



The Country of Return Information Project functions as a network of NGO's for the collection and transfer of specific information on reintegration possibilities for potential returnees and their counsellors. All questions you may have on reintegration possibilities and on which you don't find the answer in this country sheet, can be directed to the helpdesk "Country of Return Information and Vulnerable Groups".
E-mail: helpdesk@cri-project.eu

COUNTRY SHEET

SERBIA

**November
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Further information can be obtained at info@cri-project.eu

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)

The Serbian parliament ratified on September 18, 2007 two agreements with the European Union on easing visa restrictions and facilitating the readmission of illegal migrants. They entered into force on January 1, 2008.¹

Members of the Serbian parliament backed bills on confirmation of the two linked agreements, which was signed by Serbian Interior Minister Dragan Jovic and EU officials in Brussels.

The agreement on easing visa restrictions envisages that journalists, business people, students, scientists, artists and some other categories of the Serbian population will have easier access to the so-called Schengen visas that allow free travel when crossing the borders between most EU members.

Under the agreement, visa applicants will need to submit fewer documents and will undergo a simplified and faster procedure for obtaining a Schengen visa.

The readmission agreement facilitates the organized return of illegal immigrants to Serbia of Serbian citizens or people from other countries, which have entered the EU countries via Serbia.

According to the official information, it is estimated that another 100,000 people should return from European Union countries, mainly from Germany, the Netherlands, Switzerland, Belgium and Luxembourg. Out of that number 50% are expected to be Roma.²

Both agreements are key elements of the Stability and Association Agreement to pave way for Serbia's EU membership.

On November 7th, 2007 Serbia has initiated the Stabilization and Association agreement with the European Union. Serbian Deputy Prime Minister Bozidar Djelic and European Union Commissioner for Enlargement Olli Rehn initiated the agreement while the final signing of the agreement is pending Serbia's full cooperation with the Hague Tribunal.³

However none of the above mentioned documents are providing for appropriate protection of returnees to Serbia. They do not envisage any direct assistance to that target group or any consider this group of people as the one with special needs.

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

¹ Office for Serbia EU Integration of the Serbian government at <http://www.seio.sr.gov.yu/code/navigate.asp?id=106> ;

² The International Conference on Durable Solutions for Roma Refugees: IDPS and Returnees in the Balkans, held on 29-30 October, 2007 <http://www.parlament.sr.gov.yu/content/eng/index.asp>

³ Office for Serbia EU Integration of the Serbian government at <http://www.seio.sr.gov.yu/code/navigate.asp?id=106> ;

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.⁴

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 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.

⁴ “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;

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. ⁵

1.1.1 Travel documents needed for returnees

The Law on Travel Documents of Yugoslav Nationals⁶ 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

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.

⁵ Act on citizenship of the republic of Serbia, translation by the Centre for Development Services, January 2007 ; second source: Republic of Serbia - Ministry of Foreign Affairs, Consular Department <http://www.mfa.gov.yu/Visas/travel.htm>, accessed in November 2007.

⁶ There is currently no Act on travelling documents for the Republic of Serbia alone and the mentioned Act is used instead

The Emergency travel document is a key document for all the returnees since it serves the purpose of both identification card and a health card for all returnees for a legally determined period of 3 months. This is vital as it gives enough time to the returnees to settle their legal status.

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 Emergency travel Document 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.⁷

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.⁸

Since March 2008 new Serbian passports have been issued with highest protection characteristics. Passport issuance is handled as before and the awaiting time for issuance abroad is about 4 weeks. The price is 50 Euros for Consular issuance or 2, 000 RSD if issued in Serbia.

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 country 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.⁹

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 RSD payment for republic administrative tax.

B. For replacement of an identity card needed:

⁷ Interview with the Balkan Centre for Migration, Belgrade - Legal aid department for refugees, 27 January 2007

⁸ Republic of Serbia - Ministry of Foreign Affairs, Consular Department <http://www.mfa.gov.yu/Visas/travel.htm> , last accessed November 2007; Official Gazette of FRY, No. 33/96 of 19 July 1996

⁹ 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 RSD 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 RSD 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 RSD 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 RSD 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 RSD 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 RSD 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).¹⁰

¹⁰ 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 age¹¹

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.¹²

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

Web site: www.airportnis.co.yu

www.airportnis.co.yu

E-mail: airport@airportnis.co.yu

¹¹ Belgrade airport, 2007, <http://www.airport-belgrade.co.yu/code/navigate.php?Id=103> , accessed in August 2007.

¹² Office for readmission of the government of Serbia, Belgrade Red Cross guidebook for returnees to Serbia 2005,

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.¹³

1.3.2 By land (if relevant)

This information is not relevant since the government office for readmission does not keep record of returnees returning by land to Serbia. Returnees to Serbia are registered and provided assistance relating to readmission process only if returning by air transportation at the “Nikola Tesla” Belgrade Airport.

1.3.3 By sea (if relevant)

Not relevant due to the fact that Serbia does not have any maritime borders.

1.4 Impacts of former acts and statuses upon entry¹⁴

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 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.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 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

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).

Dragojlovic, 2007¹⁶ 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 have 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.¹⁷

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.¹⁸

¹⁶ According to the European Movement in Serbia, Natasa Dragojlovic (Interview with European Movement in Serbia, conducted by Centre of Development Services, Belgrade, February 2007)

¹⁷ 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).

¹⁸ 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

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 litter of wine, 3/4 litter of a strong alcoholic drink and 200 cigarettes or 50 cigars or 250 grams of tobacco, 1/4 litter 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 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.¹⁹

¹⁹ Visit Serbia Reservation Service, <http://www.visitserbia.org/Predolaska-59-7-2> last accessed November 2007.

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 of 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.

A short customs procedure implies customs clearance for items aimed at household use, whose value does not exceed EUR 3.000 declared in RSD. 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 RSD) 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.²⁰

1.6 Access to return area

For internally displaced persons from Kosovo the UNHCR and the Danish Refugee Council (DRC) office in Belgrade organize go-and-see visits to Kosovo.

UNHCR Representation in Serbia

Krunska 58, Belgrade, Serbia

+381 11 3082 100

SRBBE@UNHCR.ORG

DRC

Zagrebačka 6, Belgrade Serbia

011 2627 453, 2187 812, 2185 964

<http://www.help-serbia.org.yu/eng/return.php> (accessed in November 2008)

1.6.1 Limitations on internal travel

There are no limitations on internal travel in Serbia.

About Kosovo, 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>

1.6.1.1 Administrative restrictions

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

Kosovo Parliament has declared independence on February 18th, 2008. This decision was sent for legal consideration by the International Court of Justice by the UN General Assembly. In accordance with UN Security Council Resolution 1244, Kosovo is partially functioning as an independent state as of June 15, 2008 when the Constitution was adopted. The presence of United Nations Interim Administration Mission in Kosovo (UNMIK) is currently being transferred to the EU Mission in Kosovo called EULEX (European Rule of Law Mission) as of December 9th, 2008. NATO's Kosovo Force (KFOR) continues to be deployed across all of Kosovo.

1.6.1.2 Practical obstacles

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

²⁰ Customs Law of the Republic of Serbia dated 18 July 2003; Official Gazette of RS 73/2003;

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.²¹

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.

1.6.4 Internal Flight - Alternative of internal protection²²

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 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

²¹ Ibid.

²² 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.

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.²³

Since many countries of Western Europe have recognised the independence of Kosovo, Group 484 has tried to obtain information as to the position of authorities in those countries related to minorities, above all Serbs and Roma originating from Kosovo, who have sought asylum. According to the UNHCR recommendation, they should not be returned to central Serbia as to the safe part of the country.²⁴ The UNHCR will not express its new position on this matter, since at the United Nations level, Kosovo is an integral part of Serbia.²⁵ The information that might cause concerns is that certain countries, such as Norway, have started to return people originating from Kosovo to central Serbia since they cannot enjoy international protection as Serbian nationals, because for Norway, Kosovo is different country.²⁶ The Convention on the Status of Refugees, Article 1A(2), Section 2 stipulates that a person who can have national protection of another country cannot be given international protection, but there are well-grounded concerns that the Convention has been negatively interpreted in order to avoid international obligations towards refugees. In this case, people originating from Kosovo have, for Norway, become people with double citizenship.

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

²³ 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.

²⁴ UNHCR's Position on the Continued International Protection Needs of Individuals from Kosovo, June 2006.

²⁵ Source: Interview with a UNHCR official, conducted by Group 484, Belgrade, October 2008..

²⁶ Source: Norwegian Organisation for Asylum Seekers (NOAS) by e-mail October 2008; Letter written by the Marković family from Kosovo that the Norwegian authorities intent to return on grounds of this, October 2008.

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.²⁷

2.3 Crime

Vulnerable groups: Roma

The problem of returnees in a way overlaps with the minority, Roma issue in Serbia, since the majority of returnees are Roma. These people lack the system of social networks that would support their reintegration in the society. Moreover, due to the long period they spent abroad, the fact they do not speak the language and are deprived of their property, returnees are an especially vulnerable group within the Roma population. Particularly difficult is the fact that socialisation of the youth (up to 20 years of age) in western countries was interrupted without their responsibility. These young people were completely integrated in their new surroundings, they spoke the language, attended schools and thought they had good prospects for walking out of the social margin.²⁸

According to some recent research about the situation and conditions of Roma returnee under the readmission agreement the findings are troublesome. Interviewed returnees have expressed high concerns about their treatment before returning to Serbia and no clear and structural support upon their return. For more information see the full report prepared by Ecumenical Humanitarian Organization²⁹.

Since 2000, the Ministry of Interior of Serbia has received 25,147 requests from western countries for the deportation of Serbian citizens. In 2008, after the uniform readmission agreement with the EU came into effect, there have been 965 requests, which is not a considerable increase compared to the previous period. Some 17 percent of the requests have been rejected, primarily due to inability to determine citizenship.³⁰ The requests, as well as the readmission agreements, are primarily related to people who should be forcefully deported and most often do not encompass individuals who have returned 'voluntarily', i.e. those who have obeyed the decision of western country authorities to leave the country so that they would not be returned by police intervention. Usually, those returnees are beneficiaries of one-time assistance provided by governments of western countries and implemented by the International Organisation for Migration (IOM)³¹ Out of 13,000 people who received this kind of assistance through the IOM office in Belgrade by the end of 2008, 12,500 are from Germany and most of them (61%) declared themselves to be Roma.³²

2.3.1 Region with an extremely high level of crime

²⁷ Ibid.

²⁸ Grupa 484, Palilula - our Home, Results on Research on Returnees from Western Europe February 2008. <http://www.grupa484.org.yu/english/asylum-and-readmission> accessed in November 2008.

²⁹ Report on "Violations of the Rights of Roma Returned to Serbia under the Readmission Agreement", April 2007, Ecumenical Humanitarian Organization, at http://www.ehons.org/download/klpr_en.pdf

³⁰ Source: Interview with Zorica Đokić-Milosavljević, Head of the Readmission Department of Mol of Serbia, Conducted by Grupa 484, Belgrade, October 2008

³¹ Ticket and money (most often around 1,000 Euro per family) given to returnees if they accept to be returned 'voluntarily' and abide the order of authorities to leave the country.

³² Source: Interview with a IOM official, Conducted by Grupa 484, Belgrade, November 2008.

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.³³

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).

Currently, trafficking in human beings is regulated by the Criminal Code of Serbia³⁴, 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, Counselling 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

³³ Ibid.

³⁴ Criminal Code of Serbia, Official Gazette of RS 115/05, <http://www.legislationline.org/upload/legislations/dc/a9/576c23dc41967e427086bf4c2b45.pdf> last accessed November 2007

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)³⁵, 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 policy³⁶. 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-traumatization 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, 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).³⁷

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, 2006³⁸).

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

³⁵ Decision of the Government of Serbia, (2004) 02-6783/2004-I, published in Official Gazette No. 113 on 15 October 2004, page 2

³⁶ *ibid.*

³⁷ 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 November 2007

³⁸ *ibid.*

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.³⁹

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

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)⁴⁰ 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, 2007⁴¹) 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.

3 Social security and reintegration

Introduction

Interviewed experts⁴² (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:

³⁹ Alice Thomas, OSCE Special Advisor at the Ombudsperson Institution in Kosovo, Unpublished Report, 7 February 2007.

⁴⁰ Biljana Brankovic, Domestic violence in Serbia, in preparation, NGO Voice of Difference, Vljakoviceva 15 Belgrade <http://www.stopvaw.org/Serbia.html>, last accessed December 2008

⁴¹ According to the organization NGO Osvit, Ana Sacipovic (Interview with Osvit, conducted by Grupa 484, Belgrade, February 2007)

⁴² 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.

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).

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, 2007⁴³), 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 Sandzak⁴⁴, 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 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 experts⁴⁵). 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.)

There are no areas in Serbia affected by natural disasters, famine or otherwise.

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 are dealt with 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>

⁴³ 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)

⁴⁴ A part of Serbia with predominantly Bosniak population; the city of Novi Pazar is the regional centre of this geographical area.

⁴⁵ 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.

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.⁴⁶

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.⁴⁷

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 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

⁴⁶ 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).

⁴⁷ Official Gazette of the Republic of Serbia RS, No. 1/01

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 success⁴⁸.

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 a private building with the right to use the land for building a new structure according to Urban plan (purchased 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.

Land classification

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

Construction land
Agricultural land

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 land⁴⁹

Agricultural land is subdivided into:

Cultivable
Uncultivable

⁴⁸ Alice Thomas, OSCE Special Advisor at the Ombudsperson Institution in Kosovo, Unpublished Report, 7 February 2007.

⁴⁹ 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

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 RSD (1 Euro/ 85.69 RSD)⁵⁰ are as following:

Cement: 490.00 for 50 kg
Block brick: 341.00 a piece
Construction wire: 140.00 per a meter
Construction iron net 4,6,8,: 72,00 per kg
Nails (5,6,7,8,10,12,20) 250.00⁵¹

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. According to the current announcement by the Ministry of environment and urban planning is should be adopted by mid- 2009.

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. However it should be noted that the returnees in readmission process do not receive any special consideration for provision of housing nor are they considered as a special needy group by any institution including those caring for social housing.

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

⁵⁰ <http://www.etn.nl/cconvert.htm>

⁵¹ <http://www.stovaristehrast.info/Cenovnik.xls> Accessed December 2008

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. A 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.

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. Any first time purchase of property is released from this 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.⁵²

Property tax⁵³

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.

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 120 000 in 2007. Purchase prices in the secondary market vary widely depending on location and the condition of the property. Interviews with real estate agencies in December 2008 indicate that the purchase price of a typical 80 m2 flat in Belgrade could be between EUR 125 000 and 250 000.

⁵²Serbia investment and export promotion agency, Foreign investment Legislation, 2007, http://www.siepa.sr.gov.yu/attach/Doing_Business_in_Serbia_06.pdf Accessed December 2008.

⁵³Serbia investment and export promotion agency, http://www.siepa.sr.gov.yu/files/pdf/FAQ_eng.pdf, Operation Costs, Accessed December 2008.

000, while in Novi Beograd, new luxury location it ranges between EUR 160 000 and 500 000. In Niš or Novi Sad the prices are around EUR/m² 850 -1800.

Estimate prices of real estates in Serbia in December 2008

City	Price € / kvm
Belgrade	1617
Nis	850
Pancevo	700
Zlatibor	1400
Vrnjacka Banja	720
Soko Banja	780

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)⁵⁴ - 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.

⁵⁴ Government Subsidy housing program, National Corporation for Insurance of Housing Credits, <http://www.nkosk.co.yu/code/navigate.asp?ld=42> , last accessed November 2007.

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 small 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

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

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 200 Euro a month⁵⁵.

3.2.5.3 Available credits and subsidies

Please see section 3.2.3.3 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.

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 of these categories in such institutions is under the local Centres for Social Welfare.

⁵⁵ In December 2008;

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

❖ Women Shelter house Novi Sad

Expert team of the Shelter house is available every work day from 7 AM to 7 PM: 021/646-57-46 or email (sigurnazenskakuca@csrns.org.yu). The criteria for acceptance into the shelter is based on the victim's status as being physically, psychologically, sexually or economically abused as well as her mental and physical status. The main function of the Shelter is to provide for: physical security, living security, psycho-social support, legal aid.

Online counseling is also available at: <http://www.csrns.org.yu/forum/> .

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

Recent research conducted on the human rights violations of returnees under the readmission agreement show significant violations of Roma rights in particular⁵⁸.

In 2007 several Roma returnees asked for asylum in Romania after being deported to Serbia due to impossible living condition in Serbia. They do not receive any form of support or institutional effort to assist them in the reintegration process. They were denied asylum in Romania and still plan to return to previous countries of illegal residence in the mentioned cases Germany.⁵⁹

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

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 November 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 Report on "Violations of the rights of Roma returned to Serbia under the readmission agreement" by the Ecumenical Humanitarian Organization, April 2007 at http://www.ehons.org/download/klpr_en.pdf

⁵⁹ Srdjan Sain, President of the Roma Party, interview August 2007

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.⁶⁰

3.2.7 Availability of accommodation and care for elderly persons (state, NGOs)

The Belgrade Gerontology Centre comprises of several organisational units for providing support to the elderly, at the same time being the homes for elderly. Their addresses in Belgrade are:

- Stacionar Divska 2
- Home in Bežanijsa kosa, Marija Bursać 49
- Kačarska 2
- Plješevićka 2
- Lamartinova 47

There are homes for elderly in many towns in Serbia: Mladenovac, Obrenovac, Vršac, Ruma, Smederevo, Leskovac, Niš, Marauška Banja...Apart from the homes for elderly and infirm, there are also specialised institutions accommodating the elderly with grave mental illnesses or those who are not capable of taking care of themselves. Such centres are in Kragujevac, Novi Bečej, Jabuka, Aleksinac...⁶¹

In order to be accommodated in some of the homes for elderly or specialised institutions it is not necessary for the person to have residence in the territory of the institution. With the request of the Centre for Social Work and the approval of the institution, formally everyone can be accommodated in the centre he/she prefers (where he/she has relatives, friends, etc.)

Documents necessary for being accommodated in homes or socialised institutions are:

- Request for accommodation
- Birth certificate X2
- Wedding certificate X2
- Copy of personal ID X2
- Citizenship certificate X2
- Property certificate X2 (from the place of birth and the place of residence)
- Personal health record, the form that can be bought in “Savremena administracija” shops X2

⁶⁰ Alice Thomas, OSCE Special Advisor at the Ombudsperson Institution in Kosovo, Unpublished Report, 7 February 2007.

⁶¹ Source: Nada Marković, Centre for Social Work. List of all homes for elderly and specialised institutions is available in printed version in centres for social work and Group 484

- Neuropsychiatric assessment X2
- Wasserman test results (for diagnosing syphilis) X2
- Three latest monthly pension checks or a confirmation from the Republic Pension and Disability Insurance Fund (Nemanjina 30, Beograd) that he/she does not receive pension
- Proprietary sheet for the flat
- Contract on lifelong insurance (if there is one)
- Divorce certificate if the person is divorced
- Evidence on income for the last three months for relatives obliged to financially support the beneficiary

All the documentation must not be older than six months.

In spite of the fact that it necessary to obtain a large number of documents in order to access this kind of service, representatives of the Centre for Social Work Palilula (Belgrade's municipality) emphasise that they are easily obtained and that only the neuropsychiatric assessment needs to be waited for a longer period. In case the person is incapable of obtaining the documentation him/herself, the Centre for Social Work is obliged to obtain the documents, which may prolong the procedure.⁶²

The cost of accommodation in homes for elderly per month is 22,000 to 37,000 RSD (the equivalent of 1 Euro is 85 RSD in December 2008), depending on the home⁶³. The accommodation costs are paid by the residents themselves out of their pensions, and if the amount is not sufficient, the relatives obliged to financially support them should cover the remaining amount. The accommodation costs of the elderly without income or relatives are covered by budgetary resources. The Commissariat for Refugees of the Republic of Serbia covers the accommodation costs of refugees from Croatia and Bosnia and Herzegovina and internally displaced persons from Kosovo.

Living conditions and professional capacities of staff in homes vary. The most popular home in Bežaniska kosa is certainly the best equipped and designed one but, according to Nada Marković, that does not necessarily guarantee the warmth in treatment of the elderly. Furthermore, homes for elderly are quite unpopular places among the elderly themselves who are very often reluctant to stay there since they experience them as a completely depressive environment and the last step before death.⁶⁴

There are also private homes for elderly with luxurious accommodating conditions, with the monthly payment between 450 Euro for mobile, to 600 or 700 Euro for immobile persons (i.e. home for elderly Senior Plus <http://www.seniorplus.co.yu/>)

The National Strategy on Aging in the period from 2006 to 2015 lists a number of social care measures crucial to the development of specific aspects of the support and service types, which will enable elderly to live in a family or own households (for example: service of foster-family accommodation in each municipality are to be provided, the elderly clubs network, rest centers...) The Law on Social Protection, however, recognizes only two guaranteed entitlements in relation to the non residential care: home based assistance and care and daily care.

In spite of such legal responsibility, home based and club assistance care financed or co-financed by the local self-government are available only in 38 towns. In general, the

⁶² Nada Marković, Centre for Social Work Palilula, interview in January 2008

⁶³ Source: Gerontological center Belgrade, December 2008.

⁶⁴ Group 484 experience in the project of monitoring collective centres closure of 2005.

elderly non-residential care linked with the social protection system is insufficiently developed, and it operates in 58 municipalities out of 165 Serbian municipalities.

In Belgrade, Gerontology centres organise home assistance as well. The necessary documentation for obtaining home care is as follows:

- Home care request
- Copy of personal ID
- Average amount of three latest pensions
- Property certificate from the place of birth and the place of residence
- Health report
- Contract on lifelong maintenance if there is one
- Wedding certificate or divorce certificate

Apart from home care to the elderly and infirm, gerontology centres provide compensation for advanced home help determined by the medical commission on grounds of assessment of the Centre for Social Work. The right to monetary compensation for advanced home help is ensured for an insurant who, due to the nature and severity of his/her health condition, requires advanced home help in order to fulfil his/her basic life needs.⁶⁵ The commission is formed within the Fund for Pension and Disability Insurance and the person who does not receive pension has the right to apply for the compensation for the advanced home help.

The following is the necessary documentation:

- Request for the access to advanced home help
- Form No.1 - general medical practitioner - typed. All the health documentation and copies have to be verified in the Municipality
- Copy of personal ID
- Wedding certificate or death certificate of a spouse
- Confirmation from the PIO Fund that the person has no income

According to the Law on Social Protection of 2006, the beneficiaries of the compensation for advanced home help are eligible to increased amount of compensation. Only the persons with a hundred percent disability (completely blind, completely deaf, etc.) have the right to the increased compensation, which is approximately 25,000 persons in Serbia.⁶⁶

The average amount of compensation for advanced home help is around 6,383 RSD and the increased compensation is 16,675 RSD⁶⁷.

In Serbia, there is also a possibility to accommodate the elderly in foster families, but according to the Centre for Social Work Palilula, this measure is unpopular and there is only one foster family for the elderly in the entire municipality. Serbia has not yet enacted the Law on Social Housing but some of the measures of protected housing have been implemented in regards to elderly people. However, the number of the elderly who are beneficiaries of social flats is quite small.

⁶⁵ The Fund of pension insurance website <http://www.pioz.org.yu/sr/lt/novcane-naknade/pomoc-nega/> accessed on: December 2008.

⁶⁶ Increased amount of advanced home help, Daily Blic, August 18, 2006.

⁶⁷ Source: Center for social work, Palilula, Belgrade, December 2008

3.2.8 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 3.2.3.3. on social housing.

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 economy⁶⁸

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 vulnerable⁶⁹

The working status of Roma women⁷⁰

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.

3.3.1.2 Labour market programmes (and access to them)

⁶⁸ Serbia investment and export promotion agency, http://www.siepa.sr.gov.yu/files/pdf/FAQ_eng.pdf, Operation Costs, Accessed December 2008. Operation Costs, Accessed November 2007.

⁶⁹ Petar Ladjevic, Head of Agency for Human Rights Government of Serbia, interview, August 2007

⁷⁰ United Nations Development Programme (UNDP) Serbia At Risk: The Social Vulnerability of Roma, Refugees and Internally Displaced Persons in Serbia, Belgrade, June 2006.

Currently active labour market programmes (ALMPs) in Serbia are extremely limited. NES⁷¹ has been largely transformed and upgraded and is a function within the Ministry of labour and social welfare. It offers active job search programmes and unemployment subsidy for all employed in Serbia who lost their employment after at least one year of continuous employment and payment of all benefits by the employer. They also offer a range of different courses, re-qualification courses and change of career guidance. Registration with the NES is mandatory for using of their services.

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 training ⁷² 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.)

AVERAGE SALARIES AND WAGES BY EMPLOYEE PAID IN DECEMBER 2008⁷³

The average salaries and wages paid in 2008 in the Republic of Serbia amounted to **32,562 RSD** .

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.⁷⁴

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%;

⁷¹ NES- National Employment Services;

⁷² National Employment Service, Republic of Serbia <http://www.nsz.sr.gov.yu/>, Accessed December 2008.

⁷³ Republic of Serbia, Statistical Office of the Republic of Serbia, <http://webrzs.statserb.sr.gov.yu/>, Accessed December 2008.

⁷⁴ <http://www.siepa.sr.gov.yu/attach/FAQ.pdf> Serbia investment and export promotion agency, Investing in Serbia Handbook, last accessed December 2008

- For night work and work in shifts (if not stipulated in the basic salary calculation): 26%;
- For overtime work: 26%.⁷⁵

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.⁷⁶

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.

Foreigners employed:

Work permits are required for foreigners employed in Serbia, and 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.⁷⁷

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.⁷⁸

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.

⁷⁵ Ibid.

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ 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.

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.⁷⁹

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.⁸⁰

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.⁸¹

3.3.1.5 Lack (high demand) in specific professions

There is a high demand for the following professions:⁸²

- Engineers in construction, architecture, agriculture
- Professors of mathematics, physics and chemistry
- Crafts

⁷⁹ Investing in Serbia, Serbia Investment and Export Promotion Agency, http://www.siepa.sr.gov.yu/files/pdf/Invest_in_Serbia.pdf , Accessed December 2008.

⁸⁰ Investing in Serbia, Serbia Investment and Export Promotion Agency, <http://www.siepa.sr.gov.yu/attach/FAQ.pdf>, Accessed December 2008.

⁸¹ 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

⁸² <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 December 2008, Business and Employment News website: www.poslovi.infostud.com, Accessed in December 2008, Chamber of Commerce of Serbia web site: <http://pks.komora.net/> last accessed December 2008

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

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 Serbia⁸³

Nemanjina 22-26

11000 Belgrade

⁸³ Government of the Republic of Serbia, Ministry of Education, <http://www.mps.sr.gov.yu/code/navigate.php?Id=188>, last accessed December 2008.

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)

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 2007/2008. As a country with highly educated workforce universities in Serbia are highly competitive and linked with global academic network.⁸⁴

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

www.infostud.com/obrazovanje

The Serbian government report for the Committee on the Rights of the Child does not mention children of displaced persons or children of returnees from Western Europe. According to the research of Grupa 484 on returnees in Belgrade's municipality Palilula, worrying is the fact that 62.9 % say they educated their children abroad, while upon returning to Serbia, only 38.7 % of their children continued education; 6.5% say that their children learn the language they used to learn abroad, and 76.2% say that their children have stopped learning the language of the country if reception (19.4% refuse to answer, do not know or the questionnaires is missing this data) A special problem occurs if the family is returned during the school year, and in that case children usually miss an entire grade.

Furthermore, after they do tests in Serbia, children are enrolled to lower grades than they should be because of the insufficient knowledge of the matter or language. They are enrolled in special schools or even evening schools mainly due to the fact they cannot speak Serbian. Very often these children used to attend regular schools and were good students in countries of Western Europe. Returnee families are most often Roma and with many members, with three, four or even seven children. Western countries allow extension of residence in case of medical care during pregnancy and childbirth. Consequently, many Roma⁸⁵

3.3.3.1 Schooling opportunities

In Serbia, there are 1.47 million children under 18 of which 342,000 are children under 5. The percentage of children under 18 has been gradually declining, pointing to aging of the

⁸⁴ Statistical office of the Republic of Serbia, <http://webzrzs.statserb.sr.gov.yu> , last accessed December 2008.

⁸⁵ Grupa 484, Palilula - our Home, Results on Research on Returnees from Western Europe February 2008. <http://www.grupa484.org.yu/english/asylum-and-readmission> accessed in December 2008.

population.⁸⁶ Mortality rate of Roma children younger 5 years of age year is 4 time higher the overall mortality rate.⁸⁷

❖ Enrollment

Children between the age of six and a half and seven and a half are enrolled in the **first class of elementary schools**, and exceptionally older children can be enrolled in cases they have not been enrolled due to illness or other reasons. If the child over eight and a half has not been enrolled in the first class, he/she can be enrolled in the suitable class on the basis of previous assessment of knowledge and ability, and according to age. The child between the age of six and a half and seven and a half is enrolled after he/she has been previously tested by the school psychologist and pedagogue. In the testing procedure, individual work with the student can be recommended. The school can also refer the child to the authorised commission of local self-government units, which recommend the programme of education, according to the Law on Elementary School.⁸⁸

Pupils of our primary schools participated in two international evaluations: PISA (Program for International Student Assessment) and TIMSS (Trends in International Mathematics and Science Studies) in 2003 and 2006. In 2006 pupils from Serbia achieved below OSCE average results in all categories.⁸⁹

A parent or custodian submits necessary **documentation** during enrollment:

- birth certificate;
- residence certificate;
- and proof about the medical examination of the child.

Returnees

All three points can be a problem for a **child-repatriate**. Enrolling children-repatriates from abroad is different, depending whether the parent or custodian has personal documents and foreign and public documents about the obtained education or not. If the parents or custodians do not have the child's personal documents, i.e. public documents about the obtained education, the child conditionally enrolls in school, i.e. the corresponding grade. The parents of children-repatriates are obligated to, for the purpose of enrolling children in the appropriate grade, or for the notification of public documents, obtain a foreign school document through the Ministry of Foreign Affairs.⁹⁰

As far as the children returned to Serbia due to the readmission process are concerned, the Agency for Human and Minority Rights of Serbia quotes the following difficulties in their access to education: traumas caused by their arrival in the new surroundings (new culture, social standard and local community), difficult living conditions (it must be emphasised that some of them return not just without any property and money saved, but without any documents), these children usually do not speak the Serbian language which creates additional difficulties in education. Elementary school is obliged to enrol the child with the

⁸⁶ UNICEF, The State of Children in Serbia 2006 - Poor and Excluded Children, February 2007; http://www.unicef.org/serbia/State_of_Children_in_Serbia_2006_1-56.pdf accessed in December 2008.

⁸⁷ *Ibid.*

⁸⁸ Official Gazette of RS 85/05.

⁸⁹ The Child Rights, Alternative report, December 2007, Serbia. Prepared by: the Coalition of non-governmental organizations in Serbia under the coordination of the Child Rights Center, http://www.cpd.org.yu/alternativni/Alternative_Report.pdf accessed in December 2008.

⁹⁰ *Ibid.*

residence in the territory of school, and the child in the territory of other school can be enrolled, according to spatial possibilities of schools and on the basis of submitted claim of the parent or guardian.⁹¹

Roma

As far as Roma children are concerned, 21-37% of those that enrol in school complete it, the dispersal rate is extremely high at over 70%. A particular problem is the fact that most people attending schools for the education of adults are of Roma nationality (75-80%), including even those younger than 15! They have lower grades and achievement in regular primary schools than non Roma pupils. Due to socio-cultural deprivation, a number of Roma children are unjustifiably enrolled in special schools.

Data on the number of children attending secondary school education aged between 15 and 18 years differ significantly. According to official statistics it is 76.42% while according to preliminary research results of Multiple Indicator Cluster Survey (MICS 3), in 2005 it is 85.8%. The participation of Roma children is extremely low at 10.2% (MICS 3, 2005). Only 15% of children with disabilities are in special schools and only 1% of children with disabilities are in nursery schools.⁹²

❖ Costs

In Serbia, elementary education is obligatory and free of charge, and high school education is only free of charge. According to the CRC data, quoted in the Alternative Report of a group of nongovernmental organisations, a serious research about the real amount and structures of the "price" of free education in Serbia have not been conducted, but some figures are quoted:

- For school year 2008/09, i.e. set of books depending on class is from 3,500 to 6,000 RSD⁹³ - (1 euro equals 91 RSD)
- For school year 2001/02, expenses for one child - US\$ 120
- Families spend on average 10 to 15 euros for one additional / private tutoring⁹⁴

For 23.7% of the population - children under the age of 18, access to education is complicated because they are below the poverty line, and only 9% of children from the poorest families have been included in the system of preschool education. Furthermore, for the children in rural areas, school institutions kilometres away from the place of residence, and this is presented as a problem due to which these children do not attend regular school.

At the start of the 2006/07 school year an obligatory, free of charge, preparatory pedagogical program was introduced for all children from five and a half to six and a half years of age, lasting six months, four hours a day.⁹⁵ Estimates are that percentage of children in their preschool year taking part in this program is around 90%, but it turned out that there is no data on children from sensitive groups (Roma, children from villages in underdeveloped regions, children with disabilities, children from families with lower

⁹¹ Government of RS, Agency for Human and Minority Rights, Handbook for reintegration of returnees published 2007

⁹² The Child Rights, Alternative report, December 2007, Sebja. Prepared by: the Coalition of non-governmental organizations in Serbia under the coordination of the Child Rights Center, http://www.cpd.org.yu/alternativni/Alternative_Report.pdf accessed in March 2008.

⁹³ Source: Institute for textbook publishing and teaching aids, December 2008.

⁹⁴ Blic online, May 2008, <http://www.blic.rs/drustvo.php?id=40301>, accessed December 2008

⁹⁵ The Ministry of the Education and Sport of Republic of Serbia, www.mps.sr.gov.yu accessed December 2008.

educational backgrounds, but children refugees and internally displaced persons and children readmitted from the EU as well) so that percentage can be questioned. Enrolment in preschool education of children from 18 months to six years of age is very low: based on the results of *Research of multiple indicators on the state of women and children* (henceforth MICS 3), carried out by UNICEF in 2005, for children between 36 and 59 months old, only 45% of urban and 14.4% of rural area children, and among the Roma from Roma settlements only 3.9%. Such low attendance is a consequence of the various factors - unsatisfactory network of preschool institutions, its cost, but also the common attitude that preschool education is not necessary and valuable for children.⁹⁶

The network of preschool institutions is not well planned and developed, and so in larger towns and especially in larger town settlements of Belgrade, there are waiting-lists and children wait for more than a year.⁹⁷

In rural areas, the problem is the remoteness of the institutions. Therefore, the Law on Obligatory Preschool Education, according to Child Rights Centre, will have difficulties in implementation due to the lack of capacities and the fact that preparations for the introduction of this Law have not been done.

Although elementary education is obligatory, according to UNICEF not all children attend schools, some 5% of children never do. Around 20% of children from rural areas never attend schools. Furthermore, around 25% of Roma children never attend elementary school. The percentage of children who finish elementary school is high, about 95%, but children in villages rarely continue education after the 4th grade, and according to statistics 23% of children do not go to the 5th grade. The existing obligation of municipalities, although regulated by the law, has not been realised especially in poor municipalities (as a rule in rural areas), where the problem of large distances between the school and the place of residence is most prominent. The law does not envisage the organisation of specialised students transport, even in the municipalities with low population density, and thus when children are to attend the fifth grade, they often must walk for kilometres, which is one of the most frequent reasons for the giving up further education.⁹⁸ For these settlements, as well as for settlements with small number of elementary school children, the law envisages forming of so-called, regional schools, with combined classes.⁹⁹

3.3.3.2 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"

⁹⁶ *Ibid.*

⁹⁷ Interview, I. Stevanović, CRC

⁹⁸ Interview, I. Stevanović, CRC

⁹⁹ The Law on the Foundations of the Education System, Official Gazette of RS 62/04

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.

3.3.3.3 By private firms

Serbian as a Foreign Language_

Zadužbina Ilija Milosavljević Kolarac

Studentski trg 5

11000 Belgrade, Serbia

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.

Price (around 26.000 RSD)

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

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

3.3.3.4 By international organizations or NGOs

The IOCC or International Orthodox Christian Charities ¹⁰⁰ in Serbia provides the following services:

¹⁰⁰ International Orthodox Christian Charities, Worldwide Programs, 2007,
http://www.iocc.org/countries/countries_serbia.aspx Accessed 26 August 2007

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.¹⁰¹

http://www.iocc.org/countries/countries_serbia.aspx

“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.¹⁰²

Regional office

Simina 10a

11000 Belgrade ; Serbia

+ 381 11 3036 399

+ 381 11 3036 193

<http://www.europe.forumsyd.org/content/meny/S00D4EBF9-00E9F966>

IAN Telecentar:

“Affordable IT education for vulnerable groups”

“Affordable education for unemployed women”

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) supports employment programmes in Vojvodina¹⁰³ 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 Valjevo¹⁰⁴

¹⁰¹ Ibid.

¹⁰² Oneworld Southeast Europe, Informal Education in Vojvodina, <http://see.oneworld.net/article/view/134982/1/>, Accessed December 2008.

¹⁰³ Usaid Serbia and Montenegro, support to employment programs in Vojvodina, <http://serbia-montenegro.usaid.gov/code/navigate.php?Id=104>, Accessed December 2008.

¹⁰⁴ International relief and development, <http://www.ird-bg.org.yu/english/index.php?mainid=103&ID=711>, Accessed December 2008.

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.

An EU-funded project managed by the European Agency for Reconstruction¹⁰⁵

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

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 Forum¹⁰⁶ 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>

3.3.3.5 Orphans

State responsibility in orphan care, legal regulation

¹⁰⁵ European Agency for Reconstruction, <http://www.ear.eu.int> , Accessed 30 August 2007

¹⁰⁶ Ibid.

The state provides special protection for children without parental care¹⁰⁷ and is obliged to provide protection in a family environment for children without parental care whenever possible¹⁰⁸. The Law on Social Protection and Social Security of Citizens is also important since it regulates the issue of accommodation in social care institutions¹⁰⁹. Whenever possible, care and protection is provided in the family environment, primarily in the family of relatives.¹¹⁰ Accommodation of children in social protection institutions is a measure of last resort, however alternative forms of care are not developed sufficiently.

- ❖ **Guardianship** is the institute which provides the person having business capacity to take care of the child's rights and obligations. It is not the accommodation measure and lasts as long as the child gains business capacity is adopted or again placed under parental care. The child without parental care is placed under guardianship. Guardianship authority is obliged to appoint a temporary guardian to the child.¹¹¹
- ❖ **Fostering** is one of the measures for accommodating children in a family environment which is not his/her own biological family or adoptive family. Fostering can be founded for children without the parental care and for children with parental care but who have difficulties in psychophysical development or behaviour disorder.¹¹² Fostering can also be occasional.¹¹³ The consent of parents or guardians is required for accommodating children to the foster family. As a rule, siblings have the same foster family.¹¹⁴ Foster parents are obliged to go through a preparation programme for fostering.¹¹⁵ Foster families are more commonly from rural parts of state, but rural areas have problems of their own - distant schools, remote healthcare centres and so on. However, according to latest data from the Ministry of Social Affairs, there is a big gap between existing structure of foster families and the structure required for children that are waiting to be fostered.¹¹⁶
- ❖ **Adoption (art. 21)** - In Serbia, the institution of adoption is still primarily considered as aid for people who do not have children to fulfil their instinct for offspring, rather than as a way of caring for children without parents. The adoption procedure is quite complicated, lasting about 8 months, with a 6 month adaptation period. However, after adoption there is no monitoring and evaluation of child placement.
- ❖ **International adoption** is not common in Serbia. Couples from Serbia which are waiting to adopt a child does not want to adopt children of Roma origin or children with disabilities. There are about 400 children in Serbia who are waiting for placement in a foster family or to be adopted.

In 2006 the authorized ministry adopted "Measures for removing irregularities in accommodation of children and youth in social protection institutions". The significance of these measures is in preventing that children be placed in institutions when there exist

¹⁰⁷ The Constitution of the Republic of Serbia, Official Gazette of RS, 83/06 (Article 66)

¹⁰⁸ Family Law, Official Gazette of RS, 85/05 (Article 6)

¹⁰⁹ The Law on Social Protection and Social Security of Citizens, Official Gazette of RS, 84/04.

¹¹⁰ Family Law, Official Gazette of RS, 85/05 (Article 6, para. 6)

¹¹¹ Family Law, Official Gazette of RS, 85/05 (Article 125, para. 1)

¹¹² *Ibid.* (Article 113, para 1 and 2)

¹¹³ *Ibid.* (Article 110, para. 2)

¹¹⁴ *Ibid.* (Article 113, para. 4)

¹¹⁵ *Ibid.* (Article 118, para. 1)

¹¹⁶ The Child Rights, Alternative report, December 2007, Serbia. Prepared by: the Coalition of non-governmental organizations in Serbia under the coordination of the Child Rights Center, http://www.cpd.org.yu/alternativni/Alternative_Report.pdf accessed in December 2008.

other forms of accommodation; that there is always a legal basis for accommodating children in institutions.¹¹⁷

INSTITUTIONS FOR ACCOMMODATION OF CHILDREN AND YOUTH WITHOUT PARENTAL CARE		
<i>These institutions also accommodate children with MILD disability</i>		
SOS Children's Village "Dr Milorad Pavlović", Sremska Kamenica and Youth Home, Novi Sad	Kamenički park 1-14, 21208 Sremska Kamenica	tel: 021-461-177, 461-871 fax: 021-462-960
Home for Children and Youth "Duško Radović", Niš	Drinke Pavlović 4A, 18000 Niš	tel: 018-716-168 fax: 018-714-137
Home for Children and Youth without Parental Care "Jefimija", Kruševac	Veselina Nikolića 51, 37000 Kruševac	tel: 037-21-027 fax: 037-23-653
Home for Children "Kolevka"	Jaše Ignjatovića bb, 24000 Subotica	tel: 024-554-520 fax: 024-552-560
Home for Children and Youth "Miroslav Mika Antić", Sombor	Radoja Domanovića 98, 25000 Sombor	025-450-74
Department "Dr Mihajlo Stupar" within the Centre for Social Work "Kolubara", Valjevo	Sindelićeva 48, 14000 Valjevo	tel: 014-221-114 fax: 014-220-305
Home for Children "Mladost" within the Centre for Social Work, Kragujevac	Čika Matina ulica 9, 34000 Kragujevac	tel: 034-370-195
Home for Children and Youth without Parental Care "Olivera - Verica Đorđević"	Moše Pijade 41, 17500 Vranje	tel: 017-21-703
Home for Children and Youth without Parental Care "Petar Radovanović"	Nemanjina ulica 52	tel: 031-521-584 fax: 031-511-347
Home for Children and Youth without Parental Care "Spomenak",	Proleterskih brigada 62600 Pančevo	tel: 013-318-464 fax: 013-318-464
Home for Children and Youth without Parental care "Stanko Paunović"	Badnjevačka 5, 19300 Negotin	tel: 019-541-933 fax: 019-541-800
Home for Children and Youth without Parental Care "Hristina Markičić"	Tihomira Đorđevića 2, 18220 Aleksinac	tel: 018-872-507, 872-210 fax: 018-872-507
Home for Children and Youth without Parental Care within Centre for Social Work	Cara Lazara 89, 35000 Čuprija	tel: 035-460-533 fax: 035-477-275
Dispensary for Mother and Child	Zvečanska ulica 7, 11000 Beograd	tel: 011-36-90-314, 2648-622
Home for Children and Youth without Parental Care "Dragutin Filipović-Jusa"	Božidara Adžije 17, 11000 Beograd	tel: 011-454-973 fax: 011-454-973

¹¹⁷ *Ibid.*

Home for Children and Youth without Parental Care "Moša Pijade"	Ustanička 19, 11000 Beograd	tel: 011-444-00-66 fax: 011-450-257
Home for Children and Youth without Parental Care "Jovan Jovanović Zmaj"	Braće Jerković 119, 11000 Beograd	tel: 011-461-867 fax: 011-492-184
Home for Children and Youth without Parental Care "Drinka Pavlović"	Koste Glavinića 14, 11000 Beograd	tel: 011-650-761

Actual access to orphan care and orphanages for returnee children

Numerous researches show the inadequacy of institutional protection and extremely serious consequences of such way of care.¹¹⁸ Children without parental care accommodated in institutions, especially in the early age, show signs of slow development, neurological disorders and problems in emotional bonding. Absence of family surroundings and adequate care during growing up increase chances of asocial behaviour and delinquency. For these reasons, almost all children from homes for children without parental care can be considered socially excluded. Representatives of the institution at the local level point the fact that children without parental care accommodated in institutions have the most difficult problems.¹¹⁹

Since 2000, a considerable amount of money has been invested for the improvement of condition in which these children spend their time. As mentioned before, children under the age of three are not allowed to be accommodated in the institutions. The children with disability living in the institutions have to be separated from adults, which has been introduced as novelty. In Serbia there are 15 or 16 institutions accommodating children without parental care. There are 6 of them in Belgrade (these are general data since the process of deinstitutionalisation is underway - which does not foresee the cancelling of these institutions but the restructuring and reorganisation of the existing capacities. Such an institution is in Nis where there is no reception of new children and the staff works with the children who are already there. Institutions exist in large town centres, but their "breaking" into a number of smaller units in the entire territory of RS has been planned, which will be accessed more easily.

Children moved from their place of residence

Furthermore, it is important to point out that about 2000 children (which is about half of the beneficiaries) in institutions or in foster families have been moved from their place of residence. Children with disabilities are particularly endangered. There are 5 institutions for accommodation of children with minor or major disabilities within the system. Some of them are located in remote areas, far from populated zones (such as Kulina near Aleksinac south Serbia). No single child will be referred to the Centre in (Interview, I. Stevanović, Centre for Children's Rights (CRC) February 2008), so most of the children are not accommodated close to their usual place of residence. Furthermore, the average number of beneficiaries (between 300 and 650) surpasses the capacities of these institutions,

¹¹⁸ According to findings of the study Brown K, Vektor, Dejanović V, Report for UNICEF and the Government of the Republic of Serbia on deinstitutionalisation and transformation of services for children in Serbia, 2006. (unpublished)

¹¹⁹ UNICEF study on early development of children, Belgrade 2005 (unpublished) - part of the focus group research (representatives of local administration, health and preschool institutions, centres for social work and NGOs dealing with the problems of children aged 0-6)

resulting that the system for placement of children with disabilities is not in accordance with norms¹²⁰.

(Experts/activists interviewed for the purpose of this report (Children)

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Tel: (+381 11) 2658-355

Dr. Dušica Matijević, City Centre for Public Health,

Bulevar Despota Stefana 54a, 11000 Belgrade

Tel: , +381 11 3132825

www.beoeko.com)

3.3.4 Military Service

Military service in Serbia is regulated by the law on Yugoslav Army from 1994 and in more detail by the Regulation on military service¹²¹. Military service is considered one of the civic obligations of male Serbian citizens who are physically and mentally evaluated as capable or partially capable of serving the army. It is in place when a citizen enters 17 years of age for military draft and registration and 18 years of age for the actual military service. Another obligation is serving the reserve forces of the army until the age of 60. This obligation is automatic for all citizens that have served army. The general military service is for the period of 6 months if under arms or 9 if civil and unarmed.

3.3.4.1 Legal regulation and practice (especially for those stayed abroad)

Registration and military drafts for those living abroad is performed by the relevant Serbia embassy and consular departments. The registration is to be done in the calendar year of entering 17 years of age. All those who live or travel abroad must contact the relevant embassy or consular department in order to settle their status. Within 30 days the information is forwarded to the relevant local military registration unit in Serbia. All changes in residence status must be reported in both Serbia or abroad within 30 days. Those who do not have residence in Serbia and are registered by the embassy and consular departments are sent their information to the first military registration unit in Belgrade. Those who stayed abroad regardless of their permanent residence (in Serbia or abroad) can postpone their military service until the age of 27 pending approval and regular re-registration with the Embassy or Consulate or until the age of 35 with the special approval by the Ministry of Defense.

Postponement of the military service while staying abroad can be approved based on the following documents:

- Certification of school attendance

¹²⁰ See: 3.4.5 Separated children (family tracing services, etc.) - Children with disabilities.

¹²¹ Official Gazette of Serbia and Montenegro number 37/03,4705 and 6/07.

- Certification of employment, loan/credit engagement abroad or similar
- Sport engagement

Those citizens who served military service abroad based on their dual citizenship are only registered for reserve forces of Serbia.¹²²

Documents necessary for military registration:

- Birth certificate
- Citizenship certificate
- Residence certificate abroad for relevant Embassy/Consulate
- Last residence certificate in Serbia for local registration in Serbia

After registration a personal military registry booklet is issued as evidence that the military draft obligation was full filled during the stay abroad. In 2006 the **Law on Amnesty**¹²³ was passed. The law provides pardon for all individuals who are before April 18th 2006 charged with the criminal act of avoiding military service. This includes revoking of charges, indictment or imprisonment. However this does not provide for a military service pardon. All those who are not registered with the authorized units of the Ministry of defense i.e. military draft units in Serbia or abroad will be facing changers if not following the law and regulations on military service.

3.3.4.2 Possibilities of conscientious objection under legal rules and practice

Persons who wish to serve civil service while on military draft can exercise this right from 2003. This right is granted by the Regulation of Military service from 2003 and in more detail by the Amendments to this regulation in 2006¹²⁴. All persons eligible for military draft and who wish to engage in civil service while on military draft must submit their written request for civil service within 15 days from the military drafts service notification. In the request the person must state reason for such request i.e. why the armed service is not acceptable as well as what are the possible activities or working stations that he could engage with.

There are two models of unarmed service:

- ❖ One is within the military institutions of the Ministry of Defense free of arms and lasts for 6 months.
- ❖ The second is with the civil institutions out side of the Ministry of Defense and lasts for 9 months.

In both cases the authorized Military draft commission is deciding on the request within 60 days from the submitted appeal for civil service. This decision can be appealed with 15 days to the superior level within the Ministry of Defense. The superior level decision is then final and can not be appealed.

Civil servants of the military draft are placed in health, lifeguard, invalid rehabilitation and general community interest organization and institutions in Serbia. The institutions are in the person's place of residence for better convenience. The Defense Minister passed the list of 1.187 organizations and institutions in Serbia where the civil service is possible. Civil servants are obliged to pass the basic training of 14 working days with the local units of the Ministry of Defense. After the training the servant is placed in the selected organization and is responsible to the internal structures within that organization. The director of the selected institution is obliged to provide written evaluation of the servant's

¹²² Republic of Serbia, Ministry of defense at: <http://www.mod.gov.rs/cir/dokumenta/uredbe/uredbe.php> Accessed December 2008

¹²³ Official Gazette of Republic of Serbia 33/06

¹²⁴ Amendments to the regulation of Military service full version in Serbian language: <http://www.mod.gov.rs/cir/dokumenta/uredbe/uredbe.php>

performance every three months. The selected institution is obliged to provide for material, personal and other forms of protection of the servant while in placement in line with the laws and regulations valid for their own regular employees. The servant is also receiving the monthly allowance from the institution under his military/civil servant status.

Full list of institutions and organizations that are designated by the Ministry of Defense to receive servants for civil service while on military drafts are available at:

<http://www.mod.gov.rs/cir/dokumenta/uredbe/Vojna%20obaveza%20i%20sluzenje%20vojnog%20roka%20-%20Izmene%20i%20dopune%20%2015.12.2006.pdf>

Servants can be denied requests for civil service in case they have been charged with any form of violence within the previous three years, if they carry license for hunting or other weapons and if they are members of hunting or shooting clubs.

3.3.4.3 Support for conscientious objectors (NGOs, church organizations, etc)

YUCOM - Committee of Legal Advisors for Human Rights

Svetogorska 17, 11000 Belgrade Serbia

Tel:(+ 381 11) 33-444-25; 33-44-235

Email: yucomoffice@gmail.com

Women in Black Serbia

http://www.zeneucnom.org/index.php?option=com_frontpage&Itemid=1

Address: Jug Bogdanova

Belgrade

Serbia

11 000

stasazen@eunet.yu

+ 381 11 26 23 225

3.3.5 Starting a new business¹²⁵

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

Starting a Business in Serbia (2006)¹²⁶

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 RSD
<u>Procedure 2.</u>	Notarize the Memorandum of Association and lease contract at the Basic Court

¹²⁵ The World Bank Group 2007, <http://www.doingbusiness.org/>, Accessed December 2008.

¹²⁶ The World Bank Group, 2007, <http://www.doingbusiness.org/>, Accessed December 2008.

Ministry of Economy and Regional Development, <http://www.merr.sr.gov.yu/>, Accessed December 2008.

Comment: Cost depends on the amount of capital and the value of the lease.
Procedure 3. Open a temporary bank account; pay founding deposit or its part and all other fees
Cost to complete: no charge
Procedure 4. Obtain the registration certificate Business Registers Agency (SBRA)
Cost to complete: 3000 RSD

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/)

Procedure 5. Make Stamp and seal
Cost to complete: It costs between RSD 1500 to 4 000, depending on the number of words, design, etc.

Procedure 6. 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)

Procedure 7. Open a permanent business account with the commercial bank
Cost to complete: RSD 400 (signature certification and republic tax)

List of the general rule and regulations for doing business in Serbia are posted at <http://www.doingbusiness.org/ExploreEconomies/?economyid=206>

Procedure 8. Register the employment contracts with the Employment Organization/Fund

Cost to complete: no charge
Procedure 9. Obtain certificate from the PIO Fund (pension fund)

Cost to complete: no charge
Procedure 10. Obtain certificate from the Health Fund

Cost to complete: no charge

Dealing with Licenses (2006)¹²⁷

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>.

Enforcing Contracts in Serbia¹²⁸

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

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

More details might be found at:

<http://portal.komora.net/infodesk/servlet/infodesk>¹²⁹

¹²⁷ Ibid.

¹²⁸ Ibid.

¹²⁹ Serbian Chamber of Commerce, Portal of Serbian Economy, <http://pks.komora.net/zakonodavstvo/Privrednadru%C5%A1tva/Naknadezausluge/tabid/376/Default.aspx>, Accessed December 2008.

<http://www.mfin.sr.gov.yu/>¹³⁰
<http://www.minpolj.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.obs.co.yu/01podrskae.html>

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>

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.”¹³¹

3.3.6 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 Contributions¹³²

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.

Single women (without children)

¹³⁰ Monopollist, <http://www.monopollist.ekof.bg.ac.yu/linkovi.htm>, Accessed December 2008.

¹³¹ 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

¹³² Investing in Serbia, Serbia Investment and Export Promotion Agency, <http://www.siepa.gov.rs/site/en/home/>, Accessed December 2008.

According to the research done by the Center for Development Services single women in vulnerable situation are not recognized as a separate vulnerable or target group by the present laws in Serbia. However, they are entitled to all forms of social and economic protection prescribed by the Law on social protection and insurance of social security of citizens¹³³ of the Republic of Serbia. They are also included in various projects related to different forms of violence protection implemented by the civil society organizations.

For social security services provided by the Centers for social welfare and the Ministry for work and social policy please contact **011 360 7600**.

3.3.6.1 Unemployment benefit and access to them

MONEY SUBVENTION¹³⁴

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:¹³⁵

- 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.¹³⁶

133Official Gazette of the Republic of Serbia number 36/91, 79/91, 33/93, 53/93, 67/93, 46/94, 48/94, 52/96, 29/01 and 84/04)

¹³⁴Republic of Serbia, National Employment Service, <http://www.nsz.sr.gov.yu> Accessed December 2008.

¹³⁵Ibid.

¹³⁶ Investing in Serbia, Serbia Investment and Export Promotion Agency, <http://www.siepa.sr.gov.yu/attach/FAQ.pdf>, Accessed December 2008.

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.

3.3.6.2 Sickness 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: *Caregiver's allowance*
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 PIO¹³⁷ commission; Not means-tested.
More information at: <http://www.rzzo.sr.gov.yu/>

3.3.6.3 Family allowances and access to them

According to the Constitution « The Republic of Serbia shall encourage the parents to decide to have children and assist them in this matter ». ¹³⁸ Reason for this norm to be found in the new Constitution of Serbia is the problem with the constant fall of birth-rates and population ageing in Serbia. It can be "used" to provide essential support to the parents in raising their children.

The existing programmes of support can be conditionally divided to those according to which all parents are entitled, such as **parental allowances for maternity leaves and child care leaves or special child care leaves**, and to those focused on particular groups of beneficiaries (children with developmental difficulties, and indirectly their parents, socially most vulnerable...) ¹³⁹

According to domestic legislation, the employee is entitled to:

- (1) Leave in case of childbirth (Labour Law, Article 77) ¹⁴⁰
- (2) So-called maternity leave when the mother is prevented from using it
- (3) Leave in alternation with the mother (if the mother does not use it).

The Republic of Serbia gives the **parental subsidy** for the birth of the first, second, third and fourth child. This kind of assistance was primarily conceived as an instrument of the population policy and the subsidy used to be given only for the birth of the second child. However, since the changes and amendments to the Law on Financial Support to Family with children ¹⁴¹ were enacted at the end of 2005, the parental subsidy has been assigned for the first born child as well.

¹³⁷ Pension and invalidity Fund of the Republic of Serbia;

¹³⁸ The Constitution of the Republic of Serbia, Official Gazette of RS 83/06 (Article 63)

¹³⁹ CRC announcement, Alternative Report, September 2007.

¹⁴⁰ Official Gazette of RS 61/05.

¹⁴¹ Official Gazette of RS 115/2005.

The Law envisages the following rights:

- (1) Compensation during the maternity leave, child care leave and special child care leave;
- (2) Parental allowance;
- (3) Child allowance;
- (4) Compensation for staying in a preschool institution for children without parental care;
- Compensation for staying in a preschool institution for children with disability;
- (5) Reimbursement of expenses for staying in a preschool institution for children from financially vulnerable families.

The families with grave financial situation are entitled to preschool institution cost reimbursement by the municipality or town, while the state covers the entire amount of costs for children with disability. Large proportion of support to parents is of a local character and every local self-government unit carries out its programme of assistance to parents and children.

The right to receive material security is available to **families of children with disabilities** and is realized through financial assistance determined by the number of family members. In January 2008 amounted to a maximum of, for one person **US\$ 73**, for a two member family US\$ 100.5, for a three member family US\$ 128, for a four member family US\$ 137, and for a family of five or more US\$ 146, while average monthly expenditure per family in the third quarter of 2007 amounted to US\$ 459.¹⁴²

Supplement for aid and care of second person amounts to 13% of average personal income. This is especially problematic for single parent families because 13% of average income is not enough for paying for day-care of a disabled child with disabilities during working hours.

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.

The main cash benefit programmes are the means-tested cash benefit programme, Material Support (MOP), child and carer's allowances.¹⁴³

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

¹⁴² Ljiljana Lucic, Ministry of labour and social welfare, January 21.2008 in Blic : <http://www.naslovi.net/2008-01-21/blic/redovne-isplate-za-decu-stare-i-borce/550443>December 2008.

¹⁴³ 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

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 January 2008 amounts: 1st - 22 906, second 89.574,61, third 161.226,91 and fourth 214.966,97 RSD.
Eligibility: Residents of the Republic of Serbia

Parental allowance

A mother is entitled to a **parental allowance** for her first, 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 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 2008 amount: 2,082 RSD¹⁴⁴
- 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:

¹⁴⁴ *Social Security Programs Throughout the World : Europe*, U.S.Social Security Administration, Office Policy, 2008, <http://www.ssa.gov/policy/docs/progdesc/ssptw/2008-2009/europe/serbia.html> accessed December 2008

Programme:	<u>Supplementary child allowance</u>
Description	Supplement to the child allowance.
Duration/Amount:	30% increase to the child allowance
Eligibility:	Single parents, foster parents, and children with disabilities.
Programme:	<u>Compensation to foster parents</u>
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 RSD -Foster care of more than 2 children - 4,416 RSD.
Eligibility:	Foster parents
Programme:	<u>Assistance to refugee mothers</u>
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 RSD
Eligibility	Refugee mothers with children under the age of 1.

Female-headed households with children born out of wedlock

According to the research done by the Center for Development Services all the rights are the same as for children born in wedlock if children are members of the household.

NGOs active with issues of female-headed households:

❖ **NGO - Samohrane majke Nis**
 Address: Patrisa Lumumbe 3/3, Niš
 phone. 018/ 224 710, 523-522
 Email: ajsi@ni.sbb.co.yu

❖ **NGO - Andjeli Cuvvari Valjevo**
 Address: Nusiceva 20, Valjevo
 Phone: 014 224 776
 Email: Andjeli_cuvvari@ptt.yu

Widows without children

Women with the status of a widow have the right to **family pension** pending certain criteria. These criteria are stated in the Law on pension and invalidity insurance of republic of Serbia¹⁴⁵ article 27.

The family pension right is passed to a widowed spouse who is unemployed, who does not have other sources of income, and who is older than 45 years of age.

The amount of family pension is 75% of the pension received by the deceased spouse. If the death of the deceased was caused by injury at work the family pension is immediately allocated to the family regardless of the pension status of the deceased spouse. The family pension right can also be allocated to a divorced widow if the divorce verdict prescribed permanent financial support to her.

¹⁴⁵ Official Gazette of the Republic of Serbia 03/02

The right to family pension is valid from the next day after the death of a spouse.

Widows are also entitled to supporting **care taker assistance** if a pensioner her self is beneficiary of a family pension or an invalid or with severe damage of vision sight. This care taker provider assistance is granted upon the verification by a medical commission. Both requests for family pension or supporting care taker assistance are submitted to a local branch of a Pension and Invalidity Insurance Fund of the republic of Serbia.

3.3.6.4 Pension for Elderly

The Serbian population is among the oldest populations in the world. More than 950.000 individuals in the Central Serbia and about 300.000 individuals in Vojvodina, or one sixth of both are older then 65.¹⁴⁶ The share of the poor is somewhat higher in pensioners than in the population at large (10.9% and 10.6% respectively) while the rate of poverty among all people over 65 years of age is 14.8%. The worst situation is in South-eastern Serbia where one in five pensioners is poor as well as one in three elderly people without a pension. In this group, at the highest risk are two-member elderly households or mixed households where an elderly person is the breadwinner.¹⁴⁷ The main obstacle to providing broader support to poverty-stricken pensioners and to the elderly in general is the lack of budgetary resources. Pensions constitute about 12% of the GDP and about 40% of pensions are covered from the budget due to the insufficient inflow of funds in the mandatory pension funds. Very unfavourable demographic trends also need to be taken into account since the over-65 elderly make up 16.6% of the overall population (according to the 2002 census) with further growth expected. This will create new and heavy financial burdens for the state through larger expenditure on pensions, health care insurance and social assistance.¹⁴⁸

In general, the elderly are not common among returnees from Western Europe, but the problem will eventually appear since many of returnees are unemployed, without pension insurance or any prospects of being financially secured in the old age.

The protection of the elderly and infirm is regulated by the Law on Social Protection and Social Security of Citizens¹⁴⁹. Centres for Social Work recommend accommodation of the elderly in retirement homes. Large number of elderly in single-person households, without family support and completely socially deprived, expects to be accommodated in some of the homes for elderly/retirement homes or to be taken care of in some other way. The demand is still larger than the capacities of gerontology institutions. There are 45 state institutions with over 9, 600 beds in Serbia and 9 institutions providing services to psychiatrically ill and elderly persons.¹⁵⁰ The real demand for accommodating 3 to 5 percent of the elderly over 60 is assessed in Serbia and the current capacities are 0.5 %. Going to the home for elderly is most often the last thing an elderly person wants to do.

¹⁴⁶ Nadezda Sataric and Mirjana Rasevic, *The Elderly Nonresidential Care in Serbia*, Amity, 2007. The research is available in Serbian on the Amity website: http://www.amity-yu.org/images/Vaninstitucionalna_zastita_starih_ljudi_u_Srbiji.pdf Accessed: on 15 March 2008.

¹⁴⁷ Poverty Reduction Strategy Paper, The Government of Republic of Serbia, December 2008.

¹⁴⁸ *Ibid.*

¹⁴⁹ Official Gazette of the Republic of Serbia 84/04

¹⁵⁰ Dr Miloš Nemanjić, *Gerontology Field in Serbia*, Website: Network of Social Conditions Researchers, http://www.mrezaisp.org/index.php?option=com_content&task=view&id=52&Itemid=60, accessed: on December 2008.

The homes most often accommodate those in real need for care, the ill, infirm and demented people.¹⁵¹

Fund for pension and invalidity insurance of the republic of Serbia is the main contact point for all issues related to pension and invalidity status:

- Pension and Invalidity Fund of Serbia for Self-employed¹⁵²

Address: Bulevar Umetnosti 10, 11070 Belgrade

Phone: 011 2134300

- Pension and Invalidity Fund of Serbia¹⁵³

Address: Vladetina 9, Belgrade

Phone: 077-017-017 (0-24 h information service)

- Pension and Invalidity Fund of Serbia for farmers

Address: Bulevar Umetnosti 10, Belgrade

Phone: 011/2017-130

3.3.6.5 Other benefits in the social welfare system

SOCIAL INSURANCE CONTRIBUTIONS¹⁵⁴

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).

3.3.6.6 Special benefits for returnees

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

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

¹⁵¹ Source: Nada Starić, Amity.

¹⁵² <http://www.rfpiosd.org.yu/index.php?lang=2> Pension and Invalidity Fund of Serbia for Self-employed, Accessed December 2008.

¹⁵³ <http://www.pioz.org.yu/sr/cr/> Pension and Invalidity Fund of Serbia Accessed November 2008.

¹⁵⁴ SIEPA; Serbia investment and export promotion agency, http://www.siepa.gov.rs/site/en/home/1/investing_in_serbia/competitive_taxes/social_insurance_contributions/ Accessed December 2008.

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, 2007¹⁵⁵ 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 criminal ones. Consequently, engagement in this sector, depending on the type of activity, might represent a security risk, as mentioned above.

¹⁵⁵ According to European Movement Serbia, Natasa Dragojlovic (Interview with Natasa Dragojlovic, European Movement Serbia, conducted by Grupa484, Belgrade, February 2007)

3.3.7 Charity organizations with a general scope (services, contact information)¹⁵⁶

In order to support returnees from Western Europe, in the process of reintegration in to society, nongovernmental organisations European Perspective, Group 484 and Serbian Democratic Forum initiated the project “*Support to the process of readmission through sustainable reintegration of returnees from Western Europe to Serbia*”. The project is financed by the European Union and will last till June 2009.

European Perspective in Serbia

Milica Đurdjević
Kapetana Popovica 11, Belgrade
Tel/fax: +381 11 3541 080; 3543 982
E-mail: office@epserbia.org
www.hhdn.org

Serbian Democratic Forum

Sanja Džakula
Kraljice Marije 47, Belgrade
Tel/fax: +381 11 3820 250; 3820 251
E-mail: beograd@sdf.org.yu
www.sdf.org.yu

Group 484

Zorica Živojinović
Gračanička 10, Beograd
Tel/fax: 011 2631 445; 2632 544
E-mail: zz@grupa484.org.yu
www.grupa484.org.yu

The project covers the territory of the Republic of Serbia through **10 Reintegration Centres** established in Belgrade, Niš, Vranje, Knjaževac, Novi Pazar, Prijepolje, Bor, Novi Sad and Zrenjanin. These centres will support the reintegration of the most vulnerable returnees through **psychosocial, informative, legal and economic assistance**.

The assistance in the Reintegration Centre can be provided to Serbian nationals who no longer had legal grounds for staying abroad, and had to return to Serbia.

Returnees can get the information on the following types of assistance in Reintegration Centres:

- 1. Legal support:** Assistance with obtaining documents, certificate equivalence, diploma validation, accessing rights to social and health care, education and employment.
- 2. Economic support:** trainings in job search and business start-up as well as in-kind income generation assistance.
- 3. Psychosocial support for children, women and families:** Serbian language

¹⁵⁶ Autonomous Women Centre Belgrade, <http://www.www.womenngo.org.yu>, Accessed December 2008.

classes, assistance in dealing with the school curriculum, cultural and sports activities, learning about the local community, assistance in adjusting to new living conditions, health prevention, communication skills, individual work on trauma, domestic violence, prevention from human trafficking and other forms of psychosocial support.

For more information contact the Reintegration Centres:

NIŠ	VRANJE	KNJAŽEVAC	BOR	ZRENJANIN
<p>Centar za razvoj građanskog društva (Centre for Civil Society Development) “Protecta” TPC Kalča BI-43, Obrenovićeve bb; tel: 018 522 788; 514 360</p>	<p>Kancelariju za zaštitu i ostvarivanje ličnih i kolektivnih prava romske nacionalne manjine (Office for the Protection and Realisation of Individual and Collective Rights of the Roma National Minority) Gračanička b.b. ; tel: 017 421 865</p>	<p>Direkcija za strategiju i integraciju Roma RS (Board for the Strategy and Integration of Roma of RS) Svetozara Markovića 7; tel: 019 730 732, 743 618</p>	<p>Udruženje građana humanitarna grupa Aurora (Citizens’ Association and humanitarian group Aurora) Cara Lazara 10/II (new town centre); tel: 030 447 550</p>	<p>Mesna zajednica, Bulevar Veljka Vlahovića 14 (ponedeljak, sreda, petak od 8 do 10 časova); (Community Centre, Bulevar Veljka Vlahovića 14) (Monday, Wednesday, Friday, from 8 a.m. to 10 a.m.) tel: 023 532 600</p>
KIKINDA	PALILULA - BEOGRAD	VOŽDOVAC - BEOGRAD	NOVI PAZAR	PRIJEPOLJE
<p>Centre for SocialWork 0230 441 367 ; 21 169 kicsr@eunet.yu</p>	<p>Grupa 484 (Group 484) Gračanička 10; tel: 011 26 31 445, 26 31 246</p>	<p>Srpski demokratski forum (Serbian Democratic Forum) Kraljice Marije 47; tel: 011 3820 250, 3820 251</p>	<p>Udruženje povratnika Reintegracija (Returnee Association Reintegration) Višegradska 24; tel: 020 319 534</p>	<p>Udruženje povratnika Reintegracija (Returnee Association Reintegration) Miluna Drčelića 16; tel: 064 2189 137</p>

With the project "Palilula, our home", financed by the Social Innovation Fund of the Republic of Serbia, Group 484 wishes to motivate local institutions: Centre for Social Welfare, local self-government bodies, cultural institutions, NGOs, but also other actors at the local and national level to ensure easier integration of returnees according to the readmission agreement. Therefore, in cooperation with the Centre for Social Welfare Palilula and Children Cultural Centre, Group 484 has been researching problems returnees are facing in the local community, forming a database on returnees, providing informative and legal support, ensuring access to social rights of returnees and working on their inclusion. Group has also organised workshops with returnee children, which will help their inclusion into the educational system, as well as creative workshops aimed at social integration. The Group 484 and the Center for Social Welfare Palila continue work with returnees within the AENEAS project.

Contact information: Grupa 484, office@grupa484.org.yu +381 11 2631 445, the Centre for Social Welfare Palilula, Nada Marković centarpalilula@brotel.yu +381 11 2753557, the Children Cultural Centre Vesna Krnjajić vesnadkcb@org.yu +381 11 32 42 011

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**
- 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 SERVICES¹⁵⁷

HOCS - Hilfswerk der orthodoxen Christen in der Schweiz

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)

¹⁵⁷ Catholic Relief Services, <http://crs.org/Serbia/>, Accessed December 2008.

cwsyu@yubc.net

NCA (Norwegian Church Aid)

ncapristina@yahoo.com - supporting also projects in Serbia

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

In 2007 in the Republic of Serbia the average available monthly budget per household amounted to 40 083 . The highest monthly income acquired the households of the City of Belgrade (34.620 RSD) and the lowest income had the households of the Central Serbia without the City of Belgrade (27 691 RSD).

The average monthly expenditures by household in the Republic of Serbia in 2007 amounted to 37 921 RSD and they ranged from RSD 34 089 RSD in Vojvodina, 34 965 RSD in the central Serbia without the City of Belgrade, to 49 055 RSD in the City of Belgrade.

For further information about budget distribution and cost of living as well as for prices overview¹⁵⁸ please visit the following links:

<http://webrzs.statserb.sr.gov.yu>

<http://www.stips.minpolj.sr.gov.yu/stipsnews.htm>

3.4 Health

3.4.1 General Health situation by regions

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.

It should be mentioned that extra-legal, improvised Roma settlements in Belgrade are not connected to running water or sanitation systems.

¹⁵⁸ Republic of Serbia, Statistic Office of the Republic of Serbia, , Accessed December 2008.

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.¹⁵⁹

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)¹⁶⁰. Unemployed persons receiving benefits also have medical, pension and disability coverage (Art. 8 (6), Serbian Medical Insurance Act).¹⁶¹
- 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 on 1st of January 2007. Therefore, According to the Law, in Serbia these vulnerable groups include, inter alia:
 - 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)

¹⁵⁹ Belgrade Centre for Human Rights, Human Rights in Serbia and Montenegro, 2005, 2006.

¹⁶⁰ Medical Insurance Law; www.parlament.sr.gov.yu (Website of National Parliament, Assessed: January 2007)

¹⁶¹ Belgrade Centre for Human Rights, Human Rights in Serbia and Montenegro, 2005, 2006.

Roma people without permanent or temporary residence in the Republic of Serbia due to “their traditional way of life” (Section 22, Medical Insurance Act). However it cannot be applied because of the following problem: the Rule Book on renewal of health care card requires temporary or permanent residence for the regulations of medical health insurance which could be the obstacle for the Roma people without residence. Obviously the Rules of Procedure are not in accordance with Medical Insurance Act **when it comes to Roma people who have no permanent or temporary residence.**¹⁶² The Ministry of Health¹⁶³ 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)¹⁶⁴. 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, 2007¹⁶⁵) 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 experts¹⁶⁶ 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: 3.4.3.3 Costs of healthcare).

Availability of medical services to returnees immediately upon arrival to Serbia

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, 2007¹⁶⁷).

¹⁶² Ivana Stankovic, Project Assistant - Praxis (Former Norwegian Refugee Council), interview October 2007

¹⁶³ 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)

¹⁶⁴ Ivana Stankovic, Project Assistant - Praxis (Former Norwegian Refugee Council), interview October 2007

¹⁶⁵ 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)

¹⁶⁶ 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.

¹⁶⁷ 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,

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).

The Ministry sent this kind of instructions regulating the readmitted persons without regular Health Booklet who have only Emergency Travel Document - "Laissez Passer", so they can obtain urgent medical health in the health institutions. The evidence and the costs of such a medical treatment are obliged to be registered in the particular registry books.¹⁶⁸ Group 484 confirmed in the field that this is the practice in Medical Institutions in Palilula, Belgrade's municipality.

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.

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

six NGOs, a Team for Implementation of Poverty Reduction Strategy, and international organizations/agencies (UNHCR, UNDP, and OSCE).

¹⁶⁸ Dubravka Šaranović, Councillor for the International Cooperation within the Ministry of Health, interview October 20047.

(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 2006¹⁶⁹ 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, 2007¹⁷⁰) 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 differently¹⁷¹
2. Unemployed persons should follow these steps: firstly, they should obtain a working booklet (in Serbian: radna knjizica), further, they should apply to the Republic Institute for Health Insurance). Pursuant to Amendments to the Law on Health Insurance (entered into force in 2007) people do not have to be registered in the National Employment Service in order to regulate their health insurance

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.

¹⁶⁹ 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

¹⁷⁰ 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)

¹⁷¹ 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.

Step 2: The next step is applying to Republic Institute for Health Insurance¹⁷² in the municipality where they have a residence (this institution has local branches in different cities¹⁷³).

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) (Pursuant to new Medical Insurance Act, in order to get a health insurance card which provides to unemployed persons access to free health care, the unemployed must obtain a statement by two witnesses attesting that their monthly income does not exceed the threshold amount prescribed by law, i.e. 9,500 RSD (for those who live alone) and 7,500 RSD for those who live with families. (91 RSD equals 1 Euro). The statement must be accompanied by a photocopy of ID card and employment booklet, with originals shown for verification. All persons with higher income should pay for health insurance themselves, approximately 1,500 RSD per month. The two-witness statement as a requirement for access to health care is an interim solution. Under the new Rule Book on renewal of health care card, the unemployed and other categories of economically vulnerable people will have to submit a monthly income statement for all members of their household along with a certificate on taxable income issued by Tax Administration. MINA

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 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.

Minimum services that the primary health centre should provide are: preventative health care services, emergency health care, general practice, healthcare services for women and

¹⁷² More information about this institution could be obtained on <http://www.rzzo.sr.gov.yu/> (Accessed December 2008)

¹⁷³ 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

children, home visits, laboratory and other basic diagnostics. Furthermore, when the services are not available nearby, the primary health centre should provide: dentistry services, occupational health services, physical medicine services, physical rehabilitation, and transportation to ambulance. If the primary health centre covers more than 20,000 inhabitants and if it is located more than 20 km away from the nearest hospital, it should also provide: internal medicine, pulmonology services, ophthalmology, ENT specialist services, and psychiatric services.¹⁷⁴

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).¹⁷⁵ 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 experts¹⁷⁶ 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)

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

¹⁷⁴ Dubravka Šaranović, Councillor for the International Cooperation within the Ministry of Health, interview, November 2008.

¹⁷⁵ Tomica Milosavljevic (Minister of Health of Serbia), Economist, No. 116, 2007

¹⁷⁶ 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.

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: 3.4.3.1 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: 3.4.3.5 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: 3.4.3.2 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; 2006¹⁷⁷; 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,

¹⁷⁷ 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

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 professionals¹⁷⁸ 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: 3.4.3.2 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 Website¹⁷⁹.

Regional differences in services provided in primary medical care centres and general hospitals: Ministry of Health in Serbia published¹⁸⁰ 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 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

¹⁷⁸ 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)

¹⁷⁹ Ministry of Health Website, <http://www.zdravlje.sr.gov.yu> (Accessed November 2008)

¹⁸⁰ Ministry of Health Website, <http://www.zdravlje.sr.gov.yu/> (Accessed on 19 February 2007)

- | | |
|---------------------------------------|---|
| 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)

1. Jagodina
2. Paracin
3. Vrsac
4. Zajecar
5. Aleksinac
6. Petrovac
7. Arandjelovac
8. Priboj
9. Majdanpek
10. Smederevska Palanka
11. Vrbas
12. Prijepolje
13. Cuprija
14. Bor
15. Kikinda
16. Senta
17. Surdulica
18. Negotin
19. Knjazevac
20. Kladovo
21. Gornji Milanovac

General hospitals in Serbia in municipalities with over 50 000 inhabitants (outside Belgrade)

1. Kraljevo
2. Sremska Mitrovica
3. Loznica
4. Krusevac
5. Leskovac
6. Zrenjanin
7. Pancevo
8. Sombor
9. Subotica
10. Pirot
11. Smederevo
12. Prokuplje
13. Valjevo
14. Vranje
15. Uzice
16. Novi Pazar
17. Pozarevac
18. Cacak
19. Sabac

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 misbalance between general practitioners and specialists represents a problem. As clarified by the Minister of Health of Serbia, unregulated/unplanned system of specializations led to misbalance 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, 2007¹⁸¹).

¹⁸¹ Tomica Milosavljevic (Minister of Health of Serbia), Economist, No. 116, 2007

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 professionals¹⁸² and other experts¹⁸³ 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 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 lists¹⁸⁴ 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 surgical or orthopaedic interventions, because of lack of materials and equipment). As was already mentioned, a

¹⁸² 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)

¹⁸³ 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.

¹⁸⁴ 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)

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).¹⁸⁵

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 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.

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

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 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

¹⁸⁵ 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)

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
 - > 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: 3.4.3 Health care system, 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.

1 Participation Fees

Type of treatment*	Participation fee
(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 RSD) ¹⁸⁶
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

¹⁸⁶ Current (on 30 November 2008) exchange rate is as follows: 1 EUR = 89 CSD (Serbian RSD)

Use of health insurance of insured persons referred abroad for 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 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 EUR¹⁸⁷. 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. The Transparency International concluded that “despite extensive reforms and external incentives in the framework of the European Union preaccession process, Croatia, Macedonia, Montenegro, Serbia and Bosnia and Herzegovina are not perceived as having significantly improved their anti-corruption stance.” According to the corruption Perception Index Serbia is ranked as the 82nd in the world.¹⁸⁸

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:

¹⁸⁷ In private sector, doctors/practitioners commonly express prices in EUR (prices in CSD - Serbian RSD 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.

¹⁸⁸ Transparency International Corruption Perceptions Index, Regional Highlights: South Eastern Europe and Central Asia, 2008, http://www.transparency.org/policy_research/surveys_indices/cpi/2008/regional_highlights_factsheets, accessed in November 2008.

- 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.¹⁸⁹

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.¹⁹⁰

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

Uncertainty related to their status in western countries and the possibility for return created great anxiety among asylum seekers which, according to doctors' assessments, can develop into serious diseases.¹⁹¹ Many returnees show signs of depression and other physical and mental symptoms. However, the returnees who decided to return 'voluntarily' are in much better mental condition than those who have been deported by police force. Since they were not prepared for the return, those people often did not manage to take with them elementary things and upon returning to Serbia they are in a state of shock, unable to cope with everyday problems

It is encouraging that out of the total number of questioned returnees (62) from Western Europe in the Belgrade's municipality Palilula 74.2% say that they have access to free health care, while 25.8 % claim that they do not. However, 75.8 % say that they have health problems in the family, and 51.6 % say that they need assistance related to health care. The people living in unhygienic settlements are exposed to various kinds of diseases

¹⁸⁹ FIDH, Serbia: Discrimination and Corruption, the Flaws in the Health Care System, International Fact-finding Mission, April 2005.

¹⁹⁰ Health Reform, 11 April 2005, Economist

¹⁹¹ Ulrike von Lersner, Ulrike Wiens, Thomas Elbert, Frank Neuner Psychotrauma Research - and Outpatient Clinic for Refugees, University of Konstanz, Germany, Mental health of returnees: refugees in Germany prior to their state-sponsored repatriation, BioMed Central journal, June 2008. <http://www.biomedcentral.com/content/pdf/1472-698X-8-8.pdf> Accessed November 2008.

with the upcoming cold weather, mainly respiratory problems, where children are particularly vulnerable. It is obvious that health problems are not conditioned only with the access to health care, but there are also other preconditions for good health, such as employment and housing, access to running water, adequate hygienic measures, etc.¹⁹²

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. They face cultural and language barriers when interacting with health care professionals. 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.¹⁹³

Some NGO activists, however, asserted that their experience in working with Roma people contradicted the above-mentioned conclusions. On the other hand, interviewed medical experts¹⁹⁴ 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 NGOs¹⁹⁵, 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 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

¹⁹² Grupa 484, Palilula - our Home, Results on Research on Returnees from Western Europe February 2008. <http://www.grupa484.org.yu/english/asylum-and-readmission> accessed in November 2008.

¹⁹³ 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.

¹⁹⁴ 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.

¹⁹⁵ 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.

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)¹⁹⁶ 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 doctors¹⁹⁷.

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).

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

Non-governmental organizations (NGOs) have increasingly been promoted as alternative health care providers to the state, furthering the same goals but less hampered by government inefficiencies and resource constraints. However, the reality of NGO health care provision is more complex. Not only is the distinction between government and NGO providers sometimes difficult to determine because of their operational integration, but NGOs may also suffer from resource constraints and management inefficiencies similar to those of government providers.¹⁹⁸

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 experts¹⁹⁹ 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).

¹⁹⁶ Minic, et al., A joint European Vision: Free Movement of Goods and People in Kosovo and Serbia, European Movement in Serbia Website, <http://www.freedomhouse.org/pdf/FinalKSStudy.pdf> (Accessed in November 2008)

¹⁹⁷ 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.

¹⁹⁸ Source: Dr. Natasa Ceribasic-Ljubomirovic, Grupa 484, Belgrade, November 2008.

¹⁹⁹ 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.

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.

The health care for persons with mental problems is not very well developed in Serbia. The help of NGOs is welcomed but unfortunately their programmes are not sustainable as they ceased to exist after the ending of the project financed by foreign donors. Some international NGOs (Medicines Sans Frontieres-Belgium, Care, ICRC), were involved in helping traumatized communities in southern Serbia, because of the absence of professional physicians. There were a large number of children with behavior problems and mixed disorders of conduct and emotions. In the Southern Serbia there are no professionals in child psychiatry, and even for adults the closest psychiatrist is in Vranje. Unfortunately there are no available evaluations of the free-of-charge psychological counseling and programmes provided by some NGOs and church-based organizations.

Note: all NGOs and church-based organizations listed below provide services free of charge. It should be added also 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", Momcila 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
- 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 counselling 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, Vlakoviceva 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 counselling, 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)²⁰⁰. 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. The provided services 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

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

²⁰⁰ Philanthropy Website, <http://www.covekoljublje.org> (Accessed on 19 February 2007)

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.

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 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).

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 the 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.²⁰¹ 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.²⁰²

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

Bojana Bego, Handicap International SEE Office, Belgrade,

²⁰¹ 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)

²⁰² Ibid.

Handicap International SEE Office, Belgrade, HANDICAP INTERNATIONAL REGIONAL OFFICE
FOR SOUTH EAST EUROPE

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office@hi-see.org

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Deacon Radomir Rakic, **Office Patriarchate of the Serbian Orthodox Church**, Belgrade
11000 Belgrade
Kralja Petra I no.5+381 11 3282 596

Djurdjica Zoric, **Agency for Human and Minority Rights of the Republic of Serbia - Centre
for Integration of Repatriates / Romani Women's Centre "Bibija "**,Belgrade 27. marta
37/III/10 code: 11000 Phone: +381/11/32 29 09 4Fax: +381/11/32 29 09 4 e-mail:
bibija@eunet.yu

Slavica Simic, **Counselling Centre for Women "Jefimija"**, Uzice P.fah 77, Uzice, Serbia
31000 Ph #: 381 31 512 005 ; 381 63 652

Divna Matijasevic, **Autonomous Women's Centre - Health Project**, Belgrade Adress:
Nebojšina 32b,11000 Beograd, Serbia
Tel./Fax: + 381 112435 455 zdrawc@azc.org.yu

Jovana Krstic, **Group 484**, Belgrade Gračanička 10, 11000 Belgrade, Serbia, SCG
tel./fax: +381 11 2631 445; 2632 544; 2631 246
email: office@grupa484.org.yu

Milena Jaukovic, **Ethic Commission of the Serbian Association of Medical Doctors /**
Emergency Health Care Centre, Dzordza Vasingtona 19, Belgrade 3234 - 450 и факс:
3246-090
E-mail: sld@bvcom.net

Natasa Dragojlovic, European Movement in Serbia, Belgrade **European Movement Serbia**
Country: Serbia
Address 1:

Kralja Milana 31
11000 Belgrade
Phone: + 381 11 3640 174
Fax: + 381 11 3640 202
Email: office@emins.org
URL: <http://www.emins.org>

Ana Fotic, Philanthropy - **Charity Fund of the Serbian Orthodox Church**, Belgrade
Dragorska 4, 11000 Beograd Phone: 381011-367 2970

Nada Sataric, **Amity**, Belgrade address: Španskih boraca 4, 11070 Beograd-Novı Beograd.
Phone: 381-011-2140 554; 011-2131 261

Danish Centre for Refugees, Belgrade Zagrebacka 6, 011 2187 812/185 964

Marija Manic, **Women's Space**, ŽENSKI PROSTOR
Adresa: Knjaževačka 189/7, 18000 Niš
Telefon: 018/ 71 36 33
Fax:018/ 71 36 33
E-mail adresa 1: catz@bankerinter.net
E-mail adresa 2: catz@ptt.yu

Ana Sacipovic, **NGO Osvit - SOS hotline in Romani language**, Nis Ivana Milutinovica 18 Nis
18000. tel. +381/18/71 26 33. catz@bankerinter.net

Maja Saitovic, **Minority Rights Centre**, Belgrade Gospodar Jovanova 81/13, 11000
Beograd, Srbija, tel: +381 11 2626486, 2623238, 3287104, office@mrc.org.yu

Miodrag Zivkovic, **Caritas-Belgrade** Višegradaska 23, 11000 Beograd-Stari Grad. Telefon,
381 011-3616 940; 011-3610 438.

3.4.4 Elderly health care

(for Elderly accommodation, see 3.2.7)

Gerontology Clinic

As far as health institutions are concerned, the Gerontology Clinic of KBC Zvezdara is one of the oldest of its kind in Serbia, providing specialised services to its patients but with rather limited accommodation capacities - 96 beds and 3 beds for daily care for acute geriatrics, treatment, education and research activities.²⁰³

❖ Institute for Gerontology

In Belgrade, the assistance to elderly is also provided by the Institute for Gerontology, a health institution whose activities are defined by the Law on Health Care²⁰⁴. It is a specialised health institution that provides out of hospital and social-medical health services to the elderly in nine town municipalities in the territory of Belgrade. The institute daily provides health care services to around 1,460 patients. In accordance with the regulations of the institution, the following persons have the right to services: elderly (over 65 years of age) in accordance with medical indications, social and sanitary-hygienic conditions; the right to complete palliative care is provided to all terminally ill patients; military insurants with the appropriate approval from Military Medical Centre and the beneficiaries who cannot realise the right through the Republic Institute for Health Insurance. In this case, the services are paid in accordance with the price list determined by the Republic Institute for Health Insurance.

In accordance with the Statutes on Activities, the Institute ensures health care services, as well as complete preventive, diagnostic, therapeutic and rehabilitation services within the following specialised fields of health care: general medical practice, internal medical practice, geriatrics, cardiology, neuropsychiatry, clinical pharmacology, pneumophysiology, physical medicine and rehabilitation, dental health care, social medicine and epidemiology.

(Experts/activists interviewed for the purpose of this report (Elderly people)

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Tel: +381 11 2067 800 (central)

2067 817 (fax)

2067 813; 2067 834 (reception)

E-mail: IGHTC@beotel.yu

URL: www.gerontology.co.yu

Nada Starić, NGO Amity

Španskih boraca 4, 11000 Belgrade, Serbia

E-mail: amity1@eunet.yu and amity2@eunet.yu

URL: www.amity-yu.org

²⁰³ Dr Miloš Nemanjić, Gerontology Field in Serbia, website: Network of Social Conditions Researchers ,

http://www.mrezaisp.org/index.php?option=com_content&task=view&id=52&Itemid=60, accessed in March 2008

²⁰⁴ Official Gazette of the Republic of Serbia 107/05

Tel: +381 11 2140 554, 2131 261)

3.4.5 Persons with physical or mental disabilities

According to the research done by the Center for Development Services, returnees in the readmission process have the same rights as any other citizen of Serbia to social protection and care. The assistance in this sense is provided through the Ministry of work and social policy of Serbia. Their work is implemented through a network of local Welfare Centers that are in charge of evaluation of social needs within the family and in coordination with other relevant institutions provide evaluation and care needed.

For any information needed there is a service call center of the Ministry at: 011 360 7600.

As for special needs such as temporary, daily or permanent accommodation of mentally challenged children and adults, see the full list of institutions available in Serbia at http://www.minrzs.sr.gov.yu/portal/index.php?option=com_content&view=article&id=338&Itemid=155. The Ministry and the local Centers for Social Welfare are in charge of processing all the requests for this type of assistance.

❖ Assistance for persons with physically handicap or elderly

Caritas Serbia²⁰⁵ is implementing a project for elderly providing for home care. Their target groups are elderly, ill or physically handicapped persons. Their work teams are consisting of a nurse and home care taker and they provide for a basic medical monitoring and hygiene in a home. This project is available in Subotica and Nis.

Daily Centers for elderly are targeting those who live alone. At the centers there are various activities with the presence of a nurse. Transportation to the centers is provided by Caritas as well. This project is available in Zrenjanin, Novi Sad and Sremska Mitrovica.

❖ Down syndrome Association

This NGO provides for several types of assistance to persons with Down syndrome and their families. The assistance provided relates to family counselling, assisted independent living and legal counselling. For full details and contacts see: <http://www.downsindrom.org.yu/>

The Union of organizations for helping mentally underdeveloped persons in Vojvodina²⁰⁶, Serbia

This Union consists of 18 NGOs active in Vojvodina dealing with issues faced by the mentally challenged and their families. The association is active in 8 Municipalities in Vojvodina and can provide for all relevant information about life, accommodation or legal inquires related to the life and work of mentally challenged and their families. For full contact details and further inquires see <http://www.savez-mnro.org.yu>

²⁰⁵ Caritas, <http://www.caritas.org.yu/stari.htm>, last accessed April 2008

²⁰⁶ SAVEZ ORGANIZACIJA <http://www.savez-mnro.org.yu/indexe.htm>, last accessed june 2008

❖ Children with disabilities

According to official data, in Serbia there are approximately 6,000 children with disability who receive care and assistance on various bases (from the budget of the Ministry of Labour and Social Policy or the Fund for Pension-disability Insurance). Another 760 children with disability have been institutionalised.²⁰⁷

According to the Law on Social Protection and Social Security of Citizens²⁰⁸, a **child with disability is:**

- 1) blind child,
- 2) deaf child,
- 3) child with severe physical disability (paralyses, cerebral paralyses, dystrophy, plegia, paraplegia, quadriplegia, multiple sclerosis and other inborn and acquired physical disabilities);
- 4) child with mental disability (from mild to profound mental disability);
- 5) child with autism;
- 6) multiply disabled child (with two or more disabilities).

As stated in the National Plan of Action for Children, there are neither reliable data nor system mechanisms for registering data on children with disability. It is assessed that 7% of the total number of children in Serbia have some form of disability. The percentage of children with mild disability can range between 14 and 40% of the total number of children with disability.²⁰⁹ **Only 10% of these children have been included in some form of organised professional support** (preschool, elementary, high school, homes for children). Preschool children are especially insufficiently involved in some sort of general or specialised treatment²¹⁰. In the opinion of representatives of institutions at the local level, problems of children with disability are among largest problems faced by children under the age of 6.

As emphasised by Child Rights Centre, since 2000 considerable amount of money have been invested for the improvement of condition in which these children spend their time. Children under three are not allowed to be accommodated in the institutions. The children with disability living in the institutions have to be **separated from adults**, which earlier has not been the case. The existing institutions are planned to be "broken" into a number of smaller units in the entire territory in order to be more easily assessed. Reforms need time and money and Serbia has always been lacking both. Today, in 59 municipalities in Serbia proper, there are 34 developmental counselling offices for the early treatment of these individuals, 54 developmental educational groups within kindergartens, hospitals and special schools, 36 school for elementary and high school education of these children and 13 day care centres.

Analysis of present conditions and recommendation for the reform of **education** of children with disability of 2006 show that in Serbia there are only around 30 preschool groups within special schools, attended by 300 children with disability; 16 from these groups, with 120 children with disability are in Belgrade.

²⁰⁷ Website of the Ministry of Labour and Social Policy of RS, www.minrzs.sr.gov.yu accessed in March 2008.

²⁰⁸ The Law on Social Protection and Social Security of Citizens, Official Gazette of RS 115/05

²⁰⁹ Interview: Gordana Mijalkovic, Clinic for Neurology and Psychiatry for Children and Youth.

²¹⁰ NGO People In Need www.nadobromputu.com/decasasmetnjamau_razvoju.html accessed on 17 March 2008, but the link doesn't work anymore. Information Centre "On Right Way" Mačvanska 6a, Belgrade 011 244 06 76 info@nadobromputu.com

However, the number of **developmental groups** has increased mainly due to the initiation of numerous pilot-projects in larger towns of Serbia. However, their exact number is not known. Nevertheless, the number of children with disability who have been stimulated in early age is still unacceptably small.²¹¹

When they reach the age limit of 7, children with disability are referred to **educational institutions** or residential institution on the basis of decisions of categorisation commissions (76 commissions in Serbia). These commissions classify children in different disability categories, establish the degree of disability and assess who can get education and who can not. Some children thus become stigmatised, which does not match the huge literature and practice related to education of these children.

The children assessed as incapable of getting educated are mainly accommodated in the institutions of residential type and, as a rule, do not get education within the **general educational system**. In the field of social care, the idea about the need for the beneficiaries to be included in the creation and implementation of the policy seems quite logical. Unfortunately in Serbia, persons with disability and their family are often only passive recipients of services and they rarely actively participate in the process of decision making in the field of accommodation, education and type of necessary support.

Some of the institutions for children with disability:

Homes for children with disability		
Home for Handicapped Children, Veternik http://www.veternik.org.yu/e/index.html	Kninska 157, 21203 Veternik	tel: 021-821-034 fax: 021-823-518
Home for Handicapped Children, Kulina	Kulina, 18214 Aleksinac	tel: 018-883-835 fax: 018-883-816
Home for Handicapped Children, Sremčica	IX nova 1, 11250 Sremčica	tel: 011-801-30-93 fax: 011-801-33-60
Special Institute for Children and Youth, "Dr Nikola Šumenković", Stamnica	Stamnica village, 12300 Petrovac na Mlavi	tel: 012-348-042 fax: 012-348-113
CENTRE FOR ACCOMMODATION AND DAY CARE FOR CHILDREN AND YOUTH WITH DISABILITY		
Day care for mentally retarded children and youth	Šekspirova bb, 11000 Beograd	011-622-745

Conditions for accommodation for children with disability:

Accommodation in the institution of social care is realised by referring the beneficiary to the relevant institution that provides care (the residence, nourishment, clothing, attention, assistance), education, trainings for certain skills and health protection

²¹¹ *Ibid.*

according to special regulations, occupational, cultural-entertainment and recreation - rehabilitation activities and services.

Sometimes it is possible to accommodate a person in the stationary health institution, which fulfils the accommodation conditions, as well as in homes for high school or university students when the beneficiary is referred to the institution for job training, based on the contract on providing services concluded by the centre for social work and relevant institutions, and upon the opinion given by the ministry in charge of social issues.

According to the Law on Social Care²¹², accommodation in the institution of social care is provided to:

- ❖ **the child without parental care and the child whose development has been hampered by family circumstance** until: he/she is capable of having independent life, he/she returns to his/her own family or the adoptive family, or other family, she/he finishes regular education, and maximum six months upon finishing regular education
- ❖ **the child with mental disability** ranging from mild to profound disability, multiply mentally disabled, the child with autism, as well as the child with physical disability where there are no conditions for staying in the family, as long as there is a need for this form of protection
- ❖ **the child with disorders in the social behaviour**
- ❖ **the pregnant woman and single mother** with the child under the age of one who needs temporary care due to financial insecurity, unsolved housing problems, disturbed family relations and similar situations

Accommodation in the institution of social protection is carried out pursuant to the decision of the centre for the social work brought forth on the basis of the findings and opinions of the appropriate team of experts of the centre about the necessity of accommodation.

²¹² Official Gazette of RS 115/05

4 Human Rights

4.1 Ethnic Minorities

Serbia has a great regional variety in its ethnic composition due to much historical turbulence that occurred. The Constitution of the Republic of Serbia guarantees the rights and freedoms to minorities. According to the last census from 2002, not including Kosovo and Metohija Serbs make up 82.86 percent of the population, Hungarians 3.91 percent, Bosnians 1.82 percent, followed by Roma 1.44 percent, Croats 0.94 percent, Albanians 0.82 percent, Slovaks 0.79 percent, Vlachs 0.53 percent, Romanians 0.46 percent, Bulgarians 0.27 percent.²¹³ There are a total of 37 different ethnic groups living in Serbia territory. All citizen's rights and freedoms are regulated by primarily the Constitution of the Republic of Serbia and the Law on rights and freedoms of ethnic minorities. These documents not only guarantee individual freedoms and rights of the ethnic minorities but the group organizing for protection of minority rights such as protection of language, culture and the creation of national councils.

While exercising this right the members of the Bunjevci, Bosnians, Bulgarians, Hungarians, Roma, Romanians, Ruthenians, Slovaks, Ukrainians, and Croats minority groups have formed their national councils in Serbia and do participate in the decision making processes with the relevant republic entities.

From 2007 the institution of the institution of ombudsman was introduced to Serbia as a final institutional step in protection of citizen's rights according to the national Constitution, International and national legislation.

Roma National Council at <http://romskinacionalnisavet.org/index.html>

Ruthenian National Council at <http://www.nsrnm.org.yu/>

Hungarian National Council at:

http://www.mnt.org.yu/you/frame.php?content=doc_show&e_id=249&e_tipus=HTML

Bosnian National Council at <http://www.bnv.org.yu/>

Croatian National Council at <http://www.hnv.org.yu/>

For the full list of existing National Minority Councils in Serbia and contacts please see http://www.puma.vojvodina.sr.gov.yu/etext.php?ID_mat=510. Additionally in the Northern Serbia province of Vojvodina the Provincial Secretariat for Ethnic Minorities is providing for institutional support for ethnic minorities in Vojvodina²¹⁴.

4.2 Treatment of Minorities

According to the Human Rights Watch report for Serbia 2006, Roma were identified as subjects to different forms of harassment and abuse. Physical attacks were reported in Nis, Belgrade and Srpski Krstur i.e. in different parts of Serbia. The attacks were performed by

²¹³ Government of Serbia, Serbia fact sheet online <http://www.arhiva.srbija.sr.gov.yu/cms/view.php?id=1019>, accessed May 2008

²¹⁴ Vojvodina Provincial Secretariat for Ethnic Minorities information bulleting 2007 at http://www.puma.vojvodina.sr.gov.yu/dokumenti/ostalo/Informator_2007.pdf
http://www.puma.vojvodina.sr.gov.yu/dokumenti/ostalo/Informator_2007.pdf
accessed May 2008

skinheads who subsequently faced charges and were convicted.²¹⁵ There are other reports that include various forms of harassment and violations of rights and freedoms such as denial of right to work, medical care or ethnically based provocations and harassment. A detailed report of this kind was prepared by the Minority Rights Centre²¹⁶. Roma as an ethnic minority group remains the most vulnerable in terms of economic self-sufficiency, education access and health.

According to the findings of CDS and work with this target group the main problem in sorting out and exercising citizens' rights for this group remains the lack of personal identification. This should be a priority and initial step for the potential returnees to Serbia under the readmission agreement - to obtain and provide for relevant identification documents in order to exercise institutionally guaranteed rights in Serbia.

There are several civil society organizations that deal with various issues faced by the Roma ethnic minority:

Roma Information Centre at

http://www.ric.org.yu/cms/index.php?option=com_contact&Itemid=3

Roma Resource Centre Novi Sad at

http://ehons.org/joom/index.php?option=com_content&task=view&id=21&Itemid=59

For the full list of all active and registered Roma organizations in Serbia see the contact list at <http://www.mediacenter.org.yu/code/navigate.asp?id=1105>.

4.3 Religious minorities

The Constitution of Serbia provides freedom of religion, defines the Republic of Serbia as a secular state and prohibits state religion. However, the Law on Churches and Religious Communities²¹⁷ is mainly not in compliance with constitutional provision and international standards. The so-called traditional religions were registered as a result of the enactment of this law in 2006, while other religious communities established in Serbia have not been registered and have had to re-apply for registration.²¹⁸ The so-called traditional churches and religious communities, the Serbian Orthodox Church, the Greek Orthodox Church, the Reformed (Calvinist) Church, the Roman Catholic Church, the Reformed (Lutheran) Christian Church, Judaism and Islam have been registered in accordance with this law. In spite of difficulties in reregistering, six "non-traditional" religious groups have received legal status from the Ministry of Religion: the Seventh-day Adventists, United Methodist Church, Church of Jesus Christ of Latter-day Saints (Mormons), Evangelical Church of Serbia, Church of Christ's Love, and Christ's Spiritual Church.²¹⁹

²¹⁵ Human Rights Watch, World Report 2006, 2007

<http://www.hrw.org/sites/default/files/reports/wr2006.pdf> accessed in November 2008.

²¹⁶ Minority Rights Centre Report on Roma Human Rights Violations at http://www.mrc.org.yu/publikacije/pub_e_14.pdf accessed May 2008

²¹⁷ Official gazette RS, 36/06

²¹⁸ European Commission against Racism and Intolerance (ECRI), Report on Serbia, April 2008. <http://www.unhcr.org/refworld/country,,,SRB,4562d8b62,481712060,0.html>, accessed in November 2008.

²¹⁹ US Department of State, International Religious Freedom Report 2007, Serbia (includes Kosovo), September 2007. <http://www.state.gov/g/drl/rls/irf/2007/90198.htm>, accessed in May 2008.

According to ECRI, there have been several reports of arbitrary refusals to register certain communities. Although the Serbian authorities have stated that no religious communities are obliged to register, those that do not register have no legal status and cannot therefore pursue certain activities nor enjoy the rights arising from having legal status. They cannot open a bank account or own, purchase and sell immovable property and publish their literature.²²⁰

Jehovah's Witnesses have filed a case before the Supreme Court of Serbia because 60 days after they had lodged an application to register with the Ministry of Religion, no action had been taken on it. Article 20 of the Law on Churches and Religious Communities foresees that if the ministry does not give a decision within 60 days (in compliance with Article 1), an application to register shall be considered accepted. However, this organisation has not yet been registered.

There are many other minority religious groups that have reported confusion and irregularities after attempting to register with the Ministry of Religion. The Ministry sometimes does not respond within the legal 60-day limit, advising some groups (such as the Hare Krishna community and the Adventist Reform movement) to register instead as "citizen associations" with the Ministry of State Administration and Local Self-Government. The latter Ministry then advised the communities to register with the Ministry of Religion. Both groups remain unregistered at the end of the reporting period.²²¹ The Government has not recognised some other Orthodox churches, despite attempts by the Macedonian and Montenegrin Orthodox Churches to gain recognition.²²²

By making difference between the various religious groups, the Law on Churches and Religious Communities has also helped to create a negative attitude against so-called non-traditional religious communities such as Jehovah's Witnesses and certain evangelical groups. Some representatives of the Serbian Orthodox Church, having an important role in the country's social and political life, fuel hostility against these groups, calling them "sects" or "Satanists" A number of media and politicians then repeat these terms.

Although the principle that the church is separate from the state is stipulated in Article 44 of the Constitution, the Serbian Orthodox Church is very much involved in the social and political life in Serbia. The dominant position of the Serbian Orthodox Church therefore leaves practically no room for accepting the idea of a multi-faith society.²²³

There is no chaplain service in the armed forces. Although local Serbian Orthodox priests are the only clergy offering religious services at armed forces chapels, military personnel of other religions may attend religious services outside their barracks and spend important religious holidays with their families. Because of cost considerations, the army has not implemented plans to meet dietary requirements of Muslim soldiers.²²⁴

While relations between members of different religious groups are generally good, there have been examples of discrimination against representatives of religious minorities in the country. Religion and ethnicity are intertwined closely throughout the country, and in

²²⁰ *Ibid.*

²²¹ US Department of State, International Religious Freedom Report 2007, Serbia (includes Kosovo), September 2007. <http://www.state.gov/g/drl/rls/irf/2007/90198.htm>, accessed in May 2008.

²²² *Ibid.*

²²³ European Commission against Racism and Intolerance (ECRI), Report on Serbia, April 2008. <http://www.unhcr.org/refworld/country,,,SRB,4562d8b62,481712060,0.html>, accessed in November 2008.

²²⁴ US Department of State, International Religious Freedom Report 2007, Serbia (includes Kosovo), September 2007. <http://www.state.gov/g/drl/rls/irf/2007/90198.htm>, accessed in May 2008.

some cases it has been difficult to identify discriminatory acts as primarily religious or primarily ethnic in origin.²²⁵

Human Rights Watch notes more than 30 attacks on religious minorities during the year. Churches, cemeteries, and religious community centres are damaged or desecrated across Serbia, with Catholic, Jewish, Protestant, and Muslim communities targeted, as well as Jehovah's Witnesses and Hare Krishna devotees. The Serbian government usually condemns these attacks, and in most cases the police open investigations, but very few lead to perpetrators being punished. The Criminal Code is still too rarely applied to persons who commit racist offences against national or ethnic minorities, religious minorities or anti-Semitic offences.²²⁶

4.4 Sexual Minorities

According to the CDS observations sexual minorities in Serbia face serious challenges in exercising their rights and freedoms. They are not recognized in any way as a separate group nor is there an institutional support for socially framed issues faced. Only civil society organizations are treating the discrimination of this group through reporting, monitoring and publicizing incidents of discrimination, violence against, and other forms of harassment of the mentioned group.

According to the Anti-trafficking centre there were several cases of discrimination reported to this organization. In September 2003 there was a gay teenager who was not allowed entry to a high school due to his declared homosexuality. Another is a case of a lesbian person who was not allowed to be a blood donor in Novi Sad. These are rarely heard of incidents of social expulsion and discrimination against the sexual minorities. Major civil organizations that deal with the subject are the Gay-Straight Alliance²²⁷ and Labris (Lesbian Human Rights organization²²⁸). The first and only gay pride parade held in Belgrade on June 30th, 2001 was stopped and violence escalated when several parade participants were attacked and hurt by the mob. Although the parade and the related gathering were timely reported to the Police and approved the protection of the participants was not in place. Several civil society organizations condemned the violence in public address²²⁹.

According to certain human rights activists, discrimination of sexual minorities has been so commonly widespread that citizens are completely used to it. Moreover, entire political programmes and practices of certain political parties and associations have been based on the concept of discrimination and intolerance towards sexual minorities. In Serbia, the issue of legal protection of sexual minorities against discrimination is still completely unsolved.²³⁰

The European Commission states that there have been incidents and attacks on organizations working to promote peace as well as those defending the right to different

²²⁵ *Ibid.*

²²⁶ Human Rights Watch, World Report, Serbia Events of 2007, 2008. <http://www.unhcr.org/refworld/country,,HRW,,SRB,,47a87c12c,0.html> accessed November 2008

²²⁷ Gay-Straight Alliance Serbia at <http://www.gsa.org.rs/cms-run/> accessed May 2008.

²²⁸ Labris at <http://www.labris.org.rs/en/>

²²⁹ Radio and Television B 92 special event report at <http://www.b92.net/specijal/gay-parada/gay-saop.phtml> accessed May 2008.

²³⁰ Interview, Tatijana Pavlović-Križanić, lawyer, 6 May 2007.

sexual orientation but there have been no reactions by the relevant institutions. The laws on media, labour and the family prohibit sexually motivated discrimination, however, penalties are rarely imposed; a comprehensive anti-discrimination law has not yet been adopted and there is very little case law. The view of the European Commission is that in practice, discrimination is widespread, affecting in particular the Roma community, persons with disabilities, ethnic minorities and persons of different sexual orientation.²³¹

According to Labris (lesbian human rights organization) 2007 will be remembered for the escalation of violence against the same-sex oriented individuals especially that close night clubs and gathering places for lesbians and gays.²³² The fear of reporting the violence they survived, and justifiable distrust with the authorities and its institutions, before all the police and court are still very much present among LBGTTIQ (Lesbians, Gay men, Bisexual persons, Transsexuals, Transgender, Intersexual and Queer individuals) population so there have not been any court cases yet. Labris sent three communications to the Republic Radio Broadcasting Agency in 2007. These were made on the basis of broadcasting a hate speech against lesbian and gay population and against women.²³³

Serbian Criminal Code²³⁴ also introduces improvements related to regulating criminal acts against gender freedom. The Criminal Code no longer states the gender of victim as an element of quintessence of criminal act (rape, sexual intercourse with a helpless person, sexual intercourse with a child, sexual intercourse through abuse of position, prohibited sexual acts, pimping and procuring, mediation in prostitution, showing pornographic material), enabling the existence of the criminal act against sexual freedom even when the passive subject is a man. Considerable improvements of legal norms are also visible when analysing the criminal act of rape where the previous discriminatory provision has been annulled, according to which a passive subject is a woman who is not in marriage with the perpetrator.²³⁵

The new law also foresees that the passive subject of a criminal act of rape can be a man, where a man can be a victim and a woman a perpetrator of rape and sexual intercourse with a helpless person (Articles 178 and 179 of the Criminal Code). It also foresees that with the criminal act of sexual intercourse through abuse of position (Article 181, section 1 of the Criminal Code) and mediation in prostitution (Article 184, section 1), a passive subject can be a man. Furthermore, a previous discriminatory provision has been also removed, according to which a sexual intercourse of juvenile man over 16 and an adult man was incriminated²³⁶, while sexual intercourse of a juvenile woman with an adult woman or man was not foreseen as a criminal act.

²³¹ European Commission, Progress Report Serbia and Montenegro, November 2007. http://ec.europa.eu/enlargement/pdf/key_documents/2007/nov/serbia_progress_reports_en.pdf accessed in May 2008.

²³² Labris, The 2007 Annual Report on the Position of LBGTTIQ People in Serbia, 2008. (LGBTTIQ - Lesbians, Gay men, Bisexual persons, Transsexuals, Transgender, Intersexual and Queer individuals) http://www.labris.org.yu/en/images/izvestaj_2007_EN.pdf accessed in May 2008.

²³³ *Ibid.*

²³⁴ Criminal Code, Official Gazette of the Republic of Serbia, 85/05.

²³⁵ Tatijana Pavlović-Krizanić, Proscription of Discrimination - domestic legislation and practice, Netherlands Helsinki Committee, Interights, Helsinki Committee for Human Right in Serbia (text for training seminar for lawyers in the field of human rights, Vrnjacka Banja June 14-18, 2006)

²³⁶ The legislator decriminalises male homosexuality in July 1994, by annulling the section 3 of Article 110 of the Criminal Code of RS saying: "For an unnatural intercourse between the persons of male sex, the perpetrator will be punished with up to a year imprisonment."

Although the Family Law of the Republic of Serbia²³⁷ regulates the matter of marriage, position of children, property relations in marriage, relationships between parents and children in a substantially better and more comprehensive way than the previous Law on Marriage and Family Relations, the same sex partnership is still out of the domain of this law. Neither the Family Law nor the previous Law on Marriage and Family Relations allow the same sex partners to exercise any rights related to marriage or regulated common law relationship. The law does not forbid the same-sex oriented individuals to adopt children, but in practice there is no possibility for a gay man or a lesbian to adopt. The same-sex oriented individuals are also extremely discriminated during divorce - since they are not given the children custody under different pretexts, but never under the pretext of their sexual orientation.²³⁸

In regards to marriage, the Law foresees that two persons of different sex express their mutual consent to enter a marriage before a competent body. The marriage between two same-sex oriented individuals is legally void. Actually, the Law equates only a durable common law relationship between man and woman with marriage. In regards to adoption, the competences of centers for social work are still predominant, providing various opportunities for misuse and arbitrary interpretations of eligibility of potential adopters in terms of their sexual orientation as well.²³⁹

²³⁷ Family Law Official Gazette of the Republic of Serbia, 18/05.

²³⁸ Tatijana Pavlović-Krizanić, Proscription of Discrimination - domestic legislation and practice, Netherlands Helsinki Committee, Interights, Helsinki Committee for Human Right in Serbia (text for training seminar for lawyers in the field of human rights, Vrnjacka Banja June 14-18, 2006)

²³⁹ *Ibid.*