ambulance vehicles, as well as orthopaedic appliances, implants and medical means regarding treatment and injuries in this paragraph;

- Costs of the following services (group 2) are covered by 95% (Section 45 of Medical Insurance Law):

- > Intensive medical care in hospitals;
- > Surgeries, including implants for the most sophisticated surgical interventions
- > The most complex diagnostic/therapeutic procedures (complicated laboratory analyses, nuclear medicine, magnetic resonance, scanner)
- > Treatment of insured persons who are sent abroad for medical interventions

- The following services (group 3) are covered by 80% (Section 45 of Medical Insurance Law):

- > Treatment by self-chosen medical doctor (general practitioner or specialist)
- > Some complex laboratory and X rays procedures; treatment of patients at their homes
- > Dental check-ups; complex dental treatment of children and youth

¹⁵⁰ FIDH, Serbia: Discrimination and Corruption, the Flaws in the Health Care System, International Fact-finding Mission, April 2005.

> Rehabilitation in hospitals and in Day-care Health Centres; treatment in Day-care Health Centres (including smaller surgical interventions that are performed outside Operating Room); some orthopaedic appliances, implants and medical means.

The following services (group 4) are covered by 65% (Section 45 of Medical Insurance Law):

- > Diagnosis and treatment of sterility
- > Prostheses for adult patients older than 65 years
- > Hearing aid and ocular aid for adult patients
- > Non emergency ambulance transportation

The above-mentioned provisions imply that patients are expected to contribute to the cost of (some) medical treatments. Additional relevant regulations (State Fund for Health Insurance, November 23, 2006) prescribed the patients' contribution to the cost of treatment (so called: participation fee) in the year 2007. This document also specifies categories of citizens who are not obliged to pay the participation fee, e.g., IDPs from Kosovo, persons disabled due to wars, visually disabled (blind) persons, physically disabled, permanently immobilized persons, and persons realizing money refund for home nursing help of other person or other kind of necessary home aid. Further, all groups of citizens which are listed above as **vulnerable groups** (See: 4.4.3 Health care system, page 1, part: vulnerable groups) are also entitled to medical services without payment of participation fee, under condition that they can prove to belong to a specific category.

Other categories of citizens are obliged to pay the following participation fee (State Fund for Health Insurance, November 23, 2006, Art. 17) for different types of medical treatment, as follows (See Table: Participation fees). Note: different medical facilities/centres have lists that are far more specific (depending on the type of services they provide); however, this list might serve as indication of a RANGE of participation fees. For example, the fee for some simple services (e.g., blood test in a lab, X-ray examination) is 0.4 EUR, whereas the fee for sophisticated aesthetic surgeries amounts to app. 375 EUR.

Kosovo

It is difficult to assess the costs of treatment and medicine - this varies depending on the kind of treatment/medicine and its origin. Usually, medicine produced in former Yugoslav countries is not so expensive, while medicine from outside south-eastern Europe is quite expensive and often hard to come by.

It is a well-known fact that in most hospitals, the kind of treatment one gets depends on their connections, family or otherwise. If 'bribes' are received, they vary depending on the doctor and his relationship to the patient.¹⁵¹

1 Participation Fees

Type of treatment*

Participation fee

¹⁵¹ Alice Thomas, OSCE Special Advisor at the Ombudsperson Institution in Kosovo, Unpublished Report, 7 February 2007.

(note: although it was not explicitly mentioned in relation to all listed treatments, it is assumed that for each of them, a patient should be referred to by a general practitioner or a specialist)

Hospital treatment, per day	50 CSD (Serbian dinars) ¹⁵²
Rehabilitation in stationary medical facility, per day	50 CSD
Treatment by a self-chosen general practitioner or specialist	20 CSD
Laboratory examination, e.g., micro-biological analysis	20 CSD
X-rays examination	20 CSD
Examination by ultra-sound, 1 examination, prescribed (referred to) by a general practitioner	100 CSD
Magnetic resonance, 1 examination, prescribed (referred to) by a general practitioner	600 CSD
Scanner exam or Osteodensimetre exam, 1 examination	300 CSD
Exam and treatment in nuclear medicine	150 CSD
Other diagnostic services (halter, endoscope, ECG , spirometry and similar)	50 CSD
Day care rehabilitation in ambulance conditions (daily therapy services)	20 CSD
Exam and treatment in Day care Health Centre	50 CSD
Minor surgery outside OR	50 CSD
Home health care, per day	20 CSD
Non emergency ambulance transportation:	
a) In municipality / town area	a) 50 CSD
b) outside municipality, in branch office area	b) 100 CSD
c) outside branch office area, to Health care institution to which the insured person is referred	c) 150 CSD
Aesthetical surgical corrections (plastic surgery) and interventions on hereditary anomalies and aesthetical plastic surgery after severe injuries	5 % of the surgical intervention, but the maximum fee should not exceed 30 000 CSD
Implants for the most complex and expensive health services in cardiology, cardio-surgery, vascular surgery and orthopaedics	5 % of the price of implant, the maximum fee should not exceed 30 000 CSD
Use of health insurance of insured persons referred abroad fro treatment in accordance with law, unless otherwise prescribed by international agreement	5 % of the real cost of the treatment
Medical-technical aids:	
a) prostheses appliances (prostheses)	a)10% of the total cost
b) orthotic appliances (orthoses)	b) 10% of the total cost
c) Voice and speech aids	c) 10% of the total cost
d) Hearing aid and ocular aid for adult patients	d) 35% of the total cost
Dental examinations and treatment of tooth and face bone injuries	20% of the entire cost of the service
Dental examinations and treatment of teeth prior to cardio surgery and kidney transplants	20% of the entire cost of the service

Prices of medical services in private sector: Cost of such services in private practice varies, depending on the type of services needed, and type of private ordination/clinic. It is advisable to ask for the price of any service in advance, i.e., while scheduling an

¹⁵² Current (on 20 February 2007) exchange rate is as follows: 1 EUR = 80 CSD (Serbian dinars)

appointment with a doctor/a visit to a clinic. An example will be provided as an indication of prices: gynaecological examination by a highly qualified doctor in one well-known Belgrade private clinic costs 40 EUR¹⁵³. The latter price includes: gynaecological examination by ultra-sound, Papa test (commonly advised by doctors to be done once per year for early diagnosis of cervical cancer), and bacteriological test of vaginal secretion).

Payment in private clinics is made in cash. It is also important to emphasize that, due to problems in legal regulations (which are too complex to be described here); private doctors are not obliged to provide bills/receipts to patients.

Bribes to doctors in public healthcare system: It is difficult to assess a level of corruption in the healthcare system, however, an opinion that medical doctors are under-paid and “inclined” to receive gifts (or money) is widespread among ordinary people (and, consequently, many patients are ready to prepare such “contributions” in order to obtain a fast, high-quality medical service). Similarly, healthcare experts are often mentioned as highly corrupt professionals in various opinion polls and surveys conducted by agencies and/or NGOs (e.g., Transparency Serbia). The latter does not imply that doctors openly ask for “bribe”. Yet, many patients who are in need, for example, of a complex surgery, often look for the “familiar” doctor (who is their friend/relative; or a friend of a friend...), and are ready to prepare a “gift” for him/her. One recent government document (National Action Plan for Women, 2006) recognizes the problem of corruption and further clarifies that “expansion of corruption especially affect women, considering their weaker economic power”. Several other analyses assessed the following.

In the area of health, corruption is a long-standing practice, but it has now become the rule, and whereas it used to be mainly in kind, now it is in the form of money. The corruption mechanisms have several effects:

- First, they discriminate among individuals according to their income and their contacts with the medical profession. If one knows a doctor personally, one gets better treatment; if one pays, treatment can be faster.
- Secondly, corruption means that fewer dues are paid into the health service, thereby reducing public expenditure in health and education.
- Thirdly, corruption as practiced in Serbia by no means guarantees the delivery and quality of service, because the real cost is not divulged by the State. Therefore, the patient never knows whether the money in the envelope is enough, and whether the doctor will take it into account by providing good treatment.
- Lastly, the corruption system is bolstered by the number of doctors and the disproportionate size of the health system, corruption blocks all possible reforms. Corruption is also linked to the lack of a clear-cut separation between public and private practice, so that a patient may find himself having to pay the same doctor twice for the same service, first in the hospital and then in his private office. The salaries of medical personnel, although they have been raised, are inadequate, and lead to corruption. Corruption is not necessarily, or systematically, more prevalent than in other public services (police, justice, education), but it is sufficiently present to appear as one of the major factors preventing rationalisation of the health system.¹⁵⁴

¹⁵³ In private sector, doctors/practitioners commonly express prices in EUR (prices in CSD - Serbian dinars are subject to inflation). Therefore, although the information about the cost of above-described medical service was obtained in January 2007, the price for this specific medical service (in EUR) was the same in this (and similar) clinics in 2006.

¹⁵⁴ FIDH, Serbia: Discrimination and Corruption, the Flaws in the Health Care System, International Fact-finding Mission, April 2005.

Around 70 000 infants are delivered in Serbia annually and almost every birth is paid more than twice its real price - once from the common health budget and a second time from insurance holders' pockets. (It is a public secret that a birth costs between 500 and 1 000 EUR and more, depending on the title of the doctor), demonstrating that large amounts of money are circulating within the 'grey' zone, immune to taxation.¹⁵⁵

3.4.3.4 Discrimination in health care system (ethnic, religious, social, etc.)

Although the laws in Serbia do not discriminate against Roma, refugees, IDPs or returnees as well, access to the right to health is not equal, as estimated by different NGOs. Roma, for example, lack personal documents and information about health care services. In addition, they face cultural and language barriers when interacting with health care professionals. Some research studies revealed discriminatory behaviour and racist perceptions against Roma among the medical professionals. About one quarter of the Roma questioned by OXFAM.¹⁵⁶ said that racism was a recurrent problem during medical examinations. The physician or the nurses treated them with contempt or remoteness and even in some cases refused to give care or make a diagnosis. In addition, their squalid living conditions cause many chronic problems including asthma and bronchitis, and "poverty diseases" such as malnutrition, intestinal and skeletal diseases and alcoholism. The problem is not necessarily one of access to health care per se; but to all basic rights, such as employment and housing, which are interrelated to achieving good health. The right to health is comprehensive and includes more than just health benefits, but also the basic factors that ensure health, i.e. access to clear drinking water, adequate means of cleanliness and purification, access to sufficient healthy food, nutrition and housing.¹⁵⁷

Some NGO activists, however, asserted that their experience in working with Roma people contradicted the above-mentioned conclusions. On the other hand, interviewed medical experts¹⁵⁸ expressed an opinion that positive discrimination of Roma people in the health care system would be definitely needed in order to overcome numerous medical problems (many of them) are faced with. They also think that mobile teams, counselling services and health-awareness programmes would also be needed. Due to extremely poor life conditions, and other factors, life expectancy of local Roma is far below the national average.

It is difficult to assess whether Albanian or Bosnian returnees would face discrimination in the health care system, since research surveys are not available. Interviewed experts, activists of NGOs¹⁵⁹, especially those experienced in field-work in Kosovo, and parts of Serbia with predominantly Albanian population (Bujanovac, Presevo) were therefore asked to provide an estimate (e.g., Krstic, 2007; Bobic, 2007; Mijalkovic, 2007). They explain that Albanians from different parts of Kosovo, as well as Montenegro often come to Belgrade and Vranje (Southern Serbia) for some complex medical interventions/treatments, which could probably serve as an indication of trust in doctors and their professional expertise. On the other hand, their experience also shows that Serbian population in Kosovo avoid, under all possible circumstances, to ask for medical help outside Serbian enclaves (in which a parallel health care system exist), and even

¹⁵⁵ Health Reform, 11 April 2005, Economist

¹⁵⁶ OXFAM, The Roma livelihood in Belgrade Settlements, Belgrade, December 2001.

¹⁵⁷ Group 484, Human Rights of Refugees, IDPs, Returnees, Asylum Seekers and Victims of Trafficking in Serbia and Montenegro, Report for 2005, p 103, May 2006.

¹⁵⁸ Some of the interviewed experts are quoted (See: a list of persons interviewed for the purpose of this report, in Chapter related to health care), while some required to remain anonymous.

¹⁵⁹ Some of the interviewed experts are quoted (See: a list of persons interviewed for the purpose of this report, in Chapter related to health care), while some required to remain anonymous.

when they wish so, their freedom of movement is restricted (their physical security outside enclave is jeopardized). Medical professionals also stress that Albanian and Bosnian populations are integrated into Serbian health care system, and that they are not aware of discriminatory practices. However, they mentioned that some colleague-doctors possess stereotypic perceptions of Albanians, “some doctors have personal opinions about Albanian population, but such opinions do not result in discriminatory practice - these people obtain the same quality of care as other people”. It is difficult to assess whether the latter estimate of doctors could be generalized. On the basis of the above, discriminatory treatment of Albanians may not seem likely. Yet, studies show that negative stereotypes and ethnic distance towards Albanians are widespread in general population. One intriguing study (Minic et al., 2006)¹⁶⁰ revealed that negative stereotypes of Serbs against Albanians and vice versa are prevalent.

Patients who are faced with discrimination in health care system or experience other problems (inadequate approach of medical personnel, mistreatment, negligence) can ask for assistance of Ombudspersons in medical institution; so-called Protectors of Patients’ Rights. Note: these officials are legal experts (employees of the medical institution), not medical doctors¹⁶¹.

Protectors of Patients’ Rights are authorized to take further steps, based on patients’ complaints, in accordance with prescribed procedures. Every medical centre is obliged to provide such service and to announce working hours of the Protector on a visible place inside the institution (they might not be available every day).

Kosovo

As mentioned above, discrimination automatically occurs if the treatment one gets depends on the people known in the hospitals. It makes things even more difficult for minorities, who usually do not have these connections.

In areas where minorities live, health services are offered to minorities, but are not always used, as Serbs and many Roma prefer to use the Belgrade-funded health system.¹⁶²

3.4.3.5 Services of non-state agents in health care (international, NGO, church)

UNHCR is the only organisation that gives the medicine directly to the patients through direct aid programmes for displaced persons.¹⁶³ The Ministry of Health has reservations about this programme.

¹⁶⁰ Minic, et al., A joint European Vision: Free Movement of Goods and People in Kosovo and Serbia, European Movement in Serbia Website, <http://www.emins.org/publikacije/knjige/slobodno-kretanje.pdf> (Accessed on 23 February 2007)

¹⁶¹ Explanation of the role of Ombudspersons in health care centres, issued by Minister of Health was questioned by medical doctors; the problem was analyzed in front of the Constitutional Court. The latter judicial institution concluded (in 2004) that doctors’ complaints were not legally founded. The conclusion of the Court and legal interpretations are provided on (http://www.informator.co.yu/informator/tekstovi/objasnjenje_305.htm) the website of the firm INTERMEX specialized in publishing of special editions covering the areas of legislation, Accessed on: 7 September 2007.

¹⁶² Alice Thomas, OSCE Special Advisor at the Ombudsperson Institution in Kosovo, Unpublished Report, 7 February 2007.

¹⁶³ FIDH, Serbia: Discrimination and Corruption, the Flaws in the Health Care System, International Fact-finding Mission, April 2005

There are 70 NGOs and associations for the disabled. Handicap International, together with UNICEF, is setting up alternative systems that can serve as models, and provides associations of families and patients with accreditation.¹⁶⁴

International and foreign organizations contacted for the purpose of this report (UNHCR, Handicap International, Danish Centre for Refugees, etc.) clarify they do not have programmes for returnees at the moment. For instance, reps. of Danish Centre for Refugees explained that they (having in mind complex problems faced by returnees), were not in a position to provide adequate help.

Many interviewed experts¹⁶⁵ and activists also stress that NGOs could assist in a process of integration of returnees, but that complicated problems of this specific population should be primarily addressed by the state, since only the state possess capacity and infrastructure for such endeavours (in addition, they mentioned a lack of financial resources at the state level, but that issue is beyond scope of this report).

Local non-governmental organizations and church-based organizations listed below mostly do not have programmes for returnees as a specific target group; however, they provide services to numerous vulnerable categories of citizens (disabled, women-victims of violence, war victims, etc.). Consequently, particular categories of returnees might seek specific types of assistance/help from these organizations (e.g., psychological counselling, information on realization of rights to healthcare). It is worth notifying that reps. of different organizations were contacted in a process of writing this report; among them, activists of Roma NGOs and church-based organizations expressed the highest degree of understanding/awareness of returnees' problems, compassion, and willingness to address their needs. Some activists of Roma organizations also mentioned that they have positive previous experience with church-based organizations (Orthodox, Catholic and Muslim) in a process of providing help to returnees.

Note: all NGOs and church-based organizations listed below provide services free of charge. It should be also added that services are project-based (funded by foreign donors), or provided on voluntary or semi-voluntary basis. As the funding of these activities is uncertain, some NGOs change priorities/types of services. It is, therefore, advisable to call a particular NGO in advance to check what type of service could be obtained. Similarly, as some NGOs change addresses and/or phone numbers, it is possible to verify telephone numbers in the post office (by dialling: a city code + 988)

NGO Counseling Centre for Women "Jefimija", Momčila Tesica 14/4, 31 000 Uzice, 031 512 005, E-mail: womcen@eunet.yu ; contact person: Slavica Simic

The NGO possess 7-8 years of experience in organizing psychological support to a specific category of highly vulnerable women - those suffering from breast cancer; the NGO has become a policy-influential group in the field of health care of women, they were involved in creating strategic government documents, such as National Action Plan for Women)

NGO Autonomous Women's Centre - Health Project, Nebojsina 32 B, 11 000 Belgrade, 011 24 35 455

They provide three types of services:

- a) Self-help groups for women-victims of domestic violence,
- b) Self-help groups for women suffering from breast cancer; note: a new group has been established in case that 6 women are interested to attend this type of self-support programme

¹⁶⁴ Ibid.

¹⁶⁵ Some of the interviewed experts are quoted (See: a list of persons interviewed for the purpose of this report, in Chapter related to health care), while some required to remain anonymous.

c) Assistance to women-victims of domestic violence in a process of obtaining a certificate on injuries. Note: only medical doctors are authorized to provide such certificates, therefore, this NGO can only serve as mediator, i.e., give advise to women how to obtain this particular type of service in medical institutions

NGO IAN - International Aid Network, Admirala Geprata 10, 11 000 Belgrade, 011 36 17 205, 011 36 17 797, <http://www.ian.org.yu> , Contact person: Jelena Bakalic
Health Department of IAN has a Centre for Rehabilitation of Trauma and Torture Victims that work on rehabilitation of war-traumatized people, torture survivors and their family members, and other vulnerable groups through provision of:

* Psychotherapeutic assistance - psychological and psychiatric diagnostic and treatment - individual, group, family psychotherapy (supported with free-of-charge medicaments) in the Centre or during mobile team visit, and SOS counselling

* Medical assistance - diagnostic, general medical, internist and cardiologic examination and treatment supported with medicaments

* Legal assistance to victims of torture - legal advising and in-court representation

Human Rights Department also provide information and legal services to refugees, IDPs from Kosovo, torture victims, mentally ill, while Educational Department (IAN Telecentre) organizes courses for refugees, IDPs, unemployed, women, torture victims, Roma, self-supporting parents, disabled, and other marginalized groups. They do not have a special programme for readmitted persons, but the latter could apply for help as a vulnerable group.

NGO Centre for Independent Life of Disabled, 11 000 Belgrade, 011 36 055 09, 011 36 75 317 (they might be contacted regarding information on possibilities of disabled to achieve their rights within the system)

NGO Group "Out of Circle" - Organization for Protection of Rights and Support to Disabled Women in Serbia, Sredacka 2, 11 000 Belgrade, 011 34 48 045; 011 34 48 044

Services provided:

a) Support to mothers of disabled children;

b) SOS hotline - free legal/psychological counselling of disabled (adult women with visual/hearing impairment, physically disabled - partially or permanently immobile, persons suffering from autism) who experienced different forms of violence or discrimination (including domestic violence), under condition that they possess a certificate/proof, issued by a local Centre for Social Work or other relevant centre that they are disabled or that they are beneficiaries of help/care. The organization works only with adults. Staff do not provide psychological support/service to persons with psychiatric diagnose or family members with such diagnoses (they do not possess training/expertise for that particular type of work).

NGO JAZAS, 27. marta (Kraljice Marije) 35, 11 000 Belgrade, 011 32 48 235, www.jazas.org.yu (SOS hotline for raising awareness of youth/adults of HIV/AIDS and reproductive health; counselling youth and adults about transmission of HIV, supporting persons with HIV/AIDS, anonymous and confidential testing for HIV infection). Questions could be sent to E-mail aidsinfo@jazas.org.yu or asked through forum on their website: www.jazas.org.yu/forum. Comprehensive and user-friendly collection of information on HIV/AIDS, hepatitis B and C, and gynaecological examinations could be found on: <http://www.jazas.org.yu/download/booklets.php>

In addition to office in Belgrade, this NGO has branches in the following 11 cities: Novi Sad, Subotica, Pancevo, Valjevo, Pozarevac, Kragujevac, Uzice, Zajecar, Nis, Vranje and Kosovska Mitrovica.

NGO Victimological Society of Serbia, 11 000 Belgrade, 011 32 82 294, <http://www.vds.org.yu>

(SOS helpline VDS info and support to victims provides emotional support and legal counseling to victims of crime, primarily to victims of family violence and other types of violence, women-victims of violence who are in prison)

NGO Minority Rights Centre, Gospodar Jovanova 81/13, 11 000 Belgrade, 011 26 26 486, <http://www.mrc.org.yu> (the Centre address the issue of health care of Roma people, through providing assistance to those who have not achieved their rights and/or do not possess valid documents)

Numerous women's NGOs provide free-of-charge psychological and legal counselling to women and children - victims of family violence, sexual abuse, incest, and trafficking. Some of these organizations are specialized for counselling Roma women/children or other minority women/children; for instance, NGO "Osvit" from Nis in Southern Serbia have Roma-speaking helpers.

NGO Autonomous Women's Center, Tirsova 5a, 011 2645 328, <http://www.womenngo.org.yu/> (psychosocial support, psychological/legal/medical counselling of domestic/sexual violence victims; medical counselling is related to medical problems caused by domestic violence)

NGO Romani Women's Center "Bibija", 11 000 Belgrade, 011 26 27 948 (policy-influential group working on rights of Roma and minority women, they have organized field-work in Roma settlements - workshops on women's human rights. Returnees could turn to them for counselling, support and information how to obtain their rights in institutions)

NGO Incest Trauma Center, Macvanska 8, 11 000 Belgrade, 011 446 13 32, www.incesttraumacentar.org.yu/

(professional therapy and psychological counselling of adults and children - victims of sexual abuse and incest, empowerment/preparation for pressing criminal charges, if a victim wishes to do so)

NGO Roma Children's Centre, Vlajkovicева 15/5, 11 000 Belgrade, 011/323-5592, 011/3222-740, 011/2646-326 (integration of Roma children, including street children; help in children's schooling; psychological support to minority women and children - victims of family and sexual violence)

NGO "Dawn" (in Serbian: "Osvit") - SOS helpline in Roma language, 18 000 Nis, 018 515 318, 018 527 947, Contact person: Ana Sacipovic

(Roma women-victims of domestic violence are provided counseling in Roma language. As coordinator Ana Sacipovic stressed, Roma women have been often faced with problems in a process of obtaining help in state institutions, therefore, helpers - members of "Osvit" can also mediate, on a behalf of victim, in different state institutions for victims' protection)

Counselling Centre against Family Violence, 11 000 Belgrade, 011 2787-573 (psychological/emotional support to women - domestic violence victims, legal counseling, temporary placement to safe houses/shelters at secret locations). This Centre also runs a Shelter for Victims of Trafficking.

Similar shelters for domestic violence victims (and their children) exist in Bor (South-Eastern Serbia), Leskovac (Southern Serbia), Zajecar (Eastern Serbia), Uzice, Kragujevac (Central Serbia) and Novi Sad in Vojvodina. Since they are on secret locations, they could be contacted only through local women's NGOs (numbers of the latter could be obtained in

local Centres of Social Work or in post office (by dialing a city code + 988). The maximum duration of stay in shelters is one to five months (or: up to one year), depending on the policy/procedure of the particular centre. Mostly, they are run by NGOs (some work as joint projects of NGOs and state institutions). Shelters have very limited capacities and long waiting lists; they do not accept beneficiaries solely on social grounds (poor women who have housing problem, but are *not* victims of violence are rejected). Some Roma women's NGOs state that access of Roma women to shelters is sometimes limited (it is often unclear whether the latter happens due to discrimination or to a restricted capacity of shelters).

In addition, SOS hotlines for women and children - victims of violence exist in many other cities. Outside Belgrade, **NGOs that operate hotlines are the following:** Center for Women's Rights in Vrsac, HORA in Valjevo, Lighthouse in Loznica, SOS hotline for Women and Children in Vlasotince, Humanitarian Association ARD in Uzice (this NGO also runs hotlines in other five cities near Uzice: Bajina Basta, Arilje, Pozega, Kosjeric and Cajetina), Center for Girls in Uzice, Committee for Human Rights in Nis, Women's Alternative in Sombor, "Smile" in Vrbas, Women's Alternative Workshop in Kikinda, Association of mothers in Zajecar, SOS hotline for Women and Children - Victims of Violence in Novi Sad, Women's Center in Leskovac, Women's Network in Smederevo, Cultural Center Damad in Novi Pazar, Committee for Human Rights in Vranje, Alternative Circle in Kragujevac, and Women in Action in Velika Plana.

Having in mind that returnees might be exposed to a risk of trafficking, i.e., there is "a justified fear of trafficking within the readmission process"(as noted in the above-mentioned draft manual for state officials), NGOs that deal with this specific problem are listed below.

ASTRA, Belgrade: SOS helpline 011 3347 817 (psychosocial support, psychological/legal/medical counselling for victims of trafficking and persons who wish to travel abroad for schooling or job-seeking)

Anti-trafficking Center, Resavska 1, 11 000 Belgrade: 011 32 39 002 (individual and group counselling of youth and women)

Beosupport - Belgrade Support to Exploited Children and Youth, Starine Novaka 22, 011 32 39 084 (psychological support to children and youth - victims of family/sexual violence, and trafficking)

Church organizations

Caritas - Belgrade has implemented (in the period of the last 1,5 years) a project for returnees in Belgrade, Nis and Leskovac (cities with higher number of returnee population), focused on education, employment and access to health care. Within the health care programme, they concentrated on two areas:

a) **Assisting returnees in obtaining documents** necessary for realization of rights to health care (delivering brochures in Roma language on procedures for obtaining documents, nostrification of documents, mediating in institutions responsible for issuing documents, etc.). Representative of the organization who works on this project emphasize that procedures are complicated and time-consuming, especially in cases that returnees previously lived in Kosovo (in the latter case, it is sometimes necessary to visit different institutions throughout the country in order to collect the documents). Problems related to translation of medical documentation were identified (e.g, German doctors did not write diagnoses in Latin, but solely in German), as well as - a lack of relevant documents on

previous medical treatments (received in Germany or other EU country). Returnees are therefore advised to carry all medical documentation related to previous treatments.

b) Organizing mobile medical teams composed of doctors and nurses (mostly: Roma) in Roma settlements (both for local population and returnees). Programmes were organized in Roma settlements, and were focused on providing health care services to people who do not possess health cards (as noted above, the latter are necessary for access to public health care system). Services involved medical check-ups, and a delivery of necessary medicines. As explained by programme coordinator, experience showed that Roma citizens mostly suffered from chronic illnesses; mobile (or stationary) medical teams could be assessed as adequate model for dealing with health-care problems of Roma population living in settlements, including those returnees who do not possess health cards (under condition that services are provided both to local Roma and returnees).

Contacts: Caritas-Belgrade, Spes Centre, Visegradska 23, 11 000 Belgrade, 011 36 10 639, Contact person: Miodrag Zivkovic

In addition to Belgrade office, the organization has branches in Aleksinac, Nis, Sabac, and Valjevo.

The Serbian Orthodox Church has established various centres that provide psychological counselling/support, free of charge. For instance, **Shepherd's Counselling Service in Belgrade** offers professional help of psychiatrists, psychologists (therapists), and special pedagogues for disabled in the following fields: stress, fear/anxiety, adaptation to the new environment and post-traumatic stress, psychological problems related to the old age, drug abuse, and alcoholism. Provided services include individual counselling, marriage/family counselling, counselling of youth, and psychiatric evaluation and therapy. All adults and children can obtain help/support, regardless of religious background.

Contacts: Shepherd's Counselling Service, Masarikova 12 (Beogradjanka), 11 000 Belgrade, 011 36 13 855, Web site: www.ppsc.spc.yu , E-mail: psc@eunet.yu

Organization Philanthropy (Charity Fund of the Serbian Orthodox Church) implements health-care programmes for elderly and sick persons, as well as programmes of psychosocial support for marginalized groups (persons with HIV/AIDS)¹⁶⁶. The latter programme provides support to children and adults with HIV/AIDS, including assistance in providing medical help and support to patients rejected by their families. As elderly are concerned, mobile medical teams provide services/treatment at homes of the most vulnerable groups of elderly people (mentally or physically disabled, neglected/living alone, permanently immobilized, chronically ill), through home-visits and check-ups. Services provided include additional healthcare care, rehabilitation, simpler medical interventions (control of blood pressure, ultra-sound examinations, etc.), and psychosocial support. Similarly, elderly who are not immobilized are offered some other types of medical treatment (check-ups/examinations of specialists). Organization has branches in several towns.

Philanthropy - Belgrade, dr Ive Popovica Djanija 4, 11 000 Belgrade, 011 36 729 70, 011 36 72 971, and 011 30 65 445, <http://www.covekoljublje.org>

Kragujevac: Vladimira Rolovica 66, 034/371 176, 371 178

Novi Sad: Maksima Gorkog 34, 021 6621 990

Kraljevo: Karadjordjeva 3, 036/234 547

Nis: Janka Veselinovica 5a, 018/527151

¹⁶⁶ Philanthropy Website, <http://www.covekoljublje.org> (Accessed on 19 February 2007)

Vranje: Ivana Milutinovica 26, 017/414 919

Some other services are provided for specific target groups. Monastery Kovilj organizes programmes for drug addicts. Contacts: Monastery Kovilj, 021 889 699 (contact person: father Jelisej).

Other possible contacts:

Ecumenical Humanitarian Organization, 21 000 Novi Sad, 021/46 96 16

Kosovo

There are a number of private health institutions offering different kinds of health services, usually in a specialised field. Private health institutions may only operate if they receive the necessary license from the Ministry of Health. According to data received from the Ministry of Health in March 2007, there are currently XX such health institutions operating all over Kosovo.

There is also an UNMIK clinic for staff of UNMIK and other international organisations.

Most KFOR camp also has its own health services which are usually only open to soldiers. However, the hospital of the German KFOR in Prizren has been known to accept serious cases that cannot be treated elsewhere. The same is true of the hospital in the US KFOR camp Bondsteel.¹⁶⁷

3.4.3.6 Diseases which cannot be effectively treated in the country

Certain medical surgeries or treatments are not treated effectively; such as heart transplantation, rare and difficult forms of leukaemia in children, some forms of brain cancer in children, etc. In cases that such conditions cannot be treated in Serbia, due to a lack of equipment or professional expertise (or: both), a Commission of doctors is responsible to make a joint decision that a patient should be sent to foreign medical institutions (naturally, he/she has to be a regular health insurance holder).

Post traumatic stress disorder, alcoholism and psychological problems may be mentioned as wide-spread problems of local population. Although a public health care system possess experts who can treat these conditions, NGOs more often take responsibility for dealing with such conditions (some of these centres are mentioned above). A German NGO (“Ohne Rustung leben”) is working on the training of doctors in collaboration with the Novi Sad association The Trauma Centre for the victims of war and veterans of the 1991-99 War.

Further, some research studies show that war-related traumas are connected with other problems, i.e., war veterans are inclined to express violent behaviour in the family. The lack of attention paid to the consequences of war on mental health contributes to the growth of violence in families and in the outside world¹⁶⁸, as mentioned in some studies. On the other hand, women’s NGOs often stress that it is not possible to confirm the increase in prevalence of domestic violence. Due to extensive work of NGOs, women-victims have become encouraged to report violence, therefore, it is difficult to distinguish between increase in reporting and increase in prevalence. Nevertheless, professional

¹⁶⁷ Alice Thomas, OSCE Special Advisor at the Ombudsperson Institution in Kosovo, Unpublished Report, 7 February 2007.

¹⁶⁸ FIDH, Serbia: Discrimination and Corruption, the Flaws in the Health Care System, International Fact-finding Mission, April 2005

workers in public health care system are sometimes not sensitized for the problem of domestic violence and child abuse (in such case, returnees might first contact NGOs listed above, which could further help victims in mediating future contacts with institutions).

Kosovo

Services missing in Kosovo are of a cardiological, oncological and ophthalmological nature. The same applies for certain illnesses that require advanced technology.¹⁶⁹

3.4.3.7 Supply with standard medicines

Medicaments are not always available on the market and are expensive, and people often have to buy them on their own, because list of the medicaments that can be prescribed as charge-free is relatively short (mostly for heart disease and a few chronic diseases, or the most often used medicaments) and if there is a need for any kind of specific pharmacotherapy it could be unavailable for the people, and medicines have to be bought from abroad.¹⁷⁰ Situation in this respect is rather changeable.

A regular physiotherapy is available in the meaning that there are institutions where it is possible to get treatment (for example, Institute for rehabilitation), but it is impossible for realisation if people do not have cars, and even in that situation the optimal option would be doing of physiotherapy at home during cold or hot months because of vulnerability of people on different kinds of infections and specific difficulties- so, this kind of home work and work with one therapist is not guaranteed and possible if people do not pay themselves.¹⁷¹

Experts/activists interviewed for the purpose of this report (*health care and security*):

Bojana Bego, Handicap International SEE Office, Belgrade,

Handicap International SEE Office, Belgrade, HANDICAP INTERNATIONAL REGIONAL OFFICE
FOR SOUTH EAST EUROPE
Velisava Vulovica 1
11000 Belgrade
Serbia
office@hi-see.org

Momcilo Stanojevic, Centre for Independent Life of Disabled, Belgrade

Centre for Independent Life of Disabled, Belgrade Adress:
Milenka Vesnica 3 (Radomira Vujovica 3)
Belgrade
Serbia
Phone/fax:

¹⁶⁹ Alice Thomas, OSCE Special Advisor at the Ombudsperson Institution in Kosovo, Unpublished Report, 7 February 2007.

¹⁷⁰ Assessment of Health Situation in Serbia made by Group 484 for the Swiss Refugee Council, 2005, The parts of the Report are available in German on the website of the Swiss Refugee Council http://www.osar.ch/2005/10/19/serbien050829_handicap Accessed on: 7 September 2007)

¹⁷¹ Ibid.

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Gordana Mijalkovic, **Clinic for Neurology and Psychiatry for Children and Youth**,
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Kosovo

According to the Ministry of Health, the Pharmaceutical Department within the Ministry of Health has, in cooperation with relevant health institutions, prepared a list of essential pharmaceuticals. This list contains approximately 400 medical articles including but not limited to vaccines, pharmaceuticals for daily use and immunosuppressants, as well as material for daily use, all of which are freely distributed via the public health institutions.¹⁷²

¹⁷² Alice Thomas, OSCE Special Advisor at the Ombudsperson Institution in Kosovo, Unpublished Report, 7 February 2007.