

PERSONS AT RISK OF STATELESSNESS IN SERBIA

PROGRESS REPORT 2010–2015



Slobodan Cvejić
Belgrade, June 2016

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EXECUTIVE SUMMARY

The **overall objective** of the survey was to obtain reliable and representative data on different dimensions of statelessness of Roma, Ashkali and Egyptians (RAE) in Serbia. The survey was carried out in 'Roma' settlements on a sample which included 1,987 households having a total of 8,765 members - persons belonging to the RAE national minority.

Specific objectives were to:

1. Determine the number of persons at risk of statelessness, who are facing serious obstacles in obtaining personal documents.
2. Identify and graphically present the locations where such persons predominantly reside.
3. Assess socio-demographic characteristics of these persons.
4. Identify the cause for the lack of personal documents.

Basic characteristics of the sample

- There were 95.4% of Roma, 1.8% of Ashkali, 1.2% of Egyptians, 1% of Serbs and 0.6% of other nationalities in the sample.
- Almost all of them have the citizenship of the Republic of Serbia - 98.1%.
- The population of the surveyed settlements is extremely young - the average age in the sample was 28.38.

Key characteristics of persons at risk of statelessness

- The share of persons without basic identity documents among the Roma population in Serbia has dropped significantly: from 6.8% in 2010 to 3.9% in 2015!
- The problem of statelessness is concentrated, the risk of statelessness is noticeably higher among:
 - the RAE displaced from Kosovo,
 - in Belgrade,
 - in substandard settlements,
 - in 31% of households there are 2 or more members who are at risk of statelessness.
- Households with persons at risk of statelessness are very poor – for 75% of them the main sources of income are the collection of secondary raw materials, social assistance and seasonal jobs.
- 90% of these households would like to be contacted in order to receive assistance in the process of obtaining documents that household members lack.

Lack of documents by persons at risk of statelessness among the RAE population

- 1% of all RAE who live in 'Roma' settlements are not registered in birth registries.
- 5.2% of all RAE who live in 'Roma' settlements have no identity cards.
- 38% of RAE who are at risk of statelessness have no residence registration.
- 50% of RAE who are at risk of statelessness are not registered in the vital records of citizens.

The reasons for the lack of documents

- The most common reason for the non-registration of the RAE in birth registries is the lack of necessary documentation related to their parents or to them personally, while other important reasons include scarcity of funds, complicated procedures and lack of information.
- The main reasons for the lack of ID cards include the lack of necessary documents and the scarcity of funds needed for administrative fees.
- The most common reasons for unregistered residence include lack of the required documents and the lack of an address at which they could register.
- Likewise, the key problems with the registration in the vital records of citizens also include the lack of relevant documentation, scarcity of funds to pay administrative fees and the lack of information.
- Generally speaking, lack of information and complicated procedures are less common as a reason for the lack of documents than in 2010, and the lack of necessary documents has become a more frequent reason.

Access to rights and discrimination

- A quarter of RAE at risk of statelessness have faced problems because of their status, primarily in accessing the most important services: health care and social protection, formal employment.
- A quarter of RAE who are at risk of statelessness have also had a bad experience in state institutions when trying to obtain the documents, predominantly in health care institutions and the police.

1. STATELESS PERSONS

Stateless persons are persons who are not considered nationals by any State (under the operation of its law). According to the estimates, there are about 12 million stateless persons in the world today, and more than a third of them are children. They are denied rights that most people take for granted. Their access to health care, education, employment, political participation and movement is limited, they cannot enter into marriage and have no personal documents. It is as if they did not exist, and they often live their lives in such circumstances. The fact that statelessness is passed onto the next generation - from parents to children is disturbing. Short of serious steps to prevent and eradicate it, the number of stateless persons may rapidly increase.

The root causes leading to the occurrence of statelessness are different, these may include conflicts of law, cases of state succession, after which the citizens of newly formed states are left stateless, as well as administrative practices associated with citizenship. In most of the situations, statelessness is directly related to, or the result of discrimination based on ethnicity, religion or gender. Even today, there are countries that deny women the right to pass on their nationality to children in the same way as men do, which results in the transmission of statelessness to the next generation.

Interestingly, most stateless persons have never even crossed the border of the state they were born in. The state in which they have been living all their life and which they consider to be their own does not recognize their right to citizenship. This is a result of citizenship laws which do not provide for adequate mechanisms to prevent statelessness and/or deficient administrative practices that contribute to its occurrence and spreading out.

In 2014, on the 60th anniversary of the 1954 UN Convention relating to the Status of Stateless Persons, UNHCR launched a global campaign #IBelong, aimed at eradicating statelessness in 10 years. This Convention, together with the 1961 Convention on the Reduction of Statelessness, constitutes an international legal basis for the eradication of statelessness. UNHCR's campaign aims to exert influence on as many countries as possible to accede to the Conventions and adapt their laws and practices related to the acquisition, restoration and loss of citizenship to them. The problem of statelessness, unlike many other global problems, can be solved provided that there is political will.

Within its mandate, UNHCR in Serbia has been carrying out activities aimed at preventing and eradicating statelessness for years. It has been found that this problem largely affects the population of the Roma, Ashkali and Egyptians (RAE). As a consequence of the impossibility to register births and to access personal documents, members of these minorities that are highly marginalized and subjected to discrimination,

cannot prove their citizenship and therefore cannot effectively enjoy basic social, economic, cultural and political rights. These persons are believed to be at risk of statelessness while actually being subjected to the same denials as stateless persons. UNHCR's activities in combating statelessness target members of the Roma, Ashkali and Egyptian minority precisely for that reason.

After many years of UNHCR's emphasis placed on the significance of the problem of statelessness, the Republic of Serbia, which is a signatory to both statelessness conventions, has expressed a genuine interest in the last four years in finally eradicating the phenomenon of stateless persons in Serbia. Combating statelessness in Serbia is no longer a dead letter. The relevant activities have already been implemented within the framework of the Memorandum of Understanding signed by UNHCR – Representation in Serbia, the Ministry of Public Administration and Local Self-Government of the Republic of Serbia and the Ombudsman in 2012. Numerous activities on the ground as well as amendments of relevant regulations followed the agreement. The new judicial procedure of registration in the registry of births, together with the amendments to the regulations governing the residence, has made it possible to obtain personal documents, and consequently citizenship status for citizens who were not able to obtain it for years despite the fact that their families have lived in Serbia for generations. Thus, not only they, but also their children, managed to avoid the destiny of stateless persons, or persons at risk of statelessness. Systemic changes have been accompanied by targeted trainings of judges, registrars, employees in social welfare centers and the Ministry of Interior involved in procedures for obtaining personal documents. In the absence of a law on free legal aid, UNHCR has continued to provide funding for representation of persons at risk of statelessness before various government authorities, and assistance in obtaining personal documents. The whole system has been rounded off through the cooperation established in the framework of the Technical Group which is composed of representatives of UNHCR, civil society, and of all the government agencies responsible for the procedures in which stateless persons exercise the right to access to personal documents. In such a way, the exchange of information on obstacles that arise in practice, as well as the resolution of specific, individual cases has already been ensured. In the region, Serbia has become role model of how to tackle the problem, which has resulted in neighboring countries applying the same approach. However, the circle of "legal invisibility" has not been closed and it is therefore necessary to take several key steps. In order to eliminate the remaining problems and gaps it would be necessary to once again "measure" the extent of the problem and locate where its hot spots are today. To this end UNHCR conducted a survey that is supposed to identify the number of persons at risk of statelessness in Serbia and the reasons for them persisting in this situation despite all the activities undertaken.

2. METHODOLOGY AND CONDUCT OF THE SURVEY

This report presents essential data on households and persons at risk of remaining stateless. The report is based on the survey conducted for the needs of UNHCR by SeConS - development initiative group.

The survey on a sample that included 1,987 households in 154 settlements with a high concentration of the RAE population in 77 municipalities throughout Serbia. The number of people living in the these households is 8,765.

The overall objective of the study was to obtain reliable and representative data on different dimensions of statelessness of the Roma, Ashkali and Egyptians in Serbia. Specific objectives were to:

1. Determine the number of persons at risk of statelessness that are facing serious obstacles in obtaining personal documents;
2. Identify and graphically present the locations where such persons predominantly reside;
3. Assess socio-demographic characteristics of these persons;
4. Identify the causes for the lack of personal documents.

Bearing this in mind, the survey was conducted by applying the quantitative methodology on a representative sample. The sample is representative of the RAE population who live in the so-called “Roma settlements”¹. The survey was conducted using a questionnaire on a sample of 2,050 households in 77 municipalities throughout Serbia with high concentrations of the RAE population. A total of 154 villages in 77 municipalities were selected for the sample. The households in which polling was conducted were chosen randomly. Interviews were conducted with heads of households, as well as with one or more household members who did not have valid documents. After checking for logical consistency, the questionnaires from 1,987 households, in which a total of 8,765 people live, were kept for further analysis. Finally, it was found that 344 persons from 238 households in the sample lack at least one of the relevant valid documents, so that number of questionnaires for individuals was filled.

¹ The RAE population living in the so-called “Roma settlements” was approximated by the RAE population that lived in the enumeration areas (EAs) with 18 or more RAE households according to the census of 2011. This definition has been taken over from MICS 5 (UNICEF, 2014: 266). According to the 2011 Census of Population in the Republic of Serbia, 70,077 Roma, Egyptians and Ashkali lived in these EAs, with 147,604 Roma and less than 4,000 Egyptians and Ashkali registered in the Census.

Since the plan was to repeat the survey based on the same methodology that had been applied in 2010, the same questionnaires were used as in the previous survey. They included basic questions about the composition of households and available personal documents, as well as some questions which were more focused on the factors that contribute to the potential lack of documentation, such as problems in obtaining different personal documents.

RAE population being one of the most marginalized groups in Serbia, previous studies of this population have shown that there are certain problems in communication during the implementation of surveys that need to be taken into account. For the purposes of this study, SeConS organized a network of Roma interviewers who conducted the survey interviews in the field. For field work, 79 RAE interviewers were engaged. Interviewers were provided with support and controlled by ten supervisors who also worked in the field and ensured quality of the survey implementation. Before the onset of the survey, three workshops were organized in Belgrade, Novi Sad and Niš, to provide detailed instructions to the supervisors and interviewers on the process of selection of the respondents and interviewing techniques, thus ensuring high-quality results. In the end, this proved to be a very useful approach, because the availability of respondents and the quality of the obtained data were improved.

Data collection was conducted between 29 September and 23 October 2015. After entering the data and checking for logical consistency, a database of households and individuals was set up, which served as a basis for further analysis.

The problem of lack of personal documents is presented in this study through multiple dimensions:

1. Possession of basic documents
2. Reasons for non-possession of documents
3. Attempts to obtain documents and the reasons for failure
4. Access to rights and discrimination against persons at risk of statelessness
5. Assistance in obtaining documents

3. SURVEY RESULTS

3.1. Main Characteristics of Households

The size of the surveyed households varies in the range from 1 to 20, and the average size is 4.41. Large households (with more than 6 members) accounted for 15%. Large households are relatively evenly distributed across the regions, but are somewhat more common among households whose main member fled Kosovo after 1998 - in this group they account for 26%.

The sample is regionally distributed according to the following structure: Belgrade 26%, Vojvodina 20%, Southern and Eastern Serbia 43% and Šumadija and Western Serbia 11%. Out of the total number of the surveyed households, 75% live in the city and 25% in the countryside. The distribution by type of settlement is as follows: slums (extremely deprived communities) 16%, partaja (old inner city areas) 15%, older rural settlements within the inner city area 26%, poor villages or hamlets 19%, new inner city / suburban communities 20%, purpose-made settlements, barracks or containers 2%, and residential buildings 2%.

From among the members of the surveyed households, Roma account for 95.4%, Ashkali for 1.8%, Egyptians for 1.2%, Serbs for 1% and other nationalities for 0.6%. Almost all of them hold citizenship of the Republic of Serbia - 98.1%. The next most common citizenship in the sample is Macedonian, it is found in 0.6% of cases. In this context, it is especially important to underscore the information on earlier migratory tendencies that characterize this group. More specifically, among the surveyed heads of households 83% have always lived in the territory of Serbia excluding Kosovo. Seven percent of them fled Kosovo after 1998 and 5% had earlier arrived from Kosovo. In all, 2.5% of heads of households returned from Western Europe. Other territories of origin appear in less than 2% of cases. From the perspective of the entire population covered by the survey, and as expected, the share of those originating from the territory of Serbia excluding Kosovo has gone up as the above migratory trends decreased over time. In the entire sample there is 88.6% of those who have always been living in the territory of Serbia excluding Kosovo, 4.2% of those who fled Kosovo after 1998, 2.6% of those who came from that area before 1998 and 2.2% of those who have returned to Serbia from Western Europe.

The population of the surveyed settlements is extremely young - the average age in the sample was 28.38 years. Persons under 18 years of age account for 48.7% of all people covered by the survey, while children under 7 years of age account for 12.4%.

With respect to education less than 2% of the respondents pursued their education after primary school, and as many as 2/3 did not complete even primary school. With the new generations, the situation regarding education is changing for the better, but not sufficiently to indicate a stronger shift in the culture of education among Roma – in the total population above the age of 14 years covered by the survey in these settlements (i.e., when the data is included in the analysis for numerous generations younger than the surveyed heads of households), the share of those who continued their education after primary school is 17.5%.

The rest of the report will present the basic problem, the risk of statelessness, i.e., the risk for a person to become stateless because he/she can not prove citizenship and effectively exercise basic social, economic, cultural and political rights. ***Lack of identity cards (for persons aged 18 +), lack of birth registration (for persons under 18) or non-registration of citizenship status in the vital records were used as indicators of this risk.***

The share of persons without basic identity documents in the Roma population in Serbia has dropped significantly: it was 6.8% in 2010 and 3.9% in 2015, implying a decrease of 43%!

The report will present the territorial distribution of these persons, as well as their socio-economic profile.

In 238 households in the surveyed sample, persons were found who do not possess at least one of the important indicators of citizenship. There are 344 such persons in total, accounting for 3.9%. If applied to the estimated size of this population, it would mean that **2,700 people at risk of statelessness live in “Roma” settlements**. It also means that the share of persons without basic identity documents in the Roma population in Serbia has declined significantly: in the 2010 survey, their share stood at 6.8%, implying a decrease of 43%! Among these 344 persons, we found 24 persons who do not have any of the following components of the indicator (identity card (ID), registration in a birth register (BR) or registration in the vital records of nationals (CC)). They account for 7% of this group, or 1.2% of the entire sample. At the level of the target population, there are 846 persons who have no component of the statelessness risk indicator.

3.2. Regional Distribution of Persons at Risk of Statelessness

In terms of statistical regions at NUTS² 2 level (Vojvodina, Belgrade, Šumadija and Western Serbia, Southern and Eastern Serbia), a decrease in the share of persons at risk of statelessness has occurred everywhere apart from the region of Šumadija and Western Serbia, where no statistically significant change has taken place in the last 5 years (see Figure 1).

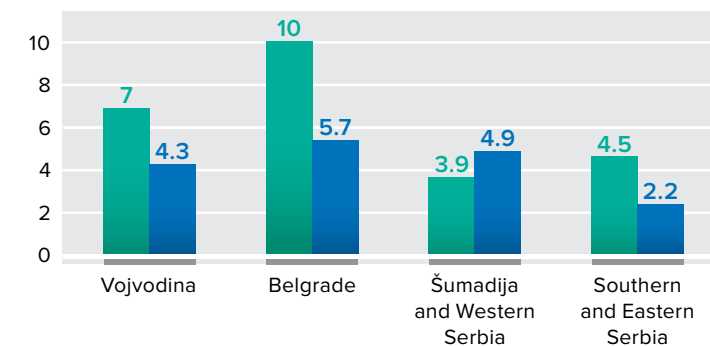


Figure 1. RAE at risk of statelessness, by NUTS 2 region, 2010 and 2015, in %

² The NUTS classification is a standard nomenclature of statistical territorial units in the EU, which has 3 levels. In Serbia, there are 2 NUTS regions at level 1 (North and South), 5 regions at level 2 (Belgrade, Vojvodina, Šumadija and Western Serbia, Southern and Eastern Serbia, Kosovo and Metohija). The former administrative districts, 27 of them, are at level 3.

In 71% of the surveyed households one member was found in each household, who was at risk of statelessness, in 20% of the households there were two such members, and in 9% of the households more than two members. The concentration of households with two or more members at risk of statelessness has increased in Belgrade, where 49% of them live (as a reminder, RAE households from the territory of Belgrade account for 26% of the sample), and on account of that, the described phenomenon is less prevalent in Southern and Eastern Serbia. In addition, as is logical to expect, RAE households in which there is more than one person at risk of statelessness are disproportionately more likely to occur among the displaced from Kosovo, irrespective of whether they arrived to Serbia before or after 1998. While the share of persons at risk of statelessness among domicile RAE is 3%, among RAE who fled Kosovo after 1998 there are 15% of such persons, and among RAE who had left Kosovo before 1998 those at risk of statelessness account for 10%. In this respect, the trend has remained the same as in 2010, when among RAE who fled Kosovo ratio of those at risk of statelessness was higher than among domicile RAE (back then it was 14%). However, there has been a change in the distribution by region, predominantly in terms of higher concentration of internally displaced RAE without valid personal documents in Belgrade, a significantly lower one in Vojvodina.

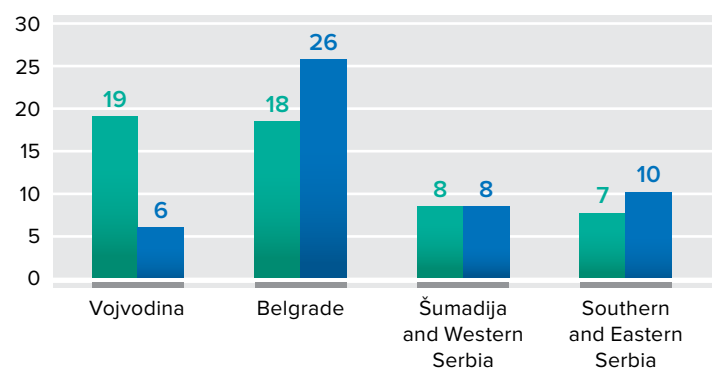


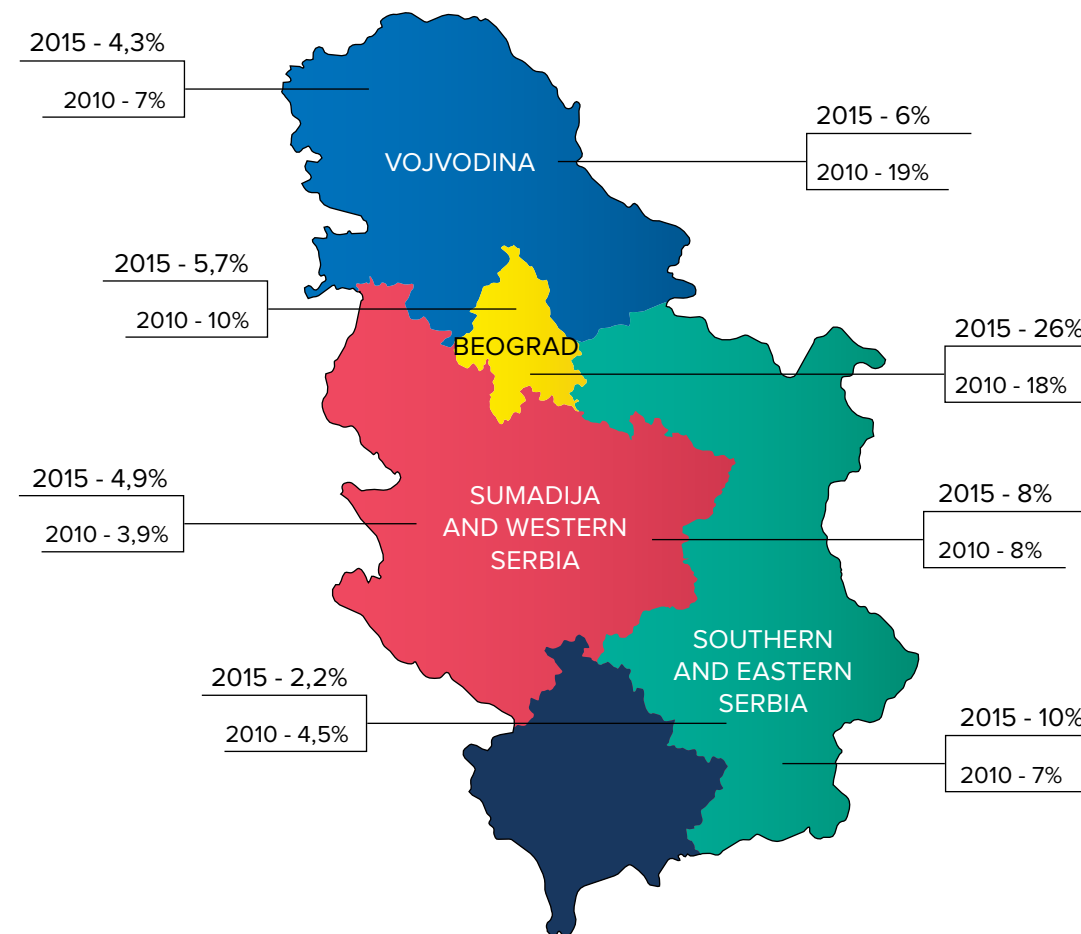
Figure 2.
RAE at risk of statelessness in Serbia, immigrated from Kosovo after 1998, by NUTS 2 region, 2010 and 2015, in %

■ 2010
■ 2015

The number of persons without basic personal documents among the Roma population in Serbia is almost three times higher among the IDPs from Kosovo - a similar ratio as in 2010.

Roma, Ashkali and Egyptians at risk of statelessness

Internally displaced RAE from Kosovo at risk of statelessness



3.3. Socio-Economic Profile of Persons at Risk of Statelessness

Among the returnees from Western Europe, those who do not have at least one basic identity document account for 6.8%, while from among the few who came to Serbia from the former Socialist Federative Republic of Yugoslavia republics outside the period of the war (before 1991 or after 1997), 22% of them do not have at least one personal document. Another tendency that we identified in both the 2015 and 2010 surveys, was that persons at risk of statelessness more often live in communities where extreme poverty prevails (slums), as presented in Figure 3.

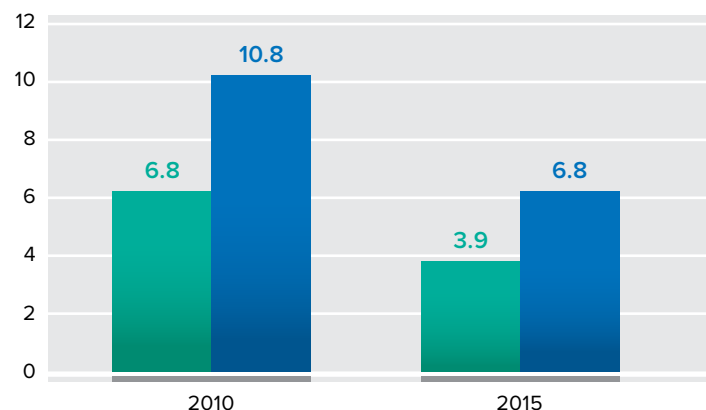


Figure 3. Roma, Ashkali and Egyptians at risk of statelessness among the population in the settlements with the majority RAE population, 2010 and 2015, in %

■ Entire sample
■ Extreme poverty community

The fact that is different, however, is that in 2010 there was a high share of such persons in container settlements as well (12.4%), while an above-average share in the 2015 Survey was found in collective accommodation buildings (6.2% compared to 3.9% in the whole sample).

When analyzing just the group of 344 persons from the sample, who have at least one element that puts them at risk of statelessness, we can see that among domicile RAE a majority of such persons live in older inner city settlements and suburbs, followed by slums and villages. In the case of RAE displaced from Kosovo the picture is inverted: those at risk of statelessness usually live in slums, then in cities and hardly any of them in villages (2%).

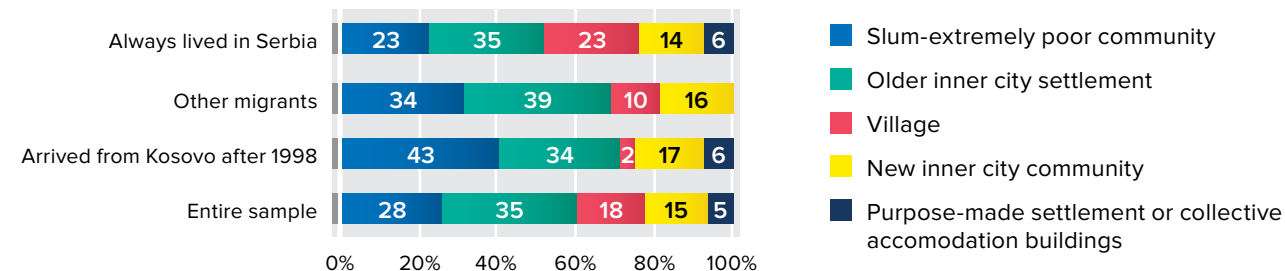


Figure 4. RAE at risk of statelessness in Serbia, by migratory status and type of settlement they live in

■ Slum-extremely poor community
■ Older inner city settlement
■ Village
■ New inner city community
■ Purpose-made settlement or collective accommodation buildings

Among those persons of Roma, Ashkali or Egyptian nationality who do not have basic personal documents, 6% are older than 60 years, 13% are younger than 18 years, and 43% of them are persons in the 18 to 35 age bracket. Men make up 53% of this category.

Households with members at risk of statelessness are extremely poor. For 75% of them the main sources of income include the collection of secondary raw materials, social assistance and seasonal jobs. Consequently, these households are extremely materially deprived and most of them are not able to meet basic needs, as presented in Figure 5.

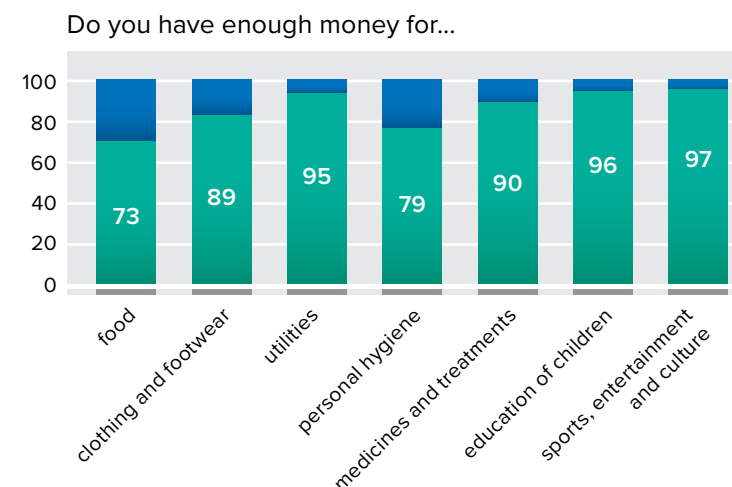


Figure 5. Share of deprived RAE households in Serbia among those in which there is a person at risk of statelessness, in %

■ yes
■ no

On the other hand, 95% of the surveyed heads of households believe that it is extremely important for all members of the household to have personal documents, and another 4% believe that it is largely important. In addition, 90% of them would like to be contacted by someone who could help them to obtain the documents that household members lack, of whom 2/3 are in Belgrade and Southern and Eastern Serbia.

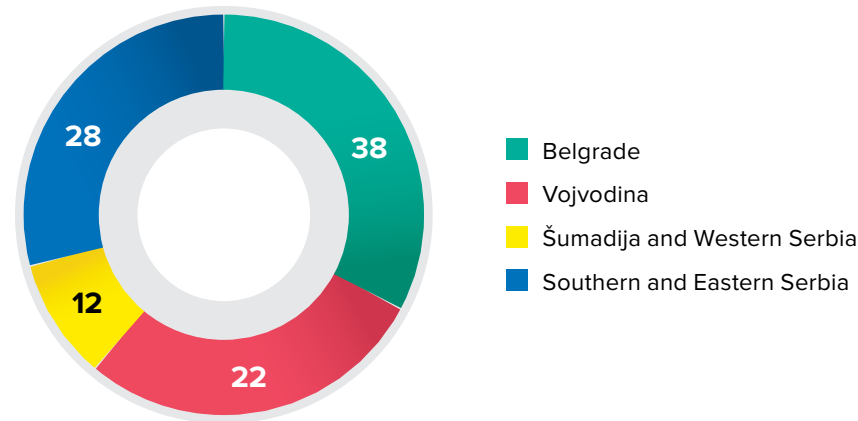


Figure 6.
Regional (NUTS 2) distribution of households with a member at risk of statelessness that would like to be contacted for the purpose of receiving assistance in obtaining documents which household members lack, in %

Further in the report we will discuss which personal documents persons who are at risk of statelessness do not possess and what the main reasons for this are.

3.4. Lack of Documents

The possession of identity papers is of great importance for the exercise of civil rights and for obtaining social support in risky social situations. The basic personal identity document in Serbia is an identity card, which all citizens over the age of 16 must obtain and whose possession is a requirement for access to all basic rights. To be issued an identity card, a citizen needs to be registered in the birth registry and to have certified nationality of the Republic of Serbia, i.e., it is necessary for the fact of citizenship to be entered into the relevant registry (a registry of births or vital records of citizens). The problem of “legally invisible” persons - persons who are not registered in the birth register was partially resolved in 2012 when, in addition to the previously applied administrative procedure for subsequent registration of the fact of birth, the implementation of non-contentious procedure for establishing the time and place of birth also commenced. The Law on Amendments to the Law on Non-contentious Procedure was adopted, which has introduced the possibility for persons who can not exercise the right to registration in the birth registry in the administrative procedure to do so in non-contentious procedure. A certain number of persons who had been trying unsuccessfully to subsequently register the fact of their birth in the birth registry for years, because of the complicated procedures and numerous pieces of evidence required from the applicants, were actually registered. Non-contentious court procedures for the establishment of the time and place of birth have made the registration based on a court decisions possible, in a simplified procedure before a

court of law. This has reduced the number of existing “legally invisible” persons, while providing prevention at the same time, since this is a phenomenon which is passed on to the next generation because it is still necessary for parents of a person to be registered in the birth register and possess the basic identification document in order for that person to be able to obtain civil registration.

However, despite the commitment undertaken by the Republic of Serbia through the ratification of the UN Convention on the Rights of the Child it is not yet possible in practice for all children born in its territory to be registered immediately at birth and enjoy the right to a name and nationality irrespective of the status of their parents. This is one of the reasons of a persisting significant risk of re-occurrence of a rise in legal invisibility in the future and thus of statelessness as well.

In addition to the copy of a birth certificate, in order to obtain an identity card it is necessary to have a citizenship certificate confirming citizenship status. Only the possession of both documents, together with the residence registration, enables the full enjoyment of fundamental rights guaranteed to all citizens in Serbia. Both surveys, in 2010 and in 2015, point to the fact that a number of citizens, members of the RAE population, for various reasons still do not have some of these documents, which renders them persons at risk of statelessness.

3.4.1. Birth Certificate

Registration in the register of births is a prerequisite for a birth certificate and recording the fact of citizenship. Any person who has not been registered in the birth registry remains “legally invisible” and without access to basic rights. The ability to obtain all other personal documents depends on registration in the birth registry. In recent years, a lot of effort has been invested in intensifying the registration of Roma children in civil registries, as well as in subsequent registration in the BR of adults who have never been registered in the BR. The situation regarding the birth registration of all inhabitants of the majority Roma settlements in Serbia has improved compared to 2010. Back then, there was 1.5% of the unregistered, while now they account for 1%³, or in absolute numbers around 700 people from the settlements with high concentrations of the RAE population. This rate is balanced for genders, but the regional distribution of those who have not been registered in the BR is very uneven: while in Belgrade there are 2.3% of them, in Southern and Eastern Serbia they account for a mere 0.2%. Vojvodina and Šumadija and Western Serbia are somewhere around the average in this respect. The concentration of the RAE who are not registered in BRs is higher in ‘slums’ - there are 2.2% of them there and it is slightly higher in older rural settlements within the inner city area and collective accommodation buildings - there are 1.4% of them in each. In poor villages, this rate is 0.5%.

Registration of Roma, Ashkali and Egyptians has improved compared to 2010 - the share of the unregistered dropped from 1.5% to 1%. This rate is higher in Belgrade and in the slums and strikingly higher among IDPs from Kosovo.

³ The largest number of members of the surveyed households are registered in birth registries in Serbia (85%), 13% are registered in Kosovo, and 2% in other countries.

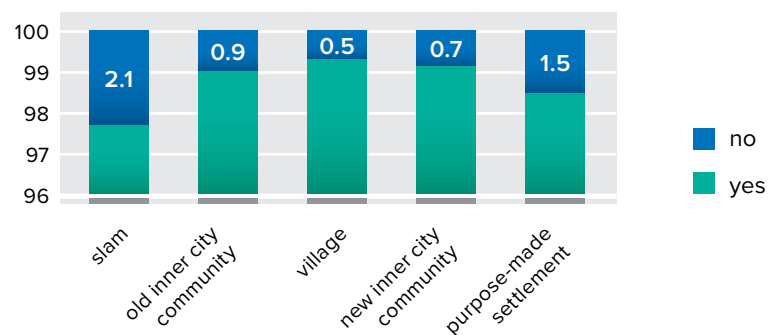


Figure 7.
RAE from “Roma” settlements in Serbia who are not registered in birth registries, by type of settlement in which they live, in %

The finding that the concentration of persons who are not registered in both registries is higher in informal settlements and in Belgrade is in line with the finding that this concentration is actually extremely high among RAE who have migration experience - among the internally displaced from Kosovo and among those who have arrived from the former Yugoslav republics.

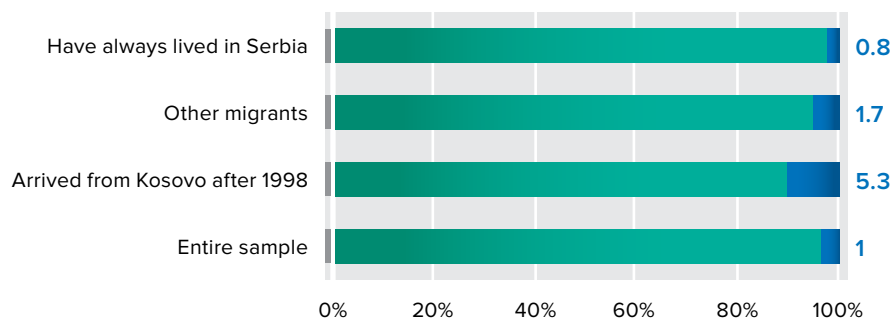


Figure 8.
RAE from “Roma” settlements in Serbia who have not been registered in birth registries, according to their migration experience, in %

It is worth recalling here that these figures correspond to those established in the study “Assessment of the Needs of Internally Displaced Roma in Serbia” (UNHCR, 2014: 41). That study identified 5% of RAE IDP households with a member who has not been entered in a birth registry relative to less than 1% among the domicile Roma. Asked whether all children under the age of 15 have been registered in the birth register, 7% in the former and 2% in the latter group of households responded negatively. These figures remained similar in 2015.

Birth registrations in the period 2012-2015 deserve special attention, because it is then that the key laws in this area were amended and a series of activities pursuant to the Memorandum of Understanding between UNHCR and the Ministry of Public Administration and Local Self-Government and the Ombudsman of the Republic of Serbia implemented. From 2012 to 2015, 1,758 persons from the surveyed households were registered in the birth registries, accounting for 21.3% of the population represented. As expected, among the newly registered in the birth registries in this period, the majority of persons were those under 18 years

of age (40%), but, for example, there also was 7% of those 60+. Probably the most important information related to this topic is that among children under 4, hence those born in the period of intensified activities on the prevention of the risk of statelessness, constitute 8% of those who are registered in the birth registries, which indicates the necessity for registration immediately after the birth and regardless of whether the parents hold identity documents or not. As with the previously presented indicators, the situation is the worst in Belgrade because the share of the newly registered in the birth registries compared to the total RAE population in the period 2012-2015 is even less than 50% than in Šumadija and Western Serbia and in Southern and Eastern Serbia.

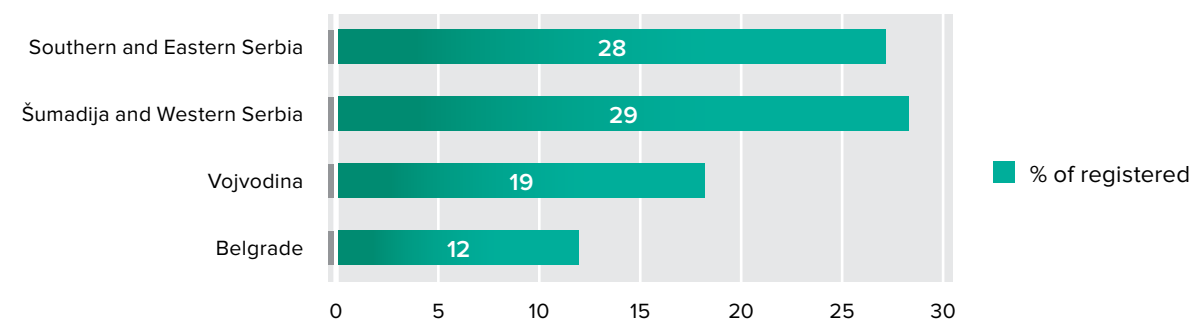


Figure 9.
The share of the newly registered in the birth registries in the period 2012-2015, the total population of RAE settlements in Serbia, by NUTS 2 region, in %

Respondents from households with members at risk of statelessness have stated the reasons for which they and/or members of their households are not registered in the birth registries. Almost half of the reasons are related to the fact that their parents were not registered in the birth registries (21%), or have no identification documents (23%). For 12% an important reason is the fact that registration in the birth registries is expensive, and the same percentage of them perceive the complicated procedure as the difficulty. Another 10% are not registered because they have not been informed about the procedure, and the remaining 22% stated other reasons. From among those who are at risk of statelessness and are not registered in BRs, 45% have tried to register, but they were denied. And that is where the main reason is for the lack of required personal documents or registration of parents.

Compared to 2010, the most important progress has been made in informing persons at risk of statelessness, and support in the birth registration procedure. In 2015, this was less frequent as a reason for the non-registration in the birth registries, the lack of parents’ documents being a much more common reason.

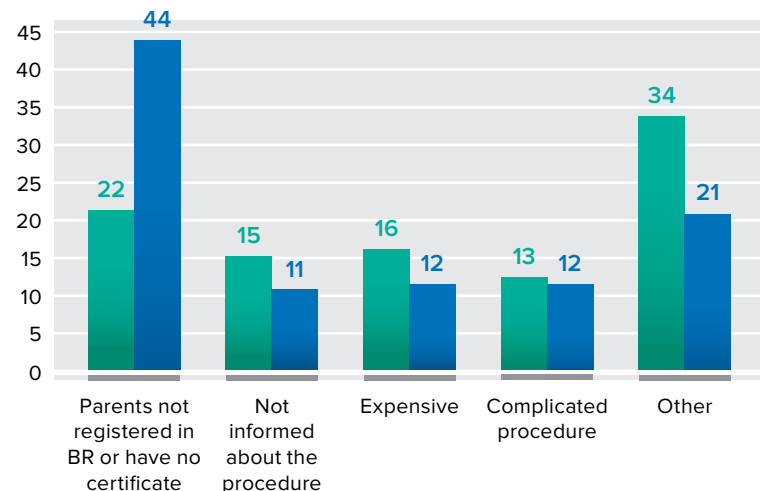


Figure 10.
The most important reasons for non-registration in the birth registries, RAE at risk of statelessness in Serbia, 2010 and 2015, in %

The number of persons aged 16 + who do not have identity cards has significantly dropped. This percentage is 5.2% relative to 11.7% in 2010. This rate is almost 4 times higher among the IDPs from Kosovo than among the domicile RAE.

3.4.2. Identity Card

An identity card (ID) is the key document for the identification of a person and is necessary for the exercise of fundamental rights. Persons registered in birth registries are looking at additional administrative steps and financial costs when to the times comes for them to obtain an ID card at the age of 16. It is therefore logical that the percentage of those who have no ID is higher than the percentage of those who have not been registered in BRs. In the sample for this survey, we found 5.2% of people aged 16 and over who do not have an identity card, which is about 2,700 persons in the RAE population living in 'Roma' settlements. On

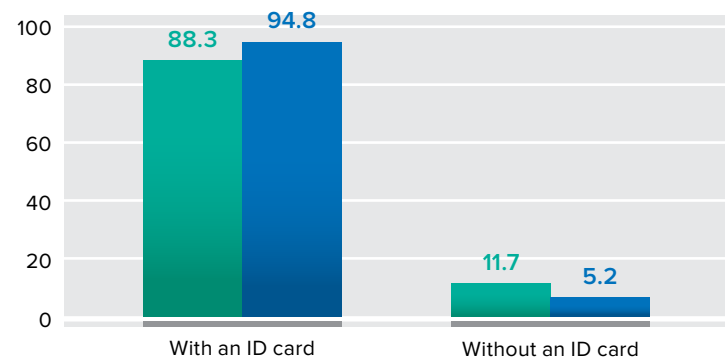


Figure 11.
The share of RAE who do not have a valid ID in the RAE population aged 16+, 2010 and 2015, in %

the other hand, great progress has been made in comparison with 2010, when the share of persons aged 16 years and over who have no identity card was 11.7%. The reason for this improvement is also the active campaign conducted by UNHCR for 8 years now, and in which the obtaining of more than 18,000 identity cards for members of the RAE population has been financed.

It should also be mentioned that no one in the group of persons at risk of statelessness had an ID card in 2010 and in 2015.

In 2015, all statistical regions had levels of the rates of ID non-possession above the average for Serbia as a whole, except for Southern and Eastern Serbia where the share of RAE is 16+ who had no ID was 3.1%. In Vojvodina this figure was 5.6%, in Belgrade 7.4% and in Šumadija and Western Serbia 7%.

With regard to this indicator, too, the migration experience appears as a risk factor for statelessness. While among the domicile RAE there are 3.9% of those who do not have ID cards, among the RAE displaced from Kosovo after 1998 as much as 15% had no ID. This percentage is also high and stands at 10% among the returnees from Western Europe.

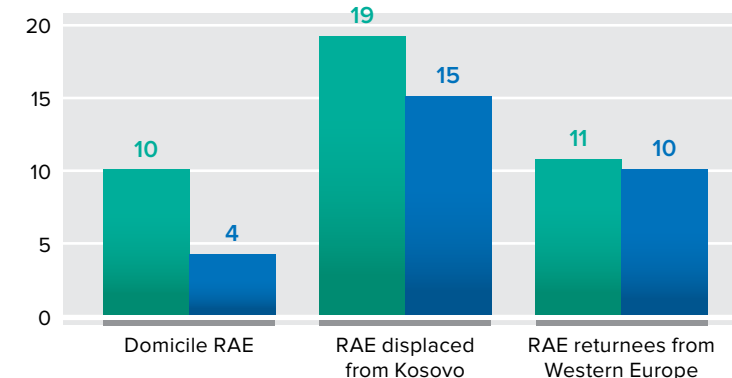


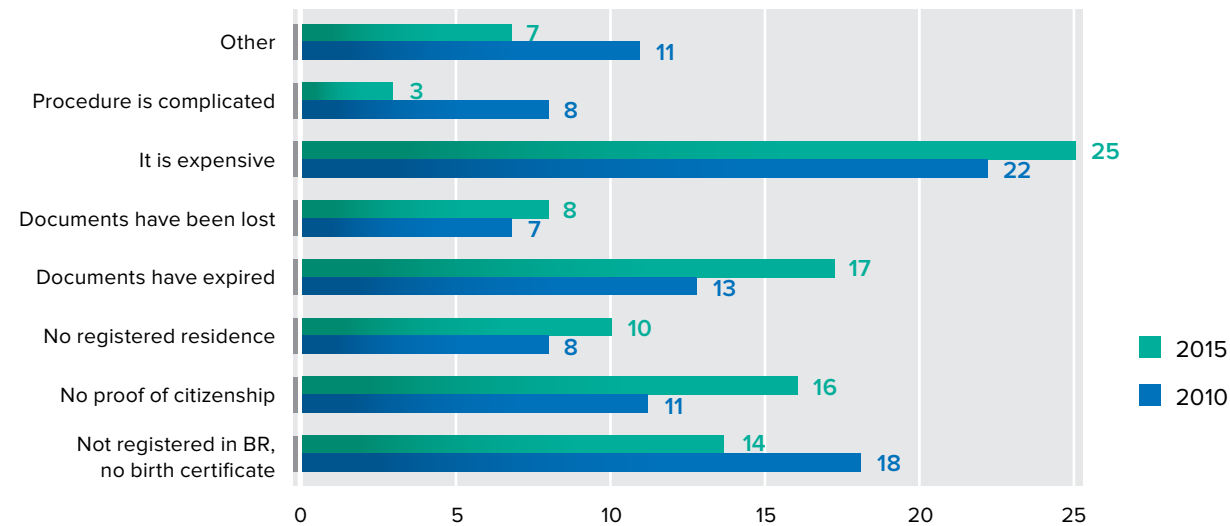
Figure 12.
The share of RAE who do not have an ID card, by their experience of migration, 2010 and 2015, in %

This problem is particularly prominent in the slums. In these extremely poor communities there are 11% of persons over the age of 16 who do not have ID cards, which is two times higher than the rate for the entire RAE population. This rate does not vary much among other types of settlements and ranges between 4% and 5%.

In the case of this indicator, as in the case of birth registration, no statistically significant difference between the sexes can be found - the share of persons without IDs among men 16 + in the RAE sample is 5.5%, while the share of such persons among the female RAE population is 4.8%.

The reasons for lack of ID cards vary. In brief, this may be attributed to the fact that the respondents either lack some other personal document or that the costs of obtaining an ID card are too high for them. The single most common reason refers to the high cost of obtaining an ID. This structure of reasons has not changed substantially relative to 2010, but it is possible to derive from the figure below that the complicated nature of the procedure and lack of certificates of births from the birth registry occurred less frequently in 2015 than in 2010.

Figure 13.
Reasons for the lack of IDs, RAE at risk of statelessness in Serbia, in 2010 and 2015, in%



The single most commonly stated reason in both surveys is that obtaining of an ID card is expensive. However, when all the answers relating to the lack of relevant identification documents are added up, they are two and a half times more cited than the high costs of the procedures. It should also be noted that this asserts the progress made to date in clarifying the procedure and providing support for registration in the birth registry.

In 2015, among the surveyed members of the RAE population, who do not have an identity card, there were 20% of those who have tried to obtain an identity card, but were rejected. Almost all of the cited reasons for rejection are related to the lack of necessary documentation.

3.4.3. Residence Registration

A simplified registration in the registry of births facilitated by the introduction of non-contentious procedures for establishing the time and place of birth has resulted in a drop of the number of “legally invisible” persons and enabled those persons to register their residence and obtain an identification card following the regulation of their citizenship status. In addition, the 2012 Law on Permanent and Temporary Residence of Citizens allowed the registration of permanent residence at the addresses of social welfare centers for people who have no registered permanent residence and could not register it because they live in informal settlements without adequate addresses. These systemic solutions have brought a significant improvement into the lives of the RAE population and made it possible for them to access fundamental

rights, which they had previously been denied. However, a number of residents of informal settlements are still not able to register their residence or to access rights in the territory where they actually live.

Persons with registered permanent residence in Kosovo, but have lived for years in displacement in informal settlements on the territory of Serbia excluding Kosovo were exempted from the categories of persons who were enabled to register residence at the address of a social welfare center under the 2012 Law on Permanent and Temporary Residence. This category of the RAE population has been deprived of accessing primarily to the rights to social and health care, as well as all other rights related to land they actually live on.

Relative to 2010, the share of persons who have no residence registration has dropped. It is now 38% relative to 53% in 2010. Half of these persons live in ‘Roma’ settlements in Belgrade.

Among the people who were identified in the survey as being at risk of statelessness, 38% do not have or do not know whether they have registered permanent residence. This is lower compared to the findings of the 2010 Survey when among those at risk of statelessness there was 53% of persons with no registration of residence.

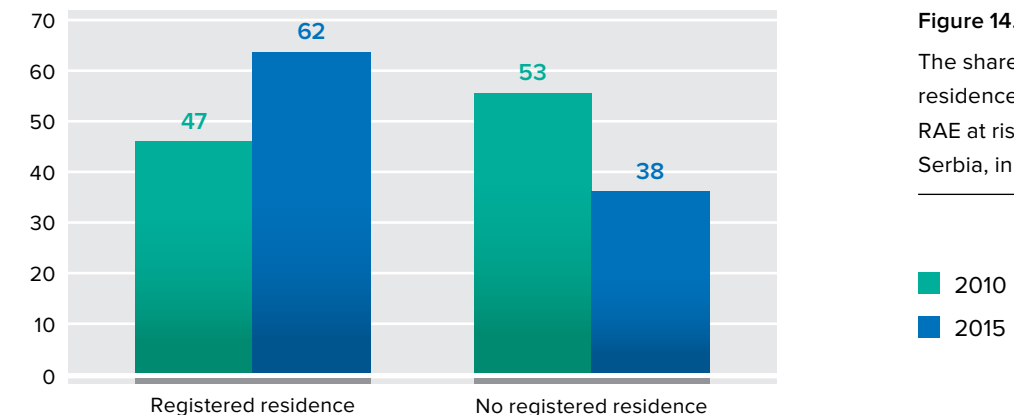


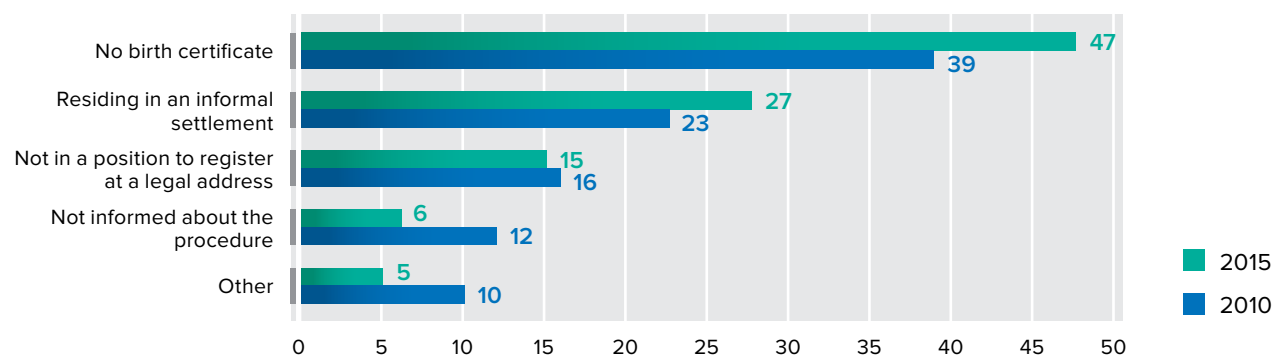
Figure 14.
The share of persons without residence registration among the RAE at risk of statelessness in Serbia, in 2010 and 2015, in %

In 2015, those with registered residence were mostly registered at the address where they lived (50%), 9% of them were registered at a different address in Serbia, 3% at an address in Kosovo, and 1% at an address in a different country. No respondents registered at the address of a social welfare center. The fact that a considerable number of Roma IDPs continue to have registered permanent residence in Kosovo significantly limits their access to many rights, e.g. to health care.

More than a half of those RAE at risk of statelessness with no registered permanent residence in 2015 live in the slums and old settlements in Belgrade, while others live mostly in old Roma settlements in urban areas of the three other regions.

From the aspect of structure, the reasons for these persons not have registered residence remain the same as in 2010. The most important reason is the fact that they do not have birth certificates, followed by the fact that they live in an informal settlement. But there is also one major novelty: a mere 6% of respondents cited lack of information on the procedure for residence registration in 2015 relative to 12% in 2010. On that account, an increase occurred in the share of those without registered permanent residence, due to the most common reason - the lack of birth certificates.

Figure 15.
Reasons for failure to register residence, RAE at risk of statelessness in Serbia, in 2010 and 2015, in %



Thirty percent of Roma, Ashkali and Egyptians without a registered permanent residence did try to register permanent residence but were rejected for lack of required documents, because they needed to de-register from Kosovo, or because they live at illegal addresses in informal settlements.

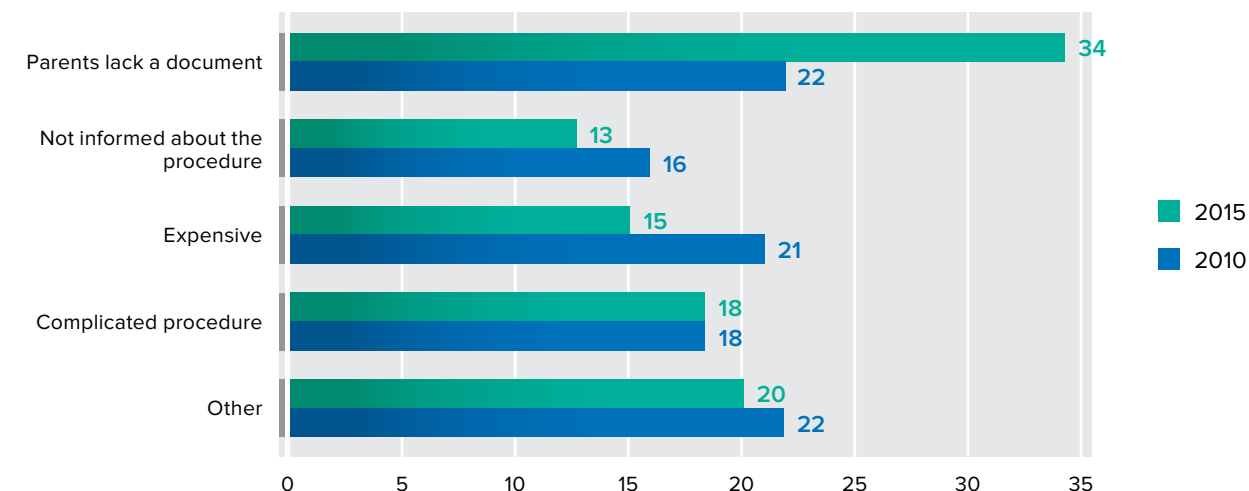
3.4.4. Citizenship Certificate

The registration of the fact of citizenship in civil registries is the confirmation of the link between an individual and the state. Citizens may prove the fact of citizenship by means of a citizenship certificates and/or a copy of the birth certificate, which now constitutes the basic vital records of citizens. About 50% of respondents found to be at risk of statelessness stated that they are not registered or not aware of whether they are registered in the records of citizens. The percentage here is again lower than that in 2010. Based on this figure, an estimate can be made that persons at risk of statelessness who are not entered into the civil records of citizens account for about 1.2% of the RAE population. In absolute numbers it is just over 800 persons.

Relative to 2010, the number of persons at risk of statelessness among RAE population not registered in the vital records of citizens has dropped. The main reasons include the lack of a document related to the parents, lack of information, costly and complicated procedure.

There are two groups of reasons for lack of registration of the fact of citizenship in the vital records of citizens. One group includes reasons related to the fact that parents are not registered in birth registries or civil records of citizens or do not have documents to prove that they are registered. These are the reasons for which around 1/3 of respondents from this group are not registered in the vital records of citizens. The second group of reasons is related to financial and administrative problems. An approximately equal number of respondents state they are not informed about the procedure, that the procedure is expensive for them, or that it is complicated. These reasons were cited by 46% of respondents.

Figure 16.
Reasons for the non-registration in vital records of citizens, RAE at risk of statelessness in Serbia, 2010 and 2015, in %



Some 28% of respondents who claim that they are not registered in the vital records of citizens tried to register, but were rejected. In this situation, the most common reason is the fact that they are not registered in birth registries, but there are other reasons, such as unknown or indifferent parents Kosovo descent, etc.

3.5. Access to Rights and Discrimination

Possession of personal documents is important for individuals to be able to avail themselves of social services and exercise other civil rights. Lack of documents makes social inclusion difficult and can lead to systemic indirect or direct discrimination. Therefore, we also asked our respondents whether they faced a problem due to lack of a document, as well as whether they experienced discrimination when accessing institutions whose services they used.

RAE at risk of statelessness have faced problems because of the lack of documents, most frequently in accessing health care and social assistance. They most often encounter problems in health care institutions and the police. In most of the cases they are ignored and denied the requested information, but there have also been cases of insults and humiliation.

The problems RAE at risk of statelessness face due to lack of personal documents in 2015 are similar to that identified in the 2010 Survey.

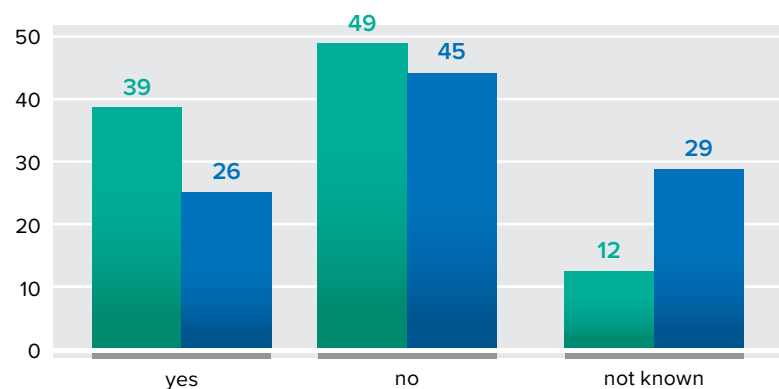


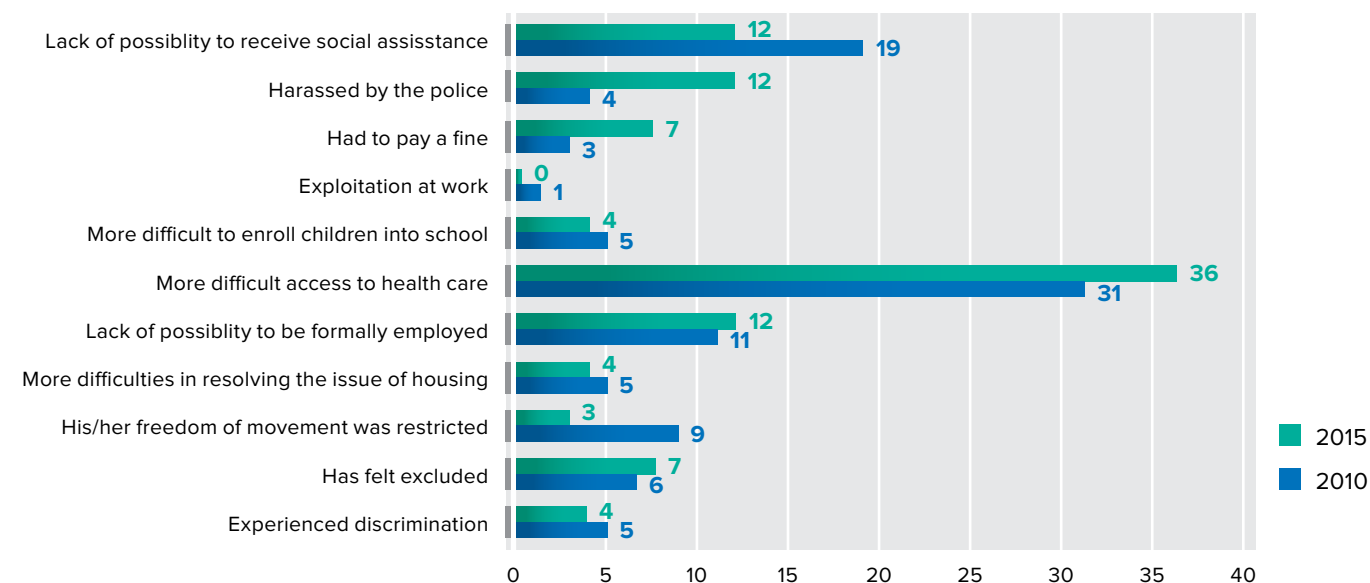
Figure 17.
Problems faced due to the lack of personal documents, RAE at risk of statelessness in Serbia, 2010 and 2015, in %

■ 2010
■ 2015

In 2015, the persons facing problems due to lack of documents were geographically distributed in the same manner as was the risk of statelessness - it is most frequent in the Belgrade region (41%) and Southern and Eastern Serbia (39%), and less frequent in Vojvodina (32%) and Šumadija and Western Serbia (21%). Likewise, the problems are more frequently faced by RAE at risk of statelessness who live in slums (54%) and other 'Roma' settlements in inner city areas (about 38%) than by others.

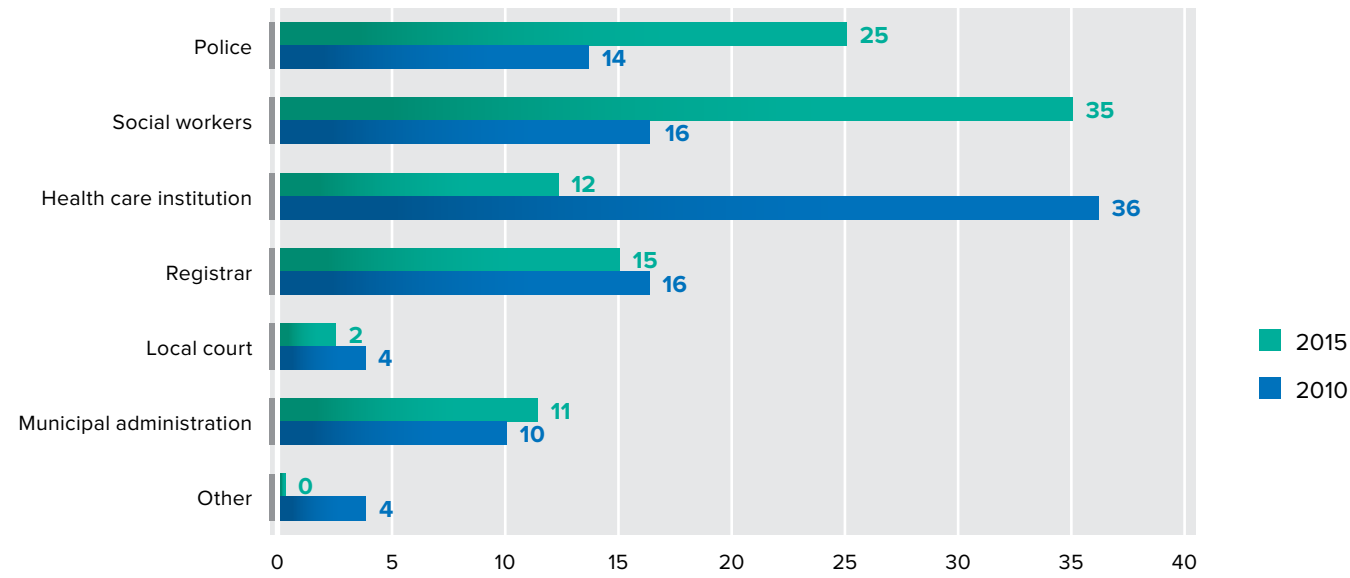
By far the largest number of respondents recognized as the main problem the unavailability of health care, as was the case in 2010. What has changed is that access to social assistance is no longer the second most common problem in 2015; instead, the relevance of finding a formal job and harassment by the police are equally high on the list.

Figure 18.
Problems faced by RAE at risk of statelessness in Serbia, 2010 and 2015, in %



Problems were also encountered when approaching the authorities in order to obtain documents. As reported, and similarly to the findings in 2010 (23%) 21% of the respondents had a poor experience with the institutions. But as presented in the figure below, this experience is now more prevailing in social welfare centers and the police unlike in 2010 when it occurred more frequently in local health care centres.

Figure 19.
Institutions in which RAE at risk of statelessness in Serbia experienced a problem, 2010 and 2015, in %



The most common problems faced by RAE at risk of statelessness in state institutions are:

- Refusal to provide the information requested - 39%
- Humiliation and insults - 21%
- Ignoring - 15%
- Seeking money in addition to the mandatory fees - 12%
- Other - 13%

In the previous period some RAE were assisted with registration in the vital records and obtaining documents. In the 2015 Survey, there were 24% of them, considerably more than in 2010, when 10% of respondents reported that they had received assistance. As in 2010, the most common provider of assistance was Praxis, according to almost 75% of respondents. The second most frequent aid provider is UNHCR - it was mentioned by 12% of RAE at risk of statelessness. Roma coordinators were mentioned by 8% of respondents.



4. CONCLUSIONS AND RECOMMENDATIONS

Due to the persistence of the risk of statelessness among Roma, Ashkali and Egyptians, UNHCR has, together with partners from Government and civil society, since 2011 conducted a series of activities aimed at establishing systemic solutions to overcome legal gaps and complicated administrative procedures in the field of registration in the birth registries and obtaining personal documents. In April 2012, the Memorandum of Understanding was signed between UNHCR, the Ministry of Public Administration and Local Self-Government and the Ombudsman of the Republic of Serbia, resulting in a series of legal amendments that resulted in the above systemic solutions. In order to assess the effects of these measures, a survey was conducted on a sample of 2,050 households in 77 municipalities throughout Serbia with a high concentration of the RAE population in October 2015. A total of 154 settlements in 77 municipalities were selected for the sample, and data on different aspects and experiences of obtaining basic personal documents and registration in the most important civil records (birth and citizenship) was collected for 8,765 members of the selected households.

The survey results show that the risk of statelessness for RAE in Serbia has almost halved - 3.9%, or approximately 2,700 persons, were facing that risk in 2015. Another important finding is that this risk can be more accurately placed geographically and socially. Although the problem is present Serbia-wide, its concentration is evident in Belgrade, in extremely poor communities and among the internally displaced RAE from Kosovo. Moreover, it should be stressed that the risk is often intensified in certain families: half of RAE at risk of statelessness are the only ones at risk in their family, and the other half comes from families where several members are at risk. As in the previous surveys of this population, this time, too, it has been recognized that these are households with extremely limited human and financial resources, their members live in dire poverty, have very low or no education and underdeveloped social and administrative skills.

Considering such a profile, it should be underscored that despite the fact that the risk of statelessness has diminished even in extremely poor communities, the risk of statelessness among the internally displaced RAE is stagnant compared to 2010. The only noticeable variation is that the risk among the RAE IDPs in Vojvodina has declined significantly, while in Belgrade it even increased. It is very possible that such finding comes as a result of migratory flows in the period 2010-2015, i.e., the relocation of a number of internally displaced RAE families from Vojvodina to the Belgrade slums.

Administratively, the whole problem of statelessness starts with birth registration. Owing to the undertaken legal measures and support activities, the situation has greatly improved in this respect, too, compared to 2010 - the share of the unregistered has nearly halved. There is, however, a striking variation that indicates

where the problem is concentrated: this rate is higher in Belgrade and in slums and strikingly higher among internally displaced persons from Kosovo. In addition, it is obvious that registration in birth registries is slower after the birth of a child, as this problem is more prevalent among children under 15 than in the general RAE population - even during periods of intensified activities on the prevention of statelessness risk, a considerable number of children are not registered in the birth registries before the age of four. The most common reason for which RAE are not registered in birth registries is the lack of necessary documentation related to the parents or to them personally. Also important are the lack of money, complicated procedures and lack of information. While in the previous survey the lack of information and complicated procedures stood out as the main causes for the lack of personal documents, in the 2015 survey the non-registration of parents in the birth registries or lack of their birth certificates gained importance. This indicates that other causes are better covered by the activities undertaken for the purpose of providing information and support in the process of birth registration.

As expected, the percentage of those who do not have identity cards is higher than the percentage of those who are not registered in birth registries but this problem has also been halved between 2010 and 2015. As in the case of registration in birth registries, this problem is more prominent among the internally displaced RAE, but returnees from Western Europe also stand out as the group at risk in which the problem has not been reduced over the last five years. The main reasons for the lack of ID cards are the lack of the required documentation and the lack of money needed for administrative fees. The lack of documentation is also the main reason for which those who have tried to obtain ID cards were rejected.

Registration in the birth registries is a necessary prerequisite for the registration of residence, but this also requires an address at which a person would be registered. Precisely the lack of these two elements was the most frequently mentioned reason for RAE to have no residence registration, the same finding as in 2010. However, the ratio of those who did not have registered residence at the time the survey is lower than in 2010. Despite the progress, the new legal amendments (Law on Permanent and Temporary Residence of Citizens) have enabled the resolution of the residence registration problem (at the address of a social welfare center) for a very limited number of those who have not registered permanent residence anywhere, i.e., mainly for those who were "legally invisible". The problem of internally displaced RAE from Kosovo, who have limited access to many rights because their residence is still registered in Kosovo remains open. Given that in the displacement they live in informal settlements throughout Serbia, they are not able to register their residence at a social welfare center.

Finally, as regards the registration in the civil records of citizens, the situation is similar as in the case of the permanent residence registration, both by extent and by location (urban slums, especially in Belgrade). The key problems again include the lack of relevant documentation, lack of money for administrative fees and lack of information. Clearly, the problem of registration in the civil records of citizens is greater than of birth registration, and that the entire system of support is more efficient in the latter case. The mentioned findings conclusively point to the core of the problem of statelessness. Notwithstanding all the efforts invested by the Government, international organizations and local NGOs, some of Roma, Ashkali and Egyptian families still live in the virtual universe of poverty from which they cannot emerge by using legal avenues. Many of these families live in informal settlements and in extreme poverty, without an address to register their residence at and without the documentation required for registration in relevant civil records. Although lack of information and complicated procedures still appear as arguments for non-registration of birth and/or citizenship, the lack of necessary documentation and the costly procedure of obtaining documents still dominate as reasons.

In the analysis of each dimension of the threat of statelessness it is evident that the efforts made in recent years have yielded tangible results. Lack of information and complicated procedures are less common as reasons for the non-possession of an important personal document. But a significant number of RAE at risk of statelessness in most of the cases face problems in accessing the most important services: health care and social protection, formal employment. A quarter of RAE at risk of statelessness have also had a bad experience when trying to obtain documents in state institutions - predominantly in health care institutions and the police. This bad experience has usually meant ignoring and denial of the requested information, but there were also cases of insults and humiliation. This points to the need for directing activities aimed at promoting measures for reduction of the risk of statelessness in institutions, too, not just among the persons at risk.

A new system of administrative procedures related to birth registration is being implemented as of 11 April 2016. Parents will be able to perform all administrative obligations linked to the registration of birth in the birth registries (including the determination of the personal name), the registration of the residence of the child and the registration with the health insurance, all in one place, in a health care institution, without filling out forms and free of charge. The principle of implementing administrative services by the principle of a unique administrative place or “one stop shop” follows contemporary trends in public services of EU countries. This is regulated with by the new Guidelines for implementing administrative procedures related to the birth of the child using the “one stop shop” system. Extremely significant is that the new Guidelines regulate the issue of the immediate registration at birth in the health institution of children whose parents lack personal documents, which is crucial for the prevention of future cases of un-registered children and which is in line with the Convention on the Rights of the Child.

Despite the progress in resolving problems of Roma at risk of statelessness, that this study has demonstrated, it is evident that continued efforts are needed to address the remaining problems, provide necessary

assistance to the remaining vulnerable population, and create preconditions to prevent further occurrence of cases of “legal invisibility” and lack of personal documents among Roma, Ashkali and Egyptians in the Republic of Serbia. In this context, UNHCR calls on Government agencies and civil society to jointly continue investing efforts towards adoption and implementation of systemic solutions, and to secure full participation of the Roma community in this work, and recommends the following:

- Fully implement the provisions of the new Guidelines for implementing administrative procedures related to the birth of the child using the “one stop shop” system which, in line with the Convention on the Rights of the Child, allow for the full registration of a child in the birth registry. It is also necessary to continue with the intensive trainings of registrars, social workers, health care staff and police officers on the implementation of the new Guidelines, in line with the plan of activities adopted within the Memorandum of Understanding signed between UNHCR, the Ministry for Public Administration and Local Self-Government and the Ombudsman.
- Allow the registration of children in the records of citizens of the Republic of Serbia immediately after birth if the parents are stateless or of unknown citizenship, because of the risk that otherwise the child remains stateless and/or immediately initiate procedures for determining nationality.
- Find a systemic solution to the problem of the members of the RAE population who continue to have permanent residence registered in Kosovo and who are denied access to fundamental rights in displacement where they have been living for years in informal settlements without the possibility to register/change their place of residence.
- Eliminate the obligation to pay a fee for the identity card form and the ID cards production costs for especially vulnerable and poor citizens among whom there are many members of the RAE population, in order to ensure access to rights conditional upon the possession of identity cards for all citizens and respect for the statutory obligation to have an ID card, applicable to all citizens over the age of 16,
- Adopt the Law on Free Legal Aid as soon as possible, and ensure its full implementation as it will provide access to free legal aid for all citizens who meet the set criteria including “legally invisible” persons, stateless persons and persons at risk of statelessness.
- Continue to provide free legal assistance to persons whose fact of birth and/or citizenship is not registered in the vital records, especially in Belgrade and in other regions with a higher concentrations of persons facing this problem, pending the adoption and full implementation of the Law on Free Legal Aid.
- Continue and intensify the campaign for building capacities of employees in local self-governments, state institutions and social welfare centers with a special emphasis on the prevention and prohibition of discrimination.
- Importantly, intensify the awareness raising campaign about the significance of registration in the register of births, as well as for identification of remaining “legally invisible” persons within the RAE community and support to proactive attitude of the local community in resolving this problem.

5. REFERENCES

PRAXIS, 2009, *Legally Invisible Persons in Serbia*

PRAXIS, 2011, *An Initiative to Solve the Problem of 'Legally Invisible' Persons*

PRAXIS, 2015, *Analysis of Methods of Determining the Time and Place of Birth and the Right to Citizenship and Residence Registration in 2015*

UNHCR, 2010, *Protecting the Rights of Stateless Persons.*

UNHCR, 2011, *Persons at Risk of Statelessness in Serbia.*

UNHCR, 2015, *Assessment of the Needs of Internally Displaced Roma in Serbia.*

UNICEF, 2014, *Multiple Indicator Cluster Survey (MICS 5).*

Law on Amendments to the Law on Non-Contentious Proceedings (2012).



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